The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SIXTY-EIGHTH DAY

SEE VOLUME 7 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 1

	Page
ASSEMBLY LEGISLATIVE CALENDAR	v
LISTING OF ASSEMBLY BILLS	vii
LISTING OF VETOED ASSEMBLY BILLS OF THE 77TH SESSION	xxxiii
LISTING OF INITIATIVE PETITIONS	xxxiii
LISTING OF ASSEMBLY RESOLUTIONS	xxxiv
LISTING OF SENATE BILLS	xxxvii
LISTING OF SENATE RESOLUTIONS	lx
ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY	lxiii
PERSONNEL OF THE NEVADA STATE ASSEMBLY	lxv
ATTACHÉS OF THE NEVADA STATE ASSEMBLY	lxvii
EXPLANATION OF AMENDMENT LANGUAGE	lxxi
ASSEMBLY PROCEEDINGS	1

ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 69 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 2, 2015	1
4	February 5, 2015	100
5	February 6, 2015	104
8	February 9, 2015	109
10	February 11, 2015	113
12	February 13, 2015	120
16	February 17, 2015	127
17	February 18, 2015	160
18	February 19, 2015	165
19	February 20, 2015	171
22	February 23, 2015	174
23	February 24, 2015	182
25	February 26, 2015	185
29	March 2, 2015	193
30	March 3, 2015	201
31	March 4, 2015	208
32	March 5, 2015	217
33	March 6, 2015	229
36	March 9, 2015	234
37	March 10, 2015	245
38	March 11, 2015	254
39	March 12, 2015	271
40	March 13, 2015	279
43	March 16, 2015	291
44	March 17, 2015	319
46	March 19, 2015	345
47	March 20, 2015	349
50	March 23, 2015	356
51	March 24, 2015	377
53	March 26, 2015	380
57	March 30, 2015	389
59	April 1, 2015	416
61	April 3, 2015	466
64	April 6, 2015	600
66	April 8, 2015	746
68	April 10, 2015	816
72	April 14, 2015	1011
73	April 15, 2015	1077
74	April 16, 2015	1333
75	April 17, 2015	1545
78	April 20, 2015	1927
79	April 21, 2015	3157
82	April 24, 2015	3390
85	April 27, 2015	3400
86	April 28, 2015	3403
87	April 29, 2015	3409

Calendar Day	*Date*	*Page Number*
88	April 30, 2015	3413
89	May 1, 2015	3441
92	May 4, 2015	3454
93	May 5, 2015	3479
94	May 6, 2015	3498
95	May 7, 2015	3509
96	May 8, 2015	3537
99	May 11, 2015	3556
101	May 13, 2015	3569
102	May 14, 2015	3597
103	May 15, 2015	3649
106	May 18, 2015	3650
107	May 19, 2015	3693
108	May 20, 2015	4043
109	May 21, 2015	4282
110	May 22, 2015	4936
114	May 26, 2015	5191
115	May 27, 2015	5302
116	May 28, 2015	5364
117	May 29, 2015	6177
118	May 30, 2015	6375
119	May 31, 2015	6464
120	June 1, 2015	6687

LISTING OF ASSEMBLY BILLS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Hansen and Senator Kieckhefer, 58.

2 ....Authorizes possession of a weapon in a vehicle that is on the property of certain educational entities or child care facilities in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 58.

3 ....Revises provisions governing the Public Employees' Retirement Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Kirner, 59.

4 ....Revises provisions relating to the operation of a winery in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hickey, 59, 1927, 1929, 2177, 3158, 3277*, 3652, 3971.

5 ....Revises provisions relating to services for persons with intellectual disabilities and persons with related conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 59, 1928, 1929, 2180, 3158, 3159, 3651, 3948*, 6465, 6688, 6691.

6 ....Revises provisions relating to autism spectrum disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 59, 1927, 1929, 2183, 3280*, 3652, 3971.

7 ....Limits the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hickey, 60, 417, 471, 601, 787, 789*.

8 ....Revises provisions relating to children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 60, 466, 603, 787, 789, 1005, 1006*, 3695, 5834, 5838, 6590.

9 ....Amends provisions concerning estates under guardianship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 60.

10 ....Revises provisions governing the payment of costs associated with legal representation of indigent criminal defendants charged with capital crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 60, 114, 171, 177.

11 ....Revises provisions governing reports of presentence investigations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 61, 234, 248, 260, 261*, 3652, 3971.

12 ....Provides for the continuation of the diversion program that allows certain probation violators to receive treatment for alcohol or drug abuse or mental illness in lieu of revocation of probation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 61, 114, 174, 183, 5192, 5360*, 6465, 6907.

13 ....Revises provisions governing support enforcement to ensure compliance with federal law. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 61, 417, 473, 736, 787, 793, 794*, 4283, 4979.

14 ....Makes requirements for management of bad debts consistent among agencies of the Executive Branch of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 61, 466, 610, 807, 1006*, 3510, 3567.

15 ....Creates the Account for the Protection and Rehabilitation of the Stewart Indian School. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 61, 127, 162, 168, 169*, 3652, 3971.

16 ....Revises provisions concerning sexual conduct between certain prisoners in lawful custody or confinement and other persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 62, 1012, 1089, 1521, 1522*, 4044, 4979.

17 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 62, 1928, 1929, 2219, 3280, 3281*, 3652, 3971.

18 ....Establishes the procedure for pursuing the redemption of unclaimed United States savings bonds by the State Treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 62.

19 ....Revises provisions governing the timing of the adoption of tentative budgets by certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 63, 416, 480, 736, 807, 1006, 1007*, 3510, 3567.

No. *Summary, Introducer and Page Reference*

20 .... Revises provisions relating to the budget of the Executive Department of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 63, 1927, 1929, 2227, 3281*, 3695, 4281.

21 .... Extends the maximum period of maturity for certain special obligation bonds issued to provide funding for highway construction projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 63, 114, 291, 334, 3651, 3948*, 4936, 5414.

22 .... Revises provisions relating to annual audits of the count of pupils for apportionment purposes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means, 63.

23 .... Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 63, 467, 614, 807, 1007*, 4044, 5715, 5736, 6590.

24 .... Authorizes payroll offsets to recover money related to delinquent balances on state-issued travel charge cards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 64, 466, 636, 807, 818, 1009, 1039, 1040*, 3652, 3971.

25 .... Revises provisions governing the residential construction tax. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 64, 1077, 1339, 1859*, 3510, 3567.

26 .... Revises provisions governing surveys, analyses and evaluations to be administered to pupils in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 64.

27 .... Makes various changes regarding the licensure of educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 64, 380, 391, 458*, 3499, 3554.

28 .... Revises the duties of the State Long-Term Care Ombudsman. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 64, 234, 248, 261*, 3538, 3595.

29 .... Revises provisions governing the care and treatment of persons with intellectual disabilities and related conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 65, 174, 183, 189, 190*, 345, 373.

30 .... Revises provisions relating to plans to improve the achievement of pupils enrolled in public schools in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 65, 389, 418, 591, 592*, 3499, 3554.

31 .... Removes the requirement that certain administrative regulations of the Department of Corrections be adopted in accordance with the Nevada Administrative Procedure Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 65, 416, 482, 601.

32 .... Revises provisions relating to special fuels. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 66, 1012, 1094, 1522*, 3652, 3971.

33 .... Changes the name of the Division of State Library and Archives of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 66, 104, 111, 118*, 174, 190.

34 .... Makes various changes to provisions governing certain fire protection districts and fire safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 66, 1928, 1929, 2230, 3281*, 4044, 6117, 6128, 6590.

35 .... Makes various changes relating to vessels. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 67, 113, 126, 153*, 234, 276.

36 .... Revises provisions governing emergency services and care provided by hospitals in certain larger counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 67.

37 .... Revises provisions governing consignment auctions of motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for a Term of Imprisonment in County or City Jail or Detention Facility.Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 67, 381, 393, 458*, 459, 3441, 3478.

38 .... Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 67.

39 .... Increases the cap on the application fee for the Physician Visa Waiver Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 67, 408, 426, 592*, 3538, 3595.

40 .... Revises provisions relating to the State Gaming Control Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 68, 389, 427, 592*, 4936, 5414.

No. *Summary, Introducer and Page Reference*

41 ....Revises provisions relating to funding for indigent care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 68, 234, 248, 260, 272, 288*, 3538, 3595.

42 ....Revises provisions relating to mammography and the reporting of information on cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 68, 408, 428, 593*, 3538, 3595.

43 ....Clarifies confidentiality provisions governing certain documents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 68, 747, 822, 1040*, 3652, 3971.

44 ....Revises provisions governing judgments by confession. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 69, 389, 432, 593*, 4936, 5414.

45 ....Revises provisions governing the assessment by the Department of Corrections of prisoners convicted of sexual offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 69, 234, 248, 261*, 262, 4044, 4979.

46 ....Revises provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 69, 389, 434, 593, 594*, 4044, 4979.

47 ....Provides for the establishment within the Central Repository for Nevada Records of Criminal History of a service to conduct a name-based search of records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 69, 1928, 1929, 2239, 3281, 3282*, 3652, 3971.

48 ....Makes various changes relating to fraudulent acts committed against the State or a political subdivision. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 69, 601, 749, 818, 1009, 1040, 1041*, 4044, 4979.

49 ....Revises provisions governing crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 70, 1928, 1929, 3061, 3282*, 5193, 5839, 5857, 5875, 5893, 6590.

50 ....Revises provisions concerning the solicitation of contributions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 70, 1078, 1342, 1859*, 1860, 4044, 5893, 5905, 6590.

51 ....Revises provisions relating to securities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 71, 808, 829, 1013, 1079, 1335, 1638, 1843, 3105, 3106*, 5192, 5905, 5913, 6590.

52 ....Revises provisions governing the persons responsible for a child's welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 71, 408, 436, 594*, 3538, 3595.

53 ....Revises provisions relating to administrative procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 71, 466, 638, 807, 1007, 1008*, 3652, 3971.

54 ....Revises provisions relating to local governments existing in a severe financial emergency. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Government Affairs, 71, 1927, 1929, 2246, 3282, 3283*, 3652, 3971.

55 ....Revising provisions relating to the licensure of certain teachers and other educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 72, 171.

56 ....Revises provisions regarding the equalization of assessments of property for purposes of taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 72.

57 ....Revises provisions governing the taxation of purchases of direct mail. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 72, 467, 657, 807, 818, 1009, 1041*, 3652, 3971.

58 ....Provides the powers of peace officer to all sworn personnel of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 72, 245, 259, 272, 288, 316*, 3510, 3567.

59 ....Revises the authority of the Administrator of the State Public Works Division of the Department of Administration regarding leases for certain office rooms for state agencies, boards and commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 72, 1333, 1549, 3106*, 3652, 3971.

60 ....Revises provisions relating to ethics in government. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 73, 1928, 1929, 2269, 3283*, 3284, 4044, 4979.

No. *Summary, Introducer and Page Reference*

61 ....Revises provisions requiring the submission of certain reports by the Personnel Commission and the Administrator of the Division of Human Resource Management of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 73, 380, 396, 459*, 3538, 3595.

62 ....Revises certain provisions relating to veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 73, 171, 279, 292, 1278, 1506, 1860*, 3652, 3971.

63 ....Clarifies that certain candidates who are elected despite ending their campaigns must file with the Secretary of State certain campaign finance reports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 74, 234, 248, 262*, 3538, 3595.

64 ....Authorizes the governing bodies of certain cities to take actions otherwise reserved to the board of county commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 74.

65 ....Makes various changes relating to public affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 74, 1011, 1097, 1522, 1523*, 3652, 4005, 4018, 4281.

66 ....Revises provisions relating to justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 74, 1078, 1354, 1860*, 3695, 4281.

67 ....Makes various changes relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of alcohol or a controlled substance or engaging in other prohibited conduct. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 74, 747, 837, 1013, 1079, 1335, 1861, 3106*, 4044, 5913, 5930, 6590.

68 ....Revises provisions relating to the Commission on Judicial Discipline. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 75, 1928, 1929, 2283, 3284*, 4044, 4979.

69 ....Revises various provisions relating to the Judicial Branch of State Government. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 75, 417, 482, 736, 738, 739*, 4044, 5930, 5957, 6590.

70 ....Provides for the administration and enforcement of various provisions relating to medical marijuana. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Taxation, 76, 229, 237, 248, 262, 263, 320, 334, 335*, 4979, 6062, 6076, 6907.

71 ....Revises provisions relating to military veterans and members and relatives of members of the Nevada National Guard. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation, 76, 175, 467, 657, 667, 5192, 5361*, 6465, 6605, 6615.

72 ....Revises provisions governing state professional licensing boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 76.

73 ....Revises provisions governing programs of energy assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 76, 816, 1019, 1318*, 3499, 3554.

74 ....Revises provisions relating to the resale of certain utility services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 76, 416, 508, 736, 739*, 3499, 3554.

75 ....Revises provisions governing certain proposed changes in the schedule of rates or services of a public utility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 77, 165, 173, 177*, 3499, 3554.

76 ....Makes various changes relating to the education of veterans and their dependents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 77, 291, 292, 309, 320*, 350, 378.

77 ....Makes various changes relating to the regulation of agriculture. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 77, 323, 747, 869, 1005, 6266, 6419, 6420*, 6687.

78 ....Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 78, 185, 197, 202, 212, 215*, 1547, 3459, 3469, 3478, 3538, 3567, 3971, 3977, 4185, 4979.

79 ....Revises provisions relating to agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 78, 747, 948, 1041, 1042*, 3567, 3595.

No. *Summary, Introducer and Page Reference*

80 ....Revises provisions governing the prepayment of taxes on the net proceeds of minerals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation, 78, 335.

81 ....Revises provisions governing programs of treatment for the abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 79, 1011, 1109, 1523*, 3652, 3971.

82 ....Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 79, 185, 197, 204*, 748, 1009.

83 ....Revises provisions relating to tobacco. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Taxation, 79, 467, 667, 807, 1008*, 5192, 6372.

84 ....Authorizes the State Contractors' Board to issue a written administrative citation to a person who acts as a contractor without an active license of the proper classification. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 79.

85 ....Revises provisions governing alcohol, drug and gambling counselors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 80, 1927, 1929, 2292, 3284, 3358, 3359*, 4045, 5415, 5438, 6907.

86 ....Revises provisions governing the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 80, 175, 1011, 1138, 1523, 1524, 1929, 3089, 3284, 3285*, 3652, 3971.

87 ....Revises certain provisions governing the duties of insurers with regard to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 80, 816, 1021, 1318*, 1319, 3499, 3554.

88 ....Makes various changes to the Charter of the City of Reno. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 80, 1533, 1553, 3106, 3107*, 3652, 3971.

89 ....Makes various changes to provisions relating to certain professions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 81, 1333, 1569, 3107*, 3108, 5192, 5438, 5515.

90 ....Establishes the Nevada Intrastate Mutual Aid System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 81, 416, 516, 736, 739*, 3510, 3567.

91 ....Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Benitez-Thompson, 82, 1077, 1335, 1629, 1638, 3159, 3161, 3342, 3384, 3388, 3387*.

92 ....Makes various changes relating to parentage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Benitez-Thompson, 82, 747, 959, 1042*, 3652, 3971.

93 ....Revises provisions relating to the continuing education required to renew certain licenses and certificates. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Benitez-Thompson, Thompson, Elliot Anderson, Araujo, Bustamante Adams, Joiner, Kirkpatrick and Spiegel, 82, 1011, 1141, 1524*, 5192, 5515, 5527, 6590.

94 ....Authorizes election officials to establish systems for registered voters to elect to receive sample ballots by electronic means. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hansen, 82, 417, 526, 736, 787, 794*, 5192, 5736, 5748, 6907.

95 ....Exempts certain persons and entities who operate home-based businesses from the requirement to obtain a state business license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 82, 323.

96 ....Revises provisions governing the payment of property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hansen, 83.

97 ....Revises provisions governing wills. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Ellison, 83, 747, 962, 1042*, 1043, 3652, 4029, 4032, 4281.

98 ....Revises provisions governing child support. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ellison, 83, 1928, 1929, 2315, 3285, 3286*.

99 ....Makes various changes concerning construction and labor camps. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ellison, 83, 229, 237, 248*, 3538, 3595.

100 ....Requires the Attorney General to bring an action to protect and secure certain constitutional rights of residents of this State under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison, 84, 746, 965, 1013, 1319, 1320*.

No. *Summary, Introducer and Page Reference*

101 ....Revises provisions governing motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ellison, 84, 417, 538, 736, 787, 794, 795*, 3652, 3971.

102 ....Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Health and Human Services, 84.

103 ....Provides for the issuance of special license plates for veterans who are awarded the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oscarson and Senator Goicoechea, 84, 467, 673, 787, 795, 1008*, 1009, 3499, 3554.

104 ....Provides for the designation and operation of charter agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 85, 384, 817, 1025, 1036.

105 ....Revises provisions governing the membership of the Public Employees' Retirement Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 85.

106 ....Revises provisions related to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 85, 1927, 1929, 2326, 3286*, 3652, 3971.

107 ....Revises provisions relating to reports of accountability for public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education, 85, 1333, 1640, 3108*, 3652, 3982, 3988, 4281.

108 ....Revises provisions governing victims of sex trafficking. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 86, 417, 541, 736, 787, 806*, 3652, 3971.

109 ....Requires an employee organization to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Titus, Wheeler, Dickman, Dooling and Seaman, 86.

110 ....Revises provisions governing court sanctions for certain conduct in civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Kirner, 86, 193, 203, 212, 213*.

111 ....Revises provisions relating to the Governor Guinn Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Kirner, 86, 389, 437, 594, 596*.

112 ....Revises provisions governing the policy concerning a safe and respectful learning environment for children enrolled in public schools throughout the State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 87, 746, 965, 1043*, 3652, 3988, 3990, 4281.

113 ....Revises provisions governing the sealing of juvenile records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 101, 1928, 1929, 2328, 3286, 3287*, 3695, 5957, 5961, 6907.

114 ....Revises provisions governing restitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 101, 417, 542, 736, 787, 3147, 3159, 3161, 3356, 3357*, 4044, 5961, 5969, 6907.

115 ....Revises provisions governing audiologists, speech-language pathologists and hearing aid specialists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Benitez-Thompson, Bustamante Adams; Senators Spearman and Parks, 102, 1011, 1145, 1335, 1924, 3108*, 4979, 5527, 5566, 5604, 6590.

116 ....Revises provisions governing the Regional Business Development Advisory Council for Clark County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywomen Bustamante Adams and Neal, 102, 467, 684, 807, 1009*, 3652, 3971.

117 ....Authorizes a school district to lease school buses or vehicles belonging to the school district in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 102, 600, 759, 1009*.

118 ....Revises provisions governing residency requirements for candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey and Kirkpatrick, 102.

119 ....Revises provisions governing the practice of veterinary medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Araujo, Diaz, Oscarson; Senators Manendo and Woodhouse, 103.

120 ....Clarifies rights of public school pupils regarding the free exercise of religion and freedom of expression. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Wheeler, Ellison, Jones, Oscarson, Dickman, Dooling, Moore and O'Neill, 105, 1333, 1647, 3081, 3101*, 3102, 4283, 4979.

121 ....Revises provisions governing the discipline of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Wheeler, Ellison, Jones, Dickman, Moore, O'Neill and Oscarson, 105, 600, 762, 1009, 1013, 1320*, 5192, 6372.

No. *Summary, Introducer and Page Reference*

122 ....Establishes "Nevada Mid-Century Architecture Day" as a day of observance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Elliot Anderson, Araujo, Carrillo, Diaz, Dickman, Dooling, Joiner, Ohrenschall, Spiegel, Sprinkle, Thompson, Titus and Wheeler, 105, 208, 221, 231, 232*, 6467.

123 ....Designates the square dance as the official dance of the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Titus, Dickman, Dooling, Edwards, Ellison, Munford, Nelson, Silberkraus, Stewart, Swank, Trowbridge and Wheeler, 105, 171, 177, 183*.

124 ....Revises provisions governing punishment for crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Diaz, Carrillo, Elliot Anderson, Kirkpatrick, Ohrenschall, Araujo, Bustamante Adams, Carlton, Dickman, Flores, Joiner, Neal, Sprinkle, Swank, Thompson and Senator Denis, 105, 747, 967, 1043*, 3652, 3971.

125 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 106, 120, 130, 153, 154, 159*, 174, 190.

126 ....Revises provisions governing massage therapy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton, 106, 600, 764, 1009, 1043, 1044*, 4044, 5605, 5610, 6590.

127 ....Provides for the uniform regulation of firearms in the State of Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Hambrick, O'Neill; Senators Gustavson and Settelmeyer, 106.

128 ....Creates a power of attorney for health care decisions for adults with intellectual disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 107, 1928, 1929, 2333, 3287*, 5192, 6372.

129 ....Revises provisions concerning annuity benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 107, 1012, 1183, 1524, 1525*.

130 ....Revises provisions relating to the administration of estates of deceased persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Nelson, Jones, Armstrong, Fiore, Dickman, Gardner, Kirner, Moore, Ohrenschall, Silberkraus and Woodbury, 110, 246, 1928, 1929, 2348, 3287*, 3652, 3971.

131 ....Revises provisions governing the Department of Motor Vehicles and registration under the Selective Service System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen O'Neill, Wheeler, Kirner, Armstrong, Ellison and Moore, 110, 417, 550, 736, 807, 1009, 1044*, 3499, 3554.

132 ....Revises provisions relating to displaced homemakers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 110, 467, 687, 807, 1009, 1044, 1045*, 4936, 5414.

133 ....Prohibits a licensed contractor from knowingly employing an unauthorized alien. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 110.

134 ....Revises the qualifications for appointment to the Nevada Commission for Women. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 111.

135 ....Revises provisions relating to schedules for the retention and disposal of official state records. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 111, 323, 416, 554, 592, 5414, 6239, 6420*, 6687.

136 ....Makes various changes relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ellison, Wheeler, Fiore, Dickman, Moore, Seaman and Titus, 114, 323, 408, 449, 596*, 3652, 3977, 3982, 4281.

137 ....Revises provisions governing contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Ellison, Wheeler, Hambrick, Fiore, Hansen, Armstrong, Dickman, Gardner, Hickey, Kirner, Munford, O'Neill, Oscarson, Seaman, Silberkraus, Stewart, Trowbridge; Senators Goicoechea and Settelmeyer, 115, 816, 1025, 1320, 1321*, 3538, 3595.

138 ....Enacts a juvenile competency standard. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 115, 747, 970, 1045, 1321*, 3695, 5969, 5976, 6590.

139 ....Revises provisions governing the issuance of permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Wheeler, Fiore, Dickman, Ellison, Dooling, O'Neill, Seaman, Silberkraus; Senators Gustavson and Settelmeyer, 115, 747, 977, 1013, 1321, 1322*.

140 ....Revises provisions governing certain domestic relations matters involving veterans with a service-connected disability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Wheeler, Dickman, Dooling, Ellison, Fiore, O'Neill, Seaman; Senators Gustavson and Settelmeyer, 115, 1334, 1651, 3109*, 3652, 3971.

No. *Summary, Introducer and Page Reference*

141 ....Revises provisions relating to the foreclosure of liens by a homeowners' association. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 116, 416, 558, 736, 807, 1009, 1052*, 5192, 6372.

142 ....Revises provisions governing the administration and enforcement of wildlife laws. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 116, 1928, 1929, 2353, 3287, 3288*.

143 ....Authorizes electronic verification of motor vehicle insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Carrillo, Elliot Anderson, Bustamante Adams, Diaz, Joiner, Neal, Ohrenschall, Stewart and Wheeler, 116, 417, 558, 736, 807, 1009, 1052*, 3652, 3971.

144 ....Makes various changes relating to the Land Use Planning Advisory Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 116, 390, 452, 596*, 597, 3567, 3595.

145 ....Revises provisions governing the registration of vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 117, 323, 417, 563, 592.

146 ....Provides for a study relating to emissions from motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 117, 323, 1078, 1367, 1506, 6465, 6616, 6673*, 7111.

147 ....Revises provisions relating to transferable tax credits to attract film and other productions to Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Carlton and Senator Ford, 117, 323, 6695, 6696, 6700, 6702, 6711, 6712*.

148 ....Revises provisions governing firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Fiore, Seaman, Dickman, Shelton, Oscarson, Armstrong, Dooling, Ellison, Gardner, Hambrick, Hansen, Jones, Kirner, Moore, O'Neill, Titus, Trowbridge, Wheeler, Woodbury; Senators Gustavson and Goicoechea, 121, 389, 454, 469, 585, 736, 738*.

149 ....Revises provisions governing retaliatory action by certain persons in common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Shelton, Moore, Fiore, Dickman, Dooling, Gardner, Jones, Munford, Nelson, Seaman and Stewart, 121.

150 ....Revises provisions governing the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Carrillo, Flores and Nelson, 121, 271, 288, 316, 317*, 3652, 3990, 3993, 4281.

151 ....Revises provisions relating to the adoption of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Araujo, Benitez-Thompson, Bustamante Adams, Flores, Neal and Senator Denis, 121, 601, 770, 1009, 1053*, 3652, 3971.

152 ....Enacts certain requirements governing child care facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Diaz, Thompson, Benitez-Thompson, Carrillo, Flores, Gardner, Hambrick, Joiner, Moore, Neal, Silberkraus; Senators Denis, Hardy and Woodhouse, 122, 1078, 1375, 1547, 3306, 3307*, 4044, 5236, 5238, 6372.

153 ....Revises various provisions related to sexually exploited children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Araujo, Diaz, Hambrick, Benitez-Thompson, Flores, O'Neill, Thompson and Senator Denis, 122, 467, 689, 807, 1009, 1053*, 3652, 3971.

154 ....Makes various changes to the Nevada Employment Security Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 122, 185, 197, 204*, 205, 3499, 3554.

155 ....Revises provisions governing the issuance of special license plates for retired professional firefighters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Thompson, Araujo, Hickey, Joiner, Silberkraus, Spiegel, Sprinkle, Wheeler; Senators Kihuen, Atkinson, Ford and Manendo, 122, 193, 203, 214*, 377, 385.

156 ....Revises provisions governing family resource centers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Thompson, 122, 408, 454, 468, 1013, 1036, 1322, 1323*, 3652, 4020, 4023, 4281.

157 ....Revises provisions governing service animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Ellison, Armstrong, Titus, Wheeler and Senator Goicoechea, 123, 746, 980, 1053, 1054*, 3499, 3554.

158 ....Revises and expands provisions relating to obtaining, providing and administering auto-injectable epinephrine in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Health and Human Services, 123, 1334, 1656, 3109*, 3652, 3971.

No. *Summary, Introducer and Page Reference*

159 ....Makes various changes to provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 123, 746, 987, 1013, 1079, 1335, 1924, 3081, 3102*, 4936, 6691, 6694.

160 ....Makes various changes relating to courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison and Wheeler, 124, 747, 987, 1054*, 3653, 4032, 4033, 4281.

161 ....Authorizes certain businesses to apply to the Office of Economic Development for a partial abatement from certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Bustamante Adams, 124, 323, 1012, 1185, 1278, 4936, 5217*, 5218, 6375, 6590.

162 ....Revises provisions governing the use of portable event recording devices by law enforcement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Munford, Wheeler, Ohrenschall and Shelton, 124, 246, 1077, 1377, 1924, 3109, 3110*, 3652, 3971.

163 ....Provides for the creation of rangeland fire protection associations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hansen, Oscarson, Wheeler, Dickman, Ellison, Titus; Senators Gustavson and Settelmeyer, 124, 1927, 1929, 2374, 3288, 3289*, 5192, 6128, 6135, 6907.

164 ....Revises provisions relating to access by patients to certain investigational drugs, biological products and devices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Ohrenschall, Wheeler, Fiore, Araujo, Armstrong, Diaz, Dickman, Gardner, Jones, Moore, Seaman, Shelton, Stewart, Swank; Senators Woodhouse, Segerblom and Manendo, 125, 466, 696, 807, 1009, 1054, 1323, 1525, 1526*, 4044, 4979.

165 ....Establishes the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 125, 166, 380, 399, 459, 460*, 748, 1009.

166 ....Provides for the establishment of the State Seal of Biliteracy Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Benitez-Thompson, Diaz, Elliot Anderson, Bustamante Adams, Carrillo, Araujo, Joiner; Senators Denis and Kihuen, 128, 1077, 1383, 1924, 3135, 3136*, 4045, 5218, 5219, 5414.

167 ....Authorizes the storage and carrying of firearms and ammunition on the premises of a family foster home or by certain persons who reside in a family foster home under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Fiore, Shelton, Seaman, Ellison, Hansen, Armstrong, Dickman, Dooling, Gardner, Hambrick, Jones, Kirner, Moore, O'Neill, Oscarson, Silberkraus, Stewart, Titus, Trowbridge, Wheeler, Woodbury; Senators Gustavson, Atkinson and Goicoechea, 128, 345, 352, 361, 362*, 5138, 6375, 6591, 6593, 6596.

168 ....Revises provisions governing mopeds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Carrillo, 128.

169 ....Provides for the collection and application of graywater for a single-family residence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 128, 466, 710, 807, 1009, 1068*, 4044, 5238, 5244, 6375, 6686.

170 ....Revises provisions governing general obligations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Dickman, Wheeler, Fiore, Ellison, Hambrick, Moore and Shelton, 129, 1077, 1385, 1924, 3110, 3289*, 4044, 6135, 6138, 6907.

171 ....Revises provisions relating to the use of force in defense of persons and property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Shelton, Fiore, Dickman, Ellison, Gardner, Jones, Nelson; Senators Gustavson and Settelmeyer, 129.

172 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen O'Neill, Oscarson, Kirner, Stewart; Senators Goicoechea and Settelmeyer, 129, 1533, 1664, 3136, 3137*, 5138, 6907, 6922, 6938, 6959.

173 ....Revises provisions governing private investigators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, O'Neill and Kirner, 160, 1333, 1682, 3137*, 4936, 5610, 5623, 6907.

174 ....Revises provisions relating to the crime of burglary. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 161.

175 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 161, 417, 566, 736, 738*, 3570, 5139, 5162, 5414.

No. *Summary, Introducer and Page Reference*

176 ....Revises various provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Armstrong, Paul Anderson, Silberkraus, Edwards, Dickman, Ellison, Kirner, Oscarson and Titus, 161, 323, 1078, 1389, 1924, 3138*, 5138, 5162, 5187, 5274, 5275, 5299, 5414.

177 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Seaman, Fiore, Shelton, Moore, Gardner, Paul Anderson, Dickman, Dooling, Ellison, Hambrick, Hansen, Jones, Munford, Nelson, O'Neill, Silberkraus, Stewart, Titus, Trowbridge; Senators Goicoechea, Gustavson, Hardy and Settelmeyer, 161, 1546, 1932, 3158, 3277, 3278*, 4611.

178 ....Revises provisions governing the discipline of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Thompson, Araujo, Carrillo, Diaz, Joiner, Neal, Stewart; Senators Ford and Spearman, 166, 1077, 1391, 1924, 3081, 3105*, 5192, 5669, 5676, 6590.

179 ....Revises provisions governing personal information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Flores, Carrillo, Diaz, Elliot Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Dickman, Dooling, Ellison, Gardner, Joiner, Jones, Kirkpatrick, Moore, Munford, Nelson, Ohrenschall, O'Neill, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Swank, Thompson, Trowbridge; Senators Denis, Kihuen, Spearman and Manendo, 166, 816, 1032, 1323, 1527*, 3499, 3554.

180 ....Revises provisions governing the biennial audit requirements for the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Armstrong, Edwards, Kirner, Hambrick, O'Neill, Elliot Anderson, Paul Anderson, Bustamante Adams, Diaz, Dickman, Dooling, Ellison, Fiore, Flores, Gardner, Hickey, Jones, Kirkpatrick, Moore, Munford, Nelson, Ohrenschall, Oscarson, Seaman, Silberkraus, Stewart, Titus, Trowbridge, Wheeler, Woodbury and Senator Harris, 166, 377, 384, 407*, 3510, 3567.

181 ....Revises provisions governing motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Bustamante Adams, 167, 602.

182 ....Revises provisions relating to collective bargaining by local government employers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Kirner, Wheeler, Hambrick, Dickman, Edwards, Ellison, Gardner, Jones, Nelson and Oscarson, 167, 1333, 1547, 1686, 1836.

183 ....Revises provisions related to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 167, 467, 716, 807, 1009, 1069*, 3652, 3971.

184 ....Revises provisions governing the involuntary commitment of certain persons to a hospital of the Department of Veterans Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Elliot Anderson, 168.

185 ....Revises provisions governing product liability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Seaman, Jones, Fiore, Shelton, Dooling, Ellison, Gardner, Moore, O'Neill, Stewart, Titus and Wheeler, 172.

186 ....Revises provisions governing craft distilleries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Seaman, Dickman, Fiore, Silberkraus, Titus, Dooling, Gardner, Jones, Moore, O'Neill, Shelton, Stewart and Wheeler, 172.

187 ....Revises provisions governing the selection of providers of health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Jones, Moore, Ellison, Seaman, Titus, Dickman, Dooling, Fiore, Gardner, Kirner, Oscarson, Shelton, Stewart, Trowbridge, Wheeler; Senators Hardy, Gustavson and Goicoechea, 172.

188 ....Revises provisions governing certain equipment for motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Carrillo, 172, 349, 361, 378, 384, 385*, 3499, 3554.

189 ....Revises provisions governing special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Wheeler, O'Neill, Dickman and Seaman, 175, 1012, 1195, 1527, 1528*, 3653, 3993, 4003, 4281.

190 ....Revises provisions governing public employees' retirement. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kirner, Wheeler, Hickey, Jones, Dickman, Ellison, Hansen and Oscarson, 175, 177, 246, 254, 263.

191 ....Revises provisions governing taxes on fuels for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Paul Anderson, Kirkpatrick; Senators Hammond and Roberson, 176, 1928, 1929, 2381, 3158, 3278*, 3695, 6076, 6114, 6590.

192 ....Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Woodbury, Carrillo and Stewart, 182, 747, 989, 1069*, 3652, 3971.

No. *Summary, Introducer and Page Reference*

193 ....Makes various changes relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 186, 1928, 1929, 2418, 3158, 3278, 3279*, 3652, 3971.

194 ....Revises provisions governing historic preservation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Hickey, Carrillo, Araujo, Armstrong, Bustamante Adams, Diaz, Dickman, Flores, Neal, O'Neill, Spiegel, Sprinkle and Thompson, 187, 601, 773, 1009, 1069, 1070*, 3510, 3567.

195 ....Revises provisions governing deficiency judgments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Nelson, 187, 1012, 1206, 1335, 1547, 1853, 3081, 3103*, 3652, 3971.

196 ....Makes various changes relating to investments of public money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Seaman, Fiore, Moore, Jones and Shelton, 187, 748, 1011, 1209, 1278.

197 ....Establishes certain requirements for the operation of seasonal or temporary recreation programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Diaz, Swank, Carrillo, Elliot Anderson, Benitez-Thompson, Bustamante Adams and Neal, 187, 390, 1078, 1397, 1506, 5192, 5361, 5366, 6589.

198 ....Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Wheeler; Senators Goicoechea and Settelmeyer, 187, 345, 352, 362*, 3595, 4936, 5414.

199 ....Makes various changes to certain advisory committees and programs relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 188, 356, 378, 384, 3695, 4245, 4558*, 6375, 6590.

200 ....Revises provisions relating to persons with impaired speech or hearing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 188, 1928, 1929, 2429, 3289*, 3290, 3653, 4023, 4029, 4281.

201 ....Revises provisions governing eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Thompson, Elliot Anderson, Benitez-Thompson, Araujo, Bustamante Adams, Carlton, Hansen, Kirner, Neal, Spiegel, Swank and Wheeler, 188, 601, 773, 1009, 1070*, 3652, 3971.

202 ....Makes various changes relating to the acquisition of land by a county. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hansen, 188, 380, 405, 460*, 3510, 3567.

203 ....Revises provisions pertaining to short-term lessors of vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Carrillo, 195, 808, 991, 1005, 5192, 5361, 5383, 5384*, 6465, 6907.

204 ....Revises provisions governing motor vehicle licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Carrillo, 195, 384, 467, 717, 807, 1009, 1070*, 1071, 3652, 3971.

205 ....Requires the Legislative Committee on Education to consider matters relating to certain mentorship programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Thompson, Flores, Araujo, Diaz, Elliot Anderson, Joiner, Spiegel, Swank; Senators Atkinson, Ford, Kihuen, Spearman, Denis and Harris, 195, 384, 1927, 1929, 2435, 3290*, 4045, 5219, 5221, 6372.

206 ....Revises provisions relating to certain notices provided to the parent or guardian of a pupil who attends a public school. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Spiegel, Swank, Carrillo, Joiner, Kirkpatrick, Ohrenschall, Oscarson, Sprinkle and Thompson, 195, 600, 774, 1009, 1071*, 4045, 5221, 5224, 6372.

207 ....Makes various changes to provisions relating to the enforcement of judgments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Spiegel, Carrillo, Swank and Thompson, 196.

208 ....Revises provisions governing certain sexual offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Fiore, Seaman, Diaz, Ellison, Elliot Anderson, Dickman, Dooling, Flores, Gardner, Jones, Kirner, Moore, Nelson, Shelton, Stewart, Wheeler, Woodbury; Senators Segerblom, Hardy, Farley, Atkinson, Ford, Gustavson, Kihuen, Manendo and Settelmeyer, 196.

209 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Shelton, 196.

210 ....Revises provisions relating to family law. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Ohrenschall, 196.

No. *Summary, Introducer and Page Reference*

211 ....Revises provisions relating to mechanics' and materialmen's liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 196, 1927, 1929, 2440, 3290*.

212 ....Increases the statute of limitations for sexual assault. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Bustamante Adams, 197, 1012, 1223, 1335, 1924, 3081, 3105*, 3652, 3971.

213 ....Revises provisions regarding juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Ohrenschall, 202.

214 ....Makes various changes related to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Sprinkle, 202, 1012, 1226, 1528*, 3695, 4281.

215 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 202, 390.

216 ....Revises provisions governing discipline of pupils and prohibited acts at public schools. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Education, 203.

217 ....Revises provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Titus, Dickman, Jones, Fiore, Hansen, Dooling, Ellison, Seaman, Shelton, Wheeler; Senators Gustavson and Goicoechea, 203, 390, 1928, 1929, 2449, 3159.

218 ....Revises provisions relating to emergencies in schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Benitez-Thompson, Kirkpatrick, Diaz, Thompson, Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Joiner, Spiegel and Sprinkle, 209, 390, 1927, 1929, 2462, 3159, 6695, 6696, 6702, 6710, 6712*.

219 ....Revises provisions relating to court interpreters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Diaz, 209, 1012, 1229, 1528, 1529*.

220 ....Requires the Commissioner of Insurance to study the adequacy of the network plans of health insurers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 210.

221 ....Revises provisions relating to data concerning pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Kirner, 210, 1077, 1336, 1402, 1506, 5192, 5361, 5384, 6246*, 7111.

222 ....Revises provisions governing the imposition of administrative sanctions against facilities for the dependent. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Kirner, 210, 389, 457, 597*, 3538, 3595.

223 ....Revises provisions governing certain crimes against older persons and vulnerable persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen O'Neill, Armstrong, Dickman, Kirner, Silberkraus and Wheeler, 217, 1012, 1229, 1529*, 3652, 3971.

224 ....Revises provisions governing records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman O'Neill, 218, 1334, 1703, 3138*, 3652, 3971.

225 ....Revises provisions governing programs for reentry of offenders and parolees into the community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Neal, Thompson, Diaz, Bustamante Adams, Munford; Senators Segerblom, Atkinson and Ford, 218, 1078, 1409, 1924, 3081, 3104*, 3653, 4033, 4035, 4281.

226 ....Revises provisions for the payment of certain undergraduate fees and expenses of certain dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Carlton, Kirkpatrick, Carrillo, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Diaz, Flores, Hambrick, Hansen, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson, 218, 1546, 2011, 3290, 3291*.

227 ....Revises provisions governing the practice of medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 218, 1927, 1929, 2468, 3291*, 3652, 3971.

228 ....Revises provisions governing trade regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 219, 1333, 1710, 3138, 3139*.

229 ....Revises provisions governing workers' compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 219, 602.

230 ....Requires certain insurers to contract with any qualified provider of health care in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 220.

231 ....Revises provisions governing the practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oscarson, 220, 600, 778, 1009, 1071*, 3652, 3971.

No. *Summary, Introducer and Page Reference*

232 ....Revises provisions governing health districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Thompson, Bustamante Adams, Carlton, Kirkpatrick; Senators Atkinson, Roberson and Manendo, 220.

233 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 220, 1334, 1547, 1721, 1836.

234 ....Enacts provisions related to multicultural education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford, Hickey, Diaz, Thompson, Flores, Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Joiner, Kirkpatrick, Neal, Ohrenschall, Sprinkle, Swank, Wheeler; Senators Manendo, Atkinson, Denis, Kihuen, Ford, Harris and Spearman, 230, 1927, 1929, 2496, 3158, 3159, 3695, 4251, 4558, 4559*, 6375, 6590.

235 ....Requires an employer to provide paid sick leave to each employee of the employer under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Neal, Bustamante Adams, Diaz, Benitez-Thompson, Carlton, Elliot Anderson, Araujo, Carrillo, Flores, Joiner, Kirkpatrick, Munford, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson; Senators Ford, Woodhouse, Kihuen, Atkinson, Parks, Manendo and Spearman, 230.

236 ....Enacts provisions related to the promotion of public engagement by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Neal, Spiegel, Thompson, Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Ohrenschall, Sprinkle, Swank; Senators Atkinson and Spearman, 230, 1011, 1275, 1529, 1530*, 3653, 4018, 4020, 4281.

237 ....Revises provisions governing motor vehicle registration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Neal and Senator Atkinson, 230.

238 ....Revises provisions relating to the solicitation of bids for a homeowners' association project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dooling, Shelton, Jones, Moore, Fiore, Edwards, Gardner, Ohrenschall, O'Neill, Seaman, Trowbridge and Wheeler, 231, 1334, 1747, 1929, 3081, 3092, 3291, 3292*, 5192, 5976, 5985, 6907.

239 ....Regulates operators of unmanned aerial vehicles in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Elliot Anderson, Ohrenschall, Hansen, Spiegel, Wheeler, Araujo, Benitez-Thompson, Bustamante Adams, Carrillo, Diaz, Flores, Joiner, Neal, Sprinkle and Senator Manendo, 235, 390, 1928, 1929, 2500, 3159, 3169, 3357*, 3358, 4044, 5985, 5994, 6590.

240 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Moore, Seaman, Fiore, Jones, Dooling, Gardner, O'Neill, Oscarson and Shelton, 235, 1928, 1929, 2514, 3293, 3294*, 5192, 5994, 6003, 6466.

241 ....Creates the Women Veterans Advisory Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Edwards, Armstrong, Kirner, Ellison, Elliot Anderson, Hambrick, Hickey, Moore, Oscarson, Stewart, Trowbridge and Senator Goicoechea, 236, 390, 817, 1034, 1036, 6465, 6622, 6673*, 7111.

242 ....Directs the Legislative Commission to appoint a subcommittee to conduct a study of postacute care in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 236, 602, 1928, 1929, 2526, 3294*, 3595, 5193, 6372.

243 ....Revises provisions relating to testing for the human immunodeficiency virus. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Thompson, Titus, Araujo, Silberkraus, Sprinkle; Senators Atkinson, Spearman and Manendo, 236, 389, 458, 597*, 3652, 3971.

244 ....Provides an enhanced penalty for committing certain repeat graffiti offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Ellison and Silberkraus, 236, 1928, 1929, 2534, 3294, 3295*, 3653, 4035, 4038, 4281.

245 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Silberkraus, 237.

246 ....Revises provisions governing cosmetology. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Bustamante Adams and Diaz, 247, 1927, 1929, 2537, 3295*, 3652, 3971.

247 ....Revises provisions relating to foster care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Wheeler, 247.

248 ....Revises provisions governing reporting of information by physicians to the Department of Motor Vehicles concerning patients with epilepsy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Titus, Dooling, Jones, Dickman, Hickey, O'Neill, Oscarson, Shelton, Silberkraus, Wheeler; Senators Hardy, Goicoechea and Gustavson, 254, 416, 567, 736, 787, 806, 807*, 4979, 5245, 5250, 6372.

No. *Summary, Introducer and Page Reference*

249 .... Makes various changes relating to collective bargaining. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Wheeler, O'Neill, Dickman, Gardner, Hambrick, Dooling, Ellison, Hickey, Shelton and Titus, 255, 1546, 1929, 2013, 3080.

250 .... Revises provisions relating to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 255, 417, 573, 736, 807, 1009, 1071, 1072*, 3499, 3554.

251 .... Revises provisions governing vehicle dealers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 255, 381, 405, 461*, 3652, 3971.

252 .... Revises provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 256, 467, 726, 807, 1009, 1013, 1323, 1530, 1531*, 4855.

253 .... Revises provisions governing the administration of elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 256, 390, 1928, 1929, 2575, 3080.

254 .... Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Spiegel, 256.

255 .... Provides for the award of certain costs, fees and expenses to prevailing parties in actions before the Occupational Safety and Health Review Board under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 257, 390, 600, 787.

256 .... Revises provisions relating to the privacy of certain information of a customer of a garage operator. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Carrillo, 257.

257 .... Creates the Nevada Defense Support Committee within the Governor's Office of Economic Development. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Edwards and Elliot Anderson, 257, 323.

258 .... Prohibits certain acts relating to the obstruction of property and roadways. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Bustamante Adams, 257, 1928, 1929, 2616, 3295, 3296*, 6463, 6466, 6596, 6598, 6696, 6907, 7049, 7050, 7111.

259 .... Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Elliot Anderson, 258, 390.

260 .... Requires youthful offenders to serve their terms of imprisonment in a state juvenile detention facility under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall, 258.

261 .... Authorizes local governments to establish programs for the managed care of feral cat colonies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Stewart and Senator Atkinson, 258.

262 .... Revises provisions concerning the withdrawal of certain pleas. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 258, 1012, 1079, 1412, 1924, 3139, 3140*.

263 .... Revises provisions governing the custody and support of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Munford, Silberkraus and Woodbury, 258, 1012, 1079, 1412, 1924, 3140*, 5192, 6003, 6016, 6030, 6907.

264 .... Makes various changes related to residential real estate transactions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Spiegel and Ohrenschall, 259.

265 .... Makes a supplemental appropriation to the Nevada Supreme Court for unexpected expenses related to the Commission on Judicial Selection. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 259, 291, 298, 334, 347*, 381, 407.

266 .... Requires proof of identity for voting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dickman, Fiore, Jones, Hansen, Moore, Dooling, Ellison, Gardner, Hambrick, Hickey, Nelson, O'Neill, Oscarson, Seaman, Shelton, Titus, Trowbridge and Wheeler, 272, 390, 467, 468.

267 .... Revises provisions concerning the sentencing and parole of persons convicted as an adult for a crime committed when the person was less than 18 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hambrick, Hickey, Paul Anderson, Elliot Anderson, Araujo, Diaz, Ohrenschall, O'Neill, Seaman, Titus; Senators Hammond, Parks, Ford, Manendo and Settelmeyer, 272, 1012, 1079, 1426, 1924, 3081, 3103, 3104*, 3652, 3971.

268 .... Revises provisions relating to foster care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 272, 1928, 1929, 2628, 3296*, 3652, 3971.

No. *Summary, Introducer and Page Reference*

269 ....Revises provisions governing professional licensing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Jones, Moore, Seaman, Gardner, Fiore, Dickman, Dooling, Ellison, Shelton, Trowbridge, Wheeler and Senator Gustavson, 273.

270 ....Revises provisions relating to manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 273, 1011, 1079, 1431, 1924, 3140*, 3652, 3971.

271 ....Enacts provisions relating to equine dentistry. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 273.

272 ....Exempting certain businesses from certain requirements relating to residential facilities for groups. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hickey, 273.

273 ....Requires a cooling-off period before a former State Legislator may act as a paid lobbyist before the Legislature. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Hickey, 274, 467, 733, 807, 1009, 1072*, 4283, 4979.

274 ....Revises provisions relating to the incorporation of a city. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Woodbury and Senator Hardy, 274.

275 ....Revises provisions governing certain trusts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Nelson, 274, 1077, 1437, 1924, 3140, 3141*, 6467.

276 ....Provides certain protections and services for victims of human trafficking. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hambrick, Paul Anderson, Flores, Carrillo, Silberkraus, Araujo, Seaman, Spiegel, Stewart, Thompson and Senator Harris, 274, 390.

277 ....Prohibits state action from substantially burdening a person's exercise of religion under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Nelson, Ellison and Senator Hardy, 275.

278 ....Revises provisions governing class-size reduction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Elliot Anderson, Kirkpatrick, Diaz, Benitez-Thompson, Carlton, Paul Anderson, Araujo, Bustamante Adams, Carrillo, Flores, Hambrick, Joiner, Munford, Neal, Ohrenschall, Oscarson, Spiegel, Sprinkle, Swank and Thompson, 279, 1077, 1440, 1924, 3141*, 3647, 7111.

279 ....Revises provisions concerning controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Sprinkle, Kirkpatrick, Araujo, Benitez-Thompson, Diaz, Joiner, Thompson and Senator Denis, 280.

280 ....Revises provisions relating to relations between local governments and certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Nelson, Dickman, Jones, Wheeler, Ellison, Gardner, Titus and Senator Gustavson, 280, 1013, 1927, 1929, 2637, 3159.

281 ....Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Fiore, Moore, Gardner, Elliot Anderson, Ohrenschall, Paul Anderson, Araujo, Armstrong, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Ellison, Flores, Hambrick, Hickey, Jones, Kirkpatrick, Kirner, Munford, Neal, Nelson, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury; Senators Kihuen, Ford, Spearman, Atkinson, Parks, Farley, Gustavson, Hardy, Manendo, Segerblom, Settelmeyer and Woodhouse, 281, 602, 1928, 1929, 2659, 3306*.

282 ....Revises provisions governing real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Seaman, Shelton, Fiore, Jones, Dooling, Dickman, Ellison, Gardner, Hambrick, Hickey, O'Neill, Oscarson, Silberkraus, Stewart, Trowbridge, Wheeler, Woodbury and Senator Settelmeyer, 281.

283 ....Revises provisions relating to law enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hansen, 281, 1078, 1442, 1837, 3081, 3103*.

284 ....Revises provisions relating to persons with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Woodbury, Ohrenschall and Armstrong, 282.

285 ....Revises provisions relating to the self-administration of certain medications by pupils in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Woodbury, Oscarson and Titus, 282, 1077, 1448, 1924, 3141*, 3652, 3971.

286 ....Creates the Office of Military Legal Assistance within the Office of the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Armstrong, Edwards, Moore, Stewart, Wheeler, Fiore, Gardner, Hickey, Kirner, O'Neill, Shelton, Silberkraus, Titus and Trowbridge, 282, 602.

No. *Summary, Introducer and Page Reference*

287 .... Prohibits a person from making or causing to be made certain nonemergency telephone calls under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Flores, O'Neill, Jones, Moore, Carrillo, Dickman, Dooling, Ellison, Fiore, Gardner, Joiner, Seaman, Silberkraus, Spiegel, Sprinkle, Trowbridge, Wheeler, Woodbury; Senators Spearman, Denis and Kihuen, 282, 747, 995, 1013, 1323, 1531, 1532*, 3653, 4038, 4040, 4281.

288 .... Revises provisions relating to residential mortgage loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Jones, Dickman, Flores, Gardner and Trowbridge, 283, 747, 997, 1013, 1323, 1532*.

289 .... Directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues related to the provision of mental health services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Araujo, Kirkpatrick, Benitez-Thompson, Joiner, Paul Anderson, Armstrong, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hambrick, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson; Senators Denis, Atkinson, Kihuen, Harris and Hardy, 283, 408, 1546, 2025, 3080.

290 .... Revises provisions governing certain pupils who are limited English proficient and provides funding for programs and services for such pupils at Zoom and other middle schools and junior high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywoman Diaz, 283, 408.

291 .... Makes an appropriation for school districts to provide early childhood education programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Diaz, Kirkpatrick, Carlton, Bustamante Adams, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Carrillo, Hambrick, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Stewart, Swank, Thompson, Woodbury; Senators Denis, Ford, Spearman, Woodhouse, Kihuen and Segerblom, 283, 408.

292 .... Revises provisions relating to providers of health care who provide services through telehealth and various other provisions relating to insurance coverage for such services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oscarson; Senators Hardy and Goicoechea, 284, 1546, 2029, 3158, 3279*, 3652, 3971.

293 .... Revises provisions relating to public administrators. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Oscarson and Senator Goicoechea, 284, 1927, 1929, 2693, 3309*, 4936, 6139, 6144, 6907.

294 .... Enacts provisions relating to suicide prevention for veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Thompson, Elliot Anderson, Flores, Benitez-Thompson, Sprinkle, Araujo, Bustamante Adams, Carrillo, Diaz, Joiner, Moore, Munford, Neal, O'Neill, Spiegel, Swank, Wheeler; Senators Spearman, Parks, Ford, Atkinson, Kihuen, Denis, Manendo and Woodhouse, 284, 1077, 1452, 1638, 3110, 3309.

295 .... Revises provisions relating to the provision of certain wellness services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Kirner, 285, 1333, 1754, 1833, 3141*, 3142, 4045, 5623, 5626, 6907.

296 .... Revises provisions governing the criminal liability of parties to certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 285.

297 .... Revises provisions governing trafficking in controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 285, 747, 1000, 1013, 1079, 1335, 1638, 1850, 3142*.

298 .... Revises provisions concerning building codes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Carrillo, 285.

299 .... Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Edwards, 285, 602, 808, 809.

300 .... Creates the Office of the Inspector General in the Department of Administration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Edwards, Silberkraus, Armstrong, Ellison, Hickey, Stewart, Trowbridge, Wheeler; Senators Hardy, Goicoechea, Lipparelli and Settelmeyer, 286, 602, 817, 1034, 1036.

301 .... Prohibits restrictions on the freedom to display the flag of the State of Nevada in certain places. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Oscarson, Hickey and Spiegel, 286, 416, 581, 736, 807, 1009, 1013, 1323, 1532*, 3652, 3971.

302 .... Makes various changes relating to political parties and presidential preference primary elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hambrick and Silberkraus, 286, 3157, 3158, 3159, 3209, 3305.

No. *Summary, Introducer and Page Reference*

303 .... Revises provisions governing academic standards in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Jones, Dickman, Fiore, Moore, Shelton, Armstrong, Ellison, Gardner, Munford, Ohrenschall, Trowbridge and Senator Gustavson, 287, 602.

304 .... Revises provisions relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Benitez-Thompson, Carlton, Diaz, Kirkpatrick, Bustamante Adams, Elliot Anderson, Araujo, Carrillo, Flores, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson, 287, 602.

305 .... Authorizes and provides for the regulation of community paramedicine services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Oscarson, 287, 1077, 1454, 1924, 3081, 3104*, 3652, 3971.

306 .... Requires an employer to make certain accommodations for a nursing mother. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in a County or City Jail or Detention Facility.Effect on the State: Yes. Assemblymen Spiegel, Diaz, Carrillo, Ohrenschall, Joiner, Benitez-Thompson, Bustamante Adams, Carlton and Swank, 298, 602, 1928, 1929, 2698, 3309.

307 .... Revises provisions relating to services for children with intellectual disabilities and children with related conditions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Spiegel, Ohrenschall, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Joiner, Oscarson and Swank, 299, 1928, 1929, 2703, 3310*, 4044, 5251, 5254, 6372.

308 .... Revises provisions relating to emergency medical services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywoman Woodbury and Senator Hardy, 299, 1928, 1929, 2708, 3310*, 3311, 3652, 3971.

309 .... Provides for the confidentiality of certain communications between parties during a peer support counseling session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sprinkle, Carrillo, Araujo, Benitez-Thompson, Diaz, Joiner and Swank, 299.

310 .... Expands Medicaid managed care programs in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Paul Anderson, 299, 818, 1012, 1078, 1081, 1277.

311 .... Makes various changes to the regulation of residential mortgage bankers, mortgage brokers, mortgage loan originators and mortgage servicers and enacts the Nevada Private Money Real Estate Loan Act. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Araujo, Neal and Thompson, 300, 602.

312 .... Revises provisions governing the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Trowbridge, Moore, Dickman, Dooling, Jones, O'Neill, Seaman and Shelton, 300, 1927, 1929, 2712, 3158, 3279*.

313 .... Establishes an account for retired contestants who engaged in unarmed combat for remuneration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford and Trowbridge, 300.

314 .... Revises provisions governing the boards of trustees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Munford, Elliot Anderson, Benitez-Thompson, Neal and O'Neill, 300.

315 .... Revises provisions relating to persons convicted of certain violations of law concerning cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Sprinkle, 301.

316 .... Revises provisions governing the taxation of certain deliveries and transfers of firearms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Dickman, Wheeler, Moore, Jones, Fiore, Ellison, Flores, Gardner, O'Neill, Oscarson, Seaman, Shelton, Titus, Trowbridge; Senators Gustavson and Settelmeyer, 301, 1334, 1547, 1754, 1836.

317 .... Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford, Moore, Fiore, Gardner, Neal, Ohrenschall, O'Neill and Shelton, 301, 417.

318 .... Revises provisions governing financial services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Diaz, Kirkpatrick, Kirner, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Dickman, Edwards, Ellison, Flores, Hambrick, Joiner, Jones, Moore, Munford, Neal, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Thompson, Titus, Trowbridge, Wheeler; Senators Woodhouse, Parks, Gustavson, Denis, Ford, Manendo, Segerblom and Smith, 302.

319 .... Requires the board of trustees of each school district to prepare and submit to the Legislature quarterly financial reports. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Moore, Jones, Dickman, Ellison, Fiore and Trowbridge, 302.

No. *Summary, Introducer and Page Reference*

320 .... Designates certain elective offices as nonpartisan offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Silberkraus, Woodbury, Gardner and Seaman, 302, 817, 1034, 1079, 1335, 1547, 3313, 3314*, 3388.

321 .... Revises provisions relating to school police officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Silberkraus, Dooling, Trowbridge, Gardner, Seaman, Elliot Anderson, Paul Anderson, Armstrong, Dickman, Edwards, Ellison, Fiore, Flores, Hambrick, Hickey, Jones, Kirner, Moore, Nelson, O'Neill, Oscarson, Stewart, Titus, Wheeler, Woodbury; Senators Manendo and Harris, 302, 1927, 1929, 3296, 3313, 3314*, 3315, 4936, 5224, 5236, 6372.

322 .... Prohibits the smoking of tobacco inside any motor vehicle in which a child under the age of 18 years is present. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Sprinkle, 302, 602.

323 .... Eliminates the fee for a state business license and certain other fees for filings by certain business associations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Wheeler, 303, 602.

324 .... Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Sprinkle, 303, 1928, 1929, 2717, 3311*, 3652, 3971.

325 .... Enacts and revises provisions relating to guardians. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Sprinkle, Kirkpatrick, Seaman and O'Neill, 303, 602, 1927, 1929, 2726, 3110, 3311*, 3312, 5192, 5626, 5661, 6907.

326 .... Revises provisions governing motor vehicle registration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Carrillo, 303, 602, 1546, 2063, 3080, 6465, 6628, 6673, 6674*, 7111.

327 .... Makes an appropriation to the Eighth Judicial District Court for a Veterans Court Coordinator. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Elliot Anderson and Thompson, 304, 323.

328 .... Revises provisions relating to certain hearings concerning pupils with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Elliot Anderson, 304, 1927, 1929, 2751, 3312*, 5192, 5676, 5681, 6590.

329 .... Requires members of the executive board of a unit-owners' association to complete certain courses of instruction. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirkpatrick, Carrillo, Araujo, Carlton, Diaz, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson, 304.

330 .... Revises provisions relating to certain systems for the generation of electricity. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 304, 1927, 1929, 2755, 3081, 3310.

331 .... Revises provisions governing Medicaid reimbursements for ground emergency medical transportation services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Kirkpatrick, Benitez-Thompson, Diaz and Neal, 305.

332 .... Makes various changes concerning government purchasing and bidding. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kirkpatrick, Benitez-Thompson, Carlton and Hickey, 305, 1547, 1927, 1929, 2762, 3159, 5365, 6246, 6420, 6421*, 7051, 7093.

333 .... Provides for the consolidation of certain fire protection districts in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Kirner, 305, 389, 458, 597, 598*, 3409, 3452.

334 .... Authorizes an association of elected sheriffs and other chief executive officers of city, county or state law enforcement agencies to request the drafting of a certain number of legislative measures for each regular session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Wheeler, 305.

335 .... Revises provisions governing trapping of wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Wheeler, 306.

336 .... Revises provisions governing human trafficking. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Benitez-Thompson and Hambrick, 306, 602, 1927, 1929, 2771, 3309.

337 .... Revises provisions governing the dissolution and annulment of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 306.

338 .... Revises provisions governing wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen, 306.

No. *Summary, Introducer and Page Reference*

339 ....Revises provisions governing the composition of the boards of trustees of county school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hickey, 306.

340 ....Establishes a health professional workforce liaison program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Joiner, 307, 389, 458, 468.

341 ....Revises provisions relating to pupils with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall, Diaz, Silberkraus, Spiegel, Carrillo, Elliot Anderson, Araujo, Carlton, Joiner, Jones, Munford, Neal, Stewart, Swank, Thompson and Senator Ford, 307, 602, 1927, 1929, 2774, 3312, 3313*, 5192, 5681, 5688, 6907.

342 ....Revises provisions relating to employment and economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywomen Neal, Bustamante Adams and Diaz, 307, 602.

343 ....Makes an appropriation to the Office of Minority Health of the Office for Consumer Health Assistance of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Neal, Diaz, Bustamante Adams and Flores, 308, 323.

344 ....Revises provisions governing Medicaid managed care programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Neal, 308.

345 ....Revises provisions relating to certain government contracts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal and Senator Ford, 308, 602, 817, 1034, 1036.

346 ....Revises provisions governing billing for hospital care and related services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Jones, Moore, Fiore and Shelton, 308.

347 ....Revises provisions relating to domestic wells. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Ohrenschall, 309.

348 ....Revises provisions governing the consideration of the criminal history of an applicant for employment by the State or a county or city. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Thompson, Flores, Araujo, Carrillo, Munford; Senators Atkinson, Denis, Ford, Manendo and Parks, 309.

349 ....Revises various provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gardner, Diaz, Dickman, Munford and Shelton, 323.

350 ....Provides for certain credits against the modified business tax for taxpayers who donate money to an early childhood education scholarship organization. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Araujo, Sprinkle, Thompson, Kirkpatrick, Diaz, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carrillo, Flores, Joiner, Neal, Ohrenschall, Spiegel; Senators Ford, Woodhouse, Spearman, Kihuen, Manendo, Atkinson, Denis and Parks, 323, 602.

351 ....Revises provisions relating to projects to benefit charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dickman, Moore, Dooling, Edwards, Ellison, Gardner, Hansen, Jones, Kirner, Munford, Oscarson, Shelton, Titus, Wheeler; Senators Hardy and Settelmeyer, 323, 746, 1000, 1013, 1323, 1533*, 4936, 5688, 5694, 6907.

352 ....Revises provisions relating to concealed firearms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Ellison, Wheeler, Fiore, Oscarson, Dooling, Dickman, Jones, Moore, O'Neill, Seaman and Senator Gustavson, 324, 1012, 1078, 1081, 1533*.

353 ....Revises provisions governing public purchasing and contracting. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dickman, Moore, Fiore, Trowbridge, Jones, Ellison, Munford, Oscarson, Seaman, Shelton, Titus, Wheeler; Senators Gustavson and Settelmeyer, 324, 602, 746, 1003, 1005.

354 ....Revises provisions relating to human trafficking. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Hambrick, Araujo and Benitez-Thompson, 324, 602.

355 ....Revises provisions governing administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Fiore, 324, 602, 817, 1034, 1036.

356 ....Prohibits certain unlawful acts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Fiore, Gardner, Dooling, Dickman, Ellison, Jones and Shelton, 325, 1927, 1929, 2785, 2863, 3313, 3359, 3364, 3388*, 3653.

No. *Summary, Introducer and Page Reference*

357 ....Revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Fiore, Ellison, Dooling, Jones, Kirkpatrick, Ohrenschall, Shelton and Thompson, 325, 1928, 1929, 2791, 3315, 3364*, 3365.

358 ....Revises provisions relating to access by patients to certain investigational drugs, biological products and devices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Fiore, Jones, Dickman, Dooling, Gardner, Shelton and Wheeler, 325.

359 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Gardner, 326, 602, 1928, 1929, 2805, 3159, 7050, 7051, 7055, 7093*, 7094.

360 ....Revises provisions relating to deferred compensation plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Gardner, 326.

361 ....Enacts provisions relating to captive wild animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Swank, Ohrenschall, Titus and Senator Manendo, 326.

362 ....Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Swank, 326, 1334, 1756, 3110, 3313, 3329, 3365*, 3652, 3971.

363 ....Provides an additional benefit option for the surviving spouse or survivor beneficiary of certain deceased members of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Diaz, Elliot Anderson, Kirkpatrick, Carrillo, Ohrenschall, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Flores, Joiner, Munford, Neal, Sprinkle and Thompson, 327, 1333, 1761, 3142*.

364 ....Revises provisions relating to the state business portal. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Thompson, Bustamante Adams, Diaz, Kirkpatrick, Carrillo, Elliot Anderson, Benitez-Thompson, Flores, Joiner, Ohrenschall; Senators Denis, Parks, Woodhouse, Kihuen, Ford, Atkinson, Manendo, Roberson, Segerblom and Smith, 327, 602, 1928, 1929, 2827, 3328, 3329*, 3695, 6144, 6171, 6907.

365 ....Enacts provisions governing vehicle protection product warranties. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oscarson, 327.

366 ....Revises provisions relating to the use of certain motor vehicle fuel taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Silberkraus, Gardner and Dooling, 327, 1928, 1929, 2850, 3329*, 3652, 3971.

367 ....Revises provisions relating to craft distilleries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Silberkraus, Fiore, Dickman, Gardner, Seaman and Senator Settelmeyer, 328.

368 ....Repeals provisions creating and providing for the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Jones, Fiore, Hansen, Wheeler, Ellison, Dickman, Moore, Seaman, Shelton and Senator Gustavson, 328, 602.

369 ....Requires a tenant to obtain approval before commencing certain work on a dwelling unit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart and Hickey, 328.

370 ....Revises provisions governing child visitation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Hickey and Woodbury, 328, 1012, 1079, 1461, 1547, 3142, 3143*.

371 ....Establishes provisions governing the destruction of certain physical evidence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Hickey and Woodbury, 329, 1928, 1929, 2859, 3333, 3334*, 3652, 3971.

372 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Stewart, 329, 602, 1334, 1763, 1836.

373 ....Revises provisions governing occupational diseases. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Stewart, 329.

374 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Flores, Araujo, Carrillo, Dickman, Hickey, Munford, O'Neill, Silberkraus, Stewart; Senators Denis, Ford, Kihuen and Spearman, 329, 1077, 1461, 1547, 3143*.

375 ....Revises certain provisions concerning public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Dooling and Senator Hammond, 329, 808, 809, 1012, 1079, 1462, 1547, 3110, 3334, 3337*.

376 ....Revises provisions relating to charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Dooling, Seaman and Silberkraus, 330, 602.

No. *Summary, Introducer and Page Reference*

377 ....Establishes provisions for the preservation, development and use of the Nevada State Prison as a historical, cultural, educational and scientific resource. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen O'Neill, Swank, Silberkraus, Hickey, Kirkpatrick, Araujo, Benitez-Thompson, Ellison, Flores, Hambrick, Kirner, Stewart; Senators Manendo, Gustavson, Settelmeyer, Kieckhefer and Kihuen, 330, 1928, 1929, 2862, 3338*, 3652, 3971.

378 ....Revises provisions governing the financial support of charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblywomen Dooling and Shelton, 331, 602, 1927, 1929, 2869, 3159.

379 ....Revises provisions relating to commercial tenancies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 331, 1334, 1773, 3143*, 3144, 3695, 4281.

380 ....Revises provisions relating to sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick, 331, 1930, 3157, 3159, 3253, 3305, 3306, 3307, 3308*, 3695, 4281.

381 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick, 331, 1546, 2066, 3310.

382 ....Revises provisions relating to state business licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 332, 602.

383 ....Revises provisions relating to drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Paul Anderson and Senator Hammond, 332, 1929, 2891, 3338, 3339*, 3653, 4003, 4005, 4281.

384 ....Establishes the Nevada Legislature Oral History Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Swank, Joiner, Kirkpatrick and Carlton, 332, 467, 734, 807, 1009, 1013, 1323, 1534*, 3652, 3971.

385 ....Revises provisions related to tow cars. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Kirkpatrick, 332, 1929, 2893, 3339*, 5192, 5254, 5274, 6372.

386 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Flores, Seaman, Dooling, Carrillo, Kirkpatrick, Dickman, Joiner, O'Neill, Spiegel, Thompson, Titus, Wheeler, Woodbury; Senators Denis and Kihuen, 333, 1928, 1929, 2912, 3159, 3177, 3358*, 4936, 6030, 6061, 6907.

387 ....Revises provisions relating to the calculation of the years of service of certain members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick, 333.

388 ....Revises provisions governing certain leaves of absence for military duty for public officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Paul Anderson, Kirkpatrick and Armstrong, 333, 417, 601, 787, 5192, 5361, 5390, 6255, 6256*, 6465, 6907.

389 ....Revises provisions governing employee leasing companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Paul Anderson, 333, 748, 1546, 2076, 3080, 5192, 5361, 5393, 5394*, 6465, 6907.

390 ....Designates the Division of Enterprise Information Technology Services of the Department of Administration as a charter agency. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Paul Anderson, 334, 602.

391 ....Revises provisions governing the exemption from property taxes of certain property used for religious worship. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hickey, Dickman, Joiner, Kirner and Sprinkle, 335, 747, 1003, 1013, 1323, 1534*, 3652, 3971.

392 ....Revises provisions governing taxation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Kirkpatrick, 335, 417, 747, 1003, 1005.

393 ....Revises provisions relating to the Live Entertainment Tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick, 336, 417, 747, 1003, 1005.

394 ....Creates an advisory committee and a technical committee to develop a plan to reorganize the Clark County School District and revises certain provisions related to collective bargaining. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Gardner, Fiore, Jones, Silberkraus, Hickey, Dickman, O'Neill, Seaman and Trowbridge, 336, 1927, 1929, 2964, 3158, 3159, 6907, 6908, 6921, 6922*, 7111.

No. *Summary, Introducer and Page Reference*

395 ....Revises provisions relating to the State Public Charter School Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Gardner, Fiore, Jones, Silberkraus and Woodbury, 336, 1077, 1336, 1465, 1506.

396 ....Revises provisions relating to mental health facilities and programs of community-based or outpatient services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Moore and Fiore, 337, 602.

397 ....Makes various changes relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Moore, Jones and Dickman, 337.

398 ....Ensures protection of public access to public lands. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Edwards, 337, 602.

399 ....Directs the Office of Economic Development to create a pilot program to encourage the growth of existing businesses in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Neal, Bustamante Adams and Araujo, 337, 384, 817, 1034, 1036, 6465, 6633, 6674*, 7111.

400 ....Revises certain provisions governing athletics at the high-school level. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Munford, 338.

401 ....Authorizes the establishment by district courts of courts of inquiry that may be used to exonerate convicted persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford and Moore, 338.

402 ....Revises provisions governing motor vehicle insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywomen Shelton and Fiore, 338.

403 ....Revises provisions concerning peace officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Shelton, Jones and Senator Ford, 338, 602, 817, 1034, 1036.

404 ....Revises provisions concerning firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Fiore and Jones, 339, 1928, 1929, 2975, 3339, 3340*.

405 ....Revises provisions regulating certain abortions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hansen, 339, 602, 808, 809, 1078, 1483, 1547, 1856, 1857*.

406 ....Revises the requirements for obtaining a state business license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Moore and Fiore, 339, 602.

407 ....Revises provisions governing crimes and punishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Shelton, 340.

408 ....Enacts provisions relating to certain uses of land and the exercise of law enforcement authority in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Fiore, Shelton, Dooling, Titus, Seaman, Dickman, Ellison, Gardner, Hansen, Jones, Moore, Oscarson, Wheeler and Senator Gustavson, 340, 602, 1546, 2081, 3340, 3365, 3378, 3384, 3383*.

409 ....Revises provisions relating to cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Seaman, Shelton, Fiore, Hickey, Moore and Nelson, 340, 1927, 1929, 2983, 3292, 3293*, 5192, 5661, 5669, 6907.

410 ....Revises the membership of the Real Estate Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Swank, 341, 602, 817, 1034, 1036, 6465, 6637, 6674, 6675*, 7111.

411 ....Provides for funding for repair and improvement of school facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hansen, 341.

412 ....Revises provisions relating to public financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Kirkpatrick, 341, 602, 3157, 3159, 3259, 3305.

413 ....Grants powers to certain cities to perform acts or duties which are not prohibited or limited by the Constitution or statute. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 346, 1011, 1079, 1336.

414 ....Revises provisions governing agreements with certain governments for purposes of interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 346, 1012, 1079, 1502, 1547, 1857, 1859*.

415 ....Revises provisions relating to the use of water in a federal reclamation project. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 350, 817, 1035, 1323, 1534*, 3510, 3567.

416 ....Revises provisions governing the dates for certain city elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 350.

No. *Summary, Introducer and Page Reference*

417 ....Extends the deadline for approval of the revision of the boundary line between Storey and Washoe Counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 350.

418 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 350.

419 ....Clarifies the applicability of the Uniform Unclaimed Property Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 350, 1012, 1079, 1503, 1547, 3144*, 3652, 3971.

420 ....Enacts the Uniform Voidable Transactions Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 351, 416, 581, 736, 807, 1009, 1013, 1323, 1335.

421 ....Creates the Spending and Government Efficiency Commission for public education in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 351, 1546, 2092, 3340*, 5193, 5694, 5696, 6907.

422 ....Revises provisions governing the operation and equipment of motorcycles and mopeds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 351, 467, 734, 807, 1009, 1013, 1323, 1535*, 3652, 3971.

423 ....Provides for a study on transportation infrastructure and funding. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 351, 468, 4044, 4283, 4549.

424 ....Revises provisions governing the Committee for the Statewide Alert System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 356, 746, 1003, 1013, 1323, 1535*, 3538, 3595.

425 ....Revises provisions governing emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 357, 746, 1003, 1013, 1323, 1535, 1536*, 3652, 3971.

426 ....Revises provisions relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 357.

427 ....Revises provisions relating to the use of a patented mine or mining claim. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 357.

428 ....Makes various changes to provisions relating to local government purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 358, 817, 1036, 1323, 1536*, 4936, 6171, 6173, 6907.

429 ....Revises provisions relating to the collection of debts by the State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 358, 746, 1003, 1013, 1079, 1536, 1547, 3144*.

430 ....Revises provisions governing channel clearing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, Agriculture, and Mining, 358, 602, 746, 1003, 1005.

431 ....Requires the State Department of Agriculture to develop and carry out a management plan for certain horses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture, and Mining, 358, 602.

432 ....Prohibits a peace officer from taking a person before a magistrate under certain circumstances related to traffic violations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 358.

433 ....Revises provisions concerning the interception of wire, electronic or oral communications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 359, 1928, 1929, 2991, 3340, 3341*.

434 ....Enacts the Uniform Fiduciary Access to Digital Assets Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 359.

435 ....Provides for the realignment of certain judicial districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 359, 1012, 1079, 1503, 1547, 3144, 3145*, 4044, 4979.

436 ....Eliminates longevity payments for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 359, 377, 5191, 5304, 5394, 5395, 6696, 6700*, 7111.

437 ....Makes an appropriation to restore the balance in the Reserve for Statutory Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 360, 377, 3651, 3698, 4258*, 5192, 6372.

No. *Summary, Introducer and Page Reference*

438 ....Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for certain costs related to the Intergovernmental All-Risk Fire Management Program of the Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 360, 377, 5192, 5307, 5395*, 5396, 7111.

439 ....Makes a supplemental appropriation to the Office of the Military. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 360, 377.

440 ....Makes a supplemental appropriation to the Commission on Postsecondary Education for the costs of a one-time terminal leave payment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 360, 377.

441 ....Makes a supplemental appropriation to the Office of the State Controller for the projected costs of a one-time terminal leave payment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 360, 377.

442 ....Makes a supplemental appropriation to the Office of the Lieutenant Governor for projected payroll and other costs associated with the 2015 Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 361, 377, 3557, 3571, 3641*, 4044, 4979.

443 ....Makes an appropriation to the Legislative Counsel Bureau for the cost of dues and registration for national organizations and one-time building maintenance and information technology purchases. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 361, 377, 5192, 5308, 5396*, 7111.

444 ....Makes various changes relating to the Advisory Commission on the Administration of Justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 361, 747, 1003, 1013, 1323, 1536*, 1537.

445 ....Makes various changes relating to redevelopment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 362, 1928, 1929, 3003, 3158, 3159, 6465, 6646, 6675*, 7095, 7104, 7111.

446 ....Revises provisions related to the statewide system of accountability for public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 363.

447 ....Revises provisions relating to the statewide performance evaluation system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 363, 816, 1036, 1323, 1537*, 5192, 5696, 5714, 6907.

448 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 363, 748, 1546, 2094, 3080, 4185, 4559, 4960, 4962*, 6465, 6856, 6907.

449 ....Provides for the issuance of special license plates relating to the Boy Scouts of America and the Girl Scouts of America. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 364, 467, 734, 787, 1078, 1301, 1537, 1538*, 3652, 3971.

450 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 364, 819, 1929, 3009, 3080.

451 ....Revises provisions relating to the University of Nevada, Las Vegas, Campus Improvement Authority. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation, 364, 467, 734, 807, 1009, 1013, 1323, 1538, 1539*, 5192, 6372.

452 ....Revises provisions relating to property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation, 365, 1928, 1929, 3059, 3306, 3308*, 3309, 4936, 6114, 6115, 6117, 6907.

453 ....Provides for the regulation of the sale of dextromethorphan. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 365.

454 ....Revises provisions governing continuing education of managers and assistant managers of manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 365, 602, 1546, 2146, 3341*, 3652, 3971.

455 ....Directs the Legislative Commission to appoint a committee to conduct an interim study regarding the present and future supplies of water and allocation levels in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 365, 468.

456 ....Abolishes certain committees, boards, funds and panels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 365, 417, 581, 736, 807, 1009, 1013, 1323, 1539*, 3538, 3595.

No. *Summary, Introducer and Page Reference*

457 ....Revises provisions governing reports required to be submitted by various entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 366, 467, 734, 807, 1009, 1013, 1323, 1539*, 4045, 5748, 5772, 6907.

458 ....Revises provisions relating to certain city elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 366.

459 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 366, 1546, 1929, 2147, 3080, 3414.

460 ....Expresses the intent of the Legislature to increase its membership in the next reapportionment and redistricting cycle. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 366, 817, 1036, 1323, 1536, 1547, 3145*, 4855.

461 ....Revises provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 367, 1546, 2163, 3341, 3342*, 4045, 5772, 5785, 6466, 6686.

462 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 367, 1334, 1783, 3145, 3146*, 4937, 5786, 5829, 6907.

463 ....Enacts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 367, 602, 1012, 1078, 1089, 1277.

464 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation, 368, 602, 747, 1003, 1005.

465 ....Makes a supplemental appropriation to the Department of Public Safety for projected costs for visiting dignitary protection assignments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 368, 384, 3510, 3545, 3557*, 4044, 4979.

466 ....Revises provisions relating to the repayment of loans or other distributions of money made from the Renewable Energy Account to an officer or employee of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 368, 384, 5191, 5309, 5396*, 6465, 6907.

467 ....Makes a supplemental appropriation to the Department of Corrections for a shortfall resulting from a reduction in certain transfers for prison medical care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 368, 384, 3557, 3572, 3641*, 5192, 6372.

468 ....Makes supplemental appropriations to the Department of Corrections for shortfalls in projected personnel costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 369, 384, 3557, 3573, 3641, 3642*, 4936, 5414.

469 ....Creating the Office of Finance in the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 369, 384, 5192, 5309, 5397*, 6465, 6907.

470 ....Revises provisions governing the base for allocating costs of the Division of Human Resource Management of the Department of Administration to state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 369, 384, 4283, 4612, 4962*, 6375, 6590.

471 ....Revises provisions governing the Department of Veterans Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 369, 384.

472 ....Revises provisions governing the use of money in the Patriot Relief Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 369, 384, 5191, 5315, 5397*, 6465, 6907.

473 ....Revises provisions governing the composition of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 370, 384, 5191, 5315, 5397*, 6465, 6907.

474 ....Revises certain fees paid by homeowners' associations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 370, 384, 5192, 5315, 5398*, 6687.

475 ....Revises provisions governing the financial administration of the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 370, 384, 5365, 6178, 6421*, 7111.

476 ....Revises provisions relating to unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 370, 384, 6589, 6677, 6685, 6686*, 7111.

No. *Summary, Introducer and Page Reference*

477 ....Revises provisions concerning the duties of the Taxicab Administrator. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 370, 384, 3651, 3699, 4258*, 6375, 6590.

478 ....Revises certain fees collected by the Real Estate Division of the Department of Business and Industry and imposes certain new fees to be collected by the Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 371, 384, 6375, 6377, 6381, 6588, 6589*, 7111.

479 ....Revises provisions relating to public notices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 371.

480 ....Revises provisions relating to mortgage lending. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Ways and Means, 371, 384, 1012, 1078, 1089, 1278, 3693, 4185, 4245, 6266, 6341, 6421, 6422*, 7111.

481 ....Provides additional authority for the enforcement of the laws prohibiting deceptive trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 371, 384, 1012, 1078, 1089, 1278, 3650, 3948, 4245, 6430, 6615*, 7111.

482 ....Revises provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 372, 384, 5192, 5317, 5398*, 6465, 6907.

483 ....Makes various changes relating to the compensation of certain public school employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means, 372, 384, 5191, 5324, 5398, 5399*, 6465, 6907.

484 ....Provides for the rolling reissuance of license plates by the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 372, 384, 5192, 5324, 5399, 5400, 6376, 6428, 6430*, 6687.

485 ....Revises provisions governing the duties and structure of the Office of Science, Innovation and Technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 373, 384, 6465, 6653, 6675, 6676*, 7111.

486 ....Revises provisions governing the budget accounts of the Division of Insurance of the Department of Business and Industry and certain fees collected by the Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 373, 384, 4283, 4612, 4962*, 5365, 6590.

487 ....Revises provisions governing firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oscarson, Wheeler, Woodbury, Armstrong, Edwards, Dickman, Dooling, Gardner, Kirner, Moore, O'Neill, Seaman, Silberkraus, Stewart, Titus and Trowbridge, 4937, 5364, 5365, 5378, 6244, 6246*.

488 ....Makes technical corrections to measures passed by the 78th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 5366, 6177, 6178, 6204, 6422*, 6687.

489 ....Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 6376, 6465, 6658*, 6659, 7111.

490 ....Authorizes expenditures by agencies of the State Government for the 2015-2017 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 6376, 6465, 6659, 6660*, 7111.

491 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 6376, 6465, 6660, 6662*, 7111.

492 ....Makes various changes to provisions relating to administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 6377, 6464, 6662, 6676*.

493 ....Grants power to the governing body of an incorporated city to address matters of local concern within certain parameters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 6467, 6695, 6696, 6697, 6699*, 7111.

494 ....Makes various changes relating to the Clark County Sales and Use Tax Act of 2005. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hambrick, 6468.

495 ....Makes various changes relating to bill draft requests. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 6468, 6687, 6696, 6710*, 7095, 7104.

496 ....Revises and clarifies provisions relating to the Legislative Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 6468, 6687, 6696, 6710, 6711*, 7111.

No. *Summary, Introducer and Page Reference*

497 ....Revises certain provisions relating to taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Kirkpatrick, 6469, 6712, 6713*, 7111.

498 ....Revises provisions relating to electric utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick, 6688, 6695, 6696, 6711*, 7111.

VETOED ASSEMBLY BILLS OF THE 77TH SESSION

No. *Summary, Introducer and Page Reference*

126 ....Requires the disclosure of certain nutritional information in certain chain restaurants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Flores, Aizley, Bobzien, Eisen, Healey; Senators Jones and Woodhouse, 15, 87, 88.

150 ....Creates the Legislative Committee on Governmental Oversight and Accountability. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Daly, Kirkpatrick, Bobzien, Benitez-Thompson, Bustamante Adams, Carlton, Healey, Ohrenschall, Pierce, Sprinkle and Senator Smith, 15, 88, 89.

209 ....Revises provisions governing the distribution and sale of raw milk. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Ohrenschall and Senator Segerblom, 15, 89, 90.

218 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 15, 90.

240 ....Revises provisions relating to civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall, 15, 90, 91.

345 ....Revises provisions governing the management of certain wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Eisen, Daly, Diaz, Flores, Kirkpatrick, Sprinkle and Senator Smith, 15, 91, 92.

391 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly and Bobzien, 15, 92, 93.

440 ....Revises provisions relating to voter registration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 15, 93, 94.

441 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 15, 94, 95.

INITATIVE PETITIONS

No. *Summary, Introducer and Page Reference*

1 ....Makes various changes relating to marijuana and marijuana establishments, 16, 17, 25, 234, 248, 260.

2 ....Revises provisions relating to the sale or transfer of firearms, 16, 25, 27, 234, 248, 260.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Recognizes the strategic partnership and bond of friendship with, and expresses the Nevada Legislature's support for, the State of Israel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carrillo, Diaz, Dickman, Dooling, Edwards, Fiore, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Stewart, Thompson, Titus, Trowbridge, Wheeler and Woodbury, 87, 747, 1003, 1013, 1079, 1334, 1335*, 3653, 3971.

2 .... Urges the United States Congress and the United States Fish and Wildlife Service to take certain actions to reduce the impact of common ravens on the greater sage grouse and desert tortoise populations in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 87, 381, 405, 461*, 3567, 3595.

3 .... Urges Congress to facilitate the payment of contractors who completed hazardous fuels treatment projects in the Lake Tahoe Basin pursuant to contracts with the Nevada Fire Safe Council. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture, and Mining, 87, 120, 153, 162*, 234, 276.

4 .... Urges Congress to enact legislation allowing states to establish daylight saving time as the standard time throughout the calendar year. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Edwards, Armstrong, Oscarson, Dickman, Ellison, Kirner, Ohrenschall and Senator Goicoechea, 114, 380, 406, 461, 462*, 3695, 4281.

5 .... Proposes to amend the Nevada Constitution to authorize the Governor to reduce or veto appropriations or authorizations to expend money. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Silberkraus, Dickman, Gardner, O'Neill, Seaman and Titus, 194.

6 .... Proposes to amend the Nevada Constitution to allow the Legislature to authorize a lottery for support of the public education of children and the health and welfare of senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Ohrenschall and Wheeler, 245.

7 .... Submits an application to Congress to call a convention of the states limited to proposing certain amendments to the Constitution of the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Gardner, Fiore, Moore, Nelson and Shelton, 271.

8 .... Proposes to amend the Nevada Constitution to require approval of certain initiative measures by a two-thirds vote. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dickman, Wheeler, Armstrong, Jones, Fiore, Paul Anderson, Edwards, Ellison, Gardner, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Titus, Trowbridge; Senators Gustavson and Goicoechea, 292, 1012, 1078, 1089, 1540, 1541*, 5192, 6372.

9 .... Proposes to amend the Nevada Constitution to revise provisions governing the selection of district court judges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Moore and Jones, 295.

10 .... Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Dooling, Gardner, Seaman, Shelton, Stewart and Trowbridge, 320, 1078, 1506, 1824, 3146*, 3147, 4937, 5829, 5834, 6907.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Adopts the Joint Standing Rules of the Senate and Assembly for the 78th Session of the Legislature. Committee on Legislative Operations and Elections, 46, 57, 65, 66, 101, 118.

No. *Summary, Introducer and Page Reference*

2 .... Provides for the voluntary transfer of a portion of Legislators' salaries to the State General Fund. Assemblymen Hambrick, Kirkpatrick; Senators Roberson and Ford, 109, 114, 126.

3 .... Honors Nevadans who have lost their lives in the Global War on Terrorism. Assemblymen Elliot Anderson, Kirkpatrick, Hambrick, Paul Anderson, Bustamante Adams, Araujo, Armstrong, Benitez-Thompson, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hansen, Hickey, Joiner, Jones, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury; Senators Spearman, Ford, Roberson, Brower, Woodhouse, Atkinson, Denis, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Segerblom, Settelmeyer and Smith, 381, 390, 464.

4 .... Memorializes former Assemblyman Joseph "Joe" Michael Hogan, Sr. Assemblymen Kirkpatrick, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury; Senators Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse, 3563, 3570, 3691.

5 .... Memorializes former Assemblyman Peter L. "Pete" Livermore. Assemblymen Hambrick, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hansen, Hickey, Joiner, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury; Senators Kieckhefer, Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kihuen, Lipparelli, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse, 3564, 3570, 3691.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Adopts the Assembly Standing Rules for the 78th Session of the Legislature. Committee on Legislative Operations and Elections, 27, 103.

2 .... Provides for the appointment of Assembly attaches. Committee on Legislative Operations and Elections, 45, 103.

3 .... Provides allowances to the members of the Assembly for periodicals, stamps, stationery and communications. Committee on Legislative Operations and Elections, 46, 103.

4 .... Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 174, 190.

5 .... Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 346, 373.

6 .... Provides for the appointment of additional attaches for the Assembly. Committee on Legislative Operations and Elections, 601, 808.

7 .... Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections, 3400, 3410.

8 .... Adds former Assemblyman Alan H. Glover to the Assembly Wall of Distinction. Assemblymen Hambrick, Paul Anderson and Kirkpatrick, 3538, 3595.

9 .... Adds former Assemblywoman Peggy Pierce to the Assembly Wall of Distinction. Assemblymen Hambrick, Paul Anderson and Kirkpatrick, 3539, 3595.

10 .... Designates certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2015-2017 biennium. Committee on Legislative Operations and Elections, 6178, 6590.

LISTING OF SENATE BILLS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1 ....Makes an appropriation to the Legislative Fund for the costs of the 78th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Roberson and Ford, 7, 8*, 107.

2 ....Increases the maximum speed at which a person may drive or operate a vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, 468, 469, 3441, 3455, 3489*, 3554.

3 ....Requires the Department of Motor Vehicles to establish a registry of emergency contact information for certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson; Assemblymen O'Neill and Silberkraus, 114, 748, 3498, 3510, 3538, 3557, 3593, 3594*, 3652, 3691.

4 ....Revises requirements for the taking of wild mammals on private property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 417, 418, 3390, 3401, 3696, 4259*, 6466, 6590.

5 ....Revises provisions governing elections for nonpartisan offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 3391, 3651, 3699, 4259, 4260*, 5303, 5414.

6 ....Revises provisions relating to the delivery of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 468, 1929, 1932, 4043, 4284, 4963*, 5365, 6372.

7 ....Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities and programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 818, 819, 3694, 4046, 4610*, 5303, 7094, 7095.

9 ....Requires the Nevada Gaming Commission to adopt regulations relating to the development of technology in gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1078, 1079, 3556, 3573, 3642*, 3691.

10 ....Revises provisions relating to incompetent defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 229, 231.

12 ....Revises provisions governing certain personnel of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 165, 168, 3693, 4054, 4838*, 5414.

13 ....Revises provisions relating to the provision of public education to pupils with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1334, 1336, 3569, 3600, 3674*, 4045, 4281.

14 ....Revises provisions governing the Pharmacy and Therapeutics Committee within the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 182, 3454, 3480, 3504*, 3567.

15 ....Requires a mental health professional to take certain actions if a patient communicates an explicit threat in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 818, 819, 4043, 4289, 4963*, 5365, 6372.

16 ....Revises provisions governing presentence and general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 114.

17 ....Authorizes a deputy director of the Department of Corrections to accept part-time employment as an instructor at an institution of higher education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 467, 469.

19 ....Authorizes the board of trustees of a school district to place an advisory question on the ballot at a general election. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3391, 3651, 3703, 4245, 4283.

20 ....Changes the name of the Commission for Cultural Affairs and moves the Commission to another department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 186, 189, 381, 407, 462*, 598.

No. *Summary, Introducer and Page Reference*

21 ....Revises provisions relating to certain taxes imposed on special fuels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 165, 168, 229, 238, 248, 263*, 317.

22 ....Revises provisions relating to certain licenses pertaining to intoxicating liquor. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Revenue and Economic Development, 165, 168, 319, 347, 352*, 385.

23 ....Revises provisions governing the required submission of certain reports by the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 417, 418, 3413, 3442, 3456*, 3532.

24 ....Revises provisions governing unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 114, 4045, 5191, 5337, 5401*, 6590.

25 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 748, 3693, 4054, 4838*, 5303, 5414.

26 ....Revises provisions governing the collection of debts by the State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 467, 469, 3390, 3401, 3403, 3409, 3414*, 3478.

27 ....Revises the amount of money that the Commission for Cultural Affairs may use each fiscal year from the proceeds of certain bonds to pay for administrative services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 114, 417, 418, 3390, 3401, 3403, 3409, 3435*, 3478.

29 ....Grants power to a board of county commissioners to address matters of local concern within certain parameters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 817, 819, 3694, 4086, 4838, 4839*, 5303, 5414.

30 ....Authorizes an elected county officer to elect not to receive longevity pay. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 417, 418, 3390, 3401, 3403, 3409, 3435*, 3478.

31 ....Revises provisions relating to detoxification technicians, facilities and programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 245, 247, 3454, 3480, 3504*, 3567.

33 ....Authorizes the board of hospital trustees of a county hospital to hold a closed meeting under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 3391, 3651, 3703, 4245, 4839*, 5414.

34 ....Eliminates provisions relating to authorized maintenance stations licensed to install, repair and adjust devices for the control of pollution from motor vehicle engines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 165, 168, 381, 407, 463*, 598.

35 ....Ratifies and enacts the Interstate Compact on Mental Health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 229, 231, 3651, 3703, 4260*, 4979.

36 ....Revises provisions governing state business licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 467, 469, 3597, 3656, 3961*, 3962, 5303, 5414.

37 ....Authorizes GPS tracking of parolees, probationers and certain other offenders who are subject to electronic supervision. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 186, 189, 3441, 3455, 3489, 3491*, 3554.

38 ....Revises provisions governing the regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3391, 3597, 3659, 3962*, 5303, 5414.

39 ....Revises provisions relating to business associations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3391, 3392, 3694, 4092, 4839, 4840*, 5414.

40 ....Prohibits certain acts relating to wagering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 601, 602, 3479, 3499, 3510, 3538, 3557, 3594*, 5303, 5414.

41 ....Revises provisions governing the stamp required for the hunting of migratory waterfowl. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 174, 176, 381, 407, 463*, 598.

42 ....Requires the Investigation Division of the Department of Public Safety to provide investigative services to other divisions of the Department and certain other units of the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 114.

No. *Summary, Introducer and Page Reference*

43 ....Revises provisions governing certain safety requirements for driving across railroad tracks. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation, 748, 3413, 3442, 3456, 3457*, 3532.

44 ....Makes various changes to provisions related to oil and natural gas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 114, 601, 602, 3409, 3435, 3451, 3452*, 3507.

45 ....Revises provisions governing the distribution of grants of money by the State Conservation Commission to conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 114, 229, 231, 381, 407, 463*, 598.

46 ....Revises provisions relating to the Colorado River Commission of Nevada and the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 114.

47 ....Makes various changes relating to the Consolidated Local Improvements Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1078, 1079, 3403, 3409, 3435, 3436*, 3478.

48 ....Revises provisions relating to health information exchanges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 1334, 1336, 3569, 3604, 3675*, 4281.

49 ....Revises provisions relating to emergency shelters for children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 114.

50 ....Makes various changes to the regulation of contractors by the State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 468, 469, 3650, 3703, 4260*, 5303, 5414.

51 ....Creates the Nevada Main Street Program within the Office of Economic Development of the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Revenue and Economic Development, 114.

52 ....Revises provisions governing criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 345, 346, 3556, 3573, 3642, 3675*, 4185, 6173, 6466, 6906, 6986, 6999.

53 ....Revises provisions relating to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 817, 820, 3694, 4092, 4840, 4964*, 5303, 6590, 6696.

54 ....Revises provisions governing the commitment and release of incompetent criminal defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1078, 1079, 3694, 4092, 4844*, 5414.

55 ....Revises provisions governing waiver of the right of a criminal defendant to be present during sentencing proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 345, 346, 3441, 3455, 3491*, 3554.

56 ....Revises provisions governing graffiti. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1078, 1079, 3694, 4092, 4283, 4937, 4938, 5131, 5132*, 5415, 6430.

58 ....Revises provisions governing the release of information relating to children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3391, 3392, 4282, 4628, 4964*, 4965, 5365, 6372.

59 ....Revises provisions relating to the state business portal. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 356, 818, 820, 3694, 4101, 4844, 4845*, 5303, 5414.

60 ....Revises various provisions related to the Office of the Attorney General. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 114, 4045, 5302, 5367, 6256*, 6590.

62 ....Revises provisions governing the employment, promotion, dismissal, demotion and suspension of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3391, 3392, 3597, 3674, 3696, 4261*, 4979.

63 ....Creates the Nevada Indian Commission's Gift Fund and designates the Commission as coordinating agency. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 229, 231, 3400, 3404, 3409, 3436*, 3510, 3554.

64 ....Revises the qualifications for the Chief Financial Officer of the Housing Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 165, 168, 193, 203, 214*, 238.

No. *Summary, Introducer and Page Reference*

66 ....Revises provisions governing local governmental agreements for the development of land. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 468, 469, 3390, 3401, 3403, 3409, 3414, 3442, 3480, 3495*, 3554.

67 ....Revises provisions governing the regulation of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 3158, 3159, 4043, 4292, 4965*, 5365, 6372.

68 ....Revises provisions governing professions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1547, 4282, 4636, 4739, 4937, 4980, 5052, 5079, 5137, 5138*, 5365, 6372.

69 ....Revises provisions governing judicial retirement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 114, 5303, 6178, 6204, 6422, 6423*, 6907.

70 ....Revises provisions governing meetings of public bodies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 3391, 3392, 3597, 3674, 3962, 3963*, 4933.

72 ....Makes various changes relating to the Division of Enterprise Information Technology Services of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 128.

74 ....Revises provisions governing the abatement of certain taxes for economic development purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 601, 602, 3651, 3712, 4261*, 4979.

75 ....Revises provisions governing the administration of certain examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1334, 1336, 3537, 3558, 3570, 3598, 3654, 3676*, 4281.

76 ....Revises provisions governing the Western Interstate Commission for Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 748, 4045, 4611, 4815, 4965*, 4966, 5414.

77 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 128, 1014.

78 ....Makes various changes to provisions relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 1078, 1079, 3651, 3712, 4261, 4262*, 4979.

79 ....Revises provisions governing the taxation of alternative nicotine products and vapor products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Revenue and Economic Development, 1014, 6590, 6695, 6882*.

81 ....Revises provisions relating to the management and appropriation of water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 128.

82 ....Removes certain obsolete provisions relating to security services provided by the Capitol Police Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 120, 125, 185, 197, 204, 212, 214*, 215, 238.

83 ....Designates as confidential certain information that is reported to the Division of Internal Audits of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 417, 418, 3390, 3401, 3403, 3409, 3436, 3437*, 3478.

84 ....Includes certain alcohol and drug abuse counselors, problem gambling counselors, social workers and medical facilities in the definition of "provider of health care" for purposes of various provisions relating to healing arts and certain other provisions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 417, 418, 3650, 3712, 4262*, 5303, 5414.

85 ....Revises certain provisions of the Nevada Insurance Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 165, 168, 271, 288, 292, 3480, 3495, 3496*, 3554.

86 ....Revises provisions governing pipeline and subsurface safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 817, 820, 3454, 3480, 3504, 3505*, 3567.

87 ....Authorizes the Public Utilities Commission of Nevada to modify resource plans submitted by certain public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 468, 470, 3569, 3604, 3676*, 4281.

88 ....Revises provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 182, 183, 3651, 3715, 4262*, 4979.

No. *Summary, Introducer and Page Reference*

89 ....Revises provisions regarding expenditures from the Fund for Cleaning Up Discharges of Petroleum. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Natural Resources, 128, 3652, 3654, 5302, 5367, 6256*, 6590.

90 ....Confers upon a person who is subject to the Nevada Code of Military Justice the right to demand a court-martial in lieu of accepting nonjudicial punishment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 120, 125, 185, 197, 205*, 232.

92 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 1014, 6466, 6469, 6695, 6882, 6883*.

93 ....Authorizes certain businesses to apply to the Office of Economic Development for a partial abatement from certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 175, 817, 820.

94 ....Makes various changes relating to transferable tax credits for film and other productions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ford, 1334, 1336, 3651, 3715, 4263*, 4979.

95 ....Revises provisions governing the publication of property tax rolls. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 345, 346, 4185, 4450, 4966*, 5415, 6117, 6376, 6696, 7039, 7045.

96 ....Revises provisions relating to prison industries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 186, 189, 3556, 3573, 3644*, 3691.

99 ....Revising provisions governing sex offenders and offenders convicted of a crime against a child. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Segerblom and Assemblywoman Fiore, 175, 6375, 6377, 6465, 6671*, 6672.

100 ....Revises provisions relating to education provided to children in a hospital or other licensed facility that provides residential treatment to children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Woodhouse, 128.

101 ....Revises provisions relating to the reemployment of employees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 201, 203, 271, 288, 317*, 347.

103 ....Exempts certain persons from the modified business tax on financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Settelmeyer and Denis, 175, 3652, 3654, 5414, 6187, 6423*, 6907.

104 ....Makes various changes relating to political advertising. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer, 1334, 1336, 3498, 3531, 3538, 3557, 3594*, 3691.

107 ....Requires certain oversight of and reporting concerning children placed in specialized foster homes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 175, 6375, 6377, 6465, 6672*.

108 ....Revises provisions relating to public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 1930.

109 ....Revises provisions relating to the sale or lease of a county-owned telephone system. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer and Assemblywoman Titus, 229, 231, 416, 581, 736, 807, 1009, 1013, 1323, 1541*, 1542, 3389.

110 ....Revises provisions governing the disposal of abandoned recreational vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Goicoechea, 175, 3391, 3392, 4548, 4808, 4966*, 5365, 6372.

111 ....Requires the use of portable event recording devices by certain peace officers employed by the Nevada Highway Patrol Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Ford and Atkinson, 819, 6687, 6688, 6695, 6883, 6884*.

112 ....Revises provisions relating to telecommunications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1078, 1079, 3597, 3674, 3963*, 4933.

114 ....Makes changes relating to prescriptions for certain controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 3391, 3392, 3651, 3715, 4245, 4980, 5052, 5053*, 5054, 5414.

115 ....Revises provisions relating to certain town advisory boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy, 186, 189, 245, 259, 275, 276*, 317.

118 ....Revises various provisions of the Charter of the City of Sparks. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Smith, 319, 334, 3403, 3410, 3437*, 3478.

No. *Summary, Introducer and Page Reference*

119 ....Revises provisions relating to educational facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris and Kieckhefer, 127, 162, 201, 210, 222, 224*, 238.

121 ....Revises provisions relating to certain special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Brower, 748, 749, 3441, 3455, 3491*, 3554.

122 ....Revises provisions relating to recycling. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis and Assemblywoman Swank, 128.

123 ....Authorizes certain foreign trust companies to request to engage in the solicitation of trust company business in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 6467, 6908.

124 ....Revises provisions governing gaming establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hammond, Goicoechea and Assemblyman Oscarson, 186, 189, 3556, 3573, 3644, 3645*, 3691.

125 ....Makes various changes related to recruiting, retaining, stabilizing and expanding regional commercial air service in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Goicoechea and Assemblyman Ellison, 128.

126 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 175.

127 ....Revises provisions relating to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Settelmeyer, 175, 468, 470, 3570, 3605, 3676, 3677*, 4045, 4281.

128 ....Revises provisions relating to the Governor Guinn Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Denis, Parks, Kihuen, Segerblom; Assemblymen Elliot Anderson, Stewart, Kirner and Swank, 602, 5365, 5366, 5414, 6188, 6376, 6418*, 6907.

129 ....Limits civil liability of certain persons for injuries or death resulting from certain equine activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea, Gustavson, Settelmeyer and Assemblyman Ellison, 817, 820, 3694, 4123, 4845*, 5414.

130 ....Converts the Department of Wildlife into the Division of Wildlife of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea, Gustavson, Settelmeyer and Assemblyman Ellison, 175.

131 ....Revises provisions governing the compensation of certain court reporters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Brower, 217, 221, 3556, 3574, 3645*, 3691.

132 ....Makes various changes relating to special education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Kieckhefer, 128.

133 ....Authorizes the reimbursement of teachers for certain out-of-pocket expenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Roberson, Harris, Brower, Farley, Lipparelli, Denis, Hammond and Woodhouse, 128, 5193, 5364, 6907, 7035*.

134 ....Makes various changes relating to the provision of a bond in certain civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 186, 189, 4854, 4861, 4967*, 5414.

135 ....Revises provisions relating to witnesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 217, 221, 3556, 3574, 3645*, 3691.

136 ....Provides for the continuation of the diversion program that allows certain probation violators to receive treatment for alcohol or drug abuse or mental illness in lieu of revocation of probation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 186, 189, 3441, 3455, 3456, 3653.

137 ....Enacts provisions governing stand-alone dental benefits and policies of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 3158, 3159, 4043, 4456, 4967*, 5415, 6430.

138 ....Revises provisions governing the forfeiture of property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Gustavson, Settelmeyer; Assemblymen Fiore, Ellison, Dickman, Jones and Wheeler, 195, 1334, 1336, 3694, 4123, 4845, 4846*, 5365, 6372.

142 ....Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson; Assemblymen Fiore, Hansen, Carrillo, Dickman, Ellison, Jones, O'Neill, Oscarson, Titus and Wheeler, 1334, 1337, 3441, 3455, 3492*, 3554.

No. *Summary, Introducer and Page Reference*

144 ....Revises provisions governing traffic laws. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Manendo, Parks, Woodhouse and Spearman, 468, 470, 3651, 3715, 4263*, 5303, 5414.

145 ....Authorizes a nonresident who is a member of the Armed Forces of the United States and is stationed in Nevada to enroll in the Program for the Education of Motorcycle Riders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Manendo, Parks, Woodhouse, Spearman, Hammond; Assemblymen Silberkraus, Moore, Dooling, Edwards, Flores, Gardner, Seaman and Thompson, 254, 259, 467, 736, 787, 807*, 1072.

146 ....Revises provisions relating to the payment of wages to certain employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman and Assemblywoman Bustamante Adams, 3391, 3392, 4282, 4739, 4967, 4968*, 6466, 6959.

147 ....Requires law enforcement agencies to adopt certain policies relating to certain training for peace officers concerning dog behavior. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Manendo, Woodhouse and Assemblyman Carrillo, 195, 817, 820, 3509, 3545, 3557, 3595, 3645, 3646*, 3691.

148 ....Revises requirements governing certain child welfare proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 245, 247, 4043, 4458, 4968*, 5365, 6372.

149 ....Provides for a program of matching grants to local governments for the maintenance and repair of public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Kihuen, Ford; Assemblymen Sprinkle and Carlton, 195.

151 ....Requires the Public Utilities Commission of Nevada to adopt regulations authorizing a natural gas utility to expand its infrastructure in a manner consistent with a program of economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Kihuen, Ford, Settelmeyer; Assemblymen Kirkpatrick, Sprinkle and Carlton, 817, 820, 3454, 3480, 3505*, 3567.

152 ....Makes various changes to provisions governing public safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Spearman, Manendo, Woodhouse, Parks, Atkinson and Kihuen, 195.

153 ....Revises provisions relating to occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1547, 4043, 4461, 4968*, 5365, 6372.

154 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Hardy, Roberson, Farley, Goicoechea, Atkinson, Gustavson and Settelmeyer, 1078, 1079, 4854, 4861, 4969*, 5414.

155 ....Revises provisions relating to farm vehicles and implements of husbandry. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Goicoechea, Gustavson and Settelmeyer, 1078, 1080, 3651, 3741, 4263, 4264*, 4979.

156 ....Makes various changes concerning motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Spearman, Harris, Manendo; Assemblymen Carrillo, Joiner and Spiegel, 254, 259, 3570, 3609, 3677*, 4045, 4281.

157 ....Enacts the State and Local Government Cooperation Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 235, 3391, 3392, 3569, 3611, 3677, 3678*, 4281.

158 ....Revises provisions relating to collective bargaining by local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 601, 602, 3454, 3480, 3505*, 3506, 3567.

159 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 345, 347, 3413, 3442, 3457*, 3532.

160 ....Enacts provisions relating to civil liability for certain acts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 1078, 1080, 4854, 4861, 4969*, 4970, 6372.

161 ....Revises provisions governing product liability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 467, 470, 4854, 4865, 4970, 4971*.

162 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 467, 470, 3693, 4128, 4846*, 5414.

163 ....Creates the Advisory Council on Nevada Wildlife Conservation and Education within the Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hammond and Assemblywoman Joiner, 195, 5365, 5366.

No. *Summary, Introducer and Page Reference*

164 ....Revises provisions prohibiting certain discriminatory acts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Spearman, Woodhouse, Manendo, Atkinson, Ford, Kihuen; Assemblymen Elliot Anderson, Swank, Carrillo, Araujo and Thompson, 1012, 1018.

167 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson, Brower, Hammond, Harris, Lipparelli and Kieckhefer, 1334, 1337.

168 ....Revises provisions relating to collective bargaining by local government employers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Goicoechea, Gustavson, Lipparelli; Assemblymen Kirner, O'Neill, Trowbridge and Wheeler, 417, 418, 3693, 4128, 4283, 4611, 4846, 4848, 4855, 4980, 5054, 5133*, 5365, 6174.

169 ....Requires proof of identity for voting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Settelmeyer, Goicoechea, Gustavson; Assemblymen Fiore, Ellison, Kirner, O'Neill, Trowbridge and Wheeler, 235.

170 ....Provides for a partial abatement of certain taxes for new or expanding data centers and related businesses in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Ford, Lipparelli, Harris; Assemblymen Kirkpatrick and Hambrick, 235, 817, 820, 5191, 5337, 5401, 5402*, 6375, 6590.

172 ....Makes various changes relating to the authorized activities of medical students. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Farley, Hardy and Woodhouse, 601, 602, 3509, 3545, 3557, 3595, 3598, 3654, 4611, 4824, 4971, 4972*, 5365, 6372.

174 ....Revises provisions governing eligibility to be a candidate for or member of the executive board or an officer of a unit-owners' association. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hammond, 1334, 1337, 3694, 4128, 4848*, 5303, 5414.

175 ....Makes various changes relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Lipparelli, Hammond, Brower, Settelmeyer, Farley, Goicoechea, Gustavson, Hardy, Harris, Kieckhefer; Assemblymen Hambrick, Wheeler and Shelton, 377, 378, 4044, 4470, 4972*, 4973, 5414.

176 ....Revises provisions governing certain dangerous or deadly weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Gustavson and Goicoechea, 817, 820, 3694, 4134, 4848, 4849*, 5414.

177 ....Allows a person to designate a caregiver when admitted to a hospital. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 235, 1013, 1018, 3403, 3410, 3437, 3438*, 3478.

181 ....Provides for the licensure of certified anesthesiology assistants. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Hardy, Ford, Farley, Atkinson; Assemblymen Nelson, Oscarson and Kirkpatrick, 818, 820, 3693, 4134, 4283.

182 ....Directs the Office of Economic Development to create a pilot program to encourage the growth of existing businesses in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Spearman, Woodhouse, Kihuen, Parks and Denis, 235.

183 ....Makes various changes relating to the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Parks; Assemblymen O'Neill, Fiore, Seaman, Jones, Dooling, Dickman, Ellison, Moore, Shelton, Titus and Wheeler, 1334, 1337, 3651, 3695, 4134, 4283, 4973*, 5414.

184 ....Revises provisions concerning the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Parks; Assemblymen O'Neill, Fiore, Seaman, Jones, Dooling, Dickman, Ellison, Moore, Shelton, Titus and Wheeler, 235.

185 ....Makes temporary changes relating to fire and related emergency services in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Kieckhefer, 1930, 4045, 6430, 6615, 6616*, 6696.

186 ....Provides for the recovery of attorney's fees and litigation expenses by certain prevailing parties in criminal actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Brower and Ford, 467, 470, 3556, 3574, 3646*, 3691.

188 ....Revises provisions relating to vehicle collisions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Manendo, 254, 259, 3651, 3741, 4264*, 5303, 5414.

189 ....Makes various changes concerning the collection of information relating to the treatment of trauma. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Parks, Ford, Segerblom, Spearman, Denis, Kihuen and Manendo, 235.

No. *Summary, Introducer and Page Reference*

191 ....Revises provisions relating to the return of seized property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 817, 821, 3556, 3574, 3646*, 3691.

192 ....Revises provisions relating to sexual conduct between certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Brower, Roberson, Farley, Denis, Goicoechea, Gustavson, Hammond, Hardy, Lipparelli, Settelmeyer, Woodhouse; Assemblymen Hambrick, O'Neill and Seaman, 1929, 1932, 3695, 4135, 4849*, 5303, 5414.

193 ....Revises provisions governing the payment of compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 601, 603, 4043, 4490, 4937, 4980, 5058, 5060*, 5365, 6174, 6466, 6696, 6960, 6965.

194 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1334, 1337, 4043, 4494, 4973*, 5365, 6372.

195 ....Revises provisions relating to higher education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 1334, 1337, 3413, 3442, 3452, 3653, 5365, 6256, 6423*, 6687, 6907.

196 ....Makes various changes concerning health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 298, 818, 821, 3454, 3480, 3506*, 3567.

197 ....Prohibits the filing of false or fraudulent liens or encumbrances against certain persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Brower, 1334, 1337, 3694, 4151, 4849, 4850*, 5414.

200 ....Revises provisions relating to enrollment of pupils in charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hammond, Denis; Assemblymen Armstrong and Woodbury, 467, 470, 3413, 3442, 3457*, 3532.

202 ....Revises provisions relating to hydraulic fracturing in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Segerblom, Parks and Assemblywoman Swank, 298.

203 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Ford, Woodhouse, Parks and Denis, 356.

204 ....Providing for protections from bullying in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Woodhouse, Manendo, Atkinson, Ford, Smith; Assemblywomen Spiegel and Joiner, 298.

205 ....Revises provisions relating to plans to be used by a school in responding to a crisis or emergency. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 817, 821, 3413, 3442, 3457, 3458*, 3532.

206 ....Revises provisions relating to organ donation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 298, 3653, 3654, 4044, 4265, 4500, 4973, 4974*, 5414.

207 ....Revises provisions relating to financing of school facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Harris, Kieckhefer, Hardy, Farley and Brower, 201, 203, 211, 212*, 222.

208 ....Requires certain notice to be provided to certain parents and legal guardians when a new charter school will begin accepting applications or an existing charter school expands enrollment by a certain percentage or opens a new facility. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Harris, Hardy, Gustavson, Denis, Farley, Hammond and Settelmeyer, 1929, 1932, 3569, 3611, 3678*, 4045, 4281.

209 ....Revises provisions governing a designation of veteran status on drivers' licenses and other documents issued by the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Brower and Hardy, 377, 378, 3651, 3840, 4264, 4265*, 5303, 5414.

210 ....Revises provisions relating to medical facilities and facilities for the dependent. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 298.

211 ....Revises provisions governing public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Segerblom, Parks, Harris; Assemblymen Joiner, Swank and Ohrenschall, 1278.

212 ....Revises provisions governing discipline of pupils and prohibited acts at public schools. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Hammond, Lipparelli, Gustavson, Harris, Farley, Denis and Goicoechea, 350, 351, 3537, 3559, 3595, 3646, 3647*, 3691.

213 ....Revises provisions relating to federal assistance received by agencies of the Executive Department of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 356, 6466, 6469, 6906, 7003, 7006, 7007*.

No. *Summary, Introducer and Page Reference*

214 ....Creates the Nevada Advisory Council on Federal Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 356, 6466, 6469, 6695, 6884*.

215 ....Makes various changes relating to student loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ford, Kihuen, Spearman, Atkinson, Parks, Denis, Manendo, Woodhouse; Assemblymen Kirkpatrick, Benitez-Thompson, Elliot Anderson, Carlton, Thompson, Araujo, Bustamante Adams, Carrillo, Diaz, Flores, Joiner, Munford, Neal, Ohrenschall, Spiegel, Sprinkle and Swank, 468.

216 ....Revises provisions governing certain reports concerning the quality of care and charges by hospitals and governing hospital billing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Segerblom, 235.

217 ....Revises provisions relating to policies of health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Kieckhefer, Hardy and Roberson, 468, 470, 3413, 3442, 3458*, 3532.

220 ....Requires instruction on financial literacy in public middle schools and junior high schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Woodhouse, Denis, Ford, Kihuen, Parks, Atkinson, Harris, Manendo, Roberson, Spearman; Assemblymen Stewart, Swank, Diaz and Carlton, 356.

222 ....Revises provisions relating to health insurance covering prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Atkinson, 390.

223 ....Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 3158, 3159, 3650, 3844, 4265*, 5303, 5414.

224 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce, Labor and Energy, 1547, 1548, 4043, 4500, 4974*, 5365, 6372.

225 ....Revises provisions relating to the sale and distribution of tobacco products, vapor products and alternative nicotine products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Farley, Hardy, Harris, Gustavson, Atkinson, Goicoechea and Settelmeyer, 1929, 1932, 4611, 4815, 4974*, 4975, 5415, 6372, 6907.

227 ....Creates the Silver State Opportunity Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Kieckhefer, Kihuen, Harris and Woodhouse, 298, 4979, 4980, 5364, 6465, 6672, 6673*.

229 ....Provides for the issuance of special license plates indicating support for Second Amendment rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Manendo, Roberson, Settelmeyer; Assemblymen Hansen, Silberkraus, Seaman, Wheeler, Fiore, Dickman, Ellison, Gardner and Jones, 1334, 1337, 3441, 3455, 3488, 3499, 3510, 3538, 3557, 3595, 3647, 3654, 4980, 5060, 5061*, 5414.

230 ....Revises provisions governing the payment of compensation to certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Brower, 356, 3652, 3654, 5302, 5367, 6687, 6881*.

231 ....Revises provisions relating to workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1547, 1548, 3597, 3674, 3963*, 3964, 4933.

232 ....Makes various changes relating to workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1078, 1080, 3597, 3674, 3964*, 4933.

233 ....Revises provisions relating to occupational safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 468, 470, 4043, 4502, 4975*, 5365, 6372.

234 ....Requires certain substances to be included on the list of schedule I controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Parks, 390.

235 ....Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Goicoechea, 356.

236 ....Revises provisions relating to the Advisory Council on Science, Technology, Engineering and Mathematics. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Woodhouse, Ford, Parks, Denis, Atkinson, Kihuen, Manendo, Spearman; Assemblymen Elliot Anderson, Thompson, Joiner and Stewart, 356.

237 ....Makes certain changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Ford, Woodhouse, Parks, Denis, Atkinson and Manendo, 390.

No. *Summary, Introducer and Page Reference*

238 ....Provides for the submission of a certain advisory question to the voters of the City of Ely. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 817, 821, 3650, 3849, 4265, 4266*, 5303, 5414.

239 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 817, 821, 4854, 4865, 4975*, 5365, 6372.

240 ....Makes certain changes relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson, Hardy, Brower, Lipparelli, Farley, Gustavson, Hammond, Harris, Kieckhefer, Settelmeyer; Assemblymen Wheeler, Dickman and Paul Anderson, 356, 468, 470, 3695, 4151, 4611, 4824, 4850, 4851*, 5303, 5414.

241 ....Revises provisions relating to collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 3158, 3159, 3693, 4181, 4851*, 5414.

242 ....Requires payday lenders to use best practices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 1547, 1548, 3597, 3674, 3971*, 4933.

244 ....Establishes requirements governing a contingent fee contract for legal services provided to the State of Nevada or an officer, agency or employee of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Brower, 1012, 1018, 3441, 3455, 3492*, 3554.

245 ....Revises provisions concerning drivers of vehicles involved in accidents resulting in bodily injury to or the death of a person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 3391, 3392, 3694, 4181, 4852, 4853*, 4854, 5414.

246 ....Revises provisions governing alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Settelmeyer, Gustavson; Assemblymen Seaman, Titus and Silberkraus, 1334, 1337, 3569, 3620, 3678*, 3679, 4281.

247 ....Revises provisions governing new construction by or on behalf of health facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 3158, 3159, 4185, 4504, 4976*, 6687, 6907.

248 ....Revises provisions relating to the provision of assistance to certain voters. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 390, 3158, 3160, 3570, 3620, 3679*, 4281.

249 ....Revises provisions relating to local financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea and Hardy, 817, 821, 3569, 3620, 3679*, 4281.

250 ....Revises provisions relating to policies of health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hardy, Smith, Roberson, Brower, Farley, Ford, Goicoechea, Gustavson, Harris, Kieckhefer, Lipparelli; Assemblymen Oscarson and Titus, 1547, 1548, 4043, 4508, 4976*, 5365, 6372.

251 ....Ratifies the Interstate Medical Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hardy, Roberson, Brower, Farley, Harris, Ford, Goicoechea, Gustavson; Assemblymen Oscarson and Titus, 1334, 1337, 3569, 3620, 3679, 3680*, 4281.

252 ....Revises provisions governing the state business license fee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 356, 3391, 3392, 3562.

253 ....Enacts provisions governing the sale of guaranteed asset protection waivers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Farley, Hardy and Settelmeyer, 356, 4937, 5191, 5359, 5402*, 6590.

254 ....Revises provisions relating to construction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Farley, Hardy, Harris and Settelmeyer, 356, 3391, 3393, 3650, 3851, 4245, 4265, 4266*, 5303, 5414.

256 ....Revises provisions relating to the civil liability of innkeepers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Farley, Hardy, Harris and Settelmeyer, 817, 821, 3569, 3620, 3680*, 4281.

257 ....Revises provisions relating to child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Denis, Atkinson, Spearman, Parks, Ford, Kihuen and Manendo, 3158, 3160, 3651, 3862, 4266*.

258 ....Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Parks, Denis and Manendo, 356.

260 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Hammond, Farley, Hardy, Kihuen and Assemblywoman Seaman, 1929, 1932.

261 ....Makes various changes relating to certain research facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Manendo, Denis, Parks, Spearman, Atkinson, Farley, Ford,

No. *Summary, Introducer and Page Reference*

Goicoechea, Gustavson, Harris, Kieckhefer, Kihuen, Lipparelli, Roberson, Segerblom, Settelmeyer, Smith, Woodhouse; Assemblymen Silberkraus, Carlton, Elliot Anderson, Swank, Carrillo, Bustamante Adams, Dickman, Dooling, Edwards, Fiore, Flores, Gardner, Hambrick, Hickey, Moore, Munford, Neal, Ohrenschall, Oscarson, Seaman, Spiegel, Stewart, Thompson, Trowbridge and Wheeler, 1547, 1548, 3570, 3620, 3680, 3681*, 5365, 6372.

262 ....Revises provisions relating to guardians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Farley, Denis, Goicoechea, Gustavson, Lipparelli, Manendo, Segerblom, Settelmeyer; Assemblymen Stewart, Nelson, Silberkraus, O'Neill, Seaman, Elliot Anderson, Fiore, Gardner, Jones, Trowbridge and Woodbury, 3391, 3393, 4854, 4879, 4976, 4977*, 5365, 6372.

263 ....Revises provisions relating to the operation of certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 748, 749, 3413, 3442, 3458*, 3532.

264 ....Exempts spendthrift trusts from the application of the periods of limitation set forth in the Uniform Fraudulent Transfer Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lipparelli, Hardy, Harris, Farley, Goicoechea and Settelmeyer, 1334, 1338, 3694, 4181, 4861, 4977*, 5414.

265 ....Makes various changes concerning health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Ford, Kihuen, Hardy, Denis, Atkinson, Manendo, Parks, Segerblom and Spearman, 390.

266 ....Revises provisions relating to the tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Lipparelli, Hardy, Goicoechea, Hammond, Kieckhefer and Settelmeyer, 390, 1014, 6590, 6712, 6886, 6904, 6906*, 7111.

268 ....Temporarily provides certain services for veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Ford, Spearman, Parks, Kihuen, Atkinson, Denis, Manendo, Segerblom; Assemblymen Swank, Joiner and Araujo, 390, 1078, 1080, 3537, 3559, 3595, 3647, 3681*, 4979.

269 ....Establishes an interim study committee to research issues regarding the behavioral health and cognitive care of older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Woodhouse, Ford, Atkinson, Spearman, Parks, Denis, Kihuen, Manendo, Segerblom; Assemblymen Joiner and Araujo, 390, 468, 5365, 5366.

271 ....Revises provisions relating to the Virgin Valley Water District. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy and Assemblyman Edwards, 748, 749, 3413, 3442, 3455, 3492, 3493*, 3570, 3595.

273 ....Revises provisions relating to health care records. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Hardy, 1547, 1548, 4282, 4743, 4977, 4978*, 5365, 6372.

274 ....Enacts provisions governing the State's delegates to any federal constitutional conventions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Settelmeyer, 1929, 1932, 3651, 3867, 4245, 6696.

275 ....Revises provisions governing certain alcohol and drug abuse programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Segerblom, 390.

276 ....Revises provisions governing medical marijuana establishments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Segerblom and Farley, 748, 5193, 5414, 5415, 6259*, 6590.

277 ....Enacts the Nevada Environmental Policy Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 602.

280 ....Enacts provisions governing the seizure and storage of unmanned aerial vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Hammond, 390.

281 ....Revises provisions governing dismantling of certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hammond, 748, 749, 3454, 3480, 3506*, 3507, 3567.

282 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Ford, Parks, Denis, Kihuen, Manendo, Segerblom and Woodhouse, 390.

283 ....Authorizes the establishment of marijuana financial services cooperatives in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Segerblom, 390.

No. *Summary, Introducer and Page Reference*

284 ....Requires the State Plan for Medicaid to provide for certain nonmedical transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ford, Woodhouse, Atkinson, Manendo, Parks, Denis, Kihuen, Segerblom, Smith, Spearman; Assemblymen Elliot Anderson, Kirkpatrick, Spiegel, Neal, Diaz, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Flores, Joiner, Munford, Ohrenschall, Sprinkle, Swank and Thompson, 390.

285 ....Revises provisions relating to local law enforcement agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Kihuen, Spearman, Ford, Manendo, Segerblom, Smith and Woodhouse, 3158, 3160, 3650, 3867, 4267*, 5303, 5414.

286 ....Revises provisions relating to the Nevada Funeral and Cemetery Services Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Brower, 3158, 3160, 3693, 4181, 4861, 5064*, 5414.

288 ....Revises provisions relating to prescribing controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Denis, Woodhouse; Assemblymen Araujo and Sprinkle, 390, 3391, 3393, 3569, 3622, 3681, 3682*, 4185, 4933.

289 ....Revises provisions relating to the Information Technology Advisory Board. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Denis and Assemblyman Paul Anderson, 1547, 1548, 3569, 3633, 3682*, 4281.

290 ....Revises provisions governing academic standards in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hammond, Gustavson; Assemblymen O'Neill, Shelton, Fiore, Dickman and Dooling, 390.

291 ....Provides for the determination of damage awards in certain civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 819, 4045, 4046, 5364, 6188, 6424.

292 ....Revises provisions relating to certain civil actions involving negligence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 1014, 4937, 5364, 6188, 6424*, 6907.

293 ....Revises provisions relating to the disposition of unspent campaign contributions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Brower, Roberson, Kieckhefer and Assemblyman Hickey, 1547, 1548, 3651, 3883, 4267*, 4979.

294 ....Expands authorization for certain offenders to have access to telecommunications devices under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Ford, Kihuen, Denis, Manendo and Woodhouse, 817, 821, 3694, 4181, 4861, 5064, 5065*, 5414.

295 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Woodhouse, Ford, Denis, Parks, Kihuen, Manendo, Segerblom, Smith; Assemblymen Bustamante Adams and Stewart, 390.

296 ....Revises provisions relating to exemplary or punitive damages in certain civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 1015, 4045, 4046, 6177, 6178, 6204, 6378, 6381, 6589, 6672, 6878, 6879, 6908, 7037, 7039, 7049, 7038*.

297 ....Revises certain provisions relating to redevelopment plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Spiegel, Stewart and Silberkraus, 467, 471, 3400, 3405, 3409, 3438*, 3510, 3554.

299 ....Revises provisions relating to providers of health care and insurance coverage for health care services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 602.

300 ....Revises provisions related to comparative negligence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 819.

302 ....Establishes a program by which a child who receives instruction from a certain entity rather than from a public school may receive a grant of money in an amount equal to a certain percentage of the statewide average basic support per-pupil. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hammond, 468, 5365, 5366, 5414, 5415, 6259, 6264*, 6590.

303 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hammond, 1547, 1548, 3556, 3574, 3598, 3633, 3682, 3684*, 4979.

304 ....Revises provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson, 1078, 1080, 4854, 4891, 4980, 5133, 5134*.

305 ....Authorizes industrial hemp farming in this State under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Segerblom, 390, 3158, 3160, 4611, 4821, 5065*, 5365, 6372.

306 ....Revises provisions relating to liens on real property located within a common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford and Hammond, 3391, 3393, 3694, 4181, 4855, 4856*, 5414.

No. *Summary, Introducer and Page Reference*

307 ....Revises provisions relating to public officers and candidates for public office. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 817, 821, 3651, 3883, 4245, 4861, 4980, 4986, 5007*, 5415, 6430.

308 ....Provides funding for certain public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Roberson, 356.

310 ....Revises provisions relating to local government financing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Kieckhefer, 3158, 3160, 3509, 3545, 3557, 3595, 3647, 3684, 3685*, 4281.

311 ....Revises provisions relating to irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 1013, 1019, 3403, 3410, 3438*, 3439, 3478.

312 ....Revises provisions relating to certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Kieckhefer, 1547, 1548, 3556, 3574, 3598, 3640, 3641*, 3652, 3691.

313 ....Authorizes the governing body of a private school or a university school for profoundly gifted pupils to provide a program of distance education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 1334, 1338, 3537, 3562, 3595, 3647, 3685*, 4281.

314 ....Revises provisions governing certain health districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Roberson and Assemblyman Thompson, 3391, 3393, 3651, 3906, 4245, 4283, 5065, 5068*, 5414.

317 ....Makes certain changes relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Roberson and Settelmeyer, 1015.

318 ....Provides for the consolidation of certain fire protection districts in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Kieckhefer, 1013, 1019.

320 ....Revises provisions relating to time shares. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Roberson and Lipparelli, 1334, 1338.

321 ....Revises provisions concerning real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris, Roberson, Farley, Ford, Atkinson and Woodhouse, 468, 5365, 5366.

322 ....Revises provisions relating to printed electioneering communications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Farley, Hammond and Settelmeyer, 748, 749, 3498, 3531, 3538, 3557, 3595, 3647, 3654.

323 ....Establishes a program to provide loans to certain small businesses owned by minorities and women. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Ford, Spearman, Kihuen, Manendo, Parks, Atkinson, Denis, Woodhouse and Assemblywoman Neal, 468.

324 ....Revises provisions concerning the Department of Transportation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Manendo, 4045, 4046, 6177, 6178, 6204, 6424, 6425*, 6688, 6907.

325 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea, Hardy, Brower, Roberson, Lipparelli, Kieckhefer and Settelmeyer, 468, 6466, 6469.

327 ....Revises certain provisions governing air ambulances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Farley, Harris and Hardy, 1334, 1338, 3694, 4181, 4861, 5068*, 5069, 5365, 6372.

328 ....Revises provisions relating to policies of health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Farley, Hardy and Harris, 3158, 3652, 3654.

329 ....Revises provisions relating to partnerships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lipparelli, Hammond, Roberson, Gustavson and Hardy, 1547, 1549, 4043, 4518, 5069*, 5414.

330 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Lipparelli, Hammond, Hardy, Harris and Gustavson, 3391, 3393, 4043, 4518, 5069*, 5365, 6372.

331 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ford, Spearman, Kihuen, Parks, Atkinson, Denis, Manendo, Woodhouse; Assemblymen Kirkpatrick, Araujo, Benitez-Thompson, Carlton and Sprinkle, 468.

332 ....Makes an appropriation to the Clark County School District to carry out a program of peer assistance and review of teachers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Roberson, Ford and Hammond, 356, 4045, 4046, 5302, 5367, 6907, 7037*.

No. *Summary, Introducer and Page Reference*

334 .... Proposes to exempt sales of certain durable medical equipment, mobility-enhancing equipment, hearing aids, hearing aid accessories, and ophthalmic or ocular devices or appliances from sales and use taxes and analogous taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Kieckhefer, Brower, Hardy, Gustavson, Farley, Goicoechea, Harris and Lipparelli, 468, 3391, 3393, 3651, 3695.

336 .... Revises provisions governing prescribing, dispensing and administering controlled substances designed to end the life of a patient. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Kieckhefer, Segerblom, Smith, Kihuen, Atkinson, Denis and Farley, 468.

338 .... Revises provisions relating to safety in or at a public school. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Smith, Woodhouse, Ford, Kihuen, Parks, Atkinson, Denis, Manendo, Spearman; Assemblymen Sprinkle, Elliot Anderson, Araujo, Carrillo, Diaz, Flores, Joiner, Munford and Swank, 468, 4937, 4938, 5364, 6188, 6425, 6426*, 7111.

339 .... Authorizes the Nevada System of Higher Education to impose additional restrictions relating to the use of tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Smith, Woodhouse, Denis, Parks, Brower, Atkinson, Ford, Hardy, Kieckhefer, Kihuen, Manendo, Segerblom, Spearman; Assemblymen Sprinkle, Joiner, Araujo, Carrillo, Hickey, Kirner, Munford and Stewart, 817, 821.

340 .... Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Smith, Ford, Spearman, Parks, Atkinson, Denis, Kihuen, Manendo, Woodhouse; Assemblymen Carrillo, Araujo, Joiner, Spiegel and Sprinkle, 817, 822, 3650, 3906, 4245, 5139*, 5365, 6173, 6466, 6598, 6600.

341 .... Revises provisions relating to dentists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Ford, Spearman, Parks, Atkinson, Denis, Kihuen, Woodhouse and Assemblywoman Joiner, 3391, 3393, 4043, 4524, 5069*, 5070, 5415, 6430.

342 .... Revises provisions relating to the regulation and taxation of hard cider. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Spearman, Parks, Atkinson, Denis, Ford, Kihuen, Manendo, Woodhouse and Assemblyman Carrillo, 468.

345 .... Expands full-day kindergarten in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Smith, Woodhouse, Denis, Kihuen, Parks, Atkinson, Ford, Manendo, Spearman; Assemblymen Araujo, Carrillo, Joiner, Munford, Spiegel and Sprinkle, 468.

346 .... Authorizes certain credits against the taxes imposed on financial institutions and other businesses for certain costs incurred by employers relating to the provision of day care to the children of their employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Ford, Parks, Kihuen, Atkinson, Denis, Manendo and Woodhouse, 468.

347 .... Makes an appropriation to enable junior high schools and middle schools that are low performing academically to provide programs and services to certain pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Woodhouse, Ford, Spearman, Denis, Parks, Atkinson, Kihuen, Manendo, Segerblom and Smith, 356.

348 .... Revises provisions governing unclaimed property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Roberson, 468, 1078, 1080, 4044, 4283, 4937, 4947, 5132*, 5133, 5365, 6372, 6466, 6688, 6999, 7001.

350 .... Makes various changes relating to concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 1015.

351 .... Establishes certain provisions governing the placement of offenders in isolated confinement in facilities and institutions of the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Segerblom, 602.

353 .... Enacts provisions relating to sexual orientation conversion therapy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Spearman, Atkinson and Assemblywoman Swank, 1015, 5193.

354 .... Authorizes the use of motorized wheelchairs and the movement of other pedestrians in bicycle lanes under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Manendo, Hammond, Woodhouse and Assemblyman Araujo, 1334, 1338, 3556, 3582, 3647, 3685*, 4281.

357 .... Revises provisions relating to pharmacists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Smith, Parks, Atkinson, Denis, Kihuen, Manendo, Spearman, Woodhouse and Assemblyman Carrillo, 468.

No. *Summary, Introducer and Page Reference*

360 ....Provides for an interim study concerning energy efficiency programs and the financing of clean energy in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Ford, Woodhouse, Kihuen, Parks, Denis, Manendo and Segerblom, 468, 5193, 6177, 6178, 6221, 6426*, 6907.

361 ....Makes various changes relating to health care facilities that employ nurses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Spearman, Ford, Parks, Kihuen, Woodhouse, Atkinson, Denis, Manendo and Segerblom, 468.

362 ....Authorizes the Director of the Department of Health and Human Services to establish a program regarding the prevention of domestic violence under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Spearman, Woodhouse, Kihuen, Parks, Ford, Atkinson, Denis, Manendo and Segerblom, 467, 471, 3390, 3401, 3403, 3409, 3439*, 3478.

363 ....Establishes a statewide mental health crisis hotline. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Kihuen, Parks, Woodhouse, Atkinson, Spearman, Denis, Ford and Manendo, 468.

364 ....Establishes a pilot program to provide financial assistance to certain persons to pay the cost of child care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Kihuen, Ford, Woodhouse, Parks, Atkinson, Denis, Manendo and Spearman, 390.

370 ....Revises provisions relating to barbering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Atkinson, Spearman and Assemblyman Thompson, 3391, 3393, 4043, 4534, 5070*, 5365, 6372.

371 ....Revises provisions governing the use of apprentices on public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Atkinson, Ford, Kihuen, Spearman, Parks, Denis, Manendo, Woodhouse; Assemblymen Thompson, Kirkpatrick and Neal, 468, 6466, 6469.

372 ....Makes various changes relating to medical marijuana. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Segerblom, 602.

373 ....Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 3158, 3160, 3569, 3633, 3686*, 4281.

374 ....Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Farley, 1930, 3653, 3655, 5302, 5367, 6264, 6265*, 6466, 6590.

376 ....Revises provisions relating to motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer, 748, 749, 3651, 3908, 4268*, 5303, 5669, 6466, 6907, 6965, 6986.

377 ....Revises various provisions relating to the taxation of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, 1078, 1080, 3651, 3913, 4268*, 4979.

378 ....Makes various changes concerning governmental financial administration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Spearman, Parks and Denis, 468.

379 ....Provides for the investigation of complaints concerning certain providers of services pursuant to the State Plan for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Atkinson; Assemblymen Neal and Thompson, 468.

380 ....Revises provisions governing ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Smith, Woodhouse, Spearman, Parks, Atkinson, Ford and Kihuen, 1016.

382 ....Revises provisions relating to sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ford, Kihuen, Woodhouse, Smith, Spearman, Atkinson, Parks, Segerblom and Assemblyman Munford, 3391, 3393.

383 ....Revises provisions relating to certain persons' ability to safely operate a motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson, 602.

384 ....Revising provisions relating to family trust companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer, 3158, 3160, 3569, 3633, 3686*, 4281.

386 ....Revises provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Manendo, Denis, Kihuen, Parks, Farley, Atkinson, Ford, Gustavson, Harris, Lipparelli, Roberson, Settelmeyer, Smith, Spearman and Woodhouse, 468.

387 ....Revises provisions relating to wild horses and burros. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo, 468.

388 ....Establishing additional fees for filing certain motions in a divorce action. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo, 3391, 3394, 4044, 4538, 5070, 5071*, 5414.

No. *Summary, Introducer and Page Reference*

389 ....Revises provisions relating to condominium hotels. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ford, 817, 822, 3556, 3582, 3647, 3686, 3687*, 4281.

390 ....Revises provisions relating to charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Harris, Hammond, Farley, Lipparelli and Kieckhefer, 1334, 1338, 3537, 3562, 3595, 3647, 3687*, 4281.

391 ....Revises provisions governing educational instruction in the subject of reading. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation included in Executive Budget. Senators Harris, Kieckhefer, Farley, Roberson, Woodhouse, Atkinson, Denis, Ford, Goicoechea, Gustavson, Kihuen, Lipparelli, Manendo, Parks, Settelmeyer, Spearman and Assemblyman Elliot Anderson, 390, 3652, 3655, 4936, 5194, 5360, 5361, 5402, 5404*, 6466, 6590.

392 ....Revises provisions relating to prevailing wage. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer, 390.

393 ....Revises provisions related to Oriental medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks and Segerblom, 3391, 3394, 3693, 4184, 4861, 5071*, 5414.

394 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Hardy, Farley, Hammond, Harris; Assemblymen Hickey and Woodbury, 468, 3158, 3160, 3403, 3597, 3674, 3696, 4268, 4549*, 5414.

395 ....Revises provisions relating to marriage. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Kihuen, Parks, Manendo, Atkinson, Ford, Spearman and Woodhouse, 1334, 1338, 4044, 4538, 5071*, 5415, 6430.

396 ....Contingently reduces by half the valuation of certain vehicles for the purpose of determining the amount of governmental services taxes imposed. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Roberson, Brower, Hammond, Hardy, Farley, Goicoechea, Kieckhefer, Settelmeyer; Assemblymen Kirkpatrick and Paul Anderson, 468, 1016.

397 ....Revises provisions relating to the funding formula for K-12 public education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Denis, Woodhouse, Kihuen, Spearman, Parks, Atkinson, Ford, Hardy, Harris, Manendo, Roberson, Segerblom, Smith; Assemblymen Diaz, Flores, Bustamante Adams, Carlton, Carrillo, Kirkpatrick, Stewart and Thompson, 468.

398 ....Prohibits the sale or transfer of ivory under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Manendo, Parks, Kihuen, Ford, Segerblom, Settelmeyer, Smith, Woodhouse; Assemblymen Bustamante Adams, Flores, Joiner and Thompson, 468.

399 ....Creates the Nevada Boost Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Denis, Woodhouse, Kihuen, Ford, Segerblom; Assemblymen Thompson, Carrillo and Swank, 390.

400 ....Creates the Nevada Advisory Commission on Immigration and Migration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Denis, Ford, Kihuen, Segerblom; Assemblymen Diaz, Bustamante Adams, Carlton, Carrillo, Flores and Thompson, 748.

401 ....Revises provisions relating to notaries public and document preparation services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Ford, Kihuen, Segerblom; Assemblymen Flores, Diaz, Bustamante Adams, Carlton, Carrillo and Thompson, 1547, 1549, 3650, 3913, 4278*, 5303, 5414.

402 ....Makes various changes concerning the prevention and treatment of obesity. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Denis, Spearman, Parks, Hardy, Kihuen, Segerblom, Smith; Assemblymen Diaz, Bustamante Adams, Carrillo, Flores and Thompson, 1013, 1019, 3651, 3920, 4245, 4283, 4549, 4980.

403 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Farley, 3391, 3394, 3651, 3929, 4245.

404 ....Makes certain changes concerning registration of mopeds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Hammond, Manendo; Assemblymen O'Neill and Silberkraus, 468, 1334, 1338, 4283, 4744, 5071, 5072*, 5365, 6372.

405 ....Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Denis, Woodhouse, Manendo, Harris, Kihuen, Atkinson, Ford, Roberson, Segerblom, Smith, Spearman; Assemblymen Diaz, Flores, Elliot Anderson, Bustamante Adams and Stewart, 390, 3652, 3655, 4043, 4546, 5072*, 5414.

No. *Summary, Introducer and Page Reference*

406 ....Revises provisions relating to public retirement systems. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Roberson, 3158, 3160, 4282, 4775, 5072, 5073*, 5415, 6430.

407 ....Requires the Public Utilities Commission of Nevada to adopt regulations relating to energy efficiency resource plans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Spearman, Denis, Parks, Woodhouse and Manendo, 468.

409 ....Revises provisions related to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lipparelli, 1078, 1080, 4044, 4546, 5073*, 5414.

410 ....Revises provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea and Hammond, 3391, 3394, 3651, 3929, 4279*, 4979.

411 ....Allows the imposition of certain taxes in a county to fund capital projects of the school district based on the recommendations of a Public Schools Overcrowding and Repair Needs Committee and voter approval. Fiscal Note: Effect on Local Government: May have Fiscal Impact Effect on the State: No Senator Smith; Assemblymen Benitez-Thompson, Hickey, Joiner and Sprinkle, 3391, 3394, 4855, 4894, 4980, 5007, 5014, 5074, 5136*, 5415, 6430.

412 ....Provides for a credit against taxes imposed on certain employers that make a matching contribution to certain college savings plans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Harris and Lipparelli, 468, 4936, 4938, 6687, 6881, 6882*.

413 ....Revises provisions relating to the state legislative process. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Smith, 468.

414 ....Encourages the Board of Regents of the University of Nevada to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition to certain residents of the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer, 1013, 4937, 4938, 5302, 5378, 6265, 6266*, 6590.

415 ....Revises provisions relating to public financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ford, Parks, Woodhouse and Assemblywoman Kirkpatrick, 468.

416 ....Makes various changes regarding the use of decommissioned power plant sites. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy, 468, 6466, 6469, 6695, 6884*.

417 ....Prohibits the use of telemetry data to harass or take game mammals, game birds or other wildlife. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources, 1078, 1080, 3409, 3435, 3452*, 3507.

418 ....Revises provisions relating to refunds paid by private postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 1013, 1019, 3413, 3444, 3455, 3493*, 3494, 3554.

419 ....Revises provisions relating to services for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 748, 1929, 1932, 3556, 3582, 3647, 3654, 3696, 3940, 4279*, 5303, 5414.

420 ....Revises provisions governing the executive staff of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 390, 3652, 3655, 5192, 5360, 5404*, 6590.

421 ....Makes various changes relating to political parties and presidential preference primary elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 1930, 3570, 3571, 6375, 6377, 6385, 6589, 6880, 6921.

422 ....Allows for the continued inclusion of certain drugs on the list of preferred prescription drugs to be used for the Medicaid program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 390, 3652, 3655, 5192, 5360, 5405*, 6590.

423 ....Makes an appropriation for the awarding of grants to support certain cloud seeding operations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 390.

424 ....Creates the K-12 Public Education Stabilization Account. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 468.

425 ....Revises provisions relating to the Live Entertainment Tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 468, 1016.

426 ....Revises provisions governing taxation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Revenue and Economic Development, 468, 1016.

No. *Summary, Introducer and Page Reference*

427 ....Makes a supplemental appropriation to the Office of the Attorney General for projected extradition costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 3157, 3161, 3499, 3531, 3538, 3557*, 3595.

428 ....Makes appropriations to the State Department of Conservation and Natural Resources for the replacement of emergency response, firefighting and other critical equipment and vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 3570, 3571, 6907, 6908, 6920, 6921*.

429 ....Makes a supplemental appropriation to the State Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and 2014-2015 school years. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 3570, 3571, 3695, 4184, 4861, 4937, 4960*, 4979.

430 ....Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390.

431 ....Authorizes the Supreme Court of Nevada to enter into a long-term lease for office space in Clark County which extends beyond the 2016-2017 biennium. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 390, 4937, 4938, 5192, 5360, 5405*, 6590.

432 ....Provides for the distribution of money to certain public schools designated as Victory schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 3652, 3655, 5414, 6197, 6376, 6418, 6419*.

433 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 1931.

434 ....Makes various changes relating to initiative and referendum petitions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 468, 1931, 3652, 3655.

435 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 1017.

436 ....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 468, 1931.

437 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 468.

438 ....Provides for the development and implementation of a state emissions plan to reduce certain carbon-dioxide emissions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 468.

439 ....Provides for the permitting and regulation of transportation network companies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 819, 1931.

440 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1334, 1338, 3653, 7050, 7051, 7093*.

441 ....Enacts provisions relating to craft food operations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce, Labor and Energy, 1547, 1549, 3651, 3929, 4279, 4280*, 4979.

442 ....Revises provisions governing arbitration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1334, 1338, 4044, 4546, 4980, 5014, 5134*, 5365, 6372.

443 ....Revises provisions governing the acceptance of race book and sports pool wagers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 468, 1547, 1549, 4854, 4901, 5074*, 5414.

444 ....Revises provisions governing civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1334, 1339, 4282, 4797, 5074*, 5365, 6598, 6696, 7039, 7045, 7048.

445 ....Revises provisions relating to race books and sports pools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1334, 1339, 4854, 4901, 5074, 5075*, 5414.

446 ....Revises provisions relating to businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1334, 1339, 4044, 4546, 5075*, 5414.

447 ....Makes various changes relating to marijuana. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 468, 3391, 3394, 4854, 4901, 4980, 5017, 5134, 5135*, 5415, 6430.

No. *Summary, Introducer and Page Reference*

448 ....Revises provisions governing the deposit of certain public money in insured institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1078, 1080, 3441, 3456, 3494*, 3554.

449 ....Revises provisions governing the Advisory Commission on the Administration of Justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 467, 471, 3441, 3456, 3494*, 3495, 3554.

450 ....Establishes the Sports Pool Telecast Access Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 1017.

451 ....Revises provisions relating to public defenders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 468.

453 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1078, 1081, 4044, 4546, 5075*, 5414.

454 ....Revises provisions relating to criminal justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 468.

455 ....Increases the excise tax on cigarettes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 1017.

456 ....Revises certain provisions concerning the control and preservation of certain accessory roads. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 468, 3652, 3655, 5191, 5303, 5360, 5405, 5406*, 6590.

457 ....Creates the Nevada High-Speed Rail Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 3391, 3394, 3651, 3929, 4280*, 4979.

458 ....Revises provisions governing notifications to patients regarding breast density. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 1013, 1019, 4185, 4546, 4980, 5050, 5135*, 5365, 6372.

459 ....Establishes an opioid overdose prevention policy for Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 3391, 3394, 3415, 3442, 3451*, 3455, 3478.

460 ....Revises provisions related to the statewide system of accountability for public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 602, 6375, 6377, 6464, 6672, 6880*.

461 ....Provides for an individual graduation plan to allow certain pupils enrolled in a public high school to remain enrolled in high school for an additional period to work towards graduation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 602.

463 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education, 3391, 3394, 4936, 4937, 4950, 5133*, 5415, 6430.

464 ....Revises provisions concerning criminal penalties for certain acts involving alcohol. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1334, 1339, 4044, 4548, 5075, 5076*, 5414.

467 ....Makes appropriations for the replacement of Nevada Highway Patrol fleet vehicles which have exceeded the mileage threshold. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 5365, 5366, 6465, 6672, 6696, 6700*.

468 ....Makes a supplemental appropriation to the Department of Business and Industry for a shortfall in projected personnel costs of the Nevada Transportation Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390.

469 ....Makes a supplemental appropriation to the Supreme Court of Nevada for an unanticipated shortfall in revenue for Fiscal Year 2014-2015 resulting from a deficit in the collection of administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 3157, 3161, 3499, 3531, 3538, 3558*, 3595.

470 ....Makes supplemental appropriations to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390.

471 ....Revises provisions governing payments from the State Retirees' Health and Welfare Benefits Fund made on behalf of certain retired persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 390, 3570, 3571, 4283, 4805, 5076*, 5414.

472 ....Revises provisions governing the eligibility of state officers and employees for health benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 390, 3570, 3571, 4283, 4805, 5076, 5077*, 5414.

No. *Summary, Introducer and Page Reference*

473 ....Revises provisions relating to the Office of Grant Procurement, Coordination and Management of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 1013, 1019, 3441, 3456, 3495*, 3554.

474 ....Makes various changes concerning the professional development of teachers, school administrators and other educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 390, 3655, 4936, 5207, 5360, 5361, 5406, 5408*, 6466, 6590.

475 ....Authorizes a county or city to file a petition in bankruptcy under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1017, 5193.

476 ....Amends provisions relating to certain local districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1013, 1019, 3454, 3480, 3499, 3538, 3545, 3557, 3595, 3647, 3654, 4245, 4280*, 4281, 5303, 5414.

477 ....Revises provisions governing the installation of automatic fire sprinkler systems in certain structures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1334, 1339, 3651, 3929, 4280, 4861, 5077, 5078*, 5365, 6372.

480 ....Revises the membership of the county fair and recreation board in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1013, 1019, 3479, 3501, 3510, 3538, 3558*, 3598, 3691.

481 ....Revises provisions relating to certain local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 3158, 3161, 4282, 4805, 4937, 4980, 5061, 5135, 5136*, 6376, 6590.

482 ....Makes various changes relating to elected county officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 817, 822, 3441, 3456, 3494, 3499, 4855, 4856, 5078, 5079*, 5365, 6173, 6466, 6598, 6600, 6605.

483 ....Revises provisions relating to governmental financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 390, 1017, 3652, 3655, 5414, 6204, 6376, 6467, 6470, 6479, 6573, 6588*, 6696.

484 ....Revises provisions concerning personal financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3391, 3394, 4044, 4548, 5079*, 5414.

485 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 817, 822, 3413, 3444, 3455, 3480.

486 ....Makes supplemental appropriations to the State Department of Conservation and Natural Resources for unanticipated employee retirement buyouts and terminal leave payments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390.

487 ....Requires counties to pay for the expense of the commitment of certain persons to the Division of Public and Behavioral Health of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance, 390.

488 ....Revises provisions relating to veterinary biologic products and commercial feed sold in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 390, 6375, 6377, 6465, 6672, 6712, 6859, 6904*.

489 ....Provides for the regulation of peer support recovery organizations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Finance, 390, 5193, 5194, 6177, 6178, 6221, 6426, 6427*, 6688, 6907.

490 ....Requires the transfer of certain money from the Account to Stabilize the Operation of the State Government to the State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 390, 3510, 3695, 4184, 4861, 5131*, 5414.

491 ....Provides for the award of a grant to a nonprofit organization for use in Fiscal Year 2015-2016 and Fiscal Year 2016-2017 for the recruitment of persons to establish and operate high quality charter schools to serve families with the greatest needs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 5303, 5365, 6204, 6427*, 6907.

492 ....Revises provisions governing the financial administration of off-highway vehicle titling and registration. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 390, 3695, 3696, 6178, 6235, 6695, 6884, 6885*.

493 ....Establishes a program for awarding STEM workforce challenge grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 390.

No. *Summary, Introducer and Page Reference*

494 ....Creates the College Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 390.

495 ....Revises provisions relating to commercial animal feed. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 390, 3391, 3395.

496 ....Establishes the Workforce Development Rapid Response Investment Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education, 390.

497 ....Makes appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 5365, 5366, 6907, 6908, 6921*.

498 ....Provides for the regulation of community health worker pools. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Finance, 390, 5303, 5304, 5364, 6204, 6428*, 6907.

499 ....Revises certain deadlines relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3391, 3395, 3651, 3936, 4245, 4861, 5131*, 5414.

500 ....Revises the requirements for licensure as a facility for the treatment of abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 390, 4936, 4938, 5191, 5360, 5408*, 6590.

501 ....Revises provisions relating to the State Dental Health Officer and the State Public Health Dental Hygienist. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 390, 3656, 5191, 5360, 5408, 5409*, 6590.

502 ....Temporarily authorizes the Department of Motor Vehicles to collect a technology fee. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 390, 6466, 6470, 6695, 6885*, 6886.

503 ....Provides for the creation and implementation of the Breakfast After the Bell Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 390, 3442, 4936, 5217, 5360, 5361, 5409, 5413*, 6590.

504 ....Amends provisions relating to a safe and respectful learning environment in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 390, 3479, 3480, 3570, 3571, 3590, 3592, 3593*, 3691.

505 ....Provides for the temporary suspension of the collection of certain subsidies to be paid to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 390, 748, 749, 1011, 1078, 1089, 1277, 3400, 3406, 3407*, 3452.

506 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 390, 5365, 5367, 6465, 6672, 6880*, 6881.

507 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue and Economic Development, 390, 4044, 4046, 5414, 6204, 6428*, 6907.

508 ....Revises provisions governing the Nevada Plan. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 390, 5365, 5367, 6465, 6672, 6881*.

509 ....Makes various changes to provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 602, 5303, 5304, 6464, 6672, 6712, 6713, 6903, 6904*, 7111.

510 ....Makes various changes relating to the State Personnel System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3570, 3571, 4936, 5217, 5361, 5413*, 6590.

511 ....Establishes the Teach Nevada Scholarship Program and incentives for new teachers in certain schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Roberson, Kieckhefer, Harris, Ford; Assemblymen Paul Anderson, Kirkpatrick and Hambrick, 5365, 5367, 6695, 6696, 6699*.

512 ....Revises provisions concerning real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 6676, 6677, 6906, 7007, 7035, 7036, 7037*.

513 ....Makes various changes relating to the subsidies paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Finance, 6589, 6590, 6695, 6886*.

No. *Summary, Introducer and Page Reference*

514 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6696, 6697, 6907, 6908, 6920*.

515 ....Ensures sufficient funding for K-12 public education for the 2015-2017 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 6589, 6590, 6695, 6696, 6697*.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 .... Urges Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report prepared by the Nevada Land Management Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Goicoechea, Gustavson; Assemblymen Ellison, Hansen, Oscarson, Wheeler, Hambrick, Dooling, Fiore and Kirner, 3391, 3570, 3633, 3687, 3689*, 3690, 4281.

2 .... Urges Congress to require the sharing of federal receipts from commercial activity on certain public lands with the State of Nevada and its counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Goicoechea, Gustavson; Assemblymen Ellison, Hansen and Oscarson, 345, 346, 3498, 3531, 3538, 3557, 3595, 3647, 3690*, 4281.

3 .... Proposes to amend the Nevada Constitution to provide for the Lieutenant Governor to be elected jointly with the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3391, 3651, 3936, 4245.

4 .... Urges Congress to enact the Marketplace Fairness Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Woodhouse, 209, 3498, 3532, 3538, 3557, 3595, 3647, 3690*, 4281.

5 .... Expresses support for the 2014 Nevada Greater Sage-Grouse Conservation Plan developed by the Sagebrush Ecosystem Council and urges the United States Fish and Wildlife Service not to list the greater sage-grouse as endangered or threatened under the Endangered Species Act of 1973. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3391, 3570, 3633, 3691*, 4281.

11 .... Proposes to amend the Nevada Constitution to preserve the right to hunt, trap and fish in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hammond, Goicoechea, Gustavson and Settelmeyer, 817, 818, 3409, 3435, 3442, 3455, 3458, 3459*, 3532.

13 .... Proposes to amend the Nevada Constitution to limit the total amount of certain property taxes that may be levied on real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Settelmeyer, Gustavson and Goicoechea, 1013, 1018, 5303, 6695, 6712, 6874, 7001, 7003*, 7111.

15 .... Proposes to amend the Nevada Constitution to require proof of identity to vote in person. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Goicoechea, Hardy, Settelmeyer; Assemblymen Fiore, Shelton, Jones, Seaman, Nelson, Dickman, Dooling and Wheeler, 1018.

17 .... Proposes to amend the Nevada Constitution to expand the rights guaranteed to victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Harris, Farley, Hardy and Settelmeyer, 1334, 1336, 3651, 3936, 4245, 4861, 4978, 4979*, 5415, 6430.

20 .... Urges the President and Congress of the United States to support the participation of the Republic of China on Taiwan in the Trans-Pacific Partnership. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 817, 818.

21 .... Urges Congress to enact comprehensive immigration reform. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3158, 3159, 3570, 3633, 3654, 5135, 5137*, 5414.

SENATE JOINT RESOLUTIONS OF THE 77TH SESSION

No. *Summary, Introducer and Page Reference*

8 .... Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Segerblom, Kihuen, Spearman, Woodhouse; Assemblymen Flores, Benitez-Thompson and Frierson, 468.

No. *Summary, Introducer and Page Reference*

SENATE CONCURRENT RESOLUTIONS

2 .... Encourages education of medical care providers and first responders regarding caring for persons with Alzheimer's disease. Senator Hardy, 1013, 3570, 3598, 3654, 4185, 4933.

3 .... Temporarily suspends subparagraph (1) of paragraph (d) of subsection 1 of JointStanding Rule No. 14.2. Senators Roberson, Ford; Assemblymen Hambrick and Kirkpatrick, 292, 298, 342.

7 .... Authorizes the State Public Works Division of the Department of Administration to receive and use federal grant money for the demolition of the field maintenance shop at the Nevada National Guard Henderson Armory. Committee on Finance, 390, 747, 818, 1924.

8 .... Commemorates the 30th anniversary of the sister-state relationship between the State of Nevada and Taiwan. Senators Hammond, Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman, Woodhouse; Assemblymen Kirkpatrick, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler and Woodbury, 3496, 3554.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventy-Eighth Session, 2015

Title	*Name*	*Mailing Address*
Speaker	John Hambrick	1930 Village Center Circle, Suite 3-419, Las Vegas 89134-6245
Speaker pro Tempore	John C. Ellison	P.O Box 683, Elko 89803-0683
Chief Clerk	Susan Furlong	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Eighth Session, 2015

Name and Party	*District*	*Mailing Address*
Anderson, Elliot T. (D)	Clark (Part), No. 15	3135 South Mojave Road, Unit 227, Las Vegas 89121-8315
Anderson, Paul (R)	Clark (Part), No. 13	10000 West Charleston Boulevard Suite 100, Las Vegas 89135-1006
Araujo, Nelson (D)	Clark (Part), No. 3	P.O. Box 295, Las Vegas 89125-0295
Armstrong, Derek (R)	Clark (Part), No. 21	2480 West Horizon Ridge Parkway, Suite 140, Henderson 89052-2719
Benitez-Thompson, Teresa (D)	Washoe (Part), No. 27	P.O. Box 5730, Reno 89513-5730
Bustamante Adams, Irene (D)	Clark (Part), No. 42	3800 Reflection Way, Las Vegas 89147-4442
Carlton, Maggie (D)	Clark (Part), No. 14	5540 East Cartwright Avenue, Las Vegas 89110-3802
Carrillo, Richard (D)	Clark (Part), No. 18	4819 Diza Court, Las Vegas 89122-7574
Diaz, Olivia (D)	Clark (Part), No. 11	P.O. Box 365072, North Las Vegas 89036-9072
Dickman, Jill (R)	Washoe (Part), No.31	1344 Disk Drive, No. 201, Sparks 89436-0684
Dooling, Victoria A. (R)	Clark (Part), No. 41	2505 Anthem Village Drive, Suite 492, Henderson 89052-5505
Edwards, Chris (R)	Clark (Part), No. 19	6088 Riflecrest Avenue, Las Vegas 89156-4778
Ellison, John C. (R)	Elko, Eureka, Lincoln (Part), White Pine, No. 33	P.O. Box 683, Elko 89803-0683
Fiore, Michele (R)	Clark (Part), No. 4	9085 West Rosada Way, Las Vegas 89149-3556
Flores, Edgar (D)	Clark (Part), No. 28	P.O. Box 42302, Las Vegas 89116-0302
Gardner, David M. (R)	Clark (Part), No. 9	9661 Waukegan Avenue, Las Vegas 89148-5744
Hambrick, John (R)	Clark (Part), No. 2	1930 Village Center Circle, Suite 3-419, Las Vegas 89134-6245
Hansen, Ira D. (R)	Esmeralda, Humboldt, Lander, Mineral, Nye (Part), Pershing, Washoe (Part), No. 32	68 Amigo Court, Sparks 89441-6213
Hickey, Pat (R)	Washoe (Part), No. 25	1180 Forest Street, Reno 89509-2707
Joiner, Amber (D)	Washoe (Part), No. 24	P.O. Box 9810, Reno 89507-0810
Jones, Brent A. (R)	Clark (Part), No. 35	4497 Via Bianca Avenue, Las Vegas 89141-4256

Kirkpatrick, Marilyn K. (D)	Clark (Part), No. 1	4747 Showdown Drive, North Las Vegas 89031-2133
Kirner, Randy (R)	Washoe (Part), No. 26	18124 Wedge Parkway, Suite 519, Reno 89511-8134
Moore, John (R)	Clark (Part), No. 8	5155 West Tropicana Avenue, No. 2020, Las Vegas 89103-7006
Munford, Harvey J. (D)	Clark (Part), No. 6	809 Sunny Place, Las Vegas 89106-3637
Neal, Dina (D)	Clark (Part), No. 7	3217 Brautigan Court, North Las Vegas 89032-6030
Nelson, Erven T. (R)	Clark (Part), No. 5	10785 West Twain Avenue, Suite 200, Las Vegas 89135-3028
Ohrenschall, James (D)	Clark (Part), No. 12	P.O. Box 97741, Las Vegas 89193-7741
O'Neill, Philip "P.K." (R)	Carson City, Washoe (Part), No. 40	1216 Sonoma Street, Carson City 89701-6175
Oscarson, James. (R)	Clark (Part), Lincoln (Part), Nye (Part), No. 36	P.O. Box 1600, Pahrump 89048-1600
Seaman, Victoria (R)	Clark (Part), No. 34	8808 Rozetta Court, Las Vegas 89134-6179
Shelton, Shelly M. (R)	Clark (Part), No. 10	845 South Kenny Way, Las Vegas 89107-4437
Silberkraus, Stephen H. (R)	Clark (Part), No. 29	P.O. Box 530364 Henderson 89053-0364
Spiegel, Ellen B. (D)	Clark (Part), No. 20	2764 North Green Valley Parkway, No. 327, Henderson 89014-2120
Sprinkle, Michael C. (D)	Washoe (Part), No. 30	P.O. Box 51202, Sparks 89435-1202
Stewart, Lynn D. (R)	Clark (Part), No. 22	2720 Cool Lilac Avenue, Henderson 89052-3836
Swank, Heidi (D)	Clark (Part), No. 16	546 Barbara Way, Las Vegas 89104-2858
Thompson, Tyrone (D)	Clark (Part), No. 17	117 Fox Crossing Avenue, North Las Vegas 89084-5207
Titus, Robin L. (R)	Churchill, Lyon (Part), No. 38	P.O. Box 377, Wellington 89444-0377
Trowbridge, Glenn E. (R)	Clark (Part), No. 37	1965 Verbania Drive, Las Vegas 89134-2579
Wheeler, Jim (R)	Douglas, Lyon (Part), Storey, No. 39	P.O. Box 2135, Minden 89423-2135
Woodbury, Melissa L. (R)	Clark (Part), No. 23	P.O. Box 401508, Las Vegas 89140-1508

ATTACHÉS OF THE NEVADA STATE ASSEMBLY
Seventy-Eighth Session, 2015

Name	Title
Carol Aiello-Sala	Assistant Chief Clerk
Lucinda Benjamin	History Clerk
Jason P. Hataway	Journal Clerk
Christie Peters	Document Clerk
Michele Burke	Media Clerk
Susan Hoffman	Recording Clerk
Sylvia Brown	Executive Assistant to Chief Clerk
Robin L. Bates	Sergeant at Arms
Sharon Murphy	Deputy Sergeant at Arms
Mary A. Matheus	Acting Deputy Sergeant at Arms
Judy Doherty	Assistant Sergeant at Arms
Bob Guernsey	Assistant Sergeant at Arms
Dennis Humphrey	Assistant Sergeant at Arms
Vickie Kieffer	Assistant Sergeant at Arms
Nicole Madden	Assistant Sergeant at Arms
Jennifer D. Osheroff	Assistant Sergeant at Arms
Marge Griffin	Administrative Services Manager
Patricia A. Manning	Executive Assistant to Administrative Services Manager
Jasmine Shackley	Committee Services Manager
Sally Stoner	Executive Assistant to Committee Services Manager
Sheree Rosevear	Executive Assistant to Assemblyman John Hambrick, Speaker
Craig Hulse	Speaker's Chief of Staff
Edward Gonzalez	Leadership Policy Analyst
Daniel Stewart	Leadership Policy Advisor
Betty Jo Vonderheide	Personal Secretary to Assemblyman John Ellison, Speaker Pro Tempore and Chair, Government Affairs
Celssie Hardy	Executive Assistant to Assemblyman Paul Anderson, Majority Floor Leader and Chair, Ways and Means
Jean Kvam	Leadership Receptionist
Cindy Southerland	Personal Secretary to Assemblyman Ira Hansen, Assistant Majority Floor Leader and Chair, Judiciary
Barbara Eiche	Personal Secretary/Committee Manager to Assemblyman Jim Wheeler, Majority Whip and Chair, Transportation
Brian Baltazar	Personal Secretary to Assemblywoman Victoria Seaman, Assistant Majority Whip, South
Bambi Wood	Personal Secretary to Assemblywoman Jill Dickman, Assistant Majority Whip, North
Joann Saridakis	Executive Assistant to Assemblywoman Marilyn Kirkpatrick, Minority Floor Leader
Jenny McMenomy	Minority Leadership Policy Analyst
Linda Corbett	Personal Secretary to Assemblywoman Benitez-Thompson, Co-Assistant Minority Floor Leader
Mary Lee	Personal Secretary to Assemblywoman Maggie Carlton, Co-Assistant Minority Floor Leader
Christina Salerno	Personal Secretary/Committee Manager to Assemblywoman Melissa Woodbury, Chair, Education
Deborah Paul	Personal Secretary/Committee Manager to Assemblyman James Oscarson, Chair, Health and Human Services
Sara Menke	Personal Secretary/Committee Manager to Assemblyman Lynn Stewart, Chair, Legislative Operations and Elections
Stephen Wood	Personal Secretary/Committee Manager to Assemblywoman Robin Titus, Chair, Natural Resources, Agriculture, and Mining
Patricia Demsky	Personal Secretary/Committee Manager to Assemblyman Derek Armstrong, Chair, Taxation

Judith Bishop ..... Committee Manager, Government Affairs
Leslie Danihel ..... Committee Manager, Commerce and Labor
Bonnie Borda Hoffecker ..... Committee Manager, Judiciary
Patricia Adams ..... Committee Manager, Ways and Means
Sherie Silva ..... Lead Committee Secretary, Ways and Means
Linda Blevins ..... Committee Secretary, Ways and Means
Anne Bowen ..... Committee Secretary, Ways and Means
Karen Daly ..... Committee Secretary, Ways and Means
Carol J. Thomsen ..... Committee Secretary, Ways and Means
Barbara Williams ..... Committee Secretary, Ways and Means
Janice Wright ..... Committee Secretary, Ways and Means
Cynthia Wyett ..... Committee Assistant, Ways and Means
Ted Zuend ..... Proofreader, Ways and Means
Erin Barlow ..... Committee Secretary, Government Affairs
Aubrie Bates ..... Committee Secretary, Government Affairs
Karen Buck ..... Committee Secretary, Health and Human Services
Lenore Cafora-Nye ..... Committee Secretary, Judiciary
Nancy Davis ..... Committee Secretary, Judiciary
Gina Hall ..... Committee Secretary, Taxation
Patricia Hartman ..... Committee Secretary, Legislative Operations and Elections
Janet Jones ..... Committee Secretary, Judiciary
Sharon McCallen ..... Committee Secretary, Education
Lori McCleary ..... Committee Secretary, Government Affairs
Earlene Miller ..... Committee Secretary, Commerce and Labor
Jordan Neubauer ..... Committee Secretary, Government Affairs
Donna Ruiz ..... Committee Secretary, Natural Resources, Agriculture, and Mining
Connie J. Smith ..... Committee Secretary, Commerce and Labor
Henri Stone ..... Committee Secretary, Transportation
Joan Waldock ..... Committee Secretary, Education and Transportation
Karyn Werner ..... Committee Secretary, Health and Human Services
Linda Whimple ..... Committee Secretary, Judiciary
Mary Bean ..... Personal Secretary to Assemblyman Philip "P.K." O'Neill
Tracy Davis ..... Personal Secretary to Assemblyman Pat Hickey
Sylvia Dominguez-Curry ..... Personal Secretary to Assemblywoman Olivia Diaz
Linda Fitzgerald ..... Personal Secretary to Assemblywoman Irene Bustamante Adams
Patti Flasch ..... Personal Secretary to Assemblyman David Gardner
Cynthia Hernandez ..... Personal Secretary to Assemblyman Elliot T. Anderson
Patricia Hutson ..... Personal Secretary to Assemblyman James Ohrenschall
Kaylyn Kardavani ..... Personal Secretary to Assemblywoman Heidi Swank
Annie King ..... Personal Secretary to Assemblyman Michael Sprinkle
Linda Law ..... Personal Secretary to Assemblyman Randy Kirner
Jacque Lethbridge ..... Personal Secretary to Assemblyman Richard Carrillo
Dale Ann Luzzi ..... Personal Secretary to Assemblyman Glenn E. Trowbridge
Judy Molnar ..... Personal Secretary to Assemblyman Harvey J. Munford
Divya Narala ..... Personal Secretary to Assemblyman Tyrone Thompson
Joseph Njoroge ..... Personal Secretary to Assemblywoman Dina Neal
Jacqueline Ong ..... Personal Secretary to Assemblyman Nelson Araujo
Kelly Osborne ..... Personal Secretary to Assemblyman John Moore
Jenny Polek ..... Personal Secretary to Assemblywoman Amber Joiner
Thelma Reindollar ..... Personal Secretary to Assemblyman Brent Jones
Mayita Sanchez ..... Personal Secretary to Assemblyman Edgar Flores
Genet Sauer ..... Personal Secretary to Assemblywoman Ellen B. Spiegel
Laurie Ault ..... Personal Secretary to Assemblyman Chris Edwards
Janet Stokes ..... Personal Secretary to Assemblyman Erven T. Nelson
Susan Sutton ..... Personal Secretary to Assemblywoman Shelly M. Shelton
Tracy Walters ..... Personal Secretary to Assemblyman Stephen Silberkraus
Linda Waters ..... Personal Secretary to Assemblywoman Vicki Dooling
Amerika Young ..... Personal Secretary to Assemblywoman Michele Fiore
Elise Sala ..... Document Center Manager
Roberto Lusanta Jr. ..... Data Information Specialist

Olivia M. Lloyd ..... Lead Committee Assistant
Norma Mallett ..... Committee Assistant
Trinity L.A.Thom ..... Committee Assistant
Jamie Tierney ..... Committee Assistant
Cheryl Williams ..... Committee Assistant
Tara Sandavol ..... Committee Assistant, Elko
Cindie Kusko ..... Lead Committee Assistant, Las Vegas
Dakota Fisher ..... Committee Assistant, Las Vegas
Harle Glover ..... Proofreader
Carl Henry ..... Proofreader
Diane Hudson ..... Proofreader
David E. Moore ..... Proofreader
Marcia Peterson ..... Proofreader
Karla Reed ..... Proofreader
Elizabeth Saenz ..... Proofreader
Susan Schmid ..... Proofreader

EXPLANATION OF AMENDMENT LANGUAGE

Seventy-Eighth Session, 2015

EXPLANATION: Matter in (1) bold italics is new language in the original bill; (2) variations of bold underlining is language proposed to be added in the amendments; (3) strikethrough is deleted language from the original bill; (4) double strikethrough is language proposed to be deleted in a particular amendment; (5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-EIGHTH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 2, 2015

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Barbara Cegavske at 11:20 a.m.

Prayer by the Bishop Randolph R. Calvo, Diocese of Reno, Roman Catholic Church, Reno, Nevada.

As the State Assembly convenes for this legislative session, we call upon you, God, creator and source of life and goodness, and ask for Your blessing upon this body as it undertakes the work entrusted to it by the people of Nevada.

Each day You give us the opportunity to start anew, to do good, to set things right, and to make a positive difference in our communities and in our world.

Inspire our minds and hearts so that we may look upon this legislative session as such an opportunity for the people we serve, not only our constituents, but all the people of our state.

Guide us with the light of Your wisdom so that all our decisions may seek the common good of all citizens, protect the dignity of every human being, and provide a future for our children.

May a spirit of cooperation prevail in the deliberations of this assembly and may this session be a model of how citizens with different opinions and worldviews can work together for a shared purpose: the common good.

We pray this, O God, confident in Your love and mercy, as we say, Amen!

Amen.

Presentation of the colors by the Carson High School NJROTC Color Guard.

Pledge of allegiance to the Flag.

Singing of the National Anthem by Elise Sala.

Special musical rendition of "Home Means Nevada" and "In Old Las Vegas" by Will and Sheree Rose.

Madam Secretary of State requested Ms. Susan Furlong to serve as temporary Chief Clerk of the Assembly.

Madam Secretary of State requested that the temporary Chief Clerk call the roll of the 40 Assemblymen-elect, and the two Assemblymen appointees.

Roll called.

Present: Assemblymen Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, and Woodbury.

Madam Secretary of State appointed Assemblymen Stewart, Shelton, Fiore, Moore, Seaman, Trowbridge, Elliot Anderson, Munford, Ohrenschall, and Thompson as a temporary Committee on Credentials.

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.
Madam Secretary of State presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assemblymen-elect and Assembly Member appointees under consideration and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 78th Session of the Legislature of the State of Nevada: Assemblymen Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Wheeler, and Woodbury, and that Glenn Trowbridge and Amber Joiner have been and are duly appointed members of the Assembly of the 78th Session of the Legislature of the State of Nevada.

LYNN STEWART, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Stewart moved the adoption of the report.

Motion carried unanimously.

Madam Secretary of State appointed Assemblymen Hansen and Ohrenschall as a committee to escort Chief Justice Hardesty of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Hardesty administered the oaths of office to the Assemblymen.

Assemblyman Armstrong moved that Chief Justice Hardesty be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Madam Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election and Certificates of Appointment had been issued.

Roll called.

Present: Assemblymen Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury.

Madam Secretary of State announced that there would be no temporary organization of the Assembly and that all nominations were in order for permanent appointment.

Madam Secretary of State declared that nominations were in order for Speaker.

Assemblyman Kirner nominated Assemblyman John Hambrick for Speaker.

Assemblyman Edwards moved that nominations be closed.

Motion carried unanimously.

Madam Secretary of State declared Assemblyman John Hambrick to be Speaker of the Assembly.

Madam Secretary of State appointed Assemblymen Paul Anderson and Ellison as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblyman Wheeler moved that Secretary of State Cegavske be given a unanimous vote of thanks for her services to the Assembly.

Motion carried unanimously.

Mr. Speaker appointed Assemblywomen Dickman and Seaman as a committee to escort the Secretary of State to the Bar of the Assembly.

The appointed committee escorted Secretary of State Cegavske to the Bar of the Assembly.

Remarks by Assemblymen Paul Anderson, Kirkpatrick, and Mr. Speaker.

Assemblyman Paul Anderson moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN PAUL ANDERSON:

I would be remiss, in light of recent events, if I did not take the opportunity to publicly thank a few folks this afternoon. As you all may know, my wife and kids were involved in a major car accident this weekend as they traveled up for today's events.

My sincere thanks go out to the first responders from Lyon County—sheriffs, firefighters, paramedics, the Nevada Highway Patrol, and the amazing team of professionals at Renown Hospital. They were there to protect and serve my family when I could not. I will eternally be grateful for their service.

Mr. Speaker, congratulations. Your election as Speaker of this illustrious body adds yet another chapter to a biography that is as expansive and diverse as anyone who has sat in the Speaker's chair. You are a retired Secret Service officer and a loving husband and father. You've survived cancer and helped your loved ones survive it, too. In your legislative fights against human trafficking, you have stood up for some of the least fortunate in all of Nevada.

You are a great example of a public servant, and I am proud to serve by your side. The 77th Legislative Session was my first, and as I watched Speaker Kirkpatrick put policy before politics well beyond the 120 days of session, I believe she set a new high bar for us to achieve in the Nevada Assembly. In the months ahead, I am confident that we will appreciate the experience and warm heart of our new Speaker as we work together again to take on the tough issues of the day.

Today we officially turn our attention to the people's business. While hard campaigning and partisan politics may have won us our jobs, they do little to help us do our jobs. The Nevada Constitution gives us our direction—we have a finite number of days to complete an ever-growing list of tasks. Much has changed since this Legislature was last in session. We have new leadership and many new faces.

As the chair of Ways and Means, learning to see all things through numbers and data, I thought it appropriate to consider some of our membership statistics. Approximately 40 percent of our members are freshmen. I welcome you—I know how you feel. Most of us were freshmen ourselves not that long ago. In fact, 35 of the 42 members of this Assembly have been elected since 2010. Only seven members, or 12 percent, served in the Assembly during the 2009 Session when we first began to tackle the Great Recession. Speaker Hambrick and former Speaker Kirkpatrick were among those seven. We will continue to lean on their wisdom and leadership. Given how much Nevada and this Assembly have transformed in the last few years, I am not concerned with our ability to handle change. I am concerned about our ability to develop new solutions to longstanding challenges. As the wise man whose portrait hangs above us said, "You cannot escape the responsibility of tomorrow by evading it today."

This session, we should embrace the responsibilities of tomorrow, finding great opportunity in the challenges before us. Let us find solutions any way we can and in places we may have been afraid to look before. Let us bring our whole effort and our diverse perspectives to the task at hand. Let us agree where we can, disagree where we must, while never forgetting our duty. Finally, although we may share different goals for this session, I hope we are united in our desire to work as hard as we can in pursuit of what we hold dear. We have all made too many sacrifices to be here to squander any moment. Now is the time to get to work. I am proud and humbled to serve by your side.

I am proud to be a Nevadan. May God bless us in our endeavor. May God bless our new Speaker and the great state of Nevada.

ASSEMBLYWOMAN KIRKPATRICK:

Good afternoon, Mr. Speaker, and congratulations. I'm going to try to be quick because we all have a lot of two-year olds who want to have their turn on the microphone. First and foremost, I definitely want to congratulate you and welcome you in that position. There are a lot of things that I know about folks, being here for five sessions, and I can tell you the one thing I do know is your family is most important, and your love for your beautiful wife Nancy is a top priority. That tells me a lot about the core man that you are, and I look forward to working with that person in your position.

What I will also say is, this institution is amazing. It is an amazing place where we are, and it's a true honor that we all get to be in here. But we have a job to do. We have a job to represent our constituents, we have a job to represent our families, and we have a job to ensure that we treat our staff with respect. I hope that each and every legislator in this body will do that, and I believe under your leadership, I trust that you will hold folks to that because that is key to building our state for the future. Let's be clear: We're going to have some tough discussions, and that's okay. I've been here five sessions and many others have been here. We look forward to it—that's the job we were given to do. But let's work on the things that we can agree to do together. Let's move our state forward. Let's talk about a revenue structure that will be great for my little two-year old and six-month old grandchildren when they are standing in this same seat hopefully someday. Let's talk about moving education forward. As the Governor said, we need to do this for all Nevadans and to make Nevada better. I wish you all the luck. I will be there to work with you and to work with all of my colleagues to ensure that in 120 days, we stand together and we can stand and be proud of what we did and how we moved our state forward. Congratulations.

MR. SPEAKER:

For those of you who have known me for a few years, there's a very simple down home saying, "Who'd a thunk?" I'm honored to be here. So many of you will become friends and colleagues. We have a tough job ahead of us. We have heard the Governor's call. We are going to have to sit down in our committees and have a lot of heavy discussions, but I sincerely hope we can do it in a spirit of congeniality.

Ladies and gentlemen, we are here for one purpose and one purpose only—to serve the people of this great state. They expect it and they truly deserve it. I sincerely hope that as the days and weeks wear on, we will not forget that. We may come from different political backgrounds, but as I just said, there's a single purpose in our mission. Those that put you in these seats—we do not own these seats, we only occupy them—the people own these seats. As former Speaker Pro Tempore and leader of the opposition Bernie Anderson said, "This is the People's House and we work for the people." Never forget that.

To let you know how things go in these ceremonies, I was supposed to have a 19 page dialogue. Well, it's not here, so you're only going to get five pages. But we have work to do in this Chamber this afternoon. The members will break in a few moments to allow family and loved ones to leave, particularly those who have young children. They have been great so far—amazingly great. They have been quieter than I have been in my seat. We need to allow the families with small ones to get out and stretch their legs and maybe their lungs, but I would ask that the members remain.

We will take a recess for about 10 or 15 minutes, but I want the members to remain. As soon as family have departed, we will get back to work.

Assemblywoman Woodbury nominated Assemblyman Ellison for Speaker pro Tempore.

Assemblyman Stewart moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblyman Ellison to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk of the Assembly.

Assemblyman Stewart nominated Ms. Susan Furlong for Chief Clerk.

Assemblywoman Bustamante Adams moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Susan Furlong to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Kirner, Trowbridge, and Munford as a committee to inform the Senate that the Assembly is organized and ready for business.

Mr. Speaker appointed Assemblymen Paul Anderson, Ellison, and Kirkpatrick as a committee to inform the Governor that the Assembly is organized and ready for business.

Assemblyman Paul Anderson reported that his committee had informed the Governor that the Assembly was organized and ready for business.

A committee from the Senate composed of Senators Gustavson, Hardy, and Manendo appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assemblyman Kirner reported that his committee had informed the Senate that the Assembly was organized and ready for business.

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

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 2:33 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker, announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—

Kirner, Seaman, Paul Anderson, Ellison, Fiore, Hansen, Nelson, O'Neill, Silberkraus, Bustamante Adams, Carlton, Diaz, Kirkpatrick, Neal, Ohrenschall.

EDUCATION—

Woodbury, Stewart, Armstrong, Dooling, Edwards, Gardner, Hickey, Shelton, Elliot Anderson, Diaz, Flores, Joiner, Munford, Swank.

GOVERNMENT AFFAIRS—

Ellison, Moore, Dooling, Shelton, Stewart, Trowbridge, Silberkraus, Woodbury, Carrillo, Flores, Joiner, Munford, Neal, Spiegel.

HEALTH AND HUMAN SERVICES—

Oscarson, Titus, Dickman, Gardner, Hambrick, Jones, Moore, Trowbridge, Araujo, Benitez-Thompson, Joiner, Spiegel, Sprinkle, Thompson.

JUDICIARY—
Hansen, Nelson, Fiore, Gardner, Jones, O'Neill, Seaman, Wheeler, Elliot Anderson, Araujo, Diaz, Ohrenschall, Thompson.
LEGISLATIVE OPERATIONS AND ELECTIONS—
Stewart, Shelton, Fiore, Moore, Seaman, Trowbridge, Elliot Anderson, Munford, Ohrenschall, Thompson.
NATURAL RESOURCES, AGRICULTURE, AND MINING—
Titus, Wheeler, Dooling, Edwards, Ellison, Gardner, Hansen, Oscarson, Araujo, Carlton, Carrillo, Swank.
TAXATION—
Armstrong, Kirner, Dickman, Hambrick, Hickey, Nelson, Trowbridge, Benitez-Thompson, Bustamante Adams, Diaz, Kirkpatrick, Neal.
TRANSPORTATION—
Wheeler, Dickman, Dooling, Fiore, Jones, O'Neill, Silberkraus, Woodbury, Nelson, Araujo, Carrillo, Flores, Kirkpatrick, Spiegel, Sprinkle.
WAYS AND MEANS—
Paul Anderson, Hambrick, Armstrong, Dickman, Edwards, Hickey, Kirner, Oscarson, Titus, Benitez-Thompson, Bustamante Adams, Carlton, Kirkpatrick, Sprinkle, Swank.
MAJORITY FLOOR LEADER—
Paul Anderson
ASSISTANT MAJORITY FLOOR LEADER—
Ira Hansen
MAJORITY WHIP—
Jim Wheeler
ASSISTANT MAJORITY WHIP NORTH—
Jill Dickman
ASSISTANT MAJORITY WHIP SOUTH —
Victoria Seaman
MINORITY FLOOR LEADER—
Marilyn Kirkpatrick
CO-ASSISTANT MINORITY FLOOR LEADER—
Teresa Benitez-Thompson
CO-ASSISTANT MINORITY FLOOR LEADER —
Maggie Carlton

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 2, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1

Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 1 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Paul Anderson.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:
Senate Bill 1 is the bill that funds the legislature for the session.

Roll call on Senate Bill No. 1:

YEAS—42

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, January 26, 2015

THE HONORABLE MICHAEL ROBERSON, THE HONORABLE JOHN HAMBRICK, NEVADA LEGISLATURE, 401 S. Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER ROBERSON AND SPEAKER HAMBRICK:

Please find enclosed the text of my State of the State message to the 78th Session of the Nevada Legislature. As you know, on January 15, 2015, I delivered my message pursuant to Article 5, Section 10 of the Nevada Constitution to a joint gathering of your colleagues and other guests in the Assembly Chambers in Carson City. I look forward to working with you during the upcoming session as we strive to create a better, stronger, more prosperous Nevada on behalf of our constituents.

Sincere regards,
BRIAN SANDOVAL
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 15, 2015, be entered in the Journal.

GOVERNOR BRIAN SANDOVAL:

Mr. President, Mr. Speaker, distinguished members of the Legislature, Honorable Justices of the Supreme Court, Constitutional Officers, my fellow Nevadans:

I'm incredibly grateful and honored that I have the privilege of serving as your governor.

Tonight I wish to speak with you, not just about the state of our state, but about a plan to modernize and transform Nevada for its next 50 years of success.

Before I begin, let me take a moment to recognize Nevada's First Lady, the most amazing First Lady in the United States of America, as well as my daughters Maddy and Marisa. Also with me tonight are my parents, Ron and Teri Sandoval, and my sister Lauri.

Tonight we welcome 20 freshmen legislators. It brings back great memories for me because it was 20 years ago when I was first a member of this body.

Will all the new legislators please stand up and be recognized.

Sadly, since we last met, a great many former legislators have departed. We lost a Nevada giant in Speaker Joe Dini. A total of 19 legislators will long be remembered for their service. If you'd all please join me in a moment of silence in their honor. Thank you.

One month ago today at the final event of the Nevada Sesquicentennial, I helped seal a time capsule that is now buried at the Capitol. The contents capture a snapshot of the Nevada family today, to be presented to a 200-year-old Nevada in 2064. I wrote a letter to Nevada's bicentennial governor. As I wrote, I realized that the success or failure of the governor and people of Nevada in 2064 will largely depend upon our decisions today.

Ladies and gentlemen, we stand at a unique moment in time. Having just completed our Sesquicentennial, we have proudly celebrated our state's history. Tonight we begin writing the next chapter of that story. We must decide if that chapter is about getting through the next two years or about creating a new Nevada for the generations to come.

The most recent chapter of our story required strength and perseverance as we weathered one of the worst economic storms in our history. These times were even more challenging because they coincided with two long and difficult wars. And even though they said it couldn't be done, we laid the foundation for a new Nevada. Nevada became one of only six national training sites for unmanned aerial vehicles. We attracted Tesla in one of the most competitive site selections in our nation's history. We became home to dozens of other national brands who now employ Nevadans in industries of the future—cyber security, medicine, aviation, renewable energy, manufacturing, data storage, and more.

During my first State of the State Message in 2011, Nevada led the nation in unemployment. We set a goal of 50,000 new jobs; we have almost doubled that. Today, Nevada's job growth is third strongest in the country, we have cut our unemployment rate in half, and we have the second fastest growing population in the United States of America. We are adding good jobs in almost every sector, with business services, manufacturing, health services, gaming, and tourism leading the way.

And yet, the success of our state is inextricably linked to the well-being of our most vulnerable citizens. I believe we have made significant progress in this regard. Two years ago, 23 percent of Nevadans lacked health insurance, the second worst ranking in the nation. Today that number has been reduced by more than half, to 11 percent, and we are the fourth most improved state in the country.

Even better, the uninsured rate for our children has dropped from 15 percent to 2 percent. Nearly three-fourths of our Medicaid and Nevada Check-Up populations are covered by care management, which saves the state $13 million and ensures that Nevadans receive timely, cost-effective, and appropriate health care.

In 2013, our behavioral health system was in a crisis. Individuals waited days to access inpatient psychiatric treatment, and emergency rooms were overflowing. Through the work of the Department of Health and Human Services, the specially-created Behavioral Health and Wellness Council, and many others, there have been dramatic improvements. And for all of you that have been associated with that, I thank you.

We also focused on education. We expanded full-day kindergarten. We created new programs for English language learners. We increased funding for special education, supported school choice through the creation of a Charter School Authority, and dedicated ourselves to college and career-ready standards and assessments. Our colleges and universities modernized their funding formula, rewarding performance and success. We accomplished much in the worst economic crisis since the Great Depression.

Because of our collective effort, I believe that we stand at the threshold of a new Nevada—a Nevada prepared to take its place among the most innovative, visionary, and well-educated states in the nation.

Although we can never lose our focus on job creation and the economy, we must now turn our attention to Nevada's generations to come—the youth of our state. I featured them at my inaugural for a reason; they are incredibly talented, hard-working, and determined, and it is they who will live with the decisions we make during this legislative session. I know this view is shared by all of you assembled. I am relying on the four leaders of this institution—Senator Roberson, Speaker Hambrick, Senator Ford, Assemblywoman Kirkpatrick—to work with me on what must be done. We have already started, and I thank them for their leadership.

It's no mystery. Nevada's new companies will need a highly skilled workforce. Our historic industries will as well. Improving our public education system must therefore begin with modernization, and modernization requires investment. But our investment cannot be buying more of the same. We have to own the fact that our K-12 system doesn't need to improve—it must improve.

Today's public education system was largely established in the 1950s, when public leaders responded to challenges similar to what we confront today. Rapid enrollment growth spurred voters to implement the first state sales tax in 1955. Governor Russell, with the assistance of the Legislature, went even further, consolidating over 150 school districts into the current 17, based on county lines. This made sense in 1955. Nevada's entire population at that time was just 237,000 people—roughly two-thirds the number of students in the Clark County School District.

In 1967, educational needs again required leadership, and the Legislature enacted the Nevada Plan for School Finance. This plan sought to stabilize state funding to local school districts. In that year, Nevada's entire population was roughly 450,000—less than today's total enrollment in all public schools.

Not only was the Silver State less populated 50 years ago, Nevadans were financially better off. From the end of World War II until the late 1960s, Nevada's per capita income was among the highest in the West. In contrast, today almost one out of four children in Nevada lives in poverty.

Our population is also much more diverse. Nevada is a different place. America is a different place. The world is a different place. Yet we rely upon the same public education governance and financing models established 50 years ago.

I submit to you this evening that an education system for this century requires bold new ideas to meet the reality of our time. I am asking the Legislature to join me in beginning the work of comprehensive modernization of our education system to meet the needs of today's students and the new Nevada.

This work begins with our youngest learners. Nevada has the lowest preschool attendance of any state in the nation. Thanks to a recent federal grant and matching funds provided in my budget, we will improve this worst-in-the-country statistic by doubling the number of seats for those children. My budget also finishes what we started two years ago—the expansion of all-day kindergarten to every school in the state of Nevada. These two efforts provide a foundation for the future success of all our children.

But we also must improve our students' reading skills. Studies show that a child's chances of graduating from high school are cut in half if they are not reading at grade level by third grade. I will therefore work with Senator Becky Harris and the Senate Committee on Education to introduce a "Read by Three" bill to help ensure every student is reading by third grade. My budget includes nearly $30 million to support this literacy effort.

My budget also begins modernizing our classrooms through instructional technology. Today we invest less than $4 million over the biennium in school technology. My budget will launch the Nevada Ready 21 Plan. This plan will put digital devices in the hands of middle school students throughout Nevada and ensure teachers have the necessary training for this new environment. Nearly $50 million will be invested. As we expand technology, we must take steps to protect privacy. I encourage this Legislature to work with the various stakeholders to enact legislation protecting student data.

Our most troubling education statistic is Nevada's worst-in-the-nation high school graduation rate. We have to do better. My budget includes a new grants program designed to ensure students are college and career ready by graduation—as well as a significant expansion of career and technical education, Jobs for America's Graduates, and STEM education. In total, this effort will make over $20 million available to our high schools.

We must remember that the new Nevada will be different in other ways from 50 years ago. Our students are different and their needs are different. The 40-year-old Nevada Plan for School Finance must be modernized to consider the needs of individual students. A better alternative uses weighted formulas where students with differing needs would receive additional dollars based on a percentage of the base amount. In the second year of the coming biennium, my budget will establish the first of these funding categories in Special Education and then work toward a final weighted formula. Other categories will follow in subsequent years.

Last session we introduced, for the first time, additional resources for Nevada's English language learners. We created the Zoom Schools, and early indicators point to the kind of success that we expected. My budget doubles our original investment, and we will put a total of $100 million in the Zoom Schools.

But English language learners are not the only school population with differing needs. My budget includes $50 million for students in the most impoverished parts of our state. These schools require a solution to win the struggles their students face every day. I propose calling them "Victory Schools," signifying our commitment to helping these students overcome adversity.

We have also historically neglected our gifted and talented learners, allocating less than $200,000 per year for these students. My recommended budget provides $10 million to establish a true Gifted and Talented Learner allocation. These initiatives represent a down payment on total modernization of the Nevada Plan.

Legislation this session will also adjust when we count student enrollment, increase transparency in the funding model, ensure money reaches the classroom, and modernize equity allocation. A hard reality of Nevada schools today is that they are simply overcrowded and need maintenance. Imagine sitting in a high school class in Las Vegas with over 40 students and no air conditioning. The need is real. Therefore, I will support legislation to approve a temporary rollover of bonding authority for the construction and maintenance of our local schools, with state oversight.

While some must recognize the hard truth that our education system will not improve without more funding, others must accept the reality that improvements will not be made without accountability measures, collective bargaining reform, and school choice. Our new investments must come with performance measures and accountability. We will only pay for programs that make a difference in the lives of students. I will again support Opportunity Scholarships, giving tax credits to businesses that provide tuition-based scholarships for at-risk students to attend private schools. Through the leadership of Assemblywoman Melissa Woodbury, the Assembly Committee on Education will introduce this legislation. And I will sign it when it reaches my desk.

I support legislation that increases the quality of public charter schools. My budget provides $20 million in matching funding to encourage successful, proven charter school organizations to open more charter schools in Nevada.

And based on recent events, I have concluded that local school boards should be appointed, not elected. Although well intended, some of these boards have become disconnected from their communities. I will therefore support legislation to provide for the appointment of members of local school boards.

We must also recognize that Nevada's school districts may be too large or too small. Today, they range in size from 74 students in Esmeralda County to over 318,000 students in Clark County. I will introduce legislation that allows local governments to create smaller school districts in our urban counties and consolidate school districts in our rural counties.

I will also support legislation to enact true collective bargaining reform in our school system. In 2011, I asked the Legislature for a more balanced approach to contract negotiations. Most bills never received a hearing. I again stand ready to work with you to ensure that employee compensation is fair, but also recognizes the need for reform.

We cannot expect that governance and financing models alone will address the underlying issues that prevent many students from learning. Achieving meaningful public school reform also means addressing the environment in which our children learn. Our First Lady has long been a champion for our youth and in recent months, she has focused her abundant energies on hunger in our schools. Responding to the recommendations from the Food Security Task Force, my budget includes $2 million to expand breakfast in the classroom, and legislation will be introduced to leverage federal spending in this area.

The onset of the Internet, texting, Twitter, Snapchat, Facebook, and other technologies has introduced new stressors in the lives of our youth, without necessary coping skills. Many have nowhere to turn, resulting in lower grades, school absence, and in the worst cases, violence and tragedy. The price paid by some is staggering. With us tonight from Las Vegas are Mary Bryan, Aimee Hairr, and Jason Lamberth, whose children were the victims of school bullying. Unfortunately, these parents are not alone. Over 4,000 incidents of bullying and cyberbullying were reported in Nevada during the last school year. I will work with Senator Parks and

Assemblywoman Spiegel, champions of school safety and anti-bullying efforts, to propose legislation this session to reform Nevada's anti-bullying laws. In addition, a new Office for Safe and Respectful Learning will administer $36 million in grants for social workers in our schools, as recommended by the Behavioral Health and Wellness Council.

Teachers and principals who lead our schools also deserve our support through investment and accountability. We must empower them. That is why I am introducing legislation to strengthen the current pay-for-performance laws. We will require districts to set aside money to reward the very best teachers and principals and attract them to teach at underperforming schools.

I have also substantially increased the state's commitment to professional development through a Great Teaching and Leading Fund. These funds will be used to improve the teaching profession, attract new teachers, and train the kind of school leaders that we need.

Finally, we must acknowledge that far too many of our schools are persistently failing. Tomorrow, our Department of Education will release a list of underperforming schools. The list includes 10 percent of the schools in our state. Many have been failing for more than a decade. We must draw a line in the sand and say No more. I am therefore requesting the creation of an "Achievement School District." This unique school district will manage failing schools without regard to location. I have asked former Washoe County Superintendent Pedro Martinez to help with this initiative as a Superintendent in Residence in the Nevada Department of Education. Pedro, I thank you for your leadership on this issue.

Ladies and gentlemen, this is my plan to improve education in the state of Nevada. We will make investments from early learning through high school graduation. We will support enhancements in technology, students at risk, gifted students, teachers and principals, school choice, and construction. We will tie those investments to performance, with targeted grants wherever possible. There will be no blank check. We will revise collective bargaining laws. We will also modernize and transform the system. And we will ensure that all of our students are ready for success in college and careers, every single one of them.

Today only one out of three Nevadans have the benefit of education or training after high school. Yet we know the jobs of the future will require two-thirds of us to have post high school credentials. The new Nevada will need more scientists, machinists, engineers, computer programmers, welders, and other STEM workers to grow our new industries. Our colleges and universities are the key. Last session we took steps to introduce performance funding to the Nevada System of Higher Education. The institutions responded, and tonight I am pleased to announce additional investments in our colleges and universities.

My budget includes new operating funds in the amount of $76 million for higher education plus $24 million in bond funding for capital construction. The Nevada System of Higher Education sees a growth of over 8 percent in state support over the next budget cycle. A UNLV hotel school is funded with $24 million. There is no reason why the best hotel school in the nation shouldn't be in the greatest city in the nation, Las Vegas, Nevada.

Las Vegas also needs a medical school. It is the largest metropolitan area in the nation without one. The Board of Regents has recognized this need, and I am pleased to provide the first $9.3 million for the initial costs of establishing the new UNLV Medical School.

Although we will establish a medical school at UNLV, Nevada needs more doctors now. My budget includes $10 million in new funding for graduate medical education to attract and retain the best new doctors in America to train and stay in Nevada.

All in—from preschool through graduate school—the proposals I have outlined tonight will invest $882 million in education in our state over the next two years. Ladies and gentlemen, I do not make these proposals lightly. I know that they change the way that we approach education. But I also know that our system must improve and that every child deserves a chance to succeed.

The investment in our children and transformation of our education system is absolutely necessary, and so tonight, I ask for your help in creating the funding base to pay for it. For four years, we have held the line on spending. Temporary revenue measures, cuts, and efficiencies were necessary. We sought to get Nevada working again, and we did it. Businesses were able to get back on their feet and plan for the future. We also cut red tape and improved state government. Yet caseload growth, school enrollment, and infrastructure needs place new pressures on state spending every single day.

In the current fiscal year, despite an improving economy and record job growth, we would be unable to pay our bills without significant adjustments to the approved spending plan. This year alone we are $150 million below forecasts—and this is in a time of economic recovery. Our current revenue structures do not keep up with growth. The Economic Forum set available General Fund revenues for the next biennium at approximately $6.3 billion. Our current biennial budget is $6.6 billion. For the coming budget cycle, the Forum projects General Fund revenues will only be slightly more than the 2005-2007 budget—ten years ago. By contrast, during that past ten years our population has increased by 335,000 people, K-12 enrollment has increased by over 55,000 students, and the number of Nevadans in many social service programs has more than doubled.

The budget I am proposing includes $7.3 billion in General Fund spending—significantly less than agency requests. But it begins the strategic investment in the education that we require. I believe that this is necessary, even critical, for our future.

We must also consider sensible reform to the Public Employees' Retirement System and the way we pay state employees. My budget will no longer require state employees to take furloughs. State employees have made great sacrifices, and I want to personally thank them for their service to the people of the state of Nevada.

Tonight I am asking this legislature to work with me to ensure that Nevada moves forward. To close the gap between proposed revenue and projected spending, I am offering a two-part solution. Like so many of these new proposals, it provides an opportunity for modernization.

First, the so-called "sunset taxes" must be continued to cover basic expenditures. They provide revenue not only for the General Fund, but also, the Distributive School Account. It's time that we be honest with ourselves —these revenues are now part of our comprehensive budget.

Second, we must identify new sources of revenue. One-hundred thirty-two million dollars can be found through changes to existing state law, and this will help some of the structural issues. But we must fully fund the education initiatives I have outlined. I am therefore proposing a broad-based solution that asks Nevada business to invest in our education system. By modifying the existing business license fee to a graduated scale, we will generate over $430 million in the next two years—funding equal to the investment in Pre-K through twelfth grade that I am proposing in the budget.

I realize that these decisions are difficult. I know I am asking a lot from the business community. But I have explored every option and find this to be the broadest, least complicated, and fairest solution. Business license fees will be immediately available, something that is critical for our budget and this revenue will grow as the economy grows in the years ahead.

I know this approach will cause debate. You will all find that there is no perfect solution. But what we must all agree on is that another generation of young Nevadans cannot move through our schools without more resources, choice, and reform—and that we must modernize our revenue system. Together we must establish a plan to continually improve the Silver State. We have an opportunity to show that Nevada leads.

Nevada is poised to lead the nation in the technology sector. My budget includes funding to reignite the Governor's Office of Science, Innovation and Technology. It will bring focus to our STEM strategy and coordinate broadband connectivity so that our schools, telemedicine, and communities have the necessary access to fiber technology. The office will also administer STEM Workforce Challenge Grants as envisioned by the recent Brookings Institute report.

And tonight I am pleased to announce the expansion of one of southern Nevada's homegrown technology companies. Switch, the world's largest data center, is poised to expand to northern Nevada, bringing $1 billion of investment with it. Switch also plans 1 million square feet of new data center space in Las Vegas, for a total investment of $2 billion. This will make Nevada the most digitally connected state in the United States of America.

The list of companies wanting to do business in Nevada keeps growing, but Nevada's unemployment rate is still too high. Much of the persistent unemployment can be attributed to construction jobs, which were cut in half in the last recession. Getting housing construction back to prerecession levels would create thousands of new jobs. I am calling on the Legislature to pass reasonable construction defect reforms to revive our housing market and bring jobs back to Nevadans. We can lead by spurring construction in other areas as well. The Department of Transportation's Project NEON will invest $250 million to improve southern Nevada's I-15,

reduce congestion, and create construction jobs. Other statewide projects will use another $230 million for construction, maintenance, and future planning.

In Las Vegas, the Convention and Visitors Authority is helping us remain competitive with the proposed Global Business District. This District will add crucial new technology that conventions demand, and it will add new trade show space that could generate $700 million in new revenue every year. This project is critical to maintaining Las Vegas as the entertainment and convention capital of the world.

Threats to the sagebrush ecosystem and the resulting potential impacts to Nevada's wildlife, agriculture, and mining offer another area where Nevada can lead. I will continue to support Nevada's cutting-edge plan to protect our habitats and avoid a listing of the greater sage grouse.

Our long history of cultural preservation provides another opportunity for Nevada to lead. My budget includes funding to begin planning for the Stewart Native American Historic Experience. This project will restore the Stewart Indian School in Carson City and create a one-of-a-kind Cultural Welcome Center focusing upon our Nevada tribes. Tribal leaders are with us this evening, and I thank and welcome these heads of state to these chambers.

I am keenly aware that Autism Spectrum Disorder impacts 1 in every 68 children. Estimated projections indicate nearly 6,000 children in Nevada have autism spectrum disorder. We must meet the needs of these children as early diagnosis and treatment have life-changing consequences. Through increased state support and better use of federal resources, funding will increase from $1.8 million when I took office to $73 million.

My administration is also proposing to centralize 11 agencies within the Department of Business and Industry into a convenient one-stop shop—the Nevada State Business Center. This Las Vegas complex will reduce costs and provide better service to our business community.

Nevada also leads through service. I proclaimed 2014 to be the "Year of the Veteran." This was part of the Green Zone Initiative, Nevada's nationally recognized veterans' services effort. Over the last two years, our veterans' cemeteries have received millions of dollars in grants to continue to provide dignity, honor, and respect for our fallen heroes. We doubled the number of veterans' service officers, and as a result, Nevada veterans have received an additional $50 million annually, tripling the amount from three years ago.

Unfortunately, our Southern Nevada Veterans Home is at capacity, and northern Nevadans have no veterans' home of their own. My budget includes $14 million in bond funds to build the Northern Nevada Veterans Home. Our veterans deserve nothing less.

Seated among us tonight are six veterans, each representing a different conflict from our nation's history, and they embody the spirit of how Nevada leads:

Radioman 1st class Bill Parsons of Sparks served in the U.S. Navy's submarine service during World War II.

Retired First Sergeant Chuck Harton of Reno served in World War II and Korea.

Erwin "Moe" McQueen of Ely served as an Army Infantryman in Vietnam.

Air Force Master Sergeant B.J. Jefferson of Las Vegas served during the Gulf War, Iraq, and Afghanistan.

Amy Wallin of Reno served in the Coast Guard during the Global War on Terrorism.

National Guard Captain Denisse Ramos of Las Vegas deployed three times—twice to Iraq and once to Afghanistan.

Ladies and gentlemen, let's give one more Nevada thank you for these Nevada heroes.

Ladies and gentlemen, Nevada stands at a threshold. We live in a state that is transforming before our eyes—with twenty-first century companies, jobs, and technologies that place us at the forefront of innovation and the new economy. Yet we still operate with decades-old funding systems and an education structure that will eventually grind us to an inevitable halt. I know that we have the ability, willingness, and determination to do what is necessary. We all want to tell our grandchildren that we were the architects of the new Nevada—that we were here when Nevada needed us most.

Those before us rose to the challenges of their time and built the foundation of the state we all love. The sesquicentennial celebration highlighted those achievements. But tonight, as we close the chapter on 150 years of history, this is our time, and we must resolve to make our own history.

I am a son of the Silver State. I love our people, I'm proud of who we are, and I'm optimistic about what we can become. I truly believe that Nevada's best days are yet to come. I know that

you all feel the same way. We may stand for different causes. We may even wear different political jerseys. We may have different beliefs. But we are united in our desire to move Nevada forward with a transformed educational system; a healthy citizenry; safe and livable communities; a vibrant economy; and an efficient and responsive state government.

With our spirit of perseverance and courage, we must dare to write the next chapter of the Nevada story—a story that Nevadans in 2064 will look back on and say They got it right. I ask us all to rise above that which seems easy. I ask us to lead. I ask us to lead, so that Nevada can lead.

God bless you, and God bless our great state of Nevada.

COMMUNICATIONS

SUPREME COURT OF NEVADA
JAMES W. HARDESTY, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NV 89701-4702
(775) 684-1590

January 29, 2015

SENATOR MICHAEL ROBERSON
SPEAKER-DESIGNATE JOHN HAMBRICK
NEVADA LEGISLATURE
401 S. Carson Street
Carson City, NV 89701-4747

RE: State of the Judiciary Address—2015 Legislative Session

DEAR SENATOR ROBERSON AND SPEAKER-DESIGNATE HAMBRICK:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Nevada Supreme Court in 2015, to address a joint session of the Legislature on the State of the Judiciary on April 15, 2015, at 5:00 p.m. The court is hosting a reception for legislators at 6:00 p.m. that evening.

Your joint consideration of this request would be much appreciated.

Sincerely,
JAMES W. HARDESTY
Chief Justice

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 29, 2015

SUSAN FURLONG, *Chief Clerk*
401 S. Carson Street
Carson City, Nevada 89701-4747

DEAR CHIEF CLERK FURLONG:

This letter shall serve as acknowledgment of the transfer of Assembly Bill Nos. 126, 150, 209, 218, 240, 345, 391, 440, and 441 (of the 77th Legislative Session), which were vetoed by the Governor after the end of the 77th Legislative Session. The engrossed and enrolled copies of above-referenced vetoed bills were transferred to your office, pursuant to the Nevada Constitution Article 4, Section 35, on January 6, 2015, as evidenced by the enclosed copy of the transfer receipt.

Should you have any questions, please do not hesitate to contact the Elections Division at (775) 684-5705.

Respectfully,
BARBARA K. CEGAVSKE
Secretary of State

BY: SCOTT F. GILLES, ESQ.
Deputy Secretary for Elections

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 2, 2015

SUSAN FURLONG
Chief Clerk of the Assembly
401 S. Carson Street
Carson City, Nevada 89701-4747

RE: Initiative to Regulate and Tax Marijuana

DEAR MS. FURLONG:

Pursuant to the Nevada Constitution, Article 19, Section 2, the Secretary of State's office is required to transmit to the Nevada Legislature any initiative petition proposing a constitutional amendment or statewide measure, which is filed with this office and deemed sufficient, as soon as the Nevada Legislature convenes and organizes. In compliance with the Nevada Constitution, enclosed please find the "Initiative to Regulate and Tax Marijuana" petition.

Should you have any questions, please contact me at 684-5705.

Respectfully,
BARBARA K. CEGAVSKE
Secretary of State

BY: SCOTT F. GILLES
Deputy Secretary for Elections

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 2, 2015

SUSAN FURLONG
Chief Clerk of the Assembly
401 S. Carson Street
Carson City, Nevada 89701-4747

RE: The Background Check Initiative

DEAR MS. FURLONG:

Pursuant to the Nevada Constitution, Article 19, Section 2, the Secretary of State's office is required to transmit to the Nevada Legislature any initiative petition proposing a constitutional amendment or statewide measure, which is filed with this office and deemed sufficient, as soon as the Nevada Legislature convenes and organizes. In compliance with the Nevada Constitution, enclosed please find the "The Background Check Initiative" petition.

Should you have any questions, please contact me at 684-5705.

Respectfully,
BARBARA K. CEGAVSKE
Secretary of State

BY: SCOTT F. GILLES
Deputy Secretary for Elections

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

TO THE HONORABLE MEMBERS OF THE NEVADA STATE ASSEMBLY:

On behalf of Carson City I extend to you our warmest welcome. Carson City takes pride in being the capital of our great State and it is our desire to share that pride with each of you, your families and staff during the 78th Session of Nevada Legislature. We understand that the press of legislative business may leave little personal time, but we wish to make what time you have in our community as enjoyable as possible.

We are proud to have recently earned the designation as the most travel-worthy state capital in the nation. Consistent with that designation, we have many fine dining establishments that are sure to please the palate of even the most discriminating connoisseur. We are also proud to have earned the prestigious designations as both a runner and bicycle friendly community and as such we invite you to experience any of the many urban and rural walking, hiking. jogging and biking trails developed in the over 6000 acres of open space in and around Carson City and its foothills. Additionally we invite you to attend one of the many cultural and charitable events that will occur during your stay.

Please do not hesitate to call on us if you need any assistance in our city.

In closing, please accept our sincere appreciation for your work on behalf of our state.

Sincerely,
ROBERT L. CROWELL
Mayor

PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to marijuana; requiring the Department of Taxation to adopt regulations relating to the license to operate and operation of a marijuana establishment; providing for disciplinary action against a marijuana establishment which violates laws regulating the establishment; authorizing the possession, use, consumption, purchase, processing and transportation of certain quantities of marijuana by certain persons in this State; authorizing the possession, use, transportation and purchase of marijuana paraphernalia by certain persons in this State; authorizing certain other acts relating to marijuana; making contracts relating to the operation of marijuana establishments enforceable; providing for the licensure of marijuana distributors; providing for licensure of marijuana establishments; providing a fee for the application for a license to operate a marijuana establishment and for an annual licensing fee; establishing certain requirements for marijuana establishments; imposing an excise tax on wholesale sales of marijuana by a marijuana cultivation facility; providing penalties; and providing other matters properly relating thereto.

Section 1. Short Title. Sections 1 to 18, inclusive, of this act may be cited as the Regulation and Taxation of Marijuana Act.

Sec. 2. Preamble.

In the interest of the public health and public safety, and in order to better focus state and local law enforcement resources on crimes involving violence and personal property, the People of the State of Nevada find and declare that the use of marijuana should be legal for persons 21 years of age or older, and its cultivation and sale should be regulated similar to other legal businesses.

The People of the State of Nevada declare that the cultivation and sale of marijuana should be taken from the domain of criminals and be regulated under a controlled system, where businesses will be taxed and the revenue will be dedicated to public education and to the enforcement of the regulations in this act.

The People of the State of Nevada proclaim that marijuana should be regulated in a manner similar to alcohol so that:

(a) Marijuana may only be purchased from a business that is licensed by the State of Nevada;

(b) Business owners are subject to a review by the State of Nevada to confirm that the business owners and the business location are suitable to produce or sell marijuana;

(c) Cultivating, manufacturing, testing, transporting, and selling marijuana will be strictly controlled through state licensing and regulation;

(d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;

(e) Individuals will have to be 21 years of age or older to purchase marijuana;

(f) Driving under the influence of marijuana will remain illegal; and

(g) Marijuana sold in the state will be tested and labeled.

Sec. 3. Definitions. As used in sections 1 to 18, inclusive, of this act, unless the context otherwise requires:

1. "Community facility" means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.

2. "Concentrated marijuana" means the separated resin, whether crude or purified, obtained from marijuana.

3. "Consumer" means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.

4. "Department" means the Department of Taxation.

5. "Dual Licensee" means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to Chapter 453A of NRS and a license to operate a marijuana establishment under sections 1 to 18, inclusive, of this act.

6. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. "Excluded felony offense" does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or

(b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to Chapter 453A of NRS, except that the conduct occurred before the effective date of Chapter 453A of NRS, or was prosecuted by an authority other than the State of Nevada.

7. "Locality" means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.

8. "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" does not include:

(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

9. "Marijuana cultivation facility" means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

10. "Marijuana distributor" means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.

11. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

12. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

13. "Marijuana products" means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

14. "Marijuana paraphernalia" means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing,

analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

15. "Marijuana testing facility" means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.

16. "Process" means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

17. "Public place" means an area to which the public is invited or in which the public is permitted regardless of age. "Public place" does not include a retail marijuana store.

18. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

19. "Unreasonably Impracticable" means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Sec. 4. Limitations. 1. Sections 1 to 18 do not permit any person to engage in and do not prevent the imposition of any civil, criminal, or other penalty for:

(a) Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana;

(b) Knowingly delivering, giving, selling, administering, or offering to sell, administer, give, or deliver marijuana to a person under 21 years of age, unless:

(1) The recipient is permitted to possess marijuana pursuant to Chapter 453A of NRS; or

(2) The person demanded and was shown bona fide documentary evidence of the majority and identity of the recipient issued by a federal, state, county, or municipal government, or subdivision or agency thereof;

(c) Possession or use of marijuana or marijuana paraphernalia on the grounds of, or within, any facility or institution under the jurisdiction of the Nevada Department of Corrections;

(d) Possession or use of marijuana on the grounds of, or within, a school providing instruction in preschool, kindergarten, or any grades 1 through 12; or

(e) Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice.

2. Sections 1 to 18 do not prohibit:

(a) A public or private employer from maintaining, enacting, and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under sections 1 to 18, inclusive, of this act;

(b) A state or local government agency that occupies, owns, or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana in that building;

(c) A person who occupies, owns, or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana on that property; or

(d) A locality from adopting and enforcing local marijuana control measures pertaining to zoning and land use for marijuana establishments.

3. Nothing in the provisions of sections 1 to 18, inclusive, of this act shall be construed as in any manner affecting the provisions of Chapter 453A of NRS relating to the medical use of marijuana.

Sec. 5. Powers and duties of the Department. 1. Not later than 12 months after the effective date of this act, the Department shall adopt all regulations necessary or convenient to carry out the provisions of sections 1 to 18, inclusive, of this act. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;

(c) Requirements for the security of marijuana establishments;

(d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;

(e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;

(f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;

(g) Requirements for record keeping by marijuana establishments;

(h) Reasonable restrictions on signage, marketing, display, and advertising;

(i) Procedures for the collection of taxes, fees, and penalties imposed by sections 1 to 18, inclusive, of this act;

(j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;

(k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;

(l) Procedures to establish the fair market value at wholesale of marijuana; and

(m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of section 13 of this act.

2. The Department shall approve or deny applications for licenses pursuant to section 9 of this act.

3. The Department may by motion or on complaint, after investigation, notice of the specific violation, and an opportunity for a hearing, pursuant to the provisions of Chapter 233B of NRS, suspend, revoke, or fine a licensee for the violation of sections 1 to 18, inclusive, of this act or for a violation of a regulation adopted by the Department pursuant to this section.

4. The Department may immediately suspend the license of any marijuana establishment if the marijuana establishment knowingly sells, delivers, or otherwise transfers marijuana in violation of sections 1 to 18, inclusive, of this act, or knowingly purchases marijuana from any person not licensed pursuant to sections 1 to 18, inclusive, of this act or to Chapter 453A of NRS. The Department must provide an opportunity for a hearing pursuant to the provisions of NRS 233B.121 within a reasonable time from a suspension pursuant to this subsection.

5. To ensure that individual privacy is protected:

(a) The Department shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and

(b) A retail marijuana store must not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

6. The Department shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.

7. The Department shall inspect marijuana establishments as necessary to enforce sections 1 to 18, inclusive, of this act or the regulations adopted pursuant to this section.

Sec. 6. Personal Use and Cultivation of Marijuana. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, it is lawful, in this State, and must not be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess, use, consume, purchase, obtain, process, or transport marijuana paraphernalia, one ounce or less of marijuana other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana;

2. Possess, cultivate, process, or transport not more than six marijuana plants for personal use and possess the marijuana produced by the plants on the premises where the plants were grown, provided that:

(a) Cultivation takes place within a closet, room, greenhouse, or other enclosed area that is equipped with a lock or other security device that allows access only to persons authorized to access the area; and

(b) No more than 12 plants are possessed, cultivated, or processed at a single residence, or upon the grounds of that residence, at one time;

3. Give or otherwise deliver one ounce or less of marijuana, other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana without remuneration to a person provided that the transaction is not advertised or promoted to the public; or

4. Assist another person who is 21 years of age or older in any of the acts described in this section.

Sec. 7. Marijuana Paraphernalia Authorized. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, it is not unlawful and shall not be an offense or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.

Sec. 8. Lawful operation of marijuana establishments. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, or the regulations adopted pursuant to section 5 of this act, it is lawful and must not, in this State, be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess marijuana and marijuana products, purchase marijuana from a marijuana cultivation facility, purchase marijuana and marijuana products from a marijuana product manufacturing facility, return marijuana or marijuana products to a facility from which they were purchased, transport marijuana and marijuana products to or from a marijuana testing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, or sell marijuana and marijuana products to consumers, if the person conducting the activities described in this subsection has a current, valid license to operate a retail marijuana store or is acting in the person's capacity as an agent of a retail marijuana store.

2. Cultivate, harvest, process, package, or possess marijuana, sell marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store, transport marijuana to or from a marijuana cultivation facility, a marijuana product manufacturing facility, or a marijuana testing facility, use the services of a marijuana distributor to transport marijuana to or from marijuana establishments, or purchase marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an agent of a marijuana cultivation facility.

3. Package, process, manufacture, or possess marijuana and marijuana products, transport marijuana and marijuana products to or from a marijuana testing facility, a marijuana cultivation facility, or a marijuana product manufacturing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, sell marijuana and marijuana products to a retail marijuana store or a marijuana product manufacturing facility, purchase marijuana from a marijuana cultivation facility, or purchase marijuana and marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an agent of a marijuana product manufacturing facility.

4. Possess marijuana and marijuana products and transfer and transport marijuana and marijuana products between marijuana establishments, if the person transporting the marijuana and marijuana products has a current, valid license to operate as a marijuana distributor or is acting in his or her capacity as an agent of a marijuana distributor.

5. Possess, process, repackage, transport, or test marijuana and marijuana products if the person has a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an agent of a marijuana testing facility.

6. Lease or otherwise allow property owned, occupied, or controlled by any person, corporation, or other entity to be used for any of the activities conducted lawfully in accordance with this section.

Sec. 9. Contracts pertaining to marijuana enforceable. It is the public policy of the People of the State of Nevada that contracts related to the operation of marijuana establishments under sections 1 to 18, inclusive, of this act should be enforceable, and no contract entered into by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, or by those who allow property to be used by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.

Sec. 10. Certification of marijuana establishments. 1. No later than 12 months after the effective date of this act, the Department shall begin receiving applications for marijuana establishments.

2. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall only accept applications for licenses for retail marijuana stores, marijuana product manufacturing facilities, and marijuana cultivation facilities pursuant to sections 1 to 18, inclusive, of this act, from persons holding a medical marijuana establishment registration certificate pursuant to Chapter 453A of NRS.

3. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall issue licenses for marijuana distributors pursuant to sections 1 to 18, inclusive, of this act, only to persons holding a wholesale dealer license pursuant to Chapter 369 of NRS, unless the Department determines that an insufficient number of marijuana distributors will result from this limitation.

4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:

(a) Issue the appropriate license if the license application is approved; or

(b) Send a notice of rejection setting forth the reasons why the Department did not approve the license application.

5. The Department shall approve a license application if:

(a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to section 12;

(b) The physical address where the proposed marijuana establishment will operate is owned by the applicant or the applicant has the written permission of the property owner to operate the proposed marijuana establishment on that property;

(c) The property is not located within:

(1) 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department; or

(2) 300 feet of a community facility that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department;

(d) The proposed marijuana establishment is a proposed retail marijuana store and there are not more than:

(1) 80 licenses already issued in a county with a population greater than 700,000;

(2) 20 licenses already issued in a county with a population that is less than 700,000 but more than 100,000;

(3) 4 licenses already issued in a county with a population that is less than 100,000 but more than 55,000;

(4) 2 licenses already issued in a county with a population that is less than 55,000;

(5) Upon request of a county government, the Department may issue retail marijuana store licenses in that county in addition to the number otherwise allowed pursuant to this paragraph;

(e) The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and

(f) The persons who are proposed to be owners, officers, or board members of the proposed marijuana establishment:

(1) Have not been convicted of an excluded felony offense; and

(2) Have not served as an owner, officer, or board member for a medical marijuana establishment or a marijuana establishment that has had its registration certificate or license revoked.

6. Competing applications. When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.

Sec. 11. Expiration and renewal. 1. All licenses expire one year after the date of issue.

2. The Department shall issue a renewal license within 10 days of receipt of the prescribed renewal application and renewal fee from a marijuana establishment if its license is not under suspension or has not been revoked.

Sec. 12. Fee schedule. 1. The Department shall require each applicant for a marijuana establishment license to pay a one-time application fee of $5,000.

2. The Department may require payment of an annual licensing fee not to exceed:

For the initial issuance of a license for a retail marijuana store $20,000
For a renewal license for a retail marijuana store $6,600
For the initial issuance of a license for a marijuana cultivation facility $30,000
For a renewal license for a marijuana cultivation facility $10,000
For the initial issuance of a license for a marijuana product manufacturing facility $10,000
For a renewal license for a marijuana product manufacturing facility $3,300
For the initial issuance of a license for a marijuana distributor $15,000
For a renewal license for a marijuana distributor $5,000
For the initial issuance of a license for a marijuana testing facility $15,000
For a renewal license for a marijuana testing facility $5,000

Sec. 13. Marijuana establishment operating requirements. In addition to requirements established by rule pursuant to section 5 of this act:

1. Marijuana establishments shall:

(a) Secure every entrance to the establishment so that access to areas containing marijuana is restricted to persons authorized to possess marijuana;

(b) Secure the inventory and equipment of the marijuana establishment during and after operating hours to deter and prevent theft of marijuana;

(c) Determine the criminal history of any person before the person works or volunteers at the marijuana establishment and prevent any person who has been convicted of an excluded felony offense or who is not 21 years of age or older from working or volunteering for the marijuana establishment.

2. All cultivation, processing, and manufacture of marijuana must take place at a physical address approved by the Department and within an area that is enclosed and locked in a manner that restricts access only to persons authorized to access the area. The area may be uncovered only if it is enclosed with security fencing that is designed to prevent unauthorized entry and that is at least 8 feet high.

3. All cultivation, processing, and manufacture of marijuana must not be visible from a public place by normal unaided vision.

4. All cultivation, processing, and manufacture of marijuana must take place on property in the marijuana establishment's lawful possession or with the consent of the person in lawful physical possession of the property.

5. A marijuana establishment is subject to reasonable inspection by the Department, and a person who holds a marijuana establishment license must make himself or herself, or an agent thereof, available and present for any inspection required by the Department. The Department shall make reasonable accommodations so that ordinary business is not interrupted and safety and security procedures are not compromised by the inspection.

Sec. 14. Penalties. 1. Restrictions on personal cultivation.

(a) Except as otherwise provided in 453A of NRS, any person who:

(1) Cultivates marijuana plants within 25 miles of a retail marijuana store licensed pursuant to sections 1 to 18, inclusive, of this act, unless the person is a marijuana cultivation facility or a person acting in his or her capacity as an agent of a marijuana cultivation facility;

(2) Cultivates marijuana plants where they are visible from a public place by normal unaided vision; or

(3) Cultivates marijuana on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property;

(b) Is guilty of:

(1) For a first violation, a misdemeanor punished by a fine of not more than $600.

(2) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(3) For a third violation, a gross misdemeanor.

(4) For a fourth or subsequent violation, a category E felony.

2. A person who smokes or otherwise consumes marijuana in a public place, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

3. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain marijuana is guilty of a misdemeanor.

4. A person under 21 years of age who knowingly enters, loiters, or remains on the premises of a marijuana establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess marijuana pursuant to Chapter 453A NRS and the marijuana establishment is a dual licensee.

5. A person who manufactures marijuana by chemical extraction or chemical synthesis, unless done pursuant to a marijuana product manufacturing license issued by the Department or authorized by Chapter 453A of NRS, is guilty of a category E felony.

6. A person who knowingly gives marijuana to any person under 21 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

7. A person who knowingly gives marijuana to any person under 18 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

8. Notwithstanding the provisions of sections 1 to 18, inclusive, of this act, after the effective date of this act, the legislature may amend provisions of this act to provide for the conditions in which a locality may permit consumption of marijuana in a retail marijuana store.

Sec. 15. Marijuana excise tax. 1. An excise tax is hereby imposed and must be collected by the State respecting wholesale sales of marijuana in this State by a marijuana cultivation facility at a rate of 15 percent of the fair market value at wholesale of the marijuana. The tax imposed pursuant to this subsection:

(a) Is the obligation of the marijuana cultivation facility; and

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

Sec. 16. Any tax revenues, fees, or penalties collected pursuant to sections 1 to 18, inclusive, of this act, first must be expended to pay the costs of the Department and of each locality in carrying out sections 1 to 8, inclusive, of this act and the regulations adopted pursuant thereto. The Department shall remit any remaining money to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 17. Severability. If any provision of this act, or the application thereof to any person, thing, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 18. Effective Date. This act shall become effective on October 1, 2015 if approved by the legislature, or on January 1, 2017 if approved by the voters.

Assemblyman Paul Anderson moved that Initiative Petition No. 1 be referred to the Committee on Judiciary.

Motion carried.

Initiative Petition No. 2—AN ACT relating to public safety; requiring certain persons to request a background check before selling or transferring a firearm to another person; making certain exceptions to that requirement; providing for a licensed dealer to conduct such a background check; providing a penalty; and providing other matters properly relating thereto.

Section 1. Short Title. Sections 1 to 9, inclusive, of this act may be cited as The Background Check Act**.**

Sec. 2. Preamble. The people of Nevada do hereby find and declare that:

1. To promote public safety, federal law currently prohibits felons, domestic abusers, the severely mentally ill, and other dangerous people from buying or possessing firearms;

2. Federally licensed firearms dealers are required to run background checks on their prospective buyers to ensure they are not prohibited from buying or possessing firearms;

3. Criminals and other dangerous people can avoid background checks by buying guns from unlicensed firearms sellers, whom they can easily meet online or at gun shows and who are not legally required to run background checks before selling or transferring firearms;

4. Due to this loophole, millions of guns exchange hands each year in the United States without a background check;

5. The background check process is quick and convenient: Over 90% of federal background checks are completed instantaneously and over 97% of Nevadans live within 10 miles of a licensed gun dealer;

6. We have the right to bear arms, but with rights come responsibilities, including the responsibility to keep guns out of the hands of convicted felons and domestic abusers;

7. To promote public safety and protect our communities, and to create a fair, level playing field for all gun sellers, the people of Nevada find it necessary to more effectively enforce current law prohibiting dangerous persons from purchasing and possessing firearms by requiring background checks on all firearms sales and transfers, with reasonable exceptions, including for immediate family members, hunting, and self-defense.

Sec. 3. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections Through inclusive, of this act.

Sec. 4. Definitions. ***As used in NRS 202.254 and sections 5 to7, inclusive, of this act, unless the context otherwise requires:***

1. "Hunting" has the meaning ascribed to it in NRS 501.050.

2. "Licensed dealer" means a person who holds a license as a dealer in firearms issued pursuant to 18 U.S.C. § 923(a).

3. "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

4. "Unlicensed person" means a person who does not hold a license as a dealer, importer, or manufacturer in firearms issued pursuant to 18 U.S.C. § 923(a).

5. "Transferee" means an unlicensed person who wishes or intends to receive a firearm from another unlicensed person.

6. "Transferor" means an unlicensed person who wishes or intends to transfer a firearm to another unlicensed person.

7. "Trapping" has the meaning ascribed to it in NRS 501.090.

8. "Central Repository" has the meaning ascribed to it in NRS 179A.045.

Sec. 5. NRS 202.254 is hereby amended to read as follows:

1. ***Except as otherwise provided in section 6 of this act, an unlicensed person shall not sell or transfer a firearm to another unlicensed person unless a licensed dealer first conducts a background check on the buyer or transferee in compliance with this section.*** ~~[A private person who wishes to transfer a firearm to another person may, before transferring the firearm, request that the Central Repository for Nevada Records of Criminal History perform a background check on the person who wishes to acquire the firearm.]~~

2. The seller or transferor and buyer or transferee shall appear jointly with the firearm and request that a licensed dealer conduct a background check on the buyer or transferee. ~~[The person who requests the information pursuant to subsection 1 shall provide the Central Repository with identifying information about the person who wishes to acquire the firearm.]~~

3. A licensed dealer who agrees to conduct a background check pursuant to this section shall take possession of the firearm and comply with all requirements of federal and state law as though the licensed dealer were selling or transferring the firearm from his or her own inventory to the buyer or transferee, including, but not limited to, all recordkeeping requirements, except that:

(a) the licensed dealer must contact the National Instant Criminal Background Check System, as described in 18 U.S.C. 922(t), and not the Central Repository, to determine whether the buyer or transferee is eligible to purchase and possess firearms under state and federal law; and

(b) the seller or transferor may remove the firearm from the business premises while the background check is being conducted, provided that before the seller or transferor sells or transfers the firearm to the buyer or transferee, the seller or transferor and the buyer or transferee shall return to the licensed dealer who shall again take possession of the firearm prior to the completion of the sale or transfer.

~~[Upon receiving a request from a private person pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the Central Repository shall within 5 business days after receiving the request:~~

~~(a) Perform a background check on the person who wishes to acquire the firearm; and~~

~~(b) Notify the person who requests the information whether the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a state or federal law.]~~

4. A licensed dealer who agrees to conduct a background check pursuant to this section shall inform the seller or transferor and the buyer or transferee of the response from the National Instant Criminal Background Check System. If the response indicates that the buyer or transferee is ineligible to purchase or possess the firearm, the licensed dealer shall return the firearm to the seller or transferor and the seller or transferor shall not sell or transfer the firearm to the buyer or transferee. ~~[If the person who requests the information does not receive notification from the Central Repository regarding the request within 5 business days after making the request, the person may presume that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law.]~~

5. ~~[The Central Repository]~~ ***A licensed dealer*** may charge a reasonable fee for ~~[performing]~~ ***conducting*** a background check ***and facilitating a firearm transfer between unlicensed persons*** ~~[and notifying a person of the results of the background check]~~ pursuant to this section.

~~[6. The failure of a person to request the Central Repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.]~~

Sec. 6. ***The provisions of NRS 202.254 do not apply to:***

1. The sale or transfer of a firearm by or to any law enforcement agency and, to the extent he or she is acting within the course and scope of his or her employment and official duties, any peace officer, security guard entitled to carry a firearm under NAC 648.345, member of the armed forces, or federal official.

2. The sale or transfer of an antique firearm, as defined in 18 U.S.C. § 921(16).

3. The sale or transfer of a firearm between immediate family members, which for the purposes of this chapter means spouses and domestic partners and any of the following relations, whether by whole or half blood, adoption, or step-relation: parents, children, siblings, grandparents, grandchildren, aunts, uncles, nieces and nephews.

4. The transfer of a firearm to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of the former owner of the firearm.

5. A temporary transfer of a firearm to a person who is not prohibited from buying or possessing firearms under state or federal law if such transfer:

(a) is necessary to prevent imminent death or great bodily harm; and

(b) lasts only as long as immediately necessary to prevent such imminent death or great bodily harm.

6. A temporary transfer of a firearm if

(a) the transferor has no reason to believe that the transferee is prohibited from buying or possessing firearms under state or federal law;

(b) the transferor has no reason to believe that the transferee will use or intends to use the firearm in the commission of a crime; and

(c) such transfer occurs and the transferee's possession of the firearm following the transfer is exclusively:

(i) At an established shooting range authorized by the governing body of the jurisdiction in which such range is located;

(ii) At a lawful organized competition involving the use of a firearm;

(iii) While participating in or practicing for a performance by an organized group that uses firearms as a part of the public performance;

(iv) While hunting or trapping if the hunting or trapping is legal in all places where the transferee possesses the firearm and the transferee holds all licenses or permits required for such hunting or trapping; or

(v) While in the presence of the transferor.

Sec. 7. ***Penalty.***

1. An unlicensed person who sells or voluntarily transfers one or more firearms to another unlicensed person in violation of NRS 202.254:

(a) For a first conviction involving the sale or transfer of one or more firearms, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140; and

(b) For a second or subsequent conviction involving the sale or transfer of one or more firearms, is guilty of a category C felony and shall be punished as provided in NRS 193.130(2)(c).

Sec. 8. Severability. If any provision of this act, or the application thereof to any person, thing, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Effective Date. This act shall become effective on October 1, 2015 if approved by the legislature, or on January 1, 2017 if approved by the voters.

Assemblyman Paul Anderson moved that Initiative Petition No. 2 be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 78th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 78th Session of the Legislature as follows:

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. ***Ways and Means, fifteen members.***
2. ***Judiciary, thirteen members.***
3. ***Taxation, twelve members.***
4. ***Education, fourteen members.***
5. ***Legislative Operations and Elections, ten members.***
6. ***Natural Resources, Agriculture, and Mining, twelve members.***
7. ***Transportation, fourteen members.***
8. ***Commerce and Labor, fifteen members.***
9. ***Health and Human Services, fourteen members.***
10. ***Government Affairs, fourteen members.***

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee of the Whole will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee of the Whole is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible on motion to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee of the Whole, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee of the Whole cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a question on the desk.

(d) Postpone consideration of any question.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee;

(o) Inform the Speaker of committee activity; and

(p) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.

11. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority. The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.

2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

3. Custom, usage and precedence.

4. The Statutes of the State of Nevada.

5. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom. It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:
Assembly Resolution 1 contains the Assembly Standing Rules for the 78th Session.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of Assembly attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 78th Session of the Legislature of the State of Nevada: Carol Aiello-Sala, Lucinda Benjamin, Jason P. Hataway, Christie Peters, Michele Burke, Susan Hoffman, Robin L. Bates, Sharon Murphy, Mary A. Matheus, Judy Doherty, Bob Guernsey, Dennis Humphrey, Vickie Kieffer, Nicole Madden, Jennifer D. Osheroff, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Sally Stoner, Sheree Rosevear, Craig Hulse, Geoffrey Lawrence, Daniel Stewart, Betty Jo Vonderheide, Celssie Hardy, Cindy Southerland, Jean Kvam, Sylvia Brown, Joann Saridakis, Barbara Eiche, Bambi Wood, Norma Mallett, Linda Corbett, Mary Lee, Linda Law, Christina Salerno, Deborah Paul, Sara Menke, Stephen Wood, Patricia Demsky, Bonnie Borda Hoffecker, Leslie Danihel, Judith Bishop, Patricia Adams, Linda Blevins, Anne Bowen, Karen Daly, Sherie Silva, Carol J. Thomsen, Barbara Williams, Janice Wright, Cynthia Wyett, Ted Zuend, Erin Barlow, Aubrie Bates, Karen Buck, Lenore Cafora-Nye, Nancy Davis, Gina Hall, Patricia Hartman, Janet Jones, Sharon McCallen, Lori McCleary, Earlene Miller, Jordan Neubauer, Donna Ruiz, Jennifer Russell, Connie J. Smith, Henri Stone, Joan Waldock, Karyn Werner, Nancy Weyhe, Linda Whimple, Mary Bean, Tracy Davis, Sylvia Dominguez-Curry, Linda Fitzgerald, Patti Flasch, Cynthia Hernandez, Patricia Hutson, Kaylyn Kardavani, Annie King, Jacque Lethbridge, Dale Ann Luzzi, Judy Molnar, Divya Narala, Joseph Njoroge,

Jacqueline Ong, Kelly Osborne, Jenny Polek, Thelma Reindollar, Mayita Sanchez, Genet Sauer, Mark Sprinkle, Janet Stokes, Susan Sutton, Tracy Walters, Linda Waters, Amerika Young, Elise Sala, Roberto Lusanta Jr., Olivia M. Lloyd, Trinity Thom, Jamie Tierney, Cheryl Williams, Cindie Kusko, Dakota Fisher, Harle Glover, Carl Henry, Diane Hudson, David E. Moore, Marcia Peterson, Karla Reed, Elizabeth Saenz and Susan Schmid.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Resolution 2 provides for the appointment of the Assembly attachés for the 78th Session.

Resolution adopted.

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Resolution 3 provides allowances to the members of the Assembly for periodicals, stamps, stationery, and communications for the 78th Session.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 78th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 78th Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4 and 14.6.

Rule No. 13.1. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

Rule No. 13.2. Districts.

All district boundaries created by a redistricting plan must follow the census geography as nearly as practicable.

Rule No. 13.3. Bill Draft Requests; Exemptions.

1. Except for emergency requests submitted pursuant to Joint Standing Rule No. 14.4, bill draft requests, including bills in skeletal form, setting forth specific boundaries of districts and amendments thereto may only be requested by the chairs of the redistricting committees.

2. All bill drafts and measures requested by a redistricting committee pursuant to subsection 1 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

Rule No. 13.4. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that was reported to Nevada in 2011 by the United States Census Bureau as part of the federal decennial census.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative

session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator as the chair of a standing committee who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

↳ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested pursuant to subsection 1 of Joint Standing Rule No. 13.3.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblyman Paul Anderson moved that Assembly Concurrent Resolution No. 1 be taken from the Resolution File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Paul Anderson.

Motion carried.

Assemblyman Paul Anderson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 2, 2015, be accepted as

accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ANDE ENGLEMAN, FREELANCE (RAN Newsletter, KNPB, Channel 5): Ande Engleman; ASSOCIATED PRESS: Michelle Rindels, Riley Snyder, Scott Sonner; CAPITAL PUBLIC RADIO: Kyril Plaskon; COVEREDGE TELEVISION NEWS SERVICES: Kausik Bhakta, Dan Bryant, Ryan Coleman, Tracey Frohn, Robert Gatti, Andrew Gray, Randy Hunter, Mark Materne, Robert Noble, Bill Pearce, Keith Taylor, Richard Travis; FORTUNE MAGAZINE: Peter Elkind; JOE SACCO PRODUCTIONS: Joe Sacco; KKLH CUMULUS MEDIA: Samantha Stone; KLAS-TV: Joseph Bartels, Mark Mutchler, William Roe, Lauren Rozyla; KNPB CHANNEL 5 PUBLIC BROADCASTING: Brent Boynton, Rebecca Cronon, Jeremy Dunn, Alex Muench, Dave Santina; KOLO 8 NEWS NOW: Edward Barnett, Jennifer Carruthers, Colin Lygren, Michael Cooper, Terri Russell; KRNV NEWS 4: Ryan Coleman, Madison Corney, Ashley Cullins, Matt DeBray, Roger Duplessis, Jaime Hayden, Terri Hendry, Ryan Kern, Steven Neils, Van Tieu; KSNV NEWS 3: Dree de Clamecy, Jeff Gillan, Chris Jones, Jamie Joyce; KTNV-TV: Jason Harvey, Kenneth Johnson, Victoria Spilabotte; KTVN CHANNEL 2 NEWS: Chloe Beardsley, Arianna Bennett, Erin Breen, Jennifer Burton, Ryan Canaday, Wendy Damonte, Jeff Foss, Andi Guevara, Brad Horn, Luis Latino, Landon Miller, Rachel Mosley, Paul Nelson, John Potter, Kristen Remington, Mike Rogers, Gaby Taffola, Gene Vance, Adam Varahachaikol; KUNR: Ann Nguyen; KVVU-TV: Kevin Bolinger, Justin Grant; LAS VEGAS REVIEW-JOURNAL: Sandra Chereb, Steve Sebelius, Sean Whaley; LAS VEGAS SUN: Kyle Roerink, Cy Ryan; MINEWEB.COM: Dorothy Kosich; NEVADA APPEAL: Brad Cockman, Geoff Dornan, James Grant; NEVADA BROADCASTERS ASSOCIATION: Adrienne Abbott, Mary Beth Sewald; NEVADA MEDIA ALLIANCE: Gabriella Benavidez, Ashton Blake, Conner Board, Rayna Charnley, Nicholas Coleman, Kailee Gett, Amanda Ketchledge, Nicole Kowalewski, Kortney Melchiorre, Annalise Mishler, Nohemi Sandoval, Ryan Smith, Drake Stewart, David Thompson, Walanya Vongsvirates; NEVADA SAGEBRUSH: Breanna Denney, Blake Miller; RALSTON REPORTS: Jon Ralston; RENO GAY PAGE: Paco Poli; RENO GAZETTE-JOURNAL: Andy Barron, Jason Bean, Anjeanette Damon, Ray Hager, Jason Hidalgo, Trevon Milliard, Bill O'Driscoll; RENO PUBLIC RADIO: William Stone; REUTERS: Steve Keegan; TASMAN PACIFIC MEDIA GROUP: Donna Andres, Peter Hutchinson; TRUCKEE MEADOWS COMMUNITY COLLEGE: Tim Ill; UNIVISION NEVADA: Laura Calzada, Ivet Contreras; VEGAS PBS: Elizabeth Thompson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Kirkpatrick and Hansen; Senator Kieckhefer:

Assembly Bill No. 1—AN ACT relating to constructional defects; enacting provisions governing the indemnification of a controlling party by a subcontractor for certain claims for constructional defects; enacting provisions governing wrap-up insurance policies or consolidated insurance programs covering certain claims for constructional defects; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 2—AN ACT relating to crimes; authorizing possession of a weapon in a vehicle that is on the property of certain educational entities

or child care facilities in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 3—AN ACT relating to the Public Employees' Retirement Board; revising provisions governing the size and composition of the Board; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 4—AN ACT relating to wineries; deleting provisions specifying the population of a county in which a winery may engage in certain activities; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 5—AN ACT relating to public welfare; requiring the Aging and Disability Services Division of the Department of Health and Human Services to provide preferences for potential providers of jobs and day training services in issuing certificates authorizing the provision of such services and in entering into agreements concerning the provision of such services; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 6—AN ACT relating to autism spectrum disorders; removing certification of autism behavior interventionists by the Board of Psychological Examiners; sunsetting these changes unless legislation providing for an autism behavior interventionist to obtain a certain other certification is enacted; removing the cap on the amount of required insurance coverage for certain treatment; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 7—AN ACT relating to civil actions; limiting the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 8—AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; prohibiting certain interstate transfers of children; making various changes relating to the appointment of short-term guardians of children; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 9—AN ACT relating to the administration of guardianships; prohibiting a court from granting a summary administration of a ward's estate under guardianship if the ward is suffering from dementia or resides with a care provider that is an institution or facility located outside this State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 10—AN ACT relating to public defenders; revising provisions governing the payment of the costs of providing legal representation to indigent criminal defendants in capital cases; prohibiting the State Public Defender from charging counties for the use of his or her services to provide representation to an indigent criminal defendant in a capital case; requiring the State Public Defender to reimburse a county for the costs of an attorney appointed by a court to provide legal representation to an indigent criminal defendant in a capital case; requiring the State Public Defender to reimburse certain counties for the expenses incurred to provide legal representation to an indigent criminal defendant in a capital case; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 11—AN ACT relating to criminal procedure; revising the limitation of time for disclosure of the factual content of reports of presentence investigations and certain recommendations by the Division of Parole and Probation of the Department of Public Safety; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 12—AN ACT relating to criminal offenders; providing for the continuation of the diversion program that allows certain probation violators to receive treatment for alcohol or drug abuse or mental illness in lieu of revocation of probation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 13—AN ACT relating to support; revising provisions of the Uniform Interstate Family Support Act; revising the effective date of certain provisions of the Act relating to foreign support orders, foreign tribunals and certain persons residing in foreign countries; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 14—AN ACT relating to State Financial Administration; revising the process for declaring certain debts owed to the Division of Industrial Relations of the Department of Business and Industry and to the Gaming Control Board as bad debts; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 15—AN ACT relating to state lands; creating the Account for the Protection and Rehabilitation of the Stewart Indian School for the purpose of repairing and maintaining the historic state buildings and grounds of the Stewart Indian School; requiring the Director of the State Department of Conservation and Natural Resources to consult with an

advisory committee that provides a prioritized list of projects to be funded from money in the Account; authorizing the Administrator of the Division of State Lands of the Department to make a direct sale of certain parcels of land located within Carson City for the purpose of funding the Account; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 16—AN ACT relating to prisoners; providing that an employee of or a contractor or volunteer for a prison commits sexual abuse of a prisoner if he or she voluntarily engages in certain acts with certain prisoners in lawful custody or confinement; revising provisions relating to voluntary sexual conduct between certain prisoners in lawful custody or confinement and other persons; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 17—AN ACT relating to economic development; providing for the establishment by the Executive Director of the Office of Economic Development of a nonprofit entity for certain economic development purposes; revising provisions governing the confidentiality of certain records and documents; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 18—AN ACT relating to unclaimed property; providing that United States savings bonds escheat to this State 3 years after becoming unclaimed property under certain circumstances; providing that all property rights and legal title to, and ownership of, such escheated savings bonds vest in this State under certain circumstances; establishing the procedure by which the State Treasurer may pay the proceeds from the redemption of such a bond to a person claiming the bond; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 19—AN ACT relating to local governments; revising provisions governing the day on which certain governing bodies must hold budget hearings on tentative budgets prepared by those governing bodies; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 20—AN ACT relating to state financial administration; revising provisions governing the procedure for the revision of the budget of the Executive Department of the State Government; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 21—AN ACT relating to governmental financing; extending the maximum period of maturity for certain special obligation bonds issued to provide funding for highway construction projects; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 22—AN ACT relating to education; requiring each school district to conduct an annual audit of the count of certain pupils for apportionment purposes; requiring the Department of Education to publish a manual that prescribes certain auditing procedures; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 23—AN ACT relating to elections; clarifying the authority of the Secretary of State regarding interpretations and other actions necessary for the effective administration of certain statutes and regulations; revising the beginning and ending dates of the period during which certain limits apply to the amount that may be committed or contributed to a candidate or a legal defense fund; providing that a petition to recall a public officer may only be signed by a registered voter who actually voted in the election at which

the public officer was elected; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 24—AN ACT relating to public officers and employees; authorizing payroll offsets to recover delinquent balances on state-issued travel charge cards; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 25—AN ACT relating to the residential construction tax; revising provisions governing the authorized uses of the tax; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 26—AN ACT relating to public schools; establishing when written authorization is required to be obtained from the parent or guardian of a pupil before a public school allows certain surveys, analyses and evaluations to be administered to the pupil; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 27—AN ACT relating to education; revising provisions governing the licensure of certain teachers who are not citizens or lawful permanent residents of the United States; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 28—AN ACT relating to long-term care; requiring the State Long-Term Care Ombudsman to develop certain training to be made available to officers, directors and employees of a facility for long-term care; requiring the Ombudsman to provide certain training to advocates who assist

the Ombudsman in providing services to the residents of a facility; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 29—AN ACT relating to mental health; making certain restrictions relating to the use of restraints and interventions applicable to facilities operated or certified by the Aging and Disability Services Division of the Department of Health and Human Services; authorizing certain private entities to provide job and day training services; making various other changes to provisions relating to the administration of the Division; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 30—AN ACT relating to education; revising provisions concerning the submission of a plan to improve the achievement of pupils enrolled in public school in this State; requiring the State Board to review each plan submitted by the principal of a school and make certain recommendations to the Department of Education; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 31—AN ACT relating to correctional institutions; removing the requirement that certain administrative regulations of the Department of Corrections relating to the deduction of money credited to the Offenders' Store Fund and the imposition of a charge on purchases of electronic devices by offenders be adopted in accordance with the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Concurrent Resolution No. 1 be taken from the Chief Clerk's desk and placed on the Resolution File.

Remarks by Assemblyman Paul Anderson.

Motion carried.

Assembly Concurrent Resolution No. 1.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

We agree with this. We received some clarification and got this straightened out. Thank you for indulging us.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 32—AN ACT relating to special fuels; revising the definition of "special fuel dealer" for the purpose of provisions relating to taxes imposed on special fuels; revising the amount of the tax imposed on the sale or use of liquefied petroleum gas and compressed natural gas; revising provisions governing the conversion of volumetric measurements of liquefied petroleum gas and liquefied natural gas for the purpose of the taxation of the sale or use of liquefied petroleum gas and liquefied natural gas; revising provisions governing the content of certain tax returns filed with the Department of Motor Vehicles by a special fuel dealer or special fuel manufacturer; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 33—AN ACT relating to the State Library and Archives; changing the name of the Division of State Library and Archives of the Department of Administration to the Division of State Library, Archives and Public Records; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 34—AN ACT relating to fire safety; repealing provisions governing certain fire protection districts; reenacting certain of those provisions relating to fire safety; authorizing the State Land Registrar to transfer title to certain real property owned by the State of Nevada to certain local fire protection districts and counties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 35—AN ACT relating to vessels; requiring the Board of Wildlife Commissioners to adopt regulations for issuing and verifying the hull numbers of vessels in this State; requiring the Department of Wildlife, under certain circumstances, to assign a hull number to a vessel that meets the requirements prescribed by the United States Coast Guard; authorizing the Department to require the inspection of a vessel under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 36—AN ACT relating to health care; revising provisions governing the provision of emergency services and care in hospitals in certain larger counties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 37—AN ACT relating to air pollution; revising provisions relating to the sale of a motor vehicle at a consignment auction; limiting the number of such auctions that may be conducted by a consignee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 38—AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary admission of such a person to certain facilities or programs; expanding the list of persons authorized to complete a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 39—AN ACT relating to health care; removing the cap on the application fee for the Physician Visa Waiver Program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 40—AN ACT relating to gaming; providing that certain actions and proceedings of the Board are not subject to certain provisions of the Open Meeting Law; changing the name of the State Gaming Control Board to the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 41—AN ACT relating to health care; requiring money remaining in the Fund for Hospital Care to Indigent Persons at the end of a fiscal year to be carried over to the next fiscal year; making various other changes relating to the Fund; abolishing the Hospital Assessment Account and the Supplemental Account for Medical Assistance to Indigent Persons; repealing provisions authorizing the Board of Trustees of the Fund to require certain hospitals to pay an assessment for certain purposes; abolishing the Fund for the Institutional Care of the Medically Indigent; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 42—AN ACT relating to cancer; removing certain limitations on the use of radiation machines for mammography; revising provisions governing the system for reporting information on cancer maintained by the Chief Medical Officer; removing fees imposed on health care facilities for abstracting information from the facilities in certain circumstances; revising the penalty for certain violations relating to the reporting of such information; repealing an obsolete provision; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 43—AN ACT relating to public works; providing that certain documents and other information submitted by a person seeking a contract with a public body to construct certain public works are confidential

until the contract is awarded; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—AN ACT relating to judgments; revising provisions governing judgments by confession in justice courts; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 45—AN ACT relating to prisoners; revising provisions governing the assessment by the Department of Corrections of prisoners convicted of sexual offenses; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 46—AN ACT relating to juvenile justice; revising provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 47—AN ACT relating to criminal records; revising provisions governing the dissemination of certain records of criminal history to employers and prospective employers by an agency of criminal justice or the Central Repository for Nevada Records of Criminal History; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 48—AN ACT relating to crimes; making the instrumentalities used to commit certain offenses relating to Medicaid fraud subject to forfeiture; extending the period during which criminal records may not be sealed if the crime is related to certain crimes involving Medicaid;

revising provisions relating to incentives for bringing certain actions for false or fraudulent Medicaid claims; revising provisions governing the distribution of amounts collected to private plaintiffs in actions for false claims; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 49—AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting the electronic dissemination or the sale of an intimate image of another person in certain circumstances; prohibiting a person from conspiring with, enabling, aiding or abetting another person in the commission of the unlawful dissemination of an intimate image; prohibiting a person from demanding payment of money, property, services or anything else of value from a person, or directly or indirectly counseling, encouraging, hiring, commanding, inducing or otherwise procuring another person to make such a demand from a person, in exchange for removing an intimate image from public view; revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure and lewdness with a child; revising provisions relating to sexual conduct between certain pupils and certain employees of or volunteers at a school and between certain students and certain employees of a college or university; setting forth various provisions relating to the admissibility of evidence and expert testimony in a criminal action; prohibiting a court from ordering the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in a criminal action relating to the commission of the sexual offense; authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on such a victim or witness; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 50—AN ACT relating to solicitation of contributions; requiring certain charitable organizations to register with the Secretary of State before soliciting charitable contributions in this State; requiring the Secretary of State to provide to the public certain information concerning such registered charitable organizations; revising provisions governing the enforcement of certain requirements imposed on certain nonprofit and charitable organizations; revising provisions governing the disclosure of certain

information in a solicitation for contributions for or on behalf of a nonprofit or charitable organization; authorizing the imposition of penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 51—AN ACT relating to securities; requiring broker-dealers and investment advisers to provide training to certain persons concerning identifying the suspected exploitation of an older person or vulnerable person; requiring certain persons who work for broker-dealers and investment advisers to report the suspected or known exploitation of an older person or vulnerable person; authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations relating to the federal Jumpstart Our Business Startups Act; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 52—AN ACT relating to child welfare; revising provisions concerning the persons responsible for a child's welfare; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 53—AN ACT relating to administrative procedure; revising provisions governing the standard of proof in administrative hearings; making various other changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 54—AN ACT relating to local financial administration; revising provisions governing the operation of the Committee on Local Government Finance; revising provisions relating to the management of a local government existing in a severe financial emergency; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 55—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations that provide for the issuance of a temporary permit to certain teachers and other educational personnel under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 56—AN ACT relating to taxation; revising provisions relating to the ratio study conducted by the Department of Taxation for purposes of equalizing the assessments of property among the counties; authorizing the Department to conduct performance audits of the county assessors; making various other changes relating to the equalization of assessments of property; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 57—AN ACT relating to taxation; revising provisions governing the taxation of purchases of direct mail to ensure continued compliance with the Streamlined Sales and Use Tax Agreement; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 58—AN ACT relating to peace officers; providing the powers of peace officer to all sworn personnel of the Department of Public Safety; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 59—AN ACT relating to the Department of Administration; expanding the jurisdiction of the Administrator of the State Public Works Division of the Department of Administration; requiring the Administrator to consider regulations adopted by the State Public Works

Division when entering into real property leases; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 60—AN ACT relating to ethics in government; revising provisions relating to ethics in government; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 61—AN ACT relating to governmental administration; eliminating the requirement that the Personnel Commission and the Administrator of the Division of Human Resource Management of the Department of Administration submit certain biennial reports; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 62—AN ACT relating to veterans; establishing "Veterans Day at the Legislature" as a day of observance; revising provisions relating to preferences in state purchasing for a business owned and operated by a veteran with a service-connected disability; providing for the disposition of the unclaimed remains of a veteran by a county coroner; authorizing the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances; requiring certain state agencies and regulatory bodies to report certain information to the Interagency Council on Veterans Affairs; requiring the Council to report such information to the Legislature; requiring the Director of the Department of Veterans Services to compile in digital form certain information relating to state laws that affect veterans; requiring the Director to provide such information electronically to certain veterans for whom the Department has an electronic mail address of record; requiring the Director to maintain such information on its Internet website; authorizing xeriscaping in the area immediately above and surrounding the interred remains of a veteran at a veterans' cemetery under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 63—AN ACT relating to campaign practices; clarifying that certain candidates who are elected despite ending their campaigns must file with the Secretary of State certain campaign finance reports; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 64—AN ACT relating to local government; authorizing the governing body of an incorporated city, in certain counties, to take certain actions otherwise reserved to the board of county commissioners of the county if the board fails to act within a prescribed time; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 65—AN ACT relating to notaries public; making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; revising the definition of "document preparation service" to exclude certain nonprofit organizations, commercial resident agents and collection agencies; making various changes relating to the regulation of document preparation services; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 66—AN ACT relating to justices of the peace; revising the qualifications of justices of the peace in certain townships; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 67—AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; providing for the revocation of the

license, permit or privilege to drive of a person who fails to submit to certain tests for the presence of alcohol, controlled substances and prohibited substances under certain circumstances; revising provisions concerning operating or being in actual physical control of a vessel; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 68—AN ACT relating to the Commission on Judicial Discipline; providing that no court in this State other than the Supreme Court may exercise jurisdiction over a complaint or action filed in connection with any proceeding of the Commission; authorizing the Commission to collect attorney's fees and costs from a person who files such a complaint or action in a court lacking jurisdiction; revising provisions governing the examination of complaints received by the Commission; revising the information the Commission is required to disclose if a witness before the Commission is prosecuted for perjury; revising provisions relating to the confidentiality of deliberative sessions and proceedings of the Commission; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 69—AN ACT relating to courts; revising provisions governing the recycling of paper and paper products by courts; revising provisions governing the duties of court clerks and justices of the peace in relation to the fees charged by those officials; revising provisions governing the collection and reporting of certain statistical information by district courts, justice courts and municipal courts; changing the term "county clerk" to "clerk of the court" in certain statutes relating to the fees charged by clerks of the district courts; removing provisions requiring courts to provide to the Court Administrator certain orders relating to bail forfeitures; repealing the requirement that the Nevada Supreme Court decide an appeal from a judgment imposing the death penalty within a certain period; repealing provisions governing the selection of panels of jurors by boards of county commissioners; revising various other provisions relating to court administration; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 70—AN ACT relating to taxation; providing for the administration and enforcement of taxes on the sale of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments; eliminating certain duties of the Department of Taxation relating to the rates of such taxes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 71—AN ACT relating to taxation; revising provisions regarding property taxes and the governmental services tax to provide that certain veterans qualify for the maximum allowable exemption from those taxes; providing a deduction from the payroll tax for wages paid to newly hired full-time employees who are veterans; providing an exemption from certain sales and use taxes for certain relatives of a member of the Nevada National Guard who is called into active service and is killed while performing his or her duties as a member of the Nevada National Guard; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 72—AN ACT relating to professional licensing boards; providing professional licensing boards with the authority to issue citations in certain circumstances; providing procedures for contesting such citations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 73—AN ACT relating to energy assistance; revising various provisions relating to the Fund for Energy Assistance and Conservation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 74—AN ACT relating to public utilities; extending to the landlord of a manufactured home park the applicability of provisions governing the resale of certain utility services by the landlord of a mobile home

park or owner of a company town; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 75—AN ACT relating to public utilities; revising provisions governing certain proposed changes in schedules of rates or services submitted to the Public Utilities Commission of Nevada by a public utility; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 76—AN ACT relating to education; requiring the Department of Education to share certain aggregate data concerning certain pupils with the Interagency Council on Veterans Affairs; revising provisions concerning the assessment of tuition charges against veterans of the Armed Forces of the United States who were honorably discharged within a certain period; requiring the Board of Regents of the University of Nevada to submit certain reports to the Legislature; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 77—AN ACT relating to state governmental administration; revising certain provisions governing district boards of agriculture, agricultural associations and the operation of a state fair or regional fair in this State; making various changes to provisions governing noxious weeds; increasing the maximum rate of certain taxes on sheep; revising certain provisions governing public sales of livestock and licenses for the operation of public livestock auctions; authorizing the issuance of a free-sale certificate for an agricultural product under certain circumstances; requiring a person to register as a produce vendor under certain circumstances; requiring the State Sealer of Consumer Equitability to take certain actions concerning cash registers and to establish fees for any tests of point-of-sale systems and cash registers; revising certain provisions governing the inspection of meat and poultry, pesticides and the sale of antifreeze; repealing and reenacting, without substantive change, provisions relating to the cleanup of discharged petroleum and provisions relating to dangerous caustic or corrosive acids, alkalis and other substances; authorizing the imposition of a civil penalty for certain violations relating to apiaries, quarantines, noxious

weeds and meat, fish, produce, poultry and eggs; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 78—AN ACT relating to wildlife; revising provisions relating to the fees charged to an applicant for an elk tag; making various other changes relating to wildlife; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 79—AN ACT relating to agriculture; deleting obsolete provisions governing the initial membership of each state grazing board; deleting provisions which require the State Department of Agriculture to compensate the owners of any animals that are destroyed because of infection with or exposure to an infectious, contagious or parasitic disease; requiring certain administrative fines that are paid to the Department to be accounted for separately and used for certain purposes; revising provisions governing declarations of livestock and sheep; revising the definition of "food establishment" to exclude certain establishments where animals are slaughtered and certain facilities that produce eggs; authorizing the Director of the Department to impose a civil penalty for certain violations relating to agricultural products and seeds; authorizing the Director to release certain imported potatoes without an inspection; repealing misdemeanor penalties; deleting provisions which require all nuts, fruits and vegetables that are offered for sale to be mature but not overripe; repealing certain provisions concerning the labeling of commercial feed for livestock; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 80—AN ACT relating to governmental financial administration; extending the prospective expiration of certain requirements regarding the imposition and advance payment of the tax upon the net proceeds of minerals and royalties paid for the privilege of extracting a mineral to require advance payment of the portion of the tax that is distributed to the State; requiring the payment of the portion of the tax that is distributed to local governments to be based upon actual net proceeds and royalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 81—AN ACT relating to specialty court programs; revising provisions governing programs of treatment for the abuse of alcohol or drugs; defining the term "treatment provider"; replacing references to a facility for the treatment of alcohol or drugs with the term "treatment provider"; authorizing a court to allow a person to complete treatment for the abuse of alcohol or drugs under the supervision of a treatment provider in another jurisdiction in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 82—AN ACT relating to wildlife; changing the name of the Wildlife Fund Account in the State General Fund to the Wildlife Account and amending the permissible uses of money in the Account; changing the name of the Wildlife Heritage Trust Account to the Wildlife Heritage Account; revising provisions relating to the administration of the trout stamp and duck stamp programs in this State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 83—AN ACT relating to tobacco; expanding the definition of "manufacturer" to include certain persons manufacturing cigarettes using certain cigarette rolling machines; prohibiting a manufacturer from operating a cigarette rolling machine without a license from the Department of Taxation; authorizing the seizure and destruction of cigarette rolling machines under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 84—AN ACT relating to contractors; authorizing the State Contractors' Board or its designee to issue a written administrative citation to a person who acts as a contractor without an active license of the proper classification; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 85—AN ACT relating to professions; transferring certain duties of the Secretary-Treasurer of the Board of Examiners for Alcohol, Drug and Gambling Counselors to the Executive Director of the Board; authorizing the Executive Director to delegate his or her duties; revising provisions governing alcohol, drug and gambling counselors and interns; repealing the prospective transfer of the authority and duties relating to the certification of detoxification technicians to the Board; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 86—AN ACT relating to health insurance; revising provisions governing the Board of Directors of the Silver State Health Insurance Exchange; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 87—AN ACT relating to insurance; revising provisions governing certain duties of insurers with regard to coverage and claims for persons who are eligible for or provided medical assistance under Medicaid; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 88—AN ACT relating to the City of Reno; making various changes relating to appointive officers and appointive employees of the City; authorizing the City's Charter Committee to request the drafting of one legislative measure at each regular legislative session; clarifying provisions relating to filling vacancies in elective office by appointment or special election; requiring the City Manager to prepare a document setting forth the organization of every department, division and other office of the City; amending provisions relating to the appointment of members of the Charter Committee; amending the qualifications for the position of City Manager; requiring the City Manager to prepare and maintain a classification plan for all positions in the City's Civil Service System; making various other

changes relating to the System; making various other changes to the Charter of the City of Reno; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 89—AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; revising provisions governing the dissemination of certain records of criminal history; authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility; authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; revising provisions relating to the licensing requirements for dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons; increasing the application and licensing fees charged by the Board of Examiners for Social Workers; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 90—AN ACT relating to emergency management; establishing the Nevada Intrastate Mutual Aid System within the Division of Emergency Management of the Department of Public Safety; creating the Intrastate Mutual Aid Committee; setting forth the duties of the Committee; setting forth the circumstances under which a participant in the System may request intrastate mutual aid before, during or after an emergency; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 91—AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary admission of such a person to certain facilities or programs; expanding the list of persons authorized to complete a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 92—AN ACT relating to parentage; requiring the State Registrar of Vital Statistics to prepare and file a birth certificate with the name or names of the intended parent or parents pursuant to a district court order which validates a gestational agreement; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 93—AN ACT relating to public health; requiring certain licensed professionals to receive suicide prevention and awareness training in order to renew a license; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 94—AN ACT relating to elections; authorizing a registered voter to elect to receive a sample ballot by electronic mail; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 95—AN ACT relating to state business licenses; exempting certain persons and entities who operate home-based businesses

from the requirement to obtain a state business license; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 96—AN ACT relating to property taxes; authorizing the owner of an owner-occupied, single-family residence to pay taxes assessed on the residence in monthly installments; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 97—AN ACT relating to wills; providing that a will which is delivered or presented to the clerk of a district court becomes part of the permanent record maintained by the clerk; providing that such wills become public records open to inspection; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 98—AN ACT relating to domestic relations; clarifying that there is a presumption that joint legal custody and joint physical custody would be in the best interest of a minor child of a marriage under certain circumstances; providing a new formula by which to calculate child support when parents have joint physical custody of a child; defining the term "monthly household income" for the purposes of such a formula; revising the factors a court must consider in adjusting the amount of child support when parents have joint physical custody of a child; revising the circumstances which constitute changed circumstances for purposes of modifying a child support order; revising provisions governing orders awarding visitation of a minor child; defining the term "minor child" for the purposes of such visitation orders; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 99—AN ACT relating to sanitation; exempting a nonprofit organization that conducts a camping program for children, or owns or operates the camp or other facility at which such a program is conducted,

from the sanitation requirements applicable to construction and labor camps; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 100—AN ACT relating to the Attorney General; requiring the Attorney General, under certain circumstances, to commence an action to protect and secure the rights of residents of this State under the Second Amendment to the United States Constitution; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 101—AN ACT relating to motor carriers; exempting the transportation of workers to and from certain work sites from the definition of "charter bus transportation"; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 102—AN ACT relating to child welfare; requiring an agency which provides child welfare services to present clear and convincing evidence proving the agency made reasonable efforts to reunify the family of a child; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Oscarson and Senator Goicoechea:

Assembly Bill No. 103—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring veterans of the Armed Forces of the United States who have received the Silver Star or Bronze Star Metal, as applicable; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 104—AN ACT relating to State Government; authorizing the Governor to designate any department within the Executive Department of the State Government as a charter agency; providing that all employees of a department designated as a charter agency become employees in the unclassified service of the State; requiring the Governor and the director of a charter agency to enter into annual performance agreements; requiring the removal of the director of a charter agency under certain circumstances; authorizing the payment of bonuses to the director and employees of a charter agency; providing a limitation on annual appropriations to a charter agency; authorizing a charter agency to retain for its use certain unobligated balances remaining at the end of a fiscal year; exempting a charter agency from certain provisions governing state buildings, state purchasing and public works; authorizing a charter agency to propose a waiver or suspension of an administrative regulation, subject to approval or disapproval by the Legislative Commission; requiring certain reporting concerning a charter agency to the Legislature or Legislative Commission; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 105—AN ACT relating to the Public Employees' Retirement Board; increasing the membership of the Board; providing that the State Treasurer is ex officio a member of the Board; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 106—AN ACT relating to public works; revising provisions relating to contracts between a public body and a design professional; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 107—AN ACT relating to education; requiring reports of accountability for public schools to include certain information regarding pupils who qualify for free or reduced-price lunches pursuant to federal law; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 108—AN ACT relating to criminal procedure; authorizing courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of trespassing to have their judgments of conviction vacated; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Titus, Wheeler, Dickman, Dooling and Seaman:

Assembly Bill No. 109—AN ACT relating to employee organizations; requiring each employee organization recognized by a local government employer in this State to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization; requiring the employee organization to make the report available for inspection by certain members of the employee organization and to submit a copy of the report to the Legislative Auditor if requested by the Legislative Commission; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Kirner (by request):

Assembly Bill No. 110—AN ACT relating to civil actions; requiring a party who is not represented by an attorney to pay certain costs, expenses and fees that are reasonably incurred as a result of certain conduct by the party in a civil action or proceeding; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 111—AN ACT relating to education; increasing the number of credit hours required for certain students to be eligible for the Governor Guinn Millennium Scholarship; revising the amount of money which a student who is eligible for the Governor Guinn Millennium Scholarship may receive per semester; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 112—AN ACT relating to education; revising the policy for all school districts and public schools to provide a safe and respectful learning environment; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Ellison:

Assembly Joint Resolution No. 1—Recognizing the strategic partnership and bond of friendship with, and expressing the Nevada Legislature's support for, the State of Israel.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 2—Urging the United States Congress and the United States Fish and Wildlife Service to take certain actions to reduce the impact of common ravens on the greater sage grouse population in this State.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Joint Resolution No. 3—Urging Congress to facilitate the payment of contractors who completed hazardous fuels treatment projects in the Lake Tahoe Basin pursuant to contracts with the Nevada Fire Safe Council.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 126 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 3, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 126 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 126, which is entitled:

AN ACT relating to food; requiring certain restaurants or similar retail food establishments to disclose certain nutritional information about the food offered for sale by those restaurants or establishments; providing for a civil penalty; and providing other matters properly relating thereto.

This bill requires any restaurant or similar retail establishment with 15 or more locations in Nevada to disclose nutritional information prominently on a menu. Any owner of a restaurant who violates the provisions is guilty of a misdemeanor and subject to a fine of up to $2,500.

Assembly Bill 126 is patterned after regulations being formulated by the Federal Drug Administration under The Patient Protection and Affordable Care Act, which requires nutritional information be disclosed at restaurants with 20 or more locations nationwide. As such, the bill is redundant and an unnecessary additional burden on affected restaurants.

Because the requirements in Assembly Bill 126 are unnecessary and duplicative, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 126 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 150 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 13, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 150 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 150, which is entitled:

AN ACT relating to legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Assembly Bill 150 creates the Legislative Committee on Governmental Oversight and Accountability. The measure authorizes this new Committee to study and comment upon issues relating to the operations and accountability of "any agency, office, board, commission, department, division, bureau, authority, institution, district, or other unit of the State or a political subdivision of the State," and to conduct investigations related thereto. Finally, it authorizes the Committee to provide for the administration of oaths, the deposition of witnesses, and the issuance of subpoenas in connection with those investigations and hearings.

The Legislature, through its existing 12-member Legislative Commission, currently has the ability to investigate and comment upon issues related to any area within the competence of the Legislature, important issues of public policy, or questions of statewide interest. This existing Commission holds hearings, conducts studies and investigations, receives and makes recommendations, and has subpoena power to compel the attendance of witnesses and the production of documents for the discharge of its duties.

Additionally, the Legislative Commission has fourteen standing subcommittees which deal with topics ranging from budget, education and health care to veterans, public lands and natural resources. These various committees are in addition to the Legislature's Interim Finance Committee and associated subcommittees, which administer contingency funds for the State and also review early intervention services and public works matters.

The new Committee proposed by Assembly Bill 150 is duplicative of the numerous existing interim committees. Moreover, the Nevada Constitution mandates that there must be a separation of powers between the Legislative, Executive, and Judicial branches of government, and further declares that the supreme executive power of the State shall be vested in the Governor. Assembly Bill 150 seeks to establish yet another entity dedicated to extending the powers of the Legislature into matters of which it is not constitutionally authorized.

Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 150 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 209 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 6, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 209 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 209, which is entitled:

> AN ACT relating to dairy products; providing that raw milk certified by the county milk commission of the county in which the raw milk is produced may be sold anywhere in this State; making various other changes to provisions governing county milk commissions; and providing other matters properly relating thereto.

Existing law allows certified raw milk to be sold only in the county where it is produced. This bill allows raw milk that has been certified by a county milk commission to be sold anywhere in the state.

While the bill makes some efforts to address the safety concerns of "certified raw milk," the proposed regulations will not mitigate the health risks associated with consumption of unpasteurized milk. According to the Centers for Disease Control and Prevention, consumption of raw milk is 150 times more likely to cause food-borne illness than pasteurized milk. The Food and Drug Administration, the American Medical Association, and our own State Health Officer agree that Assembly Bill 209 presents significant public health risks. Based on these concerns, I cannot support the bill; I veto it and return it to you without my signature, and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 209 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 218 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 6, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 218 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 218, which is entitled:

> AN ACT relating to public works; defining the term "bona fide fringe benefit" for certain provisions applicable to the payment of wages for public works; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; and providing other matters properly relating thereto.

Assembly Bill 218 refines the definition of "bona fide fringe benefit," enhances administrative and possible criminal sanctions for violations, and caps benefit contributions at 25 percent of the hourly rate of pay and requires such benefit payments to be annualized.

Assembly Bill 218 has merit. Providing a consistent and clear definition of "bona fide fringe benefit" is good for Nevada workers and would help prevent the abuse of these benefits. In fact, much of the bill is consistent with the Labor Commissioner's application of NRS 338.035 and federal labor law.

However, section 4, subsection 5 of the bill provides for an exemption from this more protective definition, stating "(t)he provisions of this section do not apply with regard to a worker whose benefits are determined pursuant to a collective bargaining agreement." This provision entirely exempts union contracts from the fringe benefit definition.

All workers in Nevada deserve to be paid fairly, just as all contractors in Nevada deserve to be treated fairly. By exempting benefits determined pursuant to a collective bargaining agreement, the law would hold union contractors to a less restrictive standard than non-union contractors.

Defining bona fide fringe benefits and creating a penalty system for violations is a worthy cause. Unfortunately, Assembly Bill 218 only targets non-union contractors and therefore creates an unfair distinction among Nevada workers. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 218 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 240 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 7, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 240 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 240, which is entitled:

AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.

This bill revises longstanding Nevada law related to liability in actions to recover damages for death or injury to persons or for injury to property. Under current law, the doctrine of several liability applies to such actions if defendants assert a comparative negligence defense. This doctrine ensures that a negligent defendant's liability is limited to his or her proportionate share of fault. Assembly Bill 240 removes current language that permits comparative negligence to be asserted as a defense, and replaces it with language that would apply comparative negligence only to actions in which comparative negligence is a "bona fide issue." The bill states that comparative negligence is not a bona fide issue if the trier of fact finds no comparative negligence on the part of the plaintiff or the plaintiff's decedent.

The effect of Assembly Bill 240 is to reinstate joint and several liability for defendants as the general rule in negligence actions, except in cases where the plaintiff or plaintiff's decedent were contributorily negligent. This radical change alters the landscape of tort litigation in Nevada and undermines the thirty-year trend in Nevada and other states to move away from the doctrine of joint and several liability, which unfairly exposes defendants to liability based upon their ability to pay and not their share of fault.

Moreover, the Nevada Supreme Court, in *Donahue Schriber Realty Group vs. Tyrin Salinas*, is currently considering this very issue of comparative negligence and the liability of multiple defendants in civil actions, and will be able to provide clarity for all litigants.

For these reasons, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 240 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 345 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 6, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 345 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 345, which is entitled:

AN ACT relating to wildlife; requiring that the wildlife in this State be managed according to the best science available; revising provisions relating to the authorized use of certain money in the Wildlife Fund Account in the State General Fund; requiring the Board of Wildlife Commissioners to establish policies for certain programs, activities, and research relating to predatory wildlife; and providing other matters properly relating thereto.

Assembly Bill 345 revises a legislative declaration regarding wildlife to require that wildlife in this State be managed according to the best science available. It also establishes a requirement that the Department of Wildlife spend at least 50 percent of certain monies credited to the Wildlife Fund for purposes of management and control of injurious wildlife. Finally, the bill requires the Wildlife Commission to establish a policy specifying reporting requirements for predator control activities or research.

Nevada Revised Statute 501.181 currently specifies that the Wildlife Commission shall establish policies for the protection, propagation, restoration, transplanting, introduction, and management of wildlife in this State, and further requires that they consider input from county advisory boards and the general public, as well as, recommendations and scientific information provided by the Department of Wildlife.

Moreover, the Department of Wildlife and the Wildlife Commission are currently revising their policies to include many of the reporting requirements for predator control, management, and research programs as specified in Assembly Bill 345.

Finally, the Department of Wildlife and the Wildlife Commission have a long history of guiding and directing the expenditure of public dollars for the betterment of Nevada's wildlife. Specifying in statute a percentage of funds to be allocated towards predator control programs unnecessarily restricts the Wildlife Commission and could very well inhibit them from carrying out their duties as effectively as possible.

Assembly Bill 345 is duplicative of the current process established and could inhibit the effective management and protection of Nevada's wildlife. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 345 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 391 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 7, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 391 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 391, which is entitled:

AN ACT relating to energy; providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy systems on property owned or occupied by a public body may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public

works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control, and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control, and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

Assembly Bill 391 specifies that a cooperative association, nonprofit corporation or association, any other utility, or any entity controlled by such an organization, is subject to the full jurisdiction, control, and regulation of the Public Utilities Commission of Nevada ("PUCN") if it meets certain criteria. The bill also revises provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to ensure competitive bidding requirements are followed. It further requires contractors or subcontractors who enter into a contract under the Green Jobs Initiative to pay prevailing wages.

A cooperative electric association is an entity run for and by its members. Cooperative electric associations are largely exempt from PUCN jurisdiction because it is presumed these entities will make decisions for the benefit of their members. Section 12(3) of Assembly Bill 391 would expand the scope of the PUCN's jurisdiction over cooperative electric associations. Adding additional PUCN regulation over an entity that is owned by its members and serves only its members is unnecessary.

Moreover, the provisions of the bill do not adequately define a process by which this additional PUCN regulation would be enacted, presenting the potential for costly regulation and legal battles that would jeopardize many rural economies and the viability of rural electric cooperative associations.

Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 391 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 440 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 7, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 440 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 440, which is entitled:

AN ACT relating to elections; extending the period during which an elector can register to vote in person or by computer; requiring county and city clerks to distribute sample ballots by electronic mail under certain circumstances; and providing other matters properly relating thereto.

Assembly Bill 440 extends voting registration deadlines for primary, primary city, general, and general city elections until the last day of early voting, which is the Friday before the election. Under existing law, registration closes three weeks before an election, on the third Tuesday before the election. The bill also allows a person to register to vote online after the fifth Sunday before a primary, primary city, general, or general city election. Currently, a person must register in person after the fifth Sunday before these elections.

Nevada offers more voter registration options than most states. Eligible voters may register by mail and in person at any Nevada Department of Motor Vehicles office, a county clerk or registrar's office, at various social service agencies, and on college campuses. Furthermore, Nevada is amongst a small number of states that offer online voter registration, which has been available in Nevada for all eligible voters since September 2012.

Current Nevada law does not restrict or limit when or where a person can register to vote. Voter registration can be accomplished at any time of the year by mail, in person, or online. The registration deadlines currently in place apply only to registration that occurs immediately prior to a particular election day. There is no indication that these deadlines are detrimental to Nevada's voting process or need to be changed. Indeed, legislative testimony indicated that out of one million eligible voters in Nevada's last election, only 0.002 percent of those voters complained about missing the registration deadline for the election. Moreover, the current registration deadlines allow for the county and city clerks to sufficiently prepare for the casting of ballots.

For these reasons, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 440 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 441 of the 77th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 3, 2013

THE HONORABLE ROSS MILLER, SECRETARY OF STATE, CAPITOL BUILDING, 101 South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 441 of the 77th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 441, which is entitled:

> AN ACT relating to voting; authorizing a county or city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person; and providing other matters properly relating thereto.

Assembly Bill 441 authorizes county and, when applicable, city clerks to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so. The bill sets forth the procedure for county and city clerks to establish those polling places.

Under existing law, precinct-based polling sites are established based on the boundaries of election precincts or districts in which voters reside. Supporters of Assembly Bill 441 argue that voter participation will increase because polling sites that are not precinct-based are more

convenient and provide voters with more flexibility because they would no longer be required to vote in their precinct on Election Day.

However, Nevada voters are afforded a great deal of flexibility and opportunity to exercise their constitutional right to vote through options such as early voting, absentee voting by mail and Election Day voting. Early voting is available to every voter, and Nevada is amongst the minority of early voting states that require permanent polling places identified for early voting to be open on at least one Saturday during the early voting period. Additionally, Nevada's procedures for absentee voting are more liberal than many states that offer absentee voting. Specifically, Nevada offers "no-excuse" absentee voting, allowing any registered voter to request an absentee ballot without stating a reason for his or her desire to vote absentee. Other states permit voters to vote absentee only under a limited set of circumstances. In addition, Nevada allows any registered voter who is unable to go to the polls because of an illness, disability or sudden hospitalization or absence after the time has elapsed for requesting an absentee ballot to submit a request for an absentee ballot at any time before 5 p.m. on the day of an election.

Finally, Assembly Bill 441 does not contain sufficient parameters to establish the location of new polling places that would ensure the integrity and non-partisan nature of the voting process. Because of these concerns, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblyman Paul Anderson moved that Assembly Bill No. 441 of the 77th Session be placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Edward Anderson, Judy Klein, Rick Cornstubble, William Pregman, and Michael Greedy.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to April Anderson, Jacob Anderson, Taylor Anderson, Jordan Anderson, Marsha Anderson, Dennis Anderson, Joseph Anderson, Cory Christensen, and Conner Christensen.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Nicolasa Araujo, Nancy Marone, James Steele Haney, and Brian Knudsen.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Williams, Patricia Demsky, and Matthew Legler.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Thompson, Lily Thompson, Eli Thompson, Sandy Thompson, Truckee Thompson, Fred Cooper, John Salvdes, Linda Corbett, Mari Cork, and Joey Cork.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Adams, Olivia Brown, Alaina Brown, and Linda Fitzgerald.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton and Mike Ramirez.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to John Allen, Joyce Allen, Charlene Frost, and Gil Lopez.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to William Curry, Sylvia Dominguez-Curry, and Denise Davis.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Dickman, Barbara Hawn, Brian Hawn, Matt Hawn, and Bambi Wood.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie McDanniels, Linda Sanders, Teresa Acosta, Richard Dooling, Jayce Dooling, Harrison Szerdy, Lily Szerdy, Aubrey Dooling, Todd Dooling, Marveli Dooling, and Candace Dooling.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Farrell, Sue Smith, Kevin Smith, Jim Sallee, and Mark Sprinkle.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Mosley, Josalynne Mosley, Erin Barlow, Aubrie Bates, Lori McCleary, B. J. Vonderheide, Judi Bishop, Cindy Ellison, Michelle Mosley, A. J. Mosley, Allison Ulibarri, Jordan Neubauer, and Richard James.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Lill Fiore, Andrea Schuelin, Jake Willis, Amerika Young, Karen Hill, Brian Wilson, Valerie Wilson, Jenny Chen, and Erin McHam.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Victor Flores, Griselda Flores, Eduardo Flores, Karen Motiel, Eduardo Villanueva, Gloria Villanueva, Blanca Ruiz, Javier Ruiz, Amalio Alvarado, and Rosario Carrillo.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Gardner, Ryan Gardner, Bella Gardner, Brady Gardner, and Callum Gardner.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Vicky Thompson, Quest

Lakes, Theo McCormick, Nancy Hambrick, Laura Sullivan, Mark Sullivan, and John Hambrick.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Hansen, Bernice Martin-Mathews, Rachel Hansen, Alexis Hansen, Jacob Hansen, Captain Christopher Gurries, Sawyer Gurries, Mallory Hansen, Ian Hansen, Larissa Hansen, and Cindy Southerland.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Feyzi Tandogan, Angelina Donald, Cindy Gaona, Aidan Miller, Garrett Runnion, Jesus Valenzuela, Tia Flores, Umar Abdullayev, Danial Assad, Samantha Baker, Shelbe Beck, Matthew Clodfelter, Ron Bonomo, Eric Cruz, Marina Dietz, Viviana Galarza Mena, Connor Jones, Justin Streit, Mark Suan, Manuel Vasquez, Nicholas Whitehorn, Patrick Young, Nicole Bake, Cristina Bonomo, Charlon Beloria, Rachel Brockett, Andrew Donaldson, Taylor Larson, Felicia Manha, Irad Martinez Padilla, Murat Kurt, Jonathan Miller, Honey Princess Mores, Arlene Santiago, Robert Shelton, Akaal Thandi, Salih Dede, Walanya Vongsvirates, Ryan Smith, Amanda Ketchledge, Annie Mishler, Conner Board, Ashton Blake, Kortney Melchiorre, Kailee Gett, Shin Hickey, Johnmin Hickey, Vanessa Vancour, Robyn Openshaw, Gabby Benavidez, Nick Coleman, Carolina Sandoval, and Rayna Charnley.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Joiner, Joyce Joiner, Kyle Davis, Eleanor Davis, Stewart Davis, Kaylie Capurro, Kierra Capurro, Shelly Capurro, Raina Kolstrup, Kemma Kolstrup, Janet Davis, and Robert Joiner.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Blain Jones, Baylee Jones, Laurel Fee, Bob Fee, Jeramy Edgel, Kari Edgel, Aimee Jones, Avianna Jones, Jerry Jones, and Gloria Jones.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Kirkpatrick, Sarah Kirkpatrick, Tara Kirkpatrick, Jessica Kirkpatrick, Emma Kirkpatrick, Maddie Kirkpatrick, Ryan Suppe, Brianna Lomana, and Mouryne Dini.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Burnight, Phyllis Hansen, Peggy Kirner, and Linda Law.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Osborne.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Molnar, Alicia Albertson, and Peggy Lear Bowen.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Neal, Chandni Patel, and Marla Turner.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Nelson, Rex Nelson, Nina Nelson, Brooke Nelson, and Joseph Fabbi.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy O'Neill, Laura Lubich, Kathleen Bocek, Alexandra Bocek, Kenneth L. Bocek, Kevin Bocek, Victoria Bocek, Philippe Bocek, and Staten C. Lubich.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Rianna Durett, Ren Ohrenschall, Luka Ohrenschall, Frank Daykin, Genie Ohrenschall Daykin, Bob Price, and Nancy Price.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Oscarson, Joel Oscarson, Jared Oscarson, Bren McClean, Vanessa Oscarson, Scott Oscarson, Karen Oscarson, Audrey Oscarson, Anita McClean, Jasmine Shackley, Deb Paul, Jamie Tierney, Karen Buck, and Nancy Weyhe.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Kashim Hakim, Luan Trimarchi, Joseph Trimarchi, John Seaman, Tatiana Kohanzad, Sara Hakim, Azam Hakim, and Norma Mallett.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Shelton, Fayth Shelton, Christopher Hisgen, Marilyn Sweet, and Jonathan Friedrich.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Silberkraus, Jeannie Silberkraus, Sawyer Silberkraus, Ed Gonzalez, and Chelyn Sawyer.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to William Spiegel, Ronnie Barre, and Brian Patchett.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Sprinkle, Michael Sprinkle Jr., and Ardynne Sprinkle.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Pickard, Layne Duff Stewart, Roseanne Keller, Taylor Morian, Sara Menke, and Pat Hartman.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Stiles, Edward Allen, Anna Louise Allen, and Owen Allen.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Vertis Thompson, Sonja Barnum Mason, Divya Narala, and Cameron Miller.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Cole Mortensen, Jonathan Mitchell, Reegan Mitchell, Allen Veil, Jennifer Mortensen, Buck Hara, Veronica Mitchell, Keelan Mitchell, Riley Mortensen, Sophia Mortensen, Kristie Espinoza, Stephen Wood, Lori Whatley, and Joe Sanford.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Trowbridge, Dale Ann Luzzi, and Roland Sala.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Thomas, Nick Wheeler, Brittany Wheeler, and Jennifer Baker

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy, Cydnie Hardy, Melissa Hardy, and Christina Salerno.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, February 5, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:18 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 5, 2015

Assembly called to order at 11:49 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hansen, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, Your word is a lamp unto our feet and a light unto our Path. Your word reminds us that we should not rely upon our own understanding, but in all our ways, we should acknowledge You. Indeed, we need Thee every hour. Provide, Father, for these, Your humble servants, all things necessary to perform well the work set before them today. May their efforts be pleasing in Your sight and prove to be beneficial to all whom they serve.

In Jesus' Name I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 3, 2015

THE HONORABLE JOHN HAMBRICK, *Speaker of the Nevada Assembly* and THE HONORABLE MICHAEL ROBERSON, *Majority Leader of the Nevada State Senate,* 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER HAMBRICK AND LEADER ROBERSON:

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Wednesday, March 11, 2015. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be facing in the upcoming months and how they will affect the state of Nevada.

I thank you in advance for your consideration of my request and I look forward to seeing you soon.

Sincerely,
DINA TITUS
United States Congresswoman (NV-01)

UNITED STATES SENATE
WASHINGTON, D.C. 20510-7012

February 4, 2015

THE HONORABLE JOHN HAMBRICK, *Speaker*, Nevada State Assembly, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR MR. SPEAKER:

I am writing to request the honor of speaking before both Houses of the Nevada State Legislature at 12:00 noon on Wednesday, April 1, 2015.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at 775-686-5750 if you have any questions.

Thank you for your kind consideration. With all best wishes,

Sincerely,
HARRY REID
United States Senator
Nevada

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 2, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 113—AN ACT relating to juvenile justice; revising provisions governing the sealing of juvenile records; setting forth factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; providing that portions of juvenile records determined by the court to be pertinent to the enforcement and collection of certain civil judgments must not be sealed until the judgment is satisfied or expires; including the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person entitled to notification of the filing of a petition for the sealing of juvenile records and authorized to testify at a hearing on the petition if the circumstances warrant; revising the circumstances in which the juvenile court may order the inspection of sealed juvenile records; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 114—AN ACT relating to restitution; providing that a judgment requiring the payment of restitution does not expire until it is satisfied; exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Benitez-Thompson and Bustamante Adams; Senators Spearman and Parks:

Assembly Bill No. 115—AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 116—AN ACT relating to economic development; revising the membership of the Regional Business Development Advisory Council for Clark County; providing that certain entities participating in the Council are nonvoting members; revising provisions relating to certain reports submitted to the Council; clarifying the requirement that the Council submit certain reports to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 117—AN ACT relating to education; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hickey and Kirkpatrick:

Assembly Bill No. 118—AN ACT relating to public officers; revising provisions relating to residency requirements with reference to eligibility for public office; prohibiting a district court from issuing a declaratory judgment determining a question of residency of a candidate for certain offices after a certain date; revising provisions governing the contest of a general election for

the office of State Legislator; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Swank, Araujo, Diaz and Oscarson; Senators Manendo and Woodhouse:

Assembly Bill No. 119—AN ACT relating to veterinary medicine; authorizing a veterinarian or veterinary technician who is licensed in another state to provide professional services in this State during a critical incident under certain circumstances; authorizing a qualified organization to establish a temporary veterinary facility to provide shelter, food, water and veterinary care to certain animals; and providing other matters properly relating thereto.

Assemblywoman Swank moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolutions Nos. 1, 2, and 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Moor, Erik Lee, and Adeline Moor-Lee.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy J. Floyd and Nicole V. Miller.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, February 6, 2015, at 11:30 a.m., and that it do so in honor of former Assemblyman William A. Kissam, who passed away on January 29, 2015.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 6, 2015

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hansen, who was excused.

The Assembly observed a moment of silence and prayer for Assemblyman Hansen, Assemblywoman Kirkpatrick, Senator Segerblom, Senator Smith, and their families.

Prayer by the Chaplain, Dr. Ken Haskins.

Father of lights, You are light and in You there is no darkness. Your light is revelation and truth, knowledge and wisdom. It is life. As we, Your children, endeavor to walk in the light and to let our lights shine, light our way. Bless our efforts and may the future of the State of Nevada shine brightly. I pray in the Name of the One Who is the Light of the World–Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 6, 2015, be accepted as accredited press representatives, assigned space at the press table in the Assembly Chamber, and allowed use of appropriate broadcasting facilities, and that the list be included in this day's Journal:

ASSOCIATED PRESS: Lance Iversen; COVEREDGE TELEVISION NEWS SERVICES: Jim Parker; KOLO 8 NEWS NOW: Ed Pearce; KUNR 88.7 FM, RENO PUBLIC RADIO: Will Stone; NEVADA MEDIA ALLIANCE: Carolina Lopez, Alex Stewart, Vanessa Vancour; NEVADA PRESS ASSOCIATION: Kevin Clifford; SPARKS TRIBUNE: Andrew Barbano.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wheeler, Ellison, Jones, Oscarson, Dickman, Dooling, Moore and O'Neill:

Assembly Bill No. 120—AN ACT relating to education; clarifying the rights of pupils at public schools regarding the free exercise of religion; providing a grievance process for pupils claiming that their rights of free exercise of religion have been violated; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Wheeler, Ellison, Jones, Dickman, Moore, O'Neill and Oscarson:

Assembly Bill No. 121—AN ACT relating to education; prohibiting a school from disciplining a pupil for simulating a firearm or dangerous weapon or wearing clothing or accessories that depict a firearm or dangerous weapon or express certain opinions except in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Swank, Elliot Anderson, Araujo, Carrillo, Diaz, Dickman, Dooling, Joiner, Ohrenschall, Spiegel, Sprinkle, Thompson, Titus and Wheeler:

Assembly Bill No. 122—AN ACT relating to days of observance; establishing "Nevada Modernist Architecture Day" as a day of observance; and providing other matters properly relating thereto.

Assemblywoman Swank moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Titus, Dickman, Dooling, Edwards, Ellison, Munford, Nelson, Silberkraus, Stewart, Swank, Trowbridge and Wheeler:

Assembly Bill No. 123—AN ACT relating to state emblems; designating the square dance as the official dance of the State of Nevada; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Diaz, Carrillo, Elliot Anderson, Kirkpatrick, Ohrenschall, Araujo, Bustamante Adams, Carlton, Dickman, Flores, Joiner, Neal, Sprinkle, Swank and Thompson; Senator Denis:

Assembly Bill No. 124—AN ACT relating to juveniles; revising the minimum age at which a child may be adjudicated and punished as a delinquent child; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 125—AN ACT relating to constructional defects; enacting provisions governing the indemnification of a controlling party by a subcontractor for certain constructional defects; enacting provisions governing wrap-up insurance policies or consolidated insurance programs covering certain claims for constructional defects; authorizing the parties to a claim for a constructional defect to agree to have a judgment entered before the filing of a civil action under certain circumstances; revising the definition of "constructional defect"; revising provisions governing the information required to be provided in a notice of constructional defect; removing provisions authorizing claimants to give notice of common constructional defects in residences or appurtenances; requiring a claimant to pursue a claim under a homeowner's warranty under certain circumstances; revising provisions governing the damages recovered by a claimant; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; revising provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; prohibiting a homeowners' association from pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 126—AN ACT relating to massage therapy; exempting a nail technologist from the requirement to be licensed as a massage therapist when performing certain activities; revising certain testing requirements for applicants for a license to practice massage therapy; limiting the period during which an inactive or expired license may be restored or renewed; deleting certain grounds for refusal to issue a license or initiate disciplinary action against licensees; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hambrick and O'Neill; Senators Gustavson and Settelmeyer:

Assembly Bill No. 127—AN ACT relating to firearms; limiting the authority of certain political subdivisions of the State to enact or maintain laws, ordinances, rules or regulations relating to firearms and reserving such

authority to the Legislature; authorizing a person adversely affected by the enforcement of such a law, ordinance, rule or regulation to seek declarative and injunctive relief and damages; deleting certain provisions authorizing certain larger counties to enact ordinances relating to the registration of firearms capable of being concealed; revising the applicability of certain provisions pertaining to the regulation of firearms by certain political subdivisions; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 128—AN ACT relating to powers of attorney; creating a power of attorney for health care decisions for adults with intellectual disabilities; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 129—AN ACT relating to judgments; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; extending the period for which a writ of garnishment served on an employer of a judgment debtor continues; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Venicia Considine, Kate Marshall, and Nancy Brown.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Lucy Powell.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jana Shuler.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Chelcee Thomas and Jane Holman.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Cyndy Ortiz-Gustafson.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Kiran Hoofi.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Vargas.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Hannah.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannette Smith.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Nelson.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Rudd and Nancy Brown.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Lynda Hascheff.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. J. Kyle Dalpe.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Kashim Hakim.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Chris Stream.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, February 9, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 9, 2015

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Bruce Henderson.

Well, here I am again, Lord. The place looks the same, but who are these people? They come from different places, different backgrounds, different beliefs, different occupations, and even different politics. Yet they all love this state and are here to represent its citizens. I ask, Father, that Your presence here helps us to overcome our differences and handle the business at hand. Thank You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2803

February 5, 2015

THE HONORABLE JOHN HAMBRICK, *Speaker*, Nevada State Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER HAMBRICK:

Please accept this letter as a formal request to address the Nevada Legislature at the joint session held on the evening of Monday, March 30, 2015 at 5:00 P.M.

If further action or information is necessary, please do not hesitate to contact me or my deputy chief of staff Caitlin Callahan at 202-590-7512.

Thank you for your consideration of this request.

Sincerely,
JOE HECK, DO
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hambrick and Kirkpatrick; Senators Roberson and Ford:

Assembly Concurrent Resolution No. 2—Providing for the voluntary transfer of a portion of Legislators' salaries to the State General Fund.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

In recognition of the 2.3 percent salary reduction taken by state employees this biennium as a result of the furlough requirements, A.C.R. 2 directs the accounting unit of the Legislative Counsel Bureau to withhold 2.3 percent of each Legislator's salary for this session. The total amount of this withholding will be credited to the state's General Fund, however, this is voluntary. The withholding will not be made from the salary of any member who did not vote in favor of passage of this resolution and who notifies the Director of the Legislative Counsel Bureau that the member does not wish to have the withholding made from his or her salary.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Nelson, Jones, Armstrong, Fiore, Dickman, Gardner, Kirner, Moore, Ohrenschall, Silberkraus and Woodbury:

Assembly Bill No. 130—AN ACT relating to estates; revising provisions authorizing the summary administration of the estate of a decedent; revising provisions concerning the distribution or transfer of assets from certain small estates of decedents; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen O'Neill, Wheeler, Kirner, Armstrong, Ellison and Moore:

Assembly Bill No. 131—AN ACT relating to motor vehicles; revising the procedures by which certain males authorize the Department of Motor Vehicles to register them with the Selective Service System as required by federal law; and providing other matters properly relating thereto.

Assemblyman O'Neill moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 132—AN ACT relating to displaced homemakers; requiring a person who commences an action for the termination of a domestic partnership in a district court to pay a fee to the county clerk for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of law relating to the education and counseling of displaced homemakers; providing that the member of the Board for the Education and Counseling of Displaced Homemakers who is a displaced homemaker may be a current or former displaced homemaker; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 133—AN ACT relating to contractors; prohibiting a licensee from knowingly employing an unauthorized alien; requiring the State

Contractors' Board to investigate and take certain action against a licensee who knowingly employs an unauthorized alien; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 134—AN ACT relating to the Nevada Commission for Women; revising the qualifications for appointment to the Commission; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 135—AN ACT relating to public records; requiring the Division of State Library and Archives of the Department of Administration to develop and conduct a program of education and training concerning the retention and disposition of official state records for the employees of agencies, boards and commissions that are required to have a schedule approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records; requiring the head of such an agency, board or commission to require certain employees to complete the program; requiring the head of such an agency, board or commission to issue a letter of reprimand to an employee who disposes of an official state record in a manner contrary to an approved schedule for the retention and disposition of official state records; authorizing the head of an agency, board or commission to take additional appropriate disciplinary action against such an employee; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Muelrath.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Laird Nobel Sanders.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Buckel.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Aviva Gordon.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Anderson.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. John Hawk.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Brooks.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer Stewart.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Hutson.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Smith.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Ryan.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, February 11, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 11, 2015

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Father, I was reading the other day in the Bible and was intrigued by the priestly garments of Aaron and his sons. Their vests were laden with 12 stones, each engraved with a name of one of the tribes of Israel. That had to be a heavy garment! It reminded them of who they were representing before You. I don't see many vests here today, Lord, but please remind us of the importance of representing our people.

I pray in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

The Assembly observed a moment of silence in remembrance of Jerry Tarkanian.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510

February 10, 2015

THE HONORABLE JOHN HAMBRICK, *SPEAKER*, Nevada Assembly, 401 South Carson Street, Room 1100, Carson City, NV 89701

DEAR SPEAKER HAMBRICK:

This letter serves as my formal request to address a joint session of the Nevada Legislature on Monday, April 6, 2015, at 5:00 p.m. It is my understanding that this date is available. Should you have any further questions, please call Ashley Carrigan, my state director, at 775.686.5770.

I thank you in advance for this opportunity and look forward to seeing you on April 6.

Sincerely,
DEAN HELLER
United States Senator

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 10, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Edwards, Armstrong, Oscarson, Dickman, Ellison, Kirner and Ohrenschall; Senator Goicoechea:

Assembly Joint Resolution No. 4—Urging Congress to enact legislation allowing individual states to establish daylight saving time as the standard time in their respective states throughout the calendar year.

Assemblyman Edwards moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

February 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 69.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 3, 16, 24, 27, 42, 44, 45, 46, 49, 51 and 60.

MARK KRMPOTIC
Fiscal Analysis Division

February 11, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 10, 12 and 21.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ellison, Wheeler, Fiore, Dickman, Moore, Seaman and Titus:

Assembly Bill No. 136—AN ACT relating to wildlife; requiring the Department of Wildlife to issue a special hunting license to certain persons with disabilities; providing an exception from the requirement to complete a course in the responsibilities of hunters for certain persons with disabilities; authorizing a person hunting with archery equipment to carry a firearm; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Ellison, Wheeler, Hambrick, Fiore, Hansen, Armstrong, Dickman, Gardner, Hickey, Kirner, Munford, O'Neill, Oscarson, Seaman, Silberkraus, Stewart and Trowbridge; Senators Goicoechea and Settelmeyer:

Assembly Bill No. 137—AN ACT relating to contractors; revising provisions regarding the advertising of construction services and the soliciting of construction bids; increasing penalties for certain violations of provisions governing contractors; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 138—AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Wheeler, Fiore, Dickman, Ellison, Dooling, O'Neill, Seaman and Silberkraus; Senators Gustavson and Settelmeyer:

Assembly Bill No. 139—AN ACT relating to concealed firearms; authorizing a person who possesses a permit to carry a concealed firearm issued by another state to carry a concealed firearm in this State in accordance with the laws of this State; repealing certain other provisions concerning reciprocity of permits to carry concealed firearms; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Wheeler, Dickman, Dooling, Ellison, Fiore, O'Neill and Seaman; Senators Gustavson and Settelmeyer:

Assembly Bill No. 140—AN ACT relating to domestic relations; revising provisions governing the division of property and the award of alimony or spousal support in cases involving veterans with a service-connected disability; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 141—AN ACT relating to common-interest communities; revising provisions relating to the foreclosure of liens by a homeowners' association; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 142—AN ACT relating to wildlife; eliminating, under certain circumstances, the authority of the Board of Wildlife Commissioners and the Department of Wildlife to suspend or revoke a license, tag, permit, certificate or other document or privilege relating to wildlife; authorizing a court, under certain circumstances, to order the suspension or revocation of a license, tag, permit, certificate or other document or privilege relating to wildlife; eliminating the authority of the Commission to establish a system of assessing demerit points for wildlife convictions; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Carrillo, Elliot Anderson, Bustamante Adams, Diaz, Joiner, Neal, Ohrenschall, Stewart and Wheeler:

Assembly Bill No. 143—AN ACT relating to motor vehicles; authorizing an insurer who provides a contract of insurance for the operation of a motor vehicle to provide, upon the request of the insured and to the extent available, evidence of that insurance in an electronic format that can be displayed on a mobile electronic device; prohibiting a peace officer to whom such a device is presented for the purpose of showing evidence of insurance from viewing any other content on the device; providing that the person presenting such a device for the purpose of showing evidence of insurance assumes all liability for any damage to the device; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 144—AN ACT relating to land use planning; revising provisions governing the membership of the Executive Council of the Land

Use Planning Advisory Council; requiring that any recommendations and proposed regulations relating to land use planning policies in areas of critical environmental concern be developed by the Land Use Planning Advisory Council; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 145—AN ACT relating to motor vehicle registration; revising provisions governing the pro rata refund of registration fees and governmental services tax paid on a vehicle that is due when the registration is cancelled under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 146—AN ACT relating to air pollution; revising provisions governing the frequency of required inspections of the emissions of certain motor vehicles; increasing fees charged by the Department of Motor Vehicles for certain forms; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywoman Carlton and Senator Ford:

Assembly Bill No. 147—AN ACT relating to taxation; revising provisions governing the total amount of transferable tax credits which may be approved by the Office of Economic Development pursuant to applications submitted to the Office by a producer that produces a film, television or other media production in this State; and providing other matters properly relating thereto.

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

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 33

Bill read third time.

Remarks by Assemblymen Moore, Ellison, and Kirkpatrick.

ASSEMBLYMAN MOORE:

Assembly Bill 33 changes the name of the Division of Library and Archives of the Department of the Administration to the Division of Library Archives and Public Records.

ASSEMBLYMAN ELLISON:

Referring to the Library Archives and Department of the Administration there is no fiscal note attached to this bill. It's going to be a smooth transition and the signs will not be changed at all.

ASSEMBLYWOMAN KIRKPATRICK:

I just wanted to make sure that in case they come back to IFC (Interim Finance Committee) in the interim that it's clear on the record that was no discussion of dollars and it falls under the threshold, so that we won't be surprised. Thank you for the clarification.

Roll call on Assembly Bill No. 33:

YEAS—42

NAYS—None.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1.

REMARKS FROM THE FLOOR

Assemblywoman Joiner moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN JOINER:

As you all may have heard, today is Community Health Provider Day at the Legislature. There will be a luncheon upstairs with that theme today. I'd like to introduce Sharon Chamberlain and Shannon Ryan from Northern Nevada Hopes and Shaun Griffin, a board member from Community Health Alliance. We also have several folks in the audience representing the Nevada Primary Care Association, the Nevada Health Centers, Community Health Alliance, and Northern Nevada Hopes. I'd like to present them with a proclamation acknowledging the important work that all of our community health providers do in our communities to make sure that there is quality and affordable health care for all of our residents. I thank you for helping welcome them today.

Assemblywoman Joiner requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Access to quality and affordable health care is essential to the overall well-being of Nevadans; and

WHEREAS, Nevada's Community Health Providers afford Nevada residents access to quality health care throughout our great State; and

WHEREAS, We recognize the importance of health centers and safety-net health providers in our communities; and

WHEREAS, Nevada's Community Health Providers deserve and have our profound gratitude for the work they do on a daily basis to bring quality and affordable health care to all; now, therefore, be it

PROCLAIMED, That we thank Nevada's Community Health Providers for the important work they do and offer our continued appreciation as they carry out their mission to make Nevadans healthier; and be it further

PROCLAIMED, That today is recognized as Community Health Provider Day in the Nevada State Assembly.

DATED this 11th day of February, 2015.

AMBER JOINER
Nevada State Assemblywoman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Chamberlain, Shannon Ryan, Shaun Griffin, and Christina Fegert.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Oz Wichman.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Hill, Barbara Smith, and Marion Compston.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, February 13, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), February 13, 2015

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hansen, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Our Father in Heaven, please forgive me, but I must begin my prayer today with "Bah Humbug"! I refuse to believe in the reputation of Friday the 13th! I am not afraid of this day and do not therefore have paraskevidekatriaphobia. I just fail to believe in bad luck, for we definitely don't need any of that here! No, Lord, I just ask for more trust and faith in You. Help us to overcome our anxieties and in unity and kindness take care of the business before us.

Thank You.

AMEN.

Pledge of allegiance to the Flag.

The Assembly observed a moment of silence for the Trevino and Hansen families.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERVEN T. NELSON, *Vice Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 11, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 82, 90.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Fiore, Seaman, Dickman, Shelton, Oscarson, Armstrong, Dooling, Ellison, Gardner, Hambrick, Hansen, Jones, Kirner, Moore, O'Neill, Titus, Trowbridge, Wheeler and Woodbury; Senators Gustavson and Goicoechea:

Assembly Bill No. 148—AN ACT relating to concealed firearms; authorizing a sheriff to provide certain information concerning the availability of certain courses relating to firearm safety; authorizing a person who holds a permit to carry a concealed firearm to do so on certain property of a public airport and on the property of the Nevada System of Higher Education, a private or public school or child care facility under certain circumstances; authorizing the Police Department for the System to provide certain information concerning the availability of certain courses relating to firearm safety; and providing other matters properly relating thereto.

Assemblywoman Fiore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Shelton, Moore, Fiore, Dickman, Dooling, Gardner, Jones, Munford, Nelson, Seaman and Stewart:

Assembly Bill No. 149—AN ACT relating to common-interest communities; revising provisions governing retaliatory action by certain persons in common-interest communities; and providing other matters properly relating thereto.

Assemblywoman Shelton moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Carrillo, Flores and Nelson:

Assembly Bill No. 150—AN ACT relating to education; revising the eligibility criteria for a student to receive a Governor Guinn Millennium Scholarship; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Araujo, Benitez-Thompson, Bustamante Adams, Flores and Neal; Senator Denis:

Assembly Bill No. 151—AN ACT relating to the adoption of children; revising provisions concerning orders and decrees of adoption; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Araujo, Diaz, Thompson, Benitez-Thompson, Carrillo, Flores, Joiner, Moore and Neal; Senators Denis and Woodhouse:

Assembly Bill No. 152—AN ACT relating to care of children; requiring the State Board of Health to adopt regulations prescribing requirements for meals and snacks provided to children at child care facilities; setting forth certain requirements for child care facilities relating to breastfeeding, physical activity and viewing media; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Araujo, Diaz, Hambrick, Benitez-Thompson, Flores, O'Neill and Thompson; Senator Denis:

Assembly Bill No. 153—AN ACT relating to juveniles; providing that a sexually exploited child is a child in need of supervision for the purposes of juvenile court proceedings; revising provisions governing the detention of sexually exploited children; revising provisions governing juvenile court proceedings involving sexually exploited children; and providing other matters properly relating thereto.

Assemblyman Araujo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 154—AN ACT relating to the Nevada Employment Security Council; altering certain duties assigned to the Council; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Thompson, Araujo, Hickey, Joiner, Silberkraus, Spiegel, Sprinkle and Wheeler; Senators Kihuen, Atkinson, Ford and Manendo:

Assembly Bill No. 155—AN ACT relating to special license plates; revising the provisions allowing issuance of a special license plate to certain applicants who are current or retired professional firefighters to include certain retired professional firefighters from other jurisdictions; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Thompson:

Assembly Bill No. 156—AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating

to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving services from the family resource center; expanding the information included in the annual report prepared by family resource centers; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Oscarson, Ellison, Armstrong, Titus and Wheeler; Senator Goicoechea:

Assembly Bill No. 157—AN ACT relating to service animals; making certain provisions relating to service animals and service animals in training applicable only when the animal is a dog or a miniature horse; allowing an employer to determine whether it is reasonable to allow an employee to keep a service animal that is a miniature horse at the place of employment; allowing a place of public accommodation or common carrier to determine whether it is reasonable to admit a service animal or service animal in training that is a miniature horse; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 158—AN ACT relating to public health; authorizing certain entities to obtain auto-injectable epinephrine for use when a person experiences anaphylaxis; specifying the qualifications of persons authorized to provide or administer auto-injectable epinephrine; requiring certain entities that maintain auto-injectable epinephrine to report the circumstances surrounding each administration of auto-injectable epinephrine; providing immunity to certain persons for acts or omissions relating to the acquisition, possession or administration of auto-injectable epinephrine in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 159—AN ACT relating to public works; revising provisions concerning contracts with a public body for a public work and contracts by the awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ellison and Wheeler:

Assembly Bill No. 160—AN ACT relating to courts; revising provisions concerning the locations in which justice courts and municipal courts must be held; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 161—AN ACT relating to taxation; authorizing certain qualified businesses in this State that own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft to apply to the Office of Economic Development for a partial abatement from certain property or sales and use taxes; revising the provisions governing the administration of the sales and use taxes to change the manner in which the taxes are required to be paid on tangible personal property purchased in the performance of certain contracts; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Munford, Wheeler, Ohrenschall and Shelton:

Assembly Bill No. 162—AN ACT relating to peace officers; requiring certain peace officers to wear a portable event recording device while on duty; requiring certain law enforcement agencies to adopt policies and procedures governing the use of portable event recording devices; exempting the use of portable event recording devices from the provisions governing the interception of certain communications; exempting the use of portable event recording devices upon certain property; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hansen, Oscarson, Wheeler, Dickman, Ellison and Titus; Senators Gustavson and Settelmeyer:

Assembly Bill No. 163—AN ACT relating to fire protection; providing for the creation of rangeland fire protection associations; authorizing a board of county commissioners to approve a petition to create an association; providing for the evaluation of an association by the board and the State Forester Firewarden; requiring the State Forester Firewarden to adopt regulations

relating to the formation, operation and training of the members of an association; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ohrenschall, Wheeler, Fiore, Araujo, Armstrong, Diaz, Gardner, Jones, Moore, Seaman, Shelton, Stewart and Swank; Senators Woodhouse, Segerblom and Manendo:

Assembly Bill No. 164—AN ACT relating to public health; authorizing a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an investigational drug, biological product or device under certain circumstances; authorizing a physician to prescribe or recommend an investigational drug, biological product or device to certain persons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 165—AN ACT relating to education; establishing a credit against the modified business tax for taxpayers who donate money to a scholarship organization; setting forth certain requirements for a scholarship organization and for schools that receive grants from a scholarship organization; requiring a scholarship organization to submit an annual report to the Department of Education; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 82.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 90.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 35.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Brooks.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Olu Akinyelke.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, February 17, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:29 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 17, 2015

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

To those who are filled with joy and celebration this day, we pray Father God for Your blessings of happiness and fulfillment to continue to flood their souls.

And for those who are hurting, who are struggling with health issues, we pray, Lord, for the blessings of Your mercy and healing upon their lives.

Unite the hearts of these leaders this day. Give them direction and discretion. Give them favor and boldness. Give them passion and give to them purpose.

And may they all hold onto Your truth from Psalm 103:

Bless the Lord, O my soul, and all that is within me, bless His Holy Name.
Bless the Lord, O my soul, and forget none of His benefits;
Who pardons all your iniquities, who heals all your diseases;
Who redeems your life from the pit, who crowns you with loving kindness and compassion;
Who satisfies your years with good things, so that your youth is renewed the eagle.

May the words of our mouth, may the meditations of our heart bless You, Father, and bring You glory and fame, and we pray as we declare today our love for You and as we pray these things, in the mighty name of Jesus—our hope, our joy, and our salvation.

In Jesus' name we pray. God bless.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 16, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 119.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 15, 2015

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

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 72, 77, 81, 89, 122, 125, 132 and 133.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Benitez-Thompson, Diaz, Elliot Anderson, Bustamante Adams, Carrillo, Araujo and Joiner; Senators Denis and Kihuen:

Assembly Bill No. 166—AN ACT relating to education; providing for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Fiore, Shelton, Seaman, Ellison, Hansen, Armstrong, Dickman, Dooling, Gardner, Hambrick, Jones, Kirner, Moore, O'Neill, Oscarson, Silberkraus, Stewart, Titus, Trowbridge, Wheeler and Woodbury; Senators Gustavson, Atkinson and Goicoechea:

Assembly Bill No. 167—AN ACT relating to foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while off of the premises of a family foster home in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Fiore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 168—AN ACT relating to motor vehicles; revising provisions relating to the operation of a moped upon the highways of this State; authorizing the sheriff of each county to establish a database for storing certain information provided voluntarily by the owner of a moped; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 169—AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and

application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Dickman, Wheeler, Fiore, Ellison, Hambrick, Moore and Shelton:

Assembly Bill No. 170—AN ACT relating to municipal obligations; clarifying that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred; requiring certain information to be included in certain publications relating to the intent of a municipality to issue or incur obligations; prescribing the manner of publication; limiting the amount of a general obligation that may be issued or incurred in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Dickman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Shelton, Fiore, Dickman, Ellison, Gardner, Jones and Nelson; Senators Gustavson and Settelmeyer:

Assembly Bill No. 171—AN ACT relating to the use of force; revising the provisions governing justifiable homicide; revising the provisions governing civil liability in actions involving the use of force; and providing other matters properly relating thereto.

Assemblywoman Shelton moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen O'Neill, Oscarson, Kirner and Stewart; Senators Goicoechea and Settelmeyer:

Assembly Bill No. 172—AN ACT relating to public works; requiring contractors and subcontractors on a public work to use the federal E-Verify system to verify eligibility for employment for workers on the public work; raising the estimated thresholds at or above which prevailing wage requirements apply to certain public work construction projects; specifying that certain provisions governing the payment of prevailing wage do not apply to a school district, a charter school or the Nevada System of Higher Education; repealing provisions governing the payment of such wages by the Nevada System of Higher Education; and providing other matters properly relating thereto.

Assemblyman O'Neill moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 7.

AN ACT relating to constructional defects; enacting provisions governing the indemnification of a controlling party by a subcontractor for certain constructional defects; enacting provisions governing wrap-up insurance policies or consolidated insurance programs covering certain claims for constructional defects; authorizing the parties to a claim for a constructional defect to agree to have a judgment entered before the filing of a civil action under certain circumstances; revising the definition of "constructional defect"; revising provisions governing the information required to be provided in a notice of constructional defect; removing provisions authorizing claimants to give notice of common constructional defects in residences or appurtenances; requiring a claimant to pursue a claim under a homeowner's warranty under certain circumstances; revising provisions governing the damages recovered by a claimant; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; revising provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; prohibiting a homeowners' association from pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before an owner of a residence or appurtenance or certain other persons may commence a civil action against a contractor, subcontractor, supplier or design professional for certain defects in the residence or appurtenance, the claimant must provide notice of the defect to the contractor. Not later than 30 days after the date on which the contractor receives the notice, the contractor must forward a copy of the notice to each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice. The subcontractor, supplier or design professional who receives the notice must inspect the alleged constructional defect and may elect to repair the defect. (NRS 40.645, 40.646, 40.647)

Section 2 of this bill establishes the circumstances under which a provision in a residential construction contract requiring a subcontractor to indemnify, defend or otherwise hold harmless a controlling party for the negligence or intentional acts or omissions of the controlling party is void and unenforceable.

Section 2 also enacts provisions governing: (1) when a subcontractor's duty to defend a controlling party arises; (2) the manner in which a controlling party may pursue indemnification from a subcontractor when the controlling party is named as an additional insured in the commercial general liability insurance policy of the subcontractor; and (3) wrap-up insurance policies or consolidated insurance programs that cover two or more contractors or subcontractors who perform work on residential construction for risks associated with the construction.

Existing law establishes a procedure by which the parties in a civil action may agree to have a judgment entered in the action in accordance with the terms and conditions of an offer of judgment. A court is prohibited from awarding costs or attorney's fees to a party who rejects such an offer of judgment and fails to obtain a more favorable judgment at trial. (NRS 17.115; N.R.C.P. 68) **Section 3** of this bill establishes a similar procedure under which a person who has given notice of a constructional defect and a contractor, subcontractor, supplier or design professional who has received such a notice may agree to have a judgment entered before a civil action for the constructional defect is commenced.

Section 6 of this bill amends the existing definition of "constructional defect" to provide that a constructional defect is a defect: (1) which presents an unreasonable risk of injury to a person or property; or (2) which is not completed in a good and workmanlike manner and proximately causes physical damage to the residence or appurtenance.

Section 8 of this bill amends the provision of existing law requiring certain information to be included in a notice of constructional defect to require the notice to: (1) state in specific detail, rather than in reasonable detail, each defect, damage and injury to each residence or appurtenance that is subject to the notice; (2) state the exact location of each defect, damage and injury, rather than describe in reasonable detail the location of the defect; and (3) include a statement signed ~~[under penalty of perjury]~~ by the owner of the residence or appurtenance in the notice that the owner verifies that each defect, damage and injury exists in the residence or appurtenance.

Sections 5, 8-13 and 22 of this bill remove a provision of existing law which authorizes one notice to be sent concerning similarly situated owners of residences or appurtenances within a single development that allegedly have common constructional defects.

Section 11 of this bill requires a claimant and an expert who provided an opinion concerning an alleged constructional defect, or a representative of the expert who has knowledge of the alleged defect, to: (1) be present when a contractor, subcontractor, supplier or design professional conducts the required inspection of the alleged defect; and (2) identify the exact location of the alleged defect.

Under existing law, if a residence or appurtenance is covered by a homeowner's warranty that is purchased by or on behalf of the claimant, the claimant must diligently pursue a claim under the contract. (NRS 40.650)

Section 14 of this bill: (1) prohibits a claimant from filing a notice of constructional defect or pursuing a claim for a constructional defect unless the claimant has submitted a claim under the homeowner's warranty and the insurer has denied the claim; and (2) provides that a claim for a constructional defect may include only the claims that have been denied under the homeowner's warranty. **Section 14** further provides that statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner's warranty until 30 days after the insurer denies the claim, in whole or in part.

Section 15 of this bill removes the provision of existing law that provides that a claimant may recover reasonable attorney's fees as part of the claimant's damages in a cause of action for constructional defects. **Section 15** also provides that certain costs recoverable as damages must have been incurred for constructional defects proven by the claimant.

Existing law provides that the statutes of limitation and repose applicable to a claim for constructional defects are tolled from the time that a claimant gives notice of a claim for constructional defects until 30 days after the mediation required by existing law is concluded or waived. (NRS 40.695) **Section 16** of this bill provides that the period for which the statutes of limitation and repose are tolled may not exceed 1 year. **Section 16** further authorizes a court to extend the tolling period if the claimant demonstrates good cause for such an extension.

Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement. These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an action must be commenced is: (1) for a known deficiency, 10 years after substantial completion of the improvement; (2) for a latent deficiency, 8 years after substantial completion of the improvement; and (3) for a patent deficiency, 6 years after substantial completion of the improvement. However, if a deficiency was a result of willful misconduct or was fraudulently concealed, an action may be commenced at any time after substantial completion of the improvement. (NRS 11.202-11.205) **Sections 17-19 and 22** of this bill provide that the statute of repose for all actions for damages caused by a deficiency in construction of improvement to real property is 6 years after substantial completion of the improvement. **Sections 17-19 and 22** also eliminate existing provisions of law that allow such actions to be commenced within 2 years after the date of an injury which occurs during the final year of the particular period of limitation. **Section 21** of this bill: (1) provides that the revised statutes of repose set forth in **sections 17-19** apply retroactively under certain circumstances; and (2) establishes a 1-year grace period during which a person may commence an action under the existing statutes of repose, if the action accrued before the effective date of this bill.

Existing law authorizes a homeowners' association to institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. (NRS 116.3102) In *D.R. Horton, Inc. v. Eighth Judicial District Court*, 125 Nev. 449 (2009), the Nevada Supreme Court held that existing law grants standing to a homeowners' association to pursue constructional defect claims on behalf of units' owners with respect to constructional defects in individual units. **Sections 5 and 20** of this bill provide that an association may not pursue a constructional defect claim on behalf of itself or units' owners, unless the claim pertains exclusively to the common elements of the association.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. In any action or other proceeding involving a constructional defect asserted by a claimant and governed by NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act:***

(a) Except as otherwise provided in paragraph (b), any provision in a contract entered into on or after the effective date of this act for residential construction that requires a subcontractor to indemnify, defend or otherwise hold harmless a controlling party from any liability, claim, action or cause of action resulting from a constructional defect caused by the negligence, whether active or passive, or intentional act or omission of the controlling party is against public policy and is void and unenforceable.

(b) Except as otherwise provided in paragraph (c), a provision in a contract entered into on or after the effective date of this act for residential construction is not against public policy and is not void and unenforceable under paragraph (a) to the extent that the provision requires a subcontractor to indemnify, defend or otherwise hold harmless a controlling party from any liability, claim, action or cause of action resulting from a constructional defect arising out of, related to or connected with the subcontractor's scope of work, negligence, or intentional act or omission.

(c) A provision in a contract entered into on or after the effective date of this act for residential construction is against public policy and is void and unenforceable under paragraph (a) to the extent that it requires a subcontractor to defend, indemnify or otherwise hold harmless a controlling party from any liability, claim, action or cause of action resulting from a constructional defect arising out of, related to or connected with that portion of the subcontractor's work which has been altered or modified by another trade or the controlling party.

(d) Except as otherwise provided in paragraph (e), if a provision of a contract entered into on or after the effective date of this act for residential construction that requires a subcontractor to indemnify, defend or otherwise

hold harmless a controlling party is not against public policy and is not void and unenforceable under this subsection, the duty of the subcontractor to defend the controlling party arises upon presentment of a notice pursuant to subsection 1 of NRS 40.646 containing a particular claim, action or cause of action from which it can be reasonably inferred that an alleged constructional defect was caused by or attributable to the subcontractor's work, negligence, or wrongful act or omission.

(e) If a controlling party gives a notice to a subcontractor pursuant to NRS 40.646 that contains a claim, action or cause of action from which it can be reasonably inferred that an alleged constructional defect was caused by or attributable to the subcontractor's work, negligence, or wrongful act or omission, the claim, action or cause of action is covered by the subcontractor's commercial general liability policy of insurance issued by an insurer, and the controlling party is named as an additional insured under that policy of insurance:

(1) The controlling party, as an additional insured, must pursue available means of recovery of its defense fees and costs under the policy before the controlling party is entitled to pursue a claim against the subcontractor.

(2) Upon the final settlement of or issuance of a final judgment in an action involving a claim for a constructional defect, if the insurer has not assumed the controlling party's defense and reimbursed the controlling party for the defense obligation of the subcontractor, or if the defense obligation is not otherwise resolved by the settlement or final judgment, the controlling party has the right to pursue a claim against the subcontractor for reimbursement of that portion of the attorney's fees and costs incurred by the controlling party which are attributable to the claims, actions or causes of action arising out of, related to or connected with the subcontractor's scope of work, negligence, or intentional act or omission.

(3) The provisions of subparagraphs (1) and (2) do not prohibit a controlling party from:

(I) Following the requirements of NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act relating to providing notice of an alleged constructional defect or any other procedures set forth in those provisions; or

(II) Filing a third-party complaint against the subcontractor if a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a controlling party which arises out of, relates to or is otherwise connected with the subcontractor's scope of work, negligence, or wrongful act or omission.

2. For any wrap-up insurance policy or other consolidated insurance program that covers a subcontractor who performs work on residential construction for which a contract is entered into on or after the effective date of this act, for claims, actions or causes of action for a constructional defect

governed by NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act:

(a) The controlling party obtaining the wrap-up insurance policy or other consolidated insurance program shall disclose the total amount or method of calculation of any credit or compensation for the premium required from a subcontractor or other participant for that wrap-up insurance policy in the contract documents.

(b) Except as otherwise provided in paragraph (c), the contract documents must disclose, if and to the extent known:

(1) The policy limits;

(2) The scope of policy coverage;

(3) The policy term;

(4) The basis upon which the deductible or occurrence is triggered by the insurer;

(5) If the policy covers more than one work of improvement, the number of units, if any, indicated on the application for the insurance policy; and

(6) A good faith estimate of the amount of available limits remaining under the policy as of a date indicated in the disclosure obtained from the insurer.

(c) The disclosure requirements of subparagraphs (1) to (4), inclusive, of paragraph (b) may be satisfied by providing the participant with a copy of the binder or declaration.

(d) The disclosures made pursuant to subparagraphs (5) and (6) of paragraph (b):

(1) May be based upon information available at the time the disclosure is made and are not inaccurate or made in bad faith solely because the disclosures do not accurately reflect the actual number of units covered by the policy or the amount of insurance available, if any, when a later claim is made.

(2) Are presumptively made in good faith if:

(I) The disclosure pursuant to subparagraph (5) of paragraph (b) is the same as that contained in the application to the wrap-up insurance policy insurer; and

(II) The disclosure pursuant to subparagraph (6) of paragraph (b) was obtained from the wrap-up insurance policy insurer or broker.

➥ The presumptions stated in subparagraph (2) may be overcome only by a showing that the insurer, broker or controlling party intentionally misrepresented the facts identified in subparagraph (5) or (6) of paragraph (b).

(e) Upon the written request of any participant in the wrap-up insurance policy or consolidated insurance program, a copy of the insurance policy must be provided, if available, that shows the coverage terms and items in subparagraphs (1) to (5), inclusive, of paragraph (b). If the policy is not

available at the time of the request, a copy of the insurance binder or declaration of coverage may be provided in lieu of the actual policy.

(f) Any party receiving a copy of the policy, binder or declaration shall not disclose it to third parties other than the participant's insurance broker or attorney unless required to do so by law. The participant's insurance broker or attorney may not disclose the policy, binder or declaration to any third party unless required to do so by law.

(g) If the controlling party obtaining the wrap-up insurance policy or other consolidated insurance program does not disclose the total amount or method of calculation of the premium credit or compensation to be charged to the participant before the time the participant submits its bid, the participant is not legally bound by the bid unless that participant has the right to increase the bid up to the amount equal to the difference between the amount the participant included, if any, for insurance in the original bid and the amount of the actual bid credit required by the controlling party obtaining the wrap-up insurance policy or other consolidated insurance program. This paragraph does not apply if the controlling party obtaining the wrap-up insurance policy or other consolidated insurance program did not require the subcontractor to offset the original bid amount with a deduction for the wrap-up insurance policy or program.

(h) The subcontractor's monetary obligation for enrollment in the wrap-up insurance policy or consolidated insurance program ceases upon the subcontractor's satisfaction of its agreed contribution percentage, which may have been paid either as a lump sum or on a pro rata basis throughout the subcontractor's performance of the work.

(i) In the event of an occurrence, the dollar amount required to be paid by a subcontractor as a self-insured retention or deductible must not be greater than the amount that the subcontractor would have otherwise been required to pay as a self-insured retention or deductible under a commercial general liability policy of comparable insurance in force during the relevant period for that particular subcontractor and within the specific market at the time the subcontract is entered into.

3. As used in this section:

(a) "Controlling party" means a person who owns real property involved in residential construction, a contractor or any other person who is to be indemnified by a provision in a contract entered into on or after the effective date of this act for residential construction.

(b) "Residential construction" means the construction of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance.

(c) "Wrap-up insurance policy" is an insurance policy, or series of policies, written to cover risks associated with the construction, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance, and covering two or more of the

contractors or subcontractors that work on that construction, repair or landscaping.

Sec. 3. *1. At any time after a claimant has given notice pursuant to NRS 40.645 and before the claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant or any contractor, subcontractor, supplier or design professional who has received notice pursuant to NRS 40.645 or 40.646 may serve upon one or more other parties a written offer to allow judgment to be entered without action in accordance with the terms and conditions of the offer of judgment.*

2. Except as otherwise provided in subsection 7, if, within 10 days after the date of service of an offer of judgment, the party to whom the offer was made serves written notice that the offer is accepted, the party who made the offer or the party who accepted the offer may file the offer, the notice of acceptance and proof of service with the clerk of the district court. Upon receipt by the clerk, the clerk shall enter a judgment according to the terms of the offer. Any judgment entered pursuant to this section shall be deemed a compromise settlement. The judgment, the offer, the notice of acceptance and proof of service, with the judgment endorsed, become the judgment roll.

3. If the offer of judgment is not accepted pursuant to subsection 2 within 10 days after the date of service, the offer shall be deemed rejected by the party to whom it was made and withdrawn by the party who made it. The rejection of an offer does not preclude any party from making another offer pursuant to this section. Evidence of a rejected offer is not admissible in any proceeding other than a proceeding to determine costs and fees.

4. Except as otherwise provided in this section, if a party who rejects an offer of judgment fails to obtain a more favorable judgment in an action for a constructional defect, the court:

(a) May not award to the party any costs or attorney's fees;

(b) May not award to the party any interest on the judgment for the period from the date of service of the offer to the date of entry of the judgment;

(c) Shall order the party to pay the taxable costs incurred by the party who made the offer; and

(d) May order the party to pay to the party who made the offer any or all of the following:

(1) A reasonable sum to cover any costs incurred by the party who made the offer for each expert witness whose services were reasonably necessary to prepare for and conduct the trial of the case.

(2) Any applicable interest on the judgment for the period from the date of service of the offer to the date of entry of the judgment.

(3) Reasonable attorney's fees incurred by the party who made the offer for the period from the date of service of the offer to the date of entry of the judgment. If the attorney of the party who made the offer is collecting a contingent fee, the amount of any attorney's fees awarded to the party pursuant to this subparagraph must be deducted from that contingent fee.

5. To determine whether a party who rejected an offer of judgment failed to obtain a more favorable judgment:

(a) If the offer provided that the court would award costs, the court must compare the amount of the offer with the principal amount of the judgment, without inclusion of costs.

(b) If the offer precluded a separate award of costs, the court must compare the amount of the offer with the sum of:

(1) The principal amount of the judgment; and

(2) The amount of taxable costs that the claimant who obtained the judgment incurred before the date of service of the offer.

6. Multiple parties may make a joint offer of judgment pursuant to this section.

7. A party may make to two or more other parties pursuant to this section an apportioned offer of judgment that is conditioned upon acceptance by all the parties to whom the apportioned offer is made. Each party to whom such an offer is made may serve upon the party who made the offer a separate written notice of acceptance of the offer. If any party rejects the apportioned offer:

(a) The action must proceed as to all parties to whom the apportioned offer was made, whether or not the other parties accepted or rejected the offer; and

(b) The sanctions set forth in subsection 4:

(1) Apply to each party who rejected the apportioned offer.

(2) Do not apply to any party who accepted the apportioned offer.

8. The sanctions set forth in subsection 4 do not apply to:

(a) An offer of judgment made to multiple parties who received a notice pursuant to NRS 40.645 or 40.646 unless the same person is authorized to decide whether to settle the claims against all the parties to whom the offer is made and:

(1) There is a single common theory of liability against all the parties to whom the offer is made;

(2) The liability of one or more of the parties to whom the offer is made is entirely derivative of the liability of the remaining parties to whom the offer is made; or

(3) The liability of all the parties to whom the offer is made is entirely derivative of a common act or omission by another person.

(b) An offer of judgment made to multiple claimants unless the same person is authorized to decide whether to settle the claims of all the claimants to whom the offer is made and:

(1) There is a single common theory of liability claimed by all the claimants to whom the offer is made;

(2) The damages claimed by one or more of the claimants to whom the offer is made are entirely derivative of an injury to the remaining claimants to whom the offer is made; or

(3) The damages claimed by all the claimants to whom the offer is made are entirely derivative of an injury to another person.

Sec. 4. NRS 40.600 is hereby amended to read as follows:

40.600 As used in NRS 40.600 to 40.695, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 40.603 to 40.634, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 40.610 is hereby amended to read as follows:

40.610 "Claimant" means:

1. An owner of a residence or appurtenance; ***or***

2. A representative of a homeowners' association ~~[that is responsible for a residence or appurtenance and is]~~ acting within the scope of the representative's duties pursuant to chapter 116 or 117 of NRS ***.*** ~~[; or~~

~~3. Each owner of a residence or appurtenance to whom a notice applies pursuant to subsection 4 of NRS 40.645.]~~

Sec. 6. NRS 40.615 is hereby amended to read as follows:

40.615 "Constructional defect" means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:

1. Which ~~[is done in violation of law, including, without limitation, in violation of local codes or ordinances;~~

~~2. Which]~~ ***presents an unreasonable risk of injury to a person or property; or***

2. Which is not completed in a good and workmanlike manner and proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed ***.*** ~~[;~~

~~3. Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping; or~~

~~4. Which presents an unreasonable risk of injury to a person or property.]~~

Sec. 7. NRS 40.635 is hereby amended to read as follows:

40.635 NRS 40.600 to 40.695, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act:***

1. Apply to any claim that arises before, on or after July 1, 1995, as the result of a constructional defect, except a claim for personal injury or wrongful death, if the claim is the subject of an action commenced on or after July 1, 1995.

2. Prevail over any conflicting law otherwise applicable to the claim or cause of action.

3. Do not bar or limit any defense otherwise available, except as otherwise provided in those sections.

4. Do not create a new theory upon which liability may be based, except as otherwise provided in those sections.

Sec. 8. NRS 40.645 is hereby amended to read as follows:

40.645 1. Except as otherwise provided in this section and NRS 40.670, before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant:

(a) Must give written notice by certified mail, return receipt requested, to the contractor, at the contractor's address listed in the records of the State Contractors' Board or in the records of the office of the county or city clerk or at the contractor's last known address if the contractor's address is not listed in those records; and

(b) May give written notice by certified mail, return receipt requested, to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect, if the claimant knows that the contractor is no longer licensed in this State or that the contractor no longer acts as a contractor in this State.

2. The notice given pursuant to subsection 1 must:

(a) Include a statement that the notice is being given to satisfy the requirements of this section;

(b) ~~[~~Specify in reasonable detail the defects or any damages or injuries~~]~~ ***Identify in specific detail each defect, damage and injury*** to each residence or appurtenance that is the subject of the claim ~~[~~; and~~]~~ ***, including, without limitation, the exact location of each such defect, damage and injury;***

(c) Describe in reasonable detail the cause of the defects if the cause is known ~~[~~,~~]~~ ***and*** the nature and extent that is known of the damage or injury resulting from the defects ~~[~~and the location of each defect within each residence or appurtenance to the extent known.~~]~~

~~3. Notice that includes an expert opinion concerning the cause of the constructional defects and the nature and extent of the damage or injury resulting from the defects which is based on a valid and reliable representative sample of the components of the residences or appurtenances may be used as notice of the common constructional defects within the residences or appurtenances to which the expert opinion applies.~~

~~4. Except as otherwise provided in subsection 5, one notice may be sent relating to all similarly situated owners of residences or appurtenances within a single development that allegedly have common constructional defects if:~~

~~(a) An expert opinion is obtained concerning the cause of the common constructional defects and the nature and extent of the damage or injury resulting from the common constructional defects;~~

~~(b) That expert opinion concludes that based on a valid and reliable representative sample of the components of the residences and appurtenances included in the notice, it is the opinion of the expert that those similarly situated~~

~~residences and appurtenances may have such common constructional defects; and~~

~~(c) A copy of the expert opinion is included with the notice.~~

~~5.~~ ***; and***

(d) Include a signed statement, ~~[signed under penalty of perjury]~~ by each named owner of a residence or appurtenance in the notice, that each such owner verifies that each such defect, damage and injury specified in the notice exists in the residence or appurtenance owned by him or her. If a notice is sent on behalf of a homeowners' association, the statement required by this paragraph must be signed under penalty of perjury by a member of the executive board or an officer of the homeowners' association.

3. A representative of a homeowners' association may send notice pursuant to this section on behalf of an association ~~[that is responsible for a residence or appurtenance]~~ if the representative is acting within the scope of the representative's duties pursuant to chapter 116 or 117 of NRS.

~~[6.]~~ ***4.*** Notice is not required pursuant to this section before commencing an action if:

(a) The contractor, subcontractor, supplier or design professional has filed an action against the claimant; or

(b) The claimant has filed a formal complaint with a law enforcement agency against the contractor, subcontractor, supplier or design professional for threatening to commit or committing an act of violence or a criminal offense against the claimant or the property of the claimant.

Sec. 9. NRS 40.646 is hereby amended to read as follows:

40.646 1. Except as otherwise provided in subsection 2, not later than 30 days after the date on which a contractor receives notice of a constructional defect pursuant to NRS 40.645, the contractor shall forward a copy of the notice by certified mail, return receipt requested, to the last known address of each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice.

2. If a contractor does not provide notice as required pursuant to subsection 1, the contractor may not commence an action against the subcontractor, supplier or design professional related to the constructional defect unless the contractor demonstrates that, after making a good faith effort, the contractor was unable to identify the subcontractor, supplier or design professional whom the contractor believes is responsible for the defect within the time provided pursuant to subsection 1.

3. ~~[Except as otherwise provided in subsection 4, not]~~ ***Not*** later than 30 days after receiving notice from the contractor pursuant to this section, the subcontractor, supplier or design professional shall inspect the alleged constructional defect in accordance with ~~[subsection 1 of]~~ NRS 40.6462 and provide the contractor with a written statement indicating:

(a) Whether the subcontractor, supplier or design professional has elected to repair the defect for which the contractor believes the subcontractor, supplier or design professional is responsible; and

(b) If the subcontractor, supplier or design professional elects to repair the defect, an estimate of the length of time required for the repair, and at least two proposed dates on and times at which the subcontractor, supplier or design professional is able to begin making the repair.

4. ~~[If the notice of a constructional defect forwarded by the contractor was given pursuant to subsection 4 of NRS 40.645 and the contractor provides a disclosure of the notice of the alleged common constructional defects to the unnamed owners to whom the notice may apply pursuant to NRS 40.6452:~~

~~(a) The contractor shall, in addition to the notice provided pursuant to subsection 1, upon receipt of a request for an inspection, forward a copy of the request to or notify each subcontractor, supplier or design professional who may be responsible for the alleged defect of the request not later than 5 working days after receiving such a request; and~~

~~(b) Not later than 20 days after receiving notice from the contractor of such a request, the subcontractor, supplier or design professional shall inspect the alleged constructional defect in accordance with subsection 2 of NRS 40.6462 and provide the contractor with a written statement indicating:~~

~~(1) Whether the subcontractor, supplier or design professional has elected to repair the defect for which the contractor believes the subcontractor, supplier or design professional is responsible; and~~

~~(2) If the subcontractor, supplier or design professional elects to repair the defect, an estimate of the length of time required for the repair, and at least two proposed dates on and times at which the subcontractor, supplier or design professional is able to begin making the repair.~~

~~5.]~~ If a subcontractor, supplier or design professional elects to repair the constructional defect, the contractor or claimant may hold the subcontractor liable for any repair which does not eliminate the defect.

Sec. 10. NRS 40.6462 is hereby amended to read as follows:

40.6462 ~~[1. Except as otherwise provided in subsection 2, after]~~ ***After*** notice of a constructional defect is given to a contractor pursuant to NRS 40.645, the claimant shall, upon reasonable notice, allow the contractor and each subcontractor, supplier or design professional who may be responsible for the alleged defect reasonable access to the residence or appurtenance that is the subject of the notice to determine the nature and extent of a constructional defect and the nature and extent of repairs that may be necessary. To the extent possible, the persons entitled to inspect shall coordinate and conduct the inspections in a manner which minimizes the inconvenience to the claimant.

~~[2. If notice is given to the contractor pursuant to subsection 4 of NRS 40.645, the contractor and each subcontractor, supplier or design professional who may be responsible for the defect do not have the right to inspect the residence or appurtenance of an owner who is not named in the notice unless the owner requests the inspection in the manner set forth in NRS 40.6452. If~~

~~the owner does not request the inspection, the owner shall be deemed not to have provided notice pursuant to NRS 40.645.~~**]**

Sec. 11. NRS 40.647 is hereby amended to read as follows:

40.647 1. ~~**[**Except as otherwise provided in NRS 40.6452, after~~**]** ***After*** notice of a constructional defect is given pursuant to NRS 40.645, before a claimant may commence an action or amend a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant must:

(a) Allow an inspection of the alleged constructional defect to be conducted pursuant to NRS 40.6462; ~~**[**and**]**~~

(b) ***Be present at an inspection conducted pursuant to NRS 40.6462 and identify the exact location of each alleged constructional defect specified in the notice and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert, or a representative of the expert who has knowledge of the alleged constructional defect, must also be present at the inspection and identify the exact location of each alleged constructional defect for which the expert provided an opinion; and***

(c) Allow the contractor, subcontractor, supplier or design professional a reasonable opportunity to repair the constructional defect or cause the defect to be repaired if an election to repair is made pursuant to NRS 40.6472.

2. If a claimant commences an action without complying with subsection 1 or NRS 40.645, the court shall:

(a) Dismiss the action without prejudice and compel the claimant to comply with those provisions before filing another action; or

(b) If dismissal of the action would prevent the claimant from filing another action because the action would be procedurally barred by the statute of limitations or statute of repose, the court shall stay the proceeding pending compliance with those provisions by the claimant.

Sec. 12. NRS 40.6472 is hereby amended to read as follows:

40.6472 1. Except as otherwise provided in NRS ~~**[**40.6452,**]**~~ 40.670 and 40.672, a written response must be sent by certified mail, return receipt requested, to a claimant who gives notice of a constructional defect pursuant to NRS 40.645:

(a) By the contractor not later than 90 days after the contractor receives the notice; and

(b) If notice was sent to a subcontractor, supplier or design professional, by the subcontractor, supplier or design professional not later than 90 days after the date that the subcontractor, supplier or design professional receives the notice.

2. The written response sent pursuant to subsection 1 must respond to each constructional defect in the notice and:

(a) Must state whether the contractor, subcontractor, supplier or design professional has elected to repair the defect or cause the defect to be repaired. If an election to repair is included in the response and the repair will cause the claimant to move from the claimant's home during the repair, the election must

also include monetary compensation in an amount reasonably necessary for temporary housing or for storage of household items, or for both, if necessary.

(b) May include a proposal for monetary compensation, which may include contribution from a subcontractor, supplier or design professional.

(c) May disclaim liability for the constructional defect and state the reasons for such a disclaimer.

3. If the claimant is a homeowners' association, the association shall send a copy of the response to each member of the association not later than 30 days after receiving the response.

4. If the contractor, subcontractor, supplier or design professional has elected not to repair the constructional defect, the claimant or contractor may bring a cause of action for the constructional defect or amend a complaint to add a cause of action for the constructional defect.

5. If the contractor, subcontractor, supplier or design professional has elected to repair the constructional defect, the claimant must provide the contractor, subcontractor, supplier or design professional with a reasonable opportunity to repair the constructional defect.

Sec. 13. NRS 40.648 is hereby amended to read as follows:

40.648 1. If the response provided pursuant to NRS 40.6472 includes an election to repair the constructional defect:

(a) The repairs may be performed by the contractor, subcontractor, supplier or design professional, if such person is properly licensed, bonded and insured to perform the repairs and, if such person is not, the repairs may be performed by another person who meets those qualifications.

(b) The repairs must be performed:

(1) On reasonable dates and at reasonable times agreed to in advance with the claimant;

(2) In compliance with any applicable building code and in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of repair; and

(3) In a manner which will not increase the cost of maintaining the residence or appurtenance than otherwise would have been required if the residence or appurtenance had been constructed without the constructional defect, unless the contractor and the claimant agree in writing that the contractor will compensate the claimant for the increased cost incurred as a result of the repair.

(c) Any part of the residence or appurtenance that is not defective but which must be removed to correct the constructional defect must be replaced.

(d) The contractor, subcontractor, supplier or design professional shall prevent, remove and indemnify the claimant against any mechanics' liens and materialmen's liens.

2. Unless the claimant and the contractor, subcontractor, supplier or design professional agree to extend the time for repairs, the repairs must be completed:

(a) ~~[If the notice was sent pursuant to subsection 4 of NRS 40.645 and there are four or fewer owners named in the notice, for the named owners, not later than 105 days after the date on which the contractor received the notice.~~

~~(b) If the notice was sent pursuant to subsection 4 of NRS 40.645 and there are five or more owners named in the notice, for the named owners, not later than 150 days after the date on which the contractor received the notice.~~

~~(c) If the notice was sent pursuant to subsection 4 of NRS 40.645, not later than 105 days after the date on which the contractor provides a disclosure of the notice to the unnamed owners to whom the notice applies pursuant to NRS 40.6452.~~

~~(d) If the notice was not sent pursuant to subsection 4 of NRS 40.645:~~

~~(1)]~~ Not later than 105 days after the date on which the notice of the constructional defect was received by the contractor, subcontractor, supplier or design professional if the notice of a constructional defect was received from four or fewer owners; or

~~[(2)]~~ ***(b)*** Not later than 150 days after the date on which the notice of the constructional defect was received by the contractor, subcontractor, supplier or design professional if the notice was received from five or more owners or from a representative of a homeowners' association.

3. If repairs reasonably cannot be completed within the time set forth in subsection 2, the claimant and the contractor, subcontractor, supplier or design professional shall agree to a reasonable time within which to complete the repair. If the claimant and contractor, subcontractor, supplier or design professional cannot agree on such a time, any of them may petition the court to establish a reasonable time for completing the repair.

4. Any election to repair made pursuant to NRS 40.6472 may not be made conditional upon a release of liability.

5. Not later than 30 days after the repairs are completed, the contractor, subcontractor, supplier or design professional who repaired or caused the repair of a constructional defect shall provide the claimant with a written statement describing the nature and extent of the repair, the method used to repair the constructional defect and the extent of any materials or parts that were replaced during the repair.

Sec. 14. NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, ***and sections 2 and 3 of this act,*** the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

➥ Any sums paid under a homeowner's warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

➥ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, ***and sections 2 and 3 of this act*** do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

3. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive ~~[, a claimant shall diligently pursue a claim under the contract.]~~ ***:***

(a) A claimant may not send a notice pursuant to NRS 40.645 or pursue a claim pursuant to NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act unless the claimant has first submitted a claim under the homeowner's warranty and the insurer has denied the claim.

(b) A claimant may include in a notice given pursuant to NRS 40.645 only claims for the constructional defects that were denied by the insurer.

(c) If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

(d) Statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act are tolled from the time notice of the claim under the homeowner's warranty is submitted to the insurer until 30 days after the insurer rejects the claim, in whole or in part, in writing.

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure or NRS 17.115 ~~[if the offer of judgment includes all damages to which the claimant is entitled pursuant to NRS 40.655.]~~ ***or section 3 of this act.***

Sec. 15. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, ***and sections 2 and 3 of this act,*** the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) ~~[Any reasonable attorney's fees;~~

~~(b)]~~ The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

~~[(c)]~~ ***(b)*** The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

~~[(d)]~~ ***(c)*** The loss of the use of all or any part of the residence;

~~[(e)]~~ ***(d)*** The reasonable value of any other property damaged by the constructional defect;

~~[(f)]~~ ***(e)*** Any additional costs reasonably incurred by the claimant ~~[,]~~ ***for constructional defects proven by the claimant,*** including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

~~[(g)]~~ ***(f)*** Any interest provided by statute.

2. ~~[The amount of any attorney's fees awarded pursuant to this section must be approved by the court.~~

~~3.]~~ If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, ***and sections 2 and 3 of this act,*** the claimant may not recover from the contractor, as a result of the constructional defect, ~~[anything]~~ ***any damages*** other than ~~[that which is provided]~~ ***damages authorized*** pursuant to NRS 40.600 to 40.695, inclusive ~~[.~~

~~4.]~~ ***, and sections 2 and 3 of this act.***

3. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

~~[5.]~~ ***4.*** As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 16. NRS 40.695 is hereby amended to read as follows:

40.695 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, ***and sections 2 and 3 of this act*** are tolled from the time notice of the claim is given, until ~~[30]~~ ***the earlier of:***

(a) One year after notice of the claim is given; or

(b) Thirty days after mediation is concluded or waived in writing pursuant to NRS 40.680.

2. ***Statutes of limitation and repose may be tolled under this section for a period longer than 1 year after notice of the claim is given only if, in an action for a constructional defect brought by a claimant after the applicable statute of limitation or repose has expired, the claimant demonstrates to the satisfaction of the court that good cause exists to toll the statutes of limitation and repose under this section for a longer period.***

3. Tolling under this section applies to a third party regardless of whether the party is required to appear in the proceeding.

Sec. 17. NRS 11.202 is hereby amended to read as follows:

11.202 1. ~~[An]~~ ***No*** action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property ~~[at any time]~~ ***more than 6 years*** after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement ***;*** ~~[which is the result of his or her willful misconduct or which he or she fraudulently concealed;]~~

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. The provisions of this section do not apply ~~[in]~~ ***:***

(a) To a claim for indemnity or contribution.

(b) In an action brought against:

~~[(a)]~~ ***(1)*** The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

~~[(b)]~~ ***(2)*** Any person on account of a defect in a product.

Sec. 18. NRS 11.2055 is hereby amended to read as follows:

11.2055 1. Except as otherwise provided in subsection 2, for the purposes of ***this section and*** NRS 11.202 ***,*** ~~[to 11.206, inclusive,]~~ the date of substantial completion of an improvement to real property shall be deemed to be the date on which:

(a) The final building inspection of the improvement is conducted;

(b) A notice of completion is issued for the improvement; or

(c) A certificate of occupancy is issued for the improvement,

➥ whichever occurs later.

2. If none of the events described in subsection 1 occurs, the date of substantial completion of an improvement to real property must be determined by the rules of the common law.

Sec. 19. NRS 113.135 is hereby amended to read as follows:

113.135 1. Upon signing a sales agreement with the initial purchaser of residential property that was not occupied by the purchaser for more than 120 days after substantial completion of the construction of the residential property, the seller shall:

(a) Provide to the initial purchaser a copy of NRS 11.202 ~~[to 11.206, inclusive,]~~ ***, 11.2055*** and 40.600 to 40.695, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act;***

(b) Notify the initial purchaser of any soil report prepared for the residential property or for the subdivision in which the residential property is located; and

(c) If requested in writing by the initial purchaser not later than 5 days after signing the sales agreement, provide to the purchaser without cost each report

described in paragraph (b) not later than 5 days after the seller receives the written request.

2. Not later than 20 days after receipt of all reports pursuant to paragraph (c) of subsection 1, the initial purchaser may rescind the sales agreement.

3. The initial purchaser may waive his or her right to rescind the sales agreement pursuant to subsection 2. Such a waiver is effective only if it is made in a written document that is signed by the purchaser.

Sec. 20. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. ***The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act unless the action pertains exclusively to common elements.***

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) May exercise any other powers conferred by the declaration or bylaws.

(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 21. 1. Section 2 of this act applies only to residential construction for which a contract is entered into on or after the effective date of this act.

2. The provisions of NRS 40.615 and 40.655, as amended by sections 6 and 15 of this act, apply to any claim that arises on or after the effective date of this act.

3. The provisions of NRS 40.645, 40.650 and 40.695, as amended by sections 8, 14 and 16 of this act, apply to a notice of a constructional defect given on or after the effective date of this act.

4. The provisions of NRS 40.647, as amended by section 11 of this act, apply only to an inspection conducted pursuant to NRS 40.6462, as amended by section 10 of this act, on or after the effective date of this act.

5. Except as otherwise provided in subsection 6, the period of limitations on actions set forth in NRS 11.202, as amended by section 17 of this act, applies retroactively to actions in which the substantial completion of the improvement to the real property occurred before the effective date of this act.

6. The provisions of subsection 5 do not limit an action:

(a) That accrued before the effective date of this act, and was commenced within 1 year after the effective date of this act; or

(b) If doing so would constitute an impairment of the obligation of contracts under the Constitution of the United States or the Constitution of the State of Nevada.

7. The provisions of NRS 116.3102, as amended by section 20 of this act, do not apply if a unit-owners' association has given notice of a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, and sections 2 and 3 of this act on or before the effective date of this act.

8. As used in this section:

(a) "Residential construction" means the construction of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance.

(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

Sec. 22. NRS 11.203, 11.204, 11.205, 11.206 and 40.6452 are hereby repealed.

Sec. 23. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

11.203 Actions for damages for injury or wrongful death caused by deficiency in construction of improvements to real property: Known deficiencies.

11.204 Actions for damages for injury or wrongful death caused by deficiency in construction of improvements to real property: Latent deficiencies.

11.205 Actions for damages for injury or wrongful death caused by deficiency in construction of improvements to real property: Patent deficiencies.

11.206 Actions for damages for injury or wrongful death caused by deficiency in construction of improvements to real property: Limitation of actions not a defense in actions based on liability as innkeeper or for defect in product.

40.6452 Common constructional defects within single development: Response to notice of defect by contractor; disclosure to unnamed owners; effect of contractor failing to provide disclosure to unnamed owners.

Assemblyman Nelson moved the adoption of the amendment.

Remarks by Assemblyman Nelson.

Amendment adopted.

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

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.
Mr. Speaker presiding.
Quorum present

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that all rules be suspended and that Assembly Bill No. 125 be declared an emergency measure under the *Constitution* and immediately placed on General File for third reading and final passage.

Remarks by Assemblyman Paul Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 35 requires the Board of Wildlife Commissioners to adopt regulations establishing a process for the issuance and verification of state hull numbers that comply with the requirements for hull numbers prescribed by the United States Coast Guard. The Department of Wildlife must assign state hull numbers in compliance with those requirements. Finally, in connection with an application for a duplicate certificate of ownership, the Department is authorized to require an inspection of the vessel.

Roll call on Assembly Bill No. 35:

YEAS—42.

NAYS—None.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 12:27 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 125.
Bill read third time.
Remarks by Assemblymen Nelson, Neal, Spiegel, Joiner, Diaz, Ohrenschall, Kirkpatrick, Wheeler and Hansen.

ASSEMBLYMAN NELSON:

Assembly Bill 125 makes various changes to the constructional defect laws as set forth in Chapter 40 of Nevada Revised Statutes. Specifically, this measure revises the definition of "constructional defect" to mean a defect that presents an unreasonable risk of injury to a person or property, or is not completed in a good and workmanlike manner and proximately causes physical damage to the residence or appurtenance. The measure provides that a construction contract is considered void and unenforceable if the contract requires a subcontractor to indemnify, defend, or hold harmless the controlling party for the negligence or omissions of the controlling party; enacts provisions governing the manner in which the controlling party may pursue indemnification from a subcontractor; includes provisions governing consolidated insurance programs covering certain claims for constructional defects; revises various provisions relating to the damages a claimant may recover in a constructional defect action including costs or attorney fees to parties in certain circumstances; amends certain notice requirements concerning claims of constructional defects, including requiring that the notice: (1) state in specific detail each defect, (2) state the exact location of the defect, and (3) include a statement signed by the owner verifying that each defect exists in the residence or appurtenance; removes a provision of existing law that authorizes one notice to be sent concerning similarly situated owners of residences or appurtenances within a single development that allegedly have common constructional defects; requires that a claimant and an expert who provided an opinion concerning an alleged constructional defect: (1) be present when the required inspection of the alleged defect is conducted, and (2) identify the exact location of the alleged defect; provides that an association may not pursue a constructional defect claim on behalf of itself or units' owners unless the claim pertains exclusively to the common elements of the association; prohibits a claimant from pursuing a claim unless the claimant has submitted a claim under the homeowner's warranty and the insurer has denied the claim; and revises various provisions concerning the statutes of limitations and repose applicable to a claim for constructional defects.

ASSEMBLYWOMAN NEAL:

I have a question on A. B. 125. It is related to section 8, subsection 2(b), lines 3 through 6. This is more of a constituent issue, and I guess my question would be to my colleague from Assembly District 5. There was a switch in terms of the deletion of the "reasonable detail"; it changed to "specific detail." I need clarification on what that would mean for constituents, because there is a limitation in terms of knowledge. With that added provision of perjury, how is a regular homeowner supposed to be able to cite specific detail and not the reasonable standard?

ASSEMBLYMAN NELSON:

In response to my colleague, the language regarding perjury has been taken out by the amendment. Now they just have to provide a written statement. I think that the rationale behind that was to make sure the individual homeowner is aware of the defect and is not just getting caught up in a tide of maybe hundreds of other homeowners who are making claims. The bill originally said that the homeowner had to sign under the penalty of perjury. Amendment 7, which we adopted earlier, basically says they just have to sign a statement.

ASSEMBLYWOMAN SPIEGEL:
I also have a few questions for my colleague from Assembly District 5 about this bill. In section 20, subsection 1, paragraph (d), I was wondering if you could explain the significance of the term "exclusively to common elements" in the section on the HOA [homeowners' associations] standing to sue. What claims can the HOAs bring?

ASSEMBLYMAN NELSON:
In response to my colleague's question about "exclusively," my understanding is that the homeowners' association would be allowed to bring a claim that deals with something that is exclusively within the purview of the homeowners' association. For example, common areas is a specific one. I think the rationale behind this was to remove the incentive for a homeowners' association to pursue claims that really should be brought by the homeowners themselves, for example, an alleged defect that is not in a common area but is in a specific homeowner's residence, something behind a wall, behind drywall, something that really has nothing to do with the HOA.

ASSEMBLYWOMAN SPIEGEL:
I have two more follow-ups. For example, if there is something like a common utility that starts in a common area and goes into the units through the wall, it is behind the drywall—whether it be electric lines, power lines, water lines—and it affects multiple units but it begins in the common area, would the HOA be able to get involved in that?

ASSEMBLYMAN HANSEN:
Those kind of questions are probably something that will end up being discussed. The intent, though, is obviously to avoid litigation. The situation you described where every single home had the exact same thing, that may be something that could be brought up in class action, but we are trying to avoid that. The biggest problem with the HOA situation has been, as you know, that the HOA boards were actually infiltrated by people from the outside, and then they would have the HOA boards actually vote to hire specific law firms. It was quite a racket that was going on. To prevent that kind of abuse of the system, this provision of the law exists. It does not preclude the potentiality of the homeowners who have the exact same sort of problem in their homes bringing forth a class action. My understanding of the law is that it would preclude the homeowners' association independently doing that.

ASSEMBLYWOMAN SPIEGEL:
One more final question. I'm sorry, I'm not on that committee so I did not have the ability to ask questions in the hearing. What happens if problem affects multiple homeowners but not all homeowners? For example, I live in a community in an HOA that is made up of several attached patio homes. There could be a problem with common elements that starts in the common area and comes inside into this one structure that is ostensibly shared by five or six different units. However, there are 130 or so units in the entire HOA, and only maybe 6 or 8 are affected. Would the homeowners there be allowed to share information? It was not really clear in the law. And could they go to the HOA for some assistance?

ASSEMBLYMAN NELSON:
In response to my colleague, there is nothing that I recall in the bill precluding anyone from sharing information. They could share information. They could band together either as five plaintiffs in a lawsuit or they could seek certification as a class.

ASSEMBLYWOMAN JOINER:
My question is also directed to my colleague in District 5. Within the context of us here in northern Nevada where more homes are going to be built because of our economic development opportunities that are coming our way, we are going to have more folks sinking their hard-earned life savings into their dream homes. My question is related to them and what this bill would mean for them. I specifically have a question about section 17. My understanding of the current law is that if a new homeowner discovered that there was a substantial defect in their home, such as a crack in the foundation or if their home began to sink because of a code violation, that at any time that they discovered such a substantial defect, they could then take action and have recourse. My understanding of section 17, and I'd like to verify that this is correct, is that no action may be taken

after six years. So my question is, what is the public benefit of so substantially narrowing that provision to six years, and more importantly, what happens to those homeowners after six years? I'm particularly concerned about defects that are covered up or that are not visible to the eye. For example, at six years and one day, if I pull up my carpet and I have a substantial crack in my foundation, what happens to that homeowner? What is their recourse if this bill passes?

ASSEMBLYMAN NELSON:

My understanding is that this was a compromise to shorten the statute of limitation and the statute of repose, and there is a six-year limitation. You have to draw the line somewhere, and the testimony I have heard is that most of these things will occur within two, three, four years. Another remedy in the situation you described; if someone were to discover a defect after six years and a day, they could still go to the State Contractor's Board and pursue remedies that way.

ASSEMBLYWOMAN DIAZ:

In committee we had the conversation about the rights of consumers being protected and their access to justice. It seems to me that A. B. 125 places most of the burden of construction defects onto the shoulders of Nevada homeowners, when they have to pay, out of their own pocket, substantial dollars for something that they were not at fault for to begin with. My question to my colleague who represents Assembly District 5 is why does section 15 remove all attorney fees for the consumer but keeps them in for the homebuilder? Furthermore, what protections exist for the homeowner if they are forced out of their home due to a construction defect and have to live in a hotel or, even potentially worse, it is so bad that they have to go and rent something besides paying their mortgage?

ASSEMBLYMAN NELSON:

Part of the rationale behind this bill is to provide incentives for homebuilders to build more homes, particularly condominiums, townhouses, and things that many first-time homeowners want to purchase. Right now the reality in the state, right now, is that is not being done for a number of reasons, one of which is the attorney's fees provision in the current law, which makes attorney's fees a damage; it is part of the damages that can be awarded. That has a number of implications, one of which is that interest runs on the attorney's fees. As soon as a judgment is ordered—or sometimes in case of prejudgment, damages if they are awarded by the judge, but particularly when a judgment is given—the interest runs not just on the cost of repairing the constructional defect but also on the damages. This has led to damages which are 10, 20, 30, who knows how many times more than the actual value of the defects, and it has had a chilling effect on homebuilders building anything.

As you know, there was a lot of testimony in the hearing about contractors and subcontractors who just got out of the market of building these types of multifamily homes and went to build commercial instead. I have also heard testimony from people who have said what I would have to do is build, for example, what otherwise would be a condominium complex, and I will call it an apartment. I will rent out the apartments for ten years, and then once the ten years has expired, then I'll condominiumize them and sell them as condominiums. That is the reason that this attorney's fees provision was changed. The problem that I understand—and I have seen it in my practice and a number of the other lawyers talked about it at the hearing—is that in effect the tail has been wagging the dog. The attorney's fees provision in the law, as it currently stands, is what has been causing all of these problems and causing the market to basically dry up in this type of housing.

I hope that answers your question.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 125.

Mr. Speaker, the rights of all Nevadans to seek redress in the form of a civil jury trial has its roots dating back to Magna Carta and to ancient Greece. I did not think I would get a chance to pull out my pocket Constitution this early in the session, but the rights that this bill addresses were very important to the framers of our federal Constitution. The Seventh Amendment states, "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial

by jury shall be preserved, and no fact tried by jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

These rights were also important to the framers of our Nevada Constitution, Mr. Speaker. Article 1, section 3 of the Nevada Constitution states that "The right of trial by Jury shall be secured to all and remain inviolate forever . . . ."

Clearly an important right, both in our federal Constitution and in our state Constitution. Those constitutional provisions require that our citizens be heard by their peers, not by an arbitrary, capricious, or even worse, a biased forum. While it may be that rules of law from time to time have sought to change the process of civil jury trials, limiting access to such would be a clear violation of such rights.

Mr. Speaker, as my colleague from northern Nevada has stated earlier, times may have changed but home ownership is still the American dream. I argue that Assembly Bill 125, as written, puts road blocks in the paths of homeowners who have been harmed in terms of being made whole again. The whole goal of tort law is to make someone who is injured whole. Ideally, that remedy will come outside of the court house, but unfortunately, in terms of the weight on judicial resources, for some that path will only come at the court house. And I argue by passing this, by putting road blocks in front of our homeowners who have been injured, we do a disservice to our constituents. I urge a no vote.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition because, in a bipartisan spirit with support of my Democratic colleagues, we worked tirelessly for the last 18 months with homebuilders, attorneys, constituents, and subcontractors so that we could come up with what we believe has been a long heated debate on who is in when there is a lawsuit and who is not in. My colleague from Sparks knows that we worked together last session to pass a bill out of this very house that passed 37 to 4, only to have the Senate not give it a fair hearing or an opportunity to be voted on. We worked knowing that was a prime issue; unfortunately, all of that bill is encompassed in section 2 of this current bill. It is with a heavy heart that I vote against it, because I did work for the constituents and my bigger concern is for the long term. We really did not get to have that same discussion on many of these other issues. We told many of the lobbyists in this building that we had bigger priorities, that was to focus on education, but we made a huge dent. Now, here we are passing this bill without the same discussion that we spent on the other. I would ask my colleagues to support me in opposing this bill for those very reasons.

ASSEMBLYMAN WHEELER:

I rise in support of A. B. 125. Today, Mr. Speaker, we are taking an important step in fixing our construction defect laws. My colleague from District 12 says we are dismantling construction defect protection and, indeed, even the Seventh Amendment protection for our homeowners. I do not believe this is true. No one disputes the need for access to courts when there is a legitimate, serious defect in the construction of a home. This bill will continue to allow that access, but the defect will have to be real. It will have to be described with specificity and not just vague accusations. We know something is wrong in Nevada when housing starts dropped by 86 percent over the past 12 years and construction defect claims rose by 355 percent. When these lawsuits get started, they often turn into a nightmare for innocent contractors and their subcontractors who had nothing to do with the defect. Let us not forget how many of the defendants in these actions are small businesses struggling to stay afloat in our struggling economy. During the hearing we heard from builders and contractors how construction defect litigation has raised insurance costs, and at times, even put some out of business. Nevada was hard hit by our recession, and our economy is slowly improving. This bill keeps us moving in the right direction, and it makes it harder to file frivolous lawsuits against contractors and their subs, while at the same time allowing construction defect to go to court.

Fewer lawsuits will mean reduced insurance costs and tort costs, and those savings will be passed on to the homeowners in the form of lower housing costs. Lower housing costs will mean more people can afford to buy and that will result in more construction jobs. If we can accelerate the job recovery back to just pre boom levels—not during boom levels but pre boom levels—that would add nearly 40,000 jobs to our economy.

I urge you to support this bill to help our small businesses, to create more jobs, and to allow more people to buy homes, especially first time homebuyers.

ASSEMBLYMAN HANSEN:

First, I want to apologize for the delay of yesterday's floor session because of the tragedy in my family. I want to thank all of you who reached out to me in this troubling time. However, the business of the state does need to go forward, and I rise in support of Assembly Bill 125.

I have been actively involved in this in many, many ways. I have reached out to all people on all sides. A little brief history: Senate Bill 349 of the 2009 Legislative Session was introduced by [former] Senator Terry Care. I have personally contacted Senator Care to find out his feelings on this bill. He is completely delighted with this bill. In fact, I have invited him, if this makes it all the way to the Governor's desk, to be there at the signing. He has informed me that he would love that. I also reached out to former Senator Allison Copening, another member on the Democratic side of the aisle who is no longer in the Senate, to get her opinion on the bill. She was 100 percent in favor of the bill as well.

So when you look at these and you look at the history of the legislation that it is actually a conglomerate of A.B. 125, you will see it is almost entirely completely bipartisan effort. In fact, Senator Care's bill also dealt with definition, the attorney's fees issue, indemnification, virtually all the same things that are in this bill as well. So this is, in fact, a piece of bipartisan legislation composed of various pieces from several past legislative sessions. On the issue of homeowners, what this bill finally does, really, is provide equity for homeowners and contractors. Having been in the trades—I got my contractor's license 29 years ago this month, and I have been in a whole series of these. Interestingly enough, out of at least 25 of these, I have never been asked to do a single warranty or repair.

I am the chair of Judiciary, as everyone knows. In the hearing we had on this, one person in opposition to the bill. This one person represented a trial lawyer firm that by his acknowledgement has grossed $740 million. He also acknowledged that he took at least $200 million from the construction defect efforts he had been involved in.

This is about homeowners? Where were the homeowners? There were none. I'm a homeowner, and I think most people in this room are or know people who are. We certainly represent a great deal of homeowners. Let me tell you, in this whole process, the homeowners are the ones that get a tiny sliver of it, and a tiny handful of trial lawyer firms have made literally—literally hundreds of millions of dollars. That is not equity. That is not protecting homeowners. That is not doing what is right for the citizens of the state of Nevada.

This bill provides the equity that we need in the law to make it fair, so homeowners who have legitimate defects will be protected, but the people that built those homes have an opportunity to repair those things. When you buy a lawnmower at Home Depot and it does not work, you do not sue Home Depot; you give them an opportunity to fix it. That is what this bill does. And if after all that process, you do not get it fixed right, you can still go to the law if you want. Although, this does have an attempt to keep us out of litigation. Do we want to make lawyers rich or do we want to fix homes legitimately? That is what this bill is all about.

So, Mr. Speaker, thank you for all of the efforts you made on behalf of my family to harmonize this whole situation. I, again, apologize to my colleagues for having this delay. I would urge everyone here to support this. This is not something we are trying to sneak through. This, in fact, is years and years and years of efforts finally placed into a bill getting a full hearing and a vote. All these ones that I have mentioned, in some cases they were at least granted a hearing. Senator Care's bill was actually passed by a Democratic majority in the Senate, but then it died in this house. It was never even granted a hearing in the Assembly Judiciary Committee. This is about time we do it right. This about equity and fairness right here. This is what A. B. 125 will do—finally make things right after two decades of dealing with this sort of thing. Mr. Speaker, I again rise in strong support of Assembly Bill 125, and I urge all my colleagues to vote strongly yes on this measure.

Roll call on Assembly Bill No. 125:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Father Bob Stoeckig and Deacon Tom Roberts.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, February 18, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:58 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 18, 2015

Assembly called to order at 11:57 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hansen, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

For those who are gathered here today, Lord, we continue to ask of You for strength and wisdom as they conduct the business of our great state, Nevada. May we not grow weary in understanding how You, Oh Lord, taught us to pray. For where there is no movement in us, there is no life. So breathe into us Your heart for this day as we reflect on how You taught us to pray.

Our Father who art in Heaven, hallowed be Your name. Your kingdom come. Your will be done. Give us this day our daily bread, and forgive us our debts. Lead us not into temptation, but deliver us from evil. Yours is the kingdom, now and forever.

Father, thank You for teaching us how to pray. Thank You for this powerful framework for our lives in which we can pour out all of our thoughts and concerns. May we be found faithful this day, above all else, in seeking Your presence.

We pray in the mighty name of Jesus. God bless you, and may God bless Nevada.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Eric Darensburg of Envision Video; Jim Snyder of KSNV-TV; and Peter Winter be accepted as accredited press representatives and allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hickey, O'Neill and Kirner:

Assembly Bill No. 173—AN ACT relating to private investigations; exempting information security professionals, while engaging in certain activities, from regulation as a private investigator; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 174—AN ACT relating to crimes; revising provisions governing the crime of burglary; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 175—AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Armstrong, Silberkraus, Edwards, Dickman, Ellison, Flores, Kirner, Oscarson and Titus:

Assembly Bill No. 176—AN ACT relating to vehicles; establishing the Nevada Yellow Dot Program within the Department of Motor Vehicles; setting forth the requirements of the Program; requiring the Director of the Department to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Armstrong moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Seaman, Fiore, Shelton, Moore, Gardner, Paul Anderson, Dickman, Dooling, Ellison, Hambrick, Hansen, Jones, Munford, Nelson, O'Neill, Silberkraus, Stewart, Titus and Trowbridge; Senators Goicoechea, Gustavson, Hardy and Settelmeyer:

Assembly Bill No. 177—AN ACT relating to elections; prohibiting, with limited exception, the name of a candidate who is not eligible to hold the office for which he or she is a candidate from appearing on the ballot; prohibiting the filling of a vacancy in a nomination for a partisan or nonpartisan office; amending the residency requirement for candidates for office; requiring a filing officer to verify the accuracy of all information contained in a declaration or acceptance of candidacy; eliminating the deadline for an elector to file a written challenge of a candidate; requiring, under certain circumstances, a candidate who was found by a court to be ineligible to hold office to pay the attorney's fees and court costs of the elector who filed the challenge of candidacy; prohibiting a vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate from being counted for the purposes of determining the outcome of an election; making various

other changes relating to elections; increasing certain penalties; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Seaman moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 119.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 3

Resolution read third time.

Remarks by Assemblymen Edwards and Sprinkle.

ASSEMBLYMAN EDWARDS:

Assembly Joint Resolution 3 urges the United States Congress to facilitate the payments to Nevadan contractors who completed work on hazardous fuels treatment projects in the Lake Tahoe Basin in connection with the contracts from the Nevada Fire Safe Council.

After the Angora Fire in the Lake Tahoe Basin in the summer of 2007, the Nevada Fire Safe Council was awarded over $21 million in federal reimbursement grants to pay for the rehabilitation and treatment of hazardous fuels in order to prevent future fires. In 2011, the U.S. Inspector General conducted an audit and discovered irregularities. As a result $3 million in payments for Nevadan contractors were frozen. This resolution urges the Congress to free up the $3 million so that our Nevadan contractors can be paid for the work that they performed seven years ago. I ask the members to support this resolution.

ASSEMBLYMAN SPRINKLE:

I rise in support of Assembly Joint Resolution 3. I just wanted to let the body know that I was the chairperson of the interim committee where this joint resolution came from. It was a bipartisan committee and was passed out of our committee unanimously after multiple months of testimony from individuals and businesses, some of which have gone out of business since they have not received payment for the work that they did. I strongly request this body to support Assembly Joint Resolution 3.

Roll call on Assembly Joint Resolution No. 3:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Potter and Lindsay Howard.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Donnie Gibson.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Bunker.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Williams.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel O'Shea.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Caluya.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Smith.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bryce Clutts.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Brent Ficklin.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Johana Mendoza and Shaunie Nedros.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Ellis.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Leon Mead.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Alisanne Steele.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Luccketta.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Nadia Nguyen.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Burns.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Vaught.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Navarro.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Dick Dieleman.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Ramirez.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Hunewill, Rosalia Salazar, and Kelly Siu.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Dombroski.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Boyd Martin.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Trista Stewart.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, February 19, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 19, 2015

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here today, we continue to seek the Lord, for His strength and for His wisdom, as you conduct the business of our great state, Nevada.

Lord, You are our shepherd—our leader, our protector, and our sure foundation. Apart from You, we do not need a thing. Help us, Lord, to understand this truth in more meaningful and personal ways today. Help us, God, to draw close to You. Let us not be too consumed with the things of this day and forget to pursue You.

Your beauty and love chase after us every day of our lives, and we can be home in Your presence. May we walk in Your truth from Psalm 23:6 that says: "Surely goodness and loving-kindness will follow me all the days of my life, and I will dwell in the house of the Lord forever."

We love You Lord and it is in Your name we pray.

God bless you and may God bless Nevada.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 12, 21, 22, 34, 64, 85.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 18, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 165.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Thompson, Araujo, Carrillo, Diaz, Joiner, Neal and Stewart; Senators Ford and Spearman:

Assembly Bill No. 178—AN ACT relating to education; removing the requirement for a school to deem a pupil a habitual disciplinary problem under certain circumstances; revising provisions governing the notice provided to a parent or legal guardian concerning a pupil who is deemed a habitual disciplinary problem and the discipline imposed on such a pupil; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Flores, Carrillo, Diaz, Elliot Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Dickman, Dooling, Ellison, Gardner, Joiner, Jones, Kirkpatrick, Moore, Munford, Nelson, Ohrenschall, O'Neill, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Swank, Thompson and Trowbridge; Senators Denis, Kihuen, Spearman and Manendo:

Assembly Bill No. 179—AN ACT relating to the security of personal information; expanding the definition of "personal information"; and providing other matters properly relating thereto.

Assemblyman Flores moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Armstrong, Edwards, Kirner, Hambrick, O'Neill, Elliot Anderson, Paul Anderson, Bustamante Adams, Diaz, Dickman, Dooling, Ellison, Fiore, Flores, Gardner, Hickey, Jones, Kirkpatrick, Moore, Munford, Nelson, Ohrenschall, Oscarson, Seaman, Silberkraus, Stewart, Titus, Trowbridge, Wheeler and Woodbury; Senator Harris:

Assembly Bill No. 180—AN ACT relating to the Public Employees' Retirement System; revising provisions governing the biennial audit of the System; and providing other matters properly relating thereto.

Assemblyman Armstrong moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 181—AN ACT relating to motor carriers, requiring certain fully regulated carriers to pay an annual fee to the Nevada Transportation Authority; revising filing fees imposed for certain applications required to be filed with the Authority by certain motor carriers; requiring an inspection of certain charter buses and the payment to the Authority of an inspection fee; revising fees for certain limousines; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Kirner, Wheeler, Hambrick, Dickman, Edwards, Ellison, Gardner, Jones, Nelson and Oscarson:

Assembly Bill No. 182—AN ACT relating to local governments; prohibiting a local government employer from entering into an agreement to pay dues to an employee organization through deductions from compensation; prohibiting such an employer from providing paid leave or paying compensation or benefits for time spent by an employee in providing services to an employee organization; prohibiting the inclusion of certain employees in a bargaining unit; revising provisions relating to a reduction in force; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; requiring public notice of certain offers made in collective bargaining; eliminating final and binding fact-finding except upon the election of the governing body; removing a portion of the budgeted ending fund balance of certain governmental funds from the scope of collective bargaining and from consideration by a fact finder; eliminating statutory impasse arbitration for firefighters, police officers, teachers and educational support personnel; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 183—AN ACT relating to real property; requiring the grantee to whom real property is conveyed under an agreement for a deed in lieu of a foreclosure sale to record the conveyance within 30 days after the date of the conveyance; providing that a grantee who fails to record such a conveyance is liable for certain damages and attorney's fees and costs; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 184—AN ACT relating to mental health; authorizing certain providers of health care who are employed by a hospital of the Department of Veterans Affairs and licensed or certified in another state to perform certain tasks relating to the emergency admission of persons to such a hospital and the release of a person who is so admitted to such a hospital; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 12.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 21.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 22.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 34.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 64.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 85.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblymen Spiegel, Joiner, and Ellison.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 15 creates the Account for the Protection and Rehabilitation of the Stewart Indian School in the State General Fund. The Account is to be administered by the Director of the State Department of Conservation and Natural Resources for the purposes of repairing and maintaining the historic state buildings and grounds of the Stewart Indian School. The bill authorizes the Administrator of the Division of State Lands to make a direct sale of two parcels of state land for the purpose of funding the Account. The bill is effective upon passage and approval.

ASSEMBLYWOMAN JOINER:

I rise in support of Assembly Bill 15, because I believe that the Stewart Indian School is an extremely important cultural and heritage site in Nevada. However, I would like to express my continued concern, which I raised in committee, that the way this project is being funded is incredibly short-sighted. This bill, in section 5, would sell off a piece of state land and provide a pot of money for a very limited amount of time for the maintenance and repair of this school. It is my hope that as a body, we would fund important projects such as this under our normal means such as the budget and our CIP [Capital Improvement Program] process. I would hope that selling off our public land to private developers is not a precedent that we fall into time and again every time we need a pot of money. That being said, I do plan to vote for this bill because of the extreme importance of this particular project.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Bill 15. The presentation of the Director regarding the Stewart Indian School expressed their feeling that disposal of the two parcels was the best use for maintaining that facility. That was brought through their committees so I stand in support. Thank you.

Roll call on Assembly Bill No. 15:

YEAS—41.

NAYS—Carlton.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Walker.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Hanna and James Eason.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Radtke.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Adams.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Miguel Sepulveda Elementary School: Sean Barajas, Karleigh Berge, Tyler Buice, Lani Carroll, Jeremiah Collins, Jared Cuenca, William Dillwith, Devin Ferrin, Sage Fultz, Christian Gerardo, Lydia Harper, Luke Igmen, Garrett Johnson, Bianca Loberg, Sophia Lych, Carlina

Marin, Cassie Peters, Natalie Pienkoski, Leeandro Reyes-Moore, Lauren Richard, Giovanni Rios, Afton Ruckman, Catalina Salvatore, Alonso Sanchez, Naomi Teson, Dylan Baker, Haley Berge, Bella Brown, Kiah Cronin, William Curlee, Brayden Danmeier, Alex Echard, Samuel Faulkner, Jacob Holt, Cameron Ireton, Ty Lindstrom, Hunter Matson, Quincy Metcalf, Keyan O'Brien, Bailee Patterson, Aspen Rael, Aaron Rodriguez, Gianna Ruiz, Jenia Salter, Catlyn Sawyer, Tyler Silva, Aidan Taylor, Seini Tuipulotu, Kaelynn White, Zachary Winchell, Christine Jackson, Sara Bigelow, Hannah Brown, Laura Deftu, Kali Erck, Chris Ferrer, Andres Garcia, Samuel Garcia Carranza, Nichola Ghisletta, Solomon Grace, Damian Guzman Talavera, Mandy Huang, Zoe Jenkins, Journey Johnson, Christian Klonicke, Sofia Legarreta, Alexandra Lin Mena, Dylan Livingston, Dillon Moss, Nicholas Naval, Isaac Navares, Tina Nguyen, Garytt Ostrander, Arrianna Padilla, Dru Pheneger, Jesse Phillips, Alondra Rios Segura, Briianna Tigert, and Rylee Williams.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Inserra.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Boline.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, February 20, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 20, 2015

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Fiore, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

As these servant leaders go about conducting the business of our great state, Nevada, we continue to seek You, God, for Your strength and for Your wisdom.

Thank You for the sacrifice that each man and woman of the Nevada Assembly has made to be a voice of truth for the people they represent. Thank You for those who support them in their leadership roles. Their service draws them away from their own homes and communities to come and seek, at our capital, solutions to the needs of the people they represent. This pulls them away from their own family and friends, so thank You, Father, for their sacrifice to serve others.

And we pray, Lord, that You would keep them safe, that You bless their travel and protect them. Give them good health and time to rest and to be restored. And Father, we pray that You would grant them the desires of their hearts for those they serve.

We love You, Lord, and it is in Your name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

February 19, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 55 and 62.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Seaman, Jones, Fiore, Shelton, Dooling, Ellison, Gardner, Moore, O'Neill, Stewart, Titus and Wheeler:

Assembly Bill No. 185—AN ACT relating to product liability; prohibiting certain actions against a seller of a product who is not the manufacturer of the product; and providing other matters properly relating thereto.

Assemblywoman Seaman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Seaman, Dickman, Fiore, Silberkraus, Titus, Dooling, Gardner, Jones, Moore, O'Neill, Shelton, Stewart and Wheeler:

Assembly Bill No. 186—AN ACT relating to craft distilleries; increasing the quantity of spirits a craft distillery may export to another state; allowing a craft distillery to serve samples of and sell its spirits at one other location in addition to the craft distillery; increasing the quantity of spirits that a craft distillery may sell at retail for consumption off the premises; allowing a craft distillery to donate and transport spirits for charitable or nonprofit purposes under certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Seaman moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Jones, Moore, Ellison, Seaman, Titus, Dickman, Dooling, Fiore, Gardner, Kirner, Oscarson, Shelton, Stewart, Trowbridge and Wheeler; Senators Hardy, Gustavson and Goicoechea:

Assembly Bill No. 187—AN ACT relating to industrial insurance; revising provisions relating to the panel of physicians and chiropractors established by the Administrator of the Division of Industrial Relations of the Department of Business and Industry; revising provisions relating to the selection of a physician or chiropractor by an injured employee; and providing other matters properly relating thereto.

Assemblyman Jones moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 188—AN ACT relating to motor vehicles; providing certain limitations on the headlamps on certain vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 75.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from St. Albert the Great Catholic School: Jeremy Atwell, Gary Benedict, Beau Bland, Dominic Browne, Jack Busboom, Stella Cole, Megan Drake, Katie Fizgerald, Julianna Flores, Ella Galvez, Ella Gardner, Elizabeth Geil, Kylee Ghiggia, Kylei Gillialand, Ray Go , Gabe Hill, Breanna Huffaker, Jesse Kridler, Jack Maloney, Dominic Nunzir, Campbelle Redding, Hailey Riffel, Matteo Schettler, Brianna Sotelo, Jacob Struby, Rachel Taylor, Sergio Venegas, Maddelyn Watson, Kira Weible, Nicole Wetta, and Senator Bill O'Donnell.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Stevens.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Jasen E. Cassady.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, February 23, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 23, 2015

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

The Assembly observed a moment of silence in memory of Ed Vogel, who covered the Legislature for the *Las Vegas Review-Journal* from 1985 to 2011.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, as we begin a new and busy week, we invoke Your presence. We are in need of Your guidance—a lamp unto our feet and a light unto our path. Help us to see clearly and focus upon the important, rather than the pressing issues. Grant these legislators wisdom and all things necessary to make good decisions which benefit all Nevadans. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 20, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 33, 125; Senate Bill No. 41.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 4—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Tara Sandoval is elected as an additional attaché of the Assembly for the 78th Session of the Nevada Legislature.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:
This resolution provides for an additional attaché.

Resolution adopted.

NOTICE OF EXEMPTION

February 22, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 71 and 86.

CINDY JONES
Fiscal Analysis Division

February 23, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 93, 99, 103, 107, 110, 126, 127 and 130.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wheeler, O'Neill, Dickman and Seaman:

Assembly Bill No. 189—AN ACT relating to special license plates; authorizing the Commission on Special License Plates to investigate and request an audit of certain charitable organizations which receive additional fees collected by the Department of Motor Vehicles for special license plates; revising provisions regarding the application submitted to the Department by certain persons seeking a special license plate intended to generate financial support for an organization; revising provisions requiring certain charitable organizations which receive additional fees paid for special license plates to provide certain documents and records annually to the Commission; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Kirner, Wheeler, Hickey, Jones, Dickman, Ellison, Hansen and Oscarson:

Assembly Bill No. 190—AN ACT relating to public employees' retirement; providing for the establishment of a hybrid retirement program for certain public employees; requiring the program to include a defined benefit plan and a defined contribution plan; setting forth the required provisions of each plan; requiring certain public employers under certain circumstances to make additional contributions to the Public Employees' Retirement System to reduce the unfunded liability of the System; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Paul Anderson and Kirkpatrick; Senators Hammond and Roberson:

Assembly Bill No. 191—AN ACT relating to taxation; revising provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles; providing that the boards of county commissioners of certain larger counties may continue the imposition of certain additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; providing that money collected from certain of the additional taxes must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected; repealing certain provisions relating to a ballot question providing for the imposition by the State of certain additional taxes on fuels for motor vehicles; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 41.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

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

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly reconsider the action whereby Assembly Bill No. 190 was referred to the Committee on Commerce and Labor.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 190 be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time and ordered to third reading.

Assembly Bill No. 123.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 10 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 75 changes from $2,500 to $15,000 the threshold increase in annual gross operating revenue resulting from a proposed rate change that would require a utility to file a rate change application with the Public Utilities Commission of Nevada, rather than submitting a letter of advice that the utility plans to change its rates. Additionally, the bill will require the letter of advice to include a certification or affidavit from the utility that the proposed change meets the threshold requirement. The bill will be effective July 1 and passed out of committee unanimously.

Roll call on Assembly Bill No. 75:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HICKEY:

I rise in memory of Ed Vogel. Ed reported on this body for the *Las Vegas Review Journal* for 27 years, since 1985. A long-time colleague of Ed's said this about him: A true professional, Ed

wrote balanced stories which contained accurate quotes. He had a great sense of humor, a passion for open government, and compassion for those in pain. He enjoyed exposing hypocrites and unethical behavior. He was a reporter.

Ed adored his wife Carol and cherished his children. Maybe the greatest kudo given Ed Vogel was given by former editor of the *Review Journa*l Michael Hengel who said this: "Ed was a great journalist and among the best state house reporters Nevada has ever produced." Ed Vogel was elected to the Nevada Newspaper Hall of Fame in 2012. Thank you Mr. Speaker as we remember Ed on this day.

ASSEMBLYWOMAN CARLTON:

It is my honor today to introduce all the guests that we have in the room. Grass Roots Lobby Day has gone on in this state since 1991, and I have had the honor and pleasure of working with this group, as it has evolved, ever since 1999. They are here in Carson City to observe and learn about our legislative process and learn to advocate for the issues that are all important to them. Yesterday 200 people attended workshops and training sessions, and today they are here in the Legislature to put that training into practice. They have been attending committee meetings this morning where bills are heard on their issues, and they are doing meetings with all the different legislators. This event is sponsored by the Nevada Women's Lobby and a number of their partnering organizations. Grass Roots Lobby Day has encouraged many citizens to become actively involved in the legislative process. In fact, over the years several Grass Roots Lobby Day participants have successfully run for office and served in this body, either in this august room or the room down the hall. Today's participants include many students and others for whom this is their first visit to the Legislature, and I think it is remarkable that this is their first visit here. Please welcome them today. My remarks will be in the journal, and we will make sure that their names are included the journal. Thank you all for being here. There are good days in this building and this is one of them.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Clary, Jamie Shanklin, Jessica Guerra, and Jessica Chong.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jesy Simons and Mike Bajorek.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Delores Rael and Alexander Ros.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Davey.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Cope, Sarah Galetti, Joanna Harrison, and Hillary Mirabal.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Fredrickson and Peggy Lee.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gonzalez and Fabiola Pavel.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Aguilar, Yeseria Valencia, and Lynn Scombordi.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Miriam Villedas.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Boszak, Tara Littlefield, and Maddie Poore.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Cirillo, Renota Byers, and Denise Gerdes.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Blakeney, Judy Welch, and Valerie McNay.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Darcy Escher and Stacy Newman.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Alana Bannourah, Edith Byrd, and Laura Deitsch.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Teresa Twitchell and Jeannette Soriano.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Serena Evans and Sharon Ing.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Shevawn Von Tobel, Sonya Giroux, and Jennifer Marbley.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Sipat and Trebor Lauri Gibson.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Destefanis, Rosemary French, and Madison McKenzie.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Smith and Alexa Sweeney.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Viado and Marla Turner.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Kate Morra and Robin Mazy.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Pulido.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Watkins and Pamela Roberts.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Lizabeth Bonilla, Kayla Ashby, Miriam Cadenas, and Jina Quaranto.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Parcell.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Malinie Nitivong, Camille Owens, and Stephanie Buford.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hollinger and C. J. Miller.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Prior, Sara Lemma, and Jodi Tyson.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Yolanda Arriaga and Blakeley Griffith.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Marx and Ryan Sanshuck.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Madrid, Denise Duarte, and Marlene Adrian.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Schiller, Gaylyn Daniels, and Rose Jones Wade.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Meehan-Crossley and Caroline Punches.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, February 24, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:30 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 24, 2015

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, You are truth and You are love. You are the source of truth and love.

As this legislative session heats up and these legislators come to draw from Your well, supply the truth which they so diligently seek and the love needed to communicate the truth persuasively. Bless their efforts, I pray in Jesus' name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 14, 88.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Woodbury, Carrillo and Stewart:

Assembly Bill No. 192—AN ACT relating to common-interest communities; revising certain provisions concerning a period of declarant's control of a unit-owners' association; revising certain provisions relating to elections of the members of the executive board of a unit-owners' association; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 14.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 88.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time and ordered to third reading.

Assembly Bill No. 29.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 12 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblymen Titus and Wheeler.

ASSEMBLYWOMAN TITUS:

Assembly Bill 123 designates the square dance as the official state dance of the state of Nevada in support of our 150th anniversary.

ASSEMBLYMAN WHEELER:

I am wondering if my colleague from District 38 can explain a little more about the dance. Everything I have seen has always been done in a round fashion, not a square fashion, and I am wondering if she can clarify that.

ASSEMBLYWOMAN TITUS:

Square dancing is a generalized term that includes clogging and wheel dancing and has been a part of our country's history since colonial times.

Roll call on Assembly Bill No. 123:

YEAS—33.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Diaz, Kirner, Ohrenschall, Sprinkle, Thompson—9.

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

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Kanani Espinoza and Alexander Velto.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Dagher.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelsey Piechocki.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Edgar Patino.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Janison.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Rivera.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Barsell.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Cade Cavanagh.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Gregory Hafen II.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Brown.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Green.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, February 26, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 26, 2015

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, You have placed a high value upon service. You have singled out for greatness those who serve, rather than those who are being served. Giving is the road to abundant life. Serving is the path to joy. Bless these servants of Yours and may their service prove to be a blessing to all who make Nevada their home. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag led by Arianna Haskins.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 82, 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 78, 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

February 18, 2015

SPEAKER JOHN HAMBRICK, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER HAMBRICK:

Pursuant to past protocol, I would like to request permission, as Representative in the United States Congress of the Second District of Nevada, to address a joint session of the Nevada Legislature on March 9, 2015, at 5 p.m.

Please contact Rachel Provost at 202-225-6155 to coordinate the details of my visit, or if you have any further questions.

Your consideration of this request is greatly appreciated.

With all the best wishes,

Sincerely,
MARK E. AMODEI
Congressman (NV-02)
United States House of Representatives

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 20.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 25, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 37, 96, 115, 124, 134, 136.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 193—AN ACT relating to criminal procedure; revising provisions governing the waiver of a preliminary examination; revising provisions regarding the introduction of evidence at a preliminary examination or grand jury proceeding; revising the provisions governing the use of a witness's affidavit at a preliminary examination or grand jury proceeding; revising provisions relating to the use of audiovisual technology to present live witness testimony at a preliminary examination or grand jury proceeding; revising provisions relating to a finding of probable cause at a preliminary hearing or grand jury proceeding; eliminating the ability for a defendant to submit certain evidentiary statements to a grand jury; making various changes concerning notice given to a person whose indictment is being considered by a grand jury; revising the provisions pertaining to the filing of trial-related motions in criminal proceedings; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Swank, Hickey, Carrillo, Araujo, Armstrong, Bustamante Adams, Diaz, Dickman, Flores, Neal, O'Neill, Spiegel, Sprinkle and Thompson:

Assembly Bill No. 194—AN ACT relating to historic preservation; revising the definition of "historic" for the purposes of the provisions relating to the preservation of prehistoric and historic sites; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Nelson:

Assembly Bill No. 195—AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Seaman, Fiore, Moore, Jones and Shelton:

Assembly Bill No. 196—AN ACT relating to public financial administration; revising the types of investments authorized to be made with money in certain public funds; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Diaz, Swank, Carrillo, Elliot Anderson, Benitez-Thompson, Bustamante Adams and Neal:

Assembly Bill No. 197—AN ACT relating to care of children; requiring certain out-of-school-time and seasonal or temporary recreation programs to obtain a permit; imposing a fee for the issuance of such a permit; establishing certain requirements for the operation of an out-of-school-time or a seasonal or temporary recreation program; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Oscarson and Wheeler; Senators Goicoechea and Settelmeyer:

Assembly Bill No. 198—AN ACT relating to water; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 199—AN ACT relating to public health; abolishing certain advisory committees and bodies within the Department of Health and Human Services; revising provisions governing the State Program for Wellness and the Prevention of Chronic Disease; revising provisions governing the Medical Care Advisory Group within the Division of Health Care Financing and Policy of the Department; requiring the State Board of Health to establish a program to promote awareness of early screening for preventable or inheritable disorders; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 200—AN ACT relating to persons with disabilities; revising provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Kirkpatrick, Thompson, Elliot Anderson, Benitez-Thompson, Araujo, Bustamante Adams, Carlton, Hansen, Kirner, Neal, Spiegel, Swank and Wheeler:

Assembly Bill No. 201—AN ACT relating to eminent domain; prohibiting the exercise of the power of eminent domain to take a residential mortgage or deed of trust or a note secured by a residential mortgage or deed of trust; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 202—AN ACT relating to the acquisition of real property by a county; authorizing a board of county commissioners to enter into certain real estate transactions with the Federal Government under certain circumstances; authorizing the State Land Registrar to transfer certain real property owned by the State of Nevada to Mineral County without consideration; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 20.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 37.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 96.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 115.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 124.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 134.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 136.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 29 provides that a for-profit partnership, firm, corporation, or association must obtain a certificate from the Aging and Disability Services Division, Department of Health and Human Services, in order to provide jobs and day training services to persons with intellectual disabilities and related conditions. The bill requires existing provisions concerning the use of restraints and interventions associated with the care and treatment of persons with intellectual

disabilities and related conditions to be applicable to any facility operated or certified by the Division. Such facilities are prohibited from depriving any person their legal rights to due process of law. Also, A.B. 29 clarifies that the Administrator of the Division is required to adopt regulations related to administrative procedures of the Division.

Roll call on Assembly Bill No. 29:

YEAS—41.

NAYS—None.

EXCUSED—Seaman.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 33 and 125; Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to John Pinnington and Hillerie Patton.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Jacki Ramirez and Andres Ramirez.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Woodley and Jetinder Dewan.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Martinez, Edgar Patino, and Chandni Patel.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Delgado.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Moore.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Carly Evans and Brayden Wilhelm.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Shaundell Newsome.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Riley, Caleb Contreras, and Tara Sandoval.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Meena Dadlaney.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Lopez and Otto Merida.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Cole Funk, Kadan Hall, and Dr. Chen Young.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan Lee and Monisha Saxena.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jaime Tibaduiza and Cory Hernandez.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Perry, Ciana Rollings, and Christy Echols.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Cesar Salmoran.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jerrie Merritt and Ken Evans.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Vaswini and Jesus Vargas.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Connor Braz and Aaron Adams.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Carnes and Kacie Osier.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Delgado.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Kalb, Joshua Klubben, and Radha Chanderraj.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Johnson.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Carnes and Shaylynn Walters.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Savita Kaushal and Peter Guzman.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Faith Christian Academy: Connor Braz, Carl Carnes, Emma Carnes, Jennifer Carnes, Caleb Contreras, Carly Evans, Ethan Kalb, Joshua Klubben, William Moe, Kacie Osier, Amanda Perry, Shaylynn Walters, Brayden Wilhelm, Aaron Adams, Ole Funk, Kadan Hall, Christian Riley, Ciana Rollings, Ethan Salerno, Carl Carnes, William Moe, and Jill Crandall.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Salerno and John Miles.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, March 2, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:13 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 2, 2015

Assembly called to order at 11:56 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Moore, Munford, and Stewart, who were excused.

Prayer by the Chaplain, Pastor Ben Fleming.

Heavenly Father, as we begin this new week, let us be reminded of the words of the Apostle James who wrote, "If any of you lacks wisdom, let him ask God, who gives generously to all without reproach, and it will be given to him." Your servants here today need wisdom. They need wisdom to make decisions that are good for all people in our great state. We ask that You give wisdom to each person here today. Give them wisdom that comes from You. Give them wisdom that creates unity and harmony with their fellow legislators. Give them wisdom that blesses the people of Nevada.

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

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 64, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Silberkraus, Dickman, Gardner, O'Neill, Seaman and Titus:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada Constitution to authorize the Governor to reduce or veto appropriations or authorizations to expend money.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 35 of article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec.:]~~ ***Sec.*** 35. ***1.*** Every bill which may have passed the Legislature, shall, before it becomes a law be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; If after such reconsideration it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House it shall become a law notwithstanding the Governors objections. ~~[If]~~ ***Except as otherwise provided in subsection 2 and 3***, if any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law, in like manner as if he had signed it, unless the Legislature by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor within ten days next after the adjournment (Sundays excepted) shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next Session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.

2. If any bill so presented to the Governor contains one or more appropriations of money from the State Treasury or authorizations to expend money drawn from another source, the Governor may reduce or strike from the bill any or all of these items without objecting to the bill as a whole. If the Governor so reduces or strikes out, the Governor shall:

(a) Append to the bill a statement of the items reduced or stricken out and the reasons for the reduction or striking out; and

(b) Within 48 hours after the bill is presented to the Governor and before the Legislature finally adjourns, transmit a copy of the statement to the House in which the bill originated. Each appropriation or authorization not reduced or stricken out becomes law in the same manner as a bill to which the Governor does not object. If the Governor fails to transmit a copy of the statement to the House in which the bill originated within the time allowed or before the Legislature finally adjourns, each appropriation or authorization reduced or stricken out likewise becomes law.

3. The Legislature may, by the same vote as for bills to which the Governor objects:

(a) Cause any one or more of the individual appropriations or authorizations to become law notwithstanding the Governor striking it out; or

(b) Restore the original amount appropriated or authorized, or insert any other amount not less than that approved by the Governor or more than that originally appropriated or authorized, notwithstanding the Governor reducing it. If the Legislature does not so act, any appropriation or authorization stricken from the bill by the Governor shall be deemed not appropriated or authorized and any amount to which an appropriation or authorization was reduced by the Governor shall be deemed so appropriated or authorized.

Assemblyman Silberkraus moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 2, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 138, 147, 149, 152 and 163.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carrillo (by request):

Assembly Bill No. 203—AN ACT relating to short-term lessors of vehicles; revising provisions governing the charging and collection of governmental services fees required upon the short-term leasing of passenger cars; revising provisions relating to the imposition of certain charges on a short-term lease of certain vehicles; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 204—AN ACT relating to motor vehicles; revising provisions governing the requirements for a special parking placard issued by the Department of Motor Vehicles to certain persons with disabilities; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Thompson, Flores, Araujo, Diaz, Elliot Anderson, Joiner, Spiegel and Swank; Senators Atkinson, Ford, Kihuen, Spearman, Denis and Harris:

Assembly Bill No. 205—AN ACT relating to education; creating the Nevada Advisory Commission on Mentoring; providing for the membership, powers and duties of the Commission; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Spiegel, Swank, Carrillo, Joiner, Kirkpatrick, Ohrenschall, Oscarson, Sprinkle and Thompson:

Assembly Bill No. 206—AN ACT relating to education; requiring certain notices provided by a principal at a public school to the parent or guardian of a pupil relating to the health or bullying of the pupil to include a list of resources that may be available in the community for the pupil; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Spiegel, Carrillo, Swank and Thompson:

Assembly Bill No. 207—AN ACT relating to property; revising provisions exempting certain benefits and property from execution; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Fiore, Seaman, Diaz, Ellison, Elliot Anderson, Dickman, Dooling, Flores, Gardner, Jones, Kirner, Moore, Nelson, Shelton, Stewart, Wheeler and Woodbury; Senators Segerblom, Hardy, Farley, Atkinson, Ford, Gustavson, Kihuen, Manendo and Settelmeyer:

Assembly Bill No. 208—AN ACT relating to crimes; revising the acts that constitute a sexual offense for the purposes of certain provisions pertaining to sex offenders; and providing other matters properly relating thereto.

Assemblywoman Fiore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Shelton:

Assembly Bill No. 209—AN ACT relating to elections; requiring county and city clerks to establish and maintain audit trails for each process involved in the conduct of an election; requiring an audit of each election; setting forth security requirements for certain operating systems, computer hardware and software used in the conduct of an election; revising provisions relating to an election recount; and providing other matters properly relating thereto.

Assemblywoman Shelton moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 210—AN ACT relating to family law; requiring the resolution of disputes before a family court by nonadversarial methods under certain circumstances; revising provisions governing the mandatory mediation program in a family court in a county whose population is 700,000 or more; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 211—AN ACT relating to liens; revising provisions requiring a lessee to establish a construction disbursement account or record a

surety bond before beginning a work of improvement involving certain renewable energy projects; revising provisions concerning the disbursement of funds from a construction disbursement account and the form of surety bonds required to be posted to release prospective and existing lien rights with respect to such projects; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried

By Assemblywoman Bustamante Adams (by request):

Assembly Bill No. 212—AN ACT relating to crimes; eliminating the statute of limitations for sexual assault; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 78.
Bill read second time and ordered to third reading.

Assembly Bill No. 82.
Bill read second time and ordered to third reading.

Assembly Bill No. 154.
Bill read second time and ordered to third reading.

Senate Bill No. 82.
Bill read second time and ordered to third reading.

Senate Bill No. 90.
Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Mr. Speaker requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Nevada's communities are enriched and enlivened by the contributions nonprofit organizations make to the quality of life of the residents of Nevada; and

WHEREAS, More than 5,000 tax-exempt 501(c)(3) nonprofit organizations serve communities in all 16 counties and one independent city of Nevada; and

WHEREAS, People throughout Nevada support and participate in nonprofit organizations by working as staff and serving as board members, volunteers, and donors; and

WHEREAS, According to the Alliance for Nevada Nonprofits, Nevada's nonprofit sector has over $19 billion in assets and annually contributes over $6 billion to the State's economy, manages more than 59 million volunteer hours valued at over $1.3 billion, and employs more than 43,200 people; and

WHEREAS, Nonprofit organizations bring Nevadans together to address pressing needs and find creative and effective solutions in our communities; and

WHEREAS, They build partnerships and collaborate with businesses, governments, faith-based organizations, and other groups to expand resources in every corner of our State; and

WHEREAS, Nonprofit organizations provide opportunities for developing skills, leadership abilities, and services through civic engagement; and

WHEREAS, They play a central role in the democratic process by educating members of the public about vital issues in their communities and in our State and by providing a means for individuals to deliberate on and advocate for public policies and decisions that affect them; and

WHEREAS, Every Nevadan benefits from vital contributions made by nonprofit organizations that strengthen our social fabric, public policy, sense of community, and future; now, therefore, be it

PROCLAIMED, That the Nevada Assembly congratulates and extends its sincere appreciation to charitable nonprofit organizations for their dedicated and unselfish service to their communities and to the Nevada residents, whose volunteer efforts and donations make these organizations strong; and be it further

PROCLAIMED, That the Nevada Assembly declares March 2015, as Appreciate Nevada Nonprofits Month.

DATED this 27th day of February, 2015.

JOHN HAMBRICK
Speaker of Nevada Assembly

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Monsivais, Nierada Nititadakul, Michael Alires, and Meghan Pierce.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Velto, Gabi Torres, and Joshua Rivera.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Duane Andrews, Steve Parke, Grace Parke, Jonathan Bowdle, and Helge Hukari.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Prevost, Constantino Francisdaky, Elisa Velazquez, and Nicol Lopez.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandra Adriazola, Tierra Ennis, Kanani Espinoza, and Taylor Cunningham

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Luis Montanez and Shelly Thompson.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Phizacklea and Maribel Vera.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda Garcia, Selena Torres, Dr. Edith Fernandez, and Gabriela Torres.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bart Patterson, Nancy Hambrick, and Regent Sam Liberman.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Fenne, Lynn Ann Bethel, Marja Marting, Lynne E. Keller, and Kathy Huber-Halbardier.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Shayna Liberman, Dorothy Gates, Jeanne Hill, Judy Vaughan, Laura Minotti, and Bishop John Wynn.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Elias Benjelloun.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. John Yacenda, Sarah E. Carmona, Susan Robinson, Mechele Duhamel, and Jacquie Chandler.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Izamar Gonzalez, Priscella Munoz, and Lizbeth Gonzalez.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Marie Perez-Navarro.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Rota Rosaschi, Marlene Maffei, Jim Pecham, Linda Lang, and Rod Dimmitt.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Quirk, Florence Phillips, Beatriz Uribe, and Elvira Diaz.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to David Cortez-Lopez, Erica Zajac, and Jessica Malone.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Hallauer, Calen Green, and Brittney Trieu.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Conlin.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Schlegel and Christopher Croft.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Anderson and Christina Lodge.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, March 3, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 3, 2015

Assembly called to order at 1:03 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Ellen Spiegel.

Our God and God of our ancestors: We ask for Your blessings for our country, for its government, for its leader and advisors, and for all who exercise just and rightful authority. Teach them insights of Your Torah, that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, bless all the inhabitants of our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

May this land under Your Providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: "Nation shall not lift up sword against nation, neither shall they experience war anymore." And let us say: Amen.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

JOHN C. ELLISON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 101.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 3, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 207.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Daniel Burel, KKOH Radio; Paul Harris, KOLO 8 News Now; and Laura Myers, Las Vegas Review-Journal, be accepted as accredited press representatives and allowed use of appropriate broadcasting facilities.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 78 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ohrenschall:

Assembly Bill No. 213—AN ACT relating to juvenile justice; requiring a child who is charged with a crime as an adult and who is confined or detained during the pendency of the proceeding to be placed in a facility for the detention of children unless good cause is otherwise shown; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 214—AN ACT relating to public safety; revising provisions relating to penalties for soliciting a child for prostitution; revising the purposes for which money in the Contingency Account for Victims of Human Trafficking may be used; revising the process by which the Director of the Department of Health and Human Services may make allocations of money from the Contingency Account in cases of emergency; and providing other matters properly relating thereto.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 215—AN ACT relating to public works; revising the definition of the term "public work" for the purpose of contracts for the construction, repair or reconstruction of a building of the Nevada System of Higher Education; revising provisions governing the evaluation of public work proposals involving construction managers at risk; providing for independent evaluation of those proposals; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 216—AN ACT relating to education; authorizing the superintendent of schools of a school district to allow a modification to the requirement that a pupil be suspended or expelled from public school for certain acts; revising provisions governing the crimes of disturbing the peace at a public school and assault on a pupil or school employee; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Titus, Dickman, Jones, Fiore, Hansen, Dooling, Ellison, Seaman, Shelton and Wheeler; Senators Gustavson and Goicoechea:

Assembly Bill No. 217—AN ACT relating to off-highway vehicles; removing the requirement for certain off-highway vehicles to register with the Department of Motor Vehicles; revising provisions relating to the Commission on Off-Highway Vehicles; revising provisions relating to the registration of certain off-highway vehicles intended to be operated on certain roads; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 101.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 207.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 207 be placed on the Chief Clerk's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 110.

Bill read second time and ordered to third reading.

Assembly Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 64.

Bill read second time and ordered to third reading.

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

Assembly in recess at 1:14 p.m.

ASSEMBLY IN SESSION

At 1:17 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 82 be taken from the General File and placed on the Chief Clerk's desk.

GENERAL FILE AND THIRD READING

Assembly Bill No. 82.
Bill read third time.
Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:
Assembly Bill 82 revises the names of existing financial accounts used by the Department of Wildlife. The Wildlife Fund Account in the State General Fund is renamed the Wildlife Account, and the Wildlife Heritage Trust Account is renamed the Wildlife Heritage Account. The bill reinstates statutes that were repealed in 2011 addressing the deposit and expenditure of money received from the sale of trout stamps. The bill also makes language on permissible uses of wildlife accounts consistent with Title 45 of *Nevada Revised Statutes.* It is also effective July 1, 2015.

Roll call on Assembly Bill No. 82:
YEAS—42.
NAYS—None.
Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 154.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Assembly Bill 154 was requested by the Sunset Subcommittee and approved by the Legislative Commission. It relates to the Nevada Employment Security Council which was created by the Legislature in the early 1940s. Its purpose now is to advise the Employment Security Division on contribution and benefit rates to insure the solvency of the Unemployment Compensation Fund. The duties listed in Section 1 of A.B. 154 reflect different economic times when the country and the state of Nevada were struggling with the Great Depression. In the interim committee this last year, we unanimously recommended continuation of the Council, and the Subcommittee also recommended revisions to NRS to align the functions of the Council with what it actually does.

Roll call on Assembly Bill No. 154:
YEAS—42.
NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 90 allows a member of the state military forces to demand a trial by court-martial before the imposition of any punishment, including a nonjudicial punishment such as suspension from duty, forfeiture of pay, or reduction in pay grade.

Roll call on Senate Bill No. 90:

YEAS—42.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

ASSEMBLYMAN O'NEILL:

I would like to announce that my son, who is serving in the Air Force right now, called me last night. He sent me some pictures and asked me Do you see what you see Dad? It was a sonogram. He just announced he is having twins come this September. So I will be a grandfather.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Madeleine Poore.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Arroyo and Mariangel Hernandez.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Madison Deatherage.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Kolotita Palavu.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Bailie Stewart and Tamara Smith.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Holeman.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Berdie Crook.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Sierra Jickling and Liz Nunez.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Annie Healion and Gaylyn Daniels.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Leon.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Hernandez, Shadeh Amirsheybani, and Brianna Devlin.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Latoya Rogers.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Hanafi and Joss Simmons.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Charlyn Osborn.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Canty.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Petra Sever, Zachary Sever, and Noah Sever.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Smith.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Nikki Raffail, Alyssa Walters, Erich O. Walters, Jr., and Tracy Walters.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Gillis, Juliana Anderson, and Ardynne Sprinkle.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Gonzalez, Lindsay Yates, Steven Parker, and Keith Lund.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Tara Barnett.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jillian Brune, Amelia Elgin, Caitlyn Caruso, and James Wheble.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended Joseph Jamieson, Emily Johnson, Tyler Wood, and to the following students and teachers from Churchill County High School: Emily Arthur, Sarah Arthur, Kristine Carlisle, Linsey Golding, Thomas Jamieson, Jake Kirsch, Haley Lindsay, Erin Orfrecio, Christian Stadtman, Jumel Villacarlos, Megan Wagner, Kelly Frost, Terri Pearson, Kristine Carlisle, Linsey Golding, and Megan Wagner.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, March 4, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:33 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 4, 2015

Assembly called to order at 12:36 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Fiore, who was excused.

Prayer by the Chaplain, Pastor Ben Fleming.

Heavenly Father, thank You for this day. Let Your eyes be open and Your ears attentive to the prayer in this place. Thank You for the opportunity these servants have to serve well the people of Nevada. The Psalms tell us that the law of the Lord is perfect, reviving the soul. I ask that You would help Your servants work well with the laws of our state. May their work today bless and enrich the lives of all Nevadans. Give them wisdom to make just laws. Give them patience as they work together.

I pray this in the name of Your Son Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2804

February 24, 2015

ASSEMBLY SPEAKER JOHN HAMBRICK, Nevada Legislature, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER HAMBRICK:

As Representative in the United States Congress of the Fourth District of Nevada, I would like to request permission to address a joint session of the Nevada Legislature on Wednesday, April 8, 2015 at 5:00 p.m.

If you have any questions, concerns or would like to coordinate the details of my address, then please contact my district scheduler, Kelly Espinoza at (702) 912-1634 or email her at kelly.espinoza@mail.house.gov.

Thank you for your time and for your consideration of my request. I look forward to hearing from you.

Sincerely,
CRESENT HARDY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 3, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 4.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 4.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Benitez-Thompson, Kirkpatrick, Diaz, Thompson, Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Joiner, Spiegel and Sprinkle:

Assembly Bill No. 218—AN ACT relating to education; requiring the board of trustees of each school district and the governing body of a charter school to consult with the Division of Emergency Management of the Department of Public Safety before constructing, expanding or remodeling buildings for schools or related facilities; requiring each school district in certain counties to appoint an emergency manager; requiring the Department of Education to conduct an annual conference regarding safety in public schools; requiring the board of trustees of each school district and the governing body of a charter school to provide drills to instruct pupils concerning lockdown procedures; requiring a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 219—AN ACT relating to interpreters; replacing the term "person with a language barrier" with "person with limited English proficiency"; making various other changes to provisions relating to court interpreters; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 220—AN ACT relating to insurance; requiring the Commissioner of Insurance to study the adequacy of network plans offered for sale in this State by health insurers and report the results of the study to the Governor and the Legislative Committee on Health Care; requiring the Committee to study the report and make recommendations to the Legislature for legislation; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 221—AN ACT relating to education; making various changes concerning policies governing data which includes information about pupils that is maintained by the Department of Education; requiring certain contracts that require disclosure of personally identifiable information concerning pupils to include provisions concerning the protection of such information; requiring the Department to adopt a data security plan for collecting, maintaining and transferring data concerning pupils; requiring the annual report of the state of public education to include certain information concerning the collection, maintenance and transfer of pupil data; requiring certain entities to adopt policies concerning data which includes information concerning pupils; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Kirner (by request):

Assembly Bill No. 222—AN ACT relating to facilities for the dependent; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to impose certain administrative sanctions against a person who operates a facility for the dependent without a license; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 119.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 119 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 207 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblymen Paul Anderson, Spiegel, Stewart, Joiner, Titus, Hickey, Moore, Trowbridge, and Silberkraus.

ASSEMBLYMAN PAUL ANDERSON:

Yesterday our colleagues in the Senate used an emergency bill to pass an emergency measure, Senate Bill 207. Today we in the Assembly act with the same sense of urgency. Our children need schools, and they need them as soon as possible. This is a statewide need; north and south, urban and suburban, Democrat and Republican. For these reasons, I am pleased to urge support for this bill today, and I am grateful for the bipartisan support that I believe we will receive. This bill presented some of the first real tests of this session, and I am proud of the way we have responded to the stress and challenges of the office. I am honored with the way we have exercised our duties.

ASSEMBLYWOMAN SPIEGEL:

I stand in support of Senate Bill 207. This bill is great for our students and it is good for our middle class families. I urge your support.

ASSEMBLYMAN STEWART:

I, too, rise in support of Senate Bill 207. I have had the opportunity of visiting many schools in Clark County. I have been in a Spanish class with 40 students, a band class with 65 students, and a P.E. class with over 90 students. So this bill is very badly needed. Also, this is the best time to get a bond rollover for the interest rate, and I strongly urge your support.

ASSEMBLYWOMAN JOINER:

I rise in support of this measure. I am very pleased to see that the provisions in Senate Bill 207 are consistent with the amendment I proposed during the work session yesterday in Government Affairs on Senate Bill 119. I think this is a very important first step to address the infrastructure problems we have in our schools. It is the right thing to do for our children and it is the right thing to do for our middle class families.

ASSEMBLYWOMAN TITUS:

I rise in opposition to Senate Bill 207. I feel that it circumvents the voters' right to vote on a tax. I believe that rollover bonds are indeed that. In my district the voters overwhelmingly rejected the bond rollover, so I stand opposed to this.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 207. While I respect the sentiments of my colleague from Lyon County, my understanding of this bill is that it is not a new tax. It is addressing a need that we have witnessed first-hand for this session and last in Washoe County. It, in fact, does not raise taxes. It will extend the bonding authority for schools. That bonding authority would have been picked up by someone else. I think it is prudent of us. It is important for us to make that investment in our schools. After all, that is what we have said—all of us; many of us campaigned on it. That is why we are here this session—to make a difference in our schools—I proudly support this. I would also add that there are other elements in another bill, S.B. 119, that I think will be addressed by this body. I look forward to those being part of not only revenues, but reforms that this body can be proud to take part in.

ASSEMBLYMAN MOORE:

I rise in opposition. I support my colleague in that I agree that we need new schools, and we need to get our kids educated. However, I feel that this does go around the will of the voters by extending the bond rollover for an additional ten years. I would oppose this.

ASSEMBLYMAN TROWBRIDGE:

I also stand in opposition to S.B. 207. It is not that I don't support the construction of schools; I oppose the rollover of the bonds to 2026 without a vote of the people.

ASSEMBLYMAN SILBERKRAUS:

I rise in support of S.B. 207. A few months ago, we all sat in this Chamber as the Governor spoke to all of Nevada about building for our future. Today we in this body, here in the people's house, are looking to lay the first brick. I gladly stand in support and look forward to building a better future for all of our children.

Roll call on Senate Bill No. 207:

YEAS—27.

NAYS—Dickman, Dooling, Edwards, Ellison, Gardner, Hansen, Jones, Moore, O'Neill, Oscarson, Shelton, Titus, Trowbridge, Wheeler—14.

EXCUSED—Fiore.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 82 and Assembly Bill No. 78 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Hansen, Araujo, Ohrenschall, Nelson, and Gardner.

ASSEMBLYMAN HANSEN:

Assembly Bill 110 requires, if the court finds that an unrepresented party engages in certain frivolous or vexatious claims and defenses, then the unrepresented party must pay resulting additional costs, expenses, and attorney fees reasonably incurred by an opposing party. In addition, the bill specifically provides that the intent of the Legislature for the court to award costs, expenses, and attorney's fees and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations extends to situations involving persons not represented by an attorney who engage in certain frivolous or vexatious claims and defenses.

ASSEMBLYMAN ARAUJO:

I have a question for my colleague from Assembly District 32. Under line 10 in page 2, what do "unreasonably and vexatiously" mean?

ASSEMBLYMAN HANSEN:

In reply to my colleague, that would be left up to a judge to determine. I am sure there are very clear rules that a judge would follow. But because those are semi-vague terms, we have to have a little bit of confidence that the judges we elect in the state of Nevada will very wisely determine if, in fact, somebody who is not an attorney is intentionally being vexatious and simply filing lawsuits to try to get some settlements or other things like that. So while it is not perfectly defined,

I think you will find that if you have any confidence at all in the judges that we elect in this state, those individuals do a fine job making sure that parties who are not attorneys will, in fact, have a reasonable opportunity to present whatever their side may be. But if, in fact, they abuse the system in an attempt to force settlements and things like that, they will find that they have to pay some costs rather than, as the current law is, be allowed to file multiple lawsuits with absolutely no consequences.

ASSEMBLYMAN ARAUJO:

I would just like to clarify that I do stand in opposition because this bill hurts the everyday constituent in my district who may not be able to afford an attorney and is now going to be held to the same standards as one.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 110. While I have the greatest admiration for my colleague from Washoe County, my concerns with this bill have to do with holding our constituents to the same standard that the rules of professional conduct hold members of the bar to. For those of us who are practicing attorneys, we know the standards we have to live up to. But for our constituents—and there are tens of thousands of them—you can go to any courthouse in this state and see self-help centers and see our constituents who cannot afford to be represented by counsel. They have no choice but to represent themselves. Unfortunately, what Assembly Bill 110 does is change the policies we have now. Nevada Rules of Civil Procedure Rule 11 allows judges discretion now to penalize a vexatious litigant: a litigant who is just trying to drag things out, trying to hurt the opposing party. In fact, the word is "may", but A.B. 110 changes that to a "shall". It takes away discretion from our elected judges, the very discretion that your Chairman of Judiciary was talking about, Mr. Speaker. The other point I want to bring up is that our state does not have a pro bono requirement, and while we wish that there were adequate numbers of attorneys out there who could take the time to represent the unrepresented constituents, we don't have them, and often times our citizens have to represent themselves. My fear is that this bill is going to have a chilling effect on citizens who want to protect their rights in court but cannot afford an attorney, and I urge its defeat.

ASSEMBLYMAN NELSON:

I rise in support of this bill. The judges will still have the discretion because they have to find that it is a vexatious lawsuit—that is being used to clog up the courts and cause different problems. I will say that I have served as a law clerk to two judges, one a state judge, one a federal judge, and I have practiced law for over 30 years. My experience is that judges bend over backwards to help pro se litigants, and they do not fine them unless their patience has been exhausted to the nth degree. I think this will close a loophole in the law which we need closed.

ASSEMBLYMAN GARDNER:

I also rise in support of this bill. I would disagree respectfully with the other opponents of this bill that this sets pro bono people at the same standard as an attorney. I have also been in court for several years. I have dealt with this from the judge's level and also through other levels, and judges will do anything they can to make it worthwhile and helpful to pro bono people—the exact opposite of what happens to us attorneys. We are held to a much higher standard, and this will just reinforce that standard.

Roll call on Assembly Bill No. 110:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Fiore.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 155 allows for the issuance of a special license plate recognizing professional firefighters to a retired firefighter who has earned creditable service in any jurisdiction outside of the state of Nevada. The applicant must provide proof of his or her former employment that is acceptable to the Department of Motor Vehicles.

Roll call on Assembly Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 64 revises the qualifications for the Chief Financial Officer, Housing Division, Department of Business and Industry. The measure requires that, in addition to having a comprehensive knowledge of the principles and practices of public finance, the CFO must have either a license to practice as a certified public accountant issued by this state or another state of the United States; or at least five years of responsible experience in investment banking, general accounting, public finance, or a related field. The effective date of this bill is upon passage and approval.

Roll call on Senate Bill No. 64:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 82 is a clean-up bill. It removes an obsolete provision from state law relating to the assignment of personnel of the Capitol Police Division, Department of Public Safety, to provide security services to the justices of the Supreme Court and the judges of the Court of Appeals.

Roll call on Senate Bill No. 82:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblyman Wheeler and Ellison.

ASSEMBLYMAN WHEELER:

Assembly Bill 78 authorizes the Board of Wildlife Commissioners to increase the maximum fee that may be collected and used for the prevention and mitigation of damage caused by elk or game mammals not native to Nevada. The bill authorizes the Wildlife Commissioners, through adoption of a regulation, to increase the fee used for damage prevention and mitigation from $5 up to a maximum of $10. And I am sure there will be questions.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Bill 78. The reason I am standing before you today is a lot of people are getting this confused with a tax. It is not a tax. It is a user's fee, and in my district where hay fields are being destroyed by elk, this money will go back in to help pay for that. So I stand in support.

ASSEMBLYMAN WHEELER:

I also stand in support of Assembly Bill 78. I want to make sure that it is very clear that this is not a fee on the hunting license but only on the elk tag, and the Department of Wildlife is not actually required to raise the fee. It would only be used to mitigate damage for non-native herds such as elk that we brought in for these hunters to use.

Roll call on Assembly Bill No. 78:

YEAS—36.

NAYS—Elliot Anderson, Carlton, Carrillo, Moore, Shelton—5.

EXCUSED—Fiore.

Assembly Bill No. 78 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:16 p.m.

ASSEMBLY IN SESSION

At 3:40 p.m.

Mr. Speaker presiding.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Kawelmacher and Alisha Ketter.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Nana Matsumoto and Johathon Myers.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from St. Teresa of Avila Catholic School: Connor Arnold, Mallory Abowd, Adam Avina, Thomas "Tommy" Callister, Claire Callister, Bea Campbell, Max Connors, Ava Coons, Thomas Cook, Jescinto "Jesse" Delgado, Morgan de la Torre, Melina Duarte, Spencer Fitzpatrick, Owen Hickenbottom, John "Jack" Gladys, Sabrina Jones, Gavin Green, Grace Kenney, Noah Hamilton, Lilyann Lee, Sophia Jones, Frine Lugo, Ella Lawson, Justin McCraw, Callie May Robinson, Emily Phillips, Gael Rosales-Lugo, Cole Pradere, Hailey Shirley, Maddie Roberts, Colby Simola, Brynn Russell, Hannah Weinreich, Madeline Silsby, Zane Woods, Christain Thackston, Josephine "Josie" Verive-Cain, Peyton Wagner, Hannah Young, Katerina von Rumpf, Julie DeRosa, Melina Duarte, and Spencer Fitzpatrick.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, March 5, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:40 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 5, 2015

Assembly called to order at 12:30 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ben Fleming.

Heavenly Father, thank You for today. Your servants need Your help. The apostle Paul wrote to Your servants in the city of Ephesus and told them to walk in a manner worthy of the calling to which they have been called. They were to walk with all humility, gentleness, patience, and above all, they were to bear with one another in love. Today I ask that You help these, Your servants, to be humble with each other; gentle, patient with each other; and bear with each other in love. I ask You, oh God, to help them today.

I pray this in the name of Your Son Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 131, 135.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen O'Neill, Armstrong, Dickman, Kirner, Silberkraus and Wheeler:

Assembly Bill No. 223—AN ACT relating to crimes; defining the term "abandonment" as it relates to the care of older persons and vulnerable persons; revising the definitions of the terms "abuse" and "exploitation" as they relate to offenses committed upon older persons and vulnerable persons; revising provisions concerning the reporting of abuse, neglect, exploitation, isolation or abandonment of an older person; requiring that the name of a person who reports the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person be redacted before certain data or information concerning the report is made available in certain circumstances; revising penalties concerning the abuse or neglect of an older person or a vulnerable person; prohibiting the abandonment of an older person or a

vulnerable person; providing a penalty; and providing other matters properly relating thereto.

Assemblyman O'Neill moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman O'Neill:

Assembly Bill No. 224—AN ACT relating to records of criminal history; revising provisions for requesting and receiving certain information relating to records of criminal history from the Federal Bureau of Investigation; and providing other matters properly relating thereto.

Assemblyman O'Neill moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Neal, Thompson, Diaz, Bustamante Adams and Munford; Senators Segerblom, Atkinson and Ford:

Assembly Bill No. 225—AN ACT relating to the Department of Corrections; requiring certain provisions to be included in contracts entered into between the Director of the Department of Corrections and public or private entities to provide certain services to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carlton, Kirkpatrick, Carrillo, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Diaz, Flores, Hambrick, Hansen, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson:

Assembly Bill No. 226—AN ACT relating to education; expanding the provisions that require the Board of Regents of the University of Nevada to pay undergraduate fees and expenses of a dependent child of a public safety officer killed in the line of duty to include the child of a public employee killed while at work; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 227—AN ACT relating to professions; revising provisions governing certain reporting requirements for the Board of Medical Examiners; revising provisions governing the maintenance of the Internet website maintained by the Board of Medical Examiners; revising the requirements for licensure by the Board of Medical Examiners; revising

provisions governing certain examinations to determine the competency of a physician, osteopathic physician or physician assistant; revising provisions governing disciplinary action or the denial of licensure by the Board of Medical Examiners or the State Board of Osteopathic Medicine; revising provisions governing the summary suspension of a license by the Board of Medical Examiners or the State Board of Osteopathic Medicine; revising certain procedural provisions governing the filing of a formal complaint against a licensee by the Board of Medical Examiners or the State Board of Osteopathic Medicine; revising provisions authorizing the Board of Medical Examiners and the State Board of Osteopathic Medicine to make service of process on a licensee; subjecting licensees of the Board of Medical Examiners and the State Board of Osteopathic Medicine to disciplinary and administrative action for self-reporting a violation of a law, rule or regulation; providing penalties; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 228—AN ACT relating to trade regulations; authorizing a financer of a motor vehicle to install certain devices in the motor vehicle which he or she finances; revising provisions relating to retail installment contracts; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 229—AN ACT relating to workers' compensation; revising the period during which certain injured employees must file a claim for compensation with an insurer; revising provisions relating to the adoption by reference of standards for evaluating permanent impairment; providing that compensation is not payable if an injury is proximately caused by an employee's use of a prohibited substance; providing that the results of any test to determine whether an injured employee used alcohol or a controlled or prohibited substance must be made available to an insurer or employer upon request; authorizing an insurer to deny compensation for temporary total disability and vocational rehabilitation services under certain circumstances; revising procedures relating to the stay of a decision of an appeals officer; revising provisions relating to the time period and requirements for reopening a closed claim; revising provisions relating to the payment of benefits for a temporary total disability or vocation rehabilitation services following the reopening of a claim; revising provisions relating to certain payments to an injured employee of lump-sum compensation; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 230—AN ACT relating to insurance; requiring health insurers to contract with certain providers of health care whose availability is limited in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 231—AN ACT relating to chiropractic; authorizing the President, or a designated member, of the Chiropractic Physicians' Board of Nevada to require certain chiropractic physicians or chiropractor's assistants to submit to a mental or physical examination under certain circumstances; providing that the results of such an examination or the details of a chiropractic physician or chiropractor's assistant's participation in a diversion program to address alcohol or drug misuse may be exchanged with the Board; revising the unprofessional conduct for which a practitioner of chiropractic may be subject to discipline; revising the requirements for a license to practice chiropractic; providing a waiver of fees for certain applicants for a temporary license to practice chiropractic; revising the requirements for the reinstatement of a license to practice chiropractic; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Thompson, Bustamante Adams, Carlton and Kirkpatrick; Senators Atkinson, Roberson and Manendo:

Assembly Bill No. 232—AN ACT relating to public health; establishing a district administrative health officer and a district public health officer as the district health officers in certain larger counties; revising provisions governing the adoption of regulations by a district board of health in such counties; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 233—AN ACT relating to common-interest communities; providing in skeleton form for the repeal of provisions

governing common-interest communities; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 131.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 135.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 122.

Bill read second time.

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

Amendment No. 44.

SUMMARY—Establishes "Nevada ~~[Modernist]~~ Mid-Century Architecture Day" as a day of observance. (BDR 19-538)

AN ACT relating to days of observance; establishing "Nevada ~~[Modernist]~~ **Mid-Century** Architecture Day" as a day of observance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) This bill establishes May 20 of each year as "Nevada ~~[Modernist]~~ **Mid-Century** Architecture Day," which is a day of observance and not a legal holiday.

WHEREAS, In 1972, authors Robert Venturi, Denise Scott Brown and Steven Izenour published an acclaimed treatise on mid-20th century architecture entitled *Learning from Las Vegas*, which described the pivotal role Nevada played in shaping that era's architectural design across the country; and

WHEREAS, Nevada has many classic examples of mid-20th century architecture which are listed in the National Register of Historic Places, including the Fleischmann Atmospherium Planetarium and the Pioneer Theater-Auditorium in Reno, and the Morelli House, the John S. Park Historic District and the Berkley Square neighborhood, located in Las Vegas; and

WHEREAS, The "Welcome to Fabulous Las Vegas" sign is widely recognized throughout the world as an important icon and is listed in the National Register of Historic Places; and

WHEREAS, The Las Vegas Strip is internationally famous as a mid-20th century architectural resource and has been designated by the United States Department of Transportation as an "All-American Road"; and

WHEREAS, The La Concha Motel Lobby, once viewed as outdated, has been restored and is located at the Neon Museum, has been listed in the City of Las Vegas Historic Property Register and is now recognized as a classic example of mid-20th century design, demonstrating the need to preserve such architectural treasures; now, therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

May 20 of each year is designated as Nevada ~~[Modernist]~~ Mid-Century Architecture Day in celebration of the unique and important examples of mid-20th century architecture in this State and in recognition of the need to preserve these historically significant places that are a central part of the rich cultural history of this State.

Sec. 2. This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblyman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 207.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 119 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 119.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Benitez-Thompson, Carlton, Jones, Gardner, Wheeler, and Hickey.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition Mr. Speaker. Yesterday we were able to pass a very clean bond bill that helped many children who are currently in overcrowded classrooms. Let us remember the Governor's stats; over 600 kids came to Clark County in just three weeks and there is no room for them. We passed that bill in a bipartisan effort, and for me this is really personal.

I worked in this building to bring bipartisanship and to have real debate on real issues. If you pass this bill the way it currently stands, the prevailing wage will cut wages on our middle class folks. It will cut wages on people who have been out of work for over five years in our state. It will take away from those contractors who have had to travel out of the state to feed their families. There is nothing that we talked about yesterday that put in protections to ensure that Nevada workers get those school jobs. There is nothing that we have talked about today that ensures that Nevada workers—our middle class people that each and every one of us in this room represent—will be protected, that they will get those jobs. The school districts are moving quickly; they are ready to go, shovels in the ground as we asked them to do. You can tell me that there is a trailer bill coming, you can tell me that we will have this debate later, but there is nothing in this bill that protects Nevada workers.

Every one of us in here has always tried to protect Nevada workers. There is nothing that says there is a minimum of Nevada workers that will be on the job; there's nothing that says that they should have health care benefits; there is nothing that says they should have a basic wage. This is about lowering wages for the middle class folks who are struggling to get back on top, and this is a true disappointment to me. I have been in this building and I have worked with many of you to protect the very people that we are supposed to protect in Nevada. Middle class workers will take it on the chin, and any trailer bill that you all want to talk about or any deal that anyone has cut will not change these facts if any of those jobs go out to bid tomorrow.

I am disappointed that this is the tone that is set; that middle class workers no longer have a voice in this building. That is very disappointing to me as a Nevadan that this is the discussion.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in opposition of S.B. 119. This bill came out of Government Affairs absolutely saturated in controversy, so much so that the bill was sent out without recommendation by the committee. As a former chair of Government Affairs, I cannot imagine asking this body to vote on a bill which could not gain support coming out of its committee of origin. It could not gain support, it lacked support, because it is a far reaching policy that is predicated upon a fight against—and an assault against—our middle class and working families.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 119. There has always been a myth that labor and management do not work well together. I think this bill proved that the contractors and the union folks have a real stake in this state and really care about what happens in this state. They worked together on this issue—and we are talking about some pretty powerful contractors in this state working with the guys that are on the ground building these schools and making sure they have a decent wage. You get both ends of the spectrum that have serious concerns about what is going to happen to an industry that is barely getting off of their knees in this state. Do I need to remind this body of all the cuts we had to make in 2009 because the construction industry fell down on itself through no fault of its own? We are going to go right back there. You think the Medicaid costs right now are high? You think taking care of children and families costs us a lot now? Just wait until these guys are making maybe 8 or 9 dollars an hour instead of the money they truly deserve. And what kind of schools are we going to get? Out-of-state contractors who have no stake in what happens to our kids? How safe are our kids really going to be when the guy comes in, builds the school, leaves the state, changes the name of his LLC, and beats feet and we need somebody to help fix that school? Mr. Speaker, this is a bad bill.

ASSEMBLYMAN JONES:

Now that the funding has been approved and signed into law by our great Governor yesterday, I am enthusiastically in support of Senate Bill 119. In these trying times where we have limited resources in our government, now we can apply free market principles to the building of our schools and have efficient markets to create and stretch that tax dollar to the utmost, to get the

most bang for our buck and have the most schools created for our children because we know they need them.

ASSEMBLYMAN GARDNER:

I rise in support of this commonsense bill. This bill is about helping all middle class families, not some who we have decided in the past to give a premium as much as double or triple the amount of money as they have been getting under the current law. This is giving everybody a fair shot. This is about opening it up to the free market, which has been proven to better all of us. This is not about one small group. This is about helping all middle class families, helping everybody in the state, and I support this bill.

ASSEMBLYMAN WHEELER:

I rise in support of S.B. 119. We heard a lot in the last few minutes about helping middle class families, especially in an industry that has been hard hit, and I agree with my colleagues on that. We do need to do that. We do need to help these people. One of the best ways we can help these people is to make sure they get back to work. When we pass this bill in a few moments, I hope, we will actually be able to build more schools than we have ever built before, for the same dollar. That is what is going to put these people back to work. We are going to look, in future bills, for in-state preference to raise that level, to make sure that we use in-state employees, and we are going to protect Nevada taxpayers. That is what we really came here to do.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 119. To my colleagues, I stand in support as a middle class contractor who has worked in the private sector and on public sector jobs. I was a proud supporter of the bill that we passed yesterday in order to both build more of the schools that we know we need in Clark County, and to repair the schools in Washoe County, and I am proud of the opportunities that we have given to our rural counties to take advantage of the growth, thankfully, that Nevada is finally experiencing again. Now, some concerns have been raised about whether the quality will go down on these projects with private sector folks.

I would remind you that in Ohio, they passed a similar bill. They did a two-year study. They exempted prevailing wages only on schools, as we are doing here, not on other public projects, and at the conclusion of the study, they found the quality was fine, it came in on time, there were no safety concerns, and it was deemed a success.

Now, we can come back two years later—because one legislature cannot tie the hands of the next—and revisit how well we have done in building these new schools in Clark County and repairing the ones in my district, and we can review that process again. As it was said earlier, we in a bipartisan manner supported the children of this state in the passage of Senate Bill 207 yesterday. I believe we are also helping the taxpayers today. This session is about education, it is about reforms, and yes, it is going to be about revenues. The one thing that this bill does for me; it saves revenues, it saves taxpayer dollars, and that gives me the confidence to know that if we raise revenues, we are doing it in such a way that those taxpayer dollars are spent wisely.

Roll call on Senate Bill No. 119:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hansen, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—19.

Senate Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Paul Anderson moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise today, the fifth of March in our year 6020, to recognize an ancient and honorable order, dedicated to the protection of widows and orphans, especially the widows, an order that shares its history with that of our state and the spirit of those intrepid pioneers who braved the wilds of the Great Basin and the high Sierra. I, of course, am referring to E Clampus Vitus, the members of which can be easily spotted in their red regalia. Some may call E Clampus Vitus a rowdy, fraternal, drinking organization, though we whole-heartedly reject any implication that we are organized. In truth, this fraternal body is dedicated to the study and preservation of western American history, particularly that of the Comstock Lode. Across this state, Clampers voluntarily maintain historical markers and help preserve the rich tapestry of Nevada's heritage. In fact, E Clampus Vitus does this more than any other organization in the state. Many members of this revered body are Clampers, including several past Speakers, and I take pride in being part of such an upstanding group.

They say that E Clampus Vitus is ancient, but did you know that Julius Caesar himself was a Clamper? Who can forget his famous quote? Veni, Vidi, Clampi. Translated into English that means, I came, I saw, I Clamped. Certainly the Clampers are unquestionably honorable, or so they tell me. Most importantly, the Clampers are bipartisan. Mr. Speaker, please do not think that our members wearing red today are all yours.

There may be some in this Chamber who would rise against this great and benevolent order. There may be some who claim our practices are outdated, backward, or even crude. But the Clampers' impact on this state is undeniable. Our rules prevent me from saying what I would think about those who would seek out fault in our organization that would count among our members notable Americans like J. P. Morgan, Horace Greeley, and even John Oceguera. It is said that the great George Washington, father of this country, was a member and if he wasn't, I challenge him to come here to this Chamber and say otherwise.

Mr. Speaker, in all seriousness, thank you for indulging me today. I am grateful, at a time in my life where I spend more time with politicians than normal folk, that there is something to remind us all not to take ourselves too seriously. I would like all of my brother Clampers with us today in the Chamber to rise and I ask that we make them feel welcome today.

ASSEMBLYWOMAN DIAZ:

To this honorable body, I join many of the members of the Nevada Assembly Women's Caucus, who sadly must rise in opposition. To reminisce about Assemblywoman Marcia DeBraga's legacy, she had an amazing sense of humor which I will share with you in a minute. She was a writer, she always championed women's issues, she was an outstanding member of this body, and she served from 1993 through 2001. So, in continuing this proud tradition, I found no better words than hers to speak to my colleague from Assembly District 15.

> Every odd-numbered year, a resolution supporting E Clampus Vitus comes before the Assembly. It asks us to endorse an ancient and mystical order that has at its philosophical core the Goldwater Theorum regarding God-given rights. We have looked for some redeeming social value in the Clampers' resolution that would enable us to support it. But we were not successful. Instead, we have come to the conclusion, Mr. Speaker, that their reality check bounced.
>
> Proponents would try to make us believe their compassion, education, and the preservation of history are the principles this society was founded on and upholds. We submit to you that the facts are these:
>
> E Clampus Vitus was started prior to 1800 and has existed in some form or other ever since, allegedly for the purpose of protecting "widders and orphans," but, preferably, widders.
>
> Clampers' interest in education seldom goes beyond periodic research on why "lite" beer weighs the same as regular beer.
>
> They are patrons of sports, literature and the arts, favoring anything with one ball, two folds, or three stooges.
>
> All members have standing of equal indignity, but obviously, some members are more equal and/or indignant than others. Those who have achieved

mediocrity, and therefore leadership, are reverently referred to as Clampatriarchal Humbugs.

Within their own organization is a strong support group to help Clampers in times of severe difficulty. This is vital to their safety because, following the regular meetings, very few of them can remember the number for 911.

The history of E Clampus Vitus is shrouded in mystery. Is it a historical drinking society or a drinking historical society? No one knows; the debate continues.

To preserve their surreptitious activities, they developed their own secret language which can be deciphered easily by anyone with an IQ higher than celery. For example, their motto translates to "Never let the fact that the widders do not want to be protected deter you," and their creed means, "Beer: It isn't just for breakfast, any more."

Although E Clampus Vitus has existed for more than 200 years, almost none of the history of the order has been recorded. And two theories exist to explain this:

Most Clampers prefer to do their protecting anonymously. In the thousands of meetings held by chapters of ECV, seldom, if ever, has anyone remained functional long enough to take intelligible minutes. In fact, the only meeting notes ever found are now in the Smithsonian or some other institution. They were written by the Utmost High Extremely Illustrious Exalted Supreme Grand Secretarial Humbug, who may have been more than a little squiffed, himself, at the time he wrote, "The roll was called and the members were asked to respond present or not present, as best befitted their circumstances. And many of them appeared to have been stricken with some sort of mental confusion. And they answered with unintelligible remarks."

The very name of their club may also have been incorrectly recorded. E Clampus Vitus sounds like a disease—a combination, if you will, of the word for a form of dementia coupled with the word for a form of instability, with which many of its members are, from time to time, afflicted. No one knows how the disease is spread. And, Mr. Speaker, no one wants to know how the disease is spread.

In opposing this resolution, we do so not because we wish to be equal to men—that would show a lack of ambition. However, in the interest of fairness, we have tried our best to understand men. Like so many other women before us, we failed in that endeavor.

Since time immemorial, there has only ever been one woman who actually figured men out. But, Mr. Speaker, she died laughing before she could tell anyone.

We were going to move that all rules be suspended, that reading so far be considered more than enough, that there be no further consideration of this measure, and that the proclamation be immediately concurrently referred to Health and Human Resources, NATRAM, Government Affairs, and the Ways and Means Committees in some other state.

So, instead, we are discussing forming our own counter-organization of E Clampus, whose members will be known as the "Lady Bugs" as soon as we decide what we want to protect.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Wilson.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Wilding.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Leigha Zeiszler, Raymond Thompson, Blake Duncan, and Brieanna Woodan.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Collins and John R. Lott, Jr.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Leon and to the following students, chaperones, and teachers from Sarah Winnemucca Elementary School: Karson Avalos, Eidy L. Berbera, Autumn M. Bray, Tristan S. Briggs, Kirra P. Claudio, Adrian M. Duclayan, Kaitlyn A. Dunkley, Jerry L. Ford, David Hernandez Lopez, Anna L. Lane, Isaiah C. Loehr, Alyssa L. Maehara, Mario A. Martinez, Ryen M. McGraw, Maxwell K. Musni, Connor L. Ott, John W. Patterson, Timothy D. Payne, Lily B. Richmond, Adriana R. Rios, Drake J. Romero, Jaelyn Stone-Spilman, Jemma Tabassum, Samuel V. Trujillo, Alaina A. Wagner, Liliana Yracheta-Brown, Carmina Chaelle Aglubat, Maeheg P. Ahmed, Jayden M. Almond, Isabella M. Alosi, Bridget H. Bowser, Yandel Callejas Bonilla, Anthony J. Casali, Patrick L. Coke, Chase Coto Bonilla, Diego Hernandez Lopez, Brent G. Hurley, Zaara Islam, Daimaeon A. Kelley, Gavin M. Lorman, Troy K. Martin, Seth N. Miller, Sky R. Miller, Tetiare Pedro-Cabanada, Mya C. Phillips, Rashin H. Raisa, Bianca Rico-Gonzalez, Alexander J. Robinson, Deysi Y. Rodriquez, Miles M. Rogers, Michael G. Root, Lucille I. Ryan, Princess M. Solorio, Cooper A. Tiehm, Donnell M. Walker, Sarah Bowser, Christy Aker-Minetto, Josh Chen, Kelli Fast, Brianna Davila, Teri Llamas, Kaitlynn De La Vergne, Brittany Dellamonica, Alexis Dellamonica, Elizabeth Gagnon, Maurissa Grady, Rhyan Gutierrez, Kylee Harris, Samuel Hull, Gavin Lane, Zachary Llamas, Tye Luck, Ryner Manalo, Kayla Martinez-Rogers, Ethan McNamara, Gianna Pignetti, A. J. Plechner, Domonique Prado, Elizabeth Rice, Nurul Sami, Camila Schiebert, Areli Valdez, Lillyanna Venegas, Kaylin Walker, Dylan Brown, and Donovan Jones.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Sanson and Vicky Maltman.

On request of Assemblyman Kirner, privilege of the floor of the Assembly Chamber for this day was extended to Michael Smith.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Pearce and Jack Prien.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Margaretha M. Smit and Rick Eaton.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry "Scoop" Robich, Asa Gilmore, Beau Vallory, Lance Vallory, Alan Roberto, Mike Eckley, Zach Hauptman, Chris Barkley, Shane Davis, Leevon Gibson, Eli Morse, John Herrington, Jay Robinson, Joe Zamora, Jim Crowe, Rick Carpenter, John Ferdinand, John Harding, Jason Walker, Sean Fannin, Matt Medeiros and Tom Clark.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Darwin Huckeba.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Klahn.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Geno Oliver.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Daved Wilson, Blane Merkley, Seth Beaton, and Cole Crim.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Scruggs.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, March 6, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:16 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 6, 2015

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Ben Fleming.

Heavenly Father, we lift up our eyes to the hills. From where does our help come? Our help comes from the Lord, who made heaven and earth. He will not let our foot be moved; he who keeps your servants in this Assembly will not slumber. Behold, he who keeps Israel will neither slumber nor sleep. The Lord is your keeper; the Lord is your shade on your right hand. The sun shall not strike you by day, nor the moon by night. The Lord will keep you from all evil; he will keep your life. The Lord will keep your going out, and your coming in, from this time forth and forevermore. I pray this in the Name of Your Son Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 70; Senate Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEREK ARMSTRONG, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 35, 45, 63, 109.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 10.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Munford, Hickey, Diaz, Thompson, Flores, Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Kirkpatrick, Neal, Ohrenschall, Sprinkle, Swank and Wheeler; Senators Manendo, Atkinson, Denis, Kihuen, Ford, Harris and Spearman:

Assembly Bill No. 234—AN ACT relating to education; requiring the State Board of Education to adopt a program of multicultural education for certain pupils; requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Neal, Bustamante Adams, Diaz, Benitez-Thompson, Carlton, Elliot Anderson, Araujo, Carrillo, Flores, Joiner, Kirkpatrick, Munford, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson; Senators Ford, Woodhouse, Kihuen, Atkinson, Parks, Manendo and Spearman:

Assembly Bill No. 235—AN ACT relating to employment; requiring an employer to provide paid sick leave to each employee of the employer under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Neal, Spiegel, Thompson, Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Ohrenschall, Sprinkle and Swank; Senators Atkinson and Spearman:

Assembly Bill No. 236—AN ACT relating to state agencies; providing for the promotion of public engagement by state agencies using the Internet and Internet tools; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Neal and Senator Atkinson (by request):

Assembly Bill No. 237—AN ACT relating to motor vehicle registration; revising provisions governing the issuance of a distinguishing number to certain vehicles by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Dooling, Shelton, Jones, Moore, Fiore, Edwards, Gardner, Ohrenschall, O'Neill, Seaman, Trowbridge and Wheeler:

Assembly Bill No. 238—AN ACT relating to common-interest communities; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association; revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Assemblywoman Dooling moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 10.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 35.

Assemblyman Hansen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 45.

Assemblyman Hansen moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 63.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 109.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblymen Swank and Wheeler.

ASSEMBLYWOMAN SWANK:

Assembly Bill 122 does not create a legal holiday but establishes May 20—which I might add is the birthday of Betty Willis, who designed the Fabulous Las Vegas sign and lives in Overton, Nevada—as "Nevada Mid-Century Architecture Day." It will be a day of observance in celebration of the unique and important examples of mid-20th century architecture in this state and in recognition of the need to preserve these historically significant places that are a rich part of our cultural history. I would also like to add that on May 20, 2014, the Neon Museum along with the Nevada Preservation Foundation held a panel discussion on the Mid-century Home, that

honored architect Hugh Taylor, who designed over a thousand residences in Nevada. This May 20, the Neon Museum, the Nevada Preservation Foundation, and the City of Las Vegas will hold a panel discussion on mid-century motels.

ASSEMBLYMAN WHEELER:

I rise in reluctant support of Assembly Bill 122. You see, Mr. Speaker, before the amendment, the bill was just fine. But when we add the word mid-century and I look around this room, I see so many people, like me, who were actually born in the mid-century. We are now being equated with an historical monument. I must ask my colleague, why did she do this to us?

ASSEMBLYWOMAN SWANK:

I would like to reply to my esteemed colleague. I, too, am from the mid-century. Being in historic preservation—maybe that is something that would benefit my esteemed colleague also, so that all of us can be well preserved.

Roll call on Assembly Bill No. 122:

YEAS—42.

NAYS—None.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 90.

REMARKS FROM THE FLOOR

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ELLISON:

My colleague from District 22 implemented a tan hump-day during the last couple of weeks. We feel that we have been discriminated against. Therefore, we would like to recommend that once in a while we have a blue, Levi Jeans Day. I know I have my colleague from District 22 who probably would like to debate this, but, sir, I would like to make sure that that goes on the record.

ASSEMBLYMAN STEWART:

As one who likes to include everyone, I would not oppose the Levi Day. In fact, I remember when Levi Straus first came to San Francisco and sewed the first pair of Levis. The miners were very relaxed and felt much more comfortable in them. I would strongly support a Levi Day, and by the way, sometime this year Levi Straus will have another birthday.

ASSEMBLYMAN WHEELER:

I, too, rise in support of Levi Day, obviously. Being from the Rodeo State and having a license plate on my car that says Rodeo State, once in a while we just ought to do it. Looking back two years ago, I know that the former Speaker was very much in support of this since she gave us denim day about six times if I remember correctly. We just ask that you carry on with the tradition

ASSEMBLYMAN OSCARSON:

I could not help but weigh in on this important matter. I believe that it would be prudent to compromise and perhaps wear Levis with a brown jacket and just combine the two days. Also, for the record, I will not be in support of a license plate for Levis.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Antonio Gonzalez, Jeff Thompson, Sandy Thompson, and Truckee Thompson, and the following students, chaperones, and teachers from Swope Middle School: Vivian Aleman, Adaline Armon, Jaedyn Ashbrook, Ryan Barkowski, Lindsey Biggs, Jesse Bruno Torrero, Dominic Burke, Kevin Butler, Kaelyn Campbell, Ivette Carapia, Sofia Carmona, Jovany Carranza, Jeonard Cawile, Manuel Chavez, Lucas Clowers, Turner Collins, Michael Crow, Alyssa Doyle, Gabriel Duff, Eduardo Escobar, Rodolfo Fletes, Tess Fouassier, Nathan Francis, Zachary Geddry, Aden Gentner, Emma M. Gregg, Rebecca Hamilton, Brett Hamlin, Brett Hardie, Nascia Harris, Gavin J. Hicks, Cooper Jackson, Jose Jordan Valdes, Rachelle Kerr, Kaden Kridler, Kenia Linares, Franklin Little, Elizabeth McKibben, Zachary Metzker, Justice Mills, Kiley Nichols, Luis Ortiz, Ricardo Palacio, Brianna Perez, Izzy Bennett, Gerardo Chavez Rodriguez, Millie Cruz Carbajal, Jonah Davis, Kyle Fermoile, Nacayla Franey, Dillon Greenan, Brett Grimm, Sawyer Harris, Dylan Hutchings, Brandi Jarvis, Alex Khorshidi, Addison Klupfell, Kayli Koffler, Sydney Lamb, Gianna Lotito, Madison Lovett, Yolani Mapp, Angel Mata, Paris McCabe, Quinn Means, Ava Miller, Jason Montgomery, Breeze Nay, Hunter Olson, Luis A. Ortiz, Levi Potter, Eduardo Ramos, Chase Ramos, Katie Sawyer, Erica Schwab, Jullian Scolari, Alexis Serratos, Charles Siemann, Kaleigh Sippola, Annika Sorensen, Destiny Stewart, Payton Unger, Madison Wanco, Aydan White, Elizabeth Whitlock, Addison Woelfle, and Drue Worthen.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Haas and Jordan Haas.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Handzlik and Janette Dean.

Assemblyman Hansen moved that the Assembly adjourn until Monday, March 9, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 9, 2015

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, You have blessed us with another breathtaking day in northern Nevada. As we enjoy Your creation, we marvel at its intricate design.

O Lord, as the new work week commences, drive the devil out of the details and help these legislators to produce orderly and well-designed legislation which will benefit all Nevadans.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 28, 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 11, 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Initiative Petitions Nos. 1, 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 35; Assembly Joint Resolution No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 169.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 157, 170, 177, 182, 184, 189 and 216.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Elliot Anderson, Ohrenschall, Hansen, Spiegel, Wheeler, Araujo, Benitez-Thompson, Bustamante Adams, Carrillo, Diaz, Flores, Joiner, Neal and Sprinkle; Senator Manendo:

Assembly Bill No. 239—AN ACT relating to aeronautics; regulating operators of unmanned aerial vehicles in this State; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances; authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Moore, Seaman, Fiore, Jones, Dooling, Gardner, O'Neill, Oscarson and Shelton:

Assembly Bill No. 240—AN ACT relating to common-interest communities; revising provisions governing the enforcement and priority of a unit-owners' association's lien on a unit; repealing provisions authorizing the nonjudicial foreclosure of an association's lien; and providing other matters properly relating thereto.

Assemblyman Moore moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Edwards, Armstrong, Kirner, Ellison, Elliot Anderson, Hambrick, Hickey, Moore, Oscarson, Stewart and Trowbridge; Senator Goicoechea:

Assembly Bill No. 241—AN ACT relating to the military; creating the Advisory Military and Veterans Research Committee; authorizing the Committee to research certain issues of concern to veterans and members of the Armed Forces of the United States; requiring the Committee to submit an annual report; and providing other matters properly relating thereto.

Assemblyman Edwards moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 242—AN ACT relating to public health; establishing certain requirements concerning the care of patients in a facility for skilled nursing; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Thompson, Titus, Araujo, Silberkraus and Sprinkle; Senators Atkinson, Spearman and Manendo:

Assembly Bill No. 243—AN ACT relating to public health; requiring a county, provider of health care or medical facility to ensure that a person who tests positive on a rapid test for the human immunodeficiency virus is counseled to receive a second test to confirm the result; revising the qualifications of a person that only performs certain tests for the detection of the human immunodeficiency virus in a medical laboratory; providing that the laboratory director of a laboratory that only conducts certain tests for the detection of the human immunodeficiency virus may not be required to be a physician or perform any duties not prescribed by statute; and providing other matters properly relating thereto.

Assemblyman Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Stewart, Ellison and Silberkraus:

Assembly Bill No. 244—AN ACT relating to crimes; providing an enhanced penalty for committing three or more offenses of placing graffiti on or otherwise defacing certain property; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Silberkraus:

Assembly Bill No. 245—AN ACT relating to elections; increasing the penalty for certain crimes related to a person who registers to vote; and providing other matters properly relating thereto.

Assemblyman Silberkraus moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 70.

Bill read second time and ordered to third reading.

Assembly Bill No. 99.

Bill read second time.

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

Amendment No. 40.

SUMMARY—Makes various changes ~~[relating to nonprofit camping programs for children.]~~ **concerning construction and labor camps.** (BDR 40-53)

AN ACT relating to sanitation; exempting ~~[a]~~ **an organizational camp that is owned or operated by a** nonprofit organization ~~[that conducts a camping program for children, or owns or operates the camp or other facility at which such a program is conducted,]~~ from the sanitation requirements applicable to construction and labor camps ~~[;]~~ **in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain sanitation requirements relating to the construction and operation of a construction or labor camp where five or more persons are employed. (NRS 444.130-444.200) This bill exempts from those provisions **an organizational camp that is owned or operated by** a nonprofit organization that qualifies as a tax-exempt organization if ~~[it: (1) conducts a camping program for not more than 20 days each year for children under 18 years of age; or (2) owns or operates the camp or other facility at which such a program is conducted.]~~ **the camp takes place on property for which a special use permit has been issued by the United States Department of Agriculture subject to an agreement with the Department.**

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

Section 1. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A]~~ An organizational camp that is owned or operated by a nonprofit organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which takes place on property for which a special use

permit has been issued by the United States Department of Agriculture subject to an agreement with the Department is not subject to the provisions of NRS 444.130 to 444.200, inclusive, ~~[if it:~~

~~1. Conducts a camping program for not more than 20 days each year for children under 18 years of age; or~~

~~2. Owns or operates the camp or other facility at which a program described in subsection 1 is conducted.~~~~]~~ so long as the agreement remains in force.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 21.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

The Speaker and Chief Clerk have signed Senate Bill No. 119.

There being no objection, the Speaker and Chief Clerk will sign Senate Bills Nos. 64 and 82.

REMARKS FROM THE FLOOR

Assemblyman Araujo requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARAUJO:

I would like to take the opportunity to acknowledge that today is Children's Day. We have several folks who are here today to meet with you and share with you how important it is for us to be great advocates for our children. I would also like to present this proclamation to the Children's Advocacy Alliance and the Children's Day advocacy groups for all their hard work and for making sure that they promote the wellness of our youth.

Assemblyman Araujo requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, In 1954, the General Assembly of the United Nations convened to reaffirm the universal rights of children; and

WHEREAS, Children's Day is celebrated throughout Nevada and is dedicated to brotherhood and understanding; and

WHEREAS, Children, because of their lack of physical and mental maturity, require special protection and care against abandonment, cruelty, and exploitation; and

WHEREAS, Children have a right to live in a safe and stable environment that is conducive to their physical, mental, spiritual, and social development; and

WHEREAS, Above all, children require the affection, understanding, and support of their parents and of society; and

WHEREAS, The State of Nevada is dedicated to ensuring the health, education, safety, and well-being of the children of this State; and

WHEREAS, The Children's Advocacy Alliance (CAA) is a community-based organization working to ensure every child has a chance to thrive; and

WHEREAS, The CAA works through education, outreach, and advocacy to solve expansive and chronic problems facing children and families, bringing together parents, schools, businesses, and community organizations; and

WHEREAS, Children represent the future of Nevada and the world, and therefore their needs must be given the highest priority to strengthen the family and protect our children; now, therefore, be it

PROCLAIMED, That the Nevada Legislature recognizes and thanks the Children's Advocacy Alliance for their commitment to our children and their well-being; and be it further

PROCLAIMED, That the State of Nevada designates March 9, 2015, as Children's Day at the Legislature.

DATED this 9th day of March, 2015.

NELSON ARAUJO
Nevada State Assemblyman

Assemblywoman Carlton requested that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

Yesterday was International Women's Day and I would like to put a few comments on the record recognizing that. On March 8 in the early 1900s, 15,000 women marched down the street in New York City to proclaim it Women's Day. They were fighting against some of the unfair labor practices that were happening at the time and fighting to protect children. They were one of the impetuses to our child labor laws. I think it would be a good day today to recognize that fact and to congratulate them. One of the sayings that came through that movement was With respect comes peace.

Assemblyman Hansen moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 5:12 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Armstrong and Elliot Anderson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Mark Amodei.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:17 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Segerblom, Settelmeyer, and Smith, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Kieckhefer and Assemblywoman Dooling to wait upon Representative Amodei and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Mark Amodei, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Amodei and invited him to deliver his message.

Representative Amodei delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

Thank you Mr. Speaker, Mr. Lt. Governor, Mr. Chief Justice, Governor. You all humble me with the fact that you actually come to these things that I routinely left right after roll call. It is my recollection there were just four of them when I first started out in this business. It was Harry Reid, John Ensign, Shelley Berkley, and Jim Gibbons. Sometimes some of them would bring in props, and it was always a bad sign when they walked in with papers. I want to let you know that nobody is going to be late for dinner tonight. We will get moving pretty quick, but I did want to talk to you about a couple of things.

First of all, I want to put all of your minds at ease. I know that as the session started out, there was some media coverage—there might even be some media people in the room tonight—about things being contentious and things like that, and running smooth, not running smooth, and things of that nature. I want to assure you that the United States House Republican Conference is doing everything it can to make sure you folks look like everything is running absolutely smoothly, just like an ice cream social. At the end of a particularly contentious two weeks last week, our last vote was scheduled to be on Thursday night. Things went so well Tuesday that the Majority Leader said to the Speaker, "I think we need to send these folks home a couple of days early because if we keep them here two more days, they are probably going to kill each other." They didn't need to tell us twice. It's good to be home.

It is good to see all of you. I only want to talk with you about a couple of things. We live in a state where we are blessed, but it is also a unique state in all of the 50 because of the fact that the vast majority of our state is federally owned. That creates challenges for everybody, whether it is economic development, resources, you name it; whether you are talking about how drones are going to fly between here and there; whether you are going to talk about where they are going to get a mining project in Yerington; whether you are talking about whether sage hens are going to be okay or not okay. That requires unprecedented collaboration with our federal land management folks.

As part of the privilege you extended to me tonight, I made the point of inviting some folks that I have had the privilege of working with in the federal process. Please give a warm Nevada Legislature welcome to BLM Nevada Director Amy Lueders; Fish and Wildlife Director for Nevada Ted Koch; and also your very own Leo Drozdoff, Department of Conservation and Natural Resources, and Vice-Chairman Chris MacKenzie of the Nevada Sagebrush Ecosystem Council, the outfit that the Governor has done such a great job of putting all the stakeholders together and staying on top of this issue, following in a process that Kenny Guinn started 12 years ago.

In this business, urban myths are pretty plentiful. And in this business, whether it is at your level or the level that I am at, the one thing that is free all day, every day, in unlimited quantities is drama. I wanted to alert you to a couple of things because they have direct impact, and you are, obviously as you should be, major players in those. There is going to be a discussion in this Congress, in the House side, about federal land ownership. It is not a surprise to anybody in this room because you had an interim committee that did a lot of work on that. That discussion is going to take a formal bent for the first time in a long time under the leadership of Rob Bishop, who is the Chairman of the House Natural Resources Committee and former Speaker of the Utah Assembly. I expect the work you folks did will be something that is looked at. With the speed that the Congress moves, I am sure something will be done in a month or two at the latest—I just identified who was listening. Before all the balloons go up—and it is America, it is okay to discuss issues—I expect we will discuss that and see where it goes.

The other issue I want to talk with you about briefly is the sage hen. Some of you are wondering What is a sage hen? We know sage grouse. If they are all sage hens, how do they repopulate and things like that? There are people in this room who have sage hen blood on their hands. We will deal with that later in a little less formal fashion. There is a lot of urban myth, and I thought I would give you an update from the perspective of somebody whose district is kind of the sage hen crossroads of the West. And by the way, it is not "NevAHda" and it is not sage grouse. Grouse are something that live east of here somewhere probably on the other side of the Rockies or something like that. Sage hen, or if you are in a hurry, chickens.

This has been going on since Kenny Guinn was Governor. It has heated up, and it has cooled down, and it has done this and that, but it is in full focus now. What are we doing? The Governor's Sagebrush Ecosystem Council has done phenomenal work in terms of bringing all parties to the table and identifying the issues. No Nevadan likes to be told what to think. Nobody leave the room and say Amodei came here and told me what to think, but I would like to remind you of some facts.

Under the guidance of this Governor and the Sagebrush Ecosystem Council, we have done some phenomenal work in terms of mapping the resource. Remember, this is first and foremost a habitat issue. It is not numbers of birds; it is fragmented habitat and loss of habitat. If you don't believe me, we still have a hunting season around here. It is a habitat issue. So you say We are losing habitat. I don't care if you are a Democrat or a Republican, if you are high altitude or low altitude, you are an easterner, you are a westerner. You look at Nevada and you say Over the last 20 years, what has happened to our habitat? Over the last 20 years, please feel free to talk to Mrs. Lueders and her folks. You can find out that BLM district managers permitted about 150,000 acres in mining operations in 20 years. In that same 20-year time period, we lost between 6 million and 7 million acres to catastrophic wildland fire. There are those of you who are much better in the hard sciences than I am, but that is just a fraction.

So if it is really about the habitat, then what are we going to do about the primary cause of the loss? The Sagebrush Ecosystem Council has been talking about that. Fish and Wildlife has been involved, BLM has been involved, and folks at the University have been involved, and we have this map that they have come up with. It is called the Coates Map. We started out with, Where are the darn things and where is the habitat? We have identified that—and thank you very much because it was the Nevada Legislature, pursuant to the Governor's suggestion, that put up almost a million dollars to take the Nevada Department of Wildlife map and give it to the USGS to further define where that habitat is left. So we have a pretty good idea.

So you sit there and you think What are we going to do? How are we going to protect that? How are we going to bring it back? And there are skirmishes back and forth in terms of can you restore it? Can't you restore it? Will the birds come back? Will they not come back? You know

what? In last year's appropriations bill, some people—certainly would not be anybody in this room—were criticized for saying we need to put this process on hold for a year. The reason we need to put it on hold for a year is because throughout all this, when you are in a state where the major landowner is the federal government, mostly in the form of the Department of the Interior, there has not been even a request for resources to do stuff on the ground. And by the way, the federal government—rightfully so as the Governor can tell you and as Chris MacKenzie and his colleagues can tell you—is like What are you going to do state? What are you going to do private people? What are you going to do mining companies? What are you going to do for all that? Absolutely fair questions, but when you own the vast majority of the habitat, it is like What are you going to do?

I am happy to tell you Secretary of the Interior Sally Jewell has submitted a budget which asks for $60 million for the Department of the Interior to start doing their part in the those states with sage hen habitat for purposes of the habitat, using words like "unprecedented," talking about restoration, talking about fuels management—all the magic words if fire is the threat to this particular habitat. And so you say Okay that is nice, Mark. Why are you telling us this? I am telling you this because we have come a heck of a long way in Nevada from where we started ten years ago to where we were four years ago to where we are now where you have no less than the Secretary of the Interior saying We need to do something about fuels. We need to do something about restoration. We need money through the appropriations process to uphold our obligation.

The reason I am telling you this is because that puts you in an excellent position to then go finish up this process through the U.S. Fish and Wildlife Service decision-making process to say Hey, we have checked this box, we have checked this box, we have checked this box, we have checked this box. We have everybody's attention; we have got ag people, we have miners, we have got energy folks; here you go. Not that the problem goes away, because it does not. It is a continuing thing that will need to be worked. To go forward under the stigma of a listing when you have responded in a way which, using the Secretary of the Interior's word, is unprecedented, with all parties at the table—I think you are in an excellent position.

I have one request. As we sit here in this excellent position getting ready to run the final lap of that process—you may have already done it, and if you have not, I want you to think about it—you ought to invite these people in to your appropriate committees and say We want a briefing on where you are at and where you are at on this, this, and that. And you say Why is that? Because we need to start a new era where it is not the feds and us; it is, whether you like it or not, we are brother and sister and we are going to be that way if it kills us. If you need any help from the bottom of the totem pole, please call me. I will call up out of the basement to that bottom level and see if I can help you out.

Other than that, I just want to let you know that it is humbling to be given the responsibility of saying you represent the state of Nevada back there. It is an incredible time. Everybody loves everybody in Washington. Everybody who goes back there gets rich, their health care is paid for, they get to pick their own number for their retirement. By the way, the commute each way changes your whole cultural view on the people who ride in middle seats. For people who are not as strong as me, it would break them down emotionally at times and cause them to do things.

With that, I want to say thank you for your hospitality. Thank you for your willingness to work with the handicapped. It is great to see some colleagues from back a million years ago. I do want to say one thing, though. I do know for a fact, because I have checked around quietly, that the happiest person in the Nevada Legislature right now is Pat Hickey. Keep that smiley face on, big guy. I hope the painting business is going good, because I am going to need a job pretty quick.

Enjoy your beautiful spring evening. Thank you very much for your hospitality, and God bless Nevada.

Senator Harris moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Amodei for his timely, able, and constructive message.

Seconded by Assemblyman Araujo.

Motion carried.

The Committee on Escort escorted Representative Amodei to the bar of the Assembly.

Senator Roberson moved that the Joint Session be dissolved.
Seconded by Assemblyman Edwards.
Motion carried.

Joint Session dissolved at 5:39 p.m.

ASSEMBLY IN SESSION

At 5:41 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Faith Sliverman, Shayna Davis, Christine Jacox, and Sarah Olin.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Tanata Ashby.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Russell Hunter, Trevor Hunter, Nathan Hunter, Jacob Hunter, and Patrick E. Ogle.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Chandni Patel and Gil Lopez.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Gastonguay and Barbara Gastonguay.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Dickman, Paul Jackson, and Ocie Washington.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlynne Thornton and Alexis Hansen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Thompson.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Westergard and Arianna Haskins.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Meckler.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy O'Neill, Bill Miller, and Virgie Miller.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Phillips.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Sam King.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Tiffany Tyler and Bruce Soares.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Wood.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, March 10, 2015, at the Old Assembly Chamber at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:42 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 10, 2015

Assembly called to order at 11:41 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Al Tilstra.

Father of lights, You are light and in You there is no darkness. Your word is a lamp unto our feet and a light unto our path. I beseech You, therefore, to enable these servants of Yours to see clearly the issues set before them today. Grant them the wisdom and the courage necessary to make good decisions in the best interest of all the citizens of the great state of Nevada.

I pray in the Name of the One whose light still shines brightly.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 58; Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 31, 148.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Munford, Ohrenschall and Wheeler:

Assembly Joint Resolution No. 6—Proposing to amend the Nevada Constitution to allow the Legislature to authorize this State to operate a lottery for support of the public education of children and the health and welfare of senior citizens.

WHEREAS, A society is judged by the manner in which it treats its most vulnerable citizens; and

WHEREAS, The children of the State of Nevada are the future of this State and the public education of those children is vitally important to the future success of this State; and

WHEREAS, The system of public education extending from kindergarten through grade 12 is often not funded sufficiently; and

WHEREAS, The senior citizens of this State deserve continuing support into their golden years because of the service and sacrifice that they have extended on behalf of this State; and

WHEREAS, The cost of providing adequate health care to senior citizens has been escalating rapidly in recent years and, as a result, many senior citizens do not have access to adequate resources of health care; and

WHEREAS, Proceeds from a lottery may not be sufficiently reliable or stable to rely upon such proceeds to pay entirely for programs that benefit children and senior citizens; and

WHEREAS, The Legislature will determine how best to apply proceeds from a lottery to benefit children and senior citizens by accounting for such proceeds separately and by using such proceeds to supplement and enhance existing, permanently funded programs; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 24 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec:]~~ Sec. 24. 1. ~~[Except as otherwise provided in 1 subsection 2, no lottery may be authorized by this State, nor may lottery tickets be sold.]~~ ***The Legislature may authorize a lottery to be operated by the State of Nevada. If the Legislature authorizes such a lottery, the Legislature shall, by law:***

(a) Determine the appropriate manner of operation for the lottery.

(b) Account separately for the proceeds of the lottery for expenditure in the same manner as other noncontinuing sources of revenue.

(c) Provide by appropriation for the disbursement of the proceeds of the lottery, less expenses directly related to the operation of the lottery, only for programs and services that enhance:

(1) The public education of children within this State.

(2) The health and welfare of senior citizens within this State.

(d) Ensure that the proceeds from the lottery, other than expenses directly related to the operation of the lottery, may only be used to supplement and not supplant money that the State would otherwise have expended for the programs and services described in paragraph (c).

2. The ~~[State and the]~~ political subdivisions ~~[thereof]~~ ***of this State*** shall not operate a lottery. ***Except as otherwise provided in subsection 3, the Legislature shall not authorize the operation of any private lottery***.

3. The Legislature may authorize persons engaged in charitable activities or activities not for profit to operate a lottery in the form of a raffle or drawing on their own behalf. All proceeds of the lottery, less expenses directly related to the operation of the lottery, must be used only to benefit charitable or nonprofit activities in this State. A charitable or nonprofit organization shall not employ or otherwise engage any person to organize or operate its lottery for compensation. The Legislature may provide by law for the regulation of such lotteries.

Assemblyman Munford moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 130, 162 and 190.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Keith Wood of Brass Cannon Productions; Ray Kinney, Stanton Tang, and Catherine Van of KOLO 8 News NOW be accepted as accredited press representatives and allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywomen Bustamante Adams and Diaz:

Assembly Bill No. 246—AN ACT relating to cosmetology; revising provisions governing advertising of services relating to the practice of cosmetology; establishing the procedures for the registration and training of apprentices for aestheticians, hair designers and nail technologists; establishing the procedures for the licensure of shampoo technologists; providing a fee for the registration of such apprentices and the licensure of shampoo technologists; revising provisions relating to the licensure of various cosmetology professionals, cosmetological establishments and schools of cosmetology; revising provisions concerning service animals and service animals in training that are on the premises of a licensed establishment for hair braiding or cosmetological establishment; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Wheeler (by request):

Assembly Bill No. 247—AN ACT relating to foster care; revising provisions relating to licensure of foster homes; requiring the licensing authority to provide certain resources and information about services to foster homes; requiring a foster home to report annually certain information about each foster child; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 31.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 148.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.
Bill read second time and ordered to third reading.

Assembly Bill No. 28.
Bill read second time and ordered to third reading.

Assembly Bill No. 41.
Bill read second time and ordered to third reading.

Assembly Bill No. 45.
Bill read second time and ordered to third reading.

Assembly Bill No. 63.
Bill read second time and ordered to third reading.

Initiative Petition No. 1.
Bill read second time and ordered to third reading.

Initiative Petition No. 2.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 70 and Senate Bill No. 21 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 99.
Bill read third time.
Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 99 exempts an organizational camp from the sanitation requirements imposed upon construction and labor camps if the organization is owned or operated by a tax-exempt nonprofit organization and the camp takes place on property for which a special use permit has been issued by the United States Department of Agriculture. The effective date is upon passage and approval.

Roll call on Assembly Bill No. 99:

YEAS—42.

NAYS—None.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ROBERT A. NYLEN, CURATOR OF HISTORY, NEVADA STATE MUSEUM:

It is really quite an honor for me to be here today. I was thinking as I was coming over here, I wish my parents could be here to see their son speak to the state Legislature. Thank you for inviting me.

What I wanted to talk about—actually I was going to play the part of William Stewart, and that is why I am dressed this way. But it did not work out that way so I will just tell you a little bit about William Stewart. It is maybe a name that some of you recognize. He was our first U.S. Senator, selected by the Legislature back in 1865. Prior to that, he played a significant role in making Carson City the state territorial capital which eventually gave it the opportunity to become the state capital of our state, as it still is today.

It all started when William Stewart came West. Like many, he was caught by the excitement of the cry of gold to come to California. He came in 1850, coming through the Panama area. Once he got to San Francisco, California, he got terribly sick with Panama fever as it was called. Because he was young and because he was strong, he survived. He actually had some teamsters take him in a wagon for a three-day journey to the gold fields. Then he spent another nine days on the verge of death. But he survived. He said in his reminiscences that he had $10 and a watch. That was all he had when he got better.

Stewart went into mining and became very successful at that in the gold fields of California, but then he became a lawyer, too. He read law during the day whenever he had a chance and at night. He passed the bar and, incredibly, at age 27, he became the Attorney General of California. He became an expert in mining law and later, when he was a U.S. Senator from Nevada, he became known as the Father of National Mining Law because of his experiences.

Eventually he got excited like many others when this area known to Californians as Washoe started to boom. He also wanted that opportunity and came here, first by himself, and then he brought his family in 1860. In 1861, he was in the Carson City area. After we became a territory, he was selected, with others, to serve in the first Territorial Legislature which opened in October of 1861. He was selected to represent Carson City and Ormsby County, and was in what was known as the Territorial Council, which would be the Senate, and there was the House, which would be the Assembly. He was elected and he knew his mission was to make Carson City the capital. He set out right away, meeting the different legislators and delegates coming to Carson City. The first Territorial Legislature met at the Warm Springs Hotel, today the site of our old historic prison, just a short distance from here.

He met with the different legislators that came. He asked them What did they want? How did they want their county drawn up? Where did they want their county seat? Eventually, late in the session, he drafted a bill. He introduced it towards the end; the session only lasted about two months. Many believed it would be Virginia City because it was the prominent, booming, largest population. All the wealth was there coming from the mines, and many of their delegates who came down thought that it was, so to speak in today's language, a slam-dunk. They would be the territorial capital. But William Stewart went behind the scenes, worked out the arrangements, worked out the deals, and when it came time for the vote, he won by three. He knew he would win by those three votes and he did.

It was a very emotional thing. There was an incident where two delegates got into a terrible fight in a bar in the Carson City area. One of them picked up a piece of wood and hit the other to such a degree that he was not able to attend the following session. It was a very strong point and a very important point. But Carson City was selected. There was a lot of excitement and entertainment that day. William Stewart would become our first U.S. Senator a few years later in 1865.

Stewart did regret, later in his reminiscences, that to make those arrangements he had to agree to, or got the delegates to agree to very small counties with county seats very close to the capital. Those small county seats were Washoe City, which would be about half way between here and Reno today; Dayton which was Lyon County; Douglas County with Genoa; and then Storey

County with Virginia City. They were only a short buggy trip away from the capital. The smaller counties put stress, he thought, on the taxpayers to pay for that additional government for these small areas of the state.

He did, interestingly enough, build a beautiful home here in Carson City, but he left after just a couple of years because his great love and his way of making his living was in mining. So he went up to Virginia City, built a huge mansion up there, and was one of the most successful mining attorneys with all the litigation that took place.

Eventually, in 1865, he was selected by the Legislature to be our first U.S. Senator. The second to be picked was our former Territorial Governor who also served a brief time as Governor, James Nye. They immediately went off to Washington to participate. He arrived on February 1 and took the oath of office with James Nye to be able to vote and participate in Congress.

What I want to finish up on is Stewart's dealings with Abraham Lincoln. We have the original great portrait over where you see it every day. When Stewart went to see Lincoln, he said that Lincoln greeted him so friendly. He grabbed him by both hands and said, It is so good to see you. It is good to see you here representing a loyal state. And also the fact that your gold and silver has helped us to finance this terrible war.

In the next two months, before Lincoln's assassination—which we are coming up on the 150th anniversary of that—he developed a very close bond with him. Stewart had some interesting comments about his meeting with Lincoln. He was invited to dinner several times, and Lincoln was very much open to legislators coming from the Congress and the Senate, but also the public. He was amazed how fast Lincoln could go through meeting all these Congressional figures. He had a real method to it. He was able to hear them out, hear what they were interested in, and then provide some of his thoughts on what they were after.

One story I want to tell that I thought was interesting is, just before the end of the Civil War, Stewart went out to General Grant's camp, the Union headquarters and had an opportunity again to run into Lincoln. Lincoln was there, and they were asked to and prepared to go and review the Union troops. Now, to do that, they would need horses. As they prepared to mount, one of the Union orderlies came up to him and said, Are you a good horse rider? Stewart was kind of offended by that. He was used to riding just about any kind of animal you could ride, and he said, I am capable of staying on anything. The orderly said, I did not mean to offend you, but I just want to warn you that this horse that we are going to provide for you was just captured from the Confederates, not that long ago. Stewart said, I think I can handle it, so he got on the horse and they rode over to see the Union troops. Lincoln was there and he was quite a horseman in his own right. Just as they were getting ready to come back, this horse he had perked up his ears, snorted from his nostrils, and took off at full speed for the Confederate lines, or for Richmond as he said. He was very embarrassed. Stewart tried to pull back on the reins and get him to stop but he lost his hat, and his coat was flapping in the breeze. The closer and closer he got to the Confederate lines, he could actually see the Confederates and they were looking at him, just stunned about him coming at them full speed. Finally, he mentions in his reminiscences, that the bit in the horse's mouth got back in place and he was able to, with one hand, turn the horse and get him to circle. Other Union Calvary that were following in desperation got him and got him back to the safety of the Union lines.

Well that night after dinner, Lincoln was sitting there and so was Senator Stewart. Senator Stewart said that Lincoln seemed kind of in deep contemplation and maybe even had a depressed look on his face. He turned to Stewart and said, Senator, today when I saw you heading for the Confederate lines I was very concerned. I was trying to figure out how I was going to trade a Union Senator since we did not have any Confederate Senators. Stewart said he had this twinkle in his eye. Later, Stewart also heard that while this whole incident was going on, Abraham Lincoln was watching through binoculars and kind of laughing at the whole situation. It turned out for the best and showed their friendship.

It is also interesting, to finish up here, with a story about the last day that Lincoln would be alive. On that April 15, 1865, Senator William Stewart and friend of his, a California friend who had come out and wanted to meet Lincoln, came to the White House that night at seven o'clock. Lincoln would meet people in the morning and at night. They came and sent a note up to Lincoln through one of his aides and asked if they could meet with him. Shortly they got a note handwritten back saying, No, I have made this arrangement with my wife, and I will not break it. I plan to go

tonight to the theater, but I will see you tomorrow at ten o'clock sharp in my office. And it was on a handwritten note. It is sad that later, as Stewart and his friend left, he just dropped that note; he lost that, such a valuable note. He contended in his reminiscences this was the last thing that Lincoln would ever write before he would be assassinated a few hours later. And, in fact, as they were leaving, they were outside and all of a sudden, Lincoln and Mary Lincoln came out. They were going into their buggy to head for Ford's Theater, and he saw Stewart again and his friend. Lincoln came over, shook the man's hand, and thanked both Stewart and the friend and said I will see you tomorrow at ten. Then he got in the buggy and left.

I think it is so great that our state has such a connection with Abraham Lincoln. I was born in Illinois, the Land of Lincoln, and it has been a special part of my life. I think it is so special that each day while you are doing your service to our great state of Nevada, that you have a chance to look up at that wonderful and beautiful portrait that was purchased to honor our relationship with the President of the United States, Abraham Lincoln.

Just to finish up on William Stewart, he served 29 years in the U.S. Senate. He actually had a brief period when he left but then he came back. When he finally decided not to run, he said it was not to retire but to go back to what he loved the best, his litigation in mining and law, and so he came back to Nevada. He went to southern Nevada, went down to Rhyolite and Bullfrog. There are some great pictures showing him on a mule riding around and also in his office down there, and I was just wondering if he ever did get to visit the new community of Las Vegas.

William Stewart was a great and interesting figure. Again, thank you for having me today. It is a great honor. I hope I have shared a little bit about how William Stewart played a part in bringing the capital, here and it has been here ever since.

Assemblywoman Kirkpatrick requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Speaker, first I would like to thank our staff because it really does put a lot of work on Broadcasting, our front desk, as well as our legislative police to make this happen. If we could give them a round of applause.

Secondly, I would like to thank the special guest we had today. This is an historic building, and his talk gave us perspective on where we are, where we came from, and what made our state so great. If I could ask you, Mr. Nylen, to stay and help us as we unveil our little piece of history, that would be great.

I want to tell you that this will probably be the last time that this Chamber will actually be used for a floor session. My understanding, and the way I heard it in the Governor's inaugural speech, is he would like to preserve this room and make it more of a museum so that all Nevada folks can be a part of it. It really is a big day for all of us to be in here for the last time. I have been fortunate; this is my sixth time in here, and there is never a dull moment when we have this.

This is the first time Guy Rocha is not with us. For your fourth graders who have Nevada history as part of their curriculum, there is an amazing link that Mr. Rocha put together on our State Library's website that has 151 Nevada myths. It can tell you amazing stories of how people jumped out the window so they didn't have to vote, and how people had to be brought here handcuffed by the police so they could take their turn at voting. We have all grown up since then and we do not do that, but we still are the wild, wild west.

So with that thought in mind, I do have prepared remarks today because I want to be sure I get this right. I tend to speak from the heart. There are a lot of things in my remarks that need to be said so that people remember what the institution is about, why our folks sent us here. Whether we agree or disagree, we still have a job to do.

Winston Churchill once said, "Democracy is the worst form of government, except for all those other forms that have been tried from time to time." Many of us know that—we try it time and time again.

The legislative institution takes a lot of criticism. Where is Mr. Ralston? He is the first to give it to us. It is true. We do take a lot of criticism. With the negativity we tend to forget that representative democracy is still the envy of many people around the world. We are very fortunate in the United States to have that. As legislators it is important that we take time to recognize the

contributions of our predecessors. Many of our predecessors, as we heard today, have paved the road for us, and we really do need to realize how we got here and why. We need to educate the public. That is our number one job is to ensure that the public knows what the Legislature is, what we do, and why we support the institution.

There is no question about it; lawmaking is messy. That is why they refer to it as sausage making. But we all represent diverse constituencies and diverse communities across the state—rural, urban, south, north, east, west—all kinds of folks across the state. We have a job to do—to bring it all together for the entire state. Each of us is very passionate about making Nevada a better place. Many of you who know me and have served with me, even these 30 days, you have seen my passion. That is the passion that people want in this building. That is the passion that helps us do better for our state for the long term.

Sometimes we disagree, and it is okay to disagree. You disagree at your household. You disagree with your family members, but we have to rise above that, and we have to do what is best for our state. We have to have those real conversations. Everybody brings a different point of view in this building, in this state, and we have to rise above it to do what is best. It is our job to engage in that conflict, to have real conversations, to bring points out from all sides of the state, and then to turn around and find a solution that is better so that the state does better, so that my children, my grandchildren, your children, your grandchildren know why we have been here. That is the point of this building and there is a lot of history that has gone into it.

As legislators, we have to continue that education with folks. We are the very first branch of government. We have a responsibility to educate and listen to the people. When we give away our responsibility as legislators, it doesn't do anybody any good. We are the People's House and we are no longer hearing the people's voice. I always remind folks to keep the Legislature independent and to make sure the people are heard.

In celebration of 150 years of statehood, we had one big party all year long in different places across the state. The Assembly Democrats said Let's put together some legislative history. Nothing is worse than watching all these school kids come through the building and still not know what we do. They need to know the laws that have been passed, and they need to know the fights that we have had to get there.

We have put together these history panels with the help of some amazing folks. We have a lot of great staff. First, I want to thank Susan Furlong. Thank you Susan, because without you this would not be possible. I would also like to thank Cindy Southerland; she has done an amazing job to help us.

Nevada has always been ahead of the rest of the world because we are the wild, wild west; because we can have those hard conversations; and because we were thinking a hundred years out as other states were catching up to us. Over the next several weeks, we will unveil ten panels which will be hung on the third and fourth floors. I encourage everybody to sponsor one. They will tell the history of our state so as people walk through the hallways, they will learn. People who were here last session know that we did the 150-year mural that hangs on the wall, and a lot of people liked it. A lot of people stopped, and it made us believe that we needed to do more.

This is my last session. This is my last time here but there are a lot of things I still want to do, and with the help of the Speaker, we can still do those things. We are in this together. We are one state. We will bicker. We will agree to disagree, but at the end of the day, we will bring real solutions because that is our job.

So today we are unveiling the Judiciary piece. It will talk about things from gaming law to the lemon car law. There are amazing things we have done over time, and our predecessors really put a lot of work into it. One day you will be somebody's predecessor. Any good thing that you do will come forward. Of course, any bad thing you do, too, will be remembered. This is a start of building a legislative building with a little bit of legislative history so that folks who come from around the world to see us, know who we are.

Thank you for being a part of this history. I look forward to seeing the next nine panels to come. We will do one at some point on the Legal Division The Legal Division no longer has to cut and paste things out of a typewriter and put them on a bill, but we want to show that history because it is amazing how far they have come and some of the things they still do. We will do one on the Chief Clerk's office and why they exist.

Now we will unveil the Judicial piece of it. I encourage everyone to be a part of it. It is a nonpartisan piece, as always, as we are a nonpartisan body when it comes time to doing what is best for our state.

Please enjoy the history, and thank you for letting me give a piece of it back to Nevada.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Grace Warner Elementary School: Sara Seely, Zacaria Ellis, Kevin Soto, Paul Spencer, Siera Sanchez, Tayden Hammond, Storm Lawton, Natalia Robinson, Melissa Rizo-Erazo, Victoria Gonzales, Saheb Singh, Drew Harding, Samantha Duplantier, Jaylene Castillo, and Asiana Colon.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, March 11, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 11, 2015

Assembly called to order at 12:21 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Dooling, who was excused.

Prayer by the Chaplain, Pastor Al Tilstra.

Almighty God, the giver of true freedom, awaken in us a new appreciation for our nation and our state, that we may apply ourselves to keeping alive a real sense of liberty.

Thank You for our nation's founders, their ideals, their principles, and their sacrifices. Thank You, Lord, for the long progression of statesmen and patriots who have guarded our rights and healed our land.

We thank You for the members of this Assembly, the staff who serve behind the scenes and work into the evening sustaining our well-being. In an hour where great issues are at stake, may those who serve rise to meet the challenges and strive to be faithful.

We pray in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

JOHN C. ELLISON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 145, 156, 188.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Titus, Dooling, Jones, Dickman, Hickey, O'Neill, Oscarson, Shelton, Silberkraus and Wheeler; Senators Hardy, Goicoechea and Gustavson:

Assembly Bill No. 248—AN ACT relating to public health; authorizing physicians, under certain circumstances, to report to the Department of Motor

Vehicles certain information regarding patients who have epilepsy; abolishing certain duties of physicians to report certain patient information; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; providing that certain reports and statements provided to the Department concerning patients with epilepsy are not subject to the doctor-patient privilege under certain circumstances; providing that a cause of action may not be brought against a physician for failing to report such information to the Department; providing that a cause of action may not be brought against a physician for reporting certain information regarding patients who have epilepsy to the Department except in certain circumstances; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Wheeler, O'Neill, Dickman, Gardner, Hambrick, Dooling, Ellison, Hickey, Shelton and Titus:

Assembly Bill No. 249—AN ACT relating to local governments; requiring that a copy of a proposed collective bargaining agreement or similar agreement of a local government employer be made available to the public before its approval by the governing body of the local government; revising the process of fact-finding and arbitration following an impasse in bargaining; removing a portion of the budgeted ending fund balance of the general fund of a local government from the scope of collective bargaining and from consideration by a fact finder or arbitrator; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 250—AN ACT relating to special license plates; revising provisions relating to disabled veterans who are entitled to special license plates; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 251—AN ACT relating to vehicle dealers; revising provisions relating to used vehicle dealers; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 252—AN ACT relating to elections; creating the Legislative Advisory Commission on Reapportionment and Redistricting to assist the Legislature with reapportionment; requiring the Advisory Commission to meet by a specified time after each decennial census to develop proposed reapportionment plans for congressional districts, state legislative districts, state election districts for the Board of Regents of the University of Nevada and certain other state election districts; authorizing the Legislative Commission to convene the Advisory Commission under certain circumstances if there is a need to develop new reapportionment plans; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 253—AN ACT relating to elections; requiring, with limited exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue voter identification cards at no cost; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Spiegel:

Assembly Bill No. 254—AN ACT relating to common-interest communities; revising provisions relating to the authority of a unit-owners' association to enter a unit in certain circumstances; revising provisions relating to the procedure for electing an executive board of an association; revising provisions concerning the transfer of special declarant's rights in certain circumstances; requiring an association to maintain directors and officers liability insurance; revising the process by which financial statements of certain associations are reviewed or audited; revising provisions concerning the liens of associations on units; revising various provisions concerning the mediation and arbitration of certain civil actions relating to residential property within common-interest communities; exempting homeowners' associations that qualify as a tax-exempt organization under federal law from the requirement to submit an annual claim to the Secretary of State for an exemption from obtaining a state business license; authorizing a unit's owner in a common-interest community to whom a parking space has been assigned to have a vehicle towed which is parked in an unauthorized manner in the assigned parking space; repealing provisions concerning the program established by the Real Estate Division of the Department of Business and Industry to which certain civil actions relating to residential property within

common-interest communities are referred; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 255—AN ACT relating to occupational safety; providing for the award of certain costs, fees and expenses to prevailing parties in actions before the Occupational Safety and Health Review Board under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 256—AN ACT relating to automotive repairs; prohibiting a garage operator from selling or transferring, without the consent of the customer, certain personal and vehicular information of the customer to another person for the purpose of marketing extended vehicle warranties; revising the provisions of the Nevada Automotive Repair Customer Bill of Rights; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Edwards and Elliot Anderson:

Assembly Bill No. 257—AN ACT relating to economic development; establishing the Nevada Defense Support Committee within the Governor's Office of Economic Development; setting forth the composition and duties of the Committee; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Edwards moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 258—AN ACT relating to securities; providing for an exemption from the requirement to register for certain offerings for the sale of securities made through certain Internet websites; establishing certain requirements relating to an issuer of a security who qualifies for such an exemption; providing for the registration of certain operators of Internet websites who post offerings for the sale of securities not required to be registered; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 259—AN ACT relating to real property; revising provisions governing the parties required to attend mediation concerning the exercise of the power of sale under a deed of trust securing owner-occupied property; revising provisions governing the foreclosure by sale of a homeowners' association's lien on a unit to require mediation under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Elliot Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 260—AN ACT relating to youthful offenders; requiring, under certain circumstances, a person who is less than 18 years of age and who is sentenced to a term of imprisonment in the state prison to serve the term in a state juvenile detention facility until he or she reaches the age of 18 years; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall and Stewart; Senator Atkinson:

Assembly Bill No. 261—AN ACT relating to local governments; authorizing boards of county commissioners and governing bodies of incorporated cities to enact ordinances establishing programs for the managed care of feral cat colonies; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 262—AN ACT relating to criminal procedure; revising provisions concerning the withdrawal of certain pleas after sentence is imposed or imposition of sentence is suspended; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Munford, Silberkraus and Woodbury:

Assembly Bill No. 263—AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent with

primary or joint physical custody of a child from relocating with the child outside this State or to certain locations within this State without the written consent of the noncustodial parent or the permission of the court as the circumstances require; authorizing a non-relocating parent to recover reasonable attorney's fees and costs in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Spiegel and Ohrenschall:

Assembly Bill No. 264—AN ACT relating to residential real estate transactions; prohibiting a real estate licensee or property manager from advertising or listing for sale or rental certain residential properties; and providing other matters properly relating thereto.

Assemblywoman Spiegel moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 265—AN ACT making a supplemental appropriation to the Nevada Supreme Court for unexpected expenses related to the Commission on Judicial Selection; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 145.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 156.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 188.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 115.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Initiative Petitions Nos. 1 and 2 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 41 be taken from the General File and placed on the General File for the next legislative day.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblymen Gardner, Ohrenschall, and Hansen.

ASSEMBLYMAN GARDNER:

Assembly Bill 11 revises the time frame the Division of Parole and Probation of the Department of Public Safety must disclose the factual content of any presentence investigation report and the recommendations of the Division to the prosecuting attorney, the counsel for the defendant, the defendant, and the court. The bill changes the time frame from not later than 21 working days to not later than 14 calendar days before the defendant will be sentenced, unless the defendant waives this minimum period.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 11. There was a lot of testimony and a lot of good questions in your Committee on Judiciary, but I have to urge the body to defeat this bill. My concern with this bill is that by shortening the time that someone has to go over the presentence investigation report with their defense attorney, we really are putting a lot of things in jeopardy. The Nevada Supreme Court opined in the Stockmeier decision that once a defendant is sentenced, that presentence investigation report cannot be corrected, and there are all sorts of collateral consequences when there is an error in a presentence investigation report. A defendant may be incorrectly alleged to have been part of a gang when that is not true. A weapon may have been alleged to have been carried when that may not be true. Unfortunately, what the Supreme Court has told us is that, after that sentencing, there is no fixing it, and that may jeopardize the time a person may be able to get on parole, return to their family, get back to being a productive citizen, and no longer have us supporting them at one of our NDOC [Nevada Department of Corrections] facilities.

Mr. Speaker, we try to pass bills that achieve efficiency, but sometimes we pass bills that have unintended consequences, and I fear that this bill will have many unintended consequences on the poorest of our defendants: those who are indigent, those whose attorneys have very high caseloads, and those who oftentimes must be contacted by their attorney at a county jail. There are often a lot of hurdles that arise; jails can be on lockdown, phones can be inoperative, and it is difficult for that public defender or appointed counsel for the indigent client to be able to reach their attorney. Mr. Speaker, I cannot urge this body enough to defeat this measure.

ASSEMBLYMAN HANSEN:

I rise in support of Assembly Bill 11. We did hear it in our committee. It was thoroughly vetted. Perhaps the most interesting piece of information was the discovery that the public defenders typically—after having a survey of over 300 people who had been serviced by them—typically meet with them less than 48 hours prior to the actual hearing. That was probably the most critical piece of information that we had. After hearing from Parole and Probation and everyone else, this is a very reasonable compromise. We went from having 21 working days to 14 days. That will save the state money and will actually improve the performance of the Parole and Probation people as they try to address some of these concerns. We are absolutely and totally interested in protecting the most poor and those who may not be served as efficiently as possible.

We want to make sure that those folks are properly cared for within a reasonable amount of time. This bill, in fact, does that.

Roll call on Assembly Bill No. 11:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Dooling.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 28 requires the State Long-Term Care Ombudsman to develop a training course that encourages long-term care facilities to allow residents to follow their own routines and make their own decisions concerning the daily activities in which they participate. The training course is to be made available to officers, directors, and employees of long-term care facilities. The bill also requires the Ombudsman to provide this training to advocates who assist the Ombudsman.

As the Chief of Staff of South Lyon Medical Center and also the medical director for our long-term care facility, we have already started being patient advocates and making sure that patients can follow their daily activities, as they did when they were in their home. What this bill does is give an avenue and assistance to other facilities who perhaps do not know how to do that. It is a partnership of those facilities for the patients in the state, so I am in strong support of this bill.

Roll call on Assembly Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 45 eliminates the current requirement that an assessment of the risk of a prisoner who has been convicted of a sexual offense to reoffend in a sexual manner return a risk level of either low, moderate, or high. Instead, the bill requires that the assessment include a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner.

Roll call on Assembly Bill No. 45:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 63 clarifies that if a candidate for elective office ends a campaign without officially withdrawing his or her candidacy and subsequently is elected to office, the candidate must resume filing campaign contribution and expenditure reports starting with the next report due after the election to office. The bill is to be effective July 1, 2015.

Roll call on Assembly Bill No. 63:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblymen Trowbridge and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 70 provides for administrative and enforcement provisions related to the excise taxes on the sale of marijuana, edible marijuana products, and marijuana-infused products by medical marijuana establishments that were originally approved by the Legislature in Senate Bill 374 of the 2013 Session. The administrative provisions contained within this bill are similar to currently existing provisions used by the Department of Taxation for other taxes and fees currently administered by the Department.

Assembly Bill 70 additionally removes provisions requiring the Department of Taxation to periodically review the excise tax rate and to provide recommendations to the Legislature relating to adjustments to the rate. This act becomes effective July 1, 2015.

ASSEMBLYMAN OHRENSCHALL:

I need to make a disclosure related to A.B. 70. Because we are considering Assembly Bill 70, which makes changes related to the taxation of marijuana through the marijuana dispensaries, I would like to advise the body that my spouse is employed lobbying on behalf of a marijuana dispensary association. Although Assembly Bill 70 does not affect her clients any differently than any other dispensary owners, I am making this disclosure, and I am abstaining from voting on A.B. 70 out of an abundance of caution.

Roll call on Assembly Bill No. 70:

YEAS—21.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hickey, Joiner, Jones, Kirkpatrick, Neal, Silberkraus, Spiegel, Sprinkle, Swank, Thompson, Titus—19.

NOT VOTING—Ohrenschall.

EXCUSED—Dooling.

Assembly Bill No. 70 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the Assembly reconsider the action whereby Assembly Bill No. 70 was refused passage.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 70 be taken from the General File and be placed on the Chief Clerk's desk.

Motion carried

GENERAL FILE AND THIRD READING

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 21 revises the reporting requirements to the Department of Motor Vehicles for special fuel users who are subject to the multistate International Fuel Tax Agreement and who also pay any of the indexed special fuel taxes imposed in Clark and Washoe Counties pursuant to NRS 373.066 or 373.0663.

Senate Bill 21 provides that these special fuel users are authorized rather than required to file a request for reimbursement with the Department.

The bill removes provisions requiring the Department to determine whether a special fuel user may owe any additional amounts as a result of the International Fuel Tax Agreement and additional special fuel taxes imposed in Clark and Washoe Counties. Therefore, these provisions apply only to a request for reimbursement of any special fuel taxes imposed on special fuel. While it may impact the highway fund, it is nominal. The effective date is July 1, 2015.

Roll call on Senate Bill No. 21:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 190 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:17 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Gardner and Benitez-Thompson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dina Titus.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:09 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Smith, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Dooling, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Atkinson and Assemblyman Hickey to wait upon Representative Titus and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dina Titus, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Titus and invited her to deliver her message.

Representative Titus delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

Governor Sandoval, Speaker Hambrick, Majority Leader Roberson, Leaders Kirkpatrick and Ford, distinguished guests, old friends—and you are not mutually exclusive—and new members. It is my pleasure to be back here in Carson City. I'm sorry that Debbie Smith is not with us, but I understand that she is doing better and will be here soon, so please give her my regards.

Thank you so much for letting me join you here this evening. I was a little apprehensive when writing this speech because I heard some of you might be packing, and that made me a little nervous.

Nonetheless, it is always good to come back to the Nevada Legislature. I spent 20 years here serving the good people of District 7, and I worked with many dedicated public servants, just like you, who give so much of their time and effort for the people of Nevada in making this a better place.

I have a lot of memories about my time here, so I hope you'll indulge me while I reminisce a little bit. Some of you may know these stories, but some of you are new and do not have much institutional memory, so I hope you will appreciate hearing about some of your former colleagues. I remember, for instance, when Senator Bob Coffin went on a hunger strike because he could not get his bill passed. He didn't seem to be losing much weight, but we didn't call him on it. Then one day he pretended to swoon down in the well of the Senate, and Senator Nolan, who was an EMT, leapt over the bar to try to revive him. Now, when he turned him over to give him CPR, Bob was outed because a banana fell out of his pocket.

I don't know if some of you knew this or not, but smoking used to be allowed on the floor. In one very fiery speech when the inimitable Marvin Sedway was railing against the mining industry, he caught his own beard on fire. See, that is how it used to be around here.

Then there was one time, late one night, when the Republicans got mad about something. They stormed off the floor of the Senate floor, and they forgot to adjourn. Senator Neal, who was a master of the rules, said, "Just hold tight for a few minutes." So we did, and then after everybody had left the building, he called for a quorum. The Sergeant at Arms had to run out there and arrest all the Republicans, find them to bring them back. A lot of them had already left to go to Reno. We got Ann O'Connell back in her pajamas—she came back—but in the meanwhile, we "ran the board." So even though you are in the minority, you can still do things if you know the rules, so remember that.

Then one time—this was after I had left the Senate—you all were kind enough to induct me into the Senate Hall of Fame. There was a very nice ceremony and people were talking about how I had been their mentor. Now, you say that when someone has been around a long time like my student Scott. At the end, Senator Raggio stood up and said, "Well, you may have been their mentor, but for 20 years you were my tormentor." So Senator Ford, this is your new role, at least for now, so remember that.

Over the years, I worked with some of the best legislators: Barbara Buckley, who was such a champion for children, and I understand this is Children's Week here at the Legislature, so that is a tribute to her work; Randolph Townsend, who was a real pioneer in pushing renewable energy for Nevada; Maggie Carlton, who brought Payday candy bars and put them on all our desks and advocated equal pay for equal work long before we knew about Lily Ledbetter; and then Dean Rhoads, who is a real cowboy, a true cowboy, and he hated federal intervention, whether it was on the rangeland or in the bedroom, and I had to appreciate that.

And of course, through all of that time, you had Ed Vogel, who recorded it and witnessed it all, and we certainly miss him around here.

Then there were the giants—you had Jack Vergiels, Joe Dini, Bill Raggio—all of them gone now. But they left us with a legacy, and they taught me one of the most valuable lessons I have learned in public life, and that is that the interests of the people should always trump politics. They were able to accomplish all that they did because they worked across the aisle to further the common good. Whether here in Carson City or 2,500 miles to the east in Washington, we should carry on that legacy.

The staff, too, was amazing. Brenda Erdoes, Don Williams, Dennis Neilander, the Governor's father, Mr. Ron Sandoval—all of them were so kind, so qualified, so talented, and so patient. Every day you should thank LCB for making you look good.

My colleagues in Washington, knowing how hard that Nevada was hit by the recession, always come up to me and ask me the same thing. They say, "Dina, how are things going in Nevada?" I am proud to tell them we are coming back. I am very optimistic. Unemployment is down by half, the cranes are working on the Strip again, and we are going to welcome more visitors to Las Vegas this year than ever. The housing market is ticking up, and companies like Tesla are relocating here. I tell them that our Battle Born spirit, while shaken, was never broken, and we're very excited about that. But we all in this room know that we have a ways to go, and as the Governor said, we've got to work together to create a "New Nevada."

Toward that end, I am trying to do what I can in Washington, focusing on ways that the federal government can complement what you all are doing here in the state.

First, we all know that businesses seeking to expand or to relocate look for a state with a well-trained workforce. Today, that well trained workforce means those who are qualified in the STEM fields. In Nevada, unfortunately, we fall short. There was a Brookings Institute study that recently came out that concluded, and I quote, "Too few Nevadans are ready to participate in the state's emerging STEM economy."

Towards that end, I have introduced two bills that are both bipartisan to try to boost STEM education nationally as well as here in Nevada. One would allow veterans to get additional GI Bill benefits so they could major in the STEM fields. Those majors usually take longer and are more expensive because of the lab classes, and they need those additional resources. Veterans have training and background that make them really good candidates for STEM subjects.

The other bill would increase federal investment in STEM programs at universities and colleges that serve minority students. These would also create scholarships for minorities and women, who are less likely to study the STEM fields. We want to encourage them because they are no less qualified to do so.

But we have got to start earlier, and not just with STEM investment. We are failing our children all across the education spectrum, from art to zoology. There was a phrase that I coined when I was in the Legislature, and I hear it used often still today. Unfortunately, Nevada is on the top of every bad list and the bottom of every good list. That was meant to be a clarion call for change and reform, but I'm afraid it has become a motto of sorts that is used often by the pundits, and it is especially true in the area of education.

I congratulate you all for passing the school bond rollover. Thank you for doing that. Now you have an opportunity to make real improvements in our education system here in Nevada, and I encourage you not to miss that chance. Funding for education should be considered an investment, not an expenditure, so thank you for what you do.

We have also got to make investments in infrastructure, and that is the backbone of commerce throughout our state. Whether it is trucks on America's loneliest highway or limousines on the Las Vegas Strip, we have got to be able to move people and products around efficiently and effectively. That is the only way we are going to be able to compete in global markets.

I began my third term on the House Transportation and Infrastructure Committee. I sought that out because I think it is so important for Nevada's economy, and I pledge to work with you all as we try to strengthen Nevada's infrastructure. One of the most critical infrastructure projects and one of my priorities is the development of Interstate 11 from Phoenix to Las Vegas and beyond as part of the CanaMex Corridor. I am proud to be the Co-Chair of the Congressional I-11 Caucus, and this is a bipartisan group of legislators from Nevada and Arizona. We are trying to convince our colleagues, as we look at the highway reauthorization bill, that this is a critical part of our national transportation plan, not just something that affects Nevada.

I am also a member of the Aviation Subcommittee, and I am doing what I can to complement the work you all are doing here on unmanned aerial systems. I have a hard time saying that, so for now I will just call them drones. I lobbied FAA Administrator Huerta to pick Nevada as one of the six drone test sites, and I am very excited about the potential there. We worked hard to get the FAA to finally issue those rules for the sky that have come out recently to deal with some of the commercial use of these drones. Now comes the comment period, and we are again trying to get the Secretary to pick Nevada as a place to hold one of the public hearings. I think there is an expertise and excitement here that will be able to create very informative and informed testimony in those hearings. Hopefully we can do that.

Another way that we can work together is on behalf of Nevada's veterans. I am honored to serve our veterans on the House [Veterans Affairs] Committee, and one of my goals is to ensure that Nevada's veterans get the benefits and the health care that they deserve and have earned.

Unfortunately, the brand new VA hospital in Las Vegas is struggling to recruit and retain doctors, so our veterans often face unacceptably long wait periods. To address this, I introduced successful legislation to create more residency programs at VA hospitals in places that are underserved by doctors, like Las Vegas and like rural Nevada. Now, the challenge is finding ways to support the educational programs for these new residents. As you continue your discussions on

the much needed UNLV Medical School, remember that when you are helping the school, you are also supporting our nation's heroes. Thank you for doing that.

We have also got to make the VA more relevant for ALL—and I say that with capital letters—ALL twenty-first century veterans. Senator Spearman, I am going to need your help with this. The population of women veterans is growing, yet the VA struggles to provide the most basic health care that women need. In addition, outdated federal law means that LGBT veterans do not get the benefits they deserve in states that don't recognize marriage equality. That is not true in Nevada, thanks to the leadership of Senator Parks, but in some states, one day you are in the service, in uniform, and you get the benefits, and the next day you are a veteran and you lose it. That is just not fair. Furthermore, our youngest, post-9/11 veterans, especially women, often have childcare needs that prevent them from taking advantage of both education and employment training programs, like Nevada's Green Zone Initiative, so they can then go into the workplace and more successfully provide for their families. We need to work together to promote all of these issues, and that is coming.

As Senator Segerblom knows, another way to roll the VA into the modern world is by changing some of the outdated policies on medicinal marijuana. We need to allow more scientific testing of the drug for potential use in the treatment of PTSD and pain management.

While we are on the subject, following the actions of the last legislative session involving medical marijuana, it became very clear to me that Nevada needed a strong voice in the Congress to do several things: one, to ensure that our state's rights and our state's interests are respected; two, to be sure that this burgeoning new industry can operate like the legitimate business that it is; and most importantly, that patients can get the medical care they need. I am cosponsoring several bills to that effect in Washington as well.

Finally, two other issues of importance to Nevada that are being considered in Washington are comprehensive immigration reform and protection of our public lands for future generations. Thanks to the leadership of Harry Reid, these are both moving forward in the Senate, and I am committed to pressing for them in the House because I believe that not only is it the morally right thing to do, but it is also the economically wise course of action to take.

Before I conclude—I do not want to go too much longer than Mark Amodei did, even though I am not quite as casual as that—I want ask you a favor. I want you to send one of those resolutions that you all pass from the Legislature back to Congress. I want this resolution to be in support of repealing the sports betting handle tax. This is something you can all do that is bipartisan—even the *Review-Journal* is in favor of this, so you don't have to worry about it. Nevada is the only state that pays this handle tax on sports betting. It was supposed to go at the federal level to fight illegal betting but it does not; it just goes into the general fund. It does not mean much for the federal general fund, but it is $9 million to $12 million that we could better keep here in the state to create jobs, grow businesses, and help our own economy, so please send me that resolution.

Let me end by saying, as you conduct your important work here over the next couple of months on that "Blueprint for Nevada," please consider me an advocate, a resource, and a partner. And as we continue our journey to putting Nevada on the top of the good lists, let us remember the working men and women without whose efforts we would not have gotten as far as we have. Let us remember those who laid the railroads and built the Boulder Dam; who dug the mines and won the Cold War; who wait the tables and teach our children. Those are the unsung heroes whose stories make Nevada such a special place. Thank you organized labor.

It has been a real pleasure visiting with you tonight. It is truly an honor to serve as your colleague, representing District 1 in Washington and all of Nevada in Congress. One of the best parts of the job is welcoming people who come not only from District 1, but also from all over the Silver State. So if you get back there and are looking for my office, it's real easy to find. Just ask anybody; they'll tell you it's the one with the cutout of Liberace standing by the front door. Thank you very much.

Senator Woodhouse moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able, and constructive message.

Seconded by Assemblywoman Bustamante Adams.
Motion carried.

The Committee on Escort escorted Representative Titus to the bar of the Assembly.

Assemblyman Nelson moved that the Joint Session be dissolved.
Seconded by Senator Hardy.
Motion carried.

Joint Session dissolved at 5:35 p.m.

ASSEMBLY IN SESSION

At 5:35 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Dove.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Cheri Day.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Brown.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Shelby Henderson.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Ida Gaines, Mae Worthy, Chandni Patel, Gil Lopez, and Jitendra Patel.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Yates and Charlene Frost.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Kenadie Cobbin-Richardson.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Hagai Rapaport.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Baker and Alexa Olsen.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Jones.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Jason D. Mills and James T. Overland, Sr.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Peery and Sandra Morgan.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Marian Burns, Lois E. Bolden, and Judy Molnar.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyn Jordan and Marla Turner.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Curtis, Carol Payne, and Steve Tackes.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Rachel Anderson and Karma Butler Rogers.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Bobby Gordon.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Teri Kirby.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Kaylyn Kardavani.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Mack and Essie Williams.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Woods.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Ann Luzzi and Lavonne Lewis.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy.

Assemblyman Hansen moved that the Assembly adjourn until Thursday, March 12, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:36 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 12, 2015

Assembly called to order at 12:13 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, we give You thanks for this new day and for all Your creation. Help us to keep our lives in balance. In smelling the roses, let us feel Your presence around us. And in smelling the coffee, let us seek your guidance in the work you have given us to do.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bill No. 150; Senate Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gardner, Fiore, Moore, Nelson and Shelton:

Assembly Joint Resolution No. 7—Submitting an application to Congress to call a convention of the states limited to proposing amendments to the Constitution of the United States to impose fiscal restraints on the Federal Government, limit certain federal powers and limit the terms of officers of the Federal Government and members of Congress.

Assemblyman Gardner moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 41 and 58 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dickman, Fiore, Jones, Hansen, Moore, Dooling, Ellison, Gardner, Hambrick, Hickey, Nelson, O'Neill, Oscarson, Seaman, Shelton, Titus, Trowbridge and Wheeler:

Assembly Bill No. 266—AN ACT relating to elections; requiring, with limited exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue voter identification cards at no cost; and providing other matters properly relating thereto.

Assemblywoman Dickman moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hambrick, Hickey, Paul Anderson, Ohrenschall, O'Neill, Seaman and Titus; Senators Hammond, Parks, Ford, Manendo and Settelmeyer:

Assembly Bill No. 267—AN ACT relating to criminal procedure; setting forth certain mitigating factors a court must consider when determining an appropriate sentence for a person convicted as an adult for an offense committed when the person was less than 18 years of age; eliminating the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when the person was less than 18 years of age; providing that a prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age is eligible for parole after the prisoner has served 15 years of his or her sentence; setting forth certain factors the State Board of Parole Commissioners must consider when determining whether to grant parole to a person convicted as an adult for an offense committed when the person was less than 18 years of age; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 268—AN ACT relating to foster care; authorizing a licensing authority to conduct a background check on a person who routinely supervises a child in a foster home; requiring an applicant or person licensed to conduct a foster home to prevent such a person from being present in the foster home if the background check reports certain prior criminal convictions of the person; allowing a person who routinely supervises a child in a foster home for whom an investigation is conducted an opportunity to correct such

information; requiring each applicant for a license to conduct a foster home and each person licensed to conduct a foster home to maintain records of certain information concerning certain persons who routinely supervise a child in a foster home; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Jones, Moore, Seaman, Gardner, Fiore, Dickman, Dooling, Ellison, Shelton, Trowbridge and Wheeler; Senator Gustavson:

Assembly Bill No. 269—AN ACT relating to professional licensing; providing that a natural person has a right to engage in a lawful occupation free from a substantial burden imposed by an occupational regulation; providing that a natural person may assert the right to engage in a lawful occupation as a defense in any judicial or administrative proceeding brought against the person; authorizing a natural person to bring an action against a governmental entity or regulatory body seeking to enforce an occupational regulation; and providing other matters properly relating thereto.

Assemblyman Jones moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 270—AN ACT relating to manufactured homes; revising the manner in which the fair market value of certain manufactured homes is determined; revising the definition of "dealer" for certain purposes to exclude a manufactured home park or an owner or agent of a manufactured home park; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 271—AN ACT relating to equine dentistry; providing for the licensure of equine dental providers by the Nevada State Board of Veterinary Medical Examiners; creating the Equine Dental Provider Advisory Committee; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 272—AN ACT relating to residential facilities for groups; exempting certain businesses that provide referrals to residential facilities for groups from certain licensing requirements; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 273—AN ACT relating to the Legislature; requiring a cooling-off period before a former State Legislator may act as a paid lobbyist before the Legislature; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Woodbury and Senator Hardy:

Assembly Bill No. 274—AN ACT relating to cities; requiring a board of county commissioners and a county clerk to provide certain information to a committee of qualified electors that petitions a county to organize an incorporated city; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Nelson:

Assembly Bill No. 275—AN ACT relating to trust companies; authorizing a fiduciary or excluded fiduciary to delegate a duty of the fiduciary or excluded fiduciary to an agent; limiting the liability of an excluded fiduciary; revising the definition of "fiduciary" to exclude certain servicers or administrators of individual retirement accounts; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hambrick, Paul Anderson, Flores, Carrillo, Silberkraus, Araujo, Seaman, Spiegel, Stewart and Thompson; Senator Harris:

Assembly Bill No. 276—AN ACT relating to human trafficking; requiring certain law enforcement officers to take certain actions upon an initial encounter with a possible victim of human trafficking; requiring the Department of Health and Human Services to develop a statewide plan for delivery of services to victims of human trafficking; requiring the Department of Education and the State Board of Education to develop and distribute certain informational materials relating to the human trafficking of children; requiring certain businesses or other establishments to post an informational sign relating to the National Human Trafficking Resource Center hotline; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Nelson and Ellison; Senator Hardy:

Assembly Bill No. 277—AN ACT relating to religious freedom; enacting the Nevada Protection of Religious Freedom Act; prohibiting state action from substantially burdening a person's exercise of religion under certain circumstances; requiring strict scrutiny to be applied in all cases where state action substantially burdens a person's exercise of religion; providing a claim or defense in judicial and administrative proceedings to protect a person's exercise of religion; providing certain exceptions; and providing other matters properly relating thereto.

Assemblyman Nelson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 12:29 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblymen Stewart, Kirkpatrick, and Elliot Anderson:

ASSEMBLYMAN STEWART:

Senate Bill 115 allows the outlying areas in Clark County to elect their own advisory town boards. If no one runs for the office, then the County Commission can still make the appointment. I recommend this bill be passed.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 115. However, I thought a better amendment would have been to make it take the advisory piece out; just make it a regular board so that they actually have to file like everybody else. But I supported this in the past, and I will support it again today

ASSEMBLYMAN ELLIOT ANDERSON:

I just want to ask my colleague from the double-deuce a quick question to clarify the record on S.B. 115. He said that it applied to Clark County. Did he mean to say this it was just the rural town advisory boards, so we can keep the record clear?

ASSEMBLYMAN STEWART:

In Clark County, those unincorporated towns 25 miles or more from Las Vegas. It applies only to the counties of 700,000 or more, which would be Clark County.

Roll call on Senate Bill No. 115:

YEAS—35.

NAYS—Bustamante Adams, Carlton, Carrillo, Ohrenschall, Spiegel, Sprinkle, Swank—7.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 35; Assembly Joint Resolution No. 3.

REMARKS FROM THE FLOOR

Assemblyman O'Neill requested that the following remarks be entered in the Journal.

ASSEMBLYMAN O'NEILL:

I would like to have it read into the record that Carson High School senior government affairs classes will be visiting us during the day. They were here earlier and had to leave. They are on a tighter schedule.

I also have today the honor of introducing Jim Shirk, who represents District 4 in the Carson City Board of Supervisors. He is also a member of the Carson City Leadership Institute which is one of the premier programs operated in Carson City by the Chamber of Commerce. The first class graduated in 1989; the program has been successful ever since. When looking through a roster of graduates, you will see familiar faces and names, many of whom have gone on to public office or have taken jobs as leaders in the community. The program is designed to provide a detailed understanding of the inner workings of the various public and private elements that make Carson City a unique place to live, work, and have your family.

They were here a little while ago and unfortunately had to leave. I would ask that we all give them and Supervisor Shirk a warm Assembly welcome.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Maureen Allred, James Kirkpatrick, and Naheel Salamon.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Gimy Hicks.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Briana Neben.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Perris France and Garrett Smith.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Perla Gonzales-Alfaro and Hope Roach.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Richelle Snodgrass and Felicia Thomas.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Morris.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Tajae Jones.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Dittman.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Miranda Townsend and Rene Cantu.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Fletcher.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to James Healey.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Aument, Ale Avila, Tonya Champa, Sharon Daniels, Coral Lopez, Candyce Nakamoto, Mike Reynolds, Scott Royal, Dece Rucklos, Stephanie Spielmann, Matt Teixeira, Adam Trumble, Shari White, Daria Wirth, Ronai Davis, and Jim Shirk.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to George Dunckhurst and Tom Bird.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Miles Rodela.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Anderson, Edwin Mayeux, and Tammie Gaymon.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Toni Duncan, Tristan Torres, Henry Newby, and Shelia Parks.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, March 13, 2015, at 11:30 a.m., and that it do so in memory of former Assemblyman Harry Mortenson.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 13, 2015

Assembly called to order at 11:54 a.m.
Mr. Speaker presiding.
Roll call.
All present except Assemblymen Gardner and Nelson, who were excused.
Prayer by the Chaplain, Reverend Richard Snyder.
God, give us clear minds, open spirits, and loving hearts.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

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

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:04 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Elliot Anderson, Kirkpatrick, Diaz, Benitez-Thompson, Carlton, Paul Anderson, Araujo, Bustamante Adams, Carrillo, Flores, Hambrick, Joiner, Munford, Neal, Ohrenschall, Oscarson, Spiegel, Sprinkle, Swank and Thompson:

Assembly Bill No. 278—AN ACT relating to education; requiring the Department of Education to develop certain policies, procedures and guidance related to class-size reduction; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Sprinkle, Kirkpatrick, Araujo, Benitez-Thompson, Diaz, Joiner and Thompson; Senator Denis:

Assembly Bill No. 279—AN ACT relating to controlled substances; requiring each person who registers with the State Board of Pharmacy to prescribe or dispense a controlled substance to be provided access to the database of the computerized program to track prescriptions for certain controlled substances that are filled by pharmacies; requiring a pharmacy to upload certain information to the database; requiring a pharmacist to report fraudulent or illegal activity concerning controlled substances to certain licensing boards or law enforcement agencies; requiring each person who prescribes a controlled substance to register with the State Board of Pharmacy; authorizing the Board to impose a fee for such registration; requiring each person registered by the Board to receive annual training concerning the misuse and abuse of controlled substances; requiring the Board of Medical Examiners and the State Board of Osteopathic Medicine to include information concerning fraudulent or illegal activity in certain reports; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Nelson, Dickman, Jones, Wheeler, Ellison, Gardner and Titus; Senator Gustavson:

Assembly Bill No. 280—AN ACT relating to relations between local governments and public employees; providing for the expiration of collective bargaining agreements between local governments and employee organizations; authorizing a local government to choose not to negotiate with an employee organization; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Fiore, Moore, Gardner, Elliot Anderson, Ohrenschall, Paul Anderson, Araujo, Armstrong, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Ellison, Flores, Hambrick, Hickey, Jones, Kirkpatrick, Kirner, Munford, Neal, Nelson, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler and Woodbury; Senators Kihuen, Ford, Spearman, Atkinson, Parks, Farley, Gustavson, Hardy, Manendo, Segerblom, Settelmeyer and Woodhouse:

Assembly Bill No. 281—AN ACT relating to vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for violations of certain traffic laws and certain laws relating to vehicles; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Seaman, Shelton, Fiore, Jones, Dooling, Dickman, Ellison, Gardner, Hambrick, Hickey, O'Neill, Oscarson, Silberkraus, Stewart, Trowbridge, Wheeler and Woodbury; Senator Settelmeyer:

Assembly Bill No. 282—AN ACT relating to real property; revising provisions governing mediation of a judicial foreclosure action; revising provisions requiring certain actions related to the foreclosure of owner-occupied property securing a residential mortgage loan to be rescinded after a certain period; revising provisions governing civil actions brought by a borrower for certain violations of law governing the foreclosure of owner-occupied property securing a residential mortgage loan; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 283—AN ACT relating to criminal procedure; establishing the circumstances under which state and local law enforcement agencies may recognize the exercise of law enforcement authority by certain federal employees; authorizing state and local law enforcement agencies to enter into agreements with federal agencies concerning the enforcement of federal, state and local laws under certain circumstances; prohibiting state and local governmental agencies from allowing a federal agency to access or use certain correctional and communication facilities and equipment without the express written consent of the appropriate responsible official; requiring a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities within his or her jurisdiction; designating the county sheriff as the primary law enforcement officer in certain areas of a county; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Woodbury, Ohrenschall and Armstrong:

Assembly Bill No. 284—AN ACT relating to persons with disabilities; requiring certain pupils with disabilities to take an adaptive behavior assessment; requiring the results of an adaptive behavior assessment to be incorporated in a summary of performance provided to a pupil by a school district; including persons who may benefit from certain services provided to persons with autism spectrum disorders as determined by an initial screening for autism spectrum disorders within the Autism Treatment Assistance Program; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Woodbury, Oscarson and Titus:

Assembly Bill No. 285—AN ACT relating to pupils; allowing pupils to self-administer prescribed medications for diabetes under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Armstrong, Edwards, Moore, Stewart, Wheeler, Fiore, Gardner, Hickey, Kirner, O'Neill, Shelton, Silberkraus, Titus and Trowbridge:

Assembly Bill No. 286—AN ACT relating to the Office of the Attorney General; creating the Office of Military Legal Assistance within the Office of the Attorney General to provide certain services to current and former military personnel in this State; providing that an attorney who renders pro bono services for the Office of Military Legal Assistance is not liable for civil damages in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Flores, O'Neill, Jones, Moore, Carrillo, Dickman, Dooling, Ellison, Fiore, Gardner, Joiner, Seaman, Silberkraus, Spiegel, Sprinkle, Trowbridge, Wheeler and Woodbury; Senators Spearman, Denis and Kihuen:

Assembly Bill No. 287—AN ACT relating to crimes; prohibiting a person from making or causing to be made a 311 nonemergency telephone call under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Jones, Dickman, Flores, Gardner and Trowbridge:

Assembly Bill No. 288—AN ACT relating to real property; revising exceptions to certain requirements related to the servicing of residential mortgage loans and the foreclosure of owner-occupied housing securing a residential mortgage loan; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Araujo, Kirkpatrick, Benitez-Thompson, Joiner, Paul Anderson, Armstrong, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hambrick, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Silberkraus, Spiegel, Sprinkle, Stewart, Swank and Thompson; Senators Denis, Atkinson, Kihuen, Harris and Hardy:

Assembly Bill No. 289—AN ACT relating to mental health services; directing the Legislative Commission to appoint a committee to conduct an interim study concerning issues related to the provision of mental health services; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 290—AN ACT relating to education; revising provisions governing the annual reports of accountability concerning pupil achievement and school performance relating to certain pupils who are limited English proficient; requiring the State Board of Education to develop a list of supplemental instructional materials for pupils who are limited English proficient; revising provisions governing the policies of school districts for the instruction to teach English to certain pupils who are limited English proficient; making an appropriation to provide certain programs and services at Zoom middle schools and junior high schools and other middle schools and junior high schools; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Diaz, Kirkpatrick, Carlton, Bustamante Adams, Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Carrillo, Hambrick, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Stewart, Swank, Thompson and Woodbury; Senators Denis, Ford, Spearman, Woodhouse, Kihuen and Segerblom:

Assembly Bill No. 291—AN ACT relating to education; authorizing school districts to apply to the Department of Education for an allocation of money to

provide early childhood education programs; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Oscarson; Senators Hardy and Goicoechea:

Assembly Bill No. 292—AN ACT relating to public health; requiring a provider of health care who provides services to certain patients through telehealth to have a valid license or certificate in this State; making persons who provide services through telehealth to certain patients subject to the laws and jurisdiction of this State; requiring certain insurers to provide coverage to insureds for services provided through telehealth to the same extent as though provided in person; authorizing a hospital to provide staff privileges to certain providers of health care to provide services through telehealth; requiring the Commissioner of Insurance to consider health care services that may be provided by providers through telehealth when evaluating certain network plans; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Oscarson and Senator Goicoechea (by request):

Assembly Bill No. 293—AN ACT relating to public administrators; setting forth certain qualifications for deputy public administrators; requiring a public administrator to obtain permission from the board of county commissioners before transporting certain property outside of the county; requiring a public administrator to submit an independent audit report on an annual basis to the board of county commissioners; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thompson, Elliot Anderson, Flores, Benitez-Thompson, Sprinkle, Araujo, Bustamante Adams, Carrillo, Diaz, Joiner, Moore, Munford, Neal, O'Neill, Spiegel, Swank and Wheeler; Senators Spearman, Parks, Ford, Atkinson, Kihuen, Denis, Manendo and Woodhouse:

Assembly Bill No. 294—AN ACT relating to public health; requiring providers of health care to receive training relating to suicide assessment, screening and referral; requiring the Department of Health and Human Services to report information concerning the suicide mortality rate of veterans to the Interagency Council on Veterans Affairs; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Kirner (by request):

Assembly Bill No. 295—AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of complementary and alternative health care; requiring certain disclosures by such providers; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 296—AN ACT relating to crimes; revising provisions pertaining to the criminal liability of parties to certain crimes; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 297—AN ACT relating to controlled substances; revising provisions governing the crime of trafficking in controlled substances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 298—AN ACT relating to building codes; requiring any construction, alteration or change in the use of a building or other structure to be in compliance with the Uniform Mechanical Code; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 299—AN ACT relating to education; providing for the formation and operation of military charter schools; requiring the State Public Charter School Authority to solicit applications for charter schools for certain purposes; requiring the Department of Education to take actions to encourage the establishment of Junior Reserve Officers' Training Corps units throughout the State; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Edwards, Silberkraus, Armstrong, Ellison, Hickey, Stewart, Trowbridge and Wheeler; Senators Hardy, Goicoechea, Lipparelli and Settelmeyer:

Assembly Bill No. 300—AN ACT relating to governmental administration; creating the Office of the Inspector General in the Department of Administration; setting forth the powers and duties of the Inspector General; transferring the Division of Internal Audits of the Department to the Office; requiring a state agency or local government to cooperate with and provide assistance to the Inspector General in carrying out those duties; abolishing the Executive Branch Audit Committee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stewart, Oscarson, Hickey and Spiegel:

Assembly Bill No. 301—AN ACT relating to common-interest communities; prohibiting restrictions on the freedom to display the flag of the State of Nevada in a common-interest community; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hambrick and Silberkraus (by request):

Assembly Bill No. 302—AN ACT relating to elections; providing in certain circumstances for a presidential preference primary election to be held in conjunction with the statewide primary election; revising the date of the statewide primary election to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year; requiring the Secretary of State, under certain circumstances and with the approval of the Legislative Commission, to select an earlier date for the statewide primary election; making corresponding changes to various pre-election deadlines; revising requirements for the reporting of campaign contributions and expenditures; establishing requirements for participation by major political parties and candidates in a presidential preference primary election; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Jones, Dickman, Fiore, Moore, Shelton, Armstrong, Ellison, Gardner, Munford, Ohrenschall and Trowbridge; Senator Gustavson:

Assembly Bill No. 303—AN ACT relating to education; removing the requirement that a pupil pass current end-of-course examinations in certain subject areas; requiring the State Board of Education to prescribe an examination to determine whether a pupil has mastered certain standards of content and performance; voiding the regulations through which the State Board of Education adopted the Common Core State Standards; providing for certain former standards in this State to become effective; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Benitez-Thompson, Carlton, Diaz, Kirkpatrick, Bustamante Adams, Elliot Anderson, Araujo, Carrillo, Flores, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson:

Assembly Bill No. 304—AN ACT relating to employment; making it an unlawful employment practice for an employer, employment agency or labor organization to discriminate against a person for inquiring about, discussing or disclosing information about wages in certain circumstances; revising provisions relating to unlawful employment practices; revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 305—AN ACT relating to public health; providing for an endorsement on the permit of an ambulance service, air ambulance service or fire-fighting agency to allow them to provide community paramedicine services in certain cases; authorizing certain providers of emergency medical services employed by such an ambulance service, air ambulance service or fire-fighting agency to provide community paramedicine services; requiring an annual report to be prepared concerning the provision of community paramedicine services; repealing a provision which prohibited certain fire-fighting agencies from obtaining a permit to provide intermediate or advanced medical care; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Oscarson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 150.

Bill read second time and ordered to third reading.

Senate Bill No. 85.

Bill read second time and ordered to third reading.

Senate Bill No. 101.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Assembly Bill No. 58 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Assembly Bill 41 provides that any money remaining in the Fund for Hospital Care to Indigent Persons at the end of each fiscal year does not revert to the State General Fund and must be carried over to the next fiscal year. The bill removes certain limitations on agreements entered into by the Board of Trustees of the Fund for Hospital Care to Indigent Persons. The Supplemental Account for Medical Assistance to Indigent Persons is replaced with the Fund for Hospital Care to Indigent Persons, allowing each board of county commissioners to remit the amount previously reverted to the Supplemental Account directly to the Fund. Assembly Bill 41 also repeals provisions authorizing the Board to require certain hospitals to pay an assessment thereby preventing a reduction in federal participation for Nevada Medicaid. Lastly, the bill repeals the inactive Fund for the Institutional Care of the Medically Indigent.

Roll call on Assembly Bill No. 41:

YEAS—40.

NAYS—None.

EXCUSED—Gardner, Nelson—2.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Spiegel requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, Women of Diversity Productions, Inc., a 501(c)(3) nonprofit organization, has served Nevada for two decades by expanding the visibility of women in Nevada and producing and disseminating media materials that recognize the importance of women to Nevada's history; and

WHEREAS, In celebration of the Las Vegas Centennial in 2005, Women of Diversity Productions, Inc. produced a series of exhibits titled "100 Years of Influence, the Role of Women in Shaping the First Hundred Years of Las Vegas," which honored 256 Las Vegas women and 23 women's organizations; and

WHEREAS, Women of Diversity Productions, Inc. has produced and shared events, such as "First Ladies First of Nevada," a panel of five former first ladies of Nevada who shared their experiences and contributions regarding life in the Governor's Mansion; and

WHEREAS, In collaboration with women's organizations and leadership groups from all Nevada counties, Women of Diversity Productions, Inc. coordinated the "Nevada Women's Legacy-150 Years of Excellence" project in celebration of the 150 years of Nevada statehood; and

WHEREAS, Women of Diversity Productions, Inc. published a book titled Nevada Women's Legacy-150 Years of Excellence, which commemorates the roles of women in Nevada and their importance in shaping Nevada; and

WHEREAS, Women of Diversity Productions, Inc. created and maintains a website for the Nevada Women's Virtual Center (NWVC), www.nevadawomensvirtualcenter.org, which includes 200 video clips of women of Nevada; and

WHEREAS, Women of Diversity Productions, Inc. gives visibility to the women of Nevada and is creating a woman-appreciated future by continually creating and producing projects and events at the NWVC and through two exhibits on display at the Nevada State Library and Archives and the atrium of the Nevada legislative building; now, therefore, be it PROCLAIMED, That the Women of Diversity Productions, Inc. is hereby recognized and commended for its dedication and efforts to present and preserve the achievements of the many women who have helped shape the history of Nevada, including the women who are continuing to affect that legacy today.

DATED this 13th day of March, 2015.

ELLEN B. SPIEGEL
Nevada State Assemblywoman

DAVID R. PARKS
Nevada State Senator

PATRICIA (PAT) SPEARMAN
Nevada State Senator

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Audra Hindes and Bambi Wood.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Starla Espinoza.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph A. Pepe and Randolph R. Calvo.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Snyder.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Palma-Lopez.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Espinoza.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Patti Chick.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Marlene Adrian.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Stewart Ferry.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda McCarthy.

Assemblyman Hansen moved that the Assembly adjourn until Monday, March 16, 2015, at 1:30 p.m.

Motion carried.

Assembly adjourned at 12:30 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 16, 2015

Assembly called to order at 1:52 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Swank, who was excused.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, You have placed before us and the Legislature as a whole, a large number of bills for consideration, discussion, and decision. In this process, guide and help us keep our minds open and directed to the good of one group of people, the citizens of Nevada.

As we look at each bill, may we critically and carefully decide what would be the best for the citizens of this state. May we also put aside our own political leaning and work together across the aisle to forward bills that would advance the state and its people in the eyes of the nation.

May the work we do together today in this Assembly session set a pattern that will improve the lives of all Nevadans. All these things we bring to You, trusting in Your grace and mercy, in the Name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

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

Assembly in recess at 1:57 p.m.

ASSEMBLY IN SESSION

At 1:59 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 76, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved the Assembly Bill No. 62 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved the Senate Bill No. 85 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

By Assemblymen Dickman, Wheeler, Armstrong, Jones, Fiore, Paul Anderson, Edwards, Ellison, Gardner, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Titus and Trowbridge; Senators Gustavson and Goicoechea:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to require that an initiative petition which creates, generates or increases any public revenue be approved by the affirmative vote of not less than two-thirds of the voters voting on the question.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection 2, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election ~~[,]~~ and ***, except as otherwise provided in Section 7 of Article 19, the measure*** shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

And be it further

RESOLVED, That a new section, designated Section 7, be added to Article 19 of the Nevada Constitution to read as follows:

Sec. 7. Notwithstanding any other provision of this Constitution, if an initiative petition proposes a statute, an amendment to a statute, the repeal of a statute or an amendment to the Constitution and the initiative, if approved, would create, generate or increase any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates, an affirmative vote of not less than two-thirds of the voters voting on the question is necessary to approve the petition at each election required for the petition. If more than one-third of the voters voting on the question at any such election votes disapproval of the petition, no further action may be taken on the petition.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of ~~[Section]~~ ***Sections*** 6 ***and 7*** of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. ***The petition shall be subject to the provisions of Section 18 of Article 4 if the petition creates, generates or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.*** If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action

is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. ~~[~~If~~]~~ ***Except as otherwise provided in Section 7 of this Article, if*** a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. ~~[~~If~~]~~ ***Except as otherwise provided in Section 7 of this Article, if*** the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. ~~[~~If~~]~~ ***Except as otherwise provided in Section 7 of this Article, if*** a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. ~~[~~If~~]~~ ***Except as otherwise provided in Section 7 of this Article, if*** a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section ~~[~~,~~]~~ ***and Section 7 of this Article,*** or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblywoman Dickman moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Moore and Jones:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada Constitution to revise provisions governing the selection of district court judges.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2A of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this **[**~~section.~~**]** ***subsection.***

2. At a special session convened pursuant to **[**~~this section,~~**]** ***subsection 1,*** the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

3. ***If the Legislature is not in session when the Commission on Judicial Selection selects three nominees to fill a vacancy among the district judges, the Assembly must be convened for the purpose of appointing a district judge to fill a vacancy pursuant to Section 20 of Article 6 of this Constitution.***

4. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

[~~4.~~**]** ***5.*** The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

[~~5.~~**]** ***6.*** Except as otherwise provided in this subsection, the Legislature ***or Assembly, as applicable,*** shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

[~~6.~~**]** ***7.*** For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies

within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. ***1.*** The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the office ~~[. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess~~] ***of district judge. In a judicial district with more than one district judge, each judge possesses*** co-extensive and concurrent jurisdiction, and ~~[who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said~~] ***any of those*** judges may preside on the ~~[empanneling [empaneling]~~] ***empaneling*** of grand juries and the presentment and trial on indictments ~~[, under such rules and regulations as may be~~] ***in the manner*** prescribed by law.

2. Commencing with a term of office that expires on or after December 31, 2019, any person seeking to be appointed as a judge of the district court must, on or before July 1 next preceding the expiration of the current term of the judge of the district court, submit his or her application for appointment for review by the Commission on Judicial Selection. The Assembly shall appoint a judge from among three nominees selected for such judicial office by the Commission on Judicial Selection

3. The term of office of each appointed judge is 8 years, and that term begins on the first Monday of March following such appointment made by the Assembly.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which must not be increased or diminished during the term for which they have been elected ~~[,]~~ ***or appointed,*** unless a vacancy occurs, in which case the successor of the former incumbent is entitled to receive only such salary as may be provided by law at the time of his election or appointment. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court or the court of appeals **,** ~~[~~or among the district judges,~~]~~ the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection. ***When a vacancy occurs for any reason among the district judges, the Assembly shall appoint a judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.***

2. The term of office of any justice ***of the Supreme Court*** or judge ~~[~~so~~]~~ ***of the court of appeals*** appointed ***pursuant to this section*** expires on the first Monday of January following the next general election. ***The initial term of office of any district judge appointed pursuant to this section expires at the conclusion of the 8-year term of the office to which the judge is being appointed.***

3. Each nomination for the Supreme Court or the court of appeals must be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to 36 be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent Commission may be a member of the Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

Assemblyman Moore moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 16, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 265.

CINDY JONES
Fiscal Analysis Division

March 16, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 196, 202, 204, 206, 210 and 227.

MARK KRMPOTIC
Fiscal Analysis Division

By Senators Roberson and Ford; Assemblymen Hambrick and Kirkpatrick:

Senate Concurrent Resolution No. 3—Temporarily suspending subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2 is hereby temporarily suspended and the last day for introduction of a bill or joint resolution that was requested by a Legislator is the 44th calendar day of the 78th Regular Session of the Legislature.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Concurrent Resolution 3 allows us to temporarily suspend Joint Standing Rule 14.2 and gives Legal an extra day to get our bill drafts completed.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Spiegel, Diaz, Carrillo, Ohrenschall, Joiner, Benitez-Thompson, Bustamante Adams, Carlton and Swank:

Assembly Bill No. 306—AN ACT relating to public health; requiring an employer to provide a reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk; prohibiting an employer from retaliating against an employee for certain actions relating to this requirement; creating a right of action for a public employee who is aggrieved by her employer's failure to comply with this requirement or by such retaliation by the employer; exempting certain small employers from this requirement if compliance would cause an undue hardship; authorizing a local board of health to establish a program to mediate disputes concerning a violation of this requirement; authorizing the Labor Commissioner to enforce the requirement against private employers; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Spiegel, Ohrenschall, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Joiner, Oscarson and Swank:

Assembly Bill No. 307—AN ACT relating to mental health; revising provisions concerning certain support, education and care for children with intellectual disabilities and children with related conditions required to be provided by counties; providing for the establishment of a pilot program to provide certain wrap-around services to children with intellectual disabilities and children with related conditions who reside in certain larger counties; requiring the Department of Health and Human Services to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Woodbury and Senator Hardy:

Assembly Bill No. 308—AN ACT relating to emergency medical services; revising provisions relating to the provision of emergency medical services at certain special events; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Sprinkle, Carrillo, Araujo, Benitez-Thompson, Diaz, Joiner and Swank:

Assembly Bill No. 309—AN ACT relating to peace officers; providing that certain communications between parties during a peer support counseling session are confidential and not admissible in certain proceedings; conferring a privilege to refuse to disclose those communications upon certain law enforcement and public safety personnel; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Paul Anderson:

Assembly Bill No. 310—AN ACT relating to Medicaid; requiring the Department of Health and Human Services to cover Medicaid recipients who are aged, blind or disabled and who reside in certain larger counties through a Medicaid managed care program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Araujo, Neal and Thompson:

Assembly Bill No. 311—AN ACT relating to mortgage lending; requiring a mortgage banker, mortgage broker, mortgage loan originator and mortgage servicer to obtain a private money endorsement before engaging in the solicitation of private money investors to fund residential mortgage loans; providing for the licensure and regulation of mortgage bankers, mortgage brokers, mortgage loan originators and mortgage servicers who originate, broker and service residential mortgage loans secured by real property located in this State; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Trowbridge, Moore, Dickman, Dooling, Jones, O'Neill, Seaman and Shelton:

Assembly Bill No. 312—AN ACT relating to the Public Employees' Retirement System; revising provisions governing the minimum age at which a person who becomes a member of the System on or after July 1, 2016, may retire and receive an unreduced benefit; revising provisions governing the calculation of the average compensation of a person who becomes a member of the System on or after July 1, 2016; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Munford and Trowbridge:

Assembly Bill No. 313—AN ACT relating to unarmed combat; providing for the collection of additional fees on each ticket sold for admission to a live professional contest of unarmed combat to fund the payment of medical expenses for retired contestants; requiring the Nevada Athletic Commission to adopt regulations governing such payments; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Munford, Elliot Anderson, Benitez-Thompson, Neal and O'Neill:

Assembly Bill No. 314—AN ACT relating to education; requiring the board of trustees of a school district to consider certain matters that are submitted by the general public; requiring the board of trustees of a school district to approve certain matters enacted by the superintendent of a school district before such matters may be implemented; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 315—AN ACT relating to cruelty to animals; requiring a court to order a child adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal to participate in counseling; requiring a court to order a person convicted of certain violations of law concerning cruelty to animals to submit to a psychiatric evaluation and participate in counseling or therapy as a condition of probation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dickman, Wheeler, Moore, Jones, Fiore, Ellison, Flores, Gardner, O'Neill, Oscarson, Seaman, Shelton, Titus and Trowbridge; Senators Gustavson and Settelmeyer:

Assembly Bill No. 316—AN ACT relating to taxation; exempting from the sales and use taxes the occasional sale of a firearm; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Munford, Moore, Fiore, Gardner, Neal, Ohrenschall, O'Neill and Shelton:

Assembly Bill No. 317—AN ACT relating to common-interest communities; requiring approval before certain actions relating to capital improvements may be made by a unit-owners' association; requiring the Real Estate Division of the Department of Business and Industry to employ certain persons; authorizing certain employees of the Real Estate Division to conduct investigations and issue citations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Swank, Diaz, Kirkpatrick, Kirner, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Dickman, Edwards, Ellison, Flores, Hambrick, Joiner, Jones, Moore, Munford, Neal, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Thompson, Titus, Trowbridge and Wheeler; Senators Woodhouse, Parks, Gustavson, Denis, Ford, Manendo, Segerblom and Smith:

Assembly Bill No. 318—AN ACT relating to financial services; providing that any deferred deposit loan, high-interest loan, refund anticipation loan or title loan made to a current or former member of the military must conform to the requirements of the federal Military Lending Act; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Commerce and Labor.

Motion carried.

By Assemblymen Moore, Jones, Dickman, Ellison, Fiore and Trowbridge:

Assembly Bill No. 319—AN ACT relating to education; requiring the board of trustees of each school district to prepare and submit to the Legislature quarterly financial reports; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Silberkraus, Woodbury, Gardner and Seaman:

Assembly Bill No. 320—AN ACT relating to elections; designating certain elective offices as nonpartisan offices; providing that an unopposed candidate who is declared elected at a primary election shall be deemed elected at a general election; authorizing a board of county commissioners to fill a vacancy on the board by special election; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Silberkraus, Dooling, Trowbridge, Gardner, Seaman, Paul Anderson, Armstrong, Dickman, Edwards, Ellison, Fiore, Flores, Hambrick, Hickey, Jones, Kirner, Moore, Nelson, O'Neill, Oscarson, Stewart, Titus, Wheeler and Woodbury; Senators Manendo and Harris:

Assembly Bill No. 321—AN ACT relating to schools; clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 322—AN ACT relating to tobacco; prohibiting the smoking of tobacco inside any motor vehicle in which a child under the age of 18 years is present; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 323—AN ACT relating to business associations; eliminating the fees for the application for and renewal of a state business license; eliminating fees relating to certain filings by certain business associations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Sprinkle:

Assembly Bill No. 324—AN ACT relating to child welfare; revising provisions concerning required requests for the credit report of a child in the custody of an agency which provides child welfare services; revising provisions concerning missing and runaway children; requiring an agency which provides child welfare services that receives information concerning a missing child in the custody of the agency to report such information to a law enforcement agency; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt certain procedures concerning children who have run away from a foster home; revising requirements concerning permanency hearings; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Sprinkle, Kirkpatrick and O'Neill:

Assembly Bill No. 325—AN ACT relating to private professional guardians; requiring licensing for persons engaged in the business of a private professional guardian; establishing the requirements for the licensing and operation of a private professional guardian company; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Carrillo:

Assembly Bill No. 326—AN ACT relating to motor vehicle registration; revising provisions relating to the requirements for certain special license plates; revising the depreciation schedule used for calculating the governmental services tax imposed on certain vehicles upon registration; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Elliot Anderson and Thompson:

Assembly Bill No. 327—AN ACT making an appropriation to the Eighth Judicial District Court for a Veterans Court Coordinator; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Elliot Anderson:

Assembly Bill No. 328—AN ACT relating to education; requiring the Superintendent of Public Instruction to select a hearing officer from a list provided by the Hearings Division of the Department of Administration to administer certain hearings relating to pupils with disabilities; requiring the Department of Education to designate an employee to provide certain training to such hearing officers; requiring the Department of Education to post certain information relating to such hearings on its Internet website; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Kirkpatrick, Carrillo, Araujo, Carlton, Diaz, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank and Thompson:

Assembly Bill No. 329—AN ACT relating to common-interest communities; requiring members of the executive board of a unit-owners' association to complete certain courses of instruction; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 330—AN ACT relating to energy; requiring a person who sells or installs certain systems for the generation of electricity to provide a warranty for each such system; requiring agreements for the financing, sale or lease of such systems to include or be accompanied by certain information, statements and disclosures; requiring sellers or lessors of such systems to maintain certain records; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywomen Kirkpatrick, Benitez-Thompson, Diaz and Neal:

Assembly Bill No. 331—AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program of reimbursement through which certain governmental entities and Indian tribes may obtain supplemental reimbursements for costs arising from the provision of ground emergency medical transportation services to recipients of Medicaid; requiring a participating governmental entity or Indian tribe to reimburse the Department for the costs of administering the program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Kirkpatrick, Benitez-Thompson, Carlton and Hickey:

Assembly Bill No. 332—AN ACT relating to public works; prohibiting a public body from entering into certain contracts for public works which allow for purchase by the public body of the construction materials or goods to be used in the public work; providing that the Attorney General is to enforce the prohibition against such a contract for a public work; directing the Department of Taxation to withhold certain money payable to a public body which violates such a prohibition in a contract for a public work; removing an exemption for certain construction projects of the Nevada System of Higher Education from provisions governing public works; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 333—AN ACT relating to fire protection districts; providing for the consolidation of certain fire protection districts located in a county whose population is less than 700,000 under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 334—AN ACT relating to the Legislature; authorizing an association of elected sheriffs and other chief executive officers of city, county or state law enforcement agencies to request the drafting of a certain number of legislative measures for each regular session; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Wheeler:

Assembly Bill No. 335—AN ACT relating to trapping; amending certain restrictions on the use of traps to apply only to certain steel leghold traps; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Benitez-Thompson and Hambrick:

Assembly Bill No. 336—AN ACT relating to human trafficking; requiring certain businesses and other establishments to post an informational sign relating to the National Human Trafficking Resource Center Hotline; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 337—AN ACT relating to domestic relations; removing the requirement concerning the period that a plaintiff or defendant must reside in this State to enable a court to have jurisdiction to grant a divorce or annulment; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 338—AN ACT relating to wildlife; revising the scope of certain regulations that the Board of Wildlife Commissioners is required to adopt; revising provisions relating to the registration and marking of traps, snares and similar devices used in the taking of wild mammals; revising provisions relating to the frequency of visits required for a trap, snare or device; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Hickey:

Assembly Bill No. 339—AN ACT relating to education; providing for the appointment of certain members of the board of trustees of a school district by the State Board of Education who will either replace or supplement the existing membership; providing the manner in which a board of trustees may return to its prior composition; providing for the reduction or addition of election

districts or election areas, as applicable, if the elected membership of the board of trustees is revised; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Joiner:

Assembly Bill No. 340—AN ACT relating to health care; establishing a health professional workforce liaison program within the Division of Public and Behavioral Health of the Department of Health and Human Services; setting forth the duties of the Health Professional Workforce Liaison; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Ohrenschall, Diaz, Silberkraus, Spiegel, Carrillo, Elliot Anderson, Araujo, Carlton, Joiner, Jones, Munford, Neal, Stewart, Swank and Thompson; Senator Ford:

Assembly Bill No. 341—AN ACT relating to education; requiring reports of accountability to include the results of early literacy screening assessments; requiring each school district and charter school to administer such an assessment to certain pupils and provide notice regarding the results of the assessment; authorizing certain persons to perform additional testing for dyslexia; requiring a school district and a charter school to provide dyslexia therapy and the accommodations or modifications required by federal law to a pupil with dyslexia; requiring each school district to employ certain professionals with training in dyslexia; requiring each school district to provide professional development regarding dyslexia; requiring the Department of Education to prepare and publish a Dyslexia Resource Guide; requiring certain standards relating to the education of pupils with disabilities to include provisions concerning dyslexia; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywomen Neal, Bustamante Adams and Diaz:

Assembly Bill No. 342—AN ACT relating to economic development; requiring the Office of Economic Development to create, develop and operate a system to track and predict the education and skills needed by employers in this State and to inventory and project the supply of the needed education and skills; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Neal, Diaz, Bustamante Adams and Flores (by request):

Assembly Bill No. 343—AN ACT making an appropriation to the Office of Minority Health of the Office for Consumer Health Assistance of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 344—AN ACT relating to Medicaid; prohibiting a managed care organization from requiring a provider of services to possess certain qualifications as a condition of entering into a contract to provide services to recipients of Medicaid; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Neal and Senator Ford:

Assembly Bill No. 345—AN ACT relating to government contracts; authorizing the State and local governments to accept certain alternate forms of security; providing circumstances under which an individual surety may provide such security; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Jones, Moore, Fiore and Shelton:

Assembly Bill No. 346—AN ACT relating to health care; requiring a hospital to make its uniform list of billed charges available for public inspection; requiring a provider of health care who has staff privileges at a hospital to maintain and use a uniform list of charges for all services and goods provided to patients at a hospital; authorizing disciplinary action against a hospital or provider of health care for failing to comply with requirements concerning charges and billing; requiring a hospital to provide a patient with all bills relating to hospital care and related services provided by other providers in one mailing; requiring certain providers of health care who have staff privileges at a hospital and emergency transportation providers to provide bills for certain services to the hospital for inclusion in such a mailing; revising provisions governing collection efforts on amounts owed for hospital care and related services; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 347—AN ACT relating to water; revising provisions relating to the drilling of domestic wells; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thompson, Flores, Araujo, Carrillo and Munford; Senators Atkinson, Denis, Ford, Manendo and Parks:

Assembly Bill No. 348—AN ACT relating to public employment; providing generally that the criminal history of an applicant or other qualified person under consideration for a position in the unclassified or classified service of the State may be considered only after the applicant has been certified by the Administrator of the Division of Human Resource Management of the Department of Administration or after a conditional offer of employment has been made to the applicant; prohibiting the Administrator, when examining an applicant for a position in the classified service of the State, from considering the criminal history of the applicant; providing that, except in certain circumstances, the criminal history of a person may serve as the basis for the Administrator to refuse to certify an applicant or for rescission of a conditional offer of employment in the unclassified or classified service of the State only after consideration of certain factors relating to the criminal history of the person; providing for written notice to a person if the criminal history of the person is the basis for the Administrator's refusal to certify the person or for the rescission of a conditional offer of employment; establishing similar provisions relating to the consideration by the governing body of a county or incorporated city of the criminal history of an applicant for employment by a county or incorporated city; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 121.

AN ACT relating to education; requiring the Department of Education to share certain aggregate data concerning certain pupils with the Interagency Council on Veterans Affairs; revising provisions concerning the assessment of

tuition charges against veterans of the Armed Forces of the United States who were honorably discharged within a certain period; requiring the Board of Regents of the University of Nevada to submit certain reports to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada. In part, existing law requires the system, to the extent money is available for this purpose, to include a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard. (NRS 386.650) **Section 1** of this bill requires the Department to share with the Interagency Council on Veterans Affairs, on an annual basis, aggregate data collected under the system concerning those pupils.

Section 2 of this bill requires the Board of Regents to submit ~~[a biennial]~~ **an annual** report to the Legislature **, or to the Legislative Committee on Education when the Legislature is not in regular session,** which includes: (1) the number of students who are veterans or who are receiving payments or benefits from the United States Department of Veterans Affairs; (2) information about how policy changes may have affected the number of students who are veterans enrolled in the Nevada System of Higher Education; (3) the number of students who are veterans who graduated during ~~[each of the]~~ **the immediately preceding** academic ~~[years covered by the report;]~~ **year;** and (4) the efforts undertaken by each institution within the System to retain and graduate students who are veterans.

Under existing law, any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must: (1) expire by limitation 5 years after the effective date of the addition or revision; or (2) contain a statement justifying the extension of the requirement for more than 5 years. (NRS 218D.380) Pursuant to that requirement, **section 5** of this act expires **section 2** by limitation on July 1, 2020.

Existing law encourages the Board of Regents to implement measures pursuant to which the educational needs of students and prospective students will be met. (NRS 396.504) **Section 3** of this bill encourages the Board of Regents to implement measures pursuant to which the educational needs of students and prospective students who are veterans will be met by fostering a culture that recognizes the unique challenges of those students.

Existing law authorizes the Board of Regents to assess charges against students who are not residents of Nevada at all campuses of the System. The charges are in addition to registration fees and other fees assessed against students who are residents of Nevada. Existing law also provides that a veteran of the Armed Forces of the United States who has been honorably discharged within the 2 years immediately preceding the date of the veteran's matriculation is eligible for free tuition at a university, state college or

community college within the System. (NRS 396.540) **Section 4** of this bill extends that period from 2 years to ~~[3]~~ **5** years. (NRS 396.540)

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

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who

are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated

system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. ***On or before December 31 of each year, the Department shall share with the Interagency Council on Veterans Affairs aggregate data collected pursuant to subsection 1 concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.***

6. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 2. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall, not later than ~~[February 1]~~ November 30 of each ~~[odd-numbered]~~ year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature ~~[,]~~ or to the Legislative Committee on Education when the Legislature is not in regular session, a report concerning the participation of students who are veterans in the System. The report must cover ~~[each of]~~ the immediately preceding ~~[2]~~ academic ~~[years.]~~ year.

2. The report must include, without limitation:

(a) The number of students who:

(1) Identify themselves as veterans.

(2) Are receiving payments or benefits from the United States Department of Veterans Affairs.

~~[(3) Fall within the categories described in subparagraphs (1) and (2).]~~

(b) The number of students who are veterans divided by gender.

(c) The rate of retention and average age of the students who are veterans.

(d) The most common areas of study among the students who are veterans.

(e) Any information necessary to determine the impact of policy changes on the number of students who are veterans who are enrolled in the System.

(f) The number of students who are veterans who graduated during ~~[each off]~~ the immediately preceding academic ~~[years covered by the report.]~~ year.

(g) The efforts of each institution to retain and graduate students who are veterans through retention and other related programs.

Sec. 3. NRS 396.504 is hereby amended to read as follows:

396.504 1. The Legislature hereby encourages the Board of Regents to:

(a) Examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution to address the needs of the students of the System.

(b) Review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.

(c) Examine and audit the educational opportunities, programs and services offered by the institutions within the System to ensure that those opportunities, programs and services are tailored appropriately to:

(1) The different categories of students and prospective students having varied aptitudes, aspirations and educational needs ~~[:]~~ ***, including, without limitation, students who are veterans****;*

(2) The jobs and industries likely to be employing the students; and

(3) The state economic development plan.

(d) Insofar as is practicable to achieve the goals set forth in paragraphs (a), (b) and (c), implement measures pursuant to which the educational needs of students and prospective students will be met by *:* ~~[providing:]~~

(1) ***Providing:***

(I) Programs of remedial education, continuing education and entry-level higher education at community colleges.

~~[(2)]~~ ***(II)*** Programs of baccalaureate-level higher education at state colleges.

~~[(3)]~~ ***(III)*** Programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research at universities and the Desert Research Institute.

(2) Fostering a culture that recognizes the unique challenges of students who are veterans and works to accommodate the transition of those students to higher education by collecting, tracking and sharing data concerning those students.

(e) On ~~[Except as otherwise provided in paragraph (f), on]~~ or before September 1 of each year, provide a report of its findings and any adjustments made and actions taken as a result of those findings to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.

~~*[(f) Provide a report of its findings concerning students who are veterans in the manner described in section 2 of this act.]*~~

2. The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.

Sec. 4. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All public school teachers who are employed full-time by school districts in the State of Nevada;

(d) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(e) Employees of the System who take classes other than during their regular working hours;

(f) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada; and

(g) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the ~~[2 *3]~~ **5** years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (g) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and

foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 5. 1. This act becomes effective on July 1, 2015.

2. Section 2 of this act expires by limitation on July 1, 2020.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN WOODBURY:

Amendment 121 makes two changes to the bill. First, it requires annual reporting by the Board of Regents to the Legislature on or before November 30, versus February 1, of each year. Second, the amendment increases from three years to five years the time period a veteran who has been honorably discharged is eligible for in-state tuition.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblymen Woodbury, Carlton, Ellison, and Kirkpatrick.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 58 expands the category of personnel of the Department of Public Safety upon whom the powers of a peace officer are conferred.

ASSEMBLYWOMAN CARLTON:

Just for the body's clarification, I want to make sure that this bill in no way extends any benefits not currently given under the heart and lung statutes to any new officers under DPS [Department of Public Safety]. A yes or no would be great.

ASSEMBLYMAN ELLISON:

The discussion we had said all heart and lung would be already existing. There would be no new at all.

ASSEMBLYWOMAN KIRKPATRICK:

I just want to put on the record that this is the fifth session that we have had to try and fix this. For all those DPS people who are listening, hopefully this is it: no new benefits, no new nothing, and it should be fixed for life.

Roll call on Assembly Bill No. 58:

YEAS—41.

NAYS—None.

EXCUSED—Swank.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 150 provides an alternate method of eligibility for the Governor Guinn Millennium Scholarship for those students who do not achieve a minimum grade point average, which is now 3.25, but who pass all the other requirements for the scholarship and achieve on a college entrance exam the minimum score set by the Board of Regents of the University of Nevada.

Some students are late bloomers, some have problems at home which keep them from applying themselves to their studies, but they are very bright. This bill would provide a method for them to receive the Governor Guinn Millennium Scholarship if they pass the high score on the college entrance exam selected by the Board of Regents. I urge passage of this bill.

Roll call on Assembly Bill No. 150:

YEAS—41.

NAYS—None.

EXCUSED—Swank.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 101 authorizes school district boards of trustees to extend, in odd-numbered years, deadlines related to the reemployment status of certain employees. The deadline for notifying employees of their reemployment status may be extended from May 1 to May 15, and the deadline for employees to advise the board of their acceptance of reemployment may be extended from May 10 to May 25.

For those members that have been here for a few sessions, you remember this. We always have to extend the date for all of our teachers because of the fiscal concerns; we do not know how much revenue we will have. This will allow us to not keep coming back and having to pass a bill each session. We have to pass it quickly in order for the school districts to meet the April 1 initial deadline under the provisions of this new bill.

Roll call on Senate Bill No. 101:

YEAS—41.

NAYS—None.

EXCUSED—Swank.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 21 and 115.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Gini Cunningham.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Albert Chavez.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Ann Mandarino.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Harmon and Cathy Maupin.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Simons.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Norman Miller, Brett Barbarigos, Ryan Barbarigos, Reed Barbarigos, and Earlene Miller.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from the Andre Agassi College Preparatory Academy: Annie Aguilar, Jared Amezcua, Claudia Bernal, Journey Burris, Lindsey Callejas, Desirae Clancy, Londyn Clark, Miguel Cole, A'lailah Davis, Taj deGourville, Jakai Hood, Janay Hood, Jasmine King, Nahjae Kiper, Felix Leal, Alinah Leos, Caleb Lewis, A'yana Parrott, Emely Paez, Albert Perez, Julian Ramirez, Vanessa Samayoa, Marissa Schudlt, Nathan Spear, Robert Torres, Bethany Trantham, and Zac Washington.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Kotchevar.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Reed.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, March 17, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:39 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 17, 2015

Assembly called to order at 11:57 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

Ah Lord God, great and mighty God, great in counsel and mighty in deed! You have made the heavens and the earth by Your great power! Nothing is too difficult for You!

We come to You today and ask for Your grace and wisdom. Help us to trust in You and seek You first above all else. May all we do and say be acceptable in Your sight, O God. May we be a blessing to our fellow workers and friends, showing love, respect, kindness, and consideration to all.

Bless and protect our families and those serving in harm's way. God bless everyone who serves the people of our great state of Nevada.

And finally, a St. Patrick's Day blessing:

May the road rise up to meet you.
May the wind be always at your back.
May the sun shine warm upon your face;
The rains fall soft upon your fields and until we meet again,
May God hold you in the palm of His hand.

In the Name above all Names, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEREK ARMSTRONG, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 118.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 70 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 76 requires that the Department of Education shares with the Interagency Council on Veterans Affairs aggregate data collected concerning each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof, or the National Guard. The bill also encourages the Board of Regents of the Nevada System of Higher Education to foster a culture that recognizes and supports veterans, and extends from two years to five years the time period a veteran who has been honorably discharged is eligible for resident or in-state fee charges.

Finally, A.B. 76 requires that the Board of Regents submit, on or before November 30 of each year, a report to the Legislature, or the Legislative Committee on Education when the Legislature is not in regular session, concerning the participation of students who are veterans in the Nevada System of Higher Education. This bill is effective on July 1, 2015.

I just want to clarify that the net effect of this bill is that veterans will be treated in the same manner as residents who do not pay tuition but who do pay fees.

Roll call on Assembly Bill No. 76:

YEAS—42.

NAYS—None.

Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dooling, Gardner, Seaman, Shelton, Stewart and Trowbridge:

Assembly Joint Resolution No. 10—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the salaries of certain elected officers.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Salaries for Certain Elected Officers.

2. The Commission must consist of seven member who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) Two members are appointed by the Speaker of the Assembly;

(b) Two members are appointed by the Majority Leader of the Senate;

(c) Two members are appointed by the Governor; and

(d) One member is appointed by the Chief Justice of the Supreme Court.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Speaker of the Assembly and the Majority Leader of the Senate shall each appoint one of the members first appointed for an initial term of 2 years. The Governor shall appoint one of the members first appointed for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. An appointing authority may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd- numbered year. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. Before the Commission may file a schedule of salaries with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ***.*** ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ ***An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain*** 1 ***Elected Officers pursuant to Section 33A of Article 4*** and paid in the manner provided by law ***.*** ~~[, which must not be increased or diminished during the term for which they have been elected, unless]~~ ***If*** a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ ***the salary*** provided ***for that office*** by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4*** at the time of his ***or her*** election or appointment ***.*** ~~[. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblywoman Dooling moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 17, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 147, 257, 327 and 343.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 77, 95, 135, 136, 145, 146, 161 and 176.

CINDY JONES
Fiscal Analysis Division

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

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Gardner, Diaz, Dickman, Munford and Shelton:

Assembly Bill No. 349—AN ACT relating to education; requiring principals to coordinate with teachers to develop class lesson plans that comply with certain academic standards; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Araujo, Sprinkle, Thompson, Kirkpatrick, Diaz, Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carrillo, Flores, Joiner, Neal, Ohrenschall and Spiegel; Senators Ford, Woodhouse, Spearman, Kihuen, Manendo, Atkinson, Denis and Parks:

Assembly Bill No. 350—AN ACT relating to children; providing for a credit against the modified business tax for taxpayers who donate money to an early childhood education scholarship organization; setting forth certain requirements relating to such an organization; requiring such an organization to submit an annual report to the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Dickman, Moore, Dooling, Edwards, Ellison, Gardner, Hansen, Jones, Kirner, Munford, Oscarson, Shelton, Titus and Wheeler; Senators Hardy and Settelmeyer:

Assembly Bill No. 351—AN ACT relating to charter schools; revising the requirements for a project that is financed through bonds to benefit a charter

school; removing the requirement that such a project pay a prevailing wage; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Ellison, Wheeler, Fiore, Oscarson, Dooling, Dickman, Jones, Moore, O'Neill and Seaman; Senator Gustavson:

Assembly Bill No. 352—AN ACT relating to concealed firearms; exempting a peace officer from payment of the fees to obtain a permit to carry a concealed firearm; clarifying certain provisions of law concerning the carrying of a concealed firearm while on the premises of any public building; deleting certain provisions relating to the registration of firearms capable of being concealed; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dickman, Moore, Fiore, Trowbridge, Jones, Ellison, Munford, Oscarson, Seaman, Shelton, Titus and Wheeler; Senators Gustavson and Settelmeyer:

Assembly Bill No. 353—AN ACT relating to government purchasing; revising provisions relating to the competitive bidding process used by certain state and local governmental entities for procuring goods and services; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Hambrick, Araujo and Benitez-Thompson:

Assembly Bill No. 354—AN ACT relating to human trafficking; enacting the Uniform Act on Prevention of and Remedies for Human Trafficking; repealing certain provisions relating to involuntary servitude, trafficking in persons, pandering and sex trafficking; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Fiore:

Assembly Bill No. 355—AN ACT relating to administrative regulations; eliminating certain exemptions from the requirements of the Nevada Administrative Procedure Act; revising provisions governing the review of permanent regulations by the Legislative Commission and the Subcommittee to Review Regulations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Fiore, Gardner, Dooling, Dickman, Ellison, Jones and Shelton:

Assembly Bill No. 356—AN ACT relating to labor organizations; prohibiting a labor organization from engaging in certain acts against a business; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Fiore, Ellison, Dooling, Jones, Kirkpatrick, Ohrenschall, Shelton and Thompson:

Assembly Bill No. 357—AN ACT relating to criminal procedure; authorizing certain persons who are prohibited from owning, possessing or having under their custody or control any firearm to petition the court to restore their right to own, possess and control any firearm in certain circumstances; providing for the immediate restoration of certain civil rights if a person's right to own, possess and control any firearm is restored; authorizing a prosecuting attorney to inquire into, inspect and use as evidence certain sealed records in certain circumstances; adding a person who has been convicted of a crime that constitutes domestic violence to the list of persons who are prohibited from owning or having in their possession or under their custody or control any firearm; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Fiore, Jones, Dickman, Dooling, Gardner, Shelton and Wheeler:

Assembly Bill No. 358—AN ACT relating to public health; authorizing a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an investigational drug, biological product or device under certain circumstances; authorizing a physician to prescribe or recommend an investigational drug, biological product or device to certain persons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Gardner:

Assembly Bill No. 359—AN ACT relating to common-interest communities; enacting provisions governing hearings conducted by the executive board of a unit-owners' association on alleged violations of the governing documents; providing for the payment of a per diem to members of the executive board of an association under certain circumstances; revising provisions governing the approval of certain capital improvements to a common-interest community; revising provisions governing the foreclosure of an association's lien for certain amounts due to the association; providing for the Commission for Common-Interest Communities and Condominium Hotels and its hearing panels to conduct hearings and take certain actions on breaches of the governing documents of a common-interest community; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Gardner:

Assembly Bill No. 360—AN ACT relating to deferred compensation plans; revising provisions governing a deferred compensation plan offered by this State or the Board of Regents of the University of Nevada to employees of the State or the Nevada System of Higher Education; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Swank, Ohrenschall and Titus; Senator Manendo:

Assembly Bill No. 361—AN ACT relating to animals; authorizing a board of county commissioners to adopt an ordinance regulating the importation, possession, sale, transfer or breeding of a captive wild animal; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 362—AN ACT relating to domestic relations; authorizing a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication of certain property and liabilities that were omitted from the final decree or judgment; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Diaz, Elliot Anderson, Kirkpatrick, Carrillo, Ohrenschall, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Flores, Joiner, Munford, Neal, Sprinkle and Thompson:

Assembly Bill No. 363—AN ACT relating to public employees; providing an optional benefit to the surviving spouse of a police officer or firefighter who was killed in the line of duty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Thompson, Bustamante Adams, Diaz, Kirkpatrick, Carrillo, Elliot Anderson, Benitez-Thompson, Flores, Joiner and Ohrenschall; Senators Denis, Parks, Woodhouse, Kihuen, Ford, Atkinson, Manendo, Roberson, Segerblom and Smith:

Assembly Bill No. 364—AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring the Secretary of State to assign a unique business identification number to certain entities and persons under certain circumstances; revising provisions governing the issuance of certain licenses by the Office of the Secretary of State; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment Training and Rehabilitation; repealing certain provisions relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; repealing certain provisions relating to the issuance of certain licenses by incorporated cities and counties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Oscarson:

Assembly Bill No. 365—AN ACT relating to warranties; enacting provisions governing vehicle protection product warranties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Silberkraus, Gardner and Dooling:

Assembly Bill No. 366—AN ACT relating to taxation; authorizing a county, city or town to use that portion of money received by the county, city or town

from the imposition of certain motor vehicle fuel taxes for the construction, maintenance and repair of certain rights-of-way within the jurisdiction of the county, city or town; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Silberkraus, Fiore, Dickman, Gardner and Seaman; Senator Settelmeyer:

Assembly Bill No. 367—AN ACT relating to craft distilleries; authorizing a person who operates a craft distillery to sell spirits off the premises at one additional location and by other means under certain circumstances; deleting certain provisions which limit the amount of spirits which may be sold at retail; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Jones, Fiore, Hansen, Wheeler, Ellison, Dickman, Moore, Seaman and Shelton; Senator Gustavson:

Assembly Bill No. 368—AN ACT relating to insurance; repealing provisions creating and providing for the Silver State Health Insurance Exchange; requiring the Executive Director of the Exchange to notify the United States Department of Health and Human Services of the cessation of operations of the Exchange and to coordinate with the Department on a transition plan; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Stewart and Hickey:

Assembly Bill No. 369—AN ACT relating to property; requiring a tenant to obtain written approval from the landlord before the commencement of certain works to a dwelling unit under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Hickey and Woodbury:

Assembly Bill No. 370—AN ACT relating to domestic relations; revising the factors a court is required to consider when determining whether to grant visitation rights with a child to certain persons; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Hickey and Woodbury:

Assembly Bill No. 371—AN ACT relating to evidence; authorizing a law enforcement agency to destroy certain physical evidence under certain conditions; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 372—AN ACT relating to insurance; establishing a tax credit for an insurer who meets certain criteria related to economic development in this State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Stewart (by request):

Assembly Bill No. 373—AN ACT relating to public employees; revising the definition of the term "police officer" for the purpose of providing industrial insurance coverage for certain occupational diseases to a bailiff or deputy marshal of a municipal court; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Flores, Araujo, Carrillo, Dickman, Hickey, Munford, O'Neill, Silberkraus and Stewart; Senators Denis, Ford, Kihuen and Spearman:

Assembly Bill No. 374—AN ACT relating to education; requiring the board of trustees of each school district to ensure that certain pupils meet with a counselor, administrator or other educational personnel to assess the pupil's college and career readiness; requiring the establishment of a plan for college and career readiness for a pupil under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Dooling and Senator Hammond:

Assembly Bill No. 375—AN ACT relating to education; providing certain requirements for school facilities that are designated for use by persons of one

biological sex; revising certain provisions governing courses on acquired immune deficiency syndrome and the human reproductive system; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Dooling, Seaman and Silberkraus:

Assembly Bill No. 376—AN ACT relating to education; revising provisions governing the requirements for the reduction of pupil-teacher ratios in certain grades and classes to require certain charter schools to comply with the ratios; revising provisions governing the planning and reporting for the implementation of the reduction of pupil-teacher ratios to include those charter schools that are required to comply with the ratios; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen O'Neill, Swank, Silberkraus, Hickey, Kirkpatrick, Araujo, Benitez-Thompson, Ellison, Flores, Hambrick, Kirner and Stewart; Senators Manendo, Gustavson, Settelmeyer, Kieckhefer and Kihuen:

Assembly Bill No. 377—AN ACT relating to the Nevada State Prison; requiring the State Land Registrar to transfer the historic structures of the Nevada State Prison for administration to the Division of Museums and History of the Department of Tourism and Cultural Affairs; requiring the State Land Registrar to transfer certain other property of the Nevada State Prison for administration to the Silver State Industries Division of the Department of Corrections; creating the Endowment Fund for the Historic Preservation of the Nevada State Prison; prescribing the uses of the money in the Endowment Fund for the Historic Preservation of the Nevada State Prison, which include the operation, maintenance and preservation of the historic structures of the Nevada State Prison as a historical, educational and scientific resource; creating the Silver State Industries Endowment Fund; prescribing the uses of the money in the Silver State Industries Endowment Fund, which include maintaining the modern structures of the Nevada State Prison; requiring the State Treasurer, at the end of each fiscal year, to transfer certain money from the Silver State Industries Endowment Fund to the Endowment Fund for the Historic Preservation of the Nevada State Prison; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywomen Dooling and Shelton:

Assembly Bill No. 378—AN ACT relating to education; eliminating the class-size reduction program; creating the Fund for Master Teachers to support a program of incentive pay for teachers, to be administered by the Department of Education; establishing requirements for the program of incentive pay; revising provisions governing the discipline and discharge of public school teachers and administrators; generally abolishing the distinction between probationary and postprobationary employment for teachers and administrators; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 379—AN ACT relating to commercial tenancies; establishing requirements for accounting for, charges against and refund of security deposits relating to commercial premises; prohibiting a landlord of commercial premises from assessing charges against a tenant except under certain circumstances; revising provisions relating to prohibitions on a landlord's interference with a tenant's use of commercial premises under certain circumstances; revising procedures for a tenant to recover possession of commercial premises following a lockout; revising provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; repealing provisions relating to the jurisdiction of courts over certain actions relating to commercial premises and the applicability of certain judicial doctrines in such actions; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 380—AN ACT relating to taxation; enacting provisions relating to the imposition, collection and remittance of sales and use taxes by retailers located outside this State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 381—AN ACT relating to elections; extending the deadlines for filling vacancies in certain nominations and for making changes to the ballot of a general election; eliminating the deadline for an elector to file a written challenge on the grounds that a candidate fails to meet any qualification required for the office which the candidate is seeking; requiring

a court to order that a candidate whose qualifications to hold office are successfully challenged pay certain fees, costs and penalties; revising the requirements for the Secretary of State, county clerk and city clerk to notify voters of the disqualification of a candidate; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 382—AN ACT relating to business; revising provisions governing the amount of the annual fee for a state business license; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Kirkpatrick and Paul Anderson; Senator Hammond:

Assembly Bill No. 383—AN ACT relating to drivers' licenses; authorizing reciprocal agreements with certain other countries concerning the licensing of drivers; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblywomen Swank, Joiner, Kirkpatrick and Carlton:

Assembly Bill No. 384—AN ACT relating to the Legislature; establishing the Nevada Legislature Oral History Program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 385—AN ACT relating to tow cars; prohibiting operators of tow cars from towing certain vehicles to any location other than a designated vehicle storage lot under certain circumstances; revising provisions relating to operators of tow cars; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Flores, Seaman, Dooling, Carrillo, Kirkpatrick, Dickman, Joiner, O'Neill, Spiegel, Thompson, Titus, Wheeler and Woodbury; Senators Denis and Kihuen:

Assembly Bill No. 386—AN ACT relating to real property; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 387—AN ACT relating to public retirement systems; revising provisions relating to the calculation of the years of service of certain members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System; providing generally that the purchase of service credit cannot be used to reduce the number of years of service a member of each respective retirement system must earn to retire with an unreduced benefit; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Paul Anderson, Kirkpatrick and Armstrong:

Assembly Bill No. 388—AN ACT relating to public employment; revising provisions governing certain leaves of absence for military duty for public officers and employees; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Paul Anderson:

Assembly Bill No. 389—AN ACT relating to employee leasing companies; revising the method for calculation of unemployment contributions for employees of an employee leasing company leased to a client company; altering the definition of "employee leasing company" to describe the nature of the relevant agreement; authorizing an employee leasing company that applies for a certificate of registration to provide consolidated or combined financial statements with its application; repealing the requirement that an employee leasing company maintain an office in this State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Paul Anderson:

Assembly Bill No. 390—AN ACT relating to State Government; designating the Division of Enterprise Information Technology Services of the Department of Administration as a charter agency subject to the provisions of Assembly Bill No. 104 of the 78th Session of the Nevada Legislature; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 118.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 21.

Bill read second time and ordered to third reading.

Assembly Bill No. 265.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 21 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblymen Armstrong and Carlton.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 70 provides for administration enforcement provisions related to the excise taxes on the sale of marijuana, edible marijuana products, and marijuana infused products by medical marijuana establishments that were originally approved by the Legislature in Senate Bill 374 of the 2013 Session. The administrative provisions contained within this bill are similar to the currently existing provisions used by the Department of Taxation for other taxes and fees currently administered by the Department. Assembly Bill 70 additionally removes provisions requiring the Department of Taxation to periodically review the excise tax rate and to provide recommendations to the Legislature relating to adjustments to the rate.

ASSEMBLYMAN OHRENSCHALL:

I need to make a disclosure to the body regarding Assembly Bill 70. Because we are considering Assembly Bill 70, which makes changes related to medical marijuana and its taxation, I would like to advise this body that my spouse lobbies on behalf of an association of marijuana dispensary owners. Although Assembly Bill 70 does not affect her clients any differently than any other dispensary owners or associations, I am making this disclosure and am abstaining from voting on Assembly Bill 70 out of an abundance of caution.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 70. This body, a long time ago, decided that we would not tax medicine. Here we are making a huge sea change and actually taxing medicine in this state, and I am absolutely opposed to it. I feel it is the wrong path to go. If you want to tax this particular product, there are a number of bills out there that would allow us to do it in a legal, regulated way, and we could recognize it as we do other legal drugs and substances in this state. But to actually tax what is being classified as a medicine, I believe is absolutely wrong for the path of this state.

Roll call on Assembly Bill No. 70:

YEAS—34.

NAYS—Carlton, Ellison, Flores, Jones, Seaman, Titus, Wheeler—7.

NOT VOTING—Ohrenschall.

Assembly Bill No. 70 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:02 p.m.

ASSEMBLY IN SESSION

At 7:30 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 17, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 80.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hickey, Dickman, Joiner, Kirner and Sprinkle:

Assembly Bill No. 391—AN ACT relating to taxation; revising the provisions governing the exemption from property taxes of certain property used for religious worship; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 392—AN ACT relating to taxation; revising provisions governing the tax on live entertainment; establishing an excise tax on certain admission and amusement services; providing for the rate and imposition of the Luxury Discretionary Spending tax on admission and amusement services;

revising the exemptions from the tax on live entertainment to establish certain exemptions from the tax on admission and amusement services; providing that the tax on admission and amusement services does not apply to admission to a place of amusement or entertainment located at a licensed gaming establishment; providing that the tax on live entertainment applies to live entertainment that is provided at a licensed gaming establishment; revising the rate of the tax on live entertainment that is provided at a licensed gaming establishment; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 393—AN ACT relating to taxation; revising provisions relating to the imposition of the tax on live entertainment on facilities located at licensed gaming establishments; revising provisions governing the exemptions and exclusions from the Live Entertainment Tax; revising the rate of the tax on live entertainment; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Gardner, Fiore, Jones, Silberkraus, Hickey, Dickman, O'Neill, Seaman and Trowbridge:

Assembly Bill No. 394—AN ACT relating to education; prescribing the process by which the governing body of an incorporated city may create a local school precinct within a county school district with the approval of the State Board of Education; authorizing two or more boards of trustees of contiguous school districts to consolidate their respective districts by interlocal agreement; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Gardner, Fiore, Jones, Silberkraus and Woodbury:

Assembly Bill No. 395—AN ACT relating to the State Public Charter School Authority; revising the requirements relating to the financial administration of the State Public Charter School Authority; revising provisions governing the personnel of the Authority; revising provisions regarding the adoption of administrative regulations governing charter schools sponsored by the Authority; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Moore and Fiore:

Assembly Bill No. 396—AN ACT relating to mental health; requiring a mental health facility or program of community-based or outpatient services to obtain informed consent from certain persons before providing care, treatment or training; prescribing requirements relating to informed consent to care, treatment or training provided by such a facility or program; prescribing requirements relating to certain medical examinations of a person alleged to be a person with mental illness; requiring separate medical and psychiatric examinations to be conducted after the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or a program of community-based or outpatient services; requiring counties to pay for the medical examination and treatment of certain such persons; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Moore, Jones and Dickman:

Assembly Bill No. 397—AN ACT relating to public safety; revising provisions governing the issuance and execution of search warrants; restricting the use of SWAT teams by a local law enforcement agency under certain circumstances; prohibiting a law enforcement agency from receiving certain property through a military equipment surplus program operated by the Federal Government; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Edwards:

Assembly Bill No. 398—AN ACT relating to public lands; revising the duty of certain public agencies to maintain certain public roads; revising provisions allowing petitions seeking certain actions from a board of county commissioners relating to certain public roads; revising provisions authorizing the Attorney General to bring an action to vindicate the rights of certain persons or governmental entities with respect to certain roads which cross certain federal land; revising provisions relating to the closure or temporary closure of certain state parks, monuments, historic landmarks or recreational areas; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Neal, Bustamante Adams and Araujo:

Assembly Bill No. 399—AN ACT relating to economic development; directing the Office of Economic Development within the Office of the

Governor to create a pilot program to encourage growth and expansion of existing businesses that are located in this State; setting forth the goals and functions of the pilot program; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Munford:

Assembly Bill No. 400—AN ACT relating to interscholastic athletics; requiring the Nevada Interscholastic Activities Association to conduct a study on the effect of disparities in the recruitment and retention of football players between public and private schools and adopt regulations to correct for such disparities; prohibiting a private high school from competing in any play-off or state championship game in the sport of football until after such regulations are adopted; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Munford and Moore:

Assembly Bill No. 401—AN ACT relating to criminal procedure; authorizing the establishment by district courts of courts of inquiry that may be used to exonerate convicted persons; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Shelton and Fiore:

Assembly Bill No. 402—AN ACT relating to insurance; revising provisions relating to an insurer who issues a policy of insurance covering damage to a motor vehicle; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Shelton and Jones; Senator Ford:

Assembly Bill No. 403—AN ACT relating to peace officers; requiring certain peace officers to wear a portable event recording device while on duty; requiring certain law enforcement agencies to adopt policies and procedures governing the use of portable event recording devices; requiring peace officers to undergo certain training; requiring peace officers to maintain liability insurance; requiring a peace officer to pay any costs incurred by a law enforcement agency as the result of conducting an investigation in response to

a complaint or allegation against the peace officer in certain circumstances; requiring certain advisory review boards to review internal investigations of peace officers and make recommendations regarding any disciplinary action recommended by the employers of such peace officers; requiring such advisory review boards to review the policies and procedures of law enforcement agencies and make recommendations regarding any changes to such policies and procedures; exempting the use of portable event recording devices from the provisions governing the interception of certain communications; exempting the use of portable event recording devices upon certain property; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Fiore and Jones:

Assembly Bill No. 404—AN ACT relating to concealed firearms; requiring a sheriff to refund the application fee for the issuance or renewal of a permit to carry a concealed firearm in certain circumstances; temporarily extending the validity of a permit to carry a concealed firearm beyond the expiration date in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick (by request):

Assembly Bill No. 405—AN ACT relating to abortions; revising provisions regulating an abortion performed on a pregnant woman who is a minor or a ward; requiring notification of a parent or guardian under certain circumstances before a physician performs such an abortion; providing expedited procedures for petitioning a court for judicial authorization to proceed without such notification; adding reporting requirements for physicians who perform certain abortions; imposing administrative penalties on physicians who fail to comply with the reporting requirements; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to compile and report statistical data relating to certain abortions; requiring the Administrative Office of the Courts to compile and submit to the Division statistical data regarding cases involving judicial authorization for certain abortions; providing civil liabilities and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Moore and Fiore:

Assembly Bill No. 406—AN ACT relating to state business licenses; revising the requirements relating to the time by which a person conducting a

business in this State must obtain a state business license; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Shelton:

Assembly Bill No. 407—AN ACT relating to crimes; requiring a peace officer to issue a citation to a person for a violation of certain ordinances or provisions of state law if the person is not required to be taken before a magistrate; providing in skeleton form for the reduction of a penalty from a felony or gross misdemeanor to a misdemeanor for any crime which is a first offense and which does not result in physical, psychological or financial harm to a person other than the perpetrator; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Fiore, Shelton, Dooling, Titus, Seaman, Dickman, Ellison, Gardner, Hansen, Jones, Moore, Munford, O'Neill, Oscarson and Wheeler; Senator Gustavson:

Assembly Bill No. 408—AN ACT relating to public lands; prohibiting the Federal Government from owning or regulating certain public lands or the right to use public waters; requiring the State Land Registrar to adopt regulations that provide for the appropriation and registration of grazing, logging, mineral development or other beneficial use rights on public lands; requiring the State Land Registrar to sell permits for grazing, logging, mineral development or other beneficial uses on public lands for which such rights are not registered and appropriated; requiring the board of county commissioners of each county to impose a tax on profits from the beneficial use of public lands; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Seaman, Shelton, Fiore, Hickey, Moore and Nelson:

Assembly Bill No. 409—AN ACT relating to cosmetology; exempting makeup artists from the licensing and regulation provisions governing cosmetology; deleting the requirement for certain applicants for a license to complete a nationally recognized written examination; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Swank:

Assembly Bill No. 410—AN ACT relating to government affairs; revising the membership of certain boards and commissions of the Executive Department of the State Government to provide for proportionate representation based on population; providing for a decennial review of the membership of these boards and commissions to ensure continuation of proportional representation; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 411—AN ACT relating to funding for repair and improvement of school facilities; altering the rate in certain counties of a tax imposed by a board of county commissioners on gross receipts from the rental of transient lodging; altering the rate in certain cities of a tax imposed by a city council on gross receipts from the rental of transient lodging; altering the rate in certain counties of a tax imposed on the transfer of real property; providing for the distribution of revenues from certain taxes imposed on gross receipts from the rental of transient lodging and the transfer of real property; requiring that proceeds from certain taxes deposited in a fund for capital projects of certain county school districts be expended only for the repair and improvement of school facilities; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 412—AN ACT relating to public financial administration; authorizing a board of county commissioners to impose certain ad valorem taxes on property in the county; authorizing a board of county commissioners or the board of trustees of a school district, or both, to impose certain ad valorem taxes on property in the county; establishing limitations on the use of money received from any such taxes; exempting property tax increases relating to the reversal of a reduction of taxable value resulting from certain types of obsolescence from the caps on property tax bills; requiring the State Board of Equalization, county boards of equalization and county assessors to submit information regarding the reduction of taxable values based on certain types of obsolescence to the Nevada Tax Commission; requiring the Department of Taxation annually to conduct certain audits; clarifying certain provisions governing the determination of the taxable value of property; revising provisions governing partial abatements of property taxes; requiring the Legislative Auditor to conduct a performance audit of the State Board of Equalization; requiring the State Treasurer, under certain

limited circumstances and with the approval of certain local governments, to execute an agreement with the governing body of a local government pursuant to which the State Treasurer agrees to borrow money from the Local Government Pooled Investment Fund and transfer the money to the governing body; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Farhan Naqvi.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to James P. Kemp, Robert Marshall, Landon King, and James Villeneuve.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Rob Telles.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to David Tanner.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kurt Frankie.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Morris.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Mills.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Brasier and Felisa Mandujano.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Jesse Hall Elementary School: Rachel Chen, J. J. Dressler, Kylie Durski, Dylan Ferrier, Hannah Fitzmorris, Kadence French, Isabel Herrera, Noah Jacobsen, Leighla Jim, Caleb Lauder, Samone Lockwood, Antonio Mariani, William McDonald, Olivia Mier, Brent Morris, Jonathan Nelson, Brandyn Nezos, Cameron Norseth, Samuel Pacheco, Blayne

Prather, Hunter Rhodes, Koal Spies, Skyler Steele, Raynise Thayer, Caitlyn Timmons, Amber Workeman, Kiera Bill, Alex Boga, Taylor Bowling, Lacey Canham, Vick Crutcher, Matthew Forbush, Emma Frampton, Elizabeth Francis, Julia Gustavson, Angel Guzman, Azul Guzman, Kirsten Hartze, Tomas Hobson, Mikayla Jeppson, Aidan Lindberg, Mason Mackey, Raymond Madden, Sierra Madden, Jacob Marke, Kayli Mueller, Christiane Munda, Garrett Parsons, Jamisen Rogers, Allison Tullis, Jared Two Hearts, Brittany Wissenback, Kaleb Andelin, Kacey Barker, Brock Biggs, Lindsay Blincoe, Austen Clack, Jake Cunningham, Luke Davies, Serenity Dewitt, Nathan Gabrielli, Kiana Grier, Addison Johnson, Rylee Johnson, Christian Lopez, Gavin Marsh, Alex Martinez, Makayla Parks, Abigail Paulson, Hayden Rogers, Armando Salter, Cecelia Shaw, Alexandria Smith, Audrey Stockstill, Ashley Stout, Mckenzie Stump, Reanna Thomas, Alexis Wallis Sullivan, Payton Yarrow, Chyanne Bradshaw, Scott Crozby, Staicee Evens, Laney Fitts, Cole Fitzmorris, A. J. Galera, Devin Hernandez-Lopez, Madison Kimball, Victoria Ladd, Sklyer Lundberg, Carly McTier, Alazeya Morris, Benjamin Nelson, Juliet Ojeda, Dax Piccinini, Demetre Proutsos, Adian Sabatoni, Preston Sam, Hallee Sand, Aurora Shanrock, Kaiya Tognoni, Macie Trevino, Dylan Urmston, Geneva Wells, James White, and Brianna Yahola.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Clay Burman and Marjorie Hauf.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Kidwell.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Claggett.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Smith and Jose Rivera.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Autumn Betke.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nadia Scipio del Campo, Etienne Lambert, Naomi Leight-Giveon, and Fernando Romero.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to John Arrascada.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Anderson.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Marc Berg.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rebeca Guardado.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Wenzel.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Martin.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Burke and Teresa Ramirez.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Bullentini.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kristen Cogcurn.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Leonard Stone and Olga Torres.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to John Shook.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannie Neill Lanny and Tom Lanny.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Santos.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Pickard.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Cullen.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Lillian Babcock.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, March 19, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:43 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 19, 2015

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

Your love, O Lord, reaches to the heavens, Your faithfulness to the skies. Your righteousness is like the highest mountains, Your justice like the great deep. How precious is Your unfailing love, O God! With You is the fountain of life; in Your light we see light!

May Your amazing grace continue to fill our hearts and minds as we set ourselves to represent the people of this great state of Nevada with confidence, integrity, truth, character, and good will! Guard and unite our hearts, guard our mouths, and give us strength and wisdom in all we want to accomplish working together.

Thank You for our families; may You bring blessing and peace to them today. Thank You for those serving in our armed forces and in harm's way; keep them safe. Thank You that we are one nation under God. Thank You for the rights and freedoms we are blessed to experience in our great nation.

God bless America! Grace and peace to all.

We pray in the Name above all Names.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 29; Senate Bills Nos. 52, 55, 95, 159; Senate Joint Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 5—Providing for the appointment of an additional attaché for the Assembly.

Assemblyman Hansen moved the adoption of the resolution.

Remarks by Assemblyman Hansen.

Resolution adopted.

Senate Joint Resolution No. 2.

Assemblyman Hansen moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 413—AN ACT relating to cities; authorizing certain cities to exercise powers necessary for the effective operation of city government; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 414—AN ACT relating to gaming; revising provisions authorizing the Governor to enter into agreements with certain governments to conduct interactive gaming; defining certain terms relating to interactive gaming; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 52.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 55.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 95.

Assemblyman Hansen moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 159.

Assemblyman Hansen moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 22.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 265.

Bill read third time.

Remarks by Assemblyman Paul Anderson:

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 265 makes a supplemental appropriation to the Supreme Court. When the voters created the Appellate Court in the last election, there was an appointment process. Through that process, they have chosen judges who were already judges, they are having to backfill those positions. It has taken a little bit longer to go through that process. This is a $5,000 allocation to help them complete that process.

Roll call on Assembly Bill No. 265:

YEAS—42.

NAYS—None.

Assembly Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 101.

REMARKS FROM THE FLOOR

Assemblyman Kirner requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Lake Tahoe sits on the border between Nevada and California and is the largest alpine lake in the Northern Hemisphere and the second deepest lake in the United States; and

WHEREAS, In the late 1960s it was recognized that Lake Tahoe was a national treasure at risk of degradation due to significant development and population growth; and

WHEREAS, The respective governors of Nevada and California recognized the need to join together to protect that internationally recognized natural resource for the benefit of both states and the world; and

WHEREAS, Former Nevada Governor Paul Laxalt and Former California Governor Ronald Reagan met at Lake Tahoe and decided that the deterioration of the quality of Lake Tahoe was not a legacy they wanted to leave behind and they would cooperate to seek a resolution; and

WHEREAS, After much debate and a bi-state study, California generated the Z'berg Bill, in support of a bi-state compact in 1967; and

WHEREAS, Nevada's Former Senator Coe Swobe was charged with negotiating the inclusion of Nevada's proposed amendments and other views into the Z'berg Bill; and

WHEREAS, After months of such negotiation, Nevada Governor Laxalt convened a special session of the Nevada Legislature in February 1968; and

WHEREAS, Passage of Senate Bill 9, the "Swobe Bill," on February 23, 1968, authorized Nevada's participation in a Nevada-California Bi-State Compact; and

WHEREAS, California adopted an identical companion bill in July 1968, and the U.S. Congress ratified resulting federal compact legislation that was signed by Former U.S. President Richard Nixon on December 18, 1969; and

WHEREAS, The first meeting of the Tahoe Regional Planning Agency (TRPA) governing board, formed as a result of the Tahoe Regional Planning Agency Bi-State Compact, was held in Carson City on March 19, 1970; and

WHEREAS, The work of the TRPA has contributed significantly to the protection of the environmental quality and beauty of Lake Tahoe to the betterment of the citizens of Nevada, California, and the world; and

WHEREAS, The legendary clarity of Lake Tahoe has stabilized over the last decade; and

WHEREAS, The two states have reaffirmed their cooperative partnership, and their commitment to Lake Tahoe remains strong; now, therefore, be it

PROCLAIMED, That the month of March 2015 is designated as the month for recognition and celebration of the 45th Anniversary of the Bi-State Compact to preserve Lake Tahoe.

DATED this 19th day of March, 2015.

RANDY KIRNER
Nevada State Assemblyman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Mero.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Marchetta, Coe Swobe, Janet Swobe, Caryn Swobe, Jackie Borsum, Clara Swobe, and Janelle Borsum.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Brown and Amanda Brown.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Martin.

Assemblyman Hansen moved that the Assembly adjourn until Friday, March 20, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 20, 2015

Assembly called to order at 12:02 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson and Kirner, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

Great is Your faithfulness O God! Your mercies are new every morning!

We give You thanks for today. We ask for Your continued wisdom and strength as we labor in love for the people of this great state of Nevada. May You show Yourself strong and courageous as we turn our hearts to You!

We pray for those sitting near us today. Be with them and bless their families; give health, protection, and peace.

We continue to pray for those serving our great country, our leaders, the authorities over us, and those serving in harm's way.

God bless Nevada—thank You that we have the privilege to live in the most beautiful state in our nation, with our deserts, majestic mountain ranges, beautiful valleys, spectacular lakes, and fabulous places to explore! May we take the time to enjoy the gift of life You have given us.

Let's pray together:

Our Father who art in heaven,
Hallowed be thy name.
Thy kingdom come.
Thy will be done on Earth, as it is in heaven.
Give us this day our daily bread,
And forgive us our trespasses,
As we forgive those who trespass against us,
And lead us not into temptation,
But deliver us from evil.
For thine is the kingdom, the power and the glory forever.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 76; Senate Bill No. 212.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 415—AN ACT relating to water; revising provisions relating to the use of water on certain lands in a federal reclamation project; and providing other matters properly relating thereto.

Assemblywoman Titus moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 416—AN ACT relating to elections; revising provisions governing the dates for certain city elections; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 417—AN ACT relating to counties; extending the deadline for approval of the revisions of the boundary line between Storey County and Washoe County by the Board of County Commissioners of Storey County and the Board of County Commissioners of Washoe County; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 418—AN ACT relating to constructional defects; requiring a claimant to record in the office of the county recorder certain information concerning an alleged constructional defect in a residence or appurtenance; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 419—AN ACT relating to unclaimed property; clarifying the applicability of the Uniform Unclaimed Property Act; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 420—AN ACT relating to fraudulent conveyances; enacting the Uniform Voidable Transactions Act; repealing the Uniform Fraudulent Transfer Act; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 421—AN ACT relating to education; creating the Spending and Government Efficiency Commission for public education and the Nevada System of Higher Education; prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 422—AN ACT relating to motorcycles; prohibiting a local authority from enacting an ordinance which conflicts with certain state laws governing the operation and equipment of a motorcycle or moped; revising provisions governing handlebars on a motorcycle or moped; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 423—AN ACT relating to legislative affairs; creating the Legislative Committee on Transportation Infrastructure and Funding; setting forth the composition and administration of the Committee; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Assemblyman Wheeler moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 212.

Assemblyman Hansen moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 167.
Bill read second time and ordered to third reading.

Assembly Bill No. 198.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
Senate Bill 22 changes the administrative responsibility for issuing a liquor license if the applicant maintains his or her primary place of business within the boundaries of an incorporated city. Pursuant to this bill, applications for a liquor license will be made to the governing body of a city, rather than to the board of county commissioners, if the business is located within the boundaries of an incorporated city. For applicants whose primary place of business is not located within the boundaries of an incorporated city, the applications will continue to be made to the board of county commissioners, as required under current law.

Roll call on Senate Bill No. 22:
YEAS—40.
NAYS—None.
EXCUSED—Paul Anderson, Kirner—2.
Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Fiore requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The mountains and open country in Nevada stand as a tribute to a native son, the late Aaron Grant Gerber, who dedicated his life to preserving their beauty and protecting public land access for all Nevadans; and

WHEREAS, After traveling from their home in Metropolis, Nevada, to Elko, Claude Edward and Laura Boyd Gerber welcomed Aaron Grant Gerber into the world on June 11, 1942; and

WHEREAS, Grant, as he was known to his family and friends, lived his youth in the shadow of the Ruby Mountains, where he participated in rodeo events and worked as a hunting guide in the mountains and surrounding land that he learned to admire; and

WHEREAS, He was an educated man, who took courses at Weber State University in Utah, Arizona State University, and Brigham Young University while pursuing a bachelor of arts degree, from which he took a break to serve his church as a missionary and to serve his country in the United States Army as a Captain of the Special Forces in Vietnam, for which he was awarded the bronze star for meritorious service in a combat zone; and

WHEREAS, Grant met his wife Lenore while attending Brigham Young University and after graduation, moved his family to Oklahoma to attend Tulsa University College of Law, where he earned his juris doctor degree and in 1980 opened his law practice in his hometown of Elko; and

WHEREAS, Preserving access to the land that he so admired in Nevada was his focus, and he served on boards of organizations and nonprofits that included the American Lands Council, Blue

Ribbon Coalition, Private Lands Conservancy, Wilderness Impact Research Foundation, Off-Road Motorsports Hall of Fame, and most recently participated in the ride across the nation for the Grass March Cowboy Express supporting ranchers' rights; and

WHEREAS, Grant's service to others through his church, profession, and organizational involvement spanned decades, affected countless people, and is a testament to his compassion, leadership, and his efforts in a stance for freedom; and

WHEREAS, As a young man Grant joined the National Guard and served in the Special Forces as a Green Beret, and in his later years, he continued to honor the service and memory of our military men and women who serve this land, with his involvement in the Veterans of Foreign Wars; and

WHEREAS, Grant is survived by Lenore, his loving wife of 45 years; six children, Boyd, Sharli, Travis, Dallas, Josiah, and Zachary; sister Janet Weeks; brother Michael, 26 grandchildren, and many friends and acquaintances; now, therefore, be it

PROCLAIMED, That Aaron Grant Gerber is memorialized for his dedication to the people of Nevada and his public service as a U.S. veteran and Elko County Commissioner in the land he proudly called home.

DATED this 2nd day of February, 2015.

MICHELE FIORE
Nevada State Assemblywoman

Assemblyman Hansen moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN FIORE:

Today I would like to take a few minutes to recognize a native Nevadan who dedicated his life to serving our country and our state, the late Aaron Grant Gerber. Grant, as he was known to those close to him, was from Elko, where he grew up, married, and raised a family. He was a veteran, an attorney, a county commissioner, and a man who was always involved with organizations to serve the people of the state he loved. He was dedicated to efforts and organizations to help protect private land rights, public land access, and constitutional principles. He is described as a freedom fighter, dependable and always available when there was a need to serve others. He faithfully served his church, and above all he was a family man who loved all the members of his immediate and extended family. With me today are his wife Lenore, his son Josiah, and grandchildren Quincy and Ava.

His favorite quote was, "Make no small plans. They have no magic to stir men's souls." The accomplishments achieved by Grant, and the causes he supported, show that he did not think small but thought about how his efforts could affect others and the future of our state. We lost Grant on October 25, 2014, during his participation in the Grass March Cowboy Express Ride across the nation to Washington D.C. to protest the reduction of ranchers' grazing rights. On the return ride, his horse, Gandhi stumbled and fell in a groundhog hole and Grant was seriously injured. Today we remember this dedicated individual and his unrelenting pursuit of liberty.

At this time I am going to present a proclamation to his family. Thank you all and please make them feel welcome.

ASSEMBLYMAN ELLISON:

Mr. Gerber was a veteran, he was an attorney, he was a county commissioner, and most of all, he was my friend. My heart went out to the Gerber family with this loss. I have never seen a family stand so strong and so united through a loss. I am very proud of them and I am proud to call them my friends.

Mr. Gerber should go down in the Cowboy Hall of Fame because he never stopped being a cowboy. I want you to give the family a big round of applause.

ASSEMBLYMAN HANSEN:

Mr. Gerber was truly a great American. He served his country in Vietnam. He was one of the most dedicated public servants that Nevada has ever seen. He actually was the one that put together that Grass March. He had done things like that repeatedly in his life. He was one of the great champions of this state in our endless struggle to try and preserve our rights with the federal government. He literally died with his boots on doing what he believed in the most, and that was preserving the Constitution of the United States and protecting our rights as Nevadans.

It was a great privilege to get to know the man. I rode with him a little way on the Grass March. I watched when he brought the chuck wagon all the way from Elko County right up to the front lawn and then went in and met with the Governor and the Governor's people. This was an effort to get that petition going to protect the people of Battle Mountain, my district, in the struggles they were having with some BLM people. He wished to bring to the state's attention and to the country's attention the struggles that rural Nevada is having as we see this constant growth in government.

I just wanted to take just a minute to say a sincere thank you to Grant Gerber and to his lovely wife and family. They have five boys and one daughter and they have 27 grandchildren. They are heart and soul of what Nevada represents. Thank you to the Gerber family.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Demar Dahl.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Lenore Gerber, Josiah Gerber, Quincy Gerber, and Ava Gerber.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Quilang.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Handzlik and Jeremy Robbins, Jr.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda DeMeo, Valerie Barton, and Vi Morrisey.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Lanny.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Martin.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Ranson.

Assemblyman Hansen moved that the Assembly adjourn until Monday, March 23, 2015, at 11 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 23, 2015

Assembly called to order at 11:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Araujo, who was excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Our God in Heaven, Father we thank You for this great state of Nevada. We thank You for these leaders of our state that have gathered here to determine the future and direction of our state. Lord I ask that You give each of them wisdom and understanding to always seek the best for our state and its people. Lord help guide and direct them today and every day. Father we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 23, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 308, 332 and 347.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 59, 203, 213, 214, 220, 230, 235, 236, 240, 252, 253, 254 and 258.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 424—AN ACT relating to public services for children; creating the Account for the Statewide Alert System for the Safe Return of Abducted Children in the State General Fund; authorizing the Committee for the Statewide Alert System to expend the money in the Account for certain

purposes; authorizing the Committee to apply for gifts, grants and donations for certain purposes; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 425—AN ACT relating to emergency medical services; revising the composition of the Committee on Emergency Medical Services; making provisions governing providers of health care applicable to persons who are licensed as attendants or certified as emergency medical technicians, advanced emergency medical technicians or paramedics; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 426—AN ACT relating to public employees; revising provisions relating to the participation of retired employees of certain local governing bodies in the Public Employees' Benefit Program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 427—AN ACT relating to mines; prohibiting the governing body of a local government from taking any action that prohibits or unreasonably restricts the owner of a patented mine or mining claim from using or performing work on the patented mine or mining claim; specifying certain circumstances under which an action by a governing body is deemed not to be an unreasonable restriction on the use of a patented mine or mining claim; providing that any covenant, restriction or other condition contained in a deed, contract or other legal instrument that prohibits or unreasonably restricts the owner of a patented mine or mining claim from using or performing work on the patented mine or mining claim is void and unenforceable; specifying certain circumstances under which such a term in a legal instrument is deemed not to be an unreasonable restriction on the use of a patented mine or mining claim; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 428—AN ACT relating to public purchasing; exempting the Nevada Rural Housing Authority from the Local Government Purchasing Act; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 429—AN ACT relating to debts; revising the amount payable to the State Controller for costs and fees for certain recovered debts; deleting provisions which exclude certain prejudgment or postjudgment interest in the calculation of those costs and fees; revising the circumstances under which interest must accrue on certain debts; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 430—AN ACT relating to navigable rivers; requiring the State Engineer to create and maintain a list of certain proposed maintenance or other projects for a navigable river; authorizing certain public entities to submit proposed projects and apply for a grant; making an appropriation to the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 431—AN ACT relating to horses; requiring the State Department of Agriculture to develop and carry out a management plan for certain horses; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 432—AN ACT relating to traffic laws; providing that under certain circumstances a peace officer is prohibited from taking a person before a magistrate for a violation of certain traffic laws or pursuant to a warrant arising out of a violation of certain traffic laws; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 433—AN ACT relating to criminal procedure; defining certain terms relating to the interception of wire, electronic or oral communications; providing that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful in certain circumstances; authorizing district courts to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service in certain circumstances; revising certain existing definitions relating to the interception of wire or oral communications; authorizing the interception of electronic communications in certain circumstances; requiring a judge to accept a facsimile copy of the signature of certain persons as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 434—AN ACT relating to personal representatives; enacting the Uniform Fiduciary Access to Digital Assets Act; repealing provisions concerning the authority of a personal representative of a decedent to direct the termination of certain electronic or digital accounts or assets of the decedent; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 435—AN ACT relating to district courts; providing for the realignment of certain judicial districts; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 436—AN ACT relating to state employees; revising provisions relating to compensation of state employees to eliminate longevity pay for such employees; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 437—AN ACT making an appropriation to restore the balance in the Reserve for Statutory Contingency Account; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 438—AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for costs related to employee retirement buyouts, terminal leave payments and other termination-related costs for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 439—AN ACT making a supplemental appropriation to the Office of the Military for an unanticipated shortfall from additional military leave not eligible for reimbursement through the Master Cooperative Agreement; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 440—AN ACT making a supplemental appropriation to the Commission on Postsecondary Education for the costs of a one-time terminal leave payment for an unanticipated retirement; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 441—AN ACT making a supplemental appropriation to the Office of the State Controller for the projected costs of a one-time terminal leave payment for a retirement anticipated to occur before the end of Fiscal Year 2014-2015; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 442—AN ACT making a supplemental appropriation to the Office of the Lieutenant Governor for projected payroll and other costs associated with the 2015 Legislative Session; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 443—AN ACT making an appropriation to the Legislative Counsel Bureau for the cost of dues and registration for national organizations and one-time building maintenance and information technology purchases; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 444—AN ACT relating to the Advisory Commission on the Administration of Justice; creating a statutory subcommittee of the Commission to consider issues concerning civil procedure; authorizing the Commission to request the drafting of legislative measures; eliminating the Subcommittee on Juvenile Justice of the Commission; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 167 authorizes a person who is in lawful possession of a firearm or ammunition to store such items on the premises of a family foster home in a locked secure storage container. This bill also authorizes a provider of family foster care or other person who resides in a family foster home to carry a firearm on his or her person while off of the premises of a family foster home, but in the presence of a foster child, in a manner that ensures that the firearm is inaccessible

to the foster child if the provider or other person is a law enforcement officer or has a permit to carry a concealed firearm.

This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 167:

YEAS—26.

NAYS—Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Spiegel, Sprinkle, Swank, Thompson—15.

EXCUSED—Araujo.

Assembly Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 198 requires the Legislative Committee on Public Lands to conduct a study of water conservation and alternative sources of water for Nevada communities. The measure sets out the scope of the study. In addition to its other duties, the Committee must submit its findings and recommendations to the next session of the Legislature.

This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 198:

YEAS—40.

NAYS—Carlton.

EXCUSED—Araujo.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 9:30 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 445—AN ACT relating to redevelopment; requiring a portion of the revenues from taxes imposed on property in certain redevelopment areas to be set aside and used for public educational facilities; revising provisions relating to the extension of certain redevelopment plans; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 446—AN ACT relating to education; providing an alternative performance framework to evaluate certain schools which serve certain populations; providing the manner in which a school may apply to be rated using the alternative performance framework; revising provisions relating to the revocation or termination of written charters or charter contracts; prohibiting the Department of Education from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year when imposing consequences on public schools; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 447—AN ACT relating to education; revising provisions relating to pupil achievement data used as a part of the statewide performance evaluation system; delaying the implementation of certain provisions relating to the policy for evaluations of counselors, librarians and other licensed educational personnel; revising the evaluation of teachers, administrators, and other licensed personnel under the statewide performance evaluation system for the 2015-2016 school year; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 448—AN ACT relating to education; establishing the Achievement School District within the Department of Education; authorizing certain underperforming schools to be converted to achievement charter schools sponsored by the Executive Director of the Achievement School District; prescribing requirements for the conversion of a public school to an achievement charter school and the operation of an achievement charter school; providing for the use of certain school buildings by an achievement charter school without compensation; authorizing a school district to provide services to an achievement charter school under certain circumstances; prescribing certain conditions of employment for a teacher at an achievement charter school; authorizing the conversion of an achievement charter school to a public school in a school district or a charter school; making reassignment of

the employees of an achievement charter school outside the scope of collective bargaining; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 449—AN ACT relating to motor vehicles; providing for the issuance of special license plates indicating support for the Boy Scouts of America; providing for the issuance of special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 450—AN ACT relating to highways; authorizing the Department of Transportation to establish projects for toll roads in connection with the proposed route of Interstate 11 through this State; authorizing the Department to enter into one or more public-private partnerships to design, construct, develop, finance, operate or maintain such a toll road project; authorizing the issuance of certain bonds or notes of this State to finance a toll road project; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 451—AN ACT relating to public improvements; extending the prospective dissolution of the University of Nevada, Las Vegas, Campus Improvement Authority; extending the terms of the members of the Board of Directors of the Authority; enlarging the boundaries of the Authority area; revising the date on which the Board of Directors must submit for transmittal to the Legislature a report of the study concerning the need for, feasibility of and financing alternatives for a large events center and other required infrastructure and supporting improvements; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 452—AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 453—AN ACT relating to drugs; prohibiting a person from selling, distributing, bartering, dispensing or offering to sell a material, compound, mixture or preparation containing dextromethorphan to a minor under certain circumstances; prohibiting a minor from purchasing, receiving or otherwise acquiring any material, compound, mixture or preparation containing dextromethorphan under certain circumstances; establishing a civil penalty for certain violations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 454—AN ACT relating to manufactured housing; revising the applicability of provisions governing manufactured home parks; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 455—AN ACT relating to water; directing the Legislative Commission to appoint a committee to conduct an interim study regarding the present and future supplies of water and allocation levels in this State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 456—AN ACT relating to governmental administration; abolishing the Advisory Committee Concerning the Children's Health Insurance Program, the Fund for the Institutional Care of the Medically Indigent and the Board of Trustees of the Fund, the Rural Advisory Board to Expedite Proceedings for the Placement of Children, the Advisory Board on Water Resources Planning and Development, the Collection Agency Advisory

Board and the State and Local Government Panel on Renewable and Efficient Energy; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 457—AN ACT relating to reports; revising provisions relating to reports submitted by certain entities; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 458—AN ACT relating to elections; requiring that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; creating a sixth ward for the City of Reno; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 459—AN ACT relating to elections; requiring the Department of Motor Vehicles and certain courts to provide to the Secretary of State and relevant county clerk information related to persons who may not be citizens of the United States; requiring a county clerk to cancel the voter registration of certain persons; requiring the Department to request certain information from the Social Security Administration relating to persons who are not citizens of the United States; providing that the Department is not required to give an application to register to vote to certain persons who apply for driver authorization cards; requiring the Secretary of State to adopt certain regulations; requiring a person who claims that he or she is not qualified to act as a juror because he or she is not a citizen of the United States to submit a written affirmation; making various other changes relating to voter registration; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 460—AN ACT relating to the Legislature; expressing the intent of the Legislature to increase its membership in the next

reapportionment and redistricting cycle; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 461—AN ACT relating to elections; increasing the penalty for a candidate for office who files certain documents containing a false statement; revising the forms for declarations of candidacy, acceptances of candidacy and residency; requiring certain proofs of identity when filing for candidacy; providing for the payment of certain costs, expenses and attorney's fees for a successful challenge to the residency qualifications of a candidate for office; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 462—AN ACT relating to elections; revising the definitions of certain terms relating to elections; increasing the maximum number of registered voters that may be included in an election precinct; providing that election board officers are appointed for polling places; eliminating the requirements for county clerks to publish the full text of a statewide measure or county referendum three times; revising the requirements for certain information on ballots; revising requirements related to voter signatures at polling places; revising requirements relating to the publication of names of registered voters at polling places; revising certain information required for documents prepared during early voting; authorizing a county or city clerk to distribute a sample ballot by electronic means; making various other changes relating to elections; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 463—AN ACT relating to emergency medical services; ratifying, enacting and entering into the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 464—AN ACT relating to state financial administration; revising provisions governing the imposition, rate and calculation of the payroll tax imposed on businesses; revising provisions governing the amount of the annual fee for a state business license; requiring businesses to provide certain information in an application for the issuance or renewal of a state business license; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 465—AN ACT making a supplemental appropriation to the Department of Public Safety for projected costs for visiting dignitary protection assignments; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 466—AN ACT relating to the Renewable Energy Account; authorizing the Director of the Office of Energy to adopt regulations establishing a procedure by which an officer or employee of the State to whom the Director makes a loan or other distribution of money from the Renewable Energy Account may enter into an agreement with the Director authorizing repayment of the loan or other distribution of money through payroll deductions; authorizing state payroll officers and the Legislative Fiscal Officer, in accordance with any such agreement, to withhold certain amounts from the salary or wages of an officer or employee of the State and pay the amounts withheld to the Director for credit to the Account; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 467—AN ACT making a supplemental appropriation to the Department of Corrections for a shortfall resulting from a reduction in certain transfers for prison medical care; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 468—AN ACT making supplemental appropriations to the Department of Corrections for shortfalls in projected personnel costs; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 469—AN ACT relating to governmental administration; creating the Office of Finance in the Office of the Governor; transferring certain powers and duties of the Department of Administration to the Office of Finance; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 470—AN ACT relating to governmental administration; revising provisions governing the base for allocating costs of the Division of Human Resource Management of the Department of Administration to state agencies; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 471—AN ACT relating to veterans; establishing the offices of Deputy Director for Veterans Health Care and Deputy Director for Veterans Education and Employment within the Department of Veterans Services; eliminating the requirement that the office of the Director of the Department be maintained in Las Vegas, Nevada; eliminating the requirement that the Nevada Veterans Services Commission advise and make recommendations regarding certain subjects to a deputy director of the Department; restricting the acceptance and use of money and gifts for the benefit of the Account for Veterans Affairs to the exclusive authority of the Director; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 472—AN ACT relating to the Nevada National Guard; revising provisions governing the use of money in the Patriot Relief Account; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 473—AN ACT relating to governmental administration; requiring the appointment of an additional Deputy Director of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 474—AN ACT relating to common-interest ownership; revising certain fees required to be paid by homeowners' associations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 475—AN ACT relating to real estate; revising provisions governing the financial administration of the Real Estate Division of the Department of Business and Industry; decreasing and increasing certain fees charged by the Division; revising provisions governing certain licenses issued by the Division; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 476—AN ACT relating to unarmed combat; requiring the Governor to designate a member of the Nevada Athletic Commission as Chair of the Commission; increasing the percentage of the total gross receipts from admission fees to a live contest or exhibition of unarmed combat required to be paid by a promoter as part of a license fee; requiring a portion of such percentage to be deposited with the State Treasurer for credit to the Athletic Commission's Agency Account; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 477—AN ACT relating to motor carriers; requiring the Taxicab Administrator to appoint a staff attorney to perform legal services or

serve as a hearing officer; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 478—AN ACT relating to real property; revising certain fees collected by the Real Estate Division of the Department of Business and Industry and imposing certain new fees to be collected by the Division; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 479—AN ACT relating to public notices; authorizing the publication of a legal notice or legal advertisement on an Internet website maintained by a newspaper or broadcaster in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation; requiring the publication of certain information in a newspaper of general circulation if a legal notice or legal advertisement is published on an Internet website; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 480—AN ACT relating to mortgage lending; revising provisions governing the licensing and regulation of escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; increasing certain fees relating to escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; providing for the licensing and regulation of mortgage servicers; establishing certain fees relating to mortgage servicers; revising provisions governing the administration of the Division of Mortgage Lending of the Department of Business and Industry; providing penalties; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 481—AN ACT relating to deceptive trade practices; revising the requirements for the impoundment of property in cases involving deceptive trade practices; authorizing the Attorney General to bring administrative actions in such cases; requiring the Commissioner of Consumer

Affairs or the Director of the Department of Business and Industry to provide investigative assistance to the Attorney General with such cases; revising the provisions governing the revolving account for the Consumer Affairs Division of the Department of Business and Industry; revising provisions governing the service of subpoenas issued by the Division; expanding injunctive relief available against a person engaging in a deceptive trade practice; requiring the Attorney General to share certain proceeds with the Division; authorizing the Director to assess administrative fines; revising provisions relating to assurances of discontinuance; revising provisions relating to nondisclosure; authorizing certain violations to be charged as a felony; creating the Consumer Affairs Unit within the Department of Business and Industry; continuing the transfer of certain powers and duties of the Consumer Affairs Division and the Commissioner of Consumer Affairs to the Office of the Attorney General; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 482—AN ACT relating to veterans affairs; authorizing the Board of Regents of the University of Nevada to establish a Veterans Policy and Leadership Institute to increase research on improving outcomes for veterans, members of the military and their families; requiring the Department of Veterans Services and the Nevada Veterans Services Commission to prepare certain reports; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 483—AN ACT relating to education; requiring the board of trustees of each school district annually to reserve money for the payment of an increase in salaries to certain teachers and administrators employed by the school district; revising provisions relating to the program of performance pay and enhanced compensation to be established for each school district; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 484—AN ACT relating to license plates; providing for the reissuance of new license plates by the Department of Motor Vehicles at certain intervals to replace existing license plates; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 485—AN ACT relating to economic development; revising the duties of the Director of the Office of Science, Innovation and Technology; transferring the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office; reducing the membership of the Council; revising certain duties of the Council; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 486—AN ACT relating to insurance; abolishing the Insurance Examination Account; requiring fees currently paid into the Account to be paid into the Fund for Insurance Administration and Enforcement; abolishing certain fees paid into the Insurance Recovery Account; authorizing the Commissioner of Insurance to impose a fee on certain licensees if the balance of the Account is less than a certain amount at the end of a fiscal year; revising initial and annual fees paid by certain insurers; abolishing the Stabilization of Insurance Costs Account and the National Association of Insurance Commissioners Account and certain fees paid into them; repealing certain other fees; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 29 and Assembly Resolution No. 5.

REMARKS FROM THE FLOOR

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ELLIOT ANDERSON:

At the floor session held in the historic Assembly Chamber a couple of weeks ago, my colleague from Assembly District 1 announced the donation of a series of historical panels to celebrate the 150th anniversary of Nevada's statehood. Collectively, these panels tell the story of the Legislature's role in shaping the history of our state. The first panel was donated by former Assembly Judiciary Chairman Jason Frierson and highlighted select legislation that has gone through the Judiciary Committee.

Today it is my pleasure to donate the second panel in the series, this one highlighting the Education Committee. Among other things, you might be surprised to learn that Nevada was years ahead of Brown vs. Board of Education in ending school segregation. In 1871, attorney T.W.W. Davies II—who was later elected to represent Ormsby County (Carson City) in the Assembly—successfully argued before the Nevada Supreme Court that it was unconstitutional to exclude children from attending public school due to race or color.

When you have a minute, please take some time to learn a little bit about the contributions of legislators who served before us and enjoy the Education panel. It will be posted outside of the Education Committee room.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy Nolan Sattley.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Adolfas Stankus.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Langer and Mike Langer.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Fronk.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Pravan Landry.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Ewalt.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Boston.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Kamden Rich.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Nic Boston.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Siale Ngaue.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Hughes.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Shick and Matthew Shick.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Wade Hatch and Tyler Alexander.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Rowe.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Connor Taylor and Katie Provow.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Landry Easperee.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Martin Kyte.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Eddie Cebreros, Dallin Denis, Roberto Hernandez, Thomas Hernandez, Zachery Newman, Woody Phelps, Ikaika Pulotu, Ian Zemp, Isaiah Abel, Frank Bond, Jesse Euler, Ethan Ewait, Harrison Morris, Jordan Price, Victor Valdez, Skyler Walker, Jakob Dzyak, and Mike Dzyak.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Mahaffey.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Kristi Dewar.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Spencer.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Diego Arizola and Larry Bryan.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Bond.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to James Downs.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Cano.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Hassman.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Alfredo Saliva.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Galgiani.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, March 24, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:49 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 24, 2015

Assembly called to order at 11:49 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Fiore, who was excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Father we come to You in humble obedience asking Your presence and guidance. We ask for Your Holy Spirit to comfort, empower, encourage, and strengthen our leaders to be faithful to their state and its people. We ask for You to bless them and their families as each of them have sacrificed to serve their communities. Protect them, be with them, and unite them for the future of our state. Father we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 155; Senate Bill No. 209.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 175.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 23, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 436, 437, 438, 439, 440, 441, 442 and 443.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 175.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 209.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 199.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 199 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 188.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 188 be taken from the General File placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 76.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Barrett-Miller.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Parker, Will Parker, and Stephanie Parker.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Camila Moncayo-Cruz and Itzel Perez.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Gentry.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Haynes and Kim Fiegehen.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Newton.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Searle.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Lubbe and Leslie Velasquez.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Barber.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Minden Elementary School: Aiden Anderson, John Atkins, Faith Austin, Xander Barringer, Finn Campbell, Sofia Cervantes, Emma Charles, T. J. Clanton, Sarah Crittenden, Alondra Flores-Vargas, Emmanuel Gaytan, Angel Gomez, Maricela Gonzalez, Kamilah Hartman, Brandon Hughes, Abby Hutchings, Marcelo Lang, Joe Macabales, Daniel Ramirez, Theo Reid, Reagen Restvedt, Caroline Rian, Eduardo Rodriquez, Zuri Romero-Mendez, Hazen Saucedo, Kyra Schroeder, Ayden Shaffer, Kirsten Smith, Megan Strand, Jersey Bergeron, Jacob Boulet, Danaus Budden, Zoey Cerda Luu, Moises DeLeon, Emma DeLude, Sean Enos, Lukas Forzani, Talin Goheen, Daniel Gomez-Castillo, Ruby Hanson, Hannah Hausman, Livia Langhoff, Mia Latragna, Seara MacPherson, Angel Novoa, Brianna Radke, J. C. Reid, Isaiah Reynoso, Lauren Rian, Anthony Ripley, Uriel Romero-Mendez, Flynn Scheibe, Sabrina Settelmeyer, Sierra Sullivan, Adelita Vazquez-Gutierrez, Anaunya Wilson, and Jack Wilson.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, March 26, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 26, 2015

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson and Ohrenschall, who were excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, I ask for You to come into our presence and fill us with Your love, joy, and patience. Unite us together for the common good of this great state of Nevada and its people. Help our leaders clearly see the needs and proper direction You would have them take us. Empower them to speak and act faithfully and in Your truth. Father, we pray these things in the precious name of Jesus.

AMEN.

Presentation of the Colors by the Southern Nevada ROTC Color Guard.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bill No. 37; Assembly Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 34, 41, 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 265.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Elliot Anderson, Kirkpatrick, Hambrick, Paul Anderson, Bustamante Adams, Araujo, Armstrong, Benitez-Thompson, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hansen, Hickey, Joiner, Jones, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler and Woodbury; Senators Spearman, Ford, Roberson, Brower, Woodhouse, Atkinson, Denis, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Segerblom, Settelmeyer and Smith:

Assembly Concurrent Resolution No. 3—Honoring Nevadans who have lost their lives in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through Operation Enduring Freedom, Operation Iraqi Freedom, Operation New Dawn, Operation Inherent Resolve and Operation Freedom's Sentinel, 6,832 Americans have lost their lives, including 56 Nevadans; and

WHEREAS, The service of these men and women required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifices; and

WHEREAS, While the members of the Armed Forces of the United States, including the members of Nevada's National Guard, continue to risk their lives and protect the interests of our country, the State of Nevada has not lost one of its own since January 2012; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That we must continue to honor every American who served and those who are still serving, and extend our heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice; and be it further

RESOLVED, That while we are grateful that no more Nevadans have been lost to the Global War on Terrorism, we continue to honor the fifty-six Nevadans who we have recognized in previous legislative sessions; and be it further

RESOLVED, That we pause to reflect on the supreme sacrifice of the fifty-six Nevadans who have given their lives in the pursuit of freedom as well as those who continue to serve our country in the name of freedom; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Kat Miller, Director of the Department of Veterans Services, and additional copies of this resolution to Kat Miller for provision to Nevada's veterans services organizations in recognition of their commitment to the men and women who served, and continue to serve, in the Armed Forces of the United States.

Assemblyman Elliot Anderson moved the adoption of the resolution.

Remarks by Assemblymen Elliot Anderson, Hansen, Edwards, Kirkpatrick, and Mr. Speaker.

Assemblyman Elliot Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise today in support Assembly Concurrent Resolution 3.

Mr. Speaker, this morning across the quad, Governor Sandoval stated that today is a great Nevada day. And it truly is. I believe the Governor was referring to the lovely weather and the ceremony, but I have a little bit of a different spin on it.

Today is a great Nevada day because our prayers have been answered. Please allow me to explain. This is now the fourth session that I have had the high honor of participating in Veterans and Military Day at the Legislature, and at every session we prayed for the day when no more Nevadans would be added to the list of the fallen. We have prayed for this day, and finally our prayers have been answered. I am overjoyed to speak these words, and I will not tire of saying, No Nevadans have fallen since last session.

Just because we are not adding new names to the list does not mean that we face no challenges. In fact, we have many to tackle. We have to ensure that as the news reports of conflicts end and relative peace time begins, we take extra steps to ensure that we do not forget the veterans that come home.

In particular, we need to ensure that we do not forget to take care of the families of our fallen heroes. Their loss is eternal but our memory is not. It needs to be. We can never allow our veterans and our Gold Star families to fall through the cracks as our country and our state move on. They are truly the ones who bear the cost of war. And make no mistake, their burdens are costs of war. We should treat them as such. We should spare no expense in taking care of them. If we are willing to spend unlimited amounts on bombers and bullets, so too, we should spend unlimited amounts to help those who have borne the battle, and of course, their widows and families.

Mr. Speaker, I do have a suggestion for how we can tackle that challenge. I will not make a pitch for any particular type of legislation. In fact, my suggestion is actually to all of our guests today, our honored veterans and military family members, and our military members. We need you to serve in a different capacity. We need you involved in government. You have selflessly served your country. You have eaten dirt, slept on lava rocks, and spent days, if not weeks, getting rained on. The last two I have personal experience with, by the way, Mr. Speaker. Lava rocks hurt.

You bring a perspective to public service that people in government and politics need. Whether you run for office or not—and if you do, please don't run against me—we need you involved in some capacity, to ensure that policymakers do not forget the burdens and costs of war that our veterans, military, and family members continue to bear. Do not hope we remember—make us remember.

Speaking as a veteran, a neighbor, a citizen, a policymaker, and an officer of the state of Nevada, I don't just want your help. I need your help. Nevada and the rest of the country need

your help. I bet when everyone came here today, they were not expecting another recruiting pitch, were they?

With that, Mr. Speaker, I respectfully ask my colleagues to join me in supporting Assembly Concurrent Resolution 3. Thank you

ASSEMBLYMAN HANSEN:

I have an announcement for the veterans who have been working so diligently on Assembly Bill 140. We were trying to get it done today for you; we did not quite get it done, but it will be. We worked out all the amendments. Mr. Harris has worked very diligently on your behalf, and we will be voting that out of our committee in the not too distant future. I cannot help but bring to the veterans' attention that my son is in the second year at the United States Naval Academy at Annapolis. You guys will be led by some good officers.

ASSEMBLYMAN EDWARDS:

Today we are honored to have amongst us 155 very fine Junior ROTC guests from six southern Nevada high schools: Bonanza, Cheyenne, Las Vegas, Mojave, Pahrump and Valley.

Nevada's Junior ROTC program numbers 8, 450 cadets this year. They come from all walks of life, from all parts of our state. In a time when we hear so much bad news about our schools and our students, these cadets stand out and offer proof that the next generation has greatness within it. And it is greatness that comes from every demographic. If a young man or woman has the drive to better themselves, the Junior ROTC gives them the pathway to success.

Whereas too many students don't show up for school, these cadets do. Whereas other students get themselves into trouble, these cadets do not. Whereas too many others do not measure up, these cadets excel and set the bar higher for everyone. And whereas so many others tragically do not graduate from schools, these cadets and the thousands of other cadets like them across our great state earn that walk across the stage to receive the high school diploma they have achieved.

The Junior ROTC program is not just about wearing uniforms, cutting your hair, and doing physical training—as motivational as those things are. It is one of the best programs that a young person in high school can enter. They learn to incorporate important life skills and values such as leadership, teamwork, honesty, integrity, and the perseverance to overcome life's obstacles. It is a shining example of what our young men and women can achieve when given challenging goals, proper direction, guidance, and a real chance to succeed. This is made possible by the exemplary efforts of the outstanding instructors and leaders who show them the way. These instructors are not just teachers; they are mentors, counselors, and sometimes surrogate parents who set stellar examples for their cadets to emulate. Please welcome them with a round of applause.

ASSEMBLYWOMAN KIRKPATRICK:

Traditionally on Veterans Day in the Legislature, we try to show the impact that veterans have on our everyday lives. This session is unique when we see how many more women are in the service and serving our country. I do not want that to be forgotten, because these are very different times. Women are leaving their families and their husbands and going out into the field and fighting for our freedom. If you will indulge me, I would like to show how veterans really impact our lives. Will all the veterans within this chamber please stand? Now, if all the spouses of a veteran will please stand. Now, I ask anyone who has a family member who is in the service to please stand. And lastly, will those who have a friend or someone close to them in the service please stand. When you see all of those who are standing, you can see that veterans impact our lives every single day, and we do know someone who is out there fighting. I think it is important that people recognize that each and every one of us are affected in some way.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I want to take this opportunity to recognize this group of men and women to whom this entire body owes a debt of gratitude that we will never be able to repay—the men and women who have served us in our armed services. I would ask that the veterans stand and that the members of this body give them the appropriate greeting. Ladies and gentlemen, please understand that that applause was not just for you. That applause was for your wives, your children, your

grandchildren, your parents. They all supported you and we are very, very, very grateful. As we all know, freedom is not free.

Resolution adopted unanimously and ordered transmitted to the Senate.

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

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Assembly Bill No. 188 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

NOTICE OF EXEMPTION

March 24, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 199, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 480, 481, 482, 483, 484, 485 and 486.

CINDY JONES
Fiscal Analysis Division

March 25, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 104, 204, 205 and 399.

CINDY JONES
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 180.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 188.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 188 allows a motor vehicle, motorcycle, or moped, to the extent not preempted by federal law, to be equipped with high-intensity discharge headlamps, provided that such headlamps have a correlated color temperature of not less than 5,000 kelvins and not more than 6,000 kelvins. AB 188 is here today to ensure the safety of the motoring public and pedestrian safety by creating the standard for HID headlamps. I urge the body's support.

Roll call on Assembly Bill No. 188:

YEAS—26.

NAYS—Dickman, Dooling, Edwards, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Oscarson, Seaman, Shelton, Titus, Trowbridge—14.

EXCUSED—Paul Anderson, Ohrenschall—2.

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

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 155 and Senate Bill No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Hernandez, Sally Wiley, and Bill Baumann.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Burns.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to John Byrne.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to John Warden.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Baran.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Musgrove.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Bohn.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Mathew Leue.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Moran.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to John Hansen and Sherry Rickard.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Cullen Knight.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Dusty Biermeyer, Kelley Johnson, Christopher Kuhlemeier, Treshaun Lee, Dominique Cordell, Jerrica Bautista, Robert Brown, David Oberg, Kat Miller, and Wilette Gerald.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Hernandez and Frank Greenwood.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Gutzman.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Spencer.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Herbst.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Snider, Anthony Lonigro, Tracy Soliday, and Glenna Smith.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Shuster, Jesus Marquez, Krissian Marquez, and Angela Marquez.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Peterson.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Henson.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Burgess.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Harris.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Henry Phillips, Mark Meyer, and Bob Wheeler.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Maez, Stan Jones, and Bill Burks.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Blaine Inman.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanette Rae.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Rash.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Haynes, Kim Fiegehen, Ben Hammack, and Tim Galluzi.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lauretta Nawojski and Doug Goodman.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Lepeilbet.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Dahlin.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Hodge.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Burgess.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Walling.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Stalnaker.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Endel.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Russ Murray.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to David Sousa.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Yarbrough and Dave Evans.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Sousa.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Maltman and Christian Morris.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Darrol Brown.

Assemblyman Hansen moved that the Assembly adjourn until Monday, March 30, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 30, 2015

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

As children bring their broken toys for us to mend, we bring our broken dreams to You, O God, and then complain as to why You could be so slow; to which You reply, "How could I work? You never did let go."

Help us to remember Your words to us, "They that wait upon the Lord will renew their strength. They will soar on the wings like eagles. They will run and not get weary. They will walk and not faint."

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 222, 243, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 40, 44, 46, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

March 29, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 423, 427, 428, 429, 431, 467, 468, 469, 470, 486, 487, 490, 491, 493, 497, 505 and 506.

MARK KRMPOTIC
Fiscal Analysis Division

March 30, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 197, 215, 217, 218, 239, 241, 253, 255, 259, 266 and 276.

CINDY Jones
Fiscal Analysis Division

March 30, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 222, 234, 237, 248, 265, 266, 268, 269, 275, 280, 282, 283, 284, 288, 290, 295, 305, 364, 391, 392, 399, 405, 420, 422, 430, 432, 471, 472, 474, 483, 488, 489, 492, 494, 495, 496, 498, 500, 501, 502, 503, 504, 507 and 508.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Mario DelaRosa of Ahora Latino Journal; Steven Ranson of Lahontan Valley News; Adam Trumble of the Nevada Appeal; Kurt Hildebrand of the Record-Courier; Benjamin Spillman of the Reno Gazette-Journal; Theresa Catalani and Todd Bailey of the Stealth Reporter; Dan Roberts of the Vegas Voice; and Chuck Baker of the Veterans Reporter be accepted as accredited press representatives and allowed use of appropriate broadcasting facilities.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 27.

AN ACT relating to education; revising provisions governing the licensure of certain teachers who are not citizens or lawful permanent residents of the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Upon request of a school district, existing law authorizes the Superintendent of Public Instruction to issue a license to teach to a person who is not a citizen or lawful permanent resident of the United States but who is otherwise entitled to work in the United States pursuant to federal laws and regulations if: (1) the school district has demonstrated to the satisfaction of the Superintendent that a shortage of teachers exists in the subject area for which the person is qualified; (2) the person is otherwise qualified to teach in the subject area for which there is a shortage of teachers; and (3) the school district agrees to employ the person to teach in the subject area for which there is a shortage of teachers. (NRS 391.060) This bill removes the requirement that a school district demonstrate that a shortage of teachers exists in a particular subject area **as a condition to licensure** and instead allows such a person to be ~~[hired]~~ **licensed** to teach if: (1) the school district can demonstrate that any shortage of teachers exists ~~[.]~~ **or that the school district has not been able to employ a person possessing the skills, experience or abilities of the person to be licensed and such skills, experience or abilities are needed to address an area of concern for the school district;** (2) the person is otherwise qualified to teach; and (3) the school district agrees to employ the person. **This bill also authorizes the governing body of a charter school to request the Superintendent to issue a license to such a person and employ such a person in the same circumstances as a school district.**

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

Section 1. NRS 391.060 is hereby amended to read as follows:

391.060 1. Except as otherwise provided in this section and NRS 391.070, it is unlawful for:

(a) The Superintendent of Public Instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

(b) The State Controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen

of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. Upon the request of a school district ~~[,]~~ ***or the governing body of the charter school, as applicable,*** the Superintendent of Public Instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:

(a) The school district ***or the governing body of the charter school, as applicable,*** has demonstrated to the satisfaction of the Superintendent of Public Instruction that ~~[a]~~ ***:***

(1) A shortage of teachers exists ~~[,in the subject area for which the person is qualified;]~~ ***; or***

(2) The school district or governing body of the charter school, as applicable, has not been able to employ a person possessing the skills, experience or abilities of the person to be licensed and such skills, experience or abilities are needed to address an area of concern for the school district or charter school;

(b) The person is otherwise qualified to teach ***,*** ~~[in the subject area for which there is a shortage of teachers,]~~ except that the person does not meet the requirements of subsection 1; and

(c) The school district ***or governing body of the charter school, as applicable,*** agrees to employ the person ***.*** ~~[to teach in the subject area for which there is a shortage of teachers.]~~

3. ***If a person to whom a license is issued pursuant to subsection 2 is terminated, the school district or governing body of the charter school, as applicable, must notify the Superintendent of Public Instruction within 5 business days.***

4. A license issued by the Superintendent of Public Instruction pursuant to subsection 2:

(a) Automatically expires on the date that the licensee is no longer entitled to work in the United States pursuant to federal laws and regulations; and

(b) Authorizes the person who holds the license to teach only in the:

(1) School district ***or charter school*** that submitted the request for the issuance of the license to that person; and

(2) Subject area for which the person is qualified.

~~[4.]~~ ***5.*** Upon compliance with all applicable federal laws and regulations, the board of trustees of a school district ***or the governing body of a charter school*** may employ a person who does not meet the requirements of subsection 1 if the person holds a license issued by the Superintendent of Public Instruction pursuant to subsection 2. A teacher's employment with a school district ***or the governing body of a charter school, as applicable,*** pursuant to this subsection automatically expires on the date that he or she is no longer entitled to work in the United States pursuant to federal laws and regulations.

~~[5.]~~ ***6.*** The State Controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection ~~[4.]~~ ***5.***

~~[6.]~~ ***7.*** Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 37.

Bill read second time.

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

Amendment No. 18.

AN ACT relating to air pollution; revising provisions relating to the sale of a motor vehicle at a consignment auction; ~~[limiting the number of such auctions that may be conducted by a consignee;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires that a seller of a used motor vehicle provide the buyer of the vehicle with evidence that the vehicle complies with certain emissions standards for the purpose of registering the vehicle with the Department of Motor Vehicles. (NRS 445B.800) Existing law exempts from this requirement a consignee who is authorized to sell vehicles at a qualifying consignment auction if the vehicle is sold on behalf of a registered owner, lienholder or insurance company and the consignee, at the time of the auction, complies with certain notice requirements. (NRS 445B.728, 445B.805, 445B.807) **Sections 2-12** of this bill provide that, for the purpose of entrusting or authorizing a consignee to sell or display for sale a motor vehicle at such an auction, the registered owner or lienholder may not be an automobile wrecker, body shop, distributor, manufacturer, rebuilder, salvage pool, vehicle dealer or garage. ~~[Section 15 of this bill prohibits a consignee from conducting more than two such auctions during any period of 12 consecutive months.]~~

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***"Automobile wrecker" has the meaning ascribed to it in NRS 487.047.***

Sec. 3. ***"Body shop" has the meaning ascribed to it in NRS 487.532.***

Sec. 4. ***"Distributor" has the meaning ascribed to it in NRS 482.028.***

Sec. 5. ***"Garage" has the meaning ascribed to it in NRS 487.540.***

Sec. 6. ***"Licensee" means any automobile wrecker, body shop, distributor, manufacturer, rebuilder, salvage pool or vehicle dealer licensed by the Department, or any garage registered with the Department.***

Sec. 7. ***"Lienholder" means any person, other than a licensee, who holds a lien on a motor vehicle.***

Sec. 8. ***"Manufacturer" has the meaning ascribed to it in NRS 482.060.***

Sec. 9. ***"Rebuilder" has the meaning ascribed to it in NRS 482.097.***

Sec. 10. ***"Registered owner" means any person, other than a licensee, whose name appears in the records of the Department as the person to whom a vehicle is registered.***

Sec. 11. ***"Salvage pool" has the meaning ascribed to it in NRS 487.400.***

Sec. 12. ***"Vehicle dealer" has the meaning ascribed to it in NRS 482.020.***

Sec. 13. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act*** do not apply to:

(a) Military tactical vehicles; or

(b) Replica vehicles.

2. As used in this section:

(a) "Military tactical vehicle" means a motor vehicle that is:

(1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Replica vehicle" means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after ~~[1968]~~ ***1967*** which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;

(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➥ The term does not include a vehicle which has been restored to its original design by replacing parts.

Sec. 15. NRS 445B.807 is hereby amended to read as follows:

445B.807 1. To qualify as a consignment auction for the purposes of subsection 4 of NRS 445B.805, an event must be:

(a) A live auction with an auctioneer verbally calling for and accepting bids; or

(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:

(1) A vehicle dealer licensed pursuant to NRS 482.325; or

(2) A salvage pool licensed pursuant to NRS 487.410.

2. A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:

(a) Applying to the Department of Motor Vehicles;

(b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;

(c) Providing evidence satisfactory to the Department that at least 51 percent of the ***motor*** vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:

(1) A live auction with an auctioneer verbally calling for and accepting bids; or

(2) An auction conducted on an auction website on the Internet by the person; and

(d) Providing any other information or documentation required by the Department.

3. ~~***[A consignee shall not conduct more than two consignment auctions pursuant to this section during any period of 12 consecutive months.***~~

~~***4.]***~~ The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.

Sec. 16. NRS 445B.835 is hereby amended to read as follows:

445B.835 1. The Department of Motor Vehicles may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act,*** or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer ***for credit*** to the ~~[~~credit of the~~]~~ Pollution Control Account.

3. In addition to any other remedy provided by NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act,*** the Department may compel compliance with any provision of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act,*** and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 17. NRS 445B.840 is hereby amended to read as follows:

445B.840 It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;

2. Make, issue or use any imitation or counterfeit evidence of compliance;

3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, ***and sections 2 to 12, inclusive, of this act,*** or any regulation adopted by the Department of Motor Vehicles; or

4. Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

Sec. 18. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act*** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and sections 2 to 12, inclusive, of this act,*** or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 19. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

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

Amendment No. 14.

AN ACT relating to governmental administration; eliminating the requirement that the Personnel Commission and the Administrator of the Division of Human Resource Management of the Department of Administration submit certain biennial reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the Personnel Commission report to the Governor biennially on all matters pertinent to the Division of Human Resource Management of the Department of Administration and any other matters requested by the Governor. (NRS 284.065) **Section 1** of this bill removes the requirement that the report be made biennially.

Existing law requires that the Administrator of the Division report to the Commission and the Governor biennially regarding the work of the Division and make such special reports as may be desirable. (NRS 284.105) **Section 2**

of this bill removes the requirement for a biennial report regarding the work of the Division.

Existing law authorizes, under certain circumstances, the Administrator of the Division to suspend the requirements of competitive examinations for positions in the State Personnel System. Except in certain limited circumstances, if the Administrator suspends the requirements, he or she must include in the biennial report of the Division an explanation of the circumstances that justified the suspension. (NRS 284.320) **Section 3** of this bill eliminates this reporting requirement.

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

Section 1. NRS 284.065 is hereby amended to read as follows:

284.065 1. The Commission has only such powers and duties as are authorized by law.

2. In addition to the powers and duties set forth elsewhere in this chapter, the Commission shall:

(a) Advise the Administrator concerning the organization and administration of the Division.

(b) Report to the Governor ~~[biennially]~~ on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.

(c) Advise and make recommendations to the Governor or the Legislature relative to the personnel policy of the State.

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

(e) Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards in the state service.

(f) Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions.

(g) Exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

Sec. 2. NRS 284.105 is hereby amended to read as follows:

284.105 1. The Administrator shall direct and supervise all administrative and technical activities of the Division.

2. In addition to the duties imposed upon the Administrator elsewhere in this chapter, the Administrator shall:

(a) Apply and carry out the provisions of this chapter and the regulations adopted pursuant to it.

(b) Establish objectives for the Division in terms which are specific, measurable and conducive to reliable evaluation, and develop a plan for accomplishing those objectives.

(c) Establish a system of appropriate policies for each function within the Division.

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and adoption of regulations to carry out the provisions of this chapter.

(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

(1) The class title of the position held.

(2) The salary or pay.

(3) Any change in class title, pay or status.

(4) Other pertinent data.

(h) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

(i) Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

(j) Make to the Commission and to the Governor ~~[a biennial report regarding the work of the Division and]~~ such special reports as the Administrator may consider desirable.

(k) Maintain a continuous program of recruiting for the classified service.

(l) Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 3. NRS 284.320 is hereby amended to read as follows:

284.320 1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for specific reasons competition in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the Administrator may suspend the requirements of competition.

2. The Administrator may suspend the requirements of competitive examination for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.

3. Upon specific written justification by the appointing authority, the Administrator may suspend the requirement of competitive examination for a position where extreme difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

4. Except in the circumstances described in subsection 2, no suspension may be general in its application to any position. ~~[, and each case of suspension~~

~~and the justifying circumstances must be reported in the biennial report of the Division with the reasons for the suspension.~~**]**

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 90.

AN ACT relating to education; establishing a credit against the modified business tax for taxpayers who donate money to a scholarship organization; setting forth certain requirements for a scholarship organization and for schools that receive grants from a scholarship organization; requiring a scholarship organization to submit an annual report to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, financial institutions and other employers are required to pay an excise tax (the modified business tax) on wages paid by them. (NRS 363A.130, 363B.110) With respect to that tax, **section 4** of this bill establishes a tax credit equal to an amount approved by the Department of Taxation, which must not exceed the amount of any donation of money made by a taxpayer to a scholarship organization. To claim the tax credit, **section 4** requires a scholarship organization to apply to the Department for approval of the credit for a taxpayer who intends to make a donation to the scholarship organization. If the Department approves the application, the scholarship organization must provide notice to the prospective donor, who must make the donation within **~~[10]~~ 30** days after receiving the notice. If the donor does not make the donation within the requisite period, the donor forfeits eligibility for the credit. The Department: (1) must approve or deny applications for the tax credit in the order in which the applications are received by the Department; and (2) is authorized to approve applications for each fiscal year until the amount of the tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year. For Fiscal Year 2015-2016, the amount authorized is **~~[$10]~~ $5** million. The amount authorized for each succeeding fiscal year is 110 percent of the amount authorized for the immediately preceding fiscal year.

Section 5 of this bill provides that a scholarship organization: (1) must be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501 (c)(3)); (2) must not own or operate any school that receives grants pursuant to **sections 2-6** of this bill; (3) must accept donations and may also solicit and accept gifts and grants in addition to donations; (4) must not expend for administrative expenses more than 5 percent of the money

it receives; (5) must provide grants on behalf of pupils who are members of a household with a household income which is not more than 300 percent of the federally designated level signifying poverty to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils; (6) must not limit to a single school the schools for which it provides grants; and (7) must not limit grants to specific pupils. **Section 5 also requires the maximum amount of a grant provided by the scholarship organization to be adjusted each fiscal year in an amount corresponding to the percentage of increase in the Consumer Price Index published by the United States Department of Labor for the preceding calendar year.** With respect to donations, gifts and grants governed by this bill, **section 5** also requires the organization to provide each person who makes a donation, gift or grant with an affidavit attesting to certain information. For each pupil who is a beneficiary of a grant, **section 5** requires that the school in which the pupil is enrolled maintain a record of the pupil's academic progress in such a manner that the information may be aggregated for all such pupils enrolled in the school.

Section 6 requires a scholarship organization to submit an annual report to the Department of Education concerning the donations, gifts and grants received by the organization and the grants made by it during the preceding year. **Sections 7 and 8** of this bill provide specifically for application of the credit against the taxes affected by this bill.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***Sections 2 to 6, inclusive, of this act may be cited as the Nevada Educational Choice Scholarship Program.***

Sec. 3. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "scholarship organization" means an organization in this State that meets the requirements set forth in section 5 of this act.***

Sec. 4. ***1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 or 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.***

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the

decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than ~~[10]~~ 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within ~~[10]~~ 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation is:

(a) For Fiscal Year 2015-2016, ~~[$10,000,000;]~~ $5,000,000;

(b) For Fiscal Year 2016-2017, ~~[$11,000,000;]~~ $5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

4. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

5. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

Sec. 5. *1. A scholarship organization must:*

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school , ~~[as defined in NRS 394.103,]~~ which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools . *~~[as defined in NRS 394.103.]~~ The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed* ~~[:~~

~~*(1) The tuition charged for enrollment in the school chosen by the parent or legal guardian of the pupil; or*~~

~~*(2) The sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235,*~~

~~*whichever is less.*$]~~ **$7,755 for Fiscal Year 2015-2016.**

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

~~[3.]~~ 4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

~~[4.]~~ 5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such

pupils if reporting is required by the regulations of the Department of Education.

~~[5.]~~ 6. The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

7. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. ***A scholarship organization which receives a donation, gift or grant of money described in section 5 of this act shall report to the Department of Education, on or before January 31 of each year, on a form prescribed by the Department:***

1. The name, address and contact information of the scholarship organization;

2. The total number of such donations, gifts and grants received by the scholarship organization during the immediately preceding calendar year;

3. The total dollar amount of such donations, gifts and grants received during the immediately preceding calendar year;

4. The total number of pupils for whom the scholarship organization made grants during the immediately preceding calendar year pursuant to section 5 of this act;

5. The total dollar amount of such grants made during the immediately preceding calendar year; and

6. For each school for which such a grant was made during the immediately preceding calendar year:

(a) The name and address of the school;

(b) The number of pupils enrolled in the school for whom such a grant was made; and

(c) The total dollar amount of such grants provided for pupils enrolled in the school.

Sec. 7. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. There is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with section 4 of this act, to a credit equal to the amount authorized pursuant to section 4 of this act against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in section 3 of this act.

Sec. 8. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. There is hereby imposed an excise tax on each employer at the rate of 0.63 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with section 4 of this act, to a credit equal to the amount authorized pursuant to section 4 of this act against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in section 3 of this act.

Sec. 9. This act becomes effective ~~[:~~

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

~~2. On January 1, 2016, for all other purposes.]~~

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywomen Woodbury and Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time and ordered to third reading.

Assembly Bill No. 251.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 2.

Resolution read second time.

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

Amendment No. 50.

SUMMARY—Urges the United States Congress and the United States Fish and Wildlife Service to take certain actions to reduce the impact of common ravens on the greater sage grouse ~~[population]~~ **and desert tortoise populations** in this State. (BDR R-33)

ASSEMBLY JOINT RESOLUTION—Urging the United States Congress and the United States Fish and Wildlife Service to take certain actions to reduce the impact of common ravens on the greater sage grouse ~~[population]~~ **and desert tortoise populations** in this State.

WHEREAS, The greater sage grouse (*Centrocercus urophasianus*) is a species of bird that inhabits much of the sagebrush habitat in Nevada as well as other western states; and

WHEREAS, The United States Fish and Wildlife Service has determined that the greater sage grouse is warranted for listing as endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; and

WHEREAS, Through the enactment of Senate Concurrent Resolution No. 15, File Number 48, Statutes of Nevada 2005, at page 3022, the members of the 73rd Session of the Nevada Legislature found that the listing of the greater sage grouse as an endangered or threatened species would have a devastatingly negative impact on Nevada's land development, land use, water use, mining, recreational activities and local economies; and

WHEREAS, The desert tortoise (Gopherus agassizii) is a species of tortoise that inhabits the desert habitat of the southwestern United States, including the Mojave desert region of southern Nevada; and

WHEREAS, The desert tortoise is listed as a threatened species under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; and

WHEREAS, The common raven (*Corvus corax*) is a species of bird that inhabits Nevada and much of the western United States, Mexico, Canada, Europe and Asia; and

WHEREAS, The International Union for Conservation of Nature estimates the global population of the common raven as greater than 16 million and trending upwards, thus classifying it as a species of least concern; and

WHEREAS, A known cause of decline in the sage grouse population is egg depredation by the common raven, and research conducted at Idaho State University has suggested that reductions in the raven population significantly increase sage grouse nest success; and

WHEREAS, The United States Fish and Wildlife Service has identified the common raven as the most highly visible predator of hatchling and juvenile desert tortoises, and research published by the Western Ecological Research Center of the United States Geological Survey recommends controlling certain raven populations to assist in the recovery of desert tortoise populations; and

WHEREAS, The common raven is a protected species under regulations adopted pursuant to the Migratory Bird Treaty Act of 1918, 16 U.S.C. §§ 703 et seq., which drastically curtails the ability of this State to manage the population of the common raven in order to protect sage grouse nests **[.]** **and desert tortoises;** now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 78th Session of the Nevada Legislature urge the United States Congress to amend the Migratory Bird Treaty Act or take any other appropriate action to ensure that the common raven is not a protected species under that Act; and be it further

RESOLVED, That the members of the 78th Session of the Nevada Legislature urge the United States Fish and Wildlife Service to:

1. Work with the Nevada Department of Wildlife to decrease common raven populations in this State; and

2. Adopt regulations allowing the State of Nevada to manage the common raven population and reduce the number of common ravens in this State; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, **[**and**]** the Director of the United States Fish and Wildlife Service **[**.**]** **, the President of the Nevada Cattlemen's Association, the President of the Nevada Farm Bureau Federation, the Chair of the Sagebrush Ecosystem Council and the Executive Director of the Western Governors' Association;** and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

Senate Bill No. 20.
Bill read second time and ordered to third reading.

Senate Bill No. 34.
Bill read second time and ordered to third reading.

Senate Bill No. 41.
Bill read second time and ordered to third reading.

Senate Bill No. 45.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 180.
Bill read third time.
Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:
Assembly Bill 180 requires the Public Employees' Retirement Board to select an independent public accountant to perform audits of the Public Employees' Retirement System through a process for open bidding or a request for proposals not less than once every four years. The bill also precludes the board from considering a bid or proposal from the person who was selected in the immediately preceding cycle. This bill passed out of committee unanimously.

Roll call on Assembly Bill No. 180:
YEAS—42.
NAYS—None.
Assembly Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 265.

Assemblyman Paul Anderson moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 5:06 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 39, 42, 52, 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 30, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 289, 290 and 291.

CINDY JONES
Fiscal Analysis Division

Mr. Speaker appointed Assemblymen O'Neill and Flores as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Joe Heck.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:13 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Smith, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Ellison, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Hardy and Assemblyman Oscarson to wait upon Representative Heck and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Joe Heck, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Heck and invited him to deliver his message.

Representative Heck delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

Governor Sandoval, Lieutenant Governor Hutchison, Speaker Hambrick, Minority Leader Kirkpatrick, Majority Leader Roberson, Minority Leader Ford, constitutional officers, honorable members of the Judiciary, family, friends, distinguished guests. Thank you for being here this evening, thank you for your service to the great state of Nevada, and thank you for allowing me the opportunity to speak with you about our shared goal: a better Nevada.

Before I begin, I want to take a moment to recognize my wife of 20 years, Lisa, who is here with me tonight. As a congressional and military spouse, Lisa puts up with a lot. But she never—okay, rarely—complains. She has supported me every step of the way, and I would not be standing here tonight if not for her love and her blessing to allow me to do what I do. I am sure the same can be said for everyone gathered here tonight who serves in public office. The life of an elected official is far from glamorous; while not as Machivellian as House of Cards or as inane as Alpha House, it can be hard on families. I thank all of the family members here tonight and all those not in the chamber for the sacrifices they make as we pursue our goal of a better Nevada.

It is a great honor and my distinct pleasure to address you tonight as the representative for Nevada's Third Congressional District. The Third District is home to well-known landmarks like the Hoover Dam, the Red Rock and Lake Mead National Recreation Areas, and lesser known but just as important gems like the Pioneer Saloon in Goodsprings. Innovative small businesses, cutting edge health care providers, institutions of higher learning, and high-performing schools dot our communities and line our streets. Living in cities as large as Henderson and towns as small as Sandy Valley are hard-working teachers, retail and hospitality workers, healthcare professionals, business owners, construction workers, active duty military, and veterans from every conflict from World War II through the present. And the Third District is growing.

Downtown Summerlin is realizing its full potential and it seems like every time I am home working in the district it is time to cut another ribbon at another business opening. The Third District is a vibrant, diverse, thriving community, and it is my honor to represent it in Washington.

But it was not all that long ago that I was sitting where you are as State Senator for District 5. When I think back on my time here in Carson City, my memories are of the concerted effort made by this body to do our part to create a better Nevada. I enjoyed the committee work and knowing the laws and policies we enacted had a real impact on the lives of Nevadans. Doing work that close to the people was extremely fulfilling.

Moving from Carson City to Washington—going from a Senate of 21 to a House of 435—was quite a change and is not without its challenges. It is frustrating at times working amongst so many other members, all with their own priorities. But I assure you that while I may be serving in D.C., I am always working on behalf of Nevada. The legislation I introduce and the policies I champion are designed to work in partnership with your priorities here in Carson City and around the state. Every vote I take is viewed through a lens of how it will impact Nevada. Every policy decision I make is with Nevadans in mind. Some of the legislation I have introduced has secured our states's share of power from Hoover Dam for 50 years, makes it easier for volunteer organizations like Red Rock Search & Rescue to access federal lands, provided services to runaway and homeless youth at risk of human trafficking, and decreased veterans' homelessness.

Tonight I would like to tell you about four important policy areas I am working on in Washington that I think are a major part of achieving our shared goal of a better Nevada. Those are graduate medical education and access to health care, career and technical education as one of the keys to a twenty-first century workforce, unmanned aerial systems' potential to take Nevada's economy to new heights, and increased international travel and tourism as a way to boost the economy while preserving national security.

First, graduate medical education. I think everyone in the Chamber tonight agrees that a healthier Nevada is a better Nevada. While the Affordable Care Act allowed more people access

to health insurance, we all know that access to health insurance does not necessarily mean access to health care. Unfortunately, here in Nevada, we know that all too well. A recent study found that we rank 45th in the country in the number of physicians per 100,000 residents. The fewer doctors serving a community, the more difficult it is for people to improve their overall health and recover from injury or illness. There are several reasons for this doctor shortage. Certainly another medical school could help and I know you will be looking closely at that project during this legislative session.

I want to focus on one of the other major reasons for our doctor shortage, which is our scarcity of medical residency positions. The Association of American Medical Colleges found that in 2011, there were about 37 medical residents and fellows per 100,000 people across the U.S. In Nevada, there were just ten. And since medical residents tend to stay in the area where they do their residency to practice, increasing those graduate medical education slots will help boost our physician numbers. I commend Governor Sandoval for his leadership and vision to boost the state's commitment to residency programs by $10 million. That amount of funding will make a major improvement in access to care. I know that you all will face many difficult choices in the days and weeks ahead, especially when it comes to the budget, but if you can find a way to get this done at the state level, I am going to do everything in my power to give the state a shot at even more residency program money. Here's how.

The federal government is primarily responsible for funding graduate medical education, through Medicare funds and the Veterans Adminstration. So I have teamed with Representative Kathy Castor of Florida—another state suffering from a doctor shortage—to introduce bipartisan legislation that will help close our doctor shortage gap. Our bill is called the Creating Access to Residency Education Act—or CARE—and it creates a federal grant program for states to develop new residency programs or expand existing ones, which will directly assist under-served states like ours. An eligible state would receive a two-thirds match for starting or expanding a residency in primary care specialty and a 50 percent match for residencies in other specialties. I think that given the current conditions in our state combined with a state-level financial commitment, we would have a strong case to make for that grant funding.

No longer should the answer to the question Where do you go for health care in Nevada? be the airport. Expanding graduate medical education will keep more doctors in Nevada, improve access to care for our residents, and be a big step towards a better Nevada.

The second issue is career and technical education and the key role it plays in building a twenty-first century workforce and a better Nevada. The life stories of people like Steve Jobs and Mark Zuckerberg show us that there are many ways to success other than the traditional route of high school to a four-year college. In certain fields—law, medicine, and education—college prep high school courses and four-year schools will always be required. But in critical industries like information and computer technology, allied health professions, agriculture and natural resources, and public safety, a more career-focused approach to education can be more beneficial.

Career and technical education programs are effective for several reasons. They are flexible and can keep pace with industry trends and real world conditions to give students an education that will actually be relevant when they leave the program, and they allow students to pursue their passion, which keeps them energized, engaged, and in the classroom. That is why we need to work together at both the state and federal level to support our CTE programs and ensure they are adequately funded. Governor Sandoval recognizes the importance of career and technical education, proposing a major increase to CTE funding in his two-year budget plan. As a member of the House Committee on Education and the Workforce, I am committed to ensuring Nevada receives its fair allocation of federal CTE dollars.

There are proposals out there that would change or alter the amount of funds states receive for CTE. In fact, one current proposal would take $100 million from the current CTE budget to start a new grant program. But the problem is, taking that $100 million out of the CTE budget changes the overall CTE budget and would cause us, the state of Nevada, to lose 50 percent of our federal CTE dollars, including more than $4 million from the Clark County School District alone.

So I am working with my colleagues in the Committee to ensure that funding for CTE remains a priority and that proposals to make cuts to critical CTE funding are rejected. I partnered with Raul Grijalva of Arizona to introduce a bill that updates the CTE funding formula and hold-

harmless provisions so that no state would ever see more than a 10 percent reduction in the CTE funds allocated the previous year.

During my visits to the Career and Technical Academies in my district and talking with students who participate in DECA, SkillsUSA, and HOSA Allied Health Professions programs, it is clear to me that maintaining a robust CTE program here in Nevada is critical to educating a twenty-first century workforce. Workers qualified for the in-demand jobs of the future are part of building a better Nevada.

Next, I want to talk about the potential for unmanned systems to take Nevada's economy to new heights. Governor Sandoval, the Office of Economic Development, and all of you are working to diversify Nevada's economy because you realize, as I do, that a more innovative Nevada is a better Nevada. One area that I am particularly excited about and engaged in is unmanned systems, especially the aerial systems. This week I will speak with federal and state representatives meeting in southern Nevada about Nevada's role as one of the six FAA unmanned aerial systems test sites. Tonight my message to you is the same as it will be to them. The sites currently lack the proper guidance to utilize this research program to its fullest potential, and the FAA, in conjunction with Congress, needs to develop a more actionable strategy for states like ours to implement. We must continue to educate policymakers and the public about the wide array of uses of unmanned systems and the benefits those systems will provide in the future. And we must be wary of enacting overbearing regulations that will stifle innovation in this burgeoning industry. That final point may be the most critical at this time. Imagine if when the Internet was in its infancy, the federal government had rushed to create all sorts of regulations, rules, and oversight boards. The technology that so many of us depend upon every day may not have advanced in quite the same way. Likewise, now is not the time to overregulate the unmanned systems industry; it must be allowed to grow and flourish so we can find out what these systems can do and the benefits they can provide. Should we make sure public safety is protected as this industry develops? Certainly. Do we need to be careful not to erode privacy and civil liberties in the name of advancement? Of course. But when I think about the prospects of unmanned systems helping find lost hikers on Mount Charleston, locating a stranded climber in the Red Rocks, or assessing wildfires in the northern counties, I realize we must give the industry the support and resources it needs at this critical time.

That is why this Congress, I am co-chairing the Congressional Unmanned Systems Caucus with my colleague Dan Lipinski of Illinois. Our mission is simple: be a bipartisan forum to educate members on commercial applications of unmanned systems, current industry trends, and regulatory issues associated with air, land, and sea-based systems.

In the weeks and months ahead we will take additional steps to keep the development of these systems at the forefront of Washington's policy debates. Nevada took an important first step in securing a role as an FAA test site, and I was pleased to assist in that effort. But that is just the beginning. We must combine our efforts at the state and federal level to incubate unmanned systems development, limited only by our imagination, and together we will be able to build a more innovative, better Nevada.

Lastly, I want to update you on a policy I continue to pursue: updating and expediting the visa interview process so more international travelers and tourists can visit the United States, and hopefully, Nevada. Innovation and diversification is important to our future as I have outlined, but we cannot turn our back on the stalwart industries like hospitality that buoy our economy.

The numbers cannot be clearer. According to the U.S. Travel Association, direct travel spending in the United States totaled $888 billion in 2013, generating $2.1 trillion in economic output and $134 billion in tax revenue. Travel was among the top ten employers in 49 U.S. states and the District of Columbia. Overseas travelers represent the largest segment of this sector, averaging 17.5 nights per trip and nearly $4,700 in spending per trip. But over the last decade, the U.S. share of international travel has fallen due to cumbersome visa process.

So I once again introduced the Jobs Originating through Launching Travel or JOLT Act, a bipartisan solution to expand international tourism and increase national security. The bill does this in two straightforward ways. First, we expedite the visa interview process and convert the current Visa Waiver Program into the Secured Travel Partnership Program. Second, we make mandatory security requirements for participating countries that are now considered discretionary

and mandate the use of the more secure e-passports. Boosting our economy and improving national security are two challenges we face as a nation, and the JOLT Act addresses them both.

Achieving our shared goal of a better Nevada is my daily focus as a member of the House of Representatives. In the 114th Session of Congress, addressing our state's doctor shortage, prioritizing federal support for career and technical education, supporting the development of unmanned systems, and boosting international travel and tourism are among my top priorities.

In the House Chamber in Washington, members vote under the watchful eye of George Washington and the Marquis de Lafayette, the first foreign leader to address a joint session of Congress. Here in the Assembly Chamber, we are joined by President Abraham Lincoln. Lincoln will always have a special place in the hearts and minds of Nevadans as he admitted us to the Union in 1864. Over the past year, we celebrated the remarkable developments, achievements, and successes we experienced as a state in the 150 years since we were born by Lincoln's signature. Lincoln led the nation through a time in our nation's history that none of us can ever fully appreciate in terms of the challenges he faced and the grave difficulties he encountered. Now our biggest policy challenges are about how much to spend or not spend, how much to tax or not tax; for Lincoln it was preserving the Union, ending the practice of slavery, and eventually, the reconstruction of the Union after four years of Civil War. It is fair to wonder how Lincoln was able to steel himself during his darkest days, faced with those seemingly insurmountable tasks. We need look no further than Lincoln's own words for the answer. He said, "You cannot escape the responsibility of tomorrow by evading it today."

You cannot escape the responsibility of tomorrow by evading it today.

All of us share common bonds. We are lawmakers and representatives of our communities, but more importantly we are Nevadans some by birth, some by choice, and the responsibilities we are charged to address today are to Nevada first and foremost. We must act today because tomorrow someone may have a hard time accessing medical care due to our lack of doctors. In some distant tomorrow, a student may be denied access to career and technical education because it wasn't made a priority. Tomorrow an engineer or entrepreneur may be discouraged to advance their idea for an unmanned system technology because we failed to provide an environment that fosters innovation and discovery due to strangling regulations. And tomorrow we may miss an opportunity to welcome even more international travelers to destinations across the state because we did not grasp the opportunity to improve and expedite our visa interview process.

So in closing tonight, I want extend an offer to each of you—Republican or Democrat, northern Nevadan or southern Nevadan—to work with me and my staff on the issues I have discussed tonight. Come meet with us in Washington or in our local offices and share with us your priorities for your communities. We know from our storied past that if we can work together we can give this state we love a much brighter tomorrow and build a better Nevada.

I thank you for your time tonight and for your service, dedication, and commitment to the Silver State. May God bless each of you and provide you with wisdom, discernment, and guidance as you serve our great State.

Senator Roberson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Heck for his timely, able, and constructive message.

Seconded by Assemblywoman Shelton.

Motion carried.

The Committee on Escort escorted Representative Heck to the bar of the Assembly.

Assemblyman Silberkraus moved that the Joint Session be dissolved.

Seconded by Senator Goicoechea.

Motion carried.

Joint Session dissolved at 5:36 p.m.

ASSEMBLY IN SESSION

At 5:38 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Ivet Santiago and Isabele Santiago.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Hunewill and Bob Hastings.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Cassandra Bell and Mary Ann Weaver.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Baily, Adriana Martinez, and Charlene Bybee.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Bilbray and Caroline Bilbray.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Izzy Gutierrez, Dolly Rowan, and Amee Eakins.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Jessie Balkwell and Susie Martinez.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Fenzke.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Gonzalez, Wanda Keith, Erin Riddle, Shabnam Waseem, and Errol Aiken.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cliff Cichowlaz.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kyra Foreman, Julia Harper, and Olga V. Sims.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Joyce Chester.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Stephens, Terelle Stephens, Jr., and Parker Stephens.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Andrews and Dorothy Petersen.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Messina, Susie Messina, Laura Messina, Michelle Loggins, Virginia Adams, Jesica Ayala, Edith Cervantes-Mejia, Daniel Cruz, Aleixa Davis, Jessica Mathiesen, Shelby Newton, Carly Peckham, Maria Perez-Montero, Keelin Pilgrim, Levi Rael, Cody Raub, Seth Reichelt, Mikayla Royal, Kayla Schneider, Jourdan Snyder, Jenae Steele, Sierra Stine, Darleth Vazquez, Seth Werley, Diana Alonso, Brianna Alvarado, Kelyann Avina, Kimberly Baeza, Gabriel Duran, Kaylyn Glick, Michaela Golden, Nina Hernandez, Kailyn Kiesow, Samantha Paulino, Benjamin Ray, Derek Schafer, Belen Silva, Alexandra Smith, Alexandra Sprock, Ashley Tibbets, Jose Velasco Villalobos, McKenna Walker, Robert White, Richard Bessette, Madeline Alonso Gutierrez, and Ashley Lyford-McGowan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Frank J. Coumou and Johan Coumou.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Franklin, Rusty Brady, and Michaelyn Palamar.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Graham and Andrea Maffei.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Paris Regan and Mallory Levins.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Pineiro and Sunya Petillo.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Ashtyn Shepard.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Lynzee Weatherman and Alexandria Noriega.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to William High.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Wood, George Dini, Joe Mortensen, Greg Hunewill, and Bob Hastings.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Roy Edgington, Jr.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Penzel and Steve Thaler.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy, Carrie Buck, and Tomas Hammond.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, April 1, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), April 1, 2015

Assembly called to order at 11:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, let us never be afraid of a new idea or unreceptive to a new thought, lest we pull down the shades of our minds and exclude Your holy light. When confronted by mystery, help us to remember that we do not have to explain all we know or understand all we believe. But give us the grace of humility and the spirit of the open mind, the courage to persist in face of difficulties in the power of truth.

Help us all to learn something this day, that we shall be wise at its close and more ready for our eternal home when we are one step nearer.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 19, 90, 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 31, 141, 301, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 7, 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 13, 69, 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

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

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 101, 131, 143, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 145, 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 30, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 23, 30, 83, 84, 168.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 31, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 4, 27.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 31, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 317, 392 and 393.

CINDY JONES
Fiscal Analysis Division

April 1, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 388.

CINDY Jones
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 23.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 27.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 30.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 83.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 84.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 168.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 73.

AN ACT relating to education; revising provisions concerning the submission of a plan to improve the achievement of pupils enrolled in public school in this State; requiring the State Board to review each plan submitted by the principal of a school and make certain recommendations to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of each school to prepare and submit a plan to improve the achievement of the pupils enrolled in the school to the Superintendent of Public Instruction, the Governor, the State Board of Education, the Department of Education, the Legislative Committee on Education, the Legislative Bureau of Educational Accountability and Program Evaluation and the board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school. (NRS 385.357) **Section 1** of this bill removes the requirement that a principal must submit the plan to the Superintendent of Public Instruction, the Governor and the State Board. **Section 2** of this bill requires the State Board to review each plan submitted by the principal of each school to determine common problems identified by the principal of each school and make recommendations to the Department concerning how the Department can best support the needs of schools.

Existing law requires the State Board to prepare and submit a plan to improve the achievement of pupils in this State to various entities. (NRS 385.3593) **Section 2** requires this plan to include: (1) certain information regarding the manner in which remediation will be provided to pupils who require remediation based on the results of an end-of-course examination or the results of the college and career readiness assessment; ~~[and]~~ (2) strategies to improve the literacy skills of pupils **~~[.]~~ ; and (3) strategies to improve the development of English language skills and the academic achievement of pupils who are limited English proficient.** **Section 2** also revises the date on which the State Board is required to submit the plan or revised plan.

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

Section 1. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils enrolled in

the school and identified in the statewide system of accountability for public schools will meet the performance targets established for that group.

(e) Annual measurable objectives and performance targets, consistent with the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, for the continuous and substantial progress by each group of pupils identified in the statewide system of accountability for public schools who are enrolled in the school to ensure that each group will meet the performance targets established for that group.

(f) Strategies and practices which:

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. On or before December 15 of each year, the principal of each school shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

5. If a Title I school is rated as underperforming pursuant to the statewide system of accountability for public schools, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in

accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

6. If a school is rated as meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools, or if a school that is not a Title I school is rated as underperforming pursuant to the statewide accountability system for public schools, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

7. On or before January 31 of each year, the principal of each school shall submit the final plan or the final revised plan, as applicable, to the:

(a) ~~[Superintendent of Public Instruction;~~

~~(b) Governor;~~

~~(c) State Board;~~

~~(d)]~~ Department;

~~[(e)]~~ ***(b)*** Committee;

~~[(f)]~~ ***(c)*** Bureau; and

~~[(g)]~~ ***(d)*** Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

8. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 5 or 6, as applicable.

Sec. 2. NRS 385.3593 is hereby amended to read as follows:

385.3593 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3572 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 ~~[;]~~ ***, including, without limitation, the manner in which remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS 389.805 and 389.807;*** and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(2) ***Improve the literacy skills of pupils;***

(3) Improve the development of English language skills and the academic achievement of pupils who are limited English proficient;

(4) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

~~[~~(3)~~ (4)]~~ ***(5)*** Integrate technology into the instructional and administrative programs of the school districts;

~~[~~(4)~~ (5)]~~ ***(6)*** Manage effectively the discipline of pupils; and

~~[~~(5)~~ (6)]~~ *(7)* Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; ~~[and]~~

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State ~~[.]~~ ***; and***

(e) Review the plans submitted pursuant to subsection 7 of NRS 385.357 to:

(1) Determine common problems identified by the principal of each school pursuant to paragraph (b) of subsection 2 of NRS 385.357; and

(2) Make recommendations to the Department concerning how the Department can best support the needs of schools.

4. On or before ~~[January]~~ ***March*** 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) ~~[Council to Establish Academic Standards for Public Schools created by NRS 389.510;~~

~~(f)]~~ Board of trustees of each school district; and

~~[(g)]~~ ***(f)*** Governing body of each charter school.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 89.

SUMMARY—~~[Removes]~~ **Increases** the cap on the application fee for the Physician Visa Waiver Program. (BDR 40-328)

AN ACT relating to health care; ~~[removing]~~ **increasing** the cap on the application fee for the Physician Visa Waiver Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Health to establish an application fee of not more than $500 to be paid by an employer or a physician for a letter of support from the Physician Fee Waiver Program. (NRS 439A.170) This bill ~~[removes]~~ **increases** the cap on the amount of the fee that the State Board may establish ~~[.]~~ **to $2,000.**

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

Section 1. NRS 439A.170 is hereby amended to read as follows:

439A.170 1. The Physician Visa Waiver Program is hereby established in the Division. The Administrator shall administer the Program consistent with federal law and the provisions of NRS 439A.130 to 439A.185, inclusive, and the regulations adopted pursuant thereto. The Program must:

(a) Provide for the oversight of employers and J-1 visa physicians in this State;

(b) Evaluate applications for letters of support submitted pursuant to NRS 439A.175; and

(c) Issue letters of support.

2. The State Board of Health shall adopt regulations:

(a) Providing for the administration of the Program; and

(b) Establishing an ***[a reasonable]*** application fee, not to exceed **[**~~$500,~~**]** ***$2,000,*** payable to the Program by an employer or J-1 visa physician who applies for a letter of support pursuant to NRS 439A.175.

3. Any application fees collected by the Program are not refundable and must be deposited in the State Treasury and accounted for separately in the State General Fund. Any interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of a fiscal year does not revert to the State General Fund. All claims against the account must be paid as other claims against the State are paid. The money in the account must be used to pay the costs of administering the Program and for training and educating J-1 visa physicians and employers.

4. The Division is hereby designated as the agency of this State to cooperate with the Federal Government in the administration of the Program.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 35.

AN ACT relating to gaming; providing that certain actions and proceedings of the Board are not subject to certain provisions of the Open Meeting Law; changing the name of the State Gaming Control Board to the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, meetings of the State Gaming Control Board must be open to the public, except that certain meetings, including, without limitation, investigative hearings, may be conducted in private under certain circumstances. (NRS 241.020, 463.110) **Section 1** of this bill specifically provides that certain actions and proceedings of the Board are not subject to certain provisions of the Open Meeting Law.

Sections 2 and 3 of this bill change the name of the State Gaming Control Board to the Nevada Gaming Control Board.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of NRS 241.020 do not apply to any action or proceeding of the Board that is related to:

1. A determination made pursuant to paragraph (a) or (b) of subsection 1 of NRS 463.310 of whether a violation of this chapter or chapter 462, 464, 465 or 466, or any regulation adopted pursuant thereto, has occurred; or

2. A determination made pursuant to subsection 2 of NRS 463.310 of whether to file a complaint with the Commission and the content of any such complaint. ~~[; and~~

~~3. Addressing the resolution of a complaint, including any discussion or negotiation held with the licensee.]~~

Sec. 2. NRS 463.0137 is hereby amended to read as follows:

463.0137 "Board" means the ~~[~~State~~]~~ ***Nevada*** Gaming Control Board as established by this chapter.

Sec. 3. NRS 463.030 is hereby amended to read as follows:

463.030 The ~~[~~State~~]~~ ***Nevada*** Gaming Control Board, consisting of three members, is hereby created.

Sec. 4. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 5. **1.** This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation 4 years after the effective date of this act.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 42.

Bill read second time.

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

Amendment No. 124.

AN ACT relating to cancer; ~~[~~removing certain limitations on~~]~~ **authorizing** the use of **a** radiation ~~[~~machines~~]~~ **machine** for mammography **~~[~~;~~]~~ for screening, diagnostic or therapeutic purposes;** revising provisions governing the system for reporting information on cancer maintained by the Chief Medical Officer; removing fees imposed on health care facilities for abstracting information from the facilities in certain circumstances; revising the penalty for certain violations relating to the reporting of such information; repealing an obsolete provision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to issue a certificate of authorization for a radiation machine for mammography if certain requirements are met. (NRS 457.184) **Section 1** of this bill removes the requirement that such a machine be used exclusively for mammography ~~[so that the machine may be used to perform other procedures.]~~ **and additionally authorizes the use of such a machine for screening, diagnostic or therapeutic purposes.**

Existing law requires certain facilities that provide screening, diagnostic or therapeutic services with respect to cancer and physicians who diagnose or provide treatment for cancer to report incidences of cancer pursuant to a system established by the Chief Medical Officer. (NRS 457.230, 457.240) **Sections 2-4** of this bill authorize the State Board of Health to require the reporting of incidences of other neoplasms to the system as well. Additionally, **section 2** requires any provider of health care who diagnoses or provides treatment for cancer or other neoplasms to report such information.

Existing law requires: (1) the chief administrative officer of each health care facility to make available to the Chief Medical Officer or the Chief Medical Officer's representative the records of the health care facility for each case of neoplasm which is required to be reported; (2) the Division to abstract or require the facility to abstract certain information from such records; and (3) the Board to impose a fee on a health care facility from whose records such information is abstracted. (NRS 457.250) **Section 4** removes the fee imposed on a health care facility that abstracts information from its own records at the request of the Division. **Section 4** removes the criminal penalty for violating these provisions and instead provides for an administrative penalty to be prescribed by the Board.

Existing law requires the Division to make certain data relating to cancer available to any qualified researcher who complies with certain conditions. (NRS 457.260) **Section 5** of this bill requires a qualified researcher who wishes to obtain such data to be conducting valid scientific research.

Section 6 of this bill repeals a provision that designates the Nevada Cancer Institute as the official cancer institute for this State because that entity no longer exists.

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

Section 1. NRS 457.184 is hereby amended to read as follows:

457.184 1. The owner, lessee or other responsible person shall not operate or allow to be operated a radiation machine for mammography unless he or she:

(a) Has a valid certificate of authorization from the Division for the machine; and

(b) Is accredited by the American College of Radiology or meets the standards established by the ~~[~~Division~~]~~ ***State Board of Health*** pursuant to subsection 2 of NRS 457.065.

2. To obtain a certificate of authorization from the Division for a radiation machine for mammography, a person must:

(a) Submit an application to the Division on a form provided by the ~~[~~Division and provide any additional information required by the~~]~~ Division;

(b) Provide any additional information required by the Division; and

(c) Pay the fee required by the Division which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.

3. After an inspection, the Division shall issue a certificate of authorization for a radiation machine for mammography if the machine:

(a) Meets the standards adopted by the State Board of Health pursuant to subsection 2 of NRS 457.065;

(b) Is specifically designed to perform mammography; and

(c) Is used ~~[~~exclusively~~]~~ to perform mammography ~~[.]~~ ***and may be used for screening, diagnostic or therapeutic purposes.***

4. A certificate of authorization for a radiation machine for mammography expires 1 year after the date on which it was issued unless renewed before that date. The Division may require an inspection of the machine as a prerequisite to renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the process of renewing certificates.

5. A person who owns or leases or is otherwise responsible for more than one radiation machine for mammography shall obtain a certificate of authorization for each radiation machine.

Sec. 2. NRS 457.230 is hereby amended to read as follows:

457.230 1. The Chief Medical Officer shall, pursuant to the regulations of the State Board of Health, establish and maintain a system for the reporting of information on cancer ~~[.]~~ ***and other neoplasms.***

2. The system must include a record of the cases of cancer ***and other neoplasms, which are specified by the State Board of Health as subject to reporting,*** which occur in this state along with such information concerning the cases as may be appropriate to form the basis for:

(a) The conducting of comprehensive epidemiologic surveys of cancer ***,*** ~~[~~and~~]~~ cancer-related diseases ***and other neoplasms*** in this state; and

(b) The evaluation of the appropriateness of measures for the prevention and control of cancer ~~[.]~~ ***and other neoplasms.***

3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to cancer ***and other neoplasms*** shall report information on cases of cancer ***and other neoplasms, which are specified by the State Board of Health as subject to reporting,*** to the system.

4. ~~[~~Physicians~~]~~ ***Any provider of health care*** who ~~[~~diagnose~~]~~ ***diagnoses*** or ~~[~~provide~~]~~ ***provides*** treatment for cancer ~~[.]~~ ***or other neoplasms,*** except for cases directly referred or previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report information on cases of cancer ***and other neoplasms, which are specified by the State Board of Health as subject to reporting,*** to the system.

5. As used in this section ~~[~~, "medical"~~]~~ ***:***

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. NRS 457.240 is hereby amended to read as follows:

457.240 The State Board of Health shall by regulation:

1. Prescribe the form and manner in which the information on cases of cancer ***and other neoplasms*** must be reported;

2. Specify the ~~[~~malignant~~]~~ neoplasms which must be reported;

3. Prescribe other information to be included in each such report, for example, the patient's name and address, the pathological findings, the stage of the disease, the environmental and occupational factors, the methods of treatment, the incidence of cancer ***or other neoplasms*** in the patient's family, and the places where the patient has resided; and

4. Establish a protocol for obtaining access to and preserving the confidentiality of the patients' records needed for research into cancer ~~[.]~~ ***and other neoplasms.***

Sec. 4. NRS 457.250 is hereby amended to read as follows:

457.250 1. The chief administrative officer of each health care facility in this state shall make available to the Chief Medical Officer or the Chief Medical Officer's representative the records of the health care facility for ~~[~~every~~]~~ ***each*** case of ~~[~~malignant neoplasms which are~~]~~ ***neoplasm that is*** specified by the State Board of Health as subject to reporting.

2. The Division shall abstract from the records of the health care facility or shall require the health care facility to abstract from their own records such information as is required by the State Board of Health. The Division shall compile the information timely and not later than 6 months after it abstracts the information or receives the abstracted information from the health care facility.

3. The ***State*** Board ***of Health*** shall by regulation adopt a schedule of fees which must be assessed to the health care facility for each case from which information is abstracted by the Division ~~[~~or by the health care facility~~]~~ pursuant to subsection 2. ~~[~~The fee assessed to a facility which abstracts information from its own records must not exceed one-third of the amount assessed to facilities for which the Division abstracts.~~]~~

4. Any person who violates this section is ~~[~~guilty of a misdemeanor and shall be punished by a fine of $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.~~]~~ ***subject to the***

administrative penalty established by the State Board of Health pursuant to subsection 5.

5. The State Board of Health shall adopt regulations establishing the administrative penalty for any violation of this section.

Sec. 5. NRS 457.260 is hereby amended to read as follows:

457.260 1. The Division shall publish reports based upon the material obtained pursuant to NRS 457.230, 457.240 and 457.250 and shall make other appropriate uses of the material to ~~[identify]~~ ***report and assess*** trends in the incidence of cancer in a particular area or population, advance research and education concerning cancer and improve treatment of the disease.

2. The Division shall provide any qualified researcher ***whom the Division determines is conducting valid scientific research*** with data from the reported information upon the researcher's:

(a) Compliance with appropriate conditions as established under the ~~[Board's]~~ regulations ~~[.]~~ ***of the State Board of Health;*** and

(b) Payment of a fee to cover the cost of providing the data.

Sec. 6. NRS 457.075 is hereby repealed.

Sec. 7. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

457.075 Designation of official cancer institute. The Nevada Cancer Institute is hereby designated as the official cancer institute of the State of Nevada.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 36.

AN ACT relating to judgments; revising provisions governing judgments by confession in justice courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes judgments upon confession to be entered in any justice court specified in the confession. (NRS 68.050) This bill requires a written statement, signed by the defendant, to accompany such a judgment. The statement must include the facts on which the confession is based and the amount of debt due or contingent liability for which the judgment will be entered. This bill further provides that the written statement must be filed with the clerk of the court, and that the judgment may not be amended to include

additional costs or attorney's fees incurred after the date of entry of the judgment.

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

Section 1. NRS 68.050 is hereby amended to read as follows:

68.050 ~~[Judgments upon]~~

1. Except as otherwise provided by law, a judgment by confession may be entered ~~[up]~~ ***without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant, or both,*** in any justice court specified in the confession.

2. A judgment by confession entered pursuant to subsection 1 must be accompanied by a statement in writing, signed by the defendant and verified by the defendant's oath. The statement must:

(a) Authorize the entry of judgment for a specified sum, inclusive of costs and attorney's fees;

(b) If it authorizes the entry of judgment for money that is due or will become due, state concisely the facts on which the confession is based, and show that the sum confessed therefor is justly due or will become due; and

(c) If it authorizes the entry of judgment for the purpose of securing the plaintiff against a contingent liability, state concisely the facts constituting the liability, and show that the sum confessed therefor does not exceed such liability.

3. The statement described in subsection 2 must be filed with the clerk of the court in which the judgment is to be entered. The clerk shall endorse the statement and enter judgment for the amount confessed, at which time the judgment and statement, with the judgment endorsed, become the judgment roll.

4. A judgment by confession entered pursuant to this section may not be subsequently amended to include additional costs or attorney's fees incurred after the date of entry of judgment. This limitation does not prohibit parties from entering into stipulations for payment plans or stipulations for judgments with specific amounts due.

Sec. 2. NRS 17.090 is hereby amended to read as follows:

17.090 ~~[A]~~ ***Except as otherwise provided by law, a*** judgment by confession may be entered without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant, or both, in the manner prescribed by this section and NRS 17.100 and 17.110.

Sec. 3. **The amendatory provisions of this act do not apply to a judgment by confession that is signed by a defendant before July 1, 2015.**

Sec. 4. **This act becomes effective on July 1, 2015.**

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 37.

AN ACT relating to juvenile justice; revising provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a juvenile court that orders a child or a parent or guardian of a child to pay a fine, administrative assessment, fee or restitution or to make any other payment to enter a civil judgment for the amount due if the administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment. Such a judgment may be entered against: (1) the child, if the child meets certain requirements; or (2) the parent or guardian of the child. If the juvenile court enters such a civil judgment and the child or the parent or guardian of the child is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the child or the parent or guardian of the child for that crime is required by existing law to include in the sentence the civil judgment or portion thereof that remains unpaid. (NRS 62B.420) This bill removes that requirement.

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

Section 1. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction

over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action.

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order.

The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

~~[8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.]~~

Sec. 2. This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

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

Amendment No. 168.

AN ACT relating to child welfare; revising provisions concerning the persons responsible for a child's welfare; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies when a person is responsible for a child's welfare. (NRS 432B.130) This bill clarifies that a public or private home, institution or facility is responsible for a child's welfare if the child resides or receives ~~[child]~~ care at the home, institution or facility.

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

Section 1. NRS 432B.130 is hereby amended to read as follows:

432B.130 A person is responsible for a child's welfare under the provisions of this chapter if the person is the child's parent, guardian, a stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, ~~[or a person directly responsible or serving as a volunteer for or employed in]~~ a public or private home, institution or facility where the child actually resides or is receiving ~~[child]~~ care outside of the home for ***all or*** a portion of the day ~~[.]~~ ***, or a person directly responsible or serving as a volunteer for or employed by such a home, institution or facility.***

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 129.

AN ACT relating to education; increasing the number of credit hours required for certain students to be eligible for the Governor Guinn Millennium Scholarship; revising the amount of money which a student who is eligible for the Governor Guinn Millennium Scholarship may receive per semester; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Governor Guinn Millennium Scholarship Program to provide money to certain students for secondary education and the criteria for eligibility for such a scholarship. Such criteria includes a requirement that a student be enrolled in a certain number of credit hours in a community college or other eligible institution. (NRS 386.926, 396.930) ~~[Sections]~~ **Section 1** ~~[and 2]~~ of this bill ~~[increase, over a period of 2 years beginning on July 1, 2015,]~~ **increases** the number of credit hours in which a community college student must be enrolled to be eligible for a Millennium Scholarship ~~[. The number of credit hours is increased]~~ from 6 credit hours to 9 credit hours beginning July 1, 2015 ~~[, and is increased to 12 credit hours beginning on July 1, 2016, and continuing thereafter.]~~ Existing law further

limits the total amount of money that a student may receive from a Millennium Scholarship to not more than the cost of 12 semester credits per semester and a total amount of not more than $10,000. (NRS 396.934) **Sections 3, 4 and 5** of this bill increase the amount of money that a student may receive from a Millennium Scholarship for a semester to not more than the cost of 13 semester credits per semester beginning July 1, 2015, 14 semester credits per semester beginning July 1, 2016, and 15 semester credits per semester beginning July 1, 2017, and continuing thereafter, but the total cumulative maximum amount of money that such a student may receive remains unchanged at $10,000.

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

Section 1. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) ~~[Six]~~ ***Nine*** semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,

➥ to be eligible for Millennium Scholarships.

4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 2. ~~[NRS 396.930 is hereby amended to read as follows:~~

~~396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:~~

~~(a) Except as otherwise provided in paragraph (c) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;~~

~~(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:~~

~~(1) After May 1, 2000, but not later than May 1, 2003; or~~

~~(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;~~

~~(c) Does not satisfy the requirements of paragraph (b) and:~~

~~(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;~~

~~(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and~~

~~(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;~~

~~(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:~~

~~(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;~~

~~(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or~~

~~(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; and~~

~~(e) Is enrolled in at least:~~

(1) **[**Nine**]** ***Twelve*** semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (c) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (c) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

~~(a) The minimum score on a standardized test that such students must receive; or~~

~~(b) Other criteria that students must meet,~~

~~→ to be eligible for Millennium Scholarships.~~

~~4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:~~

~~(a) Are pursuing a career in education or health care;~~

~~(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or~~

~~(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.~~

~~5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.~~] **(Deleted by amendment.)**

Sec. 3. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, $40 per credit for each lower division course and $60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, $60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, $80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

➥ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of ~~[12]~~ ***13*** semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of $10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) If the student graduated from high school after May 1, 2003, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification

that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 4. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, $40 per credit for each lower division course and $60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, $60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, $80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

➥ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of ~~[13]~~ ***14*** semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of $10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) If the student graduated from high school after May 1, 2003, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification

that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 5. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, $40 per credit for each lower division course and $60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, $60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, $80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

➥ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of ~~[14]~~ ***15*** semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of $10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) If the student graduated from high school after May 1, 2003, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

(b) To purchase required textbooks and course materials; and

(c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification

that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 6. 1. This section and sections 1 and 3 of this act become effective on July 1, 2015.

2. Sections 2 and 4 of this act become effective on July 1, 2016.

3. Section 5 of this act becomes effective on July 1, 2017.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblymen Woodbury, Carlton, and Kirner.

Assemblyman Paul Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN WOODBURY:

Amendment 129 makes one change to the bill. It deletes all of section 2 that would have required the Millennium Scholarship eligibility for community college students increased from 9 to 12 credits.

ASSEMBLYWOMAN CARLTON:

I know it is just section 2, but there are a lot of purple lines in here, so it seems to be eliminating a lot more than just those credits. I just want to understand the discussion the committee had on literally a hundred lines of deleted language.

ASSEMBLYWOMAN WOODBURY:

Sections 1 and 2 are parallel sections so they have the same wording, only section 1 increases the credit hours from six to nine that a student enrolled in a community college would be eligible for the Millennium Scholarship. That would start July 1, 2015. Section 2 would increase it from 9 to 12 beginning July 1, 2016, and thereafter. We removed section 2. We are stopping with the 12 credits.

ASSEMBLYWOMAN CARLTON:

I have concerns that with these proposed changes under the amendment, the scholarship program will be adversely affected and will be depleted sooner than we had originally planned. Was that discussed in the committee?

ASSEMBLYMAN KIRNER:

If I understand your question, you were making a statement that the Millennium Scholarship would be depleted sooner if we change the credit hours, is that correct? Yes, it would. What we are trying to align is NSHE's [Nevada System of Higher Education] thought process in terms of graduating within four years. We know statistically that if students take full-time loads or higher credit loads, there is a substantially larger percentage that will graduate. It is all about graduation, and with our state moving toward more diverse needs, this is part of the strategy to get them there.

ASSEMBLYWOMAN CARLTON:

If I understand this correctly, just to make sure I have it on the record, the students will be mandated to take more classes. The cap is $10,000 on students right now. They will be taking more classes, they will go through their allotment sooner.

ASSEMBLYMAN KIRNER:

What we are trying now is if a student takes 12 credits and they only get reimbursed for 12, we are moving that to 15. But a student who takes fewer credits than 15 gets fully reimbursed for those credits. So it is up to 15. It provides an additional incentive for those who do want to graduate in four years to move through the system. But if a student is working and cannot take a full load and wants to take 12 credits, they are still reimbursed for the full 12 credits.

ASSEMBLYWOMAN CARLTON:

I have concerns that this amendment will have a fiscal impact on the Millennium Scholarship which this body will have to address in the future.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 136.

Bill read second time.

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

Amendment No. 175.

AN ACT relating to wildlife; requiring the Department of Wildlife to ~~[issue a special hunting license to certain persons with disabilities; providing an exception from the requirement to complete]~~ **make reasonable accommodations for the completion of** a course in the responsibilities of hunters ~~[for certain]~~ **by** persons with disabilities; authorizing a person hunting with archery equipment **or a muzzle-loading firearm** to carry ~~[a firearm;]~~ **certain firearms;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Wildlife to ~~[issue hunting licenses]~~ **provide a course of instruction in the responsibilities of hunters** and requires a person to complete **such** a course ~~[of instruction in the responsibilities of hunters]~~ before obtaining a hunting license. ~~[(Chapter 502 of NRS,)]~~ **(** NRS 502.330 **, 502.340**) ~~[Section 1 of this bill requires the Department to issue a special hunting license to certain persons with disabilities and provides an exception from the requirement to complete the course in the responsibilities of hunters for such persons. Section 2 of this bill makes corresponding changes.]~~ **Section 2.5 of this bill requires the Department to make reasonable accommodations for the completion of the course in the responsibilities of hunters by a person with a disability.**

Existing law provides for the manner of hunting game birds and game mammals. (NRS 503.090-503.245) **Section 3** of this bill authorizes a person hunting with archery equipment **or a muzzle-loading firearm** to carry **for self-defense** a firearm ~~[for self-defense.]~~ **that: (1) has a barrel length of less than 8 inches; and (2) does not have a telescopic sight.**

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

Section 1. ~~[Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Department shall issue a special hunting license to a person with a disability who:*~~

~~*(a) Has a physical or mental impairment that substantially limits one or more major life activities of the person;*~~

~~*(b) Pays the following fees:*~~

~~*(1) The fee for a hunting license set forth in NRS 502.240;*~~

~~*(2) Any service fee required by a license agent pursuant to NRS 502.040;*~~

~~*(3) The habitat conservation fee required by NRS 502.242; and*~~

~~*(4) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department; and*~~

~~*(c) Except as otherwise provided in subsection 4, is otherwise qualified to obtain a hunting license in this State.*~~

~~*2. A special hunting license issued to a person with a disability pursuant to subsection 1 authorizes the person to hunt in this State as provided in this section.*~~

~~*3. It is unlawful for a person with a disability who holds a special hunting license issued pursuant to subsection 1 to hunt in this State unless a supervisor-hunter accompanies and directly supervises the person with a disability at all times during a hunt. During the hunt, the supervisor-hunter shall ensure that the person with a disability:*~~

~~*(a) Safely handles and operates the firearm or weapon used by the person; and*~~

~~*(b) Complies with all applicable laws and regulations concerning hunting and the use of firearms.*~~

~~*4. A person with a disability is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain a special hunting license pursuant to this section.*~~

~~*5. The issuance of a special hunting license pursuant to this section does not:*~~

~~*(a) Authorize the person with a special hunting license to obtain any other hunting license;*~~

~~*(b) Authorize a person with a special hunting license to hunt any animal for which a tag is required pursuant to NRS 502.130 unless the person has obtained such a tag; or*~~

~~*(c) Except as otherwise provided in subsection 4, exempt the person with a special hunting license from any requirement of this title.*~~

~~*6. The Commission shall adopt regulations to carry out the provisions of this section.*~~

~~*7. As used in this section:*~~

~~*(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from a person with a special hunting license issued pursuant to subsection 1.*~~

~~*(b) "Supervisor hunter" means a person 21 years of age or older who:*~~

~~*(1) Holds a hunting license issued in this State;*~~

~~*(2) Has completed a course of instruction in the responsibilities of hunters as provided in NRS 502.340; and*~~

~~*(3) Accompanies and directly supervises a person with a special hunting license issued pursuant to this section.*~~

~~*→ The term does not include a person who holds a special hunting license pursuant to this section.*~~ **(Deleted by amendment.)**

Sec. 2. ~~NRS 502.330 is hereby amended to read as follows:~~

~~502.330 1. Except as otherwise provided in NRS 502.066,~~ ***and section 1 of this act,*** ~~no hunting license may be obtained by any person born after January 1, 1960, unless the person presents to the Department, or one of its authorized licensing agents:~~

~~(a) A certificate of successful completion of a course of instruction in the responsibilities of hunters as provided by NRS 502.340;~~

~~(b) An equivalent certificate of completion of a course in the responsibilities of hunters provided by:~~

~~(1) Another state;~~

~~(2) An agency of a Canadian province for the management of wildlife; or~~

~~(3) An agency of a foreign country whose course of instruction meets or exceeds the standards established by the International Hunter Education Association, or its successor organization; or~~

~~(c) A hunting license issued to the person in a previous year by the Department, another state or an agency of a Canadian province, which bears a number or other unique mark evidencing successful completion of a course of instruction in the responsibilities of hunters.~~

~~2. Any person who has been convicted of violating NRS 503.165 or 503.175 may not obtain a hunting license until the person has successfully completed a course in the responsibilities of hunters conducted pursuant to NRS 502.340.~~ **(Deleted by amendment.)**

Sec. 2.5. **NRS 502.340 is hereby amended to read as follows:**

502.340 ***1.*** The Department shall certify instructors who will, with the cooperation of the Department, provide instruction in the responsibilities of

hunters established by the Department to all eligible persons who, upon the successful completion of the course, must be issued a certificate. Persons who are disqualified from obtaining a hunting license, pursuant to NRS 502.330, are eligible for the course.

2. The Department shall make reasonable accommodations for the completion of the course by a person with a disability.

Sec. 3. NRS 503.150 is hereby amended to read as follows:

503.150 1. Unless otherwise specified by Commission regulation, it is unlawful to hunt:

(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by Commission regulation.

(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game mammal with the aid of any artificial light.

(g) Any big game mammal, except mountain lions, with a dog of any breed.

2. ***A person who is hunting with archery equipment*** ~~***[,]***~~ ***or a muzzle-loading firearm:***

(a) May carry for self-defense a firearm ~~***[for self-defense.]***~~ ***that:***

(1) Has a barrel length of less than 8 inches; and

(2) Does not have a telescopic sight.

(b) May not use the firearm to hunt any wildlife.

3. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game mammals.

Sec. 4. This act becomes effective ~~**[**upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2016, for all other purposes.**]**~~ **on July 1, 2015.**

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

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

Amendment No. 57.

AN ACT relating to land use planning; revising provisions governing the membership of the Executive Council of the Land Use Planning Advisory Council; requiring that any recommendations and proposed regulations relating to land use planning policies in areas of critical environmental concern be developed by the Land Use Planning Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Land Use Planning Advisory Council, consisting of 17 voting members appointed by the Governor and 1 nonvoting member appointed by the Nevada Association of Counties, advises the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources on matters relating to land use planning and the development of plans and policy statements involving the acquisition and use of lands under federal management. (NRS 321.740, 321.750) The Executive Council of the Land Use Planning Advisory Council, which consists of the Administrator and four persons selected by the Advisory Council from among its members, makes recommendations for land use planning in areas of critical environmental concern and resolves inconsistencies between the land use plans of local government entities. (NRS 321.755, 321.763) As recommended by the Sunset Subcommittee of the Legislative Commission (NRS 232B.210-232B.250), **section 1** of this bill requires the Land Use Planning Advisory Council to ensure, to the extent practicable, that the appointed members of the Executive Council are representative of the various geographic areas of this State. **Section 2** of this bill requires that any recommendations and proposed regulations relating to land use planning policies in areas of critical environmental concern be developed by the Land Use Planning Advisory Council instead of the Executive Council.

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

Section 1. NRS 321.755 is hereby amended to read as follows:

321.755 1. The Executive Council of the Land Use Planning Advisory Council is hereby created to ~~[consider and make recommendations for land use planning in areas of critical environmental concern and to]~~ resolve inconsistencies between the land use plans of local government entities.

2. The Executive Council consists of the Administrator and four persons selected by the Land Use Planning Advisory Council from among its members. ***To the extent practicable, the members selected to serve on the Executive Council must be representative of the various geographic areas of this State.*** Each member of the Executive Council shall serve for 2-year terms.

Sec. 2. NRS 321.770 is hereby amended to read as follows:

321.770 1. The State Land Use Planning Agency shall provide assistance in land use planning for areas of critical environmental concern:

(a) When the Governor directs that the Agency review and assist in land use planning for an area the Governor finds to be of critical environmental concern.

(b) When one or more local government entities request that the Agency advise and assist in land use planning for an area which affects them and which they consider to be of critical environmental concern.

2. Upon receipt of a directive or a request pursuant to subsection 1, the Administrator shall study the problems of the area described and meet with the affected local government entities to receive their initial comments and recommendations. The Administrator shall then submit the matter of planning for the area of critical environmental concern to the ~~[~~Executive Council of the~~]~~ Land Use Planning Advisory Council for consideration and recommendation.

3. The ~~[~~Executive~~]~~ ***Land Use Planning Advisory*** Council shall include in its procedures one or more public hearings upon notice given by at least one publication at least 20 days before the hearing in a newspaper or combination of newspapers having general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

4. Following completion of the hearings and consideration of other information, the ~~[~~Executive~~]~~ ***Land Use Planning Advisory*** Council shall make its final recommendations for land use planning policies in the area of critical environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

5. No land use regulation adopted by the ~~[~~Executive Council~~]~~ ***Land Use Planning Advisory Council*** pursuant to this section may become effective without the approval of the Governor.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Assembly Bill No. 148 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 126.

AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving services from the family resource center; ~~[expanding the information included in the annual report prepared by family resource centers;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "family resource center" as a facility within an at-risk community where families may obtain: (1) an assessment of their eligibility for social services; (2) social services; and (3) referrals to obtain social services from other service agencies or organizations. (NRS 430A.040) **Section 1** of this bill revises the definition of "at-risk community" to require the Director of the Department of Health and Human Services to use data and demographic analyses to determine whether a community is "at-risk." In addition, **section 1** requires the Director, when making such a determination, to consider the number of families in the community who: (1) have incomes that are less than ~~[133]~~ **200** percent of the federally designated level signifying poverty instead of the number of families in the community who have low incomes; and (2) are at imminent risk of homelessness in addition to the number of families in the community who are transient. **Section 2** of this bill clarifies that a family resource center is a facility where families may obtain social services directly from the center.

Before a family resource center may obtain a grant from the Director, existing law requires the family resource center to create an action plan which must be approved by the Director. Such an action plan must be developed with input from members of the family resource center council, an organization of community members who assist and advise the family resource center. (NRS 430A.045, 430A.120, 430A.140) **Sections 3 and 4** of this bill require the family resource center also to develop the plan with input from local and state elected officials who represent the geographic area in which the family resource center is located when creating the action plan.

Existing law requires a case manager to develop a plan with each family that seeks services from a family resource center and requires that the plan specify the responsibilities the family members must fulfill to remain eligible for services. (NRS 430A.170) **Section 5** of this bill requires the case manager to collect and analyze data to monitor the performance of these responsibilities by the family members. ~~[Section 6 of this bill requires the annual report submitted to the Director by each family resource center to include, for each family to which the family resource center provides services, a summary of the performance of these responsibilities.]~~

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

Section 1. NRS 430A.020 is hereby amended to read as follows:

430A.020 "At-risk community" means a geographic area that the Director has declared ***, based on an analysis of demographics and data,*** to be in need of social and economic assistance and social service programs because of the number of families who reside there who:

1. Have ~~[low]~~ incomes ~~[,]~~ ***that are less than ~~[133]~~ 200 percent of the federally designated level signifying poverty;***

2. Are transient ~~[,]~~ or ***at imminent risk of homelessness; or***

3. Have members whose ability to excel in academics, work and social situations is impaired by the educational, economic and social situation of the family as a unit.

Sec. 2. NRS 430A.040 is hereby amended to read as follows:

430A.040 "Family resource center" means a facility within an at-risk community where families may obtain:

1. An assessment of their eligibility for social services;

2. Social services ~~[,]~~ ***directly from the family resource center;*** and

3. Referrals to obtain social services from other social service agencies or organizations.

Sec. 3. NRS 430A.120 is hereby amended to read as follows:

430A.120 The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter. The regulations must provide:

1. Criteria for evaluating and determining the geographic boundaries for at-risk communities.

2. A method for establishing family resource centers, which must include the option of designating existing organizations as family resource centers.

3. Criteria for evaluating and approving action plans. The criteria must provide that no action plan will be approved unless it is:

(a) Tailored to meet the specific needs of the community;

(b) Developed with input from members of the family resource center council ~~[,]~~ ***and local and state elected officials who represent the geographic area in which the family resource center is located;*** and

(c) Feasible in relation to the resources available to the family resource center to which the action plan applies.

4. Criteria for the establishment and composition of a family resource center council.

Sec. 4. NRS 430A.140 is hereby amended to read as follows:

430A.140 1. Before a family resource center may obtain a grant from the Director, the family resource center:

(a) Must submit to the Director an action plan created by the family resource center with input from the family resource center council ~~[,]~~ ***and local and state elected officials who represent the geographic area in which the family resource center is located;*** and

(b) Must obtain approval from the Director of that action plan.

2. An action plan must be resubmitted to the Director for approval:

(a) On or before July 1 of each year; and

(b) Any time the family resource center adopts a proposed amendment to the action plan.

Sec. 5. NRS 430A.170 is hereby amended to read as follows:

430A.170 1. Each family resource center must have a case manager and may have a coordinator to handle administrative matters. If a family resource center does not employ a separate person to act as coordinator, the case manager shall also act as coordinator.

2. The Director shall provide training for all case managers on how to assess the needs of families using the family resource center.

3. The case manager shall, for each family that seeks services from the center ~~[, develop]~~ ***:***

(a) Develop a plan with the family which specifies:

~~[(a)]~~ ***(1)*** The services for which the family is eligible;

~~[(b)]~~ ***(2)*** Whether the family will receive services from the family resource center or a social service agency, or both;

~~[(c)]~~ ***(3)*** The responsibilities the family members must fulfill to remain eligible for the services; and

~~[(d)]~~ ***(4)*** The manner in which the performance of responsibilities by the agency and the family members will be monitored ~~[.]~~ ***; and***

(b) Collect and analyze data to monitor the performance by the family members of the responsibilities prescribed in the plan.

Sec. 6. ~~[NRS 430A.200 is hereby amended to read as follows:~~

~~430A.200 1. On or before August 1 of each year, each family resource center shall submit a report to the Director summarizing [its]:~~

~~*(a) Its* achievements and accounting for the expenditure of any money provided to it by the Director for the previous fiscal year[.] *; and*~~

~~*(b) For each family that receives services from the family resource center, the performance by the family members of the responsibilities prescribed in the plan developed pursuant to subsection 3 of NRS 430A.170.*~~

~~2. On or before September 30 of each year, the Director shall provide a written report to the Interim Finance Committee concerning the expenditure during the preceding fiscal year of all money received by the Director for carrying out the provisions of this chapter.~~**]** **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time and ordered to third reading.

Assembly Bill No. 243.
Bill read second time and ordered to third reading.

Assembly Bill No. 333.
Bill read second time and ordered to third reading.

Assembly Bill No. 340.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 27.
Bill read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 27 deletes the requirement that a school district demonstrate a shortage of teachers for a particular subject area before the Superintendent of Public Instruction may issue a license to a person who is not a citizen or lawful permanent resident of the United States but who is otherwise entitled to work in the United States in accordance with federal laws and regulations. In place of that requirement, this bill allows such a person to be licensed to teach if, among other existing requirements, the school district can demonstrate that any shortage of teachers exists or that the school district has not been able to employ a person possessing the skills, experience, or abilities of the person to be licensed and such skills, experience, or abilities are needed to address an area of concern for the school district. The provisions of this bill apply to public and charter schools.

It is no secret that our state is in dire need of teachers. There is a big shortage for us to adequately staff our schools and have our schools ready to go on day one when classes open. We need to get our teachers any way we can. If we can find highly qualified, talented individuals to fill those roles and they have all the schooling behind them, they have all the credentials, and they are in compliance with federal laws, I say we need to take advantage of it.

Roll call on Assembly Bill No. 27:
YEAS—42.
NAYS—None.
Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 37.
Bill read third time.
Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 37 amends the definitions of "lienholder" and "registered owner" in the context of consignment auctions to exclude automobile wreckers, body shops, distributors, manufacturers, rebuilders, salvage pools, vehicle dealers, or garages. The bill also corrects a date in reference to an existing exemption from smog checks for replica vehicles to prevent a gap in coverage. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 37:
YEAS—42.
NAYS—None.

Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 61 eliminates the requirement that the Personnel Commission and the Administrator of the Division of Human Resource Management, Department of Administration, submit certain biennial reports to the Governor. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 61:

YEAS—42.

NAYS—None.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblymen Gardner, Carlton, Diaz, Fiore and Dickman.

ASSEMBLYMAN GARDNER:

Assembly Bill 165 establishes the Nevada Educational Choice Scholarship Program. The measure authorizes the formation of scholarship organizations to provide grants for pupils of low-income families for attendance at schools of their choice in Nevada, including private schools. The organization may not own or operate any school, and it must be exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code. The organization must not spend more than 5 percent of the money it receives for administrative costs, nor may it limit grants to a single school or to specific pupils. The sources of scholarship funds collected by the organization may come from gifts, grants, and donations. The grant provided on behalf of a pupil must not exceed $7,755 for Fiscal Year (FY) 2015–2016, and the maximum grant amount must be adjusted each year in accordance with changes to the Consumer Price Index. Schools receiving such grants must maintain records of each pupil's academic progress in such a manner that the information may be aggregated and reported to Nevada's Department of Education.

The bill provides for a tax credit against the modified business tax and establishes a process for a taxpayer who intends to donate to a scholarship to request approval for the credit from the Department of Taxation. In addition, A.B. 165 establishes a process that the Department of Taxation must follow to approve or deny applications for the tax credit. The total credits approved may not exceed $5 million for FY 2015–2016, $5.5 million for FY 2016–2017, and for each fiscal year thereafter, 110 percent of the amount authorized for the immediately preceding fiscal year. The bill is effective upon passage and approval.

I rise in support of this bill. It is a bill that has proven itself year after year in a lot of different states around this country. In some of the states—especially in Florida, for example—it has been used primarily by the minority students and by the impoverished students, and it actually improved student outcomes by drastic levels. This bill will give the students who are in failing schools another option. That is the point of this bill, and I urge your support.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 165. This would take money away from public schools to subsidize parents that can, and in a lot of cases already are, sending their children to private or parochial schools. At a time when we cannot adequately fund education in our state for every

child, we should not be sending money to private schools at the expense of public education. This bill has a $10 million hit.

ASSEMBLYWOMAN DIAZ:

I, too, rise in opposition to Assembly Bill 165. As a representative of some of the state's most economically disadvantaged children, I do not see choice for students in my district in this bill. When this bill has a threshold at the rate above poverty as it currently does, what it acts as is essentially a tax break for wealthier families rather than who the bill purports to help. If we wanted to effectively target low income families with this bill, we would have crafted it more in line with the poverty threshold and not expanded it so widely that well off families are getting a tax break at the expense of my kids to send their kids to private schools at the expense of public education.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly 165. For those of us who were here last session, we know that the time for opportunity scholarships is now. This bill does more than just simply reform our educational system. It provides new and desperately needed scholarships for disadvantaged students and families. The chance to attend a private school of choice will no longer be limited to the wealthy few. Nevada's current one-size-fits-all approach to education has proven to be a poor fit for our diverse student body and this bill will help fix the problem. I applaud all those who have made this day possible and I look forward to voting yes and sending this bill to the Senate.

ASSEMBLYMAN DICKMAN:

I rise in support of Assembly Bill 165. We will be pushing a lot of education reforms this session that will make education better in this state. Some of those reforms take time, but this bill will have an immediate impact on our students with the largest need in Nevada. I applaud the Governor and Chair Woodbury for their leadership on this issue, and I cannot wait to see the positive results.

Roll call on Assembly Bill No. 165:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 202 authorizes a board of county commissioners to apply for and accept grants of rights-of-way, permits, leases, and patents over, upon, under, or through any land or interest in land owned by the United States pursuant to any applicable federal law or regulation. The bill also authorizes the State Land Registrar to transfer property that was formerly the site of the National Guard Armory in Hawthorne to Mineral County, without consideration, and requires Mineral County to pay the costs relating to the transfer. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 202:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 251 authorizes a used vehicle dealer to sell a new vehicle if the vehicle has been substantially modified by the used vehicle dealer or a third party for the benefit of a person with a disability. This measure is effective on July 1, 2015.

Some background information on the bill is that "substantially modified" is defined as equipped or adapted to aid or allow a person with a disability to operate, travel in, enter, exit, or load a vehicle. The term includes, without limitation, mechanical or structural changes to a vehicle that allow a person with a disability to safely drive or ride as a passenger. It also includes a device or mechanism that is used for loading or unloading a wheelchair or scooter and is mounted on the roof, in the passenger area, in the trunk, or other storage area of a vehicle. In addition are included mechanical or electrical adaptive control devices that are installed in a vehicle to enable a person with mobility restrictions to control, without limitation, the accelerator, foot brake, turn signals, dimmer switch, steering wheel, or parking brake of a vehicle.

Roll call on Assembly Bill No. 251:

YEAS—41.

NAYS—Trowbridge.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Joint Resolution No. 2 urges the United States Congress to amend the Migratory Bird Treaty Act to remove the common raven from the list of protected species or take other action to accomplish that goal. The resolution also urges the U.S. Fish and Wildlife Service to adopt regulations and work with Nevada's Department of Wildlife to manage the population of common ravens and reduce their numbers in Nevada.

Roll call on Assembly Joint Resolution No. 2:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Edwards, Stewart, Hansen, and Wheeler.

ASSEMBLYMAN EDWARDS:

Assembly Joint Resolution No. 4 urges the United States Congress to enact legislation to authorize individual states to establish daylight saving time as the standard time of their respective states throughout the calendar year. We are all intimately familiar with the effects of daylight saving time and changing our clocks. As we may recall from a mere three weeks ago, many of us enjoyed the unenjoyable consequences of doing that. We also recognize that in about five months, we are going to go through that again, and six months thereafter, we will go through that again,

and then six months later, and so on. This has been one of the most incredibly popular notions, desires, goals of the people of District 19. From what I hear from many of you, it is incredibly popular with your voters as well. Therefore, I strongly urge everyone to vote in favor of this bill for yourselves, for your voters, the children, and the future of Nevada.

ASSEMBLYMAN STEWART:

I rise in opposition to this well-meaning piece of legislation. As many of you know, time differences between bordering states cause confusion in scheduling and in various other things. Right now we have different schedules between Arizona and Utah. Those do not matter to us too much because we do not have a lot of visitors from Arizona and Utah. But if in the future we had a time difference between California and Nevada, that would be disastrous to our economy. If someone made an airline reservation or a reservation for a hotel room or floor show on the strip, or another event like a boxing event, there would be confusion about what time it started. I think this will cause a considerable problem with our tourists and I do not want to make it any more difficult for them to come than it already is.

ASSEMBLYMAN HANSEN:

I actually would like a clarification. This does not change the time at all for the state. Is that not correct? All we are doing here is asking Congress to allow each state the opportunity to determine on its own whether or not they want to have daylight saving time or reject it. Is my understanding correct?

ASSEMBLYMAN EDWARDS:

That is correct. This is a resolution to the Congress that would allow us to do so in the future.

ASSEMBLYMAN STEWART:

Since this is hump day and this is camel day, I feel that this would be the camel's nose under the tent to disaster.

Roll call on Assembly Joint Resolution No. 4:

YEAS—30.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Jones, Kirner, Munford, Neal, Seaman, Spiegel, Stewart, Woodbury—12.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 20 removes the Commission for Cultural Affairs from the Department of Tourism and Cultural Affairs and reestablishes the Commission as an advisory board of the State Department of Conservation and Natural Resources. This bill also changes the name of the Commission for Cultural Affairs to the Commission for Cultural Centers and Historic Preservation.

Roll call on Senate Bill No. 20:

YEAS—42.

NAYS—None.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.
Bill read third time.
Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:
Senate Bill 34 eliminates provisions referencing authorized maintenance stations licensed by the Department of Motor Vehicles, in cooperation with the State Environmental Commission, to install, repair, and adjust pollution control devices on motor vehicles.

Roll call on Senate Bill No. 34:
YEAS—42.
NAYS—None.
Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 41.
Bill read third time.
Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:
Senate Bill 41 provides an exception, as authorized by federal law, to the requirement that a person carry a physical federal migratory bird hunting stamp at the time of hunting. This bill would be effective on July 1, 2015.

Roll call on Senate Bill No. 41:
YEAS—42.
NAYS—None.
Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 45.
Bill read third time.
Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:
Senate Bill 45 provides that the State Conservation Commission may distribute grants to conservation districts in unequal amounts if the grants are for a specific competitive grant program for which the Legislature expressly appropriated money and the competitive grant program is governed by regulations specifically adopted to govern the program, that expressly state that grants may be distributed in unequal amounts. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 45:
YEAS—42.
NAYS—None.
Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliott Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Thompson, Lee Gorlin, and Renee Kadluber.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Anderson

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Marie Gerlach and Andres Moses.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jania Moan.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Webb-Cook.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jane Stewart, Jackson Stewart, Anna Stewart, Daniel Stewart, and Karen Dreisbach.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Tolles, Riley Tolles, and Mia Tolles.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rayne Hayes and Nick Leleu.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Straley.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Sakina Turner.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta Harper and Jennifer Petrie.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Muntean.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Frigeri and Quinn Frigeri.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Guilliams.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 3, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:55 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 3, 2015

Assembly called to order at 12:21 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Thompson, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We pray for the members of this body, its officers, and all those who share in its work. We remember that You never were in a hurry nor lost Your inner peace when under pressure. But we are only human. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind, and only You can supply the deepest needs of tired bodies, jaded spirits, and frayed nerves.

Give to us your peace and refresh us in our weariness that this may be a good day with much done and done well.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 164, 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 132, 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 273, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 57, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 71, 83, 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 422, 449; Senate Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Assembly Bills Nos. 103, 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 186, 297, 362, 449.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 17, 26, 36, 161, 162, 200.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 2, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 240.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 50, 66, 87, 127, 144, 217, 233.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 2, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 6, 215, 302, 321, 323, 325, 331, 334, 336, 338, 342, 345, 346, 348, 357, 361, 363, 371, 378, 379, 386, 387, 394, 396, 397 and 398.

MARK KRMPOTIC
Fiscal Analysis Division

April 3, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 424.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 404, 407, 412, 415, 416, 425, 426, 434, 436, 437, 438, 443, 447, 451, 454 and 456.

MARK KRMPOTIC
Fiscal Analysis Division

April 3, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 423 and 455.

Also, pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsections 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 269, 360 and 413 and Senate Joint Resolution No. 8 of the 77th Session.

RICHARD S. COMBS
Director

Assemblyman Paul Anderson moved that Assembly Bill No. 266 be rereferred to the Committee on Ways and Means.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bill No. 340 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 156 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Hansen moved that Assembly Bill No. 148 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblywoman Kirkpatrick moved that all remarks on the Second Reading File be entered in the journal.

Motion carried.

Assemblyman Paul Anderson moved that Brandon Turner of American Bridge; Lauren Rozyla and Kyle Zuelke of KLAS-TV; Sarah Johns and Rebecca Kitchen of KOLO-TV; Bryan Callahan and James Flint of KTNV-TV 13; William Hurd and Rudy Moertl of Let's Talk Nevada; and Clinton Demeritt of Northern Nevada Hopes be accepted as accredited press representatives and allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 17.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 26.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 36.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 50.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 66.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 87.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 127.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 144.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 161.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 162.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 186.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 200.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 217.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 233.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 240.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 297.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 362.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 449.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 154.

AN ACT relating to civil actions; limiting the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every owner of a motor vehicle registered or required to be registered in this State to maintain certain amounts of insurance coverage for the payment of tort liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185) Existing law authorizes certain persons to satisfy such a requirement by obtaining an operator's policy of liability insurance instead of an owner's policy of liability insurance. (NRS 485.186) Existing law also provides that a person in whose name more than 10 motor vehicles are registered in this State may qualify as a self-insurer. (NRS 485.380) This bill limits, under certain circumstances, the amount of damages a plaintiff or claimant may recover in a civil action arising from a motor vehicle accident if he or she was not in compliance with such provisions of existing law, as applicable, at the time of the accident.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, in any civil action to recover damages arising from an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability policy of another party, if the plaintiff or claimant was not in compliance with the requirements of NRS 485.185, 485.186 or 485.380, as applicable, at the time

of the accident, the maximum amount that may be awarded to the plaintiff or claimant must:

(a) Be limited to medical costs, property damage and lost income incurred as a result of the accident; and

(b) Not include any damages for pain and suffering.

2. The provisions of subsection 1 do not apply to:

(a) A plaintiff or claimant injured by a motorist who, at the time of the accident, was operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance or engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430, and:

(1) Was convicted of, or entered a plea of guilty or nolo contendere to, the offense; or

(2) Died as a result of the accident, if it is proven by a preponderance of the evidence that the motorist was operating the motor vehicle while committing any of the offenses described in this paragraph.

(b) A plaintiff or claimant who was a passenger in a motor vehicle involved in the accident, unless the plaintiff or claimant is an owner of the vehicle.

(c) A plaintiff or claimant who was not the operator of or a passenger in a motor vehicle involved in the accident.

(d) A plaintiff or claimant if the motorist who caused the accident:

(1) Intentionally caused the accident;

(2) Left the scene of the accident; or

(3) At the time of the accident, was acting in furtherance of the commission of a felony.

(e) A plaintiff or claimant who, at the time of the accident, was claimed as a dependent on the federal income tax return of one or both of his or her parents, and the parent or parents were not in compliance with the requirements of NRS 485.185, 485.186 or 485.380, as applicable.

(f) A plaintiff or claimant who, at the time of the accident, previously had been covered by an insurance policy which satisfied the requirements of NRS 485.185, 485.186 or 485.380, as applicable, that was cancelled or terminated for failure to pay the premium unless, at least ~~[30]~~ 45 days before the accident, a notice of cancellation or termination was mailed to the last known address of the policyholder.

(g) Wrongful death claims.

3. Except as otherwise provided in subsection 2, the limitations of subsection 1 upon the amount and nature of damages which may be awarded may be asserted by:

(a) Any person who is involved in the accident which is the basis of the action or claim; and

(b) The insurer of motor vehicle liability for any person asserting a limitation set forth in subsection 1.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 154 to Assembly Bill 7 changes the cancellation or termination notification for automobile insurance from 30 days to 45 days.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 72.

AN ACT relating to support; revising provisions of the Uniform Interstate Family Support Act; revising the effective date of certain provisions of the Act relating to foreign support orders, foreign tribunals and certain persons residing in foreign countries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 1997, Nevada enacted the Uniform Interstate Family Support Act to establish the procedures and jurisdictional requirements regarding the issuance, enforcement and modification of interstate child-support and spousal-support orders. (Chapter 489, Statutes of Nevada 1997, pp. 2311-29) In 2009, Nevada enacted certain amendments to the Act to provide that the provisions of the Act apply to foreign support orders, foreign tribunals, and obligees, obligors and children residing in foreign countries. (NRS 130.0902-130.802; chapter 47, Statutes of Nevada 2009, pp. 119-40) The effective date of these amendments is the date on which The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President and the United States deposits its instrument of ratification. (Chapter 47, Statutes of Nevada 2009, p. 140) **Sections 3 and 4** of this bill make these amendments effective on July 1, 2015, to comply with the federal law requiring that the Act, as amended in 2008, be in effect in this State not later than that date as a condition for the receipt of certain federal funds for support enforcement efforts. (42 U.S.C. § 654(20)(A), 42 U.S.C. § 666(f); Pub. L. No. 113-183, 128 Stat. 1919) **Sections** ~~[1 and 2]~~ **1-2.7** of this bill make certain amendments to existing law to match the language of the Act.

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

Section 1. NRS 130.10107 is hereby amended to read as follows:

130.10107 "Child-support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state ~~[.]~~ ***or foreign country.***

Sec. 1.1. **NRS 130.10127 is hereby amended to read as follows:**

130.10127 "Income-withholding order" means an order or other legal process directed to an ***obligor's*** employer ~~[of an obligor]~~ ***, as defined in NRS 130.10115,*** to withhold support from the income of the obligor.

Sec. 1.2. **NRS 130.103 is hereby amended to read as follows:**

130.103 1. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law or the recognition of a ***foreign*** support order on the basis of comity.

2. This chapter does not:

(a) Provide the exclusive method of establishing or enforcing a support order under the law of this State; or

(b) Grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

Sec. 1.3. **NRS 130.2025 is hereby amended to read as follows:**

130.2025 A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this chapter or under other law of this State relating to a support order or in a proceeding recognizing a foreign support order may receive evidence from outside this State pursuant to NRS 130.316, communicate with a tribunal outside this State pursuant to NRS 130.317 and obtain discovery through a tribunal outside this State pursuant to NRS 130.318. In all other respects, NRS 130.301 to ~~[130.713,]~~ ***130.614,*** inclusive, do not apply and the tribunal shall apply the procedural and substantive law of this State.

Sec. 1.4. **NRS 130.304 is hereby amended to read as follows:**

130.304 1. Upon the filing of a petition authorized by this chapter, an initiating tribunal of this State shall forward the petition and its accompanying documents:

(a) To the responding tribunal or appropriate support-enforcement agency in the responding state; or

(b) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

2. If requested by the responding tribunal, a tribunal of this State shall issue a certificate or other document and make findings required by the law of the responding state. If the responding tribunal is in a foreign country, upon request the tribunal ***of this State*** shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under the applicable official or market exchange rate as publicly reported and provide any other documents necessary to satisfy the requirements of the responding foreign tribunal.

Sec. 1.5. **NRS 130.313 is hereby amended to read as follows:**

130.313 1. Except as otherwise required pursuant to Section 16 of Article 6 of the Nevada Constitution, a petitioner must not be required to pay a filing fee or other costs.

2. If an obligee prevails, a responding tribunal of this State may assess against an obligor filing fees, reasonable attorney's fees and other costs, expenses for necessary travel and other reasonable expenses incurred by the obligee and the witnesses of the obligee. The tribunal may not assess fees, costs or expenses against the obligee or the support-enforcement agency of either the initiating or the responding state or foreign country, except as otherwise provided by other law. Attorney's fees may be taxed as costs and may be ordered to be paid directly to the attorney, who may enforce the order in his or her own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

3. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding pursuant to NRS 130.601 to ~~[130.713,]~~ ***130.614,*** inclusive, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change. This presumption is subject to rebuttal.

4. All attorney's fees and other costs and expenses awarded to and collected by a district attorney pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

Sec. 1.6. **NRS 130.316 is hereby amended to read as follows:**

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify ***under penalty of perjury*** by telephone, audiovisual means or other electronic means

at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between husband and wife does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

10. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

Sec. 1.7. **NRS 130.317 is hereby amended to read as follows:**

130.317 A tribunal of this State may communicate with a tribunal outside this State in a record, or by telephone, electronic mail or other means, to obtain information concerning the laws **,** ~~[of that state or foreign country or political subdivision,]~~ the legal effect of a judgment, decree or order of that tribunal, and the status of a proceeding. A tribunal of this State may furnish similar information by similar means to a tribunal outside this State.

Sec. 1.8. **NRS 130.501 is hereby amended to read as follows:**

130.501 An income-withholding order issued in another state may be sent by or on behalf of the obligee or by a support-enforcement agency to ~~[an]~~ ***the person defined as the obligor's*** employer ~~[of an obligor in this State]~~ ***under NRS 130.10115*** without first filing a petition or comparable pleading or registering the order with a tribunal of this State.

Sec. 1.9. **NRS 130.506 is hereby amended to read as follows:**

130.506 1. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that order as provided in NRS 130.601 to ~~[130.713,]~~ ***130.614,*** inclusive, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this State.

2. The obligor shall give notice of the contest to:

(a) A support-enforcement agency providing services to the obligee;

(b) Each employer that has directly received an income-withholding order relating to the obligor; and

(c) The person designated to receive payments in the income-withholding order, or if no person is designated, to the obligee.

3. ~~[The obligor has the burden of proving one or more of the following defenses:~~

~~(a) The tribunal that issued the order lacked personal jurisdiction over the obligor;~~

~~(b) The order was obtained by fraud;~~

~~(c) The order has been vacated, suspended, stayed or modified by a later order; or~~

~~(d) There is a mistake of fact as to the amount of the order or the identity of the obligor.~~

~~4. The provisions of NRS 130.604 apply to the contest. If the tribunal determines:~~

~~(a) Any of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall issue an order to stay the withholding.~~

~~(b) None of the defenses presented pursuant to subsection 3 in favor of the obligor, it shall order the employer to proceed with the withholding, and may assess costs and attorney's fees against the obligor.~~

~~5.~~ The tribunal shall provide the parties and employer with notice of its decision within 45 days after the obligor received a copy of the order pursuant to NRS 130.502.

Sec. 1.95. **NRS 130.602 is hereby amended to read as follows:**

130.602 1. Except as otherwise provided in NRS 130.706, a support order or income-withholding order of another state or a foreign support order may be registered in this State by sending the following records to the appropriate tribunal of this State:

(a) A letter of transmittal requesting registration and enforcement;

(b) Two copies, including one certified copy, of the order to be registered, including any modification of the order;

(c) A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(d) The name of the obligor and, if known:

(1) The address and social security number of the obligor;

(2) The name and address of the employer of the obligor and any other source of income of the obligor; and

(3) A description and the location of property of the obligor in this State that is not exempt from execution; and

(e) Except as otherwise provided in NRS 130.312, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

2. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as an order of ***a tribunal of*** another state or a foreign ~~[country,]~~ ***support order,*** together with one copy of the documents and information, regardless of their form.

3. A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

4. If two or more orders are in effect, the person requesting registration shall:

(a) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(b) Specify the order alleged to be the controlling order, if any; and

(c) Specify the amount of consolidated arrears, if any.

5. A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 2. NRS 130.703 is hereby amended to read as follows:

130.703 The ~~[governmental entity of this State]~~ ***Division of Welfare and Supportive Services of the Department of Health and Human Services is*** recognized as the agency designated by the United States central authority ~~[may]~~ ***to*** perform specific functions under the Convention.

Sec. 2.3. **NRS 130.704 is hereby amended to read as follows:**

130.704 1. In a support proceeding under NRS 130.7011 to 130.713, inclusive, the ~~[governmental entity of this State designated pursuant to NRS 130.703]~~ ***Division of Welfare and Supportive Services of the Department of Health and Human Services*** shall:

(a) Transmit and receive applications; and

(b) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State.

2. The following support proceedings are available to the obligee under the Convention:

(a) Recognition or recognition and enforcement of a foreign support order;

(b) Enforcement of a support order issued or recognized in this State;

(c) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(d) Establishment of a support order if recognition of a foreign support order is refused under paragraphs (b), (d) or (i) of subsection 2 of NRS 130.708;

(e) Modification of a support order of a tribunal of this State; and

(f) Modification of a support order of a tribunal of another state or a foreign country.

3. The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

(a) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State;

(b) Modification of a support order of a tribunal of this State; and

(c) Modification of a support order of a tribunal of another state or a foreign country.

4. A tribunal of this State may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the Convention.

Sec. 2.7. **NRS 130.710 is hereby amended to read as follows:**

130.710 1. Except as otherwise provided in subsections 3 and 4, a tribunal of this State shall recognize and enforce a foreign support agreement registered in this State.

2. An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:

(a) A complete text of the foreign support agreement; and

(b) A record stating that the foreign support agreement is enforceable as ~~[a decision]~~ ***an order of support*** in the issuing country.

3. A tribunal of this State may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.

4. In a contest of a foreign support agreement, a tribunal of this State may refuse recognition and enforcement of the agreement if it finds:

(a) Recognition and enforcement of the agreement is manifestly incompatible with public policy;

(b) The agreement was obtained by fraud or falsification;

(c) The agreement is incompatible with a support order involving the same parties and having the same purpose in this State, another state or a foreign country if the support order is entitled to recognition and enforcement under this chapter in this State; or

(d) The record submitted under subsection 2 lacks authenticity or integrity.

5. A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

Sec. 3. Section 90 of chapter 47, Statutes of Nevada 2009, as amended by chapter 28, Statutes of Nevada 2011, at page 90, is hereby amended to read as follows:

Sec. 90. The amendatory provisions of this act apply to proceedings to establish a support order to determine parentage of a child or to register, recognize, enforce or modify a prior support order, determination or agreement, whenever issued or entered, which are commenced on or after ~~[the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President and the United States deposits its instrument of ratification.]~~ ***July 1, 2015.***

Sec. 4. Section 91 of chapter 47, Statutes of Nevada 2009, at page 140, is hereby amended to read as follows:

Sec. 91. This act becomes effective on ~~[the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President and the United States deposits its instrument of ratification.]~~ ***July 1, 2015.***

Sec. 5. Section 5 of chapter 414, Statutes of Nevada 2013, at page 2271, is hereby amended to read as follows:

Sec. 5. 1. This section and sections 1, 2 and 3 of this act become effective on October 1, 2013.

2. ~~[Section 3 of this act expires by limitation on the date that the provisions of The Hague Convention on the International Recovery of~~

~~Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.~~

~~— 3.]~~ Section 3.5 of this act becomes effective on ~~[the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification.]~~ ***July 1, 2015.***

Sec. 6. 1. This section and sections 3, 4 and 5 of this act become effective upon passage and approval.

2. Sections 1 ~~[and 2]~~ **to 2.7, inclusive,** of this act become effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 72 to Assembly Bill 13 revises provisions of *Nevada Revised Statutes* Chapter 130, the Uniform Interstate Family Support Act, to match recently issued federal mandates.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 19.

Bill read second time.

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

Amendment No. 214.

AN ACT relating to local governments; revising provisions governing the day on which certain governing bodies must hold budget hearings on tentative budgets prepared by those governing bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain local governmental entities which have the right to levy or receive money from ad valorem or other taxes, or any mandatory assessments, are required to prepare a tentative budget for the ensuing fiscal year. ~~[(NRS 354.596)]~~ Such a local governmental entity must submit the tentative budget to the Department of Taxation and then give notice of a public hearing on the tentative budget. Existing law requires that ~~[the]~~ **such a** budget ~~[hearings]~~ **hearing** must be held: (1) for county budgets, on the third Monday in May; (2) for city budgets, on the third Tuesday in May; (3) for school districts, on the third Wednesday in May; and (4) for all other local governments, on the third Thursday in May or the Friday immediately succeeding the third Thursday in May. (NRS 354.596) This bill ~~[revises the provision regarding the days on which]~~ **eliminates the requirement that** the budget ~~[hearings must]~~ **hearing** be held ~~[to require that the budget hearings instead be held on or before the specified day.]~~ **on those specified days and**

instead requires that the budget hearing be held not sooner than the third Monday in May and not later than the last day in May.

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

Section 1. NRS 354.596 is hereby amended to read as follows:

354.596 1. The officer charged by law shall prepare, or the governing body shall cause to be prepared, on appropriate forms prescribed by the Department of Taxation for the use of local governments, a tentative budget for the ensuing fiscal year. The tentative budget for the following fiscal year must be submitted to the county auditor and filed for public record and inspection in the office of:

(a) The clerk or secretary of the governing body; and

(b) The county clerk.

2. On or before April 15, a copy of the tentative budget must be submitted:

(a) To the Department of Taxation; and

(b) In the case of school districts, to the Department of Education.

3. At the time of filing the tentative budget, the governing body shall give notice of the time and place of a public hearing on the tentative budget and shall cause a notice of the hearing to be published once in a newspaper of general circulation within the area of the local government not more than 14 nor less than 7 days before the date set for the hearing. The notice of public hearing must state:

(a) The time and place of the public hearing.

(b) That a tentative budget has been prepared in such detail and on appropriate forms as prescribed by the Department of Taxation.

(c) The places where copies of the tentative budget are on file and available for public inspection.

4. ~~[Budget hearings]~~ ***The public hearing on the tentative budget*** must be held ~~[:~~

~~(a) For county budgets, on *or before]*~~ ***by the governing body not sooner than*** the third Monday in May ~~[;~~

~~(b) For cities, on *or before* the third Tuesday in May;~~

~~(c) For school districts, on *or before* the third Wednesday in May; and~~

~~(d) For all other local governments, on *or before* the third Thursday in May or the Friday immediately succeeding the third Thursday in May,~~

~~→ except that the board of county commissioners may consolidate the hearing on all local government budgets administered by the board of county commissioners with the county budget hearing.]~~ ***and not later than the last day in May.***

5. The Department of Taxation shall examine the submitted documents for compliance with law and with appropriate regulations and shall submit to the governing body at least 3 days before the public hearing a written certificate of compliance or a written notice of lack of compliance. The written notice

must indicate the manner in which the submitted documents fail to comply with law or appropriate regulations.

6. Whenever the governing body receives from the Department of Taxation a notice of lack of compliance, the governing body shall forthwith proceed to amend the tentative budget to effect compliance with the law and with the appropriate regulation.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment sets a range of dates for when budget hearings may take place, beginning on the third Monday in May and ending on the fourth Friday in May.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time and ordered to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 10.

AN ACT relating to courts; revising provisions governing the recycling of paper and paper products by courts; revising provisions governing the duties of court clerks and justices of the peace in relation to the fees charged by those officials; revising provisions governing the collection and reporting of certain statistical information by district courts, justice courts and municipal courts; changing the term "county clerk" to "clerk of the court" in certain statutes relating to the fees charged by clerks of the district courts; removing provisions requiring courts to provide to the Court Administrator certain orders relating to bail forfeitures; repealing the requirement that the Nevada Supreme Court decide an appeal from a judgment imposing the death penalty within a certain period; repealing provisions governing the selection of panels of jurors by boards of county commissioners; revising various other provisions relating to court administration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless a waiver is granted because the cost of recycling is unreasonable or would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) To obtain such a waiver: (1) the Nevada Supreme Court must apply to the Interim Finance Committee; (2) a district court or justice court must apply to the board of county commissioners of the county in which the court is located; and (3) a municipal court must apply to the governing body of the city in which it is located. (NRS 1.115)

Section 1 of this bill removes existing provisions regarding a waiver of the requirement for courts to recycle and, instead, requires courts to recycle to the extent reasonably possible.

Existing law requires the Clerk of the Supreme Court to post in a conspicuous place in his or her office a table of the fees charged by the Clerk. (NRS 2.250) **Section 2** of this bill requires the table of fees to be posted by conventional or electronic means and requires the table of fees to be posted on the Internet website of the Clerk.

Existing law requires district courts, justice courts and municipal courts to submit to the Court Administrator a report of statistical information concerning the workload of those courts. (NRS 3.243, 4.175, 5.045) Existing law further requires the clerk of a district court to obtain and file certain information concerning the nature of each criminal and civil case filed with the court. (NRS 3.275) **Sections 3, 4, 8 and 10** of this bill amend these provisions to require district courts, justice courts and municipal courts to submit a report of statistical information to the Court Administrator pursuant to the uniform system for collecting and compiling statistical information concerning the State Court System which is prescribed by the Supreme Court.

Existing law requires each justice of the peace to charge and collect certain fees and to pay those fees to the county treasurer not later than the first Monday of each month. (NRS 4.063, 4.065, 4.071) Sections 4.2, 4.4 and 4.6 of this bill require that the fees be paid on or before the fifth day of the month. Under existing law, a justice of the peace is required to pay to the county treasurer the amount of each fine that is paid or bail that is forfeited within 30 days after such payment or forfeiture. (NRS 176.285) Section 35.5 of this bill requires such payments to be made on or before the fifth day of the month immediately following the month in which the fine is paid or the bail forfeited.

Existing law contains various provisions governing the fees charged by justices of the peace and clerks of the district court and imposes certain penalties for the failure to comply with these provisions. (NRS 4.080-4.140, 19.040-19.110) **Sections 5 and 31** of this bill specifically authorize justices of the peace and clerks of the district courts to maintain in electronic format the fee book required by existing law. **Sections 6 and 32** of this bill require justices of the peace and clerks of the district courts to submit to the county official designated by the board of county commissioners a monthly financial statement of the fees collected by them rather than a quarterly financial statement. **Sections 7 and 27** of this bill require justices of the peace and clerks of the district courts to post tables of fees: (1) by conventional or electronic means in their offices; and (2) on their Internet websites. **Section 9** of this bill specifically authorizes a justice of the peace to keep his or her docket in written or electronic format.

Existing law authorizes jurors to be selected by a jury commissioner designated by the district court or, in counties where there is no jury commissioner, by the board of county commissioners. (NRS 6.045-6.090)

Sections 11 and 41 of this bill remove provisions relating to the selection of jurors by a board of county commissioners.

Under existing law, county clerks are ex officio clerks of the district court in and for their counties. (Nev. Const. Art. 4, § 32; NRS 3.250, 246.060) The Nevada Supreme Court has ruled that "[a] district court may exercise control over the court clerk's office either directly, by assuming all or part of the court clerk's functions, or indirectly, by supervising the county clerk in the performance of his or her duties as the *ex officio* court clerk." (*State ex rel. Harvey v. Second Jud. Dist. Ct.*, 117 Nev. 754, 772 (2001)) **Sections 12-33 and 35** of this bill change the term "county clerk" to "clerk of the court" in various statutes relating to the fees charged for the filing of certain documents in the district court and other services provided by the clerk of a district court.

Under existing law, a person may register an order for protection against domestic violence issued by a court in another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary. (NRS 33.090) **Section 34** of this bill: (1) provides that such an order may be registered in a court of competent jurisdiction in the judicial district in which the person believes that enforcement may be necessary; and (2) authorizes a copy of such an order to be forwarded by conventional or electronic means to the appropriate law enforcement agency.

Existing law requires a court, upon entering an order of probation or suspension of sentence, to direct the clerk of the court to certify a copy of the records in the case and deliver a copy of the records in the case to the Chief Parole and Probation Officer. (NRS 176A.220) **Section 36** of this bill removes the requirement that the clerk certify a copy of the records and authorizes the clerk to deliver the records to the Chief in writing, by electronic means or by affording the Chief access to an electronic system necessary to retrieve the records.

Sections 37-40 of this bill remove provisions of existing law which require a court to provide to the Court Administrator a copy of: (1) an order of bail forfeiture; (2) an order exonerating a surety of a bail bond; and (3) an order setting aside a bail forfeiture. (NRS 178.508, 178.509, 178.512, 178.514)

Section 41 removes certain provisions of existing law, including provisions: (1) requiring the Clerk of the Supreme Court to publish a list of certain cases in a newspaper; (2) establishing penalties for justices of the peace and county clerks who fail to perform certain duties; (3) requiring justices of the peace to keep records of certain traffic violations; and (4) requiring the Nevada Supreme Court to decide an appeal from a judgment imposing the death penalty within a certain period.

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

Section 1. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled ***, to the extent reasonably possible,*** the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. ~~[A court of justice may apply for a waiver from the requirements of subsection 1. For such a waiver, the Supreme Court or the Court of Appeals must apply to the Interim Finance Committee, a district court or a justice court must apply to the board of county commissioners of the county in which it is located and a municipal court must apply to the governing body of the city in which it is located. A waiver must be granted if it is determined that the cost to recycle or cause to be recycled the paper and paper products used by the court is unreasonable and would place an undue burden on the operations of the court.~~

~~3. The Court Administrator shall, after consulting with the State Department of Conservation and Natural Resources, prescribe the procedure for the disposition of the paper and paper products to be recycled. The Court Administrator may prescribe a procedure for the recycling of other waste materials produced on the premises of the court building.~~

~~4. Any money received by a court of justice for recycling or causing to be recycled the paper and paper products it uses must be paid by the clerk of that court to the State Treasurer for credit to the State General Fund.~~

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

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

Sec. 2. NRS 2.250 is hereby amended to read as follows:

2.250 1. The Clerk of the Supreme Court may demand and receive for the services of the Clerk rendered in discharging the duties imposed upon him or her by law the following fees:

(a) Except as otherwise provided in paragraph (d), whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court the sum of $200.

(b) Except as otherwise provided in paragraph (d), a party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court the sum of $100.

(c) Except as otherwise provided in paragraph (d), in addition to the fees required pursuant to paragraphs (a) and (b):

(1) Whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court a court automation fee of $50.

(2) A party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court a court automation fee of $50.

➥ The Clerk of the Supreme Court shall remit the fees collected pursuant to this paragraph to the State Controller for credit to a special account in the State General Fund. The State Controller shall distribute the money received to the Office of Court Administrator to be used for advanced and improved technological purposes in the Supreme Court. The special account is restricted to the use specified, and the balance in the special account must be carried forward at the end of each fiscal year. As used in this paragraph, "technological purposes" means the acquisition or improvement of technology, including, without limitation, acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

(d) No fees may be charged by the Clerk in:

(1) Any action brought in or to the Supreme Court wherein the State of Nevada or any county, city or town thereof, or any officer or commission thereof is a party in his, her or its official or representative capacity, against the State of Nevada, county, city, town, officer or commission;

(2) A habeas corpus proceeding of a criminal or quasi-criminal nature; or

(3) An appeal taken from, or a special proceeding arising out of, a criminal proceeding.

(e) A fee of $60 for Supreme Court decisions in pamphlet form for each year, or a fee of $30 for less than a 6 months' supply of decisions, to be collected from each person who requests such decisions, except those persons and agencies set forth in NRS 2.345. The Clerk may charge a reasonable fee to all parties, including, without limitation, the persons and agencies set forth in NRS 2.345, for access to decisions of the Supreme Court compiled in an electronic format.

(f) A fee from a person who requests a photostatic copy or a photocopy print of any paper or document in an amount determined by the justices of the Supreme Court.

2. The Clerk of the Supreme Court shall not charge any fee that is not authorized by law.

3. The Clerk of the Supreme Court shall keep a fee book ***or electronic record*** in which the Clerk shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book ***or electronic record, as applicable,*** must be open to public inspection in the office of the Clerk.

4. The Clerk of the Supreme Court shall publish and post ***by conventional or electronic means,*** in some conspicuous place in the Clerk's office ***and on the Internet website of the Clerk,*** a table of fees for public inspection. ~~[The Clerk shall forfeit a sum of not less than $20 for each day of his or her omission to do so, which sum with costs may be recovered by any person by filing an action before any justice of the peace of the same county.]~~

5. All fees prescribed in this section must be paid in advance, if demanded. If the Clerk of the Supreme Court has not received any or all of the fees which are due to the Clerk for services rendered in any suit or proceeding, the Clerk may have execution therefor in the Clerk's own name against the party from whom they are due, to be issued from the Supreme Court upon order of a justice thereof or from the Court upon affidavit filed.

6. The Clerk of the Supreme Court shall give a receipt on demand of the party paying a fee. The receipt must specify the title of the cause in which the fee is paid and the date and the amount of the payment.

7. The Clerk of the Supreme Court shall, when depositing with the State Treasurer money received for Court fees, render to the State Treasurer a brief note of the cases in which the money was received.

Sec. 3. NRS 3.243 is hereby amended to read as follows:

3.243 In the time and manner prescribed by the Supreme Court, the Chief Judge of the judicial district or, if the district has no Chief Judge, a district judge designated by mutual consent of the district judges of that district, shall submit to the Court Administrator a report of the statistical information required pursuant to ~~[this section and such other]~~ ***the uniform system for collecting and compiling*** statistical information ~~[as]~~ ***regarding the State Court System which is*** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the judge to whom each case has been assigned;~~

~~2. The type and number of cases each judge considered during the preceding month;~~

~~3. The number of cases submitted to each judge during the preceding month;~~

~~4. The number of cases decided by each judge during the preceding month; and~~

~~5. The number of full judicial days in which each judge appeared in court or in chambers in performance of his or her duties during the preceding month.~~]

Sec. 4. NRS 3.275 is hereby amended to read as follows:

3.275 1. The clerk of each district court shall obtain and file information [~~regarding the nature of each criminal and civil case filed with the district court. If the~~] ***necessary to complete the report of statistical information required by NRS 3.243, including, without limitation, information relating to the referral of a*** criminal case [~~is referred~~] to a specialty court program, [~~the clerk must obtain and file information regarding the nature of the case and the program to which the defendant was referred.~~] ***using the case management system provided by the Court Administrator.***

2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1 [~~.~~] ***for each civil case filed in the district court.*** No [~~criminal or~~] civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his or her representative. [~~In addition to the information on the form, the~~]

3. The clerk shall maintain information concerning the disposition of each criminal ***and civil*** case and, if applicable, whether [~~the~~] ***a criminal*** defendant successfully completed [~~a~~] ***the*** specialty court program [~~.~~

~~3.~~] ***to which he or she was referred.***

4. The clerk shall maintain the information [~~contained in the form and collected pursuant to subsection 2~~] ***described in this section*** in a [~~separate system of filing to allow~~] ***manner that allows*** the retrieval of statistics relating to each criminal and civil action filed in the district courts [~~.~~] ***as required to complete the report required by NRS 3.243.***

Sec. 4.2. **NRS 4.063 is hereby amended to read as follows:**

4.063 1. In a county whose population is 100,000 or more, the justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any party in any such action or proceeding for which a fee is required, charge and collect a fee of not less than $5 but not more than $10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the [~~first Monday~~] ***fifth day*** of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 ***during the preceding month*** for credit to an account for dispute resolution in the county general fund. The money in that account must not be used for purposes other than the programs established pursuant to NRS 3.500 and 244.1607.

3. The board of county commissioners of any other county may impose by ordinance an additional filing fee of not more than $10 to be paid on the commencement of any action or proceeding in the justice court for which a fee is required and on the filing of any answer or appearance in any such action or

proceeding for which a fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the justice of the peace shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 4.4. **NRS 4.065 is hereby amended to read as follows:**

4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of $1 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the ~~[first Monday]~~ ***fifth day*** of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 ***during the preceding month*** for credit to the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Executive Director of the Department of Taxation to administer the provisions of NRS 360.283 and 360.289.

Sec. 4.6. **NRS 4.071 is hereby amended to read as follows:**

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed $10 to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the ~~[first Monday]~~ ***fifth day*** of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the justice of the peace.

3. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal

services that receives money pursuant to this section provides legal services without a charge.

Sec. 5. NRS 4.090 is hereby amended to read as follows:

4.090 The justice of the peace shall keep in his or her office a fee book ***or electronic record*** in which he or she shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book ***or electronic record, as applicable,*** shall be open to public inspection.

Sec. 6. NRS 4.100 is hereby amended to read as follows:

4.100 1. On ~~[the first Mondays of January, April, July and October, the justices]~~ ***or before the 15th day of each month, a justice*** of the peace who ~~[receive]~~ ***receives*** fees pursuant to the provisions of NRS 4.060, 4.063 and 4.065 shall make out and file with the ~~[boards]~~ ***county official designated by the board*** of county commissioners of ~~[their several counties]~~ ***his or her county*** a full and correct statement ~~[under oath]~~ of all fees or compensation, of whatever nature or kind, received in ~~[their several]~~ ***his or her*** official ~~[capacities]~~ ***capacity*** during the preceding ~~[3 months.]~~ ***month.*** In the statement ~~[they]~~ ***, the justice of the peace*** shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the ~~[clerk of]~~ ***county official designated by*** the board of county commissioners.

Sec. 7. NRS 4.130 is hereby amended to read as follows:

4.130 Any justice of the peace receiving fees as provided by law shall publish and set up ***by conventional or electronic means,*** in some conspicuous place in his or her office ***and on the Internet website of the justice court,*** a ~~[fee]~~ table ***of fees*** for public inspection. ~~[A sum not exceeding $20 for each day of his or her omission so to do shall be forfeited, which sum with costs may be recovered by any person by an action before any justice of the peace of the same county.]~~

Sec. 8. NRS 4.175 is hereby amended to read as follows:

4.175 In the time and manner prescribed by the Supreme Court, the justice of the peace of a township or, if there is more than one justice of the peace of a township, a justice of the peace designated by mutual consent of the other justices of the peace of that township, shall submit to the Court Administrator a written report of the statistical information required pursuant to ~~[this section and such other]~~ ***the uniform system for collecting and compiling*** statistical information ~~[as]~~ ***regarding the State Court System which is*** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the justice of the peace to whom each case has been assigned;~~

~~2. The type and number of cases each justice of the peace considered during the preceding month;~~

~~3. The number of cases submitted to each justice of the peace during the preceding month;~~

~~4. The number of cases decided by each justice of the peace during the preceding month; and~~

~~5. The number of full judicial days in which each justice of the peace appeared in court or in chambers in performance of his or her duties during the preceding month.~~]

Sec. 9. NRS 4.230 is hereby amended to read as follows:

4.230 [~~1.~~] Every justice must keep a docket, ***by conventional or electronic means,*** in which the justice must enter:

[~~(a)~~] ***1.*** The title of every action or proceeding.

[~~(b)~~] ***2.*** The object of the action or proceeding; and if a sum of money be claimed, the amount thereof.

[~~(c)~~] ***3.*** The date of the summons, and the time of its return; and if an order to arrest the defendant be made, or a writ of attachment be issued, a statement of the fact.

[~~(d)~~] ***4.*** The time when the parties, or either of them, appear, or their nonappearance, if default be made; a minute of the pleadings and motions; if in writing, referring to them; if not in writing, a concise statement of the material parts of the pleading.

[~~(e)~~] ***5.*** Every adjournment, stating on whose application and to what time.

[~~(f)~~] ***6.*** The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial.

[~~(g)~~] ***7.*** The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request.

[~~(h)~~] ***8.*** The verdict of the jury, and when received; if the jury disagree and are discharged, the fact of such disagreement and discharge.

[~~(i)~~] ***9.*** The judgment of the court, specifying the costs included, and the time when rendered.

[~~(j)~~] ***10.*** The issuing of the execution, when issued and to whom; the renewals thereof, if any, and when made, and a statement of any money paid to the justice, when and by whom.

[~~(k)~~] ***11.*** The receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

[~~2. The Court Administrator shall prescribe the form of the docket and of any other appropriate records to be kept by the justice, which form may vary from court to court according to the number and kind of cases customarily heard.~~]

Sec. 10. NRS 5.045 is hereby amended to read as follows:

5.045 In the time and manner prescribed by the Supreme Court, the municipal judge of a city or, if there is more than one municipal judge for a city, a municipal judge designated by mutual consent of the other municipal judges of that city, shall submit to the Court Administrator a written report of the statistical information required pursuant to [~~this section and such other~~] ***the uniform system for collecting and compiling*** statistical information [~~as~~]

regarding the State Court System which is prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the municipal judge to whom each case has been assigned;~~

~~2. The type and number of cases each municipal judge considered during the preceding month;~~

~~3. The number of cases submitted to each municipal judge during the preceding month;~~

~~4. The number of cases decided by each municipal judge during the preceding month; and~~

~~5. The number of full judicial days in which each municipal judge appeared in court or in chambers in performance of his or her duties during the preceding month.]~~

Sec. 11. NRS 6.090 is hereby amended to read as follows:

6.090 1. ~~[To constitute a regular panel of trial jurors for the district court in a county in which the board of county commissioners selects jurors on an annual basis, such number of names as the district judge may direct must be drawn from the jury box. The district judge shall make and file with the county clerk an order that a regular panel of trial jurors be drawn, and the number of jurors to be drawn must be named in the order. The drawing must take place in the office of the county clerk, during regular office hours, in the presence of all persons who may choose to witness it. The panel must be drawn by the district judge and clerk, or, if the district judge so directs, by any one of the county commissioners of the county and the clerk. If the district judge directs that the panel be drawn by one of the county commissioners of the county and the clerk, the district judge shall make and file with the clerk an order designating the name of the county commissioner and fixing the number of names to be drawn as trial jurors and the time at which the persons whose names are so drawn are required to attend in court.~~

~~2. The drawing, for jurors drawn pursuant to subsection 1, must be conducted as follows:~~

~~(a) The number to be drawn having been previously determined by the district judge, the box containing the names of the jurors must first be thoroughly shaken. It must then be opened and the district judge and clerk, or one of the county commissioners of the county and the clerk, if the district judge has so ordered, shall alternately draw therefrom one ballot until of nonexempt jurors the number determined upon is obtained.~~

~~(b) If the officers drawing the jury deem that the attendance of any juror whose name is drawn cannot be obtained conveniently and inexpensively to the county, by reason of the distance of the juror's residence from the court or other cause, the juror's name may be returned to the box and in its place the name of another juror drawn whose attendance the officers may deem can be obtained conveniently and inexpensively to the county.~~

~~(c) A list of the names obtained must be made out and certified by the officers drawing the jury. The list must remain in the clerk's office subject to inspection by any officer or attorney of the court, and the clerk shall immediately issue a venire.~~

~~3.~~**]** Whenever trial jurors are selected by a jury commissioner, the district judge may direct the jury commissioner to summon and assign to that court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

[~~4.~~**]** ***2.*** Every person named in the venire must be served by the sheriff personally or by the sheriff or the jury commissioner by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff or the jury commissioner, as the case may be, and allowed him or her as other claims against the county. The sheriff shall make return of the venire at least the day before the day named for their appearance, after which the venire is subject to inspection by any officer or attorney of the court.

Sec. 12. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court is entitled to a fee of $40 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court actually sworn and serving is entitled to a fee of $40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court and each grand juror and trial juror in the district court or justice court is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the

party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by ~~[a county]~~ ***the*** clerk ***of the court*** to jurors for their services in a civil action or proceeding, which the ~~[county]~~ clerk ***of the court*** has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 13. NRS 6.160 is hereby amended to read as follows:

6.160 The ~~[county]~~ clerk ***of the court*** in cases in the district court and the deputy clerk of the justice court in cases in the justice court shall keep a payroll, enrolling thereon the names of all jurors, the number of days in attendance and the actual number of miles traveled by the shortest and most practical route in going to and returning from the place where the court is held, and at the conclusion of a trial may:

1. Give a statement of the amounts due to the jurors to the county auditor, who shall draw warrants upon the county treasurer for the payment thereof; or
2. Make an immediate payment in cash of the amount owing to each juror.

➥ These payments must be made from and to the extent allowed by the fees collected from the demanding party, pursuant to the provisions of NRS 6.150, and from and to the extent allowed by any other fees which have been collected pursuant to law. The clerk shall obtain from each juror so paid a receipt signed by him or her and indicating the date of payment, the date of service and the amount paid. A duplicate of this receipt must be immediately delivered to the appropriate county auditor, county recorder or county comptroller.

Sec. 14. Chapter 19 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 19.010 and section 16 of this act have the meanings ascribed to them in those sections.***

Sec. 16. ***"Clerk of the court" means:***

1. In a county where the district court in and for that county has not appointed a clerk, the county clerk when acting as ex officio clerk of the district court.

2. In a county where the district court in and for that county has appointed a clerk, the clerk of the district court.

Sec. 17. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, ~~[each]~~ ***the*** county clerk ***or clerk of the court, as applicable,*** shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or	

proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer $56.00

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court 42.00

On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than $2,500 ..... 72.00

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner..... 44.00

On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter..... 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants 44.00

For filing a notice of appeal 24.00

For issuing a transcript of judgment and certifying thereto..... 3.00

For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk ***or clerk of the court*** 0.50

For each certificate of the clerk, under the seal of the court..... 3.00

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk ***or clerk of the court*** $5.00

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity..... 15.00

For issuing any certificate under seal, not otherwise provided for..... 6.00

For searching records or files in the office of the county clerk ~~[,]~~ ***or clerk of the court,*** for each year, unless such fee is waived by the county clerk ***or clerk of the court, as applicable*** 0.50

For filing and recording a bond of a notary public, per name 15.00

For entering the name of a firm or corporation in the register of the county clerk..... 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk ~~[.]~~ ***or clerk of the court, as applicable.***

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk ***or clerk of the court, as applicable,*** in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. Each county clerk ***and clerk of the court*** shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 18. NRS 19.030 is hereby amended to read as follows:

19.030 1. Except as otherwise provided by specific statute, on the commencement of any civil action or proceeding in the district court, other than the commencement of a proceeding for an adoption, the ~~[county]~~ clerk of ~~[each county,]~~ ***the court,*** in addition to any other fees provided by law, shall charge and collect $32 from the party commencing the action or proceeding.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer an amount equal to $32 per civil case commenced as provided in subsection 1, for the preceding calendar month, and the county treasurer shall place that money to the credit of the State ***General*** Fund. The county treasurer shall remit quarterly all such fees turned over to the county treasurer by the ~~[county]~~ clerk ***of the court*** to the State Controller to be placed by the State Controller in the State General Fund.

Sec. 19. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, ~~[each]~~ ***the*** clerk of the court ~~[or county clerk, as appropriate,]~~ shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court

of another county, to be paid by the party commencing the action, proceeding or transfer $99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants $99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more $352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000 ..... $99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto $1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding $349

(g) On the filing of a third-party complaint, to be paid by the filing party $135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party $349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the ***district*** court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court **. [**or county clerk.**]**

4. Each clerk of the court **[**or county clerk**]** shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court **[**or county clerk**]** pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 20. NRS 19.031 is hereby amended to read as follows:

19.031 1. Except as otherwise provided in subsection 2 and NRS 19.034 **,** in each county in which legal services are provided without charge to indigent or elderly persons through a program for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or other program funded by this State or

the United States to provide legal assistance, the ~~[county]~~ clerk ***of the court*** shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect a fee of $25 from the party commencing or appearing in the action or proceeding. These fees are in addition to any other fees required by law.

2. In each county described in subsection 1, the ~~[county]~~ clerk ***of the court*** shall, on the commencement of any action provided for in chapter 125 of NRS, and on the filing of any answer or appearance in any such action, charge and collect a fee of $14 from the party commencing or appearing in the action. These fees are in addition to any other fees required by law.

3. On or before the first Monday of each month ***,*** the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer the amount of all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsections 1 and 2. Except as otherwise provided in subsection 5, the county treasurer shall remit quarterly to the organization operating the program for legal services all the money received by the county treasurer from the ~~[county]~~ clerk ~~[.]~~ ***of the court.***

4. The organization operating the program for legal services shall use any money received pursuant to subsection 3 as follows:

(a) From each $25 collected pursuant to subsection 1:

(1) Fifteen dollars and fifty cents for the benefit of indigent persons in the county; and

(2) Nine dollars and fifty cents for the benefit of elderly persons in the county.

(b) From each $14 collected pursuant to subsection 2:

(1) Ten dollars for the benefit of indigent persons in the county; and

(2) Four dollars for the benefit of elderly persons in the county.

5. If the county treasurer receives notice from the State or a political subdivision that an award of attorney's fees or costs has been made to an organization that receives money pursuant to this section and has been paid, the county treasurer shall:

(a) Deduct an amount equal to the award from the amount to be paid to the organization; and

(b) Remit an equal amount to the State or to the political subdivision that paid the fees or costs at the time when the county treasurer would have paid it to the organization.

6. The fees which are collected from a county must be used for the benefit of the indigent or elderly persons in that county.

Sec. 21. NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing

pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the ~~[county]~~ clerk ***of the court*** shall account for and pay over to the county treasurer any such fees collected by the ~~[county]~~ clerk ***of the court*** during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the ~~[county]~~ clerk ~~[.]~~ ***of the court.***

4. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 22. NRS 19.0313 is hereby amended to read as follows:

19.0313 1. Except as otherwise provided in NRS 19.034, in a county whose population is 100,000 or more, the ~~[county]~~ clerk ***of the court*** shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect not less than $5 but not more than $10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer the amount of all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsection 1 for use in the programs established in accordance with NRS 3.500 and 244.1607.

3. Except as otherwise provided in NRS 19.034, the board of county commissioners of any other county may impose by ordinance an additional

filing fee of not more than $10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the ~~[county]~~ clerk ***of the court*** shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 23. NRS 19.0315 is hereby amended to read as follows:

19.0315 1. Except as otherwise provided in NRS 19.034, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, a board of county commissioners may impose by ordinance a filing fee in an amount not to exceed $15 to offset a portion of the costs of providing programs of alternative dispute resolution on the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer the amount of all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsection 1 for credit to an account for court programs for alternative dispute resolution in the county general fund. The money in the account must be used only to support programs for the arbitration of civil actions pursuant to NRS 38.250 and programs for the resolution of disputes through the use of other alternative methods of resolving disputes pursuant to NRS 38.258.

3. The provisions of this section apply only in judicial districts in which a program for alternative dispute resolution has been established pursuant to NRS 38.250 or 38.258.

4. As used in this section, "alternative dispute resolution" means alternative methods of resolving disputes, including, without limitation, arbitration and mediation.

Sec. 24. NRS 19.033 is hereby amended to read as follows:

19.033 1. In each county, on the commencement of any action for divorce in the district court, the ~~[county]~~ clerk ***of the court*** shall charge and collect, in addition to other fees required by law, a fee of $20. The fee must be paid by the party commencing the action.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer an amount equal to all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Director of the Department of Employment, Training and

Rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.

3. The board of county commissioners of any county may impose by ordinance an additional filing fee of not more than $6 to be paid by the defendant in an action for divorce, annulment or separate maintenance. In a county where this fee has been imposed:

(a) On the appearance of a defendant in the action in the district court, the ~~[county]~~ clerk ~~[,]~~ ***of the court,*** in addition to any other fees provided by law, shall charge and collect from the defendant the prescribed fee to be paid upon the filing of the first paper in the action by the defendant.

(b) On or before the fifth day of each month, the ~~[county]~~ clerk ***of the court*** shall account for and pay to the county treasurer all fees collected during the preceding month pursuant to paragraph (a).

Sec. 25. NRS 19.034 is hereby amended to read as follows:

19.034 If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, ~~[a county]~~ ***the*** clerk ***of the court*** shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

Sec. 26. NRS 19.035 is hereby amended to read as follows:

19.035 Notwithstanding any other provision of this chapter, ~~[a county]~~ ***the*** clerk ***of the court*** shall neither charge nor collect any fee for any service rendered by the ~~[county]~~ clerk ***of the court*** to:

1. The State of Nevada;
2. The county ~~[of]~~ ***in*** which he or she is ~~[county]~~ clerk ~~[;]~~ ***of the court;***
3. Any city or town within that county;
4. The school district of that county;
5. Any general improvement district which is located within that county; or
6. Any officer of the State, that county or any such city, town, school district or general improvement district in the officer's official capacity.

Sec. 27. NRS 19.040 is hereby amended to read as follows:

19.040 ~~[1.]~~ Every ~~[county]~~ clerk ***of the court*** shall publish and set up ***by conventional or electronic means,*** in some conspicuous place in his or her office ***and on the Internet website of the clerk of the court,*** a table of fees according to this chapter for the inspection of all persons who have business in the office of the ~~[county clerk.~~

~~2. Any county clerk who fails to comply with the provisions of subsection 1 shall forfeit for each day of omission a sum not exceeding $20, which, together with costs, may be recovered by any person in an action before a justice of the peace of the same county.]~~ ***clerk of the court.***

Sec. 28. NRS 19.050 is hereby amended to read as follows:

19.050 Except as otherwise provided in subsection 8 of NRS 127.186, when by law any publication is required to be made by a ~~[county]~~ clerk ***of the***

court of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or other paper was granted before the ~~[county]~~ clerk ***of the court*** shall be compelled to make publication thereof.

Sec. 29. NRS 19.060 is hereby amended to read as follows:

19.060 Except as otherwise provided by specific statute, all fees prescribed in this chapter must be paid in advance, if demanded. If ~~[any county]~~ ***a*** clerk ***of the court*** has not received any or all of the fees which may be due for services rendered by the ~~[county]~~ clerk ***of the court*** in any suit or proceeding, the ~~[county]~~ clerk ***of the court*** may have execution therefor in ~~[his or her own]~~ ***the clerk's*** name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the judge or court upon affidavit filed.

Sec. 30. NRS 19.070 is hereby amended to read as follows:

19.070 A ~~[county]~~ clerk ***of the court*** shall not charge any fee that is not authorized by law.

Sec. 31. NRS 19.080 is hereby amended to read as follows:

19.080 ~~[Each county]~~ ***The*** clerk ***of the court*** shall keep in his or her office, open to public inspection, a fee book ***or electronic record*** in which the ~~[county]~~ clerk ***of the court*** shall enter in detail the fees charged with the title or the case number of the matter, proceeding or action in which they were charged.

Sec. 32. NRS 19.090 is hereby amended to read as follows:

19.090 1. ~~[Each county]~~ ***The*** clerk ***of the court*** shall, on ~~[the first Monday in January, April, July and October,]~~ ***or before the 15th day of each month,*** make out and file with the ***county official designated by the*** board of county commissioners a full and correct statement under oath of all fees, percentage or compensation, of whatever nature or kind, received in his or her official capacity during the preceding ~~[3 months.]~~ ***month.*** In the statement, the ~~[county]~~ clerk ***of the court*** shall set forth the cause in which and the services for which such compensations were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing the statements, and such statements may be transmitted by mail, express or otherwise directed to the ***county official designated by the*** board of county commissioners.

Sec. 33. NRS 19.110 is hereby amended to read as follows:

19.110 ~~[If any county]~~ ***The*** clerk ~~[takes]~~ ***of the court shall not take*** more or greater fees than are authorized by law ***.*** ~~[, the county clerk shall be liable to indictment, and on conviction shall be removed from office and fined in any sum not exceeding $1,000.]~~

Sec. 34. NRS 33.090 is hereby amended to read as follows:

33.090 1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States by presenting a certified copy of the order to the clerk of ~~[the]~~ ***a***

court ***of competent jurisdiction*** in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

(a) Maintain a record of each order registered pursuant to this section;

(b) Provide the protected party with a ~~[certified]~~ copy of the order registered pursuant to this section bearing proof of registration with the court;

(c) Forward, ***by conventional or electronic means,*** by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and

(d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.

(b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

Sec. 35. NRS 41.260 is hereby amended to read as follows:

41.260 There shall be no fee charged or collected by ~~[any county]~~ ***the*** clerk ***of the court*** for any proceeding under the provisions of NRS 41.209 to 41.260, inclusive.

Sec. 35.5. **NRS 176.285 is hereby amended to read as follows:**

176.285 In Justice Court, when a fine is paid or bail is forfeited, the justice must pay the same to the county treasurer ~~[within 30 days thereafter.]~~ ***on or before the fifth day of the month immediately following the month in which the fine is paid or bail is forfeited.***

Sec. 36. NRS 176A.220 is hereby amended to read as follows:

176A.220 ***1.*** The court shall, upon the entering of an order of probation or suspension of sentence, as provided for in this chapter, direct the clerk of the court to ~~[certify]~~ ***deliver*** a copy of the records in the case ~~[and deliver the copy]~~ to the Chief Parole and Probation Officer.

2. At the court's discretion, the court may direct the clerk of the court to deliver the copy of the records in the case in writing, by electronic means or by providing the Chief Parole and Probation Officer access to the electronic systems necessary to retrieve the records.

Sec. 37. NRS 178.508 is hereby amended to read as follows:

178.508 1. If the defendant fails to appear when the defendant's presence in court is lawfully required for the commission of a misdemeanor and the failure to appear is not excused or is lawfully required for the commission of a gross misdemeanor or felony, the court shall:

(a) Enter upon its minutes that the defendant failed to appear;

(b) Not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and

(c) If the undertaking exceeds $50 or money deposited instead of bail bond exceeds $500, direct that each surety and the local agent of each surety, or the depositor if the depositor is not the defendant, be given notice that the defendant has failed to appear, by certified mail within 20 days after the date on which the defendant failed to appear. The court shall execute an affidavit of such mailing to be kept as an official public record of the court and shall direct that a copy of the notice be transmitted to the prosecuting attorney at the same time that notice is given to each surety or the depositor.

2. Except as otherwise provided in subsection 3 and NRS 178.509, an order of forfeiture of any undertaking or money deposited instead of bail bond must be prepared by the clerk of the court and signed by the court. An order of forfeiture must include the date on which the forfeiture becomes effective. ~~[If the defendant who failed to appear has been charged with the commission of a gross misdemeanor or felony, a copy of the order must be forwarded to the Office of Court Administrator.]~~ The undertaking or money deposited instead of bail bond is forfeited 180 days after the date on which the notice is mailed pursuant to subsection 1.

3. The court may extend the date of the forfeiture for any reasonable period set by the court if the surety or depositor submits to the court:

(a) An application for an extension and the court determines that the surety or the depositor is making reasonable and ongoing efforts to bring the defendant before the court.

(b) An application for an extension on the ground that the defendant is temporarily prevented from appearing before the court because the defendant:

(1) Is ill;

(2) Is insane; or

(3) Is being detained by civil or military authorities,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety or depositor did not in any way cause or aid the absence of the defendant.

Sec. 38. NRS 178.509 is hereby amended to read as follows:

178.509 1. If the defendant fails to appear when the defendant's presence in court is lawfully required, the court shall not exonerate the surety before the date of forfeiture prescribed in NRS 178.508 unless:

(a) The defendant appears before the court and the court, upon hearing the matter, determines that the defendant has presented a satisfactory excuse or that the surety did not in any way cause or aid the absence of the defendant; or

(b) The surety submits an application for exoneration on the ground that the defendant is unable to appear because the defendant:

(1) Is dead;

(2) Is ill;

(3) Is insane;

(4) Is being detained by civil or military authorities; or

(5) Has been deported,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety did not in any way cause or aid the absence of the defendant.

2. If the requirements of subsection 1 are met, the court may exonerate the surety upon such terms as may be just.

~~[3. If the court exonerates a surety pursuant to this section and there is any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall:~~

~~(a) Prepare an order exonerating the surety; and~~

~~(b) Forward a copy of the order to the Office of Court Administrator.]~~

Sec. 39. NRS 178.512 is hereby amended to read as follows:

178.512 1. The court shall not set aside a forfeiture unless:

(a) The surety submits an application to set it aside on the ground that the defendant:

(1) Has appeared before the court since the date of the forfeiture and has presented a satisfactory excuse for the defendant's absence;

(2) Was dead before the date of the forfeiture but the surety did not know and could not reasonably have known of the defendant's death before that date;

(3) Was unable to appear before the court before the date of the forfeiture because of the defendant's illness or insanity, but the surety did not know and could not reasonably have known of the illness or insanity before that date;

(4) Was unable to appear before the court before the date of the forfeiture because the defendant was being detained by civil or military authorities, but the surety did not know and could not reasonably have known of the defendant's detention before that date; or

(5) Was unable to appear before the court before the date of the forfeiture because the defendant was deported, but the surety did not know and could not reasonably have known of the defendant's deportation before that date,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this subsection exist and that the surety did not in any way cause or aid the absence of the defendant; and

(b) The court determines that justice does not require the enforcement of the forfeiture.

2. If the court sets aside a forfeiture pursuant to subsection 1 and the forfeiture includes any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall make a written finding in support of setting aside the forfeiture. ~~[The court shall mail a copy of the order setting aside the forfeiture to the Office of Court Administrator immediately upon entry of the order.]~~

Sec. 40. NRS 178.514 is hereby amended to read as follows:

178.514 1. When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon.

2. If ~~[the Office of Court Administrator has not received]~~ an order setting aside a forfeiture ***has not been entered*** within 180 days after the issuance of the order of forfeiture, ~~[the Court Administrator shall request that the court that ordered the forfeiture institute proceedings to enter a judgment of default with respect to the amount of the undertaking or money deposited instead of bail bond with the court. Not later than 30 days after receipt of the request from the Office of Court Administrator,]~~ the court shall enter judgment by default and commence execution proceedings therein.

3. By entering into a bond the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses.

Sec. 41. NRS 2.260, 4.110, 4.200, 4.250, 4.330, 5.075, 6.050, 6.060, 6.070, 6.080, 19.100 and 177.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

2.260 List of cases submitted to be published monthly by Clerk.

4.110 Penalty for failure to comply with statutory requirements.

4.200 Duty to record violations concerning motor vehicles.

4.250 Docket must be kept by justice of the peace.

4.330 Justice of the peace to receive all money collected and pay it to parties.

5.075 Form of docket and records.

6.050 Estimate of required number of jurors by district court; selection by county commissioners.

6.060 Names of persons selected to be placed in jury box.

6.070 Juror not serving; name drawn again; exemption.

6.080 Selection of additional jurors by county commissioners when names in jury box exhausted; open venire.

19.100 Penalty for violating NRS 19.070, 19.080 or 19.090.

177.267 Time within which court of appeals or Supreme Court shall render opinion on appeal from judgment of death.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 10 changes the date a justice of the peace and a justice court must pay over to the county treasurer certain fees collected the previous month to make the dates uniform and consistent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

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

Amendment No. 19.

AN ACT relating to public utilities; extending to the landlord of a manufactured home park the applicability of provisions governing the resale of certain utility services by the landlord of a mobile home park or owner of a company town; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on the landlord of a mobile home park or the owner of a company town who charges the tenants of the park or occupants of the dwellings for certain utility services provided to the landlord or owner by a utility or alternative seller. (NRS 704.905-704.960) This bill generally makes these provisions applicable to the landlord of a manufactured home park.

Existing law requires the landlord of a mobile home park or the owner of a company town who is subject to the provisions of NRS 704.905-704.960 to submit to the Public Utilities Commission of Nevada an annual report which contains information sufficient to determine whether the landlord or owner has complied with the applicable statutory requirements. (NRS 704.960) **Section 11** of this bill extends the applicability of this requirement to include the landlord of a manufactured home park, but limits the applicability of the provision only to a landlord or owner who is billed by a ~~[gas or electric]~~ utility or an alternative seller and in turn charges the tenants of the park or occupants of the dwellings for the service provided by the utility or alternative seller.

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

Section 1. NRS 702.090 is hereby amended to read as follows:

702.090 1. "Retail customer" means an end-use customer that purchases natural gas or electricity for consumption in this state.

2. The term includes, without limitation:

(a) A residential, commercial or industrial end-use customer that purchases natural gas or electricity for consumption in this state, including, without limitation, an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of chapter 704B of NRS.

(b) A landlord of a ***manufactured home park or*** mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

(c) A landlord who pays for natural gas or electricity that is delivered through a master meter and who distributes or resells the natural gas or electricity to one or more tenants for consumption in this state.

3. The term does not include this state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it is an end-use customer that purchases natural gas or electricity for consumption in this state, including, without limitation, when it is an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of chapter 704B of NRS.

Sec. 2. NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Division of Welfare and Supportive Services for programs to assist eligible households in paying for natural gas and electricity. The Division may use not more than 5 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Division may use the money distributed to it pursuant to this section only to:

(a) Assist eligible households in paying for natural gas and electricity.

(b) Carry out activities related to consumer outreach.

(c) Pay for program design.

(d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in subsection 4, to be eligible to receive assistance from the Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

5. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

6. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

(1) The income of the household;

(2) The size of the household;

(3) The type of energy that the household uses; and

(4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

7. The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

8. In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.

9. For the purposes of this section, "eligible household" includes, without limitation:

(a) A tenant of a ***manufactured home park or*** mobile home park subject to the provisions of NRS 704.905 to 704.960, inclusive; and

(b) A tenant who purchases electricity from a landlord as described in paragraph (c) of subsection 2 of NRS 702.090 based on the actual usage of electricity by the tenant.

Sec. 3. NRS 704.7808 is hereby amended to read as follows:

704.7808 1. "Provider of electric service" and "provider" mean any person or entity that is in the business of selling electricity to retail customers for consumption in this State, regardless of whether the person or entity is otherwise subject to regulation by the Commission.

2. The term includes, without limitation, a provider of new electric resources that is selling electricity to an eligible customer for consumption in this State pursuant to the provisions of chapter 704B of NRS.

3. The term does not include:

(a) This State or an agency or instrumentality of this State.

(b) A rural electric cooperative established pursuant to chapter 81 of NRS.

(c) A general improvement district established pursuant to chapter 318 of NRS.

(d) A utility established pursuant to chapter 709 or 710 of NRS.

(e) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

(f) A landlord of a ***manufactured home park or*** mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

(g) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this State.

Sec. 4. NRS 704.7818 is hereby amended to read as follows:

704.7818 1. "Retail customer" means an end-use customer that purchases electricity for consumption in this state.

2. The term includes, without limitation:

(a) This state, a political subdivision of this state or an agency or instrumentality of this state or political subdivision of this state when it is an end-use customer that purchases electricity for consumption in this state, including, without limitation, when it is an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of chapter 704B of NRS.

(b) A residential, commercial or industrial end-use customer that purchases electricity for consumption in this state, including, without limitation, an eligible customer that purchases electricity for consumption in this state from a provider of new electric resources pursuant to the provisions of chapter 704B of NRS.

(c) A landlord of a ***manufactured home park or*** mobile home park or owner of a company town who is subject to any of the provisions of NRS 704.905 to 704.960, inclusive.

(d) A landlord who pays for electricity that is delivered through a master meter and who distributes or resells the electricity to one or more tenants for consumption in this state.

Sec. 5. NRS 704.905 is hereby amended to read as follows:

704.905 As used in NRS 704.905 to 704.960, inclusive:

1. "Alternative seller" has the meaning ascribed to it in NRS 704.994.

2. "Company town" means a community whose primary purpose is to provide housing to employees of a person who owns not less than 70 percent of the dwellings, and may include commercial or other supporting establishments.

3. "Dwelling" includes a commercial or other supporting establishment.

4. "Utility" includes a public utility and all city, county or other governmental entities which provide electric, gas or water service to a ***manufactured home park,*** mobile home park or a company town.

Sec. 6. NRS 704.910 is hereby amended to read as follows:

704.910 1. The provisions of NRS **[**~~704.910~~**]** ***704.905*** to 704.960, inclusive, apply to **[**~~mobile~~**]** ***manufactured*** home parks governed by the provisions of **[**~~chapters~~**]** ***chapter*** 118B **[**~~and~~**]** ***of NRS, mobile home parks governed by the provisions of chapter*** 461A of NRS, utilities and alternative sellers which provide utility service to those parks and landlords who operate those parks.

2. A utility or an alternative seller which provides gas, water or electricity to any landlord exclusively for distribution or resale to tenants residing in ***manufactured homes or*** mobile homes or for the landlord's residential use shall not charge the landlord for those services at a rate higher than the current rates offered by the utility or alternative seller, as appropriate, to its residential customers.

Sec. 7. NRS 704.920 is hereby amended to read as follows:

704.920 1. The provisions of NRS ~~[~~704.920~~]~~ ***704.905*** to 704.960, inclusive, apply to company towns, utilities and alternative sellers which provide utility services to company towns, and persons who own and operate company towns.

2. The Commission shall require a public utility or an alternative seller, as appropriate, which provides utility services to a ***manufactured home park,*** mobile home park or to a company town, or an independent person who is qualified, to conduct examinations to examine and test the lines and equipment for distributing electricity and gas within the park or town at the request of the Manufactured Housing Division of the Department of Business and Industry or a city or county which has responsibility for the enforcement of the provisions of chapter ***118B or*** 461A of NRS. The utility or alternative seller, the person selected to conduct the examination and the Commission may enter a ***manufactured home park,*** mobile home park or company town at reasonable times to examine and test the lines and equipment, whether or not they are owned by a utility or an alternative seller.

3. The utility or alternative seller, as appropriate, or the person selected to conduct the examination, shall conduct the examination and testing to determine whether any line or equipment is unsafe for service under the safety standards adopted by the Commission for the maintenance, use and operation of lines and equipment for distributing electricity and gas, and shall report the results of the examination and testing to the Commission.

4. The owner of the ***manufactured home park,*** mobile home park or company town shall pay for the costs of the examination and testing.

5. If the landlord of a ***manufactured home park or*** mobile home park or owner of a company town refuses to allow the examination and testing to be made as provided in this section, the Commission shall deem the unexamined lines and equipment to be unsafe for service.

6. If the Commission finds:

(a) Or deems any lines or equipment within a ***manufactured home park,*** mobile home park or company town to be unsafe for service, it shall take appropriate action to protect the safety of the residents of the park or town.

(b) Such lines or equipment to be unsafe for service or otherwise not in compliance with its safety standards, it may, after a hearing, order the landlord or owner to repair or replace such lines and equipment. For this purpose, the landlord or owner may expend some or all of the money in the landlord's or owner's account for service charges for utilities, which the landlord or owner is required to keep under NRS 704.940.

Sec. 8. NRS 704.930 is hereby amended to read as follows:

704.930 If a utility or an alternative seller provides a utility service to a ***manufactured home park,*** mobile home park or company town and the landlord of the park or owner of the ***company*** town charges the tenants or the occupants of such dwellings for that service, the landlord or owner shall:

1. Provide that service to the tenants or the occupants of such dwellings in a manner which is consistent with the utility's tariffs on file with the Commission, if applicable, and any law, ordinance or governmental regulation relating to the provision of that service. The landlord or owner of the town shall not interrupt such a service for nonpayment of charges unless the interruption is performed in a manner which is consistent with the utility's tariffs on file with the Commission, if applicable, and any law, ordinance or governmental regulation relating to the manner of interrupting such a service for nonpayment of charges.

2. Not more than 5 days after the landlord or owner of the town receives notice of a proposed increase in the rates of the utility service, give notice to the tenants or those occupants of the proposed increase.

Sec. 9. NRS 704.940 is hereby amended to read as follows:

704.940 1. In a ***manufactured home park,*** mobile home park or company town where the landlord or owner is billed by a gas or electric utility or an alternative seller and in turn charges the tenants or occupants of the dwellings for the service provided by the utility or alternative seller, and the park or town:

(a) Is equipped with individual meters for each lot, the landlord or owner shall not charge a tenant or occupant for that service at a rate higher than the rate paid by the landlord or owner.

(b) Is not equipped with individual meters for each lot, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

2. In a ***manufactured home park,*** mobile home park or company town that:

(a) Is equipped with individual water meters for each lot, the individual meters must be read and billed by the purveyor of the water.

(b) Is not equipped with individual water meters for each lot and the landlord or owner is billed by the purveyor of the water and in turn charges the tenants or occupants of the dwellings for the service provided by the purveyor, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

➥ The landlord or owner of a ***manufactured home park or*** mobile home park that converts from a master-metered water system to individual water meters for each mobile home lot shall not charge or receive any fee, surcharge or rent

increase to recover from the landlord's or owner's tenants the costs of the conversion. The owner of a company town that is not equipped with individual water meters shall not convert from the master-metered water system to individual water meters.

3. To the extent that the cost of providing a utility service to the common area of a ***manufactured home park,*** mobile home park or company town can be identified, the landlord or owner may not recover the cost of the utility service provided to the common area by directly charging a tenant or the occupant of a dwelling for those services.

4. The landlord of a ***manufactured home park or*** mobile home park or owner of a company town may assess and collect a charge to reimburse the landlord or owner for the actual cost of the service charge the landlord or owner is required to pay to a water utility serving the park or town. If the landlord or owner collects such a charge, the landlord or owner shall prorate the actual cost of the service charge to the tenants or occupants of dwellings who use the service. The landlord or owner shall not collect more than the aggregate cost of the service to the landlord or owner.

5. The landlord may assess and collect a service charge from the tenants of the park for the provision of gas and electric utility services, but the amount of the charge must not be more than the tenants would be required to pay the utility or alternative seller providing the service. The landlord shall:

(a) Keep the money from the service charges in a separate account and expend it only for federal income taxes which must be paid as a result of the collection of the service charge, for preventive maintenance or for repairing or replacing utility lines or equipment when ordered or granted permission to do so by the Commission; and

(b) Retain for at least 3 years a complete record of all deposits and withdrawals of money from the account and file the record with the Commission on or before March 30 of each year.

6. Money collected by the landlord or owner for service provided by a utility or an alternative seller to the tenants of a ***manufactured home park or*** mobile home park or occupants of the dwellings may not be used to maintain, repair or replace utility lines or equipment serving the common area of the ***manufactured home park,*** mobile home park or company town.

7. The owner of a company town who provides a utility service directly to the occupants of the town may charge the occupants their pro rata share of the owner's cost of providing that service. Where meters are available, the pro rata share must be based on meter readings. Where meters are not available, the owner shall determine a fair allocation which must be explained in detail to the Commission in the reports required by NRS 704.960. The Commission may modify the allocation in accordance with its regulations if it determines the owner's method not to be fair. The Commission shall adopt regulations governing the determination of the costs which an owner of a company town may recover for providing a utility service directly to the occupants of that town and the terms and conditions governing the provision of that service.

8. The landlord or owner shall itemize all charges for utility services on all bills for rent or occupancy. The landlord or owner may pass through to the tenant or occupant any increase in a rate for a utility service and shall pass through any decrease in a charge for a utility service as it becomes effective.

9. The landlord or owner shall retain for at least 3 years a copy of all billings for utility services made to the tenants or the occupants of the landlord's or owner's dwellings and shall make these records available upon request to the Commission for verification of charges made for utility services.

10. A landlord whose interest in a ***manufactured home park or*** mobile home park terminates for any reason shall transfer to the landlord's successor in interest any balance remaining in the account for service charges for utilities. Evidence of the transfer must be filed with the Commission.

11. The Commission may at any time examine all books and records which relate to the landlord's or owner's purchase of or billing for a service provided by a utility or an alternative seller if the landlord or owner is charging the tenants of the ***manufactured home park or*** mobile home park or occupants of the dwellings for that service.

Sec. 10. NRS 704.950 is hereby amended to read as follows:

704.950 1. The tenant of a lot in a ***manufactured home park or*** mobile home park or occupant of a dwelling in a company town who believes that the landlord or owner has violated the provisions of NRS 704.930, 704.940 or 704.960 may complain to the Division of Consumer Complaint Resolution of the Commission. The Division shall receive and promptly investigate the complaint. If the Division is unable to resolve the complaint, the Division shall transmit the complaint and its recommendation to the Commission.

2. The Commission shall investigate, give notice and hold a hearing upon the complaint, applying to the extent practicable the procedures provided for complaints against public utilities in chapter 703 of NRS.

3. If the Commission finds that the landlord of the ***manufactured home park or*** mobile home park or owner of the company town has violated the provisions of NRS 704.930, 704.940 or 704.960, it shall order the landlord or owner to cease and desist from any further violation. If the violation involves an overcharge for a service, the Commission shall determine the amount of the overcharge and order the landlord or owner to return that amount to the tenant or occupant within a specified time.

4. If the landlord or owner fails or refuses to comply with its order, the Commission may compel compliance by any appropriate civil remedy available to it under this chapter. For the purposes of compelling compliance by the landlord or owner, the Commission may use such methods as are available for the Commission to compel the compliance of a public utility.

Sec. 11. NRS 704.960 is hereby amended to read as follows:

704.960 Each landlord of a ***manufactured home park or*** mobile home park or owner of a company town ***who is billed by a ~~[gas or electric]~~ utility or an alternative seller and in turn charges the tenants or occupants of the dwellings for the service provided by the utility or alternative seller*** shall

submit an annual report to the Commission. The report must contain detailed information on the collections and expenditures of the landlord's or owner's account for service charges for utilities, information necessary to determine compliance with NRS 704.940, details of any changes in ownership during the period covered by the report and such other information as the Commission deems necessary to determine whether the landlord or owner has complied with the provisions of this chapter which apply to ***manufactured home parks,*** mobile home parks and company towns. The Commission shall by regulation provide for the annual filing of the reports.

Sec. 12. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 19 clarifies that certain provisions of the bill apply to all utilities or alternative sellers who charge tenants or occupants for provided services, not just gas and electric utilities.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 90.

Bill read second time.

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

Amendment No. 211.

AN ACT relating to emergency management; establishing the Nevada Intrastate Mutual Aid System within the Division of Emergency Management of the Department of Public Safety; creating the Intrastate Mutual Aid Committee; setting forth the duties of the Committee; setting forth the circumstances under which a participant in the System may request intrastate mutual aid before, during or after an emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes political subdivisions of this State to establish local organizations for emergency management in accordance with the state emergency management plan. The director of a local organization for emergency management may enter into reciprocal agreements with other such organizations to provide aid during an emergency or disaster. (NRS 414.090, 414.100) **Section 15** of this bill creates a statewide mutual aid system, designated the Nevada Intrastate Mutual Aid System, within the Division of Emergency Management of the Department of Public Safety to coordinate requests for mutual aid among the various public agencies of this State and

certain Indian tribes and nations in this State. **Section 16** of this bill creates an advisory committee, designated the Intrastate Mutual Aid Committee, which consists of emergency management and public safety professionals from certain public agencies and Indian tribes and nations in this State to: (1) advise and assist the Chief of the Division with the implementation and evaluation of the System; and (2) develop comprehensive guidelines and procedures regarding, among other things, requests and recordkeeping for intrastate mutual aid.

Section 17 of this bill requires each public agency in this State to participate in the System unless it opts out, and any federally recognized Indian tribe or nation may opt to join the System.

Sections 18 and 19 of this bill set forth the requirements for making a request for intrastate mutual aid through the System and the responsibilities of the requesting and assisting participants. **Section 20** of this bill sets forth the manner in which an assisting participant may be reimbursed by the requesting participant for costs incurred in providing mutual aid. **Section 21** of this bill provides for the portability of licenses, certifications and permits held by emergency responders providing services for a requesting agency during an emergency or disaster.

Section 22 of this bill provides that an emergency responder of an assisting participant is not an employee of a requesting participant and is not entitled to any benefits held by the employees of the requesting participant. **Section 23** of this bill provides immunity from liability for assisting participants, except for acts of gross negligence, recklessness or willful misconduct. **Section 25** of this bill authorizes the Governor to request mutual aid from participants for use in providing interstate mutual aid pursuant to the Emergency Management Assistance Compact ratified by the Legislature pursuant to NRS 415.010.

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

Section 1. Title 36 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assisting participant" means a participant that has responded to a requesting participant by providing resources pursuant to section 19 of this act.***

Sec. 4. ***"Disaster" includes, without limitation, a disaster defined in NRS 414.0335.***

Sec. 5. ***"Division" means the Division of Emergency Management of the Department of Public Safety.***

Sec. 6. ***"Emergency" includes, without limitation, an emergency defined in NRS 414.0345.***

Sec. 7. "*Emergency responder" means an employee or volunteer of a participant who has received ~~[the appropriate]~~ such public safety training and licensing or certification ~~[,]~~ as deemed appropriate by the participant for which he or she is employed or volunteers.*

Sec. 8. "*Mutual aid" includes any equipment, vehicle or other support or service provided by a participant in response to a request made pursuant to section 18 of this act.*

Sec. 9. "*Participant" means a public agency that has not withdrawn from participation in, or a federally recognized Indian tribe or nation that has elected to join, the System pursuant to section 17 of this act.*

Sec. 10. "*Public agency" means any political subdivision of this State, including, without limitation, counties, incorporated cities and towns, including Carson City, unincorporated towns, school districts, special districts and other districts.*

Sec. 11. "*Requesting participant" means a participant that requests mutual aid from another participant pursuant to section 18 of this act.*

Sec. 12. "*Special district" has the meaning ascribed to it in NRS 360.650.*

Sec. 13. "*System" means the Nevada Intrastate Mutual Aid System established by section 15 of this act.*

Sec. 14. "*Volunteer" means an unpaid emergency responder who provides services on behalf of a participant.*

Sec. 15. *1. The Nevada Intrastate Mutual Aid System is hereby established within the Division.*

2. The Chief of the Division, subject to the direction and control of the Director of the Department of Public Safety, shall administer the System pursuant to the provisions of this chapter and shall:

(a) Coordinate the provision of mutual aid during the response to and recovery from an emergency or disaster;

(b) Maintain records of the requests for and provision of mutual aid throughout this State;

(c) Identify, maintain an inventory of and coordinate participant personnel and equipment available for intrastate mutual aid response;

(d) Provide information and assistance, upon request, to participants concerning reimbursement for services and other guidelines and procedures developed by the Intrastate Mutual Aid Committee pursuant to subsection 4 of section 16 of this act; and

(e) Adopt regulations relating to the administration of the System.

Sec. 16. *1. The Intrastate Mutual Aid Committee is hereby created. The Committee shall advise the Chief of the Division on issues related to emergency management and intrastate mutual aid in this State.*

2. The Committee consists of the following members:

(a) The Chief of the Division, or his or her designee, who serves as the Chair of the Committee and is a nonvoting member; and

(b) Not more than 19 voting members, each of whom:

(1) Is appointed by the Chief of the Division;

(2) Is selected from participating public agencies or tribal governments;

(3) Must have responsibility for public safety programs or activities within his or her public agency or tribe or nation; and

(4) After the initial terms, serves a term of 2 years, and may be reappointed.

3. The Committee shall select a Vice Chair from among the voting members of the Committee. The Vice Chair serves as Vice Chair until the end of his or her current term as a voting member, and may be reselected.

4. The Committee shall develop comprehensive guidelines and procedures regarding, without limitation:

(a) Requesting intrastate mutual aid;

(b) Responding to a request for intrastate mutual aid;

(c) Recordkeeping during an emergency or disaster for which intrastate mutual aid has been requested; and

(d) Reimbursement of costs to assisting participants.

5. The Committee shall meet at least annually to evaluate the effectiveness and efficiency of the System and provide recommendations, if any, to the Chief of the Division to improve the System.

Sec. 17. *1. Except as otherwise provided in subsection 2, each public agency shall participate in the System.*

2. Any participant may elect to withdraw from participation in the System by:

(a) Adopting a resolution declaring that the participant elects not to participate in the System; and

(b) Providing a copy of the resolution to the Division and the Governor.

3. Any federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, may choose to become a participant in the System by:

(a) Adopting a resolution declaring that the tribe or nation elects to participate in the System and agreeing to be bound by the provisions of this chapter; and

(b) Providing a copy of the resolution to the Division and the Governor.

4. Each participant shall:

(a) Except as otherwise provided in subsection 4 of section 19 of this act, ensure that the participant is able to provide intrastate mutual aid in response to a request pursuant to section 18 of this act;

(b) Provide training to each emergency responder ~~[and each member of the staff of the participant]~~ on procedures related to ~~[their]~~ his or her respective ~~[roles]~~ role within the System;

(c) Actively monitor events in this State to determine the possibility of requesting or providing intrastate mutual aid;

(d) Maintain a current list of personnel and any equipment of the participant available for intrastate mutual aid and submit the list at least annually to the Division;

(e) Conduct joint planning, information sharing and capability and vulnerability analyses with other participants and conduct joint training exercises, if practicable; and

(f) Develop, carry out and periodically revise plans of operation, which must include, without limitation, the methods by which any resources, facilities and services of the participant must be available and furnished to other participants.

Sec. 18. ***1. Any participant may request intrastate mutual aid before, during or after a declared or undeclared emergency or disaster for:***

(a) Response, mitigation or recovery activities related to the emergency or disaster; and

(b) Participation in drills or exercises in preparation for an emergency or disaster.

2. A participant may make a request for intrastate mutual aid:

(a) Through the Division; or

(b) If an urgent response is needed, directly to a participant, except that any request for a responding state agency must be made as provided in paragraph (a).

3. Each request for intrastate mutual aid must be documented and forwarded to the Division not more than 24 hours after the request is made.

4. A requesting participant shall:

(a) Adequately describe the resources needed by the requesting participant;

(b) Provide logistical and technical support, as needed, to any emergency responders provided by an assisting participant; and

(c) Reimburse the assisting participant for costs incurred, if applicable, by the assisting participant in a timely manner.

Sec. 19. ***1. An assisting participant shall:***

(a) Except as otherwise provided in subsection 4, promptly respond to a request for intrastate mutual aid to the extent resources are available;

(b) Ensure that all emergency responders provided by the assisting participant in response to the request have workers' compensation coverage ~~***[;]***~~ ***in accordance with chapters 616A to 617, inclusive, of NRS;***

(c) ~~***[Ensure that]***~~ ***Maintain a policy of liability and property insurance or a program of self-insurance on all vehicles and equipment used in response to the request*** ***;*** ~~***[are adequately insured;]***~~

(d) Before responding to the request, provide a briefing to emergency responders, which must include information on recordkeeping in accordance with any requirements of the System; and

(e) Submit timely, accurate and complete records and requests for reimbursement in accordance with those requirements, if applicable.

2. An emergency responder provided by an assisting participant remains under the command and, except as otherwise provided in this subsection, control of, and must comply with any requirements of, the participant with

which or for which he or she is employed or volunteers, but is under the operational control of the requesting participant.

3. The assets and equipment of an assisting participant remain under the command and, except as otherwise provided in this subsection, control of the assisting participant, but are under the operational control of the requesting participant.

4. Any participant may deny a request for intrastate mutual aid if providing the requested assistance would prevent the participant from reasonably carrying out its duties in its jurisdiction.

Sec. 20. ***1. ~~[Within]~~ Except as otherwise provided in subsection 3, within 10 business days after the completion of all activities taken in response to a request for intrastate mutual aid, each assisting participant shall provide a written notice to the requesting participant if the assisting participant intends to seek reimbursement from the requesting participant.***

2. ~~[Within 30]~~ Except as otherwise provided in subsection 3, within 60 calendar days after the completion of the activities specified in subsection 1, the assisting participant shall provide to the requesting participant a final request for reimbursement which must include:

(a) A summary of the services provided;

(b) An invoice setting forth all services provided and the total amount of the reimbursement requested;

(c) Any supporting documentation;

(d) Any additional forms required by the System; and

(e) The name and contact information of a person to contact if more information is needed.

3. If an assisting participant requires additional time to comply with the provisions of subsection 1 or 2, the assisting participant must request an extension in writing from the requesting participant. A requesting participant may, for good cause shown, grant an extension for an additional reasonable period.

4. A requesting participant shall reimburse an assisting participant for all reasonable costs incurred by the assisting participant in responding to the request for intrastate mutual aid, including, without limitation, any costs related to the use of personnel and equipment and travel. All costs must be documented in order to be eligible for reimbursement pursuant to this section, unless otherwise agreed upon by the requesting participant and assisting participant. Any costs associated with resources which were used without request are not eligible for reimbursement.

~~[4.]~~ 5. Reimbursement may be facilitated through the Division, upon request.

~~[5.]~~ 6. If a dispute between participants occurs regarding reimbursement, the participant disputing the reimbursement shall provide a written notice to the other participant setting forth the issues in dispute. If the dispute is not resolved within 90 days after the notice is provided, either participant may submit the matter to binding arbitration, which must be

conducted pursuant to the rules for commercial arbitration established by the American Arbitration Association.

~~[6.]~~ 7. The Division is not liable for any claim relating to the reimbursement of costs for providing intrastate mutual aid.

Sec. 21. ***If a person holds a license, certificate or other permit issued by a public agency or federally recognized Indian tribe or nation evidencing qualification or authorization to practice a professional, mechanical or other skill and that person is an emergency responder providing services for a requesting participant, the person shall be deemed to be licensed, certified or permitted, as applicable, by the authority having jurisdiction over the requesting participant for the duration of the emergency or disaster.***

Sec. 22. ***1. An emergency responder of an assisting participant is not an employee of the requesting participant and is not entitled to any right, privilege or benefit of employment from the requesting participant, including, without limitation, wages, leave, pensions, health care or other advantages.***

2. An emergency responder who sustains an injury or dies while providing intrastate mutual aid to a requesting participant under this chapter is entitled to receive all applicable benefits available for a death or injury sustained in the course of employment with his or her employer.

Sec. 23. ***1. All activities performed pursuant to this chapter are deemed to be governmental functions for which immunity is provided under the provisions of NRS 414.110.***

2. An emergency responder of an assisting participant is an agent of the requesting participant for the purposes of tort liability and immunity. An assisting participant or its officers or employees providing assistance under this chapter are not liable for any act or omission while providing or attempting to provide such assistance in good faith. As used in this subsection, "in good faith" does not include willful misconduct, gross negligence or recklessness.

Sec. 24. ***The provisions of this chapter:***

1. Do not prohibit a participant from entering into a supplemental agreement with another participant or other entity.

2. Do not prohibit a participant from receiving support under an agreement or contract.

3. Do not apply to routine support provided by a public agency to a neighboring jurisdiction.

4. Are in addition to and not a substitute for chapters 414 and 415 of NRS.

Sec. 25. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If interstate mutual aid is provided to a party state pursuant to the Compact ratified by the Legislature pursuant to NRS 415.010, the Governor may, pursuant to sections 2 to 24, inclusive, of this act, request mutual aid from a participant for use in providing aid in that state. If a participant

provides emergency responders pursuant to a request made by the Governor, those emergency responders shall be deemed agents of this State.

2. As used in this section, "participant" has the meaning ascribed to it in section 9 of this act.

Sec. 26. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this state. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall conduct activities designed to:

(a) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(c) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(d) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(e) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition

that is comparable to or better than what existed before the emergency or disaster occurred.

5. ***In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:***

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to section 15 of this act;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to sections 2 to 24, inclusive, of this act or section 25 of this act; and

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as agents of the State during a response to a request for mutual aid pursuant to section 18 or 25 of this act.

6. The Division shall perform the duties required pursuant to chapter 415A of NRS.

~~[6.]~~ ***7.*** The Division shall perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government.

Sec. 27. NRS 415A.200 is hereby amended to read as follows:

415A.200 1. While an emergency declaration is in effect, the Division may by order limit, restrict or otherwise regulate:

(a) The duration of practice by volunteer health practitioners;

(b) The geographical areas in which volunteer health practitioners may practice;

(c) The types of volunteer health practitioners who may practice; and

(d) Any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

2. An order issued pursuant to subsection 1 may take effect immediately, without prior notice or comment, and is not a regulation for the purposes of chapter 233B of NRS.

3. A host entity that uses volunteer health practitioners to provide health or veterinary services in this State shall:

(a) Consult with and coordinate its activities with the Division to the extent practicable to provide for the efficient and effective use of those volunteer health practitioners; and

(b) Comply with any laws other than this chapter relating to the management of emergency health or veterinary services, including, without limitation, the provisions of chapter 414 of NRS ~~[.]~~ ***and sections 2 to 24, inclusive, of this act.***

Sec. 28. NRS 480.110 is hereby amended to read as follows:

480.110 Except as otherwise provided therein, the Department shall execute, administer and enforce, and perform the functions and duties provided in:

1. Chapters 176A and 213 of NRS relating to parole and probation;
2. Chapter 414 of NRS relating to emergency management;
3. ***Sections 2 to 24, inclusive, of this act.***

4. Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

~~[4.]~~ ***5.*** Chapter 459 of NRS relating to the transportation of hazardous materials;

~~[5.]~~ ***6.*** Chapter 477 of NRS relating to the State Fire Marshal; and

~~[6.]~~ ***7.*** NRS 486.363 to 486.377, inclusive, relating to the education and safety of motorcycle riders.

Sec. 29. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124; and

(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

3. The Division of Emergency Management shall execute, administer and enforce the provisions of chapter 414 of NRS and ***sections 2 to 24, inclusive, of this act and*** perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 414 of NRS and ***sections 2 to 24, inclusive, of this act and*** any other specific statute.

4. The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

5. The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

6. The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

7. The Training Division shall provide training to the employees of the Department.

8. The General Services Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 30. As soon as practicable after July 1, 2015, the Chief of the Division of Emergency Management of the Department of Public Safety shall appoint the members of the Intrastate Mutual Aid Committee created by section 16 of this act. In appointing the members, the Chief shall select:

1. An even number of the members to serve initial terms of 1 year; and
2. An odd number of the members to serve initial terms of 2 years.

Sec. 31. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies the definition of "emergency responder"; removes a training requirement for each member of the staff of the participant; ensures that all emergency responders have all applicable benefits in addition to workers' compensation; changes from 30 days to 60 days the time in which an assisting participant must provide a final request for reimbursement; allows for an extension for the assisting participant to submit reimbursement documentation; and finally, maintains a program of liability and property insurance or self-insurance on all operations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

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

Amendment No. 155.

SUMMARY—Authorizes ~~[a]~~ **election officials to establish systems for** registered ~~[voter]~~ **voters** to elect to receive ~~[a]~~ sample ~~[ballot]~~ **ballots** by electronic ~~[mail.]~~ **means.** (BDR 24-518)

AN ACT relating to elections; authorizing ~~[a]~~ **election officials to establish systems for** registered ~~[voter]~~ **voters** to elect to receive ~~[a]~~ sample ~~[ballot]~~ **ballots** by electronic ~~[mail;]~~ **means; allowing registered voters who participate in such systems to elect to have their electronic mail addresses withheld from the public;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565,

293C.530) **Sections 2 and 4** of this bill ~~[require]~~ **authorize** each county and city clerk to **establish a system to** distribute a sample ballot by electronic ~~[mail]~~ **means** to each registered voter who elects to receive sample ballots in that manner. **Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website.**

Existing law provides that a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) Section 1.7 of this bill allows a registered voter who participates in a system to distribute sample ballots by electronic means to elect to have his or her electronic mail address withheld from the public.

Sections 1, 1.3, 1.5, 3 , 3.5 and 5-10 of this bill make conforming changes.

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

Section 1. NRS 293.097 is hereby amended to read as follows:

293.097 ***1. "***Sample ballot" means a document distributed by a county or city clerk upon which is ~~[printed]~~ ***included*** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes ***, without limitation,*** any such document which is ~~[printed by]~~ ***prepared on*** a computer ~~[.]~~ ***and distributed by mail or electronic ~~[mail.]~~ means pursuant to NRS 293.565 or 293C.530.***

Sec. 1.3. **NRS 293.301 is hereby amended to read as follows:**

293.301 1. The county clerk of each county shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name, address and political affiliation of each voter ~~[.]~~ ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.*** Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter that voted since the last identification.

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

> It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address ***, electronic mail address*** or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 1.5. **NRS 293.440 is hereby amended to read as follows:**

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote ~~[.]~~ ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.*** If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who

receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 1.7. **NRS 293.558 is hereby amended to read as follows:**

293.558 1. The county clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.

3. A registered voter may submit a written request to the county clerk to have ~~[his or her address and]~~ ***withheld from the public the registered voter's address,*** telephone number ~~[withheld from the public.]~~ ***or electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.*** Upon receipt of such a request, the county clerk shall not disclose the address ~~, [or]~~ telephone number ***or electronic mail address*** of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information other than the address, telephone number, ***electronic mail address,*** social security number and driver's license or identification card number of a registered voter may be withheld from the public.

Sec. 2. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter ~~[may elect]~~ who elects to receive a sample ballot by electronic ~~[mail.]~~ means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic ~~[mail,]~~ means, the county clerk shall ~~[distribute]~~ :***

(a) Distribute the sample ballot to the registered voter by electronic ~~[mail]~~ means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State ~~[.]~~ ; and

(b) If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

5. If a registered voter does not elect to receive a sample ballot by electronic ~~[mail,]~~ means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

~~[5.]~~ 6. Before the period for early voting for any election begins, the county clerk shall ~~[~~cause to be mailed ***~~distributed by mail or electronic mail, as applicable,~~ distribute*** to each registered voter in the county ~~[a]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~[~~mailing~~]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[~~5.~~ 6.]~~ ***7.*** Except as otherwise provided in subsection ~~[~~6,~~ 7,]~~ ***8,*** a sample ballot required to be ~~[~~mailed~~]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[~~printed~~]~~ ***prepared*** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~[~~printed~~]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[~~6.~~ 7.]~~ ***8.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[~~7.~~ 8.]~~ ***9.*** The sample ballot ~~[~~mailed~~]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[~~printed~~]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[~~8.~~ 9.]~~ ***10.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[~~mailed~~]~~ ***distributed*** to that person from the county are in large type.

~~[~~9.~~ 10.]~~ ***11.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[~~10.~~ 11.]~~ ***12.*** The cost of ~~[~~mailing~~]~~ ***distributing*** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts

to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[~~Printed~~]~~ ***Stated*** on all sample ballots ~~[~~mailed;~~]~~ ***distributed by mail or electronic ~~[mail;]~~ means;***

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 3.5. **NRS 293C.290 is hereby amended to read as follows:**

293C.290 1. The city clerk shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name and address of each voter ~~[.]~~ ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530.*** Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter who voted since the last identification.

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

> It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name **, ~~[~~or~~]~~** address ***or electronic mail address*** of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 4. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. ***A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter ~~[may elect]~~ who elects to receive a sample ballot by electronic ~~[mail.]~~ means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic ~~[mail,]~~ means, the city clerk shall ~~[distribute]~~ :***

(a) Distribute the sample ballot to the registered voter by electronic ~~[mail]~~ means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State ~~[.]~~ ; and

(b) If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

2. If a registered voter does not elect to receive a sample ballot by electronic ~~[mail,]~~ means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

~~[2.]~~ 3. Before the period for early voting for any election begins, the city clerk shall ~~[cause to be mailed~~ ***~~distributed by mail or electronic mail, as applicable,]~~ distribute*** to each registered voter in the city ~~[a]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~[mailing]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[2.~~ ***~~3.]~~ 4.*** Except as otherwise provided in subsection ~~[4,~~ ***~~5,]~~ 6.*** a sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3.~~ ***~~4.]~~ 5.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4.~~ ***~~5.]~~ 6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5.~~ ***~~6.]~~ 7.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[6.~~ ***~~7.]~~ 8.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the city are in large type.

~~[7. 8.]~~ ***9.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[8. 9.]~~ ***10.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for a city election must be borne by the city holding the election.

Sec. 5. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➥ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably

anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 6. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~[cause to be mailed~~ ***~~distributed by mail or electronic mail, as applicable,]~~*** ***distribute*** to each qualified elector ***by mail or electronic means, as applicable,*** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. ***A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.***

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~[printed]~~ ***prepared*** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

Sec. 7. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report

pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~[mailing]~~ ***distributing*** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 8. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 9. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per $100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 10. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or

improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 11. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

County and city election officials are authorized to establish a system to distribute sample ballots by electronic means, when approved by the Secretary of State. The system may include electronic mail or electronic access through a website. A registered voter may elect to have his or her electronic mail address kept confidential.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 51.

AN ACT relating to motor carriers; exempting the transportation of workers to and from certain work sites from the definition of "charter bus transportation" **~~[.]~~** **in certain counties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires drivers of charter buses, who are employed in providing charter bus transportation services, to have a driver's permit issued by the Nevada Transportation Authority. (NRS 706.462) Among other requirements, to obtain a driver's permit, an applicant must submit an application which includes the applicant's fingerprints for the purpose of conducting a Federal Bureau of Investigation criminal background check. In addition, the applicant must pay upon both initial issuance and upon renewal a fee not to exceed $50, as well as the cost for processing the fingerprints. (NRS 706.462)

This bill exempts from the definition of "charter bus transportation" buses used to transport workers to and from certain work sites, including, without limitation, construction sites, mines and renewable energy facilities, **in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). This exemption** effectively **~~[removing]~~ removes** drivers of such buses from the requirement to obtain and renew a driver's permit and pay the requisite fees.

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

Section 1. NRS 706.462 is hereby amended to read as follows:

706.462 1. A person shall not drive a charter bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.

2. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and may further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. The Authority may refuse to issue a driver's permit if:

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(b) After further investigation into the applicant's background, if any, the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract

or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed $50.

(c) For the renewal of a driver's permit, a fee not to exceed $50.

6. As used in this section, "charter bus transportation" means transportation by bus of a group of persons who, pursuant to a common purpose and under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. The term does not include:

(a) The transportation of passengers and their baggage in the same vehicle for a per capita charge between airports or between an airport and points and places in this State;

(b) The transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sightseeing or visiting those points of interest where a narrated tour is presented to the passengers; ~~[or]~~

(c) The transportation of persons who have acquired the use of a vehicle for a special event between definite points of origin and destination, at a per capita rate ~~[.]~~ ***; or***

(d) ~~[The]~~ In a county whose population is less than 100,000, the transportation of a group of persons to and from a single job site or work site, including, without limitation, a construction site, mine or facility or project for the production of renewable energy. As used in this paragraph:

(1) "Construction site" means any location at which construction work is being commenced or in progress.

(2) "Mine" means an excavation in the earth from which ores, coal or other mineral substances are extracted, or a subterranean natural deposit of minerals located and identified as such by the staking of a claim or other method recognized by law. The term includes, without limitation, a well drilled to extract minerals.

(3) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(I) Biomass;

(II) Fuel cells;

(III) Geothermal energy;

(IV) Solar energy;

(V) Waterpower; and

(VI) Wind.

➥ ***The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.***

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 51 limits the provisions of Assembly Bill 101 to apply only to counties with a population of less than 100,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 11.

AN ACT relating to criminal procedure; authorizing courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of ~~[trespassing]~~ **certain crimes** to have their judgments of conviction vacated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a court to grant a motion to vacate a judgment if the defendant was convicted of engaging in or soliciting prostitution and the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude. (NRS 176.515) ~~[Existing law also provides that a person commits the crime of trespassing if the person willfully goes or remains upon any land or in any building after having been warned not to trespass by the owner or occupant of the land or building. (NRS 207.200)]~~ This bill allows a court to grant a motion to vacate a judgment if the defendant was convicted of **: (1)** trespassing **, loitering in a gaming area or a violation of a county, city or town ordinance prohibiting loitering for the purpose of solicitation or prostitution;** and **(2)** the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.

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

Section 1. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury, the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. Except as otherwise provided in NRS 176.09187, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

5. The court may grant a motion to vacate a judgment if:

(a) The judgment is a conviction for a violation of ***:***

(1) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute; ***~~for~~]***

(2) NRS 207.200, for unlawful trespass;

(3) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or

(4) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

6. In deciding whether to grant a motion made pursuant to subsection 5, the court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.

7. If the court grants a motion made pursuant to subsection 5, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading; and

(b) May take any additional action that the court deems appropriate under the circumstances.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows a court to grant a motion to vacate a judgment of conviction. The courts may grant the motion if the defendant's offense was the result of being a victim of sex trafficking or involuntary servitude and the defendant is convicted of any county ordinance that prohibits loitering for the purpose of prostitution or loitering in a gaming area.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 70.

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution does not expire until it is satisfied; exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action **or a parent or guardian of a child** to pay restitution does not expire until it is satisfied; and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof.

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

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 ***1.*** A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) Does not expire until the judgment is satisfied.

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time.

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;

2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~[.]~~ ***which is enforceable pursuant to NRS 176.275,*** but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) ~~[An]~~ ***Except as otherwise provided in NRS 62B.420 and 176.275, an*** action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. **NRS 62B.420 is hereby amended to read as follows:**

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. ***A judgment which requires a parent or guardian of a child to pay restitution does not expire until the judgment is satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time.***

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order.

The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen and Carlton.

ASSEMBLYMAN HANSEN:

This provides that a judgment requiring a child or a parent or guardian of a child to pay restitution does not expire until the judgment is satisfied and allows an independent action to enforce a judgment that requires a child or a parent or guardian of a child to pay restitution to be commenced at any time.

ASSEMBLYWOMAN CARLTON:

To the chair of Judiciary, I want to make sure I understand this. Currently there is a six-year statute of limitations on this that will be removed under this legislation, and the responsibility will fall to the parent or child. If that is so, are there provisions for the subrogation of possible insurance payments that were made, and if so, how do we true up to make sure that the person who owes the restitution is not being double billed?

ASSEMBLYMAN HANSEN:

Frankly, I do not know the answer to that question. If you would like, we can hold the amendment and bring it back on the next legislative day. I will get the answer if that is what you would prefer.

Motion to adopt amendment withdrawn.

Bill ordered to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 52.

AN ACT relating to motor vehicles; revising the procedures by which certain males authorize the Department of Motor Vehicles to register them with the Selective Service System as required by federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any male who is: (1) a citizen of the United States or an immigrant; and (2) at least 18 years of age but less than 26 years of age, when applying to the Department of Motor Vehicles for a driver's license, commercial driver's license, identification card, instruction permit, restricted license or special restricted license or for a duplicate or the renewal or reinstatement of such a license, permit or card, may authorize the Department to register him with the Selective Service System in compliance with federal law. (NRS 483.294, 483.855, 483.937; Section 3 of the Military Selective

Service Act, 50 U.S.C. App. §§ 451 et seq., as amended) **Sections 1-3** of this bill provide that submission of an application for a driver's license, commercial driver's license, identification card, instruction permit, restricted license, special restricted license or driver authorization card or for a duplicate or the renewal or reinstatement of such a license, permit or card, to the Department by any eligible male authorizes the Department to register him with the Selective Service System **[.]** **unless the applicant has checked a box provided on the application indicating that he is not required to register pursuant to federal law.** The application must inform the applicant that **, unless he has checked the box to indicate that he is not required to register,** submission of the application indicates that the applicant either has already registered with the Selective Service System or that he is authorizing the Department to forward to the Selective Service System the necessary information for such registration. **This bill becomes effective: (1) upon passage and approval, for administrative purposes; and (2) for all other purposes, on the date on which the Director of the Department of Motor Vehicles notifies the Governor and the Director of the Legislative Counsel Bureau that the Department possesses sufficient resources to carry out the amendatory provisions of this act.**

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

Section 1. NRS 483.294 is hereby amended to read as follows:

483.294 1. **[**~~When~~**]** ***Except as otherwise provided in subsection 3, when*** applying for a driver's license, an instruction permit, a restricted license **, [**~~or~~**]** a special restricted license ***or a driver authorization card*** or for a duplicate or the renewal or reinstatement of such a license **, [**~~or~~**]** permit **[**~~,~~**]** ***or card,*** a male applicant who is:

(a) A citizen of the United States or an immigrant; and

(b) At least 18 years of age but less than 26 years of age,

➥ **[**~~may authorize~~**]** ***authorizes*** the Department to register him with the Selective Service System in compliance with section 3 of the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.

2. An application for a driver's license, an instruction permit, a restricted license **, [**~~or~~**]** a special restricted license ***or a driver authorization card*** or for a duplicate or substitute or the renewal or reinstatement of such a license **, [**~~or~~**]** permit ***or card*** must **[**~~include a box which may be checked by an applicant described in subsection 1 to authorize the Department to submit the necessary personal information to the Selective Service System to register the applicant in compliance with federal law. The application must also~~**]** inform **[**~~the~~**]** ***an*** applicant ***described in subsection 1*** that **[**~~by~~**]** ***:***

(a) [Submission] Unless the applicant has checked the box described in subsection 3, submission of the application indicates that the applicant has already registered with the Selective Service System in compliance with federal law or that he is authorizing the Department to forward to the

Selective Service System the necessary information for such registration; and

(b) By registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.

3. ~~[If an applicant indicates on his application that he wishes the Department to forward the necessary personal information to the Selective Service System, the]~~ ***An application for a driver's license, instruction permit, restricted license, special restricted license or driver authorization card, or for a duplicate or substitute or the renewal or reinstatement of such a license, permit or card, must include a box which may be checked by a male applicant who is at least 18 years of age but less than 26 years of age to indicate that the applicant is not required to register with the Selective Service System pursuant to the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.***

4. The Department shall forward ~~[that]~~ ***the necessary personal*** information ***of any eligible applicant*** to the Selective Service System in an electronic format.

Sec. 2. NRS 483.855 is hereby amended to read as follows:

483.855 1. ~~[When]~~ ***Except as otherwise provided in subsection 3, when*** applying for an identification card or for a duplicate or the renewal of such a card, a male applicant who is:

(a) A citizen of the United States or an immigrant; and

(b) At least 18 years of age but less than 26 years of age,

➥ ~~[may authorize]~~ ***authorizes*** the Department to register him with the Selective Service System in compliance with section 3 of the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.

2. An application for an identification card or for a duplicate or the renewal of such a card must ~~[include a box which may be checked by an applicant described in subsection 1 to authorize the Department to submit the necessary personal information to the Selective Service System to register the applicant in compliance with federal law. The application must also]~~ inform ~~[the]~~ ***an*** applicant ***described in subsection 1*** that ~~[by]~~ ***:***

(a) [Submission] Unless the applicant has checked the box described in subsection 3, submission of the application indicates that the applicant has already registered with the Selective Service System in compliance with federal law or that he is authorizing the Department to forward to the Selective Service System the necessary information for such registration; and

(b) By registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.

3. ~~[If an applicant indicates on his application that he wishes the Department to forward the necessary personal information to the Selective Service System, the]~~ ***An application for an identification card, or for a duplicate or the renewal of such a card, must include a box which may be checked by a male applicant who is at least 18 years of age but less than 26 years of age to indicate that the applicant is not required to register with the Selective Service System pursuant to the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.***

4. The Department shall forward ~~[that]~~ ***the necessary personal*** information ***of any eligible applicant*** to the Selective Service System in an electronic format.

Sec. 3. NRS 483.937 is hereby amended to read as follows:

483.937 1. ~~[When]~~ ***Except as otherwise provided in subsection 3, when*** applying for a commercial driver's license or for a duplicate or the renewal or reinstatement of such a license, a male applicant who is:

(a) A citizen of the United States or an immigrant; and

(b) At least 18 years of age but less than 26 years of age,

➥ ~~[may authorize]~~ ***authorizes*** the Department to register him with the Selective Service System in compliance with section 3 of the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.

2. An application for a commercial driver's license or for a duplicate or the renewal or reinstatement of such a license must ~~[include a box which may be checked by an applicant described in subsection 1 to authorize the Department to submit the necessary personal information to the Selective Service System to register the applicant in compliance with federal law. The application must also]~~ inform ~~[the]~~ ***an*** applicant ***described in subsection 1*** that ~~[by]~~ ***:***

(a) ~~[Submission]~~ Unless the applicant has checked the box described in subsection 3, submission of the application indicates that the applicant has already registered with the Selective Service System in compliance with federal law or that he is authorizing the Department to forward to the Selective Service System the necessary information for such registration; and

(b) By registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.

3. ~~[If an applicant indicates on his application that he wishes the Department to forward the necessary personal information to the Selective Service System, the]~~ ***An application for a commercial driver's license, or for a duplicate or the renewal or reinstatement of such a license, must include a box which may be checked by a male applicant who is at least 18 years of age but less than 26 years of age to indicate that the applicant is not required to register with the Selective Service System pursuant to the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.***

4. ***The*** Department shall forward ~~[that]~~ ***the necessary personal*** information ***of any eligible applicant*** to the Selective Service System in an electronic format.

Sec. 4. **As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective ~~[on July 1, 2015.]~~ **:**

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

2. For all other purposes, on the date on which the Director of the Department of Motor Vehicles, pursuant to section 4 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 52 makes two changes to Assembly Bill 131. First, the amendment allows an applicant at the Department of Motor Vehicles the option to indicate on the application that he is exempt from the requirement to register with the Selective Service System pursuant to federal law. Second, the amendment changes the effective date of the bill from July 1, 2015, to upon passage and approval for purposes of adopting regulations and other preparatory administrative tasks, and for all other purposes, the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

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

Amendment No. 208.

AN ACT relating to public records; requiring the Division of State Library and Archives of the Department of Administration to develop and conduct a program of education and training concerning the retention and disposition of official state records for the employees of agencies, boards and commissions that are required to have a schedule approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records; requiring the head of such an agency, board or commission to require certain employees to complete the program; requiring the head of such an agency,

board or commission to issue a letter of reprimand to an employee who **knowingly and willfully** disposes of an official state record in a manner contrary to an approved schedule for the retention and disposition of official state records **[,] or** authorizing the head of an agency, board or commission to take **[additional appropriate] more severe** disciplinary action against such an employee **[,] in appropriate circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain state agencies, boards and commissions, in cooperation with the Division of State Library and Archives of the Department of Administration, to develop a schedule for the retention and disposition of the official state records of the agency, board or commission. Existing law also requires the Division to submit the schedules to the Committee to Approve Schedules for the Retention and Disposition of Official State Records for approval. Upon approval of a schedule, existing law provides that an official state record may be disposed of only in accordance with the approved schedule. (NRS 239.077, 239.080) As recommended by the Sunset Subcommittee of the Legislative Commission, this bill requires the Division to develop and conduct a program of education and training concerning the retention and disposition of official state records for employees of such agencies, boards and commissions. This bill also requires the head of a state agency, board or commission that is required to maintain its official state records in accordance with such an approved schedule to require certain employees to complete the program. This bill further **: (1)** requires the head of an agency, board or commission to issue a letter of reprimand to an employee of the agency, board or commission who **knowingly and willfully** disposes of an official state record in a manner contrary to the approved schedule. **[**This bill also**]** **; or (2)** authorizes the head of an agency, board or commission to take more severe disciplinary action against such an employee in appropriate circumstances.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and conduct a program of education and training on the retention and disposition of official state records for the employees of each agency, board and commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to NRS 239.080. The program must include, without limitation, instruction concerning:

(a) The general standards of the Division for the development pursuant to NRS 239.080 of schedules for the retention and disposition of official state records;

(b) The specific criteria for the retention and disposition of official state records in accordance with the approved schedule applicable to the agency, board or commission by which an employee is employed; and

(c) Any criminal or civil penalties or other administrative or disciplinary action to which an employee may be subject as the result of the disposal of an official state record in a manner contrary to the approved schedule for the retention and disposition of official state records applicable to the agency, board or commission by which the employee is employed.

2. The head of an agency, board or commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to NRS 239.080 and approved by the Committee pursuant to NRS 239.077:

(a) Shall require each employee of the agency, board or commission, as applicable, whose duties include the management of the retention ~~[or]~~ and disposal of any official state ~~[record]~~ records of the agency, board or commission to complete the program of education and training on the retention and disposition of official state records that is developed and conducted by the Division pursuant to subsection 1.

(b) May require other employees of the agency, board or commission, as applicable, to complete the program of education and training described in paragraph (a).

(c) Except as otherwise provided in paragraph ~~[(c),]~~ (d), shall issue a letter of reprimand to any employee of the agency, board or commission, as applicable, who knowingly and willfully disposes of an official state record of the agency, board or commission in a manner contrary to the approved schedule for the retention and disposition of the official state records of the agency, board or commission.

~~[(c)]~~ (d) In lieu of a letter of reprimand issued pursuant to paragraph ~~[(b),]~~ (c), may take more severe disciplinary action against an employee in a matter involving a repeated offense or where circumstances otherwise warrant such action.

Sec. 2. NRS 239.005 is hereby amended to read as follows:

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

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

4. "Division" means the Division of State Library and Archives of the Department of Administration.

5. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

6. "***Official state record" includes, without limitation:***

(a) Papers, unpublished books, maps and photographs;

(b) Information stored on magnetic tape or computer, laser or optical disc;

(c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and

(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.

7. "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 3. NRS 239.080 is hereby amended to read as follows:

239.080 1. An official state record may be disposed of only in accordance with a schedule for retention and disposition which is approved by the Committee.

2. In cooperation with the Division, each agency, board and commission shall develop a schedule for the retention and disposition of each type of official state record.

3. The Division shall submit the schedules described in subsection 2 to the Committee for final approval.

~~[4. As used in this section, "official state record" includes, without limitation, any:~~

~~(a) Papers, unpublished books, maps and photographs;~~

~~(b) Information stored on magnetic tape or computer, laser or optical disc;~~

~~(c) Materials which are capable of being read by a machine, including microforms and audio and visual materials; and~~

~~(d) Materials which are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.]~~

Sec. 4. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

This amendment limits the employees who must attend a training program to those whose duties include the management of the retention and disposal of any official state record of an agency. It authorizes the head of an agency, board, or commission, at his or her discretion, to require other employees to complete the training program. In addition, the amendment limits the head of an agency, board, or commission to issue a letter of reprimand to only employees who knowingly and willfully dispose of state records in a manner contrary to the approved schedule.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 141.

Bill read second time and ordered to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 147.

AN ACT relating to motor vehicles; authorizing an insurer who provides a contract of insurance for the operation of a motor vehicle to provide, upon the request of the insured and to the extent available, evidence of that insurance in an electronic format that can be displayed on a mobile electronic device; prohibiting a peace officer to whom such a device is presented for the purpose of showing evidence of insurance from **intentionally** viewing any other content on the device; providing that the person presenting such a device for the purpose of showing evidence of insurance assumes all liability for any damage to the device; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an insurer who provides a contract of insurance for the operation of a motor vehicle must provide evidence of insurance to the insured on a form approved by the Commissioner of Insurance. (NRS 690B.023) **Section 4** of this bill authorizes such an insurer to provide, upon the request of the insured and to the extent available, evidence of insurance in an electronic

format that can be displayed on a mobile electronic device. The insured may also request that the insurer provide the insured with the evidence of insurance form. **Section 4** also provides that a person who presents a mobile electronic device to another person to provide evidence of insurance assumes all liability for any resulting damage to the mobile electronic device.

Existing law requires that a person applying for registration of a fleet of vehicles provide the Department of Motor Vehicles with evidence of insurance for those vehicles. (NRS 482.215) **Section 1** of this bill newly provides that the evidence of insurance may be provided in an electronic format.

Existing law requires a peace officer who stops a vehicle for violating certain traffic laws to demand proof of insurance. (NRS 484A.650) **Section 2** of this bill newly provides that, if the evidence of insurance provided to the peace officer by the driver of the vehicle is in an electronic format displayed on a mobile electronic device, the peace officer shall not **intentionally** view any other content on the mobile electronic device. A violation of this prohibition would be punished as a misdemeanor under existing law. (NRS 484A.900)

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

Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company

licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle or the registered owner of the vehicle; or

(3) In another form satisfactory to the Department ~~[.]~~ ***, including, without limitation, an electronic format authorized by NRS 690B.023.***

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

(h) If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2 for each vehicle registered for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed

registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file ***or provide electronic*** evidence of that insurance.

Sec. 2. NRS 484A.650 is hereby amended to read as follows:

484A.650 ***1.*** Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 4 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

~~[1.]~~ ***(a)*** May sign the citation on behalf of the owner; and

~~[2.]~~ ***(b)*** Shall notify the owner of the citation within 3 days after it is issued.

➥ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 3. NRS 485.034 is hereby amended to read as follows:

485.034 "Evidence of insurance" means:

1. The ~~[form]~~ ***information*** provided by an insurer ***in a form approved*** pursuant to NRS 690B.023 as evidence of a contract of insurance for a motor vehicle liability policy; or

2. The certificate of self-insurance issued to a self-insurer by the Department pursuant to NRS 485.380.

Sec. 4. NRS 690B.023 is hereby amended to read as follows:

690B.023 ~~[If]~~

1. Except as otherwise provided in subsection 2, if insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

~~[1.]~~ ***(a)*** Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

~~[(a)]~~ ***(1)*** The name and address of the policyholder;

~~[(b)]~~ ***(2)*** The name and address of the insurer;

~~[(c)]~~ ***(3)*** Vehicle information, consisting of:

~~[(1)]~~ ***(I)*** The year, make and complete identification number of the insured vehicle or vehicles; or

~~[(2)]~~ ***(II)*** The word "Fleet" and the name of the registered owner if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

~~[(d)]~~ ***(4)*** The term of the insurance, including the day, month and year on which the policy:

~~[(1)]~~ ***(I)*** Becomes effective; and

~~[(2)]~~ ***(II)*** Expires;

~~[(e)]~~ ***(5)*** The number of the policy;

~~[(f)]~~ ***(6)*** A statement that the coverage meets the requirements set forth in NRS 485.185; and

~~[(g)]~~ ***(7)*** The statement "This ~~[card]~~ ***evidence of insurance*** must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

~~[2.]~~ ***(b)*** Provide new evidence of insurance if:

~~[(a)]~~ ***(1)*** The information regarding the insured vehicle or vehicles required pursuant to ~~[paragraph (c) of subsection 1]~~ ***subparagraph (3) of paragraph (a)*** no longer is accurate;

~~[(b)]~~ ***(2)*** An additional motor vehicle is added to the policy;

~~[(c)]~~ ***(3)*** A new number is assigned to the policy; or

~~[(d)]~~ ***(4)*** The insured notifies the insurer that the original evidence of insurance has been lost.

2. Upon the request of an insured and to the extent available, the insurer may provide the evidence of insurance in an electronic format that can be displayed on a mobile electronic device. The electronic format must provide for the inclusion of all information required by paragraph (a) of subsection 1. An insured who makes such a request may also request that the insurer provide the insured with the form provided for in subsection 1.

3. A person who presents a mobile electronic device to another person to provide evidence of insurance assumes all liability for any resulting damage to the mobile electronic device.

Sec. 5. This act becomes effective:

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

2. On ~~[January 1, 2016,]~~ **October 1, 2015,** for all other purposes.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 147 makes two changes to Assembly Bill 143. First, it adds the word "intentionally" in relation to the prohibition for a peace officer to view any other content on a mobile electronic device when the officer is viewing evidence of insurance. Second, the amendment changes part of the effective date of the bill from January 1, 2016, to October 1, 2015. Provisions of the bill relating to adopting regulations remain effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 84.

AN ACT relating to motor vehicle registration; revising provisions governing the pro rata refund of registration fees and governmental services tax paid on a vehicle that is due when the registration is cancelled under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a person cancels his or her registration for a vehicle and surrenders to the Department of Motor Vehicles the license plates for the vehicle, the Department is required, under certain circumstances, to refund to the person the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. The Department is only required to provide such a refund if: (1) the request is made at the time the registration is cancelled and the license plates are surrendered; (2) the person requesting the refund is a resident of Nevada; (3) the amount eligible for refund exceeds $100; and (4) evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. The term "extenuating circumstances" is defined to mean circumstances wherein: (1) the person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle; (2) the vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle; (3) the owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle; or (4) any other event occurs which the Department, by regulation, has defined to constitute an extenuating circumstance. (NRS 482.399)

This bill revises that provision to ~~[provide]~~ **set forth** that, in the case where the owner of a vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle, the Department is required to refund to the guardians or survivors the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis regardless of the residency of the person requesting the refund or the amount eligible for refund, ~~[provided that]~~ **but only if** the person **: (1)** cancels the registration and surrenders the license plates not more than 60 days after the vehicle is sold or otherwise disposed of ~~[, and]~~ **; (2)** requests the refund at the time the registration is cancelled and the license plates are surrendered ~~[.]~~ **; and (3) the amount eligible for refund exceeds $100.**

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

Section 1. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from

which a person transfers ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040 and subsection 7 of NRS 482.260, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9 ~~[.]~~ ***or 10, as applicable,*** issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. ~~[The]~~ ***Except as otherwise provided in subsection 10, the*** Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) ~~[The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.~~

~~(d)]~~ Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

10. The Department shall issue a refund pursuant to subsection 8 if:

(a) Evidence satisfactory to the Department is submitted which reasonably proves that the owner of the vehicle is seriously ill or has died and the guardians or survivors, including, without limitation, the spouse or domestic partner of the owner, have sold or otherwise disposed of the vehicle;

(b) The guardians or survivors cancel the registration and surrender the license plates not more than 60 days after the vehicle is sold or otherwise disposed of; ~~***[and]***~~

(c) The guardians or survivors request the refund at the time the registration is cancelled and the license plates are surrendered ~~***[.]***~~ ***; and***

(d) The amount eligible for refund exceeds $100.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 84 revises the provisions of Assembly Bill 145 to specify that the Department of Motor Vehicles only has to provide a refund under the provisions of the bill if the refund exceeds $100.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 118.

AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) This bill removes the preceding legal limitations ~~**[**, thus allowing**]**~~ **and expressly allows** a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

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

Section 1. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is ~~*[is]*~~ not a moving traffic violation under NRS 483.473.

(b) May ~~[not]~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~[not]~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 118 revises the provisions of Assembly Bill 175 to retain most of the language proposed to be deleted in the original bill and would only remove the word "not" in subsections (b) and (c). This amendment expressly provides that failure by a passenger in a taxicab to wear a safety belt may be considered as causation in certain actions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time.

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

Amendment No. 166.

AN ACT relating to public health; authorizing physicians, under certain circumstances, to report to the Department of Motor Vehicles certain information regarding patients who have epilepsy; abolishing certain duties of physicians to report certain patient information; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; providing that certain reports and statements provided to the Department concerning patients with epilepsy are not subject to the doctor-patient privilege under certain circumstances; providing that a cause of action may not be

brought against a physician for failing to report such information to the Department; providing that a cause of action may not be brought against a physician for reporting certain information regarding patients who have epilepsy to the Department except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) a physician to report immediately to the Division of Public and Behavioral Health of the Department of Health and Human Services, in writing, the name, age and address of every person diagnosed as a case of epilepsy **~~[,]~~ , as defined by the State Board of Health;** and (2) the Division to report this information to the Department of Motor Vehicles. (NRS 439.270) **Section 1** of this bill abolishes these duties and **~~[instead]~~ the requirement that the State Board define the term "epilepsy." Instead, section 1** requires a physician who determines that a patient's epilepsy severely impairs the ability of a patient to safely operate a motor vehicle to notify such a patient of this determination and obtain from the patient a signed statement acknowledging the notification. If the patient refuses to sign an acknowledgment, **section 1** requires the physician to sign a written statement verifying that the physician provided the required notification. **Section 1** authorizes a physician, upon the request of the Department of Motor Vehicles, to provide a copy of the acknowledgment or statement to the Department.

Section 4 of this bill prohibits a person with epilepsy from operating a motor vehicle if the person has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle. **Section 4** authorizes a physician who is aware that a person with epilepsy has violated this provision to submit, without the person's consent, a written report to the Department of Motor Vehicles that includes the name, address and age of the person.

Section 2 of this bill provides that a person who has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle has no privilege to prevent a physician from disclosing this information to the Department of Motor Vehicles.

Sections 1 and 4 provide that the Department of Motor Vehicles may only use such information to determine whether a person is eligible to operate a motor vehicle in this State. **Sections 1 and 4** also provide that no cause of action may be brought against a physician: (1) for failing to provide such information to the Department; or (2) for providing such information to the Department, unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

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

Section 1. NRS 439.270 is hereby amended to read as follows:

439.270 1. ~~[The State Board of Health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.~~

~~2. All physicians shall report immediately to the Division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.~~

~~3. The Division shall report, in writing, to the Department of Motor Vehicles the name, age and address of every person reported to it as a case of epilepsy.~~

~~4. Except as otherwise provided in NRS 239.0115, the reports are for the information of the Department of Motor Vehicles and must be kept confidential.~~] ***If a physician determines that, in his or her professional judgment, a patient's epilepsy severely impairs the ability of the patient to safely operate a motor vehicle, the physician shall:***

(a) Adequately inform the patient of the dangers of operating a motor vehicle with his or her condition until such time as the physician or another physician informs the patient that the patient's condition does not severely impair the ability of the patient to safely operate a motor vehicle; and

(b) Except as otherwise provided in subsection ~~[3.]~~ 2:

(1) Require the patient to sign a statement acknowledging that he or she has been informed by the physician of the dangers of operating a motor vehicle with his or her condition; and

(2) Retain the original signed statement and provide a copy of the signed statement to the patient.

~~[3.]~~ 2. If a patient refuses to sign a statement pursuant to paragraph (b) of subsection ~~[2.]~~ 1, the physician shall sign a written statement verifying that the physician informed the patient of all material facts and information required by paragraph (a) of subsection ~~[2.]~~ 1. The physician shall, to the extent practicable, provide a copy of the statement signed by the physician to the patient.

~~[4.]~~ 3. A statement signed by a patient pursuant to subsection ~~[2]~~ 1 or a statement signed by a physician pursuant to subsection ~~[3]~~ 2 shall be deemed a health care record, as defined in NRS 629.021.

~~[5.]~~ 4. A physician may, upon the request of the Department, provide to the Department a copy of a statement signed by a patient pursuant to subsection ~~[2]~~ 1 or a statement signed by the physician pursuant to subsection ~~[3.]~~ 2. A statement received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the statement may be disclosed to the patient; and

(b) May be used ***by the Department*** solely to determine the eligibility of ~~[any person]~~ ***the patient*** to operate a vehicle on the streets and highways of this State.

5. ~~[A violation of this section is a misdemeanor.]~~

~~[6.]~~ The provision by a physician of a copy of a statement pursuant to subsection ~~[5]~~ 4 is solely within his or her discretion. No cause of action may be brought against a physician based on the fact that he or she did not provide such a copy.

~~[7.]~~ 6. No cause of action may be brought against a physician based on the fact that he or she provided a copy of a statement pursuant to subsection ~~[5]~~ 4 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

~~[8.]~~ 7. As used in this section:

(a) "Department" means the Department of Motor Vehicles.

(b) "Patient" means a person who consults or is examined or interviewed by a physician for the purposes of diagnosis or treatment.

Sec. 2. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

3. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

4. In a prosecution or mandamus proceeding under chapter 441A of NRS.

5. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

6. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

7. As to records that are required by chapter 453 of NRS to be maintained.

8. ***As to reports made to the Department of Motor Vehicles pursuant to subsection 2 of section 4 of this act and any statements provided to the Department pursuant to NRS 439.270.***

9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

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

179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 4 of this act,*** sections 35, 38 and 41

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

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

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

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

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

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

Sec. 4. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person with epilepsy shall not operate a motor vehicle if that person has been informed by a physician pursuant to NRS 439.270 that his or her condition would severely impair his or her ability to safely operate a motor vehicle.

2. If a physician is aware that a person has violated subsection 1 after the physician has informed the person pursuant to NRS 439.270 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made;

(b) May include the statement maintained by the physician pursuant to subsection ~~[4]~~ 3 of NRS 439.270; and

(c) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

3. The submission by a physician of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician based on the fact that he or she did not submit such a report.

4. No cause of action may be brought against a physician based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

~~[5. As used in this section, "epilepsy" has the meaning ascribed to it by the State Board of Health pursuant to NRS 439.270.]~~

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment removes the requirement that the State Board of Health define the term "epilepsy."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 117.

AN ACT relating to special license plates; revising provisions relating to disabled veterans who are entitled to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of special license plates to veterans of the Armed Forces of the United States who survived the attack on Pearl Harbor, or who were awarded the Purple Heart or the Congressional Medal of Honor. (NRS 482.3765, 482.3775, 482.378) Existing law also authorizes the issuance of special license plates to a veteran who has been captured and held as a prisoner of war or who, as a result of his or her service, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability. Special license plates issued to a veteran with a qualifying disability must be inscribed with the international symbol of access, which is a diagram of a figure that resembles a wheelchair. A vehicle on which such ex prisoner of war or disabled veteran special license plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the United States. (NRS 482.377)

Sections 1, 3 and 4 of this bill provide that a veteran who is eligible for Pearl Harbor, Purple Heart or Congressional Medal of Honor special license plates and who, as a result of his or her service, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability may have the international symbol of access inscribed on his or her special license plates, and that a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, other than the United States. **Section 2** of this bill provides that a veteran who is eligible for ex prisoner of war special license plates and who, as a result of his or her service, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability may have the international symbol of access inscribed on his or her special license plates.

Sections 5 and 6 of this bill make conforming changes to the provisions of existing law regarding the applicability of parking laws to vehicles displaying special license plates which bear the international symbol of access. (NRS 484B.463, 484B.467) **Section 8 of this bill provides that the special license plates will be issued not later than July 1, 2018, and earlier than that date if the Department of Motor Vehicles determines that it has sufficient resources to issue the plates before that time.**

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

Section 1. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director.

2. ***A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.***

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

~~[3.]~~ ***4.*** The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form

prescribed by the Department and evidence of their status as a survivor ***and, if applicable, evidence of disability*** required by the Department.

~~[4.]~~ ***5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.***

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[5.]~~ ***7.*** The fee for a set of special license plates issued pursuant to this section is $25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is $5.

Sec. 2. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and a number of characters, including numbers and letters, as determined necessary by the Director.

2. ***A person who qualifies for special license plates pursuant to paragraph (b) of subsection 1, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.***

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

~~[3.]~~ ***4.*** The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability ***,*** ~~[or]~~ former imprisonment ***or both, as applicable,*** required by the Department.

~~[4.]~~ ***5.*** A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

~~[5.]~~ ***6.*** If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 3. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to specially designed license plates which indicate that the veteran is a recipient of the Purple Heart.

2. ***A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.***

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

~~[3.]~~ ***4.*** The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Purple Heart ***and, if applicable, evidence of disability*** as

required by the Department. The Department may designate any appropriate colors for the special plates.

~~[4.]~~ ***5. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.***

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[5.]~~ ***7.*** Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $5.

Sec. 4. NRS 482.378 is hereby amended to read as follows:

482.378 1. An owner of a motor vehicle who is a resident of this State and has been awarded the Congressional Medal of Honor may, upon signed application on a form prescribed and furnished by the Department, be issued license plates which indicate that he or she is a recipient of the Congressional Medal of Honor. The applicant shall comply with the motor vehicle laws of this State, including the provisions of chapter 371 of NRS and the payment of the registration fees required by this chapter, but no fee may be charged under NRS 482.367.

2. ***A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.***

3. Each person who is eligible for special license plates under this section may apply for two sets of plates. The second set of plates for an additional vehicle must have a different number than the first set of plates issued to the same applicant. The plates may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

~~[3.]~~ ***4. A vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by***

the State or any political subdivision or other public body within the State, other than the United States.

5. The Department may adopt regulations governing the issuance of special license plates to recipients of the Congressional Medal of Honor.

Sec. 5. NRS 484B.463 is hereby amended to read as follows:

484B.463 1. Except as otherwise provided in subsection 3, an owner or operator of a motor vehicle displaying a special parking placard, a special parking sticker, a temporary parking placard, a temporary parking sticker or a special plate or plates issued pursuant to NRS 482.384, or a special plate or plates for a veteran with a disability issued pursuant to NRS ***482.3765,*** 482.377, ***482.3775 or 482.378*** may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or a person transporting any such person.

2. An owner or operator of a motor vehicle displaying a special plate or plates for a veteran with a disability issued pursuant to NRS ***482.3765,*** 482.377 ***, 482.3775 or 482.378*** may, without displaying a special license plate, placard or sticker issued pursuant to NRS 482.384, park in a parking space designated for persons who are handicapped if:

(a) The parking is done by a veteran with a disability; or

(b) A veteran with a disability is a passenger in the motor vehicle being parked.

3. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 6. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of $250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces,

➥ must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of $250 for violation" or similar words indicating that the minimum fine for parking in such a space is $250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS ***482.3765,*** 482.377 ~~[.]~~ ***, 482.3775 or 482.378.***

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➥ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➥ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or motorcycle, at the time that the vehicle or motorcycle is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $250.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.

Sec. 7. **As soon as practicable after January 1, 2016, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

Sec. 8. **This act becomes effective:**

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

2. For all other purposes, on the earlier of:

(a) July 1, 2018; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 7 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 117 revises the provisions of Assembly Bill 250 by changing the effective date from October 1, 2015, to upon passage and approval for purposes of adopting regulations and other preparatory administrative tasks, and for all other purposes, July 1, 2018, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act, whichever is earlier.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time and ordered to third reading.

Assembly Bill No. 420.

Bill read second time and ordered to third reading.

Assembly Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 109.

Bill read second time.

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

Amendment No. 176.

AN ACT relating to county-owned telephone systems; authorizing a board of county commissioners to sell or lease such a system without acceptance or rejection by the registered voters of the county under certain circumstances; revising the manner in which the sale or lease of such a system is conducted; requiring the board to consider certain factors in accepting or rejecting an offer to purchase or lease such a system; exempting from open meeting requirements certain meetings of the board regarding the sale or lease of such a system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county which owns a telephone system to initiate proceedings to sell or lease the system by adopting a resolution proposing the sale or lease of the system. If the board adopts the resolution, the board is required to place the issue on a ballot for approval by the registered voters of the county. (NRS 710.151)

Existing law also provides that, if approved by the voters, the telephone system must be advertised for sale or lease in a newspaper with countywide distribution. (NRS 710.159) **Section 1** of this bill authorizes a board of county commissioners to initiate proceedings to sell or lease a county-owned telephone system by adopting a resolution to evaluate the propriety of receiving offers for the sale or lease of the system and without the requirement of holding a primary or general election or obtaining approval of the registered voters of the county. **Section 4** of this bill requires a board of county commissioners that adopts a resolution to receive offers to sell a county-owned telephone system to contract with an expert to market and sell or lease the telephone system in a commercially reasonable manner, removing the requirement for newspaper advertisements. **Section 4** also provides that the board is not required to accept the highest bid, but must consider other factors, including the preservation of jobs, future revenue and local control of the telephone system. **Finally, section 4 requires that, at least 3 days before the board votes to accept or reject a proposed sale or lease, a notice must be published at least once in a local newspaper. Section 5** of this bill repeals certain provisions concerning the holding of a special election for the sale or lease of the telephone system and the consolidation of voting precincts.

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

Section 1. NRS 710.151 is hereby amended to read as follows:

710.151 1. Proceedings to sell or lease a county-owned telephone system may be instituted by:

(a) Twenty-five percent or more of the freeholders of the county filing a petition with the board of county commissioners requesting the sale or lease of the system; or

(b) The adoption of a resolution by the board of county commissioners proposing to ~~[sell]~~ ***evaluate the propriety of receiving offers for the sale*** or lease ***of*** the system ~~[.]~~ ***and to receive offers.***

2. After receipt of a petition provided for in paragraph (a) of subsection 1 **,** ~~[or pursuant to a resolution adopted pursuant to the provisions of paragraph (b) of subsection 1,]~~ the board of county commissioners shall cause the proposal contained in the petition to be placed upon the ballot of the next primary or general election for acceptance or rejection by the registered voters of the county.

3. The ***adoption of a*** resolution ~~[adopted]~~ pursuant to the provisions of paragraph (b) of subsection 1 ~~[must:~~

~~(a) Call an election for submission of the question of the sale or lease of the system;~~

~~(b) Designate whether the election will be consolidated with the next primary or general election, or will be a special election which the board of county commissioners is authorized to call; and~~

~~(c) Fix the date of the election.~~

~~4. A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.~~**]** ***does not require a sale or lease to be completed by the board of county commissioners.***

Sec. 2. NRS 710.152 is hereby amended to read as follows:

710.152 When proceedings are instituted to sell or lease a county-owned telephone system **[**~~,~~**]** ***pursuant to paragraph (a) of subsection 1 of NRS 710.151,*** the district attorney shall draft the measure and an explanation thereof for submission to the registered voters.

Sec. 3. NRS 710.153 is hereby amended to read as follows:

710.153 **[**~~1.~~**]** If the question of the sale or lease of the county-owned telephone system is submitted at a general election, no notice of registration of electors is required other than that required by the general election laws for such election. **[**~~If the question is submitted at a special election, the county clerk shall cause to be published at least once a week for 5 consecutive weeks by five weekly insertions a week apart, the first publication to be not more than 60 days nor less than 45 days next preceding the election, in a newspaper published within the county and having a general circulation therein, a notice signed by the county clerk to the effect that registration for the special election will be closed on a date and time designated therein, as provided in this section.

2. Except as otherwise provided in this subsection, the office of the county clerk must be open for such a special election from 9 a.m. to 12 m. and from 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector. The office of the county clerk must be open during the last days of registration as provided in subsection 2 of NRS 293.560.

3. The office of the county clerk must be opened for registration of voters for the special election from and including the 20th day next preceding the election and up to but excluding the 10th day next preceding the election and during regular office hours.~~**]**

Sec. 4. NRS 710.159 is hereby amended to read as follows:

710.159 1. If, at the primary **[**~~,~~**]** ***or*** general **[**~~or special~~**]** election, it is shown that a majority of the ballots cast favors the sale or lease of the telephone system, ***or*** the board of county commissioners ***has adopted a resolution pursuant to paragraph (b) of subsection 1 of NRS 710.151, the board of county commissioners*** shall contract with a reputable and qualified expert in rural telecommunications to appraise the value of the telephone system. Except as otherwise provided in NRS 239.0115, the appraisal is confidential and must

not be disclosed before the completion of the sale or lease of the telephone system.

2. Upon the return of the appraisal, the board of county commissioners shall ~~[advertise the sale or lease, for a term of years agreed upon by the board, of the telephone system by notice published at least once a week for 5 consecutive weeks by five weekly insertions a week apart in a newspaper published within the county and having a general circulation therein. After publication of the first such notice,]~~ ***contract with a reputable and qualified expert in rural telecommunications, other than the expert who provided the appraisal pursuant to subsection 1, to market and sell or lease the telephone system in a commercially reasonable manner. After entering into the contract,*** the board or its authorized representatives may enter into negotiations for the sale or lease of the telephone system. If the notice is for the sale of the telephone system, the board shall not accept a sum less than the amount of the appraisal of the telephone system. ~~[If the notice is for the lease of the telephone system, the board shall not accept a sum less than an amount to realize not less than 7 percent per annum upon the value of the telephone system as so appraised.]~~ If the telephone system is leased, the board shall safeguard the county's interest by demanding a bond for the faithful performance of the covenants contained in the lease. The board may reject any and all offers made for such a sale or lease.

3. The board of county commissioners is not obligated to accept the highest bid for the purchase or lease of the telephone system and shall consider, without limitation:

(a) The return on investment to the county;

(b) The preservation of existing jobs and future employment opportunities within the county;

(c) The preservation of future revenue generated by the telephone system within the county; and

(d) The likelihood of local control and management of the telephone system.

4. Not less than 3 days before the board of county commissioners votes to accept or reject a sale or lease of the telephone system, the board shall cause a notice of the proposed sale or lease to be published at least once in a newspaper published in the county, or if no such newspaper is published, then a newspaper published in this State that has a general circulation in the county.

5. A meeting of the board of county commissioners held to consider the general objectives for a sale or lease, including, without limitation, terms and conditions acceptable to the board, is not subject to the provisions of chapter 241 of NRS. The provisions of this subsection do not apply to any vote by the board to seek offers or to accept an offer.

Sec. 5. NRS 710.155 and 710.157 are hereby repealed.

Sec. 6. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

710.155 Sale or lease of system: Publication of notice of special election; contents.

1. If the resolution adopted pursuant to paragraph (b) of subsection 1 of NRS 710.151 calls a special election, the county clerk shall cause a notice of the election to be published in some newspaper printed in and having a general circulation in the county at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 14 days nor less than 8 days next preceding the election.

2. The notice of the special election shall contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which shall be the same as provided for general elections.

(c) A statement of the question in substantially the same form as it will appear on the ballots.

710.157 Sale or lease of system: Powers and duties of county clerk for special election; qualifications to vote.

1. The county clerk may consolidate or otherwise modify voting precincts, shall designate the polling places, appoint officers of the election for each precinct in such number as the county clerk may determine and fix their duties and compensation.

2. Any qualified elector who is properly registered is qualified to vote at the special election.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment requires that at least three days before the board of county commissioners votes to accept or reject a proposed sale or lease of a county-owned telephone system, a notice must be published at least once in a local newspaper.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 228.

SUMMARY—Revises provisions governing ~~[concealed]~~ firearms. (BDR ~~[20]~~ **5**-242)

AN ACT relating to ~~[concealed]~~ firearms; ~~[authorizing a sheriff to provide certain information concerning the availability of certain courses relating to firearm safety;]~~ **authorizing the possession of a firearm in a motor vehicle that is on the property of certain educational entities or child care facilities in certain circumstances;** authorizing a person who holds a permit to carry a concealed firearm to do so on certain property of a public airport and on the

property of the Nevada System of Higher Education ~~[, a private or public school or child care facility]~~ under certain circumstances; revising the provisions governing the carrying of a concealed firearm in a public building; ~~[authorizing the Police Department for the System to provide certain information concerning the availability of certain courses relating to firearm safety;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill authorizes the sheriff of a county to provide to persons who hold a permit to carry a concealed firearm information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.]~~

Existing law generally makes it a gross misdemeanor to carry or possess certain weapons while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or a child care facility except in certain circumstances. (NRS 202.265) Section 3 of this bill adds an exception so that a person who holds a permit to carry a concealed firearm is not prohibited from possessing a firearm capable of being concealed upon the person on the property of the Nevada System of Higher Education, a private or public school or a child care facility, if the firearm remains out of public view and if the firearm is: (1) inside a motor vehicle that is occupied or, if the motor vehicle is unoccupied, the motor vehicle is locked; or (2) stored in a locked container that is affixed securely to the motor vehicle.

Existing law prohibits a person from carrying a concealed firearm while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, unless the person holds a permit to carry a concealed firearm and has written permission from the president of a branch or facility of the System, the principal of the school or the person designated by the child care facility to give permission to carry or possess a weapon to carry the concealed firearm. Existing law also prohibits a person from carrying a concealed firearm: (1) while on the premises of a public building that is located on the property of a public airport; and (2) while on the premises of a public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building. (NRS 202.265, 202.3673) **Sections 3 and 4** of this bill authorize a person who holds such a permit to carry a concealed firearm while on the property of the System ~~[, a private or public school or a child care facility.]~~ **. Section 4** also revises provisions governing the carrying of a concealed firearm to prohibit the carrying by a permittee of a concealed firearm only in a secure area of a public airport. Finally, **section 4** provides that the carrying of a concealed firearm in a public building is prohibited if the building has both a metal detector and a sign at each public entrance indicating that no firearms are allowed in the building.

~~[Section 5 of this bill authorizes the Police Department for the System to provide to persons who hold a permit to carry a concealed firearm information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.]~~

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

Section 1. ~~[Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— The sheriff of each county may, within the limits of available money, provide to persons who are authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a child is taken into custody for an unlawful act that involves the possession, use or threatened use of a firearm, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

2. At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

3. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The

provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~[5]~~ ***6*** of NRS 202.265.

Sec. 3. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or ***a*** child care facility, or while in a vehicle of a private or public school or ***a*** child care facility:

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles;

(e) A pistol, revolver or other firearm; or

(f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 ***while*** on the property of:

(a) ~~[A]~~ ***The Nevada System of Higher Education, a*** private or public school or ***a*** child care facility by a:

(1) Peace officer;

(2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. ***This section does not prohibit the possession of a firearm ~~[while on the property of the Nevada System of Higher Education, a private or public school or a child care facility]~~ capable of being concealed upon the person by a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~[.]~~ , if:***

(a) The person is carrying upon his or her person a concealed firearm on the property of the Nevada System of Higher Education; or

(b) The motor vehicle that is or was being operated by the person or in which the person is or was a passenger is located on the property of the Nevada System of Higher Education, a private or public school or a child

care facility, the firearm remains out of common observation, and the firearm is:

(1) Inside a motor vehicle, other than a school bus, that is:

(I) Occupied; or

(II) Unoccupied and locked; or

(2) Stored in a locked container that is affixed securely to a motor vehicle, other than a school bus.

5. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~[5.]~~ ***6.*** For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) "***School bus" has the meaning ascribed to it in NRS 484A.230.***

(e) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ ***(f)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.]~~

Sec. 4. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is ~~[on the premises]~~ ***in a secure area*** of a ~~[public building that is located on the property of a]~~ public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of :

(a) A public building that is located on the property of a public school or a child care facility ***,*** ~~[or the property of the Nevada System of Higher Education,]~~ unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265. ***If a public school or a child care facility is located on the property of the Nevada System of Higher Education, this paragraph must be construed to prohibit only the carrying of a concealed firearm in that portion of a public building and on that portion of the property of the Nevada System of Higher Education that is occupied by the public school or child care facility, assuming that the permittee has not obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS***

202.265 from the principal of the public school or the person designated by the child care facility to give such permission.

(b) A ~~*[a]*~~ public building that has a metal detector at each public entrance ~~[or]~~ ***and*** a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~[5]~~ ***6*** of NRS 202.265. ***If only part of the building is occupied by a child care facility, the term means only that portion of the building which is so occupied.***

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this ~~[subsection,]~~ ***paragraph,*** the term means only that portion of the building which is so occupied.

~~*[(b)]*~~ ***(c)*** "***Secure area" means a portion of a public airport to which access is generally controlled through the screening of persons and property in accordance with an airport security program approved by the Transportation Security Administration of the United States Department of Homeland Security pursuant to 49 C.F.R. § 1542.101.***

Sec. 5. ~~[Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The Police Department for the System may, within the limits of available money, provide to persons who are authorized to carry a concealed firearm*~~

~~*pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, information concerning instructors and organizations that offer courses in firearm safety which focus on issues relating to firearm safety in an educational environment.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 396.110 is hereby amended to read as follows:

396.110 1. The Board of Regents may prescribe rules for:

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265. ***The rules prescribed by the Board of Regents pursuant to this subsection must not require a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, to obtain permission to carry a concealed firearm.***

3. Any rules prescribed by the Board of Regents pursuant to subsection 2 before, on or after July 1, 2015, that are inconsistent with the provisions of subsection 2 are void.

Sec. 7. The Board of Regents of the University of Nevada shall, on or before September 1, 2015, prescribe the rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265 required by subsection 2 of NRS 396.110, as amended by section 6 of this act.

Sec. 8. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment authorizes a person who has a concealed firearm permit to carry a firearm capable of being concealed while on the property of Nevada System of Higher Education. The amendment allows a person authorized to carry a concealed firearm to possess a firearm inside a motor vehicle that is occupied, or if the motor vehicle is unoccupied, the motor vehicle is locked and the weapon is securely stored in a locked container attached to the motor vehicle while on the property of Nevada System of Higher Education, a private or public school or a child care facility. It also deletes provisions regarding providing concealed firearm information.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 30 deletes the requirement that school improvement plans be submitted by the principals of each school directly to the Governor, the Superintendent of Public Instruction, and the State Board of Education.

In addition to cleaning up the procedure, this bill gets us better data on English language learners. I urge the body's passage.

Roll call on Assembly Bill No. 30:
YEAS—41.
NAYS—None.
EXCUSED—Thompson.
Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 135 and 145 be rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 39.
Bill read third time.
Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:
Assembly Bill 39 limits the amount the State Board of Health may establish for the application fee to not exceed $2,000 for the Physician Visa Waiver Program.

Roll call on Assembly Bill No. 39:
YEAS—39.
NAYS—Jones, Wheeler—2.
EXCUSED—Thompson.
Assembly Bill No. 39 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 40.
Bill read third time.
Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:
Assembly Bill 40 exempts certain proceedings and actions of the State Gaming Control Board from the Open Meeting Law, including investigative hearings. The exemptions expire in four years. The bill also changes the name of the State Gaming Control Board to the Nevada Gaming Control Board.

Roll call on Assembly Bill No. 40:
YEAS—41.
NAYS—None.
EXCUSED—Thompson.
Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 42 removes the requirement that a radiation machine be used exclusively for mammography, thereby allowing the machine to be used for other procedures. The bill authorizes the State Board of Health to require any health care provider to report cases of cancer and other neoplasms. The fee imposed on a health care facility for abstracting records at the request of the Division of Public and Behavioral Health is removed. The criminal penalty for failure to comply with certain provisions is changed to an administrative penalty established by the Board.

The bill requires a qualified research facility that requests cancer-related data to be conducting valid scientific research. Lastly, A.B. 42 repeals the designation of the Nevada Cancer Institute as the official cancer institute of the state. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 42:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 44 provides that a judgment by confession may be entered without action in any justice court. The measure requires a written statement signed by the defendant to accompany the judgment. The statement must authorize the entry of judgment for a specified sum, including costs and attorney fees; include the facts on which the confession is based; and state the amount of debt due or contingent liability for which the judgment will be entered.

The written statement must be filed with the clerk of the court. The judgment may not be amended to include additional costs or attorney's fees incurred after the date of entry of the judgment. A judgment signed by the defendant before the effective date of the bill does not require a signed statement. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 44:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 46 removes a provision of current law requiring a court to include in a sentence any unpaid civil judgment ordered by a juvenile court that remains if the person has subsequently been convicted of a crime before satisfying the civil judgment.

Roll call on Assembly Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 52 clarifies that a public or private home, institution, or facility is responsible for a child's welfare if the child resides or receives care at the home, institution, or facility.

Roll call on Assembly Bill No. 52:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblymen Kirner, Carlton, Hickey, Armstrong, Diaz, and Fiore.

ASSEMBLYMAN KIRNER:

Assembly Bill 111 increases the number of semester credit hours that a community college student must maintain in order to be eligible for the Millennium Scholarship. This number of credit hours is increased from six credit hours to nine credit hours beginning in July 2015.

This bill also increases the amount of money the student may receive for a semester to not more than the cost of 13 credit hours per semester beginning July 2015, 14 credit hours beginning July 2016, and 15 credit hours beginning July 2017, but the total amount of money that such a student may receive remains unchanged at $10,000.

I believe, based on an inquiry made yesterday by my colleague from the south, there may be some confusion. This bill actually increases the reimbursement a student may receive. Today they can only receive up to 12 credit hours at a four-year university, and this graduates that up to 15 hours. However, if they take 12 hours, they get reimbursed for 12 hours. As it stands today, if they take 15 hours, they only get reimbursed for 12. This is an improvement and is designed to help our students graduate within four years.

ASSEMBLYWOMAN CARLTON:

I have to rise in opposition to Assembly Bill 111. As was just stated by the sponsor and the chair, this does allow the money to be drawn down more quickly. Being one of the few members left in this body who was here when this scholarship was established, I have concerns that if the money is drawn down quicker, the time value of that total pool of money will be diminished. We know it is only going to make it to 2017. If we draw that money down faster, the interest will not accumulate enough to be able to fulfill our obligations until 2017. I do not believe that was discussed in the policy committee.

I have concerns we are going to be leaving children behind, and they will be coming to us in the next legislative session saying You promised this to me, Where is the money? We will have to make up that promise to them because we have put that on the record. My concerns with this bill are not against the Millennium Scholarship. I am working toward supporting Complete College America; I am trying to get there on that policy. My concerns are purely fiscal—that there will not be enough money left at the end to take care of those kids.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 111. This bill is the result of studies done by our Nevada System of Higher Education [NSHE] Board and urges our students to graduate more quickly. Studies have shown that students who take a full load, where possible of 15 credits, have more of a chance of doing that. In that sense, this supports our workforce needs in the state. As has been said, this does not reduce the award to any Millennium recipient. For that reason, I urge this body's support.

ASSEMBLYMAN ARMSTRONG:

I rise in support of Assembly Bill 111. I want to congratulate my colleague from District 26 for bringing forth this bill. We owe it to our kids to not only start them in college, but to ensure their completion. I feel that Assembly Bill 111 does that and ensures that more of the kids that start will become the future leaders of the state of Nevada.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Assembly Bill 111. I do concur with the policy intent of my colleague from District 26. I know studies show that the more kids go to school full-time, the higher the likelihood they will actually graduate from our higher education institutions. However, we are penalizing some of our students, especially our low socioeconomic students. I am concerned that we are closing the door on them when they already cannot afford college.

If we want to make them go to school full time, we need to increase the 15 credits and cover those 15 credits completely, not do it in this 1-unit increment. You are defeating the purpose and the intention of the policy, because if you want kids to focus on graduation, if you want their money to go towards the end goal of graduating from college, then they should be taking classes that support that end. My fear is that with this one-credit increment at the university level, they are going to be taking classes that do not support the scope of their degree.

I am also concerned and have expressed a need for a hardship waiver. There are many kids in my community who have to help their households economically, and sometimes it is not feasible for them to go for the number of units we are establishing as law. Why are we penalizing kids that might be in a tough spot? We are just going to say We are not going to give you the money to go to school. We are not going to open the door. We are basically shutting it on them. If those two concerns were alleviated, I would most definitely support this policy decision.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 111. I really think that we will be doing our students a justice if we help them speed up their education.

ASSEMBLYMAN KIRNER:

To my colleague from District 14, I believe your data is not correct. You testified that the funding available for the Millennium Scholarship would expire in 2017. We had testimony in the Education Committee that suggested these numbers would go until at least 2020. I do believe that it is important at some point we come up with a mechanism to permanently fund this.

As to my other colleague from the south, I would disagree with her. I do not believe students would be looking for one credit. I believe they will be looking for the incremental three credits. They will only get reimbursed for 13 and then reimbursed for 14. As it is now, they take 15 credits, and they do not get reimbursed for 3 of those credits. We are moving in a fiscally responsible direction. I urge the body's support of this. I do believe there is a misunderstanding, and I apologize if I have not communicated that well enough.

Roll call on Assembly Bill No. 111:

YEAS—31.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Carlton, Carrillo, Diaz, Flores, Joiner, Munford, Swank—10.

EXCUSED—Thompson.

Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Remarks by Assemblymen Ellison and Titus.

ASSEMBLYMAN ELLISON:

Assembly Bill 136 allows a person to carry a firearm for self-defense when hunting with archery equipment or a muzzle-loading firearm. The firearm may not have a barrel length greater than eight inches or a telescopic sight. This bill also requires the Nevada Department of Wildlife to provide reasonable accommodations for persons with disabilities taking hunter education courses. This bill becomes effective on July 1, 2015.

ASSEMBLYWOMAN TITUS:

I would like to clarify Assembly Bill 136. The bill as originally presented had deleted some language, and then the bill was amended. Now the only thing this bill does is insert new language and provisions. Any deletion has remained current. When the Nevada Department of Wildlife sent it back to us, it was a bill they supported at the current level. The concerns about NRS 503.165—about loaded firearms in the cars or shooting across highways—none of those NRS have been changed.

Roll call on Assembly Bill No. 136:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 144 sets forth the legislative intent that members of the Executive Council of the State Land Use Planning Advisory Council—SLUPAC for short—should be representative of the geographic areas of the state. The bill also transfers responsibility for making recommendations and adopting proposed regulations for land use planning involving areas of critical environmental concern from the Executive Council to the SLUPAC. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 144:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 222 allows the Division of Public and Behavioral Health to impose administrative sanctions against a person who operates any facility for the dependent without a license. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 222:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 243 requires a county, provider of health care, or medical facility to provide counseling when a person receives a positive result on a rapid test for the human immunodeficiency virus, or HIV, recommending an additional test can be performed with a more accurate test or a different rapid test. A person who is not a licensed health care professional is authorized by this bill to perform certain tests for the detection of HIV if the person has received training on administration, infection control procedures, and counseling. The bill also prohibits the State Board of Health from adopting regulations that require a director of a laboratory that only performs certain tests for the detection of HIV to be a licensed physician or perform other duties.

I only regret that Assemblyman Thompson, who has worked so hard on this bill, is not here to introduce it, and I am proud to introduce it for him.

Roll call on Assembly Bill No. 243:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 333 authorizes a board of county commissioners of a county whose population is less than 700,000—currently all counties other than Clark County—to consolidate two or more fire protection districts if each district is contiguous to at least one other district, the territory of

each district is located entirely within the county, and the rates of certain taxes relating to fire protection levied by the board of county commissioners within each district are equal at the time of consolidation.

The consolidation may be initiated by the filing of a petition with the board of county commissioners by a majority of the owners of property within each such district or the adoption of a resolution by the board of county commissioners proposing consolidation of the districts.

This bill will provide for the merger of Sierra Fire and Truckee Fire Districts in Washoe County. These districts actually merged three years ago. They have one chief, one union, and one fire board, but they have two completely separate sets of books in terms of engines, bonding, audits, meetings held by the fire boards, and so forth. So this actually completes something that was started three years ago and financially puts them together.

I might also add that this would be my third bill heard today. The first bill was [Assembly Bill] 111 and passed, the second bill was 222 and passed, and this one would be 333. I urge my colleagues to support me, and if we can pass it, you might want to join me with my lottery ticket purchase this afternoon.

Roll call on Assembly Bill No. 333:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 20, 34, 41, and 45.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Kadlubek.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Eleanor Davis.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Eddie Tierney, Emilie Tierney, Josie Tierney, and Finn Tierney.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannie Lany, Chelyn Sawyer, and Sawyer Silberkraus.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Sprinkle.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, April 6, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:55 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 6, 2015

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

In this prayer, O God, we come to You as children to a loving Father. We pray that You will help our Assembly men and women face the problems that confront them, not alone, by giving them wisdom greater than their own, also by relieving their minds of all other anxieties. May they now turn over to You loved ones who need the healing touch of the Great Physician, with every confidence that You will hear our prayers of intercession, and as we do the work that is before us, You will do Your work of healing in those whom we love. May Your help be so plain and practical in our family affairs that we shall come to believe strongly in Your ability to solve the problems we face in guiding the thinking and planning of this state.

Deliver Your servants from personal worries that they may be able to give themselves wholly to the challenges of this hour.

AMEN.

Pledge of allegiance to the Flag.

Special musical presentation by Robert Bledsaw, Chaplain and Society Piper, Nevada Society of Scottish Clans, in honor of Tartan Day.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 126, 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 117, 121, 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 40, 44, 74, 158, 172, 193.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 7 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 31 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 6—Providing for the appointment of additional attaches for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Laurie Ault and Janel Davis are elected as additional attaches of the Assembly for the 78th Session of the Nevada Legislature.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:
The resolution provides for the hiring of an additional staff member.

Motion carried.

NOTICE OF EXEMPTION

April 3, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 430.

CINDY JONES
Fiscal Analysis Division

April 6, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 181, 229, 242, 281, 286, 299, 300, 303, 304, 306, 311, 322, 323, 325, 326, 336, 341, 342, 345, 350, 353, 354, 355, 359, 364, 368, 372, 376, 378, 382, 390, 396, 398, 403, 405, 406, 408, 410, 412, 431, 454, 463 and 464.

CINDY JONES
Fiscal Analysis Division

April 6, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 128.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 277, 299, 351, 372, 383, 460, 461 and 509.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 40.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 44.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 74.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 158.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 172.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 193.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 8.

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; prohibiting certain ~~[~~interstate~~]~~ transfers of children; ~~[~~making various changes relating to the appointment of short-term guardians of children;~~]~~ **prohibiting the trafficking of children;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person or organization, other than an agency which provides child welfare services or a licensed child-placing agency, who advertises in any periodical or newspaper, or by radio or other public medium, that the person or organization will place children for adoption or accept, supply, provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310) **Section 1** of this bill specifically applies this prohibition to a person or organization who advertises through a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

~~[Existing law authorizes a parent, without court approval, to appoint in writing a short-term guardianship for his or her minor child under certain circumstances. The short-term guardian appointed by the parent serves as the guardian of the minor child for not more than 6 months. (NRS 159.205) Sections 2 and 3 of this bill establish a procedure by which the appointment of the short-term guardian may remain in effect for longer than 6 months if the person who is appointed as the short-term guardian is related to the child within the third degree of consanguinity or is approved by a court of competent jurisdiction. Under sections 2 and 3, if the short-term guardian is related to the child within the third degree of consanguinity, the appointment of the short-term guardian may remain in effect for more than 6 months. In determining whether the appointment of a short-term guardian who is not related to a child within the third degree of consanguinity may remain in effect, the best interests of the child must be the prevailing factor and the court must also consider whether the short-term guardian would be fit, willing and able to exercise the guardianship, the reasons for the appointment and the amount of support that the parent is willing and able to provide to the guardian during the term of the guardianship.~~

~~Existing law enacts the Interstate Compact on the Placement of Children to govern the interstate placement of children. (NRS 127.320) Under this Compact, any person, governmental entity or court in a state who sends, brings or causes to be sent or brought into another state any child for placement in foster care or as a preliminary to a possible adoption must comply with the provisions of the Compact. (NRS 127.330)~~

Section 4 of this bill **enacts provisions prohibiting the trafficking of children. Section 4** provides that a person ~~who sends a child out of this State, brings a child into this State or causes a child to be sent out of this State or brought into this State for the purpose of permanently transferring physical custody of the child to a person who is not related within the third degree of consanguinity is guilty of a misdemeanor, unless the placement of the child is authorized pursuant to the Compact or is approved by a court of competent jurisdiction in the sending or receiving state.~~ **shall not recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of a child or a person with custody of a child places the child in the physical custody of another person who is not related to the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child. Section 4 further provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates section 4 is guilty of a category C felony, and section 5 of this bill requires a court to order that a person convicted of a violation of section 4 pay restitution to the victim of the crime.**

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

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, any person or organization other than an agency which provides child welfare services who, without holding a valid unrevoked license to place children for adoption issued by the Division:

(a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

(b) Advertises ~~[~~in any periodical or newspaper, or by radio or other public medium,~~]~~ that he or she will place children for adoption ~~[,]~~ ***or permanent free care,*** or accept, supply, provide or obtain children for adoption ~~[,]~~ ***or permanent free care,*** or causes any advertisement to be ~~[~~published in or by any public medium~~]~~ ***disseminated*** soliciting, requesting or asking for any child or children for adoption ~~[,]~~ ***or permanent free care,***

➥ is guilty of a misdemeanor.

2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.

3. A periodical, newspaper, radio station ***, Internet website*** or other public medium is not subject to any criminal penalty or civil liability for ~~[~~publishing or broadcasting~~]~~ ***disseminating*** an advertisement that violates the provisions of this section.

4. A child-placing agency shall include in any advertisement concerning its services ~~[~~published in any periodical or newspaper or by radio or other public medium~~]~~ a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and

(b) Indicates any license number issued to the child-placing agency by the Division.

5. As used in this section:

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor advertising, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 2. ~~[~~Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. An appointment of a short-term guardian pursuant to NRS 159.205 may remain in effect for longer than 6 months if the person who is appointed as the short-term guardian is related to the child within the third degree of consanguinity or the appointment is approved by a court of competent jurisdiction as provided in this section.*~~

~~*2. A parent who wishes to extend the appointment of a short-term guardian who is not related to the child within the third degree of consanguinity must file a petition with the court requesting approval of such appointment pursuant to subsection 1. The petition must include:*~~

~~*(a) The name, address and date of birth of the child subject to the guardianship.*~~

~~*(b) The names and addresses of the parents of the child.*~~

~~*(c) The name and address of the person nominated as guardian and the relationship of the person to the child.*~~

~~*(d) A statement regarding whether the parent wishes to give the guardian full parental power regarding the care and custody of the child or partial parental power regarding the care and custody of the child and, if the parent*~~

~~*wishes to give partial parental power, the specific powers that the parent wishes to delegate and any limitations on those powers.*~~

~~*(c) The proposed term of the guardianship, the reasons for the guardianship and whether the parent proposes to provide any support to the guardian during the term of the guardianship. If so, the petition must indicate the amount of support the parent will provide.*~~

~~*(f) Facts and circumstances showing that the guardianship would be in the best interests of the child and that the person nominated as the guardian is fit, willing and able to exercise that appointment.*~~

~~*(g) If the appointment is being facilitated by an agency which provides child welfare services or a child placing agency, facts and circumstances showing that the agency which provides child welfare services or the child placing agency, as applicable, is authorized to facilitate that appointment.*~~

~~*3. The court shall hold a hearing on a petition filed pursuant to subsection 1 within 45 days after the filing of the petition. The petitioner shall cause the petition and notice of the time and place of the hearing to be served not later than 10 days before the hearing on:*~~

~~*(a) The child, if the child is 12 years of age or older;*~~

~~*(b) The guardian ad litem and counsel of the child, if any;*~~

~~*(c) The parents of the child;*~~

~~*(d) Any guardian, legal custodian or physical custodian of the child; and*~~

~~*(e) Any agency which provides child welfare services or child placing agency that is facilitating the guardianship.*~~

~~*4. At the hearing, the court shall first determine whether any party wishes to contest the petition. If the petition is not contested, the court shall immediately proceed to a fact finding and dispositional hearing unless an adjournment is requested. If the petition is contested or if an adjournment is requested, the court shall set a date for a fact finding and dispositional hearing that allows reasonable time for the parties to prepare but is not later than 30 days after the initial hearing. At the fact finding and dispositional hearing, any party may present evidence and argument relating to the allegations in the petition.*~~

~~*5. In determining the appropriate disposition of a petition filed pursuant to subsection 1, the best interests of the child must be the prevailing factor to be considered by the court. The court shall also consider whether the person nominated as the short term guardian would be fit, willing and able to exercise the guardianship, the reasons for the appointment and the amount of support that the parent is willing and able to provide to the guardian during the term of the guardianship.*~~

~~*6. At the conclusion of the fact finding and dispositional hearing, the court shall grant one of the following dispositions unless the court adjourns the hearing pursuant to subsection 7:*~~

~~*(a) A disposition dismissing the petition, if the court finds that the petitioner has not proved the allegations in the petition by clear and*~~

~~*convincing evidence or determines that approval of the proposed guardianship is not in the best interests of the child; or*~~

~~*(b) A disposition approving the proposed guardianship, if the court finds that the petitioner has proved the allegations in the petition by clear and convincing evidence and determines that the proposed guardianship is in the best interests of the child. The disposition may also designate an amount of support to be paid by the child's parent to the guardian. If the court approves the proposed guardianship, the parent and the person appointed as guardian may execute a power of attorney as approved by the court.*~~

~~*7. If, at the conclusion of the fact-finding and dispositional hearing, the court finds that the petitioner has proved the allegations in the petition by clear and convincing evidence but that the person nominated as the short-term guardian is not fit, willing and able to serve as guardian or that appointment of that person as guardian would not be in the best interests of the child, the court may, in lieu of granting a disposition dismissing the petition pursuant to paragraph (a) of subsection 6, adjourn the hearing for not more than 30 days and request the petitioner or any other party to nominate a different person as the short-term guardian.*~~

~~*8. As used in this section:*~~

~~*(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*~~

~~*(b) "Child placing agency" has the meaning ascribed to it in NRS 127.220.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 159.205 is hereby amended to read as follows:~~

~~159.205 1. Except as otherwise provided in this section or NRS 127.045, a parent, without the approval of a court, may appoint in writing a short-term guardianship for an unmarried minor child if the parent has legal custody of the minor child.~~

~~2. The appointment of a short-term guardianship is effective for a minor who is 14 years of age or older only if the minor provides written consent to the guardianship.~~

~~3. The appointment of a short-term guardian does not affect the rights of the other parent of the minor.~~

~~4. A parent shall not appoint a short-term guardian for a minor child if the minor child has another parent:~~

~~(a) Whose parental rights have not been terminated;~~

~~(b) Whose whereabouts are known; and~~

~~(c) Who is willing and able to make and carry out daily child care decisions concerning the minor,~~

~~unless the other parent of the minor child provides written consent to the appointment.~~

~~5. The written instrument appointing a short-term guardian becomes effective immediately upon execution and must include, without limitation:~~

~~(a) The date on which the guardian is appointed;~~

~~(b) The name of the parent who appointed the guardian, the name of the minor child for whom the guardian is appointed and the name of the person who is appointed as the guardian; and~~

~~(c) The signature of the parent and the guardian in the presence of a notary public acknowledging the appointment of the guardian. The parent and guardian are not required to sign and acknowledge the instrument in the presence of the other.~~

~~6. [The]~~ ***~~Except as otherwise provided in section 2 of this act, the~~*** ~~short-term guardian appointed pursuant to this section serves as guardian of the minor for 6 months, unless the written instrument appointing the guardian specifies a shorter term or specifies that the guardianship is to terminate upon the happening of an event that occurs sooner than 6 months.~~

~~7. Only one written instrument appointing a short-term guardian for the minor child may be effective at any given time.~~

~~8. The appointment of a short-term guardian pursuant to this section:~~

~~(a) May be terminated by an instrument in writing signed by either parent if that parent has not been deprived of the legal custody of the minor.~~

~~(b) Is terminated by any order of a court of competent jurisdiction that appoints a guardian.]~~ **(Deleted by amendment.)**

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person ~~[who sends a child out of this State or brings a child into this State, or causes a child to be sent out of this State or brought into this State, for the purpose of permanently transferring physical custody of the child to a person who is not related to the child within the third degree of consanguinity is guilty of a misdemeanor.]~~ shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or

physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330 ~~[.~~ ~~(b)]~~ , 159.205 or 159.215;

(e) A placement of a child that is approved by a court of competent jurisdiction ~~[of the sending state or receiving state.]~~ ; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 5. **NRS 200.469 is hereby amended to read as follows:**

200.469 1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 ***or section 4 of this act*** to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468 ***~~[.]~~ or section 4 of this act.***

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 ***or section 4 of this act*** has been committed; or

(b) Who is the surviving child of such a person.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 8 to Assembly Bill 8 deletes sections 2, 3, and 4 of the bill. The amendment adds a new section that prohibits the use of electronic means to traffic a child, including the transferring, recruiting, soliciting, or advertising to obtain a child. In addition, a person is prohibited from selling, transferring, or arranging for the sale, transfer or receiving of a child to another person or entity for money or anything of value. Lastly, a person is guilty of a category C felony if the person with custody traffics the child with the intention of permanently divesting themselves of responsibility of the child.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

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

Amendment No. 15.

SUMMARY—Makes requirements for management of bad debts consistent among ~~[all]~~ agencies of the Executive Branch of the State Government. (BDR 18-457)

AN ACT relating to state financial administration; revising the process for ~~[declaring]~~ **designating** certain debts owed to the Division of Industrial Relations of the Department of Business and Industry and to the **State** Gaming Control Board as bad debts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Controller to ~~[submit to]~~ **request that** the State Board of Examiners **designate as a bad debt** a debt owed to the State that has become impossible or impractical to collect. If the State Board of Examiners concurs **, by affirmative majority vote,** that the debt is impossible or impractical to collect, it may designate the debt as a bad debt and the State Controller may remove the debt from the books of account of the State. (NRS 353C.220) Under existing law, the Division of Industrial Relations of the Department of Business and Industry **,** ~~[,]~~ and the Nevada Gaming Commission **,** on behalf of the **State** Gaming Control Board, may remove **bad** debts **from its records** without action of the State Board of Examiners. (NRS 232.550, 463.120) This bill ~~[authorizes]~~ **transfers to** the ~~[State Controller to submit]~~ **State Board of Examiners the authority to designate** debts of the Division and the **State** Gaming Control Board ~~[for designation]~~ as bad debts ~~[by the State Board of Examiners.]~~ **and to cause the removal of those debts from the books of account of the State.**

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before January 15 of each year, the Administrator shall prepare and furnish to the Council a report that shows all debts owed to the Division that became or remained delinquent during the preceding year. The Administrator shall include in the report the amount of any delinquent debt that the Division determines is impossible or impractical to collect.

2. For any amount of debt the Division determines is impossible or impractical to collect, the Council shall request the State Board of Examiners designate such amount as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the Board, may designate the debt as bad debt if the Board is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The Council may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.

3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Sec. 2. NRS 232.550 is hereby amended to read as follows:

232.550 As used in NRS 232.550 to 232.700, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Director" means the Director of the Department of Business and Industry.

3. "Division" means the Division of Industrial Relations of the Department of Business and Industry.

4. "Insurer" includes:

(a) A self-insured employer;

(b) An association of self-insured public employers;

(c) An association of self-insured private employers; and

(d) A private carrier.

Sec. 3. NRS 232.600 is hereby amended to read as follows:

232.600 1. The Council shall act in an advisory capacity to the Administrator and may, on its own initiative or at the request of the Administrator, conduct studies or investigations concerning the organization and administration of the Division and make recommendations to the Administrator based on the results of such studies or investigations.

2. The Council shall review on a quarterly basis the records of oral complaints compiled by the Division pursuant to NRS 618.336. Upon completing its review, the Council shall submit any comments or recommendations regarding the complaints or the records to the Administrator.

~~[3. The Council, by the affirmative vote of a majority of its members, may remove from the records of the Division the name of a debtor and the amount of any debt owed by the debtor, if 3 years have elapsed since the debt was incurred and the Council determines that the debt remains impossible or impractical to collect. The Division shall establish a master file containing the information removed from its official records pursuant to this subsection.]~~

Sec. 4. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before January 15 of each year, the Board shall prepare and furnish to the Commission a report that shows all debts owed to the Board that became or remained delinquent during the preceding year. The Board shall include in the report the amount of any delinquent debt that the Board determines is impossible or impractical to collect.

2. For any amount of debt the State Gaming Control Board determines is impossible or impractical to collect, the ~~[Commission]~~ State Gaming Control Board shall request that the State Board of Examiners designate such amount as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the State Board ~~[,]~~ of Examiners, may designate the debt as bad debt if the State Board of Examiners is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The ~~[Commission]~~ State Gaming Control Board may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.

3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and

any other information concerning the debt that the State Controller determines is necessary.

Sec. 5. NRS 463.120 is hereby amended to read as follows:

463.120 1. The Board and the Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board and the Commission. These records are open to public inspection.

2. The Board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The Board and the Commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this section, all information and data:

(a) Required by the Board or Commission to be furnished to it under chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's or natural person's criminal record, antecedents and background which have been furnished to or obtained by the Board or Commission from any source;

(c) Provided to the members, agents or employees of the Board or Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;

(d) Obtained by the Board from a manufacturer, distributor or operator, or from an operator of an inter-casino linked system, relating to the manufacturing of gaming devices or the operation of an inter-casino linked system; or

(e) Prepared or obtained by an agent or employee of the Board or Commission pursuant to an audit, investigation, determination or hearing,

➥ are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The Board and Commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the Board or Commission.

5. Notwithstanding any other provision of state law, any and all information and data prepared or obtained by an agent or employee of the Board or Commission relating to an application for a license, a finding of suitability or any approval that is required pursuant to the provisions of chapters 462 to 466, inclusive, of NRS or any regulations adopted pursuant thereto, are confidential and absolutely privileged and may be revealed in whole or in part only in the course of the necessary administration of such provisions and with specific authorization and waiver of the privilege by the Board or Commission. The Board and Commission may reveal such

information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.

6. Before the beginning of each legislative session, the Board shall submit to the Legislative Commission for its review and for the use of the Legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

7. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Commission.

8. The files, records and reports of the Board are open at all times to inspection by the Commission and its authorized agents.

9. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada Tax Commission must be made available to the Board and the Nevada Gaming Commission as is necessary to the administration of this chapter.

~~[10. The Nevada Gaming Commission, by the affirmative vote of a majority of its members, may remove from its records the name of a debtor and the amount of tax, penalty and interest, or any of them, owed by the debtor, if after 5 years it remains impossible or impracticable to collect such amounts. The Commission shall establish a master file containing the information removed from its official records by this section.]~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies the language of the bill specifying the role of the State Gaming Control Board and the State Board of Examiners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 23.

Bill read second time.

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

Amendment No. 85.

AN ACT relating to elections; ~~[clarifying the authority of]~~ **revising provisions governing regulations that** the Secretary of State **must adopt** regarding ~~[interpretations and other actions necessary for the effective administration of certain statutes and regulations;]~~ **the conduct of elections; changing the date of the general city election in certain cities that hold such elections in odd-numbered years; amending provisions relating to committees for political action and independent expenditures made for**

the purpose of affecting the outcome of elections; revising the beginning and ending dates of the period during which certain limits apply to the amount that may be committed or contributed to a candidate or a legal defense fund; providing that a petition to recall a public officer may only be signed by a registered voter who actually voted in the election at which the public officer was elected; **revising other provisions governing recall petitions and elections;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[~~authorizes~~]~~ **requires** the Secretary of State to ~~[~~provide interpretations and take other actions necessary for the effective administration of statutes and~~]~~ **adopt** regulations governing the conduct of primary, general, special and district elections. (NRS 293.247) **Section 1** of this bill ~~[~~clarifies that the Secretary of State may provide interpretations and take other actions necessary for the effective administration of all of the provisions of title 24 of NRS and any regulations adopted pursuant thereto, including statutes and~~]~~ **makes various changes to the types of** regulations **that the Secretary of State must adopt** governing the conduct of elections.

Existing law provides that certain cities must hold a general city election on the first Tuesday after the first Monday in June in odd-numbered years. (NRS 293C.140, 293C.145; Boulder City Charter § 96; Caliente City Charter § 5.010; Henderson City Charter § 5.020; Las Vegas City Charter § 5.020; North Las Vegas City Charter § 5.010; Yerington City Charter § 5.010) Sections 1.3, 1.5, 7-13 and 15 of this bill change the date of the general city election in those cities so that it occurs 1 week later on the second Tuesday after the first Monday in June in odd-numbered years. Sections 4-6 of this bill make the same change in the election date to the second Tuesday after the first Monday in June in odd-numbered years for certain local special elections seeking voter approval of certain local taxes and debt obligations. (NRS 350.020, 354.5982, 387.3285)

During the 77th Session of the Legislature in 2013, the Legislature enacted legislation that amended the definition of the term "committee for political action" in the campaign finance laws to include certain businesses or organizations that make expenditures of a certain amount in a calendar year for the purpose of affecting the outcome of any election or question on the ballot. (NRS 294A.0055, 294A.230; chapter 259, Statutes of Nevada 2013, pp. 1149-51) In 2013, the Legislature also enacted legislation that added a definition of the term "independent expenditure" to the campaign finance laws, but this newly defined term was not incorporated into the definition of the term "committee for political action." (NRS 294A.0077; chapter 425, Statutes of Nevada 2013, p. 2379) Sections 1.7 and 2.1 of this bill harmonize the 2013 legislation by incorporating the term "independent expenditure" into the definition of the term "committee for political action."

Under existing law, a person may not contribute or commit to contribute more than $5,000 for a primary election and $5,000 for a general election to a

candidate for state, district, county or township office during the period beginning 30 days before the start of the regular session of the Legislature immediately after a general election for that office and ending 30 days before the start of the regular session of the Legislature immediately following the next general election for that office. During the same period, a person is prohibited from making or committing to make a contribution to a legal defense fund of a candidate or public officer in an amount which exceeds $10,000. Existing law also prohibits a candidate or public officer, as applicable, from accepting a contribution or commitment to make a contribution in excess of those amounts. (Nev. Const. Art. 2, § 10, NRS 294A.100, 294A.287) **Section 2** of this bill changes the period to which those contribution limits apply so that the period begins on January 1 immediately after a general election for an office and ends on December 31 immediately after the next general election for that office.

Existing law provides that a violation of the contribution limits to a candidate or a legal defense fund is a category E felony. (NRS 294A.100, 294A.287) **Section ~~[4]~~ 14** of this bill provides that certain contributions made or committed to be made under existing law at the end of the contribution periods in early January 2011, 2013 or 2015 shall be deemed to have been made or committed to be made on December 31, 2010, 2012 or 2014, respectively, so that no person is guilty retrospectively of committing a crime as a result of the changes made by **section 2**.

Existing law requires a committee for the recall of a public officer to report certain contributions received and expenditures made by the committee during its recall efforts. Existing law also requires such a committee to comply with the reporting requirements when it does not submit a legally sufficient recall petition to the filing officer before the expiration of the period for circulating the petition for signatures. (NRS 294A.270, 294A.280) Sections 2.3 and 2.5 of this bill clarify that such a committee must comply with the reporting requirements if it: (1) fails to submit the petition to the filing officer; (2) submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures; or (3) otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures.

~~[In]~~ **Finally, in** *Strickland v. Waymire*, 126 Nev. 230, 240 (2010), the Nevada Supreme Court held that Section 9 of Article 2 of the Nevada Constitution provides that, "[w]hile all registered voters can vote at a special recall election, only voters who voted at the relevant baseline election can qualify a recall petition" by signing a petition for the recall. **Section 3** of this bill conforms ~~[statute]~~ **existing law** to this ruling. (NRS 306.020)

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

Section 1. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) ~~[The duties of election boards;~~

~~(b) The type and amount of election supplies;~~

~~(c)]~~ The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

~~[(d) The method to be used in distributing ballots to precincts and districts;~~

~~(e) The method of inspection and the disposition of ballot boxes;~~

~~(f)]~~ ***(b)*** The form and placement of instructions to voters;

~~[(g) The recess periods for election boards;~~

~~(h) The size, lighting and placement of voting booths;~~

~~(i) The amount and placement of guardrails and other furniture and equipment at voting places;~~

~~(j)]~~ ***(c)*** The disposition of election returns;

~~[(k)]~~ ***(d)*** The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

~~[(l)]~~ ***(e)*** The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

~~[(m)]~~ ***(f)*** The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

~~[(n)]~~ ***(g)*** The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

~~[(o) The procedures to be used for the disposition of absent ballots in case of an emergency;~~

~~(p)]~~ ***(h)*** The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;

~~[(q)]~~ ***(i)*** The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~[(r)]~~ ***(j)*** Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the ~~*[provisions of this title and any regulations adopted pursuant thereto, including, without limitation,]*~~ statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 1.3. **NRS 293C.140 is hereby amended to read as follows:**

293C.140 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population categories one and two on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.

Sec. 1.5. **NRS 293C.145 is hereby amended to read as follows:**

293C.145 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population category three on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to

NRS 293C.115. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 1.7. **NRS 294A.0055 is hereby amended to read as follows:**

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes ***independent*** expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes ***independent*** expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of

incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 2. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning ~~[from 30 days before the regular session of the Legislature]~~ ***January 1 of the year*** immediately following the last general election for the office and ending ~~[30 days before the regular session of the Legislature]~~ ***December 31*** immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2.1. **NRS 294A.230 is hereby amended to read as follows:**

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making ***independent*** expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making ***independent*** expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of

paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose a civil penalty.

Sec. 2.3. **NRS 294A.270 is hereby amended to read as follows:**

294A.270 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution received or made by the committee for the recall of a public officer during the period in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a petition for the recall of a public officer is not ~~[filed]~~ ***submitted to the filing officer*** before the expiration of the notice of intent ~~,~~ ***pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,*** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee for the recall of a public officer, and each contribution made by the committee for the recall of a public officer in excess of $100 and contributions made to one recipient which cumulatively exceed $100. ***The provisions of this subsection apply to the committee for the recall of a public officer if the committee:***

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that the petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the contributor or recipient and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation.

Sec. 2.5. **NRS 294A.280 is hereby amended to read as follows:**

294A.280 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer during the period in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a petition for the recall of a public officer is not ~~[filed]~~ ***submitted to the filing officer*** before the expiration of the notice of intent ~~[,]~~ ***pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,*** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100. ***The provisions of this subsection apply to the committee for the recall of a public officer if the committee:***

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that a petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each expenditure made by the committee for the recall of

a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th of the second month after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

Sec. 3. NRS 306.020 is hereby amended to read as follows:

306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the State or of the county, district or municipality that the public officer represents, as provided in this chapter and Section 9 of Article 2 of the Constitution of the State of Nevada. A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.

2. The petition to recall a public officer may be signed by any registered voter of the State or of the county, district, municipality or portion thereof that the public officer represents ~~[, regardless of whether the registered voter cast a ballot]~~ ***who actually voted*** in the election at which the public officer was elected.

3. The petition must, in addition to setting forth the reason why the recall is demanded:

(a) Contain the residence addresses of the signers and the date that the petition was signed;

(b) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

(c) Contain at the top of each page and immediately above the signature line, in at least 10-point bold type, the words “Recall Petition”;

(d) Include the date that a notice of intent was filed; and

(e) Have the designation: "Signatures of registered voters seeking the recall of ..... (name of public officer for whom recall is sought)" on each page if the petition contains more than one page.

Sec. 4. **NRS 350.020 is hereby amended to read as follows:**

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June of an odd-numbered year, ***whether or not the municipality also holds a general municipal election on that date,***

➥ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for

which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the

current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 5. **NRS 354.5982 is hereby amended to read as follows:**

354.5982 1. The local government may exceed the limit imposed by NRS 354.59811 upon the calculated receipts from taxes ad valorem only if its governing body proposes to its registered voters an additional property tax, and the proposal is approved by a majority of the voters voting on the question at a general election, a general city election or a special election called for that purpose. The question submitted to the voters must contain the rate of the proposed additional property tax stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question. The duration of the levy must not exceed 30 years. The governing body may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition.

2. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election, if the governing body of the local government determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June of an odd-numbered year ~~[.]~~ ***, whether or not the local government also holds a general city election on that date.***

3. The determination made by the governing body pursuant to subsection 2 that an emergency exists is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this

subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the local government to prevent or mitigate a substantial financial loss to the local government or to enable the governing body to provide an essential service to the residents of the local government.

4. To the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 for a local government, the Executive Director of the Department of Taxation shall add any amount approved by the Legislature for the cost to that local government of any substantial program or expense required by legislative enactment.

Sec. 6. **NRS 387.3285 is hereby amended to read as follows:**

387.3285 1. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is fewer than 25,000 pupils may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 75 cents on each $100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

2. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is 25,000 pupils or more may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 50 cents on each $100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

3. Any money collected pursuant to this section must be deposited in the county treasury to the credit of the fund for capital projects to be held and, except as otherwise provided in NRS 387.3287, to be expended in the same manner as other money deposited in that fund.

4. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election if the board of trustees of the school district determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June of an odd-numbered year ~~[.]~~ ***, whether or not any local government also holds a general city election on that date.***

5. The determination made by the board of trustees pursuant to subsection 4 that an emergency exists is conclusive unless it is shown that the board of trustees acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board of trustees must be commenced within 15 days after the determination made by board of trustees is final. As used in this subsection, "emergency" means an unexpected occurrence or combination of occurrences that requires immediate action by the board of trustees of the school district to prevent or mitigate a substantial financial loss to the school district or to enable the board of trustees to provide an essential service.

Sec. 7. **Section 96 of the Charter of Boulder City is hereby amended to read as follows:**

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess

of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

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

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 8. **Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:**

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) ~~[On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~(b)]~~ On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1975,]~~ ***2019,*** and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal

election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.~~

~~(d)~~ ***(b)*** On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1977,]~~ ***2017,*** and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

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

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

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 9. **Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:**

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

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

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

(c) On the ***second*** Tuesday after the first Monday in June ~~[2001,]~~ ***2019,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a

Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the ***second*** Tuesday after the first Monday in June ~~[2003]~~ ***2021,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the ***second*** Tuesday after the first Monday in June ~~[2005,]~~ ***2017,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

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

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

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

Sec. 10. **Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:**

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular

meeting of the City Council after the ***second*** Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 11. **Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:**

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the ***second*** Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

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

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

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

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

Sec. 12. **Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 962, is hereby amended to read as follows:**

Sec. 5.010 General municipal elections.

1. Except as otherwise provided in section 5.025:

(a) On the ***second*** Tuesday after the first Monday in June ~~[1977,]~~ ***2017,*** and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the ***second*** Tuesday after the first Monday in June ~~[1975,]~~ ***2019,*** and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 13. **Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:**

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1975,]~~ ***2019,*** and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1977,]~~ ***2017,*** and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

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

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

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

~~[Sec. 4.]~~ ***Sec. 14.*** 1. For the purposes of NRS 294A.100, as amended by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to a candidate for an office having a term of 6 years, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office described in paragraph (a) who, on or after January 1, 2011, and on or before January 8, 2011, accepted a contribution or

a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to a candidate for an office having a term of 4 years or more, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office described in paragraph (c) who, on or after January 1, 2013, and on or before January 5, 2013, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to a candidate for an office having a term of 2 years or more, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office described in paragraph (e) who, on or after January 1, 2015, and on or before January 3, 2015, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

2. For the purposes of NRS 294A.287, as affected by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 6 years or a public officer who held such an office, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office or a public officer who held an office described in paragraph (a), the last preceding general election for which was in 2010, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2011, and on or before January 8, 2011, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 4 years or more or a public officer who held such an office, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office or a public officer who held an office described in paragraph (c), the last preceding general election for which was in 2012, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2013, and on or before January 5, 2013, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 2 years or more or a public officer who held such an office, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office or a public officer who held an office described in paragraph (e), the last preceding general election for which was in 2014, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2015, and on or before January 3, 2015, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

3. Nothing in this section authorizes a person to make a contribution or commitment to make a contribution, or a candidate or public officer to accept a contribution or commitment to make a contribution, in excess of the limits set forth in NRS 294A.100 or 294A.287.

Sec. 15. **The amendatory provisions of this act do not abrogate or affect the current term of office of any municipal officer who is serving in that office on January 1, 2016.**

~~[Sec. 5.]~~ ***Sec. 16.*** **1.** This **section and sections 1, 1.7 to 3, inclusive, and 14 of this** act ~~[becomes]~~ **become** effective on July 1, 2015.

2. Sections 1.3, 1.5, 4 to 13, inclusive, and 15 of this act become effective on January 1, 2016.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 23 relates to elections and campaign finance reports. Amendment 85 deletes from the regulations prescribed by the Secretary of State certain functions relating to the conduct of elections. It changes the date of the general city elections to the second Tuesday after the first Monday in June in odd-numbered years and makes conforming changes in city charters. It also incorporates the term "independent expenditure" into the definition of political action committee. It clarifies that a committee for the recall of a public officer must comply with reporting requirements under certain conditions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time.

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

Amendment No. 252.

SUMMARY—Authorizes payroll offsets to recover **money related to** delinquent balances on state-issued travel charge cards. (BDR 23-458)

AN ACT relating to public officers and employees; authorizing payroll offsets to recover **money related to** delinquent balances on state-issued travel charge cards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law and administrative regulations, the Department of Administration may contract with a charge card provider to provide charge cards to state officers and employees for the purpose of paying travel-related expenses. (NRS 281.160-281.175; State Administrative Manual §§ 230-236) Under this program, it is the officer's or employee's responsibility to pay the balance due on the charge card. This bill allows the State to deduct from the officer's or employee's paycheck any amounts required to pay off a delinquent balance on a charge card that has not been paid by the officer or employee **~~[.]~~ or to pay an amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance.**

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

Section 1. NRS 281.1745 is hereby amended to read as follows:

281.1745 ***1.*** When an officer or employee uses a charge card issued at the request of the State for cash advances or travel expenses, or both, and the receipt of the travel reimbursement may be delayed more than 5 working days after the date of the initial submission of the travel reimbursement claim, the administrative head or the designee of the administrative head shall immediately issue to the officer or employee, for payment to the issuer of the charge card issued at the request of the State, a cash advance as described in NRS 281.172 in the amount of the total travel expenses charged on the charge card.

2. If an officer or employee who has been issued a charge card at the request of the State for cash advances or travel expenses, or both, fails timely to pay the travel expenses charged on the card, with the result that the charge card incurs a delinquent balance, the State may withhold from the officer's or employee's regular pay, or final payment received upon termination of the officer's or employee's employment, an amount that is not more than the amount required to pay the delinquent balance ~~[.]~~ or the amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance. Any amount withheld from an officer's or employee's pay pursuant to this section shall, as soon as practicable, be remitted to the ~~[issuer of the charge card]~~ State as payment for the delinquent balance ~~[.]~~ or the amount deducted from or offset against any rebate issued to the State by the issuer of the charge card related to the delinquent balance.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment allows the state to pay an amount deducted from or offset against any rebate issued to the state by the issuer of the charge card related to the delinquent balance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 53.

Bill read second time.

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

Amendment No. 114.

AN ACT relating to administrative procedure; revising provisions governing the standard of proof in administrative hearings; making various other changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act sets forth the minimum procedural requirements for the adjudication procedure of agencies of the Executive Department of the State Government that are subject to the Act. (NRS 233B.020) ~~[With certain exceptions, existing law allows costs to the prevailing party against any adverse party against whom judgment is rendered in certain civil actions. (NRS 18.020) Sections 3 and 12 of this bill prohibit the award of costs in any proceeding commenced by the filing of a petition for judicial review. (NRS 233B.130)]~~

Section 5 of this bill provides that ~~[an informal disposition of a contested case under the Act may include]~~ the voluntary surrender of a license ~~[and, with respect to]~~ **in** a contested case ~~[involving a license,]~~ will constitute disciplinary action against the licensee. **Section 5** also requires a party who requests the transcription of oral proceedings to pay for the costs of the transcription.

Under the Act, applications for the grant, denial or renewal of a license are a contested case for purposes of the application of the procedural requirements of the Act only if notice and opportunity for hearing are required to be provided to the applicant before the grant, denial or renewal of the license. (NRS 233B.127) **Section 8** of this bill clarifies that, to be a contested case, the provision of notice and opportunity for hearing must be required by statute or regulation.

Section 9 of this bill specifies the manner in which a petition for judicial review is required to be served. **Section 10** of this bill extends from 30 days to 45 days the period after the service of a petition for judicial review in which certain records are required to be transmitted to the reviewing court and also imposes a duty on the party who filed the petition to transmit to the reviewing court an original or certified copy of the transcript of the evidence. **Section 13** of this bill makes it discretionary instead of mandatory for a regulatory body that initiates disciplinary proceedings against a licensee to require the licensee to submit his or her fingerprints.

The Nevada Supreme Court recently clarified that the standard of proof that is required to be used by administrative agencies in administrative hearings is a preponderance of the evidence. (*Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op. No. 27, 327 P.3d 487 (2014)) **Sections ~~[1,]~~ 2, 5, 7 ~~[, 11]~~ and 14-27** of this bill revise the standard of proof for administrative hearings in existing law to conform to the preponderance-of-the-evidence standard in the *Nassiri* opinion. **Section 11 of this bill codifies into statute the definition of "substantial evidence" in case law for purposes of the standard for judicial review. (*See, e.g., State Empl't Sec. Dept. v. Hilton Hotels Corp.*, 102 Nev. 606 (1986))**

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

Section 1. Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Preponderance of the evidence" means evidence that enables a trier of fact to determine that the existence of the contested fact is more probable than the nonexistence of the contested fact.***

Sec. 3. ~~***[Costs must not be allowed in any proceeding commenced by the filing of a petition for judicial review pursuant to NRS 233B.130.]***~~ **(Deleted by amendment.)**

Sec. 4. NRS 233B.030 is hereby amended to read as follows:

233B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233B.031 to 233B.0385, inclusive, ***and section 2 of this act,*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 233B.121 is hereby amended to read as follows:

233B.121 1. In a contested case, all parties must be afforded an opportunity for hearing after reasonable notice.

2. The notice must include:

(a) A statement of the time, place and nature of the hearing.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A reference to the particular sections of the statutes and regulations involved.

(d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement must be furnished.

3. Any party is entitled to be represented by counsel.

4. Opportunity must be afforded all parties to respond and present evidence and argument on all issues involved. An agency may by regulation authorize the payment of fees and reimbursement for mileage to witnesses in the same amounts and under the same conditions as for witnesses in the courts of this state.

5. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default . ~~*[and may include, without limitation, the voluntary surrender of a license. An agency shall consider an informal disposition of a contested case involving a license to constitute disciplinary action against the licensee.]*~~ If an informal disposition is made, the parties may waive the requirement for findings of fact and conclusions of law.

6. ***The voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee.***

7. The record in a contested case must include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) A statement of matters officially noticed.

(d) Questions and offers of proof and objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing officer presiding at the hearing.

~~[7.]~~ ***8.*** Oral proceedings, or any part thereof, must be transcribed on request of any party. ***The party making the request shall pay all the costs for the transcription.***

~~[8.]~~ ***9.*** Findings of fact must be based exclusively on ~~[~~substantial~~]~~ ***a preponderance of the*** evidence and on matters officially noticed.

Sec. 6. NRS 233B.123 is hereby amended to read as follows:

233B.123 In contested cases:

1. Irrelevant, immaterial or unduly repetitious evidence must be excluded. Evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and must be noted in the record. Subject to the requirements of this subsection, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

2. Documentary evidence may be received in the form of authenticated copies or excerpts **.** ~~[~~, if the original is not readily available.~~]~~ Upon request, parties must be given an opportunity to compare the copy with the original.

3. Every witness shall declare, by oath or affirmation, that he or she will testify truthfully.

4. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination, impeach any witness, regardless of which party first called the witness to testify, and rebut the evidence against him or her.

5. Notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the specialized knowledge of the agency. Parties must be notified either before or during the hearing, or by

reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they must be afforded an opportunity to contest the material so noticed. The experience, technical competence and specialized knowledge of the agency may be utilized in the evaluation of the evidence.

Sec. 7. NRS 233B.125 is hereby amended to read as follows:

233B.125 A decision or order adverse to a party in a contested case must be in writing or stated in the record. Except as provided in subsection 5 of NRS 233B.121, a final decision must include findings of fact and conclusions of law, separately stated. Findings of fact and decisions must be based upon ~~[substantial]~~ ***a preponderance of the*** evidence. Findings of fact, if set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency regulations, a party submitted proposed findings of fact ~~[,]~~ ***before the commencement of the hearing,*** the decision must include a ruling upon each proposed finding. Parties must be notified either personally or by certified mail of any decision or order. Upon request a copy of the decision or order must be delivered or mailed forthwith to each party and to the party's attorney of record.

Sec. 8. NRS 233B.127 is hereby amended to read as follows:

233B.127 1. ~~[When]~~ ***The provisions of NRS 233B.121 to 233B.150, inclusive, and section 3 of this act do not apply to*** the grant, denial or renewal of a license ~~[is required to be preceded by]~~ ***unless*** notice and opportunity for hearing ~~[, the provisions of this chapter concerning contested cases apply.]~~ ***are required by law to be provided to the applicant before the grant, denial or renewal of the license.***

2. When a licensee has made timely and sufficient application for the renewal of a license or for a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

3. No revocation, suspension, annulment or withdrawal of any license is lawful unless, before the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively require emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. An agency's order of summary suspension may be issued by the agency or by the Chair of the governing body of the agency. If the order of summary suspension is issued by the Chair of the governing body of the agency, the Chair shall not participate in any further proceedings of the agency relating to that order. Proceedings relating to the order of summary suspension must be instituted

and determined within 45 days after the date of the order unless the agency and the licensee mutually agree in writing to a longer period.

Sec. 9. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any party who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,

➥ is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred; ~~[and]~~

(c) ***Be served upon:***

(1) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(2) The person serving in the office of administrative head of the named agency; and

(d) Be filed within 30 days after service of the final decision of the agency.

➥ Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service. If the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board, the district court may, on its own motion or the motion of a party, dismiss from the proceeding any agency or person who:

(a) Is named as a party in the petition for judicial review or cross-petition for judicial review; and

(b) Was not a party to the administrative proceeding for which the petition for judicial review or cross-petition for judicial review was filed.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case involving an agency to which this chapter applies.

Sec. 10. NRS 233B.131 is hereby amended to read as follows:

233B.131 1. Within ~~[30]~~ ***45*** days after the service of the petition for judicial review or such time as is allowed by the court ~~[, the]~~ ***:***

(a) The party who filed the petition for judicial review shall transmit to the reviewing court an original or certified copy of the transcript of the evidence resulting in the final decision of the agency.

(b) The agency that rendered the decision which is the subject of the petition shall transmit to the reviewing court the original or a certified copy of the ~~[entire]~~ ***remainder of the*** record of the proceeding under review ***.*** ~~[, including a transcript of the evidence resulting in the final decision of the agency.]~~

➥ The record may be shortened by stipulation of the parties to the proceedings. A party unreasonably refusing to stipulate to limit the record, as determined by the court, may be assessed by the court any additional costs. The court may require or permit subsequent corrections or additions to the record.

2. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence and any rebuttal evidence be taken before the agency upon such conditions as the court determines.

3. After receipt of any additional evidence, the agency:

(a) May modify its findings and decision; and

(b) Shall file the evidence and any modifications, new findings or decisions with the reviewing court.

Sec. 11. NRS 233B.135 is hereby amended to read as follows:

233B.135 1. Judicial review of a final decision of an agency must be:

(a) Conducted by the court without a jury; and

(b) Confined to the record.

➥ In cases concerning alleged irregularities in procedure before an agency that are not shown in the record, the court may receive evidence concerning the irregularities.

2. The final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3.

3. The court shall not substitute its judgment for that of the agency as to the weight of evidence on a question of fact. The court may remand or affirm

the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the agency is:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the agency;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable , ~~***[and]***~~ probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

4. As used in this section, "substantial evidence" means evidence which a reasonable mind might accept as adequate to support a conclusion.

Sec. 12. ~~[NRS 18.020 is hereby amended to read as follows:~~

~~18.020 [Costs] *Except as otherwise provided in section 3 of this act, costs* must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered, in the following cases:~~

~~1. In an action for the recovery of real property or a possessory right thereto.~~

~~2. In an action to recover the possession of personal property, where the value of the property amounts to more than $2,500. The value must be determined by the jury, court or master by whom the action is tried.~~

~~3. In an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500.~~

~~4. In a special proceeding, except a special proceeding conducted pursuant to NRS 306.040.~~

~~5. In an action which involves the title or boundaries of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, including the costs accrued in the action if originally commenced in a Justice Court.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 622.360 is hereby amended to read as follows:

622.360 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title, the ***regulatory body may require the*** licensee ~~[shall, within 30 days after the licensee receives notification of the initiation of the disciplinary proceedings,]~~ ***to*** submit to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.

3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:

(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title; and

(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.

4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.

Sec. 14. NRS 622A.370 is hereby amended to read as follows:

622A.370 1. The prosecutor has the burden of proof in any hearing pursuant to this chapter. The standard of proof in such a hearing is ~~[substantial]~~ ***a preponderance of the*** evidence.

2. Except as otherwise provided in this chapter, the regulatory body or hearing panel or officer is not bound by strict rules of procedure or rules of evidence when conducting the hearing, except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123.

3. In any hearing pursuant to this chapter, the acts which constitute grounds for initiating disciplinary action against a licensee and the administrative penalties that may be imposed against a licensee are set forth in the occupational licensing chapter governing the licensee.

4. If requested by any party, the hearing or any portion of the hearing must be transcribed. The party making the request shall pay all costs for the transcription.

5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 15. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

"Preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 16. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and section 15 of this act,*** have the meanings ascribed to them in those sections.

Sec. 17. NRS 631.255 is hereby amended to read as follows:

631.255 1. The Board may, without a clinical examination required by NRS 631.240, issue a specialist's license to a person who:

(a) Presents a current certification as a diplomate from a certifying board approved by the Commission on Dental Accreditation of the American Dental Association; or

(b) Has completed the educational requirements specified for certification in a specialty area by a certifying board approved by the Commission on Dental Accreditation of the American Dental Association and is recognized by

the certifying board as being eligible for that certification. A person who is licensed as a specialist pursuant to the provisions of this paragraph:

(1) Shall submit to the Board his or her certificate as a diplomate from the certifying board within 6 years after licensure as a specialist; and

(2) Must maintain certification as a diplomate of the certifying board during the period in which the person is licensed as a specialist pursuant to this paragraph.

2. In addition to the requirements set forth in subsection 1, a person applying for a specialist's license:

(a) Must hold an active license to practice dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, or pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, if the person is applying pursuant to paragraph (b) of subsection 1;

(b) Must be a specialist as identified by the Board;

(c) Shall pay the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(d) Must submit all information required to complete an application for a license; and

(e) Must satisfy the requirements of NRS 631.230.

3. The Board shall not issue a specialist's license to a person:

(a) Whose license to practice dentistry has been revoked or suspended;

(b) Who has been refused a license to practice dentistry; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry,

➥ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a specialist's license is issued pursuant to this section shall limit his or her practice to the specialty.

6. The Board may revoke a specialist's license at any time ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 18. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

(a) Is qualified for a license to practice dentistry or dental hygiene in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an

educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene, ➥ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry or dental hygiene in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 19. NRS 631.272 is hereby amended to read as follows:

631.272 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.240, issue a temporary license to practice dentistry to a person who:

(a) Has a license to practice dentistry issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Has practiced dentistry pursuant to the laws of another state or territory of the United States, or the District of Columbia, for a minimum of 5 years;

(c) Has not had a license to practice dentistry revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(d) Has not been refused a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(e) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry in this State, another state or territory of the United States, or the District of Columbia;

(f) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240;

(g) Submits all information required to complete an application for a license; and

(h) Satisfies the requirements of NRS 631.230.

2. A person to whom a temporary license is issued pursuant to subsection 1 may:

(a) Practice dentistry for the duration of the temporary license; and

(b) Apply for a permanent license to practice dentistry without a clinical examination required by NRS 631.240 if the person has held a temporary license to practice dentistry pursuant to subsection 1 for a minimum of 2 years.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dentistry pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dentistry issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dentistry under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dentistry in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 20. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by NRS 631.300, issue a temporary license to practice dental hygiene to a person who:

(a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of NRS 631.290;

(c) Has practiced dental hygiene pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;

(d) Has not had a license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.300; and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental hygiene for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental hygiene without a clinical examination required by NRS 631.300 if the person has held a temporary license to practice dental hygiene issued pursuant to this section for at least 2 years.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, 2006, issue any additional temporary licenses to practice dental hygiene pursuant to this section.

5. Any person who, on July 1, 2006, holds a temporary license to practice dental hygiene issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental hygiene under the temporary license until December 31, 2008, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental hygiene in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 21. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a restricted geographical license to practice dentistry or dental hygiene to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in a rural area of a county in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 for any applicant intending to practice dentistry or dental hygiene in one or more rural areas within those counties in which dental or dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry or dental hygiene in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry or dental hygiene has been revoked or suspended;

(b) Who has been refused a license to practice dentistry or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry or dental hygiene,

➥ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry or dental hygiene only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify

the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or 631.300 if the person:

(a) Has not had a license to practice dentistry or dental hygiene revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry or dental hygiene for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 22. NRS 631.275 is hereby amended to read as follows:

631.275 1. Except as otherwise provided in subsection 2, the Board shall, without examination, issue a restricted license to practice dentistry to a person who:

(a) Has a valid license to practice dentistry issued pursuant to the laws of another state or the District of Columbia;

(b) Has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor organization;

(c) Has entered into a contract with a facility approved by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide publicly funded dental services exclusively to persons of low income for the duration of the restricted license; and

(d) Satisfies the requirements of NRS 631.230.

2. The Board shall not issue a restricted license to a person:

(a) Who has failed to pass the examination of the Board;

(b) Who has been refused a license in this State, another state or territory of the United States, or the District of Columbia; or

(c) Whose license to practice dentistry has been revoked in this State, another state or territory of the United States, or the District of Columbia.

3. A person to whom a restricted license is issued pursuant to subsection 1:

(a) May perform dental services only:

(1) Under the general supervision of the State Dental Health Officer or the supervision of a dentist who is licensed to practice dentistry in this State and appointed by the Division of Public and Behavioral Health of the Department of Health and Human Services to supervise dental care that is provided in a facility which has entered into a contract with the person to whom a restricted license is issued and which is approved by the Division; and

(2) In accordance with the contract required pursuant to paragraph (c) of that subsection.

(b) Shall not, for the duration of the restricted license, engage in the private practice of dentistry, which includes, without limitation, providing dental services to a person who pays for the services.

4. A restricted license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the restricted license. The holder of a restricted license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the restricted license for 1 year.

5. A person who receives a restricted license must pass the examination of the Board within 3 years after receiving the restricted license. If the person fails to pass that examination, the Board shall revoke the restricted license.

6. The Board may revoke a restricted license at any time ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 23. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

➥ ~~[upon submission of substantial evidence to]~~ ***if*** the Board ***finds, by a preponderance of the evidence,*** that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry or dental hygiene;

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 24. NRS 637.150 is hereby amended to read as follows:

637.150 1. ~~[Upon proof]~~ ***If the Board finds,*** by ~~[substantial]~~ ***a preponderance of the*** evidence **,** that an applicant or holder of a license:

(a) Has been adjudicated insane;

(b) Habitually uses any controlled substance or intoxicant;

(c) Has been convicted of a crime involving moral turpitude;

(d) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(e) Has advertised in any manner which would tend to deceive, defraud or mislead the public;

(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained a license to practice in this State through fraud of any kind;

(g) Has been convicted of a violation of any federal or state law relating to a controlled substance;

(h) Has, without proper verification, dispensed a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS 637.073;

(i) Has violated any regulation of the Board;

(j) Has violated any provision of this chapter;

(k) Is incompetent;

(l) Is guilty of unethical or unprofessional conduct as determined by the Board;

(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or

(o) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160,

➥ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than $10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.

2. The Board shall not privately reprimand a holder of a license.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.

5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 25. NRS 638.145 is hereby amended to read as follows:

638.145 ***1.*** The Board shall not refuse to issue a license to an applicant or take any disciplinary action against a licensee unless the Board finds, by ~~[substantial]~~ ***a preponderance of the*** evidence, that the applicant or licensee has engaged in one or more of the practices prohibited by the provisions of this chapter.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 26. NRS 641.230 is hereby amended to read as follows:

641.230 ***1.*** The Board may suspend or revoke a person's license as a psychologist, behavior analyst or assistant behavior analyst or certificate as an autism behavior interventionist, place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by ~~[substantial]~~ ***a preponderance of the*** evidence that the person has:

~~[1.]~~ ***(a)*** Been convicted of a felony relating to the practice of psychology or the practice of applied behavior analysis.

~~[2.]~~ ***(b)*** Been convicted of any crime or offense that reflects the inability of the person to practice psychology or applied behavior analysis with due regard for the health and safety of others.

~~[3.]~~ ***(c)*** Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

~~[4.]~~ ***(d)*** Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology or the practice of applied behavior analysis.

~~[5.]~~ ***(e)*** Aided or abetted the practice of psychology by a person not licensed by the Board.

~~[6.]~~ ***(f)*** Made any fraudulent or untrue statement to the Board.

~~[7.]~~ ***(g)*** Violated a regulation adopted by the Board.

~~[8.]~~ ***(h)*** Had a license to practice psychology or a license or certificate to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

~~[9.]~~ ***(i)*** Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology or applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

~~[10.]~~ ***(j)*** Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

~~[11.]~~ ***(k)*** Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

~~[12.]~~ ***(l)*** Engaged in sexual activity with a patient or client.

~~[13.]~~ ***(m)*** Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

~~[14.]~~ ***(n)*** Been convicted of submitting a false claim for payment to the insurer of a patient or client.

~~[15.]~~ ***(o)*** Operated a medical facility, as defined in NRS 449.0151, at any time during which:

~~[(a)]~~ ***(1)*** The license of the facility was suspended or revoked; or

~~[(b)]~~ ***(2)*** An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[subsection]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 27. NRS 683C.130 is hereby amended to read as follows:

683C.130 1. Upon suspension, limitation or revocation of the license of an insurance consultant, the Commissioner shall immediately notify the licensee in person or by mail addressed to the licensee at his or her most recent address of record with the Division. Notice by mail is effective when mailed.

2. The Commissioner shall not again issue a license under this chapter to any natural person whose license has been revoked until at least 1 year after the revocation has become final, and thereafter not until the person again

qualifies for it under this chapter. A person whose license has been revoked twice is not eligible for any license under this title.

3. If the license of a business organization is suspended, limited or revoked, no member, officer or director of the organization may be licensed, or designated in a license to exercise its powers, during the period of suspension or revocation, unless the Commissioner determines ~~[upon substantial]~~ ***, by a preponderance of the*** evidence **,** that the member, officer or director was not personally at fault and did not knowingly aid, abet, assist or acquiesce in the matter for which the license was suspended or revoked.

4. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in section 2 of this act.

Sec. 28. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment deletes proposed language which prohibits the awarding of costs in any proceeding commenced by the filing of a petition for judicial review. It also ensures that a voluntary surrender of a license in a contested case constitutes a disciplinary action against the licensee. It deletes proposed language regarding informal disposition of contested cases and reinstates the term "substantial" with respect to the standard of review in a contested case. Finally, the amendment provides a definition for "substantial evidence" to maintain consistency with existing case law.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 165.

AN ACT relating to taxation; revising ~~[provisions regarding property taxes and the governmental services tax to provide that]~~ **the calculation of the inflation adjustment to certain exemptions from property taxes and governmental services taxes for** certain veterans **;** ~~[qualify for the maximum allowable exemption from those taxes;]~~ providing a deduction from the payroll tax for wages paid to newly hired full-time employees who are veterans; providing an exemption from certain sales and use taxes for certain relatives of a member of the Nevada National Guard who is called into active service and is killed while performing his or her duties as a member of the Nevada National Guard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States is entitled to an exemption from property taxes and

the governmental services tax. ~~[The]~~ **Each fiscal year, the** amount of exemption is **adjusted for inflation** based on ~~[the extent of a permanent service-connected disability.]~~ **the percentage increase in the Consumer Price Index (All Items) for a certain period.** (NRS 361.091, 371.104) ~~[Federal regulations provide that certain veterans who have a service-connected disability not rated as a total permanent disability may receive a rating of total permanent disability if the veteran's disability prevents him or her from securing or following a substantially gainful occupation. Such a rating is referred to as an individual unemployability rating. (38 C.F.R. § 21.6503)]~~ **Sections 1 and 4** of this bill revise provisions governing ~~[property taxes and the governmental services tax]~~ **these inflation adjustments** to provide that ~~[a person who receives an individual unemployability rating as described in federal regulations qualifies for the maximum allowable exemption from those taxes.]~~ **: (1) the adjustments are based on the percentage increase in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor, or the successor index that most closely resembles that index as determined by the Department of Taxation; and (2) the percentage increase in that index is measured for the same period for the purposes of both adjustments.**

Existing law requires employers to pay a payroll tax on the wages paid to their employees during each calendar quarter. The tax is imposed on financial institutions at the rate of 2 percent per calendar quarter and, effective July 1, 2015, on other employers at the rate of 0.63 percent per calendar quarter. (NRS 363A.130, 363B.110) **Sections 2 and 3** of this bill authorize financial institutions and other employers to deduct from the total amount of wages reported and upon which the payroll tax is imposed any wages paid to a newly hired full-time employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if: (1) the employee is a veteran of certain specified military service; (2) at the time of hiring the employee has been unemployed for a continuous period of not less than ~~[6]~~ **3** months; and (3) certain other conditions are satisfied. The deduction does not apply with respect to any employee hired after June 30, 2019.

Existing law provides an exemption from certain sales and use taxes for members of the Nevada National Guard called into active service and for certain relatives of such members of the Nevada National Guard. (NRS 372.7281, 374.7285) **Sections 5-8** of this bill provide for eligibility for a 3-year exemption from such taxes for certain relatives of members of the Nevada National Guard who are killed while performing duties as a member of the Nevada National Guard while on active service.

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

Section 1. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. ~~*[For the purposes of this section, a person who receives an individual unemployability rating as described in 38 C.F.R. § 21.6503 shall be deemed to have a total permanent disability.]*~~ The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the United States Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, ~~***[for individual unemployability rating, if applicable,]***~~ together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the

product of the amount multiplied by the percentage increase in the ~~[Consumer Price Index (All Items)]~~ ***consumer price inflation index*** from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

11. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department.

Sec. 2. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been ~~[unemployed]~~ :

(1) Unemployed for a continuous period of not less than ~~[6]~~ 3 months immediately preceding the date of hire ; and ~~[;]~~

~~[(1) Has been receiving]~~

(2) Receiving unemployment compensation continuously for that entire period; ~~[or~~

~~(2) Would have been eligible to receive unemployment compensation continuously for that entire period if the duration of his or her eligibility for unemployment compensation had not expired within the 24 months immediately preceding the date of hire;]~~

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed; ~~[and]~~

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c);

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 3. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been ~~[unemployed]~~ :

(1) Unemployed for a continuous period of not less than ~~[6]~~ 3 months immediately preceding the date of hire ; and ~~[:

(1) Has been receiving]

(2) Receiving unemployment compensation continuously for that entire period; ~~[or

(2) Would have been eligible to receive unemployment compensation continuously for that entire period if the duration of his or her eligibility for unemployment compensation had not expired within the 24 months immediately preceding the date of hire;]

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed; ~~[and]~~

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c); and

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 4. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged

from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. ~~*[For the purposes of subsection 1, a person who receives an individual unemployability rating as described in 38 C.F.R. § 21.6503 shall be deemed to have a disability of 100 percent.*~~

~~*3.]*~~ In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before an authorized employee of the Department or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before an authorized employee of the Department or a notary public.

3. ~~*[4.]*~~ For the purpose of this section, the first $20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 ~~*[3]*~~ has any interest shall be deemed to belong entirely to that person.

4. ~~*[5.]*~~ A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2. ~~*[3,]*~~ as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2. ~~*[3,]*~~ the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

➥ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. ~~[6.]~~ Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability ; ~~[or documentation that the veteran has received an individual unemployability rating;]~~ and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

6. ~~[7.]~~ A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2, ~~[3,]~~ would have been eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 ~~[5]~~ and 5. ~~[6.]~~ After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

7. ~~[8.]~~ If a tax exemption is allowed under this section, the veteran and his or her current spouse are not entitled to an exemption under NRS 371.103.

8. ~~[9.]~~ If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

9. ~~[10.]~~ Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 ~~[4]~~ must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the ~~[Consumer Price Index (All Items)]~~ ***consumer price inflation index*** from ~~[December]~~ ***July*** 2003 to the ~~[December]~~ ***July*** preceding the fiscal year for which the adjustment is calculated.

10. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.

Sec. 5. NRS 372.7281 is hereby amended to read as follows:

372.7281 In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5) **,** and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 6. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. ~~[The]~~ ***A*** letter of exemption ***issued to a member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a relative of a member described in subsection 2 of NRS 372.7281*** expires on

the date on which the person no longer meets the qualifications for eligibility. ***A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member.***

3. To claim an exemption pursuant to NRS 372.7281 for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 7. NRS 374.7285 is hereby amended to read as follows:

374.7285 In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5) **,** and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 8. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a letter of exemption to the person. ~~[The]~~ ***A*** letter of exemption ***issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285*** expires on

the date on which the person no longer meets the qualifications for eligibility. ***A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member.***

3. To claim an exemption pursuant to NRS 374.7285, for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9. 1. This act becomes effective on July 1, 2015.

2. Sections 2 and 3 of this act expire by limitation on July 31, 2022.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

This amendment makes several changes to the bill including making technical adjustments and clarifications to the inflation calculations used to determine the exemptions from the property tax and governmental services tax for eligible disabled veterans. It removes provisions expanding these property tax and governmental service tax exemptions to include those persons who have individual unemployability ratings from the U.S. Department of Veteran Services, reducing the period by which a newly hired employee must have been unemployed in order to become eligible for a modified business tax deduction from six months to three months. It requires the employee to provide documentation to the employer to verify that the employee has been previously unemployed for that three-month period.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bill No. 71 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 159.

AN ACT relating to tobacco; expanding the definition of "manufacturer" to include certain persons manufacturing cigarettes using certain cigarette rolling machines; prohibiting a manufacturer from operating a cigarette rolling machine without a license from the Department of Taxation; authorizing the seizure and destruction of cigarette rolling machines under certain

circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the regulation of cigarettes and other tobacco products, including the regulation and licensing of persons engaged in the manufacturing of cigarettes and other tobacco products. (Chapter 370 of NRS) **Sections 2 and 5** of this bill expand the definition of "manufacturer" to include certain persons producing, filling, rolling, dispensing or otherwise manufacturing cigarettes using certain commercial-grade cigarette rolling machines. **Section 7** of this bill prohibits a manufacturer from operating a cigarette rolling machine without a license from the Department of Taxation. **Section 9** of this bill provides for the seizure and destruction of cigarette rolling machines being used in violation of chapter 370 of NRS.

Existing law generally prohibits a person from conducting business in this State without first obtaining a state business license. Certain persons are deemed to conduct a business in this State for the purpose of obtaining a business license, including a person who is responsible for a business that has a registered agent in this State. (NRS 76.100) **Sections 3 and 10** of this bill provide that certain manufacturers of tobacco are not deemed to conduct a business in this State if the manufacturer maintains a registered agent in this State solely because of the requirement to maintain such an agent pursuant to ~~[the Prevent All Cigarette Trafficking Act of 2009. (15 U.S.C. § 376(a)(1))]~~ **a provision of existing law requiring certain nonresident and foreign manufacturers to maintain a registered agent in this State for certain purposes.**

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

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. "Cigarette rolling machine" means any machine that:***

(a) May be loaded with loose tobacco, cigarette tubes, cigarette papers or any other component related to the production of cigarettes;

(b) Is designed to automatically or mechanically produce, roll, fill, dispense or otherwise manufacture cigarettes;

(c) Is of a commercial grade or otherwise designed or suitable for commercial use; and

(d) Is designed to be powered or operated by a primary source of power other than human power.

2. The term does not include any handheld or manually operated machine or device if the machine or device is:

(a) Used to make cigarettes for the personal consumption of the owner of the machine or device; or

(b) Held by a retail establishment solely for sale to a consumer for the purpose of making cigarettes off the premises of the retail establishment and for personal consumption.

Sec. 3. ***A manufacturer who maintains a registered agent in this State solely because of the requirements set forth in ~~[15 U.S.C. § 376(a)(1)]~~ NRS 370.680 and who is not otherwise required to obtain a state business license pursuant to NRS 76.100 is not deemed, pursuant to paragraph (c) of subsection 6 of NRS 76.100, to conduct a business in this State.***

Sec. 4. NRS 370.001 is hereby amended to read as follows:

370.001 As used in NRS 370.001 to 370.430, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 370.005 to 370.055, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 370.0315 is hereby amended to read as follows:

370.0315 ***1.*** "Manufacturer" means any person who:

~~[1.]~~ ***(a)*** Manufactures, fabricates, assembles, processes or labels a finished cigarette; ~~[or~~

~~2.]~~ ***(b)*** Imports, whether directly or indirectly, a finished cigarette into the United States for sale or distribution in this State ~~[.]~~ ***; or***

(c) Owns, maintains, operates or permits any other person to operate a cigarette rolling machine for the purpose of producing, filling, rolling, dispensing or otherwise manufacturing cigarettes.

2. The term does not include a natural person who uses a handheld or manually operated machine or device to produce cigarettes using "roll-your-own" tobacco if the cigarettes produced are for personal consumption and not for sale, resale or any other profit-making endeavor.

Sec. 6. NRS 370.070 is hereby amended to read as follows:

370.070 The provisions of NRS 370.001 to 370.430, inclusive, ***and sections 2 and 3 of this act*** do not apply to:

1. Common carriers while engaged in interstate commerce which sell or furnish cigarettes on their trains, buses or airplanes;

2. A person entering this state with a quantity of cigarettes for household or personal use which is exempt from federal import duty; and

3. A duty-free sales enterprise as defined in 19 U.S.C. § 1555(b)(8)(D) that:

(a) Operates pursuant to the provisions of 19 U.S.C. § 1555(b); and

(b) To the extent it sells cigarettes, only sells cigarettes that are duty-free merchandise as defined in 19 U.S.C. § 1555(b)(8)(E).

Sec. 7. NRS 370.080 is hereby amended to read as follows:

370.080 1. A person shall not engage in business as a wholesale dealer in the State of Nevada unless that person first secures a license to engage in that activity from the Department.

2. A person shall not engage in business as a retail dealer in the State of Nevada unless that person first secures a license to engage in that activity from the Department.

3. A manufacturer shall not ~~[sell]~~ ***:***

(a) Sell any cigarettes to a wholesale dealer in the State of Nevada ***; or***

(b) Operate or permit any person other than the manufacturer to operate a cigarette rolling machine for the purpose of producing, filling, rolling, dispensing or otherwise manufacturing cigarettes,

➥ unless that manufacturer first secures a license to engage in that activity from the Department.

4. A separate license is required to engage in each of the activities described in this section.

Sec. 8. NRS 370.250 is hereby amended to read as follows:

370.250 1. The Department may temporarily suspend or permanently revoke a license as a wholesale dealer in accordance with the regulations adopted pursuant to NRS 370.253 if the licensee:

(a) Fails to file or files an incomplete or inaccurate report or certification required by this chapter;

(b) Fails to pay any tax owed upon cigarettes required by this chapter;

(c) Fails to cure any shortfall for which the wholesale dealer is liable pursuant to NRS 370.683;

(d) Sells in this State, purchases or possesses any cigarettes or cigarette packages in violation of any provision of this chapter; or

(e) Imports into or exports from this State any cigarettes or cigarette packages in violation of any provision of this chapter.

2. Except as otherwise provided in subsection 1 or 3, the Department may temporarily suspend or permanently revoke the license of any licensee for violating, or causing or permitting to be violated, any of the provisions of NRS 370.001 to 370.430, inclusive, ***and sections 2 and 3 of this act*** or any regulations adopted for the administration or enforcement of any of those provisions.

3. The Department shall permanently revoke the license of any licensee convicted of any felony pursuant to NRS 370.405.

Sec. 9. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps ***,*** ~~[and any]~~ contraband tobacco products ***,*** ~~[and]~~ machinery used to manufacture contraband tobacco products ~~[,]~~ ***and cigarette rolling machines being used in violation of any provision of this chapter that are*** found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, contraband tobacco products ***,*** ~~[or]~~ machinery ***or cigarette rolling machines*** pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the contraband tobacco products to the Department if:

(a) The contraband tobacco products consist of cigarettes and:

(1) Except for revenue stamps or metered machine impressions being properly affixed as required by this chapter, the cigarettes comply with all state and federal statutes and regulations; and

(2) The Department approves the transmission of the cigarettes; or

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon the receipt of any:

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270; or

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

➥ The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS 370.440 to 370.503, inclusive.

5. The sheriff or other peace officer who seizes any stamps, contraband tobacco products **,** ~~[or]~~ machinery ***or cigarette rolling machines*** pursuant to this section shall:

(a) Destroy the stamps **,** ~~[and]~~ machinery ~~[,]~~ ***and cigarette rolling machines;*** and

(b) If he or she does not transmit the contraband tobacco products to the Department, destroy the contraband tobacco products.

Sec. 10. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $200; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

(b) Has an office or other base of operations in this State;

(c) ~~[Has]~~ ***Except as otherwise provided in section 3 of this act, has*** a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 11. This act becomes effective upon passage and approval.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

This amendment clarifies that manufacturers of tobacco are not considered to be conducting business in this state if the manufacturers' only presence in this state is the maintenance of a registered agent to comply with NRS 370.680.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 6.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring veterans of the Armed Forces of the United States who have received the Silver Star or Bronze Star Medal, as applicable; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and ~~[7]~~ 9 of this bill authorize qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor veterans of the Armed Forces of the United States who have been awarded the Silver Star or Bronze Star Medal. Unless the special license plates are lost, stolen or mutilated, in which case a $5 replacement fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates. **Section 1 also provides that: (1) a veteran who is eligible for such special license plates and who, as a result of his or her service, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plate; and (2) a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, but not including parking fees charged by the Federal Government. Sections 7 and 8 of this bill make conforming changes to the provisions of existing law regarding the applicability of parking laws to vehicles displaying special license plates which bear the international symbol of access. (NRS 484B.463, 484B.467)**

Section 3 of this bill provides that, if the Director of the Department orders a redesign of license plates, the Department is prohibited from issuing redesigned license plates to the holder of a set of plates honoring recipients of the Silver Star or Bronze Star Medal without the approval of the holder.

Under existing law, most special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 4-6** of this bill exempt the special plates honoring recipients of the Silver Star or Bronze Star Medal from all three of the preceding requirements.

Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemptions provided in **sections 4-6**, **section 2** of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring recipients of the Silver Star or Bronze Star Medal.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; or

(b) Bronze Star Medal.

2. A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

[3.] 4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or Bronze Star Medal, as applicable, and evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

[4.] 5. Except as otherwise provided in this subsection, a vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State. Such a

vehicle is not exempt from parking fees charged by the Federal Government, unless the Federal Government grants such an exemption.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[5.]~~ ***7. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $5.***

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[,]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, ***or section 1 of this act,*** without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (f) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 4. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 1 of this act.***

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 5. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, ***or section 1 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 6. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 1 of this act.***

Sec. 7. **NRS 484B.463 is hereby amended to read as follows:**

484B.463 1. Except as otherwise provided in subsection 3, an owner or operator of a motor vehicle displaying a special parking placard, a special parking sticker, a temporary parking placard, a temporary parking sticker or a special plate or plates issued pursuant to NRS 482.384, or a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377, ***or section 1 of this act,*** may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or a person transporting any such person.

2. An owner or operator of a motor vehicle displaying a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377 ***or section 1 of this act*** may, without displaying a special license plate, placard or sticker issued pursuant to NRS 482.384, park in a parking space designated for persons who are handicapped if:

(a) The parking is done by a veteran with a disability; or

(b) A veteran with a disability is a passenger in the motor vehicle being parked.

3. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 8. **NRS 484B.467 is hereby amended to read as follows:**

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of $250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces,

➥ must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of $250 for violation" or similar words indicating that the minimum fine for parking in such a space is $250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377 ~~[.]~~ ***or section 1 of this act.***

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➥ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➥ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or

she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or motorcycle, at the time that the vehicle or motorcycle is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $250.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.

~~[Sec. 7.]~~ ***Sec. 9.*** As soon as practicable after July 1, 2015, the Department of Motor Vehicles shall design the special license plates described in section 1 of this act in cooperation with interested parties.

~~[Sec. 8.]~~ ***Sec. 10.*** This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 6 revises the provisions of Assembly Bill 103 to provide that a veteran who is eligible for a Silver Star or Bronze Star Medal special license plate and who, as a result of his or her service, has suffered a 100 percent, service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, the amendment provides that a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the state or any political subdivision or other public body within the state, other than the United States.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 163.

~~[Assemblywoman]~~ **Assemblywomen** Bustamante Adams **and Neal**

AN ACT relating to economic development; revising the membership of the Regional Business Development Advisory Council for Clark County; providing that certain entities participating in the Council are nonvoting members; revising provisions relating to certain reports submitted to the Council; clarifying the requirement that the Council submit certain reports to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2003, the Nevada Legislature created by special act the Regional Business Development Advisory Council for Clark County for the purpose of addressing the economic development of local businesses owned and operated by certain disadvantaged persons. (Chapter 7, Statutes of Nevada 2003, 20th Special Session, p. ~~[267)]~~ **268)** Pursuant to existing law, membership of the Council consists of representatives from: (1) certain governmental entities and private nonprofit entities that are required to participate; and (2) certain other governmental, private and nonprofit entities that request to participate in the Council. (Section 15 of chapter 7, Statutes of Nevada 2003, 20th Special Session, p. 268) **Section 1** of this bill amends the membership of the Council to: (1) eliminate the representatives from the Housing Authority of the City of Las Vegas, Housing Authority of the City of North Las Vegas, Clark County Health District, Clark County Housing Authority, Clark County Sanitation District, the Las Vegas Urban Chamber of Commerce and the Hispanic Business Roundtable; and (2) add representatives from the Southern Nevada Health District and the Southern Nevada Regional Housing Authority. **Section 1** also provides that representatives of the entities that request to participate in the Council are nonvoting members.

Existing law requires those governmental entities which are required to participate in the membership of the Council to report annually to the Council certain information regarding the expenditures of the entities and their efforts to encourage the economic development of businesses owned by disadvantaged persons. (Section 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, p. 269) **Section 2** of this bill amends the reporting requirement.

Existing law requires the Council to submit a biennial report to the Director of the Legislative Counsel Bureau. (Section 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, p. 269) **Section 2** further clarifies that the biennial report is submitted to the Director for transmittal to the next regular session of the Legislature.

Existing law generally provides that any provision of state legislation enacted or revised after July 1, 2013, which adds or revises a requirement to

submit a report to the Legislature must expire by limitation 5 years after the effective date of the addition or revision of the requirement. (NRS 218D.380) **Section 3** of this bill provides that this provision does not apply to the reporting requirements of the Council.

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

Section 1. Section 15 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 268, is hereby amended to read as follows:

Sec. 15. 1. The Regional Business Development Advisory Council for Clark County is hereby created. Except as otherwise provided in subsection 2, the Council consists of a single representative from each of the following entities:

(a) City of Henderson.

(b) Henderson Library District.

(c) City of Las Vegas.

(d) ~~[~~Housing Authority of the City of Las Vegas.

~~(e)]~~ City of North Las Vegas.

~~[(f) Housing Authority of the City of North Las Vegas.~~

~~(g)]~~ ***(e)*** Clark County.

~~[(h) Clark County Health District.~~

~~(i) Clark County Housing Authority.~~

~~(j)]~~ ***(f)*** Clark County Regional Flood Control District.

~~[(k) Clark County Sanitation District.~~

~~(l)]~~ ***(g)*** Clark County Water Reclamation District.

~~[(m)]~~ ***(h)*** Clark County School District.

~~[(n)]~~ ***(i)*** College of Southern Nevada.

~~[(o)]~~ ***(j)*** Las Vegas-Clark County Library District.

~~[(p)]~~ ***(k)*** Las Vegas Convention and Visitors Authority.

~~[(q)]~~ ***(l)*** Las Vegas Valley Water District.

~~[(r)]~~ ***(m)*** Regional Transportation Commission of Southern Nevada.

~~[(s)]~~ ***(n) Southern Nevada Health District.***

(o) Southern Nevada Regional Housing Authority.

(p) Southern Nevada Water Authority.

~~[(t)]~~ ***(q)*** University Medical Center of Southern Nevada.

~~[(u)]~~ ***(r)*** University of Nevada, Las Vegas.

~~[(v)]~~ ***(s)*** Department of Transportation.

~~[(w) Las Vegas Urban Chamber of Commerce.~~

~~(x) Hispanic Business Roundtable.]~~

2. The Board of County Commissioners of Clark County, in consultation with the ~~[Las Vegas Urban Chamber of Commerce,]~~ ***Council,*** shall solicit and encourage participation in the Council by other governmental entities, private nonprofit entities organized to promote business or encourage participation in government, and private entities

that employ 500 or more persons. Any such entity that requests to participate ***in the Council*** must be included as a ***nonvoting*** member of the Council.

Sec. 2. Section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 269, is hereby amended to read as follows:

Sec. 20. 1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned ~~[or]~~ ***and*** operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council ***pursuant to subsection 1 of section 15 of this act*** shall prepare and deliver a written report to the Council ***for the immediately preceding fiscal year*** which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) ~~[~~Capital ~~expenditures]~~ ***Expenditures*** made by the public entity ~~[for]~~ ***during*** the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of ~~[capital]~~ expenditures paid by the public entity to ~~[disadvantaged persons or]~~ ***local*** businesses owned ~~[or managed]~~ ***and operated*** by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting by ~~[disadvantaged persons and]~~ ***local*** businesses owned ~~[or managed]~~ ***and operated*** by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic development of ~~[disadvantaged persons and]~~ ***local*** businesses owned ***and operated*** by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public ~~[or]~~ ***and*** private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative

Counsel Bureau for transmittal to the ~~[73rd Session]~~ ***next regular session*** of the ~~[Nevada]~~ Legislature.

Sec. 3. The provisions of NRS 218D.380 do not apply to the reporting requirements of section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, at page 269, as amended by section 2 of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 163 makes minor changes to the language of the bill relating to the reporting requirements from public entities that have representatives on the Council. The amendment also revises the list of sponsors of the bill to include the Assemblywoman from District 7.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 69.

AN ACT relating to displaced homemakers; requiring a person who commences an action for the termination of a domestic partnership in a district court to pay a fee to the county clerk for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of law relating to the education and counseling of displaced homemakers; **increasing the fee paid to the county clerk for use by the Director;** providing that the member of the Board for the Education and Counseling of Displaced Homemakers who is a displaced homemaker may be a current or former displaced homemaker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to displaced homemakers and the Board for the Education and Counseling of Displaced Homemakers, as recommended by the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Existing law defines a "displaced homemaker" as a person who: (1) is not gainfully employed or has less than full-time or adequate employment; (2) has worked at home for a substantial number of years providing household services to members of his or her family without compensation; (3) has difficulty in securing employment adequate for economic independence; and (4) has been dependent on certain other sources of financial support or assistance that are no longer available. (NRS 388.605)

Existing law requires a person who commences an action for divorce in a district court to pay a fee of $20 to the county clerk for use by the Director of the Department of Employment, Training and Rehabilitation to administer the

provisions of law relating to the education and counseling of displaced homemakers. (NRS 19.033) **Section 1** of this bill **increases the fee to $30. Section 1** additionally requires a person who commences an action for the termination of a domestic partnership in a district court to pay such a fee.

Existing law also provides that the Board for the Education and Counseling of Displaced Homemakers consists of five members appointed by the Governor, one of whom is required to be a displaced homemaker. (NRS 388.615) **Section 2** of this bill provides that the member who is a displaced homemaker may be a current or former displaced homemaker.

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

Section 1. NRS 19.033 is hereby amended to read as follows:

19.033 1. In each county, on the commencement of any action for divorce ***or the termination of a domestic partnership*** in the district court, the county clerk shall charge and collect, in addition to other fees required by law, a fee of ~~[$20.]~~ ***$30.*** The fee must be paid by the party commencing the action.

2. On or before the first Monday of each month, the county clerk shall pay over to the county treasurer an amount equal to all fees collected by the county clerk pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Director of the Department of Employment, Training and Rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.

3. The board of county commissioners of any county may impose by ordinance an additional filing fee of not more than $6 to be paid by the defendant in an action for divorce, annulment or separate maintenance. In a county where this fee has been imposed:

(a) On the appearance of a defendant in the action in the district court, the county clerk, in addition to any other fees provided by law, shall charge and collect from the defendant the prescribed fee to be paid upon the filing of the first paper in the action by the defendant.

(b) On or before the fifth day of each month, the county clerk shall account for and pay to the county treasurer all fees collected during the preceding month pursuant to paragraph (a).

Sec. 2. NRS 388.615 is hereby amended to read as follows:

388.615 1. The Board for the Education and Counseling of Displaced Homemakers is hereby created. The Board consists of five members appointed by the Governor, one of whom must be a ***current or former*** displaced homemaker and one of whom must be representative of business in the State.

2. The Board shall:

(a) At its first meeting and annually thereafter elect a Chair from among its members.

(b) Meet regularly at least once each calendar quarter and at other times upon the call of the Chair.

3. The members of the Board serve without compensation, except that each member of the Board is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, which must be paid from the account established pursuant to subsection 2 of NRS 19.033.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 69 increases the fee from $20 to $30 on the commencement of any action for divorce or termination of a domestic partnership.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

AN ACT relating to juveniles; providing that ~~[~~~a sexually exploited child is a child in need of supervision for the purposes of juvenile court proceedings; revising provisions governing the detention of sexually exploited children; revising provisions governing~~]~~ **, under certain circumstances, the** juvenile court ~~[~~~proceedings involving sexually exploited children;~~]~~ **must place a child who is alleged to have engaged in prostitution or the solicitation of prostitution under the supervision of the juvenile court subject to certain terms and conditions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the juvenile court has exclusive jurisdiction over a juvenile: (1) who is alleged or adjudicated to be in need of supervision; or (2) who is alleged or adjudicated to be delinquent because he or she has committed certain crimes. (NRS 62B.320, 62B.330) ~~[~~~Sections 1 and 4 of this bill provide that a child who is under the age of 18 years and who engages in or attempts to engage in prostitution or solicitation for prostitution is a sexually exploited child and a child in need of supervision for the purposes of juvenile court proceedings. Section 3 of this bill makes such a child subject to the exclusive jurisdiction of the juvenile court.~~

~~Under existing law, certain children alleged to be in need of supervision are required to be released within 24 hours after being taken into custody and detained. (NRS 62C.050) Section 5 of this bill creates an exception to this requirement for a sexually exploited child.~~

~~Under existing law, if a petition is filed alleging that a child is in need of supervision and the child has not previously been found to be within the jurisdiction of the juvenile court, the juvenile court is required to admonish the~~

~~child and refer him or her to services available in the community, unless the child is alleged to be a habitual truant. (NRS 62E.410) Section 6 of this bill makes this requirement inapplicable to a child who is alleged to be a sexually exploited child.]~~ **Existing law authorizes the juvenile court, under certain circumstances, to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency, if the child is alleged to be in need of supervision or to have committed a delinquent act. (NRS 62C.230)**

This bill requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. Under this bill, the juvenile court: (1) must order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child; and (2) may issue certain orders, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest. If the child is alleged to have violated the supervision and consent decree or an order of the juvenile court: (1) the allegation must be placed before the court pursuant to a motion or a request for judicial review, except that the district attorney may file a petition alleging that the child committed a delinquent act under certain circumstances; and (2) the court may issue certain orders concerning the child. This bill further requires that the juvenile court, upon successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier, must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. However, a child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services pursuant to the decree.

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

Section 1. ~~[Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Sexually exploited child" means a child who is less than 18 years of age and who is alleged or adjudicated to have engaged or attempted to engage in prostitution or solicitation for prostitution in violation of NRS 201.354.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 62A.010 is hereby amended to read as follows:~~

~~62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 62B.320 is hereby amended to read as follows:~~

~~62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:~~

~~(a) Is subject to compulsory school attendance and is a habitual truant from school;~~

~~(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;~~

~~(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;~~

~~(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;~~

~~(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;~~

~~(f) Violates a county or municipal ordinance imposing a curfew on a child;~~

~~(g) Violates a county or municipal ordinance restricting loitering by a child;~~ **[**~~or~~**]**

~~(h) Commits an offense related to tobacco~~ **[**~~.~~**] ; *or***

(i) Is a sexually exploited child.

~~2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.~~

~~3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school attendance and is a habitual truant from school.~~

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

~~(a) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:~~

~~(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;~~

~~(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;~~

~~(3) Places the person in reasonable fear of harm or serious emotional distress; or~~

~~(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.~~

~~(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.~~

~~(c) "Sexual image" has the meaning ascribed to it in NRS 200.737.~~**]**

(Deleted by amendment.)

Sec. 4. **[**~~NRS 62B.330 is hereby amended to read as follows:~~

~~62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.~~

~~2. [For] *Except as otherwise provided in subsection 3, for* the purposes of this section, a child commits a delinquent act if the child:~~

~~(a) Violates a county or municipal ordinance other than those specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320 or an offense related to tobacco;~~

~~(b) Violates any rule or regulation having the force of law; or~~

~~(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.~~

~~3. *The provisions of subsection 2 do not apply to a sexually exploited child.*~~

~~*4.* For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:~~

~~(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.~~

~~(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:~~

~~(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and~~

~~(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:~~

~~(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and~~

~~(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:~~

~~(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been~~

~~present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and~~

~~(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.~~

~~(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:~~

~~(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or~~

~~(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.~~

~~(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.~~**] (Deleted by amendment.)**

Sec. 5. ~~[NRS 62C.050 is hereby amended to read as follows:~~

~~62C.050 1. Except as otherwise provided in this section, if a child who is alleged to be in need of supervision is taken into custody and detained, the child must be released not later than 24 hours, excluding Saturdays, Sundays and holidays, after the child's initial contact with a peace officer or probation officer to:~~

~~(a) A parent or guardian of the child;~~

~~(b) Any other person who is able to provide adequate care and supervision for the child; or~~

~~(c) Shelter care.~~

~~2. A child does not have to be released pursuant to subsection 1 if the juvenile court:~~

~~(a) Holds a detention hearing;~~

~~(b) Determines that the child:~~

~~(1) Has threatened to run away from home or from the shelter;~~

~~(2) Is accused of violent behavior at home; or~~

~~(3) Is accused of violating the terms of a supervision and consent decree; and~~

~~(c) Determines that the child needs to be detained to make an alternative placement for the child.~~

~~The child may be detained for an additional 24 hours but not more than 48 hours after the detention hearing, excluding Saturdays, Sundays and holidays.~~

~~3. A child does not have to be released pursuant to this section if the juvenile court:~~

~~(a) Holds a detention hearing; and~~

~~(b) Determines that the child:~~

~~(1) Is a ward of a federal court or held pursuant to a federal statute;~~

~~(2) Has run away from another state and a jurisdiction within that state has issued a want, warrant or request for the child; or~~

~~(3) Is accused of violating a valid court order.~~

~~→ The child may be detained for an additional period as necessary for the juvenile court to return the child to the jurisdiction from which the child originated or to make an alternative placement for the child.~~

~~4. *A child does not have to be released pursuant to this section if the juvenile court:*~~

~~*(a) Holds a detention hearing; and*~~

~~*(b) Determines that the child is a sexually exploited child.*~~

~~→ *The child may be detained for an additional period as necessary for the juvenile court to make an alternative placement for the child to protect him or her from further exploitation.*~~

~~5. For the purposes of this section, an alternative placement must be in a facility in which there are no physical restraining devices or barriers.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 62E.410 is hereby amended to read as follows:~~

~~62E.410 1. If a petition is filed alleging that a child is in need of supervision and the child previously has not been found to be within the purview of this title, the juvenile court:~~

~~(a) Shall admonish the child to obey the law and to refrain from repeating the acts for which the petition was filed;~~

~~(b) Shall maintain a record of the admonition;~~

~~(c) Shall refer the child to services available in the community for counseling, behavioral modification and social adjustment; and~~

~~(d) Shall not adjudicate the child to be in need of supervision, unless a subsequent petition based upon additional facts is filed with the juvenile court after admonition and referral pursuant to this subsection.~~

~~2. If a child is not subject to the provisions of subsection 1, the juvenile court may not adjudicate the child to be in need of supervision unless the juvenile court expressly finds that reasonable efforts were taken in the community to assist the child in ceasing the behavior for which the child is alleged to be in need of supervision.~~

~~3. The provisions of this section do not apply to a child who is alleged to be in need of supervision because the child is a habitual truant~~ **[**~~.~~**]** ~~*or is a sexually exploited child.]*~~ **(Deleted by amendment.)**

Sec. 6.5. **Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the district attorney files a petition with the juvenile court alleging that a child who is less than 18 years of age has engaged in prostitution or the solicitation of prostitution, the juvenile court:

(a) Except as otherwise provided in paragraph (b), shall:

(1) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency; and

(2) Order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child, including, without limitation, any counseling and medical treatment for victims of sexual assault in accordance with the provisions of NRS 217.280 to 217.350, inclusive.

(b) If the child originated from a jurisdiction outside this State, may return the child to the jurisdiction from which the child originated.

2. If a child is placed under a supervision and consent decree pursuant to this section, the juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest.

3. If a child is alleged to have violated the provisions of a supervision and consent decree under this section or an order issued pursuant to this section:

(a) The district attorney must not file a petition alleging that the child has violated the decree or order and the allegation must be placed before the court pursuant to a motion or a request for judicial review. This paragraph does not prohibit the district attorney from filing a petition alleging that the child has committed a delinquent act.

(b) The juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest.

4. Except as otherwise provided in this subsection, if a child is placed under the supervision of the juvenile court pursuant to a supervision and consent decree under this section, the juvenile court shall dismiss the petition upon the successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services provided under the supervision and consent decree.

Sec. 7. This act becomes effective ~~[on July 1, 2016.]~~ **upon passage and approval.**

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment places a child under the age of 18 who has engaged in prostitution or solicitation for prostitution under the supervision of the juvenile court pursuant to a supervision and consent decree. The juvenile court will require services to address the sexual exploitation and other needs of the child. The court may determine the placement of the child if it is in the child's best interest. Allegations of violations must be brought before the court, and the court may issue certain orders concerning the child. Upon the successful completion of the terms and conditions of the supervision and consent decree or if the child reaches 18 years of age, the court must dismiss the petition alleging that the child engaged in prostitution or this solicitation of prostitution. Lastly, a child who has reached 18 years of age may consent to remain under the supervision of the juvenile court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 164.

Bill read second time.

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

Amendment No. 216.

Assemblymen Ohrenschall, Wheeler, Fiore; Araujo, Armstrong, Diaz, **Dickman,** Gardner, Jones, Moore, Seaman, Shelton, Stewart and Swank

AN ACT relating to public health; authorizing a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an investigational drug, biological product or device under certain circumstances; authorizing a physician to prescribe or recommend an investigational drug, biological product or device to certain persons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a serious or immediately life-threatening illness under certain circumstances. (21 C.F.R. Part 312, Subpart I) Existing Nevada law makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act. (NRS 454.351)

Section 1 of this bill authorizes the manufacturer of an investigational drug, biological product or device to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition **that will, without the administration of life-sustaining treatment, result in death within 1 year** if a physician prescribes or recommends the investigational drug, biological product or device. **Section 1** defines "investigational drug, biological product or device" as a drug, biological product or device that: (1) has successfully completed Phase 1 of a clinical trial; (2) has not been approved by the United States Food and Drug Administration; and (3) is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration. **Section 1** also makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. Additionally,

section 2 of this bill removes the criminal penalty otherwise imposed against a person who engages in certain acts that make an investigational drug or biological product available when certain requirements are met.

Because a prescription or recommendation from a physician is required before a patient may obtain an investigational drug, biological product or device, **sections 3 and 8** of this bill authorize a physician to issue such a prescription or recommendation if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the Food and Drug Administration is adequate to treat the terminal condition; and (3) obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. **Sections 3 and 8 also require such informed, written consent to be provided on a form that contains certain information about the possible consequences of using the investigational drug, biological product or device.** Additionally, **sections 5, 7 and 9** of this bill provide that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigational drug or biological product prescribed by a physician.

WHEREAS, The process to approve investigational drugs, biological products and devices often takes many years; and

WHEREAS, Patients who have a terminal condition do not have the luxury of waiting until an investigational drug, biological product or device receives final approval from the United States Food and Drug Administration; and

WHEREAS, The standards of the United States Food and Drug Administration for the use of investigational drugs, biological products and devices may deny potentially life-saving treatments to terminal patients; and

WHEREAS, This State recognizes that patients who have a terminal condition have a fundamental right to attempt to pursue the preservation of their own lives by accessing available investigational drugs, biological products and devices; and

WHEREAS, The decision to use an available investigational drug, biological product or device should be made by a patient with a terminal condition in consultation with his or her physician and is not a decision to be made by the government; now, therefore,

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a

terminal condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to section 3 or 8 of this act.

2. A manufacturer who provides or makes available an investigational drug, biological product or device to a patient pursuant to subsection 1 may:

(a) Provide the investigational drug, biological product or device to the patient without charge; or

(b) Charge the patient only for the costs associated with the manufacture of the investigational drug, biological product or device.

3. An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section.

4. A violation of any provision of this section is a misdemeanor.

5. As used in this section:

(a) "Biological product" has the meaning ascribed to it in 42 U.S.C. § 262.

(b) "Investigational drug, biological product or device" means a drug, biological product or device that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

(c) "Terminal condition" ~~[has the meaning ascribed to it in NRS 449.590.]~~ means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.

Sec. 2. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the ***United States*** Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the ***United States*** Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the ***United States*** Food and Drug Administration. The exemption granted in this

paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an investigational drug or biological product when authorized pursuant to section 1 of this act.

(d) To any physician who prescribes or recommends an investigational drug or biological product pursuant to section 3 or 8 of this act.

3. As used in this section:

(a) "Biological product" has the meaning ascribed to it in section 1 of this act.

(b) "Investigational drug or biological product" means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 3. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician may prescribe or recommend an investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a terminal condition;

(b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and

(c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

(a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;

(b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to significantly prolong the life of the patient;

(c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;

(d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:

(1) A description of the best and worst possible outcomes;

(2) A realistic description of the most likely outcome, in the opinion of the physician; and

(3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;

(e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device;

(f) A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and

(g) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. A physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

~~[3.]~~ 4. As used in this section:

(a) "Investigational drug, biological product or device" has the meaning ascribed to it in section 1 of this act.

(b) "Terminal condition" has the meaning ascribed to it in ~~[NRS 449.590.]~~ section 1 of this act.

Sec. 4. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to ***paragraph (j) of*** subsection ~~[10]~~ ***1*** of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 5. NRS 630.306 is hereby amended to read as follows:

630.306 ***1.*** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~[1.]~~ ***(a)*** Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

~~[2.]~~ ***(b)*** Engaging in any conduct:

~~[(a)]~~ ***(1)*** Which is intended to deceive;

~~[(b)]~~ ***(2)*** Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

~~[(c)]~~ ***(3)*** Which is in violation of a regulation adopted by the State Board of Pharmacy.

~~[3.]~~ ***(c)*** Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

~~[4.]~~ ***(d)*** Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

~~[5.]~~ ***(e)*** Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

~~[6.]~~ ***(f)*** Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

~~[7.]~~ ***(g)*** Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

~~[8.]~~ ***(h)*** Habitual intoxication from alcohol or dependency on controlled substances.

~~[9.]~~ ***(i)*** Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

~~[10.]~~ ***(j)*** Failing to comply with the requirements of NRS 630.254.

~~[11.]~~ ***(k)*** Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

~~[12.]~~ ***(l)*** Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~[13.]~~ ***(m)*** Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

~~[14.]~~ ***(n)*** Operation of a medical facility at any time during which:

~~[(a)]~~ ***(1)*** The license of the facility is suspended or revoked; or

~~[(b)]~~ ***(2)*** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[subsection]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

~~[15.]~~ ***(o)*** Failure to comply with the requirements of NRS 630.373.

~~[16.]~~ ***(p)*** Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

~~[17.]~~ ***(q)*** Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~[(a)]~~ ***(1)*** Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~[(b)]~~ ***(2)*** Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~[or~~

~~(c)]~~ ***(3)*** Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[.~~

~~18.]~~ ***; or***

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report

stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of a license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 630.306.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing

the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 7. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~[or]~~

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[.]~~ ***; or***

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide-certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An osteopathic physician may prescribe or recommend an investigational drug, biological product or device to a patient if the osteopathic physician has:

(a) Diagnosed the patient with a terminal condition;

(b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and

(c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

(a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;

(b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to significantly prolong the life of the patient;

(c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;

(d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:

(1) A description of the best and worst possible outcomes;

(2) A realistic description of the most likely outcome, in the opinion of the osteopathic physician; and

(3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;

(e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device;

(f) A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and

(g) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

~~[3.]~~ ***4. As used in this section:***

(a) "Investigational drug, biological product or device" has the meaning ascribed to it in section 1 of this act.

(b) "Terminal condition" has the meaning ascribed to it in ~~[NRS 449.590.]~~ ***section 1 of this act.***

Sec. 9. NRS 633.511 is hereby amended to read as follows:

633.511 ***1.*** The grounds for initiating disciplinary action pursuant to this chapter are:

~~[1.]~~ ***(a)*** Unprofessional conduct.

~~[2.]~~ ***(b)*** Conviction of:

~~[(a)]~~ ***(1)*** A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[(b)]~~ ***(2)*** A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

~~[(c)]~~ ***(3)*** A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[(d)]~~ ***(4)*** Murder, voluntary manslaughter or mayhem;

~~[(e)]~~ ***(5)*** Any felony involving the use of a firearm or other deadly weapon;

~~[(f)]~~ ***(6)*** Assault with intent to kill or to commit sexual assault or mayhem;

~~[(g)]~~ ***(7)*** Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

~~[(h)]~~ ***(8)*** Abuse or neglect of a child or contributory delinquency; or

~~[(i)]~~ ***(9)*** Any offense involving moral turpitude.

~~[3.]~~ ***(c)*** The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

~~[4.]~~ ***(d)*** Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

~~[5.]~~ ***(e)*** Professional incompetence.

~~[6.]~~ ***(f)*** Failure to comply with the requirements of NRS 633.527.

~~[7.]~~ ***(g)*** Failure to comply with the requirements of subsection 3 of NRS 633.471.

~~[8.]~~ ***(h)*** Failure to comply with the provisions of NRS 633.694.

~~[9.]~~ ***(i)*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~[(a)]~~ ***(1)*** The license of the facility is suspended or revoked; or

~~[(b)]~~ ***(2)*** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[subsection]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

~~[10.]~~ ***(j)*** Failure to comply with the provisions of subsection 2 of NRS 633.322.

~~[11.]~~ ***(k)*** Signing a blank prescription form.

~~[12.]~~ ***(l)*** Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~[(a)]~~ ***(1)*** Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~[(b)]~~ ***(2)*** Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~[or~~

~~(c)]~~ ***(3)*** Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[.~~

~~13.]~~ ***; or***

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

~~[14.]~~ ***(n)*** Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

~~[15.]~~ ***(o)*** In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

~~[16.]~~ ***(p)*** Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~[17.]~~ ***(q)*** Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~[18.]~~ ***(r)*** Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

~~[19.]~~ ***(s)*** Failure to comply with the provisions of NRS 633.165.

~~[20.]~~ ***(t)*** Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 10. This act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblymen Oscarson, Carlton, Ohrenschall, Titus, and Sprinkle.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that a "terminal condition" will result in death within a year and adds a requirement that the patient sign a form acknowledging informed consent of certain provisions.

ASSEMBLYWOMAN CARLTON:

On page 5 of the amendment, it says that the insurance carrier for that patient will include within the document the patient will sign a basic waiver that the insurer would not cover any health issues that might result from this experimental drug. I was wondering if there was any recourse for the patient if it was not a listed side effect of that drug and they would happen to come up with something ancillary. We know insurance companies sometimes have a tendency to deny things. If we are talking about a terminal patient, they do not have time to fight the bureaucracy. What type of recourse would they have to get the care for any ancillary damage that might be done by the drug?

ASSEMBLYMAN OHRENSCHALL:

The lines in the amendment came out of the working group. The Chairman of the Health and Human Services Committee had a working group, and we met with all the stakeholders. The key words in line 40 on page 5 of the amendment are a statement that the health insurer of the patient "may not be required." This is something I asked our legal counsel about. This is not establishing a new statutory basis saying the experimental medication will not be covered, but it is, as part of the informed consent, letting the terminally ill patient know that the medication may not be covered. So the way I understand the amendment—and the way I believe the working group understood the amendment—was that while it could be covered, we are not imposing a regulation on the insurance company that they have to cover it, especially if it is not in their formulary. It has made it through the first phases of the FDA trials processes, but it has not made it all the way through. We are certainly not prohibiting its coverage, and we are not providing any cover for an insurer not to cover it, but we are certainly letting the patient know that it may not be covered if they choose to go that route.

ASSEMBLYWOMAN CARLTON:

It is more in the section of ". . . that future benefits under the policy of insurance covering the patient may be affected by the patient's use of that investigational drug, biological product, or device." Even though it may be an ancillary issue, I would hate to see them end up in the emergency room one evening, have the insurance company say Well, that was a side effect of the drug. It could have been a side effect of the disease, and they end up with a huge emergency room bill. We know in terminally ill cases, you can hit $500,000 lickety-split, and I would hate to see those patients and their families have their financial future at risk because of just a simple disclosure. We know what happens when you are desperate—you will sign anything.

ASSEMBLYMAN OHRENSCHALL:

I, too, share those concerns, and that is not something I would want to see. However, I feel the language we came up with would not allow that to happen. If I am mistaken, I am certainly open to further amendment.

ASSEMBLYWOMAN TITUS:

Just a point of clarification. During this working group, I, too, had extreme concern about unknown side effects of these medications. Because we do not know what the side effects might be, would the insurance companies then not cover a patient who shows up at the emergency room with some unknown condition related to the drug? Would they say Oh, but you took this experimental drug? The concern was whether they violated the warranty if they chose to take the experimental drug. It was at my insistence that it be clear in the informed consent, before they take this medication, that there is a possibility that the insurance companies might do that. It was really all about informed consent so there were no surprises. The insurance companies were at the table. They wanted us to actually mandate that they did not have to cover it, and we would not accept that. We wanted to make sure. It very well may be covered under the Affordable Care Act. We wanted to make sure that patients were informed; it had to be in writing. In my mind, it was to protect the patients.

ASSEMBLYMAN SPRINKLE:

I want to concur with that. I was another one of the leaders of this working group, and there was a consensus on this amendment. We wanted to get everyone in that room to agree about what we needed to have in the liability statement and sign off on it.

ASSEMBLYMAN OSCARSON:

I want to echo the comments of my colleagues. This was bipartisan support of two bills that got combined into one. There was a lot of effort and time taken to put this together and put the right words in the right places. I appreciate all the effort that went into the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 167.

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; **requiring the State**

Board to submit a report to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

Section 6 of this bill requires the State Board of Health to adopt regulations concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. **Section 4** of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Section 6 provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems here certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater system. **Section 6** allows issuance of such a permit only if certain requirements are met. Finally, **section 6** provides that local governments may not prohibit the use of such graywater systems.

Section 8 of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

Section 11 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) **Section 11** also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

Section 12 of this bill requires the State Board of Health to submit to the Legislature a report stating the number and location of each permit issued pursuant to section 6 for the operation of a graywater system.

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

Section 1. NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

(a) To define and control dangerous communicable diseases.

(b) To prevent and control nuisances.

(c) To regulate sanitation and sanitary practices in the interests of the public health.

(d) To provide for the sanitary protection of water and food supplies.

(e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, ***and sections 3 to 6, inclusive, of this act,*** 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

(f) To protect and promote the public health generally.

(g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, ***and sections 3 to 6, inclusive, of this act,*** those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***As used in NRS 444.650 and sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 4. **"*Graywater system" means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.***

Sec. 5. **"*Recycled water" means water that has been used and subsequently treated to make it suitable for use again.***

Sec. 6. ***1. The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.***

2. Except as otherwise provided in subsection ~~[4,]~~ 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitos or other vectors;

(c) The graywater is vertically separated from and at least 4 feet above the groundwater table;

(d) All piping for the graywater is clearly identified as containing nonpotable water;

(e) The graywater is used on the site where it is generated and does not run off the property;

(f) The graywater is applied in a manner that prevents contact with people or domestic pets;

(g) The application of the graywater is managed to prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

(h) The graywater is discharged below the surface of the ground;

(i) The graywater is not discharged into a natural watercourse; ~~[and]~~

(j) If the application is for a permit for a residence that is or will be connected to a treatment works, the proposed operator of the graywater system has conducted an analysis of the possible effect of the graywater system on the treatment works and has reported the results of the analysis, including, without limitation, any finding that the graywater system will be detrimental to the flow of or total suspended solids in water passing through the treatment works, to the State Board of Health or a district board of health, as applicable; and

(k) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

5. A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geologic, hydrological and topographical characteristics of the area within its jurisdiction.

6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.

7. As used in this section, "treatment works" has the meaning ascribed to it in NRS 445A.410.

Sec. 7. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for ***the*** disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for ***the*** disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act*** and any regulations adopted pursuant to those provisions.

~~[4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.]~~

Sec. 8. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a graywater system if the person has obtained a permit that meets the requirements of section 6 of this act.

2. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 9. NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~[.]~~ ***, and section 8 of this act.***

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 11. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act, the governing documents of an association may

prohibit or restrict the use of a graywater system within the common-interest community.

2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest community must comply with the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act.

3. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 12. **On or before December 31, 2020, the State Board of Health shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation, the number of permits issued pursuant to section 6 of this act and the regulations adopted pursuant thereto and the location for which each such permit was issued.**

Sec. 13. **This act becomes effective:**

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

2. On July 1, 2016, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This Amendment adds a provision that if the application for a graywater system permit is for a residence connected to a treatment works, that an analysis of the possible effect of the graywater system must be conducted and results reported to the State Board of Health before a permit may be issued. Further, the State Board of Health is required to submit to the Legislature a report stating the number and location of each permit issued for the operation of a graywater system. The effective date has changed to passage and approval for purposes of adopting regulations and July 1, 2016, for all other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 235.

AN ACT relating to real property; requiring the grantee to whom real property is conveyed under an agreement for a deed in lieu of a foreclosure sale to record the conveyance within 30 days after the date of the conveyance; providing that a grantee who fails to record such a conveyance is liable for certain damages and attorney's fees and costs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) requires the grantee of real property under an agreement for a deed in lieu of a foreclosure sale to record the conveyance with the appropriate office of the county recorder within 30 days after the date of the conveyance; and (2) makes the grantee liable for attorney's fees and costs and for certain damages for failure to record such a conveyance.

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. After the conveyance of real property pursuant to an agreement for a deed in lieu of a foreclosure sale, the grantee shall, within 30 days after the date of the conveyance, record the conveyance by recording a deed in the office of the county recorder of the county in which the property is located.

2. If the grantee fails to record a deed pursuant to subsection 1, the grantee is liable in a civil action:

(a) To a grantor of the deed in lieu of foreclosure or any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) For any actual damages caused by the failure to comply with the provisions of subsection 1 and for reasonable attorney's fees and the costs of bringing the action.

Sec. 2. NRS 107A.200 is hereby amended to read as follows:

107A.200 "Submit for recording" means to submit a document complying with applicable legal standards, with required fees and taxes, to the appropriate governmental office pursuant to NRS 111.310 to 111.365, inclusive ~~.~~ ***, and section 1 of this act.***

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This Amendment adds to the bill that the grantee is liable for attorney's fees and costs and for certain damages for failure to record a conveyance of real property to the grantor of the deed in lieu of foreclosure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 174.

AN ACT relating to motor vehicles; revising provisions governing the requirements for **special license plates,** a special parking placard **or a special parking sticker** issued by the Department of Motor Vehicles to certain persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles is authorized to issue **special license plates,** a special **or temporary** parking placard **or a special or temporary parking sticker** to a person with a permanent disability **,** ~~[or]~~ a person with a disability of moderate duration **or a person with a temporary disability** who applies for such a **plate,** placard ~~[.]~~ **or sticker.** Such a ~~[special parking]~~ **plate,** placard **or sticker** is required to have on it the international symbol of access, an identification number, an expiration date and the seal or other identification of the Department **.** ~~[, and must have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of a vehicle.]~~ **A city or county may also issue such a temporary parking placard or a temporary parking sticker. Upon issuance of such a plate, placard or sticker, the Department or the city or county, as applicable, must issue a letter to the applicant that sets forth the name of the person with the disability and certain other information.** (NRS 482.384) **Section 1** of this bill requires that such a ~~[special parking placard]~~ **letter issued by the Department or a city or county, as applicable,** also contain the photograph of the holder of the placard that appears on the driver's license **or identification card, if any,** of the holder. ~~[Each such placard must also include a removable sleeve, designed to cover the portion of the placard where the photograph is located, which obscures the photograph from view.]~~ **Sections 2 and 3** of this bill require the owner or operator of a motor vehicle displaying such a **plate,** placard **or sticker** to ~~[remove the sleeve]~~ **present the letter** upon the request of a police officer or certain volunteers appointed by a local law enforcement agency to enforce handicapped parking provisions.

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

Section 1. NRS 482.384 is hereby amended to read as follows:

482.384 1. Upon the application of a person with a permanent disability, the Department may issue special license plates for a vehicle, including a motorcycle, registered by the applicant pursuant to this chapter. The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability. The issuance of a special license plate to a person with a permanent disability pursuant to this subsection does not preclude the issuance to such a person of a special parking placard for a vehicle other than a motorcycle or a special parking sticker for a motorcycle pursuant to subsection 6.

2. Every year after the initial issuance of special license plates to a person with a permanent disability, the Department shall require the person to renew

the special license plates in accordance with the procedures for renewal of registration pursuant to this chapter. The Department shall not require a person with a permanent disability to include with the application for renewal a statement from a licensed physician certifying that the person is a person with a permanent disability.

3. Upon the application of an organization which provides transportation for a person with a permanent disability, disability of moderate duration or temporary disability, the Department may issue special license plates for a vehicle registered by the organization pursuant to this chapter, or the Department may issue special parking placards to the organization pursuant to this section to be used on vehicles providing transportation to such persons. The application must include a statement from the organization certifying that:

(a) The vehicle for which the special license plates are issued is used primarily to transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities; or

(b) The organization which is issued the special parking placards will only use such placards on vehicles that actually transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities.

4. The Department may charge a fee for special license plates issued pursuant to this section not to exceed the fee charged for the issuance of license plates for the same class of vehicle.

5. Special license plates issued pursuant to this section must display the international symbol of access in a color which contrasts with the background and is the same size as the numerals and letters on the plate.

6. Upon the application of a person with a permanent disability or disability of moderate duration, the Department may issue:

(a) A special parking placard for a vehicle other than a motorcycle. Upon request, the Department may issue one additional placard to an applicant to whom special license plates have not been issued pursuant to this section.

(b) A special parking sticker for a motorcycle.

➥ The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability or disability of moderate duration.

7. A special parking placard issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a blue background;

(b) Have an identification number and date of expiration of:

(1) If the special parking placard is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking placard is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance;

(c) ~~***[Have placed on it the photograph of the holder of the special parking placard which appears on the driver's license of the holder;***~~

~~*(d) Have a removable sleeve, designed to cover only the portion of the placard where the photograph of the holder required pursuant to paragraph (c) is located, and sufficient to obscure the photograph from the view of any person viewing the placard;*~~

~~*(e)]*~~ Have placed or inscribed on it the seal or other identification of the Department; and

(d) ~~*[(f)]*~~ Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

8. A special parking sticker issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which complies with any applicable federal standards, is centered on the sticker and is white on a blue background;

(b) Have an identification number and a date of expiration of:

(1) If the special parking sticker is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking sticker is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance; and

(c) Have placed or inscribed on it the seal or other identification of the Department.

9. Before the date of expiration of a special parking placard or special parking sticker issued to a person with a permanent disability or disability of moderate duration, the person shall renew the special parking placard or special parking sticker. If the applicant for renewal is a person with a disability of moderate duration, the applicant must include with the application for renewal a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk, and that such disability, although not irreversible, is estimated to last longer than 6 months. A person with a permanent disability is not required to submit evidence of a continuing disability with the application for renewal.

10. The Department, or a city or county, may issue, and charge a reasonable fee for, a temporary parking placard for a vehicle other than a motorcycle or a temporary parking sticker for a motorcycle upon the application of a person with a temporary disability. Upon request, the Department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

(a) That the applicant has a temporary disability; and

(b) The estimated period of the disability.

11. A temporary parking placard issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background;

(b) Have an identification number and a date of expiration; and

(c) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

12. A temporary parking sticker issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the sticker and is white on a red background; and

(b) Have an identification number and a date of expiration.

13. A temporary parking placard or temporary parking sticker is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months. If the temporary disability continues after the period for which the physician has certified the disability, the person with the temporary disability must renew the temporary parking placard or temporary parking sticker before the temporary parking placard or temporary parking sticker expires. The person with the temporary disability shall include with the application for renewal a statement from a licensed physician certifying that the applicant continues to be a person with a temporary disability and the estimated period of the disability.

14. A special or temporary parking placard must be displayed in the vehicle when the vehicle is parked by hanging or attaching the placard to the rearview mirror of the vehicle. If the vehicle has no rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

15. Upon issuing a special license plate pursuant to subsection 1, a special or temporary parking placard, or a special or temporary parking sticker, the Department, or the city or county, if applicable, shall issue ~~[a]~~ ***an authorization*** letter to the applicant that ***includes the photograph of the applicant which appears on the driver's license or identification card, if any, of the applicant who is the person with a disability, and*** sets forth the name and address of the person with a permanent disability, disability of moderate duration or temporary disability to whom the special license plate, special or temporary parking placard or special or temporary parking sticker has been issued and:

(a) If the person receives special license plates, the license plate number designated for the plates; and

(b) If the person receives a special or temporary parking placard or a special or temporary parking sticker, the identification number and date of expiration indicated on the placard or sticker.

➥ The ***authorization*** letter, or a legible copy thereof, must be kept with the vehicle for which the special license plate has been issued or in which the person to whom the special or temporary parking placard or special or temporary parking sticker has been issued is driving or is a passenger.

16. A special or temporary parking sticker must be affixed to the windscreen of the motorcycle. If the motorcycle has no windscreen, the sticker must be affixed to any other part of the motorcycle which may be easily seen when the motorcycle is parked.

17. Special or temporary parking placards, special or temporary parking stickers, or special license plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

18. No person, other than the person certified as being a person with a permanent disability, disability of moderate duration or temporary disability, or a person actually transporting such a person, may use the special license plate or plates or a special or temporary parking placard, or a special or temporary parking sticker issued pursuant to this section to obtain any special parking privileges available pursuant to this section.

19. Any person who violates the provisions of subsection 18 is guilty of a misdemeanor.

20. The Department may review the eligibility of each holder of a special parking placard, a special parking sticker or special license plates, or any combination thereof. Upon a determination of ineligibility by the Department, the holder shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department.

21. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2. NRS 484B.463 is hereby amended to read as follows:

484B.463 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** an owner or operator of a motor vehicle displaying a special parking placard, a special parking sticker, a temporary parking placard, a temporary parking sticker or a special plate or plates issued pursuant to NRS 482.384, or a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377, may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or a person transporting any such person.

2. An owner or operator of a motor vehicle displaying a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377 may, without displaying a special license plate, placard or sticker issued pursuant to NRS 482.384, park in a parking space designated for persons who are handicapped if:

(a) The parking is done by a veteran with a disability; or

(b) A veteran with a disability is a passenger in the motor vehicle being parked.

3. ***An owner or operator of a motor vehicle displaying a special license plate or plates, a special or temporary parking placard or a special or temporary parking sticker that has been issued pursuant to*** ~~***[subsection 6 of]***~~ ***NRS 482.384 shall, if requested by a police officer or a volunteer appointed pursuant to NRS 484B.470,*** ~~***[remove the sleeve covering the photograph on the placard]***~~ ***present the authorization letter issued pursuant to subsection***

15 of NRS 482.384 so that the police officer or volunteer may view the photograph.

4. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 3. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of $250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces,

➥ must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of $250 for violation" or similar words indicating that the minimum fine for parking in such a space is $250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➥ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➥ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or motorcycle, at the time that the vehicle or motorcycle is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for

persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. ***An owner or operator of a motor vehicle displaying a special license plate or plates, a special or temporary parking placard or a special or temporary parking sticker that has been issued pursuant to [subsection 6 of] NRS 482.384 shall, if requested by a police officer or a volunteer appointed pursuant to NRS 484B.470, [remove the sleeve covering the photograph on the placard] present the authorization letter issued pursuant to subsection 15 of NRS 482.384 so that the police officer or volunteer may view the photograph.***

11. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $250.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.

Sec. 3.5. **As soon as practicable after the passage and approval of this act, upon determining that sufficient resources are available to carry out the amendatory provisions of this act, the Director of the Department of Motor Vehicles shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

Sec. 4. This act becomes effective:

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

2. **[**On January 1, 2016, for**]** **For** all other purposes **[**.**]** **, on the date on which the Director of the Department of Motor Vehicles, pursuant to section 4 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to carry out the amendatory provisions of this act.**

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 174 makes the following changes to A.B. 204. It removes the requirement that the photograph of a holder of a special parking placard be placed on that placard. It requires that an authorization letter which is issued with a special license plate, placard, or sticker by the Department of Motor Vehicles or a city or county contain the photograph of the holder of the special license plate, placard, or sticker that appears on the persons driver's license or identification card. It requires the owner or operator of a motor vehicle displaying a special license plate, placard, or sticker to present the authorization letter to a law enforcement representative

upon request. The amendment changes part of the effective date from January 1, 2016, to the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

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

Amendment No. 223.

AN ACT relating to elections; creating the Legislative Advisory Commission on Reapportionment and Redistricting to assist the Legislature with reapportionment; requiring the Advisory Commission to meet by a specified time after each decennial census to develop proposed reapportionment plans for congressional districts, state legislative districts, state election districts for the Board of Regents of the University of Nevada and certain other state election districts; authorizing the Legislative Commission to convene the Advisory Commission under certain circumstances if there is a need to develop new reapportionment plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the United States Constitution, each state legislature has been delegated the authority to regulate the times, places and manner of holding elections for the state's Representatives in Congress, which includes the power to establish by law congressional districts for their election. (U.S. Const. Art. I, § 4; *Smiley v. Holm*, 285 U.S. 355, 362-73 (1932)) This delegated authority requires each state legislature to apportion the state's Representatives in Congress among congressional districts according to population. (U.S. Const. Art. I, § 2; 2 U.S.C. § 2c; *Tennant v. Jefferson County Comm'n*, 133 S. Ct. 3, 5 (2012)) To account for changes or shifts in a state's population over time, the state legislature must reapportion the state's congressional districts following each decennial census of the United States. (2 U.S.C. § 2a; 13 U.S.C. § 141; *Franklin v. Massachusetts*, 505 U.S. 788, 791-92 (1992); *Georgia v. Ashcroft*, 539 U.S. 461, 488 n.2 (2003)) When the state legislature reapportions the state's congressional districts, the districts generally must consist of equal population, as nearly as is practicable, so that each person's vote is given equal weight to comply with the one-person, one-vote principle embraced by Article I, Section 2 of the United States Constitution. (*Wesberry v. Sanders*, 376 U.S. 1, 7-8 (1964); *Karcher v. Daggett*, 462 U.S. 725, 730-31 (1983); *Tennant v. Jefferson County Comm'n*, 133 S. Ct. 3, 5 (2012))

In addition, after each decennial census of the United States, the Nevada Constitution requires the Legislature to fix by law the number of members of the Senate and Assembly and apportion them among the state's legislative

districts according to population. (Nev. Const. Art. 1, § 13, Art. 4, § 5, Art. 15, § 13) The Nevada Constitution also requires that the number of members of the Senate must not be less than one-third nor more than one-half of the number of members of the Assembly and that the aggregate number of members of both Houses must not exceed 75 total members. (Nev. Const. Art. 4, § 5, Art. 15, § 6) When the Legislature reapportions the state's legislative districts, the districts generally must consist of equal population, as nearly as is practicable, so that each person's vote is given equal weight to comply with the one-person, one-vote principle embraced by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. (U.S. Const. Amend. XIV, § 1; *Reynolds v. Sims*, 377 U.S. 533, 561-68 (1964); *Connor v. Finch*, 431 U.S. 407, 416 (1977))

Finally, the Nevada Constitution requires the Legislature to provide for the election of the members of the Board of Regents of the University of Nevada, and the Legislature has provided by law for their election from districts apportioned according to population. (Nev. Const. Art. 11, § 7; NRS 396.040) When the members of a governing board are elected from districts apportioned according to population, the districts must be apportioned based on the same principles that apply to the apportionment of legislative districts. (*Hadley v. Junior College Dist.*, 397 U.S. 50, 51-59 (1970)) As a result, when the Legislature reapportions the districts for members of the Board of Regents, the districts generally must consist of equal population, as nearly as is practicable, so that each person's vote is given equal weight to comply with the one-person, one-vote principle embraced by the Equal Protection Clause. (*Tam v. Colton*, 94 Nev. 452, 458-59 (1978))

This bill creates the Legislative Advisory Commission on Reapportionment and Redistricting to assist the Legislature with reapportionment by preparing and submitting proposed reapportionment plans for consideration by the Legislature. **Section 6** of this bill defines the term "reapportionment plan" as a plan for reapportioning congressional districts, state legislative districts, state election districts for the Board of Regents and certain other state election districts.

Section 7 of this bill provides that the Advisory Commission consists of ~~[~~five~~]~~ **four** members appointed by ~~[~~the following appointing authorities: (1) the Chief Justice of the Nevada Supreme Court; (2)~~]~~ the Majority and Minority Leaders of the Senate ~~[;]~~ and ~~[(3)]~~ the Speaker and Minority Leader of the Assembly. **Section 7** prohibits a person from serving as a member of the Advisory Commission if the person holds an elective office. **Section 7** also provides that for a period of 5 years, a former member is not eligible to be a candidate for or hold an office that is elected from any district for which the Advisory Commission is authorized to develop a reapportionment plan. However, this restriction does not apply to the office of Representative in Congress because the states do not have the power to fix qualifications for service in Congress. (*U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 782-827 (1995))

Section 8 of this bill establishes procedural requirements for the operation of the Advisory Commission and also provides that the members serve without compensation but are entitled to receive from the Legislative Fund per diem allowances and travel expenses while engaged in the business of the Advisory Commission.

Section 9 of this bill directs the Legislative Counsel Bureau to provide the Advisory Commission with staff and legal, technical and other appropriate services. **Section 9** also provides that when carrying out their duties, the members and staff of the Advisory Commission are entitled to the same rights, privileges and immunities recognized by law for the members and staff of the Legislature when carrying out their legislative duties and functions.

Section 10 of this bill contains requirements relating to the meetings of the Advisory Commission, including receiving public testimony, considering reapportionment plans and maps submitted by the public and making the Advisory Commission's reapportionment plans and maps available for public review and comment. **Section 10** also gives the Advisory Commission the same investigative powers as other interim legislative committees.

Section 11 of this bill requires the Advisory Commission to develop reapportionment plans using certain guidelines and to apply the guidelines in a manner that is impartial and reinforces public confidence in the integrity of the reapportionment process.

Under existing federal law, the Secretary of Commerce must conduct the next decennial census on April 1, 2020, and every 10 years thereafter. (13 U.S.C. § 141(a)) The Secretary of Commerce must report the data from the decennial census to the governor of each state as expeditiously as possible but not later than 1 year after the date of the decennial census. (13 U.S.C. § 141(c))

Section 12 of this bill requires the members of the Advisory Commission to be appointed during the regular session immediately preceding each even-numbered year in which a decennial census is conducted and to meet not later than July 1 of the year in which the decennial census is conducted. **Section 13** of this bill requires the Advisory Commission to submit **, as soon as practicable** during the regular session following the decennial census **,** three reapportionment plans proposing to the Legislature three different options for all districts. **However, if the data from the decennial census is not reported by the Secretary of Commerce to the Governor until after the commencement of the regular session, the Advisory Commission must submit the reapportionment plans not later than 15 days after the date on which the data from the decennial census is reported by the Secretary of Commerce to the Governor. Because the Secretary of Commerce must report the data to the Governor not later than April 1, the Advisory Commission will be required to submit the reapportionment plans not later than April 16 during the regular session.**

Section 14 of this bill provides that during any period between each decennial census in which the Advisory Commission is not carrying out its

duties, the Legislative Commission may convene the Advisory Commission if there is a need to develop reapportionment plans, including, without limitation, because of a decision of a court of competent jurisdiction relating to the validity of the districts.

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

Section 1. Chapter 218B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Advisory Commission" means the Legislative Advisory Commission on Reapportionment and Redistricting created by section 7 of this act.***

Sec. 4. ***"Decennial census" means the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the United States Constitution and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).***

Sec. 5. ***"District" means an election district included in a reapportionment plan.***

Sec. 6. ***"Reapportionment plan" means a plan for reapportioning:***

1. The members of the Legislature among legislative districts for the purposes of this chapter;

2. The Representatives in Congress among congressional districts for the purposes of chapter 304 of NRS;

3. The members of the Board of Regents of the University of Nevada among districts for the purposes of chapter 396 of NRS; or

4. The members of any other state board or state body that, in whole or in part, includes members who are required by law to be elected from districts apportioned according to population, unless the districts are coextensive with any of the other districts set forth in this section.

Sec. 7. ***1. The Legislative Advisory Commission on Reapportionment and Redistricting is hereby created within the Legislative Department.***

2. The membership of the Advisory Commission consists of ~~[five]~~ four members as follows:

(a) ~~[One member appointed by the Chief Justice of the Supreme Court of Nevada.~~

~~(b)]~~ One member appointed by the Majority Leader of the Senate or the person designated after the general election as the Majority Leader of the Senate for the next regular session.

~~[(c)]~~ (b) One member appointed by the Minority Leader of the Senate or the person designated after the general election as the Minority Leader of the Senate for the next regular session.

~~[(d)]~~ *(c) One member appointed by the Speaker of the Assembly or the person designated after the general election as the Speaker of the Assembly for the next regular session.*

~~[(e)]~~ *(d) One member appointed by the Minority Leader of the Assembly or the person designated after the general election as the Minority Leader of the Assembly for the next regular session.*

3. A member of the Advisory Commission:

(a) Shall not hold an elective office of the United States, this State or a political subdivision of this State at the time of appointment to or while serving on the Advisory Commission; and

(b) Except as otherwise provided in this paragraph, is not eligible to be a candidate for or hold an office that is elected from any district for which the Advisory Commission is authorized to develop a reapportionment plan for a period of 5 years following the date on which the terms of all members of the Advisory Commission expire pursuant to section 12 or 14 of this act, as applicable, whether or not the member leaves his or her office on the Advisory Commission before that date. The provisions of this paragraph do not apply to the office of Representative in Congress.

4. A vacancy occurring in the membership of the Advisory Commission must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The terms of the members of the Advisory Commission expire as provided in sections 12 and 14 of this act.

Sec. 8. *1. The ~~[member of the Advisory Commission appointed by the Chief Justice of the Supreme Court of Nevada pursuant to paragraph (a) of subsection 2 of section 7 of this act shall serve as the Chair of the Advisory Commission.~~*

~~2. The]~~ members of the Advisory Commission shall elect a Chair and Vice Chair from among the ~~[other]~~ members. If the position of Chair or Vice Chair becomes vacant, the vacancy must be filled in the same manner for the remainder of the unexpired term.

~~[3.]~~ *2. A majority of the members of the Advisory Commission constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Commission.*

~~[4.]~~ *3. The members of the Advisory Commission serve without compensation. While engaged in the business of the Advisory Commission, each member of the Advisory Commission is entitled to receive from the Legislative Fund the:*

(a) Per diem allowance provided for state officers and employees generally; and

(b) Travel expenses provided for Legislators pursuant to NRS 218A.655.

~~[5.]~~ *4. A member of the Advisory Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for*

and attend meetings of the Advisory Commission and perform any work necessary to carry out the duties of the Advisory Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require such a person who is a member of the Advisory Commission to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Advisory Commission; or

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

Sec. 9. *1. To the extent of legislative appropriation:*

(a) The Legislative Counsel Bureau shall provide the Advisory Commission with such staff and legal, technical and other appropriate services as necessary to carry out the duties of the Advisory Commission.

(b) Each member of the Advisory Commission, and such staff as approved by the Director, shall attend at least one conference or program on reapportionment and redistricting conducted by the National Conference of State Legislatures or another organization approved by the Advisory Commission.

2. When carrying out the duties of the Advisory Commission, the members and staff of the Advisory Commission are entitled to the same rights, privileges and immunities recognized by law for the members and staff of the Legislature when carrying out legislative duties and functions, including, without limitation, the rights, privileges and immunities recognized by the constitutional doctrines of separation of powers and legislative privilege and immunity and statutorily codified in NRS 41.071.

Sec. 10. *1. The Advisory Commission shall:*

(a) Adopt rules for its own management and government.

(b) Meet at the call of the Chair or a majority of its members as necessary, within the budget of the Advisory Commission.

(c) Conduct its meetings in the same manner as any other legislative committee created by a specific statute to conduct studies or investigations or perform any other legislative business during the legislative interim, including, without limitation:

(1) Receiving public testimony.

(2) Considering reapportionment plans and maps submitted by the public.

(3) Making the Advisory Commission's reapportionment plans and maps available for public review and comment.

2. When carrying out its duties, the Advisory Commission may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

Sec. 11. *1. The Advisory Commission shall develop reapportionment plans to assist the Legislature with reapportionment.*

2. When establishing the districts for each reapportionment plan, the Advisory Commission shall consider the following guidelines:

(a) Districts must comply with the United States Constitution and the Nevada Constitution and with the Voting Rights Act of 1965, 52 U.S.C. §§ 10101 and 10301 et seq., and any amendments thereto.

(b) Districts must consist of equal population, as nearly as is practicable.

(c) Districts must be geographically contiguous.

(d) Districts must be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(e) Districts must not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.

(f) Districts must not be drawn with the intent to favor or disfavor a political party or an incumbent.

(g) Where feasible, districts must utilize existing political and geographical boundaries.

3. Each member of the Advisory Commission shall apply the guidelines set forth in this section in a manner that is impartial and reinforces public confidence in the integrity of the reapportionment process.

4. For each reapportionment plan, the Advisory Commission shall prepare and submit maps that separately set forth the boundary lines for each district that is part of the reapportionment plan.

Sec. 12. ***1. Not earlier than the commencement of the regular session held in the odd-numbered year immediately preceding the even-numbered year in which a decennial census is conducted, but not later than the adjournment sine die of that regular session, the appointing authorities shall appoint the members of the Advisory Commission.***

2. After the appointment of the members, the Advisory Commission may meet as necessary, within the budget of the Advisory Commission, to carry out its duties, but the Advisory Commission shall meet to begin the process of preparing reapportionment plans not later than July 1 of the even-numbered year in which a decennial census is conducted.

3. The terms of the members of the Advisory Commission expire on the earlier of:

(a) The date on which reapportionment plans enacted by the Legislature become law in the odd-numbered year immediately following the even-numbered year in which the decennial census is conducted; or

(b) The last day of that odd-numbered year.

Sec. 13. ~~***[Not later than the 30th day of]***~~

1. Except as otherwise provided in this section, as soon as practicable during the regular session held in the odd-numbered year immediately following the even-numbered year in which the decennial census is conducted, the Advisory Commission shall submit to the Director for transmittal to the Legislature three reapportionment plans, with appropriate maps, proposing three different options for all districts.

2. If the data from the decennial census is not reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c) until after the commencement of the regular session, the Advisory Commission shall submit the reapportionment plans required by subsection 1 not later than 15 days after the date on which the data from the decennial census is reported by the Secretary of Commerce to the Governor.

Sec. 14. ***1. During any period between each decennial census in which the Advisory Commission is not carrying out its duties pursuant to sections 11, 12 and 13 of this act, if there is a need to develop reapportionment plans, including, without limitation, because of a decision of a court of competent jurisdiction relating to the validity of the districts, the Legislative Commission may convene the Advisory Commission to develop reapportionment plans to assist the Legislature with reapportionment.***

2. If the Legislative Commission convenes the Advisory Commission pursuant to this section, the Legislative Commission shall:

(a) Direct the appointing authorities to appoint the members of the Advisory Commission by a specified date.

(b) Direct the Advisory Commission to meet by a specified date.

(c) Direct the Advisory Commission to:

(1) Develop reapportionment plans pursuant to section 11 of this act, with appropriate maps, and submit the reapportionment plans and maps to the Director by a specified date for transmittal to the Legislature; and

(2) Take such other actions as the Legislative Commission deems necessary regarding the reapportionment plans and maps.

(d) Determine when the terms of the members of the Advisory Commission expire, except that the terms of the members may not exceed 2 years or extend into the period during which the next succeeding Advisory Commission is carrying out its duties pursuant to sections 11, 12 and 13 of this act.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 252 relates to the Legislative Advisory Commission on Reapportionment and Redistricting. The amendment eliminates that appointment made by the Chief Justice of the Nevada Supreme Court. It permits the members to elect their own chair. The Advisory Commission will submit its plans and maps no later than 15 days after the date that the census data is reported to the Governor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time and ordered to third reading.

Assembly Bill No. 384.
Bill read second time and ordered to third reading.

Assembly Bill No. 422.
Bill read second time and ordered to third reading.

Assembly Bill No. 449.
Bill read second time and ordered to third reading.

Assembly Bill No. 451.
Bill read second time and ordered to third reading.

Assembly Bill No. 457.
Bill read second time.

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

Amendment No. 224.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

This bill revises provisions relating to reports required to be submitted by various governmental entities. **Section 1** of this bill eliminates the requirement for the Court Administrator to submit a separate report relating to certain statistics regarding specialty court programs, and instead requires such statistics to be included in the annual report on court statistics. **Section 1** also eliminates the requirement for the Court Administrator to submit a report containing statistics on cases relating to competency, convictions and malpractice of certain licensed medical professionals. **Sections 15 and 16** of this bill eliminate the requirement that court clerks submit such case statistics to the Office of Court Administrator. **Section 2** of this bill eliminates the requirement that the Supreme Court submit a report containing statistics on the use of arbitration and alternative dispute resolution in the court system.

Section 3 of this bill eliminates the requirements that the Central Repository for Nevada Records of Criminal History submit: (1) an annual report to the Governor containing statistical data relating to crime in this State; and (2) an annual report to the Director of the Legislative Counsel Bureau containing statistical data about domestic violence in this State.

Section 8 of this bill eliminates the requirement that the Director of the Department of Administration submit a semiannual report detailing the royalties charged for the use of The Great Seal of the State of Nevada on medallions.

Section 9 of this bill eliminates the requirement that the Administrator of the Office of Economic Development submit a biennial report evaluating the effectiveness of the programs relating to zones for economic development established pursuant to chapter 274 of NRS. **Section 10** of this bill eliminates

the requirement that the Employment Security Division of the Department of Employment, Training and Rehabilitation submit a biennial report relating to the use of the Old-Age and Survivors Insurance System. **Section 11** of this bill eliminates the requirement that the Committee on Local Government Finance file a biennial report relating to the fiscal impact on counties and incorporated cities of the formula used for tax distribution.

Section 13 of this bill eliminates the requirement that the Division of Public and Behavioral Health of the Department of Health and Human Services submit a report relating to complaints received and disciplinary action taken by the Division.

Section 14 of this bill eliminates the requirement that the Board for the Regulation of Liquefied Petroleum Gas submit a biennial report of the Board's receipts and expenditures and any complaints received by the Board.

Section 17 of this bill eliminates the requirement that the Real Estate Division of the Department of Business and Industry submit a biennial report relating to complaints received and disciplinary action taken by the Division.

~~**[** Section 18 of this bill repeals a provision requiring the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to submit a quarterly report to the Legislature and Legislative Committee on Health Care regarding transports of persons to a medical facility made by fire departments and ambulance companies in the county.**]**~~

Section 18 of A.B. No. 457 is hereby amended as follows:

Sec. 18. ~~[NRS 244.2962 is hereby repealed.]~~ **(Deleted by amendment.)**

Amend the bill as a whole by removing the text of repealed section.

~~**[**~~

~~TEXT OF REPEALED SECTION~~

~~"244.2962 County commissioners in certain counties to submit reports to Legislature with certain information concerning transport of person to medical facility by each fire department and ambulance service in county. The board of county commissioners of a county whose population is 700,000 or more shall, each calendar quarter, submit a report to the Legislative Committee on Health Care and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:~~

~~1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter.~~

~~2. For each person transported by the fire department or ambulance service during the calendar quarter:~~

~~(a) The fees charged to transport the person to a medical facility;~~
~~(b) Whether the person had health insurance at the time of transport; and~~
~~(c) The name of the medical facility where the fire department or ambulance service transported the person to or from.]~~

Assemblyman Stewart moved the adoption of the amendment.
Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:
Assembly Bill 457 repeals certain obsolete or redundant reports required by statute. Amendment 224 deletes from the bill the repeal of a quarterly report relating to the number of persons transmitted to medical facilities by fire departments and ambulance companies in Clark County.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 145.
Bill read second time and ordered to third reading.

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

Assembly in recess at 1:16 p.m.

ASSEMBLY IN SESSION

At 1:20 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 148, 175, 69, 74, and 90 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 13, 19, 94, 101, 108, 114, 131, 141, 143, 248, 250, 301, 420, and 456; Senate Bill No. 109 be taken from the General File and placed on the General File for the next legislative day.

GENERAL FILE AND THIRD READING

Assembly Bill No. 148.
Bill read third time.
Remarks by Assemblymen Fiore, Kirkpatrick, Seaman, and Jones.

ASSEMBLYWOMAN FIORE:
I rise in strong support of Assembly Bill 148, which allows holders of concealed weapons permits to bring their firearms onto public institutions of higher education in order to protect themselves from criminals. This legislation was inspired by the tragic story of Amanda Collins, a former UNR student and CCW holder who in 2007 was brutally raped in the parking garage less

than a hundred feet from the campus police station. Collins was unable to carry her firearm and protect herself due to the campus prohibition. Her assailant escaped and a few weeks later kidnapped, raped, and murdered another victim. Today as I read this statement to you, I have sitting with me Amanda Collins' father, Tom Collins, who is here to watch us vote on this bill.

Sadly, these types of stories are becoming increasingly common at colleges and universities throughout the country. A study sponsored by the Justice Department said that nearly one in five college women will be victims of attempted or completed sexual assault. Both President Obama and Vice President Biden have mentioned this disturbing statistic this past year. President Obama inserted a video into the Grammy Awards stating that we have a rape crisis here in America. One out of five women are raped. This is why I believe this bill is so important.

Today the Assembly has the chance to pass commonsense legislation that provides responsible gun owners the opportunity to protect themselves. We cannot have a law that leaves women defenseless when they have the ability and the means to stop their attacker. I urge my fellow members, both Republican and Democrat, to please vote yes and approve Assembly Bill 148 today.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 148. Section 4 of the bill, subsection 4, subsection 5, subsection (c), talks about the definition of a secure area. That is very broad. What it says is that a secure area means "any portion of a public airport to which access is generally controlled through the screening of persons." That means that anyone could walk through baggage claim and all of these other places within an airport with their guns. Maybe they can do it today. Clark County has 41 million visitors coming to our state every single year, and there are many international travelers who are very bothered by guns. I rise in opposition to that component.

I also oppose the effective date of July 1. I do not believe that gives the Board of Regents any time to get rid of the current system that is in place. Section 3 of the bill is about the current system that would no longer be necessary with the new rules.

As an NRA member for many, many years, I have guns at my home. My husband collects guns. We have great-grandfather's guns. I think this bill goes a little too far. I think there is an easier way to discuss the campus piece. Session after session we have never really had a discussion about how to make it easier. I do not disagree, as a mother of five daughters, with how important it is to ensure our kids are safe. But we have never talked about paying more money to put more security on our campuses. We have never talked about some of the other options that are available. I respectfully rise in opposition.

ASSEMBLYWOMAN SEAMAN:

I also wish to speak in support of Assembly Bill 148. As a responsible gun owner with a CCW, I am grateful that I, and others like me, will now have the right to protect ourselves on college campuses. I am proud of the work that Amanda Collins and Assemblywoman Fiore have done to bring this important legislation forward.

Responsible, well-regulated gun owners deserve our trust and they deserve the protection this bill will allow them. I will be voting yes on A.B. 148 and I encourage all of you to do likewise.

ASSEMBLYMAN JONES:

I, too, rise in support of Assembly Bill 148. Statistics prove that CCW holders are law abiding, well trained, and do not commit crimes when it comes to guns, generally. This bill will allow CCW holders the same ability to protect themselves on colleges campuses as they currently have when they are in the supermarket, the mall, or any other places where it is legal to have concealed weapons. During the testimony in the Judiciary Committee, we heard from Amanda Collins about how she was raped despite being just mere feet from the campus police station. I believe if Miss Collins had been able to carry her firearm on campus, she would not have been a victim that day. We should not have a law that prevents responsible—and again, I say responsible—law abiding gun owners from defending themselves from criminals.

Roll call on Assembly Bill No. 148:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank, Thompson—15.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly bill 175 removes certain legal limitations and expressly provides that failure by a passenger in a taxicab to wear a safety belt may be considered as causation in certain legal actions.

Roll call on Assembly Bill No. 175:

YEAS—25.

NAYS—Armstrong, Benitez-Thompson, Carlton, Diaz, Edwards, Flores, Joiner, Kirner, Neal, Nelson, Ohrenschall, Seaman, Swank, Thompson—14.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 69 makes various changes relating to the Judicial Branch. First, the bill allows greater use of electronic technology, including allowing the Clerk of the Supreme Court to post certain information on the Clerk's website and authorizing justices of the peace and clerks of the district courts to maintain and post their fee books in electronic format. It also authorizes a justice of the peace to keep the docket in written or electronic format. The bill provides that an order issued by a court in another state for protection against domestic violence may be registered in a court of competent jurisdiction in the judicial district where enforcement may be necessary and authorizes a copy of the order to be forwarded by electronic means to the appropriate law enforcement agency. The bill allows the clerk of the court to deliver to the Chief Parole and Probation Officer the records of a case in writing, by electronic means, or by allowing access to an electronic system.

Second, the bill amends provisions requiring district courts, justice courts, and municipal courts to submit statistical information reports to the Court Administrator according to the uniform system for collecting such information.

Third, the measure makes the date for pay over to the county treasurer of fines and forfeited bail consistent with other justice court requirements.Third, the measure makes the date for pay over to the county treasurer of fines and forfeited bail consistent with other justice court requirements.

Fourth, A.B. 69 requires justices of the peace and clerks of the district courts to submit monthly, rather than quarterly, a financial statement of the fees collected by them.

Fifth, the bill removes provisions of existing law requiring a court to forward a copy of an order of bail forfeiture, an order exonerating a surety of a bail bond, and an order setting aside bail forfeiture to the Court Administrator.

Finally, the bill repeals several obsolete sections of *Nevada Revised Statutes*. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 69:

YEAS—39.

NAYS—None.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 74 makes various changes governing the resale of certain utility services by the landlord of a mobile home park or owner of a company town applicable to the landlord of a manufactured home park. The bill also allows landlords of manufactured home parks to forego annual reporting to the Public Utilities Commission of Nevada on the amount tenants are charged for utilities if the tenants of the park obtain those services directly from the utility and not through resale or distribution by the landlord.

Roll call on Assembly Bill No. 74:

YEAS—39.

NAYS—None.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 90 creates the Nevada Intrastate Mutual Aid System within the Division of Emergency Management, Department of Public Safety, to coordinate requests for mutual aid among the various public agencies of this state and certain Indian tribes and nations. The bill creates an advisory committee, designated the Intrastate Mutual Aid Committee, to advise and assist the Chief of the Division with the implementation and evaluation of the system; and develop comprehensive guidelines and procedures regarding, among other things, requests and recordkeeping for intrastate mutual aid. The measure also authorizes the Governor to request interstate mutual aid pursuant to the Emergency Management Assistance Compact. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 90:

YEAS—39.

NAYS—None.

EXCUSED—Munford, Silberkraus, Woodbury—3.

Assembly Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:47 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Stewart and Joiner as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Dean Heller.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:12 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Lipparelli, Smith, and Spearman, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Ohrenschall, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Farley and Assemblyman Wheeler to wait upon United States Senator Dean Heller and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dean Heller, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Dean Heller and invited him to deliver his message.

United States Senator Dean Heller delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

What a pleasure it is to be here. Let me start out by asking the question everybody in here is asking: Why did we schedule this on the same night as the NCAA National Championship? So I have to be done in an hour. Question is, will anyone be listening? It is like having a debate on PBS or your own program on PBS.

Governor, it is good to see you. Thanks for all that you do. Lieutenant Governor, it is good to see you. Speaker Hambrick, thank you for having me here tonight and sharing your office with me. I want to thank the leaders Michael Roberson, Aaron Ford, and Marilyn Kirkpatrick, and thanks to all of you as well. If I may, I would like to welcome back Senator Debbie Smith to this body. It will be good to have her back this week.

As you have heard, Senator Harry Reid recently announced he will be retiring. Harry has served our state with distinction in both local and state government before representing Nevada in Washington D.C. Harry is coming home to Nevada, and I am sure his family is looking forward to spending more time with him.

Out of a number of Nevada elected officials who have passed away since last session, I would like to take a moment to reflect on a few that stood out in my life. Joe Dini was a long-serving member and Speaker of the Assembly when I was here. Marv Teixeira, former mayor of Carson City, was my Pop Warner coach. He was my Little League coach when I was a kid. I also worked with Bernie Anderson and Pete Livermore. The leadership of these men will be missed greatly. So will their service to our state.

And though he was never an elected official, he was a fixture in the Nevada Legislature for over 30 years: I am talking about Ed Vogel. When I served as Secretary of State, Ed and I operated under an open-door policy. It would not have mattered if I had a closed-door policy; Ed would have kicked it down and gotten the information out of me that he needed. His service and institutional knowledge at the capital for the Review Journal will be greatly missed.

Today I am in familiar territory. Carson is home for me—always has been, always will be. My father is here along with my mother and my wife; thank you so much for being here. As many of you know, my father owned and operated an automotive shop just across the street. Hanging around my Dad's garage sweeping the floors taught me some of life's most valuable lessons. Being a small business owner is not easy. You wake up early and you stay late. But it does instill a discipline and a work ethic that inherently teaches you responsibility. Of course, I would also like to point out that I am probably the only U.S. Senator who can tune up your car, work on your transmission, and if you need it, I will even sweep your garage.

The Nevada Legislature: This is the body where I got my start in public service. I look back at that time fondly. You learn a lot here, and you make a lot of good friends. Your work here is to help our state advance and become a better place for its citizens. I have the same job in Washington, D.C. The good news is this: We have turned a corner in Washington, D.C. For the first time in six years, the U.S. Senate is open for business. We passed a balanced budget for the first time in six years. Committees are working. Amendments are introduced. They are debated and bills are passed. In fact a week ago Thursday, in four hours we had more amendments on the Senate floor than we did all of last year.

My priorities in Washington revolve around one word, and that is *progress*. I learned very quickly that moving forward and fighting for a cause requires you to stick to your principles. I have also learned that when you are crafting legislation and you get 80 percent of what you want, you take it. Then you wake up the next morning and fight for the other 20 percent.

Since I last spoke to this esteemed body, I became a grandfather for the second time. It is my grandchildren's future and your children's and grandchildren's futures that I am fighting for. It is why I am an outspoken supporter of passing a budget in Washington. Nevadans, this legislative body, and all American families have to live on a budget.

We are $18 trillion in debt. Our country continues to borrow $4 million per minute. By the end of this speech, our nation will have borrowed $60 million. If you calculate that, it is a 15-minute speech. It only takes two days for the federal government to borrow Nevada's entire state budget.

Now that I have your attention, let me tell you what I believe are the responsibilities of your federal government: first, to provide for a national defense; second, encourage commerce and maintain infrastructure; and third, provide a safety net for those who fall on tough times.

Let us take number one. Providing a strong defense does not end on the battlefield. It extends to ensuring our veterans are properly taken care of when they return home after service. Every day when I drive to work in Washington, I pass by the Iwo Jima Memorial and Arlington National Cemetery. These monuments and grave sites serve as a testament to the sacrifices of our Armed Services and constantly remind me of our responsibility to care for these men and women.

One of the greatest privileges of serving Nevada in the U.S. Senate is the opportunity to sit on the Senate Committee on Veterans' Affairs. Nevada is home to over 300,000 veterans, and approximately 27,000 of those are women veterans. I remain committed to advocating on behalf of the issues facing our veterans locally and nationwide. Chief among them is the backlog of VA disability claims. I took the lead on the Committee on Veterans' Affairs to reduce the average wait time for Nevada veterans' benefit claims by spearheading the VA Backlog Working Group. While the wait time has improved from 478 days to 257 days, it is still far from the 125 days that the VA has promised and remains one of the longest wait times in the nation. It is unacceptable and until the backlog is eliminated, I will not back down.

I also believe the VA must look to the future and better prepare for the rise in the number of women veterans. Today, nearly 2.3 million women are veterans of military service. As I mentioned, here in Nevada we have 27,000 of them. That is why I teamed with Senator Patty Murray of Washington, a Democrat, on legislation to make sure privacy and security in VA medical facilities are up to par and that each facility offers a full range of services to ensure female veterans are receiving proper care.

Let us move on to the economy. As reports have indicated, Nevada is fortunate in that its economy is recovering better than many states. This is great news. I want to thank the Governor for his leadership. Our state has fared well, better than many.

Recently, I was assigned to the Senate Finance Committee. I sought this specifically because it allows me to help many of Nevada's citizens. I will now be able to focus on strengthening and protecting key programs like Social Security and Medicare. These are important programs Nevadans depend on, and we must ensure they are around for years to come. This assignment also gives our state a seat at the table to discuss tax reform. When it comes to simplifying the tax code, I feel no differently than most of you. It is too big, too complicated, and too expensive. A friend of mine used to joke that the tax code is as long as the Bible, but with none of the good news. The last time the federal tax code was updated, Ronald Reagan was President, Tip O'Neill was Speaker of the House, Dick Bryan was our Governor, and you paid 93 cents for a gallon of gas. That was back in 1986.

I do believe fundamental tax reform is within our reach. Let me tell you why it should happen. First and foremost, our country is $18 trillion in debt. Secondly, in the last few years, there have been 30 inversions—that is when a company's headquarters moves to a foreign country for a better tax climate. The latest example of this is Burger King. Finally, in the last ten years, 1,300 companies have been bought out by foreign-controlled interests. One of the most recent was the company that makes bats for America's past time: the Louisville Slugger. That is over 100 years of tradition bought out by a Finnish company. Everybody in this room, every Nevadan, and every American agrees this trend must be reversed. The only way that will happen is through fundamental tax reform.

Now, let me tell you why it will not happen. Today the White House will only participate in fundamental tax reform if it includes a trillion dollars in tax increases. In 1986, the last time we had tax reform, it was revenue neutral, agreed to by both Republicans and Democrats. President Reagan made it happen. Do not get me wrong. When I think the President is right, I will support him. When I think the President is wrong, I will not support him. President Bush was not always right, and he was not always wrong. As leaders in Washington, if we understand this and work together, we will move the country forward.

This morning I spent some time with the Governor and the Lt. Governor down in southern Nevada at the opening of I-11. Several legislators who are here in this room participated in that; we broke ground on Interstate 11. Infrastructure is a top priority of mine. Interstate 11 is important for our state and important to me. I am pushing key legislation on I-11 on the Senate floor and

am proud to see this project moving closer to becoming reality. Last year over 40 million visitors came to the Silver State supporting almost 400,000 jobs. This designation of I-11 connects the two most populous cities in America without an existing freeway already between them. It has the potential to open even more markets for tourism and trade, which will improve our economy and create jobs.

I believe it is important to find creative solutions to enact a long-term surface transportation bill and keep the Highway Trust Fund solvent without increasing our nation's deficit. As the co-chair of the Senate Finance Committee's Working Group on Infrastructure, I am well positioned to advocate on behalf of Nevada's and our nation's transportation needs. I strongly believe that infrastructure plays a key role in our nation's and Nevada's economic growth. This is why I am seeking a long-term extension of the highway bill. It will provide jobs in the short term and economic growth in the long term.

As Nevadans recover from one of the worst housing markets in history, I will continue to protect their interests as a member of the Banking Committee. For many people, their home is their largest asset. I want to make sure it stays just that—an asset and not a liability. Some people are arguing that we now live in a rental society. I have four young adult children of my own, and I worry about their generation. A whole generation of young adults has now witnessed their parents struggle in this economy. These young adults have gone to college, acquired student loan debt, and struggled to find a job after graduation. It is no wonder why so many are putting off the American dream of owning a home.

For those Nevadans that already own a home, I teamed with Democratic Senator Debbie Stabenow of Michigan to introduce legislation that will benefit many Nevadans, the Mortgage Debt Relief Act. I have been fighting for continuous extensions of the Mortgage Debt Relief Act for years. The housing crisis may have ended for some, but I can tell you in Nevada, there are still many who have to sell their home at a loss in a short sale. I still cannot figure out why the IRS thinks its makes any sense to tax someone on income they have never seen. This legislation is a prime example of how Washington can help Nevada's families.

With over 85 percent of the land in Nevada being owned and controlled by the federal government, I am a big proponent of transferring much of our land back to local or state government control. Since my first days in the House, I have made sure lands bills were a priority. In December, we had eight lands bills included in key legislation that passed Congress and were signed into law by the President. Some of the areas positively affected are the Fallon Naval Air Station and Lyon, Elko, Clark, Humboldt, and Storey Counties. Best of all, we were able to get input and local buy-in from municipalities and counties across the state. It was a team effort and a strong coalition of public and private entities that did a lot of heavy lifting over the course of many years. We were able to see some of the fruits of our labor finally recognized.

A prime example of what this means to local communities is the City of Yerington. The city will now work with Nevada Copper to expand its mining operation and create over a thousand jobs while also providing new infrastructure and recreational opportunities.

In Southern Nevada, I was proud to team with Congressman Joe Heck on legislation to speed access to public lands so volunteer search groups could conduct searches for missing people. The Good Samaritan Search and Recovery Act will keep families from having to wait on the federal government and its bureaucratic red tape when it comes to searching for a missing loved one on public lands. I have no doubt in the coming years, our state will benefit tremendously from the economic development spurred on by these historic lands bills.

In these difficult times, it is more important than ever that we work together, find common ground, and make tough decisions in order to get people back to work. In Washington, I try to be as pragmatic as possible without compromising my principles. Like all of you, I want to see our state succeed, and I work every single day to achieve that goal. That has been a steady theme of my time in office and one I hope to continue. It is about making progress so tomorrow is a better day for future generations of Nevadans.

A great President once stated, "The best way to predict the future is to create it." I challenge this legislative body to heed these words by Abraham Lincoln and create Nevada's future.

Thank you for your time. Go Wisconsin. I appreciate everybody being here. I know how busy you are, how much work it takes. I have been on your side of the aisle. I have worked and know how tough it can be. Thank you for being here tonight. To the constitutional officers, thank you

for taking time from your busy schedules and spending some time with me. And to the leadership of this body and the Senate, thank you very much for all you do for the state of Nevada.

Senator Roberson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Heller for his timely, able, and constructive message.

Seconded by Assemblyman Trowbridge.

Motion carried.

The Committee on Escort escorted Senator Heller to the bar of the Assembly.

Assemblywoman Diaz moved that the Joint Session be dissolved.

Seconded by Senator Hardy.

Motion carried.

Joint Session dissolved at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:38 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Modole.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Collins, Mathew Higbee, and Paul Hecht.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Archer and Colleen Brennan.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen, Mallory Hansen Trevino, and Larissa Hansen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Davis.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Devon Reese, Madeline L. Reese, and Sean Michael Cronan.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Court Cardinal and Robert Bledsaw.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Lubin and Barry Lubin.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, April 8, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 8, 2015

Assembly called to order at 12:18 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father, since we cannot always do what we like, grant that we may like what we must do, knowing that truth will one day be vindicated and, in the end, must prevail. Bless these Your servants this day and keep them all in Your peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 100, 159, 429, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 424, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 92, 124, 139, 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 97, 138, 160, 192, 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 392, 393, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 82, 165; Senate Bills Nos. 322, 376, 505.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 25, 43, 121, 263, 271, 281.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 6, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 196 and 389.

CINDY JONES
Fiscal Analysis Division

April 7, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 276.

MARK KRMPOTIC
Fiscal Analysis Division

April 8, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 448.

CINDY JONES
Fiscal Analysis Division

April 8, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 76, 400 and 419.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 25.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 43.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 121.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.
Motion carried.

Senate Bill No. 263.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.
Motion carried.

Senate Bill No. 271.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 281.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 322.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senate Bill No. 376.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.
Motion carried.

Senate Bill No. 505.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

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

Assembly in recess at 12:38 p.m.

ASSEMBLY IN SESSION

At 12:48 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 48.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:

Amendment No. 229.

AN ACT relating to crimes; ~~[making the instrumentalities used to commit certain offenses relating to Medicaid fraud subject to forfeiture;]~~ extending the period during which criminal records may not be sealed if the crime is related to certain crimes involving Medicaid; revising provisions relating to incentives for bringing certain actions for false or fraudulent Medicaid claims; revising provisions governing the distribution of amounts collected to private plaintiffs in actions for false claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that all personal property which is used as an instrumentality in the commission of certain specified crimes is subject to forfeiture. (NRS 179.121) Section 1 of this bill expands the list of such crimes to include fraud and certain other offenses committed in connection with the State Plan for Medicaid.]~~

Existing law provides that a person convicted of a crime may, after the passage of specified periods, petition the court in which he or she was convicted for the sealing of all records of the conviction. Upon receiving such a petition, the court is required to notify the law enforcement agency that arrested the petitioner and the prosecuting attorney for the city or county who prosecuted the petitioner that the petitioner is seeking to have the records of the conviction sealed. The prosecuting attorney is authorized to testify and present evidence at any hearing concerning the petition. (NRS 179.245) **Section 2** of this bill provides that a person who is convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with the State Plan for Medicaid is not entitled to file a petition for the sealing of records relating to his or her conviction until at least 7 years after the date of the person's release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later. **Section 2** also requires the court to provide notice of such a petition to the Attorney General if he or she was the prosecuting attorney who prosecuted the person for the crime.

The federal Deficit Reduction Act of 2005, Public Law 109-171, enacted certain provisions concerning state plans for Medicaid. Section 6031 of the Act provides financial incentives for states that enact laws establishing liability for false or fraudulent claims made to the State Plan for Medicaid. (42 U.S.C. § 1396h) To be eligible for these financial incentives, the laws of a state must contain provisions that are at least as effective at rewarding and facilitating certain qui tam actions for false or fraudulent claims as those described in the federal False Claims Act. (31 U.S.C. §§ 3730-3732) **Sections 3-8 and 10** of this bill amend existing law concerning the filing of false or fraudulent claims so that the laws of this State are at least as effective at rewarding and facilitating such actions as the provisions described in federal law.

Under existing law, a private plaintiff who initiates a civil action against a person for filing a false claim or otherwise defrauding the State or one of its

political subdivisions, commonly called a qui tam action, is entitled to receive a percentage of the amount of any penalty recovered from the defendant according to the extent of the private plaintiff's contribution to the conduct of the action or an amount the court trying the action otherwise determines to be reasonable. (NRS 357.210) **Section 9** of this bill reduces from 33 percent to 25 percent the maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions if the Attorney General or the Attorney General's designee intervenes in the action at its outset. **Section 9** also reduces from 50 percent to 33 percent the maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions if the Attorney General or the Attorney General's designee does not intervene in the action at its outset.

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

Section 1. ~~[~~NRS 179.121 is hereby amended to read as follows:

~~179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:~~

~~(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;~~

~~(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;~~

~~(c) A violation of NRS 202.445 or 202.446;~~

~~(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or~~

~~(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, *422.540 to 422.570, inclusive,* 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.~~

~~2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:~~

~~(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;~~

~~(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;~~

~~(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and~~

~~(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.~~

~~3. For the purposes of this section, a firearm is loaded if:~~

~~(a) There is a cartridge in the chamber of the firearm;~~

~~(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or~~

~~(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.~~

~~4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.~~**]** **(Deleted by amendment.)**

Sec. 2. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) ~~[~~Any~~]~~ ***Except as otherwise provided in paragraph (e), any*** gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of ***NRS 422.540 to 422.570, inclusive, other than a felony, a violation of*** NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and ~~[:~~

~~(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or~~

~~(b) If the person was convicted in a municipal court,~~] the prosecuting attorney ~~[for the city.~~

~~]~~ ***, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime.*** The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled

substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(15) An attempt to commit an offense listed in this paragraph.

Sec. 3. NRS 357.026 is hereby amended to read as follows:

357.026 "Original source" means a person:

1. Who voluntarily discloses to the State or a political subdivision the information on which the allegations ***or transactions*** in an action for a false claim are based before the public disclosure of the information; or

2. Who has knowledge of information that is independent of and materially adds to the publicly disclosed allegations or transactions and who voluntarily provides such information to the State or political subdivision before bringing an action for a false claim based on the information.

Sec. 4. NRS 357.040 is hereby amended to read as follows:

357.040 1. Except as otherwise provided in NRS 357.050, a person who, with or without specific intent to defraud, does any of the following listed acts is liable to the State or a political subdivision, whichever is affected, for the amounts set forth in subsection 2:

(a) Knowingly presents or causes to be presented a false or fraudulent claim for payment or approval.

(b) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material to a false or fraudulent claim.

(c) Has possession, custody or control of public property or money used or to be used by the State or a political subdivision and knowingly delivers or causes to be delivered to the State or a political subdivision less money or property than the amount of which the person has possession, custody or control.

(d) Is authorized to prepare or deliver a document that certifies receipt of money or property used or to be used by the State or a political subdivision and knowingly prepares or delivers such a document without knowing that the information on the document is true.

(e) Knowingly buys, or receives as a pledge or security for an obligation or debt, public property from a person who is not authorized to sell or pledge the property.

(f) Knowingly makes or uses, or causes to be made or used, a false record or statement that is material to an obligation to pay or transmit money or property to the State or a political subdivision.

(g) Knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the State or a political subdivision.

(h) Is a beneficiary of an inadvertent submission of a false claim and, after discovering the falsity of the claim, fails to disclose the falsity to the State or political subdivision within a reasonable time.

(i) Conspires to commit any of the acts set forth in this subsection.

2. For each act described in subsection 1 that is committed by a person, the person is liable for:

(a) Three times the amount of damages sustained by the State or political subdivision, whichever is affected, because of the act of the person;

(b) The costs of a civil action brought to recover the damages described in paragraph (a); and

(c) ~~[~~A~~]~~ ***Except as otherwise provided in this paragraph, a*** civil penalty of not less than $5,500 or more than $11,000. ***A civil penalty imposed pursuant to this paragraph must correspond to any adjustments in the monetary amount of a civil penalty for a violation of the federal False Claims Act, 31 U.S.C. § 3729(a), made by the Attorney General of the United States in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. 101-410, as amended.***

3. As used in this section, a person acts "knowingly" with respect to information if he or she:

(a) Has knowledge of the information;

(b) Acts in deliberate ignorance of whether the information is true or false; or

(c) Acts in reckless disregard of the truth or falsity of the information.

Sec. 5. NRS 357.080 is hereby amended to read as follows:

357.080 1. Except as otherwise provided in this section and NRS 357.100, a private plaintiff may bring an action pursuant to this chapter for a violation of NRS 357.040 on his or her own account and that of the State or a political subdivision, or both the State and a political subdivision. The action must be brought in the name of the State or the political subdivision, or both. After such an action is commenced, it may be dismissed only with written consent of the court and the Attorney General. The court and the Attorney General shall take into account the public purposes of this chapter and the best interests of the parties in dismissing the action or consenting to the dismissal, as applicable, and provide the reasons for dismissing the action or consenting to the dismissal, as applicable.

2. If a private plaintiff brings an action pursuant to this chapter, no person other than the Attorney General or the Attorney General's designee may intervene or bring a related action pursuant to this chapter based on the facts underlying the first action.

3. An action may not be maintained by a private plaintiff pursuant to this chapter:

(a) Against a member of the Legislature or the Judiciary, an elected officer of the Executive Department of the State Government, or a member of the governing body of a political subdivision, if the action is based upon evidence or information known to the State or political subdivision at the time the action was brought.

(b) If the action is based upon allegations or transactions that are the subject of a civil action or an administrative proceeding for a monetary penalty to which the State or political subdivision is already a party.

4. A complaint filed pursuant to this section must be placed under seal and so remain for at least 60 days or until the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 has elected whether to intervene. No service may be made upon the defendant until so ordered by the court.

5. On the date the private plaintiff files a complaint, he or she shall send a copy of the complaint to the Attorney General by mail with return receipt requested. The private plaintiff shall send with each copy of the complaint a written disclosure of substantially all ***material*** evidence and information he or she possesses. If a district attorney or city attorney has accepted a designation from the Attorney General pursuant to NRS 357.070, the Attorney General shall forward a copy of the complaint to the district attorney or city attorney, as applicable.

6. An action pursuant to this chapter may be brought in any judicial district in this State in which the defendant can be found, resides, transacts business or in which any of the alleged fraudulent activities occurred.

Sec. 6. NRS 357.100 is hereby amended to read as follows:

357.100 Unless the Attorney General objects, a court shall dismiss an action or a claim made pursuant to this chapter that is substantially based on ***the same*** allegations or transactions that have been disclosed publicly:

1. In a criminal, civil or administrative hearing to which the State, a political subdivision, or an agent of the State or a political subdivision is a party;

2. In an investigation, report, hearing or audit conducted by or at the request of a house of the Legislature, an auditor or the governing body of a political subdivision; or

3. By the news media,

➥ unless the action or claim is brought by the Attorney General, a designee of the Attorney General pursuant to NRS 357.070 or an original source of the information.

Sec. 7. NRS 357.120 is hereby amended to read as follows:

357.120 1. If the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 intervenes, the private plaintiff remains a party to an action pursuant to NRS 357.080.

2. The Attorney General or the Attorney General's designee may move to dismiss the action for good cause. The private plaintiff must be notified of the filing of the motion and is entitled to oppose it and present evidence at the hearing.

3. Except as otherwise provided in this subsection, the Attorney General or the Attorney General's designee may settle the action. If the Attorney General or the Attorney General's designee intends to settle the action, the Attorney General or the Attorney General's designee shall notify the private plaintiff of that fact. Upon the request of the private plaintiff, the court shall determine ***, after a hearing,*** whether the proposed settlement is fair, adequate and reasonable under all the circumstances. Upon a showing for good cause, the court may ~~[~~hear the proposed settlement~~]~~ ***conduct such hearing*** in camera.

Sec. 8. NRS 357.170 is hereby amended to read as follows:

357.170 1. An action pursuant to this chapter may not be commenced ~~[~~more~~]~~ ***:***

(a) More than 3 years after the date on which the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 discovers, or reasonably should have discovered, the fraudulent activity ***,*** ~~[or more than 6 years after the fraudulent activity occurred,]~~ but in no event more than 10 years after the fraudulent activity occurred ~~[.]~~ ***; or***

(b) More than 6 years after the fraudulent activity occurred,

➥ ***whichever occurs later.*** Within those limits, an action may be based upon fraudulent activity that occurred before ~~[July 1, 2007.]~~ ***the effective date of this act.***

2. In an action pursuant to this chapter, the standard of proof is a preponderance of the evidence. A finding of guilty or guilty but mentally ill in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty or guilty but mentally ill or a plea of guilty, guilty but mentally ill or nolo contendere, estops the person found guilty or guilty but mentally ill from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

Sec. 9. NRS 357.210 is hereby amended to read as follows:

357.210 1. Except as otherwise provided in subsection 3, if the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 intervenes at the outset in an action pursuant to NRS 357.080, the private plaintiff is entitled to receive not less than 15 percent or more than ~~[33]~~ ***25*** percent of any recovery, according to the extent of his or her contribution to the conduct of the action.

2. Except as otherwise provided in subsection 3, if the Attorney General or the Attorney General's designee does not intervene in the action at the outset, the private plaintiff is entitled to receive not less than 25 percent or more than ~~[50]~~ ***30*** percent of any recovery, as the court determines to be reasonable.

3. Regardless of whether the Attorney General or the Attorney General's designee intervenes in the action, if the court finds that the action was brought by a private plaintiff who planned or initiated the violation of NRS 357.040 upon which the action is based, the court may reduce the recovery to which the private plaintiff is otherwise entitled pursuant to subsection 1 or 2. The court shall consider the role of the private plaintiff in advancing the action and any other relevant circumstances. If the private plaintiff is convicted of criminal conduct arising from his or her role in the violation of NRS 357.040, the private plaintiff must be dismissed from the civil action and must not receive any share of the recovery pursuant to subsection 1 or 2. Any such dismissal does not prejudice the right of the Attorney General or the Attorney General's designee to continue the action.

Sec. 10. NRS 357.250 is hereby amended to read as follows:

357.250 1. If an employee, contractor or agent is discharged, demoted, suspended, threatened, harassed or discriminated against in the terms and conditions of employment as a result of any lawful act of the employee, contractor ***,*** ~~[or]~~ agent ***or associated others*** in furtherance of an action brought

pursuant to this chapter ~~[,]~~ ***or any other effort to stop a violation of this chapter,*** the employee, contractor or agent is entitled to all relief necessary to make the employee, contractor or agent whole, including, without limitation, reinstatement with the same seniority as if the discharge, demotion, suspension, threat, harassment or discrimination had not occurred or damages in lieu of reinstatement if appropriate, twice the amount of lost compensation, interest on the lost compensation, any special damage sustained as a result of the discharge, demotion, suspension, threat, harassment or discrimination and punitive damages if appropriate. The employee, contractor or agent may also receive compensation for expenses recoverable pursuant to NRS 357.180, costs and attorney's fees.

2. A civil action brought pursuant to this section may not be brought more than 3 years after the date on which the discharge, demotion, suspension, threat, harassment or discrimination occurred.

Sec. 11. NRS 357.225 is hereby repealed.

Sec. 12. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

357.225 Distribution to original source in action based upon certain public disclosures. In an action brought pursuant to NRS 357.100 by an original source, the court may award not more than 10 percent of the recovery to the original source. In determining the amount to be awarded pursuant to this section, the court shall consider the role of the original source in advancing the claim to litigation.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment deletes section 1 of the bill. This section provides that personal property used in the commission of fraud and certain other offenses committed in connection with the State Plan for Medicaid are subject to forfeiture.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 104.

AN ACT relating to education; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances.

(NRS 392.360) This bill authorizes a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events when a commercial bus is not reasonably available under certain circumstances. This bill further requires such an agreement to include certain provisions.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district may authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events so long as such an agreement will not interfere with or prevent the school district from providing transportation for pupils for the purposes described in NRS 392.300 and 392.360. ~~[The board of trustees of a school district shall determine annually whether to authorize the school district to lease school buses or vehicles belonging to the school district.]~~

2. If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision:

(a) Requiring a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district , as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees , if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle ~~.~~ , including, without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;

(b) Indemnifying and holding the school district harmless against any claim , demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;

(c) Indemnifying and holding the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;

(d) Requiring the lessee to accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(e) Requiring the ~~[lessor]~~ lessee to provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased; ~~[and~~

~~(d)]~~ (f) Requiring the ~~[lessor]~~ lessee to provide proof of insurance which covers the school bus or vehicle while operated by the ~~[lessor,]~~ lessee up to

an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department; and

(g) Requiring the lessee to give preference to a driver of a school bus or vehicle who is employed by the school district before hiring a driver of a school bus or vehicle who is not employed by the school district.

3. [Whenever] Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed , no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle must not be used in the operation of the school bus or vehicle by the lessor [.] except in the case of an emergency. A system of flashing red lights or a mechanical device attached to the front of the school bus or vehicle may be used in the operation of a school bus during an emergency.

4. A school district shall place any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district in a fund maintained for the replacement of school buses and vehicles belonging to the school district.

5. A school district may not enter into an agreement pursuant to this section if it determines that transportation by a commercial bus is reasonably available.

6. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and is not an interscholastic contest, school festival or other activity properly a part of a school program.

Sec. 2. NRS 392.360 is hereby amended to read as follows:

392.360 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

(a) Interscholastic contests;

(b) School festivals; or

(c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

(a) Programs for the supervision of children before and after school; and

(b) Other programs or activities that the board of trustees deems appropriate,

➥ regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations

made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 392.300 to 392.410, inclusive ~~[.]~~ ***, and section 1 of this act.***

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

Sec. 3. This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 104 makes the following changes to the bill: It removes the requirement that the board of trustees of a school district determine annually whether to authorize the school district to lease school buses or vehicles belonging to the school district. It authorizes the school district's transportation department or the school board to charge a fee, which can include the costs of fuel, wear and tear, maintenance, appropriate staffing, administrative costs, and an additional rental service fee. It also indemnifies and holds harmless the school district against any claim, demand, or judgment, without limitation including any losses, damages, legal costs, or expenses. It indemnifies and holds harmless the driver of a school bus against any claim, demand, judgment, or legal action including, without limitation, any losses, damages, legal costs, or expenses incurred when acting in the scope of his or her employment. It requires the lessee to provide proof that the school bus or vehicle be operated by a person licensed in Nevada to operate the type of bus or vehicle leased. It requires the lessee to provide proof of insurance in an amount determined by the school district or its transportation department and requires preference to be given to a driver who is currently employed by the school district before hiring a driver who is not employed by the school district. It prohibits signs or wording to be affixed to the school bus or vehicle and allows for the use of the system of flashing red lights or mechanical device attached to the front of the school bus or vehicle only during an emergency. Finally, the definition of "special event" is clarified to mean an event or series of events. The effective date is changed to passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 135.

AN ACT relating to education; prohibiting a school from disciplining ~~[a pupil]~~ **certain pupils** for simulating a firearm or dangerous weapon or wearing clothing or accessories that depict a firearm or dangerous weapon or express

certain opinions except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for possessing a firearm or dangerous weapon while on the premises of any public school, attending an activity sponsored by a public school or on any school bus. (NRS 392.466). This bill prohibits a school from disciplining a pupil **enrolled in kindergarten or grades 1 to 8, inclusive,** for simulating a firearm or dangerous weapon while playing or for wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms except in certain circumstances.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms [.] , unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. ~~[A]~~ Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 392.415.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection 7 of NRS 392.466.

Sec. 2. 1. Any policy, ordinance or regulation adopted by a local government existing on the effective date of this act which conflicts with any provision of section 1 of this act is void and must not be given effect to the extent of the conflict.

2. As used in this section, "local government" means any political subdivision of this State, including, without limitation, a county, city, town or school district.

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

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 135 makes five changes to the bill. First, it defines certain pupils as those enrolled in kindergarten or Grades 1 to 8, inclusive.

Second, it adds qualifying language so that a pupil may not be disciplined for wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms unless it substantially disrupts the educational environment. Third, it clarifies that the "dangerous weapon" specified in the bill is a toy dangerous weapon. Fourth, it adds language that a pupil may be disciplined when the simulation of a firearm or dangerous weapon substantially disrupts the educational environment at the school.

Finally, a school will not be limited from establishing and enforcing a policy requiring pupils to wear a school uniform.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 55.

AN ACT relating to massage therapy; exempting a nail technologist from the requirement to be licensed as a massage therapist when performing certain activities; revising certain testing requirements for applicants for a license to practice massage therapy; limiting the period during which an inactive or expired license may be restored or renewed; deleting certain grounds for

refusal to issue a license or initiate disciplinary action against licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts certain persons from the requirement to be licensed as a massage therapist. (NRS 640C.100) **Section 1** of this bill adds licensed nail technologists to this list of exempt persons if the nail technologist is massaging the hands, feet, forearms or lower legs of a person within the permissible scope of practice for a nail technologist.

Existing law requires an applicant for a license to practice massage therapy to pass a written examination administered by a board that is accredited by the National Commission for Certifying Agencies (NCCA) or certain other examinations. (NRS 640C.400) **Section 2** of this bill deletes the requirement that the written examination be administered by a board accredited by the NCCA, and instead requires ~~[only]~~ that the examination be ~~[administered by an accredited board.]~~ **a nationally recognized competency examination that is approved by the Board of Massage Therapists.**

Existing law allows a massage therapist whose license has expired or been placed on inactive status to restore or renew his or her license by paying certain fees and meeting certain requirements. (NRS 640C.500, 640C.510) **Sections 3 and 4** of this bill limit to 2 years the period during which an expired or inactive license may be restored or renewed.

Existing law authorizes the Board of Massage Therapists to refuse to issue a license to an applicant or initiate disciplinary action against the holder of a license for certain reasons, including a conviction for any crime involving moral turpitude within the immediately preceding 10 years. (NRS 640C.700) **Section 5** of this bill deletes the conviction for such a crime as grounds for disciplinary action or denial of a license, leaving convictions for crimes involving sex, violence, prostitution, theft or drugs, or crimes related to massage therapy as grounds for such disciplinary action or denial of a license. **Section 5** also adds the failure to report to the Board any unethical or unprofessional conduct of the holder of a license or other person relating to massage therapy as grounds for such disciplinary action or denial of a license.

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

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) ***A person licensed as a nail technologist pursuant to NRS 644.205 if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist.***

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

~~[(e)]~~ ***(f)*** Students enrolled in a school of massage therapy recognized by the Board.

~~[(f)]~~ ***(g)*** A person who practices massage therapy solely on members of his or her immediate family.

~~[(g)]~~ ***(h)*** A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320:

(1) Except as otherwise provided in subsection 3, pass a ~~[written]~~ ***nationally recognized*** examination ~~[administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists;]~~ ***for testing the education and professional competency of massage therapists that is approved by the Board;*** or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 3. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if ***, within 2 years after the expiration of the license,*** the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 4. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the Board, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy ~~[,]~~ ***within 2 years after the license was made inactive,*** the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 5. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy or a substantially similar business ***;*** ~~**[**, or a crime involving moral turpitude within the immediately preceding 10 years;**]**~~

4. Has engaged in or solicited sexual activity during the course of practicing massage on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy;

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy;

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy;

10. ***Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days after becoming aware of that conduct;***

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

~~**[**11.**]**~~ ***12.*** Has solicited or received compensation for services relating to the practice of massage therapy that he or she did not provide;

~~**[**12.**]**~~ ***13.*** If the holder of the license is on probation, has violated the terms of the probation;

~~[13.]~~ ***14.*** Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage for which he or she has not received training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;

~~[14.]~~ ***15.*** Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

~~[15.]~~ ***16.*** Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

~~[16.]~~ ***17.*** Except as otherwise provided in subsection ~~[15,]~~ ***16,*** has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment strikes proposed language relating to examinations written by an accredited board and instead requires the applicant to successfully pass a nationally recognized examination meeting certain criteria that is approved by the board.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

AN ACT relating to the adoption of children; **revising provisions restricting adoptions based on the ages of a child and a prospective adoptive parent; revising provisions relating to the adoption of a child by married persons;** revising provisions concerning orders and decrees of adoption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the adoption of children. (NRS 127.010-127.186) **Under existing law, certain restrictions relating to the respective ages of a**

child and a prospective adoptive parent for adoption purposes are imposed. (NRS 127.020) Section 1 of this bill provides that a court may disregard those age restrictions if the prospective adoptive parent is a certain family member of the child and it is in the best interest of the child and in the interest of the public.

Existing law prohibits the grant of a petition for leave to adopt a child by a married person if the person's spouse does not consent to and join in the petition. (NRS 127.030) Section 2 of this bill provides that a married person must obtain from his or her spouse consent to an adoption, but a spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent in an order or decree of adoption except under certain circumstances.

Under existing law, a court is required to grant a petition for the adoption of a child if the court finds that it is in the best interest of the child. However, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. (NRS 127.150) ~~[This]~~ **Section 3 of this** bill provides that the 6-month requirement does not apply if one ~~[petitioner]~~ **of the petitioners** is the stepparent of the child ~~[.]~~ **or is related to the child within the third degree of consanguinity.**

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

Section 1. **NRS 127.020 is hereby amended to read as follows:**

127.020 ~~[A]~~

1. Except as otherwise provided in subsection 2:

(a) A minor child may be adopted by an adult person in the cases and subject to the rules prescribed in this chapter. ~~[The]~~

(b) A person adopting a child must be at least 10 years older than the person adopted, and the consent of the child, if over the age of 14 years, is necessary to its adoption.

2. A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:

(a) The child is being adopted by a stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent; and

(b) The court is satisfied that it is in the best interest of the child and in the interest of the public.

Sec. 2. **NRS 127.030 is hereby amended to read as follows:**

127.030 ***1.*** Any adult person or any two persons married to each other may petition the district court of any county in this state for leave to adopt a child. ~~[The petition by a person having a husband or wife shall not be granted unless the husband or wife consents thereto and joins therein.]~~

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from his or her spouse may not adopt a child without the consent of his or her spouse, if such spouse is capable of giving such consent.

3. If a spouse consents to an adoption as described in subsection 2, such consent does not establish any parental rights or responsibilities on the part of the spouse unless he or she:

(a) Has, in a writing filed with the court, specifically consented to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order or decree of adoption.

4. The court shall not name a spouse who consents to an adoption as described in subsection 2 as an adoptive parent in an order or decree of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by an investigation conducted pursuant to NRS 127.120 or 127.2805.

5. The court may dispense with the requirement for the consent of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to consent. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order or decree of adoption.

~~[Section 1.]~~ ***Sec. 3.*** NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent. A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired. ~~[No]~~

2. Except as otherwise provided in this subsection, an order or decree of adoption may ***not*** be made until after the child has lived for 6 months in the home of the petitioners.

~~[2.]~~ ***This subsection does not apply if one*** ~~*[petitioner]*~~ ***of the petitioners is the stepparent of the child*** ~~*[.]*~~ ***or is related to the child within the third degree of consanguinity.***

3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody.

~~[3.]~~ ***4.*** After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows adoption, upon the court's satisfaction, of children of any age. It clarifies that the consent of a spouse does not establish parental rights unless specifically consented to establishing those rights. The court may dispense with spousal consent if the spouse cannot be located or lacks the capacity to consent. It exempts relatives within the third degree of consanguinity from the six- month wait period for adoption.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 237.

AN ACT relating to eminent domain; prohibiting ~~[the exercise of]~~ **a local government from entering into an agreement for the purpose of exercising** the power of eminent domain to take a ~~[residential]~~ mortgage or deed of trust **on private property** or a note secured by a ~~[residential]~~ mortgage or deed of trust ~~[.]~~ **on private property;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits ~~[the exercise of]~~ **a local government from entering into an agreement with any person for the purpose of exercising** the power of eminent domain to take a ~~[residential]~~ mortgage or deed of trust **on private property** or a note secured by a ~~[residential]~~ mortgage or deed of trust ~~[.]~~ **on private property.**

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

Section 1. NRS 37.030 is hereby amended to read as follows:

37.030 ***1.*** The private property which may be taken under this chapter includes:

~~[1.]~~ ***(a)*** All real property belonging to any person, company or corporation.

~~[2.]~~ ***(b)*** Lands belonging to the State, or to any county, or incorporated city or town, not appropriated to some public use.

~~[3.]~~ ***(c)*** Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated.

~~[4.]~~ ***(d)*** Franchises for toll roads, toll bridges, ferries, and all other franchises; but such franchises shall not be taken unless for free highways, railroads or other more necessary public use.

~~[5.]~~ ***(e)*** All rights-of-way for any and all purposes mentioned in NRS 37.010, and any and all structures and improvements thereon, and the lands held or used in connection therewith, shall be subject to be connected with, crossed, or intersected by any other right-of-way or improvement or structure thereon. They shall also be subject to a limited use in common with the owner thereof, when necessary; but such uses of crossings, intersections and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury.

~~[6.]~~ ***(f)*** All classes of private property not enumerated may be taken for public use when such taking is authorized by law.

2. Notwithstanding any other provision of law, a local government shall not enter into an agreement with any person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust, or mortgage lien on ~~[residential]~~ private property or any note secured by a mortgage, deed of trust or mortgage lien on ~~[residential]~~ private property . ~~[may not be taken under this chapter.~~

~~3. As used in this section, "residential property" means:~~

~~(a) Improved real estate that consists of not more than four residential units; or~~

~~(b) A single family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.]~~

Sec. 2. NRS 37.090 is hereby amended to read as follows:

37.090 The court or judge thereof shall have power:

1. To determine the places of making connections, crossings, cattle guards and culverts, and to regulate the manner thereof, and of enjoying the common use mentioned in ***paragraph (e) of*** subsection ~~[5.]~~ ***1*** of NRS 37.030.

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor.

3. To determine the respective rights of different parties asking condemnation of the same property.

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

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that a local government is prohibited from entering into an agreement with any person for the purpose of exercising the power of eminent domain. Secondly, the amendment deletes references to residential property and replaces it with private property.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 169.

AN ACT relating to education; requiring certain notices provided by a principal at a public school to the parent or guardian of a pupil relating to the health or bullying of the pupil to include a list of resources that may be available in the community for the pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of a public school or his or her designee to provide written notice to the parent or legal guardian of any pupil involved in a bullying or cyber-bullying incident on the premises of the school, at an activity sponsored by the school or on a school bus. (NRS 388.135, 388.1351) Existing law also requires public school authorities to notify the parent or guardian of a child who is found or believed to have scoliosis, any visual or auditory problems or any gross physical defect. (NRS 392.420) This bill requires any written notice required pursuant to these provisions to include a list of any resources that may be available in the community to assist the pupil or provide appropriate medical attention, if such information is available.

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

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation ~~[, a]~~ ***:***

(a) A statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil ~~[.]~~ ***; and***

(b) To the extent that information is available, a list of any resources that may be available in the community to assist the pupil, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.

3. The investigation ***conducted pursuant to subsection 2*** must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations

concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

~~[3.]~~ ***4.*** The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical

attention be secured to correct it. ***Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.***

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 169 revises the bill to clarify that for the list of community resources specified in the bill, the principal or any employee of the school or the school district is not responsible for providing the resources to the pupil or ensuring that the pupil receives the resources.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

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

Amendment No. 192.

AN ACT relating to chiropractic; authorizing the President, or a designated member, of the Chiropractic Physicians' Board of Nevada to require certain chiropractic physicians or chiropractor's assistants to submit to a mental or physical examination under certain circumstances; providing that the results of such an examination or the details of a chiropractic physician or chiropractor's assistant's participation in a diversion program to address alcohol or drug misuse may be exchanged with the Board; revising the unprofessional conduct for which a practitioner of chiropractic may be subject to discipline; revising the requirements for a license to practice chiropractic; providing a waiver of fees for certain applicants for a temporary license to practice chiropractic; revising the requirements for the reinstatement of a license to practice chiropractic; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing, certification and regulation of practitioners of chiropractic. (Chapter 634 of NRS) Existing law also authorizes the various licensing boards for physicians, homeopathic physicians, osteopathic physicians, veterinary practitioners and certain therapists and counselors to require a licensee to submit to a mental or physical examination if the licensee's competence is questioned. (NRS 630.318, 630A.420, 633.561, 638.142, 641A.315) **Section 1** of this bill authorizes the President, or a designated member, of the Chiropractic Physicians' Board of Nevada to require that a licensed chiropractic physician or certified chiropractor's assistant submit to a mental or physical examination ~~[, at the person's expense,]~~ if his or her competence is questioned. **Section 1** also provides that the results of such an examination or of a diversion program for the treatment of alcohol or drug misuse by the person are not privileged. Existing law defines the term "unprofessional conduct" for which a practitioner of chiropractic may be subject to discipline. (NRS 634.018) **Section 2** of this bill revises this definition by: (1) expanding the types of misleading public communications to include letterhead and electronic communications, such as social media and Internet websites; and (2) changing repeated malpractice as a grounds for discipline to any single incident of malpractice. Existing law enumerates the requirements for a license to practice chiropractic. (NRS 634.090) **Section 3** of this bill revises those requirements to include chiropractic training and education from certain foreign schools under certain circumstances. Existing law requires an applicant for a

temporary license to practice chiropractic to pay an application fee. (NRS 634.115) **Section 4** of this bill waives the application fee for an applicant for a temporary license who applies for a temporary license solely to provide chiropractic services to a patient in this State without remuneration. **Section 5** of this bill revises the date by which the fee for renewal of a license or certificate must be paid. **Section 6** of this bill requires a licensee whose license has expired and who is applying to reinstate the license to submit a set of his or her fingerprints and pay a fee for the processing of the fingerprints.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the President or a member of the Board designated to review a complaint pursuant to NRS 634.170 has reason to believe that the conduct of a chiropractic physician or chiropractor's assistant has raised a reasonable question as to his or her competence to practice as a chiropractic physician or as a chiropractor's assistant, as applicable, with reasonable skill and safety to patients, the President or the member of the Board designated by the President may require the chiropractic physician or chiropractor's assistant to submit to a mental or physical examination conducted by the appropriate medical providers designated by the Board. The Board ~~***[may require the chiropractic physician or chiropractor's assistant to]***~~ ***shall pay the costs of*** ~~***[the]***~~ ***any examination*** ~~***[.]***~~ ***required pursuant to this subsection.***

2. If the chiropractic physician or chiropractor's assistant participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the chiropractic physician or chiropractor's assistant in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board to correct a chiropractic physician or chiropractor's assistant's alcohol or drug dependence or any other impairment.

3. For the purposes of this section:

(a) A chiropractic physician who is licensed or a chiropractor's assistant who is certified under this chapter and who accepts the privilege of practicing chiropractic or practicing as a chiropractor's assistant in this State is deemed to have given consent to submit to a mental or physical examination pursuant to a written order by the President or member of the Board designated to review a complaint.

(b) The testimony or examination reports of the examining medical provider are not privileged communications.

4. Except in extraordinary circumstances, as determined by the Board, the failure of a chiropractic physician who is licensed or a chiropractor's assistant who is certified under this chapter to submit to an examination

pursuant to this section constitutes an admission of the charges against the chiropractic physician or chiropractic assistant.

Sec. 2. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising, by any form of public communication, a chiropractic practice:

(a) Using grossly improbable statements; or

(b) In any manner that will tend to deceive, defraud or mislead the public.

➥ As used in this subsection, "public communication" includes, but is not limited to, communications by means of television, radio, ***motion pictures, Internet websites, electronic mail, social media accounts and*** newspapers, books **,** ~~[and]~~ periodicals, ~~[motion picture,]~~ handbills ~~[or]~~ **,** ***letterhead and*** other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians' Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. ~~[Repeated malpractice,]~~ ***Malpractice,*** which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee's designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle accident, involved in a work-related

accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

18. Practicing below the standard of care required from a chiropractic physician or chiropractor's assistant under the circumstances.

Sec. 3. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 2 ~~[,]~~ ***and 5,*** not less than 60 days before the date of the examination, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

(1) Anatomy;
(2) Bacteriology;
(3) Chiropractic theory and practice;
(4) Diagnosis and chiropractic analysis;
(5) Elementary chemistry and toxicology;
(6) Histology;
(7) Hygiene and sanitation;
(8) Obstetrics and gynecology;
(9) Pathology;

(10) Physiology; and

(11) Physiotherapy; and

(c) That the applicant:

(1) Holds certificates which indicate that he or she has passed parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners; or

(2) Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 4 ~~[~~,~~]~~ ***and 5,*** every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

Sec. 4. NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the ~~[~~required~~]~~ fee ***, if required,*** and the approval of its Secretary and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the Secretary of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. ~~[An]~~ ***Except as otherwise provided in subsection 6, an*** application for a temporary license must be accompanied by a fee of $50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license:

(a) Is valid for the period designated on the license, which must be not more than 10 days;

(b) Is valid for the place of practice designated on the license; and

(c) Is not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

6. A chiropractic physician who applies for a temporary license solely for the purpose of providing chiropractic services to a patient in this State without remuneration is not required to pay the fee required pursuant to subsection 3.

Sec. 5. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection 9, each person who is licensed or holds a certificate as a chiropractor's assistant pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal license or certificate which authorizes the person to continue to practice for 2 years.

2. Except as otherwise provided in subsection 9, the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board ~~[on or before]~~ ***by*** January 1 of:

(a) Each odd-numbered year for a licensee; and

(b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5, 6 or 7, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates

chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

8. A holder of a certificate as a chiropractor's assistant is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the holder of a certificate an initial certificate to practice as a chiropractor's assistant in this State.

9. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.

10. If a licensee fails to:

(a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an odd-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

11. If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an even-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 6. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license expires pursuant to the provisions of subsection 10 of NRS 634.130 and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; ~~[and]~~

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; ~~[and]~~

(2) The fee for reinstating a license to practice chiropractic which has expired ~~[.]~~ ***; and***

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

(c) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of an expired license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

Sec. 7. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

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

(b) A felony relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. ~~[Gross or repeated malpractice.~~

~~5.]~~ Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

~~[6.]~~ ***5.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 8. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 192 specifies that the Chiropractic Physicians' Board of Nevada will pay the costs of a mental or physical exam required by the Board under Section 1 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 255 and 388 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 7, 8, 13, 94, 101, 103, 108, 248; Senate Bill No. 145 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 114 and 449 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Hickey, Ohrenschall, Carlton, and Elliot Anderson.

ASSEMBLYMAN HICKEY:

Assembly Bill 7 prevents an uninsured motorist from collecting noneconomic damages for pain and suffering in a civil action arising from a traffic accident with an insured, at-fault driver unless the claimant was injured by a motorist who was driving while under the influence of drugs or alcohol, was a passenger in a motor vehicle he or she does not own, was not in any vehicle involved in the accident, fled from the scene of the accident, was a dependent, at the time of the accident, whose parents did not have insurance. Also, someone who had failed to maintain insurance coverage at the time of the accident, but had previously maintained motor vehicle insurance

coverage and was notified at least 45 days before the accident of the cancellation or termination of the policy for failure to pay the premium, and is involved in a wrongful death claim.

This bill does not affect the amount that a plaintiff may recover for medical costs, for property damage, or loss of income as a result of an accident. Studies have shown that laws like this, in fact, lower insurance costs for all drivers. I urge your support.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 7. I have tremendous respect for my colleague from District 25, and I think the goal of universal auto insurance coverage is a good goal. It is something we want—for all our citizens to have auto insurance so that the system will work. I think there are ways to try and do that. We have fines, we have criminal penalties. I think enhancing those may be an alternative. I think this route of going to victim's law and tort law is misguided. I do not think it is going to have the effect—I think we are going to come back in two years, and we are not going to see an increase in people who are covered.

Here is a brief example: Let us say we have two of our constituents who are neighbors. Both of them have fallen on hard times and they both decide they are going to skip a couple of months on their car insurance. They both head to work in the morning. One gets hit by a drunk driver; the other gets hit by somebody who knew they had bad brakes and decided not to do anything about it. Both are severely injured. Right now, the one who was hit by the drunk driver is going to have extra protections under Nevada law versus the other person who, but for the luck of the draw-did not ask to be hit, did not ask to be injured.

When you walk in the courthouse, Mr. Speaker, there is a sign that says Equal Justice Under Law. Unfortunately, under Assembly Bill 7, I see us creating two different categories of victims, not based on what they did, but based on luck of the draw in terms of who injured them.

ASSEMBLYWOMAN CARLTON:

I have a question for my colleague on Assembly Bill 7. He said something about reduction in insurance rates. I had not heard that in conjunction with this bill at all before now, so I have concerns, because I have sat through many, many hearings where we have changed a lot of the insurance code. There are so many ways to rate a person, depending upon their insurance zip code, age, age of car, credit rating, and many other components. I am not quite sure about this reduction in insurance premiums so that we can switch it onto someone else. I would like an explanation of that and what the amount of the reduction might be.

ASSEMBLYMAN HICKEY:

To my colleague from the south, a number of states have passed this bill, California being one of them. Studies have shown that over time, insurance costs are reduced. As you pointed out, insurance premiums are calculated on a number of factors, including in a given area or state, how many persons are uninsured. So over time, as more people comply with the law—and that is really what this bill is doing—it is rewarding those who have followed the law and not rewarding those who have not. But over time, I believe it does enter into the calculation and can lower our car insurance costs.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 7. Like my colleague from the south, I have tremendous respect for my colleague from District 25. I do take issue, though, with the premise of this bill. It operates on the premise that people are going to see this law, and they are going to start complying with insurance laws. People do not comply with insurance laws because they do not have the money to comply with insurance laws. It is not because they want to not have insurance.

I would also add that if Assembly Bill 7 passes, there is not going to be a sudden rush of people who go out and get insurance. They are going to find out about A.B. 7 once their lawyer tells them they can no longer get pain and suffering damages, so they cannot represent them on the case. A lawyer is not going to take recovery from the medical expenses. This bill would only allow medical expenses, and there is not lawyer who is going to take a third of a client's medical expenses. I fear this will block access to the courts—I am very concerned about that. There is no reason to shift the burden from the wrong-doer, the person who has caused the injury, to the victim

who did nothing wrong. That is what this bill does, so I respectfully dissent and urge our body to defeat this measure.

Roll call on Assembly Bill No. 7:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dooling, Flores, Joiner, Kirkpatrick, Neal, Nelson, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 265.

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; **prohibiting the use of restraints on children during court proceedings under certain circumstances unless ordered by the court;** prohibiting certain transfers of children; prohibiting the trafficking of children; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person or organization, other than an agency which provides child welfare services or a licensed child-placing agency, who advertises in any periodical or newspaper, or by radio or other public medium, that the person or organization will place children for adoption or accept, supply, provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310) **Section 1** of this bill specifically applies this prohibition to a person or organization who advertises through a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

Section 3.5 of this bill prohibits the use of an instrument of restraint on a child during a court proceeding, unless: (1) the restraint is necessary to prevent the child from inflicting harm on himself or herself or another person or to prevent the child from escaping the courtroom; and (2) there is not a less restrictive alternative to prevent such harm or escape. Section 3.5 further requires the court to hold a hearing to determine whether the use of an instrument of restraint on a child is necessary and to consider certain factors in making its determination. Under section 3.5, the court must make specific findings of fact and conclusions of law to support its determination.

Section 4 of this bill enacts provisions prohibiting the trafficking of children. **Section 4** provides that a person shall not recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of a child or a person with custody of a child places the child in the physical

custody of another person who is not related to the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child. **Section 4** further provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates **section 4** is guilty of a category C felony, and **section 5** of this bill requires a court to order that a person convicted of a violation of **section 4** pay restitution to the victim of the crime.

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

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, any person or organization other than an agency which provides child welfare services who, without holding a valid unrevoked license to place children for adoption issued by the Division:

(a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

(b) Advertises ~~[in any periodical or newspaper, or by radio or other public medium,]~~ that he or she will place children for adoption ~~[,]~~ ***or permanent free care,*** or accept, supply, provide or obtain children for adoption ~~[,]~~ ***or permanent free care,*** or causes any advertisement to be ~~[published in or by any public medium]~~ ***disseminated*** soliciting, requesting or asking for any child or children for adoption ~~[,]~~ ***or permanent free care,***

➥ is guilty of a misdemeanor.

2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.

3. A periodical, newspaper, radio station ***, Internet website*** or other public medium is not subject to any criminal penalty or civil liability for ~~[publishing or broadcasting]~~ ***disseminating*** an advertisement that violates the provisions of this section.

4. A child-placing agency shall include in any advertisement concerning its services ~~[published in any periodical or newspaper or by radio or other public medium]~~ a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and

(b) Indicates any license number issued to the child-placing agency by the Division.

5. As used in this section:

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor

advertising, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An instrument of restraint may be used on a child during a court proceeding only if:

(a) The restraint is necessary to prevent the child from:

(1) Inflicting physical harm on himself or herself or another person; or

(2) Escaping from the courtroom; and

(b) There is not a less restrictive alternative to prevent such physical harm or escape from the courtroom, including, without limitation, the presence of court personnel, law enforcement officers or bailiffs.

2. Whenever practical, the judge shall provide the:

(a) Child and his or her attorney an opportunity to be heard and contest the use of an instrument of restraint before the judge orders the use of an instrument of restraint.

(b) Prosecuting attorney an opportunity to be heard and argue that the use of an instrument of restraint is necessary pursuant to subsection 1.

3. In making a determination pursuant to subsection 2 as to whether an instrument of restraint is necessary pursuant to subsection 1, the court shall consider the following factors:

(a) Any previous escapes or attempted escapes by the child.

(b) Evidence of a present plan of escape by the child.

(c) A substantiated threat by the child to harm himself or herself or another person.

(d) A history of self-destructive tendencies by the child.

(e) Any substantiated threat of a rescue attempt by a person not in custody.

(f) Whether the child is subject to a proceeding for certification for criminal proceedings as an adult pursuant to NRS 62B.390.

(g) Any other factor that is relevant in determining whether the use of an instrument of restraint on the child is necessary pursuant to subsection 1.

4. The determination of the judge pursuant to subsection 2 must contain specific findings of fact and conclusions of law supporting the determination.

5. If an instrument of restraint is used on a child, the restraint must allow the child limited movement of his or her hands to hold any document or writing necessary to participate in the proceeding.

6. As used in this section, "instrument of restraint" includes, without limitation, handcuffs, chains, irons and straightjackets.

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330, 159.205 or 159.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 5. NRS 200.469 is hereby amended to read as follows:

200.469 1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 ***or section 4 of this act*** to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468 ~~[.]~~ ***or section 4 of this act.***

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 ***or section 4 of this act*** has been committed; or

(b) Who is the surviving child of such a person.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Amendment 265 to Assembly Bill 8 prohibits the indiscriminate shackling of juveniles in delinquency court. It would allow for juveniles to be shackled where detention staff, prosecutors, and the judge feel there is a need to keep them shackled; however, it would prohibit indiscriminate shackling. It is very much based on the model policy we have in our Clark County juvenile court system.

There was a hearing on this issue in your Judiciary Committee. This was proposed as an amendment to Assembly Bill 213 at the hearing. There was quite a lot of discussion in support. There was no opposition to the amendment. Unfortunately, after the hearing our legal counsel told us it was not germane to Assembly Bill 213. It is germane to Assembly Bill 8, and that is why I am presenting it as an amendment to this measure. I urge its adoption.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 13 revises various provisions of the Uniform Interstate Family Support Act (UIFSA) in Nevada law to conform to federal law. This bill is effective upon passage and approval

for the purpose of revising the effective dates of earlier amendments to the UIFSA in Nevada law and on July 1, 2015, for all other purposes.

The UIFSA, which is contained within Chapter 130 of *Nevada Revised Statute*s provides universal and uniform rules for the enforcement of family support orders. According to the Uniform Law Commission, 2014 federal legislation requires all states to enact the 2008 UIFSA amendments as a condition of continuing to receive federal funds for state child support programs. Failure to enact these amendments during the 2015 Legislative Session may result in the loss of important federal funding. I think it is important to note that 66 percent of Nevada's child support enforcement program funding comes from the federal government, and if we were to not comply with these amendments, we could also put our Temporary Assistance for Needy Families block grant in harm's way. I urge the body to support this measure.

Roll call on Assembly Bill No. 13:

YEAS—42.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 94 authorizes each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who chooses to receive a sample ballot in this manner. The system may include electronic mail or electronic access through a website. A registered voter may choose to have an electronic mail address withheld from the public. I urge passage.

This is actually the brainchild of Washoe County Commissioner Vaughn Hartung. I want to make sure he gets credit for this. He did a lot of homework on this. It is really a great idea. It will save millions of dollars over time. It will substantially improve the ability of people to read sample ballots. The days of everything being printed, I am afraid, are slipping away. So I would urge this body to pass it. It saves money, it speeds up the process, it is just a great bill. I want to thank Mr. Hartung for bringing this to this body.

Roll call on Assembly Bill No. 94:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 101.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 101 exempts from the definition of "charter bus transportation" buses used to transport workers to and from certain work sites, including, without limitation, construction sites, mines, and renewable energy facilities in counties with a population of less than 100,000. This bill is effective upon passage and approval.

This bill was brought forward because at a lot of our mines, the workers cannot actually drive to the worksite. For the safety of the workers, buses are used to take everyone to one location. I believe this is a good bill, and I urge the body to pass it.

Roll call on Assembly Bill No. 101:

YEAS—42.

NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

The following amendment was proposed by Assemblyman Oscarson:

Amendment No. 271.

SUMMARY—Provides for the issuance of special license plates for veterans who are awarded the Silver Star or **the** Bronze Star Medal ~~[,]~~ **with "V" device, Combat V or Combat Distinguishing Device.** (BDR 43-22)

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring veterans of the Armed Forces of the United States who have received the Silver Star or **the** Bronze Star Medal ~~[,]~~ **with "V" device, Combat V or Combat Distinguishing Device,** as applicable; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 9 of this bill authorize qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor veterans of the Armed Forces of the United States who have been awarded the Silver Star or **the** Bronze Star Medal ~~[,]~~ **with "V" device, Combat V or Combat Distinguishing Device.** Unless the special license plates are lost, stolen or mutilated, in which case a $5 replacement fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates. **Section 1** also provides that: (1) a veteran who is eligible for such special license plates and who, as a result of his or her service, has suffered a 100-percent service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plate; and (2) a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the State or any political subdivision or other public body within the State, but not including parking fees charged by the Federal Government. **Sections 7 and 8** of this bill make conforming changes to the provisions of existing law regarding the applicability of parking laws to vehicles displaying special license plates which bear the international symbol of access. (NRS 484B.463, 484B.467)

Section 3 of this bill provides that, if the Director of the Department orders a redesign of license plates, the Department is prohibited from issuing redesigned license plates to the holder of a set of plates honoring recipients of the Silver Star or **the** Bronze Star Medal **with "V" device, Combat V or Combat Distinguishing Device** without the approval of the holder.

Under existing law, most special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 4-6** of this bill exempt the special plates honoring recipients of the Silver Star or **the** Bronze Star Medal **with "V" device, Combat V or Combat Distinguishing Device** from all three of the preceding requirements.

Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemptions provided in **sections 4-6**, **section 2** of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring recipients of the Silver Star or **the** Bronze Star Medal **~~[.]~~ with "V" device, Combat V or Combat Distinguishing Device.**

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; or

(b) Bronze Star Medal ~~[.]~~ with "V" device, Combat V or Combat Distinguishing Device.

2. A person who qualifies for special license plates pursuant to this section, has suffered a 100-percent service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates

must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or the Bronze Star Medal [,] with "V" device, Combat V or Combat Distinguishing Device, as applicable, and evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

5. Except as otherwise provided in this subsection, a vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State. Such a vehicle is not exempt from parking fees charged by the Federal Government, unless the Federal Government grants such an exemption.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $5.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[,]~~ ***, and section 1 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, ***or section 1 of this act,*** without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100

times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (f) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 4. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-

numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 1 of this act.***

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 5. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, ***or section 1 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 6. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department

receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 1 of this act.***

Sec. 7. NRS 484B.463 is hereby amended to read as follows:

484B.463 1. Except as otherwise provided in subsection 3, an owner or operator of a motor vehicle displaying a special parking placard, a special parking sticker, a temporary parking placard, a temporary parking sticker or a special plate or plates issued pursuant to NRS 482.384, or a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377, ***or section 1 of this act,*** may park the motor vehicle for not more than 4 hours at any one time in a parking zone restricted as to the length of time parking is permitted, without penalty, removal or impoundment of the vehicle if the parking is otherwise consistent with public safety and is done by a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or a person transporting any such person.

2. An owner or operator of a motor vehicle displaying a special plate or plates for a veteran with a disability issued pursuant to NRS 482.377 ***or section 1 of this act*** may, without displaying a special license plate, placard or sticker issued pursuant to NRS 482.384, park in a parking space designated for persons who are handicapped if:

(a) The parking is done by a veteran with a disability; or

(b) A veteran with a disability is a passenger in the motor vehicle being parked.

3. This section does not authorize the parking of a motor vehicle in any privately or municipally owned facility for parking off the highway without paying the required fee for the time during which the vehicle is so parked.

Sec. 8. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of $250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces,

➥ must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of $250 for violation" or similar words indicating that the minimum fine for parking in such a space is $250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377 ~~[.]~~ ***or section 1 of this act.***

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➥ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➥ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle or motorcycle displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle, or is being picked up or dropped off by the driver of the vehicle or motorcycle, at the time that the vehicle or motorcycle is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $250.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.

Sec. 9. As soon as practicable after July 1, 2015, the Department of Motor Vehicles shall design the special license plates described in section 1 of this act in cooperation with interested parties.

Sec. 10. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment adds language specifying that the provisions of the bill relating to the Bronze Star Medal recipients apply only to recipients who have been awarded the Bronze Star Medal with a "V" device, Combat V, or Combat Distinguishing Device.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 108 authorizes a court to vacate a judgment of conviction for trespassing, loitering in a gaming area, or loitering in violation of a local ordinance if the defendant's participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude.

This is a clean-up measure for last session's human trafficking bill. In Las Vegas, in any gaming area particularly, you also have a lot of trespassing convictions that go along with the prostitution or solicitation charges. This is a way to ensure that victims of human trafficking can get a clean start. All of these provisions are supported by the District Attorney's Association. We have worked with them to ensure that we could get the right measure included and we could get it all in there this time.

Roll call on Assembly Bill No. 108:

YEAS—42.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 248 removes the requirement that a physician report all diagnosed cases of epilepsy to the State Board of Health, that in turn reports it to the Department of Motor Vehicles. Instead, when a physician determines a patient's epilepsy severely impairs his or her ability to safely operate a motor vehicle, a physician is required to notify the patient and obtain a signed statement acknowledging this notification. Should a patient refuse to sign an acknowledgement, a physician is authorized to sign a statement attesting to the notification provided.

This would align Nevada with best case practices in other states. By removing the mandatory reporting, patients will feel less encumbered reporting whether or not they have had a seizure, and I think it improves the safety of the citizens of this state.

Roll call on Assembly Bill No. 248:

YEAS—42.

NAYS—None.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblyman O'Neill.

Potential ethics conflict declared by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

By way of disclosure, I would like to address an issue that came up during the April 2 work session in Assembly Transportation on S.B. 145. There was an allegation made in a document submitted to the committee that I should have made a disclosure related to the bill. Senate Bill 145 relates to the Program for Education of Motorcycle Riders that is administered by the Department of Public Safety. I have been an instructor with the Program in the past. In fact, there are over 100 instructors statewide that teach courses for the program as independent contractors. However, I am not currently certified as an instructor. In addition, because this involves a contract involving state money, it looks like NRS 218A.970 would preclude me from being an independently contracted instructor with the Program when the new state fiscal year begins on July 1.

I have checked with the Legislative Counsel and have determined that I do not have any conflict of interest with respect to S.B. 145 under Assembly Standing Rule 23. Since I do not have a conflict, I will be participating in the discussion and voting on this bill.

Senate Bill 145 authorizes a nonresident member of the Armed Forces of the United States, a reserve component thereof, or the National Guard who is stationed at a military installation in Nevada to enroll in the Program for the Education of Motorcycle Riders. This bill is effective upon passage and approval.

In the past, several military personnel assigned to Nevada who are nonresidents have attempted to take this course. We have had to reject them. This bill is trying to allow our active military personnel in Nevada to take the course at the state rate or state-sponsored course. I request all of you to vote for it.

Roll call on Senate Bill No. 145:

YEAS—41.

NAYS—Hickey.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 14, 19, 23, 24, 53, 57, 83, 116, 131, 132, 141, 143, 153, 164, 169, 183, 204, 250, 252, 273, 301, 384, 420, 422, 451, 456, 457; Senate Bill No. 109 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 6

Assemblyman Hansen moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

Also, your Committee on Education, to which was referred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Judiciary.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Judiciary.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved to suspend paragraph 4 of Assembly Standing Rule 57 through April 10, 2015.

Remarks by Assemblyman Paul Anderson.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 299 that was just reported out of committee be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 375 that was just reported out of committee, be rereferred to the Committee on Judiciary.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 405 that was just reported out of committee be rereferred to the Committee on Judiciary.

Motion carried.

Mr. Speaker appointed Assemblywomen Woodbury and Neal as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Cresent Hardy.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:15 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Smith, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Settelmeyer and Assemblywoman Kirkpatrick to wait upon United States Representative Cresent Hardy and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Cresent Hardy, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Hardy and invited him to deliver his message.

Representative Hardy delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

It is great to be here. Thank you for being here yourself. I know how tough it can be to come and listen to somebody from Washington, D.C.

First, I would like to thank the Governor for being here as well as the Speaker and the Minority Leader. I think this is a great opportunity, and I really feel privileged to be here. I do not see the Chief Justice here, but I want to welcome him and the other constitutional officers, too. Ms. Carlton, great to see you, and it is good to be seen.

I have had the opportunity of serving at all levels of government. I have served at the local level, I have served at the county level, I have served at the state level, and now I am grateful for the opportunity to serve at the federal level. I can tell you that none of those positions is more special to me than being right here in this house with you folks. I could say I would like to be back here, and I probably truly would, but I believe that right now—for my beliefs and where I would so much like to go in life and the direction I would like to see things happen—I am in the right spot at the right time for me. That is because I believe in the value of our *Constitution* so much; it has the greatest value and has given us the greatest gifts over the years.

The government closest to the people is the best government. That is what your job is right here: to make sure that you do what is best for the state, right down to the local level. The federal government has the tendency of liking to make one size fit all, and in my personal opinion, that does not work at all—not in this state or any other state. I think over the years, states have lost the right, opportunity, and privilege to be the laboratories of industry that will help us compete. This body here and the Governor have done a great job of creating an economic environment. You have done that without the help of the federal government, but I can guarantee you the federal government always wants to take a little more from you as you go through life and have success. That should not happen.

One of the first bills I introduced was about an issue that is really important to me. There is not a lot you can do as an individual back there in D.C. in a house of 435 people. A business would never create that type of environment; it would have probably five or ten people in a committee. I think that and the political divide are some of the reasons we get a little bit dysfunctional back there. The first bill I had the opportunity to introduce was called the LAND Act. It actually restricts the federal government, the Department of Interior, from acquiring any more lands unless the budget is balanced. I think it is important that the government learn to live within its means. This bill does not mean they cannot continue to obtain from other entities lands that are important for environmental reasons and for parks and recreation. What it requests is if the government is going to try to do that and the budget is not balanced, then how about giving the states back lands that have potential for economic development. I think that is important for us to be able to compete at all state and national levels—to have our lands for taxation for education, for taxation for infrastructure, and others. That is one of those issues that is very important to me, so this bill is my way of hopefully accomplishing something.

Now I would like to talk about an issue that I seem to get a lot of publicity about, Yucca Mountain. You know, Nevadans may never want Yucca Mountain, and that is fine. We certainly will not let it be forced upon us. As long as this debate is limited to whether or not the feds are going to shove it down our throats, I will stand in strong opposition. But, there is a larger issue that I wanted to talk about when I highlighted this in my op ed in the [*Las Vegas*] *Review Journal*. I wanted to talk about Yucca Mountain being the way that, in Congress, things are so polarized. We pick sides. We get our beliefs to where we think that we are right on all sides, for or against. That is what I believe has happened with Yucca Mountain. I believe that we need to take those opportunities to have that open discussion. Let us let the scientists come together and have their discussion, an open discussion. I have had the opportunity to meet with the Nuclear Regulatory Commission. I have had the opportunity today to meet with the Governor's staff. Both sides have fantastic arguments, and they need to be heard from all sides so the public can be educated.

That is what needs to happen in Washington, D.C. For too long, the middle ground has been missing in what we do. I hope that is not happening here. I think that we need to make sure that we always try to engage and take the opportunity to do what we think is best, not just for today, but for the future of Nevada, for our children and our grandchildren. That is important. I had the

opportunity to serve here for two terms. As you know, one session was pretty divisive, and the last session I thought that we accomplished a lot because we did one thing: We got to know each other, thanks to the then-Speaker and her professional way of handling things. We came together to work on issues that were good for the state. I do not believe we could have accomplished what we did if she had not helped entice the opportunity for the southern Nevada caucus. Now, that should not be offensive to anybody. When we came together as a body, I was amazed after our first meeting how many issues we agreed on, and she did everything she could to make sure that we stayed away from those issues that neither side was going to agree on. It did not happen all the time, but she tried. That is what needs to happen here. We need to evaluate the issues. There are many tough issues that you need to deal with here in this house. I do not envy the opportunities you have, but it is the right place to have it happen. If I had my way, I would turn back to the state a whole lot more of the money that comes from our state so that you would not have to deal with some of these issues that you are having to deal with. I think we can better allocate that money as a state and in our communities.

As an individual, to go back to Washington and not really be the chosen one—and then to have the opportunity to serve on committees that could not fit me better—is amazing. To be on the House Committee on Transportation and Infrastructure—I have been a builder all my life, that is what I have done: roads, highways, bridges, dams, underground utilities, treatment facilities—and to be selected to be Vice Chairman of the Subcommittee on Highways and Transit is amazing. I think it is a real privilege, and I look forward to working on a long-term funding bill that will help ensure that we continue to improve our infrastructure. It is very important that we have strong infrastructure not only throughout our state, but also across the country for safety and many other reasons.

I am also on the Subcommittee on Railroads, Pipelines and Hazardous Materials and the Subcommittee on Water Resources and Environment. Those are issues that all fit Nevada, all issues that I think I have some pretty good expertise on. I also serve on the House Committee on Natural Resources and the Subcommittee on Energy and Mineral Resources. What state produces more minerals and energy opportunities than any other? It is right here in Nevada. And public lands—what other state has more federal land than the state of Nevada? As a businessperson for over 20 years, it was a privilege to be selected to the House Small Business Committee and to be the Chairman of the Subcommittee on Investigations, Oversight, and Regulations. I know first-hand what regulations can do to small businesses. They can encumber us so we cannot grow, we cannot expand. Ninety-five percent of this state is employed by small businesses; that is how important small businesses are.

On Monday, we had a groundbreaking on a very important project. I believe the I-11 corridor is one of the most important projects that will happen in quite some time, maybe in my lifetime. As you know, the Governor was there for the groundbreaking as well as the rest of the delegation; that is how important it was. Once the project is complete, it will increase our economic opportunities within gaming, small businesses, and large businesses that may be looking here now because of some of the actions that I have had the opportunity to work with you on, such as Tesla. I think people are now looking at the state of Nevada as a real place to come, grow their businesses, and create those business opportunities.

So with that being said, why am I here? I want to focus on long-term issues; I want to fix job opportunities. I believe you want to do the same. Our children and grandchildren should be our focus, not just those short-term fixes that solve things today. We always need to look at the long term and where it works and how it is coming down the road.

National debt is one of those issues that I ran on. Fortunately, the state of Nevada has a balanced budget amendment that requires we live within our budget. I wish the federal government had the same. Today in our federal government, every man, woman, and child owes in debt $154,000 per taxpayer. That is huge. Some people might take five or six years to obtain $154,000. What can we do together? I believe that my obligation is to work for you, we the people. I want to know what I can do to help the federal government get out of your way, to let you perform the way you need to. I want to know the pros and cons of all your issues. I do not care what side of the aisle you are from—I want to know.

I have proven that I can work with both sides of the aisle in this house. I think that was the reason for some of the success we had last session—working both sides of the aisle. It is my hope

that I can teach that a little bit back in Washington. I have already begun to meet with people on the other side of the aisle; it is important that I do. We may not agree, but we should never take things personally in this house. We should always make sure we retain those friendships and grow those friendships. This was an opportunity to have friendships that I will enjoy forever on both sides of the house, even with the lobbyists out there. I think there are some lifelong friendships out there. If you have taken this personally, that is your fault. It is an issue that we need to work on. Do not be offended, because I am a firm believer that you can only be offended if you choose to. With that, my commitment to you is that I will always have an open door, always listen to both sides, and I want to make sure my staff is available for you at any time to discuss those issues moving forward.

In closing, I have two very important people in my life who I would like to recognize. They each served here for six terms, for almost six terms; this will be their last. I would like to start with the gentleman—and by the way, Harvey, I am glad you made it here on time; I appreciate that. Assemblyman Munford has been a real advocate for his district. That is why he has been back here all six times. The people in his district love him. I have gotten to know the folks in his district. I have had the opportunity to be at his house at events, and it is amazing the turnout and the relationships he has developed. That is important. That is what our obligation is: to get out, work with our constituents, and expand that opportunity. I think we would be remiss if we did not give him a thank you and a round of applause for all he has done here in this house.

You can probably guess who the other one is going to be. You know, Assemblywoman Kirkpatrick and I developed a pretty good relationship. I am not so sure my wife is not sometimes jealous of our relationship. But we enjoy our time together. I think this lady was inspiring to me in getting to know her over the past four years. I like how she always takes the freshmen under her arm and makes sure they understand the policies and procedures. She always wants to get them to know. We could use a little of that back in Washington—teaching people how to move forward. Marilyn and I engaged in a little bit of loud vocabulary from time to time, but we are kind of kindred spirits. Both of us have a lack of vocabulary—we like to think it's a special one, call it rancher or farmer whatever you want—but if you only had the opportunity to be a fly on the wall some of the times during those discussions. But she is always listening. Ms. Kirkpatrick was a good Speaker of the house last session. I think she is a great Minority Leader this time. I think she is willing to work so long as everyone else is willing to work. It is important that we continue to work together. I would like to recognize her. I hope she actually gets the opportunity to use the spurs, the whip, and all that other stuff that we provided her last session. I appreciate her very much, and I think she deserves a wealth of recognition also.

If I could take a minute to have Assemblywoman Kirkpatrick and Assemblyman Munford come forward, I have a little token of my appreciation to give them. Congress has not been in session the last couple of weeks, so I have not been able to get this on the congressional record, but it will be. I really appreciate all they have done. They have both been statesmen. They have been good examples. The best we can do is leave office when it is time—I am not saying they are leaving office; maybe they want to run for another office—is to be the best statesman you can be; the best representative you can be; that example, that leader who brings people together.

I thank you for the opportunity to be here. Go to work, stop listening to these people from Congress, get your work done, and let us work together.

Senator Gustavson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Hardy for his timely, able, and constructive message.

Seconded by Assemblywoman Dickman.

Motion carried.

The Committee on Escort escorted Representative Hardy to the bar of the Assembly.

Assemblywoman Spiegel moved that the Joint Session be dissolved.
Seconded by Senator Hardy.
Motion carried.

Joint Session dissolved at 5:40 p.m.

ASSEMBLY IN SESSION

At 5:40 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Salvador Hernandez and Enrique Acuna.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cole Christensen, Reed Christensen, Cooper Christensen, and Race Christensen.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jacki Ramirez and Andres Ramirez.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Perez and Antonio Gonzalez.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Roman Schromberg and Maria Perez.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Murrieta and Vivek Subramanian.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Arroyo.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben R. Murillo Jr. and Jeffrey Dominguez.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Manny Martinez and Sarah Layer.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Emmalee Bishop and Zackery O'Neill.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Martinez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Delia Oliveri and Trevor Bexon.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mallory Hansen-Trevino.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Aria Overli and Lorena Godina.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Elisa Cafferata and Ivon Padilla-Rodriguez.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Magnus and Amanda Cuevas.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gil Lopez and Abimael Duran.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Hernandez and Adam Czajkowski.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Maria-Teresa Liebermann and Jessica Padron.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Leticia Servin and Jim Peckham.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Hernandez-Chavez and Ebeth Palafox.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Jaime Edrosa and Mariangel Hernandez.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Jakeline Duron and Maggie Salas Crespo.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Dulce Valencia Sanchez and Leobardo Chavez.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Arlene Rivera.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Alonso and Teresa Reynaga.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Dominique Groffman, Anne Jeton, and Louis Groffman.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 10, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:41 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 10, 2015

Assembly called to order at 11:59 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Thompson, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We pray for the members of this body, its officers, and all those who share in its work. We remember that You never were in a hurry nor lost Your inner peace when under pressure. But we are only human. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind, and only You can supply the deepest needs of tired bodies, jaded spirits, and frayed nerves.

Give to us Your peace and refresh us in our weariness, that this may be a good day with much done and done well.

AMEN.

Pledge of allegiance to the Flag.

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

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 73, 87, 137, 179, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 104, 241, 345, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 300, 355, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 320, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

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

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 12:19 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 239, 339, 389, 482.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 29, 53, 86, 93, 129, 147, 151, 170, 176, 191, 205, 238, 249, 256, 294, 340; Senate Joint Resolution No. 11.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 9, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 307, 485; Senate Joint Resolution No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 15, 59, 181, 196.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 24, 48, and 57 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Senate Joint Resolution No. 11.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Joint Resolution No. 20.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Concurrent Resolution No. 7.

Assemblyman Paul Anderson moved the adoption of the resolution.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Concurrent Resolution 7 authorizes the state Public Works Division of the Department of Administration to receive and use federal grant money for the demolition of the field maintenance shop at Nevada National Guard Henderson Armory.

Resolution adopted and ordered transmitted to the Senate.

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

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Mr. Speaker presiding.

Quorum present.

NOTICE OF EXEMPTION

April 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 310.

CINDY JONES
Fiscal Analysis Division

April 9, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 111 and 439.

MARK KRMPOTIC
Fiscal Analysis Division

April 10, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 450.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Senate Bill No. 291.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 08, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 300.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 08, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 7.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 15.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 29.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 53.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 59.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 86.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 93.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 129.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 147.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 151.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 170.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 176.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 181.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 191.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 196.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 205.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 238.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 239.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 249.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 256.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 294.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 307.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 339.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 340.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 389.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 482.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 485.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 83.

AN ACT relating to public works; providing that certain documents and other information submitted by a person seeking a contract with a public body to construct certain public works are confidential until **notice of intent to award** the contract is ~~[awarded;]~~ **issued;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Transportation is authorized to advertise for proposals from design-build teams and contract with a design-build team for the design and construction of certain projects. (NRS 408.388, 408.3883) The Department is also authorized to accept requests from certain persons seeking to develop, construct, improve, maintain or operate certain transportation facilities. (NRS 408.5475) The Department may authorize the person who requested such a project to carry out the project or may request that other persons submit proposals for the project. (NRS 408.5473, 408.548) **Sections 2 and 3** of this bill provide that certain documents or other information submitted to the Department by a person seeking a contract with the Department for a design-build project or a transportation facility project are confidential until **notice of intent to award** the contract is ~~[awarded.]~~ **issued.**

Existing law authorizes public bodies to construct public works by advertising for proposals for a construction manager at risk and then selecting and entering into a contract with a construction manager at risk. **As part of the selection process, a public body or its authorized representative is required to appoint a panel to rank the proposals submitted to the public body. After the proposals are ranked, the public body or its authorized representative is required to select for interviews a certain number of applicants whose proposals received the highest scores, and is then authorized to appoint a separate panel to interview and rank such selected applicants.** (NRS 338.169, 338.1692 ~~[)]~~ **, 338.1693) Section 6** of this bill provides that certain documents or other information submitted to a public body by a construction manager at risk seeking a contract with a public body for a public works project are confidential until **notice of intent to award** the contract is ~~[awarded.]~~ **issued. Section 7.5 of this bill requires a public body or its authorized representative to make certain information determined by the panel that ranked the proposals and the panel that conducted the interviews of the selected applicants available to all applicants and the public.**

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, are required to be open at all times during office hours for inspection and copying by the public. (NRS 239.010) **Section 8** of this bill adds to the list of public books and records which are declared confidential those documents and other information as reflected in **sections 2, 3 and 6**. **Section 7.7 of this bill clarifies that if a public book or record is declared by law to be open to the public, such a declaration does not imply, and must not be construed to mean, that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.**

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Any document or other information submitted to the Department in response to a design-build project initiated pursuant to NRS 408.3881 by a person who is a member of a design-build team seeking a design-build contract pursuant to NRS 408.3875 to 408.3887, inclusive, is confidential and may not be disclosed until notice of intent to award the contract is ~~[awarded.]~~ issued.***

2. As used in this section, the term "document or other information" means any submittal by a person who is a member of a design-build team to the Department ~~[required pursuant to NRS 408.3875 to 408.3887, inclusive, for the selection of a design-build team]~~ in response to a design-build project initiated pursuant to NRS 408.3881 and includes, without limitation, a

preliminary proposal made pursuant to NRS 408.3883, a statement that the person satisfies the requirements of NRS 408.3884 and a final proposal submitted pursuant to NRS 408.3886.

Sec. 3. ***1. Any document or other information submitted to the Department in response to a request for proposals pursuant to NRS 408.548 by a person seeking a contract to develop, construct, improve, maintain or operate, or any combination thereof, a transportation facility pursuant to NRS 408.5471 to 408.549, inclusive, is confidential and may not be disclosed until notice of intent to award the contract is [awarded.] issued.***

2. As used in this section, the term "document or other information" means any submittal by a person to the Department [required pursuant to NRS 408.5471 to 408.549, inclusive, as part of the submission or approval of a request or proposal] in response to a request for proposals pursuant to NRS 408.548 and includes, without limitation, [a request made pursuant to NRS 408.5475,] a proposal made pursuant to NRS 408.548 and any submittal required by regulations promulgated by the Department pursuant to NRS 408.548.

Sec. 4. NRS 408.3875 is hereby amended to read as follows:

408.3875 As used in NRS 408.3875 to 408.3887, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 408.3876 to 408.3879, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 408.5471 is hereby amended to read as follows:

408.5471 As used in NRS 408.5471 to 408.549, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, "transportation facility" means a road, railroad, bridge, tunnel, overpass, airport, mass transit facility, parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any other property that is needed to operate the facility. The term does not include a toll bridge or toll road.

Sec. 6. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any document or other information submitted to a public body in response to a request for proposals pursuant to NRS 338.1692 by a contractor seeking a contract between the public body and a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive, is confidential and may not be disclosed until notice of intent to award the contract is [awarded.] issued.

2. As used in this section, the term "document or other information" means any submittal by a contractor to a public body [required pursuant to NRS 338.1685 to 338.16995, inclusive, as part of the selection process for a construction manager at risk] in response to a request for proposals pursuant to NRS 338.1692 and includes, without limitation, a proposal made pursuant to NRS 338.1692.

Sec. 7. NRS 338.1685 is hereby amended to read as follows:

338.1685 The Legislature hereby declares that the provisions of NRS 338.1685 to 338.16995, inclusive, ***and section 6 of this act,*** relating to contracts involving construction managers at risk, are intended:

1. To promote public confidence and trust in the contracting and bidding procedures for public works established therein;

2. For the benefit of the public, to promote the philosophy of obtaining the best possible value as compared to low-bid contracting; and

3. To better equip public bodies to address public works that present unique and complex construction challenges.

Sec. 7.5. **NRS 338.1693 is hereby amended to read as follows:**

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All

presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.

7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

10. The public body or its authorized representative shall ~~[make]~~ ***:***

(a) Make available to all applicants and the public the ~~[final]~~ ***following information, as determined by the panel appointed pursuant to subsection 1 and the panel that conducted the interviews, as applicable:***

(1) The final rankings of the applicants ~~[, as determined by the panel that conducted the interviews,]~~ ***;***

(2) The score assigned to each proposal received by the public body; and

(3) For each proposal received by the public body, the score assigned to each factor that the public body specified in the request for proposals; and ~~[shall provide,]~~

(b) Provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 7.7. **NRS 239.001 is hereby amended to read as follows:**

239.001 The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;

2. The provisions of this chapter must be construed liberally to carry out this important purpose;

3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly; ~~[and]~~

4. The use of private entities in the provision of public services must not deprive members of the public access to inspect and copy books and records relating to the provision of those services ~~[.]~~ ***; and***

5. If a public book or record is declared by law to be open to the public, such a declaration does not imply, and must not be construed to mean, that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,

281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and sections 2, 3 and 6 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general

public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 9. 1. This act becomes effective upon passage and approval.

2. ~~[~~Section~~]~~ **Sections** 6 **and 7.5** of this act ~~[~~expires~~]~~ **expire** by limitation on June 30, 2017.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 83 to Assembly Bill 43 changes the time during which certain documents or other information submitted by persons seeking a contract with the Department of Transportation for a design-build project or a transportation facility project, or with a public body for a public works project, from "until the contract is awarded" to "until notice of intent to award the contract is issued." Amendment 83 also revises the types of documents that must remain confidential during that time. Finally, Amendment 83 requires a public body or its authorized representative to make certain information relating to the selection process for a construction manager at risk for a public works project available to all applicants and the public.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 230.

AN ACT relating to securities; requiring ~~[~~broker-dealers and investment advisers to provide training to~~]~~ certain persons **to complete training**

concerning ~~[identifying the]~~ **identification of the** suspected exploitation of an older person or vulnerable person; requiring ~~[certain persons who work for]~~ broker-dealers and investment advisers to **designate a person to whom a** report **of** the suspected or known exploitation of an older person or vulnerable person ~~[;]~~ **may be made;** authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations relating to the federal Jumpstart Our Business Startups Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Securities Act which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. (Chapter 90 of NRS) **Sections 2-9** of this bill require **certain persons employed by** broker-dealers and investment advisers to ~~[provide]~~ **complete** training ~~[to certain persons]~~ concerning the identification and reporting of suspected exploitation of older persons and vulnerable persons. "Older persons" are defined in existing law as persons who are 60 years of age or older. "Vulnerable persons" are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a development disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) **Section 8** specifies which sales representatives, representatives of an investment adviser and officers and employees of broker-dealers or investment advisers must ~~[receive]~~ **complete** the training, when the training must be ~~[provided]~~ **completed** and the content of the training. ~~[Section 8 further requires those persons to report incidents that reasonably appear to be exploitation of an older person or vulnerable person.]~~ **Section 9** requires each broker-dealer and investment adviser to designate a person to whom ~~[such]~~ reports ~~[must]~~ **of suspected exploitation of an older person or vulnerable person may** be made. The person so designated is then responsible for determining when a formal report must be reported to the appropriate agency.

Existing law authorizes the imposition or granting of certain actions and penalties against a person who has violated any provision of state law or a regulation or order of the Administrator of the Securities Division of the Office of the Secretary of State relating to securities, including civil penalties, restitution and costs of investigation and prosecution of such a violation. (NRS 90.630, 90.640, 90.650) **Sections 11-13** of this bill revise those provisions to include, if the violation was committed against an older person or vulnerable person, the imposition or granting of civil penalties, restitution and costs of investigation and prosecution in amounts equal to twice the amounts that would otherwise have been imposed or granted.

Section 10 of this bill authorizes the Administrator to adopt regulations consistent with the federal Jumpstart Our Business Startups Act (Pub. L. No.

112-106), including regulations relating to the creation and oversight of funding portals for the purchase of securities.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Designated reporter" means a person designated by a broker-dealer or investment adviser to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 9 of this act.***

Sec. 4. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 5. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 6. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 7. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 8. ***1. Each broker-dealer*** ~~***[and]***~~ ***, investment adviser , sales representative, representative of an investment adviser and officer or employee of a broker-dealer or investment adviser shall*** ~~***[provide]***~~ ***complete training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person*** ~~***[to each sales representative, representative of the investment adviser and officer and employee of the broker-dealer or investment adviser who may:]***~~ ***if he or she:***

(a) As part of his or her regular duties for ~~***[the]***~~ ***a broker-dealer or investment adviser,*** ~~***[come]***~~ ***comes into direct contact with an older person or vulnerable person;***

(b) ~~***[Review or approve]***~~ ***Reviews or approves the financial documents, records or transactions of an older person or vulnerable person in connection with the offer, sale or purchase of securities; or***

(c) ~~***[Offer]***~~ ***Offers advice as to the value or advisability of investing in, purchasing or selling securities to an older person or vulnerable person.***

2. The training required pursuant to subsection 1 must be ~~***[provided as soon as reasonably practicable, but]***~~ ***completed not later than 6 months after the sales representative, representative of the investment adviser or officer or employee is employed by*** ~~***[the]***~~ ***a broker-dealer or investment adviser*** ~~***[.]***~~ ***and every 2 years thereafter.***

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation of an older person or vulnerable person are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person ~~[shall]~~ may report the known or suspected exploitation to a designated reporter pursuant to section 9 of this act.

Sec. 9. *1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser ~~[must]~~ may report known or suspected exploitation of an older person or vulnerable person.*

2. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.

4. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and,

based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 10. ***1. The Administrator may adopt, by regulation or order, any filing requirements, registration exemptions and licensing requirements which are consistent with the Jumpstart Our Business Startups Act, Public Law 112-106, and any regulation adopted pursuant thereto by the United States Securities and Exchange Commission, including, without limitation, regulations relating to the creation and oversight of funding portals.***

2. As used in this section, "funding portal" has the meaning ascribed to it in section 3(a)(80) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78a et seq.

Sec. 11. NRS 90.630 is hereby amended to read as follows:

90.630 1. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that:

(a) The sale of a security is subject to registration under this chapter and the security is being offered or has been offered or sold by the issuer or another person in violation of NRS 90.460; or

(b) A person is acting as a broker-dealer or investment adviser in violation of NRS 90.310 or 90.330,

➥ the Administrator, in addition to any specific power granted under this chapter and subject to compliance with the requirements of NRS 90.820, may issue, without a prior hearing, a summary order against the person engaged in

the prohibited activities, directing the person to desist and refrain from further activity until the security is registered or the person is licensed under this chapter. The summary order to cease and desist must state the section of this chapter or regulation or order of the Administrator under this chapter which the Administrator reasonably believes has been or is being violated.

2. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that a person has violated this chapter or a regulation or order of the Administrator under this chapter, the Administrator, in addition to any specific power granted under this chapter, after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser;

(c) Bar or suspend the person from association with a licensed broker-dealer or investment adviser in this State;

(d) Issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than $25,000 for each violation ~~[.]~~ or ***, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this paragraph, not to exceed $50,000 for each violation; or***

(e) Initiate one or more of the actions specified in NRS 90.640.

3. If the person to whom the notice is addressed pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives the right to a hearing and the Administrator shall issue a permanent order. If a hearing is requested, the Administrator shall set the matter for hearing not less than 15 days nor more than 60 days after the Administrator receives the request for a hearing. The Administrator shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. Imposition of the sanctions under this section is limited as follows:

(a) If the Administrator revokes the license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser or bars a person from association with a licensed broker-dealer or investment adviser under this section or NRS 90.420, the imposition of that sanction precludes imposition of a civil penalty under subsection 2; and

(b) The imposition by the Administrator of one or more sanctions under subsection 2 with respect to a specific violation precludes the Administrator from later imposing any other sanctions under paragraphs (a) to (d), inclusive, of subsection 2 with respect to the violation.

5. For the purposes of determining any sanction to be imposed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, the Administrator shall consider, among other factors, the frequency and persistence of the conduct constituting a violation of this chapter, or a regulation or order of the

Administrator under this chapter, the number of persons adversely affected by the conduct and the resources of the person committing the violation.

6. If a sanction is imposed pursuant to this section, reimbursement for the costs of the proceeding, including investigative costs and attorney's fees incurred, may be ordered and recovered by the Administrator. Money recovered for reimbursement of the investigative costs and attorney's fees must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

7. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 12. NRS 90.640 is hereby amended to read as follows:

90.640 1. Upon a showing by the Administrator that a person has violated or is about to violate this chapter, or a regulation or order of the Administrator under this chapter, the appropriate district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(a) Upon a showing that a person has violated this chapter, or a regulation or order of the Administrator under this chapter, the court may singly or in combination:

(1) Issue a temporary restraining order, permanent or temporary prohibitory or mandatory injunction or a writ of prohibition or mandamus;

(2) Impose a civil penalty of not more than $25,000 for each violation ~~[,]~~ ***or, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this subparagraph, not to exceed $50,000 for each violation;***

(3) Issue a declaratory judgment;

(4) Order restitution to investors ~~[,]~~ ***which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of restitution that would otherwise have been ordered pursuant to this subparagraph;***

(5) Provide for the appointment of a receiver or conservator for the defendant or the defendant's assets;

(6) Order payment of the Division's investigative costs ~~[, or]~~ ***which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of the Division's investigative costs that would otherwise have been ordered for payment pursuant to this subparagraph; or***

(7) Order such other relief as the court deems just.

(b) Upon a showing that a person is about to violate this chapter, or a regulation or order of the Administrator under this chapter, a court may issue:

(1) A temporary restraining order;

(2) A temporary or permanent injunction; or

(3) A writ of prohibition or mandamus.

2. In determining the appropriate relief to grant, the court shall consider enforcement actions taken and sanctions imposed by the Administrator under NRS 90.630 in connection with the transactions constituting violations of this chapter or a regulation or order of the Administrator under this chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Administrator.

3. The court shall not require the Administrator to post a bond in an action under this section.

4. Upon a showing by the administrator or securities agency of another state that a person has violated the securities act of that state or a regulation or order of the administrator or securities agency of that state, the appropriate district court may grant, in addition to any other legal or equitable remedies, one or more of the following remedies:

(a) Appointment of a receiver, conservator or ancillary receiver or conservator for the defendant or the defendant's assets located in this State; or

(b) Other relief as the court deems just.

5. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 13. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates:

(a) A provision of this chapter, except NRS 90.600 ~~[.]~~ ***and sections 2 to 9, inclusive, of this act*** or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;

(b) A regulation adopted pursuant to this chapter; or

(c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than $500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution and may order the person to repay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. ***If the violation was committed against an older person or vulnerable person, any restitution and costs of investigation and prosecution imposed by the court must be in an***

amount equal to twice the amount that would otherwise have been imposed by the court. Money recovered for reimbursement of the costs of investigation and prosecution must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.

3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment requires broker-dealers and investment advisers to take continuing education credits in elder exploitation within six months of being hired and every two years thereafter. The amendment changes language from "must report" to "may report" known or suspected exploitation of an older person.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; ~~[providing for]~~ **revising provisions concerning** the revocation of the license, permit or privilege to drive **;** ~~[of a person who fails to submit to certain tests for the presence of alcohol, controlled substances and prohibited substances under certain circumstances; revising provisions concerning operating or being in actual physical control of a vessel;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410) **Sections 9 and 20** of this bill define the term "under the influence" for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both.

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts

relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration**.** ~~**[**and requests an opportunity to cross-examine the witness at trial.**]**~~ Under **section 1**, if the affidavit or declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her "implied consent" to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person's decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to

submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person's driver's license must be revoked for a certain period. **Section 14 further authorizes the revocation of a person's license, permit or privilege to drive if an evidentiary test reveals the presence of a detectable amount of a controlled substance for which he or she did not have a valid prescription or reveals a prohibited substance in his or her blood or urine.** **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm.

~~[Existing law makes it unlawful for a person to operate or be in actual physical control of a vessel on the waters of this State while under the influence of intoxicating liquor or a controlled substance or while engaging in certain other prohibited conduct if the vessel is "under power or sail." (NRS 488.410) Section 21 of this bill makes the operation or actual physical control of a vessel by such a person unlawful if the vessel is "under way," that is, if the vessel is adrift, making way or being propelled, and is not aground, made fast to the shore or tied or made fast to a dock or mooring. Sections 2-4, 6-8, 19, 21-25 and 27-30 of this bill make conforming changes.]~~

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

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another's breath to determine the concentration of alcohol in his or her

breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~[~~at or before the time of trial,~~]~~ ***not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,*** the defendant ~~***[:***~~ establishes that:

~~(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~

~~(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,~~ ***~~Objects]~~*** ***objects*** ***in writing to admitting into evidence the affidavit or declaration*** ***, [; and***

~~***(b) Requests an opportunity to cross-examine at trial the witness who signed the affidavit or declaration,***~~

~~"~~] the court ***shall not admit the affidavit or declaration into evidence and*** may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. ~~[NRS 50.325 is hereby amended to read as follows:~~

~~50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:~~

~~(a) The existence of any alcohol;~~

~~(b) The quantity of a controlled substance; or~~

~~(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,~~

~~" the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.~~

~~2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:~~

~~(a) Made at least 10 days before the date set for the trial;~~

~~(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail, or personally served on the defendant's counsel or the defendant; and~~

~~(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.~~

~~3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.~~

~~4. The provisions of this section apply to any of the following offenses:~~

~~(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.~~

~~(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.~~

~~(d) Any other offense for which it is necessary to prove, as an element of the offense:~~

~~(1) The existence of any alcohol;~~

~~(2) The quantity of a controlled substance; or~~

~~(3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 62E.620 is hereby amended to read as follows:~~

~~62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:~~

~~(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;~~

~~(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or~~

~~(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.~~

~~2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:~~

~~(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or~~

~~(b) A physician who is certified to make that classification by the Board of Medical Examiners.~~

~~3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:~~

~~(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;~~

~~(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and~~

~~(c) Is in good standing with the regulatory agency in the other state.~~

~~4. The evaluation of the child may be conducted at an evaluation center.~~

~~— 5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.~~

~~— 6. The juvenile court shall:~~

~~— (a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.~~

~~— (b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.~~

~~— (c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:~~

~~— (1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and~~

~~— (2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.~~

~~— 7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:~~

~~— (a) Drives, operates or is in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance; or~~

~~— (b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 8. The provisions of this section do not prohibit the juvenile court from:~~

~~— (a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.~~

~~— (b) Ordering the child to attend a program of treatment which is administered by a private company.~~

~~— 9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:~~

~~— (a) The juvenile court;~~

~~— (b) The child;~~

~~— (c) The attorney for the child, if any;~~

~~(d) The parents or guardian of the child;~~

~~(e) The district attorney; and~~

~~(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.~~

~~10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.~~**]** **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 178.484 is hereby amended to read as follows:~~

~~178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail;~~

~~(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail; or~~

~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under~~ **[**~~power or~~

~~sail~~] *way* ~~must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~(b) Five thousand dollars, if the person has:~~

~~(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(c) Fifteen thousand dollars, if the person has:~~

~~(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.~~

~~9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~→ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before~~

~~the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~(a) Requiring the person to remain in this State or a certain county within this State;~~

~~(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~(c) Prohibiting the person from entering a certain geographic area; or~~

~~(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.~~**]** **(Deleted by amendment.)**

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

➥ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is ~~[directed]~~ ***requested*** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a police officer, the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. ~~[NRS 453A.300 is hereby amended to read as follows:~~

~~453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:~~

~~(a) Driving, operating or being in actual physical control of a vehicle or a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~while under the influence of marijuana.~~

~~(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.~~

~~(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.~~

~~(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:~~

~~(1) Any public place or in any place open to the public or exposed to public view; or~~

~~(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.~~

~~(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~

~~(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~

~~2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.~~**]** **(Deleted by amendment.)**

Sec. 7. ~~[NRS 458.260 is hereby amended to read as follows:~~

~~458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:~~

~~(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.~~

~~(b) Elements of an offense giving rise to a criminal penalty or civil sanction.~~

~~2. The provisions of subsection 1 do not apply to:~~

~~(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;~~

~~(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and~~

~~(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.~~

~~3. This section does not make intoxication an excuse or defense for any criminal act.]~~ **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 458.270 is hereby amended to read as follows:~~

~~458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.~~

~~2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.~~

~~3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, the person must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.~~

~~4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.~~

~~5. The placement of a person found under the influence of alcohol in civil protective custody must be:~~

~~(a) Recorded at the facility, jail or detention facility to which the person is delivered; and~~

~~(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.~~

~~6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.~~

~~7. The provisions of this section do not apply to a person who is apprehended or arrested for:~~

~~(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;~~

~~(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and~~

~~(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.]~~ **(Deleted by amendment.)**

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

"Under the influence" means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[direction]~~ ***request*** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~[seize]~~ ***:***

(a) Seize the license or permit of the person to drive as provided in NRS 484C.220 ***;*** and

(b) If reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~[3 and 4,]~~ ***4 and 5,*** any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[direction]~~ ***request*** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. ***A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.***

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~[3.]~~ ***4.*** Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~[4.]~~ ***5.*** If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~ ***or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness*** ~~***[must]***~~ ***may be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~[A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~5.]~~ ***Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.~~

~~6.]~~ ***7.*** Except as otherwise provided in subsections ~~[3 and 5,]~~ ***4 and 6,*** a police officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

~~[7.]~~ ***8.*** If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.~~

~~8.]~~ ***9.*** If a person who is less than 18 years of age is ~~[directed]~~ ***requested*** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a

person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required test as provided in*** NRS 484C.160.

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. ***If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:***

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath ***or a detectable amount of a controlled substance for which he or she did not have a valid prescription or a prohibited substance in his or her blood or urine*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~[2.]~~ ***3.*** If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~[1]~~ ***2*** which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~[~~3.~~]~~ ***4.*** Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who ***requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who*** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who ***failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who*** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a ***controlled substance for which he or she does not have a valid prescription or a*** prohibited substance in his or her blood or urine, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then ***, unless the information is expressly set forth in the order of revocation,*** advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a ***controlled substance for which he or she did not have a valid prescription or a*** prohibited substance in his or her blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, ***if any,*** a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~[~~with~~]~~ ***:***

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a ***controlled substance for which he or she did not have a valid prescription or a*** prohibited substance in his or her blood or urine, as determined by a chemical test ~~[~~.~~]~~ ***; or***

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted ~~[within 15 days after receipt of the request, or]~~ as soon ~~[thereafter]~~ as is practicable ~~[, in the county where the requester resides unless the parties agree otherwise.]~~ ***at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means.*** The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~[, at]~~ ***:***

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a ***controlled substance for which he or she did not have a valid prescription or a*** prohibited substance in his or her blood or urine.

➥ Upon an affirmative finding on ~~[this]~~ ***either*** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ***or with a prohibited substance in his or her blood or urine*** or who was engaging in any other

conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. ~~[NRS 484C.360 is hereby amended to read as follows:~~

~~484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment facility for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:~~

~~(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or~~

~~(b) Release the offender for treatment in the community,~~

~~→ for the period of supervision ordered by the court.~~

~~2. The court shall:~~

~~(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and~~

~~(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.~~

~~3. A treatment facility is not liable for any damages to person or property caused by a person who:~~

~~— (a) Drives, operates or is in actual physical control of a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance; or~~

~~— (b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,~~

~~"after the treatment facility has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 488.035 is hereby amended to read as follows:

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

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

9. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. "Operate" means to navigate or otherwise use a motorboat or a vessel.

12. "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➥ "Owner" does not include a person defined as a "legal owner" under subsection 9.

13. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

14. "Registered owner" means the person registered by the Commission as the owner of a vessel.

15. "***Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.***

16. A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~[16.]~~ ***17.*** **"**Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[17.]~~ ***18.*** **"**Waters of this State" means any waters within the territorial limits of this State.

Sec. 21. ~~[NRS 488.410 is hereby amended to read as follows:~~

~~488.410 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,~~

~~➥ to operate or be in actual physical control of a vessel under [power or sail] *way* on the waters of this State.~~

~~2. It is unlawful for any person who:~~

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under [power or sail,] *way,*~~

~~➥ to operate or be in actual physical control of a vessel under [power or sail] *way* on the waters of this State.~~

~~3. It is unlawful for any person to operate or be in actual physical control of a vessel under [power or sail] *way* on the waters of this State with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

~~Prohibited substance~~	~~Urine Nanograms per milliliter~~	~~Blood Nanograms per milliliter~~

(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6 monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.**]** **(Deleted by amendment.)**

Sec. 22. **[**NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under **[**power or sail**]** ***way*** to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under **[**power or sail;**]** ***way;*** or

(f) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

] and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under **[**power or sail,**]** ***way,*** if the act or neglect of duty proximately causes the death of, or substantial bodily

~~harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.~~

~~3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under [power or sail,] *way,* and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 488.425 is hereby amended to read as follows:~~

~~488.425 1. A person commits homicide by vessel if the person:~~

~~(a) Operates or is in actual physical control of a vessel under [power or sail] *way* on the waters of this State and:~~

~~(1) Is under the influence of intoxicating liquor;~~

~~(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under [power or sail] *way* to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under [power or sail;] *way;* or~~

~~(6) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;~~

~~(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under [power or sail;] *way;* and~~

~~(c) Has previously been convicted of at least three offenses.~~

~~2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.~~

~~5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~

~~7. As used in this section, "offense" means:~~

~~(a) A violation of NRS 488.410 or 488.420;~~

~~(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or~~

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).]~~ **(Deleted by amendment.)**

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail ~~*[way]*~~ on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[direction]~~ ***request*** of a peace officer after a vessel accident or collision or

where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~[way]~~ while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall ***, if reasonable grounds otherwise exist,*** arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail ~~[way]~~ on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[~~direction~~]~~ ***request*** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~[way]~~ while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~

is necessary because of the use of the blood test. The expenses of such a witness ~~[must]~~ may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~[A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).]~~ ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.]~~

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

7. If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~*[way]*~~ while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.]~~

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing

the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in*** NRS 488.460.

Sec. 27. ~~[NRS 488.480 is hereby amended to read as follows:~~

~~488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:~~

~~(a) Operating or in actual physical control of a vessel under [power or sail]~~ ***way*** ~~while under the influence of intoxicating liquor or a controlled substance; or~~

~~(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.~~

~~2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.~~

~~3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.~~

~~4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.~~

~~5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.~~

~~6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.~~

~~7. This section does not preclude the admission of evidence of a test of a person's breath where the:~~

~~(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.~~

~~(b) Test has been performed by a person other than one who is certified by the Director.~~

~~8. As used in this section, "Director" means the Director of the Department of Public Safety.~~**] (Deleted by amendment.)**

Sec. 28. **[**~~NRS 488.490 is hereby amended to read as follows:~~

~~488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to have a qualified person of his or her own choosing administer a chemical test to determine:~~

~~(a) The concentration of alcohol in his or her blood or breath; or~~

~~(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.~~

~~2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.~~

~~3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.~~**] (Deleted by amendment.)**

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was

operating or in actual physical control of a vessel under power or sail ~~*[way]*~~ while under the influence of intoxicating liquor or a controlled substance or ***with a prohibited substance in his or her blood or urine or*** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. ~~**[**NRS 488.520 is hereby amended to read as follows:~~

~~488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a vessel under **[**power or sail**]** ***way*** on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.~~

~~2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.~~

~~3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.**]**~~ **(Deleted by amendment.)**

Sec. 31. ~~**[**This act becomes**]**~~

1. This section and sections 2 to 30, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen, Carlton, Titus, and Gardner.

ASSEMBLYMAN HANSEN:
Amendment 38 to Assembly Bill 67 amends the bill to clarify the right to confrontation, retains current statutory language of "vessel under power or sail," and clarifies the assessment of witness expenses is discretionary with the court. The amendment also clarifies that a detectable amount of controlled substance is without a valid prescription and allows that a hearing must be conducted as soon as practicable at any location so long as the hearing officer allows each party and witness to testify by telephone, videoconference, or other electronic means. Lastly, it changes the effective date of section 1 of the bill to July 1, 2015.

ASSEMBLYWOMAN CARLTON:
I have two questions from page 16 in the amendment. How does this new procedure of refusing to submit to the required test change the current procedure? I know that if you refuse the field sobriety test now, they draw blood and you wait for the results to come back before a license is touched.
My second question is regarding the language "for which he or she does not have a valid prescription." I need to remind the body that we have a marijuana registry. It is not a valid prescription, but we recognize it as a state. I would hate to see marijuana patients be put in a catch-22 position.

ASSEMBLYMAN HANSEN:
As Chairman of Judiciary, I will respond to my colleague from Assembly District 14. I will have to get the answers to that.

ASSEMBLYWOMAN TITUS:
I can clarify that. At this time, in order to have a marijuana card, you have to have a valid prescription from a physician. I have written one, so I know that is a fact.

ASSEMBLYWOMAN CARLTON:
That takes me back to the original question, Mr. Chair.

ASSEMBLYMAN HANSEN:
Again, I will have to do the research and get back to you on it.

ASSEMBLYMAN GARDNER:
I believe the answer to that first question is that right now, there is a presumption under the law that if you are driving a car, you give permission for them to take your blood. That was struck down by the Supreme Court; you cannot do that anymore. So now if you decide you do not want to do it, they have to ask for a court order to be able to draw your blood. I believe that would be the change.

ASSEMBLYWOMAN TITUS:
As a point of clarification on my previous comment, since I had an Assemblywoman from the north ask me if I have a prescription for medical marijuana, I do not. I do not use medical marijuana, but I have written one prescription for medical marijuana.

ASSEMBLYWOMAN CARLTON:
But how does this language effect that? Is this truing this up or is it changing it? That is not clear.
In our discussion on A.B. 67, the learned doctor in the body and I have had further conversations, and I would like to clarify that marijuana does not receive a "valid prescription," and we do now agree on that. If you refer to NRS 453A.210, it describes it, and the doctor and I are in agreement, so we have found another issue with Assembly Bill 67.

Motion to adopt amendment withdrawn.
Bill ordered to third reading.

Assembly Bill No. 77.
Bill read second time.

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

Amendment No. 337.

AN ACT relating to state governmental administration; revising certain provisions governing district boards of agriculture, agricultural associations and the operation of a state fair or regional fair in this State; making various changes to provisions governing noxious weeds; increasing the maximum rate of certain taxes on sheep; revising certain provisions governing public sales of livestock and licenses for the operation of public livestock auctions; authorizing the issuance of a free-sale certificate for an agricultural product under certain circumstances; requiring a person to register as a produce vendor under certain circumstances; requiring the State Sealer of Consumer Equitability to take certain actions concerning cash registers and to establish ~~[fees]~~ **civil penalties** for ~~[any]~~ **certain** tests of **nonconforming** point-of-sale systems and cash registers; revising certain provisions governing the inspection of meat and poultry, pesticides and the sale of antifreeze; repealing and reenacting, without substantive change, provisions relating to the cleanup of discharged petroleum **;** ~~[and]~~ **repealing** provisions relating to dangerous caustic or corrosive acids, alkalis and other substances; authorizing the imposition of a civil penalty for certain violations relating to apiaries, quarantines, noxious weeds and meat, fish, produce, poultry and eggs; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the formation and powers of district boards of agriculture. (Chapter 547 of NRS) Existing law provides that the eight members of the district boards must be divided into different classes to provide for staggered terms. (NRS 547.040) **Sections 1 and 3** of this bill deletes those provisions. Existing law requires the district boards of agriculture to organize annual fairs or exhibitions of the industries in their districts, and that counties may appropriate not more than $1,500 from their general funds to aid in this effort. (NRS 547.110, 547.120, 547.140) **Sections 4-6** of this bill make these fairs optional and increase the allowable county appropriation to not more than $150,000 in any 1 year. Existing law requires that an annual mineral industries exhibition be held in Ely, Nevada. (NRS 551.010) **Section 9** of this bill renames this exhibition, makes it optional and removes the requirement that it be held in Ely. **Section 8** of this bill authorizes the State Department of Agriculture to hold a state fair once a year. **Sections 10-12** of this bill place the control of the apiary industry under the Director of the Department. **Sections 13-21** of this bill revise punitive provisions relating to quarantines of agricultural products, increasing penalties and providing for civil penalties. **Sections 22 and 40** of this bill revise the definitions of "pest" and "pesticide" as those definitions relate to the control of pests and weeds. **Section 23** of this bill authorizes the Director to adopt a program certifying certain agricultural products as being free of noxious weeds. **Sections 30-35** of this bill replace references to the eradication, removal or destruction of weeds with the term

"control." **Sections 36, 39 and 43** of this bill replace criminal penalties relating to the control of weeds with civil penalties. **Section 102** of this bill increases the maximum amount of the tax on sheep from 18 cents per head to $1.50 per head. **Sections 103-105** of this bill place the proceeds of those taxes solely under the control of the State Controller and adjust the amount of the proceeds that may be spent on advancing the interests of the sheep industry. **Sections 108-113** of this bill revise provisions for the licensing of persons operating public livestock auctions to increase the amounts of surety bonds and available credit, provide for financial audits and increase fines for violations. **Section 125** of this bill requires sellers of certain farm products to register as produce vendors. **Sections 127 and 128** of this bill remove requirements for agricultural brokers, dealers, commission merchants and agents to disclose arrests and civil suits during the application process and to show good character. ~~[Existing law authorizes the State Sealer of Consumer Equitability to test and license commercial weighing and measuring devices. (NRS 581.075) Sections]~~ **Section 136** ~~[and 137]~~ of this bill ~~[add]~~ **requires the State Sealer of Consumer Equitability to conduct random inspections of** point-of-sale systems and cash registers ~~[to the devices which may be regulated.]~~ **and to adopt regulations establishing a schedule of civil penalties concerning point-of-sale systems and cash registers that are not in compliance with certain requirements.** Existing law prohibits the sale of spoiled or diseased meat, fish, produce and poultry in any city or town. (NRS 583.010, 583.060, 583. 070) **Sections 142, 149 and 150** of this bill expand this prohibition to include any location in the State. **Sections** ~~[143,]~~ **145, 151, 157, 159, 165 and 166** of this bill replace references to the Department of Health and Human Services with the State Department of Agriculture. **Sections 144, 147, 151, 152, 161, 163 and 164** of this bill revise the punitive provisions governing the regulation of meat, fish, produce, poultry and eggs. **Sections 191 and 193** of this bill replace the criminal provisions governing pesticides with civil penalties. **Sections 68-94** of this bill reenact in chapter 445C of NRS, without substantive change, provisions currently in chapter 590 of NRS which relate to the cleanup of discharged petroleum and which are repealed by **section 210** of this bill. ~~[Sections 168-174]~~ **Section 96.5** of this bill ~~[reenact]~~ **reenacts** in chapter ~~[585]~~ **446** of NRS, without substantive change, ~~[provisions]~~ **a provision** currently in chapter ~~[586]~~ **583** of NRS which ~~[relate to dangerous caustic or corrosive acids, alkalis and other substances]~~ **relates to the sale of diseased animal flesh or a container containing shellfish which has not been stamped as approved** and which ~~[are]~~ **is** repealed by **section 210** of this bill. The purpose of repealing and reenacting these ~~[two groups of]~~ provisions is to move the provisions, without substantive change, from one chapter in NRS to another chapter in NRS. **Section 210** of this bill also repeals provisions dealing with mineral content in fertilizer. **Section 194** of this bill authorizes the Director to adopt certain national standards concerning fertilizer. **Section 198** of this bill revises punitive provisions governing fertilizer. Existing law requires used and recycled oil to

be clearly labelled on the package. (NRS 590.060) **Section 201** of this bill requires bulk deliveries of used or recycled oil to be clearly identified on the receipt. **Section 202** of this bill revises the testing procedures for motor oil viscosity. **Section 204** of this bill removes the requirement for the State Sealer of Consumer Equitability to inspect antifreeze before the antifreeze is sold, but requires the State Sealer of Consumer Equitability to issue a license authorizing its sale if it is in compliance with certain standards.

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

Section 1. NRS 547.040 is hereby amended to read as follows:

547.040 1. Not later than 10 days after an agricultural association is formed within an agricultural district listed in NRS 547.010 pursuant to the provisions of this chapter:

(a) The Governor, if the agricultural district is composed of more than one county, shall appoint eight persons who are residents of the agricultural district and who are members of the agricultural association to be members of the district board of agriculture for the agricultural district; or

(b) The board of county commissioners, if the agricultural district constitutes a single-county agricultural district, shall appoint eight persons who are residents of the agricultural district to be members of the district board of agriculture for the agricultural district.

2. Within 10 days after their appointment, the persons so appointed shall meet at a place within the agricultural district and organize by the election of:

(a) One of their number as president of the district board of agriculture and the agricultural association, who shall hold the office of president for 1 year and until his or her successor is elected.

(b) A secretary and a treasurer.

~~[3. At the same meeting the members of the district board of agriculture shall, by lot or otherwise, classify themselves into four classes of two members each. The terms of office of:~~

~~(a) The first class expire:~~

~~(1) At the end of the first fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the first fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~

~~(b) The second class expire:~~

~~(1) At the end of the second fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the second fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~

~~(c) The third class expire:~~

~~(1) At the end of the third fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the third fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~

~~(d) The fourth class expire:~~

~~(1) At the end of the fourth fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the fourth fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~**]**

Sec. 2. NRS 547.050 is hereby amended to read as follows:

547.050 When any district board of agriculture is **[**~~classified and~~**]** organized as provided in NRS 547.040, the secretary of the board shall report such **[**~~classification and~~**]** organization to:

1. The State Department of Agriculture; and
2. Its appointing authority.

Sec. 3. NRS 547.060 is hereby amended to read as follows:

547.060 1. **[**~~Except as otherwise provided in subsection 3 of NRS 547.040, each~~**]** ***Each*** member of a district board of agriculture must be appointed for a term of 4 years. **[**~~The term begins on:~~

~~(a) July 1, if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(b) January 1, if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~**]**

2. The secretary shall report any vacancy which may occur in the district board of agriculture to its appointing authority as specified in NRS 547.040, and the vacancy must be filled by appointment for the unexpired term.

3. The incumbent members of the district board of agriculture may submit to the appointing authority for consideration a list of nominees for appointment to fill any vacancy on the board.

Sec. 4. NRS 547.110 is hereby amended to read as follows:

547.110 The district board of agriculture ~~[shall]~~ ***may*** provide for ~~[an annual]~~ ***a*** fair or exhibition by the agricultural association of ~~[all]~~ the industries and industrial products in the agricultural district, at such time and place as the board may deem advisable, but:

1. No district fair shall be held in any of the districts at the same time as the state fair; and

2. The State shall in no event be liable for any premium offered, or award, or for any debt contracted by any district board of agriculture or agricultural association.

Sec. 5. NRS 547.120 is hereby amended to read as follows:

547.120 For the purpose of aiding each and any agricultural association formed under the provisions of this chapter within any county or counties in successfully carrying out the purposes for which it has been organized, which association ~~[shall annually]~~ ***may*** hold, within any county or counties comprising the agricultural district, a fair or exhibition, the boards of county commissioners of the several counties are authorized to appropriate any money or moneys out of the general fund of their respective counties to aid any such agricultural association composing any agricultural district of which the county or counties may be a part.

Sec. 6. NRS 547.140 is hereby amended to read as follows:

547.140 1. Except as otherwise provided in subsection 2, if two or more counties are included in and comprise an agricultural district, the boards of county commissioners of such counties are authorized to appropriate, out of the general fund of such counties, such money for the encouragement of such agricultural associations as the boards may, in their judgment, deem just and proper.

2. In no case may an appropriation described in subsection 1 exceed the sum of ~~[$1,500]~~ ***$150,000*** in any 1 year, unless the money so appropriated was obtained from the proceeds of a tax imposed pursuant to chapter 377A of NRS.

Sec. 7. NRS 547.160 is hereby amended to read as follows:

547.160 1. When the boards of county commissioners of the counties constituting and comprising the agricultural district shall determine and allow the amount to be appropriated ~~[annually]~~ for the purposes mentioned in NRS 547.130, the same shall be paid as other bills against the county are paid.

2. All warrants drawn pursuant to the provisions of this section shall be made payable to the order of the president of the district board of agriculture of such agricultural association, or in the case of the president's absence or inability to serve, such warrants shall be made payable to the order of a member of the district board of agriculture as such board shall, by a majority vote thereof, determine and direct.

Sec. 8. Chapter 551 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 547.110, the State Department of Agriculture may operate or authorize the operation of any state fair or regional fair in this State.

2. The Director of the Department must determine the venue and frequency of any state fair or regional fair, except that a state fair or regional fair may not be held more frequently than once each calendar year.

3. The Department may charge and collect fees for vendor spaces and accept any contributions and sponsorships to offset any expenses associated with operating a state fair or regional fair.

Sec. 9. NRS 551.010 is hereby amended to read as follows:

551.010 1. A statewide mining, petroleum and industrial exhibition, to be known as the Nevada ~~[Fair of]~~ Mineral ~~[Industries, shall be held at Ely, Nevada, annually,]~~ ***Exhibition, may be held*** under the administration of ~~[the District Board of Agriculture of Agricultural District No. 13,]~~ ***a district board of agriculture*** and may, at the discretion of the ~~[Board,]~~ ***board,*** be held in connection with an agricultural district exhibition to include other fields of endeavor.

2. ~~[In addition to its other responsibilities, the Agricultural District shall use all suitable means to]~~ ***An agricultural district may*** collect and disseminate ~~[, throughout the State,]~~ information ~~[calculated to educate and benefit]~~ ***regarding*** the mineral industries within the State of Nevada, including the petroleum industry.

Sec. 10. Chapter 552 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department has control of all matters pertaining to the apiary industry in this State.

2. The Director may adopt regulations to carry out the provisions of this chapter.

3. The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of this chapter.

4. Any money collected from the imposition of a civil penalty pursuant to subsection 3 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 11. NRS 552.170 is hereby amended to read as follows:

552.170 If the owner or person in possession of an apiary neglects or refuses to comply with an order issued under NRS 552.160, the Department may ~~[refer the facts to the appropriate district attorney for prosecution under NRS 552.300, and may]~~ authorize the inspector or other agent to abate the nuisance by the method prescribed in the order.

Sec. 12. NRS 552.280 is hereby amended to read as follows:

552.280 It shall be unlawful for the owner, owners, lessee, lessees, agent or caretaker of any apiary, including appliances, structures, buildings and honey, wherein disease exists, to move or distribute any diseased bees, whether

they are queens or workers, colonies, honeycombs, appliances or structures beyond the already established boundaries of such apiary wherein disease exists without written permission from the ~~[Chief Inspector or the Chief Inspector's deputies so to do.]~~ ***Director or his or her designee.***

Sec. 13. Chapter 554 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any criminal penalty imposed pursuant to this chapter, any person violating any provision of this chapter or any regulation adopted pursuant thereto is subject to a civil penalty not to exceed:

(a) For the first violation, $1,500;

(b) For a second violation, $3,000; and

(c) For each subsequent violation, $5,000.

2. If a defendant is convicted of violating any provision of this chapter or any regulation adopted pursuant thereto, the court shall order the defendant to pay a civil penalty pursuant to subsection 1. The court shall fix the manner and time of payment.

3. Any money collected from the imposition of a civil penalty pursuant to this section must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the State Department of Agriculture that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 14. NRS 554.020 is hereby amended to read as follows:

554.020 1. The State Quarantine Officer may proclaim and enforce a quarantine against any state, territory or district, or any portion of any state, territory or district, relating to the importation into or transportation through this State of any agricultural commodity, burlap, container or other packing material that:

(a) Is infected with, or which may have been exposed to infection with, any contagious or destructive disease, or infested with or exposed to infestation with a parasite, noxious weed, weed seed, propagating part of a plant, or vertebrate or invertebrate pest, or the eggs or larvae thereof; and

(b) Is dangerous to:

(1) The public health or quality of any water in this State; or

(2) Any wildlife, beneficial use of land in or industry of this State.

2. A quarantine must not be issued pursuant to the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, if the issuance of the quarantine will conflict with the provisions of the Constitution of the United States or any act of the Congress of the United States.

3. The quarantine remains effective until vacated by an order of the State Quarantine Officer.

Sec. 15. NRS 554.030 is hereby amended to read as follows:

554.030 1. Any quarantine issued under the provisions of NRS 554.020 to ~~[~~554.090,~~]~~ ***554.080,*** inclusive, may:

(a) Consist of a complete embargo against the importation into or transportation through the State of any agricultural commodity so quarantined against; or

(b) Provide for the importation into or transportation through the State of such agricultural commodity under such rules and regulations as may be set forth and prescribed in the quarantine at the time the same is issued.

2. Any quarantine issued under the provisions of NRS 554.020 to ~~[~~554.090,~~]~~ ***554.080,*** inclusive, shall remain fully in force and effect until dissolved or modified by the State Quarantine Officer, provided:

(a) That the State Quarantine Officer may amend from time to time any quarantine so issued; and

(b) That any such amendments shall be general in their application and shall not apply to any individual shipment or importation.

Sec. 16. NRS 554.040 is hereby amended to read as follows:

554.040 When a quarantine is declared as provided in NRS 554.020 to ~~[~~554.090,~~]~~ ***554.080,*** inclusive, against the importation into or transportation through this State of any agricultural commodity from any other state, territory or district, or any portion or portions thereof, a certified copy of such quarantine shall be personally delivered by the State Quarantine Officer or the State Quarantine Officer's representative, or mailed by certified or registered mail, to each of the following:

1. The governor or the proper quarantine official of such state, territory or district.

2. The United States quarantine official having jurisdiction over the same character of quarantine.

3. The state agent or other qualified official of any interstate railroad, express company or other common carrier doing business within this State.

Sec. 17. NRS 554.050 is hereby amended to read as follows:

554.050 1. The State Quarantine Officer is designated the authority to administer NRS 554.020 to ~~[~~554.090,~~]~~ ***554.080,*** inclusive.

2. Insofar as practicable, the State Quarantine Officer, in carrying out the provisions of NRS 554.020 to ~~[~~554.090,~~]~~ ***554.080,*** inclusive, shall cooperate with the federal authorities and the quarantine officials of the several states, territories and districts.

Sec. 18. NRS 554.060 is hereby amended to read as follows:

554.060 1. Any agricultural commodity imported into or being transported through this State in violation of any quarantine issued pursuant to the provisions of NRS 554.020 to ~~[~~554.090,~~]~~ ***554.080,*** inclusive, must be immediately seized by the State Quarantine Officer or the State Quarantine Officer's authorized representative and treated in a manner approved by the State Quarantine Officer, or destroyed or sent out of the State within 48 hours, at the option and expense of the owner thereof.

2. If an agricultural commodity is seized by the State Quarantine Officer pursuant to the provisions of subsection 1 and the movement of the agricultural commodity to a point outside of the State would further endanger:

(a) The public health or quality of any water in this State; or

(b) Any wildlife, beneficial use of land in or industry of this State,

➥ the agricultural commodity seized by the State Quarantine Officer must be destroyed as provided in subsection 1.

Sec. 19. NRS 554.070 is hereby amended to read as follows:

554.070 It shall be unlawful for any railroad, express company or other common carrier, or any person or persons, to import into or transport through the State of Nevada any agricultural commodity in violation of the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, or to make delivery of any such commodity to any person or persons within the limits of this State.

Sec. 20. NRS 554.080 is hereby amended to read as follows:

554.080 In any criminal proceeding arising under NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, proof that any commodity, prohibited by proclamation of quarantine from importation into or transportation through this State, was imported into or transported through this State in violation of such quarantine shall be deemed proof within the meaning of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, that the same was diseased, exposed to disease or infested, or exposed to infestation.

Sec. 21. NRS 554.240 is hereby amended to read as follows:

554.240 ~~[Any]~~ ***Except as otherwise provided in NRS 554.140 and 554.190, any*** person ~~[, or any officer, agent or employee of any corporation, who shall export, or who shall assist in exporting, as a principal or accessory, any agricultural commodity forbidden to be exported by any proclamation of quarantine shall be]~~ ***who violates any provision of this chapter is*** guilty of a ***gross*** misdemeanor ~~[.]~~ ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $5,000, or by both fine and imprisonment. The prosecuting attorney and the State Department of Agriculture may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.***

Sec. 22. NRS 555.005 is hereby amended to read as follows:

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

1. "Department" means the State Department of Agriculture.

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

3. "Noxious weed" means any species of plant which is, or is likely to be, ***a public nuisance,*** detrimental or destructive and difficult to control **.** ~~[or eradicate.]~~

4. "***Pest" means any form of animal or vegetable life detrimental to the crops, horticulture, livestock, public health, wildlife, quality of water and beneficial uses of land in this State, including, without limitation, any insect, snail, nematode, fungus, virus, bacterium, microorganism, mycoplasma, weed, parasitic plant or any other plant that is normally considered to be a***

pest of cultivated plants, uncultivated plants, agricultural commodities, horticultural products or nursery stock, or that the Director declares to be a pest.

5. **"**Vertebrate pest" means any animal of the subphylum Vertebrata, except predatory animals, which is normally considered to be a pest, including a gopher, ground squirrel, rat, mouse, starling, blackbird and any other animal which the Director may declare to be a pest.

Sec. 23. NRS 555.010 is hereby amended to read as follows:

555.010 Within the limits of any appropriation made by law ~~[, the]~~ ***:***

1. ***The*** Director may:

~~[1.]~~ ***(a)*** Investigate the prevalence of; and

~~[2.]~~ ***(b)*** Take the necessary action to control,

➥ vertebrate and invertebrate pests of plants and animals, plant diseases, physiological plant disorders and noxious weeds for the protection of the crops, livestock, public health, wildlife, water quality and beneficial uses of land in the State of Nevada.

2. The Director may, by regulation, establish and administer a program to certify agricultural products as being free from noxious weeds to support the control and prevention of the spread of noxious weeds in this State and to allow businesses in this State to market those products in compliance with any applicable federal law or regulation or any other requirement specified by the Director.

Sec. 24. NRS 555.100 is hereby amended to read as follows:

555.100 1. The Department shall, if necessary or if a complaint is made to the Department, cause an inspection to be conducted of any premises, land, means of conveyance or article of any person in this State ~~[, and]~~ if ***it is*** found ***to be*** infested with any pest ***, noxious weed*** or plant disease that is injurious to:

(a) The public health or quality of any water in this State; or

(b) Any wildlife, beneficial use of land or agriculture in this State ***.*** ~~[, the]~~

2. ***The*** Department may provide a written notice of its findings to the owner or occupant of the premises, land, means of conveyance or article and require the owner or occupant to control ~~[, treat or eradicate]~~ the pest ***, noxious weed*** or plant disease in the manner and within the period specified in the notice.

~~[2.]~~ ***3.*** A notice issued pursuant to the provisions of subsection ~~[1.]~~ ***2:***

(a) May be served upon the owner or occupant by an officer or employee of the Department; and

(b) Must be served in writing, by certified mail or personally, with receipt given therefor.

Sec. 25. NRS 555.110 is hereby amended to read as follows:

555.110 1. Any premises found to be infested with any pest ***, noxious weed*** or plant disease is hereby adjudged and declared to be a public nuisance. If such a nuisance exists at any place within the jurisdiction of the Department and the owner or occupant of the premises, after notification, refuses or

neglects to abate the nuisance within the period specified, the Department shall cause the nuisance to be abated at once by ~~[eradicating or]~~ controlling pests ***, noxious weeds*** or plant diseases in a manner to be determined by the Department.

2. The expense thereof must be paid from any money made available to the Department by direct legislative appropriation or otherwise.

Sec. 26. NRS 555.120 is hereby amended to read as follows:

555.120 1. All sums paid by the Department constitute a lien on the property and premises from which the nuisance has been removed or abated pursuant to NRS 555.100 and 555.110, and may be recovered by an action against that property and premises.

2. A notice of lien must be filed and recorded in the office of the county recorder of the county in which the property and premises are situated within 30 days after the right to liens has accrued.

3. An action to foreclose a lien may be commenced at any time within 1 year after the filing and recording of the notice of lien, which action must be brought in the proper court by the district attorney of the county in the name and for the benefit of the Department.

4. If the property is sold, enough of the proceeds must be paid to the Department to satisfy the lien and costs, and the ~~[overplus,]~~ ***balance remaining,*** if any, must be paid to the owner of the property if the owner is known, and if not, into the Court for the owner's use when ascertained. All sales under the provisions of this section and NRS 555.100 and 555.110 must be made in the same manner and upon the same notice as sales of real property under execution from a Justice Court.

Sec. 27. NRS 555.125 is hereby amended to read as follows:

555.125 1. If it appears that an area has or is likely to become infested with a pest which cannot be practically ~~[eradicated or]~~ controlled except by the means provided in this section, the Department shall hold a public hearing to determine the necessity of declaring a time during which or an area in which plants capable of acting as hosts for the pest may not be planted, grown, cultivated, maintained or allowed to exist.

2. Notice of the hearing must be given to all growers of the host plants within the area and must specify:

(a) The time and place of the hearing.

(b) The host plant.

(c) The pest.

(d) The purpose of the hearing.

3. If, after the hearing, the Department determines that the pest cannot otherwise be practically ~~[eradicated or]~~ controlled, the Department shall issue an order prescribing a time during which or an area in which the host plants may not be planted, grown, cultivated, maintained or allowed to exist, and requiring owners or occupiers of property upon which the host plants exist to ~~[eradicate]~~ ***control*** the plants.

4. If the owner or occupant neglects or refuses to ~~[eradicate]~~ ***control*** the plants, the Department may do so in the manner prescribed by NRS 555.110.

5. Any person violating such an order is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty pursuant to NRS 555.201.***

Sec. 28. NRS 555.130 is hereby amended to read as follows:

555.130 ~~[The]~~

1. Except as otherwise provided in subsection 2, the State Quarantine Officer may declare by regulation the weeds of the state that are noxious weeds, but a weed must not be designated as noxious which is already introduced and established in the State to such an extent as to make its control ~~[or eradication]~~ impracticable in the judgment of the State Quarantine Officer.

2. The State Quarantine Officer may temporarily designate a weed as a noxious weed if he or she determines that immediate control of the weed is necessary. A temporary designation expires 18 months after the State Quarantine Officer makes the designation.

Sec. 29. NRS 555.140 is hereby amended to read as follows:

555.140 1. The State Quarantine Officer shall carry out and enforce the provisions of NRS 555.130 to 555.220, inclusive.

2. To secure information better to carry out the provisions of NRS 555.130 to 555.220, inclusive, the State Quarantine Officer may conduct reasonably limited trials of various methods of controlling ~~[or eradicating]~~ noxious or potentially noxious weeds under practical Nevada conditions.

3. The State Quarantine Officer may provide supervision and technical advice in connection with any project approved by him or her for the control ~~[or eradication]~~ of any noxious weed or weeds in this State.

4. All funds appropriated for, or received incident to, the control ~~[or eradication]~~ of any noxious weeds must be available for carrying out the provisions of NRS 555.130 to 555.220, inclusive.

Sec. 30. NRS 555.150 is hereby amended to read as follows:

555.150 Every railroad, canal, ditch or water company, and every person owning, controlling or occupying lands in this State, and every county, incorporated city or district having the supervision and control over streets, alleys, lanes, rights-of-way, or other lands, shall ~~[cut, destroy or eradicate]~~ ***control*** all weeds declared and designated as noxious as provided in NRS 555.130 ~~[, before such weeds propagate and spread,]~~ ***in any manner specified by*** and whenever required by the State Quarantine Officer.

Sec. 31. NRS 555.160 is hereby amended to read as follows:

555.160 1. The State Quarantine Officer shall make or cause to be made a careful examination and investigation of the spread, development and growth of noxious weeds in this State. Upon the discovery of those weeds, the State Quarantine Officer shall ascertain the name of the owner or occupant of the land and the description of the land where the weeds are found. The State Quarantine Officer may serve notice in writing upon the owner or occupant of the land to ~~[cut, eradicate or destroy]~~ ***control*** the weeds within such time and

in such manner as designated and described in the notice. One such notice shall be deemed sufficient for the entire season of weed growth during that year.

2. Notices may be served upon the owner or occupant by an officer or employee of the Department, and must be served in writing, personally or by certified mail, with receipt given therefor.

Sec. 32. NRS 555.170 is hereby amended to read as follows:

555.170 1. If any owner or occupant of the lands described in the notice served, as provided in NRS 555.160, shall fail, neglect or refuse to ~~[cut, destroy or eradicate]~~ ***control*** the weeds designated, upon the land described, in accordance with the requirements of the notice, the State Quarantine Officer may notify the board of county commissioners of the county or counties in which the land is located of such failure, neglect or refusal.

2. Upon notice as provided in subsection 1, the board of county commissioners concerned shall proceed to ~~[have cut, destroyed or eradicated]~~ ***control*** the weeds in question in accordance with the requirements of the notice served upon the owner or occupant of the land in question, paying for such ~~[cutting, destruction or eradication]~~ ***control*** out of county funds.

3. Upon the completion of ~~[such work of cutting, destruction or eradication of such]~~ ***the work of controlling the*** weeds, the board of county commissioners shall prepare in triplicate itemized statements of all expenses incurred in ~~[the cutting, destruction or eradication of]~~ ***controlling*** the weeds involved, and shall deliver the three copies of the statements to the county treasurer within 10 days of the date of the completion of the work involved.

Sec. 33. NRS 555.180 is hereby amended to read as follows:

555.180 1. Upon receipt of the itemized statements of the cost of ~~[cutting, destroying or eradication of such]~~ ***controlling the*** weeds ~~[,]~~ ***pursuant to NRS 555.170,*** the county treasurer shall forthwith mail one copy to the owner or occupant of the land on which the weeds were ~~[cut, destroyed or eradicated,]~~ ***controlled,*** together with a statement that objections may be made to the whole or any part of the statement so filed to the board of county commissioners within 30 days. A hearing may be had upon any objections made.

2. If any objections to any statement are filed with the board of county commissioners, the board shall set a date for a hearing, giving due notice thereof, and upon the hearing fix and determine the actual cost of ~~[cutting, destroying or eradicating]~~ ***controlling*** the weeds and report its findings to the county treasurer.

3. If no objections to the items of the accounts so filed are made within 30 days ~~[of]~~ ***after*** the date of mailing the itemized statement, the county treasurer shall enter the amount of such statement upon his or her tax roll in a column prepared for that purpose; and within 10 days ~~[from]~~ ***after*** the date of the action of the board of county commissioners upon objections filed, the county treasurer shall enter the amount found by the board of county commissioners as the actual cost of ~~[cutting, destroying or eradicating]~~ ***controlling*** the weeds in the prepared column upon the tax roll.

4. If current tax notices have been mailed, the costs may be carried over on the rolls to the year following. The costs incurred shall be a lien upon the land from which the weeds were ~~[cut, destroyed or eradicated,]~~ ***controlled,*** and shall be collected as provided by law for the collection of other liens.

Sec. 34. NRS 555.190 is hereby amended to read as follows:

555.190 Any expense incurred by any county in ~~[the cutting, destroying or eradicating of]~~ ***controlling*** noxious weeds from any street, lane, alley or other property owned or controlled by an incorporated city in that city, in accordance with the provisions of NRS 555.170, must be repaid to the county from the general fund of the incorporated city, upon presentation to the governing body of the incorporated city of an itemized statement of the expense so incurred.

Sec. 35. NRS 555.200 is hereby amended to read as follows:

555.200 1. Whenever a noxious weed is found growing upon the public domain or any other lands in this State owned by the Federal Government, the State Quarantine Officer may serve notice, as provided in NRS 555.160, upon the person within the county or this State who is in charge of the activities of the federal agency having control or jurisdiction of the land.

2. If the agency described in the notice fails or refuses to comply with the notice, the State Quarantine Officer may provide for the ~~[cutting, destruction or eradication]~~ ***control*** of the weeds in any manner permitted by federal law. The State Quarantine Officer or the political subdivision shall seek reimbursement from the Federal Government for any expense incurred by the State or the political subdivision pursuant to this section.

Sec. 36. NRS 555.201 is hereby amended to read as follows:

555.201 Any person violating any of the provisions of NRS 555.130 to 555.200, inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.130 to 555.200, inclusive, is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty not to exceed:***

1. For the first violation, $250.

2. For a second violation, $500.

3. For each subsequent violation, $1,000.

Sec. 37. NRS 555.203 is hereby amended to read as follows:

555.203 1. The board of county commissioners of any county may, in accordance with chapter 308 of NRS, create one or more weed control districts in that portion of the county which lies outside any incorporated city. Creation of such a district may be initiated by the board of county commissioners or by a petition which:

(a) Designates the area to be included in the weed control district, either as the entire unincorporated area of the county or by sections or parts of sections with appropriate township and range references; and

(b) Is signed by an owner of land within the proposed weed control district.

2. Lands proposed for inclusion in a weed control district need not be contiguous.

3. Before creating a weed control district, the board of county commissioners shall:

(a) Hold at least one public hearing pursuant to NRS 308.070. At this hearing, the board of county commissioners shall entertain applications for the exclusion of lands, designated by sections or parts of sections as prescribed in subsection 1, from the proposed district, if any such application is made. The board of county commissioners shall exclude any such lands as to which it is shown to their satisfaction that any weeds which exist on that land do not render substantially more difficult the control of weeds on other lands in the proposed district.

(b) Provide for the hearing of protests against the establishment of the district in the manner set forth in NRS 318.065 and 318.070.

4. The board of trustees of a general improvement district may, in accordance with NRS 318.077, add to the basic powers of the district the control ~~[and eradication]~~ of noxious weeds.

Sec. 38. NRS 555.208 is hereby amended to read as follows:

555.208 1. The board of directors of a weed control district or the board of county commissioners of any county having lands situated in a weed control district or proposed for inclusion in such a district may request that the State Board of Agriculture review any action taken by the board of county commissioners of a county, or the board of directors of the district, in connection with the creation of the district or a change in the boundaries of the district.

2. Upon receiving such a request the State Board of Agriculture shall, after notice and opportunity for a hearing, affirm or reverse the action. The decision of the State Board of Agriculture is a final decision for purposes of judicial review.

3. This section does not limit the right of any landowner to seek judicial review of actions taken by a board of directors or a board of county commissioners in connection with the creation of a district or a change in the boundaries of a district.

4. A landowner may seek the removal of a member of the board of directors of that district for cause. A decision of the State Board of Agriculture made pursuant to this subsection is a final decision for the purpose of judicial review.

Sec. 39. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty not to exceed:***

1. For the first violation, $250.

2. For a second violation, $500.

3. For each subsequent violation, $1,000.

Sec. 40. NRS 555.267 is hereby amended to read as follows:

555.267 "Pesticide" ~~[means:]~~ ***includes, without limitation:***

1. Any substance or mixture of substances, including any living organisms or any product derived therefrom or any fungicide, herbicide, insecticide, nematocide or rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus and weed and any other form of plant or animal life or virus, except virus on or in a living human or other animal, which is normally considered to be a pest or which the Director declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and any other substances intended for that use as are named by the Director by regulation.

Sec. 41. NRS 555.2695 is hereby amended to read as follows:

555.2695 "Wildlife" means all living things that are neither human, domesticated ~~[,]~~ nor ~~[, as defined in NRS 555.2665,]~~ pests, including but not limited to mammals, birds and aquatic life.

Sec. 42. NRS 555.310 is hereby amended to read as follows:

555.310 1. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the ~~[State Board of Agriculture.]~~ ***Director.***

2. ~~[Upon the successful completion of the testing, the]~~ ***The*** Director shall, before the license is issued, collect from each person applying for a license for pest control an annual fee established by regulation of the ~~[State Board of Agriculture.]~~ ***Director.*** Any ~~[company or]~~ person employing primary principals, principals, operators or agents shall pay to the Director a fee established by regulation of the ~~[Board]~~ ***Director*** for each primary principal, principal, operator or agent licensed.

Sec. 43. NRS 555.570 is hereby amended to read as follows:

555.570 ***1.*** Any person violating any of the provisions of NRS 555.500 to 555.560, inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulation prescribed by the State Board of Agriculture, in accordance with the provisions of NRS 555.500 to 555.540, inclusive, is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 44. NRS 556.110 is hereby amended to read as follows:

556.110 ***1.*** A person who violates any of the provisions of this chapter is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 45. NRS 233B.039 is hereby amended to read as follows:

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

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to ~~[~~NRS 590.830.~~]~~ ***section 84 of this act.***

(n) The Silver State Health Insurance Exchange.

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

3. The special provisions of:

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

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

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

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

➥ prevail over the general provisions of this chapter.

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

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

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

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

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

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

Sec. 46. NRS 318.116 is hereby amended to read as follows:

318.116 Any one, all or any combination of the following basic powers may be granted to a district in proceedings for its organization, or its reorganization pursuant to NRS 318.077 and all provisions in this chapter supplemental thereto, or as may be otherwise provided by statute:

1. Furnishing electric light and power, as provided in NRS 318.117;

2. Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or Fasciola hepatica, as provided in NRS 318.118;

3. Furnishing facilities or services for public cemeteries, as provided in NRS 318.119;

4. Furnishing facilities for swimming pools, as provided in NRS 318.1191;

5. Furnishing facilities for television, as provided in NRS 318.1192;

6. Furnishing facilities for FM radio, as provided in NRS 318.1187;

7. Furnishing streets and alleys, as provided in NRS 318.120;

8. Furnishing curbs, gutters and sidewalks, as provided in NRS 318.125;

9. Furnishing sidewalks, as provided in NRS 318.130;

10. Furnishing facilities for storm drainage or flood control, as provided in NRS 318.135;

11. Furnishing sanitary facilities for sewerage, as provided in NRS 318.140;

12. Furnishing facilities for lighting streets, as provided in NRS 318.141;

13. Furnishing facilities for the collection and disposal of garbage and refuse, as provided in NRS 318.142;

14. Furnishing recreational facilities, as provided in NRS 318.143;

15. Furnishing facilities for water, as provided in NRS 318.144;

16. Furnishing fencing, as provided in NRS 318.1195;

17. Furnishing facilities for protection from fire, as provided in NRS 318.1181;

18. Furnishing energy for space heating, as provided in NRS 318.1175;

19. Furnishing emergency medical services, as provided in NRS 318.1185;

20. Control ~~[and eradication]~~ of noxious weeds, as provided in chapter 555 of NRS; and

21. Establishing, controlling, managing and operating an area or zone for the preservation of one or more species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., as provided in NRS 318.1177.

Sec. 47. NRS 360A.020 is hereby amended to read as follows:

360A.020 The Department shall adopt:

1. Such regulations as are necessary to carry out the provisions of this chapter.

2. Regulations providing for:

(a) The electronic submission of returns to the Department; and

(b) The payment to the Department of any amount required to be paid pursuant to this chapter or chapter 365, 366 or 373 of NRS, or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** through the use of credit cards, debit cards and electronic transfers of money.

Sec. 48. NRS 360A.040 is hereby amended to read as follows:

360A.040 1. If a check or other method of payment submitted to the Department for payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** is returned to the Department or otherwise dishonored upon presentation for payment, the Department:

(a) Shall charge an additional fee in the amount established by the State Controller pursuant to NRS 353C.115 for handling the check or other method of payment; and

(b) Except as otherwise provided in NRS 353.1467, may require that any future payments be made by cashier's check, traveler's check, money order or cash.

2. If a check or other method of payment is submitted to the Department for payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** on or before the date the tax or fee is due, but is afterward returned to the Department or otherwise dishonored upon presentation for payment, the submission of the check or other method of payment shall be deemed not to constitute timely payment of the tax or fee.

Sec. 49. NRS 360A.050 is hereby amended to read as follows:

360A.050 If the Department grants an extension of time for paying any amount required to be paid pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of 1 percent per month from the date the amount would have been due without the extension until the date of payment.

Sec. 50. NRS 360A.060 is hereby amended to read as follows:

360A.060 Unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** to this State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee that is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment.

Sec. 51. NRS 360A.070 is hereby amended to read as follows:

360A.070 1. If the Director of the Department or a hearing officer designated by the Director finds that the failure of a person to make a timely return or payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** is the result of circumstances beyond the control of the person and occurred despite the exercise of ordinary care and without willful neglect, the Department may relieve the person of all or part of any interest or penalty, or both.

2. A person requesting relief must file with the Department a statement signed, under penalty of perjury, that sets forth the facts upon which the person bases his or her claim for relief.

3. The Department shall disclose, upon the request of any person:

(a) The name of the person to whom relief was granted; and

(b) The amount of the relief.

Sec. 52. NRS 360A.080 is hereby amended to read as follows:

360A.080 The Department may:

1. Enter into a written agreement with a person who is required to pay the taxes or fees required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** for the payment of delinquent taxes or fees, interest or penalties imposed pursuant to those provisions.

2. Adopt regulations providing for:

(a) The payment of delinquent taxes or fees, interest or penalties upon the execution of a written agreement between the Department and such a person; and

(b) The cancellation of such an agreement if the person becomes delinquent in his or her payment of the delinquent taxes or fees, interest or penalties owed to the Department pursuant to the provisions of chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840.]~~ ***section 86 of this act.***

Sec. 53. NRS 360A.090 is hereby amended to read as follows:

360A.090 1. The amounts, including interest and penalties, required to be paid by a person pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** must be satisfied first if:

(a) The person is insolvent;

(b) The person makes a voluntary assignment of his or her assets;

(c) The estate of the person in the hands of executors, administrators or heirs, before distribution, is insufficient to pay all the debts due from the deceased; or

(d) The estate and effects of an absconding, concealed or absent person required to pay any amount by force of such a revenue act are levied upon by process of law.

2. This section does not give the State of Nevada a preference over:

(a) Any recorded lien that attached before the date when the amounts required to be paid became a lien; or

(b) Any costs of administration, funeral expenses, expenses of personal illness, family allowances or debts preferred pursuant to federal law or wages as provided in NRS 147.195.

Sec. 54. NRS 360A.100 is hereby amended to read as follows:

360A.100 Except as otherwise provided in NRS 366.395:

1. If a person fails to file a return or the Department is not satisfied with the return of any tax or fee required to be paid to the Department pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840,]~~ ***section 86 of this act,*** the Department may determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information that is in the possession of the Department or may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or more periods.

3. In making its determination of the amount required to be paid, the Department shall impose a penalty and interest on the amount of tax or fee determined to be due, calculated at the rate and in the manner set forth in NRS 360A.060.

4. If a business is discontinued, a determination may be made at any time thereafter within the period prescribed in NRS 360A.150 concerning liability

arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 55. NRS 360A.120 is hereby amended to read as follows:

360A.120 If any part of the deficiency for which a deficiency determination is made is because of negligence or intentional disregard of any applicable provision of chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** or the regulations of the Department adopted pursuant thereto, a penalty of 10 percent of the amount of the determination must be added thereto.

Sec. 56. NRS 360A.130 is hereby amended to read as follows:

360A.130 If any part of the deficiency for which a deficiency determination is made is because of fraud or an intent to evade the payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** or the regulations of the Department adopted pursuant thereto, a penalty of 25 percent of the amount of the determination must be added thereto.

Sec. 57. NRS 360A.150 is hereby amended to read as follows:

360A.150 1. Except as otherwise provided in subsections 2, 3 and 5, each notice of a deficiency determination issued by the Department must be personally served, mailed or, pursuant to subsection 4, sent by electronic mail within 4 years after the last day of the month following the period for which the amount is proposed to be determined or within 4 years after the return is filed, whichever period expires later.

2. In the case of a failure to make a return or a claim for an additional amount, each notice of determination must be mailed, personally served or, pursuant to subsection 4, sent by electronic mail within 8 years after the last day of the month following the period for which the amount is proposed to be determined.

3. If, before the expiration of the time prescribed in this section for the service of a notice of determination, the taxpayer has signed a waiver consenting to the service of the notice after that time, the notice may be mailed, personally served or, pursuant to subsection 4, sent by electronic mail at any time before the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing if each agreement is made before the expiration of the period previously agreed upon.

4. The provision by a person to the Department of an electronic mail address shall be deemed an agreement for the purposes of NRS 719.220 to receive notice pursuant to this section by electronic mail. If served by electronic mail, the notice must be sent to the person at his or her electronic mail address as it appears in the records of the Department and service is complete at the time the electronic mail is sent.

5. This section does not apply to cases of fraud or the intentional evasion of a provision of chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** or any regulation of the Department adopted pursuant thereto.

Sec. 58. NRS 360A.230 is hereby amended to read as follows:

360A.230 If the Department believes that the collection of any amount of taxes or fees due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** will be jeopardized by delay, the Department shall make a determination of the amount required to be collected and serve notice of the determination upon the person against whom it is made.

Sec. 59. NRS 360A.260 is hereby amended to read as follows:

360A.260 1. If a person who is delinquent in the payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** has not paid the amount of a deficiency determination, the Department may bring an action in a court of this State, a court of any other state or a court of the United States to collect the delinquent or deficient amount, penalties and interest. The action must be brought not later than 3 years after the payment became delinquent or the determination became final or within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee owed.

2. The Attorney General shall prosecute the action. The provisions of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In the action, a certificate by the Department showing the delinquency is prima facie evidence of:

(a) The determination of the tax or fee or the amount of the tax or fee;

(b) The delinquency of the amounts; and

(c) The compliance by the Department with the procedures required by law related to the computation and determination of the amounts.

Sec. 60. NRS 360A.270 is hereby amended to read as follows:

360A.270 1. If, with respect to any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** a person:

(a) Fails to pay the tax or fee when due according to his or her return filed with the Department;

(b) Fails to pay a deficiency determination when due; or

(c) Defaults on a payment pursuant to a written agreement with the Department,

➥ the Department may, within 3 years after the amount is due, file in the office of the clerk of any court of competent jurisdiction an application for the entry of a summary judgment for the amount due.

2. The application must be accompanied by a certificate that specifies:

(a) The amount required to be paid, including any interest and penalties due;

(b) The name and address of the person liable for the payment, as they appear on the records of the Department;

(c) The basis for the determination of the Department of the amount due; and

(d) That the Department has complied with the applicable provisions of law relating to the determination of the amount required to be paid.

3. The application must include a request that judgment be entered against the person in the amount required to be paid, including any interest and penalties due, as set forth in the certificate.

Sec. 61. NRS 360A.330 is hereby amended to read as follows:

360A.330 1. If any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act,*** is not paid when due, the Department may, within 3 years after the date that the tax or fee became due, file for record a certificate in the office of any county recorder which states:

(a) The amount of the tax or fee and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the Department; and

(c) That the Department has complied with the procedures required by law for determining the amount due.

2. From the time of the filing of the certificate, the amount due, including interest and penalties, constitutes a lien upon all real and personal property in the county owned by the person or acquired by the person afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. Within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county. From the time of filing, the lien is extended to all real and personal property in the county owned by the person or acquired by the person afterwards for 5 years, unless sooner released or otherwise discharged.

Sec. 62. NRS 360A.350 is hereby amended to read as follows:

360A.350 1. The Department or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent taxes or fees required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840:~~]~~ ***section 86 of this act:***

(a) Within 3 years after the person is delinquent in the payment of the tax or fee; or

(b) Within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

Sec. 63. NRS 360A.370 is hereby amended to read as follows:

360A.370 1. If a person is delinquent in the payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840,]~~ ***section 86 of this act,*** or if a determination has been made against the person that remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent taxpayer, or owing any debts to the delinquent taxpayer or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent taxpayer or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before it presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the persons so notified may not transfer or otherwise dispose of the credits, other personal property, or debts in their possession or under their control at the time they received the notice until the Department consents to a transfer or other disposition.

4. Each person so notified shall, within 10 days after receipt of the demand to transmit, inform the Department of, and transmit to the Department all such credits, other personal property, or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served upon that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing that person to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank or other depository institution, the notice must be delivered or mailed to the branch or office of the bank or other

depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person so notified makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, he or she is liable to this State for any indebtedness due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition, this State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 64. NRS 360A.390 is hereby amended to read as follows:

360A.390 1. If a person who is liable for any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** sells any portion of his or her business or stock of goods not in the ordinary course of business or quits the business, the successors or assignees of that person shall:

(a) If the business or stock of goods was purchased for money, withhold from the purchase price the amount due; or

(b) If the business or stock of goods was not purchased for money, withhold a sufficient portion of the assets of the business or stock of goods which, if sold, would equal the amount due,

➥ until the former owner provides the successors or assignees with a receipt or certificate from the Department indicating that he or she paid the amount due.

2. A successor or assignee who fails to withhold the amount required pursuant to subsection 1 becomes personally liable for the payment of the amount required to be withheld by him or her to the extent of the consideration paid for the business or stock of goods, valued in money.

3. The Department shall issue a certificate of the amount due to the successor or assignee:

(a) Not later than 60 days after receiving a written request from the successor or assignee for such a certificate; or

(b) Not later than 60 days after the date the records of the former owner are made available for audit,

➥ whichever period expires later, but not later than 90 days after receiving the request.

4. If the Department fails to mail the certificate, the successor or assignee is released from any further obligation to withhold any portion of the purchase price, business or stock of goods.

5. The time within which the obligation of the successor or assignee may be enforced begins when the person who is liable for the tax or fee sells or assigns all or any portion of his or her business or stock of goods or when the determination against the person becomes final, whichever occurs later.

Sec. 65. NRS 360A.400 is hereby amended to read as follows:

360A.400 1. At any time within 3 years after a person has become delinquent in the payment of any amount of taxes or fees due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** the Department may seize any property, real or personal, of the person and sell the property, or a sufficient part of it, at public auction to pay the amount due, together with any interest or penalties imposed for the delinquency and any costs incurred on account of the seizure and sale.

2. Any seizure made to collect a tax or fee due may be only of the property of the person not exempt from execution under the provisions of law.

Sec. 66. NRS 408.242 is hereby amended to read as follows:

408.242 1. The Department shall establish an account in the State Highway Fund to be administered by the Director. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account must be used exclusively for the construction, reconstruction, improvement and maintenance of public roads.

2. The account consists of:

(a) The money transferred to the account pursuant to ~~[~~NRS 590.860;~~]~~ ***section 88 of this act;***

(b) All income and interest earned on the money in the account; and

(c) All other money received by the account from any source.

3. On July 1 and December 31 of each year, the Director shall allocate:

(a) Seventy percent of the money in the account to a regional transportation commission in a county whose population is 700,000 or more;

(b) Twenty percent of the money in the account to a regional transportation commission in a county whose population is 100,000 or more but less than 700,000; and

(c) Ten percent of the money in the account to the Department for use in counties that have a population of less than 100,000.

Sec. 67. Chapter 445C of NRS is hereby amended by adding thereto the provisions set forth as sections 68 to 94, inclusive of this act.

Sec. 68. ***As used in sections 68 to 94, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 68 to 81, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 69. ***"Board" means the Board to Review Claims.***

Sec. 70. ***"Department" means the Department of Motor Vehicles.***

Sec. 71. ***"Diesel fuel of grade number 1" means a distillate from fuel oil which is of high volatility and used in high-speed diesel engines generally operated under variations in speed and load. The term includes diesel fuel of the type "C-B," generally used in buses and similar operations.***

Sec. 72. ***"Diesel fuel of grade number 2" means a distillate from gas oil which is of low volatility and used in high-speed diesel engines generally operated under uniform speed and load. The term includes diesel fuel of the***

type "R-R," generally used in railroad locomotives, and type "T-T," generally used in trucks with diesel engines.

Sec. 73. *"Discharge" means any release, leaking or spilling from a storage tank into water or soil, unless the discharge is authorized by state or federal law.*

Sec. 74. *"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

Sec. 75. *"Fund" means the Fund for Cleaning Up Discharges of Petroleum.*

Sec. 76. *"Heating oil" means diesel fuel of grade number 1 or 2 or any other form of petroleum used in an oil-fired furnace or boiler for space heating.*

Sec. 77. *"Motor vehicle fuel" has the meaning ascribed to it in NRS 365.060.*

Sec. 78. *"Operator" means a person who owns, controls or is responsible for the operation of a storage tank.*

Sec. 79. *"Person" includes the United States, this State, and any agency or political subdivision of this State.*

Sec. 80. *"Petroleum" means crude oil or any fraction thereof which is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.*

Sec. 81. *"Storage tank" means any tank used to store petroleum, except petroleum for use in a chemical process.*

Sec. 82. *The Legislature finds that:*

1. Protection of this State's environment, particularly its supplies of water, requires the prompt cleaning up of any discharge of petroleum from a storage tank.

2. Federal law and regulations require each operator of a storage tank to show financial responsibility for this purpose, but the capital of smaller operators is too little to meet these requirements and insurance to cover this liability is prohibitively costly for these smaller operators.

3. Free competitive access to the business of distributing petroleum therefore requires a system of funding this liability in which all engaged in the business must participate equitably.

4. The fee imposed by section 86 of this act is not an excise tax but a fee for engaging in the refining or importation of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil.

Sec. 83. *1. The Board to Review Claims is hereby created in the Division. The Board consists of:*

(a) The Administrator of the Division;

(b) The Director of the Department;

(c) The State Fire Marshal;

(d) A representative of refiners of petroleum;

(e) A representative of independent dealers in petroleum;

(f) A representative of independent retailers of petroleum; and

(g) A representative of the general public.

2. An officer designated as a member of the Board may designate a substitute. The Governor shall appoint the respective representatives designated as members of the Board. Each representative of a field of enterprise must be appointed from a list of three persons nominated by persons engaged in that field in this State, through their trade association if one exists.

3. The Board shall select its Chair. The Administrator of the Division shall provide administrative assistance to the Board as required.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than $80, as fixed by the Board, for each day's attendance at a meeting of the Board.

5. While engaged in the business of the Board, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 84. *1. The Fund for Cleaning Up Discharges of Petroleum is hereby created as a special revenue fund in the State Treasury. The Division shall administer the Fund for the purposes prescribed in sections 68 to 94, inclusive, of this act, and the Board shall adopt appropriate regulations for the investigation and payment of claims against the Fund. The Board shall review each claim presented and authorize payment to the extent warranted by the facts of the case.*

2. The expenses incurred by the Division in performing its duties pursuant to sections 68 to 94, inclusive, of this act are a charge against the Fund. The interest earned on money in the Fund must be credited to the Fund.

3. The Board shall transmit a copy of any resolution that the Board has adopted in carrying out its duties pursuant to this section to the Legislative Counsel within 5 working days after the adoption of the resolution for inclusion in the register of administrative regulations published pursuant to NRS 233B.0653.

Sec. 85. *Notwithstanding any provision of sections 68 to 94, inclusive, of this act to the contrary, and except as otherwise provided in this section:*

1. The Division may expend not more than $250,000 from the Fund per year as reimbursement for necessary costs incurred by the Division in the response to and cleanup of any discharge involving petroleum, including discharges from a storage tank and discharges from a mobile tank that occur during the transportation of petroleum on roads and highways. If the discharge involving petroleum also involves the discharge of another hazardous material, the Division may expend money pursuant to this section in the cleanup of the discharge of petroleum and the other hazardous material. The Division shall not expend money from the Fund pursuant to this section to clean up discharges involving petroleum from pipelines.

2. Except as otherwise provided in this subsection, money from the Fund expended by the Division pursuant to this section must be used to augment,

and must not be used to replace or supplant, any money available from other sources for the cleanup of discharges of petroleum, including, without limitation, reimbursements by operators required to be made to the Division pursuant to sections 87 and 89 of this act. If no money is available from those other sources, the Division may expend money from the Fund pursuant to this section to reimburse the Division for any costs specified in subsection 1.

3. If the Division expends money pursuant to this section to clean up a discharge involving petroleum, the operator of the tank shall reimburse the Division for the operator's share of the costs for cleaning up the discharge. The Division shall, upon being reimbursed by the operator of the tank pursuant to this subsection, deposit that money in the Fund.

4. As used in this section:

(a) "Discharge" means any release, leaking or spilling from a tank into water or soil, unless the discharge is authorized by state or federal law.

(b) "Operator" means a person who owns, controls or is responsible for the operation of a tank.

(c) "Tank" means a storage tank or a mobile tank used to transport petroleum received for sale or use in this State.

Sec. 86. *1. Except as otherwise provided in subsection 2, the Department shall collect for deposit in the Fund a fee of 0.75 cent for each gallon of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil imported into this State in one of those forms or refined in this State. The fee imposed by this section is in addition to the taxes imposed by chapters 365 and 366 of NRS.*

2. The fee imposed by subsection 1 does not apply to motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 or heating oil that is:

(a) Imported or refined by the United States, its unincorporated agencies and instrumentalities, or any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;

(b) Exported from this State;

(c) Imported or refined by railroad companies for use in locomotive engines;

(d) Being transported through this State in interstate commerce; or

(e) Used as fuel for jet or turbine-powered aircraft.

3. The fee is payable on or before the last day of each calendar month for those products subject to the fee that are handled during the preceding calendar month. The Department shall prescribe by regulation the manner of payment of the fee and for this purpose may reasonably classify the persons liable for payment. The Department may, in collecting the fee, employ any administrative power conferred upon it by chapter 360A or 365 of NRS.

4. The expenses incurred by the Department in performing its duties under sections 68 to 94, inclusive, of this act are a charge against the Fund.

Sec. 87. *1. Except as otherwise provided in subsection 2, the Division shall collect for deposit in the Fund an annual fee not to exceed $100, set by the Board, for the registration of each storage tank.*

2. No fee is to be collected, and no registration is required, with respect to a storage tank used to store heating oil for consumption on the same premises where the oil is stored, or a storage tank operated by a person not required to pay the fee for petroleum produced in or imported into this State.

3. The operator of a storage tank required to be registered pursuant to this section who fails to register that tank or to pay the annual fee when required shall reimburse the Division for any expense incurred by the Division in cleaning up a discharge from that storage tank and for any discharge of liability to a third person. If, in cleaning up the discharge from that storage tank, the Division expends money from the Fund in accordance with section 85 of this act, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.

Sec. 88. *If the balance in the Fund for Cleaning Up Discharges of Petroleum at the end of any fiscal year is estimated at $7,500,000 or more, the Department shall transfer to the account created pursuant to NRS 408.242 the balance in the Fund for Cleaning Up Discharges of Petroleum which exceeds $7,500,000.*

Sec. 89. *1. The operator of every storage tank, and every person who for compensation puts petroleum into a storage tank, shall report to the Division every discharge from that tank of which the operator or other person is aware or has reason to believe has occurred. The Division shall undertake or contract for cleaning up the discharge unless the operator or another person is already acting properly to clean it up. If the Division cleans up the discharge, the operator shall reimburse the Division for the operator's share of the costs. If, in cleaning up the discharge, the Division expends money from the Fund in accordance with section 85 of this act, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.*

2. Each operator who is required or who chooses to register a tank must, unless the tank has been tested for tightness under the federal standards embodied in 40 C.F.R. § 280.43c since July 1, 1988, test the tank pursuant to those standards before it is eligible for the coverage provided by sections 90 and 91 of this act.

Sec. 90. *The costs resulting from a discharge from a storage tank which has a capacity of 1,100 gallons or less and is used to store heating oil for consumption on the same premises where the oil is stored must be paid as follows, to the extent applicable:*

1. The first $250 for cleaning up and the first $250 of liability for damages to a person other than this State or the operator of the tank, or both amounts, by the operator.

2. If necessary to protect the environment or the public health and safety, the next $250,000 for cleaning up and the next $250,000 for damages to a person other than this State or the operator of the tank, or both amounts, from the Fund. These limits apply to any one discharge and to the total for discharges from storage tanks controlled by any one operator in any fiscal year. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. Any further cost for cleaning up or for damages, by the operator.

Sec. 91. *If the costs resulting from a discharge from any other storage tank exceed $5,000, the costs must be paid as follows, to the extent applicable:*

1. By an operator which is an agency, department, division or political subdivision of the State, 10 percent or $10,000, whichever is less, of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to any person other than this State or the operator of the tank, or both amounts. The balance of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the Fund, but the total amount paid from the Fund pursuant to this subsection in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,980,000 for cleaning up and $1,980,000 for damages.

2. By an operator which is a small business, 10 percent of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to a person other than this State or the operator of the tank, or both amounts. The total amount paid by an operator pursuant to this subsection must not exceed $50,000 for cleaning up and $50,000 for damages regardless of the number of storage tanks involved. The balance of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the Fund, but the total amount paid from the Fund pursuant to this subsection in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,900,000 for cleaning up and $1,900,000 for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. By all other operators:

(a) Ten percent of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to a person other than this State or the operator of the tank, or both amounts.

(b) Ninety percent of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the Fund.

➥ The total amount paid from the Fund pursuant to paragraph (b) in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,800,000 for cleaning up and $1,800,000 for damages. For the purpose of this limitation, a group of

operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

4. Any further cost for cleaning up or for damages which is in excess of the amounts paid pursuant to subsections 1, 2 and 3 must be paid by the operator.

5. A political subdivision of the State that receives money from the Fund pursuant to subsection 1 to pay for the costs of cleaning up shall hold one public hearing upon initiation of the cleanup and one public hearing every 3 months thereafter until the cleanup is completed to ensure that the cleanup complies with any requirements of the Division concerning the cost-effectiveness of cleaning up. The costs incurred by the political subdivision for the hearing must not be attributed to the political subdivision as part of the costs paid by the political subdivision pursuant to subsection 1.

6. For the purposes of this section, a small business is a business which receives less than $500,000 in gross annual receipts from the site where the tank is located.

Sec. 92. *1. Any person who, through willful or wanton misconduct, through gross negligence or through violation of any applicable statute or regulation, including specifically any state or federal standard pertaining to the preparation or maintenance of sites for storage tanks, proximately causes a discharge is liable to the Division for any cost in cleaning up the discharge or paying for it to be cleaned up.*

2. If a discharge occurs, the site of the tank and any other premises affected by the discharge must be brought into compliance with any applicable standard as described in subsection 1.

Sec. 93. *If the balance in the Fund is insufficient to pay in full all amounts payable from it under sections 68 to 94, inclusive, of this act, these amounts must be reduced pro rata and the amounts so withheld must be paid pro rata as additional money becomes available in the Fund.*

Sec. 94. *1. Except as otherwise specifically provided in section 85 of this act, the provisions of sections 87 to 93, inclusive, of this act do not apply to any tank which:*

(a) Contains petroleum being transported through this State in interstate commerce, but do apply to a tank being used to store petroleum received for sale or use in this State;

(b) Contains fuel for jet or turbine-powered aircraft, or is above ground and has a capacity of 30,000 gallons or less, unless in either case the operator complies with subsection 2; or

(c) Is above ground and has a capacity of more than 30,000 gallons.

2. The operator of a tank exempted by paragraph (b) of subsection 1 may obtain the coverage provided by sections 90 and 91 of this act by applying to the Board, paying the fee set pursuant to section 87 of this act for its registration, and, if the tank is used to store fuel for jet or turbine-powered aircraft, reporting monthly the number of gallons of fuel put into the tank and paying the fee required by section 86 of this act. Coverage pursuant to

this subsection begins 6 months after the tank is registered and the required fee first paid.

Sec. 95. NRS 445C.010 is hereby amended to read as follows:

445C.010 As used in ~~[this chapter,]~~ ***NRS 445C.010 to 445C.120, inclusive,*** unless the context otherwise requires, the words and terms defined in NRS 445C.020 to 445C.060, inclusive, have the meanings ascribed to them in those sections.

Sec. 96. NRS 445C.110 is hereby amended to read as follows:

445C.110 1. Except as otherwise provided in this section, an environmental audit conducted pursuant to the provisions of ~~[this chapter]~~ ***NRS 445C.010 to 445C.120, inclusive,*** shall be deemed privileged and is not admissible in an administrative proceeding or civil action against the regulated person who conducted the audit or the regulated facility which is owned or operated by the regulated person.

2. The privilege provided by subsection 1 does not apply if:

(a) A regulatory agency requests the admission of the results of an environmental audit at an administrative proceeding or civil action commenced by the regulatory agency;

(b) The regulated person expressly waives the privilege; or

(c) A court or administrative hearing officer determines in camera that the presumption against administrative or civil liability is rebutted pursuant to NRS 445C.090.

3. For the purposes of paragraph (b) of subsection 2, a regulated person does not waive the privilege if he or she voluntarily discloses, pursuant to NRS 445C.010 to 445C.120, inclusive, the results of an environmental audit or a violation of an environmental requirement discovered as a result of an environmental audit to a regulatory agency.

4. This section does not prohibit a person or entity from:

(a) Obtaining information concerning a violation of an environmental requirement from a source independent of an environmental audit.

(b) Commencing an administrative proceeding or civil or criminal action against a regulated person or a regulated facility which is owned or operated by a regulated person based upon information that was obtained from a source independent of an environmental audit.

(c) Intervening in a proceeding or action filed against a regulated person or regulated facility if the intervention is specifically authorized by statute or regulation.

Sec. 96.5. **Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:**

Any person who knowingly sells any flesh of any diseased animal or any container containing shellfish, if the container does not have an approved stamp authorized by the Division of Public and Behavioral Health of the Department of Health and Human Services, is guilty of a gross misdemeanor.

Sec. 96.7. **NRS 446.945 is hereby amended to read as follows:**

446.945 ~~[Any]~~ ***Except as otherwise provided in section 96.5 of this act, any*** person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

Sec. 97. NRS 561.301 is hereby amended to read as follows:

561.301 Aquatic agriculture, which includes the propagation, cultivation and harvesting of plants ***or animals*** indigenous to water in a ***man-made,*** controlled or selected aquatic environment for the commercial production of food, is one of the agricultural enterprises conducted in this state. The Department shall promote, protect and regulate aquatic agriculture to the extent that the Department is authorized to regulate other forms of agriculture and other agricultural products. The Department shall confer with the Department of Wildlife regarding aquatic agriculture to prevent any adverse effects on existing aquatic animals.

Sec. 98. NRS 561.305 is hereby amended to read as follows:

561.305 The Department shall establish and maintain a laboratory for the following purposes:

1. The diagnosis of infectious, contagious and parasitic diseases of animals, as may be necessary under the provisions of chapter 571 of NRS.
2. The diagnosis of infectious, contagious and parasitic diseases of bees, as may be necessary under the provisions of chapter 552 of NRS.
3. The diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as may be necessary under the provisions of chapter 554 of NRS.
4. The survey and identification of insect pests, plant diseases and noxious weeds, and the maintenance of a herbarium, as may be necessary under the provisions of NRS 555.005 to 555.249, inclusive.
5. The testing of pesticides, as may be necessary under the provisions of NRS 555.2605 to 555.460, inclusive, and **[**~~586.010 to 586.450, inclusive.~~**]** ***chapter 586 of NRS.***
6. The safekeeping and maintenance of official standards of weights and measures, as may be necessary under the provisions of chapter 581 of NRS.
7. The testing and grading of agricultural products and the testing of the purity and germinating power of agricultural seeds and the testing of the spray residue contained in produce, as may be necessary under the provisions of chapter 587 of NRS.
8. The analysis and testing of commercial fertilizers and agricultural minerals, as may be necessary under the provisions of chapter 588 of NRS.
9. The analysis and testing of petroleum products or motor vehicle fuel, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.
10. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.
11. Any laboratory examinations, diagnoses, analyses or testing as may be deemed necessary by the Director and which can be made with equipment

available in any such laboratory. Any resident of this State may submit samples to the Department for examination, diagnosis, analysis or testing, subject to such rules and regulations as may be adopted by the Director.

Sec. 99. NRS 561.315 is hereby amended to read as follows:

561.315 The Director may fix the maximum number of ***field inspections that may be conducted or laboratory*** samples that may be examined, diagnosed, analyzed or tested ~~[in the Department's laboratory]~~ free of charge for any one ***public agency,*** natural person, group or corporation in any one period, and may fix reasonable fees for ~~[samples submitted]~~ ***any services provided*** in excess of those ~~[tested]~~ ***provided*** free of charge.

Sec. 100. NRS 561.355 is hereby amended to read as follows:

561.355 1. The Plant Industry Program is hereby established.

2. The following fees and money must be used in the Plant Industry Program:

(a) ~~[Fees]~~ ***Except as otherwise provided in NRS 555.570 and section 10 of this act, fees*** and money collected pursuant to the provisions of chapters 552, 555 and 587 of NRS.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 552 of NRS.

(c) Laboratory fees collected for the diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of chapter 554 of NRS.

(d) Laboratory fees collected for the survey and identification of insect pests, plant diseases and noxious weeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 555.005 to 555.249, inclusive.

(e) Laboratory fees collected for the testing of the purity and germinating power of agricultural seeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 587.015 to 587.123, inclusive.

(f) Money received from a tax on the transfer of real property imposed pursuant to NRS 375.026.

3. Expenditures for the Plant Industry Program must be made only for the purposes of carrying out the provisions of this chapter and chapters 552, 554, 555 and 587 of NRS.

4. The money credited to the Program pursuant to NRS 375.026 must be allocated for disbursement to each county in proportion to the amount of money collected in that county and must only be used:

(a) By the Department for programs on the exclusion, detection and control of:

(1) Invasive species; and

(2) Endemic pests and weeds designated by the Director; and

(b) For grants to local governments and nonprofit organizations for the control or management of such species, pests and weeds.

5. As used in this section:

(a) "Invasive species" means any living organism not native to this State that may present a threat to the economy, environment or public health of this State.

(b) "Local government" has the meaning ascribed to it in NRS 237.050.

Sec. 101. NRS 561.385 is hereby amended to read as follows:

561.385 1. The Agriculture Registration and Enforcement Account is hereby created in the State General Fund for the use of the Department.

2. The following fees must be deposited in the Agriculture Registration and Enforcement Account:

(a) Except as otherwise provided in NRS 586.270 ~~[,]~~ ***and 586.450,*** fees collected pursuant to the provisions of ***chapter 586 of*** NRS**.** ~~[586.010 to 586.450, inclusive.]~~

(b) Fees collected pursuant to the provisions of chapter 588 of NRS.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and ~~[586.010 to 586.450, inclusive.]~~ ***, except as otherwise provided in NRS 586.270 and 586.450, chapter 586 of NRS.***

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 588 of NRS.

(f) Laboratory fees collected for the analysis and testing of petroleum products or motor vehicle fuel, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.

(g) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the Agriculture Registration and Enforcement Account may be made to carry out the provisions of this chapter, NRS 555.2605 to 555.460, inclusive, or chapters 586, 588 and 590 of NRS or for any other purpose authorized by the Legislature.

Sec. 102. NRS 562.170 is hereby amended to read as follows:

562.170 1. Except as otherwise provided in this section, the rate of tax fixed by the Board, as provided for in NRS 562.160, must not exceed the equivalent of ~~[18 cents]~~ ***$1.50*** per head on all sheep. The minimum tax that must be paid annually by an owner of sheep is ~~[$5.]~~ ***$5.00.***

2. The tax paid by an owner of sheep must be deposited in the ~~[state or county treasury in which]~~ ***State Treasury for credit to*** the State Sheep Inspection ~~[Account is located for credit to that]~~ Account. The money in the State Sheep Inspection Account must be made available and disbursed by the ~~[proper state or county officials]~~ ***State Controller*** upon request of the Board for the purposes provided for in this chapter.

Sec. 103. NRS 562.200 is hereby amended to read as follows:

562.200 All contributions of money which the Board is authorized to accept and which are made by any organization interested in the welfare of the sheep industry must be deposited by the Board with the ~~[state or county treasurer who has custody of]~~ ***State Treasury for credit to*** the State Sheep Inspection ~~[Account for credit to that]~~ Account. The money in the Account must be disbursed by the ~~[proper state or county officials]~~ ***State Controller*** when ordered by the Board in accordance with the purposes for which each contribution was made.

Sec. 104. NRS 562.210 is hereby amended to read as follows:

562.210 1. The Board may encourage, promote, advance and protect the sheep interests of the State and may, directly or indirectly, by expenditure or by payment or otherwise to any association formed for any such purposes or objects, pay annually, out of the State Sheep Inspection Account, for any enumerated purposes, not to exceed the equivalent of ~~[10 cents]~~ ***50 percent*** of the levy assessed pursuant to NRS 562.170.

2. The Board is the sole and exclusive judge of the expenditures of all sums directly or by the payment to any association, club or other organization pursuant to this section.

Sec. 105. NRS 562.230 is hereby amended to read as follows:

562.230 ~~[Whenever any inspector files in the office of the]~~ ***The*** State Controller ~~[or county treasurer who has custody of the State Sheep Inspection Account]~~ ***shall draw a warrant or check payable out of the State Sheep Inspection Account to any inspector who files*** proper vouchers or claims, duly approved by the Board, setting forth:

1. The name of the inspector;
2. The kind and nature of service rendered;
3. The particular locality where the work was done;
4. The length of time employed;
5. The number of sheep inspected and the name of the owner or person in charge of the sheep;
6. The disease or diseases treated, and the length of time of the treatment; and
7. The amount claimed for the services **.** ~~[,~~

~~→ the State Controller or county treasurer shall draw a warrant or check in favor of the inspector, payable out of the money in the State Sheep Inspection Account.]~~

Sec. 106. ~~[NRS 571.190 is hereby amended to read as follows:~~

~~571.190 1. The State Quarantine Officer may order and have destroyed any animal infected with or exposed to any infectious, contagious or parasitic disease.~~

~~2. [The Department shall compensate the owners of any animal so destroyed separately or jointly with any county or municipality of the State or any agency of the Federal Government, the amount of the compensation to be determined by appraisal before the affected animal is destroyed.~~

~~3. The appraisal must be made by the State Quarantine Officer or a qualified agent designated by the State Quarantine Officer and the owners or their authorized representative. In the event of their failure to reach an agreement, the two so selected shall designate a disinterested person, who by reason of experience in such matters is a qualified judge of values of animals, to act with them. The judgment of any two such appraisers is binding and final upon all persons.~~

~~4. The total amount received by the owners of any animal so destroyed, including compensation paid by the Department, any county or municipality or any agency of the Federal Government or any company that insures animals, and the salvage received from the sale of hides or carcasses or any other source, combined, must not exceed the actual appraised value of the destroyed animal.~~

~~5.~~**]** ~~Any natural person or corporation purchasing any animal which was at the time of purchase under quarantine by any state, county or municipal authorities or any agency of the Federal Government authorized to lay such quarantine, or who purchases any animal which due diligence and caution would have shown to be diseased or which was shipped or transported in violation of the rules and regulations of any agency of the Federal Government or the State of Nevada, is not entitled to receive compensation, and the Department may order the destruction of the animal without making any compensation to the owner.~~

~~**[**6. No payment may be made hereunder as compensation for or on account of any such animal destroyed if, at the time of inspection or test of the animal or at the time of the ordered destruction thereof, the animal belongs to or is upon the premises of any person, firm or corporation to which the animal has been sold, shipped or delivered for slaughter.~~

~~7. In no case may any payment by the Department pursuant to the provisions of this section be made unless the owner has complied with all quarantine rules and regulations of the Department.~~**]]** **(Deleted by amendment.)**

Sec. 107. ~~**[**NRS 571.250 is hereby amended to read as follows:~~

~~571.250~~ ***1.*** ~~Any person violating the provisions of NRS 571.120 to 571.240, inclusive, or failing, refusing or neglecting to perform or observe any conditions, orders, rules or regulations prescribed by the State Quarantine Officer in accordance with the provisions of NRS 571.120 to 571.240, inclusive, is~~ **[**~~guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.~~**]** ***subject to a civil penalty not to exceed:***

~~***(a) For the first violation, $250.***~~

~~***(b) For a second violation, $500.***~~

~~***(c) For each subsequent violation, $1,000.***~~

~~***2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:***~~

~~*— (a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and*~~

~~*— (b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.]*~~ **(Deleted by amendment.)**

Sec. 108. NRS 573.020 is hereby amended to read as follows:

573.020 1. A person shall not hold, operate, conduct or carry on a public livestock auction in this state without first securing a license therefor from the Department.

2. The application for a license must be on a form prescribed and furnished by the Department and set forth:

(a) The name of the operator of the public livestock auction.

(b) The location of the establishment or premises where the public livestock auction will be conducted.

(c) The type or kinds of livestock to be handled, sold or exchanged.

(d) A description of the facilities that will be used to conduct the public livestock auction.

(e) The weekly or monthly sales day or days on which the applicant proposes to operate the applicant's public livestock auction.

(f) The name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

(g) Such other information as the Department reasonably may require, including, without limitation, proof that at the time of application the applicant has a line of credit established at a bank or credit union in the State of Nevada in ~~[an]~~ ***the*** amount ~~[at least equal to the estimated average weekly gross sales receipts of the public livestock auction that will be conducted by the applicant.]~~ ***of $400,000 or more.***

3. The application must be accompanied by a bond or deposit receipt and the required fee as provided in this chapter.

Sec. 109. NRS 573.033 is hereby amended to read as follows:

573.033 1. If an applicant delivers a surety bond to the Director pursuant to the provisions of subsection 1 of NRS 573.030, the surety bond must be:

(a) In the ~~[sum provided for in subsection 2.]~~ ***amount of $200,000 or more but less than $1,000,000.***

(b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

(c) A standard form and approved by the Director as to terms and conditions.

(d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the Department.

(e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction.

2. ~~[If the application for a license to operate a public livestock auction is submitted by a person who:~~

~~(a) Has not operated in the past 12 month period, the Director shall determine the sum of the initial bond that the applicant must execute in favor of the State, which sum must be equal to an amount estimated to be 50 percent of the average monthly gross sales proceeds of the public livestock auction in the first 6 months of operation, but the sum must not be less than $10,000 or more than $100,000. At any time within the first 12 months of licensed operation, the Director may, upon written notice to the licensee, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.~~

~~(b) Has operated in the past 12 month period, the Director shall determine the sum of the bond that the applicant must execute in favor of the State, which sum must be equal to an amount equal to 50 percent of the average monthly gross sales proceeds received by the public livestock auction during the 6 successive months of the last 12 month period which produced the highest dollar volume, but the sum must not be less than $10,000 or more than $100,000.~~

~~3.]~~ The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 110. NRS 573.050 is hereby amended to read as follows:

573.050 Upon receipt of an application for a license under this chapter, accompanied by the required bond and license fee, the Department shall examine the application, and if it finds the application to be in proper form and that the applicant has otherwise complied with this chapter, the ~~[Department]~~ ***Director or his or her designee*** shall grant ***and sign*** the license as applied for, subject to the provisions of this chapter.

Sec. 111. NRS 573.080 is hereby amended to read as follows:

573.080 Licenses ~~[shall]~~ ***must*** be renewed annually upon like application and procedure as in the case of original licenses. ***An application for renewal must be accompanied by:***

1. A full audit completed not more than 2 months before the date of the application which must be signed and certified as correct by a holder of a live permit issued pursuant to chapter 628 of NRS.

2. The name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

Sec. 112. NRS 573.103 is hereby amended to read as follows:

573.103 ~~[1. Except as otherwise provided in subsection 2, every operator of a public livestock auction shall cause his or her accounts to be audited at least annually by a holder of a live permit under chapter 628 of NRS,~~

~~and shall file with the Director a copy of the audit, signed and certified as correct by the auditor. The Director may prescribe by regulation the content and times for filing of the audits.~~

~~2.~~] Every operator ***of a public livestock auction*** whose accounts are audited under the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, as amended, shall file a copy of each such audit with the Director.

Sec. 113. NRS 573.105 is hereby amended to read as follows:

573.105 [~~The Director shall ascertain, at least quarterly, the continued existence and~~] ***An operator of a public livestock auction shall notify the Department within 30 days after any change in the*** amount of the line of credit shown pursuant to paragraph (g) of subsection 2 of NRS 573.020, or its replacement by a line of credit at another bank or credit union in the State of Nevada and the amount of the replacement. If the line of credit is replaced, the custodial account must be transferred to the bank or credit union issuing the new line of credit. If a line of credit in the amount required is not maintained, the Director shall suspend the operator's license.

Sec. 114. NRS 573.140 is hereby amended to read as follows:

573.140 1. The yards, pens and premises where livestock is held or handled [~~shall~~] ***must*** be [~~regularly~~] cleaned and [~~disinfected~~] ***maintained*** for the purpose of preventing infectious, contagious or parasitic livestock diseases.

2. If livestock is held on the premises for more than 10 hours, then facilities for feeding and watering the livestock so held [~~shall~~] ***must*** be provided.

Sec. 115. NRS 573.180 is hereby amended to read as follows:

573.180 None of the provisions of this chapter shall be deemed to apply to the Nevada [~~Fair of~~] Mineral [~~Industries,~~] ***Exhibition,*** 4-H clubs, ***the Future Farmers of America,*** the Nevada Junior Livestock Show, the Nevada State Livestock Show, the Nevada Hereford Association, and any other organization or association which is entirely nonprofit in character.

Sec. 116. NRS 573.190 is hereby amended to read as follows:

573.190 1. Any person who operates a public livestock auction without a license required by this chapter, or who violates any of the provisions of this chapter or of any rules or regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not [~~more~~] ***less*** than $1,000 ***and not more than $5,000*** per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

2. Each day's operation in which livestock is sold or exchanged at any unlicensed public livestock auction constitutes a separate offense.

3. Any money collected from the imposition of an administrative fine pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 117. NRS 575.120 is hereby amended to read as follows:

575.120 The Department shall ~~[prepare]~~ ***provide*** a ~~[form for]~~ declaration of livestock and sheep on which an owner of livestock or sheep shall declare the average number, kind and classification of all livestock and sheep in the State owned by him or her during the year immediately preceding the date the declaration is made.

Sec. 118. NRS 575.130 is hereby amended to read as follows:

575.130 1. The Department shall ~~[mail]~~ ***provide*** the ~~[form for]~~ declaration to each owner of livestock or sheep listed in its most current report of such owners. ~~[The Department may include the form with any other mailing sent to that owner.]~~

2. An owner of livestock or sheep who fails to complete ~~[and return the form for]~~ ***a*** declaration within 30 days after the date it was ~~[mailed]~~ ***provided*** to him or her is subject to a penalty of $5 assessed by the Department.

Sec. 119. NRS 575.150 is hereby amended to read as follows:

575.150 1. Upon receipt of the ~~[forms for]~~ declaration of livestock and sheep and the report of owners of livestock and sheep, the Department shall:

(a) Make an estimate of the number, kind and classification of all livestock and sheep owned by any person failing to return the ~~[form for]~~ declaration of livestock and sheep and include that information on the report; and

(b) Examine each completed ~~[form for]~~ declaration of livestock and sheep and the report to determine its accuracy, and if there is any evidence that any information is inaccurate or incomplete, may change and correct any listing as to number, kind, classification, ownership or location by adding thereto or deducting therefrom as necessary to make the report complete and accurate.

2. The Department may verify the number of livestock or sheep by any reasonable means, including actual count at any reasonable time.

3. If the Department changes the listings on the report of owners of livestock and sheep for any owner and the listing for that owner does not conform to the listings on the ~~[form for]~~ declaration completed by that owner, the Department shall notify the owner of the change within 15 days after the change is made. The notification must contain a statement explaining the owner's right to challenge the accuracy of the report made by the Department.

Sec. 120. Chapter 576 of NRS is hereby amended by adding thereto the provisions set forth as sections 121 to 125, inclusive, of this act.

Sec. 121. ***"Agricultural product" means a product of the soil, a farm product and any product commonly used to enhance agricultural production, including, without limitation, a product produced by hydroponic or aquatic farming. The term does not include a product inspected by a federal or other state agency.***

Sec. 122. ***"Free-sale certificate" means a document which certifies that an agricultural product which is proposed to be exported is the same type of agricultural product freely marketed and sold in this State.***

Sec. 123. ***"Produce vendor" means any person engaged in the sale of farm products other than any poultry, livestock or livestock product.***

Sec. 124. ***The Department may provide a free-sale certificate for an agricultural product if:***

1. An application is submitted in the manner prescribed by the Director;

2. The applicant is located in this State;

3. The agricultural product is grown, produced or processed in this State; and

4. The applicant pays a fee in an amount determined by the Department.

Sec. 125. ***1. Except as otherwise provided in subsection 3, the Department shall adopt regulations pursuant to which a person must register as a produce vendor.***

2. The Department may impose fees for the registration of a person as a produce vendor and any inspections necessary for that registration.

3. A person who obtains certification pursuant to NRS 576.128 is not required to register as a produce vendor pursuant to this section.

Sec. 126. NRS 576.010 is hereby amended to read as follows:

576.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 576.0115 to 576.018, inclusive, ***and sections 121, 122 and 123 of this act*** have the meanings ascribed to them in those sections.

Sec. 127. NRS 576.030 is hereby amended to read as follows:

576.030 1. Every person, before acting as a broker, dealer, commission merchant or agent, shall file an application with the Department for a license to transact such business. Separate applications must be filed for each class of business.

2. The application must be on a form prescribed and furnished by the Department and must set forth:

(a) The full name of the person applying for the license. If the applicant is a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation must be given in the application.

(b) If the applicant is a natural person, the social security number of the applicant.

(c) The principal business address of the applicant in this State and elsewhere.

(d) The name of the person authorized to accept service of summons and legal notice of all kinds for the applicant.

(e) The names and addresses of all persons by whom the applicant has been employed for a period of 3 years immediately preceding the making of the application.

(f) A complete statement of the applicant's business activity for the 3 years immediately preceding the making of the application which is not covered by paragraph (e).

(g) ~~[A statement of whether the applicant has ever been arrested for any crime other than a traffic violation punishable by a fine of $25 or less and, if so, when and where, the nature of the crime charged, the disposition of the charge, the title and address of the police officers having custody of the record of arrest, and the names and locations of all the courts before which any proceedings in connection with the arrest took place.~~

~~(h) A statement of whether the applicant has ever been a party in a civil suit and, if so, the nature of the suit, whether the applicant was the plaintiff or the defendant, the disposition of the suit, and, if the applicant was the defendant and lost, whether there is a judgment or any portion thereof which remains unpaid.~~

~~(i)]~~ The county or counties in which the applicant proposes to engage in business.

~~[(j)]~~ ***(h)*** The class or classes of farm products the applicant proposes to handle.

~~[(k)]~~ ***(i)*** Such other information as the Department may reasonably require.

3. In addition to the general requirements applicable to all classes of applications as set forth in subsection 2, ~~[the following requirements apply to the class of applications specified in this subsection:~~

~~(a) Commission merchants. Each application must include a complete schedule of commissions and an itemized listing of all charges for all services. Any services rendered for which charges are made, if not listed in the schedule on the application, must be rendered on a strictly cost basis.~~

~~(b) Agents. Each]~~ ***each*** application ***for a license as an agent*** must be in the same form as an application for a license as a broker, dealer or commission merchant, and must include the name and address of the broker, dealer or commission merchant represented or sought to be represented by the agent, and the written endorsement or nomination of the broker, dealer or commission merchant.

4. The application must be accompanied by an executed instrument whereby the applicant:

(a) Appoints and constitutes the Director and the Director's successor or successors in office the true and lawful attorney of the applicant upon whom all lawful process in any action or legal proceeding against the applicant arising in this State from a transaction under the provisions of this chapter may be served; and

(b) Agrees that any lawful process against the applicant which may be served upon the applicant's attorney as provided in this subsection is of the same force and validity as if served upon the applicant and that the authority thereof continues in force irrevocably as long as any liability of the applicant in the State remains outstanding.

Sec. 128. NRS 576.035 is hereby amended to read as follows:

576.035 1. ~~[The Department shall require the applicant for a license as a broker, dealer, commission merchant or agent to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the~~

~~application, and may make investigations, hold hearings and make determinations regarding those matters.~~

~~2. If the applicant is a corporation or partnership, it shall satisfy the Department of the character, responsibility and good faith of all persons connected with it in a responsible or managing position, including the manager, superintendent, officer and director.~~

~~3. Failure of any person to satisfy the Department of the person's character, responsibility or good faith may be considered by the Department as adverse to a showing of such qualifications and is sufficient grounds for the denial of an application for a license or of the renewal thereof.~~**]** A previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the Department as adverse to a showing of **[**~~such~~**]** character, responsibility or good faith on the part of **[**~~the~~**]** ***an*** applicant **[**~~.~~

~~4.~~**]** ***for a license as a broker, dealer, commission merchant or agent.***

2. Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen or deposit in lieu of bond a claim has been collected by a court order, who has not made full settlement with all producer-creditors, may not be licensed by the Department for 3 years after the date of the adjudication or collection.

[~~5.~~**]** ***3.*** The Department may refuse to accept a new application for a license by an applicant rejected pursuant to this section for a period not exceeding 3 years after the date of rejection of the first application.

Sec. 129. NRS 576.042 is hereby amended to read as follows:

576.042 1. Any:

(a) Producer of livestock or farm products or the producer's agent or consignee **[**~~;~~**]** ***or produce vendor;***

(b) Licensed broker, dealer or commission merchant; or

(c) Nonprofit organization or association, including the Nevada **[**~~Fair of~~**]** Mineral **[**~~Industries,~~**]** ***Exhibition,*** 4-H clubs, ***the Future Farmers of America,*** the Nevada Junior Livestock Show, the Nevada State Livestock Show and the Nevada Hereford Association,

➥ who is injured by any violation of the provisions of this chapter, or by any misrepresentations or fraud on the part of any licensed dealer, broker or commission merchant, may maintain a civil action against the dealer, broker or commission merchant. If the dealer, broker or commission merchant is licensed, he or she may also maintain an action against the surety on any bonds, or the money or securities deposited in lieu of a bond. In such an action against an unlicensed dealer, broker or commission merchant, the injured person is entitled to treble damages.

2. Any person having a claim pursuant to subsection 1 against any licensed dealer, broker or commission merchant must begin legal action on any bond, or money or securities deposited in lieu of a bond, for recovery of the amount claimed to be due within 1 year after the claim has accrued.

3. Pursuant to subsection 4 of NRS 576.030, process may be served by delivering to the Director duplicate copies of the process and paying a fee established by regulation of the State Board of Agriculture. The service upon the Director shall be deemed service upon the dealer, broker or commission merchant. The Director shall forward one copy of the process by registered mail prepaid to the defendant dealer, broker or commission merchant, specifying the day and hour of service. The return receipt of the defendant is prima facie evidence of the completion of service. If service of summons is made upon the Director in accordance with the provisions of this subsection, the period within which the defendant must appear is extended 10 days. The provisions of this subsection are not exclusive, but if a defendant dealer, broker or commission merchant is found within the State of Nevada, he or she must be served with process in the State of Nevada.

Sec. 130. NRS 576.048 is hereby amended to read as follows:

576.048 1. If the Department receives notice from a producer of livestock or farm products or the producer's agent or consignee ***or produce vendor*** of the default of a licensed dealer, broker or commission merchant, the Department shall issue an order to the licensee to show cause why his or her license should not be revoked. The notice must be in writing and set forth a time and place for a hearing to be held before the Director.

2. If a license is revoked pursuant to subsection 1, the Director shall, by publication in a newspaper of general circulation in the area, notify all known producers of livestock or farm products in the area in which the licensee operated that the license has been revoked.

Sec. 131. NRS 576.100 is hereby amended to read as follows:

576.100 1. An agent shall not act for any dealer, broker or commission merchant unless:

(a) The dealer, broker or commission merchant is licensed and has designated the agent to act in his or her behalf; and

(b) The Department has been notified in writing and has approved the appointment of the agent.

2. The dealer, broker or commission merchant is accountable and responsible for contracts made by his or her agents.

3. An agent must, before approval by the Department, file an application with the Department pursuant to ~~[paragraph (b) of]~~ subsection 3 of NRS 576.030.

Sec. 132. NRS 576.120 is hereby amended to read as follows:

576.120 1. The Department may refuse to grant or renew a license or ~~[registration as provided in subsection 4 of NRS 576.140 or]~~ may suspend or revoke a license ~~[or registration as provided in subsection 4 of NRS 576.140]~~ if, after notice and a hearing, the Department is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That the applicant or licensee has intentionally made any false or misleading statement concerning the conditions of the market for any farm products.

(b) That the applicant or licensee has made fictitious sales or has been guilty of collusion to defraud the producer.

(c) That the licensee was intentionally guilty of fraud or deception in the procurement of the license.

(d) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit or willful negligence.

(e) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(f) That the licensee, without reasonable cause, has issued checks for the payment of farm products received without sufficient money to cover them or has stopped payment on a check given in payment for farm products received.

(g) That the licensee, without reasonable cause, has failed to account or make payment for farm products as required by this chapter.

(h) That the licensee has knowingly employed an agent without causing the agent to comply with the licensing requirements of this chapter applicable to agents.

(i) That the licensee has failed or refused to maintain and file records as required by this chapter.

(j) That the licensee has failed or refused to maintain a bond or other security as required by the provisions of NRS 576.040.

2. The Department may suspend, pending inquiry, for not longer than 30 days, and after hearing or investigation may refuse to grant, renew or revoke any license as the case may require, if it is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

3. A license is suspended automatically, without action of the Department, if the bond filed pursuant to subsection 1 of NRS 576.040 is cancelled, and remains suspended until the bond is renewed.

4. In the case of any hearing held under the provisions of this section, there must be filed in the office of the Department a memorandum stating briefly the reasons of the Department for the denial, suspension or revocation of the license, but formal findings of fact need not be made or filed.

Sec. 133. NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person ~~[~~may obtain certification that the person~~]~~ ***who*** is an actual producer of farm products other than any livestock, livestock product or poultry ~~[.]~~ ***must obtain certification as an actual producer of farm products.*** The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The Department may impose fees for the certification of a person as an actual producer of farm products specified in subsection 1 and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of chapter 446 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of chapter 446 of NRS relating to such a sale or offer to sell.

Sec. 134. NRS 576.140 is hereby amended to read as follows:

576.140 Except as otherwise provided in NRS 576.042, the provisions of this chapter do not apply to:

1. The Nevada ~~[Fair of]~~ Mineral ~~[Industries,]~~ ***Exhibition,*** 4-H clubs, ***the Future Farmers of America,*** the Nevada Junior Livestock Show, the Nevada State Livestock Show, the Nevada Hereford Association, or any other nonprofit organization or association.

2. Any railroad transporting livestock interstate or intrastate.

3. Any farmer or rancher purchasing or receiving livestock for grazing, pasturing or feeding on his or her premises within the State of Nevada and not for immediate resale.

4. Operators of public livestock auctions as defined in NRS 573.010, and all buyers of livestock at those auctions at which the public livestock auction licensee does not control title or ownership to the livestock being sold or purchased at those auctions, and any person buying for interstate shipments only and subject to and operating under a bond required by the United States pursuant to the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, and the regulations adopted pursuant to those provisions. ~~[Each person exempted by the provisions of this subsection shall register annually with the Department, giving the location of his or her place of business, the number of his or her license and bond and the expiration date thereof. Each such registrant shall pay an annual registration fee of $40 to the Department.]~~

5. Any farmer or rancher whose farm or ranch is located in the State of Nevada, who buys or receives farm products or livestock from another farmer or rancher not for immediate resale.

6. Any retail merchant having a fixed and established place of business in this state and who conducts a retail business exclusively.

Sec. 135. NRS 576.150 is hereby amended to read as follows:

576.150 1. Except as otherwise provided by a specific statute, a person who acts as a dealer, broker, commission merchant or agent without a license therefor as required by the provisions of this chapter, or who violates any other provision of this chapter, or any of the regulations lawfully adopted pursuant to provisions of this chapter, is guilty of a misdemeanor. If the violation relates to the failure to make payment for farm products, an intent to defraud must be proven before a misdemeanor or other penalty may be imposed.

2. Any prosecution brought pursuant to this chapter may be brought in any county of this State in which the defendant or any one of the defendants resides, or in which the unlawful act was committed, or in which the defendant or any one of the defendants has his or her principal place of business.

3. In addition to any criminal penalty imposed pursuant to, or any remedy provided by, this chapter, the Director, after notice and a hearing in an administrative proceeding, may issue an order against any person who has violated any provision of this chapter or any regulation adopted pursuant to this chapter imposing a civil penalty of not more than $5,000 for each violation. ~~[Any civil penalty collected pursuant to this subsection must be deposited in the State General Fund.]~~

4. Any money collected from the imposition of a civil penalty pursuant to subsection 3 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 136. NRS 581.067 is hereby amended to read as follows:

581.067 The State Sealer of Consumer Equitability shall:

1. Adopt regulations establishing such primary standards and secondary standards for weights and measures for use in this State as the State Sealer of Consumer Equitability determines appropriate.

2. Maintain traceability of the state standards to the national standards of the National Institute of Standards and Technology.

3. Enforce the provisions of this chapter.

4. Adopt other reasonable regulations for the enforcement of this chapter.

5. Establish requirements for:

(a) Labeling;

(b) The presentation of information relating to cost per unit;

(c) Standards of weight, measure or count, and reasonable standards of fill, for any packaged commodity; and

(d) Information relating to open dating of packaged food.

6. Grant such exemptions from the provisions of this chapter or any regulations adopted pursuant thereto as the State Sealer of Consumer

Equitability determines appropriate to the maintenance of good commercial practices within this State.

7. Conduct investigations to ensure compliance with this chapter.

8. Delegate to appropriate personnel any of the responsibilities of the Division as needed for the proper administration of the Division.

9. Adopt regulations establishing a schedule of civil penalties for any violation of NRS 581.415 ~~[.]~~ ***and for any point-of-sale system or cash register determined not to be in compliance with the provisions of subsection 19.***

10. Inspect and test commercial weights and measures that are kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures that are commercially used to:

(a) Determine the weight, measure or count of commodities or things that are sold, or offered or exposed for sale, on the basis of weight, measure or count; or

(b) Compute the basic charge or payment for services rendered on the basis of weight, measure or count.

12. Test all weights and measures used in checking the receipt or disbursement of supplies by entities funded by legislative appropriations.

13. Approve for use such commercial weights and measures as the State Sealer of Consumer Equitability determines are correct and appropriate. The State Sealer of Consumer Equitability may mark such commercial weights and measures. The State Sealer of Consumer Equitability shall reject and order to be corrected, replaced or removed any commercial weights and measures found to be incorrect. Weights and measures that have been rejected may be seized if they are not corrected within the time specified or if they are used or disposed of in a manner not specifically authorized. The State Sealer of Consumer Equitability shall remove from service and may seize weights and measures found to be incorrect that are not capable of being made correct.

14. Weigh, measure or inspect packaged commodities that are kept, offered or exposed for sale, sold or in the process of delivery to determine whether the packaged commodities contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or the regulations adopted pursuant thereto. In carrying out the provisions of this subsection, the State Sealer of Consumer Equitability shall employ recognized sampling procedures, including, without limitation, sampling procedures adopted by the National Conference on Weights and Measures.

15. Adopt regulations prescribing the appropriate term or unit of weight or measure to be used whenever the State Sealer of Consumer Equitability determines that an existing practice of declaring the quantity of a commodity, or of setting charges for a service by weight, measure, numerical count or time, or any combination thereof, does not facilitate value comparisons by consumers or may confuse consumers.

16. Allow reasonable variations from the stated quantity of contents that entered intrastate commerce, which must include those variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices.

17. Provide for the training of persons employed by any governmental entity within this State, including, without limitation, state, county and municipal personnel, who enforce the provisions of this chapter and chapter 582 of NRS, and any regulations adopted pursuant thereto, relating to weights and measures. The State Sealer of Consumer Equitability may establish by regulation minimum training and performance requirements which must be met by all such persons.

18. Verify advertised prices ~~[,]~~ ***and*** price representations **,** ~~**[**and point-of-sale systems ,~~ ***and cash registers,]*** as necessary, to determine ~~[the]~~ ***their*** accuracy **.**

19. Without charging and collecting a fee, conduct random tests of point-of-sale systems and cash registers to determine the accuracy of prices **, *including advertised prices and price representations,*** and computations and the correct use of the equipment, and, if such systems utilize scanning or coding means in lieu of manual entry, the accuracy of prices printed or recalled from a database. ~~[In carrying out the provisions of this subsection, the State Sealer of Consumer Equitability shall:~~

~~(a)]~~ ***20.*** Employ recognized procedures for making ~~[such]~~ verifications and determinations of accuracy, including, without limitation, any appropriate procedures designated by the National Institute of Standards and Technology **.** ~~[;~~

~~(b)]~~ ***21.*** Adopt regulations and issue orders regarding standards for the accuracy of advertised prices and automated systems for retail price charging, ~~**[**or**]**~~ point-of-sale systems ~~**[**,**]**~~ ***and cash registers,*** and for the enforcement of those standards **.** ~~[; and~~

~~(c)]~~ ***22.*** Conduct investigations to ensure compliance with ~~**[**those standards.**]**~~ ***the regulations adopted pursuant to subsection 21.***

Sec. 137. ~~[NRS 581.075 is hereby amended to read as follows:~~

~~581.075 The State Sealer of Consumer Equitability may establish:~~

~~1. A schedule of fees for any tests of weighing and measuring devices~~ **,** ~~***point-of-sale systems and cash registers*** that the State Sealer of Consumer Equitability determines to be necessary.~~

~~2. An annual fee for the issuance of a certificate of registration pursuant to NRS 581.103.~~

~~3. An annual license fee for all commercial weighing and measuring equipment~~ ~~**[**.**]**~~ ~~**,** ***point of sale systems and cash registers.]*~~ **(Deleted by amendment.)**

Sec. 138. NRS 581.417 is hereby amended to read as follows:

581.417 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Consumer Equitability or a designee shall conduct

the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Consumer Equitability or the designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of Consumer Equitability ~~[,]~~ ***or designee;*** or

(b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the civil penalty is upheld, within 10 days after the effective date of the final decision of the court.

3. If the respondent fails to pay the penalty, a civil action may be brought by the State Sealer of Consumer Equitability in any court of competent jurisdiction to recover the civil penalty. ~~[All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.]~~

4. Any money collected from the recovery of a civil penalty pursuant to subsection 3 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the State Department of Agriculture that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 139. Chapter 583 of NRS is hereby amended by adding thereto the provisions set forth as sections 140 and 141 of this act.

Sec. 140. ***As used in this chapter, unless the context otherwise requires, "Department" means the State Department of Agriculture.***

Sec. 141. ***1. Any person violating any provision of this chapter or any regulation adopted pursuant thereto is subject to a civil penalty. In addition to any other penalties set forth in this chapter, the Director of the Department may assess a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the Department that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 142. NRS 583.010 is hereby amended to read as follows:

583.010 1. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state, for human food, any ~~[:~~

~~(a) Blown, meager,~~**]** ***unsound,*** diseased or **[**~~bad~~**]** ***unwholesome fish,*** meat or game **.** **[**~~; or~~

~~(b) Unsound, diseased or unwholesome fish.~~**]**

2. No person shall bring, expose or offer for sale, or sell **[**~~in any city or town~~**]** within this state, the flesh of any animal which, when killed, was sick or diseased, or that died a natural or accidental death.

3. No person shall slaughter, expose for sale or sell, or bring or cause to be brought into **[**~~any city or town within~~**]** this state, for human food, any calf unless it is in good, healthy condition **.** **[**~~and 4 weeks of age.~~**]**

4. Any article or animal that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

5. Any person who, in violation of the provisions of this section, shall bring, slaughter, expose or offer for sale, or sell **[**~~in any city or town~~**]** within this state any article or animal which is unfit or unsafe for human food shall forfeit the same to the authorities.

6. Any sheriff, constable, police officer or other peace officer or the **[**~~Chief Medical~~**]** ***State Quarantine*** Officer shall forthwith remove any of the animals or articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will ensure safety and protection to the public.

7. Any person violating any of the provisions of this section **[**~~shall be guilty of a misdemeanor.~~**]** ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 143. **[**~~NRS 583.020 is hereby amended to read as follows:~~

~~583.020 Any person who shall knowingly sell any flesh of any diseased animal or any container containing shellfish, if such container does not have an approved stamp authorized by the [Division of Public and Behavioral Health of the Department of Health and Human Services,] Department, is guilty of a gross misdemeanor.~~**] (Deleted by amendment.)**

Sec. 144. NRS 583.030 is hereby amended to read as follows:

583.030 1. It shall be unlawful for any person, firm or corporation to possess, with intent to sell:

(a) The carcass or part of any carcass of any animal which has died from any cause other than being slaughtered in a sanitary manner; ***or***

(b) The carcass or part of any carcass of any animal that shows evidence of any disease, or that came from a sick or diseased animal **.** **[**~~; or~~

~~(c) The carcass or part of the carcass of any calf that was killed before it had attained the age of 4 weeks.~~**]**

2. Any person, firm or corporation violating any of the provisions of this section **[**~~shall be guilty of a misdemeanor.~~**]** ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 145. NRS 583.040 is hereby amended to read as follows:

583.040 1. It shall be unlawful for any person, firm or corporation to sell within this State, or to possess with the intent to sell within this State, for human food, the carcass or parts of the carcass of any animal which has been slaughtered, or is prepared, handled or kept under insanitary conditions, or any primal cut of meat which is not stamped with an approved stamp authorized by the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***Department.***

2. Insanitary conditions shall be deemed to exist in any slaughterhouse that does not comply with the provisions of chapter 446 of NRS.

3. Any person, firm or corporation violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 146. NRS 583.045 is hereby amended to read as follows:

583.045 1. No person or corporation may sell or offer for sale to the consumer through a meat market, store or otherwise any meats, either fresh or frozen, which are products of any country foreign to the United States, without first indicating such fact by labels or brands on each quarter, half or whole carcass of such meat, and on each counter display containing any of the above-described products, naming the country of its origin.

2. Any person violating any of the provisions of this section is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty pursuant to section 141 of this act.***

Sec. 147. NRS 583.050 is hereby amended to read as follows:

583.050 1. It shall be unlawful for any person to sell the meat of any equine animal without informing the purchaser thereof, at the time of such sale, that the meat is the meat of an equine animal.

2. It shall be unlawful for any person peddling the meat of any equine animal, who is not the keeper of any shop or meat market, to sell such meat without possessing then and there the hide of such animal containing the brand and other marks thereon, and upon request not to exhibit the hide of such animal containing the brand and other marks thereon.

3. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 148. NRS 583.055 is hereby amended to read as follows:

583.055 1. The ~~[State]~~ Department ~~[of Agriculture shall]~~ ***may*** establish a program for grading and certifying meats, prepared meats and meat products in conformity with federal practice.

2. The Department may enter into cooperative agreements with the Agricultural Marketing Service of the United States Department of Agriculture and the College of Agriculture ***, Biotechnology and Natural Resources*** of the University of Nevada, Reno, and adopt appropriate regulations to carry out the program.

3. The Department may establish fees, to be collected from slaughtering or other processing operations, for the purpose of grading and certifying meats, prepared meats and meat products.

Sec. 149. NRS 583.060 is hereby amended to read as follows:

583.060 1. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state for human food any unsound, diseased or unwholesome fruit, vegetables or other market produce.

2. Any article that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

3. Any person who, in violation of the provisions of this section, shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state any article which is unfit or unsafe for human food shall forfeit the same to the authorities.

4. Any sheriff, constable, police officer or other peace officer or the ~~[Chief Medical]~~ ***State Quarantine*** Officer shall forthwith remove any of the articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will ensure safety and protection to the public.

5. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 150. NRS 583.070 is hereby amended to read as follows:

583.070 1. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state for human food any ~~[blown, meager,]~~ ***unsound,*** diseased or ~~[bad]~~ ***unwholesome*** poultry.

2. Any article that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

3. Any person who, in violation of the provisions of this section, shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state any article which is unfit or unsafe for human food shall forfeit the same to the authorities.

4. Any sheriff, constable, police officer or other peace officer or the ~~[Chief Medical]~~ ***State Quarantine*** Officer shall forthwith remove any of the articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will ensure safety and protection to the public.

5. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 151. NRS 583.080 is hereby amended to read as follows:

583.080 1. It shall be unlawful for any person, firm or corporation to possess, with intent to sell:

(a) The carcass or part of any carcass of any fowl which has died from any cause other than being slaughtered in a sanitary manner;

(b) The carcass or part of any carcass of any fowl that shows evidence of any disease, or that came from a sick or diseased fowl; or

(c) The carcass or part of any carcass of any fowl not processed in an establishment approved by the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** or in accordance with poultry regulations adopted by the ~~[Division.]~~ ***Department.***

2. Any person, firm or corporation violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 152. NRS 583.210 is hereby amended to read as follows:

583.210 Any person who violates any of the provisions of NRS 583.110 to 583.200, inclusive, ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 153. NRS 583.255 is hereby amended to read as follows:

583.255 As used in NRS 583.255 to 583.555, inclusive, unless the context otherwise requires, the words and terms defined in NRS 583.265 to 583.429, inclusive, have the meanings ascribed to them in ~~[NRS 583.265 to 583.429, inclusive.]~~ ***those sections.***

Sec. 154. NRS 583.295 is hereby amended to read as follows:

583.295 "Inspector" means:

1. A person who has entered into a contract pursuant to NRS 583.448; or

2. An employee or official of the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** authorized by the Officer to inspect livestock, poultry, game mammals or birds or carcasses or parts thereof.

Sec. 155. NRS 583.365 is hereby amended to read as follows:

583.365 "Officer" means the ~~[Chief Medical]~~ ***State Quarantine*** Officer.

Sec. 156. NRS 583.375 is hereby amended to read as follows:

583.375 "Official establishment" means any establishment in this state, other than an establishment covered by subsection 1 of NRS 583.545, which on a commercial basis slaughters ~~[or processes]~~ for hire any meat animal, game mammal, poultry or game bird for human consumption, and which has been inspected and approved by the Officer.

Sec. 157. NRS 583.435 is hereby amended to read as follows:

583.435 1. Meat, meat food products, and poultry products are an important source of the supply of human food in this State and legislation to assure that such food supplies are unadulterated and otherwise fit for human consumption, and properly labeled, is in the public interest. Therefore, it is hereby declared to be the policy of this State to provide for the inspection of slaughtered livestock, poultry and other animals, and the carcasses and parts thereof which are used for human food, at certain establishments to prevent the distribution in intrastate commerce, for human consumption, of animal carcasses and parts thereof which are adulterated or otherwise unfit for human food.

2. The ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** is hereby designated as the single state agency primarily responsible for the administration of the program established by NRS 583.255 to 583.555, inclusive.

Sec. 158. NRS 583.445 is hereby amended to read as follows:

583.445 1. The Officer, an inspector or a person acting as an inspector shall make an ante mortem inspection of livestock, poultry and game mammals and birds in any official establishment where livestock, poultry or game mammals or birds are slaughtered for commercial purposes.

2. Whenever slaughtering ~~[or other processing]~~ operations are being conducted, the Officer, an inspector or a person acting as an inspector shall make postmortem inspection of the carcasses and parts thereof of each animal and bird slaughtered in an official establishment.

3. The Officer, inspector or person acting as an inspector shall quarantine, segregate and reinspect livestock, poultry, game mammals and birds, and carcasses and parts thereof in official establishments as he or she deems necessary to effectuate the purposes of NRS 583.255 to 583.555, inclusive.

4. Except as otherwise provided in this section, all carcasses of livestock, poultry, other animals and parts thereof found by the Officer, an inspector or person acting as an inspector to be adulterated in any official establishment must be condemned by the Officer or an inspector. If no appeal is taken from the determination of condemnation, the carcasses must be destroyed for human food purposes under the supervision of an inspector unless the carcasses can, by ~~[reprocessing,]~~ ***processing,*** be made unadulterated. In such a case they need not be so condemned and destroyed if ~~[reprocessed]~~ ***processed*** under the supervision of an inspector and thereafter found to be unadulterated. If any appeal is taken from the determination of condemnation, the carcasses must be appropriately marked and segregated pending completion of an additional inspection. The appeal is at the cost of the appellant if the Officer, after a hearing, determines that the appeal is frivolous. If the determination of condemnation is sustained, the carcasses must be destroyed for human food purposes under the supervision of an inspector.

Sec. 159. NRS 583.453 is hereby amended to read as follows:

583.453 1. A person shall not operate an official establishment unless the person receives a permit issued by the Officer.

2. A person must apply for a permit ~~[on a form provided by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***in the manner prescribed by the Department.*** The application must include:

(a) The applicant's full name and address;

(b) A statement whether the applicant is a natural person, firm or corporation, and if a partnership, the names and addresses of the partners;

(c) A statement of the location and type of proposed establishment; and

(d) The signature of the applicant.

3. Upon receipt of an application, an inspector shall make an inspection of the establishment. If the inspection indicates that the requirements of this chapter have been met, the Officer shall issue a permit to the applicant.

4. A permit issued pursuant to this section is not transferable and must be posted in the establishment.

Sec. 160. NRS 583.455 is hereby amended to read as follows:

583.455 1. Each official establishment at which livestock, poultry or game mammals or birds are slaughtered ~~[or carcasses or parts thereof are processed]~~ for intrastate commerce must be operated in accordance with sanitary practices required by rules or regulations prescribed by the Officer. Carcasses or parts of livestock, poultry or game mammals or birds must not be admitted into any official establishment unless they have been prepared in accordance with procedures approved pursuant to NRS 583.255 to 583.555, inclusive, the Wholesome Poultry Products Act or the Wholesome Meat Act, or unless their admission is permitted by rules or regulations prescribed by the ~~[State Board of Health.]~~ ***Department.***

2. The Officer may issue a permit for an establishment to operate as an official establishment but shall not approve any establishment whose premises, facilities or equipment, or the operation thereof, fail to meet the requirements of this section.

3. A local government shall not issue a business license for operation of any establishment unless it has been issued a permit as an official establishment.

Sec. 161. NRS 583.472 is hereby amended to read as follows:

583.472 1. It is unlawful for the owner, proprietor or manager of a retail meat market, personally or through another, to advertise any prepackaged meat or meat food product with a United States Department of Agriculture grade unless such meat or meat food product is actually available to the public and bears the grade awarded to it by the United States Department of Agriculture.

2. It is unlawful for the owner, proprietor or manager of a retail meat market, personally or through another, to advertise carcass, quarter or primal cuts of meat with a USDA grade unless the USDA yield grade is included in the advertisement.

3. Any person who violates any provision of this section shall be punished by a fine of not ~~[more]~~ ***less*** than $500 ~~[.]~~ ***or more than $2,000.***

Sec. 162. NRS 583.475 is hereby amended to read as follows:

583.475 It is unlawful for any person:

1. To process, sell or offer for sale, transport or deliver or receive for transportation, in intrastate commerce, any livestock or poultry carcass or part thereof unless such article has been inspected and unless the article and its shipping container and immediate container, if any, are marked in accordance with the requirements of NRS 583.255 to 583.555, inclusive, or the Wholesome Meat Act or the Wholesome Poultry Products Act.

2. To sell or otherwise dispose of, for human food, any livestock or poultry carcass or part thereof which has been inspected and declared to be adulterated

in accordance with NRS 583.255 to 583.555, inclusive, or which is misbranded.

3. Falsely to make or issue, alter, forge, simulate or counterfeit or use without proper authority any official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, used in connection with inspection in accordance with NRS 583.255 to 583.555, inclusive, or cause, procure, aid, assist in, or be a party to such false making, issuing, altering, forging, simulating, counterfeiting or unauthorized use, or knowingly to possess, without promptly notifying the Officer or the Officer's representative, utter, publish or use as true, or cause to be uttered, published or used as true, any such falsely made or issued, altered, forged, simulated or counterfeited official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, or to represent that any article has been officially inspected in accordance with NRS 583.255 to 583.555, inclusive, when such article has in fact not been so inspected, or knowingly to make any false representations in any certificate prescribed by the Officer or any form resembling any such certificate.

4. To misbrand or do an act intending to misbrand any livestock or poultry carcass or part thereof, in intrastate commerce.

5. To use any container bearing an official inspection mark unless the article contained therein is in the original form in which it was inspected and covered by such mark unless the mark is removed, obliterated or otherwise destroyed.

6. To refuse at any reasonable time to permit access:

(a) By ~~[a health officer or the health officer's]~~ ***the Officer or his or her*** agents to the premises of an establishment in this state where carcasses of livestock or poultry, or parts thereof, are processed for intrastate commerce.

(b) By the Secretary of Agriculture or the Secretary's representative to the premises of any establishment specified in paragraph (a), for inspection and the taking of reasonable samples.

7. To refuse to permit access to and the copying of any record as authorized by NRS 583.485.

8. To use for personal advantage, or reveal, other than to the authorized representatives of any state agency in their official capacity, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of NRS 583.255 to 583.555, inclusive, concerning any matter which as a trade secret is entitled to protection.

9. To deliver, receive, transport, sell or offer for sale or transportation in intrastate commerce, for human consumption, any uneviscerated slaughtered poultry, or any livestock or poultry carcass or part thereof which has been processed in violation of any requirements under NRS 583.255 to 583.555, inclusive, except as may be authorized by and pursuant to rules and regulations prescribed by the Officer.

10. ~~[To deliver, receive, transport, sell or offer for sale or transportation in intrastate commerce any adulterated or misbranded livestock or poultry carcass or part thereof which is exempted under NRS 583.515.~~

~~11.]~~ To apply to any livestock or poultry carcass or part thereof, or any container thereof, any official inspection mark or label required by NRS 583.255 to 583.555, inclusive, except by, or under the supervision of, an inspector.

Sec. 163. NRS 583.476 is hereby amended to read as follows:

583.476 1. If a carcass of livestock or of a game mammal or bird is delivered for processing to a person who is engaged in the business of processing such carcasses, the person shall not, if he or she returns the carcass after processing it to the person who delivered it, return to that person a processed carcass other than the carcass which was delivered for processing.

2. For the purposes of carrying out the provisions of subsection 1, a person who is engaged in the business of processing carcasses of livestock or game mammals or birds shall mark any such carcass that is to be returned to the person who delivered it for processing in a manner which provides for the identification of that person.

3. A person who violates any provision of this section is guilty of a misdemeanor ~~[.]~~ ***and subject to a civil penalty pursuant to section 141 of this act.***

Sec. 164. NRS 583.495 is hereby amended to read as follows:

583.495 1. A person who ~~[:~~

~~(a) Violates]~~ ***violates*** any of the provisions of NRS 583.475 and 583.485 ~~[is guilty of a misdemeanor.]~~ ***:***

(a) For a first violation, is subject to a civil penalty pursuant to section 141 of this act.

(b) ~~[Is once convicted of violating the provisions of NRS 583.475 and 583.485 and again violates any of those provisions]~~ ***For a second violation,*** is guilty of a gross misdemeanor ~~[.]~~ ***and subject to a civil penalty pursuant to section 141 of this act.***

(c) ~~[Is twice convicted of violating the provisions of NRS 583.475 and 583.485 and again violates any of those provisions]~~ ***For a third or subsequent violation,*** is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***and subject to a civil penalty pursuant to section 141 of this act.***

2. When construing or enforcing the provisions of NRS 583.255 to 583.555, inclusive, the act, omission or failure of a person acting for or employed by an individual, partnership, corporation, association or other business unit, within the scope of the person's employment or office, shall in every case be deemed the act, omission or failure of the individual, partnership, corporation, association or other business unit, as well as of the person.

3. A carrier is not subject to the penalties imposed by this section by reason of the carrier's receipt, carriage, holding or delivery, in the usual course of

business as a carrier, of livestock or poultry carcasses or parts thereof owned by another person, unless the carrier:

(a) Has knowledge, or is in possession of facts which would cause a reasonable person to believe, that the articles do not comply with the provisions of NRS 583.255 to 583.555, inclusive.

(b) Refuses to furnish, on request of a representative of the Officer, the name and address of the person from whom the carrier received the livestock or poultry carcasses, or parts thereof, and copies of all documents pertaining to the delivery of such carcasses, or parts thereof, to the carrier.

4. A person, firm or corporation is not subject to the penalties imposed by this section for receiving for transportation any shipment in violation of NRS 583.255 to 583.555, inclusive, if the receipt was made in good faith, unless the person, firm or corporation refuses to furnish on request of a representative of the Officer:

(a) The name and address of the person from whom such shipment was received; and

(b) Copies of all documents pertaining to the delivery of the shipment to the person, firm or corporation.

Sec. 165. NRS 583.545 is hereby amended to read as follows:

583.545 1. NRS 583.255 to 583.555, inclusive, do not apply to any act or transaction subject to regulation under the Wholesome Poultry Products Act and the Wholesome Meat Act.

2. The Department ~~[of Health and Human Services]~~ may enter into agreements with the Federal Government in carrying out the provisions of NRS 583.255 to 583.555, inclusive, the Wholesome Poultry Products Act and the Wholesome Meat Act, and may accept financial aid from the Federal Government for such purpose.

Sec. 166. NRS 583.555 is hereby amended to read as follows:

583.555 1. The cost of inspection of an official establishment must be paid by the owner or operator of the establishment.

2. The Officer may establish a mandatory schedule of killing days for an official establishment in any area of the State if the schedule conforms with the reasonable needs of the establishment and has received the approval of the ~~[Division of Public and Behavioral Health of the]~~ Department **.** ~~[of Health and Human Services.]~~ If such a schedule is established, it must be exclusively used for the inspection of the slaughtering operations of the official establishment.

Sec. 167. ~~[Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 168 to 174, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 168. ~~[*As used in sections 168 to 174, inclusive, of this act, unless the context or subject matter otherwise requires, "dangerous caustic or corrosive substance" means each and all of the acids, alkalis and substances named below:*~~

~~*— 1. Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of 10 percent or more.*~~

~~*— 2. Sulfuric acid and any preparation containing free or chemically unneutralized sulfuric acid (H2SO4) in a concentration of 10 percent or more.*~~

~~*— 3. Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO3) in a concentration of 5 percent or more.*~~

~~*— 4. Carbolic acid (C6H5OH), otherwise known as phenol, and any preparation containing carbolic acid in a concentration of 5 percent or more.*~~

~~*— 5. Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid (H2C2O4) in a concentration of 10 percent or more.*~~

~~*— 6. Any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 percent or more.*~~

~~*— 7. Acetic acid or any preparation containing free or chemically unneutralized acetic acid (HC2H3O2) in a concentration of 20 percent or more.*~~

~~*— 8. Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield 10 percent or more by weight of available chlorine, excluding oxal chlorinata, bleaching powder and chloride of lime.*~~

~~*— 9. Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of 10 percent or more.*~~

~~*— 10. Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of 10 percent or more.*~~

~~*— 11. Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate (AgNO3) in a concentration of 5 percent or more.*~~

~~*— 12. Ammonia water and any preparation yielding free or chemically uncombined ammonia (NH3), including ammonium hydroxide and hartshorn, in a concentration of 5 percent or more.]*~~ **(Deleted by amendment.)**

Sec. 169. ~~*[As used in sections 168 to 174, inclusive, of this act, unless the context or subject matter otherwise requires, "misbranded parcel, package or container" means a retail parcel, package or container of any dangerous caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker, containing:*~~

~~*— 1. The name of the article.*~~

~~*— 2. The name and place of business of the manufacturer, packer, seller or distributor.*~~

~~*— 3. The word "poison" running parallel with the main body of reading matter on the label or sticker, on a clear, plain background of a distinctly*~~

~~*contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24-point size, unless there is on the label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker.*~~

~~*4. Directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance.]*~~ **(Deleted by amendment.)**

Sec. 170. ~~*[No person shall sell, barter or exchange, or receive, hold, pack, display, or offer for sale, barter or exchange in the State of Nevada, any dangerous caustic or corrosive substance in a misbranded parcel, package or container, the parcel, package or container being designed for household use.]*~~ **(Deleted by amendment.)**

Sec. 171. ~~*[1. Any dangerous caustic or corrosive substance in a misbranded parcel, package or container suitable for household use that is being sold, bartered or exchanged, or held, displayed or offered for sale, barter or exchange, shall be liable to be proceeded against in any justice court of the county wherein such sale, barter, exchange, display, offer for sale, barter or exchange shall take place within the jurisdiction of which the same is found, and if such substance is condemned as misbranded, it shall be disposed of by destruction or sale, as the court may direct.*~~

~~*2. If sold, the proceeds, less the actual costs and charges, shall be paid over to the State Treasurer. Such substance shall not be sold contrary to the laws of the State.*~~

~~*3. Upon the payment of the costs of such proceedings and the execution and delivery of a good and sufficient bond to the effect that such substance will not be unlawfully sold or otherwise disposed of, the court may by order direct that such substance be delivered to the owner thereof.]*~~ **(Deleted by amendment.)**

Sec. 172. ~~*[1. The Commissioner of Food and Drugs shall enforce the provisions of sections 168 to 174, inclusive, of this act.*~~

~~*2. The Commissioner of Food and Drugs is authorized and empowered to approve and register such brands and labels intended for use under the provisions of sections 168 to 174, inclusive, of this act as may be submitted to the Commissioner for that purpose and as may in the Commissioner's judgment conform to the requirements of sections 168 to 174, inclusive, of this act, but in any prosecution under sections 168 to 174, inclusive, of this act, the fact that any brand or label involved in such prosecution has not been submitted to the Commissioner for approval, or if submitted has not been approved, shall be immaterial.]*~~ **(Deleted by amendment.)**

Sec. 173. ~~*[Every district attorney to whom there is presented, or who in any way procures, satisfactory evidence of any violation of the provisions of sections 168 to 174, inclusive, of this act shall cause appropriate proceedings to be commenced and prosecuted in the proper courts, without delay, for the enforcement of the penalties provided in section 174 of this act.]*~~ **(Deleted by amendment.)**

Sec. 174. ~~[*Any person violating the provisions of sections 168 to 174, inclusive, of this act shall be punished by a fine of not more than $250.*]~~ **(Deleted by amendment.)**

Sec. 175. NRS 586.010 is hereby amended to read as follows:

586.010 ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***This chapter*** may be cited as the Nevada Pesticides Act.

Sec. 176. NRS 586.020 is hereby amended to read as follows:

586.020 As used in ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter,*** unless the context otherwise requires, the words and terms defined in NRS 586.030 to 586.220, inclusive, have the meanings ascribed to them in those sections.

Sec. 177. NRS 586.180 is hereby amended to read as follows:

586.180 "Misbranded" shall apply:

1. To any pesticide or device if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

2. To any pesticide:

(a) If it is an imitation of, or is offered for sale under the name of, another pesticide;

(b) If its labeling bears any reference to registration under ~~[~~NRS 586.010 to 586.450, inclusive;~~]~~ ***this chapter;***

(c) If the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(d) If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living human beings and other vertebrate animals;

(e) If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(f) If any word, statement or other information required by or under the authority of ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter*** to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) If in the case of a pesticide, when used as directed, or in accordance with commonly recognized practice, it shall be injurious to living human beings or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide; or

(h) If in the case of a plant regulator, defoliant or desiccant, when used as directed, it shall be injurious to human beings or other vertebrate animals, or vegetation to which it is applied; but physical or physiological effects on plants

or parts thereof shall not be deemed to be injury when this is the purpose for which the plant regulator, defoliant or desiccant was applied, in accordance with the label claims and recommendations.

Sec. 178. NRS 586.200 is hereby amended to read as follows:

586.200 "Registrant" means the person registering any brand of pesticide pursuant to the provisions of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

Sec. 179. NRS 586.220 is hereby amended to read as follows:

586.220 "Weed" means any plant which ~~[grows where not wanted.]~~ ***is or is likely to be a public nuisance, detrimental or destructive, or difficult to control.***

Sec. 180. NRS 586.230 is hereby amended to read as follows:

586.230 Jurisdiction in all matters pertaining to the distribution, sale and transportation of pesticides and devices is, pursuant to ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** vested exclusively in the Director.

Sec. 181. NRS 586.270 is hereby amended to read as follows:

586.270 1. A registrant shall pay an annual registration fee in an amount established by regulation of the Director for each brand of pesticide registered.

2. ***All registrations expire on December 31 and are renewable annually.***

3. The Director shall, for each annual registration fee collected, deposit in a separate account the amount established for that purpose by regulation of the Director. The money deposited in the account must be used:

(a) For the disposal of pesticides;

(b) To monitor pesticides;

(c) To protect groundwater and surface water from contamination by pesticides; and

(d) For the ~~[eradication and]~~ control of noxious weeds.

~~[3.]~~ ***4.*** A registrant who offers a pesticide for sale before registering the brand of pesticide shall pay an amount equal to twice the registration fee for registering the brand of pesticide.

~~[4.]~~ ***5.*** As used in this section, "noxious weed" has the meaning ascribed to it in NRS 555.005.

Sec. 182. NRS 586.280 is hereby amended to read as follows:

586.280 1. If the Director deems it necessary in the administration of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** the Director may require the submission of the complete formula of any pesticide.

2. If it appears to the Director that the composition of the article is such as to warrant the proposed claims for it, and if the article and its labeling and other material required to be submitted comply with the requirements of NRS 586.350 to 586.410, inclusive, the Director shall register the article.

Sec. 183. NRS 586.290 is hereby amended to read as follows:

586.290 1. If it does not appear to the Director that the article is such as to warrant the proposed claims for it, or if the article and its labeling and other material required to be submitted do not comply with the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** the Director shall notify

the registrant of the manner in which the article, labeling or other material required to be submitted fails to comply with ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** to allow the registrant an opportunity to make the necessary corrections.

2. The registration of an article is not a defense for the commission of any offense prohibited under NRS 586.350 to 586.410, inclusive.

Sec. 184. NRS 586.300 is hereby amended to read as follows:

586.300 Notwithstanding any other provision of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person.

Sec. 185. NRS 586.330 is hereby amended to read as follows:

586.330 To avoid confusion endangering the public health resulting from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the residents of this state because of the necessity of complying with diverse requirements in the manufacture and sale of pesticides, it is desirable that there be uniformity between the requirements of the several states and the Federal Government relating to pesticides. To this end the Director may, after a public hearing, adopt such regulations applicable to and in conformity with the primary standards established by ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** as have been or may be prescribed by the United States Environmental Protection Agency with respect to pesticides.

Sec. 186. NRS 586.370 is hereby amended to read as follows:

586.370 It shall be unlawful for any person to distribute, sell or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any pesticide which contains any substance or substances in quantities highly toxic to humans, determined as provided in NRS 586.310, unless the label shall bear, in addition to any other matter required by ~~[NRS 586.010 to 586.450, inclusive:]~~ ***this chapter:***

1. The skull and crossbones.

2. The word "poison" prominently, in red, on a background of distinctly contrasting color.

3. A statement of an antidote for the pesticide.

Sec. 187. NRS 586.380 is hereby amended to read as follows:

586.380 1. It is unlawful for any person to distribute, sell or offer for sale within this State, or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State, the pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluorosilicate, and barium fluorosilicate, and those containing mercurial compounds, unless they have been distinctly colored or discolored as provided by the regulations adopted in accordance with the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** or any other white powder pesticide which the Director, after investigation of and after

public hearing on the necessity for such action for the protection of the public health and the feasibility of the coloration or discoloration, by regulation requires to be distinctly colored or discolored, unless it has been so colored or discolored.

2. The Director may exempt any pesticide to the extent that it is intended for a particular use from the coloring or discoloring required or authorized by this section if the Director determines that the coloring or discoloring for that use is not necessary to protect the public health.

Sec. 188. NRS 586.400 is hereby amended to read as follows:

586.400 It shall be unlawful for any person to detach, alter, deface or destroy, in whole or in part, any label or labeling provided for in ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** or regulations promulgated thereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

Sec. 189. NRS 586.403 is hereby amended to read as follows:

586.403 1. The regulations governing the use of restricted-use pesticides may:

(a) Provide the time when and the conditions under which they may be used in this State.

(b) Prohibit their use in areas of this State.

(c) Provide that they shall be used only under a permit for each application; and the permit may set forth the time, conditions, quantity and concentration of its use.

2. Every permit which is issued under the regulations adopted pursuant to this section is conditioned upon compliance with such regulations and upon such other specified conditions as may be deemed necessary to avoid injury.

3. Any permit may be refused, revoked or suspended for violation of any of the conditions of such permit, or for violation of any provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** or the regulations adopted pursuant ~~[to such sections.]~~ ***thereto.***

Sec. 190. NRS 586.420 is hereby amended to read as follows:

586.420 1. The penalties provided for violations of NRS 586.350 to 586.390, inclusive, do not apply to:

(a) Any carrier while lawfully engaged in transporting a pesticide within this state, if the carrier, upon request, permits the Director or the Director's designated agent to copy all records showing the transactions in and movement of the articles.

(b) Public officers of this state and the Federal Government engaged in the performance of their duties.

(c) The manufacturer or shipper of a pesticide for experimental use only:

(1) By or under the supervision of an agency of this state or of the Federal Government authorized by law to conduct research in the field of pesticides; or

(2) By other persons if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold," together with the manufacturer's name and address, but if a written permit has been obtained from the Director, pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

2. An article shall not be deemed in violation of the provisions of ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter*** if intended solely for export to a foreign country and if prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter*** apply.

Sec. 191. NRS 586.430 is hereby amended to read as follows:

586.430 ~~[1.]~~ The examination of pesticides or devices must be made under the direction of the Director to determine whether they comply with the requirements of ~~[~~NRS 586.010 to 586.450, inclusive.~~]~~ ***this chapter.*** If it appears from the examination that a pesticide or device fails to comply with the provisions of ~~[~~NRS 586.010 to 586.450, inclusive, and the Director contemplates instituting criminal proceedings against any person,~~]~~ ***this chapter,*** the Director shall cause appropriate notice to be given to the person. Any person so notified must be given an opportunity to present the person's views, orally or in writing, ~~[~~with regard to those contemplated proceedings,~~]~~ and if thereafter in the opinion of the Director it appears that the provisions of ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter*** have been violated by the person, the Director ~~[~~shall refer the facts to the district attorney of the county in which the violation occurred with a copy of the results of the analysis or the examination of the article.~~]~~ ***may impose a civil penalty pursuant to NRS 586.450.*** The provisions of ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter*** do not require the Director to ~~[~~report~~]~~ ***commence formal proceedings for*** any act or failure to act ~~[~~for prosecution or for the institution of libel proceedings, or to report minor violations of NRS 586.010 to 586.450, inclusive,~~]~~ if the Director believes that the public interest will be best served by a suitable notice of warning in writing.

~~[~~2. Each district attorney to whom any such violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of proper jurisdiction without delay.

3. The Director shall, by publication in such manner as the Director may prescribe, give notice of all judgments entered in actions instituted under the authority of NRS 586.010 to 586.450, inclusive.~~]~~

Sec. 192. NRS 586.440 is hereby amended to read as follows:

586.440 1. Any pesticide or device that is distributed, sold or offered for sale within the State of Nevada, or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state is liable to be proceeded against in any district court in any county of this state where it may be found and seized for confiscation by process of libel for condemnation:

(a) In the case of a pesticide:

(1) If it is adulterated or misbranded.

(2) If the brand of the pesticide has not been registered under the provisions of NRS 586.250 to 586.300, inclusive.

(3) If it is a white powder pesticide and is not colored as required under ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

(4) If it fails to bear on the label the information required by ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

(b) In the case of a device, if it is misbranded.

2. If the article is condemned, it must, after the entry of the decree, be disposed of by destruction or sale as the court may direct, and the proceeds must be paid to the State Treasurer and deposited in the State General Fund. The article seized must not be sold or destroyed contrary to the provisions of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.*** The article must not be sold or destroyed if the owner thereof pays the costs of condemnation and executes a good and sufficient bond conditioned that the article must not be disposed of unlawfully. The court shall then order that the article condemned must be delivered to the owner thereof for relabeling or reprocessing as the case may be.

3. When a decree of condemnation is entered against the article, court costs, fees and storage charges, and other proper expenses, must be awarded against the person, if any, intervening as claimant of the article.

Sec. 193. NRS 586.450 is hereby amended to read as follows:

586.450 1. Any person violating ~~[NRS 586.350 shall be guilty of a misdemeanor.]~~ ***any provision of this chapter is subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. ***Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:***

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

3. Notwithstanding any other provision of this section, if any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of NRS 586.280, the person shall be guilty of a gross misdemeanor.

Sec. 194. Chapter 588 of NRS is hereby amended by adding thereto a new section to read as follows:

Pursuant to NRS 233B.040, the Director may adopt by reference the fertilizer control rules and standards of the Association of American Plant Food Control Officials or its successor organization.

Sec. 195. NRS 588.170 is hereby amended to read as follows:

588.170 1. Each brand and grade of commercial fertilizer or agricultural mineral must be registered with the Department before being offered for sale, sold or distributed in this state.

2. An application for registration must be submitted to the Director on a form furnished by the Director, and, except as otherwise provided in subsection 3, must be accompanied by a ***nonrefundable*** registration fee in an amount to be fixed annually by the Director for each combined registration of brand and grade.

3. A person who offers a commercial fertilizer or agricultural mineral for sale before registering the brand and grade of the commercial fertilizer or agricultural mineral shall pay an amount equal to twice the otherwise applicable registration fee for registering the brand and grade of the commercial fertilizer or agricultural mineral.

4. ~~[Upon approval by the Director, a copy of the registration must be furnished to the applicant.]~~ ***The Director may deny the renewal of a registration if all the required tonnage reports have not been submitted and all fees and penalties have not been paid.***

5. All registrations expire on ~~[June 30]~~ ***December 31*** of each year.

Sec. 196. NRS 588.210 is hereby amended to read as follows:

588.210 1. There must be paid to the Department for all commercial fertilizers offered for sale, sold or distributed in this state a fee established by regulation of the State Board of Agriculture for each ton sold, but sales to manufacturers or exchanges between them are exempt.

2. There must be paid to the Department for all agricultural minerals offered for sale, sold or distributed in this state a fee established by regulation of the State Board of Agriculture. The regulations must specify the amount of the fee for each ton of agricultural minerals that is sold in packages and the amount of the fee for each ton of those minerals that is sold in bulk, but sales to manufacturers or exchanges between them are exempt.

3. The Department shall prepare suitable forms for reporting sales and, on request, shall furnish the forms without cost to all persons dealing in registered brands of commercial fertilizers or agricultural minerals. ***The form must be filed regardless of whether the person sold any commercial fertilizers or agricultural minerals during the reporting period.***

4. The registrant of each brand must report the total tonnage sold and pay the appropriate fees unless the responsibility for reporting and payment of fees has been assigned to another person by a contract entered into pursuant to subsection 5.

5. A contract specified in subsection 4 must:

(a) Include the registration number of the brand;

(b) Identify each party by name, address, telephone number and title, if applicable;

(c) Identify the specific product covered by the contract;

(d) Include an effective date and expiration date, not beginning or ending during a reporting period and not exceeding 3 years in duration; and

(e) Be signed by each party or his or her authorized agent.

6. A person who violates any provision of this section is subject to a civil penalty pursuant to NRS 588.350.

Sec. 197. NRS 588.270 is hereby amended to read as follows:

588.270 1. ~~[At least annually, the]~~ ***The*** Director ~~[shall]~~ ***may*** publish, in such form as the Director may deem proper:

(a) Information concerning the sales of commercial fertilizers and agricultural minerals, together with such data on their production and use as the Director may consider advisable.

(b) A report of the results of the analyses based on official samples of commercial fertilizers or agricultural minerals sold within the State as compared with the analyses guaranteed under NRS 588.170 to 588.200, inclusive.

2. The information concerning production and use of commercial fertilizers or agricultural minerals must be shown separately for the periods from July 1 to December 31 and from January 1 to June 30 of each year.

~~[3. No disclosure may be made of the operations of any person.]~~

Sec. 198. NRS 588.290 is hereby amended to read as follows:

588.290 If any commercial fertilizer or agricultural mineral in the possession of the consumer is found by the Director to be short in weight, the registrant of the commercial fertilizer or agricultural mineral ~~[shall, within 30 days after notice from the Director, pay to the consumer a penalty equal to 4 times the value of the actual shortage.]~~ ***is subject to a civil penalty pursuant to NRS 588.350.***

Sec. 199. NRS 588.295 is hereby amended to read as follows:

588.295 1. It is unlawful for any person to sell or offer to sell at retail, or to distribute or deliver for transportation for delivery to the consumer or user, a restricted-use commercial fertilizer or agricultural mineral unless the person is registered with the Director.

2. Each person applying for registration must provide the Director with a registration statement that includes:

(a) The name and address of the person registering; and

(b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted-use commercial fertilizer or agricultural mineral.

3. All such registrations expire on ~~[December]~~ ***January*** 31 of ~~[each]~~ ***the*** year ***immediately after the year in which the person registers pursuant to this section*** and are renewable annually.

4. ***Each application for renewal must be accompanied by the fourth quarter tonnage report for the immediately preceding year.***

5. Each person registering with the Director must pay:

(a) An annual registration fee established by regulation of the State Board of Agriculture; and

(b) A penalty fee established by regulation of the State Board of Agriculture if the person failed to renew the person's previous registration on or before ~~[~~February~~]~~ ***March*** 1 next following its expiration, unless the registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted-use commercial fertilizer or agricultural mineral during the period the registration was not in effect.

~~[~~5.~~]~~ ***6.*** Each person registered pursuant to this section shall maintain for at least 2 years a record of all sales of restricted-use commercial fertilizers or agricultural minerals showing:

(a) The date of sale or delivery of the restricted-use commercial fertilizer or agricultural mineral;

(b) The name and address of the person to whom the restricted-use commercial fertilizer or agricultural mineral was sold or delivered;

(c) The brand name of the restricted-use commercial fertilizer or agricultural mineral sold or delivered;

(d) The amount of the restricted-use commercial fertilizer or agricultural mineral sold or delivered; and

(e) Such other information as may be required by the Director.

~~[~~6.~~]~~ ***7.*** Each person registered pursuant to this section shall, on or before the date specified for each reporting period established pursuant to subsection ~~[~~7.~~]~~ ***8,*** file a report with the Director specifying the restricted-use commercial fertilizers or agricultural minerals that the person sold during the reporting period. The Director shall provide the form for the report. The report must be filed regardless of whether the person sold any commercial fertilizers or agricultural minerals during the reporting period.

~~[~~7.~~]~~ ***8.*** The Director shall adopt regulations establishing reporting periods and dates for filing reports pursuant to subsection ~~[~~6.~~]~~ ***7.***

Sec. 200. NRS 588.350 is hereby amended to read as follows:

588.350 ***1.*** Any person violating any provisions of this chapter ~~[~~shall be guilty of a misdemeanor.~~]~~ ***is subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 201. NRS 590.060 is hereby amended to read as follows:

590.060 1. Except as otherwise provided in NRS 590.063 and 590.065, it is unlawful for any person, or any officer, agent or employee thereof, to adulterate any petroleum product or motor vehicle fuel, to sell, attempt to sell, offer for sale or assist in the sale of any product resulting from the adulteration,

and to represent the product as the petroleum product or motor vehicle fuel of a brand name in general use by any other marketer or producer of petroleum products or motor vehicle fuel.

2. Whenever the description of any petroleum product or motor vehicle fuel is displayed on any tank, receptacle or other delivery device used for sale to the public, the kind, character and name of the petroleum product or motor vehicle fuel dispensed therefrom must correspond to the representations thereon.

3. Except as otherwise provided in this subsection, it is unlawful for any person, or any officer, agent or employee thereof, to deposit or deliver into any tank, receptacle or other container any petroleum product or motor vehicle fuel other than the petroleum product or motor vehicle fuel intended to be stored in the tank, receptacle or container and distributed therefrom, as indicated by the name of the producer, manufacturer or distributor of the product displayed on the container itself, or on the pump, dispenser or other distributing device used in connection therewith. This section does not apply to any person who sells or offers for sale under the person's name or brand name the product or output of another manufacturer or producer, with the consent of that manufacturer or producer.

4. If used oil or recycled oil, other than rerefined oil, is sold or offered for sale or delivery in this state, the container in which that oil is sold or offered for sale or delivery ***or, in the case of a bulk delivery, the delivery receipt,*** must bear a superimposed sign or label containing the clearly legible words "Recycled Oil" or "Used Oil."

Sec. 202. NRS 590.080 is hereby amended to read as follows:

590.080 1. Except as otherwise provided in subsection 2, crankcase drainings, lube-distillate, or any other petroleum product may not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil for use in the crankcase of an internal combustion engine unless it conforms to the performance rating set forth on its container ***or, in the case of a bulk delivery, on the delivery receipt,*** and the following specifications:

(a) ***It must meet the specifications for engine oil performance and engine service classification set by SAE International.***

(b) It must be free from water and suspended matter when tested ~~[~~by means of centrifuge,~~]~~ in accordance with the ~~[~~testing~~]~~ procedures approved by the State Sealer of Consumer Equitability.

~~[~~(b)~~]~~ ***(c)*** The flash points for the various viscosity grade classifications must not be less than the ~~[~~following~~]~~ ***most recent viscosity grade classifications determined by SAE International*** when tested by the ~~[~~Cleveland Open Cup Method in accordance with the testing procedures approved by the State Sealer of Consumer Equitability. Except as otherwise provided in this paragraph, the~~]~~ ***Pensky-Martens Closed Cup method. The*** viscosity grade classification number of motor or lubricating oils must conform to the latest ~~[~~Society of Automotive Engineers~~]~~ viscosity ***grade***

classification ~~[. Grade numbers 60 and 70 must conform to the requirements listed in this paragraph.~~

	~~Viscosity Classification~~	~~Minimum Flash Degrees Fahrenheit~~	~~Viscosity Sayboldt Seconds Universal 210 Degrees Fahrenheit~~
~~S.A.E.~~	~~5W~~	~~305~~	
~~S.A.E.~~	~~10W~~	~~335~~	
~~S.A.E.~~	~~20 and 20W~~	~~345~~	
~~S.A.E.~~	~~30~~	~~355~~	
~~S.A.E.~~	~~40~~	~~375~~	
~~S.A.E.~~	~~50~~	~~400~~	
~~Grade~~	~~60~~	~~435~~	~~110 to less than 125~~
~~Grade~~	~~70~~	~~470~~	~~125 to less than 150~~~~]~~ ***determined by SAE International.***

2. The provisions of this section do not apply to any oil labeled "prediluted" or intended only for mixture with gasoline or other motor fuel in a two-cycle engine.

Sec. 203. NRS 590.324 is hereby amended to read as follows:

590.324 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Consumer Equitability or a designee thereof shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Consumer Equitability or designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of Consumer Equitability ~~[,]~~ ***or designee;*** or

(b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the civil penalty is upheld, within 10 days after the effective date of the final decision of the court.

3. If the respondent fails to pay the civil penalty, a civil action may be brought by the State Sealer of Consumer Equitability in any court of competent jurisdiction to recover the civil penalty. ~~[All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.]~~

Sec. 204. NRS 590.380 is hereby amended to read as follows:

590.380 1. Before any antifreeze may be sold, displayed for sale or held with intent to sell within this State, ~~[a sample thereof must be inspected annually by the State Sealer of Consumer Equitability.~~

~~2. Upon]~~ ***and upon*** application of the manufacturer, packer, seller or distributor and the payment of a ***license*** fee established by regulation of the State Board of Agriculture for each brand of antifreeze submitted, the State

Sealer of Consumer Equitability shall ~~[inspect the antifreeze submitted. If]~~ ***, if*** the antifreeze ~~[:~~

~~(a) Is not adulterated or misbranded;~~

~~(b) Meets the standards of the State Sealer of Consumer Equitability; and~~

~~(c) Is]~~ ***is*** not in violation of NRS 590.340 to 590.450, inclusive,

~~[➥ the State Sealer of Consumer Equitability shall]~~ issue to the applicant a ~~[written permit]~~ ***license*** authorizing its sale in this State for the fiscal year in which the ~~[inspection]~~ ***license*** fee is paid.

~~[3.]~~ ***2.*** If the State Sealer of Consumer Equitability at a later date finds that:

(a) The product to be sold, displayed for sale or held with intent to sell has been materially altered or adulterated;

(b) A change has been made in the name, brand or trademark under which the antifreeze is sold; or

(c) The antifreeze violates the provisions of NRS 590.340 to 590.450, inclusive,

➥ the State Sealer of Consumer Equitability shall notify the applicant and the ~~[permit]~~ ***license*** must be cancelled forthwith.

Sec. 205. NRS 590.420 is hereby amended to read as follows:

590.420 The State Sealer of Consumer Equitability may furnish upon request a list of the brands and trademarks of antifreeze ~~[inspected]~~ ***licensed*** by the State Sealer of Consumer Equitability or his or her agents during the fiscal year which have been found to be in accord with NRS 590.340 to 590.450, inclusive.

Sec. 206. NRS 590.430 is hereby amended to read as follows:

590.430 No advertising literature relating to any antifreeze sold or to be sold in this State shall contain any statement that the antifreeze advertised for sale has been approved by the State Sealer of Consumer Equitability; but if any antifreeze has been ~~[inspected]~~ ***licensed*** by the State Sealer of Consumer Equitability and found ~~[to meet the standards of the State Sealer of Consumer Equitability and]~~ not to be in violation of NRS 590.340 to 590.450, inclusive, such statement may be contained in any advertising literature where such brand or trademark of antifreeze is being advertised for sale.

Sec. 207. NRS 590.450 is hereby amended to read as follows:

590.450 ~~[If any]~~

1. Any person ~~[, partnership, corporation or association shall violate the provisions]~~ ***violating any provision*** of NRS 590.340 to 590.440, inclusive, ~~[such person, partnership, corporation or association shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the State Department of Agriculture that provides loans to

persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 208. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

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

3. Any actions taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of the actions was transferred.

Sec. 209. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.

Sec. 210. NRS 552.090, 552.300, 552.310, 554.085, 554.090, 554.180, 555.23572, 555.2665, 562.195, **583.020,** 583.515, 583.525, 583.535, 586.460, 586.470, 586.480, 586.490, 586.500, 586.510, 586.520, 588.240, 588.250, 590.440, 590.700, 590.710, 590.720 590.725, 590.726, 590.730, 590.740, 590.750, 590.760, 590.765, 590.770, 590.780, 590.790, 590.800, 590.810, 590.820, 590.830, 590.835, 590.840, 590.850, 590.860, 590.870, 590.880, 590.890, 590.900, 590.910 and 590.920 are hereby repealed.

Sec. 211. This act becomes effective:

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

2. On July 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

552.090 Control of apiary industry: Authority of Department; adoption of regulations; imposition and deposit of civil penalties.

552.300 Prosecution of violations.

552.310 Penalty.

554.085 Civil penalties.

554.090 Criminal penalties.

554.180 Procedure for indemnification for loss by destruction.

555.23572 "Pest" defined.

555.2665 "Pest" defined.

562.195 State Sheep Inspection Account: Agreement with board of county commissioners for administration; annual statement by county treasurer; reimbursement for administration; termination of agreement.

583.020 Sale of flesh of diseased animal or shellfish containers without approved stamp is gross misdemeanor.

583.515 Exemptions.

583.525 Denial of inspection.

583.535 Regulations of State Board of Health; appointment of necessary personnel.

586.460 "Dangerous caustic or corrosive substance" defined.

586.470 "Misbranded parcel, package or container" defined.

586.480 Sale of dangerous caustic or corrosive substance for household use in misbranded parcel, package or container prohibited.

586.490 Misbranded dangerous caustic or corrosive substance may be proceeded against in justice court; condemnation, destruction or sale; disposition of sale proceeds.

586.500 Enforcement by Commissioner of Food and Drugs; approval and registration of brands and labels.

586.510 Duties of district attorney.

586.520 Penalty.

588.240 Assessment and payment of penalties when fertilizer or mineral is short of guaranteed analysis; appeal.

588.250 Annual determination and publication of values per pound of nitrogen, phosphoric acid and soluble potash.

590.440 Institution of proceedings by district attorney.

590.700 Definitions.

590.710 "Board" defined.

590.720 "Department" defined.

590.725 "Diesel fuel of grade number 1" defined.

590.726 "Diesel fuel of grade number 2" defined.

590.730 "Discharge" defined.

590.740 "Division" defined.

590.750 "Fund" defined.

590.760 "Heating oil" defined.

590.765 "Motor vehicle fuel" defined.

590.770 "Operator" defined.

590.780 "Person" defined.

590.790 "Petroleum" defined.

590.800 "Storage tank" defined.

590.810 Legislative findings.

590.820 Board to Review Claims: Creation; members; Chair; administrative assistance; compensation of members.

590.830 Fund for Cleaning Up Discharges of Petroleum: Creation; administration by Division; adoption of regulations by Board; claims; expenses and interest; resolutions adopted by Board concerning Fund.

590.835 Fund for Cleaning Up Discharges of Petroleum: Expenditures for certain discharges; limitations; reimbursement.

590.840 Collection of fee for certain fuels and heating oil; exempt products; payment of expenses of Department.

590.850 Registration of storage tanks: Collection of annual fee; exempt tanks; reimbursement and other liability for noncompliance.

590.860 Transfer of portion of ending balance in Fund to account created in NRS 408.242.

590.870 Report of discharge from tank required; Division to clean up discharge; exception; reimbursement; test of tank required for coverage.

590.880 Allocation of costs resulting from discharge from certain storage tanks for heating oil.

590.890 Allocation of costs resulting from discharge from other storage tanks; requirement to hold public hearings under certain circumstances.

590.900 Liability for costs to clean up discharge caused by willful or wanton misconduct, gross negligence or violation of statute or regulation.

590.910 Pro rata reduction required if balance in Fund insufficient for full payment.

590.920 Tanks exempted from certain provisions; optional coverage of exempted tank.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 337 moves a provision from a chapter in Title 51 to a better chapter in Title 40 on public health. It deletes two sections that are duplicates of sections in another bill. It converts periodic inspections and fees for point-of-sale systems and cash registers to random inspections and civil penalties for noncompliance and repeals antiquated provisions from 1925 on pesticides.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time.

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

Amendment No. 309.

AN ACT relating to agriculture; deleting obsolete provisions governing the initial membership of each state grazing board; ~~[deleting]~~ **revising** provisions which require the State Department of Agriculture to compensate the owners of any animals that are destroyed because of infection with or exposure to an infectious, contagious or parasitic disease; requiring certain administrative fines that are paid to the Department to be accounted for separately and used for certain purposes; ~~[revising provisions governing declarations of livestock and sheep;]~~ revising the definition of "food establishment" to exclude certain establishments where animals are slaughtered and certain facilities that produce eggs; authorizing the Director of the Department to impose a civil penalty for certain violations relating to agricultural products and seeds; authorizing the Director to release certain imported potatoes without an inspection; repealing misdemeanor penalties; deleting provisions which require all nuts, fruits and vegetables that are offered for sale to be mature but not overripe; repealing certain provisions concerning the labeling of commercial feed for livestock; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill deletes provisions governing the composition of state grazing boards in 1975. **Section 2** of this bill ~~[removes the requirement that]~~ **requires** the State Department of Agriculture **to enter into an agreement with the Animal and Plant Health Inspection Service of the United States Department of Agriculture or to take any other action required to** compensate the ~~[owners]~~ **owner** of ~~[an animal]~~ **livestock** that is destroyed due to infection with or exposure to an infectious, contagious or parasitic disease.

Section 7 of this bill clarifies that certain establishments where animals are slaughtered or where eggs are produced are not considered "food establishments" for purposes of provisions governing food establishments where food intended for human consumption is manufactured or prepared, or in which any food is sold or served.

Existing law imposes certain requirements concerning agricultural products and seeds. (Chapter 587 of NRS) **Section 9** of this bill authorizes the Director of the Department to impose, after notice and an opportunity for a hearing, a civil penalty of not more than $500 for each violation of those provisions. Additionally, **sections 3 and 9** of this bill require certain administrative fines and civil penalties imposed by the Department to be: (1) used to fund a program that provides loans to certain persons engaged in agriculture; and (2) deposited in the Account for the Control of Weeds.

Existing law requires any person importing white or Irish potatoes intended for seed purposes into this State to notify the Director of the arrival of the potatoes and hold the potatoes until the potatoes are inspected and released by

the Director. (NRS 587.109) **Section 10** of this bill authorizes the Director to release those potatoes without inspection.

Sections 13 and 16 of this bill remove misdemeanor criminal penalties for violating certain provisions.

Under existing law, it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in this State any nuts, fresh fruits or vegetables in bulk or in any container or subcontainer unless 90 percent by weight or more of such fruits, nuts or vegetables in bulk or in any container or subcontainer are free from any insect injury which has penetrated or damaged the edible portion, worms, internal breakdown, mold or decay. (NRS 587.650) **Section 14** of this bill requires 90 percent of such nuts, fresh fruits or vegetables to be free from all defects. **Section 14** also deletes a requirement that not more than 5 percent of those nuts, fresh fruits or vegetables have any one defect. **Section 15** of this bill deletes a requirement that all nuts, fruits and vegetables offered for sale must be mature but not overripe.

Section 16 repeals certain obsolete definitions and certain provisions concerning labeling of commercial feed for livestock.

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

Section 1. NRS 568.060 is hereby amended to read as follows:

568.060 1. ~~[The members and the chair of each of the state grazing boards for the year 1975 shall be the members and chairs of each of the boards of district advisers of each grazing district elected, qualified and serving on January 1, 1975, under the provisions of the Taylor Grazing Act and the regulations promulgated under the provisions of that act. Such members shall serve until their successors are elected and qualified as provided in this section.~~

~~2. On and after January 1, 1976, each~~] ***Each*** state grazing board ~~[shall]~~ ***must*** consist of not less than five nor more than 12 persons who graze livestock upon the public lands within the grazing district for which such state grazing board is created. Officers and directors of corporations and partners of partnerships which conduct such grazing are qualified to be elected to serve on such boards on behalf of such corporation or partnership. The term of each member is 3 years, beginning on January 1 next after the member's election.

~~[3.]~~ ***2.*** In ~~[November of 1975 and in]~~ November of each third year ~~[thereafter,]~~ each state grazing board shall specify the number of members to serve on that state grazing board for the following term. Thereafter, the board shall conduct an election of the members to serve for that term.

~~[4.]~~ ***3.*** If a new grazing district is established, the Central Committee of Nevada State Grazing Boards shall, within 90 days after the order establishing the district appears in the Federal Register, specify the number of members to serve on the state grazing board for the new district. Thereafter the Central Committee of the Nevada State Grazing Boards shall conduct an election of the board members to serve for the balance of the current 3-year term.

~~[5.]~~ ***4.*** If any vacancy occurs on a state grazing board for any reason, the remaining board members shall elect a qualified successor to fill the vacancy for the unexpired term.

~~[6.]~~ ***5.*** A duly qualified person elected to serve as a member of a state grazing board shall assume office after taking the oath of office contained in NRS 282.020.

~~[7.]~~ ***6.*** The persons, partnerships, associations or corporations holding licenses or permits to graze livestock on the public lands within the grazing district served by a state grazing board shall elect the members to serve on that state grazing board, except as otherwise provided in this section, and each such permittee is entitled to one vote. The particular state grazing board shall supply the names of eligible persons to be elected to serve on the board to each permittee within the district so that each permittee may cast his or her vote for a candidate of the permittee's choice. The secretary of the state grazing board for such grazing district shall certify the results of the election.

Sec. 2. NRS 571.190 is hereby amended to read as follows:

571.190 1. The State Quarantine Officer may order and have destroyed any animal infected with or exposed to any infectious, contagious or parasitic disease.

2. ~~[The Department shall compensate the owners of any animal so destroyed separately or jointly with any county or municipality of the State or any agency of the Federal Government, the amount of the compensation to be determined by appraisal before the affected animal is destroyed.~~

~~3. The appraisal must be made by the State Quarantine Officer or a qualified agent designated by the State Quarantine Officer and the owners or their authorized representative. In the event of their failure to reach an agreement, the two so selected shall designate a disinterested person, who by reason of experience in such matters is a qualified judge of values of animals, to act with them. The judgment of any two such appraisers is binding and final upon all persons.~~

~~4. The total amount received by the owners of any animal so destroyed, including compensation paid by the Department, any county or municipality or any agency of the Federal Government or any company that insures animals, and the salvage received from the sale of hides or carcasses or any other source, combined, must not exceed the actual appraised value of the destroyed animal.~~

~~5.]~~ ***If the State Quarantine Officer deems it necessary to destroy any infected or exposed livestock in order to prevent the spread of an infectious, contagious or parasitic disease which, according to the rules, regulations and standards adopted by the Animal and Plant Health Inspection Service of the United States Department of Agriculture, cannot be extirpated by means other than destroying the infected or exposed livestock, the State Quarantine Officer may have the livestock destroyed and burned, buried or otherwise disposed of in any manner specified by the Department.***

3. The State Board of Agriculture shall enter into an agreement with the Animal and Plant Health Inspection Service of the United States Department

of Agriculture or take any other action required to determine the amount of compensation owed, if any, to the owner of any livestock destroyed pursuant to subsection 2 and the party responsible for paying such compensation.

4. Any natural person or corporation purchasing any animal which was at the time of purchase under quarantine by any state, county or municipal authorities or any agency of the Federal Government authorized to lay such quarantine, or who purchases any animal which due diligence and caution would have shown to be diseased or which was shipped or transported in violation of the rules and regulations of any agency of the Federal Government or the State of Nevada, is not entitled to receive compensation, and the Department may order the destruction of the animal without making any compensation to the owner.

~~[6. No payment may be made hereunder as compensation for or on account of any such animal destroyed if, at the time of inspection or test of the animal or at the time of the ordered destruction thereof, the animal belongs to or is upon the premises of any person, firm or corporation to which the animal has been sold, shipped or delivered for slaughter.~~

~~7. In no case may any payment by the Department pursuant to the provisions of this section be made unless the owner has complied with all quarantine rules and regulations of the Department.]~~

Sec. 3. NRS 571.250 is hereby amended to read as follows:

571.250 ***1.*** Any person violating the provisions of NRS 571.120 to 571.240, inclusive, or failing, refusing or neglecting to perform or observe any conditions, orders, rules or regulations prescribed by the State Quarantine Officer in accordance with the provisions of NRS 571.120 to 571.240, inclusive, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

2. Any money collected from the imposition of an administrative fine pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 4. ~~[NRS 575.120 is hereby amended to read as follows:~~

~~575.120 The Department shall [prepare a form for]~~ ***provide a*** ~~declaration of livestock and sheep on which an owner of livestock or sheep shall declare the average number, kind and classification of all livestock and sheep in the State owned by him or her during the year immediately preceding the date the declaration is made.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 575.130 is hereby amended to read as follows:~~

~~575.130 1. The Department shall [mail the form for] *provide the* declaration *of livestock and sheep* to each owner of livestock or sheep listed in its most current report of such owners. The Department may include the [form] *declaration* with any [other] mailing sent to that owner.~~

~~2. An owner of livestock or sheep who fails to complete [and return] the [form for] declaration *of livestock and sheep* within 30 days after the date it was [mailed] *provided* to him or her is subject to a penalty of $5 assessed by the Department.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 575.150 is hereby amended to read as follows:~~

~~575.150 1. Upon receipt of the [forms for] declaration of livestock and sheep and the report of owners of livestock and sheep, the Department shall:~~

~~(a) Make an estimate of the number, kind and classification of all livestock and sheep owned by any person failing to return the [form for] declaration of livestock and sheep and include that information on the report; and~~

~~(b) Examine each completed [form for] declaration of livestock and sheep and the report to determine its accuracy, and if there is any evidence that any information is inaccurate or incomplete, may change and correct any listing as to number, kind, classification, ownership or location by adding thereto or deducting therefrom as necessary to make the report complete and accurate.~~

~~2. The Department may verify the number of livestock or sheep by any reasonable means, including actual count at any reasonable time.~~

~~3. If the Department changes the listings on the report of owners of livestock and sheep for any owner and the listing for that owner does not conform to the listings on the [form for] declaration *of livestock and sheep* completed by that owner, the Department shall notify the owner of the change within 15 days after the change is made. The notification must contain a statement explaining the owner's right to challenge the accuracy of the report made by the Department.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution,

unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals ***, including, without limitation, mammals, fish and poultry,*** are slaughtered which is regulated ~~[and inspected by the State Department of Agriculture;]~~ ***pursuant to chapter 583 of NRS;***

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) ***A facility that produces eggs which is regulated pursuant to chapter 583 of NRS;***

(i) A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in that section; or

~~[(i)]~~ ***(j)*** A farm for purposes of holding a farm-to-fork event.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.

Sec. 8. NRS 446.866 is hereby amended to read as follows:

446.866 1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph ~~[(h)]~~ ***(i)*** of subsection 2 of NRS 446.020 if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;

(b) Sold to a natural person for his or her consumption and not for resale;

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101;

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item;

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or

other regulation that prohibits a natural person from preparing food in a cottage food operation.

3. Each natural person who wishes to conduct a cottage food operation must, before selling any food item, register the cottage food operation with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage food operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

4. The health authority may charge a fee for the registration of a cottage food operation pursuant to subsection 3 in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of cottage food operations.

5. The health authority may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the health authority in any such inspection. If, as a result of such inspection, the health authority determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the health authority to conduct the investigation.

6. As used in this section:

(a) "Cottage food operation" means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than $35,000 per calendar year.

(b) "Food item" means:

(1) Nuts and nut mixes;

(2) Candies;

(3) Jams, jellies and preserves;

(4) Vinegar and flavored vinegar;

(5) Dry herbs and seasoning mixes;

(6) Dried fruits;

(7) Cereals, trail mixes and granola;

(8) Popcorn and popcorn balls; or

(9) Baked goods that:

(I) Are not potentially hazardous foods;

(II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes; and

(III) Do not require time or temperature controls for food safety.

Sec. 9. Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of this chapter.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 10. NRS 587.109 is hereby amended to read as follows:

587.109 1. Any person importing any white or Irish potatoes intended for seed purposes into the State of Nevada shall, within 24 hours after the receipt of the potatoes, notify the Director of the arrival of the potatoes and hold them at the person's place of business or at the point of receipt until the potatoes are inspected ~~[and]~~ ***or*** released by the Director ~~[.]~~ ***without inspection.***

2. If, upon inspection, the Director finds that the potatoes are infected with bacterial ring rot, or other potato diseases in amounts in excess of that allowed under the standards set for Nevada certified potatoes, the potatoes may not be released for planting in this state, but must be disposed of for nonseed purposes in a manner approved by the Director.

3. If the seed potatoes are found to be free from bacterial ring rot, and other potato diseases are not present in excess of that allowed under the standards set for Nevada certified seed potatoes, the Director shall release the potatoes.

Sec. 11. NRS 587.131 is hereby amended to read as follows:

587.131 As used in NRS 587.131 to ~~[587.185,]~~ ***587.181,*** inclusive, unless the context requires otherwise:

1. "Advisory Board" means the Alfalfa Seed Advisory Board.

2. "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plant.

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

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

Sec. 12. NRS 587.151 is hereby amended to read as follows:

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

(a) To appoint the members of the Advisory Board, to fix their term of office and to fill all vacancies.

(b) To establish procedures for the Nevada alfalfa seed industry to recommend persons for appointment to the Advisory Board.

(c) To administer, enforce and control the collection of assessments levied for the Alfalfa Seed Research and Promotion Account.

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

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

(f) To adopt regulations to carry out the provisions of NRS ~~[587.135 to 587.185,]~~ ***587.131 to 587.181,*** inclusive.

2. Money from the State General Fund may not be utilized by the State Board of Agriculture in carrying out the provisions of NRS 587.131 to ~~[587.185,]~~ ***587.181,*** inclusive. Expenditures for those purposes must be made only from the Alfalfa Seed Research and Promotion Account created by NRS 561.409, and are subject to the limitations stated in that section.

Sec. 13. NRS 587.450 is hereby amended to read as follows:

587.450 1. If any quantity of any agricultural product shall have been inspected and a certificate issued under NRS 587.290 to 587.450, inclusive, showing the grade, classification, quality or condition thereof, no person shall represent that the grade, classification, quality or condition of such product at the time and place of such inspection was other than as shown by such certificate.

2. Whenever any standard for a container for an agricultural product becomes effective under NRS 587.290 to 587.450, inclusive, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell and deliver, in a container, any such agricultural product to which the standard is applicable unless the container conforms to the standard, subject to such variations therefrom as may be allowed, in the regulations made under NRS 587.290 to 587.450, inclusive, or unless such product is brought from outside the State and offered for sale, consigned for sale or sold in the original package, but no agricultural product shall be offered for sale which bears a label containing any superlative word or words designating a superior or higher quality unless the product shall conform to the highest grade specification adopted under the provisions of NRS 587.410.

~~[3. Any person violating this section shall be guilty of a misdemeanor.]~~

Sec. 14. NRS 587.650 is hereby amended to read as follows:

587.650 It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in the State of Nevada any nuts, fresh fruits or vegetables in bulk or in any container or subcontainer unless 90 percent by weight or more of such fruits, nuts or vegetables in bulk or in any container or subcontainer **,** as established by the inspection of a representative sample **,** ~~[which]~~ are free from ***any defects, including, without limitation, any*** insect injury which has penetrated or damaged the edible

portion, worms, internal breakdown, mold or decay. ~~[In addition, not more than 5 percent tolerance shall be allowed for any one defect.]~~

Sec. 15. NRS 587.660 is hereby amended to read as follows:

587.660 The provisions of NRS 587.590 to 587.650, inclusive, apply only to those fruits, nuts or vegetables for which specific quality standards are not otherwise established by this chapter or by regulations adopted by the Director. ~~[All nuts, fruits and vegetables if offered for sale must be mature but not overripe.]~~

Sec. 16. NRS 556.110, 587.185, 587.500, 587.520, 587.670, 587.680 and 587.690 are hereby repealed.

Sec. 17. Any regulations adopted by the Director of the State Department of Agriculture pursuant to NRS 587.680 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2015.

Sec. 18. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

556.110 Criminal penalty.
587.185 Penalty.
587.500 "Mature" defined.
587.520 "Overripe" defined.
587.670 Definitions.
587.680 Adoption of rules and regulations.
587.690 Requirements for labels; information to be furnished to purchaser; exceptions.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywomen Titus and Kirkpatrick.

ASSEMBLYWOMAN TITUS:

This amendment revises the language relating to compensation for animals destroyed by the Department of Agriculture due to disease and deletes three sections of the bill that are duplicates of amendments in another bill.

ASSEMBLYWOMAN KIRKPATRICK:

I just wanted to get some clarification from the Chair of the Committee on Natural Resources, Agriculture, and Mining. I want to know a little about the loan process in section 3, subsection 2. Currently it says that 50 percent of it will be used to provide loans to persons under the age of 21 who are engaged in agriculture. I just want to be clear about the process because sometimes during the legislative interim, folks try to bring new regulations and I want to be clear about what this is.

ASSEMBLYWOMAN TITUS:

I looked into this and if you look, you will find that language is repeated throughout not only A.B. 79, but in A.B. 77. What they are doing with these fees is that 50 percent of them will go to support agriculture projects for anyone less than 21 years of age. It does not have to be just 4-H or FFA [Future Farmers of America]; it could be any individual project. It could be an urban project if it is related to agriculture. The interesting thing is these are loans to start these projects and these companies. They have to pay them back, but they are zero interest loans.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from the rurals, if you could get this body the information about how folks can apply for those, that would be helpful. Even in our urban areas, we do a lot with agriculture, and I think that would be helpful for our constituents.

ASSEMBLYWOMAN TITUS:

I will happily do that. The neat thing about this program is that it is not restricted just to rural kids as long as it is related to agriculture.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 71.

AN ACT relating to parentage; requiring the State Registrar of Vital Statistics to prepare and file a birth certificate with the name or names of the intended parent or parents pursuant to ~~[a]~~ **an order issued by a** district court ~~[order]~~ **in Nevada** which validates a gestational agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "gestational agreement" as a contract between an intended parent or parents and a gestational carrier intended to result in a live birth. (NRS 126.570) Existing law also authorizes a district court in Nevada to issue an order validating such an agreement and declaring the intended parent or parents to be the parent or parents of the resulting child. (NRS 126.720) This bill requires the State Registrar of Vital Statistics, upon receipt of such a court order, to prepare and file a certificate of birth for the resulting child which shows the intended parent or parents as the parent or parents of the child and to seal and file the court order and original certificate of birth, if any. **This bill also provides that unless the order was issued by a district court in Nevada for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in Nevada as it relates to a child born in this State.**

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

Section 1. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive ~~[.]~~ ***, and section 4 of this act.***

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the mother and father are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. As used in this section, "expedited process" means a voluntary acknowledgment of paternity, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 2. NRS 126.221 is hereby amended to read as follows:

126.221 Upon order of a court of this state or ***, except as otherwise provided in section 4 of this act,*** upon request of a court of another state, the State Registrar of Vital Statistics shall prepare a new certificate of birth consistent with the findings of the court and substitute the new certificate for the original certificate of birth as provided in NRS 440.270 to 440.340, inclusive ~~.]~~ ***, and section 4 of this act.***

Sec. 3. NRS 126.720 is hereby amended to read as follows:

126.720 1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor her legal spouse or domestic partner, if any, shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive ~~.~~ ***, and section 4 of this act.*** If:

(a) The resulting child is to be born in this State;

(b) A copy of the gestational agreement is attached to the petition; and

(c) The requirements of NRS 126.740 and 126.750 are satisfied,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 4. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(b) "Intended parent" has the meaning ascribed to it in NRS 126.590.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that only an order validating a gestational agreement which is issued by a district court in Nevada for an action originally commenced in this state is valid in Nevada as it relates to a child born in this state.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 231.

AN ACT relating to wills; providing that a will which is delivered or presented to the clerk of a district court becomes part of the permanent record maintained by the clerk; providing that such wills become public records open to inspection **~~[.]~~ unless sealed pursuant to certain provisions of the Nevada Supreme Court Rules;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, certain persons in possession of a will to deliver or present the will to the clerk of the district court having jurisdiction over the case. (NRS 136.050) This bill provides that a will which is delivered or presented to the clerk of a court becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed. This bill also provides that a will which is part of the permanent record maintained by the clerk of a court becomes a public record open to inspection **~~[.]~~ unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.**

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

Section 1. NRS 136.050 is hereby amended to read as follows:

136.050 1. Any person having possession of a will shall, within 30 days after knowledge of the death of the person who executed the will, deliver it to the clerk of the district court which has jurisdiction of the case or to the personal representative named in the will.

2. Any person named as personal representative in a will shall, within 30 days after the death of the testator, or within 30 days after knowledge of being named, present the will, if in possession of it, to the clerk of the court.

3. Every person who neglects to perform any of the duties required in subsections 1 and 2 without reasonable cause is liable to every person interested in the will for the damages the interested person may sustain by reason of the neglect.

4. A will that is delivered or presented pursuant to subsection 1 or 2 becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed.

5. A will that is part of the permanent record maintained by the clerk of the court becomes a public record open to inspection in accordance with NRS 239.010 ~~[.]~~ unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, ***136.050,*** 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,

459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

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

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows a will of a deceased person to become part of the permanent record maintained by the clerk of the court, unless the will has been sealed pursuant to the Supreme Court Rules. The amendment changes the effective date to upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 100.

Bill read second time and ordered to third reading.

Assembly Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 103.

AN ACT relating to education; revising the policy for all school districts and public schools to provide a safe and respectful learning environment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Education is required to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying, cyber-bullying and violence. (NRS 388.121-388.145) **Section 1** of this bill expands the goals to establish a safe and respectful learning environment in public schools in this State to include ensuring that the quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers or other personnel of a school district. **Section 2** of this bill requires the policy prescribed by the Department for all school districts and public schools to provide a safe and respectful learning environment to include methods to promote ~~[collegiality among teachers and between teachers and administrators, principals and other personnel of a school district.]~~ **a positive learning environment.**

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

Section 1. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying and cyber-bullying; ~~[and]~~

(c) ***The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers or other personnel of a school district; and***

(d) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135 ~~[.]~~ ***, including, without limitation, violations among teachers and violations***

between teachers and administrators, principals and other educational personnel; and

(b) A policy for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) ***Methods to promote ~~[collegiality among teachers and between teachers and administrators, principals and other personnel of a school district to facilitate]~~ a positive learning environment;***

(4) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~[(4)]~~ ***(5)*** Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 103 makes two changes to the bill: First, it requires the policy to provide a safe and respectful learning environment prescribed by the Department of Education to include methods for reporting violations among teachers and violations between teachers and administrators, principals, and other educational personnel. Second, it simplifies new language in the bill as a whole to require that the existing school policy now include methods to promote a positive learning environment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 232.

SUMMARY—Revises provisions governing ~~[juvenile justice.]~~ **punishment for crimes.** (BDR ~~[5-182)]~~ **4-182)**

AN ACT relating to ~~[juveniles;]~~ **punishment for crimes;** revising the minimum age at which a child may be ~~[adjudicated and]~~ punished ~~[as a delinquent child;]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a juvenile court may adjudicate a child to be a delinquent child if the child has committed certain acts designated as criminal offenses. (NRS 62A.070, 62B.330)]~~ Under existing law, the minimum age at which a child may be ~~[adjudicated and]~~ punished ~~[as a delinquent child]~~ **for a**

crime is 8 years of age. (NRS ~~[62E.520, 63.440,]~~ 194.010) This bill raises the minimum age at which a child may be ~~[adjudicated and]~~ punished ~~[as a delinquent child]~~ to 10 years of age **~~[.]~~ unless the child is charged with murder or certain sexual offenses.**

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

Section 1. ~~[NRS 62A.070 is hereby amended to read as follows:~~

~~62A.070 "Delinquent child" means a child ***who is at least 10 years of age and*** who is adjudicated delinquent pursuant to the provisions of this title.~~]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 62E.520 is hereby amended to read as follows:~~

~~62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for suitable placement if:~~

~~(a) The child is at least [8] ***10*** years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or~~

~~(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:~~

~~(1) Is in need of placement in a correctional or institutional facility; and~~

~~(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.~~

~~2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:~~

~~(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and~~

~~(b) At the request of the Division, provide the Division with not more than 10 working days within which to:~~

~~(1) Investigate the child and the circumstances of the child; and~~

~~(2) Recommend a suitable placement to the juvenile court.~~] **(Deleted by amendment.)**

Sec. 3. ~~[NRS 63.440 is hereby amended to read as follows:~~

~~63.440 1. Except as otherwise provided in chapter 62E of NRS, if the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the Division may, within the limits of legislative appropriation:~~

~~(a)~~

~~If the child is at least [8] ***10*** years of age but less than 12 years of age, place the child in any public or private institution or agency which is located within or outside this state and which is authorized to care for children. The child must not be placed in a facility.~~

~~(b) If the child is at least 12 years of age but less than 18 years of age, place the child in a facility or in any public or private institution or agency which is located within or outside this state and which is authorized to care for children.~~

~~2. The Division of Child and Family Services may change the placement of the child from any public or private institution or agency that is authorized to care for the child pursuant to this section to another public or private institution or agency that is authorized to care for the child pursuant to this section.~~

~~3. Before the Division of Child and Family Services may change any placement authorized by this section, the Division shall:~~

~~(a) Notify the parent or guardian of the child; and~~

~~(b) Obtain the approval of the juvenile court.~~] **(Deleted by amendment.)**

Sec. 3.5. **NRS 48.061 is hereby amended to read as follows:**

48.061 1. Except as otherwise provided in subsection 2, evidence of domestic violence and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in a criminal proceeding for any relevant purpose, including, without limitation, when determining:

(a) Whether a defendant is excepted from criminal liability pursuant to subsection ~~[7]~~ ***8*** of NRS 194.010, to show the state of mind of the defendant.

(b) Whether a defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.

2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

3. As used in this section, "domestic violence" means the commission of any act described in NRS 33.018.

Sec. 4. NRS 194.010 is hereby amended to read as follows:

194.010 All persons are liable to punishment except those belonging to the following classes:

1. Children under the age of 8 ~~***[10]***~~ years.

2. ***Children between the ages of 8 years and 10 years, unless the child is charged with murder or a sexual offense as defined in NRS 62F.100.***

3. Children between the ages of 8 ~~***[10]***~~ years and 14 years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.

~~[3.]~~ ***4.*** Persons who committed the act charged or made the omission charged in a state of insanity.

~~[4.]~~ ***5.*** Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent, where a specific intent is required to constitute the offense.

~~[5.]~~ ***6.*** Persons who committed the act charged without being conscious thereof.

~~[6.]~~ ***7.*** Persons who committed the act or made the omission charged, through misfortune or by accident, when it appears that there was no evil design, intention or culpable negligence.

~~[7.]~~ ***8.*** Persons, unless the crime is punishable with death, who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to believe, and did believe, their lives would be endangered if they refused, or that they would suffer great bodily harm.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes sections 1, 2, and 3 of the bill and maintains the age of 8 for a child charged with murder or certain sexual offenses may be adjudicated and punished.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 100.

AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts a juvenile competency standard. **Section 3** of this bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. **Section 4** of this bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. **Section 5** of this bill provides that if the juvenile court suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report

on the competence of the child. **Section 6** of this bill sets forth certain considerations an expert must take into account as part of his or her evaluation, **as well as certain other considerations an expert must take into account if appropriate,** and **section 7** of this bill sets forth certain requirements relating to the written report of an expert.

Section 8 of this bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. **Section 9** of this bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. Under **section 10** of this bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders.

Section 11 of this bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and (3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction.

Section 12 of this bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, "incompetent" means a child does not have the present ability to:***

1. Understand the nature of the allegations of delinquency or, if the child is a child in need of supervision, the allegations against the child;

2. Understand the nature and purpose of the court proceedings; or

3. Aid and assist the child's counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.

Sec. 3. *1. Any time after a petition is filed and before the final disposition of a case, if doubt arises as to the competence of a child, the juvenile court shall suspend the case until the question of competence is determined.*

2. During the period when the competence of a child is being determined, the juvenile court shall consider the appropriate placement of the child and any services or other care to be provided to the child that are necessary for the well-being of the child or for public safety, and may issue any necessary orders.

3. The period in which the juvenile court is required to make its final disposition of a case, as set forth in NRS 62D.310, is tolled during the period when the competence of a child is being determined.

Sec. 4. *A person who makes a motion for the evaluation of a child for the purpose of determining whether the child is incompetent shall:*

1. Certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent and cannot proceed in the case; and

2. Specify facts that support the motion, including, without limitation, any nonprivileged observations of or statements made by the child.

Sec. 5. *1. If the juvenile court suspends a case pursuant to section 3 of this act, the juvenile court shall appoint one or more experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and report on the competence of the child.*

2. Before appointing an expert to evaluate and report on the competence of the child, the juvenile court shall consider the following factors to determine the ability and qualification of the expert to provide such an evaluation and report:

(a) The training and experience of the expert in child psychology, child and adolescent psychiatry or child forensic psychiatry;

(b) The licensure or professional certification of the expert; and

(c) Any other factor the juvenile court deems appropriate in making the appointment.

3. An expert appointed by the juvenile court to evaluate and report on the competence of a child must:

(a) Be deemed by the juvenile court to be able and qualified to evaluate and report on the competence of the child pursuant to subsection 2; and

(b) Prepare and provide a written report to the juvenile court and the parties not later than 14 days after the juvenile court enters an order appointing the expert, unless the juvenile court provides an extension for good cause shown.

4. The appointment of an expert pursuant to this section does not preclude the district attorney or the child from calling any other expert witness to testify concerning the competence of the child at an adjudicatory hearing, a hearing on a violation of juvenile probation or parole or a hearing to determine whether the child is incompetent. Any such expert witness must

be allowed to evaluate the child and examine all relevant records and documents.

Sec. 6. *1. An expert who is appointed by the juvenile court pursuant to section 5 of this act shall evaluate the child as specified in the court order appointing the expert.*

2. An expert shall consider as part of his or her evaluation the child's ability to:

(a) Appreciate the allegations against the child;

(b) Appreciate the range and nature of possible penalties that may be imposed upon the child, if applicable;

(c) Understand the adversary nature of the legal process;

(d) Disclose to the child's counsel facts pertinent to the case;

(e) Display appropriate courtroom behavior; and

(f) Testify regarding relevant issues.

3. An expert shall also consider as part of his or her evaluation , if appropriate, the following circumstances of a child:

(a) The age and developmental maturity of the child;

(b) Whether the child has a mental illness or disability or a developmental disorder;

(c) Whether the child has any other disability that affects the competence of the child; and

(d) Any other factor that affects the competence of the child.

Sec. 7. *1. A written report submitted by an expert pursuant to subsection 3 of section 5 of this act must:*

(a) Identify the specific matters referred to the expert by the juvenile court for evaluation;

(b) Describe the procedures, techniques and tests used in the evaluation of the child and the purposes of each;

(c) Describe the considerations taken into account by the expert pursuant to section 6 of this act;

(d) State any clinical observations, findings and opinions of the expert on each issue referred to the expert for evaluation by the juvenile court and specifically indicate any issues on which the expert was unable to give an opinion;

(e) Identify the sources of information used by the expert and present the factual basis for any clinical observations, findings and opinions of the expert; and

(f) State any recommended counseling, treatment, education or therapy to assist the child with behavioral, emotional, psychological or psychiatric issues, if ordered by the juvenile court to provide such recommendations.

2. In addition to the requirements set forth in subsection 1, if an expert believes that a child is incompetent, the expert shall also include in the report:

(a) Any recommended treatment or education for the child to attain competence;

(b) The likelihood that the child will attain competence under the recommended treatment or education;

(c) An assessment of the probable duration of the treatment or education required to attain competence;

(d) The probability that the child will attain competence in the foreseeable future; and

(e) If the expert recommends treatment for the child to attain competence, a recommendation as to whether services can best be provided to the child as an outpatient or inpatient, or by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160.

Sec. 8. ***1. Upon receipt of the required written reports from all experts appointed by the juvenile court, the juvenile court shall hold an expedited hearing to determine whether the child is incompetent.***

2. The parties may waive the presence of witnesses and submit the issue of competence to the juvenile court on the written reports of the experts who evaluated the child.

3. The party who made the motion to determine whether the child is competent has the burden of proof to rebut the presumption of competence by a preponderance of the evidence.

4. Unless the parties stipulate or the juvenile court orders otherwise, the parties shall disclose all witnesses, reports and documents at least 10 days before the scheduled day of the hearing.

5. During the hearing, the parties may:

(a) Introduce other evidence, including, without limitation, evidence related to treatment, competence and the possibility of ordering the involuntary administration of medicine; and

(b) Cross-examine witnesses.

Sec. 9. ***1. Except as otherwise provided in subsection 2, the juvenile court may consider any information that is relevant to the determination of the competence of the child and any information elicited from the child pursuant to sections 2 to 12, inclusive, of this act only for the purpose of:***

(a) Determining whether the child is incompetent; and

(b) Making a ~~[final]~~ disposition of the case ~~[.]~~ in juvenile court.

2. The provisions of subsection 1 do not apply if a child whose competence is being determined presents any information to the juvenile court for a purpose other than those set forth in subsection 1.

Sec. 10. ***1. After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.***

2. If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.

3. If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:

(a) The child is a danger to himself or herself or society;

(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and

(c) Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

4. After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders.

5. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.

Sec. 11. ***1. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:***

(a) Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;

(b) After any period of extended treatment;

(c) After the child completes any treatment ordered by the juvenile court;

(d) After a person ordered by the juvenile court to provide services to the child pursuant to section 10 of this act determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to section 10 of this act must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.

3. After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with sections 2 to 12, inclusive, of this act, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine

whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 12. ***If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, during the period that the child remains incompetent, the child may not be:***

1. Adjudicated a delinquent child or a child in need of supervision; or

2. Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that the delinquency is an allegation of delinquency. It includes parole when the district attorney or the child can call any other expert witness to testify concerning the child's competence. It clarifies certain considerations, if appropriate, an expert must take into

account as part of his or her evaluation and clarifies that the exceptions for the limited use of the child's statements apply only in juvenile court and would not apply in criminal court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 144.

AN ACT relating to concealed firearms; authorizing ~~[a person]~~ **certain persons** who ~~[possesses]~~ **possess** a permit to carry a concealed firearm issued by another state to carry a concealed firearm in this State in accordance with the laws of this State; repealing certain other provisions concerning reciprocity of permits to carry concealed firearms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Public Safety to prepare annually a list of states that have: (1) requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements set forth in this State; and (2) an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm by that state and which a law enforcement officer in this State may access at all times. Additionally, a state may only be included in the list if the Nevada Sheriffs' and Chiefs' Association agrees with the Department's inclusion of the state. (NRS 202.3689) Existing law also authorizes a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list to carry a concealed firearm in this State in accordance with the laws of this State unless the person: (1) becomes a resident of this State; and (2) has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State. (NRS 202.3688) **Section 2** of this bill repeals all provisions of existing law relating to the list prepared by the Department.

Existing law additionally requires that a person who is a resident of this State must be at least 21 years of age to be eligible for a permit to carry a concealed firearm. (NRS 202.3657) **Section 1** of this bill authorizes a person who possesses a permit to carry a concealed firearm that was issued by another state to carry a concealed firearm in this State in accordance with the laws of this State ~~[unless]~~ **if the person: (1) is at least 21 years of age; or (2) is less than 21 years of age and is a law enforcement officer or a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, or was discharged or released from service therein under honorable conditions. A person who meets either such requirement is prohibited from carrying a concealed firearm in this State if** the person ~~[:~~ ~~(1)]~~ becomes a resident of this State ~~[;]~~ and ~~[(2)]~~ **, if the person is at least 21**

years of age, has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

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

Section 1. NRS 202.3688 is hereby amended to read as follows:

202.3688 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** a person who ***is at least 21 years of age and*** possesses a permit to carry a concealed firearm that was issued by ~~[a]~~ ***another*** state ~~[included in the list prepared pursuant to NRS 202.3689]~~ may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive.

2. ***Notwithstanding the provisions of subsection 1, and except as otherwise provided in subsection 3, a person who is less than 21 years of age and possesses a permit to carry a concealed firearm that was issued by another state may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive, if the person:***

(a) Is a law enforcement officer;

(b) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or

(c) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions.

➥ A person who is authorized to carry a concealed firearm pursuant to this subsection is not exempt from any age requirements imposed by law which govern the purchase of firearms or ammunition.

3. A person who ~~[possesses a permit to carry a concealed firearm that was issued by a~~ ***another*** ~~state included in the list prepared pursuant to NRS 202.3689]~~ ***meets the requirements of:***

(a) Subsection 1 may not carry a concealed firearm in this State if the person:

~~[(a)]~~ ***(1)*** Becomes a resident of this State; and

~~[(b)]~~ ***(2)*** Has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

~~[3. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.]~~

(b) Subsection 2 may not carry a concealed firearm in this State if the person becomes a resident of this State.

Sec. 2. NRS 202.3689 is hereby repealed.

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

TEXT OF REPEALED SECTION

202.3689 Department to prepare list of states that meet certain requirements concerning permits; Department to provide copy of list to law enforcement agencies in this State; Department to make list available to public.

1. On or before July 1 of each year, the Department shall:

(a) Examine the requirements for the issuance of a permit to carry a concealed firearm in each state and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive.

(b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.

(c) Prepare a list of states that meet the requirements of paragraphs (a) and (b). A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.

(d) Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.

2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen, Kirkpatrick, and Wheeler.

ASSEMBLYMAN HANSEN:

Amendment 144 to Assembly Bill 139 allows a member of the military or an honorably discharged member of the military or a current law enforcement officer who is under 21 years of age and has a CCW issued by another state to carry a concealed firearm in Nevada. It changes the effective date to upon passage and approval.

ASSEMBLYWOMAN KIRKPATRICK:

To the Chairman of the Committee on Judiciary, as a CCW carrier—and knowing all the hard work I had to go through to get that CCW—I just want to have some clarity on this amendment. What happens if the other state has just on online provision to get a CCW and you do not have to go out and shoot? I want to understand how that works. I am proud of my CCW, and I earned every bit of it and I had to practice.

ASSEMBLYMAN HANSEN:

This is limited very specifically to law enforcement officers and members of the Armed Forces who have been honorably discharged or current members. It is for people who have extensive experience with weapons and high levels of training. So if you have a CCW in another state and you are a member of one of those three groups, then you would be allowed to carry a concealed weapon in Nevada.

ASSEMBLYWOMAN KIRKPATRICK:

I am assuming that if that does happen, they would have to produce their police card or their service card.

ASSEMBLYMAN WHEELER:

I believe that the Chairman of Judiciary is correct about the amendment. I think the misunderstanding is that the Minority Leader is asking about the bill. The bill actually allows any CCW from any of the 50 states to carry in Nevada. The amendment adds these people as well.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 157.

Bill read second time.

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

Amendment No. 127.

AN ACT relating to service animals; making certain provisions relating to service animals and service animals in training applicable only when the animal is a dog or a miniature horse; **revising provisions governing the use of a service animal by a person with a disability;** allowing an employer to determine whether it is reasonable to allow an employee to keep a service animal that is a miniature horse at the place of employment; allowing a place of public accommodation or common carrier to determine whether it is reasonable to admit a service animal or service animal in training that is a miniature horse; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines: (1) "service animal" as an animal that has been trained to assist or accommodate a person with a disability; and (2) "service animal in training" as an animal that is being trained to assist or accommodate a person with a disability. (NRS 426.097, 426.099) Federal regulations: (1) define "service animal" as a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability; and (2) require a place of public accommodation to make reasonable modifications to allow the use of a miniature horse that is individually trained to do work or perform tasks for the benefit of a person with a disability. (28 C.F.R. §§ 35.104, 35.136, 36.104, 36.302) **Sections 1 and 2** of this bill revise the definition of the terms "service animal" and "service animal in training" to include only dogs and miniature horses trained or being trained to do work or perform tasks for the benefit of a person with a disability. Because those terms are incorporated in other provisions of existing law, only dogs and miniature horses will be considered service animals for the purposes of provisions of existing law that: (1) require certain emergency management plans and plans for emergency operations to address the needs of persons with service animals; (2) authorize only a blind, deaf or physically disabled person to use a service animal; (3) require persons to take precautions to avoid accident or injury to a person using a service animal; (4) prohibit interfering with, beating or killing a service animal; (5) prohibit fraudulently misrepresenting an animal as a service animal; (6) require sterilization of certain pets that are not service animals; (7) require an employer to allow an employee to keep a service animal with him or her; and (8) require

a place of public accommodation or a common carrier to admit a service animal or a service animal in training. (NRS 414.095, 414.097, 426.510, 426.515, 426.695, 426.790, 426.805, 426.810, 484B.290, 574.600-574.660, 613.330, 651.075, 704.145, 706.366)

Existing federal regulations require a public entity or a place of public accommodation to make accommodations to permit the use of a service animal by a person with any disability. (28 C.F.R. §§ 35.136, 36.302) Existing law in Nevada: (1) authorizes a person who is blind, deaf or has a physical disability to use a service animal; and (2) provides that the failure of such a person to use a service animal may be admissible as evidence of contributory negligence in certain personal injury actions. (NRS 426.510, 426.515) Sections 2.3 and 2.7 of this bill revise those provisions of existing law to include a person with any type of disability.

Sections 3-6 of this bill provide that an employer is not required to allow an employee to keep a service animal that is a miniature horse with him or her, and a place of public accommodation or common carrier is not required to admit a service animal or service animal in training that is a miniature horse, if it would be unreasonable to comply, using criteria for determining reasonableness set forth in federal regulations.

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

Section 1. NRS 426.097 is hereby amended to read as follows:

426.097 "Service animal" ~~[means an animal that has been trained to assist or accommodate a person with a disability.]~~ ***has the meaning ascribed to it in 28 C.F.R. § 36.104 and includes a miniature horse that has been trained to do work or perform tasks for the benefit of a person with a disability.***

Sec. 2. NRS 426.099 is hereby amended to read as follows:

426.099 "Service animal in training" means ~~[an animal]~~ ***a dog or a miniature horse*** that is being trained ~~[to assist or accommodate a person with a disability.]~~ ***as a service animal.***

Sec. 2.3. **NRS 426.510 is hereby amended to read as follows:**

426.510 1. Except as otherwise provided in subsections 2, 3 and 4, a person shall not:

(a) Use a service animal; or

(b) Carry or use on any street or highway or in any other public place a cane or walking stick which is white or metallic in color, or white tipped with red.

2. A person who is blind may use a service animal and a cane or walking stick which is white or metallic in color, or white tipped with red.

3. A person who is deaf may use a service animal.

4. A person with a ~~[physical]~~ disability ***not described in subsection 2 or 3*** may use a service animal.

5. Any pedestrian who approaches or encounters a person who is blind using a service animal or carrying a cane or walking stick, white or metallic in color, or white tipped with red, shall immediately come to a full stop and take

such precautions before proceeding as may be necessary to avoid accident or injury to the person who is blind.

6. Any person other than a person who is blind who:

(a) Uses a service animal or carries a cane or walking stick such as is described in this section, contrary to the provisions of this section;

(b) Fails to heed the approach of a person using a service animal or carrying such a cane as is described by this section;

(c) Fails to come to a stop upon approaching or coming in contact with a person so using a service animal or so carrying such a cane or walking stick; or

(d) Fails to take precaution against accident or injury to such a person after coming to a stop as provided for in this section,

➥ is guilty of a misdemeanor.

7. This section does not apply to any person who is instructing a person who is blind, person who is deaf or person with ~~[a physical]~~ ***any other*** disability or training a service animal.

Sec. 2.7. **NRS 426.515 is hereby amended to read as follows:**

426.515 The failure of a:

1. Person who is blind to carry a white or metallic colored cane or to use a service animal;

2. Person who is deaf to use a service animal; or

3. Person with a ~~[physical]~~ disability ***not described in subsection 1 or 2*** to use a service animal,

➥ does not constitute contributory negligence per se, but may be admissible as evidence of contributory negligence in a personal injury action by that person against a common carrier or any other means of public conveyance or transportation or a place of public accommodation as defined by NRS 651.050 when the injury arises from the person who is blind, person who is deaf or person with ~~[a physical disability's]~~ ***any other disability*** making use of the facilities or services offered by the carrier or place of public accommodation.

Sec. 3. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. ~~[It]~~ ***Except as otherwise provided in subsection 6, it*** is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment ~~[.]~~ ***, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.***

7. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 4. NRS 651.075 is hereby amended to read as follows:

651.075 1. ~~[It]~~ ***Except as otherwise provided in subsection 5,*** is unlawful for a place of public accommodation to:

(a) Refuse admittance or service to a person with a disability because the person is accompanied by a service animal.

(b) Refuse admittance or service to a person ***who is*** training ~~***[who]***~~ ***a service animal because the person is accompanied by*** a service animal ~~[.]~~ ***in training.***

(c) Refuse to permit an employee of the place of public accommodation who is training ~~***[accompanied by]***~~ a service animal ~~***[in training]***~~ to bring the service animal ***in training*** into:

(1) The place of public accommodation; or

(2) Any area within the place of public accommodation to which employees of the place of public accommodation have access, regardless of whether the area is open to the public.

(d) Refuse admittance or service to a person because the person is accompanied by a police dog.

(e) Charge an additional fee or deposit for a service animal, service animal in training or a police dog as a condition of access to the place of public accommodation.

(f) Require proof that an animal is a service animal or service animal in training.

2. A place of public accommodation may:

(a) Ask a person accompanied by an animal:

(1) If the animal is a service animal or service animal in training; and

(2) What tasks the animal is trained to perform or is being trained to perform.

(b) Ask a person to remove a service animal or service animal in training if the animal:

(1) Is out of control and the person accompanying the animal fails to take effective action to control it; or

(2) Poses a direct threat to the health or safety of others.

3. A service animal may not be presumed dangerous by reason of the fact it is not muzzled.

4. This section does not relieve:

(a) A person with a disability who is accompanied by a service animal or a person who ~~[trains]~~ ***is accompanied by*** a service animal ***in training*** from liability for damage caused by the service animal ~~[.]~~ ***or service animal in training.***

(b) A person who is accompanied by a police dog from liability for damage caused by the police dog.

5. ***A place of public accommodation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if the place of public accommodation determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.***

6. Persons with disabilities who are accompanied by service animals are subject to the same conditions and limitations that apply to persons who are not so disabled and accompanied.

~~[6.]~~ ***7.*** Persons who are accompanied by police dogs are subject to the same conditions and limitations that apply to persons who are not so accompanied.

~~[7.]~~ ***8.*** A person who violates paragraph (e) of subsection 1 is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and

(c) Reasonable attorney's fees as determined by the court.

~~[8.]~~ ***9.*** The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.

~~[9.]~~ ***10.*** As used in this section:

(a) "Police dog" means a dog which is owned by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.

(c) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Sec. 5. NRS 704.145 is hereby amended to read as follows:

704.145 1. ~~[It]~~ ***Except as otherwise provided in subsection 2, it*** is unlawful for a common carrier or other means of public conveyance or transportation operating in this State to:

(a) Refuse service to a person with a disability because the person is accompanied by a service animal;

(b) Refuse service to a person who is training a service animal because the person is accompanied by the service animal in training; or

(c) Charge an additional fee or a deposit for a service animal or service animal in training.

2. ***A common carrier or other means of public conveyance or transportation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if it determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.***

3. This section does not relieve a person with a disability who is accompanied by a service animal or a person who ~~[trains]~~ ***is accompanied by*** a service animal ***in training*** from liability for damage which may be caused by the service animal or service animal in training.

~~[3.]~~ ***4.*** Persons with disabilities accompanied by service animals on common carriers or other means of public conveyance or transportation operating in this State are subject to the same conditions and limitations that apply to persons without disabilities who are not so accompanied.

~~[4.]~~ ***5.*** A common carrier or other means of public conveyance or transportation operating in this State that violates any of the provisions of subsection 1 is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and

(c) Reasonable attorney's fees as determined by the court.

~~[5.]~~ ***6.*** The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.

~~[6.]~~ ***7.*** As used in this section:

(a) "Service animal" has the meaning ascribed to it in NRS 426.097.

(b) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Sec. 6. NRS 706.366 is hereby amended to read as follows:

706.366 1. ~~[It]~~ ***Except as otherwise provided in subsection 2, it*** is unlawful for a common motor carrier of passengers or other means of public conveyance or transportation operating in this State to:

(a) Refuse service to a person with a disability because the person is accompanied by a service animal;

(b) Refuse service to a person who is training a service animal because the person is accompanied by the service animal in training; or

(c) Charge an additional fee or a deposit for a service animal or service animal in training.

2. ***A common motor carrier of passengers or other means of public conveyance or transportation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if it determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.***

3. This section does not relieve a person with a disability who is accompanied by a service animal or a person who ~~[trains]~~ ***is accompanied by*** a service animal ***in training*** from liability for damage which may be caused by the service animal or service animal in training.

~~[3.]~~ ***4.*** Persons with disabilities accompanied by service animals on common motor carriers of passengers or other means of public conveyance or transportation operating in this State are subject to the same conditions and

limitations that apply to persons without disabilities who are not so accompanied.

~~[4.]~~ ***5.*** A common motor carrier of passengers or other means of public conveyance or transportation operating in this State that violates any of the provisions of subsection 1 is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and

(c) Reasonable attorney's fees as determined by the court.

~~[5.]~~ ***6.*** The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.

~~[6.]~~ ***7.*** As used in this section:

(a) "Service animal" has the meaning ascribed to it in NRS 426.097.

(b) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that a service animal may be used by a person with any type of disability and makes a technical correction that a public accommodation may not refuse admittance or service to a person who is accompanied by a service animal which that person is training.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 159.

Bill read second time and ordered to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 151.

AN ACT relating to courts; revising provisions concerning the locations in which justice courts and municipal courts must be held; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires justice courts to be held in their respective townships, precincts or cities, and municipal courts in their respective cities. (NRS 1.050) This bill provides that justice courts and municipal courts may also be held in various other locations under certain circumstances.

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

Section 1. NRS 1.050 is hereby amended to read as follows:

1.050 1. Except as otherwise provided in NRS 3.100, the District Court in and for Carson City shall sit at Carson City.

2. Except as provided in subsection ~~[4]~~ ***5*** or NRS 3.100, every other court of justice, except justice or municipal court, shall sit at the county seat of the county in which it is held.

3. Justice courts ~~[shall]~~ ***must*** be held in their respective townships, precincts or cities, ~~[and municipal courts in their respective cities.]~~ ***except that a justice court may also be held:***

(a) In a court or other facility used by any other justice court located within the same county, with the consent of the justice of the peace who presides over that court or other facility.

(b) ~~[In]~~ With the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.

(c) At any other place located within the same county, with the consent of the parties to an action or proceeding pending before the court and the approval of the court.

4. ***Municipal courts must be held in their respective cities, except that a municipal court may also be held , with the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.***

5. The parties to an action in a district court may stipulate, with the approval of the court, that the action may be tried, or any proceeding related to the action may be had, before that court at any other place in this State where a ~~[district]~~ court is regularly held.

Sec. 2. NRS 4.360 is hereby amended to read as follows:

4.360 The courts held by justices of the peace are denominated justice courts. ~~[They shall]~~ ***Justice courts*** have no terms ~~[, but shall]~~ ***and must*** always be open. ~~[Justice]~~ ***Except as otherwise provided in subsection 3 of NRS 1.050, justice*** courts ~~[shall]~~ ***must*** be held in their respective townships.

Sec. 3. NRS 5.010 is hereby amended to read as follows:

5.010 There must be in each city a municipal court presided over by a municipal judge. The municipal court:

1. ~~[Must]~~ ***Except as otherwise provided in subsection 4 of NRS 1.050, must*** be held at such place in the city within which it is established as the governing body of that city may by ordinance direct.

2. May by ordinance be designated as a court of record.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that justice courts and municipal courts may be held in certain other locations upon the approval of the court. It also allows the parties to an action to stipulate, with the approval of the court, that an action or proceeding related to the action may be held at any other court that is regularly held.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 236.

AN ACT relating to common-interest communities; revising certain provisions concerning a period of declarant's control of a unit-owners' association; revising certain provisions relating to elections of the members of the executive board of a unit-owners' association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing common-interest communities. (Chapter 116 of NRS) Under existing law, the declaration of a common-interest community may provide for a period of declarant's control of the unit-owners' association, during which a declarant may appoint and remove the officers and members of the executive board of the association. (NRS 116.31032) This bill revises the provisions governing the period of time in which a period of declarant's control must terminate. This bill also revises certain provisions concerning the election of unit owners to the executive board during the period of declarant's control.

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

Section 1. NRS 116.31032 is hereby amended to read as follows:

116.31032 1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by a declarant, may appoint and remove the officers of the association and members of the executive board. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period and, in that event, the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, a period of declarant's control terminates no later than the earliest of:

(a) ~~[Sixty]~~ ***For a common-interest community with less than 1,000 units, 60*** days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant ~~[or, if]~~ ***;***

(b) For a common-interest community with 1,000 units or more, 60 days after conveyance of 90 percent of the units that may be created to units' owners other than a declarant;

(c) If the association exercises powers over a common-interest community pursuant to this chapter and a time-share plan pursuant to chapter 119A of NRS, 120 days after conveyance of 80 percent of the units that may be created to units' owners other than a declarant;

~~[(b)]~~ ***(d)*** Five years after all declarants have ceased to offer units for sale in the ordinary course of business;

~~[(c)]~~ ***(e)*** Five years after any right to add new units was last exercised; or

~~[(d)]~~ ***(f)*** The day the declarant, after giving notice to units' owners, records an instrument voluntarily surrendering all rights to control activities of the association.

2. ~~[Not]~~ ***For a common-interest community with:***

(a) Less than 1,000 units, not later than 60 days after conveyance of 25 ~~***[15]***~~ percent of the units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant.

(b) One thousand units or more, not later than 60 days after conveyance of 15 percent of the units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant.

3. Not later than 60 days after conveyance of 50 percent of the units that may be created to units' owners other than a declarant, not less than one-third of the members of the executive board must be elected by units' owners other than the declarant.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen, Kirkpatrick, and Woodbury.

ASSEMBLYMAN HANSEN:

This amendment revises the period of time in which a period of declarant's control may terminate depending on the size: for a common-interest community with less than 1,000 units, 60 days after conveyance of 75 percent of the units and for 1,000 units or more, 60 days after conveyance of 90 percent of the units. It revises the election of unit owners to the executive board during the period of declarant's control depending on the size: for a common-interest community with less than 1,000 units, not later than 60 days after conveyance of 25 percent of the units and for 1,000 units or more, not later than 60 days after conveyance of 15 percent of the units.

ASSEMBLYWOMAN KIRKPATRICK:

Would the Chairman of the Committee on Judiciary allow the bill's sponsor, my colleague from District 23, to give me some legislative intent? I live in North Las Vegas where there are a lot of unfinished subdivisions, so I would like to know what the legislative intent was. If I get asked, I will know the answer.

ASSEMBLYWOMAN WOODBURY:

This bill allows a declarant to remain on the board longer than is currently in statute, until 90 percent of the units are sold within a large master planned community of 1,000 units or more. This extended time will allow the completion of major infrastructure such as utilities, parks, and trails and allow for a smoother transition to the homeowner board. It also allows the homeowner on the board sooner, which allows for more education of the homeowner.

Many of these master planned communities have multi-million dollar annual operating budgets, and this is a large operating budget for someone without the experience to oversee. With the homeowner and the declarant on the board, in addition to completing the necessary infrastructure, the declarant can educate the homeowners on the board, which ultimately allows for a smoother transition to the homeowner-controlled board once the declarant is off.

ASSEMBLYWOMAN KIRKPATRICK:

That brings a lot of relief to the homeowners who want to be on the board sooner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 263.

AN ACT relating to short-term lessors of vehicles; revising provisions governing the charging and collection of governmental services fees required upon the short-term leasing of passenger cars; ~~[revising provisions relating to the imposition of certain charges on a short-term lease of certain vehicles;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person licensed as a short-term lessor of vehicles must charge and collect from each short-term lessee of a passenger car a governmental services fee of 10 percent of the total amount for which the passenger car was leased, excluding some deductions. (NRS 482.313) **Section 1** of this bill adds to the list of permissible deductions the amount of any fee or charge that is imposed by a governmental entity **.** ~~[and is paid by the short-term lessor: (1) as a concession fee; (2) for the privilege of operating at an airport or a related facility; or (3) on behalf of a short-term lessee for the privilege of using the airport or a related facility.~~

~~Existing law authorizes a short-term lessor of a passenger car to impose on a short-term lessee certain additional charges, including the short-term lessor's vehicle licensing costs. (NRS 482.31527, 482.3158) The term "passenger car," for the purposes of authorizing the charging of vehicle licensing costs, is defined as a motor vehicle designed for carrying 10 persons or less, except a motorcycle or motor-driven cycle. (NRS 482.087) Sections 2 and 3 of this bill replace the term "passenger car" with the term "vehicle" in the statutory sections related to the charging of vehicle licensing costs by a short-term lessor.]~~ **Section 1 also provides an exemption from the imposition of the governmental services fee for any passenger car leased by or on behalf of**

this State, its unincorporated agencies and instrumentalities and any county, city, district or other political subdivision of this State.

Section 4 of this bill replaces the term "passenger car" with the term "vehicle" for the purposes of allowing an employee of a short-term lessor who holds a limited license as a producer of insurance to solicit and sell insurance requested by a short-term lessee. (NRS 683A.221)

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

Section 1. NRS 482.313 is hereby amended to read as follows:

482.313 1. ~~[Upon]~~ ***Except as otherwise provided in subsection 8, upon*** the lease of a passenger car by a short-term lessor in this State, the short-term lessor shall charge and collect from the short-term lessee:

(a) A governmental services fee of 10 percent of the total amount for which the passenger car was leased, excluding ***any taxes or other fees imposed by a governmental entity and*** the items described in subsection 7; and

(b) Any fee required pursuant to NRS 244A.810 or 244A.860.

➥ The amount of each fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The fees due from a short-term lessor to the Department of Taxation pursuant to subsection 1 are due on the last day of each calendar quarter. On or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, on a form prescribed by the Department of Taxation, a report indicating the total amount of each of the fees collected by the short-term lessor pursuant to subsection 1 during the immediately preceding calendar quarter; and

(b) Remit to the Department of Taxation the fees collected by the short-term lessor pursuant to subsection 1 during the immediately preceding calendar quarter.

3. Except as otherwise provided in a contract made pursuant to NRS 244A.820 or 244A.870, the Department of Taxation shall deposit all money received from short-term lessors pursuant to the provisions of subsection 1 with the State Treasurer for credit to the State General Fund.

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fees described in subsection 1.

7. For the purposes of charging and collecting the governmental services fee described in paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of any fee charged and collected pursuant to paragraph (b) of subsection 1;

(b) The amount of any charge for fuel used to operate the passenger car;

(c) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(d) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; and

(e) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible . ~~*[; and*~~

~~*(f) The amount of any fee or charge that is imposed by a governmental entity and paid by the short-term lessor:*~~

~~*(1) As a concession fee;*~~

~~*(2) For the privilege of operating at an airport or a related facility; or*~~

~~*(3) On behalf of a short-term lessee for the privilege of using an airport or a related facility.]*~~

8. ***The fee required pursuant to subsection 1 does not apply with respect to any passenger car leased by or on behalf of this State, its unincorporated agencies and instrumentalities or any county, city, district or other political subdivision of this State.***

9. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as the Executive Director determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

Sec. 2. ~~**[**NRS 482.31527 is hereby amended to read as follows:~~

~~482.31527 "Vehicle licensing costs" means:~~

~~1. The fees paid by a short-term lessor for the registration of, and the issuance of certificates of title for, the~~ **[**~~passenger cars~~**]** ***vehicles*** ~~leased by the short-term lessor, including, without limitation, fees for license plates and license plate decals, stickers and tabs, and inspection fees; and~~

~~2. The basic and supplemental governmental services taxes paid by the short-term lessor with regard to those~~ **[**~~passenger cars.~~**]** ***vehicles.]*** **(Deleted by amendment.)**

Sec. 3. ~~**[**NRS 482.3158 is hereby amended to read as follows:~~

~~482.3158 1. The short-term lessor of a~~ **[**~~passenger car~~**]** ***vehicle*** ~~may impose an additional charge:~~

~~(a) Based on reasonable age criteria established by the lessor.~~

~~(b) For any item or a service provided if the short-term lessee could have avoided incurring the charge by choosing not to obtain or utilize the optional item or service.~~

~~(c) For insurance and accessories requested by the lessee.~~

~~(d) For service incident to the lessee's optional return of the~~ **[**~~passenger car~~**]** ***vehicle*** ~~to a location other than the location where the~~ **[**~~passenger car~~**]** ***vehicle*** ~~was leased.~~

~~(e) For refueling the~~ **[**~~passenger car~~**]** ***vehicle*** ~~at the conclusion of the lease if the lessee did not return the~~ **[**~~passenger car~~**]** ***vehicle*** ~~with as much fuel as was in the fuel tank at the beginning of the lease.~~

~~(f) For any authorized driver in addition to the short-term lessee but shall not, except as otherwise provided in this paragraph, charge more than $10 per full or partial 24-hour period for such an additional authorized driver. The monetary amount set forth in this paragraph must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its website or otherwise make that information available to short-term lessors.~~

~~(g) To recover costs incurred by the short-term lessor as a condition of doing business, including, without limitation:~~

~~(1) The short-term lessor's vehicle licensing costs; and~~

~~(2) Concession, access and other fees imposed on the short-term lessor by an airport or other facility for the privilege of operating at the facility.~~

~~(h) To recover any fees paid by the short-term lessor on behalf of the short-term lessee, including, without limitation, a customer facility charge imposed on the short-term lessee by an airport or other facility for the privilege of using the facility.~~

~~2. The short-term lessor of a~~ **[**~~passenger car~~**]** ***vehicle*** ~~that wishes to impose an additional charge pursuant to paragraph (g) or (h) of subsection 1:~~

~~(a) Must, at the time the lease commences, provide the short-term lessee with a lease agreement which clearly discloses all charges for the entire lease, excluding charges that cannot be determined at the time the lease commences; and~~

~~(b) Must:~~

~~(1) At the time the short-term lessee makes the reservation for the short-term lease of the~~ **[**~~passenger car,~~**]** ***vehicle,*** ~~provide a good faith estimate of the total of all charges for the entire lease, excluding mileage charges and charges for optional items that cannot be determined based upon the information provided by the short-term lessee; or~~

~~(2) At the time the short-term lessor provides a price quote or estimate for the short-term lease of the~~ **[**~~passenger car,~~**]** ***vehicle,*** ~~disclose the existence of any vehicle licensing costs and any other separately stated additional charge.~~

~~3. A short-term lessor shall not charge a short-term lessee, as a condition of leasing a~~ **[**~~passenger car,~~**]** ***vehicle,*** ~~an additional fee for:~~

~~(a) Any surcharges required for fuel.~~

~~(b) Transporting the lessee to the location where the [passenger car] *vehicle* will be delivered to the lessee.~~

~~4. If a short-term lessor:~~

~~(a) Delivers a [passenger car] *vehicle* to a short-term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period before the delivery of the [passenger car.] *vehicle.*~~

~~(b) Takes possession of a [passenger car] *vehicle* from a short-term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period after the lessee notifies the lessor to take possession of the [passenger car.] *vehicle.]*~~

(Deleted by amendment.)

Sec. 4. NRS 683A.221 is hereby amended to read as follows:

683A.221 If a short-term lessor of ~~[passenger]~~ vehicles licensed pursuant to NRS 482.363 holds a limited license as a producer of insurance issued pursuant to NRS 683A.271, an employee of the short-term lessor may engage in the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158 without a license issued pursuant to this chapter if the solicitation and sale of such insurance is done on behalf of, and under the supervision of, the short-term lessor.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 263 makes the following three changes to Assembly Bill 203:

One, it removes three new permissible deductions from the governmental services fee that were proposed in the bill: (a) a concession fee, (b) a privilege of operating at the airport or a related facility, or (c) on behalf of a short-term lessee, the privilege of using the airport or a related facility, and instead provides language to exclude any taxes or other fees imposed by a government entity.

Two, it exempts from the government services fee of the state of Nevada, its agencies and instrumentalities, any county, city, district, or other political subdivision of this state.

Three, it removes the proposed changes in the bill concerning replacing the term "passenger car" with the term "vehicle" in relation to the charging of vehicle licensing costs by a short-term lessor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 239.

SUMMARY—Prohibits a person from making or causing to be made ~~[a 311]~~ **certain** nonemergency telephone ~~[call]~~ **calls** under certain circumstances. (BDR 15-922)

AN ACT relating to crimes; prohibiting a person from making or causing to be made ~~[a 311]~~ **certain** nonemergency telephone ~~[call]~~ **calls** under certain

circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made any telephonic access to a system established to provide a telephone number to be used in an emergency if no actual or perceived emergency exists. (NRS 207.245) This bill similarly makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a ~~[~~311~]~~ nonemergency telephone call to report an emergency **on any nonemergency telephone line maintained by a governmental entity** if no actual or perceived emergency exists. This bill also makes it a category E felony for a person to commit either offense if the person ~~[knew or reasonably should have known that his or her conduct would create a risk which is likely to and actually]~~ **intended to initiate an emergency response and the emergency response initiated by that person** results in the death or serious bodily injury of another. This bill further provides that a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. **Finally, this bill provides that it is an affirmative defense to a violation charged pursuant to the provisions of this bill if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled.**

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

Section 1. NRS 207.245 is hereby amended to read as follows:

207.245 1. ~~[As used in this section, "system" means a system established to provide a telephone number to be used in an emergency.~~

~~2.]~~ It is unlawful for any person knowingly or willfully to make or cause to be made ~~[any]~~ ***:***

(a) Any telephonic access to a system ***; or***

(b) A ~~[311]~~ nonemergency telephone call to report an emergency ~~[,]~~ on any nonemergency telephone line maintained by a governmental entity,

➥ if no actual or perceived emergency exists.

~~[3. Any]~~

2. Except as otherwise provided in subsection 3, a person who violates any provision of this section is guilty of a gross misdemeanor.

3. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130 if : ~~[the person knew or reasonably should have known that his or her conduct would create a risk which:]~~

(a) ~~[Is likely to result in the death or serious bodily injury of another;]~~ The person intended to initiate an emergency response by law enforcement, firefighting, emergency medical care or public safety personnel when no actual emergency exists; and

(b) ~~[Actually]~~ The emergency response initiated by the person results in the death or serious bodily injury of another.

4. A person who is convicted of a category E felony pursuant to subsection 3 is liable for any costs incurred by any governmental entity as a result of his or her conduct.

5. It is an affirmative defense to a violation charged pursuant to this section if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled. A court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to a program of treatment established pursuant to NRS 176A.250.

6. As used in this section:

(a) "Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage, or any other situation which is likely to cause a governmental entity to provide services related to law enforcement, firefighting, emergency medical care or public safety.

(b) "Governmental entity" means an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision.

(c) "System" means a system established to provide a telephone number to be used in an emergency.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment changes the language of the bill from a 311 nonemergency telephone call to any nonemergency telephone call. It clarifies that a person is guilty of a category E felony if the person calling intended to initiate an emergency response when no actual emergency existed and the emergency response initiated by the person results in the death or serious bodily injury of another. Finally, this amendment provides that it is an affirmative defense if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 240.

AN ACT relating to real property; revising exceptions to certain requirements related to the servicing of residential mortgage loans and the foreclosure of owner-occupied housing securing a residential mortgage loan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a signatory to the consent judgment entered in the case entitled *United States of America et al. v. Bank of America Corporation et al.*, who complies with the Settlement Term Sheet under that judgment is deemed to be in compliance with certain provisions of state law governing the servicing of residential mortgage loans. However, if that consent judgment is modified or amended to permit compliance with the Final Servicing Rules issued by the federal Consumer Financial Protection Bureau to supersede the terms of the Settlement Term Sheet of the consent judgment: (1) a signatory to the consent judgment who is in compliance with the modified or amended Settlement Term Sheet is deemed to be in compliance with certain provisions of state law governing the servicing of residential mortgage loans; and (2) any other person who complies with the Final Servicing Rules is deemed to be in compliance with those provisions of state law. This bill amends this provision to specifically state that any mortgage servicer, mortgagee, beneficiary of a deed of trust or an authorized agent of such a person is deemed to be in compliance with existing state law if the servicer, mortgagee, beneficiary or authorized agent complies with the Final Servicing Rules. This bill further provides that if the Final Servicing Rules are repealed or held invalid, or otherwise lapse, the servicer, mortgagee, beneficiary or authorized agent is subject to the provisions of state law.

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

Section 1. NRS 107.560 is hereby amended to read as follows:

107.560 1. If a trustee's deed upon sale has not been recorded, a borrower may bring an action for injunctive relief to enjoin a material violation of NRS 107.400 to 107.560, inclusive. If a sheriff has not recorded the certificate of the sale of the property, a borrower may obtain an injunction to enjoin a material violation of NRS 107.400 to 107.560, inclusive. An injunction issued pursuant to this subsection remains in place and any foreclosure sale must be enjoined until the court determines that the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person has corrected and remedied the violation giving rise to the action for injunctive relief. An enjoined person may move to dissolve an injunction based on a showing that the material violation has been corrected and remedied.

2. After a trustee's deed upon sale has been recorded or after a sheriff has recorded the certificate of the sale of the property, a borrower may bring a civil action in the district court in the county in which the property is located to recover his or her actual economic damages resulting from a material violation of NRS 107.400 to 107.560, inclusive, by the mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, if the material violation was not corrected and remedied before the recording of the trustee's deed upon sale or the recording of the certificate of sale of the

property pursuant to NRS 40.430. If the court finds that the material violation was intentional or reckless, or resulted from willful misconduct by a mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person, the court may award the borrower the greater of treble actual damages or statutory damages of $50,000.

3. A mortgage servicer, mortgagee, beneficiary of the deed of trust or an authorized agent of such a person is not liable for any violation of NRS 107.400 to 107.560, inclusive, that it has corrected and remedied, or that has been corrected and remedied on its behalf by a third party, before the recording of the trustee's deed upon sale or the recording of the certificate of sale of the property pursuant to NRS 40.430.

4. A violation of NRS 107.400 to 107.560, inclusive, does not affect the validity of a sale to a bona fide purchaser for value and any of its encumbrancers for value without notice.

5. A signatory to a consent judgment entered in the case entitled United States of America et al. v. Bank of America Corporation et al., filed in the United States District Court for the District of Columbia, case number 1:12-cv-00361 RMC, that is in compliance with the relevant terms of the Settlement Term Sheet of that consent judgment with respect to the borrower while the consent judgment is in effect is deemed to be in compliance with NRS 107.400 to 107.560, inclusive, and is not liable for a violation of NRS 107.400 to 107.560, inclusive. If, on or after October 1, 2013, the consent judgment is modified or amended to permit compliance with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 ***and 10,902*** on February 14, 2013, and any amendments thereto, to supersede some or all of the relevant terms of the Settlement Term Sheet of the consent judgment ~~[~~:

~~(a) A~~**,** ***a*** signatory who is in compliance with the modified or amended Settlement Term Sheet of the consent judgment while the consent judgment is in effect is deemed to be in compliance with NRS 107.400 to 107.560, inclusive, and is not liable for a violation of NRS 107.400 to 107.560, inclusive.

~~[(b)]~~ ***6.*** Any mortgage servicer, mortgagee or beneficiary of the deed of trust or an authorized agent of such a person who complies with the relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10,696 ***and 10,902*** on February 14, 2013, and any amendments thereto, is deemed to be in compliance with NRS 107.400 to 107.560, inclusive, and is not liable for a violation of NRS 107.400 to 107.560, inclusive.

~~[6.]~~ ***If the Final Servicing Rules issued by the Consumer Financial Protection Bureau are repealed or held invalid, or if there is otherwise any***

lapse of those rules, any mortgage servicer, mortgagee or beneficiary of the deed of trust or an authorized agent of such a person is subject to the provisions of NRS 107.400 to 107.560, inclusive ~~[.]~~ ***, but for a foreclosure that is already pending at the time that the Final Servicing Rules are repealed or held invalid or at the time there is a lapse of those rules, the mortgage servicer, mortgagee or beneficiary of the deed of trust or the authorized agent is only subject to the provisions of NRS 107.400 to 107.560, inclusive, with respect to any remaining requirements for a foreclosure of owner-occupied housing securing a residential mortgage loan.***

7. A court may award a prevailing borrower costs and reasonable attorney's fees in an action brought pursuant to this section.

~~[7.]~~ ***8.*** The rights, remedies and procedures provided by this section are in addition to and independent of any other rights, remedies or procedures provided by law.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows for the remaining steps in the foreclosure process to continue if the Final Servicing Rules issued by the Consumer Financial Protection Bureau are repealed or held invalid.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time and ordered to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 247.

AN ACT relating to charter schools; revising the requirements for a project that is financed through bonds to benefit a charter school; ~~[removing the requirement that such a project pay a prevailing wage;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools if certain criteria are met. Existing law requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools. (NRS 386.630, 386.632, 386.634) ~~[Section 1 of this]~~ **This** bill instead requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 2

consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools.

~~[Existing law requires any contract for new construction, repair or reconstruction for a project financed by the Department for the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools to comply with the requirement that the hourly and daily rate of wages must not be less than the prevailing rate of wages in the county in which the project is located. (NRS 338.013-338.090, 386.647) Section 2 of this bill removes this requirement.]~~

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

Section 1. NRS 386.632 is hereby amended to read as follows:

386.632 Except as otherwise provided in NRS 386.639, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter or charter contract, as applicable, granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding ~~[3]~~ ***2*** consecutive school years, one of the ~~[two]~~ ***three*** highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of NRS 386.612 to 386.649, inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 2. ~~[NRS 386.647 is hereby amended to read as follows:~~

~~386.647 1. NRS 386.612 to 386.649, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.~~

~~2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 386.612 to 386.649, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.~~

~~3. The provisions of no other law, either general or local, except as provided in NRS 386.612 to 386.649, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.~~

~~4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 386.612 to 386.649, inclusive~~ **.** ~~**[**, except that the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.**]**~~

~~5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 386.612 to 386.649, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.~~

~~6. The powers conferred by NRS 386.612 to 386.649, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.~~

~~7. No part of NRS 386.612 to 386.649, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.~~

~~8. The Director of the Department of Business and Industry or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or~~

~~accomplishing the purposes of NRS 386.612 to 386.649, inclusive, without the assistance or intervention of any other officer.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[The provisions of this act do not apply to any contract entered into before July 1, 2015, until renewed.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:
Amendment 247 deletes sections 2 and 3 of the bill concerning prevailing wage.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 353.
Bill read second time and ordered to third reading.

Assembly Bill No. 391.
Bill read second time and ordered to third reading.

Assembly Bill No. 392.
Bill read second time and ordered to third reading.

Assembly Bill No. 393.
Bill read second time and ordered to third reading.

Assembly Bill No. 424.
Bill read second time and ordered to third reading.

Assembly Bill No. 425.
Bill read second time and ordered to third reading.

Assembly Bill No. 429.
Bill read second time and ordered to third reading.

Assembly Bill No. 430.
Bill read second time and ordered to third reading.

Assembly Bill No. 444.
Bill read second time and ordered to third reading.

Assembly Bill No. 464.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 1.
Resolution read second time.

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

Amendment No. 101.

Assembly Joint Resolution No. 1.—Assemblyman Ellison**; Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson,**

Bustamante Adams, Carrillo, Diaz, Dickman, Dooling, Edwards, Fiore, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, O'Neill, Ohrenschall, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Stewart, Thompson, Titus, Trowbridge, Wheeler and Woodbury:

ASSEMBLY JOINT RESOLUTION—Recognizing the strategic partnership and bond of friendship with, and expressing the Nevada Legislature's support for, the State of Israel.

WHEREAS, The United States of America, having been the first country to recognize the State of Israel as an independent nation and as the principal ally of the State of Israel, has enjoyed a close and mutually beneficial relationship with the State of Israel and her people; and

WHEREAS, The State of Israel is the United States of America's closest ally in the Middle East; and

WHEREAS, The State of Israel is currently facing significant threats, including the possibility of Iran developing nuclear weapons; and

WHEREAS, These threats pose a substantial risk to the United States of America and the other democratic countries of the world; and

WHEREAS, The State of Nevada and the State of Israel enjoy a cordial and mutually beneficial relationship; and

WHEREAS, The partnership and bond of friendship between the State of Nevada and the State of Israel were further strengthened by Governor Brian Sandoval's trade mission to the State of Israel, which resulted in several Israeli companies considering establishing businesses and other partnerships in the State of Nevada; and

WHEREAS, The Governor has appointed an official trade representative to Israel to continue to promote bilateral economic development between the State of Nevada and the State of Israel; and

WHEREAS, The Jewish community in the State of Nevada continues to make important contributions to the history and culture of the State of Nevada and supports the State of Israel; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 78th Session of the Nevada Legislature hereby recognize the strategic partnership and bond of friendship between the State of Nevada and the State of Israel; and be it further

RESOLVED, That the Nevada Legislature hereby expresses its support for the State of Israel; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Ambassador of Israel to the United States, the Consul General of Israel in Los Angeles, each member of the Nevada Congressional Delegation and the President of the Jewish Federation of Las Vegas; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Joint Resolution 1 recognizes Nevada's longstanding relationship with the State of Israel. Amendment 101 simply adds names to the list of sponsors of the bill.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 10, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 203.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 77 and 203 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 353, 392, 393, 430, and 464 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 8 specifically prohibits a person or organization other than a child welfare agency or a licensed child-placing agency from using various computerized communication systems, such as electronic mail and websites, to advertise the availability or placement of children for adoption. A violation of these provisions would be a misdemeanor.

During a court proceeding, instruments of restraint on a child are prohibited unless the restraint is necessary to prevent the child from harming himself or herself or another person or to prevent the child from escaping the courtroom and there is not a less restrictive alternative to prevent such harm or potential escape. In determining whether to use restraints on a child, the court must consider certain factors in making its determination and make specific findings of fact and conclusions of law to support its determination.

The measure provides that certain placements of a child are not prohibited, including the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or an agency that provides child welfare services, and the placement of a child with a person who is approved by a court. The bill prohibits the trafficking of children, including selling, transferring, or arranging for the sale, transfer, or receiving of a child to another person or entity for money or anything of value. A parent, individual, or entity with custody of a child who traffics the child with the intention of permanently divesting themselves of responsibility for the child would be guilty of a category C felony pursuant to this measure and also may be ordered by a court to pay restitution to the victim of child trafficking.

During the interim, I had the privilege of serving on the Legislative Committee on Child Welfare and Juvenile Justice. It was chaired by our former colleague from Assembly District 8 who worked tirelessly on this issue. During the hearings we heard a lot of testimony about a process called re-homing, where ads are put on Craig's List trying to move adopted children—children that the parents have decided they do not want anymore. Assembly Bill 8 will really address that issue and make sure that does not happen in Nevada.

Roll call on Assembly Bill No. 8:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 14 transfers to the State Board of Examiners the authority to designate debts of the Division of Industrial Relations, Department of Business and Industry, and the State Gaming Control Board as bad debts and to cause the removal of those debts from the books of account of the state.

Roll call on Assembly Bill No. 14:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

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

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:33 p.m.

ASSEMBLY IN SESSION

At 1:39 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Assembly Bill 19 replaces the specified dates that local governments must hold public hearings to consider tentative budgets with a range of dates starting on the third Monday in May and ending on the last day in May.

Roll call on Assembly Bill No. 19:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 23 revises provisions relating to the conduct of elections, including removing the requirement that certain topics be the subject of regulations to be adopted by the Secretary of State. The bill changes the date of certain general city elections to the second Tuesday after the first Monday in June and makes conforming changes to the charters of Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas, and Yerington.

The bill also revises a provision in current law to require that only voters who voted at the relevant preceding election may sign a recall petition. That is to conform to recent Nevada Supreme Court opinion. The bill provides that a committee for the recall of a public officer must file contribution and expenditure reports, regardless of the outcome of the efforts to circulate the recall petition. The bill incorporates the definition of the term "independent expenditure," which we clarified last session into the definition of "committee for political action." Contribution limits currently tied to the dates for convening and adjourning the legislative session are changed to calendar years.

There were some questions about changing the date of the municipal elections. The reason provided during your hearings was the local registrars and the city clerks were having difficulty getting the schools to be available. Moving this will push this out, school will have ended, and hopefully they will not have those difficulties in terms of these municipal elections.

Roll call on Assembly Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Assembly Bill 53 revises the standard of proof for administrative hearings in existing law to conform to the preponderance-of-the-evidence standard set by a recent Nevada Supreme Court decision. This bill also codifies into statute the definition of "substantial evidence" in case law for purposes of the standard for judicial review.

Among other provisions, A.B. 53 also provides that the voluntary surrender of a license in a contested case will constitute disciplinary action against the licensee. It also requires a party who requests the transcription of oral proceedings to pay for the costs of the transcription. It clarifies that to be a contested case, the provision of notice and opportunity for hearing must be required by statute or regulation. Finally, it makes it discretionary instead of mandatory for a regulatory

body that initiates disciplinary proceedings against a licensee to require the licensee to submit his or her fingerprints.

Roll call on Assembly Bill No. 53:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 83 expands the definition of "manufacturer" for the purposes of the regulation of cigarettes and other tobacco products to include certain persons who produce, fill, roll, dispense, or otherwise manufacture cigarettes using certain commercial-grade cigarette rolling machines. The bill requires that a manufacturer must obtain a license from the Department of Taxation in order to operate a rolling machine for commercial purposes, and additionally provides for the seizure and destruction of a rolling machine that is operated illegally.

Assembly Bill 83 also removes a provision requiring certain tobacco manufacturers who are required to maintain a registered agent in Nevada solely to comply with the provisions of NRS 370.680 from the requirement to obtain a state business license from the Secretary of State's Office. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 83:

YEAS—34.

NAYS—Ellison, Fiore, Jones, Moore, Shelton, Titus, Wheeler—7.

EXCUSED—Thompson.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 103 requires the Department of Motor Vehicles to design, prepare, and issue special license plates honoring veterans who have received the Silver Star or the Bronze Star Medal with "V" device, Combat V, or Combat Distinguishing Device. A veteran who is eligible for these plates and has suffered a 100-percent, service-connected disability may have the international symbol of access inscribed on the license plates.

The bill specifies that no fee, in addition to applicable registration and license fees and government services taxes, may be charged for the issuance or renewal of these special license plates. Finally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the state or any political subdivision or other public body within the state, other than the federal government. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

Roll call on Assembly Bill No. 116:

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 116 revises provisions governing the Clark County Regional Business Development Advisory Council, which was originally enacted by the Legislature pursuant to Assembly Bill 7 of the 20th Special Session. The changes include revising the membership of the Council, changing the information which must be reported from certain public entities, and requiring that the Council submit a report every two years to the Legislature.

YEAS—41.

NAYS—None.

EXCUSED—Thompson.

Assembly Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 117 allows a school district permissive authority to enter into written agreements to lease school buses or vehicles for special events that are not part of any school program as long as the agreement does not interfere with the regular transport of the district's pupils. The provisions of a lease agreement must include several requirements to ensure our school district is protected and we do not have any damage to our property.

Roll call on Assembly Bill No. 117:

YEAS—40.

NAYS—Armstrong.

EXCUSED—Thompson.

Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 82 and 165.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 24, 48, 57, 121, 126, 131, 132, 141, 143, 151, 153, 164, 169, 183, 194, 201, 204, 206, 231, 250, 252, 273, 301, 384, 420, 422, 451, 456, 457; Senate Bill No. 109 be taken

from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from American Heritage Academy: Taya Brown, Dora Chatterjee, Lance Pendleton, Liam Pham, Lexi Sielaw, Regina Vasquez, Kyle Hedden, Kevin Hedden, Brooklyn Wirig, Seth Webster, Emmalee Grantham, Tabitha Boardman, Gage Grimes, Markis Lloyd, Noah McCormack, Harry Reid, Morgan Strganac, August Shoopman, and Clara Shoopman.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Dooling.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin L. Child.

On request of Assemblywoman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Ashelyn Lee.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Tatiana Kohanzad.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Jack and Terry Mannion Middle School: Abbey Flinders, Alexis Martin, Gabe Kristof, Joel Benavidez, Emma Grant, Jessica Koontzs, Gabe Ordonez, Shaina Day, and Dominic Gonzales.

The Assembly observed a moment of silence in memory of Gary Gray.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, April 14, 2015, at 11:30 a.m., and that it do so in memory of Gary Gray.

Motion carried.

Assembly adjourned at 2:08 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 2

THE SEVENTY-SECOND DAY—THE SEVENTY-FIFTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 2

Page

ASSEMBLY PROCEEDINGS 1011

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 14, 2015

Assembly called to order at 12:34 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Wheeler and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

The Word of God, in Micah 6:8 says: "He has told you, what is good; and what the Lord requires of you: to do justice, to love kindness, and to walk humbly with your God." Heavenly Father, You have made it clear what we must do. We must do what is fair and just to those around us; we must be compassionate and loyal in our love. And, we must take You seriously and seek You with all our hearts.

Guide these leaders this day, we pray, in the mighty name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 86, 93, 115, 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 65, 196, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 310, 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 219, 262, 370, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 16, 212, 214, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 129, 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 223, 263, 267, 352, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 32, 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Commerce and Labor.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Commerce and Labor.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 10, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 164, 244.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 476.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 13, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 311, 318, 402, 458, 473.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 177, 418, 480.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Thompson moved that Assembly Bill No. 156 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 51, 67, 100, 121, 139, 159, 252, 287, 288, 297, 301, 351, 384, 391, 420, 422, 424, 425, 429, 444, 451, 456, 457; Assembly Joint Resolution No. 1; Senate Bill No. 109 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

April 10, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 280.

CINDY JONES
Fiscal Analysis Division

April 10, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Joint Resolution No. 13.

MARK KRMPOTIC
Fiscal Analysis Division

April 14, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 414.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Senate Bill No. 77.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 79.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 92.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 266.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 292.
To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 296.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 317.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 350.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Bill No. 353.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 380.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 396.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 425.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 426.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 435.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 450.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 455.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 475.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*
ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.
For: Senate Bill No. 483.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Joint Resolution No. 13.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

A Waiver requested by Senator Roberson.

For: Senate Joint Resolution No. 15.

To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2015.

SENATOR MICHAEL ROBERSON — *Senate Majority Leader*

ASSEMBLYMAN JOHN HAMBRICK — *Speaker of the Assembly*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 164.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 177.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 244.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 311.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 318.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 402.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 418.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 458.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 473.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 476.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 480.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

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

Amendment No. 21.

AN ACT relating to energy assistance; revising various provisions relating to the Fund for Energy Assistance and Conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Welfare and Supportive Services of the Department of Health and Human Services is required annually to report to the Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means concerning the amount of money in the Fund for Energy Assistance and Conservation which has been allocated to the Division during all preceding fiscal years and remains unspent and unencumbered. Based upon the report, the Division may be required to distribute as much as 30 percent of that money to the Housing Division of the Department of Business and Industry, to be used for programs of energy conservation, weatherization and energy efficiency. (NRS 702.270, 702.275)

~~[Section 1 of this]~~ **This** bill changes the due date of the report from the end of each fiscal year to January 5 of each year. ~~[Section 1]~~ **This bill** also limits the amount of money subject to distribution to the Housing Division to not more than 30 percent of the amount which has been allocated to and received by the Division of Welfare and Supportive Services, and remains unspent and unencumbered as of December 31 of the current fiscal year. ~~[Pursuant to NRS 218D.380, section 2 of this bill provides that the foregoing amendment expires by limitation 5 years after it becomes effective.]~~

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

Section 1. NRS 702.275 is hereby amended to read as follows:

702.275 1. ~~[Before the end of each fiscal]~~ ***On or before January 5 of each*** year, the Division of Welfare and Supportive Services shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee when the Legislature is not in session, which specifies the amount of all money in the Fund which was allocated to ***and received by*** the Division of Welfare and Supportive Services during all preceding fiscal years pursuant to NRS 702.260 and which remains unspent and unencumbered ~~[.]~~ ***as of December 31 of the current fiscal year.***

2. Based upon the report submitted pursuant to subsection 1 and any other information available, the Senate Standing Committee on Finance or the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee when the Legislature is not in session, may require the Division of Welfare and Supportive Services to distribute not more than 30 percent of all the money in the Fund which was allocated to ***and received by*** the Division of Welfare and Supportive Services during all preceding fiscal years pursuant to NRS 702.260 and which remains unspent and unencumbered ***as of December 31 of the***

current fiscal year to the Housing Division for the programs authorized by NRS 702.270. The Housing Division may use not more than 6 percent of the money distributed pursuant to this section for its administrative expenses.

Sec. 1.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 2. This act becomes effective on July 1, 2015**. [**~~, and expires by limitation on June 30, 2020.~~**]**

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 21 to Assembly Bill 73 simply addresses the end date of the reporting requirements and the bill's effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

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

Amendment No. 115.

AN ACT relating to insurance; revising provisions governing certain duties of insurers with regard to coverage and claims for persons who are eligible for or provided medical assistance under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires a state to place certain requirements upon health insurers with regard to the state plan for medical assistance. (42 U.S.C. 1396a) Consistent with one of these requirements, existing state law: (1) prohibits an insurer from taking into account the fact that a person is eligible for medical assistance under Medicaid when considering the person's eligibility for coverage or when making payments under a policy of health insurance or group health policy; (2) requires an insurer to treat Medicaid as having a valid and enforceable assignment of the recipient of Medicaid's right to payment by the insurer or other specified entity; (3) prohibits an insurer from imposing additional requirements on a state agency that is assigned any rights of an insured who is eligible for medical assistance under Medicaid; (4) requires an insurer to provide, upon request, certain information concerning an insured who is eligible for medical assistance under Medicaid to a state agency that is assigned any rights of the insured; (5) requires an insurer to respond to inquiries by such a state agency concerning a claim for payment for any medical item or service not later than 3 years after the date of provision of the medical item or service; and (6) requires an insurer to agree not to deny a claim by such a state agency solely on the basis of certain procedural reasons if the

state agency submits the claim not later than 3 years after the date of the provision of medical item or service and the state agency commences any action to enforce its rights with respect to the claim not later than 6 years after submission of the claim. (42 U.S.C. 1396a(25)(I); NRS 689A.430, 689B.300) Existing state law also defines the term "insurer" for the purposes of the Nevada Insurance Code to include "every person engaged as principal and as indemnitor, surety or contractor in the business of entering into contracts of insurance." (NRS 679A.100)

Sections 1 and 2 of this bill expressly provide, consistent with federal law, that all of the provisions of existing state law described above relating to Medicaid apply to insurers, including, without limitation, self-insured plans, group health plans as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1167(1), service benefit plans, ~~[pharmacy benefit managers and]~~ other organizations that have issued a policy of health insurance or a group health policy **~~[.]~~ and any other parties described in the Social Security Act as being legally responsible for payment of a claim for a health care item or service.**

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

Section 1. NRS 689A.430 is hereby amended to read as follows:

689A.430 1. An insurer shall not, when considering eligibility for coverage or making payments under a policy of health insurance, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, an insurer ***:*** ~~[, self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. 1167(1), service benefit plan or other organization that has issued a policy of health insurance:]~~

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured's benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any right of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a policy of health insurance,

➥ the insurer that issued the policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the policy.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, an insurer shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured or the insured's spouse or dependent may be or may have been covered by the insurer; and

(2) The nature of the coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured and the identifying number of the policy, evidence of coverage or contract;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

5. As used in this section, "insurer" includes, without limitation, a self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1167(1), service benefit plan ~~***[, pharmacy benefit manager]***~~ ***or other organization that has issued a policy of health insurance*** ~~***[.]***~~ ***or any other party described in section 1902(a)(25)(A), (G) or (I) of the Social Security Act, 42 U.S.C. 1396a(a)(25)(A), (G) or (I), as being legally responsible for payment of a claim for a health care item or service.***

Sec. 2. NRS 689B.300 is hereby amended to read as follows:

689B.300 1. An insurer shall not, when considering eligibility for coverage or making payments under a group health policy, consider the availability of, or eligibility of a person for, medical assistance under Medicaid.

2. To the extent that payment has been made by Medicaid for health care, an insurer ***:*** ~~**[**, self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. 1167(1), or other organization that has issued a group health policy:**]**~~

(a) Shall treat Medicaid as having a valid and enforceable assignment of an insured's benefits regardless of any exclusion of Medicaid or the absence of a written assignment; and

(b) May, as otherwise allowed by the policy, evidence of coverage or contract and applicable law or regulation concerning subrogation, seek to enforce any rights of a recipient of Medicaid to reimbursement against any other liable party if:

(1) It is so authorized pursuant to a contract with Medicaid for managed care; or

(2) It has reimbursed Medicaid in full for the health care provided by Medicaid to its insured.

3. If a state agency is assigned any rights of a person who is:

(a) Eligible for medical assistance under Medicaid; and

(b) Covered by a group health policy,

➥ the insurer that issued the policy shall not impose any requirements upon the state agency except requirements it imposes upon the agents or assignees of other persons covered by the policy.

4. If a state agency is assigned any rights of an insured who is eligible for medical assistance under Medicaid, an insurer shall:

(a) Upon request of the state agency, provide to the state agency information regarding the insured to determine:

(1) Any period during which the insured or the spouse or dependent of the insured may be or may have been covered by the insurer; and

(2) The nature of the coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured and the identifying number of the policy;

(b) Respond to any inquiry by the state agency regarding a claim for payment for the provision of any medical item or service not later than 3 years after the date of the provision of the medical item or service; and

(c) Agree not to deny a claim submitted by the state agency solely on the basis of the date of submission of the claim, the type or format of the claim form or failure to present proper documentation at the point of sale that is the basis for the claim if:

(1) The claim is submitted by the state agency not later than 3 years after the date of the provision of the medical item or service; and

(2) Any action by the state agency to enforce its rights with respect to such claim is commenced not later than 6 years after the submission of the claim.

5. As used in this section, "insurer" includes, without limitation, a self-insured plan, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1167(1), service benefit plan ~~***[, pharmacy benefit manager]***~~ ***or other organization that has issued a group health policy*** ~~***[.]***~~ ***or any other party described in section 1902(a)(25)(A), (G) or (I) of the Social Security Act, 42 U.S.C. 1396a(a)(25)(A), (G) or (I), as being legally responsible for payment of a claim for a health care item or service.***

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

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 115 to Assembly Bill 87 removes the phrase "pharmacy benefit manager" from the list of entities considered to be insurers subject to the requirements of the legislation. It instead inserts a reference to federal statute describing the third-party entities which may be liable for payment for care or services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read second time and ordered to third reading.

Assembly Bill No. 137.

Bill read second time.

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

Amendment No. 245.

AN ACT relating to contractors; revising provisions regarding the advertising of construction services and the soliciting of construction bids; increasing penalties for certain violations of provisions governing contractors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons engaged in certain construction work to be licensed contractors, regulates the activities of licensed contractors, prohibits persons from making certain advertising claims about themselves as contractors, and provides criminal and monetary penalties for violations of the preceding provisions. (Chapter 624 of NRS)

Under existing law, it is unlawful for a licensed contractor or an applicant to become a licensed contractor to misrepresent a material fact in connection with any information or evidence furnished officially to the State Contractors' Board. (NRS 624.3013) **Section 2** of this bill expands the prohibition to include omissions of material facts as well as misrepresentations.

Section 3 of this bill adds the solicitation of a bid or estimate from **a** ~~[an unlicensed]~~ person **known by a licensed contractor to be unlicensed** to the list of acts for which a licensed contractor may be subject to disciplinary action. ~~[In addition, section 3 mandates the suspension or revocation of the license of any contractor who engages in certain acts.]~~

Existing law prohibits licensed contractors and other persons from engaging in certain acts of advertising that are false or misleading. (NRS 624.720) **Section 5** of this bill: (1) requires any person who advertises to perform or complete construction work or a work of improvement, and who is not a licensed contractor, to affirmatively state in the advertisement that they are not licensed; and (2) makes it unlawful for any person to advertise to perform or

complete construction work or a work of improvement using a license number not assigned to that person.

Section 6 of this bill increases the monetary fines that may be imposed for violations of certain provisions of chapter 624 of NRS. ~~[Sections 1 and]~~ **In addition, section 6 provides for an enhancement of such monetary fines under certain circumstances.**

Section 4 of this bill ~~[make]~~ **makes** conforming changes.

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

Section 1. ~~[~~NRS 624.300 is hereby amended to read as follows:

624.300 1. Except as otherwise provided in subsections 3 and 5, the Board may:

(a) Suspend or revoke licenses already issued;

(b) Refuse renewals of licenses;

(c) Impose limits on the field, scope and monetary limit of the license;

(d) Impose an administrative fine of not more than $10,000;

(e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;

(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:

(1) Perform the corrective work himself or herself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or

(g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,

➥ if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates:

(a) The provisions of ***subsection 1 of*** NRS 624.3014, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than $50,000.

(b) The provisions of subsection 4 of NRS 624.3015:

~~(1) For a first offense, the Board shall impose an administrative fine of not less than $1,000 and not more than $50,000, and may suspend the license of the licensee for 6 months;~~

~~(2) For a second offense, the Board shall impose an administrative fine of not less than $5,000 and not more than $50,000, and may suspend the license of the licensee for 1 year; and~~

~~(3) For a third or subsequent offense, the Board shall impose an administrative fine of not less than $10,000 and not more than $50,000, and may revoke the license of the licensee.~~

~~(c) The provisions of subsection 7 of NRS 624.302, the Board shall, in addition to any other disciplinary action taken pursuant to this section, impose an administrative fine of $1,000.~~

~~4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to subsection 3. The standards must include, without limitation, provisions requiring the Board to consider:~~

~~(a) The gravity of the violation;~~

~~(b) The good faith of the licensee; and~~

~~(c) Any history of previous violations of the provisions of this chapter committed by the licensee.~~

~~5. If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.~~

~~6. If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.~~

~~7. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.~~

~~8. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.~~

~~9. The Board shall not issue a private reprimand to a licensee.~~

~~10. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~11. An administrative fine imposed pursuant to this section or NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.~~

~~12. All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 624.3013 is hereby amended to read as follows:

624.3013 The following acts, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Failure to keep records showing all contracts, documents, receipts and disbursements by a licensee of all of the licensee's transactions as a contractor and to keep them open for inspection by the Board or Executive Officer for a period of not less than 3 years after the completion of any construction project or operation to which the records refer.

2. Misrepresentation ***or omission*** of a material fact by an applicant or licensee in connection with any information or evidence furnished the Board in connection with official matters of the Board.

3. Failure to establish financial responsibility pursuant to NRS 624.220 and 624.260 to 624.265, inclusive, at the time of renewal of the license or at any other time when required by the Board.

4. Failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board.

5. Failure in any material respect to comply with the provisions of this chapter or the regulations of the Board.

Sec. 3. NRS 624.3014 is hereby amended to read as follows:

624.3014 ~~*[1.]*~~ The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. ~~[(a)]~~ Acting in the capacity of a contractor under any license issued hereunder except:

(a) ~~*[(1)]*~~ In the name of the licensee as set forth upon the license.

(b) ~~*[(2)]*~~ As an employee of the licensee as set forth in the application for such license or as later changed pursuant to this chapter and the rules and regulations of the Board.

2. ~~*[(b)]*~~ With the intent to evade the provisions of this chapter:

(a) ~~*[(1)]*~~ Aiding or abetting an unlicensed person to evade the provisions of this chapter.

(b) ~~*[(2)]*~~ Combining or conspiring with an unlicensed person to perform an unauthorized act.

(c) ~~*[(3)]*~~ Allowing a license to be used by an unlicensed person.

(d) ~~*[(4)]*~~ Acting as agent, partner or associate of an unlicensed person.

(e) ~~*[(5)]*~~ Furnishing estimates or bids to an unlicensed person.

~~[~~3.~~ *(6)]* *(f)* Soliciting a bid or estimate from ~~[an unlicensed]~~ a person ~~[.~~ *(e)]* known by the licensee to be unlicensed pursuant to this chapter.**

3. Any attempt by a licensee to assign, transfer or otherwise dispose of a license or permit the unauthorized use thereof.

~~*[2. Any person licensed pursuant to this chapter who violates any provision of this section shall, in addition to any other penalties provided for in this chapter, be subject to:*~~

~~*(a) For a first offense, suspension of that person's license for a period of not less than 6 months.*~~

~~*(b) For any subsequent offense, revocation of that person's license.]*~~

Sec. 4. NRS 624.710 is hereby amended to read as follows:

624.710 1. If any person violates the provisions of subsection 1 of NRS 624.700, ~~[subsection 1, 2 or 3]~~ ***subsections 1 to 5, inclusive,*** of NRS 624.720 ***,*** or NRS 624.740, the Board may impose for each violation an administrative fine in an amount that is not less than $1,000 and not more than $50,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the person; and

(c) Any history of previous violations of the provisions of this chapter or the regulations of the Board committed by the person.

3. An administrative fine imposed pursuant to this section is in addition to any other penalty imposed pursuant to this chapter.

4. If the administrative fine and any interest imposed pursuant to NRS 624.300 is not paid when due, the fine and interest, if any, must be recovered in a civil action brought by the Attorney General on behalf of the Board.

5. All administrative fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

Sec. 5. NRS 624.720 is hereby amended to read as follows:

624.720 1. It is unlawful for any person, including a person exempt under the provisions of NRS 624.031, to advertise as a contractor unless the person has a license in the appropriate classification established by the provisions of NRS 624.215 and 624.220.

2. ***Notwithstanding any other provision of this chapter, any person not licensed pursuant to the provisions of this chapter who advertises to perform or complete construction work or a work of improvement must state in the advertisement that he or she is not licensed pursuant to this chapter.***

3. It is unlawful for a licensed contractor to disseminate, as part of any advertising by the contractor, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the contractor or to enter into any contract with the contractor or any obligation relating to such a contract.

~~[3.]~~ ***4.*** All advertising by a licensed contractor must include the name of the contractor's company and the number of the contractor's license.

~~[4.]~~ ***5. It is unlawful for any person, whether or not licensed pursuant to this chapter, to advertise to perform or complete construction work or a work***

of improvement using a license number that does not correspond to a valid license issued to that person under this chapter.

6. If, after giving notice and holding a hearing pursuant to NRS 624.291, the Board determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

~~[5.]~~ ***7.*** If a person fails to comply with paragraph (a) of subsection ~~[4]~~ ***6*** within 5 days after receiving an order pursuant to subsection ~~[4,]~~ ***6,*** the Board may request the Public Utilities Commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection ~~[4]~~ ***6*** within 5 days after receiving an order pursuant to subsection ~~[4,]~~ ***6,*** the Board may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

~~[6.]~~ ***8.*** If the provider of paging services receives a request from a person pursuant to subsection ~~[4]~~ ***6*** or a request from the Board pursuant to subsection ~~[5,]~~ ***7,*** it shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

➥ If the provider of paging services elects to switch the number pursuant to paragraph (b), it shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

~~[7.]~~ ***9.*** As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "contractor" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 6. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, ~~*[subsection 1 of]*~~ NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. ~~[Unless]~~ ***Except as otherwise provided in subsection 3 and unless*** a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not ~~[more]~~ ***less*** than $1,000 ~~[,]~~ ***nor more than $4,000,*** and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than ~~[$2,000]~~ ***$4,000*** nor more than ~~[$4,000,]~~ ***$10,000,*** and may be further punished by imprisonment in the county jail for not more than 364 days.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than ~~[$5,000]~~ ***$10,000*** nor more than ~~[$10,000]~~ ***$20,000,*** and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. If a person is guilty of a violation of subsection 1 of NRS 624.700, the maximum fines set forth in subsection 2 may be exceeded by adding thereto a fine enhancement of not more than 10 percent of the value of any contract that the person entered into in violation of subsection 1 of NRS 624.700, if that person commenced any work or received any money relating to the contract.

4. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

~~[4.]~~ ***5.*** Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection ~~[3.]~~ ***4:***

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than

$5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

~~[5.]~~ ***6.*** Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

The amendment removes provisions related to additional punishments for violations of NRS 624.3014 and requires that a licensee must solicit a bid or estimate from a person known by the licensee to be unlicensed in order for the Board to impose discipline.

The amendment also allows the Board to exceed limitations on the dollar amounts of certain fines by adding a fine enhancement of up to 10 percent of the value of the contract under certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 244.

AN ACT relating to the security of personal information; expanding the definition of "personal information"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the types of information that constitute "personal information" for the purpose of requiring business entities who collect such information to provide certain security measures to ensure the protection of the information. (Chapter 603A of NRS) This bill expands the definition of "personal information" to include such items of information as electronic mail addresses and passwords, ~~[passport numbers,]~~ **driver's authorization card numbers,** medical and health insurance identification numbers **~~[, electronic signatures]~~** and other similar information **. ~~[that would increase a person's likelihood of becoming a victim of identity theft.]~~**

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

Section 1. ~~[Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[***"Digital signature" has the meaning ascribed to it in NRS 720.060.***]~~ **(Deleted by amendment.)**

Sec. 3. ~~[***"Digitized signature" has the meaning ascribed to it in NRS 133.085.***]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Electronic signature" has the meaning ascribed to it in NRS 719.100.*]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Identity theft" has the meaning ascribed to it in NRS 205.4651.*]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Personal identifying information" has the meaning ascribed to it in NRS 205.4617.*]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 603A.010 is hereby amended to read as follows:~~

~~603A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 603A.020, 603A.030 and 603A.040~~ ~~*, and sections 2 to 6, inclusive, of this act*~~ ~~have the meanings ascribed to them in those sections.~~~~]~~ **(Deleted by amendment.)**

Sec. 8. NRS 603A.040 is hereby amended to read as follows:

603A.040 ***1.*** **"**Personal information" means a ~~*[:*~~

~~*(a) A]*~~ natural person's first name or first initial and last name in combination with any one or more of the following data elements, when the name and data elements are not encrypted:

~~[~~1.~~*(1)]*~~ *(a)* Social security number.

~~[~~2.~~*(2)]*~~ *(b)* Driver's license number ***, driver authorization card number*** or identification card number.

~~[~~3.~~*(3)]*~~ *(c)* Account number, credit card number or debit card number, ~~*[alone or]*~~ in combination with any required security code, access code ~~*[,*~~ ~~*personal identification number]*~~ or password that would permit ~~*[allow]*~~ access to the person's financial account.

~~*[*~~

~~*(4) Number that identifies a natural person individually, including, without limitation, a]*~~

(d) A medical identification number ~~*[and]*~~ *or a health insurance identification number.*

~~*[(5) Passport number.*~~

~~*(6) Unique number issued by the Government of the United States.*~~

~~*(b)]*~~ *(e) A user name , unique identifier or electronic mail address in combination with* ~~*[:*~~

~~*(1) A]*~~ *a password* ~~*[;]*~~ *, access code or*

~~*[(2) A]*~~ *security question and answer that would* ~~*[allow]*~~ *permit access to* ~~*[any]*~~ *an online account .* ~~*[of a natural person that is hosted or located on an Internet website.*~~

~~*(c) An original or copy of a natural person's digital signature, digitized signature or electronic signature.*~~

~~*(d) A natural person's name and date of birth, or address, in combination with other information that would increase the likelihood of the person becoming a victim of identity theft.*~~

~~*(e) A natural person's personal identifying information, to the extent that such information is not otherwise described in this section.]*~~

2. The term does not include the ~~*[:*~~

~~*(a) The]*~~ last four digits of a social security number , the ~~*[,*~~

~~*(b) The]*~~ last four digits of a driver's license number ~~*,*~~ ~~[or]~~ the ~~*];*~~

~~*(c) The]*~~ ***last four digits of a driver authorization card number];***

~~*(d) The]*~~ ***or the*** last four digits of an identification card number or publicly ~~*];*~~

~~*(e) Publicly]*~~ available information that is lawfully made available to the general public ~~*[.; or*~~

~~*(f) Information that is required to be made publicly available pursuant to federal law;]*~~ ***from federal, state or local governmental records.***

Sec. 8.5. **Notwithstanding the provisions of section 9 of this act, a data collector, as that term is defined in NRS 603A.030, or a business is not required to comply with the amendatory provisions of this act until July 1, 2016.**

Sec. 9. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 244 to Assembly Bill 179 expands the definition of "personal information" to include a driver authorization card number, a medical identification number or health insurance identification number, and a user name, unique identifier, or email address, in combination with a password, access code, or a security question and answer that would permit access to an online account. The amendment also provides that businesses and data collectors would have until July 1, 2016, to comply.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time and ordered to third reading.

Assembly Bill No. 300.

Bill read second time and ordered to third reading.

Assembly Bill No. 320.

Bill read second time and ordered to third reading.

Assembly Bill No. 345.

Bill read second time and ordered to third reading.

Assembly Bill No. 355.

Bill read second time and ordered to third reading.

Assembly Bill No. 399.

Bill read second time and ordered to third reading.

Assembly Bill No. 403.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

Assembly Bill No. 415.

Bill read second time.

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

Amendment No. 341.

AN ACT relating to water; revising provisions relating to the use of water on certain lands in a federal reclamation project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a water right is generally considered to be appurtenant to, or belong to, the land where it is used. Existing law provides that a surface water right acquired by a water user in a federal reclamation project is considered under certain circumstances to be appurtenant to an entire farm rather than particular land within the farm. In this context, a "farm" is defined to be a tract of land that is under the same ownership and primarily used for agricultural purposes. (NRS 533.040) This bill revises the definition to include two or more tracts of land ~~[under common ownership]~~ **that are owned or leased by the same person** and **are** primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another.

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

Section 1. NRS 533.040 is hereby amended to read as follows:

533.040 1. Except as otherwise provided in this section, any water used in this State for beneficial purposes shall be deemed to remain appurtenant to the place of use.

2. If at any time it is impracticable to use water beneficially or economically at the place to which it is appurtenant, the right may be severed from the place of use and be simultaneously transferred and become appurtenant to another place of use, in the manner provided in this chapter, without losing priority of right.

3. The provisions of this section do not apply to a ditch or canal company that appropriates water for diversion and transmission to the lands of private persons for an annual charge.

4. For the purposes of this section, a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm, upon the granting of a permit for the change of place of use by the State Engineer which designates the place of use as the entire farm. The quantity of water available for use on that farm must not exceed the total amount determined by applicable decrees as designated in the permit granted by the State Engineer.

5. For the purposes of this section, a water right acquired for watering livestock by a person who owns, leases or otherwise possesses a legal or proprietary interest in the livestock being watered is appurtenant to:

(a) The land on which the livestock is watered if the land is owned by the person who possesses a legal or proprietary interest in the livestock; or

(b) Other land which is located in this State, is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation of the person who owns the land if that land is owned by the person who possesses the legal or proprietary interest in the livestock being watered.

6. The provisions of subsection 5 must not be construed:

(a) To impair a vested right or other existing water right established before June 12, 2003, of a person to the use of water for the purpose of watering livestock; or

(b) To prevent any transfer of ownership of a water right for the purpose of watering livestock.

7. As used in this section, "farm" means a tract of land ~~[under the same ownership]~~ that is ***owned or leased by the same person and is*** primarily used for agricultural purposes. ***The term includes two or more such tracts of land, regardless of whether the tracts are contiguous to one another.***

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Under the proposed amendment, the provisions of this bill would apply to land leased for the purposes of agricultural irrigation on a farm within a federal reclamation project.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time and ordered to third reading.

Assembly Bill No. 447.

Bill read second time and ordered to third reading.

Assembly Bill No. 460.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 104, 241, 300, 345, 355, 399, 403, and 410 be taken from the General File rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 156.

Bill read third time.

The following amendment was proposed by Assemblyman Thompson:

Amendment No. 340.

AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving services from the family resource center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "family resource center" as a facility within an at-risk community where families may obtain: (1) an assessment of their eligibility for social services; (2) social services; and (3) referrals to obtain social services from other service agencies or organizations. (NRS 430A.040) **Section 1** of this bill revises the definition of "at-risk community" to require the Director of the Department of Health and Human Services to use data and demographic analyses to determine whether a community is "at-risk." In addition, **section 1** requires the Director, when making such a determination, to consider the number of families in the community who **[**~~: (1) have incomes that are less than 200 percent of the federally designated level signifying poverty instead of the number of families in the community who have low incomes; and (2)~~**]** are at imminent risk of homelessness in addition to the number of families in the community who are transient. **Section 2** of this bill clarifies that a family resource center is a facility where families may obtain social services directly from the center.

Before a family resource center may obtain a grant from the Director, existing law requires the family resource center to create an action plan which must be approved by the Director. Such an action plan must be developed with input from members of the family resource center council, an organization of community members who assist and advise the family resource center. (NRS 430A.045, 430A.120, 430A.140) **Sections 3 and 4** of this bill require the family resource center also to develop the plan with input from local and state elected officials who represent the geographic area in which the family resource center is located when creating the action plan.

Existing law requires a case manager to develop a plan with each family that seeks services from a family resource center and requires that the plan specify the responsibilities the family members must fulfill to remain eligible for services. (NRS 430A.170) **Section 5** of this bill requires the case manager to collect and analyze data to monitor the performance of these responsibilities by the family members.

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

Section 1. NRS 430A.020 is hereby amended to read as follows:

430A.020V "At-risk community" means a geographic area that the Director has declared ***, based on an analysis of demographics and data,*** to be

in need of social and economic assistance and social service programs because of the number of families who reside there who:

1. Have low incomes ; ~~*[that are less than 200 percent of the federally designated level signifying poverty;]*~~

2. Are transient ~~[,]~~ or ***at imminent risk of homelessness; or***

3. Have members whose ability to excel in academics, work and social situations is impaired by the educational, economic and social situation of the family as a unit.

Sec. 2. NRS 430A.040 is hereby amended to read as follows:

430A.040 "Family resource center" means a facility within an at-risk community where families may obtain:

1. An assessment of their eligibility for social services;

2. Social services ~~[,]~~ ***directly from the family resource center;*** and

3. Referrals to obtain social services from other social service agencies or organizations.

Sec. 3. NRS 430A.120 is hereby amended to read as follows:

430A.120 The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter. The regulations must provide:

1. Criteria for evaluating and determining the geographic boundaries for at-risk communities.

2. A method for establishing family resource centers, which must include the option of designating existing organizations as family resource centers.

3. Criteria for evaluating and approving action plans. The criteria must provide that no action plan will be approved unless it is:

(a) Tailored to meet the specific needs of the community;

(b) Developed with input from members of the family resource center council ~~[,]~~ ***and local and state elected officials who represent the geographic area in which the family resource center is located;*** and

(c) Feasible in relation to the resources available to the family resource center to which the action plan applies.

4. Criteria for the establishment and composition of a family resource center council.

Sec. 4. NRS 430A.140 is hereby amended to read as follows:

430A.140 1. Before a family resource center may obtain a grant from the Director, the family resource center:

(a) Must submit to the Director an action plan created by the family resource center with input from the family resource center council ~~[,]~~ ***and local and state elected officials who represent the geographic area in which the family resource center is located;*** and

(b) Must obtain approval from the Director of that action plan.

2. An action plan must be resubmitted to the Director for approval:

(a) On or before July 1 of each year; and

(b) Any time the family resource center adopts a proposed amendment to the action plan.

Sec. 5. NRS 430A.170 is hereby amended to read as follows:

430A.170 1. Each family resource center must have a case manager and may have a coordinator to handle administrative matters. If a family resource center does not employ a separate person to act as coordinator, the case manager shall also act as coordinator.

2. The Director shall provide training for all case managers on how to assess the needs of families using the family resource center.

3. The case manager shall, for each family that seeks services from the center ~~[, develop]~~ ***:***

(a) Develop a plan with the family which specifies:

~~[(a)]~~ ***(1)*** The services for which the family is eligible;

~~[(b)]~~ ***(2)*** Whether the family will receive services from the family resource center or a social service agency, or both;

~~[(c)]~~ ***(3)*** The responsibilities the family members must fulfill to remain eligible for the services; and

~~[(d)]~~ ***(4)*** The manner in which the performance of responsibilities by the agency and the family members will be monitored ~~[.]~~ ***; and***

(b) Collect and analyze data to monitor the performance by the family members of the responsibilities prescribed in the plan.

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Amendment 340 to Assembly Bill 156 removes the federal poverty level requirement to ensure that low-income families can be served as previously stated in statute.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblymen Silberkraus, Carlton, and Ellison.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 24 allows the state to deduct from the officer's or employee's paycheck any amounts required to pay off a delinquent balance on a state-issued travel charge card that has not been paid by the officer or employee or to pay an amount deducted from or offset against any rebate issued to the state by the issuer of the charge card related to the delinquent balance.

ASSEMBLYWOMAN CARLTON:

I understand the purpose behind the bill and the current situation we have. If there is a dispute over these delinquent charges, they will not be sent for garnishment. Currently, the employee has to give permission for this to be deducted. Will this change from a permission system to just a notification system and then the amounts will be deducted?

ASSEMBLYMAN ELLISON:

We met with the presenters of the bill, and they said the employee would be notified if there were questions on the bill. At that point, they would have a chance to agree or disagree with it. If they did not then it would not be charged to their account.

Roll call on Assembly Bill No. 24:
YEAS—40.
NAYS—None.
EXCUSED—Wheeler, Woodbury—2.
Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 43.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 43 makes various changes to provisions governing public works projects. The bill provides that instead of certain documents or other information submitted to the Department of Transportation by a person seeking a contract for a design-build project or a transportation facility project remaining confidential until the contract is awarded, they remain confidential only until a notice of intent to award the contract is issued. Similarly, this bill provides that certain documents or other information submitted to a public body by a construction manager at risk seeking a contract with a public body for a public works project are confidential only until a notice of intent to award the contract is issued. A public body or its authorized representative is required to make certain information determined by a panel that ranked the proposals and a separate panel that conducted the interviews of the selected applicants available to all applicants and the public. This bill is effective upon passage and approval. Provisions concerning information provided by construction managers at risk and from panels ranking proposals and conducting interviews expire by limitation on June 30, 2017.

Roll call on Assembly Bill No. 43:
YEAS—39.
NAYS—Carlton.
EXCUSED—Wheeler, Woodbury—2.
Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 1:26 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 48.
Bill read third time.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
Assembly Bill 48 provides that a person convicted of a misdemeanor or gross misdemeanor for fraud or certain other offenses committed in connection with Medicaid is not entitled to file a petition for sealing the record until at least seven years after the person is released from custody

or the date when the person is no longer under a suspended sentence, whichever occurs later. The court is required to notify the Attorney General if such a petition is filed. The provisions of the Nevada False Claims Act are revised to achieve compliance with the federal Deficit Reduction Act of 2005. The maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions is reduced from 33 percent to 25 percent if the Attorney General intervenes at the outset of the action. The maximum share of any recovery to which a private plaintiff is entitled in certain qui tam actions, if the Attorney General does not intervene at the outset of the action, is reduced from 50 percent to 33 percent.

Roll call on Assembly Bill No. 48:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 57 revises provisions contained within NRS 360B.281 governing the taxation of certain purchases of direct mail, to ensure Nevada's continued compliance with the Streamlined Sales and Use Tax Agreement. We have participated in the Streamlined Sales and Use Tax Agreement for many years. We are one of 26 states and every session, we have to keep up with where they are on the Congressional level in case Congress does enact it. This is making sure that if Congress enacts it, we have complied with all of the rules so we are ready to go.

Roll call on Assembly Bill No. 57:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Trowbridge—10.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Assembly Bill 79 deletes obsolete provisions related to state grazing boards and revises the procedures for determining the compensation of owners of animals destroyed due to infection or exposure to dangerous diseases. The bill also provides for the deposit of administrative fines for violations relating to the control of animal diseases into both a loan program for young people engaged in agriculture and the Account for the Control of Weeds. The measure also revises the definition of "food establishment."

With respect to statutes related to agricultural products and seeds, the bill adds civil penalty provisions for the violation of such statutes and repeals the criminal penalties. Finally, A.B. 79 repeals criminal penalties relating to the regulation of garlic, onions, and commercial livestock feed.

Roll call on Assembly Bill No. 79:
YEAS—40.
NAYS—None.
EXCUSED—Wheeler, Woodbury—2.
Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 92.
Bill read third time.
Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:
Assembly Bill 92 requires the State Registrar of Vital Statistics to prepare and file a birth certificate for a child which shows the intended parent or parents upon the receipt of a Nevada district court order for a gestational agreement issued. After the birth certificate is filed, the State Registrar will seal and file the order and the original birth certificate, if any. Lastly, only an order validating a gestational agreement issued by a district court in Nevada for an action originally commenced in this state is valid in Nevada as it relates to a child born in this state.

Roll call on Assembly Bill No. 92:
YEAS—40.
NAYS—None.
EXCUSED—Wheeler, Woodbury—2.
Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 1:41p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 97.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:
Assembly Bill 97 clarifies when a will of a deceased person becomes part of the permanent record maintained by the clerk of the court. By being part of the permanent record, these wills are a public record unless sealed pursuant to Nevada Supreme Court rules. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 97:
YEAS—40.
NAYS—None.
EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 112 expands the Legislature's goal to provide a safe and respectful learning environment by ensuring the quality of instruction is not negatively impacted by poor attitudes or interactions among school district personnel.

I want to be clear about what A.B. 112 does. Currently, the Safe and Respectful Learning Environment Law applies to "persons" in the school district. This clarifies that the policy, as crafted, includes adults explicitly. However, under current law it should have been done already. It is important that adults treat each other in a respectful way because their behavior is a model for children, and children will not listen to us when we try to prevent bullying through our words. The quality of instruction can also be impacted by a negative learning environment. There is no truth to the rumor that my next bill is a Safe and Respectful Legislative Environment Bill.

Roll call on Assembly Bill No. 112:

YEAS—32.

NAYS—Dickman, Ellison, Hansen, Hickey, Kirner, Seaman, Titus, Trowbridge—8.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 124.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 124 raises the minimum age at which a child may be punished from eight years to ten years of age, unless the child is charged with murder or certain sexual offenses. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 124:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 126 adds licensed nail technologists to the list of persons exempt from licensure as a massage therapist if the nail technologist is massaging the hands, feet, forearms, or lower legs within his or her scope of practice. The measure removes the requirement that an applicant for a license to practice massage therapy pass an examination administered by a board accredited by

the National Commission for Certifying Agencies, instead requiring the Board of Massage Therapists to approve a nationally recognized competency examination. The bill also limits to two years the period during which an expired or inactive license may be restored or renewed under certain circumstances. Finally, the bill removes an existing provision allowing the Board of Massage Therapists to impose discipline or refuse to license an applicant for a conviction for any crime involving moral turpitude and adds a requirement that a licensee or applicant report to the Board any unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days of becoming aware of the conduct. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 131 provides that submission of an application for a license, permit, or card to the Department of Motor Vehicles by any eligible male authorizes the DMV to register him with the Selective Service System unless the applicant has checked a box provided on the application indicating that he is not required to register pursuant to federal law. The application must inform the applicant that unless he has checked the box, submission of the application indicates that the applicant either has already registered with the Selective Service System or that he is authorizing the DMV to forward to the Selective Service System the necessary information for such registration. This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks and for all other purposes on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Roll call on Assembly Bill No. 131:

YEAS—39.

NAYS—Dickman.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 132 increases from $20 to $30 the fee that a person filing any action for divorce must pay to the county clerk for programs administered by the Department of Employment, Training and Rehabilitation that provide education, training, and counseling of displaced homemakers. The bill also requires a person who commences an action for the termination of a domestic partnership to pay such a fee. In addition, the bill allows one member of the Board for

the Education and Counseling of Displaced Homemakers to be either a current or former displaced homemaker.

Roll call on Assembly Bill No. 132:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus—9.

EXCUSED—Wheeler, Woodbury—2.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 559.

AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; **providing that evidence introduced to assist the juvenile court in determining whether a child is competent is not admissible in any criminal proceeding;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts a juvenile competency standard. **Section 3** of this bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. **Section 4** of this bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. **Section 5** of this bill provides that if the juvenile court suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report on the competence of the child. **Section 6** of this bill sets forth certain considerations an expert must take into account as part of his or her evaluation,

as well as certain other considerations an expert must take into account if appropriate, and **section 7** of this bill sets forth certain requirements relating to the written report of an expert.

Section 8 of this bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. **Section 9** of this bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. Under **section 10** of this bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders.

Section 11 of this bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and (3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction.

Section 12 of this bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

Section 13 of this bill provides that any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent is not admissible in any criminal proceeding.

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

Section 1. Chapter 62D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[12,]~~ **13,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[12,]~~ 13, inclusive, of this act, unless the context otherwise requires, "incompetent" means a child does not have the present ability to:***

1. Understand the nature of the allegations of delinquency or, if the child is a child in need of supervision, the allegations against the child;

2. Understand the nature and purpose of the court proceedings; or

3. Aid and assist the child's counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.

Sec. 3. *1. Any time after a petition is filed and before the final disposition of a case, if doubt arises as to the competence of a child, the juvenile court shall suspend the case until the question of competence is determined.*

2. During the period when the competence of a child is being determined, the juvenile court shall consider the appropriate placement of the child and any services or other care to be provided to the child that are necessary for the well-being of the child or for public safety, and may issue any necessary orders.

3. The period in which the juvenile court is required to make its final disposition of a case, as set forth in NRS 62D.310, is tolled during the period when the competence of a child is being determined.

Sec. 4. *A person who makes a motion for the evaluation of a child for the purpose of determining whether the child is incompetent shall:*

1. Certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent and cannot proceed in the case; and

2. Specify facts that support the motion, including, without limitation, any nonprivileged observations of or statements made by the child.

Sec. 5. *1. If the juvenile court suspends a case pursuant to section 3 of this act, the juvenile court shall appoint one or more experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and report on the competence of the child.*

2. Before appointing an expert to evaluate and report on the competence of the child, the juvenile court shall consider the following factors to determine the ability and qualification of the expert to provide such an evaluation and report:

(a) The training and experience of the expert in child psychology, child and adolescent psychiatry or child forensic psychiatry;

(b) The licensure or professional certification of the expert; and

(c) Any other factor the juvenile court deems appropriate in making the appointment.

3. An expert appointed by the juvenile court to evaluate and report on the competence of a child must:

(a) Be deemed by the juvenile court to be able and qualified to evaluate and report on the competence of the child pursuant to subsection 2; and

(b) Prepare and provide a written report to the juvenile court and the parties not later than 14 days after the juvenile court enters an order appointing the expert, unless the juvenile court provides an extension for good cause shown.

4. The appointment of an expert pursuant to this section does not preclude the district attorney or the child from calling any other expert witness to testify concerning the competence of the child at an adjudicatory

hearing, a hearing on a violation of juvenile probation or parole or a hearing to determine whether the child is incompetent. Any such expert witness must be allowed to evaluate the child and examine all relevant records and documents.

Sec. 6. *1. An expert who is appointed by the juvenile court pursuant to section 5 of this act shall evaluate the child as specified in the court order appointing the expert.*

2. An expert shall consider as part of his or her evaluation the child's ability to:

(a) Appreciate the allegations against the child;

(b) Appreciate the range and nature of possible penalties that may be imposed upon the child, if applicable;

(c) Understand the adversary nature of the legal process;

(d) Disclose to the child's counsel facts pertinent to the case;

(e) Display appropriate courtroom behavior; and

(f) Testify regarding relevant issues.

3. An expert shall also consider as part of his or her evaluation, if appropriate, the following circumstances of a child:

(a) The age and developmental maturity of the child;

(b) Whether the child has a mental illness or disability or a developmental disorder;

(c) Whether the child has any other disability that affects the competence of the child; and

(d) Any other factor that affects the competence of the child.

Sec. 7. *1. A written report submitted by an expert pursuant to subsection 3 of section 5 of this act must:*

(a) Identify the specific matters referred to the expert by the juvenile court for evaluation;

(b) Describe the procedures, techniques and tests used in the evaluation of the child and the purposes of each;

(c) Describe the considerations taken into account by the expert pursuant to section 6 of this act;

(d) State any clinical observations, findings and opinions of the expert on each issue referred to the expert for evaluation by the juvenile court and specifically indicate any issues on which the expert was unable to give an opinion;

(e) Identify the sources of information used by the expert and present the factual basis for any clinical observations, findings and opinions of the expert; and

(f) State any recommended counseling, treatment, education or therapy to assist the child with behavioral, emotional, psychological or psychiatric issues, if ordered by the juvenile court to provide such recommendations.

2. In addition to the requirements set forth in subsection 1, if an expert believes that a child is incompetent, the expert shall also include in the report:

(a) Any recommended treatment or education for the child to attain competence;

(b) The likelihood that the child will attain competence under the recommended treatment or education;

(c) An assessment of the probable duration of the treatment or education required to attain competence;

(d) The probability that the child will attain competence in the foreseeable future; and

(e) If the expert recommends treatment for the child to attain competence, a recommendation as to whether services can best be provided to the child as an outpatient or inpatient, or by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160.

Sec. 8. *1. Upon receipt of the required written reports from all experts appointed by the juvenile court, the juvenile court shall hold an expedited hearing to determine whether the child is incompetent.*

2. The parties may waive the presence of witnesses and submit the issue of competence to the juvenile court on the written reports of the experts who evaluated the child.

3. The party who made the motion to determine whether the child is competent has the burden of proof to rebut the presumption of competence by a preponderance of the evidence.

4. Unless the parties stipulate or the juvenile court orders otherwise, the parties shall disclose all witnesses, reports and documents at least 10 days before the scheduled day of the hearing.

5. During the hearing, the parties may:

(a) Introduce other evidence, including, without limitation, evidence related to treatment, competence and the possibility of ordering the involuntary administration of medicine; and

(b) Cross-examine witnesses.

Sec. 9. *1. Except as otherwise provided in subsection 2, the juvenile court may consider any information that is relevant to the determination of the competence of the child and any information elicited from the child pursuant to sections 2 to ~~[12,]~~ 13, inclusive, of this act only for the purpose of:*

(a) Determining whether the child is incompetent; and

(b) Making a disposition of the case in juvenile court.

2. The provisions of subsection 1 do not apply if a child whose competence is being determined presents any information to the juvenile court for a purpose other than those set forth in subsection 1.

Sec. 10. *1. After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.*

2. If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.

3. If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:

(a) The child is a danger to himself or herself or society;

(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and

(c) Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

4. After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders.

5. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.

Sec. 11. ***1. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:***

(a) Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;

(b) After any period of extended treatment;

(c) After the child completes any treatment ordered by the juvenile court;

(d) After a person ordered by the juvenile court to provide services to the child pursuant to section 10 of this act determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to section 10 of this act must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.

3. After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with sections 2 to ~~[12,]~~ 13, inclusive, of this act, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 12. *If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, during the period that the child remains incompetent, the child may not be:*

1. Adjudicated a delinquent child or a child in need of supervision; or

2. Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230.

Sec. 13. ***Any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent pursuant to sections 2 to 13, inclusive, of this act is not admissible in any criminal proceeding.***

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Amendment 559 clarifies that any information that would come forward as a result of a juvenile competency screening test in juvenile delinquency court would not be used in an adult criminal proceeding. This was discussed in your Committee on Judiciary in the language already in the bill.

The additional language in section 13 just strengthens and beefs up that language to make sure it is clear that whatever comes out as a result of the effort to screen for competency to go forward with the proceedings or to restore competency would not ever be used in an adult criminal proceeding.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 141.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 141 removes the requirement that a notice of default and election to sell be mailed to holders of certain security interests only if such holders have notified the association of the existence of the security interest 30 days before the recordation of the notice.

Roll call on Assembly Bill No. 141:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 143 authorizes a motor vehicle insurer to provide evidence of insurance in an electronic format that can be displayed on a mobile electronic device. A person who presents a mobile electronic device to provide evidence of insurance assumes all liability for any resulting damage to the device. Additionally, if evidence of insurance is provided to a peace officer in an electronic format, the peace officer shall not intentionally view any other content on the mobile device. This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 143:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.
Bill read third time.
Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:
Assembly Bill 151 clarifies who may petition the court to adopt a child. The bill allows the adoption of a child of any age if the child is being adopted by certain family members and the adoption is in the best interest of the child and the public. The measure requires that a married person obtain from his or her spouse consent to adopt. The spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent unless the spouse specifically agrees to the adoption and the home is suitable. If the spouse cannot be found or lacks the capacity to consent, the court may dispense with the consent requirement. Lastly, the measure exempts stepparents and relatives within the third degree of consanguinity from the six-month wait requirement prior to the issuance of a court's order or decree of adoption.

Roll call on Assembly Bill No. 151:
YEAS—40.
NAYS—None.
EXCUSED—Wheeler, Woodbury—2.
Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 153.
Bill read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:
Assembly Bill 153 requires the juvenile court to place a child under the supervision of the juvenile court pursuant to a supervision and consent decree if the child is alleged to have engaged in prostitution or the solicitation of prostitution. The juvenile court must order the terms and conditions of the supervision to address the needs of the child, including services to address the sexual exploitation and the placement of the child. If the child violates the supervision and consent decree, the allegation must be brought before the court, and the court may issue certain orders concerning the child.
Upon the successful completion of the terms and conditions of the supervision and consent decree or if the child reaches 18 years of age, the court must dismiss the petition alleging that the child engaged in prostitution or the solicitation of prostitution. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 153:
YEAS—40.
NAYS—None.
EXCUSED—Wheeler, Woodbury—2.
Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 157.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 157 revises the definition of "service animal" and "service animal in training" to only include dogs and miniature horses with training to perform tasks that benefit a person with any disability. The bill allows an employer to refuse to permit an employee to keep a service animal that is a miniature horse if the employer determines it would be unreasonable to comply with accommodation requirements. Additionally, public places and common carriers are also not required to comply with accommodation requirements if accommodations for a miniature horse service animal are unreasonable. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 157:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblymen Fiore, Kirkpatrick, and Ellison.

ASSEMBLYWOMAN FIORE:

Assembly Bill 160 requires the county to approve where the justice court will hold their sessions. It allows for some flexibility regarding where a justice court or municipal court may hold sessions.

ASSEMBLYWOMAN KIRKPATRICK:

We just want to verify. I assume that this is to accommodate some of the more rural justice courts. The bill does not provide that in counties such as Clark, a justice cannot decide he wants to meet down the street or around the corner. I just want to be clear because somebody will always try to bend the rules.

ASSEMBLYWOMAN FIORE:

I think that this is pretty clear and I think that your concerns are addressed in the bill.

ASSEMBLYMAN ELLISON:

All the justice courts met and decided that this was the best way to go. Rural counties—it was visiting judges from outside the area like Wendover, Jackpot. These areas they had to go, there was a court that was set up at the jailhouse. They could use that when they are visiting judges, and that's what that was, and the judges approved it.

Roll call on Assembly Bill No. 160:

YEAS—39.

NAYS—None.

EXCUSED—Hansen, Wheeler, Woodbury—3.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 336.

AN ACT relating to public health; authorizing a manufacturer to provide or make available an investigational drug, biological product or device to certain patients under certain circumstances; prohibiting an officer, employee or agent of this State from preventing or attempting to prevent a patient from accessing such an investigational drug, biological product or device under certain circumstances; authorizing a physician to prescribe or recommend an investigational drug, biological product or device to certain persons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits the introduction of a drug or biological product into interstate commerce if the drug or biological product has not received approval from the United States Food and Drug Administration. (21 U.S.C. § 355; 42 U.S.C. § 262) Existing federal regulations allow expanded access to investigational drugs and biological products for patients who have a serious or immediately life-threatening illness under certain circumstances. (21 C.F.R. Part 312, Subpart I) Existing Nevada law makes it a misdemeanor for any person to possess, procure, obtain, process, produce, derive, manufacture, sell, offer for sale, give away or otherwise furnish any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act. (NRS 454.351)

Section 1 of this bill authorizes the manufacturer of an investigational drug, biological product or device to provide or make available the investigational drug, biological product or device to a patient who has been diagnosed with a terminal condition that will, without the administration of life-sustaining treatment, result in death within 1 year if a physician prescribes or recommends the investigational drug, biological product or device. **Section 1** defines "investigational drug, biological product or device" as a drug, biological product or device that: (1) has successfully completed Phase 1 of a clinical trial; (2) has not been approved by the United States Food and Drug Administration; and (3) is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration. **Section 1** also makes it a misdemeanor for any officer, employee or agent of this State to prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device if certain requirements are met. Additionally, **section 2** of this bill removes the criminal penalty otherwise imposed against a person who engages in certain acts that make an investigational drug or biological product available when certain requirements are met.

Because a prescription or recommendation from a physician is required before a patient may obtain an investigational drug, biological product or device, **sections 3 and 8** of this bill authorize a physician to issue such a prescription or recommendation if the physician has: (1) diagnosed the patient with a terminal condition; (2) consulted with the patient and the patient and physician have determined that no treatment currently approved by the Food and Drug Administration is adequate to treat the terminal condition; and (3)

obtained informed, written consent to the use of the investigational drug, biological product or device from the patient or his or her representative, parent or guardian. **Sections 3 and 8** also require such informed, written consent to be provided on a form that contains certain information about the possible consequences of using the investigational drug, biological product or device. Additionally, **sections 5, 7 and 9** of this bill provide that a physician or person engaged in the practice of professional nursing who procures or administers a controlled substance or dangerous drug is not subject to professional discipline if the controlled substance or dangerous drug is an investigational drug or biological product prescribed by a physician.

WHEREAS, The process to approve investigational drugs, biological products and devices often takes many years; and

WHEREAS, Patients who have a terminal condition do not have the luxury of waiting until an investigational drug, biological product or device receives final approval from the United States Food and Drug Administration; and

WHEREAS, The standards of the United States Food and Drug Administration for the use of investigational drugs, biological products and devices may deny potentially life-saving treatments to terminal patients; and

WHEREAS, This State recognizes that patients who have a terminal condition have a fundamental right to attempt to pursue the preservation of their own lives by accessing available investigational drugs, biological products and devices; and

WHEREAS, The decision to use an available investigational drug, biological product or device should be made by a patient with a terminal condition in consultation with his or her physician and is not a decision to be made by the government; now, therefore,

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

Section 1. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The manufacturer of an investigational drug, biological product or device may provide or make available the investigational drug, biological product or device to a patient in this State who has been diagnosed with a terminal condition if a physician has prescribed or recommended the investigational drug, biological product or device to the patient as authorized pursuant to section 3 or 8 of this act.

2. A manufacturer who provides or makes available an investigational drug, biological product or device to a patient pursuant to subsection 1 may:

(a) Provide the investigational drug, biological product or device to the patient without charge; or

(b) Charge the patient only for the costs associated with the manufacture of the investigational drug, biological product or device.

3. An officer, employee or agent of this State shall not prevent or attempt to prevent a patient from accessing an investigational drug, biological product or device that is authorized to be provided or made available to a patient pursuant to this section.

4. A violation of any provision of this section is a misdemeanor.

5. As used in this section:

(a) "Biological product" has the meaning ascribed to it in 42 U.S.C. § 262.

(b) "Investigational drug, biological product or device" means a drug, biological product or device that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

(c) "Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within 1 year.

Sec. 2. NRS 454.351 is hereby amended to read as follows:

454.351 1. Any person within this State who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes any drug which may not be lawfully introduced into interstate commerce under the Federal Food, Drug and Cosmetic Act is guilty of a misdemeanor.

2. The provisions of this section do not apply:

(a) To physicians licensed to practice in this State who have been authorized by the ***United States*** Food and Drug Administration to possess experimental drugs for the purpose of conducting research to evaluate the effectiveness of such drugs and who maintain complete and accurate records of the use of such drugs and submit clinical reports as required by the ***United States*** Food and Drug Administration.

(b) To any substance which has been licensed by the State Board of Health for manufacture in this State but has not been approved as a drug by the ***United States*** Food and Drug Administration. The exemption granted in this paragraph does not grant authority to transport such a substance out of this State.

(c) To any person or governmental entity who possesses, procures, obtains, processes, produces, derives, manufactures, sells, offers for sale, gives away or otherwise furnishes an investigational drug or biological product when authorized pursuant to section 1 of this act.

(d) To any physician who prescribes or recommends an investigational drug or biological product pursuant to section 3 or 8 of this act.

3. As used in this section:

(a) "Biological product" has the meaning ascribed to it in section 1 of this act.

(b) "Investigational drug or biological product" means a drug or biological product that:

(1) Has successfully completed Phase 1 of a clinical trial;

(2) Has not been approved by the United States Food and Drug Administration; and

(3) Is currently being tested in a clinical trial that has been approved by the United States Food and Drug Administration.

Sec. 3. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A physician may prescribe or recommend an investigational drug, biological product or device to a patient if the physician has:

(a) Diagnosed the patient with a terminal condition;

(b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and

(c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

(a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;

(b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the physician agree that no such method is likely to significantly prolong the life of the patient;

(c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;

(d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:

(1) A description of the best and worst possible outcomes;

(2) A realistic description of the most likely outcome, in the opinion of the physician; and

(3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;

(e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the

investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device; and

(f) [A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and

(g)] A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.

3. A physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

4. As used in this section:

(a) "Investigational drug, biological product or device" has the meaning ascribed to it in section 1 of this act.

(b) "Terminal condition" has the meaning ascribed to it in section 1 of this act.

Sec. 4. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to ***paragraph (j) of*** subsection ~~[10]~~ ***1*** of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address

with the Board to which all communications from the Board to the licensee may be sent.

Sec. 5. NRS 630.306 is hereby amended to read as follows:

630.306 ***1.*** The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

~~[1.]~~ ***(a)*** Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

~~[2.]~~ ***(b)*** Engaging in any conduct:

~~[(a)]~~ ***(1)*** Which is intended to deceive;

~~[(b)]~~ ***(2)*** Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

~~[(c)]~~ ***(3)*** Which is in violation of a regulation adopted by the State Board of Pharmacy.

~~[3.]~~ ***(c)*** Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

~~[4.]~~ ***(d)*** Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

~~[5.]~~ ***(e)*** Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

~~[6.]~~ ***(f)*** Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

~~[7.]~~ ***(g)*** Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

~~[8.]~~ ***(h)*** Habitual intoxication from alcohol or dependency on controlled substances.

~~[9.]~~ ***(i)*** Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

~~[10.]~~ ***(j)*** Failing to comply with the requirements of NRS 630.254.

~~[11.]~~ ***(k)*** Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

~~[12.]~~ ***(l)*** Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~[13.]~~ ***(m)*** Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

~~[14.]~~ ***(n)*** Operation of a medical facility at any time during which:

~~[(a)]~~ ***(1)*** The license of the facility is suspended or revoked; or

~~[(b)]~~ ***(2)*** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[subsection]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

~~[15.]~~ ***(o)*** Failure to comply with the requirements of NRS 630.373.

~~[16.]~~ ***(p)*** Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

~~[17.]~~ ***(q)*** Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~[(a)]~~ ***(1)*** Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~[(b)]~~ ***(2)*** Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~[or~~

~~(c)]~~ ***(3)*** Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[.~~

~~18.]~~ ***; or***

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of a license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 630.306.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 7. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is

prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~[or]~~

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[.]~~ ***; or***

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An osteopathic physician may prescribe or recommend an investigational drug, biological product or device to a patient if the osteopathic physician has:

(a) Diagnosed the patient with a terminal condition;

(b) Discussed with the patient all available methods of treating the terminal condition that have been approved by the United States Food and Drug Administration and the patient and the osteopathic physician have determined that no such method of treatment is adequate to treat the terminal condition of the patient; and

(c) Obtained informed, written consent to the use of the investigational drug, biological product or device from:

(1) The patient;

(2) If the patient is incompetent, the representative of the patient; or

(3) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

2. An informed, written consent must be recorded on a form signed by the patient, or the representative or parent or legal guardian of the patient, as applicable, that contains:

(a) An explanation of all methods of treating the terminal condition of the patient that are currently approved by the United States Food and Drug Administration;

(b) A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, and the osteopathic physician agree that no such method is likely to significantly prolong the life of the patient;

(c) Clear identification of the specific investigational drug, biological product or device proposed to treat the terminal condition of the patient;

(d) A description of the consequences of using the investigational drug, biological product or device, which must include, without limitation:

(1) A description of the best and worst possible outcomes;

(2) A realistic description of the most likely outcome, in the opinion of the osteopathic physician; and

(3) A statement of the possibility that using the investigational drug, biological product or device may result in new, unanticipated, different or worse symptoms or the death of the patient occurring sooner than if the investigational drug, biological product or device is not used;

(e) A statement that a health insurer of the patient may not be required to pay for care or treatment of any condition resulting from the use of the investigational drug, biological product or device unless such care or treatment is specifically included in the policy of insurance covering the patient and that future benefits under the policy of insurance covering the patient may be affected by the patient's use of the investigational drug, biological product or device; and

(f) ~~[A statement that the patient may not be eligible for hospice care while using the investigational drug, biological product or device; and~~

~~(g)~~ ***A statement that the patient, or the representative or parent or legal guardian of the patient, as applicable, understands that the patient is liable for all costs resulting from the use of the investigational drug, biological product or device, including, without limitation, costs resulting from care or treatment of any condition resulting from the use of the investigational drug, biological product or device, and that such liability will be passed on to the estate of the patient upon the death of the patient.***

3. An osteopathic physician is not subject to disciplinary action for prescribing or recommending an investigational drug, biological product or device when authorized to do so pursuant to subsection 1.

4. As used in this section:

(a) "Investigational drug, biological product or device" has the meaning ascribed to it in section 1 of this act.

(b) "Terminal condition" has the meaning ascribed to it in section 1 of this act.

Sec. 9. NRS 633.511 is hereby amended to read as follows:

633.511 ***1.*** The grounds for initiating disciplinary action pursuant to this chapter are:

~~[1.]~~ ***(a)*** Unprofessional conduct.

~~[2.]~~ ***(b)*** Conviction of:

~~[(a)]~~ ***(1)*** A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[(b)]~~ ***(2)*** A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

~~[(c)]~~ ***(3)*** A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

~~[(d)]~~ ***(4)*** Murder, voluntary manslaughter or mayhem;

~~[(e)]~~ ***(5)*** Any felony involving the use of a firearm or other deadly weapon;

~~[(f)]~~ ***(6)*** Assault with intent to kill or to commit sexual assault or mayhem;

~~[(g)]~~ ***(7)*** Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

~~[(h)]~~ ***(8)*** Abuse or neglect of a child or contributory delinquency; or

~~[(i)]~~ ***(9)*** Any offense involving moral turpitude.

~~[3.]~~ ***(c)*** The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

~~[4.]~~ ***(d)*** Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

~~[5.]~~ ***(e)*** Professional incompetence.

~~[6.]~~ ***(f)*** Failure to comply with the requirements of NRS 633.527.

~~[7.]~~ ***(g)*** Failure to comply with the requirements of subsection 3 of NRS 633.471.

~~[8.]~~ ***(h)*** Failure to comply with the provisions of NRS 633.694.

~~[9.]~~ ***(i)*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~[~~(a)~~]~~ ***(1)*** The license of the facility is suspended or revoked; or

~~[~~(b)~~]~~ ***(2)*** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[~~subsection~~]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

~~[~~10.~~]~~ ***(j)*** Failure to comply with the provisions of subsection 2 of NRS 633.322.

~~[~~11.~~]~~ ***(k)*** Signing a blank prescription form.

~~[~~12.~~]~~ ***(l)*** Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

~~[~~(a)~~]~~ ***(1)*** Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

~~[~~(b)~~]~~ ***(2)*** Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; ~~[~~or

~~(c)~~~~]~~ ***(3)*** Is marijuana being used for medical purposes in accordance with chapter 453A of NRS ~~[~~.

~~13.~~~~]~~ ***; or***

(4) Is an investigational drug or biological product prescribed to a patient pursuant to section 3 or 8 of this act.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

~~[~~14.~~]~~ ***(n)*** Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

~~[~~15.~~]~~ ***(o)*** In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

~~[~~16.~~]~~ ***(p)*** Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~[~~17.~~]~~ ***(q)*** Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~[~~18.~~]~~ ***(r)*** Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

~~[~~19.~~]~~ ***(s)*** Failure to comply with the provisions of NRS 633.165.

~~[~~20.~~]~~ ***(t)*** Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The amendment deletes language in two places that states that the patient may not be eligible for hospice care while using the investigational drug, biological product, or device.

The concern that I had with this bill was that the patient will be signing away possible benefits that they may have under their insurance policy as a trade for basically trying this investigational drug. This bill, known as the Right to Try bill, is for terminal patients, which tells me that hospice is going to be something that will be necessary. We know how important hospice is, not only to the patients but to the families, and to be able to sign away the responsibilities of their insurance company to deal with hospice gave me a great level of discomfort. There are a number of other pieces in this bill that I am very uncomfortable with, but this was the one that gave me the greatest pause. That is why I proposed taking the hospice negotiation out, so that the patient and family will be taken care of at end of life.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblywomen Spiegel.

Potential conflict of interest declared by Assemblywoman Joiner.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 169 requires the State Board of Health to adopt regulations concerning the use of graywater systems for a single-family residence, and such regulations are effective statewide except in areas where a district board of health has already adopted regulations for graywater systems. Regulations must prohibit graywater systems where certain conditions exist, although where systems are allowed, a person must obtain a permit for use. A permit can only be issued if conditions related to overflow, storage, runoff, standing water, and certain other conditions are met. A local government may not prohibit the use of a graywater system if conditions are met.

The State Board of Health must submit a report to the Legislature indicating the number and location of each permit issued for the operation of a graywater system. This bill is effective upon passage and approval for the purpose of adopting regulations, and July 1, 2016, for all other purposes.

ASSEMBLYWOMAN JOINER:

I rise to make a disclosure on A.B. 169. I would like to disclose that I abstained from voting on A.B. 169 in committee because my husband testified on this bill on behalf of one of his nonprofit clients. Although this measure would not affect his client any differently than any other nonprofit, out of an abundance of caution, I plan to abstain again today on the floor.

Roll call on Assembly Bill No. 169:

YEAS—37.

NAYS—Carlton.

NOT VOTING—Joiner.

EXCUSED—Hansen, Wheeler, Woodbury—3.

Assembly Bill No. 169 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 183 requires the grantee of real property under an agreement for a deed in lieu of a foreclosure sale to record the conveyance with the appropriate office of the county recorder within 30 days after the date of the conveyance. The grantee is liable for attorney's fees and costs and for certain damages for failure to record the conveyance.

In common terms, when someone signs over their house instead of getting foreclosed on by the bank, the bank gives them cash for keys. All this bill says is that the conveyance must be recorded. What is happening is that after these homeowners sign away their property, they are still getting harassed by creditors, HOAs, et cetera. This is to give people a clean break, so this requires a clean title.

Roll call on Assembly Bill No. 183:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 183 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 192 revises the period of time that a declarant's control of a unit-owners' association must terminate, depending upon the size of the common-interest community. For a common-interest community with fewer than 1,000 units, the declarant's control terminates 60 days after conveyance of 75 percent of the units. For a common-interest community with 1,000 units or more, the declarant's control terminates 60 days after conveyance of 90 percent of the units.

The measure also revises provisions concerning the election of unit owners to the executive board during the period of a declarant's control. For a common-interest community with fewer than 1,000 units, members of the executive board must be elected by unit owners other than the declarant not later than 60 days after conveyance of 25 percent of the units. For a common-interest community with 1,000 units or more, members of the executive board must be elected by unit owners other than the declarant not later than 60 days after conveyance of 15 percent of the units. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 192:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 194 revises the definition of the term "historic" to mean the period from the middle of the eighteenth century to 50 years before the current year as that term is used in the context of permits for exploration and excavation of prehistoric and historic sites on federal and state lands. This term refers only to a period of time and is not a trigger for being automatically considered for nomination to the state or national registers of historic places.

Roll call on Assembly Bill No. 194:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 201 prohibits a local government from entering into an agreement with any third-party person for the purpose of exercising the power of eminent domain to take a mortgage, deed of trust, or mortgage lien on private property or any note secured by a mortgage, deed of trust, or mortgage lien on private property.

Roll call on Assembly Bill No. 201:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 204 requires that an authorization letter which is issued with a special license plate, parking placard, or parking sticker by the Department of Motor Vehicles or a city or county contain the photograph of the holder of a plate, placard, or sticker that appears on the person's driver's license or identification card. The bill also requires the owner or operator of a motor vehicle displaying such a plate, placard, or sticker to present the authorization letter to a law enforcement representative upon request.

This measure is effective upon passage and approval for purposes of adopting regulations and performing other preparatory administrative tasks, and for all other purposes, on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau the DMV possesses sufficient resources to carry out the amendatory provisions of this bill.

Roll call on Assembly Bill No. 204:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 206 revises the content of certain notices sent to parents of pupils enrolled in public schools. The measure affects notices to parents concerning incidents of bullying or cyber-bullying, as well as reports to parents concerning a child found to have scoliosis, a visual or auditory problem, or any gross physical defect. The notices must include a list of resources that may be available in the community to assist the pupil, including resources available at little or no cost; however, neither school employees nor the school district is responsible for providing these resources or ensuring that the pupil receives the resources. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 206:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 231 authorizes the Chiropractic Physicians' Board of Nevada to require certain licensees to submit to a mental or physical examination if the licensee's competence to practice is questioned by the Board's president or another member of the Board in reviewing a complaint. The measure revises the definition of "unprofessional conduct" for purposes of discipline by the Board. It also allows chiropractic training and education received from certain foreign schools to meet the requirements for licensure in this state under certain circumstances and waives the application fee for an applicant for temporary licensure who provides volunteer services. Finally, A.B. 231 requires an applicant for reinstatement of licensure to submit fingerprints and pay the processing fee. The bill is effective upon passage and approval for the purpose of adopting regulations and performing any preparatory tasks necessary to carry out the act, and on October 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 231:

YEAS—31.

NAYS—Carlton, Dickman, Dooling, Fiore, Jones, Moore, Shelton, Titus, Trowbridge—9.

EXCUSED—Wheeler, Woodbury—2.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 250 provides that a veteran who is eligible for a Pearl Harbor, Purple Heart, or Congressional Medal of Honor special license plate and who, as a result of his or her service, has suffered a 100-percent, service-connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates. Additionally, a vehicle on which such plates are displayed is exempt from the payment of parking fees charged by the state or any political subdivision or other public body within the state, other than the United States.

Assembly Bill 250 further provides that a veteran who is eligible for ex-prisoner of war special license plates and who, as a result of his or her service, has suffered a 100-percent, service connected disability and receives compensation from the United States for the disability, may have the international symbol of access inscribed on his or her special license plates.

This bill is effective upon passage and approval for purposes of adopting regulations and other preparatory administrative tasks, and for all other purposes, on July 1, 2018, or the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act, whichever is earlier.

Roll call on Assembly Bill No. 250:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 273 prohibits a former legislator from receiving compensation to lobby before the Legislature for a period beginning after the legislator leaves office and ending at the adjournment of the next regular session. An exemption is provided if lobbying is a duty of the former legislator's full-time employment and the former legislator does not act as a lobbyist for any other employer, client, or client of his or her employer.

This bill is effective on November 8, 2016, after the next election.

Roll call on Assembly Bill No. 273:

YEAS—40.

NAYS—None.

EXCUSED—Wheeler, Woodbury—2.

Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 145.

REMARKS FROM THE FLOOR

Assemblyman Oscarson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The pages of Armenian history are filled with stories of people overcoming painful adversity and adhering to an inner strength and determination to preserve a culture rich in architecture, weaving, music, and dance; and

WHEREAS, For about 3,000 years, the Armenian people made their home in the Caucasus region of Eurasia as an independent entity and continued to thrive when Armenia was absorbed by the Ottoman Empire during the 15th century; and

WHEREAS, The Ottoman Empire dissolved in the early 20th century and gave rise to a new Turkish government that began to remove the Armenian people from within the borders; and

WHEREAS, In 1915, the leaders of the new Turkish government ordered the arrest and execution of Armenian intellectuals, turned people out of their homes, and forced them on death marches across the Mesopotamian desert, in what would become known as the Armenian Genocide that ended the lives of over 1.5 million people; and

WHEREAS, In response to the genocide, at the behest of United States President Woodrow Wilson and the U.S. State Department, the Near East Relief organization was founded, and became the first congressionally sanctioned American philanthropic effort created exclusively to provide humanitarian assistance and rescue the Armenian nation and other Christian minorities from annihilation; and

WHEREAS, The Near East Relief organization, with the help of many states, provided $117 million of assistance between 1915 and 1930 and saved more than 1 million refugees, including 132,000 orphans, by delivering food, clothing, materials for shelter, and setting up refugee camps, clinics, hospitals, and orphanages; and

WHEREAS, The State of Nevada is home to a large Armenian-American population, who have enriched our State though their leadership and contribution in business, agriculture, academia, government, and the arts; and

WHEREAS, The Armenian people, in Nevada and elsewhere, remain resolved and their spirit continues to thrive a century after their near annihilation; now, therefore, be it

PROCLAIMED, That the survivors of the Armenian Genocide and their descendants are commended for their strength to overcome extreme adversity and prosper in our State; and be it further

PROCLAIMED, That April 24, 2015, is recognized as the day of "Commemoration of the Anniversary of the Armenian Genocide of 1915-1923."

DATED this 14th day of April, 2015.

JIM WHEELER
Nevada State Assemblyman

Assemblyman Oscarson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OSCARSON:

I would like to take a moment to say a few words about an event that occurred 100 years ago today in another part of the world. Today we recognize the centennial anniversary of the Armenian genocide. Let me provide a little history.

For about 3,000 years, the Armenian people lived in the Caucasus region of Eurasia at the border of Europe and Asia, located between the Black Sea and the Caspian Sea. For centuries, control of this region shifted from one empire to another. The Ottoman Empire controlled the region for about 500 years until the early twentieth century when it dissolved as a new Turkish government came into power.

In 1915, the new Turkish government forced the Armenian people from their homes, arrested some, executed others, and forced many on death marches to the Syrian desert. This resulted in the deaths of more than 1.5 million people.

There are many times in history when an act occurs that is so deplorable, it moves another country to become involved. In response, U.S. President Woodrow Wilson ordered the creation of the Near East Relief organization to provide humanitarian aid and rescue the Armenian people from annihilation. Between 1915 and 1930, the Organization saved more than 1,000,000 refugees including 132,000 orphans.

You may not realize it, but Nevada is home to a large Armenian-American population that has made contributions to our society in the areas of business, agriculture, and academia. These individuals are the descendants of the survivors of the dreadful events that occurred a century ago. With us today are some individuals who share the Armenian heritage of adversity in their native homeland and prosperity in Nevada. To commemorate the strength of the Armenian people in overcoming adversity, we have prepared a proclamation that recognizes the centennial anniversary of the Armenian genocide. Please join me in recognizing their determination and giving our support for their continued success in Nevada.

Assemblywoman Carlton requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN CARLTON:

Today I would like to recognize Pay Equity Day. The members of the body all have their Payday candy bar on their desks and their little note with the little red purse on it. Every year since 1999, the first year that I came into this body, I have been recognizing Pay Equity Day.

This day symbolizes how far into the year women must work to earn what a man earned last year. In 1963 when the Equal Pay Act was passed, women made approximately 59 cents on the dollar compared to a white man. Over her lifetime, a woman with a high school education will earn $700,000 less than a man. If they have a college education, they will earn $1.2 million less, and if they are a post graduate, $2 million less. This does not even take into account racial discrimination that is built in to this. An African-American woman will earn 68 cents to every dollar, and a Hispanic woman will earn 58 cents to every dollar.

Let us keep in mind that women are 50 percent of the labor force. This is not a women's issue; this is a family issue; this is a community issue.

According to the National Partnership for Women and Families, in the Las Vegas metro area a woman is paid $35,163 per year while a man is paid $40,584. This breaks down to 87 cents for every dollar in Las Vegas. We are doing better than the national average, and that is something to celebrate. That is, however, a gap of $5,421. That equates to 39 weeks of groceries, four months of a mortgage, six months of rent, or 1,442 gallons of gas depending upon what the price is this week. As an economic security issue, 96,000 households are headed by women. Twenty-six percent of those households have income that fall below the poverty level.

The red purse that you have on your desk today is a symbol of an ongoing movement organized by the American Business and Professional Women's Foundation. To quote American social activist Elizabeth Cady Stanton, "A woman will always be dependent until she holds a purse of her own."

Assemblyman Silberkraus requested that the following remarks be entered in the journal.

ASSEMBLYMAN SILBERKRAUS:

One hundred fifty-five years and 11 days ago, a cannon was fired, a large assembled crowd cheered, and a rider dashed to the landing on Jules Street in St. Joseph, Missouri. There, the ferry boat Denver waited to carry this horse and rider across the Missouri River into the Kansas Territory.

On April 9, this rider from the east reached Salt Lake City; on the 12th, Carson City. The rider raced over the Sierra Nevada Mountains on to Sacramento, and around midnight on April 14, 1860, 155 years ago today, the first mail pouch was delivered to San Francisco via the Pony Express.

Though only a brief flash in history, the Pony Expresses legacy still stands strong 155 years later. Today I can think of no better way to remember and share this group of men with you than to quote Mark Twain's *Roughing It*.

> Away across the endless dead level of the prairie a black speck appears against the sky, and it is plain that it moves. Well, I should think so! In a second or two it becomes a horse and rider, rising and falling, rising and falling—sweeping toward us nearer and nearer—growing more and more distinct, more and more sharply defined—nearer and still nearer, and the flutter of the hoofs comes faintly to the ear—another instant a whoop and a hurrah from our upper deck, a wave of the rider's hand, but no reply, and man and horse burst past our excited faces, and go winging away like a belated fragment of a storm! So sudden is it all, and so like a flash of unreal fancy, that but for the flake of white foam left quivering and perishing on a mail-sack after the vision had flashed by and disappeared, we might have doubted whether we had seen any actual horse and man at all.

Assemblyman Stewart requested that the following remarks be entered in the journal.

ASSEMBLYMAN STEWART:

Over the last four years, we have celebrated various events commemorating the 150th anniversary of the Civil War. This past week was 150 years since the surrender of General Lee to General Grant at Appomattox. This week, we commemorate the death of one of our greatest presidents, Abraham Lincoln, who brought us safely through the Civil War and reunited our country once again. I think it is significant that we honor and remember him today. As he looks down upon us, let us always look up to him and follow the great example he gave of integrity, hard work, and dedication.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Virginia Palmer Elementary School: Gabriel Andrade Gomez, Anessa Arcangeli, Marlen Badillo Delgado, Oscar Baltazar Vivero, Jayden-Flo Caluya, Fernanda Cardenas, Jaidyn Carlile, Addriana Cox, Chelsi Crank, Kevin De La Luz Jaramillo, Fatima Diaz-Lopez, Ryan Emerson, Luz Escobar Ruiz, Alana Everidge, Ebony Foster, Javier Gandara, Sara Garcia, Amiya Gonzales, Amber Grant, Precilia Guardado, Dominick Guillen, Samantha Guzman Hernandez, Christopher Hidalgo, Erica Hood, Kodi Johnson, Eduardo Juarez, Samantha Martinez, Tristan McFarlin, Lilly McKeen, Bersain Medina Diaz, Dominic Miller, Nathaly Montes Rico, Giovvani Oliva, Baleria Pacheco-Avila, Ava Polar, Danika Reynolds, Omar Rodriguez, Bailey Rose, Irene Rubio Gama, Daisy Ruiz, Krysta Ruiz Contreras, Jaylynn Sather-Bergstrom, Jennifer Sather-Bergstrom, Brice Sheets, Zakaria Simpson, Heidi Smith, Ruby Sotelo, Freedom Spearman, Alexus Stellingwerf, Noah Stidger, Savannah Toney, Edwin Torres Arellano, Esmeralda Trujillo, Guadalupe Trujillo, Veronica Trujillo, Elizabeth Valadez Hernandez, Andrew Vanhorn, Luis Vasquez Lopez, Elenoa Vatikani, Joshua Villegas Velasco, Riley Virgil, Jayden Wilson, Jenell Parra Estrada, and Oswyn De Leon Lemus.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Vartan Barsoumian and Valery Mkrtumian.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Kassamanian and Elen Asatryan.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Bartham.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Hera Armenian and Adroushan Armenian.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Albert Cavasos, Kenneth Ledbetter, Dejohn Mitchell, Alejandro Quiroz, MiguelTejeda, Benjamin Chanes, Russell Enz, Thomas Funez, Michael Lindstrom, Robert Mejia, Valentin Michel, Joshua Curasi, Marlon Dixon, Jamal Jackson, Richard Martinez, Angel Mejia, and Delshone Staples.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, April 15, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:35 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 15, 2015

Assembly called to order at 2:16 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

Help us this day to recognize the lies of our current culture. Just because we disagree with someone, it doesn't mean we fear them or hate them. And when we say we love someone, it doesn't mean we have to agree with all they do or believe. We do not have to compromise our convictions to be compassionate. So help us, Lord, to understand what true compassion looks like and may we live it out boldly. In the mighty name of Jesus we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 275, 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 166, 178, 221, 278, 285, 374, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Vice Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 25, 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 91, 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 50, 66, 225, 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

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

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 78, 377, 448.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 9, 54, 56, 154, 155, 160, 268, 304, 348, 409, 417, 453.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 47, 112, 232.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Silberkraus moved that Assembly Bill No. 449 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 310, 352, 463, 480, 481; Assembly Joint Resolution No. 8; Senate Bill No. 505 be taken from their positions on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 262, 263, 267, 270, 370, 375, 413, 414, 419, and 435 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 51, 67, 159, 297, 320, 429; Assembly Joint Resolution No. 1 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 9.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 47.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 54.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 56.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 78.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 112.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 154.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 155.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 160.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 232.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 268.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 304.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 348.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 377.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 409.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 417.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 448.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 453.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 310.

Bill read second time and ordered to third reading.

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

Assembly in recess at 2:41 p.m.

ASSEMBLY IN SESSION

At 2:48 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 543.

SUMMARY—Revises provisions relating to ~~[permits to carry]~~ concealed firearms. (BDR 15-1070)

AN ACT relating to concealed firearms; ~~[exempting a peace officer from payment of the fees to obtain a permit to carry a concealed firearm; clarifying certain]~~ **revising the** provisions ~~[of law concerning]~~ **governing** the carrying of a concealed firearm while on the premises of any public building; ~~[deleting certain provisions relating to the registration of firearms capable of being concealed;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, an applicant for a permit to carry a concealed firearm must pay: (1) a nonrefundable fee for a sheriff to obtain a report from the Federal Bureau of Investigation concerning the criminal history of the applicant and a report from the National Instant Criminal Background Check System; and (2) a nonrefundable fee set by the sheriff not to exceed $60. (NRS 202.3657) Section 1 of this bill exempts peace officers from the payment of such fees.]~~

Existing law ~~[authorizes]~~ **prohibits** a person who holds a permit to carry a concealed firearm ~~[to carry]~~ **from carrying** a concealed firearm while he or she is on the premises of any public building ~~[, with certain exceptions.]~~ **that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building.** (NRS 202.3673) **Section 2** of this bill ~~[clarifies that such a provision of law must not be construed to prohibit a person from carrying a firearm that is not~~

~~concealed while the person is on the premises of any public building upon which a prohibition on the carrying of a firearm is not otherwise imposed by law.~~

~~Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 3-6 of this bill delete the provisions requiring certain political subdivisions of this State to make such amendments.~~**]** **provides that the carrying of a concealed firearm in any public building is prohibited if the building has both a metal detector and a sign at each public entrance indicating that no firearms are allowed in the building.**

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

Section 1. **[**~~NRS 202.3657 is hereby amended to read as follows:~~

~~202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.~~

~~2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.~~

~~3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and~~

~~(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:~~

~~(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or~~

~~(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.~~

~~Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff~~

~~determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.~~

~~4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:~~

~~(a) Has an outstanding warrant for his or her arrest.~~

~~(b) Has been judicially declared incompetent or insane.~~

~~(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.~~

~~(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:~~

~~(1) Convicted of violating the provisions of NRS 484C.110; or~~

~~(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.~~

~~(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.~~

~~(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.~~

~~(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.~~

~~(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.~~

~~(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:~~

~~(1) Withholding of the entry of judgment for a conviction of a felony; or~~

~~(2) Suspension of sentence for the conviction of a felony.~~

~~(j) Has made a false statement on any application for a permit or for the renewal of a permit.~~

~~5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.~~

~~6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit~~

~~has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.~~

~~— 7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:~~

~~— (a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;~~

~~— (b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;~~

~~— (c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;~~

~~— (d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;~~

~~— (e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;~~

~~— (f) [A] *Except as otherwise provided in subsection 8, a* nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and~~

~~— (g) [A] *Except as otherwise provided in subsection 8, a* nonrefundable fee set by the sheriff not to exceed $60.~~

~~*— 8. A peace officer is exempt from payment of the fees authorized by paragraphs (f) and (g) of subsection 7. As used in this subsection, "peace officer" includes any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance ~~[or]~~ ***and*** a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. ~~*[This section must not be construed to prohibit a person from carrying a firearm that is not concealed while the person is on the premises of any public building upon which a prohibition on the carrying of a firearm is not otherwise imposed by law.*~~

~~*— 7.]*~~ As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. ~~[NRS 244.364 is hereby amended to read as follows:~~

~~— 244.364 — 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation,~~

~~registration and licensing of firearms and ammunition in Nevada, and no county may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~[3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as~~] ***As*** used in this ~~[section:~~

~~(a) "Firearm"~~] ***subsection, "firearm"*** means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

~~[(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.~~]] **(Deleted by amendment.)**

Sec. 4. ~~[NRS 268.418 is hereby amended to read as follows:~~

~~268.418 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no city may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~[3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as~~] ***As*** used in this ~~[section:~~

~~— (a) "Firearm"~~**]** ***subsection, "firearm"*** ~~means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.~~

~~— **[**(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~— (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.~~**]]** **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 269.222 is hereby amended to read as follows:~~

~~— 269.222 1. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in Nevada, and no town may infringe upon those rights and powers. As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~— 2. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~— **[**3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~— (a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~— (b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~— 4. Except as otherwise provided in subsection 1, as~~**]** ***As*** ~~used in this **[**section:~~

~~— (a) "Firearm"~~**]** ***subsection, "firearm"*** ~~means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.~~

~~— **[**(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~— (c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.~~**]]** **(Deleted by amendment.)**

Sec. 6. ~~**[**Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:~~

~~— Sec. 5. **[**1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~— 2.**]** The provisions of this act **[**, as amended on October 1, 2007,**]** apply to ordinances or regulations adopted before, on or after June 13, 1989.**]**~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen, Carlton, Ellison, Wheeler, Fiore, and Seaman.

ASSEMBLYMAN HANSEN:

This amendment deletes all of the bill except for one section and limits the prohibition on carrying concealed firearms in a public building to those with both metal detectors and a posted sign that no firearms are allowed.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Amendment 543 to Assembly Bill 352. The plain reading of this amendment gives me concern when it says, ". . . provides that the carrying of a concealed firearm in any public building is prohibited if the building has both a metal detector and a sign . . . ." The key word is "and." Currently, we are under a signage system. This would mean that the possibility of someone wanting to restrict this would have to purchase a metal detector.

I understand it is not a mandate. It is an option, but I can see the scenario where someone within our jurisdiction—a public building—will come to the Interim Finance Committee [IFC] and say We want to make sure our employees are safe and that our customers are safe, and we are requesting funds for a metal detector. This would not just be the piece of equipment, but it would also be the personnel that goes along with it. It would probably be three people, depending upon the business hours, unless it is someone who has longer business hours, it could be four or five people. My concern is that by passing this amendment as is, we on IFC will be put in a position of choosing between a piece of equipment and the safety of our employees. We know we will choose the safety of our employees first, and that will have a fiscal impact on this state because we will be required to pay for this. I understand there is no mandate. I understand there is no fiscal note. I am just saying I can picture the day when someone is going to come and ask for the money for this. That is why I am in opposition to this amendment.

ASSEMBLYMAN ELLISON:

I rise in support of Amendment 543. Right now under Nevada law, you can open carry in any of these buildings. What this amendment does is allow you to conceal that weapon if you have a concealed weapon permit. That is all this law does. With me today I have a newspaper article. It was a notification that went out to the employees of the Department of Motor Vehicles [DMV]. It says Open carry firearms at DMV, constituent courtesies, Flamingo Office. Saturday, December 17, 2011, a customer attempted to enter the building while open carrying a firearm. He was stopped by the security guards, and the decision to bar him from the building was supported by a supervisor. Metro officers were on the way to the office regarding another incident and informed the security guard and supervisor that there is no law prohibiting the customer from openly carrying a firearm in a state building. This has been challenged over and over again. What we are asking is for people who have a concealed weapon permit to not open carry but to conceal the firearm. That is what we are asking for.

ASSEMBLYMAN WHEELER:

I rise in support of Amendment 543 to Assembly Bill 352. I understand the concerns of my colleague from District 14. However, I want to make it clear to everyone in the room that we are not mandating that anyone put in a metal detector in order to stop people from walking in as she said. But one of the things that strikes me is that we make decisions in this body every single day. Having someone come back to ask us to make a decision on whether they should put a metal detector in or not is our job. That is what we do. So I see absolutely no problem with us continuing to make a decision, whether it be in the interim or whether it be here in this body today.

ASSEMBLYWOMAN FIORE:

I rise in support of Amendment 543. This bill does not require anyone to install metal detectors. All this bill does is allow a person with a concealed firearm permit to carry a firearm in the same places where it is already legal to openly carry a firearm. Under current law a person with a valid CCW permit is required by law to openly carry their firearm when they enter the DMV or other public buildings. Firearms are not currently prohibited in these buildings; only concealed carry is

prohibited. For these people who have gone through the trouble of getting a concealed firearm permit, they should be allowed to carry their firearm concealed in the same places that every other Nevadan citizen can open carry their firearm under current law. Essentially, this bill does nothing more than remove the ban on jackets covering lawful firearms in public buildings for people with concealed firearm permits.

ASSEMBLYWOMAN SEAMAN:

This is something from the opinion of our own Legislative Counsel Bureau [LCB] that I would like to state and rise in support of A.B. 352:

Because there is no general statutory prohibition against the open carry of firearms in a public building, it is the opinion of this office that the open carry of firearms is not prohibited in a public building unless otherwise prohibited by a specific statute such as NRS 202.265 or NRS 218A.905. We would note, however, that not all portions of a public building are necessarily open to access by the public, and persons who are openly carrying firearms are not, therefore, authorized to carry firearms in all portions of a public building.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time and ordered to third reading.

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

Senate Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 96.

AN ACT relating to prisoners; providing that an employee of or a contractor or volunteer for a prison commits sexual abuse of a prisoner **or unauthorized custodial conduct** if he or she voluntarily engages **or attempts to engage** in certain acts with certain prisoners in lawful custody or confinement; revising provisions relating to voluntary sexual conduct between certain prisoners in lawful custody or confinement and other persons; providing ~~[a penalty;]~~ **penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a prisoner who: (1) is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety or residential confinement; and (2) voluntarily engages in sexual conduct with another person is guilty of a category D felony. (NRS 212.187) Under federal regulations adopted pursuant

to the Prison Rape Elimination Act of 2003 (42 U.S.C. §§ 15601 et seq.), which set forth national standards relating to the Act, an agency with direct responsibility for the operation of any facility that confines inmates, detainees or residents is authorized to discipline an inmate in an adult prison or jail or a resident of a community confinement facility or juvenile facility for sexual contact with a staff member of the agency only if the staff member did not consent to the contact. (28 C.F.R. §§ 115.78, 115.278, 115.378) Accordingly, **section 7** of this bill revises existing law to provide that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony.

Existing law also provides that a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation or residential confinement, is guilty of a category D felony. (NRS 212.187) **Section 6** of this bill provides that an employee of or a contractor or volunteer for a prison ~~[commits sexual abuse of a prisoner if he or she]~~ **who** voluntarily engages **or attempts to engage** in certain acts with such a prisoner, regardless of whether the prisoner consents to the act ~~[.]~~ **, commits either sexual abuse of a prisoner or unauthorized custodial conduct, depending on the type of act.** Such an employee, contractor or volunteer who commits **: (1)** sexual abuse of a prisoner is guilty of a category D felony ~~[.]~~ **; (2) unauthorized custodial conduct by engaging in certain acts is guilty of a gross misdemeanor; or (3) unauthorized custodial conduct by attempting to engage in certain acts is guilty of a misdemeanor.** The ~~[definition]~~ **definitions** of the ~~[term]~~ **terms** "sexual ~~[abuse,"]~~ **abuse" and "unauthorized custodial conduct,"** as ~~[it is]~~ **they are** used in **section 6**, ~~[is]~~ **are** based on the definition **of the term "sexual abuse" as it is** used for purposes of the federal regulations adopted pursuant to the Prison Rape Elimination Act. (28 C.F.R. § 115.6)

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

Section 1. Chapter 212 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in NRS 212.140 to 212.189, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. "***Contractor" means a person who provides services on a recurring basis to a prison pursuant to a contractual agreement with the Department of Corrections or the sheriff, chief of police or other officer responsible for the operation of the prison.***

Sec. 4. "***Employee" means a person who works directly for a prison.***

Sec. 5. "***Volunteer" means a person who donates his or her time and effort on a recurring basis to a prison to enhance the activities and programs of the prison.***

Sec. 6. *1. An employee of or a contractor or volunteer for a prison ~~[commits sexual abuse of a prisoner if he or she]~~ who voluntarily engages in, or attempts to engage in , ~~[any of the acts set forth in subsection 3]~~ with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement ~~[.]~~ , any of the acts set forth in:*

(a) Paragraph (a) of subsection 3, commits sexual abuse of a prisoner.

(b) Paragraph (b) of subsection 3, commits unauthorized custodial conduct.

2. Unless a greater penalty is provided pursuant to any other applicable provision of law, an employee of or a contractor or volunteer for a prison who commits ~~[sexual]~~ :

(a) Sexual abuse of a prisoner is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Unauthorized custodial conduct by engaging in any of the acts described in paragraph (b) of subsection 3 is guilty of a gross misdemeanor.

(c) Unauthorized custodial conduct by attempting to engage in any of the acts described in paragraph (b) of subsection 3 is guilty of a misdemeanor.

3. As used in this section ~~[, "sexual]~~ :

(a) "Sexual abuse":

~~[(a)]~~ (1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

~~[(1)]~~ (I) Sexual intercourse or anal intercourse, including penetration, however slight;

~~[(2)]~~ (II) Fellatio, cunnilingus or contact between the mouth and the anus;

~~[(3) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;~~

~~(4)~~ (III) Penetration, however slight, of an object into the genital or anal opening of the body of a prisoner committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

~~[(5)]~~ (IV) Any other intentional contact with a prisoner's ~~[clothed or]~~ unclothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

~~[(6) Any attempt, threat or request by an employee or a contractor or volunteer to engage in any act described in subparagraphs (1) to (5), inclusive;~~

~~(7) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner; or~~

~~*(8) Invading the privacy of a prisoner. As used in this subparagraph, "invading the privacy of a prisoner" includes, without limitation:*~~

~~*(I)*~~ *(V) Watching a prisoner change clothing or use a shower, toilet or urinal;*

~~*[(II)*~~ *(VI) Requiring a prisoner to expose his or her genitals, buttocks or breasts; or*

~~*[(III)*~~ *(VII) Capturing an image of the private area of a prisoner in violation of NRS 200.604.*

~~*[(b)*~~ *(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the ~~[necessary]~~ official duties of such an employee, contractor or volunteer.*

(b) "Unauthorized custodial conduct":

(1) Includes any of the following acts between an employee of or a contractor or volunteer for a prison and a prisoner, regardless of whether the prisoner consents to the act:

(I) Contact between the mouth and any part of the body committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(II) Any other intentional contact with a prisoner's clothed genitals, pubic area, anus, buttocks, inner thigh or breasts committed with the intent to abuse the prisoner or to arouse, appeal to or gratify the sexual desires of either person;

(III) Any threat or request by an employee or a contractor or volunteer to engage in any act described in sub-subparagraphs (I) or (II); or

(IV) Any display by an employee or a contractor or volunteer of his or her unclothed genitals, buttocks or breasts in the presence of a prisoner.

(2) Does not include acts of an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the official duties of such an employee, contractor or volunteer.

Sec. 7. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person ***who is not an employee of or a contractor or volunteer for a prison*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***Except as otherwise provided in section 6 of this act, a*** person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of ***or a contractor or volunteer for*** the ~~[~~institution~~]~~ ***prison*** in which the prisoner is confined that are performed to carry out the necessary duties of such a person ***,*** ~~[~~or~~]~~ employee ~~[~~.~~]~~ ***, contractor or volunteer.***

Sec. 8. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~[~~A~~]~~ ***Unless a greater penalty is provided pursuant to section 6 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment defines unauthorized custodial conduct and clarifies the definition of sexual abuse. It clarifies that an employee, contractor, or volunteer for a prison who voluntarily engages or attempts to engage in certain acts with a prisoner, regardless of consent, commits sexual abuse. Lastly, an employee, contractor, or volunteer for a prison who engages in unauthorized custodial conduct is guilty of a gross misdemeanor or a misdemeanor depending on the acts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 358.

AN ACT relating to special fuels; revising the definition of "special fuel dealer" for the purpose of provisions relating to taxes imposed on special fuels; revising the amount of the tax imposed on the sale or use of liquefied petroleum gas and compressed natural gas; revising provisions governing the conversion of volumetric measurements of liquefied petroleum gas and liquefied natural gas for the purpose of the taxation of the sale or use of

liquefied petroleum gas and liquefied natural gas; revising provisions governing the content of certain tax returns filed with the Department of Motor Vehicles by a special fuel dealer or special fuel manufacturer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "special fuel dealer" for the purposes of imposing taxes on the sale or use of special fuels in this State to specify that the term includes a person who sells liquefied natural gas and delivers such fuel into the tank for the supply of fuel of a motor vehicle that is not owned or controlled by that person. **Section 2** of this bill revises the amount of the tax imposed on the sale or use of liquefied petroleum gas and compressed natural gas.

Section 3 of this bill amends the factors for the conversion of volumetric measurements for purposes of taxing the sale or use of liquefied petroleum gas and liquefied natural gas.

Section 4 of this bill provides that the tax returns which must be filed with the Department of Motor Vehicles by a special fuel dealer or special fuel manufacturer must report all quantities of special fuel in gallons.

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

Section 1. NRS 366.062 is hereby amended to read as follows:

366.062 "Special fuel dealer" means a person who sells compressed natural gas ***, liquefied natural gas*** or liquefied petroleum gas and delivers any part thereof into the tank for the supply of fuel of a motor vehicle that is not owned or controlled by that person.

Sec. 2. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels, including, without limitation:

(a) Diesel;

(b) Biodiesel;

(c) Biodiesel blend;

(d) Biomass-based diesel;

(e) Biomass-based diesel blend; and

(f) Liquefied natural gas.

2. A tax is hereby imposed ***:*** ~~[at:]~~

(a) ~~[~~The rate of 19 cents per gallon on~~]~~ ***On*** the sale or use of an emulsion of water-phased hydrocarbon fuel ~~[;]~~ ***at the rate of 19 cents per gallon;***

(b) ~~[~~The rate of 22 cents per gallon on~~]~~ ***On*** the sale or use of liquefied petroleum gas ~~[;~~ ~~*(1) For the period beginning on July 1, 2015, and ending on June 30, 2016, at the rate of 1.86 cents per gallon;*~~

~~*(2) For the period beginning on July 1, 2016, and ending on June 30, 2017, at the rate of 3 cents per gallon;*~~

~~*(3) For the period beginning on July 1, 2017, and ending on June 30, 2018, at the rate of 4.14 cents per gallon;*~~

~~*(4) For the period beginning on July 1, 2018, and ending on June 30, 2019, at the rate of 5.28 cents per gallon; and*~~

~~*(5) On and after July 1, 2019,]*~~ ***at the rate of 6.4 cents per gallon;*** and

(c) ~~[The rate of 21 cents per gallon on]~~ ***On*** the sale or use of compressed natural gas ~~[.:~~

~~*(1) For the period beginning on July 1, 2015, and ending on June 30, 2016, at the rate of 16.6 cents per gallon;*~~

~~*(2) For the period beginning on July 1, 2016, and ending on June 30, 2017, at the rate of 18.8 cents per gallon; and*~~

~~*(3) On and after July 1, 2017,]*~~ ***at the rate of 21 cents per gallon.***

Sec. 3. NRS 366.197 is hereby amended to read as follows:

366.197 For the purpose of taxing the sale or use of:

1. Compressed natural gas, 126.67 cubic feet of natural gas or 5.660 pounds of natural gas shall be deemed to equal 1 gallon of special fuel.

2. Liquefied petroleum gas, ~~[125~~ ~~*36.6]*~~ ***36.3*** cubic feet ***or 4.2 pounds*** of ~~[natural gas or]~~ liquefied petroleum gas shall be deemed to equal 1 gallon of special fuel.

3. Liquefied natural gas, 6.06 pounds of liquefied natural gas shall be deemed to equal 1 gallon of special fuel.

Sec. 4. NRS 366.386 is hereby amended to read as follows:

366.386 1. On or before the last day of the month following each reporting period, a special fuel dealer or special fuel manufacturer shall file with the Department a tax return for the preceding reporting period, regardless of the amount of tax collected, on a form prescribed by the Department.

2. The tax return must:

(a) Include information required by the Department for the administration and enforcement of this chapter; ~~[and]~~

(b) ***Report all quantities of special fuel in gallons; and***

(c) Be accompanied by a remittance, payable to the Department, for the amount of the tax due.

3. Except as otherwise provided in this subsection, the reporting period for a special fuel dealer or special fuel manufacturer is a calendar month. Upon application by a special fuel dealer or special fuel manufacturer, the Department may assign to the special fuel dealer or special fuel manufacturer for a specific calendar year:

(a) A reporting period consisting of that entire calendar year if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell not more than 200 gallons of special fuel in this State each calendar month of that reporting period.

(b) Two reporting periods consisting of 6 consecutive calendar months, commencing on the first day of January and July, respectively, if the

Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell more than 200 gallons but not more than 500 gallons of special fuel in this State each calendar month during those reporting periods.

(c) Four reporting periods consisting of 3 consecutive months, commencing on the first day of January, April, July and October, respectively, if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell more than 500 gallons but less than 5,000 gallons of special fuel in this State each calendar month during those reporting periods.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 358 to Assembly Bill 32 makes several changes to the bill, including revising the tax rate on liquefied petroleum to 6.4 cents per gallon, effective July 1, 2015. It also restores the tax rate on compressed natural gas to 21 cents per gallon, effective July 1, 2015. It revises the conversion rate on LPG from 36.6 cubic feet per gallon to 36.3 cubic feet per gallon and specifies that the tax return submitted to the Department of Motor Vehicles properly reports all special fuel sold in gallons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 65.

Bill read second time.

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

Amendment No. 190.

SUMMARY—Revises provisions relating to notaries public**_ ~~[~~.~~]~~ and document preparation services.** (BDR 19-445)

AN ACT relating to ~~[notaries public;]~~ **public affairs;** making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; revising the definition of "document preparation service" to exclude certain nonprofit organizations, commercial resident agents and collection agencies; making various changes relating to the regulation of document preparation services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits persons with certain criminal convictions from becoming notaries public and provides for the revocation of the appointment of notaries public who are convicted of certain crimes. (NRS 240.010, 240.150) **Sections 1 and 6** of this bill clarify that those convictions include a

conviction that follows a plea of nolo contendere or no contest. **Section 1 also prohibits the Secretary of State from appointing as a notary public a person whose previous appointment as a notary public in this State or another state has been revoked for cause.**

Existing law prohibits a person who has not been appointed as a notary public from representing himself or herself as a notary public. (NRS 240.010) **Section 1** expands this prohibition to include those persons whose appointment has expired or been suspended or revoked, and provides a civil penalty for such a violation.

Existing law requires that applicants for appointment as notaries public complete 4 hours of instruction relating to the functions and duties of notaries public. (NRS 240.018) **Section 3** of this bill shortens the course to 3 hours and requires an examination. **Section 3** also requires a person renewing his or her appointment as a notary public to retake the course, and allows the Secretary of State to require a notary public who has violated any provision of chapter 240 of NRS to retake the course. ~~[Finally,]~~ **Additionally, section 3** authorizes the Secretary of State to use an outside vendor to administer the course and examination. **Section 6.5 of this bill makes similar conforming changes to the course and examination requirements for an electronic notary public.**

Existing law prohibits certain actions by notaries public. (NRS 240.075) **Section 4** of this bill prohibits a notary public from ~~[applying]~~ **affixing** his or her stamp to any document which does not contain a notarial certificate.

Existing law prohibits the use of the Spanish term "notario" or "notario publico" in any signage or advertisement by a notary public who is not also an attorney licensed to practice law in this State. (NRS 240.085) **Section 5** of this bill extends this prohibition to the employers of notaries public, and requires the imposition of a civil penalty for violating such a prohibition.

Existing law requires that a person who wishes to register a documentation preparation service must be a citizen or legal resident of the United States. (NRS 240A.100) **Section 9** of this bill allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register a documentation preparation service. **Section 9** also provides that an application for registration that is not completed within 6 months must be denied. **Finally, section 9 prohibits the Secretary of State from registering as a document preparation service any person whose previous registration as a document preparation service in this State or another state has been revoked for cause.**

Existing law exempts certain persons from registering as a documentation preparation service. (NRS 240A.030) **Section 8** of this bill clarifies which nonprofit organizations and commercial registered agents are not required to register and adds collection agencies to the list of such persons.

Existing law requires that a document prepared by a documentation preparation service must include the name, address, phone number and registration number of the document preparation service. (NRS 240A.200) **Section 11** of this bill deletes this requirement but requires a document

preparation service to provide this information on any document on which the information is requested.

Section 7 of this bill specifically authorizes the Secretary of State to inspect the documents required to be maintained by document preparation services to ensure compliance with the law.

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

Section 1. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State ***or another state*** has been revoked ~~[.]~~ ***for cause.***

(c) Who, except as otherwise provided in subsection 3, has been convicted of ~~[:]~~ ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:***

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

↪ if the Secretary of State is aware of such a conviction ***or plea*** before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted ***or entered a plea*** is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter ~~[.]~~ ***, or if his or her appointment is expired, revoked or suspended or is otherwise not in good standing.***

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

6. ***Any person who violates a provision of paragraph (a) of subsection 5 is liable for a civil penalty of not more than $2,000 for each violation, plus reasonable attorney's fees and costs.***

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5 ~~[.]~~ ***and recover any penalties, attorney's fees and costs.***

Sec. 2. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his or her appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his or her civil rights.

(e) Have completed a course of study pursuant to NRS 240.018.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his or her appointment, the person shall, within 90 days after his or her lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that the person is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, the person's appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada that is licensed pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

➥ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend the person's appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his or her term of

appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

Sec. 3. NRS 240.018 is hereby amended to read as follows:

240.018 1. The Secretary of State may:

(a) Provide courses of study for the mandatory training of notaries public. Such courses of study ~~[must]~~ ***:***

(1) Must include at least ~~[4]~~ ***3*** hours of instruction ***and an examination*** relating to the functions and duties of notaries public ~~[.]~~ ***; and***

(2) May be conducted in person or online by the Secretary of State or a vendor approved by the Secretary of State.

(b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his or her appointment as a notary public ***.*** ~~[, if the appointment has expired for a period greater than 1 year.]~~

(c) A person ~~[renewing his or her appointment as a notary public, if during the immediately preceding 4 years the person has been fined for failing to comply with a statute or regulation of this State relating to notaries public.~~

~~➥ A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if the person is in compliance with all of the statutes and regulations of this State relating to notaries public.]~~ ***who has committed a violation of this chapter or whose appointment as a notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.***

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:

(a) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

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

5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the

expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

11. Affix his or her stamp to any document which does not contain a notarial certificate.

Sec. 5. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

> I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises his or her

services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.

(b) Revoke the appointment of the notary public for a third or subsequent offense.

(c) Assess a civil penalty of not more than $2,000 for each violation.

4. A notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than $2,000.

5. An employer of a notary public shall not:

(a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or

(b) Advertise using the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of the notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than $2,000 for each violation.

7. The employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than $2,000.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than $2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that a notary public has been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than $2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension;

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State; and

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 6.5. **NRS 240.195 is hereby amended to read as follows:**

240.195 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:

(a) Complete a course of study that is in accordance with the requirements of subsection 5; and

(b) Pass an examination at the completion of the course.

2. The following persons ~~[must]~~ ***are required to enroll in and*** successfully complete a course of study as required pursuant to subsection 1:

(a) A person applying for his or her first appointment as an electronic notary public;

(b) A person renewing his or her appointment as an electronic notary public ~~;~~ ~~[if the appointment as an electronic notary public has been expired for a period of more than 1 year;]~~ and

(c) A person ~~[renewing his or her appointment as an electronic notary public if, during the 4 years immediately preceding the application for renewal, the Secretary of State took action against the person pursuant to NRS 240.150 for failing to comply with any provision of this chapter or any regulations adopted pursuant thereto.~~

~~A person renewing his or her appointment as an electronic notary public need not successfully complete a course of study as required pursuant to subsection 1 if the appointment as an electronic notary public has been expired for a period of 1 year or less.~~] ***who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.***

3. A course of study required to be completed pursuant to subsection 1 must:

(a) Include at least 3 hours of instruction;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) Include an examination of the course content;

(d) Comply with the regulations adopted pursuant to NRS 240.206; and

(e) Be approved by the Secretary of State.

4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:

(a) Provide such a course of study; and

(b) Charge a reasonable fee to each person who enrolls in such a course of study.

5. A course of study provided pursuant to this section ~~[must]~~ ***:***

(a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.

(b) May be provided in person or online by the Secretary of State or a vendor approved by the Secretary of State.

6. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 7. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of a registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.

Sec. 8. NRS 240A.030 is hereby amended to read as follows:

240A.030 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization ***formed pursuant to title 7 of NRS*** which ~~[qualifies as]~~ ***the Secretary of the Treasury has determined is*** a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) A person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent ~~[.]~~ ***while carrying out his or her duties as a commercial registered agent pursuant to chapter 77 of NRS or acting within the scope of those duties.***

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any

regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

3. As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 9. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States ***or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services,*** and ***be*** at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service ***in this State or another state*** has previously been revoked ~~[by the Secretary of State;]~~ ***for cause;***

(c) Who has previously been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime involving theft, fraud or dishonesty;

(2) Convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

5. An application for registration as a document preparation service that is not completed within 6 months after the date on which the application was submitted must be denied.

Sec. 10. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. ***The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services must expire on the date on which that person's employment authorization expires.***

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[3.]~~ ***4.*** After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 11. NRS 240A.200 is hereby amended to read as follows:

240A.200 ~~[Any]~~ ***If a*** document prepared for a client by a registrant ~~[must include, below any required signature of the client,]~~ ***includes a place on the document for the registrant to provide information, including, without limitation,*** the name, business address ***,*** ~~[and]~~ telephone number and registration number of the registrant ~~[.]~~ ***, the registrant shall include the requested information on the document.***

Sec. 12. **1.** The provisions of NRS 240.018, as amended by section 3 of this act, do not apply to a notary public whose appointment as a notary public expires before ~~[October]~~ **July** 1, 2015.

2. The provisions of NRS 240.195, as amended by section 6.5 of this act, do not apply to an electronic notary public whose appointment as an electronic notary public expires before July 1, 2015.

Sec. 13. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment prohibits the Secretary of State from appointing as a notary public or a document preparation server a person whose previous appointment as a notary public in this state or another state has been revoked for cause. It prohibits the Secretary of State from registering as a document preparation service any person whose previous registration as a document preparation service in this state or another state has been revoked for cause, and it 33makes conforming changes to the course and examination requirements for an electronic notary public.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 81.

Bill read second time.

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

Amendment No. 125.

AN ACT relating to specialty court programs; revising provisions governing programs of treatment for the abuse of alcohol or drugs; defining the term "treatment provider"; replacing **certain** references to a facility for the treatment of alcohol or drugs with the term "treatment provider"; authorizing a court to allow a person to complete treatment for the abuse of alcohol or drugs under the supervision of a treatment provider in another jurisdiction in certain circumstances; **requiring a treatment provider to comply with the requirements of a specialty court in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in certain circumstances, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs before he or she is sentenced. (NRS 458.300) If the court finds that the person is eligible to make such an election, the court is required to hold a hearing before it sentences the person to determine whether the person should receive treatment under the supervision of a state-approved facility for the treatment of alcohol or drugs. (NRS 458.310) **Section 11** of this bill ~~[replaces the term "facility" for the purposes of chapter 458 of NRS with the term "treatment provider" and]~~ defines **the term** "treatment provider" as ~~[a person or]~~ a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, ~~[or]~~ voluntary organization which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services **~~[.]~~ , or a licensed or certified psychologist, marriage and family therapist, social worker or alcohol, drug and gambling counselor. Sections 12-19 and 21-24** of this bill replace **certain** references to the term "facility" in chapter 458 of NRS with the term "treatment provider." ~~[Section]~~ **Sections 9, 10 and 26.5** of this bill ~~[provides]~~ **provide** that if a court places a person under

the supervision of a treatment provider to receive treatment, the court may, in certain circumstances, authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction. ~~[Section]~~ **Sections 9 and 21** ~~[revises]~~ **revise** the duties of the court when the court offers the election of a treatment program to a person. **Section 22 provides that if a person makes such an election to participate in a treatment program and the court has a specialty court for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court.**

Existing law also allows certain offenders found guilty of driving under the influence of alcohol or a prohibited substance to apply to the court to undergo a program of treatment for alcoholism and drug abuse. (NRS 484C.320, 484C.330, 484C.340) **Sections 27-34** of this bill replace the term "treatment facility" for the purposes of chapter 484C of NRS with the term "treatment provider." **Sections 28-30** also revise the duties of the court upon determining that an application for treatment should be granted.

~~[Additionally, existing law generally sets forth provisions relating to medical facilities and related entities. (Chapter 449 of NRS) Section 35 of this bill repeals the section that defines the term "facility for the treatment of abuse of alcohol or drugs" for the purposes of chapter 449 of NRS, and section 1 of this bill adds a new definition of the term "treatment provider." Sections 3-7 of this bill replace references to the term "facility for the treatment of abuse of alcohol or drugs" in chapter 449 of NRS with the term "treatment provider."]~~

Sections 8, 9, 25 and 26 of this bill generally replace references to facilities for the treatment of abuse of alcohol or drugs in other chapters of NRS with the term "treatment provider."

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

Section 1. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Treatment provider" has the meaning ascribed to it in NRS 458.010.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 449.001 is hereby amended to read as follows:~~

~~449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 449.0045 is hereby amended to read as follows:~~

~~449.0045 "Facility for the dependent" includes:~~

~~1. A [facility for the treatment of abuse of alcohol or drugs;] *treatment provider;*~~

~~2. A halfway house for recovering alcohol and drug abusers;~~

~~3. A facility for the care of adults during the day;~~

~~4. A residential facility for groups;~~

~~5. An agency to provide personal care services in the home;~~

~~6. A facility for transitional living for released offenders; and~~

~~7. A home for individual residential care.~~**] (Deleted by amendment.)**

Sec. 4. ~~[NRS 449.0055 is hereby amended to read as follows:~~

~~449.0055 1. "Facility for transitional living for released offenders" means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a [facility for the treatment of abuse of alcohol or drugs.~~**] *treatment provider.***

~~2. As used in this section, "person who has been released from prison" means:~~

~~(a) A parolee.~~

~~(b) A person who is participating in:~~

~~(1) A judicial program pursuant to NRS 209.4886 or 213.625; or~~

~~(2) A correctional program pursuant to NRS 209.4888 or 213.632.~~

~~(c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.~~

~~(d) A person who has been released from prison by expiration of his or her term of sentence.~~**] (Deleted by amendment.)**

Sec. 5. ~~[NRS 449.089 is hereby amended to read as follows:~~

~~449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:~~

~~(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, or the standards and regulations adopted by the Board;~~

~~(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or~~

~~(c) Conformed to all applicable local zoning regulations.~~

~~2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § [482.66]~~ ***482.58*** ~~or, if residential services are provided to children, a medical facility or [facility for the treatment of abuse of alcohol or drugs]~~ ***treatment***

~~***provider*** must include, without limitation, a statement that the facility, hospital, agency, program **, [**or**]** home ***or treatment provider*** is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and 449.174.~~

~~3. Each reapplication for an agency to provide personal care services in the home, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency or home are in compliance with the provisions of NRS 449.093.**]** **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 449.119 is hereby amended to read as follows:~~

~~449.119 As used in NRS 449.119 to 449.125, inclusive, "facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395www(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § **[**482.66**]** ***482.58*** or, if residential services are provided to children, a medical facility or **[**facility for the treatment of abuse of alcohol or drugs.**]** ***treatment provider.]*** **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 449.121 is hereby amended to read as follows:~~

~~449.121 1. Except as otherwise provided in subsection 2, the provisions of NRS 449.119 to 449.125, inclusive, and 449.174 do not apply to any **[**facility for the treatment of abuse of alcohol or drugs.**]** ***treatment provider.***~~

~~2. A **[**facility for the treatment of abuse of alcohol or drugs**]** ***treatment provider*** must comply with the requirements of NRS 449.119 to 449.125, inclusive, and 449.174 if the **[**facility for the treatment of abuse of alcohol or drugs**]** ***treatment provider*** provides residential services to children.**]** **(Deleted by amendment.)**

Sec. 8. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160,

453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by ~~[an approved facility for the treatment of abuse of drugs]~~ ***a treatment provider approved by the court*** to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580. ***As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.***

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Sterile hypodermic device program" has the meaning ascribed to it in NRS ~~[439.943.]~~ ***439.986.***

Sec. 9. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a person to an appropriate ~~[facility for the treatment of abuse of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department.]~~ ***treatment provider.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require ~~[frequent urinalysis]~~ ***random testing or screening*** to determine that the person is not using a controlled substance. ~~[The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.]~~

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program ~~[at a facility]~~ ***with a treatment provider*** that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

5. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or use of controlled substances pursuant to this section, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

6. As used in this section ~~[, "treatment]~~ :

(a) "Treatment provider" has the meaning ascribed to it in NRS 458.010.

(b) "Treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which holds a license, certificate or other credential issued by a regulatory agency in another jurisdiction.

Sec. 10. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or drugs pursuant to NRS 458.290 to 458.350, inclusive, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

2. As used in this section, "treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which ~~[is certified by an]~~ holds a license, certificate or other credential issued by a regulatory agency in another jurisdiction . ~~[that is similar to the Division.]~~

Sec. 11. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, ***and section 10 of this act,*** unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.

2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.

4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.

5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.

6. "Detoxification technician" means a person who is certified by the Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

8. "Facility" ~~***[***"Treatment provider"***]***~~ means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers. ~~***[***person or***]***~~

9. "Treatment provider" means a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, ~~[or***]*** voluntary organization which is certified by the Division ~~[***.***]*** or a practitioner licensed or certified pursuant to chapter 641, 641A, 641B or 641C of NRS.***

Sec. 12. NRS 458.025 is hereby amended to read as follows:

458.025 The Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the ~~[~~facilities~]~~ ***treatment providers*** needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

➥ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

4. Shall certify or deny certification of detoxification technicians or any facilities ~~***[***treatment providers***]***~~ or programs on the basis of the standards established by the Division pursuant to this section, and publish a list of certified detoxification technicians, facilities ~~***[***treatment providers***]***~~ and

programs. Any detoxification technicians, facilities ~~*[treatment providers]*~~ or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The Division shall adopt regulations. The regulations:

(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and

(b) May prescribe the fees for the certification of detoxification technicians, facilities ~~*[treatment providers]*~~ or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate . ~~*[; and*~~

~~*(c) May not exclude treatment providers that provide treatment through volunteers.]*~~

5. Upon request from a facility ~~*[treatment provider]*~~ which is self-supported, may certify the facility, ~~*[treatment provider,]*~~ its programs and detoxification technicians and add them to the list described in subsection 4.

Sec. 13. NRS 458.080 is hereby amended to read as follows:

458.080 The Division may, by contracting with organized groups, render partial financial assistance ~~[in the operation of facilities]~~ ***for treatment providers*** established by these groups. Each such contract must contain a provision allowing for an audit of all accounts, books and other financial records of the organization with which the agency contracts.

Sec. 14. ~~[NRS 458.097 is hereby amended to read as follows:~~

~~458.097 1. Money received by the Division pursuant to NRS 369.174 must be used to increase services for the prevention of alcohol and drug abuse and alcoholism and for the detoxification and rehabilitation of alcohol and drug abusers. In allocating the money for the increase of services, the Division shall give priority to:~~

~~(a) The areas where there exists a shortage of services for the treatment of alcoholism and alcohol abuse. The Division shall determine the areas of shortage on the basis of data available from state and local agencies, data contained in the comprehensive state plan for alcohol and drug abuse programs, and other appropriate data.~~

~~(b) The needs of counties to provide:~~

~~(1) Civil protective custody, pursuant to NRS 458.270, for persons who are found in public places while under the influence of alcohol; and~~

~~(2) Secure detoxification units or [other] appropriate [facilities] *treatment providers* for persons who are arrested or taken into custody while under the influence of a controlled substance.~~

~~(c) Alcohol and drug abuse programs that are primarily directed toward the prevention of such abuse.~~

~~2. As used in this section, "secure detoxification unit" has the meaning ascribed to it in NRS 458.175.]~~ **(Deleted by amendment.)**

Sec. 15. NRS 458.125 is hereby amended to read as follows:

458.125 1. The Division shall prepare requests for proposals for the provision by ~~[facilities]~~ ***treatment providers*** of:

(a) Residential treatment of adolescents who engage in substance abuse;

(b) Outpatient treatment of adolescents who engage in substance abuse;

(c) Comprehensive evaluations of adolescents with problems relating to substance abuse or mental illness, or both; and

(d) Transitional housing for adolescents who engage in substance abuse.

2. Upon accepting a proposal submitted in accordance with this section, the Division may advance not more than 8 percent of the amount of the proposal to the ~~[facility]~~ ***treatment provider*** that submitted the proposal to help defray the costs of starting the provision of the services, including, without limitation, the cost of beds, equipment and rental space for expansion.

3. The Division shall establish such requirements for the requests for proposals as it determines necessary.

4. The Division shall hire, to the extent of legislative authorization, such staff as it determines necessary to carry out the provisions of this section and NRS 458.131.

Sec. 16. NRS 458.131 is hereby amended to read as follows:

458.131 The Division shall, on or before September 1 of each odd-numbered year, submit to the Director of the Department of Health and Human Services a report covering the biennium ending on June 30 of that year. The report must include:

1. The name of each ~~[facility]~~ ***treatment provider*** that received money pursuant to NRS 458.125 during the biennium, and the amount of money that each ~~[facility]~~ ***treatment provider*** received for each type of service provided;

2. If a ~~[facility]~~ ***treatment provider*** received money pursuant to NRS 458.125 during the biennium to help defray the costs of starting the provision of services, the name of the ~~[facility,]~~ ***treatment provider,*** the amount of money received and an accounting of how the money was used;

3. The number of adolescents who received any of the services described in NRS 458.125 from those ~~[facilities]~~ ***treatment providers*** during the biennium, and the number of adolescents who were receiving those services as of the end of the biennium; and

4. As of the end of the biennium:

(a) The number of adolescents on waiting lists to receive the services described in NRS 458.125; and

(b) An estimate of the number of other adolescents in this State who are in need of the services described in NRS 458.125.

Sec. 17. ~~[NRS 458.175 is hereby amended to read as follows:~~

~~458.175 1. If a peace officer arrests or takes into custody a person who is found in any public place unlawfully under the influence of a controlled substance and in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, the peace officer may deliver the person to a licensed [facility] *treatment provider* for~~

~~the treatment of persons who abuse controlled substances or other appropriate [facility] *treatment provider* for observation and care.~~

~~2. A person who is unlawfully under the influence of a controlled substance who is arrested or taken into custody by a peace officer must immediately be taken to a secure detoxification unit or other appropriate medical facility if the person's condition appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.~~

~~3. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.~~

~~4. As used in this section, "secure detoxification unit" includes, without limitation, a detoxification unit in which the staff of the detoxification unit ensures the security of the detoxification unit.]~~ **(Deleted by amendment.)**

Sec. 18. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility ***[treatment provider]*** for the treatment of persons who abuse alcohol ***that has been certified by the Division for civil protective custody*** exists in the community where the person is found, the person must be delivered to the facility ***[treatment provider]*** for observation and care. If no such facility ***[treatment provider]*** exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain ***[with a treatment provider or]*** in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, ***[location of the treatment provider or at the]*** jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 19. NRS 458.280 is hereby amended to read as follows:

458.280 1. Except as otherwise provided in subsection 2, NRS 439.538, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, the registration and other records of a treatment facility ***and treatment provider*** are confidential and must not be disclosed to any person not connected with the treatment facility ***or treatment provider*** without the consent of the patient.

2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is:

(a) Not published in a way that discloses the patient's name or other identifying information; or

(b) Disclosed pursuant to NRS 439.538.

Sec. 20. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, ***and section 10 of this act,*** an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he or she is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097; or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, ***and section 10 of this act*** to a program of treatment not more than twice within the preceding 5 years.

Sec. 21. NRS 458.310 is hereby amended to read as follows:

458.310 1. If the court has reason to believe that a person who has been convicted of a crime is an alcoholic or drug addict, or the person states that he or she is an alcoholic or drug addict, and the court finds that the person is eligible to make the election provided for in NRS 458.300, the court shall hold a hearing before it sentences the person to determine whether or not the person should receive treatment under the supervision of a ~~[state-approved facility for the treatment of abuse of alcohol or drugs.]~~ ***treatment provider ~~[.]~~ approved by the court.*** The district attorney may present the court with any evidence concerning the advisability of permitting the person to make the election.

2. At the hearing the court shall advise the person that sentencing will be postponed if he or she elects to submit to treatment and is accepted for treatment by a ~~[state-approved facility.]~~ ***treatment provider ~~[.]~~ approved by the court.*** In offering the election, the court shall advise the person that:

(a) The court may impose any conditions upon the election of treatment that could be imposed as conditions of probation;

(b) If the person elects to submit to treatment and is accepted, he or she may be placed under the supervision of the ~~[~~facility~~]~~ ***treatment provider*** for a period of not less than 1 year nor more than 3 years;

(c) ~~[~~During treatment the person may be confined in an institution or, at ***At*** the discretion of the facility, released for ***treatment provider,]*** ***The court may order the person ~~[may]~~ to be ~~[confined in]~~ admitted to a residential treatment facility or ~~[may]~~ to be provided with outpatient*** treatment ~~[or supervised care]~~ in the community; and

(d) If the person satisfactorily completes treatment and satisfies the conditions upon the election of treatment, as determined by the court, the conviction will be set aside, but if the person does not satisfactorily complete the treatment and satisfy the conditions, he or she may be sentenced and the sentence executed.

Sec. 22. NRS 458.320 is hereby amended to read as follows:

458.320 1. If the court, after a hearing, determines that a person is entitled to accept the treatment offered pursuant to NRS 458.310, the court shall order ~~[an approved facility for the treatment of abuse of alcohol or drugs]~~ ***a treatment provider approved by the court*** to conduct an ~~[examination]~~ ***evaluation*** of the person to determine whether the person is an alcoholic or

drug addict and is likely to be rehabilitated through treatment. The ~~[facility]~~ ***treatment provider*** shall report to the court the results of the ~~[examination]~~ ***evaluation*** and recommend whether the person should be placed under supervision for treatment.

2. If the court, acting on the report or other relevant information, determines that the person is not an alcoholic or drug addict, is not likely to be rehabilitated through treatment or is otherwise not a good candidate for treatment, the person may be sentenced and the sentence executed.

3. If the court determines that the person is an alcoholic or drug addict, is likely to be rehabilitated through treatment and is a good candidate for treatment, the court may:

(a) Impose any conditions to the election of treatment that could be imposed as conditions of probation;

(b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to NRS 458.330; and

(c) Place the person under the supervision of ~~[an approved facility]~~ ***a treatment provider approved by the court*** for treatment for not less than 1 year nor more than 3 years.

➥ The court may require such progress reports on the treatment of the person as it deems necessary. ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

4. A person who is placed under the supervision of ~~[an approved facility]~~ ***a treatment provider approved by the court*** for treatment shall pay the cost of the program of treatment to which the person is assigned and the cost of any additional supervision that may be required, to the extent of his or her financial resources. The court may issue a judgment in favor of the ~~[court or facility for]~~ treatment ***provider*** for the costs of the treatment and supervision which remain unpaid at the conclusion of the treatment. Such a judgment constitutes a lien in like manner as a judgment for money rendered in a civil action, but in no event may the amount of the judgment include any amount of the debt which was extinguished by the successful completion of community service pursuant to subsection 5.

5. If the person who is placed under the supervision of ~~[an approved facility]~~ ***a treatment provider approved by the court*** for treatment does not have the financial resources to pay all of the related costs:

(a) The court shall, to the extent practicable, arrange for the person to be assigned to a program ~~[at a facility]~~ ***with a treatment provider*** that receives a sufficient amount of federal or state funding to offset the remainder of the costs; and

(b) The court may order the person to perform supervised community service in lieu of paying the remainder of the costs relating to the treatment and supervision of the person. The community service must be performed for and under the supervising authority of a county, city, town or other political

subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

6. No person may be placed under the supervision of a ~~[facility]~~ ***treatment provider*** under this section unless the ~~[facility]~~ ***treatment provider*** accepts the person for treatment.

Sec. 23. NRS 458.330 is hereby amended to read as follows:

458.330 1. Whenever a person is placed under the supervision of a treatment ~~[facility,]~~ ***provider, including a treatment provider in another jurisdiction pursuant to section 10 of this act,*** the person's sentencing must be deferred and the person's conviction must be set aside if ~~[the]~~ ***:***

(a) The treatment ~~[facility]~~ ***provider*** certifies to the court that the person has satisfactorily completed the treatment program ***;*** ~~[,]~~ and ~~[the]~~

(b) The court approves the certification and determines that the conditions upon the election of treatment have been satisfied.

2. If, upon the expiration of the treatment period, the treatment ~~[facility]~~ ***provider*** has yet to certify that the person has completed his or her treatment program, the court shall sentence the person. If the person has satisfied the conditions to the election of treatment and the court believes that the person will complete his or her treatment on a voluntary basis, it may, in its discretion, set the conviction aside.

3. If, before the treatment period expires, the treatment ~~[facility]~~ ***provider*** determines that the person is not likely to benefit from further treatment ~~[at the facility,]~~ ***with the treatment provider,*** it shall so advise the court. The court shall then:

(a) Arrange for the transfer of the person to a more suitable treatment ~~[facility,]~~ ***provider,*** if any; or

(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

➥ Whenever a person is sentenced under this section, time spent in ~~[institutional care]~~ ***inpatient treatment*** must be deducted from any sentence imposed.

4. Upon satisfactory completion of the treatment program, the court shall order sealed all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents related to the case in the custody of such other agencies and officers as are named in the court's order. The court shall order those records sealed without a hearing unless the prosecution petitions the court, for good cause shown, not to seal the records and requests a hearing thereon. When the court orders sealed the records of a person pursuant to this subsection, the court shall cause a copy of the order to

be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order. The provisions of this subsection apply only to the offense for which the person has been placed into treatment pursuant to NRS 458.290 to 458.350, inclusive ~~[.]~~ ***and section 10 of this act.***

Sec. 24. NRS 458.350 is hereby amended to read as follows:

458.350 The provisions of NRS 458.290 to 458.350, inclusive, ***and section 10 of this act*** do not require the State or any of its political subdivisions to establish or finance any ~~[facility]~~ ***treatment provider*** for the treatment of abuse of alcohol or drugs.

Sec. 25. NRS 62A.340 is hereby amended to read as follows:

62A.340 "Treatment ~~[facility" means a facility for the treatment of abuse of alcohol or drugs that is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***provider" has the meaning ascribed to it in NRS 458.010.***

Sec. 26. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment ~~[facility]~~ ***provider*** to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment ~~[facility]~~ ***provider*** which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.

7. After a treatment ~~[facility]~~ ***provider*** has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment ~~[facility]~~ ***provider*** is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 26.5. **Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a court places a person under the supervision of a treatment provider to receive treatment for the abuse of alcohol or drugs pursuant to NRS 484C.320, 484C.330, 484C.340 or 484C.360, the court may authorize the person to complete any period of treatment remaining under the supervision of a treatment provider in another jurisdiction if the court determines that:

(a) The person is eligible to receive treatment under a program of treatment in the other jurisdiction; and

(b) The program of treatment in the other jurisdiction is substantially similar to the program of treatment to which the person is assigned in this State.

2. As used in this section, "treatment provider in another jurisdiction" means a person or a public or private agency, residential treatment center, facility for the treatment of abuse of alcohol or drugs, or voluntary organization which holds a license, certificate or other credential issued by a regulatory agency.

Sec. 27. NRS 484C.100 is hereby amended to read as follows:

484C.100 "Treatment ~~[facility" means a facility for the treatment of abuse of alcohol or drugs, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***provider" has the meaning ascribed to it in NRS 458.010.***

Sec. 28. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse ~~[which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services]~~ for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug abuse. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment ~~[facility,]~~ ***provider that is approved by the court,*** that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

(c) Advise the offender that:

(1) ~~[~~If the offender is accepted for treatment by such a facility, he~~]~~ ***He*** or she may be placed under the supervision of ~~[~~the facility~~]~~ ***a treatment provider*** for a period not to exceed 3 years **.** ~~[~~and during treatment the offender may be confined in an institution or, at~~]~~

(2) [At ~~the discretion of the~~ facility, released for ~~***treatment provider,]***~~ ***The court may order the offender [may] to be [confined in] admitted to a residential treatment facility or [may] to be provided with outpatient*** treatment ~~[or supervised aftercare]~~ in the community.

~~[(2)]~~ ***(3)*** If the offender ~~[is not accepted for treatment by such a facility or he or she]~~ fails to complete the ***program of*** treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

~~[(3)]~~ ***(4)*** If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in

NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 29. NRS 484C.330 is hereby amended to read as follows:

484C.330 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse ~~[~~which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services~~]~~ for at least 1 year ***. The court shall authorize that treatment*** if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484C.400, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court ~~[~~determines that~~]~~ ***grants*** an application for treatment **,** ~~[~~should be granted,~~]~~ the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment ~~[~~facility,~~]~~ ***provider that is approved by the court,*** that the offender complete the

treatment satisfactorily and that the offender comply with any other condition ordered by the court. ***If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

(c) Advise the offender that:

(1) ~~[~~If the offender is accepted for treatment by such a facility, he~~]~~ ***He*** or she may be placed under the supervision of the ~~[~~facility~~]~~ ***treatment provider*** for a period not to exceed 3 years ***.*** ~~[~~and during treatment the offender may be confined in an institution or, at~~]~~

(2) ~~[At~~ the discretion of the facility, released for ~~***treatment provider,]***~~ ***The court may order the offender ~~[may]~~ to be ~~[confined in]~~ admitted to a residential treatment facility or ~~[may]~~ to be provided with outpatient*** treatment ~~[~~or supervised aftercare~~]~~ in the community.

~~[~~(2)~~]~~ ***(3)*** If the offender ~~[~~is not accepted for treatment by such a facility or he or she~~]~~ fails to complete the ***program of*** treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

~~[~~(3)~~]~~ ***(4)*** If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 30. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for alcoholism or drug abuse ~~[~~which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services~~]~~ for at least 3 years ***. The court ~~[shall]~~ may authorize that treatment*** if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➥ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or abuser of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years **.** ~~[~~upon the condition that the offender be accepted for treatment by a treatment facility, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court.~~]~~

(b) ***Order the offender to complete a program of treatment for alcoholism or drug abuse with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.***

(c) Advise the offender that:

(1) ~~[~~If the offender is accepted for treatment by such a facility, he~~]~~ ***He*** or she may be placed under the supervision of ~~[~~the facility~~]~~ ***a treatment provider*** for not more than 5 years **.** ~~[~~and during~~]~~

(2) ~~*[At the discretion of the*~~ treatment ~~*provider,]*~~ ***The court may order*** the offender ~~[may]~~ ***to*** be ~~[confined in~~ an institution or, at the discretion of the~~]~~ ***admitted to a residential*** treatment facility ~~[, released for]~~ ***or*** ~~*[may]*~~ ***to be provided with outpatient*** treatment ~~[or supervised aftercare]~~ in the community.

~~[(2) If the offender is not accepted for treatment by such a treatment facility, or if he or she fails to complete the treatment satisfactorily, the~~]

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 ~~[.]~~ ***if a treatment provider fails to accept the offender for a program of treatment for alcoholism or drug abuse or if the offender fails to complete the program of treatment satisfactorily.*** Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

~~[(3)]~~ ***(4)*** If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

~~[(4)]~~ ***(5)*** The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug abuse pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

(a) A violation of NRS 484C.430;

(b) A violation of NRS 484C.130;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.410; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used is this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 31. NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment

~~[facility]~~ ***provider*** for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender ~~[confined in]~~ ***to be placed under the supervision of*** a treatment ~~[facility,]~~ ***provider,*** then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➥ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment ~~[facility]~~ ***provider*** to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment ~~[facility]~~ ***provider*** that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment ~~[facility]~~ ***provider*** is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➥ after the treatment ~~[facility]~~ ***provider*** has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400.

Sec. 32. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 2 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in

jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent

offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, ~~[confined in]~~ ***placed under the supervision of*** a treatment ~~[facility,]~~ ***provider,*** on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 33. NRS 484C.410 is hereby amended to read as follows:

484C.410 1. Unless a greater penalty is provided in NRS 484C.440, a person who has previously been convicted of:

(a) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(b) A violation of NRS 484C.430;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c); or

(e) A violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 that was reduced from a felony pursuant to NRS 484C.340,

➥ and who violates the provisions of NRS 484C.110 or 484C.120 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more

than 15 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense which is listed in paragraphs (a) to (e), inclusive, of subsection 1 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of offender's sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.400 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, ~~[confined in]~~ ***placed under the supervision of*** a treatment ~~[facility,]~~ ***provider,*** on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 34. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court:

(a) May order a person convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, for a period of not less than 3 months nor more than 6 months, to install at his or her own expense a device in any motor vehicle which the person owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) Shall order a person convicted of:

(1) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) A violation of NRS 484C.130 or 484C.430,

➥ for a period of not less than 12 months nor more than 36 months, to install at his or her own expense a device in any motor vehicle which the person owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family; or

(3) Transport the person or another member of the person's immediate family to or from school.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section shall:

(a) If the person was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which the person is required to use the device; or

(b) If the person was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days,

➥ to determine whether the device is operating properly. An inspection required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly and whether it has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➥ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, ~~[~~~~confined in~~~~]~~ ***placed under the supervision of*** a treatment ~~[~~~~facility,~~~~]~~ ***provider,*** on parole or on probation.

Sec. 35. ~~[~~~~NRS 449.00455 is hereby repealed.~~~~]~~ **(Deleted by amendment.)**

Sec. 36. This act becomes effective on July 1, 2015.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~[449.00455 "Facility for the treatment of abuse of alcohol or drugs" defined. "Facility for the treatment of abuse of alcohol or drugs" means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs and which is certified by the Division pursuant to subsection 4 of NRS 458.025. It does not include a medical facility or services offered by volunteers or voluntary organizations.]~~

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment revises the definition of "treatment provider"; requires a treatment provider to be approved by the court; updates terminology relating to testing of controlled substances; clarifies that a treatment provider in another jurisdiction holds a license, certificate, or other credential issued by a regulatory agency; and clarifies that a treatment provider must comply with the requirements of a specialty court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

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

Amendment No. 287.

AN ACT relating to health insurance; revising provisions governing the Board of Directors of the Silver State Health Insurance Exchange; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Silver State Health Insurance Exchange and provides for a governing board consisting of seven voting members and three ex-officio nonvoting members. (Chapter 695I of NRS) Existing law further provides that the members of the Board of Directors must not be affiliated in any way with a health insurer, shall not receive compensation for attending Board meetings and must hold a Board meeting at least once every quarter. (NRS 695I.300, 695I.330, 695I.340) **Section 1** of this bill removes the requirement that the Exchange be "state based." **Section 2** of this bill expands the membership of the Board to nine voting members**, ~~[and]~~** eliminates the prohibition against appointing to the Board a person affiliated with a health insurer **~~[.]~~ and provides that not more than two of the voting members of the Board may represent any particular area of expertise or experience.** **Section 3** of this bill authorizes compensation to Board members who are engaged in the business of the Board. **Section 4** of this bill reduces the required number of Board meetings to one per calendar year.

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

Section 1. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

(a) Create and administer a ~~[state-based]~~ health insurance exchange;

(b) Facilitate the purchase and sale of qualified health plans;

(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) Make only qualified health plans available to qualified individuals and qualified small employers on or after January 1, 2014; and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 2. NRS 695I.300 is hereby amended to read as follows:

695I.300 1. The governing authority of the Exchange is the Board, consisting of ~~[seven]~~ ***nine*** voting members and three ex officio nonvoting members.

2. Subject to the provisions of subsections 3 ~~[, 4 and 5:]~~ ***to 6, inclusive:***

(a) The Governor shall appoint ~~[five]~~ ***seven*** voting members of the Board;

(b) The Senate Majority Leader shall appoint one voting member of the Board; and

(c) The Speaker of the Assembly shall appoint one voting member of the Board.

3. Each voting member of the Board must have:

(a) Expertise in the individual or small employer health insurance market;

(b) Expertise in health care administration, health care financing ***,*** ~~[or]~~ health information technology ~~[,]~~ ***or health insurance;***

(c) Expertise in the administration of health care delivery systems;

(d) Experience as a consumer who would benefit from services provided by the Exchange; or

(e) Experience as a consumer advocate, including, without limitation, experience in consumer outreach and education for those who would benefit from services provided by the Exchange.

4. When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall consider the collective expertise and experience of the voting members of the Board and shall attempt to make each appointment so that:

(a) The areas of expertise and experience described in subsection 3 are collectively represented by the voting members of the Board; and

(b) The voting members of the Board represent a range and diversity of skills, knowledge, experience and geographic and stakeholder perspectives.

5. ***When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall, as vacancies on the Board occur, ensure that not more than two voting members of the Board represent any particular area of expertise or experience described in paragraph (a), (b), (c), (d) or (e) of subsection 3.***

6. A voting member of the Board may not be a Legislator or hold any elective office in State Government.

~~[6. While serving on the Board, a voting member may not be in any way affiliated with a health insurer, including, without limitation, being an employee of, consultant to or member of the board of directors of a health insurer, having an ownership interest in a health insurer or otherwise being a representative of a health insurer.]~~

7. The following are ex officio nonvoting members of the Board who shall assist the voting members of the Board by providing advice and expertise:

(a) The Director of the Department of Health and Human Services, or his or her designee;

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

(c) The Director of the Department of Administration, or his or her designee.

Sec. 3. NRS 695I.330 is hereby amended to read as follows:

695I.330 1. ~~[Except as otherwise provided in subsection 2, the voting members of the Board shall serve without compensation.]~~ ***To the extent that money is available for that purpose, each member of the Board who is not an officer or employee of the State of Nevada or a political subdivision of the State is entitled to receive a salary of not more than $80 per day, as fixed by the Executive Director, for each day or portion of a day spent on the business of the Board.***

2. If sufficient money is available from federal grant funds or revenues generated by the Exchange, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while attending meetings of the Board or otherwise engaged in the business of the Board.

Sec. 4. NRS 695I.340 is hereby amended to read as follows:

695I.340 1. The Board shall meet:

(a) At least once each calendar ~~[quarter;]~~ ***year;*** and

(b) At other times upon the call of the Chair or a majority of the voting members.

2. A majority of the voting members of the Board constitutes a quorum for the transaction of business.

3. A member of the Board may not vote by proxy.

Sec. 5. As soon as practicable after passage and approval of this act, the Governor shall appoint two additional members to the Board of Directors of the Silver State Health Insurance Exchange in accordance with the provisions of section 2 of this act to initial terms ending on June 30, 2017.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblymen Kirner and Kirkpatrick.

ASSEMBLYMAN KIRNER:

This amendment limits the number of voting members of the Board of the Silver State Health Insurance Exchange that may represent any particular area of expertise of experience.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to this. My colleague from Commerce and Labor knows that I do not feel that it gets to the root of the problem: Who do we really want on the Board? I hope that the Senate fixes it on the other side, but what we were trying to get to on the committee was to have specific people on the board. We have seen with the Health Exchange that we did not have all the right folks on it in the beginning, and that has changed. I think this gives too much of an opportunity to have that same problem.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 93.

Bill read second time.

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

Amendment No. 54.

~~[Assemblywoman]~~ **Assemblymen** Benitez-Thompson**, Thompson; Elliot Anderson, Araujo, Bustamante Adams, Joiner, Kirkpatrick and Spiegel**

AN ACT relating to public health; requiring certain licensed professionals to receive **evidence-based** suicide prevention and awareness training in order to renew a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires psychiatrists, psychologists, clinical professional counselors, marriage and family therapists and social workers to complete certain continuing education as a condition to the renewal of their licenses. (NRS 630.253, 633.471, 641.220, 641A.260, 641B.280) This bill requires those professionals to receive at least 2 hours of instruction on **evidence-based** suicide prevention and awareness as a condition to the renewal of their licenses.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine who is a psychiatrist ~~[certified by the American Board of Psychiatry and Neurology, Inc.,]~~ of a course of instruction that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 6 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to

request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~[at]~~ ***:***

(a) At least 2 hours of continuing education credits in ethics, pain management or addiction care ~~[.]~~ ***; and***

(b) If the holder of a license to practice osteopathic medicine is a psychiatrist , ~~[certified by the American Board of Psychiatry and Neurology, Inc.,]~~ at least 2 hours of continuing education credits on evidence-based suicide prevention and awareness.

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 4. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 5. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 6. This act becomes effective on July 1, ~~[2015.]~~ **2016.**

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment adds Assemblyman Thompson as a primary sponsor and Assembly Members Elliot Anderson, Araujo, Bustamante Adams, Joiner, Kirkpatrick, and Spiegel as cosponsors. It also adds the phrase "evidence-based" before each reference to suicide prevention and awareness. It clarifies that all psychiatrists are required to complete the continuing education requirements in the bill, whether they are board certified or not. Finally the amendment revises the bill's effective date to July 1, 2016, to allow professionals to complete the required instruction prior to license renewal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 115.

Bill read second time.

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

Amendment No. 56.

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) **Section 1** of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) **Section 72** of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and **section 44** of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. **Section 45** of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. **Section 46** of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. **Section 16** of this bill authorizes the Board to select certain persons as advisory members, and **sections 17, 18, 25 and 28** of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 20** of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. **Sections 21, 22 and 50** of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. **Section 23** of this bill

prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and **section 72** repeals those requirements in chapter 637A of NRS. **Section 27** authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and **sections 29-31** prescribe requirements concerning the practice of an apprentice. **Section 32** authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. **Section 33** requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. **Section 34** requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) **Section 35** of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 49** of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. **Sections 48, 50, 53, 54 and 56-59** of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. **Section 51** of this bill imposes fees for certain tasks relating to licensing. **Section 53** provides that certain acts are grounds for disciplinary action.

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~[a]~~ ***:***

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~[,]~~ ***;***

(b) A physician assistant ~~[,]~~ ***;***

(c) A dentist ~~[,]~~ ***;***

(d) ***A*** licensed nurse ~~[,]~~ ***;***
(e) ***A*** dispensing optician ~~[,]~~ ***;***
(f) ***A speech-language pathologist;***
(g) ***An audiologist;***
(h) ***An*** optometrist ~~[,]~~ ***;***
(i) ***A*** practitioner of respiratory care ~~[,]~~ ***;***
(j) ***A*** registered physical therapist ~~[,]~~ ***;***
(k) ***An*** occupational therapist ~~[,]~~ ***;***
(l) ***A*** podiatric physician ~~[,]~~ ***;***
(m) ***A*** licensed psychologist ~~[,]~~ ***;***
(n) ***A*** licensed marriage and family therapist ~~[,]~~ ***;***
(o) ***A*** licensed clinical professional counselor ~~[,]~~ ***;***
(p) ***A*** music therapist ~~[,]~~ ***;***
(q) ***A*** chiropractor ~~[,]~~ ***;***
(r) ***An*** athletic trainer ~~[,]~~ ***;***
(s) ***A*** perfusionist ~~[,]~~ ***;***
(t) ***A*** doctor of Oriental medicine in any form ~~[,]~~ ***;***
(u) ***A*** medical laboratory director or technician ~~[,]~~ ***;***
(v) ***A*** pharmacist ~~[,]~~ ***;***
(w) ***A*** licensed dietitian ***;*** or ~~[a]~~
(x) ***A*** licensed hospital as the employer of any ~~[such]~~ person ~~[.]~~ ***specified in this subsection.***

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a

patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~[637A]~~ ***637B*** of NRS, as appropriate;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists,

chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~[637A,]~~ ***637B,*** respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and ~~[637A,]~~ ***637B,*** respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. ***"Apprentice" means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.***

Sec. 10. ***"Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.***

Sec. 11. ***"Hearing aid" means any:***

1. Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and

2. Part, attachment or accessory for such a device.

Sec. 12. ***"Hearing aid specialist" means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.***

Sec. 13. ***"Manufacturer" means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.***

Sec. 14. ***"Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:***

1. Making impressions for earmolds;

2. Administering and interpreting tests of human hearing and middle ear functions;

3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;

4. Selecting and fitting hearing aids;

5. Providing assistance to a person after the fitting of a hearing aid;

6. Providing services relating to the care and repair of hearing aids;

7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and

8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.

Sec. 15. ***"Sponsor" means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.***

Sec. 16. ***1. Except as otherwise provided in subsection 2, the Board may, by majority vote, select any person, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.***

2. A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.

3. An advisory member may not vote on any matter before the Board.

Sec. 17. ***The Board shall:***

1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons licensed or endorsed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

6. Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.

Sec. 18. *1. The Board shall adopt regulations prescribing:*

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and

(c) The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. *1. Except as otherwise provided in subsection 2:*

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or

speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. *Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

Sec. 21. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:*

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.*

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to an active license upon award of a certificate of clinical competence by the American Speech-Language-Hearing Association and payment of the fee required for converting the license pursuant to NRS 637B.230.

Sec. 23. *An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:*

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to section 25 of this act.

Sec. 24. *1. A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:*

(a) Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;

(b) Be knowledgeable and competent in the technology used to provide services by telepractice;

(c) Only use telepractice to provide services for which delivery by telepractice is appropriate;

(d) Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;

(e) Document any services provided by telepractice in the record of the person receiving the services; and

(f) Comply with the provisions of this chapter and any regulations adopted pursuant thereto.

2. As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.

Sec. 25. *The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:*

1. The licensing of hearing aid specialists and apprentices;

2. The educational and training requirements for hearing aid specialists and apprentices;

3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and

4. A program of in-service training for apprentices.

Sec. 26. *An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:*

1. Successfully complete a program of education or training approved by the Board;

2. Be certified by the National Board for Certification in Hearing Instrument Sciences;

3. Pass the examination prescribed pursuant to section 25 of this act;

4. Comply with the regulations adopted pursuant to section 25 of this act; and

5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. *1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.*

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 28. *The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.*

Sec. 29. *1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.*

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.

4. As used in this section:

(a) "Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 30. *1. A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.*

2. Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.*

Sec. 33. *Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.*

Sec. 34. *Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, as provided by the applicant pursuant to section 26 of this act, notify the Board of the new address of his or her place of business.*

Sec. 35. *1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:*

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an

audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology ***,*** ~~[and]~~ the practice of ~~[speech]~~ ***speech-language*** pathology ***and the practice of fitting and dispensing hearing aids*** are hereby declared to be learned professions, affecting public safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, ***and sections 9 to 15, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 "Audiologist" means any person who ~~[engages]~~ ***is licensed to engage*** in the practice of audiology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 "Board" means the ~~[Board of Examiners for Audiology and Speech]~~ ***Speech-Language*** Pathology ~~[.]~~ ***, Audiology and Hearing Aid Dispensing Board.***

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" ~~[consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of]~~ ***means the application of principles, methods and procedures relating to*** hearing and ***balance,*** hearing ~~[impairment,]~~ ***disorders and related speech and language disorders and includes, without limitation:***

1. The conservation of auditory system functions;

2. Screening, identifying, assessing and interpreting, diagnosing, preventing and rehabilitating auditory and balance system disorders;

3. The selection, fitting, programming and dispensing of hearing aids, cochlear implants and other technology which assists persons with hearing and training persons to use such technology;

4. Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services; and

5. Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing.

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of ~~[speech]~~ ***speech-language*** pathology" ~~[consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:~~

~~1. Normal and abnormal development of a person's ability to communicate;~~

~~2. Disorders and problems concerning a person's ability to communicate;~~

~~3. Deficiencies in a person's sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~

~~4. Sensorimotor functions of a person's mouth, pharynx and larynx.]~~ ***means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:***

1. The prevention, screening, consultation, assessment, diagnosis, treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;

2. Argumentative and alternative communication techniques and strategies;

3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;

4. The screening of persons for hearing loss and middle ear pathology;

5. Vocal tract imaging and visualization by oral and nasal endoscopy;

6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss; and

7. Providing services to modify or enhance communication.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~[~~"Speech~~]~~ ***"Speech-language*** pathologist" means any person who ~~[~~engages~~]~~ ***is licensed to engage*** in the practice of ~~[~~speech~~]~~ ***speech-language*** pathology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to ~~[~~:

~~1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~

~~2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~

~~3. Any~~] ***any*** person who:

~~[~~(a)~~]~~ ***1.*** Holds a current credential ~~[~~as an audiologist or a speech pathologist~~]~~ issued by the Department of Education ~~[~~;

~~(b)~~] ***pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;***

2. Is employed ~~[~~as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;

~~(c)~~] ***by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;***

3. Is a ~~[~~graduate~~]~~ student ~~[~~intern~~]~~ enrolled in a program or school approved by the Board ***,*** ~~[~~and~~]~~ is pursuing a ~~[~~graduate~~]~~ degree in audiology or ~~[~~speech~~]~~ ***speech-language*** pathology ~~[~~;

~~(d) Is a registered nurse employed as a school nurse; or~~

~~(e)~~] ***and is clearly designated to the public as a student; or***

4. Holds a current ~~[~~certificate from the Council on the Education of the Deaf as a teacher,~~]~~ ***license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,***

➥ and who does not engage in the private practice of audiology or ~~[~~of speech~~]~~ ***speech-language*** pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology, ***Audiology and Hearing Aid Dispensing Board,*** consisting of ~~[~~five~~]~~ ***seven*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~[~~Two~~]~~ ***Three*** members who ~~[~~have been engaged in the practice of speech pathology for 2 years or more;~~]~~ ***are speech-language pathologists, each of***

whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) ~~[One member who has been engaged in the practice of audiology for 2 years or more;]~~ ***Two members who are audiologists, at least one of whom must be a dispensing audiologist;***

(c) One member who is a ~~[physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;]~~ ***hearing aid specialist;*** and

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~[speech]~~ ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~[speech]~~ ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist.

3. ~~[Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.~~

~~4.]~~ Each member of the Board who is ~~[a speech pathologist or]~~ ***an*** audiologist ***, a speech-language pathologist or a hearing aid specialist*** must ~~[hold]~~ ***:***

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter ***.*** ~~[or a current certificate of clinical competence from the American Speech Language Hearing Association.~~

~~5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.]~~

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. ***The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.***

2. The Board shall meet at least ***twice*** annually and may meet at other times on the call of the ~~[President]~~ ***Chair*** or a majority of its members.

~~[2.]~~ ***3.*** A majority of the Board constitutes a quorum to transact all business.

4. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.

4. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~[1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license]~~ ***Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing*** by the Board ~~[if the]~~ ***, an*** applicant ~~[:~~

~~(a) Is over the age of 21 years;~~

~~(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(c) Is]~~ ***for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:***

1. Be a natural person of good moral character;

~~[(d) Meets the requirements for education or training and experience provided by subsection 2;~~

~~(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;~~

~~(f) Applies for the license in the manner provided by the Board;~~

~~(g) Passes any]~~

2. Pass an examination ~~[required by this chapter;~~

~~(h) Pays]~~ ***prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;***

3. Pay the fees provided for in this chapter; and

~~[(i) Submits]~~

4. Submit all information required to complete an application for a license.

~~[2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent~~

~~training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.~~**]**

Sec. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** may not be issued or renewed by the Board if the applicant:

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

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

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

Sec. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~[~~A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or ~~2.]~~ A ***current*** certificate of clinical competence issued by the American ~~[~~Speech and Hearing~~]~~ ***Speech-Language-Hearing*** Association in the field of practice for which the person is applying for a license ~~[.]~~ ***; or***

2. Current certification from the American Board of Audiology.

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~[~~shall~~]~~ ***may*** issue a temporary license to ***engage in the*** practice ~~[~~audiology or speech~~]~~ ***of:***

(a) Audiology, speech-language pathology ~~[,]~~ ***or fitting and dispensing hearing aids*** upon application and the payment of the ***fee*** required ~~[~~fee,~~]~~ ***pursuant to NRS 637B.230*** to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[~~other than passing the examination.~~]~~ ***; and***

(b) Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.

2. ***The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:***

(a) Is so licensed in another state; and

(b) Attests that he or she meets all of the qualifications for licensure in this State.

3. A temporary license issued pursuant to this section ~~[~~is valid until the Board publishes the results of the examination next administered after the license is issued.~~]~~ ***:***

(a) Is valid for not more than 6 months;

(b) May be renewed not more than once; and

(c) May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.

Sec. 51. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee ~~[~~for a license to practice speech pathology $100
~~Application fee for a license to practice audiology ..... 100~~
~~Annual fee~~~~]~~***..... $150***

License fee ***100***
Fee for the renewal of a license ..... ~~[~~50~~]~~ ***100***
Reinstatement fee ..... ~~[~~75~~]~~ ***100***
Examination fee ***300***
Fee for converting to a different type of license ***50***
Fee for each additional license or endorsement ***50***
Fee for obtaining license information ***50***

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~[~~Secretary-Treasurer of the~~]~~ Board to be used to defray the necessary expenses of the Board. The ~~[~~Secretary-Treasurer~~]~~ ***Board*** shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

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

(b) A felony ***or gross misdemeanor*** relating to the practice of audiology ~~[~~or speech~~]~~ ***, speech-language*** pathology ~~[~~;~~]~~ ***or fitting and dispensing hearing aids;***

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

3. ~~[~~Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.

~~4.~~~~]~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~[~~5.~~]~~ ***4.*** Professional incompetence.

~~[6.]~~ ***5.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

6. As used in this section, "unprofessional conduct" includes, without limitation:

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ~~[,]~~ ***or fitting and dispensing hearing aids,*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

(a) Refuse to renew a license;

(b) Revoke a license;

(c) Suspend a license ***;*** ~~[for a definite time, not to exceed 1 year;]~~

(d) Administer to the licensee a public reprimand; ~~[or]~~

(e) ***Impose conditions on the practice of the licensee;***

(f) Impose a civil penalty not to exceed ~~[$1,000.]~~ ***$5,000 for each act constituting grounds for disciplinary action; or***

(g) Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who ~~[practices]~~ ***engages in the practice of*** or offers to ***engage in the*** practice ***of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter ~~[practices]~~ ***engages in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~[President]~~ ***Chair*** or ~~[Secretary-Treasurer]~~ ***Vice Chair*** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without a license valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 61. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 62. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, ~~[637A.352,]~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 63. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,

127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, **[**~~637A.315,~~**]** 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,

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

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

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

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

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

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

Sec. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~[~~speech~~]~~ ***speech-language*** pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~[~~speech~~]~~ ***speech-language*** pathologist by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board;***

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board; and***

(b) The employee is assigned by the school district to serve as a ~~[~~speech~~]~~ ***speech-language*** pathologist during the school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[~~637A,~~]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of

licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[~~637A,~~]~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[~~637A,~~]~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage;

(d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 67.5. **1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.**

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the

administration of the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.

4. The State Controller shall transfer the money in any fund or account of the Board of Hearing Aid Specialists to a fund or account created for the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of such a fund or account are unaffected by the transfer.

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) Three members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100

to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

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

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

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.
637A.020 Definitions.

637A.021 "Board" defined.

637A.0213 "Chair" defined.

637A.0217 "Hearing aid" defined.

637A.022 "Hearing aid specialist" defined.

637A.0221 "Incompetence" defined.

637A.0223 "License" defined.

637A.0227 "Manufacturer" defined.

637A.023 "Member" defined.

637A.0233 "Negligence" defined.

637A.0235 "Practice of fitting and dispensing hearing aids" defined.

637A.024 "Secretary" defined.

637A.025 Applicability.

637A.030 Creation; number and appointment of members.

637A.035 Qualifications of members; terms; members serve at pleasure of Governor.

637A.040 Chair and Secretary; meetings; quorum.

637A.060 Officers; rules and regulations.

637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.

637A.090 Compensation of members and employees.

637A.100 Duties.

637A.110 Powers.

637A.120 Seal.

637A.130 Application for examination; fee.

637A.140 Contents of application.

637A.150 Actions by Board on applications.

637A.160 Requirements for licensing.

637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.

637A.170 Examination waived for certain specialists applying before October 1, 1973.

637A.190 Display of license.

637A.200 Expiration and renewal of licenses.

637A.205 Transfer of license to inactive list.

637A.210 Fees.

637A.220 Apprentices: Employment; application for licensure.

637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.

637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.

637A.235 Apprentices: Identification; title.

637A.240 Limitation on period of apprenticeship.

637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.

637A.245 Audiograms for use of physician or member of related profession.

637A.250 Grounds.

637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.

637A.260 Complaint against licensee; investigation; retention of complaints.

637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.

637A.300 Surrender and reinstatement of revoked license.

637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.

637A.310 Records required.

637A.315 Confidentiality of certain records of Board; exceptions.

637A.340 Transfer or alteration of license.

637A.345 Inspection of premises by Board.

637A.350 Fraudulent use of assumed name or practice without license.

637A.352 Engaging in business of hearing aid specialist without license; penalties.

637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.

637A.355 Injunctive relief against violators.

637A.360 Penalty.

637B.090 Use of title "certified hearing aid audiologist."

637B.110 Officers.

637B.150 Regulations.

637B.170 Examinations.

637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment addresses transitory provisions required to transfer the obligations, debts, responsibilities, assets, and liabilities from the Board of Hearing Aid Specialists to the Speech Language Pathology, Audiology and Hearing Aid Dispensing Board.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 537.

SUMMARY— ~~[~~Makes various changes relating to judgments.~~]~~ **Revises provisions concerning annuity benefits.** (BDR ~~[~~2-541~~)]~~ **57-541)**

AN ACT relating to ~~[~~judgments; increasing the percentage of a judgment debtor's disposable earnings which is exempt from execution under certain circumstances; authorizing a judgment debtor who is a resident of this State to bring a civil action in certain circumstances against a judgment creditor who obtains a writ of garnishment without domesticating a foreign judgment; extending the period for which a writ of garnishment served on an employer of a judgment debtor continues;~~]~~ **annuities; revising provisions relating to the exemption of annuity benefits from certain claims of the annuitant's creditors;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~ Existing law provides that 75 percent of a judgment debtor's disposable earnings for any workweek is exempt from execution. (NRS 21.025, 21.075, 21.090, 31.045, 31.295) Sections 2-4 and 8, 11 and 12 of this bill: (1) increase the exemption to 82 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued was $770 or less; and (2) maintain the exemption at 75 percent of a judgment debtor's disposable earnings for any workweek if the gross weekly salary or wage of the debtor on the date the most recent writ of garnishment was issued exceeded $770. Sections 1, 7 and 11 of this bill explain how the gross weekly salary or wage of a debtor must be determined.

Existing law requires a judgment creditor who seeks to enforce a foreign judgment in this State to domesticate the foreign judgment by filing a copy of the foreign judgment with the clerk of any district court of this State. (NRS 17.330-17.400) Section 6 of this bill authorizes a judgment debtor who is a resident of this State to bring a civil action against a judgment creditor who, without domesticating a foreign judgment, garnishes a bank account or any other personal property maintained by the judgment debtor at a branch of a financial institution located in this State or the earnings of the judgment debtor from employment in this State.

Additionally, existing law generally provides that if the employer of a judgment debtor whose earnings are being garnished is a garnishee, the writ of

~~garnishment served on the employer continues for the earlier of 120 days or until the amount demanded in the writ is satisfied. (NRS 31.296) Section 13 of this bill extends such a period to the earlier of 180 days or until the amount demanded in the writ of garnishment is satisfied. Existing law further provides that a judgment creditor who caused a writ of garnishment to issue is required to prepare an accounting and provide a report containing certain information to the judgment debtor, the sheriff and each garnishee with each writ of garnishment. (NRS 31.296) Section 13 specifies that any subsequent application for a writ of garnishment made by the judgment creditor concerning the same debt must not be approved unless such an accounting and report are submitted with the application.]~~

Existing law exempts annuity benefits from certain claims of the annuitant's creditors under certain circumstances. (NRS 687B.290) This bill subjects certain amounts of annuity benefits to execution by certain creditors of the annuitant.

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

Delete existing sections 1 through 13 of this bill and replace with the following new section 1:

Section 1. **NRS 687B.290 is hereby amended to read as follows:**

687B.290 1. The benefits, rights, privileges and options which under any annuity contract issued prior to or after January 1, 1972, are due or prospectively due the annuitant shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except as to ***amounts listed as an asset on an application for a loan or pledged as payment for a loan or*** amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office ***within 1 year after the annuitant makes a payment to the insurer or*** prior to the making of the payment to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable the insurer to ascertain the annuity contract, the annuitant and the payment sought to be avoided on the ground of fraud.

2. If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable or subject to commutation, and the same exemptions and exceptions contained in this section for the annuitant shall apply with respect to such beneficiary or assignee.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 537 to Assembly Bill 129 replaces existing sections of the bill with a new section that subjects certain amounts of annuity benefits listed as an asset on an application for a loan to execution by certain creditors of the annuitant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Taxation: Amendment No. 359.

AN ACT relating to taxation; authorizing certain qualified businesses in this State that own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft to apply to the Office of Economic Development for a partial abatement from certain property or sales and use taxes; revising the provisions governing the administration of the sales and use taxes to change the manner in which the taxes are required to be paid on tangible personal property purchased in the performance of certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the assessment of ad valorem taxes on certain real and personal property and the assessment of certain taxes on the gross receipts from the sale, storage, use or other consumption of certain personal property. (Chapters 361 and 374 of NRS) **Section 1** of this bill authorizes an owner of a qualified business or a person who intends to locate or expand a qualified business in this State to apply to the Office of Economic Development for a partial abatement of certain personal property or sales and use taxes. **Section 1** requires the Office of Economic Development to approve a partial abatement for a period of not more than ~~[10]~~ **20** years for certain qualified new and existing businesses that own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

Sections 4 and 5 of this bill revise provisions governing the administration of the sales and use taxes (chapters 372 and 374 of NRS) to provide that a business, rather than a customer of such a business, is required to pay the sales or use tax on any tangible personal property purchased in the performance of a contract for the ownership, operation, manufacture, servicing, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft. For any such business which has been granted a partial abatement from sales and use taxes pursuant to **section 1**, the sales or use tax imposed on the business, other than the taxes imposed pursuant to the Sales and Use Tax Act, would then be abated.

Existing law exempts from certain sales and use taxes the gross receipts from the sale of aircraft and major components of aircraft to an air carrier that maintains its central office and bases a majority of its aircraft in Nevada. (NRS 372.317) A related provision governs the administration of the

exemption. (NRS 372.726) In 1997, the Nevada Supreme Court held that the exemption was unconstitutional because it discriminated against interstate commerce. (*Worldcorp v. State, Dep't of Taxation*, 113 Nev. 1032 (1997)) **Section 12** of this bill repeals both provisions.

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

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755; ~~[and]~~

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three

employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement; and

(e) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement.

(2) The business will maintain and possess in this State tangible personal property having a value of not less than $5,000,000 during the period of partial abatement.

(3) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(4) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than ~~[10]~~ 20 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205 unless the business is regulated under 14 C.F.R. Part 125 or 135.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.

12. As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

[(d)] (e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 2. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial abatement pursuant to NRS 360.750 or 360.752, ***or section 1 of this act,*** the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to

the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 3. NRS 360.757 is hereby amended to read as follows:

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ***or section 1 of this act*** or any other specific statute unless the Office:

(a) Takes that action at a public meeting conducted for that purpose; and

(b) At least 30 days before the meeting, provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the meeting at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 4. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter:

(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:

(1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.

(2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.

(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.

2. As used in this section:

(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection 12 of section 1 of this act.

(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection 12 of section 1 of this act.

(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business.

Sec. 5. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In administering the provisions of this chapter:

(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:

(1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.

(2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.

(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.

2. As used in this section:

(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection 12 of section 1 of this act.

(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection 12 of section 1 of this act.

(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business.

Sec. 6. NRS 218D.355 is hereby amended to read as follows:

218D.355 1. Except as otherwise provided in NRS 360.965 ~~[,]~~ ***and section 1 of this act,*** any state legislation enacted on or after July 1, 2012, which authorizes or requires the Office of Economic Development to approve any abatement of taxes or increases the amount of any abatement of taxes which the Office is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 or 374.190; or

(2) Any entity that receives:

(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director for transmittal to the Legislature.

Sec. 7. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750 or 360.752 ~~[.]~~ ***or section 1 of this act.*** The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. The value of infrastructure included as an incentive for the business;
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
5. Whether the business for which the abatement was approved is a new business or an existing business;
6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and
7. Any other information that the Office determines to be useful.

Sec. 8. NRS 231A.170 is hereby amended to read as follows:

231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low-income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

3. The following businesses are not qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[.]~~ ***or section 1 of this act.***

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

Sec. 9. NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.950, 361.0687, 374.357 or 701A.210, ***or section 1 of this act,*** to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of NRS 231.0685, as amended by section 7 of this act.

Sec. 11. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on personal property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or any local government to pay, when due, all interest and principal on any outstanding

bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 12. NRS 372.317 and 372.726 are hereby repealed.

Sec. 13. **1.** This act becomes effective upon passage and approval**.** ~~[and expires]~~

2. Sections 1 to 11, inclusive, of this act expire by limitation on June 30, 2035.

TEXT OF REPEALED SECTIONS

372.317 Aircraft and major components of aircraft. There are exempted from the taxes imposed by this chapter the gross receipts from the sale of aircraft and major components of aircraft, such as engines and other components made for use only in aircraft, to an air carrier which:

1. Holds a certificate to engage in air transportation issued pursuant to 49 U.S.C. § 1371 and is not solely a charter air carrier or a supplemental air carrier as described in Title 49 of the United States Code; and

2. Maintains its central office in Nevada and bases a majority of its aircraft in Nevada.

372.726 Application of exemption for aircraft and major components of aircraft. On and after July 1, 1995, in administering the provisions of section 61.5 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.317, the Department shall:

1. Not enforce any restriction on the applicability of the exemption provided therein which would violate the United States Constitution.

2. Apply the exemption to all types of sales to air carriers including both indirect sales to an entity which purchases the aircraft or major components of an aircraft for lease to and use by an air carrier that otherwise qualifies for the exemption and direct sales to air carriers.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 359 to Assembly Bill 161 makes several changes to the bill, including extending the maximum length of the abatements provided in the bill from 10 years to 20 years; making technical changes to the eligibility requirements for the abatements to make them consistent with other provisions in statute; and removing the expiration date for sections of NRS that are repealed in section 12 of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 148.

AN ACT relating to special license plates; authorizing the Commission on Special License Plates to ~~[investigate and]~~ request **the Legislative Commission to direct the Legislative Auditor to perform** an audit of certain charitable organizations which receive additional fees collected by the Department of Motor Vehicles for special license plates; revising provisions regarding the application submitted to the Department by certain persons seeking a special license plate intended to generate financial support for an organization; revising provisions requiring certain charitable organizations which receive additional fees paid for special license plates to provide certain documents and records annually to the Commission **~~[.]~~ on Special License Plates;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons may apply to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate that is intended to generate financial support for a charitable organization. The application must include certain information about the person requesting the special license plate, the charitable organization, if different from the person requesting the special license plate, and information about the intended use of the financial support. (NRS 482.367002) **Section 6** of this bill requires that such an application also include a budget prepared by or for the charitable organization if the charitable organization is not a governmental entity whose budget is included in the executive budget. **Section 6** also requires the Department to notify the Commission on Special License Plates **(hereinafter referred to as "the Commission")** and the charitable organization upon making a determination to issue the special license plate.

Existing law requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission a balance sheet and a recent bank statement. (NRS 482.38277) The Commission is required to provide those documents to the Legislative Auditor, who is required to prepare a final written report for the Commission regarding the propriety of the financial administration and recordkeeping of the charitable organization. (NRS 482.38278) **Section 2** of this bill authorizes the Commission to ~~[investigate and]~~ request ~~[an audit by]~~ **the Legislative Commission to direct** the Legislative Auditor **to perform an audit** of any charitable organization that receives fees from the sale of special license plates if the Commission has reasonable cause to believe or has received a credible complaint that the charitable organization has: (1) filed with the Commission or the Department forms or records that are inadequate or inaccurate; (2) committed improper practices of financial administration; or (3) failed to use adequate methods and procedures to ensure that all money received in the form of additional fees from special license plates is expended solely for the benefit of the intended recipient. The Commission may also ~~[investigate and]~~ request **the Legislative Commission to direct the Legislative Auditor to perform** such an audit if the Commission determines

that an investigation and audit are reasonably necessary to assist the Commission in administering any provision of existing law which the Commission is authorized to administer.

Existing law also requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission updated information regarding the telephone number and mailing address of the charitable organization and the names of persons who are responsible for overseeing the operation of the charitable organization. (NRS 482.38277) **Section 8** of this bill further requires that the charitable organization provide the Commission annually with a report on the budget of the organization which provides details about how the fees received from the special license plates have been expended and a copy of the most recent federal tax return of the organization, if any **[.] , including all schedules related thereto. Section 8** also requires the charitable organization **: (1)** to post annually on its Internet website the **most recent** federal tax **[returns, if any,] return** of the charitable organization **[.] , if any, including all schedules related thereto;** or **[.] (2)** if the charitable organization does not have an Internet website, to publish annually the **most recent** federal tax **[returns, if any,] return** of the charitable organization **, if any, including all schedules related thereto,** in a newspaper of general circulation in the county where the charitable organization is based.

Existing law authorizes the Commission to recommend that the Department take adverse action against a charitable organization that receives fees from the sale of special license plates if the Commission makes certain determinations about the organization, and after the organization has had an opportunity for a hearing on those determinations. The adverse action recommended may include the suspension of the collection of all additional fees collected on behalf of the charitable organization and the suspension of production of the special license plates from which the charitable organization receives additional fees, if the Department is still producing that design. (NRS 482.38279) **Section 10** of this bill adds to the criteria on which the Commission may base such a determination the results of an audit prepared **[at the request of the Commission] by the Legislative Auditor** pursuant to **section 2**.

Section 4 of this bill provides that all records related to the receipt or use of money from the sale of special license plates are public records and are available for public inspection.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Commission on Special License Plates may [investigate and] request [an audit by] the Legislative Commission to direct the***

Legislative Auditor to perform an audit of any charitable organization if the Commission ~~[:]~~ on Special License Plates:

(a) Has reasonable cause to believe or has received a credible complaint that the charitable organization has filed with the Commission on Special License Plates or the Department forms or records that are inadequate or inaccurate, has committed improper practices of financial administration, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; or

(b) Determines that an ~~[investigation and]~~ audit ~~[are]~~ is reasonably necessary to assist the Commission on Special License Plates in administering any provision of this chapter which ~~[the Commission]~~ it is authorized or required to administer.

2. ~~[Upon request of]~~ If the Legislative Commission ~~[pursuant to this section for]~~ directs the Legislative Auditor to perform an audit of a charitable organization, the Legislative Auditor shall:

(a) Conduct the audit and prepare a final written report of the audit;

(b) Distribute a copy of the final written report to each member of the Commission ~~[,]~~ on Special License Plates; and

(c) Present the final written report to the Commission on Special License Plates at ~~[the]~~ its next regularly scheduled meeting . ~~[of the Commission.]~~

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report of the audit may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission on Special License Plates or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 3. *1. Upon receiving notification by the Department pursuant to subsection 5 of NRS 482.367002 that a special license plate that is intended to generate financial support for an organization will be issued by the Department, a charitable organization, not including a governmental entity whose budget is in the executive budget, that is to receive additional fees shall, if the charitable organization wishes to award grants with any of the money received in the form of additional fees, submit to the Commission on Special License Plates in writing the methods and procedures to be used by*

the charitable organization in awarding such grants, including, without limitation:

(a) A copy of the application form to be used by any person or entity seeking a grant from the charitable organization;

(b) The guidelines established by the charitable organization for the submission and review of applications to receive a grant from the charitable organization; and

(c) The criteria to be used by the charitable organization in awarding such a grant.

2. Upon receipt of the information required, the Commission shall review the procedures to determine if the methods and procedures are adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient. If the Commission determines that the methods and procedures are:

(a) Adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

(b) Inadequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization and request that the charitable organization submit a revised version of the methods and procedures to be used by the charitable organization in awarding grants.

3. A charitable organization may not award any grants of money received in the form of additional fees until the procedures and methods have been determined adequate by the Commission pursuant to subsection 2.

Sec. 4. ***All records of:***

1. A charitable organization that is to receive additional fees, not including a governmental entity whose budget is in the executive budget, that are related to the receipt of or use of those fees; and

2. Any person who receives money from such a charitable organization in the form of a grant, that are related to the receipt of or use of that money, ➥ are public records and are available for public inspection as provided in chapter 239 of NRS.

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph **[**~~(f)~~**]** ***(g)*** of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 6. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of $5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000; ~~[and]~~

(f) ***Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and***

(g) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➥ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a meeting of the Commission on Special License Plates, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates recommends to the Department that the Department approve the application for that plate pursuant to subsection 5 of NRS 482.367004.

5. ***Upon making a determination to issue a special license plate pursuant to this section, the Department shall notify:***

(a) The person who requested the special license plate pursuant to subsection 1;

(b) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(c) The Commission on Special License Plates.

6. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has recommended the Department approve for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 6 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

~~[6.]~~ ***7.*** The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special

license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

~~[7.]~~ ***8.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 7. NRS 482.38272 is hereby amended to read as follows:

482.38272 As used in NRS 482.38272 to 482.38279, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 482.38273 to 482.38276, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 482.38277 is hereby amended to read as follows:

482.38277 1. On or before September 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall prepare a balance sheet for the immediately preceding fiscal year on a form provided by the Commission on Special License Plates and file the balance sheet, accompanied by a recent bank statement, with the Commission. The Commission shall prepare and make available, or cause to be prepared and made available, a form that must be used by a charitable organization to prepare such a balance sheet.

2. On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall provide to the Commission and the Department:

(a) A list of the names of the persons, whether or not designated officers, who are responsible for overseeing the operation of the charitable organization;

(b) The current mailing address of the charitable organization; ~~[and]~~

(c) The current telephone number of the charitable organization ~~[.]~~ ***;***

(d) A report on the budget of the charitable organization, including, without limitation:

(1) A copy of the most recent annual budget of the charitable organization; and

(2) A description of how all money received by the charitable organization in the form of additional fees was expended, including, without limitation, how that money was expended by the charitable organization, or

any recipient or awardee of that money from the charitable organization; and

(e) A copy of the most recent federal tax return of the charitable organization, if any ~~[.]~~ , including all schedules related thereto.

3. ***On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall post on the Internet website of the charitable organization or, if no such Internet website exists, publish in a newspaper of general circulation in the county where the charitable organization is based, the most recent federal tax return ~~[, if any,]~~ of the charitable organization ~~[.]~~ , if any, including all schedules related thereto.***

4. The Legislative Auditor shall prescribe:

(a) The form and content of the balance sheets required to be filed pursuant to subsection 1; and

(b) Any additional information that must accompany the balance sheets and bank statements required to be filed pursuant to subsection 1, including, without limitation, the methods and procedures used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient.

~~[~~4.~~]~~ ***5.*** The Commission shall provide to the Legislative Auditor:

(a) A copy of each balance sheet and bank statement that it receives from a charitable organization pursuant to subsection 1; and

(b) A copy of the information that it receives from a charitable organization pursuant to subsection 2.

Sec. 9. NRS 482.38278 is hereby amended to read as follows:

482.38278 1. On or before September 30 following the end of each fiscal year, the Legislative Auditor shall present to the Commission on Special License Plates a final written report with respect to the charitable organizations for which the Commission provided to the Legislative Auditor a balance sheet pursuant to subsection **~~[~~4~~]~~** ***5*** of NRS 482.38277.

2. The final written report must be distributed to each member of the Commission before the report is presented to the Commission.

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 10. NRS 482.38279 is hereby amended to read as follows:

482.38279 1. If the Commission on Special License Plates determines that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or if, in a report provided to the Commission by the Legislative Auditor pursuant to NRS 482.38278, ***or section 2 of this act,*** the Legislative Auditor determines that a charitable organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

2. A charitable organization may request in writing a hearing, within 20 days after receiving notification pursuant to subsection 1, to respond to the determinations of the Commission or Legislative Auditor. The hearing must be held not later than 30 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

3. The Commission shall issue a decision on whether to uphold the original determination of the Commission or the Legislative Auditor or to overturn that determination. The decision required pursuant to this subsection must be issued:

(a) Immediately after the hearing, if a hearing was requested; or

(b) Within 30 days after the expiration of the 20-day period within which a hearing may be requested, if a hearing was not requested.

4. If the Commission decides to uphold its own determination that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or decides to uphold the determination of the Legislative Auditor that the organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall issue its decision in writing and may recommend that the Department:

(a) Suspend the collection of all additional fees collected on behalf of the charitable organization; and

(b) Suspend production of the particular design of special license plates from which the charitable organization receives additional fees, if the Department is still producing that design.

5. If, in accordance with subsection 4, the Commission recommends that the Department take adverse action against a charitable organization, the Commission shall notify the charitable organization, in writing, of that fact

within 30 days after making the recommendation. A charitable organization aggrieved by a recommendation of the Commission may, within 30 days after the date on which it received notice of the recommendation, submit to the Department any facts, evidence or other information that it believes is relevant to the propriety of the Commission's recommendation. Within 30 days after receiving all facts, evidence and other relevant information submitted to the Department by the aggrieved charitable organization, the Department shall render a decision, in writing, as to whether the Department accepts or rejects the Commission's recommendation. The decision of the Department is a final decision for the purpose of judicial review.

Sec. 11. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 148 makes two changes to Assembly Bill 189. First, it adds provisions making the bill conform with the existing process of the Legislative Commission directing the work of the Audit Division. Second, it provides that the federal tax return an organization has to provide includes "all schedules related thereto."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 333.

AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a judgment creditor or a beneficiary of a deed of trust may obtain a deficiency judgment after a foreclosure sale or trustee's sale of real property if there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or beneficiary. (NRS 40.455) ~~[Section 1 of this bill removes the provision of existing law which]~~ **Existing law further** provides that if a person acquired the right to obtain a deficiency judgment from another person, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right.

~~[Section 2 of this bill removes the provision of existing law which]~~ **(NRS 40.459) Sections 1, 3 and 4 of this bill provide that this provision applies only to deficiency judgments awarded on or after the passage and**

approval of this bill in a deficiency judgment proceeding to enforce: (1) any debt secured by property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any debt secured by any other property if the documents evidencing the debt were fully executed on or before July 1, 2011.

Existing law provides that, under certain circumstances, a money judgment obtained by a creditor with a junior mortgage or ~~[other]~~ lien on real property may not exceed the amount of the consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien.

~~[Section 4 of this bill provides that this bill becomes effective upon passage and approval, and section 3 of this bill provides that this bill applies only to a judgment awarded as the result of: (1) an action for judicial foreclosure commenced on or after the effective date of the bill; or (2) a notice of default and election to sell recorded on or after the effective date of the bill.]~~ **(NRS 40.4636) Sections 2-4 of this bill provide that this limitation applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce: (1) any obligation secured by a junior mortgage or lien on real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any obligation secured by a junior mortgage or lien on any other real property if the documents evidencing the obligation were fully executed on or before July 1, 2011.**

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

Section 1. NRS 40.459 is hereby amended to read as follows:

40.459 1. After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. ~~[The]~~

2. Except as otherwise provided in subsection 3, the court shall not render judgment for more than:

(a) The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; or

(b) The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale,

↳ whichever is the lesser amount.

3. If the debt was secured by property upon which the debtor, guarantor or surety maintains his or her principal residence, there is not more than one residential structure and not more than four families reside, the court shall not render judgment for more than:

(a) The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; ~~***[or]***~~

(b) The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale ~~***[.]***~~ ; or

(c) If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,

➥ whichever is the lesser amount.

~~[2.]~~ ***4.*** For the purposes of this section, the "amount of the indebtedness" does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 2. NRS 40.4636 is hereby amended to read as follows:

40.4636 1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed:

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(b) Such action is not barred by NRS 40.430,

➥ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If:

(a) A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right;

(b) The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale;

(c) The obligation was secured by a junior mortgage or lien on real property upon which the debtor maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and

~~[(c)]~~ ***(d)*** Such action is not barred by NRS 40.430,

➥ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date on which the person acquired the right and reasonable costs.

3. As used in this section, "obligation secured by a junior mortgage or lien on real property" includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. The amendatory provisions of **:**

1. Section 1 of this act apply to a judgment ~~[awarded as the result of:~~

~~1. An action for judicial foreclosure commenced on or after the effective date of this act.]~~ **awarded pursuant to NRS 40.459, as amended by section 1 of this act, on or after the effective date of this act, if the documents evidencing the debt are fully executed on or after July 1, 2011.**

2. ~~[A notice of default and election to sell recorded on or after the effective date of this act.]~~ **Section 2 of this act apply to a judgment awarded pursuant to subsection 2 of NRS 40.4636, as amended by section 2 of this act, on or after the effective date of this act, if the documents evidencing the obligation are fully executed on or after July 1, 2011.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 333 to Assembly Bill 195 revises provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust. The court is prohibited from rendering a judgment for more than (a) the amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; or (b) the amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale, whichever is the lesser amount.

The court shall not render judgment for more than the amount of the consideration paid for that right, if the obligation was secured by a junior mortgage or lien on real property which the debtor maintains as his or her principal residence.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 196.

Bill read second time.

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

Amendment No. 191.

AN ACT relating to public financial administration; revising the types of investments authorized to be made with money in certain public funds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the various types of investments that the State Treasurer or a local government may make with money in certain funds. (NRS 355.060, 355.140, 355.170, 355.171) Existing law allows the money of this State, the State Insurance Fund and the governing bodies of local governments to be used for repurchase agreements if certain requirements are

met to ensure that a repurchase agreement does not violate Section 9 of Article 8 of the Nevada Constitution, including that the security which is subject to the agreement is of a type that is legal for the State or the local government to own and that ownership of the security which is subject to the agreement must actually change hands. (NRS 355.140, 355.170) Existing law also prohibits the investment of money of this State or the State Permanent School Fund, except for money invested by the Public Employees' Retirement System, in reverse-repurchase agreements. (NRS 355.060, 355.140)

Sections ~~[1-3]~~ 1 and 2 of this bill authorize the investment of the money of this State **~~[,]~~ and** the State Permanent School Fund **~~[, the State Insurance Fund and the governing bodies of local governments]~~** in reverse-repurchase agreements if those agreements meet certain requirements, which are similar to the requirements on repurchase agreements, to avoid a violation of Section 3 of Article 9 of the Nevada Constitution. **Sections ~~[1-3]~~ 1 and 2** also impose additional requirements on reverse-repurchase agreements which depend upon the purpose for which the reverse-repurchase agreement is made.

Section 2 allows investments of the money of this State and the State Insurance Fund in: (1) any obligation or certificate of an **~~[instrumentality or]~~** agency of the United States; (2) bonds of any general improvement district **~~[or local government within this State;]~~ which meet certain requirements; and** (3) **~~[notes, bonds and other unconditional obligations for the payment of money issued by certain corporations or depository institutions that are rated by a nationally recognized rating service as "A-" or its equivalent; and (4)]~~** a portfolio of investments that, in aggregate value, includes up to 25 percent, rather than 20 percent, of notes, bonds or other unconditional obligations for the payment of money issued by certain corporations or depository institutions. **Section 2** also eliminates the prohibition against investing the money of this State or the State Insurance Fund in a repurchase agreement which involves securities that have a term to maturity at the time of purchase in excess of 10 years.

Section 3 of this bill eliminates the requirement that, when the governing body of a local government purchases commercial paper issued by certain corporations or depository institutions as an investment of its money, the purchase must be made from a registered broker-dealer. **Section 3** also eliminates the prohibition against investing the money of the governing body of a local government in a repurchase agreement which involves securities that have a term to maturity at the time of purchase in excess of 10 years.

Section 4 of this bill allows investments of certain money of boards of county commissioners, boards of trustees of county school districts and the governing bodies of incorporated cities in: (1) notes, bonds and other unconditional obligations for the payment of money issued by certain corporations or **~~[depository institutions that are rated by a nationally recognized rating service as "A-" or its equivalent, or better;]~~ banks;** and (2) a portfolio of investments that, in aggregate value, includes up to 25 percent, rather than 20 percent, of notes, bonds or other unconditional obligations for

the payment of money issued by certain corporations or ~~[depository institutions.]~~ **banks.**

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

Section 1. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States.

(c) Bonds of this state or of other states.

(d) Bonds of any county of the State of Nevada.

(e) United States treasury notes.

(f) Farm mortgage loans fully insured and guaranteed by the Farm Service Agency of the United States Department of Agriculture.

(g) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.

(h) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

(i) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph (k), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph (k), the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(j) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

(k) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (j), inclusive.

(l) The limited partnerships or limited-liability companies described in NRS 355.280.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph (i), (j) or (k) of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to paragraph (i), (j) or (k) of subsection 2. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. ~~[No part of the State Permanent School Fund may be invested pursuant to a reverse repurchase agreement.]~~ ***Reverse-repurchase agreements are proper and lawful investments of money of the State Permanent School Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 2 if made in accordance with the following conditions:***

(a) In all reverse-repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of an appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian; and

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for reverse-repurchase agreements only upon receipt of the underlying securities; and

(II) Hold the securities separate from the assets of the custodian.

(b) If a reverse-repurchase agreement is made for the purpose of ~~*[:*~~

~~*(1) Obtaining liquidity for the State Permanent School Fund, the State Treasurer shall obligate for the repurchase of the security that is subject to the reverse repurchase agreement another security held by the State Permanent School Fund which is valued at an amount equal to the amount due for repurchase and which matures on a date within 2 weeks before or after the date on which the reverse repurchase agreement ends.*~~

~~*(2) Acquiring]*~~ *acquiring additional investments, the State Treasurer shall invest the proceeds in* ~~*[securities]*~~ *bills and notes of the United States Treasury or Obligations of an agency of the United States which mature on a date within* ~~*[2 weeks]*~~ *16 days before or after the date on which the reverse-repurchase agreement ends.*

6. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 2. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the State Insurance Fund:

(a) Bonds and certificates of the United States;

(b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;

(c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation ***,*** ~~[or]~~ the Student Loan Marketing Association ~~[,]~~ ***or other*** ~~*[instrumentality or]*~~ ***agency of the United States,*** whether or not guaranteed by the United States;

(d) Bonds of this state or other states of the Union;

(e) Bonds of any county of this state or of other states;

(f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;

(g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;

(h) Bonds of school districts within this state;

(i) Bonds of any general improvement district ~~[:~~ ~~whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state,~~ ~~]~~ if:

(1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and

(2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;

(j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;

(k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks, insured credit unions or savings and loan associations;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed 20 percent of the total par value of the portfolio as determined on the date of purchase;

(o) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 20 percent of the total par value of the portfolio as determined on the date of purchase, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible;

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" ~~*[*"A-"*]*~~ or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed ~~[20]~~ ***25*** percent of the total par value of the portfolio, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible;

(q) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities;

(r) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(s) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. Repurchase agreements are proper and lawful investments of money of the State and the State Insurance Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The State Treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the State Treasurer;

(2) The State Treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the State Treasurer and the State Board of Finance pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the State Treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act, 11 U.S.C. §§ 101 et seq.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the State when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the State concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly; ***and***

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase **.** ~~[; and~~

~~(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.]~~

3. ***Reverse-repurchase agreements are proper and lawful investments of money of the State*** ~~***[and the State Insurance Fund]***~~ ***for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:***

(a) In all reverse-repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of an appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian; and

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for reverse-repurchase agreements only upon receipt of the underlying securities; and

(II) Hold the securities separate from the assets of the custodian.

(b) If a reverse-repurchase agreement is made for the purpose of:

(1) Obtaining liquidity for the State **,** ~~***[for the State Insurance Fund,]***~~ ***the State Treasurer shall obligate for the repurchase of the security that is***

subject to the reverse-repurchase agreement another security held by the State ~~[or the State Insurance Fund, as applicable,]~~ which is valued at an amount equal to the amount due for repurchase and which matures on a date within ~~[2 weeks]~~ 16 days before or after the date on which the reverse-repurchase agreement ends.

(2) Acquiring additional investments, the State Treasurer shall invest the proceeds in ~~[securities]~~ bills and notes of the United States Treasury or obligations of an agency of the United States which mature on a date within ~~[2 weeks]~~ 16 days before or after the date on which the reverse-repurchase agreement ends.

4. As used in ~~[~~subsection 2:~~]~~ ***this section:***

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by the State or State Insurance Fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

~~[4. No money of this state may be invested pursuant to a reverse repurchase agreement, except money invested pursuant to chapter 286 of NRS.]~~

(c) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State ~~[or State Insurance Fund]~~ which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 3. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section and NRS 354.750 and 355.171, the governing body of a local government may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(c) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

(d) Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

(e) Negotiable certificates of deposit issued by commercial banks, insured credit unions or savings and loan associations.

(f) Securities which have been expressly authorized as investments for local governments by any provision of Nevada Revised Statutes or by any special law.

(g) Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions or insured savings and loan associations, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(h) Subject to the limitations contained in NRS 355.177, negotiable notes medium-term obligations issued by local governments of the State of Nevada pursuant to NRS 350.087 to 350.095, inclusive.

(i) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed 20 percent of the money available to a local government for investment as determined on the date of purchase.

(j) Obligations of state and local governments if:

(1) The interest on the obligation is exempt from gross income for federal income tax purposes; and

(2) The obligation has been rated "A" or higher by one or more nationally recognized bond credit rating agencies.

(k) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) ~~[Is purchased from a registered broker-dealer;~~

~~(2)]~~ At the time of purchase has a remaining term to maturity of no more than 270 days; and

~~[(3)]~~ ***(2)*** Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 20 percent of the total portfolio as determined on the date of purchase, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible.

(l) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).

(m) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The governing body of the local government shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The governing body of the local government has determined to have adequate capitalization and earnings and appropriate assets to be highly creditworthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the governing body of the local government pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the governing body of the local government and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The governing body of the local government must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the governing body of the local government when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the governing body of the local government concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly; ***and***

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase **.** ~~**[**~~~~, and~~

~~(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.~~**]**

3. ~~***[Reverse repurchase agreements are proper and lawful investments of money of the governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:***~~

~~***(a) In all reverse repurchase agreements:***~~

~~***(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of an appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian; and***~~

~~***(2) The governing body of the local government must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:***~~

~~***(I) Disburse cash for reverse repurchase agreements only upon receipt of the underlying securities; and***~~

~~***(II) Hold the securities separate from the assets of the custodian.***~~

~~***(b) If a reverse repurchase agreement is made for the purpose of:***~~

~~***(1) Obtaining liquidity for a local government, the governing body of the local government shall obligate for the repurchase of the security that is subject to the reverse repurchase agreement another security held by the local government which is valued at an amount equal to the amount due for repurchase and which matures on a date within 2 weeks before or after the date on which the reverse repurchase agreement ends.***~~

~~***(2) Acquiring additional investments, the governing body of the local government shall invest the proceeds in securities which mature on a date within 2 weeks before or after the date on which the reverse repurchase agreement ends.***~~

~~***4.]***~~ The securities described in paragraphs (a), (b) and (c) of subsection 1 ~~***[1]***~~ and the repurchase agreements described in subsection 2 ~~***[and the reverse repurchase agreements described in subsection 3]***~~ may be purchased when, in the opinion of the governing body of the local government, there is sufficient money in any fund of the local government to purchase those securities and

the purchase will not result in the impairment of the fund for the purposes for which it was created.

4. ~~[5.]~~ When the governing body of the local government has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 ~~[,]~~ or 2, ~~[or 3,]~~ those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. ~~[6.]~~ Any interest earned on money invested pursuant to subsection 3, ~~[4]~~ may, at the discretion of the governing body of the local government, be credited to the fund from which the principal was taken or to the general fund of the local government.

6. ~~[7.]~~ The governing body of a local government may invest any money apportioned into funds and not invested pursuant to subsection 3 ~~[4]~~ and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the local government.

7. ~~[8.]~~ This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. ~~[9.]~~ As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "Repurchase agreement" means a purchase of securities by the governing body of a local government from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

~~[(d) "Reverse repurchase agreement" means a purchase of securities by a counterparty from the governing body of a local government which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.]~~

Sec. 4. NRS 355.171 is hereby amended to read as follows:

355.171 1. Except as otherwise provided in this section, a board of county commissioners, a board of trustees of a county school district or the governing body of an incorporated city may purchase for investment:

(a) Notes, bonds and other unconditional obligations for the payment of money issued by corporations organized and operating in the United States ***or by ~~[depository institutions]~~ banks licensed by the United States or any state and operating in the United States*** that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of no more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" ***~~["A-"]~~*** or its equivalent, or better.

(b) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent.

(c) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. With respect to investments purchased pursuant to paragraph (a) of subsection 1:

(a) Such investments must not, in aggregate value, exceed ***~~[~~***20***~~]~~ 25*** percent of the total portfolio as determined on the date of purchase;

(b) Not more than 25 percent of such investments may be in notes, bonds and other unconditional obligations issued by any one corporation; and

(c) If the rating of an obligation is reduced to a level that does not meet the requirements of that paragraph, the obligation must be sold as soon as possible.

3. Subsections 1 and 2 do not:

(a) Apply to a:

(1) Board of county commissioners of a county whose population is less than 100,000;

(2) Board of trustees of a county school district in a county whose population is less than 100,000; or

(3) Governing body of an incorporated city whose population is less than 150,000,

➥ unless the purchase is effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments or by an investment adviser who is registered with the Securities and Exchange Commission and approved by the State Board of Finance.

(b) Authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

Sec. 5. ~~[NRS 355.175 is hereby amended to read as follows:~~

~~355.175 1. The governing body of any local government or agency, whether or not it is included in the provisions of chapter 354 of NRS, may:~~

~~(a) Direct its treasurer or other appropriate officer to invest its money or any part thereof in any investment which is lawful for a local government pursuant to NRS 355.170; or~~

~~(b) Allow a county treasurer to make such investments through a pool as provided in NRS 355.168.~~

~~2. In case of conflict, any order made pursuant to paragraph (a) of subsection 1 takes precedence over any other order concerning the same money or funds pursuant to subsection [5] 6 of NRS 355.170.~~

~~3. Any interest earned from investments made pursuant to this section must be credited, at the discretion of the local governing unit, to any fund under its control, but the designation of the fund must be made at the time of investment of the principal.]~~ **(Deleted by amendment.)**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment removes the Permanent School Fund and the State Insurance Fund from the reverse repurchase provisions of the bill; requires reverse repurchase agreements to be invested in U.S. treasuries and government agency securities only; eliminates the change allowing the purchase of corporate bonds with an A-minus rating; eliminates the change allowing local governments to invest using reverse repurchase agreements; clarifies that corporate bonds will be purchased from a bank as opposed to a savings and loan; and changes the maturity time for agency securities from "within two weeks" to "16 days." Finally, the amendment reinstates the language regarding the option to invest in the bonds of general improvement districts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 364.

SUMMARY— ~~[Eliminates]~~ **Increases** the statute of limitations for sexual assault. (BDR 14-1062)

AN ACT relating to crimes; ~~[eliminating]~~ **increasing** the statute of limitations for sexual assault; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that criminal proceedings for sexual assault must commence, by way of indictment, criminal information or complaint, within 4 years after the commission of the offense. (NRS 171.085) This bill ~~[eliminates that limitation and]~~ provides that ~~[there is no limitation of time within which]~~ a prosecution for sexual assault must be commenced ~~[.]~~ **within 20 years after the commission of the offense.**

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

Section 1. ~~[NRS 171.080 is hereby amended to read as follows:~~

~~171.080 There is no limitation of the time within which a prosecution for:~~

~~1. Murder must be commenced. It may be commenced at any time after the death of the person killed.~~

~~2. A violation of NRS 202.445 must be commenced. It may be commenced at any time after the violation is committed.~~

~~*3. Sexual assault must be commenced. It may be commenced at any time after the commission of the offense.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 171.083 is hereby amended to read as follows:~~

~~171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, [a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or] a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking [,] files with a law enforcement officer a written report concerning the [sexual assault or] sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the [sexual assault or] sex trafficking must be commenced.~~

~~2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.~~

~~3. If a victim of [a sexual assault or] sex trafficking is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the [sexual assault or] sex trafficking is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.~~

~~4. For the purposes of this section, a victim of [a sexual assault or] sex trafficking is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.~~

~~5. As used in this section, "law enforcement officer" means:~~

~~(a) A prosecuting attorney;~~

~~(b) A sheriff of a county or the sheriff's deputy;~~

~~(c) An officer of a metropolitan police department or a police department of an incorporated city; or~~

~~(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, ~~[sexual assault,]~~ sex trafficking, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. ***Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.***

3. Any felony other than the felonies listed in ~~[subsection]~~ ***subsections*** 1 ***and 2*** must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. ~~[NRS 171.095 is hereby amended to read as follows:~~

~~171.095 1. Except as otherwise provided in subsection 2 and NRS~~ ***171.080,*** ~~171.083 and 171.084:~~

~~(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.~~

~~(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex trafficking of a child as defined in NRS 201.300, before the victim is:~~

~~(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or~~

~~(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.~~

~~(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.~~

~~2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.~~] **(Deleted by amendment.)**

Sec. 5. The amendatory provisions of this act apply to a person who:

1. Committed sexual assault, as defined in NRS 200.366, before October 1, 2015, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2015.

2. Commits sexual assault, as defined in NRS 200.366, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Sections 1, 2 and 4 of the bill are deleted. Section 3 increases the statute of limitations for sexual assault to 20 years after the commission of the offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 538.

AN ACT relating to public safety; revising provisions relating to penalties for soliciting a child for prostitution; revising the purposes for which money in the Contingency Account for Victims of Human Trafficking may be used; revising the process by which the Director of the Department of Health and Human Services may make allocations of money from the Contingency Account in cases of emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Contingency Account for Victims of Human Trafficking. The money in the Contingency Account is to be expended only for the purpose of establishing or providing programs or services to victims of human trafficking. (NRS 217.530) **Section 1** of this bill authorizes a limited portion of the money in the Contingency Account to be used for fundraising for the direct benefit of the Contingency Account.

Existing law requires the Grants Management Advisory Committee of the Department of Health and Human Services to review applications for allocations from the Contingency Account and make recommendations to the Director of the Department concerning allocations of money from the Contingency Account to applicants. (NRS 217.540) **Section 2** of this bill eliminates the requirements of review and recommendation by the Advisory Committee if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

Existing law provides that a person who solicits a child for prostitution is guilty of a category E felony. (NRS 201.354) **Section 3** of this bill increases the penalty for this offense to make: (1) the first offense a category E felony punishable by the penalties applicable to other category E felonies and a mandatory fine of not more than $5,000; (2) the second offense a category ~~[B]~~ **D** felony punishable by ~~[imprisonment in the state prison for a minimum term of 2 years and a maximum term of 10 years and a fine of not more than $10,000;]~~ **the penalties applicable to other category D felonies;** and (3) the third and subsequent offense a category ~~[A]~~ **C** felony punishable by ~~[imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and a fine of not more than $10,000.]~~ **the penalties applicable to other category C felonies. Section 3 further prohibits the court from granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution.**

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

Section 1. NRS 217.530 is hereby amended to read as follows:

217.530 1. The Contingency Account for Victims of Human Trafficking is hereby created in the State General Fund.

2. The Director of the Department of Health and Human Services shall administer the Contingency Account. The money in the Contingency Account ~~[must]~~ ***:***

(a) Must be expended only for the ~~[purpose]~~ ***purposes*** of ~~[establishing]~~ ***:***

(1) Establishing or providing programs or services to victims of human trafficking ~~[and is]~~ ***; and***

(2) Fundraising for the direct benefit of the Contingency Account. The total amount of money expended pursuant to this subparagraph in any fiscal year must not exceed $10,000 or 10 percent of the amount of money in the Contingency Account at the beginning of that fiscal year, whichever is less.

(b) Is hereby authorized for expenditure as a continuing appropriation for ~~[this purpose.]~~ ***these purposes.***

3. The Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

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

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Contingency Account must be carried forward to the next fiscal year.

Sec. 2. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to applicants. ***If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.***

3. The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking.

Sec. 3. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor.

3. A person who violates subsection 1 by soliciting a child for prostitution ***:***

(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, and by a fine of not more than $5,000.***

(b) For a second offense, is guilty of a category ~~[B]~~ D felony and shall be punished ~~[by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.]~~ as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category ~~[A]~~ C felony and shall be punished ~~[by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than $10,000.]~~ as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

Sec. 4. ~~[The]~~ **For the sole purpose of determining the number of offenses committed by a person for the purposes of NRS 201.354, as amended by section 3 of this act, the** amendatory provisions of this act apply to offenses committed before **, on or after** the effective date of this act **.** ~~[for the purpose of determining whether a person is subject to the provisions of paragraph (b) or (c) of subsection 3 of NRS 201.354, as amended by this act.]~~

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows for the fundraising for the direct benefit of the Contingency Account for Victims of Human Trafficking. The total amount of money expended in any fiscal year must not exceed $10,000 or 10 percent of the amount of money in the account at the beginning of the fiscal year, whichever is less.

If the Director of the Department of Health and Human Services determines that an emergency exists and an allocation of money is needed, the Director may make the allocation without the review of the application and the making of recommendations by the Grants Management Advisory Committee.

The amendment revises the penalties for the solicitation of a child for prostitution. For first offense, a person is guilty of a category E felony; for second offense, a person is guilty of a category D felony; for third or subsequent offense, a person is guilty of a category C felony. The court shall not grant probation to or suspend the sentence of a person convicted of a third or subsequent offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 219.

Bill read second time and ordered to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 238.

AN ACT relating to crimes; defining the term "abandonment" as it relates to the care of older persons and vulnerable persons; revising the definitions of the terms ~~[~~"abuse" and~~]~~ **"abuse,"** "exploitation" **and "isolation"** as they relate to offenses committed upon older persons and vulnerable persons; revising provisions concerning the reporting of abuse, neglect, exploitation, isolation or abandonment of an older person; requiring that the name **and other identifying information** of a person who reports the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person be redacted before certain data or information concerning the report is made available in certain circumstances; ~~[revising penalties concerning the abuse or neglect of an older person or a vulnerable person;]~~ prohibiting the abandonment of an older person or a vulnerable person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the abuse, neglect, exploitation or isolation of older persons and vulnerable persons. (NRS 200.5091-200.50995) This bill generally adds the abandonment of older persons and vulnerable persons to such provisions.

~~[Existing law specifically prohibits a person from abusing, neglecting, exploiting or isolating an older person or a vulnerable person, and provides penalties for a violation thereof. (NRS 200.5099) Section 14 of this bill revises certain existing penalties relating to the abuse or neglect of older persons and vulnerable persons depending on whether the offense was: (1) negligent or willful; and (2) a first or subsequent offense. Section 14 also imposes a new penalty for the abandonment of an older person or vulnerable person and provides that unless a greater penalty is provided by law, any person who abandons an older person or a vulnerable person is guilty: (1) for a negligent offense, of a misdemeanor; and (2) for a willful offense, of a gross misdemeanor.]~~

Section 3 of this bill defines the term "abandonment" to mean the **:** ~~[~~willful or negligent:~~]~~ (1) desertion of an older person or a vulnerable person **in an unsafe manner** by a caretaker or other person with a **legal** duty of care; or (2) withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person. **Section 3** also provides that the term "abuse" includes: (1) infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act; ~~[~~and~~]~~ (2) nonconsensual sexual contact with an older person or a vulnerable person **.** ~~[.]~~ **;**

and (3) permitting acts which constitute abuse to be committed against an older person or a vulnerable person. Additionally, **section 3** provides that the term ~~["exploitation" includes deliberately misplacing or losing the belongings or money of an older person or a vulnerable person without his or her consent. Finally, section 3 specifies that abuse, neglect, isolation or abandonment of an older person or a vulnerable person can be willful or negligent.]~~ **"isolation" includes permitting acts which constitute isolation to be committed against an older person or a vulnerable person. Finally, section 3 revises the definition of the term "undue influence" for purposes of the definition of the term "exploitation," and revises the definition of the term "protective services" to include services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.**

Existing law requires certain professionals who know or have reasonable cause to believe that an older person has been abused, neglected, exploited or isolated to report, in certain circumstances, such abuse, neglect, exploitation or isolation to: (1) the local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff's office; (3) the county's office for protective services, if one exists in the county where such suspected abuse, neglect, exploitation or isolation occurred; or (4) a toll-free telephone service designated by the Aging and Disability Services Division. (NRS 200.5093) **Section 4** of this bill removes the option to report suspected acts to the county's office for protective services.

Existing law also requires that reports made concerning the abuse, neglect, exploitation or isolation of an older person or a vulnerable person, and records and investigations relating to those reports, are confidential, and a person, law enforcement agency or public or private agency, institution or facility can release data or information concerning the reports and investigation only in certain limited circumstances. Such circumstances include data or information concerning the reports and investigation being made available to: (1) an agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person; (2) the older person or vulnerable person named in the report, if that person is not legally incompetent; and (3) if the person who is reported to have abused, neglected, exploited or isolated the older person or vulnerable person is the holder of a certain license or certificate, the board that issued the license. (NRS 200.5095) **Section 7** of this bill provides that if data or information concerning the reports and investigation is made available in such circumstances, the name **and any other identifying information** of the person who made the report must be redacted before the data or information is made available.

Sections 2, 5, 6, 8-13, 16-24 and 26-41 of this bill generally add a reference to the term "abandonment" to certain provisions of existing law that reference the abuse, neglect, exploitation or isolation of an older person or a vulnerable person.

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

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 2. NRS 200.5091 is hereby amended to read as follows:

200.5091 It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation ***,*** ~~[and]~~ isolation ***and abandonment*** of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation ***,*** ~~[and]~~ isolation ***and abandonment*** of older persons and vulnerable persons.

Sec. 3. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, unless the context otherwise requires:

1. "***Abandonment" means :*** ~~***[willful or negligent:]***~~

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. **"**Abuse" means willful ***:*** ~~[and unjustified:~~ ~~***or negligent:]***~~

(a) Infliction of pain ~~[,]~~ ***or*** injury ~~[or mental anguish]~~ on an older person or a vulnerable person; ~~[or]~~

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person ~~[.~~

~~2.]~~ ***;***

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, ~~[humiliating, embarrassing,]~~ controlling or socially isolating the older person or vulnerable person;

(2) Disregarding ~~[or trivializing]~~ the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets; ~~[or]~~

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person [.] ; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. **"**Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property . ***[; or***

(c) Deliberately misplace or lose the belongings or money of the older person or vulnerable person without his or her consent.]

➥ As used in this subsection, "undue influence" ***means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term*** does not include the normal influence that one member of a family has over another.

[3.**]** ***4.*** **"**Isolation" means [willfully-, maliciously and intentionally- ***or negligently]*** preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally ***[or negligently]*** preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor; [or]

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person . [.] ***; or***

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

[4.**]** ***5.*** **"**Neglect" means the ***[willful or negligent]*** failure of **[**:

~~(a) A~~ ***a*** person ***or a manager of a facility*** who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person ~~; or~~

~~(b) An older person or a vulnerable person to provide for his or her own needs because of inability to do so.~~

~~5.~~ ***6.*** **"**Older person" means a person who is 60 years of age or older.

~~6.~~ ***7.*** **"**Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation ***,*** ~~and~~ isolation ***and abandonment*** of older persons. The services may include ***:***

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance ~~;~~ ***; and***

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

~~7.~~ ***8.*** **"**Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 4. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited ***,*** ~~or~~ isolated ***or abandoned*** shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation ***,*** ~~or~~ isolation ***or abandonment*** of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; ***or***

(3) ~~The county's office for protective services, if one exists in the county where the suspected action occurred; or~~

~~(4)~~ A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited ***,*** ~~or~~ isolated ~~.~~ ***or abandoned.***

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation ***,*** ~~or~~ isolation ***or abandonment*** of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the

person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited ***,*** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a

result of abuse, neglect **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment,*** the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited **,** ~~[or]~~ isolated ~~[,]~~ ***or abandoned,*** the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 5. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** shall:

(a) Report the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited **,** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a

law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited ***,*** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect ***,*** ~~[or]~~ isolation ~~[.]~~ ***or abandonment,*** the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 200.5094 is hereby amended to read as follows:

200.5094 1. A person may make a report pursuant to NRS 200.5093 or 200.50935 by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

(a) The name and address of the older person or vulnerable person;

(b) The name and address of the person responsible for his or her care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited ***,*** ~~[or]~~ isolated ***or abandoned*** the older person or vulnerable person;

(d) The nature and extent of the abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited ***,*** ~~[or]~~ isolated ~~[.]~~ ***or abandoned.***

Sec. 7. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited ***,*** ~~[or]~~ isolated ~~[,]~~ ***or abandoned;***

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[;]~~ ***or abandonment;***

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[;]~~ ***or abandonment;*** or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited **,** ~~[or]~~ isolated ~~[,]~~ ***or abandoned,*** if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 8. NRS 200.50955 is hereby amended to read as follows:

200.50955 A law enforcement agency shall promptly seek to obtain a warrant for the arrest of any person the agency has probable cause to believe is criminally responsible for the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person.

Sec. 9. NRS 200.5096 is hereby amended to read as follows:

200.5096 Immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, in good faith:

1. Participates in the making of a report;

2. Causes or conducts an investigation of alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person; or

3. Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

Sec. 10. NRS 200.5098 is hereby amended to read as follows:

200.5098 1. The Aging and Disability Services Division of the Department of Health and Human Services shall:

(a) Identify and record demographic information on the older person who is alleged to have been abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** and the person who is alleged to be responsible for such abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[.]~~ ***or abandonment.***

(b) Obtain information from programs for preventing abuse of older persons, analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

(c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive.

2. The Administrator of the Aging and Disability Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons. Members of the team serve at the invitation of the Administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons. The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.

Sec. 11. NRS 200.50982 is hereby amended to read as follows:

200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, do not prohibit an agency which is investigating a report of abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment,*** or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or a vulnerable person to other federal, state

or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

(a) The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

(b) Proper safeguards are taken to ensure the confidentiality of the information.

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation **, [**~~or~~**]** isolation ***or abandonment*** of an older person, a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the investigation as soon as possible. The information must include, when possible:

(a) The records of criminal history of the suspect;

(b) Whether or not the suspect resides with or near the older person; and

(c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person.

Sec. 12. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, inspect all records pertaining to the older person on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting **, [**~~or~~**]** isolating ***or abandoning*** the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 13. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting **,** ~~[or]~~ isolating ***or abandoning*** the older person in violation of NRS 200.5091 to 200.50995, inclusive.

Sec. 14. ~~[NRS 200.5099 is hereby amended to read as follows:~~

~~200.5099 1. Except as otherwise provided in subsection [6,] 7, any person who abuses an older person or a vulnerable person is guilty:~~

~~(a) For *the first negligent offense, of a misdemeanor;*~~

~~*(b) For any subsequent negligent offense, or for* the first *willful* offense, of a gross misdemeanor; or~~

~~[(b)] *(c)* For any subsequent *willful* offense , or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,~~

~~" unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~2. Except as otherwise provided in subsection [7,] *8,* any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:~~

~~(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;~~

~~(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or~~

~~(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,~~

~~" is guilty of a *misdemeanor for a negligent offense or a* gross misdemeanor *for a willful offense,* unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:~~

~~(a) Is less than $650, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;~~

~~(b) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or~~

~~(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,~~

~~➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.~~

~~4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment.~~

~~5. Any person who isolates an older person or a vulnerable person is guilty:~~

~~(a) For the first offense, of a gross misdemeanor; or~~

~~(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.~~

~~6. *Unless a greater penalty is provided by law, any person who abandons an older person or a vulnerable person is guilty:*~~

~~*(a) For a negligent offense, of a misdemeanor; and*~~

~~*(b) For a willful offense, of a gross misdemeanor.*~~

~~*7.* A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~**[**7.**]** *8.* A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~**[**8.**]** *9.* In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.~~

~~**[**9.**]** *10.* As used in this section:~~

~~(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.~~

~~(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.~~

~~(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.~~] **(Deleted by amendment.)**

Sec. 15. NRS 207.014 is hereby amended to read as follows:

207.014 1. A person who:

(a) Has been convicted in this State of any felony committed on or after July 1, 1995, of which fraud or intent to defraud is an element; and

(b) Has previously been two times convicted, whether in this State or elsewhere, of any felony of which fraud or intent to defraud is an element before the commission of the felony under paragraph (a),

➥ is a habitually fraudulent felon and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, if the victim of each offense was an older person, a person with a mental disability or a vulnerable person.

2. The prosecuting attorney shall include a count under this section in any information or shall file a notice of habitually fraudulent felon if an indictment is found, if the prior convictions and the alleged offense committed by the accused are felonies of which fraud or intent to defraud is an element and the victim of each offense was:

(a) An older person;

(b) A person with a mental disability; or

(c) A vulnerable person.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

4. As used in this section:

(a) "Older person" means a person who is:

(1) Sixty-five years of age or older if the crime was committed before October 1, 2003.

(2) Sixty years of age or older if the crime was committed on or after October 1, 2003.

(b) "Person with a mental disability" means a person who has a mental impairment which is medically documented and substantially limits one or more of the person's major life activities. The term includes, but is not limited to, a person who:

(1) Suffers from an intellectual disability;

(2) Suffers from a severe mental or emotional illness;

(3) Has a severe learning disability; or

(4) Is experiencing a serious emotional crisis in his or her life as a result of the fact that the person or a member of his or her immediate family has a catastrophic illness.

(c) "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 16. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine whether the employee has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

2. An employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public institution or agency or the licensing authority, as applicable, for a determination of whether the employee has been convicted of a crime listed in subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a

child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 17. NRS 62G.223 is hereby amended to read as follows:

62G.223 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

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

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

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

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

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

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 18. NRS 62G.353 is hereby amended to read as follows:

62G.353 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

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

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

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

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

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

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the

department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 19. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed ward.

(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as

otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which the proposed ward will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. If the proposed ward is an adult, the documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed ward presents a danger to himself or herself or others;

(III) Whether the proposed ward's attendance at a hearing would be detrimental to the proposed ward;

(IV) Whether the proposed ward would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed ward is capable of living independently with or without assistance; and

(2) If the proposed ward is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the ward.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) If the petitioner is not the spouse or natural child of the proposed ward, a declaration explaining the relationship of the petitioner to the proposed ward or to the proposed ward's family or friends, if any, and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) If the guardianship is sought as the result of an investigation of a report of abuse, neglect ***,*** ~~[or]~~ exploitation ***, isolation or abandonment*** of the proposed ward, whether the referral was from a law enforcement agency or a state or county agency.

(q) Whether the proposed ward or the proposed guardian is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(t) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his or her safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

Sec. 20. NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows the proposed ward faces a substantial and immediate risk of physical harm or needs immediate medical attention and lacks capacity to respond to the risk of harm or obtain the necessary medical attention. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Whether the proposed ward presents a danger to himself or herself or others; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect ***,*** ~~[or]~~ exploitation ~~[;]~~ ***, isolation or abandonment;*** and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 21. NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate

risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed ward faces a substantial and immediate risk of financial loss and lacks capacity to respond to the risk of loss. Such documentation must include, without limitation, a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a police report indicating:

(1) That the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Whether the proposed ward can live independently with or without assistance or services; and

(3) Whether the proposed ward is or has been subjected to abuse, neglect ***,*** ~~[or]~~ exploitation ~~[.]~~ ***, isolation or abandonment;***

(b) A detailed explanation of what risks the proposed ward faces, including, without limitation, termination of utilities or other services because of nonpayment, initiation of eviction or foreclosure proceedings, exploitation or loss of assets as the result of fraud, coercion or undue influence; and

(c) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 by telephone or in writing before the filing of the petition;

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (c) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2)

of paragraph (c) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 7, the court may extend the temporary guardianship until a general or special guardian is appointed pursuant to subsection 8 if:

(a) The court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; and

(b) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss, specifically limiting the temporary guardian's authority to take possession of, close or have access to any accounts of the ward or to sell or dispose of tangible personal property of the ward to only that authority as needed to provide for the ward's basic living expenses until a general or special guardian can be appointed. The court may freeze any or all of the ward's accounts to protect such accounts from loss.

7. The court may not extend a temporary guardianship pursuant to subsection 5 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

8. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, except that the court shall not cause the temporary guardianship to continue longer than 5 months unless extraordinary circumstances are shown.

Sec. 22. NRS 159.059 is hereby amended to read as follows:

159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.

4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state,

➥ during the period of the suspension or disbarment.

5. Is a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect **,** ~~[or]~~ exploitation ***, isolation or abandonment*** of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Sec. 23. NRS 159.1999 is hereby amended to read as follows:

159.1999 1. A court of this State having jurisdiction to appoint a guardian may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

2. If a court of this State declines to exercise its jurisdiction under subsection 1, it shall either dismiss or stay the proceedings. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian be filed promptly in another state.

3. In determining whether it is an appropriate forum, the court shall consider all relevant factors, including, without limitation:

(a) Any expressed preference of the ward;

(b) Whether abuse, neglect **,** ~~[or]~~ exploitation ***, isolation or abandonment*** of the ward has occurred or is likely to occur and which state could best protect the ward from the abuse, neglect **,** ~~[or]~~ exploitation ~~[;]~~ ***, isolation or abandonment;***

(c) The length of time the ward was physically present in or was a legal resident of this State or another state;

(d) The distance of the ward from the court in each state;

(e) The financial circumstances of the ward's estate;

(f) The nature and location of the evidence;

(g) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(h) The familiarity of the court of each state with the facts and issues in the proceeding; and

(i) If an appointment were made, the court's ability to monitor the conduct of the guardian.

Sec. 24. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to

NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; or

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** by the agent or a person acting for or with the agent.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

Sec. 25. NRS 174.175 is hereby amended to read as follows:

174.175 1. If it appears that a prospective witness is an older person or a vulnerable person or may be unable to attend or prevented from attending a trial or hearing, that the witness's testimony is material and that it is necessary to take the witness's deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment, information or complaint may, upon motion of a defendant or of the State and notice to the parties, order that the witness's testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. If the motion is for the deposition of an older person or a vulnerable person, the court may enter an order to take the deposition only upon good cause shown to the court. If the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will

afford to each defendant the opportunity to confront the witnesses against him or her.

2. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court, on written motion of the witness and upon notice to the parties, may direct that the witness's deposition be taken. After the deposition has been subscribed, the court may discharge the witness.

3. This section does not apply to the prosecutor, or to an accomplice in the commission of the offense charged.

4. As used in this section:

(a) "Older person" means a person who is 70 years of age or older.

(b) "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 26. NRS 179A.450 is hereby amended to read as follows:

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

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

(a) All incidents that are reported to any entity.

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

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

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

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

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

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

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

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of older persons.

6. As used in this section:

(a) "***Abandonment" has the meaning ascribed to it in NRS 200.5092.***

(b) **"**Abuse" has the meaning ascribed to it in NRS 200.5092.

~~[(b)]~~ ***(c)*** **"**Exploitation" has the meaning ascribed to it in NRS 200.5092.

~~[(c)]~~ ***(d)*** **"**Isolation" has the meaning ascribed to it in NRS 200.5092.

~~[(d)]~~ ***(e)*** **"**Neglect" has the meaning ascribed to it in NRS 200.5092.

~~[(e)]~~ ***(f)*** **"**Older person" means a person who is 60 years of age or older.

Sec. 27. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited ***,*** ~~[or]~~ isolated ***or abandoned*** in violation of NRS 200.5099 or 200.50995;

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 28. NRS 218E.760 is hereby amended to read as follows:

218E.760 1. The Committee may review, study and comment upon issues relating to senior citizens, veterans and adults with special needs, including, without limitation:

(a) Initiatives to ensure the financial and physical wellness of senior citizens, veterans and adults with special needs;

(b) The abuse, neglect, ~~[isolation and]~~ exploitation ***, isolation and abandonment*** of senior citizens and adults with special needs;

(c) Public outreach and advocacy;

(d) Programs for the provision of services to senior citizens, veterans and adults with special needs in this State and methods to enhance such programs to ensure that services are provided in the most appropriate setting;

(e) Programs that provide services and care in the home which allow senior citizens to remain at home and live independently instead of in institutional care;

(f) The availability of useful information and data as needed for the State of Nevada to effectively make decisions, plan budgets and monitor costs and outcomes of services provided to senior citizens, veterans and adults with special needs;

(g) Laws relating to the appointment of a guardian and the improvement of laws for the protection of senior citizens and adults with special needs who have been appointed a guardian, including, without limitation, the improvement of investigations relating to guardianships and systems for monitoring guardianships; and

(h) The improvement of facilities for long-term care in this State, including, without limitation:

(1) Reducing the number of persons placed in facilities for long-term care located outside this State;

(2) Creating units for acute care and long-term care to treat persons suffering from dementia who exhibit behavioral problems;

(3) Developing alternatives to placement in facilities for long-term care, including, without limitation, units for long-term care located in other types of facilities, and ensuring that such alternatives are available throughout this State for the treatment of persons with psychological needs; and

(4) Creating a program to provide follow-up care and to track the ongoing progress of residents of facilities for long-term care.

2. The Committee may:

(a) Review, study and comment upon matters relating to senior citizens, veterans and adults with special needs;

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and studies of the Committee; and

(d) Make recommendations to the Legislature concerning senior citizens, veterans and adults with special needs.

3. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the next regular session a report concerning the study conducted pursuant to subsection 1.

4. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 29. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or***

abandonment of an older person or the death of an older person that is alleged to be from abuse, neglect **,** ~~[or]~~ isolation ~~[.]~~ ***or abandonment.*** A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person who is the subject of the review or any person who was in contact with the older person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person or the death of an older person that is alleged to be the result of abuse, neglect **,** ~~[or]~~ isolation ~~[.]~~ ***or abandonment.***

Sec. 30. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person. The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.

Sec. 31. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an older person pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited **,** ~~[or]~~ isolated ***or abandoned*** in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.

Sec. 32. NRS 228.495 is hereby amended to read as follows:

228.495 1. The Attorney General may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Attorney General. In addition to the review of a particular case, a multidisciplinary team organized or sponsored by the Attorney General pursuant to this section shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the team wishes to review;

(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and

(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.

2. A multidisciplinary team organized or sponsored pursuant to this section may include, without limitation, the following members:

(a) A representative of the Attorney General;

(b) A representative of any law enforcement agency that is involved with a case under review;

(c) A representative of the district attorney's office in the county where a case is under review;

(d) A representative of the coroner's office in the county where a case is under review;

(e) A representative of any agency which provides social services that is involved in a case under review;

(f) A person appointed pursuant to subsection 3; and

(g) Any other person that the Attorney General determines is appropriate.

3. An organization that is concerned with domestic violence may apply to the Attorney General or his or her designee for authorization to appoint a member to a multidisciplinary team organized or sponsored pursuant to this section. Such an application must be made in the form and manner prescribed by the Attorney General and is subject to the approval of the Attorney General or his or her designee.

4. Each organization represented on a multidisciplinary team organized or sponsored pursuant to this section may share with other members of the team information in its possession concerning a victim who is the subject of a review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

5. The organizing or sponsoring of a multidisciplinary team pursuant to this section does not grant the Attorney General supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. Before organizing or sponsoring a multidisciplinary team pursuant to this section, the Attorney General shall adopt a written protocol describing the objectives and structure of the team.

7. A multidisciplinary team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the review. Any information or records provided to a team pursuant to this subsection are confidential.

8. A multidisciplinary team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to a review conducted by the team, including, without limitation, a multidisciplinary team:

(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) To review any allegations of abuse, neglect, exploitation ***,*** ~~[or]~~ isolation ***or abandonment*** of an older person or the death of an older person that is alleged to be from abuse, neglect ***,*** ~~[or]~~ isolation ***or abandonment*** organized pursuant to NRS 228.270;

(c) To review the death of a child organized pursuant to NRS 432B.405; or

(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

9. Except as otherwise provided in subsection 10, each member of a multidisciplinary team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.

10. Each member of a multidisciplinary team organized or sponsored pursuant to this section who discloses any confidential information concerning

the death of a child is personally liable for a civil penalty of not more than $500.

11. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a multidisciplinary team organized or sponsored pursuant to this section; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

12. The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.

13. A multidisciplinary team organized or sponsored pursuant to this section shall submit a report of its activities to the Attorney General. The report must include, without limitation, the findings and recommendations of the team. The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

Sec. 33. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;

(3) Qualifications for instructors of peace officers; and

(4) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation **,** ~~[and]~~ isolation ***and abandonment*** of older persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 34. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

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

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

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

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

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

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

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 35. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

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

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

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

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

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

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

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 36. NRS 427A.1234 is hereby amended to read as follows:

427A.1234 1. The Specialist for the Rights of Elderly Persons shall:

(a) Provide advocacy and education relating to the legal rights of elderly persons and shall facilitate the development of legal services to assist elderly persons in securing and maintaining their legal rights.

(b) Provide, upon request, technical assistance, training and other support relating to the legal rights of elderly persons to:

(1) An attorney who is providing legal services for an elderly person;

(2) An employee of a law enforcement agency;

(3) The Ombudsman or an advocate;

(4) An employee of an office for protective services of any county; and

(5) An employee of the Division.

(c) Review existing and proposed policies, legislation and regulations that affect elderly persons and make recommendations as appropriate to the Administrator.

(d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation **,** ~~[and]~~ isolation ***and abandonment*** of elderly persons to identify services that need to be provided, including, without limitation:

(1) Methods of intervening on behalf of an elderly person to protect the elderly person from abuse, neglect, exploitation **,** ~~[or]~~ isolation ~~[,]~~ ***or abandonment;*** and

(2) Enforcing the laws of this state governing abuse, neglect, exploitation **,** ~~[and]~~ isolation ***and abandonment*** of elderly persons.

2. The Specialist for the Rights of Elderly Persons may:

(a) Have access to, inspect, copy and subpoena all records in the possession of any clerk of a court, law enforcement agency or public or private institution, wherever situated, that relate to the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an elderly person.

(b) Have access to all written records in the possession of any person, government, governmental agency or political subdivision of a government that relate to the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an elderly person.

(c) Represent and assist any incompetent person until a guardian is appointed for that person.

(d) Use the information obtained pursuant to paragraphs (a) and (b) to resolve complaints relating to the abuse, neglect, exploitation **,** ~~[or]~~ isolation ***or abandonment*** of an elderly person.

(e) Develop services relating to financial management for an elderly person who is at risk of having a guardian or conservator appointed by a court to manage his or her property.

(f) Appear as amicus curiae on behalf of elderly persons in any court in this state.

(g) Perform such other functions as are necessary to carry out the duties and the functions of the office of the Specialist for the Rights of Elderly Persons.

Sec. 37. NRS 432A.170 is hereby amended to read as follows:

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

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

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

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

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

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 38. NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

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

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

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

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating

liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

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

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 39. NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of an employee of the facility to determine whether the employee has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

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

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

2. An employee must submit to the Division two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

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

5. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

6. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

Sec. 40. NRS 449.172 is hereby amended to read as follows:

449.172 If the Division suspends or revokes the license of a person who operates a residential facility for groups for abuse, neglect ***,*** ~~[or]~~ ***exploitation,*** isolation ***or abandonment*** of the occupants of the facility, the Division shall suspend or revoke the license of all residential facilities for groups operated by that person. The person who operates the facility shall move all of the persons

who are receiving services in the residential facilities for groups to other licensed residential facilities for groups at his or her own expense.

Sec. 41. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

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

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

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

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

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

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

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

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home or an agency to provide nursing in the home if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 42. NRS 657.240 is hereby amended to read as follows:

657.240 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 43. NRS 657.250 is hereby amended to read as follows:

657.250 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 44. NRS 657.270 is hereby amended to read as follows:

657.270 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 45. NRS 673.783 is hereby amended to read as follows:

673.783 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 46. NRS 673.787 is hereby amended to read as follows:

673.787 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 47. NRS 673.797 is hereby amended to read as follows:

673.797 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 48. NRS 677.683 is hereby amended to read as follows:

677.683 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 49. NRS 677.687 is hereby amended to read as follows:

677.687 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 50. NRS 677.697 is hereby amended to read as follows:

677.697 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Sec. 51. NRS 678.771 is hereby amended to read as follows:

678.771 "Exploitation" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 200.5092.

Sec. 52. NRS 678.773 is hereby amended to read as follows:

678.773 "Older person" has the meaning ascribed to it in ~~[subsection 5 of]~~ NRS 200.5092.

Sec. 53. NRS 678.777 is hereby amended to read as follows:

678.777 "Vulnerable person" has the meaning ascribed to it in ~~[subsection 7 of]~~ NRS 200.5092.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies the term "abandonment" to mean the desertion of an older or vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care. It also clarifies the term "abuse" to include the permitting of any acts that inflict psychological or emotional anguish, pain, or distress. It defines the term "isolation." It revises the definition of "undue influence." It clarifies the term "exploitation." It revises the definition of "protective services." It adds that any other identifying information of the person who made the report of abuse, neglect, exploitation, isolation, or abandonment of an older or vulnerable person be redacted before the information or data is made available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

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

Amendment No. 270.

AN ACT relating to state agencies; providing for the promotion of public engagement by state agencies using the Internet and Internet tools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that it is the policy of this State to promote public engagement in the activities of the State Government by adopting methods of public participation and public comment that include the use of the Internet and Internet tools. This bill encourages each state agency, to the extent practicable and within the limits of available money, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums and social media. **This bill requires that such a policy must: (1) require that any information communicated to the public using the Internet and Internet tools is written in easily understood language; (2) ensure that legal permission has been obtained for the use of any image on the Internet and Internet tools; and (3) ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency.** This bill further authorizes a state agency to designate a public engagement specialist **:** ~~[to:]~~ (1) **to** implement the agency's policy on public engagement; ~~[and]~~ (2) to the extent feasible, **to** provide training on public engagement to other employees of the agency ~~[.]~~ **; and (3) to communicate information to the public related to**

the activities of the state agency using the Internet and Internet tools. In addition, with respect to any proposed major change to an existing policy of a state agency, this bill requires the state agency, to the extent feasible, to hold at least one public meeting in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) and provide for public comment using the Internet and Internet tools.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is the policy of this State to strengthen and further promote broad, inclusive and meaningful engagement by the general public and interested stakeholders in the activities of the State Government by adopting methods of public participation and public comment that incorporate the use of the Internet and Internet tools. To assist in carrying out this policy:

(a) Each state agency is encouraged, to the extent practicable and within the limits of available money, to develop a policy on public engagement that incorporates the use of the Internet and Internet tools for the purpose of encouraging public participation and soliciting public comments on the activities of the state agency, including, without limitation, the development or adoption of regulations, policies and programs. The Internet tools used by the state agency may include, without limitation, electronic mail, electronic mailing lists, online forums and social media. The policy must:

(1) Require that any information communicated by the state agency using the Internet and Internet tools is written in easily understood language;

(2) Ensure that legal permission has been obtained by the state agency for the use of any image on the Internet and Internet tools; and

(3) Ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency.

(b) Each state agency may designate an employee as the public engagement specialist. The public engagement specialist shall:

(1) Implement the public engagement policy of the state agency; [and]

(2) To the extent feasible, provide training on public engagement for other employees of the state agency [.] ; and

(3) Communicate information to the public related to the activities of the state agency using the Internet and Internet tools.

(c) If a state agency intends to propose a major change to an existing policy of the state agency, the state agency shall, to the extent feasible, hold at least one public meeting in accordance with the provisions of chapter 241 of NRS in a county whose population is less than 100,000, and provide for public comment using the Internet and Internet tools.

2. The decision by a state agency whether to adopt any particular Internet tool in carrying out its policy on public engagement is at the discretion of the state agency and not subject to judicial review.

3. The provisions of this section are intended to supplement the existing laws of this State applicable to specific state agencies and the existing requirements for such state agencies to provide notice, solicit public comments and hold public hearings. This section does not limit the applicability of any such provision.

4. As used in this section:

(a) "Social media" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, live chat, mobile applications, online services or Internet website profiles.

(b) "State agency" means every public agency, bureau, board, commission, department or division of the Executive Department of the State Government.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment requires that any information communicated by the state agency using the Internet and Internet tools is written in easily understood language. It ensures that legal permission has been obtained by the state agency for the use of any image on the Internet and Internet tools. It ensures that the use of the Internet and Internet tools do not disrupt a public meeting of the state agency. Finally, for the purposes of certain public policy decisions, it requires a state agency, to the extent feasible, to hold at least one public meeting in accordance with the provisions of Chapter 241 of NRS in a county whose population is less than 100,000 and provide for public comment using the Internet and Internet tools.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 3:26 p.m.

ASSEMBLY IN SESSION

At 3:42 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 310, 463; Senate Bill No. 505 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 161 and 196 be rereferred to the Committee on Ways and Means.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bills Nos. 480 and 481 be taken from the General File and rereferred to the Committee on Commerce and Labor.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bill No. 62 be taken from the Chief Clerk's desk and placed on the Second Reading.

Motion carried

NOTICE OF EXEMPTION

April 14, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Senate Bill No. 211.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 62.

Bill read second time.

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

Amendment No. 116.

[CONTAINS UNFUNDED MANDATE (§ ~~[9),]~~**34.5)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]

AN ACT relating to veterans; establishing "Veterans Day at the Legislature" as a day of observance; revising provisions relating to preferences in state purchasing **and state public works** for a business owned and operated by a veteran with a service-connected disability; ~~[providing for the disposition of the unclaimed remains of a veteran by a county coroner;]~~ authorizing the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances; requiring certain state agencies and regulatory bodies to report certain information to the Interagency Council on Veterans Affairs; requiring the Council to report such information to the Legislature; requiring the Director of the Department of Veterans Services to compile in digital form certain information relating to state laws that affect veterans; requiring the Director to provide such information electronically to certain veterans for whom the Department has an electronic mail address of record; requiring the Director to maintain such information on its Internet website; authorizing xeriscaping in the area immediately above and surrounding the interred remains of a veteran at a veterans' cemetery under certain circumstances; **providing for the disposition of the unclaimed remains of a**

veteran by certain county agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) **Section 1** of this bill establishes the third Wednesday of March during each regular session of the Legislature as "Veterans Day at the Legislature," which is a day of observance and not a legal holiday.

~~[Under existing law, a bid or proposal submitted by a local business owned by a veteran with a service-connected disability for a state purchasing contract or contract for a public work is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 333.3366, 338.13844) Section 4 of this bill requires the Office of Economic Development to certify a business as a local business owned and operated by a veteran with a service-connected disability if the business submits certain information and the Office determines that the business is a local business owned and operated by a veteran with a service-connected disability. Section 5 of this bill requires: (1) each state agency to submit all solicitations for the award of a contract and any information supporting the solicitation to the Office; and (2) the Office to maintain a database of such information that is made available to the certified businesses. Section 6 of this bill requires the Office to maintain an electronic directory of certified businesses and to cooperate with the Department of Veterans Services and certain nonprofit organizations to support businesses that may be eligible for certification. Sections 15 and 19 of this bill provide that a business qualifies for the 5-percent preference on certain contracts if the business is certified as a local business owned and operated by a veteran with a service-connected disability pursuant to section 4. Sections 15 and 19 also provide for the breaking of a tie for low bid in favor first of a business certified pursuant to section 4 and second of the business with the lowest net worth.~~

~~Existing law provides for the creation, powers and duties of a county coroner. (NRS 244.163; chapter 259 of NRS) Section 8 of this bill provides for the disposition of the unclaimed remains of a veteran by a county coroner.]~~

Under existing law, a bid or proposal for a state purchasing contract for which the estimated cost exceeds $50,000 that is submitted by a local business owned by a veteran with a service-connected disability of at least zero percent and who is a responsive and responsible bidder is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 333.300, 333.3365, 333.3366) Section 15 of this bill provides that this 5-percent preference applies with respect to bids or proposals by such veterans for state purchasing contracts for which the estimated cost is more than $50,000 but not more than $250,000. For state purchasing contracts for which the estimated cost is more than $250,000 but less than $500,000, section 15 makes only a veteran with a service-connected disability of 50 percent or more eligible for the 5-percent preference.

Under existing law, a bid submitted by a local business owned by a veteran with a service-connected disability of at least zero percent for a contract for a state public work for which the estimated cost is $100,000 or less is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 338.13843, 338.13844) Section 19 of this bill provides a similar 5-percent preference to a local business owned by a veteran with a service-connected disability of 50 percent or more for a contract for a state public work for which the estimated cost is more than $100,000 but less than $250,000.

Section 18.5 of this bill revises the ownership qualifications for eligibility of a local business owned by a veteran with a service-connected disability for the 5-percent preference on state purchasing and state public works contracts from one or more veterans with service-connected disabilities to not more than five veterans with service-connected disabilities. (NRS 333.3362, 338.13841)

Under existing law, the Purchasing Division and the State Public Works Division of the Department of Administration are required to provide a biannual report to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session, regarding bids or proposals submitted by local businesses owned by a veteran with a service-connected disability for state purchasing and state public works contracts and any such contracts awarded to those businesses. (NRS 333.3368, 338.13846) Sections 16 and 20 of this bill require those Divisions to also submit such reports to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs when the Legislature is not in session.

Sections 9, 22, 24, 26, 27 and 31 of this bill provide for the naming by the Governor of a state building, park, monument, bridge, road or other property **constructed, acquired, leased or opened on or after July 1, 2015,** after ~~[certain]~~ deceased members of the Armed Forces of the United States ~~[.]~~ **who were residents of this State and killed in action.**

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 28** of this bill requires certain state agencies and regulatory bodies to report to the Council certain information relating to veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission. **Section 29** of this bill requires the Director of the Department to prepare a digital copy of certain information relating to state laws that affect veterans and services for veterans and to provide the information in digital form to each veteran in this State for whom the Department has an electronic mail address of record. **Section 29** further requires the Director to publish such information on the Department's Internet website.

Existing law provides for the establishment, operation and maintenance of veterans' cemeteries in this State, and further requires a cemetery

superintendent to ensure that the area immediately above and surrounding the interred remains of veterans in each veterans' cemetery is landscaped with natural grass. (NRS 417.200-417.230) **Sections 32 and 33** of this bill require a cemetery superintendent to ensure that the area is landscaped with natural grass only if a veteran does not indicate by testamentary instrument or on an application for interment at the cemetery his or her desire to have the area landscaped with xeriscaping.

Section 34.5 of this bill provides for the reporting and disposition of the unclaimed remains of a veteran by the agency in a county that is responsible for interring or cremating the remains of indigent persons.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

The third Wednesday in March during each regular session of the Legislature is established as "Veterans Day at the Legislature" in the State of Nevada in recognition of the contributions veterans have made to the prosperity of Nevada and the United States.

Sec. 2. ~~[Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*As used in sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the term "veteran with a service-connected disability" means a veteran of the Armed Forces of the United States who:*~~

~~*1. Is a resident of this State; and*~~

~~*2. Has a service-connected disability of at least 5 percent as determined by the United States Department of Veterans Affairs.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[*1. To receive certification as a local business owned and operated by a veteran with a service-connected disability, a local business must submit an application to the Office, on a form prescribed by the Office, which includes:*~~

~~*(a) The name of the business;*~~

~~*(b) The name and service-connected disability rating of the veteran with a service-connected disability submitting the application on behalf of the business;*~~

~~*(c) The name, percentage of ownership interest and service-connected disability rating, if any, of each person with an ownership interest in the business;*~~

~~*(d) The name and service-connected disability rating, if any, of each person who manages or operates the business on a day-to-day basis, including the name and service-connected disability rating of each veteran whose spouse or permanent caregiver manages or operates the business on a day-to-day basis;*~~

~~(c) Documentation issued by the United States Department of Veterans Affairs or the United States Department of Defense which supports the service-connected disability rating reported for each person pursuant to paragraphs (b), (c) and (d);~~

~~(f) The number of permanent, full-time employees of the business;~~

~~(g) The location of the headquarters of the business; and~~

~~(h) The net worth of the business, including any affiliates, or, if the business is a sole proprietorship, the net worth of the sole proprietor, including both personal and business investments.~~

~~2. The Office shall certify an applicant as a local business owned and operated by a veteran with a service-connected disability if:~~

~~(a) The Office determines that:~~

~~(1) At least 51 percent of the ownership interest is held by one or more veterans with service-connected disabilities;~~

~~(2) The business is organized to engage in commercial transactions;~~

~~(3) The business is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities or, if a veteran with a service-connected disability is permanently and totally disabled, the spouse or caregiver of such a veteran;~~

~~(4) The business employs not more than 200 permanent, full-time employees;~~

~~(5) The business has, together with any affiliates, a net worth of not more than $5,000,000 or, if the business is a sole proprietorship, whose sole proprietor has a net worth of not more than $5,000,000, including both business and personal investments; and~~

~~(6) The business is domiciled in this State; or~~

~~(b) The Office determines that:~~

~~(1) The business otherwise meets the requirements of subparagraphs (2), (4), (5) and (6) of paragraph (a);~~

~~(2) The business is owned and operated by the spouse of a deceased veteran with a service-connected disability, as determined by the United States Department of Veterans Affairs; and~~

~~(3) The business was transferred to the spouse upon the death of the veteran.~~

~~3. If the service-connected disability of the veteran who owns or transferred his or her interest in the business applying for certification has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the Office shall note that fact in the certification issued.~~

~~4. A certification issued pursuant to subsection 2 expires 2 years after its issuance and may be renewed by submitting an application pursuant to subsection 1.~~

~~5. A business certified pursuant to this section shall notify the Office within 30 business days after the occurrence of any event that may affect the certification of the business, including, without limitation, a change in the~~

~~*ownership or management of the day-to-day operations of the business. The Office shall:*~~

~~*— (a) Revoke the certification of a business that violates this subsection;*~~

~~*— (b) Prohibit each person with an ownership interest in a business that violates this subsection from holding an ownership interest in any business that applies for or holds certification pursuant to this section for a period of 1 year immediately following the date on which the Office revokes the certification of the business; and*~~

~~*— (c) Allow a business that violates this subsection to reapply for certification 1 year after the date of the revocation.*~~

~~*— 6. A business whose certification is revoked pursuant to subsection 5 may submit a bid or proposal for a state contract but may not receive a preference for that bid or proposal pursuant to NRS 333.3366 or 338.13844.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. Each state agency shall, in a timely manner, provide the Office with each solicitation for the award of a contract by the state agency and any information relating to that solicitation which may be necessary to enable a business to offer a bid or proposal for the contract.*~~

~~*— 2. The Office shall maintain a database of the information submitted to the Office pursuant to subsection 1 and make the database available to businesses certified pursuant to section 4 of this act.*~~

~~*— 3. The Office shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session, a report which must contain, for the period since the submission of the last report, the number of:*~~

~~*— (a) Businesses certified pursuant to section 4 of this act;*~~

~~*— (b) Certified businesses that used the database maintained pursuant to subsection 2 to offer a bid or proposal for a contract with a state agency; and*~~

~~*— (c) Certified businesses that were awarded a contract with a state agency, including the number of certified businesses that were awarded a contract after using the database maintained pursuant to subsection 2 to offer a bid or proposal for the contract.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. The Office shall:*~~

~~*— (a) Maintain an electronic directory of businesses certified pursuant to section 4 of this act for use by the State, its agencies and political subdivisions and the public;*~~

~~*— (b) Cooperate with the Department of Veterans Services to:*~~

~~*— (1) Identify local businesses that may be eligible for certification pursuant to section 4 of this act;*~~

~~*— (2) Encourage and assist such businesses in applying for certification; and*~~

~~*— (3) Provide information regarding services that are available to such businesses from the Office or from nonprofit organizations to support local businesses owned and operated by veterans with service-connected*~~

~~*disabilities, including, without limitation, the Elite Service-Disabled Veteran Owned Business Network of Nevada; and*~~

~~*(c) Accept and consider recommendations and information relating to the certification of a business submitted to the Office by a nonprofit organization to support businesses owned and operated by veterans with service-connected disabilities, including, without limitation, the Elite Service-Disabled Veteran Owned Business Network of Nevada.*~~

~~*2. The Executive Director may adopt such regulations as may be necessary to carry out the provisions of sections 3 to 6, inclusive, of this act. In adopting such regulations, the Executive Director shall, to the extent practicable, cooperate and coordinate with the Purchasing Division and the State Public Works Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 333.3369 and 338.13847 are reasonably consistent.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 231.053 is hereby amended to read as follows:~~

~~231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:~~

~~(a) New industries which have the potential to be developed in this State;~~

~~(b) The strengths and weaknesses of this State for business incubation;~~

~~(c) The competitive advantages and weaknesses of this State;~~

~~(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~

~~(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.~~

~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, *and sections 3 to 6, inclusive, of this act* and 231.1573 to 231.1597, inclusive.~~

~~7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, *and sections 3 to 6, inclusive, of this act* and 231.1573 to 231.1597, inclusive.~~

~~8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~Chapter 259 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A county coroner who obtains custody of the unclaimed human remains of a deceased person who the county coroner knows, has reason to know or reasonably believes is a veteran shall report the name of the deceased person to the Department of Veterans Services not later than 1 year after obtaining custody of the remains.*~~

~~*2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county coroner.*~~

~~*3. If the Department of Veterans Services provides notice to a county coroner of a determination that a deceased person is a veteran who:*~~

~~*(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county coroner shall arrange for the proper disposition of the veteran's remains with:*~~

~~*(1) A national cemetery or veterans' cemetery; or*~~

~~*(2) The Department of Veterans Services.*~~

~~*(b) Is not eligible for interment at a national cemetery or a veterans' cemetery, the county coroner shall cause the veteran's remains to be decently interred in the county, regardless of whether the veteran was indigent or without sufficient means to defray the expenses of interment.*~~

~~*4. A county coroner is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.*~~

~~*5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.*~~ **]** **(Deleted by amendment.)**

Sec. 9. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name after a deceased member of the Armed Forces of the United States a building, ground or other property constructed, acquired, leased or opened on or after July 1, 2015, over which the Administrator has supervision and control pursuant to NRS 331.070.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective building, ground or property as directed by the Governor pursuant to subsection 1.

Sec. 10. NRS 331.010 is hereby amended to read as follows:

331.010 As used in NRS 331.010 to 331.145, inclusive, ***and section 9 of this act,*** unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Buildings and Grounds Section" means the Buildings and Grounds Section of the Division.

3. "Department" means the Department of Administration.

4. "Director" means the Director of the Department.

5. "Division" means the State Public Works Division of the Department.

Sec. 11. NRS 331.080 is hereby amended to read as follows:

331.080 1. ~~[~~The~~]~~ ***Except as otherwise provided in section 9 of this act, the*** Administrator may expend appropriated money to meet expenses for the care, maintenance and preservation of the buildings, grounds and their appurtenances identified in NRS 331.070, and for the repair of the furniture and fixtures therein.

2. The Administrator shall take proper precautions against damage thereto, or to the furniture, fixtures or other public property therein.

Sec. 12. NRS 331.101 is hereby amended to read as follows:

331.101 1. The Buildings and Grounds Operating Fund is hereby created as an internal service fund.

2. ~~[~~All~~]~~ ***Except as otherwise provided in section 9 of this act, all*** costs of administering the provisions of NRS 331.010 to 331.145, inclusive, ***and section 9 of this act*** must be paid out of the Buildings and Grounds Operating Fund as other claims against the State are paid.

Sec. 13. ~~[Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Certified local business owned and operated by a veteran with a service-connected disability" means a business that is certified pursuant to section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 333.3361 is hereby amended to read as follows:~~

~~— 333.3361 As used in NRS 333.3361 to 333.3369, inclusive, *and section 13 of this act,* unless the context otherwise requires, the words and terms defined in NRS [333.3362 to 333.3365, inclusive,] *333.3364 and section 13 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 15. NRS 333.3366 is hereby amended to read as follows:

333.3366 ***1.*** For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if ~~[a]~~ ***:***

~~*[1.]*~~ ***(a) A*** ~~*[certified]*~~ local business owned ~~*[and operated]*~~ by a veteran with a service-connected disability submits a bid or proposal ***for a contract for which the estimated cost is*** ~~*[$100,000 or less]*~~ ***more than $50,000 but not more than $250,000*** and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

~~*[2.]*~~ ***(b) A*** ~~*[certified]*~~ ***local business owned*** ~~*[and operated]*~~ ***by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a contract for which the estimated cost is more than*** ~~*[$100,000]*~~ ***$250,000 but less than*** ~~*[$250,000]*~~ ***$500,000 and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.***

~~*[3. After the application of subsection 1 or 2, as applicable, two or more lowest bids or proposals are identical and only one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid or proposal shall be deemed to be the lowest responsive and responsible bidder.*~~

~~*— 4. After the application of subsection 1 or 2, as applicable, two or more lowest bids or proposals are identical and more than one bid or proposal was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder.]*~~

2. The preferences described in subsection 1 may not be combined with any other preference.

Sec. 16. NRS 333.3368 is hereby amended to read as follows:

333.3368 The Purchasing Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[,]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[. The]~~ ***, a*** report ***which*** must contain, for the period since the ***submission of the*** last report:

1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive , ~~[, and section 13 of this act.]~~

2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive , ~~[, and section 13 of this act.]~~

3. The number of ~~[certified]~~ local businesses owned ~~[and operated]~~ by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to ~~[certified]~~ local businesses owned ~~[and operated]~~ by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to ~~[certified]~~ local businesses owned ~~[and operated]~~ by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 17. ~~[NRS 333.3369 is hereby amended to read as follows:~~

~~333.3369 The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 333.3361 to 333.3369, inclusive [. The regulations may include, without limitation, provisions setting forth:~~

~~1. The method by which a business may apply to receive a preference described in NRS 333.3366;~~

~~2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in NRS 333.3366; and~~

~~3. Such other matters as the Purchasing Division deems relevant.~~

~~* In carrying out the provisions of this section,] , and section 13 of this act. In adopting such regulations,~~ the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Division of the Department of Administration ~~and the Office of Economic Development~~ so that any regulations adopted pursuant to this section and NRS 338.13847 ~~and section 6 of this act~~ are reasonably consistent.~~]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 338.1384 is hereby amended to read as follows:~~

~~338.1384 As used in NRS 338.1384 to 338.13847, inclusive, unless the context otherwise requires, [the words and terms defined in NRS 338.13841, 338.13842 and 338.13843 have the meanings ascribed to them in those sections.] "certified local business owned and operated by a veteran with a service-connected disability" means a business that is certified pursuant to section 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 18.5. **NRS 338.13841 is hereby amended to read as follows:**

338.13841 "Business owned by a veteran with a service-connected disability" means a business:

1. Of which at least 51 percent of the ownership interest is held by ~~[one or]~~ ***not*** more ***than five*** veterans with service-connected disabilities;

2. That is organized to engage in commercial transactions; and

3. That is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities.

➥ The term includes a business which meets the above requirements that is transferred to the spouse of a veteran with a service-connected disability upon the death of the veteran, as determined by the United States Department of Veterans Affairs.

Sec. 19. NRS 338.13844 is hereby amended to read as follows:

338.13844 1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is $100,000 or less, as governed by NRS 338.13862, if a ~~[:~~

~~(a) A certified~~] local business owned ~~[and operated~~] by a veteran with a service-connected disability submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.

~~[(b) After the application of paragraph (a), two or more lowest bids are identical and only one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.~~

~~(c) After the application of paragraph (a), two or more lowest bids are identical and more than one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.~~]

2. ***For the purpose of awarding a contract for a public work ~~[in]~~ of this State for which the estimated cost is more than $100,000 but less than $250,000, if ~~[:~~***

~~(a) A certified]~~ a local business owned ~~[and operated]~~ by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid and is a responsive and responsible bidder, the bid shall be deemed to be 5 percent lower than the bid actually submitted.

~~[(b) After the application of paragraph (a), two or more lowest bids are identical and only one bid was submitted by a certified local business owned and operated by a veteran with a service-connected disability which has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the certified local business owned and operated by a veteran with a service-connected disability that submitted the bid shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.~~

~~(c) After the application of paragraph (a), two or more lowest bids are identical and more than one bid was submitted by a certified local business

~~***owned and operated by a veteran with a service-connected disability which has been determined to be 50 percent or more by the United States Department of Veterans Affairs, the certified local business owned and operated by a veteran with a service-connected disability which has the smallest net worth shall be deemed to be the lowest responsive and responsible bidder and to have submitted the best bid.]***~~

3. The ~~[preference]~~ ***preferences*** described in ~~[subsection]~~ ***subsections*** 1 ***and 2*** may not be combined with any other preference.

Sec. 20. NRS 338.13846 is hereby amended to read as follows:

338.13846 The Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[,]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[. The]~~ ***, a*** report ***which*** must contain, for the period since the ***submittal of the*** last report:

1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

3. The number of ~~***[certified]***~~ local businesses owned ~~***[and operated]***~~ by veterans with service-connected disabilities that submitted a bid ~~[or proposal]~~ on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to ~~***[certified]***~~ local businesses owned ~~***[and operated]***~~ by veterans with service-connected disabilities.

5. The total number of dollars' worth of contracts for public works of this State that were awarded to ~~***[certified]***~~ local businesses owned ~~***[and operated]***~~ by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 21. ~~[NRS 338.13847 is hereby amended to read as follows:~~

~~338.13847 The State Public Works Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 338.1384 to 338.13847, inclusive. [The regulations may include, without limitation, provisions setting forth:~~

~~1. The method by which a business may apply to receive the preference described in NRS 338.13844;~~

~~2. The documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in NRS 338.13844; and~~

~~3. Such other matters as the Division deems relevant.~~

~~➥ In carrying out the provisions of this section,~~ ***] In adopting such regulations,*** ~~the State Public Works Board and the Division shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration~~ ***and the Office of Economic Development*** ~~so that any~~

~~regulations adopted pursuant to this section and NRS 333.3369 *and section 6 of this act* are reasonably consistent.]~~ **(Deleted by amendment.)**

Sec. 22. Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name, subject to the provisions of NRS 407.065, a state park, monument or recreational area constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective state park, monument or recreational area as directed by the Governor pursuant to subsection 1.

Sec. 23. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph ~~[,]~~ ***and section 22 of this act,*** may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this paragraph, shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 24. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, require the Director to name, subject to the provisions of this chapter, a highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Director shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective highway, road, bridge or transportation facility as required by the Governor pursuant to subsection 1.

Sec. 25. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 29, inclusive, of this act.

Sec. 26. ***1. The Nevada Veterans Services Commission shall recommend to the Governor:***

(a) The names of deceased members of the Armed Forces of the United States to be honored pursuant to the provisions of section 9, 22 ~~[and]~~ or 24 of this act. Each deceased member must have been:

(1) A resident of this State; and

(2) Killed in action. ~~[in Operation Enduring Freedom or Operation Iraqi Freedom.]~~

(b) The building, ground, property, park, monument, recreational area, highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, which may be named after each deceased member recommended to the Governor pursuant to paragraph (a).

2. The Commission shall develop criteria to be used in determining the names to be recommended to the Governor pursuant to subsection 1.

Sec. 27. ***1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.***

2. The Director and the Deputy Director may accept donations, gifts and grants of money from any source for deposit in the Account.

3. The money deposited in the Account pursuant to subsection 2 must only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of section 9, 22 and 24 of this act.

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

5. Any money remaining in the Account at the end of the each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 28. *1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.*

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total number of veterans employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3368 and 338.13846.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide ~~*[:*~~

~~*(a) An]*~~ *an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class . [; and*

~~*(b) An annual overview of the number of certified local businesses owned and operated by a veteran with a service-connected disability in this State.]*~~

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) ~~*[The average number of initial and continuing workers' compensation claims filed per week by veterans pursuant to NRS 616C.020;*~~

~~(d)~~ ***The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 ~~[or 616C]~~ of NRS; and***

~~[(e)]~~ ***(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to ~~[chapters]~~ chapter 612 ~~[and 616C]~~ of NRS.***

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued ; ~~[to veterans;]~~ and

(c) An overview of the data on veterans collected pursuant to NRS 483.292 and 483.852.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

17. As used in this section:

(a) ~~[“Certified local businesses owned and operated by a veteran with a service-connected disability” means a business that is certified pursuant to section 4 of this act.~~

~~(b)]~~ ”Regulatory body” has the meaning ascribed to it in NRS 622.060.

~~[(c)]~~ (b) “Service member” has the meaning ascribed to it in NRS 125C.0635.

Sec. 29. *1. The Director shall, not later than September 1 following each regular session of the Legislature, prepare a digital copy of the provisions of NRS relating to veterans and transmit a digital copy to each veteran in this State for whom the Department has an electronic mail address of record.*

2. The Director shall, to the extent practicable, include with the digital copy provided pursuant to subsection 1, a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects veterans in this State. The memorandum may compile each statute into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for veterans, or otherwise affects the amount of money that is available for veterans’ services, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile each bill, or portion of a bill, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the Director or the Department to take action to carry out the statute or bill, a brief plan for carrying out such duties.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which each statute and bill must be carried into effect.

3. If a statute or bill described in subsection 2 is enacted during a special session of the Legislature that concludes after July 1, the Director shall, to the extent practicable, prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided electronically to each veteran who received the memorandum not later than 30 days after the conclusion of the special session.

4. The Director shall publish a digital copy of the information prepared pursuant to this section on the Internet website maintained by the Department.

Sec. 30. ~~[NRS 417.105 is hereby amended to read as follows:~~

~~417.105 1. Each year on or before October 1, the Department shall review the reports submitted pursuant to NRS 333.3368 and 338.13846~~ ***[.] and section 5 of this act.***

~~2. In carrying out the provisions of subsection 1, the Department shall seek input from:~~

~~(a) The Purchasing Division of the Department of Administration.~~

~~(b) The State Public Works Board of the State Public Works Division of the Department of Administration.~~

~~(c) The Office of Economic Development.~~

~~(d) Groups representing the interests of veterans of the Armed Forces of the United States.~~

~~(e) The business community.~~

~~(f) **[**Local**]** ***Certified local*** businesses owned ***and operated*** by veterans with service-connected disabilities.~~

~~3. After performing the duties described in subsections 1 and 2, the Department shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for ***certified*** local businesses owned ***and operated*** by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.~~

~~4. As used in this section **[**:~~

~~(a) "Business**]** ***, "certified local business*** owned ***and operated*** by a veteran with a service-connected disability" **[**has the meaning ascribed to it in NRS 338.13841.~~

~~(b) "Local business" has the meaning ascribed to it in NRS 333.3363.~~

~~(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.**]** ***means a business that is certified pursuant to section 4 of this act.]*** **(Deleted by amendment.)**

Sec. 31. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the Director and Deputy Director.

2. Make recommendations to the Governor, the Legislature, the Director and the Deputy Director regarding aid or benefits to veterans.

3. Make recommendations to the Governor pursuant to section 26 of this act.

Sec. 32. NRS 417.200 is hereby amended to read as follows:

417.200 1. The Director shall establish, operate and maintain a veterans' cemetery in northern Nevada and a veterans' cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries. The Director shall employ a cemetery superintendent to operate and maintain each cemetery.

2. The cemetery superintendent shall ***, if a veteran does not indicate by testamentary instrument that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping, or if an application for interment submitted pursuant to NRS 417.210 does not indicate that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping,*** ensure that the area immediately above and surrounding the interred remains ***of the veteran*** in ~~**[**each**]**~~ ***the*** veterans' cemetery is landscaped with natural grass.

3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.

Sec. 33. NRS 417.210 is hereby amended to read as follows:

417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans' cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The cemetery superintendent shall assign available plots in the order in which applications are received. ***The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping.*** A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

5. As used in this section, "immediate family" means the spouse, minor child or, when the Director deems appropriate, the unmarried adult child of an eligible veteran.

Sec. 34. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Director or the Deputy Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the United States Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans' cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the Director or the Deputy Director for the support of veterans' cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, ***and section 27 of this act,*** gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Director or the Deputy Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the Director or the Deputy Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The Director or the Deputy Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.

Sec. 34.5. **Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to

know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county agency.

3. If the Department of Veterans Services provides notice pursuant to subsection 2 to a county agency of a determination that a deceased person is a veteran who:

(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county agency shall arrange for the proper disposition of the veteran's remains with:

(1) A national cemetery or veterans' cemetery; or

(2) The Department of Veterans Services.

(b) Is not eligible for interment at a national cemetery or a veterans' cemetery and is indigent, the county agency shall cause the veteran's remains to be decently interred or cremated in the county.

4. A county agency that is responsible for interring or cremating the remains of indigent persons is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 34.7. **NRS 451.005 is hereby amended to read as follows:**

451.005 As used in NRS 451.010 to 451.470, inclusive, ***and section 34.5 of this act,*** unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Sec. 35. ~~[If, on July 1, 2015, a county coroner has in his or her custody the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran of the Armed Forces of the United States, the county coroner shall report the name of the deceased person to the Department of Veterans Services not later than October 30, 2015.]~~ **(Deleted by amendment.)**

Sec. 36. The provisions of **subsection 1 of** NRS 218D.380 do not apply to the reporting requirements of ~~[subsection 3 of section 5 of this act, the reporting requirements of]~~ NRS 333.3368, as amended by section 16 of this act, ~~[or]~~ the reporting requirements of NRS 338.13846, as amended by section 20 of this act ~~[.]~~ **, or the reporting requirements of section 28 of this act.**

Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. ~~[NRS 333.3362, 333.3363, 333.3365, 338.13841, 338.13842 and 338.13843 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 39. This act becomes effective on July 1, 2015.

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~— 333.3362 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Business owned by a veteran with a service-connected disability" defined.~~

~~— 333.3363 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Local business" defined.~~

~~— 333.3365 Preference for bid or proposal submitted by local business owned by veteran with service-connected disability: "Veteran with a service-connected disability" defined.~~

~~— 338.13841 "Business owned by a veteran with a service-connected disability" defined.~~

~~— 338.13842 "Local business" defined.~~

~~— 338.13843 "Veteran with a service-connected disability" defined.]~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

This amendment deletes sections 1 through 7 to keep the contracting provisions of the bill under the Purchasing Division in the State Public Works Division, rather than creating a new program in the Governor's Office on Economic Development. It changes requirements for a veteran-owned business from 51 percent owned by one or more veterans to 51 percent owned up to 5 veterans. It makes counties responsible for interring and cremating remains of indigent persons who are veterans. It requires that counties notify the Department of Veterans Services as soon as practicable after obtaining custody of the remains. It changes the contract threshold ranges in Section 15, subsection 1, of the bill to between $50,000 and $250,000 in a lower threshold, and to between $250,000 and $500,000 in a higher threshold. Finally, it adds a reporting requirement under section 16 for the Purchasing Division and section 20 for the State Public Works Division to provide a report to the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 449.

Bill read third time.

The following amendment was proposed by Assemblyman Silberkraus:

Amendment No. 294.

SUMMARY—Provides for the issuance of special license plates relating to the Boy Scouts of America**_** ~~[.]~~ **and the Girl Scouts of America.** (BDR 43-1144)

AN ACT relating to motor vehicles; providing for the issuance of special license plates indicating support for the Boy Scouts of America; providing for

the issuance of special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America; **providing for the issuance of special license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America;** imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the issuance of special license plates indicating support for the Boy Scouts of America, and **section 3** of this bill provides for the issuance of special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America. The fees generated by such special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council will then allocate the fees between itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of ~~[boys served by]~~ **license plates issued pursuant to section 2 or 3 in the area represented by** each area council. **Section 2** requires the fees generated by the special license plates indicating support for the Boy Scouts of America to be used for the purposes of: (1) assisting boys from low-income families with the costs of participating in Boy Scouts; and (2) promoting the Boy Scouts of America in schools. **Section 3** requires the fees generated by the special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America to be used for the purpose of assisting boys with the costs of participating in **local area** camps sponsored by the Boy Scouts of America. ~~[These special]~~

Section 3.5 of this bill provides for the issuance of special license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America. The fees generated by such special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Girl Scouts of Southern Nevada of the Girl Scouts of America. The Girl Scouts of Southern Nevada will then allocate the fees between itself and the Girl Scouts of the Sierra Nevada and the Girl Scouts of Silver Sage Council of the Girl Scouts of America in proportion to the number of license plates issued pursuant to section 3.5 in the area represented by each area council. Section 3.5 requires the fees generated by such special license plates to be used for the purposes of: (1) assisting girls from low-income families with the costs of participating in the Girl Scouts of America; and (2) promoting the Girl Scouts of America in schools.

Special license plates **indicating support for the Boy Scouts of America that are issued pursuant to section 2** must be approved by the Commission on Special License Plates and, after such approval, will not be issued until one

of the 30 design slots for such special license plates becomes available. (NRS 482.367004, 482.367008, 482.36705) ~~[Sections 4-11 of this bill make conforming changes to various sections referring to such special license plates. This bill]~~ **Section 2** does not require, as a prerequisite to design, preparation and issuance, that such special license plates receive a minimum number of applications, but does require that a surety bond be posted with the Department of Motor Vehicles. **Section 8.5 of this bill provides that special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) is subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the license plate is received. (NRS 482.367004, 482.367008, 482.36705)**

Sections 4-8 and 9-11 of this bill make conforming changes to various sections based on the provisions of sections 2, 3 and 3.5.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, the Department, in cooperation with the Boy Scouts of America, shall design, prepare and issue license plates that indicate support for the Boy Scouts of America using any colors the Department deems appropriate.***

2. The Department shall not design, prepare or issue the license plates described in subsection 1 unless:

(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) A surety bond in the amount of $5,000 is posted with the Department.

3. If the conditions set forth in subsection 2 are met, the Department shall issue license plates that indicate support for the Boy Scouts of America for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Boy Scouts of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for the Boy Scouts of America pursuant to subsections 4 and 5.

4. The fee payable to the Department for license plates that indicate support for the Boy Scouts of America is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates that indicate support for the Boy Scouts of America must pay for the issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council shall allocate the fees to itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of ~~[boys served by]~~ license plates issued pursuant to this section in the area represented by each area council. The fees must be used to assist boys from low-income families with the costs of participating in the Boy Scouts of America and to promote the Boy Scouts of America in schools.

7. The Department must promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:

(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

8. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.

9. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 3. ***1. ~~[Except as otherwise provided in subsection 2, the]~~ The Department, in cooperation with the Boy Scouts of America, shall design, prepare and issue license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America using any colors the Department deems appropriate.***

2. The Department shall ~~[not design, prepare or issue the license plates described in subsection 1 unless:~~

~~(a) The Commission on Special License Plates recommends to the Department that the Department approve the design, preparation and issuance of those plates as described in NRS 482.367004; and~~

~~(b) A surety bond in the amount of $5,000 is posted with the Department.~~

~~3. If the conditions set forth in subsection 2 are met, the Department shall]~~ issue license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America for a passenger car or light commercial vehicle upon application by a person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) As proof that the person has been awarded the rank of Eagle Scout in the Boy Scouts of America, submits a card or certificate issued by the Boy Scouts of America or a letter issued by a local area council of the Boy Scouts of America stating that the person has been awarded that rank; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

~~[4.]~~ 3. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America pursuant to subsections 4 and 5 . ~~[and 6.~~

~~5.]~~ 4. The fee payable to the Department for license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10.

~~[6.]~~ 5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection ~~[5,]~~ 4, a person who requests a set of license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America must pay for the issuance of the plates an additional fee of $35 and for each renewal of the plates an additional fee of ~~[$30,]~~ $25, to be deposited in accordance with subsection ~~[7,]~~ 6.

~~[7.]~~ 6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection ~~[6]~~ 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Las Vegas Area Council of the Boy Scouts of America. The Las Vegas Area Council shall allocate the fees to itself and the Nevada Area Council of the Boy Scouts of America in proportion to the number of ~~[boys served by]~~ license plates issued pursuant to this section in the area represented by each

area council. The fees must be used to assist boys with the costs of participating in local area camps sponsored by the Boy Scouts of America.

~~*[8. The Department must promptly release the surety bond that is required to be posted pursuant to paragraph (b) of subsection 2 if:*~~

~~*(a) The Department, based upon the recommendation of the Commission on Special License Plates, determines not to issue the special license plate; or*~~

~~*(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.*~~

~~*9. The provisions of paragraph (a) of subsection 1 of NRS 482.36705 do not apply to license plates described in this section.*~~

~~*10.]*~~ *7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 3.5. 1. The Department, in cooperation with the Girl Scouts of America, shall design, prepare and issue license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America using any colors the Department deems appropriate.

2. The Department shall issue license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America for a passenger car or light commercial vehicle upon application by a person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) As proof that the person has been awarded the Girl Scout Gold Award by the Girl Scouts of America, submits a certificate issued by the Girl Scouts of America or a letter issued by a local area council of the Girl Scouts of America stating that the person has been awarded the Girl Scout Gold Award; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

3. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America pursuant to subsections 4 and 5.

4. The fee payable to the Department for license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10.

5. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 4, a person who requests a set of license plates recognizing that a person has been awarded the Girl Scout Gold Award by the Girl Scouts of America must pay for the issuance of the plates an additional fee of $35 and for each renewal of the plates an additional fee of $25, to be deposited in accordance with subsection 6.

6. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 5 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Girl Scouts of Southern Nevada of the Girl Scouts of America. The Girl Scouts of Southern Nevada shall allocate the fees to itself and the Girl Scouts of the Sierra Nevada and the Girl Scouts of Silver Sage Council of the Girl Scouts of America in proportion to the number of license plates issued pursuant to this section in the area represented by each area council. The fees must be used to assist girls from low-income families with the costs of participating in the Girl Scouts of America and to promote the Girl Scouts of America in schools.

7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 4. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 5. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~[,]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act;*** or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 6. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and sections 2 , [and] 3 and 3.5 of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 7. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and sections 2 , [and] 3 and 3.5 of this act.***

Sec. 7.5. **NRS 482.367004 is hereby amended to read as follows:**

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 3 or 3.5 of this act.***

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 8. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945 ~~[,]~~ ***or section 2 ~~[or 3]~~ of this act;*** and

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[,]~~ ***or section 3 or 3.5 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 8.5. **NRS 482.36705 is hereby amended to read as follows:**

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January

1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~[.]~~ ***or section 3 or 3.5 of this act.***

Sec. 9. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, and full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other

type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~[.]~~ ***, and sections 2 , ~~[and]~~ 3 and 3.5 of this act.*** The term includes the successor, if any, of a charitable organization.

Sec. 9.5. **NRS 482.38276 is hereby amended to read as follows:**

482.38276 "Special license plate" ~~[has the meaning ascribed to it in subsection 1 of NRS 482.367008.]~~ ***means:***

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945 or section 2 of this act; and

3. Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, a license plate that is approved by the Legislature after July 1, 2005.

Sec. 10. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and sections 2 , ~~[and]~~ 3 and 3.5 of this act,*** or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040 and subsection 7 of NRS 482.260, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence

satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 11. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, ***and sections 2*** ***,*** ***[and]*** ***3 and 3.5 of this act,*** or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Assemblyman Silberkraus moved the adoption of the amendment.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

This amendment provides for the issuance of special license plates for the Girl Scout Gold Award by the Girl Scouts of America. The fees generated by such special license plates are

required to be deposited with the State Treasurer who must, on a quarterly basis, distribute the fees to the Girls Scouts of Southern Nevada. The Girl Scouts of Southern Nevada will then allocate the fees between itself and other Girl Scout entities in the state. The fees generated by such special license plates are to be used for the purposes of assisting girls from low-income families with the cost of participating in the Girl Scouts of America and promoting the Girl Scouts of America in schools.

The amendment also provides that special license plates recognizing that a person has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally must be approved by the department based on a recommendation from the Commission on Special License Plates; is subject to a limitation of the number of separate designs of special license plates that the department may issue at any one time; and may not be designed, prepared, or issued by the department unless a certain minimum number of applications for the license plate is received.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 73 revises certain requirements, including the due date, of a report that the Division of Welfare and Supportive Services of the Department of Health and Human Services must provide annually to the Legislative Counsel Bureau concerning the amount of money in the Fund for Energy Assistance and Conservation that is to be transferred to the Housing Division of the Department of Business and Industry for energy conservation programs. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 73:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 87 expressly provides that various provisions of existing state law relating to Medicaid apply to certain third-party entities, including self-insured plans, certain group health plans and policies, service benefit plans, and any other organization described in the Social Security Act as being legally responsible for payment of a claim for a health care item or service. In particular, the bill clarifies that these third-party entities are required to pay claims for medical care or services before such claims must be paid by Medicaid. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 87:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblymen Ellison, Kirkpatrick, Moore, Nelson, Carlton, and Fiore.

ASSEMBLYMAN ELLISON:

Assembly Bill 100 requires the Attorney General to commence an action to protect and secure the rights of the residents of this state under the Second Amendment to the *United States Constitution* at the direction of the Governor or if the Attorney General determines that those rights have been infringed by an executive order issued by the President of the United States. This bill is effective upon passage and approval.

ASSEMBLYWOMAN KIRKPATRICK:

I will support this bill, but I am very concerned that as we look at revenue this session, this is yet another duty that we are giving to the office of the Attorney General on something outside of this building that we cannot control. That better be a real discussion. I know there is no current fiscal note on this, but someone is going to have to pay for the Attorney General to traipse around the country to defend our Second Amendment rights. I believe in this state we take a very strong stance on Second Amendment rights, so I will support it, but all the folks who want to do this need to recognize that it is going to take some revenue. Somebody is going to have to pay for it at some point.

ASSEMBLYMAN MOORE:

I rise in support of Assembly Bill 100. One would hope that we would not need a law to force our Attorney General to protect the constitutional rights of Nevadans, but history has taught us unfortunate lessons. Although I am certain that A.B. 100 will be unnecessary for at least the next eight years, I want to make sure that the future is as safe as the present. When Nevada's Governor asks Nevada's Attorney General to defend Nevadans' constitutional rights, the response should never be in doubt. I will be voting yes for this important bill, and I encourage everyone to support it.

ASSEMBLYMAN NELSON:

I rise in support of A.B. 100. This is a short bill but a very important one. A few years ago, I would have thought this an unnecessary bill, but recent controversy surrounding the Affordable Care Act and the prior Attorney General left the duties of Nevada's Attorney General unclear. Whether or not you defend Nevadans against unconstitutional overreach from the President of the United States should not depend on whether you share a political affiliation or an ideology with the nation's Chief Executive. When the Attorney General feels free to ignore even a request from the Governor to defend Nevadans' rights, something is wrong. When executive order replaces legislation, something is wrong. When constitutional rights become subject to the whims of politics, something is wrong. Today we take a small step towards making things right. With this bill, we make sure that our Attorney General works for us and us alone. I will be voting yes, and I encourage everyone else to.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 100. I take my duty to this state very seriously. I stood in this Chamber on opening day, I raised my right hand, and I took an oath. Every constitutional officer in this state took the same oath to uphold the *Constitution of the United States* and the *Constitution of Nevada*. One amendment does not outweigh any other. If you want to start talking about our favorites, the first is mine because without that, we would not have the others. To say that we should give more weight to one than the other, I find disconcerting.

This has turned into a political act, not an actual policy initiative. I support the *United States Constitution* and the *Nevada Constitution*, and I will always do that when I stand in this Chamber or anywhere else in this state. I do not believe this is necessary, and it has become a political sword.

ASSEMBLYWOMAN FIORE:

I want to first thank our former Speaker for her support on A.B. 100. I want to express why A.B. 100 is so important. It actually makes our Attorney General act, and as my colleague from Assembly District 14 mentioned in the Chamber earlier today, sometimes you feel safe with certain Attorneys General and sometimes you do not. I have to agree with that.

Roll call on Assembly Bill No. 100:

YEAS—27.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Joiner, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—14.

EXCUSED—Woodbury.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 121.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 121 prohibits a school from disciplining a pupil enrolled in kindergarten or Grades 1 through 8 who is simulating a firearm or other dangerous weapon while playing or for possessing a toy firearm that is 2 inches or less in length or a toy dangerous weapon made of plastic building blocks.

In addition, pupils may not be disciplined for wearing clothing or accessories that depict weapons or for expressing an opinion about the constitutional right to keep and bear arms unless it substantially disrupts the educational environment. The bill specifies that discipline may be warranted if the simulation is significantly disruptive to the learning process, causes bodily harm to someone, or causes a person to have a reasonable fear of bodily harm.

Finally, the provisions of this bill do not prohibit a school from establishing and enforcing a school uniform policy. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 121:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

Assembly Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 137 allows the State Contractors' Board to discipline a licensed contractor who solicits a contracting bid or estimate from a person known by the licensee to be unlicensed. The measure provides that an unlicensed person may not advertise certain services without disclosing

that he or she is not licensed. It also prohibits a person, whether licensed or unlicensed, to advertise to perform certain services using a license number that does not correspond to a valid license issued to that person by the Board. Finally, A.B. 137 increases the fines and penalties for certain violations of Chapter 624 of *Nevada Revised Statutes* and allows the Board to exceed certain fine limits by adding a fine enhancement of up to 10 percent of the value of the contract under certain circumstances. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 137:

YEAS—40.

NAYS—Carlton.

EXCUSED—Woodbury.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

This bill enacts a juvenile competency standard. The bill establishes procedures both a juvenile court and a person who makes a motion for the evaluation of a child must follow in determining the question of competence. If the court suspends a case to consider the question of competency, then the court must appoint one or more qualified experts. The measure also provides guidelines and considerations an expert must take into account as part of the evaluation, if appropriate, such as age, developmental maturity, and any other factor that affects the competence of a child. An expert must submit a written report, as required by the guidelines, to the court for evaluation.

Upon receipt of the written reports from the experts, the court must hold an expedited hearing to determine the child's competency. If the child is determined to be incompetent, the court is required to make additional determinations and issue all necessary and appropriate recommendations and orders. Further, the court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, depending on its findings, the court will proceed with the case if the child has attained competence, order appropriate treatment if the child has not attained competence, or consider the best interests of the child and the safety of the community if the child has not attained competence and will not likely attain competence in the foreseeable future.

If the court determines a child to be incompetent, the child may not, during the period that the child remains incompetent, be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the court. Finally, any evidence that is introduced for the purpose of assisting the juvenile court in determining a child's competency is not admissible in any criminal proceeding.

Roll call on Assembly Bill No. 138:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblymen Wheeler, Kirkpatrick, and Fiore.

ASSEMBLYMAN WHEELER:

Assembly Bill 139 authorizes a person who possesses a concealed firearm permit issued by another state to carry a concealed firearm in Nevada. In addition, a member of the military, an honorably discharged member of the military, or a current law enforcement officer who is under 21 years of age and has a permit issued by another state is authorized to carry a concealed firearm in Nevada. The measure repeals all provisions of existing law relating to the preparation of a list by the Department of Public Safety of concealed weapon requirements in other states.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition of Assembly Bill 139. I have been in a real quandary this session because we have had so many discussions about gun bills, and I don't sit on the committees who have those discussions, so I feel like I always have to ask more questions. I was okay with this bill originally, when it allowed military members and police officers to come to Nevada and have a CCW. What I am not okay with—I am a CCW carrier, and I value that training, and I value what it took to get it. It was not easy. For my CCW, I had to pay attention to the training, I had to go through an eight-hour class, and I had to be able to shoot a certain distance.

It bothers me that now we are allowing reciprocity with other states. We already have about 38 states that have similar rules as ours, and that was okay. When you get your CCW, they ask if you want just Nevada or if you want all states. I chose just Nevada.

I did some research over the weekend. In Arizona, there is no refresher course. Additionally, non-Arizona residents may be issued an Arizona permit. In Florida, there is conceal and carry legislation but no federal background checks. That is not the same as what we do in Nevada. If you are in Alaska, there is no permit required to purchase a gun, own a gun, or even carry a gun. It concerns me because I am a lifetime NRA member, and it was all about gun safety. As a CCW carrier, I valued that training.

I would like to vote for some gun bills this session, but I do not see me getting there because I am all about training and common sense with guns. So unfortunately, I rise in opposition one more time on something I truly care about. I spoke to many of my most conservative constituents in my district, and they agreed with me. At least back home, I feel comfortable that people agreed that maybe this is just a little too far.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 139. My colleague is worried because of training and has some other concerns. My biggest concerns are facts, and to date Nevada has not had one out-of-state concealed weapon permit carrier create any ruckus in our state, and we welcome that. I urge all my colleagues to rise in support knowing all the facts.

Roll call on Assembly Bill No. 139:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 156 requires the Director of the Department of Health and Human Services to analyze demographics and data when declaring a community an "at-risk community." The definition of an "at-risk community" is revised to include families who are at imminent risk of homelessness.

The bill clarifies that a family resource center is a facility where families can directly obtain social services. Family resource centers are required to include input from their local and state elected officials when developing an action plan related to a grant. Case managers are required to collect and analyze data to monitor the performance of family members who receive services.

Family resource centers are essential to our communities. They were established well over 20 years ago. Keeping them well equipped with resources and funding streams through grants and other opportunities is important for sustainability. I would appreciate your support of this bill.

Roll call on Assembly Bill No. 156:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 164, 179, 252, 287, 288, 301, 351, 384, 391, 415, 420, 422, 424, 425, 428, 444, 447, 451, 456, 457, 460; Senate Bill No. 109 be taken from the General File and place on the General File for the next legislative day

Motion carried.

Assemblyman Paul Anderson moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 4:16 p.m.

ASSEMBLY IN SESSION

At 5:08 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblywomen Shelton and Swank as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice James W. Hardesty.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:18 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblywoman Woodbury, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Brower and Assemblywoman Titus to wait upon the Honorable Chief Justice James W. Hardesty and escort him to the Assembly Chamber.

The Committee on Escort in company with the Honorable Nevada Supreme Court Chief Justice James W. Hardesty, appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Hardesty and invited him to deliver his message.

Chief Justice Hardesty delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

Governor Sandoval, Lieutenant Governor Hutchison, Speaker Hambrick, Senator Roberson, Senator Ford, Assemblywoman Kirkpatrick, distinguished members of the Senate and the Assembly, honorable constitutional officers, and honored guests. Thank you once again for the honor of speaking to the Nevada Legislature on behalf of my colleagues and friends in the state judicial system.

A week ago Monday, Senator Dean Heller began his remarks by noting that he was speaking just before the men's national championship basketball game. As you all know, today is tax day, the day the Titanic sank, and the day President Lincoln died. At first blush, I would trade days with the Senator—until I remembered that on April 15, 1947, Jackie Robinson became the first African-American player in Major League Baseball history when he stepped onto Ebbets Field to compete for the Brooklyn Dodgers. I could not help but notice the historical coincidence of President Lincoln's death and Jackie Robinson's entrance into Major League Baseball as its first African-American player. So I am honored to speak to you this day.

I have another reason to be proud to speak to you this day. Earlier this afternoon I enjoyed one of the unique privileges in life that is visited upon a chief justice. It was my great honor to swear in my Senator from District 13, Senator Debbie Smith, so I can report to this Legislature that your Legislature is now complete. She is now with all of us.

I would like to introduce my friends and colleagues on the Nevada Supreme Court: Associate Chief Justice Ron Parraguirre, Justice Mike Douglas, Justice Mike Cherry, Justice Kris Pickering, Justice Mark Gibbons, and Justice Nancy Saitta. It is my privilege to serve with these distinguished jurists, and I thank them for their support during my service as Chief Justice. I would also like to recognize and thank the Clerk of the Supreme Court, Tracie Lindeman; the Clerk of the new Court of Appeals, Tom Harris; our legal counsel, Phaedra Kalicki; the Reporter of Decisions Brandee Mooneyhan; the Supreme Court's extraordinary legal staff; the Director of the Administrative Office of the Courts, Robin Sweet; and the dedicated, hardworking staff of the Administrative Office of the Courts.

I am also privileged to speak on behalf of our 3 Court of Appeals judges, 82 district court judges, 67 justices of the peace, 30 municipal court judges, and the nearly 2,000 court employees throughout the state. A number of judges have joined us tonight; it would probably take quite a bit of time to introduce all of them, but I want to thank them for coming and offering their support for the Judicial Branch of government. I would particularly like to introduce and have you

recognize the chief judges of the Second and Eighth Judicial Districts, Washoe and Clark, Chief Judge David Hardy and Chief Judge David Barker.

Nevada's judicial officers and court employees are committed to the administration of fair and impartial justice in criminal, civil, family, and juvenile disputes according to the rule of law. In fulfilling our constitutional duties, we are mindful of the importance of providing timely access to the court system and resolving cases as efficiently as budgets and caseloads will permit. I am proud to serve with all of these dedicated public servants, and I offer my profound thanks to all of them for their service to all Nevadans.

My purpose this evening is to discuss the state of the Judicial Branch of Nevada's government. In doing so, I would like to share with you some of the many accomplishments of Nevada's courts and offer a vision for the future of Nevada's judiciary.

As you know, the resolution of disputes represents the core function of the court system. As Mark Twain commented in 1868, "The Judges have the *Constitution* for their guidance; they have no right to any politics save the politics of rigid right and justice when they are sitting in judgment upon the great matters that come before them." Of course, a few years later, Twain would say with a wry wit, "Always do right. This will gratify some people and astonish the rest."

In today's environment, though, what is the right role for Nevada's judiciary? Over the years, and more so in recent times, the responsibilities of the judiciary have increased in ways we could not have imagined just two decades ago. Not only do our citizens and the state turn to the courts to resolve criminal, civil, family, and juvenile cases, they also seek the courts' assistance to resolve many of society's social issues as well.

To paraphrase the former chief judge for the state of New York, whether we like it or not, the state courts of this country are in the eye of the storm. We have become the emergency room for society's worst ailments—substance abuse, family violence, mental illness, mortgage foreclosures, and so much more. This reality has forced the courts to approach cases with innovation and collaboration with all involved, and these pressures underscore the need for a public judicial system that is timely, responsive, and efficient in its management of a case while treating each person with respect and dignity.

I can tell all of you I have been looking forward to this evening for a long time. For the first time in 44 years, the Nevada Supreme Court and the Nevada Legislature are not engaged in a discussion about the need for a court of appeals. Tonight, thanks to the Legislature, our distinguished Governor, and the people of the state of Nevada, I can report that last November, Nevadans voted to amend the *Nevada Constitution* to create a court of appeals. No doubt, the active participation of past and present members of the Nevada Legislature was a major factor in the educational effort to adopt Question 1. You helped make history for Nevada's judicial system, and I can tell you from the bottom of our hearts, the Supreme Court would like to take this opportunity to thank each of you for your support.

In the 60 days following the election, the Supreme Court enacted rules to govern the jurisdiction and transfer of cases to the Court of Appeals; the Judicial Selection Commission and the Governor appointed the new judges in record time; and the Board of Examiners and the Interim Finance Committee implemented the budget to fund the Court of Appeals. By January 5, 2015, the Supreme Court's staff set up offices, installed computers, established internal procedures, and completed many other tasks needed to start a brand new court. I want to thank and recognize our Clerk Tracie Lindeman; Reporter of Decisions Brandee Mooneyhan; legal counsel Phaedra Kalicki and Sarah Moore; clerk Amanda Ingersoll; and IT personnel Brian Pettijohn, Ted Xie, Fred Aker, Kathryn Burns, Karen Peterson, Jeff Sabo, and Alyssa Bland for the many hours they devoted during the Thanksgiving and Christmas holidays to assist the Court with the numerous rule drafts, install the case management system, and implement the various procedures necessary to convert the dream of a court of appeals into a reality. I also want to thank and recognize the members of the Administrative Office of the Courts staff—John McCormick, Hans Jessup, Vale Trujillo, Myrna Byrd, and Deborah Crews—for their help in setting up offices north and south that made the Court of Appeals fully functional by January 5, 2015, as contemplated in the constitutional amendment.

As with any endeavor, the success of the Court of Appeals will ultimately depend on the judges who serve. Allow me to introduce the inaugural Chief Judge of the Court of Appeals, Chief Michael Gibbons. And for all of the things that this Legislature might fix, perhaps you could

begin with Southwest Airlines, for I had wished to introduce to you as well Judge Abby Silver and Judge Jerome Tao. These three judges were nominated by the Judicial Selection Commission from 36 highly qualified applicants and selected by the Governor. They have committed their intellect, hard work, and talent to the success of the Court of Appeals and the contribution it can make to Nevada's judicial system and Nevada law.

As you know, the Supreme Court has always maintained that a court of appeals would improve justice in our state by reducing the Supreme Court's caseload, shortening the time to decide appellate cases, increasing the number of published opinions on Nevada law, and operating within a fiscally responsible framework. From what I have witnessed during the first three and a half months of operation, I can state with confidence that the Supreme Court and the Court of Appeals have a very bright future.

Consider as 2015 began, the Supreme Court faced a pending caseload of 1,819 cases. As of March 31, 2015, 300 cases have been assigned to the Court of Appeals under the rules adopted by the Supreme Court. In the first three months, the Court of Appeals has decided 166 cases, conducted its first oral arguments in 4 cases, and published its first opinion. With the continued work of my colleagues on existing cases and the contributing work of the Court of Appeals, the Supreme Court saw its first significant drop in pending cases in years to 1,568 cases. And one more point: Of the $444,250 in funding provided by the Legislature to operate the Court of Appeals for the first six months, we currently project a reversion or return to the State General Fund of over $56,000, or 12.6 percent of our original budget. Before beginning my presentation today, I was advised that through today, the Court of Appeals has had an additional 27 cases assigned to it and they have decided, as of today, 221 cases.

I believe the Court of Appeals is one of many examples of the Nevada judiciary's achievements, and I would like to update you on a few others. In 2001, the Supreme Court created the business court in the Second and Eighth Judicial Districts. Patterned loosely after Delaware's Chancery Court, the business courts in Nevada are designed to resolve the most complex, lengthy, and expensive business disputes in a timely, cost-efficient manner. Prior to establishing Nevada's business court system, these cases lacked case management and in most instances took more than four years to complete. A lot of progress has been made in the business court experience since then. As of the end of the fiscal year, there were 91 pending cases in Washoe County's District Court and 508 in Clark County's. I was impressed, as I believe you will be, to learn that the average time to disposition today for business court cases in Clark County is 23 months, and that takes into account cases like the Harmon tower dispute. In the Second Judicial District Court, the business court judges have reduced the average time to disposition in the last two years from 16 months to 10 months. These statistics make Nevada very competitive with Delaware and other states that have business courts in their system and send a clear message to local businesses and those outside Nevada's borders that Nevada's judicial system is fully prepared to address the legal needs of Nevada's businesses in a timely, cost-effective way. I would like to thank and recognize Eighth Judicial District Court Judges Elizabeth Gonzalez, Mark Denton, Nancy Allf, Kathleen Delaney, and Susan Scann and Second Judicial District Court Judges Patrick Flanagan and Scott Freeman for their extraordinary work in making our business courts the success we envisioned 14 years ago. As a result of the creation of the Court of Appeals, I believe the Supreme Court can complete the business court plan by publishing more opinions, expanding our jurisprudence on business law.

In 2009, the Supreme Court presented, and the Legislature approved, a business plan to add ten district court judges, with new courtrooms, facilities, and technology expenses paid by an increase in filing fees. Under this plan, seven civil jurisdiction judges and two family court judges were added in Clark County, and one general jurisdiction judge was added in Washoe County. This was a bold move at the time as the recession was becoming more realistic and the state's budget was in real trouble. But consider that in 2009, the number of cases filed per district court judge in Clark County was 2,422, and the average time to resolve a case exceeded three and one-half years. In Washoe County, the number of cases filed per district court judge was 1,597, and a new general jurisdiction judge had not been added to that district in 20 years. Today, the number of cases filed per district judge in Clark County is 1,846, and the average time for closure in all civil cases is 14.7 months; the two additional family court judges provided the opportunity to add judicial

resources to cases involving the abuse and neglect of children. In Washoe County, the number of cases filed per district judge is 1,370, and the average time to resolution is under one year.

But consider this: The funds generated by the Supreme Court's business plan fully paid for all eight new courtrooms in Clark County and the courtroom in Washoe County without any cost to the general funds of the counties or the state. Since then, Clark County's District Court has utilized these funds to, among other items, upgrade its audiovisual systems, create a disaster recovery project to protect its old and new efiling records, and archive over 4 million pages of court files. The Washoe District Court was able to renovate its probate-commissioners' courtroom, and in Elko, Judge Nancy Porter, with the support of her colleague Judge Al Kacin, led a collaborative effort with Elko Municipal Court Judge Simons and the Elko County Sheriff and Commissioners to establish, for the first time, a security system for the courthouse, including the installation of video equipment inside and out. They also replaced an audiovisual system in the small courtroom in the jail. In Carson City, the District Court constructed a new specialty courtroom, a new juvenile courtroom, and provided computers and technology to that court's clerks and staff at no cost to Carson City or the state. To quote District Court Judge Todd Russell, "None of this would have been possible without the business plan proposed by the Supreme Court and enacted by the Legislature."

Nevada's drug courts and other specialty courts continue the incredible journey that began in 1992 when Nevada launched the nation's fifth drug court. It is a journey that saves lives, families, and the futures of unborn children. It is also a journey that reduces recidivism and the need for more prisons and jails. The Legislature's continued support of these courts has enabled dedicated specialty court judges and staff to achieve successes that no one thought possible. Over the past three years, the 41 drug, mental health, and DUI courts throughout the state served an average of 3,800 clients per year and witnessed an average of 1,470 graduates per year. This past fiscal year, 74 drug-free babies were born to participants in these and other specialty courts; that is 74 babies who now have a chance to grow up without the limitations imposed on them prenatally by drug-addicted mothers.

But the success of these and many of the specialty courts in Nevada is now in jeopardy. As some of you know from my presentation to the subcommittee hearing the Supreme Court's budget, the funding for specialty courts in Nevada depends largely on a share of administrative assessments paid on traffic citations. This funding source has always been a bit unstable, but it has never declined to the extent we have witnessed in the last six months. As a result, the specialty court programs in Nevada face a shortfall in their budgets of 15 percent, or decline in revenue of just over $1.4 million. The impact to the budgets is already being felt this fiscal year, resulting in the delay of assistance to or exclusion of participants in programs in Clark County and the six counties that make up the Western Regional Drug Court program. The consequences are clear. Our state will see increases in jail and prison costs as a result. Therefore, I would urge this Legislature to follow the unanimous recommendation of your Advisory Commission on the Administration of Justice as well as the Governor's recommended budget and restore the shortfall in funding and add $3 million of new revenue to expand the capabilities of Nevada's specialty courts to save lives and reduce jail and prison costs in the process.

As part of this discussion, I thought you would be interested in an update on the success of the felony DUI court program. This specialty court deals with serious and chronic DUI offenders who have failed to appreciate their actions after prior jail or prison terms. The DUI court has been remarkably successful in breaking the destructive cycle of these offenders. Last year 290 clients graduated from felony DUI court. While not all courts have this same experience, I wanted to share the results of the DUI court in Elko supervised by Judge Nancy Porter. Since 2010, not one graduate of that program has recidivated. As you know, the Legislature added funding for DUI courts during the 2013 Session, but that funding sunsets on June 30, 2015. I urge you to terminate the sunset and allow this funding source to continue to help mitigate the reductions in all of the specialty court budgets I have mentioned tonight.

I also want to mention the Foreclosure Mediation Program. In 2009, with the consent of the lending industry, the Legislature asked the Supreme Court to supervise a new program that would create a platform for loan mediation and mitigate the effects of the growing number of foreclosures. The program has been funded not by the General Fund, but by fees paid by lenders when seeking relief from a default. There can be little question, from the statistics we have

provided to this Legislature and to previous Legislatures, that the program has helped thousands of Nevadans remain in their homes or work out arrangements with lenders to reduce the impact of a foreclosure. As we have noted in budget hearings, though, the continuation of this program is a policy decision for this Legislature and not the Court. While the Court has offered some options for your consideration, it is up to the Legislature to decide what to do next. But regardless, tonight I would like to recognize and thank someone who has been with the program from the beginning, Verise Campbell, the Director of the Foreclosure Mediation Program for the Supreme Court. Her service has been extraordinary, and we thank her for all that she has done for the many citizens of Nevada who have been helped.

These initiatives are a few of the many achievements of the Judicial Branch over the past few years. All of them illustrate the dedication of the judges and court employees who work very hard every day to make the courts responsive to the needs of Nevada's citizens.

As we look to the future, I see a lengthy agenda for Nevada's judicial system. I would like to highlight just a few items that I consider to be on that list. First, we must continue our efforts to make the public judicial system responsive to the needs of people in civil cases and family cases. Access to justice in Nevada cannot be a goal; it must be a reality. Families and children in crisis and unrepresented litigants have every right to expect their judicial system to work equally for them. Too often, parties turn away from the public judicial system because it is just too expensive and takes too long. This issue is not unique to Nevada. For the past two years, a committee of the Conference of Chief Justices, on which I have the privilege of serving, has been studying two fundamental reasons for cost and delay in the public judicial system: case management by judges and the rules of civil procedure, particularly those relating to discovery that add cost and time to an already challenging process. The committee's report is due this summer, and this fall I will ask all courts in Nevada to study and implement the committee's recommendations that are relevant to our state.

Second, I urge the Legislature to pass Assembly Bill 435, a measure that creates a new judicial district in Nevada consisting of Pershing, Lander, and Mineral Counties. For the past 45 days, Judge Jim Shirley, who is here this evening; Judge Michael Montero; and the county commissioners in each of those counties and Humboldt County have studied the benefits of this realignment, and all have voted to support this effort. This out-of-the-box plan helps smooth out caseloads in the Fifth Judicial District, Nye County and Esmeralda; the Sixth Judicial District, Humboldt and Pershing; and the new Eleventh Judicial District, Pershing, Lander, and Mineral. It reduces travel time for judges serving in these districts; significantly postpones the need for additional judges, particularly in the Fifth Judicial District in Nye County; and increases the availability of judicial resources for all parties at little or no fiscal impact to the counties or the state.

Third, we must study and adopt evidence-based risk assessment in setting pretrial release conditions of those accused of a crime. Pretrial judicial decisions about the release or detention of a defendant have a significant impact on thousands of defendants and add great financial stress to publicly funded jails holding defendants who are unable to meet conditions of release. As our jails swell, particularly in Clark County, it is time for Nevada's judges to follow the lead of the District of Columbia, Kentucky, New York, Arizona, and the Conference of State Court Administrators and adopt pretrial release assessment tools that better assess whether a defendant will fail to appear or will present a risk of safety to others. As the Conference report notes, "Imposing conditions on a defendant that are appropriate for that individual following a valid pretrial assessment substantially reduces pretrial detention without impairing the judicial process or threatening public safety."

I am proud to report that 33 of Nevada's limited jurisdiction judges and nine of our district court judges have already agreed to join me in the study of this issue. Several of the county commissions have also agreed to participate in this process. I hope this Legislature will adopt Senate Bill 452 requiring the use of pretrial risk assessment tools according to rules approved by the Supreme Court. Doing so will add Nevada to the list of states leading the country in the use of evidenced-based decisions in pretrial releases for those accused of a crime.

The last issue I will mention is that of judicial education. Over the past four years, we have witnessed a dramatic change in the make-up of the district court bench in Nevada. Today, 38 of the 82 district court judges in Nevada have joined the bench since 2010. These judges bring new

energy, innovation, and creativity to Nevada's judicial system. Their addition provides many opportunities including, in my view, a reexamination of our approach to judicial education. You might be interested to know that it has been 16 years since district court judges attended mandatory education on cases involving the death penalty, and not since 2007 have the judges been required to attend classes on domestic violence. While many of our judges obtain education on these and other areas of the law on their own, we do not have an organized system for mandatory judicial education. No matter what you may think, the work of a judge is very difficult, and I assure you, the perspective of a judge is much different than that of an experienced litigator or advocate. Anyone who has served as a judge will tell you that it takes considerable training, education, work, and time to develop a sense of confidence in the art of judging. If we are to do our best for the people that appear in Nevada's courtrooms, we must become and stay conversant in core legal and judicial subjects. I want to collaborate on the development of required subjects with varied curriculum that must be attended or taught by all judges, both old and new. With the help of the National Judicial College, the Boyd School of Law, and our own resources, we can build a foundation for future judicial excellence.

As you may have witnessed, I am excited about the future of Nevada's judicial system. I can't think of a better time to practice law in our state. We have a top-20 law school, an active State Bar, a new Court of Appeals, and judges and court employees who are motivated, enthusiastic, innovative, and engaged working every day to make our public judicial system the best that it can be. But as Justice Breyer noted in his book *Making Our Democracy Work*, we cannot take the public's confidence in the courts for granted, nor the Legislature's either. I agree and believe that Nevada's courts will continue to earn the public's trust and confidence if we adhere to the rule of law, are proactive in the management of our cases, creative in our efforts to provide access to the courts, sensitive to the needs of people who come before us, innovative in our resolution of disputes, accountable for our behavior and decisions, and fiscally responsible and transparent in all that we do.

Again, I want to thank you on behalf of the judiciary for the opportunity to visit with you this evening.

Senator Roberson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Hardesty for his timely, able, and constructive message.

Seconded by Assemblyman Ohrenschall.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Hardesty to the bar of the Assembly.

Assemblyman Sprinkle moved that the Joint Session be dissolved.

Seconded by Senator Segerblom.

Motion carried.

Joint session dissolved at 5:56 p.m.

ASSEMBLY IN SESSION

At 5:57 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Silberkraus requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, President Abraham Lincoln was the 16th President of the United States and is revered as the great leader who shepherded the United States through one of its most difficult chapters and who successfully united a severely divided nation; and

WHEREAS, One hundred fifty years ago, on April 15, 1865, President Abraham Lincoln passed away in our nation's Capital, succumbing to a gunshot wound inflicted upon him by an assassin one day earlier while the President was attending a play at Ford's Theatre; and

WHEREAS, Decorated in black bunting, the "Lincoln Special" funeral train transported, over the course of 15 days, the President's remains and his son, William Wallace Lincoln's remains from Washington, D.C., to Springfield, Illinois, stopping on the way for 12 funeral processions in cities such as Chicago and New York before father and son found their final resting place at Oak Ridge Cemetery in Springfield, Illinois; and

WHEREAS, From his inauguration on March 4, 1861, throughout his presidency and beyond his death, President Abraham Lincoln represents the urge to foster a unified and free nation, built on the principals and promises for which so many gave their lives; and

WHEREAS, President Abraham Lincoln was not only paramount in shaping the future of the United States, strengthening the federal government, and laying out our current political system, he also helped Nevada achieve statehood; now, therefore, be it

PROCLAIMED, That the Nevada State Assembly is profoundly grateful to President Abraham Lincoln's relentless efforts that led to the strengthening of the unity of our great nation and for declaring Nevada the 36th state in the Union; and be it further

PROCLAIMED, That the Nevada State Assembly, in recognition of the many achievements of President Abraham Lincoln and in commemorating the 150th Anniversary of the death of President Abraham Lincoln, designates April 15, 2015, as President Lincoln Remembrance Day.

DATED this 15th day of April, 2015.

Assemblyman Silberkraus requested that the following remarks be entered in the journal.

ASSEMBLYMAN SILBERKRAUS:

"In the end, it's not the years in your life that count. It's the life in your years."

Though he may have only had 56 years with us, President Abraham Lincoln left his indelible mark on this nation and on the world—a bright light in a dark time; a father; a fighter; and a healer. This morning, 150 years ago, our country watched that light dim, and for a moment, go out. Hearts broke, tears were shed and a preserved nation mourned. But out of that mourning came new strength. That light, that life, would not be forgotten, but carried forward in the hearts of all men and women. We may have only had the man for 56 years, but his life endures today and shall for generations to come.

Today we fly our flags at half-mast, here at the Legislature, at the Supreme Court, over our State's Capitol and around our nation.

For a man who led our nation through the Civil War, a man who signed the Emancipation Proclamation, a man who helped create land grant colleges such as UNR, a man who promoted the trans-continental railroad, and lastly a man who helped usher in Nevada as our nation's 36th state.

With that in mind, all members of this body have signed a proclamation that in part reads:

> WHEREAS, From his inauguration on March 4, 1861, throughout his presidency and beyond his death, President Abraham Lincoln represents the urge to foster a unified and free nation, built on the principals and promises for which so many gave their lives; and
>
> WHEREAS, President Abraham Lincoln was not only paramount in shaping the future of the United States, strengthening the federal government, and laying out our current political system, he also helped Nevada achieve statehood; now, therefore, be it
>
> PROCLAIMED, That the Nevada State Assembly is profoundly grateful to President Abraham Lincoln's relentless efforts that led to the strengthening of the

unity of our great nation and for declaring Nevada the 36th state in the Union; and be it further

PROCLAIMED, That the Nevada State Assembly, in recognition of the many achievements of President Abraham Lincoln and in commemorating the 150th Anniversary of the death of President Abraham Lincoln, designates April 15, 2015, as President Lincoln Remembrance Day.

To end, I ask that all here take a moment of silence in honor of the man whose portrait hangs high in this Chamber and keep in your heart this quote from Lincoln himself: "Die when I may, I want it said of me by those who know me best, that I always plucked a thistle and planted a flower when I thought a flower would grow."

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Hughes.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Brosy and Lilliana Ramirez.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Swarts, Anthony Benavidez, Kaylyn Taylor, and Daniel Mortensen.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Dragon.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Hinton and Denette Corrales.

On request of Assemblyman Gardner, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Garcia.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Pisani.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Handelin.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Celine Norman.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Winder, Levi Larkin, and Stephen Glen Gubler.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Bunt, Al Bunt, and Michael Arreygue.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Blackburn, Heidi Wixom, and Aerrow Cruz.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Jabbour, Michael Lach, Brad Wilber, and Perry Francis.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Brabante.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Shelton, Jillian Shelton, Carlos Pedraza, Nicole Shelton, and Mark Shelton.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Randolph and Michelle Gach.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Thiriot, Spencer Mecham, and Emily Whipple.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Tick, Alex Martinez, Chance Ratcliffe, and Josh Hinkson.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, April 16, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:57 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 16, 2015

Assembly called to order at 12:36 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Rabbi Sanford D. Akselrad.

O source of light and truth. Watch over all people. Watch over our wisdom; watch over our empathy; and watch over our sense of right and wrong. You are the ultimate source of all truth, and we who are created in Thy image, form a sacred partnership and a holy trust to insure that we remain good and caring stewards over the world in which we live.

Help us to respect those of all faiths and embolden us to protect the rights of all who seek a more just and caring world.

Let none of us remain silent in the face of true evil. Nor shall we turn aside our hearts or avert our gaze when we see justice denied for any, for ours is a sacred responsibility.

Embolden all who gather here in service to our public with this knowledge, and may they fulfill this duty with fullness of heart and soul.

O source of light and truth, watch over us now and always.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 89, 173, 182, 228, 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Vice Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 59, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 224, 233, 238, 362, 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 251.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 13, 48, 75, 94, 104, 138, 142, 167, 174, 183, 194, 195, 197, 229, 246, 264, 313, 320, 327, 354, 390, 395, 404, 440, 442, 444, 445, 446, 464, 477; Senate Joint Resolution No. 17.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Joint Resolution No. 1 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Joint Resolution No. 1 recognizes the longstanding relationships of the United States and Nevada with the State of Israel and expresses the Legislature's continued support. The

resolution acknowledges Governor Brian Sandoval's trade mission to Israel and the appointment of an official trade representative to promote economic development between Israel and Nevada. This is our second recognition of the partnership between those in Israel and Nevada. When we are gone, I hope that the freshmen on this committee, who by then may be seniors, continue this tradition to show our support of Israel.

Roll call on Assembly Joint Resolution No. 1:
YEAS—41.
NAYS—None.
EXCUSED—Woodbury.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 212 and 320 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 195 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 91 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

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

Assembly in recess at 1 p.m.

ASSEMBLY IN SESSION

At 1:31 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 67, 115, and 159 be taken from the General File and placed on the General File for the next legislative day.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bills Nos. 51, 297, and 420 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bill No. 413 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried

Senate Joint Resolution No. 17.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 16, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 221 and 395.

CINDY JONES
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 13.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 48.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 75.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 94.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 104.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 138.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 142.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 167.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 174.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 183.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 194.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 195.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 197.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 229.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 246.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 251.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 264.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 313.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 320.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 327.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 390.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 395.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 404.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 440.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 442.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 444.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 445.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 446.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 464.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 477.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 25.

Bill read second time.

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

Amendment No. 377.

AN ACT relating to the residential construction tax; revising provisions governing the authorized uses of the tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan which includes, as a part of the plan, future or present sites for neighborhood parks to impose, by ordinance, a residential construction tax. Money collected through the tax may only be used for the acquisition, improvement and expansion of neighborhood parks or the installation of facilities in existing or neighborhood parks **[.] and must be expended for the benefit of the neighborhood from which it was collected.** (NRS 278.4983) This bill additionally authorizes the use of money collected through the tax for the improvement of park facilities and specifies that improvement includes **[replacement,] the expansion,** modification, redesign, redevelopment or enhancement **[, but does not include routine or preventative maintenance.] of**

existing facilities or the installation of new or additional facilities. This bill clarifies that the parks and related facilities that are acquired, improved, expanded or installed, as applicable, with the money collected through the tax must be attributable to the new construction or development for which the money was collected. This bill also specifies that the money collected through the tax: (1) must be expended within the park district from which it was collected; and (2) must not be expended for maintenance or operational expenses.

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

Section 1. NRS 278.4983 is hereby amended to read as follows:

278.4983 1. The city council of any city or the board of county commissioners of any county which has adopted a master plan and recreation plan, as provided in this chapter, which includes, as a part of the plan, future or present sites for neighborhood parks may, by ordinance, impose a residential construction tax pursuant to this section.

2. If imposed, the residential construction tax must be imposed on the privilege of constructing apartment houses and residential dwelling units and developing mobile home lots in the respective cities and counties. The rate of the tax must not exceed:

(a) With respect to the construction of apartment houses and residential dwelling units, 1 percent of the valuation of each building permit issued or $1,000 per residential dwelling unit, whichever is less. For the purpose of the residential construction tax, the city council of the city or the board of county commissioners of the county shall adopt an ordinance basing the valuation of building permits on the actual costs of residential construction in the area.

(b) With respect to the development of mobile home lots, for each mobile home lot authorized by a lot development permit, 80 percent of the average residential construction tax paid per residential dwelling unit in the respective city or county during the calendar year next preceding the fiscal year in which the lot development permit is issued.

3. The purpose of the tax is to raise revenue to enable the cities and counties to provide neighborhood parks and facilities for parks which are required by the residents of those apartment houses, mobile homes and residences.

4. An ordinance enacted pursuant to subsection 1 must establish the procedures for collecting the tax, set its rate, and determine the purposes for which the tax is to be used, subject to the restrictions and standards provided in this chapter. The ordinance must, without limiting the general powers conferred in this chapter, also include:

(a) Provisions for the creation, in accordance with the applicable master plan, of park districts which would serve neighborhoods within the city or county.

(b) A provision for collecting the tax at the time of issuance of a building permit for the construction of any apartment houses or residential dwelling units, or a lot development permit for the development of mobile home lots.

5. All residential construction taxes collected pursuant to the provisions of this section and any ordinance enacted by a city council or board of county commissioners, and all interest accrued on the money, must be placed with the city treasurer or county treasurer in a special fund. Except as otherwise provided in subsection 6, the money in the fund may only be used for ~~[the]~~ **:**

(a) The acquisition, improvement and expansion of neighborhood parks **;** or ~~[the]~~

(b) The installation ***or improvement*** of facilities in existing or neighborhood parks in the city or county ~~[.]~~ **,**

↳ that are attributable to the new construction or development for which the money was collected. Money in the fund must be expended ~~[for the benefit of the neighborhood]~~ ***within the park district*** from which it was collected ~~[.]~~ ***and must not be expended for maintenance or operational expenses.***

6. If a neighborhood park has not been developed or facilities have not been installed in an existing park in the park district created to serve the neighborhood in which the subdivision or development is located within 3 years after the date on which 75 percent of the residential dwelling units authorized within that subdivision or development first became occupied, all money paid by the subdivider or developer, together with interest at the rate at which the city or county has invested the money in the fund, must be refunded to the owners of the lots in the subdivision or development at the time of the reversion on a pro rata basis.

7. The limitation of time established pursuant to subsection 6 is suspended for any period, not to exceed 1 year, during which this State or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development of a park or installation of facilities.

8. For the purposes of this section:

(a) "Facilities" means turf, trees, irrigation, playground apparatus, playing fields, areas to be used for organized amateur sports, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the natural persons, families and small groups from the neighborhood from which the tax was collected.

(b) ***"Improvement of facilities" means the*** ~~***[replacement,]***~~ ***expansion, modification, redesign, redevelopment or enhancement of existing facilities or the installation of new or additional facilities.*** ~~***[The term does not include the routine or preventative maintenance of facilities.]***

(c) **"**Neighborhood park" means a site not exceeding 25 acres, designed to serve the recreational and outdoor needs of natural persons, families and small groups.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 377 to Assembly Bill 25 clarifies the definition of a park improvement and requires that money collected through the residential construction tax must be expended for the benefit of the neighborhood from which the tax was collected and must not be expended for maintenance or operational expenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 532.

AN ACT relating to solicitation of contributions; requiring certain charitable organizations to register with the Secretary of State before soliciting charitable contributions in this State; requiring the Secretary of State to provide to the public certain information concerning such registered charitable organizations; revising provisions governing the enforcement of certain requirements imposed on certain nonprofit and charitable organizations; revising provisions governing the disclosure of certain information in a solicitation for contributions for or on behalf of a nonprofit or charitable organization; authorizing the imposition of penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the solicitation of charitable contributions within the State by nonprofit corporations. (NRS 82.382-82.417) **Section 27** of this bill repeals those provisions of existing law. **Sections 2-22** of this bill reenact and revise those repealed sections to provide governance of the solicitation of charitable and other contributions by all charitable organizations and nonprofit organizations in this State.

Section 14 requires every charitable organization that intends to solicit tax-deductible charitable contributions in this State, other than certain types of charitable organizations exempted by **section 15**, to register with the Secretary of State by filing certain information and a financial report with the Secretary of State before the charitable organization first solicits a charitable contribution in this State or has a charitable contribution solicited in this State on its behalf by another person and annually thereafter. In certain circumstances, **section 14** authorizes a charitable organization to submit a copy of its Form 990 as filed with the Internal Revenue Service for the most recent fiscal year as its financial report. **Section 18** requires the Secretary of State to make available the information and financial report on the Secretary of State's Internet website.

Section 19 provides that if a charitable organization fails to file the information and financial report as required for registration on or before the

due date, the Secretary of State will impose a $50 penalty and notify the organization. If the charitable organization fails to file the information and financial report and pay the penalty within 90 days after receiving notice, **section 19** further authorizes the Secretary of State to impose a civil penalty of not more than $1,000 and issue a cease and desist order prohibiting any further solicitation of contributions by the organization. If the charitable organization fails to pay the penalty or comply with the cease and desist order, **section 19** authorizes the Secretary of State to: (1) forfeit the right of the charitable organization to transact business in this State; and (2) refer the matter to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction.

Section 20 requires the Secretary of State to provide written notice to a person who is alleged to have violated certain provisions of law governing the solicitation of charitable contributions if the Secretary of State believes such a violation has occurred. **Section 20** further authorizes the Secretary of State to refer a violation of certain provisions of law governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Under **section 20**, in such a proceeding, in addition to any other penalty imposed by law, the Attorney General may seek an injunction or other equitable relief and a civil penalty of not more than $1,000. If the Attorney General prevails in the proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, investigation costs and reasonable attorney's fees.

Existing law requires a person soliciting a contribution for or on behalf of a charitable organization or nonprofit corporation to make certain disclosures, and provides that under certain circumstances, a failure to make such disclosures is a deceptive trade practice. (NRS 598.1305) **Sections 16 and 17** revise the types of charitable and nonprofit organizations to which this requirement applies and exempt certain solicitations from this requirement. **Sections 16 and 25** further provide that a failure to make the required disclosures is no longer a deceptive trade practice, and transfer primary jurisdiction for enforcing the disclosure requirement from the Attorney General to the Secretary of State.

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

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings attributed to them in those sections.***

Sec. 3. ***"Alumni association" means an organization whose membership is limited to graduates or former students of a particular university, college or school and which raises funds to support its membership and its activities.***

Sec. 4. ***"Charitable contribution" means a contribution that is allowable as a tax deductible contribution pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), future amendments to that section and the corresponding provisions of future internal revenue laws.***

Sec. 5. ***"Charitable organization" means any person who directly or indirectly, solicits contributions, and who the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). The term does not include an organization that is established for and serving bona fide religious purposes.***

Sec. 6. ***"Charitable promotion, service or activity" means an advertising or sales campaign conducted by a for-profit entity or business, which represents that the purchase of goods or services or participation in an activity will benefit, in whole or in part, a charitable organization, nonprofit organization or charitable purpose.***

Sec. 7. ***"Church" means a religious organization which holds property for charitable or religious purposes. The term may include, without limitation, a mosque, synagogue or temple.***

Sec. 8. ***"Contribution" means the promise or grant of any money or property of any kind or value.***

Sec. 9. ***"Corporation for Public Broadcasting" means the corporation established pursuant to 47 U.S.C. § 396(b).***

Sec. 10. ***"Form 990" means the Return of Organization Exempt from Income Tax (Form 990) of the Internal Revenue Service of the United States Department of the Treasury, or any equivalent or successor form of the Internal Revenue Service.***

Sec. 11. ***"Nonprofit organization" means an organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code.***

Sec. 12. ***"Solicit" means to request a contribution, donation, gift or the like that is made by any means, including, without limitation:***

1. Mail;

2. Commercial carrier;

3. Telephone, facsimile, electronic mail or other electronic medium or device;

4. A face-to-face meeting; or

5. A special event or promotion.

➥ The term includes, without limitation, requesting a contribution, donation, gift or the like from a location outside of this State to persons located in this State.

Sec. 13. *The provisions of this chapter do not apply to a person or other entity that is a unit or an instrumentality of the United States Government.*

Sec. 14. *1. Except as otherwise provided in section 15 of this act, a charitable organization shall not solicit charitable contributions in this State, or have charitable contributions solicited in this State on its behalf by another person, unless the charitable organization is registered with the Secretary of State pursuant to this section. Each chapter, branch or affiliate of a charitable organization may register separately.*

2. A charitable organization that wishes to register with the Secretary of State as set forth in subsection 1 must file on a form prescribed by the Secretary of State:

(a) The information required by subsection 4; and

(b) A financial report that satisfies the requirements of subsection 5.

3. If a charitable organization is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the charitable organization must file the information and financial report required by subsection 2 at the time of filing the initial list and at the time of filing each annual list. If the charitable organization did not file the information and financial report required by subsection 2 at the time of filing its initial list or at the time of filing its most recent annual list, it must file the information required by subsection 2 before soliciting charitable contributions in this State, or having charitable contributions solicited in this State on its behalf by another person, and thereafter at the time of filing each annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the charitable organization must file the information and financial report required by subsection 2 before it solicits charitable contributions in this State, or has charitable contributions solicited in this State on its behalf by another person, and annually thereafter on the last day of the month in which the anniversary date of the initial filing of the information and financial report.

4. The form required by subsection 2 must include, without limitation:

(a) The exact name of the charitable organization as registered with the Internal Revenue Service;

(b) The federal tax identification number of the charitable organization;

(c) The name of the charitable organization as registered with the Secretary of State or, in the case of a foreign charitable organization, the name of the foreign charitable organization as filed in its jurisdiction of origin;

(d) The name or names under which the charitable organization intends to solicit charitable contributions;

(e) The address and telephone number of the principal place of business of the charitable organization and the address and telephone number of any offices of the charitable organization in this State or, if the charitable organization does not maintain an office in this State, the name, address and

telephone number of the custodian of the financial records of the charitable organization;

(f) The names and addresses, either residence or business, of the executive personnel of the charitable organization;

(g) The last day of the fiscal year of the charitable organization;

(h) The jurisdiction and date of the formation of the charitable organization;

(i) The tax exempt status of the charitable organization;

(j) If the charitable organization does not file with the Secretary of State articles of incorporation or any other formation document, including, without limitation, a foreign qualification document, as defined in NRS 77.090:

(1) The purpose for which the charitable organization is organized; and

(2) The names and addresses, either residence or business, of the officers, directors and trustees of the charitable organization; and

(k) Any other information deemed necessary by the Secretary of State, as prescribed by regulations adopted by the Secretary of State pursuant to section 22 of this act.

5. Except as otherwise provided in this subsection, a financial report must contain the financial information of the charitable organization for the most recent fiscal year. In the discretion of the Secretary of State, the financial report may be a copy of the Form 990 of the charitable organization, with all schedules except the schedules of donors, for the most recent fiscal year. If a charitable organization was first formed within the past year and does not have any financial information or a Form 990 for its most recent fiscal year, the charitable organization must complete the financial report on a form prescribed by the Secretary of State using good faith estimates for its current fiscal year.

6. All information and the financial report filed pursuant to this section are public records. The filing of information pursuant to this section is not an endorsement of any charitable organization by the Secretary of State or the State of Nevada.

Sec. 15. ***1. A charitable organization is not required to be registered with the Secretary of State pursuant to section 14 of this act during any year in which its only solicitations for contributions, donations, gifts or the like are:***

(a) Directed only to a total of fewer than 15 persons annually;

(b) Directed only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization;

(c) Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26

U.S.C. § 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033; ~~[or]~~

(d) Appeals for funds to benefit a particular person or his or her immediate family named in the solicitation, but only if all the proceeds of the solicitation are given to or expended for the direct benefit of the person or his or her immediate family ~~[.]~~ ; or

(e) Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons.

2. A charitable organization that believes it is exempt from registration pursuant to this section must, before it solicits a charitable contribution in this State or has a charitable contribution solicited in this State on its behalf by another person, and annually thereafter, file a declaration of exemption on a form prescribed by the Secretary of State.

Sec. 16. *1. Except as otherwise provided in this section and section 17 of this act, any solicitation for a contribution by, for or on behalf of a charitable organization or nonprofit organization, including, without limitation, a solicitation by means of electronic mail or other electronic medium or device, must provide a disclosure which contains:*

(a) The full legal name of the charitable organization or nonprofit organization as registered with the Secretary of State pursuant to this title;

(b) If the charitable organization or nonprofit organization is not registered or not required to be registered with the Secretary of State pursuant to this title, the full legal name and the jurisdiction where the charitable organization or nonprofit organization is organized or was formed;

(c) A published phone number or Internet address of a website for the charitable organization or nonprofit organization;

(d) A statement or description of the purpose of the charitable organization or nonprofit organization; and

(e) A statement that the contribution:

(1) May be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c); or

(2) Does not qualify for such a federal tax deduction.

2. A solicitation or pledge drive conducted by a charitable organization or nonprofit organization as part of a broadcast telethon, radiothon, webcast or any similar form of broadcast communication is not required to provide the verbal or printed disclosure required by this section throughout the broadcast event, but must provide the disclosure to a prospective donor before the donor commits or pledges to make a contribution.

3. A disclosure statement provided in connection with an appeal for funds to benefit a particular person or his or her immediate family must contain:

(a) The name of the particular person or family members who are to benefit from the appeal; and

(b) A statement that a contribution in response to the appeal may not qualify for a federal tax deduction.

4. Except as provided in this subsection, a disclosure statement required by this section must be conspicuously displayed on any written, printed or electronic document, including, without limitation, an image that appears on an Internet website, that constitutes a part of the solicitation. If the solicitation materials consist of more than one piece, the disclosure statement must be displayed on a prominent piece of the solicitation materials.

Sec. 17. *The requirement to provide a disclosure statement set forth in section 16 of this act does not apply to a solicitation that is:*

1. Directed only to a total of fewer than 15 persons annually;

2. Directed to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit organization;

3. Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons;

4. Conducted by a public broadcast organization which meets the eligibility requirements established by the Corporation for Public Broadcasting;

5. Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033;

6. A charitable promotion, service or activity conducted or facilitated by a for-profit entity or business located in this State if:

(a) The sale of the goods, services or participation by the for-profit entity or business is incidental to the ordinary transaction of its business; and

(b) The value of the goods, services or participation acquired by the purchaser or participant is de minimis;

7. Direct sales of tangible goods, items or services by a charitable organization or nonprofit organization in which the amount paid for the good, item or service is reasonably proportionate to the current market or face value of the good, item or service; or

8. An application or request for a grant, contract or similar funding from a foundation, corporation, nonprofit organization, governmental agency or similar entity which has an established application and review procedure for consideration of such applications or requests.

Sec. 18. *The Secretary of State shall make available to the public and post on the official Internet website of the Secretary of State the information and financial report filed by each charitable organization pursuant to sections 14 and 15 of this act.*

Sec. 19. *1. If the Secretary of State finds that a charitable organization which is required to file the information and financial report required for registration pursuant to subsection 2 of section 14 of this act is soliciting charitable contributions in this State, or is having charitable contributions solicited in this State on its behalf by another person, without having filed the information and financial report required for registration on or before the due date for the filing established pursuant to subsection 3 of section 14 of this act, the Secretary of State shall:*

(a) If the charitable organization is required to file an annual list with the Secretary of State pursuant to this title, impose the penalty for default in the filing of an annual list set forth in the provisions of this title applicable to the charitable organization and notify the charitable organization of the violation by providing written notice to its registered agent. The notice:

(1) Must include a statement that the charitable organization is required to file the information and financial statement required for registration by subsection 2 of section 14 of this act and pay the penalty for default in the filing of an annual list set forth in the provisions of this title applicable to the charitable organization; and

(2) May be provided electronically.

(b) If the charitable organization is not required to file an annual list with the Secretary of State pursuant to this title, impose a penalty in the amount of $50 for the failure of the charitable organization to file the information and financial report required for registration as required pursuant to subsection 2 of section 14 of this act and notify the charitable organization of the violation by providing written notice to the charitable organization. The notice:

(1) Must include a statement indicating that the charitable organization is required to file the information and financial report required for registration by subsection 2 of section 14 of this act and pay the penalty as set forth in this paragraph; and

(2) May be provided electronically.

2. If a charitable organization fails to file the information and financial report required by subsection 2 of section 14 of this act and pay the penalty for default as set forth in this section within 90 days after the charitable organization or its registered agent receives the written notice provided pursuant to subsection 1, the Secretary of State may, in addition to imposing the penalty for default as set forth in this section, take any or all of the following actions:

(a) Impose a civil penalty of not more than $1,000.

(b) Issue an order to cease and desist soliciting charitable contributions or having charitable contributions solicited on behalf of the charitable organization by another person.

3. An action taken pursuant to subsection 2 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

4. If a charitable organization fails to pay a civil penalty imposed by the Secretary of State pursuant to subsection 2 or comply with an order to cease and desist issued by the Secretary of State pursuant to subsection 2, the Secretary of State may:

(a) If the charitable organization is organized pursuant to this title, revoke the charter of the charitable organization. If the charter of the charitable organization is revoked pursuant to this paragraph, the charitable organization forfeits its right to transact business in this State.

(b) If the charitable organization is a foreign nonprofit charitable organization, forfeit the right of the foreign nonprofit charitable organization to transact business in this State.

(c) Refer the matter to the Attorney General for a determination of whether to institute proceedings pursuant to section 20 of this act.

Sec. 20. *1. If the Secretary of State believes that a person has violated any provision of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions, the Secretary of State shall notify the person in writing of the alleged violation.*

2. The Secretary of State may refer an alleged violation of any provision of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce the provisions of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions. The Attorney General may institute and prosecute the appropriate proceedings to enforce the provisions of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions.

3. In addition to any other penalty imposed by law, in a proceeding instituted by the Attorney General pursuant to subsection 2, the Attorney General may seek an injunction or other equitable relief and may recover a civil penalty of not more than $1,000 for each violation. If the Attorney General prevails in such a proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

Sec. 21. *The powers and duties of the Secretary of State and the Attorney General pursuant to the provisions of this chapter are in addition to other powers and duties of the Secretary of State and Attorney General with respect to charitable organizations and nonprofit organizations.*

Sec. 22. ***The Secretary of State may adopt regulations to administer the provisions of this chapter.***

Sec. 23. NRS 82.131 is hereby amended to read as follows:

82.131 Subject to such limitations, if any, as may be contained in its articles, and except as otherwise provided in ~~[~~NRS 82.392,~~]~~ ***section 14 of this act,*** every corporation may:

1. Borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation, issue bonds, promissory notes, drafts, debentures and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. Guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by any person, government, governmental agency or political subdivision of government, and exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. Issue certificates evidencing membership and issue identity cards.

4. Make donations for the public welfare or for community funds, hospital, charitable, educational, scientific, civil, religious or similar purposes.

5. Levy dues, assessments and fees.

6. Purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

7. Carry on a business for profit and apply any profit that results from the business to any activity in which it may lawfully engage.

8. Participate with others in any partnership, joint venture or other association, transaction or arrangement of any kind, whether or not participation involves sharing or delegation of control with or to others.

9. Act as trustee under any trust incidental to the principal objects of the corporation, and receive, hold, administer, exchange and expend funds and property subject to the trust.

10. Pay reasonable compensation to officers, directors and employees, pay pensions, retirement allowances and compensation for past services, and establish incentive or benefit plans, trusts and provisions for the benefit of its officers, directors, employees, agents and their families, dependents and beneficiaries, and indemnify and buy insurance for a fiduciary of such a benefit or incentive plan, trust or provision.

11. Have one or more offices, and hold, purchase, mortgage and convey real and personal property in this State, and in any of the several states,

territories, possessions and dependencies of the United States, the District of Columbia and any foreign countries.

12. Do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation, or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation of the corporation, except that:

(a) A corporation does not, by any implication or construction, possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

Sec. 24. NRS 82.5231 is hereby amended to read as follows:

82.5231 Except as otherwise provided in ~~[~~NRS 82.392,~~]~~ ***section 14 of this act,*** if a foreign nonprofit corporation has filed the initial or annual list in compliance with NRS 82.523 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign nonprofit corporation constitutes a certificate authorizing it to transact its business within this State until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.

Sec. 25. NRS 598.1305 is hereby amended to read as follows:

598.1305 1. ~~[~~A person representing that he or she is conducting a solicitation for or on behalf of a charitable organization or nonprofit corporation shall disclose:

~~(a) The full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to NRS 82.392;~~

~~(b) The state or jurisdiction in which the charitable organization or nonprofit corporation was formed;~~

~~(c) The purpose of the charitable organization or nonprofit corporation; and~~

~~(d) That the contribution or donation may be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.~~

~~2.~~**]** A person, in planning, conducting or executing a solicitation for or on behalf of a charitable organization or nonprofit corporation, shall not:

(a) Make any claim or representation concerning a contribution which directly, or by implication, has the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances; or

(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has

been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.

~~[3. Any solicitation that is made in writing for or on behalf of a charitable organization or nonprofit corporation, including, without limitation, an electronic communication, must contain the full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to NRS 82.392 and a disclaimer stating that the contribution or donation may be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.~~

~~4.]~~ ***2.*** Notwithstanding any other provisions of this chapter, the Attorney General has primary jurisdiction to investigate and prosecute a violation of this section.

~~[5.]~~ ***3.*** Except as otherwise provided in NRS 41.480 and 41.485, a violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~[6.]~~ ***4.*** As used in this section:

(a) "Charitable organization" means any person who, directly or indirectly, solicits contributions and who the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code. The term does not include an organization which is established for and serving bona fide religious purposes.

(b) "Solicitation" means a request for a contribution to a charitable organization or nonprofit corporation that is made by any means, including, without limitation:

(1) Mail;

(2) Commercial carrier;

(3) Telephone, facsimile, electronic mail or other electronic ***medium or*** device; or

(4) A face-to-face meeting.

➥ The term includes ***, without limitation,*** solicitations which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State. ~~[For the purposes of subsections 1 and 3, the term does not include solicitations which are directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit corporation.]~~

Sec. 26. Any administrative regulations adopted by the Secretary of State pursuant to a provision of NRS that was amended or repealed by this act remain in force until amended by the Secretary of State.

Sec. 27. NRS 82.382, 82.387, 82.392, 82.397, 82.402, 82.407, 82.412 and 82.417 are hereby repealed.

Sec. 28. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

82.382 "Charitable contribution" defined.

82.387 Applicability.

82.392 Corporation required to register before soliciting charitable contributions; filing requirements; information filed is public record.

82.397 Secretary of State required to make filings available to public and post filings on official website.

82.402 Penalty for failure to register with Secretary of State.

82.407 Enforcement of laws governing solicitation of charitable contributions: Secretary of State required to provide notice of alleged violation; referral of alleged violation to Attorney General; proceedings instituted by Attorney General.

82.412 Powers and duties of Secretary of State and Attorney General are cumulative.

82.417 Regulations.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 532 to Assembly Bill 50 adds an alumni association or other organization directly affiliated with an accredited institution to the list of exemptions from the charitable solicitation registration requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 331.

SUMMARY—Revises ~~[the qualifications of justices of the peace in certain townships.]~~ **provisions relating to justice courts.** (BDR 1-492)

AN ACT relating to ~~[justices of the peace;]~~ **justice courts;** revising the qualifications of justices of the peace in certain townships; **increasing the monetary limit of the jurisdiction of justice courts; increasing the monetary limit on the claims that may be adjudicated under the procedure for small claims;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace in a township whose population

is 100,000 or more is required to be an attorney who: (1) is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and (2) has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment. The same requirements are imposed upon a justice of the peace in a township whose population is 250,000 or more in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 4.010) ~~[~~ ~~]~~ **Section 1** of this bill revises these provisions and provides that the requirements apply to a justice of the peace in a township whose population is 100,000 or more in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

Existing law also provides that justice courts have jurisdiction over certain civil actions, including: (1) certain actions in which the amount at issue does not exceed $10,000; and (2) small claims for the recovery of money only in which the amount claimed does not exceed $7,500. (NRS 4.370, 73.010) Sections 2.2 and 2.4 of this bill increase such amounts to $15,000 and $10,000, respectively. Sections 2.6 and 2.8 of this bill make conforming changes.

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. (NRS 4.060) Section 1.3 of this bill provides that for the preparation and filing of an affidavit and order in a small claims action, if the sum claimed exceeds $7,500 but does not exceed $10,000, a justice of the peace is required to charge and collect a fee of $175. Section 1.7 of this bill provides that on the commencement of any action or proceeding other than a small claims action, if the sum claimed exceeds $10,000 but does not exceed $15,000, a justice of the peace is required to charge and collect a fee of $250.

Section 5 of this bill provides that the provisions of this bill relating to the qualifications of justices of the peace in certain townships and civil actions in justice court concerning small claims become effective on October 1, 2015. The provisions of this bill relating to civil actions in justice court other than small claims become effective on January 1, 2017.

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

Section 1. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or

retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education **.** ~~[and:~~

~~(a)]~~ ***3.*** In a county whose population is ~~[700,000]~~ ***100,000*** or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who ~~[is]~~ ***:***

(a) Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment ***;*** and ~~[has]~~

(b) Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

~~[(b) In a county whose population is less than 700,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.~~

~~3. Subsection 2 does]~~

4. Subsections 2 and 3 do not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 1.3. **NRS 4.060 is hereby amended to read as follows:**

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500	$50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000	100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000	175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255	225.00
In all other civil actions	50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000	$45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500	65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000	85.00

If the sum claimed exceeds $5,000 but does not exceed $7,500 .... 125.00

If the sum claimed exceeds $7,500 but does not exceed $10,000..... 175.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution..... $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00
One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page..... $.50

(n) For each certificate of the clerk, under the seal of the court..... $3.00

(o) For searching records or files in his or her office, for each year $1.00

(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees

collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 1.7. **NRS 4.060 is hereby amended to read as follows:**

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500 ..... $50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 .... 100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000 ..... 175.00
If the sum claimed exceeds $10,000 but does not exceed $15,000 ..... 250.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255 ..... 225.00
In all other civil actions 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum f the sum claimed does not exceed $1,000 ..... $45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... 65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 85.00
If the sum claimed exceeds $5,000 but does not exceed $7,500 .... 125.00
If the sum claimed exceeds $7,500 but does not exceed $10,000 ..... 175.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page ..... $.50

(n) For each certificate of the clerk, under the seal of the court $3.00

(o) For searching records or files in his or her office, for each year ... $1.00

(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special

account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; or

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in ~~[subsections 1 and 2 of]~~ NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 2.2. **NRS 4.370 is hereby amended to read as follows:**

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed ~~[$10,000,]~~ ***$15,000.***

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed ~~[$10,000,]~~ ***$15,000.***

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding ~~[$10,000,]~~ ***$15,000,*** given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed ~~[$10,000,]~~ ***$15,000,*** though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed ~~[$10,000.]~~ ***$15,000.***

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed ~~[$10,000]~~ ***$15,000*** or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed ~~[$10,000]~~ ***$15,000*** or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed ~~[$10,000.]~~ ***$15,000.***

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed ~~[$10,000.]~~ ***$15,000.***

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or 176A.280.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 2.4. **NRS 73.010 is hereby amended to read as follows:**

73.010 In all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed ~~[$7,500]~~ ***$10,000*** and the defendant named:

1. Is a resident of;
2. Does business in; or
3. Is employed in,

➥ the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.

Sec. 2.6. **NRS 482.542 is hereby amended to read as follows:**

482.542 1. Any vehicle seized pursuant to NRS 482.540 may be removed by a law enforcement agency or the Department to:

(a) A place designated for the storage of seized property.

(b) An appropriate place for disposal if that disposal is specifically authorized by statute.

2. If disposal of a vehicle seized pursuant to NRS 482.540 is not specifically authorized by statute, a law enforcement agency or the Department may file a civil action for forfeiture of the vehicle:

(a) Pursuant to paragraph (c) of subsection 1 of NRS 4.370 in the justice court of the township where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle does not exceed ~~[$10,000;]~~ ***$15,000;*** or

(b) In the district court for the county where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle equals or exceeds ~~[$10,000.]~~ ***$15,000.***

3. Upon the filing of a civil action pursuant to subsection 2, the court shall schedule a date for a hearing. The hearing must be held not later than 7 business days after the action is filed. The court shall affix the date of the hearing on a form for that purpose and order a copy served by the sheriff, constable or other process server upon each claimant whose identity is known to the law enforcement agency or Department or who can be identified through the exercise of due diligence.

4. The court shall:

(a) Order the release of the vehicle to the owner or to another person who the court determines is entitled to the vehicle if the court finds that:

(1) A motor number, manufacturer's number or identification mark which was placed on the vehicle has not been falsely attached, removed, defaced, altered or obliterated; and

(2) The vehicle has not been illegally altered in a manner that impairs the structural integrity of the vehicle; or

(b) Order the vehicle destroyed or otherwise disposed of as determined by the court, if the court finds that:

(1) There is no satisfactory evidence of ownership;

(2) A motor number, manufacturer's number or identification mark which was placed on the vehicle has been falsely attached, removed, defaced, altered or obliterated; or

(3) The vehicle has been illegally altered in a manner that impairs the structural integrity of the vehicle.

5. If a court declares that a vehicle seized pursuant to NRS 482.540 is forfeited, a law enforcement agency or the Department may:

(a) Retain it for official use;

(b) Sell it; or

(c) Remove it for disposal.

6. As used in this section, "claimant" means any person who claims to have:

(a) Any right, title or interest of record in the property or proceeds subject to forfeiture;

(b) Any community property interest in the property or proceeds; or

(c) Had possession of the property or proceeds at the time of the seizure thereof by a law enforcement agency or the Department.

Sec. 2.8. **NRS 487.039 is hereby amended to read as follows:**

487.039 1. If a vehicle is towed pursuant to NRS 487.037 or 487.038 and the owner of the vehicle believes that the vehicle was unlawfully towed, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed ~~[$10,000.]~~ ***$15,000.***

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 4 working days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the owner or person in lawful possession of the property who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the owner or person in lawful possession of the property who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 3. The amendatory provisions of this act do not abrogate or affect the current term of office of any justice of the peace who is serving in that office on October 1, 2015.

Sec. 4. **The amendatory provisions of:**

1. Sections 1.3 and 2.4 of this act apply to civil actions and proceedings filed on or after October 1, 2015.

2. Sections 1.7, 2.2, 2.6 and 2.8 of this act apply to civil actions and proceedings filed on or after January 1, 2017.

Sec. 5. **1. This section and sections 1, 1.3, 2, 2.4, 3 and 4 of this act become effective on October 1, 2015.**

2. Sections 1.7, 2.2, 2.6 and 2.8 of this act become effective on January 1, 2017.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 331 to Assembly Bill 66 increases the monetary limit of the civil jurisdiction of justice courts from $10,000 to $15,000. This change is effective October 1, 2015. The fee collected by the Justice of the Peace is $250. It also increases the monetary limit on small claims action from $7,500 to $10,000. This change is effective January 1, 2017. The fee collected by the Justice of the Peace is $175.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 422.

AN ACT relating to air pollution; revising provisions governing the ~~[~~frequency of~~]~~ required inspections of the emissions of certain motor vehicles; ~~[~~increasing fees charged by the Department of Motor Vehicles for certain forms;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[~~requires~~]~~ **authorizes** the State Environmental Commission, in cooperation with the Department of Motor Vehicles ~~[~~and any local air pollution control agency,~~]~~ to adopt regulations ~~[~~for the control of~~]~~ **to prescribe standards for** emissions from motor vehicles **.** ~~[~~in areas designated by the Commission. (NRS 445B.770) Existing law also imposes certain limitations on compulsory inspection programs established by the Commission. (NRS 445B.795)~~]~~ **(NRS 445B.760)**

Section ~~[~~1~~]~~ **2.3** of this bill ~~[~~further limits the authority of~~]~~ **requires** the Commission ~~[~~by specifying that the regulations adopted by the Commission require: (1) the initial inspection of a new passenger car or new light-duty motor vehicle 4 years after the initial registration of the vehicle; and (2) the subsequent inspection of a passenger car or light-duty motor vehicle not more often than every 2 years.~~]~~ **to exempt from those standards any motor vehicle manufactured before 1996.**

Existing law requires the Department of Motor Vehicles to charge a fee for the forms distributed to certify emission control compliance in the amount of $6 per form and $150 per set of forms. (NRS 445B.830) Section 2 of this bill raises the fees to $12 per form and $300 per set of forms so that the change in the required frequency of emissions inspections from every year to every other year prescribed by section 1 does not affect the funding of the Pollution Control Account.

However, existing law also requires the Department of Motor Vehicles, for the initial issuance of license plates for **certain** "Old Timer" antique vehicles, "Street Rods," "Classic Rods" and "Classic Vehicles," to charge an additional fee that is equal in amount to the fee charged for a form distributed to certify emission control compliance ~~[.]~~ **if the vehicle for which such a license plate is issued is exempted from emissions testing.** (NRS 482.381, 482.3812, 482.3814, 482.3816) ~~[~~To prevent an increase in this additional fee for the initial issuance of these license plates, sections 3-6 of this bill fix this additional fee at the existing amount of $6.~~]~~ **Sections 3-6 of this bill remove the requirement for the fee as to vehicles with those certain license plates. Section 2.5 of this bill requires the Department to charge a fee that is equal to the amount of the fee for a form certifying emission control compliance at the initial issuance of license plates for any motor vehicle which is exempt from emissions testing by section 2.3. Section 2.5 also requires that**

the fees must be accounted for in the Pollution Control Account, to reduce the effect on the Account of the new exemption provided in section 2.3.

Section 6.3 of this bill clarifies that if the owner of a motor vehicle that was registered with "Old Timer," "Street Rod," "Classic Rod" or "Classic Vehicle" plates before July 1, 2015, has already, in connection with that vehicle, paid the special fee that is equal to the amount of the fee for a form certifying emission control compliance, such a person is not required to pay that same fee again for the same vehicle pursuant to section 2.5.

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

Section 1. ~~[NRS 445B.795 is hereby amended to read as follows:~~

~~445B.795 The authority set forth in NRS 445B.770 providing for a compulsory inspection program is limited as follows:~~

~~1. In a county whose population is 100,000 or more, the following categories of motor vehicles which are powered by motor vehicle fuel or special fuel and require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration:~~

~~(a) All passenger cars;~~

~~(b) Light-duty motor vehicles;~~

~~(c) Heavy-duty motor vehicles that are powered by diesel fuel and have a manufacturer's gross vehicle weight rating which does not exceed 14,000 pounds; and~~

~~(d) Heavy-duty motor vehicles that are powered by motor vehicle fuel or special fuel, excluding diesel fuel.~~

~~2. In areas which have been designated by the Commission for inspection programs and which are located in counties whose populations are 100,000 or more, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.~~

~~3. In designated areas in other counties where the Commission puts a program into effect, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.~~

~~4. The board of county commissioners of a county containing a designated area may revise its program for the designated area after receiving the approval of the Commission.~~

~~5. Before carrying out the inspections of vehicles required pursuant to the regulations adopted by the Commission pursuant to NRS 445B.770, the Commission shall, by regulation, adopt testing procedures and standards for emissions for those vehicles.~~

~~***6. The regulations adopted by the Commission pursuant to NRS 445B.770 must require that:***~~

~~*(a) The initial inspection of a new passenger car or new light-duty motor vehicle be conducted 4 years after initial registration of the vehicle; and*~~

~~*(b) Except as otherwise provided in paragraph (a), the inspection of a passenger car or light-duty motor vehicle be conducted not more often than every 2 years.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 445B.830 is hereby amended to read as follows:

~~445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:~~

~~(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station ..... $25~~

~~(b) For each set of 25 forms certifying emission control compliance.....~~**[**~~150~~**]** ***300***

~~(c) For each form issued to a fleet station .....~~**[**~~6~~**]** ***12***

~~2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:~~

~~(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.~~

~~(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.~~

~~(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.~~

~~(d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.~~

~~(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.~~

~~3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.~~

~~4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that~~

~~is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.~~

~~5. Each local air pollution control agency that receives money pursuant to subsections 4 and 6 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.~~

~~6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1. As used in this subsection, "excess money" means the money in excess of $1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.~~

~~7. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:~~

~~(a) Establish goals and objectives for the program for control of emissions from motor vehicles;~~

~~(b) Identify areas where funding should be made available; and~~

~~(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.~~**]** **(Deleted by amendment.)**

Sec. 2.3. **NRS 445B.760 is hereby amended to read as follows:**

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must provide for the exemption from such standards of a ***motor*** vehicle ~~[for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.~~**]** ***manufactured before 1996.***

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

➥ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 2.5. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to the fee for the issuance of a license plate and all other applicable registration and license fees and governmental services taxes, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

2. Fees paid to the Department pursuant to subsection 1 must be accounted for in the Pollution Control Account created by NRS 445B.830.

3. As used in this section, "first issuance" means the first time that the plates with which a motor vehicle is registered are issued or renewed on or after July 1, 2015.

Sec. 3. NRS 482.381 is hereby amended to read as follows:

482.381 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance..... $35

(b) For a renewal sticker 10

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 4. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 5. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 6. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. ~~[Except as otherwise provided in NRS 482.2655, the]~~ ***The*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee *of $6* for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~

Sec. 6.3. **Notwithstanding the provisions of section 2.5 of this act, no additional fee is required to be paid in connection with a motor vehicle pursuant to that section if:**

1. The motor vehicle was manufactured before 1996;

2. Before July 1, 2015, the motor vehicle was registered with special license plates pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816; and

3. The owner of the motor vehicle, pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816, already paid to the Department an additional fee equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

Sec. 6.5. **NRS 482.2655 is hereby repealed.**

Sec. 7. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

482.2655 Department not to issue special license plates for certain older motor vehicles within 90 days after failed emissions test.

1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department shall not issue a special license plate for that vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.

2. As used in this section:

(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

(c) "Fails the emissions test" means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 422 to Assembly Bill 146 removes all of the current provisions in Assembly Bill 146 and replaces it with language exempting vehicles manufactured before 1996 from emission inspections. The amendment requires the Department of Motor Vehicles to charge a fee equal to the amount of the fee for a form certifying emission control compliance at the initial issuance of license plates for any motor vehicle exempt from emissions testing. The amendment also requires that the fees must be accounted for in the Pollution Control Account to reduce the effect on the

Account of the new exemption. Finally, the amendment clarifies that if the owner of a motor vehicle that was registered with "Old Timer," "Street Rod," "Classic Rod," or "Classic Vehicle" plates before July 1, 2015, has already, in connection with that vehicle, paid the fee, such a person is not required to pay that same fee again for the same vehicle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

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

Amendment No. 349.

Assemblymen Araujo, Diaz, Thompson; Benitez-Thompson, Carrillo, Flores, **Gardner, Hambrick**, Joiner, Moore **,Silberkraus** and Neal

Senators Denis; **Hardy** and Woodhouse

~~[CONTAINS UNFUNDED MANDATE(§ 2)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to care of children; requiring the State Board of Health to adopt regulations prescribing ~~[requirements]~~ **guidelines** for meals and snacks provided to children at child care facilities **~~[,]~~ and** setting forth certain requirements for child care facilities relating to breastfeeding **~~[,]~~ and** physical activity **~~;~~ ~~[and viewing media;]~~** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to be licensed by the State Board of Health or, if the county or city in which the child care facility is located requires child care facilities to be licensed, by such a county or city. If a city or county licenses child care facilities, the city or county is required to adopt standards and regulations governing child care facilities that are at least as stringent as those adopted by the Board. (NRS 432A.131) ~~[Federal law establishes the Child and Adult Care Food Program, and federal regulations set forth requirements for the contents of each meal served pursuant to the Program. (42 U.S.C. § 1766; 7 C.F.R. § 226.20)]~~ **Section 2** of this bill requires the Board to adopt regulations prescribing ~~[requirements]~~ **guidelines** for all meals and snacks served to children by child care facilities **. ~~[, including a requirement that all such meals and snacks comply with the minimum requirements established pursuant to the Child and Adult Care Food Program.]~~ Section 2 also: (1) allows a child, upon the request of a parent or guardian, to receive meals and snacks that do not comply with the guidelines; and (2) provides that the guidelines do not apply to any meal prepared by a parent or guardian and brought to a child care facility by a child or a parent or guardian.**

Section 3 of this bill requires **the Board to adopt regulations that: (1) require** a child care facility to **~~[: (1)]~~** provide **an** appropriate, private space where mothers may breastfeed; ~~and (2) limit the amount of time a child may spend viewing media. Section 3 also: (1) requires~~**]** **(2) require** certain child

care facilities to provide a program of physical activity; and ~~[(2) prohibits]~~ **(3) prohibit** a child care facility from withholding or requiring physical activity as a form of discipline.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Board shall adopt regulations prescribing ~~[requirements]~~ guidelines for ~~[all]~~ meals and snacks provided to children by a child care facility. Such ~~[regulations]~~ guidelines must, without limitation:***

~~[1. Require]~~

(a) Ensure that each meal or snack provided to a child by a child care facility ~~[to:~~

~~(a) Comply with the minimum food components set forth in 7 C.F.R. § 226.20; and~~

~~(b) Be]~~ is served in a portion size appropriate for the age of the child;

~~[2.]~~ (b) Include specific requirements concerning milk, other dairy products and juice; and

~~[3.]~~ (c) Limit the fat and sugar content of all meals and snacks.

2. At the request of a parent or guardian, a child in a child care facility may receive meals and snacks from the child care facility that do not comply with the guidelines prescribed pursuant to subsection 1.

3. The guidelines prescribed pursuant to subsection 1 do not apply to any meal or snack prepared for a child by a parent or guardian and brought by the child or a parent or guardian to a child care facility.

Sec. 3. ***1. ~~[A]~~ The Board shall adopt regulations that:***

(a) Require each licensee that operates a child care facility ~~[shall]~~ to provide an appropriate, private space on the premises of the child care facility where a mother may breastfeed.

~~[2. A]~~

(b) Require each licensee that operates a child care facility, other than an accommodation facility or a child care institution, ~~[shall]~~ to provide a program of physical activity that:

~~[(a)]~~ (1) Ensures that all children receive daily periods of moderate or vigorous physical activity ~~[; and~~

~~(b) Includes]~~ that are appropriate for the age of the child;

(2) Limits the amount of sedentary activity, other than meals, snacks and naps, that children engage in each day; and

(3) Allows for specialized plans for children with special needs or who have disabilities.

~~[3. An employee of a child care facility shall not allow children under 2 years of age to view media or allow children to view media during snack or meal times, and shall limit the total amount of time children are allowed to view media.~~

~~*4. An*~~

(c) Prohibit an employee of or a licensee who operates a child care facility ~~shall not withhold~~ from withholding or ~~require~~ requiring a child to participate in physical activity as a form of discipline.

~~5.~~ 2. As used in this section:

(a) "Moderate or vigorous physical activity" means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball, gardening, running, jumping, playing tag, chasing games, soccer, basketball ~~,~~ and swimming . ~~and heavy yard work.~~

(b) ~~"View media" includes, without limitation, watch television, video tapes and digital video discs, play video games or computer games, use a smartphone or handheld device and use the Internet.~~ "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.

Sec. 4. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Amendment 349 to Assembly Bill 152 replaces the requirement that meals or snacks comply with the Child and Adult Care Food Program with guidelines; requires the State Board of Health to adopt regulations prescribing the guidelines; provides that food brought by a parent or guardian does not have to comply with the guidelines; clarifies physical and sedentary activities; removes provisions related to viewing of media; and adds four additional sponsors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 162.

Bill read second time.

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

Amendment No. 268.

~~[CONTAINS UNFUNDED MANDATE(§ 2)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to peace officers; ~~[requiring]~~ **authorizing** certain peace officers to wear a portable event recording device while on duty; requiring certain law enforcement agencies to adopt policies and procedures governing

the use of portable event recording devices; **providing that, with certain limitations, records made by portable event recording devices are public records;** exempting the use of portable event recording devices from the provisions governing the interception of certain communications; exempting the use of portable event recording devices upon certain property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill **:** ~~[requires:]~~ (1) **authorizes** certain peace officers to wear a portable event recording device while on duty; and (2) **requires** certain law enforcement agencies to adopt policies and procedures relating to the use of portable event recording devices. **Section 1 also establishes that any record made by a portable event recording device is a public record which may be: (1) requested only on a per incident basis; and (2) inspected only at the location where the record is held if the record contains confidential information.**

Existing law authorizes investigative or law enforcement officers to intercept wire or oral communications, subject to certain requirements. (NRS 179.410-179.515) **Section 2** of this bill exempts a portable event recording device worn by a peace officer from the definition of an "electronic, mechanical or other device" used to intercept wire or oral communication. Existing law also prohibits the surreptitious electronic surveillance on: (1) the grounds of any facility owned or leased by the State of Nevada; (2) the property of a public school; or (3) a campus of the Nevada System of Higher Education. (NRS 331.200, 393.400, 396.970) **Sections 3-5** of this bill create an exception from certain unauthorized electronic surveillance conducted pursuant to **section 1**.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ A law enforcement agency ~~[shall:~~

~~(a) Require each]~~ may require uniformed peace ~~[officer]~~ officers that it employs to wear a portable event recording device while on duty.

~~[(b) Adopt]~~ If a law enforcement agency so requires, the law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices ~~[.]~~ , which must include, without limitation:

(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;

(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;

(c) Prohibiting the recording of general activity;

(d) Protecting the privacy of persons:

(1) In a private residence;

(2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or

(3) Claiming to be a victim of a crime;

(e) Limiting the period for which a video recorded by a portable event recording device must be retained; and

(f) Establishing disciplinary rules for peace officers who:

(1) Fail to operate a portable event recording device in accordance with any departmental policies;

(2) Manipulate a video recorded by a portable event recording device; or

(3) Prematurely erase a video recorded by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may be:

(a) Requested only on a per incident basis; and

(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

(a) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city; or

(4) The Nevada Highway Patrol.

(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 2. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

3. A portable event recording device, as defined in section 1 of this act.

Sec. 2.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220,

640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 3. NRS 331.220 is hereby amended to read as follows:

331.220 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on

the grounds of any facility owned or leased by the State of Nevada without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation; ~~[or]~~

(c) ***By a peace officer pursuant to section 1 of this act; or***

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the grounds of the facility.

Sec. 4. NRS 393.400 is hereby amended to read as follows:

393.400 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on any property of a public school without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property of the public school under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) ***By a peace officer pursuant to section 1 of this act;***

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the property of the public school; or

~~[(d)]~~ ***(e)*** Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 5. NRS 396.970 is hereby amended to read as follows:

396.970 1. Except as otherwise provided in subsection 2, it is unlawful for a person to engage in any kind of surreptitious electronic surveillance on a campus of the System without the knowledge of the person being observed.

2. Subsection 1 does not apply to any electronic surveillance:

(a) Authorized by a court order issued to a public officer, based upon a showing of probable cause to believe that criminal activity is occurring on the property under surveillance;

(b) By a law enforcement agency pursuant to a criminal investigation;

(c) ***By a peace officer pursuant to section 1 of this act;***

(d) Which is necessary as part of a system of security used to protect and ensure the safety of persons on the campus; or

~~[(d)]~~ ***(e)*** Of a class or laboratory when authorized by the teacher of the class or laboratory.

Sec. 6. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on January 1, 2016.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 268 to Assembly Bill 162 replaces the word "shall" with "may" to make the bill enabling, and limits the use of cameras to "uniformed" peace officers. The bill further requires law enforcement agencies to develop policies related to the use of event recording equipment, public records requests for recordings, when a recording should occur or not occur, and disciplinary rules for failure to follow agency policy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 248.

AN ACT relating to education; providing for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English by affixing the State Seal of Biliteracy to the diploma **and transcript** of each pupil who meets certain requirements. **Section 3** of this bill prescribes the requirements that a pupil must meet in order to be awarded the State Seal of Biliteracy.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Superintendent of Public Instruction shall establish a State Seal of Biliteracy Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in one or more languages in addition to English.***

2. The Superintendent of Public Instruction shall:

(a) Create a State Seal of Biliteracy that may be affixed to the diploma and transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and

(b) Deliver the State Seal of Biliteracy to each school district , charter school and university school for profoundly gifted pupils that participates in the program.

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Biliteracy

Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of Biliteracy; and

(b) Affix the State Seal of Biliteracy to the diploma and transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.

Sec. 3. ***A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:***

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. Passes the end-of-course examinations in English language arts required pursuant to NRS 389.805;

3. Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) [Through successful completion of at least 4 years of courses in a world language with at least a 3.0 grade point average, on a 4.0 grading scale, in those courses;] By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

[3.] 4. If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 248 to Assembly Bill 166 requires the State Seal of Biliteracy be affixed to the transcript of a pupil, in addition to his or her diploma, to recognize the pupil has met the necessary requirements in the bill as a whole. The amendment also adds that the State Seal of Biliteracy must be awarded to pupils who pass the end-of-course examination in English language arts required by law, and for pupils who pass an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 269.

AN ACT relating to municipal obligations; clarifying that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred; requiring certain information to be included in certain publications relating to the intent of a municipality to issue or incur obligations; ~~[~~~~prescribing~~~~]~~ **revising** the manner of publication **~~[~~**~~, limiting the amount of a general obligation that may be issued or incurred in certain circumstances;~~~~]~~ **of a certain notice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes municipalities and school districts to issue or incur general obligations upon meeting certain requirements. Municipalities generally are required to submit a proposal to issue or incur general obligations to the electors of the municipality at a special or general election, with the exception that municipalities may issue or incur general obligations by an affirmative vote of two-thirds of the members of the governing body of the municipality finding that the pledged **non property tax** revenue ~~[~~~~of the project to be financed~~~~]~~ will be sufficient to service the debt, upon publishing a resolution of intent to issue or incur the obligation and upon meeting certain other procedural requirements. Under the exception, not less than 5 percent of the registered voters of the municipality can reject the issuance of the obligation by petition. (NRS 350.020) This bill: (1) clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose; (2) requires a publication of a resolution of the intent of a municipality to issue or incur a general obligation to include ~~[~~~~a description of the manner by which the registered voters of the municipality may petition the governing body~~~~]~~ **certain information relating to the filing of a petition** to reject the issuance of the obligation; **and** (3) requires the publication **of the notice of the public hearing concerning the incurrence of the obligation** to be made at least three times, once a week for 3 consecutive weeks, in a newspaper of general circulation in the municipality **.** ~~[~~~~; and (4) prohibits a governing body of a municipality that may otherwise issue or incur a general obligation without submitting the proposal to the electors on a ballot at an election from issuing or incurring a general obligation in an amount greater than $2,500,000 in a county whose population is less than 100,000, or $5,000,000 in a county whose population is 100,000 or more.~~~~]~~

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

Section 1. NRS 350.020 is hereby amended to read as follows:

350.020 1. ***A general obligation issued or incurred pursuant to this section must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose.*** Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year,

➥ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If ~~***[Except as otherwise provided in this subsection, if]***~~ payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue ~~***[of the project to be financed]***~~ will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered

voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation ***,*** ~~[~~and~~]~~ the purpose for which it is to be incurred ~~[***. and a description of the manner***]~~ ***, the date by which the registered voters of the municipality*** ~~[***may***]~~ ***must file a petition with the governing body to reject the issuance of the obligation*** ~~[***.***]~~ ***, the location at which the petition must be filed with the governing body and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition.*** Notice of the public hearing must be published at least ~~[~~10 days before the day of the hearing. The publications must be made~~]~~ ***three times,*** once ***each week for three consecutive weeks,*** in a newspaper of general circulation in the municipality. ***The third publication of the notice required by this*** ~~[***section***]~~ ***subsection must be made at least 10 days before the date of the hearing.*** When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide. ~~[***A governing body shall not issue or incur any general obligation in the manner authorized by this subsection in an amount greater than $2,500,000 in a county whose population is less than 100,000, or $5,000,000 in a county whose population is 100,000 or more.***]~~

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 2. ~~[This act becomes effective on July 1, 2015.]~~ **(Deleted by amendment.)**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 269 to Assembly Bill 170 removes provisions regarding the pledged revenue of the project to be financed; adds specific information informing registered voters on how and where to file a petition to challenge a proposal to issue a general obligation bond; removes the debt issuance limits proposed in the bill; and changes the effective date of the bill to October 1, 2015, to allow current proposals to proceed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 354.

CONTAINS UNFUNDED MANDATE (§ 1)
(Not Requested by Affected Local Government)

SUMMARY— ~~[Establishes]~~ **Requires the regional transportation commission in certain counties to establish and administer** the Nevada Yellow Dot Program **.** ~~[within the Department of Motor Vehicles.]~~ (BDR ~~[43-649)]~~ **22-649)**

AN ACT relating to ~~[vehicles; establishing]~~ **transportation; requiring the regional transportation commission in certain counties to establish and administer** the Nevada Yellow Dot Program **;** ~~[within the Department of Motor Vehicles;]~~ setting forth the requirements of the Program; requiring the ~~[Director of the Department]~~ **commission in those counties** to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this]~~ **This** bill: (1) ~~[establishes]~~ **requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish and administer** the Nevada Yellow Dot Program ~~[to be administered by the Director of the Department of Motor Vehicles;]~~ **in coordination with each regional transportation commission in this State;** (2) requires the ~~[Director]~~ **regional transportation commission in a county whose population is 700,000 or more (currently Clark County)** to disseminate information about the Program to the public and to public safety agencies; (3) authorizes ~~[the Department]~~ **that commission** to obtain grants or sponsorships for the Program; and (4) provides that first responders are immune from civil liability for damages as a result of any act or omission taken by the first responder relating to a collision or other emergency in connection with the Program.

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

Section 1. Chapter ~~[481]~~ **277A** of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The]~~ In a county whose population is 700,000 or more, the commission shall establish and administer the Nevada Yellow Dot Program ~~[is hereby established within the Department]~~ for the purpose of improving traffic safety. ~~[The Director shall administer the Program.]~~

2. The commission specified in subsection 1 shall coordinate with each commission in this State regarding the design, implementation and funding of the Program.

3. The Program must:

(a) Be available to any person in this State who wishes to participate in the Program by obtaining the materials described in paragraphs (b) and (c) ~~[at]~~ :

(1) At the main office or any branch office of ~~[the Department]~~ each commission in this State;

(2) At the main office or any branch office of the Nevada Highway Patrol, the Department of Transportation or other location designated by the commission in a county whose population is 700,000 or more; or ~~[by]~~

(3) By mail, upon request.

(b) Provide to a participant a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment of the vehicle if the occupant is involved in a collision or other emergency.

(c) Provide to a participant a brightly colored and distinctively marked envelope and information card to be completed by the participant and kept in the glove box of a vehicle upon which the decal described in paragraph (b) has been affixed. The information card must include, without limitation, spaces for the participant to include:

(1) The participant's name;

(2) A recent photograph of the participant;

(3) Emergency contact information;

(4) Any allergies or medical conditions of the participant;

(5) The name and contact information of the participant's physician and a preferred hospital, if any; and

(6) Information, if any, regarding the participant's health insurance.

~~[3.]~~ 4. In designing materials for the Program, the ~~[Director]~~ commission in a county whose population is 700,000 or more shall consider any materials used by similar programs in other states to ensure, to the extent practicable, uniformity with those materials.

~~[4. The Director]~~

5. In a county whose population is 700,000 or more, the commission shall establish and carry out a public information campaign to raise public awareness of the Program. In carrying out that campaign, ~~[the Director]~~ that commission shall disseminate information concerning the Program to public safety agencies in this State.

~~[5. The Department]~~

6. In a county whose population is 700,000 or more, the commission may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program, including, without limitation, any private or corporate sponsorship for the Program.

~~[6.]~~ 7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a collision or

other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.

~~***[7. The Director may adopt regulations to carry out the provisions of this section.]***~~

8. As used in this section, "first responder" means any police, fire or emergency medical personnel acting in the normal course of duty.

Sec. 2. ~~[NRS 481.083 is hereby amended to read as follows:~~

~~481.083 1. [Money] *Except as otherwise provided in section 1 of this act, money* for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization upon the presentation of budgets in the manner required by law.~~

~~2. All money provided for the support of the Department and its various divisions must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.]~~ **(Deleted by amendment.)**

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

Sec. 3. This act becomes effective ~~[:~~

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

~~2. On]~~ **on** January 1, 2016 **.** ~~[, for all other purposes.]~~

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 354 to Assembly Bill 176 provides that the Regional Transportation Commission [RTC] of Southern Nevada, instead of the Department of Motor Vehicles, will administer the Yellow Dot Program. The amendment requires the RTC of Southern Nevada to coordinate with other regional transportation commissions in the state regarding the design, implementation, and funding of the program. Finally, the amendment removes the possibility that the state would have to provide money for the administration of this program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 249.

AN ACT relating to education; removing the requirement for a school to deem a pupil a habitual disciplinary problem under certain circumstances; revising provisions governing the notice provided to a parent or legal guardian concerning a pupil who is deemed a habitual disciplinary problem and the

discipline imposed on such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for at least one semester if that pupil is deemed a habitual disciplinary problem under certain circumstances, and requires the pupil to enroll in a private school, a program of independent study or be homeschooled for the period of suspension or expulsion. (NRS 392.466) Existing law further requires a school to notify the parent or legal guardian of a pupil when the pupil is suspended for fighting or commits an act that may cause the pupil to be deemed a habitual disciplinary problem. (NRS 392.4655)

Section 2 of this bill removes the requirement that a pupil who is deemed a habitual disciplinary problem be suspended or expelled for at least one semester and instead authorizes the school to suspend the pupil from school for a period not to exceed one semester if the pupil is deemed a habitual disciplinary problem**~~.~~ ~~[.]~~ or expel the pupil from school under extraordinary circumstances.** **Section 2** further requires that a pupil enroll in a private school, a program of independent study or be homeschooled **if the pupil is expelled or** for the period of suspension only if the suspension is for one semester. **Section 1** of this bill revises the requirements of the written notice that a school must provide to the parent or legal guardian of a pupil relating to the possibility of suspension **or expulsion** if the pupil is deemed a habitual disciplinary problem. **Section 1** also makes the designation of a pupil as a habitual disciplinary problem permissive rather than mandatory when the pupil commits certain acts.

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

Section 1. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school **~~[~~**~~shall~~**~~]~~** ***may*** deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school;

(b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on the pupil's way to or from school; or

(c) The pupil has a record of five suspensions from the school for any reason.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school

shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives one suspension on the pupil's record, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that if the pupil is suspended for initiating one additional fight or if the pupil receives five suspensions on his or her record during the current school year, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ **:**

(1) Suspended from school for a period ~~[equal to at least one school semester;]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection ~~[6]~~ ***7*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) If applicable, a summary of the provisions of subsection 4.

➥ A school shall provide the notice required by this subsection for each suspension on the record of a pupil during a school year. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

4. If a pupil is suspended for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives four suspensions on the pupil's record within 1 school year, the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend school with his or her child.

(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

➥ If the pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior, the pupil ~~[shall]~~ ***may*** be deemed a habitual disciplinary problem.

5. If a pupil commits an act the commission of which qualifies the pupil to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the qualifying act and any previous such acts committed by the pupil and the dates on which those acts were committed;

(b) An explanation that pursuant to subsection 3 of NRS 392.466, a pupil who is a habitual disciplinary problem ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ ***:***

(1) Suspended from ***that*** school for a period ~~[equal to at least one school semester;]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(c) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection ~~[6]~~ *7* of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from ***that*** school in the same manner as a pupil without a disability; and

(d) If applicable, a summary of the provisions of subsection 6.

➥ The school shall provide the notice at least 7 days before the school deems the pupil a habitual disciplinary problem. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.

6. Before a school deems a pupil a habitual disciplinary problem and suspends or expels the pupil, the school may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:

(a) The parent or legal guardian to attend ***that*** school with his or her child.

(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

➥ If the pupil violates the conditions of the plan or commits the same act for which notice was provided pursuant to subsection 5 after he or she enters into a plan of behavior, the pupil ~~[shall]~~ ***may*** be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820

to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

➥ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ **:**

(a) Suspended from the school for a period ~~[equal to at least one semester for that school. For]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline*** ~~[.]~~ **; or**

(b) Expelled from school under extraordinary circumstances as determined by the principal of the school.

4. If the ***pupil is expelled, or the*** period of the pupil's suspension ~~[or expulsion,]~~ ***is for one school semester,*** the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[4.]~~ ***5.*** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~[5.]~~ ***6.*** Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~[6.]~~ ***7.*** A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action

is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

~~[7.]~~ ***8.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~[8.]~~ ***9.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 249 to Assembly Bill 178 restores the authority of the school principal to expel a pupil from school under extraordinary circumstances

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

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

Amendment No. 301.

SUMMARY— ~~[Revises provisions governing out-of-school time and]~~ **Establishes certain requirements for the operation of** seasonal or temporary recreation programs. (BDR 38-506)

AN ACT relating to care of children; ~~[requiring certain out-of-school time and seasonal or temporary recreation programs to obtain a permit; imposing a fee for the issuance of such a permit;]~~ establishing certain requirements for the operation of ~~[an out-of-school time or]~~ a seasonal or temporary recreation

program; **providing a civil penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a local government to obtain a permit from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate an out-of-school recreation program. To obtain a permit, the provider must complete an application, pay a fee and meet certain requirements. (NRS 432A.600)]~~ Existing law ~~[also]~~ requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law **.** ~~[, which also limits the number of participants in such a program and establishes certain components that must be included in the program.]~~ (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program **.** ~~[, and to provide copies of certain inspection reports of the facility where the program is conducted according to a schedule established by the Division.]~~ (NRS 432A.630 **)** ~~[, 432A.640) If such inspection reports are provided, existing law prohibits the Division from conducting any additional on-site inspections of the facility. (NRS 432A.640) The Division is also required to adopt any regulations necessary to carry out the provisions relating to out-of-school recreation programs. (NRS 432A.650) This]~~ **Sections 11-13 of this** bill ~~[makes the same]~~ **make such** requirements imposed on an out-of-school recreation program applicable to ~~[all recreation programs which are defined in section 3 of this bill to include an out-of-school recreation program, an out-of-school-time program and]~~ **a nongovernmental person or entity that operates** a seasonal or temporary recreation program. **Section 14 of this bill imposes a civil penalty not to exceed $500 on a person who operates a seasonal or temporary recreation program for failure to comply with such requirements.**

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and 4]~~ **11 to 14, inclusive,** of this act.

Sec. 2. ~~[*As used in NRS 432A.600 to 432A.650, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Recreation program" means:*~~

~~*1. An out-of-school recreation program;*~~

~~*2. An out-of-school-time program; and*~~

~~*3. A seasonal or temporary recreation program.*]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Provider" means the person or local government responsible for the operation of a recreation program.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 432A.600 is hereby amended to read as follows:~~

~~"432A.600 1. To operate [an out-of-school] *a* recreation program, a [local government] *provider* must obtain a permit. The [local government] *provider* may apply for the issuance or renewal of a permit by submitting an application on a form prescribed by the Division. The Division shall issue a permit to operate [an out-of-school] *a* recreation program to the [local government] *provider* upon payment of the fee prescribed in subsection 2 and upon satisfaction that the program complies with the requirements set forth in NRS 432A.600 to 432A.650, inclusive, *and sections 2, 3 and 4 of this act* and any regulations adopted pursuant thereto.~~

~~2. The Division shall charge a fee for a permit to operate [an out-of-school] *a* recreation program based upon the number of sites operated by the [out-of-school] recreation program. If the [out-of-school] recreation program has:~~

~~(a) At least 1 but not more than 5 sites, the Division shall charge a fee of $100.~~

~~(b) At least 6 but not more than 20 sites, the Division shall charge a fee of $250.~~

~~(c) At least 21 but not more than 40 sites, the Division shall charge a fee of $500.~~

~~(d) At least 41 but not more than 60 sites, the Division shall charge a fee of $750.~~

~~(e) At least 61 but not more than 80 sites, the Division shall charge a fee of $1,000.~~

~~(f) At least 81 sites, the Division shall charge a fee of $1,250.~~

~~3. A permit issued pursuant to this section is nontransferable and is valid:~~

~~(a) For 3 years from the date of issuance; and~~

~~(b) Only as to a site specifically identified on the permit.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 432A.610 is hereby amended to read as follows:~~

~~"432A.610 A [local government] *provider* that operates [an out-of-school] *a* recreation program shall ensure that each site:~~

~~1. Complies with applicable laws and regulations concerning safety standards;~~

~~2. Complies with applicable laws and regulations concerning health standards;~~

~~3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;~~

~~4. Has an emergency exit plan posted on-site in a conspicuous place; and~~

~~5. Has not less than two staff members on-site and available during the hours of operation who are certified and receive annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 432A.620 is hereby amended to read as follows:~~

~~"432A.620 A [local government] *provider* that operates [an out-of-school] *a* recreation program shall:~~

~~1. Complete, for each member of the staff of the [out-of-school] recreation program:~~

~~(a) A background and personal history check; and~~

~~(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.~~

~~2. Ensure that each member of the staff of the [out-of-school] recreation program:~~

~~(a) Meets the minimum requirements that have been established for the position; and~~

~~(b) Receives an orientation and training concerning the abuse and neglect of children.~~

~~3. Ensure that the number of participants in the [out-of-school] recreation program:~~

~~(a) Does not exceed a ratio of one person supervising every 20 participants; and~~

~~(b) Will not cause the facility where the program is operated to exceed the maximum occupancy as determined by the State Fire Marshal or the local governmental entity that has the authority to determine the maximum occupancy of the facility.~~

~~4. Ensure that the [out of school] recreation program includes, without limitation:~~

~~(a) An inclusion component for participants who qualify under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;~~

~~(b) Structured activities, including, without limitation, arts and crafts, games and sports;~~

~~(c) Nonstructured activities, which may include, without limitation, free time for playing;~~

~~(d) Regular restroom breaks; and~~

~~(e) Nutrition breaks.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 432A.630 is hereby amended to read as follows:~~

~~"432A.630 1. The [out-of-school] recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:~~

~~(a) The full legal name of the child and the preferred name of the child;~~

~~(b) The date of birth of the child;~~

~~(c) The current address where the child resides;~~

~~(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;~~

~~(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and~~

~~(f) Any other information requested by the Division.~~

~~2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~**[**NRS 432A.640 is hereby amended to read as follows:~~

~~432A.640 1. A~~ **[**~~local government~~**]** ***provider*** ~~that operates~~ **[**~~an out-of-school~~**]** ***a*** ~~recreation program shall provide the Division with a copy of each report of an inspection conducted by a governmental entity that is authorized to conduct an inspection of the facility where the program is operated, including, without limitation, the report of an inspection by a local building department, a fire department, the State Fire Marshal or a district board of health.~~

~~2. The Division shall establish a schedule for the submission of such reports which requires submission of a report of an on-site inspection once every 2 years and shall provide a checklist to the~~ **[**~~local government~~**]** ***provider*** ~~which identifies the reports that must be submitted to the Division.~~

~~3. The Division shall not require any additional inspections of the facility of~~ **[**~~an out-of-school~~**]** ***a*** ~~recreation program which complies with the provisions of this section.~~**]** **(Deleted by amendment.)**

Sec. 10. ~~**[**NRS 432A.650 is hereby amended to read as follows:~~

~~432A.650 The Division shall adopt any regulations necessary to carry out the provisions of NRS 432A.600 to 432A.650, inclusive~~ ~~**[.]**~~ ***, and sections 2, 3 and 4 of this act.]*** **(Deleted by amendment.)**

Sec. 11. A person who operates a seasonal or temporary recreation program shall ensure that each site upon which the program is conducted:

1. Complies with applicable federal, state and local laws and regulations concerning safety standards;

2. Complies with applicable federal, state and local laws and regulations concerning health standards;

3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;

4. Has an emergency exit plan posted on-site in a conspicuous place; and

5. Has at least one staff member on-site and available during the hours of operation who is certified and receives annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

Sec. 12. A person who operates a seasonal or temporary recreation program shall complete, for each member of the staff of the program:

1. A background and personal history check; and

2. A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect

of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

Sec. 13. 1. The person who operates a seasonal or temporary recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:

(a) The full legal name of the child and the preferred name of the child;

(b) The date of birth of the child;

(c) The current address where the child resides;

(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;

(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and

(f) Any other information requested by the Division.

2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.

Sec. 14. A person who operates a seasonal or temporary recreation program and who fails to comply with any provision of section 11, 12 or 13 of this act is subject to a civil penalty not to exceed $500 for each failure to comply. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Amendment 301 to Assembly Bill 197 replaces the entirety of the bill and instead makes requirements imposed on an out-of-school recreation program applicable to a nongovernmental person or entity that operates a seasonal or temporary recreation program. Also, a civil penalty, not to exceed $500, is imposed if a person fails to comply with the requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 323.

AN ACT relating to education; making various changes concerning policies governing data which includes information about pupils that is maintained by the Department of Education; requiring certain contracts that require disclosure of personally identifiable information concerning pupils to include provisions concerning the protection of such information; requiring the

Department to adopt a data security plan for collecting, maintaining and transferring data concerning pupils; requiring the annual report of the state of public education to include certain information concerning the collection, maintenance and transfer of ~~[pupil]~~ data **~~[,]~~ concerning pupils;** requiring certain entities to adopt policies concerning data which includes information concerning pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an automated system of accountability information for the State of Nevada. (NRS 386.650) **Section 2** of this bill requires the Department of Education to establish, publish and make publicly available on its Internet website: (1) an index of data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada; (2) an explanation of the index of data elements that must include a description of each data element and the reason for collecting or proposing to collect such an element; and (3) the ~~[entities]~~ **third-party service providers, organizations and agencies** that have access to the data about individual pupils maintained by the Department in this system. **Section 2** also requires the Department to update this information at least once each biennium.

Existing law requires a public school to comply with federal law governing: (1) access to the education records of a pupil; (2) requesting an amendment or other change to the education records of a pupil; and (3) confidentiality of the education records of a pupil. (NRS 392.029) **Section 3** of this bill requires the Department to adopt any policies and procedures necessary to ensure the privacy of data about pupils which are consistent with relevant state and federal privacy laws. **Section 3** also requires the Department to review these policies and procedures at least once each biennium and revise them as necessary.

Section 4 of this bill requires any contract entered into by the Department, a school district, a sponsor of a charter school or a public school, including, without limitation, a charter school, that provides for the disclosure of data that includes any personally identifiable information of a pupil to include: (1) express provisions to protect the privacy and security of such information; (2) a prohibition on the use of such information for any purpose other than those required or specifically authorized by the contract; (3) a prohibition on ~~[any commercial use of such information;]~~ **selling the information and using the information to market products or services to pupils;** and (4) a penalty for intentional or grossly negligent noncompliance with the terms of the contract.

Section 5 of this bill requires the Department **, in consultation with each school district and the State Public Charter School Authority,** to adopt a detailed plan to provide for the security of data that is collected, maintained and transferred by the Department. **Section 5** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to carry out this plan.

Existing law requires the Department, in conjunction with the State Board of Education, to prepare an annual report of the state of public education in this State. (NRS 385.230) **Section 5** requires each school district, sponsor of a charter school and university school for profoundly gifted pupils to prepare and submit to the Department an annual report concerning any **significant** changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department. **Section 6** of this bill requires the annual report to include: (1) a description of any **significant** changes made to the collection, maintenance or transfer of data concerning pupils; and (2) any new data elements proposed for inclusion in the automated system of accountability information for Nevada.

Section 8 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available an index of data elements **[: (1)]** transferred to the automated system of accountability information for Nevada **. [; and (2) collected or maintained by the school district, charter school or university school for profoundly gifted pupils that are not reported to the automated system of accountability information for Nevada.]** **Section 8** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available a list of **[entities]** **third-party service providers, organizations and agencies** that have access to such information.

Section 9 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to adopt policies and procedures governing: (1) the use by teachers and other educational personnel of certain software; **[(2) the entry by teachers and other educational personnel into certain contracts;]** and **[(3)]** **(2)** the manner in which data concerning pupils may be provided to any person when the provision of such data is not expressly authorized by the board of trustees or the governing body, as applicable.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Department shall establish, publish and make publicly available on its Internet website:***

(a) An index of the data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada established pursuant to NRS 386.650, including, without limitation:

(1) Data concerning individual pupils; and

(2) Aggregated data concerning pupils within a defined group.

(b) An explanation of the index of data elements established pursuant to paragraph (a), which must include, without limitation:

(1) A description of each data element concerning each individual pupil;

(2) The reason for collecting or proposing to collect each data element concerning each individual pupil; and

(3) The ~~[entities]~~ third-party service providers, organizations and agencies that have access to the data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650.

2. At least once each biennium, the Department shall update the information described in subsection 1.

Sec. 3. *1. The Department shall adopt any policies and procedures necessary to ensure the privacy of data concerning pupils which are consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.*

2. At least once each biennium, the Department shall review and revise as necessary the policies and procedures described in subsection 1.

Sec. 4. *1. Any contract entered into by the Department, a school district, a sponsor of a charter school or a public school, including, without limitation, a charter school, that provides for the disclosure of data that includes any personally identifiable information of a pupil must include, without limitation:*

(a) Provisions specifically to protect the privacy and security of the personally identifiable information;

(b) A prohibition on the use of the personally identifiable information for any purpose other than those required or specifically authorized by the terms of the contract;

(c) A prohibition on ~~[any commercial use of the information, including, without limitation,]~~ selling the personally identifiable information and using the personally identifiable information to market products or services to pupils ~~[.]~~ , except that information which includes only aggregated data concerning pupils may be used to demonstrate the effectiveness of the product or service; and

(d) A penalty for intentional or grossly negligent noncompliance with the terms of the contract ~~[.]~~ , including, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract.

2. As used in this section, "personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 5. *1. The Department , in consultation with each school district and the State Public Charter School Authority, shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.*

2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.

3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department pursuant to NRS 385.230.

Sec. 6. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3572;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.3593;

(e) ***A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;***

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 386.650;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

~~[(f)]~~ ***(h)*** An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

~~[(g)]~~ ***(i)*** An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

~~[(h)]~~ ***(j)*** An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

~~[(i)]~~ ***(k)*** An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

~~[(j)]~~ ***(l)*** A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

~~[(k)]~~ ***(m)*** A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 7. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall establish, publish and make publicly available:***

1. An index of data elements, including, without limitation, data concerning individual pupils and aggregated data concerning pupils within a defined group ~~[:~~

~~(a) Transferred]~~ ***transferred to the automated system of accountability information for Nevada established pursuant to NRS 386.650; and***

~~[(b) Collected or maintained by the school district, charter school or university school for profoundly gifted pupils, as applicable, that are not reported to the automated system of accountability information for Nevada established pursuant to NRS 386.650; and]~~

2. A list of the ~~[persons or entities]~~ ***third-party service providers, organizations and agencies that have access to data concerning individual pupils*** ~~[:~~

~~*(a) Maintained]*~~ *maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650* ~~*. [; and*~~

~~*(b) Collected or maintained by the school district, charter school or university school for profoundly gifted pupils, as applicable, that are not reported to the automated system of accountability information for Nevada.]*~~

Sec. 9. ***The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall adopt policies and procedures governing:***

1. The use by teachers and other educational personnel of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality or virtual goods; and

2. ~~*[Contracts entered into by teachers and other educational personnel that require the acceptance of specific terms to use a product; and*~~

~~*3.]*~~ ***The manner in which data concerning pupils may be provided to a person when the provision of such data is not expressly authorized by the board of trustees or governing body, as applicable.***

Sec. 10. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.3891, inclusive, ***and section 2 of this act*** in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➥ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 11. The provisions of section 4 of this act do not apply to any contract ~~[or agreement]~~ entered into before July 1, 2015, until extended or renewed.

Sec. 12. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 323 to Assembly Bill 221 clarifies that the Department of Education make available on its website third-party service providers, organizations, and agencies that have access to data concerning individual pupils, rather than all entities. It prohibits the use of personally identifiable information for any purpose other than specified under contract, and prohibits the sale of personally identifiable information, except information that includes only aggregated data and may be used to demonstrate the effectiveness of the product or service. It includes, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract. It clarifies that only significant changes to data collection be reported under the bill as a whole. It also deletes requirements for reporting every piece of data collected by the districts, but not included in the state accountability database.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 533.

AN ACT relating to the Department of Corrections; requiring certain provisions to be included in contracts entered into between the Director of the Department of Corrections and public or private entities to provide certain services to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections, after consulting with the Division of Parole and Probation of the Department of Public Safety, to enter into one or more contracts with one or more public or private entities to provide certain services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community. (NRS 209.4889) This bill requires such contracts to contain certain provisions concerning: (1) ~~[adequate and continuous funding for such]~~ services **~~[,]~~ that the entity will provide;** (2) **offenders and parolees participating in such services; (3)** assessments of the risk levels of offenders and parolees; and ~~[(3)]~~ **(4)** annual meetings between the Director, a representative of the Division, and entities which have entered into a contract with the Director to provide such services to offenders and parolees.

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

Section 1. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. The Director may, after consulting with the Division, enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to substance abuse or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and

(e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. The Director shall, as necessary and appropriate, provide referrals and information regarding:

(a) Any of the services provided pursuant to subsection 1;

(b) Access and availability of any appropriate self-help groups;

(c) Social services for families and children; and

(d) Permanent housing.

3. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer

for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

4. ***A contract entered into between the Director and a public or private entity pursuant to subsection 1 must ~~[:]~~ require the entity to:***

(a) ~~[Set forth one or more contingency plans which will enable the entity to continue to operate and provide]~~ Provide a budget concerning any services ~~[if funding is expended or not renewed.]~~ the entity will provide during the duration of any grant received.

(b) ~~[Require the entity to provide notice of when funding will end and when a contingency plan will begin, and inform the Director of how any resulting gap in funding will be fulfilled.]~~ Provide all services required by any grant received.

(c) ~~[Require the entity, to]~~ Provide to the Department for its approval a curriculum for any program of services the entity will provide.

(d) Provide to the Division the number of offenders or parolees to whom any grant received will enable the entity to provide services and, once services are provided, a list of the offenders or parolees participating in such services.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division.

(f) To the extent financially practicable, ~~[to]~~ assess the risk levels of offenders and parolees by using the most effective data system available to assess such risk levels.

~~[(d) Require the entity to share]~~

(g) Share with the Director information concerning assessments of the risk levels of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

~~[(e) Require the entity to meet]~~

(h) Meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

5. As used in this section, "training in life skills" includes, without limitation, training in the areas of:

(a) Parenting;

(b) Improving human relationships;

(c) Preventing domestic violence;

(d) Maintaining emotional and physical health;

(e) Preventing abuse of alcohol and drugs;
(f) Preparing for and obtaining employment; and
(g) Budgeting, consumerism and personal finances.

Sec. 2. The amendatory provisions of this act apply to a contract entered into between the Director of the Department of Corrections and a public or private entity pursuant to NRS 209.4889, as amended by section 1 of this act, after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 533 to Assembly Bill 225 requires a private or public entity in which the Director of the Department of Corrections has entered into one or more contracts to provide a budget concerning any services required by any grant received, to receive approval of curriculum from the Department for any program, to provide a list of offenders or parolees participating in services, and, lastly, to provide to any offender or parolee who completes the program, a certificate of completion, and to provide a copy to the Department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 534.

AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent with primary or joint physical custody of a child from relocating with the child outside this State or to certain locations within this State without the written consent of the noncustodial parent or the permission of the court as the circumstances require; authorizing a non-relocating parent to recover reasonable attorney's fees and costs in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. (NRS 125.450-125.520) **Section 19** of this bill repeals almost all of these provisions. **Sections 3-12** of this bill add such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried.

Section 4 provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. **Sections 5 and 6** provide that if ~~[parents cohabit together with their child for a period of 1 year or more before the filing of an action for legal or physical custody, such cohabitation]~~ **a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration** creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. **Section 7** authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. **Section 7** also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock.

Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child. (NRS 125C.200) **Section 16** of this bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established. **Section 13** of this bill requires a parent who has joint physical custody of a child and wants to ~~[make such a relocation within this State or]~~ relocate outside this State **or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child** to petition the court for primary physical custody of the child for the purpose of relocating.

Section 14 of this bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. **Section 14** also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under **section 18** of this bill, a parent who relocates with a child without the written consent of the noncustodial parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, **section 15** of this bill provides that if a parent relocates with a child in violation of **section 18**: (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating

parent can recover reasonable attorney's fees and costs incurred as a result of the relocating parent's violation.

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

Section 1. NRS 125.040 is hereby amended to read as follows:

125.040 1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay moneys necessary to assist the other party in accomplishing one or more of the following:

(a) To provide temporary maintenance for the other party;

(b) To provide temporary support for children of the parties; or

(c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with orders pursuant to ~~[~~NRS 125.470.~~]~~ ***section 12 of this act.***

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.

Sec. 3. ***The Legislature declares that it is the policy of this State:***

1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;

2. To encourage such parents to share the rights and responsibilities of child rearing; and

3. To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.

Sec. 4. ***1. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.***

2. If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.

Sec. 5. ***1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if*** ***:*** ~~***[the parents:]***~~

(a) ~~***[Have]***~~ ***The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or***

(b) ~~[Cohabited together with the minor child for a period of 1 year or more before the filing of an action for legal custody.]~~ A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. The court may award joint legal custody without awarding joint physical custody.

Sec. 6. *1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if : ~~[the parents:]~~*

(a) ~~[Have]~~ The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or

(b) ~~[Cohabited together with the minor child for a period of 1 year or more before the filing of an action for physical custody.]~~ A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. For assistance in determining whether an award of joint physical custody is appropriate, the court may direct that an investigation be conducted.

Sec. 7. *1. A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:*

(a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year; ~~[or]~~

(b) A child is born out of wedlock and the provisions of subsection 2 are applicable ~~[.]~~ ; or

(c) Except as otherwise provided in subsection 6 of section 8 of this act or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.

2. A court may award primary physical custody of a child born out of wedlock to:

(a) The mother of the child if:

(1) The mother has not married the father of the child;

(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and

(3) The father of the child:

(I) Is not subject to any presumption of paternity under NRS 126.051;

(II) Has never acknowledged paternity pursuant to NRS 126.053; or

(III) Has had actual knowledge of his paternity but has abandoned the child.

(b) The father of the child if:

(1) The mother has abandoned the child; and

(2) The father has provided sole care and custody of the child in her absence.

3. As used in this section:

(a) "Abandoned" means that a mother or father has:

(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or

(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.

(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.

Sec. 8. *1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.*

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to section 6 of this act or to either parent pursuant to section 7 of this act. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination ~~[by a parent or]~~ of a guardian for the child ~~[.]~~ by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person

seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 9. ***1. Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.***

2. No allegation that parental custody would be detrimental to the child, other than a statement of that ultimate fact, may appear in the pleadings.

3. The court may exclude the public from any hearing on this issue.

Sec. 10. *1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:*

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and

(b) At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:

> ***PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the***

court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 11. ***1. The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court's order concerning custody.***

2. Access to records and other information pertaining to a minor child, including, without limitation, medical, dental and school records, must not

be denied to a parent for the reason that the parent is not the child's custodial parent.

Sec. 12. ***1. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.***

2. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.

3. If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.

4. All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.

5. A proceeding under this section must be given priority on the court calendar.

Sec. 13. ***1. If joint physical custody has been established pursuant to an order, judgment or decree of a court or section 4 of this act or by operation of law and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is ~~[more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established,]~~ at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall petition the court for primary physical custody for the purpose of relocating.***

2. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

Sec. 14. *1. In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.200 or section 13 of this act, the relocating parent must demonstrate to the court that:*

(a) There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;

(b) The best interests of the child are substantially better served by allowing the relocating parent to relocate;

(c) The child and the relocating parent will benefit from an actual advantage that currently exists or is certain to exist before the time of the relocation; and

(d) If the parents currently share joint custody of the child, the child will do substantially better in the new location than the child would if he or she remained in this State with the non-relocating parent.

2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

(a) The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;

(b) Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;

(c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;

(d) Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;

(e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and

(f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.200 or section 13 of this act has the burden of proving that relocating with the child is in the best interest of the child.

Sec. 15. ***If a parent with primary physical custody or joint physical custody relocates with a child in violation of NRS 200.359:***

1. The court shall not consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination.

2. If the non-relocating parent files an action in response to the violation, the non-relocating parent is entitled to recover reasonable attorney's fees and costs incurred as a result of the violation.

Sec. 16. NRS 125C.200 is hereby amended to read as follows:

125C.200 ***1.*** If ***primary physical*** custody has been established ***pursuant to an order, judgment or decree of a court*** and the custodial parent intends to ~~[move]~~ ***relocate*** his or her residence to a place outside of this State ***or to a place within this State that is more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established,*** and ***the custodial parent desires*** to take the child with him or her, the custodial parent ~~[must, as soon as possible and before the planned move, attempt]~~ ***shall:***

(a) Attempt to obtain the written consent of the noncustodial parent to ~~[move]~~ ***relocate with*** the child ~~[from this State. If]~~ ***; and***

(b) If the noncustodial parent refuses to give that consent, ~~[the custodial parent shall, before leaving this State with the child,]~~ petition the court for permission to ~~[move]~~ ***relocate with*** the child. ~~[The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.]~~

2. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

Sec. 17. NRS 146.010 is hereby amended to read as follows:

146.010 Except as otherwise provided in this chapter or in ~~[NRS 125.510,]~~ ***section 10 of this act,*** if a person dies leaving a surviving spouse or a minor child or minor children, the surviving spouse, minor child or minor children are entitled to remain in possession of the homestead and of all the wearing apparel and provisions in the possession of the family, and all the household furniture, and are also entitled to a reasonable provision for their support, to be allowed by the court.

Sec. 18. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised,

removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A parent who has joint legal custody of a child pursuant to ~~[~~NRS 125.465~~]~~ ***section 4 of this act*** shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to deprive the other parent of the parent and child relationship. A person who violates this subsection shall be punished as provided in subsection 1.

3. If the mother of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. ***A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court or section 4 of this act shall not relocate with the child pursuant to section 13 of this act before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child. A person who violates this subsection shall be punished as provided in subsection 1.***

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~[~~5.~~]~~ ***7.*** Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~[~~6.~~]~~ ***8.*** The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~[7.]~~ ***9.*** A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~[8.]~~ ***10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.***

11. This section does not apply to a person who detains, conceals ***,*** ~~[or]~~ removes ***or relocates with*** a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment ***,*** ~~[or]~~ removal ***or relocation*** to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing ***,*** ~~[or]~~ removing ***or relocating with*** the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 534 to Assembly Bill 263 creates a presumption that joint custody is in the best interests of a child if a parent has shown an intent to have a meaningful relationship with the child, but has been blocked by the other parent. It eliminates the presumption created by cohabitation

prior to filing a custody action; it creates a rebuttable presumption against primary physical custody if the parent has engaged in any acts of domestic violence against the child, the other parent or any other person living in the household; and it deletes the "100 mile" standard and substitutes a standard based on a distance that would "substantially impair the maintenance of a meaningful relationship" for a parent with joint physical custody who wishes to relocate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 335.

Assemblymen Hambrick, Hickey, Paul Anderson; **Elliot Anderson, Araujo, Diaz,** Ohrenschall, O'Neill, Seaman, and Titus:

AN ACT relating to criminal procedure; **[**~~setting forth certain mitigating factors~~**]** **requiring** a court **[**~~must~~**]** **to** consider **the differences between juvenile and adult offenders** when determining an appropriate sentence for a person convicted as an adult for an offense committed when the person was less than 18 years of age; eliminating the imposition of a sentence of life without the possibility of parole upon a person convicted of a crime committed when the person was less than 18 years of age; providing that a prisoner who was sentenced as an adult for **[**~~an offense~~**]** **certain offenses** that **[**~~was~~**]** **were** committed when he or she was less than 18 years of age is eligible for parole after the prisoner has served **[**~~15~~**]** **a certain number of** years **; [**~~of his or her sentence; setting forth certain factors the State Board of Parole Commissioners must consider when determining whether to grant parole to a person convicted as an adult for an offense committed when the person was less than 18 years of age;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a sentence of death from being imposed or inflicted upon any person convicted of certain crimes who was less than 18 years of age at the time the crime was committed. The maximum punishment that may be imposed upon such a person is life imprisonment without the possibility of parole. Existing law also prohibits a sentence of life imprisonment without the possibility of parole from being imposed or inflicted upon any person convicted of a non-homicide crime who was less than 18 years of age at the time the crime was committed. The maximum punishment that may be imposed upon such a person is life imprisonment with the possibility of parole. (NRS 176.025)

Section 2 of this bill eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of certain crimes who was less than 18 years of age at the time the crime was committed, thereby making life imprisonment with the possibility of parole the maximum punishment that may be imposed upon a person convicted of any crime who was less than 18 years of age at the time the crime was committed.

Section 1 of this bill ~~[sets forth certain mitigating factors that]~~ **requires** a court ~~[must]~~ **to** consider **the differences between juvenile and adult offenders** in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age.

Section 3 of this bill ~~[provides that]~~ **establishes certain minimum periods of incarceration which must be served by** a prisoner who was sentenced as an adult for ~~[an offense]~~ **certain offenses** that ~~[was]~~ **were** committed when he or she was less than 18 years of age **before the prisoner** is eligible for parole **.** ~~[after the prisoner has served 15 years of his or her sentence. Section 3 also sets forth certain mitigating factors that the State Board of Parole Commissioners must consider when determining whether to grant parole to such a prisoner.]~~

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1.]*~~ ***If a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, in addition to any other factor that the court is required to consider before imposing a sentence upon such a person, the court shall consider the*** ~~*[following mitigating factors in determining an appropriate sentence to be imposed upon the person:*~~

~~*(a) The age of the person at the time of the commission of the offense;*~~

~~*(b) The intellectual capacity of the person;*~~

~~*(c) The emotional, psychological and physical maturity of the person;*~~

~~*(d) The ability of the person to have appreciated the risks and consequences of committing the offense before the commission of the offense;*~~

~~*(e) The level of participation of the person in the commission of the offense and whether and to what extent an adult was also involved in the commission of the offense;*~~

~~*(f) Whether the person exhibited impetuous behavior in the commission of the offense;*~~

~~*(g) The family and community environment to which the person has been exposed;*~~

~~*(h) The extent to which the person's peers or family placed pressure on the person to commit the offense;*~~

~~*(i) Any history of trauma or abuse suffered by the person;*~~

~~*(j) The extent of the person's involvement in the child welfare system;*~~

~~*(k) The extent of the person's involvement in the community;*~~

~~*(l) Any available education records or evaluations of the person;*~~

~~*(m) The result of any available comprehensive mental health evaluation conducted by a person professionally qualified in the field of psychiatric*~~

~~*mental health and any available information that formed the basis for the result;*~~

~~*(n) The ability of the person to participate meaningfully in his or her defense;*~~

~~*(o) The capacity of the person for rehabilitation; and*~~

~~*(p) Any other mitigating factor that the court deems to be relevant in determining an appropriate sentence.*~~

~~*2. As used in this section, "person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433B.090.]*~~ ***differences between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth.***

Sec. 2. NRS 176.025 is hereby amended to read as follows:

176.025 ~~[1.]~~ A sentence of death ***or life imprisonment without the possibility of parole*** must not be imposed or inflicted upon any person convicted of a crime now punishable by death ***or life imprisonment without the possibility of parole*** who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment ~~[without]~~ ***with*** the possibility of parole.

~~[2. A sentence of life imprisonment without the possibility of parole must not be imposed or inflicted upon any person convicted of a non-homicide crime now punishable by life imprisonment without the possibility of parole who at the time of the commission of the crime was less than 18 years of age. As to such a person, the maximum punishment that may be imposed is life imprisonment with the possibility of parole.]~~

Sec. 3. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, ~~[and]~~ except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law, a prisoner who was sentenced as an adult for an offense that was committed when he or she was less than 18 years of age is eligible for parole ~~[after the prisoner has served 15 years of his or her sentence.~~

~~*2. Any time a prisoner described in subsection 1 is being considered for parole pursuant to this chapter, the Board shall provide the prisoner with a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. In addition to any other factor that the Board is required to consider when determining whether to grant parole to a prisoner, the Board shall consider the following factors in making its determination:*~~

~~*(a) The difference between juvenile and adult offenders, including, without limitation, the diminished culpability of juveniles as compared to that of adults and the typical characteristics of youth;*~~

~~*(b) The age of the prisoner at the time of the commission of the offense;*~~

~~*(c) The maturity of the prisoner at the time of the commission of the offense;*~~

~~*(d) Any subsequent increase in the maturity of the prisoner during the period of his or her incarceration;*~~

~~*(e) The level of participation of the prisoner in the commission of the offense and whether and to what extent an adult was also involved in the commission of the offense;*~~

~~*(f) The family and community environment to which the prisoner was exposed at the time of the commission of the offense;*~~

~~*(g) Any history of trauma or abuse suffered by the prisoner before the commission of the offense;*~~

~~*(h) The extent of the prisoner's involvement in the child welfare system before the commission of the offense;*~~

~~*(i) Any available education records or evaluations of the prisoner;*~~

~~*(j) Any available court documents concerning the prisoner;*~~

~~*(k) The level of participation by the prisoner in any available rehabilitative or educational programs or the use of self study for self-improvement during the period of his or her incarceration;*~~

~~*(l) Any effort the prisoner has made toward rehabilitation;*~~

~~*(m) Any evidence of remorse by the prisoner; and*~~

~~*(n) Any other factor that the Board deems to be relevant in making a determination as to whether to grant parole to the prisoner.]*~~ ***as follows:***

(a) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.

(b) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.

2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.

Sec. 4. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 3 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 5. 1. The amendatory provisions of sections 1 and 2 of this act apply to:

(a) An offense committed on or after October 1, 2015; and

(b) An offense committed before October 1, 2015, if the person is convicted on or after October 1, 2015.

2. The amendatory provisions of section 3 of this act apply to an offense committed before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen and Carlton.

ASSEMBLYMAN HANSEN:

Amendment 335 to Assembly Bill 267 **e**liminates, in section 1, certain mitigating factors a court must consider in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age, and replaces it with a requirement that the court consider the differences between juvenile and adult offenders in determining an appropriate sentence to be imposed upon a person who is convicted as an adult for an offense that was committed when he or she was less than 18 years of age. It also establishes, in Section 3 of the bill, certain minimum periods of incarceration which must be served by a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole.

ASSEMBLYWOMAN CARLTON:

To the chair of Judiciary, if I could ask a question. I know there is a good time credit system that is built into how we calculate time. Will these hard dates affect that good time system?

ASSEMBLYMAN HANSEN:

I do not know the answer to that. My understanding is that the hard date would be the date of the crime and the date the individual turns 18. Is that what you are looking for, specific dates?

ASSEMBLYWOMAN CARLTON:

The hard dates of time served—if it is a 15-year sentence, will the good time credit still be able to be applied? Those tend to make prisoners a little more compliant and they have something to work for to get out early. If you take that away you can sometimes put our officers in harm's way. That is the question.

ASSEMBLYMAN HANSEN:

I will look into that. I do not know the answer in relation to that so I will get a hold of legal and we will get a definition for you and we will hold the amendment.

ASSEMBLYWOMAN CARLTON:

Mr. Speaker, I will be happy to support the amendment today and if I can get the answer tomorrow. I would not want to slow down the process. The clock is ticking—I can hear the alligator with the clock in his stomach, so let us just keep moving forward.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 293.

AN ACT relating to ~~[manufactured homes;]~~ **real estate;** revising the manner in which the fair market value of certain manufactured homes is determined; revising the definition of "dealer" for certain purposes to exclude a manufactured home park or an owner or agent of a manufactured home park; **revising provisions relating to the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home; revising the circumstances under which a natural person who only offers or negotiates the terms of a residential mortgage loan is exempt from certain provisions governing mortgage brokers and mortgage agents;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "dealer" of a manufactured home to include a person who sells, leases or rents a manufactured home or mobile home and requires a dealer to hold a license issued by the Manufactured Housing Division of the Department of Business and Industry. (NRS 489.076, 489.311) **Section 2** of this bill amends the definition of "dealer" to exclude a manufactured home park or its owner or agent while renting or leasing manufactured or mobile homes located within **and owned by** the park.

Existing law also requires that if a manufactured home park converts to a park for older residents only, or a park for older residents converts to an unrestricted residency park, certain tenants who are unable to remove their manufactured or mobile homes must be reimbursed for the fair market value of their property, as determined by a licensed dealer or an appraiser. (NRS 118B.130) **Section 1** of this bill deletes the requirement that the fair market value of the property be assessed by a dealer or appraiser and requires the landlord to determine the fair market value using certain published guidelines. **Section 1 also allows a tenant who has received such a determination to request a second determination conducted by a certified appraiser or licensed dealer at the landlord's expense.**

Existing law requires the Division to adopt regulations for the issuance of limited lien resale licenses or permits authorizing a landlord or manager to sell a used mobile home located within a mobile home park that was obtained through a lien sale. (NRS 489.336) Section 2.3 of this

bill adds to this provision a mobile home that the landlord or manager obtained through a voluntary surrender by the owner.

Existing law sets forth the requirements for a person to engage in activities as a mortgage broker or mortgage agent, including the requirements for licensure. (Chapter 645B of NRS) Existing law also sets forth an exemption from those requirements for a natural person who only offers or negotiates the terms of a residential mortgage loan: (1) with or on behalf of an immediate family member; or (2) which is secured by a certain type of dwelling. (NRS 645B.015) Section 2.7 of this bill expands the exemption for such a natural person when: (1) the residential mortgage loan is for a manufactured home; (2) the residential mortgage loan is financed by the seller; and (3) the seller has not engaged in a certain number of those loans.

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

Section 1. NRS 118B.130 is hereby amended to read as follows:

118B.130 1. A landlord may not change:

(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks at the expense of the landlord.

2. A tenant who elects to move pursuant to a provision of subsection 1 shall give the landlord notice in writing of the tenant's election to move within 75 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 150 miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to subsection 1, the landlord shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within 150 miles from the manufactured home park; or

(b) If the new location is more than 150 miles from the manufactured home park, the cost of moving the manufactured home for the first 150 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park.

5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 150 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

7. A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions; and

(b) Prospective tenant before the commencement of the tenancy.

8. For the purposes of this section, the fair market value of a manufactured home must be determined ~~[as follows:~~

~~(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.~~

~~(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.~~

~~(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.~~] ***by the landlord pursuant to NRS 118B.1837.***

9. ***Within 30 days after receiving a determination of fair market value from a landlord pursuant to subsection 8, a tenant may request that the Administrator appoint a certified appraiser or a dealer licensed pursuant to chapter 489 of NRS to make a determination of fair market value. The Administrator shall cause such a determination to be made within 30 days after receipt of the request and that determination is binding on the landlord and tenant.***

10. The landlord shall pay the costs associated with determining the fair market value of a manufactured home ***pursuant to subsections 8 and 9*** and the cost of removing and disposing of a manufactured home pursuant to subsection 6.

Sec. 2. NRS 489.076 is hereby amended to read as follows:

489.076 1. "Dealer" means any person who:

(a) For compensation, money or any other thing of value, sells, exchanges, buys or offers for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing subject to the requirements of this chapter, or induces or attempts to induce any person to buy or exchange an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing;

(b) For compensation, money or any other thing of value, leases or rents, offers for lease or rental, negotiates or attempts to negotiate the lease or rental of an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing subject to the requirements of this chapter, or induces or attempts to induce any person to lease or rent an interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing;

(c) Receives or expects to receive a commission, money, brokerage fees, profit or any other thing of value from either the seller or purchaser of any manufactured home, mobile home, manufactured building, commercial coach or factory-built housing;

(d) Is engaged wholly or in part in the business of:

(1) Selling, renting or leasing manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing;

(2) Buying or taking manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing in trade for the purpose of resale, selling or offering them for sale or consignment to be sold;

(3) Buying or taking manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing in trade to rent, lease or offer them for rent or lease; or

(4) Otherwise dealing in manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing; or

(e) Acts as a repossessor or liquidator concerning manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing,

➥ whether or not they are owned by such persons.

2. The term does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the order of any court;

(b) Public officers while performing their official duties;

(c) Banks, savings and loan associations, credit unions, thrift companies or other financial institutions proceeding as repossessors or liquidators of their own security;

(d) A person who rents or leases his or her manufactured home, mobile home, manufactured building, commercial coach or factory-built housing;

(e) An owner selling his or her private residence; ~~[or]~~

(f) A real estate broker, real estate broker-salesperson or real estate salesperson who is licensed pursuant to chapter 645 of NRS and who, for another and for compensation or with the intention or expectation of receiving compensation, sells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, used manufactured homes or used mobile homes in connection with the sale of a fee simple interest in real property and the used manufactured home or used mobile home is situated on the real property sold ~~[.]~~ ***; or***

(g) A manufactured home park, as defined in NRS 118B.017, or an owner or agent of a manufactured home park while leasing or renting, offering for lease or rental or negotiating or attempting to negotiate the lease or rental of a manufactured home or mobile home which is located within the manufactured home park ~~[.]~~ and titled in the name of the manufactured home park or an entity that is owned, operated or controlled by the owner of the manufactured home park.

Sec. 2.3. **NRS 489.336 is hereby amended to read as follows:**

489.336 1. The Division shall adopt regulations for the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home if:

(a) The mobile home is located in a mobile home park that the landlord or manager owns, leases or manages; and

(b) The landlord or manager purchased the mobile home at a sale to enforce a lien pursuant to NRS 108.270 to 108.367, inclusive ~~[.]~~ ***, or acquired the mobile home through a voluntary surrender by the owner of the mobile home.***

2. The regulations must specify the requirements for the issuance of a license or permit, including, without limitation, any educational requirements.

3. A person who is issued a license or permit pursuant to the regulations may sell a used mobile home in accordance with the license or permit.

4. As used in this section:

(a) "Landlord" has the meaning ascribed to it in NRS 118B.014.

(b) "Manager" has the meaning ascribed to it in NRS 118B.0145.

(c) "Mobile home park" has the meaning ascribed to "manufactured home park" in NRS 118B.017.

Sec. 2.7. **NRS 645B.015 is hereby amended to read as follows:**

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; ~~[or]~~

(b) Secured by a dwelling that served as the person's residence ~~[.]~~ ***; or***

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 293 to Assembly Bill 270 allows a manufactured home tenant to request the Administrator of the Manufactured Housing Division to appoint a dealer or certified appraiser to make a second assessment of a home's fair market value under certain circumstances. The amendment also clarifies that, in order for a park owner or agent to be exempt from regulation as a dealer, the homes being rented or leased must be titled in the name of the manufactured home park or in an entity controlled by the owner of a manufactured home park. It requires the Division to adopt regulations for the issuance of limited lien resale licenses and permits authorizing a landlord or manager to sell a used mobile home if the landlord or manager acquired the mobile home by tenant voluntary surrender. Finally, the amendment exempts manufactured home sellers who engage in five or fewer seller financed credit sale transactions per year, under certain circumstances, from regulation as a mortgage broker or mortgage agent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 275.

Bill read second time.

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

Amendment No. 318.

SUMMARY—Revises provisions governing ~~[trust companies.]~~ **certain trusts.** (BDR ~~[55-1013)]~~ **13-1013)**

AN ACT relating to ~~[trust companies;]~~ **directed trusts;** authorizing a fiduciary or excluded fiduciary to delegate a duty of the fiduciary or excluded fiduciary to an agent ~~[,]~~ **under certain circumstances;** limiting the **duties and** liability of an excluded fiduciary; ~~[revising the definition of "fiduciary" to exclude certain servicers or administrators of individual retirement accounts;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides that a trust company which administers an individual retirement account is a fiduciary. (NRS 669.045) Section 4 of this bill amends the definition of "fiduciary" to exclude a specific reference to certain servicers or administrators of individual retirement accounts.]~~ **sets forth provisions governing certain trusts, including, without limitation, the powers and duties of a fiduciary or excluded fiduciary under those trusts. (NRS 163.553-163.556) Section 3** of this bill exempts an excluded fiduciary from certain fiduciary duties **.** ~~[and]~~ **Section 3.7 of this bill** limits his or her liability for certain acts or omissions. **Section 2** of this bill allows a fiduciary or excluded fiduciary to delegate a duty of the fiduciary or excluded fiduciary, as appropriate, to an agent and limits his or her liability ~~[when such]~~ **if the** delegation is made with the prior written approval of the trust beneficiaries or

a court. **Section 5 of this bill provides that the amendatory provisions of the bill apply only to an administrative, civil or criminal cause of action that accrues on or after October 1, 2015.**

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

Section 1. Chapter ~~[669]~~ **163** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A fiduciary or excluded fiduciary may, as reasonable and prudent, delegate a duty of the fiduciary or excluded fiduciary, as appropriate, to an agent.***

2. Before delegating a duty pursuant to subsection 1, a fiduciary or excluded fiduciary ~~[may]~~ shall obtain the prior written approval of all beneficiaries or the court.

3. If written approval is obtained pursuant to subsection 2, the fiduciary or excluded fiduciary is not liable for the acts of the agent, except in cases of gross negligence or willful misconduct in the selection or monitoring of the agent.

Sec. 3. ~~*[1.]*~~ ***An excluded fiduciary ~~[:~~***

~~*(a) Has no duty to]*~~ ***has no duty:***

1. To review or evaluate any direction from a trust adviser, custodial account owner or authorized designee of a custodial account owner;

~~*[(b) Has no duty to]*~~ ***or***

2. To advise or warn any beneficiary or third party where, in the judgment of the excluded fiduciary, providing the advice or warning is not advisable . ~~[;~~

~~*(c) Is not liable, individually or as a fiduciary, for any loss resulting from:*~~

~~*(1) Complying with a direction of a trust adviser, custodial account owner or authorized designee of a custodial account owner, including, without limitation, where the trust adviser is breaching his or her fiduciary responsibilities or acting beyond the scope of his or her authority;*~~

~~*(2) A failure to take any action proposed by an excluded fiduciary which requires prior authorization of the trust adviser if the excluded fiduciary timely sought but failed to obtain such authorization; or*~~

~~*(3) Any act or omission, except gross negligence or willful misconduct, when acting as a trust adviser or trust protector pursuant to the instrument or for any other reason; and*~~

~~*(d) Is not deemed to be conducting trust company business while acting within the scope of his or her duties as an excluded fiduciary.*~~

~~*2. As used in this section:*~~

~~*(a) "Custodial account owner" has the meaning ascribed to it in NRS 163.5535.*~~

~~*(b) "Excluded fiduciary" has the meaning ascribed to it in NRS 163.5539.*~~

~~*(c) "Trust adviser" has the meaning ascribed to it in NRS 163.5545.]*~~

Sec. 3.5. **NRS 163.553 is hereby amended to read as follows:**

163.553 As used in NRS 163.553 to 163.556, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 163.5533 to 163.5547, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.7. **NRS 163.5549 is hereby amended to read as follows:**

163.5549 1. An excluded fiduciary is not liable, individually or as a fiduciary for any loss which results from:

(a) Complying with a direction of a trust adviser, custodial account owner or authorized designee of a custodial account owner ~~[;]~~ ***, including, without limitation, where the trust adviser is breaching his or her fiduciary responsibilities or acting beyond the scope of his or her authority;***

(b) A failure to take any action proposed by an excluded fiduciary which requires prior authorization of the trust adviser if the excluded fiduciary timely sought but failed to obtain such authorization; ~~[or]~~

(c) ***Any act or omission, except gross negligence or willful misconduct, when acting as a trust adviser or trust protector pursuant to the instrument or for any other reason; or***

(d) Any action taken at the direction of a trust protector.

2. An excluded fiduciary is not liable for any obligation to perform an investment or suitability review, inquiry or investigation or to make any recommendation or evaluation with respect to any investment, to the extent that the trust adviser, custodial account owner or authorized designee of a custodial account owner had authority to direct the acquisition, disposition or retention of such investment.

3. The provisions of this section do not impose an obligation or liability on a custodian of a custodial account for providing any authorization.

Sec. 4. ~~[NRS 669.045 is hereby amended to read as follows:~~

~~669.045 [1.] "Fiduciary" means a trustee, executor, administrator, guardian of an estate, personal representative, conservator, assignee for the benefit of creditors, receiver, depositary or person that receives on deposit money or property from a public administrator under any provision of this chapter or from another fiduciary.~~

~~[2. As used in this section, "administrator" includes servicers or administrators of individual retirement accounts within the meaning of section 408(a) of the Internal Revenue Code of 1986, 26 U.S.C. § 408(a), where the servicer or administrator holds itself out to the public for performance of such services and holds or maintains an ownership interest in the servicing rights of such accounts, or possesses or controls any of the assets of such accounts, including cash.]~~ **(Deleted by amendment.)**

Sec. 5. **The amendatory provisions of this act apply only to an administrative, civil or criminal cause of action that accrues on or after October 1, 2015.**

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 318 to Assembly Bill 275 moves the new language in the bill from Chapter 669, Trust Companies, to Chapter 163, Trusts, of *Nevada Revised Statutes*. It requires a fiduciary or excluded fiduciary to obtain the written authorization of beneficiaries prior to delegating a duty. It removes provisions related to an excluded fiduciary's liability while conducting trust company business. It restores the deleted language in NRS 669.045, which includes servicers and administrators of IRAs in the definition of "fiduciary." Finally, it ensures the amendatory provisions of the bill cannot be construed to apply retroactively to causes of action that arose prior to the passage of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 322.

AN ACT relating to education; requiring the Department of Education to develop certain policies, procedures and guidance related to class-size reduction; **requiring the Legislative Auditor to conduct an audit concerning the use of money by each school district for the class-size reduction program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the ratio of pupils per licensed teacher in certain grades in elementary school must not exceed specified ratios. Any school district with a school that exceeds this ratio must request a variance from the State Board of Education. (NRS 388.700) Each school district must develop a plan to reduce the district's pupil-teacher ratio per class and submit quarterly reports with certain information related to the district's pupil-teacher ratios to the Department of Education. (NRS 388.720, 388.725) ~~[This]~~ **Section 1 of this** bill requires the Department to develop policies and procedures to: (1) monitor the plans developed by each school district; (2) monitor the quarterly reports submitted by each school district; (3) review any variance requested by a school district; and (4) distribute any money to school districts for the reduction of pupil-teacher ratios. ~~[This bill]~~ **Section 1** also requires the Department to develop guidance for school districts on: (1) developing a plan to reduce pupil-teacher ratios; (2) reporting information related to the reduction of pupil-teacher ratios; and (3) the data that must be monitored by each school district to measure the effectiveness of a plan to reduce pupil-teacher ratios. ~~[This bill]~~ **Section 1** further requires the Department to communicate with the school districts regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios, including the minimum number of teachers each school district is expected to employ.

Section 2 of this bill requires the Legislative Auditor to conduct an audit concerning the use by each school district of money appropriated for the class-size reduction program during the 2013-2015 biennium. The audit

must include an examination and analysis of the "plus two" program that authorized school districts to elect to increase class size by two pupils.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of each school district to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the quarterly reports concerning the average daily attendance of pupils and the pupil-teacher ratios in each school district submitted by the board of trustees of the school district pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:

(1) The retention of all documents and records related to the distribution; and

(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.

2. Provide guidance to the school districts on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by each school district and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.

Sec. 2. **1. The Legislative Auditor shall conduct an audit concerning the use by each school district of the money appropriated for the class-size reduction program during the 2013-2015 biennium. The audit must include an examination and analysis of the program authorizing school districts to elect to increase class sizes by two pupils.**

2. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission not later than February 6, 2017.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 322 to Assembly Bill 278 requires the Legislative Auditor to conduct an audit concerning the use by each school district of the money appropriated for the class-size reduction program during the 2013-2015 Biennium. The audit must include an examination and analysis of the program authorizing school districts to elect to increase class sizes by two pupils. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission not later than February 6, 2017.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 283.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 542.

SUMMARY—Revises provisions ~~[governing]~~ **relating to** law enforcement **.** ~~[powers on certain lands.]~~ (BDR 14-397)

AN ACT relating to ~~[criminal procedure;]~~ **law enforcement;** establishing the circumstances under which state and local law enforcement agencies may recognize the exercise of law enforcement authority by certain federal employees; authorizing state and local law enforcement agencies to enter into agreements with federal agencies concerning the enforcement of federal, state and local laws under certain circumstances; prohibiting state and local governmental agencies from allowing a federal agency to access or use certain correctional and communication facilities and equipment without the express written consent of the appropriate responsible official; requiring a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities within his or her jurisdiction; **prohibiting a person from impersonating a federal officer;** designating the county sheriff

as the primary law enforcement officer in certain areas of a county; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, on land owned by the United States, the Federal Government has: (1) exclusive jurisdiction; (2) concurrent jurisdiction; or (3) proprietary jurisdiction. On land over which the Federal Government has acquired exclusive or concurrent jurisdiction, the State has ceded all or part of its jurisdiction, and the Federal Government has criminal jurisdiction in the area. (*United States v. Unzueta*, 281 U.S. 138 (1930); *Paul v. United States*, 371 U.S. 245, 264 (1963)) When the State has not ceded jurisdiction to the Federal Government, the Federal Government has proprietary jurisdiction and may enact laws governing conduct on those lands pursuant to the Property Clause of the United States Constitution. (U.S. Const. Art. IV, § 3, cl. 2; *Kleppe v. New Mexico*, 426 U.S. 529 (1976); *United States v. Bohn*, 622 F.3d 1129 (2010)) This bill establishes the circumstances under which a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement power on federal lands.

Sections 3-7 of this bill define terms to establish the lands and agencies to which the provisions of this bill apply. **Section 5** of this bill excludes from the provisions of this bill the exercise of law enforcement authority by: (1) a special agent of the Federal Bureau of Investigation; (2) a special agent of the United States Secret Service; (3) a special agent of the United States Drug Enforcement Administration; (4) a United States Postal Inspector; or (5) an officer or agent of the Bureau of Indian Affairs.

Section 8 of this bill sets forth the circumstances under which a state or local law enforcement officer may recognize the enforcement of federal law by certain federal employees. Under **section 8**, a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority if the federal employee is enforcing a federal law other than the Assimilative Crimes Act, which is a federal law providing that a violation of a state criminal law on federal enclaves where the Federal Government exercises exclusive or concurrent jurisdiction is a violation of federal law. (18 U.S.C. § 13) However, **section 8** provides that: (1) on federal enclaves where the Federal Government exercises exclusive or concurrent jurisdiction, a state or local law enforcement officer may recognize the exercise of law enforcement authority by a federal employee who is enforcing any federal law, including, without limitation, the Assimilative Crimes Act; and (2) if a federal employee is enforcing a provision of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., on federal land that is not a federal enclave, a state or local law enforcement officer may recognize such an exercise of law enforcement authority if the federal employee is enforcing a federal statute other than the Assimilative Crimes Act or a federal regulation that is necessary to implement the provisions of the Act with respect to the management, use and protection of the public lands and property located on those lands.

Section 9 of this bill authorizes a state or local law enforcement agency to assist a federal agency with the enforcement of federal law on land managed by the Federal Government pursuant to the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., if the agreement requires the payment of fair compensation for such assistance.

Section 10 of this bill prohibits a state or local law enforcement officer from recognizing a federal employee's exercise of law enforcement authority if the federal employee is enforcing state or local law, except that a state or local law enforcement officer may recognize such an exercise of law enforcement authority: (1) under certain emergency circumstances; and (2) if the county sheriff or a state law enforcement agency, with the consent of the county sheriff, has entered into an agreement with the relevant federal agency authorizing specific federal employees to enforce state and local laws. Under **section 10**: (1) an agreement with a federal agency which authorizes specific federal employees to enforce state or local laws must be for a term of not more than 2 years; and (2) the federal employees granted authority to enforce state or local laws are required to successfully complete ~~[a 40-hour course focusing on criminal law and procedure in Nevada]~~ **an 80-hour online training course** approved by the Peace Officers' Standards and Training Commission.

Section 11 of this bill prohibits a state or local governmental agency from authorizing a federal agency to access or use the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.

Section 12 of this bill requires a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities and that are acting within his or her jurisdiction to determine whether the federal agencies are acting consistently with the provisions of this bill.

Existing law prohibits a person from impersonating a public officer, a police officer or a person having special authority by law to perform an act affecting the rights or interests of another person. (NRS 199.430) For the purposes of that prohibition, the term "public officer" is defined to include only state and local officers, not federal officers. (NRS 193.019) Section 12.5 of this bill expands the scope of existing law to prohibit the impersonation of a federal officer.

Section 13 of this bill specifically states that the sheriff of a county and his or her deputies are the primary law enforcement officers in the unincorporated areas of their county. If a county has a metropolitan police department, **section 13** provides that the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of that county and in any incorporated city over which the department has jurisdiction.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Exercise law enforcement authority" and "exercise of law enforcement authority" mean:***

1. To take any action on private land, state-owned land or federally managed land, to investigate, stop, serve process, search, arrest, cite, book or incarcerate a person for a federal, state or local criminal violation when the action is based on:

(a) A federal statute, regulation or rule; or

(b) A state or local statute, ordinance, regulation or rule; or

2. To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.

Sec. 4. ***"Federal agency" means an agency that manages federally managed land or regulates activities on such land, including, without limitation:***

1. The United States Bureau of Land Management;

2. The United States Forest Service;

3. The National Park Service;

4. The United States Fish and Wildlife Service;

5. The United States Bureau of Reclamation;

6. The United States Environmental Protection Agency; and

7. The United States Army Corps of Engineers.

Sec. 5. ***"Federal employee" means an employee or other agent of a federal agency, but does not include:***

1. A special agent of the Federal Bureau of Investigation;

2. A special agent of the United States Secret Service;

3. A special agent of the Drug Enforcement Administration;

4. A United States Postal Inspector of the United States Postal Inspection Service; and

5. An officer or agent of the Bureau of Indian Affairs.

Sec. 6. ***"Federally managed land" means land*** ~~***[owned by the United States and]***~~ ***managed by:***

1. The United States Bureau of Land Management;

2. The United States Forest Service;

3. The National Park Service;

4. The United States Fish and Wildlife Service; or

5. The United States Bureau of Reclamation.

Sec. 7. ***"Proprietary jurisdiction federally managed land" means federally managed land except:***

1. Any building, installations and other structures under the exclusive jurisdiction of the Congress of the United States pursuant to Clause 17 of Section 8 of Article I of the United States Constitution.

2. Any parcel that constitutes a federal enclave subject to the jurisdiction of the United States and the State of Nevada.

Sec. 8. ***1. Except as otherwise provided in this section, a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority, on or off federally managed land in this State, when the exercise of that authority is consistent with the United States Constitution and based on:***

(a) A federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13.

2. A state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority on federally managed land in this State other than proprietary jurisdiction federally managed land, when the exercise of that authority is consistent with the United States Constitution and based on:

(a) A federal statute, including, without limitation, the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is authorized by a federal statute, including, without limitation, the Assimilative Crimes Act, 18 U.S.C. § 13.

3. A state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority to enforce the provisions of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., on proprietary jurisdiction federally managed land, only if the exercise of that authority is consistent with the United States Constitution and based on:

(a) A federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is:

(1) Authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; and

(2) Necessary to implement the provisions of the Federal Land Policy and Management Act, 43 U.S.C. § 1701 et seq., with respect to the management, use and protection of the public lands and property located on those lands, as provided in 43 U.S.C. § 1733.

Sec. 9. ***1. A state or local law enforcement agency may assist a federal agency or federal employee to enforce federal statutes and regulations on land managed pursuant to the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., if the state or local law enforcement agency has entered into an agreement pursuant to subsection 2.***

2. The sheriff of a county may enter into an agreement with a federal agency requiring fair compensation for assisting a federal agency or federal employee to enforce federal statutes and regulations on lands managed by a federal agency pursuant to the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq.

Sec. 10. *1. Except as otherwise provided in subsection 2 or an agreement entered into pursuant to subsection 3 or 4, a state or local law enforcement officer may not recognize a federal employee's exercise of law enforcement authority, on or off federally managed land, when the exercise of that authority is based on a state or local statute, ordinance, regulation or rule.*

2. A state or local law enforcement officer may recognize a federal employee's limited exercise of law enforcement authority on federally managed land in cases of a violation of a state or local statute, ordinance, regulation or rule when:

(a) The offense is an emergency and poses an immediate risk of bodily injury or damage to property;

(b) A state or local law enforcement officer is not reasonably available to take action;

(c) The action is within the scope of the authority of the federal employee's law enforcement power; and

(d) The federal employee turns over the matter and custody of any person detained by the federal employee to a state or local law enforcement officer for further action as soon as such an officer becomes available.

3. The sheriff of a county may enter into an agreement with a federal agency granting limited authority to specific federal employees to exercise law enforcement powers to enforce state and local laws if:

(a) The agreement is for a term of not more than 2 years; and

(b) The federal officers granted such authority have successfully completed ~~[a 40-hour course concerning criminal law and procedure in Nevada]~~ an 80-hour online training course approved by the Peace Officers' Standards and Training Commission. Completion of such a course must not be construed as constituting certification of a federal officer as a peace officer in this State pursuant to chapter 289 of NRS or the regulations adopted pursuant thereto.

4. A state law enforcement agency may, with the consent of the sheriff of a county, enter into an agreement granting limited authority to specific federal employees to exercise law enforcement powers to enforce state and local laws in the county in accordance with the provisions of subsection 3.

Sec. 11. *A state or local governmental agency may not allow a federal agency or federal employee to access or use the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.*

Sec. 12. *The sheriff of a county shall regularly review the duties and activities of federal agencies which have law enforcement responsibilities in this State and which are acting within his or her jurisdiction to determine whether the federal agencies are acting consistently with the provisions of sections 2 to 12, inclusive, of this act.*

Sec. 12.5. **NRS 199.430 is hereby amended to read as follows:**

199.430 ~~[Every]~~

1. A person who ~~[shall falsely personate]~~ ***:***

(a) Falsely personates a public officer, civil or military, ~~[or]~~ a police officer, ***a federal officer*** or a private individual having special authority by law to perform an act affecting the rights or interests of another ~~[, or who, without]~~ ***person; or***

(b) Without authority ~~[shall assume]~~ ***, wears*** any uniform or badge by which such an officer or ~~[person]~~ ***private individual described in paragraph (a)*** is lawfully distinguished,

➥ and in such assumed character ~~[shall do]~~ ***does*** any act purporting to be official, whereby another ***person*** is injured or defrauded, ~~[shall be]~~ ***is*** guilty of a gross misdemeanor.

2. As used in this section, "federal officer" means an officer of the Federal Government.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ***1. Sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.***

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 542 to Assembly Bill 283 clarifies the definition of "federally managed land." It requires federal officers granted authority to enforce state or local laws to successfully complete an 80-hour online training course. The completion of such a course must not be construed as constituting certification of a federal officer as a peace officer in this state. It also prohibits the impersonation of a federal officer. A person who falsely personates is guilty of a gross misdemeanor. The term "public officer" is defined to include only state and local officers, not federal officers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 321.

SUMMARY—Revises provisions relating to the self-administration of certain medications **by pupils** in public schools. (BDR 34-812)

AN ACT relating to pupils; allowing pupils to self-administer prescribed medications for diabetes under certain circumstances; **requiring a public school to establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; providing immunity from liability to certain school administrators and employees for certain harm as a result of the self-administration of medication by a pupil;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent or legal guardian of a pupil who has asthma or anaphylaxis to request authorization from the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of asthma or anaphylaxis while the pupil is on the grounds of a public school, at an activity sponsored by the public school or on a school bus. Existing law provides that if the request contains certain specified information, the principal or, if applicable, the school nurse is required to approve the request. (NRS 392.425) This bill similarly allows the parent or legal guardian of a pupil who has diabetes to request an authorization to self-administer medication for the treatment of diabetes and requires the principal or, if applicable, school nurse to approve the request if the request contains certain information. **This bill also requires a public school to: (1) establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste; and (2) provide a copy of these protocols to the parent or legal guardian of a pupil who requests permission to allow the pupil to self-administer medication.**

Existing law provides that the board of trustees of a school district, a school district and a public school and any employee or agent thereof are immune from liability for the injury to or death of a pupil as a result of the self-administration of medication. (NRS 392.425) This bill extends that immunity from liability to those persons for any injury or death caused by exposure to certain medical devices or medical waste from the self-administration of medication by a pupil.

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

Section 1. NRS 392.425 is hereby amended to read as follows:

392.425 1. The parent or legal guardian of a pupil who has asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** may submit a written request to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled to allow the pupil to self-administer medication for the treatment of the pupil's asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** while the pupil is on the grounds of a

public school, participating in an activity sponsored by a public school or on a school bus.

2. ***A public school shall establish protocols for containing blood-borne pathogens and the handling and disposal of needles, medical devices and other medical waste and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission for the pupil to self-administer medication pursuant to subsection 1.***

3. A written request made pursuant to subsection 1 must include:

(a) A signed statement of a physician indicating that the pupil has asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** and is capable of self-administration of the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus;

(b) A written treatment plan prepared by the physician pursuant to which the pupil will manage his or her asthma **,** ~~[or]~~ anaphylaxis ***or diabetes*** if the pupil experiences an asthmatic attack ***,*** ~~[or]~~ anaphylactic shock ***or diabetic episode*** while on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(c) A signed statement of the parent or legal guardian:

(1) Indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; ~~[and]~~

(2) Acknowledging that the parent or legal guardian is aware of and understands the provisions of subsections ~~[3]~~ ***4*** and ~~[4.]~~ ***5;***

~~[3.]~~ ***(3) Acknowledging the receipt of the protocols provided pursuant to subsection 2;***

(4) Acknowledging that the protocols established pursuant to subsection 2 have been explained to the pupil who will self-administer the medication and that he or she has agreed to comply with the protocols; and

(5) Acknowledging that authorization to self-administer medication pursuant to this section may be revoked if the pupil fails to comply with the protocols established pursuant to subsection 2.

4. The provisions of this section do not create a duty for the board of trustees of the school district, the school district, the public school in which the pupil is enrolled, or an employee or agent thereof, that is in addition to those duties otherwise required in the course of service or employment.

~~[4.]~~ ***5.*** If a pupil is granted authorization pursuant to this section to self-administer medication, the board of trustees of the school district, the school district and the public school in which the pupil is enrolled, and any employee or agent thereof, are immune from liability for the injury to or death of ~~[the]~~ ***:***

(a) The pupil as a result of self-administration of a medication pursuant to this section or the failure of the pupil to self-administer such a medication ~~[.~~ ~~5.]~~ ***; and***

(b) Any other person as a result of exposure to or injury caused by needles, medical devices or other medical waste from the self-administration of medication by a pupil pursuant to this section.

6. Upon receipt of a request that complies with subsection ~~[2,]~~ ***3,*** the principal or, if applicable, the school nurse of the public school in which a pupil is enrolled shall provide written authorization for the pupil to carry and self-administer medication to treat his or her asthma ***,*** ~~[or]~~ anaphylaxis ***or diabetes*** while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be filed with the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled and must include:

(a) The name and purpose of the medication which the pupil is authorized to self-administer;

(b) The prescribed dosage and the duration of the prescription;

(c) The times or circumstances, or both, during which the medication is required or recommended for self-administration;

(d) The side effects that may occur from an administration of the medication; ~~[and]~~

(e) The name and telephone number of the pupil's physician and the name and telephone number of the person to contact in the case of a medical emergency concerning the pupil ~~[.~~

~~6.]~~ ***; and***

(f) The procedures for the handling and disposal of needles, medical devices and other medical waste.

7. The written authorization provided pursuant to subsection ~~[5]~~ ***6*** is valid for 1 school year. If a parent or legal guardian submits a written request that complies with subsection ~~[2,]~~ ***3,*** the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled shall renew and, if necessary, revise the written authorization.

~~[7.]~~ ***8.*** If a parent or legal guardian of a pupil who is authorized pursuant to this section to carry medication on his or her person provides to the principal or, if applicable, the school nurse of the public school in which the pupil is enrolled doses of the medication in addition to the dosage that the pupil carries on his or her person, the principal or, if applicable, the school nurse shall ensure that the additional medication is:

(a) Stored on the premises of the public school in a location that is secure; and

(b) Readily available if the pupil experiences an asthmatic attack ***,*** ~~[or]~~ anaphylactic shock ***or diabetic episode*** during school hours.

~~[8.]~~ ***9.*** As used in this section:

(a) "Medication" means any medicine prescribed by a physician for the treatment of anaphylaxis ***,*** ~~[or]~~ asthma ~~[,]~~ ***or diabetes,*** including, without limitation, asthma inhalers ***,*** ~~[and]~~ auto-injectable epinephrine ~~[.]~~ ***and insulin.***

(b) "Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.

(c) "Self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 321 to Assembly Bill 285 includes "diabetic episode" as one of the conditions for which a written treatment plan may be prepared. It requires a public school to establish protocols for containing blood-borne pathogens; the handling and disposal of needles, medical devices, and other medical waste; and provide a copy of these protocols and procedures to the parent or guardian of a pupil who requests permission to self-administer medication as provided for in the bill. It requires an acknowledgement from the parent or legal guardian that a copy of the protocols has been received and explained to the pupil, who has agreed to comply with the protocols and that failure to do so may result in the revocation of the authorization to self-administer medication. It requires that the procedures for handling and disposal of needles, medical devices, and medical waste are included in the written authorization prepared by the school principal or school nurse. Finally, the amendment includes a provision that the school district, board of trustees, or any employee or agent of the school is immune from liability as a result of exposure to or injury caused by needles, medical devices, or other medical waste from the self-administration of medication.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

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

Amendment No. 292.

SUMMARY—Enacts provisions relating to suicide prevention for veterans. (BDR ~~[54-692)]~~ **37-692)**

AN ACT relating to public health; ~~[requiring providers of health care to receive training relating to suicide assessment, screening and referral;]~~ requiring the Department of Health and Human Services to report information concerning the suicide mortality rate of veterans to the Interagency Council on Veterans Affairs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires certain health care professionals to receive training relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. (NRS 450B.180, 630.253, 631.342, 632.343) Section 1 of this bill requires a provider of health care to receive training relating to suicide assessment, screening and referral and authorizes a provider of health care to use credit for completing such training in place of~~

~~not more than 3 hours of the requirements for continuing education, not relating to ethics, of the provider of health care.~~]

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 2** of this bill requires the Department of Health and Human Services to report to the Council certain information relating to the suicide mortality rate of veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

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

Section 1. [~~Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A provider of health care shall complete a course of instruction, within 2 years after initial licensure, relating to suicide assessment, screening and referral. The course must provide at least 3 hours of instruction relating to suicide assessment, screening and referral and be approved by the Division of Public and Behavioral Health of the Department of Health and Human Services.*~~

~~*2. Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care who is required to complete continuing education may use the completion of a course of instruction pursuant to this section in place of not more than 3 hours of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.*~~

~~*3. The Division of Public and Behavioral Health of the Department of Health and Human Services may adopt such regulations as it determines to be necessary to carry out the provisions of this section.*~~] **(Deleted by amendment.)**

Sec. 2. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Health and Human Services shall provide, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, a report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State to the Interagency Council on Veterans Affairs. The Department of Health and Human Services shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Council shall, upon receiving the information submitted pursuant to this section, analyze and compile the information, including any

recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

Sec. 3. This act becomes effective ~~[:~~

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

~~2. On]~~ **on** January 1, 2016 **.** ~~[, for all other purposes.]~~

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 292 to Assembly Bill 294 removes provisions requiring a provider of health care to complete a three-hour course of instruction relating to suicide assessment, screening, and referral within two years of initial licensure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

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

Amendment No. 302.

AN ACT relating to public health; ~~[providing for an endorsement on]~~ **authorizing** the **holder of a** permit ~~[of]~~ **to operate** an ambulance service, air ambulance service or fire-fighting agency to **obtain an endorsement on the permit to** allow ~~[them]~~ **certain employees and volunteers** to provide community paramedicine services **;** ~~[in certain cases; authorizing certain providers of emergency medical services employed by such an ambulance service, air ambulance service or fire-fighting agency to provide community paramedicine services;]~~ requiring **certain health authorities to prepare** an annual report ~~[to be prepared]~~ concerning the provision of community paramedicine services; repealing a provision which prohibited certain fire-fighting agencies from obtaining a permit to provide intermediate or advanced medical care; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the operator of an ambulance or air ambulance or a fire-fighting agency that operates vehicles at the scene of an emergency to obtain a permit. (NRS 450B.200, 450B.240, 450B.265) **Section 4** of this bill requires the State Board of Health in a county whose population is less than 700,000 (currently all counties except for Clark County) and the district board of health in a county whose population is 700,000 or more (currently Clark County) to adopt regulations to provide for an endorsement to be placed on the permit to operate those vehicles that allows the holder to provide community paramedicine services. **Section 2** of this bill defines the term "community

paramedicine services" as health care services provided to **certain** patients ~~[outside of a hospital using mobile equipment]~~ **who do not require emergency medical transportation** in a manner that is integrated with the local and regional health care and social services systems. **Section 4** requires such regulations to prescribe the training and qualifications necessary for an emergency medical technician, advanced emergency medical technician or paramedic **who is** employed by **or serves as a volunteer for** the holder of such an endorsement ~~[to have to be able]~~ to provide community paramedicine services and to prescribe the scope of the community paramedicine services that may be provided.

Section 9 of this bill prohibits a person or governmental entity from providing community paramedicine services without a currently valid permit with an endorsement which authorizes the provision of such services and makes a violation ~~[of this]~~ a misdemeanor. (NRS 450B.900) **Section 10** of this bill prohibits an emergency medical technician, advanced emergency medical technician or paramedic from providing community paramedicine services unless the person meets certain requirements and makes a violation a misdemeanor. (NRS 450B.900)

Section 5 of this bill requires each holder of a permit with an endorsement to provide community paramedicine services to submit to the ~~[State Board of Health]~~ **Division of Public and Behavioral Health of the Department of Health and Human Services or district board of health, as applicable, (health authority)** a quarterly report concerning the effect of providing community paramedicine services. **Section 5** also requires the ~~[Board]~~ **Division and the district board of health** to submit to the Legislature an annual report that summarizes the quarterly reports it receives.

Existing law prohibits an agency other than the district board of health in a county whose population is 700,000 or more (currently only Clark County) from issuing a permit authorizing a fire-fighting agency to provide the level of care provided by an advanced medical technician or paramedic to sick or injured persons while transporting those persons to a medical facility. (NRS 450B.1985) **Section 13** of this bill repeals this provision so that a fire-fighting agency located anywhere in this State may obtain such a permit and provide the level of care provided by an advanced medical technician or paramedic to patients being transported to a medical facility on an emergency basis or, if the agency holds an endorsement to provide community paramedicine services, a non-emergency basis.

Sections 3 and 6~~-~~ **~~[8]~~ 8.5** make conforming changes.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Community paramedicine services" means services provided by an emergency medical technician, advanced emergency medical technician***

or paramedic to patients who do not require emergency medical transportation ~~[to or services at a hospital]~~ and provided ~~[using mobile equipment and]~~ in a manner that is integrated with the health care and social services resources available in the community. ~~[Such services may include, without limitation, transportation to a facility other than a hospital, which may include a mental health facility, and the provision of health care services provided to patients on a scheduled basis.]~~

Sec. 3. *As used in sections 3, 4 and 5 of this act, unless the context otherwise requires, "emergency medical provider" means an emergency medical technician, advanced emergency medical technician or paramedic.*

Sec. 4. *1. The board shall adopt regulations to provide for the issuance of an endorsement on a permit which allows an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit to provide community paramedicine services. Such regulations must establish, without limitation:*

(a) The manner in which to apply for an endorsement;

(b) The qualifications and requirements of a holder of a permit to obtain an endorsement;

(c) The required training and qualifications of an emergency medical provider who will provide community paramedicine services and the proof necessary to demonstrate such training and qualifications;

(d) The scope of the community paramedicine services that may be provided by an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit, which must not include any services that are outside the scope of practice of the emergency medical provider;

(e) The continuing education requirements or other evidence of continued competency for renewal of the endorsement; and

(f) ~~[Any fee for the issuance and renewal of the endorsement, which must not exceed the actual cost to the board; and~~

~~(g)]~~ Such other requirements as the board deems necessary to carry out the provisions of sections 3, 4 and 5 of this act.

2. The holder of a permit may apply for an endorsement to provide community paramedicine services by submitting to the health authority an application upon forms prescribed by the board and in accordance with procedures established by the board. The health authority must not approve an application for an endorsement or a renewal of an endorsement unless the applicant meets the requirements prescribed by the board by regulation pursuant to subsection 1. No additional fee may be charged for an endorsement.

3. An endorsement to provide community paramedicine services expires on the same date as the permit and is renewable annually thereafter ~~[upon payment of any fee required by the board]~~ at least 30 days before the expiration date.

4. An emergency medical provider may provide community paramedicine services only as an employee of or volunteer for the holder of

a permit who has obtained an endorsement and only if the emergency medical provider possesses the training and qualifications required by the board. Any services provided must not exceed the scope of practice of the emergency medical provider.

Sec. 5. ***1. Each holder of a permit who has obtained an endorsement to provide community paramedicine services pursuant to section 4 of this act shall submit a quarterly report to the*** ~~***[State Board of Health]***~~ ***health authority that issued the endorsement which must include, without limitation:***

(a) Information concerning the community paramedicine services that were provided in lieu of emergency medical transportation ~~***[to a hospital,]***~~ ***, including, without limitation, the types of services provided and the number of persons for whom such services were provided;***

(b) The impact of providing community paramedicine services on the overall services provided to patients; and

(c) Such other information as prescribed by the ~~***[State Board of Health]***~~ ***health authority or requested by the Legislature or the Legislative Committee on Health Care.***

2. On or before February 1 of each year, ~~***[the State Board of Health]***~~ ***each health authority shall submit a report summarizing the information received concerning community paramedicine services pursuant to subsection 1 along with a summary of the impact of providing such services to patients in that manner to the Director of the Legislative Counsel Bureau for transmittal to the Legislature in odd-numbered years or the Legislative Committee on Health Care in even-numbered years.***

Sec. 6. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 450B.072 is hereby amended to read as follows:

450B.072 "Fire-fighting agency" means a fire department or fire protection district of the State or a political subdivision which holds a permit issued pursuant to this chapter. ~~**[**The term does not include a person or governmental entity, other than a governmental entity to whom a permit is issued in accordance with the provisions of NRS 450B.1985, which provides transportation of sick or injured persons to a medical facility.**]**~~

Sec. 8. NRS 450B.100 is hereby amended to read as follows:

450B.100 "Permit" means the permit issued by the health authority under the provisions of this chapter to:

1. A person, agency of the State or political subdivision to own or operate an ambulance or air ambulance in the State of Nevada; or

2. A fire-fighting agency to provide ~~**[**medical**]**~~ ***:***

(a) Medical care by emergency medical technicians, advanced emergency medical technicians or paramedics to sick or injured persons:

~~**[**(a)**]**~~ ***(1)*** At the scene of an emergency; or

~~[(b)]~~ ***(2)*** At the scene of an emergency and while transporting those persons to a medical facility ~~[.]~~ ***; and***

(b) Community paramedicine services, but only if the fire-fighting agency has obtained an endorsement on the permit to provide ~~[community paramedicine]~~ such services pursuant to section 4 of this act.

Sec. 8.5. **NRS 450B.200 is hereby amended to read as follows:**

450B.200 1. The health authority may issue a permit for ~~[the]~~ ***:***

(a) The operation of an ambulance ~~[,]~~ ***or*** an air ambulance ***;*** or ~~[a]~~

(b) A vehicle of a fire-fighting agency ~~[at]~~ ***:***

(1) At the scene of an emergency ~~[.]~~ ***; and***

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to section 4 of this act.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the board.

4. An application for a permit must be made upon forms prescribed by the board and in accordance with procedures established by the board, and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insigne, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the board deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The board shall establish a reasonable fee for annual permits.

6. All permits expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. The health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the board; or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

➥ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the board.

8. The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not meet the minimum requirements for equipment as established by the board pursuant to this chapter.

9. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

10. The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

11. A permit issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a county whose population is 700,000 or more is not required to obtain a permit from the Division, even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

12. The Division shall maintain a central registry of all permits issued pursuant to this section, whether issued by the Division or a district board of health.

13. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9. NRS 450B.240 is hereby amended to read as follows:

450B.240 1. A person or governmental entity shall not engage in the operation of any ambulance or air ambulance service in this state without a currently valid permit for that service issued by the health authority.

2. A fire-fighting agency shall not provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility without a currently valid permit for that care issued by the health authority.

3. ***A person or governmental entity shall not provide community paramedicine services or represent, advertise or otherwise imply that it is authorized to provide community paramedicine services without a currently valid permit with an endorsement to provide community paramedicine services issued by the health authority pursuant to section 4 of this act.***

4. Nothing in this section precludes the operation of an aircraft in this state in a manner other than as an air ambulance.

Sec. 10. NRS 450B.250 is hereby amended to read as follows:

450B.250 ***1.*** Except as otherwise provided in this chapter, a person shall not serve as an attendant on any ambulance or air ambulance and a firefighter shall not provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility unless the person holds a currently valid license issued by the health authority under the provisions of this chapter.

2. A person shall not provide community paramedicine services unless the person:

(a) Is certified as an emergency medical technician, an advanced emergency medical technician or a paramedic;

(b) Is employed by or serves as a volunteer for a person or governmental entity which has a currently valid permit with an endorsement to provide community paramedicine services issued by the health authority pursuant to section 4 of this act; and

(c) Meets the qualifications and has satisfied any training required by regulations adopted pursuant to section 4 of this act.

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. NRS 450B.1985 is hereby repealed.

Sec. 14. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

450B.1985 Exclusive method of issuance; authority of district board of health in certain larger counties to issue; situations in which certain medical care may be provided.

1. Except as otherwise provided in subsection 2, no permit may be issued pursuant to this chapter authorizing a fire-fighting agency to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons while transporting those persons to a medical facility.

2. Except as otherwise provided in subsection 10 of NRS 450B.200, the district board of health in a county whose population is 700,000 or more may issue a permit pursuant to NRS 450B.200 or 450B.210 authorizing a fire-fighting agency to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency and while transporting those persons to a medical facility.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Amendment 302 to Assembly Bill 305 revises the definition of "community paramedicine" to clarify that such services are provided to patients who do not require emergency transport, and removes references to the location where services may be provided and type of equipment used. It clarifies that no additional fee may be charged for a community paramedicine endorsement on a permit. It allows a person who serves as a volunteer for the holder of the permit to receive an endorsement to provide community paramedicine services and requires permit holders to report to the health authority that issued the endorsement rather than the State Board of Health.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 370.

Bill read second time and ordered to third reading.

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 408.

AN ACT relating to education; requiring the board of trustees of each school district to ensure that certain pupils meet **individually** with a counselor, administrator or other educational personnel to assess the pupil's college and career readiness; requiring the ~~[establishment of a]~~ **revision of the academic** plan for ~~[college and career readiness for]~~ a pupil under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, pupils that are enrolled in grade 11 in public high schools are required to take a college and career readiness assessment that has been chosen by the State Board of Education and is administered by the board of trustees of each school district. (NRS 389.807) This bill requires the board of trustees of each school district to ensure that a counselor, administrator or other educational personnel meets **individually** at least once with each pupil that is enrolled in grade 11 of a public high school ~~[after the pupil has taken the college and career readiness assessment, but before the pupil completes grade 11.]~~ **to review with the pupil the academic plan for the pupil.** This bill also requires the counselor, administrator or other educational personnel to use the pupil's results on the **college and career readiness** assessment **, if available,** and the pupil's academic records to determine if the pupil will be prepared for college and career success without the need for remediation. If the counselor, administrator or other educational personnel determines that remediation is necessary, this bill requires the counselor, administrator or other educational personnel to coordinate with the pupil and the pupil's parent or legal guardian to ~~[establish a plan for college and career readiness which will]~~ **revise the academic plan for the pupil to** ensure that the pupil will be prepared for college or career success before the pupil graduates.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall ensure that a counselor, administrator or other licensed educational personnel from each public high school in the district meets individually at least once with each pupil in grade 11 [, after the pupil has taken the college and career readiness assessment administered pursuant to NRS 389.807, but before the pupil completes grade 11.] for the purpose of reviewing with the pupil the academic plan developed pursuant to NRS 388.205.

2. At a meeting conducted pursuant to subsection 1, the counselor, administrator or other licensed educational personnel shall use the results of the pupil's college and career readiness assessment administered pursuant to NRS 389.807, if assessment results are available at the time of the meeting, and the pupil's academic records to review with the pupil the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare the pupil for college and career success without the need for remediation.

3. If it is determined that remediation is necessary, the counselor, administrator or other licensed educational personnel shall coordinate with the pupil and the pupil's parent or legal guardian to [establish a plan for college and career readiness] revise the academic plan for the pupil to ensure that the pupil is prepared for college or career success before he or she graduates.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 408 to Assembly Bill 374 requires the board of trustees of each school district to ensure that a counselor, administrator, or other licensed educational personnel from each public high school in the district meets individually at least once with each pupil during their eleventh grade year for the purpose of reviewing the student's academic plan developed pursuant to existing law. Second, it requires the counselor, administrator, or other licensed educational personnel to use the results of the pupil's college and career readiness assessment, if the assessment results are available at the time of the meeting. Third, if it is determined that remediation is necessary, the counselor, administrator or other licensed educational personnel shall coordinate with the pupil and the pupil's parent or legal guardian to revise the pupil's academic plan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 535.

AN ACT relating to education; providing certain requirements for school facilities that are designated for use by persons of one biological sex; ~~[revising certain provisions governing courses on acquired immune deficiency syndrome and the human reproductive system;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires that any school facility in a public school, including a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex, as determined at birth. **Section 1** also requires a public school to provide separate, private areas designated for use by pupils based on their biological sex for any school facility where pupils may be in a state of undress in the presence of other pupils. For the purposes of **section 1**, **section 3** of this bill provides an exception from the provisions of existing law that otherwise make it unlawful to deny equal access to places of public accommodation on the ground of gender identity or expression. (NRS 651.070)

~~[Existing law requires the board of trustees of a school district to establish a course of instruction concerning acquired immune deficiency syndrome and the human reproductive system which may be taught only by a teacher or nurse whose qualifications have been previously approved by the board of trustees. (NRS 389.065) Section 2 of this bill provides that such a course may not be offered to pupils in kindergarten to grade 6, inclusive. Section 2 also requires that such a course may be taught only by a teacher or nurse employed full-time by the school district and no other person or entity may assist in teaching the course. Section 2 further requires that any instructional material used in such a course may not contain explicit depictions of sexual activity.]~~

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any school facility in a public school, including, without limitation, a restroom, locker room or shower which is designated for use by persons of one biological sex must only be used by persons of that biological sex.

2. In any school facility or setting where a pupil may be in a state of undress in the presence of other pupils, a public school shall provide separate, private areas designated for use by pupils based on their biological sex.

3. For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room or shower designated for use by persons whose biological sex is different from the pupil's biological sex. Such accommodation may include, without limitation,

access to a single-stall restroom, access to a unisex restroom or controlled use of a faculty restroom, locker room or shower.

4. As used in this section, "biological sex" means the biological condition of being male or female as determined at birth based on physical differences or, if necessary, at the chromosomal level.

Sec. 2. ~~[NRS 389.065 is hereby amended to read as follows:~~

~~389.065 1. The board of trustees of a school district shall establish a course or unit of a course of:~~

~~(a) Factual instruction concerning acquired immune deficiency syndrome; and~~

~~(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.~~

~~2. *A course or unit of a course of instruction established pursuant to subsection 1 may not be offered to pupils enrolled in kindergarten to grade 6, inclusive.*~~

~~*3.* Each board of trustees shall appoint an advisory committee consisting of:~~

~~(a) Five parents of children who attend schools in the district; and~~

~~(b) Four representatives, one from each of four of the following professions or occupations:~~

~~(1) Medicine or nursing;~~

~~(2) Counseling;~~

~~(3) Religion;~~

~~(4) Pupils who attend schools in the district; or~~

~~(5) Teaching.~~

~~→ This committee shall advise the district concerning the content of and materials to be used in a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.~~

~~[3.] *4.* The subjects of the courses may be taught only by a teacher or school nurse [whose] *:*~~

~~*(a) Whose* qualifications have been previously approved by the board of trustees [.~~

~~4.] *; and*~~

~~*(b) Who is a permanent, full-time employee of the school district.*~~

~~*→ No other person or entity may assist in teaching the subjects of the courses.*~~

~~*5.* The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic~~

~~standing. Any course offered pursuant to this section is not a requirement for graduation.~~

~~— [5.] *6.* All instructional materials to be used in a course [must] :~~

~~— *(a) Must* be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians [.] *; and*~~

~~— *(b) May not contain explicit depictions of sexual activity.]~~ (Deleted by amendment.)**

Sec. 3. NRS 651.070 is hereby amended to read as follows:

651.070 ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 535 to Assembly Bill 375 deletes Section 2 of the bill, which prohibits instruction to be offered to pupils in kindergarten to grade 6 concerning acquired immune deficiency syndrome and the human reproductive system.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 479.

AN ACT relating to the State Public Charter School Authority; ~~[revising the requirements relating to the financial administration of the State Public Charter School Authority;]~~ revising provisions governing the personnel of the Authority; revising provisions regarding the adoption of administrative regulations governing charter schools sponsored by the Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The State Budget Act prescribes the procedures for the proposal of the budget for the Executive Department of the State Government. (NRS 353.150-353.246) Professional licensing and certification boards and commissions, which are not funded by money from the State General Fund, are exempted~~

~~entirely from the requirements of the State Budget Act and therefore do not submit their budgets for review and approval by the Executive Department and the Legislature. (NRS 353.005) The Legislative and Judicial Departments of the State Government, the Public Employees' Retirement System and the Tahoe Regional Planning Agency are required to submit their budgets to the Legislature for approval and to the Chief of the Budget Division of the Department of Administration for informational purposes, but are otherwise exempt from the requirements of the State Budget Act. (NRS 353.210, 353.246) In the same manner, sections 2, 13 and 14 of this bill exempt the State Public Charter School Authority, which is one of the entities that sponsors charter schools in Nevada, from the requirements of the State Budget Act, except for the requirements of submitting its biennial agency budget to the Legislature for approval and to the Chief of the Budget Division for informational purposes.]~~

Under existing law, officers and employees of the Executive Department of the State Government are in either the classified or unclassified service, unless otherwise provided by specific statute. (NRS 284.013, 284.140, 284.150) ~~[For example, employees of the Office of the Governor are not in the classified or unclassified service. (NRS 223. 085)]~~ Under existing law, the State Public Charter School Authority appoints a Director, who is in the unclassified service~~[,]~~ and ~~[employs]~~ **who serves a term of 3 years. (NRS 386.511) Section 4 of this bill removes the term of 3 years for the Director and instead provides that the Director serves at the pleasure of the Authority. Existing law also authorizes the Authority to employ** such staff as is necessary to carry out its powers and duties **~~[. (NRS 386.509-386.5125) Sections 2, 4, 5 and 12]~~ , who are in the classified service. (NRS 386.5125) Section 5** of this bill ~~[remove all officers and]~~ **removes the** employees of the Authority from the classified **service** and **places them in the** unclassified service ~~[and require the Authority to adopt rules and policies regarding the employment rights, salary ranges and benefits of its officers and employees. However, the officers and employees of the Authority remain eligible to participate in the Public Employees' Benefits Program and the Public Employees' Retirement System.]~~ **, and further provides those employees serve at the pleasure of the Director.** In addition, **section 5** transfers the authority to employ staff from the seven-member Authority to the Director of the Authority.

~~[With certain exceptions, existing law limits the amount of the salary of a person employed by the State to not more than 95 percent of the salary for the Office of Governor during the same period. (NRS 281. 123) Sections 2, 4 and 5 exempt the salaries of the Director and employees of the State Public Charter School Authority from this salary limitation and require that the amount of the salaries be within the limits of the biennial agency budget adopted by the Authority.]~~

Under existing law, the State Public Charter School Authority is required to sponsor the charter schools in Nevada whose applications it has approved. In

addition, if approved by the Department of Education, the board of trustees of a school district and a college or university within the Nevada System of Higher Education are authorized to sponsor charter schools in Nevada. (NRS 386.490-386.649) The Department of Education is authorized under existing law to adopt administrative regulations governing charter schools and is specifically required to adopt regulations governing: (1) the process for submission to a sponsor of an application to form a charter school, renew a charter contract or request an amendment of a written charter or charter contract, and the contents of the application; and (2) the criteria and type of investigation that must be applied by a sponsor in determining whether to approve such an application. (NRS 386.540)

Section 10 of this bill transfers from the Department to the State Public Charter School Authority the duty to adopt regulations governing the process for submission and approval, and the contents of, applications to form, renew a charter contract or request an amendment of a written charter or charter contract for a charter school sponsored by the Authority. With certain exceptions, **section 10** also authorizes the Authority to adopt such regulations as necessary to carry out its powers and duties concerning the charter schools that it sponsors. However, under **section 16** of this bill, the current regulations of the Department governing all charter schools remain in effect and will be enforced by the Authority with respect to charter schools sponsored by the Authority until the Authority amends those regulations. The Authority will continue to be subject to the regulations adopted by the Department on other matters such as reporting requirements by sponsors of charter schools, including the reporting of information for inclusion in the annual report of accountability. (NRS 385.347) Charter schools sponsored by the Authority will also continue to be subject to any regulations adopted by the Department governing procedures for accounting and budgeting and performance and financial audits. (NRS 386.540)

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

Section 1. ~~[NRS 385.007 is hereby amended to read as follows:~~

~~385.007 As used in this title, unless the context otherwise requires:~~

~~1. "Charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive~~ **[.]** ***, and section 2 of this act.***~~

~~2. "Department" means the Department of Education.~~

~~3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.~~

~~4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).~~

~~5. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through~~

~~public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.~~

~~— 6. "State Board" means the State Board of Education.~~

~~— 7. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 392A.040.~~**]** **(Deleted by amendment.)**

Sec. 2. **[**~~Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— The State Public Charter School Authority shall:*~~

~~*— 1. Adopt biennially a budget for the operation of the State Public Charter School Authority for submission pursuant to NRS 353.210 and 353.246. The biennial agency budget must include, without limitation, all projected revenues and expenditures for the State Public Charter School Authority to carry out its powers and duties during the 2 fiscal years included in the biennial agency budget. Any changes to the biennial agency budget must be adopted by the State Public Charter School Authority.*~~

~~*— 2. Adopt such rules and policies as the State Public Charter School Authority deems appropriate to establish the employment rights of the persons appointed or employed by the State Public Charter School Authority.*~~

~~*— 3. In addition to the benefits provided to state officers and employees pursuant to chapters 286 and 287 of NRS, determine the other benefits of the members of the State Public Charter School Authority and the persons appointed or employed by the State Public Charter School Authority within the limits of the biennial agency budget adopted by the State Public Charter School Authority pursuant to subsection 1.*~~

~~*— 4. Adopt salary ranges for the positions of persons appointed or employed by the State Public Charter School Authority within the limits of the biennial agency budget adopted by the State Public Charter School Authority pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 386.490 is hereby amended to read as follows:~~

~~— 386.490 — As used in NRS 386.490 to 386.649, inclusive, *and section 2 of this act,* the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 4. NRS 386.511 is hereby amended to read as follows:

386.511 1. The State Public Charter School Authority shall appoint a Director of the State Public Charter School Authority **.** **[**~~for a term of 3 years.~~**]** The State Public Charter School Authority shall ensure that the Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

2. **[**~~A vacancy in the position of Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.~~

~~— 3.~~**]** The Director is ~~*[:*~~

~~*— (a) Is not]*~~ in the ~~*[classified or]*~~ unclassified service of the State ~~*[.*~~

~~*— (b) Serves]*~~ ***and serves at the pleasure of the State Public Charter School Authority.***

~~*[(c) Is entitled to receive an annual salary determined by the State Public Charter School Authority which is within the salary range for the position adopted by the State Public Charter School Authority pursuant to section 2 of this act. The salary of the Director is exempt from the limitations set forth in NRS 281.123.]*~~

Sec. 5. NRS 386.5125 is hereby amended to read as follows:

386.5125 The ~~[~~State Public Charter School Authority~~]~~ ***Director*** may ~~*[, within the limits of the biennial budget adopted by the State Public Charter School Authority pursuant to section 2 of this act,]*~~ employ such persons as ~~[~~it~~]~~ ***the Director*** deems necessary to carry out the ~~[~~provisions~~]~~ ***powers and duties*** of ***the State Public Charter School Authority pursuant to*** NRS 386.490 to 386.649, inclusive ***,*** ~~*[, and section 2 of this act.]*~~ The staff employed ~~[~~by the State Public Charter School Authority must~~]~~ ***pursuant to this section:***

1. Must be qualified to carry out the daily responsibilities of sponsoring charter schools in accordance with the provisions of NRS 386.490 to 386.649, inclusive ***,*** ~~*[, and section 2 of this act.]*~~

2. Have such duties as may be determined by the Director.

3. Are ~~*[not]*~~ ***in the*** ~~*[classified or]*~~ ***unclassified service of the State.***

4. Serve at the pleasure of the Director.

~~*[5. Are entitled to receive annual salaries determined by the Director which are within the salary ranges for the positions adopted by the State Public Charter School Authority pursuant to section 2 of this act. The salaries of the staff employed pursuant to this section are exempt from the limitations set forth in NRS 281.123.]*~~

Sec. 6. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, ~~***[and section 2 of this act,]***~~ and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for evaluating charter school applications in accordance with NRS 386.525 and for the renewal of charter contracts pursuant to NRS 386.530;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure ***by a board of trustees or a college or university*** to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 7. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the ~~[~~Department.~~]~~ ***proposed sponsor.***

4. The committee to form a charter school shall ensure that the completed application:

(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the ~~[~~Department by regulation~~]~~ ***applicable regulations adopted pursuant to NRS 386.540*** and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive , ***[, and section 2 of this act.]***

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method

for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 8. NRS 386.525 is hereby amended to read as follows:

386.525 1. A charter school may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application ~~[~~:

~~(1) Complies~~] ***complies*** with NRS 386.490 to 386.649, inclusive, ~~***[and section 2 of this act]***~~ and the ***applicable*** regulations ~~[~~applicable to charter schools;~~]~~ ***adopted pursuant thereto;*** and

~~[(2) Is complete in accordance with the regulations of the Department; and]~~

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an

application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the

Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 9. ~~[NRS 386.535 is hereby amended to read as follows:~~

~~386.535 Except as otherwise provided in NRS 386.5351:~~

~~1. The sponsor of a charter school may revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:~~

~~(a) The charter school, its officers or its employees:~~

~~(1) Committed a material breach of the terms and conditions of the written charter or charter contract;~~

~~(2) Failed to comply with generally accepted standards of fiscal management;~~

~~(3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, *and section 2 of this act* or any other statute or regulation applicable to charter schools; or~~

~~(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;~~

~~(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or~~

~~(c) There is reasonable cause to believe that revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.~~

~~2. Before the sponsor revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:~~

~~(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;~~

~~(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;~~

~~(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which~~

~~determination may be made during the public hearing held pursuant to subsection 3; and~~

~~(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the written charter or terminate the charter contract.~~

~~3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.~~

~~4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.~~

~~5. If the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after revoking the written charter or terminating the charter contract.~~**] (Deleted by amendment.)**

Sec. 10. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department ~~[shall]~~ ***:***

(a) Shall adopt regulations that prescribe:

~~[(a)]~~ ***(1)*** The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

~~[(b)]~~ ***(2)*** The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

~~[(c)]~~ ***(3)*** The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

~~[(d)]~~ ***(4)*** The process for submission ~~[of an application to form a charter school]~~ to the board of trustees of a school district ~~[, the State Public Charter School Authority and]~~ ***or*** a college or university within the Nevada System of Higher Education ~~[,]~~ ***of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a written charter pursuant to NRS 386.527,*** and the contents of ~~[the]~~ ***such an*** application;

~~[(e) The process for submission of an application to renew a charter contract;~~

~~(f)]~~ ***and***

(5) The criteria ***that must be applied*** and type of investigation that must be ~~[applied]~~ ***conducted*** by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or ~~[a]~~ ***an application to*** request ~~[for]~~ an amendment of a written charter or a charter contract ***.*** ~~[; and~~

~~(g) The process for submission of an amendment of a written charter or a charter contract pursuant to NRS 386.527 and the contents of the application.~~

~~2. The Department may]~~

(b) May adopt ***such*** regulations ***governing a charter school sponsored by the board of trustees of a school district or a college or university within the Nevada System of Higher Education*** as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ***.*** ~~[, including, without limitation, *and section 2 of this act,*]~~

(c) May adopt regulations that prescribe ***for a charter school sponsored by the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education*** the:

~~[(a)]~~ ***(1)*** Procedures for accounting and budgeting;

~~[(b)]~~ ***(2)*** Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

~~[(c)]~~ ***(3)*** Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

2. The State Public Charter School Authority:

(a) Shall adopt regulations that prescribe:

(1) The process for submission to the State Public Charter School Authority of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a written charter and the contents of such an application; and

(2) The criteria that must be applied and type of investigation that must be conducted by the State Public Charter School Authority in determining whether to approve an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written contract or a charter contract.

(b) Except as otherwise provided in subsection 1, may adopt such regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ~~[*and section 2 of this act*]~~ concerning a charter school sponsored by the State Public Charter School Authority.

Sec. 11. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department ~~[shall]~~ ***:***

(a) Shall adopt regulations that prescribe:

~~[(a)]~~ ***(1)*** The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

~~[(b)]~~ ***(2)*** The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

~~[(c)]~~ ***(3)*** The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

~~[(d)]~~ ***(4)*** The process for submission ~~[of an application to form a charter school]~~ to the board of trustees of a school district ~~[, the State Public Charter School Authority and]~~ ***or*** a college or university within the Nevada System of Higher Education ~~[,]~~ ***of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a charter contract pursuant to NRS 386.527,*** and the contents of ~~[the]~~ ***such an*** application;

~~[(e) The process for submission of an application to renew a charter contract;~~

~~(f)]~~ ***and***

(5) The criteria ***that must be applied*** and type of investigation that must be ~~[applied]~~ ***conducted*** by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or ~~[a]~~ ***an application to*** request ~~[for]~~ an amendment of a charter contract ***.*** ~~[; and~~

~~(g) The process for submission of an amendment of a charter contract pursuant to NRS 386.527 and the contents of the application.~~

~~2. The Department may]~~

(b) May adopt ***such*** regulations ***governing a charter school sponsored by the board of trustees of a school district or a college or university within the Nevada System of Higher Education*** as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ***.*** ~~[, including, without limitation, , and section 2 of this act,]~~

(c) May adopt regulations that prescribe ***for a charter school sponsored by the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education*** the:

~~[(a)]~~ ***(1)*** Procedures for accounting and budgeting;

~~[(b)]~~ ***(2)*** Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

~~[(c)]~~ ***(3)*** Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

2. The State Public Charter School Authority:

(a) Shall adopt regulations that prescribe:

(1) The process for submission to the State Public Charter School Authority of an application to form a charter school, an application to renew a charter contract and an application to request an amendment of a charter contract, and the contents of such an application; and

(2) The criteria that must be applied and type of investigation that must be conducted by the State Public Charter School Authority in determining whether to approve an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract.

(b) Except as otherwise provided in subsection 1, may adopt such regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ~~[and section 2 of this act]~~ concerning a charter school sponsored by the State Public Charter School Authority.

Sec. 12. ~~[~~NRS 284.140 is hereby amended to read as follows:

~~284.140 [The] *Except as otherwise provided by specific statute, the* unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:~~

~~1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.~~

~~2. [Except as otherwise provided in NRS 223.085, 223.570 and 223.600, all] *All* persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.~~

~~3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.~~

~~4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.~~

~~5. All other officers and employees authorized by law to be employed in the unclassified service.]~~ **(Deleted by amendment.)**

Sec. 13. [NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget

~~estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.~~

~~— 4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.~~

~~— 5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.~~

~~— 6. Agencies, bureaus, commissions and officers of the Legislative Department~~ ~~**[**~~~~, the Public Employees' Retirement System~~~~**]**~~ ~~and the Judicial Department of the State Government~~ ~~***, the Public Employees' Retirement System and the State Public Charter School Authority***~~ ~~shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.~~

~~— 7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:~~

~~— (a) The Chief for his or her information in preparing the proposed executive budget.~~

~~— (b) The Fiscal Analysis Division of the Legislative Counsel Bureau.~~

~~— 8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.~~

~~— 9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:~~

~~— (a) Substantially similar to the services performed by the public employees of the department, institution or agency; and~~

~~— (b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.~~~~**]**~~ **(Deleted by amendment.)**

Sec. 14. ~~**[**~~NRS 353.246 is hereby amended to read as follows:

~~— 353.246 1. Except as otherwise provided in subsection 2 of this section and subsections 6 and 7 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the Legislative Department~~ ~~**[**~~~~, the Public Employees' Retirement System,~~~~**]**~~ ~~***and*** the Judicial Department of the State Government~~ ~~***, the Public***~~

~~*Employees' Retirement System, the State Public Charter School Authority*~~ ~~and the Tahoe Regional Planning Agency.~~

~~2. The Legislative Department [, the Public Employees' Retirement System,] *and* the Judicial Department of the State Government *, the Public Employees' Retirement System, the State Public Charter School Authority* and the Tahoe Regional Planning Agency shall submit their budgets to the Legislature in the same format as the proposed executive budget unless otherwise provided by the Legislative Commission. All projections of revenue and any other information concerning future state revenue contained in those budgets must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[1. If, on July 1, 2015, the State Public Charter School Authority has not adopted the rules, policies and salary ranges and determined the benefits for all of its officers and employees who are not in the classified or unclassified service of the State on July 1, 2015, as required pursuant to section 2 of this act, those officers and employees are entitled to the same rights and privileges as they enjoyed under chapter 284 of NRS before July 1, 2015, until the adoption of those rules, policies and salary ranges and the determination of those benefits.~~

~~2.]~~ A person who is employed by the State Public Charter School Authority on June 30, 2015, with permanent status in the classified service may request the Division of Human Resource Management of the Department of Administration to place his or her name on an appropriate reemployment list maintained by the Division. Upon receipt of such a request, the Division shall maintain such an employee on the reemployment list until June 30, 2016, or until the person is reemployed by the Executive Department of the State Government in the classified service in the class or a comparable class with the same grade as the position that the person held with the State Public Charter School Authority before the position was moved from the classified service, whichever occurs earlier. An employee's eligibility to remain on the reemployment list during the period specified in this subsection is not affected by any separation from service of the employee with the State Public Charter School Authority during that period.

Sec. 16. 1. Any administrative regulations adopted by the Department of Education pursuant to NRS 386.540 before July 1, 2015, remain in force with respect to a charter school proposed to be sponsored or sponsored by the State Public Charter School Authority before, on or after July 1, 2015, until amended by the State Public Charter School Authority.

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

the enforcement of the provisions of the contract or other agreement has been transferred.

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

Sec. 17. 1. This section and sections 1 to 10, inclusive, and sections 12 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of the State Public Charter School Authority ~~[carrying out its duties pursuant to section 2 of this act and]~~ adopting regulations; and

(b) On July 1, 2015, for all other purposes.

2. Section 11 of this act becomes effective on January 1, 2020.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 479 to Assembly Bill 395 deletes sections of the bill that exempted the State Public Charter School Authority from the State Budget Act. It also deletes sections of the bill that exempted the Director and staff of the Authority from the classified and unclassified service. It retains provisions that provide the Director serves at the pleasure of the Authority and authorizes the Director to hire staff and direct them in their duties. Finally, it transfers from the Department of Education to the Authority the regulatory authority specifically governing the process for submission, approval, and renewal of charter contracts under the authorization of the Authority.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 536.

Assemblyman ~~[Hambrick]~~ **Hansen** (By Request)

AN ACT relating to abortions; revising provisions regulating an abortion performed on a pregnant woman who is a minor or a ward; requiring notification of a parent or guardian under certain circumstances before a physician performs such an abortion; providing expedited procedures for petitioning a court for judicial authorization to proceed without such notification; ~~[adding reporting requirements for physicians who perform certain abortions; imposing administrative penalties on physicians who fail to comply with the reporting requirements; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to compile and report statistical data relating to certain abortions; requiring the Administrative Office of the Courts to compile and submit to the Division statistical data regarding cases involving judicial authorization for certain~~

~~abortions;]~~ providing civil liabilities and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in NRS 442.250 regulates the medical conditions under which abortions may be performed in this State. Because NRS 442.250 was submitted to and approved by a referendum of the voters at the 1990 general election, Section 1 of Article 19 of the Nevada Constitution dictates that the provisions of NRS 442.250 may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. In addition to the provisions of NRS 442.250, Nevada's abortion laws contain certain parental notification requirements that apply only to abortions performed upon pregnant minors. (NRS 442.255, 442.2555, 442.268) Because the parental notification requirements were not part of the referendum in 1990, they may be amended or repealed by the Legislature without being approved by the direct vote of the people.

This bill repeals the existing parental notification requirements for pregnant minors and enacts new notification requirements that apply to pregnant minors and to pregnant wards, regardless of their age, for whom a legal guardian or conservator has been appointed. This bill conforms with Section 1 of Article 19 of the Nevada Constitution because this bill does not amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250. Instead, this bill serves a different governmental purpose than the provisions of NRS 442.250 and enacts new laws that are separate and complete by themselves and are not amendatory of the provisions of NRS 442.250. (*Matthews v. State ex rel. Nev. Tax Comm'n*, 83 Nev. 266, 267-69 (1967))

In 1985, the Legislature enacted the existing parental notification requirements for pregnant minors which prohibit a physician, with certain exceptions, from knowingly performing an abortion upon a pregnant minor unless: (1) a custodial parent or guardian of the minor is notified in the statutorily-prescribed manner before the abortion; or (2) upon the request of the minor, the district court authorizes the abortion without parental notification when the minor meets certain criteria. (Chapter 681, Statutes of Nevada 1985, pp. 2306-09 (codified in NRS 442.255, 442.2555, 442.268)) Before the requirements became effective in 1985, Nevada's federal district court enjoined their implementation on grounds that they unconstitutionally burden a woman's fundamental right to make the highly personal choice of whether to have an abortion, thereby violating the woman's interests in personal liberty protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. (*Glick v. McKay*, 616 F. Supp. 322, 323-28 (D. Nev. 1985))

In 1991, the United States Court of Appeals for the Ninth Circuit affirmed the federal district court's decision in *Glick v. McKay*, 937 F.2d 434, 437-42 (9th Cir. 1991). The Ninth Circuit relied upon two reasons for invalidating Nevada's existing parental notification requirements: (1) the requirements

impermissibly narrowed the criteria under which the district court could give judicial authorization for an abortion without parental notification when the abortion would be in the minor's best interests; and (2) the requirements did not place any time limit on the period within which the district court must rule upon a request for judicial authorization and therefore they did not facially ensure that the minor's interests would be protected by expedited judicial review. (*Glick v. McKay*, 937 F.2d 434, 437-42 (9th Cir. 1991))

In 1997, when the United States Supreme Court reversed a different Ninth Circuit decision that struck down Montana's parental notification requirements, the United States Supreme Court disapproved the first reason relied upon by the Ninth Circuit in the *Glick* decision to strike down Nevada's parental notification requirements. (*Lambert v. Wicklund*, 520 U.S. 292, 294-99 (1997)) However, the United States Supreme Court did not address the second reason relied upon by the Ninth Circuit in the *Glick* decision to strike down Nevada's parental notification requirements. As a result, based upon the second reason, the Ninth Circuit's *Glick* decision is still in effect in Nevada, which means that Nevada's existing parental notification requirements remain unconstitutional because they do not place any time limit on the period within which the district court must rule upon a request for judicial authorization and therefore they do not facially ensure that the minor's interests will be protected by expedited judicial review. (*Glick v. McKay*, 937 F.2d 434, 440-42 (9th Cir. 1991); *Planned Parenthood of S. Ariz. v. Lawall* (*Lawall I*), 180 F.3d 1022, 1029 n.9 (9th Cir. 1999) ("Nothing in *Wicklund*, however, affects *Glick's* holding regarding [the failure of Nevada's law to facially comply with] *Bellotti II's* expediency requirement."), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir. 1999))

Section 27 of this bill repeals Nevada's existing parental notification requirements, and **sections 10-18** of this bill enact new notification requirements that apply to pregnant minors and wards. The new notification requirements are modeled, in part, on portions of Minnesota's parental notification requirements that were upheld by the United States Supreme Court in *Hodgson v. Minnesota*, 497 U.S. 417, 422-23 (1990) (plurality opinion) (upholding portions of Minn. Stat. § 144.343). However, the new notification requirements also take into account additional constitutional considerations addressed in other decisions of the United States Supreme Court and the Ninth Circuit regarding parental notification or consent statutes. (*Ayotte v. Planned Parenthood of N. New Eng.*, 546 U.S. 320, 323-28 (2006); *Lambert v. Wicklund*, 520 U.S. 292, 294-99 (1997); *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 899-901 (1992); *Ohio v. Akron Ctr. for Reproductive Health* (*Akron II*), 497 U.S. 502, 510-19 (1990) (plurality opinion); *Bellotti v. Baird* (*Bellotti II*), 443 U.S. 622, 646-51 (1979) (plurality opinion); *Planned Parenthood of Idaho v. Wasden*, 376 F.3d 908, 924-35 (9th Cir. 2004); *Planned Parenthood of S. Ariz. v. Lawall* (*Lawall II*), 307 F.3d 783, 786-89 (9th Cir. 2002); *Planned Parenthood of S. Ariz. v. Lawall* (*Lawall I*), 180 F.3d

1022, 1027-33 (9th Cir. 1999), *amended on denial of reh'g*, 193 F.3d 1042, 1043 (9th Cir. 1999))

To carry out the new notification requirements, **section 6** of this bill defines the term "minor" to mean a person who is less than 18 years of age, unmarried and unemancipated. To be considered emancipated and not a minor, the person must offer reasonable proof of a court order declaring the person to be emancipated under Nevada law or the law of any other state, territory or possession of the United States or the District of Columbia. **Section 9** of this bill defines the term "ward" to mean a person for whom a legal guardian or conservator has been appointed because of a court finding of mental or intellectual incompetency, incapacity or insanity.

Section 10 of this bill states that the new notification requirements are intended to assist minors and wards in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion by requiring, with certain exceptions, notification of a parent or guardian of the minor or ward, followed by a waiting period of 48 hours, before a physician may perform an abortion upon the minor or ward. **Sections 10-18** do not require a parent or guardian to consent to the abortion before it is performed and do not prohibit a physician from performing the abortion after notification has been provided and the waiting period has expired.

Section 12 prohibits, with certain exceptions, a physician from knowingly performing an abortion on a minor or ward unless: (1) written notice of the proposed abortion is delivered to at least one parent or guardian in the statutorily-required manner; and (2) a period of not less than 48 hours has elapsed after the time of delivery of the written notice. However, **section 12** also provides that no parent or guardian must be notified if: (1) the physician certifies in writing in the medical record of the minor or ward that a medical emergency exists which necessitates an immediate abortion; (2) a parent or guardian of the minor or ward certifies in writing that he or she has been notified regarding the abortion; or (3) upon a petition filed by the minor or ward, the district court or the appellate court gives judicial authorization for a physician to perform the abortion without notification of a parent or guardian.

Sections 13-17 establish rules, standards and procedures for filing petitions seeking judicial authorization and for conducting expedited proceedings in the district court and the appellate court, with express mandates setting forth specific time limits within which the district court and the appellate court must rule upon petitions and any appeals therefrom. **Sections 14 and 15**: (1) protect the identity and anonymity of the minor or ward and require confidentiality at all stages of the proceedings; (2) provide the minor or ward with the right to request a court appointed attorney for legal representation that is a charge against the county; and (3) permit the appointment of a guardian ad litem or court appointed special advocate when necessary to protect the best interests of the minor or ward.

Section 16 requires the district court to grant judicial authorization if it finds that: (1) the pregnant woman is sufficiently mature and well-informed and, if

a ward, competent, to be capable, in consultation with a physician, of making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion without notification of a parent or guardian; or (2) regardless of whether the pregnant woman is sufficiently mature and well-informed and, if a ward, competent, it otherwise is or would be in the best interests of the pregnant woman to authorize a physician to perform the proposed abortion without notification of a parent or guardian.

Section 18 provides that a person who knowingly performs an abortion upon a minor or ward in violation of the new notification requirements is guilty of a misdemeanor and is subject to a civil action brought by any parent or guardian improperly denied notification. However, **section 18** also provides immunity from criminal prosecution and civil liability under certain circumstances.

~~[Finally, existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt a system for reporting certain information concerning abortions to the Division. (NRS 442.260) Section 19 of this bill requires a physician to submit an annual report to the Division that contains statistical data relating to the notification requirements and the number of abortions performed by the physician. Section 19 also requires the Division to impose administrative penalties against a physician whose report is overdue and authorizes the Division to commence a civil action if any report is more than 1 year overdue.~~

~~Section 20 of this bill requires the Administrative Office of the Courts to compile and submit annually to the Division certain statistical data relating to cases in which a minor or ward seeks judicial authorization for an abortion without notification of a parent or guardian. Section 21 of this bill requires the Division to compile the data it receives from the physicians and the Administrative Office of the Courts in order to issue an annual report, to be made available to the public, containing statistical data about the effect of the notification requirements on the rate of abortions in this State. If the Division fails to issue the annual report, section 22 of this bill authorizes a civil action against the Administrator of the Division seeking to compel the issuance of the report with penalties for contempt.]~~

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[23,]~~ **18,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[23,]~~ 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abortion" has the meaning ascribed to it in NRS 442.240.***

Sec. 4. ***"Guardian" means a person who has been appointed by a court of competent jurisdiction as a legal guardian or conservator of a pregnant woman who is a minor or a ward.***

Sec. 5. *1. "Medical emergency" means the existence or happening of one or more medical conditions, events or occurrences, or any combination thereof, which in the good faith clinical judgment of an attending physician, so complicates the physical health of a pregnant woman who is a minor or a ward that, within a reasonable degree of medical certainty, it necessitates an immediate abortion to be performed upon the pregnant woman to prevent:*

(a) The death of the pregnant woman; or

(b) A serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman.

2. For the purposes of this section, the existence or happening of one or more medical conditions, events or occurrences, or any combination thereof, shall not be considered to be a medical emergency when it is primarily based on one or more:

(a) Psychological, mental or emotional conditions, events or occurrences; or

(b) Claims or diagnoses that, if an abortion is not performed immediately, the pregnant woman is likely to or will engage in self-destructive conduct or behavior which could result in her death or in substantial or irreversible physical impairment of a major bodily function.

Sec. 6. *1. "Minor" means a person who is:*

(a) Less than 18 years of age;

(b) Unmarried; and

(c) Unemancipated.

2. For the purposes of this section, a person who is less than 18 years of age and unmarried shall not be considered to be emancipated unless the person offers reasonable proof of an order or decree from a court of competent jurisdiction declaring the person to be emancipated pursuant to the method of emancipation provided by NRS 129.080 to 129.140, inclusive, or any other statutes of this State or any other state, territory or possession of the United States or the District of Columbia.

Sec. 7. *1. "Parent" means, with regard to a pregnant woman who is a minor, not more than one parent or guardian of the pregnant woman if at least one parent or guardian of the pregnant woman is living.*

2. The term does not include a parent or guardian whose parental or legal rights have been terminated by a court of competent jurisdiction.

Sec. 8. *"Petition" means a petition filed by a pregnant woman who is a minor or a ward pursuant to section 13 of this act.*

Sec. 9. *"Ward" means a person for whom a legal guardian or conservator has been appointed by an order or decree from a court of competent jurisdiction declaring the person to be mentally or intellectually incompetent, incapacitated or insane.*

Sec. 10. *The Legislature hereby finds and declares that:*

1. A pregnant woman who is a minor or a ward may not have the necessary maturity, emotional development or mental or intellectual competency, capacity or understanding to be capable on her own, without

the assistance of a parent or guardian, to make a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion, which usually presents a difficult, stressful and often overwhelming decision involving potentially significant short-term and long-term physical, emotional and psychological consequences.

2. The provisions of sections 10 to 18, inclusive, of this act are intended to assist a pregnant woman who is a minor or a ward in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion by requiring, with certain exceptions, notification of a parent or guardian of the pregnant woman, followed by a waiting period of 48 hours, before a physician may perform an abortion upon the pregnant woman in order to:

(a) Encourage the pregnant woman to seek advice, guidance, counsel and support from a parent or guardian in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion; and

(b) Facilitate and foster the involvement of a parent or guardian who can provide advice, guidance, counsel and support to the pregnant woman in making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion.

Sec. 11. *The provisions of sections 10 to 18, inclusive, of this act:*

1. Must be interpreted to establish conditions on performing an abortion upon a pregnant woman who is a minor or a ward that supplement but do not supplant any other conditions on performing an abortion upon a pregnant woman established by NRS 442.240 to 442.270, inclusive, or any other statutes of this State.

2. Must not be interpreted to amend, annul, repeal, set aside, suspend or in any way make inoperative the provisions of NRS 442.250 which were submitted to and approved by a referendum of the voters pursuant to Section 1 of Article 19 of the Nevada Constitution.

3. Must not be interpreted to require a physician, or a designated agent of the physician, to notify more than one parent or guardian of a pregnant woman who is a minor or a ward.

Sec. 12. *1. In addition to the conditions established by NRS 442.240 to 442.270, inclusive, or any other statutes of this State, and except as otherwise provided in sections 10 to 18, inclusive, of this act, a physician shall not knowingly perform an abortion upon a pregnant woman who is a minor or a ward unless:*

(a) Written notice of the proposed abortion is delivered to at least one parent or guardian of the pregnant woman in the manner required by this section; and

(b) A period of not less than 48 hours has elapsed after the time of delivery of the written notice to at least one parent or guardian of the pregnant woman in the manner required by this section.

2. To deliver the written notice of the proposed abortion required by this section, the physician, or a designated agent of the physician, shall determine the address of the usual place of abode of a parent or guardian of the pregnant woman and deliver the written notice to a parent or guardian by at least one of the following methods:

(a) Personal service addressed to a parent or guardian at his or her usual place of abode and handed directly to a parent or guardian who is an authorized addressee. The time of delivery of the written notice shall be deemed to be the time of the personal service on a parent or guardian.

(b) Certified mail, with restricted delivery and return receipt requested, addressed to a parent or guardian at his or her usual place of abode. The time of delivery of the written notice shall be deemed to be 12 p.m. on the next day on which regular mail delivery takes place after the day on which the written notice is mailed. As used in this paragraph, "restricted delivery" means a postal employee is required to deliver the certified mail only to an authorized addressee.

3. No parent or guardian of the pregnant woman must be notified pursuant to this section before a physician performs an abortion upon the pregnant woman if:

(a) The physician certifies in writing in the medical record of the pregnant woman that a medical emergency exists which necessitates that an immediate abortion must be performed upon the pregnant woman;

(b) A parent or guardian of the pregnant woman certifies in writing that he or she has been notified regarding the abortion to be performed upon the pregnant woman; or

(c) A court has given judicial authorization for a physician to perform the abortion upon the pregnant woman pursuant to sections 10 to 18, inclusive, of this act without notification of a parent or guardian of the pregnant woman.

Sec. 13. *1. If a pregnant woman who is a minor or a ward does not want any parent or guardian to be notified pursuant to section 12 of this act, the pregnant woman may petition the district court to conduct expedited proceedings to determine whether to issue an order authorizing a physician to perform an abortion upon the pregnant woman without notification of a parent or guardian pursuant to section 12 of this act.*

2. Notwithstanding any other statute, regulation or rule to the contrary:

(a) The pregnant woman must not be charged, assessed or held liable for any filing fees or other court fees relating to the petition or the proceedings regarding the petition at any stage of the proceedings, including, without limitation, any appeal, except that the pregnant woman shall pay the special court fee required by Section 16 of Article 6 of the Nevada Constitution unless the pregnant woman does not have the ability to pay that fee.

(b) The rules of civil procedure do not apply to the petition or the proceedings regarding the petition. The Supreme Court shall adopt and issue all necessary rules and orders, which must not be inconsistent with the

provisions of sections 10 to 18, inclusive, of this act, to implement and facilitate expedited and confidential judicial review and resolution of the petition at all stages of the proceedings, including, without limitation, any appeal.

(c) In preparing the petition, the pregnant woman shall initial the petition but shall not sign the petition. The caption and body of the petition must contain only the initials of the pregnant woman to identify the petitioner.

(d) The petition must set forth:

(1) The age of the pregnant woman and whether she is a minor or a ward;

(2) The estimated number of weeks elapsed from the probable time of conception;

(3) The reasons the pregnant woman does not want any parent or guardian of the pregnant woman to be notified pursuant to section 12 of this act; and

(4) Any supporting facts or circumstances that may be relevant and helpful to the district court in determining whether to authorize the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

Sec. 14. ***Notwithstanding any other statute, regulation or rule to the contrary:***

1. A petition filed by a pregnant woman who is a minor or a ward and all proceedings regarding the petition:

(a) Are confidential and are not public records;

(b) Must ensure the anonymity of the pregnant woman; and

(c) Must not be made available to or accessible by the public at any stage of the proceedings, including, without limitation, any appeal.

2. The district court and appellate court shall take the necessary steps to ensure, preserve and protect the confidentiality of the petition and the proceedings, except that the district court or appellate court may allow a properly restricted and limited disclosure of the petition or the proceedings to the extent necessary to carry out the provisions of sections 10 to 18, inclusive, of this act, but the district court or appellate court shall take the necessary steps to protect the anonymity of the pregnant woman in any such disclosure.

3. The confidentiality required by this section includes, without limitation, all files, documents and records relating to the proceedings.

4. If the district court or appellate court needs to identify the petition or the proceedings for docketing, scheduling or other administrative purposes in any files, documents or records that are available to the public, including, without limitation, any index, calendar, docket, register, minutes or case management system, such identification must contain only the initials of the pregnant woman to identify the petitioner and must not contain any information that identifies or could lead to the identification of the pregnant woman.

5. If any officer, employee or contractor of this State or a political subdivision of this State, including, without limitation, any officer, employee or contractor of the district court or appellate court or any attorney, guardian ad litem, court appointed special advocate or member of support staff, acquires information concerning the petition or the proceedings regarding the petition in the course of performing the person's duties, the person shall take the necessary steps to ensure, preserve and protect the confidentiality of the information and shall not disclose the information without appropriate authorization.

6. A person who violates this section is guilty of a misdemeanor.

Sec. 15. ***1. If a pregnant woman who is a minor or a ward files a petition, the district court shall:***

(a) Advise her that she is entitled to be represented by a court-appointed attorney; and

(b) Upon her request, appoint such an attorney to represent her at all stages of the proceedings, including, without limitation, any appeal.

2. If the pregnant woman does not request to be represented by a court-appointed attorney, the pregnant woman may participate in the proceedings on her own behalf, except that the district court may appoint an attorney to represent her if the district court determines that such representation would be in her best interests.

3. Whether or not the pregnant woman is represented by a court-appointed attorney, the district court may appoint a guardian ad litem or a court appointed special advocate to represent the pregnant woman if the district court determines that such representation would be in her best interests.

4. If the pregnant woman is represented by a court-appointed attorney, the district court shall set the compensation and expenses of the attorney in a manner that is consistent with the compensation and expenses provided in NRS 7.125 and 7.135 for similar legal work, and the compensation and expenses of the attorney are a charge against the county.

Sec. 16. ***1. After a pregnant woman who is a minor or a ward files a petition, the district court shall:***

(a) Give the petition and the proceedings priority over other pending matters and expedite the proceedings in order to serve the best interests of the pregnant woman as soon as possible and without delay; and

(b) As soon as possible but not later than 5 judicial days after the date on which the petition is filed, hold an expedited hearing on the record regarding the merits of the petition, unless the pregnant woman requests the district court to continue the date of the hearing.

2. At the hearing regarding the merits of the petition, the district court shall take evidence on the record that may be relevant and helpful in determining whether:

(a) The pregnant woman is sufficiently mature and well-informed and, if a ward, competent, to be capable, in consultation with a physician, of making

a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion without notification of a parent or guardian pursuant to section 12 of this act; or

(b) Regardless of whether the pregnant woman is sufficiently mature and well-informed and, if a ward, competent, it otherwise is or would be in the best interests of the pregnant woman to authorize a physician to perform the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

3. The district court may take evidence on the record of any other facts or circumstances that may be relevant and helpful in determining whether to authorize a physician to perform the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

4. The district court shall order a confidential record of the evidence to be maintained.

5. As soon as possible but not later than 2 judicial days after the date of the hearing regarding the merits of the petition, the district court shall:

(a) Issue a written order granting or denying the petition which must contain specific findings of fact and conclusions of law supporting the decision of the district court; and

(b) File the written order under seal of confidentiality with the district court clerk and serve the pregnant woman with the written order by the most expeditious manner of service feasible under the circumstances.

6. The district court shall grant the petition if, based on the evidence taken on the record at the hearing, the district court finds that:

(a) The pregnant woman is sufficiently mature and well-informed and, if a ward, competent, to be capable, in consultation with a physician, of making a knowing, intelligent and deliberate decision to give informed consent concerning a proposed abortion without notification of a parent or guardian pursuant to section 12 of this act; or

(b) Regardless of whether the pregnant woman is sufficiently mature and well-informed and, if a ward, competent, it otherwise is or would be in the best interests of the pregnant woman to authorize a physician to perform the proposed abortion without notification of a parent or guardian pursuant to section 12 of this act.

7. If the district court grants the petition:

(a) The district court shall, in its written order, give judicial authorization to permit a physician to perform an abortion upon the pregnant woman in accordance with the provisions of NRS 442.240 to 442.270, inclusive, and without notification of a parent or guardian pursuant to section 12 of this act; and

(b) The district court's written order and its judicial authorization are not subject to an appeal, and no person has standing to take such an appeal.

8. If the district court denies the petition, the pregnant woman may appeal the district court's written order pursuant to section 17 of this act.

Sec. 17. ***1. If the district court denies a petition of a pregnant woman who is a minor or a ward, the pregnant woman may appeal the district court's written order to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution.***

2. To take such an appeal, the pregnant woman must file a notice of appeal with the district court clerk not later than 5 judicial days after the date on which the pregnant woman is served with the district court's written order pursuant to section 16 of this act.

3. Not later than 1 judicial day after the date on which the pregnant woman files the notice of appeal with the district court clerk, the pregnant woman shall file a request for expedited relief with the Clerk of the Supreme Court pursuant to the Nevada Rules of Appellate Procedure or any applicable rule or order of the appellate court.

4. The record on appeal must be perfected and transmitted to the appellate court not later than 5 judicial days after the date on which the pregnant woman files the notice of appeal or within such earlier time as may be required by any applicable rule or order of the appellate court.

5. The appellate court shall:

(a) Give the appeal priority over other pending matters and expedite the appeal in order to serve the best interests of the pregnant woman as soon as possible and without delay; and

(b) As soon as possible but not later than 5 judicial days after the date on which the record on appeal is transmitted to the appellate court, issue a written order resolving the appeal.

Sec. 18. ***1. Except as otherwise provided in this section, if a person knowingly performs an abortion upon a pregnant woman who is a minor or a ward in violation of section 12 of this act, the person is guilty of a misdemeanor.***

2. In addition to any other remedy or penalty provided by law, but except as otherwise provided in this section, if a person knowingly performs an abortion upon a pregnant woman who is a minor or a ward in violation of section 12 of this act and no parent or guardian of the pregnant woman was properly notified because of the violation, any parent or guardian of the pregnant woman may bring a civil action against the person who performed the abortion for:

(a) Actual and consequential damages;

(b) Punitive damages, which are subject to the provisions of NRS 42.005;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that the court deems appropriate.

3. A person is immune from criminal prosecution and civil liability pursuant to this section and no parent or guardian of the pregnant woman is entitled to any relief against the person pursuant to this section if the person establishes by written evidence that, before performing the abortion upon the pregnant woman:

(a) A court gave judicial authorization to perform the abortion upon the pregnant woman pursuant to sections 10 to 18, inclusive, of this act without notification of a parent or guardian; or

(b) The person, or the designated agent of the person:

(1) Attempted with reasonable diligence to deliver the notice required by section 12 of this act to at least one parent or guardian of the pregnant woman but was unable to do so; or

(2) Relied upon evidence which would be sufficient to convince a careful and prudent person that the representations of the pregnant woman regarding information necessary to comply with section 12 of this act were bona fide and true.

4. Any immunity provided by this section extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner.

Sec. 19. ~~***[1. On or before February 28 of each year, on a form prescribed by the Division, each physician shall submit to the Division a complete and accurate report of the following statistical data regarding the application of sections 10 to 18, inclusive, of this act on proposed abortions and abortions involving a pregnant woman who is a minor or a ward:***~~

~~***(a) The number of pregnant women for whom written notice was delivered to a parent or guardian as required by section 12 of this act and of those pregnant women, the number of notices delivered by:***~~

~~***(1) Personal service and of those pregnant women, the number of pregnant women upon whom the physician performed an abortion; and***~~

~~***(2) Certified mail and of those pregnant women, the number of pregnant women upon whom the physician performed an abortion.***~~

~~***(b) The number of pregnant women upon whom the physician performed an abortion without providing written notice to a parent or guardian and of those pregnant women, the number for whom:***~~

~~***(1) The physician certified in writing that a medical emergency existed which necessitated that an immediate abortion had to be performed upon the pregnant woman;***~~

~~***(2) A parent or guardian of the pregnant woman certified in writing that he or she had already been notified; or***~~

~~***(3) A court gave judicial authorization to perform the abortion upon the pregnant woman pursuant to sections 10 to 18, inclusive, of this act without notification of a parent or guardian.***~~

~~***2. Each physician shall take the necessary steps to ensure that the data included in each report does not include any confidential information, including, without limitation, any information that identifies or could lead to the identification of a pregnant woman or a parent or guardian of a pregnant woman.***~~

~~***3. The Division shall impose an administrative penalty of $500 on a physician who does not submit a complete and accurate report within 30 days***~~

~~*after the due date of the report and an additional administrative penalty of $500 for each 30 day period, or portion thereof, that the report is overdue.*~~

~~*4. The Division may bring a civil action in the district court against a physician who, more than 1 year after the report is due, has not submitted the report or has submitted a report that is not complete or accurate. The district court may:*~~

~~*(a) Issue an order requiring the physician to submit a complete and accurate report within the period specified by the district court; or*~~

~~*(b) Hold the physician in contempt and impose a reasonable penalty to enforce the reporting requirement.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[1. On or before a date specified by the Division, on a form prescribed by the Division, the Administrative Office of the Courts shall compile and submit annually to the Division the following statistical data regarding the number of cases in which a pregnant woman who is a minor or a ward:*~~

~~*(a) Petitioned the district court pursuant to sections 10 to 18, inclusive, of this act and of those cases, the number of cases in which the district court:*~~

~~*(1) Appointed an attorney for the pregnant woman pursuant to section 15 of this act;*~~

~~*(2) Appointed a guardian ad litem or court appointed special advocate for the pregnant woman pursuant to section 15 of this act;*~~

~~*(3) Granted the petition; and*~~

~~*(4) Denied the petition.*~~

~~*(b) Appealed the order of the district court pursuant to sections 10 to 18, inclusive, of this act, and of those cases, the number of cases in which the appellate court:*~~

~~*(1) Affirmed the order of the district court; and*~~

~~*(2) Reversed the order of the district court.*~~

~~*2. The Administrative Office of the Courts shall take the necessary steps to ensure that the data included in each report does not include any confidential information, including, without limitation, any information that identifies or could lead to the identification of a pregnant woman or a parent or guardian of a pregnant woman.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. The Division shall compile annually a report containing statistical data about the effect of notification of a parent or guardian of a pregnant woman who is a minor or a ward on the rate of abortion in this State. The statistical data must be compiled from the data required to be submitted annually by physicians pursuant to section 19 of this act and by the Administrative Office of the Courts pursuant to section 20 of this act.*~~

~~*2. On or before June 30 of each year, the Division shall make the report available to the public. The Division shall include in each report statistical data from:*~~

~~*(a) The current year; and*~~

~~*(b) Each previous report it issues pursuant to this section, including, without limitation, any additional or adjusted statistical data the Division has*~~

~~*acquired from late or corrected reports submitted to the Division since the previous report was compiled and issued.*~~

~~*— 3. The Division shall take the necessary steps to ensure that the data included in each report does not include any confidential information, including, without limitation, any information that identifies or could lead to the identification of a pregnant woman or a parent or guardian of a pregnant woman.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. If the Division fails to make available to the public the report containing statistical data required by section 20 of this act, any group of 10 or more citizens of this State may commence a civil action against the Administrator of the Division in the First Judicial District Court seeking an injunction or other appropriate relief to compel the Administrator to submit a complete report within a period specified by the district court.*~~

~~*— 2. If the district court grants the injunction or other appropriate relief but the Administrator fails to comply with it, the district court may hold the Administrator in contempt and impose a reasonable penalty to enforce the injunction or other appropriate relief.*~~

~~*— 3. The district court shall award reasonable attorney's fees and costs:*~~

~~*— (a) To the plaintiffs, if the court grants the injunction.*~~

~~*— (b) To the Administrator, if the court denies the injunction and the court finds that the civil action was frivolous or vexatious.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. The Division shall prescribe a form on which each physician licensed in this State shall report the information described in section 19 of this act.*~~

~~*— 2. On or before December 1 of each year, the Division shall provide to each physician the form and a copy of sections 2 to 23, inclusive, of this act.*~~

~~*— 3. To achieve administrative convenience or fiscal savings or to reduce the burden of reporting requirements, the Division may by regulation alter the dates established in subsection 2, subsection 1 of section 19 of this act, or subsection 2 of section 21 of this act or consolidate any forms or reports described in section 19, 20 or 21 of this act. Regardless of any such changes, each physician licensed in this State shall receive a form annually and the Division shall issue a report containing statistical data annually.]*~~ **(Deleted by amendment.)**

Sec. 24. NRS 442.256 is hereby amended to read as follows:

442.256 A physician who performs an abortion shall maintain a record of it for at least 5 years after it is performed. The record must contain:

1. The written consent of the woman;

2. A statement of the information which was provided to the woman pursuant to NRS 442.253; and

3. A description of efforts to give any notice required by ~~[NRS 442.255.]~~ ***section 12 of this act.***

Sec. 25. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to ~~[NRS 442.255 and 442.2555]~~ ***sections 13 to 16, inclusive, of this act*** to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 26. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110,

217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 14 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours

to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 27. NRS 442.255, 442.2555 and 442.268 are hereby repealed.

Sec. 28. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

TEXT OF REPEALED SECTIONS

442.255 Notice to custodial parent or guardian; request for authorization for abortion; rules of civil procedure inapplicable.

1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2 or NRS 442.2555, a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years unless a custodial parent or guardian of the woman is personally notified before the abortion. If the custodial parent or guardian cannot be so notified after a reasonable effort, the physician shall delay performing the abortion until the physician has

notified the parent or guardian by certified mail at the last known address of the parent or guardian.

2. An unmarried or unemancipated woman who is under the age of 18 years may request a district court to issue an order authorizing an abortion. If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:

(a) She is mature enough to make an intelligent and informed decision concerning the abortion;

(b) She is financially independent or is emancipated; or

(c) The notice required by subsection 1 would be detrimental to her best interests,

➥ the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in accordance with the provisions of NRS 442.240 to 442.270, inclusive.

3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.

4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or NRS 442.2555 are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.

442.2555 Procedure if district court denies request for authorization for abortion: Petition; hearing on merits; appeal.

1. If the order is denied pursuant to NRS 442.255, the court shall, upon request by the minor if it appears that she is unable to employ counsel, appoint an attorney to represent her in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary. The compensation and expenses of the attorney are a charge against the county as provided in the following schedule:

(a) For consultation, research and other time reasonably spent on the matter, except court appearances, $20 per hour.

(b) For court appearances, $30 per hour.

2. The petition must set forth the initials of the minor, the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests or a combination thereof are relied upon in avoidance of the notification required by NRS 442.255. The petition must be initialed by the minor.

3. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 5 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to:

(a) The minor's emotional development, maturity, intellect and understanding;

(b) The minor's degree of financial independence and degree of emancipation from parental authority;

(c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and

(d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid parental notification.

4. In the decree, the court shall, for good cause:

(a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required in NRS 442.255; or

(b) Deny the petition, setting forth the grounds on which the petition is denied.

5. An appeal from an order issued under subsection 4 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to NRAP 2 to provide for an expedited appeal. The notice of intent to appeal must be given within 1 judicial day after the issuance of the order. The record on appeal must be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction, shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this section.

442.268 Civil immunity of person performing judicially authorized abortion in accordance with provisions of NRS 442.240 to 442.270, inclusive. If an abortion is judicially authorized and the provisions of NRS 442.240 to 442.270, inclusive, are complied with, an action by the parents or guardian of the minor against persons performing the abortion is barred. This civil immunity extends to the performance of the abortion and any necessary accompanying services which are performed in a competent manner. The costs of the action, if brought, must be borne by the parties respectively.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 536 to Assembly Bill 405 deletes Section 19 through 23 of the bill, which deletes certain reporting requirements. It also removes the original sponsor of the bill and substitutes a new sponsor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 363.

AN ACT relating to unclaimed property; clarifying the applicability of the Uniform Unclaimed Property Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Unclaimed Property Act, which sets forth various provisions relating to the disposition of certain abandoned property. (Chapter 120A of NRS) This bill clarifies that the provisions of the Act do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by **: (1)** a bank or other financial institution **~~.~~ ; or (2) a safe-deposit company.**

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by ~~(a)~~ :

1. A bank or other financial institution ~~.~~ ; or

2. A safe-deposit company.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 363 to Assembly Bill 419 clarifies that the provisions of the Uniform Unclaimed Property Act do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by a bank or other financial institution or a safe-deposit company.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 549.

AN ACT relating to district courts; providing for the realignment of certain judicial districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for this State to be divided into 10 judicial districts. (NRS 3.010) The Nevada Constitution authorizes the Legislature, under

certain circumstances, to: (1) alter the boundaries or divisions of those judicial districts; (2) increase or diminish the number of those judicial districts; and (3) increase or diminish the number of judges in those judicial districts. (Nev. Const. Art. 6, § 5)

Section 2 of this bill: (1) increases the number of judicial districts in this State from 10 to 11 judicial districts; (2) ~~[moves]~~ **removes** Mineral County from the Fifth Judicial District **;** ~~[to the Sixth Judicial District; and]~~ (3) removes ~~[Humboldt County]~~ **Lander and Pershing Counties** from the Sixth Judicial District **;** and **(4)** provides that ~~[Humboldt County constitutes]~~ **Lander, Mineral and Pershing Counties constitute** the Eleventh Judicial District. **Section 1** of this bill provides that there must be one district judge for the Eleventh Judicial District, and **section 3** of this bill decreases the number of district judges in the Sixth Judicial District from two to one.

Section 3.5 of this bill provides that the Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over all matters arising from or relating to the administration of the Humboldt River Decree. The venue for any case or proceeding arising from or relating to the administration of the Humboldt River Decree must be determined on an alternating basis between the Sixth and Eleventh Judicial District Courts.

Section 4 of this bill clarifies that this bill does not abrogate or affect the current term of office of any district judge who is serving in that office on July 1, 2015. **Section 4** also provides that on July 1, 2015: (1) the district judge who was serving in Department ~~[2]~~ **1** of the Sixth Judicial District becomes the one district judge for the Eleventh Judicial District; (2) the district judge who was serving in Department ~~[1]~~ **2** of the Sixth Judicial District continues serving as the district judge for the Sixth Judicial District; and (3) the district judges who were serving in Departments 1 and 2 of the Fifth Judicial District continue serving as the district judges for the Fifth Judicial District.

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

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

For the Eleventh Judicial District, there must be one district judge.

Sec. 2. NRS 3.010 is hereby amended to read as follows:

3.010 The State is hereby divided into ~~[10]~~ ***11*** judicial districts, as follows:

First Judicial District. Carson City and the County of Storey constitute the First Judicial District.

Second Judicial District. The County of Washoe constitutes the Second Judicial District.

Third Judicial District. The County of Lyon constitutes the Third Judicial District.

Fourth Judicial District. The County of Elko constitutes the Fourth Judicial District.

Fifth Judicial District. The Counties of ~~[~~Mineral,~~]~~ Esmeralda and Nye constitute the Fifth Judicial District.

Sixth Judicial District. The ~~[~~Counties of Lander, Pershing and~~]~~ ***County of*** Humboldt ~~[~~***Mineral*** constitute~~]~~ ***constitutes*** the Sixth Judicial District.

Seventh Judicial District. The Counties of Eureka, White Pine and Lincoln constitute the Seventh Judicial District.

Eighth Judicial District. The County of Clark constitutes the Eighth Judicial District.

Ninth Judicial District. The County of Douglas constitutes the Ninth Judicial District.

Tenth Judicial District. The County of Churchill constitutes the Tenth Judicial District.

Eleventh Judicial District. The ~~[County]~~ Counties of ~~[Humboldt constitutes]~~ Lander, Mineral and Pershing constitute the Eleventh Judicial District.

Sec. 3. NRS 3.016 is hereby amended to read as follows:

3.016 For the Sixth Judicial District there must be ~~[~~two~~]~~ ***one*** district ~~[~~judges.~~]~~ ***judge.***

Sec. 3.5. **1. The Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over all matters arising from or relating to the administration of the Humboldt River Decree. The venue for any case or proceeding arising from or relating to the Humboldt River Decree must be determined on an alternating basis between the Sixth and Eleventh Judicial District Courts.**

2. As used in subsection 1, "Humboldt River Decree" refers collectively to the two decrees entered by the Sixth Judicial District Court in 1930 and 1935 which adjudicated the rights to water from the Humboldt River and its tributaries.

Sec. 4. 1. The amendatory provisions of this act do not abrogate or affect the current term of office of any district judge who is serving in that office on July 1, 2015.

2. On July 1, 2015:

(a) The district judge who was serving in Department ~~[2]~~ **1** of the Sixth Judicial District before July 1, 2015, becomes the one district judge for the Eleventh Judicial District.

(b) The district judge who was serving in Department ~~[1]~~ **2** of the Sixth Judicial District before July 1, 2015, continues serving as the district judge for the Sixth Judicial District.

(c) The district judges who were serving in Departments 1 and 2 of the Fifth Judicial District before July 1, 2015, continue serving as the district judges for the Fifth Judicial District.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 549 to Assembly Bill 435 increases from 10 to 11 the number of judicial districts in the state by removing Lander, Mineral, and Pershing counties from the current judicial districts and providing they constitute the eleventh judicial district. It also provides the sixth and eleventh judicial district courts have concurrent jurisdiction over matters relating to the administration of the Humboldt River Decree.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Joint Resolution No. 10 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 146, 197, 221, and 395 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 62 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 62.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 571.

AN ACT relating to veterans; establishing "Veterans Day at the Legislature" as a day of observance; revising provisions relating to preferences in state purchasing and state public works for a business owned and operated by a veteran with a service-connected disability; authorizing the Governor to require the naming of a state building, park, highway or other property after a deceased member of the Armed Forces of the United States under certain circumstances; requiring certain state agencies and regulatory bodies to report certain information to the Interagency Council on Veterans Affairs; requiring the Council to report such information to the Legislature; requiring the Director of the Department of Veterans Services to compile in digital form certain information relating to state laws that affect veterans; requiring the Director to provide such information electronically to certain veterans for whom the Department has an electronic mail address of record; requiring the Director to maintain such information on its Internet website; authorizing xeriscaping in the area immediately above and surrounding the interred remains of a veteran at a veterans' cemetery under certain circumstances; providing for the disposition of the unclaimed remains of a veteran by certain county agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) **Section 1** of this bill establishes the third Wednesday of March during each regular session of the Legislature as "Veterans Day at the Legislature," which is a day of observance and not a legal holiday.

Under existing law, a bid or proposal for a state purchasing contract for which the estimated cost exceeds $50,000 that is submitted by a local business owned by a veteran with a service-connected disability of at least zero percent and who is a responsive and responsible bidder is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 333.300, 333.3365, 333.3366) **Section 15** of this bill provides that this 5-percent preference applies with respect to bids or proposals by **local businesses owned and operated by** such veterans for state purchasing contracts for which the estimated cost is more than $50,000 but not more than $250,000. For state purchasing contracts for which the estimated cost is more than $250,000 but less than $500,000, **section 15** makes only a **local business owned and operated by a** veteran with a service-connected disability of 50 percent or more eligible for the 5-percent preference.

Under existing law, a bid submitted by a local business owned by a veteran with a service-connected disability of at least zero percent for a contract for a state public work for which the estimated cost is $100,000 or less is deemed to be 5 percent lower than the bid or proposal actually submitted. (NRS 338.13843, 338.13844) **Section 19** of this bill provides a similar 5-percent preference to a local business owned **and operated** by a veteran with a service-connected disability of 50 percent or more for a contract for a state public work for which the estimated cost is more than $100,000 but less than $250,000.

~~**[** Section 18.5 of this bill revises the ownership qualifications for eligibility of a local business owned by a veteran with a service-connected disability for the 5-percent preference on state purchasing and state public works contracts from one or more veterans with service-connected disabilities to not more than five veterans with service-connected disabilities. (NRS 333.3362, 338.13841)**]**~~

Under existing law, the Purchasing Division and the State Public Works Division of the Department of Administration are required to provide a biannual report to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session, regarding bids or proposals submitted by local businesses owned by a veteran with a service-connected disability for state purchasing and state public works contracts and any such contracts awarded to those businesses. (NRS 333.3368, 338.13846) **Sections 16 and 20** of this bill require those Divisions to also submit such reports to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs when the Legislature is not in session.

Sections 9, 22, 24, 26, 27 and 31 of this bill provide for the naming by the Governor of a state building, park, monument, bridge, road or other property constructed, acquired, leased or opened on or after July 1, 2015, after deceased members of the Armed Forces of the United States who were residents of this State and killed in action.

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 28** of this bill requires certain state agencies and regulatory bodies to report to the Council certain information relating to veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission. **Section 29** of this bill requires the Director of the Department to prepare a digital copy of certain information relating to state laws that affect veterans and services for veterans and to provide the information in digital form to each veteran in this State for whom the Department has an electronic mail address of record. **Section 29** further requires the Director to publish such information on the Department's Internet website.

Existing law provides for the establishment, operation and maintenance of veterans' cemeteries in this State, and further requires a cemetery superintendent to ensure that the area immediately above and surrounding the interred remains of veterans in each veterans' cemetery is landscaped with natural grass. (NRS 417.200-417.230) **Sections 32 and 33** of this bill require a cemetery superintendent to ensure that the area is landscaped with natural grass only if a veteran does not indicate by testamentary instrument or on an application for interment at the cemetery his or her desire to have the area landscaped with xeriscaping.

Section 34.5 of this bill provides for the reporting and disposition of the unclaimed remains of a veteran by the agency in a county that is responsible for interring or cremating the remains of indigent persons.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

The third Wednesday in March during each regular session of the Legislature is established as "Veterans Day at the Legislature" in the State of Nevada in recognition of the contributions veterans have made to the prosperity of Nevada and the United States.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name after a deceased member of the Armed Forces of the United States a building, ground or other property constructed, acquired, leased or opened on or after July 1, 2015, over which the Administrator has supervision and control pursuant to NRS 331.070.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective building, ground or property as directed by the Governor pursuant to subsection 1.

Sec. 10. NRS 331.010 is hereby amended to read as follows:

331.010 As used in NRS 331.010 to 331.145, inclusive, ***and section 9 of this act,*** unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Buildings and Grounds Section" means the Buildings and Grounds Section of the Division.

3. "Department" means the Department of Administration.

4. "Director" means the Director of the Department.

5. "Division" means the State Public Works Division of the Department.

Sec. 11. NRS 331.080 is hereby amended to read as follows:

331.080 1. ~~[~~The~~]~~ ***Except as otherwise provided in section 9 of this act, the*** Administrator may expend appropriated money to meet expenses for the care, maintenance and preservation of the buildings, grounds and their appurtenances identified in NRS 331.070, and for the repair of the furniture and fixtures therein.

2. The Administrator shall take proper precautions against damage thereto, or to the furniture, fixtures or other public property therein.

Sec. 12. NRS 331.101 is hereby amended to read as follows:

331.101 1. The Buildings and Grounds Operating Fund is hereby created as an internal service fund.

2. ~~[~~All~~]~~ ***Except as otherwise provided in section 9 of this act, all*** costs of administering the provisions of NRS 331.010 to 331.145, inclusive, ***and section 9 of this act*** must be paid out of the Buildings and Grounds Operating Fund as other claims against the State are paid.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. **NRS 333.3362 is hereby amended to read as follows:**

333.3362 "Business owned ***and operated*** by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

Sec. 15. NRS 333.3366 is hereby amended to read as follows:

333.3366 ***1.*** For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if ~~[~~a~~]~~ ***:***

(a) A local business owned ***and operated*** by a veteran with a service-connected disability submits a bid or proposal ***for a contract for which the estimated cost is more than $50,000 but not more than $250,000*** and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

(b) A local business owned and operated by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a contract for which the estimated cost is more than $250,000 but less than $500,000 and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

2. The preferences described in subsection 1 may not be combined with any other preference.

Sec. 16. NRS 333.3368 is hereby amended to read as follows:

333.3368 The Purchasing Division shall ***,*** ~~[~~report~~]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[~~,~~]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[~~. ~~The~~~~]~~ ***, a*** report ***which*** must contain, for the period since the ***submission of the*** last report:

1. The number of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.

2. The total dollar amount of state purchasing contracts that were subject to the provisions of NRS 333.3361 to 333.3369, inclusive.

3. The number of local businesses owned ***and operated*** by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. NRS 338.13841 is hereby amended to read as follows:

338.13841 "Business owned ***and operated*** by a veteran with a service-connected disability" means a business:

1. Of which at least 51 percent of the ownership interest is held by one or ~~***[not]***~~ more ~~***[than five]***~~ veterans with service-connected disabilities;

2. That is organized to engage in commercial transactions; and

3. That is managed and operated on a day-to-day basis by one or more veterans with service-connected disabilities.

➥ The term includes a business which meets the above requirements that is transferred to the spouse of a veteran with a service-connected disability upon the death of the veteran, as determined by the United States Department of Veterans Affairs.

Sec. 19. NRS 338.13844 is hereby amended to read as follows:

338.13844 1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is $100,000 or less, as governed by NRS 338.13862, if a local business owned ***and operated*** by a veteran with a service-connected disability submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.

2. ***For the purpose of awarding a contract for a public work of this State for which the estimated cost is more than $100,000 but less than $250,000, if a local business owned and operated by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid and is a responsive and responsible bidder, the bid shall be deemed to be 5 percent lower than the bid actually submitted.***

3. The ~~[preference]~~ ***preferences*** described in ~~[subsection]~~ ***subsections*** 1 ***and 2*** may not be combined with any other preference.

Sec. 20. NRS 338.13846 is hereby amended to read as follows:

338.13846 The Division shall ***,*** ~~[report]~~ every 6 months ***, submit*** to the Legislature, if it is in session, or to the Interim Finance Committee ~~[.]~~ ***and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750,*** if the Legislature is not in session ~~[. The]~~ ***, a*** report ***which*** must contain, for the period since the ***submittal of the*** last report:

1. The number of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of NRS 338.1384 to 338.13847, inclusive.

3. The number of local businesses owned ***and operated*** by veterans with service-connected disabilities that submitted a bid ~~[or proposal]~~ on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

5. The total number of dollars' worth of contracts for public works of this State that were awarded to local businesses owned ***and operated*** by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 21. (Deleted by amendment.)

Sec. 22. Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, direct the Administrator to name, subject to the provisions of NRS 407.065, a state park, monument or recreational area constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Administrator shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective state park, monument or recreational area as directed by the Governor pursuant to subsection 1.

Sec. 23. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph ~~[,]~~ ***and section 22 of this act,*** may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this paragraph, shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State:

(1) Upon application therefor and proof of residency and age, to any person who is 65 years of age or older and has resided in this State for at least 5 years immediately preceding the date on which the application is submitted.

(2) Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability of 10 percent or more and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 24. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor may, upon receiving a recommendation from the Nevada Veterans Services Commission pursuant to section 26 of this act, require the Director to name, subject to the provisions of this chapter, a highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, after a deceased member of the Armed Forces of the United States.

2. The Director shall, as soon as sufficient money is available from the Nevada Will Always Remember Veterans Gift Account created by section 27 of this act, cause to be designed, procured and installed an appropriate marker, plaque, statue or sign bearing the name of the deceased member of the Armed Forces of the United States at or upon the respective highway, road, bridge or transportation facility as required by the Governor pursuant to subsection 1.

Sec. 25. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 29, inclusive, of this act.

Sec. 26. ***1. The Nevada Veterans Services Commission shall recommend to the Governor:***

(a) The names of deceased members of the Armed Forces of the United States to be honored pursuant to the provisions of section 9, 22 or 24 of this act. Each deceased member must have been:

(1) A resident of this State; and

(2) Killed in action.

(b) The building, ground, property, park, monument, recreational area, highway, road, bridge or transportation facility of this State constructed, acquired, leased or opened on or after July 1, 2015, which may be named after each deceased member recommended to the Governor pursuant to paragraph (a).

2. The Commission shall develop criteria to be used in determining the names to be recommended to the Governor pursuant to subsection 1.

Sec. 27. ***1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.***

2. The Director and the Deputy Director may accept donations, gifts and grants of money from any source for deposit in the Account.

3. The money deposited in the Account pursuant to subsection 2 must only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of section 9, 22 and 24 of this act.

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

5. Any money remaining in the Account at the end of the each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 28. ***1. Each state agency and regulatory body identified in subsections 2 to 15, inclusive, shall report, subject to any limitations or***

restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 15, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total number of veterans employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3368 and 338.13846.

3. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

4. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

5. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

6. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

7. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

8. The Department of Health and Human Services shall provide:

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program; and

(b) A report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

9. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292 and 483.852.

10. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

11. The Department of Public Safety shall provide the percentage of veterans in each graduating class of its academy for training peace officers.

12. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

13. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

14. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

15. Each regulatory body shall provide the total number of veterans and service members applying for licensure by the regulatory body.

16. The Council shall, upon receiving the information submitted pursuant to this section, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

17. As used in this section:

(a) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(b) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 29. ***1. The Director shall, not later than September 1 following each regular session of the Legislature, prepare a digital copy of the provisions of NRS relating to veterans and transmit a digital copy to each veteran in this State for whom the Department has an electronic mail address of record.***

2. The Director shall, to the extent practicable, include with the digital copy provided pursuant to subsection 1, a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects veterans in this State. The memorandum may compile each statute into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for veterans, or otherwise affects the amount of money that is available for veterans' services, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile each bill, or portion of a bill, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the Director or the Department to take action to carry out the statute or bill, a brief plan for carrying out such duties.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which each statute and bill must be carried into effect.

3. If a statute or bill described in subsection 2 is enacted during a special session of the Legislature that concludes after July 1, the Director shall, to the extent practicable, prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided electronically to each veteran who received the memorandum not later than 30 days after the conclusion of the special session.

4. The Director shall publish a digital copy of the information prepared pursuant to this section on the Internet website maintained by the Department.

Sec. 30. (Deleted by amendment.)

Sec. 30.5. **NRS 417.105 is hereby amended to read as follows:**

417.105 1. Each year on or before October 1, the Department shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Department shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board of the State Public Works Division of the Department of Administration.

(c) The Office of Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned ***and operated*** by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Department shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the

preferences for local businesses owned ***and operated*** by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned ***and operated*** by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 31. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the Director and Deputy Director.

2. Make recommendations to the Governor, the Legislature, the Director and the Deputy Director regarding aid or benefits to veterans.

3. Make recommendations to the Governor pursuant to section 26 of this act.

Sec. 32. NRS 417.200 is hereby amended to read as follows:

417.200 1. The Director shall establish, operate and maintain a veterans' cemetery in northern Nevada and a veterans' cemetery in southern Nevada, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries. The Director shall employ a cemetery superintendent to operate and maintain each cemetery.

2. The cemetery superintendent shall ***, if a veteran does not indicate by testamentary instrument that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping, or if an application for interment submitted pursuant to NRS 417.210 does not indicate that the veteran desires to have the area immediately above and surrounding the interred remains of the veteran landscaped with xeriscaping,*** ensure that the area immediately above and surrounding the interred remains ***of the veteran*** in ~~[each]~~ ***the*** veterans' cemetery is landscaped with natural grass.

3. A person desiring to provide voluntary services to further the establishment, maintenance or operation of either of the cemeteries shall submit a written offer to the cemetery superintendent which describes the nature of the services. The cemetery superintendent shall consider all such offers and approve those he or she deems appropriate. The cemetery superintendent shall coordinate the provision of all services so approved.

Sec. 33. NRS 417.210 is hereby amended to read as follows:

417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans' cemetery in this State.

2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The

cemetery superintendent shall assign available plots in the order in which applications are received. ***The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping.*** A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment.

5. As used in this section, "immediate family" means the spouse, minor child or, when the Director deems appropriate, the unmarried adult child of an eligible veteran.

Sec. 34. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Director or the Deputy Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the United States Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans' cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the Director or the Deputy Director for the support of veterans' cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.145 and 417.147, ***and section 27 of this act,*** gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Director may employ at each cemetery must not

exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Director or the Deputy Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. Gifts of money that the Director or the Deputy Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The Director or the Deputy Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.

Sec. 34.5. Chapter 451 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the county agency that is responsible for interring or cremating the remains of indigent persons obtains custody of the unclaimed human remains of a deceased person whom the county agency knows, has reason to know or reasonably believes is a veteran, the county agency shall report the name of the deceased person to the Department of Veterans Services as soon as practicable after obtaining custody of the remains.

2. Upon receipt of a report made pursuant to subsection 1, the Department of Veterans Services shall determine whether the deceased person is a veteran who is eligible for interment at a national cemetery pursuant to 38 U.S.C. § 2402 or a veterans' cemetery pursuant to NRS 417.210. The Department shall provide notice of the determination to the county agency.

3. If the Department of Veterans Services provides notice pursuant to subsection 2 to a county agency of a determination that a deceased person is a veteran who:

(a) Is eligible for interment at a national cemetery or a veterans' cemetery, the county agency shall arrange for the proper disposition of the veteran's remains with:

(1) A national cemetery or veterans' cemetery; or

(2) The Department of Veterans Services.

(b) Is not eligible for interment at a national cemetery or a veterans' cemetery and is indigent, the county agency shall cause the veteran's remains to be decently interred or cremated in the county.

4. A county agency that is responsible for interring or cremating the remains of indigent persons is immune from civil or criminal liability for any act or omission with respect to complying with the provisions of this section.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 34.7. NRS 451.005 is hereby amended to read as follows:

451.005 As used in NRS 451.010 to 451.470, inclusive, ***and section 34.5 of this act,*** unless the context otherwise requires, "human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Sec. 35. (Deleted by amendment.)

Sec. 36. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of NRS 333.3368, as amended by section 16 of this act, the reporting requirements of NRS 338.13846, as amended by section 20 of this act, or the reporting requirements of section 28 of this act.

Sec. 37. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 38. (Deleted by amendment.)

Sec. 39. This act becomes effective on July 1, 2015.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I worked with the Chairman of this committee as well as some of the other members of the committee to further clarify a section of this bill that was put in during the committee. Section 18.5 is now deleted, and we have a little more clarity regarding who is considered the veteran with the disability. So the business is owned and operated now, which you will see throughout the bill.

This is my original bill from 2009 so I wanted to ensure the integrity of the bill and to clarify the legislative intent. I also wanted to make sure that more veterans could participate in the process.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 16.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 16 provides that an employee of or a contractor or volunteer for a prison commits unauthorized custodial conduct if he or she voluntarily engages or attempts to engage in certain sexual acts with a prisoner. Acts that constitute unauthorized custodial conduct are listed in the bill. The penalty provided for unauthorized custodial conduct is a gross misdemeanor or a

misdemeanor, unless a greater penalty is provided. The bill clarifies that unauthorized custodial conduct does not include acts of an employee of or a contractor or volunteer for the prison that are performed to carry out official duties.

Further, the measure provides that an employee of or contractor or volunteer for a prison commits sexual abuse of a prisoner if he or she attempts to engage in certain sexual acts, as listed in the bill, whether or not the prisoner consents to a sexual act. The employee, contractor, or volunteer who commits sexual abuse of a prisoner is guilty of a category D felony. This bill also provides that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 16:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 32 makes various changes relating to taxes imposed by the Department of Motor Vehicles [DMV] on the sale of special fuels, including expanding the definition of "special fuel dealer" to include a person who sells liquefied natural gas and who delivers that fuel into the fuel tank of a motor vehicle not owned or controlled by that person; reducing the rate on the sale or use of liquefied petroleum gas from 21 cents per gallon to 6.4 cents per gallon; changing the conversion rate on liquefied petroleum gas from 125 cubic feet per gallon to 36.3 cubic feet or 4.2 pounds per gallon; establishing a conversion rate for liquefied natural gas equal to 6.06 pounds per gallon; and requiring that special fuel dealers report all quantities of special fuel sold in gallons when the tax return is filed. This act becomes effective on July 1, 2015.

This Assembly bill corrects technical issues discovered during the interim regarding the conversion of special fuels to gallons and the application of the tax rate to the converted gallons of special fuel between the DMV and the special fuel taxpayers. The provisions of this bill related to the conversion of compressed natural gas and maintaining the current statutory 21 cent per gallon tax rate require a two-thirds vote to rectify the issue discovered during the interim.

Roll call on Assembly Bill No. 32:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 65 makes various changes relating to the regulation of notaries public and document preparation services. The bill clarifies that criminal convictions based on a plea of nolo

contendere, or no contest, can result in the suspension or revocation of the appointment of notaries public. The bill also clarifies that a person whose appointment as a notary public has expired or been suspended or revoked shall not represent him or herself as a notary public or face a potential civil penalty for such a violation.

The bill prohibits the Secretary of State from appointing as a notary public or registering as a document preparation service any person who previously served as a notary public or a document preparation service in this state or another state whose appointment or registration has been revoked for cause. The measure allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register a document preparation service. Finally, the bill authorizes the Secretary of State to inspect the documents required to be maintained by a document preparation service to ensure compliance with the law. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 65:

YEAS—37.

NAYS—Fiore, Moore, Seaman, Shelton—4.

EXCUSED—Woodbury.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 81 revises the definition of a "treatment provider" to include a licensed or certified psychologist; marriage and family therapist; social worker; or alcohol, drug, and gambling counselor. If a court orders an offender to complete a treatment program for alcoholism or drug abuse, the treatment provider must be approved by the court. A court is authorized to allow a person to complete any remaining treatment under the supervision of a treatment provider in another jurisdiction who holds a license, certificate, or other credential issued by a regulatory agency of that jurisdiction.

The bill also revises the duties of the court when offering a treatment program to an offender. If a person chooses to participate in a treatment program and the court has a specialty court for the supervision and monitoring of the person, then the treatment provider must comply with the requirements of the specialty court.

Roll call on Assembly Bill No. 81:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 86 makes various changes to the governance of the Silver State Health Insurance Exchange. The bill expands the number of voting members the Governor shall appoint to the Exchange's Board of Directors from five to seven, thereby expanding the total number of voting

Board members from seven to nine. Additionally, A.B. 86 removes the restriction against appointing a person to the Board who is affiliated in any way with a health insurer; however, it limits the number of voting members of the Board that may represent any particular area of expertise or experience. Finally, the measure provides for compensation of Board members and reduces the minimum number of Board meetings from once per quarter to once per year.

Roll call on Assembly Bill No. 86:

YEAS—21.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Fiore, Flores, Joiner, Jones, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Titus—20.

EXCUSED—Woodbury.

Assembly Bill No. 86 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the Assembly reconsider the action whereby Assembly Bill No. 86 was refused passage.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 86 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 93 requires psychiatrists, psychologists, clinical professional counselors, marriage and family therapists, and social workers to complete at least two hours of instruction on evidence-based suicide prevention and awareness in order to renew their licenses. The bill is effective on July 1, 2016.

Roll call on Assembly Bill No. 93:

YEAS—29.

NAYS—Dickman, Dooling, Edwards, Ellison, Fiore, Hansen, Jones, Moore, Seaman, Shelton, Titus, Trowbridge—12.

EXCUSED—Woodbury.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 129 subjects certain traceable amounts of annuity benefits listed as an asset on an application for a loan or pledged as payment for a loan to execution by certain creditors of the person who bought the annuity.

Roll call on Assembly Bill No. 129:

YEAS—40.

NAYS—Bustamante Adams.

EXCUSED—Woodbury.

Assembly Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblymen Titus, Fiore, Ohrenschall, and Carlton.

ASSEMBLYWOMAN TITUS:

Assembly Bill 164 authorizes a manufacturer to provide, or make available, an investigational drug, biological product, or device to a patient diagnosed with a terminal condition that, without the administration of life-sustaining treatment, will result in death within one year, if a physician prescribes or recommends such drugs, products, or devices after certain conditions are met. An investigational drug, biological product, or device is defined as one that: (a) has successfully completed Phase 1 of a clinical trial; (b) has not been approved by the United States Food and Drug Administration [FDA]; and (c) is currently being tested in a clinical trial approved by the FDA. An informed written consent must be signed by the patient that contains certain information on the potential consequences of the use of this investigational drug, product, or devices. A physician or professional nurse is not subject to disciplinary action for prescribing or recommending such drugs, products, or devices when authorized to do so. The bill exempts a physician or any person or governmental entity from the misdemeanor penalty otherwise imposed against a person who engages in certain acts related to investigational drugs or biological products. Also, the bill makes it a misdemeanor for any officer, employee, or agent of the state to prevent a patient from accessing an investigational drug, biological product, or device if certain requirements are met. This bill is effective upon passage and approval.

ASSEMBLYWOMAN FIORE:

I am really excited about Assembly Bill 164. My colleague in Assembly District 12 and I have worked hard on this bill, and I would really appreciate all of your support. This is the Right to Try bill that, once you are diagnosed with a terminal illness, you can try several things. I want to thank my colleague for working together on this bill. Thank you for your support.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Bill 164. "My father loves life," she said. "He wants to live." We heard this from Elayna Youchah, a daughter from Las Vegas who dearly loves her dad. That was back on March 6 in front of your Committee on Health and Human Services. She was testifying in support of Assembly Bill 164. Elayna's father is terminally ill with a very painful form of cancer called multiple myeloma. Elayna's dad has exhausted all treatment options available to him currently except for an experimental medication that has not made it through the Food and Drug Administration [FDA] trial process yet but is considered very promising. This experimental medication is available to some terminally ill patients through clinical trials. Unfortunately, none of those clinical trials are here in our state. Elayna's father is very frail, very ill; it is difficult for him to get around the block much less for him to travel out of state. Elayna supported this bill because it could potentially save her father's life as well as the lives of many other people who have come forward to express their support for the right to try experimental medications that have passed through Phase 1 of the FDA's clinical trials but do not yet have final FDA approval.

I want to remind you that final FDA approval can take between 10 and 15 years, and for many terminally ill patients, that is a lethal pace. It is a pace we should not expect our constituents to have to wait for. Assembly Bill 164 is a small step toward cutting some of the red tape to allow someone to make the choice to try a medication that could save their life. Fortunately, most of us

will never feel the frustration of knowing that there is a medication out there that could save a loved one's life but is off-limits because it does not yet have the FDA official stamp of approval.

Assembly Bill 164 is about allowing an adult to make the decision to move forward with a medication after that first phase of testing but before final approval which could take an additional ten years and could come too late. Fourteen states have passed very similar legislation. Thirteen of those states have acted through state legislative action. One state, Arizona, passed it at the ballot with over 80 percent of the vote.

Currently, for patients like Elayna's dad, there are two options in terms of trying to get a medication that has not made it through the FDA process. Clinical trials are available if you are lucky enough to have one in your home state. Or if you are well enough and have the resources, you could travel to a medical center where it is being tried. There is also something called the FDA's compassionate use exception. This came about back in the 1980s when many of our brothers and sisters were sick with the AIDS Virus. An organization called Act Up got very involved and urged the FDA to try to offer a compassionate use exception. And they did. They let people with HIV try these new medications that had not made it through the process. It is wonderful that we have that compassionate use exception offered by the Food and Drug Administration. In 2014 the FDA granted 6,000 compassionate use exceptions. That is according to *The New York Times*. According to the American Cancer Society, in 2014 there were 1,665,540 new cancer diagnoses in the United States and in 2014, 585,720 cancer deaths. I would argue that those statistics are unacceptable, and asking our constituents to have only those two options just will not cut it.

You may ask how a bill can change policy like this. In response to the Right to Try legislation that is sweeping across the nation, the FDA has in the last couple of months streamlined the compassionate use exception application process, which used to be very laborious in terms of the amount of paperwork that a dying patient had to fill out. It has gone from about 100 hours of paperwork—I kid you not, 100 hours, that is from the Government Accounting Office as to what they estimate it took to fill out the Compassionate Use paperwork—to about 45 minutes. So the legislation has not only changed things at the state level, but it has helped influence federal policy. I hope the body will look favorably on this legislation.

I do want to thank my colleague from Assembly District 4. She was the sponsor of Assembly Bill 358, and I think we took the best parts of both bills and put them together. I want to thank the Chairman of the Committee on Health and Human Services who worked very hard on this bill. Thank you to my colleagues from Districts 39, 36, 27, 30, 38, and the good doctor from Smith Valley who led the working group and my colleague from Sparks who was also in the working group. I think it is about time we passed this bill.

ASSEMBLYWOMAN CARLTON:

There has been some confusion on the amendment that was proposed, and I think I need to put some intent on the record. The amendment was eliminating the hospice provision that could possibly be negotiated, and I wanted to make sure that depending upon how the hospice is dealt with in each individual person's case, this does not give them the right or take the right away, it merely deals with the issue of it being taken away through the informed consent process that is there. If there are any other questions, I would be happy to answer them.

Roll call on Assembly Bill No. 164:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 3:07 p.m.

ASSEMBLY IN SESSION

At 3:12 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 179.
Bill read third time.
Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 179 expands the definition of "personal information" for the purpose of requiring business entities that collect such information to provide certain security measures to ensure the information is protected. The revised definition includes a driver authorization card number, a medical identification number or health insurance identification number, and a user name, unique identifier, or e-mail address, in combination with a password, access code, or a security question and answer that would permit access to an online account. The bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 179:
YEAS—41.
NAYS—None.
EXCUSED—Woodbury.
Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 189.
Bill read third time.
Remarks by Assemblymen Wheeler and Dooling.

ASSEMBLYMAN WHEELER:

Assembly Bill 189 makes various changes relating to special license plates. The bill requires an application by a charitable organization for a special license plate to include a budget prepared by or for the organization if it is not a governmental entity whose budget is included in the *Executive Budget*. This bill further requires that organization to provide the Commission on Special License Plates annually with a report on the organization's budget detailing how the special plate fees have been expended and a copy of its most recent federal tax return, if any. The measure also requires the organization to annually publish the tax return on its website or in a newspaper of general circulation in the county where the organization is based.

This bill further authorizes the Commission to request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization receiving fees from the sale of special license plates if the Commission has reasonable cause to believe or has received a credible complaint that the organization has filed with the Commission or the Department forms or records that are inadequate or inaccurate; committed improper practices of financial administration; or failed to use adequate methods and procedures to ensure that all money received by the organization from special license plates is appropriately expended.

Finally, A.B. 189 provides that all records related to the receipt or use of money from the sale of special license plates are public records and are available for public inspection.

ASSEMBLYWOMAN DOOLING:

I rise in support of Assembly Bill 189. To paraphrase Justice Brandeis, sunlight is the best disinfectant. I doubt many, if any, of the charitable organizations subject to the audit created by this bill will fail. But I would not be a responsible steward of public funds if I did not push for

transparency and accountability from private recipients of those funds. This bill provides needed oversight, and I am very proud to support it.

Roll call on Assembly Bill No. 189:

YEAS—37.

NAYS—Araujo, Carlton, Diaz, Sprinkle—4.

EXCUSED—Woodbury.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 214 authorizes a limited portion of the money in the Contingency Account for Victims of Human Trafficking to be used for fundraising for the direct benefit of the Contingency Account. The bill eliminates the requirements of review and recommendation by the Grants Management Advisory Committee of the Department of Health and Human Services if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

The bill increases the penalty for soliciting a child for prostitution from a category E felony to a category E felony for a first offense, a category D felony for a second offense, and a category C felony for a third and subsequent offense. Lastly, the bill prohibits the court granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 214:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 219 revises provisions governing the program established by the Court Administrator for the certification of court interpreters for persons with language barriers. Specifically, this bill changes terms referring to "certification" with terms referring to "credentialing" and replaces references to "language barriers" with references to "limited English proficiency." In addition, the bill requires an interpreter to be appointed at public expense for a person with limited English proficiency who is a party or witness in a civil proceeding. This bill is effective on October 1, 2015.

I know there are certain members of this body who were confused about limited English proficiency, and I wanted to let you know that the bill is not intended to cover considerations regarding individuals with sensory impairments such as visual or hearing losses as those are addressed under the disability rights sections of our law. Another part of our statute already addresses their access.

I also want to clarify that if we do not adopt civil cases along with criminal cases, Nevada could be in clear violation of Title VI of the Civil Rights Act of 1964. I want to leave in your mind that when we are talking about these civil cases, we are talking about child custody, child support cases, landlord-tenant cases, and also temporary or extended protective orders. It is my belief that if we clear these barriers in our courts and we are actually interpreting what is happening for defendants in the language they understand, we are going to be more effective. People will understand what they are held accountable to, what they need to follow through with, and we will avoid this merry-go-round with people not satisfying the requirements because they did not understand what was asked of them.

Roll call on Assembly Bill No. 219:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Oscarson, Seaman, Shelton, Titus, Wheeler—11.

EXCUSED—Woodbury.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 223 revises provisions concerning the abuse, neglect, exploitation, and isolation of older and vulnerable persons. "Abandonment" is defined as the desertion of an older person or vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care or withdrawal of necessary assistance owed to an older person or vulnerable person by a caretaker or other person with an obligation to provide services to the person. References to the term "abandonment" are added to provisions of existing law. Other terms are clarified, including the term "abuse" to mean the infliction of psychological or emotional anguish, pain, or distress on an older person or vulnerable person through any act and permitting such acts to be committed, and the term "isolation" to include permitting acts that constitute isolation to be committed against an older person or vulnerable person.

The bill removes from current law the option for a person who knows or has reasonable cause to believe that an older person has been subjected to certain acts to report such information to the county's office for protective services. Finally, A.B. 223 provides that if data or information concerning the confidential reports and investigations of the abuse, neglect, exploitation, isolation, or abandonment is made available, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 223:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 236 encourages each state agency, to the extent practicable and within the limits of available funding, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums, and social media. This bill further authorizes a state agency to designate an employee as a public engagement specialist to implement the agency's policy on public engagement and to the extent feasible, provide training on public engagement to other employees of the agency. The bill further encourages a state agency to engage in a town hall meeting in a county whose population is 100,000 or less if the agency intends to propose a major change to an existing policy of the agency. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 236:

YEAS—31.

NAYS—Armstrong, Dickman, Dooling, Fiore, Moore, O'Neill, Seaman, Silberkraus, Titus, Wheeler—10.

EXCUSED—Woodbury.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblymen Moore, Thompson, Fiore, Stewart, Ohrenschall, Dickman, Carlton, and Hickey.

ASSEMBLYMAN MOORE:

I rise in support of Assembly Bill 252. This is a commonsense bill that will assist this body in drawing maps that we are mandated to draw. This is simply an advisory group that will ensure the Legislature is looking at proposals that are fair, constitutional, and reasonable. I urge your support.

ASSEMBLYMAN THOMPSON:

I rise in opposition to Assembly Bill 252. The Legislature knows how to do its job on redistricting. The confidence was entrusted to this body by the framers of the state constitution, and we should not just give that up. Additionally, I have concerns about public comment and engagement. I really do not feel comfortable with the language and where it is lightly referenced in the bill. We must ensure that we take the time to engage people from various communities. It should be an inclusive, well thought out, and transparent process.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 252. This is a great bill that will help this body through a very complicated and controversial redistricting process. This bill will help ensure the 2011 Session does not repeat itself, and the Legislature will fulfill our constitutional duties to redistrict. I urge your support.

ASSEMBLYMAN STEWART:

All this bill does is to prepare for what is coming. The last redistricting—a few of us were here, and we had a real struggle. It went on for some time. This bill prepares us by having this commission set up a program where we have a group of people get together and plan for the redistricting. They prepare three maps, they provide the personnel to get ready, and their proposals are ready after the census has been taken and the 2021 Session is underway. They will have a head start for getting things done as far as redistricting is concerned.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to A.B. 252. In response to the comments from your Chairman of Legislative Operations and Elections, we have a group of people tasked to redraw the districts

after the decennial census—the Nevada Legislature. That authority is vested in this body and in the other Chamber by the Nevada Constitution. I am troubled by the bill. I am troubled by the fact that the commission can meet throughout the interim, will have subpoena powers during the interim. These are powers that belong to the Legislature and should not be delegated to a commission that is not composed of us.

ASSEMBLYWOMAN DICKMAN:

I rise in support of A.B. 252. I am hearing all these comments that it is the Legislature's job, but as I recall, they did not get it done last time. I think it is great to have a head start, and I am in support of the bill.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 252. Being one of the few people in this body who has been through redistricting twice, I understand the complications of doing it. This body did do its job last time. We passed two bills. They did not make it, but we did our jobs. We spent many Saturdays talking to constituents, going over maps, driving around our districts meeting with folks making sure their voices were heard in the process. The first time I did this, it was an ugly process. It is an ugly process. It is a political process. The second time we did it, it was the same. And the next time we do it, it is going to be the same. You cannot abdicate your responsibilities to do your job under the constitution. That is what this bill does.

ASSEMBLYMAN HICKEY:

I rise in support of this bill. I, too, have witnessed the process, and while we may have gotten input from constituents, the fact is the Legislature punted the last time. All this bill does, as my colleague from Henderson said, is to give us a head start, to begin compiling the information and having the discussions. It will not take away from our legislatively mandated duties to make that decision and vote on a plan. The last vote that we took in the previous round of things did not reflect any real discussion between the two parties. I was on that committee, and for that reason, I think this helps us do our job. It does not take away from us doing it.

Roll call on Assembly Bill No. 252:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 287 makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. A person who makes such a call with the intent to initiate an emergency response is guilty of a category E felony if the emergency response results in the death or serious bodily injury of another. In addition, a person who is convicted of a category E felony for such an offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, this bill provides that it is an affirmative defense to a violation charged pursuant to the provisions of this bill if it is proven by a preponderance of the evidence that the defendant suffers from a mental illness or is intellectually disabled. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 287:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Assembly Bill 288 provides that any mortgage servicer, mortgagee, beneficiary of a deed of trust, or an authorized agent of such a person is deemed to be in compliance with existing state law governing the servicing of residential mortgage loans if that person is in compliance with the Final Servicing Rules issued by the federal Consumer Financial Protection Bureau. If the Final Servicing Rules are repealed or held invalid or otherwise lapse, the servicer, mortgagee, beneficiary, or authorized agent is subject to the provisions of state law. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 288:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 301 allows a unit owner in a common-interest community to display the state of Nevada flag as long as it is not larger than the size of the displayed United States flag.

Roll call on Assembly Bill No. 301:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

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

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that the Assembly recess until 5:15 p.m.

Motion carried.

Assembly in recess at 3:43 p.m.

ASSEMBLY IN SESSION

At 5:50 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 88, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 351.
Bill read third time.
Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 351 revises the criteria to be met before the Department of Business and Industry may issue a bond or other obligation to finance the acquisition, construction, improvement, restoration, or rehabilitation of property, buildings, or facilities of a charter school. The bill requires the charter school to have received, within the immediately preceding two consecutive school years, one of the three highest performance ratings pursuant to the statewide system of accountability for public schools. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 351:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 352.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 352 limits the prohibition on carrying concealed firearms in public buildings to public buildings that have both metal detectors at each public entrance and signs at each public entrance stating that no firearms are allowed in the building.

Roll call on Assembly Bill No. 352:
YEAS—26.
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Carlton, Diaz, Flores, Joiner, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—14.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 384 establishes the Nevada Oral History Program in the Research Division of the Legislative Counsel Bureau [LCB]. The Legislative Commission shall approve a plan and procedures to conduct oral histories of current and former legislators. Materials are confidential unless released pursuant to policies approved by the Legislative Commission. The Director of the LCB may accept gifts, grants, or donations in support of the program.

Roll call on Assembly Bill No. 384:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 391 expands the property tax exemption for certain property owned by a religious society or corporation to include parcels of land used exclusively for worship, including both developed and undeveloped portions of a parcel.

Roll call on Assembly Bill No. 391:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 415 revises the definition of "farm" with regard to the use of water to include two or more tracts of land that are owned or leased by the same person within a federal reclamation project and primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another.

Roll call on Assembly Bill No. 415:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.
Bill read third time.
Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:
Assembly Bill 422 provides that the handlebar on a motorcycle or moped may extend not more than six inches above the driver's shoulder. The bill also prohibits a local authority from enacting an ordinance governing the operation and equipment of a motorcycle or a moped that conflicts with any existing state laws. This measure is effective on October 1, 2015.

Roll call on Assembly Bill No. 422:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 424.
Bill read third time.
Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:
Assembly Bill 424 creates the Account for the Statewide Alert System for the Safe Return of Abducted Children in the State General Fund. The bill requires the Committee for the Statewide Alert System to administer the Account, and any monies remaining at the end of a fiscal year do not revert to the State General Fund but rather are carried forward to the next fiscal year. Members of the Committee who are not representatives of an agency in the Executive Department of state government may receive reimbursements to the extent that money is available. The Committee is also authorized to apply for gifts, grants, and donations, which must be deposited into the Account. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 424:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.
Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 425.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 425 revises the membership of the Committee on Emergency Medical Services to provide that the member appointed by the State Board of Health who is a volunteer firefighter must instead be a volunteer for an organization that provides emergency medical services. The bill also revises the membership of the Committee to provide that the member who is employed by a fire-fighting agency at which volunteer firefighters also serve must instead be employed by a fire-fighting agency at which some firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers. Any person who is licensed as an attendant or certified as an emergency medical technician, advance emergency medical

technician, or paramedic is included in the definition of a "provider of health care." This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 425:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428.

Bill read third time.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:
Assembly Bill 428 exempts the Nevada Rural Housing Authority from the provisions of the Local Government Purchasing Act. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 428:
YEAS—39.
NAYS—Benitez-Thompson.
EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 429 and 460 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:
Assembly Bill 444 creates the Subcommittee on Civil Procedure of the Advisory Commission on the Administration of Justice. The measure authorizes the Commission to request the drafting of not more than five legislative measures that relate to matters within the scope of the Commission. Lastly, the bill eliminates the Commission's Subcommittee on Juvenile Justice to remove the overlap in statutory duties with the Legislative Committee on Child Welfare and Juvenile Justice. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 444:
YEAS—40.
NAYS—None.
EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 447 revises existing provisions relating to the statewide performance evaluation system for educators. The bill requires that the 50 percent pupil achievement data used in evaluating an employee's overall performance be comprised of 25 percent from statewide examinations and assessments and 25 percent from assessments approved by both the school district board of trustees and the Superintendent of Public Instruction. The measure also delays until the 2016 2017 school year implementation of the statewide performance evaluation system for counselors, librarians, and other licensed educational personnel.

There is a lot going on with our statewide evaluation system now. This bill is an attempt to get it right. We need to get it right because other states have gone through problems, and so we are delaying it a little while to ensure that we are not getting sued and that we are fair to our teachers and our other personnel.

Roll call on Assembly Bill No. 447:

YEAS—39.

NAYS—Titus.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Remarks by Assemblymen Silberkraus and Carlton.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 449 provides for the issuance of a special license plate supporting the Boy Scouts of America. Fees from these license plates are to be used to assist boys from low income families with the costs of participating in Boy Scouts and promote the Boy Scouts of America in schools. The bill also provides for the issuance of a special license plate recognizing a person who has achieved the rank of Eagle Scout. Fees from these plates are to be used to assist boys with the costs of participating in local area camps sponsored by the Boy Scouts of America.

Similarly, A.B. 449 provides for the issuance of special license plates recognizing a person who has been awarded the Girl Scout Gold Award by the Girl Scouts of America. Fees from these license plates are to be used to assist girls from low-income families with the costs of participating in Girl Scouts, and promote the Girl Scouts of America in schools.

Finally, the bill provides that special license plates recognizing a person who has achieved the rank of Eagle Scout in the Boy Scouts of America or has been awarded the Girl Scout Gold Award by the Girl Scouts of America are exempt from the requirements that a special license plate generally must be approved by the Department of Motor Vehicles based on a recommendation from the Commission on Special License Plates; is subject to a limitation on the number of separate designs of special license plates that the Department may issue at any one time; and may not be designed, prepared, or issued by the Department unless a certain minimum number of applications for the license plate is received.

ASSEMBLYWOMAN CARLTON:

I truly do support this bill, but I have some concerns about it circumventing the Commission on Special License Plates that was established in 2003. I have some questions to the sponsor. If this is totally going around the Commission, is it outside of the caps for Tier 1 and Tier 2 license plates?

ASSEMBLYMAN SILBERKRAUS:

Thank you to my distinguished colleague. As far as the first plate, the one supporting general scouting for Boy Scouts, that one would go through the Commission and would be in the queue and would not be moving ahead. For the plates recognizing Eagle Scouts and Girls Scout Gold Award recipients, as restricted plates, only individuals who have received those awards would be eligible for them. They would go around that 30 cap as we do with other recognition awards, be they veterans, public servants, or hall of fame athletes.

ASSEMBLYWOMAN CARLTON:

I did not see in the legislation where the Boy Scout or Girl Scout plate would be in the queue. It says that the Department will design, implement, accept the bond, but it did not say—and if you can point it out to me, I would love to be corrected because I would love to vote for this. I am the wife of an Eagle Scout, and I was a Girl Scout for 25 years and a Girl Scout leader just as long. I just want to make sure if they are in the queue, which tier they fall in. If they are going to bump the autism folks, or the conservation folks, or the food bank, or the Olympic committee; if they are going to bump Keep Memory Alive or the Women's Resource Medical Center, I would like to know where they are going to be in the queue.

ASSEMBLYMAN SILBERKRAUS:

I appreciate your comments and no, they would not bump them. The Boy Scouts are more than happy to wait in the queue, just like everybody else. I believe if you go through the bill, the exemption is placed behind the Eagle Scout section and behind the Girl Scout Gold Award section. It is not behind the Boy Scout section, so they would not be exempt from those provisions.

ASSEMBLYWOMAN CARLTON:

I am sorry, it is late in the day and I am confused. We have not had a piece of legislation that has addressed license plates in this building since 2003 when former Speaker Perkins put the bill in. We had two license plates attached to that, and those are the last two plates that have come out of this building, and I know that because I brokered the deal. I am not sure what is going to happen with this Boy Scout plate. I will support this today, but I have serious concerns about bringing plates to this body. Sooner or later, we are going to have to tell somebody no. It is easy to tell everybody yes. But sooner or later, we need to tell them to get in line with everyone else who has been waiting for five to ten years.

ASSEMBLYMAN SILBERKRAUS:

I appreciate your comments. I appreciate your support, and I believe the boys and the girls and the adults who support the Boys Scouts and the Girls Scouts of America appreciate your support as well.

Roll call on Assembly Bill No. 449:

YEAS—39.

NAYS—Carlton.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 449 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 451 revises provisions relating to the University of Nevada, Las Vegas, Campus Improvement Authority originally approved by the Legislature pursuant to Assembly Bill 335 of the 2013 Session. The bill extends the date by which the Authority must conclude its business by two years, from September 30, 2015, to September 30, 2017, and requires that the Authority submit an additional report to the Legislature containing recommendations of the Authority. Assembly Bill 451 additionally changes the boundaries of the Authority area to include all parcels of property that are located not more than 1.5 miles from the current boundary, as well as specifying that the meetings of the Board of Directors of the Authority may be held anywhere within Clark County, rather than only within the boundaries of the Authority area. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 451:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 456 repeals six inactive boards, committees, and similar entities, as recommended by the Sunset Subcommittee of the Legislative Commission. The provisions to repeal entities are effective upon passage and approval. Conforming revisions to statutes are effective on July 1, 2015.

Roll call on Assembly Bill No. 456:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 457 allows for reports. We went through all the reports that were available, and we got rid of obsolete reports. That is what A.B. 457 does. I urge your support.

Roll call on Assembly Bill No. 457:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblymen Dickman, Elliot Anderson, Ohrenschall, Hickey, Armstrong, Carlton, and Wheeler.

ASSEMBLYWOMAN DICKMAN:

Assembly Joint Resolution 8 proposes to amend the Nevada Constitution to require an affirmative vote of not less than two-thirds of the voters voting on any measure that increases revenue through a tax, fee, assessment, or rate. This requirement applies to any measure resulting from an initiative petition or a referendum from the Legislature. If approved in identical form during the 2017 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

We all remember the Gibbons tax restrain initiative that was passed overwhelmingly in the nineties, and I just think that the people should have an opportunity to decide if we should have that same restriction on ballot initiatives.

ASSEMBLYMAN ELLIOT ANDERSON:

I respectfully rise in opposition to Assembly Joint Resolution 8. I guess my opposition comes from two different avenues on this measure. I regret that two-thirds is the new 50 percent. We are talking here about a basic power of government. Taxing and spending are basic powers. We are not talking about impeachment. We are not taking about overriding a veto. We are not talking about something structural like that. I am opposed to two-thirds being the new 50 percent for regular powers of government.

Secondly, what this really does is take away power from the people. It makes it harder for the people to exercise their will. As long as we have had a republic, we have held sacrosanct 50 percent plus one. If you have one more vote than the next person, the majority rules, and this takes us farther away from that standard. I urge the body to reject A.J.R. 8.

ASSEMBLYMAN OHRENSCHALL:

I, too, rise in opposition to A.J.R. 8. Nevada has always prided itself on being a progressive state. We have initiative, referendum, and recall—things that came from folks like Senator Robert M. LaFollette, a good Republican senator from Wisconsin. We adopted these things. We value our state legislative process, but we also want our citizens to be able to enact policy through direct action.

My concern with how broadly A.J.R. 8 is written is that it basically nullifies the initiative process. It is not limited to a simple tax increase. It affects anything that might have any kind of a fee. I look at very popular initiatives that have passed in history—the Pistol Initiative after the *Kelo vs. New London* decision. People were mad when the U.S. Supreme Court said you could take private property for redevelopment purposes and for private use, not a public use as we traditionally understood. People supported Pistol. It got 60.81 percent of the vote. It is next to impossible to reach that two-thirds majority. I have looked back and so far, I have not found an initiative that surpassed that two-thirds majority. I am concerned that we are nullifying the citizens' right to enact policy through the initiative process. If we are going to do that, then I think we should just go to the Constitution and be honest with our voters and take that out.

ASSEMBLYMAN HICKEY:

I rise in support of A.J.R. 8. I agree with the opponents to a certain degree about the voice of the people in these matters with regards to initiatives. I probably would not support this would it not be going to a vote of the people. The people themselves can decide that. One of the reasons why this is worthy of their consideration, along with ours, is that we have said for a long time that budgeting should not be done by the ballot box. That is putting the onus on us. We are going to be looking at budget matters and taxing matters this session, and we are going to take votes and take heat for those who may disagree with it. This is a good measure, and I am voting for it because it will go to a vote of the people and they can weigh in on it.

ASSEMBLYMAN ARMSTRONG:

I rise in support of A.J.R. 8. I want to address my colleague from Assembly District 12. We do not have to look that far to see that we had a petition that had a two-thirds vote. Last November we saw a vote that received two-thirds of a total against a ballot initiative. I would like to remind people that we have to work together for the state and to collaborate for the best possible message. We are asking the people to decide if they want to have the same restraints as we do as a body. That would force people to come to measures they support in a bi-partisan way. I do not see that as a bad thing—asking the people that question.

ASSEMBLYWOMAN CARLTON:

I have concerns about A.J.R. 8. I rise in opposition. It seems a bit ironic to me that it is going to take a basic majority of voters to pass a two-thirds initiative. I think giving that much power to a small minority of people does not serve the whole the best way it can. If we truly believe this is the way we want to go, then A.J.R. 8 should be a two-thirds vote also.

ASSEMBLYMAN WHEELER:

I rise in support of A.J.R. 8. It is obvious to me that we should send this question to the people to see if they want to change the Constitution to make this happen. That is all we are doing with this vote. We are not approving a two-thirds vote, we are not approving any type of constitutional change other than the fact that we send it to the people if it passes this house twice.

Roll call on Assembly Joint Resolution No. 8:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Ellison, Woodbury—2.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 109 authorizes a board of county commissioners to initiate proceedings to sell or lease a county-owned telephone system by adopting a resolution to evaluate the propriety of receiving offers for the sale or lease of the system without the requirement of holding a primary or general election or obtaining approval of the registered voters of the county. The bill requires a board of county commissioners that adopts such a resolution to receive offers to sell a county-owned telephone system to contract with an expert to market and sell or lease the telephone system in a commercially reasonable manner, removing the requirement for newspaper advertisements. The board is not required to accept the highest bid but must consider other factors, including the return on investment to the county, the preservation of jobs, future revenue, and local control of the telephone system. Finally, the bill requires that at least three days before the board votes to accept or reject a proposed sale or lease, a notice must be published at least once in a local newspaper. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 109:

YEAS—40.

NAYS—None.

EXCUSED—Ellison, Woodbury—2.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, The Nevada Legislature in 2007 authorized creation of the Advisory Council on Parental Involvement and Family Engagement (Council) to actively promote and support the participation and engagement of families and communities in the lives and academic success of all Nevada students; and

WHEREAS, The Council is comprised of parents or legal guardians, school teachers and administrators, business representatives, and school board trustees of urban and rural districts, and represents the diversity of the families served; and

WHEREAS, Historically, the Nevada Legislature has supported the Council in the belief that all Nevada families are welcomed and encouraged to participate in their children's education and are afforded opportunities for active involvement, which is strengthened through collaboration with the community; and

WHEREAS, The Council recognizes that family involvement in a student's life is key to each student's achievement and ability to reach the potential of his or her talents, interests, and goals; and

WHEREAS, The Council demonstrates, through its work, the belief that families are the most important educational resource in children's lives and families are the strongest partner that classroom teachers and school administrators have in preparing students for college and career success; and

WHEREAS, The Council has adopted national Parent Teacher Association standards to enrich the preparation and professional development of educators to include family engagement components; and

WHEREAS, It is in the best interest of all Nevadans to strengthen the bonds among families, schools, and the larger communities of neighborhoods, cities, counties, and states on behalf of all of our students; now, therefore be it

PROCLAIMED, That the work of the Advisory Council on Parental Involvement and Family Engagement is hereby commended for promoting family involvement in the education of all of Nevada's students; and be it further

PROCLAIMED, That all families and community members are encouraged to fully participate in the education of our students through active involvement in our schools and in the lives of Nevada children.

DATED this 16th day of April, 2015.

TERESA BENITEZ-THOMPSON
Nevada State Assemblywoman

DEBBIE SMITH
Nevada State Senator

MOISES MO DENIS
Nevada State Senator

JOYCE WOOD HOUSE
Nevada State Senator

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Oberg and Kimberly Regan.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jodi Tyson, Dorian Stonebarger, Vicki Jackson, and Margarita Carrera.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Manuel Terriquez, Daisy Tamayo, Ilse Ortega, Sarah Nicholson, Bianca Arelleno, Carli Delchini, Daisy Flores, Brandon Reyes, Arturo Ayala, Stephanie Serafin, Daniela Ruiz, Leo Ramierez, Lila Leigh, Cade Davidson, Victoria Gomez, Diana Dominguez, Kalolaine Malafu, Kimberly Ochoa, Arturo Rodriguez, Lizette Valencia, Leslie Perez, Wendy Rojas, Nathan Cervantes, Diland Perez, Brandon Corral, Efrain Cervantes, Milly Nemendez, Evelyn Mendoza, Brandon Jacobo, Victor Corral, Brandon Egan, Yahir Mendoza, Denette Corrales, and Rose Avila.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Stacie Wilke.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lacinda Waggener.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Hinton.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Ciardullo.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dena Durish.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Mendel Cunin, Sarah Cunin, Diana Hoffman, LaTorre Nixon, Larissa Hansen, Alexis Hansen, Nick Smith, and Jana Moyes.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Harris, Karen Mowry, and Jennifer Hoy.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Kaia Bartling and LeNora Bredsguard-Brown.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Campitelli.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Darcy Houghton and Sean Davison.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Fitzgibbons and Heide Labastida.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Shelton, Jill Shelton, Carlos Shelton, Nicole Shelton, and Mark Shelton.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Jenna Allen, Gina Bielich, Dylan Blackwell, Emily Cox, Jacob Cox, Danielle Garza, Scott Gruel, Catelyn Higgins, Laci Hinojosa, Michael Kessin, Brennan Killoran, Malia Lindsey, Emma Madrid, Daichi Molde, Maison Nieken, Ava Paonessa, Olivia Pecoraro, Austin Penny, Mia Pereira, Casandra Roel, MaKenna Rosselli, Benjamin Smith, Chloe Torti, Matthew Woolsey, Revan Adams, Kemji Agu, Gabrail Batz, Paige Beaumier, Elizabeth Biek, Emma Broecker, Ava Carter, Olivia Charron, Ariel Dixon, Noah Fakhouri, Austin Forsythe, Anthony Hayes, Olivia Huang, Preston Kim, Liam Lawrence, Mackenzi Martinez, Morgan McCoy, Keegan Pryer, Alex Riccio, Andrew Specht, Francesca Steider, Joshua Valencia, Michelle Watts, Jolie Brislin, and Carlos Blumberg.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Randolph and Michelle Gach.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Paldi.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Rhodes.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kelcey West, Michael Maxwell, and Stevan Corbett.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 17, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:33 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 17, 2015

Assembly called to order at 1:41 p.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblywoman Woodbury, who was excused.
Prayer by the Chaplain, Rajan Zed.

Om
Bhur bhuvah svah
tat Savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky, and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead me from the unreal to the Real
Lead me from darkness to Light.
Lead me from death to immortality.

niyatam kuru karma tvam karma jyayo hyakarmanah
sairayatrapi ca ten a prasiddhyedakarmanah

yajnarthatkarnano'nyatra loko'yam karmabandhanah
tadartham karma kaunteya muktasangah samacara

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

tasmadasaktah satatam karyam karma samcara
asakto hyacarankarma paramapnoti purusah

karmanaiba hi samsiddhimasthita janakadayah
lokasangrahamevapi sampasyankartumarhasi

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu
Saha nau bhunaktu
Saha viiryan karavaavahai
Tejasvi naavadhiitamastu
Maa vidhvishhaavahai

May we be protected together.
May we be nourished together.
May we work together with great vigor.

May our study be enlightening.
May no obstacle arise between us.

sanani va akutih
samana hrdayani vah
samanam astu vo mano
yatha vah susahasti

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell in unity and concord!

Om Shanti, Shanti, Shanti.
Peace, Peace, Peace be unto all.
Om.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 249, 292, 389, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 226, 421, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Vice Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 177, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 289, 381, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 78, Amendments Nos. 261, 583, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 68, 231, 242, 250, 273, 329, 401, 441, 443.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 153, 224, 261, 289, 293, 303, 312.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 17, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 182, 233, 316 and 332.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Assembly Bills Nos. 152 and 320 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 405 and 414 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 195 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 370, 374, 375, 419, 429, 435, and 460 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 68.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 153.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 224.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 231.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 242.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 250.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 261.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 273.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 289.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 293.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 303.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 312.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 329.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 401.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 441.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 443.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 59.

Bill read second time.

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

Amendment No. 601.

SUMMARY— ~~[~~Clarifies~~]~~ **Revises** the authority ~~[~~and expands the jurisdiction~~]~~ of the Administrator of the State Public Works Division of the Department of Administration regarding leases for **certain** office rooms for state agencies, boards and commissions. (BDR 27-299)

AN ACT relating to the Department of Administration; ~~[~~expanding the jurisdiction of~~]~~ **revising the authority of** the Administrator of the State Public Works Division of the Department of Administration ~~[.]~~ **with respect to the leasing of certain office rooms;** requiring the Administrator to consider regulations adopted by the State Public Works Division when entering into **such** real property leases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~Existing law establishes the jurisdiction of the Administrator of the State Public Works Division of the Department of Administration over all state buildings, grounds and property owned or leased by this State, except for buildings and grounds owned or leased by certain state-established boards. (NRS 331.070) Section 1 of this bill eliminates the exception for state-established boards and provides the Administrator with jurisdiction over all buildings, grounds and property owned or leased by this State without exception.~~]~~

Existing law ~~[also]~~ grants the Administrator **of the State Public Works Division of the Department of Administration** the authority to lease office space to house state officers, departments, agencies, ~~[board]~~ **boards** or commissions whenever sufficient space cannot be provided within state buildings. (NRS 331.110) ~~[Section 2 of this]~~ **This** bill ~~[changes the permissive language granting this authority to mandatory language. In addition, section 2]~~ **makes it mandatory for the Administrator to lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings except state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS. This bill authorizes those exempt boards to request the Administrator to lease office rooms for them. This bill also** requires the Administrator, when considering entering into a lease for office rooms, to take into consideration the ~~[buildings and grounds]~~ regulations ~~[adopted by]~~ **governing** the ~~[State Public Works Division.]~~ **duties of the Buildings and Grounds Section of the Division, as well as the reasonableness of the applicable agreement and the availability of sufficient space within state buildings.**

~~[Section 3 of this bill makes a conforming revision to maintain consistency with the change to existing law in section 2.]~~

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

Section 1. ~~[NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law. [except for any buildings, grounds or other properties owned or leased by boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.]~~

~~2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~3. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided by law, the Administrator ~~[may~~ ***shall]*** **:**

(a) Except as otherwise provided in paragraph (b), shall lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. ***A state officer, department, agency,***

board or commission to which this paragraph applies may only lease and equip office rooms outside of state buildings pursuant to this paragraph.

(b) May lease and equip office rooms outside of state buildings for the use of state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005, upon the request of such a board.

2. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

~~[2.]~~ ***3.*** Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission ~~[,]~~ ***pursuant to subsection 1,*** the Administrator shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; ~~[and]~~

(b) The availability of space for use by the state officer, department, agency, board or commission ***, as applicable,*** in buildings that are owned by or leased to the State ~~[.]~~ ***; and***

(c) Any regulations adopted pursuant to or in accordance with NRS 341.110.

~~[3.]~~ ***4.*** Each state officer, department, agency, board and commission shall maintain and, on or after April 1 but not later than June 30 of each year, provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands ~~[,]~~ ***of the State Department of Conservation and Natural Resources,*** Department of Transportation and State Public Works Division of the Department of Administration shall maintain and, on or after April 1 but not later than June 30 of each year, provide to the Administrator an inventory of all real property owned by the State. Each inventory must identify:

(a) Real property that is being actively used by a state officer, department, agency, board or commission.

(b) Real property that is not being actively used by a state officer, department, agency, board or commission.

(c) Real property that is not being used by a state officer, department, agency, board or commission but which is reasonably anticipated to be actively used by a state officer, department, agency, board or commission in the future.

(d) Real property that is being actively used as a park or wildlife area.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property, including, without limitation, whether the real property is actively used; and

(b) The terms of the lease, including, without limitation, the cost to the State.

~~[5.]~~ ***6.*** Before submitting the inventory to the Administrator pursuant to subsection ~~[3,]~~ ***4,*** a state officer, department, agency, board, commission, the Division of State Lands ~~[,]~~ ***of the State Department of Conservation and Natural Resources,*** Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

~~[6.]~~ ***7.*** If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection ~~[5,]~~ ***6,*** the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection ~~[4.]~~ ***5.***

~~[7.]~~ ***8.*** An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

➥ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

~~[8.]~~ ***9.*** As used in this section, "program" means the program established pursuant to NRS 701.218.

Sec. 3. ~~[NRS 331.120 is hereby amended to read as follows:~~

~~331.120 1. Except as otherwise provided in NRS 331.130 and 331.135, the Administrator shall assign the rooms in the Capitol Building, and rooms elsewhere used by the State, and shall determine the occupancy thereof in such manner as the public service may require.~~

~~2. The executive and administrative officers, departments, boards, commissions and agencies of the State must be provided with suitable quarters which must, so far as is expedient, be in Carson City.~~ ~~[As used in this subsection, "boards" does not include boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.]~~

~~3. The Administrator shall provide suitable office space for the use of the Governor-Elect and expend money for incidental expenses connected therewith. The provisions of this subsection do not apply if the incumbent Governor is elected to succeed himself or herself.~~

~~4. The Administrator may provide suitable space in the Capitol Building for the permanent use of accredited members of the press and for the installation of communication equipment.~~**]** **(Deleted by amendment.)**

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that certain boards and commissions are exempt from the office leasing services offered by the State Public Works Division; however, exempted boards and commissions may continue to seek assistance from the State Public Works Division, if needed, at their discretion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

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

Amendment No. 488.

AN ACT relating to the City of Reno; making various changes relating to appointive officers and appointive employees of the City; ~~[authorizing the City's Charter Committee to request the drafting of one legislative measure at each regular legislative session;]~~ clarifying provisions relating to filling vacancies in elective ~~[office]~~ **offices** by appointment or special election; requiring the City Manager to prepare a document setting forth the organization of every department ~~[, division]~~ and other office of the City; amending provisions relating to the appointment of members of the Charter Committee; amending the qualifications for the position of City Manager; requiring the City Manager to prepare and maintain a classification plan for all positions in the City's Civil Service System; making various other changes relating to the System; making various other changes to the Charter of the City of Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Reno. **Section 1** of this bill adopts certain definitions applicable to the Charter as a whole.

Existing law provides for the appointment of members to the Charter Committee. (Reno City Charter § 1.140) The members of the Senate and Assembly delegations representing residents of the City and belonging to the majority and minority parties of the respective Houses appoint certain

members to the Committee. **Section 10** of this bill provides that the Majority Leader or Minority Leader of the Senate or the Speaker or Minority Leader of the Assembly shall appoint those members to the Charter Committee if there are no members of the respective Houses representing the residents of the City that belong to the majority or minority party, as applicable.

~~[Existing law provides that the duties of the Charter Committee include recommending necessary amendments to the Charter as one of the bill draft requests that the City Council is authorized to request at each regular legislative session. (Reno City Charter § 1.150) Sections 2 and 11 of this bill authorize the Charter Committee to request the drafting of one legislative measure that proposes amendments to the Charter without obtaining the approval of the City Council.]~~

Section 6 of this bill clarifies the procedures for filling a vacancy in an elective office by special election or appointment.

Section 7 of this bill sets forth who is an appointive officer or an appointive employee of the City. **Section 7** also limits the number of ~~[appointive offices and]~~ appointive positions that may be created by the City Council. Further, **section 7** requires the City Manager to file annually with the City Clerk a document that sets forth the organization of every department ~~[, division]~~ or other office of the City.

Sections 12-14 of this bill clarify the appointive officers, appointive employees and other staff that may be appointed by the City Manager, City Clerk and City Attorney, respectively. **Section 12** requires the City Manager to be an actual, as opposed to constructive, resident of the State. **Section 12** also requires a person who is appointed as the City Manager to become an actual resident of the State not later than 6 months after the date of his or her appointment.

Section 15 of this bill authorizes the City Council to retain the services of special legal counsel rather than employ such counsel.

Section 17 of this bill clarifies which employees are exempted from the City's Civil Service System.

Existing law authorizes the City Manager to adopt and revise specifications for the classes of positions in the Civil Service System. (Reno City Charter § 9.180) **Section 21** of this bill requires the City Manager to instead: (1) prepare, maintain and, as necessary, revise a classification plan for positions in the Civil Service; and (2) allocate each position in the Civil Service to a class set forth in the classification plan. **Section 21** also sets forth a process for an employee to request that the Civil Service Commission review the allocation or reallocation of his or her position. **Section 18** of this bill requires the Commission to adopt rules setting forth the procedures for the Commission to review the allocation or reallocation of an employee's position by the City Manager.

Section 19 of this bill eliminates the authority of the Commission to require medical examinations of employees covered under the Civil Service System.

Section 20 of this bill revises provisions relating to employment positions that are moved into the Civil Service System.

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

Section 1. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.0123, 1.0126 and 1.0129, respectively, immediately following section 1.012, to read as follows:

Sec. 1.0123 "Appointive office" defined. "Appointive office" means a position held by an appointive officer.

Sec. 1.0126 "Appointive officer" defined. "Appointive officer" means a person who is appointed to a position described in subsection 3 of section 1.090 or an appointive office established by ordinance pursuant to subsection 4 of section 1.090.

Sec. 1.0129 "Appointive position" defined. "Appointive position" means a position held by an appointive employee.

Sec. 2. ~~[The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 1.155, immediately following section 1.150, to read as follows:~~

~~*Sec. 1.155 Charter Committee: Request for legislative measure. The Charter Committee may request the drafting of not more than one legislative measure which may only propose amendments to this Charter. The request must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature.]*~~ **(Deleted by amendment.)**

Sec. 3. Section 1.011 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, ***and sections 1.0123, 1.0126 and 1.0129*** have the meanings ascribed to them in those sections.

Sec. 4. Section 1.012 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person who is appointed to ***an appointive position established by ordinance pursuant to subsection 4 of section 1.090 or*** a position described in subsection ~~[4]~~ ***5*** of section 1.090.

Sec. 5. Section 1.015 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1814, is hereby amended to read as follows:

Sec. 1.015 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020 ~~[.]~~ ***and described in article IX of this Charter.***

Sec. 6. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1817, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. ~~[Except as otherwise provided in NRS 268.325:]~~

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In filling a prospective vacancy, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

~~[2.]~~ The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. ~~[Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.~~

~~3.]~~ ***2.*** If a ***prospective vacancy or*** vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy ~~[.]~~ ***for the remainder of the unexpired term. The resolution declaring a special election must be adopted within 30 days after the occurrence of the vacancy and must state the date set by the City Council for the special election. In the case of a prospective vacancy, the Council may adopt the resolution before the vacancy occurs, but the special election may not be held until after the vacancy occurs.*** The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter. ***A person elected to fill a vacancy at a special election must have the same qualifications as are required of the elected official.***

Sec. 7. Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1818, is hereby amended to read as follows:

Sec. 1.090 Appointive officers and appointive employees.

1. The City Council shall provide for the appointment of a ***City Manager and a City Clerk.***

2. The City Manager shall appoint a Chief of Police and a Fire Chief, subject to ratification by the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.

3. The following are appointive officers:

(a) The City Manager ~~[to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.~~

~~2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.~~

~~3. The~~] ***, Assistant City Managers, Chief of Staff of the City Manager, Executive Assistant to the City Manager, Chief of Police, Assistant Chief of Police, Fire Chief, ~~[Assistant Fire Chief,]~~ the heads of each department ~~[or division]~~ and the assistant heads of each department . ~~[or division.]~~***

(b) The City Clerk, Chief Deputy City Clerk and Manager of Record Systems.

(c) Every Chief Deputy City Attorney.

(d) The Deputy City Assessor, if the City Council appoints a person as the Deputy City Assessor pursuant to section 3.080.

(e) The Deputy City Treasurer, if the City Treasurer appoints a person other than the City Clerk to be Deputy City Treasurer pursuant to section 3.090.

4. Except as otherwise provided in this subsection, the City Council may establish such other appointive offices ***and appointive positions*** as it may deem necessary for the operation of the City by designating the ***office or*** position and the ***minimum*** qualifications therefor by ordinance. ~~[~~Appointive offices are limited to the head of each department or division except:

~~(a) One immediate assistant for the Director of Public Works.~~

~~(b) In the Fire Department and Police Department, no positions below the office of Chief.~~

~~4. Special technical staff members who report directly to the City Manager serve as appointive employees.~~

~~5. Appointment of officers and employees pursuant to subsections 3 and 4 must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.~~

~~6. A City Clerk must be appointed by the City Council.~~] ***The number of ~~[appointive offices and]~~ appointive positions established by the City Council pursuant to this subsection must not exceed the greater of:***

(a) Forty full-time equivalent appointive positions; or

(b) Four percent of the total number of:

(1) Appointive officers described in subsection 3; and

(2) All full-time equivalent positions in the Civil Service.

5. Appointive employees:

(a) Are not appointive officers but regularly assist an appointive officer;

(b) Have duties that consist of administrative work directly related to management policies; and

(c) Have positions that require them customarily to exercise discretion and independent judgment.

6. No person who is an employee of the City's:

(a) Police Department is an appointive officer or appointive employee, other than the Chief of Police and the Assistant Chief of Police.

(b) Fire Department is an appointive officer or appointive employee, other than the Fire Chief . ~~[and the Assistant Fire Chief.]~~

7. On or before June 30 of each fiscal year, the City Manager shall prepare and file with the City Clerk a document that sets forth the organization of every department ~~[, division]~~ and other office of the City. The document must include, without limitation, a description of the job responsibilities of each appointive officer and appointive employee.

Sec. 8. Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1819, is hereby amended to read as follows:

Sec. 1.100 Appointive officers and appointive employees: Miscellaneous provisions.

1. All appointive officers and appointive employees, except the City Clerk and his or her deputy, shall perform such duties as are designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City who is appointed to any ***appointive office or appointive*** position ~~[~~provided for in section 1.090~~]~~ does not lose his or her Civil Service rating while serving in that ***appointive office or appointive*** position.

3. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

Sec. 9. Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 349, Statutes of Nevada 2013, at page 1819, is hereby amended to read as follows:

Sec. 1.110 Appointive officers and appointive employees: Duties; salary; benefits.

1. All appointive officers and appointive employees of the City, including those appointed by the City Council, except:

(a) The City Manager;

(b) The City Clerk ~~[~~and the chief deputy~~]~~ ***, Chief Deputy City Clerk*** and ~~[~~the~~]~~ Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) ~~[Assistants]~~ ***The professional and paraprofessional legal staff and the clerical staff*** appointed by the City Attorney pursuant to section 3.060; and

(d) The members of the City Board of Health and the City Health Officer, if the City administers the operations of the Board of Health,

➥ shall perform their duties under the direction of the City Manager or as designated by the City Council through the City Manager.

2. All appointive officers and appointive employees of the City are entitled to the salary designated by the City Council through the adoption of a resolution establishing the salary ranges applicable to each ***appointive*** office and ***appointive*** position.

3. All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.

Sec. 10. Section 1.140 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1815, is hereby amended to read as follows:

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. ***The:***

(a) Majority Leader of the Senate shall appoint the members of the Charter Committee described in paragraph (c) of subsection 1 if there are no members of the Senate representing the residents of the City and belonging to the majority party of the Senate.

(b) Minority Leader of the Senate shall appoint the members of the Charter Committee described in paragraph (d) of subsection 1 if there are no members of the Senate representing the residents of the City and belonging to the minority party of the Senate.

(c) Speaker of the Assembly shall appoint the members described in paragraph (e) of subsection 1 if there are no members of the Assembly representing the residents of the City and belonging to the majority party of the Assembly.

(d) Minority Leader of the Assembly shall appoint the members of the Charter Committee described in paragraph (f) of subsection 1 if there are no members of the Assembly representing the residents of the City and belonging to the minority party of the Assembly.

3. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation ~~[,]~~ ***or the Majority Leader or Minority Leader of the Senate,*** serves a term of 4 years;

(c) If appointed by members of the Assembly delegation ~~[,]~~ ***or the Speaker or Minority Leader of the Assembly,*** serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

~~[3.]~~ ***4.*** If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

~~[4.]~~ ***5.*** Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

Sec. 11. ~~[Section 1.150 of the Charter of the City of Reno, being chapter 349, Statutes of Nevada 2013, at page 1815, is hereby amended to read as follows:~~

~~Sec. 1.150 Charter Committee: Officers; meetings; duties. The Charter Committee shall:~~

~~1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;~~

~~2. Meet at least once every 2 years [before the beginning of each regular session of the Legislature] and when requested by the City Council or the Chair of the Charter Committee;~~

~~3. Meet jointly with the City Council [on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and] before [the beginning of the next regular session of the Legislature] *September 1 preceding the commencement of a regular session of the Legislature* to advise the City Council with regard to the [recommendations of] *legislative measure that* the Charter Committee *will submit pursuant to section 1.155* concerning [necessary] amendments to this Charter;~~

~~4. [If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill~~

~~draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;~~

~~— 5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and~~

~~— 6.]~~ ~~Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.~~**]** **(Deleted by amendment.)**

Sec. 12. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1825, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation ~~[.]~~ ***; residency; vacancy.***

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. ***Except as otherwise provided in this subsection, the City Manager must actually, as opposed to constructively, reside in the State. A person who is appointed as City Manager by the City Council must become an actual resident of the State not later than 6 months after the date of his or her appointment.***

3. Any vacancy in the City Manager position must be filled by the City Council not later than 6 months after the vacancy occurs.

4. The City Manager may appoint such ~~[clerical and administrative assistants]~~ ***staff*** as he or she deems necessary ~~[.~~

~~— 3.]~~ ***for the proper functioning of his or her office, including, without limitation:***

(a) A Chief of Staff, who is an appointive officer and not subject to the provisions of article IX of this Charter.

(b) One or more Assistant City Managers, who are appointive officers and not subject to the provisions of article IX of this Charter.

(c) An Executive Assistant, who is an appointive officer and not subject to the provisions of article IX of this Charter.

(d) Clerical and office support staff, who are subject to the provisions of article IX of this Charter.

5. The City Manager may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

~~[~~4.~~]~~ ***6.*** No member of the City Council may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

~~[~~5.~~]~~ ***7.*** The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. ~~[The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.]~~

Sec. 13. Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1825, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants for payment issued.

(d) Number and sign all business licenses issued by the City. All business licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one ~~[chief deputy]~~ ***Chief Deputy City Clerk*** and one Manager of Record Systems, who are ***appointive officers and*** not subject to the provisions of article IX of this Charter.

4. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

Sec. 14. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1826, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as are designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. ~~[~~The~~]~~ ***As he or she requires in the discharge of the duties of his or her office, the*** City Attorney may ~~[~~appoint~~]~~ ***:***

(a) Appoint and remove ~~[~~such assistants as he or she requires in the discharge of the duties of his or her office. Such assistants~~]~~ ***any professional and paraprofessional legal staff, including, without limitation, attorneys, paralegals, investigators, an office administrator and an executive assistant. Professional and paraprofessional legal staff*** must not be Civil Service employees.

(b) Appoint and remove clerical staff, including, without limitation, management assistants, legal secretaries and advocates. Clerical staff must not be Civil Service employees.

5. The Council may appropriate such an amount of money as it deems proper to compensate ~~[~~such assistants. Such assistants~~]~~ ***the professional and paraprofessional legal staff and clerical staff appointed by the City Attorney pursuant to subsection 4.***

6. Any attorney or paralegal who ~~[~~are attorneys and are~~]~~ ***is*** employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 15. Section 3.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.070 ~~[~~Employment~~]~~ ***Services*** of Special Counsel. The City Council may, by six-sevenths vote, ~~[~~employ~~]~~ ***retain the services of*** attorneys to perform any civil duty of the City Attorney. Such attorneys are responsible only to the City Council ***.*** ~~[~~, and the~~]~~ ***The*** City Attorney shall have no responsibility or authority concerning the ~~[~~subject matter of such employment.~~]~~ ***services of such attorneys.***

Sec. 16. Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1827, is hereby amended to read as follows:

Sec. 3.140 Interference and direction by City Council.

1. The Mayor or Council Members shall not dictate the appointment, suspension or removal of any ~~[City administrative officer or]~~ ***appointive*** employee ***.*** ~~[appointed by the City Manager or his or her subordinates.]~~ No person covered by the rules and regulations of the Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager. The City Council or its members shall not:

(a) Deal directly with ~~[a City official or]~~ ***an appointive*** employee on a matter pertaining to City business, except for the purpose of inquiry, but shall deal through the City Manager; or

(b) Give any order, publicly or privately, to any subordinate of the City Manager.

Sec. 17. Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 349, Statutes of Nevada 2013, at page 1833, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees of the City except:

(a) ~~[A person]~~ ***Any*** elected ***official described in section 1.060*** or ***person who is*** appointed to ***fill*** a ~~[position]~~ ***vacancy*** pursuant to ~~[this Charter.]~~ ***section 1.070.***

(b) A person who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.

(c) ***An appointive officer or appointive employee.***

(d) A person employed by the City for less than 18 hours per week ~~[.~~ ~~(d)]~~ ***or 234 hours per fiscal quarter, whichever is greater.***

(e) A person who is not subject to the provisions of this article pursuant to section 3.020, 3.040 or 3.060.

(f) A person for whose position half or more of the money is provided by a source other than the City.

~~[(e) A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.~~

~~(f)]~~ ***(g)*** An employee of the Municipal Court who is hired directly by the Court.

2. The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.

3. Any employee whose position was within the provisions of the Civil Service System before June 2, 2013, shall retain all rights and

benefits to which he or she would otherwise be entitled under the Civil Service System.

Sec. 18. Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 349, Statutes of Nevada 2013, at page 1834, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. Except as otherwise provided in this section, the Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. The Commission shall give or cause to be given at least 10 days' notice of the time and place of a public meeting of the Commission on proposed rules by posting the notice and a copy of each proposed rule on the bulletin board of each department and by giving a copy of the notice and each proposed rule to the City Council, the City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.

2. The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:

(a) The review and approval by the Commission of minimum qualifications set out in class specifications for positions.

(b) ***Procedures for the review by the Commission of the allocation or reallocation of an employee's position pursuant to subsection 4 of section 9.180.***

(c) Open and promotional recruitment of employees.

~~[(c)]~~ ***(d)*** The development and scoring of examinations of candidates for positions.

~~[(d)]~~ ***(e)*** The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.

~~[(e)]~~ ***(f)*** Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.

~~[(f)]~~ ***(g)*** The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the head of a department without right of appeal.

~~[(g)]~~ ***(h)*** Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

~~[(h)]~~ ***(i)*** Procedures for the transfer and layoff of employees.

~~[(i)]~~ ***(j)*** Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

3. A copy of all rules adopted and all changes in them must be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be distributed as it deems necessary, except that the Commission shall cause a copy to be made available to all officers and employees of the City on the City's Internet website or in such other format as the Commission determines is appropriate.

4. The head of each department may adopt procedures for the governance of his or her department not inconsistent with this article or the rules of the Commission adopted thereunder.

5. As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.

Sec. 19. Section 9.100 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.100 Reports of employee performance. The Commission shall have authority to require from time to time reports on the performance and efficiency of employees **.** ~~[and to require medical examinations of any employee, and to obtain the results thereof.]~~ Each employee shall be entitled to see all such reports concerning him or her.

Sec. 20. Section 9.120 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.120 Blanketing into Civil Service. When positions which have not been within the Civil Service are declared by law to be included in the Civil Service, the Commission may ~~[authorize]~~ ***by rule:***

1. Authorize the ~~[probationary]~~ ***noncompetitive*** appointment to such positions of employees who have held those positions satisfactorily for a period of 1 year. Other employees in such positions may be given temporary or provisional appointments as ordered by the Commission.

2. Waive any requirement that an employee complete a probationary period in the position after the position is included in the Civil Service.

3. Accept prior service acquired in the position before the position was included in the Civil Service as the equivalent of classified service.

4. Provide for other such matters as the Commission deems necessary or appropriate to facilitate the inclusion of a position in the Civil Service.

Sec. 21. Section 9.180 of the Charter of the City of Reno being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.180 Class specifications.

1. The City Manager ~~[may adopt and revise specifications for the classes of]~~ ***or his or her designee shall:***

(a) Prepare, maintain and, as necessary, revise a classification plan for all positions in the Civil Service.

(b) Allocate each position in the Civil Service to a class set forth in the classification plan.

2. Each class ~~[specification shall include]~~ ***of employees that is set forth in the classification plan must include, without limitation,*** a title, a definition or statement of the characteristics of the class, a list of typical tasks or examples of the duties of the class, ~~[and]~~ ***a list of the knowledge, skills and abilities required for employees in the class,*** a statement ~~[of]~~ ***that describes*** the ~~[desirable]~~ minimum qualifications of employees in the class ~~[.]~~ ***and any other information that the City Manager determines is necessary for the proper classification and supervision of positions in the Civil Service.*** The ~~[desirable]~~ minimum qualifications shall be subject to review and approval by the Commission as part of its responsibility for recruiting and selecting employees.

3. The City Manager shall allocate positions into each class by grouping positions that have similar qualifications and levels of difficulty and responsibility such that the similarities justify similar treatment.

4. Any employee in the Civil Service who is adversely affected by the allocation or reallocation of his or her position to a class pursuant to subsection 1 may request to have the classification reviewed by the Commission. A request for such a review must be submitted to the Commission not more than 30 calendar days after the employee receives notification of the allocation or reallocation of the employee's position by the City Manager.

5. In reviewing the allocation or reallocation of an employee's position pursuant to subsection 4, the Commission shall make findings as to the duties, responsibilities and qualifications of the position. If the Commission finds that a position is not classified correctly, the Commission shall notify the City Council and City Manager of its findings. Upon receiving such notification, the City Council shall review the findings of the Commission and, if approved by the City Council, the City Manager shall allocate or reallocate the position to a class pursuant to the findings of the Commission.

Sec. 22. Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 349, Statutes of Nevada 2013, at page 1836, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. ~~[In all appeals to the Commission, the]~~ ***The*** City Attorney ***or, if applicable, special counsel retained pursuant to section 3.070*** shall represent the interest of the City ~~[.]~~ ***in appeals to the Commission.***

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district court. The Commission shall render its decision within 7 days after the date of the hearing.

4. The action taken by the City Manager may be affirmed, modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken is insufficient ***or conflicts with the provisions of this Charter, the Civil Service rules and regulations, or any applicable law,*** it must modify or revoke the action.

5. The Commission shall adopt a rule for the hearing and disposition of appeals concerning procedures or the content of examinations.

Sec. 23. The amendatory provisions of this act apply prospectively.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment adds City Council oversight of the allocation or reallocation of city employees; removes the provision requiring clerical staff in the City Attorney's Office to enter the Civil Service system; removes the request for an additional bill draft request for the Charter Commission; requires the City Council to issue a resolution declaring a special election within 30 days following the vacancy of an elected position; and finally, specifies that the Assistant Fire Chief and Division heads are not appointed positions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 79.

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; revising provisions governing the dissemination of certain records of criminal history; ~~[authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility;]~~ authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; **revising provisions relating to the licensure of an allopathic and osteopathic physician;** revising provisions relating to **the practice of dentistry and dental hygiene, including, without limitation,** the licensing requirements for **and the issuance of a license to** dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons; ~~[increasing the application and licensing fees charged by the Board of Examiners for Social Workers;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill set forth new provisions relating to the employment of veterans. **Section 1** requires the Administrator of the Employment Security Division of the Department of Employment, Training

and Rehabilitation to gather ~~[and report]~~ aggregate unemployment data concerning veterans **and report such data** to the Interagency Council on Veterans Affairs on a ~~[monthly]~~ **quarterly** basis. **Section 2** authorizes a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Existing law generally provides for preferential employment in public employment and the construction of public works for certain veterans. (NRS 281.060, 284.260, 338.130)

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928) **Section 5** of this bill provides an exemption to this requirement for certain persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section 9** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. **Section 9** also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license. **Section 10** of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. **Section 11** of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. **Sections 13, ~~[20]~~ 30.5 and 33** of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain ~~[a]~~ **an expedited** license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. ~~[Section 4 of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility.]~~ **Section 14 of this bill authorizes the Board of Medical Examiners to issue a license to practice medicine to certain persons who receive postgraduate education in certain approved residency programs in Canada.**

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. **Section 22.5 authorizes the Executive Director of the**

Board of Dental Examiners of Nevada to issue a license to a qualified applicant without further review of the Board under certain circumstances. **Sections 23 and 25** revise provisions relating to the licensing requirements for dentists and dental hygienists, and **section 27** establishes a fee for the inspection of a facility required by the Board ~~[of Dental Examiners of Nevada]~~ to ensure compliance with infection control guidelines.

Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. (NRS 641B.270) **Section 36** of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. ~~[Section 37 of this bill increases the application and licensing fees charged and collected by the Board, and establishes a fee for an application to provide a course of continuing education.]~~ **Section 3** of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each month, the]~~ The Administrator of the Division shall , for each calendar quarter, gather ~~[and report]~~ aggregate unemployment data concerning veterans, including, without limitation, benefits paid to veterans, and report such data to the Interagency Council on Veterans Affairs.

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.

2. A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.

3. As used in this section:

(a) "Private employer" has the meaning ascribed to it in NRS 616A.295.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 3. NRS 179A.100 is hereby amended to read as follows:

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

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

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

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

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

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

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

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

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

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

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

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

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

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

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

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

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

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

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

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

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

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

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

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

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

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

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

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

(x) ***The Board of Examiners for Social Workers.***

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

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

Sec. 4. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.*~~

~~*2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:*~~

~~*(a) Credentialing and privileging standards and a process for peer review for the medical facility; and*~~

~~*(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).*~~

~~*3. If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility must not, by virtue of its employment of or contract with the physician, interfere with, limit or otherwise impede the*~~

~~*ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.*~~

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

~~*(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.*~~

~~*(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.*~~

~~*(c) "Privileging" means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician's license, education, training, experience, competence, health status and specialized skill.]*~~ **(Deleted by amendment.)**

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In accordance with 49 C.F.R. § 383.77, the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 for the issuance of a commercial driver's license by this State must be waived for an applicant who:

(a) Has experience driving a commercial motor vehicle because of his or her service in the Armed Forces of the United States;

(b) Is licensed at the time of his or her application for a commercial driver's license; and

(c) Meets the requirements set forth in subsection 2.

2. An applicant for a commercial driver's license who seeks a waiver pursuant to subsection 1 of the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 shall:

(a) Certify that, during the 2 years immediately preceding his or her application for a commercial driver's license, the applicant has not had:

(1) More than one license in more than one jurisdiction at the same time ~~*[;]*~~ ***, except for a military license;***

(2) A license suspended, revoked, cancelled or denied;

(3) A conviction for an offense listed in 49 C.F.R. § 383.51(b);

(4) More than one conviction for a serious traffic violation listed in 49 C.F.R. § 383.51(c); and

(5) A conviction for a violation of any military, state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

(b) Certify and provide evidence that he or she:

(1) ~~*[Is]*~~ ***Has been regularly employed in a military position that requires the operation of a commercial motor vehicle*** ~~*[;]*~~ ***within the 90 days immediately preceding his or her application;***

(2) Is exempt from the requirements for a commercial driver's license pursuant to 49 C.F.R. § 383.3(c); and

(3) Has operated a vehicle which is representative of the commercial motor vehicle that he or she intends to operate for at least 2 years immediately preceding the date of his or her application.

Sec. 6. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;

2. In accordance with standards contained in regulations adopted by the Department:

(a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

(b) ~~[Pass]~~ ***Except as otherwise provided in section 5 of this act, pass*** a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 7. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. ***As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, "veteran" has the meaning ascribed to it in NRS 417.005.***

Sec. 9. ***1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:***

(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;

(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

(c) The regulatory body determines that the provisions of law in the District of Columbia or the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

2. An applicant for a license by endorsement pursuant to this section shall submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice his or her respective profession;

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than:

(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

Sec. 10. ***A regulatory body shall develop opportunities for reciprocity of licensure for any person who:***

1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.

Sec. 11. ***If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:***

1. Applied for a license from the regulatory body.

2. Been issued a license by the regulatory body.

3. Renewed a license with the regulatory body.

Sec. 12. ***1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:***

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 630.1605 and 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties ~~[.]~~ or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than ~~[45]~~ :

(a) Forty-five days after receiving all the additional information required by the Board to complete the application ~~[.]~~ ; or

(b) If the Board requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and sections 9 and 13 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family ~~[~~practice~~]~~ ***medicine*** and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[or]~~ the ~~[Coordinating Council of Medical Education of the Canadian Medical Association;]~~ ***Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québéc or the College of Family Physicians of Canada, or their successor organizations;*** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has

completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. ~~*[An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:*~~

~~*(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in the District of Columbia or another state or territory of the United States;*~~

~~*(b) In one or more approved specialties or disciplines;*~~

~~*(c) In nonconsecutive months; and*~~

~~*(d) At any time before receiving his or her license.*~~

~~*4.]*~~ The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. ~~*[5.]*~~ Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. ~~*[6.]*~~ If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine ~~[must]~~ ***shall*** submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~[must]~~ ***or section 9 or 13 of this act shall*** submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 16. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~[received]~~ ***completed*** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 17. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[.]~~ ***or section 9 or 13 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~[shall]~~ ***must*** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 18. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 19. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement ***issued pursuant to NRS 630.1605 or section 13 of this act***	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card	25
For a duplicate license	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

"Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally

to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

Sec. 21. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and section 20 of this act*** have the meanings ascribed to them in those sections.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ~~[~~"Conscious~~]~~ ***"Moderate*** sedation" means a ~~[~~minimally~~]~~ ***drug-induced*** depressed level of consciousness, ~~[~~produced by a pharmacologic or nonpharmacologic method or a combination thereof, in~~]~~ ***during*** which ~~[~~the~~]~~ ***:***

1. The patient retains the ability ~~[~~independently and continuously to maintain an airway and~~]~~ to respond ~~[~~appropriately~~]~~ ***purposefully*** to ~~[~~physical stimulation and~~]~~ verbal commands ~~[~~.~~]~~ ***, either alone or accompanied by light tactile stimulation;***

2. Spontaneous ventilation is adequate and no interventions are required to maintain a patent airway; and

3. Cardiovascular function is usually maintained.

Sec. 22.5. **NRS 631.220 is hereby amended to read as follows:**

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, must:

(a) File an application with the Board ***.*** ~~[at least 45 days before:~~

~~(1) The date on which the examination will be given; or~~

~~(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.]~~

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 23. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[,~~ ~~within the 5 years immediately preceding the date of the application,]~~ a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 23.5. **NRS 631.260 is hereby amended to read as follows:**

631.260 ~~[As]~~ ***Except as otherwise provided in subsection 3 of NRS 631.220, as*** soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~[or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;]~~ ***; or***

(2) ~~[Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~(3)]~~ Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[, within the 5 years immediately preceding the date of the application,]~~ a clinical examination administered by the Western Regional Examining Board.

2. ~~[The clinical examination given by the Board must include components that are:~~

~~(a) Written or oral, or a combination of both; and~~

~~(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~3.]~~ The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

~~[4.]~~ ***3.*** All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 26. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 27. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	600

Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation 350

Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines 500

Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry $1,000

Annual license renewal fee for a limited license or restricted license to practice dentistry 300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene 600

Annual license renewal fee for a limited license to practice dental hygiene 300

Biennial license renewal fee for an inactive dentist 400

Biennial license renewal fee for a dentist who is retired or has a disability 100

Biennial license renewal fee for an inactive dental hygienist 200

Biennial license renewal fee for a dental hygienist who is retired or has a disability 100

Reinstatement fee for a suspended license to practice dentistry or dental hygiene 500

Reinstatement fee for a revoked license to practice dentistry or dental hygiene 500

Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status 500

Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 28. ~~[Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***~~

~~***(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and***~~

~~*(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.*~~

~~*2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:*~~

~~*(a) Proof satisfactory that the applicant:*~~

~~*(1) Satisfies the requirements of subsection 1;*~~

~~*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*~~

~~*(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice osteopathic medicine; and*~~

~~*(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*~~

~~*(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;*~~

~~*(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(d) Any other information required by the Board.*~~

~~*3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:*~~

~~*(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or*~~

~~*(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,*~~

~~*whichever occurs later.*~~

~~*4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.]*~~ **(Deleted by amendment.)**

Sec. 29. NRS 633.311 is hereby amended to read as follows:

633.311 ***1.*** Except as otherwise provided in NRS 633.315, ***633.381 to 633.419, inclusive, and*** ~~*[sections]*~~ ***section 9*** ~~*[and 28]*~~ ***of this act,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~[1.]~~ ***(a)*** The applicant is 21 years of age or older;

~~[2.]~~ ***(b)*** The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~[3.]~~ ***(c)*** The applicant is a graduate of a school of osteopathic medicine;

~~[4.]~~ ***(d)*** The applicant:

~~[~~(a)~~]~~ ***(1)*** Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~[~~(1)~~]~~ ***(I)*** A hospital internship; or

~~[~~(2)~~]~~ ***(II)*** One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~[~~(b)~~]~~ ***(2)*** Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~[~~(c)~~]~~ ***(3)*** Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~[~~5.~~]~~ ***(e)*** The applicant applies for the license as provided by law;

~~[~~6.~~]~~ ***(f)*** The applicant passes:

~~[~~(a)~~]~~ ***(1)*** All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~[~~(b)~~]~~ ***(2)*** All parts of the licensing examination of the Federation of State Medical Boards ~~[of the United States, Inc.;~~

~~(c)~~~~]~~ ***;***

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~[~~(d)~~]~~ ***(4)*** A combination of the parts of the licensing examinations specified in ~~[paragraphs (a), (b) and (c)]~~ ***subparagraphs (1), (2) and (3)*** that is approved by the Board;

~~[~~7.~~]~~ ***(g)*** The applicant pays the fees provided for in this chapter; and

~~[~~8.~~]~~ ***(h)*** The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 30. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 30.5. **NRS 633.400 is hereby amended to read as follows:**

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. ***Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:***

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 31. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 32. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~[.]~~ ***or section 9 ~~[or 28]~~ of this act;***

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board ~~[shall]~~ ***must*** issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 33. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant [:

(a) Holds] ***holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States . [; and***

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.]

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; [more than once;]

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 34. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. [A] ***Except as otherwise provided in section 9 or 33 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry ~~[must]~~ ***shall*** submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 35. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia ~~[must]~~ ***shall*** submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ ***Except as otherwise provided in section 9 or 33 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 36. NRS 641B.275 is hereby amended to read as follows:

641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:

(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or

(b) Who:

(1) Possesses a baccalaureate degree or a master's degree in a related field of study from an accredited college or university recognized by the Board; and

(2) Presents evidence of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board.

2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.

3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.

4. ***The Board may grant a provisional license to engage in social work as an independent social worker or as a clinical social worker pursuant to a plan of supervision established by the Board by regulation to a person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States if:***

(a) The person applied for a license to engage in social work as an independent social worker or a clinical social worker without examination pursuant to NRS 641B.270; and

(b) The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements

at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter.

5. The Board shall establish by regulation the period during which a provisional license issued pursuant to this section will be valid. The period must be:

(a) ~~[No]~~ ***Not*** longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and

(b) ~~[No]~~ ***Not*** longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.

Sec. 37. ~~[NRS 641B.300 is hereby amended to read as follows:~~

~~641B.300 The Board shall charge and collect fees not to exceed the following amounts for:~~

~~Initial application.....~~**[**~~$40~~**]** ***$120***
~~Provisional license.....~~**[**~~75~~**]** ***225***
~~Initial issuance of a license.....~~**[**~~100~~**]** ***300***
~~Annual renewal of a license.....~~**[**~~150~~**]** ***450***
~~Restoration of a suspended license or reinstatement of a revoked license.....~~[150] ***450***
~~Restoration of an expired license.....~~**[**~~200~~**]** ***600***
~~Renewal of a delinquent license.....~~**[**~~100~~**]** ***300***
~~Reciprocal license without examination.....~~**[**~~100~~**]** ***300***
~~***Application to provide a course of continuing education.....100]***~~

(Deleted by amendment.)

Sec. 37.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 38. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment No. 79 to Assembly Bill 89 removes provisions relating to the employment of physicians by a medical facility. It clarifies provisions relating to the waiver of certain requirements for drivers of commercial vehicles. It also removes provisions relating to modifications of the requirements for postgraduate education or training. It revises *Nevada Revised Statutes* 633.400 to include timelines for action by the State Board of Osteopathic Medicine on applications for license by endorsement and removes redundant provisions in the bill. It removes fee increases for the Board of Examiners for Social Workers. It requires the reports mandated by this bill to continue in perpetuity. It changes the reporting requirements in section 1 of the bill from monthly to quarterly, and allows the Secretary-Treasurer of the Board of Dental Examiners of Nevada to accept or reject certain applications submitted to the Board under certain circumstances.

Amendment adopted.

The following amendment was proposed by Assemblyman Kirner:

Amendment No. 250.

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; **authorizing the Nevada Equal Rights Commission to review such an employment policy under certain circumstances;** revising provisions governing the dissemination of certain records of criminal history; authorizing a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility; authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; revising provisions relating to the licensing requirements for dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons; increasing the application and licensing fees charged by the Board of Examiners for Social Workers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill set forth new provisions relating to the employment of veterans. **Section 1** requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a monthly basis. **Section 2** authorizes a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. **Section 2 also authorizes the Nevada Equal Rights Commission to review the uniform application of such an employment policy upon receiving a written complaint from a prospective employee of the employer and requires the employer, upon a finding by the Commission that the policy has not been applied uniformly, to revise his or her employment policy in accordance with the recommendations of the Commission.** Existing law generally provides for preferential employment in public employment and the construction of public works for certain veterans. (NRS 281.060, 284.260, 338.130)

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928) **Section 5** of this bill provides an exemption to this requirement for certain persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) **Section 9** of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. **Section 9** also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license. **Section 10** of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. **Section 11** of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. **Section 12 provides that such a reciprocal agreement must not authorize a person to practice his or her profession concurrently in this State unless the person meets certain credentialing requirements.** **Sections 13, 28 and 33** of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain a license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. **Section 4** of this bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient of the medical facility.

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. **Sections 23 and 25** revise provisions relating to the licensing requirements for dentists and dental hygienists, and **section 27** establishes a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines.

Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions

governing social workers in this State. (NRS 641B.270) **Section 36** of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. **Section 37** of this bill increases the application and licensing fees charged and collected by the Board, and establishes a fee for an application to provide a course of continuing education. **Section 3** of this bill adds the Board to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each month, the Administrator of the Division shall gather and report aggregate unemployment data concerning veterans, including, without limitation, benefits paid to veterans, to the Interagency Council on Veterans Affairs.

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.

2. A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.

3. The Nevada Equal Rights Commission may, upon receipt of a written complaint from a prospective employee of a private employer who has adopted an employment policy giving preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1, review the employment policy to determine whether the policy is being applied uniformly in accordance with subsection 1. If the Commission determines that an employment policy is not being applied uniformly, the Commission shall cause written notice of its findings, including the recommendations of the Commission, to be provided to the employer and prospective employee. Upon receipt of a notice from the Commission that an employment policy is not being applied uniformly, the employer shall revise his or her employment policy consistent with the recommendations of the Commission.

4. As used in this section:

(a) "Private employer" has the meaning ascribed to it in NRS 616A.295.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 3. NRS 179A.100 is hereby amended to read as follows:

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

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

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

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

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

(a) Reflect convictions only; or

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

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

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

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

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

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

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

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

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

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

(x) ***The Board of Examiners for Social Workers.***

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

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

Sec. 4. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A medical facility may employ or contract with a physician to provide health care to a patient of the medical facility.

2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must have:

(a) Credentialing and privileging standards and a process for peer review for the medical facility; and

(b) A physician or committee of physicians who oversees the standards and process required pursuant to paragraph (a).

3. If a medical facility employs or contracts with a physician pursuant to subsection 1, the medical facility must not, by virtue of its employment of or contract with the physician, interfere with, limit or otherwise impede the ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.

4. As used in this section:

(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Privileging" means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician's license, education, training, experience, competence, health status and specialized skill.

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In accordance with 49 C.F.R. § 383.77, the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 for the issuance of a commercial driver's license by this State must be waived for an applicant who:

(a) Has experience driving a commercial motor vehicle because of his or her service in the Armed Forces of the United States;

(b) Is licensed at the time of his or her application for a commercial driver's license; and

(c) Meets the requirements set forth in subsection 2.

2. An applicant for a commercial driver's license who seeks a waiver pursuant to subsection 1 of the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 shall:

(a) Certify that, during the 2 years immediately preceding his or her application for a commercial driver's license, the applicant has not had:

(1) More than one license in more than one jurisdiction at the same time;

(2) A license suspended, revoked, cancelled or denied;

(3) A conviction for an offense listed in 49 C.F.R. § 383.51(b);

(4) More than one conviction for a serious traffic violation listed in 49 C.F.R. § 383.51(c); and

(5) A conviction for a violation of any military, state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

(b) Certify and provide evidence that he or she:

(1) Is regularly employed in a military position that requires the operation of a commercial motor vehicle;

(2) Is exempt from the requirements for a commercial driver's license pursuant to 49 C.F.R. § 383.3(c); and

(3) Has operated a vehicle which is representative of the commercial motor vehicle that he or she intends to operate for at least 2 years immediately preceding the date of his or her application.

Sec. 6. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;

2. In accordance with standards contained in regulations adopted by the Department:

(a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

(b) ~~[Pass]~~ ***Except as otherwise provided in section 5 of this act, pass*** a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 7. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. ***As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, "veteran" has the meaning ascribed to it in NRS 417.005.***

Sec. 9. ***1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:***

(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;

(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

(c) The regulatory body determines that the provisions of law in the District of Columbia or the state or territory in which the applicant holds a

license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

2. An applicant for a license by endorsement pursuant to this section shall submit to the applicable regulatory body with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice his or her respective profession;

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than:

(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license

authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

Sec. 10. *A regulatory body shall develop opportunities for reciprocity of licensure for any person who:*

1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.

Sec. 11. *If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:*

1. Applied for a license from the regulatory body.

2. Been issued a license by the regulatory body.

3. Renewed a license with the regulatory body.

Sec. 12. *1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:*

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in or does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or been the subject of multiple investigations by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the

Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and sections 9 and 13 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family ~~[practice]~~ ***medicine*** and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. ***An applicant for a license may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 2:***

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

4. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

~~[~~4.~~]~~ ***5.*** Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~[5.]~~ ***6.*** If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine ~~[must]~~ ***shall*** submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~[must]~~ ***or section 9 or 13 of this act shall*** submit to the

Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 16. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~[received]~~ ***completed*** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 17. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[.]~~ ***or section 9 or 13 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~[shall]~~ ***must*** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 18. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a

written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 19. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement ***issued pursuant to NRS 630.1605 or section 13 of this act*** $600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license 400
For renewal of a limited, restricted, authorized facility or special license 400
For application for and issuance of a license as a physician assistant 400
For biennial registration of a physician assistant 800
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels 500

For verification of a listing of physicians, per hour..... 20
For furnishing a list of new physicians..... 100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

"Minimal sedation" means a minimally depressed level of consciousness, produced by a pharmacological method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

Sec. 21. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and section 20 of this act*** have the meanings ascribed to them in those sections.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ~~[~~"Conscious~~]~~ ***"Moderate*** sedation" means a ~~[~~minimally~~]~~ ***drug-induced*** depressed level of consciousness, ~~[~~produced by a pharmacologic or nonpharmacologic method or a combination thereof, in~~]~~ ***during*** which ~~[~~the~~]~~ ***:***

1. The patient retains the ability ~~[~~independently and continuously to maintain an airway and~~]~~ to respond ~~[~~appropriately~~]~~ ***purposefully*** to ~~[~~physical stimulation and~~]~~ verbal commands ~~[~~.~~]~~ ***, either alone or accompanied by light tactile stimulation;***

2. Spontaneous ventilation is adequate and no interventions are required to maintain a patent airway; and

3. Cardiovascular function is usually maintained.

Sec. 23. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[~~, ~~within the 5 years immediately preceding the date of the application,~~]~~ a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~[or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;]~~ ***; or***

(2) ~~[Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~(3)~~] Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed [~~, within the 5 years immediately preceding the date of the application,~~] a clinical examination administered by the Western Regional Examining Board.

2. [~~The clinical examination given by the Board must include components that are:~~

~~(a) Written or oral, or a combination of both; and~~

~~(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~3.~~] The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

[~~4.~~] ***3.*** All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 26. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, [~~conscious~~] ***minimal sedation, moderate*** sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 27. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	***500***
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene	300
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100

Reinstatement fee for a suspended license to practice dentistry or dental hygiene 500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene..... 500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status 500
Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 28. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice osteopathic medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this

section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 29. NRS 633.311 is hereby amended to read as follows:

633.311 ***1.*** Except as otherwise provided in NRS 633.315, ***633.381 to 633.419, inclusive, and sections 9 and 28 of this act,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~[1.]~~ ***(a)*** The applicant is 21 years of age or older;

~~[2.]~~ ***(b)*** The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~[3.]~~ ***(c)*** The applicant is a graduate of a school of osteopathic medicine;

~~[4.]~~ ***(d)*** The applicant:

~~[(a)]~~ ***(1)*** Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~[(1)]~~ ***(I)*** A hospital internship; or

~~[(2)]~~ ***(II)*** One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~[(b)]~~ ***(2)*** Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~[(c)]~~ ***(3)*** Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~[5.]~~ ***(e)*** The applicant applies for the license as provided by law;

~~[6.]~~ ***(f)*** The applicant passes:

~~[(a)]~~ ***(1)*** All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~[(b)]~~ ***(2)*** All parts of the licensing examination of the Federation of State Medical Boards ~~[of the United States, Inc.;~~

~~(c)]~~ ***;***

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified

by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~[(d)]~~ ***(4)*** A combination of the parts of the licensing examinations specified in ~~[paragraphs (a), (b) and (c)]~~ ***subparagraphs (1), (2) and (3)*** that is approved by the Board;

~~[7.]~~ ***(g)*** The applicant pays the fees provided for in this chapter; and

~~[8.]~~ ***(h)*** The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 30. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 31. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 32. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~[.]~~ ***or section 9 or 28 of this act;***

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel,

continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board ~~[shall]~~ ***must*** issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 33. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section shall submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 34. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ ***Except as otherwise provided in section 9 or 33 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry ~~[must]~~ ***shall*** submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 35. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia ~~[must]~~ ***shall*** submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ ***Except as otherwise provided in section 9 or 33 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 36. NRS 641B.275 is hereby amended to read as follows:

641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:

(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or

(b) Who:

(1) Possesses a baccalaureate degree or a master's degree in a related field of study from an accredited college or university recognized by the Board; and

(2) Presents evidence of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board.

2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.

3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.

4. ***The Board may grant a provisional license to engage in social work as an independent social worker or as a clinical social worker pursuant to a plan of supervision established by the Board by regulation to a person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States if:***

(a) The person applied for a license to engage in social work as an independent social worker or a clinical social worker without examination pursuant to NRS 641B.270; and

(b) The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter.

5. The Board shall establish by regulation the period during which a provisional license issued pursuant to this section will be valid. The period must be:

(a) ~~[~~No~~]~~ ***Not*** longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and

(b) ~~[~~No~~]~~ ***Not*** longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.

Sec. 37. NRS 641B.300 is hereby amended to read as follows:

641B.300 The Board shall charge and collect fees not to exceed the following amounts for:

Initial application.....~~[~~$40~~]~~ ***$120***
Provisional license.....~~[~~75~~]~~ ***225***
Initial issuance of a license.....~~[~~100~~]~~ ***300***
Annual renewal of a license .....~~[~~150~~]~~ ***450***
Restoration of a suspended license or reinstatement of a revoked license .....~~[~~150~~]~~ ***450***

Restoration of an expired license .....~~[200]~~ ***600***
Renewal of a delinquent license .....~~[100]~~ ***300***
Reciprocal license without examination.....~~[100]~~ ***300***
Application to provide a course of continuing education 100

Sec. 38. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 250 to Assembly Bill 89 authorizes the Nevada Equal Rights Commission to review employment policies that provide hiring preference to a veteran or spouse of a veteran. The amendment also provides that a reciprocal agreement entered into by the regulatory body must not authorize a person to practice his or her profession concurrently in this state unless the person meets certain credentialing requirements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

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

Amendment No. 505.

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary **court-ordered** admission of such a person to certain facilities or programs; **expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis;** expanding the list of persons authorized to complete ~~[a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness;]~~ **certain certificates concerning the mental condition of another;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) **Section ~~[1]~~ 1.5** of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

Existing law requires a person to be examined by a physician, physician assistant or advanced practice registered nurse before being admitted to

a mental health facility on an emergency basis. (NRS 433A.165) Section 1.6 of this bill authorizes a paramedic to conduct such an examination.

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of the mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) **Sections 1, 1.7, 2 , ~~[and]~~ 3 and 4** of this bill authorize a physician assistant **~~[,]~~ under the supervision of a psychiatrist, a** psychologist, **a clinical** social worker **~~[or]~~ with certain psychiatric training and experience, an advanced practice** registered nurse **with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services** to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. **Sections 4.2 and 4.7 of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.**

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with a mental illness. (NRS 433A.197) Section 3 also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) **Section 4 ~~[of this bill]~~** further authorizes a physician assistant to file such a petition.

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

Section 1. **NRS 433A.145 is hereby amended to read as follows:**

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe

that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.6. **NRS 433A.165 is hereby amended to read as follows:**

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS **,** ~~[or]~~ an advanced practice registered nurse licensed pursuant to NRS 632.237 ***or a paramedic certified pursuant to chapter 450B of NRS*** at any location where such a physician, physician assistant **,** ~~[or]~~ advanced practice registered nurse ***or paramedic*** is authorized to conduct such an examination to determine whether the person has a medical

problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, physician assistant **, ~~[or]~~** advanced practice registered nurse ***or paramedic*** who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses ***, paramedics*** or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 1.7. **NRS 433A.170 is hereby amended to read as follows:**

433A.170 ~~[Except as otherwise provided in this section, the]~~ ***The*** administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist or a licensed psychologist ***, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]~~ The certificate required by this section may be obtained from a ~~[psychiatrist,]~~ licensed psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or

hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital **,** ***a physician assistant*** ~~***[,]***~~ ***under the supervision of a psychiatrist, a psychologist, a clinical social worker*** ~~***[or]***~~ ***who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist **,** ~~**[or]**~~ physician **,** ***physician assistant, clinical social worker*** ~~***[or]***~~ ***, advanced practice registered nurse or accredited agent of the Department*** who is related by blood or marriage within the ~~**[first]**~~ ***second*** degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ~~**[.]**~~ ***, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department.*** The certificate authorized pursuant to NRS 433A.195 must ~~**[**set forth**]**~~ ***describe*** in detail the facts and reasons on which the examining physician ***, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** based his or her opinions and conclusions.

Sec. 4. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be

filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, ***physician assistant,*** psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or ***a*** licensed psychologist ***, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 4.2. **NRS 632.120 is hereby amended to read as follows:**

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. **NRS 641B.160 is hereby amended to read as follows:**

641B.160 The Board shall adopt ~~[such]~~ ***:***

1. Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~[.]~~ ***; and***

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment authorizes a paramedic to conduct an examination to admit a person to a mental health facility on an emergency basis; expands the list of persons who may complete a certificate relating to a person with a mental illness; requires certain boards to adopt regulations prescribing the psychiatric training and experience necessary to complete a certificate; and prohibits a person who is related to an alleged person with mental illness by blood or marriage within the second degree of consanguinity from the involuntary commit process.

Amendment adopted.

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

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 3:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that upon return from the printer, Assembly Bill No. 91 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 297 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 51 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 294 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 294.

Bill read third time.

The following amendment was proposed by Assemblyman Thompson:

Amendment No. 567.

AN ACT relating to public health; requiring the Department of Health and Human Services to report information concerning the suicide mortality rate of veterans to the Interagency Council on Veterans Affairs; **requiring certain providers of health care to receive training relating to suicide assessment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation, powers and duties of the Department of Veterans Services and the Interagency Council on Veterans Affairs. (NRS 417.0191-417.105) **Section 2** of this bill requires the Department of Health and Human Services to report to the Council certain information relating to the suicide mortality rate of veterans and requires the Council to report such information annually to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

Existing law requires certain health care professionals to receive training relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. (NRS 450B.180, 630.253, 631.342, 632.343) Section 2.5 of this bill requires certain providers of health care to receive training relating to suicide assessment, screening and referral and authorizes any provider of health care to use credit for completing such training in place of not more than 3 hours of the requirements for continuing education, not relating to ethics, of the provider of health care.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Health and Human Services shall provide, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, a report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State to the Interagency Council on Veterans Affairs. The Department of Health and Human Services shall submit such information to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Council shall, upon receiving the information submitted pursuant to this section, analyze and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 3 of NRS 417.0195.

Sec. 2.5. **Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each person licensed, certified or registered pursuant to chapter 630, 630A, 633, 640A, 641, 641A, 641B or 641C of NRS shall complete a course of instruction, within 2 years after initial licensure, certification or registration, as applicable, relating to suicide assessment, screening and referral. The course must provide at least 3 hours of instruction relating to suicide assessment, screening and referral and be approved by the appropriate health care licensing board.

2. Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care who is required to complete continuing education may use the completion of a course of instruction pursuant to this section in place of not more than 3 hours of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

3. Each health care licensing board may adopt such regulations as it determines to be necessary to carry out the provisions of this section.

4. As used in this section, "health care licensing board" means a board created pursuant to chapter 630, 630A, 633, 640A, 641, 641A, 641B or 641C of NRS.

Sec. 3. This act becomes effective ~~[on]~~ **:**

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

2. On January 1, 2016 ~~[.]~~ **, for all other purposes.**

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

This amendment requires certain providers of health care to receive training related to suicide assessment, screening, and referral, and authorizes any provider of health care to use credit for completing such training in place of not more than three hours of the requirements for continuing education not relating to ethics. I would also like to thank the Chairman of Commerce and Labor for working closely with me on this amendment as well as the input from many active veteran groups.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 26.

AN ACT relating to education; requiring reports of accountability for public schools to include certain information regarding pupils who qualify for free or reduced-price lunches pursuant to federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the ~~[board]~~ **State Board of Education, the boards** of trustees of ~~[each]~~ school ~~[district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school]~~ **districts and the sponsors of charter schools** to prepare ~~[an]~~ annual ~~[report]~~ **reports** of accountability that ~~[contains]~~ **contain** certain information ~~[.]~~ **regarding public schools and pupils enrolled**

in public schools. (NRS 385.347 ~~[)]~~ **, 385.3572)** **Section ~~[1]~~ 1.2** of this bill requires ~~[this]~~ **the** annual report **of accountability prepared by each school district and the sponsor of each charter school** to include: (1) the number and percentage of pupils who are eligible for free or reduced-price **breakfasts pursuant to federal law; (2) the number and percentage of pupils who are eligible for free or reduced-price** lunches pursuant to federal law; ~~[(2)]~~ **(3) the number and percentage of pupils who are eligible for free or reduced-price breakfasts and who receive free and reduced-price breakfasts; (4) the number and percentage of pupils who are eligible for free or reduced-price lunches and who receive free and reduced-price lunches; (5)** a comparison of the achievement and proficiency of pupils **, reported separately by race,** who are eligible for free or reduced-price **breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price** lunches ~~[for]~~ **, pupils who receive free and reduced-price lunches and** pupils who ~~[belong to each race]~~ **are not eligible** for ~~[which data is collected to the general population;]~~ **free or reduced-price breakfasts or lunches;** and ~~[(3)]~~ **(6)** a comparison of pupils **, reported separately by race,** who are eligible for free or reduced-price **breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free and reduced-price** lunches ~~[, reported separately by race.]~~ **and pupils who receive free and reduced-price lunches in certain areas for which data is collected. Section ~~[1]~~ 1.2** also authorizes the State Board of Education to adopt any regulations necessary to carry out the provisions of this bill. **Section 1.4 of this bill requires the annual report of accountability prepared by the State Board to include the same information for the State as a whole.**

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

Section 1. Chapter 385 of NRS is hereby amended by adding ~~[thereto a new section to read as follows:]~~ **the provisions set forth as sections 1.2 and 1.4 of this act.**

Sec. 1.2. 1. The annual report of accountability prepared pursuant to NRS 385.347 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price ~~[lunches;]~~ ***breakfasts;***

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches , pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

~~[(e)]~~ (f) A comparison of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(1) Retention rates;

(2) Graduation rates;

(3) Dropout rates;

(4) Grade point averages; and

(5) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.4. The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches

and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

Sec. 2. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.3891, inclusive, ***and ~~[section 1]~~ sections 1.2 and 1.4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.3891, inclusive, ***and ~~[section 1]~~ sections 1.2 and 1.4 of this act*** do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385.347 to 385.3495, inclusive, ***and section ~~[1]~~ 1.2 of this act*** for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, ***and section ~~[1]~~ 1.2 of this act,*** and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, ***and section ~~[1]~~ 1.2 of this act,*** if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the

statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385.347 to 385.3495, inclusive, ***and section ~~[1]~~ 1.2 of this act,*** as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to this section and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;
(2) Nevada Association of School Boards;
(3) Nevada Association of School Administrators;
(4) Nevada Parent Teacher Association;
(5) Budget Division of the Department of Administration;
(6) Legislative Counsel Bureau; and
(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher

Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to this section is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to this section.

Sec. 4.5. **NRS 385.3572 is hereby amended to read as follows:**

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive ~~.~~ ***, and section 1.4 of this act.***

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, ***and section 1.4 of this act,*** if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district;

(6) Governing body of each charter school; and

(7) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.

5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 26 adds that the report of state accountability prepared by the State Board of Education include information concerning pupils who are eligible for free or reduced priced breakfasts for each school in the district, including charter schools and the district as a whole. The bill further requires the report completed by the State Board of Education to include the same information for Nevada on a statewide basis.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 324.

SUMMARY—Clarifies rights of public school pupils regarding the free exercise of religion. ~~[.]~~ **and freedom of expression.** (BDR 34-520)

AN ACT relating to education; clarifying the rights of pupils at public schools regarding the free exercise of religion ~~[; providing]~~ **and freedom of expression; requiring the governing body of each public school to adopt a policy providing** a grievance process for pupils claiming that ~~[their]~~ **those** rights ~~[of free exercise of religion]~~ have been violated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill clarifies that pupils at public schools are entitled to ~~[:~~ ~~(1) pray to the same extent and under the same circumstances as pupils are allowed to meditate, reflect or speak on nonreligious matters; (2) express a religious viewpoint to the same extent and under the same circumstances as pupils are allowed to express a viewpoint on a nonreligious matter; (3) possess or distribute religious literature to the same extent and under the same circumstances as pupils are allowed to possess or distribute literature on a nonreligious matter; and (4) organize or participate in any prayer group, religious club or religious gathering before, during or after regular school hours to the same extent and under the same circumstances as pupils are allowed to organize and participate in any extracurricular group or activity before, during and after regular school hours. Section 2 also authorizes the boards of trustees of each school district and the governing bodies of charter schools and university schools for profoundly gifted pupils to disclaim sponsorship of extracurricular groups and activities held at a school or facility of the school district, charter school or university school for profoundly gifted pupils in a manner that neither favors nor disfavors religious groups.~~

~~— Section 3 of this bill provides a grievance process for pupils claiming that a right conferred by section 2 has been violated. Section 3 authorizes pupils at most public schools to allege such a violation first to the principal at the school, then to the superintendent of the school district in which the school is located and finally to the board of trustees of the school district. For pupils at a charter school or a university school for profoundly gifted pupils, section 3 authorizes pupils to allege a violation to the administrative head of the school and then to the governing body of the school. Section 3 also provides a right of action to any pupil whose rights have allegedly been violated and who has exhausted the grievance process described above.~~] **express themselves in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution, provided that such**

expression does not disrupt instruction at a public school, is not used to bully or intimidate any person and is not organized, broadcast or endorsed by the public school. Section 2 also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights described in section 2 have been violated.

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

Section 1. ~~[Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. **Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each pupil of a public school, including, without limitation, each pupil of a university school for profoundly gifted pupils, is entitled to ~~*[:*~~

~~*(a) Pray, either silently or audibly and either alone or with other pupils, to the same extent and under the same circumstances as each pupil is allowed to meditate, reflect or speak on a nonreligious matter, either alone or with other pupils.*~~

~~*(b) Speak or otherwise express a religious viewpoint, including, without limitation, express a religious viewpoint in any school work, to the same extent and under the same circumstances as each pupil is allowed to speak or otherwise express a viewpoint on a nonreligious matter.*~~

~~*(c) Possess or distribute religious literature to the same extent and under the same circumstances as each pupil is allowed to possess or distribute literature on a nonreligious matter.*~~

~~*(d) Organize or participate in a prayer group, religious club or any other religious gathering before, during or after regular school hours to the same extent and under the same circumstances as each pupil is allowed to organize or participate in any other extracurricular group or activity before, during or after regular school hours.*~~

~~*2. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils may disclaim sponsorship of any extracurricular school group or any activity held at a school or other facility of the school district, charter school or university school for profoundly gifted pupils in a manner that neither favors nor disfavors any group that meets to pray or otherwise express a viewpoint on a religious matter.]*** ***express himself or herself in a manner consistent with the rights guaranteed by the First and Fourteenth Amendments to the United States Constitution.***

2. Any expression described in subsection 1 must not be disruptive of instruction at a public school, including, without limitation, a university school for profoundly gifted pupils, must not be used to bully or intimidate any person and must not be organized, broadcast or endorsed by a public

school, including, without limitation, a university school for profoundly gifted pupils.

3. The board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils must adopt a policy prescribing procedures for the resolution of a complaint by a pupil of the school district, charter school or university school for profoundly gifted pupils that the rights of the pupil described in subsection 1 have been violated. The policy required by this subsection may be part of a comprehensive discrimination grievance policy of the school district, charter school or university school for profoundly gifted pupils or may be a separate policy.

Sec. 3. *[1. Pursuant to the provisions of subsection 2 or 3, as applicable, a pupil of a public school, including, without limitation, a university school for profoundly gifted pupils, may complain that a right of the pupil conferred by section 2 of this act has been violated.*

2. For a public school that is not a charter school or a university school for profoundly gifted pupils:

(a) A pupil may complain, orally or in writing, to the principal of the school that a right of the pupil conferred by section 2 of this act has been violated. As soon as practicable upon receipt of the complaint, the principal shall schedule a meeting to discuss the complaint with the pupil, with a parent or legal guardian of the pupil, or with the pupil and a parent or legal guardian of the pupil. The meeting must be held not later than 10 days after the receipt of the complaint unless the pupil agrees to a later date.

(b) If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil, the pupil may complain in writing to the superintendent of schools of the school district in which the school is located that a right of the pupil conferred by section 2 of this act has been violated. The complaint must:

(1) Be submitted to the superintendent not later than 30 days after the meeting held pursuant to paragraph (a); and

(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.

(c) As soon as practicable after receiving the complaint, the superintendent shall begin an investigation of the allegations included in the complaint. Not later than 30 days after receiving the complaint, the superintendent shall notify the pupil of any action that the superintendent has taken or will take to resolve the concerns of the pupil.

(d) If the superintendent notifies the pupil that no action has been or will be taken, or if any action taken does not resolve the concerns of the pupil to the satisfaction of the pupil, the pupil may make a written request to the board of trustees of the school district in which the school is located to hear a complaint that a right of the pupil conferred by section 2 of this act has been violated. The request must:

~~(1) Be submitted to the board of trustees not later than 30 days after the pupil is notified pursuant to paragraph (c); and~~

~~(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~(e) Not later than 45 days after receiving the request, the board of trustees shall determine whether to hold a hearing on the complaint and shall notify the pupil of the determination. If the board of trustees determines to hold a hearing, the hearing must be held not later than the next regular meeting of the board of trustees to be held after making the determination. At the hearing, the board of trustees shall determine whether to take any action to resolve the concerns of the pupil.~~

~~(f) If the board of trustees determines not to hold a hearing, or if a hearing is held but any action taken by the board does not satisfy the concerns of the pupil, the pupil may file a civil action in the district court of the county in which the school is located for declaratory, injunctive and monetary relief against the board of trustees. Such an action must be filed not later than:~~

~~(1) Thirty days after the hearing; or~~

~~(2) If the board of trustees determines not to hold a hearing, 30 days after the pupil is notified of that determination.~~

~~3. For a charter school or a university school for profoundly gifted pupils:~~

~~(a) A pupil may complain, orally or in writing, to the administrative head of the charter school or university school for profoundly gifted pupils that a right of the pupil conferred by section 2 of this act has been violated. As soon as practicable upon receipt of the complaint, the administrative head shall schedule a meeting to discuss the complaint with the pupil, with a parent or legal guardian of the pupil, or with the pupil and a parent or legal guardian of the pupil. The meeting must be held not later than 10 days after the receipt of the complaint unless the pupil agrees to a later date.~~

~~(b) If, after the meeting, the concerns of the pupil are not resolved to the satisfaction of the pupil, the pupil may make a written request to the governing body of the charter school or university school for profoundly gifted pupils to hear a complaint that a right of the pupil conferred by section 2 of this act has been violated. The request must:~~

~~(1) Be submitted to the governing body not later than 30 days after the meeting held pursuant to paragraph (a); and~~

~~(2) Include specific allegations regarding the violation of a right of the pupil conferred by section 2 of this act.~~

~~(c) Not later than 45 days after receiving the request, the governing body shall determine whether to hold a hearing on the complaint and shall notify the pupil of the determination. If the governing body determines to hold a hearing, the hearing must be held not later than the next regularly scheduled public meeting of the governing body to be held after making the determination. At the hearing, the governing body shall determine whether to take any action to resolve the concerns of the pupil.~~

~~*(d) If the governing body determines not to hold a hearing, or if a hearing is held but any action taken by the governing body does not satisfy the concerns of the pupil, the pupil may file a civil action in the district court of the county in which the school is located for declaratory, injunctive and monetary relief against the governing body. Such an action must be filed not later than:*~~

~~*(1) Thirty days after the hearing; or*~~

~~*(2) If the governing body determines not to hold a hearing, 30 days after the pupil is notified of that determination.*~~

~~*4. In a civil action filed pursuant to this section:*~~

~~*(a) The prevailing party is entitled to recover reasonable attorney's fees and costs of suit.*~~

~~*(b) If the court finds for the pupil, the court shall award the pupil the sum of $10,000 or the amount of his or her actual damages, whichever is greater.*~~

~~*5. As used in this section, unless the context otherwise requires, "pupil" includes a parent or guardian of a pupil.]*~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

This amendment simplifies the bill by providing a statement that a pupil in a public school may express himself or herself in a manner consistent with religious rights guaranteed under the First Amendment to the *United States Constitution* as long as such expressions are not disruptive of instructional time or used for bullying or to intimidate. It requires the school district to have an antidiscrimination grievance policy in place for pupils to register complaints concerning restrictions upon such expressions that may be in conflict with the provisions set forth in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 234.

AN ACT relating to domestic relations; revising provisions governing the division of property and the award of alimony or spousal support in cases involving veterans with a service-connected disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in granting a divorce, a court must make an equal disposition of the community property of the parties and of any property held in joint tenancy by the parties. (NRS 125.150) **Existing law also provides that, under certain circumstances, a court may award alimony or spousal support to either spouse. (NRS 125.150, 125.210) Section 2** of this bill provides that unless a valid premarital agreement provides otherwise, in making a disposition of ~~[such]~~ **the community and joint tenancy** property ~~[,]~~

, and in making an alimony award, the court must not: (1) ~~[consider]~~ **attach, levy or seize** any federal disability benefits awarded to a veteran for a disability connected to his or her ~~[service in the]~~ military ~~[.]~~ **service;** or (2) ~~[indemnify the veteran's spouse or former spouse, or award the veteran's spouse or former spouse any of the veteran's income or property, for a waiver or reduction in military retirement or retainer pay related to the receipt of the veteran's disability.]~~ **make an assignment of or otherwise divide any such** benefits.

~~[Existing law provides that under certain circumstances, a court may award alimony or spousal support to either spouse. (NRS 125.150, 125.210) Sections 3 and]~~ **Section 5** of this bill ~~[provide]~~ **provides** that unless a valid premarital agreement provides otherwise, in ~~[determining whether to]~~ **making an** award ~~[alimony or]~~ **of** spousal support **,** ~~[or the amount of any award of alimony or spousal support,]~~ the court must not consider any federal disability benefits awarded to ~~[the other spouse]~~ **a veteran** for a disability connected to his or her service in the military.

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

Section 1. Chapter 125 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in making a disposition of the community property of the parties and any property held in joint tenancy by the parties, and in making an award of alimony, the court shall not:***

1. ~~[Consider]~~ Attach, levy or seize by or under any legal or equitable process either before or after receipt by a veteran, any federal disability benefits awarded to a veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.

2. ~~[Indemnify a veteran's spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement or retainer pay related to the receipt of]~~ Make an assignment or otherwise divide any federal disability benefits awarded to ~~[the]~~ a veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.

~~[3. Award any other income or property of a veteran to the veteran's spouse or former spouse for any prejudgment or postjudgment waiver or reduction in military retirement or retainer pay related to the receipt of federal disability benefits awarded to the veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.]~~

Sec. 3. ~~***[Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award alimony or the amount of any award of alimony, the court shall not consider any federal disability benefits awarded to the other spouse for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.]***~~ **(Deleted by amendment.)**

Sec. 4. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 ***and sections 2 and 3 of this act*** and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

8. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

9. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job,

career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

10. If the court determines that alimony should be awarded pursuant to the provisions of subsection 9:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

11. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Sec. 5. NRS 125.210 is hereby amended to read as follows:

125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse;

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;

(c) Provide that the payment of that money be secured upon real estate or other security, or make any other suitable provision; and

(d) Determine the time and manner in which the payments must be made.

2. The court may not:

(a) Assign and decree to either spouse the possession of any real or personal property of the other spouse; or

(b) Order or decree the payment of a fixed sum of money for the support of the other spouse,

➥ if it is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. ***Unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS, in determining whether to award money for the support of a spouse or the amount of any award of money for the support of a spouse, the court shall not*** ~~***[consider]***~~ ***attach, levy or seize by or under any legal or equitable process, either before or after receipt by a veteran, any federal disability benefits awarded to*** ~~***[the other spouse]***~~ ***a veteran for a service-connected disability pursuant to chapter 11 of Title 38 of the United States Code.***

4. Except as otherwise provided in chapter 130 of NRS, the court may change, modify or revoke its orders and decrees from time to time.

~~[4.]~~ ***5.*** No order or decree is effective beyond the joint lives of the husband and wife.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment clarifies that a court cannot attach, levy, or seize by or under any legal or equitable process any federal disability benefits awarded to a veteran for a disability connected to his or her military service for a disposition of community and joint tenancy property, for an alimony award, or for the support of a spouse unless there is a valid premarital agreement.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 319.

SUMMARY— ~~[Authorizes certain entities to obtain and provide or administer]~~ **Revises and expands provisions relating to obtaining, providing and administering** auto-injectable epinephrine in certain circumstances. (BDR 40-66)

AN ACT relating to public health; authorizing certain entities to obtain auto-injectable epinephrine for use when a person experiences anaphylaxis; specifying the qualifications of persons authorized to provide or administer auto-injectable epinephrine; requiring certain entities that maintain auto-injectable epinephrine to report the circumstances surrounding each administration of auto-injectable epinephrine; **authorizing certain providers of health care to issue an order for auto-injectable epinephrine to a school**

or certain other entities; providing immunity to certain persons for acts or omissions relating to the acquisition, possession or administration of auto-injectable epinephrine in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school in this State to obtain an order from a physician for auto-injectable epinephrine and maintain at least two doses at the school. (NRS 388.424) Existing law also authorizes a private school to obtain such an order and maintain auto-injectable epinephrine at the school. (NRS 394.1995) A school nurse or other trained employee at a public or private school that maintains auto-injectable epinephrine pursuant to such an order is authorized, during regular school hours, to administer auto-injectable epinephrine maintained at the school to any pupil on the premises of the school whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis. (NRS 388.424, 394.1995)

Section 3 of this bill authorizes an authorized entity to obtain an order from a physician **, physician assistant or advanced practice registered nurse** for auto-injectable epinephrine, and **section 2** of this bill defines an "authorized entity" as any public or private entity, other than a public or private school, where allergens capable of causing anaphylaxis may be present on the premises of the entity or in connection with activities conducted by the entity. **Sections 6 , 6.5 and 7** of this bill authorize a physician **, physician assistant or advanced practice registered nurse** to issue such an order. **Additionally, sections 5.2, 5.7, 6, 6.5 and 7 of this bill authorize a physician assistant or advanced practice registered nurse to issue an order for auto-injectable epinephrine to a public or private school.**

Section 3 authorizes an authorized entity that has obtained such an order to maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present. Additionally, **section 3** provides that auto-injectable epinephrine maintained by an authorized entity may be provided or administered by: (1) an owner, employee or agent of the authorized entity who has received certain training; or (2) a person, other than an owner, employee or agent of the authorized entity, who is trained in the administration of auto-injectable epinephrine. **Section 3** also requires an authorized entity to report the circumstances surrounding each administration of auto-injectable epinephrine to: (1) the State Board of Health if it occurs in a county whose population is less than 700,000 (currently all counties other than Clark County); or (2) the district board of health if it occurs in a county whose population is 700,000 or more (Clark County). **Section 4** of this bill prescribes requirements for the training to be provided to the owners, employees and agents of an authorized entity concerning the storage and administration of auto-injectable epinephrine.

Sections ~~[5-8]~~ 5 and 6-8 of this bill exempt an authorized entity that maintains auto-injectable epinephrine, **a person who administers auto-**

injectable epinephrine, a physician **, physician assistant or advanced practice registered nurse** who issues ~~[a prescription]~~ **an order** to authorize a school or an authorized entity to acquire and maintain auto-injectable epinephrine, a pharmacist who dispenses auto-injectable epinephrine pursuant to such an order and certain other persons from liability for certain damages relating to the acquisition, possession, provision or administration of auto-injectable epinephrine not amounting to gross negligence or willful or wanton conduct.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "authorized entity" means any public or private entity where allergens capable of causing anaphylaxis may be present on the premises of the entity or in connection with activities conducted by the entity. Such an entity may include, without limitation, a restaurant, recreation program, sports league, amusement park, stadium or arena. The term does not include a public or private school.***

Sec. 3. ***1. An authorized entity may obtain an order for auto-injectable epinephrine from a physician , ~~[or]~~ osteopathic physician ~~[for auto-injectable epinephrine]~~ , physician assistant or advanced practice registered nurse, pursuant to NRS 630.374 or 633.707 or section 6.5 of this act to be maintained by the authorized entity at any location under control of the authorized entity where allergens capable of causing anaphylaxis may be present. If a dose of auto-injectable epinephrine maintained by the authorized entity is used or expires, the authorized entity may obtain an additional dose of auto-injectable epinephrine to replace the used or expired dose.***

2. Auto-injectable epinephrine maintained by an authorized entity pursuant to this section may be provided to a person for self-administration or may be administered to any person reasonably believed to be experiencing anaphylaxis by:

(a) An owner, employee or agent of the authorized entity who has received the training required pursuant to section 4 of this act; or

(b) A person, other than an owner, employee or agent of the authorized entity, who is trained to recognize the symptoms of anaphylaxis and to administer auto-injectable epinephrine, who may include, without limitation, a provider of health care, a provider of emergency medical services , an athletic trainer or a family member of a person who suffers from allergies capable of causing anaphylaxis.

3. An authorized entity shall:

(a) Store auto-injectable epinephrine in a designated, secure location that is easily accessible and in compliance with the instructions provided by the

manufacturer of the auto-injectable epinephrine and any requirements prescribed by the board; and

(b) Designate one or more employees or agents who have received the training described in section 4 of this act to be responsible for the storage, maintenance and oversight of the auto-injectable epinephrine maintained by the authorized entity.

4. Not later than 30 days after a dose of auto-injectable epinephrine maintained by an authorized entity is administered, the authorized entity shall report, on a form prescribed by the board, the circumstances surrounding such administration. The board shall publish an annual report summarizing and analyzing the information reported by authorized entities pursuant to this subsection.

5. As used in this section:

(a) "Provider of emergency medical services" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to this chapter.

(b) "Provider of health care" means a physician, nurse or physician assistant registered or licensed in this State.

Sec. 4. ***1. Before administering auto-injectable epinephrine pursuant to section 3 of this act, an owner, employee or agent of an authorized entity must receive training that is provided by a nationally recognized organization that provides training to persons who are not health care professionals in the provision of health care or emergency medical services or a person or organization approved by the board to provide the training. Such training:***

(a) May be provided in person or through a program of distance education; and

(b) Must include, without limitation, instruction in:

(1) Recognizing the symptoms of a severe allergic reaction, including anaphylaxis;

(2) The proper storage and administration of auto-injectable epinephrine; and

(3) Follow-up procedures after the administration of auto-injectable epinephrine.

2. Upon completion of the training required pursuant to subsection 1, a person must be issued a certificate on a form developed or approved by the board to evidence completion of the training.

3. As used in this section, "distance education" means a program that offers instruction which is delivered by the Internet in such a manner that the person supervising or providing the instruction and the person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 5. ***1. An authorized entity that maintains auto-injectable epinephrine pursuant to section 3 of this act, an owner, employee or agent of such an authorized entity , a person who administers auto-injectable***

***epinephrine pursuant to section 3 of this act** and a person or organization that provides training pursuant to section 4 of this act is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine as authorized pursuant to section 3 of this act not amounting to gross negligence or reckless, willful or wanton conduct.*

2. A person who administers auto-injectable epinephrine pursuant to section 3 of this act shall not be deemed to have engaged in the practice of medicine, osteopathic medicine or respiratory care for the purposes of chapter 630 or 633 of NRS or to have otherwise violated any provision relating to the practice of medicine, osteopathic medicine or respiratory care.

Sec. 5.2. **NRS 388.424 is hereby amended to read as follows:**

388.424 1. Each public school, including, without limitation, each charter school, shall obtain an order from a physician**,** ~~[or]~~ osteopathic physician ***, physician assistant or advanced practice registered nurse*** for auto-injectable epinephrine pursuant to NRS 630.374 or 633.707 ***or section 6.5 of this act*** and acquire at least two doses of the medication to be maintained at the school. If a dose of auto-injectable epinephrine maintained by the public school is used or expires, the public school shall ensure that at least two doses of the medication are available at the school and obtain additional doses to replace the used or expired doses if necessary.

2. Auto-injectable epinephrine maintained by a public school pursuant to this section may be administered:

(a) At a public school other than a charter school, by a school nurse or any other employee of the public school who has been designated by the school nurse and has received training in the proper storage and administration of auto-injectable epinephrine; or

(b) At a charter school, by the employee designated to be authorized to administer auto-injectable epinephrine pursuant to NRS 386.598 if the person has received the training in the proper storage and administration of auto-injectable epinephrine.

3. A school nurse or other designated employee of a public school may administer auto-injectable epinephrine maintained at the school to any pupil on the premises of the public school during regular school hours whom the school nurse or other designated employee reasonably believes is experiencing anaphylaxis.

4. A public school may accept gifts, grants and donations from any source for the support of the public school in carrying out the provisions of this section, including, without limitation, the acceptance of auto-injectable epinephrine from a manufacturer or wholesaler of auto-injectable epinephrine.

Sec. 5.7. **NRS 394.1995 is hereby amended to read as follows:**

394.1995 1. A private school may obtain an order from a physician**,** ~~[or]~~ osteopathic physician ***, physician assistant or advanced practice registered nurse,*** for auto-injectable epinephrine pursuant to NRS 630.374 or 633.707 ***or section 6.5 of this act*** to be maintained at the school. If a dose of auto-

injectable epinephrine maintained by the private school is used or expires, the private school may obtain additional doses of auto-injectable epinephrine to replace the used or expired auto-injectable epinephrine.

2. Auto-injectable epinephrine maintained by a private school pursuant to this section may be administered by a school nurse or any other employee of the private school who has received training in the proper storage and administration of auto-injectable epinephrine.

3. A school nurse or other trained employee may administer auto-injectable epinephrine maintained at the school to any pupil on the premises of the private school during regular school hours whom the school nurse or other trained employee reasonably believes is experiencing anaphylaxis.

4. A private school shall ensure that auto-injectable epinephrine maintained at the school is stored in a designated, secure location that is unlocked and easily accessible.

Sec. 6. NRS 630.374 is hereby amended to read as follows:

630.374 1. A physician ***or physician assistant*** may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. ***A physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.***

3. An order issued pursuant to subsection 1 ***or 2*** must contain:

(a) The name and signature of the physician ***or physician assistant*** and the address of the physician ***or physician assistant*** if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school ***or authorized entity*** to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~[3.]~~ ***4.*** A physician ***or physician assistant*** is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***or 2*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[4.]~~ ***5. A physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the ~~[osteopathic]~~ physician***

***or physician assistant** pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the physician ~~[.]~~ or physician assistant.*

6. As used in this section:

(a) "***Authorized entity" has the meaning ascribed to it in section 2 of this act.***

(b) **"**Private school" has the meaning ascribed to it in NRS 394.103.

~~[(b)]~~ ***(c)*** **"**Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 6.5. **Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An advanced practice registered nurse may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. An advanced practice registered nurse may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

3. An order issued pursuant to subsection 1 or 2 must contain:

(a) The name and signature of the advanced practice registered nurse and the address of the advanced practice registered nurse if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school or authorized entity to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

4. An advanced practice registered nurse is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 or 2 to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

5. An advanced practice registered nurse is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the advanced practice registered nurse pursuant to subsection 1 or 2 not resulting from gross negligence or reckless, willful or wanton conduct of the advanced practice registered nurse.

6. As used in this section:

(a) "Authorized entity" has the meaning ascribed to it in section 2 of this act.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 7. NRS 633.707 is hereby amended to read as follows:

633.707 1. An osteopathic physician ***or physician assistant*** may issue to a public or private school an order to allow the school to obtain and maintain auto-injectable epinephrine at the school, regardless of whether any person at the school has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.

2. ***An osteopathic physician or physician assistant may issue to an authorized entity an order to allow the authorized entity to obtain and maintain auto-injectable epinephrine at any location under the control of the authorized entity where allergens capable of causing anaphylaxis may be present, regardless of whether any person employed by, affiliated with or served by the authorized entity has been diagnosed with a condition which may cause the person to require such medication for the treatment of anaphylaxis.***

3. An order issued pursuant to subsection 1 ***or 2*** must contain:

(a) The name and signature of the osteopathic physician ***or physician assistant*** and the address of the osteopathic physician ***or physician assistant*** if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the public or private school ***or authorized entity*** to which the order is issued;

(d) The name, strength and quantity of the drug authorized to be obtained and maintained by the order; and

(e) The date of issue.

~~[3.]~~ ***4.*** An osteopathic physician ***or physician assistant*** is not subject to disciplinary action solely for issuing a valid order pursuant to subsection 1 ***or 2*** to an entity other than a natural person and without knowledge of a specific natural person who requires the medication.

~~[4.]~~ ***5. An osteopathic physician or physician assistant is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine maintained by a public or private school or authorized entity pursuant to an order issued by the osteopathic physician or physician assistant not resulting from gross negligence or reckless, willful or wanton conduct of the osteopathic physician ~~[.]~~ or physician assistant.***

6. As used in this section:

(a) ***"Authorized entity" has the meaning ascribed to it in section 2 of this act.***

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

~~[(b)]~~ ***(c) "***Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 8. NRS 639.2357 is hereby amended to read as follows:

639.2357 1. Upon the request of a patient, or a public or private school ***or an authorized entity*** for which an order was issued pursuant to NRS 630.374 or 633.707 ~~[,]~~ ***or section 6.5 of this act,*** a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.

4. A pharmacist is not liable for any error or omission concerning the acquisition, possession, provision or administration of auto-injectable epinephrine that the pharmacist has dispensed to a public or private school or authorized entity pursuant to an order issued pursuant to NRS 630.374 or 633.707 or section 6.5 of this act not resulting from gross negligence or reckless, willful or wanton conduct of the pharmacist.

5. As used in this section, "authorized entity" has the meaning ascribed to it in section 2 of this act.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment authorizes a physician assistant and advanced practice registered nurse to issue an order for auto-injectable epinephrine to an authorized entity and a public or private school. It adds athletic trainers to the example of persons, other than an authorized entity, who are trained to recognize symptoms of anaphylaxis and authorized to administer auto-injectable epinephrine. It exempts from liability a person who administers epinephrine and a physician assistant or advanced practice registered nurse who issues an order for auto-injectable epinephrine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

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

Amendment No. 426.

SUMMARY— ~~[Requires contractors and subcontractors on a public work to use the federal E-Verify system to verify eligibility for employment for workers on the public work and revises prevailing wage requirements for]~~ **Revises provisions relating to** public works. (BDR 28-565)

AN ACT relating to public works; ~~[requiring contractors and subcontractors on a public work to use the federal E-Verify system to verify eligibility for employment for workers on the public work;]~~ raising the estimated thresholds

at or above which prevailing wage requirements apply to certain public work construction projects; ~~[specifying that certain provisions governing the payment of prevailing wage do not apply to a school district, a charter school or the Nevada System of Higher Education; repealing provisions governing the payment of such wages by the Nevada System of Higher Education;]~~ **increasing the amount of a preference in bidding on certain public works given to contractors and certain other persons who meet certain eligibility requirements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a contractor or subcontractor on a public work must comply with certain requirements, such as making employment decisions without discrimination based on race, color, creed, national origin, sex, sexual orientation, gender identity or expression, or age. (NRS 338.125) Section 1 of this bill requires a contractor or subcontractor on a public work to use the federal E-Verify system to verify the employment eligibility of all workers on the public work.]~~

Under existing law, any contract for a public work whose cost is $100,000 or more is subject to the prevailing wage requirements. (NRS 338.080) The prevailing wage requirements also apply if a redevelopment agency provides financial incentives to the developer with a value of more than $100,000. (NRS 279.500) ~~[Existing law also provides specifically that contracts for construction work of the Nevada System of Education for which the estimated cost exceeds $100,000 require the payment of prevailing wage even if the construction work does not qualify as a public work. (NRS 338.075)]~~ **Sections 3 and 4** of this bill raise the threshold for the applicability of prevailing wage requirements from $100,000 to ~~[$5,000,000,]~~ **$350,000, require this amount to be adjusted every 5 years for inflation,** and also make a technical correction in **section 4** clarifying that if the relevant work will cost exactly ~~[$5,000,000,]~~ **$350,000,** the work is subject to the prevailing wage requirements. ~~[Section 3 also excludes from the prevailing wage requirement: (1) any contract for a public work to which a school district, a charter school or the Nevada System of Higher Education is a party; and (2) a public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education. Section 6 of this bill eliminates the requirement that the Nevada System of Higher Education pay prevailing wage on certain construction work that does not qualify as a public work.]~~

Under existing law, a contractor, applicant to serve as a construction manager at risk or design-build team may qualify to receive a 5 percent preference in bidding on certain contracts for public works if certain conditions, including the employment of a specified percentage of Nevada employees, are met. (NRS 338.1389, 338.147, 338.1693, 338.1725, 338.1727, 408.3886) Sections 3.3, 3.5, 3.6, 3.7, 3.8 and 4.5 increase the amount of that preference in bidding to 7.5 percent.

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

Section 1. ~~[Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Each contractor and subcontractor on a public work shall register and participate in the E-Verify system to verify the employment eligibility of all workers on the public work.*~~

~~*2. As used in this section, "E-Verify system" means an electronic program through which employers verify the employment eligibility of their employees administered through the United States Department of Homeland Security and established pursuant to 8 U.S.C. § 1324a.]~~ **(Deleted by amendment.)**

Sec. 2. [NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive~~.[.]~~ ***, and section 1 of this act.***

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, ~~*and section 1 of this act*~~ or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than $5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.] **(Deleted by amendment.)**

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 ***1.*** None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

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

~~[2.]~~ ***(b)*** Apprentices recorded under the provisions of chapter 610 of NRS.

~~[3.]~~ ***(c)*** Any contract for a public work whose cost is less than ~~[$100,000.~~ ~~*$5,000,000.]*~~ ***$350,000.*** A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[$100,000.~~ ~~*$5,000,000.*~~

~~*4. Any contract for a public work to which a school district, a charter school or the Nevada System of Higher Education is a party.*~~

~~*5. A public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education.]*~~ ***$350,000.***

2. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 1 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 3.3. **NRS 338.1389 is hereby amended to read as follows:**

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~[5]~~ ***7.5*** percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3.5. **NRS 338.147 is hereby amended to read as follows:**

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~[5]~~ ***7.5*** percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to

the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or

its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 3.6. **NRS 338.1693 is hereby amended to read as follows:**

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of ~~[5]~~ ***7.5*** percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will

be directly responsible for managing the preconstruction and construction of the public work.

7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of ~~[5]~~ **7.5** percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

10. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants, as determined by the panel that conducted the interviews, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 3.7. **NRS 338.1725 is hereby amended to read as follows:**

338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.

2. The public body shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721;

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team; and

(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work; and

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of ~~[5]~~ ***7.5*** percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of ~~[5]~~ ***7.5*** percent pursuant to paragraph (c) of subsection 2.

Sec. 3.8. **NRS 338.1727 is hereby amended to read as follows:**

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of ~~[5]~~ **7.5** percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 4. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency:

(a) Provides property for development at less than the fair market value of the property;

(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or

(c) Provides financial incentives to a developer with a value of ~~[more than $100,000, *$5,000,000]*~~ ***$350,000 or more,***

➥ regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an additional loan, or additional financial incentives with a value of ~~[more than $100,000, *$5,000,000]*~~ ***$350,000 or more,*** are provided to the small business or developer, as applicable.

3. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 2 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 4.5. **NRS 408.3886 is hereby amended to read as follows:**

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of ~~[5]~~ ***7.5*** percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of

eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 5. 1. The amendatory provisions of ~~[sections 3 and 4 of]~~ this act do not apply to a public work or other project of construction, repair or reconstruction that is awarded before July 1, 2015.

2. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 6. ~~[~~NRS 338.075 is hereby repealed.~~]~~ **(Deleted by amendment.)**

Sec. 7. ~~[1.]~~ This ~~[section and sections 3 to 6, inclusive, of this]~~ act ~~[become]~~ **becomes** effective on July 1, 2015.

~~[2. Sections 1 and 2 of this act become effective on October 1, 2015.~~

~~TEXT OF REPEALED SECTION~~

~~338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.]~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment deletes all the language related to the federal E-Verify requirements in the bill; lowers the threshold for prevailing wage requirements on public works projects from $5,000,000 in the original bill to $350,000; requires the Labor Commissioner to adjust the prevailing wage threshold every five years based on inflation beginning on or before January 1, 2020; and finally, increases the bidder preference from 5 to 7.5 percent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

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

Amendment No. 246.

AN ACT relating to private investigations; exempting **certain professionals who provide** information security ~~[professionals, while engaging in certain activities,]~~ from regulation as a private investigator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person engaging in the business of a private investigator must be licensed by and is subject to the regulation of the Private Investigator's Licensing Board. (NRS 648.060) Existing law defines a private investigator to include a person who conducts an investigation through the review or analysis of computerized data not available to the public. (NRS 648.012) **Section 1** of this bill defines the term "information ~~[security professional" for the purpose of exempting information security professionals from existing law governing private investigators.]~~ **security." Section ~~[2]~~ 2.5** of this bill **revises the definition of "private investigator" to exclude from the definition certain professionals who provide information security. Section 3 of this bill** exempts ~~[an]~~ **certain professionals who provide** information security ~~[professional]~~ from the provisions ~~[of chapter 648]~~ of NRS ~~[, which is the existing law]~~ governing private investigators **. ~~[, while the information security professional is engaged in those activities specified in the definition of an information security professional.]~~**

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

Section 1. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. "Information security professional" means a person with expertise in computer systems who engages in the business of establishing, maintaining and restoring the confidentiality, integrity and availability of information assets by:~~

~~(a) Participating in the design, installation and configuration of information assets;~~

~~*(b) Auditing, monitoring and testing the confidentiality, integrity and availability of information assets;*~~

~~*(c) Responding to and rectifying data breaches or failures of the confidentiality, integrity and availability of information assets;*~~

~~*(d) Analyzing information assets to determine the causes of data breaches and failures or to prevent future data breaches and failures; or*~~

~~*(e) Ensuring compliance with regulations or mandates regarding the confidentiality, integrity and availability of information assets.*~~

~~*2. The term includes, without limitation, a person commonly referred to in the information security industry by any of the following job titles:*~~

~~*(a) Data network forensic analyst;*~~

~~*(b) Data security incident handler;*~~

~~*(c) Data system intrusion analyst;*~~

~~*(d) Data system penetration tester;*~~

~~*(e) Data system perimeter protection analyst;*~~

~~*(f) Data system security administrator;*~~

~~*(g) Data system security auditor;*~~

~~*(h) Data system security controls auditor;*~~

~~*(i) Digital forensic analyst;*~~

~~*(j) Industrial control system data security analyst;*~~

~~*(k) Information governance professional;*~~

~~*(l) Information security analyst;*~~

~~*(m) Malware reverse engineer; or*~~

~~*(n) Mobile device security analyst.*~~

~~*3. As used in this section:*~~

~~*(a) "Availability" means the process by which information assets are rendered accessible to authorized persons when requested.*~~

~~*(b) "Confidentiality" means the process of protecting information assets so that data is accessible only by persons authorized to access such data.*~~

~~*(c) "Information asset" means private data and the hardware upon which the data is stored or moved.*~~

~~*(d) "Integrity" means the process of protecting information assets so the content of the data is not changed, altered or deleted by unauthorized persons.*~~]

"Information security" has the meaning ascribed to it in 44 U.S.C. § 3552. The term includes restoring the integrity, confidentiality and availability of information and information systems after a data breach, suspected data breach or other data security incident.

Sec. 2. NRS 648.005 is hereby amended to read as follows:

648.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 648.006 to 648.016, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 648.012 is hereby amended to read as follows:**

648.012 ***1. "***Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees

to make or makes any investigation for the purpose of obtaining ~~[, including, without limitation, through the review, analysis and investigation of computerized data not available to the public,]~~ information with reference to:

~~[1.]~~ ***(a)*** The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

~~[2.]~~ ***(b)*** The location, disposition or recovery of lost or stolen property;

~~[3.]~~ ***(c)*** The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

~~[4.]~~ ***(d)*** A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

~~[5.]~~ ***(e)*** Securing evidence to be used before any court, board, officer or investigating committee; or

~~[6.]~~ ***(f)*** The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

2. The term does not include:

(a) Any person who is accessing exclusively public records, public databases or any other public information; or

(b) Any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 3. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee

relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To ~~[an information security professional while engaged in an activity described in section 1 of this act.~~] any person who for any consideration engages in business or accepts employment to provide information security.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 246 to Assembly Bill 173 removes the definition of "information security professional" from the bill and inserts a reference to federal law to define the phrase "information security." The amendment also deletes language inserted in section 648.012 of *Nevada Revised Statutes* in 2013 related to the use of computerized data not available to the public and restates the intent to regulate private investigators' use of nonpublic records in another way at the end of the section. It also excludes from the definition of "private investigator" those persons who provide information security.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 182.

Bill read second time.

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

Amendment No. 368.

AN ACT relating to local governments; ~~[prohibiting]~~ **authorizing** a local government employer ~~[from entering]~~ **to enter** into an agreement to pay dues to an employee organization through deductions from compensation; prohibiting such an employer from providing paid leave or paying compensation or benefits for time spent by an employee in providing services to an employee organization; **authorizing the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner; declaring the right of a local government employee to resign from an employee organization at any time;** prohibiting the inclusion of certain employees in a bargaining unit; revising provisions relating to a reduction in force; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; requiring public notice of certain offers made in collective bargaining; eliminating final and binding fact-finding except upon the election of the governing body; removing a portion of the budgeted ending fund balance of certain governmental funds from the scope of collective bargaining and from consideration by a fact finder; eliminating statutory impasse arbitration for firefighters, police officers, teachers and educational support personnel; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law does not prohibit a local government employer from providing for the payment of dues to an employee organization through deductions from the compensation of employees, and such deductions are a mandatory subject of collective bargaining. (NRS 288.150) **Section 1** of this bill ~~[prohibits]~~ **provides that** such an arrangement ~~[and]~~ **is lawful pursuant to an agreement that recognizes the right of every employee to resign from the employee organization at any time, free of any obligation to pay dues. Section 1** also bars a local government employer from providing paid leave or paying any compensation or monetary benefits to an employee for time spent by the employee in performing duties or providing services to an employee organization.

The Local Government Employee-Management Relations Board has been created to administer the provisions governing labor relations between local government employers and employee organizations. (NRS 288.080, 288.110) The Board is authorized by existing law to appoint a Commissioner, who serves in the unclassified service of the State.

(NRS 288.090) Section 2.5 of this bill additionally authorizes the Board to appoint a Deputy Commissioner and section 13.5 of this bill makes an appropriation for that purpose.

Existing law establishes the right of every local government employee to join or refrain from joining an employee organization. (NRS 288.140) Section 3 of this bill provides that a local government employee is also free to resign from an employee organization at any time, without any obligation to pay dues accruing before, on or after the date of the resignation.

Existing law excludes certain local government employees from membership in a bargaining unit and requires employees in certain supervisory and administrative positions to be members of a different bargaining unit from the employees they supervise. (NRS 288.140, 288.170) **Sections 2, 3 and 7** of this bill consolidate those provisions and exclude **certain** school administrators **, firefighters and police officers,** and other employees in supervisory and administrative positions from membership in any bargaining unit. Existing law also excludes confidential employees from membership in a bargaining unit. (NRS 288.170) **Section 7** also expands the definition of "confidential employee" to include any employee whose duties entail access to proprietary or confidential information.

Under existing law, a local government employer is entitled, without bargaining, to effectuate a reduction in force or layoff because of a lack of work or lack of money. (NRS 288.150) **Section 4** of this bill revises those provisions to authorize a reduction in force or layoff because of a reduction or elimination of services, budgetary reallocation of expenditures or loss of revenues ~~[.]~~ **, or whenever the local government employer determines that such action is in the best interest of the local government employer.** If a local government employer ~~[eliminates or reduces any service provided by its employees,]~~ **determines that a reduction in force or layoff is appropriate, section 5** of this bill ~~[authorizes the employer to effectuate a layoff or reduction in force directed to those employees on the basis of any factors it deems appropriate, without regard to the seniority of those employees.]~~ **sets forth various factors that the local government employer may consider in determining whether to lay off a given employee.**

Section 6 of this bill is directed to "evergreen" language in a collective bargaining agreement, pursuant to which the agreement remains in effect beyond the end of its stated term until a successor agreement becomes effective. Notwithstanding any such provision, **section 6** generally provides that upon the end of the term stated in a collective bargaining agreement, and until a successor agreement becomes effective, a local government employer shall not increase any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit.

If an impasse is reached in collective bargaining negotiations, existing law establishes a process of fact-finding. Under existing law, the findings and recommendations of the fact finder are final and binding if the parties so agree

or a statutory panel determines that the findings and recommendations are to be final and binding as to some or all of the issues in dispute. (NRS 288.200-288.203) **Sections 10 and 15** of this bill eliminate the panel. **Section 10** also **: (1)** provides that the findings and recommendations are not final and binding unless the governing body or chief executive officer of the local government **employer** so elects before the submission of the dispute to fact-finding **[.] ; and (2) requires the governing body or chief executive officer, before submission of the dispute to fact-finding, to determine whether the fact finder will issue a decision on the basis of a single final offer by each party for all unresolved issues or a separate final offer by each party for each such issue. Sections 8-10** of this bill require public notice of the final offers made by each party during collective bargaining negotiations, mediation and fact-finding.

Existing law limits the extent to which money in certain governmental funds may be expended by a local government employer pursuant to a collective bargaining agreement or considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) **Section 13** of this bill provides that a budgeted ending fund balance for certain governmental funds of not more than **[16.6] 25** percent of the total budgeted expenditures, less capital outlay: (1) is not subject to collective bargaining negotiations; and (2) must not be considered by a fact finder in resolving issues of financial ability to pay.

Under existing law, an impasse in collective bargaining negotiations involving firefighters, police officers, teachers or educational support personnel may be submitted to an arbitrator, whose decision is final and binding. (NRS 288.215, 288.217) **Section 15** repeals those provisions, eliminating the statutory right to arbitration as a means of impasse resolution.

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

A local government employer : [shall not:]

1. [Agree] May agree with any of its employees or any employee organization to deduct dues for an employee organization from the compensation of the employee . [; or] Any such agreement must provide, in accordance with NRS 288.140, that every employee governed by the agreement is entitled to resign from the employee organization at any time, free of any obligation to pay dues accruing before, on or after the date of the resignation. Any agreement that conflicts with the provisions of this subsection is void.

2. [Provide] Shall not provide paid leave or otherwise pay from public money any compensation or monetary benefits to or on behalf of any of its

employees for time spent by an employee in performing duties or providing services for an employee organization.

Sec. 1.5. **NRS 288.034 is hereby amended to read as follows:**

288.034 "Commissioner" means the Commissioner ***or Deputy Commissioner*** appointed by the Board.

Sec. 2. NRS 288.075 is hereby amended to read as follows:

288.075 1. "Supervisory employee" means ~~[:~~

~~(a) Any~~ ***any*** individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday ~~.~~ ~~[~~~~; or~~

~~(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:~~

~~(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;~~

~~(2) Make budgetary decisions; and~~

~~(3) Be consulted on decisions relating to collective bargaining,~~

~~➥ if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.~~~~]~~

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

Sec. 2.5. **NRS 288.090 is hereby amended to read as follows:**

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Any two members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner ***, a Deputy Commissioner*** and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 3. NRS 288.140 is hereby amended to read as follows:

288.140 1. It is the right of every local government employee, subject to the ~~[~~~~limitations~~~~]~~ ***limitation*** provided in ~~[~~~~subsections~~~~]~~ ***subsection*** 3 ***,*** ~~[~~~~and 4,~~~~]~~ to join any employee organization of the employee's choice ***,*** ~~[~~~~or to~~~~]~~ refrain from

joining any employee organization ~~[.]~~ ***or resign from any employee organization at any time, free of any obligation to pay dues accruing before, on or after the date of the resignation. Any agreement that conflicts with the provisions of this subsection is void.*** A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

~~[4. The following persons may not be a member of an employee organization:~~

~~(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.075, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.~~

~~(b) A doctor or physician who is employed by a local government employer.~~

~~(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.~~

~~5. As used in this section, "doctor or physician" means a doctor, physician, homeopathic physician, osteopathic physician, chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.]~~

Sec. 4. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as ***otherwise*** provided in subsection 4 ~~[,]~~ ***and NRS 354.6241,*** every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization ~~[.]~~ ***pursuant to an agreement that is consistent with the provisions of this chapter.***

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) ~~***[(m)]***~~ No-strike provisions consistent with the provisions of this chapter.

(o) ~~***[(n)]***~~ Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) ~~***[(o)]***~~ General savings clauses.

(q) ~~***[(p)]***~~ Duration of collective bargaining agreements.

(r) ~~***[(q)]***~~ Safety of the employee.

(s) ~~***[(r)]***~~ Teacher preparation time.

(t) ~~***[(s)]***~~ Materials and supplies for classrooms.

(u) ~~***[(t)]***~~ The policies for the transfer and reassignment of teachers.

(v) ~~***[(u)]***~~ Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) ~~***[(v)]***~~ Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) ~~***[(t)]***~~ of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of ***a*** lack of work ***, reduction or elimination of services, budgetary reallocation of expenditures, loss of revenues*** or lack of money, ***or whenever the local government employer determines that such action is in the best interest of***

the local government employer, subject to paragraph (v) ***~~[(u)]~~*** of subsection 2. ***As used in this paragraph, "loss of revenues" includes, without limitation, any reduction in revenues from taxation or any decline in revenues resulting from the termination or expiration of a grant.***

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 5. NRS 288.151 is hereby amended to read as follows:

288.151 ***1. Except as otherwise provided in subsection 2, if a local government employer ~~[eliminates or reduces any service provided by its employees, it may effectuate]~~ determines that a layoff or reduction in its workforce ~~[directed to those employees on the basis of any factors it deems appropriate, without regard to the seniority of those employees.]~~ is in the best interest of the local government employer, the local government employer, in determining whether to lay off an employee, may consider, without limitation:***

(a) The needs of the local government employer;

(b) The performance and any evaluations of the employee;

(c) Any special skills or qualifications of the employee or any license held by the employee;

(d) Any record of disciplinary action taken against the employee; and

(e) The seniority of the employee.

2. If the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must not be based solely on the seniority of the teacher or administrator and may include, without limitation, a consideration of the following factors:

~~[1.]~~ ***(a)*** Whether the teacher or administrator is employed in a position which is hard to fill;

~~[2.]~~ ***(b)*** Whether the teacher or administrator has received a national board certification;

~~[3.]~~ ***(c)*** The performance evaluations of the teacher or administrator;

~~[4.]~~ ***(d)*** The disciplinary record of the teacher or administrator within the school district;

~~[5.]~~ ***(e)*** The criminal record of the teacher or administrator, if any;

~~[6.]~~ ***(f)*** The type of licensure held by the teacher or administrator; and

~~[7.]~~ ***(g)*** The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

Sec. 6. NRS 288.155 is hereby amended to read as follows:

288.155 ~~[Agreements entered into between local government employers and employee organizations pursuant to this chapter may]~~

1. A collective bargaining agreement:

(a) May extend beyond the term of office of any member or officer of the local government employer.

(b) Expires for the purposes of subsection 2 at the end of the term stated in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after the end of that term until a successor agreement becomes effective.

2. Except as otherwise provided in this subsection and notwithstanding any provision of the agreement to the contrary, upon the expiration of a collective bargaining agreement, if no successor agreement is effective and until a successor agreement becomes effective, a local government employer shall not pay to or on behalf of any employee in the affected bargaining unit any compensation or monetary benefits in any amount greater than the amount in effect as of the expiration of the agreement. This subsection does not prohibit a local government employer from paying an increase in the employer's portion of the matching contribution rate for employees and employers in accordance with an adjustment in the rate of contributions pursuant to NRS 286.450.

Sec. 7. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary

criterion for that determination must be the community of interest among the employees concerned.

2. ~~[~~A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

3. A head of a department of a local government, an administrative employee or a supervisory employee must not be a member of the same bargaining unit as the employees under the direction of that department head, administrative employee or supervisory employee. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board.~~]~~ An employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers ~~[~~, as defined in NRS 288.215,~~]~~ may select members of the units to negotiate jointly on behalf of each other . ~~[~~, even if one of the units consists of supervisory employees and the other unit does not.

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5.~~]~~ ***3. The following local government employees may not be members of a bargaining unit:***

(a) A supervisory employee.

(b) A firefighter above the rank of fire captain.

(c) A police officer above the rank of lieutenant.

(d) A school administrator above the rank of ~~[teacher,]~~ principal, including, without limitation, a ~~[principal, assistant principal,]~~ superintendent, associate superintendent , ~~[or]~~ assistant superintendent ~~[.~~ ~~(e)]~~ or any school administrator designated as a chief or assistant chief. Any employee described in this paragraph is entitled to participate in any plan to provide benefits for the bargaining unit of which he or she would otherwise be a member.

(e) An administrative employee.

~~[(d)]~~ (f) An attorney who is assigned to a civil or criminal law division, department or agency.

~~[(e)]~~ (g) A doctor or physician.

~~[(f)]~~ (h) A confidential employee, but such an employee is entitled to participate in any plan to provide benefits for the bargaining unit of which he or she would otherwise be a member.

➥ Any dispute between the parties as to whether a local government employee is a type of employee excluded from a bargaining unit must be submitted to the Board.

4. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

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

(a) "Confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining ~~[.]~~ ***or whose duties entail access to proprietary or confidential information.***

(b) ~~["Supervisory employee" means a supervisory employee described in paragraph (a) of subsection 1 of NRS 288.075.]~~ ***"Doctor or physician" means a physician, homeopathic physician, osteopathic physician, chiropractic physician, doctor of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050 or 633.091 or chapter 634, 634A, 635 or 636 of NRS.***

(c) "Firefighter" means a salaried or hourly employee of a fire prevention or suppression unit organized by a political subdivision of the State whose principal duty is to control and extinguish fires.

(d) "Police officer" means a salaried or hourly employee of a police department or other law enforcement agency organized by a political subdivision of the State whose principal duty is to enforce the law.

Sec. 8. NRS 288.180 is hereby amended to read as follows:

288.180 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of that desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give notice on or before February 1.

2. Following the notification provided for in subsection 1, the employee organization or the local government employer may request reasonable information concerning any subject matter included in the scope of mandatory bargaining which it deems necessary for and relevant to the negotiations. The information requested must be furnished without unnecessary delay. The information must be accurate, and must be presented in a form responsive to the request and in the format in which the records containing it are ordinarily kept. If the employee organization requests financial information concerning a metropolitan police department, the local government employers which form that department shall furnish the information to the employee organization.

3. The parties shall promptly commence negotiations. As the first step, the parties shall discuss the procedures to be followed if they are unable to agree on one or more issues.

4. ***If the parties reach agreement through negotiations during the term of an existing contract between the parties, the new contract must become effective upon the expiration of the existing contract. If the parties reach agreement after the end of that term, the new contract must be effective***

retroactively to the expiration date of the last contract unless the parties otherwise agree. The parties may agree to:

(a) Include in or exclude from the new contract any term or condition of employment; and

(b) Make any such term or condition of employment effective prospectively or retroactively.

5. If the parties are unable to reach agreement through negotiations, the governing body of the local government employer shall:

(a) Publish on the Internet website, if any, of the local government the final offers made by the parties during negotiations; and

(b) Hold a public meeting in accordance with the provisions of chapter 241 of NRS to inform the public of those offers.

6. This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

Sec. 9. NRS 288.190 is hereby amended to read as follows:

288.190 ~~[Except in cases to which NRS 288.205 and 288.215 apply:]~~

1. Anytime before March 1, the dispute may be submitted to a mediator, if both parties agree. Anytime after March 1, either party involved in negotiations may request a mediator. If the parties do not agree upon a mediator, the Commissioner shall submit to the parties a list of seven potential mediators. The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is agreed to or requested pursuant to subsection 1, the mediator must be selected at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators from the Commissioner.

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of the mediator's selection as mediator. The mediator may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. The local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. ***If the parties reach agreement through mediation during the term of an existing contract between the parties, the new contract must become effective upon the expiration of the existing contract. If the parties reach agreement after the end of that term, the new agreement must be effective retroactively to the expiration date of the last contract unless the parties otherwise agree.***

6. If the dispute is submitted to a mediator and then submitted to a fact finder ~~[, the]~~ ***:***

(a) The governing body of the local government employer shall:

(1) Publish on the Internet website, if any, of the local government the final offers made by the parties during mediation; and

(2) Hold a public meeting in accordance with the provisions of chapter 241 of NRS to inform the public of those offers.

(b) The mediator shall, within 15 days after the last meeting between the parties, give to the Commissioner of the Board a report of the efforts made to settle the dispute.

Sec. 10. NRS 288.200 is hereby amended to read as follows:

288.200 ~~[Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:]~~

1. If:

(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

➥ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** findings and recommendations of the fact finder are not binding on the parties **.** ~~[except as provided in subsections 5, 6 and 11.]~~ The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. ~~[The parties to the dispute may agree, before]~~ ***Before*** the submission of the dispute to fact-finding, ***the governing body*** ~~***[of the local government***~~

~~*employer]*~~ ***or the chief executive officer of the local government employer if specifically authorized by the governing body*** ~~*[may]*~~ ***:***

(a) May elect to make the findings and recommendations on all or any specified issues final and binding on the parties.

(b) Shall elect to make the provisions of subsection 6 or 7 applicable to the fact-finding and the findings and recommendations of the fact finder.

6. ~~[If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.]~~ ***If the governing body or chief executive officer of the local government employer has elected pursuant to subsection 5 to make the provisions of this subsection applicable, each of the parties shall, at the conclusion of the hearing, submit a single written statement containing its final offer for all of the unresolved issues. Within 10 days after the final offers are submitted, the fact finder shall accept one of the written statements in its entirety on the basis of the criteria provided in subsection 9, and report the decision to the parties.***

7. If the governing body or chief executive officer of the local government employer has elected pursuant to subsection 5 to make the provisions of this subsection applicable, each of the parties shall, at the conclusion of the hearing, submit a final written offer for each unresolved issue. Within 10 days after the final offers are submitted, the fact finder shall, for each such issue, accept one of the written statements on the basis of the criteria provided in subsection 9, and report the decision to the parties.

8. Before the fact finder makes a recommendation or award, the governing body of the local government employer shall:

(a) Publish on the Internet website, if any, of the local government the final offers made by the parties during fact-finding; and

(b) Hold a public meeting in accordance with the provisions of chapter 241 of NRS to inform the public of those offers.

~~[7.]~~ ***9.*** Except as otherwise provided in subsection ~~[10,]~~ ***12,*** any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees ~~[,]~~ ***and employees in private employment,*** both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to ~~[arbitrate]~~ ***conduct fact-finding relating to*** a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award.

~~[8.]~~ ***10.*** Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted ~~[pursuant to subsection 3;]~~ ***to the fact finder;***

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations, which must not include a discussion of the details of the report.

➥ The fact finder must not be asked to discuss the decision during the meeting.

~~[9.]~~ ***11.*** The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

~~[10.]~~ ***12.*** Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➥ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

~~[11. The issues which may be included in a panel's order pursuant to subsection 6 are:~~

~~(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and~~

~~(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.~~

~~➥ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.]~~

13. If the findings and recommendations of the fact finder are binding pursuant to subsection 5 and are made during the term of an existing contract between the parties, the findings and recommendations must become effective upon the expiration of the existing contract. If the findings and recommendations are made after the end of that term, they must be effective retroactively to the expiration date of the last contract between the parties unless the parties otherwise agree.

Sec. 11. ~~[NRS 288.280 is hereby amended to read as follows:~~

~~288.280 Any controversy concerning~~ ***~~a practice~~*** ~~prohibited [practices]~~ ***~~by NRS 288.270~~*** ~~may be submitted to the Board in the same manner and with the same effect as provided in NRS 288.110, except that an alleged failure to provide information as provided by NRS 288.180 shall be heard and determined by the Board as soon as possible after the complaint is filed with the Board.]~~ **(Deleted by amendment.)**

Sec. 12. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, ~~[288.203,]~~ 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 13. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in ***subsection 3 and*** NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than ~~[16.6]~~ 25 percent of the total budgeted expenditures, less capital outlay, for a general or special revenue fund that receives revenue from property taxes or the Local Government Tax Distribution Account:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder in determining the financial ability of the local government to pay compensation or monetary benefits.

Sec. 13.3. **NRS 391.168 is hereby amended to read as follows:**

391.168 1. The board of trustees of each school district shall:

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which

must be negotiated pursuant to chapter 288 of NRS ~~[.]~~ **, *insofar as the provisions of that chapter apply to those employees;*** and

(b) Commencing with the 2015-2016 school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

Sec. 13.5. **1. There is hereby appropriated from the State General Fund to the Local Government Employee-Management Relations Board the sum of $300,000 for the purpose of employing a Deputy Commissioner pursuant to NRS 288.090, as amended by section 2.5 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 14. 1. Except as otherwise provided in subsection 2, insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any ~~[agreement]~~ **:**

(a) Agreement described in section 1 of this act **;**

(b) Agreement described in subsection 1 of NRS 288.140, as amended by section 3 of this act; or ~~[any collective]~~

(c) Collective bargaining agreement **,**

➥ entered into before July 1, 2015, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2015. For the purposes of this subsection, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

2. The provisions of paragraph ~~[(d)]~~ **(f)** of subsection 3 of NRS 288.170, as amended by section 7 of this act, do not apply with respect to an attorney **assigned to a civil law division** for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

Sec. 15. NRS 288.201, 288.202, 288.203, 288.205, 288.215 and 288.217 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

288.201 Request for formation of panel to determine whether findings and recommendations of fact finder are final and binding.

288.202 Formation of panel to determine whether findings and recommendations of fact finder are final and binding.

288.203 Compensation of members of panel; claims.

288.205 Submission of dispute between certain employees and local government employer to fact finder: Time limited for certain matters.

288.215 Submission of dispute between firefighters of police officers and local government employer to arbitrator; hearing; determination of financial ability of local government employer; negotiations and final offer; content of decision.

288.217 Submission of dispute between school district and employee organization to arbitrator; hearing; determination of financial ability of school district; negotiations and final offer; effect of decision of arbitrator; content of decision.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 368 to Assembly Bill 182 allows a local government to agree to deduct dues from employees' paychecks if the employee is free to resign from the labor organization, explicitly allows a local government employee to resign from an employee organization at any time, reinstates deduction of dues in the scope of mandatory bargaining, and defines the term "loss of revenues" for purposes of rights to reduce in force or lay off employees. It revises the considerations a local government employer is required to make in determining whether to lay off an employee, and modifies the employees who may not be members of a bargaining unit.

Further, the amendment allows the parties of an agreement to agree to include or exclude certain terms or conditions of employment and make any such terms effective prospectively or retroactively, and it makes changes to the final offers submitted to fact-finding and allows a fact finder to consider the compensation of employees in private employment in certain circumstances. It increases the percentage of ending fund balance for certain governmental funds from 16.6 percent to 25 percent of the total budgeted expenditures, less capital outlay and clarifies the application of the bill to existing agreements. Finally, it authorizes the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner and provides an appropriation to fund the position.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 334.

AN ACT relating to records of criminal history; revising provisions ~~[for requesting and receiving certain information]~~ relating to records of criminal history **_ ;** ~~[from the Federal Bureau of Investigation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Central Repository for Nevada Records of Criminal History for the collection and maintenance of certain information relating to records of criminal history. Under existing law, the General Services Division of the Department of Public Safety is authorized to request of and receive from the Federal Bureau of Investigation the background and personal history of a person by submitting to the Federal Bureau of Investigation a complete set of fingerprints of the person which was received by the Central Repository. (NRS 179A.075) ~~[This]~~ **Section 1 of this** bill provides that such information may be requested of and received from the Federal Bureau of Investigation by **, depending upon the purpose of the request,** the submission of **a complete set of fingerprints,** one or more fingerprints **_** ~~[, rather than a complete set of fingerprints,]~~ or other "biometric identifier" which is defined in this bill as a fingerprint, **palm print, scar, bodily mark, tattoo,** voiceprint, facial image, retina image or iris image of a person. **Section 1 also requires the Central Repository to adopt certain regulations governing biometric identifiers and the information and data derived therefrom.**

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

Section 1. NRS 179A.075 is hereby amended to read as follows:

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

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

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

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

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

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

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

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

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

(1) Records of criminal history; and

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

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

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

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

5. The Division may:

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

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

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

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

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

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

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

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

~~[~~

6. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to ~~[this]~~ subsection ~~[,]~~ ***5,*** the Central Repository must receive ~~[the]~~ ***:***

(a) The person's complete set of fingerprints ~~***[one]***~~ ***for the purposes of:***

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency ***of criminal justice*** or ***agency of the State of Nevada or any*** political subdivision ***thereof*** and submit the ~~[fingerprints]~~ ***received data*** to the Federal Bureau of Investigation for its report.

~~[6.]~~ ***7.*** The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

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

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

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

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

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

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

~~[7.]~~ ***(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:***

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

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

8. The Central Repository may:

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

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

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

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

~~[8.]~~ ***9.*** As used in this section:

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

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

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

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

(2) ~~[~~The fingerprints, voiceprint, retina image and iris image~~]~~ ***A biometric identifier*** of a person.

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

Sec. 2. **NRS 179A.175 is hereby amended to read as follows:**

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Central Repository shall include in its annual report to the Governor pursuant to subsection ~~[6]~~ *7* of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

Sec. 3. **NRS 391.033 is hereby amended to read as follows:**

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

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

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection ~~[6]~~ *7* of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

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

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

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

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

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

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

Sec. 4. **NRS 391.035 is hereby amended to read as follows:**

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

(a) The applicant's health records;

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

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

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

(e) Any correspondence concerning the application; and

(f) Any other personal information,

➥ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection ~~[(6)~~ *7* of NRS 179A.075 or the applicant's written authorization.

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

~~[Sec. 2.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment clarifies that the Central Repository for Nevada Records of Criminal History needs a complete set of ten fingerprints for purposes such as booking a person into the city or county jail or detention facility. It clarifies that one or more of the person's fingerprints are needed for the purposes of mobile identification by a criminal justice agency. Other biometric identifiers may be required for the purposes of arrest or criminal investigation. The definition of "biometric identifiers" is revised to include a palm print, scar, bodily mark, or tattoo. "Mobile identification" is defined. Finally, the Central Repository is required to adopt regulations governing biometric identifiers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 578.

AN ACT relating to trade regulations; authorizing a ~~[financer]~~ **creditor who finances the sale or lease** of a motor vehicle to install **under certain circumstances** certain devices in the motor vehicle which he or she finances; revising provisions relating to retail installment contracts; **providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a ~~[financer (a person]~~ **creditor** who finances the sale **or lease** of a motor vehicle ~~[or a lessor who leases a motor vehicle to a lessee)]~~ to install under certain circumstances devices in the motor vehicle which the ~~[financer]~~ **creditor** finances or leases, which devices are used to remotely locate or disable a motor vehicle upon breach or default of the financing contract by the ~~[debtor or lessee.]~~ **consumer.**

Existing law requires certain retail installment contracts to be contained in a single document which must contain the entire agreement of the parties. (NRS 97.165) ~~[Section]~~ **Sections 2 and 2.5** of this bill ~~[amends]~~ **remove** that

requirement, commonly known as the "single document rule," ~~[to provide that it does not apply]~~ **with regard** to **applications for credit and retail installment contracts relating to** the sale **, loan or lease** of ~~[a]~~ **certain** motor ~~[vehicle in which the secured party and a debtor enter into an agreement authorizing the secured party to install and use a device which is able to remotely disable the motor vehicle upon breach or default by the debtor.]~~ **vehicles.**

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

Section 1. Chapter ~~[597]~~ **598** of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ~~[financer]~~ creditor, in connection with a credit or retail installment sale, loan or lease of a motor vehicle shall not install or use electronic ~~[repossession]~~ tracking technology in a motor vehicle which he or she finances to ~~[take possession]~~ obtain or record the location of the motor vehicle ~~[, or without removal, to render the motor vehicle unusable,]~~ unless:

(a) ~~[After executing the financing contract, the parties to the contract enter into an agreement which:~~

~~(1) Is contained in a separate document;~~

~~(2) Is not a condition of the financing contract; and~~

~~(3) Provides that:~~

~~(I) Electronic tracking technology may be used by the financer only to ensure that the electronic tracking technology is operating properly, to repossess the motor vehicle, to locate the motor vehicle for the purpose of servicing the financing contract or to keep the financing contract current;~~

~~(II) The debtor or lessee, as applicable, may cancel the agreement authorizing the use of electronic tracking technology at any time during the term of the financing contract without affecting the sale or lease of the motor vehicle or any term or condition of the financing contract; and~~

~~(III) After providing proper notice to the debtor or lessee, as applicable, pursuant to subsection 2, a financer may use starter interrupt technology to disable the motor vehicle following certain defaults or breaches of the financing contract; and]~~ The creditor provides written notification to the consumer before the transaction that the motor vehicle is equipped with electronic tracking technology and that the electronic tracking technology may be used by the creditor to verify and maintain the operational status of the electronic tracking technology, to service the transaction or to locate the vehicle for repossession or recovery; or

(b) ~~[At the time of the sale or lease of the motor vehicle, the financer provides the debtor or lessee, as applicable, with a written disclosure that the vehicle is equipped with electronic repossession technology and which includes, without limitation:~~

~~(1) The nature of the defaults or breaches following which the financer may use the electronic repossession technology;~~

~~(2) The prohibitions on the use of electronic repossession technology as provided in subsection 3;~~

~~(3)~~ The consumer elects to have the electronic tracking technology installed in the motor vehicle and the agreement to utilize the electronic tracking technology is optional and is not a condition of the sale, loan or lease.

2. A creditor, in connection with a credit or retail installment sale, loan or lease of a motor vehicle, shall not install or use starter interrupt technology to disable a motor vehicle unless:

(a) The creditor provides written notification to the consumer before the transaction that:

(1) The motor vehicle is equipped with starter interrupt technology;

(2) The creditor may use the starter interrupt technology to disable the starter of the vehicle remotely; and

(3) The creditor may only activate the starter interrupt technology as provided for in this section; and

(b) The creditor provides written notification to the consumer informing the consumer:

(1) Of the name, address and toll-free telephone number of the ~~[financer]~~ creditor for the purposes of communicating directly with the ~~[financer]~~ creditor concerning the security interest in the motor vehicle and the extension of credit;

(2) That in the event the security interest or loan associated with the vehicle is transferred to a successor-in-interest, the successor-in-interest must provide the name, address and toll-free telephone number of the creditor to the consumer in a commercially reasonable time and manner;

(3) That the consumer must receive notice not less than 48 hours before the starter interrupt technology disables the vehicle; and

(4) That in the event of an emergency, the ~~[debtor or lessee, as applicable,]~~ consumer will be ~~[able]~~ provided the ability to start ~~[a]~~ the disabled vehicle for a minimum of 24 hours ~~[.~~

~~2. A financer of a motor vehicle shall provide written notice to the debtor or lessee, as applicable, before using the electronic repossession technology installed in a motor vehicle to disable the motor vehicle. The written notice must be delivered by registered or certified mail, return receipt requested, a minimum of 2 days, excluding Saturdays, Sundays and holidays, before the financer disables the motor vehicle. The notice must include:~~

~~(a) The name, address and telephone number of the financer;~~

~~(b) The amount required to be paid by the debtor or lessee, as applicable, to cure the breach or default; and~~

~~(c) Notice that in the event of an emergency the debtor or lessee, as applicable, will be provided the ability to start the disabled motor vehicle for a period of not less than 24 hours.]~~ after the initial disablement.

3. The use of ~~[electronic repossession technology]~~ starter interrupt technology in a motor vehicle which is financed or leased by a ~~[financer]~~ creditor is prohibited if:

(a) Disablement of the motor vehicle will occur while the engine of the motor vehicle is running;

(b) The ~~[electronic repossession technology]~~ use of the starter interrupt technology causes an audible warning which lasts longer than 20 seconds upon starting or shutting off the engine of the motor vehicle;

(c) ~~[The financer has reason to know that the use of the vehicle repossession technology will result in substantial injury or harm to the debtor or lessee, as applicable, the public health, safety or welfare, or will in any way adversely affect any third party; or~~

~~(d)]~~ Less than 10 days have lapsed since the default or breach of the contract by the ~~[debtor or lessee,]~~ consumer, if the default or breach of the contract is the first such instance of a default or breach of the contract by the consumer; or

(d) Less than 5 days have lapsed since the default or breach of the contract by the consumer, if the default or breach of the contract is not the first such instance of a default or breach of the contract by the consumer.

4. ~~[A debtor or lessee, as applicable, may not waive any of the provisions of this section.~~

~~5.]~~ The failure by a ~~[financer]~~ creditor to comply with any provision of this section constitutes a deceptive trade practice in violation of NRS 598.0923, and a ~~[debtor or lessee, as applicable,]~~ consumer may file a claim for relief. In addition to any other remedy available pursuant to NRS 41.600, ~~[chapter 598 of]~~ NRS 598.0903 to 598.0999, inclusive, and section 1 of this act or any other provision of law, a ~~[debtor or lessee, as applicable,]~~ consumer who prevails in an action pursuant to this subsection must be awarded a ~~[minimum]~~ maximum of $1,000 as statutory damages. ~~[, or damages pursuant to subsection 3 of NRS 104.9625, if applicable, whichever is greater.~~

~~6. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for contracts for the use of electronic repossession technology.~~

~~7.]~~ 5. The provisions of this section do not apply to a transaction between a creditor and a business entity that purchases or leases motor vehicles for use within the scope of the business.

6. As used in this section, unless the context otherwise requires:

(a) ~~[“Electronic repossession technology” means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.]~~ “Consumer” means a borrower, retail buyer or lessee who purchases or leases a motor vehicle primarily for personal, family or household use.

(b) "Creditor" means a lender, dealer or long-term lessor or any assignee of a lender, dealer or long-term lessor of a motor vehicle.

(c) "Dealer" has the meaning ascribed to it in NRS 482.020.

(d) "Electronic tracking technology" means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.

~~***[(c) "Financer" means a secured party who finances the sale of a motor vehicle, a lessor who leases a motor vehicle to a lessee or any successor in interest to such a secured party or lessor.***~~

~~***(d) "Financing contract" means a retail installment contract or lease agreement between a financer and a debtor or lessee, as applicable, for financing the purchase or lease of a motor vehicle.]***~~

(e) "Lease" has the meaning ascribed to it in NRS 482.053.

(f) "Long-term lessor" has the meaning ascribed to it in NRS 482.053.

(g) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

~~***[(f) "Secured party" has the meaning ascribed to it in NRS 104.9102.***~~

~~***(g)]***~~ ***(h) "Starter interrupt technology" means technology used to remotely disable the starter of a motor vehicle.***

(i) "Transaction" means a retail installment sale, loan or lease between a creditor and a consumer, as applicable, for the purchase, refinance or lease of a motor vehicle, or the reinstatement of a purchase, refinance or lease of a motor vehicle.

Sec. 1.1. **NRS 598.0903 is hereby amended to read as follows:**

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.2. **NRS 598.0923 is hereby amended to read as follows:**

598.0923 A person engages in a "deceptive trade practice" when in the course of his or her business or occupation he or she knowingly:

1. Conducts the business or occupation without all required state, county or city licenses.

2. Fails to disclose a material fact in connection with the sale or lease of goods or services.

3. Violates a state or federal statute or regulation relating to the sale or lease of goods or services.

4. Uses coercion, duress or intimidation in a transaction.

5. As the seller in a land sale installment contract, fails to:

(a) Disclose in writing to the buyer:

(1) Any encumbrance or other legal interest in the real property subject to such contract; or

(2) Any condition known to the seller that would affect the buyer's use of such property.

(b) Disclose the nature and extent of legal access to the real property subject to such agreement.

(c) Record the land sale installment contract pursuant to NRS 111.315 within 30 calendar days after the date upon which the seller accepts the first payment from the buyer under such a contract.

(d) Pay the tax imposed on the land sale installment contract pursuant to chapter 375 of NRS.

(e) Include terms in the land sale installment contract providing rights and protections to the buyer that are substantially the same as those under a foreclosure pursuant to chapter 40 of NRS.

➥ As used in this subsection, "land sale installment contract" has the meaning ascribed to it in paragraph (d) of subsection 1 of NRS 375.010.

6. Violates the provisions of section 1 of this act.

Sec. 1.4. **NRS 598.0955 is hereby amended to read as follows:**

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ ***, and section 1 of this act.***

Sec. 1.5. **NRS 598.0963 is hereby amended to read as follows:**

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ ***, and section 1 of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any

documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 1.6. **NRS 598.0967 is hereby amended to read as follows:**

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 1.8. **NRS 598.0999 is hereby amended to read as follows:**

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 1.9. **NRS 11.190 is hereby amended to read as follows:**

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 2. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205**,** ~~[and]~~ 97.235, ***97.299 and section 1 of this act,*** but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

~~*[(c) In a transaction involving the purchase of a motor vehicle, the parties may enter into an agreement contained in a separate document authorizing the use of electronic repossession technology in accordance with the provisions of section 1 of this act.]*~~

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

~~***[4. As used in this section, "electronic repossession technology" has the meaning ascribed to it in paragraph (a) of subsection 7 of section 1 of this act.]***~~

Sec. 2.5. **NRS 97.299 is hereby amended to read as follows:**

97.299 1. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for the application for credit and ***retail installment*** contracts to be used in the sale of vehicles if:

(a) The sale involves the taking of a security interest to secure all or a part of the purchase price of the vehicle;

(b) The application for credit is made to or through the seller of the vehicle;

(c) The seller is a dealer; and

(d) The sale is not a commercial transaction.

2. The ~~[forms]~~ ***application for credit and retail installment contracts*** prescribed pursuant to subsection 1 ~~[must meet the requirements of NRS 97.165,]~~ ***are not required to be contained in a single document in accordance with the requirements prescribed in NRS 97.165. The application for credit and retail installment contracts*** must be accepted and acted upon by any lender to whom the application for credit is made and, in addition to the information required in NRS 97.185 and required to be disclosed in such a transaction by federal law, must:

(a) Identify and itemize the items embodied in the cash sale price, including the amount charged for a contract to service the vehicle after it is purchased.

(b) In specifying the amount of the buyer's down payment, identify the amounts paid in money and allowed for property given in trade and the amount of any manufacturer's rebate applied to the down payment.

(c) Contain a description of any property given in trade as part of the down payment.

(d) Contain a description of the method for calculating the unearned portion of the finance charge upon prepayment in full of the unpaid total of payments as prescribed in NRS 97.225.

(e) Contain a provision that default on the part of the buyer is only enforceable to the extent that:

(1) The buyer fails to make a payment as required by the agreement; or

(2) The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the seller.

(f) Include the following notice in at least 10-point bold type:

NOTICE TO BUYER

Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If

you pay the amount due before the scheduled date of maturity of the indebtedness and you are not in default in the terms of the contract for more than 2 months, you are entitled to a refund of the unearned portion of the finance charge. If you fail to perform your obligations under this agreement, the vehicle may be repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.

3. The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribe2d pursuant to subsection 1.

4. If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.

5. As used in this section:

(a) "Commercial transaction" means any sale of a vehicle to a buyer who purchases the vehicle solely or primarily for commercial use or resale.

(b) "Dealer" has the meaning ascribed to it in NRS 482.020.

Sec. 3. This act becomes effective upon passage and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2015, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 578 to Assembly Bill 228 makes it a deceptive trade practice for a creditor to install or use electronic tracking technology in a motor vehicle unless the creditor provides certain disclosures. A consumer must be allowed to cancel the tracking technology without affecting the vehicle financing, and the agreement to use the tracking technology must be optional and not a condition of financing.

The amendment also makes a creditor's installation or use of starter interrupt technology to disable a motor vehicle a deceptive trade practice unless the consumer is provided with certain disclosures. Under the proposal, starter interrupt technology is prohibited if: (1) a motor vehicle can be disabled while the engine is running; (2) the technology causes an audible warning that lasts longer than 20 seconds; and (3) the consumer's payment is unpaid for less than ten days for the first instance of late payment or less than five days for any subsequent payment or default under the contract. The amendment would cap statutory damages at $1,000 for violations. Finally, the amendment specifies that the provisions of this bill do not apply in business-to-business transactions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 539.

SUMMARY— ~~[Repeals]~~ **Revises** provisions ~~[governing]~~ **relating to** common-interest communities. (BDR ~~[10-1025)]~~ **18-1025)**

AN ACT relating to common-interest communities; ~~[providing in skeleton form for the repeal of provisions governing common-interest communities;]~~ **transferring the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels from the Real Estate Division of the Department of Business and Industry to the Office of the Attorney General;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[governing common-interest communities is based on the Uniform Common Interest Ownership Act, which was proposed by the Uniform Law Commission. (Chapter 116 of NRS) Existing law also provides that certain civil actions relating to residential property within a common-interest community cannot be commenced in any court in this State unless the action has been submitted to mediation or, if the parties agree, to a program established by the Real Estate Division of the Department of Business and Industry under which a person such as a referee or hearing officer renders decisions on certain claims. (NRS 38.310) This bill provides in skeleton form for the repeal of existing law governing common-interest communities, which in turn provides for the enforcement of matters relating to common-interest communities through private civil action.]~~ **creates the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within the Real Estate Division of the Department of Business and Industry to investigate and resolve disputes between certain parties in common-interest communities and condominium hotels. (NRS 116.625, 116.765) Sections 2 and 6 of this bill transfer the Office of the Ombudsman from the Real Estate Division to the Office of the Attorney General. Sections 3, 4, 11 and 12 of this bill make conforming changes to certain required forms. Section 7 of this bill provides that any costs or expenses of the Office of the Ombudsman may be paid from the Account for Common-Interest Communities and Condominium Hotels. Sections 8, 9, 15 and 16 of this bill provide for the continuing jurisdiction and protection from liability of the transferred Office of the Ombudsman. Finally, section 17 of this bill provides that all pending claims or complaints will transfer to the new Office of the Ombudsman on July 1, 2015.**

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

Section 1. ~~[NRS 38.300, 38.310, 38.320, 38.325, 38.330, 38.340, 38.350, 38.360, 116.001, 116.003, 116.005, 116.007, 116.009, 116.011, 116.013, 116.015, 116.017, 116.019, 116.021, 116.023, 116.025, 116.027, 116.029, 116.031, 116.033, 116.035, 116.037, 116.039, 116.041, 116.043, 116.045, 116.047, 116.049, 116.051, 116.053, 116.055, 116.057, 116.059, 116.0605, 116.061, 116.063, 116.064, 116.065, 116.067, 116.069, 116.073, 116.075, 116.077, 116.079, 116.081, 116.083, 116.085, 116.087, 116.089, 116.091, 116.093, 116.095, 116.1104, 116.11045, 116.1105, 116.1106, 116.1107,~~

~~116.1108, 116.11085, 116.1109, 116.1112, 116.1113, 116.1114, 116.1118, 116.1201, 116.1203, 116.1206, 116.12065, 116.12075, 116.1209, 116.2101, 116.2102, 116.2103, 116.2104, 116.2105, 116.2106, 116.2107, 116.2108, 116.2109, 116.211, 116.2111, 116.2112, 116.2113, 116.2114, 116.2115, 116.2116, 116.2117, 116.21175, 116.2118, 116.21183, 116.21185, 116.21188, 116.2119, 116.212, 116.21205, 116.2121, 116.2122, 116.2124, 116.3101, 116.3102, 116.3103, 116.310305, 116.31031, 116.310312, 116.310313, 116.310315, 116.31032, 116.31034, 116.31035, 116.31036, 116.31037, 116.31038, 116.31039, 116.310395, 116.3104, 116.31043, 116.31046, 116.3105, 116.3106, 116.31065, 116.31068, 116.3107, 116.31073, 116.31075, 116.3108, 116.31083, 116.31084, 116.31085, 116.31086, 116.31087, 116.31088, 116.3109, 116.311, 116.31105, 116.31107, 116.3111, 116.3112, 116.3113, 116.31133, 116.31135, 116.31138, 116.311395, 116.3114, 116.31142, 116.31144, 116.3115, 116.31151, 116.31152, 116.31153, 116.31155, 116.31158, 116.3116, 116.31162, 116.31163, 116.311635, 116.31164, 116.31166, 116.31168, 116.3117, 116.31175, 116.3118, 116.31183, 116.31184, 116.31185, 116.31187, 116.31189, 116.3119, 116.320, 116.325, 116.330, 116.332, 116.335, 116.340, 116.345, 116.350, 116.4101, 116.4102, 116.4103, 116.41035, 116.4104, 116.4105, 116.4106, 116.4107, 116.4108, 116.4109, 116.41095, 116.411, 116.4111, 116.4112, 116.4113, 116.4114, 116.4115, 116.4116, 116.4117, 116.4118, 116.4119, 116.412, 116.600, 116.605, 116.610, 116.615, 116.620, 116.623, 116.625, 116.630, 116.635, 116.640, 116.643, 116.645, 116.660, 116.662, 116.665, 116.670, 116.675, 116.680, 116.745, 116.750, 116.755, 116.757, 116.760, 116.765, 116.770, 116.775, 116.780, 116.785, 116.790 and 116.795 are hereby repealed.~~] **(Deleted by amendment.)**

Sec. 2. **Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Attorney General shall:

(a) Administer the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; and

(b) Appoint the Ombudsman in accordance with the provisions of NRS 116.625.

2. The Attorney General may submit claims to the Real Estate Administrator for the costs and expenses of the Office of the Ombudsman. To the extent that money is available for that purpose, those costs and expenses must be reimbursed from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630.

3. The Attorney General may recommend such regulations as are necessary to carry out the provisions of this section for adoption by the Commission for Common-Interest Communities and Condominium Hotels pursuant to NRS 116.625.

Sec. 3. **NRS 116.311635 is hereby amended to read as follows:**

116.311635 1. The association or other person conducting the sale shall also, after the expiration of the 90 days and before selling the unit:

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit's owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by certified or registered mail, return receipt requested, to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under NRS 116.31163;

(2) The holder of a recorded security interest or the purchaser of the unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

> WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, ~~[NEVADA REAL ESTATE DIVISION,]~~ ***OFFICE OF THE ATTORNEY GENERAL,*** AT (toll-free telephone number designated by the ~~[Division)]~~ ***Office of the Ombudsman)*** IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

Sec. 4. **NRS 116.41095 is hereby amended to read as follows:**

116.41095 The information statement required by NRS 116.4103 and 116.4109 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
COMMON-INTEREST COMMUNITY
DID YOU KNOW . . .

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the community, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by

CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you. Certain provisions in the CC&Rs and other governing documents may be superseded by contrary provisions of chapter 116 of the Nevada Revised Statutes. The Nevada Revised Statutes are available at the Internet address **http://www.leg.state.nv.us/nrs/**.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a common-interest community, you are responsible for paying your share of expenses relating to the common elements, such as landscaping, shared amenities and the operation of any homeowners' association. The obligation to pay these assessments binds you and every future owner of the property. Owners' fees are usually assessed by the homeowners' association and due monthly. You have to pay dues whether or not you agree with the way the association is managing the property or spending the assessments. The executive board of the association may have the power to change and increase the amount of the assessment and to levy special assessments against your property to meet extraordinary expenses. In some communities, major components of the common elements of the community such as roofs and private roads must be maintained and replaced by the association. If the association is not well managed or fails to provide adequate funding for reserves to repair, replace and restore common elements, you may be required to pay large, special assessments to accomplish these tasks.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments when due, the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's costs and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many common-interest communities have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for

assessing homeowners for the cost of operating the association and the common or shared elements of the community and for the day to day operation and management of the community. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional community managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the common-interest community, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the community. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of homeowners in the community. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR COMMON-INTEREST COMMUNITY?

The law requires you to provide a prospective purchaser of your property with a copy of the community's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the

association's current year-to-date financial statement, including, without limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see Nevada Revised Statutes 116.4109.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A COMMON-INTEREST COMMUNITY THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of chapter 116 of Nevada Revised Statutes, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association upon petition of at least 10 percent of the homeowners.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the community's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a common-interest community. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, ~~[Nevada Real Estate Division,]~~ ***Office of the Attorney General,*** at (telephone number ~~).~~ ***designated by the Office of the Ombudsman).***

Buyer or prospective buyer's initials:_____

Date:_____

Sec. 5. **NRS 116.615 is hereby amended to read as follows:**

116.615 1. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without

limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out the provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 6. **NRS 116.625 is hereby amended to read as follows:**

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the ~~[Division.]~~ ***Office of the Attorney General.***

2. The ~~[Administrator]~~ ***Attorney General*** shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration or referred to a program pursuant to NRS 38.300 to 38.360, inclusive;

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed.

Sec. 7. **NRS 116.630 is hereby amended to read as follows:**

116.630 1. There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter or chapter 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

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

5. The money in the Account must be used solely to defray:

(a) The costs and expenses of the Commission and the Office of the Ombudsman;

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation, arbitration and a program conducted pursuant to NRS 38.300 to 38.360, inclusive; and

(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.

6. To the extent that money in the Account is available for that purpose, the Administrator shall pay any claims submitted by the Office of the Attorney General pursuant to section 2 of this act to reimburse the costs and expenses of the Office of the Ombudsman.

Sec. 8. **NRS 116.635 is hereby amended to read as follows:**

116.635 The Commission and its members, each hearing panel and its members, the Administrator, the ***Office of the*** Ombudsman, the Division, and the experts, attorneys, investigators, consultants and other personnel of the Commission ***, the Office of the Ombudsman*** and the Division are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.

Sec. 9. **NRS 116.750 is hereby amended to read as follows:**

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the ***Office of the*** Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his or her office, employment, agency or position or who held the office, employment, agency or position at the commencement of proceedings against him or her.

(b) Resigns his or her office, employment, agency or position:

(1) After the commencement of proceedings against him or her; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 10. **NRS 116.757 is hereby amended to read as follows:**

116.757 1. Except as otherwise provided in this section and NRS 239.0115, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission ***and the Office of the Ombudsman*** are confidential. The Division shall not disclose any information that is confidential pursuant to this subsection, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2.

2. A formal complaint filed by the Administrator with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.

Sec. 11. **NRS 116B.645 is hereby amended to read as follows:**

116B.645 1. The association or hotel unit owner, as applicable, shall also, after the expiration of the 90 days and before selling the unit:

(a) Give notice of the time and place of the sale in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the residential unit owner as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the residential unit owner or his or her successor in interest at the residential unit owner's address, if known, and to the address of the residential unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b) Mail, on or before the date of first publication or posting, a copy of the notice by first-class mail to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under NRS 116B.640;

(2) The holder of a recorded security interest or the purchaser of the residential unit, if either of them has notified the association, before the mailing of the notice of sale, of the existence of the security interest, lease or contract of sale, as applicable; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the residential unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the residential unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE

AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association or hotel unit owner). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, ~~[NEVADA REAL ESTATE DIVISION,]~~ ***OFFICE OF THE ATTORNEY GENERAL*** AT (toll-free telephone number designated by the ~~[Division)]~~ ***Office of the Ombudsman)*** IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the residential unit.

Sec. 12. **NRS 116B.765 is hereby amended to read as follows:**

116B.765 The information statement required by NRS 116B.735 and 116B.760 must be in substantially the following form:

BEFORE YOU PURCHASE PROPERTY IN A
CONDOMINIUM HOTEL
DID YOU KNOW...

1. YOU GENERALLY HAVE 5 DAYS TO CANCEL THE PURCHASE AGREEMENT?

When you enter into a purchase agreement to buy a home or unit in a condominium hotel, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see NRS 116B.755, if you received a public offering statement, or NRS 116B.760, if you received a resale package.

2. YOU ARE AGREEING TO RESTRICTIONS ON HOW YOU CAN USE YOUR PROPERTY?

These restrictions are contained in a document known as the Declaration of Covenants, Conditions and Restrictions. The CC&Rs become a part of the title to your property. They bind you and every future owner of the property whether or not you have read them or had them explained to you. The CC&Rs, together with other "governing documents" (such as association bylaws and rules and regulations), are intended to preserve the character and value of properties in the condominium hotel, but may also restrict what you can do to improve or change your property and limit how you use and enjoy your property. By purchasing a property encumbered by CC&Rs, you are agreeing to limitations that could affect your lifestyle and freedom of choice. You should review the CC&Rs, and other governing documents before purchasing to make sure that these limitations and controls are acceptable to you.

3. YOU WILL HAVE TO PAY OWNERS' ASSESSMENTS AND CHARGES FOR AS LONG AS YOU OWN YOUR PROPERTY?

As an owner in a condominium hotel, you are responsible for paying your share of expenses relating to the common elements and shared components. The obligation to pay these expenses binds you and every future owner of the property. Owners' fees are usually assessed for these expenses monthly. You have to pay dues whether or not you agree with the way the association or the hotel unit owner is managing the property or spending the assessments or charges. The hotel unit owner executive board of the association may have the power to change and increase the amount of the assessment or charges and to levy special assessments or special charges against your property to meet extraordinary expenses.

4. IF YOU FAIL TO PAY OWNERS' ASSESSMENTS OR CHARGES, YOU COULD LOSE YOUR HOME?

If you do not pay these assessments or charges when due, the hotel unit owner or the association usually has the power to collect them by selling your property in a nonjudicial foreclosure sale. If fees become delinquent, you may also be required to pay penalties and the association's or hotel unit owner's costs, as applicable, and attorney's fees to become current. If you dispute the obligation or its amount, your only remedy to avoid the loss of your home may be to file a lawsuit and ask a court to intervene in the dispute.

5. YOU MAY BECOME A MEMBER OF A HOMEOWNERS' ASSOCIATION THAT HAS THE POWER TO AFFECT HOW YOU USE AND ENJOY YOUR PROPERTY?

Many condominium hotels have a homeowners' association. In a new development, the association will usually be controlled by the developer until a certain number of units have been sold. After the period of developer control, the association may be controlled by property owners like yourself who are elected by homeowners to sit on an executive board and other boards and committees formed by the association. The association, and its executive board, are responsible for assessing

homeowners for the cost of operating the association and the common elements of the condominium hotel. Because homeowners sitting on the executive board and other boards and committees of the association may not have the experience or professional background required to understand and carry out the responsibilities of the association properly, the association may hire professional condominium association managers to carry out these responsibilities.

Homeowners' associations operate on democratic principles. Some decisions require all homeowners to vote, some decisions are made by the executive board or other boards or committees established by the association or governing documents. Although the actions of the association and its executive board are governed by state laws, the CC&Rs and other documents that govern the condominium hotel, decisions made by these persons will affect your use and enjoyment of your property, your lifestyle and freedom of choice, and your cost of living in the condominium hotel. You may not agree with decisions made by the association or its governing bodies even though the decisions are ones which the association is authorized to make. Decisions may be made by a few persons on the executive board or governing bodies that do not necessarily reflect the view of the majority of residential unit in the condominium hotel. If you do not agree with decisions made by the association, its executive board or other governing bodies, your remedy is typically to attempt to use the democratic processes of the association to seek the election of members of the executive board or other governing bodies that are more responsive to your needs. If you have a dispute with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, the Nevada Real Estate Division and the Commission for Common-Interest Communities and Condominium Hotels. However, to resolve some disputes, you may have to mediate or arbitrate the dispute and, if mediation or arbitration is unsuccessful, you may have to file a lawsuit and ask a court to resolve the dispute. In addition to your personal cost in mediation or arbitration, or to prosecute a lawsuit, you may be responsible for paying your share of the association's cost in defending against your claim.

6. YOU ARE REQUIRED TO PROVIDE PROSPECTIVE PURCHASERS OF YOUR PROPERTY WITH INFORMATION ABOUT LIVING IN YOUR CONDOMINIUM HOTEL?

The law requires you to provide a prospective purchaser of your property with a copy of the condominium hotel's governing documents, including the CC&Rs, association bylaws, and rules and regulations, as well as a copy of this document. You are also required to provide a copy of the association's current year-to-date financial statement, including, without

limitation, the most recent audited or reviewed financial statement, a copy of the association's operating budget and information regarding the amount of the monthly assessment for common expenses, including the amount set aside as reserves for the repair, replacement and restoration of common elements. You are also required to provide a copy of the current year-to-date statement of the shared expenses charged to your unit by the declarant or hotel unit owner, as applicable. You are also required to inform prospective purchasers of any outstanding judgments or lawsuits pending against the association of which you are aware. For more information regarding these requirements, see NRS 116B.725 to 116B.795, inclusive.

7. YOU HAVE CERTAIN RIGHTS REGARDING OWNERSHIP IN A CONDOMINIUM HOTEL THAT ARE GUARANTEED YOU BY THE STATE?

Pursuant to provisions of this chapter, you have the right:

(a) To be notified of all meetings of the association and its executive board, except in cases of emergency.

(b) To attend and speak at all meetings of the association and its executive board, except in some cases where the executive board is authorized to meet in closed, executive session.

(c) To request a special meeting of the association.

(d) To inspect, examine, photocopy and audit financial and other records of the association.

(e) To be notified of all changes in the condominium hotel's rules and regulations and other actions by the association or board that affect you.

8. QUESTIONS?

Although they may be voluminous, you should take the time to read and understand the documents that will control your ownership of a property in a condominium hotel. You may wish to ask your real estate professional, lawyer or other person with experience to explain anything you do not understand. You may also request assistance from the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, ~~[Nevada Real Estate Division,]~~ ***Office of the Attorney General*** at (telephone number ~~[).]~~ ***designated by the Office of the Ombudsman).***

Buyer or prospective buyer's initials:_____

Date:_____

Sec. 13. **NRS 116B.800 is hereby amended to read as follows:**

116B.800 ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600, the Division and the Director of the Department of Business and Industry have jurisdiction over the enforcement of this chapter as set forth herein.

Sec. 14. **NRS 116B.805 is hereby amended to read as follows:**

116B.805 1. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out the provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 15. **NRS 116B.820 is hereby amended to read as follows:**

116B.820 The Commission and its members, each hearing panel and its members, the Administrator, the ***Office of the*** Ombudsman, the Division, and the experts, attorneys, investigators, consultants and other personnel of the Commission ***, the Office of the Ombudsman*** and the Division are immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this chapter.

Sec. 16. **NRS 116B.870 is hereby amended to read as follows:**

116B.870 1. In carrying out the provisions of NRS 116B.870 to 116B.920, inclusive, the Division and the ***Office of the*** Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any declarant, affiliate of a declarant or hotel unit owner.

(d) Any unit's owner.

(e) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his or her office, employment, agency or position or who held his or her office, employment, agency or position at the commencement of proceedings against him or her.

(b) Resigns his or her office, employment, agency or position:

(1) After the commencement of proceedings against him or her; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 17. **1. Any claim or complaint submitted to or being processed by the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within the Real Estate Division of the Department of Business and Industry before July 1, 2015, shall be deemed to be the responsibility of the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels within the Office of the Attorney General.**

2. Any person who, on July 1, 2015, is serving as the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels may, if he or she is otherwise qualified on that date, continue to serve in that capacity until his or her successor is appointed pursuant to NRS 116.625, as amended by section 6 of this act.

~~[Sec. 2.]~~ ***Sec. 18.*** This act becomes effective ~~[on]~~ **:**

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

2. On July 1, 2015 **[.]** **, for all other purposes.**

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~**38.300 Definitions.**~~

~~**38.310 Limitations on commencement of certain civil actions.**~~

~~**38.320 Submission of claim for mediation or referral to program of dispute resolution; contents of claim; fees; service of claim; written answer.**~~

~~**38.325 Program of dispute resolution: Authority of Division to establish; procedure for claim referred to program.**~~

~~**38.330 Procedure for mediation or arbitration of claim; payment of costs and fees upon failure to obtain a more favorable award or judgment in court.**~~

~~**38.340 Duties of Division: Maintenance of list of mediators and arbitrators; establishment of explanatory document.**~~

~~**38.350 Statute of limitations tolled.**~~

~~**38.360 Administration of provisions by Division; regulations; fees.**~~

~~**116.001 Short title.**~~

~~**116.003 Definitions.**~~

~~**116.005 "Administrator" defined.**~~

~~**116.007 "Affiliate of a declarant" defined.**~~

— 116.009 "Allocated interests" defined.
— 116.011 "Association" and "unit-owners' association" defined.
— 116.013 "Certificate" defined.
— 116.015 "Commission" defined.
— 116.017 "Common elements" defined.
— 116.019 "Common expenses" defined.
— 116.021 "Common-interest community" defined.
— 116.023 "Community manager" defined.
— 116.025 "Complaint" defined.
— 116.027 "Condominium" defined.
— 116.029 "Converted building" defined.
— 116.031 "Cooperative" defined.
— 116.033 "Dealer" defined.
— 116.035 "Declarant" defined.
— 116.037 "Declaration" defined.
— 116.039 "Developmental rights" defined.
— 116.041 "Dispose" and "disposition" defined.
— 116.043 "Division" defined.
— 116.045 "Executive board" defined.
— 116.047 "Financial statement" defined.
— 116.049 "Governing documents" defined.
— 116.051 "Hearing panel" defined.
— 116.053 "Identifying number" defined.
— 116.055 "Leasehold common-interest community" defined.
— 116.057 "Liability for common expenses" defined.
— 116.059 "Limited common element" defined.
— 116.0605 "Major component of the common elements" defined.
— 116.061 "Management of a common-interest community" defined.
— 116.063 "Master association" defined.
— 116.064 "Nonresidential condominium" defined.
— 116.065 "Offering" defined.
— 116.067 "Ombudsman" defined.
— 116.069 "Party to the complaint" defined.
— 116.073 "Person" defined.
— 116.075 "Planned community" defined.
— 116.077 "Proprietary lease" defined.
— 116.079 "Purchaser" defined.
— 116.081 "Real estate" defined.
— 116.083 "Residential use" defined.
— 116.085 "Respondent" defined.
— 116.087 "Security interest" defined.
— 116.089 "Special declarant's rights" defined.
— 116.091 "Time share" defined.
— 116.093 "Unit" defined.
— 116.095 "Unit's owner" defined.

~~— 116.1104 Provisions of chapter may not be varied by agreement, waived or evaded; exceptions.~~
~~— 116.11045 Provisions of chapter do not invalidate or modify tariffs, rules and standards of public utility; consistency of governing documents.~~
~~— 116.1105 Categorization of property in certain common-interest communities.~~
~~— 116.1106 Applicability of local ordinances, regulations and building codes.~~
~~— 116.1107 Eminent domain.~~
~~— 116.1108 Supplemental general principles of law applicable.~~
~~— 116.11085 Provisions of chapter prevail over conflicting provisions governing certain business entities generally.~~
~~— 116.1109 Construction against implicit repeal; uniformity of application and construction.~~
~~— 116.1112 Unconscionable agreement or term of contract.~~
~~— 116.1113 Obligation of good faith.~~
~~— 116.1114 Remedies to be liberally administered.~~
~~— 116.1118 Federal Electronic Signatures in Global and National Commerce Act superseded; exceptions.~~
~~— 116.1201 Applicability; regulations.~~
~~— 116.1203 Exception for small planned communities.~~
~~— 116.1206 Provisions of governing documents in violation of chapter deemed to conform with chapter by operation of law; procedure for certain amendments to governing documents.~~
~~— 116.12065 Notice of changes to governing documents.~~
~~— 116.12075 Applicability to nonresidential condominiums.~~
~~— 116.1209 Other exempt real estate arrangements; other exempt covenants.~~
~~— 116.2101 Creation of common-interest communities.~~
~~— 116.2102 Unit boundaries.~~
~~— 116.2103 Construction and validity of declaration and bylaws.~~
~~— 116.2104 Description of units.~~
~~— 116.2105 Contents of declaration.~~
~~— 116.2106 Leasehold common-interest communities.~~
~~— 116.2107 Allocation of allocated interests.~~
~~— 116.2108 Limited common elements.~~
~~— 116.2109 Plats.~~
~~— 116.211 Exercise of developmental rights.~~
~~— 116.2111 Alterations of units; access to units.~~
~~— 116.2112 Relocation of boundaries between adjoining units.~~
~~— 116.2113 Subdivision of units.~~
~~— 116.2114 Monuments as boundaries.~~
~~— 116.2115 Use for purposes of sales.~~
~~— 116.2116 Easement rights; validity of existing restrictions.~~
~~— 116.2117 Amendment of declaration.~~

~~— 116.21175 Procedure for seeking confirmation from district court of certain amendments to declaration.~~

~~— 116.2118 Termination of common-interest community.~~

~~— 116.21183 Rights of creditors following termination.~~

~~— 116.21185 Respective interests of units' owners following termination.~~

~~— 116.21188 Effect of foreclosure or enforcement of lien or encumbrance.~~

~~— 116.2119 Rights of secured lenders.~~

~~— 116.212 Master associations.~~

~~— 116.21205 Reallocation of costs of administering common elements of certain master associations.~~

~~— 116.2121 Merger or consolidation of common-interest communities.~~

~~— 116.2122 Addition of unspecified real estate.~~

~~— 116.2124 Termination following catastrophe.~~

~~— 116.3101 Organization of unit-owners' association.~~

~~— 116.3102 Powers of unit-owners' association; limitations.~~

~~— 116.3103 Power of executive board to act on behalf of association; members and officers are fiduciaries; duty of care; application of business judgment rule and conflict of interest rules; limitations on power.~~

~~— 116.310305 Power of executive board to impose construction penalties for failure of unit's owner to adhere to certain schedules relating to design, construction, occupancy or use of unit or improvement.~~

~~— 116.31031 Power of executive board to impose fines and other sanctions for violations of governing documents; limitations; procedural requirements; continuing violations; collection of past due fines; statement of balance owed.~~

~~— 116.310312 Power of executive board to enter grounds of unit to conduct certain maintenance or remove or abate public nuisance; notice of security interest and hearing required; imposition of fines and costs; lien against unit; limitation on liability.~~

~~— 116.310313 Collection of past due obligation; charge of reasonable fee to collect.~~

~~— 116.310315 Accounting for fines imposed by association.~~

~~— 116.31032 Period of declarant's control of association; representation of units' owners on executive board.~~

~~— 116.31034 Election of members of executive board and officers of association; term of office of member of executive board; staggered terms; eligibility to serve on executive board; required disclosures; procedure for conducting elections; certification by member of executive board of understanding of governing documents and provisions of chapter.~~

~~— 116.31035 Publications containing mention of candidate or ballot question: Requirements; limitations.~~

~~— 116.31036 Removal of member of executive board.~~

~~— 116.31037 Indemnification and defense of member of executive board.~~

~~— 116.31038 Delivery to association of property held or controlled by declarant.~~

~~— 116.31039 Delivery to association of additional common elements constructed by declarant or successor declarant.~~

~~— 116.310395 Delivery to association of converted building reserve deficit.~~

~~— 116.3104 Transfer of special declarant's right.~~

~~— 116.31043 Liabilities and obligations of person who succeeds to special declarant's rights.~~

~~— 116.31046 Successor not subject to certain claims against or other obligations of transferor of special declarant's right.~~

~~— 116.3105 Termination of contracts and leases of declarant.~~

~~— 116.3106 Bylaws.~~

~~— 116.31065 Rules.~~

~~— 116.31068 Notice to units' owners.~~

~~— 116.3107 Upkeep of common interest community.~~

~~— 116.31073 Maintenance, repair, restoration and replacement of security walls.~~

~~— 116.31075 Meetings of rural agricultural residential common interest communities: Compliance with Open Meeting Law.~~

~~— 116.3108 Meetings of units' owners of association; frequency of meetings; calling special meetings; requirements concerning notice and agendas; requirements concerning minutes of meetings; right of units' owners to make audio recordings of meetings.~~

~~— 116.31083 Meetings of executive board; frequency of meetings; periodic review of certain financial and legal matters at meetings; requirements concerning minutes of meetings; right of units' owners to make audio recordings of certain meetings.~~

~~— 116.31084 Voting by member of executive board; disclosures; abstention from voting on certain matters.~~

~~— 116.31085 Right of units' owners to speak at certain meetings; limitations on right; limitations on power of executive board to meet in executive session; procedure governing hearings on alleged violations; requirements concerning minutes of certain meetings.~~

~~— 116.31086 Solicitation of bids for association project; bids to be opened at meeting of executive board.~~

~~— 116.31087 Right of units' owners to have certain complaints placed on agenda of meeting of executive board.~~

~~— 116.31088 Meetings regarding civil actions; requirements for commencing or ratifying certain civil actions; right of units' owners to request dismissal of certain civil actions; disclosure of terms and conditions of settlements.~~

~~— 116.3109 Quorum.~~

~~— 116.311 Voting by units' owners; use of absentee ballots and proxies; voting by lessees of leased units; association prohibited from voting as owner of unit; voting without a meeting.~~

~~— 116.31105 Voting by delegates or representatives; limitations; procedure for electing delegates or representatives.~~

~~— 116.31107 Voting by units' owners: Prohibited acts; penalty.~~

~~— 116.3111 Tort and contract liability.~~

~~— 116.3112 Conveyance or encumbrance of common elements.~~

~~— 116.3113 Insurance: General requirements.~~

~~— 116.31133 Insurance: Policies; use of proceeds; certificates or memoranda of insurance.~~

~~— 116.31135 Insurance: Repair or replacement of damaged or destroyed portion of community.~~

~~— 116.31138 Insurance: Variance or waiver of provisions in community restricted to nonresidential use.~~

~~— 116.311395 Funds of association to be deposited or invested at certain financial institutions.~~

~~— 116.3114 Surplus funds.~~

~~— 116.31142 Preparation and presentation of financial statements.~~

~~— 116.31144 Audit and review of financial statements.~~

~~— 116.3115 Assessments for common expenses; funding of adequate reserves; collection of interest on past due assessments; calculation of assessments for particular types of common expenses; notice of meetings regarding assessments for capital improvements.~~

~~— 116.31151 Annual distribution to units' owners of operating and reserve budgets or summaries of such budgets and policy for collection of fees, fines, assessments or costs; ratification of budget.~~

~~— 116.31152 Study of reserves; duties of executive board regarding study; qualifications of person who conducts study; contents of study; submission of summary of study to Division; use of money credited against residential construction tax for upkeep of park facilities and related improvements identified in study.~~

~~— 116.31153 Signatures required for withdrawals of certain association funds; exceptions.~~

~~— 116.31155 Fees imposed on associations or master associations to pay for costs of administering Office of Ombudsman and Commission; administrative penalties for failure to pay; interest on unpaid fees; limitations on amount of fees and penalties; procedure to recover fees, penalties or interest imposed in error.~~

~~— 116.31158 Registration of associations with Ombudsman; contents of form for registration.~~

~~— 116.3116 Liens against units for assessments.~~

~~— 116.31162 Foreclosure of liens; Mailing of notice of delinquent assessment; recording of notice of default and election to sell; period~~

~~during which unit's owner may pay lien to avoid foreclosure; limitations on type of lien that may be foreclosed.~~

~~— 116.31163 Foreclosure of liens: Mailing of notice of default and election to sell to certain interested persons.~~

~~— 116.311635 Foreclosure of liens: Providing notice of time and place of sale; service of notice of sale; contents of notice of sale; proof of service.~~

~~— 116.31164 Foreclosure of liens: Procedure for conducting sale; purchase of unit by association; execution and delivery of deed; use of proceeds of sale.~~

~~— 116.31166 Foreclosure of liens: Effect of recitals in deed; purchaser not responsible for proper application of purchase money; title vested in purchaser without equity or right of redemption.~~

~~— 116.31168 Foreclosure of liens: Requests by interested persons for notice of default and election to sell; right of association to waive default and withdraw notice or proceeding to foreclose.~~

~~— 116.3117 Liens against association.~~

~~— 116.31175 Maintenance and availability of books, records and other papers of association: General requirements; exceptions; general records concerning certain violations; enforcement by Ombudsman; limitations on amount that may be charged to conduct review.~~

~~— 116.3118 Maintenance and availability of certain financial records necessary to provide information required for resale of units; right of units' owners to inspect, examine, photocopy and audit records of association.~~

~~— 116.31183 Retaliatory action prohibited; separate action by unit's owner.~~

~~— 116.31184 Threats, harassment and other conduct prohibited; penalty.~~

~~— 116.31185 Prohibition against certain personnel soliciting or accepting compensation, gratuity or remuneration under certain circumstances.~~

~~— 116.31187 Prohibition against certain personnel contracting with association or accepting commission, personal profit or compensation from association; exceptions.~~

~~— 116.31189 Bribery of community manager or member of executive board; penalties; exceptions.~~

~~— 116.3119 Association as trustee.~~

~~— 116.320 Right of units' owners to display flag of the United States in certain areas; conditions and limitations on exercise of right.~~

~~— 116.325 Right of units' owners to exhibit political signs in certain areas; conditions and limitations on exercise of right.~~

~~— 116.330 Right of units' owners to install or maintain drought tolerant landscaping; conditions and limitations on exercise of right; installation of drought tolerant landscaping within common elements.~~

~~— 116.332 Right of units' owners to store containers for collection of solid waste or recyclable materials; adoption of rules by association.~~
~~— 116.335 Association prohibited from requiring unit's owner to obtain approval to rent or lease unit; exceptions.~~
~~— 116.340 Transient commercial use of units within certain planned communities.~~
~~— 116.345 Association of planned community prohibited from taking certain actions regarding property, buildings and structures within planned community; validity of existing restrictions.~~
~~— 116.350 Limitations regarding regulation of certain roads, streets, alleys or other thoroughfares; permissible regulation of parking or storage of certain vehicles.~~
~~— 116.4101 Applicability; exceptions.~~
~~— 116.4102 Liability for preparation and delivery of public offering statement.~~
~~— 116.4103 Public offering statement: General provisions.~~
~~— 116.41035 Public offering statement: Limitations for certain small offerings.~~
~~— 116.4104 Public offering statement: Common-interest communities subject to developmental rights.~~
~~— 116.4105 Public offering statement: Time shares.~~
~~— 116.4106 Public offering statement: Common-interest community containing converted building.~~
~~— 116.4107 Public offering statement: Common-interest community registered with Securities and Exchange Commission or State of Nevada.~~
~~— 116.4108 Purchaser's right to cancel.~~
~~— 116.4109 Resales of units.~~
~~— 116.41095 Required form of information statement.~~
~~— 116.411 Escrow of deposits; furnishing of bond in lieu of deposit.~~
~~— 116.4111 Release of liens.~~
~~— 116.4112 Converted buildings.~~
~~— 116.4113 Express warranties of quality.~~
~~— 116.4114 Implied warranties of quality.~~
~~— 116.4115 Exclusion or modification of warranties of quality.~~
~~— 116.4116 Statute of limitations for warranties.~~
~~— 116.4117 Effect of violations on rights of action; civil action for damages for failure or refusal to comply with provisions of chapter or governing documents; members of executive board not personally liable to victims of crimes; circumstances under which punitive damages may be awarded; attorney's fees.~~
~~— 116.4118 Labeling of promotional material.~~
~~— 116.4119 Declarant's obligation to complete and restore.~~
~~— 116.412 Substantial completion of units.~~

~~– 116.600 Commission for Common-Interest Communities and Condominium Hotels: Creation; appointment and qualifications of members; terms of office; compensation.~~

~~– 116.605 Commission for Common-Interest Communities and Condominium Hotels: Courses of instruction for members.~~

~~– 116.610 Commission for Common-Interest Communities and Condominium Hotels: Election of officers; meetings; quorum.~~

~~– 116.615 Administration of chapter; regulations of Commission and Real Estate Administrator; delegation of authority; publications.~~

~~– 116.620 Employment of personnel by Real Estate Division; duties of Attorney General; legal opinions by Attorney General.~~

~~– 116.623 Petitions for declaratory orders or advisory opinions: Regulations; scope; contents of petition; filing; period for response.~~

~~– 116.625 Ombudsman for Owners in Common-Interest Communities and Condominium Hotels: Creation of office; appointment; qualifications; powers and duties.~~

~~– 116.630 Account for Common-Interest Communities and Condominium Hotels: Creation; administration; sources; uses.~~

~~– 116.635 Immunity.~~

~~– 116.640 Service of notice and other information upon Commission.~~

~~– 116.643 Authority for Commission or Real Estate Administrator to adopt regulations requiring additional disclosures for sale of unit.~~

~~– 116.645 Authority for Real Estate Division to conduct business electronically; regulations; fees; use of unsworn declaration; exclusions.~~

~~– 116.660 Issuance and enforcement of subpoenas.~~

~~– 116.662 Witnesses: Payment of fees and mileage.~~

~~– 116.665 Conducting hearings and other proceedings; collection of information; development and promotion of educational guidelines; accreditation of programs of education and research.~~

~~– 116.670 Establishment of standards for subsidizing arbitration, mediation and educational programs; acceptance of gifts, grants and donations; agreements and cooperation with other entities.~~

~~– 116.675 Appointment of hearing panels; delegation of powers and duties; appeals to Commission.~~

~~– 116.680 Use of audio or video teleconference for hearings.~~

~~– 116.745 "Violation" defined.~~

~~– 116.750 Jurisdiction of Real Estate Division, Ombudsman, Commission and hearing panels.~~

~~– 116.755 Rights, remedies and penalties are cumulative and not exclusive; limitations on power of Commission and hearing panels regarding internal activities of association.~~

~~– 116.757 Confidentiality of records: Certain records relating to complaint or investigation deemed confidential; certain records relating to disciplinary action deemed public records.~~

~~— 116.760 Right of person aggrieved by alleged violation to file affidavit with Real Estate Division; procedure for filing affidavit; administrative fine for filing false or fraudulent affidavit.~~

~~— 116.765 Referral of affidavit to Ombudsman for assistance in resolving alleged violation; report by Ombudsman; investigation by Real Estate Division; determination of whether to file complaint with Commission.~~

~~— 116.770 Procedure for hearing complaints: Time for holding hearing; continuances; notices; evidence; answers; defaults.~~

~~— 116.775 Representation by attorney.~~

~~— 116.780 Decisions on complaints.~~

~~— 116.785 Remedial and disciplinary action: Orders to cease and desist and to correct violations; administrative fines; removal from office or position; payment of costs; exemptions from liability.~~

~~— 116.790 Remedial and disciplinary action: Audit of association; requiring association to hire community manager who holds certificate; appointment of receiver.~~

~~— 116.795 Injunctions.]~~

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes the bill in its entirety and replaces it with language that transfers the Office of the Ombudsman from the Real Estate Division to the Office of the Attorney General.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 540.

AN ACT relating to common-interest communities; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association; revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Common-Interest Ownership Act, which governs common-interest communities. (Chapter 116 of NRS) Under existing law, unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) **Section 1** of this bill additionally excludes a person, other than a person appointed by the declarant, from being a member of the executive board or an officer of a homeowners'

association if: (1) the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person ~~[owns more than one unit in the]~~ **is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that** association.

Existing law also requires a homeowners' association to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) **Section 2** of this bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost ~~[$ 500]~~ **: (1) in a common-interest community that consists of less than 1,000 units, $2,500 or more; or (2) in a common-interest community that consists of 1,000 or more units, $5,000** or more. **Section 2** further **: (1)** specifies that **the contents of** bids which are opened at a meeting of the executive board must ~~[also]~~ be read aloud **in summary form; (2) requires such contents to be posted on the Internet website of the association, if one exists; (3) authorizes the inclusion of such contents in an official newsletter or other similar publication that is circulated to each unit's owner;** and **(4)** requires the members of the executive board to vote on the acceptance of a bid in accordance with *Robert's Rules of Order Newly Revised*.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if ~~[the]~~ ***:***

(1) The person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;

(3) The person ~~[owns more than one unit in the]~~ is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or

(4) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before

those secret written ballots have been opened and counted at a meeting of the association.

12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses

to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 13.

15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project ~~[,~~ ~~the]~~ ***:***

(a) The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost ~~***[$500]***~~ ***:***

(1) In a common-interest community that consists of less than 1,000 units, $2,500 or more; or

(2) In a common-interest community that consists of 1,000 or more units, $5,000 or more;

(b) The bids must be opened ***and the contents of each bid, including, without limitation, the titles of the project, the scope of each work and the bid amounts, must be read aloud in summary form*** during a meeting of the executive board ~~[.]~~ ***;*** ~~***[and]***~~

(c) The contents of each bid must be posted in summary form on the Internet website of the association, if one exists, and may be included in an official newsletter or other similar publication that is circulated to each unit's owner; and

(d) The members of the executive board must vote on the acceptance of a bid in accordance with the most recent edition of Robert's Rules of Order Newly Revised.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of ***professional*** services to the association ~~[.]~~ ***, including, without limitation, accounting, engineering and legal services.***

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes language making persons who own two or more units ineligible to serve as a board member or an officer; adds business associates or co-owners of a current board member, officer, or community manager to the list of persons ineligible to serve as a board member or an officer; depending on the size of the homeowners association, creates two different monetary thresholds for requiring bids on association projects; and clarifies what portion of a bid must be read aloud and the publication of bids for homeowners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 3:43 p.m.

ASSEMBLY IN SESSION

At 3:45 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 295 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 360.

SUMMARY—Revises provisions governing the taxation of ~~[occasional sales]~~ **certain deliveries and transfers** of firearms. (BDR 32-918)

AN ACT relating to taxation; ~~[exempting from]~~ **revising provisions governing** the sales and use taxes ~~[the occasional sale]~~ **imposed on the delivery or transfer** of a firearm ~~[,]~~ **from outside this State under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing **federal** law ~~[provides for the administration by the Department of Taxation of sales and use taxes in this State. (Chapters 372 and 374 of NRS) Existing law exempts from such taxes the occasional sales of tangible personal property. (NRS 372.320, 374.325)]~~ **prohibits a person from transporting into or receiving in the state of his or her residence a firearm purchased or otherwise obtained by that person from outside that state, unless the**

person is licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. Thus, for a person in this State to purchase a firearm from another state, the firearm must be transferred or delivered to a person in this State who is a federally licensed firearms dealer who then transfers or delivers the firearm to the purchaser after conducting the background check required by federal law. (18 U.S.C. § 922(a)(3), (b)(3) and (t))

Existing law imposes a sales tax on the gross receipts of a retailer from the sale of tangible personal property sold at retail in this State. (NRS 372.105, 374.110) Existing law also imposes a use tax on the storage, use or other consumption in this State of tangible personal property purchased from a retailer for storage, use or other consumption in this State. (NRS 372.185, 374.190) Under existing law, if an agent of an owner or former owner of tangible personal property delivers the property to a final consumer in this State pursuant to a retail sale made by an out-of-state retailer, the delivery is a retail sale in this State by the agent making the delivery. (NRS 372.050) Because, under these circumstances, the delivery of the property by the agent is considered a retail sale by the agent, the agent is required to impose, collect and remit the sales tax to the Department of Taxation. (NRS 372.110, 374.115)

This bill ~~[requires]~~ **provides that, in administering the sales and use taxes,** the Department ~~[to consider the sale]~~ **must not consider the delivery or transfer** of a firearm ~~[, including facilitating the transfer of a firearm]~~ from out of state ~~[, to be an occasional sale and exempted from the sales and use taxes, unless]~~ **by a person in this State who is a federally licensed firearms dealer to be a sale made by that federally licensed firearms dealer if: (1) the delivery or transfer is made to facilitate the transfer of the firearm from out of state in compliance with federal law; and (2)** the sale involves the payment of the sales price for the firearm to a ~~[retailer or other]~~ person ~~[in this State who is a]~~ **other than the** federally licensed firearms dealer. **Because this bill provides that the delivery or transfer must not be considered a sale by the federally licensed firearms dealer, the federally licensed firearms dealer is not required to impose, collect and remit the sales tax or collect and remit the use tax on the delivery or transfer of the firearm. However, under this bill, the purchaser of the firearm is required to remit the use tax if the purchase of the firearm constitutes a retail sale by a retailer in another state.**

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

Section 1. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the Department shall not consider the ~~[sale]~~ delivery or transfer of a firearm ~~[, including, without limitation, facilitating the transfer of a firearm]~~ from out of state ~~[,]~~ by a

person in this State who is licensed as a firearms dealer by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice to be [an occasional] a sale [, unless the sale is one in which the] made by that licensed firearms dealer if:

1. The delivery or transfer of the firearm is made to facilitate the transfer of the firearm from out of state in compliance with 18 U.S.C. § 922; and

2. The sales price for the firearm is paid to a [retailer or] person other [person in this State who is] than the licensed [as a] firearms dealer [by the United States Department of the Treasury.] delivering or transferring the firearm.

Sec. 2. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the Department shall not consider the [sale] delivery or transfer of a firearm [, including, without limitation, facilitating the transfer of a firearm] from out of state [,] by a person in this State who is licensed as a firearms dealer by the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice to be [an occasional] a sale [, unless the sale is one in which the] made by that licensed firearms dealer if:

1. The delivery or transfer of the firearm is made to facilitate the transfer of the firearm from out of state in compliance with 18 U.S.C. § 922; and

2. The sales price for the firearm is paid to a [retailer or] person other [person in this State who is] than the licensed [as a] firearms dealer [by the United States Department of the Treasury.] delivering or transferring the firearm.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 360 to Assembly Bill 316 specifies that for the purposes of the sales and use tax, the delivery or transfer of a firearm from out of state to a licensed firearms dealer in Nevada is not considered to be a retail sale made by that firearms dealer if the delivery or transfer of the firearm is made to facilitate the transfer from out of state in compliance with federal law and the sales price for the firearm is paid to a person other than the dealer who is delivering or transferring the firearm.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 553.

AN ACT relating to domestic relations; authorizing a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication

of certain property and liabilities that were omitted from the final decree or judgment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (*Kramer v. Kramer*, 96 Nev. 759, 762 (1980); *Amie v. Amie*, 106 Nev. 541, 542 (1990)) In *Doan v. Wilkerson*, 130 Nev. Adv. Op. 48, 328 P.3d 498 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree.

This bill ~~[provides that, at any time,]~~ **authorizes** a party in an action for divorce, separate maintenance or annulment ~~[may]~~ **to** file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. This bill further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

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

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set

forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. ***A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment. There is no limitation on the time in which a motion pursuant to this subsection may be filed*** ~~[.]~~ ***, except that if the motion is based on fraud or mistake, the motion must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:***

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

~~[4.]~~ ***5.*** In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

~~[5.]~~ ***6.*** In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

~~[6.]~~ ***7.*** If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

~~[7.]~~ ***8.*** If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

~~[8.]~~ ***9.*** In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

~~[9.]~~ ***10.*** In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~[10.]~~ ***11.*** If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~[9.]~~ ***10:***

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

~~[11.]~~ ***12.*** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment clarifies that the court has continuing jurisdiction to hear a postjudgment motion in any action for divorce, annulment, or separate maintenance to obtain adjudication of any community asset or liability omitted from the decree or judgment. Such a motion, if based on fraud or mistake, must be made within three years of the discovery by the aggrieved party of the facts constituting the fraud or mistake. In partition of benefits from a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than six years after the installment payment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time.

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

Amendment No. 380.

SUMMARY—Provides an optional benefit to the surviving spouse **or survivor beneficiary** of ~~[a]~~ **certain** deceased ~~[police officer or firefighter.]~~ **members of the Public Employees' Retirement System.** (BDR 23-1056)

AN ACT relating to public employees; providing an optional benefit to the surviving spouse **or survivor beneficiary** of a ~~[police officer or firefighter]~~ **member of the Public Employees' Retirement System** who was killed in the ~~[line]~~ **performance** of **his or her** duty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth several benefit options for the surviving spouse of a deceased member of the Public Employees' Retirement System. (NRS 286.674-286.6766) This bill provides an additional benefit option for the surviving spouse **or survivor beneficiary** of a member who was ~~[a police officer or firefighter]~~ killed in the ~~[line]~~ **performance** of **his or her** duty. This additional option authorizes the surviving spouse **or survivor beneficiary** to elect to receive a benefit that is the equivalent to the greater of: (1) fifty percent of the salary of the member on the date of the member's death; or (2) ~~[fifty percent of]~~ the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The spouse or survivor beneficiary of a member who was ~~[a police officer or firefighter]~~ killed in the ~~[line]~~ performance of his or her duty is entitled to receive a monthly allowance equivalent to the greater of:

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) ~~[Fifty percent of the]~~ The retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid , as applicable, to ~~[the]~~ :

(a) The spouse ~~[for the remainder of the spouse's life.]~~ until the death or remarriage of the spouse; or

(b) The survivor beneficiary until the death of the survivor beneficiary.

3. The spouse or survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.674 ~~[,]~~ or 286.67675;

(c) NRS 286.676 ~~[,]~~ or 286.6768;

(d) NRS 286.6765 ~~[,]~~ or 286.67685; or

(e) NRS 286.6766 ~~[,]~~ or 286.6769.

4. For the purposes of this section, the Board shall define by regulation "killed in the ~~[line]~~ performance of his or her duty."

Sec. 2. NRS 286.671 is hereby amended to read as follows:

286.671 As used in NRS 286.671 to 286.679, inclusive ~~[,]~~ ***, and section 1 of this act:***

1. "Child" means an unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this subsection, "issue" means the progeny or biological offspring of the deceased member.

2. "Dependent parent" means the surviving parent of a deceased member who was dependent upon the deceased member for at least 50 percent of the surviving parent's support for at least 6 months immediately preceding the death of the deceased member.

3. "Spouse" means the surviving husband or wife of a deceased member.

Sec. 3. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 1 of this act,*** if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member's death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member's dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive ~~[,]~~ ***, and section 1 of this act.*** If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member occurs while the member is on leave of absence granted by the member's employer for further training and if the member met the requirements of subsection 1 at the time the member's leave began, certain of the deceased member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member is caused by an occupational disease or an accident arising out of and in the course of the member's employment, no prior contributing service is required to make the deceased member's dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, ***and section 1 of this act,*** except that this subsection does not apply to an accident occurring while the member is traveling between the member's home and the member's principal place of employment or to an accident or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 286.6767.

Sec. 4. NRS 286.679 is hereby amended to read as follows:

286.679 1. If payments to a beneficiary pursuant to NRS 286.671 to 286.679, inclusive, ***and section 1 of this act*** cease before the total contributions of a deceased member have been paid in benefits, and there is no person entitled to receive such benefits pursuant to any provision of this chapter, the surplus of such contributions over the benefits actually received may be paid in a lump sum to:

(a) The beneficiary whom the deceased member designated for this purpose in writing on a form approved by the System.

(b) If no such designation was made or the person designated is deceased, the beneficiary who previously received the payments.

(c) If no payment may be made pursuant to paragraphs (a) and (b), the persons entitled as heirs or residuary legatees to the estate of the deceased member.

2. A lump-sum payment made pursuant to this section fully discharges the obligations of the System.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

This amendment extends the additional benefit option proposed in the bill to all members of the Public Employees' Retirement System; allows payment of the benefit option to survivor beneficiaries; and changes the term from "killed in the line of duty" to "killed in the performance of his or her duty." Finally, the amendment includes a "remarry" provision for the spouse of a member whereby the benefit will be discontinued upon remarriage of a surviving spouse.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 430.

AN ACT relating to insurance; establishing a tax credit for an insurer who meets certain criteria related to economic development in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a 3.5 percent tax on the net direct premiums and net direct considerations of an insurer transacting business in this State. (NRS 680B.027) Existing law also provides for a tax credit of up to 80 percent against this tax for an insurer who meets certain criteria related to economic development in this State. (NRS 680B.050) Beginning January 1, 2016, the aggregate amount of the credits may not exceed $5,000,000, allocated on a pro rata basis among all insurers eligible for the credit, and the credit is scheduled to expire on January 1, 2021. (NRS 680B.050; Chapter 1, Statutes of Nevada 2014, 28th Special Session, p. 3)

Section 2 of this bill establishes a tax credit of up to 80 percent against the tax imposed by NRS 680B.027 for an insurer who meets certain criteria related to economic development. In addition, **section 2** provides that an insurer who has received 10 years of credits under NRS 680B.050 is ineligible to receive the new credit and that, for all other insurers, the amount of the new credit in any given year must be reduced by the amount of any credit taken pursuant to NRS 680B.050. ~~[Further, section 2 specifies that an insurer is only eligible for the tax credit if certain tax collections have exceeded projections.]~~

Section 3 of this bill establishes the criteria an insurer must meet to qualify for the tax credit in **section 2**. Specifically, an insurer must execute an agreement with the Office of Economic Development providing that the insurer will: (1) have 250 or more full-time employees in this State; (2) maintain and own a principal or regional office in this State in which they have made an investment of $10,000,000 or more; (3) pay an hourly wage that is equal to or greater than the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) provide health insurance for all of its employees in this State and their dependents. In addition, **section 3** provides that an insurer who fails to meet the requirements in the agreement or who ceases operations before the time specified in the agreement is required to repay the Department of Taxation the amount of any credit taken before the failure of the insurer to comply with the provisions of the agreement, plus interest. **Sections 7 and 8** of this bill provide for the tax credit in **section 2** to be treated like economic development tax abatements for the purposes of reporting and analysis. **Sections 9-11** of this bill account for the January 1, 2021, expiration of the tax credit authorized by NRS 680B.050 while retaining statutory language necessary for the operation of the new tax credit in **section 2**. In particular, **section 10** of this bill provides that the tax credit authorized by NRS 680B.050 will no longer be available on or after January 1, 2021.

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

Section 1. Chapter 680B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), that qualifies pursuant to the provisions of section 3 of this act, is entitled to a credit against the tax otherwise imposed by NRS 680B.027 in an amount determined pursuant to subsections 2 and 3.***

2. To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

3. The total amount of the credit calculated pursuant to subsection 2 must not exceed 80 percent of the tax otherwise payable by the insurer pursuant to NRS 680B.027.

4. The credit provided for in subsection 1 must be effective for a period of 10 years, or for such longer period as may be approved by the Office of Economic Development.

5. For any given year, the credit provided for in subsection 1 must be reduced by the amount of any credits taken by the insurer pursuant to NRS 680B.050.

6. No domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), is eligible for the credit provided for in subsection 1 if the insurer has taken the credit provided for in NRS 680B.050 against taxes due in a total of any 10 years or more, regardless of whether those years are consecutive, at any time before January 1, 2016.

7. If the credit provided for in subsection 1 is approved by the Office of Economic Development pursuant to section 3 of this act, the credit must be administered and carried out in the manner set forth in that section.

~~***[8. The cumulative credits provided for in this section for all insurers in any given year must not exceed the total amount of taxes payable pursuant to NRS 680B.027 actually collected in any given year less the total amount of taxes payable pursuant to that section which are included in the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228 for that year.***~~

~~*9. If the total amount of taxes payable pursuant to NRS 680B.027 actually collected in a given year is less than the total amount of taxes payable pursuant to that section which are included in the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228 for that year, no credits shall be allowed pursuant to this section.*~~

~~*10. If the total amount of taxes payable pursuant to NRS 680B.027 actually collected in a given year is greater than the total amount of taxes payable pursuant to that section which are included in the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228 for that year, and the difference between the actual taxes collected and the taxes forecasted is less than the cumulative credits to which all insurers may be entitled pursuant to this section for that year, the credits to which each insurer may be entitled pursuant to this section must be reduced on a pro rata basis so that the cumulative credits provided by this section for all insurers in that year does not exceed the difference between the actual taxes collected and the taxes forecasted for that year.*~~**]**

Sec. 3. ***1. A domestic or foreign insurer may apply to the Office of Economic Development pursuant to this section for the tax credit provided for in section 2 of this act.***

2. The Office of Economic Development must approve an application for a tax credit pursuant to this section if the Office makes the following determinations:

(a) The business license of the insurer is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development;

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of this section;

(2) State that the insurer will, after the date on which the tax credit becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the insurer for the specified period;

(c) The insurer holds a certificate of authority issued by the Commissioner; and

(d) The insurer meets the following requirements:

(1) The insurer will have 250 or more full-time employees in this State on the payroll of the insurer by the fourth calendar quarter following the calendar quarter in which the tax credit becomes effective and thereafter

maintain a full-time workforce in this State of at least that size during the entirety of the period for which the insurer receives the tax credit;

(2) The insurer owns the real property upon which its principal regional office is situated and has, within the period beginning 5 years before the date on which the tax credit becomes effective and ending not later than 2 years after the date on which the tax credit becomes effective, made an investment of at least $10,000,000 in this State for improvements upon the principal regional office or other capital assets that will be retained in this State until at least the end of the period during which the tax credits are effective; and

(3) The average hourly wage that will be paid by the insurer to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The insurer will, by the fourth calendar quarter following the calendar quarter in which the credit becomes effective, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the insurer for the health care benefits the insurer provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 8 of NRS 360.750 and, if applicable, pursuant to subsection 7.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall consider the level of health care benefits provided by the insurer to its employees, the projected economic impact of the insurer and the projected tax revenue of the insurer after deducting projected revenue from the abated taxes; and

(b) May, if the Office of Economic Development determines such action is necessary:

(1) Approve an application for a tax credit pursuant to this section by an insurer that does not meet the requirements set forth in paragraph (b) or (d) of subsection 2;

(2) Make the requirements set forth in paragraph (b) or (d) of subsection 2 more stringent; or

(3) Add additional requirements that an insurer must meet to qualify for a tax credit pursuant to this section.

4. If the Office of Economic Development approves an application for a tax credit pursuant to this section, the Office shall immediately forward a certificate of eligibility for the tax credit to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. An applicant for a tax credit pursuant to this section or an existing insurer whose tax credit is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If an insurer whose credit has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2, or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, the insurer shall repay to the Department of Taxation the amount of the tax credit that was allowed pursuant to this section before the failure of the insurer to comply unless the Nevada Tax Commission determines that the insurer has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the insurer shall, in addition to the amount of the tax credit required to be paid pursuant to this subsection, pay interest on the portion thereof, from the last day of the month following the period for which the payment would have been made had the tax credit not been approved until the date of payment of the tax.

7. The Office of Economic Development:

(a) Shall, if any regulations are necessary in addition to those adopted pursuant to subsection 8 of NRS 360.750, adopt regulations relating to the minimum level of health care benefits that an insurer must provide to its employees; and

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section.

8. The Nevada Tax Commission:

(a) Shall, if any regulations are necessary in addition to those adopted pursuant to subsection 9 of NRS 360.750, adopt regulations regarding:

(1) The capital investment that a new insurer must make to meet the requirements set forth in paragraph (d) of subsection 2; and

(2) Any security that an insurer is required to post to qualify for a tax credit pursuant to this section; and

(b) May adopt such other regulations as the Commission determines to be necessary to carry out the provisions of this section.

9. An applicant for a tax credit pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. Where two or more insurers who are affiliates within the meaning of NRS 692C.030 jointly conduct operations in this State, the term "insurer" in this section refers to such insurers collectively as a group.

Sec. 4. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033, 680B.0353, 680B.050 and 690C.110, ***and section 2 of this act,*** for the privilege of transacting business in this State, each insurer shall pay to the

Department of Taxation a tax upon his or her net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and 680B.032.

3. The Commissioner or the Executive Director of the Department of Taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

Sec. 5. NRS 680B.055 is hereby amended to read as follows:

680B.055 1. For the purposes of eligibility for the credit provided by NRS 680B.050, ***or section 2 of this act,*** if an insurer is a partner, general or limited, in a limited partnership which owns a building used by the insurer as its home office or a regional home office, the insurer shall be deemed to own the building so used if:

(a) The insurer's proportionate interest in the partnership is equal to or greater than the proportion which the floor area of the building or portion thereof so used bears to the total floor area of the buildings on the contiguous real property owned by the partnership at the location of the building so used; or

(b) The insurer's interest in the partnership is 50 percent or more.

2. The ad valorem tax paid by the insurer shall be deemed to be that proportion of the total ad valorem tax paid by the partnership upon its contiguous real property at the location of the building which the floor area of the building so used bears to the total floor area of the buildings on the contiguous real property.

Sec. 6. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, ***and sections 2 and 3 of this act,*** chapter 686A of NRS, NRS 687B.500 and chapter 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 7. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750 or 360.752 ~~[.]~~ ***, and concerning any tax credits that the Office approved pursuant to section 3 of this act.*** The report must set forth, for each abatement from taxation ***and tax credit*** that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement ~~[.]~~ ***or credit;***

2. The location of the business for which the abatement ***or credit*** was approved;

3. ~~[The]~~ ***If applicable, the*** value of infrastructure included as an incentive for the business;

4. If applicable, the number of employees that the business for which the abatement ***or credit*** was approved employs or will employ;

5. Whether the business for which the abatement ***or credit*** was approved is a new business or an existing business;

6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and

7. Any other information that the Office determines to be useful.

Sec. 8. NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.950, 361.0687, 374.357 or 701A.210, ***and any tax credits approved by the Office pursuant to section 3 of this act,*** to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 9. Section 2 of this act is hereby amended to read as follows:

1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), that qualifies pursuant to the provisions of section 3 of this act, is entitled to a credit against the tax otherwise imposed by NRS 680B.027 in an amount determined pursuant to subsections 2 and 3.

2. To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

3. The total amount of the credit calculated pursuant to subsection 2 must not exceed 80 percent of the tax otherwise payable by the insurer pursuant to NRS 680B.027.

4. The credit provided for in subsection 1 must be effective for a period of 10 years, or for such longer period as may be approved by the Office of Economic Development.

5. ~~[For any given year, the credit provided for in subsection 1 must be reduced by the amount of any credits taken by the insurer pursuant to NRS 680B.050.~~

~~6.]~~ No domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), is eligible for the credit provided for in subsection 1 if the insurer has taken the credit provided for in NRS 680B.050 against taxes due in a total of any 10 years or more, regardless of whether those years are consecutive, at any time before January 1, 2016.

~~[7.]~~ ***6.*** If the credit provided for in subsection 1 is approved by the Office of Economic Development pursuant to section 3 of this act, the credit must be administered and carried out in the manner set forth in that section.

Sec. 10. Section 2 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 2, is hereby amended to read as follows:

Sec. 2. NRS 680B.050 is hereby amended to read as follows:

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), which owns and substantially occupies and uses any building in this state as its home office or as a regional home office is entitled to a credit against the tax otherwise imposed by NRS 680B.027 in an amount determined pursuant to subsections 2 and 3.

2. To determine the amount of the credit to which an insurer is entitled, the insurer must first calculate:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

3. The total aggregate amount of credits that may be applied by all insurers pursuant to subsection 1 must not exceed $5,000,000 and must be allocated to each insurer on a pro rata basis by determining the percentage of the total

amount calculated for all insurers pursuant to subsection 2 that is allocable to each insurer.

4. As used in this section, a "regional home office" means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

5. The insurer shall, on or before March 15 of each year, furnish proof to the satisfaction of the Executive Director of the Department of Taxation, on forms furnished by or acceptable to the Executive Director, as to its entitlement to the tax reduction provided for in this section. A determination of the Executive Director of the Department of Taxation pursuant to this section is not binding upon the Commissioner for the purposes of NRS 682A.240.

6. An insurer is not entitled to the credits provided in this section unless:

(a) The insurer owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

(b) The insurer occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

7. If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

8. For the purposes of subsection 1, any insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29) and is restricted or prohibited from purchasing or owning real property pursuant to a contract with the Federal Government, including any entity thereof, shall be deemed to own any portion of any real property that the insurer occupies. The provisions of this subsection expire upon the expiration, cancellation, repayment or any other termination of the contract restricting or prohibiting such purchase or ownership.

9. An insurer that is described in subsection 1 is not entitled to a tax credit pursuant to this section on or after January 1, 2021.

Sec. 11. Section 3 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 3, is hereby amended to read as follows:

Sec. 3. ~~[~~NRS 680B.050 and 680B.055 are hereby repealed.~~]~~

Sec. 12. Section 4 of chapter 1, Statutes of Nevada 2014, 28th Special Session, at page 3, is hereby amended to read as follows:

Sec. 4. 1. This section and section 2 of this act become effective on January 1, 2016.

2. ~~[~~Sections~~]~~ ***Section*** 1 ~~[~~and 3~~]~~ of this act ~~[~~become~~]~~ ***becomes*** effective on January 1, 2021.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. 1. This section and sections 1 to 8, inclusive, and 10 to 13, inclusive, of this act become effective on January 1, 2016.

2. Section 9 of this act becomes effective on January 1, 2021.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 430 to Assembly Bill 372 removes provisions that limit the amount of credits that may be issued to the amount by which certain interest premium tax revenues exceeded the amount of the Economic Forum's forecast for a given year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 552.

AN ACT relating to commercial tenancies; ~~[establishing requirements for accounting for, charges against and refund of security deposits relating to commercial premises; prohibiting a landlord of commercial premises from assessing charges against a tenant except under certain circumstances;]~~ revising provisions relating to prohibitions on a landlord's interference with a tenant's use of commercial premises under certain circumstances; ~~[revising procedures for a tenant to recover possession of commercial premises following a lockout; revising provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; repealing provisions relating to the jurisdiction of courts over certain actions relating to commercial premises and the applicability of certain judicial doctrines in such actions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 3-9 of this bill set forth requirements for the accounting for, refund of and charges against security deposits that are advanced under a lease of commercial premises.~~

~~Section 10 of this bill prohibits a landlord from charging a tenant for rent or physical damages to commercial premises except under certain circumstances.]~~

Existing law prohibits a landlord from interfering in certain matters with a tenant's use of commercial premises. Existing law also requires a landlord or a landlord's agent who has changed the door locks of a commercial tenant who is delinquent in paying rent to place a written notice for a period of not less than 5 business days on the front door of the premises **~~[.]~~ which states information regarding how a tenant may obtain a new key.** (NRS 118C.200) **Section 13** of this bill eliminates this minimum posting period **. ~~[and]~~ Additionally, section 13 requires a landlord to provide a tenant with written notice of delinquency in paying rent and of the**

landlord's intent to change the door locks by certified mail at least 3 days before changing the door locks of the tenant. Further, section 13 authorizes a tenant to terminate the lease if the landlord or the landlord's agent violates the provisions of **section 13**.

~~[Existing law sets forth a process for a tenant to recover possession of commercial premises from which a landlord has locked the tenant out. (NRS 118C.210) Section 14 of this bill revises these provisions to authorize a tenant to file a verified complaint for reentry in district court. Section 14 eliminates a requirement that a court issue an order requiring a tenant who is reasonably believed to have been unlawfully locked out to post a bond in an amount equal to 1 month of rent. Section 14 also extends the period after the filing of a tenant's verified complaint for reentry in which a court must hold a hearing when so requested by a landlord and provides for the rendering of a judgment for court costs against a landlord who fails to timely request such a hearing. Section 14 further provides for the punishment of a party for contempt of court. Finally, section 14 establishes the amount of the fee for filing a verified complaint for reentry and provides for the deferment and waiver of certain fees and costs under certain circumstances.~~

~~Existing law sets forth provisions that authorize a landlord to dispose of abandoned property left on commercial premises by a tenant under certain circumstances. (NRS 118C.230) Section 15 of this bill requires a landlord to take reasonable steps to determine whether the abandoned personal property is subject to a perfected lien or security interest and, if so, to notify the holder of the lien or interest of the abandonment.~~

~~Section 17 of this bill repeals provisions governing the jurisdiction of courts over certain actions relating to commercial premises and the applicability of certain judicial doctrines in such actions.~~**]**

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

Section 1. ~~[Chapter 118C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*"Security deposit" means any advance of money, other than a deposit for a rental application or a payment in advance of rent, that is intended primarily to secure performance under a lease of commercial premises.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. A landlord shall refund a security deposit to a tenant not later than 60 days after the date on which the tenant surrenders the commercial premises and provides notice to the landlord or the landlord's agent of the mailing address of the tenant pursuant to section 7 of this act.*~~

~~*2. A claim of a tenant to a security deposit to which the tenant is entitled takes priority over the claim of any creditor of the landlord, including a trustee in bankruptcy.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*1. Before returning a security deposit, a landlord may deduct from the deposit damages and charges for which the tenant is legally liable under the lease or damages and charges that result from a breach of the lease.*~~

~~*2. A landlord may not retain any portion of a security deposit to cover normal wear and tear. For the purposes of this subsection, "normal wear and tear" means deterioration that results from the intended use of the commercial premises, including, without limitation, breakage or malfunction because of age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident or abuse of the commercial premises, equipment, or chattels by the tenant or by a guest or invitee of the tenant.*~~

~~*3. If a landlord retains all or part of a security deposit under this section, the landlord shall give to the tenant the balance of the security deposit, if any, together with a written description and itemized list of all deductions. The landlord is not required to give the tenant a description and itemized list of deductions if:*~~

~~*(a) The tenant owes rent when the tenant surrenders possession of the commercial premises; and*~~

~~*(b) No controversy exists concerning the amount of rent owed.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[*1. Except as otherwise provided in subsection 4, if an owner's interest in commercial premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy or otherwise, the new owner is liable with respect to the security deposit pursuant to this chapter from the date title to the premises is acquired, regardless of whether an acknowledgment is given to the tenant under subsection 2.*~~

~~*2. Except as otherwise provided in subsection 1, a person who no longer owns an interest in the commercial premises remains liable for a security deposit received while the person was the owner until the new owner delivers to the tenant a signed statement acknowledging that the new owner has received and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.*~~

~~*3. The amount of a security deposit for which a new owner is liable pursuant to this section is the greater of:*~~

~~*(a) The amount provided in the tenant's lease; or*~~

~~*(b) The amount provided in an estoppel certificate prepared by the owner at the time the lease was executed or prepared by the new owner at the time the commercial premises is transferred.*~~

~~*4. Subsection 1 does not apply to a person who acquires title to the premises by foreclosure.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[*A landlord shall keep accurate records of all security deposits.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[*1. A landlord is not obligated to return a security deposit to a tenant or give the tenant a written description of damages and charges until*~~

~~*the tenant provides to the landlord in writing a mailing address to which the security deposit or written description is to be sent.*~~

~~*— 2. A tenant does not forfeit the right to a refund of a security deposit or the right to receive a description of damages and charges for failing to give a mailing address to the landlord.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. A tenant may not withhold payment of any portion of the last month's rent on grounds that a security deposit is security for unpaid rent.*~~

~~*— 2. A tenant who violates this section is presumed to have acted in bad faith. A tenant who in bad faith violates this section is liable to the landlord for an amount equal to three times the rent wrongfully withheld and the landlord's reasonable attorney's fees in an action to recover the rent.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. A landlord who in bad faith retains a security deposit in violation of this chapter is liable for an amount equal to the sum of $100, three times the portion of the deposit wrongfully withheld, and the tenant's reasonable attorney's fees incurred in an action to recover the deposit after the period prescribed for returning the deposit expires.*~~

~~*— 2. A landlord who in bad faith does not provide a written description and itemized list of damages and charges in violation of this chapter:*~~

~~*— (a) Forfeits the right to withhold any portion of the security deposit or to bring suit against the tenant for damages to the commercial premises; and*~~

~~*— (b) Is liable for the tenant's reasonable attorney's fees in an action to recover the deposit.*~~

~~*— 3. In an action brought by a tenant under this chapter, the landlord has the burden of proving that the retention of any portion of a security deposit was reasonable.*~~

~~*— 4. Except as otherwise provided in subsection 1 of section 7 of this act, a landlord who fails to return a security deposit or to provide a written description and itemized list of deductions within 60 days after the date the tenant surrenders possession of the commercial premises is presumed to have acted in bad faith.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[1. A landlord may not assess a charge, excluding a charge for rent or physical damage to the commercial premises, to a tenant unless the amount of the charge or the method by which the charge is to be computed is stated in the lease, an exhibit or attachment that is part of the lease or an amendment to the lease.*~~

~~*— 2. This section does not affect the right of a landlord to assess a charge or obtain a remedy allowed under a statute or common law.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 118C.010 is hereby amended to read as follows:~~

~~— 118C.010 — As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118C.020 to 118C.110, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 118C.020 is hereby amended to read as follows:~~

~~118C.020 "Abandoned personal property" means any personal property which is left unattended on commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has [an ownership] *a perfected lien on, or perfected security* interest in, the personal property within 14 days after *the later of* the date on which the landlord [mailed,] :~~

~~*1. Mailed,* by certified mail, return receipt requested, notice of the landlord's intention to dispose of the personal property, as required by *subparagraph (1) of* paragraph (a) of subsection 1 of NRS 118C.230 [.] ; or~~

~~*2. Provided notice to a person who has a perfected lien on, or a perfected security interest in, the personal property that the personal property has been left on the commercial premises, as required by subparagraph (2) of paragraph (a) of subsection 1 of NRS 118C.230.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 118C.200 is hereby amended to read as follows:

118C.200 1. A landlord or a landlord's agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from construction, bona fide repairs or an emergency.

2. A landlord may not remove:

(a) A door, window or attic hatchway cover;

(b) A lock, latch, hinge, hinge pin, doorknob or other mechanism connected to a door, window or attic hatchway cover; or

(c) Furniture, fixtures or appliances furnished by the landlord,

➥ from commercial premises unless the landlord removes the item for a bona fide repair or replacement. If a landlord removes any of the items listed in this subsection for a bona fide repair or replacement, the repair or replacement must be promptly performed.

3. A landlord may not intentionally prevent a tenant from entering the commercial premises except by judicial process unless the exclusion results from:

(a) Construction, bona fide repairs or an emergency;

(b) Removing the contents of commercial premises abandoned by a tenant; or

(c) Changing the door locks of a tenant who is delinquent in paying at least part of the rent ~~[.]~~ ***if landlord has provided the tenant with written notice of the delinquency and of the landlord's intent to change the door locks by certified mail, return receipt requested, at least 3 days before changing the door locks.***

4. If a landlord or a landlord's agent changes the door lock of commercial premises leased to a tenant who is delinquent in paying rent, the landlord or agent must ~~[, for a period of not less than 5 business days,]~~ place a written notice on the front door of the commercial premises stating the name and the address or telephone number of the person or company from which the new key may be obtained. The new key is required to be provided only during the

regular business hours of the tenant and only if the tenant pays the delinquent rent.

5. If a landlord or a landlord's agent violates this section, the tenant may:

(a) Recover possession of the commercial premises ~~[.]~~ ***or terminate the lease;*** and

(b) Recover from the landlord an amount equal to the sum of the tenant's actual damages, 1 month's rent or $500, whichever is greater, reasonable attorney's fees and court costs, less any delinquent rents or other sums for which the tenant is liable to the landlord.

6. A ~~[rental agreement]~~ ***lease*** supersedes this section to the extent of any conflict.

Sec. 14. ~~[NRS 118C.210 is hereby amended to read as follows:~~

~~118C.210 1. If a landlord locks a tenant out of~~ ***leased*** ~~commercial premises [that are subject to a rental agreement] in violation of NRS 118C.200, the tenant may recover possession of the commercial premises as provided by this section.~~

~~2. A tenant must file with the justice court of the township in which the commercial premises are located~~ ***or with the district court of the county in which the commercial premises are located, whichever has jurisdiction over the matter,*** ~~a verified complaint for reentry, specifying the facts of the alleged unlawful lockout by the landlord or the landlord's agent. The tenant must also state orally under oath to the court the facts of the alleged unlawful lockout.~~

~~3. If a tenant has complied with subsection 2 and if the court reasonably believes an unlawful lockout may have occurred, the court [:~~

~~(a) Shall issue an order requiring the tenant to post a bond in an amount equal to 1 month of rent; and~~

~~(b) Upon the posting of the bond,] may issue, ex parte, a temporary writ of restitution that entitles the tenant to immediate and temporary possession of the commercial premises, pending a final hearing on the tenant's verified complaint for reentry.~~

~~4. A temporary writ of restitution must be served on the landlord or the landlord's agent in the same manner as a writ of restitution in a forcible detainer action. A sheriff or constable may use reasonable force in executing a temporary writ of restitution under this subsection.~~

~~5. [The court shall hold]~~ ***A landlord is entitled to*** ~~a hearing on a tenant's verified complaint for reentry. A temporary writ of restitution must notify the landlord of the [pendency of the matter and the date of the]~~ ***right to a*** ~~hearing. The hearing must be held not earlier than the first [judicial] day and not later than the [fifth judicial]~~ ***seventh*** ~~day after the date [on which the court issues]~~ ***the landlord requests a hearing.***

~~***6. If a landlord fails to request a hearing on a tenant's verified complaint for reentry before the eighth day after the date of service of*** the temporary writ of restitution [.~~

~~6.]~~ ***on the landlord under subsection 4, a judgment for court costs may be rendered against the landlord.***

~~— ***7.*** A party may appeal from the court's judgment at the hearing on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.~~

~~— **[**7.**]** ***8.*** If a writ of restitution is issued, the writ supersedes a temporary writ of restitution.~~

~~— **[**8.**]** ***9.*** If the landlord or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the landlord or the person on whom the writ was served, under chapter 22 of NRS.~~

~~— [9.] ***If the writ is disobeyed, the tenant or the tenant's attorney may file in the court in which the reentry action is pending an affidavit stating the name of the person who has disobeyed the writ and describing the acts or omissions constituting the disobedience. On receipt of an affidavit, the court shall issue an order to show cause, directing the person to appear on a designated date and show cause why the person should not be adjudged in contempt of court. If the court finds, after considering the evidence at the hearing, that the person has directly or indirectly disobeyed the writ, the court may commit the person to jail without bail until the person purges himself or herself of the contempt in a manner and form as the court may direct. If the person disobeyed the writ before receiving the order to show cause but has complied with the writ after receiving the order, the court may find the person in contempt and punish the person under chapter 22 of NRS.***~~

~~— ***10.*** This section does not affect a tenant's right to pursue a separate cause of action under NRS 118C.200.~~

~~— **[**10.**]** ***11.*** If a tenant in bad faith files a sworn complaint for reentry resulting in a writ of restitution being served on the landlord or landlord's agent, the landlord may in a separate cause of action recover from the tenant an amount equal to actual damages, 1 month's rent or $500, whichever is greater, reasonable attorney's fees, and costs of court, less any sums for which the landlord is liable to the tenant.~~

~~— **[**11.**]** ***12. The fee for filing a verified complaint for reentry is the same as that for filing a civil action in the court in which the verified complaint is filed. The court may defer payment of the tenant's filing fees and service costs for the verified complaint for reentry and writ of restitution. Court costs may be waived only if the tenant files an affidavit under NRS 12.015.***~~

~~— ***13.*** This section does not affect the rights of a landlord or tenant in a forcible detainer, unlawful detainer or forcible entry and detainer action.**]**~~ **(Deleted by amendment.)**

Sec. 15. ~~**[**NRS 118C.230 is hereby amended to read as follows:~~

~~— 118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a **[**rental**]** ***lease*** agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:~~

~~(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the~~ ***conditions set forth in subparagraphs (1) and (2) are satisfied:***

~~***(1) The*** landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~***(2) The landlord has taken reasonable steps to:***~~

~~***(I) Determine whether the tenant has subjected the abandoned personal property to a perfected lien or security interest; and***~~

~~***(II) If the landlord determines that the tenant has subjected the abandoned personal property to a perfected lien or security interest, notify the holder of the perfected lien or the security interest that the abandoned personal property has been left on the commercial premises.***~~

~~***→ The landlord shall be deemed to have taken the reasonable steps required by subparagraph (2) if the landlord has reviewed the results of a current search of the records in which a financing statement must be filed in order to perfect a lien or security interest pursuant to chapter 104 of NRS for a financing statement naming the tenant as the debtor of a debt secured by the abandoned personal property and, if such a financing statement is found, mailed to any secured party named on the financing statement at the address indicated on the financing statement, by certified mail, return receipt requested, a written notice stating that the abandoned personal property has been left on the premises.***~~

~~(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~2. A tenant of commercial premises is presumed to have abandoned the premises if:~~

~~(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and~~

~~(b) The removal is not within the normal course of business of the tenant.~~

~~3. If a written agreement between a landlord and a~~ **[**person**]** ***secured party*** ~~who has~~ **[**an ownership**]** ***a perfected lien on, or a perfected security*** ~~interest in, any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the~~

~~landlord and the [person] *secured party* with respect to the removal and disposal of the abandoned personal property.~~

~~4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 40.430 is hereby amended to read as follows:~~

~~40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, [and except as otherwise provided in NRS 118C.220,] there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.~~

~~2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.~~

~~3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.~~

~~4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.~~

~~5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.~~

~~6. As used in this section, an "action" does not include any act or proceeding:~~

~~(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.~~

~~(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.~~

~~(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.~~

~~— (d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.~~

~~— (e) For the exercise of a power of sale pursuant to NRS 107.080.~~

~~— (f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.~~

~~— (g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.~~

~~— (h) To draw under a letter of credit.~~

~~— (i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.~~

~~— (j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.~~

~~— (k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.~~

~~— (l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.~~

~~— (m) Which does not include the collection of the debt or realization of the collateral securing the debt.~~

~~— (n) Pursuant to NRS 40.507 or 40.508.~~

~~— (o) Pursuant to an agreement entered into pursuant to NRS 361.7311 between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.~~

~~— (p) Which is exempted from the provisions of this section by specific statute.~~

~~— (q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.~~~~]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 118C.040 and 118C.220 are hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~— 118C.040 "Commercial premises" defined. "Commercial premises" means any real property other than premises as defined in NRS 118A.140.~~

~~— 118C.220 Jurisdiction of courts; applicability of judicial doctrines.~~

~~— 1. Except as otherwise provided in subsection 2, the justice court has jurisdiction over any civil action or proceeding concerning the exclusion of a~~

~~tenant from commercial premises or the summary eviction of a tenant from commercial premises in which no party is seeking damages.~~

~~2. If a landlord combines an action for summary eviction of a tenant from commercial premises with a claim to recover contractual damages, jurisdiction over the claims rests with the court which has jurisdiction over the amount in controversy.~~

~~3. The provisions of NRS 40.430 and the doctrines of res judicata and collateral estoppel do not apply to:~~

~~(a) A claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises; or~~

~~(b) An action by a landlord for the summary eviction of a tenant from commercial premises which is brought subsequent to a claim by the landlord for contractual damages.]~~

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment deletes all sections of the bill except for section 13. Section 13 is amended by adding the requirement that the landlord must provide the tenant with written notice of delinquency and intent to change door locks by certified mail, return receipt requested, at least three days prior to changing of the locks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

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

Amendment No. 519.

AN ACT relating to elections; revising the definitions of certain terms relating to elections; increasing the maximum number of registered voters that may be included in an election precinct; providing that election board officers are appointed for polling places; eliminating the requirements for county clerks to publish the full text of a statewide measure or county referendum three times; revising the requirements for certain information on ballots; revising requirements related to voter signatures at polling places; revising requirements relating to the publication of names of registered voters at polling places; revising certain information required for documents prepared during early voting; authorizing ~~[~~a county or city clerk to distribute a~~]~~ **election officials to establish a system for registered voters to elect to receive** sample ~~[~~ballot~~]~~ **ballots** by electronic means; **allowing registered voters who participate in such systems to elect to have their electronic mail addresses withheld from the public;** making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines rosters, sample ballots and tally lists that are used in elections. (NRS 293.095, 293.097, 293.113) **Sections 2-4** of this bill clarify that such items may be electronic.

The terms "election board register" and "roster" are defined terms that are used interchangeably throughout the provisions of law relating to elections. (NRS 293.040, 293.053, 293.095, 293.250, 293.273, 293.275, 293.277, 293.283, 293.285, 293.287, 293.303, 293.3082, 293.333, 293.3585, 293.3604, 293.363, 293.373, 293.391, 293.510, 293.511, 293.524, 293.525, 293.533, 293.541, 293.547, 293.548, 293.563, 293C.267, 293C.270, 293C.272, 293C.275, 293C.277, 293C.292, 293C.332, 293C.3585, 293C.3604, 293C.362, 293C.375, 293C.525, 293C.535) **Section 75** of this bill repeals the term "election board register," and **sections 13-16, 18, 29, 31-39, 46-48, 50, 61, 62 and 64** of this bill replace the term "election board register" with "roster."

Existing law requires an election precinct to have a maximum of 1,500 registered voters. (NRS 293.207) **Section 6** of this bill increases the maximum number to 3,000 registered voters.

Existing law provides that the county clerk of each county shall appoint election board officers for the various precincts and districts in the county. (NRS 293.217, 293C.220) **Section 7** of this bill clarifies that election board officers are appointed for the polling places in the county. **Sections 1, 8, 9, 12, 13, 19-23, 27, 30, 39, 43-45, 51-55, 59 and 66** of this bill make corresponding changes.

Existing law requires a county clerk to publish a copy of the full text of any proposed constitution, constitutional amendment, statewide measure, including a state referendum, and county referendum along with its condensation, explanation, arguments, rebuttals and fiscal note three times in a newspaper of general circulation in the county. (NRS 293.253, 295.045, 295.160) **Sections 10, 67 and 68** of this bill eliminate the requirements to publish the full text of a statewide measure three times, including a statewide referendum, and a county referendum.

Existing law provides for the ballots for a general election to include the name of an independent candidate for a partisan office followed by the word "independent" or the abbreviation "IND." (NRS 293.267) **Section 11** of this bill provides for the use of the words "no political party" or the abbreviation "NPP" to follow the name of an independent candidate instead.

Existing law requires an election board officer in charge of the roster to announce the name of a voter applying to vote and take the voter's signature to verify that it matches the signature or facsimile thereof in the original application. (NRS 293.285, 293.3585, 293C.275, 293C.3585) **Section 15, 24, 47 and 57** of this bill provide that if the voter's signature does not match, the voter must provide certain proof of identification and update his or her signature.

Existing law requires an alphabetical listing of all registered voters for each precinct to be posted in a public area of each polling place in a county and city and for an election board officer to identify at certain times the names of each voter who has voted. (NRS 293.301, 293C.290) **Sections 17 and 49** of this bill authorize the county or city clerk of each county or city to: (1) require an election board officer to post the alphabetical listing at each precinct; or (2) publish on the Internet website of the county or city clerk, as applicable, the alphabetical listing of all registered voters for each precinct in the county or city, respectively. Regardless of which option is selected by the county or city clerk, **sections 17 and 49** require the alphabetical listings to be updated during the election.

Existing law provides that a voter's precinct or voting district number must be included in certain documents used during early voting. (NRS 293.3585, 293.3604, 293C.3585, 293C.3604) **Sections 24-26 and 56-58** of this bill clarify that during early voting, the precinct or voting district number must be included on the roster and the voting receipt if that information is available. The statements prepared by the election board and the ballots do not require the precinct or voting district number and are not required to be sorted by precinct or voting district at the close of early voting.

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 40 and 63** of this bill ~~[~~provide that~~]~~ **authorize** each county and city clerk ~~[~~may provide an option for~~]~~ **to establish a system to distribute a sample ballot by electronic means to each** registered ~~[~~voters to elect~~]~~ **voter who elects** to receive sample ballots ~~[~~by electronic means. If the county or city clerk provides such an option, a registered voter may elect to receive sample ballots by electronic means.~~]~~ **in that manner. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. Sections 3, 41, 63 and 69-74** of this bill make conforming changes.

Existing law provides that a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) Section 38.5 of this bill allows a registered voter who participates in a system to distribute sample ballots by electronic means to elect to have his or her electronic mail address withheld from the public. Sections 17, 29.5, 41 and 49 make conforming changes.

Existing law provides for the chair and at least one other member of the election board to deliver the ballots and election materials to a receiving center or central counting place. (NRS 293B.335, 293C.635) **Sections 42 and 65** of this bill revise this provision to require at least two board members to deliver the ballots and election materials.

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

Section 1. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the roster, tally list and challenge list in the precinct **,** ~~[or]~~ district ***or polling place*** in which such officer is appointed.

Sec. 2. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the ***record in printed or electronic*** form ~~***[or file]***~~ furnished ***to*** election board officers ***which contains a list of eligible voters and is*** to be used for obtaining the signature of each person applying for a ballot. ~~***[The term includes a paper form and an electronic file that may be signed electronically.]***~~

Sec. 3. NRS 293.097 is hereby amended to read as follows:

293.097 ***1.*** "Sample ballot" means a document distributed by a county or city clerk upon which is ~~[printed]~~ ***included*** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes ***, without limitation,*** any such document which is ~~[printed]~~ ***prepared*** ~~[by]~~ ***on*** a computer ~~[.]~~ ***and distributed by mail or by electronic means ~~[.]~~ pursuant to NRS 293.565 or 293C.530.***

Sec. 4. NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" means ~~[the]~~ ***:***

1. The paper form furnished to election board officers to be used in recording the number of votes cast for each candidate and question on the ballot ~~[.]~~ ***; or***

2. An electronically generated report of the number of votes cast for each candidate and question on the ballot.

Sec. 5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution ~~[,]~~ ***or*** constitutional amendment ~~[or statewide measure]~~ pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 6. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of ~~[1,500]~~ ***3,000***

registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 7. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various ***polling places*** ***[and*** ~~precincts and districts~~**]** in the county as provided in NRS 293.220 to 293.243, inclusive, and 293.384. The registered voters appointed as election board officers for any ***polling place*** ~~[or precinct or district]~~ must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 8. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~[precinct.]~~ ***polling place.***

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 9. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any ~~[precinct]~~ ***polling place*** include more than one trainee; or

(b) A trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 10. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with the

copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution ~~[,]~~ ***or*** amendment ~~[or measure]~~ and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy ***of any such constitution or amendment*** is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. ***Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.***

6. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 11. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the ~~[word "independent"]~~ ***words "no political party"*** or the abbreviation ~~["IND,"]~~ ***"NPP,"*** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation

of the political party, the ~~[word "independent"]~~ ***words "no political party"*** or "nonpartisan" or the abbreviation ~~["IND"]~~ ***"NPP"*** or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 12. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~[precinct or district,]~~ ***polling place,*** as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 13. NRS 293.275 is hereby amended to read as follows:

293.275 No election board may perform its duty in serving registered voters at any ~~[precinct or district]~~ polling place in any election provided for in this title, unless it has before it the ~~[election board register]~~ ***roster*** for ~~[its precinct or district.]~~ ***the polling place.***

Sec. 14. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.541, if a person's name appears in the ~~[election board register]~~ ***roster*** or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the ~~[election board register]~~ ***roster*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

Sec. 15. NRS 293.285 is hereby amended to read as follows:

293.285 A registered voter applying to vote shall state his or her name to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name ~~[and take the registered voter's signature.]~~ ***, instruct the voter to sign the roster and verify the signature of the voter. If the signature does not match, the voter must:***

1. Provide proof of identification as described in NRS 293.277; and

2. Update his or her signature on a form prescribed by the Secretary of State.

Sec. 16. NRS 293.287 is hereby amended to read as follows:

293.287 1. A registered voter applying to vote at any primary election shall give his or her name and political affiliation, if any, to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name and political affiliation.

2. Any person's right to vote may be challenged by any registered voter upon:

(a) Any of the grounds allowed for a challenge in NRS 293.303;

(b) The ground that the person applying does not belong to the political party designated upon the ~~[register;]~~ ***roster;*** or

(c) The ground that the ~~[register]~~ ***roster*** does not show that the person designated the political party to which he or she claims to belong.

3. Any such challenge must be disposed of in the manner provided by NRS 293.303.

4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.

Sec. 17. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall ~~[require]~~ ***:***

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county ~~[.]~~ ***; or***

(b) Publish on the Internet website of the county clerk an alphabetical listing of all registered voters for each precinct in the county.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing ***required pursuant to subsection 1*** must include the name, ~~[address]~~ ***precinct*** and political affiliation of each voter ~~[.~~ ~~Not less than four times during the hours in which the polling place is open, an]~~ ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.***

3. If the county clerk:

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer ***at the polling place*** shall ***, not less than four times during the hours in which the polling place is open,*** identify the name of each voter that voted ~~[since the last identification.~~

~~2.]~~ ***at the polling place; and***

(2) Each page of the alphabetical listing ***that is posted in a polling place*** must contain a notice which reads substantially as follows:

> It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to ~~[subsection 1 of]~~ NRS 293.301.

~~[3.]~~ ***(b) Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the county clerk shall, not less than four times during the hours in which polling places in the county are open, identify on the Internet website of the county clerk the name of every voter who has voted at each polling place.***

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address ***, electronic mail address*** or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 18. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the ~~[register,]~~ ***roster,*** "I swear or affirm under penalty of perjury that I belong to the political party designated upon the ~~[register";]~~ ***roster";***

(b) If the challenge is on the ground that the ~~[register]~~ ***roster*** does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~[election board~~

~~register,~~ ***roster,*** "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~[election board register";]~~ ***roster";***

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this ~~[election board register."]~~ ***roster."***

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the ~~[election board register]~~ ***roster*** shall write the words "Challenged ....." opposite his or her name in the ~~[election board register.]~~ ***roster.***

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 19. NRS 293.310 is hereby amended to read as follows:

293.310 1. Except as otherwise provided in NRS 293.330 and chapter 293D of NRS, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the county clerk shall notify the ~~[precinct or district]~~ ***appropriate*** election board that the registered voter has requested an absent ballot.

Sec. 20. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the ~~[precinct or district]~~ ***appropriate*** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 21. NRS 293.333 is hereby amended to read as follows:

293.333 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~[~~precinct or district~~]~~ election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 22. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to ~~[~~precinct or district~~]~~ ***the*** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 23. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting **.** ~~[~~and the election precincts served by each location.~~]~~

(b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 24. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, ~~[~~the deputy clerk for early voting~~]~~ ***an election board officer*** shall:

(a) Determine that the person is a registered voter in the county **.** ~~[~~;~~]~~

(b) Instruct the voter to sign the roster for early voting **.** ~~[~~; and~~]~~

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification. ***If the signature of the voter does not match, the voter must:***

(1) Provide proof of identification as described in NRS 293.277; and

(2) Update his or her signature on a form prescribed by the Secretary of State.

(d) Verify that the voter has not voted in this election.

2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~[:]~~ ***, if that information is available;*** and

(c) The date of voting early in person.

4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~[deputy clerk for early voting,]~~ ***election board officer,*** the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~[deputy clerk for early voting]~~ ***election board officer*** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district ***, if that information is available,*** and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 25. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~[The number of the precinct or voting district;~~

~~(3)]~~ The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~[(4)]~~ ***(3)*** The number of ballots voted on the mechanical recording device for that day; and

~~[(5)]~~ ***(4)*** The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~[Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all]~~ ***Indicate the number of*** ballots on an official statement of ballots; and

~~[(d)]~~ ***(b)*** Place the ~~[items]~~ ***storage devices*** in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the ~~[items]~~ ***storage devices*** to the central counting place.

Sec. 26. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day the county clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) ~~[The items sorted and counted~~ ***storage devices required*** ~~pursuant to subsection 3 of NRS 293.3604;~~

~~(b)]~~ The records provided pursuant to subsection 1; and

~~[(c)]~~ **(b)** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 27. NRS 293.365 is hereby amended to read as follows:

293.365 No counting board in any precinct **,** ~~[or]~~ district ***or polling place*** in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 28. NRS 293.370 is hereby amended to read as follows:

293.370 ~~[1.]~~ When all the votes have been counted, the counting board officers shall ~~[enter on the]~~ ***produce a*** tally ~~[lists]~~ ***list organized*** by ***precinct and ballot type indicating*** ~~[the name of each candidate]~~ the number of votes ~~[the]~~ ***that each*** candidate received. The ~~[vote]~~ ***votes*** for and against any question submitted to the electors must be entered in the same manner.

~~[2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:~~

~~(a) A primary election held in an even-numbered year; or~~

~~(b) A general election.]~~

Sec. 29. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The ~~[other]~~ rosters and tally lists ~~[and the election board register]~~ must be returned to the county clerk.

Sec. 29.5. **NRS 293.440 is hereby amended to read as follows:**

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote ~~[.]~~ ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.*** If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 30. NRS 293.465 is hereby amended to read as follows:

293.465 If an election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct, or any other cause, the ***appropriate*** election officers ~~[for]~~ ***in*** that precinct or district shall make an affidavit setting forth that fact and transmit it to the appropriate board of county commissioners. Upon receipt of the affidavit and upon the application of any candidate for any office to be voted for by the registered voters of that precinct or district, the board of county commissioners shall order a new election in that precinct or district.

Sec. 31. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept ~~[in a separate binder which is marked with the number of the]~~ ***separately for each*** precinct or district. ~~[This binder constitutes the election board register.]~~ ***These applications must be used to prepare the rosters.***

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be ~~[placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.]~~ ***used to prepare the rosters.***

Sec. 32. NRS 293.511 is hereby amended to read as follows:

293.511 If a registrar of voters' register or ~~[an election board register]~~ ***roster*** is kept by computer, the register ***or roster, as applicable,*** must include ~~[all the information contained in the original applications to register to vote.]~~ ***the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.***

Sec. 33. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the

applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the ~~[election board registers]~~ ***rosters*** and registrar of voters' register.

Sec. 34. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~[election board register]~~ ***roster*** incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the ~~[election board register.]~~ ***roster.***

Sec. 35. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the registrar of voters' register and the ~~[election board register.]~~ ***roster.***

Sec. 36. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the ~~[election board register.]~~ ***roster.***

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the ~~[election board register.]~~ ***roster.***

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the ~~[election board register.]~~ ***roster.***

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 37. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the ~~[election board register.]~~ ***roster.***

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the ~~[election board register.]~~ ***roster.***

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk

shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 38. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from the registrar of voters' register, any ~~[election board register]~~ ***roster*** and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 38.5. **NRS 293.558 is hereby amended to read as follows:**

293.558 1. The county clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county clerk shall not disclose the social security number or the driver's license or identification card number of a registered voter.

3. A registered voter may submit a written request to the county clerk to have ~~[his or her address and]~~ ***withheld from the public the registered voter's address,*** telephone number ~~[withheld from the public.]~~ ***or electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.*** Upon receipt of such a request, the county clerk shall not disclose the address**,** ~~[or]~~ telephone number ***or electronic mail address*** of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information other than the address, telephone number, ***electronic mail address,*** social security number and driver's license or identification card number of a registered voter may be withheld from the public.

Sec. 39. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall ~~[:~~

~~(a) In counties where records of registration are not kept by computer,~~] prepare for each ~~[precinct or district]~~ ***polling place*** a ~~[binder]~~ ***roster*** containing ~~[in alphabetical order the original applications to register to vote of the electors]~~ ***the registered voters*** in the precinct or district ~~[. The binder constitutes the election board register.~~

~~(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.]~~ ***assigned to vote at the polling place.***

2. ~~[Each election board register]~~ ***The roster*** must be delivered or caused to be delivered by the county or city clerk to an election officer of the proper ~~[precinct or district]~~ ***polling place*** before the opening of the polls.

Sec. 40. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A county clerk may ~~[provide an option for]~~ establish a system for distributing sample ballots to each registered ~~[voters to elect]~~ voter who elects to receive a sample ~~[ballots]~~ ballot by electronic means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk ~~[provides that option]~~ establishes such a system and a registered voter ~~[,]~~ elects to receive a sample ballot by such electronic means, the county clerk shall:***

(a) ~~[Elects to receive a sample ballot by electronic means, the county clerk must deliver]~~ Distribute the sample ballot to the registered voter ~~[in that manner.]~~ by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State; and

(b) ~~[Does]~~ If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

5. If a registered voter does not elect to receive a sample ballot by electronic means ~~[,]~~ pursuant to subsection 4, the county clerk ~~[must deliver]~~ shall distribute the sample ballot to the registered voter by mail.

~~[5.]~~ 6. Before the period for early voting for any election begins, the county clerk shall ~~[cease to be~~ mailed ***~~distributed by mail or electronic means, as applicable,]~~ distribute*** to each registered voter in the county ~~[a]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~[~~mailing~~]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[~~5. ~~6.]~~ ***7.*** Except as otherwise provided in subsection ~~[~~6, ~~7,]~~ ***8,*** a sample ballot required to be ~~[~~mailed~~]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[6. *7.]~~ ***8.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[7. *8.]~~ ***9.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[8. *9.]~~ ***10.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

~~[9. *10.]~~ ***11.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10. *11.]~~ ***12.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 41. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ ***Stated*** on all sample ballots ~~[mailed;]~~ ***distributed by mail or electronic means;***

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 42. NRS 293B.335 is hereby amended to read as follows:

293B.335 1. ~~[~~The chair and at~~]~~ ***At*** least ~~[~~one other member~~]~~ ***two members*** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county clerk. If practicable, the ~~[~~other board member~~]~~ ***members*** must be of ~~[~~a~~]~~ different political ~~[~~party than the chair.~~]~~ ***parties.***

2. ~~[~~The chair~~]~~ ***At least two members of the election board*** ~~[***described in subsection 1***]~~ shall provide for the transportation or other disposition of all other supplies and election materials as directed by the county clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 43. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various ***polling places and*** precincts ~~[~~and districts~~]~~ in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.245, inclusive, and 293C.382. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 44. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~[precinct.]~~ ***polling place.***

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 45. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~[precinct or district,]~~ ***polling place,*** as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 46. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. If a person's name appears in the ~~[election board register]~~ ***roster*** or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the ~~[election board register]~~ ***roster*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

Sec. 47. NRS 293C.275 is hereby amended to read as follows:

293C.275 A registered voter who applies to vote must state his or her name to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name ~~[and take the registered voter's signature.]~~ ***, instruct the voter to sign the roster and verify the signature of the voter. If the signature does not match, the voter must:***

1. Provide proof of identification as described in NRS 293C.270; and

2. Update his or her signature on a form prescribed by the Secretary of State.

Sec. 48. NRS 293C.277 is hereby amended to read as follows:

293C.277 1. A registered voter who applies to vote at an election must give his or her name to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name of the voter.

2. Any person's right to vote may be challenged by a registered voter upon any of the grounds allowed for a challenge in NRS 293C.292. Any such challenge must be disposed of in the manner provided in NRS 293C.292.

Sec. 49. NRS 293C.290 is hereby amended to read as follows:

293C.290 1. The city clerk shall ~~[require]~~ ***:***

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city ~~[.]~~ ***; or***

(b) Publish on the Internet website of the city clerk an alphabetical listing of all registered voters for each precinct in the city.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name ***, precinct*** and address of each voter ~~[. Not less than four times during the hours in which the polling place is open, an]~~ ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530.***

3. If the city clerk:

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer ***at the polling place*** shall ***, not less than four times during the hours in which the polling place is open,*** identify the name of each voter who voted ~~[since the last identification.~~

~~2.]~~ ***at the polling place; and***

(2) Each page of the alphabetical listing ***that is posted in a polling place*** must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.

~~[3.]~~ ***(b) Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the city clerk shall, not less than four times during the hours in which polling places in the city are open, identify on the Internet website of the city clerk the name of every voter who has voted at each polling place.***

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name ***,*** ~~[or]~~ address ***or electronic mail address*** of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 50. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~[election board register,]~~ ***roster,*** "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~[election board register";]~~ ***roster";***

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this ~~[election board register."]~~ ***roster."***

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the ~~[election board register]~~ ***roster*** shall write the words "Challenged ....." opposite his or her name in the ~~[election board register.]~~ ***roster.***

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 51. NRS 293C.307 is hereby amended to read as follows:

293C.307 1. Except as otherwise provided in NRS 293C.330, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the city clerk shall notify the ~~[precinct or district]~~ ***appropriate*** election board that the registered voter has requested an absent ballot.

Sec. 52. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the ~~[precinct or district]~~ ***appropriate*** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 53. NRS 293C.332 is hereby amended to read as follows:

293C.332 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~[precinct or district]~~ election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 54. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to ~~[precinct or district]~~ ***the*** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the city clerk. On all envelopes containing the rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 55. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting **.** ~~[and the election precincts served by each location.]~~

(b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 56. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, ~~[the deputy clerk for early voting]~~ ***an election board officer*** shall:

(a) Determine that the person is a registered voter in the county **.** ~~[;]~~

(b) Instruct the voter to sign the roster for early voting **.** ~~[; and]~~

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification. ***If the signature does not match, the voter must:***

(1) Provide proof of identification as described in NRS 293C.270; and

(2) Update his or her signature on a form prescribed by the Secretary of State.

(d) Verify that the voter has not voted in this election.

2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~[;]~~ ***, if that information is available;*** and

(c) The date of voting early in person.

4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~[deputy clerk for early voting,]~~ ***election board officer,*** the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~[deputy clerk for early voting]~~ ***election board officer*** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district ***, if that information is available,*** and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 57. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~[~~The number of the precinct or voting district;~~

(3)]~~ The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~[~~(4)~~]~~ ***(3)*** The number of ballots voted on the mechanical recording device for that day; and

~~[~~(5)~~]~~ ***(4)*** The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~[~~Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all~~]~~ ***Indicate the number of*** ballots on an official statement of ballots; and

~~[~~(d)~~]~~ ***(b)*** Place the ~~[~~items~~]~~ ***storage devices*** in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the ~~[~~items~~]~~ ***storage devices*** to the central counting place.

Sec. 58. NRS 293C.3608 is hereby amended to read as follows:

293C.3608 On election day, the city clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The ~~[items sorted and counted]~~ ***storage devices required*** pursuant to subsection 3 of NRS 293C.3604;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 59. NRS 293C.365 is hereby amended to read as follows:

293C.365 A counting board in any precinct ***,*** ~~[or]~~ district ***or polling place*** in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 60. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, the counting board officers shall ~~[enter on the]~~ ***produce a*** tally ~~[lists]~~ ***list organized*** by ***precinct and ballot type indicating*** ~~[the name of each candidate]~~ the number of votes ~~[the]~~ ***each*** candidate received. The ~~[vote]~~ ***votes*** for and against any question submitted to the electors must be entered in the same manner.

Sec. 61. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The ~~[other]~~ rosters and tally lists ~~[and the election board register]~~ must be returned to the city clerk.

Sec. 62. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~[election board register]~~ ***roster*** incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 63. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. ***A city clerk may ~~[provide an option for registered voters to elect to receive]~~ establish a system for distributing sample ballots by electronic means ~~[,]~~ to each registered voter who elects to receive a sample ballot by electronic means. Such a system must be approved by the Secretary of State and may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk ~~[provides that option]~~ establishes such a system and a registered voter ~~[,]~~ elects to receive a sample ballot by electronic means, the city clerk shall:***

(a) ~~[Elects to receive a sample ballot by electronic means, the city clerk must deliver]~~ Distribute the sample ballot to the registered voter ~~[in that manner.]~~ by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State; and

(b) ~~[Does]~~ If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.

2. If a registered voter does not elect to receive a sample ballot by electronic means ~~[,]~~ pursuant to subsection 1, the city clerk ~~[must deliver]~~ shall distribute the sample ballot to the registered voter by mail.

~~[2.]~~ 3. Before the period for early voting for any election begins, the city clerk shall ~~[~~cease to be mailed ***~~distributed by mail or electronic means, as applicable,~~ distribute*** to each registered voter in the city ~~[~~a~~]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~[~~mailing~~]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[~~2. ***~~3.~~]*** ***4.*** Except as otherwise provided in subsection ~~[~~4, ***~~5,~~]*** ***6,*** a sample ballot required to be ~~[~~mailed~~]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[~~printed~~]~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~[~~printed~~]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3. 4.]~~ ***5.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4. 5.]~~ ***6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5. 6.]~~ ***7.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[6. 7.]~~ ***8.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the city are in large type.

~~[7. 8.]~~ ***9.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[8. 9.]~~ ***10.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for a city election must be borne by the city holding the election.

Sec. 64. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the ~~[election board register]~~ ***roster*** of all electors eligible to vote at a regular or special city election.

3. The ~~[official register]~~ ***rosters*** must be prepared ***,*** ~~[in suitable books,]~~ one for each ward or other voting district within each incorporated city. The entries

in the ~~[election board register]~~ ***roster*** must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote ~~[contained in the official register]~~ in the county clerk's office.

Sec. 65. NRS 293C.635 is hereby amended to read as follows:

293C.635 1. ~~[The chair and at]~~ ***At*** least ~~[one other member]~~ ***two members*** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the city clerk.

2. The ~~[chair]~~ ***members of the election board described in subsection 1*** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the city clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 66. NRS 293C.710 is hereby amended to read as follows:

293C.710 If a city election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct or district, or any other cause, the ***appropriate*** election officers ~~[for]~~ ***in*** that precinct or district shall make an affidavit setting forth that fact and transmit it to the governing body of the appropriate city. Upon receipt of the affidavit and upon the application of any candidate for any city office to be voted for by the registered voters of that precinct or district, the governing body of the city shall order a new election in that precinct or district.

Sec. 67. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish ~~[questions and proposed constitutional amendments which are to be submitted for popular vote.]~~ ***statewide measures pursuant to NRS 293.253.***

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 68. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next general election, submit the act or resolution, by appropriate

questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish ~~[questions and proposed constitutional amendments which are to be submitted for popular vote.]~~ ***statewide measures pursuant to NRS 293.253.***

Sec. 69. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➥ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 70. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~[cause to be mailed *distributed by mail or electronic means, as applicable,]*~~ ***distribute*** to each qualified elector ***by mail or electronic means, as applicable,*** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. ***A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.***

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~[printed]~~ ***prepared*** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

Sec. 71. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~[mailing]~~ ***distributing*** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 72. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 73. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per $100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 74. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 75. NRS 293.053 is hereby repealed.

Sec. 76. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

293.053 "Election board register" defined. "Election board register" means the record of registered voters provided to election boards.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment revises certain definitions relating to electronic voting centers and polling places that serve as voting centers and makes numerous conforming changes to align with these various revisions. It further authorizes election officials to establish a system for voters who choose to receive sample ballots by electronic means and to provide for confidentiality of electronic addresses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time.

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

Amendment No. 356.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the salaries of certain elected officers.

Legislative Counsel's Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on Salaries for Certain Elected Officers the power to establish salaries for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court. This resolution also authorizes the Commission to fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court

Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Salaries for Certain Elected Officers.

2. The Commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) ~~[Two members are]~~ One member is appointed by the Speaker of the Assembly;

(b) ~~[Two members are]~~ One member is appointed by the Minority Leader of the Assembly;

(c) One member is appointed by the Majority Leader of the Senate;

~~[(c)]~~ (d) One member is appointed by the Minority Leader of the Senate;

(e) Two members are appointed by the Governor; and

~~[(d)]~~ (f) One member is appointed by the Chief Justice of the Supreme Court.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The member first appointed by the Speaker of the Assembly and the member first appointed by the Majority Leader of the Senate shall each ~~[appoint one of the members first appointed for]~~ serve an initial term of 2 years. The Governor shall appoint one of the members first appointed by him or her for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. An appointing authority may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. Before the Commission may file a schedule of salaries with the Secretary of State, the Commission shall hold at least four meetings to

receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ***.*** ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ ***An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4*** and paid in the manner provided by law ***.*** ~~[, which must not be increased or diminished during the term for which they have been elected, unless]~~ ***If*** a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ ***the salary*** provided ***for that office*** by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4*** at the time of his ***or her*** election or appointment ***.*** ~~[. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment revises the appointing authority so that each legislative caucus leader will appoint one member to the Commission. It also designates certain appointees to have initial two-year terms and certain others to have four-year terms so that all members will not be terminated at the same time.

Amendment adopted.

The following amendment was proposed by Assemblyman Gardner:

Amendment No. 614.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the salaries of certain elected officers.

Legislative Counsel's Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on Salaries for Certain Elected Officers the power to establish salaries for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court. This resolution also authorizes the Commission to **: (1)** fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature **~~[~~.~~]~~ ; and (2) provide compensation to members of the Legislatu re outside of a regular or special session.**

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Salaries for Certain Elected Officers.

2. The Commission must consist of seven members who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) Two members are appointed by the Speaker of the Assembly;

(b) Two members are appointed by the Majority Leader of the Senate;

(c) Two members are appointed by the Governor; and

(d) One member is appointed by the Chief Justice of the Supreme Court.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Speaker of the Assembly and the Majority Leader of the Senate shall each appoint one of the members first appointed for an initial term of 2 years. The Governor shall appoint one of the members first appointed for an initial term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. An appointing authority may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Compare the salaries of the elected officers set forth in paragraph (a) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(c) Fix the salaries of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries is effective ~~***[for]***~~ **:**

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries.

11. Before the Commission may file a schedule of salaries with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ***.*** ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ ***The Citizens' Commission on Salaries for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4*** and paid in the manner provided by law ***.*** ~~[, which must not be increased or diminished during the term for which they have been elected, unless]~~ ***If*** a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ ***the salary***

provided ***for that office*** by ~~[law]~~ ***the Citizens' Commission on Salaries for Certain Elected Officers pursuant to Section 33A of Article 4*** at the time of his ***or her*** election or appointment. ~~[A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Gardner moved the adoption of the amendment.

Remarks by Assemblymen Gardner and Carlton.

ASSEMBLYMAN GARDNER:

This amendment clarifies the intent of the bill, the intent of the Commission, and the timing of the initial schedules.

ASSEMBLYWOMAN CARLTON:

I have a question to the sponsor of the amendment. On page 4 it says, ". . . the Citizens' Commission on Salaries for Certain Elected Officers may provide for compensation of members of the Legislature for the performance of their duties." I see no definition of "performance of duties." I'd like to understand what that actually means because it is outside of a regular or special session. Is that for meeting days? Is that for conference days? Is that for constituent days? How does that actually work?

ASSEMBLYMAN GARDNER:

To my colleague from the south, it would include any of those. This is supposed to be allowing this Commission the flexibility to look at those things.

ASSEMBLYWOMAN CARLTON:

I want to make sure I have this correct, Mr. Speaker. To the sponsor of the amendment, we currently get paid for the first 60 days of session and then any official meeting day. This would allow the Commission to look at other days outside of the 60 days and any official meeting days and would set up the regulations and rules on what days actually can be paid for. So they are just going to study that, if I understand you.

ASSEMBLYMAN GARDNER:

No, this Commission will have the ability, as in 24 other states, to amend salaries and benefits, and they will be able to do not just the study, but to actually be able to change that. That is why it is a constitutional change—so they will be able to determine, as in other states like Arizona, about how they would like that compensation to be set.

ASSEMBLYWOMAN CARLTON:

I'm still confused, but I will work on it.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time.

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

Amendment No. 618.

SUMMARY—Revises provisions relating to the provision of certain ~~[health care]~~ **wellness** services. (BDR 54-698)

AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of ~~[complementary and alternative health care;]~~ **wellness services;** requiring certain disclosures by such providers; **defining "wellness services";** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the licensing, certification and registration of various providers of health care, including, without limitation, physicians, homeopathic physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635 of NRS) ~~[However, section 2 of this bill finds that there are numerous practitioners of healing arts, commonly referred to as alternative medicine, complementary medicine or natural healing, doing business in this State who are not regulated by the State.]~~ **Section 3** of this bill limits the scope of ~~[these practitioners]~~ **services which may be performed by a provider of wellness services, which are not regulated by this State,** by prohibiting ~~[such practitioners]~~ **those providers of wellness services** from providing certain services which may only be provided by a licensed provider of health care. **The term "wellness services" is defined in section 3 to mean certain therapies and practices and the provision of certain products based on certain complementary health treatment approaches. Section 3** also requires ~~[these practitioners]~~ **providers of wellness services** to make certain disclosures to their clients ~~[.]~~ **and retain copies of signed disclosures for a period of not less than 5 years.**

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~[*The Legislature hereby finds and declares that:*~~

~~*1. A July 2009 report from the National Institutes of Health, which was based on 2007 survey data, 38 percent of adults in the United States used complementary and alternative medicine. The report also stated that almost $34 billion was spent out of pocket for these services. Although many complementary and alternative medicine practitioners are not licensed, registered or certified by this State, it is evident from this data, that thousands of persons are presently receiving a substantial amount of health care from such practitioners.*~~

~~*2. Reports, studies and research data also show that persons from a wide variety of age, ethnic, socioeconomic and other demographic categories utilize these health services, often referred to as complementary and alternative health care practices or natural healing therapies and modalities.*~~

~~*3. Notwithstanding the widespread utilization of these health care services by residents of this State, the provision of such services may be in violation of the professional practice laws governing licensed providers of health care in this State.*~~

~~*4. As a result, a practitioner of the healing arts who is not licensed by this State as a provider of health care could be subject to fines, penalties and the restriction of his or her practice, although his or her practice may not cross the threshold of State regulatory concern for the public.]*~~ **(Deleted by amendment.)**

Sec. 3. *1. ~~[Notwithstanding any other provision of law, a]~~ A person who provides ~~[health care]~~ wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:*

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) ~~[Diagnoses or treats]~~ Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of ~~[significant and discernable]~~ serious or permanent physical or mental harm; ~~[or]~~

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care ~~[licensed, certified or registered in this State.]~~ ;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing ~~[health care]~~ wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for ~~[health care]~~ wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the ~~[health care]~~ wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the ~~[health care]~~ wellness services to be provided; and

(e) A statement recommending that the client notify his or her ~~[other]~~ providers of health care of the ~~[health care]~~ wellness services he or she is to receive.

➥ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing ~~[the health care]~~ wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for ~~[health care]~~ wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant as that term is defined in NRS 630.0129 and 633.075.

7. As used in this section, [“health care] “wellness services” means [health care and] healing arts therapies and practices, and [methods] the provision of products, that are based on the following complementary [and alternative medicine] health treatment approaches and which are not prohibited by subsection 1 [.] :

(a) Anthrosposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reflexology and Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 618 to Assembly Bill 295 removes the bill’s preamble and substitutes “wellness services” for all references to “health care services” in the bill. The amendment also includes several new practices in the list of prohibited acts and provides a list of various therapies, practices, and products which are considered wellness services for the purposes of this bill. Additionally, the amendment ensures the activities of the medical assistant as defined in Chapters 630 and 633 of *Nevada Revised Statutes* are not included in the scope of this measure.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 182, 233, 316, and 372 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 283 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 283.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 621.

AN ACT relating to law enforcement; establishing the circumstances under which state and local law enforcement agencies may recognize the exercise of law enforcement authority by certain federal employees; authorizing state and local law enforcement agencies to enter into agreements with federal agencies concerning the enforcement of federal, state and local laws under certain circumstances; prohibiting state and local governmental agencies from allowing a federal agency to access or use certain correctional and communication facilities and equipment without the express written consent of the appropriate responsible official; ~~[requiring a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities within his or her jurisdiction;]~~ prohibiting a person from impersonating a federal officer; designating the county sheriff as the primary law enforcement officer in certain areas of a county; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, on land owned by the United States, the Federal Government has: (1) exclusive jurisdiction; (2) concurrent jurisdiction; or (3) proprietary jurisdiction. On land over which the Federal Government has acquired exclusive or concurrent jurisdiction, the State has ceded all or part of its jurisdiction, and the Federal Government has criminal jurisdiction in the area. (*United States v. Unzueta*, 281 U.S. 138 (1930); *Paul v. United States*, 371 U.S. 245, 264 (1963)) When the State has not ceded jurisdiction to the Federal Government, the Federal Government has proprietary jurisdiction and may enact laws governing conduct on those lands pursuant to the Property Clause of the United States Constitution. (U.S. Const. Art. IV, § 3, cl. 2; *Kleppe v. New Mexico*, 426 U.S. 529 (1976); *United States v. Bohn*, 622 F.3d 1129 (2010)) This bill establishes the circumstances under which a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement power on federal lands.

Sections 3-7 of this bill define terms to establish the lands and agencies to which the provisions of this bill apply. **Section 5** of this bill excludes from the provisions of this bill the exercise of law enforcement authority by: (1) a special agent of the Federal Bureau of Investigation; (2) a special agent of the United States Secret Service; (3) a special agent of the United States Drug Enforcement Administration; (4) a United States Postal Inspector; or (5) an officer or agent of the Bureau of Indian Affairs.

Section 8 of this bill sets forth the circumstances under which a state or local law enforcement officer may recognize the enforcement of federal law by certain federal employees. Under **section 8**, a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority if the federal employee is enforcing a federal law other than the Assimilative Crimes Act, which is a federal law providing that a violation of a state criminal law on federal enclaves where the Federal Government exercises exclusive or concurrent jurisdiction is a violation of federal law. (18 U.S.C. § 13) However, **section 8** provides that: (1) on federal enclaves where the Federal Government exercises exclusive or concurrent jurisdiction, a state or local law enforcement officer may recognize the exercise of law enforcement authority by a federal employee who is enforcing any federal law, including, without limitation, the Assimilative Crimes Act; and (2) if a federal employee is enforcing a provision of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., on federal land that is not a federal enclave, a state or local law enforcement officer may recognize such an exercise of law enforcement authority if the federal employee is enforcing a federal statute other than the Assimilative Crimes Act or a federal regulation that is necessary to implement the provisions of the Act with respect to the management, use and protection of the public lands and property located on those lands.

Section 9 of this bill authorizes a state or local law enforcement agency to assist a federal agency with the enforcement of federal law on land managed by the Federal Government pursuant to the Federal Land Policy and Management Act, 43 U.S.C. 1701 et seq., if the agreement requires the payment of fair compensation for such assistance.

Section 10 of this bill prohibits a state or local law enforcement officer from recognizing a federal employee's exercise of law enforcement authority if the federal employee is enforcing state or local law, except that a state or local law enforcement officer may recognize such an exercise of law enforcement authority: (1) under certain emergency circumstances; and (2) if the county sheriff or a state law enforcement agency, with the consent of the county sheriff, has entered into an agreement with the relevant federal agency authorizing specific federal employees to enforce state and local laws. Under **section 10**: (1) an agreement with a federal agency which authorizes specific federal employees to enforce state or local laws must be for a term of not more than 2 years; and (2) the federal employees granted authority to enforce state or local laws are required to successfully complete an 80-hour online training course approved by the Peace Officers' Standards and Training Commission.

Section 11 of this bill prohibits a state or local governmental agency from authorizing a federal agency to access or use the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.

~~[Section 12 of this bill requires a county sheriff to review the duties and activities of federal agencies that have law enforcement responsibilities and~~

~~that are acting within his or her jurisdiction to determine whether the federal agencies are acting consistently with the provisions of this bill.]~~

Existing law prohibits a person from impersonating a public officer, a police officer or a person having special authority by law to perform an act affecting the rights or interests of another person. (NRS 199.430) For the purposes of that prohibition, the term "public officer" is defined to include only state and local officers, not federal officers. (NRS 193.019) **Section 12.5** of this bill expands the scope of existing law to prohibit the impersonation of a federal officer.

Section 13 of this bill specifically states that the sheriff of a county and his or her deputies are the primary law enforcement officers in the unincorporated areas of their county. If a county has a metropolitan police department, **section 13** provides that the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of that county and in any incorporated city over which the department has jurisdiction.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Exercise law enforcement authority" and "exercise of law enforcement authority" mean:***

1. To take any action on private land, state-owned land or federally managed land, to investigate, stop, serve process, search, arrest, cite, book or incarcerate a person for a federal, state or local criminal violation when the action is based on:

(a) A federal statute, regulation or rule; or

(b) A state or local statute, ordinance, regulation or rule; or

2. To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.

Sec. 4. ***"Federal agency" means an agency that manages federally managed land or regulates activities on such land, including, without limitation:***

1. The United States Bureau of Land Management;

2. The United States Forest Service;

3. The National Park Service;

4. The United States Fish and Wildlife Service;

5. The United States Bureau of Reclamation;

6. The United States Environmental Protection Agency; and

7. The United States Army Corps of Engineers.

Sec. 5. ***"Federal employee" means an employee or other agent of a federal agency, but does not include:***

1. A special agent of the Federal Bureau of Investigation;

2. A special agent of the United States Secret Service;

3. A special agent of the Drug Enforcement Administration;

4. A United States Postal Inspector of the United States Postal Inspection Service; and

5. An officer or agent of the Bureau of Indian Affairs.

Sec. 6. *"Federally managed land" means land managed by:*

1. The United States Bureau of Land Management;

2. The United States Forest Service;

3. The National Park Service;

4. The United States Fish and Wildlife Service; or

5. The United States Bureau of Reclamation.

Sec. 7. *"Proprietary jurisdiction federally managed land" means federally managed land except:*

1. Any building, installations and other structures under the exclusive jurisdiction of the Congress of the United States pursuant to Clause 17 of Section 8 of Article I of the United States Constitution.

2. Any parcel that constitutes a federal enclave subject to the jurisdiction of the United States and the State of Nevada.

Sec. 8. *1. Except as otherwise provided in this section, a state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority, on or off federally managed land in this State, when the exercise of that authority is consistent with the United States Constitution and based on:*

(a) A federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13.

2. A state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority on federally managed land in this State other than proprietary jurisdiction federally managed land, when the exercise of that authority is consistent with the United States Constitution and based on:

(a) A federal statute, including, without limitation, the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is authorized by a federal statute, including, without limitation, the Assimilative Crimes Act, 18 U.S.C. § 13.

3. A state or local law enforcement officer may recognize a federal employee's exercise of law enforcement authority to enforce the provisions of the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., on proprietary jurisdiction federally managed land, only if the exercise of that authority is consistent with the United States Constitution and based on:

(a) A federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; or

(b) A federal regulation that is:

(1) Authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. § 13; and

(2) Necessary to implement the provisions of the Federal Land Policy and Management Act, 43 U.S.C. § 1701 et seq., with respect to the management, use and protection of the public lands and property located on those lands, as provided in 43 U.S.C. § 1733.

Sec. 9. *1. A state or local law enforcement agency may assist a federal agency or federal employee to enforce federal statutes and regulations on land managed pursuant to the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq., if the state or local law enforcement agency has entered into an agreement pursuant to subsection 2.*

2. The sheriff of a county may enter into an agreement with a federal agency requiring fair compensation for assisting a federal agency or federal employee to enforce federal statutes and regulations on lands managed by a federal agency pursuant to the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 et seq.

Sec. 10. *1. Except as otherwise provided in subsection 2 or an agreement entered into pursuant to subsection 3 or 4, a state or local law enforcement officer may not recognize a federal employee's exercise of law enforcement authority, on or off federally managed land, when the exercise of that authority is based on a state or local statute, ordinance, regulation or rule.*

2. A state or local law enforcement officer may recognize a federal employee's limited exercise of law enforcement authority on federally managed land in cases of a violation of a state or local statute, ordinance, regulation or rule when:

(a) The offense is an emergency and poses an immediate risk of bodily injury or damage to property;

(b) A state or local law enforcement officer is not reasonably available to take action;

(c) The action is within the scope of the authority of the federal employee's law enforcement power; and

(d) The federal employee turns over the matter and custody of any person detained by the federal employee to a state or local law enforcement officer for further action as soon as such an officer becomes available.

3. The sheriff of a county may enter into an agreement with a federal agency granting limited authority to specific federal employees to exercise law enforcement powers to enforce state and local laws if:

(a) The agreement is for a term of not more than 2 years; and

(b) The federal officers granted such authority have successfully completed an 80-hour online training course approved by the Peace Officers' Standards and Training Commission. Completion of such a course must not be construed as constituting certification of a federal officer as a peace officer in this State pursuant to chapter 289 of NRS or the regulations adopted pursuant thereto.

4. A state law enforcement agency may, with the consent of the sheriff of a county, enter into an agreement granting limited authority to specific federal employees to exercise law enforcement powers to enforce state and local laws in the county in accordance with the provisions of subsection 3.

Sec. 11. ***A state or local governmental agency may not allow a federal agency or federal employee to access or use the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.***

Sec. 12. ~~[*The sheriff of a county shall regularly review the duties and activities of federal agencies which have law enforcement responsibilities in this State and which are acting within his or her jurisdiction to determine whether the federal agencies are acting consistently with the provisions of sections 2 to 12, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 12.5. NRS 199.430 is hereby amended to read as follows:

199.430 ~~[Every]~~

1. A person who ~~[shall falsely personate]~~ ***:***

(a) Falsely personates a public officer, civil or military, ~~[or]~~ a police officer, ***a federal officer*** or a private individual having special authority by law to perform an act affecting the rights or interests of another ~~[, or who, without]~~ ***person; or***

(b) Without authority ~~[shall assume]~~ ***, wears*** any uniform or badge by which such an officer or ~~[person]~~ ***private individual described in paragraph (a)*** is lawfully distinguished,

➥ and in such assumed character ~~[shall do]~~ ***does*** any act purporting to be official, whereby another ***person*** is injured or defrauded, ~~[shall be]~~ ***is*** guilty of a gross misdemeanor.

2. As used in this section, "federal officer" means an officer of the Federal Government.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ***1. Sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.***

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
This deletes section 12 of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 51.

Bill read third time.

The following amendment was proposed by Assemblymen Gardner and Jones:

Amendment No. 606.

AN ACT relating to securities; ~~[requiring certain persons to complete training concerning identification of the suspected exploitation of an older person or vulnerable person; requiring broker-dealers and investment advisers to designate a person to whom a report of the suspected or known exploitation of an older person or vulnerable person may be made;]~~ authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations relating to the federal Jumpstart Our Business Startups Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Uniform Securities Act which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. (Chapter 90 of NRS) Sections 2-9 of this bill require certain persons employed by broker-dealers and investment advisers to complete training concerning the identification and reporting of suspected exploitation of older persons and vulnerable persons. "Older persons" are defined in existing law as persons who are 60 years of age or older. "Vulnerable persons" are defined in existing law as persons who are 18 years of age or older who: (1) suffer from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) have one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) Section 8 specifies which sales representatives, representatives of an investment adviser and officers and employees of broker-dealers or investment advisers must complete the training, when the training must be completed and the content of the training. Section 9 requires each broker-dealer and investment adviser to designate a person to whom reports of suspected exploitation of an older person or vulnerable person may be made. The person so designated is then responsible for determining when a formal report must be reported to the appropriate agency.]~~

Existing law authorizes the imposition or granting of certain actions and penalties against a person who has violated any provision of state law or a regulation or order of the Administrator of the Securities Division of the Office

of the Secretary of State relating to securities, including civil penalties, restitution and costs of investigation and prosecution of such a violation. (NRS 90.630, 90.640, 90.650) **Sections 11-13** of this bill revise those provisions to include, if the violation was committed against an older person or vulnerable person, the imposition or granting of civil penalties, restitution and costs of investigation and prosecution in amounts equal to twice the amounts that would otherwise have been imposed or granted. **Section 10** of this bill authorizes the Administrator to adopt regulations consistent with the federal Jumpstart Our Business Startups Act (Pub. L. No. 112-106), including regulations relating to the creation and oversight of funding portals for the purchase of securities.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ~~[*As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Designated reporter" means a person designated by a broker-dealer or investment adviser to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 9 of this act.*]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.*]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.*]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.*]~~ **(Deleted by amendment.)**

Sec. 7. ~~[*"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.*]~~ **(Deleted by amendment.)**

Sec. 8. ~~[*1. Each broker-dealer, investment adviser, sales representative, representative of an investment adviser and officer or employee of a broker-dealer or investment adviser shall complete training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person if he or she:*~~

~~*(a) As part of his or her regular duties for a broker-dealer or investment adviser, comes into direct contact with an older person or vulnerable person;*~~

~~*(b) Reviews or approves the financial documents, records or transactions of an older person or vulnerable person in connection with the offer, sale or purchase of securities; or*~~

~~*(c) Offers advice as to the value or advisability of investing in, purchasing or selling securities to an older person or vulnerable person.*~~

~~*2. The training required pursuant to subsection 1 must be completed not later than 6 months after the sales representative, representative of the investment adviser or officer or employee is employed by a broker-dealer or investment adviser and every 2 years thereafter.*~~

~~*3. The training required pursuant to subsection 1 must include, without limitation:*~~

~~*(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;*~~

~~*(b) The manner in which exploitation of an older person or vulnerable person may be recognized;*~~

~~*(c) Information concerning the manner in which reports of exploitation of an older person or vulnerable person are investigated; and*~~

~~*(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.*~~

~~*4. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person may report the known or suspected exploitation to a designated reporter pursuant to section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser may report known or suspected exploitation of an older person or vulnerable person.*~~

~~*2. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:*~~

~~*(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:*~~

~~*(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;*~~

~~*(2) A police department or sheriff's office;*~~

~~*(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or*~~

~~*(4) A toll-free telephone service designated by the Aging and Disability Services Division; and*~~

~~*(b) Make such a report as soon as reasonably practicable.*~~

~~*3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department*~~

~~*of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.*~~

~~*4. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:*~~

~~*(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and*~~

~~*(b) Make such a report as soon as reasonably practicable.*~~

~~*5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.*~~

~~*6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:*~~

~~*(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and*~~

~~*(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.*~~

~~*7. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.]*~~ **(Deleted by amendment.)**

Sec. 10. ***1. The Administrator may adopt, by regulation or order, any filing requirements, registration exemptions and licensing requirements which are consistent with the Jumpstart Our Business Startups Act, Public Law 112-106, and any regulation adopted pursuant thereto by the United States Securities and Exchange Commission, including, without limitation, regulations relating to the creation and oversight of funding portals.***

2. As used in this section, "funding portal" has the meaning ascribed to it in section 3(a)(80) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78a et seq.

Sec. 11. NRS 90.630 is hereby amended to read as follows:

90.630 1. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that:

(a) The sale of a security is subject to registration under this chapter and the security is being offered or has been offered or sold by the issuer or another person in violation of NRS 90.460; or

(b) A person is acting as a broker-dealer or investment adviser in violation of NRS 90.310 or 90.330,

➥ the Administrator, in addition to any specific power granted under this chapter and subject to compliance with the requirements of NRS 90.820, may issue, without a prior hearing, a summary order against the person engaged in the prohibited activities, directing the person to desist and refrain from further activity until the security is registered or the person is licensed under this chapter. The summary order to cease and desist must state the section of this chapter or regulation or order of the Administrator under this chapter which the Administrator reasonably believes has been or is being violated.

2. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that a person has violated this chapter or a regulation or order of the Administrator under this chapter, the Administrator, in addition to any specific power granted under this chapter, after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser;

(c) Bar or suspend the person from association with a licensed broker-dealer or investment adviser in this State;

(d) Issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than $25,000 for each violation ~~[.]~~ or ***, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this paragraph, not to exceed $50,000 for each violation; or***

(e) Initiate one or more of the actions specified in NRS 90.640.

3. If the person to whom the notice is addressed pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives the right to a hearing and the Administrator shall issue a permanent order. If a hearing is requested, the Administrator shall set the matter for hearing not less than 15 days nor more than 60 days after the Administrator receives the request for a hearing. The Administrator shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. Imposition of the sanctions under this section is limited as follows:

(a) If the Administrator revokes the license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser or bars a person from association with a licensed broker-dealer or investment adviser under this section or NRS 90.420, the imposition of that sanction precludes imposition of a civil penalty under subsection 2; and

(b) The imposition by the Administrator of one or more sanctions under subsection 2 with respect to a specific violation precludes the Administrator from later imposing any other sanctions under paragraphs (a) to (d), inclusive, of subsection 2 with respect to the violation.

5. For the purposes of determining any sanction to be imposed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, the Administrator shall consider, among other factors, the frequency and persistence of the conduct constituting a violation of this chapter, or a regulation or order of the Administrator under this chapter, the number of persons adversely affected by the conduct and the resources of the person committing the violation.

6. If a sanction is imposed pursuant to this section, reimbursement for the costs of the proceeding, including investigative costs and attorney's fees incurred, may be ordered and recovered by the Administrator. Money recovered for reimbursement of the investigative costs and attorney's fees must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

7. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 12. NRS 90.640 is hereby amended to read as follows:

90.640 1. Upon a showing by the Administrator that a person has violated or is about to violate this chapter, or a regulation or order of the Administrator under this chapter, the appropriate district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(a) Upon a showing that a person has violated this chapter, or a regulation or order of the Administrator under this chapter, the court may singly or in combination:

(1) Issue a temporary restraining order, permanent or temporary prohibitory or mandatory injunction or a writ of prohibition or mandamus;

(2) Impose a civil penalty of not more than $25,000 for each violation ~~[.]~~ ***or, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this subparagraph, not to exceed $50,000 for each violation;***

(3) Issue a declaratory judgment;

(4) Order restitution to investors ~~[.]~~ ***which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of restitution that would otherwise have been ordered pursuant to this subparagraph;***

(5) Provide for the appointment of a receiver or conservator for the defendant or the defendant's assets;

(6) Order payment of the Division's investigative costs ~~[, or]~~ ***which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of the Division's investigative costs that would otherwise have been ordered for payment pursuant to this subparagraph; or***

(7) Order such other relief as the court deems just.

(b) Upon a showing that a person is about to violate this chapter, or a regulation or order of the Administrator under this chapter, a court may issue:

(1) A temporary restraining order;

(2) A temporary or permanent injunction; or

(3) A writ of prohibition or mandamus.

2. In determining the appropriate relief to grant, the court shall consider enforcement actions taken and sanctions imposed by the Administrator under NRS 90.630 in connection with the transactions constituting violations of this chapter or a regulation or order of the Administrator under this chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Administrator.

3. The court shall not require the Administrator to post a bond in an action under this section.

4. Upon a showing by the administrator or securities agency of another state that a person has violated the securities act of that state or a regulation or order of the administrator or securities agency of that state, the appropriate district court may grant, in addition to any other legal or equitable remedies, one or more of the following remedies:

(a) Appointment of a receiver, conservator or ancillary receiver or conservator for the defendant or the defendant's assets located in this State; or

(b) Other relief as the court deems just.

5. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 13. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates:

(a) A provision of this chapter, except NRS 90.600 ***,*** ~~***[and sections 2 to 9, inclusive, of this act]***~~ or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;

(b) A regulation adopted pursuant to this chapter; or

(c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than $500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution and may order the person to repay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. ***If the violation was committed against an older person or vulnerable person, any restitution and costs of investigation and prosecution imposed by the court must be in an amount equal to twice the amount that would otherwise have been imposed by the court.*** Money recovered for reimbursement of the costs of investigation and prosecution must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.

3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
This amendment deletes sections 2 through 9 of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 297.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 609.

AN ACT relating to controlled substances; revising provisions governing the crime of trafficking in controlled substances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is guilty of trafficking in a controlled substance if the person sells, manufactures, delivers or brings into this State or knowingly or intentionally possesses certain amounts of controlled substances which are listed in schedule II. (NRS 453.3395) ~~[This bill adds certain controlled substances which are listed in schedule III to the crime of trafficking in controlled substances.]~~ This bill ~~[also]~~ lowers the threshold aggregate amounts by which a person may be found guilty of trafficking in those controlled substances.

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

Section 1. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385, 453.339 and 453.3395, the weight ***or number of dosage units*** of the controlled substance ***, as applicable,*** as represented by the person selling or delivering it is determinative if the weight ***or number of dosage units*** as represented is greater than the actual weight ***or number of dosage units*** of the controlled substance.

Sec. 2. NRS 453.3395 is hereby amended to read as follows:

453.3395 ***1.*** Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State ***, within a 90-day period,*** or who is knowingly or intentionally in actual or constructive possession of any controlled substance ~~[~~which is~~]~~ listed in schedule II ~~*[or schedule III as described in subsection 3]*~~ or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, ~~[~~if the quantity involved:

~~1. Is 28 grams or more, but less than 200 grams, for~~] ***as follows:***

(a) For a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000 ~~[~~.

~~2. Is 200 grams or more, but less than 400 grams, for~~] ***if the:***

(1) Total aggregate weight of the controlled substance is 20 grams or more but less than 40 grams; or

(2) Total aggregate number of dosage units is 100 or more but less than 200.

(b) For a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $100,000 ~~[~~.

~~3. Is 400 grams or more, for~~] ***if the:***

(1) Total aggregate weight of the controlled substance is 40 grams or more but less than 80 grams; or

(2) Total aggregate number of dosage units is 200 or more but less than 400.

(c) For a category A felony by ***a fine of not more than $250,000 and by*** imprisonment in the state prison ~~[~~:

~~(a) For~~] ***for*** life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served ~~[~~;~~]~~ or

~~[~~(b) For~~]~~ ***for*** a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

~~[~~ ~~and by a fine of not more than $250,000.~~] ***if the:***

(1) Total aggregate weight of the controlled substance is 80 grams or more; or

(2) Total aggregate number of dosage units is 400 or more.

2. If the total aggregate weight of a controlled substance and its corresponding total aggregate number of dosage units would result in different penalties pursuant to this section, the greater penalty must be imposed.

3. ~~[This section applies to the following schedule III controlled substances:~~

~~(a) Nalorphine.~~

~~(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in quantities:~~

~~(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;~~

~~(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~(3) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~(4) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

~~(5) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or~~

~~(6) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.~~

~~(c) Any material, compound, mixture or preparation containing buprenorphine, including its salts.~~

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

(a) "Aggregate number" means the total number of dosage units in violation of this section, regardless of the number of dosage units of each controlled substance as described in this section that are present in the total number of dosage units.

(b) "Aggregate weight" means the weight of the entire mixture in violation of this section, regardless of the weight of each controlled substance as described in this section that are present in the mixture.

(c) "Dosage unit" means a tablet, pill, capsule, vial, ampule or other identifiable or separated unit designed or packaged to be used, taken or ingested at one time.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
This amendment removes all schedule III controlled substances from the bill.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.
Bill read third time.
The following amendment was proposed by Assemblyman Nelson:
Amendment No. 616.

AN ACT relating to real property; revising provisions governing the amount of a deficiency judgment awarded by a court after the foreclosure of a mortgage or a deed of trust; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a judgment creditor or a beneficiary of a deed of trust may obtain a deficiency judgment after a foreclosure sale or trustee's sale of real property if there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or beneficiary. (NRS 40.455) Existing law further provides that if a person acquired the right to obtain a deficiency judgment from another person, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right. (NRS 40.459) **Sections 1, 3 and 4** of this bill provide that this provision applies only to deficiency judgments awarded on or after the passage and approval of this bill in a deficiency judgment proceeding to enforce: (1) any debt secured by property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any debt secured by any other property if the ~~[documents]~~ **promissory note or guaranty** evidencing the debt ~~[were]~~ **was** fully executed ~~[on or]~~ before July 1, 2011.

Existing law provides that, under certain circumstances, a money judgment obtained by a creditor with a junior mortgage or lien on real property may not exceed the amount of the consideration paid by the creditor for the right to enforce the obligation secured by the junior mortgage or lien. (NRS 40.4636) **Sections 2-4** of this bill provide that this limitation applies only to a money judgment awarded on or after the passage and approval of this bill in a civil action to enforce: (1) any obligation secured by a junior mortgage or lien on real property upon which the debtor or a guarantor or surety of the debt maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and (2) any obligation secured by a junior mortgage or lien on any other real property if the ~~[documents]~~ **promissory note or guaranty** evidencing the obligation ~~[were]~~ **was** fully executed ~~[on or]~~ before July 1, 2011.

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

Section 1. NRS 40.459 is hereby amended to read as follows:

40.459 1. After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. ~~[The]~~

2. Except as otherwise provided in subsection 3, the court shall not render judgment for more than:

(a) The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; or

(b) The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale,

➥ whichever is the lesser amount.

3. If the debt was secured by property upon which the debtor, guarantor or surety maintains his or her principal residence, there is not more than one residential structure and not more than four families reside, the court shall not render judgment for more than:

(a) The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale;

(b) The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale; or

(c) If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,

➥ whichever is the lesser amount.

~~[2.]~~ ***4.*** For the purposes of this section, the "amount of the indebtedness" does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 2. NRS 40.4636 is hereby amended to read as follows:

40.4636 1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed:

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(b) Such action is not barred by NRS 40.430,

➥ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If:

(a) A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right;

(b) The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale;

(c) The obligation was secured by a junior mortgage or lien on real property upon which the debtor maintains his or her principal residence, there is not more than one residential structure and not more than four families reside; and

~~[(c)]~~ ***(d)*** Such action is not barred by NRS 40.430,

➥ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date on which the person acquired the right and reasonable costs.

3. As used in this section, "obligation secured by a junior mortgage or lien on real property" includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. The amendatory provisions of:

1. Section 1 of this act apply to a judgment awarded pursuant to NRS 40.459, as amended by section 1 of this act, on or after the effective date of this act, if the ~~[documents]~~ **promissory note or guaranty** evidencing the debt ~~[are]~~ **is** fully executed on or after July 1, 2011.

2. Section 2 of this act apply to a judgment awarded pursuant to subsection 2 of NRS 40.4636, as amended by section 2 of this act, on or after the effective date of this act, if the ~~[documents]~~ **promissory note or guaranty** evidencing the obligation ~~[are]~~ **is** fully executed on or after July 1, 2011.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Nelson moved the adoption of the amendment.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

The intent of this bill is to maintain existing deficiency provisions for all residential loans and for all commercial loans entered into prior to July 1, 2011. We are removing the provisions only for commercial loans entered into after that date. This specific amendment removes the word "documents," which appears twice, and substitutes the words "promissory note or guarantee" in its place.

I would like to thank the chairman of Judiciary Committee who brokered a settlement among all of the stakeholders, and my colleague from the south who will soon graduate from the Boyd School of Law with honors. He helped quite a bit on some of the technical issues and knows as much about this bill as most of the lawyers I am dealing with.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblymen Hansen, Diaz, Swank, Dickman, Spiegel, and Gardner.

ASSEMBLYMAN HANSEN:

Assembly Bill 405 repeals the existing parental notification requirements for pregnant minors and enacts new notification requirements that apply to pregnant minors and to pregnant wards, regardless of their age, for whom a legal guardian or conservator has been appointed. The bill does not require a parent or guardian to consent to the abortion before it is performed and does not prohibit a physician from performing the abortion if written notification has been provided to at least one parent or guardian of the pregnant minor or ward and a 48-hour waiting period has expired. An expedited procedure is established for petitioning a court for judicial authorization to proceed without parental notification.

This bill is effective upon passage and approval for the purpose of adopting regulations, and on October 1, 2015, for all other purposes.

ASSEMBLYWOMAN DIAZ:

I respectfully rise in opposition to Assembly Bill 405. In 1998, Rebecca Bell, a young lady from the Midwest, was afraid to talk to her parents about her pregnancy. She obtained an illegal, alternative, back-alley abortion, became sick for a week, and died. Her parents stated that they would have rathered their daughter obtained a legal abortion without their consent if it meant saving her life. Spring Adams, a 13-year-old from another Mountain West state, was raped by her own father. Her father shot her when he found out she terminated a pregnancy that occurred as a result of incest. I think about the young woman who told her parents that she was pregnant. They forced her to give birth and put the child up for adoption. The young lady subsequently tried to commit suicide and was institutionalized for depression. This position is also for that young woman who was so scared that her parents would find out about her unintended pregnancy, she tried to overdose on over-the-counter medication.

A.B. 405 is a bill that endangers vulnerable young girls in our state. It requires and forces them, against their will, to make deeply personal and private decisions with other people. This bill goes against their will and their privacy to coerce them into involving parents in decisions when those parents may not be there for many other decisions in their lives. The majority of teenage women will evaluate whether they can confide in family members, and if they feel they safely can, they will. You cannot legislate good relationships. I strongly urge this body to vote no.

ASSEMBLYWOMAN SWANK:

I rise in opposition to Assembly Bill 405. My vote is to let professionals do what they do best. A doctor is a trained expert in the area of physical health. They counsel a patient about the risks of any health condition and any potential treatment so that when a decision is made, it is well informed and in the best interests of the patient.

Assembly Bill 405 is legislation that creates more questions and uncertainty than helps anyone. Assembly Bill 405 would slow down the process for women when making personal reproductive health choices. Based on an increased time and notification of parents or petitioning of the courts, it postpones medical procedures that are much safer when performed earlier. Performed later, they can become more complicated and have added risk.

Additionally, the way “medical emergency” is defined in this bill could put people at risk and is different than other parental consent statutes. This bill puts up far too many road blocks on a very personal and private choice and I urge this body to vote no.

ASSEMBLYWOMAN DICKMAN:

I rise in support of Assembly Bill 405. It is common sense that a daughter would need to notify her parent before any major procedure. This puts us in line with rulings from the U.S. Supreme Court and statutes from many other states.

I have gotten several emails from physicians who have urged me to support this bill because they have had to deal with this on many occasions. I urge your support of all the daughters in Nevada and urge your support of A.B. 405.

ASSEMBLYWOMAN SPIEGEL:

I rise in opposition to Assembly Bill 405. This puts impediments into people's lives on a personal and private health choice. In other states, it has been documented that pregnancy rates do not change in response to parental notification requirements. Assembly Bill 405 will not reduce teen pregnancy. It will not reduce abortion rates. It will not result in girls talking to their parents in cases where the parent-child relationship has deteriorated to the point where the girl feels she cannot talk to her parents. What it will do, at least in some cases, is force already terrified young girls into a choice of being forced to discuss their pregnancy with a parent they, for whatever reason, do not trust. Some of these girls will be so desperate to avoid that conversation and its ramifications that they will do desperate things, like seek to go out of state for an abortion or end their pregnancy without a doctor. This choice will result in grave harm for some of these girls. I urge this body to vote no.

ASSEMBLYMAN GARDNER:

I rise in support of Assembly Bill 405. This is a parental rights bill. We are simply asking that the parents be notified before their daughter has an abortion. They do not have to consent to the abortion. They just need to be notified. This is the right thing to do, and this speaks to the common yearning of all parents to be involved.

Also, in recent polling, this is about an 80 percent issue. It is not a Republican or Democratic issue. Majorities of Republicans, Democrats, and Independents all think this needs to be passed. That is why the majority of states have consent laws, and I urge your support of this commonsense bill.

Assemblymen Wheeler, Kirner, and Hickey moved the previous question.

The question being the passage of Assembly Bill No. 405.

Roll call on Assembly Bill No. 405:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Woodbury.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblymen Gardner, Elliot Anderson, Wheeler, Kirkpatrick, and Dickman.

ASSEMBLYMAN GARDNER:

Assembly Bill 414 revises provisions authorizing the Governor to only enter into interactive gaming agreements that enable patrons in the signatory states to participate in Internet poker. The bill also defines "Internet poker" and clarifies that interactive gaming does not include any gambling game other than Internet poker.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 414. To put it lightly, this bill is unnecessary. Interactive gaming is already restricted by regulation of the Gaming Commission. I think what this does is close off any future avenues that might develop when we are out of session. Let us say that a market develops. If we do this, we would have to be called into special session or have to come back and rush things to change it. There is no harm right now because it is already restricted by regulation.

The Gaming Commission is the gold standard of regulatory bodies, and we should allow them discretion under the statute. This issue can be litigated there if it is necessary, but right now there is no harm. I urge this body to reject Assembly Bill 414.

ASSEMBLYMAN WHEELER:

I rise in support of Assembly Bill 414. During the last session, the Governor signed into law A.B. 114 allowing for interactive gaming that was meant to be poker only. Along with many others in this room, I was here at that time. A review of all the testimony and articles from last session shows that it was meant to be poker only. Assembly Bill 414 clarifies the intent of the 2013 law. I will be voting in favor of this bill, and I urge this body to do the same.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 414. Like many of my colleagues, I was here last session. Nevada is the gold standard around the world on gaming. One of the things that we talked about in the 2013 legislation was the ability for the Gaming Control Board to establish regulations so that we could be on the cutting edge at all times when it came to gaming. Currently poker is the only online game that is allowed, but we are taking away the ability for the Gaming Control Board and the Gaming Commission to adopt regulations to keep us on the cutting edge.

Over 80 percent of our budget comes from gaming and the day that we cannot be the gold standard, we put ourselves in a huge situation across the state. This is not a partisan issue. This is more about ensuring that we keep our golden goose available for the long term.

It really was a competition last session on which state was going to adopt online gaming first. The Governor gave us a challenge to see if we could beat New Jersey, because he was headed to the Western Governors Association. That is the truth of the story. The Governor said I am leaving on Friday. I need to get this done in three days. Can you guys do it? We as a southern Nevada delegation came together in a room, and we did it in four hours, even before lobbyists were signing new contracts. We passed the bill, and it was on the way to the Governor's office. There were many of us at the signing. Everybody was invited because it was an historic day around the world, for Nevada to be the first to sign on to online gaming.

I want to talk a little bit about the history and the importance of gaming in this building. I believe it was in 2007, Mr. [Bernie] Anderson was here, and we went round and round about a bill allowing a governmental agency to have gaming. I was one of six people who voted against it with many of my Republican colleagues, including Mr. Carpenter, because I felt that we were not living up to the gold standard. It has always been about being the gold standard. It has always been about being on the cutting edge. That is why we have places in Macau. That is why we are looking at Japan today. Without all the additional revenue, which is our number one source of income, we could really be at risk. I do not think it behooves this body to lock something in for two years, because a lot can change in two years. I would urge people to think about this and to not vote for it.

ASSEMBLYWOMAN DICKMAN:

I rise to support Assembly Bill 414. This bill simply clarifies in statutes the intent of A.B. 360 from the 2013 Session. Currently in Nevada we have online poker, and this will do nothing to change that. It is just a simple, important bill to ensure online games in Nevada remain poker only. I urge your support of Assembly Bill 414.

Roll call on Assembly Bill No. 414:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 25 authorizes the use of money collected through the residential construction tax for the improvement of park facilities and specifies that improvement includes the expansion, modification, redesign, redevelopment, or enhancement of existing facilities. The bill also clarifies that the parks and related facilities that are acquired, improved, expanded, or installed, as applicable, with the money collected through the tax must be attributable to the new construction or development for which the money was collected. This bill specifies that the money collected through the tax must be expended within the park district from which it was collected and must not be expended for maintenance or operational expenses.

Roll call on Assembly Bill No. 25:

YEAS—40.

NAYS—None.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 50 repeals and reenacts provisions governing the solicitation of charitable and other contributions by all charitable organizations and nonprofit organizations in this state. A charitable organization is prohibited from soliciting charitable contributions or having charitable contributions solicited on its behalf in this state, unless the organization is registered with the Secretary of State. Certain organizations may be exempted from registration requirements. The information and financial report filed by each charitable organization will be made public and posted on the Secretary of State's website.

If a charitable organization fails to file the information and financial report required for registration, the Secretary of State will provide written notice of the alleged violation. In addition, if a violation has occurred, the organization may not be allowed to transact business in the state or the matter may be referred to the Attorney General. The Attorney General may seek an injunction or other equitable relief and may recover a civil penalty.

Roll call on Assembly Bill No. 50:

YEAS—40.

NAYS—None.

EXCUSED—Jones, Woodbury—2.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 62 designates the third Wednesday of March during each regular session of the Legislature as "Veterans Day at the Legislature." This bill also makes several changes which the Chief Clerk has just alliterated. I urge your support.

Roll call on Assembly Bill No. 62:

YEAS—40.

NAYS—None.

EXCUSED—Jones, Woodbury—2.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 66 requires that all of the justices of the peace in the large urban townships, specifically Las Vegas, North Las Vegas, Henderson, Reno, and Sparks, be licensed attorneys. The measure also increases the monetary limit on civil jurisdiction of justice courts from $10,000 to $15,000, and increases the monetary limit on small claims actions from $7,500 to $10,000. Fees for the preparation and filing of an affidavit and order for these civil actions are added.

Roll call on Assembly Bill No. 66:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Moore, Oscarson, Seaman, Shelton, Titus, Wheeler—10.

EXCUSED—Jones, Woodbury—2.

Assembly Bill No. 66 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 4:35 p.m.

ASSEMBLY IN SESSION

At 4:42 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 67.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 562.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; ~~[providing for]~~ **revising provisions concerning** the revocation of ~~[the]~~ **a** license, permit or privilege to drive **;** ~~[of a person who fails to submit to certain tests for the presence of alcohol, controlled substances and prohibited substances under certain circumstances; revising provisions concerning operating or being in actual physical control of a vessel;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410) **Sections 9 and 20** of this bill define the term "under the influence" for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both.

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to

determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration**.** ~~[and requests an opportunity to cross-examine the witness at trial.]~~ Under **section 1**, if the affidavit or declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her "implied consent" to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person's decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person's driver's license must be revoked for a certain period. **Section 14 further authorizes the revocation of a person's license, permit or privilege to drive if an evidentiary test reveals the presence of a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card.** **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm. ~~[Existing law makes it unlawful for a person to operate or be in actual physical control of a vessel on the waters of this State while under the influence of intoxicating liquor or a controlled substance or while engaging in certain~~

~~other prohibited conduct if the vessel is "under power or sail." (NRS 488.410) Section 21 of this bill makes the operation or actual physical control of a vessel by such a person unlawful if the vessel is "under way," that is, if the vessel is adrift, making way or being propelled, and is not aground, made fast to the shore or tied or made fast to a dock or mooring. Sections 2-4, 6-8, 19, 21-25 and 27-30 of this bill make conforming changes.~~**]**

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

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a

sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~[at or before the time of trial,]~~ ***not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,*** the defendant ~~***[:***~~ ~~establishes that:~~

~~**(a)** There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~

~~(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,~~ ~~***Objects]***~~ ***objects in writing to admitting into evidence the affidavit or declaration*** ~~***, [; and***~~

~~***(b) Requests an opportunity to cross-examine at trial the witness who signed the affidavit or declaration,***~~

~~***]***~~ the court ***shall not admit the affidavit or declaration into evidence and*** may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. ~~[NRS 50.325 is hereby amended to read as follows:~~

~~50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:~~

~~(a) The existence of any alcohol;~~

~~(b) The quantity of a controlled substance; or~~

~~(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,~~

~~* the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.~~

~~2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:~~

~~(a) Made at least 10 days before the date set for the trial;~~

~~(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail, or personally served on the defendant's counsel or the defendant; and~~

~~(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.~~

~~3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.~~

~~4. The provisions of this section apply to any of the following offenses:~~

~~(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.~~

~~(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.~~

~~(d) Any other offense for which it is necessary to prove, as an element of the offense:~~

~~(1) The existence of any alcohol;~~

~~(2) The quantity of a controlled substance; or~~

~~(3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 62E.620 is hereby amended to read as follows:~~

~~62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:~~

~~(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;~~

~~(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or~~

~~(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.~~

~~2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:~~

~~(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or~~

~~(b) A physician who is certified to make that classification by the Board of Medical Examiners.~~

~~3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:~~

~~(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;~~

~~(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and~~

~~(c) Is in good standing with the regulatory agency in the other state.~~

~~4. The evaluation of the child may be conducted at an evaluation center.~~

~~5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.~~

~~6. The juvenile court shall:~~

~~(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.~~

~~(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.~~

~~(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:~~

~~(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and~~

~~(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.~~

~~— 7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:~~

~~— (a) Drives, operates or is in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance; or~~

~~— (b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 8. The provisions of this section do not prohibit the juvenile court from:~~

~~— (a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.~~

~~— (b) Ordering the child to attend a program of treatment which is administered by a private company.~~

~~— 9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:~~

~~— (a) The juvenile court;~~

~~— (b) The child;~~

~~— (c) The attorney for the child, if any;~~

~~— (d) The parents or guardian of the child;~~

~~— (e) The district attorney; and~~

~~— (f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.~~

~~— 10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 178.484 is hereby amended to read as follows:~~

~~— 178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~— 2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~— (a) A court issues an order directing that the person be admitted to bail;~~

~~— (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~— (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail; or~~

~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under~~ **[**~~power or sail~~**]** ***way*** ~~must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~(b) Five thousand dollars, if the person has:~~

~~(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for~~

~~which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(c) Fifteen thousand dollars, if the person has:~~

~~(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~➡ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.~~

~~9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a~~

~~restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the~~

~~health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~— (a) Requiring the person to remain in this State or a certain county within this State;~~

~~— (b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~— (c) Prohibiting the person from entering a certain geographic area; or~~

~~— (d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~"~~ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

~~— 12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~— (a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~— (b) Increase the amount of bail pursuant to NRS 178.499.~~

~~— 13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~— 14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~— (a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~— (b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~— (c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~"~~ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

~~— 15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~— 16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.~~**] (Deleted by amendment.)**

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

➥ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is ~~[~~directed~~]~~ ***requested*** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as ~~[~~directed~~]~~ ***requested*** by a police officer, the officer may ~~[~~direct~~]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. ~~[~~NRS 453A.300 is hereby amended to read as follows:

~~453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:~~

~~(a) Driving, operating or being in actual physical control of a vehicle or a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~while under the influence of marijuana.~~

~~(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.~~

~~(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.~~

~~(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:~~

~~(1) Any public place or in any place open to the public or exposed to public view; or~~

~~(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.~~

~~(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~

~~(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.~~

~~2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.~~**] (Deleted by amendment.)**

Sec. 7. **[**~~NRS 458.260 is hereby amended to read as follows:~~

~~458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:~~

~~(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.~~

~~(b) Elements of an offense giving rise to a criminal penalty or civil sanction.~~

~~2. The provisions of subsection 1 do not apply to:~~

~~(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;~~

~~(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and~~

~~(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.~~

~~3. This section does not make intoxication an excuse or defense for any criminal act.~~**] (Deleted by amendment.)**

Sec. 8. ~~[NRS 458.270 is hereby amended to read as follows:~~

~~458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.~~

~~2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.~~

~~3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, the person must be delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.~~

~~4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.~~

~~5. The placement of a person found under the influence of alcohol in civil protective custody must be:~~

~~(a) Recorded at the facility, jail or detention facility to which the person is delivered; and~~

~~(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.~~

~~6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.~~

~~7. The provisions of this section do not apply to a person who is apprehended or arrested for:~~

~~(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;~~

~~(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;~~

~~(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and~~

~~(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.~~] **(Deleted by amendment.)**

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

"Under the influence" means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[~~direction~]~~ ***request*** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~[~~seize~]~~ ***:***

(a) Seize the license or permit of the person to drive as provided in NRS 484C.220 ***;*** and

(b) If reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~[~~3 and 4,~]~~ ***4 and 5,*** any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[~~direction~]~~ ***request*** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[~~,~]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. ***A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.***

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~[3.]~~ ***4.*** Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~[4.]~~ ***5.*** If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~ ***or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness*** ~~***[must]***~~ ***may be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~[A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~5.]~~ ***Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.~~

~~6.]~~ ***7.*** Except as otherwise provided in subsections ~~[3 and 5,]~~ ***4 and 6,*** a police officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

~~[7.]~~ ***8.*** If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.~~

~~8.]~~ ***9.*** If a person who is less than 18 years of age is ~~[directed]~~ ***requested*** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required test as provided in*** NRS 484C.160.

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. ***If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:***

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath ***or a detectable amount of a controlled substance or*** ~~***[a]***~~ ***prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~[2.]~~ ***3.*** If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~[1]~~ ***2*** which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~[3.]~~ ***4.*** Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who ***requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who*** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who ***failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who*** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~[,]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** if that person is present, and shall seize the license or permit to drive of the person. The officer shall then ***, unless the information is***

expressly set forth in the order of revocation, advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a ***controlled substance or*** ~~***[a]***~~ prohibited substance in his or her blood or urine ~~[,]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, ***if any,*** a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~[with]~~ ***:***

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a ***controlled substance or*** ~~***[a]***~~ prohibited substance in his or her blood or urine ~~[,]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** as determined by a chemical test ~~[.]~~ ***; or***

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that

the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted ~~[within 15 days after receipt of the request, or]~~ as soon ~~[thereafter]~~ as is practicable ~~[, in the county where the requester resides unless the parties agree otherwise.]~~ ***at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means.*** The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~[, at]~~ ***:***

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a ***controlled substance or*** ~~***[a]***~~ prohibited substance in his or her blood or urine ~~[.]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.***

➥ Upon an affirmative finding on ~~[this]~~ ***either*** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ***or with a prohibited substance in his or her blood or urine*** or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without

limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. ~~[NRS 484C.360 is hereby amended to read as follows:~~

~~484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment facility for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:~~

~~(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or~~

~~(b) Release the offender for treatment in the community,~~

~~➥ for the period of supervision ordered by the court.~~

~~2. The court shall:~~

~~(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and~~

~~(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.~~

~~3. A treatment facility is not liable for any damages to person or property caused by a person who:~~

~~(a) Drives, operates or is in actual physical control of a vehicle or a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance; or~~

~~(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,~~

~~➥ after the treatment facility has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or~~

~~paragraph (a) or (b) of subsection 1 of NRS 484C.400.~~] **(Deleted by amendment.)**

Sec. 20. NRS 488.035 is hereby amended to read as follows:

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

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

9. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. "Operate" means to navigate or otherwise use a motorboat or a vessel.

12. "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➥ "Owner" does not include a person defined as a "legal owner" under subsection 9.

13. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

14. "Registered owner" means the person registered by the Commission as the owner of a vessel.

15. "***Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.***

16. A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

[~~16.~~**]** ***17.*** **"**Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

[~~17.~~**]** ***18.*** **"**Waters of this State" means any waters within the territorial limits of this State.

Sec. 21. **[**~~NRS 488.410 is hereby amended to read as follows:~~

~~488.410 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,~~

~~→ to operate or be in actual physical control of a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~on the waters of this State.~~

~~2. It is unlawful for any person who:~~

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under~~ **[**~~power or sail,~~**]** ***way,***

~~→ to operate or be in actual physical control of a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~on the waters of this State.~~

~~3. It is unlawful for any person to operate or be in actual physical control of a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~on the waters of this State with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

~~Prohibited substance~~	~~Urine: Nanograms per milliliter~~	~~Blood: Nanograms per milliliter~~
~~(a) Amphetamine~~	~~500~~	~~100~~
~~(b) Cocaine~~	~~150~~	~~50~~
~~(c) Cocaine metabolite~~	~~150~~	~~50~~
~~(d) Heroin~~	~~2,000~~	~~50~~
~~(e) Heroin metabolite:~~		
~~(1) Morphine~~	~~2,000~~	~~50~~
~~(2) 6-monoacetyl morphine~~	~~10~~	~~10~~
~~(f) Lysergic acid diethylamide~~	~~25~~	~~10~~
~~(g) Marijuana~~	~~10~~	~~2~~

~~(h) Marijuana metabolite 15.....5~~
~~(i) Methamphetamine 500.....100~~
~~(j) Phencyclidine 25.....10~~

~~4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 22. ~~**[**NRS 488.420 is hereby amended to read as follows:~~

~~488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under~~ **[**~~power or sail~~**]** ~~*way* to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under~~ **[**~~power or sail;~~**]** ~~*way;* or~~

~~(f) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,~~ ~~*,*~~ ~~and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under~~ **[**~~power or sail,~~**]** ~~*way,* if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally~~

~~ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.~~

~~3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under [power or sail,] *way,* and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 488.425 is hereby amended to read as follows:~~

~~488.425 1. A person commits homicide by vessel if the person:~~

~~(a) Operates or is in actual physical control of a vessel under [power or sail] *way* on the waters of this State and:~~

~~(1) Is under the influence of intoxicating liquor;~~

~~(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under [power or sail] *way* to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under [power or sail;] *way;* or~~

~~(6) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;~~

~~(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under [power or sail;] *way;* and~~

~~(c) Has previously been convicted of at least three offenses.~~

~~2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.~~

~~3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.~~

~~4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.~~

~~5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.~~

~~7. As used in this section, "offense" means:~~

~~(a) A violation of NRS 488.410 or 488.420;~~

~~(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or~~

~~(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).~~**]** **(Deleted by amendment.)**

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail ~~***[way]***~~ on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~**[**direction**]**~~ ***request*** of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~***[way]***~~ while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall ***, if reasonable grounds otherwise exist,*** arrest the person and take him or her to a convenient

place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail ~~*[way]*~~ on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[~~direction~]~~ ***request*** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ~~*[way]*~~ while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~ ***is necessary because of the use of the blood test. The expenses of such a witness*** ~~*[must]*~~ ***may be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~[~~A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as

~~a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~**]** ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may **[**~~direct~~**]** ***request that*** the person **[**~~to~~**]** submit to a blood or urine test, or both **.** **[**~~, in addition to the breath test.~~**]**

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not **[**~~direct~~**]** ***request that*** a person **[**~~to~~**]** submit to a urine test.

7. If a person to be tested fails to submit to a required test as **[**~~directed~~**]** ***requested*** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail ***[***~~way~~***]*** while under the influence of intoxicating liquor or a controlled substance **[**~~;~~**]** or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

➥ the officer may **[**~~direct~~**]** ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. **[**~~Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.~~**]**

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in*** NRS 488.460.

Sec. 27. ~~[NRS 488.480 is hereby amended to read as follows:~~

~~488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible in any criminal action arising out of acts alleged to have been committed while the person was:~~

~~(a) Operating or in actual physical control of a vessel under [power or sail] *way* while under the influence of intoxicating liquor or a controlled substance; or~~

~~(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.~~

~~2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.~~

~~3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.~~

~~4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.~~

~~5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.~~

~~6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.~~

~~7. This section does not preclude the admission of evidence of a test of a person's breath where the:~~

~~(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.~~

~~(b) Test has been performed by a person other than one who is certified by the Director.~~

~~8. As used in this section, "Director" means the Director of the Department of Public Safety.~~**] (Deleted by amendment.)**

Sec. 28. ~~**[**~~NRS 488.490 is hereby amended to read as follows:

~~488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to have a qualified person of his or her own choosing administer a chemical test to determine:~~

~~(a) The concentration of alcohol in his or her blood or breath; or~~

~~(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.~~

~~2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.~~

~~3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.~~**] (Deleted by amendment.)**

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under power or sail ~~***[way]***~~ while under the influence of intoxicating liquor or a controlled substance or ***with a prohibited substance in his or her blood or urine or*** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. ~~[NRS 488.520 is hereby amended to read as follows:~~

~~488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a vessel under~~ **[**~~power or sail~~**]** ***way*** ~~on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.~~

~~2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.~~

~~3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.~~**]** **(Deleted by amendment.)**

Sec. 31. ~~[This act becomes]~~

1. This section and sections 2 to 30, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The comments on Amendment 562 deal with the issue that I brought forth regarding a valid registry or identification card for the marijuana registry. Doctors do not actually write a prescription for marijuana. This addresses that issue, and I thank the Chair of Judiciary for addressing my concerns.

Amendment adopted.

The following amendment was proposed by Assemblyman Wheeler:

Amendment No. 563.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; **specifying certain conditions under which a person**

is deemed not to be in actual physical control of a vehicle; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; providing for the revocation of the license, permit or privilege to drive of a person who fails to submit to certain tests for the presence of alcohol, controlled substances and prohibited substances under certain circumstances; revising provisions concerning operating or being in actual physical control of a vessel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410) **Sections ~~[9]~~ 9.3 and 20** of this bill define the term "under the influence" for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. **Section 9.5 of this bill provides that a person shall be deemed not to be in actual physical control of a vehicle if: (1) the person is asleep inside the vehicle; and (2) the vehicle is lawfully parked.**

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration and requests an opportunity to cross-examine the witness at trial. Under **section 1**, if the affidavit or

declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her "implied consent" to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person's decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person's driver's license must be revoked for a certain period. **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm.

Existing law makes it unlawful for a person to operate or be in actual physical control of a vessel on the waters of this State while under the influence of intoxicating liquor or a controlled substance or while engaging in certain other prohibited conduct if the vessel is "under power or sail." (NRS 488.410) **Section 21** of this bill makes the operation or actual physical control of a vessel by such a person unlawful if the vessel is "under way," that is, if the vessel is adrift, making way or being propelled, and is not aground, made fast to the shore or tied or made fast to a dock or mooring. **Sections 2-4, 6-8, 19, 21-25 and 27-30** of this bill make conforming changes.

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

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~[at or before the time of trial,]~~ ***not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,*** the defendant ***:*** ~~[establishes that:]~~

(a) ~~[There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~

~~(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,]~~ ***Objects in writing to admitting into evidence the affidavit or declaration; and***

(b) Requests an opportunity to cross-examine at trial the witness who signed the affidavit or declaration,

➥ the court ***shall not admit the affidavit or declaration into evidence and*** may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense listed in subsection 4, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance,

➥ the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 and 50.320 be admitted into evidence at the preliminary hearing, hearing before a grand jury or trial

concerning the offense. Except as otherwise provided in NRS 50.315 and 50.320, the affidavit or declaration must be admitted into evidence at the trial.

2. If the request is to have the affidavit or declaration admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit or declaration must be admitted into evidence upon submission. If the request is to have the affidavit or declaration admitted into evidence at trial, the request must be:

(a) Made at least 10 days before the date set for the trial;

(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail, or personally served on the defendant's counsel or the defendant; and

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.

4. The provisions of this section apply to any of the following offenses:

(a) An offense punishable pursuant to NRS 202.257, 455A.170, 455B.080, 493.130 or 639.283.

(b) An offense punishable pursuant to chapter 453, 484A to 484E, inclusive, or 488 of NRS.

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425.

(d) Any other offense for which it is necessary to prove, as an element of the offense:

(1) The existence of any alcohol;

(2) The quantity of a controlled substance; or

(3) The existence or identity of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

Sec. 3. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug

abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 4. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under ~~[power or sail]~~ ***way*** must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been

contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110.

9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or

extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.

➥ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.

14. Before a person may be admitted to bail, the person must sign a document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

➥ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

➥ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is ~~[directed]~~ ***requested*** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a police officer, the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under ~~[power or sail]~~ ***way*** while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 7. NRS 458.260 is hereby amended to read as follows:

458.260 1. Except as otherwise provided in subsection 2, the use of alcohol, the status of drunkard and the fact of being found in an intoxicated condition are not:

(a) Public offenses and shall not be so treated in any ordinance or resolution of a county, city or town.

(b) Elements of an offense giving rise to a criminal penalty or civil sanction.

2. The provisions of subsection 1 do not apply to:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

3. This section does not make intoxication an excuse or defense for any criminal act.

Sec. 8. NRS 458.270 is hereby amended to read as follows:

458.270 1. Except as otherwise provided in subsection 7, a person who is found in any public place under the influence of alcohol, in such a condition that the person is unable to exercise care for his or her health or safety or the health or safety of other persons, must be placed under civil protective custody by a peace officer.

2. A peace officer may use upon such a person the kind and degree of force which would be lawful if the peace officer were effecting an arrest for a misdemeanor with a warrant.

3. If a licensed facility for the treatment of persons who abuse alcohol exists in the community where the person is found, the person must be

delivered to the facility for observation and care. If no such facility exists in the community, the person so found may be placed in a county or city jail or detention facility for shelter or supervision for his or her health and safety until he or she is no longer under the influence of alcohol. The person may not be required against his or her will to remain in a licensed facility, jail or detention facility longer than 48 hours.

4. An intoxicated person taken into custody by a peace officer for a public offense must immediately be taken to a secure detoxification unit or other appropriate medical facility if the condition of the person appears to require emergency medical treatment. Upon release from the detoxification unit or medical facility, the person must immediately be remanded to the custody of the apprehending peace officer and the criminal proceedings proceed as prescribed by law.

5. The placement of a person found under the influence of alcohol in civil protective custody must be:

(a) Recorded at the facility, jail or detention facility to which the person is delivered; and

(b) Communicated at the earliest practical time to the person's family or next of kin if they can be located.

6. Every peace officer and other public employee or agency acting pursuant to this section is performing a discretionary function or duty.

7. The provisions of this section do not apply to a person who is apprehended or arrested for:

(a) A civil or administrative violation for which intoxication is an element of the violation pursuant to the provisions of a specific statute or regulation;

(b) A criminal offense for which intoxication is an element of the offense pursuant to the provisions of a specific statute or regulation;

(c) A homicide resulting from driving, operating or being in actual physical control of a vehicle or a vessel under ~~[~~power or sail~~]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425; and

(d) Any offense or violation which is similar to an offense or violation described in paragraph (a), (b) or (c) and which is set forth in an ordinance or resolution of a county, city or town.

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 9.3 and 9.5 of this act.**

Sec. 9.3. "Under the influence" means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.

Sec. 9.5. For the purposes of this chapter, a person shall be deemed not to be in actual physical control of a vehicle if:

1. The person is asleep inside the vehicle; and

2. The vehicle is lawfully parked.

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, ***and section ~~[9]~~ 9.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[direction]~~ ***request*** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~[seize]~~ ***:***

(a) Seize the license or permit of the person to drive as provided in NRS 484C.220 ***;*** and

(b) If reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~[3 and 4,]~~ ***4 and 5,*** any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[direction]~~ ***request*** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. ***A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.***

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~[3.]~~ ***4.*** Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~[4.]~~ ***5.*** If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~ ***or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness must be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One-hundred dollars for giving or waiting to give testimony.

(c) ~~[A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~5.]~~ ***Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.~~

~~6.]~~ ***7.*** Except as otherwise provided in subsections ~~[3 and 5,]~~ ***4 and 6,*** a police officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

~~[7.]~~ ***8.*** If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.~~

~~— 8.]~~ ***9.*** If a person who is less than 18 years of age is ~~[directed]~~ ***requested*** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required test as provided in*** NRS 484C.160.

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. ***If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in***

NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath ***or a detectable amount of a controlled substance or a prohibited substance in his or her blood or urine*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~[2.]~~ ***3.*** If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~[1]~~ ***2*** which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~[3.]~~ ***4.*** Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who ***requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who*** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who ***failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who*** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine, if that person is present, and shall seize the license or permit to drive of the person. The officer shall then ***, unless the information is expressly set forth in the order of revocation,*** advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or

permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a ***controlled substance or a*** prohibited substance in his or her blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, ***if any,*** a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~[with]~~ ***:***

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a ***controlled substance or a*** prohibited substance in his or her blood or urine, as determined by a chemical test ~~[.]~~ ***; or***

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of

the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~[, at]~~ ***:***

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a ***controlled substance or a*** prohibited substance in his or her blood or urine.

➥ Upon an affirmative finding on ~~[this]~~ ***either*** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ***or with a prohibited substance in his or her blood or urine*** or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. NRS 484C.360 is hereby amended to read as follows:

484C.360 1. When a program of treatment is ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400, the court shall place the offender under the clinical supervision of a treatment facility for treatment in accordance with the report submitted to the court pursuant to NRS 484C.340 or subsection 3, 4, 5 or 6 of NRS 484C.350, as appropriate. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➥ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his or her financial resources, to pay any charges for treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain the treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct,

➥ after the treatment facility has certified that the offender has successfully completed a program of treatment ordered pursuant to NRS 484C.340 or paragraph (a) or (b) of subsection 1 of NRS 484C.400.

Sec. 20. NRS 488.035 is hereby amended to read as follows:

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

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

9. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. "Operate" means to navigate or otherwise use a motorboat or a vessel.

12. "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➥ "Owner" does not include a person defined as a "legal owner" under subsection 9.

13. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

14. "Registered owner" means the person registered by the Commission as the owner of a vessel.

15. "***Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.***

16. A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~[16.]~~ ***17.*** **"**Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[17.]~~ ***18.*** **"**Waters of this State" means any waters within the territorial limits of this State.

Sec. 21. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to operate or be in actual physical control of a vessel under ~~[power or sail]~~ ***way*** on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under ~~[~~power or sail,~~]~~ ***way,***

➥ to operate or be in actual physical control of a vessel under ~~[~~power or sail~~]~~ ***way*** on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under ~~[~~power or sail~~]~~ ***way*** on the waters of this State with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 22. NRS 488.420 is hereby amended to read as follows:

488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under ~~[power or sail]~~ ***way*** to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a vessel under ~~[power or sail;]~~ ***way;*** or

(f) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any vessel under ~~[power or sail,]~~ ***way,*** if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 1 must not be suspended, and probation must not be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under ~~[power or sail,]~~ ***way,*** and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

Sec. 23. NRS 488.425 is hereby amended to read as follows:

488.425 1. A person commits homicide by vessel if the person:

(a) Operates or is in actual physical control of a vessel under ~~[power or sail]~~ ***way*** on the waters of this State and:

(1) Is under the influence of intoxicating liquor;

(2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(3) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under ~~[~~power or sail~~]~~ ***way*** to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a vessel under ~~[~~power or sail;~~]~~ ***way;*** or

(6) Has a prohibited substance in his or her blood or urine in an amount that is equal to or greater than the amount set forth in subsection 3 of NRS 488.410;

(b) Proximately causes the death of another person while operating or in actual physical control of a vessel under ~~[~~power or sail;~~]~~ ***way;*** and

(c) Has previously been convicted of at least three offenses.

2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under ~~[power or sail]~~ ***way*** on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[direction]~~ ***request*** of a peace officer after a vessel accident or collision or where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall ***, if reasonable grounds otherwise exist,*** arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under ~~[power or sail]~~ ***way*** on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[direction]~~ ***request*** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~ ***is necessary because of the use of the blood test. The expenses of such a witness must be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One-hundred dollars for giving or waiting to give testimony.

(c) ~~[A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).]~~ ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.]~~

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

7. If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.]~~

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in*** NRS 488.460.

Sec. 27. NRS 488.480 is hereby amended to read as follows:

488.480 1. If a person refuses to submit to a required chemical test provided for in NRS 488.450 or 488.460, evidence of that refusal is admissible

in any criminal action arising out of acts alleged to have been committed while the person was:

(a) Operating or in actual physical control of a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. Except as otherwise provided in subsection 3 of NRS 488.450, a court may not exclude evidence of a required test or failure to submit to such a test if the peace officer or other person substantially complied with the provisions of NRS 488.450 to 488.500, inclusive.

3. If a person submits to a chemical test provided for in NRS 488.450 or 488.460, full information concerning that test must be made available, upon request, to the person or the person's attorney.

4. Evidence of a required test is not admissible in a criminal proceeding unless it is shown by documentary or other evidence that the device for testing breath was certified pursuant to NRS 484C.610 and was calibrated, maintained and operated as provided by the regulations of the Committee on Testing for Intoxication adopted pursuant to NRS 484C.620, 484C.630 or 484C.640.

5. If the device for testing breath has been certified by the Committee on Testing for Intoxication to be accurate and reliable pursuant to NRS 484C.610, it is presumed that, as designed and manufactured, the device is accurate and reliable for the purpose of testing a person's breath to determine the concentration of alcohol in the person's breath.

6. A court shall take judicial notice of the certification by the Director of a person to operate testing devices of one of the certified types. If a test to determine the amount of alcohol in a person's breath has been performed with a certified type of device by a person who is certified pursuant to NRS 484C.630 or 484C.640, it is presumed that the person operated the device properly.

7. This section does not preclude the admission of evidence of a test of a person's breath where the:

(a) Information is obtained through the use of a device other than one of a type certified by the Committee on Testing for Intoxication.

(b) Test has been performed by a person other than one who is certified by the Director.

8. As used in this section, "Director" means the Director of the Department of Public Safety.

Sec. 28. NRS 488.490 is hereby amended to read as follows:

488.490 1. A person who is arrested for operating or being in actual physical control of a vessel under ~~[power or sail]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 must be permitted, upon the person's request and at his or her expense, reasonable opportunity to

have a qualified person of his or her own choosing administer a chemical test to determine:

(a) The concentration of alcohol in his or her blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his or her blood or urine.

2. The failure or inability to obtain such a test does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a peace officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 488.460.

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under ~~[~~power or sail~~]~~ ***way*** while under the influence of intoxicating liquor or a controlled substance or ***with a prohibited substance in his or her blood or urine or*** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. NRS 488.520 is hereby amended to read as follows:

488.520 1. Any coroner, or other public officer performing like duties, shall in all cases in which a death has occurred as a result of an accident involving a vessel under ~~[~~power or sail~~]~~ ***way*** on the waters of this state, whether the person killed is the operator of the vessel or a passenger or other person, cause to be drawn from each decedent, within 8 hours after the accident, a blood sample to be analyzed for the presence and concentration of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the Commission by the coroner or other public officer within 30 days after the death.

3. Analyses of blood alcohol are acceptable only if made by laboratories licensed to perform this function.

Sec. 31. This act becomes effective upon passage and approval.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 563 changes the code to read that a person not in control of their car, but asleep in their car in a legal parking space, may not be arrested for drunk driving.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 115, 159, 162, 166, 170, 176, 178, 212, 225, 262, 263, 267, 270, 275, 278, 285, and 305 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 7.

REMARKS FROM THE FLOOR

Assemblywoman Bustamante Adams requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

At the floor session held in the historic Assembly Chamber last month, our Democratic leader announced the donation of a series of historical panels to celebrate the 150th anniversary of Nevada's statehood. The panels will give visitors to our building a sense of how the Legislature has shaped the history of our state.

Today, it is my pleasure to donate the third panel in the series, this one highlighting the Taxation Committee. As you can see, the panel has a timeline that highlights tax policy in Nevada, beginning in 1864 with taxes on property and net proceeds of mines.

I would like to point out a few facts that are included in the panel. The Constitution proposed by the unauthorized 1863 Constitutional Convention included a provision that would have required the Legislature to assess and tax all real and personal property, including mines and mining property, at an equal rate. Voters rejected it, in part because of this provision.

Delegates to the 1864 Constitutional Convention, which Congress had authorized, considered several proposals to fund state government. Ultimately, they decided the Legislature would provide by law for the uniform and equal assessment and taxation of property "excepting mines and mining claims, the proceeds of which alone shall be taxed." It was left to the Legislature to decide whether the tax would be based on the net or gross proceeds of a mine.

When the Legislature passed the gasoline tax of 1923, the average price of gasoline was 21 cents per gallon. The tax was 2 cents per gallon, and 60 percent of the revenue from the state went to the State Highway Fund for building and maintenance of roads and highways.

A popular advertising campaign called One Sound State was used from the 1930s to the 1950s to attract entrepreneurs. The slogan "Nevada, one state without an income tax, a corporation tax, an inheritance tax, a gift tax, a sales tax, an intangibles tax. With cheap power, and liberal mining, corporation, taxation and other laws. Welcome to Nevada!" The first tax on retail sales—2 percent—was passed in 1955 to fund education.

In 1981 the Legislature passed three measures, collectively known as the Tax Shift, to provide tax relief to citizens and businesses. The bills reduced property taxes and increased the sales tax, making local government more reliant on sales taxes for revenue.

I hope you all enjoy learning about the contributions of legislators who served before us. Please enjoy the Taxation panel.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Isabella Ernaut.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Thelma Ferguson, Grant Hayes, Ellie Hayes, Mohammad Ahmad, Sharan Ahmad, and Sharab Ahmad.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Our Lady of the Snows: Benton Acosta, Cort Ballinger, Isabella Banales, Ian Bankhead, Ava Bell, Camryn Berg, Shea Bibee, Joshua Botello, Anthony Bruno, Benjamin Brust, Jackson Bryan, Juliana Bryan, Conner Capurro, Cody Chapman, Tara Chilton, Ethan Collinsworth, Olivia Daly, Joshua D'Andrea, Kyrie DeBord, Brayden deBruin, Gabrielle deJong, Jennifer Dietsch, Riley Dion, Abel Duke, Mikaela Echo, Jenna Eissmann, Peter Ernaut, Jeno Faretto, Lauren Faretto, Jessica Farley, Joseph Ferro, Matthew Festa, Sean Festa, Nicholas Flocchini, Kathleen Fralick, Riley Franklin, Kolton Frugoli, Alexandra Gorman, Mallory Hart, Jake Higgins, Jillian Hinxman, Kenna Holt, Benjamin Hummel, Cameron Hummel, Keri Joanis, Kendall Knuf, Owen Koch, Luke Larragueta, Lyndsey Leone, Grace Maher, Dominic Matteoni, Colin McCrorey, Joshua Menante, Landon Murray, Ellen Nutter, McKenna Owen, Garrett Pane, Olivia Pane, Ian Paterson, Maxmillian Porter, Tyler Rahimzadeh, Sarah Rawlins, Mateo Reviglio, Anne Marie Ring, Sage Schula, Shayna Schula, Hannah Schultz, Brynn Sedar, Sopie Shappell, Nicolas Shawa, James Shoen, Danielle Shumard, Samuel Stewart, Johanna Stone, Rachel Joanne Quiara Tabbada, Abbie Tate, Josephine Vaughn, Adam Vossen, Paul Vossen, Jacob Wenzel, Preston White, Jack Woodhead, Kylie Wornardt, Gianna Zaccheo, Jacob Zerby, and Luc Zwyssig.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Russell, Charles Brockway, and Colin Brockway.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Parsons, Marjorie Russell, Mark Russell, and Jennifer Mortensen.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Buck Hara and Kersti Espinoza.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, April 20, 2015, at 1 p.m.

Motion carried.

Assembly adjourned at 4:50 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 3

THE SEVENTY-EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

Page

ASSEMBLY PROCEEDINGS 1927

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 20, 2015

Assembly called to order at 2:29 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, as we come to the beginning of another week of this legislative session, we thank You for what has been accomplished for the state of Nevada. But there is so much more to do.

Give us Your guidance as we turn our focus to the financing of the legislation we have approved and passed. May we give our serious attention to the fiscal issues that beset this state. Thank You for giving us the leadership in the chamber and the Senate. May we all work together not for our own advancement, but for the advancement and welfare of all of Nevada's citizens.

All these things we bring to You knowing You hear and care for us, in Jesus' name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 4, 6, 211, 227, 246, 325, 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 85, 330, 336, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 205, 234, 328, 341, 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 218, 321, 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 20, 54, 106, 163, 280, 293, 312, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 364, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 5, 200, 242, 268, 307, 308, 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 47, 113, 130, 193, 258, 281, 357, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 49, 68, 98, 128, 240, 244, 359, 371, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 239, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

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

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 17, 191, 366, 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 6, 192, 208, 225, 260, 274, 419.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly Bills Nos. 4, 5, 6, 17, 20, 34, 47, 49, 54, 60, 68, 85, 98, 106, 113, 128, 130, 142, 163, 191, 193, 200, 205, 211, 217, 218, 227, 234, 239, 240, 242, 244, 246, 253, 258, 268, 280, 281, 293, 306, 307, 308, 312, 321, 324, 325, 328, 330, 332, 336, 341, 356, 357, 359, 364, 366, 371, 377, 378, 383, 385, 386, 394, 404, 409, 433, 445, 450, and 452 just reported out of committee, be placed on the Second Reading File.

Motion carried

Assemblyman Paul Anderson moved that Assembly Bill No. 238 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Kirner moved that Assembly Bill No. 86 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 321 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 49 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 19, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 249 and 459.

CINDY JONES
Fiscal Analysis Division

April 20, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 380.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Senate Bill No. 108.
To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 185.
To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 374.
To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 421.
To Waive:

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

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

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 433.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 434.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 436.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 439.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 17, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 6.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 192.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 208.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 225.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 260.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 274.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 419.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 177.

Bill read second time.

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

Amendment No. 222.

AN ACT relating to elections; prohibiting ~~[, with limited exception,]~~ the name of ~~[a]~~ **an ineligible** candidate ~~[who is not eligible to hold the office for which he or she is a candidate]~~ from appearing on the ballot ~~[,]~~ **unless the period for changing the ballot has elapsed; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate;**

prohibiting the filling of a vacancy in a nomination for ~~[~~a partisan or nonpartisan~~]~~ office ~~[.]~~ **; under certain circumstances;** amending ~~[~~the~~]~~ **certain** residency ~~[~~requirement~~]~~ **requirements** for candidates ~~[~~for office; requiring a~~]~~ **; revising provisions governing the** filing ~~[~~officer to verify the accuracy of all information contained in~~]~~ **of** a declaration or acceptance of candidacy; ~~[~~eliminating~~]~~ **increasing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; changing** the deadline for an elector to file ~~[~~a written challenge of~~]~~ **certain preelection challenges to the qualifications of** a candidate; ~~[~~requiring, under certain circumstances, a candidate who was found by a court to be ineligible to hold office to pay the attorney's fees and court costs of the elector who filed the challenge of candidacy; prohibiting~~]~~ **providing that** a vote cast for ~~[~~a~~]~~ **an ineligible** candidate ~~[~~who~~]~~ is ~~[~~not eligible to hold the office for which he or she is a candidate from being counted~~]~~ **a nullity and void** for the purposes of determining the outcome of an election; **prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of "actual residence" for purposes of candidacy;** making various other changes relating to elections; ~~[~~increasing certain~~]~~ **providing** penalties; ~~[~~providing a penalty;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth ~~[~~processes~~]~~ **procedures** for filling a vacancy in a nomination for a nonpartisan or partisan office ~~[~~. (NRS 293.165, 293.166, 293C.190) Under existing law,~~]~~ **, except that** no changes may be made to the ballot after ~~[~~the fourth Friday in June before the~~]~~ **a statutorily-prescribed date preceding any** general election. If, after that date, a vacancy occurs in a nomination, the nominee's name must remain on the ballot for the general election and, if that person is elected, a vacancy **in the office** exists. (NRS 293.165 ~~[~~)~~]~~ **, 293.166, 293.368, 293C.190, 293C.370)** Further, under existing law, if a candidate whose name appears on a ballot is disqualified from entering upon the duties of an office or dies after the deadline for making changes to the ballot has passed, the Secretary of State and ~~[~~county or city clerk, as applicable,~~]~~ **local election officials** are required to post a sign at each polling place where the person's name will appear on the ballot notifying voters of the candidate's disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

~~[~~ Section 3 of this bill prohibits the filling of a vacancy in a nomination for a nonpartisan or partisan office.~~]~~

This bill revises the legal rules, standards and procedures that apply to a person who is or becomes an ineligible candidate during an election. Section 1.5 of this bill defines the term "ineligible candidate" to mean a person who is a candidate for any office and who: (1) dies; (2) is adjudicated insane or mentally incompetent; (3) fails to meet any

qualification required for the office; or (4) is found by a court to be disqualified from entering upon the duties of the office.

In the absence of a statute prescribing a different rule, the general rule under the common law is that the votes cast for a deceased, disqualified or ineligible candidate are not treated as void but are counted in determining the outcome of the election with regard to the other candidates, which renders the election nugatory and prevents the election of the candidate who receives the next highest number of votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959)) Sections 1.7, 15, 18.3 and 26 of this bill abrogate the common-law rule and provide that any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election. Sections 1.8 and 17.4-17.9 of this bill also provide that an ineligible candidate may not demand or receive a recount of the vote at the election or contest the results of the election.

Sections 2 and ~~[18]~~ **18.5** of this bill provide that ~~[if, after a person files a declaration of candidacy, the person dies, is adjudicated insane or mentally incompetent, or is found not to be eligible to hold the office for which he or she is a candidate, the person's]~~ **the** name **of an ineligible candidate** must not appear on the ballot at ~~[an]~~ **any** election unless the ~~[county or city clerk, as applicable, determines that there is not time to remove the name of the candidate from]~~ **period for making changes on** the ballot **.** ~~[. In such a situation, the county or city clerk, as applicable,]~~ **has elapsed. If the period has elapsed, local election officials** must ~~[: (1) post a sign]~~ **provide notice to the voters** at each affected polling place **,** ~~[; (2) post a notice]~~ on **or near** each mechanical voting device ~~[at those polling places;]~~ and ~~[(3) place a sticker or other notice]~~ on **or with** each paper ballot and absent ballot that the ~~[person]~~ **ineligible candidate** is not eligible **to take office** and that any vote cast for ~~[that person will not be counted for purposes of determining the outcome of the election.~~

~~Sections 15 and 26 of this bill provide that a vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate may not be counted in]~~ **the ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of** determining the outcome of the election.

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) Section 2.5 of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate becomes an ineligible candidate and local election officials must take appropriate action to remove the candidate's name from the ballot

or provide the required notice to voters; (2) the candidate is disqualified from taking office; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Under existing law, certain state and local officials must issue a certificate of election to the candidate receiving the highest number of votes for an office as official recognition of the candidate's election to the office. (NRS 4.020, 218A.210, 245.010, 258.010, 267.050, 283.130, 293.034, 293.393-293.397, 293.435, 293C.387, 293C.395, 386.260, 539.157; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090) Sections 3.7, 17.1-17.3, 17.9, 28-28.4, 29.1, 29.5, 29.6, 29.8, 31, 36, 40, 46, 49, 52, 54, 58, 62, 66, 69, 72, 75 and 78 of this bill provide that if the name of an ineligible candidate could not be removed from the ballot, a certificate of election must not be issued to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law sets forth procedures for filling certain vacancies in a nomination for a nonpartisan or partisan office that occur before a statutorily-prescribed date preceding any general election. (NRS 293.165, 293.166, 293C.190) Section 3 of this bill prohibits a vacancy in a nomination for a partisan office from being filled if the vacancy occurs because the candidate fails to meet any qualification required for the office or is found by a court to be disqualified from taking office, except that the prohibition does not apply to such a vacancy occurring before certain special elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs for certain other reasons, sections 4, 4.5 and 22.5 of this bill allow such a vacancy to be filled in the manner provided by existing law before the statutorily-prescribed date preceding the general election.

Under existing law, the Legislature may enact statutory qualifications to be a candidate for an elective office which are in addition to any constitutional qualifications required for the office. (*Mengelkamp v. List*, 88 Nev. 542, 544-45 (1972); *Riter v. Douglass*, 32 Nev. 400, 435-36 (1910)) Such additional statutory qualifications may include residency requirements, and both the United States Supreme Court and the Nevada Supreme Court have upheld residency requirements that require a candidate to be a state resident for 2 or more years. (*Clements v. Fashing*, 457 U.S. 957, 967-68 (1982) (explaining that the Court upheld New Hampshire's 7-year state residency requirement for gubernatorial candidates when it summarily affirmed the lower court's decision in *Chimento v. Stark*, 353 F. Supp. 1211 (D.N.H. 1973), *summarily aff'd*, 414 U.S. 802 (1973)); *Schaefer v. Eighth Jud. Dist. Ct.*, No. 65361 (Nev. Apr.

14, 2014) (upholding Nevada's 2-year state residency requirement for State Controller candidates in NRS 227.010))

Existing law sets forth **certain** residency requirements for candidates. ~~[A]~~ **In particular, a** candidate must actually, as opposed to constructively, reside in the district to which the office pertains for at least 30 days preceding the date of the close of filing for candidacy. **(NRS 293.1755, 293C.200)** Additionally, a candidate for election **or appointment** to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election **.** ~~[.]~~ **or appointment.** (NRS 218A.200 **)** ~~[, 293.1755, 293C.200)]~~ **Sections 6 and 23** of this bill provide that all candidates must be an actual resident of the district to which the office pertains for at least ~~[1 year]~~ **180 days** preceding the date of the close of filing for a candidacy. **Section 29** of this bill requires that a candidate for election or appointment to the Legislature be an actual resident of this State for ~~[5]~~ **2** years preceding the person's election or appointment.

Existing law: (1) requires a ~~[person]~~ **candidate** to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that ~~[it is a gross misdemeanor to]~~ **a candidate who** knowingly and willfully ~~[file]~~ **files** a declaration or acceptance of candidacy which contains a false statement **.** ~~[.]~~ **regarding residency is guilty of a gross misdemeanor.** (NRS 293.1755, 293.177, 293C.185, 293C.200) ~~[Sections 7 and 20 of this bill require the filing officer to verify the accuracy of all information contained in the person's declaration or acceptance of candidacy pursuant to the procedure set forth in regulations adopted by the Secretary of State.]~~ **Sections 6 , 7, 20 and 23 of this bill** ~~[increase the penalty for]~~ **provide that a candidate who** knowingly and willfully ~~[filing]~~ **files** a declaration or acceptance of candidacy which contains a false statement ~~[to]~~ **is guilty of** a category ~~[D]~~ **E** felony.

Existing law requires a candidate for **election or appointment to** the Legislature to **meet certain qualifications for the office. (NRS 218A.200) A candidate for election to the Legislature must also** file **a declaration of residency** with his or her declaration **or acceptance** of candidacy **. ~~[a declaration of residency.]~~** (NRS 293.181) ~~[Section]~~ **Sections 8 and 29** of this bill ~~[provides]~~ **provide** that any ~~[person]~~ **such candidate** who knowingly and willfully files **a declaration or acceptance of candidacy,** a declaration of residency **or an application for appointment** which contains a false statement is guilty of a category ~~[D]~~ **E** felony.

Under existing law, a person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before taking office. (NRS 218A.220) Section 29.2 of this bill prohibits a person from taking and subscribing to the official oath as a Legislator if, after the person files a declaration or acceptance of candidacy and on or before the date of the general election, a court finds that the person is an ineligible candidate because the person fails to meet any qualification required for the office.

Before the Assembly meets for each regular session, existing law requires the Secretary of State to make out a roll from the election returns of the persons who received the highest number of votes to be elected as members of the Assembly, and the members whose names appear upon the roll must be allowed to participate in the organization of the Assembly. (NRS 218A.400) Section 29.4 of this bill provides that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law authorizes an elector to file a written challenge to a ~~[person's candidacy]~~ **candidate's qualifications** not later than 5 **working** days after the last day for ~~[a person]~~ **the candidate** to formally withdraw his or her candidacy. **Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period.** (NRS 293.182, 293C.186 ~~[.)]~~ **;** ***Williams v. Clark County Dist. Att'y*****, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy)) Sections 9 and 21** of this bill ~~[eliminate]~~ **change** the deadline for ~~[filing]~~ **an elector to file such** a written challenge to ~~[a person's candidacy. Sections 9 and 21 also authorize, under certain circumstances, a court to order a challenged person to pay the attorney's fees and court costs of the elector who filed the challenge.]~~ **the last Monday immediately preceding the first day of early voting for any general election.**

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) Section 30 of this bill amends existing law to reflect the Supreme Court's holding.

The remaining sections of this bill make conforming changes to carry out the revisions to existing law.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and]~~ **1.5 to** 3 **, inclusive,** of this act.

Sec. 1.5. "Ineligible candidate" means a person who is a candidate for any office and who:

1. Dies;

2. Is adjudicated insane or mentally incompetent;

3. Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or

4. Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.

Sec. 1.7. 1. Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary election, general election or special election or any other election.

2. The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.

Sec. 1.8. A person who is or becomes an ineligible candidate may not:

1. Demand or receive a recount of the vote for the office for which he or she is an ineligible candidate pursuant to NRS 293.400 to 293.405, inclusive; or

2. Contest the election for the office for which he or she is an ineligible candidate pursuant to NRS 293.407 to 293.435, inclusive.

Sec. 2. ***1. ~~[If, after a person files a declaration of candidacy, the person dies, is adjudicated insane or mentally incompetent, or is found not to be eligible to hold the office for which he or she is a candidate, except]~~ Except as otherwise provided in ~~[subsection 2,]~~ this section, the ~~[person's]~~ name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary election, general election or special election ~~[,]~~ or any other election.***

2. If a person is or becomes an ineligible candidate, the county clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:

(a) A primary election after 5 p.m. on the first Monday in April of the year in which the primary election is held.

(b) A general election after 5 p.m. on the last Friday in July of the year in which the general election is held.

(c) A special election or any other election after 5 p.m. on the last day prescribed by the Secretary of State or the county clerk, as applicable, for making changes on the ballot for that election.

3. If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the county clerk ~~[determines that there is~~

~~not time to~~ cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the county clerk ~~[must:]~~ shall:

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, ~~[place a sticker or other]~~ include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election ~~.]~~ ; and

(b) If the absent ballots have not been distributed ~~[before the person died, was adjudicated insane or mentally incompetent, or was found not to be eligible to hold the office for which he or she is a candidate,]~~ by the county clerk ~~[must place a sticker or other]~~ , include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 2.5. 1. In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The person is an ineligible candidate, and the county clerk or city clerk, as applicable, shall take appropriate action regarding the ineligible candidate pursuant to section 2 or 18.5 of this act;

(b) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(c) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of

this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 3. ***1. ~~[A]~~ Except as otherwise provided in this section, a vacancy occurring ~~[for any reason]~~ in a major or minor political party nomination for a partisan ~~[or nonpartisan]~~ office may not be filled ~~[.~~***

~~2. As used in this section, "reason" includes, without limitation:~~

~~(a) The death of a candidate.~~

~~(b) The adjudication of a candidate as insane or mentally incompetent.~~

~~(c) A finding]~~ by the party if the vacancy occurs because the candidate who is the party's nominee:

(a) Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or

(b) Is found by a court of competent jurisdiction ~~[that a candidate is]~~ to be disqualified from entering upon the duties of the office ~~[for which he or she is a candidate.]~~ pursuant to the Constitution or laws of this State.

2. The provisions of this section do not apply to a vacancy occurring in a major or minor political party nomination for a partisan office at a special election if no primary election is held to choose the candidate who is the party's nominee before the special election.

Sec. 3.5. **NRS 293.010 is hereby amended to read as follows:**

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and section 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 3.7. **NRS 293.034 is hereby amended to read as follows:**

293.034 "Certificate of election" means a certificate prepared by the county or city clerk or Governor, as the case may be, for the person having the highest number of votes for any district, county, township, city, state or statewide office as official recognition of the person's election to office ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, such a certificate must not be prepared for the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 3.8. **NRS 293.042 is hereby amended to read as follows:**

293.042 "Contest" means an adversary proceeding between a candidate for a public office who has received the greatest number of votes and any other candidate for that office or, in certain cases, any registered voter of the appropriate political subdivision, for the purpose of determining the validity of an election ~~[.]~~ ***, except that a person who is or becomes an ineligible candidate may not contest the election for the office for which he or she is an ineligible candidate pursuant to section 1.8 of this act.***

Sec. 4. NRS 293.165 is hereby amended to read as follows:

293.165 1. ~~[Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.~~

~~2.]~~ A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in June of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in June.

~~[3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in June of the year in which the general election is held and:~~

~~(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.~~

~~(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~4. No]~~

2. Except as otherwise provided in section 2 of this act, no change ***in a nomination for a nonpartisan office*** may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held ~~[. If,]~~ ***, and no vacancy in a nomination for a nonpartisan office may be filled*** after that time and date ~~[:~~

~~(a) A nominee dies or is adjudicated insane or mentally incompetent; or~~

~~(b) A vacancy in the nomination is otherwise created,~~

~~➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~5. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.]~~

Sec. 4.5. **NRS 293.166 is hereby amended to read as follows:**

293.166 1. ***Except as otherwise provided in this section and sections 2 and 3 of this act:***

(a) A vacancy occurring in a major or minor political party nomination for a partisan office, other than an office described in paragraph (b), may be filled by a candidate who is designated by:

(1) The party central committee of the county or State, as the case may be, of the major political party; or

(2) The executive committee of the minor political party.

(b) A vacancy occurring in a ***major political*** party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows***.*** ~~[, subject to the provisions of subsections 2, 3 and 4.]~~ The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. If a vacancy occurs in a ***major political*** party nomination for ~~[the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county]~~ ***a partisan office*** after the primary election and before 5 p.m. on the fourth Friday in June of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled pursuant to the provisions of subsection 1.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), ***the vacancy may not be filled pursuant to the provisions of subsection 1, and*** the nominee's name must ~~[remain on]~~ ***be removed from*** the ballot for the general election***.*** ~~[and, if elected, a vacancy exists.]~~

3. ~~[No]~~ ***Except as otherwise provided in sections 2 and 3 of this act, no*** change ***in a major or minor political party nomination for a partisan office*** may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held ~~[. If,]~~ ***, and no***

vacancy in a major or minor political party nomination for a partisan office may be filled after that time and date**.** ~~[.~~

~~(a) A nominee dies or is adjudicated insane or mentally incompetent; or~~

~~(b) A vacancy in the nomination is otherwise created,~~

~~whereupon the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.]~~

4. The designation of a ~~[nominee]~~ ***candidate to fill a vacancy*** pursuant to this section must be filed ~~[with the Secretary of State]~~ on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held, and the statutory filing fee must be paid ~~[with]~~ ***and an acceptance of*** the designation**.** ~~[.]~~ ***must be filed on or before 5 p.m. on the date the designation is filed.***

Sec. 5. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. ~~[The]~~ ***Except as otherwise provided in sections 2 and 3 of this act, the*** names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the third Friday in May preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 6. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the ~~[30]~~ ***180*** days ***[1 year]*** immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks,

the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~[an acceptance of candidacy or]~~ ***a*** declaration of candidacy ***or acceptance of candidacy*** which contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a ~~[gross misdemeanor.~~

~~3. The provisions of this section do not apply to candidates for the office of district attorney.]~~ ***category ~~[D]~~ E felony ~~[.]~~ and shall be punished as provided in NRS 193.130.***

Sec. 7. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, ***293.166 and section 2 of this act,*** a ~~[A]~~ name may not be printed on a ballot to be used at a primary election unless the person ~~[:~~

~~*(a) Person]*~~ named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) ~~*[(1)]*~~ For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in January; and

(b) ~~*[(2)]*~~ For all other candidates, the first Monday in March of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in March. ~~[; and~~

~~*(b) Filing officer has verified the accuracy of all information contained in the person's declaration of candidacy or acceptance of candidacy pursuant to the procedure set forth in regulations adopted by the Secretary of State.]*~~

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of.....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence ***, in accordance with NRS 281.050,*** in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~[30]~~ ***180*** days ~~*[1 year]*~~

immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……..
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of

……, State of Nevada; that my actual, as opposed to constructive, residence ***, in accordance with NRS 281.050,*** in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~[~~30~~]~~ ***180*** days ~~***[1 year]***~~ immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

…….
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to his or her residence; ~~[or]~~ ***and***

(b) The candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ***,*** ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the ~~[filing officer]~~ ***Secretary of State*** receives credible evidence indicating that a candidate ~~[~~has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction,~~]~~ ***does not meet any qualification required for the office pursuant to the Constitution or laws of this State,*** the ~~[filing officer:]~~ ***Secretary of State shall:***

(a) ~~[~~May conduct~~]~~ ***Conduct*** an investigation to determine whether the candidate ~~[~~has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction;~~]~~ ***is eligible to hold the office;*** and

(b) ~~[~~Shall transmit~~]~~ ***Transmit*** the credible evidence and the findings from such investigation to ~~[~~the~~]~~ ***:***

(1) The Attorney General ~~[,]~~ if the filing officer ***for the candidate*** is the Secretary of State ~~[, or to the]~~ ***; or***

(2) The appropriate district attorney ~~[,]~~ if the filing officer ***for the candidate*** is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. ~~[~~If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the

~~office for which the candidate filed the declaration of candidacy or acceptance of candidacy.]~~

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 8. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that **,** ~~[I have been a citizen resident of this State]~~ as required by NRS 218A.200 ~~[and]~~ ***, I will*** have actually, as opposed to constructively, ***been a citizen resident of this State and*** resided at the following residence or residences ~~[since November 1 of the preceding year:]~~ ***, in accordance with NRS 281.050, for the ~~[5]~~ 2 years immediately preceding the ~~[day]~~ date of the general election:***

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From ..... To .....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From ..... To .....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the

candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency ~~[pursuant to this section]~~ which contains a false statement in violation of this section is guilty of a category ~~[D]~~ E felony ~~[.]~~ and shall be punished as provided in NRS 193.130.

Sec. 9. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~[~~days after~~]~~ ***p.m. on*** the last ~~[~~day the person may withdraw his or her candidacy~~]~~ ***Monday immediately preceding the first day of the period of early voting by personal appearance for the general election*** pursuant to NRS ~~[~~293.202,~~]~~ ***293.3568,*** an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State ***.*** ~~[~~, including, without limitation, a requirement concerning age or residency.~~ laws of this State.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall , not later than 5 working days after receiving the challenge, ~~[immediately]~~ petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet

any qualification required for the office pursuant to the Constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing. ~~[:~~

~~(a) The~~ ***Except as otherwise provided in this paragraph, the*** ~~name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy.~~ ; and ***If there is not time to remove the person's name from the ballot, no vote cast for the person may be counted for purposes of determining the outcome of the election and the county clerk must comply with the provisions of subsection 2 of section 2 of this act.***

~~(b) The]~~ ***, the*** person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~

~~***(c) The court may order that the challenged person pay the attorney's fees and court costs of the elector who filed the challenge.]***~~ ***an ineligible candidate and is subject to the provisions of section 2.5 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 10. NRS 293.184 is hereby amended to read as follows:

293.184 ~~[1.]~~ In addition to any other ***remedy or*** penalty provided by law, if a person ***knowingly and*** willfully files a declaration of candidacy or acceptance of candidacy ~~[knowing that the declaration of candidacy or acceptance of candidacy]~~ ***which*** contains a false statement:

~~[(a) Except as otherwise provided in NRS 293.165 and 293.166, the~~ ***The*** ~~name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b)]~~ ***1. The person is an ineligible candidate, and the county clerk shall take appropriate action regarding the ineligible candidate pursuant to section 2 of this act; and***

2. The person is disqualified from entering upon the duties of the office for which he or she ~~[was a candidate.~~

~~2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because~~ ***there is not time to remove the person's name from the ballot,*** ~~the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.~~ ***comply with the provisions of subsection 2 of section 2 of this act.]*** ***filed the declaration of candidacy or acceptance of candidacy.***

Sec. 10.3. **NRS 293.200 is hereby amended to read as follows:**

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 10.5. **NRS 293.203 is hereby amended to read as follows:**

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.

2. The location of the polling places.

3. The hours during which the polling places will be open for voting.

4. The names of the candidates ~~[.]~~ ***and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.***

5. A list of the offices to which the candidates seek nomination or election.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution, constitutional amendment or statewide measure pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 11. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote on election day if the voter is waiting in line at his or her polling place to vote before 7 p.m. and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. ***To be informed:***

(a) If a candidate ~~[dies, is adjudicated insane or mentally incompetent, or is found not to be eligible to hold the office for which he or she is a]~~ is or becomes an ineligible candidate; and

(b) That any vote cast for ~~[a candidate described in paragraph (a)]~~ an ineligible candidate will be a nullity and void and will not be ~~[counted in]~~ given any legal force or effect for the purposes of determining the outcome of the election.

11. To have a uniform, statewide standard for counting and recounting all votes accurately.

~~[11.]~~ ***12.*** To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 11.5. **NRS 293.257 is hereby amended to read as follows:**

293.257 1. There must be a separate primary ballot for each major political party. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 12. NRS 293.260 is hereby amended to read as follows:

293.260 ***Except as otherwise provided in sections 1.7 and 2 of this act:***

__1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;

(b) Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election ~~[.]~~ unless the candidates were nominated pursuant to subsection ~~[2]~~ *1* of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 12.2. **NRS 293.263 is hereby amended to read as follows:**

293.263 On the primary ballots for a major political party, the name of the major political party must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, ***and section 2 of this act,*** following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the partisan office for which those candidates filed.

Sec. 12.3. **NRS 293.265 is hereby amended to read as follows:**

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, ***and section 2 of this act,*** following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 12.4. **NRS 293.267 is hereby amended to read as follows:**

293.267 1. ~~[Ballots]~~ ***Except as otherwise provided in section 2 of this act, ballots*** for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, ***and section 2 of this act,*** names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the word "independent" or the abbreviation "IND," as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the word "independent" or "nonpartisan" or the abbreviation "IND" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 12.6. **NRS 293.268 is hereby amended to read as follows:**

293.268 ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller and Attorney General, in that sequence.
4. State Senators and members of the Assembly.
5. County and township partisan offices.
6. Statewide nonpartisan offices.
7. District nonpartisan offices.
8. County nonpartisan offices.
9. City offices:

(a) Mayor;

(b) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(c) Municipal judges.

10. Township nonpartisan offices.
11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.
12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 12.7. **NRS 293.269 is hereby amended to read as follows:**

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. ~~[Only]~~ ***Except as otherwise provided in section 1.7 of this act, only*** votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 13. ~~[NRS 293.3606 is hereby amended to read as follows:~~

~~293.3606 1. After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.~~

~~2. The returns for early voting must not be reported until after the polls have closed on election day.~~

~~3. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.~~

~~4. The county clerk shall develop a procedure to ensure that~~ **[**~~each~~**]** ~~:~~

~~*(a) Each* ballot is kept secret **[**.**]** *; and*~~

~~*(b) No vote cast during the period for early voting for a candidate who is not eligible to hold the office for which he or she is a candidate is counted in determining the outcome of the election.*~~

~~5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 14. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) ***A vote cast for*** ~~*[a candidate who is not eligible to hold the office for which he or she is a]*~~ ***an ineligible candidate does not invalidate any other votes properly marked on that ballot.***

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~[(b)]~~ ***(c)*** A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~[(c)]~~ ***(d)*** Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

~~[(d)]~~ ***(e)*** It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~[(e)]~~ ***(f)*** When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 15. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election ~~[, if]~~ ***:***

(a) If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

(b) ~~***[No]***~~ ***A*** ***vote cast for*** ~~***[a]***~~ ***an ineligible*** ***candidate*** ~~***[who is not eligible to hold the office for which he or she is a candidate may be counted in]***~~ ***is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.***

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 16. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted ~~[, except as otherwise]~~ ***in the manner provided in NRS 293.3677,*** the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[.]~~ ***and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes the ineligible candidate received that are a nullity and void.*** The vote for and against any question submitted to the electors must be entered in the same manner.

2. The ~~***[Except as otherwise provided in NRS 293.3677, the]***~~ tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

Sec. 17. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must ~~***[, except as otherwise provided in NRS 293.3677,]***~~ contain the number of votes cast for each candidate ~~[.]~~ ***and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.*** The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

➥ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, ***which must contain the number of votes cast for each candidate and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void,*** and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 17.1. **NRS 293.393 is hereby amended to read as follows:**

293.393 1. On or before the sixth working day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the county clerk shall not make out a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 17.2. **NRS 293.395 is hereby amended to read as follows:**

293.395 1. The board of county commissioners, after making the abstract of votes as provided in NRS 293.393, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of that abstract in compliance with regulations adopted by the Secretary of State,

➥ and forthwith transmit them to the Secretary of State.

2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

3. The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to, commission or issue a proclamation declaring the election of the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 17.3. **NRS 293.397 is hereby amended to read as follows:**

293.397 ~~[A]~~

1. Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of any contest of election filed in the election or any defect or informality in the returns of any election, if it can be ascertained with reasonable certainty from the returns what office is intended and who is entitled to the certificate or commission.

2. If the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 17.4. **NRS 293.400 is hereby amended to read as follows:**

293.400 1. ~~[If,]~~ ***Except as otherwise provided in section 1.7 of this act, if,*** after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the

Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie ~~[.]~~ ***, except for ineligible candidates.***

Sec. 17.5. **NRS 293.403 is hereby amended to read as follows:**

293.403 1. ~~[A]~~ ***Except as otherwise provided in section 1.8 of this act, a*** candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy or acceptance of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 17.6. **NRS 293.407 is hereby amended to read as follows:**

293.407 1. ~~[A]~~ ***Except as otherwise provided in section 1.8 of this act, a*** candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

Sec. 17.7. **NRS 293.427 is hereby amended to read as follows:**

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house ~~.~~ ***, except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated as a member of the appropriate house regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If , after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.

Sec. 17.8. **NRS 293.430 is hereby amended to read as follows:**

293.430 1. If the contest is of the general election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals, the statement of contest and all depositions, ballots and other documents relating to the contest must be filed with the Secretary of State within the time provided for filing statements of contests with the clerk of the district court.

2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated and commence the duties of the office ~~.~~ ***, except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated or commence the duties of the office regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

3. The Secretary of State shall deliver the statement of contest and all other papers and documents to the speaker of the assembly on the day of the organization of the Legislature.

4. A joint session of both houses must be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.

5. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

Sec. 17.9. **NRS 293.435 is hereby amended to read as follows:**

293.435 1. After both houses sitting in joint session have decided an election contest, the Secretary of State shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to that person ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not execute and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.

Sec. 18. Chapter 293C of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 18.3 and 18.5 of this act.**

Sec. 18.3. 1. Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary city election, general city election or special election or any other city election.

2. The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.

Sec. 18.5. 1. ~~[If, after a person files a declaration of candidacy, the person dies, is adjudicated insane or mentally incompetent, or is found not to be eligible to hold the office for which he or she is a candidate, except]~~ Except as otherwise provided in ~~[subsection 2,]~~ this section, the ~~[person's]~~ name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary city election, general city election or special election ~~[.]~~ or any other city election.

2. If a person is or becomes an ineligible candidate, the city clerk shall remove the name of the person from the ballot, except that no changes may be made on the ballot pursuant to this section for:

(a) A primary city election after 5 p.m. on the last Friday in February of the year in which the primary city election is held.

(b) A general city election after 5 p.m. on the second Friday in April of the year in which the general city election is held.

(c) A special election or any other city election after 5 p.m. on the last day prescribed by the governing body of the city or the city clerk, as applicable, for making changes on the ballot for that election.

3. If the period for making changes on the ballot has elapsed pursuant to this section and, for that reason, the city clerk ~~[determines that there is not time to]~~ cannot remove the name of the person who is or becomes an ineligible candidate from the ballot, the city clerk ~~[must:]~~ shall:

(a) At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:

(1) Post a sign informing voters that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election;

(2) Place a notice on or near each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election; and

(3) If paper ballots are used, ~~[place a sticker or other]~~ include a notice on or with each paper ballot informing a voter who uses the paper ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election ~~[.]~~ ; and

(b) If the absent ballots have not been distributed ~~[before the person died, was adjudicated insane or mentally incompetent, or was found not to be eligible to hold the office for which he or she is a candidate,]~~ by the city clerk ~~[must place a sticker or other]~~ , include a notice on or with each absent ballot informing a voter who uses the absent ballot that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be ~~[counted]~~ given any legal force or effect for the purposes of determining the outcome of the election.

Sec. 19. NRS 293C.115 is hereby amended to read as follows:

293C.115 1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of NRS]~~ 293.165, ~~[and in NRS]~~ ***293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for purposes of conducting the primary city elections and general city elections of the city.

3. If a governing body of a city adopts an ordinance pursuant to subsection 1:

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.

Sec. 19.3. **NRS 293C.175 is hereby amended to read as follows:**

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. ***Except as otherwise provided in sections 18.3 and 18.5 of this act:***

(a) If, in a primary city election held in a city of population category one or two, one candidate receives more than a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election.

(b) If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 19.5. **NRS 293C.180 is hereby amended to read as follows:**

293C.180 ***Except as otherwise provided in sections 18.3 and 18.5 of this act:***

1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 20. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 ~~[,]~~ and 293C.190, ***and section 18.5 of this act,*** a name may not be printed on a ballot to be used at a primary city election unless the person ~~[:~~ ~~(a) Person]~~ named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election. ~~[; and~~ ~~(b) Filing officer has verified the accuracy of all information contained in the person's declaration of candidacy or acceptance of candidacy pursuant to the procedure set forth in regulations adopted by the Secretary of State.]~~

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of …….

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence ***, in accordance with NRS 281.050,*** in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~[~~30~~]~~ ***180*** days ~~[1 year]~~ immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

…….
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[~~, ~~]~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to the residence; ~~[or]~~ ***and***

(b) The candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ~~,~~ ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in

writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the ~~[city clerk]~~ ***Secretary of State*** receives credible evidence indicating that a candidate ~~[has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction,]~~ ***does not meet any qualification required for the office pursuant to the Constitution or laws of this State,*** the ~~[city clerk:~~

~~(a) May conduct]~~ ***Secretary of State shall:***

(a) Conduct an investigation to determine whether the candidate ~~[has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction;]~~ ***is eligible to hold the office;*** and

(b) ~~[Shall transmit]~~ ***Transmit*** the credible evidence and the findings from such investigation to the ***appropriate*** city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. ~~[If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.]~~

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 21. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~[working days after]~~ ***p.m. on*** the last ~~[day the person may withdraw his or her candidacy]~~ ***Monday immediately preceding the first day of the period of early voting by personal appearance for the general city election*** pursuant to NRS ~~[293C.195,]~~ ***293C.3568,*** an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State ***.*** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall , not later than 5 ***working*** days after receiving the challenge, ~~***[immediately]***~~ petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing ~~[:~~

~~(a) The~~ ~~***Except as otherwise provided in this paragraph, the***~~ ~~name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy.~~ ; and

~~***If there is not time to remove the person's name from the ballot, no vote cast for the person may be counted for purposes of determining the outcome of the election and the city clerk must comply with the provisions of subsection 2 of section 18 of this act.***~~

~~(b) The]~~ ***, the*** person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~

~~***(c) The court may order that the challenged person pay the attorney's fees and court costs of the elector who filed the challenge.]***~~ ***an ineligible candidate and is subject to the provisions of section 2.5 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 22. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ~~[1.]~~ In addition to any other ***remedy or*** penalty provided by law, if a person ***knowingly and*** willfully files a declaration of candidacy or acceptance of candidacy ~~[knowing that the declaration of candidacy or acceptance of candidacy]~~ ***which*** contains a false statement:

~~[(a) Except as otherwise provided in NRS 293.165 or 293.166, the~~ ~~***The***~~ ~~name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b)]~~ ***1. The person is an ineligible candidate, and the city clerk shall take appropriate action regarding the ineligible candidate pursuant to section 18.5 of this act; and***

2. The person is disqualified from entering upon the duties of the office for which he or she ~~[was a candidate.~~

~~2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and ***there is not time to remove the person's name from the ballot, the*** city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.***comply with the provisions of subsection 2 of section 18 of this act.]*** ***filed the declaration of candidacy or acceptance of candidacy.***

Sec. 22.3. **NRS 293C.187 is hereby amended to read as follows:**

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates ~~[.]~~ ***and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.***
5. A list of the offices to which the candidates seek nomination or election.

Sec. 22.5. **NRS 293C.190 is hereby amended to read as follows:**

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first

Monday in March and on or before 5 p.m. of the second Tuesday after the second Monday in April must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, ***and section 18.5 of this act,*** no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held ~~[. If a nominee dies]~~ ***, and no vacancy in a nomination for a city office may be filled*** after that time and date ***.*** ~~[, the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.]~~

4. Except as otherwise provided in NRS 293C.115, all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on ~~[that date.]~~ ***the date the designation is filed.***

Sec. 23. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the ~~[30]~~ ***180*** days ***[1 year]*** immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy ~~[that]~~ ***which*** contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a ~~[gross misdemeanor.]~~ ***category [D] E felony [.] and shall be punished as provided in NRS 193.130.***

Sec. 23.4. **NRS 293C.257 is hereby amended to read as follows:**

293C.257 For a primary city election, there must appear at the top of each ballot the designation "Candidates for city offices." Except as otherwise provided in NRS 293.2565, ***and section 18.5 of this act,*** following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.5. **NRS 293C.260 is hereby amended to read as follows:**

293C.260 1. Except as otherwise provided in NRS 293C.140, ***and section 18.5 of this act,*** ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. Except as otherwise provided in NRS 293.2565, ***and section 18.5 of this act,*** the names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 23.7. **NRS 293C.262 is hereby amended to read as follows:**

293C.262 1. ~~[The]~~ ***Except as otherwise provided in section 18.5 of this act, the*** offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must be printed on ballots for a city election in the following order:

(a) City offices:

(1) Mayor;

(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide paper ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 24. ~~[NRS 293C.3606 is hereby amended to read as follows:~~

~~293C.3606 1. After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.~~

~~2. The returns for early voting must not be reported until after the polls have closed on election day.~~

~~3. The returns for early voting may be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.~~

~~4. The city clerk shall develop a procedure to ensure that~~ **[**~~each~~**]** ~~:~~

~~*(a) Each* ballot is kept secret~~ **[**~~.~~**]** ~~*; and*~~

~~*(b) No vote cast during the period for early voting for a candidate who is not eligible to hold the office for which he or she is a candidate is counted in determining the outcome of the election.*~~

~~5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 25. NRS 293C.367 is hereby amended to read as follows:

293C.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) ***A vote cast for*** ~~*[a candidate who is not eligible to hold the office for which he or she is a]*~~ ***an ineligible candidate does not invalidate any other*** ~~*[vote]*~~ ***votes properly marked on that ballot.***

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~[(b)]~~ ***(c)*** A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~[(c)]~~ ***(d)*** Only devices provided for in this chapter or chapter 293 or 293B of NRS may be used in marking ballots.

~~[(d)]~~ ***(e)*** It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~[(e)]~~ ***(f)*** When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 26. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election ~~[, if]~~ ***:***

(a) If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

(b) ~~[No]~~ A vote cast for ~~[a]~~ an ineligible candidate ~~[who is not eligible to hold the office for which he or she is a candidate may be counted in]~~ is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 27. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted ~~[, except as otherwise]~~ ***in the manner provided in NRS 293C.369,*** the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received ~~[.]~~ ***and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number***

of votes the ineligible candidate received that are a nullity and void. The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 28. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the sixth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must ~~***[, except as otherwise provided in NRS 293C.369,]***~~ contain the number of votes cast for each candidate ~~[.]~~ ***and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.***

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk ~~[.]~~ **,**

➥ except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the city clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 28.2. **NRS 293C.395 is hereby amended to read as follows:**

293C.395 ~~[A]~~

1. Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election filed in the city election or any defect or informality in the returns of any city election, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.

2. If the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 28.4. **NRS 4.020 is hereby amended to read as follows:**

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each 34,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Sec. 29. NRS 218A.200 is hereby amended to read as follows:

218A.200 ***1.*** A person is not eligible to be elected or appointed to office as a Legislator unless the person:

~~[1.]~~ ***(a)*** Is a qualified elector;

~~[2.]~~ ***(b)*** Has been an actual, as opposed to constructive, citizen resident ***, in accordance with NRS 281.050,*** of ~~[this]~~ ***:***

(1) This State for ~~[1 year next 5]~~ ***the 2 years immediately*** preceding the person's election or appointment; ***and***

(2) The district prescribed by law for the office for ~~[1 year]~~ at least 180 days immediately preceding the date of the close of filing ~~[,]~~ of, as applicable:

(I) ~~[A declaration]~~ Declarations of candidacy or ~~[an acceptance]~~ acceptances of candidacy for the office ~~[,]~~ pursuant to chapter 293 of NRS; or

(II) ~~[An application]~~ Applications for appointment to the office; ~~[and]~~

~~[3.]~~ ***(c)*** At the time of election or appointment, has attained the age of 21 years ~~[.]~~ ***; and***

(d) Meets all other qualifications for the office as required by the Constitution and laws of this State.

2. Any person who knowingly and willfully files ~~[an]~~ a declaration of candidacy or acceptance of candidacy ~~[, a declaration of candidacy]~~ pursuant to chapter 293 of NRS or an application for appointment to office as a Legislator which contains a false statement regarding the person's qualifications for the office in violation of this section is guilty of a category ~~[D]~~ E felony ~~[.]~~ and shall be punished as provided in NRS 193.130.

Sec. 29.1. **NRS 218A.210 is hereby amended to read as follows:**

218A.210 A person who is elected to office as a Legislator is entitled to receive a certificate of election from the Governor ~~[.]~~ ***, except that if the name of an ineligible candidate for office as a Legislator could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 29.2. **NRS 218A.220 is hereby amended to read as follows:**

218A.220 ***1.*** A person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before the person takes office as a Legislator, and an entry thereof must be made on the journal of the proper House.

2. A person shall not take and subscribe to the official oath to take office as a Legislator if, at any time after the person most recently filed a declaration of candidacy or acceptance of candidacy for the office pursuant to chapter 293 of NRS and on or before the date of the most recent general election held for the office, a court of competent jurisdiction has found in any preelection action that the person is an ineligible candidate because the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State.

Sec. 29.3. **NRS 218A.260 is hereby amended to read as follows:**

218A.260 1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular

election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district.]~~ ***meets all qualifications for the office as required by NRS 218A.200.***

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~[actually, as opposed to constructively, resides in the district.]~~ ***meets all qualifications for the office as required by NRS 218A.200.*** To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

Sec. 29.4. **NRS 218A.400 is hereby amended to read as follows:**

218A.400 1. Before the Assembly meets for each regular session, the Secretary of State shall make out a roll from the returns on file in the Secretary of State's office of the persons who received the highest number of votes to be elected to office as members of the Assembly in each district in the general election ~~[.]~~ ***, except that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected to office as members of the***

Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The members whose names appear upon the roll must be allowed to participate in the organization of the Assembly.

2. On the first day of each regular session at a time that is appropriate for that regular session, the Secretary of State shall call the Assembly to order and shall preside over the Assembly until a presiding officer is elected.

3. If a special session is convened between the date of the general election and the date of the next regular session, the Assembly must be organized for the special session according to the procedure set forth in this section, except that on the first day of the special session, the Secretary of State shall call the Assembly to order at a time that is appropriate for that special session.

Sec. 29.5. **NRS 245.010 is hereby amended to read as follows:**

245.010 All county officers elected by the people shall receive certificates of election from the boards of county commissioners of their respective counties ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 29.6. **NRS 258.010 is hereby amended to read as follows:**

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

➥ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 29.7. **NRS 267.040 is hereby amended to read as follows:**

267.040 ***1.*** Nominations of the electors must be made by petition of one-fifth of the qualified voters of the incorporated city.

2. The petition must be filed with the governing body of the city at least 30 days before the day of the election, as provided for in NRS 267.030. ~~[The]~~

3. Except as otherwise provided in section 18.5 of this act, the names of all candidates so filed must be placed upon the official ballots to be voted at the election.

Sec. 29.8. **NRS 267.050 is hereby amended to read as follows:**

267.050 Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.
2. Declare the result thereof.
3. Issue certificates of election to the 15 qualified electors having the highest vote therefor ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the legislative authority of the incorporated city shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 30. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to ***his or her*** eligibility to ***any*** office is the person's actual residence within the State ~~[or]~~ county ~~[or]~~ district, ***ward, subdistrict or any other unit prescribed by law,*** as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ ***a declaration of candidacy or acceptance of candidacy*** for ***any*** elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~ ***, as the case may be,*** in which the person is required actually, as opposed to constructively, to reside ~~[, a vacancy is created thereby]~~ ***in order for the person to be eligible to the office, the person*** ~~***[is no longer eligible to be a]***~~ ***is an ineligible candidate*** and the ***county clerk or city clerk, as applicable, shall take*** appropriate action ~~[for~~

~~filling the vacancy *as set forth in section 2 or 18 of this act* must be taken.]~~ ***regarding the ineligible candidate pursuant to section 2 or 18.5 of this act.*** A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. ***If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is an ineligible candidate and is subject to the provisions of section 2.5 of this act.***

5. As used in this section ~~[, "actual]~~ **:**

(a) "Actual residence" means the place ***of permanent habitation*** where a person ***actually resides and*** is legally domiciled **.** ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ ***place of permanent*** habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration ***of candidacy*** or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ ***acceptance of candidacy for any elective office must*** be the ~~[person's actual residence.]~~ ***place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.***

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 31. **NRS 283.130 is hereby amended to read as follows:**

283.130 Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 32. **NRS 306.070 is hereby amended to read as follows:**

306.070 1. If there are no other candidates nominated to be voted for at the special election, there must be printed on the ballot the name of the officer sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

2. ~~[If]~~ ***Except as otherwise provided in sections 2 and 18.5 of this act, if*** there are other candidates nominated for the office to be voted for at the special election, there must be printed upon the ballot the name of the officer sought to be recalled, and the office which he or she holds, and the name or names of

such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" must be omitted.

3. In other respects the ballot must conform with the requirements of this title.

Sec. 33. **NRS 309.060 is hereby amended to read as follows:**

309.060 ***1.*** The board of county commissioners shall meet on or before the sixth working day succeeding the election provided for in NRS 309.050 and proceed to canvass the votes**.** ~~[and, if]~~

2. If, upon the canvass**,** it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall ~~[declare]~~ **:**

(a) Declare the territory organized as an improvement district under the name and style theretofore designated ~~[, and]~~ **;**

(b) Except as otherwise provided in section 1.7 of this act, declare the persons receiving respectively the highest number of votes for directors to be elected ~~[, and cause]~~ ***; and***

(c) Cause a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated**.** ~~[, and certified]~~ ***Certified*** copies thereof must also be recorded with the county clerks of those counties.

3. Thereafter**,** the organization of the district is complete.

Sec. 34. **NRS 318.095 is hereby amended to read as follows:**

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** names of the candidates for trustee of a district may be placed on the ballot for the primary or general election.

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 35. **NRS 318.0951 is hereby amended to read as follows:**

318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953 ~~[.]~~ ***and sections 1.7 and 2 of this act:***

1. Each trustee elected at any biennial election must be chosen by a plurality of the qualified electors of the district voting on the candidates for the vacancies to be filled.

2. Except as otherwise provided in NRS 318.083, if there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

3. If there is a vacancy in an unexpired regular term to be filled at the biennial election, as provided in subsection 5 of NRS 318.090, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 2, must be elected.

Sec. 36. **NRS 386.260 is hereby amended to read as follows:**

386.260 1. Trustees shall be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue ~~[election]~~ certificates ***of election*** to the candidates elected ~~[.]~~, ***except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners shall not order the county clerk to issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

3. Immediately, the county clerk shall transmit a copy of each ~~[election]~~ certificate ***of election*** to the Superintendent of Public Instruction.

Sec. 37. **NRS 450.080 is hereby amended to read as follows:**

450.080 Except in counties where the board of county commissioners is the board of hospital trustees ~~[.]~~ ***and except as otherwise provided in sections 1.7 and 2 of this act:***

1. The offices of hospital trustees are hereby declared to be nonpartisan, and the names of candidates for such offices shall appear alike upon the ballots of all parties at all primary elections.

2. At the general election only the names of those candidates, not to exceed twice the number of hospital trustees to be elected, who received the highest numbers of votes at the primary election shall appear on the ballot.

Sec. 38. **NRS 474.110 is hereby amended to read as follows:**

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district if lands in more than one county are included therein, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory organized as a county fire protection district under the name theretofore designated; and

(b) ~~[The]~~ ***Except as otherwise provided in section 1.7 of this act, the*** persons receiving, respectively, the highest number of votes for the directors to be elected to those offices.

Sec. 39. **NRS 539.055 is hereby amended to read as follows:**

539.055 1. The board of county commissioners shall meet on or before the sixth working day succeeding such election and proceed to canvass the votes**.** ~~[cast thereat.]~~

2. If **,** upon such canvass**,** it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) ~~[Declare]~~ ***Except as otherwise provided in section 1.7 of this act, declare*** the persons receiving respectively the highest number of votes for directors to be duly elected.

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof ~~[shall]~~ ***must*** also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district ~~[shall be]~~ ***is*** complete.

Sec. 40. **NRS 539.157 is hereby amended to read as follows:**

539.157 1. ~~[The]~~ ***Except as otherwise provided in section 1.7 of this act, the*** board of directors must declare elected the person or persons having the highest number of votes given for each office.

2. The secretary shall immediately make out and deliver to such person or persons a certificate of election **,** ~~[;]~~ signed by the secretary and authenticated with the seal of the board **,** ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the secretary shall not make out and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 41. **NRS 539.180 is hereby amended to read as follows:**

539.180 1. Upon the ballot for the election there shall be printed verbatim, as set forth in the recall petition, the reason for demanding the recall of the director, and in not more than 200 words, if furnished by the director, the director's justification of his or her course in office.

2. If there are no other candidates nominated to be voted for at the special election, there shall be printed on the ballot the name of the director sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

3. ~~[If]~~ ***Except as otherwise provided in section 2 of this act, if*** there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot the name of the director sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" shall be omitted.

4. In other respects the ballot shall conform with the requirements of the general election laws of this state.

Sec. 42. **NRS 539.183 is hereby amended to read as follows:**

539.183 1. ~~[If]~~ ***Except as otherwise provided in section 1.7 of this act, if*** there are other candidates nominated to be voted for at the special election, the candidate who receives the highest number of votes at the special election shall be deemed elected for the remainder of the term, whether it is the person against whom the recall petition was filed or another.

2. If any director is recalled upon a special election and the other candidates are not nominated to be voted for at the special election, the vacancy thereby created shall be filled in the manner provided by law.

Sec. 43. **Section 96 of the Charter of Boulder City is hereby amended to read as follows:**

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the***

number of votes cast for the ineligible candidate that are a nullity and void. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, ~~[he or she]~~ ***the candidate*** shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the ineligible candidate must not be considered elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

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

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of NRS]~~ 293.165 ~~[and in NRS]~~ ***, 293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 44. **Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:**

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

(d) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

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

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of~~

~~NRS]~~ 293.165 ~~[and in NRS]~~ ***, 293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 45. **Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[,]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 46. **Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The ***City*** Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 47. **Section 5.015 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:**

Sec. 5.015 Filing of declarations of candidacy.

~~[1.]~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

~~[2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.]~~

Sec. 48. **Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:**

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[before the close of filing and any applicable period for withdrawal of candidacy,]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 49. **Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:**

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The ***City*** Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 50. **Section 5.010 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:**

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

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

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the

Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. ***Except as otherwise provided in sections 1.7 and 2 of this act:***

(a) If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

~~[5.]~~ ***(b)*** If in the primary election one candidate receives more than a majority of votes cast in that election for the office for which he or she is a candidate, his or her name alone must be placed on the ballot for the general election.

(c) If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 51. **Section 5.050 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[,]~~ ***candidates whose names must be removed from the ballot pursuant to section 2 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 52. **Section 5.100 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within 10 days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 53. **Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:**

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[.]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 54. **Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:**

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.

2. The City Council shall meet within 6 working days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and***

void. The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The ***City*** Clerk shall then issue to the winner a certificate of election ~~[.]~~***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 55. **Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:**

Sec. 5.010 Primary municipal election.

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

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

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. ***Except as otherwise provided in sections 18.3 and 18.5 of this act:***

(a) If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.

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

Sec. 56. **Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:**

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

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

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

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

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

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of NRS]~~ 293.165 ~~[and in NRS]~~ ***, 293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for the purposes of conducting the primary municipal elections and general municipal elections.

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

Sec. 57. **Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[.]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 58. **Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** Except as otherwise provided in section 1.070, the officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the***

number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 59. **Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:**

Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. ***Except as otherwise provided in sections 18.3 and 18.5 of this act:***

(a) If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office.

(b) If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

Sec. 60. **Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:**

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

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

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of NRS]~~ 293.165 ~~[and in NRS]~~ ***, 293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for the purposes of conducting the primary municipal elections and general municipal elections.

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

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

Sec. 61. **Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all of the candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[,]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 62. **Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within 10 days after any election, canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers who ~~[have been]~~ ***are*** elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The ***City*** Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 63. **Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:**

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A

candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

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

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in ~~[subsection 4,]~~ ***sections 18.3 and 18.5 of this act,*** after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~[.~~

~~4. If,]~~ ***but,*** regardless of the number of candidates for an office, ***if*** one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election ~~[need]~~ ***must*** be held for that office.

Sec. 64. **Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:**

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

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

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of NRS]~~ 293.165 ~~[and in NRS]~~ ***, 293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 65. **Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[,]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

3. In any election regulated by this Charter, the names of candidates as printed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 66. **Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:**

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the

discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The ***City*** Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 67. **Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:**

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. ***Except as otherwise provided in sections 18.3 and 18.5 of this act:***

(a) If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.

~~[3.]~~ ***(b)*** In the primary election:

~~[(a)]~~ ***(1)*** The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

~~[(b)]~~ ***(2)*** Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

~~[(c)]~~ ***(3)*** Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

~~[4.]~~ ***3.*** The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 68. **Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[.]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 69. **Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ***who are*** elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw

one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 70. **Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:**

Sec. 5.020 Primary elections.

1. Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. ~~[The]~~ ***Except as otherwise provided in sections 18.3 and 18.5 of this act, the*** names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.

Sec. 71. **Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:**

Sec. 5.050 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[,]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 72. **Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 399, is hereby amended to read as follows:**

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ***who are*** elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 73. **Section 5.015 of the Charter of the City of Wells, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:**

Sec. 5.015 Filing of declarations of candidacy.

~~[1.]~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election

laws of this State. The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

~~[2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.]~~

Sec. 74. **Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:**

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[before the close of filing and any applicable period for withdrawal of candidacy,]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 75. **Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:**

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except***

that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The ***City*** Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 76. **Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:**

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

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

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~[in subsections 2 to 5, inclusive, of NRS]~~ 293.165 ~~[and in NRS]~~ ***, 293.166,*** 293.175, 293.177 ~~[,]~~ ***and*** 293.345 and ~~[293.368]~~ ***section 2 of this act*** apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 77. **Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:**

Sec. 5.040 Names on ballots.

1. ~~[The full names of all candidates, except those]~~ ***Except for candidates*** who have withdrawn ~~[, died]~~ ***pursuant to the election laws of this State or who are*** or become ineligible ~~[.]~~ ***candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates*** must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 78. **Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:**

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 10 days after any election and canvass the returns and declare the results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*** The officers ~~[so]~~ ***who are*** elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The

City Clerk shall then issue to the winner a certificate of election ~~[.]~~ ***, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.***

Sec. 79. **Section 7 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended to read as follows:**

Sec. 7. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of the State, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results, and the preparation and disposition of ballots.

2. A candidate for election to the Board shall file a declaration of candidacy with the Registrar of Voters of Clark County. The declaration of candidacy must be filed not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March of that year. Timely filing of such a declaration is a prerequisite to election.

3. Each member of the Board must be elected by a plurality of the registered voters voting in the election area which the member represents. ~~[If]~~ ***Except as otherwise provided in section 1.7 of this act, if*** there are two seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member must not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner of filling a vacancy.

Sec. 80. **Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as last amended by chapter 353, Statutes of Nevada 2013, at page 1850, is hereby amended to read as follows:**

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the

canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. ~~[If]~~ ***Except as otherwise provided in section 1.7 of this act, if*** the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection 3 of section 7 of this act for filling a vacancy.

~~[Sec. 31.]~~ ***Sec. 81.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 32.]~~ ***Sec. 82.*** NRS ~~[293.166,]~~ 293.302, 293.368,~~[293C.190,]~~ 293C.291 and 293C.370 are hereby repealed.

~~[Sec. 33.]~~ ***Sec. 83.*** This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

LEADLINES OF REPEALED SECTIONS

~~[293.166 Procedure for filling vacancy in party nomination for office of State Legislator from multicounty legislative district.]~~

293.302 Posting of notice of death of candidate at polling place.

293.368 Counting of votes cast for deceased candidate.

~~[293C.190 Procedure for filling vacancy in nomination.]~~

293C.291 Posting of notice of death of candidate at polling place.

293C.370 Counting of votes cast for deceased candidate.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 177 relates to candidates for public office. Amendment 222 makes the following changes: it defines an ineligible candidate, it revises residency requirements for candidates, it defines actual residence, and it prohibits the filling of vacancies in nominations in certain circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 406.

SUMMARY—Revises provisions for the payment of certain undergraduate fees and expenses of ~~[a]~~ **certain** dependent ~~[child of a public safety officer killed in the line of duty.]~~ **children.** (BDR 34-1010)

AN ACT relating to education; expanding the provisions that require the Board of Regents of the University of Nevada to pay undergraduate fees and expenses of a dependent child of a public safety officer killed in the line of duty to include the child of ~~[a]~~ **any other** public employee killed ~~[while at work;]~~ **in the performance of his or her duty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada, to the extent money is available, to pay certain fees and expenses associated with undergraduate classes taken at a school within the Nevada System of Higher Education by the dependent child of a public safety officer who was killed while performing his or her duties. (NRS 396.545) This ~~[bills]~~ **bill** expands the applicability of this provision to include the payment of those fees and expenses for a dependent child of ~~[a]~~ **any other** public employee who was killed ~~[while at work.]~~ **in the performance of his or her duty.**

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

Section 1. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of money available for this purpose, the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of a public safety officer who was killed in the line of duty ~~[,]~~ ***or*** ~~***[a]***~~ ***any other public employee who was killed*** ~~***[while at work,]***~~ ***in the performance of his or her duty,*** for classes taken towards satisfying the requirements of an undergraduate degree at a school within the System. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State General Fund a Trust Account for the Education of Dependent Children. The Board of Regents shall administer the Account. The Board of Regents may accept gifts and grants for deposit in the Account. All money held by the State Treasurer or received by the Board of Regents for that purpose must be deposited in the Account. The money in the Account must be invested as the money in other state accounts is invested. After deducting all applicable charges, all interest and income earned on the

money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

3. For each fiscal year, the Board of Regents shall estimate:

(a) The amount of money in the Trust Account that is available to make payments pursuant to subsection 1 for that fiscal year; and

(b) The anticipated amount of such payments for that fiscal year.

➥ If the anticipated amount of payments estimated for the fiscal year exceeds the estimated amount of money available in the Account in the fiscal year for such payments, the Board of Regents may request an allocation from the Contingency Account created in the State General Fund pursuant to NRS 353.266 to cover the projected shortfall.

4. As used in this section:

(a) "Firefighter" means a person who is a salaried employee or volunteer member of a:

(1) Fire prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires; or

(2) Fire-fighting agency.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.

(c) "Local government" means a county, city, unincorporated town or metropolitan police department.

(d) "Member of a rescue or emergency medical services crew" means:

(1) A member of a search and rescue organization in this State under the direct supervision of any county sheriff;

(2) A person licensed as an attendant pursuant to chapter 450B of NRS if the person is a salaried employee of a public agency and is not retained under contract to perform services for the public agency;

(3) A person certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS if the person is a salaried employee or volunteer of a public agency and is not retained under contract to perform services for the public agency; or

(4) A volunteer attendant as that term is defined in NRS 450B.110.

(e) "Peace officer" means a category I peace officer, category II peace officer or category III peace officer as those terms are defined in NRS 289.460, 289.470 and 289.480, respectively.

(f) "Public agency" means an agency, bureau, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, firefighting, rescue or emergency medical services.

(g) ***"Public employee" means any person who performs public duties for compensation paid by or through the State, a county, city, local government or other political subdivision of the State or an agency thereof.***

(h) "Public employee who was killed in the performance of his or her duty" includes, without limitation, a public employee who dies as a result of injuries sustained in the performance of his or her duty.

(i) "Public safety officer" means a person serving a public agency in an official capacity, with or without compensation, as a peace officer, a firefighter or a member of a rescue or emergency medical services crew.

(j) "Public safety officer who was killed in the line of duty" includes, without limitation, a public safety officer who dies as a result of injuries sustained in the line of duty.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

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

Amendment No. 522.

AN ACT relating to local governments; **authorizing the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner;** requiring that a copy of a proposed collective bargaining agreement or similar agreement of a local government employer be made available to the public before its approval by the governing body of the local government; revising the process of fact-finding and arbitration following an impasse in bargaining; removing a portion of the budgeted ending fund balance of the general fund of a local government from the scope of collective bargaining and from consideration by a fact finder or arbitrator; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Local Government Employee-Management Relations Board administers the provisions governing labor relations between local government employers and employee organizations. (NRS 288.080, 288.110) The Board is authorized by existing law to appoint a Commissioner, who serves in the unclassified service of the State. (NRS 288.090) Section 2.5 of this bill additionally authorizes the Board to appoint a Deputy Commissioner and section 8.5 of this bill makes an appropriation for that purpose.

Existing law provides that any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved at a public hearing by the governing body of the local government. At such a hearing, the chief executive officer of the local government must report on the fiscal impact of the proposed agreement. (NRS 288.153) **Section 4** of this bill requires that a copy of the proposed agreement be posted on the Internet website of the local government or deposited with the county clerk not less than 21 days before the date of such a hearing. In addition, **sections 1 and 4** of this bill require the

chief executive officer to report whether the agreement is financially sustainable, meaning that the local government employer has the financial ability to pay compensation or monetary benefits in a given amount during the term of the agreement or for 3 years, whichever is longer, giving consideration to reserved money, nonrecurring revenue or a potential loss of revenue.

If an impasse is reached in collective bargaining negotiations, existing law establishes a process of fact-finding and arbitration. Existing law requires a fact finder to make a determination of the financial ability of the local government to grant monetary benefits. After the fact finder makes his or her report, the governing body of the local government employer must meet to consider the fiscal impact of the fact finder's findings and recommendations, based upon a report from the chief executive officer of the local government. (NRS 288.200) **Section 5** of this bill requires that the fact finder make a determination of the amount of compensation and monetary benefits that is financially sustainable for the local government employer, and that the chief executive officer and governing body also report on and consider whether the fact finder's findings and recommendations are financially sustainable. **Sections 6 and 7** of this bill make similar changes relating to the process of final and binding arbitration.

Existing law limits the extent to which money in certain governmental funds may be expended by a local government employer pursuant to a collective bargaining agreement or considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) **Sections 3 and 8** of this bill provide that a budgeted ending fund balance for the general fund of a local government of not more than 25 percent of the total budgeted expenditures from the general fund, less capital outlay: (1) is not subject to collective bargaining negotiations; and (2) must not be considered by a fact finder or arbitrator in resolving issues of ability to pay or financial sustainability. **Section 8 further provides that a fact finder or arbitrator may consider certain money previously reserved by a local government employer if the governing body of the local government employer makes a finding that the continued reservation of the money is no longer necessary.**

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

"Financially sustainable" means that a local government employer has the financial ability to pay compensation and monetary benefits in a given amount during the term of a collective bargaining agreement or for 3 years, whichever is longer, giving consideration to the limitations set forth in NRS 354.6241, any nonrecurring revenue or potential loss of revenue and

the other criteria set forth in NRS 288.200, 288.215 and 288.217, as applicable.

Sec. 2. NRS 288.020 is hereby amended to read as follows:

288.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.3. **NRS 288.034 is hereby amended to read as follows:**

288.034 "Commissioner" means the Commissioner ***or Deputy Commissioner*** appointed by the Board.

Sec. 2.5. **NRS 288.090 is hereby amended to read as follows:**

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Any two members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner ***, Deputy Commissioner*** and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 3. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4 ~~[.]~~ ***and NRS 354.6241,*** every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the

most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 4. NRS 288.153 is hereby amended to read as follows:

288.153 ***1.*** Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public hearing. ~~[The]~~

2. Not less than 21 days before the date of the hearing, the governing body shall cause a copy of the proposed agreement to be posted and made available for downloading on the Internet website of the local government or, if the local government does not have such a website, deposited with the county clerk of the county in which the local government is located. If it is so deposited, the proposed agreement is a public record and must be open for public inspection pursuant to NRS 239.010.

3. At the hearing, the chief executive officer of the local government shall report to ***the governing body of*** the local government the fiscal impact of the ***proposed*** agreement ~~[.]~~ ***and whether the proposed agreement is financially sustainable.***

Sec. 5. NRS 288.200 is hereby amended to read as follows:

288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:

1. If:

(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

➥ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from

this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.

7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:

(a) A preliminary determination must be made as to ~~[the]~~ ***:***

(1) The financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision ~~[.]~~ ***; and***

(2) The amount of compensation and monetary benefits that is financially sustainable for the local government employer.

➥ ~~[In]~~ Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the fact finder shall not consider any nonrecurring revenue or nonrecurring transfer of money or any money reserved by the local government employer to pay the current or future costs

of health benefits for retired employees or workers' compensation benefits. The fact finder may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.

(b) ~~[Once]~~ ***If*** the fact finder ~~[has determined]~~ ***determines*** in accordance with paragraph (a) that there is a current financial ability to grant ***compensation and*** monetary benefits ~~[,]~~ and ~~[subject to the provisions of paragraph (c),]~~ ***the amount of compensation and monetary benefits that is financially sustainable,*** the fact finder shall consider, to the extent appropriate, ***the*** compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

~~[(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.]~~

➥ The fact finder's report must contain the facts upon which the fact finder ***has*** based ~~[the fact finder's]~~ ***his or her*** determination of financial ability to grant ***compensation and*** monetary benefits and ***the amount of compensation and monetary benefits that is financially sustainable, and*** the fact finder's recommendations or award.

8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted ~~[pursuant to subsection 3;]~~ ***to the fact finder;***

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations ~~[,]~~ ***and whether they are financially sustainable,*** which must not include a discussion of the details of the report.

➥ The fact finder must not be asked to discuss the decision during the meeting.

9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations ~~[.]~~ ***and whether they are financially sustainable.*** The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

10. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➥ must not be counted in determining the financial ability of a local government employer ***or the amount of compensation and monetary benefits that is financially sustainable*** and must not be used to pay any ***compensation or*** monetary benefits recommended or awarded by the fact finder.

11. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➥ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

Sec. 6. NRS 288.215 is hereby amended to read as follows:

288.215 1. As used in this section:

(a) "Firefighters" means those persons who are salaried ***or hourly*** employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.

(b) "Police officers" means those persons who are salaried ***or hourly*** employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.

2. The provisions of this section apply only to firefighters and police officers and their local government employers.

3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.

4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.

5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:

(a) The parties to the dispute; or

(b) Any interested person.

6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.

7. A determination ~~[of the]~~ ***must be made as to:***

(a) The financial ability of ~~[(a)]~~ ***the*** local government employer ~~[must be]~~ based on ~~[:~~

~~(a) All]~~ ***all*** existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision ~~[.]~~ ***; and***

(b) ~~[Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~➥ Once]~~ ***The amount of compensation and monetary benefits that is financially sustainable for the local government employer.***

➥ ~~***[In]***~~ ***Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the arbitrator shall not consider any nonrecurring revenue or nonrecurring transfer of money or any money reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The arbitrator may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.***

8. If the arbitrator ~~[has determined]~~ ***determines*** in accordance with ~~[this]~~ subsection ***7*** that there is a current financial ability to grant ***compensation and*** monetary benefits ~~[,]~~ ***and the amount of compensation and monetary benefits that is financially sustainable,*** the arbitrator shall consider, to the extent appropriate, ***the*** compensation of other governmental employees, both in and out of this State.

~~[8.]~~ ***9.*** At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.

~~[9.]~~ ***10.*** If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

~~[10.]~~ ***11.*** The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in NRS 288.200 ~~[,]~~ ***and this section,*** and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.

~~[11.]~~ ***12.*** The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

~~[12.]~~ ***13.*** Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection ~~[10,]~~ ***11,*** the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 3;

(b) The statement of the arbitrator pursuant to subsection ~~[11;]~~ ***12;*** and

(c) The overall fiscal impact of the decision ~~[.]~~ ***and whether it is financially sustainable,*** which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

~~[13.]~~ ***14.*** The chief executive officer of the local government shall report to the local government the fiscal impact of the decision ~~[.]~~ ***and whether it is financially sustainable.*** The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

Sec. 7. NRS 288.217 is hereby amended to read as follows:

288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.

2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of NRS 288.200 and has the powers provided for fact finders in NRS 288.210.

3. The arbitrator shall, within 30 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

4. The parties to the dispute shall each pay one-half of the costs of the arbitration.

5. A determination ~~[of the]~~ ***must be made as to:***

(a) The financial ability of ~~[a]~~ ***the*** school district ~~[must be]~~ based on ~~[:~~

~~(a) All]~~ ***all*** existing available revenues as established by the school district and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district ~~[.]~~ ***; and***

(b) ~~[Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~➥ Once]~~ ***The amount of compensation and monetary benefits that is financially sustainable for the school district.***

➥ ~~*[In]*~~ ***Except as otherwise provided in this paragraph and NRS 354.6241, in making those determinations, the arbitrator shall not consider any nonrecurring revenue or nonrecurring transfer of money or any other money reserved by the school district to pay the current or future costs of health benefits for retired employees or workers' compensation benefits. The arbitrator may consider nonrecurring revenue or a nonrecurring transfer of money in determining the ability of the local government employer to make a nonrecurring payment of compensation or monetary benefits.***

6. If the arbitrator ~~[has determined]~~ ***determines*** in accordance with ~~[this]~~ subsection ***5*** that there is a current financial ability to grant ***compensation and*** monetary benefits ~~[,]~~ ***and the amount of compensation and monetary benefits that is financially sustainable,*** the arbitrator shall consider, to the extent appropriate, ***the*** compensation of other governmental employees, both in and out of this State.

~~[6.]~~ ***7.*** At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

~~[7.]~~ ***8.*** If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

~~[8.]~~ ***9.*** The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200 ~~[.]~~ ***and this section.*** The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

~~[9.]~~ ***10.*** The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

~~[10.]~~ ***11.*** Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 2;

(b) The statement of the arbitrator pursuant to subsection ~~[9;]~~ ***10;*** and

(c) The overall fiscal impact of the decision ***and whether it is financially sustainable,*** which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

~~[11.]~~ ***12.*** The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision ~~[.]~~ ***and whether it is financially sustainable.*** The report must include, without limitation, an analysis of the

impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

~~[12.]~~ ***13.*** As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

Sec. 8. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in NRS ***288.200, 288.215, 288.217,*** 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For the purposes of chapter 288 of NRS ~~[, a]~~ :

(a) A budgeted ending fund balance for the general fund of a local government of not more than 25 percent of the total budgeted expenditures from the general fund, less any capital outlay:

~~[(a)]~~ (1) Is not subject to negotiations with an employee organization; and

~~[(b)]~~ (2) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits or the amount of compensation and monetary benefits that is financially sustainable.

(b) If and to the extent that the governing body of a local government employer makes a finding that the continued reservation of money previously reserved by the local government employer to pay the current or future costs of health benefits for retired employees or workers' compensation benefits is no longer necessary, the money may be considered by a fact finder or arbitrator in determining the financial ability of the local government employer to pay compensation or monetary benefits or the

amount of compensation and monetary benefits that is financially sustainable.

4. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Financially sustainable" has the meaning ascribed to it in section 1 of this act.

Sec. 8.5. **1. There is hereby appropriated from the State General Fund to the Local Government Employee-Management Relations Board the sum of $300,000 for the purpose of employing a Deputy Commissioner pursuant to NRS 288.090, as amended by section 2.5 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 9. **1.** This **section and sections 1, 2 and 3 to 8, inclusive, of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 2.3, 2.5 and 8.5 of this act become effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 289.

Bill read second time.

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

Amendment No. 396.

AN ACT relating to mental health services; directing the Legislative Commission to appoint a committee to conduct an interim study concerning issues related to the provision of mental health services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the viability of transitioning the provision of mental and other behavioral health services to a regionalized structure, including: (1) how regions may be formed and governed; (2) how any transition may occur; (3) the sources of revenue for the regions and how such services may be paid for; and (4) methods to address communication among the regions and accountability standards within the regions. **Section 2** of this bill provides for the organization and composition of the interim

committee ~~[.]~~ **and requires the Chair of the interim committee to appoint certain subcommittees.** **Section 3** of this bill directs the Director of the Legislative Counsel Bureau to provide administrative and technical support to the interim committee.

WHEREAS, Executive Order 2013-26 established the Behavioral Health and Wellness Council and directed the Council to develop a strategic plan to provide a cohesive and comprehensive system for the delivery of services to those affected by behavioral health conditions; and

WHEREAS, On May 28, 2014, after nearly 5 months of deliberation, the Behavioral Health and Wellness Council issued its first report to the Governor which contained 16 recommendations focused primarily on relieving the overcrowding crises in emergency rooms in this State created by the high number of emergency room admissions for people in real or apparent psychiatric or emotional crises or acutely intoxicated; and

WHEREAS, On February 24, 2015, the Behavioral Health and Wellness Council issued its second report to the Governor reporting on the substantive progress being made in implementing the recommendations from the first report and indicating that in 2015 the Council will focus its efforts on addressing behavioral health care within the Department of Corrections; and

WHEREAS, The members of the Senate and Assembly hereby commend and express their gratitude to the members of the Behavioral Health and Wellness Council for the good work they have performed on behalf of the citizens of this State; and

WHEREAS, The members of the Senate and Assembly desire to aid the work and further the goals of the Behavioral Health and Wellness Council by investigating the viability of transitioning the provision of mental and other behavioral health services to a regionalized structure in this State; now, therefore,

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

Section 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning:

1. Whether responsibility for the provision of mental and other behavioral health services should be moved to a regionalized structure in this State, including, without limitation:

(a) The manner in which any regions may be formed and structured; and

(b) The governance model for the regions, including, without limitation, whether the regions will be administered by a governmental entity, a nonprofit entity or a hybrid of both;

2. The manner in which the transition to such a regionalized structure may occur, including, without limitation, the time period during which the transition may occur;

3. The manner in which services may be paid for under such a regionalized structure and the sources of revenue available to each region, including, without limitation, gifts and grants; and

4. Methods to address:

(a) Communication among the regions; and

(b) Accountability standards for each region.

Sec. 2. 1. The committee appointed by the Legislative Commission to conduct an interim study pursuant to section 1 of this act must be composed of 15 members as follows:

(a) Four Legislators as follows:

(1) One member of the Senate appointed by the Majority Leader of the Senate;

(2) One member of the Senate appointed by the Minority Leader of the Senate;

(3) One member of the Assembly appointed by the Speaker of the Assembly; and

(4) One member of the Assembly appointed by the Minority Leader of the Assembly;

(b) One member who is an employee of the Division of Public and Behavioral Health of the Department of Health and Human Services, appointed by the Director of the Department;

(c) The Director of the Department of Veterans Services, or his or her designee;

(d) One member who is employed by a federally qualified health center, as that term is defined in 42 U.S.C. § 1396d(l)(2)(B), that provides mental or other behavioral health services, appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(e) One member who is employed by a nonprofit entity in this State that provides mental or other behavioral health services, appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(f) One member who is employed by the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

(g) One member who is employed by a psychiatric hospital in this State, appointed by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate;

(h) One member who ~~[is employed by a private university located in this State that specializes in the education of health care professionals,]~~ **has experience in medical education,** appointed by the Speaker of the Assembly in consultation with the Minority Leader of the Assembly;

(i) One member who is the director of a social service agency, as that term is defined in NRS 430A.080, located in a county whose population is less than 100,000, appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(j) The Director of the Clark County Social Service Department, or his or her designee;

(k) The Director of the Washoe County Department of Social Services, or his or her designee; and

(l) One member who is a consumer of mental or other behavioral health services in this State, appointed by the President of the Southern Nevada Chapter of the National Alliance on Mental Illness.

2. In appointing the members of the interim committee pursuant to subsection 1, the appointing authorities shall coordinate the appointments, to the extent practicable, so that the members of the interim committee represent the ethnic diversity of this State.

3. At the first meeting of the interim committee, the members of the interim committee shall elect a Chair, who must be one of the members appointed pursuant to paragraph (a) of subsection 1.

4. A vacancy on the interim committee must be filled in the same manner as the original appointment.

5. All members of the interim committee are voting members. A majority of the members of the interim committee constitutes a quorum for the transaction of business, and a majority of those present at any meeting is sufficient for any official action taken by the interim committee.

6. The Chair may appoint such subcommittees or technical advisory groups as the Chair determines necessary to assist the interim committee in carrying out the duties prescribed by section 1 of this act. The members of any subcommittee or technical advisory group appointed pursuant to this subsection are not required to be members of the interim committee. **The Chair shall appoint not less than three subcommittees to advise the interim committee as follows:**

(a) One subcommittee composed of providers of mental health services and representatives of the payor community, which must include, without limitation, representatives of a Medicaid managed care organization and a private insurance provider;

(b) One subcommittee focused specifically on the mental health of children; and

(c) One subcommittee composed of professionals in academia.

7. The interim committee, or a subcommittee or technical advisory group appointed pursuant to subsection 6, may seek input, advice and assistance from any person or entity with knowledge, interest or expertise relevant to the duties of the interim committee prescribed by section 1 of this act.

8. The members of the interim committee serve without compensation, except that each such member is entitled, while engaged in the business of the interim committee and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

9. The interim committee shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the Director of the

Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

10. The interim committee may request the drafting of legislative measures as provided for in paragraph (c) of subsection 4 of NRS 218D.160.

Sec. 3. The Director of the Legislative Counsel Bureau shall provide administrative and technical assistance to the interim committee appointed pursuant to section 1 of this act.

Sec. 4. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 292.

Bill read second time.

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

Amendment No. 372.

AN ACT relating to public health; requiring a provider of health care who provides **certain** services to ~~[certain]~~ patients **located in this State** through telehealth to have a valid license or certificate in this State; making persons who provide **such** services through telehealth to ~~[certain]~~ patients subject to the laws and jurisdiction of this State; requiring certain insurers to provide coverage to insureds for services provided through telehealth to the same extent as though provided in person; authorizing a hospital to provide staff privileges to certain providers of health care to provide services through telehealth; requiring the Commissioner of Insurance to consider health care services that may be provided by providers through telehealth when evaluating certain network plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain providers of health care to provide certain health care services electronically, telephonically or by fiber optics. (NRS 630.020, 630.261, 630.275, 632.237, 633.165, 639.0727, 639.235) **Section 3** of this bill defines "telehealth" as the delivery of health care services from a provider of health care to a patient at a different location through the use of **information and audio-visual communication** technology **, ~~[~~**~~that transfers information electronically, telephonically or by fiber optics,~~**~~]~~** not including standard telephone, facsimile or electronic mail. **Section 3** also prohibits a provider of health care **, except for an employee or contractor of certain nonprofit organizations that administer health programs for American Indians,** from ~~[providing services through]~~ **using** telehealth to **direct or manage care, render a diagnosis or write a treatment order or prescription for** a patient located in this State without a valid license or

certificate to practice his or her profession in this State. Finally, **section 3** provides that any person who provides ~~[health care]~~ **such** services through telehealth to a patient located in this State **: (1)** is subject to the laws **, including regulations,** and jurisdiction of this State ~~.~~ **; and (2) is required to comply with all federal and state laws that would apply if the person were providing services from a location in this State.** **Sections 6-18** of this bill clarify that certain provisions regulating the provision of health care services electronically, telephonically or by fiber optics apply to health care services provided through telehealth. **Section 44** of this bill repeals certain requirements of existing law concerning the use of telemedicine by an osteopathic physician because it is addressed by **sections 3, 10 and 11**.

Sections 27-32, 36-39 and 41-43 of this bill require any policy of health insurance, a policy of industrial insurance that provides benefits for injuries and the State Plan for Medicaid to include coverage for health care services provided to a covered person through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person.

Existing federal regulations allow the governing body of a hospital at which patients receive services through telemedicine to have its medical staff rely upon the credentialing and privileging decisions made by the staff of a facility from which services are provided when deciding whether to extend staff privileges to a provider of health care who provides services through telemedicine from that facility. (42 C.F.R. §§ 482.12, 482.22, 485.616) **Section 22** of this bill authorizes a hospital to grant staff privileges to a provider of health care who is at another location so that the provider may provide services through telehealth to patients at the hospital as prescribed in federal regulations.

Existing law requires the Commissioner of Insurance to make certain determinations concerning the adequacy of a network plan that an insurer proposes to offer and approve the network plan before the network plan is issued. Existing law also requires the Commissioner to make an annual determination concerning the availability and accessibility of the health care services of any existing network plan. (NRS 687B.490) **Section 28** of this bill requires the Commissioner to consider health care services that may be provided by providers through telehealth pursuant to the network plan when making such a determination.

WHEREAS, Shortages of primary providers of health care and providers of health care who specialize in certain areas and the distances some people must travel to reach a provider of health care affects the ability of many people to obtain the health care services they need; and

WHEREAS, Parts of this State have experienced difficulty attracting and retaining providers of health care and supporting health care facilities that provide the necessary variety of health care services to persons; and

WHEREAS, Providers of health care located in underserved areas may not have access to mentors and colleagues to support them personally and

professionally or information resources that may assist them in their practices; and

WHEREAS, Telehealth is a mode of delivering health care and public health services using information and **audio-visual** communication technology to enable diagnosis, consultation, treatment, care management and provision of information to patients from providers of health care at other locations; and

WHEREAS, Telehealth may help to address the problem of an inadequate distribution of providers of health care and develop health care systems in underserved areas of the State; and

WHEREAS, Telehealth can reduce the costs of providing health care and increase the quality of and access to health care in underserved areas of the State; and

WHEREAS, Telehealth provides economic benefits to underserved areas by reducing the need for persons to leave those areas to obtain health care services and preserving and creating jobs relating to the provision of health care in those areas; and

WHEREAS, Patients receive many benefits from telehealth, including increased access to providers of health care, the ability to receive health care services in a faster and more convenient manner, increased continuity of care, reduction of lost work time and travel costs and the ability to remain near family and friends while receiving health care services; and

WHEREAS, Without the assurance that providers of health care will be reimbursed by insurers for services provided through telehealth and the resolution of other legal barriers to the provision of services through telehealth, the full benefits of telehealth cannot be realized; now, therefore,

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Health care services provided through telehealth are often as effective as health care services provided in person;

2. The provision of services through telehealth does not detract from, and often improves, the quality of health care provided to patients and the relationship between patients and providers of health care; and

3. It is the public policy of this State to:

(a) Encourage and facilitate the provision of services through telehealth to improve public health and the quality of health care provided to patients and to lower the cost of health care in this State; and

(b) Ensure that services provided through telehealth are covered by policies of insurance to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

Sec. 3. ***1. ~~[Before]~~ Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may ~~[provide~~***

~~services through telehealth, to~~ ***use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such*** *a patient* ***, ~~located in this State,~~*** *the provider must hold a valid license or certificate to practice his or her profession in this State, including, without limitation, a special purpose license issued pursuant to NRS 630.261.* ***The requirements of this subsection do not apply to a provider of health care who is providing services within the scope of his or her employment by or pursuant to a contract entered into with an urban Indian organization, as defined in 25 U.S.C. § 1603.***

2. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of a provider of health care; or

(b) Authorize a provider of health care to provide services in a setting that is not authorized by law or in a manner that violates the standard of care required of the provider of health care.

3. A provider of health care who ***~~[provides services through telehealth to a patient located in this State at the time the services are provided]~~*** *is* ***located at a distant site and uses telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient:***

(a) Is *subject to the laws and jurisdiction of the State of Nevada* ***, including, without limitation, any regulations adopted by an occupational licensing board in this State,*** *regardless of the location from which the provider of health care provides services through telehealth.*

(b) Shall comply with all federal and state laws that would apply if the provider were located at a distant site in this State.

4. As used in this section ***~~[, "telehealth"]~~ :***

(a) "Distant site" means the location of the site where a telehealth provider of health care is providing telehealth services to a patient located at an originating site.

(b) "Originating site" means the location of the site where a patient is receiving telehealth services from a provider of health care located at a distant site.

(c) "Telehealth" *means the delivery of services from a provider of health care to a patient at a different location through the use of* ***information and audio-visual communication*** *technology* ***, ~~[that transfers information electronically, telephonically or by fiber optics,]~~*** *not including standard telephone, facsimile or electronic mail.*

Sec. 4. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

"Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 5. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and section 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth,*** from within or outside this State or the United States.

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 7. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using equipment that transfers information concerning the medical condition

of a patient in this State electronically, telephonically or by fiber optics **,** ***including, without limitation, through telehealth,*** from within or outside this State or the United States. A physician who holds a special purpose license issued pursuant to this paragraph:

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 8. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

6. The duration, renewal and termination of licenses.

7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

9. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics **,** ***including, without limitation, through telehealth,*** from within or outside this State or the United States.

Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➥ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth, as defined in section 3 of this act,*** from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 10. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

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

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

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

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

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

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

(i) Any offense involving moral turpitude.

3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of **[**~~NRS 633.165.~~**]** ***section 3 of this act.***

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 11. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board, through an officer of the Board or the Attorney General, may maintain in any court of competent jurisdiction a suit for an injunction against any person:

(a) Practicing osteopathic medicine or practicing as a physician assistant without a valid license to practice osteopathic medicine or to practice as a physician assistant; or

(b) **[**~~Engaging in telemedicine~~**]** ***Providing services through telehealth, as defined in section 3 of this act,*** without a valid license **. [**~~pursuant to NRS 633.165.~~**]**

2. An injunction issued pursuant to subsection 1:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Must not relieve such person from criminal prosecution for practicing without such a license.

Sec. 12. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

"Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 13. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, ***and section 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office of a dispensing practitioner that is staffed by a dispensing technician and equipped to facilitate communicative access to the dispensing practitioner,

➥ electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth,*** during regular business hours from within or outside this State or the United States.

Sec. 15. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients; or

2. At an office of a dispensing practitioner where the dispensing practitioner provides consultation to patients,

➥ electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth,*** during regular business hours from within or outside this State or the United States.

Sec. 16. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner,

➥ that is accessible by a remote site or a satellite consultation site electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth,*** from within or outside this State or the United States.

Sec. 17. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies;

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians;

3. To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth,*** from within ***or outside*** this State; and

4. To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics **,**

including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 18. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was examined in person, electronically, telephonically or by fiber optics ***, including, without limitation, through telehealth,*** within or outside this State or the United States by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

Sec. 19. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept

the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, and 689B.287 ***and section 31 of this act*** apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and

employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 20. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.167, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 43 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 21. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State , and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for services provided to a person through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization ~~[,]~~ that would not be required if a service were provided in person or through other means, establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to paying for services as described in paragraph (a) . ~~[;]~~ The State Plan for Medicaid may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate that it is necessary to provide services to a person through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to paying for services as described in paragraph (a) . ~~[,]~~

(3) Refusing to pay for services as described in paragraph (a) because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which a person who is covered by the State Plan for Medicaid receives services through telehealth . ~~[; or]~~

(4) Requiring services to be provided through telehealth as a condition to paying for such services.

2. The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

3. As used in this section:

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 22. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

A hospital may grant staff privileges to a provider of health care who is at another location for the purpose of providing services through telehealth, as defined in section 3 of this act, to patients at the hospital in the manner prescribed in 42 C.F.R. §§ 482.12, 482.22 and 485.616.

Sec. 23. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, ***and section 22 of this act*** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups

pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive ~~[.]~~ ***, and section 22 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 24. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, ***and section 22 of this act*** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 25. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, ***and section 22 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, ***and section 22 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 22 of this act,*** and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 26. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.030 to 449.2428, inclusive ~~[.]~~ ***, and section 22 of this act:***

(a) Without first obtaining a license therefor; or

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

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 27. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must include coverage for services provided to an employee through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. An insurer shall not:

(a) Require an employee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an employee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an employee receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must not require an employee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a policy of insurance may require

prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an employee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of insurance subject to the provisions of chapters 616A to 617, inclusive, of NRS that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 28. NRS 687B.490 is hereby amended to read as follows:

687B.490 1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. ***When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider services that may be provided through telehealth , as defined in section 3 of this act, pursuant to the network plan or proposed network plan to be available services.***

8. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.

Sec. 29. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A policy of health insurance must include coverage for services provided to an insured through telehealth to the same extent [and in the same amount] as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the [location] distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A policy of health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 30. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 29 of this act.***

Sec. 31. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A policy of group or blanket health insurance must include coverage for services provided to an insured through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. An insurer shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional

type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the insurer is not otherwise required by law to do so.

5. A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 32. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health benefit plan must include coverage for services provided to an insured through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. A carrier shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health benefit plan must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the carrier is not otherwise required by law to do so.

5. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 33. NRS 689C.155 is hereby amended to read as follows:

689C.155 The Commissioner may adopt regulations to carry out the provisions of NRS 689C.109 to 689C.143, inclusive, 689C.156 to 689C.159, inclusive, 689C.165, 689C.183, 689C.187, 689C.191 to 689C.198, inclusive, ***and section 32 of this act,*** 689C.203, 689C.207, 689C.265, 689C.325, 689C.355 and 689C.610 to 689C.940, inclusive, and to ensure that rating practices used by carriers serving small employers are consistent with those sections, including regulations that:

1. Ensure that differences in rates charged for health benefit plans by such carriers are reasonable and reflect only differences in the designs of the plans,

the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.

2. Prescribe the manner in which rating factors may be used by such carriers.

Sec. 34. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, ***and section 32 of this act,*** and 689C.610 to 689C.940, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 35. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 32 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 36. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A benefit contract must include coverage for services provided to an insured through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. A society shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional

type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A benefit contract must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the society is not otherwise required by law to do so.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d)"Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 37. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include services provided to an insured through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for

obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the medical services corporation is not otherwise required by law to do so.

5. A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 38. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same

extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

5. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 39. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 ***and section 38 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 40. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 38 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 41. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

1. A plan for dental care must include coverage for services provided to a member through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. An organization for dental care shall not:

(a) Require a member to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to a member through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which a member receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A plan for dental care must not require a member to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. A plan for dental care may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require an organization for dental care to:

(a) Ensure that covered services are available to a member through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the organization for dental care is not otherwise required by law to do so.

5. A plan for dental care subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 42. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to NRS 679B.700.

7. Chapter 683A of NRS.

8. To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

9. NRS 689A.035, 689A.410, 689A.413 and 689A.415 ~~[.]~~ ***and section 29 of this act.***

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

11. Chapter 692C of NRS, concerning holding companies.

12. NRS 689A.637, concerning health centers.

Sec. 43. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent ~~[and in the same amount]~~ as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the ~~[location]~~ distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

5. Evidence of coverage that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

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

(a) "Distant site" has the meaning ascribed to it in section 3 of this act.

(b) "Originating site" has the meaning ascribed to it in section 3 of this act.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(b)]~~ (d) "Telehealth" has the meaning ascribed to it in section 3 of this act.

Sec. 44. NRS 633.165 is hereby repealed.

Sec. 45. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

633.165 Telemedicine: Requirements for practice; exceptions; scope.

1. An osteopathic physician may engage in telemedicine from within or outside this State or the United States if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. An osteopathic physician who engages in telemedicine:

(a) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(b) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

3. Except as otherwise provided in subsections 4 and 5, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and an examination or consultation which occurred in person or through the use of telemedicine and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall document the consent as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient:

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; and

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information.

4. An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection 3 if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

5. An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection 3 in an emergency medical situation.

6. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

7. As used in this section, "telemedicine" means the practice of osteopathic medicine by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 423.

AN ACT relating to motor vehicle registration; revising provisions relating to the requirements for certain special license plates; revising the depreciation schedule used for calculating the governmental services tax imposed on certain vehicles upon registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a resident of Nevada may obtain from the Department of Motor Vehicles a special license plate for any passenger car or light commercial vehicle inscribed with the words "CLASSIC VEHICLE" if the vehicle: (1) has a manufacturer's rated carrying capacity of 1 ton or less; (2) was manufactured at least 25 years before the application for the special license plate is submitted; and (3) contains only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts. (NRS 482.3816) **Section 1** of this bill revises those requirements, allowing the issuance of such special license plates ~~[only]~~ for a passenger car ~~[(thus excluding]~~ **or** light commercial ~~[vehicles),~~ ~~and requiring that the owner provide proof satisfactory to the Department that the owner: (1) drives the passenger car solely for personal use and not more than 5,000 miles during an annual registration period; and (2) has another passenger car or motorcycle registered with the Department during the entire registration period of the passenger car for which the special license plates are sought.]~~ **vehicle manufactured before 1996.** Existing law provides that a vehicle for which such a special license plate has been issued is exempt from standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke if the owner of the vehicle certifies to the Department that the vehicle was not driven more than 5,000 miles during the immediately preceding year. (NRS 445B.760)

Existing law sets forth depreciation schedules for determining the amount of governmental services taxes due each year for used vehicles and establishes a minimum tax of $16. (NRS 371.060) **Section 2** of this bill reduces the amount of governmental services taxes due annually for used vehicles by increasing the amount of depreciation allowed and decreases the minimum tax to $6.

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

Section 1. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any ~~[a]~~ passenger car or light commercial vehicle:

(a) Having ~~*[if the owner of the passenger car provides proof satisfactory to the Department upon initial registration that:*~~

~~*[(a) The owner:*~~

~~*[(1) Drives the passenger car solely for personal use; and*~~

~~*[(2) Drove the passenger car not more than 5,000 miles during the immediately preceding year.*~~

~~*[(b) The passenger car:*~~

~~*[(1) Has]*~~ a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured

~~*[(2) Was manufactured*~~ at least 25 years~~]~~ before ~~[the application is submitted to the Department;]~~ ***1996;*** and

(c) Containing

~~*[(3) Contains]*~~ only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

~~*[(c) The owner of the passenger car has another passenger car or motorcycle registered with the Department during the entire registration period of the passenger car for which the owner is seeking special license plates pursuant to this section.]*~~

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle ~~*[passenger car]*~~ to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle ~~*[passenger car]*~~ which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, ~~*[passenger car,]*~~ return them to the Department.

4. ~~*[A passenger car for which the Department has issued special license plates pursuant of subsection 1 must, upon renewal of the registration, provide proof satisfactory to the Department that the passenger car still meets the requirements of paragraphs (a) and (c) of subsection 1. The Department shall verify the odometer reading of the passenger car upon renewal to ensure the passenger car meets the requirements of subparagraph 2 of paragraph (a) of subsection 1.*~~

~~*5.]*~~ The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. ~~*[6.]*~~ In addition to the fees required pursuant to subsection 4, ~~*[5,]*~~ the Department shall charge and collect a fee for the first issuance of the special

license plates for those motor vehicles ***[passenger cars]*** exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. ***[7.]*** Fees paid to the Department pursuant to subsection 5 ***[6]*** must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. NRS 371.060 is hereby amended to read as follows:

371.060 1. Except as otherwise provided in subsection 2 and subsection 2 of NRS 371.040, each vehicle must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule

Age	Percentage of Initial Value
New	100 percent
1 year	~~[95]~~ ***85*** percent
2 years	~~[85]~~ ***75*** percent
3 years	~~[75]~~ ***65*** percent
4 years	~~[65]~~ ***55*** percent
5 years	~~[55]~~ ***45*** percent
6 years	~~[45]~~ ***35*** percent
7 years	~~[35]~~ ***25*** percent
8 years	~~[25]~~ ***15*** percent
9 years or more	~~[15]~~ ***5*** percent

2. Except as otherwise provided in subsection 2 of NRS 371.040, each bus, truck or truck-tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	~~[85]~~ ***75*** percent
2 years	~~[69]~~ ***59*** percent
3 years	~~[57]~~ ***47*** percent
4 years	~~[47]~~ ***37*** percent
5 years	~~[38]~~ ***28*** percent
6 years	~~[33]~~ ***23*** percent
7 years	~~[30]~~ ***20*** percent
8 years	~~[27]~~ ***17*** percent
9 years	~~[25]~~ ***15*** percent
10 years or more	~~[23]~~ ***13*** percent

3. Notwithstanding any other provision of this section, the minimum amount of the governmental services tax:

(a) On any trailer having an unladen weight of 1,000 pounds or less is $3; and

(b) On any other vehicle is ~~[~~$16.~~]~~ ***$6.***

4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the Department and has never been registered with the appropriate agency of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.

Sec. 3. ~~[Notwithstanding the amendatory provisions of this act, a person who is the owner of a light commercial vehicle that bears valid "CLASSIC VEHICLE" license plates issued pursuant to NRS 482.3816 before July 1, 2015, may retain those plates until the current period of registration expires. Within 30 days after such current period of registration expires, the owner shall remove the plates from the light commercial vehicle and surrender them to the Department of Motor Vehicles.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 381.

Bill read second time.

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

Amendment No. 516.

AN ACT relating to elections; ~~[extending the deadlines for filling vacancies in certain nominations and for making changes to the ballot of a general election; eliminating]~~ **providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; changing** the deadline for an elector to file ~~[a written challenge on the grounds that a candidate fails to meet any qualification required for the office which the candidate is seeking; requiring a court to order that a candidate whose qualifications to hold office are successfully challenged pay certain fees, costs and penalties; revising the requirements for the Secretary of State, county clerk and city clerk to notify voters of the disqualification of a candidate;]~~ **certain preelection challenges to the qualifications of a candidate; making conforming changes to the definition of "actual residence" for purposes of candidacy; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law sets forth procedures for filling certain vacancies in a nonpartisan office, nomination for a nonpartisan office and major political party nomination for a partisan office that occur before 5 p.m. on the fourth~~

~~Friday in June of the year in which the general election is held. (NRS 293.165, 293.166, 293.368) Sections 1, 2 and 5 of this bill extend the deadline for filling these vacancies to July 31 of the year in which the general election is held.~~]

Under existing law, if a candidate is disqualified from taking office because the candidate fails to meet any qualification required for the office, the Secretary of State and local election officials must post a sign at each polling place where the candidate's name will appear on the ballot informing voters that the candidate is disqualified from taking office. (NRS 293.184, 293C.1865) Additionally, under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008))

Section 2.5 of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate is disqualified from taking office; (2) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney; (3) in addition to any other notice required by law, the court may direct the Secretary of State and local election officials to notify voters in any other manner the court deems appropriate that the person is disqualified from taking office; and (4) if the Attorney General or a district attorney or city attorney brought the action, the court shall order the person to pay to the State of Nevada a civil penalty of not less than $5,000.

Existing law authorizes an elector to ~~[~~submit~~]~~ **file** a written challenge to a ~~[~~person's candidacy on the grounds that the person fails to meet any qualification required for the office; the deadline for filing a written challenge is~~]~~ **candidate's qualifications not later than** 5 **working** days after the last day ~~[~~a person may~~]~~ **for the candidate to formally** withdraw his or her candidacy. **Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period.** (NRS 293.182, 293C.186 ~~D~~**)** **; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy))** **Sections 3 and 6** of this bill ~~[~~eliminate~~]~~ **change** the deadline for an elector to file **such** a written challenge ~~[~~. Sections 3 and 6 also require that if a court determines by a preponderance of the evidence that the challenge to a person's candidacy is valid or that the person otherwise fails to

~~meet any qualification required for the office, the court must order the challenged person to pay: (1) the attorney's fees and court costs of the elector who filed the challenge; and (2) a civil penalty of not less than $5,000.~~

~~If a person is disqualified from entering upon the duties of office, existing law requires the Secretary of State and the county clerk or city clerk, as applicable, to post a sign at each polling place where a person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office. (NRS 293.184, 293C.1865) Sections 4 and 7 of this bill require that the Secretary of State, county clerk or city clerk, as applicable, also notify the voters in any other manner ordered by the court that the person is disqualified from entering upon the duties of office.~~**]** **to the last Monday immediately preceding the first day of early voting for any general election.**

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) Section 8 of this bill amends existing law to reflect the Supreme Court's holding.

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

Section 1. ~~[NRS 293.165 is hereby amended to read as follows:~~

~~293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.~~

~~2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. [of the fourth Friday in June]~~ ***on July 31*** ~~of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by~~

~~NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in June.~~

~~— 3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on [the fourth Friday in June] *July 31* of the year in which the general election is held and:~~

~~— (a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.~~

~~— (b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~— 4. No change may be made on the ballot for the general election after 5 p.m. on [the fourth Friday in June] *July 31* of the year in which the general election is held. If, after that time and date:~~

~~— (a) A nominee dies or is adjudicated insane or mentally incompetent; or~~

~~— (b) A vacancy in the nomination is otherwise created,~~

~~the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~— 5. All designations provided for in this section must be filed on or before 5 p.m. on [the fourth Friday in June] *July 31* of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 293.166 is hereby amended to read as follows:~~

~~— 293.166 — 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select~~

~~one candidate, and the nominee must be chosen by drawing lots among the persons so selected.~~

~~2. If a vacancy occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on [the fourth Friday in June] *July 31* of the year in which the general election is held and:~~

~~(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled pursuant to the provisions of subsection 1.~~

~~(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~3. No change may be made on the ballot for the general election after 5 p.m. on [the fourth Friday in June] *July 31* of the year in which the general election is held. If, after that time and date:~~

~~(a) A nominee dies or is adjudicated insane or mentally incompetent; or~~

~~(b) A vacancy in the nomination is otherwise created,~~

~~the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~4. The designation of a nominee pursuant to this section must be filed with the Secretary of State on or before 5 p.m. on [the fourth Friday in June] *July 31* of the year in which the general election is held, and the statutory filing fee must be paid with the designation.]~~ **(Deleted by amendment.)**

Sec. 2.5. **Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy;

(b) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney;

(c) In addition to any other notice required by law, the court may direct the Secretary of State and county clerk or city clerk, as applicable, to notify voters in any other manner the court deems appropriate that the person is disqualified from entering upon the duties of the office; and

(d) If the Attorney General or a district attorney or city attorney brought the action, the court shall order the person to pay to the State of Nevada a civil penalty of not less than $5,000. Any civil penalty collected pursuant to this paragraph must be deposited by the Attorney General or district attorney or city attorney, as applicable, for credit to the State General Fund in the financial institution designated by the State Treasurer.

2. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 3. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ~~[~~days after~~]~~ ***p.m. on*** the last ~~[~~day the person may withdraw his or her candidacy~~]~~ ***Monday immediately preceding the first day of the period of early voting by personal appearance for the general election*** pursuant to NRS ~~[~~293.202,~~]~~ ***293.3568,*** an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State ***.*** ~~[~~, including, without limitation, a requirement concerning age or residency.~~]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[~~court~~]~~ costs of the ~~[~~challenged person.~~]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.~~ ***;***

~~***(c) The court shall order that the challenged person pay the attorney's fees and court costs of the elector who filed the challenge; and***~~

~~***(d) The court shall order the person to pay to the State of Nevada a civil penalty of not less than $5,000. Any civil penalty collected pursuant to this paragraph must be deposited by the Attorney General or district attorney, as applicable, for credit to the State General Fund in the bank designated by the State Treasurer.]*** ***subject to the provisions of section 2.5 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 4. ~~**[**NRS 293.184 is hereby amended to read as follows:~~

~~293.184 1. In addition to any other penalty provided by law, if a person willfully files a declaration of candidacy or acceptance of candidacy knowing that the declaration of candidacy or acceptance of candidacy contains a false statement:~~

~~(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b) The person is disqualified from entering upon the duties of the office for which he or she was a candidate.~~

~~2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must [post]~~ ***:***

~~***(a) Post*** a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office~~ ***[.] ; and***

~~***(b) Notify voters in any other manner required by a court order that the person is disqualified from entering upon the duties of office.]*** **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 293.368 is hereby amended to read as follows:~~

~~293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m.~~

~~of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.~~

~~2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.~~

~~3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on~~ **[**~~the fourth Friday in June~~**]** ***July 31*** ~~of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.~~

~~4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.~~**]** **(Deleted by amendment.)**

Sec. 6. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 **[**~~working days after~~**]** ***p.m. on*** the last **[**~~day the person may withdraw his or her candidacy~~**]** ***Monday immediately preceding the first day of the period of early voting by personal appearance for the general city election*** pursuant to NRS **[**~~293C.195,~~**]** ***293C.3568,*** an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State ***.*** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 ***working*** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy .~~ ***;***

~~***(c) The court shall order that the challenged person pay the attorney's fees and court costs of the elector who filed the challenge; and***~~

~~***(d) The court shall order the person to pay to the State of Nevada a civil penalty of not less than $5,000. Any civil penalty collected pursuant to this paragraph must be deposited by the city attorney for credit to the State General Fund in the bank designated by the State Treasurer.]*** ***subject to the provisions of section 2.5 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 7. ~~[NRS 293C.1865 is hereby amended to read as follows:~~

~~293C.1865 1. In addition to any other penalty provided by law, if a person willfully files a declaration of candidacy or acceptance of candidacy knowing that the declaration of candidacy or acceptance of candidacy contains a false statement:~~

~~(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and~~

~~(b) The person is disqualified from entering upon the duties of the office for which he or she was a candidate.~~

~~2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must [post] :~~

~~*(a) Post* a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office **[.] ; *and***~~

~~***(b) Notify voters in any other manner required by a court order that the person is disqualified from entering upon the duties of office.]*** **(Deleted by amendment.)**~~

Sec. 8. **NRS 281.050 is hereby amended to read as follows:**

281.050 1. The residence of a person with reference to ***his or her*** eligibility to ***any*** office is the person's actual residence within the State ***,*** ~~[or]~~ county ***,*** ~~[or]~~ district, ***ward, subdistrict or any other unit prescribed by law,*** as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ ***a declaration of candidacy or acceptance of candidacy*** for ***any*** elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~ ***, as the case may be,*** in which the person is required actually, as opposed to constructively, to reside ~~[,]~~ ***in order for the person to be eligible to the office,*** a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. ***If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of section 2.5 of this act.***

5. As used in this section ~~[, "actual]~~ ***:***

(a) "Actual residence" means the place ***of permanent habitation*** where a person ***actually resides and*** is legally domiciled ***.*** ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ ***place of permanent*** habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration ***of candidacy*** or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ ***acceptance of candidacy for any elective office must*** be the ~~[person's actual residence.]~~ ***place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.***

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

~~[Sec. 8.]~~ ***Sec. 9.*** This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

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

Amendment No. 374.

AN ACT relating to employee leasing companies; ~~[revising the method for calculation of unemployment contributions for employees of an employee leasing company leased to a client company;]~~ altering the definition of "employee leasing company" to describe the nature of the relevant agreement; authorizing an employee leasing company that applies for a certificate of registration to provide consolidated or combined financial statements with its application; **deeming the client company of an employee leasing company to be the employer of the employees it leases for purposes of unemployment compensation;** repealing the requirement that an employee leasing company maintain an office in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires employers to contribute a percentage of an employee's wages to the Unemployment Compensation Fund. (Chapter 612 of NRS) The standard rate of contribution is 2.95 percent of the employee's wages; however, an employer may be eligible for a different rate of contribution based on the employer's actual payroll, contribution and benefit experience. (NRS 612.540-612.550) Section 1 of this bill allows an employee leasing company to choose whether to use its own calculated contribution rate or the calculated contribution rate of a client company for employees leased to the client company.]~~

Existing law defines the term "employee leasing company." (NRS 616B.670) **Section 2** of this bill revises the definition of an employee leasing company to emphasize that the agreement between an employee leasing company and client company contemplates an ongoing relationship with an allocation of rights, duties and obligations.

Existing law requires an employee leasing company to have a certificate of registration to operate in this State. (NRS 616B.673) To receive a certificate

of registration, an employee leasing company must submit an application to the Administrator of the Division of Industrial Relations of the Department of Business and Industry which must include, among other things, financial statements of the applicant. (NRS 616B.679) **Section 3** of this bill allows an employee leasing company to meet this requirement by submitting consolidated or combined financial statements that include, but are not exclusive to, the employee leasing company.

Section 4 of this bill deems the client company of an employee leasing company to be the employer of the employees it leases for the purposes of the chapter of the laws of this State that pertain to unemployment compensation.

Existing law requires an employee leasing company to maintain an office or similar site in this State for retaining, reviewing and auditing its payroll records and agreements with client companies. In addition, the office must be open during normal business hours for the inspection and copying of certain records by employees and the public. (NRS 616B.682) **Section 5** of this bill repeals these provisions.

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

Section 1. ~~[Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. For the purposes of this section and NRS 612.535 to 612.550, inclusive, an employee leasing company's contribution rate for any employee that the employee leasing company leases to a client company must, pursuant to the selection of the employee leasing company in accordance with subsections 2 and 3, be based on:*~~

~~*(a) The classification calculated pursuant to NRS 612.550 for the employee leasing company based on the employee leasing company's actual payroll, contribution and benefit experience; or*~~

~~*(b) The classification calculated pursuant to NRS 612.550 for each client company based on the client company's actual payroll, contribution and benefit experience. If the employee leasing company chooses to have the contribution rate for employees calculated pursuant to this paragraph, the employee leasing company may pay the required contributions as a third-party, on behalf of the client company, into the account of the client company.*~~

~~*2. An employee leasing company that holds a valid certificate of registration pursuant to NRS 616B.670 to 616B.697, inclusive, before October 1, 2015, must, before January 1, 2016, select which of the classification options provided for in subsection 1 that the employee leasing company elects to use. The selected classification option becomes effective on January 1, 2016. If an employee leasing company fails to make an election of a classification option before January 1, 2016, the Administrator shall make the election on behalf of the employee leasing company. Once an*~~

~~*employee leasing company has made an election or, due to a failure to make an election in a timely manner the Administrator has made an election on behalf of the employee leasing company pursuant to this section, the employee leasing company may not thereafter elect another classification option.*~~

~~*3. An employee leasing company that receives a valid certificate of registration pursuant to NRS 616B.670 to 616B.697, inclusive, on or after October 1, 2015, must, within 120 days after receipt of the certificate, elect which of the classification options provided for in subsection 1 that the employee leasing company desires to use. The selected rate classification option becomes effective on January 1 of the year immediately following the year in which the employee leasing company makes the election. If an employee leasing company fails to make an election of a classification option within 120 days after receipt of a certificate, the Administrator shall make the election on behalf of the employee leasing company. Once an employee leasing company has made an election or, due to a failure to make an election in a timely manner the Administrator has made an election on behalf of the employee leasing company pursuant to this section, the employee leasing company may not elect another classification option.*~~

~~*4. As used in this section, unless the context otherwise requires:*~~

~~*(a) "Client company" has the meaning ascribed to it in NRS 616B.670.*~~

~~*(b) "Employee leasing company" has the meaning ascribed to it in NRS 616B.670.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 616B.670 is hereby amended to read as follows:

616B.670 As used in NRS 616B.670 to 616B.697, inclusive, unless the context otherwise requires:

1. "Applicant" means a person seeking a certificate of registration pursuant to NRS 616B.670 to 616B.697, inclusive, to operate an employee leasing company.

2. "Client company" means a company which leases employees, for a fee, from an employee leasing company pursuant to a written or oral agreement.

3. "Employee leasing company" means a company which, pursuant to a written or oral agreement ~~[~~**:**

~~(a) Places~~**]** ***intended by the parties to create an ongoing relationship, places*** any of the regular, full-time employees of a client company on its payroll and, for a fee, leases them to the client company **.** ~~[on a regular basis without any limitation on the duration of their employment; or~~

~~(b) Leases to a client company:~~

~~(1) Five or more part-time or full-time employees; or~~

~~(2) Ten percent or more of the total number of employees within a classification of risk established by the Commissioner.]~~

4. "Ongoing relationship" means a relationship wherein the rights, duties and obligations of an employer which arise out of an employment relationship are allocated between the employee leasing company and the client company on an ongoing, long-term basis. The term does not include a

temporary or project-specific agreement between an employee leasing company and a client company.

Sec. 3. NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:

(a) The applicant's name and title of his or her position with the employee leasing company.

(b) The applicant's age, place of birth and social security number.

(c) The applicant's address.

(d) The business address of the employee leasing company.

(e) The business address of the registered agent of the employee leasing company, if the applicant is not the registered agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) Compliance with the provisions of chapter 76 of NRS.

(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) A financial statement of the applicant setting forth the financial condition of the employee leasing company. Except as otherwise provided in subsection 5, the financial statement must include, without limitation:

(1) For an application for issuance of a certificate of registration, the most recent audited financial statement ~~[of]~~ ***that includes*** the applicant, which must have been completed not more than 13 months before the date of application; or

(2) For an application for renewal of a certificate of registration, an audited financial statement ***that includes the applicant and*** which must have been completed not more than 180 days after the end of the applicant's fiscal year.

(i) A registration or renewal fee of $500.

(j) Any other information the Administrator requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Administrator any change in the information required by this section within 30 days after the change occurs. The Administrator may revoke the certificate of registration of an employee

leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company's policy, the insurer shall immediately notify the Administrator in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Administrator.

5. A financial statement submitted with an application pursuant to this section must be prepared in accordance with generally accepted accounting principles, must be audited by an independent certified public accountant licensed to practice in the jurisdiction in which the accountant is located and must be without qualification as to the status of the employee leasing company as a going concern. ~~[An]~~ ***Except as otherwise provided in subsection 6, an*** employee leasing company that has not had sufficient operating history to have an audited financial statement based upon at least 12 months of operating history must present financial statements reviewed by a certified public accountant covering its entire operating history. The financial statements must be prepared not more than 13 months before the submission of an application and must:

(a) ~~[Indicate that the applicant has]~~ ***Demonstrate, in the statement,*** positive working capital, as defined by generally accepted accounting principles, for the period covered by the financial statements; or

(b) Be accompanied by a bond, irrevocable letter of credit or securities with a minimum market value equaling the maximum deficiency in working capital for the period covered by the financial statements plus $100,000. The bond, irrevocable letter of credit or securities must be held by a depository institution designated by the Administrator to secure payment by the applicant of all taxes, wages, benefits or other entitlements payable by the applicant.

6. An applicant required to submit a financial statement pursuant to this section may submit a consolidated or combined audited financial statement that includes, but is not exclusive to, the applicant.

Sec. 4. NRS 616B.691 is hereby amended to read as follows:

616B.691 1. ~~[An]~~ ***A client company of an*** employee leasing company ~~[which complies with the provisions of]~~ ***as defined in*** NRS 616B.670 ~~[to 616B.697, inclusive,]~~ shall be deemed to be the ~~***[an]***~~ employer of the employees it leases ~~[to a client company. The provisions of this subsection apply only]~~ for the purposes of ~~[chapters]~~ ***chapter*** 612 ~~[and 616A to 617, inclusive,]~~ of NRS.

2. An employee leasing company shall be deemed to be an employer of its leased employees for the purposes of offering, sponsoring and maintaining any benefit plans. The provisions of this subsection do not affect the employer-employee relationship that exists between a leased employee and a client company.

3. ~~***[An employee leasing company shall comply with the provisions of section 1 of this act.***~~

~~4.~~] An employee leasing company shall not offer, sponsor or maintain for its leased employees any self-funded insurance program. An employee leasing company shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS or title 57 of NRS.

4. ~~[5.]~~ If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

➥ pursuant to this chapter or chapter ~~[612,]~~ 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

Sec. 5. NRS 616B.682 is hereby repealed.

TEXT OF REPEALED SECTION

616B.682 Employee leasing company to maintain office or similar site in State; maintenance, inspection and copying of records. Each employee leasing company operating in this State shall:

1. Maintain an office or similar site in this State for retaining, reviewing and auditing its payroll records and written agreements with client companies.

2. Maintain at that office or similar site in this State records establishing that the employee leasing company:

(a) Maintains current policies of workers' compensation insurance providing coverage for each employee it leases to each client company; or

(b) Pursuant to NRS 616B.692, otherwise satisfies its obligation to provide coverage for workers' compensation for the employees that the employee leasing company leases to each client company.

3. Keep the records described in subsection 2 open for inspection and copying, during its regular business hours, by:

(a) Each employee it leases to each client company and any representative of each such employee; and

(b) The public.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time.

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

Amendment No. 421.

ASSEMBLYMEN FIORE, SHELTON, DOOLING, TITUS, SEAMAN; DICKMAN, ELLISON, GARDNER, HANSEN, JONES, MOORE, ~~[MUNFORD, O'NEILL,]~~ OSCARSON, AND WHEELER.

SUMMARY—Enacts provisions ~~[governing the acquisition and use]~~ **relating to certain uses** of ~~[certain public lands.]~~ **land and the exercise of law enforcement authority in this State.** (BDR 26-1060)

AN ACT relating to ~~[public lands; prohibiting the Federal Government from owning or regulating certain public lands or the right to use public waters; requiring the State Land Registrar to adopt regulations that provide for the appropriation and registration of grazing, logging, mineral development or other beneficial use rights on public lands; requiring the State Land Registrar to sell permits for grazing, logging, mineral development or other beneficial uses on public lands for which such rights are not registered and appropriated; requiring the board of county commissioners of each county to impose a tax on profits from the beneficial use of public lands;]~~ **governmental administration; declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances; providing that sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The United States Constitution authorizes the Federal Government to exercise authority over land purchased by consent of the legislature of the state in which the land lies for the erection of forts, magazines, arsenals, dockyards and other needful buildings. (U.S. Const. Art. I, 8, cl. 17)~~

~~Existing law: (1) sets forth the manner in which an officer of an agency or instrumentality of the United States may apply to the Director of the Legislative Counsel Bureau to obtain a cession of concurrent criminal jurisdiction or other jurisdiction from the State of Nevada; and (2) authorizes the Legislature to enact a resolution ceding that jurisdiction to the United States respecting any land held by the United States for the erection of forts, magazines, arsenals, dockyards or other needful buildings or for any other governmental purpose authorized by the Constitution of the United States. (NRS 328.065-328.135)~~

~~Section 3 of this bill prohibits the Federal Government from owning or regulating activity on any land in this State that it has not acquired with the consent of the Legislature and upon which it has not erected forts, magazines, arsenals, dockyards or other needful buildings. Section 3 provides that the rights to own and use such land are the common property of the citizens of this State. Section 3 requires the State to respect all agreements that guarantee persons the right to use such land.~~

~~Existing law provides for the appropriation and registration of rights to use public waters in this State. (NRS 533.324-533.435) Section 3 also prohibits the Federal Government from owning water rights in this State and provides for the appropriation and registration of water rights claimed by the Federal~~

~~Government in the manner provided by statute for the appropriation of the right to use public waters.~~

~~— Section 4 of this bill requires the State Land Registrar to provide for the appropriation and registration of grazing, logging, mineral development or any other beneficial use rights on public lands, including land to which the Federal Government claims ownership or rights. The State Land Registrar must award such rights to the first person who puts the land to beneficial use for grazing, logging, mineral development or another beneficial use, as applicable, and require a person to continue to use the land for such a beneficial use in order to retain the rights. Section 5 of this bill requires the State Land Registrar to publish notice each time a right to use public lands for grazing, logging, mineral development or any other beneficial use becomes available, and section 6 of this bill authorizes a person to protest the appropriation and registration of such rights. Section 7 of this bill requires the State Land Registrar to hold an annual auction to sell permits to use land for which rights have not been appropriated for grazing, logging, mineral development or any other beneficial use. Section 7 also provides that if the holder of such a permit puts the land to such a beneficial use for 4 consecutive years, he or she can appropriate the right to use the land for that beneficial use.~~

~~— Section 8 of this bill requires the board of county commissioners of each county to impose a tax on the profits gained through the beneficial use of public lands.~~**]**

Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) Section 11 of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private property; (2) support for the members of the general public in this State to access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents.

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090-248.250) Section 12 of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency. Section 13 of this bill provides that the sheriffs and their deputies are the primary law enforcement officers of the unincorporated areas of their respective counties.

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

Section 1. ~~[Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in sections 2 to 8, inclusive, of this act, "public lands" means all lands within the exterior boundaries of the State of Nevada except lands:*~~

~~*1. To which title is held by any private person or entity;*~~

~~*2. To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;*~~

~~*3. To which title has been acquired by the Federal Government pursuant to section 3 of this act; or*~~

~~*4. Which are held in trust for Indian purposes or are Indian reservations.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. Notwithstanding any other provision of law, the Federal Government shall not own land within the borders of this State unless:*~~

~~*(a) The Federal Government provides consideration to this State;*~~

~~*(b) The Legislature cedes jurisdiction over the land to the Federal Government pursuant to NRS 328.065 to 328.135, inclusive;*~~

~~*(c) The Federal Government uses the land for purposes authorized by Clause 17 of Section 8 of Article I of the Constitution of the United States; and*~~

~~*(d) The Federal Government records the deed to the land with the county recorder in the county in which the land is located.*~~

~~*2. Except as otherwise provided in subsection 1, the Federal Government shall not own rights to use land or water, post signs on any land or dispose of, lease, issue permits for use of, collect fees relating to, prohibit or restrict the use of or enter into any contract relating to land or water within the borders of this State for any purpose.*~~

~~*3. Any land or water or rights to use land or water to which the Federal Government claims ownership in violation of this section are the common property of the citizens of this State and the right to put such land to beneficial use may be appropriated as provided in the regulations adopted pursuant to section 4 of this act. The right to put such water to beneficial use may be appropriated in the manner prescribed by NRS 533.324 to 533.435, inclusive.*~~

~~*4. Until equivalent measures are enacted by the State of Nevada, the rights and privileges of the people of the State of Nevada under the National Forest Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the General Mining Laws (30 U.S.C. §§ 21 et seq.), the Homestead Act (43 U.S.C. §§ 161 et seq.), the Taylor Grazing Act (43 U.S.C. §§ 315 et seq.), the Desert Land Act (43 U.S.C. §§ 321 et seq.), the Carey Act (43 U.S.C. §§ 641 et seq.) and the Public Rangelands Improvement Act (43*~~

~~*U.S.C. §§ 1901 et seq.) and all rights-of-way and easements held by persons must be preserved under administration by the State.*~~

~~*5. Public lands in Nevada which have been administered by the United States under international treaties or interstate compacts must continue to be administered by the State in conformance with those treaties or compacts, as applicable.*~~

~~*6. The Federal Government and officials and agents thereof shall not enforce any federal law or regulation in this State except on land acquired pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[The State Land Registrar shall adopt regulations establishing conditions under which a person may appropriate the right to use public lands for grazing, logging, mineral development or any other beneficial use and the procedures for appropriating such rights. The regulations must:*~~

~~*1. Provide for the appropriation of grazing, logging, mineral development or other beneficial use rights on public lands:*~~

~~*(a) To the first person who used the land for which the rights are claimed and who continues to use the land for that purpose; or*~~

~~*(b) If the land for which the rights are claimed has not been used in the manner for which the rights are claimed, to the first person who claims the rights.*~~

~~*2. Establish procedures by which claims to such rights may be registered with the State Land Registrar. Each right must be identified by priority date, the manner in which the land is being used, the geographic boundaries of the land being used and the person who claims the right.*~~

~~*3. Provide for the appropriation of grazing rights on public lands to a person who owns stock watering rights on those public lands pursuant to chapter 533 of NRS and the designation of the priority date for such grazing rights as the recorded priority date for the stock watering rights held by the person.*~~

~~*4. Require the owner of grazing, logging, mineral development or other beneficial use rights for public lands to submit once each 5 years:*~~

~~*(a) Any available proof that he or she is putting the land for which rights are held to beneficial use in the manner for which the rights are held. Such proof may include:*~~

~~*(1) Proof that the person has paid the tax levied pursuant to section 8 of this act; or*~~

~~*(2) Other proof acceptable to the State Land Registrar that the person is using the land in the manner for which the rights are held and that such use is beneficial to the person who holds the rights.*~~

~~*(b) A report describing in detail the manner in which the person who holds the grazing, logging, mineral development or other beneficial use rights to public lands plans to use the land.*~~

~~*5. Prohibit the sale or lease of grazing, logging, mineral development or other beneficial use rights on public lands unless the person who holds such rights provides proof pursuant to subsection 4 that the person has put the*~~

~~*land for which rights are held to beneficial use in the manner for which the rights are held for 4 consecutive years.*~~

~~*6. Authorize another person to claim a right to use public land for grazing, logging, mineral development or any other beneficial use if the person who holds the right does not provide proof pursuant to subsection 4 that he or she has put the land for which rights are held to beneficial use in the manner for which the rights are held for at least 2 of the 5 years for which he or she is required to provide such proof.*~~

~~*7. Require each person who wishes to appropriate and register grazing, logging, mineral development or other beneficial use rights on public lands to publish the claim for 120 consecutive days.*~~

~~*8. Provide for the appropriation and registration of a grazing, logging, mineral development or other beneficial use right if a protest is not filed pursuant to section 6 of this act during the 120 day period prescribed in subsection 7 and require each person who appropriates and registers such a right to record the right with the county recorder in the county in which the land is located.*~~

~~*9. Prohibit the Federal Government and any governmental entity from outside this State from registering grazing, logging, mineral development or other beneficial use rights on public lands pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. When a right to use public lands for logging, grazing, mineral development or any other beneficial use becomes available, the State Land Registrar shall publish notice of the availability of the right in a newspaper of general circulation in the county in which the land is located. A person claiming the right has 120 days after the date of publication to submit his or her claim to the State Land Registrar as provided in the regulations adopted pursuant to section 4 of this act.*~~

~~*2. If a right to use public lands for logging, grazing, mineral development or any other beneficial use has not been appropriated and registered within 120 days after the date on which notice of the availability of the right has been published pursuant to subsection 1, the State Land Registrar shall publish a second notice of the availability of the right in a newspaper of general circulation in the county in which the land is located. A person claiming the right has 60 days after the date of publication to submit his or her claim to the State Land Registrar as provided in the regulations adopted pursuant to section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. Any person who objects to the availability of the right to use public land for logging, grazing, mineral development or any other beneficial use during the period prescribed in subsection 1 or 2 of section 5 of this act may file a protest with the State Land Registrar, and the State Land Registrar shall make a determination of the validity of the protest. If the State Land Registrar determines that the right should not be available,*~~

~~*he or she shall publish in a newspaper of general circulation in the county in which the land is located notice that the land is no longer available.*~~

~~*— 2. Any person who objects to the appropriation of the right to use public land for logging, grazing, mineral development or any other beneficial use by the claimant during the period prescribed in subsection 7 of section 4 of this act may file a protest with the State Land Registrar, and the State Land Registrar shall make a determination of the validity of the protest. If the State Land Registrar determines that another person should be awarded the right or that the claimant should not be awarded the right for any other reason, the State Land Registrar shall refuse to register the right.*~~

~~*— 3. A person aggrieved by a decision of the State Land Registrar concerning a protest filed pursuant to this section may appeal the decision in the manner prescribed in NRS 321.5987.*~~

~~*— 4. The Attorney General may initiate or defend any action commenced in any court to carry out or enforce the provisions of sections 2 to 8, inclusive, of this act or seek appropriate judicial relief to protect the interests of the State or the people of the State in the public lands.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. If the right to use public land for logging, grazing, mineral development or any other beneficial use is not appropriated and registered in the periods prescribed in section 5 of this act, the right becomes the common property of the citizens of this State. The State Land Registrar shall hold an annual auction of permits to use public lands for grazing, logging, mineral development or any other beneficial use. Such permits must be sold to the highest bidder for a price not lower than $500. The proceeds from the sale of such permits must be deposited in the Revolving Account for Land Management and used by the State Land Registrar for the administrative costs of registering rights appropriated as provided in the regulations adopted pursuant to section 4 of this act and auctioning permits pursuant to this section.*~~

~~*— 2. If a person who holds a permit to use public lands purchased at an auction provides proof to the State Land Registrar that he or she has put the land to beneficial use for 4 consecutive years in the manner prescribed in subsection 4 of section 4 of this act and the regulations adopted pursuant thereto, the person may appropriate and register the right to use the land as provided in the regulations adopted pursuant to section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. The board of county commissioners of each county shall, by ordinance, impose a tax on profits earned from beneficial use of public lands authorized pursuant to rights appropriated and registered as provided in section 4 of this act or a permit purchased as provided in section 7 of this act. The ordinance imposing the tax must provide the:*~~

~~*— (a) Rate or rates of the tax;*~~

~~*— (b) Procedure for collection of the tax; and*~~

~~*— (c) Rate of interest that will be charged on late payments.*~~

~~*2. The proceeds of the tax levied pursuant to this section:*~~

~~*(a) Must be deposited in the county general fund and may be used by the board of county commissioners for any lawful purpose; and*~~

~~*(b) Are exempt from the limitation imposed by NRS 354.59811 and may be excluded in determining the allowed revenue from taxes ad valorem for the county.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[~~NRS 321.007 is hereby amended to read as follows:~~

321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 322.061, 322.063, 322.065 or 322.075, ~~*or section 4 or 7 of this act,*~~ except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market

~~value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.~~

~~6. If land is sold or leased in violation of the provisions of this section:~~

~~(a) The sale or lease is void; and~~

~~(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.~~**]** **(Deleted by amendment.)**

Sec. 10. **[**~~NRS 321.335 is hereby amended to read as follows:~~

~~321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 322.061, 322.063, 322.065 or 322.075,~~ ***or section 4 or 7 of this act,*** ~~except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.~~

~~2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.~~

~~3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.~~

~~4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.~~

~~5. The notice must contain:~~

~~(a) A description of the land to be sold or leased;~~

~~(b) A statement of the terms of sale or lease;~~

~~(c) A statement that the land will be sold pursuant to subsection 6; and~~

~~(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where~~

~~the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.~~

~~6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.~~

~~7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:~~

~~(a) Contrary to the public interest.~~

~~(b) For a lesser amount than is reasonable for the land involved.~~

~~(c) On lands which it may be more beneficial for the State to reserve.~~

~~(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.~~

~~8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.~~

~~9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.~~

~~10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.~~

~~11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land~~

~~pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.]~~ **(Deleted by amendment.)**

Sec. 11. **NRS 321.00051 is hereby amended to read as follows:**

321.00051 The Legislature hereby declares that the public policy of this State is ~~[to]~~ ***:***

1. To continue to seek the acquisition of lands retained by the Federal Government within the borders of this State ~~[.]~~ ***; and***

2. To support the ability of:

(a) An owner of private property in this State to use any resources located on that private property, including, without limitation, the development of any subsurface rights;

(b) The members of the general public in this State to access and use any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State, for camping, fishing, hiking, hunting, rock climbing, trail riding and any other recreational activity; and

(c) The residents of this State to use those public lands in a manner which ensures multiple uses of those public lands for those residents.

Sec. 12. **Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The sheriff of a county in this State may enter into an agreement with a federal agency pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by the federal agency, if the agreement:

(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and

(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.

2. As used in this section:

(a) "Exercising law enforcement authority" and "exercise of law enforcement authority" means:

(1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or

(2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.

(b) "Federal agency" means:

(1) The Bureau of Land Management;

(2) The Bureau of Reclamation;

(3) The National Park Service;

(4) The United States Fish and Wildlife Service; or

(5) The United States Forest Service.

Sec. 13. **NRS 248.090 is hereby amended to read as follows:**

248.090 ***1.*** Sheriffs and their deputies ***are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.***

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

~~[Sec. 11.]~~ ***Sec. 14.*** This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

Assemblywoman Titus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 445.

AN ACT relating to education; creating the Spending and Government Efficiency Commission for public education and the Nevada System of Higher Education; prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Spending and Government Efficiency Commission for the system of K-12 public education and the Nevada System of Higher Education. The Commission is required to make periodic recommendations to the Governor identifying: (1) areas in which the public costs of public education and the Nevada System of Higher Education may be reduced; (2) areas in which increased efficiencies in public education and the Nevada System of Higher Education may be found; and (3) any means by which public education and the Nevada System of Higher Education may be improved.

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

Section 1. 1. There is hereby created the Spending and Government Efficiency Commission for the system of K-12 public education in this State and the Nevada System of Higher Education. The Commission consists of 12 members appointed as follows:

(a) Six members appointed by the Governor;

(b) Two members appointed by the Governor from a list of six recommendations provided by the Senate Majority leader;

(c) Two members appointed by the Governor from a list of six recommendations provided by the Speaker of the Assembly;

(d) One member appointed by the Governor from a list of three recommendations provided by the Senate Minority leader; and

(e) One member appointed by the Governor from a list of three recommendations provided by the Assembly Minority Leader.

➥ To the extent practicable, in appointing members to the Commission, the Governor shall ensure that the membership reflects the ethnic, gender and geographic diversity of this State.

2. The Governor shall appoint the Chair of the Commission from among its members.

3. The members of the Commission must be persons with expertise and experience in the operation of a business. A member may not have a personal or professional conflict of interest that would prevent the member from fully and objectively discharging his or her duties. A member may not derive any financial benefit from the work of the Commission, other than the general benefit received by all residents of this State from increased efficiency in the system of K-12 public education in this State and the Nevada System of Higher Education.

4. Members of the Commission serve at the pleasure of the Governor.

5. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

7. The Commission shall comply with the provisions of chapter 241 of NRS and all meetings must be conducted in accordance with that chapter.

8. The Department of Education shall provide administrative support to the Commission.

9. The Commission may appoint committees or subcommittees of its members to study the system of K-12 public education in this State and the Nevada System of Higher Education and any means by which the system of K-12 public education in this State and the Nevada System of Higher Education may be improved.

10. The Commission shall, not less frequently than every 90 days, meet and:

(a) Submit recommendations to the Governor:

(1) Identifying areas in which the public costs of the system of K-12 public education in this State and the Nevada System of Higher Education may be reduced;

(2) Identifying areas in which increased efficiencies in the system of K-12 public education in this State and the Nevada System of Higher Education may be found; and

(3) Identifying means by which the system of K-12 public education in this State and the Nevada System of Higher Education may be improved; or

(b) If the Commission does not have any recommendations, submit to the Governor a status report regarding the activities of the Commission for the period from the date on which the Commission last submitted to the Governor a status report or recommendations to the date on which the status report is submitted.

11. The Commission shall, on or before February 1, 2017, prepare and submit a final report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature concerning its findings and recommendations.

Sec. 2. This act becomes effective on July 1, 2015, and expires by limitation on June 30, 2017.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 448.

AN ACT relating to education; establishing the Achievement School District within the Department of Education; authorizing certain underperforming schools to be converted to achievement charter schools sponsored by the ~~[Executive Director of the]~~ Achievement School District; prescribing requirements for the conversion of a public school to an achievement charter school and the operation of an achievement charter school; providing for the use of certain school buildings by an achievement charter school without compensation; authorizing a school district to provide services to an achievement charter school under certain circumstances; prescribing certain conditions of employment for a teacher at an achievement charter school; authorizing the conversion of an achievement charter school to a public school in a school district or a charter school; **revising provisions governing the use of school buildings owned by the board of trustees of the school district by a charter school;** making reassignment of the employees of an achievement charter school outside the scope of collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 17 of this bill creates the Achievement School District within the Department of Education, and **section 18** of this bill requires the Superintendent of Public Instruction to appoint an Executive Director as the chief of the Achievement School District. **Section 19** of this bill establishes the Account for the Achievement School District in the State General Fund.

Existing law establishes the statewide system of accountability for public schools. (NRS 385.3455-385.391) The statewide system of accountability provides for each public school to be rated based on the performance of the school and whether each public school meets the annual measurable objectives and performance targets. (NRS 385.3594) **Section 20** of this bill requires the ~~[State Board of Education]~~ **Executive Director** to make a list of public schools that demonstrate unsatisfactory pupil achievement and school performance for consideration for conversion to achievement charter schools ~~[.]~~ **and submit the list to the State Board of Education for approval.** The list must include ~~[10]~~ **20** percent of schools that meet certain criteria ~~[.]~~ **, and the State Board must approve for consideration at least 50 percent of the schools on the list. Section 20** authorizes the Executive Director to select any school ~~[from this list]~~ **approved by the State Board** for conversion to an achievement charter school ~~[.]~~ **after: (1) considering data concerning pupil achievement and school performance for the school; (2) considering input from parents of pupils enrolled at the school and other members of the community in which the school is located; and (3) consulting with the board of trustees of the school district in which the school is located.**

Existing law prohibits the conversion of an existing public school to a charter school. (NRS 386.505, 386.506) **Sections 11 and 23** of this bill provide that these provisions do not apply to an achievement charter school, thereby allowing the conversion of an existing public school to an achievement charter school.

Section 21 of this bill requires the Executive Director of the Achievement School District to ~~[: (1)]~~ evaluate applications and enter into a contract with a charter management organization, educational management organization or other person to operate an achievement charter school **.** ~~[; (2)]~~ **Section 21 also requires the Department to adopt regulations prescribing the process for applying to operate an achievement charter school, which must allow for certain applicants to submit one application to operate more than one achievement charter school. Section 21.5 of this bill provides that the Achievement School District is deemed the** sponsor ~~[the]~~ **of an** achievement charter school ~~[.]~~ and ~~[(3)]~~ **requires the operator of an achievement charter school to** appoint a governing body of the achievement charter school **.** ~~[, which]~~ **Section 21.5 provides that the governing body** may consist of any persons chosen by the ~~[Executive Director.]~~ **operator of the achievement charter school, with certain restrictions. Section 22** of this bill requires the ~~[governing body]~~ **principal** of an achievement charter school to determine whether to offer employment at the achievement charter school to the former

employees of the public school. Any such employees who are not offered employment at the achievement charter school must be reassigned to another public school in the district. **Section 22** also requires the board of trustees of a school district to allow an achievement charter school to operate in the building in which the school was located before conversion to an achievement charter school without compensation and continue to pay capital expenses for the building. The achievement charter school is required to pay for maintenance and operation of the building. **Section 22** also provides that any ~~[child]~~ **pupil** who was enrolled in a school before conversion to an achievement charter school must be ~~[given priority above all other students for enrollment]~~ **enrolled** in the achievement charter school ~~.~~ ~~[.]~~ **upon request. Finally, section 22 limits the amount of loans, advances or other monetary charges that the governing body of an achievement charter school may authorize to be paid to the operator of the achievement charter school.** **Section 61** of this bill makes the right of a school district to reassign employees who are not retained by an achievement charter school outside the scope of collective bargaining.

Section 22.5 of this bill enacts provisions necessary for an achievement charter school to be able to receive money available from federal and state categorical grant programs.

Sections 3-8 and 23 of this bill require an achievement charter school to participate in the statewide system of accountability for public schools.

Existing law: (1) establishes requirements concerning the availability of certain information concerning charter schools and the operation of a charter school; (2) prohibits a member of the board of trustees of a school district or employee of a school district to solicit gifts or payments from a governing body or employee of a charter school; (3) prohibits the board of trustees of a school district from interfering with the operation of a charter school; (4) prescribes the manner in which money will be apportioned to and paid by a charter school; (5) establishes requirements concerning hiring of personnel at a charter school; (6) requires certain information to be reported by the governing body and sponsor of a charter school; and (7) authorizes a charter school to finance improvements through the issuance of bonds. (NRS 386.545, 386.547, 386.550, 386.553, 386.555, 386.563-386.573, 386.582-386.593 and 386.598-386.649) **Section 23** of this bill makes these provisions applicable to an achievement charter school. **Section 23** also allows the governing body of an achievement charter school to obtain a waiver of certain requirements concerning the school calendar, testing, curriculum, enrollment, distance education and staffing.

Existing law authorizes: (1) a charter school that meets certain requirements to apply to the Department for money for facilities; (2) a charter school to take certain actions to expand its facilities; and (3) a pupil at a charter school to participate in classes or extracurricular activities at a public school in a school district. (NRS 386.5515, 386.560, 386.595) **Sections 24-26** of this bill enacts similar provisions applicable to achievement charter schools. **Section 25** also

requires the board of trustees of a school district in which an achievement charter school is located to provide facilities, other than the school building in which the achievement charter school operates, to the achievement charter school or perform certain services to an achievement charter school for compensation upon the request of the Executive Director.

Sections 27, 31 and 32 of this bill prescribe conditions for employment at an achievement charter school. **Sections 28, 30 and 31** of this bill require the board of trustees of a school district to grant a leave of absence of 6 years to a teacher who wishes to accept or continue employment at an achievement charter school and prescribe requirements concerning benefits and tenure of a teacher who takes such a leave of absence.

Section 33 of this bill allows an achievement charter school that has demonstrated adequate improvement in pupil achievement and school performance to: (1) convert back to a public school under the governance of the board of trustees of the school district in which the school is located; (2) apply to an entity for sponsorship as a charter school and become a charter school outside the Achievement School District; or (3) remain an achievement charter school for at least 6 more years. **Section 33** requires an achievement charter school that has not demonstrated adequate improvement to remain an achievement charter school for at least 6 more years, subject to review at least every 3 years thereafter. **Section 33** provides that if an achievement charter school converts back to a public school in a school district, the board of trustees of the school district must employ any teacher, administrator or paraprofessional who wishes to continue at the school. **Section 34** of this bill requires the Department to adopt regulations to carry out the provisions governing achievement charter schools. **Sections 36-38** of this bill exempt an achievement charter school from certain prohibitions on converting an existing public school into a charter school.

Existing law authorizes a charter school to use school buildings owned by the school district in which the charter school is located only upon approval of the board of trustees of the school district and during times that are not regular school hours. (NRS 386.560) Section 39.5 of this bill removes the limitation on the use of such buildings during regular school hours, but still requires such use to be approved by the board of trustees of the school district.

Sections 1, 2, 9, 11-16, 35, 39-60, 62-64 and 69 of this bill make conforming changes.

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

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are

necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, ***the Achievement School District,*** each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~[“Charter school” means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive.]~~ ***“Achievement charter school” means a public school operated by a charter management organization, as defined in section 13 of this act, an educational management organization, as defined in section 14 of this act, or other person pursuant to a contract with the Achievement School District pursuant to section 21 of this act and subject to the provisions of sections 12 to 34, inclusive, of this act.***

2. “Department” means the Department of Education.

3. “Homeschooled child” means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.

4. “Limited English proficient” has the meaning ascribed to it in 20 U.S.C. § 7801(25).

5. “Public schools” means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

6. “State Board” means the State Board of Education.

7. “University school for profoundly gifted pupils” has the meaning ascribed to it in NRS 392A.040.

Sec. 3. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils

enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385.347 to 385.3495, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority ***, Achievement School District*** or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority ***, Achievement School District*** and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385.347 to 385.3495, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to this section and provide the forms to the respective school districts, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to this section is available on the Internet website maintained by the school district, State Public Charter School Authority ***, Achievement School District*** or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(b) The board of trustees of each school district, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority ***, the Achievement School District*** or the institution,

if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority ***, the Achievement School District*** or the institution does not maintain a website, the State Public Charter School Authority ***, the Achievement School District*** or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority ***, the Achievement School District*** or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to this section.

Sec. 4. NRS 385.3481 is hereby amended to read as follows:

385.3481 1. The annual report of accountability prepared pursuant to NRS 385.347 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school

district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385.347.

Sec. 5. NRS 385.3572 is hereby amended to read as follows:

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district;

(6) Governing body of each charter school;

(7) Executive Director of the Achievement School District; and

~~[(7)]~~ ***(8)*** The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.

5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 6. NRS 385.3593 is hereby amended to read as follows:

385.3593 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3572 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; ~~[and]~~

(g) Governing body of each charter school ~~[.]~~ ***; and***

(h) Executive Director of the Achievement School District.

Sec. 7. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority ***, the Achievement School District*** or ~~[by]~~ a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority ***, the Achievement School District*** or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a

full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) ***,*** ~~[or]~~ (c) ~~[,]~~ ***or (d),*** the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) ***The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.***

(d) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 8. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority ***, the Achievement School District*** or ~~[by]~~ a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that

are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools ~~[that are]~~ sponsored by the State Public Charter School Authority ***, all charter schools sponsored by the Achievement School District*** and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority ***, the Achievement School District*** or ~~[by]~~ a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final ratings made pursuant to this section as follows:

(a) The determinations and final ratings made for all schools in this State to the:

(1) Governor;

(2) State Board;

(3) Committee; and

(4) Bureau.

(b) The determinations and final ratings made for all schools within a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

(c) The determination and final rating made for each school to the principal of the school.

(d) The determination and final rating made for each charter school to the sponsor of the charter school.

Sec. 9. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385.3495 and similar information in the annual report of accountability prepared by the State Public Charter School Authority ***, the Achievement School District*** and a college or university within the Nevada System of

Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635;

10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

11. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 10. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 34, inclusive, of this act.

Sec. 11. ***"Charter school" does not include an achievement charter school, except to the extent provided pursuant to section 23 of this act.***

Sec. 12. ***As used in sections 12 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 13. ***"Charter management organization" means a nonprofit corporation, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.***

Sec. 14. ***"Educational management organization" means a for-profit corporation, business, organization or other entity that provides services***

relating to the operation and management of charter schools and achievement charter schools.

Sec. 15. *"Executive Director" means the Executive Director of the Achievement School District created by section 17 of this act.*

Sec. 16. *"Public school" does not include a charter school or a university school for profoundly gifted pupils.*

Sec. 17. *1. The Achievement School District is hereby created within the Department.*

2. The Achievement School District may employ such persons as it deems necessary to carry out the provisions of sections 12 to 34, inclusive, of this act. The employees of the Achievement School District:

(a) Must be qualified to carry out the daily responsibilities of overseeing achievement charter schools in accordance with the provisions of sections 12 to 34, inclusive, of this act; and

(b) Are in the unclassified service of the State and serve at the pleasure of the Executive Director.

~~*[3. The Achievement School District is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to achievement charter schools that are eligible to receive such money. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.*~~

~~*4. If an achievement charter school is eligible to receive special education program units, the Department must pay the special education program units directly to the achievement charter school.*~~

~~*5. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).]*~~

Sec. 18. *1. The Superintendent of Public Instruction shall appoint an Executive Director of the Achievement School District. The Executive Director shall serve at the pleasure of the Superintendent of Public Instruction.*

2. The Executive Director is the chief of the Achievement School District. The Executive Director has the powers and duties assigned by sections 12 to 34, inclusive, of this act, and any other applicable law or regulation and such other powers and duties as may be assigned by the Superintendent of Public Instruction.

3. The Executive Director shall develop policies and practices for the operation of the Achievement School District that are consistent with state laws and regulations governing achievement charter schools. Such policies and practices must include, without limitation, the manner in which the Achievement School District will maintain oversight of achievement charter schools.

Sec. 19. *1. The Account for the Achievement School District is hereby created in the State General Fund, to be administered by the Executive Director.*

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the Achievement School District.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Executive Director and the Achievement School District may accept gifts, grants and bequests to carry out the responsibilities of the Achievement School District pursuant to sections 12 to 34, inclusive, of this act. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

6. Claims against the Account must be paid as other claims against the state are paid.

Sec. 20. *1. A public school is eligible for conversion to an achievement charter school if:*

(a) Based upon the most recent annual report of the statewide system of accountability for public schools, the public school is an elementary school or middle school that was rated in the lowest 5 percent of elementary or middle schools in this State in pupil achievement and school performance for the most recent school year;

(b) The public school is a high school that had a graduation rate for the immediately preceding school year of less than 60 percent; or

(c) Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by regulation of the Department.

2. Each year, the ~~[State Board]~~ Executive Director shall ~~[make]~~ submit a list of not less than ~~[10]~~ 20 percent of the public schools that are eligible for conversion to an achievement charter school pursuant to subsection 1 to the State Board for ~~[consideration by the Executive Director pursuant to subsection 3.]~~ its approval. Within 30 days after the list is submitted, the State Board shall approve at least 50 percent of the schools on the list.

3. The Executive Director may select any public school ~~[that is included on the list provided]~~ approved for consideration by the State Board pursuant to subsection 2 for conversion to an achievement charter school. Before selecting a public school for conversion to an achievement charter school, the Executive Director must:

(a) Consider available data concerning pupil achievement and school performance for the public school, including, without limitation, data from the statewide system of accountability for public schools and data maintained by the board of trustees of the school district in which the public school is located;

(b) Solicit, in accordance with any regulations adopted pursuant to section 34 of this act, and consider input from parents of pupils enrolled at

the public school and other members of the community in which the public school is located; and

(c) Consult with the board of trustees of the school district in which the public school is located.

4. The Executive Director shall notify a public school ~~[so designated]~~ selected for conversion to an achievement charter school and the school district in which the public school is located not later than 60 days after making the selection.

Sec. 21. *1. For each public school selected for conversion to an achievement charter school pursuant to section 20 of this act, the Executive Director shall:*

(a) ~~[Evaluate]~~ Solicit applications from educational management organizations, charter management organizations and other persons to operate the achievement charter school.

(b) ~~[Approve applications]~~ Provide information to parents of pupils enrolled at the public school concerning programs of instruction that applicants to operate the achievement charter school have proposed to offer at the achievement charter school and, in accordance with any regulations adopted pursuant to section 34 of this act, solicit the input of such parents concerning the needs of such pupils and the ability of the proposed programs of instruction to address those needs.

(c) Taking into consideration the input provided pursuant to paragraph (b), evaluate the applications submitted to operate the achievement charter school and approve the application that the Executive Director determines ~~[are]~~ is high quality, ~~[meet]~~ meets the identified educational needs of pupils and ~~[are]~~ is likely to improve pupil achievement and school performance.

~~[(c)]~~ (d) Negotiate and enter into a contract to operate the achievement charter school directly with the charter management organization, educational management organization or other person whose application is approved pursuant to paragraph ~~[(b).]~~ (c). A contract to operate an achievement charter school must be for a term of 6 years. The term of the contract begins on the first day on which the contract provides that the educational management organization, charter management organization or other person is responsible for the operation of the achievement charter school.

~~[(d)]~~ (e) Monitor the performance and compliance of each achievement charter school.

2. ~~[After a contract is entered into pursuant to paragraph (c) of subsection 1, the Achievement School District shall be deemed the sponsor of the achievement charter school. The Executive Director shall appoint the governing body of the achievement charter school, consisting of such persons as are deemed appropriate by the Executive Director and may include, without limitation, the person to whom a contract is awarded to operate the achievement charter school. The governing body has such~~

~~*powers and duties as assigned pursuant to sections 12 to 34, inclusive, of this act, any other applicable law or regulation and the Executive Director.*~~

~~*3. The Executive Director may terminate a contract to operate an achievement charter school before the expiration of the contract under circumstances prescribed by regulation of the Department.]*~~ ***The Department shall adopt regulations that prescribe the process by which a charter management organization, educational management organization or other person may apply to operate an achievement charter school. Such regulations must, without limitation:***

(a) Require each application to include a plan to involve and engage the parents and families of pupils enrolled at the achievement charter school; and

(b) Authorize a charter management organization, educational management organization or other person to submit one application to operate more than one achievement charter school.

3. If a charter management organization, educational management organization or other person applies to operate more than one achievement charter school pursuant to paragraph (b) of subsection 2, the Department must not approve the application unless any charter school currently operated by the charter management organization, educational management organization or other person meets specific criteria for pupil achievement and school performance established for each such school by the Department.

Sec. 21.5. 1. After a contract is entered into pursuant to paragraph (d) of subsection 1 of section 21 of this act, the Achievement School District shall be deemed the sponsor of the achievement charter school for all purposes, including, without limitation, receipt of the sponsorship fee prescribed pursuant to NRS 386.570.

2. The charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school shall appoint the governing body of the achievement charter school, consisting of such persons as deemed appropriate by the charter management organization, educational management organization or other person and who meet the requirements set forth in subsection 3. The governing body has such powers and duties as assigned pursuant to sections 12 to 34, inclusive, of this act and any other applicable law or regulation and by the Executive Director.

3. At least two members of the governing body of an achievement charter school must reside in the community in which the achievement charter school is located. A person who is employed by the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school may not serve as a voting member of the governing body of the achievement charter school.

4. The Executive Director may terminate a contract to operate an achievement charter school before the expiration of the contract under circumstances prescribed by regulation of the Department.

Sec. 22. *1. After the governing body of an achievement charter school is appointed pursuant to section ~~[21]~~ 21.5 of this act, the governing body shall select the principal of the achievement charter school. The principal shall review each employee of the achievement charter school to determine whether to offer the employee a position in the achievement charter school based on the needs of the school and the ability of the employee to meet effectively those needs. The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement charter school or does not accept such a position ~~[to another public school within the school district.]~~ in accordance with any collective bargaining agreement negotiated pursuant to chapter 288 of NRS.*

2. An achievement charter school must continue to operate in the same building in which the school operated before being converted to an achievement charter school. The board of trustees of the school district in which the school is located must provide such use of the building without compensation. While the school is operated as an achievement charter school, the governing body of the achievement charter school shall pay all costs related to the maintenance and operation of the building and the board of trustees shall pay all capital expenses.

3. Any ~~[child]~~ pupil who was enrolled at the school before it was converted to an achievement charter school must be ~~[given priority in enrollment]~~ enrolled in the achievement charter school ~~[over all other pupils.]~~ upon the request of the parent or guardian of the pupil.

4. The governing body of an achievement charter school shall not authorize the payment of loans, advances or other monetary charges to the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school which are greater than 15 percent of the total expected funding to be received by the achievement charter school from the State Distributive School Account.

Sec. 22.5. 1. Each achievement charter school is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If an achievement charter school is eligible to receive special education program units, the Department must pay the special education program units directly to the achievement charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A)

Sec. 23. *1. Except as otherwise provided in this section, the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act are not applicable to an achievement charter school.*

2. The provisions of NRS 386.545, 386.547, 386.550, 386.553, 386.555, 386.563 to 386.573, inclusive, 386.582 to 386.588, inclusive, 386.590, 386.593 and 386.598 to 386.649, inclusive, apply to an achievement charter school.

3. The governing body of an achievement charter school may submit a written request to the Superintendent of Public Instruction for a waiver from the requirements of paragraphs (f) to (k), inclusive, of subsection 1 of NRS 386.550 or subsection 2 of that section or, except with regard to a program supported with Title I money, NRS 386.590. The Executive Director may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent of Public Instruction that circumstances justify the waiver and that granting the waiver is in the best interest of the pupils enrolled in the achievement charter school.

Sec. 24. *1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:*

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 389.805, if the achievement charter school enrolls pupils at a high school grade level.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 25. *1. Upon request of the Executive Director, the board of trustees of the school district in which an achievement charter school is located shall provide facilities to operate the achievement charter school, in addition to and not including the building in which the achievement charter school operates pursuant to section 22 of this act, or perform any service relating to the operation of the achievement charter school, including, without limitation, transportation, the provision of health services for pupils who are enrolled in the achievement charter school and the provision of school police officers. The governing body of the achievement charter school*

shall reimburse the board of trustees for the cost of such facilities and services. If a dispute arises between the governing body of an achievement charter school or the Executive Director and the board of trustees of a school district concerning the cost of such facilities and services to be reimbursed, the Superintendent of Public Instruction must determine the cost to be reimbursed.

2. In addition to the school building used by the Achievement School District pursuant to section 22 of this act, an achievement charter school may use any public facility located within the school district in which the achievement charter school is located. An achievement charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district . [and during times that are not regular school hours.]

3. The board of trustees of a school district may donate surplus personal property of the school district to an achievement charter school that is located within the school district.

4. An achievement charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the Achievement School District.

5. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if it meets the requirements prescribed by regulation of the Department.

Sec. 26. *1. Except as otherwise provided in this section, upon the request of a parent or legal guardian of a pupil who is enrolled in an achievement charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the achievement charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:*

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

2. If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, the board of trustees is not required to provide transportation for the pupil to attend the class or activity.

3. Upon the request of a parent or legal guardian of a pupil who is enrolled in an achievement charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district or, upon approval of the board of trustees, any public school within the same zone of attendance as the achievement charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

4. If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to subsection 3, the board of trustees is not required to provide transportation for the pupil to participate.

5. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sport at a public school pursuant to subsections 1 or 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 27. *1. All employees of an achievement charter school shall be deemed public employees ~~[.]~~ and are not employees of the Department.*

2. ~~[The governing body]~~ Except as otherwise provided in a collective bargaining agreement entered into by the governing body of an achievement charter school pursuant to chapter 288 of NRS, the principal of an achievement charter school may make ~~[all]~~ :

(a) All decisions concerning the terms and conditions of employment with the achievement charter school and any other matter relating to employment with the achievement charter school ~~[. In addition, the governing body may make all]~~ ; and

(b) All employment decisions with regard to ~~[its]~~ the employees of the achievement charter school pursuant to NRS 391.311 to 391.3197, inclusive . ~~[, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.]~~

3. Upon the request of the governing body of an achievement charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the achievement charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The

employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 28. *1. Except as otherwise provided in this section, if the contract to operate an achievement charter school is terminated or if an achievement charter school ceases to operate as an achievement charter school or charter school, the licensed employees of the achievement charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement.*

2. A school district is not required to reassign a licensed employee of an achievement charter school pursuant to subsection 1 if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the achievement charter school pursuant to section 29 of this act;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with section 29 of this act; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to section 30 of this act, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the achievement charter school.

Sec. 29. *1. The board of trustees of a school district shall grant a leave of absence, not to exceed 6 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept or continue employment with an achievement charter school.*

2. After any of the first 5 school years in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the sixth school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted.

3. The board of trustees shall grant a written request to return to a comparable position pursuant to subsection 2 even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district.

4. The board of trustees is not required to accept the return of a licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to section 30 of this act, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the achievement charter school.

5. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to subsection 2 be

submitted at least 90 days before the employee would otherwise be required to report to duty.

Sec. 30. ***1. Upon the request of the board of trustees of a school district, the governing body of an achievement charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to section 29 of this act, transmit to the school district a copy of the employment record of the employee that is maintained by the achievement charter school before the return of the employee to employment with the school district pursuant to section 28 or 29 of this act.***

2. The employment record provided pursuant to subsection 1 must include, without limitation, each evaluation of the licensed employee conducted by the achievement charter school and any disciplinary action taken by the achievement charter school against the licensed employee.

3. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

4. If a school district conducts an investigation pursuant to subsection 3:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

Sec. 31. ***1. A licensed employee who is on a leave of absence from a school district pursuant to section 29 of this act:***

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

2. The time during which such an employee is on a leave of absence and employed in an achievement charter school does not count toward the acquisition of permanent status with the school district.

3. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in an achievement charter school.

4. An employee of an achievement charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

Sec. 32. ***1. For all employees of an achievement charter school:***

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

2. If the board of trustees of a school district in which an achievement charter school is located manages a plan of group insurance for its employees, the governing body of the achievement charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the achievement charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the achievement charter school must:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the achievement charter school.

Sec. 33. ***1. During the sixth year that a school operates as an achievement charter school, the Executive Director shall evaluate the pupil achievement and school performance of the school. If, as a result of such an evaluation, the Executive Director determines:***

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the ~~[principal]~~ governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 386.525; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the school must

continue to operate as an achievement charter school for at least 6 more years. The Executive Director shall evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

2. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

3. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 386.560.

4. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.311.

Sec. 34. *The Department shall adopt any regulations necessary or convenient to carry out the provisions of sections 12 to 34, inclusive, of this act. The regulations may prescribe, without limitation:*

1. The process by which the Executive Director will solicit the input of:

(a) Members of the community in which a public school is located, including, without limitation, parents of pupils enrolled at the public school, before selecting the public school for conversion to an achievement charter school pursuant to section 20 of this act; and

(b) Parents of pupils enrolled at a public school that has been selected for conversion to an achievement charter school concerning the needs of such pupils before approving an application to operate the achievement charter school pursuant to section 21 of this act.

2. The process by which the Executive Director will solicit applications to operate an achievement charter school [, the contents of such an application] and the procedure and criteria that the Executive Director must use when evaluating such applications . [;

2.] 3. The manner in which the Executive Director will monitor and evaluate pupil achievement and school performance of an achievement charter school . [;

3.] 4. The process by which the parent or legal guardian of a child may apply for enrollment in an Achievement Charter School, including, without

limitation, the required contents of the application, and the criteria used to determine which pupils will be enrolled in the Achievement Charter School . ~~***[;***~~

~~***4.]***~~ ***An achievement charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the race, gender, religion, ethnicity or disability of a pupil.***

5. Circumstances under which the governing body of a charter school may authorize a child who is enrolled in a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the achievement charter school . ~~***[; and***~~

~~***5.]***~~ ***6. The procedure for converting an achievement charter school into a public school.***

Sec. 35. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and section 11 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, ***and section 11 of this act,*** have the meanings ascribed to them in those sections.

Sec. 36. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~[The]~~ ***Except as otherwise provided in section 33 of this act, the*** conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and section 11 of this act.***

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 37. NRS 386.506 is hereby amended to read as follows:

386.506 The provisions of NRS 386.490 to 386.649, inclusive, ***and section 11 of this act*** do not authorize an existing public school, homeschool or other program of home study to convert to a charter school ~~[.]~~ ***except as otherwise provided in section 33 of this act.***

Sec. 38. NRS 386.525 is hereby amended to read as follows:

386.525 1. A charter school may submit the application to the proposed sponsor of the charter school. ~~[If]~~ ***Except as otherwise provided in section 33 of this act, if*** an application proposes to convert an existing public school,

homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, ***and section 11 of this act*** and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6,

the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 39. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for

any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance ~~[authorized by the State Board]~~ pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 39.5. **NRS 386.560 is hereby amended to read as follows:**

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district. ~~[and during times that are not regular school hours.]~~

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements,

rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so

revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 40. NRS 386.593 is hereby amended to read as follows:

386.593 1. A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).

2. A person who is employed as a paraprofessional by a charter school, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c).

3. For the purposes of this section, a person is not "initially hired" if the person has been employed as a paraprofessional by another school district ***, achievement charter school*** or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 41. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils ~~[.]~~ ***or an achievement charter school.***

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 42. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State ***, the Achievement School District*** and any governing body of any charter school in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 43. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, ***the Achievement School District,*** any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 44. NRS 387.090 is hereby amended to read as follows:

387.090 The board of trustees of each school district ***, the Executive Director of the Achievement School District*** and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.112, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 45. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 ***,*** ~~[and]~~ pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580 ~~[.]~~ ***and pupils who are enrolled in classes pursuant to subsection 1 of section 26 of this act or any regulations adopted pursuant to section 34 of this act that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.***

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 46. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county

and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 **, ~~[~~or~~]~~** subsection 3 of NRS 392.070 **~~[~~,~~]~~** ***or subsection 1 of section***

26 of this act ~~[,]~~ or any regulations adopted pursuant to section 34 of this act that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school

diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 47. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and section 11 of this act or an achievement charter school that is formed pursuant to sections 12 to 34, inclusive, of this act.***

6. A university school for profoundly gifted pupils is a public school established pursuant to NRS 392A.010 to 392A.110, inclusive.

Sec. 48. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385.3493 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority ***, the Achievement School District*** and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements

of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 49. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100; ~~[or]~~

(2) The governing body of a charter school ~~[.]~~ ***; or***

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 50. NRS 389.612 is hereby amended to read as follows:

389.612 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district ***,*** ~~[or]~~ the governing body of a charter school ~~[.]~~ ***or the Achievement School District.***

Sec. 51. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing

security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, ***Achievement School District,*** charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, ***Achievement School District,*** charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 52. NRS 391.045 is hereby amended to read as follows:

391.045 The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 386.590 and 386.595, ***and sections 27 to 32, inclusive, of this act,*** who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Sec. 53. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of

service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595, ***or sections 27 to 32, inclusive, of this act,***

➥ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 54. NRS 391.620 is hereby amended to read as follows:

391.620 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district **,** ~~[or]~~ the governing body of a charter school ~~[.]~~ ***or the Achievement School District.***

Sec. 55. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority ***, the Achievement School District*** or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385.3481;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils

who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 56. NRS 400.030 is hereby amended to read as follows:

400.030 1. The P-20W Advisory Council, consisting of 11 voting members, is hereby created to assist in the coordination between early childhood education programs, K-12 public education, postsecondary education and the workforce in this State. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation serve as ex officio nonvoting members of the Council.

2. The Governor shall appoint five members to the Council as follows:

(a) One representative of higher education in this State.

(b) One representative of elementary and secondary education in this State.

(c) One representative of private business in this State.

(d) One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, ***the Achievement School District,*** the governing body of a charter school or the System.

(e) One person who possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint two members to the Council as follows:

(a) One member of the House of the Legislature that he or she represents.

(b) One person who meets the qualifications of paragraph (a), (b), (c) or (e) of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The members of the Council shall elect a Chair and a Vice Chair from among the members of the Council. After the initial term, the Chair and Vice Chair serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Council shall elect a member to fill the vacancy to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may

be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his or her successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chair:

(a) Forfeits his or her office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 57. The preliminary chapter of NRS is hereby amended by adding thereto the provisions set forth as sections 58 and 59 of this act.

Sec. 58. ***Except as otherwise expressly provided in a particular statute or required by the context, "Achievement School District" means the Achievement School District created by section 17 of this act.***

Sec. 59. ***Except as otherwise expressly provided in a particular statute or required by the context, "charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and an achievement charter school formed pursuant to the provisions of sections 12 to 34, inclusive, of this act.***

Sec. 60. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, ***an*** irrigation district, ***a*** school district, ***the Achievement School District, the*** governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 61. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) ~~[The]~~ ***Except as otherwise provided in subsection 6, the*** policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. ***The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to sections 20 [, 21 and] to 22 , inclusive, of this act and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.***

7. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

[7.**]** ***8.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

9. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 62. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State ***, to the Achievement School District*** or to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 63. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district ***, the Achievement School District*** or ***a*** charter school within the State and devoted to public school purposes are exempt from taxation.

Sec. 64. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[656A.023]~~ ***656A.025*** to 656A.065, inclusive, have the meanings ascribed to them in those sections.

Sec. 65. The provisions of section 20 of this act apply to any public school regardless of any other designations or programs to which the school may already be included. The prior ratings of such a public school may be used to determine whether to convert the school into an achievement charter school. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007, as amended by section 2 of this act.

Sec. 66. The provisions of NRS 288.150, as amended by section 61 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2016, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before the effective date of this act during the current term of the agreement.

Sec. 67. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 68. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 69. NRS 656A.023 is hereby repealed.

Sec. 70. This act becomes effective:

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

2. On July 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

656A.023 "Charter school" defined. "Charter school" has the meaning ascribed to it in NRS 385.007.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 454.

Bill read second time.

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

Amendment No. 605.

SUMMARY—Revises ~~[the applicability of]~~ provisions governing **continuing education of managers and assistant managers of** manufactured home parks. (BDR 10-1127)

AN ACT relating to manufactured housing; revising ~~[the applicability of]~~ provisions governing **continuing education of managers and assistant managers of** manufactured home parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions governing manufactured home parks. (Chapter 118B of NRS) **Under existing law, each manager and assistant manager of a manufactured home park is required to complete annually 6 hours of continuing education relating to the management of a manufactured home park. (NRS 118B.086)** This bill limits the applicability of ~~[those provisions]~~ **that provision** to **managers and assistant managers of** manufactured home parks ~~[which have 10]~~ **consisting of 6** or more manufactured home lots **.** ~~[that are rented or held out for rent by revising the existing definition of the terms "manufactured home park" and "park."]~~

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

Section 1. ~~[NRS 118B.017 is hereby amended to read as follows:~~

~~"118B.017 "Manufactured home park" or "park" means an area or tract of land where [two] *10* or more manufactured homes or manufactured home lots are rented or held out for rent. The terms do not include an area or tract of land where:~~

~~1. More than half of the lots are rented overnight or for less than 3 months for recreational vehicles.~~

~~2. Manufactured homes are used occasionally for recreational purposes and not as permanent residences.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park ~~[which has 2 or more lots]~~ ***consisting of 6 or more lots*** shall complete annually 6 hours of continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

(a) The provisions of chapter 118B of NRS;

(b) Leases and rental agreements;

(c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive;

(d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

(e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 3. NRS 118B.087 is hereby amended to read as follows:

118B.087 1. There are hereby created two regions to provide courses of continuing education pursuant to NRS 118B.086. One region is the northern region consisting of the counties of Washoe, Storey, Douglas, Lyon, Churchill, Pershing, Humboldt, Lander, Elko, Eureka, Mineral, White Pine and Carson City, and one region is the southern region consisting of the counties of Lincoln, Nye, Esmeralda and Clark.

2. The person who applied for approval of a course or his or her designee shall notify the Administrator of the date and location each time the course is offered, as soon as practicable after scheduling the course.

3. The Administrator shall ensure that a course of continuing education is offered at least every 6 months in each region. If the Administrator finds that no approved course will be offered to meet the requirements of this subsection, the Administrator shall offer the course and charge a reasonable fee for each person enrolled in the course.

4. If the fees collected by the Administrator for the course do not cover the cost of offering the course, the Administrator shall determine the difference between the fees collected and the cost of offering the course, divide that amount by the number of manufactured home parks ~~[which have 2 lots or more]~~ ***consisting of 6 or more lots*** in the region in which the course was held and assess that amount to each landlord of such a manufactured home park. The landlord shall pay the assessment within 30 days after it was mailed by the Administrator.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read second time.

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

Amendment No. 517.

AN ACT relating to elections; requiring the Department of Motor Vehicles and certain courts to provide to the Secretary of State and relevant county clerk information related to persons who may not be citizens of the United States; requiring a county clerk to cancel the voter registration of certain persons; ~~[requiring the Department to request certain information from the Social Security Administration relating to persons who are not citizens of the United States;]~~ **providing, with limited exception, that certain information relating to elections or voter registration which is confidential or not a public record is also not subject to discovery or subpoena;** providing that the Department is not required to give an application to register to vote to certain persons who apply for driver authorization cards; requiring the Secretary of State to adopt certain regulations; requiring a person who claims that he or she is not qualified to act as a juror because he or she is not a citizen of the United States to submit a written affirmation **~~[,]~~ for purposes of verifying that the person is not a registered voter;** making various other changes relating to voter registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth qualifications for voting in this State, including that a voter must be a citizen of the United States. (Nev. **Const.** Art. 2, 1) Existing law requires a county clerk to cancel the registration of a voter under certain circumstances, including that a person is not a citizen of the United States. (NRS 293.535, 293.540, 293.541) **Sections 2 and 3** of this bill require, with limited exceptions, a county clerk to cancel the voter registration of a person if **~~[:(1)]~~** the county clerk receives certain information from the Department of Motor Vehicles or a court indicating that the person may not be a United States citizen **~~[; and (2) the person does not provide to the county clerk proof of citizenship.]~~** Before the county clerk cancels the voter registration of the person, **sections 2** and **~~[3]~~ 8** require the **~~[county clerk to provide certain notification to the]~~** person **~~[. In order to conform with federal law, sections 2 and 3 also prohibit]~~ to be given certain notice that his or her voter registration will be cancelled. Sections 2 and 3 provide that** a county clerk **~~[from cancelling]~~ is not required to cancel** the voter registration of a person or **~~[removing]~~ remove** a person's name from the statewide voter registration less than 90 days before a primary or general election **~~[,]~~ if doing so is prohibited by ~~[(52 U.S.C. §§ 20507, 21083)]~~ federal law.**

Existing law requires the Department of Motor Vehicles to provide an application to register to vote to each person who applies for the issuance or renewal of a driver's license or identification card. (NRS 293.524) **Section 5** of this bill provides that the Department is not required to provide an application to register to vote to a person who applies for the issuance of a driver authorization card if the person is not a citizen of the United States.

Section 5 also requires the Secretary of State to adopt regulations establishing a procedure to ensure that a person who is not a citizen of the United States does not submit an application to register to vote at the Department.

~~[Existing law requires the Secretary of State to enter into an agreement with the Social Security Administration to verify the accuracy of information in an application to register to vote. (NRS 293.675) Section 7 of this bill authorizes the Department to request information from the Social Security Administration regarding any person with a social security number who is not a citizen of the United States.]~~

Section 8 of this bill requires a court of this State to notify the county clerk and Secretary of State if a person summoned for service on a jury claims to be ineligible because he or she is not a citizen of the United States **, ~~[.]~~ for purposes of verifying that the person is not a registered voter.**

Existing law provides that certain information relating to elections or voter registration is confidential or is not a public record. (NRS 293.503, 293B.135, 293D.510) Section 3.5 of this bill provides that any such information is also not subject to discovery or subpoena in a civil action or criminal prosecution absent the consent of the person about whom the information pertains. This provision also would apply to the information declared to be confidential and not a public record pursuant to sections 2, 3 and 8.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **, ~~[and]~~** 3 **and 3.5** of this act.

Sec. 2. ***1. Not later than 30 calendar days after receiving an application for a driver authorization card pursuant to NRS 483.291 from a person who does not provide documents that prove he or she is a citizen of the United States, the Department of Motor Vehicles shall submit to the Secretary of State and the county clerk of the county in which the person resides the full name, date of birth, mailing address ~~[,]~~ and residential address ~~[and any other relevant information]~~ of the person for purposes of determining whether the person is registered to vote. ~~[Any information provided pursuant to this subsection is confidential and not a public record. Such information may only be used for purposes of determining whether the person is registered to vote.]~~ The Department may submit the information to the Secretary of State and county clerks through the use of electronic transmission if the information will be securely transmitted and stored by the Department, Secretary of State and county clerks. If the Department creates a record for purposes of submitting the information to the Secretary of State or a county clerk, the Department shall destroy the record immediately after submitting the record pursuant to this subsection.***

2. Not later than 5 business days after receiving information from the Department of Motor Vehicles pursuant to subsection 1, the county clerk

shall determine whether the person who applied for a driver authorization card pursuant to NRS 483.291 and is not a citizen of the United States is registered to vote. If the person is registered to vote, the county clerk shall notify the person by registered or certified mail, return receipt requested, that the voter registration of the person will be cancelled unless the person submits to the county clerk proof of citizenship not later than 15 business days after the date on the return receipt.

3. If a person submits proof of citizenship to the county clerk:

(a) On or before 15 business days after the date on the return receipt of the notification sent pursuant to subsection 2, the county clerk shall not cancel the person's voter registration.

(b) More than 15 business days after the date on the return receipt of the notification, the county clerk shall immediately reinstate the person's voter registration and enter the person's voter registration information on the statewide voter registration list.

4. Except as otherwise provided in subsection 5, if a person who receives a notice pursuant to subsection 2 does not submit proof of citizenship on or before 15 business days after the date on the return receipt of the notification sent pursuant to subsection 2, the county clerk shall cancel the voter registration of the person and remove the person from the statewide voter registration list.

5. The county clerk ~~[shall]~~ is not required to cancel the voter registration of the person or remove the person from the statewide voter registration list ~~[the name of a person]~~ pursuant to this section less than 90 days before a primary or general election ~~[.]~~ if such an action is prohibited by the National Voter Registration Act of 1993, 52 U.S.C.§§ 20501 et seq., as amended, or any other federal law.

6. For purposes of this section, the county clerk shall accept the following forms of proof of citizenship ~~[:]~~ if the person displays an original or certified copy thereof:

(a) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(b) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(c) A passport issued by the United States Government;

(d) A Certificate of Degree of Indian Blood issued by the United States Government;

(e) A Certificate of Citizenship or Certificate of Naturalization; or

(f) Any other form of identification issued by a governmental agency that requires a person to demonstrate his or her citizenship to receive such identification.

7. Information submitted by the Department of Motor Vehicles or received by the Secretary of State or a county clerk pursuant to this section:

(a) Is confidential and is not a public record; and

(b) May only be used for purposes of determining whether a person is registered to vote.

Sec. 3. *1. Not later than 5 business days after receiving from a court a written affirmation described in section 8 of this act [,] signed under penalty of perjury by a person who receives a summons to appear for jury duty and who declares that he or she is not qualified to act as a juror because he or she is not a citizen of the United States, the county clerk shall determine whether the person who [submitted] signed the written affirmation pursuant to section 8 of this act is registered to vote. [If]*

2. Except as otherwise provided in subsection 3, if the person is registered to vote, the county clerk shall [notify the person by registered or certified mail, return receipt requested, that the voter registration of the person will be cancelled unless the person submits to the county clerk proof of citizenship not later than 15 business days after the date on the return receipt.

[2. If a person submits to the county clerk proof of citizenship:

(a) On or before 15 business days after the date on the return receipt of the notification sent pursuant to subsection 1, the county clerk shall not cancel the person's voter registration.

(b) More than 15 business days after the date on the return receipt of the notification, the county clerk shall immediately reinstate the person's voter registration and enter the person's voter registration information on the statewide voter registration list.

3. Except as otherwise provided in subsection 4, if a person who receives a notice pursuant to subsection 1 does not submit proof of citizenship on or before 15 business days after the date on the return receipt of the notification sent pursuant to subsection 1, the county clerk shall] *cancel the voter registration of the person and remove the person from the statewide voter registration list.*

[4.] 3. The county clerk [shall] is not required to cancel the voter registration of the person or remove the person from the statewide voter registration list [the name of a person] pursuant to this section less than 90 days before a primary or general election [.]

[5. For purposes of this section, the county clerk shall accept the following forms of proof of citizenship:

(a) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(b) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

~~*(c) A passport issued by the United States Government;*~~

~~*(d) A Certificate of Degree of Indian Blood issued by the United States Government;*~~

~~*(e) A Certificate of Citizenship or Certificate of Naturalization; or*~~

~~*(f) Any other form of identification issued by a governmental agency that requires a person to demonstrate his or her citizenship to receive such identification.]*~~ ***if such an action is prohibited by the National Voter Registration Act of 1993, 52 U.S.C. §§ 20501 et seq., as amended, or any other federal law.***

4. Information contained in a written affirmation:

(a) Is confidential and is not a public record; and

(b) May not be used for purposes other than cancelling the voter registration of a person pursuant to this section.

Sec. 3.5. If any provision of this title declares that information is confidential or is not a public record, the information is not subject to discovery or subpoena in a civil action or criminal prosecution absent the consent of the person about whom the information pertains.

Sec. 4. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to registration provided for in this chapter.

2. All books, documents and papers pertaining to registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 ***or section 2 ~~[or 3]~~ of this act*** and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to voter registration.

Sec. 5. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department. ***The provisions of this subsection do not require the Department to give an application to register to vote to a person who applies pursuant to NRS 483.291 for a driver authorization card and is not a citizen of the United States.***

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on

the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; ~~[and]~~

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register ~~[.]~~ ***; and***

(d) Establish a procedure to ensure that a person who is not a citizen of the United States does not submit an application to register to vote to the Department.

Sec. 6. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 ***or section 2 ~~[or 3]~~ of this act*** and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541 ~~[.]~~ ***or section 3 of this act.***

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 7. ~~[~~NRS 293.675 is hereby amended to read as follows:

~~293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.~~

~~2. The statewide voter registration list must:~~

~~(a) Be a uniform, centralized and interactive computerized list;~~

~~(b) Serve as the single method for storing and managing the official list of registered voters in this State;~~

~~(c) Serve as the official list of registered voters for the conduct of all elections in this State;~~

~~(d) Contain the name and registration information of every legally registered voter in this State;~~

~~(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;~~

~~(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;~~

~~(g) Be electronically accessible to each state and local election official in this State at all times;~~

~~(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and~~

~~(i) Be regularly maintained to ensure the integrity of the registration process and the election process.~~

~~3. Each county and city clerk shall:~~

~~(a) Electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and~~

~~(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.~~

~~4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter~~

~~registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.~~

~~5. The Department of Motor Vehicles shall [enter] :~~

~~*(a) Enter* into an agreement with the Social Security Administration pursuant to [42] *52* U.S.C. § [15483,] *21083; and*~~

~~*(b) Request that the Social Security Administration provide information regarding any person with a social security number who is not a citizen of the United States,*~~

~~→ to verify the accuracy of information in an application to register to vote.~~

~~6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.~~

~~7. The Secretary of State may:~~

~~(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and~~

~~(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.]~~ **(Deleted by amendment.)**

Sec. 8. Chapter 6 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person ~~[who]~~ receives a summons to appear for jury duty and the person claims that he or she is not qualified to act as a juror because he or she is not a citizen of the United States, the person ~~[must]~~ shall submit to the court a written affirmation, signed under penalty of perjury, ~~[to]~~ declaring that ~~[effect.]~~ the person is not qualified to act as a juror because he or she is not a citizen of the United States. The written affirmation must be dated and include, without limitation ~~[, the]~~ :

(a) The full name, date of birth, mailing address and residential address of the person ~~[.]~~ ; and

(b) A statement in the form prescribed by the Secretary of State that, by signing the written affirmation, the person understands that if he or she is registered to vote in this State, his or her voter registration will be cancelled pursuant to section 3 of this act.

2. ~~[A]~~ The court must forward any written affirmation that the court receives pursuant to subsection 1 to the Secretary of State and the county clerk of the county in which the person resides not later than 30 calendar days after receipt of the written affirmation in order for the county clerk to

verify pursuant to section 3 of this act that the person is not registered to vote. The court may submit the written affirmation to the Secretary of State and relevant county clerk through the use of electronic transmission if the information will be securely transmitted and stored by the court, Secretary of State and county clerk.

3. [A] The information contained on a written affirmation received by a court pursuant to subsection 1 [is] :

(a) Is confidential and is not a public record [.] ;

(b) Is not subject to discovery or subpoena in a civil action or criminal prosecution absent the consent of the person who submitted the written affirmation; and

(c) May not be used for purposes other than cancelling the voter registration of the person pursuant to section 3 of this act.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,

445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and sections 2 , 3 and 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 10. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that

the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS ***483.291,*** 483.294, 483.855 and 483.937, ***and section 2 of this act,*** the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status,

nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

11. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

12. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

13. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Assemblyman Stewart moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

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

Amendment No. 518.

AN ACT relating to elections; **providing certain remedies and penalties in preelection challenges to the qualifications of a candidate;** increasing the penalty for a candidate ~~[for office]~~ who files certain documents containing a false statement; revising the forms for declarations of candidacy, acceptances of candidacy and **declarations of** residency; requiring certain proofs of identity **and residency** when filing for candidacy; ~~[providing for the payment of certain costs, expenses and attorney's fees for a successful challenge to the residency qualifications of a candidate for office;]~~ **making conforming changes to the definition of "actual residence" for purposes of candidacy;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; DeStefano v. Berkus, 121 Nev. 627, 628-31 (2005); Child v. Lomax, 124 Nev. 600, 604-05 (2008)) Section 1 of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate is disqualified from taking office; and (2) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Existing law **: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2)** provides that a ~~[person]~~ **candidate** who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, **293.177, 293C.185,** 293C.200) **Existing law also requires a candidate for election to the Legislature to file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) Sections 1.5, 2, 3 , ~~[and]~~ 5 and 7** of this bill provide that **a candidate who** knowingly and willfully ~~[filing]~~ **files** a declaration of candidacy, acceptance of candidacy or declaration of residency ~~[with any]~~ **which contains a** false statement is ~~[punishable as]~~ **guilty of** a category ~~[C]~~ **E** felony. ~~[Sections 1 and 7 of this bill make conforming changes.]~~

Existing law **specifies the forms for a declaration or acceptance of candidacy and a declaration of residency and requires certain information to be included on the forms. Existing law also** requires a candidate ~~[for office in a primary election to file a declaration or acceptance of candidacy and also, for the office of State Legislator, a declaration of residency, and when filing, the person must]~~ **to** present the filing officer with **one type of acceptable identification or documentation as** proof of **the candidate's** identity and residency ~~[.]~~ **when the candidate files a declaration or acceptance of candidacy.** (NRS 293.177, 293.181, 293C.185)

Sections 2, 3 and 5 revise the forms for a declaration or acceptance of candidacy and **a** declaration of residency to include a statement that the ~~[person]~~ **candidate** understands that knowingly and willfully filing such a ~~[declaration with]~~ **document which contains** a false statement is **a crime** punishable as a category ~~[C]~~ **E** felony ~~[.]~~ **and also subjects the candidate to a civil action disqualifying the candidate from taking office and making the candidate liable upon order of the court to pay the attorney's fees and costs of the party who brings the action. Sections 2 and 5** also require the candidate to present the filing officer with two ~~[forms]~~ **types** of **acceptable identification and documentation as** proof of **the candidate's** identity and residency.

~~[Existing law allows an elector to challenge the qualifications of a person filing for candidacy. (NRS 293.182, 293C.186) Sections 4 and 6 of this bill provide that if a court finds that the person knowingly and willfully made a false statement regarding residency when filing for candidacy, the person is required to pay the costs, expenses and attorney's fees incurred by the Attorney General, district attorney or city attorney, as applicable.~~

~~Existing law authorizes a district court to determine whether a candidate meets the residency requirement in an action for declaratory judgment. (NRS 281.050) Section 8 of this bill provides that if the district court finds that the person knowingly and willfully made a false statement regarding residency when filing for candidacy, the person is required to pay the costs, expenses and attorney's fees of the prevailing party.]~~

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (Williams v. Clark County Dist. Att'y, 118 Nev. 473, 484-86 (2002); Chachas v. Miller, 120 Nev. 51, 53-56 (2004)) Section 8 of this bill amends existing law to reflect the Supreme Court's holding.

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

Section 1. **Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(b) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~[an acceptance of candidacy or]~~ ***a*** declaration of candidacy ***or acceptance of candidacy*** which contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a ~~[gross misdemeanor.]~~ ***category E felony and shall be punished as provided in NRS 193.130.***

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person

named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may

hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a category ~~[C]~~ E felony as provided in NRS 193.130 ~~[.]~~ and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……..
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of ……..

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but

not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a category ~~[C]~~ E felony as provided in NRS 193.130 ~~[.]~~ and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……..
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to his or her residence; ~~[or]~~ ***and***

(b) The candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number **, ~~[or]~~** driver's license or identification card number ***or account number*** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a category ~~[C]~~ E felony and shall be punished as provided in NRS 193.130.

Sec. 3. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

> I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 ***; that I***

understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a category ~~[C]~~ E felony as provided in NRS 193.130 ~~[.]~~ and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action; and ***that I*** have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From ..... To .....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From ..... To .....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a category ~~[C]~~ E felony and shall be punished as provided in NRS 193.130.

Sec. 4. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ***working*** days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the

office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[a statute]~~ ***laws*** of this State ***.*** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ ***subject to the provisions of section 1 of this act.***

6. ~~***[If, at the hearing, the court determines that the person fails to meet a qualification required for office concerning residency and the person knowingly and willfully filed a declaration of candidacy or acceptance of candidacy which contained a false statement in this respect, the person shall pay the costs, expenses and attorney's fees incurred by the Attorney General or district attorney.***~~

~~[7.]~~ If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 5. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of ……..

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a category ~~[C]~~ E felony as provided in NRS 193.130 ~~[.]~~ and also subjects me to a civil action disqualifying me from entering upon the duties of***

the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action; and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

……..
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to the residence; ~~[or]~~ ***and***

(b) The candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ~~,~~ ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering

to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a category ~~[C]~~ E felony and shall be punished as provided in NRS 193.130.

Sec. 6. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State ***.*** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 ***working*** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ ***subject to the provisions of section 1 of this act.***

6. ~~***[If, at the hearing, the court determines that the person fails to meet a qualification required for office concerning residency and the person knowingly and willfully filed a declaration or acceptance of candidacy which contained a false statement in this respect, the person shall pay the costs, expenses and attorney's fees incurred by the city attorney.***~~

~~***7.]***~~ If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 7. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy ~~[that]~~ ***which*** contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a ~~[gross misdemeanor.]~~ ***category E felony and shall be punished as provided in NRS 193.130.***

Sec. 8. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to ***his or her*** eligibility to ***any*** office is the person's actual residence within the State ***,*** ~~[or]~~ county ***,*** ~~[or]~~ district, ***ward, subdistrict or any other unit prescribed by law,*** as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ ***a declaration of candidacy or acceptance of candidacy*** for ***any*** elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~ ***, as the case may be,*** in which the person is required actually, as opposed to constructively, to reside ***.*** ~~[,]~~ ***in order for the person to be eligible to the office,*** a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. ***If, in*** ~~***[an]***~~ ***any preelection action for declaratory judgment, the district court*** ~~***[determines]***~~ ***finds that a person*** ~~***[knowingly and willfully misrepresented the person's actual residence when filing as a candidate for office, the person shall pay the costs, expenses and attorney's fees of the prevailing party.]***~~ ***who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of section 1 of this act.***

5. As used in this section ~~[, "actual]~~ ***:***

(a) "Actual residence" means the place ***of permanent habitation*** where a person ***actually resides and*** is legally domiciled ***.*** ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ ***place of permanent*** habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration ***of candidacy*** or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ ***acceptance of candidacy for any elective office must*** be the ~~[person's actual residence.]~~ ***place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.***

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 9. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory

administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 4.

Bill read second time.

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

Amendment No. 193.

SUMMARY— ~~[~~Deletes~~]~~ **Revises** provisions ~~[~~specifying the population of a county in which~~]~~ **relating to the operation of** a winery ~~[~~may engage in certain activities.~~]~~ **in this State.** (BDR 52-228)

AN ACT relating to wineries; ~~[~~deleting~~]~~ **revising** provisions ~~[~~specifying the population of a county in which~~]~~ **relating to the operation of** a winery ~~[~~may engage in certain activities;~~]~~ **in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a winery which is located in a county whose population is 100,000 or less (currently all counties other than Clark and Washoe Counties) and is federally bonded may: (1) import wine or juice from a bonded winery in another state for fermentation, mixing with other wine or aging in this State; (2) sell at retail or serve by the glass on its premises and at one other location any wine produced, blended or aged by the winery if the wine sold at that other location does not exceed a certain amount; and (3) serve any alcoholic beverage by the glass on its premises. (NRS 597.240) This bill deletes the restriction concerning the population of the county in which such a winery is located ~~[.]~~ **, and authorizes a winery located in any county in this State to import wine or juice for the purpose of producing, bottling, blending and aging wine. This bill imposes certain requirements concerning the percentage of wine produced, blended or aged by certain wineries that must be from fruit grown in this State. This bill also imposes certain restrictions governing the sale by a winery of wine produced by the winery and other alcoholic beverages. Additionally, this bill authorizes the State Board of Agriculture to adopt regulations relating to certain requirements established by the Federal Government for the labeling of bottles of wine.**

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

Section 1. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in subsection 2 **,** ~~[~~and NRS 597.240,~~]~~ a person engaged in business as a supplier or engaged in the

business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not:

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages; or

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to NRS 597.235.

(f) Prohibit a person from operating a winery pursuant to NRS 597.240.

Sec. 2. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery ~~[,~~ ~~located in a county whose population is 100,000 or less, if it]~~ ***that*** is federally bonded ~~[,]~~ ***and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that has been issued a winemaker's license pursuant to NRS 369.200*** may:

(a) ***Produce, bottle, blend and age wine.***

(b) Import wine or juice from a ~~[bonded]~~ winery ***that is located*** in another state ~~[,]~~ ***and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau,*** to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

~~[(b)]~~ ***2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:***

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

~~[(c)]~~ ***(b)*** Serve by the glass, on its premises, any alcoholic beverage.

~~[2.]~~ ***3. A winery that is issued a winemaker's license pursuant to NRS 369.200 on or after October 1, 2015:***

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery. ~~[This section does not prohibit a person from operating an instructional wine-making facility in any county.]~~

Sec. 3. **Section 2 of this act is hereby amended to read as follows:**

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury and that has been issued a winemaker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a winemaker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) ~~[Sell]~~ ***Within the limits prescribed by subsection 3, sell*** at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

3. A winery that is issued a winemaker's license pursuant to NRS 369.200 ***:*** ~~[on or after October 1, 2015:]~~

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises ~~[,]~~ ***and, if applicable, at one other location,*** wine produced, blended or aged by the winery.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises ~~[,]~~ ***and, if***

applicable, at one other location, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 4. **1. This section and sections 1 and 2 of this act become effective on October 1, 2015.**

2. Section 3 of this act becomes effective on October 1, 2025.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 5.

Bill read second time.

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

Amendment No. 507.

AN ACT relating to public welfare; requiring the Aging and Disability Services Division of the Department of Health and Human Services to **enter into an agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions; requiring the Aging and Disability Services Division to** provide preferences for potential providers of jobs and day training services in issuing certificates authorizing the provision of such services and in entering into agreements concerning the provision of such services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to administer certain programs concerning employment and independent living for persons with disabilities. (NRS 232.945) Existing law also requires the Aging and Disability Services Division of the Department of Health and Human Services to regulate the provision of jobs and day training services and supported living arrangement services to persons with disabilities and persons with related conditions. (NRS 435.130-435.339) Section 1 of this

bill requires the Aging and Disability Services Division to enter into a cooperative agreement with the Rehabilitation Division to provide long-term support to persons with intellectual disabilities and persons with related conditions.

Existing law requires a natural person and certain entities to obtain a certificate from the Aging and Disability Services Division ~~[of the Department of Health and Human Services]~~ before providing jobs and day training services in this State, which are services provided to persons with intellectual disabilities or persons with related conditions to enhance self-sufficiency and success in employment. (NRS 435.176, 435.225) Existing law also authorizes the **Aging and Disability Services** Division to enter into agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. (NRS 435.220)

~~[This]~~ **Sections 1.5 and 2 of this** bill ~~[requires]~~ **require** the **Aging and Disability Services** Division to give preference to potential providers of jobs and day training services who will ~~[employ]~~ **provide** persons with intellectual disabilities or persons with related conditions **with training and experience leading to employment that: (1) is comparable to employment for persons without intellectual disabilities and persons without related conditions; and (2) pays** at or above the state minimum wage. The **Aging and Disability Services** Division is required to give such a preference when: (1) issuing certificates which authorize the provisions of jobs and day training services; and (2) entering into agreements with public and private agencies for the provision of jobs and day training services. **Sections 1.5 and 2 also require each application for the issuance or renewal of such a certificate and each such agreement to include a provision that employment is the primary service option for all adults of working age.**

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

Section 1. **Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions, including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 435.220 is hereby amended to read as follows:

435.220 1. The Division shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. ***Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.***

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency ~~[who]~~ that will ~~[employ]~~ provide persons with intellectual disabilities or persons with related conditions with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities and persons without related conditions; and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 2. NRS 435.225 is hereby amended to read as follows:

435.225 1. A nonprofit organization, state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will ~~[employ]~~ provide persons with intellectual disabilities or persons with related conditions with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities and persons without related conditions; and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 6.

Bill read second time.

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

Amendment No. 370.

AN ACT relating to autism spectrum disorders; removing certification of autism behavior interventionists by the Board of Psychological Examiners; ~~[sunsetting these changes unless legislation providing for an autism behavior interventionist to obtain a certain other certification is enacted; removing]~~ **requiring an autism behavior interventionist to be registered by a certain national board; revising** the cap on the amount of required insurance coverage for certain treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the certification of autism behavior interventionists by the Board of Psychological Examiners. (NRS 641.0204, 641.172) **Sections 1-11 and 25** of this bill remove this certification ~~[. Section 11 preserves the requirement, however, that an autism behavior interventionist work under the supervision of a licensed psychologist, licensed behavior analyst or licensed assistant behavior analyst.]~~ **and instead require an autism behavior interventionist to be registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc.**

Existing law requires certain insurers to provide coverage of screening for and diagnosis of autism spectrum disorders and of treatment for autism spectrum disorders for certain persons who are covered by a policy of insurance and requires certain other insurers to provide an option for such coverage. Such required coverage may include behavioral therapy provided by a certified behavior interventionist who is properly supervised. (NRS 287.0276, 689A.0435, 689B.0335, 689C.1655, 695C.1717, 695G.1645) ~~[Because that certification has been removed from statute, sections]~~ **Sections 12, 14, 16, 18, 20 and 22** of this bill ~~[remove]~~ **replace** the requirement that such therapy be provided by ~~[a certified]~~ **an** autism behavior interventionist **certified by the Board** as a condition to required coverage and the required option for coverage ~~[. Sections 12, 14, 16, 18, 20 and 22 preserve the requirement, however, that such therapy be provided by an autism behavior interventionist who is supervised by a licensed psychologist, licensed behavior analyst or licensed assistant behavior analyst before coverage or the option for coverage is required. Sections 12, 14, 16, 18, 20 and 22 also remove]~~ **with a requirement that such therapy be provided by an autism behavior interventionist registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., as a condition to such requirements. Beginning on January 1, 2017, sections 13, 15, 17, 19, 21, 23 and 26 of this bill increase** the $36,000 cap on such coverage ~~[.~~

~~— Section 26 of this bill sunsets the statutory changes that remove certification of autism behavior interventionists by the Board, thereby re-enacting such provisions on July 1, 2017. Sections 13, 15, 17, 19, 21, 23 and 26 of this bill re-enact the requirement that behavior therapy be provided by a certified autism behavior interventionist as a condition to required coverage and the required option for coverage on January 1, 2018, thereby providing a 6-month period in which a person may obtain certification before certification will affect insurance coverage.~~

~~— Section 26 provides, however, for the permanent removal of the certification of autism behavior interventionists if, on or before July 1, 2017, legislation is enacted to provide for the certification of an autism behavior interventionist as a Registered Behavior Technician or an equivalent certification by the Behavior Analyst Certification Board, Inc., or its successor organization.~~**]** **to the actuarial equivalent of $72,000.**

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

Section 1. NRS 641.0204 is hereby amended to read as follows:

641.0204 "Autism behavior interventionist" means a person who is **[**~~certified as an autism behavior interventionist by the Board.~~**]** ***registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

1. A licensed psychologist;

2. A licensed behavior analyst; or

3. A licensed assistant behavior analyst.

Sec. 2. NRS 641.100 is hereby amended to read as follows:

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination **[**~~,~~**]** ***and*** licensure **[**~~and certification~~**]** of applicants, the granting, refusal, revocation or suspension of licenses **, [**~~and certificates,~~**]** the practice of psychology and the practice of applied behavior analysis.

Sec. 3. NRS 641.110 is hereby amended to read as follows:

641.110 The Board may, under the provisions of this chapter:

1. Examine and pass upon the qualifications of the applicants for licensure **. [**~~and certification.~~**]**

2. License **[**~~and certify~~**]** qualified applicants.

3. Revoke or suspend licenses **. [**~~and certificates.~~**]**

4. Collect all fees and make disbursements pursuant to this chapter.

Sec. 4. NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license **[**~~or certificate~~**]** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license ~~[or certificate]~~ shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license ***;*** ~~[or certificate;]~~ or

(b) A separate form prescribed by the Board.

3. A license ~~[or certificate]~~ may not be issued or renewed by the Board if the applicant:

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

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

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

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license ~~[or certificate]~~ issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license ***;*** ~~[or certificate;]~~

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license ***,*** ~~[or certificate,]~~ require each holder to comply with the requirements for continuing education adopted by the Board.

Sec. 6. NRS 641.230 is hereby amended to read as follows:

641.230 The Board may suspend or revoke a person's license as a psychologist, behavior analyst or assistant behavior analyst ***,*** ~~[or certificate as an autism behavior interventionist,]~~ place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by substantial evidence that the person has:

1. Been convicted of a felony relating to the practice of psychology or the practice of applied behavior analysis.

2. Been convicted of any crime or offense that reflects the inability of the person to practice psychology or applied behavior analysis with due regard for the health and safety of others.

3. Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology or the practice of applied behavior analysis.

5. Aided or abetted the practice of psychology by a person not licensed by the Board.

6. Made any fraudulent or untrue statement to the Board.

7. Violated a regulation adopted by the Board.

8. Had a license to practice psychology or a license or certificate to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

9. Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology or applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

10. Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

11. Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

12. Engaged in sexual activity with a patient or client.

13. Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

14. Been convicted of submitting a false claim for payment to the insurer of a patient or client.

15. Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 7. NRS 641.232 is hereby amended to read as follows:

641.232 The Board shall adopt regulations that establish the grounds for disciplinary action for a licensed behavior analyst ~~[,]~~ ***or*** licensed assistant behavior analyst **.** ~~[or certified autism behavior interventionist.]~~

Sec. 8. NRS 641.240 is hereby amended to read as follows:

641.240 1. If the Board, a panel of its members or a hearing officer appointed by the Board finds a person guilty in a disciplinary proceeding, it may:

(a) Administer a public reprimand.

(b) Limit the person's practice.

(c) Suspend the person's license ~~[or certificate]~~ for a period of not more than 1 year.

(d) Revoke the person's license **.** ~~[or certificate.]~~

(e) Impose a fine of not more than $5,000.

(f) Revoke or suspend the person's license ~~[or certificate]~~ and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The Board may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 9. NRS 641.242 is hereby amended to read as follows:

641.242 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ~~[or certificate]~~ issued pursuant to this chapter, the Board shall deem the license ~~[or certificate]~~ issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license ~~[or certificate]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license ~~[or certificate]~~ has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[or certificate]~~ issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ~~[or certificate]~~ was suspended stating that the person whose license ~~[or certificate]~~ was suspended

has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 10. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination $100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination 100
For the issuance of an initial license ~~[or certificate]~~ 25
For the biennial renewal of a license of a psychologist 500
For the biennial renewal of a license of a licensed behavior analyst 400
For the biennial renewal of a license of a licensed assistant behavior analyst 275
~~[For the biennial renewal of a certificate of a certified autism behavior interventionist ..... 175]~~
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license 100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology 300
For the registration of a nonresident to practice as a consultant 100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst ~~[or a certificate as a autism behavior interventionist]~~ shall pay the biennial fee for the renewal of a license **,** ~~[or certificate,]~~ which must be prorated for the period from the date the license ~~[or certificate]~~ is issued to the end of the biennium.

4. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

Sec. 11. NRS 641.395 is hereby amended to read as follows:

641.395 1. A licensed assistant behavior analyst shall not provide or supervise ~~[behavior]~~ ***behavioral*** therapy except under the supervision of:

(a) A licensed psychologist; or

(b) A licensed behavior analyst.

2. ~~[A certified]~~ ***An*** autism behavior interventionist shall not provide ~~[behavior]~~ ***behavioral*** therapy except under the supervision of:

(a) A licensed psychologist;

(b) A licensed behavior analyst; or

(c) A licensed assistant behavior analyst.

Sec. 12. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

2. Coverage provided under this section is subject to :

(a) A maximum benefit of $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, ~~***[copayment,]***~~ deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as ***otherwise*** provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, ~~[~~behavior~~]~~ ***behavioral*** therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsections 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "***Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) **"**Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Development Disorder Not Otherwise Specified.

~~[(c)]~~ ***(d)*** **"**Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[certified]~~ autism behavior interventionist.

~~[(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:~~

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.]~~

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides ~~[behavior]~~ ***behavioral*** therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 13. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of ~~[$36,000]~~ ***the actuarial equivalent of $72,000*** per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsections 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada

that provides health insurance through a plan of self-insurance to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Development Disorder Not Otherwise Specified.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 14. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

2. Optional coverage provided pursuant to this section must be subject to :

(a) A maximum benefit of not less than $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, ~~***[copayment,]***~~ deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as ***otherwise*** provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, ~~[~~behavior~~]~~ ***behavioral*** therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "***Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) **"**Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[~~(c)~~]~~ ***(d)*** **"**Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[~~certified~~]~~ autism behavior interventionist.

~~[~~(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.~~]~~

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 15. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than ~~[$36,000]~~ ***the actuarial equivalent of $72,000*** per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 16. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism

spectrum disorders to persons covered by the policy of group health insurance under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

2. Coverage provided under this section is subject to :

(a) A maximum benefit of $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, ~~***[copayment,]***~~ deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as ***otherwise*** provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, ~~[behavior]~~ ***behavioral*** therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and

consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "***Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(c)]~~ ***(d) "***Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[certified]~~ autism behavior interventionist.

~~[(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:~~

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.]~~

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 17. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of ~~[$36,000]~~ ***the actuarial equivalent of $72,000*** per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation,

applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 18. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

2. Coverage provided under this section is subject to :

(a) A maximum benefit of $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, ~~***[copayment,]***~~ deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as ***otherwise*** provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, ~~[~~behavior~~]~~ ***behavioral*** therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "***Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) **"**Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(c)]~~ ***(d)*** **"**Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[certified]~~ autism behavior interventionist.

~~[(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:~~

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.]~~

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 19. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of ~~[$36,000]~~ ***the actuarial equivalent of $72,000*** per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that

organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 20. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

2. Coverage provided under this section is subject to :

(a) A maximum benefit of $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, ~~***[copayment,]***~~ deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as ***otherwise*** provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or

rehabilitative care, prescription care, psychiatric care, psychological care, ~~[~~behavior~~]~~ ***behavioral*** therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "***Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[~~(c)~~]~~ ***(d) "***Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[~~certified~~]~~ autism behavior interventionist.

~~[(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:~~

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.~~]

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 21. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of ~~[$36,000]~~ ***the actuarial equivalent of $72,000*** per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 22. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 ***years*** or, if enrolled in high school, until the person reaches the age of 22 ~~[.]~~ ***years.***

3. Coverage provided under this section is subject to :

(a) A maximum benefit of $36,000 per year for applied behavior analysis treatment; and

(b) Copayment, ~~***[copayment,]***~~ deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as ***otherwise*** provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, ~~[behavior]~~ ***behavioral*** therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "***Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:***

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

~~[(c)]~~ ***(d) "***Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or ~~[certified]~~ autism behavior interventionist.

~~[(d) "Certified autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:~~

~~(1) A licensed psychologist;~~

~~(2) A licensed behavior analyst; or~~

~~(3) A licensed assistant behavior analyst.]~~

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 23. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of ~~[$36,000]~~ ***the actuarial equivalent of $72,000*** per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism behavior interventionist" means a person who is registered as a Registered Behavior Technician or an equivalent credential by the Behavior

Analyst Certification Board, Inc., or its successor organization, and provides behavioral therapy under the supervision of:

(1) A licensed psychologist;

(2) A licensed behavior analyst; or

(3) A licensed assistant behavior analyst.

(c) "Autism spectrum disorders" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(d) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or autism behavior interventionist.

(e) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) "Licensed assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 24. 1. Any regulations adopted by the Board of Psychological Examiners before ~~[October 1, 2015,]~~ ***the effective date of this section*** pursuant to NRS 641.100 or 641.232 are unenforceable with respect to an autism behavior interventionist as of that date ~~[, until July 1, 2017, except that if, on or before that date, legislation is enacted to provide for certification of an autism behavior interventionist as a Registered Behavior Technician or an equivalent certification by the Behavior Analyst Certification Board, Inc., or its successor organization, the regulations will be void with respect to an autism behavior interventionist.]~~ .

2. ~~[If, on or before July 1, 2017, the legislation described in subsection 2 is enacted, the]~~ **The** Legislative Counsel shall, as soon as practicable after ~~[that date,]~~ **January 1, 2016:**

(a) Remove all of the regulations described in subsection 1 that solely apply to autism behavior interventionists; and

(b) Remove references to an autism behavior interventionist from all other regulations described in subsection 1.

3. An autism behavior interventionist who is certified by the Board of Psychological Examiners before the effective date of this section shall be deemed to be registered as a Registered Behavior Technician or an equivalent credential by the Behavior Analyst Certification Board, Inc., until January 1, 2016.

Sec. 25. NRS 641.172 is hereby repealed.

Sec. 26. 1. This section and sections 1 to 12, inclusive, 14, 16, 18, 20, 22, 24 and 25 of this act become effective ~~[on October 1, 2015.]~~ **upon passage and approval.**

2. ~~[Sections 1 to 11, inclusive, 24 and 25 of this act expire by limitation on June 30, 2017, unless, on or before that date, legislation is enacted and approved to provide for certification of an autism behavior interventionist as a Registered Behavior Technician or an equivalent certification by the Behavior Analyst Certification Board, Inc., or its successor organization.~~

~~3.]~~ Sections 13, 15, 17, 19, 21 and 23 of this act become effective on January 1, ~~[2018 , unless, on or before June 30, 2017, legislation is enacted and approved to provide for certification of an autism behavior interventionist as a Registered Behavior Technician or an equivalent certification by the Behavior Analyst Certification Board, Inc., or its successor organization.]~~ **2017.**

TEXT OF REPEALED SECTION

641.172 Qualifications of applicant for certification as autism behavior interventionist; Board to evaluate application and issue statement of determination; contents of statement.

1. Each application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 428.

SUMMARY— ~~[Provides for the establishment of a nonprofit entity for certain]~~ **Revises provisions relating to** economic development **.** ~~[purposes.]~~ (BDR 18-292)

AN ACT relating to economic development; providing for the establishment by the Executive Director of the Office of Economic Development of a nonprofit entity for certain economic development purposes; revising provisions governing the confidentiality of certain records and documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 3.5 of this** bill ~~[provides for the establishment by]~~ **authorizes** the Executive Director of the Office of Economic Development **to cause the formation** of a nonprofit entity for certain economic development purposes. ~~[. Section 2 of this bill authorizes the Executive Director to propose the formation of a nonprofit entity that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State. Under section 1 of this bill,]~~ **upon approval by** the Board of Economic Development **.** ~~[is required to review the Executive Director's proposal and approve, disapprove or modify the proposal. Section 2 authorizes the Executive Director to form the nonprofit corporation with the approval of the Board.]~~ Section ~~[2]~~ **3.5 specifies the manner in which the board of directors of the nonprofit entity must be appointed, and requires the board to submit an annual report to the Legislative Counsel Bureau. Section 3.5** further provides that certain records and documents in the possession of the nonprofit corporation must be kept confidential to the same extent that records and documents in the possession of the Office must be kept confidential. Finally, **section** ~~[3 of this bill]~~ **3.5** requires the Office to adopt regulations prescribing: (1) the means by which the Office will verify and ensure that the nonprofit corporation will further the public interest in economic development; and (2) the procedures by which the Office will ensure that records and documents used by the nonprofit corporation will be kept confidential when those records and documents are required to be kept confidential under existing law.

Existing law requires the Office to keep confidential certain records and documents. (NRS 231.069) **Section 4** of this bill establishes a procedure by which a client of the Office may request that the Office keep confidential certain records and documents of the client and requires the Office to keep confidential those records and documents if the Office finds that the records and documents contain proprietary or confidential information.

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

Section 1. ~~[NRS 231.037 is hereby amended to read as follows:~~

~~231.037 The Board shall:~~

~~1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.~~

~~2. Recommend to the Executive Director a State Plan for Economic Development and make recommendations to the Executive Director for carrying out the State Plan for Economic Development, including, without limitation, recommendations regarding the development and implementation~~

~~of a recruiting and marketing effort to attract professionals and businesses to this State.~~

~~— 3. Recommend to the Executive Director the criteria for the designation of regional development authorities.~~

~~— 4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the rural region of this State, one or more regional development authorities for each region.~~

~~— 5. Provide advice and recommendations to the Executive Director concerning:~~

~~— (a) The procedures to be followed by any entity seeking to obtain any development resource, allocation, grant or loan from the Office;~~

~~— (b) The criteria to be used by the Office in providing development resources and making allocations, grants and loans;~~

~~— (c) The requirements for reports from the recipients of development resources, allocations, grants and loans from the Office concerning the use thereof; and~~

~~— (d) Any other activities of the Office.~~

~~— 6. Review each proposal by the Executive Director to enter into a contract pursuant to NRS 231.057 for more than $100,000 or allocate, grant or loan more than $100,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed allocation, grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not enter into any contract pursuant to NRS 231.057 for more than $100,000 or make any allocation, grant or loan of more than $100,000 to any entity unless the allocation, grant or loan is approved by the Board.~~

~~— *7. Review each proposal by the Executive Director pursuant to subsection 7 of NRS 231.053 to form a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State and, as the Board determines to be in the best interests of this State, approve, disapprove or modify the proposal made by the Executive Director.]*~~

(Deleted by amendment.)

Sec. 2. ~~[~~NRS 231.053 is hereby amended to read as follows:

~~— 231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:~~

~~— 1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~— 2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:~~

~~— (a) New industries which have the potential to be developed in this State;~~

~~— (b) The strengths and weaknesses of this State for business incubation;~~

~~— (c) The competitive advantages and weaknesses of this State;~~

~~(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~

~~(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.~~

~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.~~

~~7. *May propose to the Board the formation of a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State and, with the approval of the Board, form such a nonprofit corporation. The nonprofit corporation shall keep confidential any record or other document of a client which is in its possession to the same extent that the record or other document would be required to kept confidential pursuant to NRS 231.069.*~~

~~*8.* May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.~~

~~**[**8.**]** *9.* In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.~~**]** (Deleted by amendment.)

Sec. 3. ~~**[**NRS 231.055 is hereby amended to read as follows:~~

~~231.055 Under the direction of the Executive Director, the Office:~~

~~1. Shall provide administrative and technical support to the Board.~~

~~2. Shall support the efforts of the Board, the regional development authorities designated by the Executive Director pursuant to subsection 4 of NRS 231.053 and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.~~

~~3. Shall coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053, including, without limitation:~~

~~(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;~~

~~(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all necessary permits and licenses for the creation or expansion of businesses in Nevada or the relocation of businesses to Nevada; and~~

~~(c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for abatements, financial incentives, development resources, and grants and loans of money provided by the Office.~~

~~4. *Shall adopt regulations prescribing:*~~

~~*(a) The means by which the Office will verify that a nonprofit corporation formed by the Executive Director pursuant to subsection 7 of NRS 231.053 furthers the public interest in economic development and ensure that the nonprofit corporation carries out such a purpose; and*~~

~~*(b) The procedures the Office will follow to ensure that the records and documents that are confidential pursuant to NRS 231.069 will be kept confidential when the records or other documents are used by a nonprofit corporation formed by the Executive Director pursuant to subsection 7 of NRS 231.053.*~~

~~5. May:~~

~~(a) Participate in any federal programs for economic development that are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and~~

~~(b) When practicable and authorized by federal law, act as the agency of this State to administer such federal programs.~~] **(Deleted by amendment.)**

Sec. 3.5. **Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. After considering any pertinent advice and recommendations of the Board, the Executive Director may:

(a) Propose to the Board the formation of a nonprofit corporation that is exempt from federal income taxation, the purpose of which is to promote, aid and encourage economic development in this State or a locality or region of this State; and

(b) Upon approval of a proposal by the Board, cause such a corporation to be formed.

2. The Board shall:

(a) Review each proposal by the Executive Director pursuant to subsection 1; and

(b) As the Board determines to be in the best interests of this State, approve, disapprove or modify the proposal made by the Executive Director.

3. A nonprofit corporation formed pursuant to this section must have a board of directors consisting of:

(a) The Executive Director.

(b) Four members from the private sector who have at least 10 years of experience in the field of investment, finance, accounting, technology, commercialization or banking, appointed by the Executive Director, with the approval of the Board.

(c) One member appointed by the Speaker of the Assembly.

(d) One member appointed by the Senate Majority Leader.

4. The Executive Director shall serve as chair of the board of directors of the nonprofit corporation formed pursuant to this section.

5. Except as otherwise provided in this subsection, each member appointed to the board of directors of the nonprofit corporation formed pursuant to this section serves a term of 4 years. Two of the initial members of the board of directors who are appointed pursuant to paragraph (b) of subsection 3 must be appointed to an initial term of 2 years.

6. Each member of the board of directors of the nonprofit corporation formed pursuant to this section continues in office until a successor is appointed. Members of the board of directors may be reappointed for additional terms of 4 years in the same manner as the original appointments.

7. Vacancies in the appointed positions on the board of directors of the nonprofit corporation formed pursuant to this section must be filled by the appointing authority for the unexpired term.

8. The members of the board of directors of the corporation formed pursuant to this section must serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.

9. A member of the board of directors of the corporation formed pursuant to this section must not have an equity interest in any:

(a) External asset manager or venture capital or private equity investment firm contracting with the nonprofit corporation; or

(b) Business which receives private equity funding from the nonprofit corporation.

10. The nonprofit corporation shall keep confidential any record or other document of a client which is in its possession to the same extent that the record or other document would be required to be kept confidential pursuant to NRS 231.069.

11. The board of directors of the nonprofit corporation formed pursuant to this section shall, on or before December 1 of each year, provide an annual report to the Governor and the Director of the Legislative Counsel

Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year or to the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

(a) An accounting of all money received and expended by the nonprofit corporation, including, without limitation, any matching grant funds, gifts or donations; and

(b) The name and a brief description of all businesses receiving an investment of money from the nonprofit corporation formed pursuant to this section.

12. Under the direction of the Executive Director, the Office shall adopt regulations prescribing:

(a) The means by which the Office will verify that a nonprofit corporation formed pursuant to this section furthers the public interest in economic development and ensure that the nonprofit corporation carries out such a purpose; and

(b) The procedures the Office will follow to ensure that the records and documents that are confidential pursuant to NRS 231.069 will be kept confidential when the records or other documents are used by a nonprofit corporation created pursuant to this section.

Sec. 4. NRS 231.069 is hereby amended to read as follows:

231.069 1. Except as otherwise provided in ***subsection 3 and*** NRS 239.0115 ~~[~~, if so requested by a client,~~]~~ ***and 360.950,*** the Office shall keep confidential any record or other document ***of a client which is*** in its possession ~~[~~concerning the initial contact with and research and planning for that client. If such a request is made,~~]~~ ***if the client:***

(a) Submits a request in writing that the record or other document be kept confidential by the Office; and

(b) Demonstrates to the satisfaction of the Office that the record or other document contains proprietary or confidential information.

2. If the Office determines that a record or other document of a client contains proprietary or confidential information, the Executive Director shall attach to the file containing the record or document ~~[~~a~~]~~ ***:***

(a) A certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request ~~[~~.

~~2.~~] ***;***

(b) A copy of the written request submitted by the client;

(c) The documentation to support the request which was submitted by the client; and

(d) A copy of the decision of the Office determining that the record or other document contains proprietary or confidential information.

3. The Office may share the records and other documents that are confidential pursuant to this section with the nonprofit corporation formed by the Executive Director pursuant to ~~[subsection 7 of NRS 231.053,]~~ section

3.5 of this act, as deemed necessary by the Office to accomplish the purposes for which the nonprofit corporation was formed.

4. Records and documents that are confidential pursuant to **[**~~subsection 1~~**]** ***this section :*** **[**~~remain confidential until the client:~~

~~(a) Initiates any process regarding the location of his or her business in Nevada which is within the jurisdiction of a state agency other than the Office; or~~

~~(b) Decides to locate his or her business in Nevada.~~**]**

(a) Are proprietary or confidential information of the business;

(b) Are not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office unless the business consents to the disclosure.

5. As used in this section, "proprietary or confidential information" has the meaning ascribed to it in NRS 360.247.

Sec. 5. NRS 231.069 is hereby amended to read as follows:

231.069 1. Except as otherwise provided in subsection 3 and NRS 239.0115 **,** **[**~~and NRS 360.950,~~**]** the Office shall keep confidential any record or other document of a client which is in its possession if the client:

(a) Submits a request in writing that the record or other document be kept confidential by the Office; and

(b) Demonstrates to the satisfaction of the Office that the record or other document contains proprietary or confidential information.

2. If the Office determines that a record or other document of a client contains proprietary or confidential information, the Executive Director shall attach to the file containing the record or document:

(a) A certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request;

(b) A copy of the written request submitted by the client;

(c) The documentation to support the request which was submitted by the client; and

(d) A copy of the decision of the Office determining that the record or other document contains proprietary or confidential information.

3. The Office may share the records and other documents that are confidential pursuant to this section with the nonprofit corporation formed by the Executive Director pursuant to section 3.5 of this act, as deemed necessary by the Office to accomplish the purposes for which the nonprofit corporation was formed.

4. Records and documents that are confidential pursuant to this section:

(a) Are proprietary or confidential information of the business;

(b) Are not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office unless the business consents to the disclosure.

5. As used in this section, "proprietary or confidential information" has the meaning ascribed to it in NRS 360.247.

Sec. 5.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 6. 1. This section and sections 1 to 4, inclusive, of this act become effective:

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

(b) On July 1, 2015, for all other purposes.

2. Section 5 of this act becomes effective on July 1, 2036.

Assemblyman Armstrong moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 42.

AN ACT relating to state financial administration; revising provisions governing the procedure for the revision of the budget of the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the State Budget Act, a department, institution or other agency of the Executive Department of the State Government, with certain exceptions, is authorized, as a result of changed conditions, to request a revision to a work program within its budget. Such a revision is required to be approved or disapproved by the Governor or the Chief of the Budget Division of the Department of Administration. In addition, if the amount of the requested revision exceeds a specified monetary threshold and increases or decreases the expenditure level approved by the Legislature for any of the allotments within the **work** program by a specified percentage or amount, the revision also requires **the additional** approval ~~[by]~~ **of** the Interim Finance Committee, unless the Governor approves the revision as necessary because of a qualifying emergency situation or for the protection of life or property. (NRS 353.220) ~~[Further, under existing law, the acceptance of a gift or grant of property or services by a state agency, with certain exceptions, from any source requires approval by the Interim Finance Committee unless: (1) the gift or grant is included in an act of the Legislature authorizing expenditures of nonappropriated money; (2) the gift or grant is below a specified monetary threshold depending on the source, does not involve the hiring of new employees and has been approved by the Governor or the Chief of the Budget Division; or (3) the gift or grant is approved by the Governor as necessary~~

~~because of a qualifying emergency situation or for the protection of life or property. (NRS 353.335)~~**]**

This bill removes the requirement for **additional** approval by the Governor **, in certain emergency circumstances,** or **the** Interim Finance Committee ~~[for]~~ **of** work program changes which result from: (1) acceptance **by a state agency** of a gift **or nongovernmental grant which does not exceed $20,000** or **a governmental** grant ~~[approved by the Governor or Interim Finance Committee in the manner required by statute;]~~ **which does not exceed $150,000;** or (2) carrying forward money from one fiscal year to the next without a change in purpose.

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

Section 1. NRS 353.220 is hereby amended to read as follows:

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.

4. ~~[Whenever]~~ ***Except as otherwise provided in subsection 8, whenever*** a request for the revision of a work program of a department, institution or agency in an amount more than $30,000 would, when considered with all other changes in allotments for that work program made pursuant to ***subsections 1, 2 and 3 and*** NRS 353.215 **,** ~~[and subsections 1, 2 and 3 of this section,]~~ increase or decrease by 10 percent or $75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other

provisions of this chapter requiring approval before encumbering money for the revision do not apply.

(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.

(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.

6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.

7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:

(a) The need for the proposed revision; and

(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:

(a) As a result of the acceptance of a gift or grant of property or services ~~[for which acceptance is authorized or approved]~~ pursuant to subsection 5 of NRS 353.335; or

(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Carlton and Ellison.

ASSEMBLYWOMAN CARLTON:

To the chair of Government Affairs, I just want to make sure that the Interim Finance Committee will be getting information in the future on these gifts and grants so there still will be some way for us to have some accountability and to track these dollars. There are times when accepting the grant actually costs us more in the long run, and with a lot of the discussions about the lack of transparency, I just want to make sure that IFC and Ways and Means both still will be able to get this information in the future.

ASSEMBLYMAN ELLISON:

To my colleague, yes, the committee made sure that would happen—that they do have a voice.

ASSEMBLYWOMAN CARLTON:

I am concerned that I do not actually see the language within the amendment, so I will investigate it more. I just want to make sure that we put this on the record. We could end up taking money we really do not want.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 34.

Bill read second time.

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

Amendment No. 43.

SUMMARY— ~~[Repeals]~~ **Makes various changes to** provisions governing certain fire protection districts and fire safety. (BDR 42-369)

AN ACT relating to fire safety; repealing provisions governing certain fire protection districts; reenacting certain of those provisions relating to fire safety; **revising the circumstances under which a person, firm, association or agency that caused a fire or other emergency that threatens human life would be charged for the expenses incurred to extinguish the fire or meet the emergency;** authorizing the State Land Registrar to transfer title to certain real property owned by the State of Nevada to certain local fire protection districts and counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of certain fire protection districts by petition to the State Forester Firewarden. (Chapter 473 of NRS) The functions of those districts are currently being transferred to other local government entities. Accordingly, **section 15** of this bill repeals the provisions of chapter 473 of NRS. Certain provisions of that chapter relating to fire safety are reenacted in chapter 472 of NRS by **sections ~~[2-5]~~ 2, 3 and 5** of this bill. **Sections 6-10** of this bill make conforming changes.

Existing law provides that within the boundaries of certain fire protection districts, any person, firm, association or agency responsible for causing any fire or other emergency which threatens human life may, in certain circumstances, be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of necessary patrol. (NRS 473.080, 474.550) Section 4 of this bill reenacts NRS 473.080 but removes the boundary limitation and revises the circumstances under which a person, firm, association or agency would be required to pay those expenses. Section 8.5 of this bill makes a similar change concerning those expenses with respect to county fire protection districts.

Existing law authorizes the State Land Registrar to transfer any interest in land owned by the State of Nevada. (NRS 321.003) **Sections 11-13** of this bill authorize the State Land Registrar to transfer title to certain real property owned by the State, with certain restrictions, to certain local fire protection

districts and counties as the result of the dissolution of the fire protection districts created pursuant to chapter 473 of NRS.

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

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The State Forester Firewarden may prohibit or restrict the following activities on any lands within the jurisdiction of the State Forester Firewarden when a danger to public safety or natural resources exists because of conditions which create a high risk of fire:***

(a) The operation in an area of timber, brush or grass of a motor vehicle or other item of equipment powered by a motor:

(1) If the motor does not have a spark arrestor as required by law; or

(2) If the operator does not have in his or her possession an ax, shovel and at least 1 gallon of water;

(b) The operation in an area of timber, brush or grass of a motor vehicle off an existing paved, gravel or dirt road;

(c) The smoking of tobacco or other substances in any place other than a motor vehicle or an area cleared of flammable vegetation;

(d) Setting an open fire in any place other than in a fireplace located in an established picnic area or campground; or

(e) Other activities, if specified in regulations adopted by the State Forester Firewarden and the prohibition or restriction is related to reducing a high risk of fire,

➥ but these prohibitions and restrictions do not apply in established campgrounds or picnic areas, beaches or places of habitation or to travel on state or federal highways.

2. The State Forester Firewarden shall make a public announcement and post signs in any area where the State Forester Firewarden has prohibited or restricted any activities.

3. The State Forester Firewarden shall, upon finding that a danger to public safety or to natural resources no longer exists, make known to the public the end of any prohibition or restriction in that area.

4. The provisions of this section apply only to specified prohibitions or restrictions and do not confer upon the State Forester Firewarden the power to prohibit access to land.

5. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 3. ***Except as otherwise provided in NRS 527.126, any person, firm, association or agency which, personally or through another, willfully, negligently or in violation of the law:***

1. Sets fire to the property, whether privately or publicly owned, of another;

2. Allows fire to be set to the property, whether privately or publicly owned, of another; or

3. Allows a fire kindled or attended by the person, firm, association or agency to escape to the property, whether privately or publicly owned, of another,

↳ is liable to the owner of the property for the damages caused by the fire.

Sec. 4. *~~[Any]~~ 1. Except as otherwise provided in this section or by specific statute, if the State Forester Firewarden determines that a person, firm, association or agency is responsible for willfully or negligently causing any fire or other emergency which threatens human life, the person, firm, association or agency may be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of necessary patrol. This charge constitutes a debt of the person, firm, association or agency charged and is collectible by the federal, state or county agency incurring such expenses in the same manner as in the case of an obligation under a contract, express or implied.*

2. If the State Forester Firewarden determines that the fire or other emergency which threatens human life was the result of an unavoidable accident, the State Forester Firewarden shall not charge the person, firm, association or agency that caused the fire or emergency the expenses incurred in extinguishing the fire or meeting the emergency.

Sec. 5. *1. Except as otherwise provided in this section and NRS 527.126, it is unlawful for any person, firm, association, corporation or agency to burn, or cause to be burned, any brush, grass, logs or any other inflammable material, or blast with dynamite, powder or other explosive, or set off fireworks, or operate a welding torch, tarpot or any other device that may cause a fire in forest, grass or brush, either on the land of the person, firm, association, corporation or agency or on the land of another, or on public land, unless the burning or act is done under a written permit from the State Forester Firewarden or the State Forester Firewarden's duly authorized agent and in strict accordance with the terms of the permit.*

2. Written permission is not necessary:

(a) At any time during the year when the State Forester Firewarden determines that no fire hazard exists.

(b) To burn materials in screened, safe incinerators, or in incinerators approved by the local governmental jurisdiction, the State Forester Firewarden or the State Forester Firewarden's duly authorized agent, or in small heaps or piles, where the fire is set on a public road, corrals, gardens or ploughed fields, and at a distance not less than 100 feet from any woodland, timber or brush-covered land or field containing dry grass or other inflammable material with at least one adult person in actual attendance at the fire at all times during its burning.

3. This section does not prevent the issuance of an annual permit to any public utility covering its usual and emergency operation and maintenance work.

4. This section does not prevent the building of necessary controlled small camp and branding fires if caution is taken to make certain that the fire is extinguished before leaving. In any case where the fire escapes and does injury to the property of another, the escape and injury are prima facie evidence of a violation of this section.

5. The provisions of this section apply only to areas of land that are outside of incorporated cities and towns.

6. Any person, firm, association, corporation or agency violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.

(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.

(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.

(g) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

(h) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

(i) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.

(k) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 ~~[, 473]~~ or 474 of NRS.

(l) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest and watershed management or the protection of forests and other lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

Sec. 7. NRS 472.041 is hereby amended to read as follows:

472.041 1. The State Forester Firewarden may ~~[:~~

~~(a) In a district formed pursuant to NRS 473.034; and~~

~~(b) In~~**,** ***in*** an area designated pursuant to paragraph (d) of subsection 1 of NRS 472.040, including, without limitation, any land within the 1/2-mile radius surrounding such an area,

[~~➥~~**]** enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure.

Sec. 8. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county or consolidated municipality not included in any other fire protection district, except incorporated areas other than consolidated municipalities, may be organized by ordinance by the board of county commissioners of the county in which that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as that territory may be included in another fire protection district formed in accordance with the provisions of **[**~~chapter 473 of NRS or~~**]** NRS 474.010 to 474.450, inclusive.

2. Each such district:

(a) Is a political subdivision of the State; and

(b) Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

(a) Sue and be sued, and be a party to suits, actions and proceedings;

(b) Arbitrate claims; and

(c) Contract and be contracted with.

4. The board of county commissioners organizing each such district is ex officio the governing body of each such district. The governing body must be known as the board of fire commissioners.

5. The chair of the board of county commissioners is ex officio the chair of each such district.

6. The county clerk is ex officio the clerk of each such district.

7. Unless the board of fire commissioners employs a treasurer, the county treasurer is ex officio the treasurer of each such district.

Sec. 8.5. **NRS 474.550 is hereby amended to read as follows:**

474.550 ***1.*** Except as otherwise provided in ***this section and*** NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency which threatens human life may be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county or district agency incurring the expenses in the same manner as an obligation under a contract, express or implied.

2. If it is determined that the fire or other emergency which threatens human life was the result of an unavoidable accident, the person, firm, association or agency that caused the fire or emergency may not be charged the expenses incurred in extinguishing the fire or meeting the emergency.

Sec. 9. NRS 332.015 is hereby amended to read as follows:

332.015 For the purpose of this chapter, unless the context otherwise requires, "local government" means:

1. Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, ~~[473,]~~ 474, 539, 541, 543 and 555 of NRS.

2. The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

3. County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

4. District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

5. The Nevada Rural Housing Authority.

Sec. 10. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➥ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, ~~[473,]~~ 474, 539, 541, 543 and 555 of NRS.

Sec. 11. The State Land Registrar may transfer to:

1. The Elko County Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 1 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Elko County Fire Protection District shall pay the costs relating to the transfer of the real property.

2. The Truckee Meadows Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 2 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Truckee Meadows Fire Protection District shall pay the costs relating to the transfer of the real property.

3. Clark County, without consideration, all the interest of the State of Nevada in the real property described in subsection 3 of section 13 of this act. If the real property is transferred pursuant to this subsection, Clark County shall pay the costs relating to the transfer of the real property.

4. The Storey County Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 4 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Storey County Fire Protection District shall pay the costs relating to the transfer of the real property.

Sec. 12. If real property is transferred pursuant to section 11 of this act, the deed from the State of Nevada to the fire protection district or county, as applicable, must, subject to any easement, condition or other encumbrance of record:

1. Include restrictions:

(a) Requiring that the use of the property be for the provision of services for fire protection and related public safety services; and

(b) Prohibiting the fire protection district or county receiving the real property or any successor in title from transferring the property without the consent of the State of Nevada.

2. Provide for the reversion of title to the property to the State of Nevada upon the breach of any restriction specified in subsection 1.

Sec. 13. 1. The real property that may be transferred to the Elko County Fire Protection District pursuant to subsection 1 of section 11 of this act contains approximately 1.25 acres and is commonly known as the Independence Valley Volunteer Fire Station. Such real property may be described as follows:

> The north half (N 1/2) of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of the southwest quarter (SW 1/4) of section 3, Township 39 North, Range 52 East, M.D.B. & M.

2. The real property that may be transferred to the Truckee Meadows Fire Protection District pursuant to subsection 2 of section 11 of this act contains approximately 1.875 acres and is commonly known as the Mount Rose Fire Station. Such real property may be described as follows:

> The west half (W 1/2) of the southwest quarter (SW 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) and the west half (W 1/2) of the east half (E 1/2) of the southwest quarter (SW 1/4) of the southeast quarter (SE 1/4) of the southeast quarter

(SE 1/4) of the southeast quarter (SE 1/4) of section 26, Township 18 North, Range 19 East, M.D.B. & M.

3. The real property that may be transferred to Clark County pursuant to subsection 3 of section 11 of this act contains approximately 0.25 acres and is commonly known as the Mount Charleston Fire Station. Such real property may be described as follows:

That portion of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of section 36, Township 19 South, Range 56 East, M.D.B. & M., as described in Grant, Bargain and Sale Deeds recorded on January 12, 1962, as Document Number 272260 in Book 337 and on August 20, 1962, as Document Number 307631 in Book 381 in the Recorder's Office of Clark County, Nevada.

4. The real property that may be transferred to the Storey County Fire Protection District pursuant to subsection 4 of section 11 of this act contains approximately 1 acre and is commonly known as the Virginia City Highlands Fire Station Site. Such property may be described as follows:

That portion of the southeast quarter (SE 1/4) of the northwest quarter (NW 1/4) of section 8, Township 17 North, Range 21 East, M.D.B. & M., as described in the Grant, Bargain and Sale Deed recorded on November 20, 1979, as Document Number 45784 in Book 20 at page 179 in the Recorder's Office of Storey County, Nevada.

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. NRS 473.010, 473.020, 473.030, 473.031, 473.032, 473.033, 473.034, 473.035, 473.0355, 473.036, 473.040, 473.050, 473.060, 473.065, 473.070, 473.080, 473.090, 473.100, 474.530 and 474.555 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

473.010 "Federal aid" defined.

473.020 Institution of proceedings for formation of fire protection district: Petition by property owners.

473.030 Resolution of board of county commissioners: Adoption; contents.

473.031 Notice of proposed formation of district: Contents; publication.

473.032 Hearing; written objections; exclusion of land not benefited.

473.033 Inclusion of lands adjacent to proposed district; owner's application.

473.034 Determination; order of formation; regulations for organization of area.

473.035 Alteration of boundaries by inclusion of territory: Procedure; regulations.

473.0355 Alteration of boundaries by exclusion of territory: Procedure.

473.036 Effect of change in district's boundaries.

473.040 Board of directors: Composition.

473.050 Preparation of budgets; levy, collection, deposit and use of taxes.

473.060 Authorization to issue negotiable bonds; purpose; limitation on amount.

473.065 Activities within district which may be prohibited or restricted by State Forester Firewarden; public announcement and posting of prohibited or restricted activities; applicability; penalty.

473.070 Liability for damage by fire within district.

473.080 Collection of expenses for extinguishing fires or meeting other emergencies within district.

473.090 Unlawful burning, blasting or use of fireworks, welding torch or other devices in district; permits; exceptions; penalty.

473.100 Elimination of fire hazards.

474.530 Dissolution of district organized pursuant to chapter 473 of NRS or exclusion of portions.

474.555 Reorganization of district organized pursuant to chapter 473 of NRS.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 97.

SUMMARY— ~~[Revises provisions governing the dissemination of]~~ **Provides for the establishment within the Central Repository for Nevada Records of Criminal History of a service to conduct a name-based search of** records of criminal history. (BDR 14-294)

AN ACT relating to criminal records; ~~[revising provisions governing the dissemination of certain records of criminal history to employers and prospective employers by an agency of criminal justice or]~~ **providing for the establishment within** the Central Repository for Nevada Records of Criminal History ~~[;]~~ **of a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing state law, an agency of criminal justice or the Central Repository for Nevada Records of Criminal History is required to disseminate

to a current or prospective employer, upon request, certain information about the criminal history of a current or prospective employee or volunteer. (NRS 179A.100) ~~[Under existing federal law, a "consumer report" is defined to include the communication of any information by a consumer reporting agency that bears upon a person's character, general reputation and personal characteristics. (15 U.S.C. § 1681a(d)) This bill creates a legal fiction by allowing a person or entity designated to receive information about the criminal history of a current or prospective employee or volunteer on behalf of an employer to obtain such information by submitting to the Central Repository proof of the consent of an employee or volunteer allowing the employer to obtain a consumer report pursuant to 15 U.S.C. § 1681b(b)(2) in lieu of submitting a written consent of the employee or volunteer to obtain the information from the Central Repository.~~

~~This bill also specifies that a record of criminal history or the absence of such a record may be furnished to an employer by a person or entity designated to receive the information on behalf of the employer and who obtained the information pursuant to the statutory provisions governing the dissemination of such information. This bill further authorizes an agency of criminal justice to audit any employer or person or entity designated to receive records of criminal history on behalf of an agency to whom the agency has disseminated certain records for purposes of ensuring that such disseminated records are securely maintained.]~~ **This bill provides for the establishment within the Central Repository of a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer. This bill sets forth certain requirements relating to the operation of that service, including, without limitation, provisions regarding: (1) eligibility to participate in the service; (2) fees for participation in the service; (3) the type of information that the Central Repository may release; (4) the requirements for obtaining the consent of the subject of a search for records of criminal history; (5) the authority of the Central Repository to conduct audits concerning the service; and (6) the ability of the Central Repository to terminate participation in the service under certain circumstances.**

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

Section 1. ~~[NRS 179A.100 is hereby amended to read as follows:~~

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

~~(a) Any which reflect records of conviction only; and~~

~~(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.~~

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

~~(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.~~

~~(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.~~

~~(c) ***Furnished to an employer by a person or entity designated to receive the information on behalf of the employer and who obtained the information pursuant to this section.***~~

~~***(d)*** Reported to the Central Repository.~~

~~3. An agency of criminal justice shall~~ ***, upon request,*** ~~disseminate to a prospective~~ ***or current*** ~~employer~~ **[**~~, upon request,~~**]** ***, or a person or entity designated to receive the information on behalf of such an employer,*** ~~records of criminal history concerning~~ **[**~~a~~**]** ***an employee,*** ~~prospective employee~~ ***, volunteer*** ~~or~~ ***prospective*** ~~volunteer which are the result of a name-based inquiry and which:~~

~~(a) Reflect convictions only; or~~

~~(b) Pertain to an incident for which the~~ ***employee,*** ~~prospective employee~~ ***, volunteer*** ~~or~~ ***prospective*** ~~volunteer is currently within the system of criminal justice, including parole or probation.~~

~~4.~~ ***An agency of criminal justice may audit, at such times the agency deems necessary, any employer, or a person or entity designated to receive records of criminal history on behalf of an employer, to whom the agency has disseminated records of criminal history pursuant to subsection 3 for purposes of ensuring that such disseminated records are securely maintained.***

~~5. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:~~

~~(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;~~

~~(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and~~

~~(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.~~

~~**[**5.**]** ***6.*** In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives **[**written**]** consent to the release of that information **:**~~

~~***(a) In writing to the employer*** if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information **[**.**] ;** ***or***~~

~~***(b) Pursuant to 15 U.S.C. § 1681b(b)(2) to the person or entity designated to receive the information on behalf of the employer, if the person or entity so designated submits to the Central Repository proof of the consent given by the employee, prospective employee, volunteer or prospective volunteer pursuant to 15 U.S.C. § 1681b(b)(2).***~~

~~**↵** The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.~~

~~**[**6.**]** ***7.*** Except as otherwise provided in subsection **[**5,**]** ***6,*** the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections **[**4 and 5.~~

~~7.**]** ***5 and 6.***~~

~~***8.*** Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:~~

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

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

~~(c) The State Gaming Control Board.~~

~~(d) The State Board of Nursing.~~

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

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

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

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

~~(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a~~

~~security investigation of an employee or prospective employee or to protect the public health, safety or welfare.~~

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

~~— (k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.~~

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

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

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

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

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

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

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

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

~~— (t) The Commissioner of Insurance.~~

~~— (u) The Board of Medical Examiners.~~

~~— (v) The State Board of Osteopathic Medicine.~~

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

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

~~— (y) A court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court.~~

~~— [8.] 9. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 179A.105 is hereby amended to read as follows:~~

~~"179A.105 An employer who fails to request:~~

~~1. The information contained in a record of registration concerning a volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, as authorized pursuant to subsection [4] 5 of NRS 179A.100; or~~

~~2. The information described in subsection 4 of NRS 179A.190 concerning a volunteer or prospective volunteer, as authorized pursuant to subsection [5] 6 of NRS 179A.100,~~

~~→ is not liable to a child served by the employer for civil damages suffered by the child as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child by such a volunteer or prospective volunteer.]~~

(Deleted by amendment.)

Sec. 3. ~~[NRS 179A.200 is hereby amended to read as follows:~~

~~"179A.200 1. In addition to any other information which an employer is authorized to request pursuant to this chapter, an employer may request from the Central Repository notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee.~~

~~2. A request for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 from an employer must conform to the requirements of the Central Repository. The request must include:~~

~~(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;~~

~~(b) The name and address of the employer's facility in which the employee is employed or seeking to become employed;~~

~~(c) The name, a complete set of fingerprints and other identifying information of the employee;~~

~~(d) Signed consent by the employee authorizing:~~

~~(1) The employer to forward the fingerprints of the employee to the Central Repository for submission to the Federal Bureau of Investigation for its report;~~

~~(2) A search of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee; and~~

~~(3) The release of a notice concerning that information;~~

~~(e) The mailing address of the employee or a signed waiver of the right of the employee to be sent a copy of the information disseminated to the employer as a result of the search of the records of criminal history; and~~

~~(f) The signature of the employee indicating that the employee has been notified of:~~

~~(1) The types of information for which notice is subject to dissemination pursuant to NRS 179A.210, or a description of the information;~~

~~(2) The employer's right to require a check of the records of criminal history as a condition of employment; and~~

~~(3) The employee's right, pursuant to NRS 179A.150, to challenge the accuracy or sufficiency of any information disseminated to the employer.~~

~~*3. For the purposes of paragraph (b) of subsection 6 of NRS 179A.100, a request shall be deemed to include the information required by paragraphs (d), (e) and (f) of subsection 2 if the request includes proof that the employee consented pursuant to 15 U.S.C. § 1681b(b)(2) to the procurement of a consumer report regarding himself or herself for employment purposes. As used in this subsection, "consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).]~~ **(Deleted by amendment.)**

Sec. 4. **Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby established within the Central Repository a service to conduct a name-based search of records of criminal history of an employee, prospective employee, volunteer or prospective volunteer.

2. An eligible person that wishes to participate in the service must enter into a contract with the Central Repository.

3. The Central Repository may charge a reasonable fee for participation in the service.

4. A participant of the service may inquire about the records of criminal history of an employee, prospective employee, volunteer or prospective volunteer to determine the suitability of the employee or prospective employee for employment or the suitability of the volunteer or prospective volunteer for volunteering.

5. The Central Repository shall disseminate to a participant of the service information which:

(a) Reflects convictions only; or

(b) Pertains to an incident for which an employee, prospective employee, volunteer or prospective volunteer is currently within the system of criminal justice, including parole or probation.

6. An employee, prospective employee, volunteer or prospective volunteer who is proposed to be the subject of a name-based search must provide his or her written consent for the Central Repository to perform the search and to release the information to a participant. The written consent form may be:

(a) A form designated by the Central Repository; or

(b) If the participant is an employment screening service, a form that complies with the provisions of 15 U.S.C. § 1681b(b)2 for the procurement of a consumer report.

7. An employment screening service that is designated to receive records of criminal history on behalf of an employer or volunteer organization may provide such records of criminal history to the employer or volunteer organization upon request of the employer or volunteer organization.

8. The Central Repository may audit a participant, at such times as the Central Repository deems necessary, to ensure that records of criminal history are securely maintained.

9. The Central Repository may terminate participation in the service if a participant fails:

(a) To pay the fees required to participate in the service; or

(b) To address, within a reasonable period, deficiencies identified in an audit conducted pursuant to subsection 8.

10. As used in this section:

(a) "Consumer report" has the meaning ascribed to it in 15 U.S.C. § 1681a(d).

(b) "Eligible person" includes:

(1) An employer.

(2) A volunteer organization.

(3) An employment screening service.

(c) "Employer" means a person in this State that:

(1) Employs an employee; or

(2) Enters into a contract with an independent contractor.

(d) "Employment" includes performing services for an employer as an independent contractor.

(e) "Employment screening service" means a person or entity designated by an employer or volunteer organization to provide employment or volunteer screening services to the employer or volunteer organization.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

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

Amendment No. 170.

AN ACT relating to local financial administration; revising provisions governing the operation of the Committee on Local Government Finance; revising provisions relating to the management of a local government existing in a severe financial emergency; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the procedures by which certain local governments existing in a severe financial emergency may receive technical financial and other assistance from the Department of Taxation and the Committee on Local Government Finance. Existing law also requires the Nevada Tax Commission, upon determining that a local government exists in a severe financial emergency, to require by order that: (1) the Department take over the management of the local government until the severe financial emergency ceases to exist; (2) the local government increase or impose new taxes to meet the revenue requirements of the local government; and (3) under certain circumstances, a question be submitted to the electors of the local government as to whether the local government should be disincorporated or dissolved.

Existing law further provides for the cessation of the management of a local government by order of the Commission under certain circumstances. (NRS 354.105, 354.655-354.725) **Section 1** of this bill revises provisions providing for the operation of the Committee on Local Government Finance. **Sections 4 and 5** of this bill **generally** provide for the withholding of certain payments to which a local government may otherwise be entitled for failing to file certain financial reports or to make certain payments to the Public Employees' Benefits Program. **Section 6** of this bill requires the Department, upon making a determination that certain financial conditions exist in a local government **[.]** **and after giving consideration to the severity of each such condition,** to place the local government under a program of monitoring. **Section 7** of this bill establishes the process by which the Committee and the Commission determine that a local government exists in a severe financial emergency and requires the Commission, upon making such a determination, to order the local government to follow a remedial course of action. **Section 8** of this bill revises the duties of the Department upon taking over the management of a local government found to exist in a severe financial emergency **[.]** **, including requiring the Department to: (1) negotiate and approve employment contracts of the local government; (2) open and renegotiate, or assist the local government in renegotiating, existing collective bargaining agreements and employment contracts; and (3) meet and negotiate in good faith with creditors of the local government.** **Section 9** of this bill provides for the creation and adoption by the Commission of a remedial plan of action to increase the revenues and reduce the expenditures of the local government. The plan may provide for the imposition of additional taxes by the local government, which taxes, pursuant to **section 15** of this bill, are not subject to certain abatements and other limitations. **Section 9 further requires the Department to prepare and submit to the Legislature a report relating to local governments existing in a severe financial emergency.** **Section 11** of this bill **authorizes the distribution of money in the Severe Financial Emergency Fund to a local government as a loan for the purpose of discharging the general obligations of the local government. Section 11 further** extends the period **[**by**]** **within** which a local government may repay certain interest-free loans distributed by the Executive Director of the Department to the local government from the **[**Severe Financial Emergency Fund. If the Executive Director determines that the severe financial emergency of a local government is unlikely to end within a certain period, section 12 of this bill requires the Committee to review the findings of the Executive Director and recommend certain additional remedial actions to the Commission, including a recommendation that: (1) the county absorb the local government; or (2) the local government be disincorporated or dissolved.**]** **Fund. Section 12 of this bill authorizes the Commission to require a local government that is found to exist in a severe financial emergency to take remedial action in accordance with the recommendations of the Committee.** **Section 13** of this bill prohibits the

Commission from terminating or modifying the management of a local government by the Department without first obtaining a recommendation from the Committee.

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

Section 1. NRS 354.105 is hereby amended to read as follows:

354.105 1. The Committee on Local Government Finance, consisting of 11 members, is hereby created.

2. The following associations shall each appoint three members to serve on the Committee:

(a) Nevada League of Cities;

(b) Nevada Association of County Commissioners; and

(c) Nevada ~~[~~School Trustees~~]~~ Association ~~[.]~~ ***of School Boards.***

3. The Nevada State Board of Accountancy shall appoint two members to serve on the Committee.

4. Each appointment must be for a term of 3 years ~~[.]~~ ***, and each member appointed may be reappointed to additional terms.***

5. ~~[~~All vacancies~~]~~ ***A vacancy*** must be filled as soon as practicable by the appointing authority of the person who vacated the seat.

6. If any of the associations listed in subsection 2 cease to exist, the appointments required by subsection 2 must be made by the association's successor in interest or, if there is no successor in interest, one each by the other appointing authorities.

7. The members of the Committee shall elect by majority vote a member as Chair and another member as Vice Chair, who shall serve for terms of 3 years or until their successors are elected.

8. The Committee shall meet not less than twice per year and may meet at other times upon the call of the Chair or a majority of the members of the Committee.

9. A majority of the members of the Committee constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

10. Members of the Committee serve without compensation, except that for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

11. The Department of Taxation shall provide administrative support to the Committee.

Sec. 2. NRS 354.655 is hereby amended to read as follows:

354.655 As used in NRS 354.655 to 354.725, inclusive, unless the context requires otherwise:

1. ***"Basic function" means an activity of a local government for the purpose of accomplishing a primary service or function of the local***

government, including, without limitation, those services and functions relating to general governance, public safety, public works, public health, public welfare and judicial services or functions for which the local government is responsible.

2. "Commission" means the Nevada Tax Commission.

3. "Committee" means the Committee on Local Government Finance.

~~[2.]~~ ***4. "***Department" means the Department of Taxation.

~~[3.]~~ ***5. "***Executive Director" means the Executive Director of the Department ***.*** ~~[of Taxation.~~

~~4.]~~ ***6. "Fiscal watch" means the monitoring of a local government pursuant to a notice issued pursuant to subsection 1 of NRS 354.675.***

7. "Holder" includes, without limitation, any owner or other person described in NRS 350.530, a trustee, guarantor, insurer and credit enhancer, and a bank that issues a letter of credit.

8. "Local government" means any local government subject to the provisions of the Local Government Budget and Finance Act.

~~[5. The]~~ ***[every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts, districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, irrigation districts organized pursuant to chapter 539 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.***

~~8.]~~ ***9. "Technical financial assistance" means assistance provided by the Department to a local government, including, without limitation, assistance with ~~[auditing financial records,]~~ developing budgets, reviewing contracts, analyzing cost allocations, debt management, feasibility analyses and revenue forecasting.***

~~[9. Except as otherwise provided in subsection 7, the]~~

10. The words and terms defined in the Local Government Budget and Finance Act have the meanings ascribed to them in that act.

Sec. 3. NRS 354.657 is hereby amended to read as follows:

354.657 1. The purpose of NRS 354.655 to 354.725, inclusive, is to ~~[~~provide specific methods for the treatment of delinquent documents, payments, technical financial assistance and~~]~~ ***:***

(a) Restore and maintain the financial solvency of any local government in financial distress;

(b) Provide basic functions for which a local government in financial distress is responsible; and

(c) Provide a tiered program of financial oversight and assistance by the State based on the existing financial conditions of a local government, including, without limitation, placing the local government on fiscal watch, providing technical financial assistance to the local government and

assisting the local government if it is found to exist in a state of severe financial emergency.

2. To accomplish the purpose set forth in subsection 1, the provisions of NRS 354.655 to 354.725, inclusive, must be broadly and liberally construed.

Sec. 4. NRS 354.665 is hereby amended to read as follows:

354.665 1. If a local government does not file a statement, report or other document as required by the provisions of NRS 350.013, ***354.5945,*** 354.6015, 354.6025, 354.624, 354.6245 or 387.303 within 15 days after the day on which it was due, the Executive Director shall notify the governing body of the local government in writing that the report is delinquent. The notification must be noted in the minutes of the first meeting of the governing body following transmittal of the notification.

2. If the required report is not received by the Department within 45 days after the day on which the report was due, the Executive Director shall notify the governing body that the presence of a representative of the governing body is required at the next practicable scheduled meeting of the Committee to explain the reason that the report has not been filed. The notice must be transmitted to the governing body ~~[at least]~~ ***not less than*** 5 days before the date on which the meeting will be held.

3. If an explanation satisfactory to the Committee is not provided at the meeting as requested in the notice and an arrangement is not made for the submission of the report, the Committee may instruct the Executive Director to request that the State Treasurer withhold from the local government the next distribution from the Local Government Tax Distribution Account ***,*** if the local government is otherwise entitled to receive such a distribution ***,*** ~~[or of]~~ the local school support tax if the local government is a school district ~~[.]~~ ***or any other property taxes, taxes on the net proceeds of minerals or grants to which the local government may otherwise be entitled as a distribution from the State.*** Upon receipt of such a request, the State Treasurer shall withhold the payment and all future payments until the State Treasurer is notified by the Executive Director that the report has been received by the Department ~~[.]~~ ***, except that the State Treasurer shall not withhold any payment necessary for the local government to make a timely payment that is due and owing to a holder.***

Sec. 5. NRS 354.671 is hereby amended to read as follows:

354.671 1. Upon receipt of notification by the Board of the Public Employees' Benefits Program pursuant to NRS 287.0434 that a local government is delinquent by more than 90 days on an amount due to the Public Employees' Benefits Program pursuant to paragraph (b) of subsection 4 of NRS 287.023, the Executive Director shall notify the governing body that the presence of a representative of the governing body is required at the next practicable scheduled meeting of the Committee to explain the reason that the payment has not been made. The notice must be transmitted to the governing body at least 5 days before the date on which the meeting will be held.

2. If an explanation satisfactory to the Committee is not provided at the meeting as requested in the notice and an arrangement is not made for the submission of the payment, the Committee may instruct the Executive Director to request that the State Treasurer withhold from the local government an amount equal to the amount of the delinquent payment from the next distribution from the Local Government Tax Distribution Account **,** if the local government is otherwise entitled to receive such a distribution **,** ~~[or of]~~ the local school support tax if the local government is a school district ~~[.]~~ ***or any other property taxes, taxes on the net proceeds of minerals or grants to which the local government may otherwise be entitled as a distribution from the State.*** Upon receipt of such a request, the State Treasurer shall withhold that amount from the payment or any future payment as necessary until the State Treasurer is notified by the Executive Director that the delinquent payment has been received by the Department ~~[.]~~ ***, except that the State Treasurer shall not withhold any payment necessary for the local government to make a timely payment that is due and owing to a holder.*** The Department shall transmit the delinquent payment to the Public Employees' Benefits Program upon receipt.

Sec. 6. NRS 354.675 is hereby amended to read as follows:

354.675 1. ~~[A governing body which determines that the local government is in need of technical financial assistance may adopt a resolution requesting an appearance before the Nevada Tax Commission to request technical financial assistance from the Department.]~~ ***If the Department determines that one or more of the conditions identified in paragraphs (a) to (aa), inclusive, of subsection 2 of NRS 354.685 exist in a local government, and after giving consideration to the severity of each such condition, the Department shall provide written notice to the local government, the Commission and the Committee that the local government has been placed on fiscal watch by the Department. The Department shall not remove a local government from fiscal watch until the Executive Director determines that such conditions no longer exist or the Executive Director submits a recommendation to the Committee pursuant to subsection 2 of NRS 354.685.***

2. ***If a local government is placed on fiscal watch pursuant to subsection 1, the governing body of the local government may adopt a resolution requesting the Commission to order the Department, in consultation with the local government and the Committee, to provide appropriate technical financial assistance to the local government.***

3. Upon receipt of a resolution adopted pursuant to subsection ~~[1,]~~ ***2,*** the Nevada Tax Commission shall place the request for technical financial assistance on the agenda for the next practicable scheduled meeting of the Commission and notify the governing body of the local government of the time and place at which one or more representatives of the local government must appear to present the request.

~~[3.]~~ ***4.*** After hearing the request for technical financial assistance ~~[,]~~ ***and any recommendations of the Committee,*** if the Nevada Tax Commission finds that the local government is in need of technical financial assistance, ~~[it]~~ ***the***

Commission shall order the Department to provide the assistance. The order must include such terms and conditions as the Commission deems appropriate and may include a schedule or rate of payment for the services of the Department.

~~[4.]~~ ***5.*** If the governing body adopts a resolution accepting the terms and conditions established pursuant to subsection ~~[3,]~~ ***4,*** the Department shall provide such technical financial assistance to the local government as the Department deems necessary and appropriate.

~~[5.]~~ ***6.*** The Department may request ***from the Committee*** any assistance it deems appropriate to carry out the provisions of this section ***.*** ~~[from the Committee.~~

~~6.]~~ ***7.*** The Department shall continue to provide assistance to the local government pursuant to this section until the Nevada Tax Commission ~~[adopts]~~ ***issues*** an order requiring the Department to cease providing the assistance. The Nevada Tax Commission may ~~[adopt]~~ ***issue*** such an order upon its own motion ***,*** ~~[or]~~ upon receipt of a ***request for such an order from the Department or the Committee, or upon receipt of a*** resolution adopted by the governing body requesting such an order.

~~[7.]~~ ***8.*** If no payment for the services of the Department is required by the order or such payments are not sufficient to pay the costs of providing the technical financial assistance required pursuant to this section, the Department may request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to pay the costs of providing the technical financial assistance required pursuant to this section.

Sec. 7. NRS 354.685 is hereby amended to read as follows:

354.685 1. ~~[If]~~ ***The Committee may, upon the recommendation of the Executive Director pursuant to subsection 2 or at the request of a local government pursuant to subsection 3, conduct one or more hearings to determine whether a severe financial emergency exists in a local government.***

2. The Executive Director may ***, after giving consideration to the severity of each condition identified in paragraphs (a) to (aa), inclusive, which is found to exist in a local government, recommend that the Committee conduct one or more hearings to determine whether a severe financial emergency exists in a local government if*** the Department finds that one or more of the following conditions exist in ~~[any]~~ ***the*** local government ***:*** ~~[, after giving consideration to the severity of the condition, it may determine that one or more hearings should be conducted to determine the extent of the problem and to determine whether a recommendation of severe financial emergency should be made to the Nevada Tax Commission:]~~

(a) Required financial reports have not been filed or are consistently late.

(b) The audit report reflects the unlawful expenditure of money in excess of the amount appropriated in violation of the provisions of NRS 354.626.

(c) The audit report shows funds with deficit fund balances.

(d) The local government has incurred debt beyond its ability to repay.

(e) The local government has not corrected violations of statutes or regulations adopted pursuant thereto as noted in the audit report.

(f) The local government has serious internal control problems noted in the audit report which have not been corrected.

(g) The local government has a record of being late in its payments for services and supplies.

(h) The local government has had insufficient cash to meet required payroll payments in a timely manner.

(i) The local government has borrowed money or entered into long-term lease arrangements without following the provisions of NRS or regulations adopted pursuant thereto.

(j) The governing body of the local government has failed to correct problems after it has been notified of such problems by the Department.

(k) The local government has not separately accounted for its individual funds as required by chapter 354 of NRS.

(l) The local government has invested its money in financial instruments in violation of the provisions of chapter 355 of NRS.

(m) The local government is in violation of any covenant in connection with any debt issued by the local government.

(n) The local government has not made bond and lease payments in accordance with the approved payment schedule.

(o) The local government has failed to control its assets such that large defalcations have occurred which have impaired the financial condition of the local government.

(p) The local government has recognized sizeable losses as a result of the imprudent investment of money.

(q) The local government has allowed its accounting system and recording of transactions to deteriorate to such an extent that it is not possible to measure accurately the results of operations or to ascertain the financial position of the local government without a reconstruction of transactions.

(r) The local government has consistently issued checks not covered by adequate deposits.

(s) The local government has loaned and borrowed money between funds without following the proper procedures.

(t) The local government has expended money in violation of the provisions governing the expenditure of that money.

(u) Money restricted for any specific use has been expended in violation of the terms and provisions relating to the receipt and expenditure of that money.

(v) Money has been withheld in accordance with the provisions of NRS 354.665.

(w) If the local government is a school district, a loan has been made from the State Permanent School Fund to the school district pursuant to NRS 387.526.

(x) An employer in the county that accounts for more than 15 percent of the employment in the county has closed or significantly reduced operations.

(y) The local government has experienced a cumulative decline of 10 percent in population or assessed valuation for the past 2 years.

(z) The ending balance in the general fund of the local government has declined for the past 2 years ~~[.]~~ ***or is less than 4 percent of the actual expenditures from the general fund of the local government for the immediately preceding fiscal year.***

(aa) The local government has failed to pay, in a timely manner, contributions to the Public Employees' Retirement System, workers' compensation or payroll taxes or fails to pay, at any time, a payment required pursuant to the Federal Insurance Contributions Act ~~[.~~

~~2.]~~ ***, 26 U.S.C. §§ 3101 et seq., or the Federal Unemployment Tax Act, 26 U.S.C. §§ 3301 et seq.***

3. If the governing body of a local government determines by the affirmative vote of a majority of its members that, because the local government is involved in litigation or threatened litigation, a severe financial emergency will exist in the local government, the governing body may submit a request to the Committee to conduct a hearing to determine whether a severe financial emergency exists in the local government.

4. If the ~~[~~Department~~]~~ ***Committee conducts a hearing pursuant to subsection 2 or 3 and*** determines that a ~~[~~condition listed in subsection 1~~]~~ ***severe financial emergency*** exists, the Department ***, on behalf of the Committee,*** shall:

(a) Notify the local government about the determination;

(b) Request from the local government any information that the Department deems to be appropriate to determine the extent of the condition; and

(c) Require the local government to formulate a plan of corrective action to mitigate the possible financial emergency.

~~[3. Within]~~

5. Not later than 45 days after receiving notification pursuant to subsection ~~[2,]~~ ***4,*** a local government shall submit to the Committee any information requested by the Department and a plan of corrective action.

~~[4. The]~~

6. If the Committee determines that a severe financial emergency exists pursuant to subsection 4, the Committee shall:

(a) Review ~~[a]~~ ***the*** plan of corrective action submitted by a local government ~~[,]~~ ***pursuant to paragraph (c) of subsection 4;***

(b) Provide observations and recommendations for the local government; and

(c) If the Committee deems necessary, periodically review the status of ***and conduct additional hearings to review*** the financial operations of the local government.

~~[5. The Department shall report the observations and recommendations of the Committee to the Nevada Tax Commission.~~

~~6.~~ ***7.*** In addition to any notice otherwise required, the Department shall give notice of any hearing held pursuant to ~~subsection 1~~ ***this section*** to the governing body of each local government whose jurisdiction overlaps with ***, or in the case of a city, whose jurisdiction is contiguous to,*** the jurisdiction of the local government whose financial condition will be considered at least 10 days before the date on which the hearing will be held.

~~7.~~ ***8.*** If the ~~Department,~~ ***Committee,*** following ~~the~~ ***a*** hearing ~~or hearings,~~ ***conducted pursuant to this section,*** determines that a ~~recommendation of~~ severe financial emergency ~~should be made to the Nevada Tax Commission, it~~ ***exists in a local government, the Committee*** shall ***,*** ~~make such a recommendation~~ as soon as practicable ~~. Upon receipt of such a recommendation, the Nevada Tax~~ ***, provide notice of its findings, including any recommendations of the Committee, to the Commission.***

9. The Commission shall ***, upon receiving a notice and any recommendations from the Committee pursuant to subsection 8,*** hold a hearing at which the Department ~~,~~ ***and the Committee must recommend a course of action to mitigate the financial conditions that are the cause of the severe financial emergency which exists in*** the ***local government. The Commission shall afford the*** local government whose financial condition will be considered and each local government whose jurisdiction overlaps with ***, or in the case of a city, whose jurisdiction is contiguous to,*** the jurisdiction of the local government whose financial condition will be considered ~~are afforded~~ an opportunity to be heard. If, after the hearing, the Nevada Tax Commission determines that a severe financial emergency exists, ~~it~~ ***the Commission*** shall ~~require by~~ ***issue an*** order ~~that~~ ***requiring the local government to follow a remedial course of action and requiring*** the Department ***to*** take over the management of the local government as soon as practicable.

~~8. As used in this section, "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Internal Revenue Code of 1939 and subchapters A and B of chapter 21 of the Internal Revenue Code of 1954, as such codes have been and may from time to time be amended.~~

Sec. 8. NRS 354.695 is hereby amended to read as follows:

354.695 1. As soon as practicable after taking over the management of a local government, the Department shall, with the approval of the Committee:

(a) Establish and implement a management policy and a financing plan for the local government;

(b) Provide for the appointment of a financial manager for the local government who is qualified to manage the fiscal affairs of the local government;

(c) Provide for the appointment of any other persons necessary to enable the local government to provide the basic services for which it was created in the most economical and efficient manner possible;

(d) Establish an accounting system and separate accounts in a bank or credit union, if necessary, to receive and expend all money and assets of the local government;

(e) Impose such hiring restrictions as deemed necessary ***;*** ~~[after considering the recommendations of the financial manager;]~~

(f) Negotiate and approve all contracts entered into by or on behalf of the local government before execution and enter into such contracts on behalf of the local government as the Department deems necessary;

(g) Negotiate and approve ~~***[Except as otherwise provided in subsection 2, assume***~~ all ~~***the rights and obligations of the local government under any]***~~ ***all*** collective bargaining contracts ***and other employment contracts*** to be entered into by the local government ~~***[,]***~~ ***with an employee organization or any employee*** , except ***that the Department shall not negotiate or approve*** issues submitted to a fact finder whose findings and recommendations are final and binding pursuant to the provisions of the Local Government Employee-Management Relations Act;

(h) ***If the Committee made a recommendation to the Commission that a severe financial emergency exists in the local government based upon the existence of one or more conditions described in paragraph (c), (d), (g), (h), (n) to (p), inclusive, (r) or (aa) of subsection 2 of NRS 354.685:***

(1) Open and renegotiate in good faith, or assist the local government in renegotiating, any existing collective bargaining agreement or other employment contract relating to compensation or monetary benefits during the period of severe financial emergency; and

(2) Assume all rights, duties and powers pursuant to NRS 288.150 that are otherwise reserved to the local government during a period of severe financial emergency;

(i) Approve all expenditures of money from any fund or account and all transfers of money from one fund to another;

~~[(i)]~~ ***(j)*** Employ such technicians as are necessary for the improvement of the financial condition of the local government;

~~[(j)]~~ ***(k)*** Meet with ***any holders and*** the creditors of the local government ***to negotiate in good faith*** and formulate a debt liquidation program ~~[,]~~ ***that may include, without limitation, the adjustment of bonded indebtedness by the exchange of existing bonds for new bonds with a later maturity date and a different interest rate;***

~~[(k)]~~ ***(l)*** If the Department has taken over the management of a local government because the local government is involved in litigation or threatened litigation, carry out the duties ~~[set forth in NRS 354.701, if the provisions of that section are applicable;]~~ ***of the Department pursuant to subsection 2 of NRS 31.010;***

~~[(l)]~~ ***(m)*** Approve the issuance of bonds or other forms of indebtedness by the local government;

~~[(m)]~~ ***(n)*** Discharge any of the outstanding debts and obligations of the local government; and

~~[(n)]~~ ***(o)*** Take any other actions necessary to ensure that the local government provides the basic ~~[services]~~ ***functions*** for which it was created in the most economical and efficient manner possible.

2. ~~***[The Department may, after taking over the management of a local government and with the approval of the Committee, suspend in whole or in part any collective bargaining agreement of the local government until the Department's management of the local government ceases or is terminated. = 3.]***~~ The Department may provide for reimbursement from the local government for the expenses the Department incurs in managing the local government. If such reimbursement is not possible, the Department may request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269.

3. ~~***[4.]***~~ The governing body of a local government which is being managed by the Department pursuant to this section may make recommendations to the Department or the financial manager concerning the management of the local government.

4. ~~***[5.]***~~ Each state agency, board, department, commission, committee or other entity of the State shall provide such technical ***financial*** assistance concerning the management of the local government as is requested by the Department.

5. ~~***[6.]***~~ The Department may delegate any of the powers and duties imposed by this section to the financial manager appointed pursuant to paragraph (b) of subsection 1.

~~**[6.]**~~ ***A financial manager acting within the scope of his or her delegation pursuant to this subsection is responsible only to the Department for his or her actions.***

~~***[7.]***~~ ***6.*** Except as otherwise provided in NRS 354.723 and 450.760, once the Department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to NRS 354.725.

Sec. 9. NRS 354.705 is hereby amended to read as follows:

354.705 1. As soon as practicable after the Department takes over the management of a local government, the Executive Director shall ~~**[.]**~~ ***prepare a plan of revenue enhancement and expense mitigation, for consideration by the Committee, that will lead to sustainable financial stability for the local government. In preparing the plan, the Executive Director shall:***

(a) Determine the total amount of expenditures necessary to allow the local government to perform the basic functions for which it was created ~~**[.]**~~ ***, with priority given to public safety and the maintenance of roads and highways;***

(b) Determine the amount of revenue reasonably expected to be available to the local government; and

(c) Consider any alternative sources of revenue available to the local government.

2. ~~**[**If the**]**~~ ***The*** Executive Director ***shall submit the plan prepared pursuant to subsection 1 to the Committee. If the Committee*** determines that

the available revenue ***of the local government*** is not sufficient to provide for the payment of required debt service and operating expenses ~~[,]~~ ***pursuant to*** the ~~[Executive Director may submit his or her findings to]~~ ***plan,*** the Committee ~~[who shall review the determinations made by the Executive Director. If the Committee determines that additional revenue is needed, it shall prepare]~~ ***shall submit*** a ~~[recommendation]~~ ***revised plan*** to the ~~[Nevada Tax]~~ Commission as to which one or more of the following additional taxes or charges should be imposed by the local government:

(a) The levy of a property tax up to a rate which when combined with all other overlapping rates levied in the State does not exceed $4.50 on each $100 of assessed valuation.

(b) An additional tax on transient lodging at a rate not to exceed 1 percent of the gross receipts from the rental of transient lodging within the boundaries of the local government upon all persons in the business of providing lodging. Any such tax must be collected and administered in the same manner as all other taxes on transient lodging are collected by or for the local government.

(c) Additional service charges appropriate to the local government.

(d) If the local government is a county or has boundaries that are conterminous with the boundaries of the county:

(1) An additional tax on the gross receipts from the sale or use of tangible personal property not to exceed one-quarter of 1 percent throughout the county. The ordinance imposing any such tax must:

(I) Include provisions in substance which comply with the requirements of subsections 2 to 5, inclusive, of NRS 377A.030. The ordinance shall be deemed to require the remittance of the tax to the Department and the distribution of the tax to the local government in the same manner as that provided in NRS 377A.050.

(II) Specify the date on which the tax must first be imposed or on which a change in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

(2) An additional governmental services tax of not more than 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except those vehicles exempt from the governmental services tax imposed pursuant to chapter 371 of NRS or a vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations. As used in this subparagraph, "based" has the meaning ascribed to it in NRS 482.011.

3. Upon receipt of the plan from the Committee, a panel consisting of three members of the Nevada Tax Commission appointed by the Nevada Tax Commission and three members of the Committee appointed by the Committee shall hold a public hearing at a location within the boundaries of the local government in which the severe financial emergency exists after giving public notice of the hearing at least 10 days before the date on which

the hearing will be held. In addition to the public notice, the panel shall give notice to the governing body of each local government whose jurisdiction overlaps with ***, or in the case of a city, whose jurisdiction is contiguous to,*** the jurisdiction of the local government in which the severe financial emergency exists.

4. After the public hearing conducted pursuant to subsection 3, the Nevada Tax Commission may adopt the plan as submitted or adopt a revised plan. ***If the Commission adopts a revised plan, the revised plan must be approved by the members of the Committee serving on the panel described in subsection 3.*** Any plan adopted pursuant to this section must include the duration for which any new or increased taxes or charges may be collected which must not exceed 5 years.

5. Upon adoption of the plan by the Nevada Tax Commission, the local government in which the severe financial emergency exists shall impose or cause to be imposed the additional taxes and charges included in the plan for the duration stated in the plan or until the severe financial emergency has been determined by the ~~[~~Nevada Tax Commission~~]~~ ***Committee*** to have ceased to exist. ***Any levy of additional property tax applies to all taxpayers, regardless of whether the taxes previously imposed have been partially or fully paid pursuant to NRS 361.483.***

6. The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to any additional property tax levied pursuant to this section.

7. If a plan fails to satisfy the expenses of the local government to the extent expected, the Committee shall report such failure to:

(a) The county for consideration of absorption of services; or

(b) If the local government is a county, to the next regular session of the Legislature.

8. For any local government that is found to exist in a severe financial emergency, the Department shall:

(a) Prepare a report regarding the financial condition of the local government not less frequently than once every 6 months until the severe financial emergency ceases; and

(b) Not later than 10 days after preparing a report pursuant to paragraph (a), submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.

Sec. 10. NRS 354.715 is hereby amended to read as follows:

354.715 ***1.*** If a local government ***or any officer or employee of the local government*** fails to comply with any request made by the Department pursuant to NRS 354.695, the Department may apply to the district court to compel compliance.

2. In any proceeding brought pursuant to subsection 1, the Department may seek a declaration by the district court that the failure to comply with the request of the Department was willful. A willful failure to comply by any:

(a) Officer of the local government works a forfeiture of his or her office.

(b) Employee of the local government is grounds for dismissal from his or her employment.

3. Any officer or employee of the local government who willfully fails to comply with any request made by the Department pursuant to NRS 354.695 is guilty of a gross misdemeanor.

Sec. 11. NRS 354.721 is hereby amended to read as follows:

354.721 1. The Severe Financial Emergency Fund is hereby created in the State Treasury as a revolving fund. The Executive Director shall administer the Fund.

2. The money in the Fund must be invested as other state funds are invested. Any interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund.

3. Money in the Severe Financial Emergency Fund may be:

(a) Distributed by the Executive Director as a loan to a local government for the purpose of paying the operating expenses ***and general obligations*** of the local government until the local government receives revenues if:

(1) The Department takes over the management of a local government pursuant to NRS 354.685 to 354.725, inclusive;

(2) The Executive Director determines that a loan from the Severe Financial Emergency Fund is necessary to pay the operating expenses ***and general obligations*** of the local government; and

(3) The local government adopts a resolution in which the local government agrees to:

(I) Use the money only for the purpose of paying the operating expenses ***and general obligations*** of the local government until the local government receives revenues; and

(II) Repay the entire amount of the loan, without any interest, to the Severe Financial Emergency Fund as soon as practicable, but not later than ~~[12]~~ ***24*** months after the date on which the resolution is adopted.

(b) Used for any other purpose authorized by the Legislature.

4. A loan approved by the Executive Director must be repaid as soon as practicable by the local government, but the duration of the loan must not exceed ~~[12]~~ ***24*** months after the date on which the loan was made. The Executive Director shall not charge interest on a loan made pursuant to this section.

5. The Executive Director shall report to the Committee on Local Government Finance and to the Nevada Tax Commission as soon as practicable after the date that the loan is approved concerning:

(a) The status of the loan;

(b) The purposes for which the local government will use the money from the loan; and

(c) The resources that the local government will use to repay the loan.

Sec. 12. NRS 354.723 is hereby amended to read as follows:

354.723 1. If the Executive Director determines that a severe financial emergency which exists in a local government under management by the Department is unlikely to cease to exist within 3 years, the Executive Director shall determine:

(a) The amount any tax or mandatory assessment levied by the local government must be raised to ensure a balanced budget for the local government; and

(b) The manner in which the services provided by the local government must be limited to ensure a balanced budget for the local government,

➥ and submit his or her findings to the Committee.

2. The Committee shall review the findings submitted by the Executive Director pursuant to subsection 1. If the Committee determines that the severe financial emergency which exists in the local government is unlikely to cease to exist within 3 years and that the findings made by the Executive Director are appropriate, the Committee shall submit its recommendation ***and findings*** to the Nevada Tax Commission. ~~***[The Committee may recommend:***~~

~~***(a) That the county absorb the local government;***~~

~~***(b) Disincorporation or dissolution of the local government; or***~~

~~***(c) Any other action or remedy that the Committee deems appropriate.***~~

~~***]***~~ If the Committee determines that the financial emergency is likely to cease to exist within 3 years, that decision is not subject to review by the Nevada Tax Commission.

3. The Nevada Tax Commission shall schedule a public hearing ~~[within]~~ ***not later than*** 30 days after the Committee submits its recommendation ~~[.]~~ ***and findings.*** The Nevada Tax Commission shall provide public notice of the hearing at least 10 days before the date on which the hearing will be held. The Executive Director shall provide copies of all documents relevant to the recommendation ***and findings*** of the Committee to the governing body of the local government ***existing*** in ***a*** severe financial emergency.

4. If, after the public hearing, the Nevada Tax Commission ~~[determines that]~~ ***adopts*** the recommendation ***and findings*** of the Committee ~~[is appropriate,]~~ ***, the Commission may:***

(a) Require the submission of a question ~~[must be submitted]~~ to the electors of the local government at the next primary or general municipal election or primary or general state election, as applicable, asking whether the local government should be disincorporated or dissolved ~~[.]~~ ***; or***

(b) Require the local government to take any other remedial action in accordance with the recommendation and findings of the Committee.

5. If the electors of the local government do not approve the disincorporation or dissolution of the local government:

(a) The maximum ad valorem tax levied within the local government, if any, must be raised to $5 on each $100 of assessed valuation;

(b) Any other taxes or mandatory assessments levied in the local government, notwithstanding any limitation on those taxes or assessments provided by statute, must be raised in an amount the Nevada Tax Commission

determines is necessary to ensure a balanced budget for the local government; and

(c) The services provided by the local government must be limited in a manner the Nevada Tax Commission determines is necessary to ensure a balanced budget for the local government.

~~[5.]~~ ***6.*** If the electors of the local government approve the disincorporation or dissolution of a local government that is:

(a) Created by another local government, it must be disincorporated or dissolved:

(1) Pursuant to the applicable provisions of law; or

(2) If there are no specific provisions of law providing for the disincorporation or dissolution of the local government, by the entity that created the local government. If, at the time of the disincorporation or dissolution of the local government pursuant to this paragraph, there are any outstanding loans or bonded indebtedness of the local government, including, without limitation, loans made to the local government by the county in which the local government is located, the taxes for the payment of the bonds or other indebtedness must continue to be levied and collected in the same manner as if the local government had not been disincorporated or dissolved until all outstanding indebtedness is repaid, but for all other purposes the local government shall be deemed disincorporated or dissolved at the time that the entity which created the local government disincorporates or dissolves the local government. Any other liabilities and any remaining assets shall revert to the entity that created the local government which is being disincorporated or dissolved.

(b) Created by a special or local act of the Legislature, it may only be disincorporated or dissolved by the Legislature. The Executive Director shall submit notification of the vote approving the disincorporation or dissolution of the local government to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. At the first opportunity, the Legislature shall consider the question of whether the special or local act will be repealed.

(c) Created in any other manner, it must be disincorporated or dissolved:

(1) Pursuant to the applicable provisions of law; or

(2) If there are no specific provisions of law providing for the disincorporation or dissolution of the local government, by the governing body of that local government. If, at the time of the disincorporation or dissolution of the local government pursuant to this paragraph, there are any outstanding loans or bonded indebtedness of the local government, including, without limitation, loans made to the local government by the county or counties in which the local government is located, the taxes for the payment of the bonds or other indebtedness must continue to be levied and collected in the same manner as if the local government had not been disincorporated or dissolved until all outstanding indebtedness is repaid, but for all other purposes the local government shall be deemed disincorporated or dissolved at the time that the governing body of the local government disincorporates or dissolves the local

government. Except as otherwise provided in this subparagraph, any other liabilities and any remaining assets of the local government shall revert to the board of county commissioners of the county in which the local government is located. If the local government is located in more than one county, the governing body of the local government shall apportion the remaining liabilities and assets among the boards of county commissioners of the counties in which the local government is located.

~~[6. Within]~~

7. Not later than 10 days after the Nevada Tax Commission ~~[makes a determination]~~ ***requires the submission of a question to the electors to disincorporate or dissolve a local government*** pursuant to subsection 4, the Executive Director shall notify:

(a) The city clerk, if the local government is a city; or

(b) The county clerk in all other cases,

➥ and provide the clerk with the amount any tax or mandatory assessment levied by the local government must be raised and a description of the manner in which the services provided by the local government must be limited to ensure a balanced budget for the local government.

~~[7.]~~ ***8.*** After the Executive Director notifies the city clerk or the county clerk, as applicable, pursuant to subsection ~~[6,]~~ ***7,*** the clerk shall cause to be published in a newspaper of general circulation that is printed in the local government a notice of the election once in each calendar week for 2 successive calendar weeks by two weekly insertions a week apart, the first publication to be not more than 30 days nor less than 22 days next preceding the date of the election. If no newspaper is printed in the local government, publication of the notice of election must be made in a newspaper printed in this State and having a general circulation in the local government.

~~[8.]~~ ***9.*** The notice required pursuant to subsection ~~[7]~~ ***8*** must contain the following information:

(a) That the Nevada Tax Commission has determined that the severe financial emergency which exists in the local government is unlikely to cease to exist within 3 years;

(b) That the question of whether the local government should be disincorporated or dissolved will be submitted to the electors of the local government at the next primary or general municipal election or the next primary or general state election, as applicable; and

(c) That if the electors do not approve the disincorporation or dissolution:

(1) The maximum ad valorem tax levied within the local government, if any, will be raised to $5 on each $100 of assessed valuation;

(2) Any taxes or mandatory assessment levied in the local government will be raised to ensure a balanced budget for the local government and the amount by which those taxes or mandatory assessments will be raised; and

(3) The services the local government provides will be limited to ensure a balanced budget for the local government and the manner in which those services will be limited.

~~[9.]~~ ***10.*** If any provisions providing generally for the disincorporation or dissolution of the local government require that the question of disincorporating or dissolving be published or submitted to a vote of the electors of the local government, the publication required by subsection 3 and the election required by subsection 4 satisfy those requirements. If:

(a) There is any other conflict between the provisions of this section and any provisions providing generally for the disincorporation or dissolution of a local government; or

(b) The provisions providing generally for the disincorporation or dissolution of a local government provide additional rights to protest the disincorporation or dissolution of a local government not provided by this section,

➥ the provisions of this section control a disincorporation or dissolution pursuant to this section and any person wishing to protest such a disincorporation or dissolution must proceed in accordance with the provisions of this section.

~~[10.]~~ ***11.*** As used in this section, "local government" does not include a county, a school district or any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

Sec. 13. NRS 354.725 is hereby amended to read as follows:

354.725 1. The Nevada Tax Commission may, on its own motion or at the request of a local government ~~[,]~~ ***or the Committee,*** terminate the management of a local government by the Department at any time upon a finding that the severe financial emergency has ceased to exist.

2. The governing body of a local government which has complied with all requests made by the Department pursuant to NRS 354.695 may petition the Nevada Tax Commission for termination or modification of the management of the local government by the Department or of any request made by the Department pursuant to NRS 354.695.

3. ***The Commission shall not terminate or modify the management of a local government pursuant to subsection 1 or 2 without first obtaining a recommendation from the Committee as to the termination or modification.***

4. The Nevada Tax Commission shall provide notice, a hearing and a written decision on each such petition.

~~[4.]~~ ***5.*** In determining whether a condition of severe financial emergency should be terminated, the Nevada Tax Commission shall give consideration to the following:

(a) The local governing body has shown a desire and capability to manage the financial affairs of the local government in accordance with the provisions of NRS.

(b) The local government has staff available with sufficient financial expertise that they can adequately control the finances of the local government.

(c) All violations of statutes have been corrected.

(d) The local government has no funds with deficit fund balances.

(e) The local government has increased ~~[their]~~ ***its*** revenues or made appropriate expenditure reductions so that it is anticipated ~~[they]~~ ***that it*** can operate for the next fiscal year in a positive cash and fund balance position ~~[.]~~ ***without imposing any increased or additional tax pursuant to NRS 354.705.***

(f) The governing body has expressed a determination through a resolution submitted to the Department of Taxation to manage ~~[their]~~ ***the*** affairs ***of the local government*** in accordance with ***the provisions of*** NRS relating to financial matters and utilizing sound accounting and financial management practices.

~~[5.]~~ ***6.*** The Nevada Tax Commission may require the governing body to submit special reports to the Department for a period not to exceed 5 years as a condition of terminating the management of the local government by the Department.

~~[6.]~~ ***7.*** When a petition relating to a specific request is denied, the governing body may not resubmit a petition to terminate or modify that request until 3 months following the date of denial.

Sec. 14. NRS 31.010 is hereby amended to read as follows:

31.010 1. Except as otherwise provided in subsection 2, the plaintiff at the time of issuing the summons, or at any time thereafter, may apply to the court for an order directing the clerk to issue a writ of attachment and thereby cause the property of the defendant to be attached as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment as provided in this chapter.

2. If the Department of Taxation has taken over the management of a local government ***at the request of the local government*** pursuant to ~~[the provisions of NRS 354.686,]~~ ***subsection 3 of NRS 354.685,*** and if a plaintiff is allowed by law to apply to a court for an order directing the clerk to issue a writ of attachment, the ~~[plaintiff must comply with the applicable provisions of NRS 354.701 before applying for such an order.]~~ ***action must be stayed until the following conditions have been satisfied:***

(a) The plaintiff must meet with the Department to formulate a program for the liquidation of the debt owed by the local government to the plaintiff; and

(b) The Department must adopt a program for the liquidation of the debt owed by the local government to the plaintiff as described in paragraph (a). The Department shall formulate the program not later than 60 days after meeting with the plaintiff pursuant to paragraph (a). The formulation of the program is a final decision for the purposes of judicial review.

Sec. 15. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS ***354.705 and*** 387.3288 is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. For the purposes of this section, "taxing entity" does not include the State.

Sec. 16. NRS 450.090 is hereby amended to read as follows:

450.090 1. In any county whose population is 700,000 or more, the board of county commissioners is, ex officio, the board of hospital trustees, and the county commissioners shall serve as hospital trustees during their terms of office as county commissioners.

2. In any county whose population is less than 700,000, the board of county commissioners may enact an ordinance providing that the board of county commissioners is, ex officio, the board of hospital trustees. If such an ordinance is enacted in a county:

(a) The county commissioners shall serve as hospital trustees during their terms of office as county commissioners; and

(b) If hospital trustees have been elected pursuant to NRS 450.070 and 450.080, the term of office of each hospital trustee who is serving in that capacity on the effective date of the ordinance is terminated as of the effective date of the ordinance.

3. A board of county commissioners shall not enact an ordinance pursuant to subsection 2 unless it determines that:

(a) The county has fully funded its indigent care account created pursuant to NRS 428.010;

(b) The county has fulfilled its duty to reimburse the hospital for indigent care provided to qualified indigent patients; and

(c) During the previous calendar year:

(1) At least one of the hospital's accounts payable was more than 90 days in arrears;

(2) The hospital failed to fulfill its statutory financial obligations, such as the payment of taxes, premiums for industrial insurance or contributions to the Public Employees' Retirement System;

(3) One or more of the conditions relating to financial emergencies set forth in subsection ~~[1]~~ ***2*** of NRS 354.685 existed at the hospital; or

(4) The hospital received notice from the Federal Government or the State of Nevada that the certification or licensure of the hospital was in imminent jeopardy of being revoked because the hospital had not carried out a previously established plan of action to correct previously noted deficiencies found by the regulatory body.

4. Except in counties where the board of county commissioners is the board of hospital trustees, in any county whose population is 100,000 or more but less than 700,000, the board of hospital trustees for the public hospital must be composed of the five regularly elected or appointed members, and, in addition, three county commissioners selected by the chair of the board of

county commissioners shall serve as voting members of the board of hospital trustees during their terms of office as county commissioners.

5. Except in counties where the board of county commissioners is the board of hospital trustees, in any county whose population is less than 100,000, the board of hospital trustees for the public hospital must be composed of the five regularly elected or appointed members, and, in addition, the board of county commissioners may, by resolution, provide that:

(a) One county commissioner selected by the chair of the board of county commissioners shall serve as a voting member of the board of hospital trustees during his or her term of office as county commissioner;

(b) A physician who is the chief of the staff of physicians for the public hospital shall serve as a voting member of the board of hospital trustees; or

(c) Both a county commissioner appointed pursuant to the provisions of paragraph (a) and a physician appointed pursuant to the provisions of paragraph (b) shall serve as voting members of the board of hospital trustees.

➥ The term of office of a member appointed pursuant to the provisions of paragraph (b) is 2 years and begins on the date the board of county commissioners appoints the member.

Sec. 17. NRS 450.620 is hereby amended to read as follows:

450.620 1. Except as otherwise provided in subsection 2 and NRS 450.625, if a hospital district is created pursuant to NRS 450.550 to 450.750, inclusive, the board of county commissioners shall provide by ordinance for:

(a) The number of members of the board of trustees;

(b) The term of office of the trustees, which must not exceed 4 years; and

(c) The times and manner of the election of the trustees, which must be nonpartisan.

2. If a hospital district specified in subsection 1 does not include territory within more than one county, the board of county commissioners may enact an ordinance providing that the board of county commissioners is, ex officio, the board of hospital trustees of the district hospital. If such an ordinance is enacted in a county:

(a) The county commissioners shall serve as the hospital trustees of the district hospital during their terms of office as county commissioners; and

(b) If hospital trustees have been elected pursuant to subsection 1, the term of office of each hospital trustee of the district hospital who is serving in that capacity on the effective date of the ordinance is terminated as of the effective date of the ordinance.

3. Except as otherwise provided in NRS 450.710, a board of county commissioners shall not enact an ordinance pursuant to subsection 2 unless it determines that:

(a) The county has fully funded its indigent care account created pursuant to NRS 428.010;

(b) The county has fulfilled its duty to reimburse the hospital for indigent care provided to qualified indigent patients; and

(c) During the previous calendar year:

(1) At least one of the hospital's accounts payable was more than 90 days in arrears;

(2) The hospital failed to fulfill its statutory financial obligations, including the payment of taxes, premiums for industrial insurance or contributions to the Public Employees' Retirement System;

(3) One or more of the conditions relating to financial emergencies set forth in subsection ~~[1]~~ ***2*** of NRS 354.685 existed at the hospital; or

(4) The hospital received notice from the Federal Government or the State of Nevada that the certification or license of the hospital was in imminent jeopardy of being revoked because the hospital had not carried out a previously established plan of action to correct previously noted deficiencies found by the regulatory body.

Sec. 18. The Committee on Local Government Finance shall, at its next regular meeting after the effective date of this act, elect from among its members a Chair and Vice Chair pursuant to NRS 354.105, as amended by section 1 of this act.

Sec. 18.3. **If a court of competent jurisdiction finds that any provision of this act conflicts with and cannot be harmonized with any provisions of the Local Government Securities Law, as set forth in NRS 350.500 to 350.720, inclusive, the provisions of the Local Government Securities Law shall be deemed to control to the extent of the conflicts.**

Sec. 18.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 19. NRS 354.686 and 354.701 are hereby repealed.

Sec. 20. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

354.686 Severe financial emergency: Request by local government involved in litigation or threatened litigation for order that Department of Taxation take over management of local government; issuance of order.

1. If the governing body of a local government determines by the affirmative vote of a majority of its members that, because the local government is involved in litigation or threatened litigation, the local government is or will be in a severe financial emergency, the governing body may submit a request to the Nevada Tax Commission for an order that the Department, as soon as practicable, take over the management of the local government pursuant to the provisions of NRS 354.655 to 354.725, inclusive.

2. If the Nevada Tax Commission receives a request pursuant to subsection 1, the Nevada Tax Commission shall order the Department to take over the management of the local government.

354.701 Severe financial emergency: Stay of action by creditor of local government for attachment, garnishment or execution until adoption of program for liquidation of debt. If the Department takes over the

management of a local government because the local government is involved in litigation or threatened litigation and if a creditor of the local government is allowed by law to commence or maintain an action in the nature of an attachment, garnishment or execution in the courts of this State against the local government or its assets, the action must be stayed until the following conditions have been satisfied:

1. The creditor must meet with the Department to formulate a program for the liquidation of the debt owed by the local government to that creditor; and

2. The Department must adopt a program for the liquidation of the debt owed by the local government to the creditor as described in subsection 1. The Department shall formulate the program not later than 60 days after meeting with the creditor pursuant to subsection 1. The formulation of the program is a final decision for the purposes of judicial review.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

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

Amendment No. 514.

AN ACT relating to ethics in government; revising provisions relating to ethics in government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Ethics in Government Law, ~~[the requirement to disclose a conflict of interest applies to public officers as well as public employees, but the requirements relating to abstention only apply to public officers. (NRS 281A.420) Section 2 of this bill extends to public employees the requirements relating to abstention from taking action on matters on which a public employee has a prescribed conflict of interest.~~

~~— Under the Ethics Law,~~] the Commission on Ethics is required to determine whether it has jurisdiction over a request for an opinion. (NRS 281A.280; NAC 281A.360, 281A.405) The Ethics Law also imposes time limits on the Commission to carry out certain duties. ~~[With respect to a request for an opinion from a public officer or employee regarding his or her own past, present or future conduct as a public officer or employee, the Commission is required to render an opinion within 45 days after receiving the request, unless the public officer or employee waives the time limit.]~~ With respect to a request for an opinion regarding the conduct of a public officer or employee ~~[from]~~ **which is made by** a third party ~~[or on the Commission's own motion,]~~ **and is more commonly known as a third-party request,** the Executive Director of the Commission is required to complete an investigation ~~[of]~~ and make a recommendation regarding the **third-party** request within 70 days after

receipt of the request, unless the public officer or employee waives the time limit. (NRS 281A.440)

To accommodate the time required for the Commission to determine whether it has jurisdiction concerning a **third-party** request **, [**for an opinion,**]** **section 3** of this bill **[**moves the commencement of these time limits until the date on which**]** **provides that within 45 days after receiving the request, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee waives the time limit. If** the Commission determines that it has jurisdiction concerning the request **[**instead of the date on which the request was received by the Commission .

The Ethics Law prohibits the Commission from initiating a request for an opinion based on an anonymous complaint. (NRS 281A.440) Section 3 removes this prohibition, thereby allowing the Commission to initiate a request for an opinion if it has sufficient information to do so based on an anonymous complaint.**]** **, the Executive Director must complete the investigation and make a recommendation regarding the request within 70 days after the jurisdictional determination, unless the public officer or employee waives the time limit.**

Under the Ethics Law, the investigative file relating to a request for an opinion, which includes any information obtained by the Commission during the course of an investigation related to the request, is confidential. (NRS 281A.440) **Section 3** clarifies that the investigative file includes **any** information provided to or obtained by an investigatory panel **consisting** of Commission members or **by** the staff of the Commission.

The Ethics Law further provides that all information that is not included in the investigative file relating to a request is confidential for a limited time until an investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter or until the public officer or employee authorizes disclosure, whichever occurs first. (NRS 281A.440) Section 3 authorizes additional confidentiality which allows a person who makes a third-party request to ask for the person's name to be kept confidential under certain limited circumstances. In particular, section 3 states that the Commission: (1) shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request; and (2) may keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence. However, if the Commission keeps the person's name confidential, the Commission may not render an opinion in the matter unless there is sufficient evidence without the person's testimony to consider the request. Additionally, if the Commission intends to present the person's testimony as evidence, the

Commission must disclose the person's name within a reasonable time before the Commission's hearing on the matter.

Under the Ethics Law, the Commission is required to consider various aggravating and mitigating factors when determining whether a violation of the Ethics Law is a willful violation and, if so, the amount of any civil penalty to be imposed for such a willful violation of the Ethics Law. (NRS **281A.170,** 281A.475) **~~[~~~Section~~]~~** **Sections 1 and 4** of this bill **~~[~~~makes consideration of these~~]~~** **clarify that the** factors **~~[~~~discretionary instead of mandatory by~~]~~** **listed in the Ethics Law which must be considered by** the Commission **~~[.]~~** **are not exclusive or exhaustive, and the Commission may consider other factors in the disposition of the matter if they bear a reasonable relationship to the determination of the severity of the violation.**

The Ethics Law includes a "safe harbor" provision, whereby any act or failure to act by a current or former public officer or employee is deemed to not be a willful violation if the public officer or employee establishes by sufficient evidence that: (1) the public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer; and (2) the act or failure to act by the public officer or employee was not contrary to a prior published opinion issued by the Commission. (NRS 281A.480) **Section 5** of this bill clarifies that to qualify for protection under the "safe harbor" provision, the advice of the legal counsel must have been: (1) **~~[~~~requested by and~~]~~** provided to the public officer or employee before he or she acted or failed to act; and (2) based on a **reasonable legal** determination by the legal counsel **under the circumstances when the advice was given** that the act or failure to act would not be contrary to any prior published opinion issued by the Commission **~~[.]~~** **which was publicly available on the Internet website of the Commission.**

With certain exceptions, the Ethics Law imposes a 1-year "cooling off" period on former public officers and employees during which they are prohibited from soliciting or accepting employment from a business or industry over which they had regulatory authority in some capacity. However, the Ethics Law authorizes a current or former public officer or employee to request an opinion from the Commission to obtain relief from the strict application of the prohibition. The Ethics Law also authorizes a current public officer or employee to request the Commission to render an opinion providing guidance regarding his or her past, present or future conduct as a public officer or employee, which is known as a first-party request for an opinion. Under the Ethics Law, a request for an opinion regarding the application of the "cooling-off" prohibition or a first-party request for an opinion, as well as any opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request, are confidential unless, in part, the public officer or employee discloses the request for an opinion, opinion or related motion, evidence or record. (NRS 281A.440, 281A.550) **Sections 3 and 6** of this bill allow a public officer or employee who made such a request to disclose the request for the opinion, the opinion

and any motion, evidence or record related to the opinion to certain persons without waiving the confidentiality of the request for the opinion, opinion and any related motion, evidence or record.

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

Section 1. NRS 281A.170 is hereby amended to read as follows:

281A.170 "Willful violation" means a violation where ~~[~~:

~~1. The~~] ***the*** public officer or employee:

~~[(a)~~] ***1.*** Acted intentionally and knowingly; or

~~[(b)~~] ***2.*** Was in a situation where this chapter imposed a duty to act and the public officer or employee intentionally and knowingly failed to act in the manner required by this chapter ~~[.~~; ~~and~~

~~2. The~~] **,**

➥ ***unless the*** Commission determines, after applying the factors set forth in NRS 281A.475, that the public officer's or employee's act or failure to act ***has not*** resulted in a sanctionable violation of this chapter.

Sec. 2. ~~[NRS 281A.420 is hereby amended to read as follows:~~

~~281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:~~

~~(a) Regarding which the public officer or employee has accepted a gift or loan;~~

~~(b) In which the public officer or employee has a significant pecuniary interest; or~~

~~(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person,~~

~~➥ without disclosing information concerning the gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of the person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, or upon the person to whom the public officer or employee has a commitment in a private capacity. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.~~

~~2. The provisions of subsection 1 do not require a public officer to disclose:~~

~~(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or~~

~~(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.~~

~~3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer *or employee* shall not vote *or otherwise act* upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's *or employee's* situation would be materially affected by:~~

~~(a) The public officer's *or employee's* acceptance of a gift or loan;~~

~~(b) The public officer's *or employee's* significant pecuniary interest; or~~

~~(c) The public officer's *or employee's* commitment in a private capacity to the interests of another person.~~

~~4. In interpreting and applying the provisions of subsection 3:~~

~~(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's *or employee's* situation would not be materially affected by the public officer's *or employee's* acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer **[**,**]** *or employee,* or if the public officer *or employee* has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the disclosure of the acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.~~

~~(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer *or employee* to perform the duties for which the public officer was elected or appointed *or the duties which the public employee was assigned* and to vote or otherwise act upon a matter, provided the public officer *or employee* has properly disclosed the public officer's *or employee's* acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person in the manner required by subsection 1. Because abstention **[**by a public officer**]** disrupts the normal course of representative government *and governmental operation* and deprives the public **[**and the public officer's constituents**]** of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's *or employee's* situation would be materially affected by the public officer's *or employee's* acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.~~

~~5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.~~

~~6. The provisions of this section do not, under any circumstances:~~

~~(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or~~

~~(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.~~

~~7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.~~

~~8. As used in this section, "public officer" and "public employee" do not include a State Legislator.~~] **(Deleted by amendment.)**

Sec. 3. NRS 281A.440 is hereby amended to read as follows:

281A.440 1. The Commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances within 45 days after receiving ~~[determining that it has jurisdiction concerning]~~ a request , ~~[received,]~~ on a form prescribed by the Commission, from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of the requester's own past, present or future conduct as a public officer or employee, unless the public officer or employee waives the time limit. The public officer or employee may also request the Commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of the requester's own present or future conduct, the opinion of the Commission is:

(a) Binding upon the requester as to the requester's future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The Commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee.

(b) Except as otherwise provided in this subsection, upon request from a person, if the requester submits:

(1) The request on a form prescribed by the Commission; and

(2) All related evidence deemed necessary by the Executive Director and the investigatory panel to make a determination of whether there is just and sufficient cause to render an opinion in the matter.

(c) Upon the Commission's own motion regarding the propriety of conduct by a public officer or employee. The Commission shall not initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.

➥ The Commission shall not render an opinion interpreting the statutory ethical standards or apply those standards to a given set of facts and circumstances if the request is submitted by a person who is incarcerated in a correctional facility in this State.

3. ***Within 45 days after receiving a request for an opinion pursuant to paragraph (a) or (b) of subsection 2, the Commission shall determine whether it has jurisdiction concerning the request, unless the public officer or employee who is the subject of the request waives this time limit.*** Upon ~~[receipt of]~~ ***a determination by the Commission that it has jurisdiction concerning*** a request for an opinion ~~[by the Commission]~~ ***pursuant to paragraph (a) or (b) of subsection 2,*** or upon the motion of the Commission ***initiating a request for an opinion*** pursuant to ***paragraph (c) of*** subsection 2, ***as applicable,*** the Executive Director shall investigate the facts and circumstances relating to the request to determine whether there is just and sufficient cause for the Commission to render an opinion in the matter. The Executive Director shall notify the public officer or employee who is the subject of the request and provide the public officer or employee an opportunity to submit to the Executive Director a response to the allegations against the public officer or employee within 30 days after the date on which the public officer or employee received the notice of the request. The purpose of the response is to provide the Executive Director with any information relevant to the request which the public officer or employee believes may assist the Executive Director and the investigatory panel in conducting the investigation. The public officer or employee is not required in the response or in any proceeding before the investigatory panel to assert, claim or raise any objection or defense, in law or fact, to the allegations against the public officer or employee and no objection or defense, in law or fact, is waived, abandoned or barred by the failure to assert, claim or raise it in the response or in any proceeding before the investigatory panel.

4. The Executive Director shall complete the investigation and present a written recommendation relating to just and sufficient cause, including, without limitation, the specific evidence or reasons that support the recommendation, to the investigatory panel within 70 days after the ~~[receipt of]~~ ***determination by the Commission that it has jurisdiction concerning the request*** or ***after*** the motion of the Commission ~~[for]~~ ***initiating*** the request, ***as applicable,*** unless the public officer or employee waives this time limit.

5. Within 15 days after the Executive Director has provided the written recommendation in the matter to the investigatory panel pursuant to subsection 4, the investigatory panel shall conclude the investigation and make a final determination regarding whether there is just and sufficient cause for the Commission to render an opinion in the matter, unless the public officer or employee waives this time limit. The investigatory panel shall not determine that there is just and sufficient cause for the Commission to render an opinion in the matter unless the Executive Director has provided the public officer or employee an opportunity to respond to the allegations against the public officer or employee as required by subsection 3. The investigatory panel shall cause a record of its proceedings in each matter to be kept.

6. If the investigatory panel determines that there is just and sufficient cause for the Commission to render an opinion in the matter, the Commission shall hold a hearing and render an opinion in the matter within 60 days after the determination of just and sufficient cause by the investigatory panel, unless the public officer or employee waives this time limit.

7. Each request for an opinion that a public officer or employee submits to the Commission pursuant to subsection 1, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto ~~[,]~~ ***in any manner except to:***

(1) The public body, agency or employer of the public officer or employee; or

(2) A person to whom the Commission authorizes the current or former public officer or employee to make such a disclosure; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. Except as otherwise provided in ~~[subsection 9,]~~ ***subsections 9 and 10,*** all information, communications, records, documents or other material in the possession of the Commission or its staff that is related to a request for an opinion regarding a public officer or employee submitted to or initiated by the Commission pursuant to subsection 2, including, without limitation, the record of the proceedings of the investigatory panel made pursuant to subsection 5, are confidential and not public records pursuant to chapter 239 of NRS until:

(a) The investigatory panel determines whether there is just and sufficient cause to render an opinion in the matter and serves written notice of such a determination on the public officer or employee who is the subject of the request for an opinion submitted or initiated pursuant to subsection 2; or

(b) The public officer or employee who is the subject of a request for an opinion submitted or initiated pursuant to subsection 2 authorizes the Commission in writing to make its information, communications, records, documents or other material which are related to the request publicly available,

➥ whichever occurs first.

9. ***Except as otherwise provided in this subsection, if a person who submits a request for an opinion pursuant to paragraph (b) of subsection 2 asks for the person's name to be kept confidential, the Commission:***

(a) Shall keep the person's name confidential if the person is a public officer or employee who works for the same public body, agency or employer as the public officer or employee who is the subject of the request.

(b) May keep the person's name confidential if the person offers sufficient facts and circumstances showing a reasonable likelihood that disclosure of the person's name will subject the person or a member of the person's household to a bona fide threat of physical force or violence.

➥ If the Commission keeps the person's name confidential, the Commission shall not render an opinion in the matter unless there is sufficient evidence without the person's testimony to consider the propriety of the conduct of the public officer or employee who is the subject of the request. If the Commission intends to present the person's testimony for consideration as evidence in rendering an opinion in the matter, the Commission shall disclose the person's name within a reasonable time before the Commission's hearing on the matter.

10. Except as otherwise provided in this ~~[section,]~~ ***subsection,*** the investigative file ~~[of the Commission]~~ ***related to a request for an opinion regarding a public officer or employee, as described in subsection ~~[16,]~~ 17,*** is confidential. At any time after being served with written notice of the determination of the investigatory panel regarding the existence of just and sufficient cause for the Commission to render an opinion in the matter, the public officer or employee who is the subject of the request for an opinion may submit a written discovery request to the Commission for a copy of any portion of the investigative file that the Commission intends to present for consideration as evidence in rendering an opinion in the matter and a list of proposed witnesses. Any portion of the investigative file which the Commission presents as evidence in rendering an opinion in the matter becomes a public record as provided in chapter 239 of NRS.

~~[10.]~~ ***11.*** Whenever the Commission holds a hearing pursuant to this section, the Commission shall:

(a) Notify the person about whom the opinion was requested of the place and time of the Commission's hearing on the matter;

(b) Allow the person to be represented by counsel; and

(c) Allow the person to hear the evidence presented to the Commission and to respond and present evidence on the person's own behalf.

➥ The Commission's hearing may be held no sooner than 10 days after the notice is given unless the person agrees to a shorter time.

~~[11.]~~ ***12.*** If a person who is not a party to a hearing before the Commission, including, without limitation, a person who has requested an opinion pursuant to paragraph (a) or (b) of subsection 2, wishes to ask a question of a witness at the hearing, the person must submit the question to the Executive Director in writing. The Executive Director may submit the question to the Commission if the Executive Director deems the question relevant and appropriate. This subsection does not require the Commission to ask any question submitted by a person who is not a party to the proceeding.

~~[12.]~~ ***13.*** If a person who requests an opinion pursuant to subsection 1 or 2 does not :

(a) Submit ~~***[submit]***~~ all necessary information to the Commission ~~***[.]***~~ ; and

(b) Declare by oath or affirmation that the person will testify truthfully,

➥ the Commission may decline to render an opinion.

~~[13.]~~ ***14.*** For good cause shown, the Commission may take testimony from a person by telephone or video conference.

~~[14.]~~ ***15.*** For the purposes of NRS 41.032, the members of the Commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking an action related to the rendering of an opinion pursuant to this section.

~~[15.]~~ ***16.*** A meeting or hearing that the Commission or the investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

~~[16.]~~ ***17.*** For the purposes of this section, the investigative file ~~[of the Commission]~~ which relates to a request for an opinion regarding a public officer or employee includes, without limitation, any information ***provided to or*** obtained by the Commission ***, its staff or an investigatory panel*** through any form of communication during the course of an investigation and any records, documents or other material created or maintained during the course of an investigation which relate to the public officer or employee who is the subject of the request for an opinion, ***including, without limitation, a transcript,*** regardless of whether such information, records, documents or other material are obtained by a subpoena.

Sec. 4. NRS 281A.475 is hereby amended to read as follows:

281A.475 1. In determining whether a violation of this chapter is a willful violation and, if so, the amount of any civil penalty to be imposed on a public officer or employee or former public officer or employee pursuant to NRS 281A.480, the Commission shall ~~***[may]***~~ consider ~~***[.]***~~ ***, without limitation:***

(a) The seriousness of the violation, including, without limitation, the nature, circumstances, extent and gravity of the violation;

(b) The number and history of previous warnings issued to or violations of the provisions of this chapter by the public officer or employee;

(c) The cost to the Commission to conduct the investigation and any hearing relating to the violation;

(d) Any mitigating factors, including, without limitation, any self-reporting, prompt correction of the violation, any attempts to rectify the violation before any complaint is filed and any cooperation by the public officer or employee in resolving the complaint;

(e) Any restitution or reimbursement paid to parties affected by the violation;

(f) The extent of any financial gain resulting from the violation; and

(g) Any other matter justice may require.

2. ***The factors set forth in this section are not exclusive or exhaustive, and the Commission may consider other factors in the disposition of the matter if they bear a reasonable relationship to the Commission's determination of the severity of the violation.***

3. In applying the factors set forth in this section, the Commission shall treat comparable situations in a comparable manner and shall ensure that the disposition of the matter bears a reasonable relationship to the severity of the violation.

Sec. 5. NRS 281A.480 is hereby amended to read as follows:

281A.480 1. In addition to any other penalties provided by law ~~*If*~~ and in accordance with the provisions of NRS 281A.475, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed $5,000 for a first willful violation of this chapter;

(b) Not to exceed $10,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed $25,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to any other penalties provided by law, the Commission may, upon its own motion or upon the motion of the person about whom an opinion was requested pursuant to NRS 281A.440, impose a civil penalty not to exceed $5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281A.440 against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization of a financial benefit by the current or former public officer or employee or another person, the Commission may, in addition to any other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalties provided by law, if a proceeding results in an opinion that:

(a) One or more willful violations of this chapter have been committed by a State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution, the Commission shall:

(1) If the State Legislator is a member of the Senate, submit the opinion to the Majority Leader of the Senate or, if the Majority Leader of the Senate is the subject of the opinion or the person who requested the opinion, to the President Pro Tempore of the Senate; or

(2) If the State Legislator is a member of the Assembly, submit the opinion to the Speaker of the Assembly or, if the Speaker of the Assembly is the subject of the opinion or the person who requested the opinion, to the Speaker Pro Tempore of the Assembly.

(b) One or more willful violations of this chapter have been committed by a state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution, the Commission shall submit the opinion to the Speaker of the Assembly and the Majority Leader of the Senate or, if the Speaker of the Assembly or the Majority Leader of the Senate is the person who requested the opinion, to the Speaker Pro Tempore of the Assembly or the President Pro Tempore of the Senate, as appropriate.

(c) One or more willful violations of this chapter have been committed by a public officer other than a public officer described in paragraphs (a) and (b), the willful violations shall be deemed to be malfeasance in office for the purposes of NRS 283.440 and the Commission:

(1) May file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed fewer than three willful violations of this chapter.

(2) Shall file a complaint in the appropriate court for removal of the public officer pursuant to NRS 283.440 when the public officer is found in the opinion to have committed three or more willful violations of this chapter.

➥ This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation found in the opinion.

5. Notwithstanding any other provision of this chapter, any act or failure to act by a public officer or employee or former public officer or employee relating to this chapter is not a willful violation of this chapter if the public officer or employee establishes by sufficient evidence that :

(a) The ~~***[the]***~~ public officer or employee relied in good faith upon the advice of the legal counsel retained by his or her public body, agency or employer ; ~~***[and that the advice was:***~~

~~***(a) Requested by and provided to the public officer or employee before the public officer or employee acted or failed to act;]***~~ and

(b) The ***advice of the legal counsel was:***

(1) Provided to the public officer or employee before the public officer or employee acted or failed to act; and

(2) Based on a reasonable legal determination by the legal counsel under the circumstances when the advice was given that the act or failure to act by the public officer or employee ~~[was]~~ ***would*** not ***be*** contrary to ~~[a]~~ ***any*** prior published opinion issued by the Commission ~~[.]~~ ***which was publicly available on the Internet website of the Commission.***

6. In addition to any other penalties provided by law, a public employee who commits a willful violation of this chapter is subject to disciplinary proceedings by the employer of the public employee and must be referred for action in accordance to the applicable provisions governing the employment of the public employee.

7. The provisions of this chapter do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review pursuant to NRS 233B.130.

9. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law.

Sec. 6. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility; or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility,

➥ for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS; or

(b) Be employed by such a person,

➥ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall

not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

➥ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.

7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto ~~[;]~~ ***in any manner except to:***

(1) The public body, agency or employer of the public officer or employee or a prospective employer of the public officer or employee; or

(2) Any person to whom the Commission authorizes the current or former public officer <u>or employee</u> to make such a disclosure; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Stewart moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 9.

AN ACT relating to the Commission on Judicial Discipline; ~~[providing that no court in this State other than the Supreme Court may exercise jurisdiction over a]~~ **requiring a determination or finding by the Commission to be recorded in the minutes of the proceedings of the Commission in certain circumstances; revising the definition of the term "judge" for purposes of the jurisdiction of the Commission; requiring any** complaint or action filed in connection with any proceeding of the Commission **~~[; authorizing the Commission to collect attorney's fees and costs from a person who files such a complaint or action in a court lacking jurisdiction; revising provisions governing the examination of complaints received by the Commission;]~~ to be filed in the Supreme Court; revising provisions concerning the appointment of justices of the peace and municipal judges to sit on the Commission in certain circumstances; requiring appointing authorities to appoint one or more alternate members to serve on the Commission;** revising the information the Commission is required to disclose if a witness before the Commission is prosecuted for perjury; revising provisions relating to the confidentiality of deliberative sessions and proceedings of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Judicial Discipline has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges. (NRS 1.440) **Section 2.5 of this bill revises the definition of the term "judge" to include a person who is a former justice, judge, justice of the peace or other officer of the Judicial Branch who presides over judicial proceedings if the conduct at issue occurred while the person was serving in any such position. Thus, under section 2.5, the Commission has jurisdiction over a former justice, judge, justice of the peace or other judicial officer for conduct that occurred while the person was serving in any such position. Section 3** of this bill: (1) ~~[provides]~~ **requires** that ~~[no court in this State other than the Supreme Court may exercise jurisdiction over a]~~ **any** complaint or action filed in connection with any proceeding of the Commission **~~[;]~~ be filed in the Supreme Court;** (2) ~~[authorizes the Commission to require a person who files such a complaint or action in a court that lacks jurisdiction to pay the attorney's fees and costs incurred by the Commission in connection with the complaint or action; and (3) requires that any such attorney's fees and costs collected by the Commission be deposited in the State General Fund.~~

~~Existing law requires the Commission to examine each complaint it receives to determine whether the complaint alleges objectively verifiable evidence from which a reasonable inference could be drawn that a judge committed misconduct or is incapacitated. (NRS 1.4657) Section 4 of this bill requires the Commission or its staff to examine each complaint the Commission receives and, based on that examination, the Commission shall then make such a determination.]~~ **provides that any such complaint or action filed in a court**

other than the Supreme Court will be presumed to be frivolous and intended solely for the purposes of delay; and (3) requires the Supreme Court to appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Section 3.5 of this bill requires each appointing authority to appoint, for each position for which the authority makes an appointment to the Commission, one or more alternate members.

Existing law requires that all proceedings of the Commission remain confidential until the Commission makes a determination that a reasonable probability of grounds for disciplinary action against a judge exists and the special counsel files a formal statement of charges. (NRS 1.4683) **Section 5** of this bill instead requires that the existence of a proceeding of the Commission remain confidential during such time. **Section 5** also revises the information that the Commission is required to disclose if a witness is prosecuted for perjury committed during the course of a proceeding before the Commission.

Existing law also requires that all deliberative sessions of the Commission remain private. (NRS 1.4687) **Sections 6 and 7** of this bill require that any minutes of such sessions remain confidential.

Section 1 of this bill provides that **, unless otherwise expressly provided by law,** a determination or finding by the Commission is ~~[not]~~ required to be ~~[in writing unless otherwise expressly provided by law.]~~ **recorded in the minutes of the proceedings of the Commission if the determination or finding is made before: (1) the filing of a formal statement of charges against a judge; or (2) the Commission decides to suspend a judge.**

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

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

Except as otherwise expressly provided in this section and NRS 1.425 to 1.4695, inclusive, or any other applicable provision of law, a determination or finding by the Commission ~~[is not required to be in writing.]~~ must be recorded in the minutes of the proceedings of the Commission if the determination or finding is made before:

1. The filing of a formal statement of charges against a judge pursuant to NRS 1.467; or

2. The Commission suspends a judge pursuant to NRS 1.4675.

Sec. 2. NRS 1.425 is hereby amended to read as follows:

1.425 As used in NRS 1.425 to 1.4695, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 1.4253 to 1.4296, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 1.428 is hereby amended to read as follows:**

1.428 "Judge" means:

1. A justice of the Supreme Court;
2. A judge of the Court of Appeals;
3. A judge of the district court;
4. A judge of the municipal court;
5. A justice of the peace; ~~[and]~~
6. Any other officer of the Judicial Branch of this State, whether or not the officer is an attorney, who presides over judicial proceedings, including, but not limited to, a magistrate, court commissioner, special master or referee ~~[.]~~ ***; and***

7. Any person who formerly served in any of the positions described in subsections 1 to 6, inclusive, if the conduct at issue for purposes of NRS 1.425 to 1.4695, inclusive, occurred while the person was serving in such a position.

Sec. 3. NRS 1.440 is hereby amended to read as follows:

1.440 1. The Commission has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges which is coextensive with its jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under the same rules.

2. ***~~[No court in this State other than the Supreme Court may exercise jurisdiction over a]~~ Any complaint or action, including, without limitation, an interlocutory action or appeal, filed in connection with any proceeding of the Commission ~~[,]~~ must be filed in the Supreme Court. Any such complaint or action filed in a court other than the Supreme Court shall be ~~[deemed]~~ presumed to be frivolous and intended solely for the purposes of delay. ~~[The Commission may require a person who files such a complaint or action in a court other than the Supreme Court to pay the attorney's fees and costs incurred by the Commission in connection with the complaint or action. Any such attorney's fees and costs collected by the Commission must be deposited in the State General Fund.]***

3. The Supreme Court shall appoint two justices of the peace ~~[or]~~ ***and*** two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Justices of the peace and municipal judges so appointed must be designated by an order of the Supreme Court to sit for such proceedings in place of and to serve for the same terms as the regular members of the Commission appointed by the Supreme Court.

Sec. 3.5. **NRS 1.445 is hereby amended to read as follows:**

1.445 1. Each appointing authority shall appoint for each position for which the authority makes an appointment to the Commission ~~[an]~~ ***one or more*** alternate ~~[member.]~~ ***members.*** The Governor shall not appoint more than two alternate members of the same political party. An alternate member must not be a member of the Commission on Judicial Selection.

2. An alternate member shall serve:

(a) When the appointed member is disqualified or unable to serve; or

(b) When a vacancy exists.

Sec. 4. ~~[NRS 1.4657 is hereby amended to read as follows:~~

~~1.4657 1. The Commission *or its staff* shall, in accordance with~~ **[**~~its~~**]** ***the*** ~~procedural rules~~ **[**~~,~~**]** ***of the Commission,*** ~~examine each complaint that~~ **[**~~it~~**]** ***the Commission*** ~~receives~~ **[**~~to~~**]** ***and, based on that examination, the Commission shall*** ~~determine whether the complaint alleges objectively verifiable evidence from which a reasonable inference could be drawn that a judge committed misconduct or is incapacitated.~~

~~2. If the Commission determines that a complaint does not contain such allegations, the Commission shall dismiss the complaint with or without a letter of caution. A letter of caution is not a form of discipline. The Commission may consider a letter of caution when deciding the appropriate action to be taken on a subsequent complaint against a judge unless the letter of caution is not relevant to the misconduct alleged in the subsequent complaint.~~

~~3. If the Commission determines that a complaint does contain such allegations, the Commission shall authorize further investigation.~~**]** **(Deleted by amendment.)**

Sec. 5. NRS 1.4683 is hereby amended to read as follows:

1.4683 1. Except as otherwise provided in this section and NRS 1.4675 and 239.0115, **[**~~all proceedings~~**]** ***the existence of a proceeding*** of the Commission must remain confidential until the Commission makes a determination pursuant to NRS 1.467 and the special counsel files a formal statement of charges.

2. Except as otherwise provided in this section, before the filing of a formal statement of charges, a present or former member of the Commission, a present or former member of the staff of the Commission or a present or former independent contractor retained by the Commission shall not disclose information contained in a complaint or any other information relating to the allegations of misconduct or incapacity. Such persons:

(a) May disclose such information to persons directly involved in the matter to the extent necessary for a proper investigation and disposition of the complaint; and

(b) Shall conduct themselves in a manner that maintains the confidentiality of the disciplinary proceeding.

3. Nothing in this section prohibits a person who files a complaint with the Commission pursuant to NRS 1.4655, a judge against whom such a complaint is made or a witness from disclosing at any time the existence or substance of a complaint, investigation or proceeding. The immunity provided by NRS 1.465 does not apply to such a disclosure.

4. The confidentiality required pursuant to subsection 1 also applies to all information and materials, written or oral, received or developed by the Commission, its staff or any independent contractors retained by the Commission in the course of its work and relating to the alleged misconduct or incapacity of a judge.

5. The Commission shall disclose **[**~~:~~

~~(a) The report of a proceeding before the Commission; and~~

~~(b) All~~] ***all*** testimony given and all materials filed in connection with ~~[such]~~ a proceeding ~~[,~~

~~"~~] ***before the Commission*** if a witness is prosecuted for perjury committed during the course of that proceeding.

6. Notwithstanding the provisions of this section to the contrary, at any stage in a disciplinary proceeding, if the judge, a third person or the person who filed a complaint with the Commission pursuant to NRS 1.4655 has made the name of the judge against whom such a complaint is made public, the Commission may, at the request of the judge or on its own accord, issue an explanatory statement to maintain confidence in the judicial system and the Commission. In such a statement, the Commission may:

(a) Confirm or deny that a complaint has been filed;

(b) Confirm or deny that the Commission is conducting an investigation;

(c) Confirm that the Commission has dismissed a complaint with or without a letter of caution; and

(d) Confirm that the Commission has entered into a deferred discipline agreement with the judge.

7. In addition to the information authorized pursuant to subsection 6, a statement issued by the Commission pursuant to subsection 6 may correct any public misinformation concerning the disciplinary proceeding, clarify the procedures of the Commission relating to the disciplinary proceeding and explain that the judge has a right to a fair investigation and, if applicable, a fair hearing without prejudgment. The Commission shall submit such a statement to the judge concerned for comments before the Commission releases the statement. The Commission is not required to incorporate any comments made by the judge in the statement and may release the statement as originally drafted.

8. The Commission may, without disclosing the name of or any details that may identify the judge involved, disclose the existence of a proceeding before it to the State Board of Examiners and the Interim Finance Committee to obtain additional money for its operation from the Contingency Account established pursuant to NRS 353.266.

9. No record of any medical examination, psychiatric evaluation or other comparable professional record made for use in an informal resolution pursuant to subsection 4 of NRS 1.4665 may be made public at any time without the consent of the judge concerned.

10. Notwithstanding the provisions of this section to the contrary, at any stage in a disciplinary proceeding, the Commission may release confidential information:

(a) To the appropriate law enforcement or prosecuting authorities if the Commission determines that it has reliable information which reveals possible criminal conduct by a judge ~~[, former judge]~~ or any other person;

(b) Upon request to the Board of Governors of the State Bar of Nevada or other appropriate disciplinary authorities of the State Bar of Nevada if the

Commission determines that it has reliable information that reveals a possible violation of the ***Nevada*** Rules of Professional Conduct by a judge ~~[, former judge]~~ or any other attorney; or

(c) Pursuant to an order issued by a court of record of competent jurisdiction in this State or a federal court of record of competent jurisdiction.

11. Notwithstanding the provisions of this section to the contrary, at any stage in a disciplinary proceeding, if a judge ~~[or former judge]~~ signs a waiver, the Commission may release confidential information concerning any complaints filed with the Commission pursuant to NRS 1.4655 that are pending or are closed and did not result in a dismissal to:

(a) An agency authorized to investigate the qualifications of persons for admission to practice law;

(b) An appointing or nominating authority or a state or federal agency lawfully conducting investigations relating to the selection or appointment of judges; or

(c) An agency conducting investigations relating to employment with a governmental agency or other employment.

12. If the Commission discloses information concerning a pending complaint to an agency or authority pursuant to subsection 11, the Commission shall subsequently disclose the disposition of the complaint to the agency or authority. The Commission shall send a copy of all information disclosed pursuant to subsection 11 to the judge ~~***[or former judge]***~~ concerned at the same time the Commission sends the information to the agency or authority.

Sec. 6. NRS 1.4687 is hereby amended to read as follows:

1.4687 1. Except as otherwise provided in subsection 2:

(a) Upon the filing of a formal statement of charges with the Commission by the special counsel, the statement and other documents later formally filed with the Commission must be made accessible to the public, and hearings must be open.

(b) If a formal statement of charges has not been filed with the Commission and the Commission holds a hearing to suspend a judge pursuant to NRS 1.4675, any transcript of the hearing and any documents offered as evidence at the hearing must be made accessible to the public.

2. Regardless of whether any formal statement of charges has been filed with the Commission, medical records and any other documents or exhibits offered as evidence which are privileged pursuant to chapter 49 of NRS must not be made accessible to the public.

3. The Commission's deliberative sessions must remain private ~~[.]~~ ***and any minutes of such sessions must remain confidential.***

4. The filing of a formal statement of charges does not justify the Commission, its counsel, staff or independent contractors retained by the Commission in making public any correspondence, notes, work papers, interview reports or other evidentiary matter, except at the formal hearing or with explicit consent of the judge named in the complaint.

Sec. 7. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, ***1.4687,*** 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180,

645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 8. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

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

Amendment No. 78.

AN ACT relating to professions; transferring certain duties of the Secretary-Treasurer of the Board of Examiners for Alcohol, Drug and Gambling Counselors to the Executive Director of the Board; authorizing the Executive Director to delegate his or her duties; revising provisions governing alcohol, drug and gambling counselors and interns; **authorizing the certification by the Board of peer support specialists;** repealing the prospective transfer of the authority and duties relating to the certification of detoxification technicians to the Board; **establishing fees;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the Board to license or certify persons engaged in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS)

Sections 1.3-1.5 of this bill provide for the certification of peer support specialists by the Board. Section 1.45 establishes the requirements for obtaining a certificate as a peer support specialist. Section 1.5 authorizes a certified peer support specialist to engage in the practice of providing peer support specialist services only under the supervision of certain licensed professionals. Section 1.45 requires an applicant for the issuance or renewal of a certificate as a peer support specialist to pay to the Board a fee which, pursuant to section 12.7 of this bill, must not exceed $150 for the initial application or $300 for the renewal of a certificate.

Section 2 of this bill transfers certain duties of the Secretary-Treasurer of the Board to the Executive Director of the Board. **Section 2** also authorizes the Executive Director to delegate certain duties to a designee.

Sections 3-10 of this bill make various changes regarding the requirements for obtaining and renewing a license or certificate as an alcohol, drug or gambling counselor or intern. **Sections 8, 10 and 12** of this bill reduce the duration of certificates for certain counseling interns from 1 year to 6 months.

Section 13 of this bill authorizes the Board, when determining whether to issue, renew, restore, suspend, revoke or reinstate a license or certificate or imposing disciplinary action upon an existing licensee or certificate holder, to consider any original criminal charges filed against the applicant, licensee or certificate holder, even if that person was convicted of a lesser crime.

Section 14 of this bill eliminates the 30-day grace period authorizing an otherwise qualified person to engage in the practice of counseling alcohol and drug abusers or problem gamblers without a license or certificate while his or her application is being reviewed. **Section 15** of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice or

clinical practice of counseling alcohol and drug abusers and problem gamblers ~~[.]~~ **or the practice of providing peer support specialist services.**

Section 24 of this bill repeals the authority of the Board to provide for the certification of detoxification technicians. (NRS 641C.500) **Sections 16-20** of this bill make conforming changes to account for the repeal of NRS 641C.500 regarding the certification of detoxification technicians by the Board. The effect of **sections 16-20 and 24** is to leave the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 458 of NRS.

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

Section 1. **NRS 641.029 is hereby amended to read as follows:**

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;
7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor **,** ~~[or]~~ a problem gambling counselor intern ~~[.]~~ ***or a certified peer support specialist,*** pursuant to chapter 641C of NRS; or
8. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 1.1. **NRS 641B.040 is hereby amended to read as follows:**

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor **,** ~~[or]~~ a problem gambling counselor intern **[,]** ***or a certified peer support specialist,*** pursuant to chapter 641C of NRS;

8. Any member of the clergy;

9. A county welfare director;

10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 1.2. **Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.5, inclusive, of this act.**

Sec. 1.3. "Certified peer support specialist" means a person who is certified as a peer support specialist pursuant to the provisions of this chapter.

Sec. 1.4. 1. "Practice of providing peer support specialist services" means the practice of giving nonprofessional, nonclinical assistance, including, without limitation, mentoring, coaching, educating or serving as a role model, with the intent of achieving long-term recovery from severe psychiatric, traumatic or addiction-related stress by sharing appropriate portions of the person's own recovery from severe psychiatric, traumatic or addiction-related stress.

2. The term does not include:

(a) The diagnosis or treatment of a substance abuse, mental health, psychiatric or psychotic disorder; or

(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests.

Sec. 1.45. The Board shall issue a certificate as a peer support specialist to a person who:

1. Is not less than 21 years of age;

2. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. Has:

(a) A high school diploma; or

(b) A general equivalency diploma or an equivalent document;

4. Submits evidence satisfactory to the Board that the person has completed a training program approved by the Board and consisting of at least 46 hours of training, including, without limitation:

(a) Ten hours of training in each of the following domains, as they relate to the practice of providing peer support specialist services:

(1) Advocacy;

(2) Mentoring and education; and

(3) Recovery and wellness support; and

(b) Sixteen hours of training in the domain of confidentiality and ethical responsibility, as it relates to the practice of providing peer support specialist services;

5. Submits evidence satisfactory to the Board that the person has completed at least 25 hours of work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services, under the supervision of a person who normally provides supervision of such work for the entity or organization for which the work is completed;

6. Submits, on a form prescribed by the Board, evidence satisfactory to the Board that the person has completed at least 500 hours of paid or volunteer work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services. The form must be signed by a person who normally provides supervision or management for the entity or organization for which the work is completed, attesting that the applicant has completed the paid or volunteer work required by this subsection;

7. If the person is in recovery from a mental health or substance abuse disorder, provides to the Board a statement attesting that the person remains in active recovery and that the disorder is stable or in sustained remission;

8. Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime of violence or a sexual offense as that term is defined in NRS 179.245;

9. If the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime other than a crime described in subsection 8, has been released from parole, probation or custody for at least 12 months before applying for certification;

10. Provides evidence satisfactory to the Board that the person has experienced the process of recovering from severe psychiatric, traumatic or addiction-related stress and as a result is qualified to engage in the practice of providing peer support specialist services;

11. Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

12. Pays the fees required pursuant to NRS 641C.470; and

13. Submits all information required to complete an application for a certificate.

Sec. 1.5. ***1. A certificate as a peer support specialist is valid for 2 years and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.***

2. A certified peer support specialist may engage in the practice of providing peer support specialist services only under the supervision of a licensed clinical alcohol and drug abuse counselor, a licensed or certified alcohol and drug abuse counselor, a psychologist licensed pursuant to chapter 641 of NRS, a clinical professional counselor licensed pursuant to chapter 641A of NRS, a marriage and family therapist licensed pursuant to chapter 641A of NRS or a social worker licensed pursuant to chapter 641B of NRS.

Sec. 1.6. **NRS 641C.010 is hereby amended to read as follows:**

641C.010 The practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ***,*** ~~[and]~~ the practice of counseling problem gamblers ***and the practice of providing peer support specialist services*** are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the public from the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ***,*** ~~[and]~~ the practice of counseling problem gamblers ***and the practice of providing peer support specialist services*** by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers, licensed to engage in the clinical practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ certified to engage in the practice of counseling problem gamblers ~~[.]~~ ***or certified to engage in the practice of providing peer support specialist services.***

Sec. 1.7. **NRS 641C.020 is hereby amended to read as follows:**

641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive, ***and sections 1.3 and 1.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.8. **NRS 641C.040 is hereby amended to read as follows:**

641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor ***,*** ~~[or]~~ a problem gambling counselor intern ~~[.]~~ ***or a peer support specialist.***

Sec. 1.9. **NRS 641C.150 is hereby amended to read as follows:**

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor**,** ~~[or]~~ a certified problem gambling counselor~~[.]~~ ***or a certified peer support specialist;*** or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor**,** ~~[or]~~ a certified problem gambling counselor ~~[.]~~ ***or a certified peer support specialist.***

3. A person may not be appointed to the Board unless he or she is:

(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) A resident of this State.

4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.

~~[Section 1.]~~ ***Sec. 1.95.*** NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors **,** ~~[and]~~ certified interns ~~[,]~~ ***and certified peer support specialists;*** and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written ***and oral*** examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

Sec. 2. NRS 641C.210 is hereby amended to read as follows:

641C.210 The ~~[Secretary-Treasurer]~~ ***Executive Director*** of the Board ***or his or her designee*** shall prepare and maintain:

1. A separate list of the names and addresses of:

(a) The applicants for a license;

(b) The applicants for a certificate;

(c) The licensed counselors;

(d) The certified counselors; ~~[and]~~

(e) The certified interns ~~[.]~~ ***; and***

(f) The certified peer support specialists.

2. A record of each examination conducted by the Board.

3. An inventory of:

(a) The property of the Board; and

(b) The property of this State that is in the possession of the Board.

Sec. 3. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Each applicant for a certificate as a problem gambling counselor must pass a written ***and oral*** examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. ***Each applicant for a certificate as a peer support specialist must pass a written and oral examination concerning his or her knowledge of the practice of providing peer support specialist services, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.***

5. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

~~[5.]~~ ***6.*** The Board may employ other persons to conduct the examinations.

Sec. 4. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board ~~[shall]~~ ***may*** issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor ***,*** ~~[or]~~ an alcohol and drug abuse counselor ***or a peer support specialist*** in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time

the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 5. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to ***, or renew the license or certificate of,*** an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[,]~~ ***or the practice of providing peer support specialist services;***

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[,]~~ ***or the practice of providing peer support specialist services;***

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ***,*** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ***or the practice of providing peer support specialist services*** that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 6. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue:

(a) A provisional license as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to NRS 641C.330; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than ~~[1 year]~~ ***6 months*** and may not be renewed.

Sec. 7. NRS 641C.331 is hereby amended to read as follows:

641C.331 1. A license as a clinical alcohol and drug abuse counselor is valid for ~~[1 year]~~ ***2 years*** and may be renewed.

2. A licensed clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified clinical alcohol and drug abuse counselor interns and alcohol and drug abuse counselor interns.

Sec. 8. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for ~~[1 year]~~ ***6 months*** and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 9. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed ~~[at least 6 months]~~ ***1,000 hours*** of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 10. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) ~~[Has:~~

~~(1) A high school diploma; or~~

~~(2) A general equivalency diploma or an equivalent document;~~

~~(d)]~~ Pays the fees required pursuant to NRS 641C.470;

~~[(e)]~~ ***(d)*** Submits proof to the Board that the person:

(1) Is enrolled in a program ~~[from]~~ ***in*** which he or she ~~[will receive an associate's degree,]~~ ***has completed at least 60 hours of credit toward the completion of a*** bachelor's degree ~~[.]~~ ***in a field of social science approved by the Board;***

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board; or

~~[(2)]~~ ***(3)*** Has received an associate's degree, bachelor's degree, master's degree or doctoral degree ***that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers*** in a field of social science approved by the Board; ~~[and]~~

(e) Has completed not less than 30 hours of training specific to alcohol and drug abuse which must:

(1) Include at least 6 hours of instructions relating to confidentiality and 6 hours of instruction relating to ethics; and

(2) Be approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for ~~[1 year]~~ ***6 months*** and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 11. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written ***and oral*** examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) A clinical professional counselor pursuant to chapter 641A of NRS;

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

(4) A physician pursuant to chapter 630 of NRS;

(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(6) A psychologist pursuant to chapter 641 of NRS;

(7) An alcohol and drug abuse counselor pursuant to this chapter; or

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written ***and oral*** examination prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

Sec. 12. NRS 641C.440 is hereby amended to read as follows:

641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Submits proof to the Board that the person:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

(2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;

(d) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

(e) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a certificate.

2. A certificate as a problem gambling counselor intern is valid for ~~[1 year]~~ ***6 months*** and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

(a) Engage in the practice of counseling problem gamblers; and

(b) Assess and evaluate a person as a problem gambler.

Sec. 12.3. **NRS 641C.460 is hereby amended to read as follows:**

641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after

the license or certificate becomes delinquent, send a notice to the licensed or certified counselor or certified intern by certified mail, return receipt requested, to the address of the counselor or intern as indicated in the records of the Board.

2. A licensed or certified counselor **,** ~~[or]~~ certified intern ***or certified peer support specialist*** may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of NRS 641C.450 and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in NRS 641C.470.

3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.

4. Except as otherwise provided in NRS 641C.530, a license or certificate that has expired may be restored if the applicant:

(a) Submits to the Board an application to restore the license or certificate;

(b) Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in NRS 641C.470;

(c) Passes the oral and written examinations prescribed by the Board;

(d) Submits to the Board evidence of completion of the continuing education required by the Board; and

(e) Submits all information required to complete the application.

Sec. 12.7. **NRS 641C.470 is hereby amended to read as follows:**

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate	$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor **,** ~~[or]~~ a certificate as a problem gambling counselor ***or a certificate as a peer support specialist***	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination	150
For an examination	150

For the approval of a course of continuing education 150

2. The fees charged and collected pursuant to this section are not refundable.

Sec. 13. NRS 641C.530 is hereby amended to read as follows:

641C.530 1. The Board may use any information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260 in determining whether:

(a) To issue, renew, restore, suspend, revoke or reinstate a license or certificate pursuant to this chapter; or

(b) Any ground for imposing any disciplinary action exists pursuant to NRS 641C.700.

2. Before renewing, restoring or reinstating the license or certificate of a licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ~~[,]~~ ***or certified peer support specialist,*** the Board may, by regulation, require the licensed counselor, certified counselor ***,*** ~~[or]~~ certified intern ***or certified peer support specialist*** to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. ~~[A regulation adopted pursuant to subsection 2 must set forth the circumstances under which the Board will require a detoxification technician to submit fingerprints and written authorization specified in that subsection before renewing, restoring or reinstating a certificate.]~~ ***Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor , ~~[or]~~ certified intern or certified peer support specialist that alleges a particular criminal act regardless of whether the person was ~~[adjudicated guilty]~~ convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor , ~~[or]~~ certified intern or certified peer support specialist that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:***

(a) The applicant, licensed counselor, certified counselor , ~~[or]~~ certified intern or certified peer support specialist was ~~[adjudicated]~~ found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor , ~~[or]~~ certified intern or certified peer support specialist were dismissed.

Sec. 13.3. **NRS 641C.700 is hereby amended to read as follows:**

641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:

1. Conviction of:

(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers **,** ~~[or]~~ the practice of counseling problem gamblers ~~[;]~~ ***or the practice of providing peer support specialist services;***

(b) An offense involving moral turpitude; or

(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;

2. Fraud or deception in:

(a) Applying for a license or certificate;

(b) Taking an examination for a license or certificate;

(c) Documenting the continuing education required to renew or reinstate a license or certificate;

(d) Submitting a claim for payment to an insurer; or

(e) The practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[;]~~ ***or the practice of providing peer support specialist services;***

3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;

4. Professional incompetence;

5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor **,** ~~[or]~~ certified intern ***or certified peer support specialist*** to engage in the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ~~[;]~~ ***or the practice of providing peer support specialist services, as applicable;***

6. Engaging in the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ***or the practice of providing peer support specialist services*** with an expired, suspended or revoked license or certificate;

7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; and

8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 13.7. **NRS 641C.720 is hereby amended to read as follows:**

641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers **,** ~~[or]~~ the clinical practice of counseling alcohol and drug abusers ***or the practice of providing peer support specialist services*** in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The

complaint must specifically charge one or more of the grounds for initiating disciplinary action.

2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor **,** ~~[or]~~ certified intern ***or certified peer support specialist*** has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:

(a) Administer a public reprimand;

(b) Suspend the license or certificate and impose conditions for the removal of the suspension;

(c) Revoke the license or certificate and prescribe the requirements for the reinstatement of the license or certificate;

(d) If he or she is a licensed or certified counselor, require him or her to be supervised by another person while engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;

(e) Require him or her to participate in treatment or counseling and pay the expenses of that treatment or counseling;

(f) Require him or her to pay restitution to any person adversely affected by his or her acts or omissions;

(g) Impose a fine of not more than $5,000; or

(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.

3. If a license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor **,** ~~[or]~~ certified intern ***or certified peer support specialist*** may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

6. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 14. NRS 641C.900 is hereby amended to read as follows:

641C.900 ~~[1. Except as otherwise provided in subsection 2, a]~~ ***A*** person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers **,** ~~[or]~~ the practice of counseling problem gamblers ***or the practice of providing peer support specialist services*** unless the person is a licensed counselor, certified counselor **,** ~~[or]~~ certified intern ~~[.~~

~~2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor, the clinical practice of~~

~~counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:~~

~~(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and~~

~~(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.~~**]** ***or certified peer support specialist.***

Sec. 15. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor ***,*** ~~[or]~~ a problem gambling counselor intern ~~[,]~~ ***or a peer support specialist;***

(b) Use the title "clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern," "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling counselor ~~*["]*~~ ***,"*** ~~[~~"detoxification technician"~~]~~ ***"peer support specialist"*** or any similar title in connection with his or her work; ~~[or]~~

(c) Imply in any way that he or she is licensed or certified by the Board ~~[,]~~**;**

(d) Engage in the practice of counseling alcohol and drug abusers;

(e) Engage in the clinical practice of counseling alcohol and drug abusers; ~~*[or]*~~

(f) Engage in the practice of counseling problem gamblers ~~*[,]*~~ ***; or***

(g) Engage in the practice of providing peer support specialist services,

➥ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter **.** ~~[or a regulation adopted pursuant to NRS 641C.500.]~~

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 15.3. **NRS 200.5093 is hereby amended to read as follows:**

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***certified peer support specialist,*** music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes

Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 15.7. **NRS 200.50935 is hereby amended to read as follows:**

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***certified peer support specialist,*** music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,

exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 16. Sections 14, 15 and 16 of chapter 207, Statutes of Nevada 2003, at pages 1168 and 1169, are hereby amended to read as follows:

Secs. 14-16. **(Deleted by amendment.)**

Sec. 17. Section 191 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 57, is hereby amended to read as follows:

Sec. 191. **(Deleted by amendment.)**

Sec. 18. Section 193 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 58, is hereby amended to read as follows:

Sec. 193. **(Deleted by amendment.)**

Sec. 19. Section 220 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 67, is hereby amended to read as follows:

Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2007.

[~~4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

~~5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~**]**

Sec. 20. Section 69 of chapter 462, Statutes of Nevada 2013, at page 2746, is hereby amended to read as follows:

Sec. 69. 1. This section and sections 1, 2, 3, 5, 6, 7, 8 to 9.3, inclusive, 16.5 and 68 of this act become effective on July 1, 2013.

2. Sections 4, 7.1 to 7.9, inclusive, 13 to 16, inclusive, and 17 to 67, inclusive, of this act become effective:

(a) On July 1, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~[3. Section 29 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for certification as a detoxification technician pursuant to NRS 641C.500 becomes effective.]~~

Sec. 21. 1. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

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

Sec. 22. The Legislative Counsel shall:

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

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

Sec. 23. The amendatory provisions of sections 6, 7, 8 and 12 of this act, and the provisions of subsection 2 of NRS 641C.420 as amended by section 10 of this act, do not apply to the length of time a license or certificate is valid if the license or certificate is issued pursuant to the provisions of chapter 641C of NRS before July 1, 2015.

Sec. 24. NRS 641C.500 is hereby repealed.

Sec. 25. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

641C.500 Adoption of regulations governing certification; scope of regulations; prohibitions; inapplicability of certain provisions of chapter.

1. The Board may, by regulation, provide for the certification of a person as a detoxification technician.

2. Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:

(a) The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to NRS 641C.260;

(b) The scope of practice for a person who is issued a certificate;

(c) The conduct of any investigation or hearing relating to an application for a certificate;

(d) The examination of an applicant for a certificate or a waiver of examination for an applicant;

(e) The requirements for issuing a certificate or provisional certificate;

(f) The duration, expiration, renewal, restoration, suspension, revocation and reinstatement of a certificate;

(g) The grounds for refusing the issuance, renewal, restoration or reinstatement of a certificate;

(h) The conduct of any disciplinary or other administrative proceeding relating to a person who is issued a certificate;

(i) The filing of a complaint against a person who is issued a certificate;

(j) The issuance of a subpoena for the attendance of witnesses and the production of books, papers and records;

(k) The payment of fees for:

(1) Witnesses, mileage and attendance at a hearing or deposition; and

(2) The issuance, renewal, restoration or reinstatement of a certificate;

(l) The imposition of a penalty for a violation of any provision of the regulations; and

(m) The confidentiality of any record or other information maintained by the Board relating to an applicant or the holder of a certificate.

3. A person shall not engage in any activity for which the Board requires a certificate as a detoxification technician pursuant to this section unless the person is the holder of such a certificate.

4. In addition to the provisions of subsection 2, a regulation adopted pursuant to this section must include provisions that are substantially similar to the requirements set forth in NRS 641C.280 and 641C.710. Any provision included in a regulation pursuant to this subsection remains effective until the provisions of NRS 641C.280 and 641C.710 expire by limitation.

5. Except as otherwise provided in this section and NRS 641C.900, 641C.910 and 641C.950, the provisions of this chapter do not apply to the holder of a certificate that is issued in accordance with a regulation adopted pursuant to this section.

6. As used in this section, "detoxification technician" means a person who is certified by the Board to provide screening for the safe withdrawal from alcohol and other drugs.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 98.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 332.

SUMMARY—Revises provisions governing ~~[child custody,]~~ child support **. ~~[and visitation.]~~** (BDR 11-49)

AN ACT relating to domestic relations; ~~[clarifying that there is a presumption that joint legal custody and joint physical custody would be in the best interest of a minor child of a marriage under certain circumstances; providing a new formula by which to calculate child support when parents have joint physical custody of a child; defining the term "monthly household income" for the purposes of such a formula;]~~ **increasing a parent's monthly presumptive maximum amount for an obligation for the support of a child; providing a method to calculate the amount of child support to be paid in situations involving primary physical custody and joint physical custody;** revising the factors a court must consider in adjusting the amount of child support **; ~~[**when parents have joint physical custody of a child; revising the circumstances which constitute changed circumstances for purposes of modifying a child support order; revising provisions governing orders awarding visitation of a minor child; defining the term "minor child" for the purposes of such visitation orders;]~~** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, there is a presumption that joint custody is in the best interest of a minor child of a marriage if the parents agree to an award of joint custody. (NRS 125.490) Section 2 of this bill clarifies that the presumption concerns joint legal custody and joint physical custody of such a minor child.~~

~~— In determining the amount of child support in a case in which the parents of a minor child have joint physical custody of the child, Nevada courts currently use the formula set forth by the Nevada Supreme Court in Wright v. Osburn, 114 Nev. 1367 (1998), which takes into account the gross monthly income of each parent. Section 6 of this bill sets forth a new formula by which a court will determine the amount of child support in cases involving joint physical custody, which takes into account the monthly household income of each parent. Section 5 of this bill defines the term "monthly household income" to include the gross monthly income of a parent and the gross monthly income of the current spouse or domestic partner or a cohabitant of the parent.]~~

Existing law establishes a parent's monthly obligation for the support of a child, which is calculated as a percentage of the gross monthly income of the parent. Such an obligation for support is subject to a presumptive maximum amount based on the income range within which a parent's

gross monthly income falls. (NRS 125B.070) Section 8 of this bill: (1) revises the income ranges used to determine the presumptive maximum amount for an obligation for support; and (2) increases the presumptive maximum amount for an obligation for support for each income range. Section 8 also provides a method for calculating the total amount of child support to be paid by one parent to the other parent depending on whether one parent has primary physical custody or the parents share joint physical custody.

Existing law specifies certain factors that a court must take into consideration when adjusting an amount of child support. (NRS 125B.080) **Section 9** of this bill ~~[provides that if the amount of child support is determined pursuant to section 6, the court must take into consideration the relative monthly household income of both parents.~~

~~Existing law also provides that a child support order may be reviewed by a court at any time on the basis of changed circumstances. (NRS 125B.145) Section 10 of this bill provides that if the amount of child support ordered was determined pursuant to section 6, an increase in the monthly household income of the person entitled to receive child support payments pursuant to the order such that his or her monthly household income exceeds that of the person obligated to pay child support pursuant to the order is deemed to constitute changed circumstances requiring a review for modification of the order.~~

~~Existing law additionally sets forth certain requirements regarding any order that awards a party a right of visitation of a minor child. (NRS 125C.010) Section 11 of this bill requires any such order to provide that such a right of visitation generally remains effective as long as the child remains a minor child. Section 11 defines the term "minor child" using the definition of the term as it is used for purposes of child support, meaning a person who is: (1) under the age of 18 years; (2) under the age of 19 years, if the person is enrolled in high school; (3) under a legal disability; or (4) not declared emancipated.]~~ **requires the court to take into consideration the child's standard of living in each parent's household and the specific circumstances of the child if the child: (1) has reached the age of majority; (2) has not graduated from high school; and (3) remains entitled to child support pursuant to a child support order. Section 9 further provides that when the court is taking into consideration the relative income of both parents, the court must consider any contributions made toward the payment of household expenses by an adult who is cohabitating with either parent of the child.**

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

Section 1. ~~[NRS 125.150 is hereby amended to read as follows:~~

~~125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:~~

~~1. In granting a divorce, the court:~~

~~(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and~~

~~(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.~~

~~2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:~~

~~(a) The intention of the parties in placing the property in joint tenancy;~~

~~(b) The length of the marriage; and~~

~~(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.~~

~~As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.~~

~~3. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.~~

~~4. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.~~

~~5. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.~~

~~— 6. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.~~

~~— 7. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.~~

~~— 8. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:~~

~~— (a) The financial condition of each spouse;~~

~~— (b) The nature and value of the respective property of each spouse;~~

~~— (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;~~

~~— (d) The duration of the marriage;~~

~~— (e) The income, earning capacity, age and health of each spouse;~~

~~— (f) The standard of living during the marriage;~~

~~— (g) The career before the marriage of the spouse who would receive the alimony;~~

~~— (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;~~

~~— (i) The contribution of either spouse as homemaker;~~

~~— (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and~~

~~— (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.~~

~~— 9. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:~~

~~(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and~~

~~(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.~~

~~10. If the court determines that alimony should be awarded pursuant to the provisions of subsection 9:~~

~~(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.~~

~~(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.~~

~~(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:~~

~~(1) Testing of the recipient's skills relating to a job, career or profession;~~

~~(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;~~

~~(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;~~

~~(4) Subsidization of an employer's costs incurred in training the recipient;~~

~~(5) Assisting the recipient to search for a job; or~~

~~(6) Payment of the costs of tuition, books and fees for:~~

~~(I) The equivalent of a high school diploma;~~

~~(II) College courses which are directly applicable to the recipient's goals for his or her career; or~~

~~(III) Courses of training in skills desirable for employment.~~

~~11. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in~~ **[**~~NRS 125B.070.~~**]** ~~***section 4 of this act.***~~ **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 125.490 is hereby amended to read as follows:~~

~~125.490 1. There is a presumption, affecting the burden of proof, that joint~~ ~~***legal***~~ ~~custody~~ ~~***and joint physical custody***~~ ~~would be in the best interest of a minor child if the parents have agreed to an award of joint~~ ~~***legal***~~ ~~custody~~ ~~***and joint physical custody***~~ ~~or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage.~~

~~2. The court may award joint legal custody without awarding joint physical custody in a case where the parents have agreed to joint legal custody.~~

~~3. For assistance in making a determination whether an award of joint~~ ~~***legal***~~ ~~custody~~ ~~***and joint physical custody***~~ ~~is appropriate, the court may direct that an investigation be conducted.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[Chapter 125B of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.*]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Monthly household income" means the total amount of income received in a parent's household from the gross monthly income of the parent and the gross monthly income of the current spouse or domestic partner or a cohabitant of the parent. As used in this section, "domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS and that has not been terminated pursuant to that chapter.*]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*If the parents of a child or children are awarded joint physical custody of the child or children, the amount of child support to be paid by the parent with the higher monthly household income to the parent with the lower monthly household income must be calculated as follows:*~~

~~*1. The total combined monthly household income of both parents is multiplied by the applicable percentage according to the following schedule:*~~

~~*(a) For one child, 18 percent;*~~

~~*(b) For two children, 25 percent;*~~

~~*(c) For three children, 29 percent;*~~

~~*(d) For four children, 31 percent; and*~~

~~*(e) For each additional child, an additional 2 percent.*~~

~~*2. The amount determined pursuant to subsection 1 is multiplied by 50 percent. The resulting amount is added to the amount determined pursuant to subsection 1 to determine the total combined child support obligation of both parents.*~~

~~*3. The amount determined pursuant to subsection 2 is multiplied by 50 percent, resulting in the total child support obligation for each household.*~~

~~*4. Each parent is assigned a percentage of the amount determined pursuant to subsection 3 for which he or she is responsible. The percentage a parent is assigned is determined in accordance with the percentage attributable to him or her of the total combined monthly household income of both parents. To calculate such a percentage, the monthly household income of a parent is divided by the total combined monthly household income of both parents. The resulting decimal amount, when converted to a percentage, represents the percentage attributable to that parent of the total combined monthly household income of both parents. The percentage assigned to that parent is used to determine the amount of child support for which he or she is responsible.*~~

~~***5. To determine the amount of child support for which a parent is responsible, the total child support obligation determined pursuant to subsection 3 is multiplied by the percentage assigned to the parent in subsection 4.***~~

~~***6. The difference between the amount of child support for which each parent is responsible, as determined pursuant to subsection 5, represents the final amount of child support to be paid by the parent with the higher monthly household income to the parent with the lower monthly household income.]***~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 125B.002 is hereby amended to read as follows:~~

~~125B.002 As used in NRS 125B.002 to 125B.180, inclusive, ***and sections 4, 5 and 6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 125B.004 and 125B.008 ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 125B.070 is hereby amended to read as follows:

125B.070 1. As used in this section and NRS 125B.080, unless the context otherwise requires :

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation ~~***[, "obligation]***~~ for support" means the sum certain dollar amount determined according to the following schedule:

(1) ~~***[(a)]***~~ For one child, 18 percent;

(2) ~~***[(b)]***~~ For two children, 25 percent;

(3) ~~***[(c)]***~~ For three children, 29 percent;

(4) ~~***[(d)]***~~ For four children, 31 percent; and

(5) ~~***[(e)]***~~ For each additional child, an additional 2 percent,

➥ of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), ~~***[paragraphs (a) to (d),]***~~ inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

INCOME RANGE	PRESUMPTIVE MAXIMUM AMOUNT The Presumptive Maximum Amount ~~[the]~~ ~~[Parent May Be Required to Pay]~~ ***for an obligation for support***

If the Parent's Gross Monthly Income Is at Least		But Less Than	per Month per Child Pursuant to Paragraph (b) of Subsection 1 Is
$0	-	~~[$4,168]~~ ***$4,235***	~~[$500]~~ ***$670***
~~[4,168]~~ ***4,236***	-	~~[6,251]~~ ***6,351***	~~[550]~~ ***817***
~~[6,251]~~ ***6,352***	-	~~[8,334]~~ ***8,467***	~~[600]~~ ***964***
~~[8,334]~~ ***8,468***	-	~~[10,418]~~ ***10,585***	~~[650]~~ ***1,151***
~~[10,418]~~ ***10,586***	-	~~[12,501]~~ ***12,701***	~~[700]~~ ***1,338***
~~[12,501]~~ ***12,702***	-	~~[14,583]~~ ***14,816***	~~[750]~~ ***1,543***
14,817		***No Limit***	***1,748***

~~[If a parent's gross monthly income is equal to or greater than $14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is $800.]~~

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. ***To calculate the support of a child in a case in which one parent has primary physical custody of the child, the applicable percentage set forth in paragraph (b) of subsection 1 will be applied to the gross monthly income of the noncustodial parent. Subject to the presumptive maximum amount set forth in subsection 2 for an obligation for support, and unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080, the resulting amount is the monthly child support obligation of the noncustodial parent.***

5. To calculate the support of a child in a case in which the parents share joint physical custody of the child, the applicable percentage set forth in paragraph (b) of subsection 1 will be applied to each parent's gross monthly income. Subject to the presumptive maximum amounts set forth in subsection 2 for an obligation for support, the child support obligation of the parent who has the lower gross monthly income will be subtracted from the child support obligation of the parent who has the higher gross monthly income. Unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080, the resulting amount is the monthly child support obligation of the parent who has the higher gross monthly income.

6. As used in this section ~~[, "Office"]~~ ***:***

(a) "Joint physical custody" means a custodial arrangement in which each parent has physical custody and control of a child for at least 146 days each year.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

(c) "Primary physical custody" means a custodial arrangement in which one parent has physical custody and control of a child for more than 219 days each year.

Sec. 9. NRS 125B.080 is hereby amended to read as follows:

125B.080 Except as otherwise provided in NRS 425.450:

1. A court of this State shall apply the appropriate formula set forth in NRS 125B.070 ***[or section 6 of this act, as applicable,]*** to:

(a) Determine the required support in any case involving the support of children.

(b) Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070 , ***[or section 6 of this act, as applicable,]*** If the amount of support deviates from the ***[applicable]*** formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the gross monthly income ***[or monthly household income]*** of either party, ***[as applicable,]*** the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in NRS 125B.070 , ***[or section 6 of this act, as applicable,]*** any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.

4. Notwithstanding the formulas set forth in NRS 125B.070, the minimum amount of support that may be awarded by a court in any case ***[in which a parent has primary physical custody]*** is $100 per month per child, unless the court makes a written finding that the obligor is unable to pay the minimum amount. Willful underemployment or unemployment is not a sufficient cause to deviate from the awarding of at least the minimum amount.

5. It is presumed that the basic needs of a child are met by the formulas set forth in NRS 125B.070 , ***[and section 6 of this act.]*** This presumption may be rebutted by evidence proving that the needs of a particular child are not met by the applicable formula.

6. If the amount of the awarded support for a child is greater or less than the amount which would be established under the applicable formula, the court shall:

(a) Set forth findings of fact as to the basis for the deviation from the formula; and

(b) Provide in the findings of fact the amount of support that would have been established under the applicable formula.

7. Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances.

8. If a parent who has an obligation for support is willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation must be based upon the parent's true potential earning capacity.

9. The court shall consider the following factors when adjusting the amount of support of a child **,** upon specific findings of fact ~~[:]~~ ***, to establish an amount of support that is adequate to fulfill a child's needs and is fair to both parents based on the circumstances of the case:***

(a) The cost of health insurance;

(b) The cost of child care;

(c) Any special educational needs of the child;

(d) The age of the child;

(e) The legal responsibility of the parents for the support of others;

(f) The value of services contributed by either parent;

(g) Any public assistance paid to support the child;

(h) Any expenses reasonably related to the mother's pregnancy and confinement;

(i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;

(j) The amount of time the child spends with each parent;

(k) Any other necessary expenses for the benefit of the child; and

(l) The relative income of both parents ~~[.~~ ***~~; and~~***

~~(m) If the amount of support is determined pursuant to section 6 of this act, the relative monthly household income of both parents.]~~ , including, without limitation, any contributions made toward the payment of household expenses by an adult who is cohabitating with either parent;

(m) The child's standard of living in each parent's household; and

(n) The specific circumstances of the child if the child:

(1) Has reached the age of majority;

(2) Has not graduated from high school; and

(3) Remains entitled to support pursuant to an order for the support of a child.

Sec. 10. ~~[~~NRS 125B.145 is hereby amended to read as follows:

~~125B.145 1. An order for the support of a child must, upon the filing of a request for review by:~~

~~(a) The Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district~~

~~attorney, if the Division of Welfare and Supportive Services or the district attorney has jurisdiction in the case; or~~

~~(b) A parent or legal guardian of the child,~~

~~→ be reviewed by the court at least every 3 years pursuant to this section to determine whether the order should be modified or adjusted. Each review conducted pursuant to this section must be in response to a separate request.~~

~~2. If the court:~~

~~(a) Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.~~

~~(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate, the court shall enter an order modifying or adjusting the previous order for support in accordance with the requirements of NRS 125B.070 *or section 6 of this act, as applicable,* and 125B.080.~~

~~3. The court shall ensure that:~~

~~(a) Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that the person may request a review of the order pursuant to this section; or~~

~~(b) An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.~~

~~4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection,~~ **[**~~a~~**]** ~~*the following shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child:*~~

~~*(a) A* change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child **.** **[**~~shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.~~**]**

~~*(b) Notwithstanding the provisions of paragraph (a), if the amount of support set forth in an order for the support of a child was determined pursuant to section 6 of this act, an increase in the monthly household income of the person entitled to receive the payments for the support of the child pursuant to the order such that the person's monthly household income exceeds the monthly household income of the person obligated to make payments for the support of the child pursuant to the order.*~~

~~5. As used in this section~~ **[**~~:~~

~~(a) "Gross monthly income" has the meaning ascribed to it in NRS 125B.070.~~

~~(b) "Order~~**]** ~~*"order* for the support of a child" means such an order that was issued or is being enforced by a court of this State.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 125C.010 is hereby amended to read as follows:~~

~~125C.010 1. Any order awarding a party a right of visitation of a minor child must:~~

~~(a) Define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved; [and]~~

~~(b) *Provide that, subject to a subsequent finding by a court of competent jurisdiction that the best interest of the child is not achieved by such visitation, the right of visitation remains effective as long as the child remains a minor child; and*~~

~~*(c)* Specify that the State of Nevada or the state where the child resides within the United States of America is the habitual residence of the child.~~

~~"~~ The order must include all specific times and other terms of the right of visitation.

~~2. As used in this section [,~~ "sufficient~~] :~~

~~*(a) "Minor child" has the meaning ascribed to it in NRS 125B.200.*~~

~~*(b) "Sufficient* particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.~~]~~ **(Deleted by amendment.)**

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.

Bill read second time.

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

Amendment No. 379.

AN ACT relating to public works; revising provisions relating to contracts between a public body and a design professional; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides standard provisions that must be included in a public works contract between a public body and a design professional ~~[.]~~ **who is not a member of a design-build team.** (NRS 338.155) A design professional is defined in existing law as a professional engineer, professional land surveyor, architect, interior designer, residential designer or landscape architect, or a business entity that is engaged in the business of professional engineering, land surveying, architecture or landscape architecture. (NRS 338.010) This bill eliminates the ~~[requirement]~~ **authority of a public body to include in a contract with such a design professional a provision requiring** that ~~[a]~~ **the** design professional ~~[who is not a member of a design-build team]~~ defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness or intentional misconduct on the part of the design professional or his or her employees or agents ~~[resulting from his or her work on a project.]~~ **which are based upon or arising out of the professional services of the design professional.** In ~~[addition,]~~ **such circumstances,** this bill ~~[also]~~

provides that if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action. **However, this bill retains the authority in existing law for a public body to include a provision in a contract with a design professional requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness or intentional misconduct of the design professional or his or her employees or agents which are not based upon or arising out of the professional services of the design professional.**

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

Section 1. NRS 338.155 is hereby amended to read as follows:

338.155 1. If a public body enters into a contract with a design professional who is not a member of a design-build team, for the provision of services in connection with a public work, the contract:

(a) Must set forth:

(1) The specific period within which the public body must pay the design professional.

(2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

(3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to subparagraph (1).

(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.

(b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a).

(c) May set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design professional, if the policy allows such an addition.

(d) Must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers or agents of the public body.

(e) ~~[Except as otherwise provided in this paragraph, may]~~ ***May*** require the design professional to ~~[~~defend,~~]~~ indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees and costs, to the extent that such liabilities, damages, losses, claims, actions or proceedings are caused by the negligence,

errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. ~~[If the insurer by which the design professional is insured against professional liability does not so~~ ***~~The design professional shall not be required to~~]***

(f) Must not require the design professional to defend the public body and the employees, officers and agents of the public body ~~[.~~ and~~]~~ ***with respect to the liabilities, damages, losses, claims, actions or proceedings caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional which are based upon or arising out of the professional services of the design professional. If*** the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees and costs to be paid to the public body ***, as reimbursement for the attorney's fees and costs incurred by the public body in defending the action,*** by the design professional in an amount which is proportionate to the liability of the design professional.

(g) May require the design professional to defend the public body and the employees, officers and agents of the public body with respect to the liabilities, damages, losses, claims, actions or proceedings caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional which are not based upon or arising out of the professional services of the design professional.

2. Any provision of a contract entered into by a public body and a design professional who is not a member of a design-build team that conflicts with the provisions of paragraph (d) ***, (f) or (g)*** ~~[or]~~ (e) of subsection 1 is void.

3. As used in this section, "agents" means those persons who are directly involved in and acting on behalf of the public body or the design professional, as applicable, in furtherance of the contract or the public work to which the contract pertains.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 98.

AN ACT relating to juvenile justice; revising provisions governing the sealing of juvenile records; setting forth factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; providing that **certain** portions of juvenile records ~~[determined by the court to be pertinent to the enforcement and~~

~~collection of~~] **relating to** certain civil judgments must not be sealed until the judgment is satisfied or expires; including the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person entitled to notification of the filing of a petition for the sealing of juvenile records and authorized to testify at a hearing on the petition if the circumstances warrant; revising the circumstances in which the juvenile court may order the inspection of sealed juvenile records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. (NRS 62H.130) **Section 1** of this bill revises the requirements for such a petition to be filed. Existing law also provides that the juvenile court shall enter an order sealing all records relating to a child if the juvenile court finds that: (1) during the previous 3 years, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and (2) the child has been rehabilitated to the satisfaction of the juvenile court. (NRS 62H.130) **Section 1** instead provides that if the juvenile court makes such findings, then the juvenile court: (1) may enter an order sealing all records relating to the child ~~[that pertain to an event which occurred when]~~ **if** the child ~~[was]~~ **is** less than 18 years of age; and (2) shall enter an order sealing all records relating to the child ~~[that pertain to an event which occurred when]~~ **if** the child ~~[was]~~ **is** 18 years of age or older. **Section 1** also: (1) sets forth various factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; and (2) provides that if the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered, ~~[any portion of a record relating to a child that the juvenile court determines is pertinent to the enforcement and collection of the civil judgment]~~ **the case caption, case number and order entering the civil judgment** must not be sealed until the civil judgment is satisfied or expires.

Existing law requires the juvenile court to notify the district attorney and, in certain circumstances, the chief probation officer, if a petition is filed to seal juvenile records. Additionally, the district attorney and the chief probation officer, any of their deputies or any other person who has evidence that is relevant to consideration of the petition is authorized to testify at the hearing on the petition. (NRS 62H.130, 62H.150) **Sections 1 and 3** of this bill include the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person who, if the circumstances warrant, is entitled to notification of the filing of a petition for the sealing of juvenile records and is authorized to testify at a hearing on the petition.

Existing law further provides that the juvenile court may order the inspection of juvenile records that are sealed in certain circumstances **~~[.]~~ , including if the juvenile court determines that the inspection of the records is**

necessary to perform bona fide outcome and recidivism studies. (NRS 62H.170) **Section 4** of this bill **: (1)** adds to these circumstances the situation in which the person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit inspection of the records to obtain information relating to the person who is the subject of the records **[.] ; and (2) specifies that performing bona fide outcome and recidivism studies may include using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to title 5 of NRS.**

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

Section 1. NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the child or a probation ***or parole*** officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed ~~[not]~~ ***:***

(a) Not earlier than 3 years after the child ~~[:~~

~~(a) Was]~~ ***was*** last adjudicated in need of supervision ***,*** ~~[or]~~ adjudicated delinquent ~~[,]~~ or ***placed under the supervision of the juvenile court pursuant to NRS 62C.230; and***

(b) ~~[Was last referred to the juvenile court,~~

~~➥ whichever is later.]~~ ***If, at the time the petition is filed, the child ~~[is not delinquent and]~~ does not have any delinquent or criminal charges pending.***

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation ***or parole*** officer is not the petitioner, the chief probation officer ~~[.]~~ ***or the Chief of the Youth Parole Bureau.***

3. The district attorney and the chief probation officer ~~[,]~~ or any of their deputies, ***the Chief of the Youth Parole Bureau or his or her designee,*** or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. ~~[After]~~ ***Except as otherwise provided in subsection 6, after*** the hearing on the petition, ~~[the juvenile court shall enter an order sealing all records relating to the child]~~ if the juvenile court finds that ~~[:~~

~~(a) During]~~ ***during*** the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude ~~[;]~~ and

~~[(b) The]~~ ***the*** child has been rehabilitated to the satisfaction of the juvenile court ~~[.]~~ ***, the juvenile court:***

(a) May enter an order sealing all records relating to the child ~~[that pertain to an event which occurred when]~~ if the child ~~[was]~~ is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child ~~[that pertain to an event which occurred when]~~ if the child ~~[was]~~ is 18 years of age or older.

5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision ~~[,]~~ or adjudicated delinquent , ~~[or]~~ placed under the supervision of the juvenile court pursuant to NRS 62C.230 ~~[,]~~ or placed with a suitable person or in an appropriate facility by a probation officer pursuant to subsection 5 of NRS 62C.300;

(d) The response of the child to any treatment or rehabilitation program;

(e) The education and employment history of the child;

(f) The statement of the victim;

(g) The nature of any criminal offense for which the child was convicted;

(h) Whether the sealing of the record would be in the best interest of the child and the State; and

~~[(h)]~~ (i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, ~~[any portion of a record relating to a child that the juvenile court determines is pertinent to the enforcement and collection of the civil judgment]~~ the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal ~~[any such portion of the record.]~~ such information.

Sec. 2. NRS 62H.140 is hereby amended to read as follows:

62H.140 Except as otherwise provided in NRS ***62H.130 and*** 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

Sec. 3. NRS 62H.150 is hereby amended to read as follows:

62H.150 1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, ***unless the records have not been sealed pursuant to subsection 6 of NRS 62H.130,*** those records must not be sealed before the child reaches 30 years of age.

2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.

3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer ~~[.]~~ ***or the Chief of the Youth Parole Bureau.***

4. The district attorney and the chief probation officer ~~[.]~~ or any of their deputies, ***the Chief of the Youth Parole Bureau or his or her designee,*** or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.

6. The provisions of this section apply to any of the following unlawful acts:

(a) An unlawful act which, if committed by an adult, would have constituted:

(1) Sexual assault pursuant to NRS 200.366;

(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or

(3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

Sec. 4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency;

(c) A ~~[district]~~ ***prosecuting*** attorney or ~~[an attorney representing]~~ a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons ***, including the defendant,*** who were involved in the acts detailed in the records; ~~[or]~~

(d) ***The person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit the inspection of the***

records to obtain information relating to the person who is the subject of the records; or

(e) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies ~~[.]~~ ***, which may include, without limitation, using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to this title;***

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

➥ Personal identifying information contained in records inspected ***or obtained from criminal background checks*** pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 99.

AN ACT relating to powers of attorney; creating a power of attorney for health care decisions for adults with intellectual disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.860) Existing law specifically provides an example of a form for a power of attorney for health care. (NRS 162A.860) **Section 3** of this bill provides ~~**[**an example**]**~~ **examples** of a form for a power of attorney for health care for adults with intellectual disabilities ~~**[.]**~~ **and a form for end-of-life decisions for adults with intellectual disabilities.**

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

Section 1. Chapter 162A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.***

Sec. 3. ***1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:***

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

My name is ..... (insert your name) and my address is ..... (insert your address). I would like to designate ..... (insert the name of the person you wish to designate as your agent ~~[to make]~~ for health care decisions for you) as my agent ~~[to make]~~ for health care decisions for me if I am sick or hurt and need to see a doctor or go to the hospital. I understand what this means.

If I am sick or hurt, my agent should take me to the doctor. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's office. I would like the doctor to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After ~~[my agent speaks]~~ we speak with the doctor, I would like my agent to ~~[decide what care or treatment I should receive and]~~ speak with me about ~~[that]~~ the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. ~~[I would also like the doctor at the hospital to speak with my agent about what care or treatment I should receive.]~~ After ~~[my agent speaks]~~ we speak with the doctor, I would like my agent to help me decide what care or treatment I should receive . ~~[and, if I am able to communicate, speak with me about that care or treatment.]~~ Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling him or her that they are no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate ..... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....
(Signature)

AGENT SIGNATURE

As agent for ..... (insert name of principal), I agree that a physician, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

1. I have a duty to act in a manner consistent with the desires of ..... (insert name of principal) as stated in this document or otherwise made known by ..... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If ..... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of

health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.

4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion;

(f) Aversive intervention, as it is defined in NRS 449.766;

(g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or

(h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.

5. End-of-life decisions must be made according to the wishes of ..... (insert name of principal), as designated in the attached addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Relationship to principal.....
Length of relationship to principal: .....

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

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

On this..... day of....., in the year...., before me, ... (here insert name of notary public) personally appeared..... (here insert

name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL ***.....***

(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... ***Residence Address: .....***
Print Name: ..... ***.....***
Date: ..... ***.....***

Signature: ..... ***Residence Address: .....***
Print Name: ..... ***.....***
Date: ..... ***.....***

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....

Names: ..... ***Address: .....***
Print Name: ..... ***.....***
Date: ..... ***.....***

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

2. The form for end-of-life decisions of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

END-OF-LIFE DECISIONS ADDENDUM
STATEMENT OF DESIRES

(You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.)

..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live. ..... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.

If you are not able to talk to ..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.

Here are your choices. Please circle yes or no to each of the following statements and sign your name below:

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel.	***YES***	***NO***
2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me.	***YES***	***NO***
3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better.	***YES***	***NO***
4. I want to get food and water even if I do not want to take medicine or		

receive treatment. YES NO

(YOU MUST DATE AND SIGN THIS END-OF-LIFE DECISIONS ADDENDUM)

I sign my name to this End-of-Life Decisions Addendum on ..... (date) at ..... (city), ... (state)

.....

(Signature)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

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

On this..... day of....., in the year...., before me, ... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL .....
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... ***Residence Address: .....***
Print Name: ..... ***.....***
Date: ..... ***.....***

Signature: ..... ***Residence Address: .....***
Print Name: ..... ***.....***
Date: ..... ***.....***

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....

Names: ..... ***Address: .....***
Print Name: ..... ***.....***
Date: .....

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

Sec. 4. NRS 162A.700 is hereby amended to read as follows:

162A.700 NRS 162A.700 to ~~[~~162A.860,~~]~~ ***162A.850,*** inclusive, ***and section 2 of this act*** apply to any power of attorney containing the authority to make health care decisions.

Sec. 5. NRS 162A.710 is hereby amended to read as follows:

162A.710 As used in NRS 162A.700 to 162A.860, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 162A.720 to 162A.780, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 162A.860 is hereby amended to read as follows:

162A.860 ~~[~~The~~]~~ ***Except as otherwise provided in section 3 of this act, the*** form of a power of attorney for health care may be substantially in the

following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO

YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF HEALTH CARE AGENT.

I, **.....**
(insert your name) do hereby designate and appoint:

Name: **.....**
Address: **.....**
Telephone Number: **.....**

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date: ----

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

	(If the statement reflects your desires, initial the box next to the statement.)
1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.	[.....]
2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449.535 to 449.690, inclusive, if this subparagraph is initialed.)	[.....]
3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449.535 to 449.690, inclusive, if this subparagraph is initialed.)	[.....]
4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other	

treatment is withheld. [.....]

5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

.....
.....
.....
.....
.....

7. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

B. Second Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

11. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, incompetency proceedings are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

12. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....
(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT OF
NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

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

On this..... day of....., in the year..., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL .....
(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a ~~[community]~~ ***health*** care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....

Signature: .....

Names: ..... Address: .....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 3:31 p.m.

ASSEMBLY IN SESSION

At 3:34 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 233.

AN ACT relating to estates; revising provisions authorizing the summary administration of the estate of a decedent; revising provisions concerning the distribution or transfer of assets from certain small estates of decedents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs wills and estates of deceased persons. (Title 12 of NRS) Under existing law, a court is authorized to enter an order for the summary administration of an estate if the court deems summary administration advisable and the gross value of the estate does not exceed $200,000 after deducting any encumbrances. (NRS 145.040) **Sections 1 and 2** of this bill increase that amount to ~~[$250,000.]~~ **$300,000.**

~~[Existing law provides, under certain circumstances, for the setting aside of small estates that do not exceed a gross value of $100,000, after deducting any encumbrances, for distribution to certain survivors of decedents or other claimants without requiring the administration of such estates. (NRS 146.070) Section 3 of this bill increases that amount to $150,000.]~~

Existing law provides, under certain circumstances, for the transfer of assets from the estate of a decedent to certain claimants pursuant to an affidavit showing the right to receive the assets without the issuance of a letter of administration or, if applicable, the probate of a will if the gross value of the estate does not exceed $20,000. (NRS 146.080) **Section 4** of this bill **: (1)** increases that amount to $100,000 ~~[.]~~ **if the claimant is the surviving spouse of the decedent and to $25,000 for any other claimant; and (2) excludes the value of any motor vehicles registered to the decedent from the determination of whether the gross value of the estate exceeds these amounts. Section 4 also requires the affidavit required for such transfer of assets to include a declaration that the claimant has no knowledge of any existing claims for personal injury or tort damages against the decedent. Finally, section 4 requires a governmental agency that issues certificates of title, ownership or registration to personal property to accept an affidavit containing the required information, regardless of the form of the affidavit.**

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

Section 1. NRS 145.040 is hereby amended to read as follows:

145.040 If it is made to appear to the court that the gross value of the estate, after deducting any encumbrances, does not exceed ~~[~~$200,000, ~~*$250,000,]~~* ***$300,000,*** the court may, if deemed advisable considering the nature, character and obligations of the estate, enter an order for a summary administration of the estate.

Sec. 2. NRS 145.110 is hereby amended to read as follows:

145.110 If at any time after the entry of an order for the summary administration of an estate it appears that the gross value of the estate, after deducting any encumbrances, exceeds ~~[~~$200,000 ~~*$250,000]*~~ ***$300,000*** as of the death of the decedent, the personal representative shall petition the court for an order revoking summary administration. The court may, if deemed advisable considering the nature, character and obligations of the estate, provide in its order revoking summary administration that regular administration of the estate may proceed unabated upon providing such portions of the regular proceedings and notices as were dispensed with by the order for summary administration.

Sec. 3. ~~[NRS 146.070 is hereby amended to read as follows:~~

~~146.070 1. If a person dies leaving an estate the gross value of which, after deducting any encumbrances, does not exceed [$100,000,] *$150,000,* and there is a surviving spouse or minor child or minor children of the decedent,~~

~~the estate must not be administered upon, but the whole estate, after directing such payments as may be deemed just, must be, by an order for that purpose, assigned and set apart for the support of the surviving spouse or minor child or minor children, or for the support of the minor child or minor children, if there is no surviving spouse. Even if there is a surviving spouse, the court may, after directing such payments, set aside the whole of the estate to the minor child or minor children, if it is in their best interests.~~

~~2. If there is no surviving spouse or minor child of the decedent and the gross value of a decedent's estate, after deducting any encumbrances, does not exceed [$100,000,] $150,000, upon good cause shown, the court shall order that the estate not be administered upon, but the whole estate be assigned and set apart in the following order:~~

~~(a) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any; and~~

~~(b) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession.~~

~~3. Proceedings taken under this section, whether or not the decedent left a valid will, must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:~~

~~(a) A specific description of all the decedent's property.~~

~~(b) A list of all the liens and mortgages of record at the date of the decedent's death.~~

~~(c) An estimate of the value of the property.~~

~~(d) A statement of the debts of the decedent so far as known to the petitioner.~~

~~(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner.~~

~~4. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.~~

~~5. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding $2,500 in value.~~

~~6. If the court finds that the gross value of the estate, less encumbrances, does not exceed the sum of [$100,000,] $150,000, the court may direct that the estate be distributed to the father or mother of a minor heir or devisee, with or without the filing of any bond, or to a custodian under chapter 167 of NRS, or may require that a general guardian be appointed and that the estate be distributed to the guardian, with or without bond, as in the discretion of the~~

~~court is deemed to be in the best interests of the minor. The court may direct the manner in which the money may be used for the benefit of the minor.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 146.080 is hereby amended to read as follows:

146.080 1. If a decedent leaves no real property, nor interest therein, nor mortgage or lien thereon, in this State, and the gross value of the decedent's property in this State, over and above any amounts due to the decedent for services in the Armed Forces of the United States ~~[,]~~ ***and the value of any motor vehicles registered to the decedent,*** does not exceed ~~[~~$20,000, ***$100,000,]*** ***the applicable amount,*** a person who has a right to succeed to the property of the decedent pursuant to the laws of succession for a decedent who died intestate or pursuant to the valid will of a decedent who died testate, on behalf of all persons entitled to succeed to the property claimed, or the Director of the Department of Health and Human Services or public administrator on behalf of the State or others entitled to the property, may, 40 days after the death of the decedent, without procuring letters of administration or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to the claimant upon furnishing the person, representative, corporation, officer or body owing the money, having custody of the property or acting as registrar or transfer agent of the evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive the money or property or to have the evidence transferred.

2. An affidavit made pursuant to this section must state:

(a) The affiant's name and address, and that the affiant is entitled by law to succeed to the property claimed;

(b) The date and place of death of the decedent;

(c) That the gross value of the decedent's property in this State, except amounts due the decedent for services in the Armed Forces of the United States ~~[,]~~ ***or the value of any motor vehicles registered to the decedent,*** does not exceed ~~[~~$20,000, ***$100,000,]*** ***the applicable amount,*** and that the property does not include any real property nor interest therein, nor mortgage or lien thereon;

(d) That at least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the certificate of death of the decedent attached to the affidavit;

(e) That no petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent, including funeral and burial expenses, and money owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid, have been paid or provided for;

(g) A description of the personal property and the portion claimed;

(h) That the affiant has given written notice, by personal service or by certified mail, identifying the affiant's claim and describing the property claimed, to every person whose right to succeed to the decedent's property is

equal or superior to that of the affiant, and that at least 14 days have elapsed since the notice was served or mailed;

(i) That the affiant is personally entitled, or the Department of Health and Human Services is entitled, to full payment or delivery of the property claimed or is entitled to payment or delivery on behalf of and with the written authority of all other successors who have an interest in the property; ~~[and]~~

(j) ***That the affiant has no knowledge of any existing claims for personal injury or tort damages against the decedent; and***

(k) That the affiant acknowledges an understanding that filing a false affidavit constitutes a felony in this State.

3. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives is subject to all debts of the decedent.

(b) Fails to give notice to other successors as required by subsection 2, any money or property the affiant receives is held by the affiant in trust for all other successors who have an interest in the property.

4. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon that information, and if the person relies in good faith, the person is immune from civil liability for actions based on that reliance.

5. Upon receiving proof of the death of the decedent and an affidavit containing the information required by this section:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property. ***The governmental agency may not refuse to accept an affidavit containing the information required by this section, regardless of the form of the affidavit.***

6. If any property of the estate not exceeding ~~[~~$20,000 ***$100,000]*** ***the applicable amount*** is located in a state which requires an order of a court for the transfer of the property, or if the estate consists of stocks or bonds which must be transferred by an agent outside this State, any person qualified pursuant to the provisions of subsection 1 to have the stocks or bonds or other property transferred may do so by obtaining a court order directing the transfer. The person desiring the transfer must file a petition, which may be ex parte, containing:

(a) A specific description of all the property of the decedent.

(b) A list of all the liens and mortgages of record at the date of the decedent's death.

(c) An estimate of the value of the property of the decedent.

(d) The names, ages of any minors and residences of the decedent's heirs and devisees.

(e) A request for the court to issue an order directing the transfer of the stocks or bonds or other property if the court finds the gross value of the estate does not exceed ~~[~~$20,000.~~ *$100,000.]*~~ ***the applicable amount.***

(f) An attached copy of the executed affidavit made pursuant to subsection 2.

➥ If the court finds that the gross value of the estate does not exceed ~~[~~$20,000 ~~*$100,000]*~~ ***the applicable amount*** and the person requesting the transfer is entitled to it, the court may enter an order directing the transfer.

7. As used in this section, "applicable amount" means:

(a) If the claimant is the surviving spouse of the decedent, $100,000.

(b) For any other claimant, $25,000.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 142.

Bill read second time.

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

Amendment No. 420.

AN ACT relating to wildlife; **making various changes relating to violations of provisions relating to wildlife;** eliminating, under certain circumstances, the authority of the Board of Wildlife Commissioners and the Department of Wildlife to suspend or revoke a license, tag, permit, certificate or other document or privilege relating to wildlife; authorizing a court, under certain circumstances, to order the suspension or revocation of a license, tag, permit, certificate or other document or privilege relating to wildlife; ~~[eliminating the authority of the Commission to establish a system of assessing demerit points for wildlife convictions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish a system of assessing demerit points for a person who is convicted of violating certain laws and regulations in this State relating to wildlife. (NRS 501.1812-501.1818) Pursuant to the system, a person accumulates demerit points if the person is convicted of violating certain provisions of law. If a person accumulates 12 demerit points, the Department of Wildlife is required to suspend or revoke any license, permit or privilege that the Department has issued to the person. With limited exception, a license, permit or privilege may not be suspended for more than 3 years. (NRS 501.1816) In addition to the authority of the Department to suspend or revoke a license pursuant to the demerit system, existing law authorizes a court to require the surrender of a license issued by the Department to a person if the person is found guilty of

violating any provision of title 45 of NRS. (NRS 501.387) **Section ~~[14]~~ 1.5** of this bill eliminates the authority of the Commission to establish a **~~[system]~~ schedule** of demerit points, **~~[thereby eliminating the system.]~~ and instead requires that the Department assess demerit points pursuant to the schedule of demerit points set forth in section 1.1 of this bill. Section 5** of this bill provides that, except as otherwise provided by specific statute, a court may not suspend or revoke a license for a period of more than 3 years.

~~[Existing law requires the Commission to: (1) establish policies for the revocation of licenses issued pursuant to title 45 of NRS to any person who is convicted of a violation of a law relating to wildlife; and (2) adopt regulations governing the revocation of a permit required to develop or maintain certain artificial or artificially created bodies of water. (NRS 501.181) Section 1 of this bill provides that no such policy or regulation may authorize the Commission or the Department to suspend or revoke such a license or permit unless a court orders the suspension or revocation.]~~

Existing law authorizes, under certain circumstances, the Commission or the Department to revoke or suspend a license, tag, permit, certificate or other document or privilege issued to a person by the Department. (NRS 501.3855, 501.3865, 501.388, 502.370, 503.185, 503.310, 504.380, 504.390, 504.395) **Sections 2-4 and 6-12** of this bill eliminate **~~[such]~~ the revocation and suspension** authority of the Commission and the Department **under those circumstances** and **instead** grant **~~[the]~~ that** authority to a court of competent jurisdiction. **Section 2 also revises the penalty for the unlawful killing or possession of a mountain lion. (NRS 501.376)**

Section 1.9 of this bill retains the authority of the Department under existing law to suspend or revoke a license, permit or privilege pursuant to the demerit system.

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

Section 1. ~~[NRS 501.181 is hereby amended to read as follows:~~

~~501.181 The Commission shall:~~

~~1. Establish broad policies for:~~

~~(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.~~

~~(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.~~

~~(c) The promotion of uniformity of laws relating to policy matters.~~

~~2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.~~

~~3. Establish policies for areas of interest including:~~

~~(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.~~

~~— (b) The control of wildlife depredations.~~

~~— (c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.~~

~~— (d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.~~

~~— (e) The control of nonresident hunters.~~

~~— (f) The introduction, transplanting or exporting of wildlife.~~

~~— (g) Cooperation with federal, state and local agencies on wildlife and boating programs.~~

~~— (h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto. *No such policy may authorize the Commission or the Department to suspend or revoke a license issued pursuant to this title unless a court orders the suspension or revocation.*~~

~~— 4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:~~

~~— (a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.~~

~~— (b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.~~

~~— (c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.~~

~~— (d) The number of licenses issued for big game and, if necessary, other game species.~~

~~— 5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.~~

~~— 6. Adopt regulations:~~

~~(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.~~ ***No such regulation may authorize the Commission or the Department to revoke such a permit unless a court orders the revocation.***

~~(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.~~

~~7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.~~

~~8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.]~~ **(Deleted by amendment.)**

Sec. 1.1. **Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall only assess demerit points as provided in NRS 501.1814 pursuant to the following schedule:

HUNTING AND TAKING

Classification of Violations	*NRS Section*	*Demerits*
Unlawfully shooting at a game mammal or game bird from an aircraft, helicopter or motor-driven vehicle or using such a vehicle to molest, rally, stir up or drive game mammals or game birds	*503.010*	*6*
Spotting or locating game mammals or game birds from an aircraft or helicopter and communicating that information to a person on the ground for the purpose of hunting	*503.010*	*3*
Unlawfully using information obtained in violation of subsection 3 of NRS 503.010 to hunt or kill game mammals or game birds	*503.010*	*3*
Unlawfully using a helicopter to transport game, hunters or hunting equipment	*503.010*	*3*
Unlawfully killing or attempting to kill birds or animals from an aircraft	*503.005*	*6*

Unlawfully using an aircraft, balloon or satellite to locate or observe big game for the purpose of hunting *501.385* *6*
Hunting or taking an endangered species without a special permit *503.585* *12*
Unlawfully killing, destroying, wounding, trapping or injuring bald eagles or golden eagles *503.610* *12*
Unlawfully taking bald eagles or golden eagles *503.620* *12*
Taking twice the legal limit or more of big game mammals *501.385* *12*
Hunting or taking a threatened Species *501.385* *9*
Unlawfully killing a fur-bearing mammal during the closed season *503.440* *9*
Unlawfully hunting migratory waterfowl by aid of baiting *501.385* *3*
Hunting big game mammals during the closed season *503.090* *6*
Hunting fur-bearing mammals during the closed season *501.015* *6*
Hunting big game mammals in closed Areas *501.385* *6*
Hunting fur-bearing mammals in closed areas *501.385* *6*
Unlawfully hunting in a privately owned wildlife management area *504.140* *6*
Unlawfully hunting in a state-owned wildlife management area *504.143* *6*
Hunting big game mammals or migratory waterfowl during prohibited hours *503.140* *6*
Unlawfully hunting game birds or game mammals with the aid of artificial light *503.150* *6*
Hunting or taking a sensitive species *501.385* *6*
Hunting, trapping, possessing or selling birds of prey or raptors without a permit *503.582* *6*
Hunting alternative livestock *503.242* *6*
Taking a game mammal of a prohibited age or with prohibited physical characteristics *501.385* *6*

UNLAWFUL POSSESSION

Classification of Violations	*NRS Section*	*Demerits*
Unlawfully possessing live wildlife that is classified as prohibited	*504.295*	*12*
Unlawfully possessing big game mammals during the closed season	*503.030*	*9*
Possessing a big game mammal or parts thereof without a tag attached thereto	*502.150*	*9*
Possessing twice the legal limit or more of game birds or game mammals, other than big game	*501.385*	*9*
Possessing twice the legal limit or more of game fish	*501.385*	*9*
Unlawfully possessing a fur-bearing mammal during the closed season	*503.030*	*6*
Possessing game birds or game mammals, other than big game, during the closed season	*503.030*	*6*
Possessing fish during the closed Season	*503.030*	*6*
Possessing game birds or game mammals, other than big game, in excess of the legal limit but less than twice the legal limit	*501.385*	*6*
Possessing game fish in excess of the legal limit but less than twice the legal limit	*501.385*	*6*
Possessing a species that may not legally be possessed without a license or permit	*501.385*	*6*

TAGS AND SEALS

Classification of Violations	*NRS Section*	*Demerits*
Hunting big game or wild turkey without a tag	*502.130*	*9*
Unlawfully transferring a tag to another person	*502.140*	*9*
Possessing or using a tag legally issued to another person	*502.140*	*9*

Obtaining tags in excess of the legal Limit	*502.140*	*9*
Possessing used tags or tags in excess of the legal limit	*502.150*	*9*
Unlawfully using a tag	*502.200*	*9*
Using a tag in an improper area	*502.160*	*6*
Failing to punch a tag properly	*502.160*	*6*
Failing to attach a tag to a big game mammal in the manner prescribed by regulation of the Commission	*502.160*	*3*
Hunting by a Native American off a Native American reservation without a tag	*502.280*	*6*
Possessing fur-bearing mammals, other than a bobcat, without a seal	*501.385*	*6*
Possessing the pelt of a bobcat without a seal	*501.385*	*3*
Possessing the hide of a mountain lion without a seal	*501.385*	*6*
Possessing the horns of a ram bighorn sheep without a seal or brand	*501.385*	*6*

PERMITS

Classification of Violations	*NRS Section*	*Demerits*
Unlawfully importing or transporting a prohibited species of wildlife without a permit or license	*503.597*	*12*
Collecting unprotected wildlife for commercial purposes without a permit	*501.385*	*12*
Collecting live bait fish or live aquatic bait for commercial purposes without a permit	*501.385*	*12*
Collecting unprotected fish for commercial purposes without a permit	*501.385*	*12*
Selling live bait without a permit	*501.379*	*6*
Conducting a field trial without a Permit	*503.200*	*6*
Conducting a dredging operation without a permit	*503.425*	*6*
Possessing a raptor without a permit	*503.582*	*6*

Furnishing false information to obtain a permit	*502.060*	*6*

FISHING

Classification of Violations	*NRS Section*	*Demerits*
Fishing at a fish hatchery or other waters used for the purpose of rearing or growing fish	*503.360*	*6*

MISCELLANEOUS FISH AND GAME

Classification of Violations	*NRS Section*	*Demerits*
Obstructing, hindering or otherwise interfering with an officer, employee or agent of the Department	*501.385*	*12*
Unlawfully selling big game Mammals	*501.379*	*12*
Unlawfully selling an endangered Species	*501.379*	*12*
Needless waste of big game mammals	*503.050*	*12*
Needless waste of game birds or game mammals, other than big game	*503.050*	*9*
Unlawfully selling a threatened Species	*501.379*	*9*
Unlawfully selling game other than big game mammals	*501.379*	*6*
Unlawfully selling a sensitive or protected species	*501.379*	*6*
Unlawfully selling game fish	*501.381*	*6*
Needless waste of game fish	*503.050*	*6*
Unlawfully carrying a loaded rifle or shotgun in a vehicle	*503.165*	*6*
Unlawfully discharging a firearm	*503.175*	*6*
Failing to retain the cape or scalp and any antlers or horns of wildlife	*501.385*	*6*
Destroying or mutilating signs of the Department	*501.383*	*6*
Polluting water	*503.430*	*6*
Removing, altering or tampering with a tag placed on wildlife or on		

seized equipment	*501.377*	*6*
Commercial taking of crayfish, except in accordance with a permit issued by the Department	*501.385*	*6*
Intentionally interfering with a person lawfully hunting or trapping	*503.015*	*6*
Hunting or trapping on private property without permission	*503.240*	*6*
Failing to make a reasonable effort to retrieve dead or crippled migratory waterfowl	*501.385*	*3*

CATEGORY E FELONIES AND GROSS MISDEMEANORS

Classification of Violations	*NRS Section*	*Demerits*
Conviction of a felony for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing	*501.376*	*12*
Conviction of a gross misdemeanor for intentionally killing a big game mammal, including aiding and abetting a person in the commission of the killing	*501.376*	*12*
Conviction of a gross misdemeanor for willfully possessing an unlawfully killed big game mammal	*501.376*	*12*
Acting as a master guide or subguide without a license	*504.395*	*12*
Furnishing false information to obtain a big game tag	*502.060*	*12*

TRAPPING

Classification of Violations	*NRS Section*	*Demerits*
Unlawfully capturing a raptor with a steel leghold trap placed, set or maintained within 30 feet of exposed bait	*501.385*	*3*

Trapping in a closed area	*501.385*	*3*
Unlawfully removing or disturbing a trap lawfully being used by another person	*503.454*	*3*
Trapping fur-bearing mammals during the closed season	*503.440*	*6*
Trapping birds of prey or raptors without a permit or by unlawful means	*503.582*	*6*

LICENSES

Classification of Violations	*NRS Section*	*Demerits*
Refusing to exhibit a license, wildlife, weapon, ammunition, device or apparatus	*502.120*	*12*
Hunting without having procured a License	*502.010*	*6*
Fishing without having procured a License	*502.010*	*6*
Hunting without a license in Possession	*502.120*	*6*
Fishing without a license in Possession	*502.120*	*6*
Furnishing false information to obtain a license	*502.060*	*6*
Furnishing of false information by a person serving in the Armed Forces of the United States to obtain a license	*502.290*	*6*
Unlawfully transferring a license to another person	*502.100*	*6*
Unlawfully using a license of another Person	*502.100*	*6*
Obtaining more than one license of each class	*502.110*	*6*
Altering a license	*502.105*	*6*
Practicing falconry without a license	*503.583*	*6*
Operating as a fur dealer without a License	*505.010*	*6*
Trapping without having procured a License	*502.010*	*6*
Taking fur-bearing mammals, trapping unprotected mammals or		

selling raw furs for profit without having procured a license	***503.454***	***6***
Trapping without a license in Possession	***502.120***	***6***
Hunting, fishing or trapping using a license that is invalid by reason of expiration or a false statement made to obtain the license	***502.060***	***3***
Operating a shooting preserve without a license	***504.310***	***6***
Performing taxidermal services without a license	***502.370***	***6***
Obtaining a hunting license without obtaining certification as a responsible hunter	***502.360***	***6***

2. If a person is convicted of committing a wildlife violation that does not appear in the schedule set forth in subsection 1, the Department shall assess not more than 3 demerit points.

3. If a person is convicted of committing any four wildlife violations arising out of separate events within a 60-month period, the Department shall not assess more than an extra 12 demerit points.

Sec. 1.3. **NRS 501.1812 is hereby amended to read as follows:**

501.1812 As used in NRS 501.1812 to 501.1818, inclusive, ***and section 1.1 of this act,*** unless the context otherwise requires:

1. "License" means a license or tag issued by the Department for:

(a) Recreational hunting or fishing; or

(b) Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit.

2. "Permit" means a permit issued by the Department for recreational hunting or fishing.

3. "Wildlife conviction" means a conviction obtained in any court of competent jurisdiction in this State, including, without limitation, a conviction obtained upon a plea of nolo contendere or upon a forfeiture of bail not vacated in any such court, for a violation of:

(a) A provision of this title or any regulation adopted pursuant to this title other than a provision of NRS 502.370, 502.390, 503.185, 503.310 or 504.295 to 504.398, inclusive; or

(b) A provision of the Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371 et seq., if the violation of that provision is based on a violation of a law or regulation of this State.

Sec. 1.5. **NRS 501.1814 is hereby amended to read as follows:**

501.1814 1. The Commission shall establish and the Department shall administer and enforce a system of assessing demerit points ***pursuant to***

section 1.1 of this act for wildlife convictions. The system must be uniform in its operation.

2. Pursuant to the schedule of demerit points ~~[established by regulation of the Commission]~~ ***set forth in section 1.1 of this act*** for each wildlife conviction occurring within this State affecting any holder of a license, permit or privilege issued pursuant to this title, the Department shall assess demerit points for the 60-month period preceding a person's most recent wildlife conviction. Sixty months after the date of the conviction, the demerit points for that conviction must be deleted from the total demerit points accumulated by that person. The date of the conviction shall be deemed the date on which accumulated demerit points must be assessed. If a conviction of two or more wildlife violations committed at a single event is obtained, demerit points must be assessed for the offense having the greater number of demerit points.

Sec. 1.9. **NRS 501.1816 is hereby amended to read as follows:**

501.1816 1. ***If a person who has accumulated 4 or more demerit points presents proof to the Department that he or she has successfully completed a course of instruction in the responsibilities of hunters approved by the Department, the Department shall deduct 4 demerit points from the person's record.***

2. If a person accumulates 9 or more demerit points, but less than 12, the Department shall notify the person of that fact by certified mail. If, after the Department mails the notice, the person presents proof to the Department that he or she has, after his or her most recent wildlife conviction, successfully completed a course of instruction in the responsibilities of hunters approved by the Department, the Department shall deduct 4 demerit points from the person's record.

3. A person may attend a course of instruction in the responsibilities of hunters only once in 60 months for the purpose of reducing his or her demerit points.

~~[2.]~~ ***4.*** If a person accumulates 12 or more demerit points before completing a course of instruction pursuant to subsection 1 ~~[,]~~ ***or 2,*** the Department shall suspend or revoke any license, permit or privilege issued to the person pursuant to this title.

~~[3.]~~ ***5.*** Not later than 60 days after the Department determines that a person has accumulated 12 demerit points, the Department shall notify the person by certified mail that the person's privileges will be suspended or revoked. Except as otherwise provided in subsection ~~[4,]~~ ***6,*** the Department shall suspend or revoke those privileges 30 days after it mails the notice.

~~[4.]~~ ***6.*** Any person who receives the notice required by subsection ~~[3]~~ ***5*** may submit to the Department a written request for a hearing before the Commission not later than 30 days after the receipt of the notice. If a written request for a hearing is received by the Department:

(a) The suspension or revocation of the license, permit or privilege is stayed until a determination is made by the Commission after the hearing.

(b) The hearing must be held within 60 days after the request is received.

~~[5.]~~ ***7.*** The periods of suspension or revocation imposed pursuant to this section must run concurrently. Except as otherwise provided in this subsection, no license, permit or privilege may be suspended or revoked pursuant to this section for more than 3 years. ~~[The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of:~~

~~(a) A gross misdemeanor may not be suspended or revoked for more than 5 years;~~

~~(b) Except as otherwise provided in paragraph (c), a felony may not be suspended or revoked for more than 10 years; or~~

~~(c) Two or more felonies, arising from separate events, must be permanently revoked.~~

~~6.]~~ ***8.*** If the Department suspends or revokes a license, permit or privilege pursuant to this section, the period of suspension or revocation begins 30 days after notification pursuant to subsection ~~[3]~~ ***5*** or a determination is made by the Commission pursuant to subsection ~~[4.]~~ ***6.*** After a person's license, permit or privilege is suspended or revoked pursuant to this section, all demerit points accumulated by that person must be cancelled.

Sec. 1.95. **NRS 501.1818 is hereby amended to read as follows:**

501.1818 The Commission may adopt such regulations as are necessary to carry out the provisions of NRS 501.1812 to 501.1818, inclusive ~~[.]~~ ***, and section 1.1 of this act.***

Sec. 2. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. ***A person who kills or aids and abets another person to kill a mountain lion in violation of the provisions of subsection 1 is guilty of a misdemeanor.***

5. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

~~[5.]~~ ***6.*** A person who violates the provisions of subsection ~~[4]~~ ***5*** is guilty of ~~[a]~~ ***:***

(a) A misdemeanor if the willful possession is of a mountain lion; and

(b) A gross misdemeanor ~~[.~~

~~***6.]*** if the willful possession is of any animal specified in subsection 1 other than a mountain lion.***

7. In addition to any other penalty, if a person is convicted pursuant to this section of:

(a) A gross misdemeanor, the court may order the suspension or revocation of any license, tag, permit, certificate or other document or privilege issued to the person pursuant to this title for a period of not more than 5 years.

(b) A felony, the court may order the suspension or revocation of any license, tag, permit, certificate or other document or privilege issued to the person pursuant to this title for a period of not more than 10 years.

(c) Two or more felonies arising from separate events, the court shall order the permanent revocation of all licenses, tags, permits, certificates or other documents or privileges issued to the person pursuant to this title.

Sec. 3. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:

(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than $5,000 nor more than $30,000; or

(b) Except as otherwise provided in paragraph (a), unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than $250 but less than $5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than $25 nor more than $1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than $50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the ***court may order the*** Department ~~[may]~~ ***to*** suspend ~~[,]~~ ***or*** revoke ~~[, or refuse]~~ ***and not*** to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 4. NRS 501.3865 is hereby amended to read as follows:

501.3865 1. If a person who holds:

(a) A license, tag or permit issued by the Department to engage in any activity authorized or regulated by this title or by a regulation adopted pursuant thereto; or

(b) A certificate of number issued by the Department,

➥ violates a written promise to appear pursuant to a citation that was prepared manually or electronically for a violation of a provision of this title, chapter 488 of NRS or any regulation adopted pursuant thereto, the clerk of the court shall immediately notify the Department on a form approved by the Department.

2. Upon receipt of notice from a court in this State of a failure to appear, the Department shall notify the person by certified mail that the person's license, tag, permit or certificate of number is subject to suspension ***by order of the court*** and allow the person 30 days after the date of mailing the notice to:

(a) Appear in court and obtain a dismissal of the citation or complaint as provided by law; ***or***

(b) Appear in court and, if permitted by the court, make an arrangement acceptable to the court to satisfy a judgment of conviction **.** ~~**[**, or~~

~~(c) Make a written request to the Department for a hearing.**]**~~

3. If ~~**[**notified by a court within 30 days after the notice of a failure to appear that a person has been allowed to make**]**~~ ***, within the time provided by subsection 2, the person:***

(a) Fails to appear in court;

(b) Appears in court but is unable to obtain a dismissal of the citation or complaint as provided by law and does not immediately satisfy a judgment of conviction; or

(c) Appears in court and makes an arrangement for the satisfaction of a judgment of conviction ~~**[**, the Department shall remove the suspension from the record of the person. If the person**]**~~ ***but*** subsequently defaults on his or her arrangement with the court,

➥ the court shall ~~**[**notify the Department which shall immediately suspend**]**~~ ***order the suspension of*** the ***person's*** license, tag, permit or certificate of number until the ~~**[**court notifies the Department that the suspension may be removed.~~

~~4. The Department shall suspend the license, tag, permit or certificate of number of a person 31 days after the Department mails the person the notice provided for in subsection 2, unless within that period the Department receives a written request for a hearing from the person or notice from the court on a form approved by the Department that the person has appeared or the citation or complaint has been dismissed. A license, tag, permit or certificate of number~~

~~so suspended remains suspended until further notice is received from the court that the person has appeared or that the case has been~~] ***person satisfies a judgment of conviction or the case is*** otherwise disposed of as provided by law. ***If a judgment of conviction is satisfied or the case is otherwise disposed of, the clerk of the court shall so notify the Department on a form approved by the Department and the Department shall reinstate the license, tag, permit or certificate of number.***

Sec. 5. NRS 501.387 is hereby amended to read as follows:

501.387 1. Except as otherwise provided by specific statute, upon a conviction of a violation of any provision of this title, or any regulation adopted pursuant to this title, in addition to the penalty provided for the violation, the court may ~~[require]~~ ***:***

(a) Order that any license issued under the provisions of this title and held by the convicted person be suspended or revoked for a period of not more than 3 years; and

(b) Require the immediate surrender of all licenses issued under the provisions of this title and held by the convicted person. Upon receipt of a surrendered license, the court shall forward it to the Commission.

2. In addition to the penalty provided for the violation of any of the provisions of this title, the court may cause to be confiscated all wildlife taken or possessed by the convicted person. All confiscated wildlife must be disposed of as directed by the court.

3. A convicted person shall not, during the time the person's license is revoked or suspended:

(a) Engage in any activity for which the license was issued; or

(b) Purchase or otherwise obtain a license which has been suspended or revoked.

4. Any person who is convicted of violating the provisions of subsection 3 shall be punished by a fine of not more than $1,000 or by imprisonment in a county jail for a period not to exceed 6 months, or by both a fine and imprisonment. In addition, the ***court may order that the*** revocation or suspension of the license of the convicted person ~~[may]~~ be extended by an amount of time equal to the original period of revocation or suspension.

Sec. 6. NRS 501.388 is hereby amended to read as follows:

501.388 1. ~~[The Commission]~~ ***A court of competent jurisdiction*** may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:

(a) ~~[Revoke]~~ ***Order the revocation of*** any license of any person who is convicted of a violation of NRS 503.050, and ~~[may refuse to]~~ ***order that the Department not*** issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) ~~[Revoke]~~ ***Order the revocation of*** any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope ~~[, mountain lion]~~ or black bear in violation of NRS 501.376, and may:

(1) ~~[Refuse to]~~ ***Order that the Department not*** issue any new license to the convicted person for any period not to exceed 3 years; and

(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.

Sec. 7. NRS 502.370 is hereby amended to read as follows:

502.370 1. A license to practice taxidermy is required before any person may perform taxidermal services for others on any wildlife or their parts, nests or eggs.

2. Annual licenses must be issued by the Department to applicants who satisfy the requirements established by the Department and pay a fee of:

Fee to practice commercial taxidermy	$44
Fee to practice noncommercial taxidermy	***2***0

3. Any person who wishes to obtain a license to practice taxidermy must apply for the license on an application form provided by the Department. The applicant must provide such information on the form as the Commission may require by regulation.

4. The Commission may adopt regulations governing the licensing of taxidermists and the practice of taxidermy, including:

(a) The receipt, possession, transportation, identification, purchase and sale of wildlife or parts thereof to be or which have been processed by a taxidermist;

(b) The maintenance and submission of written records; and

(c) Any other matter concerning the practice, conduct and operating procedures of taxidermists as the Commission may deem necessary.

5. A person who is authorized to enforce the provisions of this title may enter the facilities of a licensee at any reasonable hour and inspect the licensee's operations and records.

6. If a licensee is convicted of a violation of any provision of this title or the regulations adopted by the Commission, ~~[the Commission]~~ ***a court of competent jurisdiction*** may ~~[revoke]~~ ***order the revocation of*** his or her license and ~~[may refuse to]~~ ***order the Department not to*** issue another license to him or her for a period not to exceed 5 years.

7. The provisions of this section do not apply to institutions of learning of this State or of the United States, or to research activities conducted exclusively for scientific purposes, or for the advancement of agriculture, biology or any of the sciences.

Sec. 8. NRS 503.185 is hereby amended to read as follows:

503.185 1. Every person involved in a hunting accident where damage to property results, or which involves the injury of or death to another person, shall file a report of the accident with the Department within 30 days after the accident. The report must be on the form prescribed by the Department.

2. ~~[The Department]~~ ***A court of competent jurisdiction*** shall ~~[revoke]~~ ***order the revocation of*** any hunting license held by a person convicted of violating NRS 503.165 or 503.175, if the violation results in an injury to or the death of another person. The Department shall not issue another such license to the person sooner than 2 years after the revocation.

Sec. 9. NRS 503.310 is hereby amended to read as follows:

503.310 1. The Commission may regulate or prohibit the use of live bait in fishing so that no undesirable species are introduced into the public waters of this State.

2. Any person engaged in the sale of live bait must first obtain a permit from the Department for the fee provided in NRS 502.240. ~~[The permit may be revoked]~~ ***A court of competent jurisdiction may order the revocation of the permit*** for any violation of regulations.

3. The Commission may prescribe the species which may be held or sold by the permittee.

Sec. 10. NRS 504.380 is hereby amended to read as follows:

504.380 The violation of any of the provisions of NRS 504.300 to 504.370, inclusive, or the rules and regulations prescribed by the Commission is punishable in accordance with the provisions of NRS 501.385, and in addition thereto any license issued under the provisions of NRS 504.300 to 504.370, inclusive, may be revoked by ~~[the Commission or by]~~ ***order of*** a court of competent jurisdiction for the balance of the license term, and no new license may be issued during the same license year.

Sec. 11. NRS 504.390 is hereby amended to read as follows:

504.390 1. As used in this section, unless the context otherwise requires:

(a) "Compensation" means any remuneration given in exchange for providing guide service which is predicated on a business relationship between the parties. The term does not include any reimbursement for shared trip expenses, including, without limitation, expenses for gasoline, food or any other costs that are generally associated with persons who are engaging in recreational hunting or fishing together.

(b) "Guide" means to assist another person for compensation in hunting wild mammals or wild birds and fishing and includes the transporting of another person or the person's equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Each person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, must obtain a master guide license from the Department. Such a license must not be issued to any person who has not reached 21 years of age.

3. Except as otherwise provided in this subsection, each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity must obtain a subguide license from the Department.

Such a license must not be issued to any person who has not reached 18 years of age. The provisions of this subsection do not apply to a person who:

(a) Is employed by or assists a person who holds a master guide license solely for the purpose of cooking, cutting wood, caring for, grooming or saddling livestock, or transporting a person by motor vehicle to or from a public facility for transportation, including, without limitation, a public airport.

(b) Holds a master guide license which authorizes the person to provide services for the same species and in the same areas as the guide who employs him or her or requests the person's assistance and has submitted to the Department a notarized statement which indicates that the person is employed by or provides assistance to the guide. The statement must be signed by both guides.

4. Fees for master guide and subguide licenses must be as provided in NRS 502.240.

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. The application must contain the social security number of the applicant and such other information as the Commission may require by regulation. If that person was not licensed as a master guide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of $1,500.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the Department. If that person was not licensed as a subguide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of $50.

7. It is unlawful for the holder of a master guide license to operate in any area where a special use permit is required without first obtaining a permit unless the holder is employed by or providing assistance to a guide pursuant to subsection 3.

8. The holder of a master guide license shall maintain records of the number of hunters and anglers served, and any other information which the Department may require concerning fish and game taken by such persons. The information must be furnished to the Department on request.

9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this title or chapter 488 of NRS, ~~[~~the Commission~~]~~ ***a court of competent jurisdiction*** may ~~[~~revoke~~]~~ ***order the revocation of*** the license of the licensee and may ~~[~~refuse issuance of~~]~~ ***order the Department not to issue*** another license to the licensee for a period not to exceed 5 years.

10. The Commission may adopt regulations covering the conduct and operation of a guide service.

11. The Department may issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission.

Sec. 12. NRS 504.395 is hereby amended to read as follows:

504.395 1. Any person who purposefully or knowingly acts as a master guide or as a subguide without first obtaining a license pursuant to NRS 504.390 is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second or subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

2. Any vessel, vehicle, aircraft, pack or riding animal or other equipment used by a person operating in violation of subsection 1 is subject to forfeiture upon the conviction of that person of a gross misdemeanor or felony if that person knew or should have known that the vessel, vehicle, aircraft, animal or equipment would be used in violation of subsection 1.

3. In addition to any penalty imposed pursuant to subsection 1, if a person is convicted of violating a provision of that subsection, ~~[~~the Commission~~]~~ ***a court of competent jurisdiction*** shall:

(a) ~~[~~Revoke~~]~~ ***Order the revocation of*** any license, permit or privilege issued to that person pursuant to this title; and

(b) ~~[~~Refuse~~]~~ ***Order the Department not*** to issue any new license, permit or privilege to the person for 5 years after the date of the conviction.

Sec. 13. Any regulations adopted by the Board of Wildlife Commissioners ~~[~~pursuant to NRS 501. 1814, as that section existed~~]~~ **on or** before July 1, 2015, ~~[~~related to a system of assessing demerit points for wildlife convictions~~]~~ **which conflict with the provisions of this act** are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2015.

Sec. 14. ~~[~~NRS 501. 1812, 501. 1814, 501. 1816, 501. 1817 and 501. 1818 are hereby repealed.~~]~~ **(Deleted by amendment.)**

Sec. 15. This act becomes effective on July 1, 2015.

~~[~~

~~HEADLINES OF REPEALED SECTION~~

~~**— 501.1812 System of assessing demerit points for wildlife convictions: Definitions.**~~

~~**— 501.1814 System of assessing demerit points for wildlife convictions: Establishment and administration of system; assessment and deletion of points.**~~

~~**— 501.1816 System of assessing demerit points for wildlife convictions: Reduction of accumulated points; suspension or revocation of licenses, permits or privileges.**~~

~~**— 501.1817 System of assessing demerit points for wildlife convictions: Judicial review of suspension or revocation of license, permit or privilege.**~~

~~**— 501.1818 System of assessing demerit points for wildlife convictions: Regulations.**~~~~]~~

Assemblywoman Titus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

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

Amendment No. 95.

AN ACT relating to fire protection; providing for the creation of rangeland fire protection associations; authorizing ~~[a board of county commissioners]~~ **certain boards** to approve a petition to create ~~[an]~~ **a rangeland fire protection** association; providing for the evaluation of **such** an association by the **authorizing** board and the State Forester Firewarden; requiring the State Forester Firewarden to adopt regulations **and develop recommendations** relating to the formation, operation and training of the members of **such** an association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section]~~ **Sections 3 , 7.5 and 7.7** of this bill ~~[authorizes]~~ **authorize** a board of county commissioners **, board of directors of a county fire protection district or board of fire commissioners of certain other districts** to approve a petition submitted by any business entity or cooperative or any two or more ~~[rangeland agricultural producers or]~~ **persons who own, lease, produce agriculture on or otherwise control or occupy** property ~~[owners]~~ within the county **or district** to create a rangeland fire protection association if the petitioners meet certain requirements. ~~[Section]~~ **Sections 3 , 7.5 and 7.7** additionally ~~[provides]~~ **provide** for the routine evaluation of such an association by the **authorizing** board **in cooperation with the State Forester Firewarden** during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations **and develop recommendations** relating to the formation, operation and training of the members of such an association.

Existing law authorizes fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into certain cooperative agreements for the purpose of providing fire protection services in this State. (NRS 472.050-472.070) **Sections 4-6 , 8 and 9** of this bill authorize fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into such agreements with a rangeland fire protection association.

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

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 3.5** of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" means a nonprofit ~~[unincorporated]~~ association formed for the purpose of protecting rangeland from wildfire pursuant to section 3 , 7.5 or 7.7 of this act ~~[.]~~ , as applicable.***

Sec. 3. *1. ~~[Any]~~ Except as otherwise provided in sections 7.5 and 7.7 of this act, any business entity or cooperative or any two or more ~~[rangeland agricultural producers or]~~ persons who own, lease, produce agriculture on or occupy property ~~[owners]~~ within a county in this State may establish a rangeland fire protection association by petitioning the board of county commissioners of the county in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. A board of county commissioners may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the ~~[petitioners have met]~~ proposed rangeland fire protection association meets all the applicable requirements set forth in the regulations adopted by the State Forester Firewarden pursuant to ~~[subsection 5]~~ section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. A board of county commissioners, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the State Forester Firewarden.

4. A board of county commissioners may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of county commissioners the results of any such delegated evaluation.

5. The board of county commissioners, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

~~[5.]~~

Sec. 3.5. 1. The State Forester Firewarden shall adopt regulations governing a rangeland fire protection association established pursuant to section 3 of this act setting forth:

(a) The requirements for the formation of such a rangeland fire protection association, including the governance and management structure of an association;

(b) The scope of the operations which may be conducted by such an association;

(c) The training requirements for the members of such an association;

(d) The amount of liability insurance that must be carried by such an association; and

(e) Any financial requirements for the formation and operation of such an association.

2. The State Forester Firewarden shall develop recommendations concerning the formation, operation and training of the members of a rangeland fire protection association established pursuant to section 7.5 or 7.7 of this act. Such recommendations must address the topics set forth in subsection 1.

Sec. 4. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest management and the protection of the forest and watershed areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, ***rangeland fire protection associations and other*** organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage forest management and the protection from fire of forest or other lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 5. NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, ***rangeland fire protection associations and other*** organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression , ~~[,]~~ for the purchase, construction and maintenance of forest protection improvements and equipment ~~[,]~~ and for paying other expenses incidental to the protection of forest and other lands from fire, including any portion of the office and travel

expense of the Division of Forestry incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

Sec. 6. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, ~~[and]~~ other fire protection agencies ~~[,]~~ ***and rangeland fire protection associations*** to provide for placing any or all portions of the fire protection work under the direction of the agency ***or association*** concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest protection in the cooperative work fund of the respective agency ***or rangeland fire protection association*** for disbursement by that agency ***or association*** for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 7. Chapter 474 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 7.2, 7.5 and 7.7 of this act.**

Sec. 7.2. As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" has the meaning ascribed to it in section 2 of this act.

Sec. 7.5. 1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, may establish a rangeland fire protection association by petitioning the board of directors of the county fire protection district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.

2. The board of directors of a county fire protection district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. The board of directors of a county fire protection district, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the county fire protection district.

4. The board of directors of a county fire protection district may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of directors of the county fire protection district the results of any such delegated evaluation.

5. The board of directors of a county fire protection district, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

Sec. 7.7. 1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a district organized pursuant to NRS 474.460 may establish a rangeland fire protection association by petitioning the board of fire commissioners of the district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.

2. The board of fire commissioners of the district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. The board of fire commissioners of a district organized pursuant to NRS 474.460, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the district.

4. The board of fire commissioners of a district organized pursuant to NRS 474.460 may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of fire commissioners the results of any such delegated evaluation.

5. The board of fire commissioners of a district organized pursuant to NRS 474.460, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

Sec. 8. NRS 474.163 is hereby amended to read as follows:

474.163 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies ~~[.]~~ ***and rangeland fire protection associations.***

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may:

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies ***or rangeland fire protection associations*** as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 8.5. **NRS 474.470 is hereby amended to read as follows:**

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire protection thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~.~~ ***, and section 7.7 of this act.***

Sec. 9. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies ***and rangeland fire protection associations*** and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, ***and section 7.7 of this act*** to the districts by entering into agreements with other agencies ***or rangeland fire protection associations*** as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, ***and section 7.7 of this act*** for the furnishing of such protection to the districts.

Sec. 10. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 429.

AN ACT relating to taxation; revising provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles; providing that the boards of county commissioners of certain larger counties may continue the imposition of certain additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; providing that money collected from certain of the additional taxes must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected; repealing certain provisions relating to a ballot question providing for the imposition by the State of certain additional taxes on fuels for motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose, upon approval by a two-thirds majority of the members of the board, additional taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2014, and ending on December

31, 2016. Existing law provides that for the period beginning on January 1, 2017: (1) the board of county commissioners must not impose any additional increases in certain taxes authorized by that provision of existing law; and (2) increases in the remainder of the taxes authorized by that provision may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0663) **Section 2** of this bill removes the prohibition on the continued imposition of additional increases in certain taxes, subject to the existing provisions which provide that the additional increases may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. **Section 2** additionally provides that for the period beginning on January 1, 2027, additional annual increases in the taxes on motor vehicle fuel and various special fuels used in motor vehicles may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. ~~[Regardless of the outcome of those elections,]~~ **If the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases, section 1** of this bill provides that any money collected from certain additional taxes imposed on motor vehicle fuel and various special fuels used in motor vehicles after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. **Sections 4, 7, 9 and 12** of this bill make conforming changes.

Upon approval by a majority of the voters in any county, other than Clark or Washoe County, at the general election in November 2016, existing law requires the board of county commissioners of the county to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. Additionally, existing law provides that, for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0667) Existing law also provides for a statewide ballot measure, approval of which by a majority of the voters in the State at the general election in November 2016 would require the State to impose additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles and to impose annual increases on those taxes. (Section 12 of chapter 540, Statutes of Nevada 2013, p. 3586) **Section 18** of this bill repeals the provisions of

existing law relating to the statewide ballot measure concerning the imposition by the State of additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Sections 3 and 17** of this bill instead require the board of county commissioners of a county other than Clark or Washoe County, upon approval by a majority of the voters in the county at the general election in November 2016, to impose such additional taxes on motor vehicle fuel and various special fuels used in motor vehicles in the same manner as the board is required under existing law to impose the additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. ~~[Section]~~ **Sections 14.5 and 15** of this bill ~~[provides]~~ **provide** that money collected from certain additional taxes imposed on motor vehicle fuel and various special fuels used in motor vehicles on or after January 1, 2017, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. **Sections 4.5, 5, 6, 7.5, 8, 9.5, 10, 11, 12.5, 13, 14 and 18** of this bill make conforming changes.

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

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected ~~[after November 8, 2016,]~~ from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 2. NRS 373.0663 is hereby amended to read as follows:

373.0663 1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax

imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or

the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. An ordinance authorized by this section must be approved by a two-thirds majority of the members of the board. If the board adopts an ordinance

authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

(a) Must be adopted before October 1, 2013;

(b) Must become effective on January 1, 2014; and

(c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017 ~~[~~:

~~(1) The board shall not impose any additional annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance.~~

~~(2) The~~ ~~]~~ ***, and ending on December 31, 2026, the*** annual increases in the taxes authorized by ~~[~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~]~~ ***this section*** and imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by ~~[~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~]~~ ***this section*** in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is

necessary to effectuate the annual increases in the taxes authorized by ~~[~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~]~~ ***this section*** and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by ~~[~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~]~~ ***this section*** and imposed by the ordinance after November 8, 2016, but any annual increases in such taxes imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

(c) For the period beginning on January 1, 2027, if the question placed on the ballot pursuant to paragraph (b) is approved by a majority of the registered voters in the county voting on the question, the annual increases in the taxes authorized by this section and imposed by the ordinance may be effectuated if a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved at the general election on November 3, 2026, by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by this section and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by this section and imposed by the ordinance after November 3, 2026, but any annual increases in such taxes imposed by the ordinance on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that Index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that Index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 3. NRS 373.0667 is hereby amended to read as follows:

373.0667 1. In addition to any other tax imposed pursuant to this chapter:

(a) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) ***The board shall by ordinance impose:***

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage

or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(f)]~~ ***(g) The board shall by ordinance impose:***

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal

year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(g)]~~ ***(l)*** The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(h)]~~ ***(m)*** The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph ~~[(f) or (g),]~~ ***(k) or (l),*** which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. Upon the adoption of the ordinance required by subsection 1, and except as otherwise provided in subsection 4, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed by the board pursuant to this section. Except as otherwise provided in subsection 4, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days

after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

4. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2017, and ending on December 31, 2026, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2027, the annual increases in the taxes ***authorized by this section and*** imposed by the ordinance may ~~[not]~~ be effectuated ~~[unless]~~ ***if*** a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters in the county voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 3, 2026, but any annual increases in the taxes imposed by the ordinance in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by the ordinance.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage

from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 4. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 or paragraph (a) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 or paragraph (b) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 or paragraph (c) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must, except as otherwise required by subsection 6 of NRS 373.140, ***and section 1 of this act,*** require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 or 373.0663 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 or 373.0663, and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 4.5. **NRS 373.067 is hereby amended to read as follows:**

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of

NRS 373.140, ***and section 14.5 of this act,*** require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the

allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, ***and section 15 of this act,*** require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 6. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066, paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (a) to ~~[(e),]~~ ***(f),*** inclusive, of subsection 1 of NRS 373.0667, does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs ~~[(f), (g) and (h)]~~ ***(g) to (m), inclusive,*** of subsection 1 of NRS 373.0667, does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066, 373.0663 or 373.0667 is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 7. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, ***and section 1 of this act,*** be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of

NRS 373.066 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7.5. **NRS 373.110 is hereby amended to read as follows:**

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, ***and section 14.5 of this act,*** be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 8. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, ***and section 15 of this act,*** be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 9. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 1 of this act,*** the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any

taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 9.5. **NRS 373.119 is hereby amended to read as follows:**

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 14.5 of this act,*** the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 10. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 15 of this act,*** the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 11. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized or required by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more,

a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065, paragraphs (a) and (b) of subsection 1 of NRS 373.066, paragraphs (a) and (b) of subsection 1 of NRS 373.0663 and paragraphs (a) and (b) of subsection 1 of NRS 373.0667 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the

issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 12. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, except as otherwise ***provided in section 1 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other

securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 12.5. **NRS 373.140 is hereby amended to read as follows:**

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection

1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, except as otherwise ***provided in section 14.5 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 13. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, except as otherwise ***provided in section 15 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other

contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 14. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law,

contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 14.5. **Section 1 of this act is hereby amended to read as follows:**

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS ~~[373.0663]~~ ***373.0667*** and imposed by the ordinance ***on or*** after ~~[November 8, 2016,]~~ ***January 1, 2017,*** must be deposited with the State Treasurer to the credit of the State Highway Fund,

accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 15. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from ~~[the]~~ ***:***

1. The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016 ~~[,]~~ ***; or***

2. The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0667 and imposed by the ordinance on or after January 1, 2017,

➥ must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 16. Section 14 of chapter 540, Statutes of Nevada 2013, at page 3587, is hereby amended to read as follows:

Sec. 14. ~~[1.]~~ This section and sections 1, 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 11.5 of this act become effective upon passage and approval.

~~[2. Section 12 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~3. Section 13 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~4. Sections 1.2, 1.5, 3.2 and 8.2 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~5. Sections 1.2, 1.3, 1.5, 1.8, 1.85, 2.3, 3.1, 4.3, 5.3, 6.3, 7.3, 8.1, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~6. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~7. Sections 1.2, 1.5, 3.7 and 8.7 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~8. Sections 1.2, 1.3, 1.5, 1.9, 1.95, 2.7, 3.5, 4.7, 5.7, 6.7, 7.7, 8.5, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is~~

~~approved by a majority of the registered voters in any county in this State voting on the question.~~

~~9. Sections 1.3, 1.9, 1.95, 2.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.9, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~10. Sections 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act expire by limitation on October 1, 2013, if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.~~**]**

Sec. 17. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Clark County and Washoe County, which asks the voters in the county whether to authorize the board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by NRS 373.0667, as amended by section 3 of this act, and the additional annual increases in those taxes authorized by that section.

Sec. 18. 1. NRS 373.0665 and 373.165 are hereby repealed.

2. Sections 1.9, 1.95, 2.7, 3.1, 3.2, 3.5, 3.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.1, 8.2, 8.5, 8.7, 8.9, 9.7, 10.7, 11.3, 12 and 13 of chapter 540, Statutes of Nevada 2013, at pages 3549, 3550, 3552, 3554, 3555, 3557, 3558, 3561, 3562, 3563, 3564, 3565, 3567, 3569, 3570, 3571, 3576, 3581, 3584 and 3586, are hereby repealed.

Sec. 19. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of chapter 540, Statutes of Nevada 2013, become effective on January 1, 2017, if the question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

Sec. 20. 1. This section and sections ~~[1, 2, 4, 7, 9, 12]~~ **2** and 16 to 19, inclusive, of this act become effective upon passage and approval.

2. **Sections 1, 4, 7, 9 and 12 of this act become effective on November 9, 2016, if the question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question.**

3. Sections 4.5, 6, 7.5, 9.5, 11, 12.5, 14 and 14.5 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is not approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

4. Sections 3, 5, 6, 8, 10, 11, 13, 14 and 15 of this act become effective on January 1, 2017, if ~~[the]~~ **:**

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

TEXT OF REPEALED SECTIONS

373.0665 Additional taxes in all counties: Impositions; rates and annual increases; money received credited to State Highway Fund.

1. In addition to any other tax imposed pursuant to chapter 365 or 366 of NRS:

(a) There is hereby imposed:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in this State in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in this State in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in this State in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in this State in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) There is hereby imposed:

(1) An excise tax on each gallon of special fuel sold in this State, other than any special fuel described in paragraph (b), (c) or (d), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal

year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. The applicable percentage for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 3, the Legislature may amend the applicable percentage from time to time, but any such amendment must not become effective earlier than 90 days after the date of the action by the Legislature amending the applicable percentage. Except as otherwise provided in NRS 373.165, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

3. For the period:

(a) Beginning on January 1, 2017, and ending on December 31, 2026, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section.

(b) Beginning on January 1, 2027, the annual increases in the taxes imposed by this section must not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in this State whether to authorize the Legislature to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by this section and the question is approved by a majority of the registered voters in this State voting on the question. If the question is approved by a majority of such voters, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section. If the question is not approved by a majority of such voters, the Legislature shall not impose any additional annual increases in the taxes imposed by this section after November 3, 2026, but any annual increases in the taxes imposed by this section in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by this section.

4. All money received from the taxes imposed pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage,

the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the Legislature in any act amending the applicable percentage of a tax imposed pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the Legislature.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

373.165 Pledge of continuing increases in taxes imposed pursuant to NRS 373.0665.

1. Except as otherwise provided in subsection 2, any continuing increases in any taxes imposed pursuant to NRS 373.0665 must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations which are secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but the taxes imposed pursuant to NRS 373.0665 that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

2. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to NRS 373.0665, the Legislature may,

except as otherwise provided in paragraph (b) of subsection 3 of NRS 373.0665:

(a) Continue the pledge of the increase in taxes imposed pursuant to NRS 373.0665 beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the action by the Legislature authorized by this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 have been paid in full.

(b) Specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of any action of the Legislature authorized by this subsection; and

(3) The effective date of any action by the Legislature reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of any action by the Legislature authorized by paragraph (a).

3. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 373.0665.

Assemblyman Armstrong moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 556.

AN ACT relating to criminal procedure; ~~[revising provisions governing the waiver of a preliminary examination;]~~ revising provisions ~~[regarding]~~ **relating to** the introduction of evidence at a preliminary examination or grand jury proceeding; ~~[revising the provisions governing the use of a witness's affidavit at a preliminary examination or grand jury proceeding;]~~ revising provisions relating to the use of audiovisual technology to present live witness testimony at a preliminary examination or grand jury proceeding; ~~[revising provisions relating to a finding of probable cause at a preliminary hearing or grand jury proceeding; eliminating the ability for a defendant to submit certain evidentiary statements to a grand jury; making various changes concerning]~~ **revising provisions relating to** notice given to a person whose indictment is being considered by a grand jury; ~~[revising the provisions pertaining to the~~

~~filing of trial-related motions in criminal proceedings;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes a defendant to waive his or her right to a preliminary examination to determine whether probable cause exists to hold the defendant for trial for an alleged criminal offense. If the defendant waives the preliminary examination, the defendant is bound over for trial.]~~ **sets forth the requirements for conducting a preliminary examination.** (NRS 171.196) **Section 1** of this bill ~~[requires a magistrate to ask the defendant whether he or she is waiving the preliminary examination in order to face the original charges or as part of a plea agreement. If the waiver is part of a plea agreement, section 1 further requires that: (1) the magistrate hold the defendant to answer all the charges; (2) the parties execute a written plea agreement; (3) the defendant is pleading guilty to the criminal charges contained in the information; and (4) the magistrate ensures that the defendant entered into the plea agreement voluntarily and with knowledge of the consequences of his or her plea. If the magistrate accepts the plea agreement, section 1 further requires the case to be referred to the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and set a trial date, unless an exception applies. Section 1 also limits evidence admitted in a preliminary examination to evidence relevant to the existence of probable cause and]~~ authorizes **the use of certain** hearsay evidence ~~[to be used]~~ in ~~[such]~~ **a preliminary** examination ~~[.]~~ **under certain circumstances.**

~~[Under existing law, if a witness resides outside of Nevada or more than 100 miles from where the preliminary examination is held, a district attorney may use the witness's affidavit at a preliminary hearing or a grand jury proceeding if it is necessary to establish: (1) property ownership; and (2) that the defendant did not have permission to enter or possess the property. (NRS 171.197, 172.137) Sections 2 and 6 of this bill require that a witness's affidavit offered at a preliminary hearing or grand jury proceeding may also provide an opinion as to the value or the real or personal property at issue.]~~ Existing law ~~[also]~~ allows a witness to testify at a preliminary examination or before a grand jury through the use of audiovisual technology under certain circumstances by filing a request, subject to an objection by the opposing party and court approval, before the preliminary examination or grand jury proceeding. (NRS 171.1975, 172.138) **Sections 3 and 7** of this bill require the court to allow a witness to testify at a preliminary examination or before a grand jury through the use of audiovisual technology under certain circumstances.

Existing law ~~[requires a magistrate to hold a defendant to answer in district court or a grand jury to find an indictment if the evidence offered at the preliminary examination or grand jury proceeding shows that there is probable cause to believe the defendant committed the offense. (NRS 171.206, 172.155) Existing law also]~~ sets forth the types of evidence a grand jury can receive. (NRS 172.135) **Section 5** of this bill **: (1)** allows **certain** hearsay evidence to be offered before a grand jury ~~[, and sections 4 and 9 of this bill allow a finding~~

~~of probable cause to be based solely on hearsay evidence.~~**]** **in certain circumstances; and (2) provides that a statement made by a witness at any time that is inconsistent with the testimony of the witness before the grand jury may be presented to the grand jury as evidence.**

[~~At a grand jury proceeding, existing law authorizes a defendant to submit a statement to the grand jury providing whether a preliminary hearing was held and, if so, that the evidence presented at the preliminary hearing was considered insufficient to warrant holding the defendant for trial. (NRS 172.145) Section 8 of this bill removes the provision which authorizes the defendant to submit such a statement.~~**]** Existing law **[**~~also~~**]** requires that a district attorney or peace officer serve reasonable notice upon a person whose indictment is being considered by a grand jury. (NRS 172.241) **Section 10** of this bill authorizes a person to testify before the grand jury if his or her notice of the proceeding was not adequate and requires the grand jury to redeliberate on the indictment if the person does testify.

[~~Section 11 of this bill provides that in a criminal prosecution of an offense that is a gross misdemeanor or felony, any motion on a trial-related issue may be made only in the district court and, therefore, a justice court may not hear a motion to suppress evidence before or during the preliminary examination for such an offense. In a criminal prosecution of an offense that is a misdemeanor, section 11 provides that any motion on a trial-related issue may be made only in the justice court.~~**]**

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

Section 1. NRS 171.196 is hereby amended to read as follows:

171.196 1. If an offense is not triable in the Justice Court, the defendant must not be called upon to plead. If the defendant waives preliminary examination, the magistrate shall immediately ***[address the defendant personally to determine if the defendant is waiving his or her preliminary examination in order to face the original charges in the criminal complaint or as part of a plea agreement. If the defendant is waiving the preliminary examination to face the original charges, the magistrate shall]*** hold the defendant to answer in the district court. ***[If the defendant is waiving the preliminary examination as part of a plea agreement:***

(a) The magistrate shall hold the defendant to answer on all charges;

(b) The parties shall execute a written plea agreement in substantially the form prescribed in NRS 174.063;

(c) The criminal complaint serves as the information if the defendant is pleading guilty to the charges in the criminal complaint, except if the defendant is pleading guilty to different charges, an amended criminal complaint must be filed to serve as the information; and

(d) The magistrate shall address the defendant personally to determine if the defendant entered into the plea agreement freely and voluntarily with understanding of the nature of the charges and consequences of the plea.]

2. ~~*[If a magistrate accepts a plea agreement:*~~

~~*— (a) Except as otherwise provided in paragraph (b), the magistrate must request the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and report; and*~~

~~*— (b) A sentencing date must be set in district court, unless:*~~

~~*— (1) The defendant is pleading guilty to a gross misdemeanor and the parties are stipulating to waive the presentence investigation and report by requesting the imposition of a sentence by the magistrate; or*~~

~~*— (2) The parties are stipulating to waive the presentence investigation and report by using a previously prepared report of a presentence investigation.*~~

~~*— 3.]*~~ If the defendant does not waive examination , ~~*[pursuant to subsection 1,]*~~ the magistrate shall hear the evidence within 15 days, unless for good cause shown the magistrate extends such time. Unless the defendant waives counsel, reasonable time must be allowed for counsel to appear.

3. ~~*[4.]*~~ Except as otherwise provided in this subsection, if the magistrate postpones the examination at the request of a party, the magistrate may order that party to pay all or part of the costs and fees expended to have a witness attend the examination. The magistrate shall not require a party who requested the postponement of the examination to pay for the costs and fees of a witness if:

(a) It was not reasonably necessary for the witness to attend the examination; or

(b) The magistrate ordered the extension pursuant to subsection 4. ~~*[5.]*~~

4. ~~*[5.]*~~ If application is made for the appointment of counsel for an indigent defendant, the magistrate shall postpone the examination until:

(a) The application has been granted or denied; and

(b) If the application is granted, the attorney appointed or the public defender has had reasonable time to appear.

5. ~~*[6. At the examination, only evidence that is relevant to the existence of probable cause may be admitted. Any party may cross-examine witnesses, but may not object to evidence offered on the ground that it was unlawfully acquired or that it is hearsay.]*~~ The defendant may cross-examine witnesses against him or her and may introduce evidence ~~*[pursuant to this subsection]*~~ in his or her own behalf.

~~*[7.]*~~ ***6. Hearsay evidence consisting of a statement made by the alleged victim of the offense is admissible at a preliminary examination conducted pursuant to this section .***~~*[.*~~

~~*— 8. Except as otherwise provided in this title, the defendant must be present at his or her preliminary hearing.*~~

~~*— 9. The magistrate may not entertain a motion to suppress based on evidence offered pursuant to this section.]*~~ ***only if the defendant is charged with one or more of the following offenses:***

(a) A sexual offense committed against a child who is under the age of 16 years if the offense is punishable as a felony. As used in this paragraph, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

(b) Abuse of a child pursuant to NRS 200.508 if the offense is committed against a child who is under the age of 16 years and the offense is punishable as a felony.

(c) An act which constitutes domestic violence pursuant to NRS 33.018, which is punishable as a felony and which resulted in substantial bodily harm to the alleged victim.

Sec. 2. ~~[NRS 171.197 is hereby amended to read as follows:~~

~~171.197 1. If a witness resides outside this State or more than 100 miles from the place of a preliminary examination, the witness's affidavit may be used at the preliminary examination if it~~ **[**~~is~~**]** ~~:~~

~~***(a) Offers an opinion as to the value of real or personal property; or***~~

~~***(b) Is*** necessary for the district attorney to establish as an element of any offense that:~~

~~**[**(a)**]** ***(1)*** The witness was the owner, possessor or occupant of real or personal property; and~~

~~**[**(b)**]** ***(2)*** The defendant did not have the permission of the witness to enter, occupy, possess or control the real or personal property of the witness.~~

~~2. If a financial institution does not maintain any principal or branch office within this State or if a financial institution that maintains a principal or branch office within this State does not maintain any such office within 100 miles of the place of a preliminary examination, the affidavit of a custodian of the records of the financial institution or the affidavit of any other qualified person of the financial institution may be used at the preliminary examination if it is necessary for the district attorney to establish as an element of any offense that:~~

~~(a) When a check or draft naming the financial institution as drawee was drawn or passed, the account or purported account upon which the check or draft was drawn did not exist, was closed or held insufficient money, property or credit to pay the check or draft in full upon its presentation; or~~

~~(b) When a check or draft naming the financial institution as drawee was presented for payment to the financial institution, the account or purported account upon which the check or draft was drawn did not exist, was closed or held insufficient money, property or credit to pay the check or draft in full.~~

~~3. The district attorney shall provide either written or oral notice to the defendant, not less than 10 days before the scheduled preliminary examination, that the district attorney intends to use an affidavit described in this section at the preliminary examination.~~

~~4. If, at or before the time of the preliminary examination, the defendant establishes that:~~

~~(a) There is a substantial and bona fide dispute as to the facts in an affidavit described in this section; and~~

~~(b) It is in the best interests of justice that the person who signed the affidavit be cross-examined,~~

~~the magistrate may order the district attorney to produce the person who signed the affidavit and may continue the examination for any time it deems reasonably necessary in order to receive such testimony.~~] **(Deleted by amendment.)**

Sec. 3. NRS 171.1975 is hereby amended to read as follows:

171.1975 1. If a witness resides more than ~~[500]~~ ***100*** miles from the place of a preliminary examination **,** ~~[or]~~ is unable to attend the preliminary examination because of a medical condition ~~[,]~~ ***or if good cause otherwise exists,*** ~~[a party may, not later than 14 days before the preliminary examination, file a request that]~~ the magistrate ***must*** allow the witness to testify at the preliminary examination through the use of audiovisual technology. ~~[A party who requests that the magistrate allow a witness to testify through the use of audiovisual technology shall provide written notice of the request to the opposing party at or before the time of filing the request.]~~

2. ~~[Not later than 7 days after receiving notice of a request that the magistrate allow a witness to testify at the preliminary examination through the use of audiovisual technology, the opposing party may file an objection to the request. If the opposing party fails to file a timely objection to the request, the opposing party shall be deemed to have consented to the granting of the request.~~

~~3. Regardless of whether or not the opposing party files an objection to a request that the magistrate allow a witness to testify at the preliminary examination through the use of audiovisual technology, the magistrate may allow the witness to testify at the preliminary examination through the use of audiovisual technology only if the magistrate finds that good cause exists to grant the request based upon the specific facts and circumstances of the case.~~

~~4.~~] If ~~[the magistrate allows]~~ a witness ~~[to testify]~~ ***testifies*** at the preliminary examination through the use of audiovisual technology:

(a) The testimony of the witness must be ~~[:~~

~~(1) Taken by a certified videographer who is in the physical presence of the witness. The certified videographer shall sign a written declaration, on a form provided by the magistrate, which states that the witness does not have in his or her possession any notes or other materials to assist in the witness's testimony.~~

~~(2) Recorded and preserved through the use of a videotape or other means of audiovisual recording technology.~~

~~(3) Transcribed]~~ ***transcribed*** by a certified court reporter ~~[.]~~ ***; and***

(b) Before giving testimony, the witness must be sworn and must sign a written declaration, on a form provided by the magistrate, which acknowledges that the witness understands that he or she is subject to the jurisdiction of the courts of this state and may be subject to criminal prosecution for the commission of any crime in connection with his or her testimony, including, without limitation, perjury, and that the witness consents to such jurisdiction.

~~[(c) During the preliminary examination, the witness must not be asked to identify the defendant, but the witness may be asked to testify regarding the~~

~~facts and circumstances surrounding any previous identification of the defendant.~~

~~(d) The original recorded testimony of the witness must be filed with the district court, and copies of the recorded testimony of the witness must be provided to each party.~~

~~(e) The testimony of the witness may not be used by any party upon the trial of the cause or in any proceeding therein in lieu of the direct testimony of the witness, but the court may allow the testimony of the witness to be used for any other lawful purpose.~~

~~5.~~**]** ***3.*** Audiovisual technology used pursuant to this section must ensure that the witness may be:

(a) Clearly heard and seen; and

(b) Examined and cross-examined.

[~~6.~~**]** ***4.*** As used in this section, "audiovisual technology" includes, without limitation, closed-circuit video and videoconferencing.

Sec. 4. **[**~~NRS 171.206 is hereby amended to read as follows:~~

~~171.206~~ ***1.*** ~~If from the evidence it appears to the magistrate that there is probable cause to believe that an offense has been committed and that the defendant has committed it,~~ ***or the defendant has pleaded guilty or guilty but mentally ill,*** ~~the magistrate shall forthwith hold the defendant to answer in the district court; otherwise the magistrate shall discharge the defendant. The magistrate shall admit the defendant to bail as provided in this title. After concluding the proceeding the magistrate shall transmit forthwith to the clerk of the district court all papers in the proceeding and any bail.~~

~~***2. A finding of probable cause pursuant to subsection 1 may rest solely on hearsay evidence.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 172.135 is hereby amended to read as follows:

172.135 1. In the investigation of a charge, for the purpose of either presentment or indictment, the grand jury can receive no other evidence than such as is given by witnesses produced and sworn before them or furnished by legal documentary evidence or by the deposition of witnesses taken as provided in this title, except that the grand jury may receive any of the following:

(a) An affidavit or declaration from an expert witness or other person described in NRS 50.315 in lieu of personal testimony or a deposition.

(b) An affidavit of an owner, possessor or occupant of real or personal property or other person described in NRS 172.137 in lieu of personal testimony or a deposition.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** grand jury can receive none but legal evidence, and the best evidence in degree, to the exclusion of hearsay or secondary evidence. ***The grand jury can receive hearsay evidence consisting of a statement made by the alleged victim of an offense if the defendant is alleged to have committed one or more of the following offenses:***

(a) A sexual offense committed against a child who is under the age of 16 years if the offense is punishable as a felony. As used in this paragraph, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

(b) Abuse of a child pursuant to NRS 200.508 if the offense is committed against a child who is under the age of 16 years and the offense is punishable as a felony.

(c) An act which constitutes domestic violence pursuant to NRS 33.018, which is punishable as a felony and which resulted in substantial bodily harm to the alleged victim.

3. A statement made by a witness at any time that is inconsistent with the testimony of the witness before the grand jury may be presented to the grand jury as evidence.

Sec. 6. ~~[NRS 172.137 is hereby amended to read as follows:~~

~~172.137 1. If a witness resides outside this State or more than 100 miles from the place of a grand jury proceeding, the witness's affidavit may be used at the proceeding if it~~ **[**~~is~~**]** ~~:~~

~~***(a) Offers an opinion as to the value of the real or personal property; or***~~

~~***(b) Is*** necessary for the district attorney to establish as an element of any offense that:~~

~~**[**(a)**]** ***(1)*** The witness was the owner, possessor or occupant of real or personal property; and~~

~~**[**(b)**]** ***(2)*** The defendant did not have the permission of the witness to enter, occupy, possess or control the real or personal property of the witness.~~

~~2. If a financial institution does not maintain any principal or branch office within this State or if a financial institution that maintains a principal or branch office within this State does not maintain any such office within 100 miles of the place of a grand jury proceeding, the affidavit of a custodian of the records of the financial institution or the affidavit of any other qualified person of the financial institution may be used at the proceeding if it is necessary for the district attorney to establish as an element of any offense that:~~

~~(a) When a check or draft naming the financial institution as drawee was drawn or passed, the account or purported account upon which the check or draft was drawn did not exist, was closed or held insufficient money, property or credit to pay the check or draft in full upon its presentation; or~~

~~(b) When a check or draft naming the financial institution as drawee was presented for payment to the financial institution, the account or purported account upon which the check or draft was drawn did not exist, was closed or held insufficient money, property or credit to pay the check or draft in full.~~

~~**[**3. If the defendant has been subpoenaed to appear before the grand jury or if the defendant has requested to testify pursuant to NRS 172.241, the district attorney shall provide either written or oral notice to the defendant, within a reasonable time before the scheduled proceeding of the grand jury, that an affidavit described in this section will be used at the proceeding.~~

~~4. If, at or before the time of the proceeding, the defendant establishes that:~~

~~(a) There is a substantial and bona fide dispute as to the facts in an affidavit described in this section; and~~

~~(b) It is in the best interests of justice that the person who signed the affidavit be examined or cross-examined,~~

~~the grand jury may request that the district attorney produce the person who signed the affidavit and may continue the proceeding for any time it deems reasonably necessary in order to receive such testimony.~~**]] (Deleted by amendment.)**

Sec. 7. NRS 172.138 is hereby amended to read as follows:

172.138 1. If a witness resides more than ~~[500]~~ ***100*** miles from the place of a grand jury proceeding **,** ~~[or]~~ is unable to attend the grand jury proceeding because of a medical condition ~~[, upon the request of the district attorney,]~~ ***or if good cause otherwise exists,*** the district judge supervising the proceedings of the grand jury ~~[may]~~ ***must*** allow a witness to testify before the grand jury through the use of audiovisual technology.

2. ~~[The district judge supervising the proceedings of the grand jury may allow a witness to testify before the grand jury through the use of audiovisual technology only if the district judge finds that good cause exists to grant the request based upon the specific facts and circumstances of the grand jury proceeding.~~

~~3.]~~ If ~~[the district judge supervising the proceedings of the grand jury allows]~~ a witness ~~[to testify]~~ ***testifies*** at the grand jury proceeding through the use of audiovisual technology:

(a) The testimony of the witness must be ~~[:~~

~~(1) Taken by a certified videographer who is in the physical presence of the witness. The certified videographer shall sign a written declaration, on a form provided by the district judge, which states that the witness does not possess any notes or other materials to assist in the witness's testimony.~~

~~(2) Recorded and preserved through the use of a videotape or other means of audiovisual recording technology.~~

~~(3) Transcribed]~~ ***transcribed*** by a certified court reporter appointed pursuant to NRS 172.215 in accordance with the provisions of NRS 172.225 ~~[.]~~ ***; and***

(b) Before giving testimony, the witness must be sworn and must sign a written declaration, on a form provided by the district judge, which acknowledges that the witness understands that he or she is subject to the jurisdiction of the courts of this state and may be subject to criminal prosecution for the commission of any crime in connection with his or her testimony, including, without limitation, perjury, and that the witness consents to such jurisdiction.

~~[(c) The original recorded testimony of the witness must be delivered to the certified court reporter.~~

~~(d) The testimony of the witness may not be used by any party upon the trial of the cause or in any proceeding therein in lieu of the direct testimony of~~

~~the witness, but the court may allow the testimony of the witness to be used for any other lawful purpose.~~

~~— 4.]~~ ***3.*** Audiovisual technology used pursuant to this section must ensure that the witness may be:

(a) Clearly heard and seen; and

(b) Examined.

~~[5.]~~ ***4.*** As used in this section, "audiovisual technology" includes, without limitation, closed-circuit video and videoconferencing.

Sec. 8. ~~[NRS 172.145 is hereby amended to read as follows:~~

~~— 172.145 1. The grand jury is not bound to hear evidence for the defendant . [, except that the defendant is entitled to submit a statement which the grand jury must receive providing whether a preliminary hearing was held concerning the matter and, if so, that the evidence presented at the preliminary hearing was considered insufficient to warrant holding the defendant for trial.] It is their duty, however, to weigh all evidence submitted to them, and when they have reason to believe that other evidence within their reach will explain away the charge, they shall order that evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.~~

~~— 2. If the district attorney is aware of any evidence which will explain away the charge, the district attorney shall submit it to the grand jury.~~

~~— 3. *The provisions of this section do not require the district attorney to submit to the grand jury exculpatory statements made by the defendant, unless such statements are included in a single statement which contains inculpatory statements submitted to the grand jury by the district attorney.*~~

~~— *4.* The grand jury may invite any person, without process, to appear before the grand jury to testify.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 172.155 is hereby amended to read as follows:~~

~~— 172.155 1. The grand jury ought to find an indictment when all the evidence before them, taken together, establishes probable cause to believe that an offense has been committed and that the defendant has committed it.~~

~~— 2. *A finding of probable cause pursuant to subsection 1 may rest solely on hearsay evidence.*~~

~~— *3.* The defendant may object to the sufficiency of the evidence to sustain the indictment only by application for a writ of habeas corpus.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 172.241 is hereby amended to read as follows:

172.241 1. A person whose indictment the district attorney intends to seek or the grand jury on its own motion intends to return, but who has not been subpoenaed to appear before the grand jury, may testify before the grand jury if the person requests to do so and executes a valid waiver in writing of the person's constitutional privilege against self-incrimination.

2. A district attorney or a peace officer shall serve reasonable notice upon a person whose indictment is being considered by a grand jury unless the court determines that adequate cause exists to withhold notice. The notice is adequate if it:

(a) Is given to the person, the person's attorney of record or an attorney who claims to represent the person and gives the person not less than 5 judicial days to submit a request to testify to the district attorney; and

(b) Advises the person that the person may testify before the grand jury only if the person submits a written request to the district attorney and includes an address where the district attorney may send a notice of the date, time and place of the scheduled proceeding of the grand jury.

3. The district attorney may apply to the court for a determination that adequate cause exists to withhold notice if the district attorney:

(a) Determines that the notice may result in the flight of the person whose indictment is being considered, on the basis of:

(1) A previous failure of the person to appear in matters arising out of the subject matter of the proposed indictment;

(2) The fact that the person is a fugitive from justice arising from charges in another jurisdiction;

(3) Outstanding local warrants pending against the person; or

(4) Any other objective factor;

(b) Determines that the notice may endanger the life or property of other persons; or

(c) Is unable, after reasonable diligence, to notify the person.

4. If a district attorney applies to the court for a determination that adequate cause exists to withhold notice, the court shall hold a closed hearing on the matter. Upon a finding of adequate cause, the court may order that no notice be given.

5. If notice required to be served upon a person pursuant to subsection 2 is not adequate, the person must be given the opportunity to testify before the grand jury. If the person testifies pursuant to this subsection, the grand jury must be instructed to deliberate again on all the charges contained in the indictment following such testimony.

Sec. 11. ~~[~~NRS 174.125 is hereby amended to read as follows:

~~174.125 1. All motions in a criminal prosecution to suppress evidence, for a transcript of former proceedings, for a preliminary hearing, for severance of joint defendants, for withdrawal of counsel, and all other motions which by their nature, if granted, delay or postpone the time of trial must be made before trial, unless an opportunity to make such a motion before trial did not exist or the moving party was not aware of the grounds for the motion before trial.~~

~~2. In any judicial district in which a single judge is provided:~~

~~(a) All motions subject to the provisions of subsection 1 must be made in writing, with not less than 10 days' notice to the opposite party unless good cause is shown to the court at the time of trial why the motion could not have been made in writing upon the required notice.~~

~~(b) The court may, by written order, shorten the notice required to be given to the opposite party.~~

~~3. In any judicial district in which two or more judges are provided:~~

~~(a) All motions subject to the provisions of subsection 1 must be made in writing not less than 15 days before the date set for trial, except that if less than 15 days intervene between entry of a plea and the date set for trial, such a motion may be made within 5 days after entry of the plea.~~

~~(b) The court may, if a defendant waives hearing on the motion or for other good cause shown, permit the motion to be made at a later date.~~

~~4. Grounds for making such a motion after the time provided or at the trial must be shown by affidavit.~~

~~*5. A motion described in subsection 1 made in a criminal prosecution for a:*~~

~~*(a) Gross misdemeanor or felony may only be made in a district court.*~~

~~*(b) Misdemeanor may only be made in a justice court.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 189.120 is hereby amended to read as follows:~~

~~189.120 1. The State may appeal to the district court from an order of a justice court granting the motion of a defendant to suppress evidence.~~

~~2. Such an appeal~~ **[**~~shall~~**]** ***must*** be taken:

~~(a) Within 2 days after the rendition of such an order during a trial~~ **.** **[**~~or preliminary examination.~~**]**

~~(b) Within 5 days after the rendition of such an order before a trial~~ **.** **[**~~or preliminary examination.~~**]**

~~3. Upon perfecting such an appeal:~~

~~(a) After the commencement of a trial~~ **,** **[**~~or preliminary examination,~~**]** ~~further proceedings in the trial~~ **[**~~shall~~**]** ***must*** ~~be stayed pending the final determination of the appeal.~~

~~(b) Before trial~~ **,** **[**~~or preliminary examination,~~**]** ~~the time limitation within which a defendant~~ **[**~~shall~~**]** ***must*** ~~be brought to trial~~ **[**~~shall~~**]** ***must*** ~~be extended for the period necessary for the final determination of the appeal.~~**]** **(Deleted by amendment.)**

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

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

Amendment No. 395.

SUMMARY—Revises provisions relating ~~[to the program to provide devices for telecommunication]~~ to persons with impaired speech or hearing. (BDR 38-419)

AN ACT relating to persons with disabilities; **making certain voting members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities**

nonvoting members; requiring the Subcommittee to make certain recommendations; revising provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of nine voting members appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. One member of the Subcommittee is required to be an employee of the Division, and another member is required to be the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, another representative of the telecommunications industry. (NRS 427A.750) Section 1 of this bill makes these two members nonvoting members.

The Aging and Disability Services Division ~~[of the Department of Health and Human Services]~~ is required to develop and administer a program to provide devices for telecommunication to persons with impaired speech or hearing and to fund centers for persons who are deaf or hard of hearing operated by this State. (NRS 427A.797) ~~[This bill]~~ **Section 2** requires that this program include **the provision of other assistive technology and** the provision of certain services by such centers, including, without limitation: (1) facilitating the provision and distribution of devices for telecommunication **and other assistive technology** to persons with impaired speech or hearing; (2) assisting persons with impaired speech or hearing in accessing assistive devices; (3) expanding service capacity for devices for telecommunication **and other assistive technology** in areas where there is a need and services are not available; ~~[and]~~ (4) providing instruction in language acquisition ~~[. This bill]~~ **; (5) providing programs designed to increase access to education, employment and health and social services; and (6) providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of the State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing. Section 2** also **removes the requirement in existing law that the Public Utilities Commission of Nevada approve the program.**

Existing law requires that funding be provided for ~~[these]~~ **the program, the** centers ~~[, including, without limitation, these specific services,]~~ **and certain administrative costs** from the surcharge imposed on each telephone and wireless telephone line of each customer in this State. **The amount of the surcharge is established by the Public Utilities Commission. (NRS 427A.797) Section 2 limits the amount of the surcharge to not more than eight cents per month. Section 1 requires the Subcommittee to make**

recommendations concerning the programs and activities funded by the surcharge.

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

Section 1. **NRS 427A.750 is hereby amended to read as follows:**

427A.750 1. The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created. The Subcommittee consists of nine members appointed by the Administrator. The Administrator shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Subcommittee:

(a) One ***nonvoting*** member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech-impaired;

(d) ~~[The]~~ ***One nonvoting member who is the*** Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, ~~[a member]~~ who represents the telecommunications industry;

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Administrator shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Subcommittee shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its ***voting*** members; and

(b) Meet at the call of the Administrator, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the

Subcommittee or a majority of its ***voting*** members as is necessary to carry out its responsibilities.

5. A majority of the ***voting*** members of the Subcommittee constitutes a quorum for the transaction of business, and a majority of the ***voting*** members of a quorum present at any meeting is sufficient for any official action taken by the Subcommittee.

6. Members of the Subcommittee serve without compensation, except that each member is entitled, while engaged in the business of the Subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Subcommittee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Subcommittee and perform any work necessary to carry out the duties of the Subcommittee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Subcommittee to make up the time he or she is absent from work to carry out his or her duties as a member of the Subcommittee or use annual vacation or compensatory time for the absence.

8. The Subcommittee may:

(a) Make recommendations to the Nevada Commission on Services for Persons with Disabilities concerning the establishment and operation of programs for persons with communications disabilities which affect their ability to communicate.

(b) Recommend to the Nevada Commission on Services for Persons with Disabilities any proposed legislation concerning persons with communications disabilities which affect their ability to communicate.

(c) Collect information concerning persons with communications disabilities which affect their ability to communicate.

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Subcommittee must solicit input from various persons, including, without limitation, persons with communications disabilities.

(e) Review the goals, programs and services of the Division for persons with communications disabilities and advise the Division regarding such goals, programs and services, including, without limitation, the outcomes of services provided to persons with communications disabilities and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

9. The Subcommittee shall make recommendations to ~~[the]~~ **:**

(a) The Nevada Commission on Services for Persons with Disabilities concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) The Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

10. As used in this section:

(a) "Nevada Commission on Services for Persons with Disabilities" means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

(b) "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

(c) "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

(d) "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

~~[Section 1.]~~ ***Sec. 2.*** NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication ***or other assistive technology*** capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; and

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, ***or other means*** with other persons through a dual-party relay system ~~[.~~

~~The program must be approved by the Public Utilities Commission of Nevada.]~~ ***or other assistive technology.***

2. ***The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:***

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication ~~[,]~~ and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a

need for such devices and technology and services for persons with impaired speech or hearing are not available; [and]

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services [.] ;

(e) Providing programs designed to increase access to education, employment and health and social services; and

(f) Providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.

3. A surcharge ***of not more than 8 cents per month*** is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State ***.*** [which is sufficient] ***The surcharge must be used*** to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing [operated by this State;] ***established pursuant to subsection 2;*** and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

➥ The ***Public Utilities*** Commission ***of Nevada*** shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

[3.] ***4.*** The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection [2] ***3*** must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication [,] ***and other assistive technology,*** including the distribution of ***such*** devices ***and technology*** to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the ***Public Utilities*** Commission ***of Nevada*** the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices [.] ***for telecommunication and other assistive technology;***

(f) To fund the centers for persons who are deaf or hard of hearing [operated by this State;] ***established pursuant to subsection 2;*** and

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

~~[4.]~~ ***5.*** For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

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

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 565.

SUMMARY— ~~[Creates the Nevada Advisory Commission on Mentoring.]~~ **Requires the Legislative Committee on Education to consider matters relating to certain mentorship programs.** (BDR ~~[34-116)]~~ **S-116)**

AN ACT relating to education; ~~[creating the Nevada Advisory Commission on Mentoring; providing for the membership, powers and duties of the Commission;]~~ **requiring the Legislative Committee on Education to consider guidelines, parameters and financial plans for certain mentorship programs;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Education. The Committee meets during the legislative interim to evaluate, review and comment upon issues related to education in this State. (NRS 218E.600-218E.615) This bill ~~[generally creates the Nevada Advisory Commission on Mentoring for the purpose of supporting and facilitating existing]~~ **requires the Committee, during the 2015-2016 legislative interim, to consider guidelines, parameters and financial plans for certain** mentorship programs in this State to aid in addressing issues relating to education, health, criminal

justice and employment with respect to ~~[socioeconomically disadvantaged]~~ children residing in this State. ~~[Section 3 of this bill creates the Commission and prescribes the membership of the Commission. Sections 4 and 5 of this bill set forth the duties and powers of the Commission. Section 4 requires the Commission to meet quarterly and authorizes the Commission, for the purpose of carrying out its duties, to: (1) appoint committees from its members; (2) engage the services of volunteers and consultants without compensation; (3) enter into public-private partnerships; and (4) apply for and receive gifts, grants, contributions and other money from any source. Section 4 further requires the Commission to appoint a Mentorship Advisory Council to advise the Commission on matters of importance relating to mentoring and mentorship programs in this State. Section 5 of this bill requires the Commission, for the purposes of carrying out its duties, to: (1) establish model guidelines and parameters for existing mentorship programs; (2) develop a model financial plan providing for the sustainability and financial stability of existing programs; and (3) develop model protocols for the management of mentors, mentees and matches under existing programs.]~~ **, including, without limitation, children who are disproportionately at risk of: (1) being deprived of the opportunity to develop and maintain a competitive position in the economy; (2) failing to make adequate yearly progress in school; or (3) entering the juvenile justice system.**

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

Section 1. ~~[Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Commission" means the Nevada Advisory Commission on Mentoring created by section 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. The Nevada Advisory Commission on Mentoring is hereby created. The Commission consists of the following 13 members:*~~

~~*(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.*~~

~~*(b) One member appointed by the Governor who represents an employment and training organization located in this State.*~~

~~*(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.*~~

~~*(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.*~~

~~*(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.*~~

~~*(f) One member appointed by the Majority Leader of the Senate.*~~

~~(g) One member appointed by the Speaker of the Assembly.~~

~~(h) One member appointed by the Minority Leader of the Senate.~~

~~(i) One member appointed by the Minority Leader of the Assembly.~~

~~(j) Four members appointed to the Commission pursuant to subsection 2.~~

~~2. The members of the Commission appointed pursuant to paragraphs (a) to (i), inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members, two of whom must be members of the state advisory group appointed by the Governor pursuant to 42 U.S.C. § 5633 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services and two of whom must be members who are representatives of business and industry with a vested interest in supporting mentorship programs in this State.~~

~~3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of 4 years. A member of the Commission may be reappointed.~~

~~4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.~~

~~5. Each member of the Commission:~~

~~(a) Serves without compensation; and~~

~~(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[1. At the first meeting of each calendar year, the Commission shall elect from its members a Chair, a Vice Chair and a Secretary, and shall adopt the rules and procedures of the Commission.~~

~~2. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.~~

~~3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Commission.~~

~~4. The Commission may, for the purpose of carrying out the duties of the Commission prescribed by section 5 of this act:~~

~~(a) Appoint committees from its members.~~

~~(b) Engage the services of volunteer workers and consultants without compensation.~~

~~(c) Enter into a public private partnership with any business, for profit organization or nonprofit organization.~~

~~(d) Apply for and receive gifts, grants, contributions or other money from any source.~~

~~5. The Commission shall appoint a Mentorship Advisory Council consisting of five members who represent organizations which provide~~

~~*mentorship programs in this State. The members of the Council serve at the pleasure of the Commission. If a member of the Council is removed or if the position of a member otherwise becomes vacant, the Commission shall appoint a new member to fill the vacancy at the next regularly scheduled meeting of the Commission. The Council may advise the Commission on matters of importance relating to mentoring and mentorship programs in this State.*~~

~~*6. The Commission shall, on or before February 1 of each year, prepare and submit a report outlining the activities and recommendations of the Commission to:*~~

~~*(a) The Governor; and*~~

~~*(b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in regular session.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. The Commission shall, within the scope of its duties, support and facilitate mentorship programs that exist in this State for the purpose of addressing issues relating to education, health, criminal justice and employment with respect to socioeconomically disadvantaged children who reside in this State. The Commission shall:*~~

~~*(a) Establish model guidelines and parameters for existing mentorship programs, including, without limitation:*~~

~~*(1) The development of a model management plan setting forth guidelines for the operation of mentorship programs and strategic goals and benchmarks to measure the success of a mentorship program.*~~

~~*(2) The process for identifying socioeconomically disadvantaged children in need of mentorship and geographic areas of need within this State.*~~

~~*(b) Develop a model financial plan that provides for the sustainability and financial stability of a mentorship program, including, without limitation:*~~

~~*(1) The development of a resource plan to provide for diversified fundraising.*~~

~~*(2) The identification of potential strategic public and private partners to assist in the implementation and continuation of mentorship programs.*~~

~~*(3) The development of public relations and marketing campaigns for the purpose of increasing public awareness with respect to existing mentorship programs.*~~

~~*(c) Develop model protocols for the recruitment, screening, training, matching, monitoring and support of mentors.*~~

~~*(d) Develop model protocols for the effective management of mentors, mentees and matches under mentorship programs, including, without limitation, protocols for the introduction of a mentor to a mentee and closure of the relationship between a mentor and a mentee.*~~

~~*2. As used in this section:*~~

~~*(a) "Child" has the meaning ascribed to it in NRS 62A.030.*~~

~~*(b) "Socioeconomically disadvantaged child" means a child who, as the result of the child's cultural, social or economic circumstances, is disproportionately at risk of:*~~

~~*(1) Being deprived of the opportunity to develop and maintain a competitive position in the economy;*~~

~~*(2) Failing to make adequate yearly progress in a public school; or*~~

~~*(3) Entering the juvenile justice system of this State.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. The members of the Nevada Advisory Commission on Mentoring created by section 3 of this act appointed to initial terms in accordance with paragraphs (a) to (i), inclusive, of subsection 1 of section 3 of this act must be appointed on or before October 1, 2015.~~

~~2. The Governor shall call the first meeting of the Commission, which must take place on or before December 31, 2015.~~

~~3. At the first meeting of the Commission, and after the appointment of four voting members to the Commission pursuant to subsection 2 of section 3 of this act, the 13 members appointed to initial terms pursuant to subsections 1 and 2 of section 3 of this act shall choose their term of office by lot, in the following manner:~~

~~(a) Five members for terms of 2 years;~~

~~(b) Four members for terms of 3 years; and~~

~~(c) Four members for a term of 4 years.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 7.5. **1. As part of its review of issues related to education during the 2015-2016 legislative interim, the Legislative Committee on Education created by NRS 218E.605 shall consider guidelines, parameters and financial plans for mentorship programs that are established or may be established in this State to address issues relating to education, health, criminal justice and employment with respect to school-age children, including, without limitation, children who are disproportionately at risk of:**

(a) Being deprived of the opportunity to develop and to maintain a competitive position in the economy;

(b) Failing to make adequate yearly progress in school; or

(c) Entering the juvenile justice system.

2. Not later than February 6, 2017, the Committee shall prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 79th Session of the Nevada Legislature, concerning the Committee's consideration of the matters described in this section and any recommendations for legislation.

Sec. 8. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 211.

Bill read second time.

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

Amendment No. 371.

SUMMARY—Revises provisions relating to mechanics' and materialmen's liens**.** ~~[involving certain renewable energy projects.]~~ (BDR 9-414)

AN ACT relating to liens; revising provisions requiring a lessee to establish a construction disbursement account or record a surety bond before beginning a work of improvement **;** ~~[involving certain renewable energy projects; revising provisions concerning the disbursement of funds from a construction disbursement account and the form of surety bonds required to be posted to release prospective and existing lien rights with respect to such projects;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing mechanics' and materialmen's liens, which are also commonly known as construction liens. (NRS 108.221-108.246) Under existing law, before a lessee may cause a work of improvement to be constructed, altered or repaired upon property that the lessee is leasing, the lessee must record a notice of posted security and either establish a construction disbursement account or record a surety bond. (NRS 108.2403) ~~[Section 3 of this]~~ **This** bill provides that if a lessee establishes a construction disbursement account **,** ~~[and the work of improvement to be constructed, altered or repaired is a renewable energy project that generates electricity greater than 18 megawatts,]~~ the construction disbursement account ~~[is required to be funded in an amount equal to the total cost for the performance of work and]~~ is not required to be funded for the cost of any material or ~~[equipment. Similarly, section 4 of this bill provides that a construction disbursement account which is established for such a work of improvement is required to be additionally funded upon the disbursement of funds in a pay period in an amount necessary to pay for costs attributable to additional and changed work and is not required to be additionally funded to pay for costs attributable to material or equipment. (NRS 108.2407)~~

~~Existing law requires a surety bond in an amount equal to 1.5 times the amount of the prime contract to be recorded to obtain the release of all prospective and existing lien rights of lien claimants related to a work of improvement. (NRS 108.2415) Section 5 of this bill provides that if the prime contract relates to a work of improvement that is a renewable energy project that generates electricity greater than 18 megawatts, the release of such existing lien rights may be obtained by recording a surety bond in an amount equal to 1.5 times the amount of the total cost for the performance of work~~

~~rather than the total cost of the prime contract.]~~ **equipment if certain requirements are satisfied before the construction disbursement account is established and before the commencement of any work.**

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

Section 1. ~~[Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Renewable energy project" means a project for the construction or installation of a facility for the generation of renewable energy. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701.070.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 108.221 is hereby amended to read as follows:~~

~~108.221 As used in NRS 108.221 to 108.246, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 108.22104 to 108.22188, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 108.2403 is hereby amended to read as follows:

108.2403 1. Except as otherwise provided in NRS 108.2405, before a lessee may cause a work of improvement to be constructed, altered or repaired upon property that the lessee is leasing, the lessee shall:

(a) Record a notice of posted security with the county recorder of the county where the property is located upon which the improvement is or will be constructed, altered or repaired; and

(b) Either:

(1) Establish a construction disbursement account and:

(I) ~~[Fund]~~ ***Except as otherwise provided in subsection 2, fund*** the account in an amount equal to the total cost of the work of improvement, but in no event less than the total amount of the prime contract;

(II) Obtain the services of a construction control to administer the construction disbursement account; and

(III) Notify each person who gives the lessee a notice of right to lien of the establishment of the construction disbursement account as provided in paragraph (f) of subsection ~~[2;~~ ~~*3;]*~~ ***4;*** or

(2) Record a surety bond for the prime contract that meets the requirements of subsection 2 of NRS 108.2415 and notify each person who gives the lessee a notice of right to lien of the recording of the surety bond as provided in paragraph (f) of subsection ~~[2.~~ ~~*3.]*~~ ***4.***

2. ***If the lessee establishes a construction disbursement account pursuant to subsection 1 , ~~[and the work of improvement to be constructed, altered or repaired is a renewable energy project that generates electricity greater than 10 megawatts,]~~ the construction disbursement account ~~[:~~***

~~*(a) Is required to be funded in an amount equal to the total cost for the performance of work; and*~~

~~*(b) Is]*~~ *is not required to be funded for the cost of any material or* ~~*[equipment,]*~~ *equipment which has been or will be furnished directly to the lessee by a supplier for the work of improvement if, before the construction disbursement account is established and before the commencement of any work:*

(a) The supplier is paid in full for the cost of the material or equipment;

(b) The supplier executes and delivers to the lessee an unconditional waiver and release in the manner and form required by NRS 108.2457 after the supplier has been paid in full for the cost of the material or equipment;

(c) The lessee records or causes to be recorded a copy of the unconditional waiver and release in the office of the county recorder of the county where the property is located upon which the improvement is or will be constructed, altered or repaired; and

(d) The lessee causes a copy of the recorded unconditional waiver and release to be served personally or by certified mail, return receipt requested, upon the prime contractor for the work of improvement.

3. Except as otherwise provided in this subsection, a supplier who executes and delivers an unconditional waiver and release pursuant to subsection 2 waives any notice of lien, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to payment rights that the supplier may have on the property or against the work of improvement or construction disbursement account established by the lessee. If the supplier or lessee fails to satisfy any requirement required by subsection 2, a construction disbursement account established by the lessee must be funded in an amount equal to the total cost of the work of improvement, including the cost of any material or equipment.

4. The notice of posted security required pursuant to subsection 1 must:

(a) Identify the name and address of the lessee;

(b) Identify the location of the improvement and the address, legal description and assessor's parcel number of the property upon which the improvement is or will be constructed, altered or repaired;

(c) Describe the nature of the lessee's interest in:

(1) The property upon which the improvement is or will be constructed, altered or repaired; and

(2) The improvement on such property;

(d) If the lessee establishes a construction disbursement account pursuant to subsection 1, include:

(1) The name and address of the construction control;

(2) The date that the lessee obtained the services of the construction control and the total amount of funds in the construction disbursement account; and

(3) The number of the construction disbursement account, if any;

(e) If the lessee records a surety bond pursuant to subsection 1, include:

(1) The name and address of the surety;

(2) The surety bond number;

(3) The date that the surety bond was recorded in the office of the county recorder of the county where the property is located upon which the improvement is or will be constructed, altered or repaired;

(4) The book and the instrument or document number of the recorded surety bond; and

(5) A copy of the recorded surety bond with the notice of posted security; and

(f) Be served upon each person who gives a notice of right to lien within 10 days after receipt of the notice of right to lien, in one of the following ways:

(1) By personally delivering a copy of the notice of posted security to the person who gives a notice of right to lien at the address identified in the notice of right to lien; or

(2) By mailing a copy of the notice of posted security by certified mail, return receipt requested, to the person who gives a notice of right to lien at the address identified in the notice of right to lien.

~~[~~3. ~~4.]~~ ***5.*** If a lessee fails to satisfy the requirements of subsection 1 of this section or subsection 2 of NRS 108.2407, the prime contractor who has furnished or will furnish materials or equipment for the work of improvement may stop work. If the lessee:

(a) Satisfies the requirements of subsection 1 of this section or subsection 2 of NRS 108.2407 within 25 days after any work stoppage, the prime contractor who stopped work shall resume work and the prime contractor and the prime contractor's lower-tiered subcontractors and suppliers are entitled to compensation for any reasonable costs and expenses that any of them have incurred because of the delay and remobilization; or

(b) Does not satisfy the requirements of subsection 1 of this section or subsection 2 of NRS 108.2407 within 25 days after the work stoppage, the prime contractor who stopped work may terminate the contract relating to the work of improvement and the prime contractor and the prime contractor's lower-tiered subcontractors and suppliers are entitled to recover:

(1) The cost of all work, materials and equipment, including any overhead the prime contractor and the lower-tiered subcontractors and suppliers incurred and profit the prime contractor and the lower-tiered subcontractors and suppliers earned through the date of termination;

(2) The balance of the profit the prime contractor and the lower-tiered subcontractors and suppliers would have earned if the contract had not been terminated;

(3) Any interest, costs and attorney's fees that the prime contractor and the lower-tiered subcontractors and suppliers are entitled to pursuant to NRS 108.237; and

(4) Any other amount awarded by a court or other trier of fact.

~~[~~4. ~~5.]~~ ***6.*** The rights and remedies provided pursuant to this section are in addition to any other rights and remedies that may exist at law or in equity, including, without limitation, the rights and remedies provided pursuant to NRS 624.606 to 624.630, inclusive.

Sec. 4. NRS 108.2407 is hereby amended to read as follows:

108.2407 1. If a construction disbursement account is established and funded pursuant to subsection 2 of this section or subsection 1 of NRS 108.2403, each lien claimant has a lien upon the funds in the account for an amount equal to the lienable amount owed.

2. Upon ~~[Except as otherwise provided in subsection 3, upon]~~ the disbursement of any funds from the construction disbursement account for a given pay period:

(a) The lessee shall deposit into the account such additional funds as may be necessary to pay for the completion of the work of improvement, including, without limitation, the costs attributable to additional and changed work, material or equipment;

(b) The construction control described in subsection 1 of NRS 108.2403 shall certify in writing the amount necessary to pay for the completion of the work of improvement; and

(c) If the amount necessary to pay for the completion of the work of improvement exceeds the amount remaining in the construction disbursement account:

(1) The construction control shall give written notice of the deficiency by certified mail, return receipt requested, to the prime contractor and each person who has given the construction control a notice of right to lien; and

(2) The provisions of subsection ~~[3 4]~~ 5 of NRS 108.2403 shall be deemed to apply.

3. ~~[For the purposes of subsection 2, if the work of improvement for which the disbursement account was established pursuant to subsection 1 of NRS 108.2403 is a renewable energy project that generates electricity greater than 18 megawatts, the additional funds required to be deposited upon the disbursement of funds from the disbursement account for a given pay period:~~

~~(a) Is required to be in an amount necessary to pay for costs attributable to additional and changed work; and~~

~~(b) Is not required to be in an amount necessary to pay for costs attributable to material or equipment.~~

~~4.]~~ The construction control shall disburse money to lien claimants from the construction disbursement account for the lienable amount owed such lien claimants.

4. ~~[5.]~~ A lien claimant may notify the construction control of a claim of lien by:

(a) Recording a notice of lien pursuant to NRS 108.226; or

(b) Personally delivering or mailing by certified mail, return receipt requested, a written notice of a claim of lien to the construction control within 90 days after the completion of the work of improvement.

5. ~~[6.]~~ Except as otherwise provided in subsection 6, ~~[7,]~~ the construction control shall pay a legitimate claim of lien upon receipt of the written notice

described in subsection 4 ~~[5]~~ from the funds available in the construction disbursement account.

6. ~~[7.]~~ The construction control may bring an action for interpleader in the district court for the county where the property or some part thereof is located if:

(a) The construction control reasonably believes that all or a portion of a claim of lien is not legitimate; or

(b) The construction disbursement account does not have sufficient funds to pay all claims of liens for which the construction control has received notice.

7. ~~[8.]~~ If the construction control brings an action for interpleader pursuant to paragraph (a) of subsection 6, ~~[7,]~~ the construction control shall pay to the lien claimant any portion of the claim of lien that the construction control reasonably believes is legitimate.

8. ~~[9.]~~ If an action for interpleader is brought pursuant to subsection 6, ~~[7,]~~ the construction control shall:

(a) Deposit with the court an amount equal to 1.5 times the amount of the lien claims to the extent that there are funds available in the construction disbursement account;

(b) Provide notice of the action for interpleader by certified mail, return receipt requested, to each person:

(1) Who gives the construction control a notice of right to lien;

(2) Who serves the construction control with a claim of lien;

(3) Who has performed work or furnished materials or equipment for the work of improvement; or

(4) Of whom the construction control is aware may perform work or furnish materials or equipment for the work of improvement; and

(c) Publish a notice of the action for interpleader once each week, for 3 successive weeks, in a newspaper of general circulation in the county in which the work of improvement is located.

9. ~~[10.]~~ A construction control who brings an action for interpleader pursuant to subsection 6 ~~[7]~~ is entitled to be reimbursed from the construction disbursement account for the reasonable costs that the construction control incurred in bringing such action.

10. ~~[11.]~~ If a construction control for a construction disbursement account established by a lessee does not provide a proper certification as required pursuant to paragraph (b) of subsection 2 or does not comply with any other requirement of this section, the construction control and its bond are liable for any resulting damages to any lien claimants.

Sec. 5. ~~[NRS 108.2415 is hereby amended to read as follows:~~

~~108.2415 1. To obtain the release of a lien for which notice of lien has been recorded against the property, the principal and a surety must execute a surety bond in an amount equal to 1.5 times the lienable amount in the notice of lien, which must be in the following form:~~

~~(Assessor's Parcel Numbers)~~

~~(Title of court and cause, if action has been commenced)~~

~~WHEREAS, ... (name of principal), located at ..... (address of principal), desires to give a bond for releasing the following described property owned by ..... (name of owners) from that certain notice of lien in the sum of $..... recorded ..... (month) ....., (day) ....., (year), in the office of the recorder in ..... (name of county where the property is located):~~

~~(Legal Description)~~

~~NOW, THEREFORE, the undersigned principal and surety do hereby obligate themselves to the lien claimant named in the notice of lien, ..., (name of lien claimant) under the conditions prescribed by NRS 108.2413 to 108.2425, inclusive, in the sum of $..... (1 1/2 x lienable amount), from which sum they will pay the lien claimant that amount as a court of competent jurisdiction may adjudge to have been secured by the lien, including the total amount awarded pursuant to NRS 108.237, but the liability of the surety may not exceed the penal sum of the surety bond.~~

~~IN TESTIMONY WHEREOF, the principal and surety have executed this bond at ....., Nevada, on the ..... day of the month of ..... of the year .....~~

~~.....~~
~~(Signature of Principal)~~

~~(Surety Corporation)~~
~~By.....~~
~~(Its Attorney in Fact)~~

~~State of Nevada)~~
~~) ss.~~
~~County of)~~

~~On ..... (month) ..... (day) ....., (year), before me, the undersigned, a notary public of this County and State, personally appeared ..... who acknowledged that he or she executed the foregoing instrument as principal for the purposes therein mentioned and also personally appeared ..... known (or satisfactorily proved) to me to be the attorney in fact of the surety that executed the foregoing instrument, known to me to be the person who executed that instrument on behalf of the surety therein named, and he or she acknowledged to me that the surety executed the foregoing instrument.~~

.....

(Notary Public in and for
the County and State)

2. To obtain the release of all prospective and existing lien rights of lien claimants related to a work of improvement, the principal and a surety must execute and cause to be recorded a surety bond in an amount equal to 1.5 times the amount of the prime contract [, which] ***or, if the prime contract relates to a work of improvement that is a renewable energy project that generates electricity greater than 18 megawatts, a surety bond in an amount equal to 1.5 times the amount of the total cost for the performance of work as indicated in the prime contract. The surety bond*** must be in the following form:

(Assessor's Parcel Numbers)

(Title of court and cause, if action has been commenced)

WHEREAS, ... (name of principal), located at ..... (address of principal), desires to give a bond for releasing the following described property owned by ..... (name of owners) from all prospective and existing lien rights and notices of liens arising from materials, equipment or work ***, as applicable,*** provided or to be provided under the prime contract described as follows:

(Parties to the Prime Contract)
(Amount of the Prime Contract)
(Date of the Prime Contract)
(Summary of Terms of the Prime Contract)

WHEREAS, the property that is the subject of the surety bond is described as follows:

(Legal Description)

NOW, THEREFORE, the undersigned principal and surety do hereby obligate themselves in the sum of $..... (1 1/2 x amount of prime contract) to all prospective and existing lien claimants who have provided or hereafter provide materials, equipment or work ***, as applicable,*** under the prime contract, from which sum the principal and surety will pay the lien claimants the lienable amount that a court of competent jurisdiction may determine is owed to each lien claimant, and such additional amounts as may be awarded pursuant to NRS 108.237, but the liability of the surety may not exceed the penal sum of the surety bond.

IN TESTIMONY WHEREOF, the principal and surety have executed this bond at ....., Nevada, on the ..... day of the month of ..... of the year .....

.....
(Signature of Principal)

(Surety Corporation)

By.....
(Its Attorney in Fact)

State of Nevada)
) ss.
County of)

On ..... (month) ..... (day), ... (year), before me, the undersigned, a notary public of this County and State, personally appeared ..... who acknowledged that he or she executed the foregoing instrument as principal for the purposes therein mentioned and also personally appeared ..... known (or satisfactorily proved) to me to be the attorney in fact of the surety that executed the foregoing instrument, known to me to be the person who executed that instrument on behalf of the surety therein named, and he or she acknowledged to me that the surety executed the foregoing instrument.

.....
(Notary Public in and for
the County and State)

3. The principal must record the surety bond in the office of the county recorder in the county in which the property upon which the improvement is located, either before or after the commencement of an action to enforce the lien. A certified copy of the recorded surety bond shall be deemed an original for purposes of this section.

4. Upon the recording of the surety bond, the principal must serve a file-stamped copy of the recorded surety bond in the following manner:

(a) If a lien claimant has appeared in an action that is pending to enforce the notice of lien, service must be made by certified or registered mail, return receipt requested, upon the lien claimant at the address set forth in the lien and the lien claimant's counsel of record at his or her place of business;

(b) If a notice of lien is recorded at the time the surety bond is recorded and no action is pending to enforce the notice of lien, personal service must be made upon each lien claimant pursuant to Rule 4 of the Nevada Rules of Civil Procedure; or

(c) If no notice of lien is recorded at the time the surety bond is recorded, service must be made by personal service or certified mail, return receipt requested, upon each lien claimant and prospective lien claimant that has provided or thereafter provides the owner or lessee with a notice of a right to lien. Such service must be within 10 days after the recording of the surety bond, or the service of notice of the right to lien upon the owner by a lien claimant, whichever is later.

~~— 5. Failure to serve the surety bond as provided in subsection 4 does not affect the validity of the surety bond, but the statute of limitations on any action on the surety bond, including a motion excepting to the sufficiency of the surety pursuant to NRS 108.2425, is tolled until notice is given.~~

~~— 6. Subject to the provisions of NRS 108.2425, the recording and service of the surety bond pursuant to:~~

~~— (a) Subsection 1 releases the property described in the surety bond from the lien and the surety bond shall be deemed to replace the property as security for the lien.~~

~~— (b) Subsection 2 releases the property described in the surety bond from any liens and prospective liens for work, materials or equipment related to the prime contract and the surety bond shall be deemed to replace the property as security for the lien.~~**]** **(Deleted by amendment.)**

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 425.

AN ACT relating to off-highway vehicles; ~~[removing]~~ **revising** the requirement for certain off-highway vehicles to register with the Department of Motor Vehicles; ~~[revising provisions relating to the Commission on Off-Highway Vehicles;]~~ revising provisions relating to the registration of certain off-highway vehicles intended to be operated on certain roads; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the operator of an off-highway vehicle is required to register the vehicle with the Department of Motor Vehicles. (NRS 490.082) **Such a vehicle can be registered by the Department or an off-highway dealer who has been authorized by the Department. Section 3.4 of this bill authorizes the Department, upon request from a sheriff, to authorize the sheriff to accept from the owner of an off-highway vehicle the applicable fees and the information required by the Department for registration. Such a sheriff or dealer is authorized to retain $5 from the registration fees paid by the owner of the off-highway vehicle.**

Existing law ~~[also]~~ authorizes a large all-terrain vehicle to be registered as an off-highway vehicle intended to operate on certain roads that have been designated for such use if the large all-terrain vehicle has certain required equipment and the owner of the large all-terrain vehicle provides proof of liability insurance that meets the requirements for other motor vehicles that are authorized to operate on the highways of this State. (NRS 490.0825, 490.105) ~~[Existing law also requires the Department to deposit some of the money~~

~~received for the registration of off-highway vehicles into a fund that is administered by the Commission on Off-Highway Vehicles, which is required to use the money for certain purposes including: (1) the funding of grants; (2) the funding of certain projects regarding trails and other facilities for use by off-highway vehicles; and (3) for safety training and education relating to off-highway vehicles. (NRS 490.068, 490.069, 490.082)~~**]** **Sections 3.2 and 3.9 of this bill define as an off-highway vehicle required to be registered a mini-truck which meets certain specifications for power and size. Section 6 of this bill allows the owner of such a mini-truck to register the mini-truck as an off-highway vehicle intended to operate on certain roads that have been designated for such use if the mini-truck meets the same equipment and insurance requirements that a large all-terrain vehicle must meet. Section 12 of this bill exempts the driver of a mini-truck from the requirement to wear a helmet if driving an off-highway vehicle on a highway of this State. (NRS 490.130)**

Section 5 of this bill **[**~~removes~~**]** **revises** the **[**~~requirement~~**]** **requirements** for off-highway vehicles to be registered **[**~~.~~**]** **to acknowledge the authority of authorized sheriffs to register such vehicles.** **Section 6** of this bill revises the provisions allowing for the registration of certain large all-terrain vehicles **and mini-trucks** to be operated on certain roads designated for their use by adding provisions relating to renewal of such registration, and adding provisions that exempt from such registration certain large all-terrain vehicles **or mini-trucks** owned and operated: (1) by certain governmental entities; (2) by certain off-highway dealers under certain circumstances; (3) for work conducted by a public or private utility; (4) solely as part of an organized race, festival or similar event; or (5) in the conduct of certain search and rescue operations. ~~[Section 3 of this bill authorizes the Commission on Off-Highway Vehicles to seek and receive grants, gifts and donations, and to include in certain reports submitted to the Legislature a summary of any such grants, gifts or donations.]~~ **Sections 4 and [**~~8~~**] 10** of this bill revise provisions relating to the duties of the Department to reflect the changes made to the registration of off-highway vehicles in this bill. ~~[Section 7 of this bill authorizes the Department to furnish to certain persons who are licensed to sell or lease off-highway vehicles special plates commonly known as "dealer plates," and section 11 of this bill authorizes those licensees to operate a large all-terrain vehicle on certain highways for the purpose of display, demonstration, maintenance, sale or exchange if the person has obtained such a plate from the Department.]~~

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

Section 1. ~~[NRS 490.026 is hereby amended to read as follows:~~

~~490.026 "Consignment" means any transaction whereby the [registered] owner or lienholder of an off-highway vehicle [subject to registration pursuant to this chapter] agrees, entrusts or in any other manner authorizes a consignee~~

~~to act as his or her agent to sell, exchange, negotiate or attempt to negotiate a sale or an exchange of the interest of the [registered] owner or lienholder in the off-highway vehicle, whether or not for compensation.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 490.028 is hereby amended to read as follows:~~

~~490.028 "Consignment contract" means a written agreement between [a registered]~~ ***an*** ~~owner or lienholder of an off-highway vehicle and a consignee to whom the off-highway vehicle has been entrusted by consignment for the purpose of sale that specifies the terms and conditions of the consignment and sale.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 490.068 is hereby amended to read as follows:~~

~~490.068 1. The Commission shall:~~

~~(a) Elect a Chair, Vice Chair, Secretary and Treasurer from among its members.~~

~~(b) Meet at the call of the Chair.~~

~~(c) Meet at least four times each year.~~

~~(d) Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:~~

~~(1) One adviser from the Bureau of Land Management.~~

~~(2) One adviser from the United States Forest Service.~~

~~(3) One adviser who is:~~

~~(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~

~~(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.~~

~~(4) One adviser from the State Department of Conservation and Natural Resources.~~

~~(5) One adviser from the Department of Wildlife.~~

~~(6) One adviser from the Department of Motor Vehicles.~~

~~(7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.~~

~~(8) One adviser from the Nevada Indian Commission.~~

~~(9) One adviser from the United States Fish and Wildlife Service.~~

~~2. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:~~

~~(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such a person may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:~~

~~(1) Any person requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency~~

~~has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;~~

~~(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:~~

~~(I) Threatened and endangered species in the area affected by the project;~~

~~(II) Ecological, cultural and archaeological sites in the area affected by the project; and~~

~~(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and~~

~~(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.~~

~~(b) Adopt regulations for awarding grants from the Account.~~

~~(c) Adopt regulations for determining the acceptable performance of work on a project for which a grant is awarded.~~

~~(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.~~

~~(e) Monitor the accounting activities of the Account.~~

~~3. *The Commission may apply for and accept grants, gifts and donations which the Commission shall deposit in the Account for Off-Highway Vehicles created by NRS 490.069.*~~

~~*4.* The nonvoting advisers solicited by the Commission pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all applications for grants.~~

~~**[**4.**]** *5.* For each regular session of the Legislature, the Commission shall prepare a comprehensive report, including, without limitation, a summary of any *gifts, grant or donations received by the Commission and of any* grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.**]**~~ **(Deleted by amendment.)**

Sec. 3.1. **Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.2, 3.3 and 3.4 of this act.**

Sec. 3.2. ***"Mini-truck" means a motor vehicle which has four wheels, a truck bed and an engine which displaces not more than 660 cubic centimeters, and which is not more than 130 inches in length, not more than 78 inches in height and not more than 60 inches wide.***

Sec. 3.3. ***"Sheriff" means a person who holds the office of sheriff pursuant to chapter 248 of NRS and his or her deputies.***

Sec. 3.4. ***1. Except as otherwise provided in NRS 490.0825, upon the request of a sheriff, the Department may authorize the sheriff to receive applications and fees for registration or renewal of registration for off-highway vehicles.***

2. An authorized sheriff shall:

(a) Except as otherwise provided in subsection 3, submit to the State Treasurer for allocation to the Department or to the Account for Off-Highway Vehicles created by NRS 490.069 all fees charged and collected by the sheriff from each applicant and required to be deposited in the Account pursuant to NRS 490.084; and

(b) Comply with the regulations adopted pursuant to subsection 4.

3. An authorized sheriff who registers or renews registration for an off-highway vehicle may retain $5 from the fee required for registration or renewal of registration received pursuant to this section. All fees collected by an authorized sheriff pursuant to this subsection must be accounted for as provided in subsection 6 of NRS 248.275.

4. The Department shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation, provide for a registration and renewal program for an authorized sheriff that is substantially similar to that authorized for an off-highway vehicle dealer pursuant to NRS 490.070.

Sec. 3.7. **NRS 490.010 is hereby amended to read as follows:**

490.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 490.020 to 490.062, inclusive, ***and sections 3.2 and 3.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3.8. **NRS 490.043 is hereby amended to read as follows:**

490.043 "Large all-terrain vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast and [:

~~1. Total~~] ***total*** seating capacity for at least four people . [; or

~~2. A truck bed.~~]

Sec. 3.9. **NRS 490.060 is hereby amended to read as follows:**

490.060 1. "Off-highway vehicle" means a motor vehicle that is designed primarily for off-highway and all-terrain use. The term includes, but is not limited to:

(a) An all-terrain vehicle, including, without limitation, a large all-terrain vehicle without regard to whether that large all-terrain vehicle is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State;

(b) An all-terrain motorcycle;

(c) A dune buggy;

(d) A snowmobile; ~~[and]~~

(e) ***A mini-truck; and***

(f) Any motor vehicle used on public lands for the purpose of recreation.

2. The term does not include:

(a) A motor vehicle designed primarily for use in water;

(b) A motor vehicle that is registered by the Department in accordance with chapter 482 of NRS;

(c) A low-speed vehicle as defined in NRS 484B.637; or

(d) Special mobile equipment, as defined in NRS 482.123.

Sec. 4. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

(a) Issuance of certificates of title and registration for off-highway vehicles; and

(b) ***[Registration of large all-terrain vehicles; and***

(c)] Renewal of registration for off-highway ***[large all-terrain]*** vehicles.

2. An authorized dealer shall:

(a) Except as otherwise provided in paragraph (b) and subsection 4, submit to the State Treasurer for allocation to the Department or to the Account for Off-Highway Vehicles created by NRS 490.069 all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(b) Submit to the State Treasurer for deposit into the Account for Off-Highway Vehicles all fees charged and collected and required to be deposited in the Account pursuant to NRS 490.084;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation for the performance of any services pursuant to this section.

4. An authorized dealer may charge and collect a fee of not more than $2 for each application for a certificate of title ~~[or registration]~~ received by the authorized dealer pursuant to this section. An authorized dealer may retain ~~[any]~~ ***$5 of the*** fee collected by the authorized dealer ***for the registration or renewal of registration of an off-highway vehicle*** pursuant to this ~~[subsection.]~~ ***section.***

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

(a) The expedient and secure issuance of:

(1) Forms for applying for the issuance of certificates of title for , or registration of, off-highway vehicles;

(2) ***[Forms for applying for the registration of large all-terrain vehicles;***

(3)] Certificates of title and registration by the Department to each applicant whose application is approved by the Department; and

(3) ***[(4)]*** Renewal notices for registrations before the date of expiration of the registrations;

(b) The renewal of registrations by mail or the Internet;

(c) The collection of a fee of not less than $20 or more than $30 for the renewal of a registration of an off-highway ~~*[a large all-terrain]*~~ vehicle pursuant to NRS 490.082 or 490.0825;

(d) The submission by mail or electronic transmission to the Department of an application for:

(1) The issuance of a certificate of title for , or registration of, an off-highway vehicle; or

(2) ~~*[The registration of a large all-terrain vehicle; or*~~

~~*(3)]*~~ The renewal of registration of an off-highway ~~*[a large all-terrain]*~~ vehicle;

(e) The replacement of a lost, damaged or destroyed certificate of title or registration certificate, sticker or decal; and

(f) The revocation of the authorization granted to a dealer pursuant to subsection 1 if the authorized dealer fails to comply with the regulations.

Sec. 5. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May ~~*[may]*~~ apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection ~~[~~3,~~]~~ ***4,*** shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection ~~[~~3,~~]~~ ***4,*** apply for, to the Department by mail or to ***an authorized sheriff or*** an authorized dealer, and obtain from the Department, ***authorized sheriff or authorized dealer*** the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for ~~[~~:

~~(a) A~~~~]~~ ***a*** certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

~~[(b)]~~ ***3.*** Except as otherwise provided in NRS 490.0825, ***if an owner of an off-highway vehicle applies to the Department, an authorized sheriff or an authorized dealer for*** the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

~~[3.]~~ ***4.*** Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events

and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

~~[4.]~~ ***5.*** The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department ***, an authorized sheriff or an authorized dealer*** of the annual renewal ~~[fee, a late fee of $25 and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~5.~~ ~~***3.]***~~ ***fee.***

6. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title ~~***[.]***~~ ***,*** or ***to an authorized sheriff or an authorized dealer for a duplicate certificate of*** registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

~~[6. 4.]~~ ***7.*** The provisions of ~~[subsections 1 to 5, inclusive,]~~ ***this section*** do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 6. NRS 490.0825 is hereby amended to read as follows:

490.0825 1. Upon the request of an owner of a large all-terrain vehicle ~~[.]~~ ***or a mini-truck,*** the Department shall register the large all-terrain vehicle ***or mini-truck*** to operate on the roads specified in NRS 490.105.

2. The owner of a large all-terrain vehicle ***or mini-truck*** wishing to apply for ***annual*** registration ~~[or renewal of registration]~~ pursuant to this section must obtain and maintain insurance on the ***large all-terrain*** vehicle ***or mini-truck*** that meets the requirements of NRS 485.185.

3. If an owner of a large all-terrain vehicle ***or mini-truck*** applies to the Department for the registration of the ***large all-terrain*** vehicle ***or mini-truck*** pursuant to this section, the owner shall submit to the Department:

(a) The information required ~~***[prescribed by the Department]***~~ for registration ~~***[.]***~~ pursuant to NRS 490.082;

(b) The fee for ***annual*** registration required pursuant to NRS 490.084;

(c) Proof satisfactory to the Department that the applicant carries insurance on the ***large all-terrain*** vehicle ***or mini-truck*** provided by an insurance company licensed by the Division of Insurance of the Department of Business

and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and

(d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration.

[4. The registration of a large all-terrain vehicle that an owner has elected to register pursuant to this section expires 1 year after its issuance. If an owner of a large all-terrain vehicle fails to renew the registration of the large all-terrain vehicle before it expires, the owner may elect to reinstate the registration upon the payment to the Department of the annual renewal fee, a late fee of $25 and submission to the Department of proof of insurance as required pursuant to paragraph (c) of subsection 3 and a declaration as required pursuant to paragraph (d) of subsection 3. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a registration sticker or decal for a large all-terrain vehicle is lost, damaged or destroyed, the owner of the large all-terrain vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate registration sticker or decal. The Department may collect a fee to replace a registration sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. Registration of a large all-terrain vehicle to operate on the roads specified in NRS 490.105 is not required if the large all-terrain vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used for work conducted by or at the direction of a public or private utility;

(e) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction; or

(f) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction.

~~*→ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events, and establishes and administers rules and regulations governing the persons who conduct or participate in those events.*~~

~~*7. The Department shall adopt regulations to carry out the provisions of this section.]*~~

Sec. 7. ~~[NRS 490.0827 is hereby amended to read as follows:~~

~~490.0827 1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, the Department shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer one or more special plates for use on [an off-highway] *a large all-terrain* vehicle specified in subsection 1 of NRS 490.125. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.~~

~~2. The Department shall issue to each off-highway vehicle dealer, long-term or short-term lessor or manufacturer a reasonable number of special plates.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 490.083 is hereby amended to read as follows:

490.083 1. Each registration of an off-highway ~~*[a large all-terrain]*~~ vehicle must:

(a) ~~*[1.]*~~ Be in the form of a sticker or decal, as prescribed by the Commission.

(b) ~~*[2.]*~~ Be at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.

(c) ~~*[3.]*~~ Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway ~~*[large all-terrain]*~~ vehicle.

(d) ~~*[4.]*~~ Be displayed on the off-highway ~~*[large all-terrain]*~~ vehicle in the manner set forth by the Commission.

2. The registration sticker or decal of a large all-terrain vehicle ***or a mini-truck*** registered pursuant to NRS 490.0825 must be distinguishable from the sticker or decal of an off-highway vehicle registered pursuant to NRS 490.082 in a manner to be determined by the Department.

Sec. 9. ~~[NRS 490.0835 is hereby amended to read as follows:~~

~~490.0835 1. The Department may assign a distinguishing number to any off-highway vehicle if:~~

~~(a) The off-highway vehicle does not have a unique vehicle identification number or serial number provided by the manufacturer of the vehicle;~~

~~(b) The unique vehicle identification number or serial number provided by the manufacturer of the off-highway vehicle has been removed, defaced, altered or obliterated; or~~

~~(c) The off-highway vehicle is homemade.~~

~~2. Any off-highway vehicle to which there is assigned a distinguishing number pursuant to subsection 1 must be registered, if~~ **[**~~required~~**]** ***requested by the owner*** ~~pursuant to NRS~~ **[**~~490.082,~~**]** ***490.0825,*** ~~under the distinguishing number.~~

~~3. The Department shall collect a fee of $2 for the assignment and recording of each such distinguishing number.~~

~~4. The number by which an off-highway vehicle is registered pursuant to NRS~~ **[**~~490.082 or~~**]** ~~490.0825 must be permanently stamped or attached to the vehicle. False attachment or willful removal, defacement, alteration or obliteration of such a number with intent to defraud is a gross misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 10. NRS 490.084 is hereby amended to read as follows:

490.084 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

2. The Commission shall determine the fee for the annual registration of an off-highway ~~***[a large all-terrain]***~~ vehicle pursuant to NRS 490.082 or 490.0825, but such fee must not be less than $20 or more than $30. ~~[Money]~~ ***Except as otherwise provided in section 3.4 of this act and NRS 490.070, money*** received from the payment of the fees described in this subsection must be distributed as follows:

[~~(a) During the period beginning on July 1, 2012, and ending on June 30, 2013:~~

~~(1) Eighty-five percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 15 percent must be deposited into the Account for Off-Highway Vehicles created by NRS 490.069.~~

~~(b) On or after July 1, 2013:~~

~~(1)~~**]** ***(a)*** Fifteen percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

[~~(2)~~**]** ***(b)*** To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Account for Off-Highway Vehicles.

Sec. 11. NRS 490.125 is hereby amended to read as follows:

490.125 1. Except as otherwise provided in NRS 490.160, an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has an established place of business in this State and who owns or controls any new or used off-highway ~~*[large all-terrain]*~~ vehicle that is otherwise required to ~~*[may]*~~ be registered pursuant to ~~[~~NRS 490.082, ~~*490.0825]*~~ ***this chapter*** may operate that vehicle or allow it to be operated ~~*[on a highway in accordance with NRS 490.090 to 490.130, inclusive,]*~~ for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate issued to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer as provided in NRS 490.0827. Owners or officers of the corporation, managers, heads of departments and salespersons may be temporarily assigned and operate an off-highway ~~*[a large all-terrain]*~~ vehicle displaying the special plate.

2. A special plate which is issued to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer pursuant to NRS 490.0827 may be attached to an off-highway ~~*[a large all-terrain]*~~ vehicle specified in subsection 1 by a secure means. The plate must not be displayed loosely in the window or by any other unsecured method in or on an off-highway ~~*[a large all-terrain]*~~ vehicle.

3. The provisions of this section do not apply to:

(a) Work or service off-highway ~~*[large all-terrain]*~~ vehicles owned or controlled by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) Off-highway ~~*[Large all-terrain]*~~ vehicles leased by off-highway vehicle dealers, long-term or short-term lessors or manufacturers, except ~~[~~off-highway ~~*large all-terrain]*~~ vehicles rented or leased to off-highway vehicle salespersons in the course of their employment.

(c) Off-highway ~~*[Large all-terrain]*~~ vehicles which are privately owned by the owners, officers or employees of the off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(d) Off-highway ~~*[Large all-terrain]*~~ vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Off-highway ~~*[Large all-terrain]*~~ vehicles which have been given or assigned to persons who work for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for services performed.

(f) Off-highway ~~*[Large all-terrain]*~~ vehicles purchased by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for personal use which the off-highway vehicle dealer, long-term or short-term lessor or manufacturer is not licensed or authorized to resell.

Sec. 12. NRS 490.130 is hereby amended to read as follows:

490.130 ***1.*** The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:

~~[1.]~~ ***(a)*** Comply with all traffic laws of this State;

~~[2.]~~ ***(b)*** Ensure that the registration of the off-highway vehicle ~~***[, if required pursuant to NRS 490.0825 and 490.105,]***~~ is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; and

~~[3. Wear]~~

(c) Except as otherwise provided in subsection 2, wear a helmet.

2. A person driving a mini-truck on a highway in this State is not required to wear a helmet.

Sec. 12.5. **NRS 248.320 is hereby amended to read as follows:**

248.320 ~~[No]~~ ***Except as otherwise provided in section 3.4 of this act, no*** other fees shall be charged by sheriffs than those specifically set forth in this chapter, nor shall fees be charged for any other services than those mentioned in this chapter.

Sec. 13. ~~**[**The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**]**~~ **(Deleted by amendment.)**

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 632.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of a charter school to consult with ~~**[**the Division of Emergency Management of the Department of Public Safety**]**~~ **certain persons and entities** before constructing, expanding or remodeling buildings for schools or related facilities; requiring each school district in certain counties to appoint an emergency manager; requiring the Department of Education to conduct an annual conference regarding safety in public schools; **requiring the Department to employ certain licensed mental or behavioral health professionals and make them available to public schools;** requiring the board of trustees of each school district and the governing body of a charter school to provide drills to instruct pupils concerning lockdown procedures; requiring a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services; **requiring that a plan developed to respond to a crisis or an emergency prescribe certain procedures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the board of trustees of each school district and the governing body of each charter school to consult with the Division of Emergency Management of the Department of Public Safety regarding safety

in schools before constructing, expanding or remodeling buildings for schools or related facilities.

Section 2.5 of this bill defines a "school resource officer" as a deputy sheriff or other peace officer who interacts directly with pupils and provides information to pupils, families and educational personnel. Section 3 of this bill requires each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to designate an employee to serve as an emergency manager.

Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a development committee to develop a plan to be used by each public school of the school district in responding to a crisis or an emergency. (NRS 392.616) Section 7.5 of this bill requires each development committee to consult with an emergency manager, a school resource officer or the chief of school police of the school district, if such a person exists in the school district. Section 7.5 also requires the plan to include procedures for: (1) effective communication and interoperability among law enforcement and other first responders; (2) securing a school in the event of a lockdown; and (3) assisting a person with a disability with moving to safety during an emergency or crisis.

Section 4 of this bill requires the Department of Education to coordinate with the Division **of Emergency Management, any emergency manager, any chief of police of a school district that has police officers and any school resource officer** to conduct an annual conference regarding safety in public schools. **Section 4** additionally requires the board of trustees of each school district and the governing body of each charter school to designate certain persons to attend this conference.

In section 4.5 of this bill, the Legislature finds that it is optimal to have a ratio of at least 1 licensed mental or behavioral health professional per 250 pupils. Section 5 of this bill requires **the Department of Education to employ certain licensed mental or behavioral health professionals and make them available to provide services at public schools, as necessary. Section 5 requires the State Board of Education to prescribe the duties of such mental or behavioral health professionals, and authorizes the State Board to require additional training for such persons.**

Section 5 also requires a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services to: (1) improve the mental health of pupils; (2) assess the needs of certain pupils; and (3) provide a list of any resources that may be available in the community to assist a pupil.

Existing law requires the board of trustees of each school district and the governing body of each charter school to provide certain emergency drills for pupils at least once each month during the school year. Existing law also requires a public school located in a city or town that has a regularly organized, paid fire department or voluntary fire department to conduct such drills under

the supervision of: (1) the person designated for this purpose by the board of trustees of the school district; and (2) the chief of the fire department of the city or town in which a school is located. (NRS 392.450) **Section 6** of this bill requires the board of trustees of each school district and the governing body of each charter school to provide drills for schools under their jurisdiction at least once each month during the school year to instruct pupils in the appropriate procedures to be followed in the event of a lockdown. **Section 6 requires at least one-half of these drills to include instruction in appropriate procedures to be followed in the event of a lockdown. Section 6** also requires: (1) any public school located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to conduct the drills under the supervision of the person designated for that purpose by the board of trustees of the school district or the governing body of the charter school, as applicable; and (2) a public school located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to conduct such drills under the supervision of an emergency manager. ~~[Section 3 of this bill requires each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to designate an employee to serve as an emergency manager.]~~

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district and the governing body of each charter school shall consult with the Division of Emergency Management of the Department of Public Safety regarding safety in schools before:

1. Designing, constructing or purchasing new buildings for schools or related facilities;

2. Enlarging, remodeling or renovating existing buildings for schools or related facilities; and

3. Acquiring sites for building schools or related facilities.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[3, 4 and]~~ **2.25 to** 5 **, inclusive,** of this act.

Sec. 2.25. "Lockdown" means a circumstance in which the persons on school property are restricted to the interior of a school building and isolated from threats until the school property and surrounding vicinity are deemed to be secure by:

1. If the school district has school police officers, the chief of school police of a school district or a person designated by him or her; or

2. If the school district does not have school police officers, the school resource officer or a person designated by him or her or, if the school district does not have school resource officers, a local law enforcement agency.

Sec. 2.5. "School resource officer" means a deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.

Sec. 3. ***Each school district in a county whose population is 100,000 or more shall designate a full-time employee to serve as an emergency manager. As used in this section, "emergency manager" means a person whose job responsibilities are focused solely on the planning and coordination of available resources for the mitigation of, preparation and training for, response to and recovery from emergencies or crises.***

Sec. 4. ***1. The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety , any emergency manager designated pursuant to section 3 of this act, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.***

2. The board of trustees of each school district and the governing body of each charter school shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:

(a) An administrator from the school district or charter school, as applicable; [and]

(b) If the school district has school resource officers, a school resource officer or a person designated by him or her;

(c) If the school district has school police officers, the chief of school police of [a] the school district or a person designated by him or her [.] ; and

(d) If the school district has an emergency manager designated pursuant to section 3 of this act, the emergency manager.

3. The conference conducted pursuant to subsection 1 may be attended by:

(a) A licensed teacher of a school or charter school;

(b) Educational support personnel employed by a school district or charter school;

(c) The parent or legal guardian of a pupil who is enrolled in a public school; and

(d) An employee of a local law enforcement agency.

Sec. 4.5. The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 licensed social worker, school psychologist or other certified or licensed mental or behavioral health professional per 250 pupils.

Sec. 5. ***1. The Department shall employ licensed social workers, school psychologists or other certified or licensed mental or behavioral health professionals and make them available to provide services at public schools in this State, as necessary.***

2. If a licensed social worker is employed or retained to provide services to pupils at a public school, he or she shall, without limitation:

[1.] (a) Conduct mental health assessments of pupils;

[2.] (b) Make referrals of pupils to mental health professionals;

[3.] (c) Conduct home visits with families of pupils identified as having been involved in a behavioral incident on the premises of a public school, at an activity sponsored by a public school or on a school bus; and

[4.] (d) Assess the needs of pupils and provide a list of any resources that are available in the community to assist a pupil, including, without limitation, resources available at no charge or at a reduced cost.

3. The State Board shall adopt regulations governing the duties of social workers, school psychologists and other certified or licensed mental or behavioral health professionals employed pursuant to subsection 1. The State Board may adopt regulations requiring the Department to provide additional training to such persons relating to the performance of their duties.

Sec. 6. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a ***lockdown,*** fire or other emergency ***.*** ~~[, except a crisis governed by NRS 392.600 to 392.656, inclusive.]~~ Not more than three of ~~[those]~~ ***the*** drills ***provided pursuant to this subsection*** may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. ***At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.***

2. In all cities or towns ***,*** ~~[which have regularly organized, paid fire departments or voluntary fire departments,]~~ the drills required by subsection 1 must be conducted under the supervision of the ~~[:]~~ ***chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department, and the:***

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school ~~[; and]~~ ***in a county whose population is less than 100,000; or***

(b) ~~[Chief of the fire department of the city or town.]~~ ***Emergency manager designated pursuant to section 3 of this act in a county whose population is 100,000 or more.***

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" ~~[means a circumstance in which the occupants of a building are positioned behind secured openings and isolated from threats.]~~ has the meaning ascribed to it in section 2.25 of this act.

Sec. 7. NRS 392.600 is hereby amended to read as follows:

392.600 As used in NRS 392.600 to 392.656, inclusive, ***and sections ~~[3, 4 and]~~ 2.25 to 5, inclusive of this act,*** unless the context otherwise requires, the words and terms defined in NRS 392.604 to 392.612, inclusive, ***and sections 2.25 and 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7.5. **NRS 392.620 is hereby amended to read as follows:**

392.620 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local law enforcement agencies in the county in which its school district or charter school is located.

(b) ***If the school district has an emergency manager designated pursuant to section 3 of this act, the emergency manager.***

(c) If the school district has school resource officers, a school resource officer or a person designated by him or her.

(d) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

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

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

(a) Assisting persons within a school in the school district or the charter school to communicate with each other;

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

(c) ***Effective communication and interoperability among federal, state and local law enforcement and other first responders;***

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

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

~~(e)]~~ ***in the event of a lockdown;***

(f) Assisting any person with an intellectual or physical disability, including, without limitation, a pupil or teacher, who is on school property to move safely within and away from the school, including, without limitation, a procedure for assisting such a pupil or person with evacuating the school or participating in a lockdown; and

(g) Enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

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

4. Except as otherwise provided in NRS 392.632 and 392.636, each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

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

Amendment No. 243.

AN ACT relating to professions; revising provisions governing certain reporting requirements for the Board of Medical Examiners; revising provisions governing the maintenance of the Internet website maintained by the Board of Medical Examiners; revising the requirements for licensure by the Board of Medical Examiners; revising provisions governing certain examinations to determine the competency of a physician, osteopathic physician or physician assistant; **authorizing the issuance of a restricted**

license to practice medicine to a physician licensed in another state under certain circumstances; revising provisions governing disciplinary action or the denial of licensure by the Board of Medical Examiners or the State Board of Osteopathic Medicine; **revising the definition of sentinel event for certain purposes;** revising provisions governing the summary suspension of a license by the Board of Medical Examiners or the State Board of Osteopathic Medicine; revising certain procedural provisions governing the filing of a formal complaint against a licensee by the Board of Medical Examiners or the State Board of Osteopathic Medicine; revising provisions authorizing the Board of Medical Examiners and the State Board of Osteopathic Medicine to make service of process on a licensee; subjecting licensees of the Board of Medical Examiners and the State Board of Osteopathic Medicine to disciplinary and administrative action for self-reporting a violation of a law, rule or regulation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the licensure and regulation of physicians, physician assistants, perfusionists and practitioners of respiratory care by the Board of Medical Examiners and of osteopathic physicians and physician assistants by the State Board of Osteopathic Medicine. Existing law further prescribes the powers and duties of each board. (Chapters 630 and 633 of NRS)

Existing law requires the Board of Medical Examiners to submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a biennial report compiling disciplinary action taken by the Board in the previous biennium against any physician for malpractice or negligence. (NRS 630.130) **Section 1** of this bill requires the Board to include in the biennial report any disciplinary action taken against a physician assistant, perfusionist or practitioner of respiratory care for malpractice or negligence.

Existing law provides for the maintenance of an Internet website by the Board of Medical Examiners. (NRS 630.144) **Section 2** of this bill requires a member or employee of the Board to submit certain information which is proposed for placement on the Internet website to the Executive Director and the Board for approval before placing the information on the Internet website.

Existing law establishes the requirements for licensure by the Board of Medical Examiners and further authorizes the Board to waive certain requirements for licensure under certain circumstances. (NRS 630.160, 630.263, 630.264) **Sections 3, 5 and 6** of this bill authorize the Board to issue a license to certain qualified applicants who have received education or training in a program approved by the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada.

Existing law authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to require a licensee to take an examination to test

medical competency under certain circumstances. (NRS 630.257, 630.318, 633.529) **Section 4** of this bill authorizes the Board of Medical Examiners to require a licensee to take the examination if the licensee has not engaged in the practice of medicine for a period of more than 24 consecutive months. **Sections 12 and 22** of this bill authorize the Board of Medical Examiners and the State Board of Osteopathic Medicine, or an investigative committee of the respective Board, to require a physician, osteopathic physician or physician assistant to undergo an examination to test the competency of the licensee to practice medicine or osteopathic medicine, respectively. **Sections 12 and 22** further provide that the testimony or reports of the person conducting the examination are not privileged communications.

Existing law authorizes the Board of Medical Examiners to issue a restricted license to practice medicine under certain circumstances. (NRS 630.2645) Section 6.3 of this bill authorizes the Board to issue a restricted license to a physician who is licensed in another state.

Existing law requires each holder of a license to practice medicine to register on or before July 1 of each odd-numbered year and provides that each license issued will expire, if not renewed, on July 1 of each odd-numbered year. (NRS 630.267, 630.2695) Sections 6.5 and 6.7 of this bill revise this date to June 30 of each odd-numbered year.

Existing law requires each holder of a license to practice medicine or osteopathic medicine to report information concerning certain sentinel events. (NRS 630.30665, 633.524) Sections 11 and 21 of this bill revise the definition of sentinel event to incorporate the most current list of serious reportable events in health care published by the National Quality Forum.

Existing law provides that certain acts committed by a person licensed by the Board of Medical Examiners or the State Board of Osteopathic Medicine constitute grounds for disciplinary action or denial of licensure by the respective board or criminal prosecution. (NRS 630.306-630.3065, 630.30665, 630.342, 633.041, 633.131, 633.511, 633.524, 633.625) **Sections 8-11, 15, 18-21 and 24** of this bill revise these provisions as they relate to the state of mind required for the specified acts to constitute grounds for disciplinary action or prosecution, as applicable.

Sections 13 and 23 of this bill revise provisions relating to the summary suspension of the license of a physician, perfusionist, physician assistant or practitioner of respiratory care by the Board of Medical Examiners, or the license of an osteopathic physician or physician assistant by the State Board of Osteopathic Medicine, pending the conclusion of a hearing to consider a formal complaint against the licensee. (NRS 630.326, 633.581) **Sections 13 and 23** also require the respective Board to reinstate the license of the licensee under certain circumstances.

Existing law establishes the procedure by which a formal complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care is filed and reviewed by the Board of Medical Examiners. (NRS 630.339) **Section 14** of this bill: (1) authorizes the legal counsel for the Board of Medical

Examiners to sign a formal complaint; (2) authorizes rather than requires a respondent to file an answer to a formal complaint; and (3) authorizes the Board or an investigative committee of the Board to proceed with adjudicating the complaint if a respondent fails timely to file an answer.

Existing law provides the manner in which the Board of Medical Examiners and the State Board of Osteopathic Medicine may make service of process upon a licensee. (NRS 630.344, 633.631) **Sections 16 and 25** of this bill authorize the Presidents of the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, to cause notice of certain actions to be published in certain newspapers if personal service on a licensee cannot be made. **Sections 16 and 25** further authorize the respective Board to make service of process on a licensee electronically if the licensee consents to electronic service of process in writing.

Sections 17 and 26 of this bill authorize the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, to take administrative or disciplinary action against a licensee for disclosing to or cooperating with a governmental entity with respect to a violation of any law, rule or regulation by the licensee. (NRS 630.364, 633.691)

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

Section 1. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against ~~[~~physicians~~]~~ ***any licensee*** for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 6 of NRS 630.307 and NRS 690B.250 and 690B.260; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and

types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 2. NRS 630.144 is hereby amended to read as follows:

630.144 1. The Board shall maintain a website on the Internet or its successor.

2. Except as otherwise provided in this section, ***a member or employee of*** the Board ~~[and its members and employees]~~ shall not place any information on the ***Internet*** website maintained by the Board ~~[unless]~~ ***without the approval of the Executive Director and*** the Board ***.*** ~~[,]~~ ***A member or employee of the Board shall submit any information proposed to be placed on the Internet website to the Executive Director for approval. Upon approving the proposal, the Executive Director shall present the proposal to the Board for approval*** at ~~[a regular]~~ ***its next regularly scheduled*** meeting ***.*** ~~[, approves the placement of the information on the website.]~~

3. The Board shall place on ~~[the]~~ ***its Internet*** website, without having to approve the placement at a meeting:

(a) Each application form for the issuance or renewal of a license issued by the Board pursuant to this chapter.

(b) A list of questions that are frequently asked concerning the processes of the Board and the answers to those questions.

(c) An alphabetical list, by last name, of each physician and a brief description of each disciplinary action, if any, taken against the physician, in this State and elsewhere, which relates to the practice of medicine and which is noted in the records of the Board. The Board shall include, as part of the list on the ***Internet*** website, the name of each physician whose license has been revoked by the Board. The Board shall make the list on the ***Internet*** website easily accessible and user friendly for the public.

(d) All financial reports received by the Board.

(e) All financial reports prepared by the Board.

(f) Any other information ***that the Board is*** required to ~~[be placed]~~ ***place*** on ~~[the]~~ ***its Internet*** website ~~[by]~~ ***pursuant to*** any other provision of law.

Sec. 3. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ~~[or the Coordinating Council of Medical Education of the Canadian Medical Association;]~~ ***, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada*** ~~***[,]***~~ ***, or their successor organizations;*** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education ~~[or the Coordinating Council of Medical Education of the Canadian Medical Association,]~~ ***, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations,*** has completed at least 24 months of the program and

has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 4. NRS 630.257 is hereby amended to read as follows:

630.257 If a licensee does not ***engage in the*** practice ~~[allopathic]~~ ***of*** medicine for a period of more than ~~[12]~~ ***24*** consecutive months, the Board may require the licensee to take the same examination to test medical competency as that given to applicants for a license.

Sec. 5. NRS 630.263 is hereby amended to read as follows:

630.263 1. If the Governor determines that there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty within this State, the Governor may declare that a state of critical medical need exists for that medical specialty. The Governor may, but is not required to, limit such a declaration to one or more geographic areas within this State.

2. In determining whether there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty, the Governor may consider, without limitation:

(a) Any statistical data analyzing the number of physicians who are practicing the medical specialty in relation to the total population of this State or any geographic area within this State;

(b) The demand within this State or any geographic area within this State for the types of services provided by the medical specialty; and

(c) Any other factors relating to the medical specialty that may adversely affect the delivery of health care within this State or any geographic area within this State.

3. If the Governor makes a declaration pursuant to this section, the Board may waive the requirements of paragraph (d) of subsection 2 of NRS 630.160 for an applicant if the applicant:

(a) Intends to practice medicine in one or more of the medical specialties designated by the Governor in the declaration and, if the Governor has limited the declaration to one or more geographic areas within this State, in one or more of those geographic areas;

(b) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ~~[or the Coordinating Council of Medical Education of the Canadian Medical Association,]~~ ***, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec***

or the College of Family Physicians of Canada, or their successor organizations, respectively;

(c) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(d) Meets all other conditions and requirements for a license to practice medicine.

4. Any license issued pursuant to this section is a restricted license, and the person who holds the restricted license may practice medicine in this State only in the medical specialties and geographic areas for which the restricted license is issued.

5. Any person who holds a restricted license issued pursuant to this section and who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (d) of subsection 2 of NRS 630.160.

Sec. 6. NRS 630.264 is hereby amended to read as follows:

630.264 1. A board of county commissioners may petition the Board of Medical Examiners to waive the requirements of paragraph (d) of subsection 2 of NRS 630.160 for any applicant intending to practice medicine in a medically underserved area of that county as that term is defined by regulation by the Board of Medical Examiners. The Board of Medical Examiners may waive that requirement and issue a license if the applicant:

(a) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ~~[or the Coordinating Council of Medical Education of the Canadian Medical Association,]~~ ***, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations,*** respectively;

(b) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(c) Meets all other conditions and requirements for a license to practice medicine.

2. Any person licensed pursuant to subsection 1 must be issued a license to practice medicine in this State restricted to practice in the medically underserved area of the county which petitioned for the waiver only. A person may apply to the Board of Medical Examiners for renewal of that restricted license every 2 years after being licensed.

3. Any person holding a restricted license pursuant to subsection 1 who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an

unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (d) of subsection 2 of NRS 630.160.

Sec. 6.3. **NRS 630.2645 is hereby amended to read as follows:**

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license to teach, research or practice medicine to a person if:

(a) The person:

(1) Submits to the Board:

(I) Proof that the person is a graduate of a foreign medical school, as provided in NRS 630.195 ~~[;]~~ ***, or a physician who has previously been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;***

(II) Proof that the person teaches, researches or practices medicine ***;*** ~~[outside the United States;]~~ and

(III) Any other documentation or proof of qualifications required by the Board; and

(2) Intends to teach, research or practice medicine at a medical facility, medical research facility or medical school in this State.

(b) Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine.

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice medicine in this State at the medical facility, medical research facility or medical school where the person is employed:

(a) The medical facility, medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings

by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.5. **NRS 630.267 is hereby amended to read as follows:**

630.267 1. Each holder of a license to practice medicine must, on or before ~~[July 1,]~~ ***June 30,*** or if ~~[July 1]~~ ***June 30*** is a Saturday, Sunday or legal holiday, on the next business day after ~~[July 1,]~~ ***June 30,*** of each odd-numbered year:

(a) Submit a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.

(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.

(c) Submit all information required to complete the biennial registration.

2. When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.

3. The Board shall make such reasonable attempts as are practicable to notify a licensee:

(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and

(b) That his or her license has expired.

➥ A copy of this notice must be sent to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

Sec. 6.7. **NRS 630.2695 is hereby amended to read as follows:**

630.2695 1. Each license issued pursuant to NRS 630.2694 expires on ~~[July 1,]~~ ***June 30,*** or if ~~[July 1]~~ ***June 30*** is a Saturday, Sunday or legal holiday, on the next business day after ~~[July 1,]~~ ***June 30,*** of every odd-numbered year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(c) The applicable fee for renewal of the license prescribed by the Board pursuant to NRS 630.2691.

2. A license that expires pursuant to this section not more than 2 years before an application for renewal is made may be reinstated only if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees:

(1) For the reinstatement of an expired license, prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(2) For each biennium that the license was expired, for the renewal of the license.

3. If a license has been expired for more than 2 years, a person may not renew or reinstate the license but must apply for a new license and submit to the examination required pursuant to NRS 630.2692.

4. The Board shall send a notice of renewal to each licensee not later than 60 days before his or her license expires. The notice must include the amount of the fee for renewal of the license.

Sec. 7. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) Have:

(1) A high school diploma; or

(2) A general equivalency diploma or an equivalent document;

(b) Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the ~~[Committee]~~ ***Commission*** on Accreditation for Respiratory Care or its successor organization;

(c) Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization;

(d) Be certified by the National Board for Respiratory Care or its successor organization; and

(e) Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself or herself out as qualified to practice respiratory care,

➥ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in paragraphs (a) and (b) of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 8. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. Knowingly ***or willfully*** procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

18. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 9. NRS 630.3062 is hereby amended to read as follows:

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

2. Altering medical records of a patient.

3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or ***knowingly or*** willfully obstructing or inducing another to obstruct such filing.

4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.

5. Failure to comply with the requirements of NRS 630.3068.

6. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

Sec. 10. NRS 630.3065 is hereby amended to read as follows:

630.3065 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. ~~[Willful disclosure of]~~ ***Knowingly or willfully disclosing*** a communication privileged pursuant to a statute or court order.

2. ~~[Willful failure]~~ ***Knowingly or willfully failing*** to comply with:

(a) A regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician;

(b) A court order relating to this chapter; or

(c) A provision of this chapter.

3. ~~[Willful failure]~~ ***Knowingly or willfully failing*** to perform a statutory or other legal obligation imposed upon a licensed physician, including a violation of the provisions of NRS 439B.410.

Sec. 11. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit to the Board, on a form provided by the Board, a report

stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of a license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly ***or willfully*** filing false information in a report constitutes grounds for initiating disciplinary action pursuant to subsection 9 of NRS 630.306.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly ***or willfully*** files false

information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" ~~[means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.]~~ ***has the meaning ascribed to it in NRS 439.830.***

Sec. 12. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician has raised a reasonable question as to his or her competence to practice medicine with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against a physician regarding an action or claim for malpractice or that such an action or claim against the physician has been resolved by settlement, ~~[it]~~ ***the Board or committee*** may order that the physician undergo a mental or physical examination ***,*** ~~[or]~~ an examination testing his or her competence to practice medicine ~~[by physicians]~~ or ***any*** other ~~[examinations]~~ ***examination*** designated by the Board to assist the Board or committee in determining the fitness of the physician to practice medicine.

2. For the purposes of this section:

(a) Every physician who applies for a license or who is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice medicine when ordered to do so in writing by the Board or an investigative committee of the Board.

(b) The testimony or reports of ~~[the examining physicians]~~ ***a person who conducts an examination of a physician on behalf of the Board or an investigative committee of the Board pursuant to this section*** are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician licensed under this chapter to submit to an examination

when directed as provided in this section constitutes an admission of the charges against the physician.

Sec. 13. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the ~~[~~physician, perfusionist, physician assistant or practitioner of respiratory care~~]~~ ***licensee*** is at risk of imminent or continued harm, the Board may summarily suspend the license of the ~~[~~physician, perfusionist, physician assistant or practitioner of respiratory care.~~]~~ ***licensee pending the conclusion of a hearing to consider a formal complaint against the licensee.*** The order of summary suspension may be issued ***only*** by the Board ~~[,]~~ ***or*** an investigative committee of the Board **.** ~~[~~or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.~~]~~

2. If the Board ***or an investigative committee of the Board*** issues an order summarily suspending the license of a physician, perfusionist, physician assistant or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing ~~[~~regarding the matter~~]~~ not later than ~~[~~45~~]~~ ***60*** days after the date on which the ~~[~~Board issues the order summarily suspending the license~~]~~ ***order is issued,*** unless the Board and the licensee mutually agree to a longer period ~~[.]~~ ***, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.***

3. If the Board ***or an investigative committee of the Board*** issues an order ***summarily*** suspending the license of a ~~[~~physician, perfusionist, physician assistant or practitioner of respiratory care pending proceedings for disciplinary action~~]~~ ***licensee pursuant to subsection 1*** and ***the Board*** requires the ~~[~~physician, perfusionist, physician assistant or practitioner of respiratory care~~]~~ ***licensee*** to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than ~~[~~60~~]~~ ***30*** days after the ~~[~~Board issues its~~]~~ order ~~[.]~~ ***is issued.***

Sec. 14. NRS 630.339 is hereby amended to read as follows:

630.339 1. If a committee designated by the Board to conduct an investigation of a complaint decides to proceed with disciplinary action, it shall bring charges against the licensee by filing a formal complaint. The formal complaint must include a written statement setting forth the charges alleged and setting forth in concise and plain language each act or omission of the respondent upon which the charges are based. The formal complaint must be prepared with sufficient clarity to ensure that the respondent is able to prepare a defense. The formal complaint must specify any applicable law or regulation that the respondent is alleged to have violated. The formal complaint may be

signed by the chair of the investigative committee or the ~~[Executive Director of the Board acting in his or her official capacity.]~~ ***legal counsel for the Board.***

2. The respondent ~~[shall]~~ ***may*** file an answer to the formal complaint within 20 days after service of the complaint upon the respondent. ~~[The]~~ ***An*** answer must state in concise and plain language the respondent's defenses to each charge set forth in the complaint and must admit or deny the averments stated in the complaint. If a party fails to file an answer within the time prescribed, the party shall be deemed to have denied generally the allegations of the formal complaint ~~[.]~~ ***and the Board or an investigative committee of the Board may proceed pursuant to this section in the same manner as if the answer were timely filed.***

3. Within 20 days after the filing of ~~[the]~~ ***an*** answer ~~[,]~~ ***or 20 days after the date on which an answer is due, whichever is earlier,*** the parties shall hold an early case conference at which the parties and ~~[the]~~ ***a*** hearing officer appointed by the Board or a member of the Board must preside. At the early case conference, the parties shall in good faith:

(a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or the Board, including the estimated duration of the hearing;

(b) Set dates:

(1) By which all documents must be exchanged;

(2) By which all prehearing motions and responses thereto must be filed;

(3) On which to hold the prehearing conference; and

(4) For any other foreseeable actions that may be required for the matter;

(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

4. If the Board receives a report pursuant to subsection 5 of NRS 228.420, such a hearing must be held within 30 days after receiving the report. The Board shall notify the licensee of the charges brought against him or her, the time and place set for the hearing, and the possible sanctions authorized in NRS 630.352.

5. A formal hearing must be held at the time and date set at the early case conference by:

(a) The Board;

(b) A hearing officer;

(c) A member of the Board designated by the Board or an investigative committee of the Board;

(d) A panel of members of the Board designated by an investigative committee of the Board or the Board;

(e) A hearing officer together with not more than one member of the Board designated by an investigative committee of the Board or the Board; or

(f) A hearing officer together with a panel of members of the Board designated by an investigative committee of the Board or the Board. If the hearing is before a panel, at least one member of the panel must not be a physician.

6. At any hearing at which at least one member of the Board presides, whether in combination with a hearing officer or other members of the Board, the final determinations regarding credibility, weight of evidence and whether the charges have been proven must be made by the members of the Board. If a hearing officer presides together with one or more members of the Board, the hearing officer shall:

(a) Conduct the hearing;

(b) In consultation with each member of the Board, make rulings upon any objections raised at the hearing;

(c) In consultation with each member of the Board, make rulings concerning any motions made during or after the hearing; and

(d) Within 30 days after the conclusion of the hearing, prepare and file with the Board written findings of fact and conclusions of law in accordance with the determinations made by each member of the Board.

Sec. 15. NRS 630.342 is hereby amended to read as follows:

630.342 1. Any licensee against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the licensee's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The ***knowing or*** willful failure of a licensee to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the licensee.

3. The Board has additional grounds for initiating disciplinary action against a licensee if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 630.301 to 630.3066, inclusive; or

(b) A violation of NRS 630.400.

Sec. 16. NRS 630.344 is hereby amended to read as follows:

630.344 1. Except as otherwise provided in subsection 2, service of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the ***President or*** Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the licensee, service of process under this chapter may be made by electronic mail on ~~[~~a~~]~~ ***the*** licensee ~~[who engages in the practice of medicine as described in subsection 3 of NRS 630.020.]~~ ***at an electronic mail address designated by the licensee in the written consent.***

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and ***may be*** recorded in the minutes of the Board.

Sec. 17. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and the employees or volunteers of a diversion program are immune from any civil liability for:

(a) Any decision or action taken in good faith in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 4, the*** Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against a physician for:

(a) Disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice medicine or by a physician; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

4. ***A physician who discloses information to or cooperates with a governmental entity pursuant to subsection 3 with respect to the violation of any law, rule or regulation by the physician is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.***

5. As used in this section:

(a) "Diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.

(b) "Governmental entity" includes, without limitation:

(1) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(2) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(3) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(4) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(5) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 18. NRS 633.041 is hereby amended to read as follows:

633.041 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

1. Performing surgery upon or otherwise ministering to a patient while the osteopathic physician is under the influence of alcohol or any controlled substance;

2. Gross negligence;

3. ~~[Willful]~~ ***Knowing or willful*** disregard of established medical procedures; or

4. ~~[Willful]~~ ***Knowing or willful*** and consistent use of medical procedures, services or treatment considered by osteopathic physicians in the community to be inappropriate or unnecessary in the cases where used.

Sec. 19. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) ~~[Willfully]~~ ***Knowingly or willfully*** making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or to practice as a physician assistant, or in applying for the renewal of a license to practice osteopathic medicine or to practice as a physician assistant.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine or in practice as a physician assistant, or the aiding or abetting of any unlicensed person to practice osteopathic medicine or to practice as a physician assistant.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) ~~[Willful disclosure of]~~ ***Knowingly or willfully disclosing*** a communication privileged pursuant to a statute or court order.

(k) ~~[Willful disobedience of the]~~ ***Knowingly or willfully disobeying*** regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or ***knowingly or*** willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in

proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 20. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

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

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

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

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

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

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

(i) Any offense involving moral turpitude.

3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Knowingly ***or willfully*** procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not

approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or ***knowingly or*** willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 21. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license to practice osteopathic medicine issued pursuant to this chapter to submit to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the occurrence of any sentinel event arising

from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice osteopathic medicine shall submit the reports required pursuant to subsections 1 and 2:

(a) At the time the holder of the license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly ***or willfully*** filing false information in a report constitutes grounds for initiating disciplinary action pursuant to NRS 633.511.

4. In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1, 2 and 4;

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Division of Public and Behavioral Health a copy of the report submitted pursuant to subsection 1. The Division shall maintain the confidentiality of such reports in accordance with subsection 6.

6. Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1, 2 or 4 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

7. The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

8. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly ***or willfully*** files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must

include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

9. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Sentinel event" ~~[means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.]~~ ***has the meaning ascribed to it in NRS 439.830.***

Sec. 22. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board ***or an investigative committee of the Board*** receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician or physician assistant regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician or physician assistant has been resolved by settlement, the Board ***or committee*** may order the osteopathic physician or physician assistant to undergo a mental or physical examination or any other examination designated by the Board to test his or her competence to practice osteopathic medicine or to practice as a physician assistant, as applicable. An examination conducted pursuant to this subsection must be conducted by ~~[~~osteopathic physicians~~]~~ ***a person*** designated by the Board.

2. For the purposes of this section:

(a) An osteopathic physician or physician assistant who applies for a license or who holds a license under this chapter is deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice osteopathic medicine or to practice as a physician assistant, as applicable, pursuant to a written order by the Board.

(b) The testimony or reports of ~~[~~the examining osteopathic physician~~]~~ ***a person who conducts an examination of an osteopathic physician or physician assistant on behalf of the Board pursuant to this section*** are not privileged communications.

Sec. 23. NRS 633.581 is hereby amended to read as follows:

633.581 1. If an investigation by the Board of an osteopathic physician or physician assistant reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician or physician assistant is at risk of imminent or continued harm, the Board may summarily suspend the license of the ~~[~~osteopathic physician or physician assistant.~~]~~ ***licensee pending the conclusion of a hearing to consider a formal complaint against the licensee.*** The order of summary suspension may be issued ***only*** by the Board ~~[~~,~~]~~ ***or*** an investigative committee of the Board ***.*** ~~[~~or the Executive

~~Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.]~~

2. If the Board ***or an investigative committee of the Board*** issues an order summarily suspending the license of ~~[an osteopathic physician or physician assistant]~~ ***a licensee*** pursuant to subsection 1, the Board shall hold a hearing ~~[regarding the matter]~~ not later than ~~[45]~~ ***60*** days after the date on which the ~~[Board issues the order summarily suspending the license]~~ ***order is issued,*** unless the Board and the licensee mutually agree to a longer period ~~[.]~~ ***, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.***

3. Notwithstanding the provisions of chapter 622A of NRS, if the Board ***or an investigative committee of the Board*** issues an order summarily suspending the license of an osteopathic physician or physician assistant ~~[pending a proceeding for disciplinary action]~~ ***pursuant to subsection 1*** and ***the Board*** requires the ~~[osteopathic physician or physician assistant]~~ ***licensee*** to submit to a mental or physical examination or a medical competency examination, the examination must be conducted and the results must be obtained not later than ~~[60]~~ ***30*** days after the ~~[Board issues the]~~ order ~~[.]~~ ***is issued.***

Sec. 24. NRS 633.625 is hereby amended to read as follows:

633.625 1. Any licensee against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the licensee's receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The ***knowing or*** willful failure of a licensee to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the licensee.

3. The Board has additional grounds for initiating disciplinary action against a licensee if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 633.511; or

(b) A felony set forth in NRS 633.741.

Sec. 25. NRS 633.631 is hereby amended to read as follows:

633.631 Except as otherwise provided in ***subsection 2 and*** chapter 622A of NRS:

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician or physician assistant at his or her last known address,

as indicated in the records of the Board. If personal service cannot be made and if mail notice is returned undelivered, the ***President or*** Secretary of the Board shall cause a notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the osteopathic physician or physician assistant or, if no newspaper is published in that county, in a newspaper widely distributed in that county.

2. ***In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the osteopathic physician or physician assistant, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent.***

3. Proof of service of process or publication of notice made under this chapter must be filed with the Secretary of the Board and ~~[must]~~ ***may*** be recorded in the minutes of the Board.

Sec. 26. NRS 633.691 is hereby amended to read as follows:

633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician or physician assistant for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician or physician assistant for:

(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine or to practice as a physician assistant, or by an osteopathic physician or physician assistant; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. ***An osteopathic physician or physician assistant who discloses information to or cooperates with a governmental entity pursuant to subsection 2 with respect to the violation of any law, rule or regulation by the osteopathic physician or physician assistant is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.***

4. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 27. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 407.

ASSEMBLYMEN MUNFORD, HICKEY, DIAZ, THOMPSON, FLORES; ELLIOT ANDERSON, ARAUJO, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, **JOINER,** KIRKPATRICK, NEAL, OHRENSCHALL, SPRINKLE, SWANK, AND WHEELER.

JOINT SPONSORS: SENATORS MANENDO, ATKINSON, DENIS, KIHUEN, FORD; HARRIS AND SPEARMAN.

AN ACT relating to education; requiring the ~~[State Board of Education to adopt a program of]~~ **standards of content and performance for a course of study in social studies established by the Council to Establish Academic Standards for Public Schools to include** multicultural education **;** ~~[for certain pupils;]~~ requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including social studies. (NRS 389.520) Section ~~[1]~~ **1.5** of this bill requires **: (1)** the ~~[State Board of Education to adopt a program of]~~ **standards of content and performance for social studies to include** multicultural education ~~[and requires the board of trustees of each school district to ensure that the program is provided to pupils enrolled in grades 2 through 12.]~~ **; and (2) the Council to consult with members of the**

community who represent the racial and ethnic diversity of this State in developing such standards.

Section 2 of this bill requires a licensed teacher who ~~[submits an]~~ **is initially licensed on or after July 1, 2015, to submit with his or her first** application for renewal of his or her license ~~[on or after January 1, 2017, to submit]~~ proof of the completion of a course in multicultural education **.** ~~[unless the teacher has previously completed such a course.]~~ **Section 2** also requires the Commission on Professional Standards in Education to prescribe the contents and credits required for such a course in multicultural education.

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

Section 1. ~~[Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The State Board shall adopt regulations that prescribe a program of multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds.*~~

~~*2. The board of trustees of each school district shall ensure that the program prescribed pursuant to subsection 1 is provided to pupils enrolled in grades 2 to 12, inclusive, with particular emphasis for pupils enrolled in elementary school, middle school and junior high school.]*~~ **(Deleted by amendment.)**

Sec. 1.5. **NRS 389.520 is hereby amended to read as follows:**

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection ~~[3,]~~ ***4,*** based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. ***The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.***

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

~~[4.]~~ ***5.*** The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

~~[5.]~~ ***6.*** If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

~~[6.]~~ ***7.*** The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

~~[7.]~~ ***8.*** As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a]~~ A licensed teacher who ~~[submits an]~~ is initially licensed on or after July 1, 2015, must submit with his or her first application for renewal of his or her license to teach ~~[on or after January 1, 2017, shall submit with the application]~~ proof of the completion of a course in multicultural education.

2. ~~[A licensed teacher is not required to submit proof of the completion of a course in multicultural education pursuant to subsection 1 if the teacher has previously completed such a course and filed proof of the completion with the Superintendent of Public Instruction.~~

~~3.]~~ The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 3. On or before January 1, 2016, the Commission on Professional Standards in Education shall adopt regulations to carry out the provisions of section 2 of this act.

Sec. 4. ~~[The provisions of section 2 of this act apply to each licensed teacher in this State, regardless of the date on which his or her initial license was issued.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 362.

AN ACT relating to ~~[aeronautics;]~~ **aircraft;** regulating operators of unmanned aerial vehicles in this State; **revising the definition of "aircraft" to include unmanned aerial vehicles;** prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances; authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety **, to the extent that money is available,** to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill **revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill** generally regulates the operators of unmanned aerial vehicles in this State **,** ~~[,]~~ **in a manner similar to that of traditional aircraft** by: (1) **establishing the right to operate an unmanned aerial vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4)** prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes **.** ~~[; (2) prescribing]~~

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. Section 18.5 of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from

critical facilities or a public airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of a public airport or authorization from the Federal Aviation Administration. Section 19 of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides an exception to bringing such an action against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land. Sections 20-22 of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies**. [**~~; and (3) creating criminal and civil penalties for the unlawful operation and use of an unmanned aerial vehicle in this State. Section 9 of this bill clarifies that the provisions of this bill are not to be interpreted to conflict with federal law or apply to unmanned aerial vehicles or aircraft owned or operated by the Armed Forces of the United States or a reserve component thereof, the National Guard or a department or agency of the Federal Government. Section 10 of this bill establishes the right to operate an unmanned aerial vehicle in this State, with certain exceptions. Sections 11 and 12 of this bill clarify the applicability of state law to torts and crimes resulting from the operation of an unmanned aerial vehicle in this State. Section 13 of this bill holds an owner and lessee of an unmanned aerial vehicle strictly liable for certain injuries caused by the operation of the unmanned aerial vehicle. Sections 14-18 of this bill prohibit a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes and create criminal penalties for the unlawful operation or use of an unmanned aerial vehicle. Section 14 prohibits a person from interfering with the use of the property or landing on the property of another person. Section 15 prohibits a person from negligently operating an unmanned aerial vehicle over a heavily populated area or public gathering. Section 16 prohibits a person from operating an unmanned aerial vehicle carelessly, recklessly or while intoxicated. Section 17 prohibits a person from operating an unmanned aerial vehicle for the purpose of observing another person or capturing or disseminating photographs, images or recordings of another person without the person's consent or under circumstances in which the person has a reasonable expectation of privacy. Section 18 prohibits a person from weaponizing or operating a weaponized unmanned aerial vehicle. Section 19 of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances. Section 20 of this bill provides that, with limited exceptions, a law enforcement agency may operate an unmanned aerial vehicle in this State for any lawful purpose.~~**]** **Section 20 specifically** prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person

has a reasonable expectation of privacy without first obtaining a warrant. **Section 20** authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. **Section 21** ~~[of this bill]~~ authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. **Sections 20 and 21** provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with **section 20**, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. **Section 22** ~~[of this bill]~~ requires the Department **, to the extent that money is available for this purpose,** to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. **Section 22** further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. **Section 24.4 of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. Section 24.8 of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.**

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

Section 1. ~~[Title 44]~~ **Chapter 493** of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ~~*[As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Aircraft” has the meaning ascribed to it in subsection 1 of NRS 493.020.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Department" means the Department of Public Safety.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Operator" means a person who operates an unmanned aerial vehicle.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[*"Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[*1. "Unmanned aerial vehicle" means a powered aerial vehicle that:~~

~~*(a) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aerial vehicle;~~

~~*(b) Uses aerodynamic forces to provide vehicle lift;~~

~~*(c) Can fly autonomously or be piloted remotely; and~~

~~*(d) Can be expendable or recoverable.~~

~~*2. The term does not include:~~

~~*(a) An aircraft; or~~

~~*(b) A model aircraft, as that term is defined in section 336 of the FAA Modernization and Reform Act of 2012, Public Law 112-95, as that section existed on October 1, 2015.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[*The provisions of this chapter:~~

~~*1. Must be interpreted and construed to effectuate their general purpose and to harmonize such provisions with federal law.~~

~~*2. Do not apply to and must not be interpreted or construed to apply to any unmanned aerial vehicle or aircraft owned or operated by the Armed Forces of the United States or a reserve component thereof, the National Guard or a department or agency of the Federal Government.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*Except as otherwise provided in this chapter, the operation of an unmanned aerial vehicle over the lands and waters of this State is lawful.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*All crimes, torts and other wrongs resulting from the operation of an unmanned aerial vehicle while the unmanned aerial vehicle is in flight over this State are governed by the laws of this State. The question as to whether damage occasioned by an unmanned aerial vehicle in flight over this State constitutes a tort, crime or other wrong by the owner of the unmanned aerial vehicle must be determined by the laws of this State.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*The liability of the owner of an unmanned aerial vehicle to the owner of another unmanned aerial vehicle or the owner of an aircraft, or to the operator of another unmanned aerial vehicle or the operator of an aircraft, or to passengers in an aircraft, for damage caused by a collision on~~

~~land or in the air, must be determined by the rules of law applicable to torts on land.]~~ (Deleted by amendment.)

Sec. 13. ~~[1. The owner of an unmanned aerial vehicle that is operated over the lands or waters of this State is presumed liable for injuries to persons or property on the land or water beneath caused by the:~~

~~(a) Ascent, descent, landing or flight of the unmanned aerial vehicle; or~~

~~(b) Dropping or falling of any object therefrom,~~

~~"~~ ~~unless the injury is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property injured.~~

~~2. If an unmanned aerial vehicle is leased at the time of the injury to person or property, both the owner and the lessee are presumed to be liable and they may be sued jointly, or either or both of them may be sued separately.~~

~~3. The presumption of liability of the owner, or of the owner and the lessee, may be rebutted by proof that the injury was not caused by the negligence of the owner or the lessee, or of any person operating the unmanned aerial vehicle with the permission of the owner, lessee or any person maintaining or repairing the unmanned aerial vehicle with the permission of the owner or the lessee.~~

~~4. An operator of an unmanned aerial vehicle who is not the owner or lessee is liable only for the consequences of his or her own negligence.~~

~~5. An injured person, or the owner or bailee of the injured property, has a lien against the unmanned aerial vehicle causing the injury to the extent of the damage caused by the unmanned aerial vehicle or objects falling from the unmanned aerial vehicle.~~

~~6. A chattel mortgagee, conditional vendor or trustee under an equipment trust of any unmanned aerial vehicle who is not in possession of the unmanned aerial vehicle shall not be deemed to be an owner for the purposes of this section.]~~ (Deleted by amendment.)

Sec. 14. ~~[1. A person shall not:~~

~~(a) Operate an unmanned aerial vehicle over the lands and waters of this State:~~

~~(1) At such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner; or~~

~~(2) In a manner that is imminently dangerous to persons or property lawfully on the land or water beneath.~~

~~(b) Land an unmanned aerial vehicle on the lands or waters of another person without his or her consent, except in the case of a forced landing.~~

~~(c) Operate an unmanned aerial vehicle within 5 miles of a public airport without the consent of the airport authority or the operator of the public airport.~~

~~2. A person who violates any provision of subsection 1 is guilty of a misdemeanor.]~~ (Deleted by amendment.)

Sec. 15. ~~[1. A person shall not, while operating an unmanned aerial vehicle over a heavily populated area or over a public gathering within this State:~~

~~(a) Engage the unmanned aerial vehicle in trick or acrobatic flying, or in any acrobatic feat;~~

~~(b) Except while landing or taking off, fly the unmanned aerial vehicle at such a low level as to endanger the persons on the surface beneath; or~~

~~(c) Drop any object from the unmanned aerial vehicle.~~

~~2. A person who violates any provision of subsection 1 is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[1. A person shall not operate an unmanned aerial vehicle:~~

~~(a) While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or~~

~~(b) In a careless or reckless manner so as to endanger the life or property of another.~~

~~2. A person who violates any provision of subsection 1 is guilty of a gross misdemeanor.~~

~~3. As used in this section:~~

~~(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).~~

~~(b) "Prescription" has the meaning ascribed to it in NRS 453.128.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. Except for a law enforcement agency operating an unmanned aerial vehicle in accordance with section 20 of this act, a person shall not knowingly and intentionally operate an unmanned aerial vehicle for the purpose of observing another person or capturing a photograph, image or other recording of another person:~~

~~(a) Without the consent of the other person; or~~

~~(b) Under circumstances in which the other person has a reasonable expectation of privacy.~~

~~2. Except as otherwise provided in this section, a person shall not distribute, disclose, display, transmit or publish a photograph, image or recording that the person knows or has reason to know was captured in violation of subsection 1.~~

~~3. A person who violates any provision of this section:~~

~~(a) For a first offense, is guilty of a gross misdemeanor.~~

~~(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~4. If a person is charged with a violation of this section, any photograph, image or recording of the victim that is contained within:~~

~~(a) Court records;~~

~~(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;~~

~~(c) Records of criminal history, as that term is defined in NRS 179A.070; and~~

~~(d) Records in the Central Repository for Nevada Records of Criminal History,~~

~~" is confidential and, except as otherwise provided in this section, must not be inspected by or released to the general public.~~

~~5. A photograph, image or recording that is confidential pursuant to subsection 4 may be inspected or released:~~

~~(a) As necessary for the purposes of investigation and prosecution of the violation by a law enforcement agency;~~

~~(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and~~

~~(c) Upon authorization by a court of competent jurisdiction as provided in subsection 6.~~

~~6. A court of competent jurisdiction may authorize the inspection or release of a photograph, image or recording that is confidential pursuant to subsection 4, upon application, if the court determines that:~~

~~(a) The person making the application has demonstrated that good cause exists for the inspection or release; and~~

~~(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.]~~ **(Deleted by amendment.)**

Sec. 18. *1. A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category ~~[B]~~ D felony and shall be punished as provided in NRS 193.130.*

2. A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 18.5. 1. A person shall not operate an unmanned aerial vehicle within:

(a) A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.

(b) Except as otherwise provided in subsection 2, 5 miles of a public airport.

2. A person may operate an unmanned aerial vehicle within 5 miles of a public airport only if the person obtains the consent of the airport authority or the operator of the public airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.

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

4. As used in this section, "public airport" means any publicly owned airport that boards not fewer than 2,500 passengers per calendar year and that has a scheduled passenger service.

Sec. 19. *1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than ~~[400]~~ 250 feet over the property if:*

(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than ~~[400]~~ 250 feet on at least one previous occasion; and

(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than ~~[400]~~ 250 feet. For the purposes of this paragraph, a person may place the owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection 2 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:

(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.

(b) The unmanned aerial vehicle is in the process of taking off or landing.

(c) The unmanned aerial vehicle was under the lawful operation of a law enforcement agency in accordance with section 20 of this act.

(d) The unmanned aerial vehicle was under the lawful operation of a business licensed in this State or a land surveyor if:

(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;

(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and

(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.

3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney's fees and costs and injunctive relief.

Sec. 20. *1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.*

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing

the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than ~~[30]~~ 10 days. Upon motion and ~~[for good]~~ a showing of probable cause , ~~[shown,]~~ a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than ~~[48 hours]~~ 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. *1. A public agency:*

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. *1. The Department shall , to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.*

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the ~~[specific]~~ use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle

that is registered with the Department pursuant to this section .] , including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. **NRS 493.010 is hereby amended to read as follows:**

493.010 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act,*** unless the context otherwise requires:

1. "Aircraft" includes ***a*** balloon, airplane, hydroplane ***, unmanned aerial vehicle*** and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft. ***[The term does not include an unmanned aerial vehicle.]***

2. ***"Critical facility" means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a water treatment facility, a mine as that term is defined in subsection 5 of NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187 and any prison, facility or institution under the control of the Department of Corrections.***

3. "Department" means the Department of Public Safety.

4. "Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

~~[3.]~~ ***6.*** "Passenger" includes any person riding in an aircraft, but having no part in its operation.

[4. "Unmanned aerial vehicle" has the meaning ascribed to it in section 8 of this act.]

7. "Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.

8. "Unmanned aerial vehicle" means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 24. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180,~~

~~645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and section 17 of this act,* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

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

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

Sec. 24.2. **NRS 493.050 is hereby amended to read as follows:**

493.050 1. Flight ~~[in]~~ ***of an*** aircraft over the lands and waters of this state is lawful:

(a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.

(b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. **NRS 493.100 is hereby amended to read as follows:**

493.100 ***1.*** Any operator or passenger, while ***an aircraft is*** in flight over a heavily populated area or over a public gathering within this state, who:

~~[1. Engages]~~

(a) Except as otherwise provided in subsection 2, engages in trick or acrobatic flying, or in any acrobatic feat;

~~[2.]~~ ***(b)*** Except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath; or

~~[3.]~~ ***(c)*** Drops any object ~~[except loose water or loose sand ballast,]~~ ***with reckless disregard for the safety of other persons and willful indifference to injuries that could reasonably result from dropping the object,***

➥ is guilty of a misdemeanor.

2. The provisions of paragraph (a) of subsection 1 do not apply to the operator of an unmanned aerial vehicle in a park unless the operator is operating the unmanned aerial vehicle with reckless disregard for the safety of other persons and with willful indifference to injuries that could reasonably result from such operation.

Sec. 24.6. **NRS 493.120 is hereby amended to read as follows:**

493.120 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them, and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics. They shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.

Sec. 24.8. **NRS 493.130 is hereby amended to read as follows:**

493.130 ***1.*** Any person operating an aircraft in the air, or on the ground or water:

~~[1.]~~ ***(a)*** While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or

~~[2.]~~ ***(b)*** In a careless or reckless manner so as to endanger the life or property of another,

➥ is guilty of a gross misdemeanor.

2. As used in this section:

(a) "Aircraft" includes an unmanned aerial vehicle as that term is defined in subsection 8 of NRS 493.020.

(b) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(c) "Prescription" has the meaning ascribed to it in NRS 453.128.

Sec. 25. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 26. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 546.

AN ACT relating to common-interest communities; revising provisions ~~[~~~~governing the enforcement and priority of a unit-owners' association's lien on a unit; repealing provisions authorizing~~]~~ **relating to** the nonjudicial foreclosure of ~~[an]~~ **a unit-owners'** association's lien; **authorizing a right of redemption after the foreclosure of an association's lien by sale under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association. Generally, the association's lien is prior to all other liens on a unit, except: (1) liens recorded before the recordation of the declaration; (2) the first security interest on the unit; and (3) liens for real estate taxes and other governmental assessments or charges against the unit. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest is commonly referred to as the "super-priority lien." (NRS 116.3116) Existing law authorizes a unit-owners' association to foreclose its lien through a nonjudicial foreclosure process. (NRS 116.31162-116.31168)

~~[~~~~This bill repeals provisions authorizing a unit-owners' association to foreclose its lien through a nonjudicial foreclosure process and removes provisions granting the association's lien priority over other liens and encumbrances. Section 4 of this bill provides that the association may enforce its lien by recording a notice of lien and commencing a judicial action to~~

~~enforce its lien. Under section 4, the association's lien on a unit has no priority over other liens and encumbrances on the unit that were recorded before the association recorded its notice of lien.~~] **Section 4.7 of this bill provides that after a sale of a unit to enforce the association's lien, the unit's owner or a holder of a security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If the unit's owner redeems the unit, the unit's owner is restored to his or her ownership of the unit. If a holder of a security interest on the unit redeems the unit, that holder is entitled to a deed without warranty which conveys to the holder all title of the unit's owner to the unit. Section 4.7 further provides that upon expiration of the redemption period, any failure to comply with the requirements of existing law for the foreclosure of the association's lien does not affect the rights of a bona fide purchaser or encumbrancer for value. Section 8** of this bill provides that the amendatory provisions of [~~section 4~~] **this bill** apply **only** to [~~the enforcement of the~~] **a sale to enforce an** association's lien [~~unless the association has foreclosed its lien by sale~~] **that occurs** on or [~~before June 30,~~] **after July 1,** 2015.

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

Section 1. [~~NRS 116.12075 is hereby amended to read as follows:~~

~~116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:~~

~~(a) This entire chapter applies to the condominium;~~

~~(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 [to 116.31168, inclusive,] apply to the condominium; or~~

~~(c) Only the provisions of NRS 116.3116 [to 116.31168, inclusive,] apply to the condominium.~~

~~2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:~~

~~(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and~~

~~(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.~~] **(Deleted by amendment.)**

Sec. 2. [~~NRS 116.310312 is hereby amended to read as follows:~~

~~116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:~~

~~(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or~~

~~(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.~~

~~2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:~~

~~(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.~~

~~(b) Remove or abate a public nuisance on the exterior of the unit which:~~

~~(1) Is visible from any common area of the community or public streets;~~

~~(2) Threatens the health or safety of the residents of the common-interest community;~~

~~(3) Results in blighting or deterioration of the unit or surrounding area; and~~

~~(4) Adversely affects the use and enjoyment of nearby units.~~

~~3. If a unit is vacant and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance as described in subsection 2 if the unit's owner refuses or fails to do so.~~

~~4. The association may order that the costs of any maintenance or abatement conducted pursuant to subsection 2 or 3, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. [The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.]~~

~~5. A lien described in subsection 4 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.~~

~~6. [Except as otherwise provided in this subsection, a lien described in subsection 4 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter~~

~~period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.~~

~~7.~~**]** ~~A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common interest community in accordance with the governing documents pursuant to this chapter.~~

~~**[**8.**]** **7.** Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds of a unit pursuant to this section are not liable for trespass.~~

~~**[**9.**]** **8.** As used in this section:~~

~~(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit and the exterior of all property exclusively owned by the unit owner.~~

~~(b) "Vacant" means a unit:~~

~~(1) Which reasonably appears to be unoccupied;~~

~~(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents the association; and~~

~~(3) On which the owner has failed to pay assessments for more than 60 days.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~**[**NRS 116.31068 is hereby amended to read as follows:~~

~~116.31068 1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:~~

~~(a) Hand delivery to each unit's owner;~~

~~(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;~~

~~(c) Electronic means, if the unit's owner has given the association an electronic mail address; or~~

~~(d) Any other method reasonably calculated to provide notice to the unit's owner.~~

~~2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.~~

~~3. The provisions of this section do not apply:~~

~~(a) To a notice required to be given pursuant to NRS 116.3116 ; [to 116.31168, inclusive;]~~ ~~or~~

~~(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.~~] **(Deleted by amendment.)**

Sec. 4. [~~NRS 116.3116 is hereby amended to read as follows:~~

~~116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.~~

~~2. A lien under this section is prior to all other liens and encumbrances on a unit except:~~

~~(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;~~

~~(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and~~

~~(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.~~

~~The lien is also prior to all security interests described in paragraph (b) to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.~~

~~3. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the~~

~~payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.~~

~~4. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.~~

~~5. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.~~

~~6.~~] ~~*To perfect its lien, the association must record a notice of lien in the office of the county recorder of the county in which the unit or some part thereof is located. An association may not record a notice of lien unless the amounts listed in subsection 1 are more than 90 days past due.*~~

~~*3. A notice of lien recorded pursuant to subsection 2 must be verified by the oath of the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association, and must contain:*~~

~~*(a) A statement of the amount of the association's lien;*~~

~~*(b) The name and last known address of the record owner of the unit; and*~~

~~*(c) A description of the unit against which the lien is imposed.*~~

~~*4. The association shall serve a copy of the notice of lien upon the unit's owner not later than 30 days after recording the notice of lien pursuant to subsection 2 by:*~~

~~*(a) Personally delivering a copy of the notice of lien to the unit's owner; or*~~

~~*(b) Mailing a copy of the notice of lien to the unit's owner or his or her successor in interest by certified mail, return receipt requested, at his or her address, if known, and at the address of the unit.*~~

~~*5. Not earlier than 90 days after the date on which a copy of the notice of lien is served on the unit's owner pursuant to subsection 4, a notice of lien under this section may be enforced by an action in any court of competent jurisdiction that is located within the county where the unit subject to the notice of lien or any portion thereof is located, on setting out in the complaint the particulars of the demand, with a description of the unit to be charged with the lien. At the time of filing the complaint and issuing the summons, the association or other person authorized by the association to enforce the lien shall file a notice of pendency of the action in the manner provided in NRS 14.010.*~~

~~*6. In an action to enforce a lien under this section, the court shall:*~~

~~*(a) Enter judgment according to the right of the parties.*~~

~~*(b) Upon ascertaining the amount of the association's lien under this section, cause the property to be sold in satisfaction of the lien and costs of*~~

sale. An association in whose favor judgment may be rendered may cause the unit to be sold within the time and in the manner provided for sales on execution, issued out of any district court, for the sale of real property.

7. If the proceeds of a sale pursuant to subsection 6, after payment of the costs of sale, are not sufficient to satisfy the association's lien, the association is entitled to a personal judgment for the amount remaining due against the unit's owner. If the proceeds of the sale amount to more than the association's lien and the cost of sale, the remainder must be paid over to the unit's owner.

8. As soon as practicable, but not later than 10 days after a notice of lien upon a unit is fully satisfied or discharged, the association shall cause to be recorded a discharge or release of the notice of lien. If the association fails to comply with this section, the association is liable in a civil action to the unit's owner or his or her successor in interest for any actual damages caused by the association's failure to comply with the provisions of this subsection or $100, whichever is greater, and for reasonable attorney's fees and the costs of bringing the action.

~~9.~~ A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are ~~[~~instituted~~]~~ ***commenced in a court of competent jurisdiction*** within ~~[~~3 years after the full amount of the assessments becomes due.~~]~~ ***1 year after the date on which the notice of lien is recorded pursuant to subsection 3.***

~~10.~~ This section does not prohibit ~~[~~actions to~~]~~ ***an association from bringing or maintaining a civil action to*** recover sums for which subsection 1 creates a lien ~~.[~~or prohibit an association from taking a deed in lieu of foreclosure.~~]~~

~~8. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.~~

~~9.~~**]** ***11.*** ~~The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate~~ **,[**~~or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive,~~**]** ~~the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.~~

[~~10.~~**]** ***12.*** ~~In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:~~

~~(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be [foreclosed under NRS 116.31162 to 116.31168, inclusive.]~~ ***enforced pursuant to this section.***

~~(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien [:~~

~~(1) May~~**]** ***may*** ~~be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive .~~ **[**~~; or~~

~~(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~11.~~**]** ***13.*** ~~In an action by an association to collect assessments or to~~ **[**~~foreclose~~**]** ***enforce*** ~~a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.~~**]** **(Deleted by amendment.)**

Sec. 4.3. **NRS 116.31164 is hereby amended to read as follows:**

116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.

2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

3. After the sale, the person conducting the sale shall:

(a) ~~[Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~(c)~~**]** ***Comply with the provisions of subsection 2 of NRS 116.31166; and***

(b) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and

other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 4.7. **NRS 116.31166 is hereby amended to read as follows:**

116.31166 1. ***Every sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, vests in the purchaser the title of the unit's owner subject to the right of redemption provided by this section.***

2. After the sale conducted pursuant to NRS 116.31164, the person conducting the sale shall:

(a) Give to the purchaser a certificate of the sale containing:

(1) A particular description of the unit sold;

(2) The price bid for the unit;

(3) The whole price paid; and

(4) A statement that the unit is subject to redemption; and

(b) Record a copy of the certificate in the office of the county recorder of the county in which the unit or part of it is located.

3. A unit sold pursuant to NRS 116.31162 to 116.31168, inclusive, may be redeemed by the unit's owner whose interest in the unit was extinguished by the sale, or his or her successor in interest, or any holder of a recorded security interest that is subordinate to the lien on which the unit was sold, or that holder's successor in interest. The unit's owner whose interest in the unit was extinguished, the holder of the recorded security interest on the unit or a successor in interest of those persons may redeem the property at any time within 60 days after the sale by paying:

(a) The purchaser the amount of his or her purchase price, with interest at the rate of 1 percent per month thereon in addition, to the time of redemption, plus:

(1) The amount of any assessment paid to the association by the purchaser before the redemption;

(2) The amount of any assessment, taxes or payments toward liens which were created before the purchase and which the purchaser may have paid thereon after the purchase, and interest on such amount;

(3) If the purchaser is also a creditor having a prior lien to that of the redemptioner, other than the association's lien under which the purchase was made, the amount of such lien, and interest on such amount; and

(4) Any reasonable amount expended by the purchaser which is reasonably necessary to maintain and repair the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) The association the amount of any assessments not paid to the association after the purchase and before the redemption.

(c) If the redemptioner is the holder of a recorded security interest on the unit or the holder's successor in interest, the amount of any lien before his or her own lien, with interest, but the association's lien under which the unit was sold is not required to be so paid as a lien.

4. Notice of redemption must be served by the person redeeming the unit on the person who conducted the sale and on the person from whom the unit is redeemed, together with:

(a) If the person redeeming the unit is the unit's owner whose interest in the unit was extinguished by the sale or his or her successor in interest, a certified copy of the deed to the unit and, if the person redeeming the unit is the successor of that unit's owner, a copy of any document necessary to establish that the person is the successor of the unit's owner.

(b) If the person redeeming the unit is the holder of a recorded security interest on the unit or the holder's successor in interest:

(1) An original or certified copy of the deed of trust securing the unit or a certified copy of any other recorded security interest of the holder.

(2) A copy of any assignment necessary to establish the claim of the person redeeming the unit, verified by the affidavit of that person, or that person's agent, or of a subscribing witness thereto.

(3) An affidavit by the person redeeming the unit, or that person's agent, showing the amount then actually due on the lien.

5. If the unit's owner whose interest in the unit was extinguished by the sale redeems the property as provided in this section:

(a) The effect of the sale is terminated, and the unit's owner is restored to his or her interest in the unit, subject to any security interest on the unit that existed at the time of sale; and

(b) The person to whom the redemption amount was paid must execute and deliver to the unit's owner a certificate of redemption, acknowledged or approved before a person authorized to take acknowledgments of conveyances of real property, and the certificate must be recorded in the office of the recorder of the county in which the unit or part of the unit is situated.

6. If the holder of a recorded security interest redeems the unit as provided in this section and the period for a redemption set forth in subsection 3 has expired, the person conducting the sale shall:

(a) Make, execute and, if the amount required to redeem the unit is paid to the person from whom the unit is redeemed, deliver to the person who redeemed the unit or his or her successor or assign, a deed without warranty which conveys to the person who redeemed the unit all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the person who redeemed the unit, or his or her successor or assign.

7. If no redemption is made within 60 days after the date of sale, the person conducting the sale shall:

(a) Make, execute and, if payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the purchaser all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign.

8. The recitals in a deed made pursuant to ~~[NRS 116.31164]~~ ***subsection 6 or 7*** of:

(a) Default, the mailing of the notice of delinquent assessment, and the ***mailing and*** recording of the notice of default and election to sell;

(b) The elapsing of the ~~[90 days;]~~ ***90-day period set forth in paragraph (c) of subsection 1 of NRS 116.31162;*** and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

~~[2. Such a]~~

9. A deed containing ~~[those]~~ ***the*** recitals ***set forth in subsection 8*** is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

~~[3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.]~~

10. Upon the expiration of the redemption period set forth in subsection 3, any failure to comply with the provisions of NRS 116.3116 to 116.31168, inclusive, does not affect the rights of a bona fide purchaser or bona fide encumbrancer for value.

Sec. 5. ~~[NRS 116.4105 is hereby amended to read as follows:~~

~~116.4105 If the declaration provides that ownership or occupancy of any units, is or may be in time shares, the public offering statement shall disclose, in addition to the information required by NRS 116.4103 and 116.41035:~~

~~1. The number and identity of units in which time shares may be created;~~

~~2. The total number of time shares that may be created;~~

~~3. The minimum duration of any time shares that may be created; and~~

~~4. The extent to which the creation of time shares will or may affect the enforceability of the association's lien for assessments provided in NRS 116.3116.~~ ~~[and 116.31162.]]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 278A.170 is hereby amended to read as follows:~~

~~278A.170 The procedures for enforcing payment of an assessment for the maintenance of common open space provided in NRS 116.3116 [to 116.31168, inclusive,] are also available to any organization for the ownership and maintenance of common open space established other than under this chapter or chapter 116 of NRS and entitled to receive payments from owners of property for such maintenance under a recorded declaration of restrictions,~~

~~deed restriction, restrictive covenant or equitable servitude which provides that any reasonable and ratable assessment thereon for the organization's costs of maintaining the common open space constitutes a lien or encumbrance upon the property.~~**] (Deleted by amendment.)**

Sec. 7. ~~[NRS 649.020 is hereby amended to read as follows:~~

~~649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.~~

~~2. "Collection agency" does not include any of the following unless they are conducting collection agencies:~~

~~(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.~~

~~(b) Banks.~~

~~(c) Nonprofit cooperative associations.~~

~~(d) Unit owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(e) Abstract companies doing an escrow business.~~

~~(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.~~

~~3. "Collection agency":~~

~~(a) Includes a community manager while engaged in the management of a common interest community or the management of an association of a condominium hotel if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the~~ **[**~~foreclosure~~**]** ***enforcement*** ~~of a lien pursuant to NRS~~ **[**~~116.31162 to 116.31168, inclusive,~~**]** ***116.3116*** ~~or~~ ***the foreclosure of a lien pursuant to NRS*** ~~116B.635 to 116B.660, inclusive; and~~

~~(b) Does not include any other community manager while engaged in the management of a common interest community or the management of an association of a condominium hotel.~~

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

~~(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.~~

~~(b) "Unit owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.]~~ **(Deleted by amendment.)**

Sec. 8. The **amendatory** provisions of NRS ~~[116.3116,]~~ **116.31164 and 116.31166,** as amended by ~~[section 4]~~ **sections 4.3 and 4.7** of this act, apply ~~[to the enforcement of a lien of a unit owner's association pursuant to that section unless the association has foreclosed its lien by]~~ **only to a** sale **of a unit pursuant to NRS 116.3116 to 116.31168, inclusive, as amended by sections 4.3 and 4.7 of this act, that occurs** on or ~~[before June 30,]~~ **after July 1,** 2015.

Sec. 9. ~~[NRS 116.31162, 116.31163, 116.311635, 116.31164, 116.31166 and 116.31168 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 10. This act becomes effective on July 1, 2015.

~~[~~

~~HEADLINES OF REPEALED SECTIONS~~

~~116.31162 Foreclosure of liens: Mailing of notice of delinquent assessment; recording of notice of default and election to sell; period during which unit's owner may pay lien to avoid foreclosure; limitations on type of lien that may be foreclosed.~~

~~116.31163 Foreclosure of liens: Mailing of notice of default and election to sell to certain interested persons.~~

~~116.311635 Foreclosure of liens: Providing notice of time and place of sale; service of notice of sale; contents of notice of sale; proof of service.~~

~~116.31164 Foreclosure of liens: Procedure for conducting sale; purchase of unit by association; execution and delivery of deed; use of proceeds of sale.~~

~~116.31166 Foreclosure of liens: Effect of recitals in deed; purchaser not responsible for proper application of purchase money; title vested in purchaser without equity or right of redemption.~~

~~116.31168 Foreclosure of liens: Requests by interested persons for notice of default and election to sell; right of association to waive default and withdraw notice or proceeding to foreclose.]~~

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

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

Amendment No. 504.

SUMMARY— ~~[Prescribes requirements concerning the care of patients in facilities for skilled nursing.]~~ **Directs the Legislative Commission to appoint a subcommittee to conduct a study of postacute care in Nevada.** (BDR ~~[40-417]~~ **S-417)**

AN ACT relating to public health; ~~[establishing certain requirements concerning the care of patients in a facility for skilled nursing;]~~ **requiring the Legislative Commission to appoint a subcommittee to conduct a study relating to postacute care in Nevada;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes certain requirements that apply to facilities for skilled nursing and provides for the regulation of such facilities by the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.030-449.2428) This bill requires a facility for skilled nursing to provide to each patient a certain amount of direct care that is provided by a registered nurse or a certified nursing assistant. Additionally, this bill requires a facility for skilled nursing to respond to each request for assistance by a patient within 20 minutes after the request is made. Finally, this bill authorizes the Board to establish a monitoring system to ensure that facilities for skilled nursing comply with these requirements. The Division is authorized to enforce these requirements.]~~ **This bill requires the Legislative Commission to appoint a subcommittee to conduct a study relating to postacute care in Nevada, including alternatives to institutionalization, cost savings of home- and community-based waiver programs, the impact of postacute care services on the quality of life of a person receiving such services and a review of the state and national quality measures and funding methodologies for postacute care.**

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

Section 1. ~~[Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A facility for skilled nursing shall ensure that each patient in the facility receives not less than 4 hours and 6 minutes per day of direct care from a certified nursing assistant or a registered nurse, except that at least 1 hour and 18 minutes of which must be provided by a registered nurse.*~~

~~*2. A facility for skilled nursing shall ensure that an appropriate employee responds to each request for assistance made by a patient within 20 minutes after the request is made.*~~

~~*3. The Board shall establish a monitoring system to ensure that facilities for skilled nursing comply with the provisions of this section, which must include, without limitation, procedures by which any person may report a violation of subsection 2.*~~

~~*4. The Board may adopt any regulations that are necessary or appropriate to carry out the provisions of this section.*~~

~~*5. As used in this section, "Certified nursing assistant" means a person who has been certified by the State Board of Nursing pursuant to*~~

~~*NRS 632.2852 to practice as a nursing assistant in this State.*~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 449.0301 is hereby amended to read as follows:

~~449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, *and section 1 of this act* do not apply to:~~

~~1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.~~

~~2. Foster homes as defined in NRS 424.014.~~

~~3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.~~] **(Deleted by amendment.)**

Sec. 3. ~~[~~NRS 449.0305 is hereby amended to read as follows:

~~449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.~~

~~2. The Board shall adopt:~~

~~(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;~~

~~(b) Standards relating to the fees charged by such businesses;~~

~~(c) Regulations governing the licensing of such businesses; and~~

~~(d) Regulations establishing requirements for training the employees of such businesses.~~

~~3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.~~

~~4. A business that is licensed pursuant to this section or an employee of such a business shall not:~~

~~(a) Refer a person to a residential facility for groups that is not licensed.~~

~~(b) Refer a person to a residential facility for groups if the business or its employee knows or reasonably should know that the facility, or the services provided by the facility, are not appropriate for the condition of the person being referred.~~

~~(c) Refer a person to a residential facility for groups that is owned by the same person who owns the business.~~

~~➥ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise~~

~~required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1 of this act* and 449.435 to 449.965, inclusive, and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.~~

~~5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.030 to 449.2428, inclusive, *and section 1 of this act* on October 1, 1999.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 449.0306 is hereby amended to read as follows:~~

~~449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.~~

~~2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, *and section 1 of this act* and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 449.131 is hereby amended to read as follows:~~

~~449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.030 to 449.245, inclusive **[.] *, and section 1 of this act.***~~

~~2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:~~

~~(a) Enter and inspect a residential facility for groups; and~~

~~(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,~~

~~➥ to ensure the safety of the residents of the facility in an emergency.~~

~~3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.~~

~~4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Division is notified that a residential facility for groups is operating without a license.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 449.160 is hereby amended to read as follows:~~

~~449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, *and section 1 of this act* upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and section 1 of this act* or~~

~~of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.~~

~~(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.~~

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section 1 of this act* and 449.435 to 449.965, inclusive, if such approval is required.~~

~~(f) Failure to comply with the provisions of NRS 449.2486.~~

~~2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.~~

~~3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:~~

~~(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;~~

~~(b) A report of any investigation conducted with respect to the complaint; and~~

~~(c) A report of any disciplinary action taken against the facility.~~

~~The facility shall make the information available to the public pursuant to NRS 449.2486.~~

~~4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.~~] **(Deleted by amendment.)**

Sec. 7. [~~NRS 449.163 is hereby amended to read as follows:~~

~~449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or~~

~~449.030 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:~~

~~(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;~~

~~(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;~~

~~(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;~~

~~(d) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and~~

~~(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:~~

~~(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or~~

~~(2) Improvements are made to correct the violation.~~

~~2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.~~

~~3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:~~

~~(a) Suspend the license of the facility until the administrative penalty is paid; and~~

~~(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.~~

~~4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.~~

~~5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.965, inclusive, and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.~~] **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 449.210 is hereby amended to read as follows:

~~449.210 1. In addition to the payment of the amount required by NRS 449.0308, except as otherwise provided in subsection 2 and~~

~~NRS 449.24897, a person who operates a medical facility or facility for the dependent without a license issued by the Division is guilty of a misdemeanor.~~

~~2. In addition to the payment of the amount required by NRS 449.0308, if a person operates a residential facility for groups or a home for individual residential care without a license issued by the Division, the Division shall:~~

~~(a) Impose a civil penalty on the operator in the following amount:~~

~~(1) For a first offense, $10,000.~~

~~(2) For a second offense, $25,000.~~

~~(3) For a third or subsequent offense, $50,000.~~

~~(b) Order the operator, at the operator's own expense, to move all of the persons who are receiving services in the residential facility for groups or home for individual residential care to a residential facility for groups or home for individual residential care, as applicable, that is licensed.~~

~~(c) Prohibit the operator from applying for a license to operate a residential facility for groups or home for individual residential care, as applicable. The duration of the period of prohibition must be:~~

~~(1) For 6 months if the operator is punished pursuant to subparagraph (1) of paragraph (a).~~

~~(2) For 1 year if the operator is punished pursuant to subparagraph (2) of paragraph (a).~~

~~(3) Permanent if the operator is punished pursuant to subparagraph (3) of paragraph (a).~~

~~3. Before the Division imposes an administrative sanction pursuant to subsection 2, the Division shall provide the operator of a residential facility for groups with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If the operator of a residential facility for groups wants to contest the action, the operator may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Division shall hold a hearing in accordance with those regulations. For the purpose of this subsection, it is no defense to the violation of operating a residential facility for groups without a license that the operator thereof subsequently licensed the facility in accordance with law.~~

~~4. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (a) of subsection 2 into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.935 to 449.965, inclusive, and to protect the health, safety, well-being and property of the patients and residents of facilities and homes for individual residential care in accordance with applicable state and federal standards.~~] **(Deleted by amendment.)**

Sec. 9. [~~NRS 449.240 is hereby amended to read as follows:~~

~~449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution~~

~~of any action for violation of any provisions of NRS 449.030 to 449.245, inclusive~~ **~~[.] , and section 1 of this act.]~~ (Deleted by amendment.)**

Sec. 10. **~~[~~**~~NRS 654.190 is hereby amended to read as follows:~~

~~654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:~~

~~(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.~~

~~(b) Has obtained his or her license by the use of fraud or deceit.~~

~~(c) Violates any of the provisions of this chapter.~~

~~(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, *and section 1 of this act,* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.~~

~~(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.~~

~~(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.~~

~~2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.~~

~~3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.~~

~~4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.~~**~~]~~ (Deleted by amendment.)**

Sec. 11. **~~[~~**~~This act becomes effective:~~

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

~~2. On January 1, 2016, for all other purposes.]~~ **(Deleted by amendment.)**

Sec. 12. **1. The Legislative Commission shall appoint a subcommittee to conduct an interim study of postacute care in this State.**

2. The subcommittee must be composed of four Legislators as follows:

(a) One member appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Health and Human Services;

(b) One member appointed by the Minority Leader of the Senate from the membership of the Senate Standing Committee on Health and Human Services;

(c) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Health and Human Services; and

(d) One member appointed by the Minority Leader of the Assembly from the membership of the Assembly Standing Committee on Health and Human Services.

3. The study must include, without limitation:

(a) A review and evaluation of the quality and funding of postacute care in this State and alternatives to institutionalization for providing such care, including home- and community-based waiver programs;

(b) An evaluation of the cost of such alternatives and potential savings from each alternative;

(c) Consideration of the positive and negative effects of the various alternatives for providing postacute care services on the quality of life of persons receiving those services in this State;

(d) A review of state and national quality measures for postacute care required to be reported by Medicare, Medicaid and this State; and

(e) A review of state and federal funding for postacute care, including the funding formula used in this State.

4. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the subcommittee.

5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 13. **This act becomes effective on July 1, 2015.**

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 555.

SUMMARY—Provides an enhanced penalty for committing ~~[three or more]~~ **certain repeat** graffiti offenses. (BDR 15-736)

AN ACT relating to crimes; providing an enhanced penalty for committing ~~[three or more]~~ **certain repeat** offenses of placing graffiti on or otherwise defacing certain property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who unlawfully places graffiti on or otherwise defaces the public or private property of another without the permission of the owner is guilty of a misdemeanor, gross misdemeanor or felony, depending on the value of the loss of the property. ~~[Additionally, if a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of the loss of all the property must be aggregated for the purposes of determining a penalty if the value of the loss is $500 or more.]~~ (NRS 206.330) This bill provides that if a person ~~[commits three or more offenses,]~~ **has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation,** regardless of the value of the loss, the person is guilty of a category C felony.

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

Section 1. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than $250, is guilty of a misdemeanor.

(b) Where the value of the loss is $250 or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category D felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

~~*[(e) Where three or more offenses are committed,]*~~

2. Unless a greater penalty is provided by a specific statute, a person who has previously been convicted of a violation of subsection 1:

(a) Two or more times; or

(b) That was punished as a felony,

➥ and who violates subsection 1, regardless of the value of the loss, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3.*** If a person commits more than one offense ~~***[two offenses]***~~ pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is $500 or more.

~~[3.]~~ ***4.*** A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than $400 but not more than $1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than $750 but not more than $1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense:

(1) Pay a fine of $1,000; and

(2) Perform up to 300 hours of community service for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

~~[4.]~~ ***5.*** The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.

~~[5.]~~ ***6.*** The parent or legal guardian of a person under 18 years of age who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

~~[6.]~~ ***7.*** If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

~~[7.]~~ ***8.*** The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

~~[8.]~~ ***9.*** A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to this section or another statute for the same conduct.

~~[9.]~~ ***10.*** As used in this section:

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Protected site" means:

(1) Any site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) Any site, building, structure, object or district listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(3) Any site, building, structure, object or district listed in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places;

(4) Any site, building, structure, object or district that is more than 50 years old and is located in a municipal or state park;

(5) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

(6) Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

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

Amendment No. 521.

AN ACT relating to cosmetology; revising provisions governing advertising of services relating to the practice of cosmetology; establishing the procedures for the registration and training of apprentices for aestheticians, hair designers and nail technologists; establishing the procedures for the ~~[licensure]~~ **registration** of shampoo technologists; providing a fee for the registration of such apprentices and ~~[the licensure of]~~ shampoo technologists; revising provisions relating to the licensure of various cosmetology professionals, cosmetological establishments and schools of cosmetology; revising provisions concerning service animals and service animals in training that are on the premises of a licensed establishment for hair braiding or cosmetological establishment; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Cosmetology to determine the qualification of applicants for various licenses in cosmetology, requires the Board to license schools of cosmetology and authorizes the Board to adopt regulations governing the sanitary conditions in cosmetological establishments, schools of cosmetology and in the practice of cosmetology. (NRS 644.090, 644.120)

Sections 3 and 17 of this bill make it unlawful to advertise in any manner that is misleading or inaccurate with respect to the provision of any services relating to the practice of cosmetology. Under existing law, a violation of any provision of the chapter governing cosmetology is punishable as a misdemeanor. (NRS 644.480) **Section 60** of this bill provides that advertising in violation of **section 17** is also a ground for disciplinary action by the Board.

Sections 5, 7, 8, 12-14, 29 and 39 of this bill establish the procedures for the registration, training and practice of apprentices for aestheticians, hair designers and nail technologists. **Sections 10, 15 and 16** of this bill establish a new ~~[license]~~ **certificate of registration** as a shampoo technologist and set forth the requirements, including passing certain examinations, that must be met before the Board may issue such a ~~[license]~~ **certificate of registration** to a person. **Section 60** provides that failure of a shampoo technologist, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements relating to those professions is a ground for disciplinary action by the Board.

Existing law excludes a licensed barbershop in which one or more licensed nail technologists practice from the definition of "cosmetological establishment." (NRS 644.0225) **Section 20** of this bill removes that exception, thus subjecting a nail technologist who practices in a licensed barbershop to the same requirements as a nail technologist who practices in a cosmetological establishment.

Existing law requires the Board to approve the use of any device used in the practice of cosmetology. (NRS 644.095) **Section 25** of this bill authorizes the Board to adopt regulations that ban the use of any device in the practice of

cosmetology for good cause or if the device facilitates services outside the scope of the practice of cosmetology.

Sections 27 and 28 of this bill revise the duties of the Board concerning: (1) records of licensees; and (2) depositing fees collected on behalf of the Board.

Section 30 of this bill changes the requirements for admission to examination for a license as a cosmetologist by: (1) reducing the amount of training in a school of cosmetology from 1,800 to 1,600 hours for certain applicants; and (2) increasing the amount of specialized training from 400 to 600 hours for applicants who are barbers. **Section 31** of this bill eliminates the requirement that a barber must have 400 hours of specialized training before the Board will admit the barber to examination for a license as a hair designer.

Sections 34, 35 and 41 of this bill revise the requirements for obtaining a license as a hair braider by: (1) eliminating a voter registration card as a document that can be used as proof of the age of an applicant for a license as a hair braider; and (2) adding additional tests or examinations that the Board deems necessary to the requirements for the examination for licensure as a hair braider.

Section 43 of this bill requires every holder of a license **or certificate of registration, as applicable,** as a cosmetologist, aesthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist or demonstrator of cosmetics to notify the Board within 30 days after a change in his or her personal mailing address.

Section 44 of this bill expands the applicability and revises the period of validity of a limited license to practice cosmetology in a resort hotel and in other types of locations designated by the Board to include: (1) persons currently licensed in this State as a cosmetologist and (2) persons currently licensed in this State or certain other jurisdictions as a hair designer, nail technologist or aesthetician.

Sections 45, 46, 49, 51, 55, 57 and 58 of this bill provide the holder of a license **or certificate of registration, as applicable,** as a cosmetologist, aesthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist, demonstrator of cosmetics or instructor and the holder of a license for a cosmetological establishment, establishment for hair braiding or school of cosmetology with the option of having a license period of either 2 or 4 years and set forth the specific fee or range of fees, as applicable, for those periods.

Existing law provides a range of fees that the Board may charge for examination for licensure or registration as a cosmetologist, electrologist, hair designer, hair braider, nail technologist, aesthetician and as an instructor of aestheticians, hair designers, cosmetology or nail technology. (NRS 644.220) Section 45 adds shampoo technologists and sets forth fees for the issuance of an initial license or certificate of registration for a period of either 2 or 4 years to practice in each of those branches of cosmetology and for an instructor of aestheticians, hair designers, cosmetology or nail technology.

Existing law prohibits the Board from charging a fee for registering: (1) a person who engages in the practice of threading; or (2) an owner or operator of a kiosk or other stand-alone facility in which threading is practiced. (NRS 644.331) **Section 48** of this bill: (1) requires a fee of not more than $25 for registration of such a natural person, owner or operator; and (2) requires, rather than authorizes, the Board to inspect any facility in this State in which threading is conducted.

Sections 52 and 54 of this bill require a cosmetological establishment to be under the immediate supervision of a person who is licensed in the branch of cosmetology or a combination of branches of cosmetology of the services relating to the practice of cosmetology provided at the cosmetological establishment at the time the services are provided. Those supervision requirements similarly apply to lessees of space at a cosmetological establishment.

Section 58 of this bill requires the Board to adopt regulations which prescribe the minimum enrollment of students and the amount of floor space required for a proposed school of cosmetology.

The United States District Court for the District of Nevada recently held that certain provisions of Nevada Revised Statutes governing the supervision, instructors and courses given at schools of cosmetology were unconstitutional as applied to makeup artistry schools. (*Waugh v. Nev. State Bd. of Cosmetology*, 2014 U.S. Dist. LEXIS 108223 (D. Nev. August 6, 2014)) **Section 59** of this bill amends those provisions to: (1) require instructors who supervise a school of cosmetology to have experience in a majority of branches of cosmetology taught at the school of cosmetology instead of experience in a majority of the branches of cosmetology; (2) require a school of cosmetology to either prepare students for an examination for a license in each branch of cosmetology taught at the school of cosmetology or provide a disclaimer to its students indicating that the school does not qualify the student for a license or prepare the student for an examination in any branch of cosmetology; and (3) eliminate the requirement relating to the length of the school term at a school of cosmetology.

Existing law provides, with limited exceptions, that it is unlawful for any animal to be on the premises of a licensed establishment for hair braiding or cosmetological establishment. (NRS 644.472) **Section 63** of this bill expands those exceptions to allow in such an establishment dogs and miniature horses that are trained or being trained for the purposes of certain federal laws governing public accommodations.

Existing law also provides, in relevant part, that it is unlawful for a place of public accommodation, including, without limitation, a beauty shop, to refuse: (1) admittance or service to a person with a disability because the person is accompanied by a service animal; (2) admittance or service to a person training a service animal; (3) to permit an employee who is training a service animal to bring the service animal into the place of public accommodation; and (4) admittance or service to a person because the person is accompanied by a

police dog. (NRS 651.050, 651.075) The definition of "service animal" for the purposes of state law governing public accommodations is broader than the types of service animals that are covered under federal law governing public accommodations which covers only dogs and miniature horses. (28 C.F.R. §§ 35.104, 36.302) **Section 64** of this bill provides an exception that is consistent with the provisions of **section 63** to the existing state law governing public accommodations. Thus, a licensed establishment for hair braiding or cosmetological establishment in this State will be required to admit only dogs and miniature horses trained or being trained as service animals under federal law, while other places of public accommodation in this State will be required to admit service animals, service animals in training and police dogs as those terms are defined under the broader definitions of service animal and service animal in training which include additional animals. For example, a helper monkey would be included under those broader definitions.

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

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as ~~[an]~~ ***a nail technologist, nail technologist's apprentice,*** aesthetician, ***aesthetician's apprentice,*** hair designer, ***hair designer's apprentice,*** hair braider, ***shampoo technologist,*** cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for ~~[an]~~ ***a nail technologist, nail technologist's apprentice,*** aesthetician, ***aesthetician's apprentice,*** hair designer, ***hair designer's apprentice,*** hair braider, ***shampoo technologist,*** cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

(e) Students enrolled in a school of massage therapy recognized by the Board.

(f) A person who practices massage therapy solely on members of his or her immediate family.

(g) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a

county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. ***"Advertise" and "advertising" mean an attempt by written, electronic or graphic representation to elicit enrollment or the sale of goods or services. The terms include, without limitation, such representations made:***

1. On signs, displays, circulars, brochures, menus of services and recruitment materials; and

2. On the Internet, through the press, radio or television, or by use of any other medium.

Sec. 4. ***1. "Aesthetics" means the practices of:***

(a) Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;

(b) Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body; and

(c) Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring,

↪ but does not include the branches of cosmetology of a cosmetologist, hair designer, shampoo technologist, hair braider, electrologist or nail technologist.

2. As used in this section, "depilatories" does not include the practice of threading.

Sec. 5. ***"Aesthetician's apprentice" means a person who is engaged in learning the occupation of an aesthetician in a cosmetological establishment and who is registered with the Board to practice aesthetics as an aesthetician's apprentice.***

Sec. 6. ***"Hair design" means the practices of:***

1. Cleansing, stimulating or massaging the scalp, or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

2. Cutting, trimming or shaping the hair.

3. Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands or

mechanical or electrical apparatus or appliances, or by other means or similar work incident to or necessary for the proper carrying on of the practice or occupation of hair designer provided by the terms of this chapter.

Sec. 7. *"Hair designer's apprentice" means a person who is engaged in learning the occupation of a hair designer in a cosmetological establishment and who is registered with the Board to practice hair design as a hair designer's apprentice.*

Sec. 8. *"Nail technologist's apprentice" means a person who is engaged in learning the occupation of a nail technologist in a cosmetological establishment and who is registered with the Board to practice nail technology as a nail technologist's apprentice.*

Sec. 9. *"Nail technology" means the practices of:*

1. Care of another's fingernails or toenails.

2. Beautification of another's nails.

3. Extension of another's nails.

4. Massaging of another's hands, forearms, feet or lower legs.

Sec. 10. *"Shampoo technologist" means any person who, for compensation or by demonstration, engages in shampoo technology* ***[.]*** ~~[.]~~ *under the immediate supervision of a licensed cosmetologist or hair designer.*

Sec. 11. *1. "Shampoo technology" means the practices of:*

(a) Cleansing of the hair or scalp, including, without limitation:

(1) Brushing and combining the hair;

(2) Applying shampoo and conditioner to the hair; and

(3) Rinsing the hair, including, without limitation, rinsing the hair to remove shampoos, conditioners, tints, relaxers and other solutions.

(b) Removing rollers, permanent rods, hairpins, clips or similar hair fasteners from the hair.

(c) Cleaning and disinfecting the shampoo bowl.

2. The term does not include any other activity set forth in the definition of "cosmetologist" pursuant to NRS 644.023 or the definition of "hair design" pursuant to section 6 of this act other than the activities expressly set forth in subsection 1.

Sec. 12. *1. The Board may issue a certificate of registration as an aesthetician's apprentice to a person if:*

(a) The person is required to travel more than 60 miles from his or her place of residence to attend a licensed school of cosmetology; and

(b) The training of the person as an aesthetician's apprentice will be conducted at a licensed cosmetological establishment that is located 60 miles or more from a licensed school of cosmetology.

2. The Board may, for good cause shown, waive the requirements of subsection 1 for a particular applicant.

3. An applicant for a certificate of registration as an aesthetician's apprentice must submit an application to the Board on a form prescribed by

the Board. The application must be accompanied by a fee of $100 and must include:

(a) A statement signed by the licensed aesthetician or licensed cosmetologist who will be supervising and training the aesthetician's apprentice which states that the licensed aesthetician or licensed cosmetologist has been licensed by the Board to practice aesthetics in this State for not less than 3 years immediately preceding the date of the application and that his or her license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as an aesthetician's apprentice at the cosmetological establishment; and

(c) Such other information as the Board may require by regulation.

4. A certificate of registration as an aesthetician's apprentice is valid for 12 months after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 13. ***1. The Board may issue a certificate of registration as a hair designer's apprentice to a person if:***

(a) The person is required to travel more than 60 miles from his or her place of residence to attend a licensed school of cosmetology; and

(b) The training of the person as a hair designer's apprentice will be conducted at a licensed cosmetological establishment that is located 60 miles or more from a licensed school of cosmetology.

2. The Board may, for good cause shown, waive the requirements of subsection 1 for a particular applicant.

3. An applicant for a certificate of registration as a hair designer's apprentice must submit an application to the Board on a form prescribed by the Board. The application must be accompanied by a fee of $100 and must include:

(a) A statement signed by the licensed hair designer or licensed cosmetologist who will be supervising and training the hair designer's apprentice which states that the licensed hair designer or licensed cosmetologist has been licensed by the Board to practice hair design in this State for not less than 3 years immediately preceding the date of the application and that his or her license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as a hair designer's apprentice at the cosmetological establishment; and

(c) Such other information as the Board may require by regulation.

4. A certificate of registration as a hair designer's apprentice is valid for 19 months after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 14. *1. The Board may issue a certificate of registration as a nail technologist's apprentice to a person if:*

(a) The person is required to travel more than 60 miles from his or her place of residence to attend a licensed school of cosmetology; and

(b) The training of the person as a nail technologist's apprentice will be conducted at a licensed cosmetological establishment that is located 60 miles or more from a licensed school of cosmetology.

2. The Board may, for good cause shown, waive the requirements of subsection 1 for a particular applicant.

3. An applicant for a certificate of registration as a nail technologist's apprentice must submit an application to the Board on a form prescribed by the Board. The application must be accompanied by a fee of $100 and must include:

(a) A statement signed by the licensed nail technologist or licensed cosmetologist who will be supervising and training the nail technologist's apprentice which states that the licensed nail technologist or licensed cosmetologist has been licensed by the Board to practice nail technology in this State for not less than 3 years immediately preceding the date of the application and that his or her license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as a nail technologist's apprentice at the cosmetological establishment; and

(c) Such other information as the Board may require by regulation.

4. A certificate of registration as a nail technologist's apprentice is valid for 10 months after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 15. *1. The Board shall admit to examination for a ~~[license]~~ certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:*

~~[1.]~~ (a) Is not less than 16 years of age.

~~[2.]~~ (b) Is of good moral character.

~~[3.]~~ (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

~~[4.]~~ (d) Has successfully completed the 10th grade in school or its equivalent.

~~[5. Has had]~~

(e) Satisfies at least one of the following:

~~[(a)]~~ (1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least ~~[300]~~ 50 hours in a licensed school of cosmetology ~~[; or~~

~~(b) Practice]~~ in a curriculum prescribed by the Board by regulation;

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation; or

(4) Has had practice as a full-time licensed shampoo technologist for 1 year outside this State.

2. The Board may charge a fee of not more than $50 to administer the training described in subparagraph (3) of paragraph (e) of subsection 1.

3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 16. ***The examination for a ~~[license]~~ certificate of registration as a shampoo technologist must include:***

1. Practical demonstrations in shampooing and rinsing the hair which are approved and conducted by the Board or a licensed school of cosmetology;

2. A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and

3. Such other demonstrations and tests as the Board requires.

Sec. 17. ***With regard to advertising relating to the education, licensing or practice of cosmetology or threading:***

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological establishment, establishment for hair braiding, school of cosmetology or licensee is licensed by the Board.

3. Except as otherwise provided in subsection 4, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment or establishment for hair braiding where the services will be provided; and

(b) The name and license number of any licensee mentioned in the advertisement.

4. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 18. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, ***and sections 3 to 11, inclusive of this act*** have the meanings ascribed to them in those sections.

Sec. 19. NRS 644.0205 is hereby amended to read as follows:

644.0205 ~~[1.]~~ "Aesthetician" means any person who engages in the ~~[~~practices of:

~~(a) Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;~~

~~(b) Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body; and~~

~~(c) Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring,~~

~~➥ but does not include the branches of cosmetology of a cosmetologist, hair designer, hair braider, electrologist or nail technologist.~~

~~2. As used in this section, "depilatories" does not include the practice of threading.~~**]** ***practice of aesthetics.***

Sec. 20. NRS 644.0225 is hereby amended to read as follows:

644.0225 "Cosmetological establishment" means any premises, mobile unit, building or part of a building where cosmetology is practiced **.** **[**~~, other than a licensed barbershop in which one or more licensed nail technologists practice.~~**]**

Sec. 21. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, ***shampoo technologist,*** hair braider, demonstrator of cosmetics and nail technologist.

Sec. 22. NRS 644.0277 is hereby amended to read as follows:

644.0277 "Hair designer" means any person who engages in the **[**~~practices of:~~

~~1. Cleansing, stimulating or massaging the scalp, or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.~~

~~2. Cutting, trimming or shaping the hair.~~

~~3. Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands or mechanical or electrical apparatus or appliances, or by other means or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.~~**]** ***practice of hair design.***

Sec. 23. NRS 644.029 is hereby amended to read as follows:

644.029 "Nail technologist" means any person who, for compensation or by demonstration, engages in the **[**~~practices of:~~

~~1. Care of another's fingernails or toenails.~~

~~2. Beautification of another's nails.~~

~~3. Extension of another's nails.~~

~~4. Massaging of another's hands, forearms, feet or lower legs.~~**]** ***practice of nail technology.***

Sec. 24. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding **,** ~~[and]~~ cosmetological establishments ***and any facility in this State in which threading is conducted*** to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 25. NRS 644.095 is hereby amended to read as follows:

644.095 ~~[Any]~~

1. The Board may, by regulation, ban the use of any device ~~[used]~~ in the practice of cosmetology ~~[must be approved by the Board.]~~ ***for good cause or if the device facilitates services outside the scope of the practice of cosmetology.***

2. Except as otherwise provided in this subsection, a device the use of which has been banned by the Board pursuant to subsection 1 must not be located within a cosmetological establishment. Such a device may be located within an area of a cosmetological establishment used for selling products at retail.

Sec. 26. NRS 644.120 is hereby amended to read as follows:

644.120 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in the practice of hair braiding, in establishments for hair braiding, in the practice of a cosmetologist, in cosmetological establishments or schools of cosmetology, in the practice of threading and in any facility in this State in which threading is conducted.

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, establishment for hair braiding, school of cosmetology **,** ~~[or]~~ practice of cosmetology ~~[.]~~ ***or facility in this State in which threading is conducted.***

Sec. 27. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place ***or places*** of business, ***electronic mail address, personal mailing address, telephone number*** and the date and number of the license ***or certificate of registration, as applicable,*** of every nail technologist, electrologist, aesthetician, hair designer, ***shampoo technologist,*** hair braider, demonstrator of cosmetics and cosmetologist, together with the names and addresses of all establishments for hair braiding, cosmetological establishments and schools of cosmetology licensed pursuant to this chapter.

The record must also contain the facts which the applicants claimed in their applications to justify their licensure ~~[.]~~ ***or registration.***

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee.

(b) A member of the general public, except information concerning the ~~[~~home and~~]~~ ***personal mailing address,*** work address ***, electronic mail address*** and telephone number of a licensee ~~[.]~~ ***or registrant.***

Sec. 28. NRS 644.170 is hereby amended to read as follows:

644.170 1. All fees collected on behalf of the Board and all receipts of every kind and nature must be reported at the beginning of each month, for the month preceding, to the Board. At the same time, the entire amount of collections, except as otherwise provided in subsection 5, must be paid to the ~~[~~Treasurer of the~~]~~ Board, who shall deposit them in banks, credit unions or savings and loan associations in the State of Nevada.

2. The receipts must be for the uses of the Board and out of them must be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter.

3. All orders for payment of money must be drawn on the Treasurer of the Board and countersigned by the President and the Secretary of the Board.

4. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

5. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 29. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed ***or registered*** in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in

work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of ~~[~~cosmetological~~]~~ services ***relating to the practice of cosmetology*** by a person who is licensed ***or registered*** in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered aesthetician's apprentice from engaging in the practice of aesthetics under the immediate supervision of a licensed aesthetician or licensed cosmetologist.

~~[(g)]~~ (h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist.

~~[(h)]~~ (i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist.

4. A person employed to render ~~[~~cosmetological~~]~~ services ***relating to the practice of cosmetology*** in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders ~~[~~cosmetological~~]~~ ***those*** services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 30. NRS 644.200 is hereby amended to read as follows:

644.200 The Board shall admit to examination for a license as a cosmetologist, at any meeting of the Board held to conduct examinations, any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

5. Has had any one of the following:

(a) Training of at least ~~[1,800]~~ ***1,600*** hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, ~~[400]~~ ***600*** hours of specialized training approved by the Board.

(d) ~~[Completion of at]~~ ***At*** least 3,600 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

Sec. 31. NRS 644.204 is hereby amended to read as follows:

644.204 The Board shall admit to examination for a license as a hair designer, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

5. ~~[~~Has ~~*Is a barber registered pursuant to chapter 643 of NRS.*~~

~~*6. Has* had]~~ ***Satisfies*** at least ~~*[any]*~~ one of the following:

(a) ~~[Training]~~ ***Is a barber registered pursuant to chapter 643 of NRS.***

(b) Has had training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

~~[(b) Practice]~~

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State.

~~[(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.~~ ~~*At]*~~

(d) Has had at least 2,400 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to section 13 of this act.

Sec. 32. NRS 644.205 is hereby amended to read as follows:

644.205 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. Has successfully completed the 10th grade in school or its equivalent.

5. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to section 14 of this act.

Sec. 33. NRS 644.207 is hereby amended to read as follows:

644.207 The Board shall admit to examination for a license as an aesthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

4. Has successfully completed the 10th grade in school or its equivalent; and

5. Has ~~[received a]~~ ***had any one of the following:***

(a) A minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology ***.*** ~~[or who has practiced]~~

(b) Practice as a full-time licensed aesthetician for at least 1 year.

(c) At least 1,800 hours of service as an aesthetician's apprentice in a licensed cosmetological establishment in which aesthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an aesthetician's apprentice issued to the person pursuant to section 12 of this act.

Sec. 34. NRS 644.208 is hereby amended to read as follows:

644.208 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful

completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control ***and prevention*** and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are **[**~~1 1/2 by 1 1/2~~**]** ***2 by 2*** inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant; ***or***

(3) The current passport issued to the applicant **. [**~~, or~~

~~(4) A voter registration card issued to the applicant pursuant to NRS 293.517.~~**]**

Sec. 35. NRS 644.209 is hereby amended to read as follows:

644.209 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644.248.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644.248.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are ~~[1 1/2 by 1 1/2]~~ ***2 by 2*** inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant; ***or***

(3) The current passport issued to the applicant ***.*** ~~[; or~~

~~(4) A voter registration card issued to the applicant pursuant to NRS 293.517.]~~

Sec. 36. NRS 644.210 is hereby amended to read as follows:

644.210 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a ~~*[an]*~~ ***shampoo technologist, aesthetician's apprentice,*** cosmetologist's apprentice, ***hair designer's apprentice or nail technologist's apprentice*** must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a fee of $15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination ***,*** ~~[or]~~ licensure ~~[.]~~ ***or registration.*** The application must be verified by the oath of the applicant.

Sec. 37. NRS 644.214 is hereby amended to read as follows:

644.214 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 12 to 16, inclusive, of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 12 to 16, inclusive, of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or evidence of registration; or

(b) A separate form prescribed by the Board.

3. A license or evidence of registration may not be issued or renewed by the Board pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 12 to 16, inclusive, of this act*** if the applicant:

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

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

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

Sec. 38. NRS 644.217 is hereby amended to read as follows:

644.217 1. The Board may issue a certificate of registration as a cosmetologist's apprentice to a person if:

(a) The person is required to travel more than 60 miles from his or her place of residence to attend a licensed school of cosmetology; and

(b) The training of the person as a cosmetologist's apprentice will be conducted at a licensed cosmetological establishment that is located 60 miles or more from a licensed school of cosmetology.

2. The Board may, for good cause shown, waive the requirements of subsection 1 for a particular applicant.

3. An applicant for a certificate of registration as a cosmetologist's apprentice must submit an application to the Board on a form prescribed by the Board. The application must be accompanied by a fee of $100 and must include:

(a) A statement signed by the licensed cosmetologist who will be supervising and training the cosmetologist's apprentice which states that the licensed cosmetologist has been licensed by the Board to practice cosmetology in this State for not less than 3 years immediately preceding the date of the

application and that his or her license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as a cosmetologist's apprentice at the cosmetological establishment; and

(c) Such other information as the Board may require by regulation.

4. A certificate of registration as a cosmetologist's apprentice is valid for ~~[2 years]~~ ***24 months*** after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 39. NRS 644.2175 is hereby amended to read as follows:

644.2175 1. A ***holder of a certificate of registration as a*** cosmetologist's apprentice ***or apprentice of a single branch of cosmetology*** shall display the certificate of registration issued to him or her by the Board or a duplicate of the certificate of registration in plain view of the public at the position where the ~~[cosmetologist's]~~ apprentice is being trained. ~~[The]~~

2. If the apprentice is:

(a) A cosmetologist's apprentice, ***the cosmetologist's apprentice,*** the licensed cosmetologist supervising and training the cosmetologist's apprentice, and the owner of the cosmetological establishment where the cosmetologist's apprentice is being trained shall not advertise or hold the cosmetologist's apprentice out as being a licensed cosmetologist, or use any title or abbreviation that would indicate that the cosmetologist's apprentice is a licensed cosmetologist.

~~[2.]~~ ***(b) An apprentice of a single branch of cosmetology, the licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist supervising and training the apprentice, and the owner of the cosmetological establishment where the apprentice is being trained shall not advertise or hold the apprentice out as being a licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist or use any title or abbreviation that would indicate that the apprentice is a licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist.***

3. To receive credit for an apprenticeship ~~[, a]~~ ***:***

(a) A cosmetologist's apprentice must be regularly employed during his or her training by:

~~[(a)]~~ ***(1)*** The cosmetological establishment where the cosmetologist's apprentice is being trained; or

~~[(b)]~~ ***(2)*** If the cosmetologist's apprentice is being supervised and trained by a licensed cosmetologist who is leasing space in a cosmetological establishment, the licensed cosmetologist.

~~[3.]~~ ***(b) An apprentice of a single branch of cosmetology must be regularly employed during his or her training by:***

(1) The cosmetological establishment where the apprentice is being trained; or

(2) If the apprentice is being supervised and trained by a licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist who is leasing space in a cosmetological establishment, the licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist.

4. Not more than one cosmetologist's apprentice ***or apprentice of a single branch of cosmetology*** may be employed at any time at a licensed cosmetological establishment.

~~[~~4.~~]~~ ***5.*** A licensed ~~[~~cosmetologist~~]~~ ***:***

(a) Cosmetologist who is supervising and training a cosmetologist's apprentice shall:

~~[~~(a)~~]~~ ***(1)*** Supervise all work done by the cosmetologist's apprentice; and

~~[~~(b)~~]~~ ***(2)*** Be in attendance at all times that the cosmetologist's apprentice is engaged in the practice of cosmetology.

~~[~~5.~~]~~ ***(b) Cosmetologist, aesthetician, electrologist, hair designer or nail technologist who is supervising and training an apprentice of a single branch of cosmetology shall:***

(1) Supervise all work done by the apprentice; and

(2) Be in attendance at all times that the apprentice is engaged in the practice of the branch of cosmetology for which the apprentice holds a certificate of registration.

6. A licensed ~~[~~cosmetologist~~]~~ ***:***

(a) Cosmetologist who is supervising and training a cosmetologist's apprentice shall keep a daily record of the training that is provided to the cosmetologist's apprentice. The licensed cosmetologist shall:

~~[~~(a)~~]~~ ***(1)*** Keep the daily records at the cosmetological establishment where the cosmetologist's apprentice is being trained and, upon the request of the Board, make the daily records available to the Board; and

~~[~~(b)~~]~~ ***(2)*** Submit a copy of the records to the Board at such regular intervals as the Board may require by regulation.

~~[~~6.~~]~~ ***(b) Cosmetologist, aesthetician, electrologist, hair designer or nail technologist who is supervising and training an apprentice of a single branch of cosmetology shall keep a daily record of the training that is provided to the apprentice. The licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist shall:***

(1) Keep the daily records at the cosmetological establishment where the apprentice is being trained and, upon the request of the Board, make the daily records available to the Board; and

(2) Submit a copy of the records to the Board at such regular intervals as the Board may require by regulation.

7. For the purposes of this chapter:

(a) A licensed cosmetologist is not required to obtain a license from the Board as an instructor to train a cosmetologist's apprentice pursuant to this section and NRS 644.217, and the licensed cosmetologist is not subject to regulation as an instructor because he or she provides such training.

(b) ***A licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist is not required to obtain a license from the Board as an instructor to train an apprentice of a single branch of cosmetology pursuant to this section and NRS 644.215 or section 12, 13 or 14 of this act, and the licensed cosmetologist, aesthetician, electrologist, hair designer or nail technologist is not subject to regulation as an instructor because he or she provides such training.***

(c) A licensed cosmetological establishment which employs a cosmetologist's apprentice ***or apprentice of a single branch of cosmetology*** or at which a cosmetologist's apprentice ***or apprentice of a single branch of cosmetology*** is being trained is not subject to regulation as a school of cosmetology because the cosmetologist's apprentice ***or apprentice of a single branch of cosmetology*** is being trained at the cosmetological establishment.

~~[7.]~~ ***8.*** The Board may adopt:

(a) Regulations relating to the qualifications of a licensed ~~[cosmetologist]~~**:**

(1) Cosmetologist to supervise and train a cosmetologist's apprentice; ***and***

(2) Cosmetologist, aesthetician, electrologist, hair designer or nail technologist to supervise and train an apprentice of a single branch of cosmetology;

(b) Regulations relating to the procedures and subject matter that must be included in the training of a cosmetologist's apprentice ~~[;]~~ ***or an apprentice of a single branch of cosmetology;***

(c) Regulations relating to the training of a cosmetologist's apprentice ***or apprentice of a single branch of cosmetology*** to verify the number of hours of training received by the cosmetologist's apprentice ~~[;]~~ ***or apprentice of a single branch of cosmetology;*** and

(d) Such other regulations as the Board determines necessary to carry out the provisions of this section and NRS ***644.215 and*** 644.217 ~~[.]~~ ***and sections 12, 13 and 14 of this act.***

9. As used in this section, "apprentice of a single branch of cosmetology" means a person engaged in learning the occupation of aesthetician, electrologist, hair designer or nail technologist.

Sec. 40. NRS 644.220 is hereby amended to read as follows:

644.220 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than $75 and not more than $200.

(b) For examination as an electrologist, not less than $75 and not more than $200.

(c) For examination as a hair designer, not less than $75 and not more than $200.

(d) ***For examination as a shampoo technologist, not less than $50 and not more than $100.***

(e) For examination as a hair braider, $110.

~~[(e)]~~ ***(f)*** For examination as a nail technologist, not less than $75 and not more than $200.

~~[(f)]~~ ***(g)*** For examination as an aesthetician, not less than $75 and not more than $200.

~~[(g)]~~ ***(h)*** For examination as an instructor of aestheticians, hair designers, cosmetology or nail technology, not less than $75 and not more than $200.

2. Except as otherwise provided in this subsection, the fee for each reexamination is not less than $75 and not more than $200. The fee for reexamination as a hair braider is $110.

3. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is $75.

4. Each applicant referred to in subsections 1 and 3 shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 41. NRS 644.248 is hereby amended to read as follows:

644.248 1. The examination for licensure as a hair braider pursuant to paragraph (e) of subsection 1 of NRS 644.209 must include:

(a) A written test on antisepsis, sterilization and sanitation; ~~[and]~~

(b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology ~~[.]~~ ***; and***

(c) Such other tests or examinations as the Board deems necessary.

2. The examination for licensure as a hair braider pursuant to NRS 644.208 or paragraph (f) of subsection 1 of NRS 644.209 must include:

(a) The written tests ***and such other tests or examinations*** described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 42. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license ***or certificate of registration, as applicable,*** as a cosmetologist, aesthetician, electrologist, hair designer, ***shampoo technologist,*** hair braider, nail technologist, demonstrator of cosmetics or instructor to each applicant who:

1. ~~[Passes]~~ ***Except as otherwise provided in section 16 of this act, passes*** a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license ~~[.]~~ ***or certificate of registration.***

Sec. 43. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed ***or registered*** nail technologist, electrologist, aesthetician, hair designer, ***shampoo technologist,*** hair braider, demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his or her place of business ~~[,]~~ ***or personal mailing address,*** as designated in the records of the Board, notify the ~~[Secretary of the]~~ Board of the new place of business ~~[.]~~ ***or personal mailing address.*** Upon receipt of the notification, the ~~[Secretary]~~ ***Board*** shall make the necessary change in the records.

Sec. 44. NRS 644.315 is hereby amended to read as follows:

644.315 1. The Board may, without examination, issue a limited license to a person ~~[currently licensed as a cosmetologist in another state or territory of the United States or the District of Columbia]~~ who intends to practice cosmetology in this State in the ~~[limited]~~ manner set forth in this section ~~[.]~~ ***and who is currently licensed as a cosmetologist, hair designer, nail technologist or aesthetician:***

(a) Pursuant to NRS 644.200, 644.204, 644.205 or 644.207, respectively; or

(b) In another state or territory of the United States or the District of Columbia.

2. A limited license issued pursuant to this section authorizes the holder of the limited license to practice cosmetology in this State:

(a) ~~[In]~~ ***Within the branch of cosmetology or branches of cosmetology for which the person is licensed in*** a resort hotel and in other types of locations the Board designates by regulation; and

(b) For ~~[not]~~ ***:***

(1) A 1-year period; or

(2) Not more than five periods, of not more than 10 days each, during any 1-year period for which the license is issued or renewed.

3. To apply for a limited license ~~[pursuant to this section,]~~ ***for the period described in subparagraph (1) of paragraph (b) of subsection 2,*** an applicant must submit to the Board:

(a) An application which includes the name of the applicant and the number ~~[or other designation identifying]~~ ***of*** the applicant's license ~~[from the other jurisdiction;]~~ ***issued pursuant to NRS 644.200, 644.204, 644.205 or 644.207, respectively;***

(b) ***Proof of successful completion of a course provided by the Board relating to sanitation and infection control when providing services relating to the practice of cosmetology in a location other than a cosmetological establishment;***

(c) Any other information required by the Board; and

~~[(c)]~~ ***(d)*** An application fee of $100.

4. ***To apply for a limited license for the period described in subparagraph (2) of paragraph (b) of subsection 2, an applicant must submit to the Board:***

(a) An application which includes the name of the applicant and:

(1) The number of the applicant's license issued pursuant to NRS 644.200, 644.204, 644.205 or 644.207, respectively; or

(2) The number or other designation identifying the applicant's license from any other jurisdiction described in subsection 1;

(b) Any other information required by the Board; and

(c) An application fee of $100.

5. The Board may issue a limited license pursuant to this section for not more than 1 year and may renew the limited license annually. A limited license expires 1 year after its date of issuance.

~~[5.]~~ ***6.*** A holder of a limited license may renew the limited license on or before the date of its expiration. To renew the limited license, the holder must:

(a) Apply to the Board for renewal; and

(b) Submit an annual renewal fee of $100.

~~[6.]~~ ***7.*** Not less than 5 days before practicing cosmetology in this State pursuant to a limited license, the holder of a limited license shall notify the Board ***electronically or*** in writing of the holder's intention to practice cosmetology in this State ~~[.]~~ ***pursuant to the limited license.*** The notice must specify:

(a) The name and limited license number of the holder;

(b) The specific dates ***and times*** on which the holder will be practicing cosmetology in this State ~~[.]~~ ***pursuant to the limited license;*** and

(c) The name and address of the location at which the holder will be practicing cosmetology in this State ~~[.~~ ~~7.]~~ ***pursuant to the limited license.***

8. A holder of a limited license may submit to the Board the notice required by subsection 7 by using the Board's online notification process, by mail or in person.

9. A holder of a limited license is subject to the regulatory and disciplinary authority of the Board to the same extent as any other licensed cosmetologist for all acts relating to the practice of cosmetology which occur in this State ~~[.~~ ~~8.]~~ ***pursuant to the limited license.***

10. The Board:

(a) Shall designate by regulation the types of ~~[locations,]~~ ***:***

(1) Locations, in addition to a resort hotel, at which a holder of a limited license may practice cosmetology in this State under a limited license ~~[.]~~ ***; and***

(2) Services relating to the practice of cosmetology that a holder of a limited license may perform in this State under a limited license.

(b) May adopt any other regulations as are necessary to carry out the provisions of this section.

~~[9.]~~ ***11.*** As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 45. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license ***or certificate of registration, as applicable,*** of every cosmetologist, aesthetician, electrologist, hair designer, ***shampoo technologist,*** hair braider, nail technologist, demonstrator of cosmetics and instructor expires ~~[.~~

~~(a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.~~

~~(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.~~

~~2. The Board shall adopt regulations governing the proration of the fee required for initial licenses, other than initial licenses as a hair braider, issued for less than 1 1/2 years.~~

~~3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is $70.]~~ ***on either:***

(a) The second anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license [,] or certificate of registration, restored license [,] or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license [,] or certificate of registration, from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal; or

(b) The fourth anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license [,] or certificate of registration, restored license [,] or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license [,] or certificate of registration from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal.

2. The ~~[fee]~~ ***fees*** for ***issuance of*** an initial license ***or certificate of registration,*** as ~~[a hair braider~~ issued by the Board for: ~~is:~~

~~(a) At least a portion of 1 month but less than 6 months is $17.50.~~

~~(b) Six months or more but less than 12 months is $35.00.~~

~~(c) Twelve months or more but less than 18 months is $52.50.]~~ ***applicable, are:***

(a) For nail technologists, electrologists, aestheticians, hair designers, shampoo technologists, demonstrators of cosmetics and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) For hair braiders:

(1) For 2 years, $70.

~~[(b)]~~ (2) For 4 years, $140.

(c) For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

3. The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Board may similarly defer the expiration of the license or certificate of registration, as applicable, of the spouse or dependent child of that person if the spouse or child is residing with the person.

4. For the purposes of this section, any licensee or holder of a certificate of registration whose date of birth occurs on February 29 in a leap year shall be deemed to have a birthdate of February 28.

Sec. 46. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license ***or certificate of registration*** issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the ***applicable*** fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal ***of a license or a certificate of registration, as applicable,*** are:

(a) For nail technologists, electrologists, aestheticians, hair designers, ***shampoo technologists,*** demonstrators of cosmetics and cosmetologists ~~[,]~~ ***:***

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) For hair braiders ~~[,]~~ ***:***

(1) For 2 years, $70.

(2) For 4 years, $140.

(c) For instructors ~~[,]~~ ***:***

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

(d) For cosmetological establishments ~~[,]~~ ***:***

(1) For 2 years, not less than $100 and not more than $200.

(2) For 4 years, not less than $200 and not more than $400.

(e) For establishments for hair braiding ~~[,]~~ ***:***

(1) For 2 years, $70.

(2) For 4 years, $140.

(f) For schools of cosmetology ~~[,]~~ ***:***

(1) For 2 years, not less than $500 and not more than $800.

(2) For 4 years, not less than $1,000 and not more than $1,600.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license ***or a certificate of registration as a shampoo technologist*** is not renewed, there must be assessed and collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for an establishment for hair braiding, a cosmetological establishment ***,*** ~~[and]~~ all persons licensed pursuant to this chapter ~~[.]~~ ***and persons registered as a shampoo technologist.***

4. An application for the renewal of a license ***or a certificate of registration, as applicable,*** as a cosmetologist, hair designer, ***shampoo technologist,*** hair braider, aesthetician, electrologist, nail technologist, demonstrator of cosmetics or instructor must be ~~[accompanied]~~ ***:***

(a) Accompanied by two current photographs of the applicant which are ~~[1 1/2 by 1 1/2]~~ ***2 by 2*** inches ~~[. The name and address]~~ ***and have the name*** of the applicant ~~[must be]~~ written on the back of each photograph ~~[.]~~ ***; or***

(b) If the application for the renewal of the license or certificate of registration, as applicable, is made online, accompanied by a current photograph of the applicant which is 2 by 2 inches and is electronically attached to the application for renewal.

5. Before a person applies for the renewal of a license ~~[on or after January 1, 2011,]~~ ***or certificate of registration, as applicable,*** as a cosmetologist, hair

designer, ***shampoo technologist,*** hair braider, aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control ***and prevention*** in a professional course or seminar approved by the Board.

Sec. 47. NRS 644.330 is hereby amended to read as follows:

644.330 1. A nail technologist, electrologist, aesthetician, hair designer, ***shampoo technologist,*** hair braider, cosmetologist, demonstrator of cosmetics or instructor whose license ***or certificate of registration, as applicable,*** has expired may have his or her license ***or certificate of registration*** renewed only upon payment of all ***applicable*** required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, aesthetician, hair designer, ***shampoo technologist,*** hair braider, cosmetologist, demonstrator of cosmetics or instructor who retires from practice for more than 1 year may have his or her license ***or certificate of registration, as applicable,*** restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, aesthetician, hair designer, ***shampoo technologist,*** hair braider, cosmetologist, demonstrator of cosmetics or instructor who has retired from practice for more than 4 years may have his or her license ***or certificate of registration, as applicable,*** restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 48. NRS 644.331 is hereby amended to read as follows:

644.331 1. Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must ***be accompanied by a fee of not more than $25 and must*** include:

(a) The name, address ***, electronic mail address*** and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board. ~~[The Board shall not charge a fee for registering a person, owner or operator pursuant to this subsection.]~~

2. The Board ~~[may,]~~ ***shall,*** during regular business hours, inspect ~~[any]~~ ***each*** facility in this State in which threading is conducted ~~[.]~~ ***not later than 90 days after the date on which the registration is activated.***

3. The fee required by subsection 1 must be established by regulation of the Board.

Sec. 49. NRS 644.340 is hereby amended to read as follows:

644.340 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the

owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the ***applicable*** required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the cosmetological establishment complies with the requirements of this chapter and the regulations adopted by the Board. If, based on the verbal review, the Board determines that the cosmetological establishment meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the license is activated.

3. The fee for ***issuance of*** a license for a cosmetological establishment is *:*

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 50. NRS 644.345 is hereby amended to read as follows:

644.345 1. The Board must be notified of any change of ownership, name, services offered or location of a cosmetological establishment. The establishment may not be operated after the change until a new license is issued. The owner of the establishment must apply to the Board for the license and pay the ***applicable*** fees established ~~[~~pursuant to subsection~~]~~ ***by subsections*** 3 ***and 4*** of NRS 644.340.

2. After a license has been issued for the operation of a cosmetological establishment, any changes in the physical structure of the establishment must be approved by the Board.

Sec. 51. NRS 644.350 is hereby amended to read as follows:

644.350 1. The license of every cosmetological establishment ~~[~~expires~~]~~ ***:***

(a) Expires 2 years after the date of issuance or renewal of ~~[~~the~~]~~ ***a*** license ~~[.]~~ ***that was issued or renewed for a 2-year period.***

(b) Expires 4 years after the date of issuance or renewal of a license that was issued or renewed for a 4-year period.

2. If a cosmetological establishment fails to pay the ***applicable*** required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 52. NRS 644.360 is hereby amended to read as follows:

644.360 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license or a duplicate of the

license in plain view of members of the general public in the principal office or place of business of the holder.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed ***or registered, as applicable,*** nail technologists, electrologists, aestheticians, hair designers, ***shampoo technologists, hair braiders,*** demonstrators of cosmetics and cosmetologists at the establishment to provide ~~[~~cosmetological~~]~~ services ~~[.]~~ ***relating to the practice of cosmetology.*** This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his or her business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

3. The operator of a cosmetological establishment may lease space at the cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his or her practice. The provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

4. As used in this section:

(a) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(b) "Space" includes, without limitation, a separate room in the cosmetological establishment.

Sec. 53. NRS 644.365 is hereby amended to read as follows:

644.365 Cosmetology ***and threading*** may be practiced in a cosmetological establishment by licensed ***or registered, as applicable,*** cosmetologists ***, aestheticians, electrologists, hair designers, shampoo technologists, hair braiders, demonstrators of cosmetics, nail technologists and natural persons who engage in the practice of threading, as appropriate,*** who are:

1. Employees of the owner of the enterprise; or
2. Lessees of space from the owner of the enterprise.

Sec. 54. NRS 644.370 is hereby amended to read as follows:

644.370 ***1.*** A cosmetological establishment must, at all times, be under the immediate supervision of a ~~[licensed nail technologist, electrologist, aesthetician, hair designer or cosmetologist.]~~ ***person who is licensed in the branch of cosmetology or a combination of branches of cosmetology of any service relating to the practice of cosmetology provided at the cosmetological establishment at the time the service is provided.***

2. If the operator of a cosmetological establishment leases space to a licensed or registered, as applicable, nail technologist, electrologist, aesthetician, hair designer, shampoo technologist, hair braider, demonstrator of cosmetics or cosmetologist pursuant to NRS 644.360, the lessee must provide supervision for that branch of cosmetology in the manner required by subsection 1.

Sec. 55. NRS 644.377 is hereby amended to read as follows:

644.377 1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the requirements of this chapter and any regulations adopted by the Board. If, based on the verbal review, the Board determines that the establishment for hair braiding meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the establishment for hair braiding not later than 90 days after the date on which the license is activated.

3. The fee for ***issuance of*** a license for an establishment for hair braiding is ***:***

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 56. NRS 644.3772 is hereby amended to read as follows:

644.3772 1. The Board must be notified of any change of ownership, name, services offered or location of an establishment for hair braiding. The establishment may not be operated after the change until a new license is issued. The owner of the establishment must apply to the Board for the license and pay the ***applicable*** fees established pursuant to ~~[subsection]~~ ***subsections*** 3 ***and 4*** of NRS 644.377.

2. After a license has been issued for the operation of an establishment for hair braiding, any changes in the physical structure of the establishment must be approved by the Board.

Sec. 57. NRS 644.3773 is hereby amended to read as follows:

644.3773 1. The license of an establishment for hair braiding ~~[expires]~~ ***:***

(a) Expires 2 years after the date of issuance or renewal of ~~[the]~~ ***a*** license ~~[.]~~ ***that was issued or renewed for a 2-year period.***

(b) Expires 4 years after the date of issuance or renewal of a license that was issued or renewed for a 4-year period.

2. If the owner of an establishment for hair braiding fails to pay the ***applicable*** required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 58. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of ~~[not less than 25 bona fide students;]~~ ***a number of students acceptable to the Board;***

(e) The ~~[annual]~~ ***applicable*** fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains ~~[at least 5,000 square feet of]~~ ***adequate*** floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.

(e) Meets all requirements established by regulations of the Board.

3. The ~~[annual]~~ fee for ***issuance of*** a license for a school of cosmetology is ***:***

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. ***The Board shall, by regulation, prescribe:***

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 59. NRS 644.400 is hereby amended to read as follows:

644.400 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor who has had practical experience ~~[of]~~ ***in an established place of business for*** at least 1 year in the practice of a majority of the branches of cosmetology ~~[in an established place of business.]~~ ***taught at the school of cosmetology.***

2. A school of cosmetology shall:

(a) ~~[Maintain a school term of not less than 1,800 hours extending over a period of not more than 36 months, and maintain a course]~~ ***Except as otherwise provided in subsection 6, maintain courses*** of practical training and technical instruction equal to the requirements for examination for a license ~~[as a cosmetologist.]~~ ***or certificate of registration in each branch of cosmetology taught at the school of cosmetology.***

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) Conduct at least 5 hours of instruction in theory in each 40-hour week or 6 hours of instruction in theory in each 48-hour week, which must be attended by all registered students.

(h) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure ~~[as a cosmetologist,]~~ ***or registration in each branch of cosmetology taught at the school of cosmetology,*** any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

Sec. 60. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed ***or registered, as applicable***

aesthetician, cosmetologist, hair designer, ***shampoo technologist,*** hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology ~~[, or a cosmetologist's apprentice]~~ to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) ***Failure of a cosmetologist's apprentice, electrologist's apprentice, aesthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.***

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

~~[(c)]~~ ***(d)*** Gross malpractice.

~~[(d)]~~ ***(e)*** Continued practice by a person knowingly having an infectious or contagious disease.

~~[(e)]~~ ***(f)*** Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

~~[(f) Advertisement by means of knowingly false or deceptive statements.]~~

(g) ***Advertising in violation of any of the provisions of section 17 of this act.***

(h) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

~~[(h)]~~ ***(i)*** Failure to display the license or a duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

~~[(i)]~~ ***(j) Failure to display the certificate of registration or a duplicate of the certificate of registration as provided in NRS 644.2175.***

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

~~[(j)]~~ ***(l)*** Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

~~[(k)]~~ ***(m)*** Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license ~~[;]~~ ***or registration;***

(b) Revoke or suspend a license ~~[;]~~ ***or registration;***

(c) Place the licensee ***or holder of a certificate of registration*** on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 61. NRS 644.435 is hereby amended to read as follows:

644.435 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 12 to 16, inclusive, of this act,*** the Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 12 to 16, inclusive, of this act*** that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 62. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a ~~[cosmetological]~~ service ***relating to the practice of cosmetology*** except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her

employee does not advertise cosmetological services and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

Sec. 63. NRS 644.472 is hereby amended to read as follows:

644.472 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed establishment for hair braiding or cosmetological establishment.

2. ***The provisions of subsection 1 do not apply to:***

(a) An aquarium ~~[may be]~~ maintained on the premises of a licensed establishment for hair braiding or cosmetological establishment ~~[.]~~ ***; or***

(b) A service animal or service animal in training.

3. As used in this section:

(a) "Service animal" includes only a dog that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.104, and a miniature horse that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.302.

(b) "Service animal in training" includes only a dog or miniature horse that is being trained for the purposes of 28 C.F.R. § 36.104 or 36.302, as applicable.

Sec. 64. NRS 651.075 is hereby amended to read as follows:

651.075 1. ~~[It]~~ ***Except as otherwise provided in NRS 644.472, it*** is unlawful for a place of public accommodation to:

(a) Refuse admittance or service to a person with a disability because the person is accompanied by a service animal.

(b) Refuse admittance or service to a person training a service animal.

(c) Refuse to permit an employee of the place of public accommodation who is training a service animal to bring the service animal into:

(1) The place of public accommodation; or

(2) Any area within the place of public accommodation to which employees of the place of public accommodation have access, regardless of whether the area is open to the public.

(d) Refuse admittance or service to a person because the person is accompanied by a police dog.

(e) Charge an additional fee or deposit for a service animal, service animal in training or a police dog as a condition of access to the place of public accommodation.

(f) Require proof that an animal is a service animal or service animal in training.

2. A place of public accommodation may:

(a) Ask a person accompanied by an animal:

(1) If the animal is a service animal or service animal in training; and

(2) What tasks the animal is trained to perform or is being trained to perform.

(b) Ask a person to remove a service animal or service animal in training if the animal:

(1) Is out of control and the person accompanying the animal fails to take effective action to control it; or

(2) Poses a direct threat to the health or safety of others.

3. A service animal may not be presumed dangerous by reason of the fact it is not muzzled.

4. This section does not relieve:

(a) A person with a disability who is accompanied by a service animal or a person who trains a service animal from liability for damage caused by the service animal.

(b) A person who is accompanied by a police dog from liability for damage caused by the police dog.

5. Persons with disabilities who are accompanied by service animals are subject to the same conditions and limitations that apply to persons who are not so disabled and accompanied.

6. Persons who are accompanied by police dogs are subject to the same conditions and limitations that apply to persons who are not so accompanied.

7. A person who violates paragraph (e) of subsection 1 is civilly liable to the person against whom the violation was committed for:

(a) Actual damages;

(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and

(c) Reasonable attorney's fees as determined by the court.

8. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.

9. As used in this section:

(a) "Police dog" means a dog which is owned by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.

(c) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Sec. 65. This act becomes effective:

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

2. On October 1, 2015, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

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

Amendment No. 397.

SUMMARY— ~~[Requires proof of identity for voting.]~~ **Revises provisions governing the administration of elections.** (BDR 24-1125)

AN ACT relating to elections; ~~[requiring, with limited exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue voter identification cards at no cost;]~~ **providing for photographs of voters to be included in election board registers and rosters for early voting; requiring county clerks and city clerks to provide certain equipment relating to such photographs to election board officers and to deputy clerks for early voting; requiring the Department of Motor Vehicles to provide digital colored photographs of registered voters to the Secretary of State or a county clerk upon request; revising provisions relating to the identification of a registered voter who is unable to sign his or her name; prohibiting the inclusion of certain information in a list of registered voters made available to the public; requiring county clerks to create electronic election board registers; making various other changes relating to elections;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires, under certain circumstances, that a person provide satisfactory identification to vote in person. (NRS 293.2725, 293.277, 293.303, 293.3081, 293.3082, 293.3085, 293.330, 293.353, 293.3585, 293.541, 293*C*.270, 293*C*.292, 293*C*.330, 293*C*.3585) This bill requires, with limited exceptions, that a person provide one of the forms of proof of identity specified in section 2 of this bill to vote in person. Section 2 sets forth the acceptable forms of proof of identity which are: (1) certain government-issued documents or identity cards that show a recognizable photograph of the person to whom the document or card is issued; (2) a voter identification card; or (3) certain documentation from an administrator of certain health care facilities that are licensed by the State.~~

~~Sections 3-6 of this bill: (1) require the Department of Motor Vehicles to issue a voter identification card, free of charge, to a person who does not possess one of the forms of required photographic identification; (2) set forth requirements for the issuance of voter identification cards; and (3) require that the Secretary of State adopt regulations to carry out the provisions of those sections.~~

~~Section 16 of this bill authorizes, under certain circumstances, a person who fails to provide proof of identity when voting in person to cast a provisional ballot. Section 18 of this bill provides that the provisional ballot of such a voter must be counted if the person provides to the county or city clerk not later than 5 p.m. on the Friday following the election: (1) proof of identity; or (2) an affidavit stating that the voter cannot provide proof of identity because he or she is indigent or has a religious objection to being photographed.~~

~~The provisions of this bill which require that a person present, with limited exceptions, one of the forms of proof of identity to vote in person are similar to the provisions of an Indiana law which the United States Supreme Court has determined does not unconstitutionally burden a person's right to vote, in part because the person can obtain one of the forms of required proof of identity free of charge and the requirements to provide proof of identity do not apply to persons who vote by absent ballot. (*Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008))~~

Sections 44, 46, 53 and 54 of this bill provide for photographs of voters to be included in rosters for early voting and election board registers under certain circumstances. Section 40 of this bill requires the Secretary of State to adopt regulations setting forth the procedures for obtaining photographs of registered voters that are required under certain circumstances to be included in rosters for early voting and election board registers, and section 39 of this bill requires the Department of Motor Vehicles to provide such photographs to the Secretary of State or county clerks upon request.

Sections 41, 44, 50 and 53 of this bill require the election board officer or deputy clerk for early voting, as applicable, to compare the photograph included in the election board register or roster for early voting, if any, to the appearance of the person applying to vote. If the election board officer or deputy clerk for early voting: (1) believes that the person in the photograph is the person applying to vote, the election board officer or deputy clerk for early voting shall allow the person to vote; or (2) does not believe that the person in the photograph is the person applying to vote, the election board officer or deputy clerk for early voting shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury that he or she is the registered voter who he or she claims to be. If the election board register or roster for early voting does not contain a photograph next to the person's name, the election board officer or deputy clerk for early voting shall request that the person authorize the election board officer or deputy clerk for early voting to take a photograph of the person or provide to the election board officer or deputy clerk for early voting his or her driver's license number or identification card number, if any. If, in response to such a request, the person: (1) provides his or her driver's license number or identification card number, the election board officer or deputy clerk for early voting shall record the number in the election board register or roster for early

voting and allow the person to vote; (2) authorizes the election board officer or deputy clerk for early voting to take the person's photograph, the election board officer or deputy clerk for early voting shall take the photograph and allow the person to vote; or (3) declines to comply with the request, the election board officer or deputy clerk for early voting shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury that he or she is the registered voter who he or she claims to be.

Sections 37, 38, 48 and 49 of this bill require county clerks and city clerks to provide election board officers and deputy clerks for early voting with the equipment necessary to take digital colored photographs of voters.

Sections 43 and 52 of this bill prohibit a voter from being challenged on the basis that: (1) the voter declines to comply with a request to provide his or her driver's license number or identification card number at the time he or she appears to vote in person; (2) the voter does not have a driver's license or identification card; (3) the election board register or roster for early voting does not contain a photograph of the voter; (4) the voter declines to comply with a request that he or she authorize an election board officer or deputy clerk for early voting to take his or her photograph; or (5) an election board officer or a deputy clerk for early voting does not believe that the person applying to vote is the same person in the photograph contained in the election board register or roster for early voting.

Sections 42 and 51 of this bill make various changes to provisions governing the identification of a voter who is unable to sign his or her name.

Section 45 of this bill prohibits certain information about a registered voter, including a photograph, from being included on any list of registered voters made available to the public.

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

Section 1. ~~[Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*1. "Proof of identity" means:*~~

~~*(a) A document or identity card that:*~~

~~*(1) Is issued by the State, the United States or a federally recognized Indian tribe;*~~

~~*(2) Shows a recognizable photograph of the person to whom the document or identity card is issued;*~~

~~*(3) Shows the name and signature of the person to whom the document or identity card is issued; and*~~

~~*(4) If the document or identity card is issued by the State, bears an expiration date that is not earlier than 4 years before the date of the election for which the document or identity card is offered as proof of identity;*~~

~~*(b) A voter identification card issued pursuant to section 3 of this act; or*~~

~~*(c) A document provided by the administrator of a licensed medical facility or licensed facility for the dependent to a resident of the facility attesting to the person's identity and that he or she is a resident of the facility.*~~

~~*2. As used in this section:*~~

~~*(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.*~~

~~*(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Department of Motor Vehicles shall:*~~

~~*(a) Issue a voter identification card to a person who:*~~

~~*(1) Is registered to vote in this State;*~~

~~*(2) Does not possess a form of proof of identity described in subsection 1 of section 2 of this act; and*~~

~~*(3) Complies with the provisions of section 4 of this act.*~~

~~*(b) Provide at least one place in each county at which the Department accepts applications for and issues voter identification cards.*~~

~~*2. The Department shall not charge a fee for the issuance of a voter identification card.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[A person who wishes to obtain a voter identification card must submit to the Department of Motor Vehicles:*~~

~~*1. An application in the form prescribed by the Secretary of State;*~~

~~*2. Proof of the applicant's date of birth; and*~~

~~*3. A copy of a current utility bill, bank statement, paycheck or check or other document issued by a governmental entity which indicates the name and address of the applicant, but not including a voter registration card issued pursuant to NRS 293.517.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[A voter identification card issued pursuant to section 3 of this act:*~~

~~*1. Must include, without limitation:*~~

~~*(a) The name, address, date of birth, sex, height, weight, eye color, photograph and signature of the person to whom the card is issued;*~~

~~*(b) The date of issuance of the card;*~~

~~*(c) The name of the county in which the card was issued; and*~~

~~*(d) Any other information required by the regulations of the Secretary of State.*~~

~~*2. Is valid for as long as the person is registered to vote and resides at the address stated on the card.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[The Secretary of State shall adopt regulations to carry out the provisions of sections 3 to 6, inclusive, of this act. In adopting such regulations, the Secretary of State shall consult with the Department of Motor Vehicles.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 293.010 is hereby amended to read as follows:~~

~~293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:~~

~~(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.~~

~~2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:~~

~~(a) For partisan office:~~

~~DECLARATION OF CANDIDACY OF ....., FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the~~

principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and

~~prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:~~

~~(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or~~

~~(b) The candidate does not present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~4. The filing officer shall retain a copy of the~~ ***documents and*** ~~proof of~~ **[**~~identity and~~**]** ~~residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or~~

~~acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~**[**NRS 293.2725 is hereby amended to read as follows:~~

~~293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail or computer to vote in this State and who has not previously voted in an election for federal office in this State:~~

~~(a) May vote at a polling place only if the person presents~~ ***proof of identity*** ~~to the election board officer at the polling place~~ **;** ~~**[**:~~

~~(1) A current and valid photo identification of the person, which shows his or her physical address; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;~~**]** ~~and~~

~~(b) May vote by mail only if the person provides to the county or city clerk:~~

~~(1) A copy of~~ **[**~~a current and valid photo identification~~**]** ***proof of identity*** ~~of the person~~ **[**~~,~~**]** ~~which shows his or her physical address; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates~~

~~the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~→ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.~~

~~2. The provisions of subsection 1 do not apply to a person who:~~

~~(a) Registers to vote by mail and submits~~ ***a copy of his or her proof of identity*** ~~with an application to register to vote~~ **; [**~~:~~

~~(1) A copy of a current and valid photo identification; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;~~**]**

~~(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~

~~(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act,~~ **[**~~42 U.S.C. §§ 1973ff~~**]** ***52 U.S.C. §§ 20301*** ~~et seq.~~**;**

~~(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act,~~ **[**~~42 U.S.C. §§ 1973ee~~**]** ***52 U.S.C. §§ 20101*** ~~et seq.; or~~

~~(e) Is entitled to vote otherwise than in person under any other federal law.~~

~~3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.]~~ **(Deleted by amendment.)**

Sec. 10. **[**~~NRS 293.277 is hereby amended to read as follows:~~

~~293.277~~ **[**~~1.~~**]** ~~Except as otherwise provided in NRS 293.541, if a person's name appears in the election board register or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must~~ **:**

~~1.~~ ***Present proof of identity; and***

~~2.~~ ***Except as otherwise provided in NRS 293.283,*** ~~sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or~~ **[**~~one of the forms of identification listed in subsection 2.~~

~~2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:~~

~~(a) The card issued to the voter at the time he or she registered to vote;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~
~~(d) A military identification card; or~~
~~(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.~~**]** ***on his or her proof of identity.]*** **(Deleted by amendment.)**

Sec. 11. ~~**[**NRS 293.283 is hereby amended to read as follows:~~

~~293.283 Any registered voter who is unable to sign his or her name must **[**be**]** :~~

~~***1. Present proof of identity; and***~~

~~***2. Be further*** identified by answering questions covering the personal data which is reported on the original application to register to vote. The officer in charge of the roster shall stamp, write or print "Identified as" to the left of the voter's name.~~**]** **(Deleted by amendment.)**

Sec. 12. ~~**[**NRS 293.285 is hereby amended to read as follows:~~

~~293.285 A registered voter applying to vote shall state his or her name to the election board officer in charge of the election board register, and the officer shall immediately announce the name **, [**and**]** take the registered voter's signature **[.]** ***and require that the registered voter present proof of identity.]*** **(Deleted by amendment.)**

Sec. 13. ~~**[**NRS 293.287 is hereby amended to read as follows:~~

~~293.287 1. A registered voter applying to vote at any primary election shall give his or her name and political affiliation, if any, to the election board officer in charge of the election board register, and the officer shall immediately announce the name and political affiliation **[.]** ***and require that the registered voter present proof of identity.***~~

~~2. Any person's right to vote may be challenged by any registered voter upon:~~
~~(a) Any of the grounds allowed for a challenge in NRS 293.303;~~
~~(b) The ground that the person applying does not belong to the political party designated upon the register; or~~
~~(c) The ground that the register does not show that the person designated the political party to which he or she claims to belong.~~
~~3. Any such challenge must be disposed of in the manner provided by NRS 293.303.~~
~~4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.~~**]** **(Deleted by amendment.)**

Sec. 14. ~~**[**NRS 293.3025 is hereby amended to read as follows:~~

~~293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:~~
~~1. A sample ballot;~~
~~2. Information concerning the date and hours of operation of the polling place;~~

~~3. Instructions for voting and casting a ballot, including a provisional ballot;~~

~~4. Instructions concerning the [identification] *proof of identity* required for persons who registered by mail *or computer* and are first-time voters for federal office in this State;~~

~~5. Information concerning the accessibility of polling places to persons with disabilities;~~

~~6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and~~

~~7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 293.303 is hereby amended to read as follows:~~

~~293.303 1. A person applying to vote may be challenged:~~

~~(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.~~

~~(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.~~

~~2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:~~

~~(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";~~

~~(b) If the challenge is on the ground that the register does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";~~

~~(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";~~

~~(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or~~

~~(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."~~

~~The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.~~

~~3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his or her name in the election board register.~~

~~4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.~~

~~5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.~~

~~6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue the person a partisan ballot.~~

~~7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.~~

~~8. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:~~

~~(a) Furnishes [official identification which contains a photograph of the person, such as a driver's license or other official document;] *proof of identity;* or~~

~~(b) Brings before the election board officers a person who is at least 18 years of age who:~~

~~(1) Furnishes [official identification which contains a photograph of that person, such as a driver's license or other official document;] *his or her own proof of identity;* and~~

~~(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.~~

~~9. The election board officers shall:~~

~~(a) Record on the challenge list:~~

~~(1) The name of the challenged person;~~

~~(2) The name of the registered voter who initiated the challenge; and~~

~~(3) The result of the challenge; and~~

~~(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 293.3081 is hereby amended to read as follows:~~

~~293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:~~

~~1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but [his or her] :~~

~~*(a) The person's* name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction [or an] ;~~

~~*(b) An* election official asserts that the person is not eligible to vote in that election in that jurisdiction; *or*~~

~~*(c) The person fails to provide proof of identity;*~~

~~2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide [the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725] *proof of identity* to the election board officer at the polling place; or~~

~~3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 293.3082 is hereby amended to read as follows:~~

~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:~~

~~(a) The name of the person casting the provisional ballot;~~

~~(b) The reason for casting the provisional ballot;~~

~~(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;~~

~~(d) The date and type of election;~~

~~(e) The signature of the person casting the provisional ballot;~~

~~(f) The signature of the election board officer;~~

~~(g) A unique affirmation identification number assigned to the person casting the provisional ballot;~~

~~(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:~~

~~(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;~~

~~(2) The address of the person as listed on the application to register to vote;~~

~~(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;~~

~~(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and~~

~~(5) A statement informing the voter that if the voter does not provide [identification] *proof of identity* at the time the voter casts the provisional ballot [, the] :~~

~~*(I) The* required [identification;] *proof of identity; or*~~

~~*(II) An affidavit stating that the voter is unable to provide proof of identity because he or she is indigent or has a religious objection to being photographed,*~~

~~➥ must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;~~

~~(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:~~

~~(1) The address of the person as listed on the application to register to vote;~~

~~(2) The voter registration number, if any, issued to the person; and~~

~~(3) A statement informing the voter that [the] :~~

~~*(I) The* required identification *; or*~~

~~*(II) An affidavit stating that the voter is unable to provide proof of identity because he or she is indigent or has a religious objection to being photographed,*~~

~~➥ must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and~~

~~(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.~~

~~2. After a person completes a written affirmation pursuant to subsection 1:~~

~~(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;~~

~~(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and~~

~~(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 293.3085 is hereby amended to read as follows:~~

~~293.3085 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.~~

~~2. The county and city clerk shall not:~~

~~(a) Include any provisional ballot in the unofficial results reported on election night; or~~

~~(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.~~

~~3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:~~

~~(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides;~~

~~(b) A voter who failed to provide~~ ***the*** ~~required identification at the polling place or with his or her mailed ballot provides~~ **[**~~the required identification~~**]** ~~to the county or city clerk not later than 5 p.m. on the Friday following election day~~ **[**~~;~~**]** ~~:~~

~~*(1) If the voter cast his or her provisional ballot at the polling place:*~~

~~*(I) His or her proof of identity; or*~~

~~*(II) An affidavit stating that the voter cannot provide proof of identity because he or she is indigent or has a religious objection to being photographed; or*~~

~~*(2) If the voter cast his or her provisional ballot by mail pursuant to NRS 293.3083, the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725;*~~ ~~or~~

~~(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to subsection 3 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to subsection 3 of NRS 293.3081.~~

~~4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides.~~**]** **(Deleted by amendment.)**

Sec. 19. ~~**[**NRS 293.330 is hereby amended to read as follows:~~

~~293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.~~

~~2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:~~

~~(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.~~

~~(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide~~ **[**~~satisfactory identification~~**]** ***proof of identity*** ~~before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."~~

~~3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the~~

~~absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:~~

~~(a) Provides [satisfactory identification;] *proof of identity*;~~

~~(b) Is a registered voter who is otherwise entitled to vote; and~~

~~(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.~~

~~4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 293.353 is hereby amended to read as follows:~~

~~293.353 1. Except as otherwise provided in subsection 2 or 3, upon receipt of a mailing ballot from the county clerk, the registered voter must, in accordance with the instructions, mark and fold the ballot, deposit and seal the ballot in the return envelope, affix his or her signature on the back of the envelope and mail the envelope to the county clerk.~~

~~2. Except as otherwise provided in subsection 3, if a registered voter who has received a mailing ballot applies to vote in person at:~~

~~(a) The office of the county clerk, the registered voter must mark the ballot, place and seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.~~

~~(b) One of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, the registered voter must surrender the mailing ballot and provide [satisfactory identification] *proof of identity* before being issued a ballot to vote at the polling place. A person who receives a surrendered mailing ballot shall mark it "Cancelled."~~

~~3. If a registered voter who has received a mailing ballot wishes to vote in person at the office of the county clerk or at one of the polling places on election day or a polling place for early voting in the county designated pursuant to subsection 3 or 4 of NRS 293.343, and the voter does not have the mailing ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:~~

~~(a) Provides [satisfactory identification;] *proof of identity*;~~

~~(b) Is a registered voter who is otherwise entitled to vote; and~~

~~(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.~~

~~4. It is unlawful for any person to return a mailing ballot other than the registered voter to whom the ballot was sent or, at the request of the voter, a~~

~~member of the family of that voter. A person who returns a mailing ballot and who is a member of the family of the voter who received the mailing ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who received the mailing ballot and that the voter requested that he or she return the mailing ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 21. ~~**[**NRS 293.356 is hereby amended to read as follows:~~

~~"293.356 If a request is made to vote early by a registered voter in person, the election board shall~~ ***, except as otherwise provided in NRS 293.3585,*** ~~issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.**]*** **(Deleted by amendment.)**

Sec. 22. ~~**[**NRS 293.3585 is hereby amended to read as follows:~~

~~"293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall **[**:~~

~~(a) Determine that**]*** ***determine whether*** ~~the person is a registered voter in the county **[**;~~

~~(b)**]*** ***and, if so:***

~~***(a)*** Instruct the voter to sign the roster for early voting;~~

~~***(b) Require the voter to present proof of identity;*** and~~

~~(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or **[**some other piece of official identification.**]*** ***the voter's proof of identity.***

~~2. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.~~

~~3. The roster for early voting must contain:~~

~~(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;~~

~~(b) The voter's precinct or voting district number; and~~

~~(c) The date of voting early in person.~~

~~4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.~~

~~5. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and~~

~~(c) Allow the voter to cast a vote.~~

~~6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 293.517 is hereby amended to read as follows:~~

~~293.517 1. Any elector residing within the county may register to vote:~~

~~(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity~~ ***[,] as provided in this subsection;***

~~(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;~~

~~(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS;~~

~~(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or~~

~~(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~→ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity~~ ***[,] as provided in this subsection,*** ~~the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.~~

~~2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.~~

~~3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.~~

~~4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:~~

~~(a) At the office of the county clerk or field registrar;~~

~~(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;~~

~~(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote;~~

~~(d) At any voter registration agency; or~~

~~(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~→ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may~~

~~be required to furnish proof of identity~~ ***, as defined in section 2 of this act,*** ~~and subsequent change of name.~~

~~— 5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.~~

~~— 6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:~~

~~— (a) The name, address, political affiliation and precinct number of the voter;~~

~~— (b) The date of issuance; and~~

~~— (c) The signature of the county clerk.~~

~~— 7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that, except as otherwise provided in NRS 293D.210, the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:~~

~~— (a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the elector is eligible to vote pursuant to NRS 293.485; and~~

~~— (b) The county clerk should proceed to process the application to register to vote.~~

~~— If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.~~] **(Deleted by amendment.)**

Sec. 24. [~~NRS 293.5235 is hereby amended to read as follows:~~

~~— 293.5235 — 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides or may register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.~~

~~— 2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is~~

~~personally delivered to the county clerk shall be deemed to have been returned by mail.~~

~~— 3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.~~

~~— 4. The county clerk shall, upon receipt of an application, determine whether the application is complete.~~

~~— 5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:~~

~~— (a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or~~

~~— (b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~— 6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:~~

~~— (a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or~~

~~— (b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~— If the applicant does not provide the additional information within the prescribed period, the application is void.~~

~~— 7. The applicant shall be deemed to be registered or to have corrected the information in the register on the date the application is postmarked or received by the county clerk, whichever is earlier.~~

~~— 8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.~~

~~— 9. The Secretary of State shall prescribe the form for an application to register to vote by:~~

~~— (a) Mail, which must be used to register to vote by mail in this State.~~

~~— (b) Computer, which must be used to register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.~~

~~— 10. The application to register to vote by mail must include:~~

~~— (a) A notice in at least 10-point type which states:~~

> ~~NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on~~

~~your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.~~

~~— (b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.~~

~~— (c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.~~

~~— (d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).~~

~~— (e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must [submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1] *comply with the provisions* of NRS 293.2725 . [upon voting for the first time.]~~

~~— 11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.~~

~~— 12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to register to vote in the manner set forth in NRS 293.530.~~

~~— 13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.~~

~~— 14. An application to register to vote must be made available to all persons, regardless of political party affiliation.~~

~~— 15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.~~

~~— 16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~— 17. The Secretary of State shall adopt regulations to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 293.541 is hereby amended to read as follows:~~

~~293.541 1. The county clerk shall cancel the registration of a voter if:~~

~~(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;~~

~~(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and~~

~~(c) The voter fails to present [satisfactory] proof of identity and *satisfactory proof of* residence pursuant to subsection 2, 4 or 5.~~

~~2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents [satisfactory] proof of identity and *satisfactory proof of* residence to the county clerk, the county clerk shall cancel the voter's registration.~~

~~3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:~~

~~(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the election board register.~~

~~(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the election board register.~~

~~4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:~~

~~(a) [Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document;] *Proof of identity;* and~~

~~(b) Satisfactory [identification that contains] proof of the address at which the voter actually resides and that address is consistent with the address listed on the election board register.~~

~~5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents [satisfactory] proof *of identity* to the county clerk [of identity] and *satisfactory proof of* residence before such ballots are counted on election day.~~

~~6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:~~

~~(a) Address at which a person actually resides; or~~

~~(b) Residence [or identity] of a person.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 293C.185 is hereby amended to read as follows:~~

~~293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.~~

~~2. A declaration of candidacy required to be filed by this section must be in substantially the following form:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~City of.....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~

~~— Notary Public or other person~~

~~— authorized to administer an oath~~

~~— 3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:~~

~~— (a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or~~

~~— (b) The candidate does not present to the filing officer:~~

~~— (1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~— (2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~— 4. The filing officer shall retain a copy of the~~ ***documents and*** ~~proof of [identity and] residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~— (a) May not be withheld from the public; and~~

~~— (b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~— 5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.~~

~~— 6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:~~

~~— (a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~— (b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.~~

~~7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 293C.270 is hereby amended to read as follows:~~

~~293C.270 [1.]~~ **[1.]** ~~If a person's name appears in the election board register or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must :~~

~~*1. Present proof of identity; and*~~

~~*2. Except as otherwise provided in NRS 293C.272,*~~ sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or **[**one of the forms of identification listed in subsection 2.

~~2. The forms of identification that may be used to identify a voter at the polling place are:~~

~~(a) The card issued to the voter at the time he or she registered to vote;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~

~~(d) A military identification card; or~~

~~(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.~~**] *on his or her proof of identity.]*** **(Deleted by amendment.)**

Sec. 28. ~~[NRS 293C.272 is hereby amended to read as follows:~~

~~293C.272 Any registered voter who is unable to sign his or her name must [be] :~~

~~*1. Present proof of identity; and*~~

~~*2. Be further*~~ identified by answering questions covering the personal data that is reported on the original application to register to vote. The officer in charge of the roster shall stamp, write or print "Identified as" to the left of the voter's name.~~] **(Deleted by amendment.)**

Sec. 29. ~~[NRS 293C.275 is hereby amended to read as follows:~~

~~293C.275 A registered voter who applies to vote must state his or her name to the election board officer in charge of the election board register, and the officer shall immediately announce the name~~ **,** **[**and**]** ~~take the registered voter's signature~~ **[.]** ***and require that the registered voter present proof of identity.]*** **(Deleted by amendment.)**

Sec. 30. ~~[NRS 293C.277 is hereby amended to read as follows:~~

~~293C.277 [1. A registered voter who applies to vote at an election must give his or her name to the election board officer in charge of the election board register, and the officer shall immediately announce the name of the voter.~~

~~2.]~~ Any person's right to vote may be challenged by a registered voter upon any of the grounds allowed for a challenge in NRS 293C.292. Any such challenge must be disposed of in the manner provided in NRS 293C.292.~~]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 293C.292 is hereby amended to read as follows:~~

~~293C.292 1. A person applying to vote may be challenged:~~

~~(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or~~

~~(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.~~

~~2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:~~

~~(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";~~

~~(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or~~

~~(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."~~

~~*~~ ~~The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.~~

~~3. If the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his or her name in the election board register.~~

~~4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.~~

~~5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.~~

~~6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the~~

~~person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.~~

~~7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:~~

~~(a) Furnishes [official identification which contains a photograph of the person, such as a driver's license or other official document;] *proof of identity*; or~~

~~(b) Brings before the election board officers a person who is at least 18 years of age who:~~

~~(1) Furnishes [official identification which contains a photograph of the person, such as a driver's license or other official document;] *his or her own proof of identity*; and~~

~~(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.~~

~~8. The election board officers shall:~~

~~(a) Record on the challenge list:~~

~~(1) The name of the challenged person;~~

~~(2) The name of the registered voter who initiated the challenge; and~~

~~(3) The result of the challenge; and~~

~~(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 293C.330 is hereby amended to read as follows:~~

~~293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.~~

~~2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:~~

~~(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.~~

~~(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide [satisfactory identification] *proof of identity* before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."~~

~~3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:~~

~~(a) Provides [satisfactory identification;] *proof of identity;*~~

~~(b) Is a registered voter who is otherwise entitled to vote; and~~

~~(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.~~

~~4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 293C.356 is hereby amended to read as follows:~~

~~293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall *, except as otherwise provided in NRS 293C.3585,* issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.~~

~~2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.]~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 293C.3585 is hereby amended to read as follows:~~

~~293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall [:~~

~~(a) Determine that] *determine whether* the person is a registered voter in the county [;~~

~~(b)] *and, if so:*~~

~~*(a)* Instruct the voter to sign the roster for early voting;~~

~~*(b) Require the voter to present proof of identity;* and~~

~~(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or [some other piece of official identification.] *the voter's proof of identity.*~~

~~2. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.~~

~~3. The roster for early voting must contain:~~

~~(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;~~

~~(b) The voter's precinct or voting district number; and~~

~~(c) The date of voting early in person.~~

~~4. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is~~

~~entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.~~

~~4. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and~~

~~(c) Allow the voter to cast a vote.~~

~~6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.]~~ **(Deleted by amendment.)**

Sec. 35. ~~[This act becomes effective:~~

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

~~2. On January 1, 2016, for all other purposes.]~~ **(Deleted by amendment.)**

Sec. 36. **Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 37, 38 and 39 of this act.**

Sec. 37. ***A county clerk shall provide each election board officer with the equipment necessary to:***

1. Take a digital colored photograph of a person pursuant to NRS 293.277; and

2. Store each photograph taken of a person and each driver's license number and identification card number provided by a person pursuant to NRS 293.277 in a secure manner that may not be modified, copied or destroyed.

Sec. 38. ***A county clerk shall provide each deputy clerk for early voting with the equipment necessary to:***

1. Take a digital colored photograph of a person pursuant to NRS 293.3585; and

2. Store each photograph taken of a person and each driver's license number and identification card number provided by a person pursuant to NRS 293.3585 in a secure manner that may not be modified, copied or destroyed.

Sec. 39. ***The Department of Motor Vehicles shall provide digital colored photographs of registered voters to the Secretary of State or to a county clerk upon request. The Secretary of State and the Department shall enter into a cooperative agreement to carry out the provisions of this section.***

Sec. 40. **NRS 293.247 is hereby amended to read as follows:**

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

(c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

(f) The form and placement of instructions to voters;

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

(p) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(q) The forms for applications to register to vote and any other forms necessary for the administration of this title; ~~[and]~~

(r) ***The procedures for obtaining photographs of registered voters that are required to be included in election board registers and rosters for early voting;***

(s) The procedures to be followed by election board officers and deputy clerks for early voting, as applicable, to take photographs and obtain driver's license numbers and identification card members pursuant to NRS 293.277, 293.3585, 293C.270 and 293C.3585; and

(t) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 41. **NRS 293.277 is hereby amended to read as follows:**

293.277 1. Except as otherwise provided in NRS 293.541 ~~[,]~~ ***and subject to the provisions of subsections 2, 3 and 4,*** if a person's name appears in the election board register or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. If the election board register contains a photograph next to the person's name, an election board officer shall compare the photograph with the appearance of the person. If the election board officer:

(a) Believes that the person in the photograph is the person applying to vote, the election board officer shall allow the person to vote.

(b) Does not believe that the person in the photograph is the person applying to vote, the election board officer shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

4. If the election board register does not contain a photograph next to the person's name, an election board officer shall request that the person authorize the election board officer to take a photograph of the person or provide to the election board officer his or her driver's license number or identification card number, if any. If the person:

(a) Provides to the election board officer the person's driver's license number or identification card number, the election board officer shall record the number in the election board register and allow the person to vote.

(b) Authorizes the election board officer to take the person's photograph, the election board officer shall take the photograph and allow the person to vote.

(c) Declines to comply with the election board officer's request, the election board officer shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

Sec. 42. **NRS 293.283 is hereby amended to read as follows:**

293.283 Any registered voter who is unable to sign his or her name must be identified by answering questions covering the personal data which is reported on the original application to register to vote. The officer in charge of the roster shall ***mark,*** stamp, write ***,*** ~~[or]~~ print ***or otherwise indicate*** "Identified as" ***next*** to ~~[the left of]~~ the voter's name.

Sec. 43. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) ~~[Orally]~~ ***Except as otherwise provided in subsection 10, orally*** by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that

I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his or her name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

10. No person may be challenged pursuant to paragraph (a) of subsection 1 because:

(a) The person declines to comply with a request to provide his or her driver's license number or identification card number at the time he or she appears to vote in person pursuant to NRS 293.277 or 293.3585;

(b) The person does not have a driver's license or identification card;

(c) The election board register or roster for early voting does not contain a photograph of the person;

(d) The person declines to comply with a request that he or she authorize an election board officer or a deputy clerk for early voting to take the person's photograph; or

(e) An election board officer or a deputy clerk for early voting believes that the person applying to vote is not the same person in the photograph contained in the election board register or roster for early voting.

Sec. 44. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; ~~[and]~~

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification ~~[.]~~ ***; and***

(d) Comply with the provisions of subsection 2 or 3, as applicable.

2. ***If the roster for early voting contains a photograph next to the person's name, a deputy clerk for early voting shall compare the photograph with the appearance of the person. If the deputy clerk for early voting:***

(a) Believes that the person in the photograph is the person applying to vote, the deputy clerk for early voting shall allow the person to vote.

(b) Does not believe that the person in the photograph is the person applying to vote, the deputy clerk for early voting shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

3. If the roster for early voting does not contain a photograph next to the person's name, the deputy clerk for early voting shall request that the person authorize the deputy clerk for early voting to take a photograph of the person or provide to the deputy clerk for early voting his or her driver's license number or identification card number, if any. If the person:

(a) Provides to the deputy clerk for early voting the person's driver's license number or identification card number, the deputy clerk for early voting shall record the number in the roster for early voting and allow the person to vote.

(b) Authorizes the deputy clerk for early voting to take the person's photograph, the deputy clerk for early voting shall take the photograph and allow the person to vote.

(c) Declines to comply with the deputy clerk for early voting's request, the deputy clerk for early voting shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

~~[3.]~~ ***5.*** The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number**,** ~~[and]~~ a place for the voter's signature ~~[.]~~ ***and the voter's photograph, if a photograph of the voter has been obtained pursuant to subsection 3, NRS 293.277, 293C.270 or 293C.3585 or section 39 of this act;***

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

~~[4.]~~ ***6.*** When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~[5.]~~ ***7.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[6.]~~ ***8.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 45. NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote. ***The copy of the list must not include a photograph of a person or indicate any portion of a person's driver's license number, identification***

card number or social security number. If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:

(a) The list of persons who are registered to vote and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:

(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:

(a) Use the list for any purpose that is not related to an election; or

(b) Sell the list for compensation or other valuable consideration.

Sec. 46. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept in a separate binder which is marked with the number of the precinct or district. ~~[This binder constitutes the]~~ ***For each precinct and district, the county clerk shall create a computer listing which***

contains the information included in the applications to register to vote and a photograph of each registered voter whose photograph has been obtained pursuant to NRS 293.277, 293.3585, 293C.270 or 293C.3585 or section 39 of this act. This computer listing is the election board register.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.

Sec. 47. **Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 48 and 49 of this act.**

Sec. 48. ***A city clerk shall provide each election board officer with any equipment necessary to:***

1. Take a digital colored photograph of a person pursuant to NRS 293C.270; and

2. Store each photograph taken of a person and each driver's license number and identification card number provided by a person pursuant to NRS 293C.270 in a secure manner that may not be modified, copied or destroyed.

Sec. 49. ***A city clerk shall provide each deputy clerk for early voting with any equipment necessary to:***

1. Take a digital colored photograph of a person pursuant to NRS 293C.3585; and

2. Store each photograph taken of a person and each driver's license number and identification card number provided by a person pursuant to NRS 293C.3585 in a secure manner that may not be modified, copied or destroyed.

Sec. 50. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. ~~[If]~~ ***Except as otherwise provided in NRS 293.541, and subject to the provisions of subsections 2, 3 and 4, if*** a person's name appears in the election board register or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the election board register when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile

thereof on the person's original application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

3. If the election board register contains a photograph next to the person's name, an election board officer shall compare the photograph with the appearance of the person. If the election board officer:

(a) Believes that the person in the photograph is the person applying to vote, the election board officer shall allow the person to vote.

(b) Does not believe that the person in the photograph is the person applying to vote, the election board officer shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

4. If the election board register does not contain a photograph next to the person's name, an election board officer shall request that the person authorize the election board officer to take a photograph of the person or provide to the election board officer his or her driver's license number or identification card number, if any. If the person:

(a) Provides to the election board officer the person's driver's license number or identification card number, the election board officer shall record the number in the election board register and allow the person to vote.

(b) Authorizes the election board officer to take the person's photograph, the election board officer shall take the photograph and allow the person to vote.

(c) Declines to comply with the election board officer's request, the election board officer shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

Sec. 51. NRS 293C.272 is hereby amended to read as follows:

293C.272 Any registered voter who is unable to sign his or her name must be identified by answering questions covering the personal data that is reported on the original application to register to vote. The officer in charge of the roster shall ***mark,*** stamp, write ***,*** ~~[or]~~ print ***or otherwise indicate*** "Identified as" ***next*** to ~~[the left of]~~ the voter's name.

Sec. 52. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) ~~[Orally]~~ ***Except as otherwise provided in subsection 9, orally*** by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his or her name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

9. No person may be challenged pursuant to paragraph (a) of subsection 1 because:

(a) The person declines to comply with a request to provide his or her driver's license number or identification card number at the time he or she appears to vote in person pursuant to NRS 293C.270 or 293C.3585;

(b) The person does not have a driver's license or identification card;

(c) The election board register or roster for early voting does not contain a photograph of the person;

(d) The person declines to comply with a request that he or she authorize an election board officer or a deputy clerk for early voting to take the person's photograph; or

(e) An election board officer or a deputy clerk for early voting believes that the person applying to vote is not the same person in the photograph contained in the election board register or roster for early voting.

Sec. 53. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; ~~[and]~~

(c) Verify the signature of the voter against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification. ~~[.]~~ ***; and***

(d) Comply with the provisions of subsection 2 or 3, as applicable.

2. ***If the roster for early voting contains a photograph next to the person's name, a deputy clerk for early voting shall compare the photograph with the appearance of the person. If the deputy clerk for early voting:***

(a) Believes that the person in the photograph is the person applying to vote, the deputy clerk for early voting shall allow the person to vote.

(b) Does not believe that the person in the photograph is the person applying to vote, the deputy clerk for early voting shall allow the person to vote if the person provides a written affirmation signed under penalty of

perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

3. If the roster for early voting does not contain a photograph next to the person's name, the deputy clerk for early voting shall request that the person authorize the deputy clerk for early voting to take a photograph of the person or provide to the deputy clerk for early voting his or her driver's license number or identification card number, if any. If the person:

(a) Provides to the deputy clerk for early voting the person's driver's license number or identification card number, the deputy clerk for early voting shall record the number in the roster for early voting and allow the person to vote.

(b) Authorizes the deputy clerk for early voting to take the person's photograph, the deputy clerk for early voting shall take the photograph and allow the person to vote.

(c) Declines to comply with the deputy clerk for early voting's request, the deputy clerk for early voting shall allow the person to vote if the person provides a written affirmation signed under penalty of perjury and in the form prescribed by the Secretary of State that he or she is the registered voter who he or she claims to be.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted pursuant to this section.

~~[3.]~~ ***5.*** The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number**,** ~~[and]~~ a place for the voter's signature ~~[.]~~ ***and the voter's photograph, if a photograph of the voter has been obtained pursuant to subsection 3, NRS 293.277, 293.3585 or 293C.270 or section 39 of this act;***

(b) The voter's precinct or voting district number; and

(c) The date of voting early in person.

~~[4.]~~ ***6.*** When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the deputy clerk for early voting, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~[5.]~~ ***7.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[6.]~~ ***8.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 54. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the ~~[statewide voter registration list]~~ ***election board register created by the county clerk pursuant to NRS 293.510*** to prepare for the city clerk of each incorporated city within the county ~~[the]~~ ***an electronic*** election board register of all electors eligible to vote at a regular or special city election. ***The entries in the election board register must be arranged alphabetically with the surnames first.***

3. The official register must be prepared in suitable books, one for each ward or other voting district within each incorporated city. ~~[The entries in the election board register must be arranged alphabetically with the surnames first.]~~

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote contained in the official register in the county clerk's office.

Sec. 55. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 56. **This act becomes effective:**

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

2. On January 1, 2016, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 541.

AN ACT relating to securities; providing for an exemption from the requirement to register for certain offerings for the sale of securities made through certain Internet websites; establishing certain requirements relating to an issuer of a security who qualifies for such an exemption; providing for the registration of certain operators of Internet websites who post offerings for the sale of securities not required to be registered; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth requirements for the registration of a security with the Securities Division of the Office of the Secretary of State before an offer to sell or a sale of such a security is made unless certain exceptions apply. (NRS 90.460-90.510) Existing law further provides for an exemption of certain securities from the registration requirement and sets forth the filing requirements necessary to qualify for the exemption. (NRS 90.520-90.565)

Section 3 of this bill provides an additional exemption from the registration requirement for securities for an offer to sell or sale of a security offered by an

issuer through an Internet website, commonly known as a "crowdfunding" website, if certain filing and disclosure requirements are met. **Section 3** requires that to qualify for this exemption, the issuer of the security and the Internet website conducting the offer of the security must be business entities organized and existing in Nevada. **Section 3** also requires that any purchaser of such a security be a resident of, or a business entity organized and existing in, Nevada. The amount of the offer made pursuant to the exemption provided for in **section 3** is limited to $1,000,000 in any consecutive 12-month period. The exemption also limits an investor's purchase to $5,000, unless the purchaser is an accredited investor. **Section 3** further requires a depository institution to hold all investor funds in an escrow account until the issuer's crowdfunding goal is met. **Section 3** also requires the Administrator of the Division to adopt regulations to carry out the implementation of the new registration exemption.

Section 4 of this bill requires such an Internet website to register with the Division before conducting any offer or sale of a security for an issuer pursuant to the exemption provided for in **section 3**. **Section 4** also provides for certain registration exemptions for a crowdfunding Internet website if certain registration requirements are met with the Securities and Exchange Commission.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Accredited investor" has the meaning ascribed to it in 17 C.F.R § 230.501(a).***

Sec. 3. ***1. A transaction involving the offer to sell or sale of a security by an issuer that is conducted exclusively through ~~[one or more]~~ an Internet ~~[websites]~~ website is exempt from the provisions of NRS 90.460 and 90.560 if:***

(a) The issuer of the security is a business entity organized and existing under the laws of this State.

(b) The transaction satisfies the requirements for exemption under the Securities Act of 1933, 15 U.S.C. §§ 77c(a)(11) and Rule 147 of the Securities and Exchange Commission, 17 C.F.R. § 230.147.

(c) The total aggregate sales of the security, during any 12 consecutive months, does not exceed $1,000,000.

(d) The issuer does not accept an investment of more than $5,000 from any single purchaser, unless the purchaser is an accredited investor.

(e) At least 80 percent of the net proceeds from the offering will be used in connection with the operations of the issuer in this State.

(f) Unless otherwise waived by the Administrator, not less than ~~[10]~~ 21 days before making an offer to sell a security pursuant to this section, the issuer:

(1) Files a ~~[Form D - Notice of Exempt Offering of Securities with the Securities and Exchange Commission;]~~ notice of exempt offering of securities through intrastate crowdfunding on a form prescribed by the Administrator;

(2) Pays the fee for the exemption established by the Administrator by regulation;

(3) Provides the Administrator a copy of the disclosure document provided to the prospective investor pursuant to paragraph (l); and

(4) Provides the Administrator with a copy of the escrow agreement with a depository institution authorized to do business in this State into which the issuer will deposit the money of the investors.

(g) The issuer is not, either before or as a result of the offering made pursuant to this section:

(1) An investment company, as defined in 15 U.S.C. § 80a-3;

(2) An entity described in 15 U.S.C. § 80a-3(c); or

(3) Subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d).

(h) The issuer informs all prospective investors in securities offered pursuant to this section that the securities are not registered under federal securities law or the securities law of this State and are subject to resale limitations by including the following statement at the beginning of the disclosure document:

> *In making an investment decision, investors must rely on their own examination of the issuer and the terms of the offering, including the merits and risks involved. These securities have not been recommended by the United States Securities and Exchange Commission or the Securities Division of the Office of the Secretary of State of Nevada. Furthermore, the foregoing authorities have not confirmed the accuracy or determined the adequacy of this document. Any representation to the contrary is a criminal offense. These securities are subject to restrictions on transferability and resale and may not be transferred or resold except as permitted by Rule 147 of the Securities and Exchange Commission, 17 C.F.R § ~~[230.147(e),]~~ 230.147(4)(e), as promulgated under the Securities Act of 1933, as amended, and the applicable securities laws of this State, pursuant to registration or exemption therefrom. Investors should be aware that they will be required to bear the financial risks of this investment for an indefinite period of time.*

(i) Each purchaser certifies in writing or electronically the following:

> *I understand and acknowledge that I am investing in a high risk, speculative business venture. I may lose all of my investment or, under some circumstances, more than my investment, and I can afford this loss. This offering has not been reviewed or approved by the United*

States Securities and Exchange Commission or the Securities Division of the Office of the Secretary of State of Nevada, and no such authority has confirmed the accuracy or determined the adequacy of any disclosure made to me relating to this offering. The securities I am acquiring in this offering are not liquid, there is no ready market for the sale of such securities, it may be difficult or impossible for me to sell or otherwise dispose of this investment and I may be required to hold this investment indefinitely. I may be subject to tax on my share of the taxable income and losses of the company, whether or not I have sold or otherwise disposed of my investment or received any dividends or other distributions from the company.

(j) The issuer obtains written confirmation from each purchaser, as well as sufficient independent evidence , that ~~[each]~~ the purchaser is a resident of this State and ~~[, if applicable,]~~ :

(1) Obtains written confirmation from each purchaser that the purchaser has not invested more than $5,000, in the aggregate, in offerings exempted pursuant to this section during the preceding 12 months; or

(2) Has verified that the purchaser is an accredited investor.

(k) ~~[The]~~ Any payments for the purchase of securities offered pursuant to this section are directly deposited in and held by the depository institution named in the escrow agreement described in subparagraph (4) of paragraph (f) . ~~[holds all payments for the purchase of securities offered pursuant to this section.]~~

(l) The issuer of a security offered under the exemption provided pursuant to this section provides a disclosure document to each prospective investor at the time the offer to sell the security is made that contains:

(1) A description of the issuer, its organizational structure and the address and telephone number of its principal office;

(2) The history and business plan of the ~~[issues]~~ issuer, the intended use of the proceeds from the offering, a description of any related party transactions and a listing of any amounts to be paid, as compensation or otherwise, to any owner, executive officer, director, managing member or other person holding a similar status or performing similar functions on behalf of the issuer;

(3) The name of each person who owns more than ~~[20]~~ 10 percent of the ownership interests of any class of securities of the issuer;

(4) The name of each executive officer, director, managing member or other person holding a similar status or performing similar functions in the name of and on behalf of the issuer, including the title and prior experience of the person;

(5) The terms and conditions of the securities being offered for sale and of any outstanding securities of the issuer, the minimum and maximum amount of securities being offered, the deadline for completion of the offering, the percentage of ownership of the issuer represented by the offered

securities, the price per share, unit or interest of the securities being offered, any restrictions imposed on the transfer of securities being offered and a disclosure of any anticipated future issuance of securities that would affect the value of the securities being offered;

(6) The name of any person , other than a person acting solely as the issuer's attorney or accountant, who has been or will be retained by the issuer to assist in conducting the offering and sale of securities pursuant to this section, including, without limitation, the operator of [an] the Internet website, and a description of the consideration being paid to the person for such assistance, if applicable;

(7) A description of any litigation, legal proceedings or pending regulatory action involving the issuer or its management;

(8) The name and Internet address of [each] the Internet website that will be used by the issuer to offer or sell securities pursuant to this section; [and]

(9) Current financial statements of the issuer certified by one of its officers as being true and correct; and

(10) Any additional information as required by the Administrator relating to the speculative nature of the offering [.] , including, without limitation, an analysis of its significant risk factors.

(m) The offering exempted pursuant to this section is made exclusively through [one or more] an Internet [websites] website and the operator of [each such] the Internet website:

(1) Except as otherwise provided in subsection 7, registers with the Division by filing a statement that includes the information set forth in subsection 1 of section 4 of this act;

(2) Maintains records of all offers and sales of securities made through the Internet website and provides such records to the Division upon request;

(3) Limits access to the offer to sell or sale of securities pursuant to this section to residents of this State; and

(4) Does not hold, manage, possess or handle money or securities transacted through the Internet website , hold any ownership interest in any issuer that utilizes the Internet website or make an investment based on an offer to sell securities made through the Internet website.

(n) The issuer provides a quarterly report to its investors and to the Division until the securities offered for sale by the issuer pursuant to this section are no longer outstanding. The report must include, without limitation:

(1) The total compensation received by each director and executive officer of the issuer, including, without limitation, cash compensation earned since the previous report and on an annual basis, and any bonuses, stock options, other rights to receive securities of the issuer or any affiliate of the issuer and other compensation received; and

(2) An analysis of the business operations and financial condition of the issuer ~~*[;]*~~ *, including, without limitation, current financial statements of the issuer certified by one of its officers as being true and correct.*

2. An offer to sell or sale of a security to an officer, director, partner, trustee or person holding a similar position or performing similar functions in the name of and on behalf of the issuer who owns 10 percent or more of the outstanding shares of any class or classes of securities of the issuer does not count toward the monetary limitation set forth in paragraph (c) of subsection 1.

3. An issuer shall not access the money held in escrow by a depository institution pursuant to paragraph (k) of subsection 1 until the aggregate money raised from an offering for the sale of securities made pursuant to this section equals or exceeds the minimum amount specified in the escrow agreement.

4. An investor may cancel its investment commitment made based on an offering for the sale of securities made pursuant to this section:

(a) If the target offering amount is not raised within the time limit stated in the escrow agreement; or

(b) For any reason, if such cancellation occurs more than 48 hours before the offering deadline identified in the disclosure document provided by the issuer.

5. An exemption claimed pursuant to this section may not be used in conjunction with any other exemption provided for in this chapter, except for an offer to sell or a sale made to a person identified in the disclosure document described in paragraph (l) of subsection 1 during the 12 months immediately preceding the exempted offer or sale.

6. The exemption provided for in this section cannot be used if an issuer or person affiliated with the issuer or offering is subject to disqualification as established by the Administrator by regulation or pursuant to ~~*[the Securities Act of 1933, 15 U.S.C. § 77c(a)(11), and Rule 147 of the Securities and Exchange Commission, 17 C.F.R § 230.147(c).]*~~ *Rule 506(d)(1) of the Securities and Exchange Commission, 17 C.F.R. § 230.506(d)(1).*

7. An operator of an Internet website is not required to register as a broker-dealer if the operator ~~*[:*~~

~~*— (a) Satisfies]*~~ *satisfies the requirements of subsection 2 of section 4 of this act .* ~~*[; or*~~

~~*— (b) Is registered as a broker-dealer under the Securities Exchange Act of 1934, 15 U.S.C. § 78o.]*~~

8. An issuer may distribute in this State a notice relating to an offering exempted pursuant to this section, except that such notice must not contain any information other than:

(a) A statement that the issuer is conducting such offering;

(b) The name of the operator of the Internet website through which the offering is being conducted; and

(c) An Internet link directing a purchaser to the Internet website.

9. Beginning on January 1, 2021, and every 5 years thereafter, the Administrator shall adjust the monetary limitation set forth in paragraph (c) of subsection 1 based proportionally on changes to the Consumer Price Index for all Urban Consumers published by the United States Department of Labor. The monetary limitation must be rounded to the nearest $50,000.

~~[9.]~~ 10. The Administrator shall adopt regulations necessary and appropriate to carry out the provisions of this section.

Sec. 4. *1. If required to register with the Division pursuant to paragraph (m) of subsection 1 of section 3 of this act, the operator of an Internet website must register with the Division by paying the filing fee established by the Administrator by regulation and submitting to the Division a statement setting forth:*

(a) That the Internet website is operated by a business entity organized and existing under the laws of this State;

(b) That the operator of the Internet website is acting on behalf of an issuer to offer to sell and sell securities pursuant to section 3 of this act;

(c) The address and contact information of the operator of the Internet website; and

(d) Except as otherwise provided in subsection 2, confirmation that the operator of the Internet website is licensed as a broker-dealer pursuant to NRS 90.310.

2. The operator of an Internet website is not required to be licensed as a broker-dealer pursuant to NRS 90.310 if:

(a) The operator does not:

(1) Offer investment advice or recommendations;

(2) Solicit purchases, sales or offers to buy the securities offered or displayed on the Internet website;

(3) Compensate employees, agents or other persons for the solicitation, or based on the sale of securities displayed or referenced on the Internet website;

(4) Identify, promote or otherwise refer to any individual security offered on the Internet website in any advertising for the Internet website; and

(5) Engage in any other activities that the Administrator determines by regulation are prohibited;

(b) The operator is not compensated based on the amount of securities sold;

(c) The fee imposed by the operator of the Internet website for an offering of securities on the Internet website is a fixed amount for each offering, a variable amount based on the length of time that the securities are offered or a combination of the fixed and variable fees; and

(d) The operator of the Internet website, or director, executive officer, general partner, managing member or other person affiliated with the operator of the Internet website or with management authority for the Internet website, has not been subject to any matter which causes

disqualification pursuant to Rule 506(d)(1) of the Securities and Exchange Commission, 17 C.F.R. § 230.506(d)(1).

3. An operator of an Internet website shall report to the Division any change relating to an exemption from a requirement to register or to be licensed within 30 days after such a change occurs.

Sec. 5. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.309, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.5. **NRS 90.410 is hereby amended to read as follows:**

90.410 1. The Administrator, without previous notice, may examine in a manner reasonable under the circumstances the records, within or without this State, of a licensed broker-dealer, sales representative, investment adviser ~~[or]~~ **,** representative of an investment adviser ***or an operator of an Internet website registered pursuant to section 4 of this act*** to determine compliance with this chapter. Licensed broker-dealers, sales representatives, investment advisers ~~[and]~~ **,** representatives of investment advisers ***and operators of Internet websites registered pursuant to section 4 of this act*** shall make their records available to the Administrator in legible form.

2. The Administrator, without previous notice, may examine, in a manner reasonable under the circumstances and as the Administrator considers necessary or appropriate in the public interest and for the protection of investors, the records, within or without this State, of any person who would otherwise be required to be licensed pursuant to NRS 90.310 or 90.330 ~~[.]~~ ***or registered as an operator of an Internet website pursuant to section 4 of this act.*** Such persons shall make their records available to the Administrator in legible form.

3. Except as otherwise provided in subsection 4, the Administrator may copy records or require a licensed person ***or registered operator*** to copy records and provide the copies to the Administrator to the extent and in a manner reasonable under the circumstances.

4. The Administrator may inspect and copy records or require a transfer agent to copy records and provide the copies to the Administrator to the extent such records relate to information concerning principals, corporate officers or stockholders of any publicly traded company based in this State.

5. The Administrator by regulation may impose a reasonable fee for the expense of conducting an examination under this section.

Sec. 6. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the

reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $300 with the filing.

3. A nonissuer transaction by a sales representative licensed in this State, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing the issuer's business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or the sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a transaction pursuant to an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 25 purchasers in this State, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this State; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this State, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

➥ The Administrator by rule or order as to a security or transaction or a type of security or transaction may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation, other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this State; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $300, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar record as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $300, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for the purchaser's own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by:

(a) A mortgage banker licensed pursuant to chapter 645E of NRS to engage in those transactions; or

(b) A mortgage broker licensed pursuant to chapter 645B of NRS to engage in those transactions.

22. An offer to sell or sale of a security by an issuer if the transaction:

(a) Is conducted exclusively through ~~[one or more]~~ an Internet ~~[websites;]~~ website; and

(b) Satisfies the requirements of section 3 of this act.

Sec. 7. This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 268.

Bill read second time.

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

Amendment No. 503.

AN ACT relating to foster care; authorizing a licensing authority to conduct a background check on a person who routinely supervises a child in a foster home; requiring an applicant or person licensed to conduct a foster home to prevent such a person from being present in the foster home if the background check reports certain prior criminal convictions of the person; allowing a person who routinely supervises a child in a foster home for whom an investigation is conducted an opportunity to correct such information; ~~[requiring each applicant for a license to conduct a foster home and each person licensed to conduct a foster home to maintain records of certain information concerning certain persons who routinely supervise a child in a foster home;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to be licensed to conduct a foster home. (NRS 424.030) Existing law requires the licensing authority that licenses foster homes to obtain certain information on the background and personal history of each applicant for a license, person who is licensed to conduct a foster home, employee of that applicant or licensee and certain residents of a foster home who are 18 years of age or older. (NRS 424.031) **Section 1** of this bill authorizes the licensing authority or a person designated by the licensing authority to obtain such information on a person who is 18 years of age or older who routinely supervises a child in a foster home.

Existing law requires each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or

licensee and certain residents of a foster home who are 18 years of age or older to submit a complete set of fingerprints and certain documentation to the licensing authority that licenses foster homes. If the licensing authority determines that the applicant or licensee has committed a certain crime, the licensing authority may deny, suspend or revoke the license. If the licensing authority determines that an employee or certain resident who is 18 years of age or older has committed a certain crime, the licensee is required to terminate the employment of that person, and may be subject to discipline for failing to do so. (NRS 424.033) **Section 2** of this bill requires a person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to **section 1** to submit to the same background investigation by the licensing authority that licenses foster homes. In addition, if the licensing authority that licenses foster homes determines that the person has been convicted of a certain offense, the applicant or licensee is required to ensure that the person is not present in the home and may be subject to discipline for failing to do so.

Existing law requires an applicant or licensee to terminate the employment of an employee or remove a resident from the foster home upon receiving certain information regarding prior criminal convictions of the employee or resident. Existing law also provides such an employee or resident an opportunity to correct such information before being terminated. (NRS 424.0335) **Section 3** of this bill requires a licensee to prevent any person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to **section 1** from continuing to supervise a child in the foster home upon receiving such information about the person and allows the person to correct such information. ~~**[**Existing law requires each applicant for a license to conduct a foster home to maintain records concerning the personal backgrounds and certain criminal convictions of its employees and certain residents. (NRS 424.034) Section 4 of this bill requires such applicants and licensees to maintain such records concerning certain persons who are 18 years of age or older who routinely supervise a child in the foster home.**]**~~

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

Section 1. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

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

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

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

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

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

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

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. ***A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.***

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

~~[~~3.~~]~~ ***4.*** Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to ~~[~~this section~~]~~ ***subsection 1*** shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

~~[~~4.~~]~~ ***5.*** The licensing authority or its designee ~~[~~shall~~]~~ ***:***

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation ~~[~~.~~]~~ ***; and***

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home ~~[not more than once every 5 years after the initial investigation.]~~ at such times as it deems appropriate.

Sec. 2. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, ~~[~~or~~]~~ resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, ***or person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation is conducted pursuant to ~~[paragraph (b) of]~~ subsection ~~[1]~~ 2 of NRS 424.031,*** must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

6. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

7. The licensing authority shall immediately inform the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home whether an employee or resident of the foster home ***, or any other person who is 18 years of age or older who routinely supervises a child in the foster home for whom an investigation was conducted pursuant to ~~[paragraph (b) of]~~ subsection ~~[1]~~ 2 of NRS 424.031,*** has been convicted of a crime listed in NRS 424.031. ***The information provided to the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home must not include specific information relating to any such conviction, including, without limitation, the specific crime for which the person was convicted.***

8. The licensing authority may deny an application for a license to operate a foster home or may suspend or revoke such a license if the licensing authority determines that the applicant or licensee has been convicted of a crime listed in NRS 424.031 or has failed to terminate an employee ***,*** ~~[or]~~ remove a resident of the foster home who is 18 years of age or older ~~[and]~~ ***or prevent a person for whom an investigation was conducted pursuant to ~~[paragraph (b) of]~~ subsection ~~[1]~~ 2 of NRS 424.031 from being present in the foster home, if such a person*** has been convicted of any crime listed in NRS 424.031.

Sec. 3. NRS 424.0335 is hereby amended to read as follows:

424.0335 1. Upon receiving information from the licensing authority or its designee pursuant to NRS 424.033 or evidence from any other source that an employee of an applicant for a license to conduct a foster home ***,*** ~~[or]~~ a person who is licensed to conduct a foster home or a resident of an applicant or licensee who is 18 years of age or older ***, or any other person who is 18 years of age or older who routinely supervises a child in a foster home for whom an investigation was conducted pursuant to ~~[paragraph (b) of]~~ subsection ~~[1]~~ 2 of NRS 424.031,*** has been convicted of a crime listed in NRS 424.031, the applicant or licensee shall terminate the employment of the employee ***,*** ~~[or]~~ remove the resident from the foster home ***or prevent the person who is 18 years of age or older who routinely supervises a child in the foster home from being present in the home*** after allowing the employee ***,*** ~~[or]~~ resident ***or other person*** time to correct the information as required pursuant to subsection 2.

2. If an employee ***,*** ~~[or]~~ resident ***or other person who is 18 years of age or older who routinely supervises a child in a foster home*** believes that the information provided pursuant to subsection 1 is incorrect, the employee ***,*** ~~[or]~~ resident ***or other person*** must inform the applicant or licensee immediately.

An applicant or licensee that is so informed shall give the employee **,** ~~[or]~~ resident ***or other person*** 30 days to correct the information.

3. During the period in which an employee **,** ~~[or]~~ resident ***or other person who is 18 years of age or older who routinely supervises a child in a foster home*** seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee **,** ~~[or]~~ resident ***or other person*** to continue to work for **,** ~~[or]~~ reside at ***or provide supervision of a child in*** the foster home, as applicable, except that the employee **,** ~~[or]~~ resident ***or other person*** shall not have contact with a child in the foster home without supervision during any such period.

Sec. 4. ~~[NRS 424.034 is hereby amended to read as follows:~~

~~424.034 1. Each applicant for a license to conduct a foster home and each person licensed to conduct a foster home shall maintain records of the information concerning its employees **,** [and] any residents of the foster home who are 18 years of age or older ***and any other person who is 18 years of age or older who routinely supervises a child in a foster home*** that is collected pursuant to NRS 424.031, 424.033 and 424.0335, including, without limitation:~~

~~(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the employee **,** [or] resident **[;] *or other person;***~~

~~(b) Proof that the fingerprints of the employee **,** [or] resident ***or other person*** were submitted to the Central Repository; and~~

~~(c) Any other documentation of the information collected pursuant to NRS 424.031, 424.033 and 424.0335.~~

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

~~(a) Maintained for the period of the employee's employment with [or] ***the foster home or the*** resident's presence at the foster home **[;] *or the period during which a person who is 18 years of age or older for whom an investigation was conducted pursuant to paragraph (b) of subsection 1 of NRS 424.031 continues to routinely supervise a child in the foster home;*** and~~

~~(b) Made available for inspection by the licensing authority or its approved designee at any reasonable time, and copies thereof must be furnished to the licensing authority upon request.] **(Deleted by amendment.)***~~

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

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

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

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

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

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

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

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

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

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

(1) Records of criminal history; and

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

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required ***or authorized*** to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or

convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 489.

SUMMARY—Revises provisions relating to relations between local governments and **certain** public employees. (BDR 23-858)

AN ACT relating to relations between local governments and public employees; **authorizing the Local Government Employee-Management Relations Board to appoint a Deputy Commissioner;** providing for the expiration of collective bargaining agreements between local governments and employee organizations **[.]** **other than employee organizations that represent police officers;** authorizing a local government to choose not to negotiate with an employee organization **[.]** **other than an organization that represents police officers; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Local Government Employee-Management Relations Board administers the provisions governing labor relations between local government employers and employee organizations. (NRS 288.080, 288.110) The Board is authorized by existing law to appoint a Commissioner, who serves in the unclassified service of the State. (NRS 288.090) Section 3.7 of this bill additionally authorizes the Board to appoint a Deputy Commissioner, and section 15.5 of this bill makes an appropriation for that purpose.

Under existing law, a local government employer is required to bargain collectively with an employee organization concerning certain matters. In certain circumstances, if negotiations do not lead to an agreement, the parties may be subject to binding fact-finding or arbitration. (Chapter 288 of NRS) **[**This**]** **Sections 1.5-3 and 4-15 of this** bill **[**amends**]** **amend** the provisions governing collective bargaining to give a local government employer the option of choosing not to negotiate with **[**an**]** **certain** employee **[**organization**]** **organizations** and instead to prescribe terms and conditions of employment that are otherwise subject to mandatory bargaining.

Sections 2 and 15 **[**of this bill**]** provide that any collective bargaining agreement entered into pursuant to chapter 288 of NRS **, other than an**

agreement entered into with an employee organization that represents police officers, expires at the end of the term stated in the agreement, notwithstanding any provision of the agreement that the agreement remains in effect until a successor agreement becomes effective.

Existing law requires a local government employer to begin negotiations with an employee organization when notified by the employee organization of the organization's desire to negotiate. (NRS 288.180) **Section 5 ~~[of this bill]~~** requires a local government employer to provide the employee organization **, other than an employee organization that represents police officers,** with written notice of whether the local government employer intends to negotiate with the employee organization. If the local government employer notifies the employee organization that it does not intend to negotiate, the local government employer may prescribe terms and conditions of employment that are otherwise subject to mandatory collective bargaining. If such an employer and the employee organization are operating under an existing collective bargaining agreement, **section 3 ~~[of this bill]~~** provides that the terms and conditions become effective upon the expiration of the agreement. The local government employer and the employee organization or another recognized employee organization may subsequently agree to negotiate a collective bargaining agreement in accordance with chapter 288.

Under **section 5**, if the local government employer **~~[provides no]~~ fails to give** timely notice **that it does not intend to negotiate** or provides notice that it intends to negotiate with the employee organization, **or if the employee organization represents police officers,** the parties must promptly begin negotiating and the existing provisions of chapter 288 govern the relationship of the parties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections **1.5,** 2 and 3 of this act.

Sec. 1.5. "Police officer" means a person who is a salaried employee of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.

Sec. 2. ***A collective bargaining agreement negotiated pursuant to this chapter , other than a collective bargaining agreement negotiated with an employee organization that represents police officers, expires at the end of the term stated in the agreement, notwithstanding any provision of the agreement that the agreement remains effective, in whole or in part, after the end of that term until a successor agreement becomes effective.***

Sec. 3. ***1. If a collective bargaining agreement is in effect between a local government employer and an employee organization , other than an employee organization that represents police officers, and the local government employer gives notice pursuant to NRS 288.180 that it does not intend to negotiate with the employee organization:***

(a) The collective bargaining agreement remains in effect until it expires in accordance with section 2 of this act; and

(b) Any terms and conditions of employment prescribed by the local government employer for the employees governed by the collective bargaining agreement become effective upon the expiration of the agreement.

2. A local government employer that gives notice pursuant to NRS 288.180 that it does not intend to negotiate with an employee organization may at any time thereafter:

(a) Commence negotiations pursuant to this chapter in response to a notice given pursuant to NRS 288.180 by that employee organization or another recognized employee organization; or

(b) Give written notice to that employee organization or another recognized employee organization of the desire of the local government employer to negotiate concerning any matter which is subject to negotiation pursuant to this chapter.

Sec. 3.3. **NRS 288.020 is hereby amended to read as follows:**

288.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, ***and section 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 3.5. **NRS 288.034 is hereby amended to read as follows:**

288.034 "Commissioner" means the Commissioner ***or a Deputy Commissioner*** appointed by the Board.

Sec. 3.7. **NRS 288.090 is hereby amended to read as follows:**

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Any two members of the Board constitute a quorum.

2. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner ***, a Deputy Commissioner*** and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 3.9. **NRS 288.140 is hereby amended to read as follows:**

288.140 1. It is the right of every local government employee, subject to the limitations provided in subsections 3 and 4, to join any employee organization of the employee's choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken

on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer ~~[, sheriff, deputy sheriff or other law enforcement officer]~~ may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

4. The following persons may not be a member of an employee organization:

(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.075, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.

(b) A doctor or physician who is employed by a local government employer.

(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

5. As used in this section, "doctor or physician" means a doctor, physician, homeopathic physician, osteopathic physician, chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.

Sec. 4. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4 ~~[,]~~ ***and NRS 288.180,*** every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken

under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 4.5. **NRS 288.170 is hereby amended to read as follows:**

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

3. A head of a department of a local government, an administrative employee or a supervisory employee must not be a member of the same bargaining unit as the employees under the direction of that department head, administrative employee or supervisory employee. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board. An employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters**,** ~~[or police officers,]~~ as defined in NRS 288.215, ***or police officers*** may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and

employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

6. As used in this section:

(a) "Confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining.

(b) "Supervisory employee" means a supervisory employee described in paragraph (a) of subsection 1 of NRS 288.075.

Sec. 5. NRS 288.180 is hereby amended to read as follows:

288.180 1. Whenever an employee organization desires to negotiate concerning any matter which is subject to negotiation pursuant to this chapter, it shall give written notice of that desire to the local government employer. If the subject of negotiation requires the budgeting of money by the local government employer, the employee organization shall give notice on or before February 1.

2. Following the notification provided for in subsection 1, the employee organization or the local government employer may request reasonable information concerning any subject matter included in the scope of mandatory bargaining which it deems necessary for and relevant to the negotiations. The information requested must be furnished without unnecessary delay. The information must be accurate, and must be presented in a form responsive to the request and in the format in which the records containing it are ordinarily kept. If the employee organization requests financial information concerning a metropolitan police department, the local government employers which form that department shall furnish the information to the employee organization.

3. ~~[~~The~~]~~ ***Not later than 15 days after the date of the notice provided for in subsection*** ~~***[2.]***~~ ***1, unless the employee organization that gives the notice represents police officers, the local government employer shall give written notice to the employee organization of whether the local government employer intends to negotiate with the employee organization pursuant to this chapter.***

4. Notwithstanding any other provision of law requiring or referring to negotiations or an agreement negotiated pursuant to this chapter, if the local government employer gives notice that it does not intend to negotiate with the employee organization, the local government employer is not required to negotiate any matter with the employee organization and may prescribe terms and conditions of employment for the employees represented by the employee organization, subject to the provisions of section 3 of this act.

5. If the local government employer gives notice that it intends to negotiate with the employee organization or fails to give the notice described in subsection 4 within the time required by subsection 3, or if the employee organization that gives the notice provided for in subsection 1 represents police officers, the parties shall promptly commence negotiations. As the first step, the parties shall discuss the procedures to be followed if they are unable to agree on one or more issues.

~~[4.]~~ ***6.*** This section does not preclude, but this chapter does not require, informal discussion between an employee organization and a local government employer of any matter which is not subject to negotiation or contract under this chapter. Any such informal discussion is exempt from all requirements of notice or time schedule.

Sec. 6. NRS 288.190 is hereby amended to read as follows:

288.190 ~~[Except]~~ ***If a local government employer and an employee organization are negotiating pursuant to this chapter, and except*** in cases to which NRS 288.205 and 288.215 apply:

1. Anytime before March 1, the dispute may be submitted to a mediator, if both parties agree. Anytime after March 1, either party involved in negotiations may request a mediator. If the parties do not agree upon a mediator, the Commissioner shall submit to the parties a list of seven potential mediators. The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is agreed to or requested pursuant to subsection 1, the mediator must be selected at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators from the Commissioner.

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of the mediator's selection as mediator. The mediator may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. The local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. If the dispute is submitted to a mediator and then submitted to a fact finder, the mediator shall, within 15 days after the last meeting between the parties, give to the Commissioner of the Board a report of the efforts made to settle the dispute.

Sec. 7. NRS 288.195 is hereby amended to read as follows:

288.195 Whenever an employee organization enters into negotiations with a local government employer, pursuant to NRS 288.140 to 288.220, inclusive, ***and sections 2 and 3 of this act,*** such employee organization may be represented by an attorney licensed to practice law in the State of Nevada.

Sec. 8. NRS 288.200 is hereby amended to read as follows:

288.200 ~~[Except]~~ ***If a local government employer and an employee organization are negotiating pursuant to this chapter, and except*** in cases to which NRS 288.205 and 288.215, or ~~[NRS]~~ 288.217 apply:

1. If:

(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

➥ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.

7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award.

8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted pursuant to subsection 3;

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations, which must not include a discussion of the details of the report.

➥ The fact finder must not be asked to discuss the decision during the meeting.

9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. The report must include, without limitation, an analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

10. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➥ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

11. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➥ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

Sec. 9. NRS 288.215 is hereby amended to read as follows:

288.215 1. As used in this section ~~[:~~

~~(a) "Firefighters"]~~ ***, "firefighters"*** means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.

~~[(b) "Police officers" means those persons who are salaried employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.]~~

2. The provisions of this section apply only to ~~[firefighters and police officers and their]~~ local government employers ~~[.]~~ ***and*** ~~***[only if a local government employer and an employee organization representing firefighters or police officers are]***~~ ***employee organizations representing:***

(a) Police officers; and

(b) If the local government employer is negotiating pursuant to this chapter ~~***[,]***~~ ***, firefighters.***

3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.

4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.

5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:

(a) The parties to the dispute; or

(b) Any interested person.

6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.

7. A determination of the financial ability of a local government employer must be based on:

(a) All existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.

9. If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

10. The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in NRS 288.200, and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.

11. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

12. Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection 10, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 3;

(b) The statement of the arbitrator pursuant to subsection 11; and

(c) The overall fiscal impact of the decision, which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

13. The chief executive officer of the local government shall report to the local government the fiscal impact of the decision. The report must include,

without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

Sec. 10. NRS 288.217 is hereby amended to read as follows:

288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel ~~[.]~~ ***if a school district and such an employee organization are negotiating pursuant to this chapter.***

2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of NRS 288.200 and has the powers provided for fact finders in NRS 288.210.

3. The arbitrator shall, within 30 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

4. The parties to the dispute shall each pay one-half of the costs of the arbitration.

5. A determination of the financial ability of a school district must be based on:

(a) All existing available revenues as established by the school district and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

6. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

7. If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

8. The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

9. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

10. Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 2;

(b) The statement of the arbitrator pursuant to subsection 9; and

(c) The overall fiscal impact of the decision which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

11. The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

12. As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

Sec. 11. NRS 288.270 is hereby amended to read as follows:

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse ~~*[If the local government employer has provided notice to an employee organization pursuant to NRS 288.180 that it intends to negotiate with the employee organization, refuse]*~~ to bargain collectively in good faith with the exclusive representative ~~[as required in NRS 288.150.]~~ ***, if bargaining is required by this chapter.*** Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse ~~*[If a local government employer has provided notice to an employee organization pursuant to NRS 288.180 that it intends to negotiate with the employee organization, refuse]*~~ to bargain collectively in good faith with the local government employer, if ~~[it]~~ ***the employee organization*** is an exclusive representative ~~[, as required in NRS 288.150.]~~ ***and bargaining is required by this chapter.*** Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

Sec. 12. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the

school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or a charter contract is terminated, as applicable, or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with ~~[the]~~ ***any*** applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary

action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district ***, if any,*** only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 13. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a speech pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a speech pathologist by the Board of Examiners for Audiology and Speech Pathology; and

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the Board of Examiners for Audiology and Speech Pathology; and

(b) The employee is assigned by the school district to serve as a speech pathologist during the school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in ~~[the]~~ ***any*** applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 14. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to ~~[the]~~ ***any*** applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless ~~[the]~~ ***any*** applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595,

➥ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 15. **1.** Any collective bargaining agreement **other than a collective bargaining agreement entered into with an employee organization that represents police officers, that is** entered into pursuant to chapter 288 of NRS and effective on July 1, 2015, expires at the end of the term stated in the agreement, notwithstanding any provision of the agreement that the agreement remains in effect, in whole or in part, after the end of that term until a successor agreement becomes effective.

2. As used in this section, "police officer" has the meaning ascribed to it in section 1.5 of this act.

Sec. 15.5. **1. There is hereby appropriated from the State General Fund to the Local Government Employee-Management Relations Board the sum of $300,000 for the purpose of employing a Deputy Commissioner pursuant to NRS 288.090, as amended by section 3.7 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 16. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 545.

SUMMARY— ~~[Revises provisions relating to certain criminal offenses involving vehicles.]~~ **Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice.** (BDR ~~[43-243)]~~ **14-243)**

AN ACT relating to ~~[vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for violations of certain traffic laws and certain laws relating to vehicles;]~~ **the criminal justice system; creating a statutory subcommittee of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of certain laws relating to traffic laws and certain laws relating to motor vehicles;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a violation of any traffic law or ordinance is a misdemeanor, unless a different penalty is prescribed by a different statute. (NRS 484A.900) Existing law further provides that a county or an incorporated city may enact ordinances imposing civil penalties for violations of certain ordinances enacted by the county or incorporated city. (NRS 244.3575, 268.019) Sections 12-23 and 39 of this bill enact provisions based on Arizona law to provide for the imposition of civil penalties rather than criminal penalties for violations of certain traffic laws and ordinances. Under sections 19 and 39: (1) the maximum civil penalty that may be imposed for a violation of a traffic law or ordinance punishable by a civil penalty is $250, unless a different amount is specified by statute; and (2) the judgment imposing the civil penalty must include the administrative assessments currently imposed for violations of traffic laws and ordinances.~~

~~Existing law provides that any violation of state law regarding drivers' licenses or the registration of motor vehicles is a misdemeanor, unless a statute specifies a different penalty. (NRS 482.555, 483.620) Sections 1-4, 9 and 10 of this bill enact provisions based on Arizona law to provide that a person who: (1) operates, or knowingly permits the operation of, a motor vehicle in this State without current registration and license plates is subject to a civil penalty~~

~~rather than the penalty for a misdemeanor; (2) fails to register his or her motor vehicle in this State within a certain period after becoming a resident of this State is subject to a civil penalty in the same amount as the criminal fine provided under existing law; or (3) does not obtain a driver's license in this State within a certain period after becoming a resident or drives a motor vehicle in this State without being the holder of a valid driver's license is subject to a civil penalty of not more than $250 rather than the penalty for a misdemeanor, except that a person who drives a motor vehicle in this State when the person is disqualified from driving is guilty of a misdemeanor.~~

~~Existing law provides that a person commits a misdemeanor if he or she: (1) operates a motor vehicle registered or required to be registered in this State without having insurance; (2) operates, or knowingly permits the operation of, the motor vehicle without evidence of insurance in the vehicle; or (3) fails or refuses to surrender, upon demand, to a peace officer or an authorized representative of the Department of Motor Vehicles the evidence of insurance. (NRS 485.187) Section 37 of this bill enacts provisions based on Arizona law to provide that a person who commits these violations is subject to a civil penalty in the same amount as the criminal fine imposed under current law.~~

~~Existing law provides that it is unlawful for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation and that a warrant may issue upon a violation of a written promise to appear. (NRS 484A.670) Sections 18, 25 and 27 of this bill provide that a person who violates a written promise to appear given upon the issuance of a citation for a violation that is punishable by a civil penalty must have a judgment for the civil penalty entered against him or her and that a warrant must not be issued for the failure to appear. Sections 7 and 22 of this bill provide for the suspension of the driver's license of a person who fails to pay a civil penalty within the time prescribed by law.~~

~~Sections 5, 6 and 8 of this bill provide that, for the purposes of maintaining a person's driving record, the imposition of a civil penalty for a traffic violation is treated the same as a conviction for a traffic offense under existing law.~~

~~Sections 25, 26, 31 and 33-36 of this bill maintain the designation of certain traffic offenses as misdemeanors. Section 32 of this bill provides that a person who commits certain civil traffic violations in a road construction zone is subject to an additional civil penalty.~~

~~Sections 40-42 of this bill enact provisions to govern the jurisdiction and disposition of civil violations committed by juveniles.~~**]**

Section 47 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 47 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues relating to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws

as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.0125) Section 49 of this bill requires the Advisory Commission to evaluate certain laws relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 482.385 is hereby amended to read as follows:

~~482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390 and 482.3961, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:~~

~~(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and~~

~~(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:~~

~~(1) On active duty in the military service of the United States;~~

~~(2) An out-of-state student;~~

~~(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or~~

~~(4) A migrant or seasonal farm worker.~~

~~2. This section does not:~~

~~(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.~~

~~(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.~~

~~(c) Require registration of a vehicle operated by a border state employee.~~

~~3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:~~

~~(a) Within 30 days after becoming a resident; or~~

~~(b) At the time he or she obtains a driver's license,~~

~~whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.~~

~~4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.~~

~~5. Except as otherwise provided in this subsection and NRS 482.3961, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:~~

~~(a) On active duty in the military service of the United States;~~

~~(b) An out-of-state student;~~

~~(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or~~

~~(d) A migrant or seasonal farm worker.~~

~~6. A [person who violates] *violation of* the provisions of subsection 1, 3 or 5 [is guilty of a misdemeanor] *must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act* and, except as otherwise provided in this subsection, *a person who violates the provisions of subsection 1, 3 or 5* shall be punished by a [fine] *civil penalty* of $1,000. The [fine] *civil penalty* imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The [fine] *civil penalty* imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.~~

~~7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.~~

~~8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:~~

~~(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and~~

~~(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.~~

~~9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395, 482.3961 and 706.801 to 706.861, inclusive.~~

~~10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.~~

~~11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:~~

~~(a) The owner of the vehicle is a resident of this State;~~

~~(b) The vehicle is used in this State for a gainful purpose;~~

~~(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or~~

~~(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.~~

~~12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.~~

~~13. As used in this section, "peace officer" includes a constable.~~] **(Deleted by amendment.)**

Sec. 2. [~~NRS 482.545 is hereby amended to read as follows:~~

~~482.545 It is unlawful for any person to commit any of the following acts:~~

~~1. To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any motor vehicle, trailer or semitrailer which is not registered or which does not have attached thereto and displayed thereon the number of plate or plates assigned thereto by the Department for the current period of registration or calendar year, subject to the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.~~ ***A person who violates this subsection is subject to a civil penalty of not more than $250 to be imposed pursuant to sections 12 to 22, inclusive, of this act.***

~~2. To display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of title, temporary placard, movement permit or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.~~

~~3. To lend to, or knowingly permit the use of by, one not entitled thereto any registration card, plate, temporary placard or movement permit issued to the person so lending or permitting the use thereof.~~

~~4. To fail or to refuse to surrender to the Department, upon demand, any registration card or plate which has been suspended, cancelled or revoked as provided in this chapter.~~

~~5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in an application. A violation of this subsection is a gross misdemeanor.~~

~~6. Knowingly to operate a vehicle which:~~

~~(a) Has an identification number or mark which has been falsely attached, removed, defaced, altered or obliterated; or~~

~~(b) Contains a part which has an identification number or mark which has been falsely attached, removed, defaced, altered or obliterated.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 482.555 is hereby amended to read as follows:~~

~~482.555 1. In addition to any other penalty provided by this chapter:~~

~~(a) It is a gross misdemeanor for any person knowingly to falsify:~~

~~(1) A dealer's or rebuilder's report of sale, as described in NRS 482.423 and 482.424;~~

~~(2) An application or document to obtain any license, permit, certificate of title or vehicle registration issued under the provisions of this chapter; or~~

~~(3) An application or document to obtain a salvage title or nonrepairable vehicle certificate as defined in chapter 487 of NRS.~~

~~(b) [It]~~ ***Except as otherwise provided in subsection 6 of NRS 482.385 and subsection 1 of NRS 482.545, it*** ~~is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.~~

~~2. The provisions of this section do not apply to a violation of subsection 3 of NRS 482.367002.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 483.245 is hereby amended to read as follows:~~

~~483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.~~ ***A person who violates this subsection is subject to a civil penalty of not more than $250 to be imposed pursuant to sections 12 to 22, inclusive, of this act.***

~~2. Where a person who applies for a license has a valid driver's license from a state which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.~~

~~3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of~~

~~other states concerning the licensing of drivers of motor vehicles.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 483.447 is hereby amended to read as follows:~~

~~"483.447 A person who does not hold a valid license issued by this State or any other state and who operates a vehicle in this State shall be deemed to have future driving privileges that may be suspended if the person is convicted of any traffic offense in this State~~ ***[.] or if a judgment for a civil penalty is entered against the person pursuant to sections 12 to 22, inclusive, of this act for any traffic offense in this State.]*** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 483.450 is hereby amended to read as follows:~~

~~"483.450 1. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record.~~

~~2. The Department shall adopt regulations prescribing the information necessary to record the conviction in the driver's record.~~

~~3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:~~

~~(a) If the court is other than a juvenile court, a record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking; or~~

~~(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,~~

~~" within 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted or child found in violation of a traffic law or ordinance.~~

~~4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction to the Commercial Driver's License Information System.~~

~~5. For the purposes of NRS 483.010 to 483.630, inclusive:~~

~~(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052~~ ***[.] and includes, without limitation, the entering of a judgment for a civil penalty pursuant to sections 12 to 22, inclusive, of this act.***

~~(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.~~

~~6. The necessary expenses of mailing records of conviction to the Department as required by this section must be paid by the court charged with the duty of forwarding those records of conviction.~~

~~7. As used in this section, "Commercial Driver's License Information System" has the meaning ascribed to it in NRS 483.904.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 483.465 is hereby amended to read as follows:~~

~~483.465 1. If a driver who holds a Nevada driver's license~~ **[**~~violates~~**]** ~~:~~

~~*(a) Fails to pay a civil penalty or any administrative assessment imposed pursuant to sections 12 to 22, inclusive, of this act within the time required by section 22 of this act, other than for a violation of a traffic law or ordinance occurring within this State governing standing or parking; or*~~

~~*(b) Violates* a written promise to appear pursuant to a citation that was prepared manually or electronically for a violation of a traffic law or ordinance ***punishable as a misdemeanor and*** occurring within this State other than one governing standing or parking,~~

~~➥ the clerk of the court shall immediately notify the Department on a form approved by the Department.~~

~~2. Upon receipt of notice from a court in this State of a failure to appear, the Department shall notify the driver by mail that his or her privilege to drive is subject to suspension and allow 30 days after the date of mailing the notice to:~~

~~(a) Appear in court and obtain a dismissal of the citation or complaint as provided by law;~~

~~(b) Appear in court and, if permitted by the court, make an arrangement acceptable to the court to satisfy a judgment of conviction~~ **[**~~,~~**]** ~~or *a judgment for a civil penalty and administrative assessments entered pursuant to sections 12 to 22, inclusive, of this act;*~~

~~(c) *Pay the civil penalty and administrative assessments imposed pursuant to sections 12 to 22, inclusive, of this act; or*~~

~~*(d)* Make a written request to the Department for a hearing.~~

~~3. If notified by a court, within 30 days after the notice of a failure to appear, that a driver has been allowed to make an arrangement for the satisfaction of a judgment of conviction~~ **[**~~,~~**]** ~~*or a judgment for a civil penalty and administrative assessments entered pursuant to sections 12 to 22, inclusive, of this act,* the Department shall remove the suspension from the driver's record. If the driver subsequently defaults on the arrangement with the court, the court shall notify the Department which shall immediately suspend the driver's license until the court notifies the Department that the suspension may be removed.~~

~~4. The Department shall suspend the license of a driver 31 days after it mails the notice provided for in subsection 2 to the driver, unless within that time it has received a written request for a hearing from the driver or notice from the court on a form approved by the Department that the driver has appeared~~ **,** **[**~~or~~**]** ~~the citation or complaint has been dismissed~~ **[**~~.~~**]** ~~*or the civil penalty and administrative assessments imposed pursuant to sections 12 to 22, inclusive, of this act have been paid.* A license so suspended remains suspended until further notice is received from the court that the driver has~~

~~appeared or that the case has been otherwise disposed of as provided by law.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 483.473 is hereby amended to read as follows:

~~483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation~~ ***, or the entering of a judgment for a civil penalty pursuant to sections 12 to 22, inclusive, of this act,*** ~~in any municipal court, justice court or district court in this State. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.~~

~~2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.~~

~~3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of~~ ***, or the entering of a judgment for a civil penalty for,*** ~~two or more traffic violations committed on a single occasion is obtained, points must be assessed for one [offense,]~~ ***violation,*** ~~and if the point values differ, points must be assessed for the [offense]~~ ***violation*** ~~having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction is obtained [.]~~ ***or the judgment for the civil penalty is entered.*** ~~The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[~~NRS 483.550 is hereby amended to read as follows:

~~483.550 1. [~~It is unlawful for any~~]*** ***Except as otherwise provided in this subsection, a*** ~~person [to drive]~~ ***who drives*** ~~a motor vehicle upon a public street or highway in this State without being the holder of a valid driver's license [.]~~ ***is subject to a civil penalty of not more than $250 to be imposed pursuant to sections 12 to 22, inclusive, of this act. A person who drives a motor vehicle upon a public street or highway in this State when the person is disqualified from driving is guilty of a misdemeanor.***

~~2. The court shall [require]~~ ***order*** ~~any person [convicted of]~~ ***upon whom a civil penalty is imposed for*** ~~violating this section to obtain a valid driver's license or produce a notice of disqualification from the Department.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 483.620 is hereby amended to read as follows:~~

~~483.620 [It] *Except as otherwise provided in NRS 483.245 and 483.550, it* is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS 483.010 to 483.630, inclusive, or other law of this State, declared to be a felony.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 22, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*A violation of a provision of chapters 484A to 484E, inclusive, of NRS must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act, unless a provision of those chapters specifically provides that a particular violation is a misdemeanor, gross misdemeanor or felony.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[*1. Municipal courts and justice courts have concurrent jurisdiction over all violations of a provision of chapters 484A to 484E, inclusive, of NRS which must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act and which are committed within their boundaries by persons 18 years of age or older.*~~

~~*2. Municipal courts and justice courts have concurrent jurisdiction over civil traffic violations committed within their boundaries by persons under 18 years of age if the juvenile court has transferred the case pursuant to NRS 62B.380.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~[*1. A case involving a civil traffic violation is commenced by the issuance or filing of a traffic citation pursuant to sections 12 to 22, inclusive, of this act.*~~

~~*2. Except as otherwise provided in this subsection, a case involving a civil traffic violation must be commenced within 60 days after the alleged violation of chapters 484A to 484E, inclusive, of NRS. Except as otherwise provided in this subsection, if an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act is under investigation in conjunction with a traffic accident, a case involving a civil traffic violation must be commenced within 180 days after the alleged violation. If an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act is under investigation in conjunction with a traffic accident resulting in death or substantial bodily harm of any person, the case involving a civil traffic violation must be commenced within 1 year after the alleged violation.*~~

~~*3. If a case involving a civil traffic violation is commenced by the filing of a traffic citation in a court having jurisdiction, the traffic citation must be served within 90 days after the filing date.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~[*A traffic citation may be served by delivering a copy of the traffic citation to the person charged with the violation or by any means authorized by the Nevada Rules of Civil Procedure. At the discretion of the issuing traffic enforcement agency, a traffic citation issued after an*~~

~~*investigation in conjunction with a traffic accident may be sent by certified mail, return receipt requested and delivered to the addressee only, to the address provided by the person charged with the violation. Service of the traffic citation is complete on filing the receipt in the court having jurisdiction of the violation.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[A peace officer or a duly authorized member or volunteer of a traffic enforcement agency in this State who has reasonable cause to believe that a person has violated a provision of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act may stop and detain the person as is reasonably necessary to investigate the alleged violation and to issue a traffic citation for the alleged violation.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. When a person is halted by a peace officer or a duly authorized member or volunteer of a traffic enforcement agency in this State for any violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act, the peace officer, member or volunteer may prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the number of the person's driver's license, if any, the violation alleged, including a brief description of the violation and the NRS citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation must be signed by the peace officer, member or volunteer. If the citation is prepared electronically, the officer, member or volunteer shall sign the copy of the citation that is delivered to the person charged with the violation.*~~

~~*2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.*~~

~~*3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.*~~

~~*4. The person charged with the violation may give his or her written promise to appear in court by signing at least one copy of the traffic citation prepared by the peace officer, member or volunteer, in which event the peace officer, member or volunteer shall deliver a copy of the citation to the person. If the citation is prepared electronically, the officer, member or volunteer shall deliver the signed copy of the citation to the person and shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. A person served with a traffic citation for any violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act shall:~~

~~(a) Appear at the time and place stated in the traffic citation; and~~

~~(b) Admit or deny the allegations stated in the traffic citation. Allegations not denied at the time of appearance are deemed admitted.~~

~~2. If the allegations stated in the traffic citation are admitted, the court must enter judgment for the State and impose a civil penalty. In determining the civil penalty, the court shall consider the explanation submitted.~~

~~3. If the person served with the traffic citation denies the allegations stated in the traffic citation, the court must set the matter for a hearing. The hearing is informal and without a jury. At the hearing, the State is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the person elects to be represented by counsel, he or she must notify the court at least 10 days before the hearing date. If the court finds in favor of the person served with a traffic citation, the court must enter an order dismissing the traffic citation. If the court finds in favor of the State, the court must enter judgment for the State and impose a civil penalty for the violation.~~

~~4. The State and the person served with the traffic citation may subpoena witnesses as provided by NRS 174.305. Witnesses are not entitled to fees for appearing in connection with a case involving a civil traffic violation.~~

~~5. Except as otherwise provided in sections 12 to 22, inclusive, of this act, the rules of civil procedure do not apply to a case involving a civil traffic violation.~~

~~6. If a person served with a traffic citation for an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act fails to appear at the time directed to appear or at the time set for a hearing by the court, the court shall enter judgment for the State and impose a civil penalty for the violation.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[Except as otherwise provided by specific statute, a civil penalty imposed for a violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act must not exceed $250. In addition to any civil penalty imposed pursuant to this section, the justice or judge shall include in the judgment imposing the civil penalty the sum prescribed for the administrative assessments set forth in NRS 176.059, 176.0611 and 176.0613 and the money collected for those administrative assessments must be applied and distributed in the manner set forth in those sections.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[An admission of the allegations contained in a traffic citation for an alleged violation of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of~~

~~*this act is not evidence of negligence in a civil or criminal proceeding that is not authorized by chapters 484A to 484E, inclusive, of NRS.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[A party may appeal the judgment of a court imposing a civil penalty pursuant to sections 12 to 22, inclusive, of this act. The appeal may be to the district court in the same manner as any other civil appeal from a municipal court or justice court to the district court. The posting of an appeal bond stays enforcement of the judgment.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. Except as otherwise provided in this subsection, a person shall pay all civil penalties and administrative assessments imposed pursuant to sections 12 to 22, inclusive, of this act within 30 days after entry of the judgment imposing the civil penalty and administrative assessments. If the court finds that satisfaction of a judgment within 30 days will place an undue economic burden on a person, the court may extend the time for payment or may provide for installment payments. If the judgment is not satisfied within the time for payment prescribed by the court or if an installment payment is not paid when due, the court may declare the entire amount of the judgment due. If the court declares the entire amount of the judgment due, the clerk of the court must notify the Department pursuant to NRS 483.465.*~~

~~*2. If a civil penalty or administrative assessment imposed pursuant to sections 12 to 22, inclusive, of this act, or any part of it, remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty or administrative assessment is delinquent, of not more than $100.*~~

~~*3. Notwithstanding the provisions of subsections 1 and 2, the court must not initiate collection procedures on an unsatisfied judgment for a civil penalty and administrative assessments imposed pursuant to sections 12 to 22, inclusive, of this act and the court clerk must not notify the Department pursuant to NRS 483.465 if:*~~

~~*(a) The unsatisfied judgment is for a traffic violation for which the final disposition occurs more than 36 months before the court initiates collection proceedings;*~~

~~*(b) The court does not have a paper or electronic record dated within 36 months after the traffic violation occurs indicating that the responsible person was notified that the judgment is unsatisfied and due;*~~

~~*(c) The clerk of the court has not notified the Department pursuant to NRS 483.465; and*~~

~~*(d) The court does not have a record of extending the time for satisfying the judgment or providing for installment payments.*~~

~~*4. If, pursuant to subsection 3, the court is prohibited from initiating collection procedures on an unsatisfied judgment or the clerk of the court is prohibited from notifying the Department pursuant to NRS 483.465, the clerk of the court must notify the Department and the Department must remove the violation from the person's driving record.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 484A.400 is hereby amended to read as follows:~~

~~484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.~~

~~2. Except as otherwise provided in~~ **[**~~subsection~~**]** ***subsections*** ~~3~~ ***and 4*** ~~and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.~~

~~3.~~ ***An ordinance enacting traffic regulations must provide for the imposition of a civil penalty for a violation of the ordinance if the ordinance covers the same subject matter as a provision of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.***

~~***4.*** A local authority shall not enact an ordinance:~~

~~(a) Governing the registration of vehicles and the licensing of drivers;~~

~~(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information;~~

~~(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or~~

~~(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.~~

~~**[**4.**]** ***5.*** No person convicted or adjudged guilty or guilty but mentally ill of ***, or found liable for a civil penalty for,*** a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.~~**]** **(Deleted by amendment.)**

Sec. 24. ~~[NRS 484A.660 is hereby amended to read as follows:~~

~~484A.660 Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484A.630~~ **[**~~,~~**]** ***or sections 12 to 22, inclusive, of this act,*** ~~or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the accident.~~] **(Deleted by amendment.)**

Sec. 25. ~~[NRS 484A.670 is hereby amended to read as follows:~~

~~484A.670 1. It is~~ **[**~~unlawful~~**]** ***a misdemeanor*** ~~for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation prepared manually or electronically~~ **[**~~,~~**]** ***for an alleged violation that is***

~~***punishable as a misdemeanor,*** regardless of the disposition of the charge for which the citation was originally issued.~~

~~— 2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.~~

~~— 3. A warrant may issue upon a violation of a written promise to appear **[.]** ***, unless the written promise to appear was given pursuant to a citation that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act,]*** **(Deleted by amendment.)**~~

Sec. 26. ~~[NRS 484A.680 is hereby amended to read as follows:~~

~~— 484A.680 1. Every peace officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.~~

~~— 2. A copy of a traffic citation that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town may be filed electronically with a court having jurisdiction over the alleged offense or with its traffic violations bureau if the court or traffic violations bureau, respectively:~~

~~— (a) Authorizes such electronic filing;~~

~~— (b) Has the ability to receive and store the citation electronically; and~~

~~— (c) Has the ability to physically reproduce the citation upon request.~~

~~— 3. Upon the filing of the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau, the traffic citation may be disposed of only by trial in that court or other official action by a judge of that court, including forfeiture of the bail, or by the deposit of sufficient bail with, or payment of a fine to, the traffic violations bureau by the person to whom the traffic citation has been issued by the peace officer.~~

~~— 4. It is **[**unlawful**]** ***a misdemeanor*** and official misconduct for any peace officer or other officer or public employee to dispose of a traffic citation or copies of it or of the record of the issuance of a traffic citation in a manner other than as required in this section.~~

~~— 5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every traffic citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.~~

~~6. The chief administrative officer shall also maintain or cause to be maintained a record of every traffic citation issued by officers under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.~~

~~7. As used in this section, "officer" includes a volunteer appointed to a traffic enforcement agency pursuant to NRS 484B.470.~~] **(Deleted by amendment.)**

Sec. 27. ~~[NRS 484A.700 is hereby amended to read as follows:~~

~~484A.700 1. A traffic citation for a parking violation may be prepared manually or electronically.~~

~~2. When a traffic citation for a parking violation~~ ***that is punishable as a misdemeanor*** ~~has been issued identifying by license number a vehicle registered to a person who has not signed the citation, a bench warrant may not be issued for that person for failure to appear before the court unless:~~

~~(a) A notice to appear concerning the violation is first sent to the person by first-class mail within 60 days after the citation is issued; and~~

~~(b) The person does not appear within 20 days after the date of the notice or the notice to appear is returned with a report that it cannot be delivered.~~] **(Deleted by amendment.)**

Sec. 28. ~~[NRS 484A.720 is hereby amended to read as follows:~~

~~484A.720 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS not amounting to a gross misdemeanor or felony~~ **[,]** ***or that is not required to be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act,*** ~~the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750, in either of the following cases:~~

~~1. When the person demands an immediate appearance before a magistrate; or~~

~~2. In any other event when the person is issued a traffic citation by an authorized person and refuses to give a written promise to appear in court as provided in NRS 484A.630.~~] **(Deleted by amendment.)**

Sec. 29. ~~[NRS 484A.730 is hereby amended to read as follows:~~

~~484A.730 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS~~ ***that is not required to be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act*** ~~and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. The person must be taken before the magistrate in any of the following cases:~~

~~1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;~~

~~2. When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;~~

~~3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or~~

~~4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 484A.900 is hereby amended to read as follows:~~

~~484A.900 **[**1. It is unlawful and, unless otherwise declared in chapters 484A to 484E, inclusive, of NRS with respect to a particular offense, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in chapters 484A to 484E, inclusive, of NRS.~~

~~2.**]** The court may order any person who is twice convicted of~~ ***, or found liable for a civil penalty for,*** ~~violating a provision of chapters 484A to 484E, inclusive, of NRS to pay tuition for and attend a school for driver training which is approved by the Department for retraining such drivers. The person so ordered may choose from those so approved the school which the person will attend. A person who willfully fails to comply with such an order is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 484B.100 is hereby amended to read as follows:~~

~~484B.100 It is **[**unlawful**]*** ***a misdemeanor*** ~~for any person willfully to fail or refuse to comply with any lawful order or direction of any police officer while the officer is performing the duties of the officer in the enforcement of chapters 484A to 484E, inclusive, of NRS.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 484B.130 is hereby amended to read as follows:~~

~~484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is convicted of~~ ***, or subject to a civil penalty for,*** ~~a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:~~

~~(a) In an area designated as a temporary traffic control zone; and~~

~~(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,~~

~~" shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense~~ ***[.] or for an amount equal to and in addition to the civil penalty imposed by the court pursuant to sections 12 to 22, inclusive, of this act.*** ~~Any term of imprisonment~~

~~imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~

~~2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.~~

~~3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:~~

~~(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;~~

~~(b) A sign to mark the beginning of the temporary traffic control zone; and~~

~~(c) A sign to mark the end of the temporary traffic control zone.~~

~~4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal *or civil* liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.~~

~~5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:~~

~~(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or~~

~~(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.~~

~~6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.~~] **(Deleted by amendment.)**

Sec. 33. ~~[NRS 484B.150 is hereby amended to read as follows:~~

~~484B.150 1. It is [unlawful] *a misdemeanor* for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.~~

~~2. Except as otherwise provided in this subsection, it is [unlawful] *a misdemeanor* for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:~~

~~(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or~~

~~(b) The living quarters of a house coach or house trailer,~~

~~→ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.~~

~~3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.~~

~~4. As used in this section:~~

~~(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.~~

~~(b) "Open container" means a container which has been opened or the seal of which has been broken.~~

~~(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.~~**]** **(Deleted by amendment.)**

Sec. 34. ~~[NRS 484B.317 is hereby amended to read as follows:~~

~~484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.~~

~~2. A person who violates any provision of this section~~ ***is guilty of a misdemeanor and*** ~~may be subject to the additional penalty set forth in NRS 484B.130.~~**]** **(Deleted by amendment.)**

Sec. 35. ~~[NRS 484B.330 is hereby amended to read as follows:~~

~~484B.330 1. It is~~ **[**~~unlawful~~**]** ***a misdemeanor*** ~~for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.~~

~~2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than $1,000, the driver shall be punished by a fine of not less than $1,000 or more than $2,000, and ordered to perform 120 hours of community service.~~

~~3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in subsection 1 of NRS 484B.130.~~

~~4. As used in this section, "authorized flagger serving in a traffic control capacity" means:~~

~~(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the~~

~~Department of Transportation while the employee is carrying out the duties of his or her employment;~~

~~(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or~~

~~(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.]~~ **(Deleted by amendment.)**

Sec. 36. ~~[NRS 484C.470 is hereby amended to read as follows:~~

~~484C.470 1. A person required to install a device pursuant to NRS 484C.460 shall not operate a motor vehicle without a device or tamper with the device.~~

~~2. A person who violates any provision of subsection 1:~~

~~(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and~~

~~(b)~~ **[**~~Shall~~**]** ***Is guilty of a misdemeanor and shall*** be:

~~(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or~~

~~(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000.~~

~~* No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.]~~ **(Deleted by amendment.)**

Sec. 37. ~~[NRS 485.187 is hereby amended to read as follows:~~

~~485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:~~

~~(a) Operate the motor vehicle, if it is registered or required to be registered in this State, without having insurance as required by NRS 485.185.~~

~~(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.~~

~~(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance.~~

~~(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.~~

~~2. A person shall not operate the motor vehicle of another person unless the person who will operate the motor vehicle:~~

~~(a) First ensures that the required evidence of insurance is present in the motor vehicle; or~~

~~(b) Has his or her own evidence of insurance which covers that person as the operator of the motor vehicle.~~

~~3. Except as otherwise provided in~~ ***this subsection and*** ~~subsection 4,~~ **[**~~any person who violates subsection 1 or 2 is guilty of a misdemeanor.~~**]** ***a violation of subsection 1 or 2 must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.*** ~~Except as otherwise provided in this subsection~~ **,** **[**~~, in addition to any other penalty,~~**]** ~~a person~~ **[**~~sentenced pursuant to this subsection shall be punished by a fine~~**]** ***who violates a provision of subsection 1 or 2 is subject to a civil penalty*** ~~of not less than $600 nor more than $1,000 for each violation. The~~ **[**~~fine~~**]** ***civil penalty*** ~~must be reduced to $100 for the first violation if the person obtains a motor vehicle liability policy by the time~~ **[**~~of sentencing,~~**]** ***at which a court imposes the civil penalty,*** ~~unless:~~

~~(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or~~

~~(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.~~

~~4. A court:~~

~~(a) Shall not~~ **[**~~find a person guilty or fine~~**]** ***impose a civil penalty on*** ~~a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if the person presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.~~

~~(b) Except as otherwise provided in paragraph (a), may impose a~~ **[**~~fine~~**]** ***civil penalty*** ~~of not more than $1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.~~

~~5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the Department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396 or 482.3965 authorizing the movement or operation of that vehicle within the State for a limited time.~~**]** **(Deleted by amendment.)**

Sec. 38. ~~[NRS 485.326 is hereby amended to read as follows:~~

~~485.326 1. The Department shall suspend the license of any person~~ **[**~~convicted of violating~~**]** ***against whom a judgment for a civil penalty is entered pursuant to sections 12 to 22, inclusive, of this act for a violation of*** ~~the provisions of paragraph (a) of subsection 1 of NRS 485.187.~~

~~2. Any license suspended pursuant to subsection 1 must remain suspended until the person shows proof of financial responsibility as set forth in NRS 485.307. The person shall maintain proof of financial responsibility for 3 years after the reinstatement of his or her license pursuant to the provisions of this chapter, and if the person fails to do so, the Department shall suspend~~

~~any license previously suspended pursuant to subsection 1.~~] **(Deleted by amendment.)**

Sec. 39. ~~[NRS 486.381 is hereby amended to read as follows:~~

~~"486.381 Any~~ [person violating any provisions] violation of a provision of ~~NRS 486.011 to 486.361, inclusive,~~ [is guilty of a misdemeanor.] ~~*must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act, and a person who violates any provision of NRS 486.011 to 486.361, inclusive, is subject to a civil penalty of not more than $250.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 62A.220 is hereby amended to read as follows:~~

~~"62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:~~

~~1. A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;~~

~~2. A violation of NRS 484C.110 or 484C.120;~~ [or]

~~3. A violation declared to be a felony~~ [.] ~~*; or*~~

~~*4. A violation of a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 41. ~~[NRS 62B.380 is hereby amended to read as follows:~~

~~"62B.380 1.~~ [~~If a child is charged with a minor traffic offense, the~~] ~~*The*~~ juvenile court ~~*has exclusive jurisdiction over proceedings concerning any child who commits a minor traffic offense or who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act. The juvenile court*~~ may transfer the case and record to a Justice Court or municipal court if the juvenile court determines that the transfer is in the best interests of the child.

~~2. If a case is transferred pursuant to this section:~~

~~(a)~~ [~~The~~] ~~*If the case concerns a child who commits a minor traffic offense, the*~~ restrictions set forth in NRS 62C.030 are applicable in those proceedings; [~~and~~]

~~(b) *If the case concerns a child who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act, the case must be processed, heard and disposed of in the same manner and with the same penalties as provided in NRS 482.385, 482.545, 483.550, 485.187 and 486.381 and sections 12 to 22, inclusive, of this act; and*~~

~~*(c)* A parent or guardian must accompany the child at all proceedings.~~

~~3. If the juvenile court transfers a case and record to a Justice Court or municipal court pursuant to this section, the Justice Court or municipal court may transfer the case and record back to the juvenile court with the consent of the juvenile court.~~

~~*4. If a case concerns a child who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to*~~

~~***sections 12 to 22, inclusive, of this act and the case is not transferred pursuant to this section, the child must not be treated as a child alleged to be in need of supervision or delinquent and the juvenile court must not adjudicate the child delinquent or in need of supervision. If the juvenile court finds that the child committed the violation, the juvenile court must impose the civil penalty authorized by the applicable provision of NRS 482.385, 482.545, 483.550, 485.187 or 486.381 or sections 12 to 22, inclusive, of this act, and order the child or the parent or guardian of the child, or both, to pay an administrative assessment of $10 in addition to the civil penalty. The administrative assessment must be distributed in the manner provided by NRS 62E.270.]***~~ **(Deleted by amendment.)**

Sec. 42. ~~[NRS 62E.270 is hereby amended to read as follows:~~

~~62E.270 1. If the juvenile court imposes a ***civil penalty pursuant to NRS 62B.380 or a*** fine against:~~

~~(a) A delinquent child pursuant to NRS 62E.730;~~

~~(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; **[**or**]**~~

~~(c) ***A child who violates a provision of chapters 482 to 486, inclusive, of NRS that must be treated as a civil matter pursuant to subsection 4 of NRS 62B.380; or***~~

~~***(d)*** A child in need of supervision, or the parent or guardian of the child, because the child is a habitual truant pursuant to NRS 62E.430,~~

~~**→** the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of $10 in addition to the ***civil penalty or*** fine.~~

~~2. If, pursuant to NRS 62E.440, the juvenile court imposes a fine against a child who has committed an offense related to tobacco, the juvenile court shall order the child to pay an administrative assessment of $10 in addition to the fine.~~

~~3. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.~~

~~4. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.~~

~~5. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.~~

~~6. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.]~~ **(Deleted by amendment.)**

Sec. 43. ~~[NRS 176.059 is hereby amended to read as follows:~~

~~176.059 1. Except as otherwise provided in subsection 2, when a defendant ***is found liable for a civil penalty pursuant to sections 12 to 22,***~~

~~***inclusive, of this act or*** pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the ***civil judgment or*** sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:~~

~~***Civil Penalty or*** Fine~~	~~Assessment~~
~~$5 to $49~~	~~$30~~
~~50 to 59~~	~~45~~
~~60 to 69~~	~~50~~
~~70 to 79~~	~~55~~
~~80 to 89~~	~~60~~
~~90 to 99~~	~~65~~
~~100 to 199~~	~~75~~
~~200 to 299~~	~~85~~
~~300 to 399~~	~~95~~
~~400 to 499~~	~~105~~
~~500 to 1,000~~	~~120~~

~~If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.~~

~~2. The provisions of subsection 1 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance which is specifically designated as imposing a civil **[**penalty or**]** liability pursuant to NRS **[**244.3575 or**]** 268.019.~~

~~3. The money collected for an administrative assessment must not be deducted from the ***civil penalty or*** fine imposed by the justice or judge but must be taxed against the defendant in addition to the ***civil penalty or*** fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a ***civil penalty or*** fine because the ***civil penalty or*** fine has been determined to be uncollectible, any balance of the ***civil penalty or*** fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a ***civil penalty or*** fine is determined to be uncollectible, the defendant is not entitled to a refund of the ***civil penalty or*** fine or ***the*** administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.~~

~~4. If the justice or judge permits the ***civil penalty or*** fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.~~

~~5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:~~

~~(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.~~

~~(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~(c) Five dollars to the State Controller for credit to the State General Fund.~~

~~(d) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.~~

~~6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:~~

~~(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.~~

~~(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice~~

~~court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~(c) Five dollars to the State Controller for credit to the State General Fund.~~

~~(d) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.~~

~~7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:~~

~~(a) Training and education of personnel;~~

~~(b) Acquisition of capital goods;~~

~~(c) Management and operational studies; or~~

~~(d) Audits.~~

~~8. Of the total amount deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6, the State Controller shall distribute the money received to the following public agencies in the following manner:~~

~~(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:~~

~~(1) Thirty-six and one-half percent of the amount distributed to the Office of Court Administrator for:~~

~~(I) The administration of the courts;~~

~~(II) The development of a uniform system for judicial records; and~~

~~(III) Continuing judicial education.~~

~~(2) Forty-eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.~~

~~(3) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices, retired judges of the Court of Appeals and retired district judges.~~

~~(4) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.~~

~~(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:~~

~~(1) The Central Repository for Nevada Records of Criminal History;~~

~~(2) The Peace Officers' Standards and Training Commission;~~

~~(3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;~~

~~(4) The Fund for the Compensation of Victims of Crime;~~

~~(5) The Advisory Council for Prosecuting Attorneys; and~~

~~(6) Programs within the Office of the Attorney General related to victims of domestic violence.~~

~~9. Any money deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.~~

~~10. As used in this section:~~

~~(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.~~

~~(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.~~**]** **(Deleted by amendment.)**

Sec. 44. ~~[NRS 176.0611 is hereby amended to read as follows:~~

~~176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.~~

~~2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant~~ ***is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or*** ~~pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the~~ **,** ~~violation of any municipal ordinance, the justice or judge shall include in the~~ ***civil judgment or*** ~~sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.~~

~~3. The provisions of subsection 2 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance that is specifically designated as imposing a civil~~ **[**~~penalty or~~**]** ~~liability pursuant to NRS~~ **[**~~244.3575 or~~**]** ~~268.019.~~

~~4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the~~ ***civil penalty or*** ~~fine imposed by the justice or judge but must be taxed against the defendant in addition to the~~ ***civil penalty or*** ~~fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a~~ ***civil penalty or*** ~~fine because the~~ ***civil penalty or*** ~~fine has been determined to be uncollectible, any balance of the~~ ***civil penalty or*** ~~fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a~~ ***civil penalty or*** ~~fine is determined to be uncollectible, the defendant is not entitled to a refund of the~~ ***civil penalty or***

~~fine or *the* administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.~~

~~5. If the justice or judge permits the *civil penalty or* fine and *the* administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:~~

~~(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;~~

~~(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;~~

~~(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;~~

~~(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and~~

~~(e) To pay the *civil penalty or* fine.~~

~~6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:~~

~~(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~(c) Renovate or remodel existing facilities for the municipal courts.~~

~~(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~(e) Acquire advanced technology for use in the additional or renovated facilities.~~

~~(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.~~

~~7. Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:~~

~~(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~(c) Renovate or remodel existing facilities for the justice courts.~~

~~(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.~~

~~(e) Acquire advanced technology for use in the additional or renovated facilities.~~

~~(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.~~

~~Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.~~

~~8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.]~~ **(Deleted by amendment.)**

Sec. 45. ~~[NRS 176.0613 is hereby amended to read as follows:~~

~~176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an administrative assessment for the provision of specialty court programs.~~

~~2. Except as otherwise provided in subsection 3, when a defendant~~ ***is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or*** ~~pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal~~

~~ordinance, the justice or judge shall include in the ***civil judgment or*** sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.~~

~~3. The provisions of subsection 2 do not apply to:~~

~~(a) An ordinance regulating metered parking; or~~

~~(b) An ordinance which is specifically designated as imposing a civil **[**penalty or**]** liability pursuant to NRS **[**244.3575 or**]** 268.019.~~

~~4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the ***civil penalty or*** fine imposed by the justice or judge but must be taxed against the defendant in addition to the ***civil penalty or*** fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a ***civil penalty or*** fine because the ***civil penalty or*** fine has been determined to be uncollectible, any balance of the ***civil penalty or*** fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a ***civil penalty or*** fine is determined to be uncollectible, the defendant is not entitled to a refund of the ***civil penalty or*** fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.~~

~~5. If the justice or judge permits the ***civil penalty or*** fine and ***the*** administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:~~

~~(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;~~

~~(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;~~

~~(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs;~~

~~(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and~~

~~(e) To pay the ***civil penalty or*** fine.~~

~~6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the~~

~~State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.~~

~~7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.~~

~~8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.~~

~~9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:~~

~~(a) Pay for the treatment and testing of persons who participate in the program; and~~

~~(b) Improve the operations of the specialty court program by any combination of:~~

~~(1) Acquiring necessary capital goods;~~

~~(2) Providing for personnel to staff and oversee the specialty court program;~~

~~(3) Providing training and education to personnel;~~

~~(4) Studying the management and operation of the program;~~

~~(5) Conducting audits of the program;~~

~~(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or~~

~~(7) Acquiring or using appropriate technology.~~

~~10. As used in this section:~~

~~(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and~~

~~(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.]~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 244.3575 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 47. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues relating to:

(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,

➥ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 48. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 47 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 49. **NRS 176.0125 is hereby amended to read as follows:**

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges

in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. ***Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.***

14. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the

administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 50. **NRS 176.01255 is hereby amended to read as follows:**

176.01255 1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 176.0121 to 176.0129, inclusive ~~[.]~~ ***, and section 47 of this act.***

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to NRS 176.0121 to 176.0129, inclusive ~~[.]~~ ***, and section 47 of this act.***

Sec. 51. **The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice appointed pursuant to section 47 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 79th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.**

Sec. 52. **The amendatory provisions of this act expire by limitation on July 31, 2017.**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~— 244.3575 Ordinances regulating parking: Civil penalty in lieu of criminal sanction. A board of county commissioners may by ordinance provide that the violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed $155, instead of a criminal sanction.]~~

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 490.

AN ACT relating to public administrators; setting forth certain qualifications for deputy public administrators; ~~[requiring a public administrator to obtain permission from the board of county commissioners before transporting certain property outside of the county; requiring a public administrator to submit an independent audit report on an annual basis to the board of county commissioners;]~~ **authorizing the board of county commissioners in smaller counties to impose certain duties on the public administrators of the county; authorizing a board of county commissioners to take certain action concerning complaints received by the board against the public administrator;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public administrator to meet certain qualifications for office. (NRS 253.010) Existing law also authorizes a public administrator to appoint as many deputy public administrators as he or she deems necessary and authorizes a deputy public administrator to perform all duties required of the public administrator. (NRS 253.025) **Section 1** of this bill requires a deputy public administrator, like a public administrator, to: (1) be a qualified elector of the county; (2) be 21 years of age or older; (3) not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and (4) not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Existing law authorizes a public administrator, without procuring letters of administration and upon filing with the court an affidavit of his or her right to do so, to administer an estate in which the gross value of the decedent's property does not exceed $20,000. (NRS 253.0403) Section 1.5 of this bill increases this threshold amount to $25,000.

Existing law sets forth the duties of a public administrator in administering the estate of an intestate decedent. (NRS 253.0415) **Section 2** of this bill ~~[requires a]~~ **authorizes the board of county commissioners, in a county whose population is less than 100,000, to require by ordinance, the** public administrator ~~[that]~~ **, if he or she** has been made an administrator of the estate of an intestate decedent **who resides in the county,** to **notify or** obtain permission from the board ~~[of county commissioners of the county of residence of the decedent]~~ before taking any property belonging to the decedent out of the county.

Existing law authorizes a board of county commissioners to investigate any complaint received by the board against the public administrator. (NRS 253.091) **Section 3** of this bill authorizes the board to take any appropriate action that it deems is necessary to resolve such a complaint. **Section 3** also ~~[requires]~~ **authorizes the board of county commissioners, in a county whose population is less than 100,000, to require, by ordinance,** a public administrator to submit an independent audit report to the board on an annual basis, which covers the records and office of the public administrator.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 253.025 is hereby amended to read as follows:

253.025 1. A public administrator may appoint as many deputies as the public administrator deems necessary to perform fully the duties of his or her office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his or her duties each deputy must take and subscribe to the constitutional oath of office. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.

2. Each appointment must be in writing and recorded with the oath of office of that deputy in the office of the county recorder. Any revocation or resignation of an appointment must be recorded in the office of the county recorder.

3. The public administrator is responsible on his or her official bond for any official malfeasance or nonfeasance of his or her deputies and may require a bond for the faithful performance of the official duties of his or her deputies.

4. Every deputy appointed pursuant to this section must:

(a) Be a qualified elector of the county;

(b) Be at least 21 years of age;

(c) Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and

(d) Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Sec. 1.5. **NRS 253.0403 is hereby amended to read as follows:**

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed ~~[$20,000,]~~ ***$25,000,*** a public administrator may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his or her right to do so.

2. The affidavit must provide:

(a) The public administrator's name and address, and his or her attestation that he or she is entitled by law to administer the estate;

(b) The decedent's place of residence at the time of his or her death;

(c) That the gross value of the decedent's property in this State does not exceed ~~[$20,000;]~~ ***$25,000;***

(d) That at least 40 days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in this State;

(f) A description of the personal property of the decedent;

(g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;

(h) If heirs or next of kin are known to the affiant, a description of the method of service the affiant used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided;

(i) That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and

(j) The name of each person to whom the affiant intends to distribute the decedent's property.

3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, the administrator shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives or distributes is subject to all debts of the decedent, based on the priority for payment of debts and charges specified in NRS 147.195.

(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property the affiant holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if the person relies in good faith, he or she is immune from civil liability for actions based on that reliance.

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property.

Sec. 2. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) The financial status of any decedent for whom he or she has been requested to serve as administrator to determine the assets and liabilities of the estate.

(2) Whether there is any qualified person who is willing and able to serve as administrator of the estate of an intestate decedent to determine whether he or she is eligible to serve in that capacity.

(3) Whether there are beneficiaries named on any asset of the estate or whether any deed upon death executed pursuant to NRS 111.655 to 111.699, inclusive, is on file with the county recorder.

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of an intestate decedent if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

(c) Upon court order, act as administrator of the estate of an intestate decedent, regardless of the amount of assets in the estate of the decedent if no other qualified person is willing and able to serve.

2. The public administrator shall not administer any estate:

(a) Held in joint tenancy unless all joint tenants are deceased; or

(b) For which a deed upon death has been executed pursuant to NRS 111.655 to 111.699, inclusive.

3. ~~*[A public administrator that has been made the administrator of the estate of an intestate decedent shall not transport any property of the decedent outside of the county of residence of the decedent without first obtaining permission from the board of county commissioners.]*~~ ***In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require the public administrator to notify or obtain approval from the board of county commissioners before transporting outside the county any property of a decedent for whose estate the public administrator serves as administrator.***

4. As used in this section, "intestate decedent" means a person who has died without leaving a valid will, trust or other estate plan.

Sec. 3. NRS 253.091 is hereby amended to read as follows:

253.091 1. The board of county commissioners shall:

(a) Establish regulations for the form of any reports made by the public administrator.

(b) Review reports submitted to the board by the public administrator.

(c) Investigate any complaint received by the board against the public administrator ~~[.]~~ ***and take any appropriate action it deems necessary to resolve the complaint.***

2. The board of county commissioners may at any time investigate any estate for which the public administrator is serving as administrator.

3. ~~*[On]*~~ ***In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require that, on or before March 1 of each year, the public administrator*** ~~*[shall]*~~ ***submit to the board of county commissioners an independent audit report prepared by a certified public accountant of the records and office of the public administrator.*** ~~*[Each]*~~ ***The ordinance must:***

(a) Provide that each such audit report ~~*[must]*~~ ***cover the period starting January 1 of the previous calendar year and ending December 31 of the previous calendar year.*** ~~*[The public administrator]*~~

(b) Prescribe who is responsible for paying the costs of the audit.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 394.

AN ACT relating to public health; requiring ~~[an employer]~~ **certain employers** to provide a reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk; prohibiting an employer from retaliating against an employee for certain actions relating to this requirement; ~~[creating a right of action for]~~ **authorizing** a public employee who is aggrieved by her employer's failure to comply with this requirement or by such retaliation by the employer ~~[.]~~ **to file a complaint;** exempting certain small employers from this requirement if compliance would cause an undue hardship; authorizing a local board of health to establish a program to mediate disputes concerning a violation of this requirement; authorizing the Labor Commissioner to enforce the requirement against private employers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each employer to provide employees with certain meal and rest periods, with certain exceptions. (NRS 608.019) Existing law gives the Labor Commissioner the authority to prosecute violations of this requirement and provides that an employer who violates this requirement is guilty of a misdemeanor and subject to a civil penalty of $5,000 per violation. (NRS 608.180, 608.195) Existing federal law requires an employer to provide a reasonable break time and a private place for certain employees to express breast milk for a nursing child for 1 year after the child's birth. (29 U.S.C. § 207) **Sections 2 and 3** of this bill similarly require each public and private employer in this State **, except for the Department of Corrections,** to provide reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk. Such break time may be with or without compensation. Additionally, **sections 2 and 3** prohibit **such** an employer from retaliating against an employee who: (1) takes the provided break time or uses the designated place to express breast milk; or (2) takes any action to enforce the requirement that the employer provide such a time and place. Finally, **section 3** relieves a private employer of fewer than ~~[25]~~ **50** persons from the duty to provide such accommodations if doing so would cause undue hardship to the employer.

Section 1 of this bill authorizes a local board of health to establish a program of voluntary mediation to resolve disputes concerning a violation of the

requirement that each employer provide break time and a place for an employee to express breast milk. **Section 2** ~~[creates a right of action for]~~ **authorizes** a public employee **to file a complaint** against a public employer who fails to meet the requirement to provide break time and a place for the employee to express breast milk**.** ~~[and provides that an officer or agent of a public employer who violates this requirement is guilty of a misdemeanor.]~~ **Section 4** of this bill authorizes the Labor Commissioner to enforce the requirement against private employers. **Section 5** of this bill provides that a private employer who violates this requirement is guilty of a misdemeanor and is subject to a civil penalty of $5,000 per violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local board of health may, by regulation, establish a program of voluntary mediation for disputes concerning complaints of violations of section 2 or 3 of this act. Such a program must allow persons to submit such a dispute for mediation before seeking enforcement ~~*[by the Labor Commissioner]*~~ ***pursuant to NRS 608.180*** ~~*[and before filing a criminal complaint or an action in court.]*~~ ***or 608.195 or section 2 of this act.***

2. Regulations establishing a program of voluntary mediation pursuant to subsection 1 may include, without limitation:

(a) Requirements for participation in the program;

(b) The types of disputes that may be submitted for mediation;

(c) The manner in which the parties must submit information concerning the dispute;

(d) The manner in which any inspections may occur;

(e) The manner in which findings will be made;

(f) Any fee to cover the cost of the mediation; and

(g) Any other matters relevant to the mediation.

3. Upon completion of any mediation conducted pursuant to this section, the mediator shall provide the parties with his or her findings and recommendations.

4. If the parties do not reach an agreement concerning a dispute as a result of participation in the program of voluntary mediation, the complainant may ~~*[file a complaint with the Labor Commissioner, a criminal complaint or commence an action in court, as appropriate.]*~~ ***seek enforcement pursuant to NRS 608.180 or 608.195 or section 2 of this act.***

5. The local board of health shall not report any information to the Labor Commissioner or a court concerning a mediation conducted pursuant to this section except the findings and recommendations of the mediator.

Sec. 2. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 4, a public body shall provide an employee who is the mother of a child under 1 year of age with a reasonable break time, with or without compensation, for the employee to express breast milk for the child each time the employee needs to express such milk and a clean, private place, other than a bathroom, where the employee may express such milk.

2. Any officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against any employee of the public body because the employee has:

(a) Taken the break time or used the space required pursuant to subsection 1 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce this section.

3. ~~[Any employee of a public body who is aggrieved by a violation of the provisions of this section may file a civil action in the district court of the county in which the violation occurred for declaratory, injunctive and monetary relief against the public body. If the court finds that there has been a violation of the provisions of this section by an officer or agent of the public body, the court shall award the employee the sum of $5,000 for each violation or the sum of the employee's actual damages, whichever is greater.]~~ An employee who is aggrieved by the failure of a public body to comply with the requirements of this section may:

(a) If the employee is an employee of the Executive Department of State Government and is not an employee of an entity described in NRS 284.013, file a complaint with the Personnel Commission in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is an employee of the Legislative Department of State Government, file a complaint with the Legislative Commission;

(c) If the employee is an employee of the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is an employee of a municipality, county, school district or other type of district, or a city or town, file a complaint with the Local Government Employee-Management Relations Board.

4. ~~[Any officer or agent of a public body whose duty it is to employ, direct or control the services of an employee covered by this section, who violates any of the provisions of this section, is guilty of a misdemeanor.]~~ The requirements of this section do not apply to the Department of Corrections. The Department of Corrections is encouraged to make reasonable accommodations, when practicable, for an employee who is the mother of a child under 1 year of age to express breast milk.

5. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education;

(c) Any municipality, county, school district or other type of district, or a city or town, incorporated or unincorporated; or

(d) Any other body corporate and politic comprising a political subdivision of this State or acting on behalf thereof.

Sec. 2.2. **NRS 284.384 is hereby amended to read as follows:**

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by federal law or NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 ~~[.]~~ ***and complaints filed pursuant to section 2 of this act.*** Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 ***, or any complaint filed pursuant to section 2 of this act,*** is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance ***or complaint*** within the agency in which it arose.

(b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance ~~[.]~~ ***or complaint.***

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance ***or complaint*** which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision. Except as otherwise provided in subsection 3, a final decision of the Committee is binding. The Committee or an employee may petition a court of competent jurisdiction for enforcement of the Committee's binding decisions.

5. The employee may represent himself or herself at any hearing regarding a grievance ***or complaint*** which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 2.7. **NRS 288.270 is hereby amended to read as follows:**

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

(h) Fail to comply with the requirements of section 2 of this act.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

Sec. 3. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each employer shall provide an employee who is the mother of a child under 1 year of age with a reasonable break time, with or without compensation, for the employee to express breast milk for the child each time the employee needs to express such milk and a clean, private place, other than a bathroom, where the employee may express such milk.

2. An employer shall not retaliate, or direct or encourage another person to retaliate, against any employee because the employee has:

(a) Taken the break time or used the space required pursuant to subsection 1 to express breast milk; or

(b) Taken any action to require the employer to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce this section.

3. An employer who employs fewer than ~~[25]~~ 50 employees is not subject to the requirements of this section if the requirements would impose undue hardship or expense on the employer, considering the size, financial resources, nature and structure of the business of the employer.

Sec. 4. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and section 3 of this act*** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 5. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 3 of this act,*** or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 502.

SUMMARY—Revises provisions relating to services for children with intellectual disabilities and children with related conditions. (BDR ~~[39-803)]~~ **S-803)**

AN ACT relating to mental health; ~~[revising provisions concerning certain support, education and care for children with intellectual disabilities and children with related conditions required to be provided by counties;]~~

providing for the establishment of a pilot program to provide certain ~~[wrap-around]~~ **intensive care coordination** services to children with intellectual disabilities and children with related conditions who **are also diagnosed as having behavioral health needs and** reside in certain larger counties; **requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department to take certain actions to monitor the effectiveness of the pilot program and obtain funding for the pilot program;** requiring the Department ~~[of Health and Human Services]~~ to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to make provisions for the support, education and care of the children with intellectual disabilities and children with related conditions who reside in their respective counties. (NRS 435.010) ~~[Section 1 of this bill requires the services that the board of county commissioners is required to provide to children with intellectual disabilities and children with related conditions to include preventive services that allow such children to remain at home, respite care for the primary caregivers of such children, and food and lodging expenses for such children who reside in a residential facility for groups.]~~

Section 2 of this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department, to the extent that money is available for that purpose, to establish a pilot program to provide ~~[wrap-around]~~ **intensive care coordination** services to children with intellectual disabilities and children with related conditions who **have also been diagnosed as having behavioral health needs and** reside in a county whose population is 100,000 or more (currently Clark and Washoe Counties). The Director of the Department is required to amend the State Plan for Medicaid if needed and obtain any necessary Medicaid waiver necessary to use money received pursuant to the State Plan for Medicaid to pay for the pilot program. **Section 2** requires the ~~[wrap-around]~~ **intensive care coordination** services provided through the pilot program to include ~~[preventive services to allow a child to remain at home, respite care for the primary caregiver]~~ **certain medically necessary services, support for the family** of a child ~~[.]~~ and food and lodging expenses for a child who ~~[resides in a residential facility for groups. Finally, section 2 provides that the cost of providing wrap-around services must not exceed the cost of placing the child in residential treatment outside this State.]~~ **is receiving supported living arrangement services and does not reside with his or her parent or guardian. Section 2 requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to: (1) take certain measures to evaluate the effectiveness of the pilot program; and (2) collaborate with each person or governmental entity that provides services pursuant to the pilot program**

to obtain grants for the purpose of carrying out the pilot program. The pilot program will expire on July 1, 2019, unless extended before that date.

Section 3 of this bill requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to submit a report on or before April 30, 2016, and every 6 months thereafter until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, concerning the status and results of the pilot program. **Section 3** of this bill requires the board of county commissioners of each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit a report on or before April 30, 2016, and every 6 months until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, describing the manner in which the board makes provisions for the required support, education and care of the children with intellectual disabilities and children with related conditions who reside in the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 435.010 is hereby amended to read as follows:~~

~~435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the children with intellectual disabilities and children with related conditions of their respective counties. *Such support, education and care must include, without limitation:*~~

~~*(a) Preventive services that allow such children to remain in their homes;*~~

~~*(b) Respite care for the primary caregivers of such children; and*~~

~~*(c) Food and lodging expenses for such children who reside in a residential facility for groups.*~~

~~2. For that purpose, they are empowered to make all necessary contracts and agreements to carry out the provisions of this section and NRS 435.020 and 435.030. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.~~

~~3. The provisions of this section and NRS 435.020 and 435.030 supplement the services which other political subdivisions or agencies of the State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.~~] **(Deleted by amendment.)**

Sec. 2. 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall establish a pilot program to provide ~~[wrap-around]~~ **intensive care coordination** services to children with intellectual disabilities and children with related conditions who **are also diagnosed as having behavioral health needs and who** reside in a county whose population is 100,000 or more.

2. The ~~[wrap-around]~~ **intensive care coordination** services provided by the pilot program must include, without limitation:

(a) ~~[Preventive services that allow]~~ **Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to** a child with intellectual disabilities or a child with a related condition ~~[to remain in his or her home;]~~ **who is also diagnosed as having behavioral health needs;**

(b) ~~[Respite]~~ **Support for the family of such a child, including, without limitation, respite** care for the primary caregiver of ~~[such a]~~ **the** child; ~~[and]~~

(c) **Coordination of all services provided to such a child and his or her family;**

(d) Food and lodging expenses for such a child who ~~[resides in a residential facility for groups.~~

~~3. Other wrap-around services that the pilot program may provide include, without limitation:~~

~~(a) Day habilitation;~~

~~(b) Residential support services;~~

~~(c) Consultation, training and intervention to improve behavior;~~

~~(d) Counseling;~~**]** **is receiving supported living arrangement services and does not reside with his or her parent or guardian;**

(e) ~~[Nutrition counseling;~~

~~(f) Nursing services;~~

~~(g)~~**]** Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual disability or a child with a related condition ~~[;~~

~~(h)~~**]** **who has also been diagnosed as having behavioral health needs;**

(f) Nonmedical transportation;

~~[(i)]~~ **(g)** Career planning;

~~[(j)]~~ **(h)** Supported employment; and

~~[(k)]~~ **(i)** Prevocational services.

~~[4. The cost of providing supplemental services to a child with an intellectual disability or a child with a related condition through the program created pursuant to subsection 1 must not be greater than the cost of placing the child in residential treatment outside this State.~~

~~5.~~**]** **3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:**

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other

governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for the pilot program described in subsection 1.

~~[6.]~~ **5.** As used in this section:

(a) "Children with related conditions" means children who have a severe, chronic disability which:

(1) Is attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;

(2) Is likely to continue indefinitely; and

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(I) Taking care of oneself;

(II) Understanding and use of language;

(III) Learning;

(IV) Mobility;

(V) Self-direction; and

(VI) Capacity for independent living.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~["Wrap-around]~~ **"Intensive care coordination** services" means ~~[supplemental]~~ **the delivery of comprehensive** services provided to a child with an intellectual disability or a child with a related condition ~~[,]~~ **that is also diagnosed as having behavioral health needs,** or the family of such a child, that are ~~[not covered by Medicaid in the absence of a waiver from federal law or regulations.]~~ **coordinated by a single entity and delivered in an individualized and culturally appropriate manner.**

(d) "Supported living arrangement services" means flexible, individualized services provided in a residential setting, for compensation, to a child with an intellectual disability or a person with a related condition who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child's independence, including, without limitation, training and habilitation services.

Sec. 3. On or before April 30, 2016, and every 6 months thereafter:

1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the status and results of the pilot program established pursuant to section 2 of this act and recommendations for legislation to facilitate the improvement or expansion of the pilot program.

2. The board of county commissioners of each county whose population is less than 100,000 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the actions the county is taking to comply with the requirements of NRS 435.010.

Sec. 3.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.**

Sec. 4. ~~[1.]~~ This act becomes effective on July 1, 2015 ~~[.~~

~~2. Sections 2 and 3 of this act expire]~~ **, and expires** by limitation on July 1, 2019.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 501.

AN ACT relating to emergency medical services; ~~[revising provisions relating to the provision of]~~ **requiring persons who provide** emergency medical services at certain special events ~~[;]~~ **to be licensed attendants or exempt from such licensure; exempting special events held in certain small cities from the requirement to provide certain emergency medical services; requiring physicians who staff certain large special events to have experience providing emergency medical services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the host organization of certain special events to provide particular types of emergency medical services at the special event based on the size of the event and the population of the county in which the special event is held. (NRS 450B.650-450B.700) ~~[This]~~ **Sections 1-1.7 of this bill require the persons who provide such emergency medical services at a special event to be licensed attendants, physicians, registered nurses or**

physician assistants. Sections 1.9-3 of this bill **[exempts] exempt** from **[these provisions] the requirement to provide particular types of emergency medical services** a special event held within the boundaries of a city **[, town or township]** whose population is less than 25,000 **[.] (currently Boulder City, Caliente, Carlin, Elko, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca and Yerington) if there is a fire-fighting agency within the city and the city has adopted a plan for providing emergency medical service at special events.**

Existing law requires the host of a special event in a county whose population is 100,000 or more (currently Clark and Washoe Counties) at which 2,500 or more persons but less than 15,000 persons are projected to be in attendance at the same time to provide at least one dedicated life support ambulance if the event has been held before and there is a history of a significant number of persons who need emergency medical services. (NRS 450B.695) Section 1.8 of this bill revises the number of people that constitutes a significant number from 0.07 percent of attendees to 0.7 percent of attendees.

Existing law requires the host of a special event at which 50,000 or more persons are expected to be in attendance at the same time to provide two or more physicians. (NRS 450B.700) Section 3 of this bill requires those physicians to have experience providing emergency medical services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 450B.655 is hereby amended to read as follows:**

450B.655 "Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one ~~[advanced]~~ ***licensed attendant who is an*** emergency medical technician and ***one licensed attendant who is a*** paramedic; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a) **[.]** ***and each of whom is licensed pursuant to this chapter or exempt from licensure pursuant to subsection 6 of NRS 450B.160.***

Sec. 1.3. **NRS 450B.660 is hereby amended to read as follows:**

450B.660 "First-aid station" means a fixed location at the site of a special event that is staffed by **[at] :**

1. At least one ***licensed attendant who is an*** emergency medical technician **, *advanced emergency medical technician or paramedic;*** or ~~[a]~~

2. A person with a higher level of skill ***than the levels described in subsection 1*** who is capable of providing emergency medical care within his

or her scope of practice ~~[.]~~ ***and is licensed pursuant to this chapter or exempt from licensure pursuant to subsection 6 of NRS 450B.160.***

Sec. 1.5. **NRS 450B.670 is hereby amended to read as follows:**

450B.670 "Roving emergency medical technician team" means a team at the site of a special event that:

1. Consists of two or more ***licensed attendants who are*** emergency medical technicians, advanced emergency medical technicians or paramedics; and

2. Has the medical supplies necessary to provide emergency medical care.

Sec. 1.7. **NRS 450B.675 is hereby amended to read as follows:**

450B.675 "Roving intermediate emergency medical technician team" means a roving emergency medical team that consists of two or more ***licensed attendants who are*** advanced emergency medical technicians or paramedics.

Sec. 1.8. **NRS 450B.680 is hereby amended to read as follows:**

450B.680 "Significant number" means, with regard to:

1. Contacts by emergency medical personnel with persons who attended a special event, the number of contacts is ~~[0.07]~~ ***0.7*** percent or more of the total number of persons who attended the special event; and

2. Patients transported to a hospital, the number of patients transported from the special event to the hospital by ambulance or private vehicle is 15 percent or more of the total number of contacts at the special event by emergency medical personnel with persons who attended the special event.

~~[Section 1.]~~ ***Sec. 1.9.*** NRS 450B.690 is hereby amended to read as follows:

450B.690 1. ***Except as otherwise provided in subsection 2:***

(a) In a county whose population is 100,000 or more, if a special event ~~[at which]~~ ***is to be held and*** 2,500 or more persons but less than 10,000 persons are projected to be in attendance ***at the event*** at the same time, the host organization shall provide at least one first-aid station at the site of the special event if:

~~[(a)]~~ ***(1)*** The special event is a concert; or

~~[(b)]~~ ***(2)*** Three or more of the following factors apply to the special event:

~~[(1)]~~ ***(I)*** The special event involves a high-risk activity, including, without limitation, sports or racing.

~~[(2)]~~ ***(II)*** The special event poses environmental hazards to persons attending the special event or is held during a period of extreme heat or cold.

~~[(3)]~~ ***(III)*** The average age of the persons attending the special event is less than 25 years of age or more than 50 years of age.

~~[(4)]~~ ***(IV)*** A large number of the persons attending the special event have acute or chronic illnesses.

~~[(5)]~~ ***(V)*** Alcohol is sold at the special event or, if the special event has been held before, there is a history of alcohol or drug use by the persons who attended the special event in the past.

~~[(6)]~~ ***(VI)*** The density of the number of persons attending the special event increases the difficulty regarding ~~[:~~

~~(I) Access~~] ***access*** to the persons who are attending the special event who require emergency medical care ***,*** ~~[,]~~ or

~~[(II) The~~] ***the*** transfer of those persons who require emergency medical care to an ambulance.

~~[2.]~~ ***(b)*** In a county whose population is 100,000 or more, if the host organization meets the requirements of ~~[paragraph (a) or (b) of subsection 1]~~ ***subparagraph (1) or (2) of paragraph (a)*** and 10,000 or more persons but less than 15,000 persons are projected to be in attendance at the special event at the same time, the host organization shall:

~~[(a)]~~ ***(1)*** Provide at least one first-aid station at the site of the special event and equip the first-aid station with an automated external defibrillator; and

~~[(b)]~~ ***(2)*** Provide a roving emergency medical technician team at the site of the special event.

~~[3.]~~ ***(c)*** In a county whose population is 100,000 or more, if the host organization meets the requirements of ~~[paragraph (a) or (b) of subsection 1]~~ ***subparagraph (1) or (2) of paragraph (a)*** and 15,000 or more persons but less than 50,000 persons are projected to be in attendance at the special event at the same time, the host organization shall:

~~[(a)]~~ ***(1)*** Provide at least one first-aid station at the site of the special event and staff the first-aid station with at least one registered nurse, licensed practical nurse or paramedic in lieu of an emergency medical technician; and

~~[(b)]~~ ***(2)*** Provide two or more roving intermediate emergency medical technician teams at the site of the special event.

2. The provisions of subsection 1 do not apply to a special event held within the boundaries of a city ~~***[, town or township]***~~ ***whose population is less than 25,000*** ~~***[,]***~~ ***if there is a fire-fighting agency within the city other than a volunteer fire department and the city has adopted a plan for providing emergency medical services at special events.***

Sec. 2. NRS 450B.695 is hereby amended to read as follows:

450B.695 1. ***Except as otherwise provided in subsection 2:***

(a) In a county whose population is 100,000 or more, if a special event ~~[at which]~~ ***is to be held and*** 2,500 or more persons but less than 15,000 persons are projected to be in attendance ***at the event*** at the same time, the host organization shall provide at least one dedicated advanced life support ambulance at the special event if the special event:

~~[(a)]~~ ***(1)*** Is located more than 5 miles from the closest hospital; or

~~[(b)]~~ ***(2)*** Has been held before and there is a history of a significant number of:

~~[(1)]~~ ***(I)*** Contacts by emergency medical personnel with persons who attended the special event to provide emergency medical care to those persons; or

~~[(2)]~~ ***(II)*** Persons who attended the special event who were transported as patients from the special event to a hospital.

~~[2.]~~ ***(b)*** In a county whose population is 100,000 or more, if the host organization meets the requirements of ~~[paragraph (a) or (b) of subsection 1]~~

subparagraph (1) or (2) of paragraph (a) and 15,000 or more persons but less than 50,000 persons are projected to be in attendance at the special event at the same time, the host organization shall provide at least two dedicated advanced life support ambulances at the special event.

2. The provisions of subsection 1 do not apply to a special event held within the boundaries of a city ~~[, town or township]~~ ***whose population is less than 25,000*** ~~[.]~~ ***if there is a fire-fighting agency within the city other than a volunteer fire department and the city has adopted a plan for providing emergency medical services at special events.***

Sec. 3. NRS 450B.700 is hereby amended to read as follows:

450B.700 ~~[If]~~

1. Except as otherwise provided in subsection 2, if a special event ~~[at which]~~ ***is to be held and*** 50,000 or more persons are projected to be in attendance ***at the event*** at the same time, the host organization shall provide:

~~[1.]~~ ***(a)*** Two or more first-aid stations at the site of the special event;

~~[2.]~~ ***(b)*** Two or more physicians licensed pursuant to chapter 630 or 633 of NRS ~~[;~~

~~3.]~~ ***who have experience providing emergency medical services;***

(c) Two or more roving emergency medical technician teams; and

~~[4.]~~ ***(d)*** Two or more dedicated advanced life support ambulances.

2. The provisions of subsection 1 do not apply to a special event held within the limits of a city ~~[, town or township]~~ ***whose population is less than 25,000*** ~~[.]~~ ***if there is a fire-fighting agency within the city other than a volunteer fire department and the city has adopted a plan for providing emergency medical services at special events.***

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 491.

AN ACT relating to the Public Employees' Retirement System; ~~[revising provisions governing the minimum age at which a person who becomes a member of the System on or after July 1, 2016, may retire and receive an unreduced benefit;]~~ revising provisions governing the calculation of the average compensation of a person who becomes a member of the System on or after July 1, 2016; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a person who becomes a member of the Public Employees' Retirement System, other than a police officer or firefighter, on or after January 1, 2010, is eligible to retire at age 65 if the member has at least 5~~

~~years of service, at age 60 if the member has at least 10 years of service and at any age if the member has at least 30 years of service. Existing law further provides that a police officer or firefighter who becomes a member of the System on or after January 1, 2010, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service, at age 50 if the police officer or firefighter has at least 20 years of service and at any age if the police officer or firefighter has at least 25 years of service. (NRS 286.510) Section 1 of this bill requires the Public Employees' Retirement Board to establish, by regulation, the age at which a person who becomes a member of the System, other than a police officer or firefighter, on or after July 1, 2016, is eligible to retire and receive an unreduced benefit. The age must be equal to the full retirement age of the member under the Social Security Act. Section 1 also requires the Board to establish the age at which a police officer or firefighter who becomes a member of the System on or after July 1, 2016, is eligible to retire and receive an unreduced benefit. The age must be 10 years less than the full retirement age of the police officer or firefighter under the Social Security Act.]~~

Existing law provides that for a person who becomes a member of the Public Employees' Retirement System on or after January 1, 2010, the member's monthly service retirement allowance must be determined by multiplying the member's average compensation by 2.5 percent for each year of service earned. With certain limitations, the determination of the member's average compensation is based on an average of the member's 36 consecutive months of highest compensation. (NRS 286.551) **Section 2** of this bill provides that for a person who becomes a member of the System on or after July 1, 2016, the determination of the member's average compensation must be based on an average of the member's 60 consecutive months of highest compensation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 286.510 is hereby amended to read as follows:~~

~~"286.510 1. Except as otherwise provided in subsections 2 and 3, a member of the System:~~

~~(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the member has at least 5 years of service, at age 60 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.~~

~~(b) Who has an effective date of membership on or after January 1, 2010,~~ ***but before July 1, 2016,*** ~~is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.~~

~~***(c) Who has an effective date of membership on or after July 1, 2016, is eligible to retire at the age established by the Board pursuant to paragraph***~~

(a) of subsection 7 if the member has at least 5 years of service and at any age if the member has at least 30 years of service.

~~2. A police officer or firefighter:~~

~~(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 55 if the police officer or firefighter has at least 10 years of service, at age 50 if the police officer or firefighter has at least 20 years of service and at any age if the police officer or firefighter has at least 25 years of service.~~

~~(b) Who has an effective date of membership on or after January 1, 2010,~~ ***but before July 1, 2016,*** ~~is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service.~~

(c) Who has an effective date of membership on or after July 1, 2016, is eligible to retire at the age established by the Board pursuant to paragraph (b) of subsection 7 if the police officer or firefighter has at least 5 years of service.

~~Only service performed in a position as a police officer or firefighter, established as such by statute or regulation, service performed pursuant to subsection 3 and credit for military service, may be counted toward eligibility for retirement pursuant to this subsection.~~

~~3. Except as otherwise provided in subsection 4, a police officer or firefighter who has at least 5 years of service as a police officer or firefighter and is otherwise eligible to apply for disability retirement pursuant to NRS 286.620 because of an injury arising out of and in the course of the police officer's or firefighter's employment remains eligible for retirement pursuant to subsection 2 if:~~

~~(a) The police officer or firefighter applies to the Board for disability retirement and the Board approves the police officer's or firefighter's application;~~

~~(b) In lieu of a disability retirement allowance, the police officer or firefighter accepts another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled as soon as practicable but not later than 90 days after the Board approves the police officer's or firefighter's application for disability retirement;~~

~~(c) The police officer or firefighter remains continuously employed by that public employer until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2; and~~

~~(d) After the police officer or firefighter accepts a position pursuant to paragraph (b), the police officer's or firefighter's contributions are paid at the rate that is actuarially determined for police officers and firefighters until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2.~~

~~4. If a police officer or firefighter who accepted another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled pursuant to subsection 3 ceases to work for that public employer before becoming eligible to retire pursuant to subsection 2, the police officer or firefighter may begin to receive a disability retirement allowance without further approval by the Board by notifying the Board on a form prescribed by the Board.~~

~~5. Eligibility for retirement, as provided in this section, does not require the member to have been a participant in the System at the beginning of the police officer's or firefighter's credited service.~~

~~6. Any member who has the years of creditable service necessary to retire but has not attained the required age, if any, may retire at any age with a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 286.537, a retirement benefit pursuant to this subsection must be reduced:~~

~~(a) If the member has an effective date of membership before January 1, 2010, by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age.~~

~~(b) If the member has an effective date of membership on or after January 1, 2010, by 6 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.5 percent for each additional month that the member is under the appropriate retirement age.~~

~~Any option selected pursuant to this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.~~

~~*7. The Board shall, by regulation, establish:*~~

~~*(a) For a member who has an effective date of membership on or after July 1, 2016, and at least 5 years of eligible service, the minimum age at which the member is eligible to retire and receive an unreduced benefit, which must be equal to the full retirement age of the member under the Social Security Act.*~~

~~*(b) For a police officer or firefighter who has an effective date of membership on or after July 1, 2016, and at least 5 years of eligible service, the minimum age at which the police officer or firefighter is eligible to retire and receive an unreduced benefit, which must be 10 years less than the full retirement age of a police officer or firefighter under the Social Security Act.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 286.551 is hereby amended to read as follows:

286.551 Except as otherwise required as a result of NRS 286.535 or 286.537:

1. Except as otherwise provided in subsection 2:

(a) For a member who has an effective date of membership before January 1, 2010, a monthly service retirement allowance must be determined by multiplying a member's average compensation by 2.5 percent for each year of service earned before July 1, 2001, and 2.67 percent for each year of service earned on or after July 1, 2001.

(b) For a member who has an effective date of membership on or after January 1, 2010, a monthly service retirement allowance must be determined by multiplying a member's average compensation by 2.5 percent for each year of service earned.

2. A member:

(a) Who has an effective date of membership on or after July 1, 1985, is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 30 years of service.

(b) Who has an effective date of membership before July 1, 1985, and retires on or after July 1, 1977, is entitled to a benefit of not more than 90 percent of the member's average compensation with the member's eligibility for service credit ceasing at 36 years of service.

➥ In no case may the service retirement allowance determined pursuant to this section be less than the allowance to which the retired employee would have been entitled pursuant to the provisions of this section which were in effect on the day before July 3, 1991.

3. For the purposes of this section, except as otherwise provided in subsections 4, 5 and 6, "average compensation" means ***:***

(a) For a member who has an effective date of membership before July 1, 2016, the average of ~~[a]~~ ***the*** member's 36 consecutive months of highest compensation as certified by the public employer.

(b) For a member who has an effective date of membership on or after July 1, 2016, the average of the member's 60 consecutive months of highest compensation as certified by the public employer.

4. Except as otherwise provided in subsection 5, for an employee who becomes a member of the System on or after January 1, 2010, the following limits must be observed when calculating the member's average compensation based on a 60-month period that commences 24 months immediately preceding the 36 consecutive months of highest compensation:

(a) The compensation for the 13th through the 24th months may not exceed the actual compensation amount for the 1st through the 12th months by more than 10 percent;

(b) The compensation for the 25th through the 36th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (a); or

(2) The actual compensation amount for the 13th through the 24th months;

(c) The compensation for the 37th through the 48th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (b); or

(2) The actual compensation amount for the 25th through the 36th months; and

(d) The compensation for the 49th through the 60th months may not exceed by more than 10 percent the lesser of:

(1) The maximum average compensation amount allowed pursuant to paragraph (c); or

(2) The actual compensation amount for the 37th through the 48th months.

5. Compensation attributable to a promotion and assignment-related compensation must be excluded when calculating the limits pursuant to subsection 4.

6. The average compensation of a member who has a break in service or partial months of compensation, or both, as a result of service as a Legislator during a regular or special session of the Nevada Legislature must be calculated on the basis of the average of the member's 36 consecutive months of highest compensation as certified by the member's public employer excluding each month during any part of which the Legislature was in session. This subsection does not affect the computation of years of service.

7. The retirement allowance for a regular part-time employee must be computed from the salary which the employee would have received as a full-time employee if it results in greater benefits for the employee. A regular part-time employee is a person who works half-time or more, but less than full-time:

(a) According to the regular schedule established by the employer for the employee's position; and

(b) Pursuant to an established agreement between the employer and the employee.

Sec. 3. This act becomes effective **[**~~:~~

~~1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~2. On~~**]** **on** July 1, 2016 **. [**~~, for all other purposes.~~**]**

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 500.

AN ACT relating to child welfare; revising provisions concerning required requests for the credit report of a child in the custody of an agency which provides child welfare services; revising provisions concerning missing and runaway children; requiring an agency which provides child welfare services that receives information concerning a missing child in the custody of the agency to report such information to a law enforcement agency; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt certain procedures concerning children who have run away from a foster home; revising requirements concerning permanency hearings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law that becomes effective on September 29, 2015, requires each child in foster care under the responsibility of the State who is at least 14 years of age to receive a copy of his or her credit report each year until the child is discharged from care. (Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 113) **Section 1** of this bill lowers the age of a child for whom an agency which provides child welfare services is required to obtain a credit report under state law from 16 years of age to 14 years of age to conform to this federal requirement.

Existing state law requires a law enforcement agency to request certain identifying information from the parent or guardian of a missing child who is less than 16 years of age or has not been located within 30 days after being reported missing. (NRS 432.200) Existing law also requires a law enforcement agency that receives and verifies a report of a missing child, other than a child who has run away, to immediately transmit the report to the program established by the Attorney General to coordinate activities and information in this State concerning missing or exploited children. (NRS 432.205) **Sections 2 and 3** of this bill instead require a law enforcement agency to request such information and transmit such a report for any child who has been reported missing.

Existing federal law requires a state agency that receives information concerning a missing or abducted child who has been placed in the custody of the agency to report the information immediately to the National Center for Missing and Exploited Children and the National Crime Information Center database established by the Federal Bureau of Investigation. (Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 104) **Section 4** of this bill includes this requirement in state law.

Existing federal law requires a state to develop and carry out specific protocols concerning children who have run away from foster care in order to receive certain federal funds. (42 U.S.C. § 671(a)(35)) **Section 5** of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to implement such protocols.

Existing federal law that becomes effective on September 29, 2015, prohibits the placement of a child who is under 16 years of age in a permanent placement other than with the parent of the child, the adoption of the child or

referral of the child for legal guardianship. (Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 112) **Section 6** of this bill authorizes an agency which provides child welfare services that has custody of a child who is 16 years of age or older to present evidence at a permanency hearing that there is a compelling reason for placing such a child in a different permanent living arrangement.

Existing federal law requires a judge at a permanency hearing to: (1) ask the child about his or her desired permanency outcome; (2) if the judge determines that another permanency outcome is better for the child, to explain why; and (3) if the judge determines that it is not in the best interests of the child to return home, be placed for adoption or be placed with a legal guardian or relative, provide compelling reasons for that determination. (42 U.S.C. § 675a(a)(2)) Existing state law requires a judge at a permanency hearing to prepare an explicit statement of the facts upon which he or she based his or her determination regarding the best interests of the child. **Section 6** revises this requirement to meet the federal requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432.0395 is hereby amended to read as follows:

432.0395 1. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:

(a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;

(b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and

(c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.

2. An agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:

(a) When the child reaches the age of ~~[16]~~ ***14*** years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or

(b) If the child has reached the age of ~~[16]~~ ***14*** years before the child is placed in the custody of the agency which provides child welfare services, within 90 days after the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).

3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

4. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

(a) Report any information which may indicate identity theft or other crime to the Attorney General;

(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and

(c) If an inaccuracy remains unresolved after the child has left the custody of the agency which provides child welfare services, notify the child or, if the child has not attained the age of majority, the person responsible for the child's welfare:

(1) That an inaccuracy exists in the credit report of the child;

(2) Of the manner in which to correct the inaccuracy; and

(3) Of any services that may be available in the community to provide assistance in correcting the inaccuracy.

5. An agency which provides child welfare services may, upon consent of a child who remains under the jurisdiction of a court pursuant to NRS 432B.594, continue to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered.

6. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection 4 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.

Sec. 2. NRS 432.200 is hereby amended to read as follows:

432.200 1. A law enforcement agency shall accept every report of a missing child which is submitted to the agency, including, but not limited to, a report made by telephone. Upon receipt of such a report, the agency shall immediately conduct a preliminary investigation and classify the cause of the disappearance of the child as "runaway," "abducted by the parent of the child," "abducted by a stranger" or "cause of disappearance unknown," and shall:

(a) Transmit all available information about the child to the Clearinghouse within 36 hours after the report is received;

(b) Immediately notify such persons and make such inquiries concerning the missing child as the agency deems necessary;

(c) Fully comply with the requirements of the National Child Search Assistance Act of 1990, ~~[Title XXXVII of Public Law 101-647, 104 Stat. 4966;]~~ ***42 U.S.C. §§ 5779 and 5780;*** and

(d) Enter into the National Crime Information Center's Missing Person File, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.

2. A law enforcement agency which has jurisdiction over the investigation of an abducted child and which has obtained a warrant for the arrest of a person suspected in the child's disappearance or concealment shall immediately

notify the National Crime Information Center for the entry into the Center's Wanted Person File of identifying and descriptive information concerning:

(a) The suspect; and

(b) As miscellaneous information, the missing child.

➥ The agency shall cross-reference information entered pursuant to this section with the National Crime Information Center's Missing Person File.

3. ~~[If a missing child is less than 16 years of age or has not been located within 30 days after]~~ ***After*** a report is filed, the law enforcement agency that received the initial report shall:

(a) Send to the child's parent or guardian a request for certain identifying information regarding the child that the National Crime Information Center recommends be provided; and

(b) Ask the child's parent or guardian to provide such identifying information regarding the child.

➥ This subsection does not preclude the voluntary release of identifying information about the missing child by the parent or guardian of the child at any time.

4. The parent or guardian of a child reported as missing shall promptly notify the appropriate law enforcement agency if the child is found or returned. The law enforcement agency shall then transmit that fact to the National Crime Information Center and the Clearinghouse.

5. Nothing in this section requires a law enforcement agency to activate the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.

Sec. 3. NRS 432.205 is hereby amended to read as follows:

432.205 1. A law enforcement agency, upon receiving and verifying a report of a missing child, ~~[other than a child who has run away,]~~ shall immediately transmit the full contents of the report by the fastest means available to the Clearinghouse.

2. The Clearinghouse shall, upon receipt of the report, immediately notify any governmental agency in possession of the birth certificate of the child and the superintendent of schools of the school district in possession of the educational records of the child that the child is missing.

3. Upon receiving such notification, the agency or superintendent shall:

(a) Maintain the birth certificate or educational records in such a manner as to ensure that the Clearinghouse is notified immediately if a request is made for the birth certificate or educational records.

(b) Immediately notify the Clearinghouse upon receiving any such request before releasing the birth certificate or educational records, including notification of the identity and location or address of the person making the request.

(c) Not disclose to the person making the request any communication with the Clearinghouse or the fact that a communication must be made.

Sec. 4. NRS 432B.165 is hereby amended to read as follows:

432B.165 1. For purposes of assisting in locating a missing child who is the subject of an investigation of abuse or neglect and who is in the protective custody of an agency which provides child welfare services or in the custody of another entity pursuant to an order of the juvenile court, an agency which provides child welfare services may provide the following information to a federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse or neglect:

(a) The name of the child;

(b) The age of the child;

(c) A physical description of the child; and

(d) A photograph of the child.

2. Information provided pursuant to subsection 1 is not confidential and may be disclosed to any member of the general public upon request.

3. An agency which provides child welfare services that receives information concerning a child who has been placed in the custody of the agency who is missing, including, without limitation, a child who has run away or has been abducted, shall report the information to the appropriate law enforcement agency as soon as practicable, but not later than 24 hours after receiving such information, for investigation pursuant to NRS 432.200.

Sec. 5. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. ***Regulations establishing procedures for:***

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive.

Sec. 6. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➥ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 a right to be heard at the hearing.

3. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 ~~[,]~~ ***and, if the goal of the plan is a permanent living arrangement other than reunification with his or her parents, placement for adoption, placement with a legal guardian or placement with a relative, ask the child about his or her desired permanent*** ~~[placement and determine:]~~ ***living arrangement. After doing so, the court must determine:***

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553;

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159 of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the

placement of ~~[the]~~ ***a*** child ***who has attained the age of 16 years*** in another permanent living arrangement;

(c) If the child will not be returned to the parents of the child, whether the agency with legal custody of the child fully considered placement options both within and outside of this State;

(d) If the child has attained the age of ~~[16]~~ ***14*** years, whether the child will receive the services needed to assist the child in transitioning to independent living; and

(e) If the child has been placed outside of this State, whether the placement outside of this State continues to be appropriate for and in the best interests of the child.

~~[".]~~

4. The court shall prepare an explicit statement of the facts upon which each of its determinations is based ~~[.]~~ ***pursuant to subsection 3. If the court determines that it is not in the best interests of the child to be returned to his or her parents, or to be placed for adoption, with a legal guardian or with a relative, the court*** ~~***[shall]***~~ ***must include*** ~~***[the]***~~ ***compelling reasons for this determination and an explanation of those reasons in its statement of the facts.*** ~~***[If the court determines that a permanent placement other than that desired by the child is in the best interests of the child, the court must also include an explanation of the reasons for this determination with its statement of the facts.]***~~

5. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

6. The provisions of this ~~[subsection]~~ ***section*** do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

~~[4.]~~ ***7.*** If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

~~[5.]~~ ***8.*** This hearing may take the place of the hearing for review required by NRS 432B.580.

~~[6.]~~ ***9.*** The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 373.

ASSEMBLYMEN SPRINKLE, KIRKPATRICK~~[.]~~ **, SEAMAN;** AND O'NEILL.

AN ACT relating to private professional guardians; requiring licensing for persons engaged in the business of a private professional guardian; establishing the requirements for the licensing and operation of a private professional guardian company; **amending provisions related to the appointment of a private professional guardian;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the court appointment of a private professional guardian to act as a fiduciary for a person or estate, but does not require the private professional guardian to be licensed. (NRS 159.0595) This bill requires the licensing of persons engaging in the business of a private professional guardian and authorizes the Commissioner of Financial Institutions to adopt regulations relating to the licensing of those persons.

Sections 15-17 of this bill make it unlawful for a person to act as a private professional guardian without being licensed. **Sections 18-26** of this bill establish the requirements and application process to obtain a license to transact the business of a private professional guardian. **Section 28** of this bill sets forth requirements relating to the change of ownership or transfer of assets of a private professional guardian company. **Section 29** of this bill establishes the process for the renewal of a license. **Section 30** of this bill establishes the process for surrender of a license.

Section 31 of this bill requires a licensee to keep a principal office in this State. **Section 32** of this bill establishes procedures for the Commissioner to approve an out-of-state office of a private professional guardian company. **Section 33** of this bill requires a licensee to maintain certain types and levels of bonds and insurance.

Section 35 of this bill establishes the rights and authority of a licensee. **Section 36** of this bill prohibits certain activities by a licensee. **Sections 37-41** of this bill establish requirements for accounting, reporting and auditing of a private professional guardian company and authorize the Commissioner or a designee to inspect certain records of a private professional guardian company.

Sections 42-46 of this bill establish procedures for the Commissioner to take administrative action against licensees. **Sections 47 and 48** of this bill establish procedures for handling a complaint against a private professional guardian company. **Sections 49 and 50** of this bill provide administrative and criminal penalties for violating certain provisions of this bill.

Existing law requires that, subject to certain exceptions, a person must be a resident of this State to be appointed as guardian for a ward. (NRS 159.059) Sections 50.5 and 51.5 of this bill provide that a relative

who is not located in this State must be given preference for appointment as guardian over a private professional guardian, if the relative is willing to serve and is otherwise determined to be qualified and suitable, and may be appointed if no other suitable person exists.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. ***The Legislature finds and declares that:***

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate persons engaged in the business of private professional guardians.

2. Persons engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision persons who are engaged in or who desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 4. ***"Business of a private professional guardian" means the holding out by a person, through advertising, solicitation or other means, that the person is available to act for compensation as a private professional guardian.***

Sec. 5. ***"Commissioner" means the Commissioner of Financial Institutions.***

Sec. 6. ***"Director" means the Director of the Department of Business and Industry.***

Sec. 7. ***"Division" means the Division of Financial Institutions of the Department of Business and Industry.***

Sec. 8. ***"Fiduciary" means a person who has the power and authority to act for a beneficiary under circumstances requiring trust, good faith and honesty.***

Sec. 9. ***"Private professional guardian" has the meaning ascribed to it in NRS 159.024.***

Sec. 10. ***"Private professional guardian company" means a natural person or business entity, including, without limitation, a sole proprietorship, partnership, limited liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business***

of a private professional guardian, whether appointed by a court or hired by a private party.

Sec. 11. ***"Ward" has the meaning ascribed to it in NRS 159.027.***

Sec. 12. ***This chapter does not apply to a person who:***

1. Is a public guardian or administrator appointed by the court;

2. Is appointed as a fiduciary pursuant to NRS 662.245;

3. Is acting in the performance of his or her duties as an attorney at law;

4. Acts as a trustee under a deed of trust;

5. Acts as a fiduciary under a court trust; or

6. Acts as a fiduciary as an individual or a family member.

Sec. 13. ***The Commissioner shall administer and enforce the provisions of this chapter subject to the administrative supervision of the Director.***

Sec. 14. ***The Commissioner may adopt regulations to carry out the provisions of this chapter.***

Sec. 15. ***It is unlawful for any person to engage in the business of a private professional guardian without having a license issued by the Commissioner pursuant to this chapter.***

Sec. 16. ***A person who does not have a license issued pursuant to this chapter shall not:***

1. Use the term "private professional guardian" or "guardianship services" as a part of his or her business name.

2. Advertise or use any sign which includes the term "private professional guardian."

Sec. 17. ***1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that an unlicensed person is engaging in an activity for which a license is required pursuant to this chapter.***

2. If the Commissioner determines that an unlicensed person is engaged in an activity for which a license is required pursuant to this chapter, the Commissioner shall issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains a license issued by the Commissioner.

3. If a person upon whom an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the person notice and an opportunity for a hearing:

(a) Impose upon the person an administrative fine of $10,000; or

(b) Enter into a written agreement with the person pursuant to which the person agrees to cease and desist from engaging in any activity in this State for which a license is required relating to the business of a private professional guardian and impose upon the person an administrative fine of not less than $5,000 and not more than $10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. A person's liability for an administrative fine is in addition to any other penalty provided for in this chapter.

Sec. 18. *1. A person wishing to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.*

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement, under penalty of perjury that the applicant has complied with the provisions of NRS 159.059 and 159.0595.

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or case manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian

company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 19. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license to engage in the business of a private professional guardian shall include the social security number of the applicant or applicants in the application submitted to the Commissioner.

(b) An applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 20. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the business of a private professional guardian, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has*

complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 22. ***1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:***

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial or case manager capacity, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or

case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in section 33 of this act, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 23. *1. After conducting an investigation pursuant to section 22 of this act, if the Commissioner finds grounds for the denial of the application, the Commissioner shall provide to the applicant written notice of such grounds by personal service or certified mail.*

2. The applicant may cure any defect or deficiency in the application and, not more than 30 days after receipt of the notice pursuant to subsection 1, resubmit the application for approval.

3. If an application is not approved, the Commissioner shall provide to the applicant written notice of the denial by personal service or certified mail. The applicant may request a hearing before the Commissioner, but if no such application is made within 30 days after the entry of an order refusing a license to any person, the Commissioner shall enter a final order.

4. The decision of the Commissioner is final for the purposes of judicial review.

Sec. 24. *The Commissioner shall approve the application for a license, keeping on file his or her findings of fact pertaining thereto, if the Commissioner finds that the applicant has met all the requirements of this chapter pertaining to the applicant's qualifications and application.*

Sec. 25. *1. If the Commissioner approves an application pursuant to section 24 of this act and the applicant pays the required fees, the Commissioner shall issue to the applicant a license to engage in the business of a private professional guardian.*

2. A license issued pursuant to subsection 1 must contain:

(a) The name of the licensee.

(b) The locations by street and number where the licensee is authorized to engage in business.

(c) The number and the date of issuance of the license.

(d) That the license is issued pursuant to this chapter and that the licensee is authorized to engage in the business of a private professional guardian under this chapter.

(e) The expiration date of July 1 of the next year.

Sec. 26. *1. The Commissioner shall maintain in the Office of the Commissioner, in a suitable record provided for that purpose, each application for a license and all bonds required to be filed pursuant to this chapter. The record must state the date of issuance or denial of the license and the date and nature of any action taken relating to an application.*

2. Each license issued by the Commissioner must be sufficiently identified in the record.

3. Each renewal of a license must be recorded in the same manner as the original license, and the number of the preceding license issued must be recorded.

Sec. 27. *Each license issued pursuant to this chapter must be conspicuously displayed in the place of business designated in the license.*

Sec. 28. *1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and any applicable court of jurisdiction, a licensee may merge or consolidate with, or transfer its assets and control to, another person who holds a license pursuant to this chapter. In determining whether to grant the approval, the Commissioner may consider the factors set forth in section 22 of this act.*

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change in the chief executive officer, managing member or a majority of the directors or managing directors of the company occurs, report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to section 22 of this act to determine whether the person has a good reputation for honesty,

trustworthiness and integrity and is competent to control the private professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 29. *1. A private professional guardian company wishing to renew a license to engage in the business of a private professional guardian shall file in the Office of the Commissioner, on or before the June 1 of the year after the year of the original issuance of the license, an application, which must contain, without limitation, the number of the license being renewed. The application for renewal must be accompanied by a renewal fee of not more than $1,500 and all information required to complete the application.*

2. The Commissioner shall issue a renewal license to the applicant, which must be dated July 1 next ensuing the date of the application, in form and text similar to the original except that, in addition, the renewal must include the date and number of the earliest license issued.

3. All requirements of this chapter with respect to original licenses and bonds apply to all renewal licenses and bonds, except as otherwise provided in this section.

4. The Commissioner shall refuse to renew a license if at the time of application a proceeding to revoke or suspend the license is pending.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section. All money collected under the provisions of this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. *If any private professional guardian company wishes to discontinue its business, the company shall furnish to the Commissioner satisfactory evidence of the release and discharge from all obligations which the company has assumed or which have been imposed by law. Thereafter, the Commissioner shall enter an order cancelling the license of the private professional guardian company.*

Sec. 31. *1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.*

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this

State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who is licensed pursuant to this chapter, a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to section 33 of this act;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 32. ***1. It is unlawful for any person licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.***

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than $500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than $200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a

name that distinguishes it from any other private professional guardian in this State.

Sec. 33. *1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:*

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any

dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 34. ***The Commissioner shall revoke the license of a private professional guardian company:***

1. If the private professional guardian company fails to open for business within 6 months after the date the license was issued, or within an additional 6-month extension granted by the Commissioner upon written application and for good cause shown; or

2. If the private professional guardian company fails for more than 30 consecutive days to maintain regular business hours or otherwise conduct the business of a private professional guardian.

Sec. 35. ***Each private professional guardian company which is licensed pursuant to this chapter may, in the conduct of its business activities, within and outside this State, as applicable:***

1. Act under the order or appointment of any court as guardian.

2. Accept and execute any activities and duties relating to the business of a private professional guardian as permitted by any law.

3. Exercise the powers of a corporation, partnership or limited-liability company organized or qualified as a foreign corporation, partnership or limited-liability company under the laws of this State and any incidental powers that are reasonably necessary to enable it to exercise, in accordance

with commonly accepted customs and usages, a power conferred by this chapter.

4. Perform any act authorized by this chapter and any other applicable laws of this State.

Sec. 36. *1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.*

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy, pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that is not licensed pursuant to this chapter as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not hold a current license, the court must replace the guardian until such time as the private professional guardian obtains the necessary license.

5. The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.

6. A licensee shall file any report required by the court in a timely manner.

Sec. 37. *1. Except as otherwise provided in NRS 159.076, a licensee shall maintain a separate ~~[trust]~~ guardianship account for each ward into which all money received for the benefit of the ward must be deposited. Each ~~[trust]~~ guardianship account must be maintained in an insured bank or*

credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a [trust] guardianship account. Each [trust] guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except [for court] as authorized [expenditures.] under chapter 159 of NRS or as authorized by court order.

2. Each licensee shall keep a record of all money deposited in each [trust] guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

3. The Commissioner or his or her designee [shall] may conduct an examination of the [trust] guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at [least once each year.] any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter. [and chapter 159 of NRS.]

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, [or chapter 159 of NRS,] the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to

subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 38. *1. After an examination is conducted pursuant to section 37 of this act, the person who conducted the examination shall prepare a written report of the results of the examination which must be signed by the Commissioner or his or her designee.*

2. The written report must contain a true and detailed statement of the financial condition of the private professional guardian company and, if applicable, a full statement of any violations of the provisions of this chapter ~~*[and chapter 159 of NRS.]*~~*.*

Sec. 39. *1. The Commissioner shall provide a copy of a report prepared pursuant to section 38 of this act to the president or secretary of the board of directors of the private professional guardian company if the company is a corporation, or to a manager or owner of the private professional guardian company if the company is not a corporation, and may make a copy available to each member of the board of directors or each manager or owner, as applicable. If, in the judgment of the Commissioner, the report discloses any violation of the provisions of this chapter* ~~*[or chapter 159 of NRS]*~~ *committed by the private professional guardian company, or if it appears from the report that there are certain conditions existing which should be corrected by the private professional guardian company, the Commissioner may, in writing, call the matter to the attention of each member of the board of directors or each manager or owner, with instructions to correct the condition.*

2. Upon the preparation of the report as provided in section 38 of this act, the Commissioner shall also serve a copy thereof to the court having jurisdiction of each ward of the private professional guardian company.

Sec. 40. *1. The Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.*

2. If applicable, on or before the fourth Monday in January of each year, each licensee shall submit to the Commissioner the stock ledger of stockholders of the corporation required to be maintained pursuant to

paragraph (c) of subsection 1 of NRS 78.105 or the list of each member and manager required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. A list of each member and manager submitted pursuant to subsection 2 must include the percentage of each member's interest in the company, in addition to the requirements set forth in NRS 86.241.

4. If a licensee fails to submit the ledger or list required pursuant to this section within the prescribed period, the Commissioner may impose and collect a fee of not more than $10 for each day the report is late.

5. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this section.

Sec. 41. ***Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted to the Division pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division pursuant to an examination conducted by the Commissioner or his or her designee or in response to a subpoena are confidential and may be disclosed only to:***

1. The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and

2. Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 42. ***1. The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any private professional guardian company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the private professional guardian company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.***

2. An officer, director, manager or employee of a private professional guardian company who is required to be removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the private professional guardian company and the officer, director, manager or employee who is appealing his or her removal from office. Within 5 days after the conclusion of the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 43. ***1. The Commissioner may take administrative action against a licensee*** ***, including, without limitation, revoking or suspending the license,*** ***or initiate proceedings as provided in section 46 of this act*** ~~***[to take possession***~~

~~*of the business and property of any private professional guardian company]*~~ *if the company:*

(a) Has violated this chapter or any other state or federal laws applicable to the business of a private professional guardian.

(b) Is conducting the business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact business.

(d) Has an impairment of the surety bonds held by the company.

(e) Has an impairment of the fidelity bonds held by the company.

(f) Has become insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has refused to provide copies to the Division upon request, and in cooperation with any investigation, inspection or examination, of any and all documents reviewed by the Division during any such investigation, inspection or examination.

(j) Has failed to pay any state or local taxes as required.

(k) Has materially and willfully breached its fiduciary duties to a ward.

(l) Has failed to properly disclose all fees, interest and other charges to the court and the public.

(m) Has willfully engaged in material conflicts of interest regarding a ward.

(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the private professional guardian company.

2. The Commissioner also may initiate such proceedings to take possession of the business and property of any private professional guardian company if an officer, partner, member or sole proprietor of the private professional guardian company refuses to be examined upon oath regarding its affairs.

Sec. 44. *1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.*

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The licensee has failed to pay any applicable state or local tax as required;

(d) Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 45. *If the Commissioner finds that probable cause for the revocation of any license exists and that the public interest requires the immediate suspension of the license pending an investigation, the Commissioner may, upon 5 days' written notice offering the opportunity for a hearing, enter an order suspending the license for a period of not more than 20 days, pending a hearing upon the revocation of the license unless the opportunity for a hearing is waived by the licensee.*

Sec. 46. *1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation.*

2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the person, including books, papers, documents and records pertaining thereto,

or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the person, a registered agent acting on behalf of the person or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.

4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.

Sec. 47. *1. Upon the filing with the Commissioner of a verified complaint against a private professional guardian company, the Commissioner shall investigate the alleged violation of the provisions of this chapter.*

2. If the Commissioner determines that a complaint filed pursuant to subsection 1 warrants further action, the Commissioner shall send a copy of the complaint and notice of the date set for an informal hearing to the subject of the complaint and the Attorney General.

3. The Commissioner may require the private professional guardian company that is the subject of a complaint to file a verified answer to the complaint within 10 days after receipt of the complaint unless, for good cause shown, the Commissioner extends the time required for filing an answer for a period not to exceed 60 days.

4. If at the hearing the complaint is not explained to the satisfaction of the Commissioner, the Commissioner may take such action against the private professional guardian company as authorized by the provisions of this chapter.

Sec. 48. *1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.*

2. The complaint or other documents filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

Sec. 49. *1. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 per violation upon a person who violates any provision of this chapter or any regulation adopted pursuant thereto.*

2. The maximum total fine that the Commissioner may impose on any person pursuant to this section with respect to the same or similar actions or

series of actions which constitute the violations must not exceed the greater of $250,000 or 125 percent of the monetary value of all losses incurred by the private professional guardian company and its wards as the direct or indirect result of such violations.

Sec. 50. ***1. A licensee who knowingly or willfully neglects to perform any act or duty required by this chapter or other applicable law, or who knowingly or willfully fails to satisfy any material lawful requirement made by the Commissioner is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. If no other punishment is otherwise provided by law, a person who violates any provision of this chapter is guilty of a gross misdemeanor.

Sec. 50.5. **NRS 159.059 is hereby amended to read as follows:**

159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.
2. Is a minor.
3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.
4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state,

➥ during the period of the suspension or disbarment.

5. ~~[Is]~~ ***Except as otherwise provided in subsection 5 of NRS 159.061, is*** a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Sec. 51. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. A private professional guardian, if a person, must be qualified to serve as a guardian pursuant to NRS 159.059 and must be a ~~[certified]~~ guardian ~~[.]~~ ***licensed pursuant to section 18 of this act.***

2. A private professional guardian, if an entity, must be qualified to serve as a guardian pursuant to NRS 159.059 and must have a ~~[certified]~~ guardian ***licensed pursuant to section 18 of this act*** involved in the day-to-day operation or management of the entity.

3. A private professional guardian ~~[shall, at his or her own cost and expense:~~

~~(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History and to the Federal Bureau of Investigation for their respective reports; and~~

~~(b) Present the results of the background investigation to the court upon request.~~**]** ***, regardless of whether the private professional guardian is a person or an entity, must be licensed pursuant to section 18 of this act.***

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 51.5. **NRS 159.061 is hereby amended to read as follows:**

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the minor. The appointment of a parent as a guardian of the person must not conflict with a valid order for custody of the minor. In determining whether the parents of a minor, or either parent, is qualified and suitable, the court shall consider, without limitation:

(a) Which parent has physical custody of the minor;

(b) The ability of the parents or parent to provide for the basic needs of the child, including, without limitation, food, shelter, clothing and medical care;

(c) Whether the parents or parent has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; and

(d) Whether the parents or parent has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the exploitation of a child.

2. Subject to the preference set forth in subsection 1, the court shall appoint as guardian for an incompetent, a person of limited capacity or minor the qualified person who is most suitable and is willing to serve.

3. In determining who is most suitable, the court shall give consideration, among other factors, to:

(a) Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.

(b) Any nomination of a guardian for an incompetent, minor or person of limited capacity contained in a will or other written instrument executed by a parent or spouse of the proposed ward.

(c) Any request for the appointment as guardian for a minor 14 years of age or older made by the minor.

(d) The relationship by blood, adoption or marriage of the proposed guardian to the proposed ward. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Spouse.

(2) Adult child.

(3) Parent.

(4) Adult sibling.

(5) Grandparent or adult grandchild.

(6) Uncle, aunt, adult niece or adult nephew.

(e) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

4. If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3, the court may appoint as guardian:

(a) The public guardian of the county where the ward resides, if:

(1) There is a public guardian in the county where the ward resides; and

(2) The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

5. A relative who is a nonresident of this State, if he or she is willing to serve and otherwise qualified and suitable, is preferred for appointment as guardian over the appointment of a private professional guardian pursuant to subsection 4 and may be appointed if no other suitable person may be appointed pursuant to subsection 3.

Sec. 52. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and ***sections 40 and 47 of this act and*** unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may

be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 53. 1. This section and sections 2 to 19, inclusive, and 21 to 52, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Section 19 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 20 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 20 and 21 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 447.

AN ACT relating to education; requiring the Superintendent of Public Instruction to select a hearing officer from a list ~~[provided]~~ **maintained** by the ~~[Hearings Division of the]~~ Department of ~~[Administration]~~ **Education** to administer certain hearings relating to pupils with disabilities; **requiring a local educational agency involved in a complaint to pay the cost of a hearing;** requiring the Department of Education to ~~[designate an employee to provide certain training to such hearing officers;]~~ **adopt regulations prescribing certain procedures relating to hearing officers; authorizing the appeal of the decision of a hearing officer to the Department;** requiring the Department ~~[of Education]~~ to post certain information relating to such hearings on its Internet website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires each state to provide a parent or guardian of a pupil with the opportunity to challenge at a due process hearing: (1) the pupil's identification as a pupil with a disability; (2) the pupil's identification as a pupil without a disability; or (3) the placement of such a pupil. (20 U.S.C. § 1415) **Section 2** of this bill requires the Superintendent of Public Instruction to select a person to serve as a hearing officer from a list ~~[provided to him or her by the Hearings Division of]~~ **maintained by** the Department of ~~[Administration]~~ **Education** for a due process hearing held pursuant to federal law. **The hearing officer must be selected on an impartial basis and, in**

certain large school districts, must have a place of business located within the school district. The local educational agency involved in the complaint must pay the cost of the hearing. Section 2 also requires ~~[: (1)]~~ the State Board of Education to ~~[adopt regulations prescribing]~~ **prescribe by regulation: (1) the procedures for requesting the recusal of a hearing officer; (2)** the qualifications necessary to ~~[be appointed as a hearing officer for such a hearing; (2)]~~ **remain on the list of hearing officers maintained by** the Department ~~[of Education to designate an employee to provide certain required training for hearing officers who provide such hearings;]~~ and (3) the **procedures to compensate a hearing officer. Section 2 provides that the decision of a hearing officer may be appealed to the Department. Finally, section 2 requires the** Department ~~[of Education]~~ to post certain information relating to due process hearings on its Internet website.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts, charter schools or university schools for profoundly gifted pupils by the Superintendent of Public Instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive ~~[.]~~ ***, and section 2 of this act.***

4. A school district in a county whose population is less than 700,000, a charter school or a university school for profoundly gifted pupils that receives

an allocation for special education program units may use not more than 15 percent of its allocation to provide early intervening services.

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Whenever]~~ The Department shall maintain a list of hearing officers who meet the qualifications prescribed pursuant to 20 U.S.C. § 1415(f)(3)(A) to conduct a due process hearing ~~[is held]~~ pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., regarding the identification, evaluation, reevaluation, classification, educational placement or disciplinary action of or provision of a free appropriate public education to a pupil with a disability . ~~[, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of available hearing officers who are qualified to conduct the hearing.]~~

2. The Superintendent ~~[, or his or her designee,]~~ of Public Instruction shall select a person to serve as a hearing officer from the list ~~[provided by the Hearings Division of]~~ maintained by the Department ~~[of Administration.]~~ pursuant to subsection 1. Hearing officers must be selected on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.

3. The ~~[Department of Administration]~~ local educational agency involved in the complaint shall ~~[provide]~~ pay the cost of the hearing, including, without limitation, any compensation to which the hearing officer is entitled.

~~[3.]~~ 4. The State Board shall prescribe ~~[the]~~ by regulation:

(a) The procedures for ~~[exercising challenges to]~~ requesting the recusal of a hearing officer, ~~[including, without limitation, the number of challenges that may be exercised and the time limits in which the challenges must be exercised.~~

~~4. The State Board shall adopt regulations prescribing the]~~ on the basis of bias or a conflict of interest.

(b) The qualifications to ~~[serve as a]~~ remain on the list of hearing ~~[officer]~~ officers maintained pursuant to subsection 1. Such qualifications must include, without limitation, requiring that a hearing officer : ~~[appointed pursuant to subsection 1:~~

~~(a) If the due process hearing is held in a county whose population is 100,000 or more, must reside in the county in which the hearing for which he or she has been selected to serve as a hearing officer occurs;~~

~~(b) If the due process hearing is held in a county whose population is less than 100,000, must be a resident of this State;~~

~~(c)~~ (1) Must ~~[have completed]~~ complete, within the first year that the name of the hearing officer appears on the list maintained by the Department pursuant to subsection 1, a minimum of 40 hours of training ,

which must include, without limitation, 24 hours of training in laws relating to special education; and

[(d)] (2) Must complete annual training [in laws relating to special education provided] arranged by the Department . [of Education or attend a national conference regarding laws relating to special education approved by the State Board.

5. The Department of Education shall designate an employee to provide the specialized training for hearing officers required pursuant to subsection 4.] The training must include, without limitation, training concerning laws relating to special education, the procedure for conducting a hearing and rendering and writing a decision.

(c) The procedures for compensating a hearing officer which must be established to avoid a conflict of interest for the hearing officer or the appearance of such a conflict.

[6.] 5. The decision of a hearing officer may be appealed by any aggrieved party to the Department.

6. The Department of Education shall post information as prescribed by the State Board relating to due process hearings held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on its Internet website. Such information must include, without limitation:

(a) A model form that may be used to request such a hearing;

(b) Decisions from such hearings;

(c) Decisions from the appeals of such hearings; and

(d) Timelines and procedures for conducting such hearings.

7. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).

Sec. 3. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive **[.]** ***and section 2 of this act:***

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

3. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

4. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

5. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

6. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2016, for all other purposes.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 520.

SUMMARY— ~~[Provides requirements relating to the sale or lease of]~~ **Revises provisions relating to** certain systems for the generation of electricity. (BDR 58-934)

AN ACT relating to energy; requiring a person who sells or installs certain systems for the generation of electricity **or sells electricity generated by such systems** to provide a warranty for each such system; requiring agreements for the financing, sale or lease of such systems **or the sale of electricity generated by such systems** to include or be accompanied by certain information, statements and disclosures; requiring sellers or lessors of such systems to maintain certain records; **requiring a person who sells or installs such systems or sells electricity generated by such systems to register with the Office of Energy; providing that certain actions constitute a deceptive trade practice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides requirements for agreements to sell, lease or install "distributed generation systems," which are defined as electricity generating systems, other than certain portable or other electric generators intended for occasional use, that: (1) generate electricity from solar energy; (2) are located on the ~~[property]~~ **premises** of a customer of an electric utility; (3) are connected on the customer's side of the electricity meter; (4) provide electricity primarily to offset customer load on ~~[that property;]~~ **those**

premises; and (5) ~~[may]~~ operate in parallel with the utility's transmission and distribution facilities.

Section 6 of this bill requires a person who sells, installs or sells and installs a distributed generation system to provide with the sale or installation an express, written warranty for the system which must provide coverage for both parts and labor. The seller or installer also must provide with the sale or installation a description of the warranty, a description of any responsibility assumed or disclaimed by the seller or installer, and performance data for the system. **Section 7** of this bill requires a person transferring an obligation under a required warranty to provide the name, address and telephone number of the person to whom the obligation is being transferred.

Section 8 of this bill lists the requirements for any agreement for the financing, sale or lease of a distributed generation system **~~[.]~~ or for the purchase of electricity generated by a distributed generation system.** The agreement, which must be in writing, must include information regarding: (1) the manufacturer, seller and installer of the system; (2) the effectiveness of the system; (3) the cost of the purchase or lease and the cost of operating and maintaining the system; (4) tax incentives and obligations relating to the purchase or lease of the system **~~[.]~~ or the purchase of electricity;** and (5) any restrictions or obligations imposed by the agreement. The seller or lessor of a system **or the seller of electricity** also must provide written statements regarding utility rates and attesting to the truthfulness and completeness of the agreement. **Section 8** also provides that any agreement that fails to comply with these requirements is voidable at the option of the person purchasing or leasing the system, **or purchasing electricity generated by the system,** until the installation of the system.

Section 9 of this bill provides requirements for an agreement for the financing, sale or lease of a distributed generation system that requires any modification or transfer of the system to be approved by a third party. **Section 10** of this bill provides requirements for an agreement that includes an estimate of the cost of electricity for the purchaser or lessee after the system is installed. **Section 11** of this bill requires a seller or lessor of a distributed generation system who represents to the purchaser or lessee that the purchaser or lessee will be entitled to certain tax credits to prepare and maintain a record of that representation.

Section 12 of this bill prohibits a person from selling, leasing or installing a distributed generation system or selling electricity generated by such a system without first registering with the Office of Energy. Section 12 also requires the Director of the Office of Energy to adopt regulations relating to registration.

Sections 6, 8 and 12 declare certain actions in violation of the provisions of this bill to constitute a deceptive trade practice for the purposes of chapter 598 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[11,]~~ **12,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[11,]~~ 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Collector" means a component of a distributed generation system that is used to absorb solar radiation, convert the solar radiation to electricity and transfer the electricity to a storage unit.***

Sec. 4. ***1. "Distributed generation system" and "system" mean a system or facility for the generation of electricity that:***

(a) Uses solar energy to generate electricity;

(b) Is located on the ~~[property]~~ premises of a customer of an electric utility;

(c) Is connected on the customer's side of the electricity meter;

(d) Provides electricity primarily to offset customer load on ~~[that property;]~~ those premises; and

(e) ~~[May operate]~~ Operates in parallel with the utility's transmission and distribution facilities.

2. The term does not include a portable or other electric generator that is intended for occasional use.

Sec. 5. ***"Storage unit" means a component of a distributed generation system that is used to store electricity.***

Sec. 6. ***1. A person who sells a distributed generation system shall provide to the purchaser an express, written warranty for the system which:***

(a) For the collectors and storage units of the system, expires not earlier than ~~[2]~~ 20 years after the sale of the system;

(b) For the inverters of the system, expires not earlier than 7 years after the sale of the system;

(c) For all other components of the system, expires not earlier than ~~[18 months]~~ 2 years after the sale of the system; and

~~[(c)]~~ (d) Must provide coverage for both parts and labor.

2. A person who installs a distributed generation system shall provide to the person for whom the system is installed an express, written warranty for the installation of the system which:

(a) For the collectors and storage units of the system, expires not earlier than 2 years after the installation of the system is completed;

(b) For all other components of the system, expires not earlier than 1 year after the installation of the system is completed; and

(c) Must provide coverage for both parts and labor.

3. A person who sells, installs or sells and installs a distributed generation system shall provide with the system a written statement on a form prescribed by the Director. A copy of each statement must be provided

to the Director, who shall make each such copy available for public inspection and copying. The statement must include:

(a) A description of the warranty required by the applicable provisions of this section for the system;

(b) A description of any responsibility assumed or disclaimed by the person providing the statement; and

(c) If the person providing the statement is the seller of the system, performance data, and the source of that data, for the system.

4. The provisions of this section relating to a person who installs a distributed generation system do not apply to a person who installs a system on his or her own ~~[property.]~~ premises.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 7. *If any obligation under a warranty required by section 6 of this act is transferred, the person transferring the obligation shall:*

1. Provide to the purchaser or lessee of the distributed generation system the name, address and telephone number of the person to whom the obligation is being transferred; and

2. Disclose to the purchaser or lessee whether the person to whom the obligation is being transferred is certified by the North American Board of Certified Energy Practitioners or any successor organization.

Sec. 8. *1. An agreement for the financing, sale or lease of a distributed generation system , or an agreement for the purchase of electricity generated by a distributed generation system, must be in writing in at least ~~[10-point]~~ 12-point font and must:*

(a) Be signed and dated by the purchaser or lessee of the system ~~[.]~~ or the purchaser of electricity.

(b) Include a provision granting the purchaser or lessee of the system or the purchaser of electricity the right to rescind the agreement for a period ending:

(1) Not less than 5 days after the agreement is signed; or

(2) When installation of the system begins,

whichever is earlier.

(c) Include the name, mailing address and telephone number of the manufacturer, seller and installer of the system and, if the agreement is for the lease of the system, the name, mailing address and telephone number of the lessor of the system.

(d) Disclose whether the seller and installer of the system are certified by the North American Board of Certified Energy Practitioners or any successor organization.

(e) For each component of the system, include any serial number or other identifying number provided by the manufacturer of the component.

(f) Separately set forth:

(1) If the agreement is pursuant to a financing agreement:

(I) The total cost to the purchaser or lessee over the duration of the agreement; and

(II) The total number of payments and the schedule of payments; and

(2) Any interest, fees for the installation of the system, fees for the preparation of any documents relating to the agreement and any other costs to be paid by the purchaser or lessee ~~[.]~~ of the system or the purchaser of electricity, as applicable.

(g) Include an estimate of the total cost of operating and maintaining the system for the period during which it can be reasonably expected that the system will be operational, including, without limitation, the cost of any construction necessary for the installation of the system.

(h) Include an estimate of the amount of electricity that will be generated by the system on a monthly and annual basis.

(i) Identify each state and federal tax incentive available for purchasing or leasing the system ~~[.]~~ or purchasing electricity generated by the system, including, without limitation, the expiration date of any such tax incentive and any conditions or requirements for qualifying for any such tax incentive.

(j) Identify each tax obligation resulting from the purchase or lease of the system ~~[.]~~ or the purchase of electricity generated by the system, including, without limitation:

(1) An estimate of the assessed value and the depreciation schedule of the system and the components of the system;

(2) Any sales, use or rental tax that may be assessed for the purchase or lease of the system ~~[.]~~ or the purchase of electricity generated by the system; and

(3) Any obligation of the purchaser or lessee of the system or the purchaser of electricity generated by the system to transfer any tax incentive associated with the system.

(k) Disclose whether any obligations under a warranty required by section 6 of this act may be transferred.

(l) Disclose any restrictions which the agreement imposes on the modification or transfer of the system.

(m) Disclose any restrictions which the agreement imposes on the modification or transfer of the real property to which the system is affixed.

(n) Disclose any obligation the seller or lessor has regarding the installation or removal of the system.

(o) If the agreement is for the lease of a system, provide for the continuation, termination or transfer of the lease in the event of:

(1) The sale of the real property to which the system is affixed; or

(2) The death of the lessee.

(p) If the agreement is for the sale or lease of a system, include the declaration required by subsection ~~[3.]~~ 4.

(q) If the agreement is for the purchase of electricity generated by the system, include:

(1) The duration of the agreement; and

(2) The price per unit of electricity generated by the system and purchased by the purchaser, including, without limitation, any escalation factor affecting the price.

(r) Any other term or condition that a reasonable person would consider material to a decision to enter into an agreement for the financing, sale or lease of a system or the purchase of electricity generated by a system.

2. The seller or lessor of a distributed generation system shall provide to the purchaser or lessee , and the seller of electricity generated by a distributed generation system shall provide to the purchaser of such electricity, a written statement, separate from the agreement described in subsection 1, in substantially the following form:

> *Utility rates and utility rate structures are subject to change. These changes cannot be accurately predicted [.] and may apply to you in the future. The projected savings from your distributed generation system are therefore subject to change. Tax incentives and tax subsidies are subject to change or termination by executive, legislative or regulatory action.*

3. If an agreement described in subsection 1 refers to the price of electricity provided by a public utility, the seller or lessor of the distributed generation system or the seller of electricity generated by the system shall provide to the purchaser or lessor a written statement, separate from the agreement described in subsection 1, in substantially the following form:

> *Utility rates and utility rate structures are subject to change. For additional information regarding utility rates and utility rate structures, you may contact your local public utility or the Public Utilities Commission of Nevada.*

4. The seller or lessor of a distributed generation system and the seller of electricity generated by a distributed generation system shall sign and provide to the purchaser or lessee a written declaration in substantially the following form:

> *Under penalty of perjury, I declare that I have examined this agreement and that, to the best of my knowledge and belief, the information contained in the agreement is true, correct and complete.*

[4.] 5. An agreement for the financing, sale or lease of a distributed generation system , or an agreement for the purchase of electricity generated by a distributed generation system, that does not comply with the requirements of subsection 1 or that is not accompanied by the statement required by subsection 2 is voidable at the option of the person buying or leasing the system or purchasing the electricity until the installation of the system begins.

6. A failure by the seller or lessor of a distributed generation system or the seller of electricity generated by a distributed generation system to include in an agreement for the financing, sale or lease of a distributed generation system or an agreement for the purchase of electricity generated by a distributed generation system any provision required by this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 9. *1. If an agreement for the financing, sale or lease of a distributed generation system requires that any modification or transfer of the system be approved by a third party, the agreement must:*

(a) Include the name, address and telephone number of the third party; and

(b) Identify any modification for which approval is required.

2. If an agreement for the financing, sale or lease of a distributed generation system requires that any modification or transfer of the real property to which the system is affixed be approved by a third party, the agreement must:

(a) Include the name, address and telephone number of the third party; and

(b) Identify any modification for which approval is required.

Sec. 10. *If an agreement for the financing, sale or lease of a distributed generation system includes an estimate of the cost of electricity for the purchaser or lessee after the installation of the system, the agreement must include an estimate of the cost of electricity for the purchaser or lessee after any changes in the rates paid by customers of the utility providing electricity to the purchaser or lessee. The estimate must consider a range of possible rate changes from a 5 percent annual decrease to a 5 percent annual increase from the rate paid at the time of the agreement.*

Sec. 11. *1. If the seller or lessor of a distributed generation system represents to the purchaser or lessee of the system that the purchaser or lessee will be entitled to a tax credit pursuant to 26 U.S.C. § 25D, the seller or lessor shall:*

(a) Provide a written record of the representation to the purchaser or lessee of the system; and

(b) Maintain a copy of the record for not less than 7 years after the date of the sale or lease of the system.

2. The seller or lessor shall provide a copy of the record required by subsection 1 on request to an agent of the United States Internal Revenue Service for inspection or copying.

Sec. 12. 1. A person shall not sell, lease or install a distributed generation system or sell electricity generated by a distributed generation system unless the person has registered with the Office of Energy by submitting to the Office a form prescribed by the Director.

2. The Director shall adopt regulations:

(a) Requiring a registration form submitted to the Office of Energy pursuant to subsection 1 to include:

(1) The name, street address, mailing address, electronic mail address and telephone number of the registrant;

(2) The name and contact information of any person designated by the registrant to receive notices and other communications from the Office of Energy;

(3) A statement indicating each activity described in subsection 1 in which the registrant intends to engage; and

(4) Any other information required by the Director;

(b) Requiring a registrant to submit to the Office of Energy:

(1) An example of the agreement described in section 8 of this act for each activity described in subsection 1 in which the registrant has indicated he or she intends to engage; and

(2) An updated example of the agreement described in section 8 of this act, if a previously submitted example is no longer reasonably accurate or if the registrant intends to engage in an activity described in subsection 1 for which the registrant has not yet submitted an example of an agreement;

(c) Requiring a registrant to submit to the Office of Energy an amended registration form if any information provided to the Office of Energy on a registration form or a previously submitted amended registration form is no longer correct; and

(d) Providing the time period within which an updated example described in subparagraph (2) of paragraph (b) or an amended registration form described in paragraph (c) must be submitted.

3. The sale, lease or installation of a distributed generation system or the sale of electricity generated by a distributed generation system without:

(a) Registering with the Office of Energy pursuant to this section;

(b) Submitting to the Office of Energy the examples of agreements required to be submitted pursuant to regulations adopted pursuant to paragraph (b) of subsection 2; or

(c) Submitting to the Office of Energy an amended registration form within the time period prescribed pursuant to regulations adopted pursuant to paragraph (d) of subsection 2,

➥ constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 492.

AN ACT relating to public works; prohibiting a public body from entering into certain contracts for public works which allow for purchase by the public body of the construction materials or goods to be used in the public work; providing that the Attorney General is to enforce the prohibition against such a contract for a public work; directing the Department of Taxation to withhold certain money payable to a public body which violates such a prohibition in a contract for a public work; ~~[removing an exemption for]~~ **revising provisions relating to** certain construction projects of the Nevada System of Higher Education **;** ~~[from provisions governing public works;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sale of any tangible personal property to a governmental entity including the State, its unincorporated agencies and instrumentalities or a county, city, district or other political subdivision of this State, is exempted from the imposition of sales and use taxes. (NRS 372.325, 372.345) A contractor who buys tangible personal property or stores, uses or otherwise consumes tangible personal property for such a governmental entity must pay such taxes unless the contractor is a constituent part of that entity. (NRS 372.340) **Section 1** of this bill prohibits any public body including the State, its local governments, school districts, and any public agency thereof which sponsors or finances a public work from entering into ~~[a]~~ **an express or implied** contract for a public work which provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by: (1) the public body; (2) a contractor who is a constituent part of the public body; or (3) a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes. **Section 1** also provides that: (1) ~~[a]~~ **an express or implied** contract entered into in violation of this prohibition is void; (2) a person who enters into such a contract is guilty of a gross misdemeanor; and (3) the right to enforce the provisions of this prohibition vests exclusively in the Attorney General. **Section 1** further provides that, if a contract is entered into in violation of this prohibition, the Attorney General must forward to the Department of Taxation a list of the construction materials or goods purchased under the contract. The Department is then required to calculate the amount of applicable state and local taxes that should have been collected on the construction materials or goods, and deduct from the money otherwise payable from the proceeds of any tax distribution due to the public body either twice the amount of the applicable taxes or the sum of ~~[$500,000,]~~ **$250,000,** whichever is greater. **In addition, section 1 exempts from the new prohibition express or implied contracts for public works that use certain construction materials or goods that are: (1) purchased pursuant to governmental procurement rules, needed on a**

recurring basis and used to protect the health, safety or welfare of the public; or (2) specialized, project-specific components.

Under existing law, the laws of this State pertaining to public works apply to any project which is financed in whole or in part from public money for the new construction, repair or reconstruction of publicly owned works and properties, except that such laws only apply to a building for the Nevada System of Higher Education if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money. (NRS 338.010) **Section 2** of this bill removes that exemption from the application of public works laws for such a building for the System. **However, section 2.5 of this bill exempts a building of the System if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money from certain provisions requiring that a public body use the services of the State Public Works Division of the Department of Administration for certain services relating to planning, maintenance and construction of state buildings. (NRS 341.141-341.148)** **Section 4** of this bill repeals certain sections for conformity with the amendments made in **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection 2,]~~ this section, a public body shall not enter into ~~[a]~~ an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work will be purchased or otherwise supplied by:

(a) The public body or a contractor who is a constituent part of the public body; or

(b) A contractor who is not a constituent part of the public body but is acting on behalf of the public body.

2. A public body may enter into ~~[a]~~ an express or implied contract for a public work which provides that any construction materials or goods to be used in the public work will be purchased or supplied by the public body, a contractor who is a constituent part of the public body or a contractor who is not a constituent part of the public body but is acting on behalf of the public body if:

(a) The contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of the construction materials or goods if the construction materials or goods had been purchased and used by a contractor who was not a constituent part of the public body and who was not otherwise exempt from the taxes pursuant to state or local law; and

(b) The public body sends ~~[a copy of the contract, including]~~ an itemized list of the construction materials or goods to be purchased or otherwise

provided by the public body or a contractor who is a constituent part of the public body, to the Department of Taxation. The itemized list must include the amount paid for each item.

3. ~~[A]~~ An express or implied contract entered into in violation of subsection 1 is void.

4. A person who enters into ~~[a]~~ an express or implied contract that violates the provisions of subsection 1 is guilty of a gross misdemeanor.

5. The right to enforce the provisions of this section vests exclusively in the Attorney General, who ~~[may]~~ shall institute and prosecute the appropriate proceedings to enforce the provisions of this section.

6. If ~~[a]~~ an express or implied contract for a public work is entered into in violation of subsection 1, the Attorney General shall forward to the Department of Taxation a list of construction materials or goods purchased in violation of this section by the public body or the contractor who is a constituent part of the public body. The Department shall calculate the applicable state and local taxes on the purchase and use of the construction materials or goods which would have been due but for the tax exemption of the public body or the contractor who is a constituent part of the public body, and shall deduct that amount from the money otherwise payable from the proceeds of any tax distribution to the public body:

(a) Twice the amount of the applicable taxes; or

(b) The sum of ~~[$500,000,]~~ $250,000,

➥ whichever is greater.

7. The provisions of this section do not apply to an express or implied contract for a public work for which the construction materials or goods purchased by the public body are:

(a) Devices, equipment or hardware purchased in compliance with chapter 332 or 333 of NRS which are needed on a recurring basis and used to protect the health, safety or welfare of the public, including, without limitation, official traffic control devices; or

(b) Specialized components which are specific to a particular project and are not commonly used in public works projects.

➥ If a public body enters into such a contract, the public body must provide annually to the Department of Taxation an itemized list of the construction materials or goods purchased pursuant to the contract and the amount paid for each item.

8. As used in this section, "construction materials or goods" means all materials, equipment or supplies which are intended to be used in a public work and includes, without limitation, the following, as well as related components or other materials intended for similar use:

(a) Structural or reinforcing steel.

(b) Aggregates, including, without limitation, base, barrow, concrete, asphalt, treated base, fill, topsoil and decorative aggregate.

(c) Interior finishing materials, including, without limitation, drywall, metal studs, acoustical ceiling material, paint, sealants, compounds and wall coverings.

(d) Flooring, including, without limitation, carpet, tile, wood, vinyl and laminates.

(e) Wood and wood products, including, without limitation, plywood, lumber, form systems, sheeting and decking.

(f) Utility materials, including, without limitation, piping, conduit, fiber optics, cables and cabling, power generators and pumps.

(g) Electrical materials, including, without limitation, conduit, wire, cables and cabling, electrical panels, lighting fixtures, outlets and switches.

(h) Plumbing materials, including, without limitation, pipes and piping, fixtures, drains, pumps, toilets, sinks, tubs and water heaters.

(i) Heating, ventilation and air conditioning materials, including, without limitation, ducts, vents, sheet metal, air conditioning units, furnaces and fans.

(j) Equipment and devices, whether purchased or rented, including, without limitation, heavy construction equipment, forklifts, scissor lifts, boom lifts, cranes and traffic control devices.

(k) Miscellaneous materials, including, without limitation, materials used for fencing, irrigation, masonry, cabinetry, doors, windows, traffic signals and signs, landscaping , roofing and elevators.

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

14. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

15. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

16. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

17. "Public work" means any project for the new construction, repair or reconstruction of ~~[~~:

~~(a) A]~~ ***a*** project financed in whole or in part from public money for:

~~[(1)]~~ ***(a)*** Public buildings;

~~[(2)]~~ ***(b)*** Jails and prisons;

~~[(3)]~~ ***(c)*** Public roads;

~~[(4)]~~ ***(d)*** Public highways;

~~[(5)]~~ ***(e)*** Public streets and alleys;

~~[(6)]~~ ***(f)*** Public utilities;

~~[(7)]~~ ***(g)*** Publicly owned water mains and sewers;

~~[(8)]~~ ***(h)*** Public parks and playgrounds;

~~[(9)]~~ ***(i)*** Public convention facilities which are financed at least in part with public money; and

~~[(10)]~~ ***(j)*** All other publicly owned works and property.

~~[(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.]~~

18. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

19. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

20. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

21. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

22. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

24. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

25. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.5. **Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:**

The provisions of NRS 341.141 to 341.148, inclusive, apply to a contract for the construction of a building for the Nevada System of Higher Education only if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

Sec. 2.7. **NRS 341.141 is hereby amended to read as follows:**

341.141 1. The Division shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; ~~[and]~~

(c) ***Buildings of the Nevada System of Higher Education:***

(1) That are exempted pursuant to section 2.5 of this act; or

(2) To which section 2.5 of this act applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; and

(d) Buildings on property controlled by other state agencies if the Administrator has delegated his or her authority in accordance with NRS 341.119.

➥ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 3. NRS 338.018 and 338.075 are hereby repealed.

Sec. 4. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

338.018 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000

even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 523.

AN ACT relating to human trafficking; **requiring the Secretary of State to develop a model sign relating to the National Human Trafficking Resource Center Hotline; authorizing certain businesses to post the sign in certain areas;** requiring ~~[certain businesses and other establishments]~~ **certain sexually oriented businesses** to post ~~[an informational]~~ **the** sign ~~[relating to the National Human Trafficking Resource Center Hotline;]~~ **in certain areas of the business;** providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires ~~[certain businesses and other establishments to post a sign regarding the National Human Trafficking Resource Center Hotline. This bill further requires the Department of Transportation and the Department of Business and Industry]~~ **the Secretary of State** to develop a model sign regarding the National Human Trafficking Resource Center Hotline **,** and **requires the Secretary of State and the Department of Business and Industry** to include the model sign on their **respective** Internet websites. ~~[A business or other establishment]~~ **Under this bill, certain establishments are authorized to post the sign in each women's restroom on the premises of the establishment. In addition, a taxicab or limousine operator may place the sign in the back passenger compartment of his or her taxicab or limousine. However, this bill requires a sexually oriented business to post the sign inside each women's restroom on the premises of the business. Additionally, under this bill, a sexually oriented business** that fails to post ~~[such a]~~ **the** sign: (1) for a first violation, must be given a warning by the Attorney General or the district attorney of the county in which the business or establishment is located and ~~[24 hours]~~ **30 days** to correct the violation; and (2) for each subsequent violation, is subject to a ~~[$500]~~ **$250** civil penalty for each ~~[24-hour]~~ **30-day** period during which the business ~~[or establishment]~~ fails to post the sign.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each of the following businesses and other establishments [shall,] may, upon the availability of the model sign developed pursuant to subsection [3,] 5, post a sign that complies with the requirements of this section [in a conspicuous location near the public entrance of the business or establishment or in another conspicuous location in clear view of the public and employees where similar signs are customarily posted:] inside each women's restroom on the premises of the business or other establishment:

(a) [An establishment found to maintain or permit a public nuisance relating to prostitution;

— (b)] A mass transit facility, including, without limitation, an airport, bus station or train station;

[(c)] (b) A rest area or truck stop;

[(d)] (c) A massage [parlor] establishment or public spa;

[(e)] (d) An establishment licensed to sell alcoholic beverages by the drink for consumption on the premises;

[(f) A sexually oriented business;

— (g)] (e) A fast food restaurant;

[(h)] (f) A hospital , [or an] independent center for emergency medical care [;

— (i)] or any provider of health care or medical facility that primarily serves women;

(g) A public high school; and

[(j)] (h) An employment agency or employment office.

2. A taxicab motor carrier or an operator of a limousine may, upon the availability of the model sign developed pursuant to subsection 5, post a sign that complies with the requirements of this section in the back passenger compartment of his or her taxi or limousine, as applicable.

3. A sexually oriented business shall, upon the availability of the model sign developed pursuant to subsection 5, post a sign that complies with the requirements of this section inside each women's restroom on the premises of the business.

4. The sign [to be posted] developed pursuant to subsection [1 must be at least 8 1/2 by 11 inches in size and] 5 must contain a notice that is clearly legible, written in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry, and in substantially the following form:

> ***[If you or someone you know is] Are you or a friend being forced [to engage in any activity and cannot leave — whether it is commercial] into sex, [housework, farm] or to work [or any other activity — call] against your will? Call the National Human Trafficking Resource Center Hotline at (888) 373-7888 [to access] for help and services.***

~~[● Victims of human trafficking are protected under the laws of the State of Nevada and the United States.~~
~~● The Hotline is:~~
~~○ Available 24 hours a day, 7 days a week.~~
~~○ Toll-free.~~
~~○ Operated by a nonprofit, nongovernmental organization.~~
~~○ Anonymous and confidential.~~
~~○ Accessible in 170 languages.~~
~~○ Able to provide help, referrals to services, training and general information.]~~

~~[3.]~~ 5. The ~~[Department of Transportation and the Department of Business and Industry]~~ Secretary of State shall develop a model sign as described in subsection ~~[2 and include the sign,]~~ 4 in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry . ~~[,]~~ The Secretary of State and the Department of Business and Industry shall maintain the model sign on the Internet websites maintained by ~~[those Departments.~~

~~4. Upon request from a business or other establishment listed in subsection 1, the Department of Transportation or the Department of Business and Industry shall send, by first-class mail to the business or other establishment, a copy of the model sign developed pursuant to subsection 2 in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry.~~

~~5. The Department of Transportation and the Department of Business and Industry]~~ the Secretary of State and the Department, as applicable, in a format able to be downloaded by an individual business or establishment.

6. The Secretary of State shall notify each sexually oriented business of the requirement to post the model sign pursuant to subsection 3.

7. The Secretary of State may solicit and accept donations of signs that satisfy the requirements of this section from a nonprofit organization or any other source.

~~[6.]~~ 8. A sexually oriented business ~~[or other establishment]~~ that violates this section:

(a) For the first violation, must be given a warning by the Attorney General or the district attorney of the county in which the business ~~[or establishment]~~ is located and ~~[24 hours]~~ 30 days to comply with the provisions of this section.

(b) For the second and any subsequent violation, is subject to a civil penalty of not more than ~~[$500.]~~ $250. The Attorney General or the district attorney of the county in which the business ~~[or establishment]~~ is located may recover the civil penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

➥ ***Each ~~[24-hour]~~ 30-day period during which the business ~~[or establishment]~~ is not in compliance with the provisions of this section constitutes a separate violation.***

~~[7.]~~ 9. As used in this section:

(a) "Employment agency" has the meaning ascribed to it in NRS 611.020.

(b) "Employment office" has the meaning ascribed to it in NRS 612.155.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

(d) "Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.

(e) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(f) "Sexually oriented business" ~~[means]~~ :

(1) Means a business that:

~~[(1)]~~ (I) Offers a service intending to provide sexual stimulation or sexual gratification to its patrons, including, without limitation, an escort service, house of prostitution or bath house;

~~[(2)]~~ (II) Engages in its principal business by use of an employee or independent contractor who appears in the nude or who exposes his or her genitals or the female breast; or

~~[(3)]~~ (III) Represents or implies that sexual conduct takes place at the business location.

(2) Does not include a business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(g) "Taxicab motor carrier" has the meaning ascribed to it in NRS 706.126.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 446.

SUMMARY— ~~[Mandates enhanced screening and intervention for children with certain]~~ **Revises provisions relating to pupils with** disabilities. (BDR 34-832)

~~[CONTAINS UNFUNDED MANDATE (§§ 10, 12-13) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to education; ~~[requiring reports of accountability to include the results of early literacy screening assessments;]~~ requiring each school district and **certain** charter ~~[school]~~ **schools** to administer ~~[such]~~ an **early literacy screening** assessment to certain pupils **;** ~~[and provide notice regarding the results of the assessment;]~~ authorizing certain persons to perform additional testing for dyslexia; requiring a school district and a charter school to ~~[provide]~~ **address the needs of a pupil who has indicators for** dyslexia ~~[therapy and]~~ **through** the ~~[accommodations or modifications required by~~

~~federal law]~~ **response** to **scientific, research-based intervention system of instruction; requiring the individualized education program team of** a pupil with dyslexia **~~[,]~~ to consider certain instructional approaches;** requiring **the Department of Education,** each school district **and certain charter schools** to ~~[employ certain professionals with training in]~~ **designate at least one employee to receive professional development regarding** dyslexia; ~~[requiring each school district to provide professional development regarding dyslexia;]~~ requiring the Department ~~[of Education]~~ to prepare and publish a Dyslexia Resource Guide; requiring certain standards relating to the education of pupils with disabilities to include provisions concerning dyslexia; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to prepare an annual report of accountability that contains certain information. (NRS 385.347) Section 2 of this bill requires that this report include the results of an early literacy screening assessment.~~

~~Existing law requires the State Board of Education to prepare an annual report of accountability that contains certain information. (NRS 385.3572) Section 3 of this bill requires this annual report to include the results of the early literacy screening assessment.]~~

Section 8 of this bill requires the board of trustees of each school district and the governing body of each charter school **that serves pupils in kindergarten or grade 1, 2 or 3** to prescribe an early literacy screening assessment for use by the schools located in the school district or the charter school, respectively. **Section 9** of this bill: (1) requires each school district and charter school to administer screenings for dyslexia to **certain** pupils in certain grade levels; **and** (2) ~~[requires a school district and charter school to consider an independent evaluation performed at the request of a parent or guardian; and (3)]~~ requires a school district and charter school to ~~[provide dyslexia therapy and]~~ **address** the ~~[accommodations or modifications required by federal law to]~~ **needs of** a pupil ~~[with]~~ **if the screening confirms that a pupil has indicators for** dyslexia **~~[.~~**

~~Section 10 of this bill requires each school district and charter school to provide notice to the parent or guardian of a pupil for whom the school district or charter school performs a comprehensive dyslexia evaluation.]~~ **through the response to scientific, research-based intervention system of instruction.**

Section 11 of this bill requires ~~[the dyslexia therapy provided by a school district or charter school]~~ **a pupil's individualized education program team** to ~~[include]~~ **consider** certain instructional approaches **~~[.]~~ when developing an individualized education program for a pupil with dyslexia.**

Section ~~[12]~~ 13 of this bill requires the Department ~~[of Education]~~ to designate ~~[a full-time]~~ **at least one** employee **of the Department** to ~~[serve as a]~~ **receive training in effective methods for intervention for pupils with**

dyslexia**.** ~~[specialist. Existing law creates regional training programs and requires each regional training program to operate a program for the professional development of teachers and administrators. (NRS 391.512)]~~ **Section ~~[12]~~ 13 also** requires ~~[the Department to ensure that each regional training program employs at least one dyslexia specialist to provide necessary information and support to the school districts and charter schools in the counties that are served by the regional training program. Section 12 also requires each school district to employ at least one dyslexia interventionist. Section 13 of this bill requires]~~ each school district and charter school to ~~[provide]~~ **ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive** professional development regarding dyslexia**.** ~~[for teachers and other educational personnel.]~~

Section 14 of this bill requires the Department to prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school to use ~~[in order]~~ to identify and provide dyslexia ~~[therapy]~~ **intervention** for pupils with dyslexia.

Existing law requires the State Board of Education to prescribe minimum standards for the special education of pupils with disabilities. (NRS 388.520) **Section 16** of this bill requires that the standards prescribed by the State Board for pupils with dyslexia include certain instruction.

Existing law requires the State Board to prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. (NRS 388.520) **Section 17** of this bill requires these regulations to include training on how to identify a pupil who is at risk for dyslexia or related disorders.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*1. The annual report of accountability prepared pursuant to NRS 385.347 must include for each school in the district and the district as a whole the results of the early literacy screening assessment administered pursuant to section 9 of this act.*~~

~~*2. The State Board may adopt any regulations necessary to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include the results of the early literacy screening assessment administered pursuant to section 9 of this act, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 385.3455 is hereby amended to read as follows:~~

~~— 385.3455 As used in NRS 385.3455 to 385.3891, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 385.3468 is hereby amended to read as follows:~~

~~— 385.3468 The provisions of NRS 385.3455 to 385.3891, inclusive, *and section 2 of this act* do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 385.3572 is hereby amended to read as follows:~~

~~— 385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive .] , *and section 3 of this act.*~~

~~— 2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, *and section 3 of this act* if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.~~

~~— 3. The annual report of accountability must:~~

~~— (a) Be prepared in a concise manner; and~~

~~— (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.~~

~~— 4. On or before October 15 of each year, the State Board shall:~~

~~— (a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and~~

~~— (b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:~~

~~— (1) Governor;~~

~~— (2) Committee;~~

~~— (3) Bureau;~~

~~— (4) Board of Regents of the University of Nevada;~~

~~— (5) Board of trustees of each school district;~~

~~— (6) Governing body of each charter school; and~~

~~— (7) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.~~

~~— 5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public,~~

~~the State Board shall provide a portion or portions of the annual report of accountability.~~] **(Deleted by amendment.)**

Sec. 7. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 14, inclusive, of this act.

Sec. 8. *1. Except as otherwise provided in subsection 2, the board of trustees of each school district shall prescribe for use by the elementary schools located in the school district an early literacy screening assessment that meets the requirements set forth in subsection 3.*

2. The governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 shall prescribe an early literacy screening assessment for use by the charter school that meets the requirements set forth in subsection 3.

3. The early literacy screening assessment prescribed pursuant to subsection 1 or 2 must include, without limitation, screening for:

(a) Phonological and phonemic awareness;

(b) Sound-symbol recognition;

(c) Alphabet knowledge;

(d) Decoding skills;

(e) Rapid naming skills; and

(f) Encoding skills.

Sec. 9. *1. The board of trustees of a school district or the governing body of a charter school, as applicable, shall administer the early literacy screening assessment prescribed pursuant to section 8 of this act to ~~[determine whether a]~~ each pupil ~~[has]~~ enrolled in kindergarten or grade 1, 2 or 3 who:*

(a) Has indicators for dyslexia ~~[and needs]~~ ; and

(b) Needs intervention. ~~[The early literacy screening assessment must be administered to every pupil enrolled in:~~

~~(a) Kindergarten and grades 1 and 2 at the beginning of each school year;~~

~~(b) Kindergarten and grades 1 and 2 who:~~

~~(1) Transfers to a school in this State from a school outside of this State; and~~

~~(2) Has not presented documentation that he or she has taken the early literacy screening assessment prescribed pursuant to section 8 of this act or a similar screening or is exempt from early literacy screening; and~~

~~(c) Grade 3 or higher when his or her regular classroom teacher determines that he or she has difficulty with:~~

~~(1) Phonological and phonemic awareness;~~

~~(2) Sound-symbol recognition;~~

~~(3) Alphabet knowledge;~~

~~(4) Decoding skills;~~

~~(5) Rapid naming skills; and~~

~~(6) Encoding skills.]~~

2. If an early literacy screening assessment administered pursuant to subsection 1 ~~[suggests]~~ confirms that a pupil has indicators for dyslexia, the

board of trustees of a school district or governing body of a charter school, as applicable, shall ~~*[:*~~

~~*— (a) Provide notice to the parent or guardian of the pupil that includes, without limitation, the results of the early literacy screening assessment; and*~~

~~*— (b) Address]*~~ *address the needs of the pupil through the* ~~*[Response-to-Intervention]*~~ *response to scientific, research-based intervention system of instruction.*

3. If the ~~*[Response-to-Intervention]*~~ *response to scientific, research-based intervention system of instruction determines that a pupil needs additional screening in order to determine whether the pupil has a specific learning disability, including, without limitation, dyslexia:*

(a) The pupil must receive additional testing by a trained professional using a norm-referenced test; and

(b) The board of trustees of the school district or the governing body of the charter school, as applicable, shall perform a comprehensive ~~*[dyslexia]*~~ *evaluation for the pupil in addition to the required* ~~*[Response-to-Intervention]*~~ *response to scientific, research-based intervention system of instruction* ~~*. [; and*~~

~~*— (c) The parent or guardian of the pupil may, at his or her own expense, have an independent evaluation performed for the pupil. The board of trustees of the school district or the governing body of the charter school, as applicable, shall consider the diagnosis from the independent evaluation and may address the needs of the pupil in any way that it determines necessary.*~~

~~*— 4. If an evaluation conducted pursuant to paragraph (a) or (b) of subsection 3 indicates that a pupil has dyslexia, the board of trustees of the school district or the governing body of the charter school, as applicable, shall provide:*~~

~~*— (a) Dyslexia therapy to the pupil; and*~~

~~*— (b) The necessary accommodations and modifications for the pupil pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq.*~~

~~*— 5. The State Board may adopt regulations necessary to carry out the provisions of this section.]*~~

Sec. 10. ~~*[1. The board of trustees of a school district or the governing body of the charter school, as applicable, shall provide notice to the parent or guardian of a pupil for whom an evaluation is conducted pursuant to paragraph (b) of subsection 3 of section 9 of this act.*~~

~~*— 2. The notification provided to a parent or guardian of a pupil pursuant to subsection 1 must include, without limitation:*~~

~~*— (a) The results of the dyslexia evaluation;*~~

~~*— (b) Information and resource material regarding dyslexia, including, without limitation:*~~

~~*— (1) The common indicators of dyslexia; and*~~

~~*(2) Appropriate classroom interventions and accommodations for a pupil with dyslexia; and*~~

~~*(c) Notice that the parent or guardian of the pupil may have the pupil independently evaluated at his or her own expense.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[The]*~~ *When developing an individualized education program for a pupil with dyslexia* ~~*[therapy provided by a school district or charter school must include,]*~~ *in accordance with NRS 388.520, the pupil's individualized education program team shall consider, without limitation, the following instructional approaches:*

1. Explicit, direct instruction that is systematic, sequential and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the ~~*[pupil without presuming prior skills or knowledge of the]*~~ *pupil;*

2. Individualized instruction to meet the specific needs of the pupil in ~~*[a small group]*~~ *an appropriate setting that uses intensive, highly-concentrated instruction methods and materials that maximize pupil engagement;*

3. Meaning-based instruction directed at purposeful reading and writing, with an emphasis on comprehension and composition; and

4. Multisensory instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and pupil practice.

Sec. 12. ~~*[1. The Department shall designate a full-time employee to serve as a dyslexia specialist.*~~

~~*2. The dyslexia specialist designated by the Department pursuant to subsection 1 shall:*~~

~~*(a) Have a minimum of 3 years of experience in screening, identifying and treating dyslexia and related disorders;*~~

~~*(b) Be responsible for the training and professional development of teachers and other educational personnel regarding dyslexia and related disorders; and*~~

~~*(c) Serve as the primary source of information and support for school districts and charter schools addressing the needs of pupils with dyslexia or related disorders.*~~

~~*3. The Department shall ensure that each regional training program for the professional development of teachers and administrators created by NRS 391.512 employs at least one dyslexia specialist to provide necessary information and support to the school districts and charter schools that are served by the regional training program.*~~

~~*4. The board of trustees of each school district shall employ at least one dyslexia interventionist.]*~~ **(Deleted by amendment.)**

Sec. 13. *1. The Department shall designate at least one employee of the Department to receive training in effective methods of intervention for pupils with dyslexia.*

2. The board of trustees of each school district and the governing body of each charter school shall ~~[provide]~~ ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive professional development regarding dyslexia. ~~[for teachers and other educational personnel.]~~ Such professional development must include, without limitation, training in:

(a) Methods to recognize indicators for dyslexia; and

(b) The science related to teaching a pupil with dyslexia.

~~[2.]~~ 3. The professional development ~~[provided]~~ required pursuant to subsection ~~[1:~~

~~(a) Must include, without limitation, instruction on the indicators for dyslexia and the science related to teaching a pupil who has dyslexia; and~~

~~(b) May]~~ 2 may be provided on the Internet, by a regional training program for the professional development of teachers and administrators created by NRS 391.512 or at another venue approved by the Department.

Sec. 14. ***The Department shall prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school, including, without limitation, a charter school, to use to identify and provide dyslexia ~~[therapy]~~ intervention for pupils with dyslexia.***

Sec. 15. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[:]~~ ***, and sections 8 to 14, inclusive, of this act:***

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. ***"Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.***

3. ~~["Dyslexia interventionist" means a person employed by a school district or public school who is trained to provide dyslexia therapy and includes, without limitation:~~

~~(a) A licensed teacher;~~

~~(b) A paraprofessional as defined in NRS 391.008; and~~

~~(c) Other educational personnel.~~

~~4.]~~ "Dyslexia ~~[therapy"]~~ intervention" means systematic, multisensory ~~[therapy]~~ intervention offered in ~~[a small group]~~ an appropriate setting that is derived from evidence-based research. ~~[, provided by a dyslexia interventionist and meeting the requirements of section 11 of this act.~~

~~5.]~~ *4.* **"**Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

~~[3.6.]~~ *5.* **"**Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

~~[4.7.]~~ *6.* **"**Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

~~[5.8.]~~ *7.* **"**Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~[6.9.]~~ *8.* **"**Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

~~[10.]~~ *9.* ~~["Response to Intervention system of instruction"]~~ *"Response to scientific, research-based intervention" means a* ~~[system of instruction]~~ *collaborative process which assesses a pupil's response to scientific, research-based intervention that* ~~[provides for]~~ *is matched to the needs of a pupil* ~~[early identification]~~ *and* ~~[support]~~ *that systematically monitors the level of performance and rate of learning of* ~~[a]~~ *the pupil* ~~[with a disability through]~~ *over time for the* ~~[use]~~ *purpose of* ~~[universal screening in a general education classroom.]~~ *making data-based decisions concerning the need of the pupil for increasingly intensified services.*

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 16. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the

development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities . ***[, including, without limitation, dyslexia and related disorders.]***

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must provide:

(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode solely because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and

(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.

6. ***The minimum standards prescribed by the State Board for pupils with dyslexia pursuant to paragraph (i) of subsection 4 must include, without limitation, standards for instruction on:***

(a) Phonemic awareness to enable a pupil to detect, segment, blend and manipulate sounds in spoken language;

(b) Graphonomic knowledge for teaching the sounds associated with letters in the English language;

(c) The structure of the English language, including, without limitation, morphology, semantics, syntax and pragmatics;

(d) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

(e) Strategies that a pupil may use for decoding, encoding, word recognition, fluency and comprehension.

7. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

~~[7.]~~ ***8.*** The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

~~[8.]~~ ***9.*** The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

Sec. 17. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. ***The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.***

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

Sec. 18. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 19. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 524.

SUMMARY— ~~[Revises provisions governing labor organizations.]~~ **Prohibits certain unlawful acts.** (BDR ~~[53-844)]~~ **3-844)**

AN ACT relating to ~~[labor organizations;]~~ **unlawful acts;** prohibiting a ~~[labor organization]~~ **person** from engaging in certain acts against a business; **prohibiting certain activities while engaged in picketing; providing civil and criminal penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law protects employees from compulsory membership in a labor organization. (NRS 613.270) Section 2 of this bill prohibits a labor organization from threatening or otherwise attempting to illegally coerce or threaten a business into complying with a demand of the labor organization. Section 3 of this bill prohibits a labor organization or its members or agents from physically damaging the property or merchandise of any business. Section 4 of this bill provides that existing law governing the right to work and the provisions of this bill are not to be construed as limiting the rights of labor organizations or employees under the First Amendment to the United States Constitution. Section 8 of this bill provides for a civil action for violations of the provisions of this bill and provides for the vicarious liability of a labor organization for the actions of its members and presumed damages of $5,000, or actual damages, whichever is greater and related attorney's fees and costs.]~~ **Section 2 of this bill prohibits a person from committing certain acts with the intent to coerce or intimidate a business. Section 3 of this bill prohibits a person from intentionally or recklessly destroying, marking or damaging the property or merchandise owned by or in the control of a business. Section 4.5 of this bill prescribes certain civil remedies that may be available for a violation of section 2 or 3.**

Section 9.7 of this bill repeals provisions of existing law which provide that it is unlawful, in the context of certain labor-related disputes, to engage in certain activities while picketing. (NRS 614.160) Section 9.3 of this bill reenacts provisions of general applicability which prohibit certain activities while picketing, without regard to the purpose for which a person is engaged in picketing. Section 9.3 provides that it is unlawful for a person, while picketing, to: (1) picket on private property without consent or a court order; (2) narrow, block, or otherwise obstruct the ingress or egress to public or private property or obstruct any public or private roadway so as to prevent the safe passage of vehicles; (3)

knowingly threaten, assault or touch a person entering or leaving any public or private property, or to use language or words threatening to do immediate physical harm to a person or the property of a person or to incite fear of immediate physical harm to a person; or (4) knowingly spread, drop, throw or disperse certain sharp objects in the entrances to or exits from any public or private property. A violation of section 9.3 is a misdemeanor, and a person may petition a court to enjoin ongoing activity that is a violation of that section. A person who files a petition to enjoin such activity is entitled to a rebuttable presumption of irreparable harm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[613]~~ **40** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 4.5, inclusive,** of this act.

Sec. 2. ***A ~~[labor organization or any member or agent thereof]~~ person shall not damage, injure, harm, threaten or maliciously disrupt the lawful activities of any business or any employee or representative of that business with the intent ~~[of coercing or intimidating]~~ to coerce or intimidate that business . ~~[, employee or representative into agreeing to or otherwise complying with a demand of the labor organization, including, without limitation, any agreement concerning neutrality during a labor dispute or collective bargaining.]~~***

Sec. 3. ***A ~~[labor organization or any member or agent thereof]~~ person shall not intentionally or recklessly destroy, mark or damage the property or merchandise owned by or in the control of any business.***

Sec. 4. ***The provisions of ~~[NRS 613.230 to 613.300, inclusive, and]~~ sections 2 ~~[,]~~ and 3 ~~[and 4]~~ of this act are not intended to infringe upon or impede any lawful exercise of rights provided by the First Amendment to the United States Constitution, including, without limitation, lawful picketing conducted in accordance with the provisions of ~~[NRS 614.160.]~~ section 9.3 of this act.***

Sec. 4.5. 1. A business or the owner of a business may bring a civil action against a person for an alleged violation of section 2 or 3 of this act, and may recover:

(a) Actual damages; and

(b) Attorney's fees and costs incurred in the action.

2. A business or the owner of a business aggrieved by a violation of section 2 or 3 of this act may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of section 2 or 3 of this act.

Sec. 5. ~~[NRS 613.230 is hereby amended to read as follows:~~

~~613.230 As used in NRS 613.230 to 613.300, inclusive, **and sections 2, 3 and 4 of this act,** the term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which~~

~~employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment.~~] **(Deleted by amendment.)**

Sec. 6. ~~[NRS 613.260 is hereby amended to read as follows:~~

~~613.260 Any act or any provision in any agreement which is in violation of NRS 613.230 to 613.300, inclusive, *and sections 2, 3 and 4 of this act* shall be illegal and void. Any strike or picketing to force or induce any employer to make an agreement in writing or orally in violation of NRS 613.230 to 613.300, inclusive, *and sections 2, 3 and 4 of this act* shall be for an illegal purpose.~~] **(Deleted by amendment.)**

Sec. 7. ~~[NRS 613.280 is hereby amended to read as follows:~~

~~613.280 Any combination or conspiracy by two or more persons to *violate any provision of NRS 613.230 to 613.300, inclusive, and sections 2, 3 and 4 of this act, or to* cause the discharge of any person or to cause such person to be denied employment because he or she is not a member of a labor organization, by inducing or attempting to induce any other person to refuse to work with such person, shall be illegal.~~] **(Deleted by amendment.)**

Sec. 8. ~~[NRS 613.290 is hereby amended to read as follows:~~

~~613.290 *1.* Any person who violates any provision of NRS 613.230 to 613.300, inclusive, *and sections 2, 3 and 4 of this act,* or who enters into any agreement containing a provision declared illegal by NRS 613.230 to 613.300, inclusive, *and sections 2, 3 and 4 of this act,* or who shall bring about the discharge or the denial of employment of any person because of nonmembership in a labor organization shall be liable to the person injured as a result of such act or provision and may be sued therefor, and in any such action any labor organization, subdivision or local thereof shall be held to be bound by the acts of its duly authorized agents acting within the scope of their authority and may sue or be sued in its common name.~~

~~*2. In a civil action brought by or on behalf of a person injured pursuant to subsection 1, the defendant is liable for:*~~

~~*(a) Presumed damages in the amount of $5,000 or the amount of actual damages, whichever is greater; and*~~

~~*(b) Attorney's fees and costs incurred as a result of bringing the action.*~~] **(Deleted by amendment.)**

Sec. 9. ~~[NRS 613.300 is hereby amended to read as follows:~~

~~613.300 Any person injured or threatened with injury by an act declared illegal by NRS 613.230 to 613.300, inclusive, *and sections 2, 3 and 4 of this act* shall, notwithstanding any other provision of the law to the contrary, be entitled to injunctive relief therefrom.~~] **(Deleted by amendment.)**

Sec. 9.3. **Chapter 203 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. It is unlawful for any person:

(a) To picket on private property without the written permission of the owner or unless the person obtains an order from a court or agency of

competent jurisdiction authorizing such activity, except that an employee may enter or leave his or her employer's property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property if such picket or picket line narrows or blocks the entrances or exits, or interferes with the ability of a person or vehicle to enter or leave the property;

(c) Knowingly to threaten, assault or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any property, including, without limitation, any employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant of the property;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do immediate physical harm to a person or the property of the person or designed to incite fear of immediate physical harm in any person attempting to enter or leave any property;

(f) Knowingly to spread, drop, throw or disperse nails, tacks, staples, glass or other sharp objects in the entrances to or exits from any property;

(g) Intentionally to obstruct the ingress or egress of any property from any public or private place in such a manner as to not leave a free passageway for persons and vehicles lawfully seeking to enter or leave the public or private place; or

(h) Intentionally to obstruct any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. Each local government shall by ordinance adopt a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1, except that the local government shall not grant a variance:

(a) Specifically permitting the obstruction by picketing of any public or private roadway or the ingress or egress of any public or private place; or

(b) Permitting picketing if such activity would necessarily involve or require the obstruction of any public or private roadway or the ingress or egress of any public or private place.

3. A person who violates this section is guilty of a misdemeanor.

4. A person aggrieved by a violation of this section may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of this section. A person who files a petition to enjoin any activity that is alleged to be a violation of this section is entitled to a rebuttable presumption of irreparable harm.

5. The provisions of subsections 3 and 4 do not preclude any additional civil action or criminal prosecution based upon acts which are otherwise prohibited by law.

6. Nothing in this section shall be deemed to alter, modify, amend or conflict with any provision of federal law, including, without limitation, the National Labor Relations Act, 29 U.S.C. §§ 151 et seq., or the Labor Management Relations Act, 29 U.S.C. §§ 401 et seq.

7. As used in this section, "picket" or "picketing" means the stationing of a person or persons at any location or area for the purpose of engaging in a demonstration or protest.

Sec. 9.5. **NRS 449.760 is hereby amended to read as follows:**

449.760 1. Except as otherwise provided in this section, a person shall not intentionally prevent another person from entering or exiting the office of a physician, a health facility, a nonprofit health facility, a public health center, a medical facility or a facility for the dependent by physically:

(a) Detaining the other person; or

(b) Obstructing, impeding or hindering the other person's movement.

2. The provisions of subsection 1 are inapplicable to:

(a) An officer, employee or agent of the physician, health facility, nonprofit health facility, public health center, medical facility or facility for the dependent; or

(b) A peace officer as defined in NRS 169.125,

➥ while acting within the course and scope of his or her duties or employment.

3. The provisions of subsection 1 do not prohibit a person from maintaining a picket during a strike or work stoppage in compliance with the provisions of ~~[NRS 614.160,]~~ ***section 9.3 of this act*** or from engaging in any constitutionally protected exercise of free speech.

4. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than 3 months, or by both fine and imprisonment.

5. As used in this section, the terms "health facility," "nonprofit health facility" and "public health center" have the meanings ascribed to them in NRS 449.260.

Sec. 9.7. **NRS 641.160 is hereby repealed.**

Sec. 10. This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

TEXT OF REPEALED SECTION

614.160 Picketing: Unlawful acts; acceptable acts; local variance; penalty.

1. During the pendency of a strike, work stoppage or other dispute, it is unlawful for any person:

(a) To picket on private property without the written permission of the owner or pursuant to an order from a federal court or agency of competent jurisdiction, even if the private property is open to the public as invitees for business, except that an employee may enter or leave his or

her employer's property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property, except that the following numbers of pickets may be maintained across entrances or exits if the pickets do not narrow or block the entrances or exits or delay, impede or interfere with the ability of persons or vehicles to enter or leave the property:

(1) Two pickets at pedestrian entrances and exits;

(2) Two pickets at driveway entrances and exits 20 feet or less in width; and

(3) Six pickets at driveway entrances and exits more than 20 feet in width;

(c) Knowingly to threaten, molest, assault, or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any property, including employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do harm to a person or the property of the person or designed to incite fear in any person attempting to enter or leave any property; or

(f) Knowingly to spread, drop, throw or otherwise knowingly to disperse nails, tacks, staples, glass or other objects in the entrances to or exits from any property.

2. Any persons participating in a strike, work stoppage or other dispute may picket on the public sidewalks or other public areas between entrances and exits to any property if the pickets maintain a distance of 30 feet from each person or group of two persons to the next person or group and no more than two persons walk abreast.

3. Persons who picket any property may congregate in groups of 10 or fewer to confer with their captain at reasonable times or to obtain food and drink at reasonable times, but shall not so congregate within 30 feet of any entrance or exit.

4. Each county shall adopt by ordinance a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1.

5. Any person who violates the prohibitions of this section or of a variance granted pursuant to subsection 4 is guilty of a misdemeanor. This section does not preclude civil action or additional criminal prosecution based upon acts which are prohibited by this section.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 544.

AN ACT relating to criminal procedure; authorizing certain persons who are prohibited from owning, possessing or having under their custody or control any firearm **or who have had certain civil rights taken away** to petition the court to restore ~~[their right to own, possess and control any firearm]~~ **such rights** in certain circumstances; ~~[providing for the immediate restoration of certain civil rights if a person's right to own, possess and control any firearm is restored;]~~ authorizing a prosecuting attorney to inquire into, inspect and use as evidence certain sealed records in certain circumstances; adding a person who has been convicted of a **misdemeanor** crime ~~[that constitutes]~~ **of** domestic violence to the list of persons who are prohibited from owning or having in their possession or under their custody or control any firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm, including a person who has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms. (NRS 202.360) **Section 5** of this bill adds to such a list of persons a person who has been convicted **in this State or any other state** of a **misdemeanor** crime ~~[that constitutes]~~ **of** domestic violence ~~[pursuant to Nevada law or a substantially similar law of any other state.]~~ **, as defined in federal law.**

Section 2 of this bill establishes a procedure by which a person who **: (1)** is prohibited from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony ~~[in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America]~~ **or a misdemeanor crime of domestic violence; or (2) has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and has not had all such rights restored,** may **, after a certain applicable waiting period,** petition the district court in the county in which the person resides or in which the person was convicted for the restoration of such ~~[a right to own, possess and control a firearm.]~~ **rights.** For a person to be eligible to have such ~~[a right]~~ **rights** restored **~~[~~**, ~~the following requirements must be met: (1) the offense for which the person was convicted is one of certain category D or E felonies; (2) 2 years have elapsed since the~~

~~most recent completion of the person's sentence for such an offense; (3) the person has never been convicted of any other felony or a crime that constitutes domestic violence; (4) the person is not currently facing charges for certain offenses in this State or another jurisdiction; (5) the person has not been dishonorably discharged from parole or probation; and (6)~~**]** **: (1) the person must not currently be serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and (2) if the person is seeking the restoration of his or her firearm rights,** the person **[**~~is~~**]** **must** not otherwise **be** prohibited from possessing a firearm under any other applicable provision of the laws of this State.

Section 2 also requires that a date for a hearing on such a petition be set for not earlier than 30 days and not later than 120 days after a petition is filed, unless waived by the parties. The court is required to make a decision within 30 days after the hearing on the petition is completed.

Section 2 additionally requires the court to issue an order restoring a petitioner's **civil rights and the** right to own, possess and control any firearm if: (1) **the petitioner has never been convicted of a misdemeanor crime of domestic violence; (2) the petitioner has never been convicted of a category A, B or C felony; and (3) the only category D or E felony for which the person has ever been convicted did not include certain elements. A petitioner who does not meet such criteria but meets certain other criteria must prove to** the court **[**~~determines that the petitioner proves~~**]** by clear and convincing evidence that he or she is rehabilitated and is unlikely to use **[**~~a firearm in~~**]** **the restoration of any rights for** an unlawful **[**~~manner; and (2) the petitioner has made all restitution as ordered by the court.~~**]** **purpose.** If the court determines that the petitioner does not satisfy the burden of proof, **[**~~or if the petitioner has not made all restitution as ordered by the court, unless such failure was due to economic hardship,~~**]** the court is required to issue an order denying the restoration of such **[**~~a right.~~**]** **rights and to state the basis for such a denial. Section 2** further authorizes such a petitioner to reapply for the restoration of such **[**~~a right~~**]** **rights** not earlier than 1 year after the date the court order is entered. **[**~~Finally, section 2 provides that a person whose right to own, possess and control a firearm is restored is also immediately restored to the civil rights to vote, serve as a juror in a civil or criminal action and hold office, if any such civil rights have not previously been restored.~~**]** **Finally, section 2 authorizes a person who has lost his or her civil rights as a result of a conviction in another state to petition the district court for the restoration of such rights if the person would otherwise be eligible to petition the district court for the restoration of such rights if the conviction that resulted in the loss of such rights occurred in this State.**

Existing law authorizes certain persons to inquire into and inspect certain records that have been sealed in certain circumstances. (NRS 179.301) **Section 3** of this bill authorizes a prosecuting attorney to inquire into and inspect certain sealed records if the person who is the subject of the records has

petitioned to have his or her right to own, possess and control any firearm restored pursuant to **section 2**. **Section 3** also authorizes a prosecuting attorney to use any such records as evidence during a hearing on such a petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 2 of this act,*** a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is prohibited pursuant to paragraph (a) of NRS 202.360 from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony ~~[in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America,]~~ or a misdemeanor crime of domestic violence, or if the person has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and all such civil rights have not been restored, the person may , after the applicable waiting period set forth in subsection 2, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of his or her right to own or have in his or her possession or under his or her custody or control any firearm and the restoration of his or her civil rights if ~~[:]~~ the person:

(a) ~~[The offense for which the person was convicted was]~~ Is not currently serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and

(b) If the person is seeking the restoration of the right to own or have in his or her possession or under his or her custody or control any firearm, is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.

2. A person may petition the district court pursuant to subsection 1:

(a) One day after the completion of the person's sentence for an offense described in subparagraph (3) if:

(1) The person has never been convicted of a misdemeanor crime of domestic violence;

(2) The person has never been convicted of a category A, B or C felony; and

(3) The only category D or E felony for which the person has ever been convicted is a category D or E felony that did not include as an element of the offense:

~~[(1)]~~ (I) An attempt, threat or conspiracy to commit an act of violence against another person;

~~[(2)]~~ (II) An act of intentional violence against another person; or

~~[(3)]~~ (III) The intentional use of a deadly weapon.

(b) Two years ~~[have elapsed since]~~ after the ~~[most recent]~~ completion of the person's sentence for an offense described in ~~[paragraph (a),]~~ subparagraph (3) if the person:

(1) Has never been convicted of a misdemeanor crime of domestic violence;

(2) Has never been convicted of a category A, B, D or E felony; and

(3) The only category C felony for which the person has ever been convicted is a category C felony that did not include as an element of the offense:

(I) An attempt, threat or conspiracy to commit an act of violence against another person;

(II) An act of intentional violence against another person; or

(III) The intentional use of a deadly weapon.

(c) ~~[The person has never been convicted of a felony other than those described in paragraph (a) or a crime that constitutes domestic violence.~~

~~(d) The person is not currently facing charges for an offense described in paragraph (a) or (c) in this State or another jurisdiction.~~

~~(e) The person has not been dishonorably discharged from probation or parole.~~

~~(f) The person is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.~~

~~2.]~~ Six years after the most recent completion of the person's sentence for an offense described in this paragraph if the person:

(1) Has never been convicted of a category A or B felony; and

(2) Has been convicted:

(I) Not more than once for a misdemeanor crime of domestic violence; or

(II) Of more than one category C, D or E felony that did not involve the intentional use of a deadly weapon with the intent to cause substantial bodily harm.

3. A petition filed pursuant to subsection ~~[1]~~ 2 must:

(a) Describe the rights for which restoration is being sought.

(b) Provide the date of any previous petition filed pursuant to this section and the date the court denied the restoration of any rights.

(c) Be accompanied by the petitioner's current, verified record of criminal history from the Central Repository for Nevada Records of Criminal History.

~~[(b)]~~ (d) Contain the following information:

(1) The petitioner's full legal name.

(2) Each alias that the petitioner has used or under which the petitioner may have been known.

(3) The petitioner's date of birth.

(4) The petitioner's driver's license number.

(5) The petitioner's current residential address.

(6) Each residential address of the petitioner during the 10 years preceding the filing of the petition.

(7) For each criminal conviction of the petitioner:

(I) The arresting agency;

(II) The date of arrest;

(III) The charges that were filed against the petitioner;

(IV) Whether the offense committed was a misdemeanor or felony, and if a felony, whether the offense was a category A, B, C, D or E felony;

(V) The sentencing court;

(VI) The case number;

(VII) The date of the final disposition of the case;

(VIII) The sentence imposed upon the petitioner; and

(IX) The date on which the petitioner completed the sentence.

~~[3.]~~ 4. Upon receiving a petition from a petitioner who meets the requirements of ~~[subsection 1,]~~ this section, the court shall , at least 30 days before the hearing scheduled pursuant to subsection 5, notify the district attorney for the county in which the court is located and the district attorney for ~~[the]~~ each county in which the petitioner was convicted ~~[.]~~ of an applicable felony or misdemeanor crime of domestic violence.

~~[4.]~~ 5. Unless waived by the consent of both the petitioner and the district attorney for the county in which the petition is filed, a date for a hearing on the petition must be set for not earlier than 30 days and not later than 120 days after a petition complying with the requirements of subsection ~~[2]~~ 3 is filed. ~~[Any person who is able to offer]~~ The court may consider any relevant evidence ~~[to the court may testify and present evidence]~~ at the hearing on the petition ~~[.]~~ , including, without limitation, oral testimony, declarations, affidavits and police reports. The court shall issue its decision within 30 days after the hearing on the petition is completed.

~~[5.]~~ 6. If a petitioner petitions the court for the restoration of his or her rights pursuant to:

(a) Paragraph (a) of subsection 2, the court shall, upon verifying that the petitioner is eligible to have his or her rights restored, issue an order setting forth the restoration of the petitioner's right to own or have in his or her possession or under his or her custody or control any firearm and the petitioner's civil rights to vote, to serve as a juror in a civil or criminal action and to hold office.

(b) Paragraph (b) or (c) of subsection 2, the court shall, if it determines that the petitioner proves by clear and convincing evidence that he or she is rehabilitated and is unlikely to use ~~[a firearm in]~~ the restoration of any rights for an unlawful ~~[manner, and the petitioner has made all restitution as ordered by the court, the court shall]~~ purpose, issue an order ~~[restoring the petitioner's right to own or have in his or her possession or under his or her custody or control any firearm.]~~ setting forth which rights are restored.

➥ A copy of ~~[the]~~ any order issued pursuant to this subsection must be provided to the petitioner and the Department of Public Safety.

~~[6. Except as otherwise provided in subsection 7, if]~~

7. If the court determines that ~~[the]~~ a petitioner who petitioned the court for the restoration of his or her rights pursuant to paragraph (b) or (c) of subsection 2 does not prove by clear and convincing evidence that he or she is rehabilitated and is unlikely to use ~~[a firearm in]~~ the restoration of any rights for an unlawful ~~[manner, or if the petitioner has been unable to make restitution as ordered by the court,]~~ purpose, the court shall issue an order denying the restoration of the petitioner's ~~[right to own or have in his or her possession or under his or her custody or control any firearm.]~~ rights and shall state the basis for such a denial. A petitioner who is denied the restoration of ~~[such a right]~~ rights pursuant to this subsection may reapply

for the restoration of such ~~[a right]~~ rights not earlier than 1 year after the date the court order is entered.

~~[7. A court shall not deny the restoration of a petitioner's right to own or have in his or her possession or under his or her custody or control any firearm because of the fact that the petitioner has failed to make restitution as ordered by the court if the petitioner demonstrates that his or her failure to satisfy such a financial obligation was due to economic hardship.]~~

8. ~~[A person whose right to own or have in his or her possession or under his or her custody or control any firearm is restored pursuant to this section is also immediately restored to the following civil rights, if any such rights have not previously been restored:~~

~~(a) The right to vote;~~

~~(b) The right to serve as a juror in a civil or criminal action; and~~

~~(c) The right to hold office.]~~ A person who has lost his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office as a result of a conviction in another state may petition the district court for the restoration of such civil rights pursuant to this section if the person would otherwise be eligible to petition the district court for the restoration of such civil rights pursuant to this section if the conviction that resulted in the loss of such civil rights occurred in this State.

9. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

Sec. 3. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

3. ***A prosecuting attorney may:***

(a) Inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has petitioned to

have his or her right to own or have in his or her possession or under his or her control or custody any firearm pursuant to section 2 of this act; and

(b) Use any such records as evidence during a hearing on the petition.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

~~[4.]~~ ***5.*** Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

~~[5.]~~ ***6.*** The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

~~[6.]~~ ***7.*** As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 4. NRS 6.010 is hereby amended to read as follows:

6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

Sec. 5. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this ***State*** or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person ~~[has]~~ ***:***

(1) Has received a pardon and the pardon does not restrict his or her right to bear arms; ***or***

(2) Has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act ~~***; [,]***~~

(b) ***Has been convicted in this State or any other state of a misdemeanor crime*** ~~***[that constitutes]***~~ ***of domestic violence*** ~~***[pursuant to NRS 33.018 or a substantially similar law of any other state;]***~~ ***as defined in 18 U.S.C. §***

921(a)(33), unless the person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;

(c) Is a fugitive from justice; or

~~[(c)]~~ ***(d)*** Is an unlawful user of, or addicted to, any controlled substance.

➥ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 6. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, ***and section 2 of this act,*** as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 7. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 8. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her release from prison, is restored to the right to hold office.

(c) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her release from prison;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 9. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 10. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 359.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 554.

AN ACT relating to common-interest communities; ~~[enacting provisions governing hearings conducted by the executive board of a unit owners' association on alleged violations of the governing documents; providing for the payment of a per diem to members of the executive board of an association under certain circumstances; revising provisions governing the approval of certain capital improvements to a common-interest community;]~~ revising provisions governing ~~[the foreclosure of an]~~ **a unit-owners'** association's lien for certain amounts due to the association; ~~[providing for the Commission for Common-Interest Communities and Condominium Hotels and its hearing panels to conduct hearings and take certain actions on breaches of the governing documents of a common-interest community;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the executive board of a common-interest community to provide a unit's owner and, if different, a person against whom a fine will be imposed with: (1) written notice containing certain information; and (2) a reasonable opportunity to cure an alleged violation or contest the alleged violation at a hearing before imposing a fine. (NRS 116.31031) Section 2 of this bill: (1) specifies the required contents of the written notice and prescribes the manner in which the executive board is required to provide the notice; and (2) prohibits the imposition of a fine if the violation is cured within a reasonable time. Section 2 further specifies the procedures for the hearing before the executive board, including, without limitation, a requirement that each party to the hearing disclose certain information to the other parties, a provision authorizing a unit's owner or the person against whom the fine will be imposed to challenge a member of the executive board or hearing committee for bias, conflict of interest or certain other causes and a provision~~

~~governing continuances of the hearing. Finally, section 2 authorizes a party to a hearing to make an audio or video recording of a hearing, request a transcript of a hearing and arrange for an interpreter at the party's own expense.~~

~~Section 4 of this bill specifically authorizes the bylaws of an association to provide for the payment of a per diem, not to exceed $100 per day, to members of the executive board for each day or portion of a day of attendance at a meeting of the executive board or while engaged in the business of the executive board. Such a provision must be adopted at a meeting of the units' owners by: (1) at least 35 percent of the units' owners other than the declarant; and (2) a majority of the units' owners, other than the declarant, who vote on the provision.~~

~~Existing law requires an association to provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the meeting. (NRS 116.3115) Section 6 of this bill prohibits the association from making a capital improvement that costs more than $5,000 unless the capital improvement is approved by units' owners constituting at least 25 percent of the total number of voting members of the association. Under section 20 of this bill, the approval of the units' owners is not required if a contract for the construction of the capital improvement is entered into before October 1, 2015, the effective date of the bill.~~

~~Under existing law, the Commission for Common Interest Communities and Condominium Hotels and hearing panels of the Commission have jurisdiction to take certain actions against persons who violate the provisions of existing statutes or regulations governing common interest communities. (NRS 116.745-116.795) A claim concerning a breach of the conditions, covenants or restrictions of a common interest community or the bylaws, rules or regulations adopted by an association must be submitted to mediation, or a referee or hearing officer program established by the Real Estate Division of the Department of Business and Industry, before a civil action based upon the claim may be filed with a court. (NRS 38.300-38.360) Sections 9-17 of this bill provide that: (1) the Commission and its hearing panels have jurisdiction over a breach of the governing documents; (2) if an affidavit alleging such a breach is filed with the Division, the Division must schedule a hearing before the Commission or a hearing panel concerning the breach; (3) any hearing before the Commission or hearing panel concerning the breach must be conducted in the same manner as a hearing concerning a violation of law; and (4) if the Commission or hearing panel finds that a breach of the governing documents has occurred, the Commission or hearing panel may take the same actions and impose the same penalties that apply to a violation of law.~~

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association ~~,~~ **,** and ~~[~~authorizes~~]~~ an association ~~[~~to foreclosure~~]~~ **may foreclose** its lien through a nonjudicial foreclosure process. (NRS 116.3116-116.31168) ~~[~~Sections 1, 3, 5, 7, 8, 18, 19 and 21 of this bill repeal provisions authorizing a unit-owners' association to foreclose its lien

~~through a nonjudicial foreclosure process and, instead, section 7 authorizes the association to foreclose its lien through the judicial foreclosure process.~~**]** **Under existing law, generally, the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien." (NRS 116.3116) In *SFR Investments Pool 1, LLC v. U.S. Bank*, 130 Nev. Adv. Op. 75, 334 P.3d 408 (2014), the Nevada Supreme Court held that the foreclosure of the super-priority lien by the association extinguishes the first security interest on the unit.**

This bill provides that the foreclosure of the super-priority lien by the association does not extinguish a first security interest on the unit or a second mortgage or deed of trust on the unit. Thus, under this bill, if the holder of a security interest, lien or encumbrance on a unit, other than the association, forecloses on the unit, the association would be entitled to a distribution of the proceeds of the sale in accordance with the priority accorded to the association's lien under existing law. However, if the association forecloses its lien on a unit by sale, the association's foreclosure does not extinguish the first security interest on the unit or a second mortgage or deed of trust on the unit but does extinguish any other security interest, liens or encumbrances subordinate to the association's lien under existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~NRS 116.12075 is hereby amended to read as follows:~~

~~116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:~~

~~(a) This entire chapter applies to the condominium;~~

~~(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116~~ **[**~~to 116.31168, inclusive,~~**]** ~~apply to the condominium; or~~

~~(c) Only the provisions of NRS 116.3116~~ **[**~~to 116.31168, inclusive,~~**]** ~~apply to the condominium.~~

~~2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:~~

~~(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and~~

~~(b) Notwithstanding NRS 116.1104 and subsection 3 of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.~~] **(Deleted by amendment.)**

Sec. 2. [~~NRS 116.31031 is hereby amended to read as follows:~~

~~116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:~~

~~(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:~~

~~(1) Voting on matters related to the common-interest community.~~

~~(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.~~

~~(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:~~

~~(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and~~

~~(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.~~

~~➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.~~

~~2. The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:~~

~~(a) Participated in or authorized the violation;~~

~~(b) Had prior notice of the violation; or~~

~~(c) Had an opportunity to stop the violation and failed to do so.~~

~~3. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.~~

~~4. The executive board may not impose a fine pursuant to subsection 1 unless:~~

~~(a) Not less than 30 days before the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the alleged violation; and~~

~~(b) Within a reasonable time after the discovery of the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:~~

~~(1) Written notice:~~

~~(I) Specifying in detail the alleged violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time and location for a hearing on the alleged violation; and~~

~~(II) Providing a clear and detailed photograph of the alleged violation, if the alleged violation relates to the physical condition of the unit or the grounds of the unit or an act or a failure to act of which it is possible to obtain a photograph; and~~

~~(2) A reasonable opportunity to cure the alleged violation or to contest the alleged violation at the hearing.~~

~~[* For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.]~~

~~5.~~ ***The written notice required pursuant to paragraph (b) of subsection 4 must:***

~~***(a) Include, without limitation:***~~

~~***(1) The date, time and location of the hearing concerning the alleged violation;***~~

~~***(2) The telephone number and mailing address of a person that the unit's owner and, if different, the person against whom the fine will be imposed may contact to request a continuance or change of the date or time of the hearing;***~~

~~***(3) A description, in plain language, of the alleged violation, including, without limitation, the text of the provision of the governing documents that was allegedly violated and, if possible, a clear and detailed photograph of the alleged violation;***~~

~~***(4) The proposed action to cure the alleged violation and a reasonable time, considering the magnitude and seriousness of alleged violation, in which the alleged violation must be cured;***~~

~~*(5) The amount of the fine;*~~

~~*(6) A statement advising the unit's owner and, if different, the person against whom the fine will be imposed of the provisions of subsections 9 to 14, inclusive, and that a party who is aggrieved by a decision of the executive board or a hearing committee may submit the action to mediation or for referral to a program of dispute resolution by filing a written claim with the Division pursuant to NRS 38.320 or by filing an affidavit with the Division pursuant to NRS 116.760; and*~~

~~*(7) The names of the members of the executive board or hearing committee who will conduct the hearing.*~~

~~*(b) Be mailed to the unit's owner and, if different, the person against whom the fine will be imposed at least 30 days before the hearing by certified mail, return receipt requested, to the address of the unit and, if different, the:*~~

~~*(1) Mailing address specified by the unit's owner or, if none, the address to which the annual assessment is mailed; and*~~

~~*(2) Last known address of the unit's owner or, if different, the person against whom the fine will be imposed.*~~

~~*6. The executive board may not impose a fine pursuant to subsection 1 if the violation is cured within the time provided pursuant to subparagraph (4) of paragraph (a) of subsection 5.*~~

~~*7.*~~ ~~The executive board must schedule the date, time and location for the hearing on the alleged violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.~~

~~**[**6.**]** *8.*~~ ~~The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:~~

~~(a) Executes a written waiver of the right to the hearing; or~~

~~(b) Fails to appear at the hearing after being provided with proper notice of the hearing.~~

~~**[**7.**]** *9. Not less than 5 days before a hearing on an alleged violation conducted pursuant to this section:*~~

~~*(a) Each party must provide to each other party:*~~

~~*(1) A copy of all documents that are reasonably available to the party that the party reasonably anticipates will be used in support of his or her position; and*~~

~~*(2) A list of witnesses whom the party intends to call at the time of the hearing, except that if the unit's owner or, if different, the person against whom the fine will be imposed intends to testify at the hearing, the list of witnesses is not required to include that person. The list of witnesses must include for each witness:*~~

~~*(I) The name of the witness;*~~

~~*(II) The employer of the witness and the title of the witness; and*~~

~~*(III) A brief summary of the expected testimony of the witness.*~~

~~(b) A unit's owner or, if different, a person against whom the fine will be imposed may request in writing that an open hearing be conducted pursuant to subsection 4 of NRS 116.31085.~~

~~10. A unit's owner or, if different, the person against whom the fine will be imposed may challenge for bias, conflict of interest or any grounds prescribed in this chapter or the governing documents any member of the executive board or hearing committee who is scheduled to conduct the hearing. A challenge must be filed with the executive board not less than 5 days before the date of the hearing or not more than 3 days after receiving notice of the addition or replacement of a member of the hearing panel, whichever is later. The executive board:~~

~~(a) Shall grant one challenge as a matter of right; and~~

~~(b) May grant or deny any additional challenge after considering the merits of the challenge.~~

~~11. The executive board or hearing committee:~~

~~(a) Shall grant one continuance of a hearing of not more than 30 days at the request of the respondent; and~~

~~(b) May grant any additional continuances to which all parties agree.~~

~~12. At a hearing held pursuant to this section:~~

~~(a) The unit's owner and, if different, the person against whom the fine will be imposed may be represented by any person of his or her choosing.~~

~~(b) Each party may present witnesses and may cross examine any opposing witness. Except as otherwise provided in paragraph (c), a witness may not be present during the testimony of any other witness without the consent of all parties.~~

~~(c) The respondent may be present for the entirety of the hearing and may testify in his or her own behalf and present such other evidence as may be beneficial to his or her cause.~~

~~(d) Each party is entitled to present a closing statement.~~

~~(e) The executive board or hearing committee shall arrive at a decision by a majority vote of the members of the executive board or hearing committee who conduct the hearing not more than 7 days after the close of the hearing. Notice of the decision must be mailed to all parties not more than 10 days after the vote and must include a statement advising the parties that a party who is aggrieved by a decision of the executive board or a hearing committee may submit the action to mediation or for referral to a program of dispute resolution by filing a written claim with the Division pursuant to NRS 38.320 or by filing an affidavit with the Division pursuant to NRS 116.760.~~

~~(f) A party may not be held liable for the fees and costs of any other party.~~

~~(g) Any party may make an audio recording or video recording of the hearing at his or her own expense.~~

~~13. A party may request a transcript of a hearing held pursuant to this section at his or her own expense. If both parties request a transcript of a hearing, the parties shall share the costs of producing the transcript.~~

~~*14. A party who requires assistance in interpreting the English language during a hearing on an alleged violation conducted pursuant to NRS 116.31031 may arrange for an interpreter to attend the hearing at the expense of the party who requests the interpreter.*~~

~~*15.* If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without providing the opportunity to cure the violation and without the notice and an opportunity to be heard required by paragraph (b) of subsection 4.~~

~~[8.]~~ ~~*16.* If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on alleged violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.~~

~~[9.]~~ ~~*17.* A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:~~

~~(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.~~

~~(b) Casts a vote in violation of this subsection, the vote is void.~~

~~[10.]~~ ~~*18.* The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.~~

~~[11.]~~ ~~*19.* Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.~~

~~[12.]~~ ~~*20.* If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[~~NRS 116.310312 is hereby amended to read as follows:

~~116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:~~

~~(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or~~

~~(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.~~

~~2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:~~

~~(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.~~

~~(b) Remove or abate a public nuisance on the exterior of the unit which:~~

~~(1) Is visible from any common area of the community or public streets;~~

~~(2) Threatens the health or safety of the residents of the common interest community;~~

~~(3) Results in blighting or deterioration of the unit or surrounding area; and~~

~~(4) Adversely affects the use and enjoyment of nearby units.~~

~~3. If a unit is vacant and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance as described in subsection 2 if the unit's owner refuses or fails to do so.~~

~~4. The association may order that the costs of any maintenance or abatement conducted pursuant to subsection 2 or 3, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. [The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.]~~

~~5. A lien described in subsection 4 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.~~

~~6. Except as otherwise provided in this subsection, a lien described in subsection 4 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.~~

~~7. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.~~

~~8. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds of a unit pursuant to this section are not liable for trespass.~~

~~9. As used in this section:~~

~~(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit and the exterior of all property exclusively owned by the unit owner.~~

~~(b) "Vacant" means a unit:~~

~~(1) Which reasonably appears to be unoccupied;~~

~~(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents the association; and~~

~~(3) On which the owner has failed to pay assessments for more than 60 days.~~**] (Deleted by amendment.)**

Sec. 4. ~~[~~NRS 116.3106 is hereby amended to read as follows:

~~116.3106 1. The bylaws of the association must:~~

~~(a) Provide the number of members of the executive board and the titles of the officers of the association;~~

~~(b) Provide for election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;~~

~~(c) Specify the qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;~~

~~(d) Specify the powers the executive board or the officers of the association may delegate to other persons or to a community manager;~~

~~(e) Specify the officers who may prepare, execute, certify and record amendments to the declaration on behalf of the association;~~

~~(f) Provide procedural rules for conducting meetings of the association;~~

~~(g) Specify a method for the units' owners to amend the bylaws;~~

~~(h) Provide procedural rules for conducting elections;~~

~~(i) Contain any provision necessary to satisfy requirements in this chapter or the declaration concerning meetings, voting, quorums and other activities of the association; and~~

~~(j) Provide for any matter required by law of this State other than this chapter to appear in the bylaws of organizations of the same type as the association.~~

~~2. Except as otherwise provided in this chapter or the declaration, the bylaws may provide for any other necessary or appropriate matters, including, without limitation, matters that could be adopted as rules.~~

~~3. *The bylaws may provide that a member of the executive board may receive a per diem for each day or portion of a day of attendance at a meeting of the executive board or while engaged in the business of the executive board, not to exceed $100 per day, only if, at a meeting of the units' owners held pursuant to NRS 116.3108, the number of votes cast in favor of adopting such a provision of the bylaws constitutes:*~~

~~*(a) At least 35 percent of the units' owners other than the declarant; and*~~

~~*(b) At least a majority of all votes cast by the units' owners other than the declarant on the question of whether to adopt the provision.*~~

~~4. The bylaws must be written in plain English.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 116.31068 is hereby amended to read as follows:~~

~~116.31068 1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:~~

~~(a) Hand delivery to each unit's owner;~~

~~(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;~~

~~(c) Electronic means, if the unit's owner has given the association an electronic mail address; or~~

~~(d) Any other method reasonably calculated to provide notice to the unit's owner.~~

~~2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.~~

~~3. The provisions of this section do not apply:~~

~~(a) To a notice required to be given pursuant to NRS 116.3116 ; [to 116.31168, inclusive;] or~~

~~(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 116.3115 is hereby amended to read as follows:~~

~~116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.~~

~~2. Except for assessments under subsections 4 to 7, inclusive, or as otherwise provided in this chapter:~~

~~— (a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.~~

~~— (b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.~~

~~— 3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.~~

~~— 4. Except as otherwise provided in the governing documents:~~

~~— (a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;~~

~~— (b) Any common expense benefiting fewer than all of the units or their owners may be assessed exclusively against the units or units' owners benefited; and~~

~~— (c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.~~

~~5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.~~

~~6. If damage to a unit or other part of the common-interest community, or if any other common expense is caused by the willful misconduct or gross negligence of any unit's owner, tenant or invitee of a unit's owner or tenant, the association may assess that expense exclusively against his or her unit, even if the association maintains insurance with respect to that damage or common expense, unless the damage or other common expense is caused by a vehicle and is committed by a person who is delivering goods to, or performing services for, the unit's owner, tenant or invitee of the unit's owner or tenant.~~

~~7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.~~

~~8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.~~

~~9. *Notwithstanding any provision of law or the governing documents to the contrary, an association shall not make a capital improvement that costs over $5,000 unless the capital improvement is approved by the units' owners constituting at least 25 percent of the total number of voting members of the association.*~~

~~*10.* The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.~~ **(Deleted by amendment.)**

Sec. 7. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and

perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

➥ The lien is also prior to all security interests described in paragraph (b) to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. ***Except as otherwise provided in this subsection, any priority accorded to the association's lien under this section is a priority in right and not merely a priority in payment from the proceeds of the sale of the unit by a competing lienholder or encumbrancer. The foreclosure by sale of the association's lien does not extinguish the rights of the holder of:***

(a) A first security interest described in paragraph (b) of subsection 2; or

(b) A second mortgage or deed of trust on the unit recorded before the date on which the assessment sought to be enforced became delinquent.

4. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

~~[4.]~~ ***5.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[5.]~~ ***6.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[6.]~~ ***7.*** A lien for unpaid assessments is extinguished unless ~~***[judicial]***~~ proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[7.]~~ ***8.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[8.]~~ ***9.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[9.]~~ ***10.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, ~~***[40.430 to 40.463,]***~~ inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[10.]~~ ***11.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, ~~***[40.430 to 40.463,]***~~ inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, ~~***[40.430 to 40.463,]***~~ inclusive.

~~[11. *The association's lien under this section may be foreclosed pursuant to NRS 40.430 to 40.463, inclusive, in like manner as a mortgage or other lien on real property.]*~~

12. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 7.5. **NRS 116.31166 is hereby amended to read as follows:**

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption ~~[.]~~ ***subject to any security interest described in paragraph (a) or (b) of subsection 3 of NRS 116.3116.***

Sec. 8. ~~[NRS 116.4105 is hereby amended to read as follows:~~

~~116.4105 If the declaration provides that ownership or occupancy of any units is or may be in time shares, the public offering statement shall disclose, in addition to the information required by NRS 116.4103 and 116.41035:~~

~~1. The number and identity of units in which time shares may be created;~~

~~2. The total number of time shares that may be created;~~

~~3. The minimum duration of any time shares that may be created; and~~

~~4. The extent to which the creation of time shares will or may affect the enforceability of the association's lien for assessments provided in NRS 116.3116 . [and 116.31162.]]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 116.745 is hereby amended to read as follows:~~

~~116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires [, "violation"] :~~

~~*1. "Breach" means a breach of the governing documents.*~~

~~*2. "Violation"* means a violation of:~~

~~[1.] *(a)* Any provision of this chapter except NRS 116.31184;~~

~~[2.] *(b)* Any regulation adopted pursuant to this chapter; or~~

~~[3.] *(c)* Any order of the Commission or a hearing panel.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 116.760 is hereby amended to read as follows:~~

~~116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation *or breach* may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation [,] *or breach* file with the Division a written affidavit that sets forth the facts constituting the alleged violation [.] *or breach.* The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation [.] *or breach.*~~

~~2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation *or breach* set forth in the affidavit. The notice must:~~

~~(a) Be mailed to the respondent's last known address.~~

~~(b) Specify, in reasonable detail, the alleged violation [,] *or breach,* any actual damages suffered by the aggrieved person as a result of the alleged~~

~~violation **[**,**]** ***or breach,*** and any corrective action proposed by the aggrieved person.~~

~~3. A written affidavit filed with the Division pursuant to this section must be:~~

~~(a) On a form prescribed by the Division.~~

~~(b) Accompanied by evidence that:~~

~~(1) The respondent has been given a reasonable opportunity after receiving the written notice to **[**correct**]** ***resolve*** the alleged violation **[**;**]** ***or breach;*** and~~

~~(2) Reasonable efforts to resolve the alleged violation ***or breach*** have failed.~~

~~4. The Commission or a hearing panel may impose an administrative fine of not more than $1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.**]**~~ **(Deleted by amendment.)**

Sec. 11. ~~**[**NRS 116.765 is hereby amended to read as follows:~~

~~116.765 1.~~ ***Upon receipt of an affidavit which complies with the provisions of NRS 116.760 and which alleges a breach, the Division shall schedule a hearing on the complaint before the Commission or a hearing panel.***

~~***2.*** Upon receipt of an affidavit **[**that**]** ***which*** complies with the provisions of NRS 116.760 **[**,**]** ***and which alleges a violation,*** the Division shall refer the affidavit to the Ombudsman.~~

~~**[**2.**]** ***3.*** The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.~~

~~**[**3.**]** ***4.*** If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.~~

~~**[**4.**]** ***5.*** Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.~~

~~**[**5.**]** ***6.*** If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.**]**~~ **(Deleted by amendment.)**

Sec. 12. ~~**[**NRS 116.770 is hereby amended to read as follows:~~

~~116.770 1. Except as otherwise provided in subsection 2, if the Administrator files a formal complaint with the Commission **[**,**]** ***or if a hearing concerning a breach is scheduled,*** the Commission or a hearing panel shall hold a hearing on the complaint ***or alleged breach*** not later than 90 days after~~

~~the date that the complaint ***alleging a violation or affidavit alleging a breach*** is filed.~~

~~2. The Commission or the hearing panel may continue the hearing upon its own motion or upon the written request of a party to the complaint **[,] *or affidavit alleging a breach,*** for good cause shown, including, without limitation, the existence of proceedings for mediation or arbitration or a civil action involving the facts that constitute the basis of the complaint **[.] *or affidavit alleging a breach.***~~

~~3. The Division shall give the respondent written notice of the date, time and place of the hearing on the complaint ***or alleged breach*** at least 30 days before the date of the hearing. The notice must be:~~

~~(a) Delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his or her last known address.~~

~~(b) Accompanied by:~~

~~(1) A copy of the complaint; and~~

~~(2) Copies of all communications, reports, affidavits and depositions in the possession of the Division that are relevant to the complaint **[.] *or alleged breach.***~~

~~4. At any hearing on the complaint **[,] *or alleged breach,*** the Division ***or person alleging a breach*** may not present evidence that was obtained after the notice was given to the respondent pursuant to this section, unless the Division ***or person alleging a breach*** proves to the satisfaction of the Commission or the hearing panel that:~~

~~(a) The evidence was not available, after diligent investigation by the Division **[,] *or person alleging a breach,*** before such notice was given to the respondent; and~~

~~(b) The evidence was given or communicated to the respondent immediately after it was obtained by the Division **[.] *or person alleging a breach.***~~

~~5. The respondent must file an answer not later than 30 days after the date that notice of the complaint ***or affidavit alleging a breach*** is delivered or mailed by the Division. The answer must:~~

~~(a) Contain an admission or a denial of the allegations contained in the complaint ***or affidavit*** and any defenses upon which the respondent will rely; and~~

~~(b) Be delivered personally to the Division or mailed to the Division by certified mail, return receipt requested.~~

~~6. If the respondent does not file an answer within the time required by subsection 5, the Division ***or person alleging a breach*** may, after giving the respondent written notice of the default, request the Commission or the hearing panel to enter a finding of default against the respondent. The notice of the default must be delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his or her last known address.~~**]** **(Deleted by amendment.)**

Sec. 13. **[**~~NRS 116.775 is hereby amended to read as follows:~~

~~— 116.775 Any party to the complaint *or affidavit alleging a breach* may be represented by an attorney at any hearing on the complaint **[.]** *or affidavit.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 116.780 is hereby amended to read as follows:~~

~~— 116.780 1. After conducting its hearings on the complaint **[,]** *or affidavit alleging a breach,* the Commission or the hearing panel shall render a final decision on the merits of the complaint *or allegation of a breach* not later than 20 days after the date of the final hearing.~~

~~— 2. The Commission or the hearing panel shall notify all parties to the complaint *or affidavit* of its decision in writing by certified mail, return receipt requested, not later than 60 days after the date of the final hearing. The written decision must include findings of fact and conclusions of law.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 116.785 is hereby amended to read as follows:~~

~~— 116.785 1. If the Commission or the hearing panel, after notice and hearing, finds that the respondent has committed a violation **[,]** *or breach,* the Commission or the hearing panel may take any or all of the following actions:~~

~~— (a) Issue an order directing the respondent to cease and desist from continuing to engage in the unlawful conduct that resulted in the violation **[.]** *or the conduct that resulted in the breach.*~~

~~— (b) Issue an order directing the respondent to take affirmative action to correct any conditions resulting from the violation **[.]** *or breach.*~~

~~— (c) Impose an administrative fine of not more than $1,000 for each violation **[.]** *or breach.*~~

~~— 2. If the respondent is a member of an executive board or an officer of an association, the Commission or the hearing panel may order the respondent removed from his or her office or position if the Commission or the hearing panel, after notice and hearing, finds that:~~

~~— (a) The respondent has knowingly and willfully committed a violation **[,]** *or breach;* and~~

~~— (b) The removal is in the best interest of the association.~~

~~— 3. If the respondent violates any order issued by the Commission or the hearing panel pursuant to this section, the Commission or the hearing panel, after notice and hearing, may impose an administrative fine of not more than $1,000 for each violation.~~

~~— 4. If the Commission or the hearing panel takes any disciplinary action pursuant to this section, the Commission or the hearing panel may order the respondent to pay the costs of the proceedings incurred by the Division, including, without limitation, the cost of the investigation and reasonable attorney's fees.~~

~~— 5. Notwithstanding any other provision of this section, unless the respondent has knowingly and willfully committed a violation **[.]** *or breach,* if the respondent is a member of an executive board or an officer of an association:~~

~~(a) The association is liable for all fines and costs imposed against the respondent pursuant to this section; and~~

~~(b) The respondent may not be held personally liable for those fines and costs.~~**] (Deleted by amendment.)**

Sec. 16. ~~[~~NRS 116.790 is hereby amended to read as follows:

~~116.790 1. If the Commission or a hearing panel, after notice and hearing, finds that the executive board or any person acting on behalf of the association has committed a violation~~ **[**~~,~~**]** ***or a breach,*** ~~the Commission or the hearing panel may take any or all of the following actions:~~

~~(a) Order an audit of the association, at the expense of the association.~~

~~(b) Require the executive board to hire a community manager who holds a certificate.~~

~~2. The Commission, or the Division with the approval of the Commission, may apply to a court of competent jurisdiction for the appointment of a receiver for an association if, after notice and a hearing, the Commission or a hearing officer finds that any of the following violations occurred:~~

~~(a) The executive board, or any member thereof, has been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;~~

~~(b) The executive board, or any member thereof, has been guilty of misfeasance, malfeasance or nonfeasance; or~~

~~(c) The assets of the association are in danger of waste or loss through attachment, foreclosure, litigation or otherwise.~~

~~3. In any application for the appointment of a receiver pursuant to this section, notice of a temporary appointment of a receiver may be given to the association alone, by process as in the case of an application for a temporary restraining order or injunction. The hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.~~

~~4. The court may, if good cause exists, appoint one or more receivers pursuant to this section to carry out the business of the association. The members of the executive board who have not been guilty of negligence or active breach of duty must be preferred in making the appointment.~~

~~5. The powers of any receiver appointed pursuant to this section may be continued as long as the court deems necessary and proper. At any time, for sufficient cause, the court may order the receivership terminated.~~

~~6. Any receiver appointed pursuant to this section has, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether or not the association is insolvent. Such powers include, without limitation, the powers to:~~

~~(a) Take charge of the estate and effects of the association;~~

~~(b) Appoint an agent or agents;~~

~~(c) Collect any debts and property due and belonging to the association and prosecute and defend, in the name of the association, or otherwise, any civil action as may be necessary or proper for the purposes of collecting debts and property;~~

~~(d) Perform any other act in accordance with the governing documents of the association and this chapter that may be necessary for the association to carry out its obligations; and~~

~~(e) By injunction, restrain the association from exercising any of its powers or doing business in any way except by and through a receiver appointed by the court.~~**] (Deleted by amendment.)**

Sec. 17. ~~[NRS 116.795 is hereby amended to read as follows:~~

~~116.795 1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person ***breached or is about to breach any provision of the governing documents or*** violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or enjoin that person from engaging in or continuing to commit the ***breaches or*** violations or from doing any act in furtherance of the ***breaches or*** violations.~~

~~2. The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.~~

~~3. The court may issue the temporary restraining order, preliminary injunction or final injunction without:~~

~~(a) Proof of actual damages sustained by any person.~~

~~(b) The filing of any bond.~~**] (Deleted by amendment.)**

Sec. 18. ~~[NRS 278A.170 is hereby amended to read as follows:~~

~~278A.170 The procedures for enforcing payment of an assessment for the maintenance of common open space provided in NRS 116.3116 [to 116.31168, inclusive,] are also available to any organization for the ownership and maintenance of common open space established other than under this chapter or chapter 116 of NRS and entitled to receive payments from owners of property for such maintenance under a recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude which provides that any reasonable and ratable assessment thereon for the organization's costs of maintaining the common open space constitutes a lien or encumbrance upon the property.~~**] (Deleted by amendment.)**

Sec. 19. ~~[NRS 649.020 is hereby amended to read as follows:~~

~~649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.~~

~~2. "Collection agency" does not include any of the following unless they are conducting collection agencies:~~

~~(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.~~

~~(b) Banks.~~

~~(c) Nonprofit cooperative associations.~~

~~(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(e) Abstract companies doing an escrow business.~~

~~(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.~~

~~3. "Collection agency":~~

~~(a) Includes a community manager while engaged in the management of a common interest community or the management of an association of a condominium hotel if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure *or enforcement* of a lien pursuant to NRS [116.31162 to 116.31168, inclusive,] *116.3116* or *the foreclosure of a lien pursuant to NRS* 116B.635 to 116B.660, inclusive; and~~

~~(b) Does not include any other community manager while engaged in the management of a common interest community or the management of an association of a condominium hotel.~~

~~4. As used in this section:~~

~~(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.~~

~~(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[1. The amendatory provisions of sections 1, 3, 5, 7, 8, 18, 19 and 21 apply to the foreclosure or enforcement of the association's lien unless the association has foreclosed its lien by sale on or before September 30, 2015.~~

~~2. The provisions of NRS 116.3115, as amended by section 6 of this act, apply to a capital improvement unless a contract for the construction of the capital improvement has been entered into on or before September 30, 2015.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 116.31162, 116.31163, 116.311635, 116.31164, 116.31166 and 116.31168 are hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~LEADLINES OF REPEALED SECTIONS~~

~~— 116.31162 Foreclosure of liens: Mailing of notice of delinquent assessment; recording of notice of default and election to sell; period during which unit's owner may pay lien to avoid foreclosure; limitations on type of lien that may be foreclosed.~~

~~— 116.31163 Foreclosure of liens: Mailing of notice of default and election to sell to certain interested persons.~~

~~— 116.311635 Foreclosure of liens: Providing notice of time and place of sale; service of notice of sale; contents of notice of sale; proof of service.~~

~~— 116.31164 Foreclosure of liens: Procedure for conducting sale; purchase of unit by association; execution and delivery of deed; use of proceeds of sale.~~

~~— 116.31166 Foreclosure of liens: Effect of recitals in deed; purchaser not responsible for proper application of purchase money; title vested in purchaser without equity or right of redemption.~~

~~— 116.31168 Foreclosure of liens: Requests by interested persons for notice of default and election to sell; right of association to waive default and withdraw notice or proceeding to foreclose.~~~~]~~

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 427.

~~[CONTAINS UNFUNDED MANDATE (§ 4)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)~~~~]~~

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring the Secretary of State to assign a unique business identification number to certain entities and persons under certain circumstances; revising provisions governing the issuance of certain licenses by the Office of the Secretary of State; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment**,** Training and Rehabilitation; repealing certain provisions relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; ~~[repealing certain provisions relating to the issuance of certain licenses by incorporated cities and counties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 4** of this bill requires the Secretary of State to: (1) establish common business registration information that ~~[is]~~ **may be** used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to ~~[provide]~~ **exchange the** common business registration information ~~[to]~~ **among certain** state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 4** ~~[further requires that]~~ **authorizes** state and local agencies and health districts ~~[,]~~ to **:** ~~[the extent practicable:]~~ (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) ~~[meet]~~ **perform** certain other ~~[requirements]~~ **actions** related to participation in the state business portal. **Section 4** also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of information. **Section 3** of this bill deems that the records and files collected as common business registration information **by the Secretary of State** are confidential and privileged unless an exception applies.

Section 7 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license. Under **section 4**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registration, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State ~~[must]~~ **may** require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Existing law also requires an applicant for a city or county business license to sign an affidavit **or electronically submit an attestation** affirming that the business ~~[maintains]~~ **satisfies** certain insurance requirements.

(NRS 244.33505, 268.0955) ~~[Section 15 of this bill repeals this requirement and section 6 of this bill instead requires an applicant for a state business license to include with his or her application a signed affidavit or an attestation to affirm that the business maintains certain insurance requirements. Section 6 further requires that certain information regarding industrial insurance be provided through the state business portal.]~~ **Sections 9.5 and 10.5 of this bill provide that if an applicant submits such an attestation electronically via the state business portal, access to certain information regarding industrial insurance must be provided through the state business portal.**

Existing law requires certain applicants for the issuance or renewal of certain licenses, certificates or permits by a county, city or town to submit a statement indicating whether the applicant is subject to a court order for the support of a child and whether he or she is in compliance with that order or a plan for the repayment of the money owed pursuant to the order. (NRS 244.33506, 266.358, 266.368, 269.171) **Section 15** repeals this requirement and **section ~~[6]~~ 5.3** of this bill instead requires certain applicants for the issuance or renewal of a state business license to submit such statement with the application for the issuance or renewal of a state business license. **Section 5.7 of this bill requires the Secretary of State to suspend the state business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension of the professional and occupational licenses issued to the sole proprietor because the sole proprietor has not complied with certain child support requirements and the sole proprietor does not comply with certain requirements within 30 days.**

Section 11 of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. **Section 12** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.***

Sec. 3. ***1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State ~~[, a state or local agency or health district]~~ pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State ~~[,]~~ and any employee of the Secretary of State ~~[and any state or local~~***

~~*agency or health district, or employee of such an agency or health district, which]*~~ *who is authorized to view or use the information in such records or files:*

(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and

(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:

(a) Testimony by the Secretary of State ~~*[,]*~~ *or any employee of the Secretary of State* ~~*[, or a member or employee of any state or local agency or health district]*~~ *and the production of records, files and information on behalf of the Secretary of State* ~~*[, any state or local agency or health district]*~~ *or a person in any action or proceeding before the Secretary of State* ~~*[, any state or local agency or health district,]*~~ *or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.*

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Secretary of State ~~*[, any state or local agency, health district]*~~ *or a federal* ~~*[governmental]*~~ *agency in accordance with any agreement made and provided for in such cases, or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.*

(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a ~~*[local or]*~~ *federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.*

(f) Disclosure by the Secretary of State ~~*[for a state or local agency or health district]*~~ *for the purpose of collection of a debt, fee or obligation owed to the Secretary of State.* ~~*[or the agency or district.]*~~

(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~[,]~~ ***and consultation with representatives of state agencies, local governments, health districts and businesses,*** the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~[;]~~ ***and the agency has entered into an agreement for access to the state business portal*** ~~***[which is prescribed by]***~~ ***with the Secretary of State;***

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) ***Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;***

(f) For the purpose of coordinating the collection of common information from businesses using the state business portal:

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to ~~***[provide]***~~ ***exchange the common business registration information*** ~~***[to]***~~ ***among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;***

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ ***(h)*** Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. Each state ~~***[or local]***~~ ***agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a***

business in this State ~~[shall,]~~ may, to the extent practicable ~~[.]~~ , and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:

(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in any application processing system.

(c) Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.

(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 to not require a state or local agency or health district to ~~[disseminate]~~ :

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system

architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 7 of this act to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 5. Chapter 76 of NRS is hereby amended by adding ~~[a new section to read as follows:]~~ **thereto the provisions sets forth as sections 5.3 and 5.7 of this act.**

Sec. 5.3. 1. If an applicant for the issuance or renewal of a state business license is required to obtain or renew a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334, 244.335, 266.355, 268.0887, 268.095 or 269.170, the applicant shall:

(a) Include in the application his or her social security number; and

(b) Submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the state business license; or

(b) A separate form prescribed by the Secretary of State.

3. A state business license may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the

district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 5.7. 1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is conducting business in this State as a sole proprietor, the Secretary of State shall deem the state business license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the holder of the state business license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the state business license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a state business license that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose state business license was suspended stating that the person whose state business license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 6. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~[~~entity~~]~~ ***business identification*** number as assigned by the Secretary of State ~~[~~, if known,~~]~~ ***pursuant to section 7 of this act,*** and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $100; and

(d) ~~***[Include a signed affidavit affirming or, if the applicant submits his or her application electronically, attesting that the business:***~~

~~*(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;*~~

~~*(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;*~~

~~*(3) Is a member of an association of self-insured public or private employers; or*~~

~~*(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; and*~~

~~*(e)]*~~ Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. ~~*[The Secretary of State shall, through the state business portal established pursuant to NRS 75A.100, make available to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a list of the names of those businesses which have submitted an affidavit or attestation required by paragraph (d) of subsection 2.*~~

~~*7. Upon receiving an affidavit or attestation required by paragraph (d) of subsection 2, the Secretary of State shall, through the state business portal established pursuant to NRS 75A.100, provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with the regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*~~

~~*8.]*~~ For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. ~~[9.]~~ As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 7. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, ***75A.100,*** 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167,

394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or

copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 9. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board

that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 9.5. **NRS 244.33505 is hereby amended to read as follows:**

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote

safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.

Sec. 10. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax

was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 10.5. **NRS 268.0955 is hereby amended to read as follows:**

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.

Sec. 11. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~4.]~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession,

commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~[~~"Foreign artificial person" means an artificial person that is not organized under the laws of this State.

~~(c)]~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 12. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~[and]~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[.]~~ ***; and***

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement

signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed

pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 13. ~~[NRS 616A.405 is hereby amended to read as follows:~~

~~616A.405 The Administrator may adopt regulations relating to [NRS 244.33505 and 268.0955,]~~ ***~~the affidavit required by paragraph (d) of subsection 2 of NRS 76.100,~~*** ~~including regulations specifying the form of the affidavit required by [those sections.]~~ ***~~that provision.]~~*** **(Deleted by amendment.)**

Sec. 14. NRS 719.345 is hereby amended to read as follows:

719.345 The Secretary of State may require a governmental agency of this State or a governmental agency of a political subdivision of this State, as a condition of participation in the state business portal established pursuant to

chapter 75A of NRS **,** ~~[~~75A.100, 75A.200 and 75A.300,~~]~~ to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Sec. 15. NRS 237.180, ~~[~~244.33505,~~]~~ 244.33506, 244.33507, 266.358, 266.368, ~~[~~268.0955,~~]~~ 269.171, 269.173, 364.110 and 364.120 are hereby repealed.

Sec. 16. 1 This act becomes effective on October 1, 2015.

2. ~~[~~Section 5~~]~~ **Sections 5.3 and 5.7** of this act ~~[~~expires~~]~~ **expire** by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

~~[244.33505 Business required to submit affidavit or attestation concerning industrial insurance upon application for license or post office box; provision by county of monthly list to Division of Industrial Relations; board of county commissioners to provide business with document setting forth rights and responsibilities of employers and employees for promotion of safety in workplace.]~~

244.33506 Application for or renewal of license, permit or certificate: Statement regarding obligation of child support required; grounds for denial; duty of board of county commissioners.

244.33507 Application for issuance of license, permit or certificate: Social security number required.

266.358 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of city council.

266.368 Application for license, permit or certificate must include social security number of applicant.

~~[268.0955 Business required to submit affidavit or attestation concerning industrial insurance upon application for license or post office box; provision by city of monthly list to Division of Industrial Relations; governing body of incorporated city to provide business with document setting forth rights and responsibilities of employers and employees for promotion of safety in workplace.]~~

269.171 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of town board or board of county commissioners.

269.173 Application for license, certificate or permit must include social security number of applicant.

364.110 Licensing authority to require affidavit.

364.120 Filing fee for required affidavit.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 361.

AN ACT relating to taxation; authorizing a county, city or town to use that portion of money received by the county, city or town from the imposition of certain motor vehicle fuel taxes for the construction, maintenance and repair of certain rights-of-way within the jurisdiction of the county, city or town; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the distribution to and use by a county, city or town of the proceeds of certain motor vehicle fuel taxes. (NRS 365.535-365.565) Existing law authorizes counties, cities and towns to use such proceeds for various purposes relating to the construction, maintenance or repair of public roads and highways within the jurisdiction of the county, city or town. **Sections 5-8** of this bill generally provide for the uniform use of such proceeds by a county, city or town for the construction, maintenance and repair of a right-of-way within the jurisdiction of the respective county, city or town. **Section 3** of this bill defines "construction, maintenance and repair" for the purposes of **sections 5-8** to include **: (1)** any costs, other than administrative costs, that are directly connected with and necessarily incidental to the construction, maintenance and repair of a right-of-way, including, without limitation, the costs of labor, designing any improvement within a right-of-way and inspecting any improvement within a right-of-way **[.] ; and (2) administrative costs only if those costs are directly incurred by a local government in connection with the construction, maintenance and repair of a right-of-way and are necessary for, and directly incidental to, the completion of the project for the administrative costs are incurred.** **Section 4** defines "right-of-way" for certain purposes to mean any existing public road, highway, street or alley, and any real property or any interest therein that is acquired, dedicated or reserved for the construction, operation and maintenance of a public road, highway, street or alley.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 365 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in NRS 365.535 to 365.565, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. **"*Construction, maintenance and repair" includes, without limitation:***

1. The acquisition, operation or use of any material, equipment or facility that is used ~~[exclusively]~~ for the construction, maintenance or repair of a right-of-way and is necessary for the safe and efficient use of the right-of-way;

2. Grades and regrades;

3. Graveling, oiling, surfacing, macadamizing and paving;

4. Sweeping, cleaning and sanding roads and removing snow from roads;

5. Installing, maintaining and repairing:

(a) Crosswalks , ~~[and]~~ sidewalks ~~[,]~~ and pathways that are within the right-of-way;

(b) Culverts, catch basins, drains, sewers and manholes;

(c) Inlets and outlets;

(d) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

(e) Artificial lights and lighting equipment, parkways and sprinkling facilities and the control of vegetation;

(f) Grade and traffic separators;

(g) Fences, cattle guards and other devices to control access to a county or city road;

(h) Signs ~~[and]~~ , markings and devices for the control of traffic; and

(i) Facilities for personnel and the storage of equipment used to construct, maintain or repair a right-of-way; and

6. The payment of any costs, other than administrative costs, that are directly connected with and necessarily incidental to the construction, maintenance and repair of a right-of-way, including, without limitation, the costs of labor, designing any improvement within a right-of-way and inspecting any improvement within a right-of-way.

7. The payment of administrative costs that are:

(a) Directly incurred by a local government in connection with the construction, maintenance and repair of a right-of-way; and

(b) Necessary for, and directly incidental to, the completion of the project for which the administrative costs are incurred.

Sec. 4. **"*Right-of-way" means:***

1. Any public road, highway, street or alley.

2. Any real property or any interest therein that is acquired, dedicated or reserved for the construction, operation and maintenance of a public road, highway, street or alley.

Sec. 5. NRS 365.540 is hereby amended to read as follows:

365.540 1. The money collected, as prescribed by NRS 365.175 and 365.185, from the tax on motor vehicle fuels, other than aviation fuel, after the remittances and deposits have first been made pursuant to the provisions of NRS 365.535, must be placed to the credit of the State Highway Fund by the State Treasurer. An amount equal to that part of the tax collected pursuant to NRS 365.175, which represents 5 cents of the tax per gallon must be used exclusively for the construction ***,*** ~~[and]~~ maintenance ***and repair*** of ~~[public highways, and may not be used to purchase equipment related thereto.]~~ ***a right-of-way.***

2. The money collected, as prescribed by NRS 365.180 and 365.190, after the remittances and deposits have first been made pursuant to the provisions of NRS 365.535, must be allocated by the Department as prescribed in NRS 365.550 and 365.560.

3. The money collected as prescribed by NRS 365.200 must be allocated by the Department as prescribed by NRS 365.550 and 365.560.

4. The money collected from the tax on aviation fuel must be deposited by the Department with the State Treasurer for credit to the Account for Taxes on Aviation Fuel, which is hereby created as a revolving account.

Sec. 6. NRS 365.550 is hereby amended to read as follows:

365.550 1. Except as otherwise provided in subsection 2, the receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the Department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the Fiscal Year ending on June 30, 2003, and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003;

(b) If the total amount to be allocated is greater than the average monthly amount all counties received in the Fiscal Year ending on June 30, 2003, determine for each county an amount from the total amount to be allocated using the following formula:

(1) Multiply the county's percentage share of the total state population by 2;

(2) Add the percentage determined pursuant to subparagraph (1) to the county's percentage share of total mileage of improved roads or streets maintained by the county or an incorporated city located within the county;

(3) Divide the sum of the percentages determined pursuant to subparagraph (2) by 3; and

(4) Multiply the total amount to be allocated by the percentage determined pursuant to subparagraph (3);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (a) from the amount determined pursuant to paragraph (b); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(d) Identify each county for which the amount determined pursuant to paragraph (b) is less than or equal to the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(e) Subtract the amount determined pursuant to subparagraph (2) of paragraph (d) from the amount determined pursuant to subparagraph (2) of paragraph (c);

(f) Divide the amount determined pursuant to subparagraph (1) of paragraph (c) for each county by the sum determined pursuant to subparagraph (2) of paragraph (c) for all counties to determine each county's percentage share of the sum determined pursuant to subparagraph (2) of paragraph (c); and

(g) In addition to the allocation made pursuant to paragraph (a), allocate to each county that is identified pursuant to paragraph (c) a percentage of the total amount determined pursuant to paragraph (e) that is equal to the percentage determined pursuant to paragraph (f).

2. At the end of each fiscal year, the Department shall:

(a) Determine the total amount to be allocated to all counties pursuant to subsection 1 for the current fiscal year; and

(b) Use the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to each county an amount determined pursuant to subsection 3.

3. If the total amount to be allocated to all the counties determined pursuant to paragraph (a) of subsection 2:

(a) Does not exceed the total amount that was received by all the counties for the Fiscal Year ending on June 30, 2003, the Department shall adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003.

(b) Exceeds the total amount that was received by all counties for the Fiscal Year ending on June 30, 2003, the Department shall:

(1) Identify the total amount allocated to each county for the Fiscal Year ending on June 30, 2003, and the total amount for the current fiscal year determined pursuant to paragraph (a) of subsection 2;

(2) Apply the formula set forth in paragraph (b) of subsection 1 using the amounts in subparagraph (1), instead of the monthly amounts, to determine the total allocations to be made to the counties for the current fiscal year; and

(3) Adjust the final monthly allocation to be made to each county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to subparagraph (2).

4. Of the money allocated to each county pursuant to the provisions of subsections 1, 2 and 3:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to NRS 373.131, for the construction, maintenance and repair of county ~~[roads, and for the purchase of equipment for that construction, maintenance and repair,]~~ ***rights-of-way*** under the direction of the boards of county commissioners of the several counties **.** ~~[, and must not be used to defray expenses of administration.]~~

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or, if there is at least one incorporated city in the county, allocated monthly by the Department to the county and each incorporated city in the county using, except as otherwise provided in paragraph (c), the following formula:

(1) Determine the average monthly amount the county and each incorporated city in the county received in the fiscal year ending on June 30, 2005, and allocate to the county and each incorporated city in the county that amount, or if the total amount to be allocated is less than that amount, allocate to the county and each incorporated city in the county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) If the total amount to be allocated is greater than the average monthly amount the county and all incorporated cities within the county received in the fiscal year ending on June 30, 2005, determine for the county and each incorporated city in the county an amount from the total amount to be allocated using the following formula:

(I) One-fourth in proportion to total area.

(II) One-fourth in proportion to population.

(III) One-fourth in proportion to the total mileage of improved roads and streets maintained by the county or incorporated city in the county, as applicable.

(IV) One-fourth in proportion to vehicle miles of travel on improved roads and streets maintained by the county or incorporated city in the county, as applicable.

➥ For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

(3) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was greater than the amount allocated to the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (1) from the amount determined pursuant to subparagraph (2); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(4) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was less than or equal to the amount determined for the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (2) from the amount determined pursuant to subparagraph (1); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(5) Subtract the amount determined pursuant to sub-subparagraph (II) of subparagraph (4) from the amount determined pursuant to sub-subparagraph (II) of subparagraph (3).

(6) Divide the amount determined pursuant to sub-subparagraph (I) of subparagraph (3) for the county and each incorporated city in the county by the sum determined pursuant to sub-subparagraph (II) of subparagraph (3) for the county and all incorporated cities in the county to determine the county's and each incorporated city's percentage share of the sum determined pursuant to sub-subparagraph (II) of subparagraph (3).

(7) In addition to the allocation made pursuant to subparagraph (1), allocate to the county and each incorporated city in the county that is identified pursuant to subparagraph (3) a percentage of the total amount determined pursuant to subparagraph (5) that is equal to the percentage determined pursuant to subparagraph (6).

(c) At the end of each fiscal year, the Department shall:

(1) Determine the total amount to be allocated to a county and each incorporated city within the county pursuant to paragraph (b) for the current fiscal year; and

(2) Use the amount equal to that part of the allocation which represents 2.35 cents per gallon of the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to a county and each incorporated city in the county an amount determined pursuant to paragraph (d).

(d) If the total amount to be allocated to a county and all incorporated cities in the county determined pursuant to subparagraph (1) of paragraph (c):

(1) Does not exceed the total amount that was received by the county and all the incorporated cities in the county for the fiscal year ending on June 30,

2005, the Department shall adjust the final monthly amount allocated to the county and each incorporated city in the county so that the county and each incorporated city is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) Exceeds the total amount that was received by the county and all incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall:

(I) Identify the total amount allocated to the county and each incorporated city in the county for the fiscal year ending on June 30, 2005, and the total amount for the current fiscal year determined pursuant to subparagraph (1) of paragraph (c);

(II) Apply the formula set forth in subparagraph (2) of paragraph (b) using the amounts in sub-subparagraph (I), instead of the monthly amounts, to determine the total allocations to be made to the county and the incorporated cities in the county for the current fiscal year; and

(III) Adjust the final monthly allocation to be made to the county and each incorporated city in the county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to sub-subparagraph (II).

5. The amount allocated to the counties and incorporated cities pursuant to subsections 1 to 4, inclusive, must be remitted monthly. The State Controller shall draw his or her warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the State Treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

6. The formula computations must be made as of July 1 of each year by the Department of Motor Vehicles, based on estimates which must be furnished by the Department of Transportation and, if applicable, any adjustments to the estimates determined to be appropriate by the Committee pursuant to subsection 10. Except as otherwise provided in subsection 10, the determination made by the Department of Motor Vehicles is conclusive.

7. The Department of Transportation shall complete:

(a) The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.

(b) A physical audit of the information submitted by each county and incorporated city pursuant to subsection 8 at least once every 10 years.

8. Each county and incorporated city shall, not later than March 1 of each year, submit a list to the Department of Transportation setting forth:

(a) Each improved road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those improved roads or streets.

➥ Each county and incorporated city shall, at least 10 days before the list is submitted to the Department of Transportation, hold a public hearing to identify and determine the improved roads and streets maintained by the county or city.

9. If a county or incorporated city does not agree with the estimates prepared by the Department of Transportation pursuant to subsection 7, the county or incorporated city may request that the Committee examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the Committee not later than October 15.

10. The Committee shall hold a public hearing and review any request it receives pursuant to subsection 9 and determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection 9. Any determination made by the Committee pursuant to this subsection is conclusive.

11. The Committee shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities. Biennially, the Committee shall prepare a report concerning its findings and recommendations regarding that fiscal impact and submit the report on or before February 15 of each odd-numbered year to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Committees on Taxation of the Nevada Legislature for their review.

12. As used in this section:

(a) "Committee" means the Committee on Local Government Finance created pursuant to NRS 354.105.

(b) ~~[~~"Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

~~(1) Grades and regrades;~~

~~(2) Graveling, oiling, surfacing, macadamizing and paving;~~

~~(3) Sweeping, cleaning and sanding roads and removing snow from a road;~~

~~(4) Crosswalks and sidewalks;~~

~~(5) Culverts, catch basins, drains, sewers and manholes;~~

~~(6) Inlets and outlets;~~

~~(7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;~~

~~(8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;~~

~~(9) Rights of way;~~

~~(10) Grade and traffic separators;~~

~~(11) Fences, cattle guards and other devices to control access to a county or city road;~~

~~(12) Signs and devices for the control of traffic; and~~

~~(13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.~~

~~(c)~~**]** "Improved road or street" means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

[~~(d)~~**]** ***(c)*** ***"***Total mileage of an improved road or street" means the total mileage of the length of an improved road or street, without regard to the width of that road or street or the number of lanes **[**~~it~~**]** ***the road or street*** has for vehicular traffic.

Sec. 7. NRS 365.560 is hereby amended to read as follows:

365.560 1. The receipts of the tax levied pursuant to NRS 365.190 must be allocated monthly by the Department to the counties in which the payment of the tax originates pursuant to the formula set forth in subsection 2.

2. The receipts must be apportioned by the Department between the county, towns with town boards as organized under NRS 269.016 to 269.019, inclusive, and incorporated cities within the county in the same ratio as the assessed valuation of property within the boundaries of the towns or incorporated cities within the county bears to the total assessed valuation of property within the county, including property within the towns or incorporated cities.

3. Any money apportioned to a county pursuant to subsection 2 must be expended by the county solely for:

(a) The service and redemption of revenue bonds issued pursuant to chapter 373 of NRS; ***and***

(b) The construction, maintenance and repair of **[**~~the public highways of the~~**]** county **[**~~; and~~

~~(c) The purchase of equipment for that construction, maintenance and repair.~~

~~➥ The money must not be used to defray the expenses of administration.~~**]** ***rights-of-way.***

4. Any money apportioned to towns or incorporated cities pursuant to subsection 2 must be expended only **[**~~upon the streets, alleys and public highways of the town or city,~~**]** ***for the construction, maintenance and repair of rights-of-way,*** other than state highways, under the direction and control of the governing body of the town or city.

[~~5. As used in this section, "construction, maintenance and repair" has the meaning ascribed to it in NRS 365.550.~~**]**

Sec. 8. NRS 365.562 is hereby amended to read as follows:

365.562 1. The receipts of the tax as levied in NRS 365.192 must be allocated monthly by the Department to the counties in proportion to the number of gallons of fuel that are sold to the retailers in each county pursuant to the information contained in the statements provided to the Department pursuant to NRS 365.192.

2. The Department must apportion the receipts of that tax among the county, for unincorporated areas of the county, and each incorporated city in the county. The county and each city are respectively entitled to receive each month that proportion of those receipts which its total population bears to the total population of the county.

3. The money apportioned to the county or a city must be used by ~~[it solely to]~~ ***the county or city for the construction, maintenance and*** repair ~~[or restore existing paved roads, streets and alleys,]~~ ***of the rights-of-way in the county or city,*** other than those maintained by the Federal Government and this State **.** ~~[, by resurfacing, overlaying, resealing or other such customary methods.]~~

Sec. 9. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 548.

SUMMARY— ~~[Revises]~~ **Establishes** provisions governing the destruction of certain physical evidence. (BDR 4-734)

AN ACT relating to evidence; authorizing a law enforcement agency to destroy certain physical evidence under certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a law enforcement agency that has seized a substance that is alleged to be a controlled substance, dangerous drug or immediate precursor may destroy a part of the substance if the agency obtains the prior approval of the district court in the county in which a defendant is charged in connection with the substance. (NRS 52.395) **Section 1.5 of this bill exempts from the applicability of those provisions any substance that is alleged to be marijuana.**

Section 1 of this bill **establishes new procedures for the retention and destruction of certain quantities of any substance that is alleged to be marijuana which has been seized as evidence by a law enforcement agency. Section 1** authorizes a law enforcement agency **that has seized such a substance** to destroy any amount of ~~[a]~~ **the** substance ~~[that is alleged to be a controlled substance, dangerous drug or immediate precursor]~~ that exceeds 10 pounds ~~[if the substance is alleged to be marijuana or 1 pound of any other substance]~~ without court approval if the law enforcement agency: (1) weighs the substance; (2) takes and retains certain samples of the substance for evidentiary purposes; and (3) takes photographs that reasonably demonstrate the total amount of the substance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 52 of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise provided in NRS 453A.400:

1. At any time after a substance which is alleged to be marijuana is seized from a defendant by a peace officer, the law enforcement agency of which the officer is a member may, without the prior approval of the district court in the county in which the defendant is charged, destroy any amount of the substance that exceeds 10 pounds.

2. The law enforcement agency must, before destroying the substance pursuant to this section:

(a) Accurately weigh and record the weight of the substance.

(b) Take and retain, for evidentiary purposes, at least five random and representative samples of the substance in addition to the amount which is not authorized to be destroyed pursuant to subsection 1. If the substance is alleged to consist of growing or harvested marijuana plants, the 10 pounds retained pursuant to subsection 1 may include stalks, branches, leaves and buds, but the five representative samples must consist of only leaves or buds.

(c) Take photographs that reasonably demonstrate the total amount of the substance. A sign which clearly and conspicuously shows the title or the case number of the matter, proceeding or action to which the substance relates must appear next to the substance in any photograph taken.

3. A law enforcement agency that destroys a substance pursuant to this section shall, not later than 30 days after the destruction of the substance, file an affidavit in the court which has jurisdiction over the pending criminal proceedings, if any, pertaining to that substance. The affidavit must establish that the law enforcement agency has complied with the requirements of subsection 2, specify the date and time of the destruction of the substance and provide the publicly known address of the agency. If there are no criminal proceedings pending which pertain to the substance, the affidavit may be filed in any court within the county which would have jurisdiction over a person against whom such criminal charged might be filed.

4. If the substance is finally determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed pursuant to this section.

5. The law enforcement agency's finding as to the weight of any substance alleged to be marijuana and destroyed pursuant to this section is admissible in any subsequent proceeding arising out of the same transaction.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 52.395 is hereby amended to read as follows:

52.395 ~~[Except as otherwise provided in NRS 453A.400:]~~

1. When ~~***[At]***~~ any ~~***[time after a]***~~ substance ~~***[that is]***~~ alleged to be a controlled substance, dangerous drug or immediate precursor is seized from a

defendant by a peace officer, the law enforcement agency of which the officer is a member may, with ~~*[without]*~~ the prior approval of the prosecuting attorney, petition the district court in the county in which the defendant is charged ~~*[.]*~~ to secure permission to destroy a part ~~*[any amount]*~~ of the substance . ~~*[that exceeds 10 pounds if the substance is alleged to be marijuana or 1 pound of any other substance.]*~~

2. Upon receipt of a petition filed pursuant to subsection 1, the district court shall order the substance to be accurately weighed and the weight thereof accurately recorded. The prosecuting attorney or the prosecuting attorney's representative and the defendant or the defendant's representative must be allowed to inspect and weigh the substance.

3. If after completion of the weighing process the defendant does not knowingly and voluntarily stipulate to the weight of the substance, the district court shall hold a hearing to make a judicial determination of the weight of the substance. The defendant, the defendant's attorney and any other witness the defendant may designate may be present and testify at the hearing.

4. After a determination has been made as to the weight of the substance, the district court may order all of the substance destroyed except that amount which is reasonably necessary to enable each interested party to analyze the substance to determine the composition of the substance. The district court shall order the remaining sample to be sealed and maintained for analysis before trial.

5. ~~*[The law enforcement agency must, before destroying a substance pursuant to this section:*~~

~~*(a) Accurately weigh and record the weight of the substance.*~~

~~*(b) Take and retain, for evidentiary purposes, at least five random and representative samples of the substance in addition to the amounts required by subsection 1. If the substance is alleged to consist of growing or harvested marijuana plants, the 10 pounds retained pursuant to subsection 1 may include stalks, branches, leaves and buds, but the five representative samples must consist of only leaves or buds.*~~

~~*(c) Take photographs that reasonably demonstrate the total amount of the substance. A sign which clearly and conspicuously shows the title or the case number of the matter, proceeding or action to which the substance relates must appear next to the substance in any photograph taken.*~~

~~*3. A law enforcement agency that destroys a substance pursuant to this section shall, not later than 30 days after the destruction of the substance, file an affidavit in the court which has jurisdiction over the pending criminal proceedings, if any, pertaining to that substance. The affidavit must establish that the law enforcement agency has complied with the requirements of subsection 2, specify the date and time of the destruction of the substance and provide the publicly known address of the agency. If there are no criminal proceedings pending which pertain to the substance, the affidavit may be filed in any court within the county which would have jurisdiction over a person against whom such criminal charges might be filed.*~~

~~*4.]*~~ If the substance is finally determined not to be a controlled substance, dangerous drug or immediate precursor, unless the substance was destroyed pursuant to subsection 7. ~~*[6,]*~~ the owner may file a claim against the county to recover the reasonable value of the property destroyed pursuant to this section.

6. ~~*[5.]*~~ The district court's ~~*[law enforcement agency's]*~~ finding as to the weight of a substance destroyed pursuant to this section is admissible in any subsequent proceeding arising out of the same transaction.

7. ~~*[6.]*~~ If at the time that a peace officer seizes from a defendant a substance believed to be a controlled substance, dangerous drug or immediate precursor, the peace officer discovers any material or substance that he or she reasonably believes is hazardous waste, the peace officer may appropriately dispose of the material or substance without securing the permission of a court.

8. ~~*[7.]*~~ ***This section does not apply to any substance that is alleged to be marijuana which is seized from a defendant by a peace officer.***

9. As used in this section:

(a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

(b) "Hazardous waste" has the meaning ascribed to it in NRS 459.430.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

Sec. 2. ~~**[**NRS 52.500 is hereby amended to read as follows:~~

~~52.500 1. Photographs, samples and writings describing the measurements, including **[**actual net**]** ***, without limitation, gross*** weight or estimated **[**net**]** ***gross*** weight, of hazardous waste or a hazardous material are admissible in evidence in lieu of the waste or material in any criminal or civil proceeding if they are authenticated.~~

~~2. As used in this section:~~

~~(a) "Hazardous material" has the meaning ascribed to it in NRS 459.7024.~~

~~(b) "Hazardous waste" has the meaning ascribed to it in NRS 459.430.**]***~~ **(Deleted by amendment.)**

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 253.

SUMMARY—Establishes provisions for the preservation, development and use of the Nevada State Prison as a historical, **cultural,** educational and scientific resource. (BDR 26-625)

AN ACT relating to the Nevada State Prison; requiring the State Land Registrar to ~~**[**transfer the historic**]**~~ **determine which** structures **, buildings and other property** of the ~~**[**Nevada State**]**~~ Prison **are appropriate** for **continued** administration ~~**[**to the Division of Museums and History of the Department of Tourism and Cultural Affairs; requiring the State Land Registrar to transfer~~

~~certain other property of the Nevada State Prison for administration~~ **by the Department of Corrections and to assign that property** to the Silver State Industries Division of the Department ~~of Corrections; creating the Endowment Fund for the Historic Preservation of the Nevada State Prison; prescribing the uses of the money in the Endowment Fund for the Historic Preservation of the Nevada State Prison, which include the operation, maintenance and preservation of the historic structures of the Nevada State Prison as a historical, educational and scientific resource;~~ **; requiring the Registrar to determine which structures, buildings and other property of the Prison are appropriate for administration as a historical, cultural, educational and scientific resource and to assign that property to an appropriate state agency for administration;** creating the Silver State Industries Endowment Fund ~~;~~ **and the Endowment Fund for the Historic Preservation of the Nevada State Prison and** prescribing the uses of the money in the ~~Silver State Industries Endowment Fund, which include maintaining the modern structures of the Nevada State Prison; requiring the State Treasurer, at the end of each fiscal year, to transfer certain money from the Silver State Industries Endowment Fund to the Endowment Fund for the Historic Preservation of the Nevada State Prison;~~ **Funds; authorizing the Department of Corrections and any other state agency to which an assignment of property of the Prison is made to grant a special use permit or enter into an agreement with a nonprofit corporation relating to commercial and tourist activities at the Prison; requiring the Board of Museums and History to establish a dedicated trust fund for the study and development of certain property of the Prison;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 356 of the 77th Legislative Session encouraged the development of recommendations to preserve the Nevada State Prison for use as a historical, educational and scientific resource for the State of Nevada. The provisions of this bill are based upon the recommendations presented to the Legislature pursuant to Assembly Bill No. 356. Upon notice from the Department of Corrections that the Department has ceased all operational activities at the ~~Nevada State~~ Prison, **section 2** of this bill requires the State Land Registrar, in consultation with Carson City, the Department of Corrections, the ~~Division of Museums and History of the~~ Department of Tourism and Cultural Affairs **,** ~~and the Office of Historic Preservation of~~ the State Department of Conservation and Natural Resources ~~;~~ **and the Nevada State Prison Preservation Society** to: (1) ~~designate certain~~ **determine which** property of the ~~Nevada State~~ Prison ~~as historic structures; (2) assign the historic structures of the Nevada State Prison for administration to the Division of Museums and History; and (3)~~ **is appropriate for continued administration by the Department of Corrections and which property is appropriate for administration as a historical, cultural, educational and scientific resource; and (2)** assign **for administration** the ~~modern structures~~

~~of the Nevada State Prison for administration.~~] **property in the former category** to the Silver State Industries Division of the Department of Corrections **.** [.

~~Section 3 of this bill creates the Endowment Fund for the Historic Preservation of the Nevada State Prison, which must be administered by the Division of Museums and History. Section 3 prescribes the uses of the money in the Fund, which include the operation, maintenance and preservation of the historic structures of the Nevada State Prison as a historical, educational and scientific resource.~~] **and the latter property to an appropriate state agency.**

Section 4 of this bill creates the Silver State Industries Endowment Fund, which must be administered by the Silver State Industries Division **.** [~~of the Department of Corrections.~~] **Section 4** prescribes the uses of the money in the Fund, which include maintaining the modern structures **, buildings and other property** of the [~~Nevada State~~] Prison. **Section 4** also requires the State Treasurer, at the end of each fiscal year, to transfer to the Endowment Fund for the Historic Preservation of the Nevada State Prison [~~all~~] **, created by section 6 of this bill, a portion of** the money remaining in the Silver State Industries Endowment Fund **.** [~~, other than the money which represents the principal of the Silver State Industries Endowment Fund.~~] **Section 6 creates the Endowment Fund for the Historic Preservation of the Nevada State Prison and requires that the money in the Fund be used to operate, maintain and preserve the historic structures, buildings and other property of the Prison.**

Sections 7 and 10 of this bill authorize the Department of Corrections and any other state agency to which an assignment of the historic property of the Prison is made to grant a special use permit or enter into an agreement with a nonprofit corporation, pursuant to which the corporation is authorized to conduct tours and engage in other activities relating to that property.

Existing law requires the Board of Museums and History to create and administer the Division of Museums and History Dedicated Trust Fund. (NRS 381.0031, 381.0033) Section 8 of this bill requires the Board to create a similar trust fund for the deposit of certain money that becomes available from grants, donations and gifts to be used for further study and development of the historic property of the Prison. Section 8 requires that the trust fund be administered by the Board in consultation with the state agency to which that property is assigned and the Nevada State Prison Preservation Society or its successor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 [~~,~~] **and** 3 [~~and 4~~] of this act.

Sec. 2. ***As soon as practicable after the date on which the Department of Corrections provides notice to the State Land Registrar that the***

Department has ceased all operational activities at the Nevada State Prison located on East Fifth Street in Carson City, the State Land Registrar shall:

1. ~~[In]~~ Determine, in consultation with Carson City, the Department of Corrections, the ~~[Division of Museums and History of the]~~ Department of Tourism and Cultural Affairs , ~~[and the Office of Historic Preservation of]~~ the State Department of Conservation and Natural Resources ~~[:~~

~~(a) Determine which]~~ and the Nevada State Prison Preservation Society:

(a) Which structures, buildings and other property of the Nevada State Prison , not identified pursuant to paragraph (b), are ~~[of historical significance and designate such structures, buildings and other property as historic structures;]~~ appropriate for continued administration by the Department of Corrections; and

(b) ~~[Designate as modern structures all]~~ Which structures, buildings and other property of the Nevada State Prison ~~[not otherwise designated as historic structures pursuant to paragraph (a).]~~ are appropriate for administration as a historical, cultural, educational and scientific resource.

2. Assign ~~[the historic structures of the Nevada State Prison for administration to the Division of Museums and History of the Department of Tourism and Cultural Affairs.~~

~~3. Assign the modern structures of the Nevada State Prison for administration to the Silver State Industries Division of the Department of Corrections.~~] for administration, in accordance with the determinations made pursuant to subsection 1, the structures, buildings and other property of the Nevada State Prison described in:

(a) Paragraph (a) of that subsection to the Silver State Industries Division of the Department of Corrections.

(b) Paragraph (b) of that subsection to an appropriate state agency among those identified in that subsection or any other appropriate state agency.

Sec. 3. ~~[1. The Endowment Fund for the Historic Preservation of the Nevada State Prison is hereby created as a trust fund in the State Treasury.~~

~~2. The State Treasurer shall deposit in the Fund:~~

~~(a) Any money received from any commercial or tourist enterprises relating to the use as a museum of the historic structures of the Nevada State Prison.~~

~~(b) At the end of each fiscal year, an amount of money equal to the amount of money deposited into and remaining in the Silver State Industries Endowment Fund created by section 4 of this act, other than the money which represents the principal of the Silver State Industries Endowment Fund.~~

~~(c) Any other gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.~~

~~3. The Fund must be administered by the Division of Museums and History of the Department of Tourism and Cultural Affairs.~~

~~4. The money in the Fund must only be used for the purposes of the operation, maintenance and preservation of the historic structures of the~~

~~*Nevada State Prison as a historical, educational and scientific resource. Any interest earned on money in the Fund must be credited to the Fund. The money which represents the principal of the Fund must not be spent, and only the interest earned on the principal may be used to carry out the provisions of this section. The Division of Museums and History may use not more than 10 percent of the interest earned on the principal of the Fund to pay administrative costs.*~~

~~*5. As used in this section, "historic structures of the Nevada State Prison" means the structures, buildings and other property of the Nevada State Prison designated by the State Land Registrar as historic structures and assigned for administration to the Division of Museums pursuant to section 2 of this act.*~~] **(Deleted by amendment.)**

Sec. 4. **Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Silver State Industries Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund:

(a) Any money received from any commercial or correctional activities relating to the use of the modern structures , buildings and other property of the Nevada State Prison ~~*[.]*~~ *; and*

(b) Any ~~*[other]*~~ *gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.*

➥ The money described in paragraphs (a) and (b) must be accounted for separately.

3. The interest and income earned on the money in the Fund must be credited to the Fund.

4. The Fund must be administered by the Silver State Industries Division of the Department . ~~*[of Corrections.*~~

~~*4.]*~~ *5. Except as otherwise provided in subsection* ~~*[5,]*~~ *6, the money in the Fund must only be used for the purposes set forth in this subsection.* ~~*[Any interest earned on money in the Fund must be credited to the Fund.]*~~ *The money which represents the reserved principal of the Fund , in an amount not to exceed $100,000, must not be spent* ~~*[,]*~~ *and, except as otherwise provided in subsection* ~~*[5,]*~~ *6, only the money which represents the principal in excess of $100,000 and the interest earned on the principal may be used to carry out the provisions of this section. The Silver State Industries Division may use:*

(a) In addition to any interest earned on the principal of the Fund, not more than 50 percent of the money received during a fiscal year from any commercial or correctional activities relating to the use of the modern structures , buildings and other property of the Nevada State Prison for the maintenance of the modern structures , buildings and other property of the Nevada State Prison; and

(b) Not more than 10 percent of the interest earned on the principal of the Fund to pay administrative costs.

~~[5.]~~ 6. At the end of each fiscal year, the State Treasurer shall transfer from the Silver State Industries Endowment Fund to the Endowment Fund for the Historic Preservation of the Nevada State Prison created by section ~~[3]~~ 6 of this act 50 percent of all the money received during the fiscal year from any commercial or correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison and deposited into and remaining in the Silver State Industries Endowment Fund . ~~[, other than the money which represents the]~~ The State Treasurer shall not transfer the reserved principal of the Silver State Industries Endowment Fund ~~[.~~

~~6.]~~ or any interest earned on the principal.

7. As used in this section, "modern structures , buildings and other property of the Nevada State Prison" means the structures, buildings and other property ~~[of the Nevada State Prison which the State Land Registrar assigns for administration to the Silver State Industries Division of the Department of Corrections pursuant to]~~ described in paragraph (a) of subsection 1 of section 2 of this act.

Sec. 5. **Chapter 381 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.**

Sec. 6. 1. The Endowment Fund for the Historic Preservation of the Nevada State Prison is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund:

(a) Any money received from any commercial or tourist enterprises relating to the use of the historic structures, buildings and other property of the Nevada State Prison as a historical, cultural, educational and scientific resource, except for any administrative expenses of a nonprofit corporation retained by the corporation pursuant to section 7 of this act.

(b) At the end of each fiscal year, the money required by subsection 6 of section 4 of this act to be transferred from the Silver State Industries Endowment Fund created by that section, other than the money which represents the reserved principal of the Silver State Industries Endowment Fund.

(c) Any other gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.

3. The interest and income earned on the money in the Fund must be credited to the Fund.

4. The Fund must be administered by the agency to which the historic structures, buildings and other property of the Nevada State Prison are assigned for administration pursuant to section 2 of this act, in consultation with the Board and the Nevada State Prison Preservation Society or its successor.

5. The money in the Fund must only be used for the purposes of the operation, maintenance and preservation of the historic structures, buildings and other property of the Nevada State Prison as a historical, cultural, educational and scientific resource. The money which represents

the reserved principal of the Fund, in an amount not to exceed $100,000, must not be spent, and only the money which represents the principal in excess of $100,000 and the interest earned on the principal may be used to carry out the provisions of this section. The agency that administers the Fund may use not more than 10 percent of the interest earned on the principal of the Fund to pay administrative costs.

Sec. 7. 1. The Department of Corrections and, as soon as practicable after the date of the assignment, any other state agency that receives an assignment from the State Land Registrar of the historic structures, buildings and other property of the Nevada State Prison pursuant to section 2 of this act may grant a special use permit to or enter into an agreement with the Nevada State Prison Preservation Society, or any successor or similar nonprofit corporation, authorizing the corporation to conduct tours and engage in other commercial and tourist activities relating to the historic structures, buildings and other property of the Nevada State Prison.

2. Any permit or agreement granted or entered into pursuant to this section must:

(a) Be for a term of 2 years;

(b) Be renewable as provided in the permit or agreement;

(c) Authorize the corporation to charge and collect reasonable fees or solicit and collect donations for its activities;

(d) Require the corporation to pay the income from such fees and donations, less the reasonable administrative expenses incurred by the corporation, to the State Treasurer for deposit in the Endowment Fund for the Historic Preservation of the Nevada State Prison created by section 6 of this act; and

(e) Provide that any income received by the corporation from membership fees, the sale of merchandise of the corporation or donations made to the corporation for purposes other than entry into or tours of the historic structures, buildings and other property at the Nevada State Prison belong solely to the corporation.

Sec. 8. 1. The Board shall establish a dedicated trust fund for the deposit of any money that becomes available from any public or private donation, sponsorship, gift or grant, other than:

(a) A grant of federal money; or

(b) Any money described in section 6 of this act.

2. The money in the trust fund established pursuant to this section must be used only for the further study and development of the historic structures, buildings and other property of the Nevada State Prison.

3. The trust fund established pursuant to this section must be administered by the Board in the manner provided by NRS 381.002 to 381.0037, inclusive, for the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, except that the trust fund established pursuant to this section must be administered in consultation with the agency to which the administration of the historic structures,

buildings and other property of the Nevada State Prison is assigned pursuant to section 2 of this act and the Nevada State Prison Preservation Society or its successor.

Sec. 9. **NRS 381.001 is hereby amended to read as follows:**

381.001 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.
2. "Board" means the Board of Museums and History.
3. "Department" means the Department of Tourism and Cultural Affairs.
4. "Director" means the Director of the Department.
5. "Division" means the Division of Museums and History of the Department.
6. **"*Historic structures, buildings and other property of the Nevada State Prison" means the structures, buildings and other property described in paragraph (b) of subsection 1 of section 2 of this act.***

7. "Institution" means an institution of the Division established pursuant to NRS 381.004.

~~[7.]~~ ***8.*** "Museum director" means the executive director of an institution of the Division appointed by the Administrator pursuant to NRS 381.0062.

Sec. 10. **As soon as practicable after July 1, 2015, the Department of Corrections:**

1. Shall begin to consult periodically with Carson City, the Department of Tourism and Cultural Affairs, the State Department of Conservation and Natural Resources and the Nevada State Prison Preservation Society to plan for the conversion of the Nevada State Prison located on East Fifth Street in Carson City into a historical, cultural, educational and scientific destination.

2. May grant a special use permit or enter into an agreement pursuant to section 7 of this act.

~~[Sec. 5.]~~ ***Sec. 11.*** This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 478.

SUMMARY— ~~[Makes various changes relating to education.]~~ **Revises provisions governing the financial support of charter schools.** (BDR 34-807)

AN ACT relating to education; ~~[eliminating the class-size reduction program; creating the Fund for Master Teachers to support a program of incentive pay for teachers, to be administered by the Department of Education; establishing requirements for the program of incentive pay; revising provisions governing the discipline and discharge of public school teachers and~~

~~administrators; generally abolishing the distinction between probationary and postprobationary employment for teachers and administrators; making an appropriation;~~ **revising provisions governing the financial support of charter schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires the State Board of Education to establish by regulation the maximum pupil-teacher ratio in each grade and for each subject matter taught in each school district in this State. (NRS 387.123) Generally, the ratio of pupils to teachers in kindergarten and grades 1, 2 and 3 must not exceed a specified ratio, and each school district must develop a plan to reduce the ratio within the limits of available financial support. (NRS 388.700-388.725) Sections 3-5, 12, 13 and 18 of this bill repeal those provisions and eliminate existing references to them.~~

~~Section 7 of this bill creates the Fund for Master Teachers and directs the Department of Education to establish a program of incentive pay for licensed classroom teachers who have demonstrated exemplary teaching performance. Under the program, a teacher who enters into a contract with the Department to teach in an at-risk school and provide training and mentoring to other teachers must be paid an annual stipend of not less than $150,000 nor more than $200,000, less the salary and monetary benefits otherwise payable to the teacher by the school district in which the teacher is employed. Section 15 of this bill makes an appropriation to the Fund for the support of the program. Section 16 of this bill directs the Department to establish the program as soon as practicable after July 1, 2015, for the purpose of having teachers in their new assignments as soon as practicable after January 1, 2016.~~

~~Existing law provides for the evaluation, discipline and discharge of public school teachers and administrators. (NRS 391.311-391.3197) Generally, during a 3-year period, probationary teachers and administrators are subject to more intensive evaluation, have no right to continued employment after any school year, and have limited procedural rights if they are suspended or dismissed during a school year. (NRS 391.3125, 391.3127, 391.3128, 391.3197) The admonition, demotion, suspension, dismissal and nonreemployment provisions that apply to postprobationary teachers and administrators are generally inapplicable to probationary teachers and administrators. (NRS 391.3115) However, existing law provides that a collective bargaining agreement supersedes these statutory provisions if the agreement contains provisions relating to dismissal and nonreemployment. (NRS 391.3116) Section 10 of this bill generally eliminates the existing distinctions between probationary and postprobationary employees, except for the purposes of the evaluation requirements applicable to them. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, section 10 provides that a postprobationary employee has no status or rights of employment different from those of a probationary employee and may be denied reemployment after any school year. Section 10 also provides that a probationary or~~

~~postprobationary employee may be suspended without pay or dismissed before the completion of a school year for just cause or any cause specified by statute. The provisions of existing law setting forth specific grounds for discipline and discharge, requiring a written admonition and providing for a hearing before a hearing officer are repealed by section 18.]~~ **includes the count of pupils enrolled in a charter school for purposes of the apportionments and allowances provided pursuant to the basic support guarantee from the State Distributive School Account and provides that a charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the charter school or the pupils enrolled in the charter school are eligible to receive. (NRS 386.570) This bill revises the provisions governing the eligibility of a charter school for money other than that provided pursuant to the basic support guarantee from the State Distributive School Account to provide that a charter school is entitled to receive its proportionate share, on a per pupil basis, of any other money provided for other public schools from federal, state or local sources.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 386.365 is hereby amended to read as follows:~~

~~386.365 1. Except as~~ ***otherwise*** ~~provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give 15 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:~~

~~(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and~~

~~(b) Be mailed to the following persons from each of the schools affected:~~

~~(1) The principal;~~

~~(2) The president of the parent-teacher association or similar body; and~~

~~(3) The president of the classroom teachers' organization or other collective bargaining agent.~~

~~2. A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, must be made available for inspection by the public in the office of the superintendent of schools of the school district at least 15 days before its adoption.~~

~~3. All persons interested in a proposed policy or regulation or change in a policy or regulation must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.~~

~~4. Emergency policies or regulations may be adopted by the board upon its own finding that an emergency exists.~~

~~4. This section applies to policies and regulations concerning:~~

~~(a) Attendance rules;~~

~~(b) Zoning;~~

~~(c) Grading;~~

~~(d) District staffing patterns;~~

~~(e) Curriculum and program;~~

~~(f) Pupil discipline; and~~

~~(g) Personnel, except with respect to dismissals and refusals to reemploy covered by contracts entered into as a result of the Local Government Employee-Management Relations Act~~ **. [**~~, as provided in NRS 391.3116.~~**]**

(Deleted by amendment.)

Sec. 2. ~~[NRS 386.595 is hereby amended to read as follows:~~

~~386.595 1. All employees of a charter school shall be deemed public employees.~~

~~2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive~~ **. [**~~, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.~~**]**

~~3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.~~

~~4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or a charter contract is terminated, as applicable, or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:~~

~~(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;~~

~~(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or~~

~~(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal~~

~~of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.~~

~~— 5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.~~

~~— 6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:~~

~~— (a) The dismissal of the employee from employment with the school district; or~~

~~— (b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.~~

~~— 7. If a school district conducts an investigation pursuant to subsection 6:~~

~~— (a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and~~

~~— (b) The investigation must be conducted within a reasonable time.~~

~~8. A licensed employee who is on a leave of absence from a school district pursuant to this section:~~

~~(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.~~

~~(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.~~

~~➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.~~

~~9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.~~

~~10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.~~

~~11. For all employees of a charter school:~~

~~(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.~~

~~(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.~~

~~12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:~~

~~(a) Ensure that the premiums for that insurance are paid to the board of trustees; and~~

~~(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 386.740 is hereby amended to read as follows:~~

~~386.740 1. Each empowerment plan for a school must:~~

~~(a) Set forth the manner by which the school will be governed;~~

~~(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;~~

~~(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;~~

~~(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.550 and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807;~~

~~(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;~~

~~(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;~~

~~(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level~~ **; [**~~, which must comply with NRS 388.700 or 388.720, as applicable;~~**]**

~~(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;~~

~~(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;~~

~~(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357;~~

~~(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and~~

~~(m) Set forth the calendar and schedule for the school.~~

~~2. If the empowerment plan includes an incentive pay structure, that pay structure must:~~

~~(a) Provide an incentive for all staff employed at the school;~~

~~(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and~~

~~(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.~~

~~3. An empowerment plan may:~~

~~(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.~~

~~(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.~~

~~4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:~~

~~(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.~~

~~(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 387.123 is hereby amended to read as follows:~~

~~387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:~~

~~(a) Pupils in the kindergarten department.~~

~~(b) Pupils in grades 1 to 12, inclusive.~~

~~(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.~~

~~(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.~~

~~(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.~~

~~(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.~~

~~(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.~~

~~(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).~~

~~2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:~~

~~(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.~~

~~(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.~~

~~(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.~~

~~[3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:~~

~~(a) The maintenance of an acceptable standard of instruction;~~

~~(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and~~

~~(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.~~

~~If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.~~

~~4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 387.304 is hereby amended to read as follows:~~

~~387.304 The Department shall:~~

~~1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123.~~ **[**~~and the data reported by each school district pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio as required by NRS 388.720.~~**]**

~~2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:~~

~~(a) Long-term obligations in excess of the general obligation debt limit;~~

~~(b) Deficit fund balances or retained earnings in any fund;~~

~~(c) Deficit cash balances in any fund;~~

~~(d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or~~

~~(e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.~~

~~3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the superintendent of schools of each school district or a person designated by the superintendent.~~

~~4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.~~**]** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 388.529 is hereby amended to read as follows:~~

~~388.529 In addition to any penalty prescribed by specific statute, a person who intentionally uses aversive intervention on a pupil with a disability or intentionally violates NRS 388.527 is subject to disciplinary action pursuant to NRS **[**391.31297 or**]** 391.330 **. [**, or both.**]]**~~ **(Deleted by amendment.)**

Sec. 7. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. There is hereby created the Fund for Master Teachers, to be administered by the Department in accordance with the provisions of this section. The Department may accept gifts and grants from any source for deposit in the Fund. The cost of the program of incentive pay established pursuant to this section, including, without limitation, the stipends paid to teachers participating in the program, must be paid from the Fund.~~

~~2. The Department shall establish a program of incentive pay meeting the requirements of this section for each licensed teacher who:~~

~~(a) Has been employed as a licensed teacher for not less than 3 years;~~

~~(b) Has demonstrated exemplary teaching performance during his or her employment, as determined pursuant to subsection 3; and~~

~~(c) Enter into a written contract with the Department pursuant to which the teacher agrees during the term of the contract to:~~

~~(1) Accept assignment to a school which is at-risk, as identified by the Department pursuant to subsection 8 of NRS 391.166 for the purposes of that section; and~~

~~(2) Provide training and mentoring to probationary teachers and teachers who have, at any time during the immediately preceding 2 years of their employment, received an evaluation rating the overall performance of the teacher as minimally effective, ineffective, below average or otherwise unsatisfactory.~~

~~3. On or before March 1 of each year, from among the teachers employed by the board of trustees of each school district who are assigned full-time to provide classroom instruction to pupils and who meet the requirements of paragraph (a) of subsection 2, the board of trustees of the school district shall select those teachers who constitute the top-performing 5 percent of all the teachers employed by the board of trustees. The selection of each teacher must be made in consultation with the licensed employees of the board of trustees, giving consideration to:~~

~~(a) The evaluations received by the teacher during his or her employment;~~

~~(b) The academic achievement of pupils taught by the teacher during his or her employment;~~

~~(c) Professional awards received or certifications held by the teacher, including, without limitation, certification by the National Board for Professional Teaching Standards; and~~

~~(d) Recommendations from other teachers, students and parents.~~

~~➥ Each teacher so selected must be designated by the board of trustees as a master teacher.~~

~~4. On or before March 15 of each year, the board of trustees of each school district shall notify each teacher selected pursuant to subsection 3 of his or her designation as a master teacher and the eligibility of the teacher to participate in the program of incentive pay established pursuant to this section. The board of trustees shall include with the notice written information in the form prescribed by the Department about the program of incentive pay. This information must include, without limitation, a description of the contractual requirements applicable to participants in the program.~~

~~5. On or before April 15 of each year, any teacher who has been designated as a master teacher pursuant to subsection 3 or who has been so designated within the immediately preceding 2 years and who otherwise meets the requirements of subsection 2 may submit an application in writing to the Department to participate in the program of incentive pay. The application must include information provided by the school district in which the teacher is employed, attesting to the total annual amount of salary and monetary benefits currently being paid to the teacher.~~

~~6. On or before June 1 of each year, within the limits of money available in the Fund, the Department shall select from among the applicants those teachers who will participate in the program of incentive pay during the next ensuing school year. Subject to the limitations of this subsection, the selection of teachers to participate and the amount of the stipend paid to each~~

~~*teacher during his or her participation in the program are within the sole discretion of the Department.*~~

~~*— 7. On or before June 10 of each year, the Department shall give written notice of the selection to each teacher described in subsection 6. The Department shall include with the notice:*~~

~~*— (a) A statement of the amount of the stipend to be paid to the teacher during his or her participation in the program if he or she agrees to participate; and*~~

~~*— (b) A form of contract meeting the requirements of subsection 2.*~~

~~*— 8. If a teacher notified pursuant to subsection 7 fails to sign and return the contract within 20 days after the date of the notice, the Department shall give a similar notice to another applicant until contracts have been signed by all the participants in the program for whom money is available in the Fund.*~~

~~*— 9. During his or her participation in the program and while he or she continues to perform his or her obligations under the contract to the satisfaction of the Department, each teacher who participates in the program is entitled to receive a stipend to be paid to the teacher biweekly by the Department. The amount of the stipend must be computed so that the combined annual amount of the stipend and the salary and monetary benefits paid to a teacher by the school district in which the teacher is employed is not less than $150,000 and not more than $200,000. The amount of salary and monetary benefits otherwise payable to a teacher must not be reduced because of his or her participation in the program.*~~

~~*— 10. Each school district shall cooperate with the Department in effectuating the purposes of the program.*~~

~~*— 11. The provisions of chapter 288 of NRS do not apply to any aspect of the program established pursuant to this section, including, without limitation, the selection of teachers eligible to participate in the program, the assignment of teachers to schools pursuant to the program and the stipend paid to participants in the program.*~~

~~*— 12. The Department may adopt regulations to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 391.311 is hereby amended to read as follows:~~

~~— 391.311 As used in NRS 391.311 to 391.3197, inclusive, unless the context otherwise requires:~~

~~— 1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.~~

~~— 2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, is employed.~~

~~— 3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.~~

~~— 4. [~~"Immorality" means:~~

~~(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or~~

~~(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.~~

~~5.~~**]** ~~"Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.3129.~~

~~**[**6.**]** *5.* **"**Probationary employee" means:~~

~~(a) An administrator or a teacher who is employed~~ **[**~~for~~**]** ***during*** ~~the~~ ***probationary*** ~~period set forth in NRS 391.3197; and~~

~~(b) A person who is deemed to be a probationary employee pursuant to NRS 391.3129.~~

~~**[**7.**]** *6.* "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.~~

~~**[**8.**]** *7.* **"**Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~[NRS 391.3115 is hereby amended to read as follows:~~

~~391.3115 1. **[**The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:~~

~~(a) Substitute teachers; or~~

~~(b) Adult education teachers.~~

~~2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:~~

~~(a) A probationary teacher.**]** The policy for evaluations prescribed in NRS **[**391.3125**]** ***391.3127*** and 391.3128 applies to **[**a probationary teacher.~~

~~(b)**]** ***:***~~

~~***(a)*** A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. **[**The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to such a probationary administrator.~~

~~3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a**]**~~

~~***(b)*** *A* postprobationary teacher who is employed as a probationary administrator primarily to provide administrative services at the school level

~~and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. [The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to such a probationary administrator.~~

~~4.]~~ ***2.*** ~~The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.~~

~~[5.]~~ ***3.*** ~~A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation. [and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them.]]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 391.3197 is hereby amended to read as follows:~~

~~391.3197~~ ***Notwithstanding any provision of a collective bargaining agreement or a contract of employment to the contrary:***

~~1. [A probationary employee]~~ ***An administrator or teacher*** ~~is employed on a contract basis [for three 1-year periods]~~ ***from year to year*** ~~and has no right to employment after any [of the three probationary contract years.]~~ ***school year. Except as otherwise provided in NRS 391.3129 and 391.31965, an administrator or teacher is a probationary employee until he or she completes a 3-year probationary period and attains postprobationary status in accordance with this section. Except as otherwise provided in NRS 391.3125, 391.3127 and 391.3128, as applicable, a postprobationary employee has no status or rights of employment different from the status or rights of employment of a probationary employee.***

~~2. The board shall notify each probationary~~ ***and postprobationary*** ~~employee in writing on or before May 1 of [the first, second and third school years of the employee's probationary period, as appropriate,]~~ ***each school year*** ~~whether the employee is to be reemployed for the [second or third year of the probationary period or for the fourth school year as a postprobationary employee.]~~ ***next ensuing school year.*** ~~Failure of the board to notify [the]~~ ***a*** ~~probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the [first, second or third year of the employee's probationary period, as appropriate, of the]~~ ~~employee's acceptance of reemployment. If a probationary~~ ***or postprobationary*** ~~employee is assigned to a school that~~

~~operates all year, the board shall notify the employee in writing, **[**in the first, second and third years of the employee's probationary period,**]** no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the **[**second or third year of the probationary period or for the fourth school year as a postprobationary employee.**]** ***next ensuing school year.*** Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.~~

~~— 3. A probationary employee who:~~

~~— (a) Completes a 3-year probationary period;~~

~~— (b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and~~

~~— (c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,~~

~~➥ is entitled to be a postprobationary employee in the ensuing year of employment.~~

~~— 4. If a probationary ***or postprobationary*** employee is notified that the employee will not be reemployed for the school year following the **[**3-year probationary period,**]** ***end of the current school year,*** his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.~~

~~— 5. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:~~

~~— (a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year **;** **[**of his or her probationary period;**]** and~~

~~— (b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,~~

~~➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.~~

~~6. An administrator who has completed his or her probationary period pursuant to subsection 5 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.~~

~~7. *A probationary or postprobationary employee may be suspended without pay or dismissed before the completion of the current school year for just cause or any cause specified by statute.* If [a probationary] *an* employee receives notice that he or she will be *suspended without pay or* dismissed , [before the completion of the current school year,] the [probationary] employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 391.350 is hereby amended to read as follows:~~

~~391.350 1. Any teacher or other licensed employee employed by any board for a specified time who willfully refuses or fails to fulfill his or her employment obligations after the employee has notified the board of his or her acceptance of employment under [subsection 3 of NRS 391.3196 or] subsection 2 of NRS 391.3197 or to comply with the provisions of his or her contract after it has been signed without first obtaining the written consent of the board may be found guilty of unprofessional conduct. The board shall not unreasonably withhold its consent. Any administrator who willfully secures the signature on a statement of intent to accept employment of any teacher or other licensed employee who has notified the board of another school district in this State of his or her acceptance of employment is guilty of unprofessional conduct, unless the employee has first obtained the written consent of the board to which he or she has given notice of acceptance. If the failure or refusal to comply with the provisions of the contract is the result of having subsequently executed an employment contract with another board in this State without the written consent of the board first employing him or her, the second contract is void.~~

~~2. Upon receiving a formal complaint from the board, substantiated by conclusive evidence of a teacher's failure or refusal under subsection 1 or that~~

~~an administrator has willfully secured such a signature, the State Board may suspend or revoke the license of the teacher or administrator after notice and opportunity for a hearing have been provided pursuant to NRS 391.322 and 391.323.~~

~~3. The Superintendent of Public Instruction shall notify state agencies for education in other states of any revocation pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 12. ~~[NRS 218E.615 is hereby amended to read as follows:~~

~~218E.615 The Committee may:~~

~~1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:~~

~~(a) Programs to enhance accountability in education;~~

~~(b) Legislative measures regarding education;~~

~~(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;~~

~~(d) Methods of financing public education;~~

~~(e) The condition of public education in the elementary and secondary schools;~~

~~(f)~~ **[**~~The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~

~~(g)~~**]** ~~The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and~~

~~**[**(h)~~**]** ***(g)*** ~~Any other matters that, in the determination of the Committee, affect the education of pupils within this State.~~

~~2. Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

~~3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.~~

~~4. Make recommendations to the Legislature concerning the manner in which public education may be improved.~~] **(Deleted by amendment.)**

Sec. 13. ~~[NRS 218E.625 is hereby amended to read as follows:~~

~~218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.~~

~~2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:~~

~~(a) Collect and analyze data and issue written reports concerning:~~

~~(1) The effectiveness of the provisions of NRS 385.3455 to 385.3891, inclusive, in improving the accountability of the schools of this State;~~

~~(2) [The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~

~~(3)] The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;~~

~~[(4)] *(3)* The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and~~

~~[(5)] *(4)* Any program or legislative measure, the purpose of which is to reform the system of education within this State.~~

~~(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:~~

~~(1) As the Fiscal Analysts determine are necessary; or~~

~~(2) At the request of the Legislature.~~

~~➥ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.~~

~~(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.~~

~~3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.~~

~~4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.~~

~~5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 286.025 is hereby amended to read as follows:~~

~~286.025 1. Except as otherwise provided by specific statute, "compensation" is the salary paid to a member by the member's principal public employer.~~

~~2. The term includes:~~

~~(a) Base pay, which is the monthly rate of pay excluding all fringe benefits.~~

~~(b) Additional payment:~~

~~(1) As applicable to a member who has an effective date of membership before January 1, 2010, for longevity, shift differential, hazardous duty, work performed on a holiday if it does not exceed the working hours of the normal workweek or pay period for that employee, holding oneself ready for duty while off duty and returning to duty after one's regular working hours.~~

~~(2) As applicable to a member who has an effective date of membership on or after January 1, 2010, for longevity, shift differential, hazardous duty, work performed on a holiday if it does not exceed the working hours of the normal workweek or pay period for that employee, and, holding oneself ready for duty while off duty and returning to duty within 12 hours after one's regular working hours to respond to an emergency. As used in this subparagraph, "emergency" means a sudden, unexpected occurrence that is declared by the governing body or chief administrative officer of the public employer to involve clear and imminent danger and require immediate action to prevent and mitigate the endangerment of lives, health or property.~~

~~(c) Payment for extra duty assignments if it is the standard practice of the public employer to include such pay in the employment contract or official job description for the calendar or academic year in which it is paid and such pay is specifically included in the member's employment contract or official job description.~~

~~(d) The aggregate compensation paid by two separate public employers if one member is employed half time or more by one, and half time or less by the other, if the total does not exceed full-time employment, if the duties of both positions are similar and if the employment is pursuant to a continuing relationship between the employers.~~

~~*(e) The stipend paid by the Department of Education to a participant in the program of incentive pay established by the Department pursuant to section 7 of this act.*~~

~~3. The term does not include any type of payment not specifically described in subsection 2.~~] **(Deleted by amendment.)**

Sec. 15. ~~[1. There is hereby appropriated from the State General Fund to the Fund for Master Teachers created by section 7 of this act the following sums to support the program of incentive pay established by the Department of Education pursuant to section 7 of this act:~~

~~For the Fiscal Year 2015-2016..... $41,156,278~~

~~For the Fiscal Year 2016-2017..... $81,847,172~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before~~

~~September 16, 2016, and September 15, 2017, respectively.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[1. The Department of Education shall establish the program of incentive pay required by section 7 of this act as soon as practicable after July 1, 2015, and in any event on or before September 1, 2015.~~

~~2. It is the intention of the Legislature that the program of incentive pay required by section 7 of this act must be implemented as soon as practicable during the 2015-2016 school year so that the benefits of the program may be realized by teachers and pupils during that school year. Accordingly, notwithstanding any provision of section 7 of this act to the contrary:~~

~~(a) The board of trustees of each school district shall make the initial selection of teachers required by subsection 3 of section 7 of this act on or before October 1, 2015, and give the notice required by subsection 4 of that section on or before October 5, 2015.~~

~~(b) Any teacher who has been designated as a master teacher and desires to participate in the program must submit to the Department the application required by subsection 5 of section 7 of this act on or before November 1, 2015.~~

~~(c) The Department shall make the selection and give the notice required by subsections 6 and 7 of section 7 of this act, respectively, on or before December 1, 2015.~~

~~(d) Any teacher who is offered a contract pursuant to subsection 7 of section 7 of this act must sign and return the contract on or before December 15, 2015.~~

~~(e) The Department and each school district in this State shall ensure that as many contracted teachers as practicable are working in their new assignments when classes resume after January 1, 2016.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or any collective bargaining agreement entered into before July 1, 2015, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2015. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 388.700, 388.710, 388.720, 388.725, 391.3116, 391.31297, 391.313, 391.314, 391.315, 391.3161, 391.317, 391.318, 391.3192, 391.31925, 391.3193, 391.3194 and 391.3196 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 19. **NRS 386.570 is hereby amended to read as follows:**

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive

School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share ***, on a per pupil basis,*** of any other money ~~[available]~~ ***provided for other public schools*** from federal, state or local sources ***.*** ~~[that the school or the pupils who are enrolled in the school are eligible to receive.]~~ If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the Superintendent of Public Instruction shall pay to the sponsor of a charter school one-quarter of the yearly sponsorship fee for the administrative costs associated with sponsorship for that school quarter, which must be deducted from the quarterly apportionment to the charter school made pursuant to NRS 387.124. Except as otherwise provided in subsection 4, the yearly sponsorship fee for the sponsor of a charter school must be in an amount of money not to exceed 2 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124.

4. If the governing body of a charter school satisfies the requirements of this subsection, the governing body may submit a request to the sponsor of the charter school for approval of a sponsorship fee in an amount that is less than 2 percent but at least 1 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124. The sponsor of the charter school shall approve such a request if the sponsor of the charter school determines that the charter school satisfies the requirements of this subsection. If the sponsor of the charter school approves such a request, the sponsor shall provide notice of the decision to the governing body of the charter school and the Superintendent of Public Instruction. If the sponsor of the charter school denies such a request, the governing body of the charter school may appeal the decision of the sponsor to the Superintendent of Public Instruction. Upon appeal, the sponsor of the charter school and the governing body of the charter school are entitled to present evidence. The decision of the Superintendent of Public Instruction on the appeal is final and is not subject to judicial review. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this subsection if:

(a) The charter school satisfies the requirements of subsection 1 of NRS 386.5515; and

(b) There has been a decrease in the duties of the sponsor of the charter school that justifies a decrease in the sponsorship fee.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

~~[Sec. 19.]~~ ***Sec. 20.*** This act becomes effective on July 1, 2015.

~~[~~

~~HEADLINES OF REPEALED SECTIONS~~

~~388.700 Reduction of ratio in certain grades; request for variance required for each school quarter under certain circumstances; quarterly report on variances submitted to Interim Finance Committee; additional reports by State Board and Department; exception to requirements for charter schools and distance education.~~

~~388.710 State Board of Education to determine data to be monitored by school district; school district to report data to State Board.~~

~~388.720 Development of plan by school district to reduce pupil-teacher ratios; alternative ratios for certain grades authorized in certain counties.~~

~~— 388.725 Quarterly reports of average daily attendance and pupil-teacher ratios in elementary schools required of school districts; posting of report on Internet website.~~

~~— 391.3116 Contract negotiated by collective bargaining may supersede provisions of NRS 391.311 to 391.3197, inclusive; exception for certain employees deemed probationary.~~

~~— 391.31297 Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance.~~

~~— 391.313 Admonition of licensed employee: Duty of administrator; removal from records; when admonition not required.~~

~~— 391.314 Suspension of licensed employee; dismissal proceedings; reinstatement; salary during suspension or dismissal proceedings; forfeiture of right of employment for certain offenses; period of suspension.~~

~~— 391.315 Recommendation for demotion, dismissal or nonreemployment; request for appointment of hearing officer.~~

~~— 391.3161 Request for hearing officer; appointment; procedures for challenging selection of hearing officer; duties of hearing officer.~~

~~— 391.317 Notice of intention to recommend demotion, dismissal or refusal to reemploy; rights of employee; request for expedited hearing if dismissed before completion of current school year.~~

~~— 391.318 Request for hearing: Action by superintendent.~~

~~— 391.3192 Procedures for hearing; payment for expenses of hearing officer and transcript.~~

~~— 391.31925 Person with communications disability entitled to use of registered legal interpreter at hearing.~~

~~— 391.3193 Written report of hearing: Contents; final and binding if so agreed; time limited for filing.~~

~~— 391.3194 Action by superintendent upon receipt of report; action by board; notice to licensed employee; judicial review.~~

~~— 391.3196 Reemployment of postprobationary employees: Notice of reemployment or delivery of contract; acceptance of employment.~~**]**

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 355.

AN ACT relating to drivers' licenses; authorizing reciprocal agreements with certain other countries concerning the licensing of drivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue a Nevada driver's license to an applicant who has a valid driver's license from a state which has requirements for the issuance of drivers' licenses which are comparable to those of this State. Existing law also authorizes the Director of the Department, acting as the Administrator, to enter into reciprocal agreements with the appropriate officials of other states concerning the licensing of drivers of motor vehicles. (NRS 483.245) **Section 1** of this bill authorizes the Department to issue a Nevada driver's license to an applicant who has a valid driver's license from a country which has requirements for the issuance of drivers' licenses which are comparable to those of this State, and authorizes the Director to enter into reciprocal agreements with the appropriate officials of other countries. ~~[Section 2 of this bill makes a conforming change.]~~ **Section 3** of this bill requires the Director, in recognition of the 30th anniversary of the sister-state relationship between this State and the Republic of China (Taiwan), to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco for reciprocity in issuing drivers' licenses to: (1) residents of this State who reside in the Republic of China (Taiwan); and (2) Taiwanese citizens who reside in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state ***or country*** which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.

3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of other states ***or countries*** concerning the licensing of drivers of motor vehicles.

Sec. 2. **(Deleted by amendment.)**

Sec. 3. The Director of the Department of Motor Vehicles, in recognition of the 30th anniversary of the sister-state relationship between this State and the Republic of China (Taiwan), shall, as soon as practicable, begin negotiations pursuant to the authority granted in section 1 of this act toward a reciprocal agreement between the Department of Motor Vehicles and the Republic of China (Taiwan), through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing

drivers' licenses to residents of this State who reside in the Republic of China (Taiwan) and to Taiwanese citizens who reside in this State. Any agreement negotiated pursuant to this section must be in writing and signed by the Director of the Department of Motor Vehicles and the Director General of the Taipei Economic and Cultural Office in San Francisco, California.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Wheeler moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 624.

AN ACT relating to tow cars; prohibiting operators of tow cars from towing certain vehicles to any location other than a designated vehicle storage lot under certain circumstances; revising provisions relating to operators of tow cars; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an insurance company to designate vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Existing law also requires an operator of a tow car who fails to tow a vehicle to a vehicle storage lot designated by an insurance company to forfeit the charge for towing and storage of the vehicle and tow the vehicle free of charge to the designated lot. (NRS 706.4489) **Section 3** of this bill prohibits an operator of a tow car from **: (1)** towing a vehicle **[**, or seeking authorization from the owner or operator of a vehicle to tow the vehicle,**]** to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle **[**.**]** **unless the owner or operator of the vehicle directs the operator of the tow car to tow the vehicle to a location that is not a vehicle storage lot pursuant to section 16 of this bill; or (2) seeking authorization from an owner or operator of a vehicle to tow the vehicle to a location other than the designated vehicle storage lot. Section 3** also imposes civil penalties on an operator of a tow car who fails to tow certain vehicles to certain vehicle storage lots designated by an insurance company.

Existing law requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle before the vehicle is towed. (NRS 706.4489) **Section 16 [**of this bill**]** requires the operator of a tow car to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle if the law enforcement officer does not communicate that information to the operator. **Section 16 also requires the operator of a tow car to: (1) retain**

any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for the vehicle; and (2) provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

Section 16 additionally prohibits an owner or operator of a vehicle from directing an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company, but authorizes an owner or operator of a vehicle to direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such a location, the owner or operator of the vehicle must confirm in writing that: (1) he or she directed the operator of the tow car to tow the vehicle to such a location; and (2) the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location. The operator of the tow car is required to retain such written documentation.

Existing law requires an operator of a tow car to maintain a dispatcher's log identifying certain information for each vehicle towed. (NRS 706.4465) **Section 13** of this bill requires an operator to record the insurance company of each vehicle towed if such information is known.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in NRS 706.445 to 706.453, inclusive, and sections 2 and 3 of this act, "insurance company" means any entity authorized to provide insurance for motor vehicles in this State, including, without limitation, a captive insurer, as defined in NRS 694C.060, and a person qualified as a self-insurer, pursuant to NRS 485.380.***

Sec. 3. ***1. ~~[An]~~ Except as otherwise provided in NRS 706.4489, an operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to ~~[NRS 706.4489]~~ that section shall not tow the vehicle to another location. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot when required pursuant to NRS 706.4489, the operator of the tow car must:***

(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

2. An operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to NRS 706.4489 shall not solicit the owner or operator of the vehicle to divert the towing of the vehicle to a location other than the designated vehicle storage lot ~~[. A]~~ or solicit or

market other services performed by a third party. Towing services performed pursuant to a request or demand by the owner or operator of a vehicle that the vehicle be towed to a location other than the designated vehicle storage lot does not relieve the operator of a tow car of any obligation ~~[set forth in this section.]~~ relating to towing services performed without the prior consent of the owner or operator of a vehicle.

3. If an operator of a tow car violates the provisions of subsection 1 or 2, the Authority may:

(a) For a first offense, impose an administrative fine of not more than $5,000.

(b) For a second offense within a period of 24 consecutive months ~~[:~~

~~(1) Impose]~~ , impose an administrative fine of not more than $10,000 . ~~[; and~~

~~(2) Suspend the certificate of public convenience and necessity of the operator for a period of not more than 1 year.]~~

(c) For a third ~~[or subsequent]~~ offense within a period of 24 consecutive months ~~[:~~

~~(1) Impose]~~ , impose an administrative fine of not more than ~~[$10,000; and~~

~~(2) Suspend the certificate of public convenience and necessity of the operator for a period of not more than 1 year or revoke the certificate.]~~ $15,000.

(d) For a fourth or subsequent offense within a period of 24 consecutive months, impose an administrative fine of not more than $20,000.

4. Before ~~[taking any administrative action authorized]~~ imposing a fine pursuant to subsection 3, the Authority shall provide notice to the holder of the certificate of public convenience and necessity and conduct a hearing pursuant to the provisions of chapter 233B of NRS and NRS 706.286.

5. ~~[If a vehicle is insured by an insurance company that has designated one or more vehicle storage lots pursuant to NRS 706.4489 and an operator of a tow car does not tow the vehicle to a designated vehicle storage lot, the burden of proof in a hearing held pursuant to subsection 4 is on the operator of the tow car to demonstrate that he or she did not know the identity of the insurance company or that the insurance company had designated a vehicle storage lot.~~

~~6.]~~ All administrative fines imposed and collected by the Authority pursuant to this section are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 6. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 7. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➥ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

Sec. 8. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, ***and sections 2 and 3 of this act*** have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

➥ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 9. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The ~~[Except as otherwise provided in subsection 3 of section 3 of this act, the]~~ Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 10. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days'

notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 11. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 12. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act,*** but no such transfer is valid for any purpose until a joint application to make the transfer is made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. The application must include a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the transferee and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The Authority shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** and the regulations adopted by the Authority pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the Authority;

(c) Has provided evidence that the transferee has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the transferee has filed with the Authority schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The Authority may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The Authority shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the Authority of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

Sec. 13. NRS 706.4465 is hereby amended to read as follows:

706.4465 The operator shall maintain a dispatcher's log which shows for each vehicle towed:

1. The date and time the call to provide towing was received.
2. The name of the person requesting that the vehicle be towed.
3. The date and time a tow car was dispatched to provide the towing.
4. The date and time the tow car arrived at the location of the vehicle to be towed.
5. The date and time the towing was completed.
6. The model, make, year of manufacture, vehicle identification number and license plate number of the towed motor vehicle.

7. The name of the insurance company that provides coverage for the towed vehicle, if the operator determines the identity of the insurance company or is otherwise informed of the identity of the insurance company.

Sec. 14. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~.~~ ***, and sections 2 and 3 of this act.***

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 15. NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

(a) Guarantee safe access to the vehicles by their owners; and

(b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.

3. The provisions of NRS 706.4489 ***and section 3 of this act*** constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 16. NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

(a) Following an accident; or

(b) Following recovery after having been stolen,

➥ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle following an accident or following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance

company that provides coverage for the ~~[owner of the]~~ vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. ***If the law enforcement officer does not inform the operator of the tow car of the identity of the insurance company, the operator of the tow car shall make a good faith effort to determine the identity of the insurance company from the law enforcement officer and the owner or operator of the vehicle.*** If the operator of the tow car:

(a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the ~~[owner of the]~~ vehicle; or

(b) Otherwise determines the identity of the insurance company that provides coverage for the ~~[owner of the]~~ vehicle,

➥ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless the owner ***or operator*** of the vehicle ***, pursuant to subsection 4,*** or a representative of the insurance company has directed otherwise. ***The owner or operator of the vehicle shall be deemed to have consented to towing the vehicle to the vehicle storage lot designated by the insurance company that provides coverage for the vehicle.***

3. ~~[If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:~~

~~(a) Forfeit the charge for towing and storage of the vehicle; and~~

~~(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.]~~ ***The operator of a tow car shall retain any documents provided by a law enforcement officer pursuant to subsection 2 indicating the identity of the insurance company that provides coverage for a vehicle that is towed at the request of the law enforcement officer. The operator of a tow car shall provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.***

4. ***An owner or operator of a vehicle shall not direct an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company pursuant to subsection 1, but may direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such a location, the operator of the tow car shall require the owner or operator of the vehicle to confirm in writing that he or she directed the operator of the tow car to tow the vehicle to a location other than the designated vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle in violation of subsection 2 of section 3 of this act. The operator of the tow car shall retain such written documentation.***

5. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law

enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

~~[5.]~~ ***6.*** A vehicle storage lot must:

(a) Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;

(c) Comply with all local laws and ordinances applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

(d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

~~[6.]~~ ***7.*** If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess those rates and charges for the storage of a vehicle that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

~~[7.]~~ ***8.*** Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection ~~[4;]~~ ***5;***

(b) Satisfied the requirements of subsection ~~[5;]~~ ***6;*** and

(c) Otherwise satisfied the requirements of this section.

~~[8.]~~ ***9.*** The provisions of this section apply only to a county whose population is 700,000 or more.

~~[9.]~~ ***10.*** As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) "Vehicle storage lot" means a business which, for a fee, stores vehicles that are towed at the request of a law enforcement officer following an accident or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

Sec. 17. NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, ***and sections 2 and 3 of this act*** do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

Sec. 18. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long

as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, ***and sections 2 and 3 of this act,*** 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 19. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2 and 3 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2 and 3 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 20. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act,*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act,*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 21. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board relating to the order of abatement and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(4) Afforded an opportunity for a hearing before the designee of the board relating to the imposition of civil penalties and an appeal of that decision either

to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the board or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the

order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 22. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that

decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance

adopted pursuant to subsection 1, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the governing body or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

7. If a designee of the governing body imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Assemblyman Wheeler moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 547.

AN ACT relating to real property; **establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry;** establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a ~~[tenant]~~ **person** who is guilty of **forcible entry, forcible detainer or** unlawful detainer. (NRS **40.230, 40.240,** 40.280-40.420) **Section 23** of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements **;** ~~[based on the type of tenancy;]~~ (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant **of certain types of properties** who is guilty of unlawful detainer for **:** ~~[default in the payment of rent. (NRS 40.253) Existing law also sets forth a summary procedure for the eviction of a tenant who is guilty of unlawful detainer for certain other reasons including:]~~ (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) ~~[Sections 19 and]~~ **Section 20** of this bill ~~[revise these]~~ **revises this** summary ~~[procedures]~~ **procedure** as ~~[they relate]~~ **it relates** to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law ~~[identifies the various acts which constitute]~~ **provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes** unlawful detainer and ~~[warrant]~~ **warrants** the commencement of proceedings to remove the tenant. (NRS ~~[40.250-40.2516) Sections 5-8 and 13-17]~~ **40.2516) Section 17** of this bill ~~[reorganize these provisions by act, tenancy and type]~~ **revises the types** of property **to which these provisions apply** and ~~[specify]~~ **specifies** the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment

for three times the amount of actual damages for such offenses under certain circumstances. **Section 2** of this bill establishes a procedure by which an owner of a dwelling that is the object of a ~~[forcible entry or forcible detainer]~~ **housebreaking or unlawful occupancy** may retake possession of and change the locks on the dwelling. **Section 4** of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful ~~[entry]~~ **occupancy** and unlawful reentry and the penalties that attach upon conviction. **Section 3** of this bill establishes a procedure by which the owner of a dwelling that was subject to ~~[housebreaking or unlawful]~~ **forcible** entry **or forcible detainer** may ~~[retake]~~ **seek to recover** possession of ~~[and change the locks on]~~ the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. ~~[In]~~ Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when ~~[any]~~ all known ~~[unauthorized or]~~ unlawful or unauthorized adult ~~[occupant]~~ occupants of a dwelling ~~[has]~~ have been arrested for housebreaking or unlawful occupancy and ~~[any]~~ all minor ~~[occupant is]~~ occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.***

2. At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:

(a) Identify the address of the dwelling;

(b) Identify the court that has jurisdiction over any matter relating to the dwelling;

(c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and

(d) Advise the ~~[unauthorized or]~~ unlawful or unauthorized occupant that:

(1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.

(2) The ~~[unauthorized or]~~ unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within ~~[14]~~ 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the

authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.

(3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.

(4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after [14] 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within [14] 21 calendar days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than [14] 21 calendar days. A copy of the notice must be filed with the court [on the same] not later than 1 day [that] after any locks are changed on the dwelling and must be accompanied by a statement which includes an address for service of any documents on the owner of the dwelling [.] or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful entry" has the meaning ascribed to it in section [47] 48 of this act.

Sec. 3. *1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.*

2. The owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:

(a) Identify the court that has jurisdiction over the matter.

(b) Advise the unlawful or unauthorized occupant:

(1) Of his or her right to contest the matter by filing, before the court's close of business on the ~~[third]~~ fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner , an authorized representative of the owner or occupant may dispose of any personal property of the unlawful or unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner , authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal ~~[or nonadmittance]~~ may not be issued pursuant to subsection 6; ~~[or]~~

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court's close of business on the ~~[third]~~ fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property , an authorized representative of the owner or the occupant

who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph [(b)] (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph [(b)] (c) of subsection 4 and the court determines that the affidavit fails to raise [a justiciable issue] an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court [.] , unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph [(b)] (c) of subsection 4 and the court determines that the affidavit raises [a justiciable issue] an element of a legal defense regarding the alleged forcible entry or forcible detainer, the

court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

(1) There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of ~~[a]~~ an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. The owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:

(a) The owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for ~~[14]~~ 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.

(b) After the expiration of the ~~[14-day]~~ 21-day period, the owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner , an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. *1. If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.*

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying ~~[the]~~ :

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner ~~[. The occupant must also state orally under oath to the court the facts of the lockout.~~

~~3. If the occupant has complied with subsection 2 and the court reasonably believes that an unjustified lockout may have occurred, the court:~~

~~(a) Must issue an order requiring the occupant to post a bond in an amount equal to 1 month of rent; and~~

~~(b) Upon the posting of the bond, may issue, ex parte, a temporary writ of restitution that entitles the occupant to immediate and temporary possession of the dwelling, pending a final hearing on the occupant's verified complaint for reentry.~~

~~4. A temporary writ of restitution must be served on the owner of the dwelling or the authorized representative of the owner in the same manner as a writ of restitution in a forcible detainer action. A sheriff or constable may use reasonable force in executing a temporary writ of restitution under this subsection.~~

~~5.]~~ ; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall , after notice to both parties, hold a ~~[hearing]~~ trial on the occupant's verified complaint for reentry ~~[. A temporary writ of restitution must notify the owner of the dwelling of the pendency of the matter and the date of the hearing. The hearing must be held not earlier than~~

~~the first judicial day and]~~ not later than ~~[the seventh]~~ 10 judicial ~~[day]~~ days after the date on which the occupant files the verified complaint for reentry.

~~[6.]~~ 4. If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.

5. A party may appeal from the court's judgment at the ~~[hearing]~~ trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

~~[7. If a writ of restitution is issued, the writ supersedes a temporary writ of restitution.~~

~~8.]~~ 6. If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.

~~[9.]~~ 7. This section does not affect ~~[a tenant's right]~~ :

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS ~~[.~~

~~10. If an occupant in bad faith files a sworn complaint for reentry resulting in a writ of restitution being served on the owner of a dwelling or the authorized representative of the owner, the owner may in a separate cause of action recover from the occupant an amount equal to actual damages, 1 month's rent or $500, whichever is greater, reasonable attorney's fees, and costs of court, less any sums for which the owner is liable to the occupant.~~

~~11. This section does not affect the]~~ if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. ~~[1. A tenant, having leased in a tenancy at will a dwelling unit, a recreational vehicle, a mobile home or real property other than a mobile home lot or a recreational vehicle lot, is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, of the dwelling unit, recreational vehicle, mobile home or real property, or any part thereof, after the expiration of a written notice to surrender notifying the tenant that the tenancy at will is terminated and affording the tenant at least 5 days to surrender the premises.~~

~~2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the dwelling unit, recreational vehicle, mobile home or real property pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.~~

~~3. As used in this section, "tenancy at will" means an agreement for tenancy that:~~

~~(a) Is terminable at the will of either the landlord or the tenant, whereby the tenant occupies property with the consent of the landlord; and~~

~~*— (b) Does not specify a definite rental period or periodic payment of rent.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. A tenant having leased a mobile home lot subject to the provisions of chapter 118B of NRS, or a recreational vehicle lot in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215, is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, without the landlord's consent:*~~

~~*— (a) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or*~~

~~*— (b) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.*~~

~~*— 2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the lot described in subsection 1 pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. A tenant having leased a recreational vehicle lot is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, of the recreational vehicle lot:*~~

~~*— (a) For a recreational vehicle lot that is leased for an unspecified term or a period with payment of periodic rent, after the expiration of a notice to surrender notifying the tenant that the tenancy is terminated for no cause and affording the tenant 5 days to surrender the recreational vehicle lot; or*~~

~~*— (b) For a recreational vehicle lot that is leased for a specified term, after the expiration of the term. In all cases where the recreational vehicle lot is leased for a specified term or period by written contract, the tenancy terminates without notice at the expiration of the specified term or period.*~~

~~*— 2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the recreational vehicle lot pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 40.140 is hereby amended to read as follows:~~

~~— 40.140 — 1. — Except as otherwise provided in this section:~~

~~— (a) **[**Anything**]** ***Any conduct or an ongoing condition*** which is injurious to health, or indecent and offensive to the senses, or an ***unreasonable*** obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property **[**;**]** ***and which causes injury or damage to any other tenant or occupant of that property or of an adjacent building or structure;***~~

~~— (b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog;~~

~~— (c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:~~

~~(1) Which has not been deemed safe for habitation by the board of health; or~~

~~(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog; or~~

~~(d) A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang,~~

~~**~~ is a nuisance, and ***may be*** the subject of an action. **[**The**]**

2. An action ***pursuant to subsection 1*** may be brought **[**by**] :**

(a) By any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered **[**.

2.**] *; or***

(b) For unlawful detainer pursuant to NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act by a landlord against a tenant where:

(1) The tenant is the cause of the nuisance; and

(2) A notice given to the tenant by the landlord pursuant to NRS 40.2514 has expired.

3. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

[3.**]** ***4.*** A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

~~**~~ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

[4.**]** ***5.*** As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

~~(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.~~

~~(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.~~

~~(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.~~

~~(e) "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.~~ **(Deleted by amendment.)**

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context requires otherwise:

1. ***"Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a ~~[~~dwelling~~]~~ ***residence*** or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

~~[~~2.~~]~~ ***4.*** "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

~~[~~3.~~]~~ ***5.*** "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

~~[~~4.~~]~~ ***6.*** "Premises" includes a mobile home.

~~[~~5.~~]~~ ***7.*** "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

~~[~~6.~~]~~ ***8.*** "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

~~[7.]~~ ***9.*** "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220 No entry shall be made ***upon or*** into any ~~[lands, tenements]~~ ***real property*** or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230 ***1.*** Every person is guilty of a forcible entry who ~~[either:~~

~~1. By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by]~~ ***unlawfully enters any real property:***

(a) By means of physical force resulting in damage to a structure on the real property;

(b) By any kind of violence or circumstance of terror ~~[, enters upon or into any]~~ ***;***

(c) Peaceably or otherwise and:

(1) Thereafter prevents the owner of the real property ~~[.]~~ ***from access or occupancy of the property by changing a lock;*** or

~~[2. Who, after entering peaceably upon real property, turns]~~

(2) Turns out by force, threats ***of violence*** or menacing conduct, the ~~[party in natural]~~ ***owner of the real property or an occupant who is authorized by the owner to be in*** possession ~~[.]~~ ***of the real property.***

2. The owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner , authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

(a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and

(b) Afford the person who committed the forcible entry ~~[3]~~ 4 judicial days to surrender the property.

3. If ~~[a person]~~ an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 ***1.*** Every person is guilty of a forcible detainer who either:

~~[1. By]~~

(a) Unlawfully holds and keeps the possession of any real property by force ~~[, or by menaces]~~ or threats of violence ~~[, unlawfully holds and keeps the possession of any real property,]~~ ***, or*** whether the ~~[same]~~ ***possession*** was acquired peaceably or otherwise; or

~~[2. Who, in the nighttime, or during the absence of the occupant of]~~

(b) Enters any real property ~~[, unlawfully enters thereon,]~~ ***without the authority of the owner of the property , an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property*** and who, after ~~[demand made for the]~~ ***receiving written notice to*** surrender ~~[thereof, refuses for a period of 3 days]~~ ***pursuant to subsection 2, fails*** to surrender the ~~[same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.]~~ ***property.***

2. The owner of the real property , an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer ~~[3]~~ 4 judicial days to surrender the property.

3. If ~~[a person]~~ an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 13. ~~[NRS 40.250 is hereby amended to read as follows:~~

~~40.250 1. A tenant of [real property or] a dwelling unit, a recreational vehicle, a mobile home or real property other than a mobile home lot or a recreational vehicle lot for a specified term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, of the [property or] dwelling unit, recreational vehicle, mobile home or real property, or any part thereof, after the expiration of the term for which it is let to the tenant [.] or the termination of a rental agreement pursuant to NRS 118A.430. In all cases where a dwelling unit, a recreational vehicle, a mobile home or real property other than a mobile home lot or recreational vehicle lot is leased for a specified term or period, or by express or implied contract, whether written or parol, the tenancy terminates without notice at the expiration of the specified term or period.~~

~~2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord or the landlord's agent may seek to recover possession of the~~

~~***dwelling unit, recreational vehicle, mobile home or real property pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.]***~~ **(Deleted by amendment.)**

Sec. 14. ~~**[**NRS 40.251 is hereby amended to read as follows:~~

~~40.251 1. A tenant of **[**real property,**]** ***a dwelling unit,*** a recreational vehicle **, [**or**]** a mobile home ***or real property other than a mobile home lot or a recreational vehicle lot*** for a ***periodic tenancy of an unspecified*** term **[**less than life**]** is guilty of an unlawful detainer when **[**having leased:~~

~~(a) Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved,**]** the tenant continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice **[**of:~~

~~(1)**]** ***to surrender notifying the tenant that the tenancy is terminated for no cause and affording the tenant at least 30 calendar days after the date of service of the notice to surrender to vacate the premises, unless the tenancy is from week to week.*** For tenancies from week to week, ***the notice to surrender must afford the tenant*** at least 7 days **[**;~~

~~(2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least 30 days; or~~

~~(3) For tenancies at will, at least 5 days.~~

~~(b) A dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of:~~

~~(1) The term of the rental agreement or its termination and, except as otherwise provided in subparagraph (2), the expiration of a notice of:~~

~~(I) At least 7 days for tenancies from week to week; and~~

~~(II) Except as otherwise provided in subsection 2, at least 30 days for all other periodic tenancies; or~~

~~(2) A notice of at least 5 days where the tenant has failed to perform the tenant's basic or contractual obligations under chapter 118A of NRS.~~

~~(c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215, the tenant continues in possession, in person or by subtenant, without the landlord's consent:~~

~~(1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or~~

~~(2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.~~

~~(d) A recreational vehicle lot, the tenant continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.**]** ***after the date of service of the notice to vacate the premises.***~~

~~2. Except as otherwise provided in this section, if a ***residential*** tenant with a periodic tenancy **, [**pursuant to paragraph (a) or (b) of subsection 1,**]** other~~

~~than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1. [by submitting a written]~~ ***The tenant must submit such a*** request ~~[for an extended period and providing]~~ ***, in writing, to the landlord within 15 days after the date of service of the notice to surrender described in subsection 1. The request must be accompanied by*** proof of the tenant's age or disability. ~~[A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.]~~ ***Within 2 judicial days after the landlord receives the written request, the landlord shall respond in writing and inform the tenant:***

(a) That the tenant's request is accepted, specifying the new date by which the tenant must vacate the premises, calculated by adding 30 days to the date of the expiration of the notice to surrender served pursuant to subsection 1; or

(b) That the tenant's request is denied, specifying the basis for the denial.

~~3. [Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of subsection 2.~~

~~4.]~~ ~~If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days.~~ ***The tenant must file the petition within 2 judicial days after the tenant receives the landlord's written rejection of the tenant's request or, if the landlord fails to respond to the request, within 5 judicial days after the tenant submits the request.*** ~~If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in possession [for]~~ ***until 30 calendar days after the date of service of the notice to surrender or*** ~~5 calendar days following the date of entry of the order denying the petition [.]~~ ***, whichever is later.***

4. Any notice to surrender provided pursuant to subsection 1 must include a statement advising the tenant of the provisions of subsections 2 and 3.

5. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the dwelling unit, recreational vehicle, mobile home or real property pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.] **(Deleted by amendment.)**

Sec. 15. ~~[NRS 40.2512 is hereby amended to read as follows:~~

~~40.2512~~ ***1.*** ~~A tenant of real property~~ ***,*** ~~[or]~~ ***a dwelling unit, a recreational vehicle or a*** ~~mobile home~~ ***other than a mobile home lot or a recreational vehicle lot*** ~~for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after default in the payment of any rent and after a notice in writing, requiring in the alternative~~

~~the payment of the rent or the surrender of the detained premises, remains uncomplied with for a period of 5 days, or in the case of a mobile home lot, 10 days after service thereof. The notice may be served at any time after the rent becomes due.~~

~~*2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to:*~~

~~*(a) The provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act; or*~~

~~*(b) By serving the tenant with notice to pay or surrender pursuant to subsection 2 of NRS 40.253 and utilizing the procedures for eviction provided in that section.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 40.2514 is hereby amended to read as follows:~~

~~40.2514~~ ~~*1.*~~ ~~A tenant of real property *, a dwelling unit, a recreational vehicle* or a mobile home *other than a mobile home lot or a recreational vehicle lot* for a term less than life is guilty of an unlawful detainer when the tenant:~~

~~[1.] *(a)* Assigns or sublets the leased premises contrary to the covenants of the lease;~~

~~[2.] *(b)* Commits or permits waste [thereon;~~

~~3.] *on the leased premises;*~~

~~*(c)* Sets up or carries on [therein or thereon] any unlawful business [;~~

~~4.] *in or on the leased premises;*~~

~~*(d)* Suffers, permits or maintains on or about the *leased* premises any nuisance [that consists of conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures;] *, as defined in NRS 40.140;* or~~

~~[5.] *(e)* Violates any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, therein or thereon,~~

~~"• and [remains] *continues* in possession *, in person or by subtenant,* after service upon the tenant of [3 days'] *a* notice to [quit.] *surrender.*~~

~~*2. A notice to surrender served pursuant to subsection 1 must:*~~

~~*(a) Inform the tenant of the specific conduct that constitutes an unlawful detainer as described in subsection 1; and*~~

~~*(b) Afford the tenant 3 days to surrender the premises.*~~

~~*3. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 ***1.*** A tenant of real property ***, a dwelling unit, a recreational vehicle*** or a mobile home ***other than a mobile home lot or a recreational vehicle lot*** for a term less than life is guilty of an unlawful detainer when the

tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the ***real*** property ***, dwelling unit, recreational vehicle*** or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.252,~~]~~ ***40.254,*** inclusive, ~~[and NRS 40.254, *sections 5, 6 and 7 of this act,]~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the ***real*** property, ***dwelling unit, recreational vehicle or mobile home,*** served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~[,]~~ ***or property,*** also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within ~~[3]~~ ***5*** days after the service, the tenant, or any subtenant in actual occupation of the premises ~~[,]~~ ***or property,*** or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 18. ~~[NRS 40.252 is hereby amended to read as follows:~~

~~40.252 For the purposes of NRS 40.250 to~~ **[**~~40.252,~~**]** ***40.254,*** ~~inclusive, and~~ **[**~~NRS 40.254:~~**]** ***sections 5, 6 and 7 of this act:***

~~1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.~~

~~2. Notice to~~ **[**~~quit or~~**]** ~~surrender the premises which was given by one colessor of~~ **[**~~real property or~~**]** ***a dwelling unit, a recreational vehicle,*** ~~a mobile home~~ ***or real property*** ~~is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.~~**]** **(Deleted by amendment.)**

Sec. 19. ~~[NRS 40.253 is hereby amended to read as follows:~~

~~40.253 1. Except as otherwise provided in subsection~~ **[**~~10,~~**]** ***12,*** ~~in addition to the remedy provided in NRS~~ **[**~~40.2512 and~~**]** ~~40.290 to 40.420, inclusive,~~ ***and sections 2, 3 and 4 of this act*** ~~when the tenant of any dwelling~~ **[**~~, apartment,~~**]** ***unit,*** ~~mobile home, recreational vehicle~~ ***, real property*** ~~or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may~~ ***utilize the summary procedures for eviction provided in this section.***

~~2. The landlord or the landlord's agent shall~~ ~~serve or have served~~ ***on the tenant in accordance with the provisions of NRS 40.280*** ~~a notice in writing, requiring in the alternative~~ **[**~~the payment of~~**]** ***that the tenant pay*** ~~the rent~~ ***and***

~~***thereby save the lease from forfeiture, contest the notice*** or **[**the**]** surrender **[**of**]** the premises:~~

~~(a) **[**At**]** ***Except as otherwise provided in paragraph (b), at*** or before noon of the fifth full ***judicial*** day following the day of service; or~~

~~(b) **[**If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the**]** ***For a short term*** tenancy **, [**has not continued for more than 45 days,**]** at or before noon of the fourth full day following the day of service.~~

~~**"** As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to **[**subsection 2,**]** ***NRS 40.280,*** to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.~~

~~**[**2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:~~

~~(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and~~

~~(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.**]**~~

~~3. A notice served pursuant to subsection **[**1 or**]** 2 must:~~

~~(a) Identify the court that has jurisdiction over the matter; and~~

~~(b) Advise the tenant:~~

~~(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection **[**1**]** ***2*** for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or ***the reasons why the tenant*** is not in default in the payment of the rent;~~

~~(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after ***the sheriff's or constable's*** receipt of the order **[**, and**]** ***from the court;***~~

~~(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS [.~~

~~4.] ; and~~

~~*(4) Of the exact amount of unpaid charges that must be paid before the expiration of the time specified in subsection 2. This amount may include any unpaid rent, unpaid utility charges required pursuant to a written rental agreement, reasonable charges for late payment of rent or dishonored checks if authorized by a rental agreement and any unpaid security. As used in this subparagraph, "security" has the meaning ascribed to it in NRS 118A.240.*~~

~~*4. Upon service of the written notice to surrender required by subsection 2, the tenant shall, within the time specified in the notice:*~~

~~*(a) Surrender the premises to the landlord or the landlord's agent, in which case an affidavit of complaint may not be filed pursuant to subsection 6 and a summary order for removal or nonadmittance may not be issued pursuant to subsection 7;*~~

~~*(b) Pay to the landlord or the landlord's agent the entire amount of unpaid charges due to be paid as stated in the notice to surrender pursuant to subparagraph (4) of paragraph (b) of subsection 3; or*~~

~~*(c) Contest the matter by filing an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or the reasons that the tenant is not in default in the payment of the rent. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.*~~

~~*5.* If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~[5.] *6.* Upon [noncompliance with] *the expiration of* the *written* notice [:~~

~~(a) The] *to surrender:*~~

~~*(a) If the tenant has not paid to the landlord or the landlord's agent the entire amount of unpaid charges due to be paid as stated in the notice to surrender and has not filed an affidavit pursuant to paragraph (c) of subsection 4, the landlord must make reasonable efforts to determine whether the tenant has surrendered or vacated the premises. If the landlord reasonably determines that the tenant has surrendered or vacated the premises and has not filed an affidavit pursuant to paragraph (c) of subsection 4, the landlord may provide for the nonadmittance of the tenant by locking or otherwise, except when prohibited by the provisions of NRS 118A.480, and must not file an affidavit of complaint pursuant to paragraph (b).*~~

~~***(b) If the landlord determines that the tenant has not surrendered or vacated the premises and has not paid the entire amount of unpaid charges due to be paid as stated in the notice to surrender pursuant to subparagraph (4) of paragraph (b) of subsection 3, the*** landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling **[**, apartment,**]** ***unit,*** mobile home, recreational vehicle ***, real property*** or commercial premises are located or to the district court of the county in which the dwelling **[**, apartment,**]** ***unit,*** mobile home, recreational vehicle ***, real property*** or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after ***the sheriff's or constable's*** receipt of the order **[**.**]** ***from the court.*** The affidavit must state or contain:~~

~~(1) The date the tenancy commenced.~~

~~(2) The amount of periodic rent reserved.~~

~~(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.~~

~~(4) The date the rental payments became delinquent.~~

~~(5) The length of time the tenant has remained in possession without paying rent.~~

~~(6) The amount of rent claimed due and delinquent **[**.~~

~~(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.~~

~~(8)**]** ***at the time of the filing of the affidavit of complaint.***~~

~~***(7)*** A copy of the written notice served on the tenant **[**.~~

~~(9)**]** ***pursuant to subsection 2 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.***~~

~~***(8) Proof of service of all written notices as required by NRS 40.280.***~~

~~***(9)*** A copy of the signed written rental agreement, if any.~~

~~**[**(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.~~

~~6.**]** ***If the written rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.***~~

~~***7.*** Upon the ***timely*** filing by the tenant of the affidavit permitted in subsection **[**3,**]** ***4,*** regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection **[**5,**]** ***6,*** the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of~~

any affidavit or notice provided for in this section. If the court determines that [there]:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. [If the court determines that there] ***The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled.***

(b) There is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive [. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7.] ***, and sections 2, 3 and 4 of this act.***

8. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 ***calendar*** days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 ***calendar*** days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

whichever is later.

[8.] ***9.*** Upon the filing of a motion pursuant to subsection [7,] ***8,*** the court shall schedule a hearing on the motion. The hearing must be held within 10 ***judicial*** days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the ***reasonable and actual*** costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

[9.] ***10.*** A landlord shall not refuse to accept [rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1] ***payment of the entire amount of unpaid charges due to be paid as stated in the notice to surrender pursuant to subparagraph (4) of paragraph (b) of subsection 3 or*** if the refusal is based on the fact that the tenant has not paid ***or is unable to pay other charges due***

~~***pursuant to a contract, including, without limitation,*** collection fees, attorney's fees or other [costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.~~

~~10.] ***charges that have become due since the notice was served.***~~

~~***11. The procedures for eviction provided in this section determine possessory rights only and do not preclude an action by a landlord for any damages or other relief to which the landlord may be entitled.***~~

~~***12.*** This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection [6] ***8*** of NRS 40.215.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 ***1.*** Except as otherwise provided by specific statute, in addition to the remedy provided in ~~[~~NRS 40.251 and in~~]~~ NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** when the tenant of a dwelling unit ~~,~~ ~~[~~which is subject to the provisions of chapter 118A of NRS,~~]~~ part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer ~~[,]~~ ***pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516*** ~~,~~ ~~***[or section 5, 6 or 7 of this act,]***~~ the landlord ~~[~~is entitled to~~]~~ ***or the landlord's agent may utilize*** the summary procedures ***for eviction as*** provided in NRS 40.253 except that ~~[:~~

~~1. Written ***this section.***~~

~~***2. Upon the expiration of any]*** ***written*** notice to surrender the premises must:

(a) Be given to ~~***[required pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 or section 5, 6 or 7 of this act, or upon the holdover of any tenant after expiration of the lease term or termination of the rental agreement as set forth in NRS 40.250, the landlord or the landlord's agent must serve]***~~ the tenant ~~***[with a written notice]***~~ in accordance with the provisions of NRS 40.280 ~~.~~ ;

(b) Advise ~~***[, requiring the surrender of the premises on or before the fifth judicial day of service of the notice.***~~

~~***" As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to NRS 40.280, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.***~~

~~***3. A notice served pursuant to subsection 2 must advise]*** ***(a) Of]***~~ the tenant of ~~***[:***~~ the court that has jurisdiction over the matter; and

(c) Advise the tenant of ~~***[***~~

~~*(b) That the tenant is guilty of an unlawful detainer and, except as otherwise provided in paragraph (c), is afforded 5 judicial days to surrender the premises;*~~

~~*(c) Of]*~~ the tenant's right to ~~[contest]~~ **:**

(1) Contest the notice by filing ~~[within 5 days]~~ ***before the court's close of business on the fifth judicial day after the day of service of the notice*** an affidavit with the court that has jurisdiction over the matter ~~[that]~~ ***stating the reasons why*** the tenant is not guilty of an unlawful detainer ~~[~~.

~~2.~~ ;

~~(d) That~~ ***if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after the sheriff's or constable's receipt of the order from the court; and***

~~*(e) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.*~~

~~*4. Upon service of the written notice to surrender required by subsection 2, the tenant shall, within the time specified in the notice:*~~

~~*(a) Surrender the premises to the landlord or the landlord's agent, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal or nonadmittance may not be issued pursuant to subsection 6; or*~~

~~*(b) Contest the matter by filing an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer. A file stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.*~~

~~*5. Upon the expiration of the written notice to surrender:*~~

~~*(a) If the tenant has not filed an affidavit pursuant to paragraph (b) of subsection 4, the landlord must make reasonable efforts to determine whether the tenant has surrendered or vacated the premises. If the landlord reasonably determines that the tenant has surrendered or vacated the premises and has not filed an affidavit pursuant to paragraph (b) of subsection 4, the landlord may provide for the nonadmittance of the tenant by locking or otherwise, except when prohibited by the provisions of NRS 118A.480, and must not file an affidavit of complaint pursuant to paragraph (b).*~~

~~*(b) If the landlord determines that the tenant has not surrendered or vacated the premises, the landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling unit, part of a low-rent housing program operated by a public housing authority, mobile home or recreational vehicle is located or the district court of the county in which the dwelling unit, part of a low-rent*~~

~~***housing program operated by a public housing authority, mobile home or recreational vehicle is located, whichever has jurisdiction over the matter.]***~~ ***;***
or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must ***state or*** contain:

(a) ~~***[(1)]***~~ The date when the tenancy commenced ***,*** ~~***[and]***~~ the term of the tenancy ~~***[,]***~~ and, if any, a ~~***[***~~
~~***(2) A]***~~ copy of the rental agreement ***.*** ~~**[.**~~

~~(b) The***, if any.]***~~ ***If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.***

~~***[(3) If the tenancy or rental agreement was terminated pursuant to NRS 118A.430, the]***~~

(b) The date when the tenancy or rental agreement allegedly terminated ***.***

(c) ~~***[and the basis for the termination.***~~
~~***(4)]***~~ The date when ***written notice to surrender was given to*** the tenant ~~**[**became subject**]**~~ ***pursuant*** to the provisions of NRS ~~***[40.250,]***~~ 40.251 ~~**[**to**]**~~ ***, 40.2514*** ~~***[,]***~~ ***or*** 40.2516, ~~**[**inclusive,~~ ~~***or section 5, 6 or 7 of this act,]***~~ together with any ~~**[**supporting**]**~~ facts ~~**[.**~~

~~(d) The date when the**]** ***supporting the notice.***

~~***[(5) A copy of all]***~~

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with ~~***[notices served on the tenant]***~~ ***NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.***

~~***[(6) Proof of service of all written notices as required by***~~ NRS 40.280.~~**]**~~

(e) A statement that the claim for relief was authorized by law.

3. ~~***[6. Upon the timely filing by the tenant of the affidavit permitted in paragraph (b) of subsection 4, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that:***~~

~~***(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after the sheriff's or constable's receipt of the order from the court. The issuance of a summary order for removal of the tenant does***~~

not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled.

— (b) There is a legal defense as to the alleged unlawful detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

— 7. If the alleged unlawful detainer is based upon paragraph (c) of subsection 1 of NRS 40.2514:

— (a) The refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

— (b)] If the tenant is found guilty of unlawful detainer ***[.]*** as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to ~~[quit]~~ ***surrender*** has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act:***

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** after receiving a notice of the change of ownership of the real property or mobile home and after the

expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings ~~[.]~~ ***, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.***

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~[quit]~~ ***surrender*** by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the ~~*[The]*~~ notices required by NRS 40.251 ~~*[40.230]*~~ to 40.260, inclusive, ~~[may]~~ ***must*** be served : ~~*[upon a tenant of commercial property:]*~~

(a) By ~~*[Except as otherwise provided in this paragraph and paragraph (b), by]*~~ delivering a copy to the tenant personally, in the presence of a witness ***.*** ~~[.]~~ ***If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required*** ~~*[.]*~~ ***;***

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place ~~*[the business]*~~ and mailing a copy to the tenant at the tenant's place of residence or ~~*[usual]*~~ place of business ; or ~~*[and to the place where the leased property is situated, if different.]*~~

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property , delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the ~~*[tenant's usual place of business and to the]*~~ place where the leased property is situated . ~~*[, if different.]*~~

2. ~~*[Except as otherwise provided in subsection 3, the notices required by NRS 40.230 to 40.260, inclusive, must be served upon a tenant of property other than commercial property:*~~

~~*(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.*~~

~~(b) If the tenant is absent from the tenant's place of residence, by leaving a copy with a person of suitable age and discretion at the residence and mailing a copy to the tenant at the tenant's place of residence.~~

~~(c) If the place of residence cannot be ascertained or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property and mailing a copy to the tenant at the place where the leased property is situated.~~

~~3. The notice required by paragraph (b) of subsection 2 of NRS 40.253 must be served upon a tenant who is leasing property under a short term tenancy:~~

~~(a) By delivering a copy to the tenant personally, in the presence of a witness.~~

~~(b) If the tenant is absent from the tenant's place of residence or the notice cannot otherwise be delivered in person, by posting a copy in a conspicuous place on the leased property, mailing the notice to the tenant by overnight mail and delivering the notice to the sheriff or constable for service in the manner set forth in subsection 2.~~

~~4. The sheriff or constable shall not accept a notice for service pursuant to subsection 3 unless the notice is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section and NRS 40.253, which set forth the lawful procedures for eviction from a short term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.~~

~~5.~~ **The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:**

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in at least two separate and conspicuous places on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection ~~[subsections]~~ 1.

~~[~~3. Before~~, 2 and 3.~~

~~*6. To the extent that the provisions of this subsection do not conflict with NRS 31.840 to 31.950, inclusive, before a writ of possession or* an~~]

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order [~~to remove~~] ***for removal of*** a tenant is issued ~~*[,* pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by~~ that section. ~~Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord~~ ***NRS 40.230 to 40.260, inclusive,*** ~~shall file~~ ***be filed*** ~~with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof~~ ~~*and]*~~ ***pursuant to NRS 40.253 or 40.254;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections 2.3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:

(a) [~~A statement,~~] ***Except as otherwise provided in paragraphs (b) and (c):***

(1) If the notice was ~~*[delivered to the tenant in person,]*~~ ***served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration*** signed by the tenant ***or the unlawful or unauthorized occupant, as applicable,*** and a witness, ***signed under penalty of perjury by the server,*** acknowledging that the tenant ***or occupant*** received the notice on a specified date ***.*** [~~;~~

~~(b) A~~]

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration ~~*[signed by the tenant and a witness,]*~~ ***signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or*** certificate of mailing issued by the United States Postal Service [~~,~~] or ***confirmation of actual delivery by a private postal service.***

[~~(c) The endorsement of~~]

(b) If the notice was served by a sheriff, ***a*** constable or [~~other~~] ***a person who is licensed as a*** process server ***pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice,*** stating the [~~time~~] ***date*** and manner of service.

[~~4. If~~] ***The statement must also include the number of the badge or license of the person who served the notice.***

(c) For a short-term tenancy, if service of the notice was not delivered in person [~~to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~

~~(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(b) The endorsement of a~~**]** ***:***

(1) A ~~[written statement of the]~~ certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

[~~(1)~~**]** ***(I)*** Time and date the request for service was made by the landlord or the landlord's agent;

[~~(2)~~**]** ***(II)*** Time, date and manner of the service; and

[~~(3) Fees paid for the service.~~**]**

(III) ~~[The number of the badge of the sheriff or constable.~~

~~(2) Confirmation or a number, code or other information for tracking of actual delivery by a recognized overnight delivery service.]~~ Fees paid for the service.

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** not exceeding 5 days; and when the defendant, or the defendant's agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness's deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the **[**~~complainant~~**]** ***plaintiff*** for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the **[**~~complainant~~**]** ***plaintiff*** admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. ~~**[**NRS 40.385 is hereby amended to read as follows:~~

~~40.385 [Upon an]~~

~~*1. Either party may* appeal [from] an order entered pursuant to NRS 40.253 [.~~

~~1.] *or 40.254 or section 3 of this act.*~~

~~*2.* Except as otherwise provided in this [subsection,] *section,* a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action.~~

~~*3.* A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.~~

~~[2.] *4.* A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253 [.] *or 40.254 or section 3 of this act.]*~~ **(Deleted by amendment.)**

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; ***and sections 2 to 7, inclusive, of this act,*** and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure ***, Justice Court Rules of Civil Procedure*** and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500 ..... $50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000 ..... 175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** in which a notice to ~~[quit]~~ ***surrender*** has been served pursuant to NRS 40.255 ..... 225.00
In all other civil actions 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 ..... $45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... $65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 85.00
If the sum claimed exceeds $5,000 but does not exceed $7,500 ..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page ..... $.50

(n) For each certificate of the clerk, under the seal of the court $3.00

(o) For searching records or files in his or her office, for each year $1.00

(p) For filing and acting upon each bail or property bond..... $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a

newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under

chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to ~~[quit.]~~ ***surrender.***

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[,]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[,]~~ ***and to the place where the leased property is situated, if different;*** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[.]~~ ***situated.***

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 32. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under

chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to ~~[quit.]~~ ***surrender.***

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[,]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[,]~~ ***and to the place where the leased property is situated, if different;*** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[.]~~ ***situated.***

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~[vacate]~~ ***surrender*** specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. ~~[NRS 118.205 is hereby amended to read as follows:~~

~~118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:~~

~~1. Must advise the tenant of the provisions of that section and specify:~~

~~(a) The address or other location of the property;~~

~~(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and~~

~~(c) An address for payment of the rent due and delivery of notice to the landlord.~~

~~2. Must be served pursuant to subsection [1] *2 or 3* of NRS 40.280.~~

~~3. May be included in the notice required by subsection [1] *2* of NRS 40.253.]~~ **(Deleted by amendment.)**

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;

(b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~[or]~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~[.]~~ ***; or***

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. ~~[NRS 118A.460 is hereby amended to read as follows:~~

~~118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:~~

~~(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.~~

~~(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in subsection [7] 8 of NRS 40.253.]~~ **(Deleted by amendment.)**

Sec. 37. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

(a) The provisions of chapter 118B of NRS;

(b) Leases and rental agreements;

(c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~[;]~~ ***, and sections 2 to 7, inclusive, of this act;***

(d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

(e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38. ~~[~~NRS 118B.115 is hereby amended to read as follows:

~~118B.115 1. The landlord of a manufactured home park may require that a person submit a written application to and receive written consent from the landlord before the person moves or causes to be moved a manufactured home or recreational vehicle into the manufactured home park. The landlord shall not unreasonably withhold his or her consent.~~

~~2. If the landlord of a manufactured home park requires written consent pursuant to subsection 1, the landlord shall post and maintain a sign that is clearly readable at the entrance to the manufactured home park which advises the reader of the consent that is required before a person may move or cause to be moved a manufactured home or recreational vehicle into the manufactured home park.~~

~~3. If a person moves or causes to be moved a manufactured home or recreational vehicle into the manufactured home park without the written consent of the landlord, if the landlord requires such consent pursuant to subsection 1, the landlord of that manufactured home park may:~~

~~(a) After providing at least 5 days' written notice to the person, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or~~

~~(b) Require the person to sign a rental agreement. If the person refuses to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least 5 days' written notice to the person, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.~~

~~4. For the purposes of~~ ~~[~~NRS 40.251,~~]~~ ***section 6 of this act,*** ~~a person who moves or causes to be moved a manufactured home or recreational vehicle into a manufactured home park without the written consent of the landlord, if the landlord requires such consent pursuant to subsection 1, shall be deemed a tenant at will and a lessee of the manufactured home park.~~

~~5. The provisions of this section do not apply to a corporate cooperative park.~~~~]~~ **(Deleted by amendment.)**

Sec. 39. ~~[NRS 118B.170 is hereby amended to read as follows:~~

~~118B.170 1. The landlord may require approval of a prospective buyer and tenant before the sale of a tenant's manufactured home or recreational vehicle, if the manufactured home or vehicle will remain in the park. The landlord shall consider the record, if any, of the prospective buyer and tenant concerning the payment of rent. The landlord shall not unreasonably withhold his or her consent.~~

~~2. If a tenant sells his or her manufactured home or recreational vehicle, the landlord may require that the manufactured home or recreational vehicle be removed from the park if it is deemed by the park's written rules or regulations in the possession of the tenants to be in a run-down condition or in disrepair or does not meet the safety standards set forth in NRS 461A.120. If the manufactured home must be inspected to determine compliance with the standards, the person requesting the inspection shall pay for it.~~

~~3. If the landlord requires the approval of a prospective buyer and tenant, the landlord shall:~~

~~(a) Post and maintain a sign which is clearly readable at the entrance to the park which advises the reader that before a manufactured home in the park is sold, the prospective buyer must be approved by the landlord.~~

~~(b) Approve or deny a completed application from a prospective buyer and tenant within 10 business days after the date of the submission of the application.~~

~~(c) Inform the prospective buyer and tenant upon the submission of the completed application of the duty of the landlord to approve or deny the completed application within 10 business days after the date of submission of the completed application.~~

~~4. If the landlord requires the approval of a prospective buyer and tenant of a manufactured home or recreational vehicle and the manufactured home or recreational vehicle is sold without the approval of the landlord, the landlord may:~~

~~(a) After providing at least 5 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner prescribed in chapter 40 of NRS; or~~

~~(b) Require the buyer and tenant to sign a rental agreement. If the buyer and tenant refuse to sign the rental agreement within 5 days after such a request, the landlord may, after providing at least 5 days' written notice to the buyer and tenant, bring an action for an unlawful detainer in the manner provided in chapter 40 of NRS.~~

~~5. For the purposes of~~ **[**~~NRS 40.251,~~**]** ***section 6 of this act,*** a person who:

~~(a) Purchases a manufactured home or recreational vehicle from a tenant of a manufactured home park which will remain in the park;~~

~~(b) Was required to be approved by the landlord of the manufactured home park before the sale of the manufactured home or recreational vehicle; and~~

~~(c) Was not approved by the landlord before the person purchased that manufactured home or recreational vehicle,~~

~~shall be deemed a tenant at will and a lessee of the manufactured home park.~~

~~6. The provisions of this section do not apply to a corporate cooperative park.~~] **(Deleted by amendment.)**

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection [6] ***8*** of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:

(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant's household consisting of any of the following specific activities:

(1) Discharge of a weapon.

(2) Prostitution.

(3) Illegal drug manufacture or use.

(4) Child molestation or abuse.

(5) Property damage as a result of vandalism.

(6) Operating a vehicle while under the influence of alcohol or any other controlled substance.

(7) Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord's right, if any, to enter the tenant's manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant's permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant's continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and

(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~[~~quit~~]~~ ***surrender*** for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. ~~[~~NRS 118C.230 is hereby amended to read as follows:

~~118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:~~

~~(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~2. A tenant of commercial premises is presumed to have abandoned the premises if:~~

~~(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and~~

~~(b) The removal is not within the normal course of business of the tenant.~~

~~3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.~~

~~4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection [7] 8 of NRS 40.253.]~~ **(Deleted by amendment.)**

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 ***Except as otherwise provided in sections 46 and 47 of this act:***

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~[every]~~

2. Every person who, having removed or been removed ~~[therefrom]~~ ***from any lands or possessions of another*** pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,

➥ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. ***As used in sections 45 to 48, inclusive, of this act, "dwelling" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.***

Sec. 46. ***1. A person who ~~[, by day or night,]~~ forcibly enters an uninhabited or vacant dwelling , knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner ~~[with]~~ and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.***

2. A person convicted of housebreaking is guilty of :

(a) For a first offense, a gross misdemeanor; and

(b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

~~[3.]~~ 4. As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 47. ***1. A person who ~~[, by day or night,]~~ takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.***

2. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously ~~[taken up residency in a dwelling, without the permission of the owner or an authorized representative of the owner,~~

~~*under color of valid lease and thereafter takes up residency of another dwelling, without the permission of the owner or an authorized representative of the owner, under color of valid lease,)*~~ *been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained* ~~*[such]*~~ *residency of the dwelling with the knowledge that:*

(a) ~~*[The]*~~ *Any asserted lease is invalid; and*

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 48. *1. A person is guilty of unlawful reentry if:*

(a) An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and

~~*[(d)]*~~ *(b) Without the authority of the court or permission of the owner, the person reenters the property.*

2. A person convicted of unlawful reentry is guilty of a gross misdemeanor.

Sec. 49. ~~[NRS 205.067 is hereby amended to read as follows:~~

~~205.067 1. A person who, by day or night, forcibly enters an inhabited dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home.~~

~~2. A person convicted of invasion of the home is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000. A person who is convicted of invasion of the home and who has previously been convicted of burglary or invasion of the home must not be released on probation or granted a suspension of sentence.~~

~~3. Whenever an invasion of the home is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car traveled during the time the invasion was committed.~~

~~4. A person convicted of invasion of the home who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.~~

~~5. As used in this section:~~

~~(a) "Forcibly enters" means the entry of an inhabited dwelling involving [any]:~~

~~*(1) Any* act of physical force resulting in damage to the structure **[.] ; or**~~

~~***(2) The changing or manipulation of a lock to access the dwelling.***~~

~~(b) "Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.]~~ **(Deleted by amendment.)**

Sec. 50. ~~[NRS 244.363 is hereby amended to read as follows:~~

~~244.363 Except as otherwise provided in subsection [3] *4* of NRS 40.140 and subsection 6 of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.]~~ **(Deleted by amendment.)**

Sec. 51. ~~[NRS 266.335 is hereby amended to read as follows:~~

~~266.335 The city council may:~~

~~1. Except as otherwise provided in subsection [3] *4* of NRS 40.140 and subsection 6 of NRS 202.450, determine by ordinance what shall be deemed nuisances.~~

~~2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.~~

~~3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:~~

~~(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.~~

~~(b) Be coequal with the latest lien thereon to secure the payment of general taxes.~~

~~(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.~~

~~(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.~~

~~4. Provide any other penalty or punishment of persons responsible for the nuisances.]~~ **(Deleted by amendment.)**

Sec. 52. ~~[NRS 268.412 is hereby amended to read as follows:~~

~~268.412 Except as otherwise provided in subsection [3] *4* of NRS 40.140 and subsection 6 of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.]~~ **(Deleted by amendment.)**

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord

shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➥ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any

person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act*** do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.

Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. ~~[NRS 645H.520 is hereby amended to read as follows:~~

~~645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:~~

~~(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;~~

~~(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;~~

~~(c) Cleaning the interior or exterior of real property in foreclosure;~~

~~(d) Providing repair or improvements for real property in foreclosure; and~~

~~(e) Removing trash and debris from real property in foreclosure and the surrounding property.~~

~~2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:~~

~~(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the~~

~~homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.~~

~~(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in subsection **[**7**]** *8* of NRS 40.253.~~ **(Deleted by amendment.)**

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, "actual damages" means damages to real property and personal property.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 480.

SUMMARY—~~**[**Revises provisions relating to education.**]**~~ **Creates an advisory committee and a technical committee to develop a plan to reorganize the Clark County School District.** (BDR ~~**[**34-900**]**~~ **S-900)**

AN ACT relating to education; ~~**[**prescribing the process by which the governing body of an incorporated city may create a local school precinct within a county school district with the approval of the State Board of Education; authorizing two or more boards of trustees of contiguous school**

~~districts to consolidate their respective districts by interlocal agreement; and~~] **creating an advisory committee and technical advisory committee for the purpose of developing a plan to reorganize the Clark County School District into certain local school precincts; providing for the membership, compensation and duties of the committees; providing for the implementation of the plan; and** providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the organization of school districts in this State. (Chapter 386 of NRS) Sections 2-17 of this bill generally prescribe the process by which the governing body of an incorporated city may create a local school precinct within a school district with the approval of the State Board of Education. Section 7 authorizes the governing body of an incorporated city to create a local school precinct in the manner prescribed by sections 2-17. Section 8 requires the boundaries of a local school precinct to be conterminous with the boundaries of the incorporated city forming the local school precinct. Section 8 authorizes a governing body to appoint a committee to develop a proposed precinct plan for the creation, operation, management and administration of a local school precinct, and prescribes certain terms and conditions which may be incorporated into a precinct plan for the purposes of facilitating the creation of a local school precinct. Section 9 requires the governing body to conduct a hearing to approve, disapprove or amend and approve a proposed precinct plan. Section 9 requires the governing body, upon approving a proposed precinct plan, to file notice of its intent to create a local school precinct with the State Board of Education and certain other entities. Section 10 requires the State Board, upon receiving a proposed precinct plan, to conduct a hearing to approve, disapprove or amend and approve the proposed precinct plan. Section 11 provides for the interim appointment by the governing body of a precinct council and the election of permanent members to the precinct council at the next general city election of the incorporated city. Section 12 prescribes the requirements for the meetings of a precinct council. Section 13 requires the governing body to prescribe by city ordinance the monthly salary of the members of a precinct council. Section 14 authorizes a precinct council or board of trustees to request a hearing with the Superintendent of Public Instruction for the purpose of resolving any dispute with respect to a precinct plan. Section 16 establishes the process by which the governing body may dissolve a local school precinct with the approval of the State Board.~~

~~Existing law generally authorizes local governments to consolidate governmental services by interlocal agreement. (NRS 277.080-277.180) Sections 18 and 19 of this bill authorize two or more boards of trustees of contiguous school districts to consolidate their respective districts by interlocal agreement.~~]

This bill provides for the creation of an advisory committee and a technical advisory committee for the purpose of developing a plan to

reorganize the Clark County School District into not less than five local school precincts. Section 25 of this bill creates the advisory committee for the purpose of developing the plan, and section 26 of this bill creates the technical advisory committee for the purpose of assisting the advisory committee. Sections 25 and 26 provide for the membership, compensation and duties of the respective committees. Section 27 of this bill requires the advisory committee, in consultation with the technical advisory committee, to contract with a consultant for the purposes of conducting a study with respect to developing the plan and to establish certain benchmarks to ensure that the plan may be implemented before the 2017-2018 school year. Section 27 authorizes the advisory committee to request from the Interim Finance Committee an allocation of money to conduct the study. Section 27 prescribes the subject matter which must be contemplated by the advisory committee in developing the plan. Section 28 of this bill requires the Board of County Commissioners of Clark County to conduct certain public meetings within the County for the purpose of receiving public comment and input with respect to a proposed plan. Section 28 requires the advisory committee to file the plan with the Board of Trustees of the Clark County School District and provides for the immediate implementation of the plan upon filing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Governing body" means the city council or other governing body of an incorporated city.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Local school precinct" means a precinct, the boundaries of which are conterminous with the boundaries of an incorporated city, created by a precinct plan approved pursuant to section 10 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Precinct council" means the body appointed or elected pursuant to section 11 of this act for the purpose of managing a local school precinct.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Precinct plan" means a plan approved pursuant to section 10 of this act for the purpose of creating a local school precinct and vesting a precinct council with limited rights, powers and duties to manage the schools located within the local school precinct.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[*1. The governing body of an incorporated city may, in the manner prescribed by sections 2 to 17, inclusive, of this act, file a notice of intent with the State Board to create a local school precinct.*~~

~~*2. The boundaries of a local school precinct created pursuant to sections 2 to 17, inclusive, of this act must be conterminous with the boundaries of the incorporated city forming the local school precinct.*~~

~~*3. Each local school precinct shall be designated by the name and style of "..... Local School Precinct," using the name of the incorporated city whose boundaries are conterminous with the boundaries of the local school precinct.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[*1. The governing body of an incorporated city may appoint a committee of five qualified electors to develop a proposed precinct plan for the purpose of creating a local school precinct.*~~

~~*2. A proposed precinct plan developed by a committee for the purpose of creating a local school precinct may set forth any terms and conditions necessary to facilitate the creation, operation, management and administration of a local school precinct, including, without limitation, terms and conditions relating to:*~~

~~*(a) The allocation, dedication and transfer of any revenue to a local school precinct that may be dedicated to capital projects and improvements for schools and school facilities, school programs, students or other costs directly incidental to the operation, management and administration of the local school precinct.*~~

~~*(b) The authority to issue bonds or otherwise raise revenue.*~~

~~*(c) The application for and receipt of any grant, gift or bequest.*~~

~~*(d) The creation and administration of any accounts to manage any money received by a local school precinct.*~~

~~*(e) The transfer of any interest in real or personal property, including, without limitation, lease agreements.*~~

~~*(f) Precinct planning and management, including, without limitation, financial planning for school programs, student funding, capital projects and improvements.*~~

~~*(g) Administrative support, including, without limitation, accounting, data processing, payroll and purchasing agreements.*~~

~~*(h) The liability of a local school precinct with respect to any duties and obligations of the board of trustees which are assumed by the precinct council.*~~

~~*(i) The civil and administrative liability of the local school precinct or its employees.*~~

~~*(j) Interlocal agreements between a local school precinct and a state, county or regional planning authority.*~~

~~*(k) Staffing, including, without limitation, the transfer, reassignment or hiring of personnel.*~~

~~*(l) Employment contracts and collective bargaining.*~~

~~*(m) Employee and student safety.*~~

~~(n) The maintenance of schools, school facilities and school grounds.~~
~~(o) Transportation.~~
~~(p) Athletics.~~
~~(q) Curriculum.~~
~~(r) The rights, duties and powers of a precinct council as such rights, duties and powers relate to the terms of a proposed precinct plan.~~
~~(s) Any other terms or conditions that may be required by regulations adopted by the State Board.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[1. A committee shall, upon completion of a proposed precinct plan, submit the plan to the governing body for approval. After notice and a hearing, the governing body shall approve, disapprove or amend and approve the proposed precinct plan.~~

~~2. Upon approving a proposed precinct plan, the governing body shall file notice of its intent to create a local school precinct with:~~
~~(a) The board of trustees of the school district in which the local school precinct is proposed to be created;~~
~~(b) The board of county commissioners of the county in which the local school precinct is proposed to be created;~~
~~(c) The State Board;~~
~~(d) The Committee on Local Government Finance; and~~
~~(e) Any other state, county or regional planning commission or agency that exercises planning authority over any part of the area proposed for inclusion in the local school precinct.~~

~~→ A notice filed pursuant to this subsection must include a copy of the proposed precinct plan approved by the governing body.~~

~~3. Any entity that receives a notice pursuant to subsection 2 may:~~
~~(a) Review the proposed precinct plan included with the notice; and~~
~~(b) Submit to the State Board any recommendations in writing with respect to the proposed precinct plan.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[1. The State Board, upon receiving a notice of intent to create a local school precinct pursuant to section 9 of this act, shall:~~
~~(a) Not later than 120 days after receiving the notice, conduct a hearing to approve, disapprove or amend and approve the proposed precinct plan to create a local school precinct.~~
~~(b) Not less than 30 days before conducting the hearing, cause written notice of the date and location of the hearing to be provided to:~~
~~(1) The governing body of the incorporated city that filed the notice with the State Board;~~
~~(2) The board of trustees of the school district in which the local school precinct is proposed to be created;~~
~~(3) The board of county commissioners of the county in which the local school precinct is proposed to be created;~~
~~(4) The Committee on Local Government Finance; and~~
~~(5) Any entity that submitted recommendations pursuant to paragraph (b) of subsection 3 of section 9 of this act.~~

~~*2. A hearing conducted pursuant to this section must be held at a location within the boundaries of the incorporated city that filed the notice with the State Board.*~~

~~*3. The State Board shall render a decision in writing approving, disapproving or amending and approving a proposed precinct plan not later than 10 days after the hearing.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[1. Upon approval of a precinct plan pursuant to section 10 of this act:*~~

~~*(a) The governing body of the incorporated city shall, as soon as practicable, appoint five qualified persons to serve on an interim precinct council until the permanent members of the precinct council are elected pursuant to paragraph (b) and are qualified to enter upon the discharge of their duties.*~~

~~*(b) The registered electors residing within the local school precinct shall, at the next general city election held pursuant to chapter 293C of NRS or the city charter, as applicable, and every 4 years thereafter, elect five members who are residents within the local school precinct to serve on the precinct council for the purposes of exercising the rights and powers and carrying out the duties of the precinct council pursuant to the terms of the precinct plan. The term of a member of a precinct council elected pursuant to this section is 4 years.*~~

~~*2. Any vacancy occurring on a precinct council must be filled by appointment by the governing body of the incorporated city. A member appointed pursuant to this subsection shall serve until his or her successor is elected at the next general city election and is qualified to enter upon the discharge of his or her duties. A successor elected pursuant to this subsection shall serve for the balance of the unexpired term of the vacated position.*~~

~~*3. A precinct council duly appointed or elected pursuant to this section is vested with all of the rights, duties and powers under the authority granted to the precinct council pursuant to a precinct plan approved pursuant to section 10 of this act.*~~

~~*4. To the extent that a precinct plan does not vest a precinct council with authority to manage a local school precinct, the board of trustees of the school district in which the local school precinct is located shall perform all the duties and functions and exercise any power vested with the board of trustees pursuant to this title with respect to each school located within the local school precinct.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[1. A precinct council shall, at the first meeting of each calendar year, appoint a chair, a vice chair and a secretary.*~~

~~*2. A precinct council shall meet at least once each calendar quarter at such time and place as the council shall determine.*~~

~~*3. The chair shall call a special meeting of the precinct council whenever there is sufficient business to come before the precinct council, or upon the written request of not less than three members of the precinct council.*~~

~~*4. A majority of the members of a precinct council constitutes a quorum for the transaction of business, and a quorum may exercise any right, duty or power vested with the precinct council pursuant to a precinct plan.*~~

~~*5. A meeting conducted pursuant to this section must be conducted in accordance with the provisions of chapter 241 of NRS.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[1. The governing body of an incorporated city for which a local school precinct has been created shall prescribe by ordinance a monthly salary to which each member of the precinct council is entitled.*~~

~~*2. A member of the precinct council may:*~~

~~*(a) Donate all or a part of the monthly salary that he or she receives to a school within the local school precinct; or*~~

~~*(b) In lieu of making a donation after the member receives the salary, request that all or a part of his or her monthly salary be paid directly to a school within the local school precinct.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. A precinct council or a board of trustees may request a hearing with the Superintendent of Public Instruction to resolve any dispute with respect to a precinct plan.*~~

~~*2. Upon receiving a request pursuant to subsection 1, the Superintendent shall:*~~

~~*(a) Not later than 30 days after receiving the request, conduct a hearing.*~~

~~*(b) Not less than 10 days before conducting the hearing, cause written notice to be provided to each party indicating the date and location of the hearing.*~~

~~*3. The Superintendent shall render a decision in writing not later than 10 days after the hearing. A written decision issued by the Superintendent is final for the purposes of judicial review.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[Except as otherwise specifically provided for in sections 2 to 17, inclusive, of this act and the terms of any approved precinct plan, a local school precinct, precinct council and each school located within the precinct are subject to any other applicable provisions of law or regulation governing education as prescribed by this title.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. The governing body of an incorporated city may, at any time after the creation of a local school precinct, file a notice with the State Board of the governing body's intent to dissolve the local school precinct.*~~

~~*2. Upon receiving a notice pursuant to subsection 1, the State Board shall conduct a hearing in the manner prescribed by section 10 of this act.*~~

~~*3. The State Board shall, upon issuing an order dissolving a local school precinct, provide for the orderly transfer of all rights, powers, duties and obligations of the precinct council to the board of trustees of the school district in which the local school precinct was created.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[The State Board may adopt any regulations necessary to carry out the provisions of sections 2 to 17, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 277.103 is hereby amended to read as follows:~~

~~277.103 1. The governing bodies of a county, the largest city, and each other incorporated city which chooses to participate may consolidate the services provided by those governments, by interlocal agreement pursuant to the provisions of NRS 277.105.~~

~~2.~~ ***Two or more boards of trustees of contiguous school districts may consolidate the respective school districts by interlocal agreement pursuant to subsection 3 of NRS 277.105. The boundaries of a consolidated school district created by interlocal agreement must be conterminous with the boundaries of the contiguous school districts being consolidated.***

~~3. The provisions of this section and NRS 277.105 supplement, and in case of conflict prevail over, the provisions of NRS 277.110 to 277.180, inclusive.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 277.105 is hereby amended to read as follows:~~

~~277.105 1. In a county in which governmental services are consolidated, the governing bodies may establish a permanent administrative entity to perform specific functions throughout the participating cities and in the unincorporated area of the county, including, but not limited to:~~

~~(a) Prevention and suppression of fire.~~

~~(b) Sanitation and sewerage.~~

~~(c) Planning, regulation of use of land and buildings, inspection of buildings for safety, and the issuance of building permits.~~

~~(d) Regulation of business and gaming and issuance of business and gaming licenses.~~

~~(e) Provision of parks and recreation, including the maintenance of existing facilities.~~

~~(f) Provision of informational systems and data processing for the county and participating cities.~~

~~(g) General services and the maintenance of buildings and vehicles for the county and participating cities.~~

~~2. The county and each participating city may negotiate concerning the manner of contributing to the budget of the administrative entity in proportion to the sum of revenues derived by each from taxes, licenses for business and gaming, and fees for services performed, in each city and in the unincorporated area of the county, respectively.~~

~~***3. An interlocal agreement entered into between two or more boards of trustees for the purposes of consolidating contiguous school districts may set forth any terms and conditions necessary to facilitate the creation, operation, management and administration of the consolidated school district.]***~~ **(Deleted by amendment.)**

Sec. 20. ~~[This act becomes effective:~~

~~1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2016, for all other purposes.]~~ **(Deleted by amendment.)**

Sec. 21. **As used in sections 21 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 22, 23 and 24 of this act have the meanings ascribed to them in those sections.**

Sec. 22. **"Advisory committee" means the advisory committee created by section 25 of this act.**

Sec. 23. **"Plan" means the plan developed by the advisory committee in accordance with sections 21 to 28, inclusive, of this act.**

Sec. 24. **"Technical advisory committee" means the technical advisory committee created by section 26 of this act.**

Sec. 25. **1. There is hereby created an advisory committee to develop a plan and recommendations to reorganize the Clark County School District into not less than five local school precincts before the 2017-2018 school year.**

2. The advisory committee consists of nine members appointed as follows:

(a) Four members of the Senate who are elected from districts which include any area located within Clark County, two of whom are appointed by the Majority Leader of the Senate and two of whom are appointed by the Minority Leader of the Senate.

(b) Four members of the Assembly who are elected from districts which include any area located within Clark County, two of whom are appointed by the Speaker of the Assembly and two of whom are appointed by the Minority Leader of the Assembly.

(c) One member appointed by the Legislative Commission who is a member of the general public, is a resident of Clark County and represents the ethnic diversity of Clark County.

3. At the first meeting of the advisory committee, the advisory committee shall elect a Chair and a Vice Chair from among its members.

4. A majority of the members of the advisory committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the advisory committee.

5. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.

6. Members of the advisory committee serve without compensation, except that a member is entitled, while engaged in the business of the advisory committee, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 26. **1. To assist the advisory committee with technical expertise, input, advice and assistance, a technical advisory committee is hereby created consisting of the following members:**

(a) One member who is appointed by the governing body of each incorporated city located within Clark County.

(b) Two members who are appointed by the State Board of Education.

(c) One member who is appointed by the Board of Trustees of the Clark County School District.

2. The members of the technical advisory committee serve without compensation, except that a member is entitled, while engaged in the business of the technical advisory committee, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 27. **1. The advisory committee shall, in consultation with the technical advisory committee:**

(a) Contract with a qualified independent consultant to perform a study and assist the advisory committee with developing the plan.

(b) As soon as practicable, establish benchmarks that must be met within the Clark County School District to ensure that the plan may be implemented before the 2017-2018 school year.

2. The advisory committee may request approval from the Interim Finance Committee for an allocation of money to conduct the study required pursuant to paragraph (a) of subsection 1.

3. The plan and the study conducted pursuant to paragraph (a) of subsection 1 must be completed on or before October 1, 2016.

4. In developing the plan to reorganize the Clark County School District, the advisory committee must:

(a) Ensure equity in the reorganization of the Clark County School District with respect to the Nevada Plan.

(b) Take into consideration:

(1) The contiguous boundaries of each proposed local school precinct.

(2) The allocation, dedication and transfer of any revenue to a local school precinct that may be dedicated to capital projects and improvements for schools and school facilities, school programs, pupils or other costs directly incidental to the operation, management and administration of the local school precinct.

(3) The authority to issue bonds or otherwise raise revenue.

(4) The application for and receipt of any grant, gift or bequest.

(5) The creation and administration of accounts to manage any money received by a local school precinct.

(6) The transfer of any interest in real or personal property, including, without limitation, lease agreements.

(7) Precinct planning and management, including, without limitation, financial planning for school programs, pupil funding and capital projects and improvements.

(8) Administrative support, including, without limitation, accounting, data processing, payroll and purchasing agreements.

(9) The liability of a local school precinct with respect to any duties and obligations of the Board of Trustees of the Clark County School district which will be assumed by the governing body of a precinct.

(10) The civil and administrative liability of a local school precinct and its employees.

(11) Interlocal agreements between a local school precinct and a state, county or regional planning authority.

(12) Staffing, including, without limitation, the transfer, reassignment or hiring of personnel.

(13) Employment contracts and collective bargaining.

(14) Employee and pupil safety.

(15) The maintenance of schools, school facilities and school grounds.

(16) Transportation.

(17) Interscholastic athletics and activities.

(18) Curriculum.

(19) The provision of services and education to pupils:

(I) Who have limited proficiency in the English language.

(II) Who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

(III) With disabilities.

(20) The composition of the governing body for each local school precinct and the compensation, if any, of the members of a governing body.

(c) Ensure that the Clark County School District is funded in accordance with the Nevada Plan and that such funding is distributed on a per pupil basis among the local school precincts created by the plan.

(d) Authorize one or more local school precincts to request that the Clark County School District issue bonds on behalf of the local school precincts.

(e) Require the Clark County School District to issue bonds upon receiving a request for such issuance pursuant to paragraph (d), except for good cause.

(f) Require a local school precinct on behalf of which bonds are issued pursuant to paragraph (e) to use the proceeds from the issuance of the bonds on a per pupil basis.

5. As used in this section, "Nevada Plan" means the formula created for providing state financial aid to public education prescribed in NRS 387.121.

Sec. 28. **1. Upon completion of a proposed plan and the study prepared pursuant to paragraph (a) of subsection 1 of section 27 of this act, the Board of County Commissioners of Clark County shall conduct not less than four public meetings. Not less than one of the public meetings conducted pursuant to this section must be held in an unincorporated area of Clark County.**

2. At each public meeting conducted pursuant to this section, the advisory committee and the consultant retained pursuant to paragraph (a) of subsection 1 of section 27 of this act shall present the preliminary

findings and the proposed plan for the purpose of receiving public comment and input.

3. Upon completion of the public meetings conducted pursuant to this section, the advisory committee shall:

(a) Revise the proposed plan, as necessary;

(b) File the proposed plan with the Board of Trustees of the Clark County School District; and

(c) Submit a copy of the plan to:

(1) The Superintendent of Public Instruction; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

4. Except as otherwise provided in subsection 5, the plan is effective immediately upon the filing of the proposed plan pursuant to subsection 3 and must be implemented for the 2017-2018 school year.

5. If the advisory committee files a plan pursuant to subsection 3 and makes a determination that there is sufficient time to implement the plan for the 2016-2017 school year, the plan is immediately effective upon the filing of the proposed plan and must be implemented for the 2016-2017 school year.

Sec. 29. **1. The members of the advisory committee and the technical advisory committee must be appointed on or before July 10, 2015.**

2. The Chair of the Legislative Commission shall call the first meeting of the advisory committee which must take place on or before August 7, 2015.

Sec. 30. **This act becomes effective upon passage and approval and expires by limitation on June 30, 2017.**

Assemblywoman Woodbury moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 551.

SUMMARY—Revises provisions concerning ~~[the issuance and renewal of permits to carry concealed]~~ firearms. (BDR 15-840)

AN ACT relating to ~~[concealed]~~ firearms; ~~[requiring a sheriff to refund the application fee for the issuance or renewal of a permit to carry a concealed firearm in certain circumstances;]~~ **establishing a procedure by which a person applying to transfer or make a firearm may request and obtain the required certification from a chief law enforcement officer;** temporarily extending the validity of a permit to carry a concealed firearm beyond the expiration date in certain circumstances; **authorizing a person who possesses a permit to carry a concealed firearm issued by another state to continue**

to carry a concealed firearm in this State temporarily after becoming a resident of this State in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires an applicant for the issuance or renewal of a permit to carry a concealed firearm to pay a nonrefundable fee of $60 or $25, respectively. (NRS 202.3657, 202.3677) Existing law also requires the sheriff to whom an application for the issuance or renewal of a permit is submitted to grant or deny the application within 120 days. (NRS 202.366) Sections 1 and 3 of this bill provide that if the sheriff does not grant or deny an application within 120 days, the sheriff must refund the respective application fee to the applicant or permittee.]~~

Section 1.5 of this bill establishes a procedure by which a person who is applying to transfer or make a firearm may request and obtain the required certification from a chief law enforcement officer. Section 1.5 sets forth the criteria for an applicant to be provided or denied certification and requires a chief law enforcement officer to provide an applicant with written notice and an explanation if the chief law enforcement officer denies certification. Section 1.5 also authorizes a chief law enforcement officer to conduct a background check as part of determining whether to provide or deny certification to an applicant. Additionally, section 1.5 provides that a chief law enforcement officer, and any employee of a chief law enforcement officer, who acts in good faith with regard to providing or denying certification is immune from liability. Section 1.5 further establishes an appeals process by which an applicant who is denied certification may appeal the decision of a chief law enforcement officer to the district court.

Existing law ~~[further]~~ provides that unless a permit to carry a concealed firearm is suspended or revoked by the sheriff who issued the permit, the permit expires 5 years after the date on which it was issued. (NRS 202.366) **Section 2** of this bill provides that if a permittee submits an application for the renewal of a permit before the expiration date, the permit remains valid until the sheriff grants or denies the application for renewal. Evidence that the permittee has paid the application fee for renewal of the permit is sufficient proof that the permittee has submitted an application for renewal.

Existing law also authorizes a person who possesses a permit to carry a concealed firearm that was issued by certain other states to carry a concealed firearm in this State unless the person: (1) becomes a resident of this State; and (2) has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident. (NRS 202.3688) Section 4 of this bill authorizes such a person who becomes a resident of this State and who has not been issued a permit within 60 days after becoming a resident to continue to carry a concealed firearm in this State if, within 60 days after becoming a resident, the person submitted an application to the sheriff for a permit to carry a

concealed firearm. The person may continue to carry a concealed firearm pursuant to the permit issued by the other state until the sheriff grants or denies the application. Evidence that the person has paid the application fee for a permit is sufficient proof that the person has submitted an application for a permit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 202.3657 is hereby amended to read as follows:~~

~~202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.~~

~~2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.~~

~~3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and~~

~~(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:~~

~~(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or~~

~~(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.~~

~~→ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.~~

~~4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:~~

~~(a) Has an outstanding warrant for his or her arrest.~~

~~(b) Has been judicially declared incompetent or insane.~~

~~(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.~~

~~(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:~~

~~(1) Convicted of violating the provisions of NRS 484C.110; or~~

~~(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.~~

~~(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.~~

~~(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.~~

~~(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.~~

~~(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.~~

~~(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:~~

~~(1) Withholding of the entry of judgment for a conviction of a felony; or~~

~~(2) Suspension of sentence for the conviction of a felony.~~

~~(j) Has made a false statement on any application for a permit or for the renewal of a permit.~~

~~5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.~~

~~6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.~~

~~7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:~~

~~(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;~~

~~(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;~~

~~(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;~~

~~(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;~~

~~(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;~~

~~(f) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and~~

~~(g) A~~ **[**~~nonrefundable~~**]** ~~fee set by the sheriff not to exceed $60~~ **[.] ,** ***which, except as otherwise provided in subsection 8, is nonrefundable.***

~~***8. If the sheriff does not grant or deny an application for a permit within 120 days as required pursuant to subsection 3 of NRS 202.366, the sheriff shall refund to the applicant the fee set forth in paragraph (g) of subsection 7.]***~~ **(Deleted by amendment.)**

Sec. 1.5. **Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If federal law requires a chief law enforcement officer to provide certification for an application to transfer or make a firearm, a chief law enforcement officer shall, within 15 days of receiving a request for certification from an applicant:

(a) Provide certification to the applicant if the applicant is:

(1) Not prohibited by law from receiving or possessing a firearm; and

(2) Not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing a firearm; or

(b) Deny certification if:

(1) The applicant does not meet the requirements set forth in paragraph (a); or

(2) The chief law enforcement officer determines that he or she cannot truthfully make the certification.

2. If a chief law enforcement officer denies certification pursuant to subsection 1, he or she shall provide to the applicant a written notification of the denial and the reason therefor.

3. A chief law enforcement officer shall not refuse to provide certification based on a generalized objection to:

(a) Any private person or entity that makes, possesses or receives firearms; or

(b) Any certain type of firearm which the possession thereof is not prohibited by law.

4. As part of making a determination as to whether to provide or deny certification pursuant to subsection 1, a chief law enforcement officer may conduct a criminal background check. A chief law enforcement officer shall not require an applicant to provide any information other than that which is necessary to identify the applicant for purposes of the background check or to determine the disposition of an arrest or proceeding that is relevant to the eligibility of the applicant to lawfully possess or receive a firearm. A chief law enforcement officer shall not require, as a condition of providing certification, obtaining access to or consent for any inspection of any private premises.

5. A chief law enforcement officer, and any employee of a chief law enforcement officer, who acts in good faith in carrying out the provisions of this section is immune from any liability arising from any act or omission in connection with providing or denying certification.

6. An applicant whose request for certification is denied pursuant to this section may appeal the decision of the chief law enforcement officer by petitioning the district court in the county in which the applicant resides or maintains his or her address of record. When such a decision is appealed to the district court, the hearing must be de novo. The court shall order the chief law enforcement officer to provide certification, and shall award reasonable attorney's fees and costs to the applicant, if the court determines that:

(a) The applicant meets the requirements set forth in paragraph (a) of subsection 1;

(b) There is no substantial evidence which supports the chief law enforcement officer's determination that he or she could not truthfully make the certification; or

(c) The chief law enforcement officer refused to provide certification in violation of the provisions of subsection 3.

7. As used in this section:

(a) "Certification" means the participation and assent of a chief law enforcement officer that is necessary pursuant to federal law for the approval of an application to transfer or make a firearm.

(b) "Chief law enforcement officer" means an official or his or her designee whom the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice, or its successor agency, identifies as being eligible to provide the required certification for making or transferring a firearm.

(c) "Firearm" has the meaning ascribed to it in 26 U.S.C. § 5845(a).

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to NRS 202.3677, the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County.....
Expires.....
Height.....
Name .....
City.....

Permit Number.....
Date of Birth .....
Weight.....
Address .....
Zip.....

Photograph

Signature .....
Issued by.....
Date of Issue.....

4. ~~[Unless suspended or revoked by the sheriff who issued the permit, a]~~ ***A*** permit expires 5 years after the date on which it is issued ~~[.]~~ ***unless:***

(a) The permit is suspended or revoked by the sheriff who issued the permit before the expiration date; or

(b) A permittee submits to the sheriff an application for the renewal of the permit pursuant to NRS 202.3677 before the expiration date, in which case the permit remains valid until the sheriff grants or denies the application for renewal. Evidence that the permittee has paid the fee set forth in paragraph

(d) of subsection 2 of NRS 202.3677 is sufficient proof that the permittee has submitted an application for the renewal of the permit.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. ~~[NRS 202.3677 is hereby amended to read as follows:~~

~~202.3677 1. If a permittee wishes to renew his or her permit, the permittee must:~~

~~(a) Complete and submit to the sheriff who issued the permit an application for ***the*** renewal of the permit; and~~

~~(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.~~

~~2. An application for the renewal of a permit must:~~

~~(a) Be completed and signed under oath by the applicant;~~

~~(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657;~~

~~(c) Be accompanied by a nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and~~

~~(d) Be accompanied by a **[**nonrefundable**]** fee of $25 **[**.**] , *which, except as otherwise provided in subsection 3, is nonrefundable.***~~

~~**]** If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.~~

~~3. ***If the sheriff does not grant or deny an application for the renewal of a permit within 120 days as required pursuant to subsection 3 of NRS 202.366, the sheriff shall refund to the permittee the fee set forth in paragraph (d) of subsection 2.***~~

~~***4.*** No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with handguns by successfully completing a course prescribed by the sheriff renewing the permit.**]** **(Deleted by amendment.)**~~

Sec. 4. **NRS 202.3688 is hereby amended to read as follows:**

202.3688 1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive.

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may not carry a concealed firearm in this State if the person:

(a) Becomes a resident of this State; and

(b) ~~[Has]~~ ***Except as otherwise provided in subsection 3, has*** not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

3. ***Notwithstanding the provisions of paragraph (b) of subsection 2, a person may carry a concealed firearm in this State pursuant to a valid permit issued by a state included in the list prepared pursuant to NRS 202.3689 if the person submitted an application for a permit pursuant to NRS 202.3657 within 60 days after becoming a resident of this State. The person may carry a concealed firearm in this State pursuant to the permit issued by the other state until the sheriff grants or denies the application. Evidence that the person has paid the fee set forth in paragraph (g) of subsection 7 of NRS 202.3657 is sufficient proof that the person has submitted an application for a permit.***

4. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 375.

AN ACT relating to cosmetology; **requiring a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment in this State to register with the State Board of Cosmetology;** exempting **certain other** makeup artists from the licensing and regulation provisions governing cosmetology; deleting the requirement for certain applicants for a license to complete a nationally recognized written examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in the practice of cosmetology or any branch of cosmetology unless the person is licensed by the State Board of Cosmetology. (NRS 644.190) ~~[Sections 2-6 and]~~ **Existing law requires the Board to determine the qualifications of applicants for various licenses and to adopt regulations governing the sanitary conditions in cosmetological establishments. (NRS 644.090, 644.120)**

Section 3.3 of this bill requires a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment to register with the Board and sets forth the requirements that must be met before the Board is authorized to issue a certificate of registration to such a makeup artist. Section 3.7 of this bill requires the Board to prepare and administer a written examination on sanitation to makeup artists who are

required to register with the Board. Section 7.3 of this bill authorizes the Board to take certain disciplinary action against a registered makeup artist. Section 8 of this bill **[**~~exempt~~**]** **exempts those** makeup artists **who are not required to register with the Board** from the licensing and regulation provisions governing cosmetology.

Section 7 of this bill eliminates passing a nationally recognized written examination as a requirement for certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction to obtain a license to practice that branch of cosmetology in this State. **[**~~Existing law authorizes the Board to issue a limited license to practice cosmetology in a resort hotel and in other types of locations designated by the Board. (NRS 644.315) Section 9 of this bill repeals that provision authorizing the limited license.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **[**~~and 3~~**]** **to 3.7, inclusive,** of this act.

Sec. 2. ***"Makeup artist" means a natural person who:***

1. Engages in the practice of makeup artistry; or

2. Instructs other persons in the practice of makeup artistry,

↪ regardless of whether the person is licensed by the Board in any branch of cosmetology.

Sec. 3. ***1. "Makeup artistry" means the practice of applying makeup and prosthetics for:***

(a) Theatrical, television, film and other similar productions;

(b) All aspects of the modeling and fashion industry, including, without limitation photography for magazines; and

(c) Weddings.

2. The term includes the practice of applying makeup and prosthetics at licensed cosmetological establishments and retail establishments.

Sec. 3.3. 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by:

(1) A notarized statement indicating that the makeup artist is:

(I) Not less than 18 years of age;

(II) Of good moral character; and

(III) A citizen of the United States or is lawfully entitled to remain and work in the United States;

(2) Proof that the makeup artist has received a score of not less than 75 percent on the written examination administered by the Board pursuant to section 3.7 of this act; and

(3) Two current photographs of the makeup artist which are 2 by 2 inches.

2. The Board shall not charge a fee for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

Sec. 3.7. 1. The Board shall prepare and administer a written examination on sanitation for makeup artists who are required to register with the Board pursuant to section 3.3 of this act.

2. The Board shall not charge a makeup artist a fee for administering or scoring the examination described in subsection 1.

Sec. 4. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, hair braider, demonstrator of cosmetics and nail technologist. ***The term does not include the occupation of a makeup artist.***

Sec. 5.3. **NRS 644.090 is hereby amended to read as follows:**

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. ***Issue certificates of registration to such applicants as may be entitled thereto.***

4. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

~~[4.]~~ ***5.*** Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

~~[5.]~~ ***6.*** Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 5.7. **NRS 644.130 is hereby amended to read as follows:**

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license ***or certificate of registration*** of every nail technologist, electrologist, aesthetician, hair

designer, hair braider, demonstrator of cosmetics ***, makeup artist registered pursuant to section 3.3 of this act*** and cosmetologist, together with the names and addresses of all establishments for hair braiding, cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure ~~[.]~~ ***or registration.***

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee ~~[.]~~ ***or registrant.***

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee ~~[.]~~ ***or registrant.***

Sec. 6. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

(f) A makeup artist registered pursuant to section 3.3 of this act from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will

appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 6.5. **NRS 644.214 is hereby amended to read as follows:**

644.214 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or evidence of registration; or

(b) A separate form prescribed by the Board.

3. A license or evidence of registration may not be issued or renewed by the Board pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 7. NRS 644.310 is hereby amended to read as follows:

644.310 Except as otherwise provided in NRS 644.209, upon application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the

occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. ~~[Has successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he or she is licensed.~~

~~5.]~~ Is currently licensed in another state or territory or the District of Columbia.

Sec. 7.3. **NRS 644.430 is hereby amended to read as follows:**

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or ***a registered makeup artist or*** a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or anything of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license or a duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license ~~[,]~~ ***or certificate of registration;***

(b) Revoke or suspend a license ~~[,]~~ ***or certificate of registration;***

(c) Place the licensee ***or registrant*** on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7.7. **NRS 644.435 is hereby amended to read as follows:**

644.435 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act,*** the Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act,*** that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 8. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services ***or the practice of makeup artistry*** and provides cosmetics without charge to the customer.

(f) Makeup artists ~~[.]~~ other than makeup artists who are required to register pursuant to section 3.3 of this act.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

Sec. 9. ~~[NRS 644.315 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 10. This act becomes effective upon passage and approval.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~644.315 Requirements for issuance and renewal of limited license for person licensed in another state or territory or District of Columbia.~~

~~1. The Board may, without examination, issue a limited license to a person currently licensed as a cosmetologist in another state or territory of the United States or the District of Columbia who intends to practice cosmetology in this State in the limited manner set forth in this section.~~

~~2. A limited license issued pursuant to this section authorizes the holder of the limited license to practice cosmetology in this State:~~

~~(a) In a resort hotel and in other types of locations the Board designates by regulation; and~~

~~(b) For not more than five periods, of not more than 10 days each, during any 1-year period for which the license is issued or renewed.~~

~~3. To apply for a limited license pursuant to this section, an applicant must submit to the Board:~~

~~(a) An application which includes the name of the applicant and the number or other designation identifying the applicant's license from the other jurisdiction;~~

~~(b) Any other information required by the Board; and~~

~~(c) An application fee of $100.~~

~~4. The Board may issue a limited license pursuant to this section for not more than 1 year and may renew the limited license annually. A limited license expires 1 year after its date of issuance.~~

~~5. A holder of a limited license may renew the limited license on or before the date of its expiration. To renew the limited license, the holder must:~~

~~(a) Apply to the Board for renewal; and~~

~~(b) Submit an annual renewal fee of $100.~~

~~6. Not less than 5 days before practicing cosmetology in this State pursuant to a limited license, the holder of a limited license shall notify the Board in writing of the holder's intention to practice cosmetology in this State. The notice must specify:~~

~~(a) The name and limited license number of the holder;~~

~~(b) The specific dates on which the holder will be practicing cosmetology in this State; and~~

~~(c) The name and address of the location at which the holder will be practicing cosmetology in this State.~~

~~7. A holder of a limited license is subject to the regulatory and disciplinary authority of the Board to the same extent as any other licensed cosmetologist for all acts relating to the practice of cosmetology which occur in this State.~~

~~8. The Board:~~

~~(a) Shall designate by regulation the types of locations, in addition to a resort hotel, at which a holder of a limited license may practice cosmetology in this State under a limited license.~~

~~(b) May adopt any other regulations as are necessary to carry out the provisions of this section.~~

~~9. As used in this section, "resort hotel" has the meaning ascribed to it in NRS 463.01865.~~**]**

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 433.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 550.

AN ACT relating to criminal procedure; defining certain terms relating to the interception of wire, electronic or oral communications; providing that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful in certain circumstances; authorizing district courts to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service in certain circumstances; **providing immunity from liability to a provider of electronic communication service and associated persons for disclosing such information;** revising certain existing definitions relating to the interception of wire or oral communications; authorizing the interception of electronic communications in certain circumstances; **[**~~requiring~~**]** **providing immunity from liability to a provider of electronic communication service, a public utility and associated persons for providing information or assistance concerning court-ordered interceptions of wire, electronic or oral communications; authorizing** a

judge to accept a facsimile **or electronic** copy of the signature of certain persons as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Attorney General or the district attorney of any county to apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications. The judge may grant an order authorizing such interception by certain investigative or law enforcement officers when the interception may provide evidence of the commission of certain crimes. (NRS 179.460) **Section 16** of this bill additionally authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication. **Section 16 also provides that a provider of electronic communication service, a public utility and associated persons are immune from any liability relating to the interception of a wire, electronic or oral communication made pursuant to such a court order.** **Sections 9-12, 16-23 and 25** of this bill add a reference to an electronic communication to the provisions of existing law that reference wire or oral communications. **Section 24** of this bill adds a reference to an electronic or oral communication to make the section consistent with the references to communications included in the federal statute cited therein.

Existing law also requires that each application for an order authorizing the interception of a wire or oral communication be made in writing upon oath or affirmation to a justice of the Supreme Court or district judge. (NRS 179.470) **Section 18** of this bill ~~[requires]~~ **authorizes** the judge to accept a facsimile **or electronic** copy of the signature of any person required to give an oath or affirmation as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature to the application.

Section 6 of this bill provides that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful if the peace officer or person is intercepting the communication of a person who has: (1) barricaded himself or herself, resulting in an imminent risk of harm to **the** life ~~[or property;]~~ **of another person;** (2) created a hostage situation; or (3) threatened the imminent illegal use of an explosive.

Section 7 of this bill authorizes district courts of this State to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by federal law. **Section 7 provides that a provider of electronic communication service and associated persons are immune from any**

liability relating to a disclosure made pursuant to such a court order. **Sections 11, 15, 19 and 25** of this bill replace existing references to a communications common carrier with the term "provider of electronic communication service."

Sections 2-5 of this bill add new definitions of terms relating to the interception of wire, electronic or oral communications, and **sections 11 and 13-15** of this bill revise certain existing definitions relating to the interception of wire or oral communications.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Electronic communication" means a transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transferred in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. The term does not include:***

1. A wire or oral communication.

2. A communication made through a tone-only paging device.

3. A communication from a tracking device.

4. Electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds.

5. The incoming or outgoing electronic or other impulses that identify the originating number of an instrument or device from which or to which a wire or electronic communication was transmitted.

Sec. 3. ***"Electronic communication service" means a service that provides to users of the service the ability to send or receive a wire or electronic communication.***

Sec. 3.5. "Peace officer" means a category I peace officer, as defined in NRS 289.460.

Sec. 4. ***"Tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or an object.***

Sec. 5. ***"User" means a person or entity who:***

1. Uses an electronic communication service; and

2. Is authorized by the provider of the electronic communication service to engage in such use.

Sec. 6. ***1. The interception, listening or recording of a wire, electronic or oral communication by a peace officer specifically designated by the Attorney General or the district attorney of any county, or a person acting under the direction or request of a peace officer, is not unlawful if the peace officer or person is intercepting the communication of a person who has:***

(a) Barricaded himself or herself and is not exiting or surrendering at the [direction or] lawful request of a peace officer, in circumstances in which there is [the potential for] imminent risk of harm to the life [or property] of

~~[the]~~ another person ~~[or others]~~ as a result of ~~[his or her]~~ the barricaded person's actions or the actions of law enforcement in resolving the barricade situation;

(b) Created a hostage situation; or

(c) Threatened the imminent illegal use of an explosive.

2. For the purposes of subsection 1:

(a) A barricade occurs when a person ~~[refuses]~~ :

(1) Refuses to come out from a covered or enclosed position after being provided an order to exit by a peace officer ~~[.]~~ ; or

(2) Is contained in an open area and the presence or approach of a peace officer may precipitate an adverse reaction by the person.

(b) A hostage situation occurs when a person holds another person against the other person's will, regardless of whether the person holding the other person has made a demand.

~~[3. As used in this section, "peace officer" means:~~

~~(a) Sheriffs of counties and metropolitan police departments and their deputies;~~

~~(b) Investigators, agents, officers and employees of the Investigation Division of the Department of Public Safety who have the powers of peace officers pursuant to paragraph (d) of subsection 1 of NRS 289.270;~~

~~(c) Police officers of cities and towns;~~

~~(d) Agents of the State Gaming Control Board who are investigating any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;~~

~~(e) Special investigators employed by the Attorney General who have the powers of peace officers pursuant to NRS 289.170; and~~

~~(f) Investigators employed by a district attorney who have the powers of peace officers pursuant to NRS 289.170.]~~

Sec. 7. 1. District courts of this State may issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. § 2703. ~~[As used in this section, "peace officer" has the meaning ascribed to it in section 6 of this act.]~~

2. A provider of electronic communication service, an officer, employee or agent thereof or another person associated with the provider of electronic communication service who, pursuant to an order issued by a district court pursuant to subsection 1, discloses the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, the electronic communication service is immune from any liability relating to any disclosure made pursuant to the order.

Sec. 8. NRS 179.410 is hereby amended to read as follows:

179.410 As used in NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act,*** except where the context otherwise requires, the words

and terms defined in NRS 179.415 to 179.455, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 179.415 is hereby amended to read as follows:

179.415 "Aggrieved person" means a person who was a party to any intercepted wire ***, electronic*** or oral communication or a person against whom the interception was directed.

Sec. 10. NRS 179.420 is hereby amended to read as follows:

179.420 "Contents" when used with respect to any wire ***, electronic*** or oral communication includes any information concerning the identity of the parties to such communication or the existence, substance, purport or meaning of that communication.

Sec. 11. NRS 179.425 is hereby amended to read as follows:

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire ***, electronic*** or oral communication other than:

1. Any telephone instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a ~~[communications common carrier]~~ ***provider of electronic communication service*** in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; ~~[or]~~

(b) ***Furnished by the subscriber or user for connection to the facilities of an electronic communication service and being used by the subscriber or user in the ordinary course of its business; or***

(c) Being used by a ~~[communications common carrier]~~ ***provider of electronic communication service*** in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 12. NRS 179.430 is hereby amended to read as follows:

179.430 "Intercept" means the aural acquisition of the contents of any wire ***, electronic*** or oral communication through the use of any electronic, mechanical or other device or of any sending or receiving equipment.

Sec. 13. NRS 179.435 is hereby amended to read as follows:

179.435 "Investigative or law enforcement officer" means any officer of the ***United States or this*** State or a political subdivision thereof who is empowered by the law of this ~~[state]~~ ***State*** to conduct investigations of or to make arrests for felonies, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

Sec. 14. NRS 179.440 is hereby amended to read as follows:

179.440 "Oral communication" means any verbal message uttered by a person exhibiting an expectation that such communication is not subject to interception, under circumstances justifying such expectation. ***The term does not include an electronic communication.***

Sec. 15. NRS 179.455 is hereby amended to read as follows:

179.455 "Wire communication" means any ~~[communication]~~ ***aural transfer*** made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception ***, including the use of such connection in a switching station,*** furnished or operated by any person engaged ~~[as a common carrier]~~ in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications.

Sec. 16. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire ***, electronic*** or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, ***and sections 6 and 7 of this act,*** grant an order authorizing the interception of wire ***, electronic*** or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468 or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A ~~[good faith reliance by a]~~ ***provider of electronic communication service or a*** public utility ~~[on a court order shall constitute~~ ***constitutes a*** ~~complete defense to any civil or criminal action brought against the public utility on account of]~~ ***, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to*** any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Sexual assault pursuant to NRS 200.366;

(e) Statutory sexual seduction pursuant to NRS 200.368;

(f) Open or gross lewdness pursuant to NRS 201.210; or

(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 17. NRS 179.465 is hereby amended to read as follows:

179.465 1. Any investigative or law enforcement officer who, by any means authorized by NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act*** or 704.195 or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive, has obtained knowledge of the contents of any wire ***, electronic*** or oral communication, or evidence derived therefrom, may disclose the contents to another investigative or law enforcement officer or use the contents to the extent that the disclosure or use is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

2. Any person who has received, by any means authorized by NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act*** or 704.195 or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive, or by a statute of another state, any information concerning a wire ***, electronic*** or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act*** may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court or before any grand jury in this state, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

3. An otherwise privileged wire ***, electronic*** or oral communication intercepted in accordance with, or in violation of, the provisions of NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act*** or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive, does not lose its privileged character.

4. When an investigative or law enforcement officer engaged in intercepting wire ***, electronic*** or oral communications as authorized by NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act,*** intercepts wire ***, electronic*** or oral communications relating to offenses other than those specified in the order provided for in NRS 179.460, the contents of the communications and the evidence derived therefrom may be disclosed or used as provided in subsection 1. The direct evidence derived from the communications is inadmissible in a criminal proceeding, but any other evidence obtained as a result of knowledge obtained from the communications may be disclosed or used as provided in subsection 2 when authorized or approved by a justice of the Supreme Court or district judge who finds upon application made as soon as practicable that the contents of the communications were intercepted in accordance with the provisions of NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act*** or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive.

Sec. 18. NRS 179.470 is hereby amended to read as follows:

179.470 1. Each application for an order authorizing the interception of a wire ***, electronic*** or oral communication must be made in writing upon oath or affirmation to a justice of the Supreme Court or district judge and must state

the applicant's authority to make such application. Each application must include the following information:

(a) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application.

(b) A full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that an order should be issued, including:

(1) Details as to the particular offense that is being, has been or is about to be committed.

(2) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, the facilities to be used and the means by which such interception is to be made.

(3) A particular description of the type of communications sought to be intercepted.

(4) The identity of the person, if known, who is committing, has committed or is about to commit an offense and whose communications are to be intercepted.

(c) A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous.

(d) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter.

(e) A full and complete statement of the facts concerning all previous applications known to the person authorizing and making the application made to any judge for authorization to intercept wire ***, electronic*** or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application.

(f) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

2. The judge may require the applicant to furnish additional testimony or documentary evidence under oath or affirmation in support of the application. Oral testimony must be reduced to writing.

3. Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing interception of wire ***, electronic*** or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that:

(a) There is probable cause for belief that a person is committing, has committed or is about to commit an offense for which interception is authorized by NRS 179.460.

(b) There is probable cause for belief that particular communications concerning that offense will be obtained through such interception.

(c) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or appear to be too dangerous.

(d) There is probable cause for belief that the facilities from which, or the place where, the wire ***, electronic*** or oral communications are to be intercepted are being used or are about to be used by such person in connection with the commission of such offense or are leased to, listed in the name of, or commonly used by such person.

4. The judge ~~[shall]~~ may accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application submitted pursuant to this section as an original signature to the application.

Sec. 19. NRS 179.475 is hereby amended to read as follows:

179.475 1. Each order authorizing the interception of any wire ***, electronic*** or oral communication ~~[shall]~~ ***must*** specify:

(a) The identity of the person, if known, whose communications are to be intercepted.

(b) The nature and location of the place where or communication facilities to which authority to intercept is granted, the facilities to be used and the means by which such interceptions ~~[shall]~~ ***will*** be made.

(c) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates.

(d) The identity of the agency authorized to intercept the communications, and of the person authorizing the application.

(e) The period of time during which such interception is authorized, including a statement as to whether or not the interception ~~[shall]~~ ***will*** automatically terminate when the described communication has been first obtained.

2. An order authorizing the interception of a wire ***, electronic*** or oral communication shall, upon request of the applicant, direct that a ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such ~~[carrier,]~~ ***provider of electronic communication service,*** landlord, custodian, or person is according the person whose communications are to be intercepted. Any ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person furnishing such facilities or technical assistance ~~[shall]~~ ***must*** be compensated therefor by the applicant at the prevailing rates.

3. No order entered under this section may authorize the interception of any wire ***, electronic*** or oral communication for any period longer than is necessary to achieve the objective of the authorization, and in no event longer than 30 days. Extensions of an order may be granted, but only upon application for an extension made in accordance with the procedures provided in NRS 179.470. The period of extension ~~[shall]~~ ***must*** be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days. Every order and extension thereof ~~[shall]~~ ***must*** contain a provision that the authorization to intercept ~~[shall]~~ ***must*** be executed as soon as practicable, ~~[shall]~~ ***must*** be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this statute, and ~~[shall]~~ ***will*** terminate upon attainment of the authorized objective, or in any event in 30 days.

Sec. 20. NRS 179.485 is hereby amended to read as follows:

179.485 The contents of any wire ***, electronic*** or oral communication intercepted by any means authorized by NRS 179.410 to 179.515, inclusive, ~~[shall,]~~ ***and sections 2 to 7, inclusive, of this act must,*** if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire ***, electronic*** or oral communication under this section ~~[shall]~~ ***must*** be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings ~~[shall]~~ ***must*** be made available to the judge issuing such order and sealed under the judge's directions. Custody of the recordings ~~[shall]~~ ***must*** be placed with whomever the judge directs. They ~~[shall]~~ ***must*** not be destroyed except upon an order of the judge issuing such order and in any event ~~[shall]~~ ***must*** be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsection 1 of NRS 179.465 for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, is a prerequisite for the use or disclosure of the contents of any wire ***, electronic*** or oral communication or evidence derived therefrom under subsection 2 of NRS 179.465.

Sec. 21. NRS 179.495 is hereby amended to read as follows:

179.495 1. Within a reasonable time but not later than 90 days after the termination of the period of an order or any extension thereof, the judge who issued the order shall cause to be served on the chief of the Investigation Division of the Department of Public Safety, persons named in the order and any other parties to intercepted communications, an inventory which must include notice of:

(a) The fact of the entry and a copy of the order.

(b) The fact that during the period wire ***, electronic*** or oral communications were or were not intercepted.

➥ Except as otherwise provided in NRS 239.0115, the inventory filed pursuant to this section is confidential and must not be released for inspection unless subpoenaed by a court of competent jurisdiction.

2. The judge, upon receipt of a written request from any person who was a party to an intercepted communication or from the person's attorney, shall make available to the person or the person's counsel those portions of the intercepted communications which contain the person's conversation. On an ex parte showing of good cause to a district judge, the serving of the inventory required by this section may be postponed for such time as the judge may provide.

Sec. 22. NRS 179.500 is hereby amended to read as follows:

179.500 The contents of any intercepted wire ***, electronic*** or oral communication or evidence derived therefrom ~~[shall]~~ ***must*** not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court of this state unless each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the court order and accompanying application under which the interception was authorized and a transcript of any communications intercepted. Such 10-day period may be waived by the judge if the judge finds that it was not possible to furnish the party with such information 10 days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Sec. 23. NRS 179.505 is hereby amended to read as follows:

179.505 1. Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency or other authority of this State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire ***, electronic*** or oral communication, or evidence derived therefrom, on the grounds that:

(a) The communication was unlawfully intercepted.

(b) The order of authorization under which it was intercepted is insufficient on its face.

(c) The interception was not made in conformity with the order of authorization.

(d) The period of the order and any extension had expired.

2. Such ***a*** motion ~~[shall]~~ ***must*** be made before the trial, hearing or proceeding unless there was no opportunity to make such ***a*** motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire ***, electronic*** or oral communication, or evidence derived therefrom, ~~[shall]~~ ***must*** be treated as having been obtained in violation of NRS 179.410 to 179.515, inclusive ~~[.]~~ ***, and sections 2 to 7, inclusive, of this act.*** The judge, upon the filing of such motion by the aggrieved person, may in the judge's discretion make available to the aggrieved person or the aggrieved person's counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interest of justice.

Sec. 24. NRS 179.515 is hereby amended to read as follows:

179.515 1. In January of each year, the Attorney General and the district attorney of each county shall report to the Administrative Office of the United States Courts the information required to be reported pursuant to 18 U.S.C. §

2519. A copy of the report must be filed with the Investigation Division of the Department of Public Safety. In the case of a joint application by the Attorney General and a district attorney both shall make the report.

2. Every justice of the Supreme Court or district judge who signs an order authorizing or denying an interception shall, within 30 days after the termination of the order or any extension thereof, file with the Investigation Division of the Department of Public Safety on forms approved by the Division a report containing the same information required to be reported pursuant to 18 U.S.C. § 2519. The report must also indicate whether a party to an intercepted wire ***, electronic or oral*** communication had consented to the interception.

3. The willful failure of any officer to report any information known to the officer which is required to be reported pursuant to subsection 1 or 2 constitutes malfeasance in office and, in such cases, the Secretary of State shall, when the wrong becomes known to the Secretary of State, institute legal proceedings for the removal of that officer.

4. The Investigation Division of the Department of Public Safety shall, on or before April 30 of each year, compile a report consisting of a summary and analysis of all reports submitted to the Division pursuant to this section during the previous calendar year. The report is a public record and may be inspected by any person during the regular office hours of the Division.

Sec. 25. NRS 199.540 is hereby amended to read as follows:

199.540 1. It is unlawful for an officer or employee of a court or law enforcement agency, or any employee of a ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person who is ordered pursuant to subsection 2 of NRS 179.475 to furnish information, facilities and technical assistance necessary to accomplish an authorized interception of a wire ***, electronic*** or oral communication, having knowledge that an order has been applied for or has been issued authorizing the interception of a wire ***, electronic*** or oral communication in accordance with NRS 179.410 to 179.515, inclusive, ***and sections 2 to 7, inclusive, of this act*** to:

(a) Give notice of the interception; or

(b) Attempt to give notice of the interception,

➥ to any person with the intent to obstruct, impede or prevent the interception of the wire ***, electronic*** or oral communication.

2. It is unlawful for an officer or employee of a court or law enforcement agency, or any employee of a ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person who is ordered pursuant to subsection 2 of NRS 179.475 to furnish information, facilities and technical assistance necessary to accomplish an authorized interception of a wire ***, electronic*** or oral communication, having knowledge that an order has been applied for or has been issued authorizing the use of a pen register or trap and trace device to:

(a) Give notice of the use of the pen register or device; or

(b) Attempt to give notice of the use of the pen register or device, ➥ to any person with the intent to obstruct, impede or prevent that use.

3. A person who violates any provision of subsection 1 or 2 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 637.

AN ACT relating to redevelopment; requiring a portion of the revenues from taxes imposed on property in certain redevelopment areas to be set aside and used for public educational facilities; revising provisions relating to the extension of certain redevelopment plans; **revising provisions relating to the recalculation of the total assessed value of taxable property in certain redevelopment areas;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan, and any amendments to the plan, adopted by the redevelopment agency of a city or county on or after January 1, 1991, terminates not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439) **Section 3** of this bill extends to a maximum of 45 years the date of termination of **such** a redevelopment plan, and any amendments to the plan, adopted by a city **located in a county** whose population is ~~[250,000]~~ **700,000** or more ~~[but less than 500,000]~~ (currently ~~[the City of Henderson)]~~ **Clark County)** if the city council adopts the extension of the plan by ordinance. If such an ordinance is adopted, **section 1** of this bill requires that 18 percent of the revenues received **from taxes on the taxable property located in the redevelopment area affected by the ordinance** on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. **Section 1** also provides that the obligation to set aside such revenues is subordinate to any existing obligations of the agency.

Under existing law, the date of termination of a redevelopment plan and any amendments to the plan adopted before January 1, 1991, by a redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) is authorized to be extended by ordinance adopted by the city council of that city from a maximum of 45 years to 60 years if the following conditions exist on the date on which the extension is adopted: (1) the assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted; (2) the assessed value of the redevelopment

area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and (3) the agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities. (NRS 279.438) **Section 2** of this bill changes the assessed value requirement in the first condition from the basis of each individual redevelopment project to the aggregate of redevelopment projects in the redevelopment area and eliminates the third condition.

Under existing law, a redevelopment agency in a city located in a county whose population is 700,000 or more (currently Clark County) is authorized to adopt, in certain circumstances, an ordinance which provides for the recalculation of the total assessed value of the taxable property in a redevelopment area for certain purposes. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes, existing law requires that 18 percent of the revenue received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.676) Section 3.5 of this bill revises the application of the recalculated assessed value in the tax distribution formula for the redevelopment area and specifies that the revenue received by the agency is from taxes on the taxable property located in the redevelopment area affected by the ordinance that is adopted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an agency of a city located in a county whose population is [250,000] 700,000 or more [but less than 500,000] that adopts an ordinance pursuant to subsection 3 of NRS 279.439 and which receives revenue [from taxes] pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside not less than 18 percent of such revenue received on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside not less than 18 percent of revenue received [from taxes] pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of [the] that ordinance to improve and preserve existing public educational

facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency pursuant to subsection 1 to set aside not less than 18 percent of the revenue ~~[from taxes]~~ allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 2. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or:

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of ~~[each]~~ ***the aggregate number of*** redevelopment ~~[project]~~ ***projects*** in the redevelopment area is not less than the assessed value

of the ***aggregate number of*** redevelopment ~~[project]~~ ***projects*** in the year in which the redevelopment plan was adopted; ***and***

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted ***.*** ~~[; and~~

~~(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.]~~

Sec. 3. NRS 279.439 is hereby amended to read as follows:

279.439 ~~[A]~~

1. Except as otherwise provided in subsections 2 and 3, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.

2. A redevelopment plan, and any amendments to the plan, adopted on or after January 1, 1991, by an agency of a city located in a county whose population is ~~[250,000]~~ 700,000 or more ~~[but less than 500,000]~~ that meets the requirement of subsection 3 must terminate not later than 45 years after the date on which the original redevelopment plan is adopted.

3. A redevelopment plan, and any amendments to the plan, may terminate on the date prescribed by subsection 2 only if the legislative body adopts an extension of the redevelopment plan by ordinance.

Sec. 3.5. **NRS 279.676 is hereby amended to read as follows:**

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State

must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by:

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan; or

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

➥ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount

equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of ~~[paragraph]~~ ***paragraphs (a) and*** (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue ~~[from taxes]~~ pursuant to paragraph (b) of subsection 1 ***from taxes on the taxable property located in the redevelopment area affected by the ordinance*** shall set aside not less than 18 percent of that revenue received on and after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a

copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside not less than 18 percent of the revenue ~~[from taxes]~~ allocated to and received by the agency pursuant to paragraph (b) of subsection 1 ***from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5*** is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 4. NRS 279.680 is hereby amended to read as follows:

279.680 Except as otherwise provided in NRS 279.685 ~~[,]~~ ***and section 1 of this act,*** in any redevelopment plan, or in the proceedings for the advance of money, or the making of loans, or the incurring of any indebtedness, whether funded, refunded, assumed or otherwise, by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph (b) of subsection 1 of NRS 279.676 may be irrevocably pledged for the payment of the principal of and interest on those loans, advances or indebtedness.

Sec. 5. NRS 279.687 is hereby amended to read as follows:

279.687 A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 **,** ~~[or]~~ paragraph (c) of subsection 1 of NRS 279.685 ***or section 1 of this act*** to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 **,** ~~[and]~~ paragraph (c) of subsection 1 of NRS 279.685 ~~[,]~~ ***and section 1 of this act,*** respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of section 1 of this act.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 564.

SUMMARY— ~~[Creates the Interstate 11 Toll Road Project.]~~ **Revises provisions relating to transportation.** (BDR ~~[S-1086)]~~ **35-1086)**

AN ACT relating to highways; authorizing the Department of Transportation to ~~[establish projects for toll roads in connection with the proposed route of Interstate 11 through this State; authorizing the Department to enter into one or more public-private partnerships to design, construct, develop, finance, operate or maintain such a toll road project; authorizing the issuance of certain bonds or notes of this State to finance a toll road project;]~~ **enter into a public-private partnership to plan, design, construct, improve, finance, operate and maintain an eligible transportation facility in this State; authorizing the Board of Directors of the Department to establish user fees, administrative fines and other penalties and charges relating to the use of such a facility; providing for the disposition of money which is received and is to be retained by the Department pursuant to a public-private partnership; authorizing the Department to grant to a private partner the use of certain real property; exempting such use of real property from all real property and ad valorem taxes; authorizing the Department to approve, upon request, the construction of a toll bridge or toll road by a person; requiring the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle of a registered owner who fails to pay a user fee; authorizing the Department of Motor Vehicles to establish certain administrative fees;** providing ~~[a civil penalty;]~~ **penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 14 of this bill authorizes the Department of Transportation to establish toll road projects along the proposed route of the future Interstate 11 that will run north from the Arizona-Mexico border, through Nevada, to the southern border of Canada. Section 14 also provides that any toll road must be and remain a public highway owned by the State. Section 16 of this bill authorizes the Department to enter into contracts with one or more private partners for planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for a toll road project. Section 22 of this bill requires the Department to establish or include in a public-private partnership: (1) a schedule of user fees for the use of a toll road project or a methodology for establishing such a schedule; and (2) administrative fines and other penalties for nonpayment of user fees. Section 22 provides that certain motor vehicles are exempt, and authorizes the Department to establish other exemptions, from the user fees. Section 23 of this bill provides that the registered owner of a motor vehicle is, with certain exceptions, subject to administrative fines and penalties for failure to pay a required user fee. Section 23 also requires the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle if the~~

~~Department of Transportation or a private partner provides notice to the Department of Motor Vehicles that the registered owner of the motor vehicle has failed to pay a required user fee.~~

~~— Section 24 of this bill requires that all money that is received and is to be retained by the Department of Transportation pursuant to a public-private partnership in connection with a toll road project that is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any highway in this State must be deposited in the State Highway Fund and, except for costs of administration, must be used exclusively for the construction, maintenance and repair of the public highways of this State. Section 24 also provides that the money must first be used to defray the obligations of the Department under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of a toll road project.~~

~~— Section 25 of this bill provides that a toll road project and any property improvement determined by the Department to be necessary or desirable therefor may be financed by the private partner to a public-private partnership using its own funds or obtaining funds in any lawful manner for that entity or by the issuance of revenue bonds or notes of the State.~~

~~— Section 27 of this bill provides that a private partner is exempt from any assessment on property which the Department provides to the private partner pursuant to a public private partnership and on which a toll road project is located. Section 28 of this bill requires a private partner to use competitive bidding to award contracts for construction work on a toll road project and to pay prevailing wages to workers engaged in construction on the toll road project.~~

~~— Section 32 of this bill requires the Department to submit a report concerning each toll road project to the Legislative Commission on or before February 1 of each even-numbered year and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature on or before February 1 of each odd-numbered year. Section 34 of this bill requires the Department to submit quarterly reports relating to each toll road project to the Legislative Commission and Interim Finance Committee.~~**]**

Section 46 of this bill authorizes the Department of Transportation to enter into one or more public-private partnerships for planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for certain transportation facilities. Section 52 of this bill provides that a public-private partnership may authorize the charging of user fees in certain circumstances and sets forth specific exceptions to the charging of user fees.

Section 53 of this bill authorizes the Board of Directors of the Department to: (1) establish a schedule or methodology for charging user fees for the use of a transportation facility; (2) establish administrative fines and other penalties and charges for nonpayment of user fees; and (3) approve exemptions from the user fees for certain motor vehicles. Section

54 of this bill requires the Department to adopt regulations establishing a privacy policy regarding the collection and use of personal identifying information necessary for the collection and enforcement of user fees.

Section 56 of this bill provides that the registered owner of a motor vehicle is subject to administrative fines, late charges and other penalties and charges for failure to pay a required user fee. Section 57 of this bill requires the Department of Motor Vehicles to place a hold on the renewal of the registration of a motor vehicle if notified that the registered owner of the motor vehicle has failed to pay a required user fee.

Section 59 of this bill requires that all money which is received and retained by the Department of Transportation pursuant to a public-private partnership: (1) be deposited in the State Highway Fund; (2) be accounted for separately; (3) be used first to defray the obligations of the Department under the public-private partnership; and (4) except for costs of administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of Nevada. Section 50 of this bill authorizes certain financing of an eligible transportation facility. Section 52 of this bill authorizes the Department to grant to a private partner the use of certain real property and exempts the use of that real property from all real property and ad valorem taxes.

Section 53 authorizes the Department to adopt regulations to carry out the provisions of this bill. Section 64 of this bill requires the Board of Directors of the Department to submit certain reports concerning the status of any eligible transportation facilities to the Legislative Commission and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Under existing law, the Department may authorize private persons to develop, construct, improve, maintain or operate certain transportation facilities, except toll bridges or toll roads. (NRS 408.5471-408.549) Section 71 of this bill allows toll bridges, toll roads and other transportation facilities that charge user fees, and section 74 of this bill provides that certain provisions governing public-private partnerships apply to such toll bridges, toll roads and transportation facilities that charge user fees.

Section 81 of this bill requires the Department of Transportation to allocate $20,000,000 or the amount saved from the use of a public-private partnership, whichever is less, for the support of the US 50/South Shore Community Revitalization Project.

WHEREAS, The Legislature finds that the State of Nevada is faced with growing traffic congestion and the limited ability to expand transportation infrastructure because of financial, environmental and physical constraints; and

WHEREAS, The Legislature finds that it is beneficial to explore alternative approaches to developing transportation facilities, including managing the use of existing and planned transportation facilities; and

WHEREAS, The Legislature finds that public-private partnerships have been demonstrated to be an effective means of providing motorists with more reliable travel opportunities and more choices, including within congested freeway corridors; and

WHEREAS, The Legislature finds that public-private partnerships are an effective means of financing the development, operation and maintenance of a transportation facility; and

WHEREAS, It is the intent of the Legislature to maximize the effectiveness and efficiency of the State's transportation facilities and highway system; and

WHEREAS, It is the intent of the Legislature to authorize the Department of Transportation to establish and carry out transportation facilities to increase efficiency, enhance mobility, expand capacity, improve the effectiveness of transit and facilitate the feasibility of financing improvements through public-private partnerships; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Sections 1 to 34, inclusive, of this act may be cited as the Interstate 11 Toll Road Project Act. This act shall only apply to the proposed Interstate 11 and not to any other project of the Department.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[As used in sections 1 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~["Authorized emergency vehicle" has the meaning ascribed to it in NRS 484A.020.]~~ **(Deleted by amendment.)**

Sec. 4. ~~["Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of the project by the Department to a private partner.]~~ **(Deleted by amendment.)**

Sec. 5. ~~["Department" means the Department of Transportation.]~~ **(Deleted by amendment.)**

Sec. 6. ~~["Interstate 11" means Interstate Route I-11, designated in the Moving Ahead for Progress in the 21st Century Act, Pub. L. No. 112-141, § 1104(b)(2), that is proposed to extend north from the border of Arizona and Mexico, through this State, to the southern border of Canada.]~~ **(Deleted by amendment.)**

Sec. 7. ~~["Motor vehicle" has the meaning ascribed to it in NRS 484A.130.]~~ **(Deleted by amendment.)**

Sec. 8. ~~["Private partner" means a person with whom the Department enters into a public-private partnership.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[“Public-private partnership” means a contract entered into by the Department and a private partner under which the private partner:~~

~~1. Assists the Department in defining a potential project concerning the toll road project and negotiates terms for potentially carrying out the planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for, or any combination thereof, the toll road project, or any portion thereof; or~~

~~2. Assumes responsibility for planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for the toll road project, or any portion thereof.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[“Registered owner” means a person whose name appears in the records of the Department of Motor Vehicles as the person to whom a motor vehicle is registered.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[“Toll road” means a highway and appurtenant facilities for which a user must pay a user fee as a condition of use.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[“Toll road project” means an Interstate 11 toll road project established by the Department pursuant to section 14 of this act.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[“User fee” means a toll, fee, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge authorized by the Department or a public-private partnership and imposed on a person for his or her use of a toll road.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[1. The Department may establish a toll road project in connection with the proposed Interstate 11 project. The toll road project may consist of a toll road directly connecting or comprising any portion of the proposed route of Interstate 11 in this State and may:~~

~~(a) Include, without limitation, highways, roads, bridges, on-ramps, off-ramps, direct connectors to or from other highways or arterials, tunnels, connectors to an airport, pavement, shoulders, structures, culverts, curbs, toll gantries and systems, drains, rights-of-way, buildings, communication facilities, equipment, appurtenances, lighting, signage, service centers, operations centers, services, personal property and works incidental to, related to or desirable for highway design, construction, improvement, maintenance or operation required, laid out, constructed, improved, maintained or operated for highway purposes.~~

~~(b) Include any appurtenant facilities and facilities necessary for financing, connectivity, operations, maintenance, mobility or safety of a toll road project, which may include tolled and nontolled elements and on- and off-site facilities.~~

~~(c) Be developed in one or more phases, through one or more solicitations and with one or more private partners.~~

~~2. The Department may perform such tasks as are necessary and appropriate to plan, finance, design, construct, improve, maintain, operate and acquire rights-of-way for a toll road project, including, without limitation:~~

~~— (a) Plan, design, finance, construct, maintain, operate and make such other improvements to existing highways as may be necessary and appropriate to accommodate, develop and own a toll road project.~~

~~— (b) Determine the allowable uses of and the goals, standards, specifications and criteria of a toll road project.~~

~~— (c) Enter into agreements with any local government or other political subdivision of this State, another state or the Federal Government for planning, designing, financing, constructing, improving, maintaining, operating and acquiring rights of way for a toll road project.~~

~~— (d) Enter into contracts with a public-private partnership for planning, designing, financing, constructing, improving, maintaining, operating and acquiring rights-of-way for a toll road project.~~

~~— (e) Retain legal, financial, technical and other consultants to assist the Department concerning the toll road project.~~

~~— (f) Secure financial and other assistance for planning, designing, financing, constructing, improving, maintaining, operating and acquiring rights of way for a toll road project.~~

~~— (g) Apply for, accept and expend money from any lawful source, including, without limitation, any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, credit assistance from the Federal Government or other type of assistance that is available to carry out a toll road project.~~

~~— (h) Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the Department to carry out a toll road project.~~

~~— (i) Pay any compensation to which a private partner is entitled, pursuant to the terms of a public private partnership, upon the termination of the public-private partnership.~~

~~— (j) Enter into a bond indenture, loan agreement, interest rate swap, financing agreement, security agreement, pledge agreement, credit facility, trust agreement or other financial agreement in connection with the financing of a toll road project.~~

~~— 3. A toll road project, whether planned, designed, financed, constructed, improved, maintained or operated by the Department or private partner, must be and remain:~~

~~— (a) A public highway;~~

~~— (b) A public use;~~

~~— (c) A public facility; and~~

~~— (d) Owned by the Department or a political subdivision of this State.~~

~~— 4. Before construction of a toll road project begins, existing state and federal highways connecting with the toll road project shall be deemed alternate routes to the toll road which do not require a user fee and which accommodate all classes of vehicles. The Department may establish one or more additional alternate routes to the toll road which do not require a user fee and which can accommodate all classes of vehicles that may be accommodated~~

~~on existing state and federal highways as of the date that construction of the toll road project begins.~~] **(Deleted by amendment.)**

Sec. 15. [~~The Department shall not, in connection with a toll road project:~~

~~1. Request the Federal Government to prohibit or otherwise seek to prohibit the use on existing state highways connecting with the toll road project of any classes of vehicles which are authorized on those highways as of October 1, 2015; and~~

~~2. Exercise any authority delegated to the Department to prohibit the use on existing state highways connecting with the toll road project of any classes of vehicles which are authorized on those highways as of October 1, 2015.~~] **(Deleted by amendment.)**

Sec. 16. [~~1. The Department may enter into a public-private partnership with one or more private partners for planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for a toll road project. A public private partnership entered into pursuant to this section may include, without limitation, a concession and must be awarded through one or more solicitations that must include, without limitation, some or all of the requests for qualifications, short-listing of qualified proposers, requests for proposals, negotiations and best and final offers.~~

~~2. For any solicitation in which the Department issues a request for qualifications, request for proposals or similar solicitation for a public private partnership, the Department may determine which factors it will consider and, except as otherwise provided in subsection 5, the relative weight of those factors in the evaluation process for a toll road project to obtain the best value for the Department.~~

~~3. Each request for proposals issued for a toll road project must require each person submitting a proposal to include with the proposal an executive summary. The executive summary must address the major elements of the proposal but must not include the financial terms of the proposal, the financing plan or other confidential or proprietary information or trade secrets that the person submitting the proposal intends to be exempt from disclosure.~~

~~4. The executive summary for each proposal must be released to the public by the Department.~~

~~5. After evaluation of the proposals submitted in response to a request for proposals, the Department may enter into negotiations with the applicant whose proposal appeared to have the best value to enter into a public-private partnership. In determining the best value, the Department shall assign a relative weight of 5 percent to an applicant who submits to the Department a signed affidavit which certifies that, for the planning, design, construction, improvement, maintenance and operation of the toll road project:~~

~~(a) At least 65 percent of all workers employed on the toll road project, including, without limitation, any employees of the applicant, contractor and any subcontractors engaged in the toll road project, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;~~

~~(b) All vehicles used primarily for the toll road project will be:~~

~~(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or~~

~~(2) Registered in this State;~~

~~(c) At least 65 percent of the design professionals working on the toll road project, including, without limitation, any employees of the applicant, contractor and any subcontractor engaged on the toll road project, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;~~

~~(d) At least 25 percent of the suppliers of the materials used for the toll road project will be located in this State unless the Department requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and~~

~~(e) The applicant, contractor and any subcontractor engaged on the toll road project will maintain and make available for inspection within this State his or her records concerning payroll relating to the toll road project.~~

~~6. If the Department is unable to negotiate a public-private partnership with the applicant whose proposal appeared to have the best value, upon such terms and conditions that the Department determines to be in the best interest of the public, the Department may suspend or terminate negotiations with that applicant. The Department may then undertake negotiations with the next highest ranked applicant in sequence until a public-private partnership is entered into or a determination is made by the Department to reject all applicants that submitted proposals.~~

~~7. After the award and execution of the public-private partnership, the Department shall make available to the applicants and the public the results of the evaluations of proposals and the final rankings of the applicants.~~

~~8. Notwithstanding any other law to the contrary, to maximize competition and to obtain the best value for the public, no part of a proposal other than the executive summary may be released or disclosed by the Department before the award and execution of the public-private partnership and the conclusion of any specified period to protest or otherwise challenge the award, except pursuant to an administrative or judicial order requiring release or disclosure of any part of the proposal.~~**]** **(Deleted by amendment.)**

Sec. 17. **[**~~1. A public-private partnership awarded to an applicant who receives a preference in bidding described in subsection 5 of section 16 of this act must:~~

~~(a) Include a provision in the public-private partnership that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act; and~~

~~(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act is a material breach of the public-private partnership and entitles the Department to liquidated damages only as provided in subsections 5 and 6.~~

~~2. Any contract entered into between a private partner and a contractor engaged on a toll road project and between a contractor and any subcontractor engaged on a toll road project must:~~

~~(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act; and~~

~~(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act is a material breach of the contract.~~

~~3. A person or entity who believes that an applicant has obtained a preference in bidding as described in subsection 5 of section 16 of this act but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act may file a written objection with the Department. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the applicant has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act.~~

~~4. If the Department receives a written objection pursuant to subsection 3, the Department shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the Department determines that the objection is not accompanied by the required proof or substantiating evidence, the Department shall dismiss the objection. If the Department determines that the objection is accompanied by the required proof or substantiating evidence or if the Department determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act exists, the Department shall determine whether the applicant has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act and the Department may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.~~

~~5. The Department may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act, liquidated damages as described in subsection 6 for a breach of a contract for the toll road project caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 5 of section 16 of this act. If the Department recovers liquidated damages pursuant to this subsection for a breach of a contract for the toll road project, the Department shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the public-private partnership. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.~~

~~6. If an applicant submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 5 of section 16 of this act and is awarded the public-private partnership, the public-private partnership, each contract between the applicant and a contractor or a subcontractor or supplier and each contract between a subcontractor and a subcontractor or supplier must provide that:~~

~~(a) If a party to the contract causes a material breach of the contract between the applicant and the Department as a result of a failure to comply with a requirement of subsection 5 of section 16 of this act, the party is liable to the Department for liquidated damages in the amount of 10 percent of the cost of the largest contract to which he or she is a party or $50,000, whichever is less;~~

~~(b) The right to recover the amount determined pursuant to paragraph (a) by the Department pursuant to subsection 5 may be enforced by the Department directly against the party that causes the material breach; and~~

~~(c) No other party to the contract is liable to the Department for liquidated damages.~~**]** **(Deleted by amendment.)**

Sec. 18. **[**~~1. To be eligible as a private partner in connection with a public-private partnership, a private partner must:~~

~~(a) Obtain a performance bond, payment bond, letter of credit, parent guarantee or other security acceptable to the Department, or any combination thereof, which the Department determines is adequate to:~~

~~(1) Protect the interests of this State and its political subdivisions; and~~

~~(2) Ensure completion of the toll road project without this State or its political subdivisions being liable for any of the direct costs of the toll road project;~~

~~(b) Obtain insurance covering general liability and liability for errors and omissions, in amounts determined by the Department;~~

~~(c) Not have been found liable for breach of contract with respect to a previous project with the Department, other than a breach for legitimate cause during the 5 years immediately preceding the commencement of the solicitation of the public-private partnership; and~~

~~(d) Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895 or 338.1475.~~

~~2. A private partner is not required to hold the licenses and certifications required to undertake the work for a toll road project as a condition of eligibility to be a private partner but must ensure that any work which requires a license or certification is performed by persons that possess the required licenses and certifications.~~**]** **(Deleted by amendment.)**

Sec. 19. **[**~~Information obtained by or disclosed to the Department during the procurement or negotiation of a public-private partnership may be kept confidential until the public-private partnership is executed, except that the Department may exempt from release any proprietary information obtained by or disclosed to the Department during the procurement or negotiation.~~**]** **(Deleted by amendment.)**

Sec. 20. ~~[1. Except as otherwise provided in subsection 2, notwithstanding any other law to the contrary, a public-private partnership may be for a term of not more than 40 years after the opening of the toll road project to the public and the commencement of its full operations and collection of revenue.~~

~~2. A public-private partnership may be extended:~~

~~(a) As a result of an event in the nature of force majeure;~~

~~(b) As a means to compensate the private partner for events set forth in the public-private partnership that entitle the private partner to compensation; or~~

~~(c) For additional terms upon the mutual agreement of the private partner and the Department.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[1. A public-private partnership entered into pursuant to sections 1 to 34, inclusive, of this act may include provisions that:~~

~~(a) Authorize the Department and the private partner to charge, collect, use, enforce and retain user fees, including, without limitation, provisions that:~~

~~(1) Specify the technology to be used in a toll road project;~~

~~(2) Establish circumstances under which the Department may receive the revenues or a share of the revenues from such user fees;~~

~~(3) State that the user fees may be collected directly by the Department, the private partner or by a third party engaged for that purpose;~~

~~(4) Prescribe a formula, indexation or mechanism for the adjustment of user fees during the term of the public-private partnership;~~

~~(5) Allow a variety of strategies to be employed to manage traffic on a toll road project that the Department determines are appropriate based on the specific circumstances of the toll road project; and~~

~~(6) Govern the enforcement of user fees, including, without limitation, provisions for the use of cameras or other mechanisms to ensure that users have paid user fees which are due and provisions that allow the Department of Transportation and the private partner to request information from relevant databases, including, without limitation, databases of the Department of Motor Vehicles, pursuant to the provisions of NRS 481.063, for enforcement purposes. The Department of Transportation may impose a civil penalty of not more than $10,000 per violation for misuse of the data contained in such databases, including, without limitation, negligence in securing the data properly. Any civil penalty collected pursuant to this subparagraph must be deposited in the State General Fund.~~

~~(b) Allow for payments to be made by the Department to the private partner, including, without limitation, periodic payments, construction payments, payments for attaining milestones, progress payments, payments based on availability or other performance-based payments, payments relating to events for which the public-private partnership requires payment of compensation and payments relating to or arising out of the termination of the public-private partnership.~~

~~— (e) Allow the Department to accept payments of money from, and share revenues with, the private partner. The Department shall deposit such money in the State Highway Fund.~~

~~— (d) Address the manner in which the Department and the private partner will share management of the risks of a toll road project.~~

~~— (e) Specify the manner in which the Department and the private partner will share the costs of any development of a toll road project.~~

~~— (f) Allocate financial responsibility for any costs that exceed the amount specified in the public-private partnership.~~

~~— (g) Establish applicable liquidated or stipulated damages to be assessed for nonperformance by the private partner.~~

~~— (h) Establish performance measurements, as described in section 22 of this act, or incentives, or both.~~

~~— (i) Address the acquisition of rights-of-way and other property interests that may be required for a toll road project, including, without limitation, provisions that address the exercise of eminent domain by the Department in the manner authorized pursuant to NRS 277A.250 and chapter 37 of NRS.~~

~~— (j) Establish recordkeeping, accounting and auditing standards to be used for a toll road project.~~

~~— (k) Upon termination of the public-private partnership, address responsibility for repair, rehabilitation, reconstruction or renovations that are required for a toll road project to meet all applicable standards set forth in the public-private partnership upon reversion of the toll road project to the Department.~~

~~— (l) Provide for security and law enforcement.~~

~~— (m) Identify any specifications of the Department that must be satisfied, including, without limitation, provisions allowing the private partner to request and receive authorization to deviate from the specifications on making a showing satisfactory to the Department.~~

~~— (n) Specify remedies available and procedures for dispute resolution, including, without limitation, the right of the private partner to institute legal proceedings to obtain an enforceable judgment or award against the Department in the event of a default by the Department and procedures for the use of dispute review boards, mediation, facilitated negotiation, nonbinding and binding arbitration and other alternative dispute resolution procedures.~~

~~— 2. A public-private partnership entered into pursuant to sections 1 to 34, inclusive, of this act must contain a provision by which the private partner expressly agrees to be barred from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the Department from developing or constructing a facility which was planned at the time the public-private partnership was executed and which may impact the revenue that the private partner derives from a toll road project developed under the public-private partnership. The public-private partnership may provide for reasonable compensation to the private partner for the adverse effect on revenue from a toll road project developed under the public-private partnership resulting from~~

~~the development or construction of another facility by the Department.~~] **(Deleted by amendment.)**

Sec. 22. ~~[1. If the Department enters into a public private partnership pursuant to sections 1 to 34, inclusive, of this act, the Department:~~

~~(a) Shall adopt, establish or include in the public private partnership a schedule of user fees or a methodology for establishing the user fees that may be charged by the Department or a private partner for the use of a toll road project, which may include, without limitation, provisions for adjusting the user fees based on the types of motor vehicle, time of day, traffic conditions or other factors determined necessary by the Department or a private partner to implement, finance or improve the performance of a toll road project. A schedule of user fees or methodology for establishing user fees to be included in the public private partnership must be adopted or established by the Department at a public hearing held in compliance with chapter 241 of NRS.~~

~~(b) Shall, consistent with the provisions of section 23 of this act, establish or provide in the public private partnership for the establishment of administrative fines, late charges and other penalties for any person who violates any regulation or rule governing the use of a toll road project or who fails to pay a user fee.~~

~~(c) In addition to the exemptions provided in subsection 2, may establish or provide in the public private partnership for exemptions from the payment of a user fee.~~

~~(d) Shall adopt a plan for measuring the performance of the private partner and, in the event of any unexcused failure by the private partner to meet such performance measurements, provide for the rights and remedies of the Department.~~

~~2. The following motor vehicles are exempt from any user fee established by the Department:~~

~~(a) A vehicle owned or operated by this State or any of its political subdivisions.~~

~~(b) A transit bus or vanpool vehicle owned or operated by an agency of the United States, to the extent that such vehicles are exempted pursuant to an agreement between the agency or political subdivision and the Department or a private partner.~~

~~(c) An authorized emergency vehicle if the person operating it is:~~

~~(1) Responding to an emergency and its emergency lights are in use; or~~

~~(2) Enforcing traffic laws.~~

~~(d) A vehicle used to provide maintenance of a toll road project.~~

~~(e) A vehicle that is exempt pursuant to the terms of a public-private partnership.~~

~~3. Not less frequently than once each calendar year, the Department shall review any fee schedule established pursuant to this section and any adjustments to the fee schedule made by the Department or a private partner to determine whether the user fees effectively manage travel times, speed and reliability with regard to a toll road project. The Department shall review and,~~

~~if applicable, make any necessary adjustments at a public hearing held in compliance with chapter 241 of NRS.~~

~~4. The Department or a private partner may use any method it determines appropriate to collect a user fee, including, without limitation, the issuance of invoices, prepayment requirements and the use of an electronic, video or automated collection system. An electronic, video or automated collection system may be used to verify payment or to charge the user fee to the:~~

~~(a) Account of a person whose vehicle is equipped with a transponder approved by the Department or other automated payment technology approved by the Department;~~

~~(b) Account of a person who otherwise registers to use a toll road project in accordance with the policies and procedures established by the Department or set forth in the public-private partnership; or~~

~~(c) Registered owner.~~

~~5. The name, address, other personal identifying information and trip data of a user is confidential, and the Department, a private partner, consultant or contractor or representative thereof shall not release, sell or distribute such information without the express written consent of the user, except that the Department or a private partner may release such information:~~

~~(a) As is necessary to collect a user fee and enforce any penalty for a violation of sections 1 to 34, inclusive, of this act or any policies and procedures established pursuant thereto or set forth in the public-private partnership; and~~

~~(b) To a law enforcement agency pursuant to a subpoena.~~

~~6. The Department or a private partner may solicit and contract with any person to provide services relating to the collection of a user fee.~~

~~7. The Department shall establish a privacy policy regarding the collection and use of personal identifying information pursuant to this section. The policy must include, without limitation, provisions requiring that:~~

~~(a) Except as otherwise provided in paragraph (b), any personal identifying information used to collect and enforce user fees be destroyed not later than 30 days after the person has paid the user fee and any administrative fines, late charges or other penalties and charges imposed;~~

~~(b) Any personal identifying information collected for the establishment of an account for the use of an automated collection system be:~~

~~(1) Stored longer than 30 days only if the information is required to perform account functions, including, without limitation, billing and other activities directly related to the use of the account; and~~

~~(2) Destroyed within 30 days after receiving written notice that the person who established the account wishes to close the account; and~~

~~(c) Each person establishing an account for use in an automated collection system be provided a copy, in a clear and conspicuous manner, of the privacy policy required by this subsection and all other applicable privacy laws.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[1. Except as otherwise provided in subsection 3, a registered owner who fails to pay a user fee is subject to an administrative fine for nonpayment and is liable to the Department or private partner for the payment of the user fee, the administrative fine and any additional charges or penalties prescribed by the Department or set forth in the public-private partnership.~~

~~2. If a driver or registered owner fails to pay a user fee, the Department or private partner shall provide notice of nonpayment to the registered owner. The notice must describe the claimed nonpayment and the amount due, including any additional charges, administrative fines or penalties, and explain that the registered owner must, within 20 days after receiving the notice, pay the full amount due or contest the claim in the manner described in the notice. A registered owner who does not pay the full amount due or contest the claim within 20 days after receiving the notice may not challenge the claim in any proceeding or action brought by the Department or the private partner.~~

~~3. A short-term lessor of a motor vehicle that is the registered owner is not liable to the Department or a private partner for any failure to pay a user fee arising out of the use of a rented motor vehicle during any period in which the motor vehicle is not in the possession of the lessor if, within 45 days after receiving the written notice from the Department or private partner, the lessor provides to the Department or private partner the name, address, driver's license number and other identifying information of the person to whom the motor vehicle was rented at the time of the use of a toll road project. If the lessor provides such information, the person to whom the motor vehicle was rented at the time of the use of a toll road project is liable for the user fee or administrative fee, or both, and any late charges or other penalties or charges resulting from the failure to pay the user fee.~~

~~4. The Department or a private partner may use a photo-monitoring, video, image capture or other automated or technology based enforcement and collections system to detect the failure of a motor vehicle to register payment of the required user fee, to detect the failure of the driver or registered owner to pay a user fee or to verify and assess the payment of a user fee. The data, including, without limitation, photographs, images, videotapes and other vehicle and owner information generated and obtained by the system, may be used to establish the nonpayment of the user fee and to enforce collection of the user fee and any administrative fines, late charges and other penalties or charges imposed pursuant to the public-private partnership. The Department or private partner shall not use the information for any other purpose.~~

~~5. If the registered owner fails to respond to the notice described in subsection 2, the Department of Transportation or private partner may file a notice of nonpayment with the Department of Motor Vehicles. The notice must include:~~

~~(a) The place, time and date of the use of the toll road project which, through nonpayment of user fees, administrative fees, late charges or other penalties or charges, constitutes a violation;~~

~~(b) The number of the license plate and the make and model year of the motor vehicle; and~~

~~(c) The total amount owed to the Department or private partner for the violation.~~

~~6. Upon receipt of the notice described in subsection 5, the Department of Motor Vehicles shall place a hold on the renewal of the registration of the motor vehicle described in the notice pursuant to the provisions of NRS 482.2805.~~

~~7. In addition to any administrative fine, late charge or other penalty or charge for nonpayment of a user fee established pursuant to the public-private partnership which is payable to the Department of Transportation or a private partner, the Department of Motor Vehicles may impose an additional administrative fee of not more than $15 upon any person who applies for the renewal of the registration of a motor vehicle subject to a hold pursuant to this section.~~

~~8. The Department of Motor Vehicles shall work cooperatively with the Department of Transportation and any private partner to establish a timely and efficient manner for providing the motor vehicle registration of the registered owner, pursuant to the provisions of NRS 481.063, to the Department of Transportation and any private partner for the purposes of collecting and enforcing any user fees and any administrative fines, late charges and other penalties imposed pursuant to sections 1 to 34, inclusive, of this act.~~**] (Deleted by amendment.)**

Sec. 24. ~~[1. All money that is received and is to be retained by the Department pursuant to a public-private partnership in connection with a toll road project that is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the State Highway Fund and, except for costs of administration, must be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of this State. The money must first be used to defray the obligations of the Department under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the toll road project.~~

~~2. Any other money received by the Department pursuant to sections 1 to 34, inclusive, of this act or any policies or procedures established by the Department or set forth in the public-private partnership must be deposited in the State Highway Fund and accounted for separately. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. The money in the account may be used for:~~

~~(a) The payment of the costs of planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for the toll road project;~~

~~(b) The payment of the costs of administering the toll road project and enforcing the collection of user fees;~~

~~(c) Satisfaction of any obligations of the Department pursuant to a public-private partnership; and~~

~~(d) The costs of administration, construction, maintenance and repair of the public highways located in this State.~~] **(Deleted by amendment.)**

Sec. 25. ~~[1. A toll road project and any property improvement determined by the Department to be necessary or desirable therefor may, as determined by the Department, be financed:~~

~~(a) By the private partner using its own funds or obtaining funds in any lawful manner for that entity.~~

~~(b) By the issuance of revenue bonds or notes of the State which are payable from and secured by:~~

~~(1) Revenues from the toll road project, including, without limitation, user fees and payments established, due and collected pursuant to sections 22 and 23 of this act, other than subsection 7 of section 23 of this act;~~

~~(2) Payments from the Department to the private partner pursuant to a public-private partnership;~~

~~(3) Payments from the private partner as described in section 24 of this act;~~

~~(4) Guarantees or other forms of financial assistance from the private partner or any other person;~~

~~(5) Any grants, donations or other sources of funding mentioned in paragraph (f), (g) or (h) of subsection 2 of section 14 of this act, if use of the money to pay and secure the payment of the principal of and interest on those bonds or notes is consistent with and not prohibited by the instrument, law or regulation under which the money is received;~~

~~(6) Interest or other gain accruing on any of the money deposited in the State Highway Fund pursuant to section 24 of this act; and~~

~~(7) Any combination thereof,~~

~~➥ as described in the resolution authorizing the issuance of the bonds or notes. The bonds or notes may have a maturity of up to 40 years after the date of issuance. Any bonds or notes authorized by this paragraph are special, limited obligations of the State payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and shall never be a debt of the State under Section 3 of Article 9 of the Constitution of the State of Nevada.~~

~~(c) By the issuance of revenue bonds or notes of the State, to finance a toll road project directly or by making a loan to the private partner, pursuant to a financing agreement entered into between the Department and the private partner to secure the bonds or notes and provide for their payment. Any bonds or notes issued under this paragraph must be solely payable from and secured by payments made by and property of and other security provided by the private partner, including, without limitation, any payments made to the private partner by the Department pursuant to the public-private partnership. Any bonds or notes issued pursuant to this paragraph may have a maturity of up to 40 years from the date of issuance. Any bonds or notes authorized by this~~

~~paragraph are special, limited obligations of the State payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of bonds or notes, and shall never be a debt of the State under Section 3 of Article 9 of the Constitution of the State of Nevada.~~

~~(d) By the issuance of private activity bonds or notes of the State or other eligible issuer, to finance a toll road project directly or by making a loan to the private partner, pursuant to a financing agreement entered into between the Department and the private partner for the purpose of securing the bonds or notes and providing for their payment. Any bonds or notes issued pursuant to this paragraph must be payable solely from and secured by payments made by and property of and other security provided by the private partner, including, without limitation, any payments made to the private partner by the Department pursuant to the public-private partnership. Any bonds or notes issued pursuant to this paragraph may have a maturity of up to 40 years from the date of issuance. Any bonds or notes authorized by this paragraph are special, limited obligations of the State payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and shall never be a debt of the State under Section 3 of Article 9 of the Constitution of the State of Nevada.~~

~~(e) By any loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, credit assistance from the Federal Government or other type of assistance that is available to carry out a toll road project.~~

~~(f) With any grant, donation, gift or other form of conveyance of land, money or other real or personal property or other thing of value made to the Department to carry out a toll road project.~~

~~(g) With legally available money from any other source, including a source described in paragraph (f), (g) or (h) of subsection 2 of section 34 of this act, or from user fees.~~

~~(h) By any combination of paragraphs (a) to (g), inclusive.~~

~~2. If so determined by the Department, any bonds or notes issued as described in paragraph (b) of subsection 1 may also be payable from and secured by taxes which are credited to the State Highway Fund and which would not cause the bonds or notes to create a public debt under the provisions of Section 3 of Article 9 of the Constitution of the State of Nevada. In addition, the State may pledge those taxes to and use those taxes for the payment of any of its obligations under a public-private partnership.~~] **(Deleted by amendment.)**

Sec. 26. ~~[1. The Department may acquire, condemn or hold real property and related appurtenances under fee title, lease, easement, dedication or license for a toll road project. The Department may grant to a private partner a lease, easement, operating agreement, license, permit or right of entry for such real property and related appurtenances, and such grant and use shall be deemed for all purposes:~~

~~(a) A public use;~~

~~(b) A public facility; and~~

~~(c) A public highway.~~

~~2. The real property and related appurtenances, or the use thereof, that are granted by the Department to the private partner are exempt from all real property and ad valorem taxes to the full extent allowed under the Constitution of the State of Nevada.~~] **(Deleted by amendment.)**

Sec. 27. [~~Notwithstanding any specific statute to the contrary, a private partner is exempt from any assessment on property:~~

~~1. Which the Department owns or acquires or in which the Department has a possessory interest;~~

~~2. Which the Department provides to the private partner pursuant to a public-private partnership; and~~

~~3. On which a toll road project is located.~~] **(Deleted by amendment.)**

Sec. 28. [~~1. A private partner who enters into a contract for construction work pursuant to a public-private partnership shall:~~

~~(a) Award contracts using competitive bidding in accordance with the provisions of chapter 338 of NRS, and solely for the purposes of those provisions regarding competitive bidding, a toll road project shall be deemed to be a public work and the private partner shall be deemed to be a public body awarding the contracts for the toll road project; and~~

~~(b) Pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, and solely for the purposes of those provisions, a toll road project shall be deemed to be a public work and the Department shall be deemed to be a party to the contract and to be the public body advertising for bids for the toll road project and awarding the construction contract for the toll road project.~~

~~2. Nothing in this section requires the Department to use competitive bidding in accordance with the provisions of chapter 338 of NRS to award a public-private partnership to a private partner.~~] **(Deleted by amendment.)**

Sec. 29. [~~1. In addition to complying with the provisions of section 28 of this act, a private partner who enters into a contract for construction work pursuant to a public-private partnership shall:~~

~~(a) Advertise for at least 7 calendar days for bids on each contract for the performance of any portion of the construction work for the public-private partnership;~~

~~(b) At least 2 business days before the first day of that advertisement, provide notice of that advertisement to the Department;~~

~~(c) Make available to all prospective bidders on the contract a written set of plans and specifications for the pertinent work; and~~

~~(d) Provide public notice of the name and address of each person who submits a bid on the contract.~~

~~2. If the Department receives a notice of an advertisement for bids pursuant to paragraph (b) of subsection 1, the Department:~~

~~(a) Shall, upon such receipt, post notice of the advertisement on an Internet website maintained by the Department; and~~

~~(b) May otherwise provide notice of the advertisement to local trade organizations and the general public.~~

~~3. The Department shall ensure that the private partner complies with the provisions of subsection 1.~~] **(Deleted by amendment.)**

Sec. 30. [~~1. The Department may include authority in a public-private partnership or otherwise authorize a private partner to remove any encroachments or relocate any utility from the right-of-way of a toll road project. The Department may incorporate the costs of such removal or relocation into the public-private partnership.~~

~~2. A utility may not be required to pay any costs related to removing or relocating any property of the utility pursuant to subsection 1.~~] **(Deleted by amendment.)**

Sec. 31. [~~To the extent practicable, the provisions of sections 1 to 34, inclusive, of this act are intended to supplement other statutory provisions governing the administration of highways in this State, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 1 to 34, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 1 to 34, inclusive, of this act, the provisions of sections 1 to 34, inclusive, of this act control.~~] **(Deleted by amendment.)**

Sec. 32. [~~1. On or before February 1 of each year, the Department shall prepare a written report concerning any toll road project commenced pursuant to sections 1 to 34, inclusive, of this act. The report must include, without limitation:~~

~~(a) The current status of all toll road projects.~~

~~(b) The amount of user fees collected by the Department and any private partners.~~

~~(c) The amount of money received by the Department in connection with each toll road project from sources other than user fees.~~

~~(d) The amount paid by the Department under any public-private partnership.~~

~~(e) An assessment of the compliance by a private partner with the performance measurements set forth in a public-private partnership pursuant to sections 22 and 23 of this act.~~

~~(f) Such other information as the Department determines appropriate.~~

~~2. On or before February 1 of each even-numbered year, the Department shall submit the report prepared pursuant to subsection 1 to the Legislative Commission. On or before February 1 of each odd-numbered year, the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.~~] **(Deleted by amendment.)**

Sec. 33. [~~Upon completion of a toll road project, the Department shall conduct a cost-benefit analysis of the toll road project. The Department shall submit the analysis to the Director of the Legislative Counsel Bureau for~~

~~transmittal to the next regular session of the Legislature.]~~ **(Deleted by amendment.)**

Sec. 34. ~~[1. In addition to the requirements of section 32 of this act, the Department shall report on the status of any toll road project to the Legislative Commission and the Interim Finance Committee. The report must include, without limitation:~~

~~(a) The current status of each toll road project.~~

~~(b) The amount of user fees collected by the Department and any private partners.~~

~~(c) The amount of money received by the Department in connection with each toll road project from sources other than user fees.~~

~~(d) The amount paid by the Department under any public-private partnership.~~

~~(e) Such other information as the Legislative Commission or the Interim Finance Committee determines appropriate.~~

~~2. The report required pursuant to subsection 1 must be submitted at least quarterly and at such other times as the Legislative Commission or the Interim Finance Committee may require.]~~ **(Deleted by amendment.)**

Sec. 35. **Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 65, inclusive, of this act.**

Sec. 36. ***As used in sections 36 to 65, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 37 to 45, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 37. ***"Authorized emergency vehicle" has the meaning ascribed to it in NRS 484A.020.***

Sec. 38. ***"Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement transferring rights for the use or control, in whole or in part, of an eligible transportation facility by the Department to a private partner.***

Sec. 39. ***1. "Eligible transportation facility" means a facility, including an enhanced, improved, expanded, extended, upgraded or new facility, used or useful for the safe transport of people or goods via one or more modes of transport, whether involving highways, railways, airports, monorails, transit, bus systems, guided rapid transit, fixed guideways, ferries, vessels, intermodal or multimodal systems or any other mode of transport, as well as facilities, structures, parking facilities, rest areas, maintenance yards, rail yards or storage facilities, vehicles, rolling stock or other related equipment, items or property.***

2. The term includes, without limitation, highways, roads, bridges, on-ramps, off-ramps, direct connectors to or from other highways or arterials, tunnels, connectors to an airport, pavement, shoulders, structures, culverts, curbs, toll gantries and systems, drains, rights-of-way, buildings, communication facilities, equipment appurtenances, lighting, signage, service centers, operations centers, rest areas, services, personal property

and works incidental to, related to or desirable for highway design, construction, improvement, financing, operation or maintenance.

Sec. 40. "Managed lanes" means a highway facility or a set of lanes in which operational and traffic management strategies, including, without limitation, access control, vehicle eligibility and pricing, are implemented and managed in response to changing conditions, traffic and usage and which may include the assessment of a user fee. The term includes, without limitation, express lanes.

Sec. 41. "Motor vehicle" has the meaning ascribed to it in NRS 484A.130.

Sec. 42. "Private partner" means a person with whom the Department enters into a public-private partnership.

Sec. 43. "Public-private partnership" means a contract entered into by the Department with a private partner under which the private partner:

1. Assists the Department in defining a potential project concerning an eligible transportation facility and negotiates terms for potentially carrying out the planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for, or any combination thereof, the eligible transportation facility, or any portion thereof; or

2. Assumes responsibility for planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for, or any combination thereof, an eligible transportation facility, or any portion thereof.

Sec. 44. "Registered owner" means a person whose name appears in the records of the Department of Motor Vehicles as the person to whom a motor vehicle is registered.

Sec. 45. "User fee" means a fee, toll, fare or other similar charge, including, without limitation, any incidental, account maintenance, administrative, credit card or video tolling fee or charge, imposed on a person for his or her use of an eligible transportation facility by the Department or by a private partner pursuant to a public-private partnership.

Sec. 46. 1. The Department, subject to the approval of the Board, may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for, or any combination thereof, an eligible transportation facility.

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for an eligible transportation facility as described in this subsection;

(b) A design-build agreement;

(c) A design-build agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible transportation facility;

(d) A concession, including, without limitation, a toll concession and an availability payment concession;

(e) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the eligible transportation facility;

(f) An operations and maintenance agreement for an eligible transportation facility;

(g) Any other method or agreement for completion of the eligible transportation facility, or any combination thereof, that the Department determines will serve the public interest; or

(h) Any combination of paragraphs (a) to (g), inclusive.

3. Except as otherwise provided in subsection 4 and notwithstanding any other law to the contrary, a public-private partnership may be for a term of not more than 55 years after:

(a) The opening of the eligible transportation facility to the public and the commencement of its full operations and collection of revenue, if the eligible transportation facility charges user fees;

(b) The opening of the eligible transportation facility and the commencement of its full operations, if the eligible transportation facility is used by the public without user fees; or

(c) The commencement of the public-private partnership, if the eligible transportation facility involves a facility or service that is not generally open to or used by the public.

4. A public-private partnership may be extended:

(a) As a result of a force majeure event or any other matter outside of the reasonable control of the Department or the private partner;

(b) As a means to compensate the private partner for events set forth in the public-private partnership that entitle the private partner to additional time or compensation, or both; or

(c) For additional terms upon the mutual agreement of:

(1) The private partner; and

(2) The Department, as authorized by the Board.

5. An eligible transportation facility must:

(a) Be owned by the Department; and

(b) Remain a public use, a public facility or a public highway, or any combination thereof.

Sec. 47. The Department may do such things as it determines are necessary and appropriate to carry out a public-private partnership entered into pursuant to section 46 of this act, including, without limitation:

1. Retain legal, financial, technical and other consultants to assist the Department concerning the eligible transportation facility.

2. Apply for, accept and expend money from any lawful source, including, without limitation, any public or private funding, loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, credit assistance from the Federal Government or other type of assistance that is available to carry out the eligible transportation facility.

3. Accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other thing of value made to the Department to carry out the eligible transportation facility.

4. Enter into a bond indenture, loan agreement, interest rate swap or financing agreement, security agreement, pledge agreement, credit facility, trust agreement or other financial agreement in connection with the financing of the eligible transportation facility pursuant to sections 36 to 65, inclusive, of this act.

Sec. 48. 1. To enter into a public-private partnership with the Department pursuant to section 46 of this act, a person must:

(a) Obtain a performance bond and payment bond, letter of credit, parent company guarantee or other security acceptable to the Department, or any combination thereof, in amounts determined by the Department;

(b) Obtain insurance covering general liability and liability for errors and omissions in amounts determined by the Department;

(c) Not have been found liable for breach of contract with respect to a previous project with the Department, other than a breach for legitimate cause, during the 5 years immediately preceding the date of commencement of the solicitation of the public-private partnership; and

(d) Not be disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.

2. A private partner is not required to hold the licenses and certifications required to undertake the work for the eligible transportation facility as a condition of eligibility to be a private partner but must ensure that any work which requires a license or certification is performed by a person that possesses the required license or certification.

3. Any private entity that wishes to enter into a public-private partnership pursuant to section 46 of this act must provide satisfactory evidence to the Board that the entity is in compliance with the requirements of title 7 of NRS.

Sec. 49. 1. A public-private partnership entered into pursuant to section 46 of this act must be awarded through one or more solicitations. The Department may solicit a public-private partnership through:

(a) A two-phase procurement involving a request for statements of qualifications and a request for proposals; or

(b) A one-phase procurement involving a request for proposals.

2. If a request for statements of qualifications is issued by the Department, the Department may select a certain number of persons who submitted a statement of qualifications to receive and respond to a request for proposals.

3. For any solicitation in which the Department issues a request for statements of qualifications, request for proposals or similar request, the Department may establish an evaluation process to obtain the best value for the Department. The Department may determine:

(a) The method of evaluation;

(b) The factors the Department will consider, including, without limitation, qualifications, experience, cost, price, financial plan, financial commitment, innovative financing and technology, technical approach and management approach; and

(c) The relative weight of those factors in the evaluation process.

4. In the request for statements of qualifications, request for proposals or other request, as applicable, the Department shall set forth the evaluation process, including the methodology, the factors that will be used and the relative weight of those factors.

5. Each request for proposals issued for an eligible transportation facility must require each person submitting a proposal to include with the proposal an executive summary. The executive summary must address the major elements of the proposal but must not include the financial terms of the proposal, the financing plan or other confidential or proprietary information or trade secrets that the person submitting the proposal intends to be exempt from disclosure.

6. The executive summary may be released to the public by the Department at any time.

7. After evaluation of the proposals submitted in response to a request for proposals, the Department may enter into negotiations with the applicant whose proposal appeared to have the best value to enter into a public-private partnership. If the Department is unable to negotiate a public-private partnership with that applicant upon such terms and conditions that the Department determines to be in the best interest of the public, the Department shall suspend or terminate negotiations with that applicant. The Department may then undertake negotiations with the next highest-ranked applicant in sequence until a public-private partnership is entered into or a determination is made by the Department to reject all applicants who submitted proposals.

8. After the award and execution of the public-private partnership, the Department shall make available to the applicants and the public the results of the evaluations of proposals and the final rankings of the applicants.

9. Notwithstanding any other law to the contrary, to maximize competition and to obtain the best value for the public, no part of a proposal other than the executive summary may be released or disclosed by the Department before the award and execution of the public-private partnership for the eligible transportation facility and the conclusion of any specified period to protest or otherwise challenge the award, except pursuant to an administrative or judicial order requiring release or disclosure of any part of the proposal.

Sec. 50. 1. The Department may reimburse a person who submitted a proposal but with whom the Department did not enter into a public-private partnership for a portion of the cost of preparing the proposal or best and final offer, or both, if the Department determines that the proposal:

(a) Was responsive to the request for proposals; and

(b) Met all the requirements set by the Department for the eligible transportation facility.

2. If the Department intends to make such a reimbursement, the Department shall set forth the terms, conditions and estimated amount of the reimbursement in the request for statements of qualifications or in the request for proposals, as applicable, for the eligible transportation facility.

3. In exchange for the reimbursement, the Department shall require the recipient to grant to the Department the nonexclusive right to use any work product contained in the proposal, including, without limitation, technologies, techniques, methods, processes and information contained in the project design. Such use by the Department is at the sole risk of the Department, and the recipient does not have any responsibility for such use.

Sec. 51. 1. Except as otherwise provided in this subsection, information obtained by or disclosed to the Department during the procurement or negotiation of a public-private partnership may be kept confidential until the public-private partnership is awarded and executed. The Department may exempt from release to the public any confidential or proprietary information obtained by or disclosed to the Department during the procurement or negotiation.

2. To make confidential and proprietary information exempt from disclosure pursuant to subsection 1, the person who submits a proposal or other response to a solicitation for an eligible transportation facility must:

(a) Invoke the request for exclusion upon submission of the information or other materials for which protection is sought;

(b) Identify the data or other materials for which protection is sought with conspicuous labeling;

(c) State the reasons why protection is necessary for each document for which protection is sought;

(d) Fully comply with any applicable state law with respect to information that the person contends should be exempt from disclosure; and

(e) Defend any action seeking release of records that the person submitting the proposal or response believes are protected from disclosure, and indemnify, defend and hold harmless the State, the Department, its agents and its employees from any judgments awarded against the State or the Department in favor of the party requesting the records, including any and all costs connected with that defense. Under no circumstances will the Department be responsible or liable to the person submitting the proposal or response or any other person for the disclosure of any such labeled materials, whether the disclosure is required by law or court order or occurs through inadvertence, mistake or negligence on the part of the Department or its officers, employees, contractors or consultants.

Sec. 52. 1. A public-private partnership entered into pursuant to section 46 of this act may include provisions that:

(a) Except as otherwise provided in subsection 3, authorize the Department or the private partner, or both, to charge, collect, use, enforce and retain user fees, including, without limitation, provisions that:

(1) Specify the technology to be used in or the technology standards that must be met in connection with the eligible transportation facility.

(2) Establish circumstances under which the Department may receive the revenues or a share of the revenues from such user fees.

(3) State that the user fees may be collected directly by the Department, the private partner or by a third party engaged for that purpose.

(4) Prescribe a formula, indexation or mechanism for the adjustment of user fees during the term of the public-private partnership.

(5) Allow a variety of strategies to be employed to manage traffic on the eligible transportation facility, including, without limitation:

(I) High-occupancy vehicle lanes where single- or low-occupancy vehicles may use higher-occupancy vehicle lanes by paying a user fee.

(II) Managed lanes or facilities in which the user fees may vary during the course of the day or week or according to the levels of congestion that are anticipated or experienced.

(III) Any combination of, or variation on, the strategies set forth in sub-subparagraphs (I) and (II), or any other strategy that the Department determines is appropriate based on the specific circumstances of the eligible transportation facility.

(6) Govern the enforcement of user fees, including, without limitation, provisions for the use of cameras or other mechanisms to ensure that users have paid user fees which are due and provisions that allow the Department of Transportation and the private partner access to relevant databases, including, without limitation, those of the Department of Motor Vehicles, for enforcement purposes. The Department of Transportation may impose a civil penalty of not more than $10,000 per violation for misuse of the data contained in such databases by the private partner, including, without limitation, negligence in securing the data properly. Any civil penalty collected pursuant to this subparagraph must be deposited in the State General Fund.

(b) Allow for payments to be made by this State to the private partner, including, without limitation, periodic payments, construction payments, milestone payments, progress payments, payments based on availability or any other performance-based payments, payments relating to compensation events specified in the public-private partnership and payments relating to or arising out of the termination of the public-private partnership.

(c) Allow the Department to accept payments of money from, and share revenues with, the private partner. The Department shall deposit such money in the State Highway Fund.

(d) Address the manner in which the Department and the private partner will share management of the risks of the eligible transportation facility.

(e) Specify the manner in which the Department and the private partner will share the costs of any development of the eligible transportation facility.

(f) Allocate financial responsibility for any costs that exceed the amount specified in the public-private partnership.

(g) Establish applicable liquidated or stipulated damages to be assessed for nonperformance by the private partner.

(h) Establish performance criteria or incentives, or both.

(i) Address the acquisition of rights-of-way and other property interests that may be required for the eligible transportation facility, including, without limitation, provisions that address the exercise of eminent domain by the Department in the manner authorized pursuant to this chapter and chapter 37 of NRS.

(j) Establish recordkeeping, accounting and auditing standards to be used for the project.

(k) Upon termination of the public-private partnership, address responsibility for repair, rehabilitation, reconstruction or renovations that are required for an eligible transportation facility to meet all applicable standards set forth in the public-private partnership upon reversion of the eligible transportation facility to this State.

(l) Provide for security and law enforcement.

(m) Identify any specifications of the Department that must be satisfied, including, without limitation, provisions allowing the private partner to request and receive authorization to deviate from the specifications on making a showing satisfactory to the Department.

(n) Specify remedies available and procedures for dispute resolution, including, without limitation, the right of the private partner to institute legal proceedings to obtain an enforceable judgment or award against the Department in the event of a default by the Department and procedures for use of dispute review boards, mediation, facilitated negotiation, nonbinding and binding arbitration and other alternative dispute resolution procedures.

2. A public-private partnership must contain a provision by which the private partner expressly agrees to be barred from seeking injunctive or other equitable relief to delay, prevent or otherwise hinder the Department from developing or constructing any other facility which was planned at the time the public-private partnership was executed and which may impact the revenue that the private partner derives from the eligible transportation facility developed under the public-private partnership. The public-private partnership may provide for reasonable compensation to the private partner for the adverse effect on revenue from the eligible transportation facility developed under the public-private partnership resulting from the development or construction of another facility by the Department.

3. A public-private partnership must not include a provision that authorizes the Department and the private partner to charge, collect, use, enforce and retain user fees on any eligible transportation facility which is

a highway or portion of a highway in existence on July 1, 2015, except that user fees may be charged, collected, used, enforced and retained where:

(a) Express lanes or high-occupancy vehicle lanes are converted to high-occupancy toll lanes, if the conversion is permissible under federal law;

(b) New capacity or lanes are constructed or added to the existing highway;

(c) The existing highway is reconstructed or rehabilitated, if the imposition of user fees is permissible under federal law; or

(d) It is otherwise permissible under federal law.

4. In connection with an eligible transportation facility that charges user fees, the Department is also entitled to charge, collect, use, enforce and retain user fees and exercise, for the benefit of the Department, the power to:

(a) Manage traffic on the eligible transportation facility in the manner described in subparagraph (5) of paragraph (a) of subsection 1; and

(b) Govern the enforcement of user fees in the manner described in subparagraph (6) of paragraph (a) of subsection 1.

Sec. 53. ***1. If the Department enters into a public-private partnership pursuant to section 46 of this act and the eligible transportation facility involves user fees, the Board:***

(a) Shall establish a schedule or methodology for the charging of user fees by the Department or the private partner for the use of the eligible transportation facility. Such a schedule or methodology may include, without limitation, provisions for adjusting the user fees based on the type of motor vehicle, time of day, traffic conditions or other factors determined necessary by the Department or the private partner to implement, finance or improve the performance of the eligible transportation facility;

(b) Shall, consistent with the provisions of section 56 of this act, establish the schedule of administrative fines, late charges and any other penalties or charges which may be imposed against any person who violates any regulation or rule governing the use of the eligible transportation facility or who fails to pay a user fee; and

(c) In addition to the exemptions provided in subsection 2, may provide for exemptions from the payment of a user fee and may authorize the private partner to provide for such exemptions.

2. The following motor vehicles are exempt from any user fee established by the Board:

(a) A preregistered vehicle transporting a number of occupants that is specified in the public-private partnership or otherwise specified by the Board;

(b) A transit bus or vanpool vehicle owned or operated by an agency or political subdivision of this State or the United States, to the extent that such vehicles are exempted pursuant to an agreement between the agency or political subdivision and the Department or the private partner;

(c) An authorized emergency vehicle if:

(1) It is responding to an emergency and its emergency lights are in use; or

(2) It is enforcing traffic laws; and

(d) A vehicle that is exempt pursuant to the terms of the public-private partnership.

3. The Board may review annually any fee schedule or methodology established pursuant to this section and any adjustments to the user fees made by the Department or the private partner to determine whether the user fees effectively manage travel times, speed and reliability with regard to the eligible transportation facility. Such a review does not entitle the Department to modify the terms of a binding public-private partnership or bond indenture.

Sec. 54. 1. The Department or private partner may use any method that it determines appropriate to charge, assess and collect a user fee, including, without limitation, the issuance of invoices, collection by means of toll booths, prepayment requirements and the use of an electronic, video or automated collection system. An electronic, video or automated collection system may be used to verify payment or to charge or assess the user fee to:

(a) The account of a person whose vehicle is equipped with a transponder or other automated payment technology approved by the Department;

(b) The account of a person who otherwise registers to use the collection system for the eligible transportation facility; or

(c) The registered owner of a motor vehicle.

2. Except as otherwise provided in this subsection, the name, address and any other personal identifying information and any trip data of a user of an eligible transportation facility is confidential and the Department, a private partner, consultant, contractor or representative thereof shall not release, sell or distribute such information without the express written consent of the user. The Department and the private partner may use and release such information:

(a) As is necessary for the purpose of assessing, charging and collecting a user fee and enforcing any administrative fines, late charges or other penalties and charges imposed pursuant to the public-private partnership; and

(b) To a law enforcement agency pursuant to a subpoena.

3. The Department or the private partner may solicit and contract with a person to provide services relating to the enforcement and collection of a user fee and any administrative fines, late charges or other penalties and charges imposed pursuant to the public-private partnership.

4. The Department or the private partner may:

(a) Accept cash payment of user fees at each toll booth or similar fixed collection facility for user fees;

(b) Allow a person to establish and deposit money into an account for use in an automated collection system; or

(c) Allow a person to establish an account that is not linked to a specific vehicle for use in an automated collection system.

5. The Department shall adopt regulations establishing a privacy policy regarding the collection and use of personal identifying information pursuant to this section. The regulations must include, without limitation, provisions requiring that:

(a) Any personal identifying information used to collect and enforce user fees be destroyed not later than 30 days after the person has paid the user fee, administrative fines, late fees or other penalties and charges imposed;

(b) Any personal identifying information collected for the establishment of an account for the use of an automated collection system be:

(1) Stored longer than 30 days only if the information is required to perform account functions, including, without limitation, billing and other activities directly related to the use of the account; and

(2) Destroyed within 30 days after receiving written notice that the person who established the account wants to close the account and has paid all outstanding user fees, administrative fines, late fees or any other penalties and charges imposed; and

(c) Each person establishing an account for use in an automated collection system be provided a copy, in a clear and conspicuous manner, of the privacy policy required by this section and all other applicable privacy laws, including, without limitation, sections 52 and 55 of this act.

Sec. 55. 1. The Department or a private partner may use a photo-monitoring, video, image capture or other automated or technology-based system to detect the failure of a driver or registered owner of a motor vehicle to pay a user fee or to verify the payment of a user fee.

2. The data, including, without limitation, photographs, images, videotapes and other information about the motor vehicle and its owner, generated and obtained by a system described in subsection 1 may only be used by the Department or the private partner to establish the nonpayment of a user fee and to enforce collection of a user fee and any administrative fines, late charges and other penalties or charges imposed pursuant to the public-private partnership and for no other purpose.

Sec. 56. 1. Except as otherwise provided in subsection 3, the registered owner of a motor vehicle who fails to pay a user fee is subject to an administrative fine for nonpayment and is liable to the Department or a private partner for the payment of the user fee, administrative fine, late charge and any other penalties or charges established by the Board or pursuant to the public-private partnership.

2. If a driver or registered owner fails to pay a user fee, the Department or the private partner shall provide notice of the nonpayment to the registered owner. The notice must describe the claimed nonpayment and the amount due, including, without limitation, any administrative fines, late charges or other penalties or charges, and explain that the registered owner must, within 20 days after receiving the notice, pay the full amount due or

contest the claim in the manner described in the notice. A registered owner who does not pay the full amount due or contest the claim within 20 days after receiving the notice cannot challenge the claim in any proceeding or action brought by the Department or the private partner.

3. A long-term or short-term lessor of a motor vehicle that is the registered owner of a vehicle is not liable to the Department or the private partner for any failure to pay a user fee arising out of the use of a leased or rented motor vehicle during any period that the motor vehicle is not in the possession of the lessor if, within 20 days after receiving the written notice from the Department or the private partner, the lessor provides to the Department or the private partner the name, address, driver's license number and any other identifying information of the person to whom the motor vehicle was rented or leased at the time of the use of the violation. If the lessor provides such information, the person to whom the motor vehicle was rented or leased at the time of the use of the eligible transportation facility is liable for the user fee or administrative fee, or both, and any late charges or other penalties or charges resulting from the person's failure to pay the user fee.

Sec. 57. 1. If a registered owner of a motor vehicle fails to respond to the notice of nonpayment provided pursuant to section 56 of this act, the Department of Transportation or a private partner may file a notice with the Department of Motor Vehicles. The notice must include:

(a) The place, time and date of the use of the eligible transportation facility;

(b) The license plate number and, to the extent known, the make and model year of the motor vehicle; and

(c) The total amount owed to the Department of Transportation or the private partner, including, without limitation, any administrative fines, late charges or other penalties and charges resulting from the person's failure to pay the user fee.

2. Upon receipt of the notice described in subsection 1, the Department of Motor Vehicles shall place a hold on the renewal of the registration of the motor vehicle described in the notice. The Department of Motor Vehicles shall not renew the registration of the motor vehicle unless the registered owner:

(a) Pays to the Department of Motor Vehicles the total amount owed to the Department of Transportation or the private partner, which amount the Department of Motor Vehicles shall forward, as directed by the Department of Transportation, to the Department of Transportation or the private partner, along with an accounting indicating the amount paid, from whom, for which motor vehicle and the corresponding license plate number of the motor vehicle; or

(b) Presents proof to the Department of Motor Vehicles of payment or satisfaction issued by the Department of Transportation or the private partner.

3. In addition to any administrative fine, late charge or other penalty or charge for nonpayment of a user fee established pursuant to a public-private partnership, the Department of Motor Vehicles may impose an additional administrative fee of not more than $15 upon any person who applies for the renewal of the registration of a motor vehicle subject to a hold placed on the renewal pursuant to this section.

4. In addition to any other remedy provided by this section, the Department of Transportation or the private partner may recover in a civil action any user fee, administrative fine, late charge or other penalty or charge authorized pursuant to section 56 of this act, as well as the costs of collection and enforcement.

Sec. 58. 1. The Department of Motor Vehicles shall work cooperatively with the Department of Transportation and any private partner to establish a timely and efficient manner for providing information concerning motor vehicles, including, without limitation, the name, address and driver's license number of the registered owner and the registration number of the vehicle, to the Department of Transportation and the private partner for the purpose of collecting and enforcing user fees and any administration fines, late charges and other penalties and charges imposed pursuant to sections 56 and 57 of this act. To the extent practicable, such information must be transmitted electronically.

2. The Department of Motor Vehicles shall work cooperatively with the departments of motor vehicles and similar agencies of other jurisdictions and states to:

(a) Assist the Department of Transportation and the private partner with the collection and enforcement of user fees charged against a motor vehicle operated on the eligible transportation facility by a person from such other jurisdiction or state; and

(b) Assist such other departments of motor vehicles and similar agencies with the collection and enforcement of user fees charged against a motor vehicle operated on the toll facilities of such other jurisdiction or state by a motor vehicle registered in this State.

➥ The cooperation must include providing information concerning motor vehicles, including, without limitation, the name, address and driver's license number of the registered owner and the registration number of the vehicle, to such departments of motor vehicles and similar agencies of other jurisdictions and states and forwarding such information received from such other departments of motor vehicles and similar agencies of other jurisdictions and states to the Department of Transportation or the private partner.

Sec. 59. 1. All money which is received and is to be retained by the Department pursuant to a public-private partnership and which is derived from the imposition of any charge with respect to the operation of any motor vehicle upon any public highway in this State must be deposited in the State Highway Fund, accounted for separately and, except for costs of

administration, be used exclusively for the design, construction, operation, maintenance, financing and repair of the public highways of this State. The money must first be used to defray the obligations for which the Department is responsible under the public-private partnership, including, without limitation, the costs of administration, design, construction, operation, maintenance, financing and repair of the eligible transportation facility from which the money is derived.

2. Any other money received and to be retained by the Department pursuant to sections 36 to 65, inclusive, of this act or pursuant to any policies or procedures established by the Department or set forth in the public-private partnership must be deposited in the State Highway Fund and accounted for separately. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. The money in the account may be used for:

(a) The payment of the costs of planning, designing, financing, constructing, improving, maintaining, operating or acquiring rights-of-way for, or any combination thereof, the eligible transportation facility;

(b) The payment of the costs of administering the eligible transportation facility and enforcing the collection and enforcement of tolls;

(c) Satisfaction of any obligations of the Department pursuant to a public-private partnership; and

(d) The costs of administration, construction, maintenance and repair of the public highways located in the county or counties from which the money was obtained.

Sec. 60. 1. An eligible transportation facility and any improvement to property in connection with an eligible transportation facility determined by the Department to be necessary or desirable therefor may, as determined by the Department, be financed:

(a) By the private partner using equity, debt, bonds or any other financing or money, or any combination thereof, for the eligible transportation facility.

(b) By the issuance of revenue bonds or notes of the State which are payable from and secured by:

(1) Revenues from the eligible transportation facility, including, without limitation, user fees and payments established, due and collected pursuant to sections 56 and 57 of this act, other than subsection 3 of section 57 of this act;

(2) Payments from the Department to the private partner pursuant to a public-private partnership, including any availability payments;

(3) Payments from the private partner as described in section 52 of this act;

(4) Guarantees or any other forms of financial assistance from the private partner or any other person;

(5) Any grants, donations or other sources of money mentioned in subsection 2 or 3 of section 47 of this act, if use of the money for the purpose of paying and securing the payment of the principal of and interest on those

bonds or notes is consistent with and not prohibited by the instrument, law or regulation under which the money is received;

(6) Interest or other gain accruing on any of the money deposited in the State Highway Fund pursuant to section 59 of this act;

(7) Any other funds and revenues of the Department that are eligible for such use; or

(8) Any combination thereof,

↳ as described in the resolution authorizing the issuance of the bonds or notes. The bonds or notes must be authorized and issued under the procedure described in NRS 408.273, but the bonds or notes must be secured as provided in this section and may have a maturity of up to 40 years after the date of issuance. Any bonds or notes authorized by this paragraph are special, limited obligations of the State payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

(c) By the issuance of revenue bonds or notes of the State, to finance the eligible transportation facility directly or by making a loan to the private partner, pursuant to a financing agreement entered into between the State and the private partner for the purpose of securing the bonds or notes and providing for their payment. Any bonds or notes issued pursuant to this paragraph must be payable solely from and secured by payments made by and property of and other security provided by the private partner, including, without limitation, any payments made to the private partner by the Department pursuant to the public-private partnership. Any bonds or notes issued pursuant to this paragraph must be authorized and issued under the procedure described in NRS 408.273, but the bonds or notes must be secured as provided in this paragraph and may have a maturity of up to 40 years from the date of issuance. Any bonds or notes as authorized by this paragraph are special, limited obligations of the State payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

(d) By the issuance of private activity bonds or notes of the State or any other eligible issuer, to finance the eligible transportation facility directly or by making a loan to the private partner, pursuant to a financing agreement entered into between the State and the private partner for the purpose of securing the bonds or notes and providing for their payment. Any bonds or notes issued pursuant to this paragraph must be payable solely from and secured by payments made by and property of and other security provided by the private partner, including, without limitation, any availability payments or other payments made to the private partner by the Department pursuant to the public-private partnership. Any bonds or notes issued pursuant to this

paragraph must be authorized and issued under the procedure described in NRS 408.273, but the bonds or notes must be secured as provided in this paragraph and may have a maturity of up to 40 years from the date of issuance. Any bonds or notes as authorized by this paragraph are special, limited obligations of the State payable solely from the revenues specifically pledged to the payment of those obligations, as specified in the resolution for the issuance of the bonds or notes, and do not create a debt of the State for the purposes of Section 3 of Article 9 of the Nevada Constitution.

(e) By any loan, grant, line of credit, loan guarantee, credit instrument, private activity bond allocation, credit assistance from the Federal Government or other type of assistance that is available to carry out the eligible transportation facility.

(f) With any grant, donation, gift or other form of conveyance of land, money or other real or personal property or other thing of value made to the Department to carry out the eligible transportation facility.

(g) With available money from any other source, including a source described in subsections 2 and 3 of section 47 of this act or from user fees.

(h) By any combination of paragraphs (a) to (g), inclusive.

2. If so determined by the Department, any bonds or notes issued as described in paragraph (b) of subsection 1 may also be payable from and secured by taxes which are credited to the State Highway Fund and which would not cause the bonds or notes to create a public debt under the provisions of Section 3 of Article 9 of the Nevada Constitution. In addition, the Department may pledge those taxes to and use those taxes for the payment of any of its obligations under a public-private partnership.

Sec. 61. The Department may acquire, condemn or hold real property and related appurtenances under fee title, lease, easement, dedication or license for an eligible transportation facility or in connection with a public-private partnership in any manner in which the Department is authorized by law.

Sec. 62. 1. The Department may grant to a private partner in connection with a public-private partnership a lease, easement, operating agreement, license, permit or right of entry for such real property and related appurtenances. Such grant and use shall be deemed for all purposes a public use, a public facility or a public highway, or any combination thereof.

2. The Department may include authority in a public-private partnership or otherwise authorize a private partner to remove any encroachments or relocate any utility from the right-of-way of an eligible transportation facility.

3. The use of the real property and related appurtenances granted by the Department to the private partner pursuant to subsection 1 is exempt from all real property and ad valorem taxes pursuant to NRS 361.157.

Sec. 63. 1. The Department may adopt regulations to carry out the provisions of sections 36 to 65, inclusive, of this act.

2. Any public-private partnership entered into pursuant to sections 36 to 65, inclusive, of this act must include a provision which states that the regulations adopted by the Department pursuant to subsection 1 and the provisions of sections 36 to 65, inclusive, of this act, as of the date on which the Department entered into the public-private partnership, shall be deemed incorporated as terms of the public-private partnership.

Sec. 64. If the Department enters into a public-private partnership pursuant to section 46 of this act:

1. The Department shall report annually to the Board on the status of the eligible transportation facility.

2. On or before February 1 of each year, the Board shall prepare a written report concerning the eligible transportation facility. The report must include, without limitation:

(a) The current status of the eligible transportation facility.

(b) If the eligible transportation facility involves user fees, the amount of user fees collected by the Department and the private partner.

(c) The amount of money received by the Department in connection with the eligible transportation facility from sources other than user fees.

(d) The amount paid by the Department under a public-private partnership.

(e) Such other information as the Board determines appropriate.

3. On or before February 1 of each even-numbered year, the Board shall submit the report prepared pursuant to subsection 2 to the Legislative Commission. On or before February 1 of each odd-numbered year, the Board shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 65. To the extent practicable, the provisions of sections 36 to 65, inclusive, of this act are intended to supplement other statutory provisions governing the administration of highways in this State and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of sections 36 to 65, inclusive, of this act. If there is a conflict between such other provisions and the provisions of sections 36 to 65, inclusive, of this act, the provisions of sections 36 to 65, inclusive, of this act control.

Sec. 66. **NRS 408.317 is hereby amended to read as follows:**

408.317 1. Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive, ***and sections 36 to 65, inclusive, of this act,*** all work of construction, reconstruction, improvement and maintenance of highways as provided under the provisions of this chapter is under the supervision and direction of the Director and must be performed in accordance with the plans, specifications and contracts prepared by the Director.

2. All maintenance and repair of highways when performed by the Department must be paid out of the State Highway Fund.

Sec. 67. **NRS 408.327 is hereby amended to read as follows:**

408.327 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive ~~[,]~~ ***, and sections 36 to 65, inclusive, of this act:***

1. Whenever the provisions of NRS 408.323 do not apply, the Director shall advertise for bids for such work according to the plans and specifications prepared by the Director.

2. The advertisement must state the place where the bidders may obtain or inspect the plans and specifications and the time and place for opening the plans and specifications.

3. Publication of the advertisement must be made at least once a week for 2 consecutive weeks for a total of at least two publications in a newspaper of general circulation in the county in which the major portion of the proposed improvement or construction is to be made, and the advertisement must also be published at least once a week for 2 consecutive weeks for a total of at least two publications in one or more daily papers of general circulation throughout the State. The first publication of the advertisement in the daily newspapers having general circulation throughout the State must be made not less than 15 days before the time set for opening bids.

Sec. 68. **NRS 408.333 is hereby amended to read as follows:**

408.333 Except as otherwise provided in NRS 408.367 or 408.3875 to 408.3887, inclusive ~~[,]~~ ***, and sections 36 to 65, inclusive, of this act:***

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work and any other comparable experience.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. If the Director determines that the person has, within the preceding year, materially breached a contract for a public work for which the cost exceeds $25,000,000, the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further

evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 69. **NRS 408.337 is hereby amended to read as follows:**

408.337 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive ~~[,]~~ ***, and sections 36 to 65, inclusive, of this act:***

1. All bids must be accompanied by an undertaking executed by a corporate surety authorized to do business in the State, or by cash or a certified check in an amount equal to at least 5 percent of the amount bid. Such undertaking, cash or check furnished to accompany a bid submitted on-line pursuant to NRS 408.343 must be furnished in accordance with the procedures set forth by the Director.

2. If the successful bidder fails to execute the contract in accordance with his or her bid and give any bond required by law and the contract and bond are not postmarked or delivered to the Department within 20 days after award of the contract, the undertaking, cash or certified check is forfeited and the proceeds must be paid into the State Highway Fund.

3. The failure of the successful bidder to furnish any bond required of the bidder by law within the time fixed for his or her execution of the contract constitutes a failure to execute the contract.

4. If the Director deems it is for the best interests of the State, the Director may, on refusal or failure of the successful bidder to execute the contract, award it to the second lowest responsible bidder. If the second lowest responsible bidder fails or refuses to execute the contract, the Director may likewise award it to the third lowest responsible bidder. On the failure or refusal to execute the contract of the second or third lowest bidder to whom a contract is so awarded, their bidder's security is likewise forfeited to the State.

5. The bidder's security of the second and third lowest responsible bidders may be withheld by the Department until the contract has been finally executed and the bond given as required under the provisions of the contract, at which time the security must be returned. The bidder's security submitted by all other unsuccessful bidders must be returned to them within 10 days after the contract is awarded.

Sec. 70. **NRS 408.343 is hereby amended to read as follows:**

408.343 1. Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive ~~[,]~~ ***, and sections 36 to 65, inclusive, of this act:***

(a) All bids must be submitted:

(1) Under sealed cover and received at the address in Nevada stated in the advertisement for bids and must be opened publicly and read at the time stated in the advertisement; or

(2) Pursuant to the process of on-line bidding established by the Director.

(b) No bids may be received after the time stated in the advertisement even though bids are not opened exactly at the time stated in the advertisement. No bid, whether submitted in accordance with subparagraph (1) or (2) of paragraph (a), may be opened before that time.

(c) Any bid may be withdrawn by request at any time before the time stated in the advertisement. The withdrawal must be filed with the Director and executed by the bidder or the bidder's duly authorized representative. The withdrawal may be filed electronically. The withdrawal of a bid does not prejudice the right of the bidder to file a new bid before the time stated in the advertisement.

(d) The Department may reject any bid or all bids if, in the opinion of the Department, the bids are unbalanced, incomplete, contain irregularities of any kind or for any good cause.

(e) Until the final award of the contract, the Department may reject or accept any bids and may waive technical errors contained in the bids, as may be deemed best for the interests of the State.

(f) In awarding a contract, the Department shall make the award to the lowest responsible bidder who has qualified and submitted his or her bid in accordance with the provisions of this chapter.

2. The Director may adopt regulations to carry out the provisions of this section.

3. As used in this section, "on-line bidding" means a process:

(a) That is established by the Director; and

(b) By which bidders submit proposals or bids for contracts on a secure website on the Internet or its successor, if any, which is established and maintained by the Department for that purpose.

Sec. 71. **NRS 408.357 is hereby amended to read as follows:**

408.357 1. Except as otherwise provided in NRS 408.354, ***and sections 36 to 65, inclusive, of this act,*** every contract must provide for the filing and furnishing of one or more bonds by the ~~[successful bidder,]~~ ***person to whom the contract is awarded,*** with corporate sureties approved by the Department and authorized to do business in the State, in a sum equal to the full or total amount of the contract awarded. The bond or bonds must be performance bonds or labor and material bonds, or both.

2. The performance bonds must:

(a) Guarantee the faithful performance of the contract in accordance with the plans, specifications and terms of the contract.

(b) Be maintained for 1 year after the date of completion of the contract.

3. The labor and material bonds must:

(a) Secure payment of state and local taxes relating to the contract, premiums under the Nevada Industrial Insurance Act, contributions under the Unemployment Compensation Law, and payment of claims for labor, materials, provisions, implements, machinery, means of transportation or supplies furnished upon or used for the performance of the contract; and

(b) Provide that if the contractor or his or her subcontractors, or assigns, fail to pay for such taxes, premiums, contributions, labor and materials required of, and used or consumed by, the contractor or his or her subcontractors, the surety shall make the required payment in an amount not exceeding the total sum specified in the bond together with interest at a rate of 8 percent per annum.

➥ All such bonds must be otherwise conditioned as required by law or the Department.

4. No person bidding for work or submitting proposals under the provisions of this chapter may be accepted as surety on any bond.

5. Whenever the Department has cause to believe that the sureties or any of them have become insufficient, it may demand in writing of the contractor such further bonds or additional sureties, in a total sum not exceeding that originally required, as are necessary, considering the extent of the work remaining to be done. Thereafter no payment may be made upon the contract to the contractor or any assignee of the contractor until the further bonds or additional sureties have been furnished.

6. The Department in every contract may require the furnishing of proof by the successful bidder of public liability and insurance coverage for damage to property.

Sec. 72. **NRS 408.5471 is hereby amended to read as follows:**

408.5471 As used in NRS 408.5471 to 408.549, inclusive, unless the context otherwise requires, "transportation facility" ~~[means a road, railroad, bridge, tunnel, overpass, airport, mass transit facility, parking facility for vehicles or similar commercial facility used for the support of or the transportation of persons or goods, including, without limitation, any other property that is needed to operate the facility. The term does not include a toll bridge or toll road.]~~ ***has the meaning ascribed to "eligible transportation facility" in section 39 of this act.***

Sec. 73. **NRS 408.5473 is hereby amended to read as follows:**

408.5473 ~~[The]~~ ***In addition to the provisions of sections 36 to 65, inclusive, of this act, the*** Department may authorize a person to develop, construct, improve, maintain or operate, or any combination thereof, a transportation facility pursuant to NRS 408.5475 or 408.548.

Sec. 74. **NRS 408.5485 is hereby amended to read as follows:**

408.5485 ***1.*** The Department may contract with a person whose request or proposal is approved pursuant to NRS 408.5483 for transportation services to be provided by the transportation facility in exchange for such payments for service and other consideration as the Department may deem appropriate ~~[.]~~ ***, including, without limitation, periodic payments, construction payments, milestone payments, progress payments, payments based on availability or any other performance-based payments, payments relating to compensation events specified in a public-private partnership and payments relating to or arising out of the termination of a public-private partnership.***

2. The powers, rights, reservations and authority granted to the Department pursuant to section 60 of this act with respect to an eligible transportation facility authorized by sections 36 to 65, inclusive, of this act, apply to the development, design, construction, financing, improvement, maintenance or operation, or any combination thereof, of a transportation facility authorized by NRS 408.5471 to 408.549, inclusive.

3. If a transportation facility authorized by NRS 408.5471 to 408.549, inclusive, imposes or otherwise involves user fees, the powers, rights, reservations and authority granted to the Department with respect to an eligible transportation facility authorized by sections 36 to 65, inclusive, of this act:

(a) Apply to the development, design, construction, financing, improvement, maintenance or operation, or any combination thereof, of the transportation facility; and

(b) Are supplemental to the provisions of NRS 408.5471 to 408.549, inclusive.

4. As used in this section:

(a) "Eligible transportation facility" has the meaning ascribed to it in section 39 of this act.

(b) "Public-private partnership" has the meaning ascribed to it in section 43 of this act.

Sec. 75. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,

365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and sections 51 and 54 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 76. **NRS 338.1373 is hereby amended to read as follows:**

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.1685 to 338.16995, inclusive; or

(d) NRS 338.1711 to 338.173, inclusive.

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive ~~[.]~~ ***, and sections 36 to 65, inclusive, of this act.***

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, ***and sections 36 to 65, inclusive, of this act,*** that provision of this chapter does not apply to the Department of Transportation or the contract.

Sec. 77. **NRS 338.1385 is hereby amended to read as follows:**

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to ~~[NRS 408.323 or 408.327;]~~ ***the provisions of chapter 408 of NRS;***

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.

Sec. 78. **NRS 338.143 is hereby amended to read as follows:**

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public

work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall

prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to ~~[NRS 408.323 or 408.327;]~~ ***the provisions of chapter 408 of NRS;***

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.

Sec. 79. **NRS 361.157 is hereby amended to read as follows:**

361.157 1. When any real estate or portion of real estate which for any reason is exempt from taxation is leased, loaned or otherwise made available to and used by a natural person, association, partnership or corporation in connection with a business conducted for profit or as a residence, or both, the leasehold interest, possessory interest, beneficial interest or beneficial use of the lessee or user of the property is subject to taxation to the extent the:

(a) Portion of the property leased or used; and

(b) Percentage of time during the fiscal year that the property is leased by the lessee or used by the user, in accordance with NRS 361.2275,

➥ can be segregated and identified. The taxable value of the interest or use must be determined in the manner provided in subsection 3 of NRS 361.227 and in accordance with NRS 361.2275.

2. Subsection 1 does not apply to:

(a) Property located upon a public airport, park, market or fairground, or any property owned by a public airport, unless the property owned by the public airport is not located upon the public airport and the property is leased, loaned or otherwise made available for purposes other than for the purposes of a public airport, including, without limitation, residential, commercial or industrial purposes;

(b) Federal property for which payments are made in lieu of taxes in amounts equivalent to taxes which might otherwise be lawfully assessed;

(c) Property of any state-supported educational institution, except any part of such property located within a tax increment area created pursuant to NRS 278C.155;

(d) Property leased or otherwise made available to and used by a natural person, private association, private corporation, municipal corporation, quasi-municipal corporation or a political subdivision under the provisions of the Taylor Grazing Act or by the United States Forest Service or the Bureau of Reclamation of the United States Department of the Interior;

(e) Property of any Indian or of any Indian tribe, band or community which is held in trust by the United States or subject to a restriction against alienation by the United States;

(f) Vending stand locations and facilities operated by persons who are blind under the auspices of the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, whether or not the property is owned by the federal, state or a local government;

(g) Leases held by a natural person, corporation, association, municipal corporation, quasi-municipal corporation or political subdivision for development of geothermal resources, but only for resources which have not been put into commercial production;

(h) The use of exempt property that is leased, loaned or made available to a public officer or employee, incident to or in the course of public employment;

(i) A parsonage owned by a recognized religious society or corporation when used exclusively as a parsonage;

(j) Property owned by a charitable or religious organization all, or a portion, of which is made available to and is used as a residence by a natural person in connection with carrying out the activities of the organization;

(k) Property owned by a governmental entity and used to provide shelter at a reduced rate to elderly persons or persons having low incomes;

(l) The occasional rental of meeting rooms or similar facilities for periods of less than 30 consecutive days;

(m) The use of exempt property to provide day care for children if the day care is provided by a nonprofit organization; ~~[or]~~

(n) ***Any lease, easement, operating agreement, license, permit or right of entry for any exempt state property granted by the Department of Transportation pursuant to section 62 of this act; or***

(o) Any lease, easement, operating agreement, license, permit or right of entry for any exempt state property granted by the Department or the Regional Transportation Commission of Southern Nevada pursuant to section 45 of the Boulder City Bypass Toll Road Demonstration Project Act.

3. Taxes must be assessed to lessees or users of exempt real estate and collected in the same manner as taxes assessed to owners of other real estate, except that taxes due under this section do not become a lien against the property. When due, the taxes constitute a debt due from the lessee or user to the county for which the taxes were assessed and, if unpaid, are recoverable by the county in the proper court of the county.

Sec. 80. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 81. **The Department of Transportation shall allocate $20,000,000 or the amount of money saved from the use of a public-private partnership pursuant to the provisions of sections 36 to 65, inclusive, of this act, whichever is less, to the Tahoe transportation district established by NRS 277.200 for the support of the US 50/South Shore Community Revitalization Project.**

Sec. 82. **This act becomes effective on July 1, 2015.**

Assemblyman Wheeler moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 433.

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner's property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal

may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that **for the purposes of appeals to a county board of equalization or the State Board of Equalization,** the term "owner" includes a person who owns, controls or possesses taxable property **.** ~~[or is otherwise responsible for the payment of the taxes on the property or is an authorized representative of the property. Thus, under section 1, any of these persons may file an appeal without submitting the written authorization from the owner to file the appeal which is required under existing law.]~~

Section 2 of this bill **provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment. Section 2 further** provides that if ~~[an appeal must be filed with the written authorization from the owner to file the appeal but the assessor objects]~~ **there is an objection** to the written authorization ~~[, the assessor must give]~~ **provided by the person who filed the appeal,** written notice of the objection **must be given** to the person who filed the appeal and that person may submit documentation to cure the objection within ~~[7]~~ **5 business** days after receipt of the notice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. ***The term "owner" includes a person who owns, controls or possesses taxable property .*** ~~*[or is otherwise responsible for the payment of the taxes on the property or is an authorized representative of the property.]*~~

2. The term "property" includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~[2.]~~ ***3.*** Where the term "property" is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term "owner" used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 ***1.*** Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. ***The written authorization may be signed by:***

(a) The owner; or

(b) An employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment.

2. If ~~[the]~~ ***a*** person files the appeal in a timely manner without ~~***[:***~~

~~***1. Without]***~~ the written authorization required by ~~[this section,]~~ ***subsection 1,*** the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

~~***[2. With the]***~~

3. If there is an objection to a written authorization ~~***[required by this section but the assessor objects to that written authorization, the assessor must give]***~~ ***provided pursuant to subsection 1, written notice*** ~~***[of the objection]***~~ ***specifying the grounds for the objection must be given to the person filing the appeal by the assessor by certified mail . [, return receipt requested.] If the person filing the appeal submits [to the assessor any] documentation necessary to cure the objection within [7] 5 business days after receipt of the notice, the appeal must be deemed to be filed in a timely manner.***

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 365.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting the electronic dissemination or the sale of an intimate image of another person in certain circumstances; ~~[prohibiting a person from conspiring with, enabling, aiding or abetting another person in the commission of the unlawful dissemination of an intimate image;]~~ prohibiting a person from demanding payment of money, property, services or anything else of value from a person ~~[, or directly or indirectly counseling, encouraging, hiring, commanding, inducing or otherwise procuring another person to make such a demand from a person,]~~ in exchange for removing an intimate image from public view; revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure and lewdness with a child; **revising provisions relating to statutory sexual seduction;** revising provisions relating to sexual conduct between certain pupils and certain employees of or volunteers at a school and between certain students and certain employees of a college or university; setting forth various provisions relating to the admissibility of evidence and expert testimony in ~~[a]~~ criminal ~~[action;]~~ **and juvenile delinquency actions;** prohibiting a court from ordering the victim of

or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in a criminal **or juvenile delinquency** action relating to the commission of the sexual offense; authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on such a victim or witness; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1- ~~[6]~~ **6.5** of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) ~~[certain intimate areas of the body]~~ **the fully exposed nipple of the female breast** of another person; or (2) ~~[another person]~~ **one or more persons** engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category ~~[C]~~ **D** felony when, with the intent to harass, ~~[annoy, alarm]~~ **harm** or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not **give prior** consent to the electronic dissemination or sale; ~~[and]~~ (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public **.** ~~[.]~~ **; and (3) was at least 18 years of age when the intimate image was created.** **Section 5** also sets forth certain exceptions regarding when an intimate image may be lawfully electronically disseminated. Under **section 6**, a person is guilty of a category ~~[C]~~ **D** felony if he or she **.** ~~[: (1) conspires with, enables, aids or abets another person in the electronic dissemination or the sale of an intimate image; (2)]~~ demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view **.** ~~[; or (3) directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another person to make such a demand from a person in exchange for removing an intimate image from public view.]~~ **Section 6.5 provides that the provisions of sections 1-6 must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.**

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is

guilty of sexual assault. **Section 8 further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act if the person is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.**

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill increases that age to 16 years and provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony. **Section 15 also provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act if the person is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.**

Section 7 of this bill revises the definition of the term "statutory sexual seduction," and section 8.5 of this bill revises the penalties imposed for the crime of statutory sexual seduction. Section 15 provides that an act which constitutes the crime of statutory sexual seduction does not constitute lewdness with a child.

Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.

Sections 18 and 19 of this bill revise the punishment imposed for: (1) certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; and (2) certain employees of a college or university who engage in sexual conduct with certain students.

Sections 12, ~~[~~20,~~]~~ 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal **and juvenile delinquency** cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the

defendant. ~~[Section 20 provides that a statement or confession made by a defendant in a criminal action is admissible if the prosecution proves by a preponderance of the evidence that the statement or confession is trustworthy.]~~ Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal **or juvenile delinquency** action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[6,]~~ **6.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[6,]~~ 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Intimate image":***

1. Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image ~~[, or any reproduction thereof,]~~ which depicts:

(a) ~~[The naked genitals, pubic area or buttocks of another person;~~

~~(b)]~~ The fully exposed nipple of the female breast of another person ~~[with less than a fully opaque covering of any portion thereof below the top of the areola;]~~ , including through transparent clothing; or

~~[(c) Another person]~~

(b) One or more persons engaged in sexual conduct.

2. Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:

(a) Is not clearly identifiable;

(b) Voluntarily exposed himself or herself in a public or commercial setting; or

(c) Is a public figure.

Sec. 4. ***"Sexual conduct" ~~[means:~~***

~~1. Ordinary sexual intercourse;~~

~~2. Anal intercourse;~~

~~3. Fellatio, cunnilingus or other oral-genital contact;~~

~~4. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purposes of arousing or gratifying the sexual desire of either person; or~~

~~*5. Masturbation.]*~~ *has the meaning ascribed to it in NRS 200.700.*

Sec. 5. *1. Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass,* ~~*[annoy, alarm]*~~ *harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:*

(a) Did not give prior consent to the electronic dissemination or the sale of the intimate image; ~~*[and]*~~

(b) Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public ~~*[.]*~~ *; and*

(c) Was at least 18 years of age when the intimate image was created.

2. A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category ~~*[C]*~~ *D felony and shall be punished as provided in NRS 193.130.*

3. The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:

(a) A legitimate public interest;

(b) Reporting unlawful conduct;

(c) Any lawful law enforcement or correctional activity;

(d) Investigation or prosecution of a violation of this section; or

(e) Preparation for or use in any legal proceeding.

4. A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 6. *Any person who* ~~*[:*~~

~~*1. Conspires with, enables, aids or abets another person in the unlawful dissemination of an intimate image in violation of section 5 of this act;*~~

~~*2. Demands]*~~ *demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view* ~~*[; or*~~

~~*3. Directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view,*~~

~~*".]*~~ *is guilty of a category* ~~*[C]*~~ *D felony and shall be punished as provided in NRS 193.130.*

Sec. 6.5. *1. The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.*

2. As used in subsection 1, "interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. "Statutory sexual seduction" means ~~[:~~

~~(a) Ordinary]~~ ***ordinary*** sexual intercourse, anal intercourse, ~~[cunnilingus or fellatio]~~ ***or sexual penetration*** committed by a person 18 years of age or older with a person ~~[under the age of 16 years; or~~

~~(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.]~~ ***who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.***

7. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct, ***or who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast,*** is guilty of sexual assault.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. ***The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:***

(a) The person committing the act uses force or threatens the use of force;

(b) The person upon whom the act is committed suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness that is apparent or known to the person committing the act; or

(c) The victim has diminished capacity at the time of the offense as a result of drug or alcohol use.

6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. **NRS 200.368 is hereby amended to read as follows:**

200.368 ~~[Except under circumstances where a greater penalty is provided in NRS 201.540, a]~~ ***A*** person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~[, for a category C felony as provided in NRS 193.130.]~~ ***at the time of the commission of the offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.***

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** the person is under the age of 21 years, for a gross misdemeanor.

3. If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Strangulation" has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served ~~. [,~~

~~➥ as determined by the verdict of the jury, or the judgment of the court if there is no jury.]~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➥ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than $10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) ***or (2)*** does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished

by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child ***pursuant to NRS 432B.130*** and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) ***or (2)*** does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means ***[battery, as defined in NRS 200.481,]*** physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~[For]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~[For]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the ~~[crime]~~ ***crimes*** of sexual assault ~~[,]~~ ***or statutory sexual seduction,*** upon or with the body, or any part or member thereof, of a child under the age of ~~[14]~~ ***16*** years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.

2. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a person who commits lewdness with a child ***under the age of 14*** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~[2 years]~~ 1 year and a maximum term of not more than ~~[20]~~ 10 years and may be further punished by a fine of not more than $10,000.***

4. A person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~[4.]~~ ***5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any act described in subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:***

(a) The person committing the act uses force or threatens the use of force;

(b) The person upon whom the act is committed suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness that is apparent or known to the person committing the act; or

(c) The victim has diminished capacity at the time of the offense as a result of drug or alcohol use.

6. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection 5 of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 12 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 "Sexual conduct" means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;
5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;
6. Masturbation or the lewd exhibition of unclothed genitals; ~~[or]~~
7. Sado-masochistic abuse ~~[.]~~ ***; or***

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[4,]~~ ***3,*** a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

~~[➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~2. Except as otherwise provided in subsection 4, a person who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,~~**]**

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than **[**~~1 year~~**]** ***2 years*** and a maximum term of not more than **[**~~6~~**]** ***20*** years, and may be further punished by a fine of not more than **[**~~$5,000.~~**]** ***$10,000.***

[~~3.~~**]** ***2.*** For the purposes of **[**~~subsections~~**]** ***subsection*** 1 **[**~~and 2,~~**]** a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

[~~4.~~**]** ***3.*** The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 or 17 years of age and who is enrolled in or attending the college or university at which the person is employed,

➥ is guilty of a category ~~[C]~~ ***B*** felony and shall be punished ~~[as provided in NRS 193.130.]~~ ***by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $10,000.***

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

(a) A teacher, instructor or professor;

(b) An administrator; or

(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student.

Sec. 20. ~~[Chapter 47 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. In addition to any other provision of law or court rule providing for its admissibility, a statement or confession made by a defendant in a criminal action is admissible if the prosecution proves by a preponderance of the evidence that the statement or confession is trustworthy.*~~

~~*2. In determining whether a statement or confession is trustworthy, the court may consider, without limitation:*~~

~~*(a) Evidence that supports the facts contained in the statement or confession;*~~

~~*(b) Evidence that may support the commission of a crime, which is corroborated by the facts contained in the statement or confession; and*~~

~~*(c) Whether the circumstances under which the statement or confession was made support the assertion that the statement or confession is trustworthy.]~~* **(Deleted by amendment.)**

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of

motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***1. In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:***

(a) The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and

(b) Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 24. ***1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.***

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim

or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

(q) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, ***and section 23 of this act,*** unless the context otherwise requires, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child ***has been subjected to harmful behavior that communicates rejection or is threatening, intimidating, disparaging, terrorizing or humiliating, has been***

subjected to painful [, unhealthy] or abusive conduct, has been abandoned, is without proper care, control [and] ***or*** supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, **6.5** and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after [the effective date of this act.] **October 1, 2015.**

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after [the effective date of this act] **October 1, 2015,** if, on or after [the effective date of this act,] **October 1, 2015,** a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13 [to] **, 14,** 15, [inclusive,] 17 [to] **, 18,** 19 **[, inclusive,]** and 26 of this act apply to an offense that is committed on or after [the effective date of this act.] **October 1, 2015.**

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act [,] apply to a court proceeding that is commenced on or after [the effective date of this act.] **October 1, 2015.**

5. As used in this section, "intimate image" has the meaning ascribed to it in section 3 of this act.

Sec. 28. [This act becomes effective upon passage and approval.] **(Deleted by amendment.)**

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 253, 249, 289, 326, 389, 448, 450, and 459 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly recess until 5:15 p.m.

Motion carried.

Assembly in recess at 4:39 p.m.

ASSEMBLY IN SESSION

At 7:09 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 120, 159, 195, 283, 267, 305, 225, 178, and 212 be taken from their positions on the General File and placed at the top of the General File immediately after Assembly Bill No. 238.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 330 be declared an emergency measure under the *Constitution* and be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I just wanted to clarify for the committee that this addresses the committee's concerns, and that is why I requested a personal amendment.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 330.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 610.

AN ACT relating to energy; requiring a person who sells or installs certain systems for the generation of electricity or sells electricity generated by such systems to provide a warranty for each such system; requiring agreements for the financing, sale or lease of such systems or the sale of electricity generated by such systems to include or be accompanied by certain information, statements and disclosures; requiring sellers or lessors of such systems to maintain certain records; requiring a person who sells or installs such systems or sells electricity generated by such systems to register with the Office of Energy; providing that certain actions constitute ~~[a]~~ deceptive trade ~~[practice;]~~ **practices;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides requirements for agreements to sell, lease or install "distributed generation systems," which are defined as electricity generating

systems, other than certain portable or other electric generators intended for occasional use, that: (1) generate electricity from solar energy; (2) are located on the premises of a customer of an electric utility; (3) are connected on the customer's side of the electricity meter; (4) provide electricity primarily to offset customer load on those premises; and (5) operate in parallel with the utility's transmission and distribution facilities.

Section 6 of this bill requires a person who sells, installs or sells and installs a distributed generation system to provide with the sale or installation an express, written warranty for the system which must provide coverage for both parts and labor. The seller or installer also must provide with the sale or installation a description of the warranty, a description of any responsibility assumed or disclaimed by the seller or installer, and performance data for the system. **Section 7** of this bill requires a person transferring an obligation under a required warranty to provide the name, address and telephone number of the person to whom the obligation is being transferred.

Section 8 of this bill lists the requirements for any agreement for the financing, sale or lease of a distributed generation system or for the purchase of electricity generated by a distributed generation system. The agreement, which must be in writing, must include information regarding: (1) the manufacturer, seller and installer of the system; (2) the effectiveness of the system; (3) the cost of the purchase or lease and the cost of operating and maintaining the system; (4) tax incentives ~~[and obligations]~~ relating to the purchase or lease of the system or the purchase of electricity; and (5) any restrictions or obligations imposed by the agreement. The seller or lessor of a system or the seller of electricity also must provide written statements regarding utility rates and attesting to the truthfulness and completeness of the agreement. **Section 8** also provides that any **such** agreement ~~[that fails to comply with these requirements]~~ is voidable at the option of the person purchasing or leasing the system, or purchasing electricity generated by the system, until the installation of the system.

Section 9 of this bill provides requirements for an agreement for the financing, sale or lease of a distributed generation system that requires any modification or transfer of the system to be approved by a third party. **Section 10** of this bill provides requirements for an agreement that includes an estimate of the cost of electricity for the purchaser or lessee after the system is installed. **Section 11** of this bill requires a seller or lessor of a distributed generation system who represents to the purchaser or lessee that the purchaser or lessee will be entitled to certain tax credits to prepare and maintain a record of that representation.

Section 12 of this bill prohibits a person from selling, leasing or installing a distributed generation system or selling electricity generated by such a system without first registering with the Office of Energy. **Section 12** also requires the Director of the Office of Energy to adopt regulations relating to registration.

~~[Sections 6, 8 and]~~ **Additionally, section 12** ~~[declare]~~ **declares** certain actions in violation of the provisions of this bill to constitute ~~[a]~~ deceptive trade ~~[practice]~~ **practices** for the purposes of chapter 598 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Collector" means a component of a distributed generation system that is used to absorb solar radiation, convert the solar radiation to electricity and transfer the electricity to a storage unit.***

Sec. 4. ***1. "Distributed generation system" and "system" mean a system or facility for the generation of electricity that:***

(a) Uses solar energy to generate electricity;

(b) Is located on the premises of a customer of an electric utility;

(c) Is connected on the customer's side of the electricity meter;

(d) Provides electricity primarily to offset customer load on those premises; and

(e) Operates in parallel with the utility's transmission and distribution facilities.

2. The term does not include a portable or other electric generator that is intended for occasional use.

Sec. 5. ***"Storage unit" means a component of a distributed generation system that is used to store electricity.***

Sec. 6. ***1. A person who sells a distributed generation system shall provide to the purchaser an express, written warranty for the system which:***

(a) For the collectors and storage units of the system, expires not earlier than 20 years after the sale of the system;

(b) For the inverters of the system, expires not earlier than 7 years after the sale of the system;

(c) For all other components of the system, expires not earlier than 2 years after the sale of the system; and

(d) Must provide coverage for both parts and labor.

2. A person who installs a distributed generation system shall provide to the person for whom the system is installed an express, written warranty for the installation of the system which:

(a) For the collectors and storage units of the system, expires not earlier than 2 years after the installation of the system is completed;

(b) For all other components of the system, expires not earlier than 1 year after the installation of the system is completed; and

(c) Must provide coverage for both parts and labor.

3. A person who sells, installs or sells and installs a distributed generation system shall provide with the system a written statement on a form prescribed by the Director. A copy of each statement must be provided to the Director, who shall make each such copy available for public inspection and copying. The statement must include:

(a) A description of the warranty required by the applicable provisions of this section for the system;

(b) A description of any responsibility assumed or disclaimed by the person providing the statement; and

(c) If the person providing the statement is the seller of the system, performance data, and the source of that data, for the system.

4. The provisions of this section relating to a person who installs a distributed generation system do not apply to a person who installs a system on his or her own premises.

~~*[5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.]*~~

Sec. 7. *If any obligation under a warranty required by section 6 of this act is transferred, the person transferring the obligation shall:*

1. Provide to the purchaser or lessee of the distributed generation system the name, address and telephone number of the person to whom the obligation is being transferred; and

2. Disclose to the purchaser or lessee whether the person to whom the obligation is being transferred is certified by the North American Board of Certified Energy Practitioners or any successor organization.

Sec. 8. *1. An agreement for the financing, sale or lease of a distributed generation system, or an agreement for the purchase of electricity generated by a distributed generation system, must be in writing in at least 12-point font and must:*

(a) Be signed and dated by the purchaser or lessee of the system or the purchaser of electricity.

(b) Include a provision granting the purchaser or lessee of the system or the purchaser of electricity the right to rescind the agreement for a period ending:

(1) Not less than 5 days after the agreement is signed; or

(2) When installation of the system begins,

whichever is earlier.

(c) Include the name, mailing address and telephone number of the manufacturer, seller and installer of the system and, if the agreement is for the lease of the system, the name, mailing address and telephone number of the lessor of the system.

(d) Disclose whether the seller and installer of the system are certified by the North American Board of Certified Energy Practitioners or any successor organization.

(e) ~~*[For each component of the system, include any serial number or other identifying number provided by the manufacturer of the component.*~~

~~(f)~~ *Separately set forth:*

(1) If the agreement is pursuant to a financing agreement:

(I) The total cost to the purchaser or lessee over the duration of the agreement; and

(II) The total number of payments and the schedule of payments; and

(2) Any interest, fees for the installation of the system, fees for the preparation of any documents relating to the agreement and any other costs to be paid by the purchaser or lessee of the system or the purchaser of electricity, as applicable.

~~[(g)]~~ *(f) Include an estimate of the total cost of operating and maintaining the system for the period during which it can be reasonably expected that the system will be operational, including, without limitation, the cost of any construction necessary for the installation of the system.*

~~[(h)]~~ *(g) Include an estimate of the amount of electricity that will be generated by the system on a monthly and annual basis.*

~~[(i)]~~ *(h) Identify each state and federal tax incentive available for purchasing or leasing the system or purchasing electricity generated by the system, including, without limitation, the expiration date of any such tax incentive and any conditions or requirements for qualifying for any such tax incentive.*

~~[(j) Identify each tax obligation resulting from the purchase or lease of the system or the purchase of electricity generated by the system, including, without limitation:~~

~~(1) An~~

(i) Include an estimate of the assessed value ~~[and the depreciation schedule]~~ *of the system* ~~[and the components]~~ *upon the installation of the system* ~~.~~ ~~[;~~

~~(2) Any sales, use or rental tax that may be assessed for the purchase or lease of the system or the purchase of electricity generated by the system; and~~

~~(3) Any obligation of the purchaser or lessee of the system or the purchaser of electricity generated by the system to transfer any tax incentive associated with the system.]~~

~~[(k)]~~ *(j) Disclose whether any obligations under a warranty required by section 6 of this act may be transferred.*

~~[(l)]~~ *(k) Disclose any restrictions which the agreement imposes on the modification or transfer of the system.*

~~[(m)]~~ *(l) Disclose any restrictions which the agreement imposes on the modification or transfer of the real property to which the system is affixed.*

~~[(n)]~~ *(m) Disclose any obligation the seller or lessor has regarding the installation or removal of the system.*

~~[(o)]~~ *(n) If the agreement is for the lease of a system, provide for the continuation, termination or transfer of the lease in the event of:*

(1) The sale of the real property to which the system is affixed; or

(2) The death of the lessee.

~~*[(p) If the agreement is for the sale or lease of a system, include the declaration required by subsection 4.]*~~

~~*[(q)]*~~ *(o) If the agreement is for the purchase of electricity generated by the system, include:*

(1) The duration of the agreement; and

(2) The price per unit of electricity generated by the system and purchased by the purchaser, including, without limitation, any escalation factor affecting the price.

~~*[(r)]*~~ *(p) Any other term or condition that a reasonable person would consider material to a decision to enter into an agreement for the financing, sale or lease of a system or the purchase of electricity generated by a system.*

2. The seller or lessor of a distributed generation system shall provide to the purchaser or lessee, and the seller of electricity generated by a distributed generation system shall provide to the purchaser of such electricity, a written statement, separate from the agreement described in subsection 1, in substantially the following form:

> *Utility rates and utility rate structures are subject to change. These changes cannot be accurately predicted and may apply to you in the future. The projected savings from your distributed generation system are therefore subject to change. Tax incentives and tax subsidies are subject to change or termination by executive, legislative or regulatory action.*

3. If an agreement described in subsection 1 refers to the price of electricity provided by a public utility, the seller or lessor of the distributed generation system or the seller of electricity generated by the system shall provide to the purchaser or lessor a written statement, separate from the agreement described in subsection 1, in at least 12-point font and in substantially the following form:

> *Utility rates and utility rate structures are subject to change. For additional information regarding utility rates and utility rate structures, you may contact your local public utility or the Public Utilities Commission of Nevada.*

4. ~~*[The seller or lessor of a distributed generation system and the seller of electricity generated by a distributed generation system shall sign and provide to the purchaser or lessee a written declaration in substantially the following form:*~~

> ~~*Under penalty of perjury, I declare that I have examined this agreement and that, to the best of my knowledge and belief, the information contained in the agreement is true, correct and complete.*~~

~~*—5.]*~~ *An agreement for the financing, sale or lease of a distributed generation system, or an agreement for the purchase of electricity generated*

by a distributed generation system, that does not comply with the requirements of subsection 1 or that is not accompanied by the statement required by subsection 2 is voidable at the option of the person buying or leasing the system or purchasing the electricity until the installation of the system begins.

~~*[6. A failure by the seller or lessor of a distributed generation system or the seller of electricity generated by a distributed generation system to include in an agreement for the financing, sale or lease of a distributed generation system or an agreement for the purchase of electricity generated by a distributed generation system any provision required by this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.]*~~

Sec. 9. *1. If an agreement for the financing, sale or lease of a distributed generation system requires that any modification or transfer of the system be approved by a third party, the agreement must:*

(a) Include the name, address and telephone number of the third party; and

(b) Identify any modification for which approval is required.

2. If an agreement for the financing, sale or lease of a distributed generation system requires that any modification or transfer of the real property to which the system is affixed be approved by a third party, the agreement must:

(a) Include the name, address and telephone number of the third party; and

(b) Identify any modification for which approval is required.

Sec. 10. *If an agreement for the financing, sale or lease of a distributed generation system includes an estimate of the cost of electricity for the purchaser or lessee after the installation of the system, the agreement must include an estimate of the cost of electricity for the purchaser or lessee after any changes in the rates paid by customers of the utility providing electricity to the purchaser or lessee. The estimate must consider a range of possible rate changes from a 5 percent annual decrease to a 5 percent annual increase from the rate paid at the time of the agreement.*

Sec. 11. *1. If the seller or lessor of a distributed generation system represents to the purchaser or lessee of the system that the purchaser or lessee will be entitled to a tax credit pursuant to 26 U.S.C. § 25D, the seller or lessor shall:*

(a) Provide a written record of the representation to the purchaser or lessee of the system; and

(b) Maintain a copy of the record for not less than 7 years after the date of the sale or lease of the system.

2. The seller or lessor shall provide a copy of the record required by subsection 1 on request to an agent of the United States Internal Revenue Service for inspection or copying.

Sec. 12. *1. A person shall not sell, lease or install a distributed generation system or sell electricity generated by a distributed generation system unless the person has registered with the Office of Energy by submitting to the Office a form prescribed by the Director.*

2. The Director shall adopt regulations:

(a) Requiring a registration form submitted to the Office of Energy pursuant to subsection 1 to include:

(1) The name, street address, mailing address, electronic mail address and telephone number of the registrant;

(2) The name and contact information of any person designated by the registrant to receive notices and other communications from the Office of Energy;

(3) A statement indicating each activity described in subsection 1 in which the registrant intends to engage; and

(4) Any other information required by the Director;

(b) Requiring a registrant to submit to the Office of Energy:

(1) An example of the agreement described in section 8 of this act for each activity described in subsection 1 in which the registrant has indicated he or she intends to engage; and

(2) An updated example of the agreement described in section 8 of this act, if a previously submitted example is no longer reasonably accurate or if the registrant intends to engage in an activity described in subsection 1 for which the registrant has not yet submitted an example of an agreement;

(c) Requiring a registrant to submit to the Office of Energy an amended registration form if any information provided to the Office of Energy on a registration form or a previously submitted amended registration form is no longer correct; and

(d) Providing the time period within which an updated example described in subparagraph (2) of paragraph (b) or an amended registration form described in paragraph (c) must be submitted.

3. Any of the following constitute a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive:

(a) The sale, lease or installation of a distributed generation system or the sale of electricity generated by a distributed generation system without:

~~[(a)]~~ (1) Registering with the Office of Energy pursuant to this section;

~~[(b)]~~ (2) Submitting to the Office of Energy the examples of agreements required to be submitted pursuant to regulations adopted pursuant to paragraph (b) of subsection 2; or

~~[(c)]~~ (3) Submitting to the Office of Energy an amended registration form within the time period prescribed pursuant to regulations adopted pursuant to paragraph (d) of subsection 2 ~~[.]~~

~~→ constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.]~~ ;

(b) A violation of section 6, 7 or 11 of this act; or

(c) A failure by the seller or lessor of a distributed generation system or the seller of electricity generated by a distributed generation system to include in an agreement for the financing, sale or lease of a distributed generation system or an agreement for the purchase of electricity generated by a distributed generation system any provision required by section 8, 9 or 10 of this act.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 86.

Bill read third time.

The following amendment was proposed by Assemblyman Kirner:

Amendment No. 626.

AN ACT relating to health insurance; revising provisions governing the Board of Directors of the Silver State Health Insurance Exchange; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Silver State Health Insurance Exchange and provides for a governing board consisting of seven voting members and three ex-officio nonvoting members. (Chapter 695I of NRS) Existing law further provides that the members of the Board of Directors must not be affiliated in any way with a health insurer, shall not receive compensation for attending Board meetings and must hold a Board meeting at least once every quarter. (NRS 695I.300, 695I.330, 695I.340) **Section 1** of this bill removes the requirement that the Exchange be "state based." **Section 2** of this bill ~~[expands the membership of the Board to nine voting members,]~~ **revises the areas of expertise or experience that a board member may have to be appointed to the Board and** eliminates the prohibition against appointing to the Board a person affiliated with a health insurer**.** ~~[and]~~ **Section 2 further** provides that not more than two of the voting members of the Board may represent any particular area of expertise or experience. **Section 3** of this bill authorizes compensation to Board members who are engaged in the business of the Board. **Section 4** of this bill reduces the required number of Board meetings to one per calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 695I.210 is hereby amended to read as follows:

695I.210 1. The Exchange shall:

(a) Create and administer a ~~[state-based]~~ health insurance exchange;

(b) Facilitate the purchase and sale of qualified health plans;

(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) Make only qualified health plans available to qualified individuals and qualified small employers on or after January 1, 2014; and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 2. NRS 695I.300 is hereby amended to read as follows:

695I.300 1. The governing authority of the Exchange is the Board, consisting of seven ***[nine]*** voting members and three ex officio nonvoting members.

2. Subject to the provisions of subsections 3 ~~[, 4 and 5:]~~ ***to 6, inclusive:***

(a) The Governor shall appoint five ***[seven]*** voting members of the Board;

(b) The Senate Majority Leader shall appoint one voting member of the Board; and

(c) The Speaker of the Assembly shall appoint one voting member of the Board.

3. Each voting member of the Board must have:

(a) Expertise in the ***sale or marketing of*** individual or small employer health insurance ***;*** ~~[market;]~~

(b) Expertise in health care administration, health care financing ***,*** ~~[or]~~ health information technology ~~[,]~~ ***or health insurance;***

(c) Expertise in the administration of health care delivery systems;

(d) Experience as a consumer who would benefit from services provided by the Exchange; or

(e) Experience as a consumer advocate, including, without limitation, experience in consumer outreach and education for those who would benefit from services provided by the Exchange.

4. When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall consider the collective expertise and experience of the voting members of the Board and shall attempt to make each appointment so that:

(a) The areas of expertise and experience described in subsection 3 are collectively represented by the voting members of the Board; and

(b) The voting members of the Board represent a range and diversity of skills, knowledge, experience and geographic and stakeholder perspectives.

5. ***When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall, as vacancies on the Board occur, ensure that not more than two voting members of the Board represent any particular area of expertise or experience described in paragraph (a), (b), (c), (d) or (e) of subsection 3.***

6. A voting member of the Board may not be a Legislator or hold any elective office in State Government.

~~[6. While serving on the Board, a voting member may not be in any way affiliated with a health insurer, including, without limitation, being an employee of, consultant to or member of the board of directors of a health insurer, having an ownership interest in a health insurer or otherwise being a representative of a health insurer.]~~

7. The following are ex officio nonvoting members of the Board who shall assist the voting members of the Board by providing advice and expertise:

(a) The Director of the Department of Health and Human Services, or his or her designee;

(b) The Director of the Department of Business and Industry, or his or her designee; and

(c) The Director of the Department of Administration, or his or her designee.

Sec. 3. NRS 695I.330 is hereby amended to read as follows:

695I.330 1. ~~[Except as otherwise provided in subsection 2, the voting members of the Board shall serve without compensation.]~~ ***To the extent that money is available for that purpose, each member of the Board who is not an officer or employee of the State of Nevada or a political subdivision of the State is entitled to receive a salary of not more than $80 per day, as fixed by the Executive Director, for each day or portion of a day spent on the business of the Board.***

2. If sufficient money is available from federal grant funds or revenues generated by the Exchange, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while attending meetings of the Board or otherwise engaged in the business of the Board.

Sec. 4. NRS 695I.340 is hereby amended to read as follows:

695I.340 1. The Board shall meet:

(a) At least once each calendar ~~[quarter;]~~ ***year;*** and

(b) At other times upon the call of the Chair or a majority of the voting members.

2. A majority of the voting members of the Board constitutes a quorum for the transaction of business.

3. A member of the Board may not vote by proxy.

Sec. 5. ~~[As soon as practicable after passage and approval of this act, the Governor shall appoint two additional members to the Board of Directors of the Silver State Health Insurance Exchange in accordance with the provisions~~

~~of section 2 of this act to initial terms ending on June 30, 2017.~~] **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 238.

Bill read third time.

The following amendment was proposed by Assemblywoman Dooling:

Amendment No. 615.

AN ACT relating to common-interest communities; revising provisions **authorizing a homeowners' association to direct the removal of vehicles from property owned or leased by the association; revising provisions** governing eligibility to be a member of the executive board or an officer of a homeowners' association; revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Common-Interest Ownership Act, which governs common-interest communities. (Chapter 116 of NRS) Under existing law, **a homeowners' association is authorized, under certain circumstances, to direct the removal of a vehicle improperly parked on property owned or leased by the association. Unless a vehicle is blocking a certain area of the association property or the vehicle poses a threat to the health, safety or welfare of the units' owners or residents, an association must provide certain written or oral notice to the owner or operator of a vehicle at least 48 hours before the association may direct the removal of the vehicle. (NRS 116.3102) Section 1 of this bill removes these requirements. Existing law also provides that** unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) **Section** ~~[1]~~ **1.5** of this bill additionally excludes a person, other than a person appointed by the declarant, from ~~[being]~~ **eligibility as a candidate for, or as** a member of **,** the executive board or an officer of a homeowners' association if: (1) **except under certain circumstances,** the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association. **Additionally, section 1.5 provides that if a person is not eligible to be a candidate for, or a member of, an executive**

board or an officer of the association, the association: (1) must not place the name of the person on any ballot as a candidate; and (2) must prohibit the person from serving as a member of the executive board or as an officer of the association.

Existing law also requires a homeowners' association to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) **Section 2** of this bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost: (1) in a common-interest community that consists of less than 1,000 units, $2,500 or more; or (2) in a common-interest community that consists of 1,000 or more units, $5,000 or more. **Section 2** further **[**~~: (1)~~**]** specifies that the contents of bids which are opened at a meeting of the executive board must be read aloud **. [**~~in summary form; (2) requires such contents to be posted on the Internet website of the association, if one exists; (3) authorizes the inclusion of such contents in an official newsletter or other similar publication that is circulated to each unit's owner; and (4) requires the members of the executive board to vote on the acceptance of a bid in accordance with Robert's Rules of Order Newly Revised.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 116.3102 is hereby amended to read as follows:**

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) May exercise any other powers conferred by the declaration or bylaws.

(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. ~~[In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:~~

~~(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.~~**]**

(t) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

[~~Section 1.~~**]** ***Sec. 1.5.*** NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's

control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. Unless a person is appointed by the declarant:

(a) A person ~~[may]~~ ***is*** not ***eligible to*** be a ***candidate for, or a*** member of **,** the executive board or an officer of the association if ~~[the]~~ ***:***

(1) ~~[The]~~ Unless there is an insufficient number of candidates to fill one or more vacancies as a member of the executive board or as an officer of the association, the person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;

(3) The person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or

(4) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 13.

15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

16. If a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association pursuant to this section or any other provision of this chapter, the association:

(a) Must not place the name of the person on any ballot as a candidate; and

(b) Must prohibit the person from serving as a member of the executive board or as an officer of the association.

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project ~~[,~~ ~~the]~~ ***:***

(a) The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost:

(1) In a common-interest community that consists of less than 1,000 units, $2,500 or more; or

(2) In a common-interest community that consists of 1,000 or more units, $5,000 or more; and

(b) The bids must be opened ***and [~~the contents of each bid, including, without limitation, the titles of the project, the scope of each work and the bid amounts, must be~~] read aloud [~~in summary form~~]*** during a meeting of the executive board ***.*** ***[~~;~~]***

[~~(c) The contents of each bid must be posted in summary form on the Internet website of the association, if one exists, and may be included in an official newsletter or other similar publication that is circulated to each unit's owner; and~~

[~~(d) The members of the executive board must vote on the acceptance of a bid in accordance with the most recent edition of Robert's Rules of Order Newly Revised.~~]

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of ***professional*** services to the association ***[~~.~~]*** ***, including, without limitation, accounting, engineering and legal services.***

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Dooling moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblymen Wheeler and Ellison.

ASSEMBLYMAN WHEELER:

Assembly Bill 120 clarifies that a pupil in a public school may express himself or herself in a manner consistent with rights guaranteed under the First and Fourteenth Amendments to the *United States Constitution* as long as such expressions are not disruptive of instructional time, used to bully or intimidate, or are directly or indirectly endorsed by the school. The bill also requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to adopt a grievance policy prescribing procedures for the resolution of a complaint that the rights of a pupil to free expression have been violated.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 120. Contrary to the testimony of the opposition, A.B. 120 does not force religion into our schools. It simply gives religious students the same rights as other students. It would be great if we did not have to have legislative safeguards for constitutional rights, but sad experience says we must. I am voting yes, and I encourage all my colleagues to do the same.

Roll call on Assembly Bill No. 120:

YEAS—34.

NAYS—Araujo, Benitez-Thompson, Carlton, Joiner, Spiegel, Sprinkle, Swank, Thompson—8.

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159.

Bill read third time.

Remarks by Assemblymen Wheeler and Kirkpatrick.

ASSEMBLYMAN WHEELER:

Assembly Bill 159 provides that a public body, in any solicitation, contract, or other document related to a contract for a public work, shall not require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work or discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to a public work.

Additionally, a public body shall not require the awardee of a grant, tax abatement, tax credit, or tax exemption to enter into any agreement with one or more labor organizations or discriminate against a bidder or contractor for entering into or not entering into an agreement with a labor organization in regard to a project.

The measure allows a public body to exempt a particular public work or a grant, tax abatement, tax credit, or tax exemption from those restrictions if the public body makes a finding, after notice and a hearing, that special circumstances require such an exemption to avert an imminent threat to public health or safety. Such a finding of special circumstances must not be based on the possibility or presence of certain labor disputes.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 159. Local government and local agencies have successfully used Project Labor Agreements [PLAs] for over 18 years in our state. Current PLAs meet legal muster. In 1997, the Nevada Supreme Court found that the Southern Nevada Water Authority PLA was not discriminatory but was valid. It is a model that has been used since PLAs have been in effect in our state. During the hearing on the bill, in addition to the discussion that has been stated, many times it was stated that the bill was preempted by the National Labor Relations Act.

Passing this bill will be expensive with lots of litigation. In section 3 of the bill, subsection 2, I believe this unfairly puts a wrench into how we have done business in our state. It does not say that you can use PLAs, but it says that you cannot include them in requests for proposals, so to me that brings a lot of concern, especially for those of us in southern Nevada where we have used them on the airport, we have used them on the Convention Center, we have used them on the Southern Nevada Water Authority. Typically you do not get those type of folks every day who can put in the third intake for our water, or you do not get the person who can meet all the requirements to work on the airport.

I would urge our body to think carefully about how we do this. I am aware that the parties are still trying to work together, but I think this sets a bad precedent today for any work that may need to get done. Some of these projects that are currently in the pipeline need to continue to go forward, and I do not know how they do it based on this legislation. I would urge the body to vote against the bill.

Roll call on Assembly Bill No. 159:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—17.

Assembly Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195.
Bill read third time.
Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:
Assembly Bill 195 revises provisions governing the amount of a deficiency judgment to be awarded by a court after the foreclosure of a mortgage or a deed of trust. Specifically, the bill revises a provision of current law that limits the amount that a person who acquires the right to obtain a deficiency judgment from another person may obtain, such that it applies only to certain deficiency judgments awarded after the passage and approval of this bill involving enforcement of debts secured by certain residential properties and any debt secured by any other property if the documents evidencing the debt were fully executed on or before July 1, 2011. In such cases, the amount of the deficiency judgment must not exceed the amount of the consideration paid for that right.

Roll call on Assembly Bill No. 195:
YEAS—42.
NAYS—None.
Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 283.
Bill read third time.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
Assembly Bill 283 establishes when state and local law enforcement agencies may recognize the exercise of law enforcement authority by certain federal employees. The measure authorizes state or local law enforcement agencies to enter into agreements with federal agencies concerning the enforcement of federal, state, and local laws. Further, the bill prohibits state and local government agencies from allowing a federal agency to access or use certain correctional and communication facilities and equipment without the express written consent of the appropriate responsible official. This measure specifically states that the sheriff of a county and his or her deputies are the primary law enforcement officers in the unincorporated areas of their county.

Roll call on Assembly Bill No. 283:
YEAS—40.
NAYS—Benitez-Thompson, Carlton—2.
Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 267.
Bill read third time.
Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:
Assembly Bill 267 eliminates the imposition of a sentence of life without the possibility of parole upon a person convicted of certain crimes who was less than 18 years of age at the time the crime was committed. The bill requires a court to consider the differences between juvenile and adult offenders in determining an appropriate sentence to be imposed and establishes certain minimum periods of incarceration that must be served by a prisoner who was sentenced as an adult

for certain offenses that were committed when he or she was less than 18 years of age before the prisoner is eligible for parole.

Roll call on Assembly Bill No. 267:

YEAS—42.

NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 305 requires a health authority to adopt regulations to provide for the issuance of an endorsement on a permit that allows an emergency medical provider employed by the permit holder to provide community paramedicine services. A person or governmental entity is prohibited from providing such services without a valid permit.

"Community paramedicine services" is defined as health care services provided to certain patients who do not require emergency medical transportation in a manner integrated with local and regional health care and social service systems. Regulations must prescribe the training and qualifications necessary for an emergency medical technician, advanced emergency medical technician, paramedic, or volunteer employed by the holder of an endorsement, as well as the scope of services that may need to be provided. Lastly, permit holders must report certain data to the health authority, which is summarized and reported to the Legislative Committee on Health Care, on or before February 1 of each year.

Roll call on Assembly Bill No. 305:

YEAS—42.

NAYS—None.

Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 225 requires certain provisions to be included in a contract entered into by the Director of the Department of Corrections with a public or private entity that provides certain programs to offenders or parolees participating in a correctional or judicial program for reentry into the community. The entity must also provide to any offender or parolee who completes a program a certificate of completion and provide a copy to the Department. The effective dates is October 1, 2015.

Roll call on Assembly Bill No. 225:

YEAS—42.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 178.
Bill read third time.
Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 178 revises the statutory requirement that a pupil classified as a habitual disciplinary problem be suspended or expelled from school for at least one school semester. Instead, the bill provides that such a pupil may be suspended from school for up to one semester, depending upon the severity of the problem, or expelled from school under extraordinary circumstances as determined by the principal of the school.

In addition, the requirement that a school principal classify a pupil as a habitual disciplinary problem using certain criteria is revised to make the designation permissive versus mandatory. The measure also provides that only pupils who are expelled or who are suspended for a full semester or more need to enroll in an alternative education program.

Roll call on Assembly Bill No. 178:
YEAS—42.
NAYS—None.
Assembly Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 212.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 212 provides that a prosecution for sexual assault must be commenced within 20 years after the commission of the offense, instead of within 4 years. The bill will provide help to victims of tragic crimes of sexual assault. It will change the statute of limitations to 20 years to allow those individuals the time they need to come forward to the authorities and for justice to be served without the perpetrator of these terrible crimes avoiding justice on the technicalities.

I would like to thank my constituents in my district for having the courage to bring the bill forth. Also, thank you to my intern, Chandni Patel, for all the work she did on the bill.

Roll call on Assembly Bill No. 212:
YEAS—42.
NAYS—None.
Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 51.
Bill read third time.
Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 51 authorizes the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations concerning filing requirements, registration exemptions, and licensing requirements consistent with the federal Jumpstart Our Business Startups Act, including regulations relating to the creation and oversight of funding portals for the purchase of securities. This bill also provides for the doubling of certain civil penalties if a person commits certain securities violations against an older person or a vulnerable person.

Roll call on Assembly Bill No. 51:

YEAS—41.

NAYS—Seaman.

Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 59 makes it mandatory for the Administrator of the State Public Works Division to lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards, and commissions whenever sufficient space cannot be provided within state buildings. The bill also authorizes the Administrator, upon request, to lease and equip office rooms outside of state buildings on behalf of state officers and employees of boards that are exempt from certain provisions governing state financial administration.

Roll call on Assembly Bill No. 59:

YEAS—42.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 67.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Assembly Bill 67 relates to driving. The bill fixes two constitutional defects under existing state law identified by the Nevada Supreme Court. Specifically, the fix is related to rights associated with blood, breath, or urine tests of a defendant. Also, the bill provides that a person is not considered to be in physical control of a vehicle if a person is asleep inside the vehicle and the vehicle is lawfully parked—having to do with DUIs.

Lastly, comparable changes to existing law are made concerning the evidentiary tests of persons operating water vessels under power or sail on the waters of this state and persons who have physical possession of a firearm.

Roll call on Assembly Bill No. 67:

YEAS—39.

NAYS—Benitez-Thompson, Bustamante Adams, Neal—3.

Assembly Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Assembly Bill 88 makes various changes to the Charter of the City of Reno. It provides that the Majority Leader or the Minority Leader of the Senate or the Speaker or Minority Leader of the Assembly shall appoint members to the City of Reno Charter Committee, if there are no members of the respective legislative houses representing the residents of the City that belong to the majority or minority party, as applicable.

The bill also clarifies the procedures for filling a vacancy in an elective office by special election or appointment. Additionally, among other things, the bill clarifies that certain officers, employees, and other staff may be appointed by the City Manager, City Clerk, and City Attorney, respectively. It requires a person who is appointed as the City Manager to become an actual resident of the state not later than six months after the date of his or her appointment, authorizes the City Council to retain the services of special legal counsel rather than employ such counsel, and clarifies which employees are exempted from the City's Civil Service System.

Roll call on Assembly Bill No. 88:

YEAS—42.

NAYS—None.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 89 generally enacts provisions relating to the employment of veterans and enacts certain other provisions relating generally to professionals. The measure requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report aggregate unemployment data concerning veterans to the Interagency Council on Veterans Affairs on a quarterly basis. The bill also requires a regulatory body to prepare and submit an annual report to the Council on the number of veterans who have applied for a license, who have been issued a license, or who have renewed a license.

Assembly Bill 89 explicitly allows private employers to adopt employment policies that provide a hiring preference on the basis of an applicant being a veteran or the spouse of a veteran, subject to review by the Nevada Equal Rights Commission. Additionally, A.B. 89 provides for an exemption from the driving skills test in order to receive a commercial driver's license for persons with military experience in driving such vehicles.

The bill authorizes a regulatory body to grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member, or surviving spouse of a veteran of the Armed Forces of the United States to practice his or her respective profession in this state. A qualified health care professional who receives a license by endorsement is entitled to at least a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States for the purpose of authorizing a licensee to practice concurrently in Nevada and another jurisdiction under certain circumstances. The bill's effective date is on July 1, 2015.

Roll call on Assembly Bill No. 89:

YEAS—42.

NAYS—None.

Assembly Bill No. 89 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 107 requires each school district, including each charter school authority, to include in its annual report of accountability certain information, including comparative statistics, concerning pupils who are eligible for and who receive free or reduced-price breakfasts and lunches. The bill also requires the report completed by the State Board of Education to include comparable information for Nevada on a statewide basis.

Roll call on Assembly Bill No. 107:

YEAS—41.

NAYS—Seaman.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 115.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 115 abolishes the Board of Hearing Aid Specialists and transfers the duties of the Board to a newly established Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board. The measure makes other changes to the practice of these professions. First, it includes speech-language pathologists and audiologists in the definition of "provider of health care," which subjects the two professions to various requirements of Nevada law including requirements for the retention of patient records, requirements for billing, standards for advertisements, and criminal penalties for acquiring certain debts. Next, the bill requires a speech-language pathologist to hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization. It also prescribes requirements concerning the practice of audiology or speech-language pathology using telemedicine.

The Sunset Subcommittee of this last interim, which I chaired, reviewed these two boards and recommended unanimously that these boards be combined. The Sunset Subcommittee was a recommendation from the SAGE [Spending and Government Efficiency] Commission to review all boards and commissions that are created by this body.

Roll call on Assembly Bill No. 115:

YEAS—30.

NAYS—Carlton, Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Stewart, Titus, Wheeler—12.

Assembly Bill No. 115 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.
Bill read third time.
Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:
Assembly Bill 140 provides that the court cannot attach, levy, or seize, by or under any legal or equitable process, or make an assignment or otherwise divide any federal disability benefits awarded to a veteran for a disability connected to his or her military service for a disposition of community and joint tenancy property, an alimony award, or the support of a spouse unless there is a valid premarital agreement.

Roll call on Assembly Bill No. 140:
YEAS—42.
NAYS—None.
Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 158.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
Assembly Bill 158 authorizes a physician, osteopath, physician assistant, or advanced practice registered nurse to issue an order of auto-injectable epinephrine to an authorized entity and allows the entity to obtain such an order. An authorized entity is defined as any public or private entity, excluding a school, where allergens capable of causing anaphylaxis may be present on the premises. The auto-injectable epinephrine maintained by an entity can be provided by a trained owner, employee, or agent or another person trained in the administration of auto-injectable epinephrine.

Roll call on Assembly Bill No. 158:
YEAS—41.
NAYS—Sprinkle.
Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 162.
Bill read third time.
Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:
Assembly Bill 162 authorizes law enforcement agencies to require uniformed peace officers to wear a portable event recording device while on duty and requires certain law enforcement agencies to adopt policies and procedures relating to the use of portable event recording devices. The bill also establishes that any record made by a portable event recording device is a public record which may be requested only on a per-incident basis and inspected only at the location where the record is held if the record contains confidential information. The measure also exempts a portable event recording device worn by a peace officer from the definition of an “electronic, mechanical or other device” used to intercept wire or oral communication.

This is a bill to deal with cops having cameras when they are dealing with the use of force. It brings about transparency so people can really see what is going on. It is something that requires consciousness and awareness and understanding, so I urge your support on this bill.

Roll call on Assembly Bill No. 162:

YEAS—42.

NAYS—None.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 325 be declared an emergency measure under the *Constitution* and be placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 170, 294, 362, and 375 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 325.

Bill read third time.

The following amendment was proposed by Assemblywoman Seaman:

Amendment No. 638.

AN ACT relating to private professional guardians; requiring licensing for persons engaged in the business of a private professional guardian; establishing the requirements for the licensing and operation of a private professional guardian company; **amending provisions related to the appointment of a guardian under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the court appointment of a private professional guardian to act as a fiduciary for a person or estate, but does not require the private professional guardian to be licensed. (NRS 159.0595) This bill requires the licensing of persons engaging in the business of a private professional guardian and authorizes the Commissioner of Financial Institutions to adopt regulations relating to the licensing of those persons.

Sections 15-17 of this bill make it unlawful for a person to act as a private professional guardian without being licensed. **Sections 18-26** of this bill establish the requirements and application process to obtain a license to transact the business of a private professional guardian. **Section 28** of this bill sets forth requirements relating to the change of ownership or transfer of assets of a private professional guardian company. **Section 29** of this bill establishes the process for the renewal of a license. **Section 30** of this bill establishes the process for surrender of a license.

Section 31 of this bill requires a licensee to keep a principal office in this State. **Section 32** of this bill establishes procedures for the Commissioner to

approve an out-of-state office of a private professional guardian company. **Section 33** of this bill requires a licensee to maintain certain types and levels of bonds and insurance.

Section 35 of this bill establishes the rights and authority of a licensee. **Section 36** of this bill prohibits certain activities by a licensee. **Sections 37-41** of this bill establish requirements for accounting, reporting and auditing of a private professional guardian company and authorize the Commissioner or a designee to inspect certain records of a private professional guardian company.

Sections 42-46 of this bill establish procedures for the Commissioner to take administrative action against licensees. **Sections 47 and 48** of this bill establish procedures for handling a complaint against a private professional guardian company. **Sections 49 and 50** of this bill provide administrative and criminal penalties for violating certain provisions of this bill.

Existing law requires that, subject to certain exceptions, a person must be a resident of this State to be appointed as a guardian. (NRS 159.059) Existing law also requires a court to appoint as guardian for an incompetent the qualified person who is most suitable and is willing to serve as a guardian. (NRS 159.061) Sections 50.5 and 51.5 of this bill require a court to appoint as guardian for an incompetent a person who, regardless of whether the person is a resident of this State, has been requested to be appointed as guardian in a written instrument executed by the incompetent while he or she was competent, if that person is willing to serve and is otherwise determined to be qualified and suitable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. ***The Legislature finds and declares that:***

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate persons engaged in the business of private professional guardians.

2. Persons engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision persons who are engaged in or who desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 4. *"Business of a private professional guardian" means the holding out by a person, through advertising, solicitation or other means, that the person is available to act for compensation as a private professional guardian.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Director" means the Director of the Department of Business and Industry.*

Sec. 7. *"Division" means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 8. *"Fiduciary" means a person who has the power and authority to act for a beneficiary under circumstances requiring trust, good faith and honesty.*

Sec. 9. *"Private professional guardian" has the meaning ascribed to it in NRS 159.024.*

Sec. 10. *"Private professional guardian company" means a natural person or business entity, including, without limitation, a sole proprietorship, partnership, limited liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.*

Sec. 11. *"Ward" has the meaning ascribed to it in NRS 159.027.*

Sec. 12. *This chapter does not apply to a person who:*

1. Is a public guardian or administrator appointed by the court;

2. Is appointed as a fiduciary pursuant to NRS 662.245;

3. Is acting in the performance of his or her duties as an attorney at law;

4. Acts as a trustee under a deed of trust;

5. Acts as a fiduciary under a court trust; or

6. Acts as a fiduciary as an individual or a family member.

Sec. 13. *The Commissioner shall administer and enforce the provisions of this chapter subject to the administrative supervision of the Director.*

Sec. 14. *The Commissioner may adopt regulations to carry out the provisions of this chapter.*

Sec. 15. *It is unlawful for any person to engage in the business of a private professional guardian without having a license issued by the Commissioner pursuant to this chapter.*

Sec. 16. *A person who does not have a license issued pursuant to this chapter shall not:*

1. Use the term "private professional guardian" or "guardianship services" as a part of his or her business name.

2. Advertise or use any sign which includes the term "private professional guardian."

Sec. 17. *1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that an unlicensed person is engaging in an activity for which a license is required pursuant to this chapter.*

2. If the Commissioner determines that an unlicensed person is engaged in an activity for which a license is required pursuant to this chapter, the Commissioner shall issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains a license issued by the Commissioner.

3. If a person upon whom an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the person notice and an opportunity for a hearing:

(a) Impose upon the person an administrative fine of $10,000; or

(b) Enter into a written agreement with the person pursuant to which the person agrees to cease and desist from engaging in any activity in this State for which a license is required relating to the business of a private professional guardian and impose upon the person an administrative fine of not less than $5,000 and not more than $10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. A person's liability for an administrative fine is in addition to any other penalty provided for in this chapter.

Sec. 18. *1. A person wishing to engage in the business of a private professional guardian in this State must file with the Commissioner an application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.*

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement, under penalty of perjury that the applicant has complied with the provisions of NRS 159.059 and 159.0595.

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or case manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 19. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license to engage in the business of a private professional guardian shall include the social security number of the applicant or applicants in the application submitted to the Commissioner.

(b) An applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 20. ***1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.***

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. ***1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the business of a private professional guardian, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 22. ***1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:***

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial or case manager capacity, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in section 33 of this act, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 23. *1. After conducting an investigation pursuant to section 22 of this act, if the Commissioner finds grounds for the denial of the application, the Commissioner shall provide to the applicant written notice of such grounds by personal service or certified mail.*

2. The applicant may cure any defect or deficiency in the application and, not more than 30 days after receipt of the notice pursuant to subsection 1, resubmit the application for approval.

3. If an application is not approved, the Commissioner shall provide to the applicant written notice of the denial by personal service or certified mail. The applicant may request a hearing before the Commissioner, but if no such application is made within 30 days after the entry of an order refusing a license to any person, the Commissioner shall enter a final order.

4. The decision of the Commissioner is final for the purposes of judicial review.

Sec. 24. *The Commissioner shall approve the application for a license, keeping on file his or her findings of fact pertaining thereto, if the Commissioner finds that the applicant has met all the requirements of this chapter pertaining to the applicant's qualifications and application.*

Sec. 25. *1. If the Commissioner approves an application pursuant to section 24 of this act and the applicant pays the required fees, the Commissioner shall issue to the applicant a license to engage in the business of a private professional guardian.*

2. A license issued pursuant to subsection 1 must contain:

(a) The name of the licensee.

(b) The locations by street and number where the licensee is authorized to engage in business.

(c) The number and the date of issuance of the license.

(d) That the license is issued pursuant to this chapter and that the licensee is authorized to engage in the business of a private professional guardian under this chapter.

(e) The expiration date of July 1 of the next year.

Sec. 26. *1. The Commissioner shall maintain in the Office of the Commissioner, in a suitable record provided for that purpose, each application for a license and all bonds required to be filed pursuant to this chapter. The record must state the date of issuance or denial of the license and the date and nature of any action taken relating to an application.*

2. Each license issued by the Commissioner must be sufficiently identified in the record.

3. Each renewal of a license must be recorded in the same manner as the original license, and the number of the preceding license issued must be recorded.

Sec. 27. *Each license issued pursuant to this chapter must be conspicuously displayed in the place of business designated in the license.*

Sec. 28. *1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and any applicable court of jurisdiction, a licensee may merge or consolidate with, or transfer its assets and control to, another person who holds a license pursuant to this chapter. In determining whether to grant the approval, the Commissioner may consider the factors set forth in section 22 of this act.*

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change in the chief executive officer, managing member or a majority of the directors or managing directors of the company occurs, report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to section 22 of this act to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 29. *1. A private professional guardian company wishing to renew a license to engage in the business of a private professional guardian shall file in the Office of the Commissioner, on or before the June 1 of the year after the year of the original issuance of the license, an application, which must contain, without limitation, the number of the license being renewed. The application for renewal must be accompanied by a renewal fee of not more than $1,500 and all information required to complete the application.*

2. The Commissioner shall issue a renewal license to the applicant, which must be dated July 1 next ensuing the date of the application, in form and text similar to the original except that, in addition, the renewal must include the date and number of the earliest license issued.

3. All requirements of this chapter with respect to original licenses and bonds apply to all renewal licenses and bonds, except as otherwise provided in this section.

4. The Commissioner shall refuse to renew a license if at the time of application a proceeding to revoke or suspend the license is pending.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section. All money collected under the provisions of this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. *If any private professional guardian company wishes to discontinue its business, the company shall furnish to the Commissioner satisfactory evidence of the release and discharge from all obligations which the company has assumed or which have been imposed by law. Thereafter, the Commissioner shall enter an order cancelling the license of the private professional guardian company.*

Sec. 31. *1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.*

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who is licensed pursuant to this chapter, a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to section 33 of this act;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 32. *1. It is unlawful for any person licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.*

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than $500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than $200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a name that distinguishes it from any other private professional guardian in this State.

Sec. 33. *1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:*

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 34. *The Commissioner shall revoke the license of a private professional guardian company:*

1. If the private professional guardian company fails to open for business within 6 months after the date the license was issued, or within an additional 6-month extension granted by the Commissioner upon written application and for good cause shown; or

2. If the private professional guardian company fails for more than 30 consecutive days to maintain regular business hours or otherwise conduct the business of a private professional guardian.

Sec. 35. *Each private professional guardian company which is licensed pursuant to this chapter may, in the conduct of its business activities, within and outside this State, as applicable:*

1. Act under the order or appointment of any court as guardian.

2. Accept and execute any activities and duties relating to the business of a private professional guardian as permitted by any law.

3. Exercise the powers of a corporation, partnership or limited-liability company organized or qualified as a foreign corporation, partnership or limited-liability company under the laws of this State and any incidental powers that are reasonably necessary to enable it to exercise, in accordance with commonly accepted customs and usages, a power conferred by this chapter.

4. Perform any act authorized by this chapter and any other applicable laws of this State.

Sec. 36. *1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.*

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy, pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that is not licensed pursuant to this chapter as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not hold a current license, the court must replace the guardian until such time as the private professional guardian obtains the necessary license.

5. The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.

6. A licensee shall file any report required by the court in a timely manner.

Sec. 37. ***1. Except as otherwise provided in NRS 159.076, a licensee shall maintain a separate trust account for each ward into which all money received for the benefit of the ward must be deposited. Each trust account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a trust account. Each trust account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except for court authorized expenditures.***

2. Each licensee shall keep a record of all money deposited in each trust account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

3. The Commissioner or his or her designee shall conduct an examination of the trust accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at least once each year.

4. During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter and chapter 159 of NRS.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter or chapter 159 of NRS, the Commissioner

or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 38. ***1. After an examination is conducted pursuant to section 37 of this act, the person who conducted the examination shall prepare a written report of the results of the examination which must be signed by the Commissioner or his or her designee.***

2. The written report must contain a true and detailed statement of the financial condition of the private professional guardian company and, if applicable, a full statement of any violations of the provisions of this chapter and chapter 159 of NRS.

Sec. 39. ***1. The Commissioner shall provide a copy of a report prepared pursuant to section 38 of this act to the president or secretary of the board of directors of the private professional guardian company if the company is a corporation, or to a manager or owner of the private professional guardian company if the company is not a corporation, and may make a copy available to each member of the board of directors or each manager or owner, as applicable. If, in the judgment of the Commissioner, the report discloses any violation of the provisions of this chapter or chapter 159 of NRS committed by the private professional guardian company, or if***

it appears from the report that there are certain conditions existing which should be corrected by the private professional guardian company, the Commissioner may, in writing, call the matter to the attention of each member of the board of directors or each manager or owner, with instructions to correct the condition.

2. Upon the preparation of the report as provided in section 38 of this act, the Commissioner shall also serve a copy thereof to the court having jurisdiction of each ward of the private professional guardian company.

Sec. 40. *1. The Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.*

2. If applicable, on or before the fourth Monday in January of each year, each licensee shall submit to the Commissioner the stock ledger of stockholders of the corporation required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of each member and manager required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. A list of each member and manager submitted pursuant to subsection 2 must include the percentage of each member's interest in the company, in addition to the requirements set forth in NRS 86.241.

4. If a licensee fails to submit the ledger or list required pursuant to this section within the prescribed period, the Commissioner may impose and collect a fee of not more than $10 for each day the report is late.

5. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this section.

Sec. 41. *Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted to the Division pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division pursuant to an examination conducted by the Commissioner or his or her designee or in response to a subpoena are confidential and may be disclosed only to:*

1. The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and

2. Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 42. *1. The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any private professional guardian company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the private professional guardian company, or who persistently*

violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.

2. An officer, director, manager or employee of a private professional guardian company who is required to be removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the private professional guardian company and the officer, director, manager or employee who is appealing his or her removal from office. Within 5 days after the conclusion of the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 43. *1. The Commissioner may take administrative action against a licensee or initiate proceedings as provided in section 46 of this act to take possession of the business and property of any private professional guardian company if the company:*

(a) Has violated this chapter or any other state or federal laws applicable to the business of a private professional guardian.

(b) Is conducting the business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact business.

(d) Has an impairment of the surety bonds held by the company.

(e) Has an impairment of the fidelity bonds held by the company.

(f) Has become insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has refused to provide copies to the Division upon request, and in cooperation with any investigation, inspection or examination, of any and all documents reviewed by the Division during any such investigation, inspection or examination.

(j) Has failed to pay any state or local taxes as required.

(k) Has materially and willfully breached its fiduciary duties to a ward.

(l) Has failed to properly disclose all fees, interest and other charges to the court and the public.

(m) Has willfully engaged in material conflicts of interest regarding a ward.

(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the private professional guardian company.

2. The Commissioner also may initiate such proceedings to take possession of the business and property of any private professional guardian company if an officer, partner, member or sole proprietor of the private

professional guardian company refuses to be examined upon oath regarding its affairs.

Sec. 44. ***1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.***

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The licensee has failed to pay any applicable state or local tax as required;

(d) Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 45. ***If the Commissioner finds that probable cause for the revocation of any license exists and that the public interest requires the immediate suspension of the license pending an investigation, the Commissioner may, upon 5 days' written notice offering the opportunity for a hearing, enter an order suspending the license for a period of not more than 20 days, pending a hearing upon the revocation of the license unless the opportunity for a hearing is waived by the licensee.***

Sec. 46. ***1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto,***

enter an order requiring the person to cease and desist or to refrain from such violation.

2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the person, including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the person, a registered agent acting on behalf of the person or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.

4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.

Sec. 47. *1. Upon the filing with the Commissioner of a verified complaint against a private professional guardian company, the Commissioner shall investigate the alleged violation of the provisions of this chapter.*

2. If the Commissioner determines that a complaint filed pursuant to subsection 1 warrants further action, the Commissioner shall send a copy of the complaint and notice of the date set for an informal hearing to the subject of the complaint and the Attorney General.

3. The Commissioner may require the private professional guardian company that is the subject of a complaint to file a verified answer to the complaint within 10 days after receipt of the complaint unless, for good cause shown, the Commissioner extends the time required for filing an answer for a period not to exceed 60 days.

4. If at the hearing the complaint is not explained to the satisfaction of the Commissioner, the Commissioner may take such action against the private professional guardian company as authorized by the provisions of this chapter.

Sec. 48. ***1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.***

2. The complaint or other documents filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

Sec. 49. ***1. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 per violation upon a person who violates any provision of this chapter or any regulation adopted pursuant thereto.***

2. The maximum total fine that the Commissioner may impose on any person pursuant to this section with respect to the same or similar actions or series of actions which constitute the violations must not exceed the greater of $250,000 or 125 percent of the monetary value of all losses incurred by the private professional guardian company and its wards as the direct or indirect result of such violations.

Sec. 50. ***1. A licensee who knowingly or willfully neglects to perform any act or duty required by this chapter or other applicable law, or who knowingly or willfully fails to satisfy any material lawful requirement made by the Commissioner is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. If no other punishment is otherwise provided by law, a person who violates any provision of this chapter is guilty of a gross misdemeanor.

Sec. 50.5. **NRS 159.059 is hereby amended to read as follows:**

159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.
2. Is a minor.
3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.
4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state,

➥ during the period of the suspension or disbarment.

5. ~~[Is]~~ ***Except as otherwise provided in subsection 2 of NRS 159.061, is*** a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Sec. 51. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. A private professional guardian, if a person, must be qualified to serve as a guardian pursuant to NRS 159.059 and must be a certified guardian.

2. A private professional guardian, if an entity, must be qualified to serve as a guardian pursuant to NRS 159.059 and must have a certified guardian involved in the day-to-day operation or management of the entity.

3. A private professional guardian ~~[shall, at his or her own cost and expense:~~

~~(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History and to the Federal Bureau of Investigation for their respective reports; and~~

~~(b) Present the results of the background investigation to the court upon request.]~~ ***, regardless of whether the private professional guardian is a person or an entity, must be licensed pursuant to section 18 of this act.***

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 51.5. **NRS 159.061 is hereby amended to read as follows:**

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the minor. The appointment of a parent as a guardian of the person must not conflict with a valid order for custody of the minor. In determining whether the parents of a minor, or either parent, is qualified and suitable, the court shall consider, without limitation:

(a) Which parent has physical custody of the minor;

(b) The ability of the parents or parent to provide for the basic needs of the child, including, without limitation, food, shelter, clothing and medical care;

(c) Whether the parents or parent has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; and

(d) Whether the parents or parent has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the exploitation of a child.

2. ***The court shall appoint as guardian for an incompetent any person, regardless of whether the person is a resident of this State, who has been requested to be appointed as guardian in a written instrument executed by the incompetent, while competent, if the person is willing to serve and is otherwise qualified and suitable***

3. Subject to the preference set forth in subsection 1 ~~[,]~~ ***and except as otherwise provided in subsection 2,*** the court shall appoint as guardian for an incompetent, a person of limited capacity or minor the qualified person who is most suitable and is willing to serve.

~~[3.]~~ ***4.*** In determining who is most suitable, the court shall give consideration, among other factors, to:

(a) ~~[Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.~~

~~(b)]~~ Any nomination of a guardian for an incompetent, minor or person of limited capacity contained in a will or other written instrument executed by a parent or spouse of the proposed ward.

~~[(c)]~~ ***(b)*** Any request for the appointment as guardian for a minor 14 years of age or older made by the minor.

~~[(d)]~~ ***(c)*** The relationship by blood, adoption or marriage of the proposed guardian to the proposed ward. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Spouse.
(2) Adult child.
(3) Parent.
(4) Adult sibling.
(5) Grandparent or adult grandchild.
(6) Uncle, aunt, adult niece or adult nephew.

~~[(e)]~~ ***(d)*** Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

~~[(f)]~~ ***(e)*** Any request for the appointment of any other interested person that the court deems appropriate.

~~[4.]~~ ***5.*** If the court finds that there is no suitable person to appoint as guardian pursuant to subsection ~~[3,]~~ ***4,*** the court may appoint as guardian:

(a) The public guardian of the county where the ward resides, if:

(1) There is a public guardian in the county where the ward resides; and

(2) The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

Sec. 52. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180,

645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and ***sections 40 and 47 of this act and*** unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 53. 1. This section and sections 2 to 19, inclusive, and 21 to 52, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Section 19 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 20 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 20 and 21 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Existing law requires that, subject to certain exceptions, a person must be a resident of this state to be appointed as a guardian. Existing law requires a court to appoint as guardian for an incompetent the qualified person who is most suitable and is willing to serve as guardian. Sections 50.5 and 51.5 of this bill require a court to appoint as guardian for an incompetent a person who, regardless of whether the person is a resident of this state, has been requested to be appointed as guardian in a written instrument executed by the incompetent while he or she was competent if that person is willing to serve and is otherwise determined to be qualified and suitable.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 166 establishes the State Seal of Biliteracy Program. The program provides that a special seal denoting biliteracy be affixed to the high school diploma or a transcript of a pupil who has achieved a high level of proficiency in one or more language in addition to English.

Roll call on Assembly Bill No. 166:

YEAS—37.

NAYS—Dickman, Ellison, Moore, Seaman, Titus—5.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:08 p.m.

ASSEMBLY IN SESSION

At 8:11 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblymen O'Neill, Carrillo, Shelton, Kirkpatrick, and Ellison.

ASSEMBLYMAN O'NEILL:

Assembly Bill 172 increases the threshold for prevailing wage requirements on the cost of public works projects from $100,000 to $350,000 and requires the Labor Commissioner to adjust the prevailing wage threshold every five years based on inflation, beginning on or before January 1, 2020. The bill also increases from 5 percent to 7.5 percent the bidding preference a contractor, applicant to serve as a construction manager at risk, or design-build team may qualify to receive if certain conditions are met, including the employment of a specified percentage of Nevada employees.

ASSEMBLYMAN CARRILLO:

I rise in opposition to Assembly Bill 172. Even though it has been amended, this bill falls short of ensuring that our middle class is kept at a wage at which they can support their families. I urge the body to vote no to prevent further weakening of the backbone of Nevada, our middle class.

ASSEMBLYWOMAN SHELTON:

I stand in support of Assembly Bill 172. This bill will provide for a substantial savings to our local and state governments by increasing projects that are eligible for prevailing wage to $350,000. These savings will give communities the ability to build more roads, parks, recreation centers, and other public works projects. In addition, A.B. 172 will increase the in-state bidder preference from 5 percent to 7.5 percent. This change gives companies a much stronger incentive to hire Nevadans as workers, which will benefit not just local communities, but the entire state. I will be voting yes on A.B. 172.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 172. I see that my colleagues have tried to amend this bill, but I want to remind the body of a few things. I have been in this building a very long time.

We have had many prevailing wage discussions. I do not know that there was actually as much discussion on this one as there has been in the past. I am very concerned about the 7 percent. We have talked about that before, and here we are bringing it up today. It has been 5 percent since it was instituted, so that we could have something that would stand up in courts. Other states are 5 percent.

I am glad folks recognize that we want to give a bidder's preference to Nevada businesses. There are well over 790 businesses that will be affected by the threshold in this bill. I think there is some room for improvement—there is no question there—but 790 small contractors will be affected by this because it will take them out of the game. It will go across the state. It will encourage others to come to our state.

We had this discussion on other bills the first week of session. I do not remember being invited to any of the discussions to look at this threshold. The 7 percent is a bad move on our part, and I will be voting in opposition. I implore the rest of you to vote in opposition, because you could jeopardize Nevada contractors for a very long time.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 172, which raises the threshold of prevailing wage projects from $100,000 to $350,000. By increasing the limits, this will contribute to savings in the cost of public works projects, while continuing to provide good paying jobs for Nevada's working families. Furthermore, A.B. 172 provides strong incentives to hire Nevada workers by increasing the in-state bidder preference by 50 percent. This bill will make sure that we can put more families back to work by benefiting Nevada businesses.

For ten years, I have been trying to get that threshold up to a point where we could get some of these small projects done and put the small guys to work in the rural counties. I think this is important. I am sure this bill will get amended on the other side, but this is a start. I encourage everybody to vote yes on this bill.

Roll call on Assembly Bill No. 172:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 173 exempts certain professionals who provide information security services from licensure as private investigators. The Private Investigator's Licensing Board agreed to the changes that were made to Assembly Bill 173, and I urge your support of it.

Roll call on Assembly Bill No. 173:

YEAS—42.

NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 176 requires the regional transportation commission in a county whose population is 700,000 or more, currently Clark County, to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this state. The bill also requires this regional transportation commission to disseminate information about the program to the public and to public safety agencies. The Commission is authorized to obtain grants or sponsorships for the program, and first responders are immune from civil liability for damages as a result of any act or omission they take relating to an emergency in connection with the program.

Roll call on Assembly Bill No. 176:

YEAS—42.

NAYS—None.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 224 requires that the Central Repository for Nevada Records of Criminal History, depending on the purpose of a particular request for background and personal history of a person, must receive the submission of a complete set of fingerprints, one or more fingerprints, or other biometric identifier in order to request and receive such information from the Federal Bureau of Investigation. "Biometric identifier" is defined in this bill as a fingerprint, palm print, scar, bodily mark, tattoo, voiceprint, facial image, retina image, or iris image of a person. In addition, the Central Repository is required to adopt certain regulations governing biometric identifiers and the information and data derived therefrom. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 224:

YEAS—39.

NAYS—Fiore, Moore, Shelton—3.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblywomen Seaman, Carlton, and Fiore.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 228 specifies that the "single document rule" does not apply to the sale of a motor vehicle under certain circumstances. The bill also makes the use of electronic tracking or starter interrupt devices a deceptive trade practice unless certain disclosures are provided to a consumer. It prohibits a party financing a motor vehicle from requiring a buyer or lessor to agree to the installation of an electronic tracking device as a condition of the financing contract. The measure prohibits the use of starter interrupt technology if a motor vehicle can be disabled while

the engine is running, the technology causes an audible warning that lasts longer than 20 seconds, and the consumer's payment is unpaid for less than ten days for the first instance of late payment or less than five days for any subsequent payment or default under the contract. The bill is effective upon passage and approval for the purposes of adopting regulations or performing preparatory administrative tasks, and on October 1, 2015, for all other purposes.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 228. There are a lot of things wrong with this bill, but the biggest thing that is wrong with it is it takes the 30 days that the person now has and brings it back to 10 days. Let us take a look at people's finances. If you get paid every two weeks, where does that put you in that 10 days? They are going to turn your car off and you are not going to be able to go to work to get your paycheck. It is a very bad deal for the consumer.

ASSEMBLYWOMAN FIORE:

I have looked again at the amendments to Assembly Bill 228, and I have to concur with my colleague from Assembly District 14. I am going to be voting no on this, and I urge my team to vote no as well.

Roll call on Assembly Bill No. 228:

YEAS—17.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dooling, Ellison, Fiore, Flores, Joiner, Jones, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Shelton, Silberkraus, Spiegel, Sprinkle, Swank, Thompson, Wheeler—25.

Assembly Bill No. 228 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wheeler moved that the Assembly reconsider the action whereby Assembly Bill No. 228 was refused passage.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:27 p.m.

ASSEMBLY IN SESSION

At 8:33 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Wheeler moved that Assembly Bill No. 228 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 262 provides that a motion to withdraw a plea of guilty, guilty but mentally ill, or nolo contendere that is made after sentence is imposed or imposition of sentence is suspended

is a remedy which is incident to the proceedings in the trial court. The bill applies to such pleas pending on or after June 12, 2014.

The motion to withdraw a guilty plea has been in the *Nevada Revised Statutes* since the 1960s. It was affirmed by the Nevada Supreme Court in 2000 in the decision *Hart v. State*. Last year, in the decision *Harris v. State*, the Nevada Supreme Court overruled its earlier decision and said that it was no longer a post-conviction remedy for people who were trying to correct a manifest injustice. This will restore a right that has been on our books for over 30 years. It passed out of your Judiciary Committee unanimously, and I urge your support.

Roll call on Assembly Bill No. 262:

YEAS—42.

NAYS—None.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 263 makes various changes to the child custody laws in Nevada. At the present time, the child custody laws are in six different sections of the *Nevada Revised Statutes*. This bill would put them into one place, make various clarifications, and do away with the ambiguities and inconsistencies in the law. I urge your support.

Roll call on Assembly Bill No. 263:

YEAS—25.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Fiore, Flores, Joiner, Jones, Moore, Neal, Ohrenschall, Shelton, Swank, Thompson, Titus—17.

Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Roll call on Assembly Bill No. 270:

YEAS—42.

NAYS—None.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 275 exempts an excluded fiduciary from certain fiduciary duties and limits the liability of an excluded fiduciary for certain acts or omissions. The measure also allows delegation of certain duties by a fiduciary or excluded fiduciary under certain circumstances.

Roll call on Assembly Bill No. 275:

YEAS—40.

NAYS—Carlton, Neal—2.

Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 278 requires the Department of Education to develop policies and procedures concerning the monitoring and distribution of funds to reduce the pupil-teacher ratio and to provide guidance to school districts concerning the class-size reduction program.

Roll call on Assembly Bill No. 278:

YEAS—42.

NAYS—None.

Assembly Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 285 involves self-medication. This bill just authorizes those who have diabetes to be able to self-medicate themselves under proper instruction.

Roll call on Assembly Bill No. 285:

YEAS—42.

NAYS—None.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 295 requires certain providers of wellness services to disclose certain information to consumers. A person who provides these services but who is not licensed, certified, or registered in this state as a provider of health care is not in violation of any law unless he or she performs certain tasks restricted to regulated health care providers.

We have gone through a number of iterations on this bill, and we have tried to restrict it so as not to infringe on the scope of practice of physicians.

Roll call on Assembly Bill No. 295:

YEAS—40.

NAYS—Titus, Trowbridge—2.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 297 lowers the threshold aggregate amounts by which a person may be found guilty of trafficking in schedule II controlled substances. The effective date would be October 1, 2015.

Roll call on Assembly Bill No. 297:

YEAS—22.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dooling, Fiore, Flores, Joiner, Kirkpatrick, Moore, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—20.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 363 provides an additional benefit option for the surviving spouse or survivor beneficiary of a member of the Public Employees' Retirement System who was killed in the performance of his or her duty. The additional benefit option authorizes the surviving spouse or survivor beneficiary to elect to receive a benefit that is the equivalent to the greater of 50 percent of the salary of the member on the date of the member's death or the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death, without any reduction for age for the deceased member. The benefits provided in the bill must be paid, as applicable, to the spouse until the death or remarriage of the spouse or the survivor beneficiary until the death of the survivor beneficiary. This bill is effective upon passage and approval.

There is another bill in the Senate that seeks to do the same thing. I think we did not have enough time to clarify and rectify some of the language, and we will continue to work out some of the kinks on the other side, but I do urge its passage. We cannot repay our public employees when they lose a loved one while performing the duties of their job. There is no money in the world that will make their loved one come back, and I urge this body to support this measure.

Roll call on Assembly Bill No. 363:

YEAS—42.

NAYS—None.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Assembly Bill 370 deals with visitation rights. This bill gives the judge one more tool to consider in making a decision on visitation rights.

Roll call on Assembly Bill No. 370:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Seaman, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 374 requires the board of trustees of each school district to ensure that the counselor, administrator, or other licensed personnel from each public high school meets with each pupil individually in Grade 11, prior to the completion of that grade, to review the pupil's academic plan and the college and career readiness assessment if it is available. If it is determined that remediation is necessary, the counselor, administrator, or other licensed educational personnel shall coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure that the pupil is prepared for college or career success before high school graduation.

Roll call on Assembly Bill No. 374:

YEAS—42.

NAYS—None.

Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 379 requires that a landlord must provide the tenant of a commercial premises with written notice of delinquency and intent to change the door locks by certified mail, return receipt requested, at least three days prior to changing the door locks of the business.

There was testimony in front of your Judiciary Committee that oftentimes small businesses, microbusinesses, are struggling trying to stay afloat, and sometimes there might be a bona fide dispute—maybe a check got lost, maybe it was written on the wrong account—that maybe could be remedied before the locks are changed and before very serious damage is done to the business which might put it under. I do hope the body will support this bill; it passed out of your Committee on Judiciary unanimously.

Roll call on Assembly Bill No. 379:

YEAS—42.

NAYS—None.

Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 419 clarifies that the provisions of the Uniform Unclaimed Property Act do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by a bank or other financial institution or a safe-deposit company. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 419:

YEAS—42.

NAYS—None.

Assembly Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 429 revises the fees the State Controller may assess against a debtor by setting a uniform fee of 7 percent of the amount of the debt recovered. Additionally, this bill revises a provision concerning the circumstances under which the Controller must collect interest on any assigned debt to provide that interest must be charged at the existing statutory uniform rate, currently the prime rate plus 2 percent, if the debt is not subject to the payment of interest under a court-ordered judgment. Finally, the bill requires the Controller to deposit any recovered accrued interest into the Debt Recovery Account. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 429:

YEAS—42.

NAYS—None.

Assembly Bill No. 429 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 435 increases from 10 to 11 the number of judicial districts in the state. Lander, Mineral, and Pershing Counties are removed from their existing districts and together constitute the Eleventh Judicial District. The Sixth and Eleventh Judicial District Courts have concurrent jurisdiction over matters relating to the administration of the Humboldt River Decree, and the venue for any case or proceeding related to the Decree must be determined on an alternating basis between the two courts.

Roll call on Assembly Bill No. 435:

YEAS—42.

NAYS—None.

Assembly Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblymen Stewart, Carlton, and Fiore.

ASSEMBLYMAN STEWART:

Assembly Bill 460 deals with the size of the Legislature. It directs the Legislative Counsel Bureau to conduct a study of the logistics necessary if the Legislature were to be increased by one Senator and two Assemblymen.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 460. I understand the study part of this, but when you read the language of Assembly Bill 460, it says, "the intent of the Legislature to increase its membership." To me, the study would be endorsing the fact that we agree we need to increase the size of the Legislature. When I look at the numbers, I see 22 in the Senate. That is just ripe for havoc with a tie vote. After serving there for 12 years, I cannot imagine the Senate being an 11-11 split and trying to get the business of the state done.

I have real concerns about the tone of this legislation. If we really want to have a study on it, it should be open-ended and take into consideration all factors, not be a study intended to prove the point that we want. I am in opposition to this bill.

ASSEMBLYWOMAN FIORE:

I rise in enthusiastic support of Assembly Bill 460 because it does express the intent of the Legislature to increase its membership. It is the intent, and this is a bill that is needed. I urge all my colleagues to support this.

Roll call on Assembly Bill No. 460:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Titus—18.

Assembly Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblymen Stewart and Ohrenschall.

ASSEMBLYMAN STEWART:

Assembly Bill 462 is an election law. This was requested by the various election officers throughout the state, and we conferred with them in Clark County and in Washoe County and others. This would make it easier to administer elections by increasing the size of the precincts. In addition, an independent candidate will be listed as "no political party," rather than the current listing of "independent."

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 462. This bill grants entirely too much power to poll workers, who are not trained professional signature analysts, to demand identification from a

Nevada voter if "the signature does not match" in the sole opinion of the poll worker. There are no guiding standards in the bill and no assurances of equal treatment under the law.

Many Nevadans registered to vote decades ago and have undergone, through the passing of years and different illnesses that happen to us all, changes in how they make out their signatures so that they do not match how they filled out their affidavits of registration back in the 1960s, '70s, or '80s. These constituents of ours are not fraudsters or criminals. They are everyday citizens who should not be subject to identification requirements with no methods, standards, or principles.

Assembly Bill 462 offers no way for our constituents to vote provisionally for state races. No voters will leave their houses to go to the polls on election day thinking, The poll worker may not think my signature matches perfectly, and have to go above and beyond what they normally would when voting.

We asked the bill sponsors if they would accept an amendment that treats allegedly mismatched signatures—possibly the result of changes in the person's ability to sign—in the same way we treat a situation where the person cannot physically sign the roll. Those voters are asked questions from their registration information and are made to make an affirmation under penalty of perjury. Unfortunately, we could not work out an agreement. The result of this bill will be to disenfranchise the elderly and the infirm, probably in significant numbers. I urge the body to defeat Assembly Bill 462.

Roll call on Assembly Bill No. 462:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Assembly Joint Resolution 10 proposes to amend the *Nevada Constitution* to require the Legislature to provide by law for a Citizens' Commission on Salaries for Certain Elected Officers, which is empowered to set salaries for state legislators, constitutional officers, justices, and judges.

The Commission shall study the duties of elected officials, compare salaries to public and private employees who have similar qualifications, and fix salaries of these elected officers. Provisions limit the increases and decreases of salaries that may be set by the Commission. Members of the Commission are appointed by the Senate Majority Leader, Senate Minority Leader, Speaker of the Assembly, Assembly Minority Floor Leader, the Governor, and the Chief Justice of the Supreme Court. Terms of office are four years, except that certain appointments initially are for two years.

The measure proposes to repeal the provision limiting legislator salaries to the first 60 days of a regular legislative session and the first 20 days of a special legislative session. It also proposes to repeal the provision permitting the Legislature to fix salaries by law for legislators, constitutional officers, justices, and judges.

Roll call on Assembly Joint Resolution No. 10:

YEAS—27.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Hickey, Joiner, Kirkpatrick, Kirner, Munford, Neal, Spiegel, Sprinkle, Swank—15.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 114 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 70.

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution does not expire until it is satisfied; exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action **or a parent or guardian of a child** to pay restitution does not expire until it is satisfied; and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 ***1.*** A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) Does not expire until the judgment is satisfied.

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time.

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;

2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~[.]~~ ***which is enforceable pursuant to NRS 176.275,*** but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) ~~[An]~~ ***Except as otherwise provided in NRS 62B.420 and 176.275, an*** action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. **NRS 62B.420 is hereby amended to read as follows:**

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment

against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. ***A judgment which requires a parent or guardian of a child to pay restitution does not expire until the judgment is satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time.***

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the

collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblywoman Kirkpatrick requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN KIRKPATRICK:

I would like to take just a moment. I know that many of you have been getting emails saying that we took away the Public Employees' Benefits Program's [PEBP's] $50 incentive. The Vice Chair of the PEBP Board sent out an email telling everyone to contact me. I own anything I say in this building because it is my job to represent constituents. It is my job to come here and ask the hard questions, but what I take issue with is when people do not print the whole message. I want to clarify the record because there was a lot of information left out of the newspaper article that came out last week and even in the emails folks got. It was very unclear what happened.

At the Interim Finance Committee meeting conducted on April 9, 2015, the Public Employees' Benefits Program asked the Committee to approve a work program to transfer slightly less than $1 million from reserve funds for increased costs of contract services, primarily resulting from the continuation of the NVision Health and Wellness Program during Fiscal Year [FY] 2015. Due to concerns about the work program expressed by various members of the Committee, the Committee did not take action on the work program at the April 9, 2015, meeting.

It is important to note that the 2013 Legislature did not approve expenditure authority for the wellness program in FY 2015 and directed PEBP to wrap up the program in FY 2014. Notwithstanding the direction from the 2013 Legislature, the PEBP Board elected to continue the program in FY 2015 and did not request the expenditure authority for the administrative costs of the program until this April—more than nine months into the fiscal year. The Interim Finance Committee [IFC] expressed concern with the PEBP Board's decision to continue a program that

the Legislature had not funded and had directed to be discontinued. Members of the IFC also expressed frustration that they were being asked to approve funding for a program without being provided any data to indicate that it was reducing claims costs for program participants and indicated that the money may be better spent reducing program costs or enhancing benefits for all program participants rather than only participants in the wellness program. The IFC elected not to take action on the work program but expressed a willingness to address the future of the wellness program during the 2015 Session budget process. The IFC did not direct the PEBP Board to take any specific action as a result of the Committee's decision to take no action on the work program.

On April 16, 2015, the PEBP Board, on its own initiative, held an emergency meeting and terminated its contract with the wellness program vendor effective June 13, 2015, and cancelled its request for proposals for a new wellness program vendor that would have started on October 1, 2015. The Board also elected to eliminate incentives for wellness program participants effective July 1, 2015. The incentives included the $50 monthly deduction in premiums for HMO [health maintenance organization] participants and the $50 per month increased Health Savings Account contributions for high-deductible health plan participants. No other wellness benefits were impacted by the Board's decision.

As members of the Legislature, we are committed to ensuring that the PEBP program is run effectively and efficiently for plan participants. Although the IFC did not approve of the Board's action in deciding to continue a program for which funding had been eliminated, the Committee did not direct the PEBP Board to terminate the contract or cancel the wellness program. It was possible, and still is possible, that the money committees may decide to fund the wellness program in some form during the 2015-2017 biennium. If not, we hope that the Board's decision to terminate the wellness program will result in a benefit to all primary plan participants in the form of decreased costs or increased benefits for the 2016 and 2017 plan years. As members of IFC expressed during the April 9 meeting, it is my hope to address the issue with PEBP officials during the budget process later this session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Chandni Patel.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Hanson, Emily Hutchinson, Ben Lytle, Chris Casarez, and Henry Sorensen.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Taskar Eason, Magdalena Eason, Caitlin Katzenbach, Alex Katzenbach, Mandy Katzenbach, Terence Yeager, Amie Donham, and Kobe Bunker.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Isabella Lundberg, Justin Hubbard, Melissa Velasquez, Robin Smuda, Spencer Flanders, Asia Smith, Avalon Montanucci, Christine Garcia, Hannah Sizelove, Kelly Evans, Lara Cassity, Mac Reich, Madison Schirlls-Hubbard, Sandra Cubillo, Taylor Blakemore, Thomas Rao, Viviana Velaquez, Cheyenne Roy, Jazmine Lopez, Leah Schemenauer, Marissa Flanders, Reece Resnick, and Kevin Zeitler.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, April 21, 2015, at 10 a.m.

Motion carried.

Assembly adjourned at 9:13 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 4

SEVENTY-NINTH DAY—
THE ONE HUNDRED AND SEVENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 4

Page

ASSEMBLY PROCEEDINGS 3157

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 21, 2015

Assembly called to order at 11:33 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, we are here on this important day in the Legislature. After much soul-searching and much discussion, we are at the deadline point of bills and action. Thank You for Your guidance and leadership throughout this process.

With funding and budget concerns before us, give us a spirit of compromise, listening ears, and open minds as we as a Chamber discuss and vote. May we always look for decisions that will be best for the citizens of this great state. Many times, some of these decisions will not match what we individually would want, but help us put those we represent ahead of ourselves or our political position.

Thank You for placing Your presence here and guide us today in everything we do. All these things we bring to You, in the glorious name of Your Son, Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

Also, your Committee on Taxation, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 427, 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 67, 137, 223, 241, 247, 248, 257, 285, 286, 305, 310, 373, 384, 394, 406, 481; Senate Joint Resolution No. 21.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and all Assembly bills and resolutions be declared emergency measures under the *Constitution* and placed on third reading and final passage.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly dispense with the reprinting of all Assembly bills and resolutions for this legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

NOTICE OF EXEMPTION

April 20, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 328.

MARK KRMPOTIC
Fiscal Analysis Division

April 21, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 5.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 234 and 445.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 302.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 394.

CINDY JONES
Fiscal Analysis Division

Assemblyman Paul Anderson moved that Assembly Bills Nos. 4, 177, 191, 193, 292, and 312 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 302, 380, and 412, just reported out of committee be placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 114, 239, and 386 be taken from their positions on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 91, be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 5, 217, 218, 234, 280, 332, 359, 378, 394, and 445 be taken from their positions on the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Senate Joint Resolution No. 21.
Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 67.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 137.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 223.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 241.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 247.
Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 248.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 257.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 285.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 286.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 305.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 310.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 373.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 384.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 394.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 406.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 427.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 469.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 481.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 91.

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 91 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

The following amendment was proposed by Assemblywomen Shelton and Diaz:

Amendment No. 623.

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution ~~[does not expire until it is satisfied;]~~ **expires 10 years after the date on which the judgment is rendered;** exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof ~~[;]~~ **until the judgment expires;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution ~~[does not expire until it is satisfied;]~~ **expires 10 years after the date on which the judgment is rendered;** and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof ~~[.]~~ **until the judgment expires.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 ***1.*** A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) ~~***[Does not expire until the judgment is satisfied.]***~~ ***Expires 10 years after the date on which the judgment is rendered.***

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time ~~***[.]***~~ ***before the judgment expires.***

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;

2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~[,]~~ ***which is enforceable pursuant to NRS 176.275,*** but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) ~~[An]~~ ***Except as otherwise provided in NRS 62B.420 and 176.275, an*** action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. ***A judgment which requires a parent or guardian of a child to pay restitution*** ~~***[does not expire until the]***~~ ***expires 10 years after the date on which the judgment is*** ~~***[satisfied.]***~~ ***rendered. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time*** ~~***[.]***~~ ***before the judgment expires.***

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the

Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~.~~ ***and is enforceable pursuant to NRS 176.275.***

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblywoman Shelton moved the adoption of the amendment.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

This amendment changes the expiration date of a judgement for restitution from "in perpetuity" to "ten years."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 239.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 640.

AN ACT relating to aircraft; regulating operators of unmanned aerial vehicles in this State; revising the definition of "aircraft" to include unmanned aerial vehicles; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances; authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety, to the extent that money is available, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial

vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes.

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. **Section 18.5** of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or ~~[a public]~~ **an** airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of ~~[a public]~~ **an** airport or authorization from the Federal Aviation Administration. **Section 19** of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides an exception to bringing such an action against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land. **Sections 20-22** of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. **Section 20** specifically prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. **Section 20** authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. **Section 21** authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. **Sections 20 and 21** provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with **section 20**, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. **Section 22** requires the Department, to the extent that money is available for this purpose, to establish

and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. **Section 22** further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. **Section 24.4** of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. **Section 24.8** of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 493 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ***1. A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 18.5. ***1. A person shall not operate an unmanned aerial vehicle within:***

(a) A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.

(b) Except as otherwise provided in subsection 2, 5 miles of ~~[a public]~~ an airport.

2. A person may operate an unmanned aerial vehicle within 5 miles of ~~[a public]~~ an airport only if the person obtains the consent of the airport authority or the operator of the ~~[public]~~ airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, ~~["public airport"]~~ "airport" means any ~~[publicly-owned airport that boards not fewer than 2,500 passengers per calendar year and that has a scheduled passenger service.]~~ area of land or water owned, operated or maintained by an airport authority that is designed and set aside for the landing and taking off of aircraft and that is utilized in the interest of the public for such purposes.

Sec. 19. *1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:*

(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and

(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection 2 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:

(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.

(b) The unmanned aerial vehicle is in the process of taking off or landing.

(c) The unmanned aerial vehicle was under the lawful operation of a law enforcement agency in accordance with section 20 of this act.

(d) The unmanned aerial vehicle was under the lawful operation of a business licensed in this State or a land surveyor if:

(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;

(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and

(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.

3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney's fees and costs and injunctive relief.

Sec. 20. *1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.*

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of

competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. *1. A public agency:*

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. *1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.*

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. NRS 493.010 is hereby amended to read as follows:

493.010 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act,*** unless the context otherwise requires:

1. "Aircraft" includes ***a*** balloon, airplane, hydroplane ***, unmanned aerial vehicle*** and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft.

2. ***"Critical facility" means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a water treatment facility, a mine as that term is defined in subsection 5 of NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187 , a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections.***

3. "Department" means the Department of Public Safety.

4. "Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

~~[3.]~~ ***6.*** "Passenger" includes any person riding in an aircraft, but having no part in its operation.

7. "Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.

8. "Unmanned aerial vehicle" means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 24. (Deleted by amendment.)

Sec. 24.2. NRS 493.050 is hereby amended to read as follows:

493.050 1. Flight ~~[in]~~ ***of an*** aircraft over the lands and waters of this state is lawful:

(a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.

(b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. NRS 493.100 is hereby amended to read as follows:

493.100 ***1.*** Any operator or passenger, while ***an aircraft is*** in flight over a heavily populated area or over a public gathering within this state, who:

~~[1. Engages]~~

(a) Except as otherwise provided in subsection 2, engages in trick or acrobatic flying, or in any acrobatic feat;

~~[2.]~~ ***(b)*** Except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath; or

~~[3.]~~ ***(c)*** Drops any object ~~[except loose water or loose sand ballast,]~~ ***with reckless disregard for the safety of other persons and willful indifference to injuries that could reasonably result from dropping the object,***

➥ is guilty of a misdemeanor.

2. The provisions of paragraph (a) of subsection 1 do not apply to the operator of an unmanned aerial vehicle in a park unless the operator is operating the unmanned aerial vehicle with reckless disregard for the safety

of other persons and with willful indifference to injuries that could reasonably result from such operation.

Sec. 24.6. NRS 493.120 is hereby amended to read as follows:

493.120 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them, and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics. They shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.

Sec. 24.8. NRS 493.130 is hereby amended to read as follows:

493.130 ***1.*** Any person operating an aircraft in the air, or on the ground or water:

~~[1.]~~ ***(a)*** While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or

~~[2.]~~ ***(b)*** In a careless or reckless manner so as to endanger the life or property of another,

➥ is guilty of a gross misdemeanor.

2. As used in this section:

(a) "Aircraft" includes an unmanned aerial vehicle as that term is defined in subsection 8 of NRS 493.020.

(b) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(c) "Prescription" has the meaning ascribed to it in NRS 453.128.

Sec. 25. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Amendment 640 adds a provision that was left out of the mock-up for critical facilities and also changes the definition of "airport."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 386.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 641.

AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-40.420) **Section 23** of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) **Section 20** of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) **Section 17** of this bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. **Section 2** of this bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. **Section 4** of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the

penalties that attach upon conviction. **Section 3** of this bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover possession of the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.***

2. At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:

(a) Identify the address of the dwelling;

(b) Identify the court that has jurisdiction over any matter relating to the dwelling;

(c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and

(d) Advise the unlawful or unauthorized occupant that:

(1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.

(2) The unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.

(3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.

(4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 21 calendar

days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after any locks are changed on the dwelling and must be accompanied by a statement which includes an address for service of any documents on the owner of the dwelling or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful entry" has the meaning ascribed to it in section 48 of this act.

Sec. 3. ***1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:

(a) Identify the court that has jurisdiction over the matter.

(b) Advise the unlawful or unauthorized occupant:

(1) Of his or her right to contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner, an authorized representative of the owner or occupant may dispose of any personal property of the unlawful or unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner, authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal may not be issued pursuant to subsection 6;

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit raises an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

(1) There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of

the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:

(a) The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.

(b) After the expiration of the 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. ***1. If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.***

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.

4. If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.

5. A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

6. If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.

7. This section does not affect:

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context requires otherwise:

1. ***"Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also

include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a ~~[dwelling]~~ ***residence*** or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

~~[2.]~~ ***4.*** "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

~~[3.]~~ ***5.*** "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

~~[4.]~~ ***6.*** "Premises" includes a mobile home.

~~[5.]~~ ***7.*** "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

~~[6.]~~ ***8.*** "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

~~[7.]~~ ***9.*** "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220 No entry shall be made ***upon or*** into any ~~[lands, tenements]~~ ***real property*** or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230 ***1.*** Every person is guilty of a forcible entry who ~~[either:~~

~~1. By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by]~~ ***unlawfully enters any real property:***

(a) By means of physical force resulting in damage to a structure on the real property;

(b) By any kind of violence or circumstance of terror ~~[, enters upon or into any]~~ ***;***

(c) Peaceably or otherwise and:

(1) Thereafter prevents the owner of the real property ~~[;]~~ ***from access or occupancy of the property by changing a lock;*** or

~~[2. Who, after entering peaceably upon real property, turns]~~

(2) Turns out by force, threats ***of violence*** or menacing conduct, the ~~[~~party in natural~~]~~ ***owner of the real property or an occupant who is authorized by the owner to be in*** possession ~~[.]~~ ***of the real property.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

(a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and

(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 ***1.*** Every person is guilty of a forcible detainer who either:

~~[1. By]~~

(a) Unlawfully holds and keeps the possession of any real property by force ~~[, or by menaces]~~ or threats of violence ~~[, unlawfully holds and keeps the possession of any real property,]~~ ***, or*** whether the ~~[same]~~ ***possession*** was acquired peaceably or otherwise; or

~~[2. Who, in the nighttime, or during the absence of the occupant of]~~

(b) Enters any real property ~~[, unlawfully enters thereon,]~~ ***without the authority of the owner of the property, an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property*** and who, after ~~[demand made for the]~~ ***receiving written notice to*** surrender ~~[thereof, refuses for a period of 3 days]~~ ***pursuant to subsection 2, fails*** to surrender the ~~[same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.]~~ ***property.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 ***1.*** A tenant of real property ***, a dwelling unit, a recreational vehicle*** or a mobile home ***other than a mobile home lot or a recreational vehicle lot*** for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the ***real*** property ***, dwelling unit, recreational vehicle*** or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.252,~~]~~ ***40.254,*** inclusive, ~~[~~and NRS 40.254,~~]~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the ***real*** property, ***dwelling unit, recreational vehicle or mobile home,*** served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~[~~,~~]~~ ***or property,*** also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within ~~[~~3~~]~~ ***5*** days after the service, the tenant, or any subtenant in actual occupation of the premises ~~[~~,~~]~~ ***or property,*** or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 ***1.*** Except as otherwise provided by specific statute, in addition to the remedy provided in ~~[~~NRS 40.251 and in~~]~~ NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** when the tenant of a dwelling unit ***,*** ~~[~~which is subject to the provisions of chapter 118A of NRS,~~]~~ part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer ~~[~~,~~]~~ ***pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516,*** the landlord ~~[~~is entitled to~~]~~ ***or the***

landlord's agent may utilize the summary procedures ***for eviction as*** provided in NRS 40.253 except that ~~[~~:

~~— 1. Written]~~ ***written*** notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to ~~[contest]~~ ***:***

(1) Contest the notice by filing ~~[within 5 days]~~ ***before the court's close of business on the fifth judicial day after the day of service of the notice*** an affidavit with the court that has jurisdiction over the matter ~~[that]~~ ***stating the reasons why*** the tenant is not guilty of an unlawful detainer ~~[~~.

~~— 2.]~~ ***; or***

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must ***state or*** contain:

(a) The date when the tenancy commenced, the term of the tenancy ~~[~~,~~]~~ and, if any, a copy of the rental agreement ***.*** ~~[~~.

~~— (b) The]~~ ***If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.***

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when ***written notice to surrender was given to*** the tenant ~~[became subject]~~ ***pursuant*** to the provisions of NRS 40.251 ~~[to]~~ ***, 40.2514 or*** 40.2516, ~~[inclusive,]~~ together with any ~~[supporting]~~ facts ~~[~~.

~~— (d) The date when the]~~ ***supporting the notice.***

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with ~~[NRS 40.280.]~~ ***NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.***

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to ~~[quit]~~ ***surrender*** has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act:***

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law

constitutes a breach of the lease or rental agreement and may result in eviction proceedings ~~[.]~~ ***, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.***

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~[quit]~~ ***surrender*** by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, ~~[may]~~ ***must*** be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness ***.*** ~~[;]~~ ***If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required .*** ~~[;]~~

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business. ~~[, or]~~

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. ***The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:***

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in ~~[at least two separate and]~~ a conspicuous ~~[places]~~ place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

~~[3. Before an]~~

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order ~~[to remove]~~ ***for removal of*** a tenant is issued ~~[pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof]~~ ***pursuant to NRS 40.253 or 40.254;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections ~~[2.3]~~ 2, 3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:

(a) ~~[A statement,]~~ ***Except as otherwise provided in paragraphs (b) and (c):***

(1) If the notice was served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant ***or the unlawful or unauthorized occupant, as applicable,*** and a witness, ***signed under penalty of perjury by the server,*** acknowledging that the tenant ***or occupant*** received the notice on a specified date **.** ~~[;~~

~~(b) A]~~

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service ~~[;]~~ or ***confirmation of actual delivery by a private postal service.***

~~[(c) The endorsement of]~~

(b) If the notice was served by a sheriff, ***a*** constable or ~~[other]~~ ***a person who is licensed as a*** process server ***pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice,*** stating the ~~[time]~~ ***date*** and manner of service.

~~[4. If]~~ ***The statement must also include the number of the badge or license of the person who served the notice.***

(c) For a short-term tenancy, if service of the notice was not delivered in person ~~[to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~

~~(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(b) The endorsement of a]~~ ***:***

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

~~[(1)]~~ ***(I)*** Time and date the request for service was made by the landlord or the landlord's agent;

~~[(2)]~~ ***(II)*** Time, date and manner of the service; and

~~[(3) Fees paid for the service.]~~

(III) Fees paid for the service.

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** not exceeding 5 days; and when the defendant, or the defendant's agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness's deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the ~~[complainant]~~ ***plaintiff*** for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the ~~[complainant]~~ ***plaintiff*** admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; ***and sections 2 to 7, inclusive, of this act,*** and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure ***, Justice Court Rules of Civil Procedure*** and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500 ..... $50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000 ..... 175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** in which a notice to ~~[quit]~~ ***surrender*** has been served pursuant to NRS 40.255 ..... $225.00
In all other civil actions 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 ..... $45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... 65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 85.00
If the sum claimed exceeds $5,000 but does not exceed $7,500 ..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $25.00

(g) For the issuance of any writ of restitution $75.00

(h) For filing a notice of appeal, and appeal bonds $25.00
One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00

(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00

(l) For entering judgment by confession $50.00

(m) For preparing any copy of any record, proceeding or paper, for each page..... $.50

(n) For each certificate of the clerk, under the seal of the court..... $3.00

(o) For searching records or files in his or her office, for each year ... $1.00

(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of

an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to ~~[quit.]~~ ***surrender.***

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[;]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[;]~~ ***and to the place where the leased property is situated, if different;*** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[.]~~ ***situated.***

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 32. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.
After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to ~~[quit.]~~ ***surrender.***
If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[;]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[;]~~ ***and to the place where the leased property is situated, if different;*** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[.]~~ ***situated.***

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that

unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~[vacate]~~ ***surrender*** specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;

(b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~[or]~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~[.]~~ ***; or***

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

(a) The provisions of chapter 118B of NRS;

(b) Leases and rental agreements;

(c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~[,]~~ ***, and sections 2 to 7, inclusive, of this act;***

(d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

(e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection ~~[6]~~ ***8*** of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:

(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant's household consisting of any of the following specific activities:

(1) Discharge of a weapon.

(2) Prostitution.

(3) Illegal drug manufacture or use.

(4) Child molestation or abuse.

(5) Property damage as a result of vandalism.

(6) Operating a vehicle while under the influence of alcohol or any other controlled substance.

(7) Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord's right, if any, to enter the tenant's manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant's permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant's continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and

(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~[quit]~~ ***surrender*** for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 ***Except as otherwise provided in sections 46 and 47 of this act:***

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~[every]~~

2. Every person who, having removed or been removed ~~[therefrom]~~ ***from any lands or possessions of another*** pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,

➥ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. ***As used in sections 45 to 48, inclusive, of this act, "dwelling" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.***

Sec. 46. ***1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.***

2. A person convicted of housebreaking is guilty of:

(a) For a first offense, a gross misdemeanor; and

(b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

4. As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 47. ***1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.***

2. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 48. ***1. A person is guilty of unlawful reentry if:***

(a) An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and

(b) Without the authority of the court or permission of the owner, the person reenters the property.

2. A person convicted of unlawful reentry is guilty of a gross misdemeanor.

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➥ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have

occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act*** do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.

Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, "actual damages" means damages to real property and personal property.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

This amendment removes a requirement for a second notice in section 23 of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 302.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 515.

SUMMARY—Makes various changes relating to ~~[statewide]~~ **political parties and presidential preference** primary elections. (BDR 24-801)

AN ACT relating to elections; **making various changes relating to political parties and presidential preference primary elections; revising provisions governing the organization and operation of major political parties;** providing in certain circumstances for a presidential preference primary election to be held ~~[in conjunction with the statewide primary election; revising the date of the statewide primary election to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year; requiring the Secretary of State, under certain circumstances and with the approval of the Legislative Commission, to select an earlier date for the statewide primary election; making corresponding changes to various pre-election deadlines; revising requirements for the reporting of campaign contributions and expenditures; establishing requirements for participation]~~ **when requested** by **a** major political ~~[parties and candidates in a presidential preference primary election;]~~ **party; requiring delegates to a national party convention to vote according to the results of the state party's presidential preference process in certain circumstances; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 1, 2, 18-21 and 32-38 of this bill provide for a statewide presidential preference primary election to be held in conjunction with the statewide primary election in January of a presidential election year. Section 32 provides that a presidential preference primary election is generally governed by the same statutory provisions applicable to the existing statewide primary. Pursuant to section 33, a presidential preference primary election is initiated by the submission of a notice to the Secretary of State from the state central committee of any major political party. After the submission of this notice, the election must be held if two or more presidential candidates of that party timely file declarations of candidacy with the Secretary of State.~~

~~— Under existing law, the election of delegates at precinct meetings scheduled by the state central committee of each major political party, commonly known as "party caucuses," may be a part of expressing preferences for candidates for the party's nomination for President of the United States. (NRS 293.137) In any year in which a presidential preference primary election is held for the party, section 4 of this bill requires that the precinct meetings not be held until after the presidential preference primary election has been conducted and the~~

~~results of the election have been certified by the Secretary of State. Sections 5 and 6 of this bill further require that any rule of a party governing the election of delegates at a precinct meeting, the selection of delegates and alternates to a national party convention, or the voting of delegates at the national convention, must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.~~

~~Section 7 of this bill changes the date of the statewide primary election from the second Tuesday in June of each even-numbered year to the Tuesday immediately preceding the last Tuesday in January of each even-numbered year. To provide an example, if the provisions of this bill had been in effect in 2014, the primary election would have been held on January 21, 2014, instead of June 10, 2014. If another state in the Western United States (an area defined to encompass Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming) schedules its presidential preference primary election for a date earlier in January than the date otherwise prescribed for the statewide primary election in Nevada, section 7 requires the Secretary of State, with the approval of the Legislative Commission, to select a date for the primary election which is not earlier than January 2 and not a Saturday, Sunday or legal holiday. As a result of changing the date of the statewide primary election, sections 3, 8-13, 17, 22 and 23 of this bill amend various other dates relating to elections, such as the date for filing a declaration of candidacy.~~

~~Sections 16 and 24 of this bill delete certain existing but obsolete statutory references to the presidential preference primary election.~~

~~Various provisions of existing law provide for the submission to the Secretary of State of periodic reports relating to campaign contributions and expenditures. The reporting periods and the deadlines for submitting these reports are based, in part, on the date of the relevant primary election or primary city election. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Sections 25-30 of this bill revise these reporting requirements as they relate to a primary election or primary city election held on or before February 1.~~

Under existing law, a major political party must: (1) hold precinct meetings in each county; (2) select delegates to the county, state and national party conventions; (3) provide certain types of notice regarding its meetings and conventions; and (4) follow certain procedural requirements when conducting its affairs. (NRS 293.130-293.163) Sections 3.5-6 of this bill revise various aspects of the organization and operation of major political parties.

Sections 3.5 and 4 authorize major political parties to adopt rules for providing notice of meetings and conventions through an Internet website or other social media. Section 4 also provides that precinct meetings may be consolidated or held for the county at large. Section 5 allows delegates to be selected through a nomination process instead of being selected at precinct meetings and permits the county central committee to provide

for forms to be prepared and delivered electronically. Section 6 provides that until the end of the first ballot at the national party convention, the state party's delegates are bound to vote at each stage of the presidential nomination process according to the results of the state party's presidential preference process.

Sections 1-3, 31.1-31.9 and 42 of this bill authorize the state central committee of a major political party to submit a request to the Secretary of State to cause a presidential preference primary election to be held for the party in February of a presidential year. The election would be conducted on a single weekday from 8 a.m. until at least 8 p.m. without any period of early voting but with voting by absent ballot. Sections ~~[37]~~ 31.9 and 42 of this bill provide that the cost of ~~**[any]**~~ **such a** presidential preference primary election ~~**[is]**~~ **would be** a charge against the State and must be paid from the Reserve for Statutory Contingency Account in the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

"Presidential preference primary election" means an election held in a presidential election ~~[years]~~ year pursuant to sections ~~[32 to 38,]~~ 31.1 to 31.9, inclusive, of this act ~~[.]~~ to determine the preferences of the registered voters of a major political party regarding the party's nominee for President of the United States.

Sec. 2. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 293.080 is hereby amended to read as follows:**

293.080 ***1.*** "Primary election" means the election held pursuant to NRS 293.175.

2. Except as otherwise provided in sections 31.1 to 31.9, inclusive, of this act, the term includes a presidential preference primary election.

Sec. 3. ~~**[**NRS 293.128 is hereby amended to read as follows:~~

~~293.128 1. To qualify as a major political party, any organization must, under a common name:~~

~~(a) On **[**January 1**]** ***August 1 of the year*** preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or~~

~~(b) File a petition with the Secretary of State not later than the last Friday in **[**February before**]** ***September of the year preceding*** any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.~~

~~2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to the circulator's best information and belief and that the signatures are genuine and were signed in the circulator's presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in [February] *September of the year* preceding a primary election.~~

~~3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:~~

~~(a) Name of the political party;~~

~~(b) Names and addresses of its officers;~~

~~(c) Names of the members of its executive committee; and~~

~~(d) Name of the person who is authorized by the party to act as registered agent in this State.~~

~~4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.]~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 293.130 is hereby amended to read as follows:**

293.130 1. On the dates set by the respective state central committees in each year in which a general election is to be held, a county convention of each major political party must be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each major political party shall cause notice of the holding of the county convention of its party to be ~~[published]~~ ***:***

(a) Published in one or more newspapers, if any, published in the county ~~[.]~~ ***; or***

(b) If consistent with the rules of the party, posted on an Internet website or other social media.

3. The notice must be in substantially the following form:

NOTICE OF.....(NAME OF PARTY).....CONVENTION

Notice is hereby given that the county Convention of the ..... Party for ..... County will be held at ..... in ....., on the ……..day of the month of …… of the year ……; that at the convention delegates to the ..... State Convention will be elected, a county central committee to serve for the ensuing 2 years will be chosen, and other party affairs may be considered; that delegates to such county convention will be chosen at .....(name of party)..... precinct meetings to be held in each voting precinct in the county on or before the ..... day of the month of …… of the year ……..; and that a voting precinct

is entitled to a number of delegates in proportion to the number of registered voters of the ..... Party residing in the precinct as set forth in NRS 293.133.

County Central Committee of ..... County, Nevada
By ..... (Its Chair)
And ..... (Its Secretary)

Sec. 4. NRS 293.135 is hereby amended to read as follows:

293.135 1. ~~[The]~~ ***Except as otherwise provided in this subsection ~~[,]~~ and subsection 3 of NRS 293.137, the*** county central committee of each major political party in each county shall have a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention called and held on the dates set for the precinct meeting by the respective state central committees in each year in which a general election is held. ***If consistent with the rules of the party, the county central committee may have precinct meetings consisting of two or more precincts or may have a precinct meeting for the county at large. In any year in which a presidential preference primary election is held for the party, the precinct ~~[meeting must]~~ meetings may not be held until after the results of that election are certified by the Secretary of State pursuant to ~~[subsection 5 of NRS 293.387.]~~ sections 31.1 to 31.9, inclusive, of this act.***

2. ~~[The]~~ ***Each*** meeting ***regarding one or more precincts*** must be held in one of the following places in the following order of preference:

(a) Any public building within the precinct if the meeting is for a single precinct, or any public building which is in reasonable proximity to the precincts and will accommodate a meeting of two or more precincts; or

(b) Any private building within the precinct or one of the precincts.

3. ~~[The]~~ ***On the date set by the respective state central committees for giving notice of the precinct meetings, the*** county central committee shall give notice of ~~[the]~~ ***each*** meeting by:

(a) Posting in a conspicuous place outside the building where the meeting is to be held; and

(b) Publishing in one or more newspapers of general circulation in the precinct, published in the county, if any are so published ~~[,~~ ~~on the date set for giving notice of the meeting by the respective state central committees.]~~ ***or, if consistent with the rules of the party, posting on an Internet website or other social media.***

4. The notice must be ~~[printed]~~ ***prepared*** in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

Notice to All Voters Registered
in the (State Name of Major Political Party)

Nevada state law requires each major political party, in every year during which a general election is held, to have ~~[a]~~ precinct ~~[meeting held~~

~~for each precinct.]~~ ***meetings.*** All persons registered in the party and residing in ~~[the]~~ ***your*** precinct are entitled to attend the ~~[precinct meeting.]~~ ***meeting regarding your precinct.*** Delegates to your party's county convention will be elected at the meeting ***regarding your precinct*** by those in attendance. Set forth below are the time and place at which ***the meeting regarding*** your precinct ~~[meeting]~~ will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend ***the meeting regarding*** your precinct ***.*** ~~[meeting.]~~

5. The notice must specify:

(a) The date, time and place of the meeting; ~~[and]~~

(b) The number of delegates to the county convention to be chosen at the meeting ~~[.]~~ ***; and***

(c) Any fees which may be charged to attend the county or state convention.

Sec. 5. NRS 293.137 is hereby amended to read as follows:

293.137 1. ~~[Promptly]~~ ***Except as otherwise provided in subsection 3, promptly*** at the time and place appointed therefor, the ~~[mass]~~ meeting ***regarding one or more precincts*** must be convened and organized ***.*** ~~[for each precinct.]~~ If access to the premises appointed for any such meeting is not available, the meeting may be convened at an accessible place immediately adjacent thereto. The meeting must be conducted openly and publicly and in such a manner that it is freely accessible to any registered voter of the party calling the meeting who resides in ***one of*** the ~~[precinct]~~ ***precincts*** and is desirous of attending the meeting, until the meeting is adjourned. At the meeting, the delegates to which the members of the party residing in ***one of*** the ~~[precinct]~~ ***precincts*** are entitled in the party's county convention must be elected pursuant to the rules of the state central committee of ~~[that]~~ ***the*** party. In presidential election years ~~[,]~~ ***in which a presidential preference primary election is not held for the party,*** the election of delegates may be a part of expressing preferences for candidates for the party's nomination for President of the United States if the rules of the party permit such conduct. ***[rules of the state central committee must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.]*** The result of the election must be certified to the county convention of the party by the chair and the secretary of the meeting upon the forms specified in subsection ~~[3.]~~ ***5.***

2. ~~[At]~~ ***Except as otherwise provided in subsection 3, at*** the precinct meetings, the delegates and alternates to the party's convention must be elected. If a meeting is not held for a particular precinct at the location specified, that precinct must be without representation at the county convention unless the meeting was scheduled, with proper notice, and no registered voter of the party appeared. In that case, the meeting shall be deemed to have been held and the position of delegate is vacant. If a position of delegate is vacant, it must be filled by the designated alternate, if any. If there

is no designated alternate, the vacancy must be filled pursuant to the rules of the party, if the rules of the party so provide, or, if the rules of the party do not so provide, the county central committee shall appoint a delegate from among the qualified members of the party residing in the precinct in which the vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention.

3. ***If consistent with the rules of the party, the delegates and alternates to the party's convention may be elected through a nomination process and may be chosen by precinct or at large. The number of delegates elected may not exceed the number authorized pursuant to NRS 293.133. In presidential election years in which a presidential preference primary election is held for the party, the rules must reasonably reflect the results of the presidential preference primary election. The results of the nomination process must be certified to the county convention of the party by the chair and the secretary overseeing the process upon the forms specified in subsection 5.***

4. If the county central committee elects to nominate delegates and alternates to the party's convention pursuant to subsection 3, the county central committee shall give notice of the nomination process. The notice:

(a) May be given, without limitation, by:

(1) Publishing in one or more newspapers of general circulation published in the precinct or county, if any; or

(2) If consistent with the rules of the party, posting on an Internet website or other social media.

(b) Must include, without limitation:

(1) The name of the party;

(2) The purpose of the nomination process;

(3) The process that will be used to elect delegates and alternates;

(4) Any relevant dates, times or locations for the process;

(5) The number of delegates to be chosen; and

(6) Any fees which may be charged to attend the county or state convention.

5. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to ~~[each precinct meeting.]~~ ***the precinct meetings.*** Each certificate must be in duplicate. The original must be given to the elected delegate, and the duplicate transmitted to the county central committee. ***The county central committee may provide for such forms to be prepared and delivered electronically pursuant to the rules of the party.***

~~[4.]~~ ***6.*** All duplicates must be delivered to the chair of the preliminary credentials committee of the county convention. Every delegate who presents a certificate matching one of the duplicates must be seated without dispute.

~~[5.]~~ ***7.*** Each state central committee shall adopt written rules governing, but not limited to, the following procedures:

(a) The selection, rights and duties of committees of a convention;

(b) Challenges to credentials of delegates; and

(c) Majority and minority reports of committees.

Sec. 5.5. **NRS 293.143 is hereby amended to read as follows:**

293.143 1. The county central committee of a major political party to be elected by the county convention of the party must consist of such number of members as may be determined by the convention, but each voting precinct, entitled to one or more delegates in the convention, is entitled to have at least one committeeman or committeewoman and no precinct may have more committeemen or committeewomen than its authorized number of delegates to the county convention.

2. After the county convention of the party, the composition of the county central committee may be changed ***, and during a presidential election year, must be changed,*** by the county central committee to reflect changes in the organization of precincts and in the number of registered voters of the party, using the same standards adopted by the party to elect delegates to the county convention.

Sec. 6. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention shall be held 30 days before the date set for the national convention and the county conventions shall be held 60 days before the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall select the necessary delegates and alternates to the national convention of the party and, if consistent with the rules and regulations of the party, shall select the national committeeman and committeewoman of the party from the State of Nevada. ***Any rule or regulation of the party governing the election of delegates and alternates to the national convention of the party, or directing the votes of delegates at the national convention, must reasonably reflect the results of ~~[the]~~ any presidential preference primary election ~~[, if one has been]~~ held for the party.***

3. Until the end of the first ballot at the national convention of the party, a delegate or alternate to the national convention of the party is bound to vote at each stage of the presidential nomination process at the national convention in accordance with:

(a) The preference expressed by the members of the state party through any presidential preference process prescribed by NRS 293.130 to 293.160, inclusive, or any presidential preference primary election held for the party; and

(b) Any rule or regulation of the party adopted pursuant to subsection 4.

4. The state central committee of the party shall adopt a rule or regulation of the party to govern whether the delegates or alternates to the national convention of the party are bound to vote:

(a) For the presidential candidate receiving the highest percentage of votes during the presidential candidate selection process; or

(b) In a proportional manner in relation to the presidential preferences expressed during the presidential candidate selection process.

5. If a delegate violates the provisions of subsection 3, the delegate and the party:

(a) Shall each pay to the candidate for whom the vote of the delegate was bound, an amount equal to the fee paid by the candidate to file with the state party; or

(b) If the candidate did not pay a fee to file with the state party, shall each pay a civil penalty in an amount not to exceed $1,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General in a court of competent jurisdiction. Any civil penalty collected pursuant to this section must be deposited by the Attorney General for credit to the State General Fund in the bank designated by the State Treasurer.

Sec. 7. ~~[~~NRS 293.175 is hereby amended to read as follows:

~~293.175 1. [~~The~~]~~ ***Except as otherwise provided in this subsection, the*** primary election must be held on the ~~[~~second Tuesday in June~~]~~ ***Tuesday immediately preceding the last Tuesday in January*** of each even-numbered year. ***If any other state in the Western United States schedules a presidential preference primary election in that state for a date in January of an even-numbered year that is earlier than the date otherwise prescribed for the primary election by this subsection, the Secretary of State shall, as soon as practicable and with the approval of the Legislative Commission, select a date for the primary election which is not earlier than January 2 of that year and is not a Saturday, Sunday or legal holiday.***

~~2. [~~Candidates~~]~~ ***Except as otherwise provided in this subsection, candidates*** for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election. ***The provisions of this subsection do not apply to candidates for nomination for President of the United States.***

~~3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.~~

~~4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.~~

~~5. The provisions of NRS 293.175 to 293.203, inclusive:~~

~~(a) Apply to a special election to fill a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred.~~

~~(b) Do not apply to the nomination of the officers of incorporated cities.~~

~~(c) Do not apply to the nomination of district officers whose nomination is otherwise provided for by statute.~~

~~*6. As used in this section, "Western United States" means the area of the United States composed of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 293.176 is hereby amended to read as follows:~~

~~293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:~~

~~(a) The designation of his or her political party affiliation; or~~

~~(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,~~

~~"on an application to register to vote in the State of Nevada or in any other state during the time beginning on [December]~~ ***July*** ~~31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.~~

~~2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the [December]~~ ***July*** ~~31 next preceding the closing filing date for the election.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165,~~ ***and section 34 of this act,*** ~~a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:~~

~~(a) For a candidate for judicial office, the first Monday in [January of the year in which the election is to be held]~~ ***August*** ~~nor later than 5 p.m. on the second Friday after the first Monday in [January;]~~ ***August of the year preceding the primary election;*** ~~and~~

~~(b) For all other candidates, the first Monday in [March of the year in which the election is to be held]~~ ***October*** ~~nor later than 5 p.m. on the second Friday after the first Monday in [March.]~~ ***October of the year preceding the primary election.***

~~2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:~~

~~(a) For partisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since [December] *July* 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~(b) For nonpartisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of~~

~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:~~

~~(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or~~

~~(b) The candidate does not present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the~~

~~office for which the candidate filed the declaration of candidacy or acceptance of candidacy.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 293.180 is hereby amended to read as follows:~~

~~293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:~~

~~(a) Their major political party's nomination for any partisan elective office~~ **[**~~,~~**]** ~~*other than President of the United States,* or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in~~ **[**~~February of the year in which the election is to be held~~**]** ~~*September* nor later than 5 p.m. on the first Friday in~~ **[**~~March;~~**]** ~~*October of the year preceding the year in which the election is to be held;* or~~

~~(b) Nomination for a judicial office, not earlier than the first Monday in~~ **[**~~December of the year immediately preceding the year in which the election is to be held~~**]** ~~*July* nor later than 5 p.m. on the first Friday in~~ **[**~~January~~**]** ~~*August* of the year *preceding the year* in which the election is to be held.~~

~~2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.~~

~~3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 293.205 is hereby amended to read as follows:~~

~~293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in~~ **[**~~March of every even-numbered~~**]** ~~*October of each odd-numbered* year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.~~

~~2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.~~

~~3. Election precincts must be composed only of contiguous territory.~~

~~4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 293.206 is hereby amended to read as follows:~~

~~293.206 1. On or before the last day in~~ **[**~~March of every even-numbered~~**]** ~~*October of each odd-numbered* year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.~~

~~2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of~~

~~State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.~~

~~3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.~~

~~4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.~~**] (Deleted by amendment.)**

Sec. 13. ~~[NRS 293.208 is hereby amended to read as follows:~~

~~293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in~~ **[**~~March~~**]** ***October*** ~~of any year whose last digit is~~ **[**~~6~~**]** ***5*** ~~and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:~~

~~(a) Ordered by a court of competent jurisdiction;~~

~~(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;~~

~~(c) Required to comply with subsection 2 of NRS 293.205;~~

~~(d) Required by the incorporation of a new city; or~~

~~(e) Required by the creation of or change in the boundaries of a special district.~~

~~➡ As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.~~

~~2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.~~

~~3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.~~

~~4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:~~

~~(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and~~

~~(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.~~

~~5. Cities of population categories two and three are exempt from the provisions of subsection 1.~~

~~6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.~~**] (Deleted by amendment.)**

Sec. 14. ~~[~~NRS 293.209 is hereby amended to read as follows:

~~293.209 A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district~~ **[**~~after~~**]** ***at any time during the period between*** ~~the first day of filing by candidates~~ **[**~~during any year in which a~~**]** ***and the date of the*** ~~general election or city general election~~ **[**~~is held~~**]** ~~for that election district. This section does not prohibit a political subdivision from annexing territory~~ **[**~~in a year in which a general election or city general election is held for that election district.~~**]** ***during that period.]*** **(Deleted by amendment.)**

Sec. 15. ~~[~~NRS 293.260 is hereby amended to read as follows:

~~293.260 1.~~ ***Except as otherwise provided in subsection 2:***

(a) ~~Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.~~

~~[2.]~~ ***(b)*** ~~If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.~~

~~[3.]~~ ***(c)*** ~~If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.~~

~~[4.]~~ ***(d)*** ~~If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:~~

~~[(a)]~~ ***(1)*** ~~If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a~~

~~primary election. Except as otherwise provided in this [paragraph,] *subparagraph,* the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.~~

~~[(b)] *(2)* If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.~~

~~[5.] *(c)* Where no more than the number of candidates to be elected have filed for nomination for:~~

~~[(a)] *(1)* Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;~~

~~[(b)] *(2)* Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and~~

~~[(c)] *(3)* The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.~~

~~[6.] *(f)* If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.~~

~~*2. The provisions of subsection 1 do not apply to candidates for nomination for President of the United States.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 293.3604 is hereby amended to read as follows:~~

~~293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election : [other than a presidential preference primary election:]~~

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number of the precinct or voting district;~~

~~(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~(4) The number of ballots voted on the mechanical recording device for that day; and~~

~~(5) The number of signatures in the roster for early voting for that day.~~

~~(b) Secure:~~

~~(1) The ballots pursuant to the plan for security required by NRS 293.3594; and~~

~~(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.~~

~~2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:~~

~~(a) The statements for all polling places for early voting;~~

~~(b) The voting rosters used for early voting;~~

~~(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~(d) Any other items as determined by the county clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~(a) Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all ballots on an official statement of ballots; and~~

~~(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.~~**]**

(Deleted by amendment.)

Sec. 17. **[**~~NRS 293.368 is hereby amended to read as follows:~~

~~293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in~~ **[**April,**]** ***November of the year preceding the election,*** ~~the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.~~

~~2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.~~

~~3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be~~

~~counted in determining the results of the election for the office for which the decedent was a candidate.~~

~~4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 293.387 is hereby amended to read as follows:~~

~~293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.~~

~~2. In making its canvass, the board shall:~~

~~(a) Note separately any clerical errors discovered; and~~

~~(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.~~

~~3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:~~

~~(a) A copy of the certified abstract; and~~

~~(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,~~

~~" and transmit them to the Secretary of State not more than 7 working days after the election.~~

~~4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.~~

~~*5. The Secretary of State shall, immediately after any presidential preference primary election, compile the returns for all the candidates. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the state central committee and, if necessary to comply with the rules and regulations of the party, to the national committee of each major political party for which a presidential preference primary election was held, the number of votes received by each candidate.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 293.400 is hereby amended to read as follows:~~

~~293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:~~

~~(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.~~

~~(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates~~ ***, or in the case of a presidential preference primary election, the candidates or their representatives,*** ~~who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.~~

~~(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.~~

~~2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.~~

~~3. The right to a recount extends to all candidates in case of a tie.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 293.407 is hereby amended to read as follows:~~

~~293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.~~

~~2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including~~ ***a presidential preference primary election or an*** ~~election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:~~

~~(a) The name of the contestant and~~ ***, unless the contestant is a candidate in a presidential preference primary election,*** ~~that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;~~

~~(b) The name of the defendant;~~

~~(c) The office to which the defendant was declared elected;~~

~~(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and~~

~~(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.~~

~~3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.~~

~~4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 293.417 is hereby amended to read as follows:~~

~~293.417 1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.~~

~~2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination.~~

~~3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.~~

~~4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.~~

~~*5. In a contest over a presidential preference primary election, the Secretary of State shall correct, in accordance with the judgment of the court, any certification previously issued pursuant to subsection 5 of NRS 293.387. If such a certification has not been issued, the Secretary of State shall issue the certification in accordance with the judgment.*]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 293.481 is hereby amended to read as follows:~~

~~293.481 1. Except as otherwise provided in subsection 3, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:~~

~~(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in [March] *October of the year* preceding the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~2. An explanation of a question required to be provided to a county clerk pursuant to subsection 1 must be written in easily understood language and include a digest. The digest must include a concise and clear summary of any existing laws directly related to the measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such existing laws. For a measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~3. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 295.230, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.~~

~~4. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular~~

~~question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.~~

~~5. A county or city clerk:~~

~~(a) Shall assign a unique identification number to a question submitted pursuant to this section; and~~

~~(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.~~] **(Deleted by amendment.)**

Sec. 23. ~~[NRS 293B.354 is hereby amended to read as follows:~~

~~293B.354 1. The county clerk shall, not later than~~ [~~April~~] ***November*** ~~15 of~~ [~~each~~] ***the*** ~~year~~ ***preceding the year*** ~~in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.~~

~~2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.~~

~~3. Each plan must include:~~

~~(a) The location of the central counting place and of each polling place and receiving center;~~

~~(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;~~

~~(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and~~

~~(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.~~] **(Deleted by amendment.)**

Sec. 24. ~~[NRS 293C.3604 is hereby amended to read as follows:~~

~~293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election :~~ [~~other than a presidential preference primary election:~~]

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number of the precinct or voting district;~~

~~(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~(4) The number of ballots voted on the mechanical recording device for that day; and~~

~~(5) The number of signatures in the roster for early voting for that day.~~

~~(b) Secure:~~

~~(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and~~

~~(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.~~

~~2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:~~

~~(a) The statements for all polling places for early voting;~~

~~(b) The voting rosters used for early voting;~~

~~(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~(d) Any other items as determined by the city clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~(a) Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all ballots on an official statement of ballots; and~~

~~(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.~~**]**

(Deleted by amendment.)

Sec. 25. **[**~~NRS 294A.120 is hereby amended to read as follows:~~

~~294A.120 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:~~

~~(a) Each contribution in excess of $100 received during the period;~~

~~(b) Contributions received during the period from a contributor which cumulatively exceed $100; and~~

~~(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).~~

~~➡ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~2. [Every]~~ ***Except as otherwise provided in subsection 3, every*** ~~candidate for office at a primary election or general election shall, not later than:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~→ report each contribution described in subsection 1 received during the period.~~

~~3.~~ ***If the primary election for the office for which he or she is a candidate is held:***

~~***(a) On or before January 6, the candidate is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.***~~

~~***(b) After January 6 but on or before February 1, every candidate who is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.***~~

~~***4.***~~ Except as otherwise provided in subsections **[**4**]** ***5*** and **[**5**]** ***6*** and NRS 294A.223, every candidate for office at a special election shall, not later than:

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution described in subsection 1 received during the period.~~

~~**[**4.**]** *5.* Except as otherwise provided in subsection **[**5**]** *6* and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution described in subsection 1 received during the period.~~

~~[5.] 6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in subsection 1 received during the period.~~

~~[6.] 7. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.~~

~~[7.] 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~[8.] 9. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 294A.140 is hereby amended to read as follows:~~

~~294A.140 1. The provisions of this section apply to:~~

~~(a) Every person who makes an independent expenditure in excess of $1,000; and~~

~~(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.~~

~~2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply, for the period from January 1 of the previous year through December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~3. [Every]~~ ***Except as otherwise provided in subsection 4, every*** ~~person, committee and political party described in subsection 1 shall, not later than:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~4.~~ ***If the primary election for the office for which the candidate or a candidate in the group of candidates seeks election is held:***

~~***(a) On or before January 6, a person, committee or political party is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.***~~

~~***(b) After January 6 but on or before February 1, every person, committee or political party which is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 3, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.***~~

~~***5.*** Except as otherwise provided in subsections **[**5**]** ***6*** and **[**6**]** ***7*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~**[**5.**]** ***6.*** Except as otherwise provided in subsection **[**6**]** ***7,*** and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~[6.]~~ ***7.*** ~~If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.~~

~~[7.]~~ ***8.*** ~~Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.~~

~~[8.]~~ ***9.*** ~~A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~[9.]~~ ***10.*** ~~Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.~~

~~[10.]~~ ***11.*** ~~The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of $1,000 since the beginning of the current reporting period.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 294A.150 is hereby amended to read as follows:~~

~~294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The provisions of this subsection apply to the committee for political action:~~

~~(a) Each year in which an election is held for each question for which the committee for political action advocates passage or defeat; and~~

~~(b) The year after the year described in paragraph (a).~~

~~2. [A] *Except as otherwise provided in subsection 3, a* committee for political action described in subsection 1 shall, not later than:~~

~~(a) Twenty-one days before the primary election, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election, for the period from 24 days before the general election through 5 days before the general election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~*3. If the primary election is held:*~~

~~*(a) On or before January 6, a committee for political action is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.*~~

~~*(b) After January 6 but on or before February 1, every committee for political action which is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*4.* Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~[4.] *5.* The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.~~

~~[5.] 6. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.~~

~~[6.] 7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~[7.] 8. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 294A.200 is hereby amended to read as follows:~~

~~294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:~~

~~(a) Each of the campaign expenses in excess of $100 incurred during the period;~~

~~(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;~~

~~(c) The total of all campaign expenses incurred during the period which are $100 or less; and~~

~~(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.~~

~~2. The provisions of subsection 1 apply to the candidate:~~

~~(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~3. [Every]~~ ***Except as otherwise provided in subsection 4, every*** ~~candidate for office at a primary election or general election shall, not later than:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~* report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~4. If the primary election for the office for which he or she is a candidate is held:~~

~~(a) On or before January 6, the candidate is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.~~

~~*(b) After January 6 but on or before February 1, every candidate who is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 3, submit a single report not later than 4 days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*5.* Except as otherwise provided in subsections [5] *6* and [6] *7* and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~[5.] *6.* Except as otherwise provided in subsection [6] *7* and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~[6.] *7.* If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~[7.] *8.* Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.~~

~~[8.] 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 294A.210 is hereby amended to read as follows:~~

~~294A.210 1. The provisions of this section apply to:~~

~~(a) Every person who makes an independent expenditure in excess of $1,000; and~~

~~(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.~~

~~2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~3. [Every] *Except as otherwise provided in subsection 4, every* person, committee and political party described in subsection 1 shall, not later than:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~

~~" report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~*4. If the primary election for the office for which the candidate or a candidate in the group of candidates seeks election is held:*~~

~~*(a) On or before January 6, a person, committee or political party is not required to submit any report pursuant to paragraph (a) or (b) of subsection 3.*~~

~~*(b) After January 6 but on or before February 1, every person, committee or political party which is required to submit reports pursuant to subsection 3 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection*~~

~~*3, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*5.* Except as otherwise provided in subsections [5] *6* and [6] *7* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~[5.] *6.* Except as otherwise provided in subsection [6] *7* and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~[6.] *7.* If a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every person, committee and party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a~~

~~special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.~~

~~[7.] *8.* Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~[8.] *9.* Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.~~

~~[9.] *10.* If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.~~

~~[10.] *11.* A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 294A.220 is hereby amended to read as follows:~~

~~294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000. The provisions of this subsection apply to the committee for political action:~~

~~(a) Each year in which an election is held for a question for which the committee for political action advocates passage or defeat; and~~

~~(b) The year after the year described in paragraph (a).~~

~~2. [A] *Except as otherwise provided in subsection 3, a* committee for political action described in subsection 1 shall, not later than:~~

~~(a) Twenty-one days before the primary election, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election, for the period from 24 days before the general election through 5 days before the general election,~~

~~➥ report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.~~

~~3. *If the primary election is held:*~~

~~*(a) On or before January 6, a committee for political action is not required to submit any report pursuant to paragraph (a) or (b) of subsection 2.*~~

~~*(b) After January 6 but on or before February 1, every committee for political action which is required to submit reports pursuant to subsection 2 shall, in lieu of the reports required by paragraphs (a) and (b) of subsection 2, submit a single report not later than 4 days before the primary election, for the period from the January 1 immediately preceding the primary election through 5 days before the primary election.*~~

~~*4.* Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~➥ report each expenditure made during the period for or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 and such expenditures made during the period to one recipient that cumulatively exceed $1,000.~~

~~[4.] *5.* Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~[5.] *6.* The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.~~

~~[6.] *7.* Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.~~

~~[7.] 8. If an expenditure is made for or against a group of questions, the reports must be itemized by question or petition.~~

~~[8.] 9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.]~~ **(Deleted by amendment.)**

Sec. 31. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[32 to 38,]~~ **31.1 to 31.9,** inclusive, of this act.

Sec. 31.1. As used in sections 31.1 to 31.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31.15, 31.2 and 31.25 of this act have the meanings ascribed to them in those sections.

Sec. 31.15. "Party" means a major political party.

Sec. 31.2. "State central committee" means the state central committee of a party.

Sec. 31.25. "Working day" means a day on which the Office of the Secretary of State is regularly open for the transaction of business.

Sec. 31.3. 1. The Secretary of State may adopt regulations to carry out the provisions of sections 31.1 to 31.9, inclusive, of this act.

2. To the extent possible, the provisions of chapters 293 and 293B of NRS governing the conduct of a primary election also govern the conduct of a presidential preference primary election and must be given effect to the extent that the provisions of chapters 293 and 293B of NRS do not conflict with the provisions of sections 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions.

3. If there is a conflict between the provisions of chapters 293 and 293B of NRS and the provisions of 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions, the provisions of sections 31.1 to 31.9, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions control.

Sec. 31.4. 1. Except as otherwise provided in this section, in a presidential election year, a state central committee may submit a request to the Secretary of State pursuant to section 31.5 of this act to cause a presidential preference primary election to be held to determine the preferences of the registered voters of the party regarding the party's nominee for President of the United States.

2. If a state central committee submits a proper request to the Secretary of State pursuant to section 31.5 of this act and, after the date of the close of filing of declarations of candidacy pursuant to section 31.6 of this act, there are fewer than two candidates of the party who have filed declarations of candidacy, the Secretary of State shall not cause a presidential preference primary election to be held for the party.

Sec. 31.5. 1. To submit a request to the Secretary of State to cause a presidential preference primary election to be held for the party, the state central committee must submit the request on a form prescribed by the

Secretary of State not later than 5 p.m. on the last working day of September of the year immediately preceding the presidential election year.

2. Except as otherwise provided in subsection 3, the state central committee shall specify in its request the proposed date for the presidential preference primary election, which must be held on a single working day in February of the presidential election year.

3. If more than one state central committee intends to submit a request to the Secretary of State to cause a presidential preference primary election to be held in the same presidential election year, the state central committees shall confer and make a good faith effort to agree on the same proposed date before submitting their requests to the Secretary of State. If the state central committees are unable to agree on the same proposed date, they shall inform the Secretary of State of their disagreement in their requests, and the Secretary of State shall set the proposed date for the presidential preference primary election, which must be held on a single working day in February of the year of the presidential election.

4. If a state central committee submits a proper request to the Secretary of State pursuant to this section, the Secretary of State shall provide public notice of the proposed date for the presidential preference primary election and the period for filing declarations of candidacy pursuant to section 31.6 of this act.

Sec. 31.6. 1. If a person who meets the qualifications to be a party's nominee for President of the United States wants to appear on the ballot for a presidential preference primary election, the person must file with the Secretary of State a declaration of candidacy on a form prescribed by the Secretary of State not earlier than October 1 and not later than October 15 of the year immediately preceding the presidential election year.

2. If, after the date of the close of filing of declarations of candidacy pursuant to this section, there are two or more qualified candidates of the party who have filed declarations of candidacy, the Secretary of State shall cause a presidential preference primary election to be held for the party.

Sec. 31.7. 1. If the Secretary of State causes a presidential preference primary election to be held for a party, the Secretary of State shall forward to each county clerk the name of each candidate of the party whose name must appear on the ballot for the presidential preference primary election.

2. The county clerk:

(a) Shall establish polling places for voting by registered voters of the party only on the day of the presidential preference primary election and shall ensure that the polling places remain open from 8 a.m. until at least 8 p.m. on that day.

(b) Shall provide by rule or regulation a method for a registered voter of the party to cast an absent ballot in the presidential preference primary election.

(c) Shall not establish any polling places for early voting by personal appearance for the presidential preference primary election, and no

registered voter of the party may request to vote early for the presidential preference primary election.

3. Each registered voter of the party is eligible to vote at the presidential preference primary election for one candidate on the ballot as the voter's preference to be the party's nominee for President of the United States.

Sec. 31.8. 1. Immediately after a presidential preference primary election, the Secretary of State shall compile the returns for each candidate of the party whose name appeared on the ballot.

2. The Secretary of State shall make out and file in his or her office an abstract of the returns and shall certify the number of votes received by each candidate to:

(a) The state central committee; and

(b) The national committee if necessary to comply with the rules and regulations of the party.

Sec. 31.9. If the Secretary of State causes a presidential preference primary election to be held for a party, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 32. ~~[*Except as otherwise provided in sections 32 to 38, inclusive, of this act or other specific statute, the provisions of chapters 293 and 293B of NRS relating to a primary election also govern a presidential preference primary election.*]~~ **(Deleted by amendment.)**

Sec. 33. ~~[*1. Not later than 5 p.m. on September 30 of the year preceding a presidential election year, the state central committee of each major political party shall notify the Secretary of State, in writing, whether the party will participate in a presidential preference primary election.*~~

~~*2. If the Secretary of State receives a notice pursuant to subsection 1 that a major political party will participate in a presidential preference primary election and:*~~

~~*(a) More than one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must be held in conjunction with the primary election held pursuant to NRS 293.175.*~~

~~*(b) Only one candidate of that party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for that party must not be held and that candidate must be certified by the Secretary of State in the manner provided in subsection 5 of NRS 293.387.*]~~ **(Deleted by amendment.)**

Sec. 34. ~~[*1. A person who wishes to be a candidate for nomination for President of the United States for a major political party must, not earlier than October 1 and not later than 5 p.m. on October 15 of the year preceding a presidential election year, file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State.*~~

~~*2. A person who files a declaration of candidacy pursuant to this section is not required to file a declaration of candidacy or an acceptance of candidacy pursuant to NRS 293.177.]*~~ **(Deleted by amendment.)**

Sec. 35. ~~*[The Secretary of State shall include in the certified list forwarded to each county clerk pursuant to NRS 293.187 the name and mailing address of each person whose name must appear on the primary ballot for the presidential preference primary election.]*~~ **(Deleted by amendment.)**

Sec. 36. ~~*[1. The names of the candidates for nomination for President of the United States for each major political party for which a presidential preference primary election is held must be printed on the primary ballot for the election.*~~

~~*2. Each voter registered with a party for which a presidential preference primary election is held may vote for one person to be the nominee for President of the United States for that party.]*~~ **(Deleted by amendment.)**

Sec. 37. ~~*[If a presidential preference primary election is held pursuant to sections 32 to 38, inclusive, of this act, the cost of the election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]*~~ **(Deleted by amendment.)**

Sec. 38. ~~*[The Secretary of State may adopt regulations to carry out the provisions of sections 32 to 38, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~[NRS 218A.635 is hereby amended to read as follows:~~

~~218A.635 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a presession orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:~~

~~(a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or~~

~~(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.~~

~~3. For the purposes of this section, "nonreturning Legislator" means a Legislator who : [, in the year that the Legislator's term of office expires:]~~

~~(a) *In the year preceding the year in which his or her term expires:*~~

~~*(1)* Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; *or*~~

~~*(2) Has withdrawn as a candidate for the Senate or the Assembly; or*~~

~~(b) [Has] *In the year in which his or her term expires, has* failed to win nomination as a candidate for the Senate or the Assembly at the primary election. [; or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.]~~

~~4. This section does not apply:~~

~~(a) During a regular or special session; or~~

~~(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.]~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 218D.150 is hereby amended to read as follows:~~

~~218D.150 1. Except as otherwise provided in this section, each:~~

~~(a) Incumbent member of the Assembly may request the drafting of:~~

~~(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(b) Incumbent member of the Senate may request the drafting of:~~

~~(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(c) Newly elected member of the Assembly may request the drafting of:~~

~~(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(d) Newly elected member of the Senate may request the drafting of:~~

~~(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who : [, in the year that the Legislator's term of office expires:]~~

~~(a) *In the year preceding the year in which his or her term expires:*~~

~~*(1)* Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; *or*~~

~~*(2) Has withdrawn as a candidate for the Senate or the Assembly; or*~~

~~(b) [Has] *In the year in which his or her term expires, has* failed to win nomination as a candidate for the Senate or the Assembly at the primary election . [; or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.]~~

~~3. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.~~

~~4. If a request made pursuant to subsection 1 is submitted:~~

~~(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.~~

~~5. In addition to the number of requests authorized pursuant to subsection 1:~~

~~(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.~~

~~(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.~~

~~6. If a request made pursuant to subsection 5 is submitted:~~

~~(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.~~] **(Deleted by amendment.)**

Sec. 41. ~~[NRS 281.561 is hereby amended to read as follows:~~

~~281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:~~

~~(a) [A]~~ ***Except as otherwise provided in paragraph (b), a*** ~~candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph [(b)]~~ ***(c)*** ~~in the immediately succeeding year, if the candidate is elected to the office.~~

~~(b)~~ ***If the last day to qualify as a candidate for nomination, election or reelection to public office is established by NRS 293.177 for a candidate, the candidate shall file a statement of financial disclosure on or after January 1 and on or before January 15 of the year in which the election for the office will be held. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.***

~~(c)~~ ***(c)*** ~~Each public officer shall file a statement of financial disclosure on or before January 15 of:~~

~~(1) Each year of the term, including the year in which the public officer leaves office; and~~

~~(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.~~

~~➡ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph [(b)] *(c)* of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements [of Canon 4I] of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.~~

~~5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 42. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~[,]~~ ***and section ~~[37]~~ 31.9 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 43. ~~[Section 1.060 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 313, Statutes of Nevada 1983, at page 756, is hereby amended to read as follows:~~

~~Sec. 1.060 Wards: Creation; boundaries.~~

~~1. Carson City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.~~

~~2. The boundaries of wards must be established and realigned, if necessary, by ordinance, passed by a vote of at least three fifths of the Board of Supervisors.~~

~~3. The Board shall realign any such boundaries on or before [January 1] *September 30 of the year* preceding the next general election at which Supervisors are to be elected, if reliable evidence indicates that the population in any ward exceeds the population in any other ward by more than 5 percent. In any case, the Board shall reconsider the boundaries of the wards upon the receipt of the necessary information from the preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce.]~~ **(Deleted by amendment.)**

Sec. 44. The Secretary of State shall adopt such regulations and prescribe such forms as are required by or necessary to carry out the provisions of ~~[:~~

~~1. NRS 293.177, as amended by section 9 of this act, so that the regulations and forms are effective and available for distribution and use on or before August 1, 2015.~~

~~2. Sections 1 to 8, inclusive, 10 to 30, inclusive, and 41 of this act so that the regulations and forms are effective and available for distribution and use on or before October 1, 2015.~~

~~3. Sections 32 to 38, inclusive,~~ **sections 31.1 to 31.9, inclusive,** of this act so that the regulations and forms are effective and available for distribution and use ~~[on or before July 1, 2017.]~~ **as soon as practicable before the next presidential election year.**

Sec. 45. This act becomes effective ~~[:~~

~~1. Upon passage and approval for the purpose of adopting regulations and prescribing forms; and~~

~~2. On]~~ **on** July 1, 2015 **.** ~~[, for all other purposes.]~~

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment removes all the sections of the original bill and provides for presidential preference primary in February of presidential election years. This presidential primary is optional. The state parties have the option of either having the primary or retaining the caucus method.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 380.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 431.

AN ACT relating to taxation; enacting provisions relating to the imposition, collection and remittance of sales and use taxes by retailers located outside this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales and use taxes unless the activities of the retailer have a substantial nexus with the taxing state. (*Quill Corp. v. North Dakota*, 504 U.S. 298 (1992)) Existing law requires every retailer whose activities create such a nexus with this State to impose, collect and remit the sales and use taxes imposed in this State. (NRS 372.724, 374.724) This bill provides that a retailer who engages in certain specified activities is required to collect and remit the sales and use taxes imposed in this State.

Section 1 of this bill requires the Department of Taxation to submit a report to the Director of the Legislative Counsel Bureau concerning each finding, ruling or agreement by the Department or the Nevada Tax Commission which provides that the provisions of existing law requiring a retailer to impose, collect and remit sales and use taxes do not apply to the retailer even though the retailer or an affiliate owns or operates a

warehouse, distribution center, fulfillment center or other similar facility in this State.

Sections 2 and 5 of this bill enact provisions based on a Colorado law which creates a presumption that a retailer is required to impose, collect and remit sales and use taxes if the retailer is: (1) part of a controlled group of business entities that has a component member who has physical presence in this State; and (2) the component member with such physical presence engages in certain activities in this State that relate to the ability of the retailer to make retail sales to residents of this State. (Ch. 364, Colo. Session Laws 2014, at p. 1740) Under **sections 2 and 5**, a retailer may rebut this presumption by providing proof that the component member with physical presence in this State did not engage in any activity in this State ~~[on behalf of the retailer that would constitute a sufficient nexus under the United States Constitution.]~~ **that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.**

Sections 3 and 6 of this bill enact a provision based on a New York law which creates a presumption that a retailer is required to impose, collect and remit sales and use taxes if: (1) the retailer enters into an agreement with a resident of this State under which the resident receives certain consideration for referring potential customers to the retailer through a link on the resident's Internet website or otherwise; and (2) the cumulative gross receipts from sales by the retailer to customers in this State through all such referrals exceeds a certain amount during the preceding four quarterly periods. A retailer may rebut this presumption by providing proof that each resident with whom the retailer has an agreement did not engage in any ~~[solicitation in this State on behalf of the retailer that would satisfy the nexus requirement of the United States Constitution.]~~ **activity that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods.** In *Overstock.com v. New York State Department of Taxation and Finance*, 987 N.E.2d 621 (2013), the New York Court of Appeals held that the New York law is facially constitutional because, through these agreements with New York residents, a retailer may establish a sufficient nexus with the State of New York to satisfy the requirements of the United States Constitution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

Not later than 30 days after the Department or the Nevada Tax Commission makes a finding or ruling, or enters into an agreement with a retailer providing, that the provisions of chapters 372 and 374 of NRS relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, do not apply to the retailer,

despite the presence in this State of an office, distribution facility, warehouse or storage place or similar place of business which is owned or operated by the retailer or an affiliate of the retailer, whether the finding, ruling or agreement is written or oral and whether the finding, ruling or agreement is express or implied, the Department shall submit a report of the finding, ruling or agreement to the Director of the Legislative Counsel Bureau for transmittal to:

1. If the Legislature is in session, the Legislature; or

2. If the Legislature is not in session, the Legislative Commission.

Sec. 1.5. Chapter 372 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to a retailer if:***

(a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier ~~[,]~~ acting in its capacity as such, that has physical presence in this State; and

(b) The component member with physical presence in this State:

(1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of tangible personal property sold by the retailer to the retailer's customers;

(3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;

(4) Delivers, installs, assembles or performs maintenance services for the retailer's customers within this State; ~~[or]~~

(5) Facilitates the retailer's delivery of tangible personal property to customers in this State by allowing the retailer's customers to pick up tangible personal property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the component member in this State ~~[.]~~ ; or

(6) Conducts any other activities in this State that are significantly associated with the retailer's ability to establish and maintain a market in this State for the retailer's products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that, during the calendar year in question, the activities of the component member with physical presence in this State ~~[did not engage in any activity in this State on behalf of the retailer that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]~~ are not significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

4. As used in this section:

(a) "Component member" has the meaning ascribed to it in section 1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

(b) "Controlled group of corporations" has the meaning ascribed to it in section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

Sec. 3. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to:***

(a) The imposition, collection and remittance of the sales tax; and

(b) The collection and remittance of the use tax,

➥ apply to every retailer who enters into an agreement with a resident of this State under which the resident, for a commission or other consideration based upon the sale of tangible personal property by the retailer, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in this State who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any ~~[solicitation]~~ activity in this State that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer ~~[that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]~~ during the preceding four quarterly periods ending on the last day of March, June, September and December, if the statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

Sec. 4. Chapter 374 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the sales tax, and the collection and remittance of the use tax, apply to a retailer if:***

(a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier ~~[,]~~ acting in its capacity as such, that has physical presence in this State; and

(b) The component member with physical presence in this State:

(1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of tangible personal property sold by the retailer to the retailer's customers;

(3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;

(4) Delivers, installs, assembles or performs maintenance services for the retailer's customers within this State; ~~[or]~~

(5) Facilitates the retailer's delivery of tangible personal property to customers in this State by allowing the retailer's customers to pick up tangible personal property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the component member in this State ~~[.]~~ ; or

(6) Conducts any other activities in this State that are significantly associated with the retailer's ability to establish and maintain a market in this State for the retailer's products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that, during the calendar year in question, the activities of the component member with physical presence in this State ~~[did not engage in any activity in this State on behalf of the retailer that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]~~ are not significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

4. As used in this section:

(a) "Component member" has the meaning ascribed to it in section 1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes any

entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

(b) "Controlled group of corporations" has the meaning ascribed to it in section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

Sec. 6. ***1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to:***

(a) The imposition, collection and remittance of the sales tax; and

(b) The collection and remittance of the use tax,

➥ apply to every retailer who enters into an agreement with a resident of this State under which the resident, for a commission or other consideration based upon the sale of tangible personal property by the retailer, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in this State who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any ~~[solicitation]~~ activity in this State that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer ~~[that would constitute a sufficient nexus to satisfy the requirements of the United States Constitution. A retailer has the burden of establishing that the requirements of this subsection are satisfied.]~~ during the preceding four quarterly periods ending on the last day of March, June, September and December, if such statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

Sec. 6.5. **Notwithstanding the provisions of section 7 of this act, in determining whether, pursuant to sections 3 and 6 of this act, a retailer has rebutted the presumption that the provisions of chapters 372 and 374 of NRS relating to the imposition, collection and remittance of the sales**

tax, and the collection and remittance of the use tax, apply to the retailer, any quarterly periods preceding October 1, 2015, may be considered.

Sec. 7. 1. This **section and sections 1, 1.5, 2, 4 and 5 of this** act ~~[becomes]~~ **become** effective on July 1, 2015.

2. Sections 3, 6 and 6.5 of this act become effective on October 1, 2015.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 431 to Assembly Bill 380 specifies that a retailer may rebut the presumption that it is required to impose, collect, and remit Nevada sales and use tax based on the activities of a component member with a physical presence in the state, or of residents of the state who refer potential customers to the retailer through an Internet website link, if it provides proof that the component member or resident did not engage in any activities in Nevada that were significantly associated with the retailer's ability to establish or maintain a market in the state for that retailer's products or services.

The amendment additionally requires the Department of Taxation to report to the Director of the Legislative Counsel Bureau any finding or ruling that the provisions of Chapter 372 or 374, relating to the imposition, collection, and remittance of the sales and use tax, do not apply to the retailer no later than 30 days after the finding or ruling that was made by the Department.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 412.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 432.

AN ACT relating to public financial administration; authorizing a board of county commissioners to impose certain ad valorem taxes on property in the county; authorizing a board of county commissioners or the board of trustees of a school district, or both, to impose certain ad valorem taxes on property in the county; establishing limitations on the use of money received from any such taxes; exempting property tax increases relating to the reversal of a reduction of taxable value resulting from certain types of obsolescence from the caps on property tax bills; requiring the State Board of Equalization, county boards of equalization and county assessors to submit information regarding the reduction of taxable values based on certain types of obsolescence to the Nevada Tax Commission; requiring the Department of Taxation annually to conduct certain audits; clarifying certain provisions governing the determination of the taxable value of property; revising provisions governing partial abatements of property taxes; requiring the Legislative Auditor to conduct a performance audit of the State Board of Equalization; requiring the State Treasurer, under certain limited circumstances and with the approval of certain local governments, to execute an agreement with the governing body of a local government pursuant to which the State Treasurer agrees to borrow money from the Local Government Pooled Investment Fund and transfer the

money to the governing body; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a board of county commissioners of a county, by a majority vote and without the approval of the registered voters in the county, to impose throughout the county an ad valorem tax at the rate of up to 5 cents per $100 of assessed value on all taxable property in the county. **Section 1** provides that the money received from any such tax: (1) **must not be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency; (2)** must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government; ~~[(2)]~~ **(3)** must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; and ~~[(3)]~~ **(4)** must not be used to adjust the schedules of salaries and benefits of the employees of a local government.

Section 15 of this bill authorizes the board of county commissioners of a county or the board of trustees of a school district in the county, or both, by a majority vote and without the approval of the registered voters in the county, to impose throughout the county an ad valorem tax at the rate of up to 5 cents per $100 of assessed value on all taxable property in the county. **Section 15** provides that the board of county commissioners of the county or the board of trustees of the school district may impose any portion of the rate authorized by **section 15**, but the total rate must not exceed 5 cents per $100 of assessed valuation. **Section 15** provides that the money received from any such tax must be used only for the construction and maintenance of public schools within the school district and the purchase by the school district and use by pupils of information technology, except that an amount equal to not more than 2 cents per $100 of assessed valuation of all taxable property in the county may be used by the school district to pay for operating expenses of the school district. **Section 15** additionally provides that the money received from any such tax: (1) must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government; (2) must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; (3) must not be used to adjust the schedules of salaries and benefits of the employees of a local government; (4) must not be considered part of the amount of the local funds available to a school district; and (5) must not be included in determining the amount of the basic support guarantees or any other funding provided by the State to a school district. **Section 16** of this bill additionally provides that the amount of local funds available does not include the amount of any tax imposed pursuant to **section 15**.

Section 12 of this bill provides that any tax imposed pursuant to **section 1 or 15** is not subject to the provisions of existing law which provide that the

total ad valorem tax levy for all public purposes must not exceed $3.64 per $100 of assessed valuation. (NRS 361.453)

Existing law sets forth certain requirements for determining the taxable value of real property. (NRS 361.227) **Section 11** of this bill clarifies the applicability of those requirements.

Existing law provides for a partial abatement of property taxes, which effectively establishes an annual cap on increases of property tax bills. (NRS 361.4722) **Section 13** of this bill revises the formula for calculating the amount of the partial abatement of property taxes applicable to property other than certain single-family residences and residential rental dwelling units to ensure that the partial abatement cannot be less than 6 percent. **Section 14** of this bill provides that the amount of any tax imposed pursuant to **section 1 or 15** is exempt from certain partial abatements of property taxes. **Section 14** also provides that the amount of tax imposed on the increased value of property that results from revaluing the property after the taxable value of the property was reduced in a prior year as a result of the use of the income approach to valuation is exempt from certain partial abatements of property taxes. **Section 10** of this bill requires the State Board of Equalization, a county board of equalization or a county assessor that reduces the amount of the assessed value of property that is exempted from such abatements to submit an electronic report of the reduction in assessed value to the Department of Taxation and requires the Department annually to conduct an audit of each such reduction in assessed valuation.

Section 18 of this bill requires the Legislative Auditor to conduct a performance audit of the State Board of Equalization for Fiscal Year 2016-2017 and report the results of the audit to the Legislature.

Section 9 of this bill authorizes the governing body of a local government, before August 31, 2015, to submit a proposed agreement to the State Treasurer pursuant to which: (1) the State Treasurer agrees to borrow certain money from the Local Government Pooled Investment Fund; (2) the State Treasurer agrees to transfer such money to the governing body of the local government; and (3) the governing body agrees to repay the principal amount borrowed and any interest. Upon approval of such a proposed agreement by a majority of the local governments that have deposited money for credit to the Fund, **section 9** requires the State Treasurer to: (1) execute the agreement; (2) borrow the specified amount from the Fund; and (3) transfer the money to the local government. **Section 9** provides that the agreement must include, without limitation, a statement identifying the amount of money proposed to be borrowed, a description of the proposed use of the money, terms and conditions for the repayment of the principal and any interest and the rate or rates of interest. **Section 9** also provides that the principal amount borrowed must be repaid not later than the first day of the calendar month that is ~~[360]~~ **240** months after the month in which the borrowing occurred. Additionally, **section 9** provides that the full faith and credit of the State is pledged for the payment of the principal and interest.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on property in a county, the board of county commissioners of the county may, by a majority vote and without the approval of the registered voters in the county, impose an ad valorem tax at the rate of up to 5 cents per $100 of assessed valuation on all taxable property in the county. A tax imposed pursuant to this subsection applies throughout the county, including incorporated cities in the county.

2. Except as otherwise specifically provided by statute, any tax imposed pursuant to subsection 1 must be assessed in the same manner and is subject to the provisions of the general laws for the assessment and collection of taxes. The tax must be collected at the same time and by the same officers who assess and collect the state and county taxes. The money received from the tax and any applicable penalty or interest must be remitted to the county treasurer.

3. The Department of Taxation shall add an amount equal to the rate of any tax imposed pursuant to subsection 1 multiplied by the total assessed valuation of the county to the allowed revenue from taxes ad valorem of the county.

4. The money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest:

(a) Must not be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency created pursuant to chapter 279 of NRS.

(b) Must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government;

~~[(b)]~~ (c) Must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government; and

~~[(c)]~~ (d) Must not be used to adjust the schedules of salaries and benefits of the employees of a local government.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.472 is hereby amended to read as follows:

354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.

(b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues, expenditures and tax levies.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** must be broadly and liberally construed.

Sec. 4. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~.~~, ***and section 1 of this act.***

Sec. 6. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 244.377, 278C.260, 354.59813, 354.59815, 354.59818, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, ***and section 1 of this act,*** for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the

preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.087 to 350.095, inclusive.

Sec. 7. NRS 354.616 is hereby amended to read as follows:

354.616 1. A local governing body may provide for the adjustment of expenses as defined by NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.*** Receipts from adjustment of expenses shall be credited to the governmental function to which the reimbursed expense was originally charged.

2. A local governing body may provide for the adjustment of revenues as defined by NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.*** Disbursements for adjustment of revenues shall be charged to the revenue account to which the refunded revenue was originally credited.

Sec. 8. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) ~~[Purchase]~~ ***The purchase*** of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 9. NRS 349.074 is hereby amended to read as follows:

349.074 1. The ***governing body of a local government may, before August 31, 2015, submit to the State Treasurer and to each local government that has deposited money with the State Treasurer for credit to the Local Government Pooled Investment Fund for the purpose of investment, a proposed agreement pursuant to which the State Treasurer agrees to borrow money in accordance with the provisions of this section and transfer such money to the governing body and the governing body agrees to repay the principal amount borrowed and any interest on such amount. The proposed agreement must include, without limitation, a statement of the amount of money proposed to be borrowed, a description of the proposed use of the money, terms and conditions for the repayment by the governing body of the principal amount borrowed by the State Treasurer and transferred to the governing body and the rate or rates of any interest on such amount. Upon approval of the proposed agreement by a majority of the local governments that have deposited money with the State Treasurer for credit to the Local Government Pooled Investment Fund for the purpose of investment, the*** State Treasurer ~~[may,]~~ ***shall,*** on or before August 31, ~~[2013, in]~~ ***2015:***

(a) Execute the proposed agreement.

(b) In the name and on behalf of the State of Nevada, borrow money and evidence such borrowing by the issuance of one or more notes in an aggregate principal amount ***set forth in the agreement, but in an amount*** that does not exceed $160 million.

(c) In accordance with the terms of the agreement, transfer to the governing body the principal amount borrowed pursuant to paragraph (b).

2. Each ~~[such]~~ note ~~[:]~~ ***issued pursuant to paragraph (b) of subsection 1:***

(a) Must be issued upon the order of the State Treasurer and pursuant to the provisions of the State Securities Law, except to the extent that those provisions are inconsistent with the provisions of this section; and

(b) May be issued without the approval of the State Board of Finance or any other board, commission or agency of this State.

➥ For the purposes of this section and the State Securities Law, the State Treasurer shall be deemed to constitute an agency of the State and any order of the State Treasurer authorizing the issuance of a note pursuant to this section shall be deemed to constitute a resolution authorizing the issuance of the note.

~~[2.]~~ ***3.*** Each note authorized pursuant to this section must be:

(a) Issued pursuant to a written contract between the State and the Local Government Pooled Investment Fund, under which the Local Government Pooled Investment Fund agrees to invest in the note or notes issued pursuant to this section. The contract must be executed by the Governor on behalf of the State and by the State Treasurer on behalf of the Local Government Pooled Investment Fund.

(b) Sold to the Local Government Pooled Investment Fund at a price equal to the principal amount borrowed under the note. The total amount invested by

the Local Government Pooled Investment Fund in notes issued pursuant to this section must not exceed:

(1) Twenty-five percent of the book value of the total investments of the Local Government Pooled Investment Fund on the date of the investment by the Local Government Pooled Investment Fund; or

(2) One hundred sixty million dollars,

➥ whichever is less. The determination as to whether the requirements of this paragraph are satisfied must be made by the State Treasurer on the date of each investment by the Local Government Pooled Investment Fund in a note issued pursuant to this section. Each such determination shall be deemed to be conclusive and is not affected by any subsequent changes in the book value of the total investments of the Local Government Pooled Investment Fund.

~~[3.]~~ ***4.*** ~~[Except as otherwise provided in subsection 6, the]~~ ***The*** principal amount outstanding on any notes issued pursuant to this section must bear interest ~~[, payable monthly on the first business day of each calendar month,]~~ at a rate ~~[equal to 50 basis points above the average monthly rate of earnings of all the investments, other than any investments in notes issued pursuant to this section, of money in the Local Government Pooled Investment Fund during the immediately preceding calendar month.]~~ ***or rates set forth in the agreement executed pursuant to paragraph (a) of subsection 1, except that such rate or rates must not be less than the rate or rates the State Treasurer determines to be sufficient to enable the sale of the note at a price that is not less than the principal amount thereof.***

~~[4.]~~ ***5.*** The total principal amount borrowed on or before August 31, ~~[2013,]~~ ***2015,*** pursuant to this section must be repaid ~~[in installments in such a manner that:~~

~~(a) At least 25 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 13 months after the month in which that borrowing occurred;~~

~~(b) At least 50 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 25 months after the month in which that borrowing occurred;~~

~~(c) At least 75 percent of each principal amount borrowed pursuant to this section must be repaid by the first day of the calendar month that is 37 months after the month in which that borrowing occurred; and~~

~~(d) The entire total principal amount borrowed pursuant to this section must be repaid by]~~ ***not later than*** the first day of the calendar month that is ~~[49~~ ~~***360]***~~ ***240*** months after the month in which that borrowing occurred.

~~[➥ The provisions of this subsection do not prohibit the repayment of the principal amount of any note issued pursuant to this section earlier than the periods specified in this subsection.~~

~~5.]~~ ***6.*** Each note issued pursuant to this section constitutes a general obligation of the State, and the full faith and credit of the State is hereby pledged for the payment of the principal of and interest on the note.

~~[6. If necessary to provide money to any local governments that have invested in the Local Government Pooled Investment Fund, any note issued pursuant to this section, or any portion thereof, may be sold by the Local Government Pooled Investment Fund upon the direction of the State Treasurer. Each note so sold must:~~

~~(a) Be payable as to principal on or before the periods specified in subsection 4, except that the note may have a fixed maturity date, without option of redemption, so long as the principal amount of all the notes issued pursuant to this section are retired in accordance with subsection 4.~~

~~(b) Bear interest, payable monthly on the first business day of each calendar month, at such a rate or rates as the State Treasurer determines to be sufficient to enable the sale of the note at a price that is not less than the principal amount thereof.]~~

7. Notwithstanding any other provision of law to the contrary, any statutory limitation on the rate of interest that would otherwise apply to securities issued by or on behalf of this State shall be deemed not to apply to any rate of interest payable on any notes issued pursuant to this section.

8. The proceeds from the sale of any notes pursuant to this section to the Local Government Pooled Investment Fund, net of costs of issuance, must be ~~[deposited into the State General Fund and used for the general operation of this State.]~~ ***transferred by the State Treasurer to the governing body in accordance with the terms of the agreement executed pursuant to paragraph (a) of subsection 1.***

9. As used in this section, "Local Government Pooled Investment Fund" means the Local Government Pooled Investment Fund created by NRS 355.167.

Sec. 10. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the State Board of Equalization, a county board of equalization or a county assessor reduces the taxable value of property as a result of obsolescence based upon capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow through the use of the income approach pursuant to paragraph (c) of subsection 5 of NRS 361.227 or the formulas adopted by the Nevada Tax Commission pursuant to subsection 5 of NRS 361.320, the State Board of Equalization, the county board of equalization or the county assessor, as applicable, shall submit electronically to the Department a report, in the form prescribed by the Nevada Tax Commission, which describes the facts supporting each such reduction in assessed valuation and identifies the parcel number of the property.

2. The Department shall annually conduct an audit of each reduction in the portion of assessed valuation of property which, pursuant to subsection 3 of NRS 361.4726, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 made by the

State Board of Equalization, a county board of equalization or a county assessor.

Sec. 11. NRS 361.227 is hereby amended to read as follows:

361.227 1. Any person ***, including, without limitation, a county assessor, a county board of equalization, the State Board of Equalization and the Department,*** determining the taxable value of real property shall appraise:

(a) The full cash value of:

(1) Vacant land by considering the uses to which it may lawfully be put, any legal or physical restrictions upon those uses, the character of the terrain, and the uses of other land in the vicinity.

(2) Improved land consistently with the use to which the improvements are being put.

(b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement, up to a maximum of 50 years.

2. The unit of appraisal must be a single parcel unless:

(a) The location of the improvements causes two or more parcels to function as a single parcel;

(b) The parcel is one of a group of contiguous parcels which qualifies for valuation as a subdivision pursuant to the regulations of the Nevada Tax Commission; or

(c) In the professional judgment of the person determining the taxable value, the parcel is one of a group of parcels which should be valued as a collective unit.

3. The taxable value of a leasehold interest, possessory interest, beneficial interest or beneficial use for the purpose of NRS 361.157 or 361.159 must be determined in the same manner as the taxable value of the property would otherwise be determined if the lessee or user of the property was the owner of the property and it was not exempt from taxation, except that the taxable value so determined must be reduced by a percentage of the taxable value that is equal to the:

(a) Percentage of the property that is not actually leased by the lessee or used by the user during the fiscal year; and

(b) Percentage of time that the property is not actually leased by the lessee or used by the user during the fiscal year, which must be determined in accordance with NRS 361.2275.

4. The taxable value of other taxable personal property, except a mobile or manufactured home, must be determined by subtracting from the cost of replacement of the property all applicable depreciation and obsolescence. Depreciation of a billboard must be calculated at 1.5 percent of the cost of replacement for each year after the year of acquisition of the billboard, up to a maximum of 50 years.

5. The computed taxable value of any property must not exceed its full cash value. Each person determining the taxable value of property shall reduce it if necessary to comply with this requirement. A person determining whether taxable value exceeds that full cash value or whether obsolescence is a factor in valuation may consider:

(a) Comparative sales, based on prices actually paid in market transactions.

(b) A summation of the estimated full cash value of the land and contributory value of the improvements.

(c) Capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow.

➥ A county assessor is required to make the reduction prescribed in this subsection if the owner calls to his or her attention the facts warranting it, if the county assessor discovers those facts during physical reappraisal of the property or if the county assessor is otherwise aware of those facts.

6. The Nevada Tax Commission shall, by regulation, establish:

(a) Standards for determining the cost of replacement of improvements of various kinds.

(b) Standards for determining the cost of replacement of personal property of various kinds. The standards must include a separate index of factors for application to the acquisition cost of a billboard to determine its replacement cost.

(c) Schedules of depreciation for personal property based on its estimated life.

(d) Criteria for the valuation of two or more parcels as a subdivision.

7. In determining, for the purpose of computing taxable value, the cost of replacement of:

(a) Any personal property, the cost of all improvements of the personal property, including any additions to or renovations of the personal property, but excluding routine maintenance and repairs, must be added to the cost of acquisition of the personal property.

(b) An improvement made on land, a county assessor may use any final representations of the improvement prepared by the architect or builder of the improvement, including, without limitation, any final building plans, drawings, sketches and surveys, and any specifications included in such representations, as a basis for establishing any relevant measurements of size or quantity.

8. The county assessor shall, upon the request of the owner, furnish within 15 days to the owner a copy of the most recent appraisal of the property, including, without limitation, copies of any sales data, materials presented on appeal to the county board of equalization or State Board of Equalization and other materials used to determine or defend the taxable value of the property.

9. The provisions of this section do not apply to property which is assessed pursuant to NRS 361.320.

Sec. 12. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, ***and sections 1 and 15 of this act,*** the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 13. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4729, inclusive, the owner of any parcel or other taxable unit of property, including property

entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) ~~[Zero;]~~ ***Six percent;*** or

(2) Eight percent,

➥ whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4729, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) ~~[Zero;]~~ ***Six percent;*** or

(2) Eight percent,

➥ whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, "remainder parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

Sec. 14. NRS 361.4726 is hereby amended to read as follows:

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 387.3288 ***or section 1 or 15 of this act*** is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. ***The amount of any tax imposed on any increased value of property that results from revaluing the property after the taxable value of the property was reduced in a prior year as a result of obsolescence based upon capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow through the use of the income approach pursuant to paragraph (c) of subsection 5 of NRS 361.227 or the formulas adopted by the Nevada Tax Commission pursuant to subsection 5 of NRS 361.320, is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.***

4. For the purposes of this section, "taxing entity" does not include the State.

Sec. 15. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to all other taxes imposed on property in a county, the board of county commissioners of the county or the board of trustees of the school district in the county, or both, may, by a majority vote and without the approval of the registered voters in the county, impose an ad valorem tax at the rate of up to 5 cents per $100 of assessed valuation on all taxable property in the county. Any tax imposed pursuant to this subsection applies throughout the county, including incorporated cities in the county.

2. Except as otherwise specifically provided by statute, any tax imposed pursuant to subsection 1 must be assessed in the same manner and is subject to the provisions of the general laws for the assessment and collection of taxes. The tax must be collected at the same time and by the same officers who assess and collect the state and county taxes. The money received from the tax and any applicable penalty or interest must be remitted to the school district in the county and used as provided in this section.

3. Except as otherwise provided in subsection 4, the money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest must be used only for the construction and maintenance of public

schools in the school district and for the purchase by the school district, and use by pupils in public schools in the school district, of information technology.

4. Notwithstanding the provisions of subsection 3 and except as otherwise provided in subsection 6, of the money received by a school district from all taxes imposed pursuant to this section, an amount equal to not more than 2 cents per $100 of assessed valuation of all taxable property in the county may be used by the school district to pay for operating expenses of the school district.

5. The board of county commissioners of a county or the board of trustees of the school district in the county, or both, may impose any portion of the tax rate authorized by subsection 1, but the total combined tax rates imposed by the board of county commissioners and the board of trustees collectively must not exceed the rate authorized by subsection 1.

6. The money received from any tax imposed pursuant to subsection 1 and any applicable penalty or interest:

(a) Must not be considered as financial ability to pay for the purposes of negotiation, fact-finding or arbitration regarding salaries and benefits of employees of a local government;

(b) Must not be used to settle or arbitrate disputes or negotiate settlements between an organization that represents employees of a local government and the local government;

(c) Must not be used to adjust the schedules of salaries and benefits of the employees of a local government;

(d) Must not be considered part of the amount of the local funds computed pursuant to NRS 387.1235; and

(e) Must not be included in determining the amount of the basic support guarantees or any other funding provided by the State to the school district.

Sec. 16. NRS 387.1235 is hereby amended to read as follows:

387.1235 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** local funds available are the sum of:

(a) The amount of one-third of the tax collected pursuant to subsection 1 of NRS 387.195 for the school district for the concurrent school year; and

(b) The proceeds of the local school support tax imposed by chapter 374 of NRS, excluding any amounts required to be remitted pursuant to NRS 360.850 and 360.855. The Department of Taxation shall furnish an estimate of these proceeds to the Superintendent of Public Instruction on or before July 15 for the fiscal year then begun, and the Superintendent shall adjust the final apportionment of the current school year to reflect any difference between the estimate and actual receipts.

2. The amount computed under subsection 1 that is attributable to any assessed valuation attributable to the net proceeds of minerals must be held in reserve and may not be considered as local funds available until the succeeding fiscal year.

3. The amount of the local funds computed pursuant to subsection 1 must not include the proceeds of any tax imposed pursuant to section 15 of this act.

Sec. 17. Section 72 of chapter 371, Statutes of Nevada 2011, at page 2175, is hereby amended to read as follows:

Sec. 72. 1. This section and sections 39, 56, 69, 70 and 71 of this act become effective upon passage and approval.

2. Sections 1 to 38, inclusive, 40 to 55, inclusive, and 57 to 68, inclusive, of this act become effective on July 1, 2011.

3. Section 67 of this act expires by limitation on June 30, ~~[2017.~~ ***~~2045.]~~ 2035.***

4. Sections 66 and 68 of this act expire by limitation on September 30, ~~[2017.~~ ***~~2045.]~~ 2035.***

Sec. 18. 1. The Legislative Auditor shall conduct a performance audit of the State Board of Equalization during Fiscal Year 2016-2017 and prepare a report of the audit. The State Board of Equalization shall provide such information as is requested by the Legislative Auditor to assist with the completion of the audit.

2. The Legislative Auditor shall present a final written report of the performance audit conducted pursuant to subsection 1 to the Audit Subcommittee of the Legislative Commission not later than January 1, 2019.

3. The provisions of chapter 218G of NRS apply to the performance audit conducted pursuant to subsection 1.

Sec. 19. The provisions of NRS 361.4722, as amended by section 13 of this act, apply to the tax year beginning July 1, 2015, and each succeeding tax year.

Sec. 20. 1. This section and sections 9 and 17 of this act become effective upon passage and approval.

2. Sections 10, 11, 13, 18 and 19 of this act become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

3. Sections 1 to 8, inclusive, 12, 14, 15 and 16 of this act become effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 432 to Assembly Bill 412 specifies that no revenue generated from the property tax that may be imposed by a county pursuant to section 1 may be allocated or included in the calculation of any amounts to be allocated to or for the benefit of a redevelopment agency. The amendment additionally reduces the maximum amount by which a local government must repay any loan from the Local Government Pooled Investment Fund from 30 years to 20 years.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 4 allows a winery in any county in Nevada to import wine or juice for fermentation, mixing with other wine, or aging in this state or to sell wine at retail or serve wine or any other alcoholic beverage by the glass on its premises. The measure allows a winery licensed on or before the bill's effective date to sell or serve its wine and other alcoholic beverages at the location of the winery and one other location. The amount of wine sold at the second location may not exceed 50 percent of the total wine sold by the winery. Wineries licensed subsequent to the bill's passage will not be allowed to sell at a second location and will not be allowed to serve alcoholic beverages.

Wine was first invented by Noah, and it has been a rural industry since then. Your Committee on Commerce and Labor has protected existing wineries in Pahrump, Fallon, and Gardnerville as well as allowing them in Moapa, Washoe Valley, Clark County—anywhere in Nevada. I urge your support.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 177 makes various changes relating to candidates for public office. An ineligible candidate is defined as one who dies, is adjudicated insane or mentally incompetent, fails to meet any constitutional or statutory qualification required for office, or is disqualified by a court from performing the duties of office. A person must reside in a district for at least 180 days prior to the deadline for filing of a declaration or acceptance of candidacy. A candidate must also reside in Nevada for a minimum of two years prior to the general election.

Dates for filing challenges are revised. The Secretary of State shall conduct investigations based on credible evidence. If a court finds in a pre-election action that a person fails to meet the qualification of an office, the person is disqualified. The court may order that person to pay court costs and attorney's fees. The penalty for knowingly and willfully filing a declaration or acceptance of candidacy that contains a false statement regarding residency is a category E felony.

The Legislature declares that voters have the right to be informed if a candidate is ineligible. A vote for an ineligible candidate does not invalidate the rest of the voter's ballot.

This bill is effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks and on January 1, 2016, for all other purposes.

I urge all my colleagues to support this bill to bring back integrity and honesty to our electoral process.

Roll call on Assembly Bill No. 177:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 191 makes the following changes to the fuel tax indexing provisions approved by the Legislature in Assembly Bill 413 of the 2013 Session: provisions requiring a statewide ballot question on the November 2016 ballot seeking permission to create an indexed fuel tax rate to be imposed based on the state gasoline and special fuel taxes are repealed; provisions requiring countywide ballot questions on the November 2016 ballot seeking permission to create indexed fuel tax rates are amended to include the state gasoline and special fuel tax rates, in addition to the federal and local rates; and certain proceeds generated from the indexed rates based on the state gasoline and special fuel taxes are required to be diverted to the State Highway Fund for use on transportation projects in the county where the revenue was generated. These provisions apply to revenues from any future increases in the indexed rates imposed by ordinance in Clark County after November 8, 2016, and in any other county approving a ballot question authorizing indexed fuel tax rates on or after January 1, 2017.

The effective date of sections 2 and 16 to 20, inclusive, of this act become effective upon passage and approval. The provisions of the act relating to the diversion of certain revenues to the State Highway Fund become effective if the question on the November 2016 General Election ballot is approved by the voters in any county.

Roll call on Assembly Bill No. 191:

YEAS—34.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Shelton, Wheeler—8.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 193 allows hearsay evidence in preliminary examinations and grand jury proceedings but only in cases involving: (1) sexual offenses committed against children under the age of 16; (2) felony child abuse; and (3) felony domestic violence involving substantial bodily harm to the victim. A statement made by a witness at any time that is inconsistent with the testimony of the witness before the grand jury may be presented to the grand jury as evidence. The bill allows the use of audiovisual testimony at preliminary hearings and grand jury proceedings for witnesses who live more than 100 miles away under certain circumstances. Lastly, if the district attorney or a peace officer does not provide adequate notice to a person whose indictment is being considered by a grand jury, that person must still be given the opportunity to testify before the grand jury and the grand jury must be instructed to deliberate again on all the charges contained in the indictment. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 193:

YEAS—34.

NAYS—Armstrong, Diaz, Dickman, Flores, Moore, Munford, Neal, Ohrenschall—8.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 292 declares it to be the public policy of this state to encourage and facilitate the provision of services through telehealth to improve public health and the quality of health care provided to patients and to lower the cost of health care in this state. The bill defines "telehealth" as the delivery of health care services from a provider of health care to a patient at a different location through the use of certain technology. With limited exceptions, only a health care provider licensed in this state can direct or manage care, render a diagnosis, or write a treatment order or prescription for a patient in this state. Existing law relating to the practice of telemedicine is repealed under this bill.

Additionally, the measure requires any policy of health or industrial insurance and Medicaid to include coverage via telehealth to the same extent as services provided in person. The bill also authorizes a hospital to grant staff privileges to a health care provider at another location to allow the provider to treat a patient via telehealth at the hospital. Finally, A.B. 292 requires the Commissioner of Insurance to consider health care services that may be provided via telehealth when making certain determinations concerning the adequacy of an insurer's network plan.

Roll call on Assembly Bill No. 292:

YEAS—42.

NAYS—None.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 312 provides that for a person who becomes a member of the Public Employees' Retirement System on or after July 1, 2016, the determination of the member's average compensation must be based on an average of the member's 60 consecutive months of highest compensation. This bill is effective on July 1, 2016.

Roll call on Assembly Bill No. 312:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 6 removes references to "certified autism behavior interventionists" throughout various sections of *Nevada Revised Statutes* regulating such professionals, instead providing for the credentialing and regulation of Registered Behavior Technicians. The bill also changes statutory references of "behavior therapy" to "behavioral therapy." Finally, the measure increases the minimum coverage which must be provided by certain insurers for applied behavioral analysis treatment to the actuarial equivalent of $72,000.

During the 2009 Session, I sponsored Assembly Bill 162. During the interim, I served on a commission trying to provide services for kids with autism. We talked about the idea of an insurance mandate in Nevada. One of my legislative colleagues who also served on the commission—who I think you served with from Las Vegas and is no longer serving with us—turned to me and said, Great idea, but we will never get another mandate through the Legislature. During that 2009 Session, with the help of our Democratic Speaker, former Assemblywoman Buckley, we got that mandate through and it was signed into law by former Republican Governor Gibbons. Children who had no insurance coverage suddenly had the coverage to get therapies and treatments that had proven time and time again to make a tremendous difference in the lives of these kids.

I had a lot of help from my colleague from Assembly District 14, who was then in the other house; the Minority Leader; this session's current Chair of Commerce and Labor; and back in 2009, the Chair of Education. We worked so hard on this. Thirty-six thousand was not the ideal number, but it was a compromise. We figured that half a loaf or a quarter of a loaf was better than no loaf. This bill is such a tremendous step forward. I want to thank everyone who worked on it because it does make a difference in kids' lives. I have seen that. Whether you are talking about Corey Ward's son, Douglas Ward, who lives in Elko; Mark Olson's daughter, Lindsey Olson, in Las Vegas; Jan Crandy's daughter, Megan; we are talking about Alden Grant, who just became an Eagle Scout. These kids had to be in separate classrooms before. This treatment makes a tremendous difference. This bill moves us a long way forward from where we were in 2009. I urge the body to support this measure. I hope I did not miss anybody else who worked on this measure. There was a lot of effort. It was bipartisan. This is truly a bill that will help our kids.

Roll call on Assembly Bill No. 6:

YEAS—42.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 17 authorizes the Executive Director of the Office of Economic Development, upon the approval of the Board of Economic Development, to cause the formation of a nonprofit entity for certain economic development purposes. The bill specifies that the nonprofit entity must have a board of directors consisting of seven members, based on qualifications and requirements specified in the bill.

Assembly Bill 17 additionally requires that the board of directors of the corporation submit, on or before December 1 of each year, an annual report to the Governor and the Director of the Legislative Counsel Bureau containing certain information relating to the activities of the nonprofit entity. This bill passed unanimously in the Committee on Taxation.

Roll call on Assembly Bill No. 17:

YEAS—42.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 20 removes the requirement for additional approval by the Governor, in certain emergency circumstances, or the Interim Finance Committee of work program changes that result from acceptance by a state agency of a gift or nongovernmental grant which does not exceed $20,000, or a governmental grant which does not exceed $150,000, or carrying forward money from one fiscal year to the next without a change in purpose. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 20:

YEAS—27.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Kirkpatrick, Munford, Neal, Ohrenschall, Sprinkle, Swank, Thompson—15.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 34 repeals provisions related to the State Forester Firewarden and enacts them in Chapter 472 of *Nevada Revised Statutes* relating to fire protection districts to coincide with the transfer of certain functions to local government entities. The measure authorizes the State Land Registrar to transfer title to certain real property owned by the state, with certain restrictions, to certain local fire protection districts and counties. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 34:

YEAS—42.

NAYS—None.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Assembly Bill 47 allows a person or entity designated to receive a criminal history record of a current or prospective employee or volunteer on behalf of an employer to obtain the information from the Central Repository for Nevada Records of Criminal History. The measure authorizes the

Central Repository to offer a service for a name-based criminal history records check of an employee, prospective employee, volunteer, or prospective volunteer and to specify the requirements for participation in the service. The bill also authorizes a criminal justice agency to audit any employer, person, or entity designated to receive records of criminal history to ensure that the disseminated records are securely maintained. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 47:

YEAS—41.

NAYS—Moore.

Assembly Bill No. 47 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblymen Hansen and Ohrenschall.

ASSEMBLYMAN HANSEN:

Assembly Bill 49 establishes the crime of unlawful dissemination of an intimate image of a person. It also prohibits the electronic dissemination or the sale of an intimate image of another person in certain circumstances. It prohibits a person from demanding payment of money, property, services, or anything else of value from a person in exchange for removing an intimate image from public view, and it revises certain provisions regarding to sexual assault and the abuse of a child.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 49. When we process legislation and we pass it on to the other house and then to the Governor's desk, we have to look at the direct consequences and the unintended consequences. I am particularly concerned about section 15 of this bill, when we look at how this may affect the teenagers, the under 18-year-olds who may not be aware of someone's age. This is a new era; this is not the kind of world I grew up in. This is the era of Facebook and Instagram where people are not always honest about who they are and about their age. I am very concerned that this law may send a 17-year-old to get certified into the adult system and then have all those collateral consequences for what may have been an honest mistake. I am very concerned about this bill, and I will be voting no.

Roll call on Assembly Bill No. 49:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 54 revises provisions governing the operation of the Committee on Local Government Finance. The bill provides for the withholding of certain payments to which a local government may otherwise be entitled for failing to file certain financial reports or to make certain payments to the Public Employees' Benefits Program. The bill requires the Department of Taxation, upon making a determination that certain financial conditions exist in a local

government, to place the local government under fiscal watch and requires the Nevada Tax Commission, upon making such a determination of severe financial distress, to order the local government to follow a remedial course of action, including increasing revenues and reducing the expenditures of the local government, as necessary. The bill authorizes the Department to reopen and renegotiate in good faith, or assist a local government in renegotiating, an existing collective bargaining agreement relating to compensation or monetary benefits under certain conditions. The bill extends the period by which a local government may repay certain interest-free loans distributed by the Executive Director of the Department to the local government. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 54:

YEAS—42.

NAYS—None.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 60 revises procedures of the Commission on Ethics. The Commission is required to determine if it has jurisdiction concerning a third-party request and to complete its investigation and make a recommendation within the time provided, unless the public officer or employee waives the time limit.

Assembly Bill 60 clarifies that the investigative file includes any information provided to or obtained by an investigatory panel. Further, all information not included in the investigative file is confidential, until a panel determines there is cause for an opinion or the public officer or employee authorizes disclosure. A person who makes a third-party request may ask that his or her name be kept confidential in certain circumstances pursuant to the bill. The Commission must maintain confidentiality if the requester works for the same public employer as the subject of the request. The Commission may maintain confidentiality if the requester establishes evidence of a threat of physical force or violence. When the Commission does not disclose a requester's name, the Commission may not render an opinion unless it has sufficient evidence from other sources. If the Commission intends to use the person's testimony, it must disclose the person's name prior to the hearing.

The definition of "willful violation" is revised to omit any act or failure to act that has not resulted in a sanctionable violation of the Nevada Ethics in Government Law. Safe harbor provisions are revised to clarify that the advice of legal counsel retained by the public body was based on a reasonable legal determination that the act or failure to act would not be contrary to any opinion issued by the Commission and available on its website.

Finally, first-party requests of current public officers or employees are confidential. The measure permits such individuals to disclose the request to certain persons without waiving the confidentiality of the request or any related opinions or record.

Mr. Speaker, your Chairman, the Assemblyman from the double-deuce, gave me the opportunity to work on this bill, and I think we took all the concerns from the members of your committee and from the different stakeholders who testified into the amended version that we have. I think the safe harbor provision still does what it had intended in past sessions, and I think we have made a good compromise. I urge your support.

Roll call on Assembly Bill No. 60:

YEAS—42.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 68 clarifies that the Supreme Court has jurisdiction over a complaint or action filed in connection with any proceeding of the Commission on Judicial Discipline. The Commission also has jurisdiction over a former justice, judge, justice of the peace, or other judicial officer for past misconduct occurring while serving. The bill further requires the Commissioner or his staff to examine each complaint the Commission receives and make a determination. Lastly, the bill allows each appointing authority to appoint one or more alternate members for each Commission member it appoints.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:57 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Kirner moved that Assembly Bill No. 85 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblymen Nelson and Kirner.

ASSEMBLYMAN NELSON:

Assembly Bill 86 makes various changes to the governance of the Silver State Health Insurance Exchange. The bill removes the restriction against appointing a person to the Board of Directors who is affiliated in any way with a health insurer; however, it limits the number of voting members

of the Board that may represent any particular area of expertise or experience. Finally, the measure provides for compensation of board members and reduces the minimum number of board meetings from once per quarter to once per year.

ASSEMBLYMAN KIRNER:

Assembly Bill 86 is one of those bills that we have worked on diligently to try to reach some kind of a compromise across the aisle. This is a bill that we had amended to add a couple of positions—going from seven to nine—on the Board. Realizing that was going to be a problem, we retracted it back down to seven members of the Board. Our only effort at this point is to strengthen the Silver State Health Insurance Exchange so that our citizens who need insurance can get insurance and to make the Board more competent in that particular role. That is really the extent of where we are with this bill at this point.

Roll call on Assembly Bill No. 86:

YEAS—35.

NAYS—Carlton, Dickman, Ellison, Fiore, Jones, Shelton, Titus—7.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblymen O'Neill, Kirkpatrick, and Ellison.

ASSEMBLYMAN O'NEILL:

Assembly Bill 98 revises the calculations for certain child support obligations. The income ranges used to determine the presumptive maximum amount for an obligation for support are revised, and the obligation for support for each income range is increased. The bill provides a method for calculating the total amount of child support to be paid by one parent to the other parent, depending on whether one parent has primary physical custody or the parents share joint physical custody. Lastly, the court is required to take into consideration other factors in determining the child support obligation. This bill is effective on October 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK:

I have a couple of questions for my colleague from Carson City. I see that it says we must take into consideration the children's standard of living. I would like to know what that means. At my house, it may mean macaroni and cheese, but at my stepchildren's house, it may mean filet and baked potato. I would also like to know why it says in section 8 "gross monthly income" if you are not a self-employed person. How is that addressed? Many folks are self-employed, so their income counts. I could not take a check myself, but the kids still have to have some stability. If you could answer those two questions, it might alleviate my concerns.

ASSEMBLYMAN O'NEILL:

Former Speaker, Minority Leader, those are excellent questions. I am impressed with your astute insight to this matter. However, I will defer to the Assemblyman from the northern district.

ASSEMBLYMAN ELLISON:

To my colleague from District 1, what we are trying to do is make it fair and balanced. If you have a mother and a father who have joint custody of the children, we want it made fair, so that you would not put one in poverty over the other. What we are hoping to do is to balance it out where one parent did not have to get a secondary job. At the end of the day, we are still hoping we can tweak it on the Senate side to make it a little better, but that is what the bill is.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from Elko, my bigger concern is one that has happened at my own house. For my stepchildren, there was steak five days a week. At my house, it was macaroni and cheese. Who is going to determine that and how was that discussion held? I understand this session we

keep saying we are going to fix stuff on the Senate side, but that is not necessarily going to happen. Before I can feel comfortable, I want to at least know the legislative intent, and I want to know the self-employed piece, because those are two very real factors in everyday life.

ASSEMBLYMAN ELLISON:

Yes, ma'am. That is why we are trying to fix this. There is a new formula in there if you look. If you are self-employed, it does not make you exempt. So if you are self-employed in your tax papers, they can still go in and audit. The whole idea is not to put one in poverty over the other. We are trying to make this equal across the board. We have women from Las Vegas right now who are making $50,000 and their husbands are making $150,000, so we are trying to balance that out. We also have policemen who are making $50,000 and the wife is making $150,000. It is not a gender thing; it is trying to make it an equitable thing because it is not right the way it is right now.

Roll call on Assembly Bill No. 98:

YEAS—28.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Joiner, Kirkpatrick, Kirner, Munford, Ohrenschall, Sprinkle, Swank, Thompson, Titus—14.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Assembly Bill 106 eliminates the authority of a public body to include in a contract with a design professional a provision requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct on the part of the design professional or his or her employees or agents that are based upon or arising out of the professional services of the design professional. In such circumstances, this bill provides that if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action.

This bill retains the public body's authority to include a provision in a contract with a design professional requiring that the design professional defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness, or intentional misconduct of the design professional or his or her employees or agents that are not based upon or arising out of the professional services of the design professional. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 106:

YEAS—42.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 113 provides guidelines for sealing juvenile records. If a child is under 21 years of age, the child, probation officer, or parole officer may petition the juvenile court for an order

sealing all records relating to the child. The measure allows the district attorney, the chief probation officer, or a certain designee to testify at the hearing on the petition to seal the records.

The measure also sets guidelines for the juvenile court to determine whether a child has been rehabilitated. Lastly, the bill allows the use of personal identifying information from sealed juvenile records when performing bona fide outcome and recidivism studies.

Roll call on Assembly Bill No. 113:

YEAS—42.

NAYS—None.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 128 provides examples of forms for power of attorney for health care and for end-of-life decisions for adults with intellectual disabilities.

Roll call on Assembly Bill No. 128:

YEAS—42.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Assembly Bill 130 increases from $250,000 to $300,000 the maximum gross value of an estate of a decedent for which a court is authorized to enter an order for summary administration. The bill increases from $20,000 to $100,000 the gross value of an estate for which an affidavit showing the right to receive the assets without the issuance of a letter of administration or, if applicable, the probate of a will, may be used for the transfer of assets if a claimant is a surviving spouse of the decedent, and to $25,000 for any other claimant. The value of any motor vehicle registered to the decedent is excluded from the determination of gross value. Lastly, the affidavit is required to include a declaration that the claimant is not aware of any existing personal injury claims or other torts against the deceased.

Roll call on Assembly Bill No. 130:

YEAS—42.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 142 puts in statute the demerit points to be assigned for specific violations of wildlife laws. It also limits the length of time for revocations and suspensions of various licenses and revises the criminal penalties.

Roll call on Assembly Bill No. 142:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Seaman, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblymen Hansen, Carlton, and Ellison.

ASSEMBLYMAN HANSEN:

Assembly Bill 163 authorizes a board of county commissioners, board of directors of a county fire protection district, or board of fire commissioners of certain other districts to approve a petition submitted by certain persons or business entities within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. Additionally, the bill provides for the routine evaluation of rangeland fire protection districts during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations relating to the formation, operation, and training of the members of such an association.

ASSEMBLYWOMAN CARLTON:

I have a question on Assembly Bill 163 for the Chair of Judiciary. I know that when we try to true up all the bills for the different fires that happen in the state, it can sometimes take three to four years in order to be able to figure out who is supposed to pay for what, how they get reimbursed, and from what account. As we create this new rangeland fire protection association, will they be able to apply to those accounts to receive money for helping fight the fires? It would only be fair. What would the process be and how would it all get apportioned? We already have a system and formula in place for that, and I would hate to see our guys out there get left holding the bag if they cannot recoup their costs.

ASSEMBLYMAN HANSEN:

Nothing changes as far as that portion of it. The reason this bill came about is because there is a Bureau of Land Management requirement that before anyone can fight a fire, they have to have an incident commander on board. What happened was, in the rural areas, there were ranchers who would go out and try to fight fires, literally on the range right in their backyards, and they were threatened with possible felony arrests.

As far as the financing of it, my understanding is that nothing changes on that, and these folks will be allowed to be compensated as they always have been when they are assisting in fighting rangeland fires.

ASSEMBLYWOMAN CARLTON:

I thank the Chair of Judiciary. I am well aware of the issues in the rurals. I did chair Public Lands and I did chair Natural Resources and I have been in the state for a while. I do appreciate the answer, but I still have concerns about how the remuneration is going to work for these particular districts because they are going to be a new title in statutes. I do not see any changes as far as how the billing will go.

ASSEMBLYMAN ELLISON:

This is so important out there because they are the first responders, the first ones on scene and that is why this is needed. The counties are also paying a portion of this to get these guys trained and equipped.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 170 clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose. The bill also requires the publication of a resolution of the intent of a municipality to issue or incur a general obligation to include information notifying the public of the date by which the registered voters of the municipality must file a petition with the governing body to reject the issuance of the obligation, the location at which the petition must be filed with the governing body, and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition. Notice of the public hearing must be published at least three times, once each week for three consecutive weeks in a newspaper of general circulation in the municipality. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 170:

YEAS—42.

NAYS—None.

Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 200 requires the Aging and Disability Services Division, ADSD, to include in the program providing devices for telecommunications to persons with impaired speech or hearing certain services to be offered by centers for persons who are deaf or hard of hearing operated by this state. The bill also removes the requirement that the Public Utilities Commission of Nevada, PUCN, approve the program. The amount of the surcharge established by the PUCN is limited to not more than eight cents per month. Lastly, the bill changes voting abilities of certain members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities by making two members nonvoting members.

This is a great thing for our deaf community in the state of Nevada.

Roll call on Assembly Bill No. 200:

YEAS—42.

NAYS—None.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 205 requires the Legislative Committee on Education to consider guidelines, parameters, and financial plans for mentorship programs that are established or may be established in Nevada to address issues relating to education, health, criminal justice, and employment of school-age children. The Committee is required to prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature along with any recommendations for legislation.

Mentoring truly makes a difference in the lives of youth. Developing these guidelines and financial planning will significantly help community-based programs with capacity building and sustainability.

Roll call on Assembly Bill No. 205:

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 211 reduces the amount a lessee making certain improvements to leased property must put into a construction disbursement account. A lessee need not include the cost of materials and equipment that a supplier provides in the construction disbursement account under certain circumstances.

Roll call on Assembly Bill No. 211:

YEAS—42.

NAYS—None.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 226 expands provisions requiring the Board of Regents of the Nevada System of Higher Education to pay the undergraduate fees, expenses for textbooks, and other course materials for certain dependent children attending a System school. The bill requires the System pay these expenses for a dependent child of a public employee who was killed in the performance of his or her duty or who dies as a result of injuries sustained in the performance of his or her duty.

The original proposal for this bill was to just include dependent children of law enforcement officers and firefighters. Years ago, when I was in the Chamber at the north end of the building, and over the years we have discussed this with a number of folks. This is the time we thought it would be appropriate to bring this to the forefront with some of our schoolteachers and other public employees being put in harm's way. We would like to make sure that their children are taken care of also.

Roll call on Assembly Bill No. 226:

YEAS—42.

NAYS—None.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymen Nelson, Kirner, and Titus.

ASSEMBLYMAN NELSON:

Assembly Bill 227 makes various changes to the licensure, discipline, and general regulation of physicians, osteopathic physicians, and physician assistants. It revises provisions regarding the disclosure of information on the discipline of licensees and addresses investigations of the competency of licensees. The bill also modifies the requirements for licensure to allow qualified applicants with education or training in a program approved by certain Canadian accreditors to apply for a license in this state.

Among other changes, A.B. 227 allows the Board of Medical Examiners to issue a restricted license for a physician licensed in another state to teach, research, or practice medicine at a medical research facility or medical school. It also revises the definition of "sentinel event" to incorporate the most current list of serious reportable events in health care published by the National Quality Forum for the purposes of requiring licensees to report information concerning the occurrence of those events.

ASSEMBLYMAN KIRNER:

I rise in support of Assembly Bill 227. I think one of the key characteristics of this bill is that it begins to prepare us for what we may pass in terms of a medical school in southern Nevada. Specifically, we are saying that if physicians and surgeons from Canada come here, we want them to get licensure. This is a two-thirds bill. Many people look at this as a fee issue. The fact of the matter is, when these surgeons come and they help us in our educational process, they will want to be licensed and pay for their licensure here.

ASSEMBLYWOMAN TITUS:

I want to clarify that I do not have a conflict with this bill. Although I am licensed through this Board, I am not affected by this in any unique fashion by the other members of that Board, and I do support this bill.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238.

Bill read third time.

Remarks by Assemblywomen Dooling, Carlton, and Seaman.

ASSEMBLYWOMAN DOOLING:

Assembly Bill 238 deletes provisions requiring a 48-hour notice to the owner or operator of a vehicle before the homeowners' association may direct the removal of the vehicle. The bill provides certain criteria for a person to be eligible to be a candidate for or a member of the executive board or an officer of the homeowners' association. If a person is not eligible to be a candidate for or a member of an executive board or an officer, the homeowners' association must not place the name of the person on any ballot as a candidate and must prohibit the person from serving as a member of the executive board or as an officer. Lastly, a procedure is established for the solicitation of bids for association projects.

ASSEMBLYWOMAN CARLTON:

I have a question on Assembly Bill 238. Both of my daughters live in homeowners' associations. Sometimes they do not listen to their mother when she gives them good advice. When the son-in-law borrows my car and parks it in front of the house, we will now not get notice that the car is going to be towed. There will be no notice?

ASSEMBLYWOMAN DOOLING:

That is right. There will not be now due to many, many constituents relating the information that they arrive home late and someone has parked in their spot, and they cannot walk from a long distance to their home when they have to park outside the gates.

ASSEMBLYWOMAN CARLTON:

Back East, we have the long-standing tradition that in a heavy snowstorm you clean out your spot, you put the lawn chair on it, and nobody takes your spot. But literally without any notice at all someone could park in the wrong spot and not even be given the option to come out and move their car. They will just have their car towed away. I have been in positions where I have seen cars towed, and we are talking $200, $300, $400—especially if you do not know which tow yard took it. If there is no notice, you do not even know where your car is residing and there could be valuables in that car. I have grave concerns that we are not at least giving people a little bit of a heads-up to please move your car. This takes being unneighborly to a very expensive realm.

ASSEMBLYWOMAN SEAMAN:

I just want to clarify for my colleague that it is only if you are parked in someone else's space that they will tow the car, not if you are parked in front of a building. The reason that we did this is that we had many complaints from elderly people who were walking home late at night.

Roll call on Assembly Bill No. 238:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 409 be taken from its position on the General File and placed at the top of the General File.

Motion carried

GENERAL FILE AND THIRD READING

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblywomen Seaman and Carlton.

ASSEMBLYWOMAN SEAMAN:

Assembly Bill 409 requires makeup artists who work in licensed cosmetological establishments to register with the State Board of Cosmetology. This bill also eliminates passing a nationally recognized written exam as a requirement for certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction to obtain a license to practice that branch of cosmetology in this state. This bill is effective upon passage and approval.

I would urge everyone here to support this bill so that we can be a state that welcomes other licensees to create more jobs.

ASSEMBLYWOMAN CARLTON:

I talked to staff about this yesterday because I had concerns about the nationally recognized examination being included. As I read Amendment 375 on the yellow sheets, I saw that language struck. So if it is in another spot and I have missed it, I apologize. I had issues on the bill with these folks not paying their fair share of registration, but the one thing that gave me a little level of comfort was the fact that they were going to be tested. As I look at this amendment, that language is no longer there, and I believe that could be a serious issue for the state and may not be the intent of the sponsor of the bill.

ASSEMBLYWOMAN SEAMAN:

This bill does require that they are licensed in another state. The national exam has only been around since the mid-1990s. There are people who have been licensed and practicing these different branches of cosmetology much longer than the national exam has been around.

ASSEMBLYWOMAN CARLTON:

That is almost the answer I was looking for, but my concern is that under the amendment that was adopted to Assembly Bill 409, they will not have to have the exam in their resume. That language has been struck from the bill.

ASSEMBLYWOMAN SEAMAN:

Yes, because after much research on the national exam, not all states offer it. Only about 34 states offer it. Again, this is to bring in the reciprocity for those who have been working and licensed longer than the national exam has been around. The national exam is a private organization that different states may or may not want to engage with.

ASSEMBLYWOMAN CARLTON:

I apologize to the sponsor of the bill if I misheard her in her opening statement because I could have sworn she said they would have to have the exam. I have concerns on people being untested and coming into the state and being able to practice their craft on our residents.

Roll call on Assembly Bill No. 409:

YEAS—37.

NAYS—Benitez-Thompson, Carlton, Edwards, Joiner, Sprinkle—5.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Assembly Bill 240 provides for a right of redemption after the foreclosure of a common-interest community unit-owners' association's lien by sale under certain circumstances. After a sale of the unit to enforce an association's lien, the unit's owner or holder of the security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If no redemption is made within 60 days after the date of sale, the rights of a bona fide purchaser or encumbrancer for value are not affected.

After working long and hard on this bill, the stakeholders and I reached an agreement on this, and I would like to thank everyone involved, especially the Chair of Judiciary for helping out on this.

Roll call on Assembly Bill No. 240:

YEAS—40.

NAYS—Benitez-Thompson, Dickman—2.

Assembly Bill No. 240 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 242 requires the Legislative Commission to appoint a subcommittee to conduct an interim study on postacute care in Nevada. The study must look at alternatives to institutionalization; cost savings of home- and community-based waiver programs; the impact of postacute care services on the quality of life of a person receiving such services; and a review of state and national quality measures and funding methodologies for postacute care. The Legislative Commission must submit a report of its findings, including, without limitation, any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Roll call on Assembly Bill No. 242:

YEAS—42.

NAYS—None.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblymen Trowbridge, Elliot Anderson, Ohrenschall, and Stewart.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 244 provides that a person is guilty of a category C felony, regardless of the value of the loss, if the person has previously been convicted of two or more graffiti offenses or otherwise defacing public or private property or has previously been convicted of a felony for such conduct and commits another such violation. The effective date of this bill is October 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 244. I think we all agree on the need to clamp down on graffiti; I just do not think we agree on the punishment. My opposition to this bill revolves around the fact that the punishment does not fit the crime. A category C felony is an extremely serious crime—you lose your voting rights and your Second Amendment rights. We have to ask ourselves if this is the right way to go about punishing graffiti, and I think the answer is no. I would respectfully urge this body to defeat this measure.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 244. This is my fifth session here. One thing I have learned in five sessions is that as a Legislature, we have scarce resources. We need to protect our constituents against violent crime. Time and time again, we come to the Legislature and we want

to be tough on crime. But we also want to be smart on crime. We need to save our beds at the Nevada Department of Corrections facilities for violent criminals.

Graffiti is terrible. We need to fight it. We need to get it cleaned up. We need to penalize the folks who do it. We need to make sure they pay restitution and that they are not able to have the implements to go back and do it again. But creating a new felony crime of graffiti, taking up bed space that could go to a violent criminal, is not good public policy. It is not being smart on crime. I urge this body to defeat this measure.

ASSEMBLYMAN STEWART:

Assembly Bill 244 addresses a group of people who are constantly committing the crime of graffiti. They are costing Clark County alone over $30 million. These are not young people who are in gangs; these are individuals who do this as a hobby. They are thumbing their nose at the law. They have been convicted three times already and still go on and on with this. It is costing our communities millions of dollars and we have to put a stop to it.

Roll call on Assembly Bill No. 244:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 246 makes various changes governing the practice of cosmetology. The bill makes it unlawful to advertise certain services in a misleading or inaccurate manner and provides for disciplinary action by the State Board of Cosmetology for violations. The measure establishes the profession of "shampoo technologist" and sets out the various requirements for the regulation of that profession.

I would like to acknowledge the Chair of Commerce and Labor, who provided great leadership to help us work out the issues in this bill. Thank you also to my colleague from Assembly District 34, who provided the amendments to make the bill better.

Roll call on Assembly Bill No. 246.

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Shelton, Titus, Wheeler—11.

Assembly Bill No. 246 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 258 provides access to capital through interstate crowdfunding. It puts in place ways to protect the unaccredited investor who wishes to invest but also allows businesses to use technology to raise capital.

I would like to acknowledge my intern, Gil Lopez, who helped to provide testimony and research on this bill.

Roll call on Assembly Bill No. 258:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Trowbridge, Wheeler—11.

Assembly Bill No. 258 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 268.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 268 authorizes a licensing authority or a person designated by the licensing authority to obtain certain information on background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home. Such person is required to submit a complete set of fingerprints and certain documentation to the licensing authority for the purpose of a background investigation. If the licensing authority determines that the person has been convicted of a certain offense, the applicant or licensee of the foster home must ensure the person is not present in the home and prevent continued supervision. A licensing authority must allow such person to correct such information. This bill is effective July 1, 2015.

Roll call on Assembly Bill No. 268:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—10.

Assembly Bill No. 268 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 321 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 646.

ASSEMBLYMEN SILBERKRAUS, DOOLING, TROWBRIDGE, GARDNER, SEAMAN; **ELLIOT ANDERSON,** PAUL ANDERSON, ARMSTRONG, DICKMAN, EDWARDS, ELLISON, FIORE, FLORES, HAMBRICK, HICKEY, JONES, KIRNER, MOORE, NELSON, O'NEILL, OSCARSON, STEWART, TITUS, WHEELER, AND WOODBURY.

JOINT SPONSORS: SENATORS MANENDO AND HARRIS.

SUMMARY— ~~[Clarifies that the jurisdiction of]~~ **Revises provisions relating to** school police officers **.** ~~[extends to all charter school property, buildings and facilities.]~~ (BDR 34-925)

AN ACT relating to schools; **requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a primary law enforcement agency to respond to requests for assistance relating to certain offenses at schools; requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances;** clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities ~~[.]~~ **that have contracted with the board of trustees of the school district;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a charter school is a public school. (NRS 385. 007)]~~ **Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) Section 1 of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. Sections 3 and 4 of this bill make conforming changes.**

Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) Section 6 of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to contract with the metropolitan police department for the provision and supervision of

police services in the public schools within the jurisdiction of the metropolitan police department. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) Section 6 also clarifies that the board of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel, pupils and property. (NRS 391.275) ~~[This]~~ **Section 7 of this** bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities **that have contracted with the board of trustees of the school district** for police services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

Sec. 2. **NRS 386.490 is hereby amended to read as follows:**

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and section 1 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. **NRS 386.560 is hereby amended to read as follows:**

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school,

including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services ~~[.]~~, ***other than for the provision of school police officers when the provisions of section 1 of this act apply.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by

the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 4. **NRS 386.563 is hereby amended to read as follows:**

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560 [.] ***or section 1 of this act.***

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify the primary law enforcement agency in the city or county, as appropriate, where the school is located when:

(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;

(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or

(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.

2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:

(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or

(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense was allegedly committed or attempted and to protect the life and safety of any person who is present.

3. Upon the arrival of an officer from the primary law enforcement agency notified pursuant to subsection 2, the principal, teacher or school police officer, if applicable, shall immediately transfer the investigation of the offense, attempted offense or threatened offense to the primary law enforcement agency.

4. As used in this section, "primary law enforcement agency" means:

(a) A police department of an incorporated city;

(b) The sheriff's office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 6. **NRS 391.100 is hereby amended to read as follows:**

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

(a) English, reading or language arts;

(b) Mathematics;

(c) Science;

(d) Foreign language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer ~~[.]~~ ***, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section 1 of this act.*** In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district ~~[.]~~ ***and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section 1 of this act.*** If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district ***, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to section 1 of this act,*** and on property owned by the school district ~~[.]~~ ***, and if applicable, the property owned or occupied by the charter school,*** but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district ***, including, without limitation, in any charter school with which the board of trustees has entered into a***

contract for the provision of school police officers pursuant to section 1 of this act, and on property therein that is owned by the school district ~~[.]~~ ***and, if applicable, the property owned or occupied by the charter school.***

~~[Section 1.]~~ ***Sec. 7.*** NRS 391.275 is hereby amended to read as follows:

391.275 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ~~***[, including, without limitation,]***~~ ***and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to section 1 of this act, all property, buildings and facilities in which*** ~~***[a]***~~ ***the charter school is located,*** for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

Sec. 8. **NRS 280.287 is hereby amended to read as follows:**

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district ***and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section 1 of this act,*** and on property owned by the school district ~~[.]~~ ***and, if applicable, on property owned or operated by a charter school.*** If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

~~[Sec. 2.]~~ ***Sec. 9.*** **1.** This **section and section 5 of this act become effective upon passage and approval.**

2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act ~~[becomes]~~ **become** effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblymen Woodbury, Carlton, and Silberkraus.

ASSEMBLYWOMAN WOODBURY:

Amendment 646 requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. The contract must be entered into on or before March 15 for services to be provided for the next school year and must be for at least three years. The contract requires a chief of school police to supervise any school police officer that provides services to a charter school. The board of trustees of a school district may also contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school. Finally, the bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer to notify the primary law enforcement agency in the city or county when certain offenses have been committed, are threatened to be committed, or are believed to have been committed.

ASSEMBLYWOMAN CARLTON:

I just got this amendment. If we are going to say that the school district police have to accept this request from the charter schools, I want to understand the billing process because this will have an impact on the Clark County School District and the number of personnel it has to buy. These are category II officers usually, possibly category I, so there is a whole benefit package that is involved. This could significantly have a fiscal impact on the Clark County School District.

ASSEMBLYMAN SILBERKRAUS:

To my distinguished colleague to my right side, we have worked with the Clark County School District. The charter schools, if they were to request these services, would pay the actual costs of those officers. They will be required to take a contract for at least three years, so they would have the time to staff up for that need and would not have to hire and fire within one cycle.

ASSEMBLYWOMAN CARLTON:

Thank you. I just needed the intent on the record to make sure that the schools do pay their fair share.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bills Nos. 302, 380, and 412 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly recess until 3:45 p.m.

Motion carried.

Assembly in recess at 2:22 p.m.

ASSEMBLY IN SESSION

At 4:49 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 281.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 281 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. The bill requires the Subcommittee to consider issues concerning Nevada's existing statutes on violations of traffic laws and laws related to drivers' licenses, motor vehicle registration, motor vehicle insurance, and the treatment of violations as criminal offenses. The Subcommittee must consider the related laws of other states, the elements of systems necessary to treat violations as civil infractions, and the anticipated fiscal effects of those systems.

Assembly Bill 281 requires the Subcommittee to submit its report to the Advisory Commission at least 30 days before the meeting at which the Advisory Commission considers findings and recommendations for proposed legislation for the 79th Legislative Session. This measure is effective on October 1, 2015, and expires by limitation on July 31, 2017.

This is the bill that all of us together have worked on, so I urge all my colleagues to vote for this bill so that we can pass it out unanimously.

Roll call on Assembly Bill No. 281:

YEAS—40.

NAYS—Armstrong, Edwards—2.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly reconsider the action whereby Assembly Bill No. 380 was rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 380 and 452 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 152 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 152 requires the State Board of Health to adopt regulations prescribing guidelines for all meals and snacks provided to children at a child care facility. A parent or guardian may request that a child's meals or snacks provided by the child care facility do not have

to comply with the guidelines. Such guidelines do not apply to any meal prepared by a parent or guardian and brought to the facility.

The State Board of Health must also adopt regulations to require a child care facility to provide a private space where mothers may breastfeed; provide a program of physical activity; and prohibit a child care facility from withholding or requiring physical activity as a form of discipline.

I want to remind everyone that we worked diligently on A.B. 152 in the Health and Human Services Committee, and I am proud to say that we worked with all partners and brought forth all the amendments that were necessary so that the bill could be voted out unanimously. I also want to remind the body that this bill was brought forth by a strong coalition from across the state of early childhood education leaders who were looking to address this very important issue in our communities. I hope that you will all consider supporting this measure.

Roll call on Assembly Bill No. 152:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Kirner, Moore, Seaman, Shelton, Titus—10.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymen Armstrong, Fiore, Edwards, Jones, and Kirkpatrick.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 380 enacts provisions relating to the imposition and collection and remittance of sales and use taxes by retailers located outside of Nevada. The bill creates a rebuttable presumption that the sales and use tax must be imposed, collected, and remitted by retailers located outside of the state under the following conditions: the retailer is part of a controlled group of business entities that has a component member who has a physical presence in Nevada and the component member engages in certain activities in Nevada that relate to the ability of the retailer to make retail sales to Nevada residents; or the retailer enters into an agreement with a resident of Nevada under which the resident receives certain consideration for referring potential customers to the retailer through a link on the resident's Internet website; and the cumulative gross receipts from the sales by the retailer to the Nevada customers through all such referrals exceeds $10,000 during the preceding four quarterly periods.

Sections 1.5, 2, 4, 5, and 7 of this act, which contain provisions relating to the rebuttable presumptions for retailers with the component member in Nevada, become effective July 1, 2015. Sections 3, 6, and 6.5 of this act, which contain provisions relating to the rebuttable presumption with retailers who make agreements with Nevada residents relating to referrals of Internet websites, become effective October 1, 2015.

ASSEMBLYWOMAN FIORE:

I was not expecting this bill on the floor. Since it is now on the floor, I am rising in opposition to Assembly Bill 380. This session we have a lot happening with taxation and budgets, and A.B. 380 adds another layer of taxing the Internet. I am adamantly opposed to this, and I urge my colleagues who are not fond of overtaxing everyone to vote against this bill.

ASSEMBLYMAN EDWARDS:

I rise in support of this bill. It is my understanding that this will help our businesses here in Nevada get on an equal footing with businesses in other states. I think my colleague from District 4 has a misunderstanding about how the taxes work. Therefore, I propose that we all support Nevada businesses by putting them on a better footing with everyone else. I hope that you will all support this bill.

ASSEMBLYMAN ARMSTRONG:

I rise in support of Assembly Bill 380. I would also say that the Assemblywoman from District 4 saying that this is a new layer of taxes is not quite correct. There is already a tax on the books, and we will simply be collecting that. It puts the brick-and-mortar stores more in parity with the rest of Nevada businesses.

ASSEMBLYMAN JONES:

I rise in opposition to this tax. It is another layer of bureaucracy. It is going to be very hard to collect from out-of-state businesses that sell in our state. Until it is resolved on a federal level, I do not see how we can tax other businesses in other states and expect them to adhere to that taxation, so I rise against this bill.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 380. This is something that has been in this building for a very long time. The fair marketplace bill has been in Congress for a little over ten years and is supported by my most conservative colleagues from the Senate as well as by many people across the nation. This bill is the nexus to use taxes already required in the state.

Currently, we have one particular vendor who has taken it upon himself to give us a memorandum of understanding and to collect taxes to see if it made a difference. It has not made a difference. This ensures that our brick-and-mortar folks are on the same playing field with every business out there. This does not address out-of-state folks. We cannot because of commerce laws. This is clarifying the use tax, which we are already supposed to be paying in our state. This is a policy issue, not something new. This is clarification so the policy is clear.

My Senate colleague from District 17, who represents one of the most conservative areas, has worked with me on this since 2005 to ensure that our brick-and-mortar businesses are on a level playing field. There is a big misconception out there that this is a new tax, a new layer. This is neither of those. This is about us being in line and being fair across the board to all businesses. I hope that people will reconsider and support this bill.

Roll call on Assembly Bill No. 380:

YEAS—33.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Wheeler—9.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 452 makes various changes relating to the filing of property tax appeals to a county board of equalization or to the State Board of Equalization. The bill specifies that the written authorization to file the appeal on behalf of the owner of the property may be signed by the owner, an employee of the owner, or an affiliate of the owner who is acting within the scope of his or her employment. The term "owner" includes any person who owns, controls, or possesses taxable property.

The bill also requires that, if there is an objection to a written authorization, written notice specifying the grounds for the objection must be given to the person filing the appeal by certified mail. If the person filing the appeal submits any documentation necessary to cure the objection within five business days after the receipt of the notice, the appeal must be deemed to have been filed in a timely manner. This bill becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 452:

YEAS—42.

NAYS—None.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 293 requires that any deputy public administrator appointed by a public administrator must be a qualified elector of the county; be 21 years of age or older; not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion. In a county with a population of 100,000 or less, the board of county commissioners may, if adopted by ordinance, require a public administrator to notify or obtain permission to transport any property of the deceased outside the county of residence of the deceased.

The measure also authorizes a board of county commissioners, in a county with a population of 100,000 or less, to adopt an ordinance requiring the public administrator to submit to an annual independent audit conducted by a certified public accountant. The bill also increases from $20,000 to $25,000 the maximum gross value of the decedent's property whereby a public administrator may, without procuring letters of administration, administer the estate of a deceased person upon filing with the court an affidavit of his or her right to do so.

Roll call on Assembly Bill No. 293:

YEAS—42.

NAYS—None.

Assembly Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:08 p.m.

ASSEMBLY IN SESSION

At 5:22 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills. Nos. 294, 306, and 336 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 330 and 381 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 307 requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division, Department of Health and Human Services, to the extent that money is available, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed with a behavioral health need and reside in a county whose population is 100,000 or more. As necessary, the Director of the Department shall amend the State Plan for Medicaid or obtain a Medicaid waiver to use money to pay for the pilot program. Intensive care coordination services must include certain medically necessary services, support for the family, and food and lodging expenses for a child who is receiving supported living arrangements but does not reside with his or her parent or guardian.

The Division of Health Care Financing and Policy and the Aging and Disability Services Division must take certain measures to evaluate the effectiveness of the program and collaborate efforts to obtain grants. The Divisions shall also report to the Legislature and the Legislative Committee on Health Care [LCHC] the status and results of the pilot program. The boards of county commissioners in counties with populations less than 100,000 must report to the Legislature and the LCHC the manner in which they make provisions for the support, education, and care of children with intellectual disabilities and related conditions in their respective counties.

Since the economic downturn, children who have been dual diagnosed with intellectual disabilities and behavioral issues have been sent out of state for treatment. It is time to bring our children home to Nevada and reunite their families. I urge your support of this bill.

Roll call on Assembly Bill No. 307:

YEAS—42.

NAYS—None.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 308 requires persons who provide emergency medical services at a special event to be licensed attendants, physicians, registered nurses, or physician assistants. The bill exempts a special event from the requirement to provide particular types of emergency medical services at an event held in a city whose population is less than 25,000 if there is a fire-fighting agency within the city and the city has adopted a plan for providing emergency medical services at special events.

Roll call on Assembly Bill No. 308:

YEAS—42.

NAYS—None.

Assembly Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 324 lowers the age of a child for whom a child welfare agency is required to obtain a credit report from 16 years of age to 14 years of age to conform with federal requirements. A law enforcement agency is required to request certain identifying information from a parent or guardian of a child of any age who has been missing for 30 days. In order to receive certain federal funds, the Division of Child and Family Services is required to adopt regulations concerning children who run away from foster care. The bill authorizes a child welfare agency that has custody of a child who is 16 years of age or older to present compelling reasons at a permanency hearing for placing a child in another permanent planned living arrangement. Also at the permanency hearing, a court shall ask a child about his or her desired permanent living arrangement and include an explanation as to why it is not in the best interest of a child to return to a certain living arrangement, if the court makes such a determination.

Roll call on Assembly Bill No. 324:

YEAS—42.

NAYS—None.

Assembly Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblymen Sprinkle and Seaman.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 325 provides for the licensure and regulation of private professional guardians by the Commissioner of Financial Institutions. The measure also clarifies that relatives, including those who live outside the state, are allowed to provide court-appointed guardianship to a relative before a court appoints a public or private professional guardian as long as the relative is willing and able to do so and is otherwise qualified and suitable.

I have reached out to so many people, to so many organizations within this industry. There is a fair amount of disarray. Some people are very much opposed to this bill. Many are very supportive of what we are trying to do. Ultimately, this bill is going to put the infrastructure into place so that licensure can occur and so that this profession can have the legitimacy it deserves. Those who need recourse now have a place to get that recourse.

ASSEMBLYWOMAN SEAMAN:

This bill is a very important bill. We have seen a lot of abuse of the elderly in Clark County. I would like to urge my colleagues to support this great bill. I am very honored that I was able to join my colleagues in sponsoring this bill.

Roll call on Assembly Bill No. 325:

YEAS—30.

NAYS—Armstrong, Dickman, Edwards, Ellison, Fiore, Hansen, Jones, Moore, Nelson, Shelton, Titus, Wheeler—12.

Assembly Bill No. 325 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 328 creates certain procedures to avoid conflicts of interest in school districts where there are more than 50,000 pupils. The place of business of the hearing officer must, to the extent practicable, be located in the school district. Finally, in order to remain on the list maintained by the Department, the hearing officer must receive training concerned with laws related to special education, hearing procedures, and writing decisions.

This bill is about ensuring procedural justice, which means ensuring that no matter whether someone wins or loses they can accept the result without getting too mad. Hopefully, that will help us avoid litigation. That is the goal of this, not to push the hearing to any side, but just to ensure that whoever wins, whoever loses, the parties accept the decisions and feel like they were treated fairly. I urge passage.

Roll call on Assembly Bill No. 328:

YEAS—42.

NAYS—None.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 341 requires the board of trustees of each school district, and the governing body of each charter school that serves pupils in kindergarten or grades 1, 2, or 3, to prescribe an early literacy screening assessment for each pupil who has indicators for dyslexia and needs intervention. If an early literacy screening confirms that a pupil has indicators for dyslexia, the school board or governing body of a charter school is required to address the needs of a pupil through the response to scientific, research-based intervention system of instruction. The Department of Education is required to designate at least one employee to receive training in effective methods of intervention for pupils with dyslexia and each school district and charter school that serves pupils in kindergarten or grades 1, 2, or 3 is required to designate at least one employee serving these children to receive professional development regarding dyslexia, including methods to recognize indicators for dyslexia.

During the hearing in front of your Committee on Education, there was a lot of really moving testimony. There was a study that the State of Nevada conducted back in 1984, in terms of trying to reach out to kids who have dyslexia, and the study, unfortunately, sat on the shelf. It recommended what we are trying to do in A.B. 341. Some of the parents talked about their children not getting diagnosed early enough, being sent off to certain individualized education programs that did not provide multisensory training in reading to try and help them. It was years before they got the help they needed. I am really hopeful that A.B. 341 will help kids who have dyslexia and are not getting that assistance. It is a big step forward, and I hope the body will look favorably on it.

Roll call on Assembly Bill No. 341:

YEAS—42.

NAYS—None.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 356 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 362 and 321 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 320 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 320.

Bill read third time.

Remarks by Silberkraus, Ohrenschall, Hickey, Nelson, Kirkpatrick, and Elliot Anderson.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 320 designates certain elected offices as nonpartisan. These include constable, county assessor, county clerk, county commissioner, county recorder, county treasurer, district attorney, and public administrator. If a vacancy occurs on a board of county commissioners, the board may, in lieu of appointment by the Governor, declare a special election to fill the vacancy. A candidate declared elected at a primary election for a nonpartisan office shall be deemed to have been elected at a general election for statutory purposes.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 320. I think we are in what many people call the information age. People know what is in their soda and they know what their candidates are all about. This is an era when, even though we have nonpartisan races in Nevada, people know the political party of the candidate running for judge or Supreme Court or Board of Regents. It is not a secret. People find out either on their own or organizations tell them. I see it as a step backward to take that information away from our voters. It is something they have a right to know. There has been case law that says judicial candidates, if they want to, can let people know what political party they affiliate with. Even though they might run in states like Nevada that elect judges as nonpartisans in nonpartisan races, it is something voters have a right to know. A lot of people do care about that. I do not think we are doing a service to our constituents to take that information away from them.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 320. I think my colleague from District 12 makes the point of the bill by saying that citizens have the duty, and frequently exercise it, to find out exactly the partisan nature of candidates. At the same time, we have an ever-growing number of nonpartisan and independent voters in the state. These county and municipal offices are of a very local nature. I think the effect of all this will be to involve more persons like that. For those who do care about the partisan identification of those they vote for, as the Assemblyman said, they can certainly find that out.

ASSEMBLYMAN NELSON:

I rise in favor of Assembly Bill 320. My colleague from the north said a number of the things I was going to say, so I will keep this very short. I think we have seen, even today, the nature of partisan politics. We have had many bills today that were voted, unfortunately, on strictly party lines, and I think that as much as we can possibly get rid of partisanship on the local level, it will be helpful.

ASSEMBLYWOMAN KIRKPATRICK:

In all fairness, I have limited everything I have done today, including putting bills on the desk. We have had plenty of recesses, Mr. Speaker, in all fairness, and I am no longer nice about this today. The First Amendment allows us to speak on this floor. I am staying within every point of order there is today. I cannot say that for my colleagues.

I rise in opposition to Assembly Bill 320. I worked hard to not have partisan politics in this building, so to say that there is partisan politics in this building, it is because you all brought it here. I did not. I rise in opposition to this bill because partisan politics is the person who you are, and you make it partisan. All those boards that we talk about every day are not partisan unless you make them so.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition. My colleague from District 12 is right in a way. For the high-profile races, people are informed about what party the candidate belongs to and what they believe. I think what having party registration on the ballot means for people is that you have a quick judgement shortcut to figure out what the candidate believes. I would rather have people voting based upon some information rather than no information. This bill talks about low-information races, races that voters normally do not pay attention to. So it is better for them to have some idea of who they are voting for rather than none.

Roll call on Assembly Bill No. 320:

YEAS—18.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Ellison, Fiore, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Oscarson, Silberkraus, Spiegel, Sprinkle, Swank, Thompson, Titus, Wheeler—24.

Assembly Bill No. 320 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Actually, my remarks are the same as Assemblywoman Woodbury's were on the amendment so I will just say ditto.

Roll call on Assembly Bill No. 321:

YEAS—39.

NAYS—Bustamante Adams, Kirkpatrick, Neal—3.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 603.

AN ACT relating to criminal procedure; authorizing certain persons who are prohibited from owning, possessing or having under their custody or control any firearm or who have had certain civil rights taken away to petition the court to restore such rights in certain circumstances; authorizing a prosecuting attorney to inquire into, inspect and use as evidence certain sealed records in certain circumstances; adding a person who has been convicted of a misdemeanor crime of domestic violence to the list of persons who are prohibited from owning or having in their possession or under their custody or control any firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm, including a person who has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms. (NRS 202.360) **Section 5** of this bill adds to such a list of persons a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence, as defined in federal law.

Section 2 of this bill establishes a procedure by which a person who: (1) is prohibited from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony or a misdemeanor crime of domestic violence; or (2) has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and has not had all such rights restored, may, after a certain applicable waiting period, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of such rights. For a person to be eligible to have such rights restored: (1) the person must not currently be serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and (2) if the person is seeking the restoration of his or her firearm rights, the person must not otherwise be prohibited from possessing a firearm under any other applicable provision of the laws of this State.

Section 2 also requires that a date for a hearing on such a petition be set for not earlier than 30 days and not later than 120 days after a petition is filed, unless waived by the parties. The court is required to make a decision within 30 days after the hearing on the petition is completed.

Section 2 additionally requires the court to issue an order restoring a petitioner's civil rights and the right to own, possess and control any firearm if: (1) the petitioner has never been convicted of a misdemeanor crime of domestic violence; (2) the petitioner has never been convicted of a category A, B or C felony; and (3) the only category D or E felony for which the person has ever been convicted did not include certain elements. A petitioner who does not meet such criteria but meets certain other criteria must prove to the court by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose. If the court determines that the petitioner does not satisfy the burden of proof, the court is required to issue an order denying the restoration of such rights and to state the basis for such a denial. **Section 2** further authorizes such a petitioner to reapply for the restoration of such rights not earlier than 1 year after the date the court order is entered. Finally, **section 2 requires a person to accept a copy of a court order restoring a person's civil rights or right to own, possess and control any firearm as proof that such rights have been restored to the person.**

Section 2 also authorizes a person who has lost his or her civil rights as a result of a conviction in another state to petition the district court for the restoration of such rights if the person would otherwise be eligible to petition the district court for the restoration of such rights if the conviction that resulted in the loss of such rights occurred in this State.

Section 11 of this bill requires a person whose right to own, possess and control any firearm has been restored pursuant to section 2 to carry on his or her person, any time the person is in possession of a firearm, a copy of the court order restoring such a right. This requirement expires by limitation on July 1, 2017.

Existing law authorizes certain persons to inquire into and inspect certain records that have been sealed in certain circumstances. (NRS 179.301) **Section 3** of this bill authorizes a prosecuting attorney to inquire into and inspect certain sealed records if the person who is the subject of the records has petitioned to have his or her right to own, possess and control any firearm restored pursuant to **section 2**. **Section 3** also authorizes a prosecuting attorney to use any such records as evidence during a hearing on such a petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 2 of this act,*** a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent

prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is prohibited pursuant to paragraph (a) of NRS 202.360 from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony or a misdemeanor crime of domestic violence, or if the person has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and all such civil rights have not been restored, the person may, after the applicable waiting period set forth in subsection 2, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of his or her right to own or have in his or her possession or under his or her custody or control any firearm and the restoration of his or her civil rights if the person:

(a) Is not currently serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and

(b) If the person is seeking the restoration of the right to own or have in his or her possession or under his or her custody or control any firearm, is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.

2. A person may petition the district court pursuant to subsection 1:

(a) One day after the completion of the person's sentence for an offense described in subparagraph (3) if:

(1) The person has never been convicted of a misdemeanor crime of domestic violence;

(2) The person has never been convicted of a category A, B or C felony; and

(3) The only category D or E felony for which the person has ever been convicted is a category D or E felony that did not include as an element of the offense:

(I) An attempt, threat or conspiracy to commit an act of violence against another person;

(II) An act of intentional violence against another person; or

(III) The intentional use of a deadly weapon.

(b) Two years after the completion of the person's sentence for an offense described in subparagraph (3) if the person:

(1) Has never been convicted of a misdemeanor crime of domestic violence;

(2) Has never been convicted of a category A, B, D or E felony; and

(3) The only category C felony for which the person has ever been convicted is a category C felony that did not include as an element of the offense:

(I) An attempt, threat or conspiracy to commit an act of violence against another person;

(II) An act of intentional violence against another person; or

(III) The intentional use of a deadly weapon.

(c) Six years after the most recent completion of the person's sentence for an offense described in this paragraph if the person:

(1) Has never been convicted of a category A felony or a category B, C, D or E felony ~~[.]~~ that involved the intentional use of a deadly weapon with the intent to cause substantial bodily harm; and

(2) Has been convicted:

(I) Not more than once for a misdemeanor crime of domestic violence; or

(II) Of more than one category B, C, D or E felony that did not involve the intentional use of a deadly weapon with the intent to cause substantial bodily harm.

3. A petition filed pursuant to subsection 2 must:

(a) Describe the rights for which restoration is being sought.

(b) Provide the date of any previous petition filed pursuant to this section and the date the court denied the restoration of any rights.

(c) Be accompanied by the petitioner's current, verified record of criminal history from the Central Repository for Nevada Records of Criminal History.

(d) Contain the following information:

(1) The petitioner's full legal name.

(2) Each alias that the petitioner has used or under which the petitioner may have been known.

(3) The petitioner's date of birth.

(4) The petitioner's driver's license number.

(5) The petitioner's current residential address.

(6) Each residential address of the petitioner during the 10 years preceding the filing of the petition.

(7) For each criminal conviction of the petitioner:

(I) The arresting agency;

(II) The date of arrest;

(III) The charges that were filed against the petitioner;

(IV) Whether the offense committed was a misdemeanor or felony, and if a felony, whether the offense was a category A, B, C, D or E felony;

(V) The sentencing court;

(VI) The case number;

(VII) The date of the final disposition of the case;

(VIII) The sentence imposed upon the petitioner; and

(IX) The date on which the petitioner completed the sentence.

4. Upon receiving a petition from a petitioner who meets the requirements of this section, the court shall, at least 30 days before the hearing scheduled pursuant to subsection 5, notify the district attorney for the county in which the court is located and the district attorney for each county in which the petitioner was convicted of an applicable felony or misdemeanor crime of domestic violence.

5. Unless waived by the consent of both the petitioner and the district attorney for the county in which the petition is filed, a date for a hearing on the petition must be set for not earlier than 30 days and not later than 120 days after a petition complying with the requirements of subsection 3 is filed. The court may consider any relevant evidence at the hearing on the petition, including, without limitation, oral testimony, declarations, affidavits and police reports. The court shall issue its decision within 30 days after the hearing on the petition is completed.

6. If a petitioner petitions the court for the restoration of his or her rights pursuant to:

(a) Paragraph (a) of subsection 2, the court shall, upon verifying that the petitioner is eligible to have his or her rights restored, issue an order setting forth the restoration of the petitioner's right to own or have in his or her possession or under his or her custody or control any firearm and the

petitioner's civil rights to vote, to serve as a juror in a civil or criminal action and to hold office.

(b) Paragraph (b) or (c) of subsection 2, the court shall, if it determines that the petitioner proves by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose, issue an order setting forth which rights are restored.

➥ A copy of any order issued pursuant to this subsection must be provided to the petitioner and the Department of Public Safety. A person shall accept a copy of any such order as proof that a person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm or his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office restored pursuant to this section.

7. If the court determines that a petitioner who petitioned the court for the restoration of his or her rights pursuant to paragraph (b) or (c) of subsection 2 does not prove by clear and convincing evidence that he or she is rehabilitated and is unlikely to use the restoration of any rights for an unlawful purpose, the court shall issue an order denying the restoration of the petitioner's rights and shall state the basis for such a denial. A petitioner who is denied the restoration of rights pursuant to this subsection may reapply for the restoration of such rights not earlier than 1 year after the date the court order is entered.

8. A person who has lost his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office as a result of a conviction in another state may petition the district court for the restoration of such civil rights pursuant to this section if the person would otherwise be eligible to petition the district court for the restoration of such civil rights pursuant to this section if the conviction that resulted in the loss of such civil rights occurred in this State.

9. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

Sec. 3. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

3. ***A prosecuting attorney may:***

(a) Inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has petitioned to have his or her right to own or have in his or her possession or under his or her control or custody any firearm pursuant to section 2 of this act; and

(b) Use any such records as evidence during a hearing on the petition.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

~~[4.]~~ ***5.*** Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

~~[5.]~~ ***6.*** The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

~~[6.]~~ ***7.*** As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 4. NRS 6.010 is hereby amended to read as follows:

6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 ~~[.]~~ ***or section 2 of this act.***

Sec. 5. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this ***State*** or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person ~~[has]~~ ***:***

(1) Has received a pardon and the pardon does not restrict his or her right to bear arms; ***or***

(2) Has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;

(b) ***Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33), unless the person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;***

(c) Is a fugitive from justice; or

~~[(c)]~~ ***(d)*** Is an unlawful user of, or addicted to, any controlled substance.

➥ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 6. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, ***and section 2 of this act,*** as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 7. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 8. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her release from prison, is restored to the right to hold office.

(c) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her release from prison;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights

set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 9. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person registered lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

3. Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157 ┼ ***or section 2 of this act.***

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 10. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the

district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister after presenting satisfactory evidence which demonstrates that the elector's:

(a) Conviction has been overturned; or

(b) Civil rights have been restored:

(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157 ~~,~~ ***or section 2 of this act.***

(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 11. **Notwithstanding the provisions of section 2 of this act, a person whose right to own or have in his or her possession or under his or her control any firearm has been restored pursuant to section 2 of this act shall, any time he or she is in possession of a firearm, carry on his or her person a copy of the order restoring such a right that is issued by a court pursuant to subsection 6 of section 2 of this act.**

Sec. 12. **1. This act becomes effective on October 1, 2015.**

2. Section 11 of this act expires by limitation on July 1, 2017.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywoman Fiore

ASSEMBLYWOMAN FIORE:

Section 2 of Amendment 603 to Assembly Bill 357 requires a person to accept a copy of a court order restoring a person's civil rights or right to own, possess, and control any firearm as proof that such rights have been restored to the person. Section 11 of this bill requires a person whose right to own, possess, and control any firearm that has been restored must carry a copy of the court order proving the restoration of such rights. This requirement expires by limitation on July 1, 2017.

The reason for this amendment is that until the Department of Public Safety upgrades its systems, we did not want to hinder some of our people for whom we are restoring rights and have to put a note on this to update computers. That is Amendment 603.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 364 requires the Secretary of State to establish common business registration information that may be used by state and local agencies and health districts to conduct necessary transactions with businesses in this state and cause the state business portal to exchange common business registration information among these entities. The bill authorizes these entities, to the extent feasible, to integrate their electronic applications processes into the state business portal. The bill also requires the Secretary of State to suspend the state business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension.

I also want to reiterate that this is optional for jurisdictions to participate. I want to say that this is an awesome product of collaboration between the Secretary of State's Office and our local jurisdictions. They have been working on this process for numerous years to make it very efficient and make it very customer-friendly for our business community. I would urge this body to support this bill.

Roll call on Assembly Bill No. 364:

YEAS—39.

NAYS—Ellison, Moore, Wheeler—3.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Assembly Bill 366 makes consistent the provisions relating to the acceptable use of certain proceeds by counties, cities, and towns from certain fuel taxes imposed pursuant to Chapter 365 of the *Nevada Revised Statutes*. The bill specifies that the proceeds that are distributed to counties, cities, and towns under current law may be used by these entities for the construction, maintenance, and repair of rights-of-way, as defined in the bill. This bill becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 366:

YEAS—42.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 645.

AN ACT relating to domestic relations; authorizing a party in certain domestic relations actions to file a postjudgment motion to obtain adjudication of certain property and liabilities that were omitted from the final decree or judgment ~~[,]~~ **as the result of fraud or mistake;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the

parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (*Kramer v. Kramer*, 96 Nev. 759, 762 (1980); *Amie v. Amie*, 106 Nev. 541, 542 (1990)) In *Doan v. Wilkerson*, 130 Nev. Adv. Op. 48, 328 P.3d 498 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree.

This bill authorizes a party in an action for divorce, separate maintenance or annulment to file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment ~~[.]~~ **as the result of fraud or mistake. Under this bill, such a motion must be filed within 3 years after the aggrieved party discovers the facts constituting the fraud or mistake.** This bill further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of

that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➥ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. ***A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment*** ~~***[. There is no limitation on the time in which a]***~~ ***as the result of fraud or mistake. A motion pursuant to this subsection*** ~~***[may]***~~ ***must be filed*** ~~***[, except that if the motion is based on fraud or mistake, the motion must be filed]***~~ ***within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:***

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➥ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

~~[4.]~~ ***5.*** In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

~~[5.]~~ ***6.*** In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

~~[6.]~~ ***7.*** If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

~~[7.]~~ ***8.*** If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

~~[8.]~~ ***9.*** In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;

(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

~~[9.]~~ ***10.*** In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

~~[10.]~~ ***11.*** If the court determines that alimony should be awarded pursuant to the provisions of subsection ~~[9.]~~ ***10:***

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

~~[11.]~~ ***12.*** For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.

Assemblywoman Swank moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 371 establishes a new procedure for the retention and destruction of certain quantities of substances alleged to be marijuana seized as evidence by a law enforcement agency. The law enforcement agency may, without prior approval of the district court in the county in which the defendant is charged, destroy any amount of the alleged substance that exceeds ten pounds. The law enforcement agency is required to weigh the substance, take and retain certain samples of the substance for evidentiary purposes, and take photographs that reasonably demonstrate the total amount of the substance. If the substance is determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed.

Roll call on Assembly Bill No. 371:

YEAS—30.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Fiore, Flores, Kirkpatrick, Neal, Ohrenschall, Shelton, Spiegel, Thompson—12.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblymen Dooling, Araujo, Elliot Anderson, Swank, Shelton, Edwards, Hansen, Nelson, Seaman, Benitez-Thompson, Fiore, Hickey, and Armstrong.

ASSEMBLYWOMAN DOOLING:

Assembly Bill 375 requires that any school facility in a public school, including a restroom, locker room, or shower that is designated for use by persons of one biological sex, must only be used by persons of that biological sex, as determined at birth. For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school is required to provide the best available accommodation that meets the needs of the pupil, but such accommodation must not include access to a school restroom, locker room, or shower designated for use by persons whose biological sex is different from the pupil's biological sex. Such accommodation may include, without limitation, access to a single-stall restroom, access to a unisex restroom, or controlled use of a faculty restroom, locker room, or shower. This bill will bring privacy and safety for all children.

ASSEMBLYMAN ARAUJO:

I rise in strong opposition to Assembly Bill 375. Simply put, Assembly Bill 375 promotes segregation, discrimination, and bullying in our schools. This bill could potentially place a target on and dehumanize some of our most vulnerable children, including our transgender children.

Yesterday I received a letter from a parent of a six-year-old girl who attends an elementary school here in our home state of Nevada. Before local-level policies were put in place, this beautiful, young transgender girl was forced to use a toilet in the back of a storage closet of her school, with a mop and bucket and disheveled PE [physical education] equipment. Once local decisions were made and nondiscriminatory policies on restrooms were adopted, this little Nevadan was able to use the girls' restroom and absolutely blossomed. A child who did not want to go to school, who did not drink liquids to try to avoid using the restroom during the day—remind you, she is six years old—now wakes up early, gets dressed, and is ready to go to school. What parent does not want a happy, confident child who feels safe and welcome at school? If this bill passes, I am afraid we will not have success stories like this little Nevadan's any longer. Instead, we will be putting our children in harm's way. Mr. Speaker, with a heavy heart, I urge this body to please vote no. This bill is bad for our children, it is bad for our families, and it is bad for our state.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 375. This bill is a bad bill from a legal standpoint. This bill will put school districts between a rock and a hard place with federal guidelines that run contrary to our proposed bill. If this bill is passed at the state level, schools are going to be out of compliance one way or the other. The Ninth Circuit has permitted a sex discrimination claim for sex stereotyping. Other cases nationally that hold minority viewpoints on this issue will not apply in the Ninth Circuit with much muster. Additionally, the court will look persuasively on Title VII jurisprudence which states "because of sex" can apply to transgender individuals. That is very persuasive to the Ninth Circuit because it is their own jurisprudence.

At the end of the day, Mr. Speaker, this bill is a bill in search of a solution to a nonexistent state problem. It will be litigated, and it will cost the state money in addition to causing irreparable harm to children in our state. I strongly urge this body to vote no.

ASSEMBLYWOMAN SWANK:

I rise in strong opposition to Assembly Bill 375. This bill will segregate transgender and gender nonconforming kids to separate bathrooms and locker rooms and would promote discrimination and allow bullying in our schools. This bill flies in the face of everything this Legislature should stand for. It harkens back to a time when telling people they were different was accepted. I do not take this lightly when I say it, but this bill is just plain wrong. This bill would not promote equality or fairness, as the bill's sponsors purport, but would instead ostracize children. We all know childhood is difficult enough; we do not need to make it harder. If this bill passes, children across this state will be singled out and made a target for bullying.

I am not sure if you know this, but the suicide rate in the transgender community is over 40 percent. Many of these kids self-harm, and they drop out of school without any support. We need to change these statistics, not further them. To be honest, state-sanctioned bullying and ostracizing should not be an issue in front of this body. Rather, this is something that needs to be handled in the local school districts. Everyone needs bathroom access, and everyone should be able to choose the restroom that corresponds to their own gender identity. I cannot urge this body strongly enough to not support this bill. These are our kids. We need to take care of them. We do not need to be marginalizing them.

ASSEMBLYWOMAN SHELTON:

I rise in support of Assembly Bill 375. While there has been a lot of controversy about A.B. 375, this bill is protecting the rights of all the students, while also respecting everyone's privacy and I urge this body to vote yes.

ASSEMBLYMAN EDWARDS:

I rise for a couple of clarifications from the sponsors of the bill. I am very sensitive to the privacy needs of all the children, especially the younger ones who are just young and innocent. It is indeed one of our imperatives. I am also very sensitive to the fact that most of the people in my district are also sensitive to the needs of the children. I fully support them in that. Being on Ways and Means has made me a whole lot more sensitive to the costs involved with everything we do, so I would greatly appreciate if the sponsors of this bill could answer a couple of questions.

As I look at section 1, it talks about "Any school facility in a public school, including, without limitation . . . " and so on. Then it talks about public schools "shall provide separate, private areas designated for use by pupils based on their biological sex." Having gone through contracting, I know that when you say "shall," it means you do not have a choice and you must do it. Therefore, I need to know what is the cost that we are about to incur. We have 450-odd school facilities in this state. We just passed a huge bonding bill to build another hundred. I need the sponsors of this bill to explain in some reasonable fashion what will the renovation costs be for the schools that are currently here, and what will the redesign financial impact be to the schools that we are about to build. As I look around my district where they are still struggling to get textbooks, feed kids, and a whole array of other needs, I need to know what the trade-off is here. In the 460 schools we currently have and the hundred we are about to have, I believe that is in the tens of millions of dollars. I need to make sure that we are doing this smartly with our eyes wide open. I would appreciate an answer to that question.

I also would like to know, given the fact that I have rural communities in my district, how will this affect the rural communities? How will it impact their schools? What if we do not build this fast enough and people decide that we are violating the part of the law that says "shall" build, and they say it is not being built fast enough? Do we risk enormous lawsuits in rural communities that simply do not have the funding to fight them? And then what does that do to them as they try to get the textbooks, the chairs, or anything else that they have desperately been needing for a while?

The final point that I would like to make is kind of looking out for those of you who are the tax pledge signers. Being on Ways and Means, it occurs to me that there is no money in the budget for this bill. Therefore, we are going to have to raise taxes somewhere. I do not want you to become the targets of a ruthless blogger who will not be pleased to know that you are breaking your tax pledge. I think you need to go into that with eyes wide open, because he will not forget and neither will you.

If the sponsors would kindly advise us as to the answers to these questions, I would greatly appreciate it.

ASSEMBLYMAN HANSEN:

First of all, the biggest issue for the locals, since I represent seven different counties, is the fact that if these counties do not change and adapt—in other words, if they keep their traditional ways—they have already been threatened with a lawsuit by the American Civil Liberties Union [ACLU]. I have been in constant communication with the Attorney General regarding this bill. He has made it very clear that he would like to have the opportunity. My counties, as you point out, could not afford to fight a lawsuit. Therefore, they are going to be blackmailed into these sorts of arrangements by threats from the ACLU. The money that they would save in those lawsuits could be used, if they wanted to, but the reality is this is a tiny, tiny, tiny portion of people that we are talking about. The existing facilities can certainly be used. So the idea that this is going to be some big, backbreaking financial burden just does not hold up.

Secondly, we had the most experienced constitutional lawyer in the Legislative Counsel Bureau [LCB] show up at our hearing and he made it clear to the entire committee that this bill is completely 100 percent constitutional. The issue of "shall" as far as fiscal—it went through fiscal as well—there is no fiscal cost. This is simply an opportunity for the state to help defend the smaller counties by bringing them in to the protection of the Attorney General of the State of Nevada.

ASSEMBLYMAN EDWARDS:

This will be very quick. I appreciate your input. I am still looking for a dollar number, some kind of an estimate, because insignificant is irrelevant. I need to know a dollar figure. Having worked overseas building entire camps, I know that the cost of these things is oftentimes much more than expected. By my estimates, we are looking at tens of millions of dollars. If that is the case, we can still afford it, but we need to go forward knowing that it is going to cost a lot of money and we are going to have to be able to explain that to all of our constituents.

ASSEMBLYMAN NELSON:

In response to my colleague's question, as I read the bill, it does not say anything about build. I do not see the word "build" in there. What it says is, "For any pupil who asserts at school a gender that is different than the pupil's biological sex, a public school shall provide the best available accommodation that meets the needs of the pupil . . .." It says they "shall provide"; it does not say they have to build a new wing to the school. And it says, "Such accommodation may include . . ." and then it gives some examples. It does not say they have to fall into a certain category.

With respect to my other colleague's comments about the constitutionality of the bill, there is a 1981 U.S. Supreme Court case which states that it is proper, in certain circumstances, to provide for different accommodations based on gender, such as was just done in the White House. A unisex bathroom was just put in the White House, and it was big news. If our school districts decide they want to do that, they can make that decision.

ASSEMBLYWOMAN SEAMAN:

I want to thank my colleague from District 41 for bringing forth this bill to accommodate all children so that they will have privacy. Hopefully, with everyone able to have privacy, this could prevent these vulnerable children from being bullied.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I want to point out that while we have been in this Chamber this session, we have been told time and time again by the majority party that small government is better government. The less intrusive our government is in our daily lives, the better government we have. Many people in this building campaigned on that, yet I can think of no more of an intrusive bill, no more of a bill that flies in the face of the theory of small government, than this bill. Regulating bathroom use? Such regulation is the exact opposite of efficient government, meaningful government, good public policy. It is the exact opposite of small government. I do not think this is the type of policy that is indicative of the spirit of Nevadans or us as Nevadans, and I stand opposed.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 375. This is a bill that we have discussed for many, many hours. This is a bill that is truly about fairness for all children. I will tell you: knowing our school elected officials and knowing our school administration, this bill is not going to affect the little Ms. Nevadans that my Assembly colleague from the south talked about, because I truly believe that certain schools, with certain children who are living their lives as a specific gender, will not be harmed. I rise in support of this bill. I think that it has a long way to go, but I want to make sure—as a Republican, I am pro LGBT [lesbian, gay, bisexual, and transgender], raised by lesbian women. This bill is not what people are making it out to be. This bill is truly fairness and freedom for all of our students.

ASSEMBLYMAN HICKEY:

I rise reluctantly in opposition to Assembly Bill 375. Many of us in this body have stood against discrimination for decades. I am one of them. However, I believe the American public has grown tired of political, social, and now gender identity labels that further divide us as a state and as a country. My vote against this bill today is not so much in opposition to yet another state statute, although I do agree this is an issue best left to our local school districts and the families that are connected to them. I believe this is a uniquely American declaration that we should support: that all men and women are created equal and should be treated that way. I would like to think my vote today represents the thousands of Nevadans who do not have to be told what is wrong and what is right—that it is wrong to hate and discriminate against each other—and who do not believe it is necessary to create yet another state law reminding us of what divides us as a state and as a country. For that reason, I will not be voting in favor of this bill.

ASSEMBLYMAN ARMSTRONG:

I rise briefly to discuss the difficulty I have had in dealing with this measure. Assembly Bill 375 is a great example of how difficult this job can be sometimes. People think that everything we do is black and white. When we decide to press the green button or the red button in this body, we support that decision 100 percent, and that is simply not the case. Some of our votes are 60-40, 72-25, or somewhere in between. I have heard from both sides on this measure, and I feel this issue can be best handled at the local level. Like my colleague from District 25, I feel my no vote is the best way to serve the people of Nevada.

Roll call on Assembly Bill No. 375:

YEAS—20.

NAYS—Elliot Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hickey, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge, Woodbury—22.

Assembly Bill No. 375 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 377.
Bill read third time.
Remarks by Assemblymen O'Neill and Swank.

ASSEMBLYMAN O'NEILL:

Assembly Bill 377 requires the State Land Registrar, upon notice from the Department of Corrections that operational activities at the Nevada State Prison in Carson City have ceased, to assign structures appropriate for administration as historical, cultural, educational, and scientific resources to the appropriate state agency and to assign the structures appropriate for continued administration by the Department of Corrections to the Silver State Industries Division within the Department. The bill creates three funds and sets forth their allowable uses and responsibilities for administration. Those funds are as follows: (1) the Endowment Fund for the Historic Preservation of the Nevada State Prison; (2) the Silver State Industries Endowment Fund; and (3) a dedicated trust fund established by the Board of Museums and History. Finally, the bill allows the Department of Corrections, and any other state agency that is assigned administration of historic properties within the prison, to grant special use permits to, or enter into agreements with, the Nevada State Prison Preservation Society for the purpose of giving tours or engaging in other commercial and tourist activities relating to the historic portions of the prison.

As most of you already know, the Nevada State Prison was closed as a maximum security prison in 2012. In the last session, my predecessor, good friend, and our former colleague Pete Livermore, along with colleagues from across the aisle, brought forth Assembly Bill 356 to establish the preservation of this state prison, which had over 150 years of service. This is a continuation, and I seek your approval for it.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Bill 377. A little homage to our former colleague, Pete Livermore, who sat here next to me last session. He became a very dear friend, and he and I worked together on this bill to save parts of and reuse the Nevada State Prison. It is something that was important to him and to his family and something that, through Pete, I learned a lot about. I urge your support.

Roll call on Assembly Bill No. 377:
YEAS—42.
NAYS—None.
Assembly Bill No. 377 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 383.
Bill read third time.
Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Assembly Bill 383 authorizes the Department of Motor Vehicles (DMV) to issue a Nevada driver's license to an applicant who has a valid driver's license from a country that has requirements for the issuance of drivers' licenses comparable to this state. The bill also authorizes the Director of the DMV to enter into reciprocal agreements with the appropriate officials of other countries.

Finally, A.B. 383 requires the Director of the DMV, in recognition of the 30th anniversary of the sister-state relationship between Nevada and the Republic of China, Taiwan, to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to residents of Nevada who reside in the Republic of China, Taiwan, and Taiwanese citizens who reside in Nevada. The effective date of the bill is upon passage and approval.

Roll call on Assembly Bill No. 383:

YEAS—42.

NAYS—None.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 385 makes various changes related to tow cars. The bill prohibits a tow car operator from towing a vehicle to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle, unless the owner or operator of the vehicle directs the tow car operator to tow the vehicle to a location that is not a vehicle storage lot.

This bill further requires the operator of a tow car to retain any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for the vehicle and provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

Roll call on Assembly Bill No. 385:

YEAS—42.

NAYS—None.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblymen Fiore and Edwards.

ASSEMBLYWOMAN FIORE:

Assembly Bill 404 establishes a procedure for a person who is applying to transfer or make a firearm to request and obtain the required certification from a chief law enforcement officer. The measure requires that the chief law enforcement officer, within 15 days of receiving an application, provide the certification and, if unable to provide the certification, then provide the applicant written notification of the denial. If denied, an applicant may appeal the decision. The chief law enforcement officer is authorized to conduct a background check as part of determining whether to provide or deny certification.

This bill also provides that a person may continue to carry a concealed firearm in this state if, within 60 days after becoming a resident, the person has submitted an application to the sheriff for a permit to carry a concealed firearm. The person may continue to carry a concealed firearm pursuant to the permit issued by another state until the sheriff grants or denies the application. Evidence that the person has paid the application fee for a permit is sufficient proof that the person has submitted an application for a permit.

ASSEMBLYMAN EDWARDS:

I rise for a clarification on this. I notice that there is a 15-day requirement for the law enforcement to respond. I would like to know how this is going to impact the rurals, since a lot of the rurals do not have a lot of law enforcement officers to go around to do paperwork. Could you somehow quantify this for us so that we know what we are voting for, what kind of a burden we might be placing on our people, and if this is going to be good for the rurals or not?

ASSEMBLYWOMAN FIORE:

I would love to clarify that for my colleague in Assembly District 19. Our Sheriffs' and Chiefs' Association does not seem to have an issue with this, and I do not think it is going to create any issues in the rurals. I have gotten all their support on this bill. I urge the body to support and vote for this bill.

Roll call on Assembly Bill No. 404:

YEAS—35.

NAYS—Benitez-Thompson, Carlton, Diaz, Edwards, Joiner, Sprinkle, Swank—7.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 408 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 421 creates the Spending and Government Efficiency Commission for public education and for the Nevada System of Higher Education. Without elaborating any further, this is a copy of the original Spending and Government Efficiency Commission. Some of you got to hear General Partlow, who was the Executive Secretary for this effort, testify. This has saved the state tens of millions—if not hundreds of millions—of dollars. A simple example of that is what our own colleague has been working on so aggressively on the sunset committees. That all came through this kind of a bill, so I would urge my colleagues to support Assembly Bill 421 to improve government efficiency and do all we can to make things the way they should be.

Roll call on Assembly Bill No. 421:

YEAS—35.

NAYS—Benitez-Thompson, Diaz, Edwards, Hickey, Joiner, Kirner, Munford—7.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblymen Gardner, Ohrenschall, and Moore.

ASSEMBLYMAN GARDNER:

Assembly Bill 433 provides that the interception, listening, or recording of a wire, electronic, or oral communication by a peace officer or certain other persons is not unlawful under certain circumstances. Specifically, it provides that these activities by a peace officer or certain other persons are not unlawful if they are intercepting the communication of a person who has barricaded himself or herself, resulting in an imminent risk of harm to the life of another person; created a hostage situation; or threatened the imminent illegal use of an explosive. The measure

authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication. The bill authorizes district courts of this state to issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General supported by an affidavit of a peace officer as provided by federal law.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 433. I have concerns that this could be abused. The question of not obeying an officer's request or what qualifies as a dangerous situation really needs to go to a member of our judiciary. That is why we have the separation of powers. In my normal nine-to-five job, I certainly have seen warrants that are signed at 3 a.m. by members of the court. If it is their week, that is their job—to be up, be available, be ready to sign a warrant if there is a circumstance that needs it. I do have concerns about this bill.

ASSEMBLYMAN MOORE:

I rise in opposition to the bill. I see it as yet another strong incursion into our private lives. Therefore, I cannot support this at all.

Roll call on Assembly Bill No. 433:

YEAS—17.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dooling, Edwards, Ellison, Fiore, Flores, Hickey, Joiner, Kirkpatrick, Kirner, Moore, Munford, Neal, Ohrenschall, Shelton, Silberkraus, Spiegel, Sprinkle, Swank, Thompson—25.

Assembly Bill No. 433 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 454 limits the current requirement that manufactured home park managers and assistant managers complete certain continuing education to those involved in the management of a park consisting of six or more lots.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblymen Shelton, Ohrenschall, and Stewart.

ASSEMBLYWOMAN SHELTON:

Assembly Bill 461 provides that in any preelection action, if a court finds a candidate for any elective office fails to meet any qualification of that office, the person is disqualified. The court may order the individual to pay court costs and attorney's fees.

A candidate who knowingly and willfully files a declaration of candidacy that contains a false statement is guilty of a category E felony. The definition of "actual residence" is revised to mean the place of permanent habitation where a person actually resides and is legally domiciled.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Assembly Bill 461. We need tough election laws and we cannot tolerate dishonesty when it comes to voting or the people who file for office. However, during the hearing on this bill in your Committee on Legislative Operations and Elections, I asked a question of the representative from our Secretary of State's Office. I asked how many prosecutions there had been for filing false statements on candidate affidavits and whether the current penalty, a gross misdemeanor which is punishable by up to 12 months at the county jail, was sufficient. The answer was zero. There have been zero prosecutions. When an Executive Branch agency comes to the Legislature and makes an argument that a penalty is not working, is not dissuading people from committing a crime and we need to enhance the penalty, then I can see that we should look at that. But when there have been zero prosecutions with a penalty of up to 12 months in jail, I am really concerned about whether this is the way to go. I think we need to see the laws that we have on the books enforced before we look to creating new felony crimes, especially nonviolent ones.

ASSEMBLYMAN STEWART:

I appreciate the comments of my colleague from District 12, but I think we need to ensure, by making penalties stiff enough, that people who represent a district actually live in that district. I do not think this bill is unreasonable.

Roll call on Assembly Bill No. 461:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:57 p.m.

ASSEMBLY IN SESSION

At 7:12 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 91.

Bill read third time.

The following amendment was proposed by Assemblymen Moore and Kirkpatrick:

Amendment No. 636.

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to conduct the examination required before a person is admitted to a mental health facility on an emergency basis; expanding the list of persons authorized to complete certain certificates concerning the mental

condition of another; **requiring notification of certain persons if a person is transported to a mental health facility, hospital or other place for the purposes of emergency admission or if a petition for an involuntary court-ordered admission is filed; requiring certain providers of treatment to report the number of emergency and involuntary admissions, categorized by profession, to the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) **Section 1.5** of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

Existing law requires a person to be examined by a physician, physician assistant or advanced practice registered nurse before being admitted to a mental health facility on an emergency basis. (NRS 433A.165) **Section 1.6** of this bill authorizes a paramedic to conduct such an examination.

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of the mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) **Sections 1, 1.7, 2, 3 and 4** of this bill authorize a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. **Sections 4.2 and 4.7** of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.

Existing law requires the administrative officer of a public or private mental health facility to give notice to the spouse or legal guardian of a person who is admitted to the facility under emergency admission within 24 hours after such admission. Sections 1.9 and 4 of this bill require the notification of a family member or other person with a legitimate interest in a person, if any, alleged to be a person with mental illness if: (1) the person is transported to a mental health facility, hospital or other place for purposes of an emergency admission; or (2) a petition is filed for the involuntary-court ordered admission of the person to a mental health facility or a program of community-based or outpatient services. This requirement does not apply if the application for emergency admission or involuntary court-ordered admission was filed by the spouse, legal guardian or adult child of the person.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with a mental illness. (NRS 433A.197) **Section 3** also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) **Section 4** further authorizes a physician assistant to file such a petition.

Sections 1.5 and 4.1 of this bill require each mental health facility, hospital. program of community-based or outpatient services and other provider of treatment to which a person with mental illness is involuntarily admitted to report to the Legislative Commission the number of emergency and involuntary admissions the facility, hospital, program or other provider of treatment receives each year, categorized by the profession of the person who signed the application or petition. Existing law requires any provision that adds or revises a requirement to submit a report to the Legislature to: (1) expire by limitation after 5 years; or (2) contain a statement by the Legislature setting forth the justification for continuing the requirement for more than 5 years. (NRS 218D.380) To comply with this requirement, section 5 of this bill provides for the expiration by limitation after 5 years of the requirement that such facilities, programs and providers report the number of emergency and involuntary admissions received each year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 1.5. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. ***On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.***

6. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take

into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.55. **NRS 433A.160 is hereby amended to read as follows:**

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the agent, officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.

➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. ~~[On or before February 1 of each year, each public or private mental health facility and hospital shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility or hospital on an emergency basis pursuant to this section during the previous calendar year, categorized by the profession of the person who signed the application for the emergency admission pursuant to subsection 1.~~

~~6.]~~ As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.6. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS ***,*** ~~[or]~~ an advanced practice registered nurse licensed pursuant to NRS 632.237 ***or a paramedic certified pursuant to chapter 450B of NRS*** at any location where such a physician, physician assistant ***,*** ~~[or]~~ advanced practice registered nurse ***or paramedic*** is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician, physician assistant **,** ~~[or]~~ advanced practice registered nurse ***or paramedic*** who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses ***, paramedics*** or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 ~~[Except as otherwise provided in this section, the]~~ ***The*** administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist or a licensed psychologist ***, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]~~ The certificate required by this section may be obtained from a ~~[psychiatrist,]~~ licensed psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 1.9. **NRS 433A.190 is hereby amended to read as follows:**

433A.190 ~~[Within 24 hours of a person's admission under]~~ ***Except as otherwise provided in this section, if a person is transported to a public or private mental health facility, hospital or other place for the purpose of seeking an*** emergency admission ~~[,]~~ ***to a public or private mental health facility,*** the administrative officer of ~~[a public or private mental health]~~ ***the*** facility ***, hospital or other place shall, as soon as possible but in no case later than 24 hours after the person arrives at the facility, hospital or other place,*** give notice of such admission in person, by telephone or facsimile and by

certified mail to the spouse ~~[or]~~ ***, adult child or*** legal guardian of that person ~~[.]~~ ***or, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application for the emergency admission of the person was filed by the spouse, adult child or legal guardian of the person.***

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital ***, a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist ***,*** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is related by blood or marriage within the ~~[first]~~ ***second*** degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ~~[.]~~ ***, physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department.*** The certificate authorized pursuant to NRS 433A.195 must ~~[set forth]~~ ***describe*** in detail the facts and reasons on which the examining physician ***, physician assistant, psychologist, clinical social worker, advanced practice registered***

nurse or accredited agent of the Department based his or her opinions and conclusions.

Sec. 4. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, ***physician assistant,*** psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or ***a*** licensed psychologist ***, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. Except as otherwise provided in this subsection, as soon as possible after a petition is filed pursuant to subsection 1, but in no case later than 24 hours after the petition is filed, the clerk of the court with which the petition

is filed shall give notice of the petition in person, by telephone or facsimile and by certified mail to the spouse, adult child or legal guardian of the person alleged to be a person with mental illness or, if a spouse, adult child or legal guardian is unavailable, to another person who has a legitimate interest in the person, if any. The provisions of this subsection do not apply if the application was filed by the spouse, adult child or legal guardian of the person alleged to be a person with mental illness.

Sec. 4.1. **NRS 433A.310 is hereby amended to read as follows:**

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek

treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. ***On or before February 1 of each year, each public or private mental health facility and program of community-based or outpatient services and any other provider of treatment to which a person is admitted pursuant to this section shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report which must include, without limitation, the number of persons admitted to the facility, program or other treatment by a court pursuant to this section during the previous calendar year, categorized by the relationship of the person who signed the petition for involuntary admission pursuant to subsection 1 of***

NRS 433A.200, to the person admitted, including family, guardian or specific profession.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter

relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~[such]~~ ***:***

1. Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~[.]~~ ***; and***

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

Sec. 5. 1. This **section and sections 1, 1.5, 1.6 to 4, inclusive, 4.2 and 4.7 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 1.55 of this act becomes effective on February 2, 2020.

3. Section 4.1 of this act expires by limitation on February 1, 2020.

Assemblyman Moore moved the adoption of the amendment.

Remarks by Assemblymen Moore and Kirkpatrick.

ASSEMBLYMAN MOORE:

Amendment 636 requires notification of a family member or, if there is not a family member available, a person with a legitimate interest if a person is being transported to a facility for an emergency admission. It also requires notification to such persons if a petition has been filed for an involuntary admission. In both of these cases, the notice must be given as soon as possible but no later than 24 hours after either arrival at the facility or the filing of the petition, as the case may be. It also clarifies that notification is not needed if the application for an emergency or involuntary admission was made by the spouse, legal guardian, or adult child of the patient.

Finally, the amendment requires each public or private facility receiving emergency or involuntary admissions to file an annual report with the Legislative Counsel Bureau detailing the number of persons admitted and including information regarding the category of persons who signed the application for emergency admission or who filed the petition for an involuntary admission.

I would like to thank my colleague from District 1 for working with me on this amendment so we can advance this bill and get it going. I still do not agree with the bill, but this is the best agreement that we came to.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Amendment 636 to Assembly Bill 91. The amendment allows for a reporting mechanism per profession so that we can see who is involved in the process. The report will go to the legislators so they can have it on a regular basis. I gave my word to my colleague from Assembly District 8. I do follow legislation all the way through the process, and I hope that this Chamber adopts the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Assembly Bill 114 is a judgement for restitution order by a court. Currently, we have amended that to expire after ten years. The judgement would be at the current date of ten years. It would also allow collection of actions which may be initiated at this time.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 239 regulates the operators of unmanned aerial vehicles [UAVs] and provides certain criminal and civil penalties for the unlawful operation or use of a UAV in this state. The bill authorizes a person who owns or lawfully occupies real property in the state to bring an action for trespass against the owner or operator of a UAV that is flown at a height of less than 250 feet over the property under certain circumstances. The measure establishes the circumstances under which a law enforcement agency may operate a UAV in this state. A law enforcement agency is prohibited from operating a UAV for the purpose of gathering evidence or other information within the curtilage of a residence or any other location upon the property in the state at which a person has reasonable expectation of privacy, unless a warrant is first obtained.

The hour is late, so I promise not to drone on. The bill before you balances privacy rights, our physical security, and our economic security. The Nevada Homeowner Privacy Protection Act will keep Nevadans secure in their homes while allowing law enforcement to keep us safe. The act will ensure that we do not hurt our burgeoning unmanned aerial vehicle industry, while setting clear rules for that industry. Finally, the act will protect critical infrastructure in our state while allowing for hobbyist and private use.

I have worked with many parties to get to the version of A.B. 239 you see today—the law enforcement representatives of our state, including Las Vegas Metro, the Washoe County Sheriff's Office, and the Nevada Sheriffs' and Chiefs' Association. They support this measure. I have worked with them since August of last year to build consensus. I have also worked with industry representatives to make it easier for businesses to comply with this act. Most notably, I worked very diligently with the Governor's Office of Economic Development throughout this process. The Governor's Office of Economic Development now supports the current version of this bill as amended. Finally, I am proud to report that your Committee on Judiciary passed Assembly Bill 239 unanimously.

Justice Alito said it best: Modern forms of technology "are making it easier and easier for both government and private entities to amass a wealth of information about the lives of ordinary Americans . . . In light of these developments, it would be very unfortunate if privacy protection in the 21st century were left primarily to the federal courts using the blunt instrument of the Fourth Amendment. Legislatures, elected by the people, are in a better position than we are to assess and respond to the changes that have already occurred and those that almost certainly will take place in the future." I would appreciate your support.

Roll call on Assembly Bill No. 239:

YEAS—42.

NAYS—None.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblymen Flores and Seaman.

ASSEMBLYMAN FLORES:

Assembly Bill 386 creates and defines the crimes and associated penalties for "housebreaking," "unlawful occupancy," and "unlawful reentry." The measure addresses summary procedures to obtain possession of real property by revising the definitions of "forcible entry" and "forcible detainer" and setting forth the procedure for giving notice of surrender in such situations; establishing the procedure for recovering possession in a forcible entry or forcible detainer action; allowing treble damages and repealing a related damages statute; modifying requirements for notice of proceedings to obtain possession and for notice served upon tenants in an unlawful detainer action; eliminating the need for a witness if service is made by a sheriff, constable, or licensed process server and revising the proof of service that must be filed with the court; establishing procedures for locking out occupants and retaking possession of property in cases involving housebreaking or unlawful occupancy along with procedures for recovery of possession by an occupant who has been locked out; and clarifying the types of property and dwellings subject to unlawful detainer actions after failure to perform lease conditions.

This is the squatter bill. Throughout the state, we have had a huge issue with individuals who are not entitled to homes moving in and creating a nightmare for our law enforcement. Presently, there is nothing in statute which allows law enforcement to kick them out. Everything in statute has a landlord-tenant relationship. The issue now is that a squatter is not a tenant and because that is a technical term of art, they cannot use tenant NRS [*Nevada Revised Statutes*] code against squatters. It is imperative that we support this bill. Everyone who came to the table as a stakeholder has agreed that this is the best version to address this issue. I urge your support.

ASSEMBLYWOMAN SEAMAN:

I also rise in support of Assembly Bill 386, and I urge all my colleagues on the right to support this bipartisan bill that will help to rid us of the problem of the squatters in all of our communities. I am asking all of you to support this bill.

Roll call on Assembly Bill No. 386:

YEAS—42.

NAYS—None.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 85 makes various changes to statutes governing the operation of the Board of Examiners for Alcohol, Drug and Gambling Counselors and the professions it regulates. Assembly Bill 85 recognizes a new profession to be certified by the Board of Examiners for Alcohol, Drug and Gambling Counselors, called a "certified peer support specialist," and outlines the qualifications and scope of practice for the profession.

Roll call on Assembly Bill No. 85:

YEAS—33.

NAYS—Dickman, Dooling, Fiore, Gardner, Jones, Moore, Shelton, Titus, Wheeler—9.

Assembly Bill No. 85 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 576.

AN ACT relating to unlawful acts; prohibiting a person from engaging in certain acts against a business; prohibiting certain activities while engaged in picketing; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill prohibits a person from committing certain acts with the intent to coerce or intimidate a business. **Section 3** of this bill prohibits a person from intentionally or recklessly destroying, marking or damaging the property or merchandise owned by or in the control of a business. **Section 4.5** of this bill prescribes certain civil remedies that may be available for a violation of **section 2 or 3**.

Section 9.7 of this bill repeals provisions of existing law which provide that it is unlawful, in the context of certain labor-related disputes, to engage in certain activities while picketing. (NRS 614.160) **Section 9.3** of this bill reenacts provisions of general applicability which prohibit certain activities while picketing, without regard to the purpose for which a person is engaged in picketing. **Section 9.3** provides that it is unlawful for a person, while picketing, to: (1) picket on private property without consent or a court order; (2) narrow, block, or otherwise obstruct the ingress or egress to public or private property or obstruct any public or private roadway so as to prevent the safe passage of vehicles; (3) knowingly threaten, assault or touch a person entering or leaving any public or private property, or to use language or words threatening to do immediate physical harm to a person or the property of a person or to incite fear of immediate physical harm to a person; or (4) knowingly spread, drop, throw or disperse certain sharp objects in the entrances to or exits from any public or private property. A violation of **section 9.3** is a misdemeanor, and a person may petition a court to enjoin ongoing activity that is a violation of that section. A person who files a petition to enjoin such activity is entitled to a rebuttable presumption of irreparable harm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***A person shall not damage, injure, harm, threaten or maliciously disrupt the lawful activities of any business or any employee or representative of that business with the intent to coerce or intimidate that business.***

Sec. 3. ***A person shall not intentionally or recklessly destroy, mark or damage the property or merchandise owned by or in the control of any business.***

Sec. 4. ***The provisions of sections 2 and 3 of this act are not intended to infringe upon or impede any lawful exercise of rights provided by the First Amendment to the United States Constitution, including, without limitation, lawful picketing conducted in accordance with the provisions of section 9.3 of this act.***

Sec. 4.5. ***1. A business or the owner of a business may bring a civil action against a person for an alleged violation of*** ~~***[section]***~~ ***:***

(a) Section 2 ~~***[or 3]***~~ ***of this act, and may recover:***

~~***[(a) Actual]***~~

(1) Statutory damages ~~***[,]***~~ ***in the amount of $2,500 or the amount of actual damages, whichever is greater; and***

~~***[(b)]***~~ ***(2) Attorney's fees and costs incurred in the action.***

(b) Section 3 of this act, and may recover:

(1) Actual damages; and

(2) Attorney's fees and costs incurred in the action.

2. A business or the owner of a business aggrieved by a violation of section 2 or 3 of this act may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of section 2 or 3 of this act.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.3. Chapter 203 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person:

(a) To picket on private property without the written permission of the owner or unless the person obtains an order from a court or agency of competent jurisdiction authorizing such activity, except that an employee may enter or leave his or her employer's property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property if such picket or picket line narrows or blocks the entrances or exits, or interferes with the ability of a person or vehicle to enter or leave the property;

(c) Knowingly to threaten, assault or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any

property, including, without limitation, any employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant of the property;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do immediate physical harm to a person or the property of the person or designed to incite fear of immediate physical harm in any person attempting to enter or leave any property;

(f) Knowingly to spread, drop, throw or disperse nails, tacks, staples, glass or other sharp objects in the entrances to or exits from any property;

(g) Intentionally to obstruct the ingress or egress of any property from any public or private place in such a manner as to not leave a free passageway for persons and vehicles lawfully seeking to enter or leave the public or private place; or

(h) Intentionally to obstruct any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. Each local government shall by ordinance adopt a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1, except that the local government shall not grant a variance:

(a) Specifically permitting the obstruction by picketing of any public or private roadway or the ingress or egress of any public or private place; or

(b) Permitting picketing if such activity would necessarily involve or require the obstruction of any public or private roadway or the ingress or egress of any public or private place.

3. A person who violates this section is guilty of a misdemeanor.

4. A person aggrieved by a violation of this section may petition a court of competent jurisdiction to enjoin any ongoing activity that is alleged to be a violation of this section. A person who files a petition to enjoin any activity that is alleged to be a violation of this section is entitled to a rebuttable presumption of irreparable harm.

5. The provisions of subsections 3 and 4 do not preclude any additional civil action or criminal prosecution based upon acts which are otherwise prohibited by law.

6. Nothing in this section shall be deemed to alter, modify, amend or conflict with any provision of federal law, including, without limitation, the National Labor Relations Act, 29 U.S.C. §§ 151 et seq., or the Labor Management Relations Act, 29 U.S.C. §§ 401 et seq.

7. As used in this section, "picket" or "picketing" means the stationing of a person or persons at any location or area for the purpose of engaging in a demonstration or protest.

Sec. 9.5. NRS 449.760 is hereby amended to read as follows:

449.760 1. Except as otherwise provided in this section, a person shall not intentionally prevent another person from entering or exiting the office of

a physician, a health facility, a nonprofit health facility, a public health center, a medical facility or a facility for the dependent by physically:

(a) Detaining the other person; or

(b) Obstructing, impeding or hindering the other person's movement.

2. The provisions of subsection 1 are inapplicable to:

(a) An officer, employee or agent of the physician, health facility, nonprofit health facility, public health center, medical facility or facility for the dependent; or

(b) A peace officer as defined in NRS 169.125,

➥ while acting within the course and scope of his or her duties or employment.

3. The provisions of subsection 1 do not prohibit a person from maintaining a picket during a strike or work stoppage in compliance with the provisions of ~~[~~NRS 614.160,~~]~~ ***section 9.3 of this act*** or from engaging in any constitutionally protected exercise of free speech.

4. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, or by imprisonment in the county jail for not more than 3 months, or by both fine and imprisonment.

5. As used in this section, the terms "health facility," "nonprofit health facility" and "public health center" have the meanings ascribed to them in NRS 449.260.

Sec. 9.7. NRS 641.160 is hereby repealed.

Sec. 10. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

614.160 Picketing: Unlawful acts; acceptable acts; local variance; penalty.

1. During the pendency of a strike, work stoppage or other dispute, it is unlawful for any person:

(a) To picket on private property without the written permission of the owner or pursuant to an order from a federal court or agency of competent jurisdiction, even if the private property is open to the public as invitees for business, except that an employee may enter or leave his or her employer's property in the course of his or her employment or for the purpose of receiving payment for services performed;

(b) To maintain any picket or picket line, individually or as part of a group, in front of or across entrances to or exits from any property, except that the following numbers of pickets may be maintained across entrances or exits if the pickets do not narrow or block the entrances or exits or delay, impede or interfere with the ability of persons or vehicles to enter or leave the property:

(1) Two pickets at pedestrian entrances and exits;

(2) Two pickets at driveway entrances and exits 20 feet or less in width; and

(3) Six pickets at driveway entrances and exits more than 20 feet in width;

(c) Knowingly to threaten, molest, assault, or in any manner physically touch the person, clothing or vehicle of any person attempting to enter or leave any property, including employees, agents, contractors, representatives, guests, customers or others doing or attempting to do business with the owner or occupant;

(d) Intentionally to operate a motor vehicle so as to delay, impede or interfere with the ability of persons or vehicles to enter or leave any property;

(e) To use language or words threatening to do harm to a person or the property of the person or designed to incite fear in any person attempting to enter or leave any property; or

(f) Knowingly to spread, drop, throw or otherwise knowingly to disperse nails, tacks, staples, glass or other objects in the entrances to or exits from any property.

2. Any persons participating in a strike, work stoppage or other dispute may picket on the public sidewalks or other public areas between entrances and exits to any property if the pickets maintain a distance of 30 feet from each person or group of two persons to the next person or group and no more than two persons walk abreast.

3. Persons who picket any property may congregate in groups of 10 or fewer to confer with their captain at reasonable times or to obtain food and drink at reasonable times, but shall not so congregate within 30 feet of any entrance or exit.

4. Each county shall adopt by ordinance a procedure by which it may grant a variance from the provisions of paragraph (b) of subsection 1.

5. Any person who violates the prohibitions of this section or of a variance granted pursuant to subsection 4 is guilty of a misdemeanor. This section does not preclude civil action or additional criminal prosecution based upon acts which are prohibited by this section.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywomen Fiore and Carlton.

ASSEMBLYWOMAN FIORE:

Amendment 576 to Assembly Bill 356 basically changes the damages which may be recovered for a violation of section 2, relating to injuring or disrupting a business with the intent to intimidate the business, to statutory damages of $2,500 or the amount of actual damages, whichever is greater, along with attorney fees.

My colleague from Assembly District 14 had some questions on this, and Amendment 576 is the actual amendment.

ASSEMBLYWOMAN CARLTON:

In comparing the two amendments that were processed, the difference is the fine is going from $5,000 to $2,500—just to make sure the body is aware of that. It is still a $2,500 fine. The proponent of the amendment is shaking her head yes, so I will enter that into the record for her.

I rise in opposition to Amendment 576 to Assembly Bill 356. I shared this opposition in the committee. Here is the thing. I have the right to picket in front of my employer. It was given to me through the National Labor Relations Board. It is an economic sanction that is recognized across this country. What this bill is doing is basically criminalizing free speech. It does not only go after picketers. If you want to come after my labor friends—we have been doing it for God

knows how long—bring it on. We are fine with that. But you are not just going after my folks. You are going after anyone who wants to express their freedom of speech. Religious organizations and other civil groups out there will be limited in what they can do in front of certain businesses.

Now, maybe there were some problems on a picket line. Lord knows I have seen those things happen. We do not have to draft new legislation and take it out of the employee practice act and put it into the criminal statute. We will be criminalizing this. It will be considered a misdemeanor. You will go to jail for 364 days or you could be fined $2,500. This bill goes way too far in addressing what is perceived as a problem. You have some unruly picketers. You have some people who do not follow the rules. Let us know; we will take care of them. I was on a picket line for six years, four months, ten days. I know what it is like to stand next to these people when they are fighting for their rights, and to turn them into criminals is an atrocity.

Assemblywomen Carlton, Joiner, and Spiegel requested a roll call vote on motion to adopt Amendment No. 576 to Assembly Bill No. 356.

Roll call on motion.

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hickey, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 357.

Bill read third time.

Remarks by Assemblymen Fiore and Edwards.

ASSEMBLYWOMAN FIORE:

Assembly Bill 357 allows a person who is prohibited from owning, possessing, or having under his or her custody or control any firearm or who has had his or her civil rights to vote, to serve as a juror in a civil or criminal action, and to hold office taken away and has not had all such rights restored to petition for the restoration of rights under certain circumstances. The bill prohibits a person who is convicted of a domestic violence misdemeanor from owning, possessing, or having under their custody or control any firearm. The measure establishes the procedure by which a person may, after a certain applicable waiting period, petition the district court in the county where the person lives or where the person was convicted for the restoration of such rights. The criteria for eligibility for the restoration of rights is established. The court is required to issue an order restoring the petitioner's civil rights and the right to own, possess, and control any firearm under certain circumstances. A person whose right to own or have in his or her possession, or under his or her control, any firearm is required to carry a copy of the order restoring such a right. The bill authorizes a prosecuting attorney to inquire and inspect certain sealed records for the petitioner and use such records as evidence during a hearing on a petition to restore rights.

ASSEMBLYMAN EDWARDS:

I have a quick question for my colleague from District 4. I understand in the bill there is a seven-year time frame, and I am just curious if you could better explain what the purpose of seven years is versus either four, six, or nine.

ASSEMBLYWOMAN FIORE:

It is always such a pleasure to respond to my colleague in Assembly District 19. It is matching federal law, Mr. Assembly District 19.

Roll call on Assembly Bill No. 357:

YEAS—41.

NAYS—Edwards.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 362 authorizes a party in an action for divorce, separate maintenance, or annulment to file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree or judgment. A postjudgment motion as a result of fraud or a mistake must be filed within three years after the discovery. Lastly, in dividing the benefits from a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than six years after the installment payment.

Roll call on Assembly Bill No. 362:

YEAS—34.

NAYS—Armstrong, Dickman, Dooling, Ellison, Fiore, Kirner, Seaman, Shelton—8.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

The following amendment was proposed by Assemblywoman Shelton:

Amendment No. 642.

AN ACT relating to governmental administration; ~~[declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances;]~~ **enacting provisions governing the right to access and use public lands for certain purposes and the right to the beneficial use of any resources located on deeded property in this State; enacting provisions governing certain grazing rights; prohibiting the Federal Government from engaging in certain activities in this State; providing that certain land, water or other natural resources for which ownership is claimed by the Federal Government shall be deemed to be the common property of the residents of this State;** providing that sheriffs and their deputies are the primary law enforcement officers in ~~[the unincorporated areas of]~~ their respective counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) Section 11 of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private~~

~~property; (2) support for the members of the general public in this State to access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents.]~~ **Section 12.5 of this bill enacts certain provisions concerning rights to use land and prohibits the Federal Government from engaging in certain activities in this State. Specifically, section 12.5 provides that, notwithstanding any other provision of law to the contrary: (1) the right of the residents of this State to access and use public lands in this State for recreational use must not be infringed; (2) the right to the beneficial use of any resources located on deeded property in this State shall be deemed to be reserved to the owner of the property; and (3) a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for stock watering rights. In addition, section 12.5: (1) prohibits the Federal Government from enforcing any law or regulation in this State except on certain land; (2) prohibits the Federal Government and any governmental entity located outside this State from submitting an application for, owning or otherwise claiming stock watering rights on certain land; and (3) provides that certain land, water or other natural resources to which the Federal Government claims ownership shall be deemed to be the common property of the residents of this State which must be acquired and used in a certain manner.**

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090**_)** ~~[248.250) Section 12 of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.]~~ **Section 13** of this bill **removes the existing provisions of NRS 248.090 which impose a duty on sheriffs and their deputies to: (1) keep and preserve the peace and quiet; (2) suppress all affrays, riots and insurrections; (3) provide service of process in civil or criminal cases; and (4) apprehend or secure any person for a felony or breach of the peace and instead** provides that the sheriffs and their deputies are the primary law enforcement officers ~~[of the unincorporated areas of]~~ **in** their respective counties**.** ~~[.]~~ **and any exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. ~~[NRS 321.00051 is hereby amended to read as follows:~~

~~321.00051 The Legislature hereby declares that the public policy of this State is [to] :~~

~~*1. To* continue to seek the acquisition of lands retained by the Federal Government within the borders of this State [.] *; and*~~

~~*2. To support the ability of:*~~

~~*(a) An owner of private property in this State to use any resources located on that private property, including, without limitation, the development of any subsurface rights;*~~

~~*(b) The members of the general public in this State to access and use any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State, for camping, fishing, hiking, hunting, rock climbing, trail riding and any other recreational activity; and*~~

~~*(c) The residents of this State to use those public lands in a manner which ensures multiple uses of those public lands for those residents.]~~ (Deleted by amendment.)**

Sec. 12. ~~[Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The sheriff of a county in this State may enter into an agreement with a federal agency pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by the federal agency, if the agreement:*~~

~~*(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and*~~

~~*(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.*~~

~~*2. As used in this section:*~~

~~*(a) "Exercising law enforcement authority" and "exercise of law enforcement authority" means:*~~

~~*(1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or*~~

~~*(2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.*~~

~~*(b) "Federal agency" means:*~~

~~*(1) The Bureau of Land Management;*~~

~~*(2) The Bureau of Reclamation;*~~

~~*(3) The National Park Service;*~~

~~*(4) The United States Fish and Wildlife Service; or*~~

~~*(5) The United States Forest Service.]*~~ **(Deleted by amendment.)**

Sec. 12.5. **Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Notwithstanding any provision of law to the contrary:

(a) The right of the residents of this State to access and use any public lands in this State for camping, fishing, hiking, hunting, rock climbing, trail riding, including motorized vehicles, or any other recreational use must not be infringed and those public lands must be administered in a manner which ensures multiple uses of those public lands for those residents.

(b) The right to the beneficial use of any resources located on deeded property in this State, including, without limitation, the development of any subsurface minerals, shall be deemed to be reserved to the owner of the property.

(c) Forage and access are essential components of stock watering rights and a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for the vested stock watering rights.

(d) The Federal Government and any officer or agent of the Federal Government shall not enforce any law or regulation in this State except on land for which this State has given its consent to acquisition by the United States in accordance with Clause 17 of Section 8 of Article 1 of the Constitution of the United States.

(e) The Federal Government, and any officer or agent of the Federal Government, and any governmental entity located outside this State may not file an application for, be issued a permit or certificate for, own or otherwise claim any stock watering rights pursuant to chapter 533 of NRS on any land in this State other than land specified in paragraph (d).

(f) Any land, water or other natural resource to which the Federal Government claims ownership in this State, other than on land specified in paragraph (d), shall be deemed to be the common property of the residents of this State and must be acquired and used in the same manner as a right to appropriate water for a beneficial use pursuant to NRS 533.324 to 533.435, inclusive.

2. As used in this section, "public lands" includes, without limitation, any public lands managed and controlled by the Federal Government in this State.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ~~*[1.]*~~ Sheriffs and their deputies ***are the primary law enforcement officers in*** ~~*[the unincorporated areas of]*~~ ***their respective counties.*** ~~*[In a county within the jurisdiction of a metropolitan police department, the sheriff and his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.]*~~ ***Any exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county.***

~~*[2. Sheriffs and their deputies* shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.]~~

Sec. 14. This act becomes effective upon passage and approval.

Assemblywoman Shelton moved the adoption of the amendment.

Remarks by Assemblymen Shelton, Kirkpatrick, Edwards, Carlton, Wheeler, Swank, Benitez-Thompson, Ellison, and Fiore.

ASSEMBLYWOMAN SHELTON:

The amendment is a substitution for the provisions of the first reprint and prohibits any infringement of the public's right to use public lands for recreation, including motorized vehicles. It provides that the right to the beneficial use of resources on deeded property, including subsurface minerals, are deemed to belong to the property owner. It provides that the owner of a stock watering right is also deemed to be the owner of the associated grazing rights.

Except on lands given under the Enclave Clause of the *U.S. Constitution*, it prohibits the federal government from enforcing laws in the state; prohibits the federal government or any out-of-state governmental entity from claiming or filing for stock watering rights; and provides that land, water, or other natural resources claimed by the federal government are deemed the common property of the residents of Nevada and must be appropriated in the same way as a water right. Finally, it clarifies that the sheriffs are the primary law enforcement officers in their counties.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from Assembly District 10, I have a few questions in section 12.5, subsection 1, paragraphs (b) through (d). To amend *Nevada Revised Statutes* Chapter 533 would be a pretty big process, and my rural friends have always warned me about messing with water in this state. Water provides everything possible to feed their families. In paragraph (b), it says any beneficial uses, and to me that would include water rights, for which we have a current adjudication process in *Nevada Revised Statutes* Chapter 533. It also talks about the grazing rights. Would this circumvent the process we now have in place and would my northern colleagues be fighting for their water?

ASSEMBLYWOMAN SHELTON:

Actually, the laws that you are speaking about, with the stock watering rights, have the exact same effect as getting the land rights back for the state of Nevada.

ASSEMBLYWOMAN KIRKPATRICK:

As the former Chair of Government Affairs for two sessions, I worked to help my folks, all the way from White Pine County down to Moapa, ensure that their water rights were protected from southern Nevada, which was always a big, controversial issue. There is currently a process in place. I believe this circumvents that process, which may open it to other folks coming in to circumvent it also. This is a big deal. We have a drought in our state. During the summer, my

colleague in the Senate from White Pine County was telling me how terrible it was that they were having to bring in water for their animals that feed their family on many hundreds of acres. I want to be sure that this would not allow other folks to come in and circumvent the system.

Our current process, found in *Nevada Revised Statutes* Chapter 533, is very contentious, and we have had many Supreme Court lawsuits. I would like you to explain to me the process that this bill would allow for, especially when, in section 12.5, subsection 1, paragraph (e), it talks about how nobody in the federal government can come and tell us what to do. The last time I checked, the federal government preempted us in many areas. I supported the bill of my colleague from Sparks to ensure that our sheriffs can work hand in hand when we have contentious issues within our state to make sure that there is no drama. I would like to understand the process. Water is very special in this state. We are one of the few states that have very special water laws. It is in our *Constitution*, so I would like to understand how this amendment works.

ASSEMBLYWOMAN SHELTON:

In regard to the water rights, BLM [Bureau of Land Management] claimed over 2,700 water rights in Nevada. Each of those water rights once belonged to a Nevada citizen: a rancher, a farmer, a miner, or someone else with a dream. The Bureau of Land Management and other federal agencies have also adversely taken water rights from individuals and are now claiming them in Nevada's own water registry. The Legislative Counsel Bureau did send out a letter, attached with this amendment, stating this is unconstitutional. They are going by case law that has been brought up in the past. I would also like to mention, there have been several other times that the Supreme Court has called things unconstitutional in our past history of the United States. I would like to bring that to the attention of everybody here.

ASSEMBLYMAN EDWARDS:

I rise with a couple of questions of clarification. Looking at the bill, it talks about establishing funding for the Attorney General and also taking in grant money. It seems as though we are going to be raising a whole lot of money, but not enough money through grants. I see that this is going to ultimately lead to taxes, which I am quite sure many of the tax-pledge signers would be opposed to because they do not want to have to deal with the bad press. I want to bring that to their attention and ask them if, in fact, this will bring about taxes. I do not see anywhere else in the bill that really affords the total cost of the Attorney General fighting all these lawsuits.

The second thing that I would like to know is, this seems to violate the Federal Supremacy Clause that has been established for almost 200 years, and I wonder about the dangers that would be incurred. . .

ASSEMBLYWOMAN CARLTON:

I am sorry to interrupt my colleague, but point of order. He is addressing the wrong amendment.

ASSEMBLYMAN WHEELER:

I am well known in this Chamber as a strong Tenth Amendment advocate. I am also well known in this Chamber as one who would like to get the control of our lands back. I must rise in absolute opposition to this amendment. The way I read this amendment, my colleague from District 1 is exactly 100 percent right. Almost anyone could walk in and claim beneficial use of our water rights. Given such, I must vote no on this amendment, and I hope you will join me.

ASSEMBLYWOMAN SWANK:

I have a question for my colleague from District 10. As I look through section 12.5, I see there are a lot of uses for the land that are guaranteed to residents of this state. I know that just recently we passed a bistate compact to protect the sage grouse, and this is something that we have been working really hard on in the state of Nevada to make sure that we can keep our sage grouse numbers up. I know we also have an issue with the desert tortoise that is endangered—well, not quite endangered. I am wondering, what is the process by which we are going to ensure that these habitats stay in place if we are going to have relatively unrestricted use of our public lands by motorized vehicles and hunters? Think of folks who are the nonconsumptive users—the hikers and the campers who actually come to see these animals and their habitats. I am wondering what process there is for making sure we maintain all of these habitats.

ASSEMBLYWOMAN SHELTON:

You are right. This would allow for everything to work together as far as your habitats or the areas of critical environmental concern. I know that the federal government has already filed with the federal registry to make 3.1 million acres just in southern Nevada areas of critical environmental concern. Your concern for the turtles or the sage grouse will still be addressed because they are still allowed access.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

My concerns come from the general angst that might come with being a Nevadan and knowing how precious our water is and knowing that whenever we start to mess with chapters that are essentially sacred, dealing with our water rights, we undo processes that have been in place for a long time. Junior water rights, senior water rights, vested water rights—these are not things that we can take lightly or amend away lightly.

Not only that, but we want to consider the message we are sending to the rest of the United States—how sensitive as a state we have to be to Chapter 538, especially with our water compacts. Water for southern Nevada originates in Colorado. Water for northern Nevada originates in California with the Truckee River. The Truckee River is the most adjudicated river in these United States. When we send the message that we are going to start to peel away or change, through a ten-minute floor discussion, any water rights, it puts us in a very precarious position.

We have a saying here in Nevada: Fight for gold, kill for water. Fight for gold, kill for water.

ASSEMBLYWOMAN CARLTON:

To the sponsor of the amendment, at the beginning of her statement she alluded to a constitutional issue and stated there was a note attached to the amendment about the constitutionality. I would like that statement to be shared with the body so that everyone has the same information, because it is not attached to my amendment.

ASSEMBLYWOMAN SHELTON:

I can definitely get that for her. I just did not know that it was supposed to go with the amendment.

ASSEMBLYWOMAN CARLTON:

That is fine. Mr. Speaker, if we could, as this procedure winds down toward the end of the day, I would definitely like that statement to be included in the record. I think it is very important that all information pertaining to this amendment is made part of the record.

Without objection, Mr. Speaker directed that the following letter from Brenda J. Erdoes, Legal Counsel, Legislative Counsel Bureau, be made part of the record.

April 20, 2015

Speaker John Hambrick
Assembly Chambers
Dear Speaker Hambrick:

You have asked to be informed when we have identified constitutional problems with a particular bill or amendment during the drafting process. This letter is to notify you that, based on the authorities and analysis provided in this letter, it is the opinion of this office that Amendment No. 642 to the First Reprint of Assembly Bill No. 408 presents such constitutional problems. Amendment No. 642 proposes to amend the provisions of chapter 321 of NRS governing public lands in a manner which restricts the Federal Government from managing and controlling public lands in this State in accordance with federal laws and regulations. For the reasons set forth below, it is the opinion of this office that, if enacted into law in its current form, the amendment would be found unconstitutional.

Amendment No. 642 proposes to amend the provisions of chapter 321 of NRS governing public lands by adding a new section to that chapter concerning the use of public lands in Nevada that are currently managed and controlled by the Federal Government. Specifically, the amendment will add a new section to that chapter that will, if enacted: (1) ensure that the right of the residents

of this State to access and use any public lands in this State for camping, fishing, hiking, hunting, rock climbing, trail riding, including motorized vehicles, or any other recreational use must not be infringed and will require those lands to be administered in a manner which ensures multiple uses of those public lands for those residents; (2) provide that the beneficial use of any resources located on deeded property in this State, including, without limitation, the development of any subsurface minerals, shall be deemed to be reserved to the owner of the property; (3) provide that a person who owns any stock watering rights pursuant to chapter 533 of NRS shall be deemed to be the owner of any grazing rights for stock watering rights; (4) prohibit the Federal Government and any officer or agent of the Federal Government from enforcing any law or regulation in this State except on land for which this State has given its consent to acquisition by the United States in accordance with Clause 17 of Section 8 of Article 1 of the Constitution of the United States; (5) prohibit the Federal Government and any governmental entity located outside this State from filing an application for, being issued a permit or certificate for, owning or otherwise claiming any stock watering rights on any land in this State other than land for which such consent has been given; and (6) provide that any land, water or other natural resource to which the Federal Government claims ownership in this State, other than on land for which such consent has been given, shall be deemed to be the common property of the residents of this State and must be acquired and used in the same manner as a right to appropriate water for a beneficial use pursuant to NRS 533.324 to 533.435, inclusive. For the purpose of those provisions, Amendment No. 642 defines "public lands" to include "any public lands managed and controlled by the Federal Government in this State." Additionally, Amendment No. 642 will, if enacted, amend the current provisions of existing law set forth in NRS 248.090 to provide that the sheriffs and their deputies in this State "are the primary law enforcement officers in their respective counties" and that any "exercise of law enforcement authority in a county in this State must be authorized by the sheriff of that county." Finally, Amendment No. 642 will, if enacted, remove the existing provisions of NRS 248.090 which impose a duty on sheriffs and their deputies to (1) keep and preserve the peace and quiet; (2) suppress all affrays, riots and insurrections; (3) provide service of process in civil and criminal cases; and (4) apprehend or secure any person for a felony or breach of the peace.

In determining the constitutionality of Amendment No. 642, it is important to consider that the principal source of federal power to regulate and manage the public lands in this State is set forth in the Property Clause of the United States Constitution, which provides, in relevant part, that "[t]he Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." U.S. Const. art. IV, § 3, cl. 2. It has long been held that the power of the Federal Government over the public lands entrusted to Congress pursuant to this clause is without limitation, Kleppe v. New Mexico, 96 S. Ct. 2285, 2291 (1976), and the exercise of that power may not be curtailed by state legislation. Denee v. Ankeny, 38 S. Ct. 226, 227 (1918); Itcaina v. Marble, 56 Nev. 420, 433 (1936). When Congress exercises its exclusive right to control and dispose of the public lands of the United States, neither a state nor any state agency has any power to interfere. United States v. Montgomery, 155 F. Supp. 633, 635 (D. Mont. 1957). The United States Supreme Court and various federal courts have expanded these holdings to the extent that the power over federally owned public land entrusted to Congress by the Property Clause of the United States Constitution is substantially without limitation. *See* California Coastal Comm'n v. Granite Rock Co., 107 S. Ct. 1419, 1425 (1987); and Nevada v. United States, 512 F. Supp. 166, 171 (D. Nev. 1981) The basic import of these holdings is that Congress may adopt any regulations concerning public lands so long as the regulations do not violate some specific provision of the United States Constitution.

The provisions of clause 17 of section 8 of article I of the United States Constitution, commonly referred to as the "Enclave Clause," provide another source of federal authority to regulate and manage lands belonging to the United States. Those provisions state, in relevant part, that "[t]he Congress shall have Power To . . . exercise exclusive Legislation . . . over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings." U.S. Const. art. I, § 8, cl. 17. Pursuant to those provisions, the Federal Government may acquire land within a state by purchasing the land with the consent of the legislature of the state in which the land is located. The phrase "exclusive [l]egislation" used in those provisions has been construed to mean exclusive

jurisdiction. Thus, where the Federal Government acquires land in accordance with those provisions, the Federal Government retains exclusive jurisdiction over that land and state laws generally do not apply within the area so acquired. Surplus Trading Co. v. Cook, 50 S. Ct. 455, 457 (1930) (holding that personal property belonging to a defendant located on a federal military installation in Arkansas was not subject to the laws of Arkansas taxing personal property in that state).

Despite the expansive reading by the courts of the power of Congress over public lands pursuant to the Property Clause and the Enclave Clause, the states are allowed, to a limited extent, to regulate areas in the federal public domain. States may enact quarantine rules and measures to prevent breaches of the peace, or prescribe other reasonable police regulations so long as the regulations are not arbitrary or inconsistent with applicable congressional enactments. *See* McKelvey v. United States, 43 S. Ct. 132, 135 (1922); In re Calvo, 50 Nev. 125, 135 (1927); Hagood v. Heckers, 513 P.2d 208 213 (1973); 43 Op. Att'y Gen. (1931). The United States does not in every case acquire exclusive jurisdiction when it receives title to lands located within a state. Acquisition by the United States of title to lands within the boundaries of a state is not sufficient in itself to exclude the state from exercising any legislative authority, including its taxing and police power, in relation to property and activities of individuals and corporations within the state. It must appear that the state, by consent or cession, has transferred to the United States that residuum of jurisdiction which it would otherwise be free to exercise before exclusive jurisdiction is acquired by the United States. State v. Cline, 322 P.2d 208, 213 (Okla. 1958). However, where Congress acts under the Property Clause by providing rules and regulations for public land, any state law which conflicts with federal law is superseded and must recede. *See* Bilderback v. United States, 558 F. Supp. 903 (D. Or. 1982); United States v. Brown, 431 F. Supp. 56, 63 (D. Minn. 1976); Ansolabehere v. Laborde, 73 Nev. 93, 107 (1957). Consent or cession of jurisdiction of a state is not required when Congress acts pursuant to its plenary authority to regulate public lands. United States v. Bohn, 622 F.3d 1129, 1134 (9th Cir. 2010); Nevada v. Watkins, 914 F.2d 1545, 1552 (9th Cir. 1990). Therefore, even though the State of Nevada may have a limited amount of concurrent jurisdiction over federal public lands under its taxing and police power, any state laws passed which conflict with existing federal laws are superseded under the Supremacy Clause of the United States Constitution.

Various persons and groups who criticize the authority of the Federal Government to manage and control lands in Nevada have often based their criticism in part upon the theory that the United States may not acquire title to land within a state unless the land was purchased with the consent of the legislature of the state in accordance with the provisions of the Enclave Clause. Because most federal public lands in Nevada were never acquired in this manner, those persons and groups argue that the Federal Government has unconstitutionally acquired title to the public lands in Nevada and therefore any federal law pertaining to the public lands has no effect. This argument has been rejected by the courts. The United States Supreme Court has long recognized that the United States, at the discretion of Congress, may acquire and hold real property in any state, whenever such property is needed for the use of the government in the execution of any of its powers, whether for arsenals, fortifications, light-houses, custom-houses, barracks or hospitals, or for any other of the many public purposes for which such property is used. Van Brocklin v. Tennessee, 6 S. Ct. 670, 672 (1886). Although the mode in which the United States may acquire property is not prescribed by the Constitution, In re Will of Fox, 52 N.Y. 530 (N.Y. 1873), aff'd, 94 U.S. 315 (1877), Courts have held that the provisions of the Enclave Clause are not restrictive of the power of the United States to acquire lands for other governmental purposes and functions, United States v. Vogler, 859 F.2d 638, 641 (9th Cir. 1988), and those large areas of public lands used for forests, parks, ranges, wildlife sanctuaries, flood control and other such purposes are not covered by the Enclave Clause. Collins v. Yosemite Park & Curry Co., 58 S. Ct. 1009, 1014 (1938). Courts have also held that exclusive jurisdiction over land located within the boundary of a state may be obtained by: (1) excepting the land from the jurisdiction of the state upon admission of the state into the union; (2) cessation of jurisdiction from the state to the Federal Government; and (3) pursuant to the Enclave Clause. State v. Cline, 322 P.2d 208, 212 (Okla. 1958); Richardson v. Turner, 401 P.2d 443, 444 (Utah 1965). Based upon these authorities, it is clear that the United States may acquire property located within a state by means and for purposes other than those provided for in the Enclave Clause. This Clause simply establishes the exclusive jurisdiction of

the United States over property which is acquired in the manner provided in the Enclave Clause. This clause does not dictate the only method by which the United States may gain title to property located within a state.

Based upon these authorities, it is clear that Congressional power to prescribe rules and regulations concerning public lands entrusted to Congress is firmly entrenched, and ample authority exists upon which to invalidate state laws which conflict with federal laws concerning the management and control of federal public lands.

In addition to the general authority of the Federal Government to regulate and manage the public lands discussed above, several courts have specifically ruled on the issue of whether the Federal Government owns the public lands in Nevada, and at least one court has held that Nevada's current statutory claim of ownership to the unappropriated public lands in this State set forth in NRS 321.596 to 321.599, inclusive, is unconstitutional and fails as a matter of law.

Before discussing the holdings in those cases, it may be helpful to provide a brief discussion concerning the provisions of NRS 321.596 to 321.599, inclusive, which set forth the statutory claim of ownership of the State of Nevada to certain public lands located within this State. Specifically, the provisions of NRS 321.5973 state that "[s]ubject to existing rights, all public lands in Nevada and all minerals not previously appropriated are the property of the State of Nevada and subject to its jurisdiction and control." The provisions of NRS 321.5963 define the term "public lands" to mean:

> [A]ll lands within the exterior boundaries of the State of Nevada except lands:
> (a) To which title is held by any private person or entity;
> (b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;
> (c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;
> (d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or
> (e) Which are held in trust for Indian purposes or are Indian reservations.

The provisions of NRS 321.597 require the Division of State Lands of the State Department of Conservation and Natural Resources to "hold the public lands of the State in trust for the benefit of the people of the State."

In United States v. Nye County, 920 F. Supp. 1108 (D. Nev. 1996), the defendant Nye County, through its Board of County Commissioners, adopted a resolution claiming that the State of Nevada owned the public lands to which the provisions of NRS 321.596 to 321.599, inclusive, apply, and that the United States lacked the authority to manage those public lands within the boundaries of Nye County. The Board of County Commissioners also adopted a resolution declaring that certain roads, highways and other rights-of-way located on or crossing over those public lands were public roads of Nye County and were the property of Nye County. After those resolutions were adopted, a member of the Board of County Commissioners used a bulldozer owned by Nye County to reopen a road located within the Toiyabe National Forest which had been closed by the United States Forest Service. Id. at 1111. In response, the United States filed a civil complaint against Nye County in which it sought a declaratory judgment indicating that the United States owns and has the authority to manage the disputed public lands in Nye County and that the resolutions adopted by Nye County were preempted under federal law. Id. at 1110. In granting summary judgment in favor of the United States, the United States District Court for the District of Nevada stated that Nevada's statutory claim of ownership of the unappropriated public lands of the United States is "unsupported, unconstitutional, and fails as a matter of law." Id. at 1114. The Court further held that "the United States owns and has the power and authority to manage and administer the unappropriated public lands and National Forest System lands within Nye County, Nevada." Id. at 1120.

Similarly, in United States v. Gardner, 107 F.3d 1314 (9th Cir. 1997), the defendants appealed the granting of an injunction and the imposition of a fee against the defendants for engaging in unauthorized grazing upon lands managed by the United States Forest Service. In affirming the injunction and the imposition of the fee, the United States Court of Appeals for the Ninth Circuit

rejected the assertion made by the defendants that they were not required to obtain a grazing permit or pay fees for grazing on public lands managed by the United States Forest Service because those lands do not belong to the United States. The Court firmly rejected that argument and held that the United States is not required to hold, in trust for the establishment of future states, any public lands it acquires within the boundaries of this State and that the United States has authority under the Property Clause to "administer its federal lands any way it chooses." Id. at 1318. The Court further held that the Equal Footing Doctrine does not "operate . . . to give Nevada title to the public lands within its boundaries." Id. at 1319.

It is important to note that the holdings in Nye County and Gardner comport with the holding in the early case of Vansickle v. Haines, 7 Nev. 249 (1872) (overruled on other grounds in Jones v. Adams, 19 Nev. 78, 88 (1885)), wherein the Nevada Supreme Court stated that the United States has "absolute and perfect" title to the unappropriated public lands in Nevada. Vansickle, 7 Nev. at 260. In support of its conclusion, the Court stated that the:

> United States is the unqualified proprietor of all public land to which the Indian title has been extinguished. Certainly there is none other who has any right to, or claim upon it, which in any way qualifies the right of the federal government. *Although it has sometimes been suggested that the unoccupied lands belonged to the several states in which they may be located, the suggestion has never received the serious sanction of statesmen, or the courts of the country*.

Id. at 261 (emphasis added).

Based upon the holdings in these cases, it is well-settled that the United States has been judicially declared to be the owner of the unappropriated public lands in this State and, as such, has the authority to manage and control those public lands. It is also well-settled that Nevada's current statutory claim of ownership over those public lands set forth in NRS 321.596 to 321.599, inclusive, is unconstitutional and fails as a matter of law.

Based upon the authorities discussed above concerning the authority of the Federal Government to manage and control federal public lands in this State, the provisions of Amendment No. 642 will, if enacted, directly conflict with that authority. The Federal Government currently exercises significant regulatory authority over the federal public lands in this State in accordance with numerous provisions of federal law, including, without limitation, the General Mining Laws of 1872, 30 U.S.C. §§ 21 et seq., the Taylor Grazing Act of 1934, 43 U.S.C. §§ 315 et seq., the Desert Land Act of 1877, 43 U.S.C. §§ 321 et seq., the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and the Public Rangelands Improvement Act of 1978, 43 U.S.C. §§ 1901. Specifically, Congress has declared that "[a]ll valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase." 30 U.S.C. § 22. Congress has also declared, that "it is the policy of the United States that . . . the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in [the Federal Land Policy and Management] Act, it is determined that disposal of a particular parcel will serve the national interest." 43 U.S.C. § 1701. As to the National Park System, the purpose of the System is to "conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life . . . for the enjoyment of future generations." 54 U.S.C. § 100101. In addition, as to entries made on public lands and patents issued under the provisions of federal law concerning stock-raising homesteads, Congress has required "[a]ll entries made and patents issued under the provisions of this Act [to] be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine and remove the same." 43 U.S.C. § 299. Those provisions are a clear indication of the intent of Congress to retain management and control of the public lands in this State. In direct conflict with those provisions, Amendment No. 642 will, if enacted, prohibit the Federal Government from claiming ownership of any land, water or other natural resources on public lands which the Federal Government currently

administers for mining operations and other activities under applicable federal laws and regulations, and those provisions will deem the land, water or natural resources to be the "common property" of the residents of this State. Furthermore, the Amendment will reserve to the owner of any "deeded property" in this State the right to the development of any subsurface minerals on the property. If the property consists of land that was acquired as a homestead for which the United States has reserved any coal or other minerals in that property pursuant to 43 U.S.C. § 299, the provisions of Amendment No. 642 would be contrary to applicable federal law. As such, all of these provisions would, if enacted, directly conflict with the authority of the Federal Government to manage and control the federal public lands in this State.

In addition to the issue concerning the enactment of laws by the State of Nevada which directly conflict with federal laws and regulations, the Supreme Court of the United States has held that state laws which are hostile to federal interests concerning public lands or which interfere with or otherwise handicap the efforts of federal agencies to carry out a national purpose are invalid. *See* North Dakota v. United States, 103 S. Ct. 1095, 1105 (1983); United States v. Little Lake Misere Land Co., 93 S. Ct. 2389, 2399 (1973); James Stewart & Co. v. Sardrakula, 60 S. Ct. 431, 436 (1940). This concept was borrowed by the court from the area of labor relations, stating that "incompatible doctrines of local law must give way to principles of federal labor law." UAW v. Hoosier Cardinal Corp., 86 S. Ct. 1107, 1111 (1966). Other federal courts have reiterated and relied upon these holdings to invalidate various state laws when those state laws have been applied to federal interests. *See* Central Pines Land Co. v. United States, 274 F.3d 881, 890 (5th Cir. 2001) (stating that the application of state laws may in some instances so strongly conflict with federal interests that those laws may be rejected without further analysis); LaFargue v. United States, 4 F. Supp. 2d. 593 (E.D. La. 1998) (holding that a law of the State of Louisiana which prohibited the Federal Government from selling certain pipeline rights-of-way separately from a related gas facility was inconsistent with and therefore inapplicable to federal interests in carrying out the Energy Policy and Conservation Act, 42 U.S.C. §§ 6201 et seq.); Sierra Club v. Marsh, 692 F. Supp. 1210, 1214 (S.D. Cal. 1988) (holding that a city ordinance which prohibited the transfer of certain land to the Federal Government in its attempt to carry out the provisions of the Endangered Species Act, 42 U.S.C. §§ 4321 et seq., was hostile to federal interests and therefore inapplicable to the transaction). At least one state court has held that state legislation which is "manifestly hostile" to the exercise of rights granted by a federal statute cannot stand. Fullerton v. Lamm, 163 P.2d 941, 945 (Or. 1945). The thrust of the holdings in these cases is that if a state enacts a state law which, either on its face or in its effect, is hostile to federal interests or impermissibly interferes or strongly conflicts with or handicaps the efforts of any agency of the Federal Government in carrying out federal laws having a national purpose, the state law may be struck down.

Finally, the concurring opinion of Justice Rehnquist in United States v. Little Lake Misere Land Co., *supra,* stated that the "doctrine of intergovernmental immunity enunciated in McCulloch v. Maryland, however it may have evolved since that decision, requires at least that the United States be immune from discriminatory treatment by a State which in some manner interferes with the execution of federal laws." Little Lake Misere Land Co., 93 S. Ct. at 608 (citation omitted). This prohibition against discriminatory treatment has been reiterated to a certain extent by the Ninth Circuit in Clifton v. Cox, 549 F.2d 722 (9th Cir. 1977), wherein the Court stated that "[o]ne of the basic tenets in the application of the Supremacy Clause is that the states have no power to determine the extent of federal authority. To rule otherwise would allow a state to punish the exercise of federal authority under the guise of questioning the right of federal officials to act." Id., at 730 (footnote omitted). The Nevada Supreme Court has made similar statements in State v. Morros, 104 Nev. 709 (1988), wherein the Court held that, as to the issue of the application of state water law to the Federal Government, the United States is to be "treated as a person . . . it is not to be feared, given preferential treatment and certainly not discriminated against." Id., at 717. The Nevada Supreme Court has also held that the plain language of the provisions of chapter 533 of NRS governing the appropriation of water for a beneficial use do not prohibit the Federal Government, through the Bureau of Land Management, from applying for and receiving a permit for a stock watering right in the name of the United States. United States v. State Engineer, 117 Nev. 585, 587 (2001). The provisions of Amendment No. 642, if enacted, will prohibit the Federal Government from holding a permit or certificate for a stock watering right or from owning or

otherwise claiming a stock watering right in this State. The provisions of Amendment No. 642 will also prohibit the Federal Government and any officer or agent of the Federal Government from enforcing any law or regulation in this State except on land acquired under the Enclave Clause. As such, the provisions of the amendment are hostile to federal interests concerning federal public lands and would handicap and interfere with the efforts of federal agencies to carry out federal laws enacted for a national purpose and will not withstand a constitutional challenge.

In conclusion, it is the opinion of this office that the provisions of Amendment No. 642 would, if enacted, be constitutionally invalid. The authority of the United States to acquire and control the public lands located in this State is extensive, and ample bases exist upon which a court could invalidate any state laws which are in direct conflict with existing federal laws concerning those public lands or which are hostile to or interfere with the exercise of federal authority over public lands. The provisions of Amendment No. 642 which propose to prohibit or limit the activities of the Federal Government in this State which the Federal Government is currently authorized to engage in under federal laws are in direct conflict with and would be superseded by those federal laws. Additionally, the provisions of Amendment No. 642 which attempt to prohibit the Federal Government from applying for a permit or certificate for a stock watering right and which restrict the Federal Government in the enforcement of laws and regulations on those public lands would be held to be manifestly hostile to federal interests and discriminatory towards the Federal Government in carrying out policies of national concern. As such, it is the opinion of this office that under the current precedent, the provisions of Amendment No. 642, if enacted, would be held unconstitutional.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,
Brenda J. Erdoes
Legislative Counsel

cc: Assemblyman Paul Anderson, Assembly Majority Leader

ASSEMBLYMAN ELLISON:

Maybe I can help a little bit on this. I co-sponsored Assembly Bill 277 of the 2013 Session on public land rights. This year I was a co-sponsor of Senate Joint Resolution 1, which is about the rights of Nevada. That is a whole different ball game than what Assembly Bill 408 does. What S.J.R. 1 does is ask that the state be given control of lands only on areas that the BLM already has set for disposal.

The big thing to come up just now was water rights. Water rights are vested. They are owned by the state; you have to show beneficial use. You cannot just go and say, "It is mine," and take it. Without beneficial use, you lose those rights. In addition, rights to public lands and access are vested through grazing rights. You cannot determine anything more than the grazing rights on public lands.

I think the sponsor of the bill was trying to address some of the issues that happened last year out there in Clark County. Water facilities were shot up and destroyed, that water was wasted, and cattle died. The other thing was denying access to public lands which crossed private property, and I think the sponsor of the bill could probably address that also. What she was trying to do in her amendment to this bill was address those issues.

ASSEMBLYWOMAN FIORE:

Looking at Amendment 642, I love what my colleague from the north talked about—we will fight for this, and we will kill for water. That is exactly what I think people are missing on this bill. When it is stated that the amendment is unconstitutional, it is not unconstitutional. That is a legal opinion from our staff. As lawmakers, we have staff that give us their opinion. That opinion is based on court cases, not the *Constitution*.

I want to make sure that you guys are aware that we are fighting for our water—to keep our water, north and south, and not let the federal government own it. If you go to the water district website and type in "BLM" or the "United States," you will find they own more water than we do.

I rise in support of Amendment 642. We have to start somewhere to make changes in this state. In order to do that, we have brought the fight here to Carson City, to lawmakers, to protect our

folks and to fight for them and not leave them stranded out there. I think you guys are misunderstanding Amendment 642. I rise in support of Amendment 642, and I urge my colleagues to support it as well.

Assemblywomen Fiore, Benitez-Thompson, and Kirkpatrick requested a roll call vote on the motion to adopt Amendment No. 642 to Assembly Bill No. 408.

Roll call on motion.

YEAS—8.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Gardner, Hambrick, Hickey, Joiner, Kirkpatrick, Kirner, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler, Woodbury—34.

Amendment failed.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 595.

SUMMARY—Enacts provisions relating to ~~[certain uses of land and the exercise of law enforcement authority in this State.]~~ **governmental administration.** (BDR 26-1060)

AN ACT relating to governmental administration; **requiring the establishment of a fund to provide assistance to the Attorney General in defending or protecting certain interests of this State;** declaring the support of the Legislature for certain uses of private property and public lands in this State; authorizing the sheriff of a county to enter into an agreement with a federal agency concerning primary responsibility or the exercise of law enforcement authority on land managed by the federal agency under certain circumstances; providing that sheriffs and their deputies are the primary law enforcement officers in the unincorporated areas of their respective counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the acquisition, use and management of state lands and certain other public lands in this State. (Chapter 321 of NRS) Section 10.5 of this bill requires the Secretary of the Interim Finance Committee to establish a fund to provide assistance to the Attorney General in defending or protecting: (1) the interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and (2) the sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

Under existing law, the Legislature has declared that the public policy of this State is to continue to seek the acquisition of lands retained by the Federal Government within the borders of this State. (NRS 321.00051) **Section 11** of this bill expands that public policy to include: (1) support for an owner of private property in this State to use any resources located on that private property; (2) support for the members of the general public in this State to

access and use any public lands in this State for certain recreational activities; and (3) support for the residents of this State to use any public lands in this State in a manner which ensures multiple uses of those public lands for those residents.

Existing law sets forth the general powers and duties of sheriffs and their deputies in this State. (NRS 248.090-248.250) **Section 12** of this bill authorizes the sheriff of any county in this State to enter into an agreement with certain federal agencies pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by those federal agencies if the agreement: (1) requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations; and (2) provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency. **Section 13** of this bill provides that the sheriffs and their deputies are the primary law enforcement officers of the unincorporated areas of their respective counties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. **Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Upon the commencement, maintenance or defense of any civil or criminal action in which the Attorney General determines any interest or the sovereignty of this State must be defended or protected pursuant to this subsection, the Attorney General may request that the Secretary of the Interim Finance Committee establish a fund to provide assistance to the Attorney General in defending or protecting:

(a) The interests of this State and its residents in the ownership, management or control of any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State; and

(b) The sovereignty of this State as impaired by the management and control of those public lands by the Federal Government.

2. The fund must be administered by the Interim Finance Committee which may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit into the fund; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 3.

3. The Attorney General may submit a request to the Interim Finance Committee for an allocation of money from the fund. In considering the request, the Interim Finance Committee may require any additional information specified by the Interim Finance Committee to consider the request. As soon as practicable after receiving the request, the Interim Finance Committee shall grant or deny the request and notify the Attorney General of its decision.

4. Any interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund must remain in the fund and does not revert to the State General Fund at the end of any fiscal year.

Sec. 11. NRS 321.00051 is hereby amended to read as follows:

321.00051 The Legislature hereby declares that the public policy of this State is ~~[to]~~ ***:***

1. To continue to seek the acquisition of lands retained by the Federal Government within the borders of this State ~~[.]~~ ***; and***

2. To support the ability of:

(a) An owner of private property in this State to use any resources located on that private property, including, without limitation, the development of any subsurface rights;

(b) The members of the general public in this State to access and use any public lands in this State, including, without limitation, any public lands managed and controlled by the Federal Government in this State, for camping, fishing, hiking, hunting, rock climbing, trail riding and any other recreational activity; and

(c) The residents of this State to use those public lands in a manner which ensures multiple uses of those public lands for those residents.

Sec. 11.5. **NRS 218E.405 is hereby amended to read as follows:**

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650 ~~[.]~~ ***and section 10.5 of this act.*** In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet

separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 12. Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff of a county in this State may enter into an agreement with a federal agency pursuant to which the sheriff and his or her deputies are primarily responsible for the exercise of law enforcement authority on land managed by the federal agency, if the agreement:

(a) Requires the payment of fair compensation to the sheriff for exercising law enforcement authority based on federal statutes and regulations on the land managed by the federal agency; and

(b) Provides that the federal agency recognizes the sheriff as the primary law enforcement authority on the land managed by the federal agency.

2. As used in this section:

(a) "Exercising law enforcement authority" and "exercise of law enforcement authority" means:

(1) To take any action to investigate, stop, serve process on, search, arrest, cite, book or incarcerate a person for a federal criminal violation when the action is based on a federal statute or regulation; or

(2) To gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.

(b) "Federal agency" means:

(1) The Bureau of Land Management;

(2) The Bureau of Reclamation;

(3) The National Park Service;

(4) The United States Fish and Wildlife Service; or

(5) The United States Forest Service.

Sec. 13. NRS 248.090 is hereby amended to read as follows:

248.090 ***1.*** Sheriffs and their deputies ***are the primary law enforcement officers in the unincorporated areas of their respective counties. In a county within the jurisdiction of a metropolitan police department, the sheriff and***

his or her deputies are the primary law enforcement officers in the unincorporated areas of the county and in any incorporated city whose law enforcement agency has been merged into the metropolitan police department.

2. Sheriffs and their deputies shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony, or breach of the peace, they may call upon the power of their county to aid in such arrest or in preserving the peace.

Sec. 14. This act becomes effective upon passage and approval.

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblymen Fiore, Sprinkle, Edwards, and Benitez-Thompson.

ASSEMBLYWOMAN FIORE:

Since we have plenty of time, we will go through Amendment 595 to Assembly Bill 408. Basically, this amendment authorizes the Attorney General to request the creation of a fund by the Interim Finance Committee [IFC] to provide assistance to the Attorney General to use in the defense or protection of the state's sovereignty and any interest of the state in managing or controlling public lands. It allows the IFC to accept gifts, grants, and donations for the fund and requires the IFC to notify the Attorney General of its decision. It must retain any unspent money at the end of the fiscal year and retain any earned interest.

Basically, Amendment 595 addresses the questions of my favorite colleague from Assembly District 19 regarding taxes and how we would raise money in defense of the previous amendment. Assembly Bill 595 is addressing that, so we will not have to fund fights for this with taxpayer dollars.

ASSEMBLYMAN SPRINKLE:

Not having had a lot of time to look at this amendment this evening, I do have a few questions for my colleague from the south in reference to section 10.5, subsections 1, 2, 3, and 4—pretty much the entire amendment. First off, I would like to know what exactly is the justification for the Attorney General, who already has a budget, to now need to establish a new budget within the IFC? I would certainly like to hear what that justification is for him to do his job to begin with.

Secondly, what authority actually exists to come to the IFC for creating such an account? I do not really think there is authority to do so. Finally, along the lines of previous questions, where exactly is the money going to come from for this account? I read in here about having the ability to go after grants and other funds. As far as I know, that is not in the purview of the IFC; they are not allowed to do that. I would certainly like to know the justification and if any of this is even allowed through IFC, because I do not believe it is.

ASSEMBLYWOMAN FIORE:

Thank you to my colleague from Assembly District 30. This amendment was prepared by our Legislative Counsel Bureau when I asked, How do we do this? This is exactly how we do this, according to our legal counsel. So if you doubt it, I suggest you talk to them.

ASSEMBLYMAN EDWARDS:

The bad news is, I still have a couple of questions for clarification. The good news is, I already asked most of it. I will blame it on the late hour. My eyes are failing, and I am just too eager to find out the answers to these questions.

When it comes to the funding, we have to fund a whole lot of things. As I discussed earlier, there are a lot of things we really need to fund. I think my other colleagues have presented well the fact that we already have funding for the Attorney General. Setting up an additional fund

through IFC is highly questionable, and I do not know exactly the rationale you were given. I do believe my other colleague talked about IFC and the way it works and I would defer to him.

Although my distinguished colleague from Assembly District 4 does not quite trust LCB's constitutional reading of case law that is, of course, based on the *Constitution*, I happen to have great faith in our LCB team and I will defer to LCB's legal advice on this amendment. Therefore, I have major problems with the constitutionality of it. I have a lot of problems with why we are setting up a separate fund for the Attorney General to do some kind of business that seems to violate the Supremacy Clause, which is kind of strange since I know my distinguished colleague from District 4 has great respect for the *Constitution* and our federal system. Therefore, I have a whole lot of trouble voting in favor of this amendment. I think we all need to have answers to these questions.

For the tax pledgers, I really do not think we are going to get enough donations at the door or on the street corners for this fund, which means we are going to have more taxes, which means we are going to violate that tax pledge again, and then you are going to have somebody not saying nice things about you in his little blog and those things will follow you, as you can expect.

ASSEMBLYWOMAN FIORE:

Mr. Speaker, can you stop this circus with Assemblyman from District 19. Could you just sit your ass down and be quiet.

Assemblywoman Kirkpatrick rose to a point of order regarding the disorderly use of words.

Mr. Speaker sustained the point of order.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:05 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.
Mr. Speaker presiding.
Quorum present.

ASSEMBLYWOMAN FIORE:

Mr. Speaker, I must apologize to my esteemed colleagues in the Chamber for my outburst.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I just had a technical question. I was wondering if these funds were to be held restricted or unrestricted. What is the reasoning behind either restricted or unrestricted?

ASSEMBLYWOMAN FIORE:

Thank you for the question. This amendment would be restricted for the purposes of defending any lawsuits against our state.

Amendment lost.

Roll call on Assembly Bill No. 408:

YEAS—8.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Edwards, Flores, Hambrick, Hickey, Joiner, Kirkpatrick, Kirner, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Trowbridge, Wheeler, Woodbury—34.

Assembly Bill No. 408 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblymen Benitez-Thompson, Moore, Kirkpatrick, Fiore, Jones, Titus, Hickey, Seaman, and Oscarson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 91 expands the list of persons authorized to file an application for the emergency admission of an alleged person with mental illness to include a physician assistant. In addition, a physician assistant is authorized to file a petition for the involuntary court-ordered admission of such a person to a mental health facility or to a program of community-based or outpatient services. The measure expands the list of health professionals authorized to complete a certificate stating that a person has a mental illness and because of that mental illness is likely to harm himself, herself, or others, if not admitted to certain facilities or programs. A public or private mental health facility must notify a family member or other person with a legitimate interest in a person who has an emergency admission or involuntary court-ordered admission to a facility. This requirement is not applicable if an admission was filed by a spouse, legal guardian, or adult child of a person.

The State Board of Nursing and the Board of Examiners for Social Workers are required to adopt regulations prescribing the psychiatric training and experience necessary for the professionals they license in order to meet the qualifications to complete the certificate. A mental health facility, hospital, community-based or outpatient program, or other treatment provider shall report certain information on involuntary admissions to the Legislature. Lastly, the bill prohibits a person who is related to a person with mental illness by blood or marriage within the second degree of consanguinity or affinity from completing an application or certificate.

For those of us who served last session and through the interim, we know that we went through a very painful process as legislators. We were embarrassed as a state with lawsuits brought against our mental health system. We heard stories of how poorly our mentally ill were treated, and the state reacted. The state reacted with changes to funding and policy. This bill presented before you represents two different recommendations coming out of the Behavioral Health and Wellness Council. If you want to read all of the recommendations, this is the December 2014 report to the Governor. Specifically, these are recommendations numbers 3 and 9. Why did we have to work so diligently to change these particular statutes? Let me refer you to three different news articles that give you highlights of what we as a Legislature are trying to address.

May 1, 2013, *Las Vegas Review-Journal,* Mentally Ill Patients Stack Up at Local Hospitals

> The problem reached a critical point Monday afternoon at University Medical Center which declared an "internal disaster" because of the overflow of mentally ill patients. UMC shut down its adult emergency room to arriving ambulances for 12 hours, the hospital's chief of staff and head of emergency services said Wednesday. "The situation is unfair to mentally ill patients going untreated and to those with physical ailments whose emergency room waits have gotten longer," said Dr. Dale Carrison. "The worst thing about this is that state government is doing nothing to change it," he added.

The problem went on. February 26, 2014, *Las Vegas Review-Journal*

> Hospital emergency rooms throughout the valley are closing their doors to ambulances because the mentally ill are now occupying available beds at a rate higher than in 2004, when the problem prompted then Governor Kenny Guinn to release emergency funds after Clark County declared a state of emergency.

The problem still went on. August 20, 2014, *Las Vegas Review-Journal*

> Local emergency rooms remain in "crisis mode" as mentally ill patients seeking care continue to overload hospitals ill-equipped to meet their needs. Within the last 30 days, at least three hospitals have been forced to close their emergency departments to new patients. Over the last 30 days, the emergency department at the St. Rose de Lima campus has closed to new patients four times for a total of 54 hours because it had reached capacity.

There has been a crisis. We as a state have worked hard to address it, but we are not doing right by our mentally ill by holding them longer than we have to because we have an inefficient process that will not work. We are not doing right by anyone in this state by not supporting a system of care that can treat these people properly, address their needs, and get them back to a place where they can be safe and secure. I urge your support on A.B. 91.

ASSEMBLYMAN MOORE:

I rise in strong opposition to Assembly Bill 91. The Nevada Psychiatric Association's Lesley Dickson, M.D., does not support this bill. The Nevada Psychiatric Association has told me they were not consulted on this bill at all and, therefore, they have serious concerns about the problems that it is attempting to solve. I, too, have concerns. We are talking about taking people's freedom away. This expands the number of people to include a physician assistant, a clinical social worker, an advanced practice nurse, or an "accredited agent of the Department." Can someone please explain what the "Department" is?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you for the question. It is an excellent one. All you have to do is read the chapter to know. There are three different types of admissions that can be made. Each of them has statutes addressing it. All of them fall within the Department of Health and Human Services. You have a voluntary admission, you have an emergency admission, and then you have an involuntary admission. You can read NRS [*Nevada Revised Statutes*] 433A.200, NRS 433A.115, and NRS 433A.160.

And to say that no one was consulted on this is absolutely inaccurate, for the record. You can read the report that is right here. You can read about the stakeholders who were brought to the table to develop good public policy. You can read about the conversations and how we were going to make a fair and equitable system. Most importantly, you want to remember that the thing that is least fair is holding people longer than 72 hours because we do not have a process in place that can take them off of a certification. Now we are saying, you do not get to be just a social worker to do this process. You have to be a clinically licensed social worker, which means you have to have a master's degree and clinical hours of training and psychiatric training above it. We are not saying that you are just an RN [registered nurse]; we are saying that you are an advanced practice RN with psychiatric training. We are bringing the standards up in this bill, and it is a good thing.

ASSEMBLYMAN MOORE:

Thank you, my esteemed colleague from District 27. Thank you for clearing that up for me. I will read that. I did not say that no one was consulted; I simply said that the Nevada Psychiatric Association said to me that they were not consulted. Also, this question was asked twice in committee by two different people. Does this bill in any way expand the number of persons who can commit someone involuntarily? The answer given was no. The very first line of the bill states that it does. I would like that on the record.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 91. I would like to clear up a couple of comments that were made. I know that I was a little bit passionate on Friday, and I chose to leave the floor rather than to display my anger. I am concerned about the decorum in the building as a whole. I worked with my colleague from Assembly District 8. I stood up and I supported his amendment. I addressed his concerns. I do not disagree that he does not ever have to like the bill. That is fine, but I do want to make the record clear.

I spent my Sunday sending out a report that was put together over six or seven months, with many people being part of the process. There were well over 20 people who were on the committee. Dr. Dickson was in the room; you can go back to the minutes and look at that. She did have the opportunity to have discussion so she was part of the process. I am aware of the letter that she sent out recently stating that she had some concerns. I have agreed to address those concerns. But this was a six-month process to address this issue, and many of our leaders from both houses sat in on it.

Folks, do not forget: We have a lot of lawsuits regarding this. We have lots of things that we need to do better, and for people to say that we have not been putting money into mental health, that is not true. I have been in this building so long and my former colleague, Sheila Leslie, did a report in 2008. Guess how much this body has done since 2008? A big fat zero. Do you know why? Because we did not take it seriously. We take it seriously now that we have a huge lawsuit pending.

I understand there are concerns about who is part of that process. It would be very unfortunate if this bill went down because at the end of the day, our responsibility as legislators is to look out for those who cannot look out for themselves. Our responsibility is to make sure they get the services that they need so they can get back on track, so they can be part of our society, so they can work, so they can raise their families, and so they can live in their own homes.

I respect the opinion of my colleague from Assembly District 8, but I want the record to be clear. Every legislator has the report of the final recommendations. It is recommendation number 9 which addresses this issue. I have thousands of papers if anyone would like further documentation. My colleague from Reno, who at the time was the Minority Leader, sat with me on that committee. It was not an easy committee to be on. Eight to ten hours every single day for two days in a row, every other week, and that did not count all the extra stuff we did. We brought in professionals from around the country. These are their recommendations. I am happy to work with Dr. Dickson regarding the concern that she had, but this is a bigger issue. I would encourage my colleague to support it so that we can move it forward.

ASSEMBLYWOMAN FIORE:

Assembly Bill 91 is a tough bill, as I learned when my colleague from Assembly District 1 kind of lost her cool on the Chamber floor last Friday. I learned that the bill revolves around the lawsuits, which we did not know before going on the floor. But what I still do not understand about A.B. 91 is why we are expanding who can commit people involuntarily. I do not mind expanding who can let someone out, but we are talking about firefighters—they come on the scene, and they can commit you. We are talking about an array of folks who are not doctors who can commit you. This is the concern my colleague from District 8 has, and this is a valid concern. This is a very conflicting bill because I know we need it to help the state with the lawsuits and at the same time, I am very, very nervous about expanding who can commit someone.

ASSEMBLYMAN MOORE:

I thank the Minority Leader for working with me on this and I think she understands that I oppose the bill. I thank her for working with me on the amendment. I will continue to fight this bill all the way through. I know it will probably pass, but I would urge my colleagues to vote no.

ASSEMBLYMAN JONES:

I also rise in opposition to Assembly Bill 91, and I support my colleague from District 8. The problem with this bill, as I see it, is that it enables more people to involuntarily commit you. We hear, as support for this bill, that our mental health services are not sufficient here in the state of Nevada. What we are saying is, we need to be able to enable more people, such as an agent of the district, to commit you into a psychiatric facility involuntarily. I do not see how that has anything to do with helping people with a psychiatric situation. We need more professionals who are actually trained.

Think of this instance. You are with your spouse. You are in an argument and getting upset. You say, Oh, I would just like to kill you. Well, some nurse says, He is a danger to himself and others. Involuntarily off to 72 hours in the psychiatric facility, where you are drugged against your will and held against your will. A psychiatrist would say, He is in a moment of upset and probably does not know what he is saying. That is a trained person. But when you allow someone

who has no training, like a firefighter or an agent from the health district—who knows what that means. The definition of agent is basically anyone who works for the health district.

I think intent of this bill does not have to do with being involuntarily committed. The intent of the bill and its recommendations are for better psychiatric services. I am all for granting more people to get people their freedom, but if you have ever known anyone who has been involuntarily committed and they do not want to be in a psychiatric facility, it is actually hell to them. I think we should think seriously before allowing almost anybody to commit somebody involuntarily.

ASSEMBLYWOMAN TITUS:

I am rising with, hopefully, a voice of reason here. I appreciate everybody's comments and everybody's feelings about how important it is when you choose to commit somebody for a 72-hour legal hold. I have done that. I have a license to do that and, at this point, I almost could do that for everybody in this room because I am really suspicious about where you are right now.

I share the concern of my Assembly colleague from the south and I have visited with him on this issue. I, too, brought up in committee that I had concern about the expansion of those who can commit. There are checks and balances in the Legal 2000. Once you sign that form, the person does not go into some hole somewhere where no one knows they are there. They have to go through a physical screening exam by a physician in a professional setting before they are then committed to a psychiatric bed, whether that is in a separate building or in a hospital setting.

There has been a problem in our state. There is a huge mental health problem in our state. I really do not think this bill solves that problem. I think it is a step. I think we need to go forward with that. I was not going to support this bill, and I was going to support my colleague from the south who I have worked with on this. I feel the Minority Leader and the Assemblywoman from the north who sponsored this bill understand this, too. We want this process to go forward. With the amendment, I am supporting this bill because we have asked for some accountability.

I am going to be following this very closely; I think we all are. We hope that it brings changes to our state, we hope that we improve our mental health outcomes, and we hope we improve patient care. The amendment actually asks that not only do we get a report on how many of these have been done, but by which providers they have been committed. We can hold people and this state accountable. We need to move forward and pass this bill. Although I respect the feelings of the Assemblyman from the south, we need to improve mental health and I will be working on this very closely to make sure that there are improvements. I think we all want the same outcomes; we all want better treatment.

ASSEMBLYMAN HICKEY:

I rise briefly in support of Assembly Bill 91. I served on the Governor's commission and he acted, as did the countless professionals, in a most compassionate and thorough way in vetting exactly how the State of Nevada is going to begin addressing this challenge. I will assure you there were top law enforcement people, district attorneys from Clark County, top officials from all the psychiatric hospitals, and people directly involved in this field who came up with a comprehensive and a compassionate way to begin dealing with this problem. I think the fruit of that is in this bill, and we have made a huge step forward. I urge its passage.

ASSEMBLYWOMAN SEAMAN:

I rise in opposition to Assembly Bill 91. Again, the bill is not perfect, but let us pass it and let us keep an eye on it. I believe we are going to have unintended consequences with Assembly Bill 91 now that we can have physician assistants, firefighters, and so forth committing people. I urge all of my colleagues to vote no on this bill and let us work on legislation that we do not have to watch so closely because we will have done it right. I urge everyone to please vote no.

Assemblymen Oscarson, O'Neill, and Stewart moved the previous question.

The question being the passage of Assembly Bill No. 91.

Roll call on Assembly Bill No. 91:

YEAS—34.

NAYS—Dickman, Dooling, Fiore, Jones, Moore, Seaman, Shelton, Trowbridge—8.

Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Assembly Bill 356 prohibits a person from damaging or disrupting the lawful activities of any business or its employees or representatives with the intent to coerce or intimidate a business. It also prohibits the intentional or reckless destruction, marking, or damage of property or merchandise owned or controlled by a business. The measure provides for the award of damages and attorney's fees as costs in a civil action brought by a party injured by these unlawful activities. Additionally, the bill repeals provisions of existing law that address picketing by labor organizations and reenacts provisions of general applicability that prohibit certain activities while picketing, without regard to the purpose for which a person is engaged in picketing.

Roll call on Assembly Bill No. 356:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Stewart, Swank, Thompson—19.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:33 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Silberkraus moved that the Assembly reconsider the action whereby Assembly Bill No. 320 was refused passage.

Motion failed.

Assemblymen Silberkraus, Seaman, and Woodbury requested a roll call vote on the motion.

Roll call vote on the motion to reconsider the action whereby Assembly Bill No. 320 was refused passage.

YEAS—19.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Ellison, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Oscarson, Shelton, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge, Wheeler—23.

Motion failed.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 109.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Vlach.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Young and Sylvester Rogers.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Bennett, Rebecca Bennett, and Wayne Bennett.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, April 24, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 8:44 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 24, 2015

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Gardner and Seaman, who were excused.

Prayer by the Chaplain, Pastor Norm Milz.

Almighty God, we thank You for being with us this week as we actively worked to complete this part of bills and actions. Thank You for Your guidance and leadership throughout this process.

Now, as we continue to meet in committees and in these sessions, may we seek the good for the people we serve. Help us actively work and vote to show our state as one that truly cares for all its citizens in the programs it provides.

With final funding and budget before us, give us a spirit of compromise as we as a chamber discuss and vote. May we be willing to work together across the aisle, and with the Senate, to provide the best we are able.

Thank You for placing Your presence here, and guide us today in everything we do. In the glorious name of Your Son, Jesus.

AMEN.

Presentation of the Colors by the Humboldt General Hospital EMS Rescue Color Guard.

Pledge of allegiance to the Flag.

Special musical rendition of the *Preamble to the United States Constitution* by the Children's Performance Choir, directed by Tim Nolte.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 26, 27, 30, 66, 83, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 19, 33, 38, 39, 58, 62, 70, 110, 114, 146, 157, 245, 252, 254, 262, 288, 306, 314, 330, 334, 341, 370, 382, 388, 393, 403, 410, 411, 447, 457, 459, 463, 484, 495, 499; Senate Joint Resolutions Nos. 1, 3, 5.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 3.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 5.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 5.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 19.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 33.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 38.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 39.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 58.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 62.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 70.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 110.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 114.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 146.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 157.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 245.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 252.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 254.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 262.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 288.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 306.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 314.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 330.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 334.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 341.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 370.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 382.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 388.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 393.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 403.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 410.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 411.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 447.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 457.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 459.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 463.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 484.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 495.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 499.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Joiner requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, More than 600 individuals in Nevada are currently on the national organ transplant waiting list, and nationwide 21 patients die each day due to the shortage of donated organs; and

WHEREAS, A single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives, and the donation of tissue can save or heal the lives of up to 50 others; and

WHEREAS, Donor Network West has served as the federally designated organ procurement organization in northern Nevada since 1988; and

WHEREAS, Donor Network West works in close partnership with families, doctors, nurses, coroners, and northern Nevada hospitals to connect donors with recipients; and

WHEREAS, Donor Network West is dedicated to educating residents in northern Nevada about their ability to save others by registering as organ and tissue donors through the Nevada Donor Registry online or at Nevada's Department of Motor Vehicles; and

WHEREAS, Donor Network West provides support to all donor families during and after the donation process and honors donors annually at a Donor Family Gathering in Reno; and

WHEREAS, Every organ or tissue donation is a generous, powerful gift that can save or improve the life of someone in need; now, therefore, be it

PROCLAIMED, That April 23, 2015, is designated as a day in honor of Donor Network West and organ and tissue donors in Nevada.

DATED this 23rd day of April, 2015.

AMBER JOINER
Nevada State Assemblywoman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Hernandez and Will Pregman.

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy, Daniel Stewart, Patti Adams, Linda Blevins, Anne Bowen, Karen Daly, Sherie Silva, Barbara Williams, Janice Wright, Cindy Wyett, and Ted Zuend.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Ong.

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Demsky, Gina Hall, and Cort Arlint.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Corbett.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Fitzgerald, Chandni Patel, and Gil Lopez.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Lee.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Jacque Lethbridge.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Dominguez-Curry.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Bambi Wood.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Waters and Kiran Hothi.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Ault.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Jo Vonderheide, Judi Bishop, Lori McCleary, Erin Barlow, Jordan Neubauer, and Aubrie Bates.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Amerika Young, Jenny Chen, and Erin McHam.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Mayita Sanchez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear, Jean Kvam, Jordan Haas, Sylvia Brown, Marge Griffin, Pat Manning, Jasmine Shackley, Sally Stoner, Elise Sala, Roberto Lusanta, Jr., Harle Glover, Carl Henry, Dave Moore, Karla Reed, Elizabeth Saenz, Susan Schmidt, Marcy Peterson, Diane Hudson, Cindie Kusko, Dakota Fischer, Robin Bates, Mary Matheus, Jamie Tierney, Vickie Kieffer, Dennis Humphrey, Bob Guernsey, Judy Doherty, Nicole Madden, Jenifer Osheroff, Susan Hoffman, Jason Hataway, Michele Burke, Carol Aiello-Sala, and Christie Peters.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Hoffecker, Nancy Davis, Janet Jones, Lenore Carfora-Nye, Linda Whimple, and Cindy Southerland.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Davis and the following students, chaperones, and teachers from Caughlin Ranch Elementary School: Julia I. Anthony, Brandon A. Bailey, Nicholas T. Bland, Kaelan M. Crawford, Michael A. Cruz, Sofia M. D'Astolfo, Jay J. Dunlap, Emily M. Erb, Alexis K. Hauger, Ashton S. Hlade, Samantha M. Kolakowski, Ann S. Mayer, Jackson D. McKenzie, Nathan J. Mills, Josephine L. Moleta, Dylan S. Oliver, Jakob T. Petersen, Lucas E. Rissone, Paul E. Ross, Christopher T. Viloria, Amber-Denee E. Wilday, Jakob W. Woodhead, Kevin Wu, Courtney Barozzi, Niko Bebis, Joe Fronk, Claire Glover, Yareli Gomez Ruiz, Ava Holbrook, Eric Jacobs, Zoe Jones, Torston Kanegsberg, Aiden Kirk, David Lessard, Mackenzie Montoya, Olivia Oxborrow, Jolie Paddock, Sean Sanchez, Dylan Schraub, Ryan Schraub, Dakota Shuff, Enzo Sowle, Quentin Strait, Elizabeth Young, Shefer Zemach, Jerry Graff, Sadie R. Baldwin, Amanda E. Bender, Christian T. Castro, Hunter J. Dalton, Mya K. Dunlap, Kalie R. Eugenio, Gali Hacohen, Nathan R. Haley, Brandon C. Ichino, Tressa E. Irvin, Caedon J. Legarza, Jessica J. Maguire, Renee G. Messer, Jackson C. Palzkill, Stanley L. Plecha, Magdalena C. Rios, Gavin M. Roa, Clara M. Shoopman, Lauren O. Siebert, Anna M. Stoltz, Morgan M. Volpa, and Lexie E. Wosick.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Polek.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Thelma Reindollar and Kelsey Long.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny McMenomy, Joann Saridakis, and Brendan Summers.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Law, Leslie Danihel, C. J. Smith, Janel Davis, Olivia Lloyd, Jennifer Russell, and Earlene Miller.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Osborne.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Molnar and Alicia Albertson.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Njoroge.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean, Tim Nolte, Kim Nemeth, and Sanne Steele.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Whittaker, Charles Paddock, Tim Spangler, Fergus Laughridge, Mike Bell, Enrique Ponce, Jared Oscarson, Jim Parrish, Jason Manley, Pat Songer, Deborah Paul, Karen Buck, and Karyn Werner.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Sutton, Lonnie R. Spencer, and Marlene Spencer.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Walters, Rebecca Walters, Joesph Di Leonardo, Shirley Shultz, Ed Gonzalez, Chelsea Boone, Valance Johns, Sofia Morrison, Dahlia Nearhoff, Hanna Nearhoff, Madison Ramsay, and Brittany Vanzura.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Genet Sauer, Damia D.W. Burns, and Debbi Burns.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Annie King.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Menke, Pat Hartman, and Carol Stonefield.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Divya Narala.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Williams, Donna Ruiz, and Stephen Wood.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Ann Luzzi.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Eiche, Joan Waldock, Henri Stone, and Trinity Thom.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Salerno and Sharon McCallen.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, April 27, 2015., at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:34 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 27, 2015

Assembly called to order at 12:19 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson, Araujo, and O'Neill, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord our God, if ever we need Your wisdom and Your guidance, it is now as we begin this new week. We pray that You will bless these men and women chosen by the people of this great state, for You know their needs, their motives, their hopes, and their fears. Put Your arm around them to give them strength and speak to them to give them wisdom greater than their own. May they hear Your voice and seek Your guidance. May they remember that You are concerned about what is said and done here, and may they have clear conscience before You, that they need fear no man. Bless each of us according to our deepest need, and use us for Your glory, we humbly ask in Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 63, 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN HAMBRICK, *Vice Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché for the Assembly.

Assemblyman Hansen moved the adoption of the resolution.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
This resolution provides for the hiring of additional staff.

Resolution adopted.

Assemblyman Hansen moved that Senate Bill No. 4 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 26.
Bill read second time and ordered to third reading.

Senate Bill No. 27.
Bill read second time and ordered to third reading.

Senate Bill No. 30.
Bill read second time and ordered to third reading.

Senate Bill No. 66.
Bill read second time and ordered to third reading.

Senate Bill No. 83.
Bill read second time and ordered to third reading.

Senate Bill No. 362.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Alexa Barredo and the following students, chaperones, and teachers from Innovation High School: Guadalupe Andrade Hernandez, Leo J. Bogarin, Maureena E. Jacinto, Brianna C. Perez, Jose I. Rodriguez, Valeria J. Acosta, Aaron-Michael B. Gamino, Oscar A. Garcia Zuniga, Genesis A. Hernandez, Shan Jaef, Sofia Stephanie Moreno Jacinto, Kassandra I. Noland, Luis F. Sotelo, Johnny F. Velasquez, Veronica A. Velasquez, Arianna D. Wallace, Lorenzo Bogarin, Tara M. Ebbs, and Jenessa L. Razo.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Loretta Harper, Jennifer Webb Cook, and Samye Lynom.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Brooks Holcomb, Gary Murphy, and Peggy Lear Bowen.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Vince Richardson.

Assemblyman Hansen moved that the Assembly adjourn until Tuesday, April 28, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 28, 2015

Assembly called to order at 12:18 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Paul Anderson, Fiore, and Kirkpatrick, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father in heaven, once again we offer unto You our grateful thanks for Your mercy that cared for us during the night and brought us safely to this hour.

Today is the tomorrow we worried about yesterday, and we see how foolish our anxiety was.

Teach us to trust You more completely and to seek Your help in all that we have to do.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Hansen moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 47, 118, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Education.

JAMES OSCARSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Senate Bill No. 394 be rereferred to the Committee on Education.

Motion carried

Assemblyman Hansen moved that Senate Bills Nos. 26, 27, 30, 66, 83, and 362 be taken from the General File and placed on the General File for the next legislative day.

Motion carried

SECOND READING AND AMENDMENT

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 649.

AN ACT relating to the Nevada Indian Commission; creating the Nevada Indian Commission's Gift Fund; designating the Commission as the coordinating agency for certain discussions regarding activities at and uses of the buildings and grounds of the former Stewart Indian School; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Indian Commission is charged with studying matters affecting the social and economic welfare and well-being of American Indians residing in Nevada and recommending necessary or appropriate action, policy, legislation or revision of legislation or regulations pertaining to Indians. (NRS 233A.090)

Section 2 of this bill designates the Commission as the coordinating agency for discussions among the Commission, state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.

Section 3 of this bill creates the Nevada Indian Commission's Gift Fund as a special revenue fund. **Section 3** provides that, unless specifically accounted for in another fund, all gifts or grants of money or other property to the Commission must be accounted for in the Fund. **Section 3** additionally provides that gifts of property other than money may be sold or exchanged when deemed by the ~~[Executive Director of the]~~ Commission to be in the best interest of the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 233A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Commission is hereby designated as the coordinating agency for discussions among the Commission, state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.***

Sec. 3. ***1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money or other property which the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Commission may establish such accounts in the Fund as are necessary to account properly for gifts and grants received. All such money received by***

the Commission must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Executive Director of the Commission or his or her designee.

2. Gifts of property other than money may be sold or exchanged when this is deemed by the ~~[Executive Director of the]~~ Commission to be in the best interest of the Commission. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the ~~[Executive Director.]~~ Commission. All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the Nevada Indian Commission's Gift Fund. The money may be spent only for the purposes of the Commission. The property may not be sold or exchanged if to do so would violate the terms of the gift.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that the Nevada Indian Commission must approve the sale or exchange of property when deemed to be in the best interest of the Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 650.

SENATOR HARDY

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL, STEWART AND SILBERKRAUS

AN ACT relating to redevelopment; revising provisions relating to the termination of certain redevelopment plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan adopted by a redevelopment agency on or after January 1, 1991, must terminate not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439) This bill provides that, if a redevelopment area includes real property conveyed by the Federal Government which contains certain abandoned mine or milling facilities, a redevelopment plan adopted on or after January 1, 1991, must terminate not later than 45 years after the effective date of the conveyance of the land by the Federal Government if: (1) within 15 years after the date on which the original redevelopment plan was adopted, the State enters into one or more agreements, with respect to the real property

conveyed by the Federal Government, for mine remediation and reclamation; and (2) before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the city or county in which the redevelopment area is located.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 279.439 is hereby amended to read as follows:

279.439 ~~[A]~~

1. Except as otherwise provided in subsection 2, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.

2. If a redevelopment area includes any real property conveyed by the Federal Government which contains an abandoned mine or milling operation with open pits, large volumes of mine overburden and tailings piles and mill facility foundations, or a hazardous level of contaminants, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 45 years after the date of the conveyance of the real property if:

(a) Within 15 years after the date on which the original redevelopment plan is adopted, the State enters into one or more agreements, with respect to the real property conveyed by the Federal Government, for mine remediation and reclamation; and

(b) Before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the community in which the real property is located.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment adds three joint sponsors: Assemblywoman Spiegel, Assemblyman Stewart, and Assemblyman Silberkraus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 505.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 505 provides for a state agency premium holiday by requiring that a participating state agency only pay the Public Employees' Benefit' Program (PEBP) Active Employee Group Insurance Subsidy (AEGIS) assessment for the first ten months of Fiscal Year 2014-2015.

The premium holiday applies to each department, commission, board, bureau, or other agency of the Executive, Legislative, and Judicial Departments of state government, including, without limitation, the Public Employees' Retirement System and the Nevada System of Higher Education.

Senate Bill 505, introduced on behalf of the Department of Administration, is part of the Department of Administration's strategy to address the FY 2015 ending fund balance shortfall. The premium holiday is projected to save $18.3 million in general funds and $5 million in highway funds. While approving this bill will require an FY 2016 AEGIS assessment greater than would otherwise be needed, increased funding for FY 2016 is included in the Executive Budget.

Although a corresponding premium holiday is not provided for active state employees in this bill, Senate Bill 505 specifically provides that state employees must not be required to pay the portion of the cost of the premiums and contributions that would have otherwise been paid by their state employers during the two months of the state agency AEGIS premium holiday.

This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 505:

YEAS—38.

NAYS—Carlton.

EXCUSED—Paul Anderson, Fiore, Kirkpatrick—3.

Senate Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Spiegel requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, The Republic of Azerbaijan restored its independence in October 1991 after the collapse of the Soviet Union, proclaiming itself the heir to the Azerbaijan Democratic Republic, which, established in 1918, was the first secular democratic republic in the Muslim world, among the first nation states granting the right to vote to women, and was recognized by other democratic nations, including the United States of America; and

WHEREAS, The Republic of Azerbaijan is today a staunch ally and partner of the United States in a strategically important South Caucasus region bordering Iran, Russia, and Central Asia; and

WHEREAS, The United States of America was one of the first countries to recognize the independence of the Republic of Azerbaijan in 1991 and establish full-fledged diplomatic relations with it in 1992; and

WHEREAS, Since 1991, the Republic of Azerbaijan has consolidated its sovereignty and independence, and has become one of the most rapidly developing and modernizing countries in the world, the largest economy of the region and the biggest U.S. trade partner in the South Caucasus; and

WHEREAS, Over the past 23 years, the United States of America and the Republic of Azerbaijan expanded their partnership and developed multi-faceted cooperation ranging from energy security, fighting against international terrorism, drug and human trafficking to nonproliferation of weapons of mass destruction; and

WHEREAS, The Republic of Azerbaijan was one of the first countries to render comprehensive and unconditional assistance to the United States after the terror attacks of 9/11, opening its airspace and airports for the use by coalition troops in Afghanistan and sending its soldiers there to serve shoulder to shoulder with U.S. troops; and

WHEREAS, Since 2001, the Republic of Azerbaijan has been providing a vital transportation route for around 40 percent of all supplies for American troops in Afghanistan; and

WHEREAS, The U.S. Secretary of State John Kerry stated on June 3, 2013, that, "Azerbaijan has been an important partner in Afghanistan, in ISAF, and equally important with respect to the

northern distribution route but also the southern gas line and other issues that are of great importance to us"; and

WHEREAS, Possessing vast oil and gas resources, the Republic of Azerbaijan contributes to the energy security of the United States, Europe, and Israel, and is a critical element of the "Southern Corridor," which will further enhance diversification of energy supplies to our European allies; and

WHEREAS, Azerbaijan has a long-standing tradition of peaceful co-existence between various ethnic and religious communities and is one of the few secular countries with a predominately Muslim population that maintains close, friendly ties with the State of Israel; and

WHEREAS, The Republic of Azerbaijan, represented by its Consul General, attaches great importance to expanding its relations in all spheres, including trade, cultural and educational exchange with the State of Nevada; and

WHEREAS, It is critical for the United States of America to continue to further support the freedom and independence of its allies, such as Azerbaijan, and strengthen our relations with them in order to advance our common interests, presently and in the future; now therefore be it

PROCLAIMED, That the partnership and friendship between the United States of America and the Republic of Azerbaijan is recognized and the relationship between the countries will be enhanced through mutual support and effort over the many years to come.

DATED this 28th day of April, 2015.

JOHN HAMBRICK
Speaker of the Assembly

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nasimi Aghayev and Rafig Rustamov.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Kat Barrett and David Barrett.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Sanne Steele.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Behimer, Megan Behimer, Corinne Ebner, Elizabeth Ebner, Devyn Frederick, Karley Frederick, Grant Kennedy, Lorna Kennedy, Sadie Kennedy, Andrew Riley, Grace Taylor, Jude Taylor, Levi Taylor, Seth Taylor, and KatyRuth Taylor.

Assemblyman Hansen moved that the Assembly adjourn until Wednesday, April 29, 2015, at 11 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 29, 2015

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father in heaven, give us the long view of our work and our world.

Help us to see that it is better to fail in a cause that will ultimately succeed, than to succeed in a cause that will ultimately fail.

Guide us how to work and then teach us how to wait.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 44, 417; Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 333.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 26, 27, 30, 63, 66, 83, 297, and 362 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 47.

Bill read second time and ordered to third reading.

Senate Bill No. 118.
Bill read second time and ordered to third reading.

Senate Bill No. 177.
Bill read second time and ordered to third reading.

Senate Bill No. 311.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Hardy and Celssie Hardy.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Richard "Skip" Daly and Sheila Leslie.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to James McGaughey, Collin McGaughey, and Jason Frierson.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Art Rader and Freda Radar.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to William Horne.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to David Humke.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to James Spinello.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to John Carpenter and Terry Sullivan.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Cafferata.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Tod Bedrosian.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Bradley Goetting and Ron Knecht.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Perkins and Tom Collins.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Benkovich.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Brooks Holcomb.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Fairchild, Jean Fairchild, and Barbara Cegavske.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Genie Ohrenschall, Frank Daykin, Nancy Price, and Bob Price.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Griffin.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Artie Valentine and Faye Valentine.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to David Brown.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to John Oceguera.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Hooks and D. Edward Chaney.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Grady.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Marcus Conklin.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Webb.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, April 30, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:29 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), April 30, 2015

Assembly called to order at 12:34 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend D. Edward Chaney.

God of Grace, God of Mercy, we thank You for this day. We thank You for another opportunity to gather and conduct the business of the great state of Nevada.

We ask, dear God that You pour into this august body the wisdom, knowledge, courage, patience, and love to make effective decisions for the betterment of all mankind.

Allow Your presence to be felt and Your spirit move throughout this place.

We ask these and all other blessings in your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 159, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 195, 200, 205, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 271, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 23, 43, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 26.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 26 provides that if an agency or the State Controller obtains a judgment against a person for a debt, the State Controller may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the State Controller. The measure prohibits an employer from using the withholding of income to collect an obligation to pay money to the State Controller as a basis for refusing to hire a potential employee, discharging an employee, or taking disciplinary action against an employee. Violation of this prohibition is punishable by an administrative fine of $1,000.

The Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, is required, upon request, to provide to the State Controller the name, address, and place of employment of any person listed in the records of the Division.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 26:

YEAS—42.

NAYS—None.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 66 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly suspend subsection 4 of Assembly Standing Rule No. 57 for the purpose of taking committee action on Assembly Bill No. 459.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 459, just reported out of committee, be placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 655.

AN ACT relating to controlled substances; enacting the Good Samaritan Drug Overdose Act; authorizing certain health care professionals to prescribe and dispense an opioid antagonist to certain persons under certain circumstances; providing immunity from civil and criminal liability and professional discipline for such prescribing and dispensing of an opioid antagonist; providing criminal and other immunity for persons who seek medical assistance for a person who is experiencing a drug or alcohol overdose under certain circumstances; authorizing certain licensing boards to require that certain persons registered by the State Board of Pharmacy receive periodic training concerning the misuse and abuse of controlled substances; authorizing the imposition of disciplinary action for failure to complete such training; requiring that certain information concerning a prescription for a controlled substance be uploaded to the database of a certain computerized program; revising requirements for certain persons to access a certain computerized program before initiating a prescription for a controlled substance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill enact the Good Samaritan Drug Overdose Act, the provisions of which have been enacted in part or in entirety by at least 28 other states.

Under existing law, certain health care professionals may prescribe, dispense or otherwise furnish an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose. (Chapter 454 of NRS) **Section 7** of this bill authorizes certain physicians, physician assistants and advanced practice registered nurses to prescribe and dispense an opioid antagonist to a family member, friend or other person who is in a position to assist a person at risk of experiencing an opioid-related drug overdose and provides immunity from civil and criminal liability and professional discipline for doing so ~~[.]~~ **or**

declining to do so. **Section 8** of this bill authorizes the storage and dispensing of opioid antagonists by certain persons who are not registered or licensed by the State Board of Pharmacy. **Section 9** of this bill provides for the development of standardized procedures and protocols under which a registered pharmacist may furnish an opioid antagonist.

Existing law establishes criminal liability for various activities relating to controlled substances. (Chapter 453 of NRS) **Section 12** of this bill provides that a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating: (1) certain provisions of existing law governing controlled substances; (2) a restraining order; or (3) a condition of the person's parole or probation, if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was gained as a result of the person's seeking such medical assistance. **Section 12** also provides that the act of seeking such assistance may be raised in mitigation in connection with certain other crimes.

Existing law requires every practitioner or other person who dispenses a controlled substance within this State to register biennially with the State Board of Pharmacy. (NRS 453.226) **Sections 15.1-15.9** of this bill authorize the professional licensing boards of the various practitioners who are eligible for such registration to: (1) require their licensees who are registered to dispense a controlled substance to periodically complete certain training concerning the misuse and abuse of controlled substances; and (2) impose disciplinary action on a practitioner who fails to do so.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) **Section 13** of this bill requires each person who dispenses a controlled substance to upload certain information to the database of the program not later than the end of the next business day after dispensing the controlled substance.

Existing law requires a practitioner to obtain a patient utilization report regarding a patient before writing a prescription for a controlled substance if the patient is a new patient or a current patient who has not received a prescription for a controlled substance from the practitioner in the preceding 12 months. (NRS 639.23507) **Section 16** of this bill: (1) requires a practitioner to obtain a patient utilization report before initiating a prescription for a controlled substance; (2) exempts from liability a practitioner who fails to obtain such a report under certain circumstances; and (3) requires the Board to adopt regulations to provide alternative methods of complying with the

requirement to obtain such a report for a physician who provides services in a hospital emergency department.

WHEREAS, The Nevada Legislature finds and declares that overdose deaths from drug or alcohol use is a major public health and safety problem in Nevada and in the United States, such that overdose deaths now annually exceed those caused by homicide or vehicle collisions; and

WHEREAS, The use and abuse of both legal and illegal substances, especially opioids, has increased in Nevada at an alarming rate, contributing to addiction, crime, incarceration and imprisonment, mental illness, suicide, family breakdown, and increased costs of medical and mental health treatment for youth and adults in Nevada; and

WHEREAS, Overdose death is preventable through the timely administration of safe, effective, nonnarcotic antidote drugs which reverse the effects of opioid overdose in minutes, are not controlled substances, and have no abuse potential; and

WHEREAS, Effective and successful opioid overdose prevention programs have been implemented in 25 states, and such efforts are now encouraged and promoted by the American Medical Association, the United States Conference of Mayors, the National Office of Drug Control Policy, the Substance Abuse and Mental Health Services Administration, the United States Department of Justice, the National Association of Boards of Pharmacy, the American Public Health Association, the National Association of State Alcohol and Drug Abuse Directors, the National Association of Drug Court Professionals and countless more law enforcement and treatment professionals; and

WHEREAS, Numerous states have implemented "911 Good Samaritan Statutes" encouraging citizens and professionals to seek or provide overdose reversal and emergency medical assistance to persons who appear to be experiencing a drug or alcohol overdose, and have provided for immunity from civil, criminal and professional liability for such actions; and

WHEREAS, The implementation of an opioid overdose prevention policy and "911 Good Samaritan Statutes" are in the best interest of Nevadans and such lifesaving practices and programs should be established, recognized, encouraged and implemented in Nevada to be available to residents and visitors; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Good Samaritan Drug Overdose Act.***

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *1. "Health care professional" means a physician, a physician assistant or an advanced practice registered nurse.*

2. As used in this section:

(a) "Advanced practice registered nurse" has the meaning ascribed to it in NRS 632.012.

(b) "Physician" means a physician licensed pursuant to chapter 630 or 633 of NRS.

(c) "Physician assistant" means a physician assistant licensed pursuant to chapter 630 or 633 of NRS.

Sec. 5. *"Opioid antagonist" means any drug that binds to opioid receptors and blocks or disinhibits the effects of opioids acting on those receptors. The term includes, without limitation, naloxone hydrochloride.*

Sec. 6. *"Opioid-related drug overdose" means a condition including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or that an ordinary layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.*

Sec. 7. *1. Notwithstanding any other provision of law, a health care professional otherwise authorized to prescribe an opioid antagonist may, directly or by standing order, prescribe and dispense an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose or to a family member, friend or other person in a position to assist a person at risk of experiencing an opioid-related drug overdose. Any such prescription must be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.*

2. A person who, acting in good faith and with reasonable care, prescribes or dispenses an opioid antagonist pursuant to subsection 1, is not subject to any criminal or civil liability or any professional disciplinary action for:

(a) Such prescribing or dispensing; or

(b) Any outcomes that result from the eventual administration of the opioid antagonist.

3. Notwithstanding any other provision of law:

(a) Any person, including, without limitation, a law enforcement officer, acting in good faith, may possess and administer an opioid antagonist to another person whom he or she reasonably believes to be experiencing an opioid-related drug overdose.

(b) An emergency medical technician, advanced emergency medical technician or paramedic, as defined in chapter 450B of NRS, is authorized to administer an opioid antagonist as clinically indicated.

4. A person who, acting in good faith and with reasonable care, administers an opioid antagonist to another person whom the person believes to be experiencing an opioid-related drug overdose is immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.

5. The provisions of this section do not create any duty to prescribe or dispense an opioid antagonist. A person who declines to prescribe or dispense an opioid antagonist is not subject to any criminal or civil liability or any professional discipline for any reason relating to declining to prescribe or dispense the opioid antagonist.

Sec. 8. *Notwithstanding any other provision of law, a person acting under a standing order issued by a health care professional who is otherwise authorized to prescribe an opioid antagonist may store an opioid antagonist without being subject to the registration and licensing provisions of chapter 639 of NRS and may dispense an opioid antagonist if those activities are undertaken without charge or compensation.*

Sec. 9. *1. Notwithstanding any other provision of law, a registered pharmacist may furnish an opioid antagonist in accordance with standardized procedures or protocols developed and approved by the State Board of Pharmacy pursuant to this section.*

2. The State Board of Pharmacy may, in consultation with representatives of the Nevada Pharmacist Association, other appropriate professional licensing boards, state agencies and other interested parties, develop standardized procedures or protocols to enable a registered pharmacist and other appropriate entities to furnish an opioid antagonist pursuant to this section.

3. Standardized procedures or protocols adopted pursuant to this section must ensure that a person receive education before being furnished with an opioid antagonist pursuant to this section. The education must include, without limitation:

(a) Information concerning the prevention and recognition of and responses to opioid-related drug overdoses;

(b) Methods for the safe administration of opioid antagonists to a person experiencing an opioid-related drug overdose;

(c) Potential side effects and adverse events connected with the administration of opioid antagonists;

(d) The importance of seeking emergency medical assistance for a person experiencing an opioid-related drug overdose even after the administration of an opioid antagonist; and

(e) Information concerning the provisions of section 12 of this act.

4. A pharmacist shall, before furnishing an opioid antagonist pursuant to this section, complete a training program on the use of opioid antagonists. The program must include at least 1 hour of approved continuing education on the use of opioid antagonists.

5. This section does not:

(a) Affect any provision of law concerning the confidentiality of medical information.

(b) Confer any authority on a registered pharmacist to prescribe an opioid antagonist or any other prescription medication or controlled substance.

Sec. 10. ***1. The Department of Health and Human Services may engage in efforts to ascertain and document the number, trends, patterns and risk factors related to fatalities caused by unintentional opioid-related drug overdoses and other drug overdoses.***

2. The Department of Health and Human Services may publish an annual report that:

(a) Presents the information acquired pursuant to subsection 1; and

(b) Provides information concerning interventions that may be effective in reducing fatal and nonfatal opioid-related drug overdoses and other drug overdoses ~~[.]~~***, including, without limitation, the use of opioid analgesic drugs that contain abuse-deterrent mechanisms and access to such drugs.***

Sec. 11. ***The Department of Health and Human Services may, within the limits of available money, award grants for:***

1. Educational programs for the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses;

2. Training programs for patients who receive opioid antagonists and for the families and caregivers of such patients concerning the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses;

3. Projects to encourage, when appropriate, the prescription and distribution of opioid antagonists; and

4. Education and training programs on the prevention and recognition of and responses to opioid-related drug overdoses and other drug overdoses for members and volunteers of law enforcement agencies and agencies that provide emergency medical services and other emergency services.

Sec. 12. ***1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:***

(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393, 453.3395 or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336.

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.366;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

➥ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 13. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state

agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~[elects]~~ ***is required*** to access the database of the program pursuant to subsection ~~[2,]~~ ***3,*** including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. ***Except as otherwise provided in this subsection, each person registered pursuant to this chapter to dispense a controlled substance listed in Schedule II, III or IV shall, not later than the end of the next business day after dispensing a controlled substance, upload to the database of the program established pursuant to subsection 1 the information described in paragraph (d) of subsection 1. The requirements of this subsection do not apply if the controlled substance is administered directly by a practitioner to a patient in a health care facility, as defined in NRS 439.960, a child who is a resident in a child care facility, as defined in NRS 432A.024, or a prisoner, as defined in NRS 208.085. The Board shall establish by regulation and impose administrative penalties for the failure to upload information pursuant to this subsection.***

3. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each practitioner who is authorized to

write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who ~~[:~~

~~(a) Elects to access the database of the program; and~~

~~(b) Completes]~~ ***completes*** the course of instruction described in subsection ~~[7.]~~ ***8.***

~~[3.]~~ ***4.*** The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

~~[4.]~~ ***5.*** The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~[5.]~~ ***6.*** The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

~~[6.]~~ ***7.*** Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[7.]~~ ***8.*** The Board and the Division shall cooperatively develop a course of training for persons ~~[who elect]~~ ***required*** to access the database of the program pursuant to subsection ~~[2]~~ ***3*** and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection ~~[2.]~~ ***3.***

~~[8.]~~ ***9.*** A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

~~[9.]~~ ***10.*** The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.2. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation,

the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

18. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

19. Failure to obtain any training required by the Board pursuant to section 15.1 of this act.

Sec. 15.3. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each holder of a license to practice dentistry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.4. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

11. Failure to obtain any training required by the Board pursuant to section 15.3 of this act.

Sec. 15.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each advanced practice registered nurse who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. An advanced practice registered nurse may use such training to

satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.55. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to section 15.5 of this act.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

Sec. 15.6. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each osteopathic physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.65. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

21. Failure to obtain any training required by the Board pursuant to section 15.6 of this act.

Sec. 15.7. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each holder of a license to practice podiatry who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any such holder of a license may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.75. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to section 15.7 of this act.

Sec. 15.8. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may, by regulation, require each optometrist who is certified to administer and prescribe therapeutic pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 1 hour of training relating specifically to the misuse and abuse of controlled substances during each period of licensure. Any licensee may use such training to satisfy 1 hour of any continuing education requirement established by the Board.

Sec. 15.9. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to obtain any training required by the Board pursuant to section 15.8 of this act.

Sec. 16. NRS 639.23507 is hereby amended to read as follows:

639.23507 A

~~***[1. Except as otherwise provided in this section, a]***~~ practitioner shall, before ~~[~~writing~~]~~ ***initiating*** a prescription for a controlled substance listed in schedule II, III or IV, ~~[~~for a patient,~~]~~ obtain a patient utilization report regarding the patient ~~[~~for the preceding 12 months~~]~~ from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545 ~~***[.]***~~ if ~~[~~the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and:~~]~~ ***:***

1. The patient is a new patient of the practitioner; or

2. The ~~[~~patient has not received any ~~]~~ prescription ~~[~~for a controlled substance from the practitioner in the preceding 12 months.~~]~~ ***is for more than 7 days and is part of a new course of treatment for the patient.***

➥ The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

2. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

3. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

4. A practitioner who violates subsection 1:

(a) Is not guilty of a misdemeanor.

(b) May be subject to professional discipline if the appropriate professional licensing board determines that the practitioner's violation was intentional.

5. As used in this section, "initiating a prescription" means originating a new prescription for a new patient of a practitioner or originating a new prescription to begin a new course of treatment for an existing patient of a practitioner. The term does not include any act concerning an ongoing prescription that is written to continue a course of treatment for an existing patient of a practitioner.

Sec. 16.5. NRS 639.310 is hereby amended to read as follows:

639.310 ~~[Unless]~~ ***Except as otherwise provided in NRS 639.23507, unless*** a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 17. 1. The Department of Health and Human Services shall, not later than October 1, 2015, add naloxone hydrochloride for outpatient use to the list of preferred prescription drugs to be used for the Medicaid program established by the Department pursuant to NRS 422.4025.

2. Any expenses incurred by the Department to provide naloxone hydrochloride must be paid for through the existing resources of the Medicaid program.

Sec. 18. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amends the provisions of section 7 to not create any duty to prescribe or dispense an opioid antagonist. A person is not subject to any criminal or civil liability or any professional discipline relating to declining to prescribe or dispense opioid antagonists.

In section 10.2 (b) it adds "including, without limitation, the use of opioid analgesic drugs that contain abuse-deterrent mechanisms and access to such drugs."

Section 16 restores some language:

1. The patient is a new patient of the practitioner; or

2. The prescription is for more than 7 days and is part of a new course of treatment for the patient.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 44.
Bill read second time and ordered to third reading.

Senate Bill No. 417.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.
Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 27.
Bill read third time.
Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:
Senate Bill 27 revises provisions governing the funding of administrative services required by the Commission for Cultural Affairs. Instead of relying solely on money derived from interest earned on the money in the Fund for the Preservation and Promotion of Cultural Resources to pay for those services each fiscal year, this bill authorizes the Commission to use not more than 5 percent of the proceeds from any particular bond issue to pay for those services.

Roll call on Senate Bill No. 27:
YEAS—42.
NAYS—None.
Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 30.
Bill read third time.
Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:
Senate Bill 30 authorizes an elected county officer the ability to reject longevity pay for which the officer is entitled by state law. At the present time, a county official who has served more than four years must accept longevity pay of 2 percent. He now has the option, if this bill passes, to reject that 2 percent. I encourage you to pass this bill.

Roll call on Senate Bill No. 30:
YEAS—42.
NAYS—None.
Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 47.
Bill read third time.
Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 47 revises laws related to local improvement districts. The bill revises the definition of a "commercial area vitalization project", changing the term to "neighborhood improvement project", to allow the establishment of such a project in any area of the local improvement district instead of an area zoned primarily for business or commercial purposes. A waterfront project is added to the list of allowable projects. The population cap is removed to allow the governing body in a county with a population of 700,000 or more (Clark County) to levy one or more special assessments for the extraordinary maintenance, repair, and improvement of the neighborhood improvement project for which the improvement district has been created. The amount of money to be set aside for the surplus and deficiency fund is increased from $25,000 to $50,000, and the authorized uses of the fund are expanded.

The bill allows the governing body to grant authority, by resolution, to the treasurer to reduce or waive interest as long as such reduction or waiver does not impair a municipality's ability to pay its bond obligations. Finally, the measure revises provisions relevant to the collection of delinquent assessments prior to a county conveying a deed. The bill is effective on July 1, 2015.

Roll call on Senate Bill No. 47:

YEAS—34.

NAYS—Benitez-Thompson, Dickman, Fiore, Moore, Neal, Shelton, Sprinkle, Titus—8.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 63 designates the Nevada Indian Commission as the coordinating agency for discussions among the Commission, state agencies, and local governmental entities regarding activities and uses of the former Stewart Indian School. The bill creates the Nevada Indian Commission's Gift Fund, a special revenue fund, which is a continuing fund without reversion to the State General Fund. All gifts, grants of money, or other property that the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund, unless specifically accounted for in another fund. Any gifts of property other than money may be sold or exchanged when deemed by the Commission to be in the best interest of the Commission, but the sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Commission. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 63:

YEAS—42.

NAYS—None.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 83.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 83 allows a person to report, confidentially, to the telephone hotline established within the Division of Internal Audits, Department of Administration, information relevant to abuse, fraud, or waste with respect to public money received and used by an Executive Branch

agency or certain contractors. Upon receipt of such information, the Division shall perform a review and prepare a report of its findings. The report is a public record, but it may not include the identity of the person who reported the information. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 83:

YEAS—42.

NAYS—None.

Senate Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 118 revises various provisions of the Charter of the City of Sparks to limit the authority of the City Manager, instead authorizing the municipal judges and the Administrative Judge to take certain actions concerning employees of the Municipal Court. Additionally, the civil service rules for employees of the city do not apply to officers and employees of the Municipal Court.

This bill came out of the Nevada Supreme Court decision in the City of Sparks v. Sparks Municipal Court. The court found unconstitutional the way in which employees of the city's municipal court were being appointed. This makes various changes to the charter to conform to that opinion.

Roll call on Senate Bill No. 118:

YEAS—42.

NAYS—None.

Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 177 authorizes a patient, a legal representative of a patient who is incompetent, or a parent or guardian of a patient who is a minor to designate a caregiver upon an inpatient admission to a hospital. Another caregiver can be designated if the person originally designated is unable or unwilling to perform the duties. A person is under no obligation to a patient solely because the person has been designated as a caregiver.

A hospital must provide the opportunity for a patient, a legal representative of such a patient who is incompetent, or a parent or guardian of a minor patient to designate a caregiver for that patient. A hospital must also allow a patient who was unconscious or otherwise incompetent upon admission but regains competence to designate a caregiver. The hospital must record the designation of a caregiver or declination to do so in the patient's medical record.

If a patient has a designated caregiver, a hospital shall request written consent to release medical information to the caregiver if such consent is required by federal or state law. If a patient provides such consent, a hospital must attempt to notify the caregiver of the planned discharge or transfer of the patient and attempt to provide the caregiver with certain information and training concerning aftercare for the patient. A hospital is authorized to proceed with a planned discharge or transfer

of the patient if the hospital is not successful in providing this notification, information, and training to the caregiver. In addition, the measure specifies that a hospital is not liable for aftercare provided either improperly or not at all by the caregiver. This bill is effective on October 1, 2015.

This bill is known as The Care Act. It will really enable Nevadans to take care of their loved ones when they are in the hospital and when they are discharged from the hospital. It is a great bill and I urge your support.

Roll call on Senate Bill No. 177:

YEAS—42.

NAYS—None.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 297 provides that if a redevelopment area includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities, a redevelopment plan adopted on or after January 1, 1991, must terminate not later than 45 years after the effective date of the conveyance of the land by the federal government if: (1) within 15 years after the date on which the original redevelopment plan was adopted, the state enters into one or more agreements, with respect to the real property conveyed by the federal government, for mine remediation and reclamation; and (2) before entering into any agreement for mine remediation and reclamation, the state consults with the legislative body of the city or county in which the redevelopment area is located.

Roll call on Senate Bill No. 297:

YEAS—42.

NAYS—None.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 311 authorizes the board of directors of an irrigation district that has entered into a contract with the United States for the purpose of complying with the Reclamation Safety of Dams Act of 1978 to incur an indebtedness not exceeding in the aggregate the sum of $6 million.

Currently the Bureau of Reclamation is repairing Boca Dam, making it safe at the Boca Reservoir. Without this bill, it would not be able to pay the indebtedness incurred, which is right now at $1 million and it will increase to $3 million. In order to keep our friends in the north from being thirsty, I encourage your support of this bill.

Roll call on Senate Bill No. 311:

YEAS—42.

NAYS—None.

Senate Bill No. 311 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 362 authorizes the Director of the Department of Health and Human Services to establish, within the limits of available funding, an educational program within the Division of Public and Behavioral Health regarding the prevention of domestic violence and any medical, mental health, or social services available to victims of domestic violence.

Roll call on Senate Bill No. 362:

YEAS—39.

NAYS—Fiore, Hickey, Seaman—3.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to James Kirkpatrick, Paul Hansen, Michael Harris, Mike Jolls, and Judi Hempel.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Norine Clark and Darlene Arndt.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ramona Williams.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Hartman.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Moore and Cassandra Selbach.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Neill and Nanette Riske.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from St. Viator Catholic School: Mackenzie Bailey, Mia Bean, Joshua Bombard, Sophia Cagno, Michael Carboni, Carson Cox, Maya Damian, Gabrielle Deguzman, Rochelle Detroz, Dominick Diao, Trent Dieleman, Emerson Drewes, Christian Fecurka, Dawson Fusaro, Michael Gabat, Natalie Gilbert, Amber Hankins, Andrew Harp, Carlos Hernandez,

Michaela Hill, Catherine Holt, Megan Ibay, Garrett Layne, Kamilah Lepe, Ossian Mackin, Rebecca Martin, Bricezaya May, Jack McDermott, Connor McNight, Kristof Medeiros, Michael Menor, Aidan Napoli, Christian Nunez, Deja Otto, Brianna Paez, Breanna Pollnow, Andres Rodriguez, Andres Salvador, Sebastian Salvador, Alexa Samson, Cerena Sedano, Kenchi Shimizu, Makenna Skowronski, Alexandria Stanton, Aanjalina Stewart, Anthony Tanara, Justin Timbal, Hiram Triana, Keely Vollman, and Kriza Zaragoza.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Greta Johnson and Marta Poling-Goldenne.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Thaler.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 1, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:20 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 1, 2015

Assembly called to order at 12:05 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Help us, O God, to treat every human heart as if it were breaking, and to consider the feelings of others as we do our own.

Help us to be gentle and to control our tempers that we may learn to love one another.

Give us the grace so to live this day, in the name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 244, 448, 473, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 37, 55, 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 2, 121, 142, 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 37.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 503.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 459 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 66; Senate Joint Resolution No. 11 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 503.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 23.

Bill read second time and ordered to third reading.

Senate Bill No. 43.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time and ordered to third reading.

Senate Bill No. 195.

Bill read second time and ordered to third reading.

Senate Bill No. 200.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time and ordered to third reading.

Senate Bill No. 217.

Bill read second time and ordered to third reading.

Senate Bill No. 263.

Bill read second time and ordered to third reading.

Senate Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 653.

AN ACT relating to the Virgin Valley Water District; authorizing the District to issue certain letters for commitment to supply water service; requiring the annual renewal of such letters; providing a fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Virgin Valley Water District to supply water under contract or agreement to certain entities when such supply is available. (Virgin Valley Water District Act § 3) **Section 1** of this bill provides that: (1) the District may issue a letter that commits the District to supply water service to a particular property subject to ~~[certain conditions]~~ **any condition** precedent ~~[,]~~ **set forth in the letter;** and (2) such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. **Section 1** also provides that the District will not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in the letter or if the letter expires. **Section 2** of this bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 159, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3.3, to read as follows:

Sec. 3.5. 1. For property under development or proposed to be developed for residential, commercial or industrial purposes, the District may issue a letter that commits the District to supply water service to the property subject to ~~[certain conditions]~~ any condition precedent ~~[,]~~ set forth in the letter, including, without limitation, the payment of fees, the dedication of water rights or the construction and dedication of infrastructure.

2. A letter issued pursuant to subsection 1 must be renewed on an annual basis in accordance with the regulations and policies of the District. The District may establish a reasonable fee, by regulation, for the renewal of such a letter. Any letter that is not renewed expires on the day after the deadline for renewal.

3. For a letter issued pursuant to subsection 1, the District shall not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder of the letter for the construction and dedication of any infrastructure if:

(a) The holder of the letter fails to meet any condition precedent included in the letter; or

(b) The letter expires pursuant to subsection 2.

Sec. 2. 1. Any letter issued by the Virgin Valley Water District before July 1, 2015, for a commitment to supply water service must be renewed with the District on or before July 1, 2016, and on an annual basis thereafter. Any such letter not renewed pursuant to this section will expire on the day after the deadline for renewal.

2. To renew a letter described in subsection 1, the holder of the letter must prove to the satisfaction of the District that:

(a) The water that is the subject of the letter has been put to beneficial use; or

(b) If the water that is the subject of the letter has not been put to beneficial use, the project for which the commitment to supply water service was acquired is still under development. A project shall be deemed to be under development if:

(1) The building permit for the property is not cancelled or expired;

(2) Any final map associated with the property is not cancelled or inactive; ~~[or]~~ **and**

(3) The holder of the letter has, within the immediately preceding 12 months, contributed towards the development of the property:

(I) Money equal to 10 percent of the total estimated development costs of the property, including planned improvements; or

(II) Labor, services or improvements with a fair market value of at least 10 percent of the total estimated development costs of the property, including planned improvements.

3. The District shall approve the renewal of an existing letter if the request for renewal is submitted before the annual deadline and includes the information required by subsection 2.

4. The District shall not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder of a letter associated with the construction and dedication of any infrastructure if the letter expires pursuant to this section.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that a letter committing the Virgin Valley Water District to supply water to a particular property is subject to any condition precedent and replaces the word "or" with "and" regarding certain specifications concerning the development status of a project.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 418.

Bill read second time and ordered to third reading.

Senate Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 652.

AN ACT relating to water; revising provisions relating to the adjudication of vested water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, water rights for surface water, artesian groundwater and percolating groundwater that were initiated by applying water to beneficial use before the statutes regulating those water sources were enacted by the Nevada Legislature in 1905, 1913 and 1939, respectively, are known as vested water rights. Existing law provides a procedure for determining the extent of all vested water rights on a water source, which is called an adjudication. As part of that procedure, claimants of vested rights are required to file proofs of appropriation with the State Engineer, which is known in existing law as the procedure of taking proofs. (NRS 533.090-533.320)

Section 1 of this bill requires any claimant of a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2025, regardless of whether an adjudication has been ordered for a water source. If a claimant fails to submit such proof, the claim is deemed to be ~~[extinguished.]~~ **abandoned. Section 1** requires the State Engineer to provide notice of this requirement in various manners during the 10-year period before the deadline. **Sections 2 and 5-8** of this bill conform provisions in existing law governing the procedure of the State Engineer taking proofs to reflect the submission of any proofs pursuant to **section 1** to the State Engineer before an adjudication has been ordered. **Sections 3, 4, 9 and 11** of this bill eliminate the procedure of the State Engineer taking proofs in an adjudication on and after January 1, 2026, because **section 1** requires proofs of all pre-statutory water rights to be on file with the State Engineer by December 31, 2025, or such claims are ~~[extinguished.]~~ **deemed to be abandoned.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2025. If a claimant fails to file such proof on or before December 31, 2025, the claim shall be deemed to be ~~[extinguished.]~~ abandoned.

2. Until December 31, 2025, the State Engineer shall cause notice of the provisions of subsection 1 to be:

(a) Published annually for 4 consecutive weeks in four or more newspapers of general circulation throughout the State.

(b) Posted on the Internet website maintained by the State Engineer.

Sec. 2. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer shall make and enter the order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall:

(a) Name a date when the State Engineer or the State Engineer's assistants shall begin the examination.

(b) Set forth that all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims ~~[.]~~ ***, except claimants who submitted proof of their claims pursuant to section 1 of this act.***

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

Sec. 3. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer shall make and enter the order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall ~~[:~~

~~(a) Name]~~ ***name*** a date when the State Engineer or the State Engineer's assistants shall begin the examination.

~~[(b) Set forth that all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to section 1 of this act.]~~

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

Sec. 4. NRS 533.105 is hereby amended to read as follows:

533.105 1. If satisfactory data are available from the measurements and areas compiled by the United States Geological Survey or other persons, the State Engineer may dispense with the execution of such surveys and the preparation of such maps and stream measurements, except insofar as is necessary to prepare them to conform with the rules and regulations, as provided in NRS 533.100.

2. If the surveys are executed and maps are prepared and filed with the State Engineer at the instance of the person claiming a right to the use of water, the proportionate cost thereof, as determined by the State Engineer, to be assessed and collected for the adjudication of the relative rights, as provided in this chapter, shall be remitted to the claimant after the completion of the determination; but the map must conform with the rules and regulations of the State Engineer and shall be accepted only after the State Engineer is satisfied that the data shown thereon are substantially correct. Such measurements,

maps and determinations shall be exhibited for inspection ~~[at the time of taking proofs and]~~ during the period during which ~~[such]~~ proofs ***of claims*** and evidence are kept open for inspection in accordance with the provisions of this chapter.

Sec. 5. NRS 533.110 is hereby amended to read as follows:

533.110 1. Upon the filing of such measurements, maps and determinations, the State Engineer shall prepare a notice setting forth the date when the State Engineer is to commence the taking of proofs ***, except proofs submitted pursuant to section 1 of this act,*** as to the rights in and to the waters of the stream system, and the date prior to which the same must be filed. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of the taking of proofs. The notice shall be deemed to be an order of the State Engineer as to its contents. The State Engineer shall cause the notice to be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system, the date of the last publication of the notice to be not less than 15 days prior to the date fixed for the commencement of the taking of proofs by the State Engineer.

2. At or near the time of the first publication of the notice, the State Engineer shall send by registered or certified mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, ***who has not submitted proof pursuant to section 1 of this act,*** a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs.

Sec. 6. NRS 533.115 is hereby amended to read as follows:

533.115 The State Engineer shall, in addition, enclose with the notice to be mailed as provided in NRS 533.110, blank forms upon which ~~[the]~~ ***a*** claimant ***who has not submitted proof pursuant to section 1 of this act*** shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system, the statement to include the following:

1. The name and post office address of the claimant.
2. The nature of the right or use on which the claim for appropriation is based.
3. The time of the initiation of such right and a description of works of diversion and distribution.
4. The date of beginning of construction.
5. The date when completed.
6. The dates of beginning and completion of enlargements.
7. The dimensions of the ditch as originally constructed and as enlarged.

8. The date when water was first used for irrigation or other beneficial purposes and, if used for irrigation, the amount of land reclaimed the first year, the amount in subsequent years, with the dates of reclamation, and the area and location of the lands which are intended to be irrigated.

9. The character of the soil and the kind of crops cultivated, the number of acre-feet of water per annum required to irrigate the land, and such other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

Sec. 7. NRS 533.120 is hereby amended to read as follows:

533.120 1. Each claimant shall be required to certify to his or her statement ***completed pursuant to NRS 533.115*** under oath. The State Engineer and the State Engineer's assistants authorized to take proofs are hereby authorized to administer such oaths.

2. Oaths shall be administered and blank forms furnished by the State Engineer and the State Engineer's assistants without charge.

Sec. 8. NRS 533.125 is hereby amended to read as follows:

533.125 1. The State Engineer shall commence the taking of ***any*** proofs ***not submitted pursuant to section 1 of this act*** on the date fixed and named in the notice provided for in NRS 533.110 for the commencement of the taking of proofs. The State Engineer shall proceed therewith during the period fixed by the State Engineer and named in the notice, after which no proofs shall be received by or filed by the State Engineer. The State Engineer may, in his or her discretion, for cause shown, extend the time in which proofs may be filed.

2. Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, as required by this chapter, prior to the expiration of the period fixed by the State Engineer during which proofs may be filed, the State Engineer shall determine the right of such person from such evidence as the State Engineer may obtain or may have on file in the Office of the State Engineer in the way of maps, plats, surveys and transcripts, and exceptions to such determination may be filed in court, as provided in this chapter.

Sec. 9. NRS 533.140 is hereby amended to read as follows:

533.140 1. As soon as practicable **, [**~~after the expiration of the period fixed in which proofs may be filed,~~**]** the State Engineer shall assemble all proofs ***related to the stream or stream system*** which have been filed with the State Engineer **[**~~,~~**]** and prepare, certify and have printed an abstract of all such proofs. The State Engineer shall also prepare from the proofs and evidence taken or given before the State Engineer, or obtained by the State Engineer, a preliminary order of determination establishing the several rights of claimants to the waters of the stream.

2. When the abstract of proofs and the preliminary order of determination is completed, the State Engineer shall then prepare a notice fixing and setting a time and place when and where the evidence taken by or filed with the State Engineer and the proofs of claims must be open to the inspection of all interested persons, the period of inspection to be not less than 20 days. The

notice shall be deemed an order of the State Engineer as to the matters contained therein.

3. A copy of the notice, together with a printed copy of the preliminary order of determination and a printed copy of the abstract of proofs, must be delivered by the State Engineer, or sent by registered or certified mail, at least 30 days before the first day of such period of inspection, to each person who has ~~[~~appeared and~~]~~ filed proof ~~[~~, as provided in this section.~~]~~ ***related to the stream or stream system.***

4. The State Engineer shall be present at the time and place designated in the notice and allow, during that period, any persons interested to inspect such evidence and proof as have been filed with ~~[~~or taken by~~]~~ the State Engineer in accordance with this chapter.

Sec. 10. NRS 533.250 is hereby amended to read as follows:

533.250 1. Any and all maps, plats, surveys and evidence on file in the Office of the State Engineer relating to any proof of appropriation involved in the proceeding for the determination of the relative rights in and to the waters of any stream system, obtained or filed under the provisions of this chapter or any preceding act relating to the Office of State Engineer, shall be admissible in court and shall have the same force and effect as though obtained and submitted under the provisions of this chapter.

2. At least 90 days prior to the rendering of his or her order of determination of the relative rights in and to the waters of any stream system, the State Engineer shall notify all parties in interest of his or her intention to consider such maps, plats and evidence, and of his or her intention to submit the findings of the State Engineer to the court under the provisions of this chapter. ~~[~~The notice shall be given in the manner prescribed in NRS 533.110.~~]~~

3. Within 60 days after such notice, any party in interest may file with the State Engineer any additional or supplementary maps, plats, surveys or evidence, or objections to the admissibility of any evidence hitherto presented and on file in the office of the State Engineer, in relation to his or her claim of water right or adverse to the claim or claims of the water right of any other party or parties in interest, in order so to perfect his or her claim in accordance with the provisions of this chapter, and the State Engineer shall consider the whole thereof in rendering such order of determination, and the same shall become a part of the record which shall be submitted to the court as provided by NRS 533.165 to 533.235, inclusive.

Sec. 11. NRS 533.364 is hereby amended to read as follows:

533.364 1. In addition to the requirements of NRS 533.370, before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to NRS 532.165 or 533.368, the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to NRS 533.090 to 533.320, inclusive, ***and section 1 of this act,*** or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory.

Sec. 12. NRS 533.110, 533.115, 533.120 and 533.125 are hereby repealed.

Sec. 13. 1. This section and sections 1, 2, 5 to 8, inclusive, and 11 of this act become effective on July 1, 2015.

2. Sections 3, 4, 9, 10 and 12 of this act become effective on January 1, 2026.

LEADLINES OF REPEALED SECTIONS

533.110 Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice.

533.115 Blank forms enclosed with notice; contents of statement.

533.120 Statements to be certified under oath; no fee for administering or furnishing blank form.

533.125 Commencement of taking of proofs; extension of time; determination of rights if claimant neglects or refuses to make proof.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Regarding the loss of a water right, the amendment replaces the term "extinguished" with "abandoned." The word "abandoned" is a term of art previously defined in statute.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 459.

Bill read third time.

Remarks by Assemblymen Oscarson and Fiore.

ASSEMBLYMAN OSCARSON:

Senate Bill 459 enacts the Good Samaritan Drug Overdose Act under which citizens and health care professionals are encouraged to seek or provide overdose reversal and emergency medical assistance to persons who appear to be experiencing a drug or alcohol overdose. The bill implements a policy of overdose prevention, including authorizing certain health care providers to prescribe and dispense to a family member, friend, or other person who is in a position to assist a person experiencing a drug overdose certain medications that block the effects of addictive painkilling drugs such as morphine, heroin, and methadone. The bill provides immunity from civil and criminal liability and professional discipline for such actions under certain circumstances. The bill makes conforming changes to provisions concerning professional licensing boards of the various practitioners who are authorized to dispense controlled substances.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 459. We have a lot of regulations that are overburdensome to our doctors in Nevada. I urge the body to not support this bill.

Roll call on Senate Bill No. 459:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Hansen, Jones, Moore, Seaman, Shelton, Trowbridge—10.

Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 44.

Bill read third time.

Remarks by Assemblymen Gardner, Fiore, and Ellison.

ASSEMBLYMAN GARDNER:

Senate Bill 44 revises the statutory limit on the fees prescribed by the Commission on Mineral Resources for permits to drill a well in search of oil and natural gas to $2,000 for a well not intended to be hydraulically fractured and $5,000 for a well that is intended to be hydraulically fractured. The bill also establishes a fee limit of $400 for a request to change the terms of an existing oil or gas permit. Finally, S.B. 44 raises the statutory limit on the fee assessed against a producer of oil or natural gas to 30 cents for each barrel of oil or each 50,000 cubic feet of natural gas.

This was a bill that was actually brought to us by the industry. The industry supported it. It got out of the Committee on Natural Resources, Agriculture, and Mining unanimously because of the industry's support. I ask you all to support this bill.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 44. Much has been said about this bill to attempt to get our votes. We have been told that everyone is for this bill. That may be true of the existing companies that are exploring for oil and natural gas, but that does not naturally extend to potential businesses that might want to explore for oil in our state. One of the basic tenants of our economy is that an increase in price will lead to a loss in customers. With this vote, we are increasing the price of doing business in Nevada. We are not changing the way these businesses are regulated. All we are doing is increasing the price of doing business. The Division of Minerals will regulate these businesses, but the Division of Environmental Protection is still tasked with writing the regulations along with the Division of Minerals. This bill does not change that. I strongly oppose any measure

that makes it more expensive to conduct business in Nevada. We need every job we can get, so please oppose this bill.

ASSEMBLYMAN ELLISON:

I rise in support of Senate Bill 44. This is one of those bills where you can either call it a tax or you can call it a fee. This is not a tax at all. This is a fee that the industry asked for and the users asked for to operate their services. I ask my colleagues to please stand and vote for this bill. This is something the Division of Minerals studied throughout the state, and I was at most of them in my district. I stand in support and I ask my colleagues to do the same.

Roll call on Senate Bill No. 44:

YEAS—35.

NAYS—Dickman, Dooling, Fiore, Jones, Moore, Shelton, Wheeler—7.

Senate Bill No. 44 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 417 prohibits the use of information obtained from a radio signal or transmitting device to harass or take a game mammal, bird, or other wildlife or for any other purpose without written authorization from the Department of Wildlife. The bill also prohibits the use of location information obtained from Department records within one year after collection to harass or take any game mammal, bird, or other wildlife.

Roll call on Senate Bill No. 417:

YEAS—42.

NAYS—None.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 195 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 333; Senate Bill No. 505.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Silver State Charter School: Jacob Molnar, Kristina Lozano, Stephanie Parks, Jonathan Carrick, Michael Pilant, Kenneth

Geary, Sean McLean, Juston Gardner, Emily Gehr, Riley McElfish, Nicholas Hennessey, and Tayelor Kurashige.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Repas.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Lake Mead Christian Academy: Luke Lassiter, Zach Pantea, Peyton Griffin-Anthony, Deaken Madruga, Zoey Dellorso, Kennedy Maddox, Natalie Lopez, Dani Swolensky, Cooper Long, Connor Raybuck, Isabella Dowell, Jocelyn Fox, Lola Ramos, Kostas Bauck, Nolan Blakeley, Connor Page, Connor Claunch, Seth Hohn, Mary Baryeh, Alycia Sanderin, Emma Engelien, Emily LeBaron, Quinten Klinger, Audrey Dieleman, Leah Sadler, Kayleigh Knorr, Justice Stewart, Alekk Castillo, Paul Le, Cody Zemski, Shawn Davis, Nayeli Rodriguez, Chase Doran, Blake Baird, Trevor LaPres, Sage Gillespie, Mary Corrigan, and Katelyn Segura.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, May 4, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 4, 2015

Assembly called to order at 12:22 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

From Lamentations 3:21-25, "This I recall to my mind, therefore I have hope. The Lord's lovingkindnesses indeed never cease, for His compassions never fail. They are new every morning; great is Your faithfulness. The Lord is my portion, says my soul, Therefore I have hope in Him. The Lord is good to those who wait for Him, to the person who seeks Him."

Heavenly Father, we thank You for Your love and mercy to each one of us. We have hope in You. We give ourselves to seek You today and to walk in Your ways. May You direct our steps and uphold us with Your righteous right hand. Strengthen us and give us help in times of trouble. May we encourage and build each other up as we work together to serve this great people of the state of Nevada.

We commit to You today our families, friends, and co-workers. We also pray protection for those serving in harms way. We put our trust in You, O Most High, as we set ourselves to act justly, to love mercy, and to walk humbly before You.

In Jesus' Name and for Your glory we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 86, 151, 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 14, 31, 196, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 655 to Senate Bill No. 459.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 2, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, BDR 23-1272 is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS
Director

Assemblyman Paul Anderson moved that Senate Bills Nos. 271, 418, and 485 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Joint Resolution No. 11 be taken from the Chief Clerk's desk and placed on the General File

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 2.
Bill read second time and ordered to third reading.

Senate Bill No. 37.
Bill read second time and ordered to third reading.

Senate Bill No. 55.
Bill read second time and ordered to third reading.

Senate Bill No. 121.
Bill read second time and ordered to third reading.

Senate Bill No. 136.
Bill read second time and ordered to third reading.

Senate Bill No. 142.
Bill read second time and ordered to third reading.

Senate Bill No. 229.
Bill read second time and ordered to third reading.

Senate Bill No. 244.
Bill read second time and ordered to third reading.

Senate Bill No. 448.
Bill read second time and ordered to third reading.

Senate Bill No. 449.
Bill read second time and ordered to third reading.

Senate Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 482.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 136 be rereferred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.
Bill read third time.
Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:
Senate Bill 23 revises certain reporting requirements for the Director of Nevada's Department of Transportation [NDOT]. This bill requires the Director to report biennially to the Legislature the requirements for the construction and maintenance of highways for the next four years, rather than three years.
Senate Bill 23 also reduces the length of NDOT's plan for resurfacing state highways, on which it must report to the Legislature, from 12 years to 10 years. The Board of Directors of NDOT must submit a proposed work program to the Governor annually by October 1, rather than July 15, to align with the upcoming federal fiscal year. Finally, the Board may provide a copy of the proposed work program to county commissioners by means other than mailing a printed copy.

Roll call on Senate Bill No. 23:
YEAS—42.
NAYS—None.
Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 43.
Bill read third time.
Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:
Senate Bill 43 requires the driver of a bus carrying passengers or a vehicle containing hazardous materials to stop before crossing at grade any railroad tracks. The bill also makes it unlawful for the driver of any vehicle to fail to completely cross railroad tracks without stopping due to insufficient space on the opposite side of the railroad crossing or insufficient undercarriage clearance. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 43:

YEAS—42.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 159 requires that every policy of health, group, or blanket insurance; contract for hospital or medical services; and evidence of coverage include a procedure for the arbitration of disputes related to an independent medical evaluation of a dentist's diagnosis and care of a patient. This bill is effective upon passage and approval for the purpose of adopting regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 159:

YEAS—42.

NAYS—None.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 200.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 200 authorizes a charter school to offer enrollment preference to a child of a person who resides or is employed on a federal military installation if the charter school is located on such property.

Roll call on Senate Bill No. 200:

YEAS—42.

NAYS—None.

Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 205.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 205 requires the Department of Education to develop a model plan for the management of a crisis or an emergency involving a public or private school. This model plan must include certain procedures, plans, and information, including threats or hazards listed in the local county hazard mitigation plan, and be utilized by each school district, charter school, and private school in the development of local plans.

Roll call on Senate Bill No. 205:

YEAS—42.

NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 217 prohibits public and private policies of health insurance and health care plans from denying coverage for covered topical ophthalmic products if refills are provided early. The bill requires a pharmacist to provide early refills of topical ophthalmic products upon the request of a patient who is experiencing inadvertent wastage of the product due to difficulty applying the product to the eye, and only pursuant to a valid prescription that states specific authorization to refill. This bill is effective upon passage and approval for purposes of adopting any regulations and performing any preparatory administrative tasks, and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 217:

YEAS—42.

NAYS—None.

Senate Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 263 expands existing exemptions from driving on a sidewalk to include an electric vehicle designed to travel on three wheels if the vehicle is operated as an authorized emergency vehicle by an officer or other authorized employee of a law enforcement agency or by a security guard. Each board of county commissioners may enact an ordinance regulating the time, place, and manner of the operation of such a vehicle operated by a security guard, including prohibiting the use of such a vehicle in specific areas of the county.

Roll call on Senate Bill No. 263:

YEAS—42.

NAYS—None.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymen Titus, Edwards, and Swank.

ASSEMBLYWOMAN TITUS:

Senate Joint Resolution 11 proposes to amend the *Nevada Constitution* by adding a new section that preserves the right to hunt, trap, and fish and provides that these activities are integral components of wildlife management. The measure further provides that the right to hunt, trap, and fish does not create a right to trespass on private property; affect existing rights to water management or use; diminish any other private right; diminish the authority of a local government to regulate the use of real property it owns, occupies, or leases; or prohibit the enactment or enforcement of any statute or regulation that requires a person to obtain a hunting, trapping, or fishing license or requires its revocation or suspension.

ASSEMBLYMAN EDWARDS:

I have tremendous respect and deference for our national and our state constitutions. These documents are too important to add any unnecessary amendments or changes. When S.J.R. 11 came to the Committee on Natural Resources, Agriculture, and Mining, I was one who was very skeptical about the need for this change. I did not know if it really passed the threshold of being appropriate for changing our constitution. I was not convinced at the time that it was needed.

I recently talked with its sponsor for clarifications of my concerns, and the bill's sponsor presented additional information regarding why we may need to take this action and go down this path. The good Senator's clarifications are sufficient to convince me that this may, in fact, be an appropriate course of action. Sometimes, amending the constitution and changing it is indeed what is necessary. Therefore, I will be voting in favor of S.J.R. 11, and I will encourage all others to do the same.

ASSEMBLYWOMAN SWANK:

I rise in opposition to S.J.R. 11. I want to inform the body that there are only 17 states in the United States that have amended their constitutions to include the protections to hunt and to fish, and only 5 of those 17 explicitly mention trapping. I would be much more comfortable and be able to vote in favor of this if we only included hunting and fishing and excluded trapping.

Roll call on Senate Joint Resolution No. 11:

YEAS—32.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Neal, Ohrenschall, Sprinkle, Swank, Thompson—10.

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 78.

The following Senate amendment was read:

Amendment No. 261.

AN ACT relating to wildlife; **revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife;** revising provisions relating to the fees charged to an applicant for an elk tag; **revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee;** making various other changes relating to wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) Sections 1 and 1.2 of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) Sections 1.4-1.6 of this bill make various changes relating to those boards.

Existing law sets forth the fees to be charged by the Department of Wildlife to a hunter who applies for an elk tag. In addition to a fee for the tag itself, the Department is required to charge a fee for processing the application of not more than $15, of which $5 must be used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. (NRS 502.250) **Section 3** of this bill revises those provisions so that the fee for processing the application is fixed at $10 and the fee to cover costs of prevention and mitigation is increased to not more than $10, as provided by regulation of the Board of Wildlife Commissioners. **Sections ~~[1]~~ 1.2 and 2** of this bill make conforming changes.

Existing law also provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) Section 4 of this bill revises the provisions governing the use of this money. Section 4 also requires the Commission to consider the recommendations of the State Predatory Animal and Rodent Committee, the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) Section 5 of this bill adds two new members to the Committee and establishes their qualifications. Section 8 of this bill requires the Chair to designate the two additional members described in section 5 of this bill as soon as practicable after the effective date of this bill. Sections 6 and 7 of this bill make various changes relating to the meetings of the Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 501.105 is hereby amended to read as follows:**

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. ***In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.***

Sec. 1.2. **NRS 501.181 is hereby amended to read as follows:**

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The ***management and*** control of ***predatory*** wildlife**.** ~~[depredations.]~~

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the

closing of any area to hunting, fishing or trapping. ~~[The]~~ ***If, in establishing any*** regulations ~~[must be established after first considering]~~ ***pursuant to this subsection, the Commission rejects*** the recommendations of ~~[the Department, the]~~ ***a*** county advisory ~~[boards]~~ ***board*** to manage wildlife ~~[and others who wish to present their views at an open meeting.]~~ ***with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife a written explanation of the Commission's decision to reject the recommendations.*** Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 1.4. **NRS 501.290 is hereby amended to read as follows:**

501.290 The board shall meet before ~~[those meetings]~~ ***each meeting*** of the Commission ~~[at which seasons, bag limits or hours are to be established]~~ and at such other times as the chair may call or the Commission may request.

Sec. 1.5. **NRS 501.297 is hereby amended to read as follows:**

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife. ~~[within their respective counties.]~~

Sec. 1.6. **NRS 501.303 is hereby amended to read as follows:**

501.303 1. The boards shall submit recommendations for ***the management of wildlife and*** setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and establishment of regulations. ~~[covering open or closed seasons, bag limits, hours and other regulations or policies.]~~

2. The chair or vice chair, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission ~~[at which seasons are set or bag limits, hours or other regulations and policies are established;]~~ and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

~~[Section 1.]~~ ***Sec. 1.8.*** NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

➥ must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Fund Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Fund Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Fund Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 ~~[or 6]~~ ***, 7 or 8*** of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. NRS 502.142 is hereby amended to read as follows:

502.142 1. The Commission shall adopt regulations to establish a program pursuant to which the Department will issue special incentive elk tags. The regulations must:

(a) Set forth the application and annual review processes for the issuance of special incentive elk tags.

(b) Require that an application for a special incentive elk tag must be accompanied by:

(1) The fee charged for an elk tag pursuant to ***subsection 1 of*** NRS 502.250; and

(2) Any administrative fee charged in connection with the issuance of an elk tag pursuant to this chapter ~~[.]~~ ***, including, without limitation, the fees charged pursuant to subsections 4 and 6 of NRS 502.250.***

(c) Provide for the issuance of a special incentive elk tag only to a person who:

(1) Lawfully owns, leases or manages private land within an actual elk use area; and

(2) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.

(d) Establish criteria for the issuance of special incentive elk tags based upon:

(1) The number of elk using private land controlled by the applicant;

(2) The number of days the elk use private lands of the applicant in a calendar year;

(3) The total number of elk; and

(4) Limiting the number of special incentive elk tags issued in each calendar year to not more than one-half of the bull elk tags issued in that calendar year,

➥ within the actual elk use area in the unit or units of the management area or areas in which the private land is located.

(e) Provide that special incentive elk tags are valid for both sexes of elk.

(f) Prohibit a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land from applying, within the same calendar year, for a special incentive elk tag for the same private land.

(g) Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.

(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the Commission for 1997.

(i) Provide that a person to whom a special incentive elk tag is issued by the Commission pursuant to this section may:

(1) If the person holds a valid hunting license issued by this State, use the special incentive elk tag himself or herself; or

(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this State at any price upon which the parties mutually agree.

(j) Require that a person who is issued a special incentive elk tag must hunt:

(1) During the open season for elk.

(2) In the unit or units within the management area or areas in which the private land is located.

(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the Department regarding the issuance of such tags.

2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the Department.

Sec. 3. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag	$30
Resident antelope tag	60
Resident elk tag	120
Resident bighorn sheep tag	120
Resident mountain goat tag	120
Resident mountain lion tag	25
Nonresident deer tag	240
Nonresident antelope tag	300
Nonresident antlered elk tag	1,200
Nonresident antlerless elk tag	500
Nonresident bighorn sheep tag	1,200
Nonresident mountain goat tag	1,200
Nonresident mountain lion tag	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed $10 may be charged for processing an application for a game species or permit other than an application for ~~[an elk. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk, $5 of which]~~ ***a Silver State Tag. Any fee collected pursuant to this subsection*** must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund **.** ~~[and used for~~

~~the prevention and mitigation of damage caused by elk or game mammals not native to this State.]~~

5. A fee of not less than $15 and not more than $50 must be charged for processing an application for a Silver State Tag.

~~[5.]~~ ***Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund.***

6. If an application is for an elk, in addition to the fee for the elk tag required by subsection 1 and the fee for processing an application required by subsection 4 or 5, a fee of not less than $5 and not more than $10, as provided by regulation of the Commission, must be charged. Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used pursuant to NRS 504.155 for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

7. The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

~~[6.]~~ ***8.*** The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection ~~[7,]~~ ***9,*** the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

~~[7.]~~ ***9.*** The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 4. **NRS 502.253 is hereby amended to read as follows:**

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately,

deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) ~~[Programs]~~ ***Developing and implementing an annual program*** for the management and control of ~~[injurious]~~ predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals ~~[,]~~ ***and*** sensitive wildlife species ***;*** and ~~[related wildlife habitat;]~~

(c) Conducting research ~~[, as needed,]~~ ***necessary*** to determine successful techniques for managing and controlling predatory ~~[wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and~~

~~(d) Programs for the education of the general public concerning the management and control of predatory]~~ wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section ~~[must be developed or conducted under the guidance of]~~ ***may be implemented or conducted only if the program, activity or research is approved by*** the Commission ***pursuant to subsection 4 and is in accordance with the policies adopted by the Commission*** pursuant to ~~[subsection 2 of]~~ NRS 501.181.

4. ***The Commission:***

(a) In approving any program developed or wildlife management activity or research conducted pursuant to this section, shall first consider the recommendations of the State Predatory Animal and Rodent Committee created by NRS 567.020, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

(b) Shall not approve any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the immediately preceding fiscal year for the purposes of lethal management and control of predatory wildlife.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. **NRS 567.030 is hereby amended to read as follows:**

567.030 The Committee consists of ~~[five]~~ ***the following seven*** members ~~[:]~~ ***:***

1. Two members ~~[must be]~~ designated by the State Board of Agriculture from among its members, one of which must be the appointee for range or semirange sheep production.

2. One member ~~[must be]~~ designated by the Board of Wildlife Commissioners from among its members.

3. One member ~~[must be]~~ designated by the State Board of Health from among its members.

4. One member ~~[must be]~~ designated by the Nevada Farm Bureau ***Federation*** from among its members.

5. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must have been issued a license to hunt, trap or fish in this State in at least 3 of the 5 years immediately preceding the date on which he or she is designated as a member; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the 5 years immediately preceding the date on which he or she is designated as a member.

6. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must hold a license as a master guide issued pursuant to NRS 504.390; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the 5 years immediately preceding the date on which he or she is designated as a member.

Sec. 6. **NRS 567.040 is hereby amended to read as follows:**

567.040 1. ~~[Upon and following its organization]~~ ***At*** the ***first meeting of each year, the*** Committee shall select its own Chair ~~[.]~~ ***and Vice Chair from among its members. A member may not serve as the Chair or Vice Chair for more than two consecutive terms.***

2. ***Upon the selection of the Chair at the first meeting of each year, the Chair shall designate the members described in subsections 5 and 6 of NRS 567.030.***

3. The Secretary of the State Board of Agriculture shall serve as Secretary of the Committee.

Sec. 7. **NRS 567.070 is hereby amended to read as follows:**

567.070 The Committee's Secretary shall call the first meeting of the Committee ***each year*** following the designation of ~~[its]~~ ***the*** members ~~[as provided]~~ ***described*** in ***subsections 1 to 4, inclusive, of*** NRS 567.030.

Sec. 8. **Notwithstanding the amendatory provisions of subsection 2 of section 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall, as soon as practicable after the effective date of this act, designate the members of the Committee described in subsections 5 and 6 of NRS 567.030, as amended by section 5 of this act, each to serve a term that expires on the date of the first meeting of the Committee that occurs on or after January 1, 2017.**

~~[Sec. 4.]~~ ***Sec. 9.*** This act becomes effective upon passage and approval.

Assemblywoman Titus moved that the Assembly do not concur in the Senate Amendment No. 261 to Assembly Bill No. 78.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 261 to Assembly Bill 78 revises the provisions by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations. I feel that we should not concur with this amendment.

Motion carried.

The following Senate amendment was read:

Amend No. 583.

AN ACT relating to wildlife; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; ~~[revising provisions relating to the fees charged to an applicant for an elk tag;]~~ revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; ~~[making various other changes relating to wildlife;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) **Sections 1 and 1.2** of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) **Sections 1.4-1.6** of this bill make various changes relating to those boards.

~~[Existing law sets forth the fees to be charged by the Department of Wildlife to a hunter who applies for an elk tag. In addition to a fee for the tag itself, the Department is required to charge a fee for processing the application of not more than $15, of which $5 must be used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. (NRS 502.250) Section 3 of this bill revises those provisions so that the fee for processing the application is fixed at $10 and the fee to cover costs of prevention and mitigation is increased to not more than $10, as provided by regulation of the Board of Wildlife Commissioners. Sections 1.2 and 2 of this bill make conforming changes.]~~

Existing law ~~[also]~~ provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by

the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) **Section 4** of this bill revises the provisions governing the use of this money. **Section 4** also requires the Commission to consider the recommendations of the State Predatory Animal and Rodent Committee, the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) **Section 5** of this bill adds two new members to the Committee and establishes their qualifications. **Section 8** of this bill requires the Chair to designate the two additional members described in **section 5** of this bill as soon as practicable after the effective date of this bill. **Sections 6 and 7** of this bill make various changes relating to the meetings of the Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.105 is hereby amended to read as follows:

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. ***In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.***

Sec. 1.2. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The ***management and*** control of ***predatory*** wildlife **.** ~~[depredations.]~~

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not

interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. ~~[The]~~ ***If, in establishing any*** regulations ~~[must be established after first considering]~~ ***pursuant to this subsection, the Commission rejects*** the recommendations of ~~[the Department, the]~~ ***a*** county advisory ~~[boards]~~ ***board*** to manage wildlife ~~[and others who wish to present their views at an open meeting.]~~ ***with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife a written explanation of the Commission's decision to reject the recommendations.*** Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 1.4. NRS 501.290 is hereby amended to read as follows:

501.290 The board shall meet before **[**~~those meetings~~**]** ***each meeting*** of the Commission **[**~~at which seasons, bag limits or hours are to be established~~**]** and at such other times as the chair may call or the Commission may request.

Sec. 1.5. NRS 501.297 is hereby amended to read as follows:

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife **. [**~~within their respective counties.~~**]**

Sec. 1.6. NRS 501.303 is hereby amended to read as follows:

501.303 1. The boards shall submit recommendations for ***the management of wildlife and*** setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and establishment of regulations **. [**~~covering open or closed seasons, bag limits, hours and other regulations or policies.~~**]**

2. The chair or vice chair, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission ***;*** **[**~~at which seasons are set or bag limits, hours or other regulations and policies are established;~~**]** and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

Sec. 1.8. **[**~~NRS 501.356 is hereby amended to read as follows:~~

~~501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

~~(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;~~

~~(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~

~~(d) Appropriations made by the Legislature; and~~

~~(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,~~

~~* must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.~~

~~2. The interest and income earned on the money in the Wildlife Fund Account, after deducting any applicable charges, must be credited to the Account.~~

~~3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Fund Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.~~

~~4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Fund Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:~~

~~(a) Only for the management of wildlife; and~~

~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 [or 6] , *7 or 8* of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.]~~

(Deleted by amendment.)

Sec. 2. ~~[NRS 502.142 is hereby amended to read as follows:~~

~~502.142 1. The Commission shall adopt regulations to establish a program pursuant to which the Department will issue special incentive elk tags. The regulations must:~~

~~(a) Set forth the application and annual review processes for the issuance of special incentive elk tags.~~

~~(b) Require that an application for a special incentive elk tag must be accompanied by:~~

~~(1) The fee charged for an elk tag pursuant to *subsection 1 of* NRS 502.250; and~~

~~(2) Any administrative fee charged in connection with the issuance of an elk tag pursuant to this chapter [.] , *including, without limitation, the fees charged pursuant to subsections 4 and 6 of NRS 502.250.*~~

~~(c) Provide for the issuance of a special incentive elk tag only to a person who:~~

~~(1) Lawfully owns, leases or manages private land within an actual elk use area; and~~

~~(2) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.~~

~~(d) Establish criteria for the issuance of special incentive elk tags based upon:~~

~~(1) The number of elk using private land controlled by the applicant;~~

~~(2) The number of days the elk use private lands of the applicant in a calendar year;~~

~~(3) The total number of elk; and~~

~~(4) Limiting the number of special incentive elk tags issued in each calendar year to not more than one-half of the bull elk tags issued in that calendar year,~~

~~→ within the actual elk use area in the unit or units of the management area or areas in which the private land is located.~~

~~(e) Provide that special incentive elk tags are valid for both sexes of elk.~~

~~(f) Prohibit a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land from applying, within the same calendar year, for a special incentive elk tag for the same private land.~~

~~(g) Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.~~

~~(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the Commission for 1997.~~

~~(i) Provide that a person to whom a special incentive elk tag is issued by the Commission pursuant to this section may:~~

~~(1) If the person holds a valid hunting license issued by this State, use the special incentive elk tag himself or herself; or~~

~~(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this State at any price upon which the parties mutually agree.~~

~~(j) Require that a person who is issued a special incentive elk tag must hunt:~~

~~(1) During the open season for elk.~~

~~(2) In the unit or units within the management area or areas in which the private land is located.~~

~~(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the Department regarding the issuance of such tags.~~

~~2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the Department.~~**] (Deleted by amendment.)**

Sec. 3. **[**~~NRS 502.250 is hereby amended to read as follows:~~

~~502.250 1. The amount of the fee that must be charged for the following tags is:~~

~~Resident deer tag~~	~~$30~~
~~Resident antelope tag~~	~~60~~
~~Resident elk tag~~	~~120~~
~~Resident bighorn sheep tag~~	~~120~~
~~Resident mountain goat tag~~	~~120~~
~~Resident mountain lion tag~~	~~25~~
~~Nonresident deer tag~~	~~240~~
~~Nonresident antelope tag~~	~~300~~
~~Nonresident antlered elk tag~~	~~1,200~~

~~Nonresident antlerless elk tag..... 500~~
~~Nonresident bighorn sheep tag..... 1,200~~
~~Nonresident mountain goat tag..... 1,200~~
~~Nonresident mountain lion tag..... 100~~

~~— 2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.~~

~~— 3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.~~

~~— 4. A fee not to exceed $10 may be charged for processing an application for a game species or permit other than an application for [an elk. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk, $5 of which] *a Silver State Tag. Any fee collected pursuant to this subsection* must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund . [and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.]~~

~~*— 5. A fee of not less than $15 and not more than $50 must be charged for processing an application for a Silver State Tag.*~~

~~— [5.] *Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund.*~~

~~*— 6. If an application is for an elk, in addition to the fee for the elk tag required by subsection 1 and the fee for processing an application required by subsection 4 or 5, a fee of not less than $5 and not more than $10, as provided by regulation of the Commission, must be charged. Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used pursuant to NRS 504.155 for the prevention and mitigation of damage caused by elk or game mammals not native to this State.*~~

~~*— 7.* The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.~~

~~[6.] 8. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection [7,] 9, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.~~

~~[7.] 9. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) ~~[Programs]~~ ***Developing and implementing an annual program*** for the management and control of ~~[injurious]~~ predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals ~~[,]~~ ***and*** sensitive wildlife species ***;*** and ~~[related wildlife habitat;]~~

(c) Conducting research ~~[, as needed,]~~ ***necessary*** to determine successful techniques for managing and controlling predatory ~~[wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and~~

~~(d) Programs for the education of the general public concerning the management and control of predatory]~~ wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section ~~[must be developed or conducted under the guidance of]~~ ***may be implemented or conducted only if the program, activity or research is approved by*** the Commission ***pursuant to subsection 4 and is in accordance with the policies adopted by the Commission*** pursuant to ~~[subsection 2 of]~~ NRS 501.181.

4. ***The Commission:***

(a) In approving any program developed or wildlife management activity or research conducted pursuant to this section, shall first consider the recommendations of the State Predatory Animal and Rodent Committee

created by NRS 567.020, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

(b) Shall not approve any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the immediately preceding fiscal year for the purposes of lethal management and control of predatory wildlife.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. NRS 567.030 is hereby amended to read as follows:

567.030 The Committee consists of ~~[five]~~ ***the following seven*** members ~~[.]~~ ***:***

1. Two members ~~[must be]~~ designated by the State Board of Agriculture from among its members, one of which must be the appointee for range or semirange sheep production.

2. One member ~~[must be]~~ designated by the Board of Wildlife Commissioners from among its members.

3. One member ~~[must be]~~ designated by the State Board of Health from among its members.

4. One member ~~[must be]~~ designated by the Nevada Farm Bureau ***Federation*** from among its members.

5. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must have been issued a license to hunt, trap or fish in this State in at least 3 of the 5 years immediately preceding the date on which he or she is designated as a member; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the 5 years immediately preceding the date on which he or she is designated as a member.

6. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must hold a license as a master guide issued pursuant to NRS 504.390; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the 5 years immediately preceding the date on which he or she is designated as a member.

Sec. 6. NRS 567.040 is hereby amended to read as follows:

567.040 1. ~~[Upon and following its organization]~~ ***At*** the ***first meeting of each year, the*** Committee shall select its own Chair ~~[.]~~ ***and Vice Chair from among its members. A member may not serve as the Chair or Vice Chair for more than two consecutive terms.***

2. ***Upon the selection of the Chair at the first meeting of each year, the Chair shall designate the members described in subsections 5 and 6 of NRS 567.030.***

3. The Secretary of the State Board of Agriculture shall serve as Secretary of the Committee.

Sec. 7. NRS 567.070 is hereby amended to read as follows:

567.070 The Committee's Secretary shall call the first meeting of the Committee ***each year*** following the designation of ~~[its]~~ ***the*** members ~~[as provided]~~ ***described*** in ***subsections 1 to 4, inclusive, of*** NRS 567.030.

Sec. 8. Notwithstanding the amendatory provisions of subsection 2 of section 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall, as soon as practicable after the effective date of this act, designate the members of the Committee described in subsections 5 and 6 of NRS 567.030, as amended by section 5 of this act, each to serve a term that expires on the date of the first meeting of the Committee that occurs on or after January 1, 2017.

Sec. 9. This act becomes effective upon passage and approval.

Assemblywoman Titus moved that the Assembly do not concur in the Senate Amendment No. 583 to Assembly Bill No. 78.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 583 to Assembly Bill 78 would remove the fees and some of the regulations from the elk tag process and I propose that we not concur with this amendment.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 37; Senate Bills Nos. 26, 27, 30, 47, 83, 118, 177, 311, 362, and 459.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Marian Bond.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, May 5, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:54 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), May 5, 2015

Assembly called to order at 12:15 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

For You, Lord, are the most high over all the earth; You are exalted above all gods. Great are You Lord and worthy of praise! We give You thanks, and we will not forget all You have done for us. You are faithful and just! We will remember!

Father, we invite Your work in our hearts today. Direct us and lead us in the way we should go. Help us to do good and to represent the people of our great state the best that we can, and may we do today well!

Be with our families and loved ones, and may we be sensitive to the needs of others.

We continue to pray for those serving in harm's way—that they may be strengthened, encouraged, protected, and that You would give them assurance of Your presence.

From Numbers 6:24-26, 'May the Lord bless you and keep you, the Lord make His face shine on you and be gracious to you; the Lord turn His face toward you and give you peace today.

In Jesus' Name and for His glory we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 504.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 485 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 66 and 85 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 504.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 14.

Bill read second time and ordered to third reading.

Senate Bill No. 31.

Bill read second time and ordered to third reading.

Senate Bill No. 86.

Bill read second time and ordered to third reading.

Senate Bill No. 151.

Bill read second time and ordered to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

Senate Bill No. 196.

Bill read second time and ordered to third reading.

Senate Bill No. 281.

Bill read second time and ordered to third reading.

Senate Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 656.

AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon ~~[voter]~~ **the** approval ~~[,]~~ **of registered voters or electors;** authorizing the increase, decrease or elimination of the fee upon ~~[voter]~~ **such** approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a conservation

district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a conservation district may be organized as a political subdivision of the State, with various powers and duties regarding the conservation of natural resources within the district. (Chapter 548 of NRS)

In **section 2** of this bill, the Legislature declares that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes the districts suited to serve as ~~[coordinating]~~ **cooperating** agencies for the purposes of the federal National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976. (43 U.S.C. §§ 1701 et seq.)

Section 4 of this bill requires a board of county commissioners to impose an annual fee, not to exceed $25, on each parcel in a conservation district, if the imposition of the fee is approved at an election. Under **section 5** of this bill, a board of county commissioners must submit to the voters the question of whether to impose the fee upon receipt of a petition signed by either a majority of the supervisors of the conservation district or at least 10 percent of the registered voters of the conservation district. **Section 5.5 of this bill provides that the required election may be conducted at a mass meeting of electors held in a public meeting place within the conservation district.** Under **section 6** of this bill, the fee may not be increased, decreased or eliminated except according to the same procedures for imposing the fee. Under **section 4**, money collected from the imposition of the fee may be used only for the purposes of a conservation district prescribed in chapter 548 of NRS.

Sections 8 and 9 of this bill add the Forest Service of the United States Department of Agriculture and the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior to the definitions of "United States" and "agencies of the United States" for the purposes of provisions regarding cooperation between conservation districts and those agencies of the United States.

In **section 10** of this bill, the Legislature recognizes the importance of locally led efforts for the conservation of natural resources and pledges to strive to provide appropriations to conservation districts at levels comparable to the appropriations provided to similar districts in other western states.

Existing law authorizes the creation of weed control districts, which are governed by a board of directors appointed by the applicable board of county commissioners. (NRS 555.203, 555.207) **Section 15** of this bill authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve, ex officio, as the directors of a weed control district that lies entirely within the conservation district. The supervisors must ensure that the

money of the weed control district is expended only for the purposes of the statutory provisions relating to weed control districts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as ~~[coordinating]~~ cooperating agencies for the purpose of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., and any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management.***

Sec. 3. ***As used in sections 3 to 7, inclusive, of this act, "parcel" has the meaning ascribed to it in NRS 361A.065.***

Sec. 4. ***1. Subject to the provisions of ~~[section]~~ sections 5 and 5.5 of this act, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to section 5 of this act ~~[.]~~ or the approval of a majority of the electors of the conservation district voting on the question at an election conducted at a mass meeting of electors pursuant to section 5.5 of this act:***

(a) If a conservation district ~~[embodies]~~ includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district; and

(b) If a conservation district ~~[embodies]~~ includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of this chapter.

Sec. 5. ***1. A board of county commissioners shall submit to the voters a question of whether to impose a fee described in section 4 of this act upon receipt of a petition requesting the election and prescribing the amount of the proposed fee. The petition must be signed by a majority of the supervisors***

of the conservation district or not less than 10 percent of the registered voters of the conservation district. The board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question.

2. If a conservation district includes land lying in more than one county, the petition described in ~~[this]~~ subsection 1 must be submitted to the board of county commissioners of each such county and each respective board of county commissioners shall submit the question to the registered voters of the conservation district who live in the county.

~~[2.]~~ Each respective board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question. The county clerks of the respective counties shall confer and delegate to the county clerk, or the county clerk's designee, of the county having the greatest number of qualified electors of the conservation district the duty of carrying out the provisions of this section and shall reimburse that county on a pro rata basis for their respective counties' shares of the expenses of conducting the election.

3. Notice of an election or elections on the question of whether to impose a fee described in section 4 of this act must be ~~[published]~~ :

(a) Published at least once each week for 4 weeks before the date of the election in a newspaper of general circulation in the county or counties in which the election or elections are to be held ~~[. The notice must be published at least once each week for]~~ ; and

(b) Posted continuously on the Internet website of the county or counties beginning not less than 30 days before the date of the election.

~~[3.]~~ 4. At the election, the ballot must contain the words "Shall a fee of not more than $_____ per parcel be approved for the conservation district?" or words equivalent thereto.

~~[4.]~~ 5. If a majority of the registered voters of the conservation district voting on the question approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election or elections.

Sec. 5.5. **1. In lieu of conducting the election required by section 4 of this act at a primary, general or special election pursuant to section 5 of this act, the board or boards of county commissioners, as applicable, may direct that the election be conducted at a mass meeting of electors held in a centrally located public meeting place within the conservation district. Except as otherwise provided in this section, the provisions of section 5 of this act govern the conduct of an election at a mass meeting.**

2. If the election is conducted at a mass meeting:

(a) The chair of the district supervisors shall preside at the meeting and the secretary of the district shall keep a record of transactions at the meeting.

(b) Voting must be by secret ballot.

(c) At the close of polling, the sealed ballot boxes must be delivered unopened to the county clerk or the county clerk's designee, who shall appoint three electors to act, without pay, as judges and tellers to open the boxes and count the votes.

3. If a majority of the electors of the conservation district voting on the question at a mass meeting approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election.

Sec. 6. ***A fee imposed pursuant to sections 4 , [and] 5 and 5.5 of this act , as applicable, may not be increased, decreased or eliminated except according to the same procedures prescribed in sections 4 , [and] 5 and 5.5 of this act , as applicable, for imposing the fee.***

Sec. 7. ***A board of county commissioners may appropriate money from the county general fund to a conservation district for the purpose of providing programs for renewable natural resources regardless of whether a fee is imposed pursuant to sections 4 , [and] 5 and 5.5 of this act [.] , as applicable.***

Sec. 8. NRS 548.020 is hereby amended to read as follows:

548.020 "Agencies of the United States" includes the United States of America, the **[**Soil**]** ***Natural Resources*** Conservation Service ***and the Forest Service*** of the United States Department of Agriculture, ***the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior,*** and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9. NRS 548.090 is hereby amended to read as follows:

548.090 "United States" includes the United States of America, the **[**Soil**]** ***Natural Resources*** Conservation Service ***and the Forest Service*** of the United States Department of Agriculture, ***the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior,*** and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 10. NRS 548.105 is hereby amended to read as follows:

548.105 ***1.*** It is hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

2. Recognizing the importance of locally led efforts for the conservation of renewable natural resources, the Legislature will strive to provide appropriations to conservation districts at a level comparable to the appropriations provided to similar districts in other western states.

Sec. 11. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public

health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

(a) The topography of the area considered and of the State.

(b) The composition of soils therein.

(c) The distribution of erosion.

(d) The prevailing land use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~.~~ ***, and section 2 of this act.***

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 12. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 13. NRS 548.430 is hereby amended to read as follows:

548.430 The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation.

3. Specifications of cropping programs and tillage practices to be observed.

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

5. Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 14. NRS 548.535 is hereby amended to read as follows:

548.535 1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.

2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.

3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall record such determination and shall certify such determination to the supervisors of the district.

4. In making such determination the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the district.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.

2. An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.

3. The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of this section and NRS 555.202 to 555.220, inclusive.

Sec. 16. NRS 555.205 is hereby amended to read as follows:

555.205 ***Except as otherwise provided in section 15 of this act:***

1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three or five persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.

Sec. 17. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, ***and section 15 of this act,*** or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, ***and section 15 of this act*** is guilty of a misdemeanor.

Sec. 18. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 656 changes "coordinating" to "cooperating" to track federal terminology and adds the option of voting on a new parcel fee at a mass meeting of electors of a conservation district. The mass meeting of electors is currently used for the election of the conservation districts supervisors.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 229 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 2 increases the maximum speed limit at which a person may drive or operate a vehicle from 75 miles per hour to 80 miles per hour. This bill allows the Department of Transportation to establish speed limits up to 80 miles per hour for motor vehicles on highways and expands the imposition of a limited $25 fine for speeding violations within certain incremental parameters up to 85 miles per hour. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 2:

YEAS—31.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Diaz, Flores, Joiner, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank—11.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Remarks by Assemblymen O'Neill, Elliot Anderson, Ohrenschall, Carlton, and Hansen.

ASSEMBLYMAN O'NEILL:

Senate Bill 37 provides that an electronic monitoring system used by the Division of Parole and Probation to supervise a probationer or parolee may be capable of using the Global Positioning System to record or transmit the probationer's or parolee's location and produce, upon request, reports on the probationer's or parolee's presence at or near a crime scene or prohibited area or his or her departure from a specific geographic area. This bill is effective on July 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 37. I think we all share the goal of keeping more people out of jail. I am not sure, however, that this bill is the right way to do it. What we have here is a needle in a haystack problem. Los Angeles County in California has gone through the same issue where they have so much data from these GPS monitors, that they miss when there are true offenders who need to be brought back into jail. There was testimony that this was to be a pilot program. That is apparently what the Division of Parole and Probation has said, but there is nothing in the bill that says that. Los Angeles County is reeling; they are missing when offenders are committing crimes. When we take in too much data, we stop focusing on the real concerns. I respectfully ask this body to defeat this measure.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 37. When we have an offender out on community supervision, whether it is probation or parole, as a society we want that offender to try to succeed under supervision. While they are on parole or probation, they constantly have the threat, if they mess up, of going to prison. What concerns me about the bill is the fact that if a probationer or a parolee is near a crime scene, there is the section of the bill that has to do with that fact being shared with police. Some people will say that the cards are already stacked against a person on probation or parole. It does not do us any good to further stack the deck against someone who we want to succeed. We are hopeful that this person will not end up back in the criminal justice system. If they are violating the terms of their probation or parole, if they are involved in a new crime, then certainly they should be prosecuted. But the fact that they are present near a crime does not mean they are a participant in that crime. That is my concern with S.B. 37.

I, unfortunately, could not support it in your Committee on Judiciary, I am not able to support it on the floor, and I urge its defeat.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 37. I wholeheartedly agree with my colleagues from southern Nevada. I am going to come at it from a different tack. I put the fiscal hat on a few years ago, and I tend to read most bills that way now.

How many times have we been told as a state this is not going to cost us anything? We are going to be able to absorb this. We could come up with three or four phrases that if I had a buck for every time we heard it, we could put a real dent in our budget. With the amount of data they are going to collect, it is going to cost more to query that data and find out what is really going on. I will bet you dollars to doughnuts that if they are not back at the Interim Finance Committee (IFC) this interim, they will be back next session saying, Oh you know that pilot program; it is going to cost us more money. And then, unfortunately, those of us who are little more outspoken on the committee will have to say Wait a minute. You told us this was not going to cost any money. Then we will be criticized as we have in the recent past for bringing up the obvious truth that we were told this was not going to have a fiscal impact. I have serious concerns about that, and if we are going to have a good policy, let us have a good policy. But let us also talk about the dollars and cents and let us be honest about what we are going to be paying for in the future. Do not try to play hide the dollar on us. Let us just have the conversation.

ASSEMBLYMAN HANSEN:

I rise in support of Senate Bill 37. We heard this in our committee, obviously, and it is quite interesting to see all the directions it is taking. In reality, this is a pilot program; 250 people will be involved. If it does prove to be successful, then they can go forward. What happened in California is, in fact, a very good reason why they decided to use a pilot program here first.

The issue of being near a crime scene keeps coming up. The reality is, if you are on parole or probation and you are somewhere in the vicinity of a crime, you are automatically going to be considered a possible suspect. This will actually allow the probationer or parolee, through GPS, to show that they were not involved in the crime, that they were somewhere else. This is actually a way to make them have greater likelihood of being exonerated from being accused of a crime. Right now law enforcement automatically assumes if you live within a certain vicinity of a crime and you are on parole or probation, then you could be one of the perpetrators of it.

Our own staff gave no fiscal note to this. To our colleagues who are concerned about the fiscal things, I agree we should always be concerned about it. But the reality is, this is a pilot program, and if, in fact, it does cost more money, we may have to look at that. But I think it is going to have the opposite effect.

When you look at what GPS is able to do, you can probably reduce the number of staff that are currently required to go and visit with people on parole and probation. It should save money by using these modern technologies instead of using the old, traditional method of requiring probationers or parolees to come and report periodically to their parole or probation officer.

When you put all of these things together, yes, there is some possibility that it is not the greatest, perfect bill in the world. Very few of them are perfect around here. This is an excellent pilot program; it will actually help people who are being falsely accused of crimes. It will allow more people to be on house arrest instead of having them incarcerated, and it will provide high levels of safety for the public, because that is ultimately the reason we have concerns over parole and probation. This bill is a win-win all the way around, and I urge my colleagues to support Senate Bill 37 because, in fact, it does everything that everyone seems to be concerned about. It is in the best interest of the people who are being placed on parole and probation as well as protecting the members of the public. With that, I urge the passage of Senate Bill 37.

ASSEMBLYMAN OHRENSCHALL:

Just to clarify one point, while there was testimony from Parole and Probation that they did want to establish a pilot program, that is not in the language of the bill. There is no limiting language in the bill. While I have great respect for the Chairman of the Committee on Judiciary, my colleague from Sparks, there is no limit in the bill. I am very concerned that law enforcement will be able to just pull a list of anybody who is in the neighborhood where the crime occurs and

try to see if a person is involved when there is nothing connecting them to the crime. I urge the defeat of this bill.

Roll call on Senate Bill No. 37:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 55 adds to existing requirements concerning sentencing waivers that a waiver of all procedures related to extradition from another state must accompany a waiver to the right to be present at sentencing made by a defendant who is incarcerated in another state. A defendant who waives all of these procedures will be transferred to Nevada without a warrant to complete any remaining portion of his or her sentence after being released from incarceration in another state.

Roll call on Senate Bill No. 55:

YEAS—41.

NAYS—Neal.

Senate Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 121 allows a person to request personalized prestige license plates instead of special "classic rod" or "classic vehicle" license plates when registering a vehicle as a "classic rod" or "classic vehicle."

This bill is effective upon passage and approval for the purposes of the adoption of regulations and other preparatory administrative tasks necessary to carry out the bill's provisions. For all other purposes the bill is effective on the earlier of January 1, 2016, or the date on which the Director of the Department of Motor Vehicles (DMV) notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions.

Senate Bill 121 allows a person to register a qualifying vehicle as a "classic rod" or "classic vehicle" while still obtaining a seven-digit personalized prestige license plate and receiving the benefits of such registration, including exemption from emissions test requirements.

Roll call on Senate Bill No. 121:

YEAS—42.

NAYS—None.

Senate Bill No. 121 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 142 revises the definition of "trimobile" to mean every motor vehicle designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar. The bill also provides that money in the Account for the Program for the Education of Motorcycle Riders may only be used to pay the expenses of the Program and not for any other purpose. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 142:

YEAS—42.

NAYS—None.

Senate Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 244 provides that the Attorney General, or any other officer, agency, or employee of the Executive Department, may not enter into a contingent fee contract with a private attorney unless the Governor, in consultation with the Attorney General, determines that the Attorney General lacks the resources, skill, or expertise to provide the representation needed and that the proposed contingent fee representation is cost-effective and in the public interest.

The bill also sets forth the conditions under which funding for such a contract must be approved by the Interim Finance Committee, and if approved, the contract must be publicly advertised by the Purchasing Division within the Department of Administration. Additionally, the bill sets out the conditions under which contingent contracts will be managed, records kept, and reported on to the Legislature. The bill also sets forth attorney fees and other costs allowable under such a contract. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 244:

YEAS—42.

NAYS—None.

Senate Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 271 provides that the Virgin Valley Water District may issue a letter that commits the District to supply water service to a particular property subject to certain conditions precedent set forth in the letter, and such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. The District will not refund any fees paid by, return any water rights dedicated to, or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in

the letter or if the letter expires. The bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015. Further, the bill deletes a provision in current law prohibiting the District from requiring the holder of such a letter to pay an annual renewal fee or be subject to any other condition unless the fee or condition is expressly stated in the letter. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 271:

YEAS—42.

NAYS—None.

Senate Bill No. 271 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Remarks by Assemblymen Hickey and Edwards.

ASSEMBLYMAN HICKEY:

Senate Bill 418 revises refund provisions affecting private postsecondary educational institutions, to allow an institution to retain the lesser of $150 or 10 percent of the agreed upon tuition from a student who cancels his or her enrollment before classes begin. It further authorizes such an institution that is accredited by a regional accrediting agency recognized by the United States Department of Education to additionally retain any funds deposited by the applicant to secure a position in a program that are clearly disclosed to the applicant as nonrefundable. This bill also increases from $100 to $150 the maximum amount that an institution may retain, in addition to the pro rata amount of tuition, when a student withdraws or is expelled by the institution after the start of the training program but before completing 60 percent of the program.

Out of concern by members of this body who have raised some important questions regarding this bill, I would like to add to the record that there are 13 schools with the accreditation recognized by the U.S. Department of Education that could potentially implement the nonrefundable deposit fee portion of this bill. Of those, only five schools are in the category that are medically related master's degree or doctoral-level schools with some sort of situation where there are a limited number of seats available for students. The remaining 8 of the 13 are either bachelor-level institutions or are like the University of Phoenix with rolling enrollments, mostly online, wherein the need to hold open a limited number of seats does not exist. Therefore, only five schools would currently be affected by the provision to allow a nonrefundable deposit fee as long as it is clearly disclosed.

The Commission on Postsecondary Education licenses post-secondary institutions unless another board or commission has provided industry specific licenses, i.e., truck driving, cosmetology, hypnotherapy, pilot training, flight schools, et cetera. This bill would not affect any cosmetology schools since they are not licensed by the Commission on Postsecondary Education. Thank you, Mr. Speaker, and members, for your indulgence. I urge your support of this bill.

ASSEMBLYMAN EDWARDS:

I rise in support of Senate Bill 418. This is a short bill with a simple purpose, but it is also an important bill. Senate Bill 418 strikes a necessary financial balance between families and private schools when a student chooses to cancel an enrollment before the school year. I would add that this bill has unanimous support in the Senate and it also had unanimous support in the Assembly Committee on Education. I am proud to support it, and I encourage you to do so as well.

Roll call on Senate Bill No. 418:

YEAS—40.

NAYS—Bustamante Adams, Moore—2.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 448 authorizes a county treasurer to deposit county money in insured deposit accounts under certain circumstances. Similarly, the bill authorizes the State Treasurer, with the approval of the State Board of Finance; a city treasurer, with unanimous consent of his or her bondsmen; an incorporated city; or other local government to enter into an agreement with certain entities for the deposit or redeposit of certain public money. If the amount of public money deposited in such an account exceeds the limits of insurance provided by an instrumentality of the United States, the insured bank, insured credit union, or insured savings and loan association in which the county money is initially deposited is required to arrange for the redeposit of the amount of the county money that exceeds such limits of insurance in one or more other insured banks, insured credit unions, or insured savings and loan associations, and to ensure that the total amount of county money redeposited in an account is within the limits of such insurance. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 448:

YEAS—36.

NAYS—Benitez-Thompson, Bustamante Adams, Diaz, Flores, Neal, Sprinkle—6.

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 482 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 449.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 449 revises the membership of the Advisory Commission on the Administration of Justice by adding as a member a municipal judge or justice of the peace appointed by the governing body of the Nevada Judges of Limited Jurisdiction.

The bill also requires the Commission to conduct an interim study concerning parole and to report its findings and any recommendations for legislation to the full Commission by September 1, 2016.

Roll call on Senate Bill No. 449:

YEAS—42.

NAYS—None.

Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 473 requires state agencies to notify the Office of Grant Procurement, Coordination, and Management, Department of Administration, of the amount of any portion of a grant received by the state agency that it does not expect to expend fully within the time allowed by the grant. The Office is required to serve as a clearinghouse for disseminating information relating to unexpended grant money of state agencies by compiling and updating periodically a list of the grants and unexpended amounts thereof and making the list available on the Internet website maintained by the Department. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 473:

YEAS—42.

NAYS—None.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 66 revises provisions allowing for a local governing body to amend or terminate an agreement for land development. The bill requires a governing body that proposes unilaterally to amend or cancel an agreement for the development of land to hold a public hearing before taking such action and to provide notice no less than 60 days prior to the public hearing. The bill deletes outdated provisions allowing the extension of construction for a residential or commercial development agreement converted to a renewable energy generation project if applied for by July 1, 2013. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 66:

YEAS—41.

NAYS—Titus.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 85.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Senate Bill 85 revises the definition of a "policy of insurance" to include, for the purposes of investigating and prosecuting insurance fraud, an insurance policy issued by an authorized insurer in another state that relates to property located in Nevada at the time of the alleged fraudulent act or omission or the incident giving rise to the alleged fraudulent act or omission. The effective date would be July 1 of this year.

Roll call on Senate Bill No. 85:

YEAS—42.

NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Resolution read.

Assemblywoman Kirkpatrick moved the adoption of the resolution.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Concurrent Resolution 8 commemorates 2015 as the thirtieth anniversary of the sister state relationship between Nevada and Taiwan. The resolution recognizes the longstanding ties that our state has had with the people of Taiwan. For over 30 years, Nevada has been a steadfast friend to Taiwan and in October of 1985, that friendship was officially recognized when the Legislature extended an invitation to Taiwan to become our sister state.

The purpose of a sister state concept has been to foster greater friendship and understanding between the people of the United States and other nations. Through this particular relationship, Nevada has shown its support, encouragement, and admiration for Taiwan, and they have also demonstrated their commitment and regard for Nevada as well. Tokens of esteem can be seen first-hand in the metal state seals which are displayed on the exterior walls of the Legislative Building and in several paintings which hang in our hallways, all of which were gifts from Taiwan.

I would encourage the body to support Senate Concurrent Resolution 8.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Vannesa Gallegos and Kay Quong.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Jonnie McKaig and Kayla Ward.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Fuh and J. Chieh Wong.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Clark.

Assemblyman Paul Anderson moved that the Assembly adjourn until Wednesday, May 6, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:24 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 6, 2015

Assembly called to order at 11:53 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

Let us pray and be reminded of God's goodness and care for each of us as we read the Shepherd's Psalm 23.

The Lord is my shepherd; I shall not want.
He makes me to lie down in green pastures;
He leads me beside the still waters. He restores my soul;
He leads me in the paths of righteousness for His name's sake.
Yea, though I walk through the valley of the shadow of death, I will fear no evil;
For You are with me;
Your rod and Your staff, they comfort me.
You prepare a table before me in the presence of my enemies;
You anoint my head with oil;
My cup runs over.
Surely goodness and mercy shall follow me all the days of my life;
And I will dwell in the house of the Lord forever.
I pray blessings on the people of this Assembly, their families, and staff.
In Jesus' name,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 104, 322; Senate Joint Resolutions Nos. 2, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 427, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 27, 30, 73, 74, 75, 87, 103, 131, 154, 157, 179, 188, 250.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 476 and 482 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 229 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 663.

AN ACT relating to gaming; prohibiting certain acts related to wagering; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for a person to perform certain actions relating to gaming without having first procured, and thereafter maintaining, all required gaming licenses. (NRS 463.160) This bill additionally provides that it is unlawful for a person to: (1) receive any compensation or reward, or any percentage or share of the money or property played, for accepting ~~[or facilitating the acceptance of]~~ a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event, without having first procured, and thereafter maintaining, all required gaming licenses; (2) accept or facilitate a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event that is placed with a person who receives any compensation or reward, or any percentage or share of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses; or (3) transmit or deliver anything of value resulting from a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event with a person who receives any compensation or reward, or any percentage or share

of the money or property played, for accepting or facilitating such a bet or wager without having first procured, and thereafter maintaining, all required gaming licenses. A person who violates any such provision is guilty of a category B felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 465 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by law, it is unlawful for a person to receive, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for accepting ~~[or facilitating the acceptance of]~~ any bet or wager upon the result of any event held at a track involving a horse or other animal, sporting event or other event, as defined by regulations adopted by the Nevada Gaming Commission, without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing body of any unincorporated town.

2. Except as otherwise provided by law, it is unlawful for a person to:

(a) Accept or facilitate any bet or wager that is placed with a person described in subsection 1; or

(b) Transmit or deliver anything of value resulting from a bet or wager to a person who has placed a bet or wager with a person described in subsection 1.

3. The provisions of this section do not make it unlawful for a race book or sports pool that is licensed pursuant to chapter 463 of NRS to, without knowledge, accept a bet or wager from or pay a winning bet or wager to a person described in subsection 1 or 2.

Sec. 2. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.085, inclusive, ***and section 1 of this act,*** is guilty of a category B felony and shall be punished:

(a) For the first offense, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(b) For a second or subsequent violation of any of these provisions, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000. The court shall not suspend a sentence of imprisonment imposed pursuant to this paragraph, or grant probation to the person convicted.

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.085, inclusive, ***and section 1 of this act,*** each is guilty of a category B felony and shall be punished by imposing the

penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

In section 1 this amendment deletes the language "facilitating the acceptance of" in relation to a person making a bet for another person.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 661.

AN ACT relating to county government; revising the membership of the county fair and recreation board of certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a county fair and recreation board in any county whose population is 100,000 or more and less than 700,000 (currently Washoe County). The board must consist of 13 members, including two members appointed by the board of county commissioners, two members appointed by the governing body of the largest incorporated city in the county (currently the City of Reno) and one member appointed by the governing body of the next largest incorporated city in the county (currently the City of Sparks). Those five members must appoint the remaining eight members, of whom one must be a representative of banking or other financial interests, and another of whom must be a representative of business or commercial interests. Both of those members must be chosen from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county. Additionally, one member must be a representative of motel operators and must be chosen from a list of nominees submitted by one or more associations that represent the motel industry. (NRS 244A.601)

This bill revises the membership of such a county fair and recreation board and reduces the size of the board from 13 to 9 members. This bill changes from two to one the number of members appointed to the board by the board of county commissioners and by the governing body of the largest incorporated city in the county, respectively. Additionally, this bill deletes the provision providing for the appointment of a member representing motel operators. This bill also deletes the provisions providing for the appointment of a member representing banking or other financial interests and another member representing business or commercial interests. Instead, this bill requires the appointment of a member representing ~~[commercial or noncommercial]~~

interests related to tourism **or other commercial interests** or the resort hotel business. Finally, this bill requires the members of the county fair and recreation board to elect the Chair of the board from among the three members appointed by the board of county commissioners and the governing bodies of the two largest incorporated cities in the county, respectively.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244A.601 is hereby amended to read as follows:

244A.601 1. In any county whose population is 100,000 or more, and less than 700,000, the county fair and recreation board consists of ~~[13]~~ ***nine*** members who are appointed as follows:

(a) ~~[Two members]~~ ***One member*** by the board of county commissioners.

(b) ~~[Two members]~~ ***One member*** by the governing body of the largest incorporated city in the county.

(c) One member by the governing body of the next largest incorporated city in the county.

(d) Except as otherwise provided in subsection 2, ~~[eight]~~ ***six*** members by the members appointed pursuant to paragraphs (a), (b) and (c). The members entitled to vote shall select:

(1) One member who is a representative of air service interests from a list of nominees submitted by the airport authority of the county. The nominees must not be elected officers.

(2) One member who is a representative of ~~[motel operators from a list of nominees submitted by one or more associations that represent the motel industry.~~

~~(3) One member who is a representative of banking or other financial interests from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.~~

~~(4) One member who is a representative of other business or commercial interests~~ ~~*commercial or noncommercial]*~~ ***interests relating to tourism or other commercial interests or the resort hotel business*** from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.

~~[(5)]~~ ***(3)*** One member who is a representative of other business or commercial interests, including gaming establishments, from a list of nominees submitted by a visitor's bureau, other than a county fair and recreation board or a bureau created by such a board, that is authorized by law to receive a portion of the tax on transient lodging, if any. If no such bureau exists in the county, the nominations must be made by the chamber of commerce of the third largest township in the county.

~~[(6)]~~ ***(4)*** Three members who are representatives of the association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year, from a list of nominees submitted by the association. If there

is no such association, the three appointed members must be representative of gaming.

➥ If the members entitled to vote find the nominees on a list of nominees submitted pursuant to this paragraph unacceptable, they shall request a new list of nominees.

2. ***The members of the board shall elect a Chair from among the members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1.***

3. The terms of members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1 are coterminous with their terms of office. The members appointed pursuant to paragraph (d) of subsection 1 must be appointed for 2-year terms. Any vacancy occurring on the board must be filled by the authority entitled to appoint the member whose position is vacant. Each member appointed pursuant to paragraph (d) of subsection 1 may succeed himself or herself only once.

~~[3.]~~ ***4.*** If a member ceases to be engaged in the business or occupation which he or she was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

~~[4.]~~ ***5.*** Any member appointed by the board of county commissioners or a governing body of a city must be a member of the appointing board or body.

Sec. 2. 1. Notwithstanding any other provision of law, the terms of the members selected to the county fair and recreation board pursuant to subparagraphs (2), (3) and (4) of paragraph (d) of subsection 1 of NRS 244A.601 as that section exists on June 30, 2015, expire on that date.

2. As soon as practicable on or after July 1, 2015:

(a) The chamber of commerce of the largest incorporated city in the county shall submit to the members of the county fair and recreation board entitled to vote the list of nominees described in subparagraph (2) of paragraph (d) of subsection 1 of NRS 244A.601, as amended by section 1 of this act; and

(b) The members of the county fair and recreation board entitled to vote shall select from the list of nominees the member described in subparagraph (2) of paragraph (d) of subsection 1 of NRS 244A.601, as amended by section 1 of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that one member of the county fair and recreation board may be a representative of other commercial interests in addition to other possible interests, such as tourism or the resort hotel business.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 14.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 14 revises the membership of the Pharmacy and Therapeutics Committee, Department of Health and Human Services, by reducing the minimum number of members from nine to five. In addition, the measure eliminates the stipulation that no more than 51 percent of the members may be active physicians, pharmacists, or persons with doctoral degrees in pharmacy. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 14:

YEAS—42.

NAYS—None.

Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 31 transfers from the Division of Public and Behavioral Health, Department of Health and Human Services, to the State Board of Health the authority to adopt regulations that prescribe continuing education requirements and associated fees for certification of detoxification technicians, facilities, and programs.

Roll call on Senate Bill No. 31:

YEAS—42.

NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 86.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 86 increases the maximum amount of a civil penalty that may be imposed by the Public Utilities Commission of Nevada for a violation of regulations adopted by the Commission in conformity with the Natural Gas Pipeline Safety Act of 1968. The new penalty is not to exceed $200,000 for each violation for each day that the violation persists, with a maximum civil penalty not to exceed $2 million.

The measure also increases the maximum civil penalty for a single willful or repeated violation of provisions governing excavation or demolition near subsurface installations to not more than $2,500 per day and increases the maximum civil penalty for any related series of willful or repeated violations within a calendar year to not more than $250,000. In addition, the measure provides additional factors for the Commission to consider when determining the amount of the penalty or the amount agreed upon in a settlement or compromise.

Finally, Senate Bill 86 authorizes the Commission to triple the maximum civil penalty that may be imposed for each violation that involves contact with or near certain high consequence subsurface installations such as petroleum, gas, sewage, and hazardous materials pipelines; electric supply lines and cables; and optical carrier level communications lines. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 86:

YEAS—42.

NAYS—None.

Senate Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 151.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 151 requires the Public Utilities Commission of Nevada, PUCN, to adopt regulations authorizing a public utility that purchases natural gas for resale to expand its infrastructure in a manner consistent with an economic development program proposed by the public utility and approved by the PUCN.

Roll call on Senate Bill No. 151:

YEAS—42.

NAYS—None.

Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblymen O'Neill and Kirkpatrick.

Roll call on Senate Bill No. 158:

ASSEMBLYMAN O'NEILL:

Senate Bill 158 requires a local government employer to make available to the public, not less than three business days before a public hearing by its governing body to approve a collective bargaining agreement or similar agreement, the following documents: the proposed agreement and any exhibits or other attachments to the proposed agreement; a document showing any language added to or deleted from the previous agreement, if the proposed agreement is a modification of a previous agreement; and any supporting material prepared for the governing body and relating to the fiscal impact of the agreement.

The documents must be available on the website of the local government or, if the local government does not have such a website, by depositing the documents with the clerk of the governing body. Any document so deposited is a public record and must be open for public inspection. This bill is effective on July 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK:

I have had some concerns about Senate Bill 158 for some time. I voiced them in committee—what is good for the goose is good for the gander. If the local officials are circumventing the current law that says any of their pay raises or evaluations are not being made public and are on the consent agenda, I think that is a violation of the current spirit of the law we put in place. I wish we could have done an amendment on this. I believe this is transparency, but transparency should be for all.

I want to put on the record that I am going to send a letter to NACO [Nevada Association of Counties] and to the League of Cities. I am going to remind them of the law that was passed in 2005 for this very same reason. If it is transparency for one, it is transparency for all. I do not want to sugarcoat it. I make no secret that I think everyone should follow the law. I will be letting them know that there is a current law in place.

I believe this is a step toward transparency as we have always done in this building, so I will reluctantly vote for it without an amendment.

YEAS—42.

NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 196 requires the Division of Public and Behavioral Health, Department of Health and Human Services to establish and maintain the Stroke Registry to compile information and statistics concerning the treatment of patients who suffer from strokes. The Division must adopt and carry out procedures for the Registry that improve the quality of care provided to patients who suffer from strokes and compile an annual report to be posted online and submitted to the Governor and the Legislative Committee on Health Care.

The bill requires the Division to include in its list of hospitals certified as primary stroke centers those that are certified by the Joint Commission as comprehensive stroke centers. Each hospital included on this list is required to report to the Registry certain data concerning treatment of patients who suffer from strokes. With certain exceptions, the measure authorizes a provider of health care to use credit earned for continuing education relating to Alzheimer's disease in place of certain other continuing education requirements.

Roll call on Senate Bill No. 196:

YEAS—42.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 281.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 281 removes from regulation as solid waste any vehicle owned by a licensed automobile wrecker or licensed salvage pool and designated for dismantling as a source for parts. This bill is effective on July 1, 2015.

The EPA [Environmental Protection Agency] recently ruled that scrap metal is not solid waste, so I would ask the body to please approve this bill to get us in line with the EPA.

Roll call on Senate Bill No. 281:

YEAS—42.

NAYS—None.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 44 and 417.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Josie Tierney.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Varner, Janneli Ramos, and Jonas Furlong.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to George Flint.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Ansell.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Jerry Matsumura and the following students, chaperones and teachers from Tahoe Expedition Academy: Zachary Wallpe, Nathan Barth, Mason Smith, Donovan Johnson, Denali Cooke, Hayden McJunkin, Tiana Hatchett, Sadie Tucker, and Maya Ferris.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Reilly, Krista Reilly, Isaac Reilly, Elyse Reilly, and the following students, chaperones, and teachers from Bordewich Bray Elementary School: Fabian Baez, Tiberius Bryan, Avery Buchan, Angel Ceballos, Anthony Clemons, Macey Douglass, James Gersch, Josue Gomez Alegria, Alexis Gomez Andrade, Dulce Gomez, Frankie Hernandez Peregrina, Alexander Lance, Malachi Leonard, Alexzander Lepage, Emaly Lopez, Cynthia Medina, Erick Pedraza Lopez, Ricardo Plascencia-Flores, Nandana Praveen, Janneli Ramos, Noel Rehus, Ravyn Smith, Josie Tierney, Jasmine Arthur, Javier Beltran, Payton Brown, Maximillian Bushey, Destiny Carman, Ava Cole, Enrique Espinoza Ayala, Kiele Franco, Jonas Furlong, Olivia Gaida, Axel Gutierrez Galan, Azariah Hougland, Meryl Johnson, Omar Martinez, Miguel Mendoza Jr., Adan Pazos Heredia, Adrian Rocha, Mazzy Root-Ferguson, Christian Rough Jr., Ava Schofield, Ilu Valdivia Rugama, and Angel Vega Alvarez.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Nick Phillips.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Julianne Delap and Jack Delap.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Joylyn Harmer, Espe Harmer, and Sabine Harmer.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 7, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 7, 2015

Assembly called to order at 11:48 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

You are God Almighty, gracious, loving, and faithful. You are awesome in deed and mighty to save.

Today we celebrate the 64th annual National Day of Prayer. It is a time for investing in hope and transforming our nation through prayer.

2 Chronicles 7:14 says If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land.

Father, we turn our hearts to You and ask for Your forgiveness and grace, that You would heal our land. Move in our hearts and in the hearts of our leaders toward Your will and for Your glory. We pray for our President, our nation, our state, our leaders, our troops, and for all those serving in law enforcement.

May we receive Your strength and wisdom for today. Help us to cast all our cares and burdens upon You and trust that You will lead us and guide us in the things that concern us. Open our hearts to love You Lord, and to love people.

May the words of our mouth and meditations of our heart be acceptable in Your sight O God, our Rock and our Redeemer. We give You thanks and praise.

In Jesus's Name we pray.

AMEN.

Presentation of the Colors by the Legislative Police Color Guard.

Pledge of allegiance to the Flag.

Singing of the National Anthem by Elise Sala.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 147, 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 14, 19, 25, 58, 90, 180, 194, 202, 415.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 490.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 649 to Senate Bill No. 63; Assembly Amendment No. 650 to Senate Bill No. 297.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 40, 229, and 480 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 490.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 657.

SENATOR GUSTAVSON

JOINT SPONSORS: ASSEMBLYMEN O'NEILL AND SILBERKRAUS

AN ACT relating to public safety; requiring the Department of Motor Vehicles to establish a registry of emergency contact information for certain persons who possess a driver's license, identification card or driver authorization card; requiring certain law enforcement personnel to use the registry to notify an emergency contact person regarding any persons involved in a motor vehicle accident; **authorizing certain law enforcement personnel to use the registry to notify an emergency contact person regarding any persons involved in an accident or emergency situation other than a motor vehicle accident;** providing immunity from liability to the Department and

others with access to the registry for certain acts and omissions related to the registry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill requires the Department of Motor Vehicles to establish a registry on its Internet website to be known as the Next-of-Kin Registry. The Registry must include, in a secure portion of the website, a registry record unique to each registrant. Information in the Registry will be accessible to law enforcement, a coroner or medical examiner and the registrant, and parent or guardian of the registrant if the registrant is a minor. **Section 9** of this bill provides the requirements for a registrant to establish a registry record in the Next-of-Kin Registry and allows a registrant to submit emergency contact information for not more than two emergency contact persons. **Section 10** of this bill requires law enforcement personnel to search the Registry to identify and make reasonable efforts to make contact with the emergency contact person of a registrant if the registrant is unable to communicate after a serious motor vehicle accident. **Section 10** also allows a coroner or medical examiner to access the Registry to identify the next-of-kin of a decedent. **Section 10.5 of this bill authorizes law enforcement personnel to search the Registry to identify and make reasonable efforts to make contact with the emergency contact person of a registrant if the registrant is unable to communicate after an accident or emergency situation other than a motor vehicle accident.** **Sections 1, 2, 8 and 11** of this bill limit access to the information in the Registry to the registrant, law enforcement personnel, a coroner or medical examiner or his or her respective personnel and the Department, with certain exceptions, including other persons authorized by a court order. **Sections 11 and 21** of this bill further provide that the names, telephone numbers and addresses of emergency contact persons in the Registry are confidential, not public records for the purposes of the Open Meeting Law and not discoverable except upon a subpoena issued in a criminal matter. (See chapter 239 of NRS) **Section 12** of this bill limits the civil and criminal liability of those authorized to establish, maintain and access the Registry. **Section 13** of this bill authorizes the Department to adopt regulations necessary to implement and maintain the Next-of-Kin Registry. **Sections 14-20** of this bill require the Department, at the time of the application for or the renewal of a driver's license, identification card or driver authorization card, to provide the applicant a form to register with the Next-of-Kin Registry.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information

requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. ***Except as otherwise provided in sections 8 , ~~[and]~~ 10 and 10.5 of this act, or as otherwise required by law, the Director shall not:***

(a) Allow any person to make use of information retrieved from the Next-of-Kin Registry established pursuant to section 8 of this act for:

(1) A private purpose; or

(2) Any purpose relating to the legal presence of a person; or

(b) In any other way release any information retrieved from the Registry.

11. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

~~[11.]~~ ***12.*** The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or

licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

~~[12.]~~ ***13.*** It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

~~[13.]~~ ***14.*** As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 239.0115, 481.063 and 485.316, ***and sections 8 , ~~[and]~~ 10 and 10.5 of this act,*** all personal information in the records of registration and licensing in the offices of the Department is confidential and must not knowingly be disclosed by the Department.

Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto the provisions of sections 4 to 13, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5, 6 and 7 of this act have the meanings ascribed to them in those sections.***

Sec. 5. *"Identification card" means an identification card issued by the Department pursuant to NRS 483.810 to 483.890, inclusive.*

Sec. 6. *"Next-of-Kin Registry" means the registry of emergency contact persons established pursuant to section 8 of this act.*

Sec. 7. *"Registrant" means a person who registers with the Next-of-Kin Registry pursuant to section 9 of this act.*

Sec. 8. *1. The Department shall establish and maintain on its Internet website a registry to be known as the Next-of-Kin Registry. The Next-of-Kin Registry must include, without limitation, in a secure portion of the Internet website, a registry record unique to each registrant.*

2. Except as otherwise provided in this section, the Department shall provide access to, or information from, the registry record of a registrant in the Next-of-Kin Registry to:

(a) A law enforcement officer or other duly authorized employee of a law enforcement agency who conducts a search pursuant to section 10 or 10.5 of this act;

(b) A coroner or medical examiner or a duly authorized employee of a coroner or medical examiner who conducts a search pursuant to section 10 of this act;

(c) The registrant for the purpose of adding, amending or deleting the name, telephone number, address or electronic mail address of an emergency contact person;

(d) The parent or legal guardian of a registrant who is less than 18 years of age and is not emancipated; and

(e) Employees of the Department to the extent necessary to carry out the provisions of sections 4 to 13, inclusive, of this act.

3. The Department may provide access to, or information from, the registry record of a registrant:

(a) Pursuant to the lawful order of a court of competent jurisdiction; or

(b) At the request of the personal representative of a deceased registrant.

Sec. 9. *1. A person may register with the Next-of-Kin Registry if the person possesses:*

(a) A Nevada driver's license, identification card or driver authorization card; and

(b) An Internet portal account with the Department.

2. The Department shall prescribe the information a person must submit electronically through the person's portal account to register with the Next-of-Kin Registry, which must include, without limitation:

(a) An affirmative indication of the desire of the person to become a registrant;

(b) The driver's license number, identification card number or driver authorization card number of the person;

(c) The name, telephone number, address and electronic mail address, if available, of not more than two emergency contact persons who are at least

18 years of age, one of whom is the parent or legal guardian of the person if he or she is less than 18 years of age and is not emancipated; and

(d) If the registrant is less than 18 years of age and is not emancipated, the driver's license number, identification card number or driver authorization card number, if any, of the parent or legal guardian whose contact information is submitted by the registrant pursuant to paragraph (c).

3. If a person submits the information required pursuant to subsection 2 to become a registrant, the Department shall:

(a) Create a registry record within the Next-of-Kin Registry for the registrant which includes the information regarding the emergency contact persons provided by the registrant; and

(b) ~~[Assign a registry record number to the registrant;~~

~~(c) Assign and provide to the registrant a registry access code to access the registry record;~~

~~(d) If the registrant is less than 18 years of age and is not emancipated, provide the registry access code to the parent or legal guardian of the registrant who is listed as one of his or her emergency contact persons; and~~

~~(e)]~~ Provide to the registrant information regarding:

(1) The persons and entities who will have access to the information in the Registry; and

(2) Who will be notified in the event of an emergency involving the registrant.

Sec. 10. *1. A law enforcement officer or a duly authorized employee of a law enforcement agency must, as soon as practicable, search the Next-of-Kin Registry for an emergency contact person of a driver or passenger in a motor vehicle if the driver or passenger:*

(a) Possesses a Nevada driver's license, identification card or driver authorization card;

(b) Has been involved in a motor vehicle accident ~~[or other situation]~~ which results in the death, serious bodily injury or other incapacitation of the driver or passenger; and

(c) Is incapable of communicating.

2. Except as otherwise provided in subsection 3, if the law enforcement officer or the duly authorized employee of a law enforcement agency identifies an emergency contact person of a driver or passenger through the Next-of-Kin Registry ~~[,]~~ pursuant to this section, the officer or employee must make a reasonable attempt to notify the emergency contact person, as soon as practicable, of the hospital or other location at which the driver or passenger may be located.

3. In the event of the death of a driver or passenger in a motor vehicle accident , ~~[or other situation,]~~ the law enforcement officer or the duly authorized employee of a law enforcement agency shall coordinate the notification of the emergency contact person with the coroner or medical examiner, as applicable. Such notification may only be made after the positive identification of the decedent.

4. A coroner or medical examiner or a duly authorized employee of a coroner or medical examiner may access the Next-of-Kin Registry to search for the next-of-kin of a decedent if the decedent possessed a Nevada driver's license, identification card or driver authorization card at the time of his or her death.

Sec. 10.5. 1. A law enforcement officer or a duly appointed authorized employee of a law enforcement agency may search the Next-of-Kin Registry for an emergency contact person of a person if the person on whose behalf the search is conducted:

(a) Possesses a Nevada driver's license, identification card or driver authorization card;

(b) Has been involved in an accident or emergency situation other than a motor vehicle accident which results in the death, serious bodily injury or other incapacitation of the person; and

(c) Is incapable of communicating.

2. Except as otherwise provided in subsection 3, if the law enforcement officer or the duly authorized employee of a law enforcement agency identifies an emergency contact person of a person through the Next-of-Kin Registry pursuant to this section, the officer or employee shall make a reasonable attempt to notify the emergency contact person of the hospital or other location at which the injured or incapacitated person may be located.

3. In the event of the death of a person due to an accident or other emergency situation other than a motor vehicle accident, the law enforcement officer or the duly authorized employee of a law enforcement agency shall coordinate the notification of the emergency contact person with the coroner or medical examiner, as applicable. Such notification may only be made after the positive identification of the decedent.

Sec. 11. *Except as otherwise provided in sections 8 , ~~[and]~~ 10 and 10.5 of this act, the information regarding an emergency contact person submitted by a registrant for inclusion in the Next-of-Kin Registry is:*

1. Confidential;

2. To be used or accessed only as authorized pursuant to sections 4 to 13, inclusive, of this act;

3. Not a public record for the purposes of chapter 239 of NRS; and

4. Not discoverable by any person, entity or governmental agency except upon the issuance of a subpoena by a grand jury or a court order in a criminal matter.

Sec. 12. *1. The Department, any employee of the Department, any law enforcement officer, any coroner or medical examiner, or any duly authorized employee of a law enforcement agency or coroner or medical examiner, when carrying out the provisions of sections 4 to 13, inclusive, of this act in the scope of their public duties or employment, are not liable to any person for civil damages or subject to criminal prosecution resulting from or caused by, without limitation:*

(a) Any disruption or failure in Internet service caused by an accident, malfunction, act of sabotage or God, or any other condition or circumstance which the Department has not directly or indirectly caused and which prevents:

(1) The Department from establishing, maintaining or accessing the Next-of-Kin Registry;

(2) A law enforcement officer, a coroner or a medical examiner, or a duly authorized employee of a law enforcement agency or coroner or medical examiner, from accessing the Next-of-Kin Registry as required or authorized pursuant to ~~[section]~~ sections 10 and 10.5 of this act;

(3) A registrant from accessing his or her registry record in the Next-of-Kin Registry or adding, amending or deleting the name, telephone number or address of an emergency contact person; or

(4) The parent or legal guardian of a registrant who is less than 18 years of age and not emancipated from accessing the registry record of the registrant.

(b) Any negligent misuse of, omission of or failure to input accurate information into, or input of inaccurate or outdated information into the Next-of-Kin Registry by a registrant.

(c) The failure of a law enforcement officer, a coroner or a medical examiner, or a duly authorized employee of a law enforcement agency or coroner or medical examiner, to make contact with any emergency contact person.

2. This section must not be construed to exempt any person, including, without limitation, the Department, an employee of the Department, a law enforcement officer, a coroner, a medical examiner or a duly authorized employee of a law enforcement agency or coroner or medical examiner from criminal and civil liability for willful misuse of the information in the Next-of-Kin Registry.

Sec. 13. ***The Department may adopt such regulations as are necessary to carry out the provisions of sections 4 to 13, inclusive, of this act.***

Sec. 14. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) ***Include information instructing the applicant how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.***

(f) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 15. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

➥ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school attendance pursuant to NRS 392.070.

(d) ***Include information instructing the applicant how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.***

(e) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of the speed limit set by law for school buses.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 16. NRS 483.280 is hereby amended to read as follows:

483.280 1. Any person who is at least 15 1/2 years of age may apply to the Department for an instruction permit. The Department may, in its discretion, after the applicant has successfully passed all parts of the examination administered pursuant to NRS 483.330, other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his or her immediate possession, to drive a motor vehicle upon the highways for a period of 1 year when accompanied by a licensed driver who is at least 21 years of age, who has had at least 1 year of licensed driving experience in the type of vehicle for which the permit was issued and who is actually occupying a seat beside the driver, except when the permittee is occupying a motorcycle. The term "licensed driving experience" as used in this subsection does not include driving experience gained under an instruction permit issued pursuant to the provisions of this section.

2. The Department may, in its discretion, issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle while the Department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit must be in the applicant's immediate possession while driving a motor vehicle, and is invalid when the applicant's license has been issued or for good cause has been refused.

3. The Department, upon receiving proper application, may, in its discretion, issue a restricted instruction permit effective for a school year, or for a more restricted period, to an applicant who is enrolled in a drivers' education program which includes practice driving and which is approved by the Department even though the applicant has not reached the legal age to be eligible for a driver's license. The instruction permit entitles the permittee, when the permittee has the permit in his or her immediate possession, to drive a motor vehicle only on a designated highway or within a designated area, but only when an approved instructor is occupying a seat beside the permittee.

4. At the time of the issuance of a permit pursuant to this section, the Department shall provide to the permittee information instructing the permittee how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.

Sec. 16.5. NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) ***Include information instructing the applicant how to register for the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.***

(g) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State; or

(9) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

➥ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. Notwithstanding the provisions of NRS 483.380, every driver authorization card expires on the anniversary of its issuance or renewal. Every driver authorization card is renewable at any time before its expiration upon application and payment of the required fee. The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 17. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the State Gaming Control Board. Such a license is exempt from the fees

required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is unlawful for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 18. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may,

unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

9. At the time of the issuance of a restricted license pursuant to this section, the Department shall provide to the applicant information instructing the applicant how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.

Sec. 19. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 20. NRS 483.928 is hereby amended to read as follows:

483.928 ***1.*** A person who wishes to be issued a commercial driver's license by this State must:

~~[~~1.~~]~~ ***(a)*** Apply to the Department for a commercial driver's license;

~~[~~2.~~]~~ ***(b)*** In accordance with standards contained in regulations adopted by the Department:

~~[~~(a)~~]~~ ***(1)*** Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

~~[~~(b)~~]~~ ***(2)*** Pass a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

~~[~~3.~~]~~ ***(c)*** Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

~~[~~4.~~]~~ ***(d)*** Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

~~[~~5.~~]~~ ***(e)*** For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept

and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

2. At the time of the issuance or renewal of a commercial driver's license pursuant to this section, the Department shall provide to the holder of the license information instructing the holder how to register with the Next-of-Kin Registry pursuant to section 9 of this act if he or she so chooses.

Sec. 21. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,

616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, ***and*** 711.600, ***and section 11 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 21.5. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department of Motor Vehicles shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 22. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. For all other purposes, on the date on which the Director of the Department of Motor Vehicles, pursuant to section 21.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 657 makes three changes to Senate Bill 3. It expands the notification provisions of the bill to permit a law enforcement officer or other authorized employee of a law enforcement agency to search the registry of emergency contact information during accidents or emergency situations other than motor vehicle accidents. It deletes the "double registry" provisions of subsection 3 of section 9, which require the DMV [Department of Motor Vehicles] to assign a registry record number and registry access code to a registrant because a registrant is already required to have an Internet portal account. Finally, it adds Assemblymen O'Neill and Silberkraus as joint sponsors to this bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 104.

Bill read second time and ordered to third reading.

Senate Bill No. 322.

Bill read second time and ordered to third reading.

Senate Bill No. 427.

Bill read second time and ordered to third reading.

Senate Bill No. 469.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 23, 43, 159, 200, 205, 217, 263; Senate Joint Resolution No. 11.

REMARKS FROM THE FLOOR

Assemblywoman Fiore requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, George William Treat Flint was born April 12, 1934, in San Pedro, California, to parents Mann George Flint and Grace Estelle Risdon Flint; and

WHEREAS, George's children are Jacquelyn Sue, Margaret Gwen, Peggy JoAnn, Michael Geoffrey, Marnie Goss and Dean Goss, who have expanded the family with 12 grandchildren and 9 great-grandchildren; and

WHEREAS, George grew up and graduated from high school in Lusk, Wyoming, then worked for Eastman Kodak in Iowa and Oregon, while attending Open Bible College and Bible Standard College at those locations, moving to Reno, Nevada, in 1962, where he opened and still operates Reno's longest surviving wedding chapel—the Chapel of the Bells—and having owned another three wedding chapels in Nevada, he has married over 100,000 couples, to date; and

WHEREAS, George began his distinguished lobbying career in 1963, when, while reading the newspaper he learned that a legislator had proposed legislation that would prohibit a licensed, ordained minister from owning a wedding chapel, as it directly affected him and his business; and

WHEREAS, To expand his legislative experience, George interned for former Senator Donald Mello, while also lobbying for the marriage industry and legal brothel owners, as he does now; and

WHEREAS, George can account for over half a century of Nevada lobbying history, spanning the terms of nine Governors: Brian Sandoval, Jim Gibbons, Kenny Guinn, Bob Miller, Richard Bryan, Robert List, Mike O'Callaghan, Paul Laxalt, and Grant Sawyer, and the terms of dozens of legislators, many of whom came to count George as a close friend; and

WHEREAS, For his dedicated years of service, George is recognized as the longest serving Nevada senior lobbyist, having earned the esteem, recognition, and respect from members of the Legislature, as well as his peers; now, therefore, be it

PROCLAIMED, By the 2015 Nevada Legislature that April 12, 2015, be declared "George Flint Day," in honor of his 52 years of outstanding and valuable contributions as Nevada's longest-standing senior lobbyist.

DATED this 10th day of April, 2015.

ELLIOT ANDERSON
Nevada State Assemblyman

DEREK ARMSTRONG
Nevada State Assemblyman

KELVIN ATKINSON
Nevada State Senator

IRENE BUSTAMANTE ADAMS
Nevada State Assemblywoman

MAGGIE CARLTON
Nevada State Assemblywoman

RICHARD CARRILLO
Nevada State Assemblyman

MOISES DENIS
Nevada State Senator

OLIVIA DIAZ
Nevada State Assemblywoman

JILL DICKMAN
Nevada State Assemblywoman

JOHN ELLISON
Assembly Speaker Pro Tempore

EDGAR FLORES
Nevada State Assemblyman

PETE GOICOECHEA
Nevada State Senator

BECKY HARRIS
Nevada State Senator

AMBER JOINER
Nevada State Assemblywoman

RUBEN J. KIHUEN
Nevada State Senator

MARK MANENDO
Nevada State Senator

HARVEY J. MUNFORD
Nevada State Assemblyman

JAMES OHRENSCHALL
Nevada State Assemblyman

JAMES OSCARSON
Nevada State Assemblyman

VICTORIA SEAMAN
Nevada State Assemblywoman

JAMES SETTELMEYER
Nevada State Senator

STEPHEN SILBERKRAUS
Nevada State Assemblyman

ELLEN B. SPIEGEL
Nevada State Assemblywoman

LYNN D. STEWART
Nevada State Assemblyman

JOYCE WOODHOUSE
Nevada State Senator

VICKI A. DOOLING
Nevada State Assemblywoman

MICHELE FIORE
Nevada State Assemblywoman

AARON D. FORD
Senate Democratic Leader

IRA HANSEN
Nevada State Assemblyman

PAT HICKEY
Nevada State Assemblyman

BRENT A. JONES
Nevada State Assemblyman

MARILYN KIRKPATRICK
Assembly Democratic Leader

JOHN MOORE
Nevada State Assemblyman

DINA NEAL
Nevada State Assemblywoman

P.K. O'NEILL
Nevada State Assemblyman

DAVID R. PARKS
Nevada State Senator

TICK SEGERBLOM
Nevada State Senator

SHELLY M. SHELTON
Nevada State Assemblywoman

DEBBIE SMITH
Nevada State Senator

MICHAEL SPRINKLE
Nevada State Assemblyman

TYRONE THOMPSON
Nevada State Assemblyman

Assemblyman Ellison requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The Sierra Foundation was founded in 2004 by the Turkish-American community of northern Nevada; and

WHEREAS, Many individuals of Turkish descent have chosen northern Nevada as their home and share their rich heritage with their fellow neighbors; and

WHEREAS, The Sierra Foundation's mission is to promote understanding, friendship, and tolerance while seeking harmony within diversity among cultures of the world through dialog; and

WHEREAS, Activities such as seminars, multi-cultural festivals, dialog dinners, and cultural trips are some of the ways in which the Sierra Foundation helps unite the diverse populations within the northern Nevada community so they may find common ground and foster mutual respect; and

WHEREAS, Such events play a major role in building and enriching the identity of all the people of northern Nevada; and

WHEREAS, Turkish Day is a unique event inspired by the Turkish community living in northern Nevada and is celebrated annually on the first Thursday of May; and

WHEREAS, Turkish Day offers a fun-filled day of many activities that present a wonderful way to enjoy a true Turkish cultural experience; now, therefore, be it

PROCLAIMED, That the citizens of Nevada recognize the efforts of the Sierra Foundation and are encouraged to celebrate May 7, 2015, as Turkish Day in Nevada.

DATED this 7th day of May, 2015.

JOHN HAMBRICK
Speaker of Nevada State Assembly

Assemblyman O'Neill requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, During the week of May 10 through May 16, 2015, National Police Week is observed throughout the Nation to honor the service and sacrifice of law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy; and

WHEREAS, Providing a safe environment for citizens to conduct business, raise their families, and live their lives is the goal of a civil society; and

WHEREAS, Protecting our citizens is the sworn duty of the peace officers of our counties, municipalities, and State; and

WHEREAS, The men and women who wear the uniform and carry the badge exemplify their dedication to bringing justice to all citizens; and

WHEREAS, Nevada's law enforcement officers are our front line of defense and protection against those who choose to disobey the law or harm or threaten individuals; and

WHEREAS, Officers responding to emergency calls involving unknown circumstances must rely on their training and teamwork with fellow officers to gain control of unpredictable situations; and

WHEREAS, Sadly, situations arise in which officers are injured or lose their lives while performing their duty to protect others; and

WHEREAS, Since 1861, 128 Nevada law enforcement officers have given their lives in the line of duty, including the last two, Las Vegas Metropolitan Police Department officers Alyn Beck and Igor Soldo, who died in Las Vegas on June 8, 2014; and

WHEREAS, The names of these dedicated public servants, engraved on the Nevada Law Enforcement Officers Memorial on the grounds of the Nevada State Capitol, will be memorialized on May 7, 2015; and

WHEREAS, During National Police Week, all Nevadans are encouraged to remember the thousands of law enforcement officers who have lost their lives while protecting their communities and to express appreciation to Nevada's active and retired law enforcement officers; now, therefore, be it

PROCLAIMED, That Thursday, May 7, 2015, be known as "Law Enforcement Memorial Day" in Nevada in tribute to the community of officers and support staff who make our safety a priority.

DATED this 7th day of May, 2015.

MICHAEL ROBERSON
Senate Majority Leader

JOHN HAMBRICK
Speaker of the Assembly

AARON D. FORD
Senate Democratic Leader

MARILYN KIRKPATRICK
Assembly Democratic Leader

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Erdal Ayan and Ozkur Yildiz.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to George Flint.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Roy Gomm Elementary School: Aidan P. Adams, Matthew E. Beauregard, Grant R. Beloso-Brown, Bethany L. Brown, Mason W. Daforno, Bridger E. Fiore, Taylor L. George, Grayson D. Grinsell, Cristel R. Kilgore, Leslie R. Knox, Stella R. Kraus, Lara Y. Kuchen, Camden L. Long, Terry M. Long, Nolan C. Mayberry, Ikaia M. McCabe, Alexander S. McKibben, Cory T. Mead, Aubree Mowery, Eric C. Nachtsheim, Aden R. Oster, Gianna M. Pauletto, Elizabeth Pereira, Jeffery S. Rinehart, Aiden G. Smith, Charles J. Smith, Maxfield J. Thomas, Kasandra M. Wanco, Kylie I. Wanco, Zachary C. Adame, Parker D. Brayman, Janelle M. Castillo, June H. Dunn, Olivia G. Edgar, Adam Frank, Nathan C. Freed, Kalli C. Gardiner, Garrison K. Geis, Alexis K. Hayes, Molly I. Hunsberger, Aiden T. Johnston, Allegra G. Jones, Emily J. Kamler, Thomas N. Kolvet, Charles M. Krueger, Joseph B. Landeck, Davin D. Lujan, Sophia L. Marcus, Ava C. Michitsch, Ashton Q. Novi, Ivy O'Connor, Stewart H. Old, Ebbett W. Ragar, Alyssa S. Roux, Lydia N. Schwab, Darius J. Smith, Thor A. Solvason, Julia M. Swainston, Carter Trost, and Adam J. Mashour.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Jason E. Cassady and Katie Cassady.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones and teachers from Galena High School: Anne Aker, James Bradley, Schuyler Louie, Derrick Kline, Alexandra Chacon, Alexandra Dash, Emily Teglia, and Lexus Kay.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha Gioia.

On request of Assemblyman O’Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Stan Olsen.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Conners and Doug Conners.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Chelyn Sawyer, Sawyer Silberkraus, Alana Nicholson, and Terri Ward.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 8, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:13 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), May 8, 2015

Assembly called to order at 11:50 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Armstrong and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

We give You thanks, O Lord God almighty. The One who was and who is and who is to come! You are from everlasting to everlasting and You are God. Forever, O Lord, Your word is firmly fixed in the heavens. You are the same yesterday, today, and forever.

1 Corinthians 13: 4-8 says: Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.

We pray that You, O Lord, will be more and more at home in our hearts as we trust in you. May our roots go down deep into the soil of Your marvelous love. May we have the power to understand how wide, how long, how high, and how deep Your love is. May we experience the love of Christ, though it is so great we will never fully understand it. Fill us with the fullness of life and power to love as You love.

We ask for Your grace and blessing for those who lead us and have authority over us, the faithful who serve in our great state, protection for our troops and our families. Stir in us how we can honor our moms this Mother's Day, and may we teach these things to our children and grandchildren, for Your glory, in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 75, 212, 313, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 28, 39, 41, 42, 52, 61, 63, 99, 137, 222, 424, 456.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 78, Senate Amendments Nos. 583, 261, and requests a conference, and appointed Senators Gustavson, Goicoechea and Settelmeyer as a Conference Committee to meet with a like committee of the Assembly.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 476 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 3, 40, 104, 229, 322, 427, 469, 480; Senate Joint Resolutions Nos. 2 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By Assemblymen Hambrick, Paul Anderson and Kirkpatrick:

Assembly Resolution No. 8—Adding former Assemblyman Alan H. Glover to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established a Wall of Distinction for those past members of the Assembly selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Alan H. Glover was born in 1949 in Carson City, Nevada, to parents who held important positions in Nevada's Executive Branch of State Government; and

WHEREAS, After receiving his bachelor of arts degree in political science from the University of Nevada, Reno, Alan returned to Carson City where he was a private insurance agent early in his career; and

WHEREAS, Alan Glover, at 23 years of age, was elected to the Nevada Assembly in 1972 where he represented Carson City and served with distinction for the next 10 years until his election to the Nevada Senate in November 1982; and

WHEREAS, Assemblyman Glover served in the Assembly during an important period in history, which was marked by America's Bicentennial in 1976, the end to the war in Vietnam, greatly improved relations between the United States and China and Nevada's emergence as the fastest growing state in the nation; and

WHEREAS, As a member of the Assembly, Alan Glover's service was highlighted by 8 years on the Assembly Committee on Ways and Means and his chairmanship of three standing committees: the Assembly Committee on Transportation in 1973 and 1975, the Assembly Committee on Legislative Functions in 1977 and the Assembly Committee on Elections in 1981; and

WHEREAS, Assemblyman Glover was the primary sponsor of numerous bills that were passed and signed into law, including personal and committee bills, and served on interim study committees that were indicative of his knowledge and expertise in many diverse topics, including studies on data processing, transportation, public housing, Nevada's judicial system, state highway maintenance, driving under the influence laws, access to public lands, state public works, local governments and workers' compensation through private insurers; and

WHEREAS, Following his service in the Assembly, Alan served 3 years in the Senate until his appointment as Carson City Recorder in 1985 where he would continue to serve in that office,

which later became the elected office of Carson City Clerk-Recorder, until his retirement in December 2014, thus giving the people of Nevada and his community a total of 38 years of quality elective service; and

WHEREAS, Alan Glover was honored with his appointment in November 2011 by the First Judicial District Court to serve as one of three Special Masters who prepared a nonpartisan plan of redistricting for the Representatives of Nevada's Congressional Delegation and the members of the Nevada State Legislature, a plan that remains in effect today; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, for his 10 years of dedicated service to the Assembly and 28 years of service as a highly respected elected public officer of this State, former Assemblyman Alan H. Glover is hereby added to the Nevada Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman Alan H. Glover.

Assemblyman O'Neill moved the adoption of the resolution.

Remarks by Assemblymen O'Neill.

ASSEMBLYMAN O'NEILL:

I rise in support of Assembly Resolution 8. I would like to tell the group assembled here today a few things about Mr. Glover. With me is Alan Glover and his wife Harle.

I want to give you a little background first. His DNA has always been, and I think always will be, in public service. Alan is one of those who comes to mind when you talk about dedicated public servants. He comes from a family of public servants. His father, John Nelson Glover, before he passed away in 1967, led what was then the Highway Department's Division of Driver Licenses. Alan's mother Peggy rose through the ranks of Nevada state government, becoming Deputy State Treasurer in 1950. She was the first female director of a major state agency, which was then the Department of General Services, for Governor Mike O'Callaghan in the 1970s. She also served 12 years on the board for the Public Employees' Retirement System, including two years as chairman.

Mr. Glover's plan, a life of public service, started in 1972 upon graduation from the University of Nevada. He said he needed a job and couldn't find anything else. He has served five terms in the Assembly and 2 years at the other place, then 20 years as the elected Clerk-Recorder for Carson City. This past January he retired; he became bored in retirement and is now working as a consultant for the Nevada Secretary of State's office.

I ask all of you to join in and support Assembly Resolution 8, and recognize the years of service that Mr. Glover has given to this great state. Thank you, Mr. Speaker.

Resolution adopted unanimously.

By Assemblymen Hambrick, Paul Anderson and Kirkpatrick:

Assembly Resolution No. 9—Adding former Assemblywoman Peggy Pierce to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members of the Assembly selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Margaret Comstock "Peggy" Pierce was born in 1954 in Milton, Massachusetts, the seventh of eight children, whose parents were active in the civil rights movement; and

WHEREAS, As a teenager, Peggy and her family lived in the Midwest, but by the early 1970s Peggy struck out on her own and moved to San Francisco, where she lived for 16 years, then moved to Las Vegas in 1988 to pursue her hopes of becoming a professional singer; and

WHEREAS, Peggy supported herself by working as a food server in a major hotel and later became an active labor representative on behalf of people who work in the culinary industry; and

WHEREAS, Peggy was first elected to the Nevada Assembly in November 2002 and served in leadership as Chief Deputy Whip in 2011 and Senior Chief Deputy Whip in 2013, with her committee work primarily focused on three standing committees: Government Affairs, Health and Human Services, and Taxation; and

WHEREAS, During her service, Assemblywoman Pierce was the primary sponsor of successful legislation concerning elder abuse, permanent total disabilities, employees of senior housing facilities, hospice care, motor vehicles, the protection of personal identifying information, statutory liens, fire protection, guardianships, recycling, safety in children's products, prevailing wage, and warnings regarding the hazards of smoking during pregnancy; and

WHEREAS, In the interim period between legislative sessions, Assemblywoman Pierce served on a number of study committees and task forces, including the Advisory Board for the Nevada Task Force for Technological Crime, the Advisory Board on Maternal and Child Health, the Legislative Committee for Local Government Taxes and Finance, the Legislative Committee on Public Lands Subcommittee to Study Wilderness Areas and Wilderness Study Areas, the Legislative Committee on Health Care and the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, which she also chaired; and

WHEREAS, Peggy maintained particular interest and advocacy in all matters where the people were largely without a voice and was deeply committed to quality public education, clean energy, improved air quality, environmental protection, workers' rights and women's issues; and

WHEREAS, Frustrated that Nevada continued to lag behind most other states in education and quality-of-life issues, Peggy zealously advocated measures that would increase the revenue needed to improve Nevada's rankings; and

WHEREAS, Peggy was first diagnosed with cancer near the start of her legislative career, survived three recurrences of the disease and courageously battled that foe through six regular and eight special sessions, including the last days of the 2013 Session of the Nevada Legislature, when the ravages of the disease forced her to work while confined to a wheelchair, where she continued to serve and vote on remaining legislative measures; and

WHEREAS, In the many tributes concerning the life of Peggy Pierce, a number of descriptions helped frame all that she was, descriptive words such as courageous, principled, thoughtful, dedicated, smart, passionate, tenacious, committed, compassionate and respected; and

WHEREAS, The legacy of Peggy Pierce will live on in those causes she believed in and fought for and in her dedication to enhance the lives of so many; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, for her many years of dedicated service to the Assembly, Assemblywoman Peggy Pierce is hereby added to the Assembly Wall of Distinction.

Assemblywoman Kirkpatrick moved the adoption of the resolution.

Remarks by Assemblymen Kirkpatrick, Carlton, Diaz, Munford, Stewart, Ohrenschall, Spiegel, Benitez-Thompson, and Kirner.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Resolution 9. This is what we mean when we talk about the institutional knowledge and the impression that each of us will leave on this building. I believe that the Wall of Distinction is the highest honor anybody can have in this building. No matter what your position is, it is about what you stand for, it is about what you fight for, and it is about who you are and who you represent. I would urge the body to support Ms. Peggy Pierce, who left so many marks on this building, as each of us hope to do, to make our institution that much better for the long term.

Ms. Peggy Pierce was a very small person but a big package of dynamite.

ASSEMBLYWOMAN CARLTON:

This photo was at the reception last evening. It was taken by former Assemblyman Harry Mortenson, and when I look at that, it really says Peggy.

I hope you enjoy it as much as we have.

ASSEMBLYWOMAN KIRKPATRICK:

At this time I would like to introduce her most precious loved ones who she talked about so often. I will start with Mr. Sasser. I remember their first date came from this building. The two of them were like two peas in a pod; always together; made each other laugh; could agree to disagree.

They were the best dancers in Carson City when we made them come out. They truly got to enjoy life and all of those special times together.

Ms. Pierce was a very quiet person about her personal life, but the three folks she always talked to me about were her sister Catherine, her niece Caroline, and her nephew Danny. Peggy would look forward to the weekends when she could go visit them. She told me about the Thanksgiving holidays. These are three very special folks in her family that made her who she was.

And lastly, I cannot forget Ms. Stokes. Last session, more so than not, people will remember that Ms. Pierce was in and out of the building very often. We tried to get her to stay home and forget about this place. Ms. Stokes did yeoman's work to keep Ms. Pierce healthy while she was in the building. They were the best of friends for the five sessions that they served together. If you could get through her to get to Peggy, it got even better.

To each and every legislator in this room today, everybody does make a mark on this building. Whether you agree or disagree—my favorite Congressman is sitting in the front; he and I broke bread over a water bill, and we did make a difference.

Unfortunately, Ms. Pierce is not here with us today. I hope that many of the members that served with her will get the opportunity to speak. I want to lift us back up because it is sad to be in this situation. Please know that the Wall of Distinction is truly an honor in this building and it is one that each and every one of us should strive for.

ASSEMBLYWOMAN CARLTON:

You know the old saying: There is no crying in the Legislature. Well, we just blew that tradition today. Peggy was one of the people who got me into this building. We met as shop stewards, we worked on health care issues together, we walked the Frontier picket line together, and when we decided we wanted a waitress in the Nevada State Senate and I was blessed to be chosen, she was right behind me pushing me forward. She took a leave of absence from her job and went to work for the union.

Back then, primaries were in September. I remember many a phone call in July. She would call me and say My mascara is melting. It is so hot out here. What have you talked me into doing? I said, I did not talk you into doing it; you did it all your own. And then we would meet, and we would talk, and we go back out and walk again.

That was in 1998. My first session up here I was by myself, but she was only a phone call away. There was this telepathy; she would know, she would call, we would talk, and the next day would be a better day.

I miss her greatly. She helps guide my decisions today, and I cannot thank her enough for helping me get where I am. Whether the folks who serve here with me want to thank her or curse her under your breath, she is the reason I am here, and I will always remember that, Mr. Speaker.

ASSEMBLYWOMAN DIAZ:

As Mother's Day weekend is coming, it is a highly emotional moment for many of us who got to serve with Peggy in this building. As you all know, I had my ray of sunshine while serving up here my first session. Peggy was charged with mentoring me through the process of becoming a mother and a freshman legislator. She was very patient and a truly caring person, and she always said your family comes first. I will never forget that. After I had Xavi, she came by to visit. She made a home visit, she held him, she was there, and she made me feel like it did not matter that I was missing some legislative action, because family came first. Before I melt down, let me go to my poem in honor of Peggy.

There once was a Nevada legislator
Whose name was Peggy Pierce,
She was an awesome and dear mentor
And everyone recognized she was fierce.
Some never knew that Assemblywoman Pierce could sing
Now there is silence where a siren of greatness used to sound.
All of us miss her beautiful face,
Her contagious laugh and smile,
Boy do we still need her in this place,
Especially when called to go the extra mile.

P-squared, we use to call her admiringly,
Respected by all for her strong conviction,
A stateswoman who would not go down quietly,
And a champion for labor and conservation.
For 12 years she defended our civil liberties,
Stressed the importance of funding education,
Although they were not all victories,
She deserves recognition and a standing ovation.
Thank you, Peggy for being an outstanding and true public servant,
Hard working, genuine, with a heart of gold,
By being inducted into the Wall of Distinction, one thing is certain,
Your legacy in this building is one to uphold.

Her spirit will forever remain in my heart and I know in the hallways of this building.

ASSEMBLYMAN MUNFORD:

It is really an honor and pleasure to say a few words about Peggy. When I came up here as a freshman, Peggy always had that softness and that caring in her heart. She even reached out to me when I was a freshman. She helped me a great deal and was my mentor. She was down there and I was up here. She was an exceptional person.

I recall when we would go as a Democratic caucus to Minden to the Basque dinner where we would have all that food. Peggy rode with me twice—you could say I chauffeured her down there. And on our return last session, we almost got a speeding ticket. We were pulled aside by the Highway Patrol, but Peggy was sitting next to me—no problem. She gave them a piece of her mind and he just said, Oh okay, everything is fine. So we were able to just pull away.

Peggy and I sat on many committees together and she advised me on what to do. She would even keep me awake. Sometimes she would punch me and say, Harvey, come on you have got to pay attention. She was really special to me, and I have a great deal of thoughts about her. She will be extremely missed, and I extend condolences to the family.

ASSEMBLYMAN STEWART:

I rise in support of Peggy Pierce. Unlike my colleague from the left, I failed to catch the patience that Peggy had. I sat next to her in Government Affairs for a couple of sessions, and we would argue every morning. She was a lot smarter than I was, and she would usually win the argument before and even during Government Affairs.

Then one day, I was ahead in the argument and all of a sudden she spilled her water all over the place. I think she did that on purpose. From then on the water was put behind us, and it is still there, kind of as a tribute to Peggy and her fiery spirit. Every time I go into that committee room now and I look at the pitcher of water, I think of Peggy. We very seldom agreed, but I always admired her and even loved her for the great person that she was. There was never any question where Peggy Pierce stood. She was a great Assemblywoman and a great Nevadan, and I will always remember her and always admire her.

ASSEMBLYMAN OHRENSCHALL:

I was privileged to serve with Peggy, and I want to share a few memories. I will start out with one that is a little funny and then go to a few more serious ones. I think that most of us who knew Peggy know that I call her the liberal lion of the State Assembly. She was fierce. She cared about poor people. She cared about people who really did not have a fair chance at things. I did not know that when I was a freshman. She was always very nice to me; very sweet to me. Peggy was small in stature unlike the lion inside her.

After the first session, we were back home at an ACLU event in Las Vegas. I was feeling a little sorry for myself because I had drawn an opponent for the race—an opponent I was pretty scared about. The ACLU reception was winding down, and Peggy and I were sitting at the bar—I think it was one of the country clubs in Las Vegas—and Peggy was trying to give me a pep talk to encourage me. What she said surprised me a little bit. I may have to sanitize some of it. She said, James, you are going to win, but no more of this Mr. Nice Guy bleep. You need to dig up all the bleeping dirt on this person you can, and you need to run the dirtiest, nastiest bleep busting

campaign against this bleep, bleep, bleep, bleep candidate. Well, I told Peggy that is not my style. I never mention my candidate's name, much less run a negative campaign or try to knock them down. Peggy told me it better start being my style and I better get ready to run this kind of campaign. Well down the road several months, the candidate did not turn out to be as tough as I thought. I did dig up all the bleep bleep bleep dirt, but I did not use any of it.

Peggy really encouraged me and showed me the lion in her and the fighter in her. She was someone who, whenever I felt there was a bill here that was going to hurt people through the tax system or the criminal justice system, I could go to her office and I could talk to her. If there was bill I thought was bad because of search and seizures or civil liberties, I would go talk to her. When there was a bill that had to do with United Nations helicopters, the Trilateral Commission, and Council on Foreign Relations, I could go to her office and talk to her, and she would not think I was nuts. We could talk it out and talk about our concerns. Usually, when I had concerns, she had concerns.

She is someone I miss a lot. She was a beautiful person on the inside and out. I consider her a great trade unionist, civil libertarian, environmentalist, and champion for the downtrodden. I very much support this decision to put her on the Wall of Distinction.

ASSEMBLYWOMAN SPIEGEL:

I, too, rise in support of Peggy Pierce and this honor that was bestowed upon her today posthumously.

Peggy was known as the liberal conscience of the Democratic party and the Democratic caucus. She always used to chide me for being too conservative. I always knew I could go and talk to Peggy, learn more about the issues, and get a little bit more perspective from some folks who were not necessarily the people in my district, but were the people elsewhere in Nevada, and people who really needed us to be there fighting for them. Peggy was a fighter. Peggy would stand so firmly on her principles that she would let out a stream of expletives, as everyone pretty much knows by now, and say, You have to do the right thing, and it just does not matter. Nothing else matters but doing the right thing.

She was very knowledgeable. She was up on every subject that came across her desk. She was a voracious reader. Peggy would bring me stacks of reading material on things like foreign trade policy, banking, and taxation. She was always willing to take the time to explain her position. Her efforts have definitely made me a better legislator and have really made a big impact on this body.

There is a picture of Peggy in our caucus room and there are a lot of times I walk in and look at the picture and I think, Well, what would Peggy say, and what would Peggy do. Even if I do not necessarily agree with what I think Peggy would say or what Peggy would do, it definitely helps shape my opinion and the way I work as a legislator. I am profoundly thankful for Peggy and the impact she has had and will continue to have on this body.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Ms. Peggy Pierce and I had the exact same committee line ups for two years in a row—Government Affairs and then Taxation, and Health and Human Services. We shared a common passion for people, we shared common interests. I remember talking to Peggy at the end of my freshman year and she said something to me. She said, You know, Teresa, I have been here for a long time, and I am not always going to be around. What you need to know when you have been in this building long enough is that if you are not making real change, then you are just loitering in the People's Building. She said that a couple of different times, and the longer I serve, the more it resonates with me—the purpose for which we are brought here and the spirit in which we come to this Legislative Building.

I often recall sitting in Government Affairs and Ms. Pierce sitting next to my colleague from Assembly District 22. I characterized and thought of them in my mind very much like Statler and Waldorf. Many of you will know they are the two Muppets who sit in the balcony, and they have a quip and a comment for something, and then they laugh. I always imagined that my colleague from Assembly District 22 and Ms. Pierce were sitting there commenting about us freshmen; how we did not know anything; how not up to speed we were; and how we were screwing up floor procedures. I know we served as a great source of humor for them.

What I remember most about Peggy is that she was absolutely principled. She was one of the funniest people I have ever met and had a love and a zeal for life. The very first time I met her was at my wedding reception. She and Mr. Sasser came—it must have been one of their first dates because we are coming up on our ten-year anniversary. I remember sitting back looking at the dance floor, and here was this tiny little gal just ripping it up, and I thought John has his hands full. Her zeal for life is what I miss most in my heart. As we know, your caucus becomes your family, and sure, sometimes your family fights, and sure, sometimes you get mad at your family, but at least for me, I love my family and I love that caucus. I love my family, and I loved Peggy like a family member.

To have her missing has been very hard. At the end of last session there was a certain spot in the caucus room where she always sat. It was Peggy's spot; no one else sat there. To have that spot be vacant was very symbolic of the vacancy that so many of us in the caucus felt in our hearts. I am so thankful that her spirit carries on, and I could not be more grateful for the fact that she has been selected for the Wall of Distinction.

ASSEMBLYWOMAN KIRKPATRICK:

When people have had the chance to serve with someone who could be on that wall, it brings up a lot of great memories and institutional knowledge. Peggy and I were complete opposites when we came. She was the anointed one, I was not; she was very liberal, I was more conservative; and we agreed to disagree the first 60 days of session. She did not like me, and I did not like her. There was no in between. She saw me as an intruder with what I believed was common sense and what she believed was big business. One thing I have learned about working in this building is there are many friendships you might not see coming, but they become friendships that last a lifetime.

As I served with Peggy, the one thing we agreed on was that economic development starts with education. That is really what brought us together from two sides that were very far apart. We talked about how important education and economic development were. That is something that lives in me every day, something we have been talking about for a long time, and I am very grateful to have had that friendship.

Many of you may not realize that Ms. Pierce was the one who did not like the electric voting machines, and she agreed with many of our conservative friends in the building today. I was the only Democratic friend that she had who would go testify on her bill and say Yes, I think paper ballots are good still. Everyone thought I was crazy because I was backing Ms. Pierce. You never know where you will end up, but what you do know is that there is that one person who reminds you why you are here. There is that one person who leaves something behind.

Last session was a tough session all the way around. Mr. Speaker, you can understand what I am saying. It is really hard to come to a spot that you were not planning on being in, and there is a whole new way of doing things—new staff, and all these responsibilities. Peggy came to me early on in session and said Hey listen, I do not want you to tell anyone but I have been to the doctor and it looks like maybe my cancer is back. I truly believe family comes first above all of this. Without your family, none of this matters, You cannot fight for anyone else if you do not have that family with you. I begged her to please leave this building, resign, go and enjoy those times with Mr. Sasser and her family. She said she would be okay. Do not worry about me. We will get through this. I said Okay, if you are up for it, whatever you need, we will accommodate you. We will work with you.

Many of you will remember that last session was tough. We had security issues going on in the building, and there were some days that were tough for me. One day my other favorite Congressman, Hardy, was in my office. She came in, and they were like oil and vinegar and had never even been in the same room together. I was having a meltdown moment myself, and the two of them actually came together to make me feel better about my situation. Congressman Hardy sent her a letter during her roughest part of the cancer and he told me Man, she sent it back. I said it is okay because she acknowledged it and I think that it is great that you two came together. We do bring friendships together that we may not realize. That day she said to me Girlfriend, whatever you need, I am here for you. I felt super guilty, thinking My problems are nothing compared to her's right now.

She told me she wanted to vote on taxes, and I had to tell her I did not think we were going to get there this session. So she asked if she could vote on marijuana. I said gee, that is a little tough because remember, we were a little bit sideways. Somebody was looking down on us that day because we voted on it, and the motion failed because we had an electronic error. She was not feeling well and she was sitting in the back, and it was going to be, as we know today, her last vote. I was shaking my head and wondering how that failed, because we were counting the numbers and trying to understand. Most of you will remember that we brought it back and let her vote on it again, and she said I finally got to vote for something I truly care about. I feel like when everybody participated in the process, it let her leave this Legislative Building with something.

We want to ensure that the memories of those kind of people are preserved in this institution for a very long time. Those are historical pieces and these are good tears that are shed for folks who truly make a difference. They may have no titles, they may not stand out on the committee, but they are unsung heroes, and I am thankful that we can put an unsung hero like Peggy Pierce on our Wall of Distinction.

ASSEMBLYMAN KIRNER:

I, unlike my colleague from District 27, never got to serve with Ms. Pierce on any of her committees. I sat on the far end of the floor, for two sessions and she sat in this neighborhood. Unlike my colleague from District 27, who thought she was a tiny person, I thought she was amazingly tall. Now that I sit in this vicinity here, I think I understand why.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 465.
Bill read second time and ordered to third reading.

Senate Bill No. 147.
Bill read second time and ordered to third reading.

Senate Bill No. 172.
Bill read second time and ordered to third reading.

Senate Bill No. 310.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 476.
Bill read third time.
The following amendment was proposed by Assemblywoman Titus:
Amendment No. 672.

AN ACT relating to local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon the approval of registered voters **;** ~~[or electors;]~~ authorizing the increase, decrease or elimination of the fee upon such approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a conservation district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a conservation district may be organized as a political subdivision of the State, with various powers and duties regarding the conservation of natural resources within the district. (Chapter 548 of NRS)

In **section 2** of this bill, the Legislature declares that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes the districts suited to serve as cooperating agencies for the purposes of the federal National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976. (43 U.S.C. §§ 1701 et seq.)

Section 4 of this bill requires a board of county commissioners to impose an annual fee, not to exceed $25, on each parcel in a conservation district, if the imposition of the fee is approved at an election. Under **section 5** of this bill, a board of county commissioners must submit to the voters the question of whether to impose the fee upon receipt of a petition signed by either a majority of the supervisors of the conservation district or at least 10 percent of the registered voters of the conservation district. **Section 5.5** of this bill provides that the required election may be conducted ~~[at a mass meeting of electors held in a public meeting place within the conservation district.]~~ **by mail.** Under **section 6** of this bill, the fee may not be increased, decreased or eliminated except according to the same procedures for imposing the fee. Under **section 4**, money collected from the imposition of the fee may be used only for the purposes of a conservation district prescribed in chapter 548 of NRS.

Sections 8 and 9 of this bill add the Forest Service of the United States Department of Agriculture and the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior to the definitions of "United States" and "agencies of the United States" for the purposes of provisions regarding cooperation between conservation districts and those agencies of the United States.

In **section 10** of this bill, the Legislature recognizes the importance of locally led efforts for the conservation of natural resources and pledges to strive to provide appropriations to conservation districts at levels comparable to the appropriations provided to similar districts in other western states.

Existing law authorizes the creation of weed control districts, which are governed by a board of directors appointed by the applicable board of county commissioners. (NRS 555.203, 555.207) **Section 15** of this bill authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve, ex officio, as the directors of a weed control district that lies entirely within the conservation district. The supervisors must ensure that the money of the weed control district is expended only for the purposes of the statutory provisions relating to weed control districts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as cooperating agencies for the purpose of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., and any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management.***

Sec. 3. ***As used in sections 3 to 7, inclusive, of this act, "parcel" has the meaning ascribed to it in NRS 361A.065.***

Sec. 4. ***1. Subject to the provisions of sections 5 and 5.5 of this act, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to section 5 of this act or [~~the approval of a majority of the electors of the conservation district voting on the question at an election conducted at a mass meeting of electors~~] at an election conducted by mail pursuant to section 5.5 of this act:***

(a) If a conservation district includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district; and

(b) If a conservation district includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of this chapter.

Sec. 5. ***1. A board of county commissioners shall submit to the voters a question of whether to impose a fee described in section 4 of this act upon receipt of a petition requesting the election and prescribing the amount of the proposed fee. The petition must be signed by a majority of the supervisors of the conservation district or not less than 10 percent of the registered voters of the conservation district. The board of county commissioners shall direct***

the county clerk of the county or the county clerk's designee to conduct an election on the question.

2. If a conservation district includes land lying in more than one county, the petition described in subsection 1 must be submitted to the board of county commissioners of each such county and each respective board of county commissioners shall submit the question to the registered voters of the conservation district who live in the county. Each respective board of county commissioners shall direct the county clerk of the county or the county clerk's designee to conduct an election on the question. The county clerks of the respective counties shall confer and delegate to the county clerk, or the county clerk's designee, of the county having the greatest number of qualified electors of the conservation district the duty of carrying out the provisions of this section and shall reimburse that county on a pro rata basis for their respective counties' shares of the expenses of conducting the election.

3. Notice of an election or elections on the question of whether to impose a fee described in section 4 of this act must be:

(a) Published at least once each week for 4 weeks before the date of the election in a newspaper of general circulation in the county or counties in which the election or elections are to be held; and

(b) Posted continuously on the Internet website of the county or counties beginning not less than 30 days before the date of the election.

4. At the election, the ballot must contain the words "Shall a fee of not more than $_____ per parcel be approved for the conservation district?" or words equivalent thereto.

5. If a majority of the registered voters of the conservation district voting on the question approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election or elections.

Sec. 5.5. ***1. In lieu of conducting the election required by section 4 of this act at a primary, general or special election pursuant to section 5 of this act, the board or boards of county commissioners, as applicable, may direct that the election be conducted ~~[at a mass meeting of electors held in a centrally located public meeting place within the conservation district.]~~ by mail in accordance with this section. Except as otherwise provided in this section, the provisions of section 5 of this act govern ~~[the conduct of]~~ an election ~~[at a mass meeting.]~~ conducted pursuant to this section.***

2. If the election is conducted ~~[at a mass meeting:]~~ by mail:

(a) The ~~[chair of the district supervisors shall preside at the meeting and the secretary of the district shall keep a record of transactions at the meeting.]~~ board or boards of county commissioners, as applicable, shall establish the date by which marked mailing ballots must be mailed by voters to the county clerk or the county clerk's designee pursuant to paragraph (c). That date is the date of the election for the purposes of subsection 3 of section 5 of this act.

(b) ~~[Voting must be by secret ballot.]~~ On or after the first date of publication or posting, whichever occurs first, of the notice required by subsection 3 of section 5 of this act, but not later than 5 business days after that date, the county clerk or the county clerk's designee shall cause to be mailed to each registered voter in the conservation district:

(1) An official mailing ballot;

(2) A return envelope; and

(3) Instructions regarding the manner of marking and returning the ballot. The instructions must set forth the date established pursuant to paragraph (a) by which the ballot must be mailed by the voter to the county clerk or the county clerk's designee.

(c) Upon receipt of a mailing ballot, the registered voter must, in accordance with the instructions, mark and fold the ballot, deposit and seal the ballot in the return envelope, affix his or her signature on the back of the envelope and mail the envelope to the county clerk or the county clerk's designee. The ballot shall be deemed timely mailed if the envelope is postmarked not later than 3 business days after the date established pursuant to paragraph (a) by which the ballot must be mailed.

(d) At the close of polling, the ~~[sealed ballot boxes must be delivered unopened to the]~~ county clerk or the county clerk's designee ~~[, who]~~ shall appoint three electors who are not supervisors of the conservation district to act, without pay, as judges and tellers to open the ~~[boxes]~~ envelopes and count the votes.

3. If a majority of the electors of the conservation district voting on the question at ~~[a mass meeting]~~ an election conducted pursuant to this section approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election.

Sec. 6. ***A fee imposed pursuant to sections 4, 5 and 5.5 of this act, as applicable, may not be increased, decreased or eliminated except according to the same procedures prescribed in sections 4, 5 and 5.5 of this act, as applicable, for imposing the fee.***

Sec. 7. ***A board of county commissioners may appropriate money from the county general fund to a conservation district for the purpose of providing programs for renewable natural resources regardless of whether a fee is imposed pursuant to sections 4, 5 and 5.5 of this act, as applicable.***

Sec. 8. NRS 548.020 is hereby amended to read as follows:

548.020 "Agencies of the United States" includes the United States of America, the ~~[Soil]~~ ***Natural Resources*** Conservation Service ***and the Forest Service*** of the United States Department of Agriculture, ***the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior,*** and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9. NRS 548.090 is hereby amended to read as follows:

548.090 "United States" includes the United States of America, the ~~[Soil]~~ ***Natural Resources*** Conservation Service ***and the Forest Service*** of the United

States Department of Agriculture, ***the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior,*** and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 10. NRS 548.105 is hereby amended to read as follows:

548.105 ***1.*** It is hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

2. Recognizing the importance of locally led efforts for the conservation of renewable natural resources, the Legislature will strive to provide appropriations to conservation districts at a level comparable to the appropriations provided to similar districts in other western states.

Sec. 11. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

(a) The topography of the area considered and of the State.

(b) The composition of soils therein.

(c) The distribution of erosion.

(d) The prevailing land use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 12. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 13. NRS 548.430 is hereby amended to read as follows:

548.430 The regulations to be adopted by the Commission under the provisions of NRS 548.410 to 548.435, inclusive, may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation.

3. Specifications of cropping programs and tillage practices to be observed.

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

5. Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 14. NRS 548.535 is hereby amended to read as follows:

548.535 1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.

2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.

3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall record such determination and shall certify such determination to the supervisors of the district.

4. In making such determination the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the district.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in NRS 548.095 to 548.110, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.

2. An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.

3. The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of this section and NRS 555.202 to 555.220, inclusive.

Sec. 16. NRS 555.205 is hereby amended to read as follows:

555.205 ***Except as otherwise provided in section 15 of this act:***

1. The board of county commissioners of any county in which a weed control district has been created shall appoint a board of directors of the district composed of three or five persons who:

(a) Are landowners in the district, whether or not they signed the petition for its creation. For the purpose of this paragraph, if any corporation or partnership owns land in the district, a partner or a director, officer or beneficial owner of 10 percent or more of the stock of the corporation shall be deemed a landowner.

(b) Fairly represent the agricultural economy of the district.

2. If the district includes lands situated in more than one county, the board of county commissioners shall appoint at least one member of the board of directors from each county in which one-third or more of the lands are situated.

3. The initial appointments to the board of directors shall be for terms of 1, 2 and 3 years respectively. Each subsequent appointment shall be for a term of 3 years. Any vacancy shall be filled by appointment for the unexpired term.

4. In addition to other causes provided by law, a vacancy is created on the board if any director:

(a) Ceases to be a landowner in the district.

(b) Is absent, unless excused, from three meetings of the board.

5. If, as a result of a change in the boundaries of the district, a county becomes entitled to a new member of the board of directors pursuant to subsection 2, the board of county commissioners shall make the new appointment upon the first expiration of the term of a current member thereafter.

Sec. 17. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, ***and section 15 of this act,*** or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, ***and section 15 of this act*** is guilty of a misdemeanor.

Sec. 18. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 672 eliminates the option for voting on new parcel fees at a mass meeting of electors of the conservation district and adds the option of conducting the election by mail in ballots.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 27, 30, 73, 74, 75, 87, 103, 131, 154, 157, 179, 188, 250; Senate Bills Nos. 2, 37, 55, 63, 66, 85, 121, 142, 244, 297, 418, 448, 449, 473; Senate Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliot Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Megan May.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Ana Abrego, Christina Abrego, Noah Abrego, and Leandra Abrego.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Hani Dagher and Evelyn Dagher.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to United States Representative for Nevada, Mark Amodei.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Hope Roach, Garrett Smith, Bradley Thompson, Rafael Hernandez, Cheyenne Thomas, Shae Williams, Cordell Hunt, Tori Ramirez, Corey Poafpybitty, Thomas Teeman, Jorge Ruiz Guerrero, Richelle Snodgrass, Miranda Townsend, Toni Duncan, Hannah Fletcher, Gimy Hicks, Ta'Jae Jones, Tristian Torres, Sarah Dittman, and Tamara Pierce.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Sasser, Catherine Moyer, Caroline Moyer, Danny Moyer, and Janet Stokes.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Tick Segerblom.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Workman.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Glover, Harle Glover, Bruce Glover, Amanda Miller, David Miller, Jamie Larkin, David Larkin, Mackenzie Brunsvold, Camille Larkin, and Benjamin Larkin.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Julianne Delap and Jack Delap.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, May 11, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:02 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 11, 2015

Assembly called to order at 1:10 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Woodbury, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

We want to thank You this day for all You have given us. We want to thank You for the people You have placed in our lives that have helped us, who have encouraged us, who have supported us, and who have equipped us to do greater things. We praise You for their leadership and influence in our lives. May we look for ways in which we can invest and encourage others and give back all that has been poured into our lives.

Guide these leaders this day, we pray, in the mighty name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 303, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 9, 52, 96, 124, 131, 135, 186, 191, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 3, 40, 104, 147, 172, 229, 310, 322, 476; Senate Joint Resolutions Nos. 2 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Mr. Speaker, following the example of many of my colleagues who have stated before me, I say This is a great bill. Please pass it.

Roll call on Assembly Bill No. 465:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 427. Echoing my colleague's comments, it too is a great bill.

Roll call on Senate Bill No. 427:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblymen Carlton and Wheeler.

ASSEMBLYWOMAN CARLTON:

Senate Bill 469 makes a supplemental appropriation to the Supreme Court for an unanticipated shortfall in revenue for Fiscal Year 2015 resulting from a deficit in the collection of administrative costs. We are looking at $588,000 from the General Fund. It will become effective upon passage and approval.

To the members of the body, you have a bill explanation book on your desks and it should have a copy of everything that we are doing. If anyone is interested in the numbers we have those available for you.

ASSEMBLYMAN WHEELER:

I have a question for my colleague. Is this a good bill?

ASSEMBLYWOMAN CARLTON:

To my colleague, it is a bill for the Supreme Court. I will let you make up your own mind.

Roll call on Senate Bill No. 469:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 480 revises the membership of a county fair and recreation board in any county whose population is 100,000 or more and less than 700,000, currently Washoe County, by decreasing the membership from 13 to 9 members. Further, the three existing members representing motel operators, banking or other financial interests, and business or commercial interests are replaced by one member who is a representative of commercial or noncommercial interests relating to tourism or the resort hotel business and who is selected from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county. The measure requires that the chair of the board be elected from among the three members appointed by the board of county commissioners and the governing bodies of the two largest incorporated cities in the county, respectively.

Roll call on Senate Bill No. 480:

YEAS—41.

NAYS—None.

EXCUSED—Woodbury.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 75.

Bill read second time and ordered to third reading.

Senate Bill No. 212.

Bill read second time and ordered to third reading.

Senate Bill No. 268.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 680.

SUMMARY— ~~[Provides]~~ **Temporarily provides** certain services for veterans. (BDR 37-1042)

AN ACT relating to veterans; **temporarily** creating the Account to Assist Veterans Who Have Suffered Sexual Trauma and prescribing the uses of the money in the Account; **temporarily** requiring the Director of the Department of Veterans Services to ~~[submit to the Interim Finance Committee an annual report detailing expenditures made from the Account; requiring the Department to]~~ develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Veterans Services and requires the Director and Deputy Director of the Department to undertake certain activities to support veterans in this State. (NRS 417.020, 417.090) **Section 1.5** of this bill requires the Director and Deputy Director to develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.

Section 1 of this bill: (1) creates in the State General Fund the Account to Assist Veterans Who Have Suffered Sexual Trauma to be administered by the Director of the Department; (2) authorizes the Director to apply for grants and accept gifts, grants, donations and any other source of money for deposit in the Account; **and** (3) limits the use of money in the Account to assisting veterans who have suffered sexual trauma while on active duty or during military training **. [**~~; and (4) requires the Director to submit an annual report to the Interim Finance Committee detailing the expenditures made from the Account.~~**]**

Section 5 of this bill expires the provisions of the bill on June 30, 2017. Section 4.3 of this bill requires the Director of the Department to submit to the Interagency Council on Veterans Affairs for transmission to the 79th Session of the Nevada Legislature a report regarding: (1) the plans and programs developed to assist veterans who have suffered sexual trauma while on active duty or during military training; and (2) deposits to and expenditures from the Account. Section 4.7 of this bill provides for the transfer of any remaining balance in the Account to the Gift Account for Veterans.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Account to Assist Veterans Who Have Suffered Sexual Trauma is hereby created in the State General Fund. The Director shall administer the Account.

2. The Director may apply for any available grants and accept gifts, grants, donations and any other source of money for deposit in the Account.

3. Money deposited in the Account and any interest and income earned on such money must be used only to assist veterans who have suffered sexual trauma while on active duty or during military training. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. All money in the Account must be paid out on claims approved by the Director as other claims against the State are paid. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

~~***[4. The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Account.]***~~

Sec. 1.5. NRS 417.090 is hereby amended to read as follows:

417.090 The Director and the Deputy Director shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their wives, widows, widowers, husbands, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans' organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans' benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The Director or Deputy Director may transfer such property to a veterans' or military museum.

10. Develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.3. **1. On or before January 15, 2017, the Director of the Department of Veterans Services shall submit a report to the Interagency Council on Veterans Affairs setting forth:**

(a) The plans and programs developed pursuant to subsection 10 of NRS 417.090, as amended by section 1.5 of this act, to assist veterans who have suffered sexual trauma while on active duty or during military training;

(b) The amount and sources of money deposited in the Account to Assist Veterans Who Have Suffered Sexual Trauma created by section 1 of this act since its creation; and

(c) The expenditures made from the Account to Assist Veterans Who Have Suffered Sexual Trauma since its creation.

2. The Interagency Council on Veterans Affairs shall include the report prepared by the Director pursuant to subsection 1 in the report submitted by the Council to the 79th Session of the Nevada Legislature pursuant to subsection 3 of NRS 417.0195.

Sec. 4.7. **The balance of any money remaining on June 30, 2017, in the Account to Assist Veterans Who Have Suffered Sexual Trauma created by section 1 of this act that has not been committed for expenditure must be transferred to the Gift Account for Veterans created by NRS 417.145.**

Sec. 5. This act becomes effective on July 1, 2015 ~~[.]~~ **, and expires by limitation on June 30, 2017.**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison and Carlton.

ASSEMBLYMAN ELLISON:

The amendment creates a two-year sunset on the bill and requires that the Interagency Council on Veterans Affairs provide a report to the 79th Session of the Nevada Legislature concerning the plans and programs developed to assist veterans who have suffered sexual trauma while on active duty or during military training.

ASSEMBLYWOMAN CARLTON:

I know in applying for grants a lot of times if they see a sunset on it and they are giving a grant for a certain amount of time—I want to make sure that the committee had a discussion about this—I would not want to see the sunset prohibit them from being able to go after certain grants. I think we will all admit that there is a problem out there, and it needs to be dealt with. I understand a pilot program but a two-year sunset seems very short to me because a lot of times grants are two to three years long and they want performance measures each year. I have concerns that the short time frame on this would limit the amount of dollars they would be able to apply for. Was that discussed in the committee?

ASSEMBLYMAN ELLISON:

This was discussed in committee. The big thing was not that it was a sunset, it was a report back so we know where we are going to go in the future and what they are going to do, and what kind of help they are going to need. Since they did not know where the money was going to go, they figured it would be best to bring it back as a report to the Legislature in the 79th Session.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 313.

Bill read second time and ordered to third reading.

Senate Bill No. 390.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Assemblyman Armstrong.
For: Senate Bill No. 252.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 11, 2015.

MICHAEL ROBERSON	JOHN HAMBRICK
Senate Majority Leader	*Speaker of the Assembly*

By Assemblymen Kirkpatrick, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hambrick, Hansen, Hickey, Joiner, Jones, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler and Woodbury; Senators Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Kihuen, Lipparelli, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 4—Memorializing former Assemblyman Joseph "Joe" Michael Hogan, Sr.

WHEREAS, The members of the Nevada Legislature mourn the loss of an exemplary citizen, former United States Naval officer, dedicated public servant and 10-year member of the Nevada Assembly, Joseph "Joe" Michael Hogan, Sr.; and

WHEREAS, Joe Hogan was born on August 10, 1937, in Fort Dodge, Iowa, and passed away in Arlington, Virginia, surrounded by his family, on October 17, 2014; and

WHEREAS, Joe attended public schools in Fort Dodge, earned his bachelor of science degree in business administration from the University of Notre Dame and later received his juris doctor degree from the Georgetown University Law Center; and

WHEREAS, Joe proudly served as an officer in the U.S. Navy from 1959 through 1962, and as an attorney worked for the United States Department of Defense and the National Aeronautics and Space Administration in Bethesda, Maryland, as well as the United States Department of Labor, Office of Federal Contract Compliance Programs, in San Francisco, California, where he ensured that federal contractors did not discriminate; and

WHEREAS, Several years after retirement, Joe Hogan moved to Las Vegas, where he became active in issues concerning labor, and in 2004 was elected to the Nevada Assembly, serving in five regular and seven special sessions and as a member of the Assembly Committees on Health and Human Services, Natural Resources, Agriculture, and Mining, Transportation and Ways and Means; and

WHEREAS, A lifelong Democrat, Joe worked with diligence and compassion in the Assembly, with emphasis on such topics as affordable housing, adequate prescription drug labeling, water conservation and expanded job opportunities for women and minorities; and

WHEREAS, Joe also served on several interim committees, including the Interim Committees on High-Level Radioactive Waste, Issues Relating to Senior Citizens and Veterans, Nevada Commission on Aging, Protection of Natural Treasures, Interim Finance Committee's Subcommittee to Review Public Works Board Matters and the Health Care's Task Force to Develop a State Plan to Address Alzheimer's Disease; and

WHEREAS, In his spare time, Joe enjoyed the rich experiences found in travel as he explored new places and vistas, with a special interest in snorkeling and rock hounding; and

WHEREAS, Following his passing, Joe Hogan leaves his children Kathleen Marie Rauh, J. Michael Hogan, Jr. and David J. Hogan, along with grandchildren Allison, Maribeth and Brian Rauh, and Maggie and Katie Hogan, to cherish his memory; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 78th Session of the Nevada Legislature hereby extend their deepest condolences to the family of former Assemblyman Joseph Michael Hogan Sr., a man who served the people of Nevada with dedication, dignity and a strong work ethic; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of Assemblyman Joe Hogan.

Assemblyman Munford moved the adoption of the resolution.

Remarks by Assemblymen Munford and Ohrenschall.

ASSEMBLYMAN MUNFORD:

I rise in support in Assembly Concurrent Resolution 4. I came to the Legislature as a freshman with Assemblyman Hogan and Assemblywoman Marilyn Kirkpatrick. When I came up for the first time, I happened to sit next to Joe Hogan on the plane. I never even knew him, but we happened to sit next to each other. We started a conversation, and he told me about the things he was proposing to do as a legislator. It sounded like something out of some kind of equal rights book. He was planning to bring about fair hiring practices when it came to trade unions and jobs, he was going to make sure that equality was being practiced, and he was going to make sure that everyone got a break.

He was a man who had a great deal of sensitivity; he had a great deal of humanity. He thought about his fellow man. He cared about fair play and he had such a good heart. He was such a special person to me as a friend. He was a true friend of mine here in the Legislature and I miss him deeply. I see the representative from his district—District 10—Assemblywoman Shelton.

She has some big shoes to fill to continue some of the work that Joe Hogan started. If I can be of any help, she knows she can call on me. I thank you very much.

ASSEMBLYMAN OHRENSCHALL:

I had the privilege of working with Assemblyman Hogan. I am not sure a lot of people got to know him well, but I did. Joe grew up back East. He was a Navy veteran. He was a graduate of Georgetown Law School. After retiring from the Navy, he went to work for the federal government, and he and his wife retired out here. He did not seek out politics, actually. Former Assemblyman for District 10—our colleague David Goldwater, who now works these halls as a legislative advocate—decided to run for a different office and reached out to Joe and asked Joe if he would be interested in running for the State Legislature. Joe had thought about politics at different times in his life and he said he was willing, and he did.

My memories of Joe are as a great civil libertarian. He really wanted to see equality. He was a passionate environmentalist and cared so much about public lands. One of my biggest regrets in my freshman session was I did not support him on a bill having to do with idling diesel trucks, but he supported me on efforts to try to tighten down on emission standards.

A funny story is I served with Joe when he was Vice Chair of the Assembly Natural Resources Committee. Now Joe was a passionate environmentalist and wildlife advocate, and the chairman of that committee was my friend, former Assemblyman Claborn, a passionate sportsman and passionate hunter. He and Joe did not always agree on some of these issues. One in particular my freshman session had to do with the mountain lion. There was a bill that came down from the Senate that would have allowed hunting of mountain lions from helicopters or airplanes with no permit required. In the end there was a compromise. That bill did not proceed as originally planned, but the committee gift that Joe got for Chairman Claborn was a little statue of a cougar. All it said on the plaque was "Jerry, Thanks for the amendment." The mountain lions got to live because of that amendment to either your happiness or chagrin, depending on what side of that issue you were on.

Joe was in this for all the right reasons. He was a dear, sweet man who cared very passionately about the issues, really a John F. Kennedy Democrat, and that is why he got into politics.

Resolution adopted.

By Assemblymen Hambrick, Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Edwards, Ellison, Fiore, Flores, Gardner, Hansen, Hickey, Joiner, Jones, Kirkpatrick, Kirner, Moore, Munford, Neal, Nelson, Ohrenschall, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Titus, Trowbridge, Wheeler and Woodbury; Senators Kieckhefer, Atkinson, Brower, Denis, Farley, Ford, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kihuen, Lipparelli, Manendo, Parks, Roberson, Segerblom, Settelmeyer, Smith, Spearman and Woodhouse:

Assembly Concurrent Resolution No. 5—Memorializing former Assemblyman Peter L. "Pete" Livermore.

WHEREAS, The members of the Nevada Legislature mourn the loss of one of their respected colleagues, Peter L. "Pete" Livermore; and

WHEREAS, Born in New Orleans, Louisiana, on March 22, 1941, the son of Peter and Camilla Livermore, Pete joined the United States Marine Corps at 17 years of age, where he served from 1958 through 1962 and reached the rank of Lance Corporal; and

WHEREAS, In 1960, while stationed at Pickel Meadows Marine Base near Bridgeport, California, he made a trip to Carson City, Nevada, and met the beautiful and vivacious Laurie Bird, a carhop at the local A&W Restaurant; and

WHEREAS, Pete and Laurie's first date was on October 31, 1960, when he accompanied her to the Nevada Day Parade and then to the Carson High School homecoming game and dance; and

WHEREAS, Following his marriage to Laurie, Pete worked as a mail carrier in Carson City and then went into business, eventually owning and operating three successful A&W Restaurants, which were popular with both local residents and State Legislators; and

WHEREAS, Pete took a strong interest in the youth of Carson City, employing them in his businesses, sponsoring and coaching team sports, serving as President of the Carson City Youth Sports Association for more than 15 years and continuously working to make sure that the young people of Carson City had excellent recreational facilities, such as the Governor's Field Sports Complex; and

WHEREAS, Pete was elected to the Carson City Board of Supervisors in 1998, a position he held for 12 years, during which he was particularly proud of the part he played in the development of the Edmonds Sports Complex located on Livermore Lane, a street named in his honor; and

WHEREAS, Pete also served his community from 1985 through 2011 as a member and former Chair of the Carson-Tahoe Hospital Board of Trustees; and

WHEREAS, In 2010, Pete was elected to represent District No. 40 in the Nevada State Assembly, a district comprised of Carson City and part of southern Washoe County, where he served with great dedication and energy until his passing in Carson City on October 20, 2014; and

WHEREAS, As a member of the Assembly, Pete served on the Assembly Standing Committees on Government Affairs, Health and Human Services, Commerce and Labor, Taxation, and Natural Resources, Agriculture, and Mining, and continued to represent the interests of the people of Carson City by successfully sponsoring bills to revise the Airport Authority Act for Carson City and the Carson City Charter and to preserve the buildings and grounds of the historic Nevada State Prison; and

WHEREAS, Pete is survived by Laurie, his wife of over 50 years, their children Richard, Sheri and Jackie, and several grandchildren, who will all cherish his memory and reflect on a life devoted to his family, his community, the youth of Carson City and the citizens of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 78th Session of the Nevada Legislature offer their deepest condolences to the family members of Peter L. "Pete" Livermore; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Pete's beloved wife Laurie and their children Richard, Sheri and Jackie.

Assemblyman O'Neill moved the adoption of the resolution.

Remarks by Assemblymen O'Neill, Elliot Anderson, Ellison, Swank, Stewart, Fiore, and Ohrenschall.

ASSEMBLYMAN O'NEILL:

Mr. Speaker, I have already registered my support of Assembly Concurrent Resolution 5. There are several things I would like to say about Pete Livermore. One is that I will forever be indebted, and also hold it against him sometimes, that I am here today.

Pete really had a sense of humor. When you look at that picture that was up on our board, he sort of had that bulldog smile that you could not help but love. At the same time, there was a twinkle in his eye that meant he was dead serious but always looked for the good in everything.

He was a tireless advocate for Carson City, the place he called home. He may have been born in New Orleans and loved its jambalaya and the crawdads, but Carson City was his home. That was proven by his tireless efforts and the work he did for Carson City. He not only served as a city supervisor and for two terms here in our Legislature, but I think a good majority of Carson City first learned their work ethic by going to work at one of his A&W Root Beer stands. They learned that you show up on time, you do good work, and you will be taken care of. They have kept that work practice throughout their lives and really owe it to the Livermores.

We have one of the premier sports complexes here in Carson City, which was recently renamed the Pete Livermore Sports Complex. It houses a BMX race course, several softball fields, and some tremendous soccer fields which stand up to any along the West Coast and beyond.

I asked his family for a few quotes to remember Pete by. I will not repeat most of them, but I will say Jackie had the best one. He always said he wanted to be remembered as being first in the buffet line, To get it started, he said.

It is with great honor and humility and everything that I owe to Pete and the friendship of the entire Livermore family that I stand in support of this resolution.

ASSEMBLYMAN ELLIOT ANDERSON:

I could not pass up this opportunity to say a few words about my friend Mr. Livermore. He and I felt a special kinship, having both served in the Marine Corps and having both spent time at the Bridgeport Mountain Warfare Training Center. Just like I share a special kinship with my colleague from District 21, so, too, Mr. Livermore and I hit it off immediately because we had those common experiences to talk about.

I want to go on record supporting him and wishing his family all the best. I know that he has done so much for his state and for his country, and so I was very happy to support this resolution. Mr. Speaker, there is a saying, Marines do not die, they only regroup. I have no doubt that Mr. Livermore is watching over all of us.

ASSEMBLYMAN ELLISON:

I stand in support of Assembly Concurrent Resolution 5. My colleague from District 40 was a good friend and I think a good friend to all of us. Pete Livermore would call me every day and say You know what is on for lunch? I think he could tell me the menu better than the people who cooked it.

He was such a Gentle Ben of the Legislature. He had a heart of gold and was more honest than any person I have ever met in my life. I keep Mr. Livermore's picture and phone number in my phone because he is still my friend and I love him to death.

His family is so strong through this time. I cannot believe they have stood together in such support for this individual. As I walk through the third floor every day I can still see Pete meet me at his door to walk to the elevator, and I can still beat him down to the bottom. I hope everyone supports this resolution.

ASSEMBLYWOMAN SWANK:

I rise in support of Assembly Concurrent Resolution 5. When I came to this body as a freshman, I was seated at this desk next to a gentleman. The sign said Livermore. Pete and I had never met, and when I first sat down, he made sure I knew where the buttons were and which ones to push. He made sure I knew how to get the Speaker's attention. He pointed out that the cameras were across the way and maybe I should be careful to not stick my finger in my ear or something. He took care of me that whole freshman year; he made sure I knew what I needed to do.

He and I became an unlikely pair of friends over the course of the last session. During the interim we also got to work together on the Nevada State Prison. At the beginning of this session, I passed on the tradition that Pete Livermore started, right over in these two desks. I passed on to my colleague from Assembly District 19 all the advice that Pete had given me about the cameras and the buttons and things. Pete was a great legislator and a great guy, and I hope everyone will support this resolution.

ASSEMBLYMAN STEWART:

I rise in support of A.C.R. 5. I, too, was a great friend of Pete Livermore. I think it is ironic that we celebrate the passing of Mr. Hogan and Mr. Livermore at the same time. They were both members of the Armed Forces. They both served their country, and they both served the state of Nevada with great dignity.

As mentioned, Pete was a great advocate and strong supporter of Carson City, and of making the prison into a museum and a place of interest to the people of Nevada and all of the United States.

One thing we failed to mention was that Pete was in constant pain. With his leg, he had a very hard time getting around, and yet he would literally drag himself from one meeting to another and was a great inspiration to all of us, as was Joe Hogan. I think it is very fitting that we honor these two men today for their service to their country and to the state of Nevada.

ASSEMBLYWOMAN FIORE:

I just want to say that I support Assembly Concurrent Resolution 5. Pete Livermore was one of my favorites, and every time I would kind of get in hot water with my caucus, as I sometimes do, Pete Livermore would always stick up for me and always be by my side. He would also play

games of either taking my pens or my phones. He always made things a little bit lighter in our caucus when things were pretty heated. So I just want to say I support this, and I love him dearly.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of the resolution. I had the opportunity of serving with Pete on the interim committee having to do with recycling. He was a fierce advocate for single-stream recycling, trying to get it going all over the state, but also here in Carson City. He had a lot to contribute on that and I really appreciate everything he fought for.

Resolution adopted.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:52 p.m.

ASSEMBLY IN SESSION

At 1:53 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 79, 144; Assembly Joint Resolution No. 2.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Titus, Hansen, and Carrillo as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 78.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 14, 19, 25, 58, 90, 180, 194, 202, 415; Senate Bills Nos. 14, 31, 86, 151, 158, 196, and 281.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Gallimore.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Zeitler.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Karla Rodriguez.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Livermore, Jackie Muth, Sheri Niethold, and Wendy Livermore.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Katy Chandler.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Frank.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Cuevas and Jessica Winkle.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Martin.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 14, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:01 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 13, 2015

Assembly called to order at 11:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of You, Lord, for strength and wisdom as they conduct the business of our great state, Nevada.

The word of God reminds us that "whatever is true, whatever is honorable, whatever is right, whatever is pure, whatever is lovely, whatever is of good repute, if there is any excellence and if anything worthy of praise, dwell on these things." (Philippians 4:8) Give us clarity today God. Give us focus today, we pray. And Lord, may we be focused on praising You this day, in every aspect of our lives, we pray, in the mighty name of Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 87, 246, 251, 256, 373, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 13, 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 157, 249, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 248; Senate Joint Resolutions Nos. 1, 5, 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 127, 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 175, Amendment No. 678, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 4, 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 471, 510.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 472.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 653 to Senate Bill No. 271.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 12, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 421, 428, 429.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 75 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Standing Rules Nos. 110 and 113 be suspended, reading so far had considered second reading, and Senate Bill No. 504 be declared an emergency measure under the constitution and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 421.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 428.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 429.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 471.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 472.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 510.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 694.

AN ACT making a supplemental appropriation to the Office of the Lieutenant Governor for projected payroll and other costs associated with the 2015 Legislative Session; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Office of the Lieutenant Governor the sum of ~~[$25,887]~~ **$7,150** for payroll and other costs associated with the 2015 Legislative Session. This appropriation is supplemental to that made in section 3 of chapter 446, Statutes of Nevada 2013, at page 2593.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

The amendment on this bill appropriates $7,150 from the State General Fund to the Office of the Lieutenant Governor to fund leave payouts as a result of the retirement in the Lieutenant Governor's office and the travel costs associated with the 2015 Legislative Session.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 695.

AN ACT making a supplemental appropriation to the Department of Corrections for a shortfall resulting from a reduction in certain transfers for prison medical care; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[$1,224,571]~~ **$1,193,577** for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care for Fiscal Year 2014-2015. This appropriation is supplemental to that made in section 22 of chapter 446, Statutes of Nevada 2013, at page 2598.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

As amended, this bill appropriates $1,193,577 from the General Fund to the Department of Corrections for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care in Fiscal Year 2015. This act becomes effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 696.

AN ACT making supplemental appropriations to the Department of Corrections for shortfalls in projected personnel costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[$2,451,233]~~ **$2,395,367** for shortfalls in projected personnel costs allocated as follows:

1. Office of the Director ..... ~~[$1,279,543]~~**$1,265,718**
2. Correctional Programs ..... ~~[$80,811]~~ **$39,255**
3. Northern Nevada Correctional Center ..... ~~[$779,874]~~ **$540,338**
4. Ely State Prison ..... ~~[$89,772]~~ **$121,981**
5. ~~[Tonopah Conservation Camp ..... $20,617~~
~~6.]~~ High Desert State Prison ..... ~~[$731,922]~~ **$428,075**

Sec. 2. The appropriation made in section 1 of this act is supplemental to that made in section 22 of chapter 446, Statutes of Nevada 2013, at pages 2598 and 2599.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Edwards moved the adoption of the amendment.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 468 as amended will appropriate just under $2.4 million from the General Fund to the Department of Corrections for an unanticipated shortfall projected in personnel allocated for several budgets. The act will become effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 9.

Bill read second time and ordered to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time and ordered to third reading.

Senate Bill No. 124.

Bill read second time and ordered to third reading.

Senate Bill No. 131.
Bill read second time and ordered to third reading.

Senate Bill No. 135.
Bill read second time and ordered to third reading.

Senate Bill No. 186.
Bill read second time and ordered to third reading.

Senate Bill No. 191.
Bill read second time and ordered to third reading.

Senate Bill No. 303.
Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:05 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Amendment No. 673 to Senate Bill No. 303 be placed on the General File for the next legislative day.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 312.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 681.
AN ACT relating to taxing districts; ~~[requiring]~~ **imposing, in** a city that has created a taxing district to improve and maintain publicly owned facilities for tourism and entertainment **,** ~~[to impose,]~~ in addition to any other surcharge, a surcharge on the per night charge for the rental of a room in a hotel in the district other than a hotel that holds a nonrestricted gaming license; ~~[requiring]~~ **imposing, in** a city that has created such a taxing district **,** ~~[to impose,]~~ in addition to any other surcharge, ~~[a]~~ **an additional** surcharge on the per night charge for the rental of a room in a hotel in the district **,** ~~[,]~~ **that holds a nonrestricted gaming license;** providing that the ~~[money collected from the]~~ surcharges must be **collected and** used by ~~[the city or]~~ the county fair and recreation board **,** ~~[, as applicable,]~~ only for specified purposes; creating in a

county in which is located a city that has created a taxing district to improve and maintain publicly owned facilities for tourism and entertainment a district for the promotion of tourism comprised of certain property within the county, including property located within any city in the county, other than property located in the district created by the city; requiring the board of county commissioners of the county to prescribe the boundaries of the district ~~[and impose]~~ **; imposing** a surcharge on the per night charge for the rental of a room in a hotel in the district; providing that the money collected from the surcharge must be **collected and** used by ~~[the county or]~~ the county fair and recreation board **,** ~~[, as applicable,]~~ only for specified purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 (currently only the City of Reno) by ordinance to create a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Existing law requires that such an ordinance be approved by a two-thirds majority of the members of the governing body. Existing law also requires that the ordinance impose a surcharge of $2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license and provides that the proceeds of the surcharge must be used by the city solely to pay the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium. (NRS 268.798)

Section 1.3 of this bill ~~[requires the governing body of]~~ **imposes, in** a city that has created a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment **,** ~~[to impose]~~ a surcharge of $2 on the per night charge for the rental of a room in a hotel in the district, other than a hotel that holds a nonrestricted gaming license. **Section 1.5** of this bill ~~[requires the governing body of]~~ **imposes, in** a city that has created such a district **,** ~~[to impose]~~ an additional surcharge of $1 on the per night charge for the rental of a room in a hotel in the district **.** ~~[. If the city is located in a county in which a county fair and recreation board has been created, sections 1.3 and 1.5 require the city to transfer to the county fair and recreation board any money collected from the surcharges imposed pursuant to those sections. If a county fair and recreation board has not been created, sections]~~ **that holds a nonrestricted gaming license. Sections 1.3 and 1.5** require the ~~[city to keep the money collected from]~~ **county fair and recreation board to collect** the surcharges and expend the money only for ~~[certain purposes relating to the promotion of tourism.]~~ **the purposes authorized by section 4.5 of this bill.**

In any county in which is located a city that has created a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment, **section 4** of this bill creates a district for the

promotion of tourism in the region. **Section 4** also requires the board of county commissioners to adopt an ordinance prescribing the boundaries of the district, which must include within its boundaries all property: (1) which is located in the county and located in any city in the county other than property that is located within a district created by a city to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment; and (2) which is located not more than 20 miles from the boundaries of any such district created by a city. **Section 4** imposes a ~~[$3]~~ **$2** surcharge on the per night charge for the rental of a room in a hotel in the district and requires ~~[the board of county commissioners to transfer the money collected from the surcharge to]~~ the county fair and recreation board ~~[, if a county fair and recreation board has been created in the county. If a county fair and recreation board has not been created, section 4 requires the board of county commissioners to keep the money and prescribes the purposes for which the board of county commissioners may]~~ **to collect the surcharge and** expend the money ~~[.]~~ **only for the purposes authorized by section 4.5.**

Section 4.5 ~~[of this bill]~~ requires a county fair and recreation board that ~~[receives]~~ **collects** any money from the surcharge imposed ~~[pursuant to]~~ **by section 1.3, 1.5 or 4** to create an account into which all such money must be deposited. **Section 4.5** authorizes the board to expend the money to implement a strategic plan for the promotion of tourism in the region. **Section 4.5** also requires the board, every 5 years, to prepare and submit to the Legislature a report concerning the expenditure by the board of any money received from the surcharge imposed ~~[pursuant to]~~ **by sections 1.3, 1.5 and 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. ***1. In a city in which a district is created and a surcharge is imposed pursuant to NRS 268.798, ~~[the governing body shall, in addition to the surcharge imposed pursuant to that section and section 1.5 of this act, impose]~~ there is hereby imposed a surcharge of $2 on the per night charge for the rental of a room in a hotel in the district other than a hotel that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.***

2. The proceeds of the surcharge imposed ~~[pursuant to]~~ by this section must be collected by the ~~[city and:

(a) If the city is located in a county in which a]~~ county fair and recreation board ~~[has been created pursuant to NRS 244A.597 to 244A.655, inclusive, the city shall transfer to the county fair and recreation board all money collected from the surcharge imposed pursuant to this section.]~~ created by NRS 244A.601 in accordance with the provisions of section 4.5 of this act. The money must be deposited in the account created pursuant to section 4.5 of this act and used only for the purposes set forth in that section.

~~[(b) If the city is located in a county in which a county fair and recreation board has not been created, the money collected must be retained by the city, accounted for separately and, except as otherwise provided in subsection 3, used solely to pay the costs for:~~

~~(1) The acquisition, construction and maintenance of public recreational facilities located in the district;~~

~~(2) Advertising, publicizing and promoting the public recreational facilities located in the district; and~~

~~(3) Projects designed to encourage tourism or to improve access by tourists to airports located in the county in which the district is located.]~~

3. The proceeds of the surcharge and any interest or income earned on such money may not be used for the purposes of promoting or marketing professional bowling.

4. ~~[Except as otherwise provided in paragraph (a) of subsection 2, the proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.]~~ As used in this section, "hotel" has the meaning ascribed to it in section 3.75 of this act.

Sec. 1.5. 1. In a city in which a district is created and a surcharge is imposed pursuant to NRS 268.798, ~~[the governing body shall,]~~ in addition to the surcharge imposed pursuant to that section ~~[and section 1.3 of this act, impose]~~ , there is hereby imposed a surcharge of $1 on the per night charge for the rental of a room in a hotel in the district ~~[.]~~ that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.

2. The proceeds of the surcharge imposed pursuant to this section must be collected by the ~~[city and:~~

~~(a) If the city is located in a county in which a]~~ county fair and recreation board ~~[has been created pursuant to NRS 244A.597 to 244A.655, inclusive, the city shall transfer to the county fair and recreation board all money collected from the surcharge imposed pursuant to this section.]~~ created by NRS 244A.601 in accordance with the provisions of section 4.5 of this act. The money must be deposited in the account created pursuant to section 4.5 of this act and used only for the purposes set forth in that section.

~~[(b) If the city is located in a county in which a county fair and recreation board has not been created, the money collected must be retained by the city, accounted for separately and, except as otherwise provided in subsection 3, used solely to pay the costs for:~~

~~(1) The acquisition, construction and maintenance of public recreational facilities located in the district;~~

~~(2) Advertising, publicizing and promoting the public recreational facilities located in the district; and~~

~~(3) Projects designed to encourage tourism or to improve access by tourists to airports located in the county in which the district is located.]~~

3. The proceeds of the surcharge and any interest or income earned on such money may not be used for the purposes of promoting or marketing professional bowling.

4. ~~[Except as otherwise provided in paragraph (a) of subsection 2, the proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.]~~ As used in this section, "hotel" has the meaning ascribed to it in section 3.75 of this act.

Sec. 2. ~~[NRS 268.798 is hereby amended to read as follows:~~

~~268.798 1. The governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 may by ordinance create a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Such an ordinance must be approved by a two-thirds majority of the members of the governing body.~~

~~2. The boundaries of a district created pursuant to subsection 1 must be as prescribed by the governing body in the ordinance creating the district, except that the boundaries must include only property that is located in or within 4 city blocks, as determined by the governing body, of a district described in NRS 268.780 to 268.785, inclusive.~~

~~3. An ordinance enacted pursuant to subsection 1 must impose a surcharge of $2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.~~

~~4. The proceeds of the surcharge imposed pursuant to this section must be retained by the city and must be used by the city solely to pay the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium project as defined in NRS 244A.0344. The proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.~~

~~5. On or before January 15, 2030, the governing body of a city that has created a district pursuant to this section shall submit a report concerning the district to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must:~~

~~(a) Address, without limitation~~ **~~[~~**~~, the~~**~~]~~** ~~:~~

~~*(1) The* total amount collected from the surcharge imposed pursuant to this section and all the projects undertaken to improve and maintain the publicly owned facilities for tourism and entertainment in the district.~~

~~*(2) The total amount collected from the surcharges imposed by sections 1.3 and 1.5 of this act and, if applicable, expended by the city for the purposes authorized by those sections.***~~

~~(b) Cover the period between the creation of the district until the end of the calendar year immediately preceding the submission of the report.~~**~~]~~** **(Deleted by amendment.)**

Sec. 3. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 700,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351, 244.3352 and 244.33561.

2. A county whose population is 100,000 or more but less than 700,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.33561 ~~[.]~~ ***and section 4 of this act.***

3. Except as otherwise provided in subsection 2 and NRS 387.191, the Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.

Sec. 3.5. Chapter 244A of NRS is hereby amended by adding thereto the provisions set forth in sections **3.75,** 4 and 4.5 of this act.

Sec. 3.75. As used in this section and sections 4 and 4.5 of this act, unless the context otherwise requires, "hotel" means a building occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere. A hotel has an interior hall and lobby with access to each room from the interior hall or lobby.

Sec. 4. ***1. In a county in which is located a city that has created a district and imposed a surcharge pursuant to NRS 268.798, there is hereby:***

(a) Created a district for the promotion of tourism; and

(b) Imposed a surcharge of ~~[$3]~~ $2 on the per night charge for the rental of a room in a hotel in the district. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.

2. As soon as practicable on or after July 1, 2015, but on or before October 1, 2015, the board of county commissioners shall adopt an ordinance ~~[:~~

~~(a) Prescribing]~~ prescribing the boundaries of the district created by paragraph (a) of subsection 1, which:

~~[(1)]~~ (a) Must include within it all property within the county and within each city in the county that is:

~~[(I)]~~ (1) Not located within a district created pursuant to NRS 268.798; and

~~[(II)]~~ (2) Located not more than 20 miles from the boundaries of a district created pursuant to NRS 268.798; and

~~[(2)]~~ (b) Must not include within it any property located within a district created pursuant to NRS 268.798 . ~~[; and~~

~~(b) Prescribing a schedule for the collection of the surcharge imposed by paragraph (b) of subsection 1.]~~

3. The surcharge imposed by this section is in addition to any other license fee, tax or surcharge imposed on the revenues from the rental of transient lodging. The surcharge must be collected by the ~~[county in~~

~~accordance with the schedule prescribed by the ordinance adopted pursuant to subsection 2 and:~~

~~(a) If the board of county commissioners has created a~~ county fair and recreation board ~~[pursuant to NRS 244A.597 to 244A.655, inclusive, the county shall transfer to the county fair and recreation board all money collected from the surcharge imposed pursuant to this section.]~~ in accordance with the provisions of section 4.5 of this act. The money must be deposited in the account created pursuant to section 4.5 of this act and used only for the purposes set forth in that section.

~~[(b) If the board of county commissioners has not created a county fair and recreation board, the money collected from the surcharge imposed pursuant to this section must be retained by the county, accounted for separately and, except as otherwise provided in this paragraph, used solely to pay the costs for:~~

~~(1) The acquisition, construction and maintenance of public recreational facilities located in the district;~~

~~(2) Advertising, publicizing and promoting the public recreational facilities located in the district; and~~

~~(3) Projects designed to encourage tourism or to improve access by tourists to airports located in the county in which the district is located.~~

~~"~~]

4. The proceeds of the surcharge and any interest or income earned on such money may not be used for the purposes of promoting or marketing professional bowling.

~~[4. Except as otherwise provided in paragraph (a) of subsection 3, the proceeds of the surcharge imposed by this section must not be transferred to any other fund or account or used for any other purpose other than the purposes specified in subsection 3.~~

~~5. The ordinance adopted by the board of county commissioners must provide that if the surcharge imposed by this section is not paid within the time set forth in the schedule for payment, the county shall charge and collect in addition to the surcharge:~~

~~(a) A penalty of not more than 10 percent of the amount due, exclusive of interest, or an administrative fee established by the board of county commissioners, whichever is greater; and~~

~~(b) Interest on the amount due at the rate of not more than 1.5 percent per month or fraction thereof from the date on which the surcharge became due until the date of payment.]~~

Sec. 4.5. 1. A county fair and recreation board that ~~[receives]~~ collects any proceeds of the surcharges imposed ~~[pursuant to]~~ by section 1.3, 1.5 or 4 of this act ~~[shall]~~ :

(a) Shall create an account administered by the board and deposit into such account all proceeds ~~[received]~~ collected by the board from the surcharges imposed ~~[pursuant to]~~ by sections 1.3, 1.5 and 4 of this act. The money in the account, including any interest and income earned on such

money, must not be transferred to any other fund or account or used for any purpose other than the purposes set forth in subsection 2.

(b) Shall prescribe a procedure for the collection of the surcharges imposed by sections 1.3, 1.5 and 4 of this act, which may include, without limitation, procedures for the enforcement of the collection of any delinquent surcharges and the provision of penalties in connection therewith, including, without limitation, the suspension of the business license issued by a county, city or town to a hotel and the closure of a hotel for failure to pay any surcharge imposed by section 1.3, 1.5 or 4 of this act.

(c) May adopt rules and regulations concerning the collection and administration of the surcharges imposed by sections 1.3, 1.5 and 4 of this act and provide penalties for the failure to comply therewith.

2. All money ~~[received]~~ collected by a county fair and recreation board from the proceeds of the surcharges imposed ~~[pursuant to]~~ by sections 1.3, 1.5 and 4 of this act must be used to implement a strategic plan for the promotion of tourism in the region. The strategic plan:

(a) Except as otherwise provided in paragraph (b), may provide for the expenditure of any money received from the proceeds of the surcharges imposed ~~[pursuant to]~~ by sections 1.3, 1.5 and 4 of this act:

(1) For the purposes set forth in NRS 244A.597.

(2) For the maintenance of public recreational facilities located in the county which are owned by the county or an incorporated city in the county or under the control of the county fair and recreation board.

(3) To carry out projects designed to encourage tourism or to improve access by tourists to airports located in the county.

(4) To solicit and promote tourism, gaming and the use of public recreational facilities of the community or area, which may include advertising the facilities under the control of the county fair and recreation board and the resources of the community or area, including tourist accommodations, transportation, entertainment, gaming and climate. Such advertising may be done jointly with a private enterprise. The county fair and recreation board may enter into contracts for advertising pursuant to this subparagraph and pay the cost of the advertising, including a reasonable commission.

(5) For any other purpose identified in the strategic plan.

(b) May not provide for the expenditure of any money received from the proceeds of the surcharges imposed ~~[pursuant to]~~ by sections 1.3, 1.5 and 4 of this act for the operational expenses of the county fair and recreation board or for the purposes of promoting or marketing professional bowling.

3. On or before January 15, 2021, and on or before January 15 of each fifth year thereafter, a county fair and recreation board that ~~[receives]~~ collects any money from the surcharge imposed and collected pursuant to section 1.3, 1.5 or 4 of this act shall prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature a written report which must:

(a) Address, without limitation, the total amount ~~[received]~~ collected from the surcharges imposed ~~[pursuant to]~~ by sections 1.3, 1.5 and 4 of this act;

(b) Address, without limitation, the total amount expended by the board to carry out the purposes set forth in this section; and

(c) Cover the 5-year period immediately preceding the submission of the report.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that a proposed $1 per room night surcharge is for hotels that hold a nonrestricted gaming license, reduces a separate surcharge on all hotels from $3 to $2 per room-night, and directs a county fair and recreation board to prescribe a procedure for the collection and enforcement of surcharges.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 354.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 674.

AN ACT relating to persons with disabilities; creating the Nevada ABLE Savings Program as a qualified ABLE program under the federal Achieving a Better Life Experience Act of 2014; authorizing the creation of a program within the Aging and Disability Services Division of the Department of Health and Human Services to provide services of independent living and assistive technology for persons with disabilities who need independent living services; revising the terms of members of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Recently enacted federal law allows for the creation of tax-advantaged savings accounts for persons who have certain qualifying disabilities. Under the program, any person, including family members, may make a contribution to the account of a person with a qualified disability. Any interest or other

growth in the value of the account and distributions taken from the account are tax free. The maximum amount that can be contributed tax free to the account of a qualified person is $14,000 per year. Distributions from the account may only be used to pay expenses related to living a life with a disability and may include such things as education, housing, transportation and employment training and support. Money in the account or distributions from the account do not affect the eligibility of a person for certain public benefits such as Social Security disability payments, Supplemental Nutrition Assistance Program benefits and Medicaid. To qualify for these benefits, the savings account into which contributions are made on behalf of a qualified person must be established and maintained by the qualified person's state of residence. If a state chooses not to establish its own program, it may contract with another state that has adopted a qualified program. (Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A) **Sections 2-15** of this bill require the Aging and Disability Services Division of the Department of Health and Human Services, in cooperation with the State Treasurer, to establish the Nevada ABLE Savings Program as a qualified program pursuant to 26 U.S.C. § 529A.

Existing law creates the Aging and Disability Services Division within the Department of Health and Human Services and requires the Division to work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies to develop and improve policies of this State concerning programs and services for persons with disabilities. (NRS 427A.040) **Sections 18 and 19** of this bill authorize the Division to establish a program to provide services of independent living and assistive technology for a person with a disability who needs independent living services.

Existing law creates the Nevada Commission on Services for Persons with Disabilities, which consists of 11 members appointed by the Director of the Department of Health and Human Services. (NRS 427A.1211) **Sections 21 and 22** of this bill make revisions to the terms of the members of the Commission to ensure that the terms of the members of the Commission are staggered.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 38 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the Department of Health and Human Services.***

Sec. 4. ***"Division" means the Aging and Disability Services Division of the Department.***

Sec. 5. *"Nevada ABLE Savings Program" means the program established by the State Treasurer pursuant to section 8 of this act.*

Sec. 6. *"Qualified ABLE program" has the meaning ascribed to it in the Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A, as amended.*

Sec. 7. *"Trust Fund" means the Nevada ABLE Savings Program Trust Fund created by section 11 of this act.*

Sec. 8. *1. The State Treasurer ~~[shall]~~ may adopt regulations to establish and carry out the Nevada ABLE Savings Program ~~[which must]~~ to comply with the requirements of a qualified ABLE program pursuant to 26 U.S.C. § 529A, as amended.*

2. The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and any regulations adopted pursuant thereto, to ensure that the Nevada ABLE Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified disability expenses in accordance with 26 U.S.C. § 529A, as amended.

4. The regulations may include any other provisions not inconsistent with federal law that the State Treasurer determines are necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund ~~[.]~~ , including, without limitation:

(a) Provisions for the charging and collection of administrative fees and charges in connection with any transaction relating to the Nevada ABLE Savings Program, including, without limitation, fees or charges related to continued participation in the Program;

(b) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, is not subject to attachment, levy or execution by any creditor of a contributor, account owner or designated beneficiary and may not be used as security for a loan;

(c) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility for any disability, medical or other health benefits administered by this State; and

(d) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility or need for any student loan program, student grant program or any other student aid program administered by this State, except as otherwise provided for in federal law.

Sec. 9. *1. The ~~[Division]~~ State Treasurer may delegate any of its administrative powers and duties specified in sections 2 to 15, inclusive, of this act if the ~~[Division]~~ State Treasurer determines that such delegation is necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund.*

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may contract with one or more other states to:

(a) Provide for the administration of all or part of the Nevada ABLE Savings Program by another state;

(b) Authorize the State Treasurer to administer all or part of a qualified ABLE program of another state; or

(c) Jointly administer the Nevada ABLE Savings Program with a qualified ABLE program of one or more other states.

Sec. 10. *Savings trust accounts used and savings trust agreements entered into pursuant to sections 2 to 15, inclusive, of this act are not guaranteed by the full faith and credit of the State of Nevada.*

Sec. 11. *1. The Nevada ABLE Savings Program Trust Fund is hereby created.*

2. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.

3. The Trust Fund consists of:

(a) All money deposited in accordance with savings ~~[and]~~ trust agreements; ~~[and]~~

(b) All earnings on the money in the Trust Fund ~~[.]~~ ;

(c) Any fees or charges charged to an account owner to cover expenses incurred in administering the Nevada ABLE Savings Program; and

(d) Any other money from any public or private source appropriated or made available to this State for the benefit of the Nevada ABLE Savings Program.

4. Money in the Trust Fund:

(a) Is not the property of this State, and this State has no claim to or interest in such money; and

(b) Must not be commingled with money of this State.

5. A savings trust agreement or any other contract entered into by or on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no account owner is entitled to any money in the Trust Fund except for that money on deposit in or accrued to his or her account.

6. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 15, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.

Sec. 12. *1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.*

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may use any administrative or investment agreements or arrangements used for the Nevada College Savings Program created pursuant to NRS 353B.300 to 353B.370, inclusive, without soliciting separate proposals for assistance with the management of all or part of the Nevada ABLE Savings Program.

3. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to sections 2 to 15, inclusive, of this act, including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

~~[3.]~~ 4. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

~~[4.]~~ 5. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada ABLE Savings Program.

~~[5.]~~ 6. The Endowment Account must be used for the deposit of any money received by the Nevada ABLE Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended for any purpose related to the Nevada ABLE Savings Program or in any other manner which assists residents of this State who are eligible individuals as defined in 26 U.S.C. § 529A, as amended.

Sec. 13. *The State Treasurer may accept and expend on behalf of the Trust Fund money provided by ~~[private entities]~~ any entity for direct expenses or marketing. Such money is not a part of the Trust Fund.*

Sec. 14. *The ~~[Division]~~ State Treasurer may endorse insurance coverage written exclusively to protect the Trust Fund, and account owners and beneficiaries of the Trust Fund, which may be issued in the form of a group life policy. The provisions of title 57 of NRS are not applicable to the ~~[Division]~~ State Treasurer in carrying out the provisions of this section.*

Sec. 15. *1. The ~~[Division]~~ State Treasurer shall establish a comprehensive investment plan for the money in the Trust Fund.*

2. Notwithstanding the provisions of any specific statute to the contrary, the ~~[Division]~~ State Treasurer may invest or cause to be invested any money in the Trust Fund, including, without limitation, the money in the Program Account described in paragraph (a) of subsection ~~[2]~~ 3 of section 12 of this act, in any manner reasonable and appropriate to achieve the objectives of the Nevada ABLE Savings Program, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The ~~[Division]~~ State Treasurer shall consider the risk, expected rate of return, term or maturity, diversification of total investments, liquidity and anticipated investments in and withdrawals from the Trust Fund.

3. The ~~[Division]~~ State Treasurer may establish criteria and select investment managers, mutual funds or other such entities to act as investment managers for the Nevada ABLE Savings Program.

4. The ~~[Division]~~ State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the ~~[Division]~~ State Treasurer to be necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

5. The Division and the State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

6. The Division shall implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada ABLE Savings Program. Any marketing plan and materials for the Nevada ABLE Savings Program must be approved by the Division.

7. The ~~[Division]~~ State Treasurer may prescribe terms and conditions of savings trust agreements.

8. The Division or State Treasurer may contract with one or more qualified entities for ~~[the]~~ :

(a) The day-to-day operation of the Nevada ABLE Savings Program , and any associated educational and outreach activities of the Program, as the program administrator for the management of the marketing of the Nevada ABLE Savings Program ~~[, the]~~ ;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund ~~[, the]~~ ;

(c) The selection of investment managers for the Nevada ABLE Savings Program ; and ~~[the]~~

(d) The performance of similar activities.

Sec. 16. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 20, inclusive, of this act.

Sec. 17. *As used in sections 17 to 20, inclusive, of this act, unless the context otherwise requires, "person with a disability who needs independent living services" means a person with a physical disability, as that term is defined in NRS 427A.791, including, without limitation, a person who is blind, as that term is defined in NRS 426.082, who is in need of independent living services and who does not have a vocational goal.*

Sec. 18. *1. The Division may, pursuant to this section and section 19 of this act, establish a program to provide services of independent living and assistive technology for persons with disabilities who need independent living services.*

2. If the Division establishes a program pursuant to subsection 1, the Division shall adopt regulations:

(a) Establishing the procedures for a person to apply for services of independent living and assistive technology;

(b) Prescribing the criteria for determining the eligibility of such an applicant;

(c) Prescribing the nature of the services of independent living and assistive technology which may be provided and the conditions imposed on the provision of such services; and

(d) Setting forth such other provisions as the Division considers necessary to administer the program.

3. The decision of the Division regarding the eligibility of an applicant to participate in the program is a final decision for the purpose of judicial review.

Sec. 19. ***1. The services of independent living that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without limitation, assistance and training as to how to perform skills of daily living, including, without limitation:***

(a) The preparation and eating of meals;

(b) Home management, including, without limitation, paying bills;

(c) Communication, including, without limitation, the use of services of assistive technology;

(d) Orientation and mobility; and

(e) Any other skills that will allow a person who has recently become disabled to function and live in a more independent manner.

2. The services of assistive technology that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without limitation:

(a) Large-print signs and reading materials;

(b) Voice recognition or Braille technology installed on a computer or handheld device;

(c) Global positioning satellite technology with voice output;

(d) Mechanical lifts or similar mobility enhancing devices;

(e) Telecommunications devices specially designed for persons with impaired vision, speech or hearing; and

(f) Any other technology that provides significant assistance in performing daily tasks to a person with a disability who needs independent living services.

Sec. 20. ***The Division may:***

1. Periodically research and determine the cost of providing services in this State for people who are blind or visually impaired and who do not have a vocational goal; and

2. Present a report of the findings of the research to the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

Sec. 21. NRS 427A.1211 is hereby amended to read as follows:

427A.1211 1. The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Division.

2. The Director shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

3. The Director and the Administrator shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his or her office to attend any meeting of the Commission in his or her place.

4. The Director may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.

5. After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms ~~[.]~~ ***or 6 years, whichever is greater.*** A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member. ***However, at the completion of the additional full-term, the member may be appointed to the remaining term of another member who has resigned or otherwise left the Commission before completing his or her term if the total combined service of the member being appointed, after serving the remaining term of the member who resigned or otherwise left the Commission, will not exceed 6 years.***

6. The Director may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.

Sec. 22. 1. Notwithstanding any provision of subsection 5 of NRS 427A.1211, as amended by section 21 of this act, to the contrary, the existing terms of the voting members of the Nevada Commission on Services for Persons with Disabilities whose terms have not expired before July 1, 2015, must expire as follows:

(a) The terms of four voting members of the Commission must expire on June 30, 2016;

(b) The terms of four voting members of the Commission must expire on June 30, 2017; and

(c) The terms of three voting members of the Commission must expire on June 30, 2018.

2. The Director shall, at his or her sole discretion, determine the allocation of existing members of the Commission to the particular groupings established for the expiration of terms in subsection 1.

3. The terms of members of the Commission appointed after the expiration of the terms of the existing members of the Commission pursuant to subsection 1 must begin on July 1 of the year in which the member was appointed.

Sec. 23. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment allows, instead of requires, the State Treasurer to adopt regulations to establish the Nevada ABLE Program. It moves duties of the program from the Aging and Disability Services Division to the State Treasurer and instead requires the Division to conduct an outreach program to increase participation in the program.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 504.

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:54 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Paul Anderson, Spiegel, Hansen, Fiore, Elliot Anderson, Gardner, Hickey, Ellison, Nelson, and Kirkpatrick.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 504, as amended, makes various changes to Nevada law concerning bullying and cyber-bullying in public schools. Specifically, it provides for disciplinary and licensure proceedings if someone knowingly and willfully fails to comply with applicable provisions of law. It requires that the parents of a student be allowed to petition a court to compel performance by a school official of any duty imposed. It creates the Office for a Safe and Respectful Learning Environment within the Department of Education and establishes and maintains a 24-hour toll-free hotline and website for public information and incident reporting. It changes the requirements regarding the reporting and investigation of an incident of bullying or cyber-bullying; requires a good faith effort to notify, within one school day, the parents of all students involved in an incident; requires an investigation, including an interview with students and parents, within two school days; requires a principal to meet with any victims within ten days; and allows a parent or guardian to submit a complaint to the Department of Education within 30 days in response to a decision made by a principal or his or her designee related to the incident.

I imagine that most of us experienced or witnessed bullying in our youth. But just because bullying has been a part of our past does not mean it has to be part of our future. I am proud of this bill; I am proud of what we are doing today. I think we are taking a big step forward in helping Nevada's children. I will be voting yes, and I encourage all others to do so as well.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 504 arose out of some incidents that happened in my Assembly district. Too many kids in my district and throughout our state have been bullied, have been damaged; some have even committed suicide. Senate Bill 504 goes a long way in helping to turn things around so our children will feel safe at school, will be in a position where they will be able to learn, and most importantly, will be in a position where they will be able to live.

Senator David Parks and I have been working with the Governor's staff on this bill for nearly a year. It is a great bill, and I urge everyone to support it.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Bill 504. The primary reason I have objections to it is because I have not had a chance to read it. This is not an emergency, and I resent the fact that I am being forced into a vote today when most of the people in our caucus have not even had a chance to read the bill. I am certainly no proponent of bullying, but I am also not a proponent of phony emergency measures that are not emergencies.

On the issue of bullying, I have a teacher who teaches in Clark County, and they have endless lectures, classes, and rules on bullying right now. So the idea that this is some new thing, that they do not already have programs in place to deal with these kind of things, is just not the case.

This is another one of those deals where there certainly should be an element of local control. There was a bill that we tried dealing with on bathrooms, and that ended up being defeated because at least a few members of our caucus felt it was something the local people should control. In the whopping five minutes I have had a chance to read this thing, local control is something we should consider.

My objection today and the reason I am voting no is not because of bullying. It is this phony emergency rush to try and get this thing done before we have an opportunity to fully vet it. That is why I am in strong opposition. One or two days would make no difference in the big scheme of things, yet somehow it has to be done in such short order without reasonable opportunities for all of us to thoroughly go through it and see what we like and do not like and have opportunities to perhaps amend sections of it.

I am not a proponent of bullying, but I am a proponent of thoroughly vetting things before we pass laws that affect 400,000 kids in the public schools, every teacher in the public schools, and all the parents in the public schools, without proper vetting of these issues. I would urge a no vote simply on that basis.

ASSEMBLYWOMAN FIORE:

I am a proponent of not bullying, but I have stood here before and said I would not vote on something I did not read, because I do not think this body is full of Pelosis who vote on something and then find out what is in the bill. I am standing in opposition because I do not want to vote no on this bill. I want a chance to read the bill. This emergency measure—what do we do? I do not want to vote on this bill today because I have not read it. I do not want to vote no and I do not want to vote yes. I do not want to vote on this bill today. I need an answer.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 504. I want to explain to the body more about what we heard during the interim, what was happening with these bullying incidents. A lot of times what is happening is parents are not getting notification about what is happening with their children at school. This bill is intended to ensure that those parents get notification, so they can get engaged and so they can fix these problems before they turn into kids committing suicide.

I respect my colleague from District 32. There has been an issue with getting that notification from the school district, and so this bill sets up an office to ensure that there is a place where kids can go if they are feeling under pressure. The hope is to ensure that we get them some help, whether it is through parental notification measures or that 1-800 number for those kids to call when they are in trouble. I urge this body to support S.B. 504.

ASSEMBLYMAN GARDNER:

I have a question for the Majority Leader regarding the intent of the bill. This is in section 6, part 2, subsection f. I just read this and want to get the intent of the bill in this section. It says

"(f) Blocking access to any property or facility of a school" I am just wondering what is the intent behind that in considering that bullying.

ASSEMBLYMAN PAUL ANDERSON:

I can happily defer to the Chair if they have further clarification. I think intent for the record is good, and this is an important part of it. When I picture that phrase in my mind, it is somebody blocking me from exiting a door or going on to campus. I believe the intent is pure and is to protect those who are being bullied. I do not think there is any other intent with that particular section.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 504. This bill was vetted and heard in a five-hour joint hearing of Education Committee members between ourselves and the Senate. It was passed unanimously by our Assembly Education Committee, and it has been deeply discussed. With respect to my colleague's concerns about this being an emergency measure, folks, we are 20 days away from trying to close this building down successfully. We are going to be pressured to make decisions. I speak for myself, but I rely upon the members of other committees who have discussed, vetted, debated, and brought their conclusions to us.

Having served on the committee, and in conjunction with my colleagues who were in support, I urge us to go forward with this bill. It sets the stage for dealing with problems that parents democratically brought to this process, and we are acting upon it with our vote and support today.

ASSEMBLYMAN ELLISON:

I would like to ask a question of the Majority Leader if I may. I think everyone in this body wants to understand and vote in favor of this bill. I do, too. There were questions that were brought up in caucus a few minutes ago. The savings are a great deal to this body. I think how much money we will save. One question I have is can we take a recess until about five o'clock and then come back and vote as a whole? I think you will get 100 percent or 90 percent of this body to vote this out. That is all I ask for is a recess to come back tonight and vote on this measure.

ASSEMBLYMAN PAUL ANDERSON:

Mr. Speaker, certainly it is at your pleasure that we recess or not. My recommendation would be that we do not at this time. With the committee passage deadline and other events we have going on, I think we all recognize the importance of this particular bill along with the companion legislation and budget items that accompany it. I would recommend that we move forward at your discretion.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Fiore moved that Senate Bill No. 504 be taken from the General File and placed at the top of the General File for the next legislative day.

Having previously announced that all members would have an opportunity to speak on Senate Bill No. 504, Mr. Speaker deferred acceptance of the motion.

GENERAL FILE AND THIRD READING

ASSEMBLYMAN NELSON:

My position is this: I have the deepest respect for our Majority Leader. He is a very good friend of mine and I trust him, but I agree with what my colleague from Elko said. I do not think we need to kick it a full day, but I would like to have half an hour to read it again and to talk with the committee chairman and other members of the committee. I would echo what my colleague from Elko says; I think we need a little more time to read it. The Majority Leader says we need to vote on it today. Fine, we can vote on it today, but let us have a couple of hours.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 504, but more importantly, let us have a real discussion here. This is 19 days from closing down. This is going to happen in so many different ways—last session, the session before that, the session before that. Quite frankly, many folks in this body who trusted me voted on concur/not concurs on the very last day within five minutes of their bills being heard. The members of this body have a responsibility every single day to look at the Daily File, every single day to look at the Second Reading, because we are out of time folks. We have no more time to do this. We have to move bills this quickly or you and I and everybody in this body will lose bills that we care about as a whole. Whether or not you like this bill, that is your choice. But this is a legislative process; we are down to the wire. We have work sessions that we have gotten posted hours before we were asked to vote on them. But I voted on it.

We just spent 40 minutes in a caucus meeting. Honestly, folks could have gone through that bill section by section in that time. That is how long we spent going through it yesterday. My Girl Scouts and I watched the joint hearing in the Senate. Each and every one of us has that responsibility every single day as well.

You can participate in the meetings by watching online, you can participate in your caucus room, you can participate in your office, or you can participate at home for heaven's sake. We have a responsibility to the folks who are outside of this little vacuum to actually process legislation every single day. There is no down time anymore. Folks think we are going home this weekend to hang out. We are not. There are budgets to be closed, there is staff that is working 23 hours a day to make this all come together. I do not buy the argument that no one got a chance to read it. Everyone has a responsibility. That is the legislative thing you were elected to do—to read every single bill. Everything that is on Second Reading for tomorrow, I have already read it. That is my responsibility to take that vote.

Mr. Speaker, I would ask that we just call for the question and let folks vote how they want. If we start this trend, I am telling you, having been in your spot before, we will not get out of here, there will be a lot of bills that die, and oh by the way, we do not get to make that decision later.

Assemblymen Kirkpatrick, Araujo, and Woodbury moved the previous question.

The question being the passage of Senate Bill No. 504.

Roll call on Senate Bill No. 504:

YEAS—36.

NAYS—Ellison, Fiore, Hansen, Moore, Neal, Nelson—6.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 3.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 3 requires the Department of Motor Vehicles [DMV] to establish and maintain an Internet-based registry of emergency contact information to be known as the Next-of-Kin Registry. Anyone who has a Nevada driver's license, driver authorization card, or identification card may establish a record within the Registry. In the case of a motor vehicle accident, a law enforcement officer or other authorized employee of a law enforcement agency must search the Registry when practicable and make a reasonable attempt to notify the emergency contact person. In the event of the death of a driver or passenger, law enforcement personnel must coordinate the next-of-kin notification with the coroner or medical examiner and ensure that notification is made only after positive victim identification is confirmed. In the case of an accident or emergency situation other than a motor vehicle accident, the bill allows, but does not require, law enforcement personnel to search the Registry for an emergency contact person.

The bill also contains various privacy provisions, including prohibiting information from the Registry from being released for the purposes of determining legal presence; limiting the circumstances under which the DMV may grant access to the Registry information of a registrant; requiring the DMV to disclose to registrants who will have access to information contained in the Registry, as well as who will be notified in the case of an emergency; and providing that those who have access to the Registry are not exempt from criminal or civil liability for willful misuse of the Registry.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks, and on the date on which the Director of the DMV notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this measure.

Roll call on Senate Bill No. 3:

YEAS—42.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 40 makes it unlawful for any person who is not properly licensed to receive, directly or indirectly, any compensation, reward, or percentage or share of money or property played for accepting a bet or wager upon an event held at a track involving a horse or other animal, a sporting event, or other event. A person who violates these provisions is guilty of a category B felony.

Roll call on Senate Bill No. 40:

YEAS—39.

NAYS—Neal, Ohrenschall, Shelton—3.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 104 provides an exception to the requirement that political advertisements disclose the name of the person or entity who paid for such advertising and include a statement indicating that the advertisement was approved by a candidate. This exception applies to any statement or communication appearing on any article of clothing, regardless of its cost, and certain other forms of advertising including buttons, pens, candy, jar openers, and balloons having a retail value of less than $5 each. The bill is effective on October 1, 2015.

Roll call on Senate Bill No. 104:

YEAS—42.

NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 147, 172, 212, 229, 268, 310, 313, 322, 390, 476; Senate Joint Resolutions Nos. 2 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

April 3, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Assembly Bills Nos. 198 and 242.

RICHARD S. COMBS
Director

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 28, 39, 41, 42, 52, 61, 63, 79, 99, 137, 144, 222, 424, 456; Assembly Joint Resolution No. 2; Assembly Resolutions Nos. 8, 9; Senate Bills Nos. 271, 427, 469.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Uriel Garcia-Escudero and Sylvia Lazos.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Heryet and Richard Bunce.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Nate Mack Elementary School: Nola Ashley, Amador Guerrero, Isabelle Avalos, Sydney Cline, Marissa Lopez, Carson Banks, Christopher Osborne, Chase Tunney, Lily Meyers, Lauren Briggs, Sidney Johnson, Jack Raspopovich, Adam Hutchinson, Angel Robles, Haley Maramaldi, Aleasha Matew, George Gomez, Makaylah Miller, Amber Knox, Madison Kochersperger, John Austin, Rachel Burda, Mercaediez Craft, Sade Ware, Asia Evans, Samantha Abate, Ashley Labedz, Alexa McAfee, Gracesyn Gradyan, Jacob Henderson, Cruz Barron-Renteria, Donovan Ellis, Mackenzie Mangum, Bella Demelo, Jake Juliano, West Baxter, Baughnan Dawson, Hunter Navage, Miranda Alvarez, Lillian Galvin, Justyn Delzeit, Eddie Tarango, William Sakmar, Joseph Taack, Dylan Mitro, Kekoa Lave, Scott Dalton, Joseph Burns, Earl Wheeler, Bronte Denue, and Magdalena Rodriguez.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Lincoln Park Elementary School: Dawn Miller, Deeann Roberts, Citlali Avalos, Elizabeth Barajas, Daniel Esquivel, Emily Lopez, Ana Magana, Mckayla McBride, and Alayah Raygoza.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 14, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:23 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 14, 2015

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Nick Emery.

To all those gathered here, we ask of you, Lord, for Your continued strength and Your continued wisdom as they conduct the business of our great state, Nevada.

We pray in the name of Jesus Christ that we be surrounded this day with the very presence of God—that our minds, our hearts and souls be saturated with Your wisdom, consumed with Your goodness, and fully devoted to Your Lordship. Above and below us, before and behind us, may Christ be all around us. May we live this day in surrender to Your will, oh Lord, and may we be found this day serving God and His agenda through every thought and action of our lives, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 112, 231, 232, 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was rereferred Senate Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 62, 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 36, 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 661 to Senate Bill No. 480.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 303 and 312 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 75 and 172 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senate Concurrent Resolution No. 2.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 702.

SENATE CONCURRENT RESOLUTION—Encouraging certain entities to approve **, require** and provide educational programs relating to caring for persons with Alzheimer's disease and other forms of dementia.

WHEREAS, Alzheimer's disease is a progressive, degenerative brain disorder characterized by memory loss, language deterioration, poor judgment and indifferent attitude, but preserved motor function; and

WHEREAS, Alzheimer's disease afflicts one out of every nine Americans over 65 years of age and is the sixth leading cause of death in the United States; and

WHEREAS, The number of Americans with Alzheimer's disease and other dementias is expected to grow each year as the size and proportion of Americans over 65 years of age continues to increase; and

WHEREAS, The rapid rise in persons diagnosed with Alzheimer's disease is already evident and is especially dramatic in Nevada, which in 2014 had an estimated 37,000 of its residents suffering from this debilitating affliction; and

WHEREAS, It is projected that by 2025 the number of residents of this State suffering from Alzheimer's disease will increase by 73 percent to over 64,000 people; and

WHEREAS, Most persons with Alzheimer's disease will survive for 4 to 8 years after diagnosis and may live as long as 20 years after the onset of symptoms; and

WHEREAS, In response to this growing crisis, the members of the 76th Session of the Nevada State Legislature adopted Assembly Concurrent Resolution No. 10 directing the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease; and

WHEREAS, In January 2013, the Legislative Committee on Health Care delivered to the 77th Session of the Nevada Legislature a copy of the Nevada State Plan to Address Alzheimer's Disease; and

WHEREAS, The State Plan identified a need to strengthen the multidisciplinary workforce that cares for persons with Alzheimer's disease and other dementias and maintain a dementia-competent workforce in Nevada; and

WHEREAS, The State Plan identified several educational challenges to strengthening and maintaining the workforce that cares for persons with Alzheimer's disease and other dementias in this State and proposed recommendations to address these challenges; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 78th Session of the Nevada State Legislature hereby encourage the Board of Medical Examiners, the State Board of Osteopathic Medicine, the State Board of Nursing, professional associations of health care providers and educational institutions to incentivize and promote awareness and education of health care providers by:

1. Approving **or requiring, as applicable,** continuing education programs that provide primary care physicians and other allied health care professionals with ongoing education and training about recent developments, research and treatments of Alzheimer's disease and other forms of dementia;

2. Encouraging primary care physicians to refer persons with cognitive deficits for specialized cognitive testing when appropriate; and

3. Encouraging primary care physicians to refer persons with dementia and their families to dementia-related community resources and supportive programs; and be it further

RESOLVED, That the members of the 78th Session of the Nevada State Legislature hereby encourage schools in Nevada with programs in nursing and other health care professions to ensure that the programs include specific training regarding Alzheimer's disease and other forms of dementia in their curriculum and expand related continuing education opportunities for nurses and other health care professionals in the acute care setting; and be it further

RESOLVED, That the members of the 78th Session of the Nevada State Legislature hereby encourage the promotion of training and educational opportunities that are conducted by or in consultation with the Division of Public and Behavioral Health of the Department of Health and Human Services and related to Alzheimer's disease and other forms of dementia for all levels of medical personnel in a hospital, including, without limitation, emergency-room personnel and others responsible for admission and discharge; and be it further

RESOLVED, That the members of the 78th Session of the Nevada State Legislature hereby encourage first responders and law enforcement and fire department personnel to attend an amount and type of training adequate to help them assess and learn how to respond to people with Alzheimer's disease and other forms of dementia; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor, each member of the Board of Medical Examiners, each member of the State Board of Osteopathic Medicine, each member of the State Board of Nursing, each member of the Board of Regents of the University of Nevada, the dean or provost of each school of medicine or nursing located in this State, and the Director of the Department of Public Safety and the State Fire Marshal for distribution to each fire chief, chief of police and sheriff in this State, and to the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that an entity could require, as applicable, continuing education programs related to Alzheimer's disease and other forms of dementia which are provided to primary care physicians and other allied health care professionals.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 675.

AN ACT relating to education; revising provisions relating to an individualized education program for a pupil with a hearing impairment; revising provisions governing parent representation of the educational interests of a pupil with a disability; revising provisions relating to the minimum standards prescribed by the State Board of Education for pupils with hearing impairments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act governs how states and public agencies provide early intervention, special education and related services to pupils with disabilities. (20 U.S.C. § 1400 et seq.) The Act includes a requirement to develop an individualized education program for each pupil with a disability by an individualized education program team. (20 U.S.C. § 1414(d)) **Section 1** of this bill revises the definition of a "pupil with a

disability" to align with the definition of "child with a disability" in the Individuals with Disabilities Education Act. (20 U.S.C. § 1401(3)(A))

Existing law authorizes a pupil with a disability who does not satisfy the requirements for a standard high school diploma to receive an adjusted diploma instead which evidences the graduation from high school if the pupil satisfies the requirements set forth in his or her individualized education program. (NRS 389.805) Existing law further provides that any right accorded to a parent of a pupil with a disability pursuant to the Individuals with Disabilities Act transfers to the pupil when the pupil attains the age of 18 years unless the school district or charter school approves an application of a parent to be appointed to represent the interests of the pupil. (NRS 388.492, 388.493) Existing law also provides that if such an application is granted, a parent represents the educational interests of the pupil until: (1) the pupil receives a standard high school diploma or an adjusted diploma; (2) the pupil is no longer enrolled in a program of special education; or (3) the parent elects to transfer the right to represent his or her own educational interests to the pupil. **Section 3** of this bill removes the reference to an adjusted diploma so that a parent who represents the interests of a pupil with a disability will continue to do so until the pupil receives a standard diploma or is no longer enrolled in a program of special education.

Existing law requires the State Board of Education to prescribe certain minimum standards for the special education of pupils with disabilities and for programs of instruction or special services maintained for the purpose of serving such pupils with disabilities and has specific requirements for pupils with hearing impairments. (NRS 388.520) **Section 4** of this bill removes the specific requirements that the minimum standards prescribed for pupils with hearing impairments include certain provisions. Instead, **section 4** requires those minimum standards to comply with federal law concerning persons with hearing impairments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive:

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person

cannot progress effectively in a regular school program and therefore needs special instruction or special services.

3. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

4. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

5. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

6. "Pupil with a disability" ~~[means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.~~ ***~~has the meaning ascribed to the term]~~*** ***means a "child with a disability ~~["]~~ ," as that term is defined in 20 U.S.C. § 1401(3)(A) ~~[.]~~ , who is under 22 years of age.***

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 388.493 is hereby amended to read as follows:

388.493 1. A parent of a pupil with a disability may, at least 90 days before the pupil attains 18 years of age, submit an application to the school district or the charter school in which the pupil is enrolled to appoint the parent to represent the educational interests of the pupil if:

(a) The parent believes that the pupil does not have the ability to provide informed consent with respect to the pupil's own educational program; and

(b) The status of the pupil is such, as determined in accordance with the regulations adopted pursuant to subsection 5, that the parent is authorized to submit such an application.

2. The application must be submitted on a concise form prescribed by the Department. The application:

(a) Must not be unduly burdensome on the parent to fill out; and

(b) Must not require the pupil to sign the application or otherwise require the pupil to grant permission for the parent to represent the pupil's educational interests.

3. If the school district or charter school grants an application, the parent shall continue to represent the educational interests of the pupil until:

(a) The pupil receives a standard high school diploma ***;*** ~~[or an adjusted diploma;]~~

(b) The pupil is no longer enrolled in a program of special education pursuant to NRS 388.440 to 388.5317, inclusive; or

(c) The parent elects to transfer the right to represent educational interests to the pupil.

4. A parent or a pupil may appeal a determination made pursuant to this section in accordance with the procedure used by the Department for administrative complaints.

5. The State Board shall adopt regulations to carry out this section and NRS 388.492, including, without limitation, the establishment of criteria for determining whether the status of a pupil with a disability is such that his or her parent is authorized to submit an application to represent the educational interests of the pupil pursuant to this section.

Sec. 4. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) ~~[Serious emotional]~~ ***Emotional*** disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must ~~[provide:~~

~~(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode solely because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and~~

~~(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.~~] ***comply with:***

(a) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto;

(b) The effective communication requirement of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., and the regulations adopted pursuant thereto; and

(c) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and the regulations adopted pursuant thereto.

6. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

7. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

8. The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 675 clarifies that "pupil with a disability" means "a child with a disability" who is under 22 years of age.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 48.

Bill read second time and ordered to third reading.

Senate Bill No. 87.

Bill read second time and ordered to third reading.

Senate Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 687.

AN ACT relating to motor vehicles; revising provisions governing the issuance by the Department of Motor Vehicles of a refund or credit for certain fees and taxes paid upon the transfer or cancellation of vehicle registration in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who has registered his or her vehicle with the Department of Motor Vehicles may transfer that registration to another vehicle upon filing an application for transfer of registration. In computing the registration fee and governmental services tax due on the vehicle to which the registration is transferred, the Department must credit against the amounts due the portion of the registration fee and governmental services tax paid on the vehicle from which the registration is being transferred attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis. If the amount owed on the registration fee or governmental services tax on the vehicle to which the registration is transferred is less than the credit on the registration fee or governmental services tax paid on the vehicle from which the registration is transferred, no refund may be allowed by the Department. (NRS 482.399) **Section 1** of this bill provides that, if the amount owed on the registration fee or governmental services tax on the vehicle to which the registration is transferred is less than the credit on the registration fee or governmental services tax paid on the vehicle from which the registration is transferred, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the registration was transferred was due to expire.

Existing law also provides that a person who cancels his or her registration and surrenders to the Department the license plates for that vehicle under certain circumstances may be eligible for a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. To be eligible for such a refund, the amount of the refund must exceed $100 and the person must: (1) request the refund at the time the registration is cancelled and the license plates are returned; (2) be a resident of this State; and (3) provide evidence to the Department of extenuating circumstances. (NRS 482.399) **Section 1** provides that the Department must issue to a person who is not eligible for such a refund a credit equal to the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person and any unused portion

of the credit expires on the date the registration of the vehicle from which the person obtained the refund was due to expire.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, ~~[no refund may be allowed by the Department.]~~ ***the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.***

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040 ***,*** ~~[and]~~ subsection 7 of NRS 482.260 ~~[,]~~ ***and subsection 3 of NRS 482.483,*** if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall ~~[, in]~~ ***:***

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis ~~[.]~~ ***; or***

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 2. NRS 482.483 is hereby amended to read as follows:

482.483 In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department:

1. Except as otherwise provided in subsection 3, for every trailer or semitrailer having an unladen weight of 1,000 pounds or less, a flat registration fee of $12.

2. Except as otherwise provided in subsection 3, for every trailer having an unladen weight of more than 1,000 pounds, a flat registration fee of $24.

3. For any full trailer or semitrailer, other than a recreational vehicle or travel trailer, for a nontransferable registration that does not expire until the owner transfers the ownership of the full trailer or semitrailer, a flat nonrefundable registration fee of $24. If, pursuant to NRS 482.399, the owner of a full trailer or semitrailer that is registered pursuant to this section cancels the registration and surrenders the license plates to the Department, no portion of the flat registration fee will be refunded ***or credited*** to the owner.

Sec. 3. **As soon as practicable, but not later than January 1, 2016, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

Sec. 4. **This act becomes effective:**

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. For all other purposes, upon the earlier of:

(a) January 1, 2016; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 3 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 687 to Senate Bill 127 changes the effective date of the bill from October 1, 2015, to upon passage and approval for purposes of performing preparatory administrative tasks necessary to carry out the provisions of the bill, and for all other purposes, the earlier of January 1, 2016, or the date on which the Director of the DMV notifies the Governor and the Director of the

Legislative Counsel Bureau that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 688.

AN ACT relating to motor vehicles; providing that a person who drives through a roadblock established because of flooding is liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; **providing an exception;** providing that a person convicted of reckless driving for driving a vehicle into an area that is temporarily covered with water may be liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, police officers may establish temporary roadblocks upon the highways of this State to control traffic at or near the scene of a potential or existing emergency or hazard. (NRS 484B.573) A person who unlawfully proceeds through a temporary roadblock shall be punished for a gross misdemeanor, or for a category B felony if the person is the direct cause of a death or substantial bodily harm to any person or damage to property in excess of $1,000. (NRS 484B.580) This bill provides that a person who unlawfully proceeds through a temporary roadblock that is established because of flooding or water on the roadway is liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; (2) move or remove the vehicle from the roadway or any area near the roadway where the vehicle creates a hazard; or (3) both (1) and (2). **A person is immune from liability for such expenses if the person unlawfully proceeds through a temporary roadblock for the purpose of making a good faith effort to assist another person who is or appears to be in danger as a result of flooding or water on the roadway.**

Existing law provides that certain acts constitute reckless driving, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, or willfully failing or refusing to stop a vehicle when given certain signals by a peace officer. (NRS 484B.550, 484B.653) This bill provides that a person who is convicted of reckless driving for driving a vehicle into any area that is temporarily covered as a result of a rise in water level may be liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; (2) move or remove the vehicle from the area; or (3) both (1) and (2).

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection]~~ subsections 4 ~~[,]~~ and 5, a person who, as described in NRS 484B.580, unlawfully proceeds or travels through a temporary roadblock established pursuant to NRS 484B.573 because of flooding or water on the roadway, is liable for the expenses of any emergency response that is required to:

(a) Remove the driver or any passenger from the vehicle;

(b) Move or remove the vehicle that becomes inoperable from the roadway or any area near the roadway where the vehicle creates a hazard; or

(c) Both (a) and (b).

2. Except as otherwise provided in subsection 4, a person who is convicted of reckless driving pursuant to NRS 484B.653 for driving a vehicle into any area that is temporarily covered by a rise in water level as a result of flooding or any other cause, may be liable for the expenses of any emergency response that is required to:

(a) Remove the driver or any passenger from the vehicle;

(b) Move or remove the vehicle that becomes inoperable from the area; or

(c) Both (a) and (b).

3. The liability imposed by this section is in addition to and does not limit any other liability that may be imposed in accordance with law.

4. A person's liability for the expenses of any emergency response pursuant to this section must not exceed $2,000 for a single incident.

5. A person who violates subsection 1 as a result of making a good faith effort to assist a person who is or appears to be in danger because of flooding or water on the roadway is immune from the liability imposed by this section.

6. An insurance policy may exclude coverage for a person's liability for the expenses of any emergency response as described in this section.

~~[6.]~~ 7. The expenses of any emergency response pursuant to this section are a charge against the person liable for those expenses in accordance with this section. The charge constitutes a debt of that person and may be collected proportionately by the public entities, for profit entities or nonprofit entities that incurred the expenses.

~~[7.]~~ 8. As used in this section:

(a) "Expenses of any emergency response" means all reasonable costs and expenses directly incurred by any entity making an appropriate emergency response and removing a person from a vehicle or moving or removing a vehicle pursuant to subsection 1 or 2. The term includes, without limitation:

(1) The salary or wages of any person participating in the emergency response;

(2) The deemed wages of any volunteer of a public entity participating in the emergency response; and

(3) The costs for the use or operation of any equipment used in the emergency response, including, without limitation, the cost of fuel for the equipment.

(b) The term does not include any fees or charges assessed for the use of an air ambulance or ambulance, as those terms are defined in NRS 450B.030 and 450B.040, respectively.

Sec. 2. **This act becomes effective on July 1, 2015.**

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 688 makes two changes to Senate Bill 156. It clarifies that a good Samaritan who ventures into a flood zone in an effort to help another stranded driver, becomes stranded, and needs rescue will not be cited under the provisions of the bill. It also changes the effective date from October 1, 2015, to July 1, 2015.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 157.

Bill read second time and ordered to third reading.

Senate Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 666.

SUMMARY—Requires certain notice to be provided to certain parents and legal guardians when a new charter school will begin accepting applications or an existing charter school expands enrollment **by a certain percentage** or opens a new facility. (BDR 34-729)

AN ACT relating to education; requiring the governing body of a new charter school or a charter school that is expanding enrollment **by a certain percentage** or opening a new facility to provide notice concerning the application and enrollment process to parents or legal guardians who live within a certain distance from the charter school; revising provisions governing a lottery held to determine which applicants may enroll in a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) Existing law authorizes a charter school to enroll certain children before enrolling children who are otherwise eligible for enrollment and requires a charter school to determine which applicants to enroll on the basis of a lottery system in the event that more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available. (NRS 386.580) With certain exceptions,

section 1 of this bill requires the governing body of a new charter school to send notice at least 45 days before the charter school begins accepting applications for enrollment to the home of the parent or legal guardian of any child who resides within 2 miles of the charter school stating when the charter school will begin accepting applications for enrollment and providing certain information concerning the application and enrollment process. **Section 1 also requires this notice to be sent when an existing charter school expands enrollment by at least 10 percent or opens a new facility and requires the notice to be provided in the languages primarily spoken in the households to which such notice is provided, to the extent practicable.** **Section 3.5** of this bill requires a lottery held to determine which applicants may enroll in a charter school to occur not sooner than 45 days after the date on which the charter school begins accepting applications for enrollment unless the sponsor of a charter school determines there is good cause to hold it sooner.

Existing law authorizes the parent or legal guardian of any child who resides in this State to submit an application for enrollment in a charter school to the governing body of the charter school. (NRS 386.580) **Section 3.5** clarifies that a parent or legal guardian is authorized to submit such an application annually.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, at least 45 days before a new charter school for which a contract has been executed pursuant to NRS 386.527 begins accepting applications for enrollment pursuant to NRS 386.580 or at least 45 days before a charter school that is expanding enrollment by at least 10 percent or opening a new facility begins accepting applications for enrollment pursuant to NRS 386.580, the governing body of the charter school shall make a reasonable effort to notify each household located within 2 miles from the charter school regarding:

(a) When the charter school will begin accepting applications for enrollment;

(b) How to apply for enrollment; and

(c) The process for enrollment of pupils.

2. If notifying each household within 2 miles from a charter school does not provide a sufficient population density, the governing body of the charter school and the sponsor of the charter school may agree to notify households that are located more than 2 miles from the charter school.

3. To the extent practicable, the notice provided pursuant to subsections 1 and 2 must be provided in the languages primarily spoken in the households to which such notice is provided.

4. A charter school that is not authorized to enroll more than 250 pupils for all facilities that the charter school operates is not required to comply with the provisions of subsection 1. If the charter school does not comply

with these provisions, the charter school must develop an alternative plan to inform households located in the area served by the charter school that it is accepting applications for enrollment.

~~[4.]~~ 5. If the governing body of a charter school has not acquired a facility to operate the charter school at least 45 days before the date on which the charter school begins accepting applications for enrollment pursuant to NRS 386.580, the sponsor of the charter school may identify a location reasonably believed to be close to where the facility will be located and provide the notification required pursuant to subsection 1 to each household located within 2 miles from this location.

~~[5.]~~ 6. The sponsor of a charter school may require the charter school to provide documentation of any effort to inform households located in the area served by the charter school that the charter school is accepting applications for enrollment, expanding enrollment or opening a new facility.

~~[6.]~~ 7. The sponsor of a charter school may revise the timeline for notification prescribed in subsection 1 for good cause.

Sec. 2. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and section 1 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and section 1 of this act.***

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection ~~[5]~~ ***6*** of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 3. NRS 386.551 is hereby amended to read as follows:

386.551 The provisions of NRS 386.490 to 386.649, inclusive, ***and section 1 of this act,*** and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State.

Sec. 3.5. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted ***annually*** to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise

provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person who is:

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection ~~[8,]~~ ***9,*** a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;
(b) Gender;
(c) Religion;
(d) Ethnicity; or
(e) Disability,

➥ of a pupil.

4. ***A lottery held pursuant to subsection 1 or 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.***

5. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~[5.]~~ ***6.*** Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

~~[6.]~~ ***7.*** The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection ~~[5]~~ ***6*** if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

~~[7.]~~ ***8.*** The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection ~~[5,]~~ ***6,*** require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

~~[8.]~~ ***9.*** This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 3.7. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~[5]~~ ***6*** of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 3.8. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year,

including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection ~~[5]~~ ***6*** of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 666 requires the governing body of a new charter school or charter school that is expanding enrollment by at least 10 percent to notify households within two miles of the school. To the extent practicable, the notice provided must be in the languages primarily spoken in the households within the notification area.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 246.

Bill read second time and ordered to third reading.

Senate Bill No. 248.

Bill read second time and ordered to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time and ordered to third reading.

Senate Bill No. 256.

Bill read second time and ordered to third reading.

Senate Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 683.

AN ACT relating to animals; ~~[authorizing]~~ **requiring** certain research facilities to offer certain dogs and cats to an animal shelter or rescue organization for adoption before euthanizing or destroying such a dog or cat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[authorizes]~~ **requires** certain research facilities to offer dogs and cats that are appropriate for adoption to an animal shelter or rescue organization before euthanizing or destroying such a dog or cat. This bill also provides that such a research facility and its officers, directors, employees and agents are immune from civil liability for any act or omission relating to such an adoption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A research facility that intends to euthanize a dog or cat for any purpose other than scientific, medical or educational research ~~[may,]~~ shall, before euthanizing the dog or cat, offer the dog or cat for adoption if the dog or cat is appropriate for adoption. A research facility may offer the dog or

cat for adoption through a program of the research facility or enter into a collaborative agreement with an animal shelter that performs the work of an animal rescue organization or an animal rescue organization for the purpose of carrying out the provisions of this subsection. Any such animal shelter or animal rescue organization must be domiciled in Nevada and exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

2. A research facility and any officer, director, employee or agent of the research facility is immune from civil liability for any act or omission relating to the adoption of a dog or cat pursuant to subsection 1.

3. As used in this section, "animal rescue organization" means a nonprofit organization established for the purpose of rescuing animals in need and finding permanent, adoptive homes for such animals.

Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. ***"Research facility" means an organization that is engaged in:***

(a) Animal research for the purpose of testing the performance, safety or quality of a product; or

(b) Scientific research for scientific, medical or educational purposes.

5. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 3. NRS 574.200 is hereby amended to read as follows:

574.200 ***1.*** The provisions of NRS 574.050 to 574.510, inclusive, ***and section 1 of this act*** do not:

~~[1.]~~ ***(a)*** Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

~~[2.]~~ ***(b)*** Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

~~[3.]~~ ***(c)*** Interfere with the right to kill all animals and fowl used for food.

~~[4.]~~ ***(d)*** Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

~~[5.]~~ ***(e)*** Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

~~[6.]~~ ***(f)*** Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of section 1 of this act.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:
Amendment 683 changes "may" to "shall."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 703.

AN ACT relating to controlled substances; requiring each person who is authorized to prescribe or dispense a controlled substance to be provided access to the database of the computerized program to track prescriptions for certain controlled substances that are filled by pharmacies; requiring each ~~[person]~~ **practitioner** who is authorized to prescribe controlled substances to access the database ~~[,]~~ **and, to the extent that the program allows,** review certain information and verify to the Board that he or she continues to have access to the database; authorizing various professional licensing boards to take disciplinary action against a person who fails to comply with these requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track each prescription for a controlled substance. Persons who prescribe or dispense controlled substances can choose to access the database of the program and are given access to the database after receiving a course of training developed by the Board and the Division. (NRS 453.1545) **Section 2** of this bill requires any person who is authorized to prescribe or dispense controlled substances to receive such training and be given access to the database of the computer program. **Section 2** also requires each ~~[person]~~ **practitioner** who is authorized to prescribe controlled substances **,** to **the extent the program allows, to** access the database of the computer program at least once every 6 months ~~[,]~~ **to** review the information concerning the ~~[person]~~ **practitioner** in the database and verify to the Board that the person continues to have access to the database. **Sections 7.1-** ~~[7.7]~~ **7.6** of this bill authorize various professional licensing boards to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who ~~[elects to]~~ ***is provided*** access ***to*** the database of the program pursuant to ~~[subsection 2,]~~ ***this section,*** including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

2. ~~[The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each]~~ ***Each*** practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV ~~[who:~~

~~(a) Elects to access the database of the program; and~~

~~(b) Completes]~~ ***shall complete*** the course of instruction described in subsection ~~[7.]~~ ***8. The Board shall provide Internet access to the database of the program established pursuant to subsection 1 to each such practitioner or other person who completes the course of instruction.***

3. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

4. ***Each ~~[person]~~ practitioner who is authorized to write prescriptions for controlled substances listed in schedule II, III or IV shall , to the extent the program allows, access the database of the program established pursuant to subsection 1 at least once each 6 months ~~[and shall:]~~ to:***

(a) Review the information concerning the ~~[person]~~ practitioner that is listed in the database and notify the Board if any such information is not correct; and

(b) Verify to the Board that he or she continues to have access to and has accessed the database as required by this subsection.

5. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

~~[5.]~~ ***6.*** The Board and the Division may cooperatively enter into a written agreement with an agency of any other state to provide, receive or exchange information obtained by the program with a program established in that state which is substantially similar to the program established pursuant to subsection 1, including, without limitation, providing such state access to the database of the program or transmitting information to and receiving information from such state. Any information provided, received or exchanged as part of an agreement made pursuant to this section may only be used in accordance with the provisions of this chapter.

~~[6.]~~ ***7.*** Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section and NRS 239.0115, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on behalf of that person by his or her attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

~~[7.]~~ ***8.*** The Board and the Division shall cooperatively develop a course of training for persons who ~~[elect]~~ ***are required*** to ***receive*** access ***to*** the database of the program pursuant to subsection 2 and require each such person to complete the course of training before the person is provided with Internet access to the database pursuant to subsection 2.

~~[8.]~~ ***9.*** A practitioner who is authorized to write prescriptions for and each person who is authorized to dispense controlled substances listed in schedule II, III or IV who acts with reasonable care when transmitting to the Board or the Division a report or information required by this section or a regulation adopted pursuant thereto is immune from civil and criminal liability relating to such action.

~~[9.]~~ ***10.*** The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.1. NRS 630.3062 is hereby amended to read as follows:

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

2. Altering medical records of a patient.

3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or willfully obstructing or inducing another to obstruct such filing.

4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.

5. Failure to comply with the requirements of NRS 630.3068.

6. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

7. Failure to comply with the requirements of NRS 453.1545.

Sec. 7.2. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

11. Failure to comply with the provisions of NRS 453.1545.

Sec. 7.3. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.1545.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

Sec. 7.4. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the

United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

21. Failure to comply with the provisions of NRS 453.1545.

Sec. 7.5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

(p) Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to comply with the provisions of NRS 453.1545.

Sec. 7.6. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

14. Failure to comply with the provisions of NRS 453.1545.

Sec. 7.7. ~~[NRS 638.140 is hereby amended to read as follows:~~

~~638.140 The following acts, among others, are grounds for disciplinary action:~~

~~1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;~~

~~2. Habitual drunkenness;~~

~~3. Addiction to the use of a controlled substance;~~

~~4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;~~

~~5. Incompetence;~~

~~6. Negligence;~~

~~7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;~~

~~8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;~~

~~9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;~~

~~10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;~~

~~11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;~~

~~12. Willful failure to accept service by mail or in person from the Board;~~

~~13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and~~

~~14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.~~

~~***15. Failure to comply with the provisions of NRS 453.1545.]***~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYWOMAN OSCARSON:

This amendment replaces the term "person" with "practitioner" and removes veterinarians from the requirements of the bill. It also clarifies to the extent the program allows, access to the database.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 384.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 5.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 21.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 303.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 673.

AN ACT relating to the protection of children; revising provisions relating to the circumstances under which a child is considered to be in need of protection; revising provisions concerning proceedings related to the termination of parental rights; revising the powers and duties of the Legislative Committee on Child Welfare and Juvenile Justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the circumstances under which a child is or may be in need of protection. (NRS 432B.330) Those circumstances are considered, without limitation, by: (1) an agency which provides child welfare services to

determine whether to file a petition in juvenile court alleging that a child is in need of protection; and (2) the juvenile court in an adjudicatory hearing to determine whether a child was in need of protection at the time the child was removed from the home. (NRS 62A.180, 432B.050, 432B.340, 432B.410, 432B.490, 432B.510, 432B.530) Under existing law, a child may be in need of protection if the person responsible for the welfare of the child is responsible for the abuse or neglect of another child who resided with that person. (NRS 432B.330) **Section 1** of this bill provides that a child is, rather than may be, in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services to address the abuse of the other child. **Section 1** also provides that a child may be in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, regardless of whether the person has successfully completed such a plan for services.

Existing law sets forth the grounds necessary to terminate parental rights, including, without limitation, conduct of a parent or parents that demonstrates a risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents. (NRS 128.105) **Section 3** of this bill requires a court to consider certain factors if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, before making a finding that parental conduct satisfies that provision. **Section 4** of this bill revises the conditions a court is required to consider in determining neglect by or unfitness of a parent for the purpose of proceedings regarding the termination of parental rights.

Sections 4.3 and 4.5 of this bill add: (1) reviewing issues relating to the provision of foster care; and (2) proposing recommended legislation concerning that issue to the powers and duties of the Legislative Committee on Child Welfare and Juvenile Justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

(a) The child has been abandoned by a person responsible for the welfare of the child;

(b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;

(c) The child is in the care of a person responsible for the welfare of the child and another child has ~~[died]~~ ***:***

(1) Died as a result of abuse or neglect by that person; ***or***

(2) Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an

agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;

(d) The child has been placed for care or adoption in violation of law; or

(e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

(a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

(1) Food, clothing or shelter necessary for the child's health or safety;

(2) Education as required by law; or

(3) Adequate medical care; ~~[or]~~

(c) Has been responsible for the ~~[abuse or]~~ neglect of a child who has resided with that person ~~[.]~~ ***; or***

(d) Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. As used in this section:

(a) "Abuse" means:

(1) Physical or mental injury of a nonaccidental nature; or

(2) Sexual abuse or sexual exploitation,

➥ of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

(c) "Neglect" means abandonment or failure to:

(1) Provide for the needs of a child set forth in paragraph (b) of subsection 2; or

(2) Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person

responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

➥ The term does not include the actions described in subsection 2 of NRS 432B.020.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 128.105 is hereby amended to read as follows:

128.105 ***1.*** The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for the termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

~~[1.]~~ ***(a)*** The best interests of the child would be served by the termination of parental rights; and

~~[2.]~~ ***(b)*** The conduct of the parent or parents was the basis for a finding made pursuant to subsection 3 of NRS 432B.393 or demonstrated at least one of the following:

~~[(a)]~~ ***(1)*** Abandonment of the child;

~~[(b)]~~ ***(2)*** Neglect of the child;

~~[(c)]~~ ***(3)*** Unfitness of the parent;

~~[(d)]~~ ***(4)*** Failure of parental adjustment;

~~[(e)]~~ ***(5)*** Risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents;

~~[(f)]~~ ***(6)*** Only token efforts by the parent or parents:

~~[(1)]~~ ***(I)*** To support or communicate with the child;

~~[(2)]~~ ***(II)*** To prevent neglect of the child;

~~[(3)]~~ ***(III)*** To avoid being an unfit parent; or

~~[(4)]~~ ***(IV)*** To eliminate the risk of serious physical, mental or emotional injury to the child; or

~~[(g)]~~ ***(7)*** With respect to termination of the parental rights of one parent, the abandonment by that parent.

2. Before making a finding pursuant to subparagraph (5) of paragraph (b) of subsection 1, if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, the court shall consider, without limitation:

(a) The placement options for the child;

(b) The age of the child; and

(c) The developmental, cognitive and psychological needs of the child. ~~[;~~

~~(d) Whether the child has formed a strong positive attachment or bond with the substitute caregiver; and~~

~~(e) Whether the removal of the child from the care of the substitute caregiver is likely to result in psychological harm to the child.]~~

Sec. 4. NRS 128.106 is hereby amended to read as follows:

128.106 In determining neglect by or unfitness of a parent, the court shall consider, without limitation, the following conditions which may diminish suitability as a parent:

1. Emotional illness, mental illness or mental deficiency of the parent which renders the parent consistently unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time. The provisions contained in NRS 128.109 apply to the case if the child has been placed outside his or her home pursuant to chapter 432B of NRS.

2. Conduct toward a child of a physically, emotionally or sexually cruel or abusive nature.

3. Conduct that violates any provision of NRS 200.463, 200.4631, 200.464 or 200.465.

4. Excessive use of intoxicating liquors, controlled substances or dangerous drugs which renders the parent consistently unable to care for the child.

5. Repeated or continuous failure by the parent, although physically and financially able, to provide the child with adequate food, clothing, shelter, education or other care and control necessary for the child's physical, mental and emotional health and development, but a person who, legitimately practicing his or her religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

6. Conviction of the parent for commission of a felony, if the facts of the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care and control to the extent necessary for the child's physical, mental or emotional health and development.

7. ~~[~~Unexplained injury or death of a~~]~~ ***Whether the child, a*** sibling of the child ~~[.]~~ ***or another child in the care of the parent suffered a physical injury resulting in substantial bodily harm, a near fatality or fatality for which the parent has no reasonable explanation and for which there is evidence that such physical injury or death would not have occurred absent abuse or neglect of the child by the parent.***

8. Inability of appropriate public or private agencies to reunite the family despite reasonable efforts on the part of the agencies.

9. As used in this section, "near fatality" has the meaning ascribed to it in NRS 432B.175.

Sec. 4.5. NRS 128.109 is hereby amended to read as follows:

128.109 1. If a child has been placed outside of his or her home pursuant to chapter 432B of NRS, the following provisions must be applied to determine the conduct of the parent:

(a) If the child has resided outside of his or her home pursuant to that placement for 14 months of any 20 consecutive months, it must be presumed that the parent or parents have demonstrated only token efforts to care for the child as set forth in ***subparagraph (6) of*** paragraph ~~[(f)]~~ ***(b)*** of subsection ~~[2]~~ ***1*** of NRS 128.105.

(b) If the parent or parents fail to comply substantially with the terms and conditions of a plan to reunite the family within 6 months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment as set forth in ***subparagraph (4) of*** paragraph ~~[(d)]~~ ***(b)*** of subsection ~~[2]~~ ***1*** of NRS 128.105.

2. If a child has been placed outside of his or her home pursuant to chapter 432B of NRS and has resided outside of his or her home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

3. The presumptions specified in subsections 1 and 2 must not be overcome or otherwise affected by evidence of failure of the State to provide services to the family.

Sec. 4.7. NRS 218E.715 is hereby amended to read as follows:

218E.715 The Committee shall evaluate and review issues relating to:

1. The provision of child welfare services in this State, including, without limitation:

(a) Programs for the provision of child welfare services;

(b) Licensing and reimbursement of providers of foster care;

(c) ***The provision of foster care, including, without limitation, reunification of foster children with a birth parent and adoption of foster children by a foster parent;***

(d) Mental health services; and

~~[(d)]~~ ***(e)*** Compliance with federal requirements regarding child welfare; and

2. Juvenile justice in this State, including, without limitation:

(a) The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;

(b) Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and the juvenile's family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;

(c) Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;

(d) Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;

(e) Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design and implementation and which address the needs of females, including issues relating to:

(1) Victimization and abuse;

(2) Substance abuse;

(3) Mental health;

(4) Education; and

(5) Vocational and skills training;

(f) The quality of care provided for juvenile offenders in state institutions and facilities, including, without limitation:

(1) The qualifications and training of staff;

(2) The documentation of the performance of state institutions and facilities;

(3) The coordination and collaboration of agencies; and

(4) The availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders and violent offenders;

(g) The feasibility and necessity for the independent monitoring of state institutions and facilities for the quality of care provided to juvenile offenders; and

(h) Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

Sec. 4.9. NRS 218E.720 is hereby amended to read as follows:

218E.720 1. The Committee may:

(a) Conduct investigations and hold hearings in connection with its duties pursuant to NRS 218E.715 and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee; and

(c) Propose recommended legislation concerning child welfare and juvenile justice to the Legislature ~~[.]~~ ***including, without limitation, recommended legislation concerning the provision of foster care as described in paragraph (c) of subsection 1 of NRS 218E.715.***

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to NRS 218E.715.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment removes two provisions from the list of factors a court must consider for parental conduct when making a determination for termination of parental rights for a child who has been out of the care of a parent or guardian for at least 12 consecutive months.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 312.
Bill read third time.
Remarks by Assemblymen Joiner, Sprinkle, Neal, Wheeler, and Fiore.

ASSEMBLYWOMAN JOINER:

Senate Bill 312 imposes in a city that has created a certain taxing district to improve and maintain publicly owned facilities for tourism and entertainment; a $2 per night surcharge for the rental of a room in a hotel in the district, other than a hotel that holds a nonrestricted gaming license, and an additional $1 per night surcharge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The measure further requires the board of county commissioners of a county in which is located a city that has created such a district to prescribe, by ordinance, the boundaries of a new district that is outside of the district currently existing and located within 20 miles of the boundaries of the existing district, and imposes a $2 per night surcharge for the rental of a hotel room in the new district.

The bill also requires a county fair and recreation board to prescribe a procedure for the collection and enforcement of these surcharges and requires that the money from these surcharges be used to implement a strategic plan for the promotion of tourism in the region. These surcharges are not owed on any room that is provided to a guest free of charge.

A county fair and recreation board that collects any money from these surcharges must submit a report to the Legislature on or before January 15, 2021, and on or before January 15 of each fifth year thereafter that addresses the revenue collected and the expenditures made by the board to promote tourism in the region during the immediately preceding five years.

ASSEMBLYMAN SPRINKLE:

I rise in support of Senate Bill 312. First off, I really want to congratulate the different parties who came together in consensus with this. There were a lot of negotiations that went on. This bill came out in a form I do believe most people are happy with and will move forward with. Secondly, when you look at the economy of northern Nevada and where it is going, putting together a regional plan, a marketing plan, that is going to benefit everything in this region in the future is extremely important. I believe that is exactly what this bill does and what the funding mechanisms built into this bill do. I, for one, will be very interested and will have very close contact in watching what happens with this new marketing plan that is being proposed. I will stay on top of that. As a whole, this is a smart and a good direction for everybody in northern Nevada.

ASSEMBLYWOMAN NEAL:

I rise in reluctant support of Senate Bill 312. I had to think deeply about our CVA [Convention and Visitors Authority] and how they have used and managed funds in the past. But I am going to trust that going forward, this organization is going to be explicit to the provisions of section 4.5 of the bill, and my colleagues from Districts 24, 27, and 30 are going to act as watchdogs to make sure the money is used for the exact specific purposes set forth in the bill. Hopefully, the organization will start to be a functional versus a dysfunctional organization that manages and does what they need to do.

ASSEMBLYMAN WHEELER:

I want to congratulate the Chairman of Government Affairs, my colleague from District 33, who brought two sides together on this bill that we thought were never going to get together. He hashed it out and fought with them and really worked hard. I think he deserves a lot of thanks on getting an agreement from both sides on this bill.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 312. There was a lot of ruckus on this bill. I do not think the bill has come to where we need it, besides the fact it is a violation of the tax pledge. I will be a no. I urge my colleagues to vote no as well.

Roll call on Senate Bill No. 312:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Silberkraus, Titus, Wheeler—11.

Senate Bill No. 312 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

We discussed this bill yesterday when it was amended to put the correct numbers into the appropriation. If any member of the body has any questions, I would be happy to answer them.

Roll call on Assembly Bill No. 442:

YEAS—40.

NAYS—Shelton.

EXCUSED—Kirkpatrick.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 467, as amended, appropriates $1,193,577 from the General Fund to the Department of Corrections for an unanticipated shortfall in transfers from the Inmate Welfare Account for prison medical care in Fiscal Year 2015.

Roll call on Assembly Bill No. 467:

YEAS—39.

NAYS—Moore, Shelton—2.

EXCUSED—Kirkpatrick.

Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

It is a great bill. The Department of Corrections has had some shortfalls due to overtime, and we need to pay the bills for the members of the Department of Corrections. I hope you will all support them as they have supported us.

Roll call on Assembly Bill No. 468:

YEAS—40.

NAYS—Shelton.

EXCUSED—Kirkpatrick.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 9.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 9 requires the Nevada Gaming Commission to adopt regulations encouraging manufacturers to develop and deploy gaming devices that incorporate innovative, alternative, and advanced technologies, including games of skill and hybrid games that may incorporate player skill in combination with other elements. The bill also requires regulation of associated equipment and support systems.

Roll call on Senate Bill No. 9:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 751.

AN ACT relating to search warrants; authorizing the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a search warrant may only be issued: (1) pursuant to an affidavit or affidavits sworn to before a magistrate and establishing the grounds for issuing the warrant; or (2) in lieu of an affidavit, pursuant to an oral statement taken by a magistrate, given under oath and filed with the clerk of the court. (NRS 179.045) This bill authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the

warrant or as provided in subsection ~~[2.]~~ ***3.*** If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. ***Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court*** ~~***[may]***~~ ***shall adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.***

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

~~[3.]~~ ***4.*** Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

~~[4.]~~ ***5.*** After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

~~[5.]~~ ***6.*** The warrant must be directed to a peace officer in the county where the warrant is to be executed. It must:

(a) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof; or

(b) Incorporate by reference the affidavit or oral statement upon which it is based.

➥ The warrant must command the officer to search forthwith the person or place named for the property specified.

~~[6.]~~ ***7.*** The warrant must direct that it be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that it be served at any time.

~~[7.]~~ ***8.*** The warrant must designate the magistrate to whom it is to be returned.

9. As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(a) No person other than the intended recipient receives the information;

(b) The identity of the sender of the information can be authenticated; and

(c) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This is a friendly amendment requested by the bill's sponsor. It simply changes language in section 1 from "the Nevada Supreme Court may adopt rules not inconsistent with the laws of this state" to "the Nevada Supreme Court shall adopt rules not inconsistent with the laws of this state."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 96.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 96 expands the authorized uses of money contained in the Fund for New Construction of Facilities for Prison Industries to include relocating, expanding, modifying, enhancing, or improving an existing program; purchasing or leasing equipment; paying for the operation of prison industries, including paying staff and offender wages when necessary; and paying for advertising and promotion of prison industry goods and services.

Depending on which of these activities the Director of the Department of Corrections wants to pay for with money from the Fund, the Director must submit a proposal to either the Committee on Industrial Programs, the State Board of Examiners, or both. If the Director uses money from the Fund to pay for operations, including staff and offender wages, the Director must repay the money as soon as funds are available in the separate Fund for Prison Industries. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 124 authorizes the State Gaming Control Board to allow a gaming licensee to move its establishment to a location within one mile of its existing location and transfer its nonrestricted license if the move and transfer are necessary because the existing location is adjacent to a military installation and the federal government has deemed the land in question necessary for the expansion of the military installation. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 124:

YEAS—41.

NAYS—None.

EXCUSED—Kirkpatrick.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 131 increases the compensation that must be paid to court reporters in state district courts for transcription and reporting services.

Roll call on Senate Bill No. 131:

YEAS—30.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Fiore, Jones, Shelton, Silberkraus, Titus—10.

EXCUSED—Kirkpatrick, Moore—2.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 135 allows a judge discretion to determine whether the interests of justice entitle an adverse party access to a piece of writing used by a witness to refresh his or her memory prior to giving testimony. If the judge determines access to the writing is necessary, the adverse party may have the writing produced at a hearing, inspect it, cross-examine the witness in regard to it, and introduce into evidence portions of the writing that may affect the witness's credibility. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 135:

YEAS—38.

NAYS—Armstrong, Edwards, Ellison—3.

EXCUSED—Kirkpatrick.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 147 requires each law enforcement agency to adopt policies setting forth when a peace officer must be trained in effective responses to incidents involving dogs, or where dogs are present. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 147:

YEAS—40.

NAYS—Titus.

EXCUSED—Kirkpatrick.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 186.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 186 enacts provisions modeled after federal law to enable eligible parties that prevail over the State of Nevada in a criminal action to recover some or all of their attorney's fees and litigation expenses if a court finds that the State's action was vexatious, frivolous, or in bad faith. These provisions apply to actions pending or brought on or after October 1, 2015. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 186:

YEAS—42.

NAYS—None.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 191 establishes procedures by which a person aggrieved by an unlawful search and seizure or by the deprivation of property may move a court for the return of the property. The measure also sets forth the conditions under which such property will be inadmissible as evidence or is to remain accessible to the court for use in future proceedings. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 212 expands the authority of a school district superintendent to modify a required suspension or expulsion, for good cause, if a pupil commits a battery that results in bodily injury of a school employee, sells or distributes a controlled substance, or is deemed a habitual disciplinary problem. Such a modification must be made in writing.

The bill also clarifies the nature of certain offences and repeals the provision making it a misdemeanor to disturb the peace of any public school by using vile or indecent language within the building or grounds of a school. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 212:

YEAS—39.

NAYS—Benitez-Thompson, Bustamante Adams, Neal—3.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 1:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 229, 268, 310, 313, 322, 354, 389, 390, 419, 476; Senate Joint Resolutions Nos. 2 and 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

May 14, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 278.

MARK KRMPOTIC
Fiscal Analysis Division

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following remarks be entered in the journal.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Many of you will recall the floor session held in the historic Assembly Chamber when our Democratic leader announced the donation of a series of historical panels to celebrate the 150th anniversary of Nevada's statehood. Today, it is my pleasure to donate the next panel in the series, this one touching on legislation that was passed out of the Government Affairs Committee and its predecessor committees. Highlights from the panel include some history on the creation of Clark County in 1909 and the incorporation of Las Vegas two years later and the declaration of the public policy of the Legislature in 1969 to "promote the educational, cultural, economic and general welfare and safety of the public through the preservation and protection of structures, sites and areas of historic interest and scenic beauty." The panel also includes highlights of the history of our two major airports, which originally started out as air mail fields. Washoe County's first airport was located along what is now Plumas Street. In addition, the panel highlights the consolidation of Ormsby County and Carson City, which required a constitutional amendment,

and the Nevada Jobs First bill sponsored by my colleague from Assembly District 1 to give preferences in bidding to businesses that employ Nevada workers.

I hope you all enjoy learning about the contributions of legislators who served before us.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Jericha Deaux.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Jones and Avianna Jones.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Thom, Cindy Benjamin, Trinity Thom, Chris Millican, Vicki Palmer, and Krysta Palmer.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Bunce.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Harriet Treem Elementary School: Aaron Jon Coyco, Aaron Santana, Abigail Kilgore, Ashley Ruiz, Brianna Lionel, Brooklynn Martinez, Calvin Papp, Denise Barroso, Hailee Johnson, Javon Holloway, Londyn Southwick, Nathan De La Cruz, Sienna Paredes, Xavier Hernandez, Aryanna Wolfe, Jeffery Zuniga, Jerimyah Rhines, Jordan Howard, Oliver (Scotty) Hannack, Rosa Juarez Baez, A'janay Stewart, Danyel Alvarez, Dorian Payton-Sherman, Jaden Rohleder, Jenna Lucas, Kadyn Schnell, Kristine Ladislao, Landon Wymer, Madison Prehn, Myka Gonzalez, Naryah Harper Waters, Riley Moore, Samantha Sandoval-Leyva, Amos Oyson, Berlin Zimbelman, Christopher Aguayo, Daniel Rouleau, Gabriel Jimenez, Jacob Rohleder, Jayana Biscardi, Luca Irace, Paige Bayusz -Sell, Vincent Galvez, and Reagan Johnson.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 15, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:12 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 15, 2015

Assembly called to order at 12:27 p.m.
Mr. Speaker presiding.
Quorum not present.

Mr. Speaker announced that the Assembly would adjourn until Monday, May 18, 2015, at 11:30 a.m.
Assembly adjourned at 12:27 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 18, 2015

Assembly called to order at 1:04 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Fiore, who was excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Father, we come to You today seeking Your guidance. We ask for Your Holy Spirit to be present in our State Assembly today. Unite, comfort, empower, encourage, and strengthen our leaders to be faithful to their state and its people. We ask for You to bless them, their families, and homes as well. Protect them, be with them, and give them a clear vision for the future of our state. Lord, let your light shine in their lives and their work. Father, we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 238, 254, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 33, 35, 114, 314, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 257, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 19, 274, 293, 403, 499; Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 5, 307; Senate Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 74, 78, 94, 155, 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Bill No. 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 183, 410, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which were referred Senate Bills Nos. 144, 188, 209, 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 437, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 391, 405, 420, 422.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 15, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 230.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 103, 328, 432, 434, 483.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 657 to Senate Bill No. 3.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 16, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 4, 6, 15, 24, 43, 81, 158, 193, 243, 305, 425; Senate Bills Nos. 89, 456.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 681 to Senate Bill No. 312.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 17, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 11, 17, 32, 47, 53, 54, 57, 59, 62, 86, 88, 92, 101, 106, 108, 116, 124, 130, 140, 143, 151, 153, 162, 183, 192, 195, 201, 204, 212, 223, 224, 227, 231, 246, 251, 267, 268, 270, 285, 292, 301, 308, 324, 362, 366, 371, 377, 384, 391, 419, 422, 449, 454.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 65, Amendment No. 718, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 97, Amendment No. 684, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 107, Amendment No. 736, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 112, Amendment No. 660, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 136, Amendment No. 700, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 150, Amendment No. 659, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 156, Amendment No. 664, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 160, Amendment No. 669, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 189, Amendment No. 679, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 200, Amendment No. 665, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 225, Amendment No. 727, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 236, Amendment No. 717, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 244, Amendment No. 734, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 287, Amendment No. 710, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 383, Amendment No. 667, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 206, 374.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 15, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 136.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 195.

CINDY JONES
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 356.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Has been granted effective: May 15, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 440.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 15, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

Assemblyman Jones moved that Senate Bill No. 75 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Jones.

Motion lost.

Assemblyman Paul Anderson moved that Senate Bills Nos. 172, 229, 322, 419, 476; Senate Joint Resolution No. 21 be taken from the General File and be placed on the Chief Clerk's desk.

Motion carried.

Senate Concurrent Resolution No. 2.

Assemblyman Oscarson moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 89.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 103.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 206.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Senate Bill No. 230.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 328.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 374.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 391.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 405.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 420.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 422.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 432.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 434.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 456.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Senate Bill No. 474.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 483.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 501.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:28 p.m.

ASSEMBLY IN SESSION

At 1:46 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 693.

AN ACT relating to state business licenses; providing that a person is not required to obtain a state business license if the sole activity in this State of the person's business is to respond to a request for vehicles or equipment in response to certain emergencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a state business license and pay a fee before conducting business within this State, unless exempted from the business license requirement. (NRS 76.100) Existing law further prohibits a person from entering into a contract with the State of Nevada unless he or she holds a state business license. (NRS 353.007) **Section** 1 of this bill provides that a person is deemed not to be conducting business in this State, and thus is not required to obtain a state business license, if the sole activity of the person's business in this State is to provide, on a short-term basis, vehicles or equipment in response to a wildland fire, a flood, an earthquake or another emergency. **Section 2** of this bill authorizes such a person to enter into a contract with the State of Nevada without obtaining a state business license. **Section 3 of this bill provides that this bill becomes effective upon passage and approval.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $200; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person ~~[shall]~~ ***:***

(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:

~~[(a)]~~ ***(1)*** Is organized pursuant to this title, other than a business organized pursuant to:

~~[(1)]~~ ***(I)*** Chapter 82 or 84 of NRS; or

~~[(2)]~~ ***(II)*** Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) ~~[.]~~ ***;***

~~[(b)]~~ ***(2)*** Has an office or other base of operations in this State;

~~[(c)]~~ ***(3)*** Has a registered agent in this State; or

~~[(d)]~~ ***(4)*** Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid ~~[.]~~ ***;***

(b) Shall be deemed not to conduct a business in this State if the business for which the person is responsible:

(1) Is not organized pursuant to this title;

(2) Does not have an office or base of operations in this State;

(3) Does not have a registered agent in this State;

(4) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and

(5) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 2. NRS 353.007 is hereby amended to read as follows:

353.007 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person shall not enter into a contract with the State of Nevada unless the person is a holder of a state business license issued pursuant to chapter 76 of NRS.

2. A person who is not a holder of a state business license may enter into a contract with the State of Nevada if the business for which the person is responsible:

(a) Is not organized pursuant to title 7 of NRS;

(b) Does not have an office or base of operations in this State;

(c) Does not have a registered agent in this State;

(d) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in paragraph (e); and

(e) Is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency.

~~[2.]~~ ***3.*** The provisions of this section apply to all offices, departments, divisions, boards, commissions, institutions, agencies or any other units of:

(a) The Legislative, Executive and Judicial Departments of the State Government;

(b) The Nevada System of Higher Education; and

(c) The Public Employees' Retirement System.

Sec. 3. This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment changes the effective date of the bill from July 1, 2015, to upon passage and approval.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 692.

AN ACT relating to gaming; revising provisions governing the operation of charitable lotteries; requiring the Nevada Gaming Commission to adopt certain regulations relating to the operation of club venues and the registration of club venue employees; revising various definitions relating to gaming; removing licensing requirements for certain persons associated with gaming; requiring persons who manufacture or distribute associated equipment relating to gaming to be registered; requiring the Commission to adopt certain regulations relating to the registration of such persons; repealing certain provisions relating to gaming; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the operation of charitable lotteries by certain charitable and nonprofit organizations. (Chapter 462 of NRS) **Sections 1-1.2** of this bill: (1) authorize an alumni organization or a state or local bar organization to operate charitable lotteries; and (2) make certain technical changes governing the operation of charitable lotteries.

Existing law requires the Nevada Gaming Commission and the State Gaming Control Board to administer state gaming licenses and manufacturers', sellers' and distributors' licenses, and to perform various acts relating to the regulation and control of gaming. (NRS 463.140) **Sections 1.4-1.7** of this bill: (1) provide certain definitions related to the operation of club venues within nonrestricted gaming establishments; and (2) require the Commission to adopt regulations relating to such club venues and the registration of club venue employees.

Sections 1.9 and 2 of this bill revise the definitions of the terms "gaming employee" and "manufacture" for the purposes of the statutory provisions governing the licensing and control of gaming by including references to manufacturers of associated equipment.

Existing law prohibits certain actions related to gaming without the person first procuring and maintaining the required licensure. (NRS 463.160) Existing law also authorizes the Commission to provide by regulation for the licensing of service providers, who generally: (1) perform certain services on behalf of another licensed person who conducts nonrestricted gaming operations or an establishment licensed to operate interactive gaming; or (2) provide services or devices which patrons of licensed establishments use to obtain cash or

wagering instruments. (NRS 463.677) **Section 6** of this bill removes the licensing requirement for persons who provide certain intellectual property or information via a database or customer list.

Existing law makes it unlawful to manufacture, sell or distribute certain items related to gaming without procuring and maintaining the required licensure. (NRS 463.650) **Section 5.5** of this bill requires the Commission to adopt regulations governing associated equipment, including prescribing the requirements for registration and the fees for the application for and issuance and renewal of a registration to manufacture and distribute associated equipment.

Existing law authorizes the Commission to provide by regulation for the operation of interactive gaming and the licensing of: (1) the operation of interactive gaming; (2) a manufacturer of interactive gaming systems; (3) a manufacturer of equipment associated with interactive gaming; and (4) an interactive gaming service provider. (NRS 463.750-463.767) **Sections 7-10** of this bill remove and repeal the provisions authorizing the Commission to license manufacturers of equipment associated with interactive gaming.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 462.125 is hereby amended to read as follows:

462.125 **"**Qualified organization" means a bona fide ***alumni,*** charitable, civic, educational, fraternal, patriotic, political, religious ***, state or local bar*** or veterans' organization that is not operated for profit.

Sec. 1.1. NRS 462.140 is hereby amended to read as follows:

462.140 A qualified organization may operate a charitable lottery if:

1. The organization is approved by the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year ***exceeds $25,000, but*** does not exceed $500,000;

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** organization registers with the Executive Director and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year ***exceeds $2,500, but*** does not exceed $25,000; ~~[or]~~

3. The total value of the prizes offered in the charitable lottery does not exceed $2,500 and ~~[:~~

~~(a) The]~~ ***the*** organization operates no more than two charitable lotteries per calendar year; or

~~[(b)]~~ ***4.*** The tickets or chances for the charitable lottery are sold only to members of the organization, and to guests of those members while attending a special event sponsored by the organization, and the total value of all the prizes offered in charitable lotteries operated by the organization during the same calendar year does not exceed $15,000.

Sec. 1.2. NRS 462.180 is hereby amended to read as follows:

462.180 A qualified organization shall not:

1. ~~[Sell]~~ ***Except as approved by the Executive Director, sell*** any ticket or chance for a charitable lottery outside of:

(a) The primary county in which the charitable lottery is being conducted; and

(b) Any counties that border on the primary county.

2. If the organization has been approved by the Executive Director, conduct more than one charitable lottery in any calendar quarter without the specific authorization of the Executive Director.

Sec. 1.3. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 to 1.7, inclusive, of this act.

Sec. 1.4. ***"Club venue" means a venue, including, without limitation, a pool venue, that:***

1. Is located on the premises of a nonrestricted gaming establishment;

2. Prohibits patrons under 21 years of age from entering the premises;

3. Is licensed to serve alcohol;

4. Allows dancing; and

5. Offers live music, a disc jockey or an emcee.

Sec. 1.5. ***"Club venue employee" means a natural person or third-party contractor who is required to register under the regulations adopted by the Commission pursuant to section 1.7 of this act. The term includes:***

1. Any person who provides hosting and VIP services; and

2. Any other person who the Commission determines must register because such registration is necessary to promote the public policy set forth in NRS 463.0129.

Sec. 1.6. ***"Club venue operator" means a person who:***

1. Operates a club venue as a tenant of, or pursuant to a management or similar type of agreement with, a nonrestricted licensee; and

2. Does not, or whose controlled affiliate does not, hold a nonrestricted gaming license.

Sec. 1.7. ***1. The Commission shall, with the advice and assistance of the Board, provide by regulation for the registration of club venue employees and matters associated therewith. Such regulations may include, without limitation, the following:***

(a) Requiring a club venue employee to register with the Board in the same manner as a gaming employee.

(b) Establishing the fees associated with registration pursuant to paragraph (a), which may not exceed the fees for registration as a gaming employee.

(c) Requiring a club venue operator to have a written agreement with:

(1) Any third-party contractor who provides hosting or VIP services to the club venue; and

(2) Any other third-party contractor who provides services to the club venue on the premises of a licensed gaming establishment and who the Commission determines must comply with the provisions of this paragraph

because such compliance is necessary to promote the public policy set forth in NRS 463.0129.

(d) Requiring the registration of certain third-party contractors in the manner established for independent agents, including the authority to require the application of such persons for a determination of suitability pursuant to paragraph (b) of subsection 2 of NRS 463.167.

(e) Establishing the fees associated with registration pursuant to paragraph (d), which may not exceed the fees for registration as an independent agent.

2. Except as otherwise provided by specific statute or by the regulations adopted pursuant to this section, a club venue employee shall be deemed to be a gaming employee for the purposes of all provisions of this chapter and the regulations adopted pursuant thereto that apply to a gaming employee.

Sec. 1.8. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, ***and sections 1.4, 1.5 and 1.6 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxpersons;

(c) Cashiers;

(d) Change personnel;

(e) Counting room personnel;

(f) Dealers;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, ***associated equipment when the employer is required by NRS 463.650 to be licensed,*** cashless wagering systems, mobile gaming systems, equipment associated with mobile gaming systems ~~[,]~~ ***or*** interactive gaming systems ***;*** ~~[or equipment associated with interactive gaming;]~~

(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;

(k) Employees of operators of inter-casino linked systems, mobile gaming systems or interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

(l) Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

(m) Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

(n) Floorpersons;

(o) Hosts or other persons empowered to extend credit or complimentary services;

(p) Keno runners;

(q) Keno writers;

(r) Machine mechanics;

(s) Odds makers and line setters;

(t) Security personnel;

(u) Shift or pit bosses;

(v) Shills;

(w) Supervisors or managers;

(x) Ticket writers;

(y) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

(z) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; and

(aa) Temporary or contract employees hired by a licensee to perform a function related to gaming.

2. "Gaming employee" does not include barbacks or bartenders whose duties do not involve gaming activities, cocktail servers or other persons engaged exclusively in preparing or serving food or beverages.

3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.

Sec. 2. NRS 463.01715 is hereby amended to read as follows:

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of or make modifications to a gaming device, ***associated equipment,*** cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada;

(b) To direct, control or assume responsibility for the methods and processes used to design, develop, program, assemble, produce, fabricate, compose and combine the components and other tangible objects of any gaming device, ***associated equipment,*** cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada; or

(c) To assemble, or control the assembly of, a gaming device, ***associated equipment,*** cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada.

2. As used in this section:

(a) "Assume responsibility" means to:

(1) Acquire complete control over, or ownership of, the applicable gaming device, ***associated equipment,*** cashless wagering system, mobile gaming system or interactive gaming system; and

(2) Accept continuing legal responsibility for the gaming device, ***associated equipment,*** cashless wagering system, mobile gaming system or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 463.331 is hereby amended to read as follows:

463.331 1. An Investigative Fund is hereby created as an enterprise fund for the purposes of paying all expenses incurred by the Board and the Commission for investigation of an application for a license, finding of suitability or approval under the provisions of this chapter. The special revenue of the Investigative Fund is the money received by the State from the respective applicants. The amount to be paid by each applicant is the amount determined by the Board in each case, but the Board may not charge any amount to an applicant for a finding of suitability to be associated with a gaming enterprise pursuant to paragraph (a) of subsection 2 of NRS 463.167 ~~[.]~~ ***, other than a club venue operator.***

2. Expenses may be advanced from the Investigative Fund by the Chair, and expenditures from the Fund may be made without regard to NRS 281.160. Any money received from the applicant in excess of the costs and charges incurred in the investigation or the processing of the application must be refunded pursuant to regulations adopted by the Board and the Commission. At the conclusion of the investigation, the Board shall give to the applicant a written accounting of the costs and charges so incurred.

3. Within 3 months after the end of a fiscal year, the amount of the balance in the Fund in excess of $2,000 must be deposited in the State General Fund.

Sec. 3.7. NRS 463.3407 is hereby amended to read as follows:

463.3407 1. Any communication or document of an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or club venue operator,*** or an affiliate of ~~[either,]~~ ***an applicant, licensee or club venue operator,*** which is made or transmitted to the Board or Commission or any of their agents or employees to:

(a) Comply with any law or the regulations of the Board or Commission;

(b) Comply with a subpoena issued by the Board or Commission; or

(c) Assist the Board or Commission in the performance of their respective duties,

➥ is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. If such a document or communication contains any information which is privileged pursuant to chapter 49 of NRS, that privilege is not waived or lost because the document or communication is disclosed to the Board or Commission or any of its agents or employees.

3. Notwithstanding the provisions of subsection 4 of NRS 463.120:

(a) The Board, Commission and their agents and employees shall not release or disclose any information, documents or communications provided by an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or club venue operator,*** or an affiliate of ~~[either,]~~ ***an applicant, licensee or club venue operator,*** which are privileged pursuant to chapter 49 of NRS, without the prior written consent of the applicant, licensee ***, club venue operator*** or affiliate, or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant, licensee ***, club venue operator*** or affiliate.

(b) The Board and Commission shall maintain all privileged information, documents and communications in a secure place accessible only to members of the Board and Commission and their authorized agents and employees.

(c) The Board and Commission shall adopt procedures and regulations to protect the privileged nature of information, documents and communications provided by an applicant ***,*** ~~[or]~~ licensee ~~[,]~~ ***or club venue operator,*** or an affiliate of ~~[either.]~~ ***an applicant, licensee or club venue operator.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 463.665 is hereby amended to read as follows:

463.665 1. ~~[A]~~ ***The Commission shall, with the advice and assistance of the Board, adopt regulations prescribing:***

(a) The manner and method for the approval of associated equipment by the Board; and

(b) The method and form of any application required by paragraph (a).

2. Except as otherwise provided in subsection 4, the regulations adopted pursuant to subsection 1 must:

(a) Require persons who manufacture or distribute associated equipment for use in this State to be registered by the Commission if such associated equipment:

(1) Is directly used in gaming;

(2) Has the ability to add or subtract cash, cash equivalents or wagering credits to a game, gaming device or cashless wagering system;

(3) Interfaces with and affects the operation of a game, gaming device, cashless wagering system or other associated equipment;

(4) Is used directly or indirectly in the reporting of gross revenue;

(5) Records sales for use in an area subject to the tax imposed by NRS 368A.200; or

(6) Is otherwise determined by the Commission to create a risk to the integrity of gaming and protection of the public if not regulated;

(b) Establish the degree of review an applicant for registration pursuant to this section must undergo, which level may be different for different forms of associated equipment; and

(c) Establish fees for the application, issuance and renewal of the registration required pursuant to this section, which must not exceed $1,000 per application, issuance or renewal of such registration.

3. This section does not apply to:

(a) A licensee; or

(b) An affiliate of a licensee or an independent contractor as defined by NRS 463.01715.

4. In addition to requiring a manufacturer or distributor of associated equipment ***to be registered as set forth in subsections 2 and 3, a manufacturer or distributor of associated equipment*** who sells, transfers or offers the associated equipment for use or play in Nevada may be required by the Commission, upon recommendation of the Board, to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

~~[2. Any]~~

5. In addition to requiring a manufacturer or distributor of associated equipment to be registered as set forth in subsections 2 and 3, any person who directly or indirectly involves himself or herself in the sale, transfer or offering for use or play in Nevada of such associated equipment who is not otherwise required to be licensed as a manufacturer or distributor may be required by the Commission, upon recommendation of the Board, to file an application for a finding of suitability to be a manufacturer or distributor of associated equipment.

~~[3.]~~ ***6.*** If an application for a finding of suitability is not submitted to the Board within 30 days after demand by the Commission, it may pursue any remedy or combination of remedies provided in this chapter.

7. Any person who manufactures or distributes associated equipment who has complied with all applicable regulations adopted by the Commission before October 1, 2015, shall be deemed to be registered pursuant to this section.

Sec. 6. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, mobile gaming systems, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by a service provider who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to license service providers by maintaining strict regulation and control of the operation of such service providers and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the licensing and operation of a service provider and all persons, locations and matters associated therewith. Such regulations may include, without limitation:

(a) Provisions requiring the service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission, and to be licensed regardless of whether the service provider holds any other license.

(b) Criteria regarding the location from which the service provider conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to the licensing of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with a service provider, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that a service provider must be liable to the licensee on whose behalf the services are provided for the service provider's proportionate share of the fees and taxes paid by the licensee.

3. The Commission may not adopt regulations pursuant to this section until the Commission first determines that service providers are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

4. Regulations adopted by the Commission pursuant to this section must provide that the premises on which a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant

to NRS 463.140, as though the premises are where gaming is conducted and the service provider is a gaming licensee.

5. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; ***or***

(4) ~~**[**Provides the trademarks, trade names, service marks or similar intellectual property under which an establishment licensed to operate interactive gaming identifies its interactive gaming system to patrons;~~

~~(5) Provides information regarding persons to an establishment licensed to operate interactive gaming via a database or customer list; or~~

~~(6)**]**~~ Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Acts on behalf of another licensed person who conducts nonrestricted gaming operations, and who assists, manages, administers or controls wagers or games, or maintains or operates the software or hardware of games on behalf of such a licensed person, and is authorized to share in the revenue from games without being licensed to conduct gaming at an establishment;

(2) Is an interactive gaming service provider; ~~***[or]***~~

(3) Is a cash access and wagering instrument service provider; or

(4) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 7. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; ***and***

(3) ~~**[**A license for a manufacturer of equipment associated with interactive gaming; and~~

~~(4)**]**~~ A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; ***and***

(2) ~~[A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming; and~~

~~(3)]~~ A person must hold a license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems ~~[, manufacturer of equipment associated with interactive gaming]~~ or a service provider as described in paragraph (b) of subsection 5 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for a service provider as described in paragraph (b) of subsection 5 of NRS 463.677.

(2) The fee for the renewal of such a license for such a service provider and any renewal requirements for such a license.

(3) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which a service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define ~~[“equipment associated with interactive gaming,”]~~ “interactive gaming system,” ~~[“manufacturer of equipment associated with interactive gaming,”]~~ “manufacturer of interactive gaming systems,” “operate interactive gaming” and “proprietary hardware and software” as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or

the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 8. NRS 463.760 is hereby amended to read as follows:

463.760 1. Before issuing a license for a manufacturer of interactive gaming systems **,** ~~[or manufacturer of equipment associated with interactive gaming,]~~ the Commission shall charge and collect a license fee of ~~[:~~

~~(a) One hundred and twenty-five thousand dollars]~~ ***$125,000*** for a license for a manufacturer of interactive gaming systems **.** ~~[; or~~

~~(b) Fifty thousand dollars for a license for a manufacturer of equipment associated with interactive gaming.]~~

2. Each license issued pursuant to this section must be issued for a 1-year period that begins on the date the license is issued.

3. Before renewing a license issued pursuant to this section, but in no case later than 1 year after the license was issued or previously renewed, the Commission shall charge and collect a renewal fee for the renewal of the license for the immediately following 1-year period. The renewal fee for a license for a manufacturer of interactive gaming systems ~~[or manufacturer of equipment associated with interactive gaming]~~ is $25,000.

Sec. 9. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

(a) A license to operate interactive gaming;

(b) A license for a manufacturer of interactive gaming systems; ***and***

(c) ~~[A license for a manufacturer of equipment associated with interactive gaming; and~~

~~(d)]~~ A license for a service provider to perform the actions described in paragraph (a) of subsection 5 of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction.

A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of $5,000. The money so collected:

(a) Must not be deducted from any penal fine imposed by the court;

(b) Must be stated separately on the court's docket; and

(c) Must be remitted forthwith to the Commission.

Sec. 10. NRS 463.566, 463.5732 and 463.755 are hereby repealed.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1.3 to 1.8, inclusive, 3.3 and 3.7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting the regulations described in section 1.7 of this act and performing any other preparatory administrative tasks necessary to carry out the provisions of those sections; and

(b) Upon adoption by the Nevada Gaming Commission of the regulations described in section 1.7 of this act for all other purposes.

3. Section 5.5 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of that section; and

(b) On July 1, 2015, for all other purposes.

4. Sections 1, 1.1, 1.2, 1.9, 2, 3, 4, 5 and 6 to 10, inclusive, of this act become effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

463.566 Eligibility. No limited partnership is eligible to receive a state gaming license unless the conduct of gaming is among the purposes stated in its certificate of limited partnership.

463.5732 Eligibility for gaming license. No limited-liability company is eligible to receive a license unless the conduct of gaming is among the purposes stated in its articles of organization.

463.755 Commission may require license for manufacturer and others selling, transferring or offering equipment associated with interactive gaming.

1. Upon the recommendation of the Board, the Commission may require:

(a) A manufacturer of equipment associated with interactive gaming who sells, transfers or offers equipment associated with interactive gaming for use or play in this state to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

(b) A person who directly or indirectly is involved in the sale, transfer or offering for use or play in this state of equipment associated with interactive gaming who is not otherwise required to be licensed as a manufacturer or distributor pursuant to this chapter to file an application for a license to be a manufacturer of equipment associated with interactive gaming.

2. If a person fails to submit an application for a license to be a manufacturer of equipment associated with interactive gaming within 30 days

after a demand by the Commission pursuant to this section, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment makes two technical changes to the bill. It adds the word "a" in section 1.7, and deletes the word "or" in section 5.5.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

Senate Bill No. 70.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Senate Bill No. 231.

Bill read second time and ordered to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

Senate Bill No. 242.

Bill read second time and ordered to third reading.

Senate Bill No. 394.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 13 replaces the definition of "pupil with a disability" with the federal definition of "child with a disability" and clarifies that the pupil is under 22 years of age. It also requires the minimum standards for the special education of students with hearing impairments be in accordance with federal law.

Roll call on Senate Bill No. 13:

YEAS—40.

NAYS—None.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 48 eliminates the requirement that the Director of the Department of Health and Human Services establish a statewide health information exchange system, including the establishment of a governing entity for the system. Although a statewide exchange is eliminated, the bill retains existing provisions governing health information exchanges and revises the definition of a "health information exchange." The Director is authorized to establish or contract with not more than one exchange to serve as the statewide health information exchange for certain purposes.

The bill establishes provisions governing the certification of health information exchanges and requires an exchange to obtain a certification from the Director before operation. An administrative fine may be imposed for a health information exchange operating without certification. The bill gives an existing exchange until July 1, 2016, to comply with this requirement. Finally, certain provisions are revised relating to the requirement of the patient's consent for the retrieval, rather than the transmission, of a health record.

This measure is effective upon passage and approval for the purpose of adopting regulations and January 1, 2016, for all other purposes.

This bill is a perfect example of the inefficiencies of government. Originally we were supposed to have a health information exchange established by the Department of Health and Human Services, but they spent over $4 million and could not accomplish the task. So now they are going out to private industry, which already has an exchange built, and we are going to allow private industry to do what government was unable to do. I really like this bill because it allows private industry to do what it does best.

Roll call on Senate Bill No. 48:

YEAS—40.

NAYS—None.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 52 authorizes the submission by secure electronic transmission of an application and affidavit for, and the issuance of, a search warrant. The Nevada Supreme Court must adopt rules to carry out these provisions.

Roll call on Senate Bill No. 52:

YEAS—39.

NAYS—Moore.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 75 requires the State Board of Education to prescribe the minimum number of school days that must take place before certain standardized examinations may be administered. The Board is further required to prescribe a period of time during which the examinations must be administered by the board of trustees of each school district and the governing body of each charter school. This bill also removes the requirement that all such examinations be administered at the same time during the spring semester. This bill is effective upon passage and approval.

Because this bill applies to tests required under federal law, it will only impact the annual Criterion Referenced Tests administered in reading and mathematics for grades 3 through 8 and in science and writing for grades 5 and 8. The change in statute is needed to ensure that schools with nine-month schedules in either a year-round calendar or a traditional calendar are all able to provide a similar number of days of instruction before standardized tests are administered.

Roll call on Senate Bill No. 75:

YEAS—26.

NAYS—Dickman, Dooling, Edwards, Ellison, Hansen, Jones, Moore, O'Neill, Oscarson, Seaman, Shelton, Titus, Trowbridge, Wheeler—14.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 87 authorizes the Public Utilities Commission of Nevada to issue an order modifying a resource plan it finds to be inadequate by a public utility that furnishes water, provides sewage disposal services, or supplies electricity. A utility may file a notice consenting to or rejecting some or all of the modifications within 30 days after the issuance of an order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Public Utilities Commission of Nevada not later than ten business days after the date the notice is filed. For purposes of the "prudent investment" provisions of Nevada law under which the utility may recover all just and reasonable costs of planning and constructing or acquiring a facility, only the parts of the plan accepted by the Public Utilities Commission of Nevada, as filed or modified with the consent of the utilities, are deemed to be accepted by the Public Utilities Commission of Nevada.

Roll call on Senate Bill No. 87:

YEAS—35.

NAYS—Dickman, Jones, Moore, Shelton, Titus—5.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 127 authorizes the Department of Motor Vehicles to issue a credit to a person who cancels a vehicle's registration and does not qualify for a refund or transfers registration from one vehicle to another and the registration fee or governmental services tax paid on the original vehicle is more than that owed on the vehicle to which the registration is transferred. Such credit may be applied to the registration of any other vehicle the person owns. Any unused credit expires when the original vehicle's registration was due to expire.

Roll call on Senate Bill No. 127:

YEAS—40.

NAYS—None.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 156.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 156 provides that a person who unlawfully proceeds through a temporary roadblock established because of flooding or water on the roadway is liable for the expenses of any emergency response that is required to remove the driver or any passenger from the vehicle and/or move or remove the vehicle from the roadway or any area near the roadway if the vehicle creates a hazard.

The bill also provides that a person who is convicted of reckless driving for driving a vehicle into any area temporarily covered by a rise in water may be liable for the expenses of any emergency response that is required to remove the driver or any passenger from the vehicle and/or move or remove the vehicle from the area.

The liability imposed by Senate Bill 156 must not exceed $2,000 per incident. A person is immune from liability if the person proceeds through a temporary roadblock to make a good faith effort to assist another person who is or appears to be in danger as a result of flooding or water on the roadway. This bill becomes effective on July 1, 2015.

Roll call on Senate Bill No. 156:

YEAS—37.

NAYS—Carlton, Moore, Ohrenschall—3.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 157 enacts the State and Local Government Cooperation Act, which encourages communication, cooperation, and coordinated working relationships between state agencies and local governments. This measure is effective on October 1, 2015.

Roll call on Senate Bill No. 157:

YEAS—39.

NAYS—Edwards.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 208 requires the governing body of a new charter school or a charter school that is expanding enrollment by at least 10 percent to make a reasonable effort to notify households within two miles of the school concerning the school's application and enrollment process. The notice must be provided at least 45 days before the school begins accepting applications for enrollment. This notification requirement does not apply to charter schools with an approved capacity of 250 or fewer students.

Roll call on Senate Bill No. 208:

YEAS—40.

NAYS—None.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 246 increases from 20,000 cases to 40,000 cases the quantity of spirits that a craft distillery may manufacture for export to another state in a calendar year. This bill allows a craft distillery to serve samples not to exceed four ounces per person, per day, and it increases the quantity of spirits that may be sold to a person at retail for off-premises consumption from two bottles of spirits per person, per month to one case of spirits per month, not to exceed six cases in a year.

This measure authorizes a craft distillery to donate and transport spirits manufactured at the craft distillery for charitable or nonprofit purposes or to transfer certain bulk spirits to another supplier. Such a charitable donation or bulk transfer is not included in the 10,000 cases per year that a craft distillery is permitted to sell and transport within the state. Finally, the bill creates a civil cause of action for a person damaged by existing law relating to the manufacturing, importing, wholesaling, and retailing of alcoholic beverages. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 246:

YEAS—40.

NAYS—None.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 248 revises provisions regarding assistance in casting a ballot to a person with a disability or a person with an inability to read or write English. Specifically, the measure provides that such a person is entitled to assistance in casting a ballot if the need for such assistance is apparent or known to the election board and that the person may request assistance in voting in any manner.

In addition, the measure removes the discretion for an election board to require a person with a disability or an inability to read or write English to sign a statement under penalty of perjury swearing that he or she requires assistance in casting a ballot. The measure also eliminates the requirement that a person with a disability furnish a statement from a physician certifying that the individual is a person with a physical disability as a prerequisite to the person receiving an absent ballot. The measure is effective upon passage and approval.

Roll call on Senate Bill No. 248:

YEAS—23.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Gardner, Hansen, Jones, Moore, Nelson, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Titus, Wheeler—17.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 249 requires the owner of an indebtedness of a county to demand payment within one year after the date of the original allowance. The county may allow payment of an indebtedness that is demanded more than one year after the original allowance but is not required to allow the payment.

Roll call on Senate Bill No. 249:

YEAS—29.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank—11.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 251 ratifies the Interstate Medical Licensure Compact. The Compact serves as a voluntary licensing option that would allow physicians and osteopathic physicians licensed in Nevada who are seeking to practice in multiple states the ability to apply for an expedited licensing option in all states participating in the Compact. The Compact regulates the licensure and discipline of physicians and osteopathic physicians holding reciprocal licenses through the Compact.

This bill is effective on October 1, 2015, if at least six other states have ratified the Compact by that date. Otherwise, the bill is effective on the date after October 1, 2015, on which at least six other states have ratified the Compact.

Roll call on Senate Bill No. 251:

YEAS—40.

NAYS—None.

EXCUSED—Fiore, Munford—2.

Senate Bill No. 251 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 256.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 256 limits the liability of an innkeeper for the loss of or damage to a motor vehicle brought by a patron onto the premises of the innkeeper.

Roll call on Senate Bill No. 256:

YEAS—35.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Flores, Neal, Swank—6.

EXCUSED—Fiore.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 261.

Bill read third time.

Remarks by Assemblymen Carrillo, Edwards, Moore, Seaman, and Dickman.

ASSEMBLYMAN CARRILLO:

Senate Bill 261 requires a research facility that intends to euthanize a dog or cat to instead offer the animal for adoption through a program of the facility or through an agreement with an animal shelter or animal rescue organization, if the dog or cat is appropriate for adoption. The bill also provides that the research facility and any officer, director, employee, or agent of the facility is immune from civil liability for any act or omission relating to the adoption of the dog or cat. This bill is effective on October 1, 2015.

ASSEMBLYMAN EDWARDS:

I was kind of disappointed that this bill was actually brought to the State Legislature because, at best, I think it is a community issue. I do not think it should have been elevated to the state level. Furthermore, I was disappointed when, during the committee hearings, we actually seemed to have a resolution between the two parties. The resolution made a lot of sense, and I thought they should have gone with it. I was disappointed when they returned a couple of days later, and the proponents had kind of reneged on the deal and made it more extreme by changing a key word

of "may" to "shall." In so doing, they totally lost my vote on this one. I do not believe this is the kind of legislation we should be working on. This should have been resolved between the parties, and I am disappointed that it was not. I will have to be a no vote on this.

ASSEMBLYMAN MOORE:

I rise in overwhelmingly strong support of this bill. I see it as one step towards ending all animal testing on any animal in this state.

ASSEMBLYWOMAN SEAMAN:

I would like to ditto my colleague from the south. I urge everyone to support this.

ASSEMBLYWOMAN DICKMAN:

I support this bill as well. It is just critical to stand up for these animals. I think it is great we can use them for testing to save humans, but they deserve to have a good life when they are finished.

Roll call on Senate Bill No. 261:

YEAS—40.

NAYS—Edwards.

EXCUSED—Fiore.

Senate Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 268 requires the Director and Deputy Director of the Department of Veterans Services to develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training. The Interagency Council on Veterans Affairs is required to include in its report to the 79th Session of the Nevada Legislature information provided by the Director concerning these plans and programs. The measure creates in the state General Fund the Account to Assist Veterans Who Have Suffered Sexual Trauma and prescribes the uses of the money in the Account. This measure is effective on July 1, 2015, and it expires by limitation on June 30, 2017.

Roll call on Senate Bill No. 268:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 288.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 288 requires any person who is authorized to prescribe or dispense controlled substances to receive training in the prescription drug monitoring program developed by the State Board of Pharmacy and to be given access to the database of the computer program. Each practitioner who is authorized to prescribe controlled substances must, to the extent the program

allows, access the database at least once every six months, review the information concerning the person in the database, and verify to the Board that the person continues to have access. Also, various professional licensing boards are authorized to take disciplinary action against a person who is authorized to prescribe controlled substances and fails to comply with these requirements.

There has been a lot of controversy over this bill and some misunderstanding of this bill, and a lot of practitioners who do not prescribe narcotics say why should they have to do this. I think this is a good practice to make sure that someone has not stolen your prescription pad, someone is not using your name falsely to write these prescriptions. I think it is to the betterment of the practitioners to make sure their information is accurate.

Roll call on Senate Bill No. 288:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 289 requires the Information Technology Advisory Board to conduct a study of peering, including an analysis of potential benefits of peering arrangements to the state and its political subdivisions. The Board is further required to submit a report of its findings, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 289:

YEAS—40.

NAYS—Edwards.

EXCUSED—Fiore.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblymen Dickman, Thompson, Benitez-Thompson, Armstrong, Joiner, O'Neill, Spiegel, Ohrenschall, and Paul Anderson.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 303 provides that a child is, rather than may be, in need of protection if the child is in the care of a person responsible for the child's welfare and another child has been subjected to abuse by that person, unless the person has successfully completed a plan for services, as recommended by a child welfare agency, to address the abuse of the other child.

When making a determination to terminate parental rights, a court must consider certain factors if the child has been out of the care of a parent or guardian for at least 12 consecutive months. The bill also revises the conditions that a court must consider in determining neglect by, or unfitness of, a parent for the purpose of proceedings regarding the termination of parental rights.

Lastly, the bill requires the Legislative Committee on Child Welfare and Juvenile Justice to evaluate and review issues relating to reunification of foster children with a birth parent and adoption of foster children by a foster parent. This measure is effective on July 1, 2015.

There was a lot of work done between the parties to make this bill something that the majority of people could accept. I think it goes a long way in taking in consideration the best interest of the children into these court cases, and I encourage you to support this bill.

ASSEMBLYMAN THOMPSON:

I rise in opposition to Senate Bill 303. The main premise when you become a foster parent is that you have to understand that you are to work with the Department of Family Services on reunification of the family. It is important that we take the time; there are different levels, and it takes time with families to make them whole. Parents love their children. Putting such a tight timeline and time frame in which the parents must complete the plan absolutely will potentially cause a lot of parents who are really trying to put their best forward to lose their children. I truly ask and urge that this body look at this bill and oppose Senate Bill 303.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in opposition to Senate Bill 303. I agree with the bill's sponsor that there are problems that need to be addressed within the child welfare system. Where we differ is where the problem lies and how it needs to be addressed.

We heard testimony from very caring and compassionate foster parents who have nothing but children's best interests at heart. What we heard is that children are languishing in care for too long. We heard stories about children entering foster care as infants and then not exiting for four or five years. That is absolutely not in line with what federal or state law allows, and it is not in line with the theory or premise of child welfare, which is to try to reunify children with safe, healthy, intact homes.

We have seen recent Supreme Court rulings that tell us that the problem is in practice. The problem is at the local level addressing how workers are individually writing case plans with families and how an agency is following up and complying with the case plan. That case plan is an agreement between the two agencies that gives a road map by which a child may be returned home safely. Returning children home ought to be our goal. We ought not to be in the business of trying to take children away under capricious circumstances or in a manner by which two identical families with two similarly situated children have very different outcomes. I look forward to working with folks during the interim and addressing the many problems we have with practice and child welfare in this state.

ASSEMBLYMAN ARMSTRONG:

I rise in support of Senate Bill 303. Today we stand up for those who need it most. We stand up for kids whose homes are filled with danger and abuse rather than safety and compassion. I think we also need to balance the needs of the children in this bill. I will be voting yes and encourage all of you to vote yes as well.

ASSEMBLYWOMAN JOINER:

I rise in opposition to Senate Bill 303. There was a lot of work done on this in committee and a lot of discussion. It is a very delicate balance between keeping our children safe with their parents or with foster parents. The reason I rise in opposition to Senate Bill 303 is because I think this creates an imbalance that is against the parents. It creates a situation where if a parent were to have services for one of their children early on in their life, that would carry with them for their entire life, including if they have additional children. I think that language is just imbalanced in the wrong direction. I think we need to be supporting parents in their attempts to be reunified with their children, and this bill takes the wrong approach to that.

ASSEMBLYMAN O'NEILL:

I stand today in strong support of Senate Bill 303. With all due respect to my colleagues, this bill gives clarity to the court in deciding when to terminate parental rights. It expands the definition of "abuse" and calls for judges to consider the length of time a child has been out of the home and away from the parents. That time out of the home and away from the parents is because of the parents' inability to correct some of their actions and is for the protection of the children.

In addition, language in the bill gives the Legislative Committee on Child Welfare and Juvenile Justice expanded authority to study the issue in the interim to recommend any additional changes to this topic. We have all said that things need to be done, there need to be improvements. This is the first step. We can continue moving forward for the protection of these most vulnerable children of ours during the interim and come back next session with a better bill. This is a sensitive topic, but I believe the approach to Senate Bill 303 will make our child welfare system better. I ask for your support on this.

ASSEMBLYWOMAN SPIEGEL:

I rise in opposition to Senate Bill 303. One of the provisions of this bill requires the court to consider placement options in assessing the fitness of the parent. It is one thing to require placement options in looking at what is in the best interest of the child, which is, indeed, already in statute. But in terms of requiring the court to look at whether or not there could be a placement option for the child in determining the fitness of the parent is just really, really wrong, and I urge you to vote no on this bill just because of that one clause.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 303. In our country you are innocent until proven guilty, and what I find very troubling that no one else has spoken to, in addition to other sections of the bill, is section 4, subparagraph 7, the new language on page 5. It talks about how a court must consider suspicions—not a conviction, not an adjudication. I was taught in law school that we are innocent until proven guilty. If you show me an adjudication, if you show me a substantiated report, that is different. But suspicions? That is where I think we have to draw the line.

I urge defeat of this measure. I know it is well intentioned, but there is data that shows that children do well when they are reunified with their families, not when they are in a place like Child Haven or taken away. If we can get the families back together, children will do a lot better.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Senate Bill 303. I appreciate the comments that have been made today. Senate Bill 303 adds additional items that a court may consider when considering reunification with the family. I think the key here is the bill is subject to moving to the needs of the child versus looking more closely at the needs of the parents. That is a key factor in this bill and I would urge this body's support.

Assemblymen Wheeler, Ellison, and O'Neill moved the question.

The question being the passage of Senate Bill No. 303.

Roll call on Senate Bill No. 303:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Nelson, Ohrenschall, Shelton, Spiegel, Swank, Thompson—18.

EXCUSED—Fiore.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 310 extends the life of a tourism improvement district by 5 years, from 20 to 25 years, if during the first 5 full fiscal years after the creation of the district, the amount of the money pledged to the financing of projects in the district and received by the municipality with respect to the district is equal to zero. The governing body of the municipality may provide, as

prescribed, financing or reimbursement to such a district from the proceeds of the local school support tax collected from retailers that locate within the district on or after July 1, 2013.

The bill deletes certain language to allow other agreements for reimbursement for tourism improvement projects that are not owned by the municipality or another governmental entity to be binding on the municipality beyond the fiscal year in which it was made. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 313 authorizes the private university or state universities to get their allotment of the Distributive School Account for education when it relates to distance education, and I think this is a great bill.

Roll call on Senate Bill No. 313:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 354 allows a pedestrian traveling on a sidewalk who encounters an obstruction that makes the sidewalk impassable to proceed carefully on the highway immediately adjacent to the sidewalk for a short period. Such a pedestrian must walk or otherwise travel as far to the side of the highway near the sidewalk as possible; may walk or travel in the direction in which he or she was traveling on the sidewalk, regardless of the direction of traffic; may walk or travel in a bicycle lane if the area between the lane and the sidewalk is impassable; and must return to the sidewalk as soon as practicable. The driver of a motor vehicle must yield the right-of-way to any pedestrian traveling in such circumstances.

Roll call on Senate Bill No. 354:

YEAS—40.

NAYS—Edwards.

EXCUSED—Fiore.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 373.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 373 provides for the licensure of a producer of limited lines travel insurance to allow such a producer to solicit, negotiate, and sell policies of travel insurance. Under the provisions of the bill, a producer of limited lines travel insurance may sell policies of travel insurance through certain travel retailers under certain circumstances.

Roll call on Senate Bill No. 373:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 373 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 384.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 384 provides for the appointment of guardians for minors or incompetents who are family members or beneficiaries of a trust or estate represented by the family trust company. The measure also provides for the designation of a person to represent and bind a beneficiary of a trust administered by a family trust company. The bill provides that newly enacted duties of fiduciaries in other titles of *Nevada Revised Statutes* must not apply to family trust companies and existing provisions only apply to the extent they are not incompatible with existing law governing family trusts or any terms of the trust.

The measure provides for the confidentiality of certain trust documents in a court proceeding to protect their confidentiality. It also provides for a rebuttable presumption of good faith for the actions of certain fiduciaries. A licensed family trust is subject to the supervision of the Commissioner of Financial Institutions. Further, the bill provides that a family trust company enjoys a presumption of good faith in its transactions and dealings, and certain transactions by such a company are presumed to not be conflicts of interest. Finally, the measure revises certain reporting requirements for family trust companies. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 384:

YEAS—40.

NAYS—Neal.

EXCUSED—Fiore.

Senate Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 389 revises various provisions governing condominium hotels. Among other provisions, the bill allows for the use of electronic mail to deliver certain notices to a unit owner;

provides that an officer of an association or a member of an executive board is subject to provisions governing the behavior of an officer or director of a nonprofit organization in Nevada; revises the means by which a declarant may end the period of control over an association; provides that, unless an association's bylaws call for a lower number, an election for the removal of a member of an executive board may be called by at least 10 percent of the voting members of the association; establishes that the members of an executive board are not personally liable to victims of crimes occurring on the premises of a condominium hotel; and provides that punitive damages may not be awarded against an association or against the members of an executive board or officers of an association for acts or omissions that are taken in that capacity.

Roll call on Senate Bill No. 389:

YEAS—39.

NAYS—Carlton, Kirkpatrick—2.

EXCUSED—Fiore.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 390 gives a preference for enrollment at a charter school to students attending a public school that is overcrowded by 25 percent or more or is a one- or two-star performing school. If offered, the students residing within two miles of the charter school will have the first option for enrollment. Additionally, each school district is required to post on its website a list of schools in the district that are overcrowded by 25 percent or more. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 390:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblymen Stewart, Elliot Anderson, Ohrenschall, Ellison, Hansen, Gardner, and Carlton.

ASSEMBLYMAN STEWART:

Senate Joint Resolution 1 urges Congress to enact legislation transferring title to certain public lands to the state of Nevada in accordance with the report prepared by the Nevada Land Management Task Force. The Nevada Land Management Task Force recommended certain lands that would be transferred to Nevada and also exempted certain other lands. As we know, the federal government owns approximately 85 percent to 87 percent of our lands, and this would be a way of getting some of those lands back to us. I strongly urge passage.

ASSEMBLYMAN ELLIOT ANDERSON:

I respectfully rise in opposition to Senate Joint Resolution 1. People think this sounds good, but there are a lot of unintended consequences of having to manage all this land. Right now the federal government has a number of environmental mandates in place that will not change if we take title to the land. Instead, we will be on the hook for managing that land. For example,

although the Carpenter 1 area was not a part of the Land Management Task Force report, the cost of firefighting for that one fire was $25 million. For a state that has a small tax base and has a number of issues we have to deal with, this really does not make a lot of sense for us. At worst, we could find costs become exorbitantly higher and we wind up selling off a lot of this land. I do not think we are going to get a lot of money for most of it so what will happen is a loss of public use. Land that is managed for the benefit of multiple uses for all Nevadans is really at risk if Congress moves this way after our encouragement. For those reasons, I ask the body to defeat Senate Joint Resolution 1.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Joint Resolution 1. As you know, you and I and my colleague from Assembly District 15 were here last session. We supported Assembly Bill 227, the study to look at trying to turn over some of the land to the state to see if we could better manage and use it. My concern with S.J.R. 1 is that I think if the proposal had been more narrow, if it had looked at rights-of-way that the federal government currently has, maybe that would be something I could support as I supported Assembly Bill 227 last session. But looking at how S.J.R. 1 is written, I am very concerned about what would happen. The burden on the taxpayers if this land were turned over to the state—there were a lot of issues in the committee that were never resolved. We asked about the management of the wild horses and burros; we asked about water rights, mining rights, and easements. These were not answered. The cost of firefighting that right now the federal government is picking up the tab on was not answered, either.

Mr. Speaker, you and I have been here with special sessions with budget crises where it was proposed to close all of our state parks because we could not afford to keep them open. I am concerned that even though we may have the best of intentions, down the line a decade or so if these lands are turned over to the state and if we are in another financial pickle, it will be closing down Lehman Caves or Lamoille. It is going to be things we would not want to see. We have sold state lands this session to try and preserve Stewart Indian School, and I am very concerned that these lands could be a source of funding in terms of their sale. Arizona has done this. The comparison was made in the committee with New Mexico, but New Mexico has oil and gas reserves that are not on these lands and would not be available to us for income.

Unfortunately, I think this is far too broad. If it were written more narrowly, it might be something I could support, but as it is, I think that we are in danger of losing a lot of our treasured public lands. It would hurt our constituents, our sportsmen, and people who just want to be able to go out and see a beautiful mountain or a valley.

ASSEMBLYMAN ELLISON:

I rise in support of Senate Joint Resolution 1. The July 2014 report of the Nevada Land Management Task Force concluded that our state could generate significant net revenue if afforded the opportunity to manage and expand the state lands portfolio. As it is well known the federal government owns more than 85 percent of the land. Senate Joint Resolution 1 simply requests from Congress some of it back for economic development and education. The Land Management Task Force spent a lot of time out there last summer. Seventeen counties came back in strong support of this. It gives access, it gives hunting, it gives ranchers rights, it gives water. Everything that could have been addressed was addressed in that study, so I strongly ask my colleagues to support S.J.R. 1

ASSEMBLYMAN HANSEN:

I rise in strong support of Senate Joint Resolution 1. I want to echo what my colleague from Elko has said. I am probably the most active sportsman in this body, having spent more time on Nevada's public lands than anyone in the building. I am a strong supporter because slowly but surely, it is the federal government that is squeezing the sportsmen out of these areas of the state.

Obviously, we are not going to make up our minds in one brief hearing here, so I would urge my colleagues to read the report. I have copies of that report that my colleague from Elko mentioned; I probably have 20 of them. Seventeen different counties got together and studied these issues in great detail and compared some of the other states in the West to what we have here. All the states have found that when they have state public lands, it has been a tremendous benefit for these states, financially and otherwise. I would urge the passage of the Senate Joint

Resolution 1 and encourage my colleagues to read the details of the report that was done, by all those people who worked so hard. By the way, the report was denied to the Public Lands Committee. We were supposed to have a hearing on that, and the chairman shut that down. To me that was disgraceful because what we want is informational opportunities. In light of the refusal to even hear that, I would encourage my colleagues to come by my office. I will be happy to provide copies of that. It is a very detailed report and I think will alleviate a lot of the concerns that have been suggested today. I urge my colleagues to support S.J.R. 1.

ASSEMBLYMAN GARDNER:

I rise in support of Senate Joint Resolution 1. I find it hard to believe that we have so much of our land owned by the federal government without us having access to it. If you look at most states east of the Rockies, about 3 percent of their states are owned by the federal government. If you look west of there, we are by far the most federally owned. Even California only has about 40 percent of its state owned. If it is such good economic policy to have that much of your state owned by the federal government, why does nobody else have that? Shouldn't they be wanting to give their land back to the federal government if we are getting such an economic boon for not having it? For that reason, I am voting in strong support of Senate Joint Resolution 1.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Joint Resolution 1. As a former member of the Public Lands Committee and former Chair of the Public Lands Committee, I can say this issue was thoroughly vetted. I believe it was on almost every agenda we had. It was included in the work session document, but it was not processed. Just because you are in the work session document does not mean you are going to get a vote, and it does not mean it is going to be in your favor. I have the report pulled up in front of me; you can get it online if you need to. The minutes of the meeting are not available yet; I did check on that. It even says in the report, "The task force acknowledges concerns over the extent to which wildfire suppression costs may challenge the ability of the State of Nevada to adequately protect and expand state land area and simultaneously generate net revenue."

We can talk about the money, that is pretty common sense. On the second side of this, I like the way Nevada is now. I enjoy it. I came from back East. I love the fact that these lands have been protected for me and for my children, and it is my job to do that for the next generations. I am not here to sell off their inheritance and their public lands. That is not up to me.

I understand the concerns about this. I was more than willing to talk to the Senators on the other side about the checkerboard lands that need to be addressed. I think if we really want to take a bite off of something, that is the thing we need to do. That would make a huge difference in the state, and we could address some real issues. But to just send this letter to Congress—basically a letter to Santa Claus saying Oh by the way, we want our money—I do not think this is a constructive way to approach this very important issue in this state. It is way too broad, and we should focus on the issues we can actually accomplish in the future.

ASSEMBLYMAN STEWART:

A previous Legislature urged a study, a committee was formed, they did the study. In their early meetings, they were not unanimous. There was some of the same disagreement that was brought up here, but in the end, they were unanimous. I urge you to go on the recommendation that these very wise people, who got together over a period of many months, came up with.

Assemblymen Ellison, Dickman, and Kirner moved the previous question.

The question being the passage of Senate Joint Resolution No. 1.

Roll call on Senate Joint Resolution No. 1.

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

EXCUSED—Fiore.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Stewart and Elliot Anderson.

ASSEMBLYMAN STEWART:

Senate Joint Resolution 2 urges Congress to enact legislation requiring the sharing of federal receipts from all commercial activity occurring on Nevada's public lands with the state.

With all these lands that are owned by the federal government, there is some considerable commercial value coming out of them, and all we are asking here is that the state of Nevada get a portion of that money coming from these federal lands in Nevada.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Resolution 2. Just following up on our last conversation, I think this is the smart way to deal with our federal lands. This is the have-our-cake-and-eat-it-too approach. We do not have to pay any of the costs and we get all of the benefits. I would urge the body's support.

Roll call on Senate Joint Resolution No. 2:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Munford and Seaman.

ASSEMBLYMAN MUNFORD:

Senate Joint Resolution 4 urges the United States Congress to pass the Marketplace Fairness Act, which would provide the states with the authority to require out-of-state retailers, such as online and catalog retailers, to collect and remit sales tax on purchases shipped into the state. The resolution is effective upon passage.

ASSEMBLYWOMAN SEAMAN:

I stand in opposition to misleadingly titled Marketplace Fairness Act. It is nothing more than a job-killing tax hike, plain and simple. I urge all my colleagues to vote no.

Roll call on Senate Joint Resolution No. 4:

YEAS—29.

NAYS—Dickman, Dooling, Ellison, Gardner, Jones, Moore, Oscarson, Seaman, Shelton, Silberkraus, Titus, Wheeler—12.

EXCUSED—Fiore.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblywomen Shelton and Seaman.

ASSEMBLYWOMAN SHELTON:

Senate Joint Resolution 5 expresses the Nevada Legislature's support of the 2014 Nevada Greater Sage-Grouse Conservation Plan prepared by the Sagebrush Ecosystem Council and confirms the Legislature's confidence in the ability of the state of Nevada to effectively conserve the greater sage-grouse and the sagebrush ecosystem.

The resolution requests the Bureau of Land Management [BLM] and the United States Forest Service [USFS] to adopt the Conservation Plan as the preferred management alternative for greater sage-grouse in Nevada. Moreover, the resolution urges Congress to intervene if the BLM and USFS do not follow the guidance of the resolution, and if so, urges Congress to enact legislation to extend for a period of ten years a decision on a sage-grouse listing to allow the implementation of the Conservation Plan.

Finally, Senate Joint Resolution 5 urges the U.S. Fish and Wildlife Service to not list the greater sage-grouse as endangered or threatened under the Endangered Species Act of 1973. The resolution is effective upon passage.

ASSEMBLYWOMAN SEAMAN:

I rise in support of Senate Joint Resolution 5. The Nevada Greater Sage-Grouse Conservation Plan we adopted takes into account all the scientific information available and recognized expertise from local stakeholders to preserve sage-grouse here in Nevada. I urge your support of Senate Joint Resolution 5 so Nevadans can continue to come up with our own solutions here in this state.

Roll call on Senate Joint Resolution No. 5:

YEAS—35.

NAYS—Elliot Anderson, Benitez-Thompson, Joiner, Ohrenschall, Swank, Thompson—6.

EXCUSED—Fiore.

Senate Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 4 and 5; Senate Bills Nos. 3, 9, 96, 104, 124, 131, 135, 147, 186, 191, 212, 312, 480, and 504.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mel Close, Jr. and Andrea Close.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy Edgel.

On request of Assemblyman Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Gilbert Ramirez.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Bordewich-Bray Elementary School: Alexander Austin Bevans, Ava A. Brehm, Isabel Cartier, Raveena Kaur Cheema, Hannah Elizabeth Clark, Naomi Crews, Chloe N. Crookshanks, Samuel Dalton, Alayna Laporte, Lilian Lee Mariolo, Alissa Marie Matson, Jacqueline M. Odell, Tyler Keith Palmer, Edwin Ruiz Aguirre, Samantha Rose Schofield, Brogan Michael Shaw, Gracie Kendall Walt, Chloe Noelle Wilson, Maria Ambriz Cabrera, Jonethen Barnes-Hurt, Sophia Crittenden, Daniel Diaz, Edgar Duarte, Alondra Gallegos, Jade Garcia, Lara Griffith, Christopher Juliussen, Chance Kaamasee, Kesten McCord, Aden McNabb, Annalee Medina, Randy Padilla Ochoa, Jesse Padilla, Isabella Planeta, Emily Sanchez, Aiden Serda, Parker Story, Autumn Scott, Luke Syndergaard, Emilie Tierney, Sophia Toledo, Michael Waldrep, Aurelia Bailey, Erika Becerra, Ozzy Garcia, Oscar Gomez, Carlos Gurrola, Natalie Gutierrez, Elena Guzman, Christian Iza, Alexandra Jacobo, Gabriel Jacobo, Marsos Jimenez, Rhiannon Karr, Zackery Kight, Emmanuel Macias, Josephine McIntosh, Shawn Oates, Pricila Perez, Aaron Ramirez, Dallin Reed, Cheyenne Rissen, Brian Rivera, Andrew Rulapaugh, and Isaiah Urbina.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Hunewill, Florence Hunewill, Pamela Hunewill, and the following students, chaperones, and teachers from Faith Baptist Academy: Byron Farmer, Crystal McClendon, Hailee Cassell, Monique Knackstedt, Lexy Chastain, Kiran Cassell, James Cassell, Scott Clark, Anthony Ness, Trenton Chastain, Jonathan Clinger, and Adam Breeden.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, May 19, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 3:24 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 19, 2015

Assembly called to order at 12:31 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, we come to You with thankfulness for the blessings You give us. We thank You for our State Assembly members and their faithfulness. We ask You to be with them and bless them. We ask that You fill them with Your wisdom and strength. Guide them as they lead us and unite them together as one voice for what is best for our state and its people. Give them courage, vision, wisdom, and truth. Father we pray these things in the name of Your Son Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:44 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 12, 162, 168, 181, 241, 286, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 56, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 429, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 20, 66, 214, 379, 380; Assembly Joint Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 8, Amendment No. 671, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 113, Amendment No. 709, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 138, Amendment No. 670, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 191, Amendment No. 686, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 364, Amendment No. 765, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 492.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 183 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 334 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 4 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 419 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 62 and 394 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 492.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:51 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 818.

AN ACT relating to ~~[trapping; providing exemptions from certain registration requirements for a trap, snare or similar device]~~ **wildlife; authorizing certain traps, snares or similar devices** used in the trapping of wild mammals ~~[on private property;]~~ **to be registered with the Department of Wildlife;** limiting the requirement to obtain a permit to take or kill fur-bearing mammals injuring property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that each trap, snare or similar device used in the taking of wild mammals must be registered with the Department of Wildlife before it is used. Existing law also requires that each registered trap, snare or similar device bear a number which is assigned by the Department and is

affixed to or marked on the trap, snare or similar device. (NRS 503.452) **Section 1** of this bill ~~[exempts from those requirements]~~ **authorizes rather than requires the registration of a trap, snare or similar device used by a person in the taking of wild mammals. Section 1 provides that a trap, snare or similar device must bear a number assigned by the Department only if the trap, snare or similar device is registered with the Department. Section 1 also provides that the provisions relating to the registration and numbering of** a trap, snare or similar device **do not apply to such a device that is** used: (1) exclusively on private property by the owner or occupant of the property or with the permission of the owner or occupant; (2) for the control of rodents by an institution of the Nevada System of Higher Education; ~~[or]~~ (3) by a federal, state or local governmental agency ~~[.]~~ **; or (4) for the taking of wild mammals for scientific or educational purposes under a permit issued by the Department.**

Existing law provides that fur-bearing mammals injuring property may be taken or killed at any time in any manner if a permit is obtained from the Department. (NRS 503.470) **Section 2** of this bill removes the requirement that the owner or occupant of the property obtain a permit in such circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 503.452 is hereby amended to read as follows:

503.452 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** trap, snare or similar device used ***by a person*** in the taking of wild mammals ~~[must]~~ ***may*** be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.

2. ***The provisions of subsection 1 do not apply to a trap, snare or similar device used:***

(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;

(b) For the control of rodents by an institution of the Nevada System of Higher Education; ~~[or]~~

(c) By any federal, state or local governmental agency ~~[.]~~ ; or

(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

3. A registration fee of $10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.

~~[~~3.~~]~~ ***4.*** It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

~~[~~4.~~]~~ ***5.*** A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~[~~5.~~]~~ ***6.*** Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

Sec. 2. NRS 503.470 is hereby amended to read as follows:

503.470 1. Fur-bearing mammals injuring any property may be taken or killed at any time in any manner ~~[~~, provided a permit is first obtained from the Department.~~]~~ ***by the owner or occupant of the property or with the permission of the owner or occupant.***

2. When the Department has determined from investigations or upon a petition signed by the owners of 25 percent of the land area in any irrigation district or the area served by a ditch company alleging that an excessive population of beaver or otter exists or that beaver or otter are doing damage to lands, streams, ditches, roads or water control structures, the Department shall remove such excess or depredating beaver or otter.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Amendment 818 makes the registration of traps with the Department of Wildlife optional. It also limits one of the exclusions from trap registration to taking mammals for a scientific or educational purposes pursuant to permits issued by the Department of Wildlife.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Senate Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 795.

AN ACT relating to elections; **revising provisions governing elections for certain judicial offices;** providing that **[**a candidate**]** **candidates** for **certain** nonpartisan **[**office**]** **offices** who **[**receives**]** **receive** a majority of the votes cast in **[**a primary election or**]** certain primary **[**city**]** elections must be declared **[**the winner and not be**]** **elected to office without being** placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing **law designates certain elective offices as nonpartisan offices, which include judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, city and town officers, the State Board of Education and members of boards of hospital trustees of public hospitals. (NRS 293.195) Existing law also establishes certain rules for determining whether candidates for nonpartisan offices appear on the ballot for a primary election or the general election. (NRS 293.260) This bill revises some of those rules.**

Under existing law, if there is only one candidate for the nonpartisan office of judge of the Court of Appeals or justice of the Supreme Court, the name of the candidate is omitted from the primary election ballot and placed only on the general election ballot. (NRS 293.260) Section 1 of this bill applies the same rule to a candidate for the nonpartisan office of judge of a district court. Section 1 also provides that if there are not more than twice the number of candidates to be elected to any nonpartisan office, the names of the candidates are omitted from the primary election ballot and placed only on the general election ballot.

Except for nonpartisan offices in certain cities, existing law provides that if there are more **[**candidates**]** than twice the number **of candidates** to be elected to a nonpartisan office **: [**, other than a city office:**]** (1) the names of the candidates must appear on the **primary election** ballot **; [**for a primary election;**]** and (2) those candidates who receive the highest number of votes at **[**that**]** **the primary** election, not to exceed twice the number to be elected, must be declared nominees for the office **.[**:**]** **and their names must be placed on the general election ballot.** (NRS 293.260) **Section 1 [**of this bill**]** **modifies this rule for most nonpartisan offices and** provides that if one candidate receives a majority of the votes cast in **[**the**]** **such a** primary election **, [**for the office for which he or she is a candidate,**]** the candidate **[**must be**]** **is** declared elected to the office and his or her name **[**must**]** **is** not **[**be**]** placed on the **general election** ballot **. [**For**]** **However, if one candidate receives a majority**

of the votes cast in such a primary election for the nonpartisan office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate is declared the only nominee for the office and his or her name is placed on the general election **[.] ballot.**

For primary city elections conducted in certain general law cities, existing law provides that if one candidate receives "more than a majority" of the votes cast in such an election for the office for which he or she is a candidate, the candidate must be declared to be elected to the office and the candidate's name must not be placed on the ballot for the general city election. (NRS 293C.175) **Section 2** of this bill amends the statute to clarify that such a candidate need only receive a majority of the votes cast, not some greater number, to be declared to be elected. **Section 3** of this bill makes a similar change to the Charter of Carson City.

For most charter cities that hold primary city elections, existing law provides that if one candidate receives a majority of votes cast in the primary city election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. (Boulder City Charter § 96, Henderson City Charter § 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020) **Section 3** amends the Charter of Carson City so that this rule applies to Carson City as well.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. **[**Where**]** ***If*** there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that

party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

(b) If there are ~~[no]~~ ***not*** more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. ~~[Where no]~~ ***If not*** more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office ~~[,]~~ ***or*** the office of ***judge of a district court,*** judge of the Court of Appeals or ~~[the office of]~~ justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for ~~[a]~~ ***the*** general election;

(b) Any nonpartisan office, other than the office of ***judge of a district court, judge of the Court of Appeals,*** justice of the Supreme Court ~~[, office of judge of the Court of Appeals]~~ or ~~[the office of]~~ member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. ***If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.***

7. If there are more ~~[candidates]~~ than twice the number ***of candidates*** to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those ~~***[Except as otherwise provided in this subsection, those]***~~ candidates who receive the highest number of votes at ~~[that]~~ ***the primary*** election, not to exceed twice the number to be elected, must be declared nominees for the office ~~***[. If one candidate]***~~ ***and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for*** ~~***[that office,]***~~ ***:***

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only

nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

Sec. 2. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of population category one or two, one candidate receives ~~[more than]~~ a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 3. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives ~~[more than]~~ a majority of votes cast in that election for the office for which he or she is a candidate, ~~[his or her name alone must be placed on the ballot for the general election.]~~ ***the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.*** If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Amendment 795 makes two changes. When only the number of candidates to be elected have filed for nomination for certain nonpartisan offices, the names must be omitted from the primary election ballot and placed on the general election ballot. If one candidate for judge of a district court receives a majority of the votes cast in the primary election, the candidate must be declared the nominee and only his or her name must be placed on the ballot for the general election.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 33.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 722.

AN ACT relating to contractors; deleting the requirement that the State Contractors' Board establish an advisory committee concerning the classification of licensure of persons who install or maintain building shell insulation or thermal system insulation; revising the circumstances under which a natural person may qualify on behalf of another for more than one

active contractor's license; requiring such a person to possess good character; expanding the acts which constitute cause for disciplinary action against a licensee to include certain international codes; expanding the circumstances under which an injured person is not eligible for recovery from the Recovery Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the State Contractors' Board establish an advisory committee to make recommendations to the Board concerning the licensure of persons who install and maintain building shell or thermal system installation. (NRS 624.100) **Section 1** of this bill deletes this requirement.

Existing law requires an applicant for a license as a contractor to demonstrate certain experience or knowledge. Existing law also provides that an applicant may qualify in regard to such knowledge and experience by the appearance of another person on behalf of the applicant. (NRS 624.260) **Section 2** of this bill authorizes the Board to inquire into and consider that other person's previous experience and certain legal actions against them. **Section 2 also allows a natural person to qualify on behalf of more than one licensee if the licensee is a corporation for public benefit.**

Existing law requires that the Board establish the financial responsibility of an applicant or licensee seeking renewal. (NRS 624.236) **Section 3** of this bill allows the Board to inquire into and consider the financial responsibility of a person who qualifies on behalf of the applicant or licensee in making a determination of financial responsibility. Existing law requires that the Board establish the good character of an applicant or licensee seeking renewal. (NRS 624.265) **Section 4** of this bill allows the Board to request certain information from any person who qualifies on behalf of an applicant or licensee in making a determination of good character.

Existing law provides that workmanship by a licensee that is not commensurate with certain codified standards is grounds for disciplinary action. (NRS 624.3017) **Section 5** of this bill adds certain international building codes to those standards.

Existing law provides that, subject to certain exceptions, certain persons who suffer actual damages as a result of the acts or omissions of a licensee may be eligible to recover damages from the Recovery Fund maintained by the Board. (NRS 624.510) **Section 6** of this bill adds certain exceptions to the eligibility to recover from the Recovery Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.100 is hereby amended to read as follows:

624.100 1. The Board may appoint such committees and make such reasonable bylaws, rules of procedure and regulations as are necessary to carry out the provisions of this chapter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** Board may establish advisory committees composed of its members or employees,

homeowners, contractors or other qualified persons to provide assistance with respect to fraud in construction, or in any other area that the Board considers necessary.

3. ~~[The Board shall establish an advisory committee to make recommendations to the Board concerning the classification of licensure of persons who install or maintain building shell insulation or thermal system insulation, including, without limitation, recommendations relating to training and continuing education.~~

~~4.]~~ If an advisory committee is established, the Board shall:

(a) Select five members for the committee from a list of volunteers approved by the Board; and

(b) Adopt rules of procedure for informal conferences of the committee.

~~[5.]~~ ***4.*** If an advisory committee is established, the members:

(a) Serve at the pleasure of the Board.

(b) Serve without compensation, but must be reimbursed for travel expenses necessarily incurred in the performance of their duties. The rate must not exceed the rate provided for state officers and employees generally.

(c) Shall provide a written summary report to the Board, within 15 days after the final informal conference of the committee, that includes recommendations with respect to actions that are necessary to reduce and prevent the occurrence of fraud in construction, or on such other issues as requested by the Board.

~~[6.]~~ ***5.*** The Board is not bound by any recommendation made by an advisory committee.

~~[7. As used in this section:~~

~~(a) "Building shell insulation" means a product that is used as part of the building which insulates a boundary between indoor and outdoor space or conditioned and unconditioned space, including, without limitation, walls, ceilings or floors.~~

~~(b) "Thermal system insulation" means a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including, without limitation, a pipe, duct, valve, boiler, flue or tank, or equipment on or in a building.]~~

Sec. 2. NRS 624.260 is hereby amended to read as follows:

624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.

2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:

(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.

(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

➥ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and

(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.

4. ***If, pursuant to subsection 2, an applicant or licensee intends to qualify by the appearance of another person, the Board may inquire into and consider any previous business experience of, and any prior and pending lawsuits, liens and judgments against, the other person.***

5. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which the person qualifies; ~~[or]~~

(b) One licensee owns at least 25 percent of the other licensee ~~[.]~~ ***; or***

(c) One licensee is a corporation for public benefit as defined in NRS 82.021.

~~[5.]~~ ***6.*** Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

~~[6.]~~ ***7.*** If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the

applicant is applying for licensure, the experience required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.

~~[7.]~~ ***8.*** As used in this section, "journeyman" means a person who:

(a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or

(b) Has successfully completed:

(1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or

(2) An equivalent program accepted by the Board.

Sec. 3. NRS 624.263 is hereby amended to read as follows:

624.263 1. The financial responsibility of a licensee or an applicant for a contractor's license must be established independently of and without reliance on any assets or guarantees of any owners or managing officers of the licensee or applicant ~~[.]~~ ***or any person who qualifies on behalf of the licensee or applicant pursuant to subsection 2 of NRS 624.260,*** but the financial responsibility of ~~[any owners or managing officers of the licensee or applicant]~~ ***the following persons*** may be inquired into and considered as a criterion in determining the financial responsibility of the licensee or applicant ~~[.]~~ ***:***

(a) Any owner of the licensee or applicant;

(b) Any managing officer of the licensee or applicant; or

(c) Any person who qualifies on behalf of the licensee or applicant pursuant to subsection 2 of NRS 624.260.

2. The financial responsibility of an applicant for a contractor's license or of a licensed contractor may be determined by using the following standards and criteria in connection with each applicant or contractor and each associate or partner thereof:

(a) Amount of net worth.

(b) Amount of liquid assets.

(c) Amount of current assets.

(d) Amount of current liabilities.

(e) Amount of working capital.

(f) Ratio of current assets to current liabilities.

(g) Fulfillment of bonding requirements pursuant to NRS 624.270.

(h) Prior payment and credit records.

(i) Previous business experience.

(j) Prior and pending lawsuits.

(k) Prior and pending liens.

(l) Adverse judgments.

(m) Conviction of a felony or crime involving moral turpitude.

(n) Prior suspension or revocation of a contractor's license in Nevada or elsewhere.

(o) An adjudication of bankruptcy or any other proceeding under the federal bankruptcy laws, including:

(1) A composition, arrangement or reorganization proceeding;

(2) The appointment of a receiver of the property of the applicant or contractor or any officer, director, associate or partner thereof under the laws of this State or the United States; or

(3) The making of an assignment for the benefit of creditors.

(p) Form of business organization, corporate or otherwise.

(q) Information obtained from confidential financial references and credit reports.

(r) Reputation for honesty and integrity of the applicant or contractor or any officer, director, associate or partner thereof.

3. A licensed contractor shall, as soon as it is reasonably practicable, notify the Board in writing upon the filing of a petition or application relating to the contractor that initiates any proceeding, appointment or assignment set forth in paragraph (o) of subsection 2. The written notice must be accompanied by:

(a) A copy of the petition or application filed with the court; and

(b) A copy of any order of the court which is relevant to the financial responsibility of the contractor, including any order appointing a trustee, receiver or assignee.

4. Before issuing a license to an applicant who will engage in residential construction or renewing the license of a contractor who engages in residential construction, the Board may require the applicant or licensee to establish financial responsibility by submitting to the Board:

(a) A financial statement that is:

(1) Prepared by a certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.

5. In addition to the requirements set forth in subsection 4, the Board may require a licensee to establish financial responsibility at any time.

6. An applicant for an initial contractor's license or a licensee applying for the renewal of a contractor's license has the burden of demonstrating financial responsibility to the Board, if the Board requests the applicant or licensee to do so.

Sec. 4. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor***,*** ~~[and]~~ each officer, director, partner and associate thereof***, and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260*** must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, ~~[or]~~ any officer, director, partner or associate thereof, ***or any person who qualifies on behalf of the applicant*** has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, ~~[and]~~ any officer, director, partner or associate of the applicant ~~[,]~~ ***and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260*** must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty and guilty but mentally ill pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

Sec. 5. NRS 624.3017 is hereby amended to read as follows:

624.3017 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed. If no applicable building or construction code has been adopted locally, then workmanship must meet the standards prescribed in the ~~[~~Uniform Building Code,~~]~~ Uniform Plumbing Code **,** ~~[or]~~ National Electrical Code **,** ***International Building Code or International Residential Code*** in the form of the code most recently approved by the Board. The Board shall review each edition of the ~~[~~Uniform Building Code,~~]~~ Uniform Plumbing Code **,** ~~[or]~~ National Electrical Code **,** ***International Building Code or International Residential Code*** that is published after the 1996 edition to ensure its suitability. Each new edition of the code shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days of the publication of the code.

2. Advertising projects of construction without including in the advertisements the name and license number of the licensed contractor who is responsible for the construction.

3. Advertising projects of construction beyond the scope of the license.

Sec. 6. NRS 624.510 is hereby amended to read as follows:

624.510 1. Except as otherwise provided in NRS 624.490 and subsection 2, an injured person is eligible for recovery from the account if the Board or its designee finds that the injured person suffered actual damages as a result of an act or omission of a residential contractor that is in violation of this chapter or the regulations adopted pursuant thereto.

2. An injured person is not eligible for recovery from the account if:

(a) The injured person is ~~[~~the spouse of~~]~~ ***cohabitating with the licensee, is related to the licensee by marriage*** ~~[~~the licensee,~~]~~ ***or by blood in the first or second degree of consanguinity,*** or ***is*** a personal representative of ~~[~~the spouse of~~]~~ ***a person cohabitating with the licensee or related to the licensee by marriage*** ~~[~~the licensee;~~]~~ ***or by blood in the first or second degree of consanguinity;***

(b) The injured person was associated in a business relationship with the licensee other than the contract at issue; ~~[or]~~

(c) At the time of contracting with the residential contractor, the license of the residential contractor was suspended or revoked pursuant to NRS 624.300 ~~[.]~~ ***;***

(d) The injured person:

(1) Applied for and obtained any building permit for the single-family residence at which the act or omission occurred and for which the injured person wishes to recover actual damages from the account; or

(2) Constructed the residence as the owner-builder of the residence;

(e) The claim submitted by the injured person for recovery from the account contains:

(1) A false or misleading statement; or

(2) A forged or altered receipt or other document which includes an improvement, upgrade or work that exceeds the scope of the contract at issue;

(f) The injured person is a lien claimant who has not filed a lien in accordance with the provisions of NRS 108.221 to 108.246, inclusive; or

(g) The single-family residence at which the act or omission occurred and for which the injured person wishes to recover actual damages from the account was constructed, remodeled, repaired or improved with the intent of renting, leasing or selling the residence within 1 year after the date of completion of the construction, remodeling, repair or improvement. The offering of the residence for rent, lease or sale within 1 year after that date creates a rebuttable presumption that the construction, remodeling, repair or improvement was performed with the intent to rent, lease or sell the residence.

3. If the Board or its designee determines that an injured person is eligible for recovery from the account pursuant to this section or NRS 624.490, the Board or its designee may pay out of the account:

(a) The amount of actual damages suffered, but not to exceed $35,000; or

(b) If a judgment was obtained as set forth in NRS 624.490, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed $35,000.

4. The decision of the Board or its designee regarding eligibility for recovery and all related issues is final and not subject to judicial review.

5. If the injured person has recovered a portion of his or her loss from sources other than the account, the Board shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

6. To the extent of payments made from the account, the Board is subrogated to the rights of the injured person, including, without limitation, the right to collect from a surety bond or a cash bond. The Board and the Attorney General shall promptly enforce all subrogation claims.

7. The amount of recovery from the account based upon claims made against any single contractor must not exceed $400,000.

8. As used in this section, "actual damages" includes attorney's fees or costs in contested cases appealed to the appellate court of competent jurisdiction. The term does not include any other attorney's fees or costs.

Sec. 7. 1. This section and section 1 of this act become effective upon passage and approval.

2. Sections 2 to 6, inclusive, of this act become effective on October 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 725.

SUMMARY—Includes certain alcohol and drug abuse counselors, problem gambling counselors**, ~~[and]~~** social workers **and medical facilities** in the definition of "provider of health care" for purposes of various provisions relating to healing arts and certain other provisions. (BDR 54-389)

AN ACT relating to health care providers; including certain alcohol and drug abuse counselors, problem gambling counselors **, ~~[and]~~** social workers **and medical facilities** in the definition of "provider of health care" for purposes of various provisions relating to healing arts and certain other provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "provider of health care" as used in various provisions relating to healing arts to mean a licensed physician, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, occupational therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, music therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine, medical laboratory director or technician, pharmacist, licensed dietician or licensed hospital as the employer of such a person. (NRS 629.031) **Existing law also defines the term "medical facility" to include certain centers, clinics and facilities, including facilities for skilled nursing and hospitals. (NRS 449.0151)**

This bill expands **~~[that]~~ the** definition **of "provider of health care"** to include **: (1)** an associate in social work, a social worker, an independent social worker or a clinical social worker who is licensed pursuant to chapter 641B of NRS, an alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS and an alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to that chapter **~~[.]~~ ; and (2) a medical facility as the employer of any of those persons.**

Adding those persons **and medical facilities** to the list of providers of health care makes certain requirements that are currently applicable to other providers of health care applicable to those persons **and medical facilities** as well. Such requirements include, without limitation, retention of patient records,

requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078)

Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include associates in social work, social workers, independent social workers, clinical social workers, alcohol and drug abuse counselors **,** ~~[and]~~ problem gambling counselors **and medical facilities as employers of those persons** as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 2. **NRS 629.011 is hereby amended to read as follows:**

629.011 As used in this chapter, unless the context otherwise requires, words and terms defined in NRS 629.021 and 629.031 ***and section 1 of this act*** have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 3.*** NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~[a]~~ ***:***

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~[,]~~**;**

(b) A physician assistant ~~[,]~~ ***;***

(c) A dentist ~~[,]~~ ***;***

(d) A licensed nurse ~~[,]~~ ***;***

(e) A dispensing optician ~~[,]~~ ***;***

(f) An optometrist ~~[,]~~ ***;***

(g) A practitioner of respiratory care ~~[,]~~ ***;***

(h) A registered physical therapist ~~[,]~~ ***;***

(i) An occupational therapist ~~[,]~~ ***;***

(j) A podiatric physician ~~[,]~~ ***;***

(k) A licensed psychologist ~~[,]~~ ***;***

(l) A licensed marriage and family therapist ~~[,]~~ ***;***

(m) A licensed clinical professional counselor ~~[,]~~ ***;***

(n) A music therapist ~~[,]~~ ***;***

(o) A chiropractor ~~[,]~~ ***;***

(p) An athletic trainer ~~[,]~~ ***;***

(q) A perfusionist ~~[,]~~ ***;***

(r) A doctor of Oriental medicine in any form ~~[,]~~ ***;***

(s) A medical laboratory director or technician ~~[,]~~ ***;***

(t) A pharmacist ~~[,]~~ ***;***

(u) A licensed dietitian ~~[or a]~~ ***;***

(v) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(w) An alcohol and drug abuse counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(x) An alcohol and drug abuse counselor or a clinical alcohol and drug abuse counselor who is licensed pursuant to chapter 641C of NRS; or

(y) A ~~[licensed hospital]~~ ***medical facility*** as the employer of any ~~[such]~~ person ~~[.]~~ ***specified in this subsection.***

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 4. **NRS 629.161 is hereby amended to read as follows:**

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

(a) Authorized or required pursuant to NRS 439.538;

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(c) Authorized pursuant to an order of a court of competent jurisdiction; or

(d) Necessary for a medical facility ~~[as defined in NRS 449.0151]~~ to maintain a medical record of the person.

2. A person who has authorized another person to retain his or her genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

(a) Authorized or required pursuant to NRS 439.538;

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(c) Authorized by an order of a court of competent jurisdiction;

(d) Necessary for a medical facility ~~[as defined in NRS 449.0151]~~ to maintain a medical record of the person; or

(e) Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; or

(b) The withdrawal of the person from the study,

➥ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his or her withdrawal from the study.

~~[Sec. 2.]~~ ***Sec. 5.*** This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 725 to Senate Bill 84 adds skilled nursing facilities or other medical facilities defined in section 449.0151 of *Nevada Revised Statutes* within the definition of "provider of health care."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time and ordered to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 820.

AN ACT relating to public safety; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; revising provisions relating to vehicles and pedestrians in certain crosswalks and intersections; prohibiting a driver from making a U-turn or passing another vehicle in a school zone or a school crossing zone in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. **Section 1** also provides that a person who is convicted of a violation of a speed limit or of certain other violations ~~[is]~~ **may be** subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone ~~[.]~~ **that is appropriately marked with signs designating the pedestrian safety zone and providing notice that additional penalties may apply in such a zone. Such a doubling of the penalty is discretionary with the court.** **Sections 2-21 and 23-30** of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle or a pedestrian to obey certain rules at an intersection or crosswalk that is controlled by a traffic light, depending on the particular color and symbol displayed on the traffic light. (NRS 484B.307) **Section 18** of this bill provides such rules for an intersection or crosswalk where the traffic light displays a flashing yellow turn arrow, displayed alone or in combination with another signal.

Existing law provides that certain maximum speed limits are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) **Section 22** of this bill makes it unlawful for a driver to make a U-turn or to overtake and pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect and children are present.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone ~~[shall]~~ may be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not ~~[relieved of any criminal liability because signs]~~ subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines may apply in pedestrian safety zones; or

(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 ~~[if the violation results in injury to any pedestrian in]~~ to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 2. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:

(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or

(b) The living quarters of a house coach or house trailer,

➥ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 3. NRS 484B.163 is hereby amended to read as follows:

484B.163 1. A person shall not drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

3. Except as otherwise provided in NRS 484D.440, a vehicle must not be operated upon any highway unless the driver's vision through any required glass equipment is normal.

4. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 4. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in

connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to ~~[~~~~the~~~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 5. NRS 484B.200 is hereby amended to read as follows:

484B.200 1. Upon all highways of sufficient width a vehicle must be driven upon the right half of the highway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movements;

(b) When the right half of the highway is closed to traffic;

(c) Upon a highway divided into three lanes for traffic under the laws applicable thereon;

(d) Upon a highway designated and posted for one-way traffic; or

(e) When the highway is not of sufficient width.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 6. NRS 484B.203 is hereby amended to read as follows:

484B.203 1. Drivers of vehicles proceeding in opposite directions shall pass each other keeping to the right, and upon highways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the paved portion of the highway as nearly as possible.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 7. NRS 484B.207 is hereby amended to read as follows:

484B.207 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

3. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 8. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 9. NRS 484B.213 is hereby amended to read as follows:

484B.213 1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

2. A vehicle must not be driven to the left side of the highway at any time:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

3. Subsection 2 does not apply upon a one-way highway.

4. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 10. NRS 484B.217 is hereby amended to read as follows:

484B.217 1. The Department of Transportation with respect to highways constructed under the authority of chapter 408 of NRS, and local authorities with respect to highways under their jurisdiction, may determine those zones of highways where overtaking and passing to the left or making a left-hand turn would be hazardous, and may by the erection of official traffic-control devices indicate such zones. When such devices are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

2. Except as otherwise provided in subsections 3 and 4, a driver shall not drive on the left side of the highway within such zone or drive across or on the left side of any pavement striping designed to mark such zone throughout its length.

3. A driver may drive across a pavement striping marking such zone to an adjoining highway if the driver has first given the appropriate turn signal and there will be no impediment to oncoming or following traffic.

4. Except where otherwise provided, a driver may drive across a pavement striping marking such a zone to make a left-hand turn if the driver has first given the appropriate turn signal in compliance with NRS 484B.413, if it is safe and if it would not be an impediment to oncoming or following traffic.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 11. NRS 484B.223 is hereby amended to read as follows:

484B.223 1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must:

(a) Be driven as nearly as practicable entirely within a single lane; and

(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.

2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:

(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;

(b) In preparation for a left turn; or

(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give notice of such allocation.

3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:

(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway.

(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway.

(c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.

4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:

(a) Be driven in the right turn lane only for the purpose of making a right turn; and

(b) While being driven in the right turn lane, not travel through an intersection.

5. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 12. NRS 484B.227 is hereby amended to read as follows:

484B.227 1. Every vehicle driven upon a divided highway must be driven only upon the right-hand roadway and must not be driven over, across or within any dividing space, barrier or section or make any left turn, semicircular turn or U-turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.

2. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 13. NRS 484B.280 is hereby amended to read as follows:

484B.280 1. A driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a ***school zone or a*** school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.

Sec. 14. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has

determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals indicate as follows:

(1) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in section 1 of this act.

Sec. 15. NRS 484B.287 is hereby amended to read as follows:

484B.287 ***1.*** Except as provided in NRS 484B.290:

~~[1.]~~ ***(a)*** Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the highway.

~~[2.]~~ ***(b)*** Any pedestrian crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.

~~[3.]~~ ***(c)*** Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.

~~[4.]~~ ***(d)*** A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~[5.]~~ ***(e)*** When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

2. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

Sec. 16. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. Except as otherwise provided in NRS 484B.307, it is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 17. NRS 484B.303 is hereby amended to read as follows:

484B.303 1. Whenever official traffic-control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 18. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield

the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. ***Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:***

(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at

the same time. Such vehicular traffic must yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as otherwise provided in paragraphs (c) and (d), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

~~[8.]~~ ***9.*** Where the signal is a steady red with a green turn arrow:

(a) Except as otherwise provided in paragraph (b), vehicular traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised

that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

~~[9.]~~ ***10.*** If a person violates paragraph (d) of subsection ~~[7]~~ ***8*** or paragraph (b) of subsection ~~[8]~~ ***9*** and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

~~[10.]~~ ***11.*** If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~[11.]~~ ***12.*** Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~[12.]~~ ***13.*** A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

14. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

Sec. 19. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

2. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 20. NRS 484B.320 is hereby amended to read as follows:

484B.320 1. Except as otherwise provided in this section:

(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:

(a) To a provider of mass transit, a signal prioritization device; or

(b) To a response agency, a signal preemption device or a signal prioritization device, or both.

3. A police officer:

(a) Shall, without a warrant, seize any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal; or

(b) May, without a warrant, seize and take possession of a vehicle equipped with any device or mechanism that is capable of interfering with or altering the signal of a traffic-control signal, including, without limitation, a mobile transmitter, if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may cause the vehicle to be towed and impounded until:

(1) The device or mechanism is removed from the vehicle; and

(2) The owner claims the vehicle by paying the cost of the towing and impoundment.

4. Neither the police officer nor the governmental entity which employs the officer is civilly liable for any damage to a vehicle seized pursuant to the provisions of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the towing process begins.

5. Except as otherwise provided in subsection 9, the presence of any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal in or on a vehicle on the highways of this State constitutes prima facie evidence of a violation of this section. The State need not prove that the device or mechanism in question was in an operative condition or being operated.

6. A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.

7. A person who violates any provision of subsection 1 or 2 may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

9. The provisions of this section do not:

(a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

10. As used in this section:

(a) "Mobile transmitter" means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

➥ The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) "Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 277A.270.

(c) "Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;

(2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;

(3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.

(e) "Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or

(3) The functions described in both subparagraphs (1) and (2).

(f) "Traffic-control signal" means a traffic-control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.

Sec. 21. NRS 484B.327 is hereby amended to read as follows:

484B.327 1. It is unlawful for any person to remove any barrier or sign stating that a highway is closed to traffic.

2. It is unlawful to pass over a highway that is marked, signed or barricaded to indicate that it is closed to traffic. A person who violates any provision of this subsection may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 22. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. ***The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:***

(a) When there are no children present;

(b) On a day on which school is not in session;

(c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

(a) On a day on which the school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

~~[4.]~~ ***6.*** Each such governing body and the Department ***of Transportation*** shall provide signs to mark the beginning and end of each school zone and

school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

~~[5.]~~ ***7.*** With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

~~[6.]~~ ***8.*** If, while violating ~~[subsection 1 or 2,]~~ ***any provision of subsections 1 to 4, inclusive,*** the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~[7.]~~ ***9.*** As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 23. NRS 484B.403 is hereby amended to read as follows:

484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227 ***, 484B.363*** and 484B.407.

2. If an official traffic-control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.

3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.

4. Notwithstanding the foregoing provisions of this section, local authorities and the Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 24. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 75 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 25. NRS 484B.603 is hereby amended to read as follows:

484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.

2. Any person who fails to use due care as required by subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 26. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 27. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsection 1 **,** ~~[or]~~ 2 ***or 3*** of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

7. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ***or section 1 of this act*** unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 28. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

Sec. 29. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2

(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~[the]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

Sec. 30. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

➥ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to ~~[~~the~~]~~ ***any*** additional penalty set forth in NRS 484B.130 ~~[.]~~ ***or section 1 of this act.***

6. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram

of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblymen Wheeler and Elliot Anderson.

ASSEMBLYMAN WHEELER:

Amendment 820 makes two changes to Senate Bill 144. It makes the additional penalty for committing certain traffic violations in a pedestrian safety zone discretionary instead of mandatory. It also provides that if signs are not erected providing notice of the higher fines in the pedestrian safety zone and marking the beginning and end of the pedestrian safety zone, then a person is not subject to the additional penalty for committing certain traffic violations in a pedestrian safety zone.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from the Transportation Committee. Do you know how large the signs would have to be to provide notice?

ASSEMBLYMAN WHEELER:

To my colleague, no. The size of the signs was never discussed.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 808.

AN ACT relating to motor vehicles; changing the word "accident" to "crash" in reference to motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law includes references to motor vehicle "accidents" in many sections, including, without limitation, sections dealing with the reporting of accidents, the investigation of an accident by certain law enforcement officers, the preparation of accident reports, the obligations of a party to an accident, the obligations of a garage or repair shop to the owner of a motor vehicle that has been involved in an accident, the requirements for the maintenance of liability insurance by the owner or operator of a motor vehicle, ~~[the obligations and duties resulting from a watercraft accident,]~~ the obligations of certain motor carriers involved in an accident, and the obligations of the operator of a tow car upon towing a motor vehicle involved in an accident. (NRS 480.360, 483.400, 484A.710, 484E.050, 484E.070, 484E.100, 485.185, 706.251, 706.4479) This bill changes the word "accident" in such sections to "crash." In those sections of existing law where the term "accident" is intended to include both a motor vehicle crash and an accidental incident of some other

type, the word "accident" is amended by adding "and motor vehicle crash" or "and crash." **Section 131.3 of this bill clarifies that, for the purposes of the Nevada Insurance Code, the term "crash" has the same meaning as previous uses of the term "accident," when used in reference to motor vehicles. Section 150.5 of this bill provides that the amendatory provisions of this bill shall be construed as nonsubstantive and that it is not the intent of the Nevada Legislature to modify any existing application, construction or interpretation of any statute which has been so amended.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 480.360 is hereby amended to read as follows:

480.360 The duties of the personnel of the Nevada Highway Patrol include, without limitation:

1. To police the public highways of this State, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this State when:

(a) In the apprehension or pursuit of an offender or suspected offender;

(b) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this State; or

(c) Making arrests pursuant to a warrant in the officer's possession or communicated to the officer.

2. To investigate ~~[accidents]~~ ***crashes*** on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such ~~[an accident.]~~ ***a crash.***

3. In conjunction with the Department of Motor Vehicles, to enforce the provisions of chapters 365, 366, 408, 482 to 486, inclusive, 487 and 706 of NRS.

4. To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.

5. To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.

6. To perform such other duties in connection with those specified in this section as may be imposed by the Director.

Sec. 2. NRS 480.600 is hereby amended to read as follows:

480.600 The Nevada Highway Patrol and the Investigation Division of the Department shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[an accident,]~~ ***a crash,*** or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, legal representative or insurer, as applicable, with a copy of the ~~[accident]~~ ***crash*** report and all

statements by witnesses and photographs in the possession or under the control of the Nevada Highway Patrol or the Investigation Division that concern the ~~[accident,]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[accident]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[an accident;]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 3. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that

the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4 and 6 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

8. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

9. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

10. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to

any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

11. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

12. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

13. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular **[**~~accidents~~**]** ***crashes*** or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 4. NRS 482.276 is hereby amended to read as follows:

482.276 Notwithstanding any provision of this chapter to the contrary:

1. Any agricultural user who wishes to obtain a license plate and decal to operate a farm tractor or self-propelled implement of husbandry on the highways of this State may submit an application to the Motor Carrier Division of the Department. Each application must be made upon the appropriate form furnished by the Department. The application must include a nonrefundable fee of $20.50 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance which provides at least $300,000 in coverage for bodily injury and property damage resulting from any single ~~[accident]~~ ***crash*** caused by the agricultural user while operating the farm tractor or self-propelled implement of husbandry. As soon as practicable after receiving the application, fee and evidence of insurance, the Department shall issue the license plate and decal to the agricultural user to affix to the farm tractor or self-propelled implement of husbandry. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal. The license plate and decal are not transferable and must be surrendered or returned to the Department within 60 days after:

(a) A transfer of ownership or interest in the farm tractor or self-propelled implement of husbandry occurs; or

(b) The decal expires pursuant to this subsection and the agricultural user fails to submit an application for renewal pursuant to subsection 2.

2. An application for the renewal of a license plate and decal issued pursuant to subsection 1 must be made upon the appropriate form furnished by the Department. The application for renewal must include a nonrefundable fee of $10 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance specified in subsection 1. As soon as practicable after receiving the application for renewal, fee and evidence of insurance, the Department shall issue a new decal to affix to the license plate. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal.

3. A license plate issued pursuant to subsection 1 must be displayed on the farm tractor or self-propelled implement of husbandry in such a manner that the license plate is easily visible from the rear of the farm tractor or self-propelled implement of husbandry. If the license plate is lost or destroyed, the Department may issue a replacement plate upon the payment of a fee of 50 cents. If the decal is lost or destroyed, the Department may, upon the payment of the fee specified in subsection 2, issue a replacement decal for the farm tractor or self-propelled implement of husbandry.

4. Notwithstanding any provision of chapter 445B of NRS to the contrary, an agricultural user is not required to obtain a certificate of compliance or vehicle inspection report concerning the control of emissions from a farm tractor or self-propelled implement of husbandry before obtaining a license plate and decal for or operating the farm tractor or self-propelled implement of husbandry pursuant to this section.

5. As used in this section, "agricultural user" means any person who owns or operates a farm tractor or self-propelled implement of husbandry specified

in subsection 1 for an agricultural use. As used in this subsection, "agricultural use" has the meaning ascribed to it in NRS 361A.030.

Sec. 5. NRS 482.305 is hereby amended to read as follows:

482.305 1. The short-term lessor of a motor vehicle who permits the short-term lessee to operate the vehicle upon the highways, and who has not complied with NRS 482.295 insuring or otherwise covering the short-term lessee against liability arising out of his or her negligence in the operation of the rented vehicle in limits of not less than $15,000 for any one person injured or killed and $30,000 for any number more than one, injured or killed in any one ~~[accident,]~~ ***crash,*** and against liability of the short-term lessee for property damage in the limit of not less than $10,000 for one ~~[accident,]~~ ***crash,*** is jointly and severally liable with the short-term lessee for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the short-term lessee, except that the foregoing provisions do not confer any right of action upon any passenger in the rented vehicle against the short-term lessor. This section does not prevent the introduction as a defense of contributory negligence to the extent to which this defense is allowed in other cases.

2. The policy of insurance, surety bond or deposit of cash or securities inures to the benefit of any person operating the vehicle by or with the permission of the short-term lessee in the same manner, under the same conditions and to the same extent as to the short-term lessee.

3. The insurance policy, surety bond or deposit of cash or securities need not cover any liability incurred by the short-term lessee of any vehicle to any passenger in the vehicle; but the short-term lessor before delivering the vehicle shall give to the short-term lessee a written notice of the fact that such a policy, bond or deposit does not cover the liability which the short-term lessee may incur on account of his or her negligence in the operation of the vehicle to any passenger in the vehicle.

4. When any suit or action is brought against the short-term lessor under this section, the judge before whom the case is pending shall hold a preliminary hearing in the absence of the jury to determine whether the short-term lessor has provided insurance or a surety bond or deposit of cash or securities covering the short-term lessee as required by subsection 1. Whenever it appears that the short-term lessor has provided insurance or a surety bond or deposit of cash or securities covering the short-term lessee in the required amount, the judge shall dismiss as to the short-term lessor the action brought under this section.

Sec. 6. NRS 482.31525 is hereby amended to read as follows:

482.31525 "Estimated time for replacement" means the number of hours of labor, or a fraction thereof, needed to replace the damaged parts of a passenger car as set forth in a guide for estimating damage caused by a ~~[collision]~~ ***crash*** generally used in the business of repair of cars and commonly known as a "crash book."

Sec. 7. NRS 482.31535 is hereby amended to read as follows:

482.31535 1. Except as otherwise provided in NRS 482.3154, a short-term lessor and a short-term lessee of a passenger car may agree that the lessee will be responsible for:

(a) Physical damage to the car, up to and including its fair market value, regardless of the cause of the damage.

(b) Mechanical damage to the car, up to and including its fair market value, resulting from:

(1) A ~~[collision;]~~ ***crash;***

(2) An impact; or

(3) Any other type of incident,

➥ that is caused by a deliberate or negligent act or omission on the part of the lessee.

(c) Loss resulting from theft of the car, up to and including its fair market value, except that the lessee is presumed to have no liability for any loss resulting from theft if an authorized driver:

(1) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and

(2) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency in providing information concerning the theft.

➥ The lessor may rebut the presumption set forth in this paragraph by establishing that an authorized driver committed or aided and abetted the commission of the theft.

(d) Physical damage to the car, up to and including its fair market value, resulting from vandalism occurring after or in connection with the theft of the car, except that the lessee has no liability for any damage resulting from vandalism if the lessee has no liability for theft pursuant to paragraph (c).

(e) Physical damage to the car and loss of use of the car, up to $2,500, resulting from vandalism not related to the theft of the car and not caused by the lessee.

(f) Loss of use of the car if the lessee is liable for damage or loss.

(g) Actual charges for towing and storage and impound fees paid by the lessor if the lessee is liable for damage or loss.

(h) An administrative charge that includes the cost of appraisal and other costs incident to the damage, loss, loss of use, repair or replacement of the car.

2. For the purposes of this section, the fair market value must be determined in the customary market for the sale of the leased passenger car.

Sec. 8. NRS 482.3154 is hereby amended to read as follows:

482.3154 1. The total amount of the short-term lessee's liability to the short-term lessor resulting from damage to a leased passenger car must not exceed the sum of the following:

(a) The estimated cost for parts that the short-term lessor would have to pay to replace damaged parts. Any discount, price reduction or adjustment received by the lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the short-term lessee.

(b) The estimated cost of labor to replace damaged parts of the passenger car, which must not exceed the product of:

(1) The rate of labor usually paid by the lessor to replace parts of the type that were damaged; and

(2) The estimated time for replacement.

➥ Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.

(c) The estimated cost of labor to repair damaged parts of the passenger car, which must not exceed the lesser of:

(1) The product of the rate for labor usually paid by the short-term lessor to repair parts of the type that were damaged and the estimated time for repair; or

(2) The sum of the costs for estimated labor and parts determined pursuant to paragraphs (a) and (b) to replace the same parts.

➥ Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.

(d) Except as otherwise provided in subsection 2, the loss of use of the leased passenger car, which must not exceed the product of:

(1) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and

(2) The total of the estimated time for replacement and the estimated time for repair. For the purpose of converting the estimated time for repair into the same unit of time in which the rate of the lease is expressed, a day shall be deemed to consist of 8 hours.

(e) Actual charges for towing and storage and impound fees paid by the short-term lessor.

2. Under any of the circumstances described in NRS 482.31555, the short-term lessor's loss of use of the passenger car must not exceed the product of:

(a) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and

(b) The period from the date of ~~[an accident]~~ ***a crash*** to the date the car is ready to be returned to service if the lessor uses his or her best efforts to repair and return the car to service as soon as practicable.

3. An administrative charge pursuant to paragraph (h) of subsection 1 of NRS 482.31535 must not exceed:

(a) Fifty dollars if the total estimated cost for parts and labor is more than $100 and less than or equal to $500.

(b) One hundred dollars if the total estimated cost for parts and labor is more than $500 and less than or equal to $1,500.

(c) One hundred and fifty dollars if the total estimated cost for parts and labor is more than $1,500.

➥ No administrative charge may be imposed if the total estimated cost of parts and labor is $100 or less.

Sec. 9. NRS 482.380 is hereby amended to read as follows:

482.380 1. The Department may issue special motor vehicle license plates from year to year to a person who has resided in the State of Nevada for a period of 6 months preceding the date of application for the license plates and who owns a motor vehicle which is a model manufactured during or before 1915.

2. To administer the provisions of this section, the Department may recognize the Horseless Carriage Club of Nevada as presently constituted as the official Horseless Carriage Club of Nevada and to designate and appoint one member of the Board of Directors of the Horseless Carriage Club of Nevada to act as and be an ex officio deputy of the Department and to perform the duties and functions prescribed by this section without compensation, per diem allowance or travel expenses.

3. An applicant for license plates pursuant to the provisions of this section must:

(a) Fill out and sign an application for license plates on a form prescribed and furnished by the ex officio deputy for licensing antique motor vehicles.

(b) Present evidence of the applicant's eligibility for license plates by showing, to the satisfaction of the ex officio deputy, residence in this State for 6 months preceding the date of application and ownership of an antique motor vehicle which is a model manufactured during or before 1915.

(c) Present a certificate of inspection issued by a committee, or member thereof, appointed by the Board of Directors of the Horseless Carriage Club of Nevada verifying that the antique motor vehicle is in safe and satisfactory mechanical condition, is in good condition and state of repair, is well equipped and is covered by a policy of insurance covering public liability and property damage written by an insurance company qualified to do business in this State with limits of not less than $10,000 for each person nor less than $20,000 for each ~~[accident,]~~ ***crash,*** and not less than $5,000 for property damage and which otherwise meets the requirements of chapter 485 of NRS.

(d) Exhibit a valid driver's license authorizing the applicant to drive a motor vehicle on the highways of this State.

(e) Pay the fee prescribed by the laws of this State for the operation of a passenger car, without regard to the weight or the capacity for passengers.

(f) Pay such other fee as prescribed by the Board of Directors of the Horseless Carriage Club of Nevada necessary to defray all cost of manufacture, transportation and issuance of the special license plates.

4. The ex officio deputy for licensing antique motor vehicles shall each calendar year issue license plates, approved by the Department, for each motor

vehicle owned by an applicant who meets the requirements of subsection 3, subject to the following conditions:

(a) The license plates must be numbered and issued consecutively each year beginning with "Horseless Carriage 1."

(b) The license plates must conform, as nearly as possible, to the color and type of license plate issued in this State for regular passenger cars.

(c) The special license plates issued pursuant to this section must be specified, procured, transported and issued solely at the expense and cost of the Horseless Carriage Club of Nevada and without any expense to the State of Nevada.

5. The ex officio deputy for licensing antique motor vehicles shall pay quarterly to the Department the prescribed fee as provided in paragraph (e) of subsection 3. The fees so received must be used, disbursed or deposited by the Department in the same manner as provided by law for other fees for registration and licensing. All other fees collected to defray expenses must be retained by the Board of Directors of the Horseless Carriage Club of Nevada.

6. The license plates obtained pursuant to this section are in lieu of the license plates otherwise provided for in this chapter and are valid for the calendar year in which they are issued.

7. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance $35

(b) For a renewal sticker 10

Sec. 10. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. The Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle ~~[accident]~~ ***crash*** during the 6 months before applying for the driver's license;

(f) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

Sec. 11. NRS 483.400 is hereby amended to read as follows:

483.400 1. The Department shall maintain files of applications for licenses. Such files shall contain:

(a) All applications denied and on each thereof note the reasons for such denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

2. The Department shall also file all ~~[accident]~~ ***crash*** reports and abstracts of court records of convictions received by it under the laws of this State, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic ~~[accidents]~~ ***crashes*** in which the licensee was involved shall be readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 12. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 6 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle ~~[accident]~~ ***crash*** resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 13. NRS 483.470 is hereby amended to read as follows:

483.470 1. The Department may suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction;

(b) Has been involved as a driver in any ~~[accident]~~ ***crash*** resulting in the death or personal injury of another or serious property damage;

(c) Is physically or mentally incompetent to drive a motor vehicle;

(d) Has permitted an unlawful or fraudulent use of his or her license;

(e) Has committed an offense in another state which if committed in this State would be grounds for suspension or revocation; or

(f) Has failed to comply with the conditions of issuance of a restricted license.

2. Upon suspending the license of any person as authorized in this section, the Department shall immediately notify the person in writing, and upon his or her request shall afford the person an opportunity for a hearing as early as practical within 20 days after receipt of the request in the county wherein the person resides unless the person and the Department agree that the hearing may be held in some other county. The Administrator, or an authorized agent

thereof, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee in connection with the hearing. Upon the hearing, the Department shall either rescind its order of suspension or, for good cause, extend the suspension of the license or revoke it.

Sec. 14. NRS 483.740 is hereby amended to read as follows:

483.740 1. A person operating a school for training drivers shall maintain liability insurance on motor vehicles used in driving instruction, insuring the liability of the driving school, the driving instructor and any person taking instruction, in at least the following amounts:

(a) For bodily injury to or death of one person in any one ~~[accident,]~~ ***crash,*** $100,000;

(b) For bodily injury to or death of two or more persons in any one ~~[accident,]~~ ***crash,*** $300,000; and

(c) For damage to property of others in any one ~~[accident,]~~ ***crash,*** $50,000.

2. Evidence of the insurance coverage in the form of a certificate from the insurance carrier must be filed with the Department. The certificate must stipulate that the insurance may not be cancelled except upon 10 days' written notice to the Department.

Sec. 15. NRS 483.900 is hereby amended to read as follows:

483.900 The purposes of NRS 483.900 to 483.940, inclusive, are to implement the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.), and reduce or prevent commercial motor vehicle ~~[accidents,]~~ ***crashes,*** fatalities and injuries by:

1. Permitting drivers of commercial motor vehicles to hold only one license;

2. Providing for the disqualification of drivers of commercial motor vehicles who have committed certain serious traffic violations or other specified offenses;

3. Strengthening the licensing and testing standards for drivers of commercial motor vehicles; and

4. Ensuring that drivers of commercial motor vehicles carrying hazardous materials are qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to the transportation of hazardous materials and have the skills and knowledge necessary to respond appropriately to any emergency arising out of the transportation of hazardous materials.

Sec. 16. NRS 484A.210 is hereby amended to read as follows:

484A.210 "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to ***the*** danger of ~~[collision]~~ ***a crash*** unless one grants precedence to the other.

Sec. 17. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to

which the public has a right of access or to which persons have access as invitees or licensees.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic ~~[accidents,]~~ ***crashes,*** other than the duties to stop, render aid and provide necessary information;

(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or

(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 18. NRS 484A.660 is hereby amended to read as follows:

484A.660 Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, a peace officer at the scene of a traffic ~~[accident]~~ ***crash*** may issue a traffic citation, as provided in NRS 484A.630, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the ~~[accident]~~ ***crash*** when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the ~~[accident.]~~ ***crash.***

Sec. 19. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

(a) Homicide by vehicle;

(b) A violation of NRS 484C.110 or 484C.120;

(c) A violation of NRS 484C.430;

(d) A violation of NRS 484C.130;

(e) Failure to stop, give information or render reasonable assistance in the event of ~~[an accident]~~ ***a crash*** resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

(f) Failure to stop or give information in the event of ~~[an accident]~~ ***a crash*** resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

(g) Reckless driving;

(h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

(i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484A.730.

Sec. 20. NRS 484A.740 is hereby amended to read as follows:

484A.740 1. All of the provisions of chapters 484A to 484E, inclusive, of NRS apply both to residents and nonresidents of this State, except the special provisions in this section, which shall govern in respect to nonresidents.

2. A peace officer at the scene of a traffic ~~[accident]~~ ***crash*** may arrest without a warrant any driver of a vehicle who is a nonresident of this State and who is involved in the ~~[accident]~~ ***crash*** when, based upon personal investigation, the peace officer has reasonable cause for believing that the person has committed any offense under the provisions of chapters 484A to 484E, inclusive, of NRS in connection with the ~~[accident,]~~ ***crash,*** and if the peace officer has reasonable cause for believing that the person will disregard a written promise to appear in court.

3. Whenever any person is arrested under the provisions of this section, the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750.

Sec. 21. NRS 484B.290 is hereby amended to read as follows:

484B.290 1. A person who is blind and who is on foot and using a service animal or carrying a cane or walking stick white in color, or white tipped with red, has the right-of-way when entering or when on a highway, street or road of this State. Any driver of a vehicle who approaches or encounters such a person shall yield the right-of-way, come to a full stop, if necessary, and take precautions before proceeding to avoid ~~[accident]~~ ***a crash*** or injury to the person.

2. Any person who violates subsection 1 shall be punished by imprisonment in the county jail for not more than 6 months or by a fine of not less than $100 nor more than $500, or by both fine and imprisonment.

Sec. 22. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or

person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any police officer finds a vehicle unattended or disabled upon any highway, bridge or causeway, or in any tunnel, where the vehicle constitutes an obstruction to traffic or interferes with the normal flow of traffic, the officer may provide for the immediate removal of the vehicle.

3. Any police officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in ~~[an accident]~~ ***a crash*** and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; or

(c) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a police officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the police officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

Sec. 23. NRS 484B.621 is hereby amended to read as follows:

484B.621 1. The State Route 159 Safety Speed Zone is hereby established.

2. Within the State Route 159 Safety Speed Zone, the Department of Transportation, in cooperation with other governmental entities whose jurisdiction includes this area, shall ensure that:

(a) The maximum speed that is allowed for vehicular traffic will be set by the Director of the Department of Transportation at a level which takes into consideration the safety and protection of the residents of and visitors to the Red Rock Canyon National Conservation Area. In setting that maximum

speed, the Director of the Department of Transportation shall consider, without limitation, the following factors:

(1) Activity of bicycles and pedestrians in the area.

(2) Protection of the natural environment.

(3) History of ~~[accidents and]~~ crashes in the area.

(4) Recreational activities conducted in the area.

(5) The evaluation and use of measures of traffic calming which will support the maximum speed that is set.

(6) The ability of law enforcement agencies to enforce effectively the maximum speed that is set.

(b) Adequate signage or other forms of notice are evaluated and installed to support and enhance the maximum speed that is set by the Director of the Department of Transportation, as described in paragraph (a).

3. The State Route 159 Safety Speed Zone consists of:

(a) Any portion of State Route 159 that is within the Red Rock Canyon National Conservation Area;

(b) Any portion of State Route 159 that abuts or is immediately adjacent to the Red Rock Canyon National Conservation Area; and

(c) Any portion of State Route 159 that has been designated as a Scenic Byway or State Scenic Byway.

4. As used in this section:

(a) "Scenic Byway" and "State Scenic Byway" have the meanings ascribed to them in the National Scenic Byways Program, as issued by the Federal Highway Administration in 60 Federal Register 26,759 on May 18, 1995.

(b) "Traffic calming" means a combination of measures and techniques intended to:

(1) Reduce vehicular speeds;

(2) Promote safe and pleasant conditions for motorists, bicyclists, pedestrians and residents;

(3) Improve the environment and usability of roadways;

(4) Improve real and perceived safety for nonmotorized traffic; or

(5) Any combination of subparagraphs (1) to (4), inclusive.

Sec. 24. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the direction of a police officer at the scene of a vehicle ~~[accident or collision]~~ ***crash*** or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall seize the license or permit of the person to drive as provided in NRS 484C.220 and arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 484C.170 is hereby amended to read as follows:

484C.170 1. Any coroner, or other public official performing like duties, shall in all cases in which a death has occurred as a result of ~~[an accident]~~ ***a crash*** involving a motor vehicle, whether the person killed is a driver, passenger or pedestrian, cause to be drawn from each decedent, within 8 hours of the ~~[accident,]~~ ***crash,*** a blood sample to be analyzed for the presence and concentration of alcohol.

2. The findings of the examinations are a matter of public record and must be reported to the Department by the coroner or other public official within 30 days after the death.

3. Blood-alcohol analyses are acceptable only if made by laboratories licensed to perform this function.

Sec. 26. NRS 484D.470 is hereby amended to read as follows:

484D.470 1. Tow cars must be equipped with:

(a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of ~~[an accident]~~ ***a crash*** shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) A shovel, and whenever practical the driver of the tow car engaged to remove any disabled vehicle shall spread dirt upon any portion of the roadway where oil or grease has been deposited by the disabled vehicle.

(c) At least one fire extinguisher of the dry chemical or carbon dioxide type, with minimum effective chemicals of no less than 5 pounds, with an aggregate rating of at least 10-B, C units, which must bear the approval of a laboratory nationally recognized as properly equipped to grant such approval.

2. A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada Highway Patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada Highway Patrol, sheriff or chief of police shall cause the roadway to be cleaned and shall bill the owner or operator of the tow car for the costs of the cleaning. If the owner or operator does not pay those costs within 30 days after receiving the bill therefor, the Nevada Highway Patrol, sheriff or chief of police shall report such information to the Nevada Transportation Authority, which may take disciplinary action in accordance with the provisions of NRS 706.449.

Sec. 27. NRS 484D.485 is hereby amended to read as follows:

484D.485 1. A manufacturer of a new motor vehicle which is sold or leased in this State and which is equipped with an event recording device shall

disclose that fact in the owner's manual for the vehicle. The disclosure must include, if applicable, a statement that the event recording device:

(a) Records the direction and rate of speed at which the motor vehicle travels;

(b) Records a history of where the motor vehicle travels;

(c) Records steering performance;

(d) Records brake performance, including, without limitation, whether the brakes were applied before ~~[an accident;]~~ ***a crash;***

(e) Records the status of the driver's safety belt; and

(f) If ~~[an accident]~~ ***a crash*** involving the motor vehicle occurs, is able to transmit information concerning the ~~[accident]~~ ***crash*** to a central communications system.

2. Except as otherwise provided in this section, data recorded by an event recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the vehicle. Data recorded by an event recording device may be downloaded or otherwise retrieved by a person other than the registered owner of the vehicle:

(a) If the registered owner of the vehicle consents to the retrieval of the data.

(b) Pursuant to the order of a court of competent jurisdiction.

(c) If the data is retrieved for the purpose of conducting research to improve motor vehicle safety, including, without limitation, conducting medical research to determine the reaction of a human body to motor vehicle ~~[accidents,]~~ ***crashes,*** provided that the identity of the registered owner or driver is not disclosed in connection with the retrieval of that data. The disclosure of a vehicle identification number pursuant to this paragraph does not constitute the disclosure of the identity of the registered owner or driver of the vehicle.

(d) If the data is retrieved by a new vehicle dealer or a garage operator to diagnose, service or repair the motor vehicle.

(e) Pursuant to an agreement for subscription services for which disclosure required by subsection 4 has been made.

3. A person who retrieves data from an event recording device pursuant to paragraph (c) of subsection 2 shall not disclose that data to any person other than a person who is conducting research specified in that paragraph.

4. If a motor vehicle is equipped with an event recording device that is able to record or transmit any information described in subparagraph (2) or (6) of paragraph (a) of subsection 6 and that ability is part of a subscription service for the motor vehicle, the fact that the information may be recorded or transmitted must be disclosed in the agreement for the subscription service.

5. Any person who violates the provisions of this section is guilty of a misdemeanor.

6. As used in this section:

(a) "Event recording device" means a device which is installed by the manufacturer of a motor vehicle and which, for the purposes of retrieving data after ~~[an accident]~~ ***a crash*** involving the motor vehicle:

(1) Records the direction and rate of speed at which the motor vehicle travels;

(2) Records a history of where the motor vehicle travels;

(3) Records steering performance;

(4) Records brake performance, including, without limitation, whether the brakes were applied before ~~[an accident;]~~ ***a crash;***

(5) Records the status of the driver's safety belt; or

(6) If ~~[an accident]~~ ***a crash*** involving the motor vehicle occurs, is able to transmit information concerning the ~~[accident]~~ ***crash*** to a central communications system.

(b) "Garage operator" has the meaning ascribed to it in NRS 487.545.

(c) "New vehicle dealer" has the meaning ascribed to it NRS 482.078.

(d) "Owner" means:

(1) A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not the person lends, rents or creates a security interest in the motor vehicle;

(2) A person entitled to possession of the motor vehicle as the purchaser under a security agreement; or

(3) A person entitled to possession of the motor vehicle as a lessee pursuant to a lease agreement if the term of the lease is more than 3 months.

Sec. 28. NRS 484D.655 is hereby amended to read as follows:

484D.655 1. The Director of the Department of Transportation:

(a) May, pursuant to paragraph (a) of subsection 1 of NRS 408.210, reduce the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway under the jurisdiction of the Department of Transportation, including, without limitation, a bridge located on the highway, for a period of not more than 180 days.

(b) Shall provide an informational report to the Board of Directors of the Department of Transportation that describes any reduction to the maximum weight limits made pursuant to paragraph (a) within 60 days after the Director of the Department of Transportation makes the reduction.

2. Except as otherwise provided in subsection 1 and NRS 484D.660, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484D.635, 484D.640 and 484D.645 on a highway or a portion of a highway under its jurisdiction, the Department of Transportation shall:

(a) Consider:

(1) The average number of vehicles traveling on the highway each day;

(2) The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to subparagraph (1);

(3) The availability of alternate routes to the highway;

(4) The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;

(5) The number of traffic ~~[accidents]~~ ***crashes*** involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;

(6) Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and

(7) Any other factors the Department of Transportation deems appropriate; and

(b) Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.

Sec. 29. NRS 484D.715 is hereby amended to read as follows:

484D.715 1. The Department of Transportation may, upon application in writing, if good cause appears, issue a special or multiple trip-limited time permit in writing authorizing the applicant to move a manufactured or mobile home, or any other similar type of vehicle or structure, in excess of the maximum width, but not exceeding, except as otherwise provided in NRS 484D.720, 120 inches exclusive of appendages which must not extend beyond 3 inches on either side. The Department of Transportation may establish seasonal or other limitations on the time within which the home, vehicle or structure may be moved on the highways indicated, and may require an undertaking or other security as may be considered necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation. Permits for the movement of homes, vehicles or structures as provided for in this section may be issued only to licensed manufacturers, dealers, owners and transporters and may be issued only under the following conditions:

(a) The power unit used to tow an overwidth home, vehicle or structure having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power equipped with dual wheels.

(b) The power unit used to tow an overwidth home, vehicle or structure having a gross weight in excess of 18,000 pounds must be a one-and-one-half-ton, or larger, truck or tractor equipped with dual wheels.

(c) The mobile home for which the permit is issued must comply with the provisions of NRS 484D.635 relating to maximum weight on axles.

(d) The insurer must furnish evidence of insurance verifying coverage of the overwidth home, vehicle or structure in the amount of $100,000 because of bodily injury to or death of one person in any one ~~[accident,]~~ ***crash,*** in the amount of $300,000 because of bodily injury to or death of two or more persons in any one ~~[accident]~~ ***crash*** and in the amount of $50,000 because of injury to or destruction of property of others in any one ~~[accident.]~~ ***crash.***

2. A permit which has been issued for the movement of a manufactured or mobile home, or a similar type of vehicle or structure, is not valid between sunset and sunrise. The Director of the Department of Transportation may establish additional reasonable regulations, consistent with this section,

including regulations concerning the movement of such a home, vehicle or structure on a Saturday, Sunday or a legal holiday, as the Director considers necessary in the interest of public safety.

Sec. 30. NRS 484E.010 is hereby amended to read as follows:

484E.010 1. The driver of any vehicle involved in ~~[an accident]~~ ***a crash*** on a highway or on premises to which the public has access resulting in bodily injury to or the death of a person shall immediately stop his or her vehicle at the scene of the ~~[accident]~~ ***crash*** or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of the ~~[accident]~~ ***crash*** until the driver has fulfilled the requirements of NRS 484E.030.

2. Every such stop must be made without obstructing traffic more than is necessary.

3. A person failing to comply with the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not less than $2,000 nor more than $5,000.

Sec. 31. NRS 484E.020 is hereby amended to read as follows:

484E.020 The driver of any vehicle involved in ~~[an accident]~~ ***a crash*** resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

1. Immediately stop his or her vehicle at the scene of the ~~[accident;]~~ ***crash;*** and

2. As soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved to a location as close thereto as possible that does not obstruct traffic and return to and remain at the scene of the ~~[accident]~~ ***crash*** until the driver has fulfilled the requirements of NRS 484E.030.

Sec. 32. NRS 484E.030 is hereby amended to read as follows:

484E.030 1. The driver of any vehicle involved in ~~[an accident]~~ ***a crash*** resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:

(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such ~~[accident]~~ ***crash*** or to the driver or occupant of or person attending any vehicle or other property damaged in such ~~[accident;]~~ ***crash;***

(b) Give such information and upon request manually surrender such license to any police officer at the scene of the ~~[accident]~~ ***crash*** or who is investigating the ~~[accident;]~~ ***crash;*** and

(c) Render to any person injured in such ~~[accident]~~ ***crash*** reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in such ~~[accident]~~ ***crash*** after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report such ~~[accident]~~ ***crash*** to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

Sec. 33. NRS 484E.040 is hereby amended to read as follows:

484E.040 The driver of any vehicle which ~~[collides with or]~~ is involved in ~~[an accident]~~ ***a crash*** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

Sec. 34. NRS 484E.050 is hereby amended to read as follows:

484E.050 1. The driver of a vehicle which ~~[collides with or]~~ is involved in ~~[an accident]~~ ***a crash*** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such ~~[accident]~~ ***crash*** to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of ~~[an accident]~~ ***a crash*** as required in subsection 1 and there was another occupant in the vehicle at the time of the ~~[accident]~~ ***crash*** capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

Sec. 35. NRS 484E.060 is hereby amended to read as follows:

484E.060 1. A peace officer at the scene of ~~[an accident]~~ ***a crash*** involving a motor vehicle shall, by radio, request that the information on file with the Department be checked regarding the validity of the registration for each motor vehicle involved in the ~~[accident.]~~ ***crash.*** If the peace officer is informed that the registration of a motor vehicle involved in the ~~[accident]~~ ***crash*** has been suspended pursuant to any provision of chapter 485 of NRS, the peace officer shall determine whether the license plates and certificate of registration for the motor vehicle have been surrendered as required by NRS 485.320. If the license plates and certificate have not been surrendered, the peace officer shall:

(a) Issue a traffic citation in the manner provided in NRS 484A.630 charging the registered owner with a violation of NRS 485.320 and 485.330; and

(b) Without a warrant, seize and take possession of the motor vehicle and cause it to be towed and impounded until the owner claims it by:

(1) Presenting proof that the vehicle's registration has been reinstated by the Department; and

(2) Paying the cost of the towing and impoundment.

2. Neither the peace officer nor the governmental entity which employs the peace officer is civilly liable for any damage to the vehicle that occurs after the vehicle is seized, but before the towing process begins.

Sec. 36. NRS 484E.070 is hereby amended to read as follows:

484E.070 1. The Department shall:

(a) Approve the format of the forms for ~~[accident]~~ ***crash*** reports made pursuant to this section; and

(b) Make those forms available to persons who are required to forward the reports to the Department pursuant to this section.

2. Except as otherwise provided in subsections 3, 4 and 5, the driver of a vehicle which is in any manner involved in ~~[an accident]~~ ***a crash*** on a highway or on premises to which the public has access, if the ~~[accident]~~ ***crash*** results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of $750 or more, shall, within 10 days after the ~~[accident,]~~ ***crash,*** forward a written or electronic report of the ~~[accident]~~ ***crash*** to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the ~~[accident]~~ ***crash*** report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written or electronic reports whenever the original report is insufficient in the opinion of the Department.

3. A report is not required from any person if the ~~[accident]~~ ***crash*** was investigated by a police officer pursuant to NRS 484E.110 and the report of the investigating officer contains:

(a) The name and address of the insurance company providing coverage to each person involved in the ~~[accident;]~~ ***crash;***

(b) The number of each policy; and

(c) The dates on which the coverage begins and ends.

4. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority need not submit in his or her report the information requested pursuant to subsection 3 of NRS 484E.120 until the 10th day of the month following the month in which the ~~[accident]~~ ***crash*** occurred.

5. A written or electronic ~~[accident]~~ ***crash*** report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of the person's incapacity. Whenever the driver is physically incapable of making a written or electronic report of ~~[an accident]~~ ***a crash*** as required in this section and the driver is not the owner of the vehicle, the owner shall within 10 days after knowledge of the ~~[accident]~~ ***crash*** make the report not made by the driver.

6. All written or electronic reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in ~~[accidents]~~

crashes are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for ~~[accident]~~ ***crash*** prevention, except as otherwise provided in NRS 239.0115 and except that the Department may disclose to a person involved in ~~[an accident]~~ ***a crash*** or to his or her insurer the identity of another person involved in the ~~[accident]~~ ***crash*** when the person's identity is not otherwise known or when the person denies having been present at the ~~[accident.]~~ ***crash.*** The Department may also disclose the name of the person's insurer and the number of the person's policy.

7. A written or electronic report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of ~~[an accident]~~ ***a crash*** except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified ~~[accident]~~ ***crash*** report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the ~~[accident,]~~ ***crash,*** the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484E.080.

Sec. 37. NRS 484E.080 is hereby amended to read as follows:

484E.080 1. If a person willfully fails, refuses or neglects to make a report of ~~[an accident]~~ ***a crash*** in accordance with the provisions of this chapter, the person's driving privilege may be suspended. Suspension action taken under this section remains in effect for 1 year unless terminated by receipt of the report of the ~~[accident]~~ ***crash*** or upon receipt of evidence that failure to report was not willful.

2. Any person who gives information in electronic, oral or written reports as required in this chapter, knowing or having reason to believe that such information is false, is guilty of a gross misdemeanor.

Sec. 38. NRS 484E.090 is hereby amended to read as follows:

484E.090 The State Registrar of Vital Statistics shall on or before the 10th day of each month report in writing to the Department the death of any person resulting from a vehicle ~~[accident,]~~ ***crash,*** giving the time and place of ~~[accident]~~ ***the crash*** and the circumstances relating thereto.

Sec. 39. NRS 484E.100 is hereby amended to read as follows:

484E.100 The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in ~~[an accident]~~ ***a crash*** and which is repaired in that garage or repair shop shall maintain for 2 years a record of those repairs including the:

1. Registration number of the vehicle;
2. Vehicle identification number;
3. Color of the vehicle before the repairs;
4. Location on the vehicle of the damage repaired;
5. Total amount of the damage; and
6. Name and address of the person who requested the repairs.

Sec. 40. NRS 484E.110 is hereby amended to read as follows:

484E.110 1. Every police officer who investigates a vehicle ~~[accident]~~ ***crash*** of which a report must be made as required in this chapter, or who otherwise prepares a written or electronic report as a result of an investigation either at the time of and at the scene of the ~~[accident]~~ ***crash*** or thereafter by interviewing the participants or witnesses, shall forward a written or electronic report of the ~~[accident]~~ ***crash*** to the Department of Public Safety within 10 days after the investigation of the ~~[accident.]~~ ***crash.*** The data collected by the Department of Public Safety pursuant to this subsection must be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle ~~[accidents]~~ ***crashes*** on a statewide basis.

2. The written or electronic reports required to be forwarded by police officers and the information contained therein are not privileged or confidential.

3. Every sheriff, chief of police or office of the Nevada Highway Patrol receiving any report required under NRS 484E.030 to 484E.090, inclusive, shall immediately prepare a copy thereof and file the copy with the Department of Public Safety.

4. If a police officer investigates a vehicle ~~[accident]~~ ***crash*** resulting in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of $750 or more, the police officer shall prepare a written or electronic report of the investigation.

5. As soon as practicable after receiving a report pursuant to this section, the Department of Public Safety shall submit a copy of the report to the Department of Motor Vehicles.

Sec. 41. NRS 484E.120 is hereby amended to read as follows:

484E.120 1. The Department of Public Safety shall prepare forms for ~~[accident]~~ ***crash*** reports required pursuant to NRS 484E.110, suitable with respect to the persons required to make the reports and the purposes to be served. The forms must be designed to call for sufficiently detailed information to disclose with reference to ~~[an accident]~~ ***a crash*** the cause, conditions then existing, the persons and vehicles involved, the name and address of the insurance company, the number of the policy providing coverage and the dates on which the coverage begins and ends. The Department of Public Safety shall, upon request, supply to a police department, sheriff or other appropriate agency or person, the forms for ~~[accident]~~ ***crash*** reports prepared by a police officer pursuant to NRS 484E.110.

2. In addition to submitting a copy of a report pursuant to NRS 484E.110, the Department of Public Safety shall provide any information required by this section which is not included in the report to the Department of Motor Vehicles to enable the Department of Motor Vehicles to determine whether the requirements for the deposit of security under chapter 485 of NRS are inapplicable. The Department of Motor Vehicles may rely upon the accuracy of information supplied to a police officer by a driver or owner on the form unless it has reason to believe that the information is erroneous.

3. Every ~~[accident]~~ ***crash*** report required pursuant to NRS 484E.070 must be made on the appropriate form approved by the Department of Motor Vehicles pursuant to that section and must contain all the information required in the form.

4. Every ~~[accident]~~ ***crash*** report required pursuant to NRS 484E.110 must be made on the appropriate form approved by the Department of Public Safety and must contain all the information required therein unless it is not available.

Sec. 42. NRS 484E.130 is hereby amended to read as follows:

484E.130 The Department shall tabulate and analyze all ~~[accident]~~ ***crash*** reports received in compliance with this chapter and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of vehicle ~~[accidents.]~~ ***crashes.***

Sec. 43. NRS 485.105 is hereby amended to read as follows:

485.105 "Proof of financial responsibility" means proof of ability to respond for the future in damages for liability, on account of ~~[accidents]~~ ***crashes*** occurring subsequent to the effective date of that proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amounts specified in NRS 485.185.

Sec. 44. NRS 485.185 is hereby amended to read as follows:

485.185 Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:

1. In the amount of $15,000 for bodily injury to or death of one person in any one ~~[accident;]~~ ***crash;***

2. Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one ~~[accident;]~~ ***crash;*** and

3. In the amount of $10,000 for injury to or destruction of property of others in any one ~~[accident,]~~ ***crash,***

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 45. NRS 485.190 is hereby amended to read as follows:

485.190 1. If, 20 days after the receipt of a report of ~~[an accident]~~ ***a crash*** involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of $750, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the ~~[accident,]~~ ***crash,*** the Department shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The Department shall, immediately after a determination adverse to an operator or owner is made in a hearing pursuant to NRS 485.191, suspend the

license of each operator and all registrations of each owner of a motor vehicle involved in such ~~[an accident,]~~ ***a crash,*** and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him or her, unless the operator or owner, or both, immediately deposit security in the sum so determined by the Department at the hearing. If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 46. NRS 485.191 is hereby amended to read as follows:

485.191 1. Any operator or owner of a motor vehicle who was involved in ~~[an accident]~~ ***a crash*** and who is not exempt from the requirements of depositing security by the provisions of NRS 485.200, is entitled to a hearing before the Director or a representative of the Director before a determination of the amount of security required pursuant to NRS 485.190, and before the suspension of his or her operator's license or registration as provided in subsection 2 of NRS 485.190. The hearing must be held in the county of residence of the operator. If the operator and owner reside in different counties and the hearing would involve both of them, the hearing must be held in the county which will be the most convenient for the summoning of witnesses.

2. The owner or operator must be given at least 30 days' notice of the hearing in writing with a brief explanation of the proceedings to be taken against the owner or operator and the possible consequences of a determination adverse to the owner or operator.

3. If the operator or owner desires a hearing, the owner or operator shall, within 15 days, notify the Department in writing of such intention. If the owner or operator does not send this notice within the 15 days, he or she waives his or her right to a hearing, except that, the Director may for good cause shown permit the owner a later opportunity for a hearing.

Sec. 47. NRS 485.193 is hereby amended to read as follows:

485.193 The hearing must be held to determine:

1. Whether or not there is a reasonable possibility that a judgment may be rendered against the owner or operator as a result of the ~~[accident]~~ ***crash*** in which the owner or operator was involved if the issue is brought before a court of competent jurisdiction; and

2. The amount of security that may be required of the operator or owner to satisfy any judgment for damages that may be rendered against the owner or operator.

Sec. 48. NRS 485.200 is hereby amended to read as follows:

485.200 1. The requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, do not apply:

(a) To the operator or owner if the operator or owner had in effect at the time of the ~~[accident]~~ ***crash*** a motor vehicle liability policy with respect to the motor vehicle involved in the ~~[accident;]~~ ***crash;***

(b) To the operator if there was in effect at the time of the ~~[accident]~~ ***crash*** a motor vehicle liability policy with respect to his or her operation of any motor vehicle;

(c) To the operator or owner if the liability for damages of the operator or owner resulting from the ~~[accident]~~ ***crash*** is, in the judgment of the Department, covered by any other form of liability insurance policy or a bond;

(d) To any person qualifying as a self-insurer pursuant to NRS 485.380, or to any person operating a motor vehicle for the self-insured;

(e) To the operator or the owner of a motor vehicle involved in ~~[an accident]~~ ***a crash*** wherein no injury or damage was caused to the person or property of anyone other than the operator or owner;

(f) To the operator or the owner of a motor vehicle legally parked at the time of the ~~[accident;]~~ ***crash;***

(g) To the owner of a motor vehicle if at the time of the ~~[accident]~~ ***crash*** the vehicle was being operated without the owner's permission, express or implied, or was parked by a person who had been operating the motor vehicle without permission; or

(h) If, before the date that the Department would otherwise suspend the license and registration or nonresident's operating privilege pursuant to NRS 485.190, there is filed with the Department evidence satisfactory to it that the person who would otherwise have to file security has been released from liability or has received a determination in his or her favor at a hearing conducted pursuant to NRS 485.191, or has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the ~~[accident.]~~ ***crash.***

2. An owner who is not the operator of the motor vehicle is not exempt from the requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, if the owner holds a motor vehicle liability policy which provides coverage only when the owner is operating the motor vehicle and, at the time of the ~~[accident,]~~ ***crash,*** another person is operating the motor vehicle with the express or implied permission of the owner.

Sec. 49. NRS 485.210 is hereby amended to read as follows:

485.210 For the purposes of NRS 485.200, a policy or bond is not effective unless:

1. The policy or bond is subject, if the ~~[accident]~~ ***crash*** has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $15,000 because of bodily injury to or death of one person in any one ~~[accident]~~ ***crash*** and, subject to the limit for one person, to a limit of not less than $30,000 because of bodily injury to or death of two or more persons in any one ~~[accident]~~ ***crash*** and, if the ~~[accident]~~ ***crash*** has resulted in injury to or destruction of property, to a limit of not less than $10,000 because of injury to or destruction of property of others in any one ~~[accident;]~~ ***crash;*** and

2. The insurance company or surety company issuing that policy or bond is authorized to do business in this State or, if the company is not authorized

to do business in this State, unless it executes a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action upon that policy or bond arising out of ~~[an accident.]~~ ***a crash.***

Sec. 50. NRS 485.220 is hereby amended to read as follows:

485.220 1. The security required pursuant to NRS 485.190 to 485.300, inclusive, must be in such a form and amount as the Department may require, but in no case in excess of the limits specified in NRS 485.210 in reference to the acceptable limits of a policy or bond.

2. The person depositing the security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while the deposit is in the custody of the Department or the State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons, but a single deposit of security is applicable only on behalf of persons required to furnish security because of the same ~~[accident.]~~ ***crash.***

Sec. 51. NRS 485.230 is hereby amended to read as follows:

485.230 1. The license, all registrations and the nonresident's operating privilege suspended as provided in NRS 485.190 must remain so suspended and may not be renewed nor may any license or registration be issued to any such person until:

(a) The person deposits or there is deposited on his or her behalf the security required under NRS 485.190;

(b) Two years have elapsed following the date of the ~~[accident]~~ ***crash*** and evidence satisfactory to the Department has been filed with it that during that period no action for damages arising out of the ~~[accident]~~ ***crash*** has been instituted; or

(c) Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of nonliability, or an acknowledged written agreement, in accordance with NRS 485.190.

2. Upon any default in the payment of any installment under any acknowledged written agreement, and upon notice of the default, the Department shall suspend the license and all registrations or the nonresident's operating privilege of the person defaulting, which may not be restored until:

(a) The person deposits and thereafter maintains security as required under NRS 485.190 in such an amount as the Department may then determine; or

(b) One year has elapsed following the date of default, or 2 years following the date of the ~~[accident,]~~ ***crash,*** whichever is greater, and during that period no action upon the agreement has been instituted in a court in this State.

3. Proof of financial responsibility, as set forth in NRS 485.307, is an additional requirement for reinstatement of the operator's license and registrations under this section. The person shall maintain proof of financial responsibility for 3 years after the date of reinstatement of the license in accordance with the provisions of this chapter. If the person fails to do so the Department shall suspend the license and registrations.

Sec. 52. NRS 485.240 is hereby amended to read as follows:

485.240 1. If the operator or the owner of a motor vehicle involved in ~~[an accident]~~ ***a crash*** within this State has no license or registration, or is a nonresident, the operator or owner must not be allowed a license or registration until the operator or owner has complied with the requirements of NRS 485.190 to 485.300, inclusive, to the same extent that would be necessary if, at the time of the ~~[accident,]~~ ***crash,*** the operator or owner had held a license and registration.

2. When a nonresident's operating privilege is suspended pursuant to NRS 485.190 or 485.230, the Department shall transmit a certified copy of the record of that action to the officer in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of that state provides for action in relation thereto similar to that provided for in subsection 3.

3. Upon receipt of a certification that the operating privilege of a resident of this State has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle ~~[accident,]~~ ***crash,*** under circumstances which would require the Department to suspend a nonresident's operating privilege had the ~~[accident]~~ ***crash*** occurred in this State, the Department shall suspend the license of the resident if the resident was the operator, and all of his or her registrations if the resident was the owner of a motor vehicle involved in that ~~[accident.]~~ ***crash.*** The suspension must continue until the resident furnishes evidence of compliance with the law of the other state relating to the deposit of that security.

Sec. 53. NRS 485.250 is hereby amended to read as follows:

485.250 The Department may reduce the amount of security ordered in any case within 6 months after the date of the ~~[accident]~~ ***crash*** if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered must be returned to the depositor or his or her personal representative forthwith, notwithstanding the provisions of NRS 485.270.

Sec. 54. NRS 485.270 is hereby amended to read as follows:

485.270 Security deposited in compliance with the requirements of this chapter is applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made for damages arising out of the ~~[accident]~~ ***crash*** in question in an action at law, begun not later than 2 years after the date of the ~~[accident]~~ ***crash*** or within 1 year after the date of deposit of any security under NRS 485.230, whichever period is longer, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of the ~~[accident.]~~ ***crash.***

Sec. 55. NRS 485.280 is hereby amended to read as follows:

485.280 A deposit or any balance thereof must be returned to the depositor or his or her personal representative:

1. When evidence satisfactory to the Department has been filed with it that there has been a release from liability, a final adjudication of nonliability or an

acknowledged agreement, in accordance with paragraph (h) of subsection 1 of NRS 485.200; or

2. If 2 years after the date of the ~~[accident]~~ ***crash*** or 1 year after the date of deposit of any security under NRS 485.230, whichever period is longer, the Department is given reasonable evidence that there is no action pending and no judgment rendered in such an action left unpaid.

Sec. 56. NRS 485.301 is hereby amended to read as follows:

485.301 1. Whenever any person fails within 60 days to satisfy any judgment that was entered as a result of ~~[an accident]~~ ***a crash*** involving a motor vehicle, the judgment creditor or the judgment creditor's attorney may forward to the Department immediately after the expiration of the 60 days a certified copy of the judgment.

2. If the defendant named in any certified copy of a judgment that was entered as a result of ~~[an accident]~~ ***a crash*** involving a motor vehicle and reported to the Department is a nonresident, the Department shall transmit a certified copy of the judgment to the officer in charge of the issuance of licenses and registration certificates of the state in which the defendant is a resident.

Sec. 57. NRS 485.304 is hereby amended to read as follows:

485.304 Judgments must for the purpose of this chapter only, be deemed satisfied:

1. When $15,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one ~~[accident;]~~ ***crash;***

2. When, subject to the limit of $15,000 because of bodily injury to or death of one person, the sum of $30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one ~~[accident;]~~ ***crash;*** or

3. When $10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one ~~[accident,]~~ ***crash,***

➥ but payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle ~~[accident]~~ ***crash*** must be credited in reduction of the amounts provided for in this section.

Sec. 58. NRS 485.307 is hereby amended to read as follows:

485.307 1. Proof of financial responsibility, when required pursuant to this title, may be given by filing:

(a) A certificate of financial responsibility as provided in NRS 485.308 or 485.309; or

(b) A certificate of self-insurance, as provided in NRS 485.380, supplemented by an agreement by the self-insurer that, with respect to ~~[accidents]~~ ***crashes*** occurring while the certificate is in force, the self-insurer will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's policy of liability insurance if it had issued such a policy to the self-insurer.

2. Whenever the Department restores a license, permit or privilege of driving a vehicle in this State which has been revoked, no motor vehicle may be or continue to be registered in the name of the person whose license, permit or privilege was revoked unless proof of financial responsibility is furnished by that person.

Sec. 59. NRS 485.309 is hereby amended to read as follows:

485.309 1. The nonresident owner of a motor vehicle not registered in this State or a nonresident operator of a motor vehicle may give proof of financial responsibility by filing with the Department a written certificate of an insurance carrier authorized to transact business:

(a) If the insurance provides coverage for the vehicle, in the state in which the motor vehicle described in the certificate is registered; or

(b) If the insurance provides coverage for the operator only, in the state in which the insured resides,

➥ if the certificate otherwise conforms to the provisions of this chapter.

2. The Department shall accept the proof upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(a) The insurance carrier shall execute a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action arising out of ~~[an accident]~~ ***a crash*** involving a motor vehicle in this State; and

(b) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this State relating to the terms of liability policies for owners of motor vehicles.

3. If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any undertakings or agreements, the Department shall not thereafter accept as proof any certificate of that carrier whether theretofore filed or thereafter tendered as proof, as long as the default continues.

Sec. 60. NRS 485.3091 is hereby amended to read as follows:

485.3091 1. An owner's policy of liability insurance must:

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) Because of bodily injury to or death of one person in any one ~~[accident,]~~ ***crash,*** $15,000;

(2) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one ~~[accident,]~~ ***crash,*** $30,000; and

(3) Because of injury to or destruction of property of others in any one ~~[accident,]~~ ***crash,*** $10,000.

2. An operator's policy of liability insurance must insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the person's use of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in paragraph (b) of subsection 1.

3. A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

4. A motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

5. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph (b) of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

6. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

7. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

8. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers, which policies together meet those requirements.

9. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 61. NRS 485.316 is hereby amended to read as follows:

485.316 1. Except as otherwise provided in subsection 2 and NRS 239.0115, information which is maintained in the system created pursuant to NRS 485.313 is confidential.

2. The Department may only disclose information which is maintained in the system to:

(a) A state or local governmental agency for the purpose of enforcing NRS 485.185, including investigating or litigating a violation or alleged violation;

(b) An authorized insurer;

(c) A person:

(1) With whom the Department has contracted to provide services relating to the system created pursuant to NRS 485.313; and

(2) To whom the information is disclosed only pursuant to a nondisclosure or confidentiality agreement which relates to the information;

(d) A person who requests information regarding his or her own status;

(e) The parent or legal guardian of the person about whom the information is requested if the person is an unemancipated minor or legally incapacitated;

(f) A person who has a power of attorney from the person about whom the information is requested;

(g) A person who submits a notarized release from the person about whom the information is requested which is dated no more than 90 days before the date of the request; or

(h) A person who has suffered a loss or injury in ~~[an accident]~~ ***a crash*** involving a motor vehicle, or the person's authorized insurer or a representative of the authorized insurer, who requests:

(1) Information for use in the ~~[accident]~~ ***crash*** report; and

(2) For each motor vehicle involved in the ~~[accident:]~~ ***crash:***

(I) The name and address of each registered owner;

(II) The name of the insurer; and

(III) The number of the policy of liability insurance.

3. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.

Sec. 62. NRS 485.385 is hereby amended to read as follows:

485.385 Whenever the Department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information or by reason of having received no information, upon receiving correct information within 2 years after the date of the ~~[accident]~~ ***crash,*** the

Department shall take appropriate action to carry out the purposes of this chapter. The foregoing does not require the Department to reevaluate the amount of any deposit required under this chapter.

Sec. 63. NRS 485.400 is hereby amended to read as follows:

485.400 This chapter shall not apply with respect to any ~~[accident,]~~ ***crash,*** or judgment arising therefrom, or violation of the motor vehicle laws of this State occurring prior to September 1, 1949.

Sec. 64. NRS 487.520 is hereby amended to read as follows:

487.520 1. Except as otherwise provided in subsection 3, if a salvage vehicle is repaired or rebuilt by a garage operator or operator of a body shop, the repairs or rebuilding must comply with the standards published and commonly applied in the motor vehicle repair industry.

2. Except as otherwise provided in subsection 3, if any safety equipment that was present in a motor vehicle at the time it was manufactured is repaired or replaced by a garage operator or operator of a body shop, the equipment must be repaired or replaced to the standards published and commonly applied in the motor vehicle repair industry.

3. If a motor vehicle has been in ~~[an accident]~~ ***a crash*** and a garage operator or operator of a body shop accepts or assumes control of the motor vehicle to make any repair, the garage operator or operator of the body shop shall:

(a) For a motor vehicle that is equipped with an airbag that has been deployed, replace the airbag in a manner that complies with the standards set forth in 49 C.F.R. § 571.208, Standard No. 208, for such equipment.

(b) For a motor vehicle that is equipped with a seatbelt assembly which requires repair or replacement, repair or replace the seatbelt assembly in a manner that complies with the standards set forth in 49 C.F.R. § 571.209, Standard No. 209, for such equipment.

4. A garage operator or operator of a body shop who is licensed pursuant to the provisions of this chapter who performs the work required pursuant to this section shall retain a written record of the work, including, without limitation, the date of the repair, rebuilding or replacement, and any identifying information regarding any parts or equipment used in the repair, rebuilding or replacement.

Sec. 65. NRS 1A.570 is hereby amended to read as follows:

1A.570 1. Except as otherwise provided in subsection 3, if a deceased member of the Judicial Retirement Plan had 2 years of creditable service in the 2 1/2 years immediately preceding the member's death, or if the employee had 10 or more years of creditable service, certain of his or her dependents are eligible for payments as provided in NRS 1A.530 to 1A.670, inclusive. If the death of the member resulted from a mental or physical condition which required the member to leave his or her position as a justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace or municipal judge or go on leave without pay, eligibility pursuant to the

provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member of the Judicial Retirement Plan occurs while the member is on leave of absence for further training and if the member met the requirements of subsection 1 at the time his or her leave began, certain of the member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member of the Judicial Retirement Plan is caused by an occupational disease or an accident ***or motor vehicle crash*** arising out of and in the course of the member's employment, no prior creditable service is required to make the member's dependents eligible for payments pursuant to NRS 1A.530 to 1A.670, inclusive, except that this subsection does not apply to an accident ***or motor vehicle crash*** occurring while the member is traveling between the member's home and his or her principal place of employment.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 1A.620.

Sec. 66. NRS 7.045 is hereby amended to read as follows:

7.045 1. Except as otherwise provided in this section, it shall be unlawful for a person, in exchange for compensation, to solicit a tort victim to employ, hire or retain any attorney at law:

(a) At the scene of a traffic ~~[accident]~~ ***crash*** that may result in a civil action; or

(b) At a county or city jail or detention facility.

2. It is unlawful for a person to conspire with another person to commit an act which violates the provisions of subsection 1.

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

6. As used in this section, "tort victim" means a person:

(a) Whose property has been damaged as a result of any accident ***or motor vehicle crash*** that may result in a civil action, criminal action or claim for tort damages by or against another person;

(b) Who has been injured or killed as a result of any accident ***or motor vehicle crash*** that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(c) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident ***or motor vehicle crash*** that may result in a civil action, criminal action or claim for tort damages by or against another person.

Sec. 67. NRS 14.070 is hereby amended to read as follows:

14.070 1. The use and operation of a motor vehicle over the public roads, streets or highways, or in any other area open to the public and commonly used by motor vehicles, in the State of Nevada by any person, either as principal, master, agent or servant, shall be deemed an appointment by the operator, on behalf of the operator and the operator's principal, master, executor, administrator or personal representative, of the Director of the Department of Motor Vehicles to be his or her true and lawful attorney upon whom may be served all legal process in any action or proceeding against the operator or the operator's principal, master, executor, administrator or personal representative, growing out of such use or resulting in damage or loss to person or property, and the use or operation signifies his or her agreement that any process against him or her which is so served has the same legal force and validity as though served upon him or her personally within the State of Nevada.

2. Service of process must be made by leaving a copy of the process with a fee of $5 in the hands of the Director of the Department of Motor Vehicles or in the office of the Director, and the service shall be deemed sufficient upon the operator if notice of service and a copy of the process is sent by registered or certified mail by the plaintiff to the defendant at the address supplied by the defendant in the defendant's ~~[accident]~~ ***crash*** report, if any, and if not, at the best address available to the plaintiff, and a return receipt signed by the defendant or a return of the United States Postal Service stating that the defendant refused to accept delivery or could not be located, or that the address was insufficient, and the plaintiff's affidavit of compliance therewith are attached to the original process and returned and filed in the action in which it was issued. Personal service of notice and a copy of the process upon the defendant, wherever found outside of this state, by any person qualified to serve like process in the State of Nevada is the equivalent of mailing, and may be proved by the affidavit of the person making the personal service appended to the original process and returned and filed in the action in which it was issued.

3. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

4. The fee of $5 paid by the plaintiff to the Director of the Department of Motor Vehicles at the time of the service must be taxed in the plaintiff's costs if the plaintiff prevails in the suit. The Director of the Department of Motor Vehicles shall keep a record of all service of process, including the day and hour of service.

5. The foregoing provisions of this section with reference to the service of process upon an operator defendant are not exclusive, except if the operator defendant is found within the State of Nevada, the operator defendant must be served with process in the State of Nevada.

6. The provisions of this section apply to nonresident motorists and to resident motorists who have left the State or cannot be found within the State following ~~[an accident]~~ ***a crash*** which is the subject of an action for which process is served pursuant to this section.

Sec. 68. NRS 41.200 is hereby amended to read as follows:

41.200 1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custody award has been made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.

2. The petition must set forth:

(a) The name, age and residence of the minor;

(b) The facts which bring the minor within the purview of this section, including:

(1) The circumstances which make it a disputed claim for money;

(2) The name of the third person against whom the claim is made; and

(3) If the claim is the result of an accident ~~[,]~~ ***or motor vehicle crash,*** the date, place and facts of the accident ~~[,]~~ ***or motor vehicle crash;***

(c) The names and residence of the parents or the legal guardian of the minor;

(d) The name and residence of the person or persons having physical custody or control of the minor;

(e) The name and residence of the petitioner and the relationship of the petitioner to the minor;

(f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:

(1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees the percentage of the proceeds to be paid as attorney's fees;

(2) Medical expenses; and

(3) Other expenses,

➥ and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;

(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and

(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.

3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:

(a) The injury, prognosis, treatment and progress of recovery of the minor; and

(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.

4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to the father, mother or guardian of the minor, with or without the filing of any bond, or it must require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.

5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid, shall establish a blocked financial investment for the benefit of the minor with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked financial investment has been established. If the balance of the investment is more than $10,000, the parent, guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the investment during the previous 12 months. If the balance of the investment is $10,000 or less, the court may order the parent, guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the investment.

6. The beneficiary of a block financial investment may obtain control of or money from the investment:

(a) By an order of the court which held the compromise hearing; or

(b) By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.

7. The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.

8. As used in this section, the term "blocked financial investment" means a savings account established in a depository institution in this state, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract, or another reliable investment that is approved by the court.

Sec. 69. NRS 178.750 is hereby amended to read as follows:

178.750 1. The district attorney for each county shall prepare and submit a report, on a form approved by the Attorney General, to the Attorney General not later than February 1 of each year concerning each case filed during the previous calendar year that included a charge for murder or voluntary manslaughter. The district attorney shall exclude from the report any charge for manslaughter that resulted from a death in ~~[an accident or collision]~~ ***a crash*** involving a motor vehicle.

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The age, gender and race of the defendant;

(b) The age, gender and race of any codefendant or other person charged or suspected of having participated in the homicide and in any alleged related offense;

(c) The age, gender and race of the victim of the homicide and any alleged related offense;

(d) The date of the homicide and of any alleged related offense;

(e) The date of filing of the information or indictment;

(f) The name of each court in which the case was prosecuted;

(g) Whether or not the prosecutor filed a notice of intent to seek the death penalty and, if so, when the prosecutor filed the notice;

(h) The final disposition of the case and whether or not the case was tried before a jury;

(i) The race, ethnicity and gender of each member of the jury, if the case was tried by a jury; and

(j) The identity of:

(1) Each prosecuting attorney who participated in the decision to file the initial charges against the defendant;

(2) Each prosecuting attorney who participated in the decision to offer or accept a plea, if applicable;

(3) Each prosecuting attorney who participated in the decision to seek the death penalty, if applicable; and

(4) Each person outside the office of the district attorney who was consulted in determining whether to seek the death penalty or to accept or reject a plea, if any.

3. If all the information required pursuant to subsection 1 cannot be provided because the case is still in progress, an additional report must be filed

with the Attorney General each time a subsequent report is filed until all the information, to the extent available, has been provided.

Sec. 70. NRS 217.070 is hereby amended to read as follows:

217.070 "Victim" means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of ~~[an accident]~~ ***a crash*** involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995;

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

➥ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 71. NRS 248.242 is hereby amended to read as follows:

248.242 A sheriff shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[an accident,]~~ ***a crash,*** or his or her legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, his or her legal representative or insurer, as applicable, with a copy of the ~~[accident]~~ ***crash*** report and all statements by witnesses and photographs in the possession or under the control of the sheriff's office that concern the ~~[accident,]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[accident]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[an accident;]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 72. NRS 258.072 is hereby amended to read as follows:

258.072 A constable shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[an accident,]~~ ***a crash,*** or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person's legal representative or insurer, as applicable, with a copy of the ~~[accident]~~ ***crash*** report and all statements by witnesses and photographs in the

possession or under the control of the constable's office that concern the ~~[~~accident,~~]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[~~accident~~]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[~~an accident;~~]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 73. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

3. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident ***, motor vehicle crash*** or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

4. If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

5. A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 74. NRS 268.900 is hereby amended to read as follows:

268.900 A police department or other law enforcement agency of a city shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[~~an accident,~~]~~ ***a crash,*** or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, legal representative or insurer, as applicable, with a copy of the ~~[~~accident~~]~~ ***crash*** report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the ~~[~~accident,~~]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[accident]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[an accident;]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 75. NRS 269.247 is hereby amended to read as follows:

269.247 A police department or other law enforcement agency of a town shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[an accident,]~~ ***a crash,*** or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person's legal representative or insurer, as applicable, with a copy of the ~~[accident]~~ ***crash*** report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the ~~[accident,]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[accident]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[an accident;]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 76. NRS 277.035 is hereby amended to read as follows:

277.035 1. In the absence of an interlocal or cooperative agreement entered into pursuant to this chapter, if a law enforcement agency requests the assistance of another law enforcement agency which responds to the request, the law enforcement agencies shall be deemed to have entered into an implied agreement whereby:

(a) Both law enforcement agencies shall be deemed, for the limited purpose of the exclusive remedy set forth in NRS 616A.020, to employ jointly a person who:

(1) Is an employee of either law enforcement agency; and

(2) Sustains an injury by accident ***or motor vehicle crash*** while participating in the matter for which assistance was requested.

(b) Each law enforcement agency shall defend, hold harmless and indemnify the other law enforcement agency and its employees from any claim or liability arising from an act or omission performed by its own employee while participating in the matter for which assistance was requested, unless such act or omission is a negligent act or omission for which the law enforcement agency who employs that employee is not liable pursuant to NRS 41.0336.

2. As used in this section:

(a) "Employee" includes a person who:

(1) Is paid by a law enforcement agency to serve as a peace officer, as that term is defined in NRS 169.125; or

(2) Is recognized by and serves a law enforcement agency as a volunteer peace officer, as that term is described in NRS 616A.160.

(b) "Law enforcement agency" means an agency, office or bureau of this state or a political subdivision of this state, the primary duty of which is to enforce the law.

Sec. 77. NRS 280.400 is hereby amended to read as follows:

280.400 A metropolitan police department shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[an accident,]~~ ***a crash,*** or his or her legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person or his or her legal representative or insurer, as applicable, with a copy of the ~~[accident]~~ ***crash*** report and all statements by witnesses and photographs in the possession or under the control of the department that concern the ~~[accident,]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[accident]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[an accident;]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 78. NRS 281.153 is hereby amended to read as follows:

281.153 1. The employer of a police officer or firefighter may establish a program that allows a police officer or firefighter whom it employs who has suffered a catastrophe resulting in temporary total disability to elect to continue to receive the police officer's or firefighter's normal salary for a period of not more than 1 year in lieu of receiving the compensation for the industrial injury or occupational disease for which the police officer or firefighter is eligible pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, unless the police officer or firefighter has made an election pursuant to NRS 281.390.

2. A program established pursuant to subsection 1:

(a) Must prescribe the conditions pursuant to which a police officer or firefighter is eligible to receive the police officer's or firefighter's normal salary in accordance with an election pursuant to subsection 1; and

(b) May allow a police officer or firefighter to return to light-duty employment or employment modified according to the police officer's or firefighter's physical restrictions or limitations and receive the police officer's or firefighter's normal salary during the period of an election pursuant to subsection 1.

3. Unless the employer is self-insured or a member of an association of self-insured public or private employers, the employer shall notify the insurer that provides industrial insurance for that employer of the election by a police officer or firefighter pursuant to subsection 1. When the police officer or firefighter is no longer eligible to receive the police officer's or firefighter's normal salary pursuant to such an election, the employer shall notify the

insurer so that the insurer may begin paying to the police officer or firefighter the benefits, if any, for industrial insurance for which the police officer or firefighter is eligible. If the employer is self-insured or a member of an association of self-insured public or private employers and the police officer or firefighter is no longer eligible to receive the police officer's or firefighter's normal salary in accordance with an election pursuant to subsection 1, the employer shall begin paying the benefits, if any, for industrial insurance to which the police officer or firefighter is entitled.

4. During the period in which the police officer or firefighter elects to receive the police officer's or firefighter's normal salary pursuant to subsection 1, the police officer or firefighter accrues sick leave, annual leave and retirement benefits at the same rate at which the police officer or firefighter accrued such leave and benefits immediately before the election.

5. As used in this section:

(a) "Catastrophe" means an illness ***,*** ~~[or]~~ accident ***or motor vehicle crash*** arising out of or in the course of employment which is life threatening or which will require a period of convalescence that an attending physician expects to exceed 30 days and because of which the employee is unable to perform the duties of the employee's position.

(b) "Police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 79. NRS 284.362 is hereby amended to read as follows:

284.362 1. As used in NRS 284.362 to 284.3629, inclusive:

(a) "Catastrophe" means:

(1) The employee is unable to perform the duties of the employee's position because of a serious illness ***,*** ~~[or]~~ accident ***or motor vehicle crash*** which is life threatening or which will require a lengthy convalescence;

(2) There is a serious illness ***,*** ~~[or]~~ accident ***or motor vehicle crash*** which is life threatening or which will require a lengthy convalescence in the employee's immediate family; or

(3) There is a death in the employee's immediate family.

(b) "Committee" means the Committee on Catastrophic Leave created pursuant to NRS 284.3627.

2. The Commission shall adopt regulations further defining "catastrophe" to ensure that the term is limited to serious calamities.

Sec. 80. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3, if a deceased member had 2 years of accredited contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member's death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member's dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive. If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or

go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member occurs while the member is on leave of absence granted by the member's employer for further training and if the member met the requirements of subsection 1 at the time the member's leave began, certain of the deceased member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member is caused by an occupational disease ***,*** ~~[or an]~~ accident ***or motor vehicle crash*** arising out of and in the course of the member's employment, no prior contributing service is required to make the deceased member's dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, except that this subsection does not apply to an accident ***or motor vehicle crash*** occurring while the member is traveling between the member's home and the member's principal place of employment or to an accident ***, motor vehicle crash*** or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 286.6767.

Sec. 81. NRS 289.095 is hereby amended to read as follows:

289.095 1. In a county whose population is 100,000 or more, each law enforcement agency shall adopt policies and procedures to govern the investigation of motor vehicle ~~[accidents]~~ ***crashes*** in which a peace officer employed by the law enforcement agency is involved. The policies and procedures must include, without limitation, a requirement that if such a motor vehicle ~~[accident]~~ ***crash*** results in a fatal injury to any person, the motor vehicle ~~[accident]~~ ***crash*** must be investigated by a law enforcement agency other than the law enforcement agency that employs the peace officer involved in the ~~[accident]~~ ***crash*** unless:

(a) Another law enforcement agency does not have comparable equipment and personnel to investigate the ~~[accident]~~ ***crash*** at least as effectively as the law enforcement agency that employs the peace officer involved in the motor vehicle ~~[accident;]~~ ***crash;***

(b) Another law enforcement agency is unavailable to investigate the motor vehicle ~~[accident;]~~ ***crash;*** or

(c) Investigation of the motor vehicle ~~[accident]~~ ***crash*** by another law enforcement agency would delay the initiation of the investigation such that the integrity of the ~~[accident]~~ ***crash*** scene and preservation and collection of evidence may be jeopardized by such a delay.

2. This section does not prohibit a law enforcement agency in a county whose population is 100,000 or more from entering into agreements for cooperation with agencies in other jurisdictions for the investigation of motor vehicle ~~[accidents]~~ ***crashes*** in which a peace officer of the law enforcement agency is involved.

Sec. 82. NRS 360.740 is hereby amended to read as follows:

360.740 1. The governing body of a local government or special district that is created after July 1, 1998, and which provides police protection and at least two of the following services:

(a) Fire protection;

(b) Construction, maintenance and repair of roads; or

(c) Parks and recreation,

➥ may, by majority vote, request the Nevada Tax Commission to direct the Executive Director to allocate money from the Account to the local government or special district pursuant to the provisions of NRS 360.680 and 360.690.

2. On or before December 31 of the year immediately preceding the first fiscal year that the local government or special district would receive money from the Account, a governing body that submits a request pursuant to subsection 1 must:

(a) Submit the request to the Executive Director; and

(b) Provide copies of the request and any information it submits to the Executive Director in support of the request to each local government and special district that:

(1) Receives money from the Account; and

(2) Is located within the same county.

3. The Executive Director shall review each request submitted pursuant to subsection 1 and submit his or her findings to the Committee on Local Government Finance. In reviewing the request, the Executive Director shall:

(a) For the initial year of distribution, establish an amount to be allocated to the new local government or special district pursuant to the provisions of NRS 360.680 and 360.690. If the new local government or special district will provide a service that was provided by another local government or special district before the creation of the new local government or special district, the amount allocated to the local government or special district which previously provided the service must be decreased by the amount allocated to the new local government or special district; and

(b) Consider:

(1) The effect of the distribution of money in the Account, pursuant to the provisions of NRS 360.680 and 360.690, to the new local government or special district on the amounts that the other local governments and special districts that are located in the same county will receive from the Account; and

(2) The comparison of the amount established to be allocated pursuant to the provisions of NRS 360.680 and 360.690 for the new local government or special district to the amounts allocated to the other local governments and special districts that are located in the same county.

4. The Committee on Local Government Finance shall review the findings submitted by the Executive Director pursuant to subsection 3. If the Committee determines that the distribution of money in the Account to the new local government or special district is appropriate, it shall submit a recommendation to the Nevada Tax Commission. If the Committee determines that the

distribution is not appropriate, that decision is not subject to review by the Nevada Tax Commission.

5. The Nevada Tax Commission shall schedule a public hearing within 30 days after the Committee on Local Government Finance submits its recommendation. The Nevada Tax Commission shall provide public notice of the hearing at least 10 days before the date on which the hearing will be held. The Executive Director shall provide copies of all documents relevant to the recommendation of the Committee on Local Government Finance to the governing body of each local government and special district that is located in the same county as the new local government or special district.

6. If, after the public hearing, the Nevada Tax Commission determines that the recommendation of the Committee on Local Government Finance is appropriate, it shall order the Executive Director to distribute money in the Account to the new local government or special district pursuant to the provisions of NRS 360.680 and 360.690.

7. For the purposes of this section, the local government or special district may enter into an interlocal agreement with another governmental entity for the provision of the services set forth in subsection 1 if that local government or special district compensates the governmental entity that provides the services in an amount equal to the value of those services.

8. As used in this section:

(a) "Construction, maintenance and repair of roads" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a road and that is necessary for the safe and efficient use of the road except alleys and pathways for bicycles that are separate from the roadway and, including, without limitation:

(1) Grades or regrades;
(2) Gravel;
(3) Oiling;
(4) Surfacing;
(5) Macadamizing;
(6) Paving;
(7) Cleaning;
(8) Sanding or snow removal;
(9) Crosswalks;
(10) Sidewalks;
(11) Culverts;
(12) Catch basins;
(13) Drains;
(14) Sewers;
(15) Manholes;
(16) Inlets;
(17) Outlets;
(18) Retaining walls;

(19) Bridges;
(20) Overpasses;
(21) Tunnels;
(22) Underpasses;
(23) Approaches;
(24) Sprinkling facilities;
(25) Artificial lights and lighting equipment;
(26) Parkways;
(27) Fences or barriers that control access to the road;
(28) Control of vegetation;
(29) Rights-of-way;
(30) Grade separators;
(31) Traffic separators;
(32) Devices and signs for control of traffic;
(33) Facilities for personnel who construct, maintain or repair roads; and
(34) Facilities for the storage of equipment or materials used to construct, maintain or repair roads.

(b) "Fire protection" includes the provision of services related to:
(1) The prevention and suppression of fire; and
(2) Rescue,

➥ and the acquisition and maintenance of the equipment necessary to provide those services.

(c) "Parks and recreation" includes the employment by the local government or special district, on a permanent and full-time basis, of persons who administer and maintain recreational facilities and parks. "Parks and recreation" does not include the construction or maintenance of roadside parks or rest areas that are constructed or maintained by the local government or special district as part of the construction, maintenance and repair of roads.

(d) "Police protection" includes the employment by the local government or special district, on a permanent and full-time basis, of at least three persons whose primary functions specifically include:
(1) Routine patrol;
(2) Criminal investigations;
(3) Enforcement of traffic laws; and
(4) Investigation of motor vehicle ~~[accidents.]~~ ***crashes.***

Sec. 83. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between

the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness ***,*** ~~[or]~~ accident ~~[,]~~ ***or motor vehicle crash,*** or because of serious illness, accident ***, motor vehicle crash*** or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be

required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595,

➥ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 84. NRS 392.320 is hereby amended to read as follows:

392.320 1. As used in this section, "vehicles" means the school buses, station wagons, automobiles and other motor or mechanically propelled vehicles required by the school district for the transportation of pupils.

2. The board of trustees of a school district shall use transportation funds of the school district for:

(a) The purchase, rent, hire and use of vehicles, and for necessary equipment, supplies and articles therefor.

(b) Necessary repairs of vehicles to keep them in safe and workable condition.

(c) The employment and compensation of capable and reliable drivers of vehicles and other employees necessary for the transportation of pupils and other authorized persons.

(d) Insuring vehicles owned, rented, hired, used or operated by or under the direction or supervision of the board of trustees. Such insurance shall:

(1) Be of such an amount as the board of trustees may be able to obtain and the regulations of the State Board of Education require as sufficient to protect the board of trustees, the pupils being transported, and their parents, guardians or legal representatives from loss or damage resulting from acts covered by the insurance.

(2) Especially insure against loss and damage resulting from or on account of injury or death of any pupil being transported, caused by ~~[collision]~~ ***a crash*** or any accident during the operation of any such vehicle.

Sec. 85. NRS 392.410 is hereby amended to read as follows:

392.410 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the State Board and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency**,** ~~[or]~~ accident ~~[.]~~ ***or motor vehicle crash,*** when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of NRS 392.400, each school bus must:

(a) Be equipped and identified as required by the regulations of the State Board; and

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 392.405 if the bus is purchased on or after January 1, 2016; and

(2) Subsection 2 or 3 of NRS 392.405 if the bus is purchased on or after July 1, 2016.

4. The agents and employees of the Department of Motor Vehicles shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of Motor Vehicles, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 86. NRS 394.545 is hereby amended to read as follows:

394.545 1. A driving school:

(a) Must be located more than 200 feet from any office of the Department of Motor Vehicles;

(b) Must have the equipment necessary to instruct students in the safe operation of motor vehicles and maintain the equipment in a safe condition; and

(c) Must have insurance in at least the following amounts:

(1) For bodily injury to or death of two or more persons in one ~~[accident,]~~ ***crash,*** $40,000; and

(2) For damage to property in any one ~~[accident,]~~ ***crash,*** $10,000.

2. The Department of Motor Vehicles may review and approve or disapprove any application to issue, renew or revoke a license for a driving school. The Department of Motor Vehicles may, at any time, inspect a licensed driving school and may recommend that its license be suspended or revoked. The Administrator shall investigate and recommend to the Commission the appropriate action.

Sec. 87. NRS 396.328 is hereby amended to read as follows:

396.328 The Police Department for the System shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of ~~[an accident,]~~ ***a crash,*** or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, his or her legal representative or insurer, as applicable, with a copy of the ~~[accident]~~ ***crash*** report and all statements by witnesses and photographs in the possession or under the control of the Department that concern the ~~[accident,]~~ ***crash,*** unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The ~~[accident]~~ ***crash*** involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of ~~[an accident;]~~ ***a crash;*** or

(c) The commission of a felony.

Sec. 88. NRS 408.100 is hereby amended to read as follows:

408.100 Recognizing that safe and efficient highway transportation is a matter of important interest to all the people of the State, and that an adequate highway system is a vital part of the national defense, the Legislature hereby determines and declares that:

1. An integrated system of state highways and roads is essential to the general welfare of the State.

2. Providing such a system of facilities, its efficient management, maintenance and control is recognized as a problem and as the proper prospective of highway legislation.

3. Inadequate highways and roads obstruct the free flow of traffic, resulting in undue cost of motor vehicle operation, endangering the health and safety of the citizens of the State, depreciating property values, and impeding general economic and social progress of the State.

4. In designating the highways and roads of the State as provided in this chapter, the Legislature places a high degree of trust in the hands of those officials whose duty it is, within the limits of available funds, to plan, develop, operate, maintain, control and protect the highways and roads of this state, for present as well as for future use.

5. To this end, it is the express intent of the Legislature to make the Board of Directors of the Department of Transportation custodian of the state highways and roads and to provide sufficiently broad authority to enable the Board to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the Constitution and the legislative mandate proposed in this chapter.

6. The Legislature intends:

(a) To declare, in general terms, the powers and duties of the Board of Directors, leaving specific details to be determined by reasonable regulations and declarations of policy which the Board may promulgate.

(b) By general grant of authority to the Board of Directors to delegate sufficient power and authority to enable the Board to carry out the broad objectives contained in this chapter.

7. The problem of establishing and maintaining adequate highways and roads, eliminating congestion, reducing **[**~~accident~~**]** ***crash*** frequency and taking all necessary steps to ensure safe and convenient transportation on these public ways is no less urgent.

8. The Legislature hereby finds, determines and declares that this chapter is necessary for the preservation of the public safety, the promotion of the general welfare, the improvement and development of facilities for transportation in the State, and other related purposes necessarily included therein, and as a contribution to the system of national defense.

9. The words "construction," "maintenance" and "administration" used in Section 5 of Article 9 of the Constitution of the State of Nevada are broad enough to be construed to include and as contemplating the construction, maintenance and administration of the state highways and roads as established by this chapter and the landscaping, roadside improvements and planning surveys of the state highways and roads.

Sec. 89. NRS 408.210 is hereby amended to read as follows:

408.210 1. Except as otherwise provided in NRS 484D.655, the Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of ~~[~~collisions~~]~~ ***crashes*** between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of $100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself or herself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the

Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 90. NRS 408.561 is hereby amended to read as follows:

408.561 1. The Department may establish at centers a toll-free telephone system for members of the traveling public to make reservations at hotels, motels, campgrounds and other places of public accommodation. The cost of this system, reduced pursuant to subsection 2 if applicable, must be apportioned among the hotels, motels, campgrounds and other businesses that participate in the system.

2. If the Department uses the telephone system established pursuant to subsection 1 as a method for members of the public to report fires, accidents ***, motor vehicle crashes*** or other emergencies or to receive information concerning the conditions for driving on certain highways, the Department shall pay a proportionate share of the cost of the system.

Sec. 91. NRS 408.569 is hereby amended to read as follows:

408.569 The Department shall establish along one or more frequently traveled highways of this state a system of communication for members of the general public to report fires, accidents ***, motor vehicle crashes*** or other emergencies and to receive information concerning the conditions for driving on certain highways.

Sec. 92. NRS 424.250 is hereby amended to read as follows:

424.250 1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident ***, motor vehicle crash*** or injury occurs to a child in its care within 24 hours after the incident, accident ***, motor vehicle crash*** or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident ***, motor vehicle crash*** or injury, any action taken as a result of the incident, accident ***, motor vehicle crash*** or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 93. NRS 426.510 is hereby amended to read as follows:

426.510 1. Except as otherwise provided in subsections 2, 3 and 4, a person shall not:

(a) Use a service animal; or

(b) Carry or use on any street or highway or in any other public place a cane or walking stick which is white or metallic in color, or white tipped with red.

2. A person who is blind may use a service animal and a cane or walking stick which is white or metallic in color, or white tipped with red.

3. A person who is deaf may use a service animal.

4. A person with a physical disability may use a service animal.

5. Any pedestrian who approaches or encounters a person who is blind using a service animal or carrying a cane or walking stick, white or metallic in color, or white tipped with red, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident ***, motor vehicle crash*** or injury to the person who is blind.

6. Any person other than a person who is blind who:

(a) Uses a service animal or carries a cane or walking stick such as is described in this section, contrary to the provisions of this section;

(b) Fails to heed the approach of a person using a service animal or carrying such a cane as is described by this section;

(c) Fails to come to a stop upon approaching or coming in contact with a person so using a service animal or so carrying such a cane or walking stick; or

(d) Fails to take precaution against accident ***, motor vehicle crash*** or injury to such a person after coming to a stop as provided for in this section,

➥ is guilty of a misdemeanor.

7. This section does not apply to any person who is instructing a person who is blind, person who is deaf or person with a physical disability or training a service animal.

Sec. 94. NRS 428.010 is hereby amended to read as follows:

428.010 1. Except as otherwise provided in NRS 422.382, to the extent that money may be lawfully appropriated by the board of county commissioners for this purpose pursuant to NRS 428.050, 428.285 and 450.425, every county shall provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease ***,*** ~~[or]~~ accident ~~[,]~~ ***or motor vehicle crash,*** lawfully resident therein, when those persons are not supported or relieved by their relatives or guardians, by their own means, or by state hospitals, or other state, federal or private institutions or agencies.

2. Except as otherwise provided in NRS 439B.330, the boards of county commissioners of the several counties shall establish and approve policies and standards, prescribe a uniform standard of eligibility, appropriate money for this purpose and appoint agents who will develop regulations and administer these programs to provide care, support and relief to the poor, indigent,

incompetent and those incapacitated by age, disease **,** ~~[or]~~ accident ~~[.]~~ ***or motor vehicle crash.***

Sec. 95. NRS 428.165 is hereby amended to read as follows:

428.165 "Injury in a motor vehicle ~~[accident"]~~ ***crash"*** means any personal injury ~~[accidentally]~~ caused in, by or as the proximate result of the movement of a motor vehicle on a public street or highway, whether the injured person was the operator of the vehicle or another vehicle, a passenger in the vehicle or another vehicle, a pedestrian, or had some other relationship to the movement of a vehicle.

Sec. 96. NRS 428.215 is hereby amended to read as follows:

428.215 Whenever hospital care is furnished to a person on account of an injury suffered by the person in a motor vehicle ~~[accident,]~~ ***crash,*** the hospital shall use reasonable diligence to collect the amount of the charges for that care from the patient or any other person responsible for the support of the patient. The hospital may request the board of county commissioners of the county in which:

1. The ~~[accident]~~ ***crash*** occurred, if the person is not a resident of this state and the ~~[accident]~~ ***crash*** occurred in this state; or
2. The person resides, if the person is a resident of this state,

➥ to determine whether the person who received the care is an indigent person.

Sec. 97. NRS 428.255 is hereby amended to read as follows:

428.255 1. Any reimbursement or partial reimbursement made from the Fund for unpaid charges for hospital care furnished to a person which are not greater than $3,000, is a charge upon the county in which:

(a) The ~~[accident]~~ ***crash*** occurred, if the person is not a resident of this state and the ~~[accident]~~ ***crash*** occurred in this state; or

(b) The person resides, if the person is a resident of this state,

➥ and must be paid to the Fund upon a claim presented by the Board as other claims against the county are paid.

2. Money paid by a county pursuant to this section must be accounted for separately and expended in accordance with the provisions of subsection 3 of NRS 428.175.

Sec. 98. NRS 432A.500 is hereby amended to read as follows:

432A.500 1. A field administrator shall ensure that each group of clients does not hike beyond the physical limitations of the weakest member of the group. If the outdoor temperature is greater than 90 degrees Fahrenheit, clients must not be allowed to hike between 10 a.m. and 6 p.m.

2. The field staff shall:

(a) Provide clients with daily instruction upon:

(1) Federal, state and local laws and regulations for the protection of the environment; and

(2) Conducting themselves in such a manner as not to have an adverse effect on the environment.

(b) Maintain a common daily log of all accidents, ***motor vehicle crashes,*** injuries, administrations of medication, behavioral problems and any unusual

incidents that occur. The log must be in bound form, except that a log may be recorded electronically while on an expedition if it is transcribed into a bound volume immediately after the expedition. All entries must be in permanent ink and signed by the entrant. A provider or field administrator shall, upon request, allow any authorized member or employee of the Division to inspect the log, and shall not allow any person to alter or destroy the log or any of its entries.

(c) While on an expedition, carry an itinerary of the expedition, including the intended schedule, and a map of the route for the expedition.

Sec. 99. NRS 433.484 is hereby amended to read as follows:

433.484 Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The consumer if he or she is 18 years of age or over or legally emancipated and competent to give that consent, and from the consumer's legal guardian, if any;

(2) The parent or guardian of a consumer under 18 years of age and not legally emancipated; or

(3) The legal guardian of a consumer of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a consumer as provided in paragraph (b) may be withdrawn by the consumer in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any consumer who has been injured in an accident ***or motor vehicle crash*** or who is suffering from an acute illness, disease or condition, if within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the consumer and if the treatment is immediately entered into the consumer's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from abuse, neglect and aversive intervention.

3. To consent to the consumer's transfer from one facility to another, except that the Administrator of the Division of Public and Behavioral Health of the Department or the Administrator's designee, or the Administrator of the Division of Child and Family Services of the Department or the Administrator's designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the consumer in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the consumer's record of treatment and immediately forward a notice of the objection to the Administrator who ordered the transfer, and the Commission shall review the transfer pursuant to subsection 3 of NRS 433.534.

4. Other rights concerning care, treatment and training as may be specified by regulation of the Commission.

Sec. 100. NRS 435.570 is hereby amended to read as follows:

435.570 Each consumer admitted for evaluation, treatment or training to a facility has the following rights concerning care, treatment and training, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the consumer by such additional means as prescribed by regulation:

1. To medical, psychosocial and rehabilitative care, treatment and training including prompt and appropriate medical treatment and care for physical and mental ailments and for the prevention of any illness or disability. All of that care, treatment and training must be consistent with standards of practice of the respective professions in the community and is subject to the following conditions:

(a) Before instituting a plan of care, treatment or training or carrying out any necessary surgical procedure, express and informed consent must be obtained in writing from:

(1) The consumer if he or she is 18 years of age or over or legally emancipated and competent to give that consent, and from the consumer's legal guardian, if any;

(2) The parent or guardian of a consumer under 18 years of age and not legally emancipated; or

(3) The legal guardian of a consumer of any age who has been adjudicated mentally incompetent;

(b) An informed consent requires that the person whose consent is sought be adequately informed as to:

(1) The nature and consequences of the procedure;

(2) The reasonable risks, benefits and purposes of the procedure; and

(3) Alternative procedures available;

(c) The consent of a consumer as provided in paragraph (b) may be withdrawn by the consumer in writing at any time with or without cause;

(d) Even in the absence of express and informed consent, a licensed and qualified physician may render emergency medical care or treatment to any consumer who has been injured in an accident ***or motor vehicle crash*** or who is suffering from an acute illness, disease or condition if, within a reasonable degree of medical certainty, delay in the initiation of emergency medical care or treatment would endanger the health of the consumer and if the treatment is immediately entered into the consumer's record of treatment, subject to the provisions of paragraph (e); and

(e) If the proposed emergency medical care or treatment is deemed by the chief medical officer of the facility to be unusual, experimental or generally occurring infrequently in routine medical practice, the chief medical officer shall request consultation from other physicians or practitioners of healing arts who have knowledge of the proposed care or treatment.

2. To be free from abuse, neglect and aversive intervention.

3. To consent to the consumer's transfer from one facility to another, except that the Administrator of the Division or the Administrator's designee, or the Administrator of the Division of Child and Family Services of the Department or the Administrator's designee, may order a transfer to be made whenever conditions concerning care, treatment or training warrant it. If the consumer in any manner objects to the transfer, the person ordering it must enter the objection and a written justification of the transfer in the consumer's record of treatment and immediately forward a notice of the objection to the Administrator who ordered the transfer, and the Commission on Behavioral Health shall review the transfer pursuant to subsection 3 of NRS 435.610.

4. Other rights concerning care, treatment and training as may be specified by regulation.

Sec. 101. NRS 439B.280 is hereby amended to read as follows:

439B.280 The major hospitals shall sponsor an educational program to promote wellness, physical fitness and the prevention of disease **,** ~~[and]~~ accidents ~~[.]~~ ***and motor vehicle crashes.*** The program must be:

1. Administered and carried out by the participating hospitals; and

2. Approved by the Director.

Sec. 102. NRS 445B.100 is hereby amended to read as follows:

445B.100 1. It is the public policy of the State of Nevada and the purpose of NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State:

(a) To provide for the integration of all programs for the prevention of accidents ***and motor vehicle crashes*** in this State involving chemicals, including, without limitation, accidents ***and motor vehicle crashes*** involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances; and

(b) Periodically to retire a portion of the emission credits or allocations specified in NRS 445B.235 that may otherwise be available for banking or for sale pursuant to that section.

Sec. 103. NRS 450.400 is hereby amended to read as follows:

450.400 1. When the privileges and use of the hospital are extended to a resident of another county who is reasonably believed to be indigent, as defined in NRS 439B.310, and who is:

(a) Entitled under the laws of this state to relief, support, care, nursing, medicine or medical or surgical aid from the other county; or

(b) Injured, maimed or falls sick in the other county,

➥ the governing head shall notify the board of county commissioners of that county within 3 working days after the person is admitted to that hospital.

2. The notice must be in writing and addressed to the board of county commissioners of that county.

3. Except in the case of an injury suffered in a motor vehicle ~~[accident,]~~ ***crash,*** the board of county commissioners receiving the notice shall cause the person to be removed immediately to that county, and shall pay a reasonable sum to the hospital for the temporary occupancy, care, nursing, medicine, and attendance, other than medical or surgical attendance, furnished to the person.

4. If the board of county commissioners neglects or refuses to remove the person, or if in the opinion of the attending physician it is not advisable to remove the person, the governing head has a legal claim against the county for all charges for occupancy, nursing, care, medicine, and attendance, other than medical or surgical attendance, necessarily furnished, and may recover those charges in a suit at law.

Sec. 104. NRS 455.103 is hereby amended to read as follows:

455.103 "Unexpected occurrence" includes, but is not limited to, fire, flood, earthquake or other cause of the movement of the soil, or a riot, an accident **,** ***a motor vehicle crash*** or an act of sabotage that causes damage to a subsurface installation which requires immediate repair.

Sec. 105. NRS 455B.470 is hereby amended to read as follows:

455B.470 1. A person using a recreation area who is involved in a ~~[collision]~~ ***motor vehicle crash*** or an accident in which another person is injured shall provide his or her name and current address to the injured person and the operator or an authorized agent or employee of the operator:

(a) Before the person leaves the vicinity of the ~~[collision]~~ ***crash*** or accident; or

(b) As soon as reasonably possible after leaving the vicinity of the ~~[collision]~~ ***crash*** or accident to secure aid for the injured person.

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 106. NRS 459.38195 is hereby amended to read as follows:

459.38195 1. The Division may investigate an accident ***or a motor vehicle crash*** occurring in connection with a process that involves one or more highly hazardous substances or explosives at a facility which results in an uncontrolled emission, fire or explosion and which presented an imminent and substantial danger to the health of the employees of the facility, the public health or the environment, to determine the cause of the accident ***or motor vehicle crash*** if the owner or operator of the facility:

(a) Is unwilling to commence and has not commenced an investigation in a timely manner; or

(b) Is not capable of and has not retained expertise capable of conducting an investigation.

2. If the Division chooses to conduct such an investigation, the owner or operator of the facility shall, in a manner consistent with the safety of the employees of the Division and the facility, and without placing an undue burden on the operation of the facility, cooperate with the Division by:

(a) Allowing the Division:

(1) To investigate the accident ***or crash*** site and directly related facilities, including, without limitation, control rooms;

(2) To examine physical evidence; and

(3) If practicable, to inspect equipment both externally and internally;

(b) Providing the Division with pertinent documents; and

(c) Allowing the Division to conduct independent interviews of the employees of the facility, subject to all rights of the facility and the employees to be represented by legal counsel, management representatives and union representatives during the interviews.

3. To the maximum extent feasible, the Division shall coordinate any investigation it conducts pursuant to this section with investigations conducted by other agencies with jurisdiction over the facility to minimize any adverse impact on the facility and its employees.

4. The Division may contract for the services of a technical expert in conducting an investigation pursuant to this section and may recover its costs for such services from the owner or operator of the facility.

5. If an investigation is conducted by the Division pursuant to this section, all costs incurred by the Division in conducting the investigation, including,

without limitation, the costs of services provided pursuant to subsection 4, may be recovered by the Division from the owner or operator of the facility at which the accident ***or crash*** occurred.

6. The State Environmental Commission may adopt regulations setting forth the procedures governing an investigation conducted by the Division pursuant to this section and the procedures for the recovery by the Division of all costs incurred by the Division in conducting the investigation.

Sec. 107. NRS 459.3864 is hereby amended to read as follows:

459.3864 1. When there is an accident ***or motor vehicle crash*** which poses a significant danger to public health and safety, or a near accident ***or motor vehicle crash*** of this nature, in a facility or a group of facilities, or when the Governor declares that a committee to oversee the management of risks in a facility, or group of facilities, would be in the best interests of the public health and safety, the Governor shall create such a committee for the facility or group of facilities which may represent a catastrophic threat to public health and safety.

2. To the extent practicable, the Governor shall appoint the members of the committee from the membership of the State Emergency Response Commission.

3. The Governor shall appoint to the committee at least three persons who represent the facility or group of facilities which may represent a catastrophic threat to public health and safety.

4. The Governor shall appoint the chair and may appoint a co-chair of the committee from among the members.

5. The Division shall provide to the committee necessary resources such as clerical assistance and funding sufficient for the committee to perform its duties.

Sec. 108. NRS 459.500 is hereby amended to read as follows:

459.500 1. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, or 459.800 to 459.856, inclusive:

(a) Regulations of the Commission must provide:

(1) For safety in the packaging, handling, transportation and disposal of hazardous waste;

(2) For the certification of consultants involved in consultation regarding the response to and the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks, the clean up of spills of or accidents ***or motor vehicle crashes*** involving hazardous waste, hazardous material or a regulated substance, or the management of hazardous waste;

(3) That a person employed full-time by a business to act as such a consultant is exempt from the requirements of certification if the person:

(I) Meets the applicable requirements of 29 C.F.R. § 1910.120 to manage such waste, materials or substances; and

(II) Is acting in the course of that full-time employment; and

(4) For the certification of laboratories that perform analyses for the purposes of NRS 459.400 to 459.600, inclusive, 459.610 to 459.658, inclusive, and 459.800 to 459.856, inclusive, to identify whether waste is hazardous waste or to detect the presence of hazardous waste or a regulated substance in soil or water.

(b) Regulations of the Commission may:

(1) Provide for the licensing and other necessary regulation of generators, including shippers and brokers, who cause that waste to be transported into or through Nevada or for disposal in Nevada;

(2) Require that the person responsible for a spill, leak ***,*** ~~[or]~~ accident ***or motor vehicle crash*** involving hazardous waste, hazardous material or a regulated substance, obtain advice on the proper handling of the spill, leak ***,*** ~~[or]~~ accident ***or motor vehicle crash*** from a consultant certified under the regulations adopted pursuant to paragraph (a); and

(3) Establish standards relating to the education, experience, performance and financial responsibility required for the certification of consultants.

2. The regulations may include provisions for:

(a) Fees to pay the cost of inspection, certification and other regulation, excluding any activities conducted pursuant to NRS 459.7052 to 459.728, inclusive; and

(b) Administrative penalties of not more than $2,500 per violation or $10,000 per shipment for violations by persons licensed by the Department, and the criminal prosecution of violations of its regulations by persons who are not licensed by the Department.

3. Designated employees of the Department and the Nevada Highway Patrol Division shall enforce the regulations of the Commission relating to the transport and handling of hazardous waste and the leakage or spill of that waste from packages.

Sec. 109. NRS 459.512 is hereby amended to read as follows:

459.512 1. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the Department to offset partially the cost incurred by the State Fire Marshal for training emergency personnel who respond to the scene of accidents ***or motor vehicle crashes*** involving hazardous materials a fee of $4.50 per ton of the volume received for the disposal of hazardous waste by the facility.

2. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the Department to offset partially the cost incurred by the Public Utilities Commission of Nevada for inspecting and otherwise ensuring the safety of any shipment of hazardous materials transported by rail car through or within this State a fee of $1.50 per ton of the volume received for the disposal of hazardous waste by the facility.

3. The operator of such a facility shall pay the fees provided in this section, based upon the volume of hazardous waste received by the facility during each quarter of the calendar year, within 30 days after the end of each quarter. The

Department may assess and collect a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that the fee remains due.

Sec. 110. NRS 459.535 is hereby amended to read as follows:

459.535 1. Except as otherwise provided in NRS 459.537 and subsection 2 of this section, the money in the Account for the Management of Hazardous Waste may be expended only to pay the costs of:

(a) The continuing observation or other management of hazardous waste;

(b) Establishing and maintaining a program of certification of consultants involved in the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks or the clean up of spills of or accidents ***or motor vehicle crashes*** involving hazardous waste, hazardous material or a regulated substance;

(c) Training persons to respond to accidents ***, motor vehicle crashes*** or other emergencies related to hazardous materials, including any basic training by the State Fire Marshal which is necessary to prepare personnel for advanced training related to hazardous materials;

(d) Establishing and maintaining a program by the Public Utilities Commission of Nevada to inspect and otherwise ensure the safety of any shipment of hazardous materials transported by rail car through or within the State; and

(e) Financial incentives and grants made in furtherance of the program developed pursuant to paragraph (c) of subsection 2 of NRS 459.485 for the minimization, recycling and reuse of hazardous waste.

2. Money in the Account for the Management of Hazardous Waste may be expended to provide matching money required as a condition of any federal grant for the purposes of NRS 459.800 to 459.856, inclusive, or for any other purpose authorized by the Legislature.

Sec. 111. NRS 459.537 is hereby amended to read as follows:

459.537 1. If the person responsible for a leak or spill of or an accident ***or motor vehicle crash*** involving hazardous waste, hazardous material or a regulated substance does not act promptly and appropriately to clean and decontaminate the affected area properly, and if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment, money from the Account for the Management of Hazardous Waste may be expended to pay the costs of:

(a) Responding to the leak, spill ***,*** ~~[or]~~ accident ~~[,]~~ ***or crash;***

(b) Coordinating the efforts of state, local and federal agencies responding to the leak, spill ***,*** ~~[or]~~ accident ~~[,]~~ ***or crash;***

(c) Managing the cleaning and decontamination of an area for the disposal of hazardous waste or the site of the leak, spill ***,*** ~~[or]~~ accident ~~[,]~~ ***or crash;***

(d) Removing or contracting for the removal of hazardous waste, hazardous material or a regulated substance which presents an imminent danger to human health, public safety or the environment; or

(e) Services rendered in responding to the leak, spill **,** ~~[or]~~ accident ~~[,]~~ ***or crash,*** by consultants certified pursuant to regulations adopted by the Commission.

2. Except as otherwise provided in this subsection or NRS 459.610 to 459.658, inclusive, the Director shall demand reimbursement of the Account for money expended pursuant to subsection 1 from any person who is responsible for the accident, ***crash,*** leak or spill, or who owns or controls the hazardous waste, hazardous material or a regulated substance, or the area used for the disposal of the waste, material or substance. Payment of the reimbursement is due within 60 days after the person receives notice from the Director of the amount due. The provisions of this section do not apply to a spill or leak of or an accident ***or motor vehicle crash*** involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

3. At the request of the Director, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

4. As used in this section:

(a) "Does not act promptly and appropriately" means that the person:

(1) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(2) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(3) Does not act upon the commitment within 24 hours after making it;

(4) Does not clean and decontaminate the affected area properly; or

(5) Does not act immediately to clean and decontaminate the affected area properly, if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment.

(b) "Responding" means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident ***or motor vehicle crash*** involving hazardous waste, hazardous material or a regulated substance, including, without limitation, efforts to:

(1) Contain and dispose of the hazardous waste, hazardous material or regulated substance.

(2) Clean and decontaminate the area affected by the leak, spill **,** ~~[or]~~ accident ~~[.]~~ ***or crash.***

(3) Investigate the occurrence of the leak, spill **,** ~~[or]~~ accident ~~[.]~~ ***or crash.***

Sec. 112. NRS 459.718 is hereby amended to read as follows:

459.718 1. A person responsible for the care, custody or control of a hazardous material which is involved in an accident **,** ***motor vehicle crash*** or incident occurring during the transportation of the hazardous material by a motor carrier, including any accident **,** ***motor vehicle crash*** or incident occurring during any loading, unloading or temporary storage of the hazardous material while it is subject to active shipping papers and before it has reached

its ultimate consignee, shall notify the Division, consistent with the requirements of 49 C.F.R. § 171.15, as soon as practicable if, as a result of the hazardous material:

(a) A person is killed;

(b) A person receives injuries that require hospitalization;

(c) Any damage to property exceeds $50,000;

(d) There is an evacuation of the general public for 1 hour or more;

(e) One or more major transportation routes or facilities are closed or shut down for 1 hour or more;

(f) There is an alteration in the operational flight pattern or routine of any aircraft;

(g) Any radioactive contamination is suspected;

(h) Any contamination by an infectious substance is suspected;

(i) There is a release of a liquid marine pollutant in excess of 450 liters or a solid marine pollutant in excess of 400 kilograms; or

(j) Any situation exists at the site of the accident ***, motor vehicle crash*** or incident which, in the judgment of the person responsible for the care, custody or control of the hazardous material, should be reported to the Division.

2. The notification required pursuant to this section must include:

(a) The name of the person providing the notification;

(b) The name and address of the motor carrier represented by that person;

(c) The telephone number where that person can be contacted;

(d) The date, time and location of the accident ***, crash*** or incident;

(e) The extent of any injuries;

(f) The classification, name and quantity of the hazardous material involved, if that information is available; and

(g) The type of accident ***, crash*** or incident, the nature of the hazardous material involved and whether there is a continuing danger to life at the scene of the accident ***, crash*** or incident.

3. A person may satisfy the requirements of this section by providing the information specified in subsection 2 to the person who responds to a telephone call placed to:

(a) The number 911 in an area where that number is used for emergencies; or

(b) The number zero in an area where the number 911 is not used for emergencies.

Sec. 113. NRS 459.735 is hereby amended to read as follows:

459.735 1. The Contingency Account for Hazardous Materials is hereby created in the State General Fund.

2. The Commission shall administer the Contingency Account for Hazardous Materials. Except as otherwise provided in subsection 4, the money in the Account may be expended for:

(a) Carrying out the provisions of NRS 459.735 to 459.773, inclusive;

(b) Carrying out the provisions of 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.;

(c) Maintaining and supporting the operations of the Commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents ***, motor vehicle crashes*** and incidents involving hazardous materials;

(e) The operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045; and

(f) Any other purpose authorized by the Legislature.

3. All money received by this State pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq. must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. In addition, all money received by the Commission from any source must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. The State Controller shall transfer from the Contingency Account to the Operating Account of the State Fire Marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the State Fire Marshal for use pursuant to paragraph (e) of subsection 2.

4. Any fees deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials pursuant to subsection 5 of NRS 482.379365 must be accounted for separately and must be expended to provide financial assistance to this State or to local governments in this State to support preparedness to combat terrorism, including, without limitation, planning, training and purchasing supplies and equipment, or for any other purpose authorized by the Legislature.

5. Upon the presentation of budgets in the manner required by law, money to support the operation of the Commission pursuant to this chapter, other than its provision of grants, must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization to the Contingency Account for Hazardous Materials.

6. The interest and income earned on the money in the Contingency Account for Hazardous Materials, after deducting any applicable charges, must be credited to the Account.

7. All claims against the Contingency Account for Hazardous Materials must be paid as other claims against the State are paid.

Sec. 114. NRS 459.748 is hereby amended to read as follows:

459.748 As used in NRS 459.750 to 459.770, inclusive:

1. "Does not act promptly and appropriately" means that the person:

(a) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(b) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(c) Does not act upon the commitment within 24 hours after making it;

(d) Does not clean and decontaminate the affected area properly; or

(e) Does not act immediately to clean and decontaminate the affected area properly, if the inaction of the person presents an imminent and substantial hazard to human health, public safety or the environment.

2. "Responding" means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a spill of or accident ***or motor vehicle crash*** involving hazardous material, including, without limitation, efforts to:

(a) Contain and dispose of the hazardous material.

(b) Clean and decontaminate the area affected by the spill ***,*** ~~[or]~~ accident ~~[.]~~ ***or crash.***

(c) Investigate the occurrence of the spill ***,*** ~~[or]~~ accident ~~[.]~~ ***or crash.***

Sec. 115. NRS 459.750 is hereby amended to read as follows:

459.750 Any person who possessed or had in his or her care any hazardous material involved in a spill ***,*** ~~[or]~~ accident ***or motor vehicle crash*** requiring the cleaning and decontamination of the affected area is responsible for that cleaning and decontamination.

Sec. 116. NRS 459.755 is hereby amended to read as follows:

459.755 If the person responsible for hazardous material involved in a spill ***,*** ~~[or]~~ accident ***or motor vehicle crash*** does not act promptly and appropriately to clean and decontaminate the affected area, and if the inaction of the person presents an imminent and substantial hazard to human health, public safety, any property or the environment, money from the Contingency Account for Hazardous Materials may be expended to pay the costs of:

1. Responding to a spill of or an accident ***or motor vehicle crash*** involving hazardous material;

2. Coordinating the efforts of state, local and federal agencies responding to a spill of or an accident ***or motor vehicle crash*** involving hazardous material;

3. Managing the cleaning and decontamination of an area for the disposal of hazardous material or the site of a spill of or an accident ***or motor vehicle crash*** involving hazardous material; or

4. Removing or contracting for the removal of hazardous material which presents an imminent danger to human health, public safety or the environment.

Sec. 117. NRS 459.760 is hereby amended to read as follows:

459.760 1. Except as otherwise provided in this subsection, any state agency accruing expenses in responding to a spill of or an accident ***or motor vehicle crash*** involving hazardous material may present an itemized accounting of those expenses with a demand for reimbursement of those expenses to the person responsible for the hazardous material. Payment of the reimbursement must be made within 60 days after the person receives notice from the agency of the amount due. The provisions of this section do not apply to a spill of or an accident ***or motor vehicle crash*** involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

2. If the state agency cannot recover the full amount of reimbursement from the person responsible, it may report to the Commission its need for

additional funding. The Commission shall notify the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee if the Legislature is not in session, of the state agency's need for additional funding.

3. At the request of the state agency, and at any time after the payment for reimbursement is due, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

Sec. 118. NRS 459.765 is hereby amended to read as follows:

459.765 Any reimbursement and penalty recovered by the Attorney General from a person responsible for hazardous material involved in a spill or accident ***or motor vehicle crash*** must be deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials.

Sec. 119. NRS 459.770 is hereby amended to read as follows:

459.770 Any county or city in this State may adopt an ordinance authorizing its legal representative to initiate recovery by legal action from the person responsible for any hazardous material involved in a spill ***,*** ~~[or]~~ accident ***or motor vehicle crash*** of the amount of any costs incurred by the county or city in responding to the spill of or accident ***or motor vehicle crash*** involving hazardous material.

Sec. 120. NRS 459.773 is hereby amended to read as follows:

459.773 1. The State Fire Marshal shall, in cooperation with local fire departments, develop a reference guide for use by state and local personnel who respond to accidents ***, motor vehicle crashes*** and incidents involving hazardous materials. The reference guide must provide information which is readily accessible regarding procedures for responding to the first critical moments of an accident ***, motor vehicle crash*** or incident involving hazardous materials.

2. The State Fire Marshal shall make available, upon request, the reference guide developed pursuant to subsection 1 to local governments, state and local personnel who respond to accidents ***, motor vehicle crashes*** and incidents involving hazardous materials and students enrolled in training programs for responding to accidents ***, motor vehicle crashes*** and incidents involving hazardous materials.

Sec. 121. NRS 459.930 is hereby amended to read as follows:

459.930 1. Notwithstanding any other provision of law to the contrary and regardless of whether he or she is a participant in a program, a person who:

(a) Is a bona fide prospective purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, 459.400 to 459.600, inclusive, or any other applicable provision of law.

(b) Is an innocent purchaser is not liable for any response action or cleanup that may be required with respect to any real property pursuant to

NRS 445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, 459.400 to 459.600, inclusive, or any other applicable provision of law.

(c) Owns real property that:

(1) Is contiguous to or otherwise similarly situated with respect to; and

(2) Is or may be contaminated by a release or threatened release of a hazardous substance from,

➥ other real property that the person does not own, is not liable for any response action or cleanup that may be required with respect to the release or threatened release, provided that the person meets the requirements set forth in section 107(q)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(q)(1).

2. A person described in paragraph (a), (b) or (c) of subsection 1 shall report to the Division, in a manner prescribed by the Commission:

(a) Any of the following substances that are found on or at real property owned by the person:

(1) Hazardous substances at or above the required reporting levels designated pursuant to sections 102 and 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9602 and 9603; and

(2) Petroleum products of such type and in such amount as are required by the Division to be reported; and

(b) Any response action or cleanup that has been performed with respect to the real property described in paragraph (a).

3. The provisions of this section do not otherwise limit the authority of the Administrator, the Commission or the Division to require any person who is responsible for the contamination or pollution of real property, by improperly managing hazardous substances at or on that real property, to perform a response action or cleanup with respect to that real property.

4. If there are costs relating to a response action or cleanup that are incurred and unrecovered by the State of Nevada with respect to real property for which a bona fide prospective purchaser of the real property is not liable pursuant to the provisions of this section, the State of Nevada:

(a) Has a lien against that real property in an amount not to exceed the increase in the fair market value of the real property that is attributable to the response action or cleanup, which increase in fair market value must be measured at the time of the sale or other disposition of the real property; or

(b) May, with respect to those incurred and unrecovered costs and by agreement with the bona fide prospective purchaser of the real property, obtain from that bona fide prospective purchaser:

(1) A lien on any other real property owned by the bona fide prospective purchaser; or

(2) Another form of assurance or payment that is satisfactory to the Administrator.

5. The provisions of this section:

(a) Do not affect the liability in tort of any party; and

(b) Apply only to real property that is acquired on or after the date that is 60 days after May 26, 2003.

6. As used in this section:

(a) "Administrator" means the Administrator of the Division.

(b) "Bona fide prospective purchaser" has the meaning ascribed to it in section 101(40) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601(40).

(c) "Commission" means the State Environmental Commission.

(d) "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(e) "Hazardous substance" has the meaning ascribed to it in NRS 459.620.

(f) "Innocent purchaser" means a person who qualifies for the exemption from liability set forth in section 107(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(b)(3).

(g) "Participant" has the meaning ascribed to it in NRS 459.622.

(h) "Program" means a program of voluntary cleanup and relief from liability set forth in NRS 459.610 to 459.658, inclusive.

(i) "Response action" means any action to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident ***or motor vehicle crash*** involving a hazardous substance, including, without limitation, any action to:

(1) Contain and dispose of the hazardous substance;

(2) Clean and decontaminate the area affected by the leak, spill **,** ~~[or]~~ accident ~~[.]~~ ***or crash;*** or

(3) Investigate the occurrence of the leak, spill **,** ~~[or]~~ accident ~~[.]~~ ***or crash.***

Sec. 122. NRS 590.615 is hereby amended to read as follows:

590.615 When the Board finds, under such conditions as may arise, a variation from its rules, regulations or specifications which does not impair the safety of the public and persons using the materials which would otherwise be secure by compliance with such rules, regulations or specifications, the Board may, upon written application, consideration and investigation, grant a variance from the terms of the rules, regulations or specifications on such conditions as it may specify to insure the safety of the public and persons using the materials or services. In granting the variance, the Board shall take into consideration one or more of the following circumstances or conditions and the application shall specify which of them are relied upon:

1. The purpose and meaning embodied in the regulation from which the variance is requested and its relative importance in balancing the interests of the licensee and the community or public.

2. The reasons why the rules, regulations or specifications cannot be complied with.

3. If a consumer tank is involved, whether or not a fire hazard will be created or is maintained.

4. The openings which may or may not be made into any buildings below any regulator or container vents.

5. Whether or not the adjacent walls or exposures are fireproof.

6. Whether or not the installation will be safe in the event the variance is allowed.

7. Whether or not the installation will be exposed to ~~[collision]~~ ***crashes*** by moving vehicles.

8. Any other factors or considerations which impose a hardship on the licensee or which the Board deems appropriate for the granting of a variance.

Sec. 123. NRS 618.015 is hereby amended to read as follows:

618.015 1. It is the purpose of this chapter to provide safe and healthful working conditions for every employee by:

(a) Establishing regulations;

(b) Effectively enforcing such regulations;

(c) Educating and training employees; and

(d) Establishing reporting procedures for job-related accidents ***, motor vehicle crashes*** and illnesses.

2. The Legislature finds that such safety and health in employment is a matter greatly affecting the public interest of this State.

Sec. 124. NRS 618.378 is hereby amended to read as follows:

618.378 1. Any accident ***or motor vehicle crash*** occurring in the course of employment which is fatal to one or more employees or which results in the hospitalization of three or more employees must be reported by the employer orally to the nearest office of the Division within 8 hours after the time that the accident ***or crash*** is reported to any agent or employee of the employer. A report submitted to the Division pursuant to the provisions of this subsection must include:

(a) The name of the employer;

(b) The location and time of the accident ~~[,]~~ ***or crash;***

(c) The number of employees killed or hospitalized as a result of the accident ~~[,]~~ ***or crash;***

(d) A brief description of the accident ~~[,]~~ ***or crash;*** and

(e) The name of a person who may be contacted by the Division for further information.

➥ Upon receipt of such a report, the Division shall notify the employer of the estimated time that the Division's investigator will arrive at the site of the accident ~~[.]~~ ***or crash.*** The Division shall initiate an investigation at the site of the accident ***or crash*** within 8 hours after receiving the report.

2. An industrial insurer shall provide to the Division a monthly report setting forth the number, type and severity of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. The report must identify the employer and be sorted according to the employer's Standard Industrial Classification or classification for the purposes of industrial insurance. The Division shall by regulation prescribe the form for the report made pursuant to this subsection. As used in this subsection,

"industrial insurer" has the meaning ascribed to the term "insurer" in NRS 616A.270.

3. All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.

4. The Division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as the Assistant Secretary of Labor may from time to time require.

5. Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the Division.

Sec. 125. NRS 618.3785 is hereby amended to read as follows:

618.3785 1. If an accident ***or motor vehicle crash*** occurs in the course of employment which is fatal to one or more employees or which results in the hospitalization of three or more injured employees, the Division shall, as soon as practicable:

(a) Provide to each injured employee, the immediate family of each deceased or injured employee and each representative of each deceased or injured employee a written description of the rights of such persons with regard to an investigation of the accident ~~[,]~~ ***or crash;*** and

(b) Notify each injured employee, the immediate family of each deceased or injured employee and each representative of each deceased or injured employee of:

(1) The commencement by the Division of any investigation of the accident ~~[,]~~ ***or crash;***

(2) The result of any informal conference between the employer and the Division;

(3) The finalization of any agreement between an employer and the Division which formally settles an issue related to the accident ~~[,]~~ ***or crash;***

(4) The issuance of any citation under the provisions of this chapter related to the accident ~~[,]~~ ***or crash;***

(5) The receipt by the Division of notice from an employer that the employer wishes to contest or appeal any action or decision of the Division which relates to the accident ~~[,]~~ ***or crash;*** and

(6) The completion by the Division and, if applicable, the Board of any investigation of the accident ***or crash*** and any proceeding related to the accident ~~[.]~~ ***or crash.***

2. As used in this section, "representative of each deceased or injured employee" means:

(a) A person previously identified to the Division as an authorized representative of the employee bargaining unit of a labor organization which has a collective bargaining relationship with the employer of the employee and represents the employee.

(b) An attorney acting on behalf of the employee.

(c) A person designated by a court to act as the official representative for the employee or the estate of the employee.

Sec. 126. NRS 618.379 is hereby amended to read as follows:

618.379 1. Except as otherwise provided in subsection 2, if any accident ***or motor vehicle crash*** occurring in the course of employment is fatal to one or more employees or results in the hospitalization of three or more employees, and is caused, in whole or in part, by any equipment located at the site of the accident ~~[,]~~ ***or crash,*** no person may dismantle or otherwise move that equipment until the Division has investigated the accident ***or crash*** and has authorized the dismantling or removal of the equipment.

2. The provisions of subsection 1 do not apply if the dismantling or removal of the equipment is necessary to free any person trapped by the equipment or to ensure the safety of or to prevent further injury to any person. If any equipment is dismantled or moved to free a trapped person, the equipment may be dismantled or moved only to the extent necessary to free the person.

3. Upon the occurrence of an accident ***or crash*** described in subsection 1, the employer of an injured employee shall, upon the arrival of an investigator of the Division at the site of the accident ~~[,]~~ ***or crash,*** make available for questioning in a reasonable amount of time any person employed by the employer who is determined by the investigator to be necessary for the completion of the investigation, including the immediate supervisor of any injured employee and any employee who witnessed the accident ~~[.]~~ ***or crash.***

4. As used in this section, "accident ***or motor vehicle crash*** occurring in the course of employment" does not include:

(a) An accident ***or crash*** involving a motor vehicle that is being operated on a public highway in this State.

(b) A homicide committed at an employer's place of business.

Sec. 127. NRS 618.475 is hereby amended to read as follows:

618.475 1. If, after an inspection or investigation, the Division issues a citation under the provisions of this chapter, it shall, within a reasonable time after the termination of the inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under this chapter and that the employer has 15 working days within which to notify the Division that the employer wishes to contest the citation or proposed assessment of penalty. If, within 15 working days from the receipt of the notice issued by the Division, the employer fails to notify the Division that the employer intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employee or representative of employees under this chapter within such time, the citation and assessment as proposed shall be deemed a final order of the review board and not subject to review by any court or agency. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that the abatement has not been completed because of factors beyond the reasonable control of the employer, the Division

shall issue an order affirming or modifying the abatement requirements in the citation.

2. In the case of an accident ***or motor vehicle crash*** occurring in the course of employment which is fatal to one or more employees, if an employer notifies the Division that the employer wishes to contest a citation or proposed assessment of penalty, the Division shall provide the Board with information as to how to contact the immediate family of each deceased employee.

3. Any employee or the representative of the employee alleging that the time fixed in the citation for the abatement of a violation by his or her employer is unreasonable may, within 15 working days after the date of posting of the notice of abatement pursuant to this chapter, file an appeal with the Division to contest the reasonableness of the period of time for abatement of the violation and must be notified in writing as to the time and place of hearing before the review board.

4. If no appeal is filed by an employee or the representative of the employee under subsection 2 of this section within the time limit of 15 working days, the period of time fixed for the abatement of the violation is final and not subject to review by any court or the review board.

Sec. 128. NRS 618.480 is hereby amended to read as follows:

618.480 1. During an investigation of an accident ***or motor vehicle crash*** occurring in the course of employment which is fatal to one or more employees, the Division shall use its best efforts to interview the immediate family of each deceased employee to obtain any information relevant to the investigation, including, without limitation, information which the deceased employee shared with the immediate family.

2. If, after the investigation of the accident ~~[,]~~ ***or crash,*** the Division issues a citation under the provisions of this chapter, the Division shall offer to enter into a discussion with the immediate family of each deceased employee within a reasonable time after the Division issues the citation.

3. During the discussion described in subsection 2, the Division shall provide each family with:

(a) Information regarding the citation and abatement process;

(b) Information regarding the means by which the family may obtain a copy of the final incident report and abatement decision of the Division; and

(c) Any other information that the Division deems relevant and necessary to inform the family of the outcome of the investigation by the Division.

Sec. 129. NRS 618.605 is hereby amended to read as follows:

618.605 1. Upon the receipt of any written appeal or notice of contest under NRS 618.475, the Division shall within 15 working days notify the Board of such an appeal or contest.

2. The Board shall hold a formal fact-finding hearing and render its decision based on the evidence presented at the hearing.

3. Prior to any formal fact-finding hearing involving a citation for an accident ***or motor vehicle crash*** occurring in the course of employment which

is fatal to one or more employees, the Board shall notify the immediate family of each deceased employee of:

(a) The time and place of the hearing; and

(b) The fact that the hearing is open to the public.

4. Any employee of an employer or representative of the employee may participate in and give evidence at the hearing, subject to rules and regulations of the Board governing the conduct of such hearings.

Sec. 130. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising, by any form of public communication, a chiropractic practice:

(a) Using grossly improbable statements; or

(b) In any manner that will tend to deceive, defraud or mislead the public.

➥ As used in this subsection, "public communication" includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians' Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee's designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence,

including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle ~~[accident,]~~ ***crash,*** involved in a work-related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

Sec. 131. NRS 648.012 is hereby amended to read as follows:

648.012 "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining, including, without limitation, through the review, analysis and investigation of computerized data not available to the public, information with reference to:

1. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

2. The location, disposition or recovery of lost or stolen property;

3. The cause or responsibility for fires, libels, losses, accidents ***, motor vehicle crashes*** or damage or injury to persons or to property;

4. A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

5. Securing evidence to be used before any court, board, officer or investigating committee; or

6. The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

Sec. 131.3. **Chapter 679A of NRS is hereby amended by adding a new section to read as follows:**

The term "crash" has the same meaning as an incident or event previously referred to as an "accident" when used in reference to motor vehicles.

Sec. 132. NRS 687B.145 is hereby amended to read as follows:

687B.145 1. Any policy of insurance or endorsement providing coverage under the provisions of NRS 690B.020 or other policy of casualty insurance may provide that if the insured has coverage available to the insured under more than one policy or provision of coverage, any recovery or benefits may equal but not exceed the higher of the applicable limits of the respective coverages, and the recovery or benefits must be prorated between the applicable coverages in the proportion that their respective limits bear to the aggregate of their limits. Any provision which limits benefits pursuant to this section must be in clear language and be prominently displayed in the policy, binder or endorsement. Any limiting provision is void if the named insured has purchased separate coverage on the same risk and has paid a premium calculated for full reimbursement under that coverage.

2. Except as otherwise provided in subsection 5, insurance companies transacting motor vehicle insurance in this State must offer, on a form approved by the Commissioner, uninsured and underinsured vehicle coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a passenger car. The insurer is not required to reoffer the coverage to the insured in any replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage. Uninsured and underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer which the insured is legally entitled to recover from the owner or operator of the other vehicle to the extent that those damages exceed the limits of the coverage for bodily injury carried by that owner or operator. If an insured suffers actual damages subject to the limitation of liability provided pursuant to NRS 41.035, underinsured vehicle coverage must include a provision which enables the insured to recover up to the limits of the insured's own coverage any amount of damages for bodily injury from the insured's insurer for the actual damages suffered by the insured that exceed that limitation of liability.

3. An insurance company transacting motor vehicle insurance in this State must offer an insured under a policy covering the use of a passenger car, the option of purchasing coverage in an amount of at least $1,000 for the payment of reasonable and necessary medical expenses resulting from ~~[an accident.]~~ ***a crash.*** The offer must be made on a form approved by the Commissioner. The insurer is not required to reoffer the coverage to the insured in any

replacement, reinstatement, substitute or amended policy, but the insured may purchase the coverage by requesting it in writing from the insurer. Each renewal must include a copy of the form offering such coverage.

4. An insurer who makes a payment to an injured person on account of underinsured vehicle coverage as described in subsection 2 is not entitled to subrogation against the underinsured motorist who is liable for damages to the injured payee. This subsection does not affect the right or remedy of an insurer under subsection 5 of NRS 690B.020 with respect to uninsured vehicle coverage. As used in this subsection, "damages" means the amount for which the underinsured motorist is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the underinsured motorist's policy of casualty insurance.

5. An insurer need not offer, provide or make available uninsured or underinsured vehicle coverage in connection with a general commercial liability policy, an excess policy, an umbrella policy or other policy that does not provide primary motor vehicle insurance for liabilities arising out of the ownership, maintenance, operation or use of a specifically insured motor vehicle.

6. As used in this section:

(a) "Excess policy" means a policy that protects a person against loss in excess of a stated amount or in excess of coverage provided pursuant to another insurance contract.

(b) "Passenger car" has the meaning ascribed to it in NRS 482.087.

(c) "Umbrella policy" means a policy that protects a person against losses in excess of the underlying amount required to be covered by other policies.

Sec. 133. NRS 690B.020 is hereby amended to read as follows:

690B.020 1. Except as otherwise provided in this section and NRS 690B.035, no policy insuring against liability arising out of the ownership, maintenance or use of any motor vehicle may be delivered or issued for delivery in this State unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages, from owners or operators of uninsured or hit-and-run motor vehicles, for bodily injury, sickness or disease, including death, resulting from the ownership, maintenance or use of the uninsured or hit-and-run motor vehicle. No such coverage is required in or supplemental to a policy issued to the State of Nevada or any political subdivision thereof, or where rejected in writing, on a form furnished by the insurer describing the coverage being rejected, by an insured named therein, or upon any renewal of such a policy unless the coverage is then requested in writing by the named insured. The coverage required in this section may be referred to as "uninsured vehicle coverage."

2. The amount of coverage to be provided must be not less than the minimum limits for liability insurance for bodily injury provided for under chapter 485 of NRS, but may be in an amount not to exceed the coverage for bodily injury purchased by the policyholder.

3. For the purposes of this section, the term "uninsured motor vehicle" means a motor vehicle:

(a) With respect to which there is not available at the Department of Motor Vehicles evidence of financial responsibility as required by chapter 485 of NRS;

(b) With respect to the ownership, maintenance or use of which there is no liability insurance for bodily injury or bond applicable at the time of the ~~[accident]~~ ***crash*** or, to the extent of such deficiency, any liability insurance for bodily injury or bond in force is less than the amount required by NRS 485.210;

(c) With respect to the ownership, maintenance or use of which the company writing any applicable liability insurance for bodily injury or bond denies coverage or is insolvent;

(d) Used without the permission of its owner if there is no liability insurance for bodily injury or bond applicable to the operator;

(e) Used with the permission of its owner who has insurance which does not provide coverage for the operation of the motor vehicle by any person other than the owner if there is no liability insurance for bodily injury or bond applicable to the operator; or

(f) The owner or operator of which is unknown or after reasonable diligence cannot be found if:

(1) The bodily injury or death has resulted from physical contact of the automobile with the named insured or the person claiming under the named insured or with an automobile which the named insured or such a person is occupying; and

(2) The named insured or someone on behalf of the named insured has reported the ~~[accident]~~ ***crash*** within the time required by NRS 484E.030, 484E.040 or 484E.050 to the police department of the city where it occurred or, if it occurred in an unincorporated area, to the sheriff of the county or to the Nevada Highway Patrol.

4. For the purposes of this section, the term "uninsured motor vehicle" also includes, subject to the terms and conditions of coverage, an insured other motor vehicle where:

(a) The liability insurer of the other motor vehicle is unable because of its insolvency to make payment with respect to the legal liability of its insured within the limits specified in its policy;

(b) The occurrence out of which legal liability arose took place while the uninsured vehicle coverage required under paragraph (a) was in effect; and

(c) The insolvency of the liability insurer of the other motor vehicle existed at the time of, or within 2 years after, the occurrence.

➥ Nothing contained in this subsection prevents any insurer from providing protection from insolvency to its insureds under more favorable terms.

5. If payment is made to any person under uninsured vehicle coverage, and subject to the terms of the coverage, to the extent of such payment the insurer is entitled to the proceeds of any settlement or recovery from any person

legally responsible for the bodily injury as to which payment was made, and to amounts recoverable from the assets of the insolvent insurer of the other motor vehicle.

6. A vehicle involved in a ~~[collision]~~ ***crash*** which results in bodily injury or death shall be presumed to be an uninsured motor vehicle if no evidence of financial responsibility is supplied to the Department of Motor Vehicles in the manner required by chapter 485 of NRS within 60 days after the ~~[collision]~~ ***crash*** occurs.

Sec. 134. NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this State to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the Department of Motor Vehicles; and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in ~~[an accident]~~ ***a crash*** involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the Commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the Department of Motor Vehicles shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The Commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An

insurer must receive written approval from the Commissioner before delivering or issuing a policy with a provision containing such a reduction.

Sec. 135. NRS 695B.220 is hereby amended to read as follows:

695B.220 Blanket hospital or blanket medical or dental service contracts may be issued to a college or school or to the head or principal thereof or to the governing board of any school district providing for services to pupils of such schools when such services are required as the result of accident ***or motor vehicle crash*** to such pupils while they are required to be in or on buildings or other premises of the school or district during the time they are required to be therein or thereon by reason of their attendance upon a college or regular day school or any regular day school of a school district or while being transported to and from school or other place of instruction. No pupil shall be compelled to accept such service without the consent of a parent or guardian of the pupil.

Sec. 136. NRS 704.140 is hereby amended to read as follows:

704.140 1. It is unlawful for any person engaged in business as a public utility to give or furnish to any state, district, county or municipal officer of this State, or to any person other than those named herein, any pass, frank, free or reduced transportation, or for any state, district, county or municipal officer to accept any pass, frank, free or reduced transportation.

2. This section does not prevent the carriage, storage or hauling of property free or at reduced rates for the United States, the State of Nevada or any political subdivision thereof for charitable purposes.

3. This chapter does not prohibit a public utility from giving free or reduced rates for transportation of:

(a) Its own officers, commission agents, employees, attorneys, physicians and surgeons and members of their families, and pensioned ex-employees and ex-employees with disabilities, their minor children or dependents, or witnesses attending any legal investigation in which such carrier is interested.

(b) Inmates of hospitals or charitable institutions and persons over 65 years of age.

(c) Persons with physical or mental disabilities who present a written statement from a physician to that effect.

(d) Persons injured in accidents or ~~[wrecks]~~ ***motor vehicle crashes*** and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster, or for contractors and their employees, in carrying out their contract with such carrier.

(f) Peace officers when on official duty.

(g) Attendants of livestock or other property requiring the care of an attendant, including return passage to the place of shipment, if there is no discrimination among such shippers of a similar class.

(h) Employees of other carriers subject to regulation in any respect by the Commission, or for the officers, agents, employees, attorneys, physicians and surgeons of such other carriers, and the members of their families.

4. This chapter does not prohibit public utilities from giving reduced rates for transportation to:

(a) Indigent, destitute or homeless persons, when under the care or responsibility of charitable societies, institutions or hospitals, and the necessary agents employed in such transportation.

(b) Students of institutions of learning.

5. "Employees," as used in this section, includes furloughed, pensioned and superannuated employees, and persons who have become disabled or infirm in the service of any such carrier, and persons traveling for the purpose of entering the service of any such carrier.

6. Any person violating the provisions of this section shall be punished by a fine of not more than $500.

Sec. 137. NRS 704.190 is hereby amended to read as follows:

704.190 1. Every public utility operating in this State shall, whenever an accident ***or motor vehicle crash*** occurs in the conduct of its operation causing death, give prompt notice thereof to the Commission, in such manner and within such time as the Commission may prescribe. If, in its judgment, the public interest requires it, the Commission may cause an investigation to be made forthwith of any accident ~~[,]~~ ***or crash,*** at such place and in such manner as the Commission deems best.

2. Every such public utility shall report to the Commission, at the time, in the manner and on such forms as the Commission by its printed rules and regulations prescribes, all accidents ***or crashes*** happening in this State and occurring in, on or about the premises, plant, instrumentality or facility used by any such utility in the conduct of its business.

3. The Commission shall adopt all reasonable rules and regulations necessary for the administration and enforcement of this section. The rules and regulations must require that all accidents ***or crashes*** required to be reported pursuant to this section be reported to the Commission at least once every calendar month by such officer or officers of the utility as the Commission directs.

4. The Commission shall adopt and utilize all accident ***and crash*** report forms, which must be so designed as to provide a concise and accurate report of the accident ~~[.]~~ ***or crash.*** The report must show the true cause of the accident ~~[.]~~ ***or crash.*** The accident report forms adopted for the reporting of railroad accidents must, as near as practicable, be the same in design as the railroad accident report forms provided and used by the Surface Transportation Board.

5. If any accident ***or crash*** is reported to the Commission by the utility as being caused by or through the negligence of an employee and thereafter the employee is absolved from such negligence by the utility and found not to be responsible for the accident ~~[,]~~ ***or crash,*** that fact must be reported by the utility to the Commission.

6. Each accident report required to be made by a public utility pursuant to this section must be filed in the office of the Commission and there preserved. Each accident ***or crash*** report required to be made by a public utility pursuant to this chapter and each report made by the Commission pursuant to its investigation of any accident ~~[.]~~ ***or crash:***

(a) Except as otherwise provided in subsection 2 of NRS 703.190, must be open to public inspection; and

(b) Notwithstanding any specific statute to the contrary, must not, in whole or in part, be admitted as evidence or used for any purpose in any suit or action for damages arising out of any matter mentioned in:

(1) The accident ***or crash*** report required to be made by the public utility; or

(2) The report made by the Commission pursuant to its investigation.

Sec. 138. NRS 704.300 is hereby amended to read as follows:

704.300 1. After an investigation initiated either upon the Commission's own motion or as the result of the filing of a formal application or complaint by the Department of Transportation, the board of county commissioners of any county, the town board or council of any town or municipality, or any railroad company, the Commission may order for the safety of the traveling public:

(a) The elimination, alteration, addition or change of a highway crossing or crossings over any railroad at grade, or above or below grade, including its approaches and surface.

(b) Changes in the method of crossing at grade, or above or below grade.

(c) The closing of a crossing and the substitution of another therefor.

(d) The removal of obstructions to the public view in approaching any crossing.

(e) Such other details of use, construction and operation as may be necessary to make grade-crossing elimination, changes and betterments for the protection of the public and the prevention of accidents ***and motor vehicle crashes*** effective.

2. The Commission shall order that the cost of any elimination, removal, addition, change, alteration or betterment so ordered must be divided and paid in such proportion by the State, county, town or municipality and the railroad or railroads interested as is provided according to the circumstances occasioning the cost in NRS 704.305.

3. If the Commission chooses to conduct a hearing before issuing an order pursuant to subsection 1, all costs incurred by reason of the hearing, including, but not limited to, publication of notices, reporting, transcripts and rental of hearing room, must be apportioned 50 percent to the governmental unit or units affected and 50 percent to the railroad or railroads.

Sec. 139. NRS 705.090 is hereby amended to read as follows:

705.090 1. No railway corporation engaged in the transportation of horses, sheep, cattle, swine or other animals between points situated within this state shall confine or cause the same to be confined in cars or other vehicles of any description for a period longer than 28 consecutive hours without unloading the same for rest, water and feeding during 5 consecutive hours, unless prevented by storm ***, motor vehicle crash*** or inevitable accident.

2. In estimating such confinement, the time during which the animals have been confined without rest on connecting roads from which they are received must be computed.

3. The time of confinement prescribed in this section may be extended to 36 hours upon the written request of the owner or the person in custody of a particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form. The request for extension of time shall be made to the conductor of the train, the agent or other authorized agent of the railroad company over which the livestock is being transported.

Sec. 140. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause ~~[an accident]~~ ***a crash*** or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause ~~[an accident]~~ ***a crash*** or a breakdown; and

(b) Has been declared "out of service" by an authorized employee of the Authority, the Department of Motor Vehicles or the Department of Public Safety.

➥ When the repairs have been made, the carrier shall so certify to the Authority or the department that declared the vehicle "out of service," as required by the Authority or that department.

Sec. 141. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier under the jurisdiction of the Authority shall forthwith report each ~~[accident]~~ ***crash*** occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the ~~[accident]~~ ***crash*** occurred. If the ~~[accident]~~ ***crash*** immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the ~~[accident,]~~ ***crash,*** shall furnish to the Authority such detailed report thereof as required by the Authority.

2. All ~~[accident]~~ ***crash*** reports required in this section must be filed in the office of the Authority and there preserved. ~~[An accident]~~ ***A crash*** report made as required by this chapter, or any report of the Authority made pursuant to any ~~[accident]~~ ***crash*** investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the Authority. The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the ~~[accident]~~ ***crash*** report or report of any such investigation.

Sec. 142. NRS 706.303 is hereby amended to read as follows:

706.303 The Authority shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one ~~[accident,]~~ ***crash,*** $250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one ~~[accident,]~~ ***crash,*** $500,000; and

(c) For injury to or destruction of property in any one ~~[accident,]~~ ***crash,*** $50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one ~~[accident,]~~ ***crash,*** $500,000.

Sec. 143. NRS 706.305 is hereby amended to read as follows:

706.305 The Authority shall adopt regulations requiring all operators of taxicabs subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each taxicab. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one ~~[accident,]~~ ***crash,*** $250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one ~~[accident,]~~ ***crash,*** $500,000; and

(c) For injury to or destruction of property in any one ~~[accident,]~~ ***crash,*** $50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one ~~[accident,]~~ ***crash,*** $500,000.

Sec. 144. NRS 706.3056 is hereby amended to read as follows:

706.3056 1. In lieu of the insurance against liability required by the regulations adopted pursuant to NRS 706.305, an operator of a taxicab may deposit with the Department:

(a) Any security in the amount of $500,000; or

(b) An amount equal to 110 percent of the average annual costs of claims incurred by the operator for ~~[accidents]~~ ***crashes*** involving motor vehicles during the immediately preceding 3 years,

➥ whichever is less, but in no event may the deposit be less than $250,000. The security deposited may be in any form authorized by NRS 706.3058. The Department shall not accept a deposit unless it is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

2. An operator of a taxicab depositing money with the Department pursuant to subsection 1, shall authorize payments from the deposit in the amounts and under the same circumstances as would be required in a contract of insurance against liability which is in compliance with the regulations adopted pursuant to NRS 706.305.

3. Any security deposited must be used to satisfy any judgment obtained against the depositor which is final and has not been paid within 30 days after the date of the judgment, unless otherwise ordered by the court issuing the judgment. A depositor, within 24 hours after receiving notice that the security has been used to satisfy a judgment obtained against the depositor, shall deposit with the Department an amount which is necessary to maintain with the Department the amount required by subsection 1. The failure to maintain the full amount required by subsection 1 is a ground for the cancellation of the depositor's certificate of self-insurance.

4. Any money collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to a separate account in the State General Fund and used for payments authorized pursuant to subsection 2 or to refund money paid by an operator of a taxicab who is no longer participating in a program of self-insurance.

Sec. 145. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this State or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons with physical or mental disabilities who present a written statement from a physician to that effect.

(d) Persons injured in accidents or ~~[wrecks]~~ ***motor vehicle crashes*** and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning, including, without limitation, homeless students, whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by them, or pensioned former employees or former employees with disabilities, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this State.

5. This section does not prohibit the Authority from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the Authority to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, "employees" includes:

(a) Furloughed, pensioned and superannuated employees.

(b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 146. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following ~~[an accident]~~ ***a crash*** involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

(1) Of the location where the motor vehicle is being stored;

(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(3) Of the charge for towing and storage;

(4) Of the date and time the vehicle was placed in storage;

(5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and

(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following ~~[an accident]~~ ***a crash*** involving the motor vehicle; or

(2) Fifteen days after placing any other motor vehicle in storage.

➥ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.

2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following ~~[an accident]~~ ***a crash*** involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,

➥ unless the operator complies with the requirements set forth in subsection 1.

3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following ~~[an accident]~~ ***a crash*** involving the motor vehicle or after having been stolen and subsequently recovered, the operator shall not:

(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or

(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.

Sec. 147. NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after ~~[an accident]~~ ***a crash*** or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

(a) Guarantee safe access to the vehicles by their owners; and

(b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.

3. The provisions of NRS 706.4489 constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 148. NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

(a) Following ~~[an accident;]~~ ***a crash;*** or

(b) Following recovery after having been stolen,

➥ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle following ~~[an accident]~~ ***a crash*** or following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of the vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. If the operator of the tow car:

(a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the owner of the vehicle; or

(b) Otherwise determines the identity of the insurance company that provides coverage for the owner of the vehicle,

➥ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless the owner of the vehicle or a representative of the insurance company has directed otherwise.

3. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:

(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

4. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

5. A vehicle storage lot must:

(a) Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;

(c) Comply with all local laws and ordinances applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

(d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

6. If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess those rates and charges for the storage of a vehicle that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in

the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

7. Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection 4;

(b) Satisfied the requirements of subsection 5; and

(c) Otherwise satisfied the requirements of this section.

8. The provisions of this section apply only to a county whose population is 700,000 or more.

9. As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) "Vehicle storage lot" means a business which, for a fee, stores vehicles that are towed at the request of a law enforcement officer following ~~[an accident]~~ ***a crash*** or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

Sec. 149. NRS 706.8828 is hereby amended to read as follows:

706.8828 1. Except as otherwise provided in subsection 4, a certificate holder shall file with the Administrator, and keep in effect at all times, a policy of insurance with an insurance company licensed to do business in the State of Nevada.

2. The insurance policy specified in subsection 1 must:

(a) Provide the following coverage:

For injury to one person in any one ~~[accident]~~ ***crash*** $100,000
For injury to two or more persons in any one ~~[accident]~~ ***crash*** .. 300,000
For property damage in any one ~~[accident]~~ ***crash*** 10,000

(b) Contain a clause which states substantially that the insurance carrier may only cancel the policy upon 30 days' written notice to the certificate holder and Administrator; and

(c) Contain such other provisions concerning notice as may be required by law to be given to the certificate holder.

3. If an insurance policy is cancelled, the certificate holder shall not operate or cause to be operated any taxicab that was covered by the policy until other insurance is furnished.

4. A certificate holder to whom the Department of Motor Vehicles has issued a certificate of self-insurance may self-insure the coverage required by subsection 2.

Sec. 150. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall revise any provisions of any bill or resolution enacted during the 78th Regular Session of the Nevada Legislature which uses the term "accident" as that term is replaced or amended pursuant to the provisions of this act to cause the term to be replaced or amended in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the term "accident" is replaced with the term "crash" or "motor vehicle crash," or the term "accident" is amended by adding the term "or motor vehicle crash," as applicable, as provided for in this act.

Sec. 150.5. **1. This act shall be construed as making amendments to provisions of state law for the purpose of substituting the term "crash," or a variation of that term, for the term "accident," or a variation of that term, when used in reference to motor vehicles without any intent of the Nevada Legislature to change the coverage, eligibility, liability, penalties, rights or responsibilities conferred by or otherwise resulting from the amendatory provisions of this act.**

2. Any judicial interpretation of a state law that is rendered, issued or entered before January 1, 2016, and which includes an interpretation of the term "accident," or a variation of that term, which is amended by or as a result of this act to refer instead to the term "crash," or a variation of that term, shall be deemed to have the same meaning as though the term had remained unchanged.

Sec. 151. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblymen Wheeler and Carlton.

ASSEMBLYMAN WHEELER:

Amendment 808 makes two changes to Senate Bill 188. It provides that for purposes of the Nevada Insurance Code, Title 57 of NRS, the terms "accident" and "crash" as they are used in reference to motor vehicles have the same meaning. It also provides that the amendatory provisions of the bill shall be construed as nonsubstantive and clarifies that it is not the intent of

the Nevada Legislature to modify any existing application, construction, or interpretation of any statute which has been so amended.

ASSEMBLYWOMAN CARLTON:

I am curious about why we would change the language but not have the language be the same in the insurance policies. I know we are saying we are going to call it one thing and the insurance industry can call it another, but Title 57 is already confusing enough as it is. I get complaints about it from my constituents all the time. I just got a phone call last week about somebody who was totally confused about their car insurance. So to have the statutory language say one thing and the insurance policy say another—if we are going to have the expense at the state to change all the NRS, why would we not ask the folks upon the issuance of a new policy to have the same language that the state is using?

ASSEMBLYMAN WHEELER:

The idea of not changing the language is for past policies and documents. In the future, the insurance companies have ensured that they will actually change the language, but they do not wish to reprint all of the materials they have out there right now as the cost would be prohibitive.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Speaker, and that is my point exactly. We are going to have to reprint a bunch of stuff, too.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 809.

AN ACT relating to drivers' licenses; revising provisions governing the submission of documents required to declare veteran status when applying for or renewing an instruction permit**,** ~~[or a]~~ driver's license ~~[.]~~ **, commercial driver's license or identification card;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a veteran who has been honorably discharged from the Armed Forces of the United States may have a designation of that veteran status placed on his or her instruction permit**,** ~~[or]~~ driver's license ~~[.]~~ **or identification card.** Such a veteran must, upon application for initial issuance or renewal of the permit or license, submit to the Department of Motor Vehicles a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that he or she has been honorably discharged from the Armed Forces of the United States. (NRS 483.292 ~~[) This]~~ **, 483.852) Sections 1.1 and 1.3 of this** bill ~~[removes]~~ **remove** the requirement to specifically provide a DD Form 214 and instead ~~[provides]~~ **provide** that the veteran must submit evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States to have a designation of that veteran status placed on his or her instruction permit**,** ~~[or]~~ license ~~[.]~~ **or identification card. Section 1 of this bill provides that an**

applicant for or a holder of a commercial driver's license may have a designation of veteran status placed on his or her commercial driver's license under the same protocol as provided for an instruction permit, driver's license or identification card.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person who wishes to have placed on his or her commercial driver's license a designation that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 2 must:

(a) If applying for the initial issuance of a commercial driver's license, appear in person at an office of the Department and submit evidence satisfactory to the Department that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of a commercial driver's license upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person an honorable discharge or other document of honorable separation from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the commercial driver's license to continue to designate that the person is a veteran.

2. Upon the request of a person that his or her commercial driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 1, and who satisfies the requirements of that subsection, the Department shall place on any commercial driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.

3. The Director shall determine the design and placement of the designation of veteran status required by this section on any commercial driver's license to which this section applies.

~~[Section 1.]~~ ***Sec. 1.1.*** NRS 483.292 is hereby amended to read as follows:

483.292 1. When a person applies to the Department for the initial issuance of an instruction permit or driver's license pursuant to NRS 483.290 or 483.291 or the renewal of an instruction permit or driver's license, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide:

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States; and

(b) A written release authorizing the Department of Motor Vehicles to provide to the Department of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have placed on his or her instruction permit or driver's license a designation that he or she is a veteran, as described in NRS 483.2925, must:

(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit ~~[a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating]~~ ***evidence satisfactory to the Department*** that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an instruction permit or driver's license upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person ~~[a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged]~~ ***an honorable discharge or other document of honorable separation*** from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the instruction permit or driver's license to continue to designate that the person is a veteran.

4. The Department shall, at least once each month:

(a) Compile a list of persons who have, during the immediately preceding month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that list to the Department of Veterans Services to be used for statistical and communication purposes.

Sec. 1.3. **NRS 483.852 is hereby amended to read as follows:**

483.852 1. When a person applies to the Department for the initial issuance of an identification card pursuant to NRS 483.850 or the renewal of an identification card pursuant to NRS 483.875, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide:

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States; and

(b) A written release authorizing the Department of Motor Vehicles to provide to the Department of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have placed on his or her identification card a designation that he or she is a veteran, as described in NRS 483.853, must:

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit ~~[a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating]~~ ***evidence satisfactory to the Department*** that the person has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an identification card upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person ~~[a copy of his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, indicating that the person has been honorably discharged]~~ ***an honorable discharge or other document of honorable separation*** from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the identification card to continue to designate that the person is a veteran.

4. The Department shall, at least once each month:

(a) Compile a list of persons who have, during the immediately preceding month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that list to the Department of Veterans Services to be used for statistical and communication purposes.

Sec. 1.5. **NRS 483.902 is hereby amended to read as follows:**

483.902 The provisions of NRS 483.900 to 483.940, inclusive, ***and section 1 of this act,*** apply only with respect to commercial drivers' licenses.

Sec. 1.7. **NRS 483.904 is hereby amended to read as follows:**

483.904 As used in NRS 483.900 to 483.940, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Commercial driver's license" means a license issued to a person which authorizes the person to drive a class or type of commercial motor vehicle.

2. "Commercial Driver's License Information System" means the information system maintained by the Secretary of Transportation pursuant to 49 U.S.C. § 31309 to serve as a clearinghouse for locating information relating to the licensing, identification and disqualification of operators of commercial motor vehicles.

3. "Out-of-service order" means a temporary prohibition against:

(a) A person operating a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 395.13; or

(b) The operation of a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 396.9(c).

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 809 to Senate Bill 209 expands the provisions of the bill to include identification cards and commercial driver's licenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 721.

AN ACT relating to contractors; revising provisions relating to the liability of a prime contractor for indebtedness incurred by a subcontractor for labor costs; revising provisions governing the statute of limitations to bring an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor; revising provisions relating to mechanics' and materialmen's lien claimants; requiring an administrator of a Taft-Hartley trust that does not receive a benefit payment required to be made to the trust by a contractor or subcontractor to provide notice to the contractor and subcontractor that the benefit payment has not been received; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes an original contractor liable for any indebtedness incurred by a subcontractor for labor costs, including benefits payable to a trust established by a collective bargaining unit. (NRS 608.150) **Sections 1 and 3** of this bill provide that a prime contractor is not liable for the labor costs of a subcontractor to the extent those costs are: (1) interest, liquidated damages, attorney's fees or costs resulting from a subcontractor's failure to pay contributions or other payments to, or on behalf of, an employee; or (2) any amounts for which the prime contractor did not receive adequate notice in the manner that **section 5** of this bill requires. **Section 2** of this bill reduces the statute of limitations period applicable to commencing an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor.

Existing law also provides that a mechanics' or materialmen's lien claimant must provide a notice of right to lien to an owner of property upon which work has been performed unless the claimant is a person who only performed labor on the project. (NRS 108.245) **Section 4** of this bill requires a prime contractor

or subcontractor who participates in a health or welfare fund, or other plan for the benefit of employees, to provide to the fund or plan notice of the name and location of the project upon the commencement of work on a project. In addition, **section 4** excludes from the exemption to the notice provisions of NRS 108.245 an express benefit trust which receives a portion of the compensation paid to a laborer.

Section 5 requires an administrator of a Taft-Hartley trust that does not receive a benefit payment required to be made to the trust by a general contractor or subcontractor, within ~~[60]~~ **75** days after the required payment is deemed delinquent, to provide notice to the general contractor and subcontractor that the benefit payment has not been received.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 608.150 is hereby amended to read as follows:

608.150 1. ~~[Every original]~~ ***Except as otherwise provided in subsections 2 and 3, every prime*** contractor making or taking any contract in this State for the erection, construction, alteration or repair of any building or structure, or other work ~~[,]~~ ***of improvement,*** shall assume and is liable for the indebtedness for labor incurred by any subcontractor or any contractors acting under, by or for the ~~[original]~~ ***prime*** contractor in performing any labor, construction or other work included in the subject of the ~~[original]~~ ***prime*** contract, for labor, and for the requirements imposed by chapters 616A to 617, inclusive, of NRS.

2. ***The provisions of subsection 1 do not require a prime contractor to assume or be liable for any liability of a subcontractor or other contractor for any penalty, including, without limitation, interest, liquidated damages, attorney's fees or costs for the failure of the subcontractor or other contractor to make any contributions or other payments under any other law or agreement, including, without limitation, to a health or welfare fund or any other plan for the benefit of employees in accordance with a collective bargaining agreement.***

3. The provisions of subsection 1 do not require a prime contractor to assume or be liable for any liability of a subcontractor or other contractor for any amount for which the prime contractor did not receive proper notice in accordance with section 5 of this act.

4. It is unlawful for any ***prime*** contractor ~~[or any other person]~~ to fail to comply with the provisions of subsection 1, or to attempt to evade the responsibility imposed thereby, or to do any other act or thing tending to render nugatory the provisions of this section.

~~[3.]~~ ***5.*** The district attorney of any county wherein the defendant may reside or be found shall institute civil proceedings against any such ~~[original]~~ ***prime*** contractor failing to comply with the provisions of this section in a civil action for the amount of all wages and ~~[damage]~~ ***benefits*** that may be owing or have accrued as a result of the failure of any subcontractor acting under the

~~[original]~~ ***prime*** contractor, and any property of the ~~[original]~~ ***prime*** contractor, not exempt by law, is subject to attachment and execution for the payment of any judgment that may be recovered in any action under the provisions of this section.

6. As used in this section, "prime contractor" has the meaning ascribed to it in NRS 108.22164.

Sec. 2. NRS 11.209 is hereby amended to read as follows:

11.209 1. No action against a ~~[principal]~~ ***prime*** contractor for the recovery of wages due an employee of a subcontractor or contributions or premiums required to be made or paid on account of the employee may be commenced more than ~~[:~~

~~(a) Two years, *One]* *1 year* *[,*~~ ~~if the principal *prime* contractor is located in Nevada; or~~

~~(b) Three years, *One hundred eighty days,* if the principal *prime* contractor is located outside this state,~~

~~➥]~~ after the date the employee should have received those wages from or those contributions or premiums should have been made or paid by the subcontractor.

2. No action against a ~~[principal]~~ ***prime*** contractor for the recovery of benefits due an employee of a subcontractor may be commenced more than ~~[:~~

~~(a) Three years, if the principal contractor is located in Nevada; or~~

~~(b) Four years, if the principal contractor is located outside this state,~~

~~➥]~~ ***1 year*** after the date the employee should have received those benefits from the subcontractor.

3. As used in this section, "prime contractor" has the meaning ascribed to it in NRS 108.22164.

Sec. 3. NRS 108.2214 is hereby amended to read as follows:

108.2214 1. "Lien claimant" means any person who provides work, material or equipment with a value of $500 or more to be used in or for the construction, alteration or repair of any improvement, property or work of improvement. The term includes, without limitation, every artisan, builder, contractor, laborer, lessor or renter of equipment, materialman, miner, subcontractor or other person who provides work, material or equipment, and any person who performs services as an architect, engineer, land surveyor or geologist, in relation to the improvement, property or work of improvement.

2. As used in this section, "laborer" includes, without limitation, an express trust fund to which any portion of the total compensation of a laborer, including ~~[, without limitation,]~~ any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer. ***For the purposes of this subsection, "fringe benefit" does not include any interest, liquidated damages, attorney's fees, costs or other penalties that may be incurred by the employer of the laborer for failure to pay any such compensation under any law or contract.***

Sec. 4. NRS 108.245 is hereby amended to read as follows:

108.245 1. Except as otherwise provided in subsection 5, every lien claimant, other than one who performs only labor, who claims the benefit of NRS 108.221 to 108.246, inclusive, shall, at any time after the first delivery of material or performance of work or services under a contract, deliver in person or by certified mail to the owner of the property a notice of right to lien in substantially the following form:

NOTICE OF RIGHT TO LIEN

To: .....
(Owner's name and address)

The undersigned notifies you that he or she has supplied materials or equipment or performed work or services as follows:

.....
(General description of materials, equipment, work or services)

for improvement of property identified as (property description or street address) under contract with (general contractor or subcontractor). This is not a notice that the undersigned has not been or does not expect to be paid, but a notice required by law that the undersigned may, at a future date, record a notice of lien as provided by law against the property if the undersigned is not paid.

.....
(Claimant)

A subcontractor or equipment or material supplier who gives such a notice must also deliver in person or send by certified mail a copy of the notice to the prime contractor for information only. The failure by a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings against the subcontractor under chapter 624 of NRS but does not invalidate the notice to the owner.

2. Such a notice does not constitute a lien or give actual or constructive notice of a lien for any purpose.

3. No lien for materials or equipment furnished or for work or services performed, except labor, may be perfected or enforced pursuant to NRS 108.221 to 108.246, inclusive, unless the notice has been given.

4. The notice need not be verified, sworn to or acknowledged.

5. A prime contractor or other person who contracts directly with an owner or sells materials directly to an owner is not required to give notice pursuant to this section.

6. A lien claimant who is required by this section to give a notice of right to lien to an owner and who gives such a notice has a right to lien for materials or equipment furnished or for work or services performed in the 31 days before the date the notice of right to lien is given and for the materials or equipment

furnished or for work or services performed anytime thereafter until the completion of the work of improvement.

7. Upon commencement of work on a project, any prime contractor or subcontractor participating in a health or welfare fund or any other plan for the benefit of employees is required to notify such fund or plan of the name and location of the project so that the fund or plan may protect potential lien rights under NRS 108.221 to 108.146, inclusive.

8. As used in this section, "one who performs only labor" does not include an express trust fund to which any portion of the total compensation of a laborer, including, without limitation, any fringe benefit, must be paid pursuant to an agreement with that laborer or the collective bargaining agent of that laborer.

Sec. 5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an administrator of a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) does not receive a benefit payment owed to the trust within ~~[45]~~ 60 days after the date on which the payment is deemed delinquent, the administrator shall provide a notice of the delinquency to the general contractor and, if applicable, the subcontractor, who is responsible for the benefit payment. The notice of delinquency must be provided in the manner set forth in subsections 2, 3 and 4.

2. The notice required pursuant to subsection 1 must be given to the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment, within 15 days after the expiration of the ~~[45-day]~~ 60-day period described in subsection 1.

3. The notice required pursuant to subsection 1 must be given to the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment, by electronic mail, telephone and:

(a) Personal delivery; or

(b) Registered or certified mail, return receipt requested, to the last known address of the general contractor and, if applicable, the subcontractor.

4. The notice required pursuant to subsection 1 must include, without limitation:

(a) The amount owed;

(b) The name and address of the general contractor and, if applicable, the subcontractor, who is responsible for the delinquent benefit payment; and

(c) A demand for full payment of the amount not paid.

5. For the purposes of this section, "general contractor" includes a prime contractor.

Sec. 6. (Deleted by amendment.)

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 721 to Senate Bill 223 increases from 180 days to 1 year the amount of time during which an action may be taken against a prime contractor for the recovery of wages due an employee of a subcontractor or contributions or premiums required to be made or paid on account of the employee. The amendment also increases by 15 days the amount of time an administrator of a Taft-Hartley trust has to notice a general contractor of nonreceipt of benefit payments.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 822.

SUMMARY—~~[Disincorporates the City of Ely.]~~ **Provides for the submission of a certain advisory question to the voters of the City of Ely.** (BDR S-709)

AN ACT relating to ~~[the City of Ely; disincorporating]~~ **elections; requiring that an advisory question be placed on the ballot at the general city election to be held in** the City ~~[and forming the Town]~~ of Ely ~~[;]~~ **asking whether the governments of White Pine County and the City of Ely should be combined;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[disincorporates]~~ **requires that an advisory question be placed on the ballot at the general city election to be held in** the City of Ely ~~[and forms the Town of Ely, effective on July 1, 2018, if the voters of the City approve a ballot question on the issue at the June 6, 2017, general city election. If the voters approve the disincorporation of the City: (1) the Board of County Commissioners]~~ **on June 6, 2017, asking whether the governments** of White Pine County ~~[becomes the governing body of the newly formed Town; and (2) all money, property, assets, liabilities and indebtedness of]~~ **and** the City of Ely ~~[become the money, property, assets, liabilities and indebtedness of the Town of Ely, on July 1, 2018. This bill makes various other changes to facilitate the transition of the City to the Town.]~~ **should be combined.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[1. The City of Ely is hereby disincorporated.~~

~~2. The Town of Ely is hereby created. The boundaries of the Town of Ely are coterminous with the boundaries of the City of Ely, as they existed on June 30, 2018.~~

~~3. Notwithstanding any provision of law to the contrary, the term of office of any elected officer of the City ends on June 30, 2018.]~~ **(Deleted by amendment.)**

Sec. 2. At the general city election held in the City of Ely on June 6, 2017, ~~[a]~~ **an advisory** question must be placed on the ballot in substantially the following form:

~~[Shall the City of Ely be disincorporated?]~~

Should the governments of White Pine County and the City of Ely be combined?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no."

Sec. 3. ~~[If the question set forth in section 2 of this act is approved by the voters of the City of Ely:~~

~~1. All money, property, assets, liabilities and indebtedness of the City of Ely become the money, property, assets, liabilities and indebtedness of the Town of Ely on July 1, 2018.~~

~~2. On July 1, 2018:~~

~~(a) Except as otherwise provided in this paragraph, the Board of County Commissioners of White Pine County is the governing body of the Town of Ely. At any time on or after July 1, 2018:~~

~~(1) A town board may be established pursuant to NRS 269.016 to 269.022, inclusive;~~

~~(2) A citizens' advisory council may be established pursuant to NRS 269.024 to 269.0248, inclusive; or~~

~~(3) A town advisory board may be established pursuant to NRS 269.576 or 269.577, as applicable, if the provisions of NRS 269.500 to 269.625, inclusive, become applicable to the Town pursuant to NRS 269.530;~~

~~(b) Any justice of the peace within the Town of Ely shall have jurisdiction to execute and complete all unfinished business standing on the court records of the City of Ely; and~~

~~(c) The provisions of chapter 269 of NRS apply to the Town of Ely.~~

~~3. Any property located within the City of Ely which was assessed and taxed by the City before disincorporation must continue to be assessed and taxed to pay for any indebtedness incurred by the City before disincorporation.~~

~~4. Before July 1, 2018, the Board of County Commissioners of White Pine County and the City Council of the City of Ely must perform all actions and preparatory administrative tasks necessary to facilitate the transition of the City of Ely to the Town of Ely.~~] **(Deleted by amendment.)**

Sec. 4. ~~[NRS 243.385 is hereby amended to read as follows:~~

~~243.385 After August 1, 1887, the county seat of White Pine County shall be located at the~~ **[**~~City~~**]** ***Town*** of Ely in White Pine County.~~]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 328.350 is hereby amended to read as follows:~~

~~328.350 1. The consent of the State of Nevada is hereby given, in accordance with Clause 17 of Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States of the following-described land in this state as a site for a federal building at Ely: Lying and~~

~~being in the [City] *Town* of Ely, County of White Pine, State of Nevada; beginning at a point being the intersection of the westerly line of Fifth Street with the southerly line of Clark Street; running thence south 79°6′ west 125 feet to a point in the south line of Clark Street; thence south 10°54′ east 100 feet to a point in the north line of a 15-foot public alley; thence north 79°6′ east 125 feet to a point in the west line of Fifth Street; thence north 10°54′ west 100 feet to the point or place of beginning, being all of Lots 7, 8, 9, 10 and 11 of Block "Y," as shown and delineated upon the map or plat of the Townsite of Ely, filed and recorded in the Office of the County Recorder of White Pine County, Nevada.~~

~~2. The exclusive jurisdiction in and over the land described is hereby ceded to the United States for all purposes, except the service thereon of all civil and criminal process of the courts of this state, but the jurisdiction so ceded shall continue no longer than the United States shall own such lands; and so long as the lands shall remain the property of the United States, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal assessment, taxation or other charges which may be levied or imposed under the authority of this state.]~~ **(Deleted by amendment.)**

Sec. 6. ~~**[1.]**~~ This ~~**[**section and section 2 of this act become**]**~~ **act becomes** effective upon passage and approval.

~~**[**2. Section 3 of this act becomes effective on June 7, 2017, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.~~

~~3. Sections 1, 4 and 5 of this act become effective on July 1, 2018, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.**]**~~

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment removes most of the language of the bill and places an Advisory Question on the General Election Ballot in the City of Ely on June 6, 2017. The Advisory Question asks, "Should the governments of White Pine County and the City of Ely combine services?"

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 823.

AN ACT relating to construction; amending the amount of retainage authorized on public works; amending the retention amount ~~**[**and certain conditions relating to that amount**]**~~ **authorized** on private works of

improvement; extending existing provisions related to retainage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public body undertaking a public work to withhold as a retainage at least 5 percent from progress payments made to a contractor during the first half of the project. After completion of half of the project, the amount of the retainage becomes optional and any remaining progress payments or withheld retainage may be paid. (NRS 338.515) **Section 2** of this bill requires the amount of the retainage to be 5 percent.

Existing law provides that in private construction projects, not more than 10 percent of progress payments may be withheld from such payments **as a retention amount** by an owner to a contractor and from a contractor to a subcontractor, and that such funds must be paid upon satisfaction of certain criteria including the issuance of a certificate of occupancy by a building inspector. (NRS 624.609, 624.620, 624.624) **Sections 3 and 5** of this bill reduce the **retention** amount ~~[of retainage]~~ allowed on private construction projects from 10 percent to 5 percent**.** ~~[after completion of 50 percent of the project, except for horizontal construction projects, such as highways and bridges, which are subject to the 10 percent retainage limit throughout the duration of the project. Section 2.7 of this bill provides that an owner or higher-tiered contractor may increase the reduced retainage back to not more than 10 percent under certain circumstances.]~~ **Section 4** of this bill requires that retained funds be paid upon the issuance of a temporary certificate of occupancy. Finally, **section 6** of this bill repeals the expiration of certain provisions of existing law pertaining to retainage in public works which are set to expire on July 1, 2015. (NRS 338.515, 338.530, 338.555, 338.560, 338.595)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. ~~[Not more than 95]~~ ***Ninety five*** percent of the amount of any progress payment ~~[may]~~ ***must*** be paid ***and 5 percent withheld as retainage*** until 50 percent of the work required by the contract has been performed.

2. After 50 percent of the work required by the contract has been performed, the public body may pay to the contractor:

(a) Any of the remaining progress payments without withholding additional retainage; and

(b) Any amount of any retainage that was withheld from progress payments pursuant to subsection 1,

➥ if, in the opinion of the public body, satisfactory progress is being made in the work.

3. After determining in accordance with subsection 2 whether satisfactory progress is being made in the work, the public body may pay to the contractor an amount of any retainage that was withheld from progress payments pursuant to subsection 1 if:

(a) A subcontractor has performed a portion of the work;

(b) ***The contractor has determined that satisfactory progress is being made in the work under the subcontract with the subcontractor pursuant to NRS 338.555;***

(c) The public body determines that the portion of the work has been completed in compliance with all applicable plans and specifications;

~~[(c)]~~ ***(d)*** The subcontractor submits to the contractor:

(1) A release of the subcontractor's claim for a mechanic's lien for the portion of the work; and

(2) From each of the subcontractor's subcontractors and suppliers who performed work or provided material for the portion of the work, a release of his or her claim for a mechanic's lien for the portion of the work; and

~~[(d)]~~ ***(e)*** The amount of the retainage which the public body pays is in proportion to the portion of the work which the subcontractor has performed.

4. If, after determining in accordance with subsection 2 whether satisfactory progress is being made in the work, the public body continues to withhold retainage from remaining progress payments:

(a) If the public body does not withhold any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 2.5 percent of the amount of any progress payment; and

(2) Before withholding any amount pursuant to subparagraph (1), the public body must pay to the contractor 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1; or

(b) If the public body withholds any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 5 percent of the amount of any progress payment; and

(2) The public body may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

5. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and

(c) Are in short supply or were specially made for the public work,

➥ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

6. A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three insured banks, credit unions or savings and loan associations in this State as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than $500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is $500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520,

➥ whichever occurs first.

7. If the Labor Commissioner has reason to believe that a worker is owed wages by a contractor or subcontractor, the Labor Commissioner may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the worker. This amount must be paid by the Labor Commissioner to the worker if the matter is resolved in the worker's favor, otherwise it must be returned to the public body for payment to the contractor.

Sec. 2.3. ~~[Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5 and 2.7 of this act.]~~ **(Deleted by amendment.)**

Sec. 2.5. ~~[*1. "Horizontal construction" means the construction of any fixed work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.*~~

~~*2. As used in this section, "vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.]*~~ **(Deleted by amendment.)**

Sec. 2.7. ~~[1. If, at the time 50 percent of the work required by the contract has been performed, a prime contractor has, through any act or omission, materially deviated from any contractually defined condition or obligation or has performed work that is in violation of any building code, law or regulation, an owner may increase the retention amount withheld pursuant to subparagraph (2) of paragraph (a) of subsection 2 of NRS 624.609 to not more than 10 percent.~~

~~2. If, at the time 50 percent of the work required by the contract has been performed, a lower-tiered subcontractor has, through any act or omission, materially deviated from any contractually defined condition or obligation or has performed work that is in violation of any building code, law or regulation, a higher-tiered contractor may increase the retention amount withheld pursuant to subsection 2 of NRS 624.624 to not more than 10 percent.~~

~~3. If, pursuant to subsection 1 or 2, an owner or higher-tiered contractor intends to increase the retention amount withheld, he or she must, at the time 50 percent of the work required by the contract has been performed, provide a written notice to the prime contractor or lower-tiered subcontractor responsible for the deficiency. The written notice must include:~~

~~(a) The new percentage of retainage to be withheld and, in accordance with subsection 4, the date on which the new amount of retention will become effective;~~

~~(b) A reasonably detailed explanation of the condition or the reason for the increase, including, without limitation, a specific reference to the provision or section of the agreement, and any documents relating thereto, or the applicable building code, law or regulation with which the prime contractor or lower-tiered subcontractor has failed to comply; and~~

~~(c) A statement that the prime contractor or lower-tiered subcontractor may avoid the increase in the retention amount by correcting the condition before the date specified in paragraph (a).~~

~~4. If a prime contractor or lower-tiered subcontractor who receives a notice pursuant to subsection 3 does not correct the condition giving rise to the notice, to the reasonable satisfaction of the owner or higher-tiered contractor issuing the notice, within 15 days after receiving the notice, the owner or higher-tiered contractor issuing the notice may increase the retention amount withheld pursuant to subsection 1 or 2 for the remainder of the contract.~~

~~5. An owner or higher-tiered contractor shall only increase the retention amount pursuant to this section in good faith and based upon a bona fide and material deficiency.~~

~~6. A prime contractor who believes that an owner has increased the retention amount in violation of subsection 5 may bring a civil action against the owner. If the court finds that the owner increased the retention amount in violation of subsection 5, the court shall order the owner to return the wrongfully withheld amount and to pay interest on the amount withheld to~~

~~*the prime contractor at the rate determined pursuant to NRS 624.630. The court shall also award attorney's fees and costs to the party who prevails.*~~

~~*7. A lower tiered subcontractor who believes that a higher tiered contractor has increased the retention amount in violation of subsection 5 may file a complaint with the Board. If the Board finds, after notice and a hearing, that a higher tiered contractor increased the retention amount in violation of subsection 5, the Board shall order the higher tiered contractor to return the wrongfully withheld amount and to pay interest on the amount withheld to the lower tiered subcontractor at the rate determined pursuant to NRS 624.630. The decision of the Board is a final decision for purposes of judicial review. Upon a petition for judicial review, the court shall also award attorney's fees and costs to the party who prevails.*~~ **(Deleted by amendment.)**

Sec. 2.9. ~~[NRS 624.606 is hereby amended to read as follows:~~

~~624.606 As used in NRS 624.606 to 624.630, inclusive, *and sections 2.5 and 2.7 of this act,* the words and terms defined in NRS 624.607 to 624.6086, inclusive, *and section 2.5 of this act* have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 3. NRS 624.609 is hereby amended to read as follows:

624.609 1. Except as otherwise provided in subsections 2 and 4 and subsection 4 of NRS 624.622, if an owner of real property enters into a written or oral agreement with a prime contractor for the performance of work or the provision of materials or equipment by the prime contractor, the owner must:

(a) Pay the prime contractor on or before the date a payment is due pursuant to a schedule for payments established in a written agreement; or

(b) If no such schedule is established or if the agreement is oral, pay the prime contractor within 21 days after the date the prime contractor submits a request for payment.

2. If an owner has complied with subsection 3, the owner may:

(a) Withhold from any payment to be made to the prime contractor:

(1) A retention amount that, if the owner is authorized to withhold a retention amount pursuant to the agreement, must not exceed ~~[10]~~ **5** percent of the amount of the payment to be made ; ~~*[until 50 percent of the work required by the contract has been performed;]*~~

(2) ~~*[Except as otherwise provided in subsection 5 and section 2.7 of this act, after 50 percent of the work required by the contract has been performed, a retention amount not to exceed 5 percent of the amount of the payment to be made;*~~

~~*(3)]*~~ An amount equal to the sum of the value of:

(I) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is being sought, unless the agreement otherwise allows or requires such a payment to be made; and

(II) Costs and expenses reasonably necessary to correct or repair any work which is the subject of the request for payment and which is not

materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the retention amount withheld pursuant to subparagraph (1) ; ~~[or (2);]~~ and

(3) ~~[(4)]~~ The amount the owner has paid or is required to pay pursuant to an official notice from a state agency or employee benefit trust fund, for which the owner is or may reasonably be liable for the prime contractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS; and

(b) Require as a condition precedent to the payment of any amount due, lien releases furnished by the prime contractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to subparagraph (2) ~~[(3)]~~ or (3) ~~[(4)]~~ of paragraph (a) of subsection 2 or paragraph (b) of subsection 2, an owner intends to withhold any amount from a payment to be made to a prime contractor, the owner must give, on or before the date the payment is due, a written notice to the prime contractor of any amount that will be withheld. The written notice of withholding must:

(a) Identify the amount of the request for payment that will be withheld from the prime contractor;

(b) Give a reasonably detailed explanation of the condition or the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement, and any documents relating thereto, and the applicable building code, law or regulation with which the prime contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A prime contractor who receives a notice of withholding pursuant to subsection 3 or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the prime contractor. If an owner receives a written notice from the prime contractor of the correction of a condition or reason for the withholding pursuant to this paragraph, the owner shall:

(1) Pay the amount withheld by the owner for that condition or reason for the withholding on or before the date the next payment is due the prime contractor; or

(2) Object to the scope and manner of the correction of the condition or reason for the withholding, on or before the date the next payment is due to the

prime contractor, in a written statement which sets forth the condition or reason for the objection and which complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition or reason for the withholding, the owner shall nevertheless pay to the prime contractor, along with the payment to be made pursuant to the prime contractor's next payment request, the amount withheld for the correction of the condition or reason for the withholding to which the owner no longer objects.

5. ~~*[The retention amount an owner may withhold pursuant to subparagraph (2) of paragraph (a) of subsection 2 must not exceed 10 percent for any horizontal construction project for the entire duration of the project.*~~

~~*6.]*~~ Except as otherwise allowed in subsections 2, 3 and 4, an owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.

Sec. 4. NRS 624.620 is hereby amended to read as follows:

624.620 1. Except as otherwise provided in this section, any money remaining unpaid for the construction of a work of improvement is payable to the prime contractor within 30 days after:

(a) Occupancy or use of the work of improvement by the owner or by a person acting with the authority of the owner; or

(b) The availability of a work of improvement for its intended use. The prime contractor must have provided to the owner:

(1) A written notice of availability on or before the day on which the prime contractor claims that the work of improvement became available for use or occupancy; or

(2) A certificate of occupancy ***or temporary certificate of occupancy*** issued by the appropriate building inspector or other authority.

2. If the owner has complied with subsection 3, the owner may:

(a) Withhold payment for the amount of:

(1) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is sought;

(2) The costs and expenses reasonably necessary to correct or repair any work that is not materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the amount of retention being withheld pursuant to the terms of the agreement; and

(3) Money the owner has paid or is required to pay pursuant to an official notice from a state agency, or employee benefit trust fund, for which the owner is liable for the prime contractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS.

(b) Require, as a condition precedent to the payment of any unpaid amount under the agreement, that lien releases be furnished by the prime contractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to paragraph (a) of subsection 2, an owner intends to withhold any amount from a payment to be made to a prime contractor, the

owner must, on or before the date the payment is due, give written notice to the prime contractor of any amount that will be withheld. The written notice of withholding must:

(a) Identify the amount that will be withheld from the prime contractor;

(b) Give a reasonably detailed explanation of the condition for which or the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement with the prime contractor, and any documents relating thereto, and the applicable building code, law or regulation with which the prime contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A prime contractor who receives a notice of withholding pursuant to subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the prime contractor. If an owner receives a written notice from the prime contractor of the correction of a condition or reason for the withholding described in an owner's notice of withholding pursuant to subsection 3, the owner must, within 10 days after receipt of such notice:

(a) Pay the amount withheld by the owner for that condition or reason for the withholding; or

(b) Object to the scope and manner of the correction of the condition or reason for the withholding in a written statement that sets forth the reason for the objection and complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition or reason for the withholding, the owner shall nevertheless pay to the prime contractor, along with the payment to be made pursuant to the prime contractor's next payment request, the amount withheld for the correction of the condition or reason for the withholding to which the owner no longer objects.

5. The partial occupancy or availability of a building requires payment in direct proportion to the value of the part of the building which is partially occupied or partially available. For works of improvement which involve more than one building, each building must be considered separately in determining the amount of money which is payable to the prime contractor.

Sec. 5. NRS 624.624 is hereby amended to read as follows:

624.624 1. Except as otherwise provided in this section, if a higher-tiered contractor enters into:

(a) A written agreement with a lower-tiered subcontractor that includes a schedule for payments, the higher-tiered contractor shall pay the lower-tiered subcontractor:

(1) On or before the date payment is due; or

(2) Within 10 days after the date the higher-tiered contractor receives payment for all or a portion of the work, materials or equipment described in a request for payment submitted by the lower-tiered subcontractor,

➥ whichever is earlier.

(b) A written agreement with a lower-tiered subcontractor that does not contain a schedule for payments, or an agreement that is oral, the higher-tiered contractor shall pay the lower-tiered subcontractor:

(1) Within 30 days after the date the lower-tiered subcontractor submits a request for payment; or

(2) Within 10 days after the date the higher-tiered contractor receives payment for all or a portion of the work, labor, materials, equipment or services described in a request for payment submitted by the lower-tiered subcontractor,

➥ whichever is earlier.

2. If a higher-tiered contractor has complied with subsection 3, the higher-tiered contractor may:

(a) Withhold from any payment owed to the lower-tiered subcontractor:

(1) A retention amount that the higher-tiered contractor is authorized to withhold pursuant to the agreement, but the retention amount withheld must not exceed ~~[10]~~ ***5*** percent of the payment that is required pursuant to subsection 1 ; ~~***[until 50 percent of the work required by the contract has been performed;]***~~

(2) ~~***[Except as otherwise provided in subsection 5 and section 2.7 of this act, after 50 percent of the work required by the contract has been performed, a retention amount not to exceed 5 percent of the payment that is required pursuant to subsection 1;***~~

~~***(3)]***~~ An amount equal to the sum of the value of:

(I) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is being sought, unless the agreement otherwise allows or requires such a payment to be made; and

(II) Costs and expenses reasonably necessary to correct or repair any work which is the subject of the request for payment and which is not materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the retention amount withheld pursuant to subparagraph (1) ; ~~***[or (2);]***~~ and

(3) ~~***[(4)]***~~ The amount the owner or higher-tiered contractor has paid or is required to pay pursuant to an official notice from a state agency or employee benefit trust fund, for which the owner or higher-tiered contractor is or may reasonably be liable for the lower-tiered subcontractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS; and

(b) Require as a condition precedent to the payment of any amount due, lien releases furnished by the lower-tiered subcontractor and his or her lower-tiered

subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to subparagraph (2) ~~[(3)]~~ or (3) ~~[(4)]~~ of paragraph (a) of subsection 2 or paragraph (b) of subsection 2, a higher-tiered contractor intends to withhold any amount from a payment to be made to a lower-tiered subcontractor, the higher-tiered contractor must give, on or before the date the payment is due, a written notice to the lower-tiered subcontractor of any amount that will be withheld and give a copy of such notice to all reputed higher-tiered contractors and the owner. The written notice of withholding must:

(a) Identify the amount of the request for payment that will be withheld from the lower-tiered subcontractor;

(b) Give a reasonably detailed explanation of the condition or the reason the higher-tiered contractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement with the lower-tiered subcontractor, and any documents relating thereto, and the applicable building code, law or regulation with which the lower-tiered subcontractor has failed to comply; and

(c) Be signed by an authorized agent of the higher-tiered contractor.

4. A lower-tiered subcontractor who receives a notice of withholding pursuant to subsection 3 or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the higher-tiered contractor a written notice and thereby dispute in good faith and for reasonable cause the amount withheld or the conditions or reasons for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the higher-tiered contractor of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the lower-tiered subcontractor. If a higher-tiered contractor receives a written notice from the lower-tiered subcontractor of the correction of a condition or reason for the withholding pursuant to this paragraph, the higher-tiered contractor shall:

(1) Pay the amount withheld by the higher-tiered contractor for that condition or reason for the withholding on or before the date the next payment is due the lower-tiered subcontractor; or

(2) Object to the scope and manner of the correction of the condition or reason for the withholding, on or before the date the next payment is due to the lower-tiered subcontractor, in a written statement which sets forth the condition or reason for the objection and which complies with subsection 3. If the higher-tiered contractor objects to the scope and manner of the correction of a condition or reason for the withholding, the higher-tiered contractor shall nevertheless pay to the lower-tiered subcontractor, along with payment to be made pursuant to the lower-tiered subcontractor's next payment request, the

amount withheld for the correction of the conditions or reasons for the withholding to which the higher-tiered contractor no longer objects.

5. ~~*[The retention amount an owner may withhold pursuant to subparagraph (2) of paragraph (a) of subsection 2 must not exceed 10 percent for any horizontal construction project for the entire duration of the project.*~~

~~*6.]*~~ Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount.

Sec. 6. Section 6 of chapter 289, Statutes of Nevada 2011, at page 1624, is hereby amended to read as follows:

Sec. 6. This act becomes effective on October 1, 2011 **.** ~~**[**, and expires by limitation on July 1, 2015.**]**~~

Sec. 7. The amendatory provisions of this act do not apply to the provisions of any contract entered into before January 1, 2016.

Sec. 8. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and 7 of this act become effective on January 1, 2016.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment returns the bill to the version contained in the first reprint and deletes all provisions creating different retention rates for vertical and horizontal construction projects.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 847.

AN ACT relating to ~~**[**public welfare; revising the amount and type of training that an employee of a**]**~~ child care ~~**[**facility is required to complete; setting forth certain requirements relating to services performed by an independent contractor at**]**~~ **; requiring** a child care facility ~~**[**; revising provisions concerning the frequency and timing of certain background investigations required to be conducted by the Division of Public and Behavioral Health of the Department of Health and Human Services;**]**~~ **to grant priority in admission to the children of certain persons who are serving or have served in the Armed Forces of the United States;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to: (1) complete 15 hours of training annually if the facility provides care for more than 5 children but less than 12 children; and (2) on or after January 1, 2016, complete at least 24 hours training annually if the facility provides care for more than 12 children. Existing law provides that at least 2 hours of the required training must be devoted to lifelong wellness, health and safety of children. (NRS 432A.1775) Section 3 of this bill requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to complete 24 hours of training annually. Section 3 also requires at least 12 hours of that training to be devoted to the care, education and safety of children that is: (1) specific to the age group served by the child care facility for which the person is employed; and (2) approved by the State Board of Health by regulation. Section 1.3 of this bill requires each person who is employed in a child care facility to complete an additional 3 hours of training in the recognition and reporting of child abuse and neglect.~~

~~Existing law defines a "child care facility" to include, without limitation, an on-site]~~ **establishes requirements for the operation of a** child care facility, **which is defined as an establishment operated and maintained for the purpose of furnishing care to five or more children for compensation, a facility operated by a place of business to provide care for the children of its employees,** a child care institution ~~[and]~~ **or** an outdoor youth program. ~~[(NRS 432A.024) Section 1.7 of this bill requires a licensee of a child care facility to ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.~~

~~Existing law provides for the licensure of certain child care facilities. (NRS 432A.131-432A.220) As part of the process of obtaining a license to operate a child care facility, the Division of Public and Behavioral Health of the Department of Health and Human Services is required to conduct a background check of certain employees, residents and participants of facilities and prohibit unsupervised contact with a child pending the results of a background investigation. The Division is also required to conduct a background investigation every 5 years after the initial investigation. (NRS 432A.170, 432A.175) Section 2 of this bill requires the Division to conduct a background investigation of those employees: (1) not later than 3 days after the employee is hired and before the employee has any direct contact with any child at the child care facility; and (2) every 2 rather than 5 years after the initial investigation.]~~ **(NRS 432A.024, 432A.0275, 432A.131-432A.220) This bill requires a child care facility to admit, before granting admission to any other child, a child who has: (1) a parent or guardian who is currently serving on active duty in the Armed Forces of the United States; (2) a parent who was killed or died as a direct result of injuries received**

while serving honorably on active duty in the Armed Forces of the United States; or (3) a parent who is currently or was recently missing in action or a prisoner of war. If a child care facility does not comply with the requirement for priority in admission to such children, the facility is subject to suspension or revocation of its license to operate. (NRS 432A.190)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 1.3 and 1.7 of this act.]~~ **a new section to read as follows:**

Before a child care facility admits a child, the child care facility shall, to the extent authorized by federal law, admit another child if the application submitted for the admission of that child includes official documentation from the Federal Government that:

1. A parent or guardian of the child is currently serving on active duty in the Armed Forces of the United States;

2. A parent of the child was killed or died as a direct result of injuries received while serving honorably on active duty in the Armed Forces of the United States; or

3. A parent of the child was reported as a prisoner of war or missing in action while serving honorably on active duty in the Armed Forces of the United States and is currently or has, within 180 days after the date on which the application for admission of the child is submitted, been a prisoner of war or missing in action under such circumstances.

Sec. 1.3. ~~[*Each person who is employed in a child care facility shall complete at least 3 hours of training in the recognition and reporting of child abuse and neglect:*~~

~~*1. Within 90 days after commencing his or her employment in a child care facility; and*~~

~~*2. At least once every 5 years thereafter.]*~~ **(Deleted by amendment.)**

Sec. 1.7. ~~[*1. A licensee of a child care facility shall ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.*~~

~~*2. The employee of the child care facility who is required to be in the presence of the independent contractor pursuant to subsection 1:*~~

~~*(a) Must be qualified to supervise the children at the child care facility; and*~~

~~*(b) Shall, during the period for which the independent contractor is performing the services at the child care facility, supervise and ensure the safety of each child at the child care facility.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 432A.170 is hereby amended to read as follows:~~

~~— 432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:~~

~~— (a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;~~

~~— (b) Qualifications and background of the applicant or the employees of the applicant;~~

~~— (c) Method of operation for the facility; and~~

~~— (d) Policies and purposes of the applicant.~~

~~— 2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:~~

~~— (a) Murder, voluntary manslaughter or mayhem;~~

~~— (b) Any other felony involving the use of a firearm or other deadly weapon;~~

~~— (c) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~— (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~

~~— (e) Abuse or neglect of a child or contributory delinquency;~~

~~— (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;~~

~~— (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~— (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.~~

~~— 3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:~~

~~— (a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and~~

~~— (b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.~~

~~— 4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.~~

~~5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning [an:] :~~

~~(a) [Employee] *An employee* of an applicant or licensee [, resident] :~~

~~*(1) Not later than 3 days after the employee is hired and before the employee has any direct contact with any child at the child care facility; and*~~

~~*(2) At least once every 2 years after the employee is hired.*~~

~~*(b) A resident* of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after [the employee is hired,] the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.~~

~~[(b) Applicant]~~

~~*(c) An applicant* at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.~~

~~6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 432A.1775 is hereby amended to read as follows:~~

~~432A.1775 1. Each person who is employed in a child care facility , [that provides care for more than 12 children,] other than in a facility that provides care for ill children, shall , *in addition to completing the training required by section 1.3 of this act,* complete [:~~

~~(a) Before January 1, 2014, at least 15 hours of training;~~

~~(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;~~

~~(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and~~

~~(d) On or after January 1, 2016,] 24 hours of training each year.~~

~~2. [Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.~~

~~3.] At least [2] :~~

~~*(a) Twelve hours of the training required by subsection 1 each year must be devoted to the care, education and safety of children specific to the age group served by the child care facility in which the person is employed and must be approved in accordance with regulations adopted by the Board; and*~~

~~*(b) Two* hours of the training required by [subsections 1 and 2] *subsection 1* each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 432A.220 is hereby amended to read as follows:~~

~~— 432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and sections 1.3 and 1.7 of this act* is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[1. Each person who, on January 1, 2016, is employed in a child care facility shall complete the training requirements set forth in section 1.3 of this act before January 1, 2017.~~

~~2. As used in this section, "child care facility" has the meaning ascribed to it in NRS 432A.024.]~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective ~~[:~~

~~1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2016, for all other purposes.]~~ **on July 1, 2015.**

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment replaces the entire bill with the requirement that a child care facility give preferential admission, to the extent authorized by federal law, to a child whose parent or guardian meets certain conditions related to the United States Armed Forces.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 274.

Bill read second time and ordered to third reading.

Senate Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 739.

AN ACT relating to local law enforcement agencies; revising provisions relating to the powers and duties of constables and deputy constables; exempting from certain provisions the sale of liquor by a sheriff or constable at a sale under execution; authorizing a constable to accept payment of certain fees by credit card, debit card or electronic transfer of money; authorizing a constable to require the payment to the constable of a convenience fee for the acceptance of payments by credit card, debit card or electronic transfer of money; revising the amount of certain fees which a constable is entitled to charge and collect; authorizing the appointment of clerks for the constable of a township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sheriff of a county may authorize a constable to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners that have been delivered to the sheriff. (NRS 248.100)

Sections 1-8 of this bill provide that such orders may be delivered directly to a constable who then must execute the orders.

Existing law requires the constable and each deputy constable in a township whose population is 15,000 or more, or a township that has within its boundaries a city whose population is 15,000 or more, to be certified as a category I or II peace officer by the Peace Officers' Standards and Training Commission. (NRS 258.007, 258.060, 258.070) Existing law also requires each constable to be a peace officer in his or her township and prohibits a constable or deputy constable from arresting any person while carrying out the duties of the office of a constable unless the constable or deputy is certified by the Commission as a category I or category II peace officer. **Sections 10 and 12** of this bill instead require certification as a category II peace officer of the constable and each deputy constable of a township whose population: (1) is 100,000 or more, if the township is in a county whose population is 700,000 or more (currently Clark County); and (2) is 250,000 or more, if the township is in a county whose population is less than 700,000 (currently all counties other than Clark County).

Section 12.5 of this bill authorizes a board of county commissioners to appoint for the constable of a township a reasonable number of clerks and to fix the compensation of any clerks so appointed.

Section 13 of this bill provides that a constable or deputy constable has the powers of a peace officer **:** ~~[only:]~~ (1) for the discharge of duties that are prescribed by law; (2) for the purpose of arresting a person in certain circumstances who has committed or attempted to commit a public offense in the presence of the constable or deputy constable; (3) in an area that is within the limits of an incorporated city, **for the additional purposes authorized by and** with the consent of the chief of police of the city; and (4) in an area that is not within the limits of an incorporated city, **for the additional purposes authorized by and** with the consent of the sheriff of the county. Additionally, **section 13** prohibits a constable or deputy constable from carrying a firearm in the performance of his or her duties unless: (1) the constable has adopted a written policy on the use of deadly force; **and** (2) ~~[a copy of the policy has been filed in the office of the appropriate county recorder; and (3)]~~ the constable and each deputy constable has received training regarding the policy. A constable or deputy constable authorized to carry a firearm pursuant to **section 13** must receive training approved by the Commission in the use of firearms at least once every 6 months. **Section 13** also requires a constable or deputy constable who wears a uniform in the performance of his or her duties to display prominently as part of that uniform a badge or nameplate clearly displaying the name or an identification number of the constable or deputy.

Existing law authorizes a constable who determines that a motor vehicle is not properly registered to issue a citation to the owner or driver, as appropriate, of the vehicle, and to charge and collect a fee of $100 from the owner or driver. (NRS 258.070) **Section 13** authorizes a constable to charge and collect the fee

only upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued.

Section 15 of this bill increases certain fees to which constables are entitled for their services. **Section 15** also authorizes a board of county commissioners to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute.

Existing law provides that the amount of certain fees which a constable is entitled to charge and collect must be calculated on the basis of the miles necessarily and actually traveled in providing a service. (NRS 258.125) **Section 15** authorizes a board of county commissioners to provide by ordinance for a constable to charge and collect, at the option of the person paying the fee, a flat fee for those travel costs instead of a fee calculated on the basis of the miles traveled.

Section 9 of this bill authorizes a constable to accept payment of fees by credit card, debit card or the electronic transfer of money and authorizes a constable to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.

Existing law generally authorizes the sale of liquor only under certain circumstances and only by a person who holds the appropriate license issued by the Department of Taxation. (Chapter 369 of NRS) **Sections 20-25** of this bill exempt from the licensure requirements of chapter 369 of NRS a sheriff or constable who sells or offers for sale liquor at a sale under execution. **Sections 20-25** also provide that a person licensed under chapter 369 of NRS is not prohibited from purchasing liquor at such a sale under execution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 248.100 is hereby amended to read as follows:

248.100 ~~[1.]~~ The sheriff shall:

~~[(a)]~~ ***1.*** Except in a county whose population is 700,000 or more, attend in person, or by deputy, all sessions of the district court in his or her county.

~~[(b)]~~ ***2.*** Obey all the lawful orders and directions of the district court in his or her county.

~~[(c) Except as otherwise provided in subsection 2, execute]~~

3. Execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.

~~[2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.]~~

Sec. 2. NRS 248.120 is hereby amended to read as follows:

248.120 When any process, writ or order is delivered to the sheriff ~~[, or the constable as authorized pursuant to NRS 248.100,]~~ to be served or executed, the sheriff ~~[or constable]~~ shall:

1. Forthwith endorse upon it the year, month, day and hour of its receipt.

2. Give to the person delivering it, if required, on payment of his or her fee, a written memorandum signed by him or her, stating the names of the parties in the process or order, the nature thereof and the time it was received. He or she shall also deliver to the party served a copy thereof, if required so to do, without charge to such party.

Sec. 3. NRS 248.130 is hereby amended to read as follows:

248.130 A sheriff ~~[, or a constable authorized pursuant to NRS 248.100,]~~ to whom any process, writ, order or paper is delivered shall:

1. Execute the same with diligence, according to its command, or as required by law.

2. Return it without delay to the proper court or officer, with his or her certificate endorsed thereon of the manner of its service or execution, or, if not served or executed, the reasons for his or her failure.

➥ For a failure so to do, he or she shall be liable to the party aggrieved for all damages sustained by the party on account of such neglect.

Sec. 4. NRS 248.150 is hereby amended to read as follows:

248.150 ~~[Except as otherwise provided in NRS 248.100, if]~~ ***If*** the sheriff to whom a writ of execution or writ of attachment is delivered shall neglect or refuse, after being required by the creditor or the creditor's attorney to attach, or to levy upon or sell, any property of the party charged in the writ which is liable to be attached or levied upon and sold, the sheriff shall be liable on his or her official bond to the creditor for the value of such property.

Sec. 5. Chapter 258 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 9, inclusive, of this act.

Sec. 6. ***When any process, writ or order is delivered to the constable to be served or executed, the constable shall:***

1. Forthwith endorse upon it the year, month, day and hour of its receipt.

2. Give to the person delivering it, if required, on payment of his or her fee, a written memorandum signed by him or her, stating the names of the parties in the process or order, the nature thereof and the time it was received. He or she shall deliver to the party served a copy thereof, if required to do so, without charge to such party.

Sec. 7. ***1. A constable to whom any process, writ, order or paper is delivered shall:***

(a) Execute the same with diligence, according to its command or as required by law.

(b) Return it without delay to the proper court or officer, with his or her certificate endorsed thereon of the manner of its service or execution, or, if not served or executed, the reasons for his or her failure.

2. A constable who fails to comply with subsection 1 is liable to the party aggrieved for all damages sustained by the party on account of such neglect.

Sec. 8. ***If the constable to whom a writ of execution or writ of attachment is delivered neglects or refuses, after being required by the creditor or the creditor's attorney to attach, or to levy upon or sell, any property of the party charged in the writ which is liable to be attached or***

levied upon and sold, the constable is liable on his or her official bond to the creditor for the value of such property.

Sec. 9. ***1. A constable may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the constable for the payment of fees to which the constable is entitled.***

2. If the issuer or operator charges the constable a fee for each use of a credit card or debit card or for each electronic transfer of money, the constable may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the constable in a fiscal year must not exceed the total amount of fees charged to the constable by the issuer or operator in that fiscal year.

3. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to a constable for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.

(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.

(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

Sec. 10. NRS 258.007 is hereby amended to read as follows:

258.007 1. Each constable of a township whose population is ~~[15,000]~~ ***100,000*** or more ~~[or]~~ ***and which is located in a county whose population is 700,000 or more, and each constable of*** a township ~~[that has within its boundaries a city]~~ whose population is ~~[15,000]~~ ***250,000*** or more ***and which is located in a county whose population is less than 700,000,*** shall become certified by the Peace Officers' Standards and Training Commission as a ~~[category I or]~~ category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 11. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in subsections 2 and 3:

(a) Constables must be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the State must be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties.

2. In a county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. In a county whose population:

(a) Is less than 700,000, ***which includes more than one township,*** if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships.

(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships **.** ~~[, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.]~~

➥ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 12. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. A person who is appointed as a deputy constable in a township whose population is ~~[15,000]~~ ***100,000*** or more ***and which is located in a county whose population is 700,000 or more*** or ***a deputy constable of*** a township ~~[that has within its boundaries a city]~~ whose population is ~~[15,000]~~ ***250,000*** or more ***and which is located in a county whose population is less than 700,000*** may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards

and Training Commission as a ~~[category I or]~~ category II peace officer. The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded within 30 days after the appointment in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section within 30 days after the revocation of the appointment. From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 12.5. NRS 258.065 is hereby amended to read as follows:

258.065 1. The constable of a township may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff as the work of the constable requires. The compensation of any person so appointed must be fixed by the board of county commissioners.

2. A person who is employed as clerical or operational staff of a constable:

(a) Does not have the powers of a peace officer; and

(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. ***The board of county commissioners may appoint for the constable of a township a reasonable number of clerks. The compensation of any clerk so appointed must be fixed by the board of county commissioners.***

4. A constable's clerk shall take the constitutional oath of office and give bond in the sum of $2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~[4.]~~ ***5.*** A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 13. NRS 258.070 is hereby amended to read as follows:

258.070 1. Subject to the provisions of ~~[subsection 2,]~~ ***subsections 2 and 3,*** each constable shall:

(a) Be a peace officer ***.*** ~~[in his or her township.]~~

(b) ~~[Serve all mesne and final process issued by a court of competent jurisdiction.~~

~~(c)~~] Execute the process, writs or warrants ~~[that the constable is authorized to receive pursuant to NRS 248.100.~~

~~(d)~~] ***of courts of justice, judicial officers and coroners, when delivered to the constable for that purpose.***

(c) Discharge such other duties as are or may be prescribed by law.

2. ~~[A]~~ ***Subject to the provisions of subsection 3, a*** constable or deputy constable ~~[elected or appointed in a township whose population is less than 15,000 or a township that has within its boundaries a city whose population is less than 15,000 may not arrest any person while carrying out the duties of the office of constable unless he or she is certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer.]~~ ***has the powers of a peace officer*** ***:*** ~~***[only:]***~~

(a) For the discharge of duties as are or may be prescribed by law;

(b) For the purpose of arresting a person for a public offense committed or attempted in the presence of the constable or deputy constable, if the constable or deputy constable has reasonable cause to believe that the arrest is necessary to prevent harm to other persons or the escape of the person who committed or attempted the public offense; and

(c) In addition to the circumstances described in paragraphs (a) and (b):

(1) In an area within the limits of an incorporated city, for the purposes authorized by and with the consent of the chief of police of the city; and

~~***[(d)]***~~ ***(2) In an area that is not within the limits of an incorporated city, for the purposes authorized by and with the consent of the sheriff of the county.***

3. ***The constable and each deputy constable of a township shall not carry a firearm in the performance of his or her duties unless:***

(a) The constable has adopted a written policy on the use of deadly force by the constable and each deputy constable; and

(b) ~~***[A copy of the policy adopted pursuant to paragraph (a) has been filed in the office of the county recorder of the county in which the township is located; and***~~

~~***(c)]***~~ ***The constable and each deputy constable has received training regarding the policy.***

4. A constable or deputy constable authorized to carry a firearm pursuant to subsection 3 must receive training approved by the Peace Officers' Standards and Training Commission in the use of firearms at least once every 6 months.

5. A constable or deputy constable who wears a uniform in the performance of his or her duties shall display prominently as part of that uniform a badge, nameplate or other uniform piece which clearly displays the name or an identification number of the constable or deputy constable.

6. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle which is located in his or her township at the time the citation is issued and which is required to

be registered in this State if the constable determines that the vehicle is not properly registered. ~~[The]~~ ***Upon the imposition of punishment pursuant to NRS 482.385 on the person to whom the citation is issued, the*** constable ~~[shall, upon the issuance of such citation,]~~ ***is entitled to*** charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

~~[4.]~~ ***7.*** If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 14. NRS 258.110 is hereby amended to read as follows:

258.110 ~~[Unless, pursuant to subsection 2 of NRS 258.070, a constable is prohibited from making an arrest, any]~~ ***Any*** constable who willfully refuses to ~~[receive or]~~ arrest any person charged with a criminal offense is guilty of a gross misdemeanor and shall be removed from office.

Sec. 15. NRS 258.125 is hereby amended to read as follows:

258.125 1. Constables are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases $17
For summoning a jury before a justice of the peace 7
For taking a bond or undertaking 5
For serving an attachment against the property of a defendant ..... ~~[9]~~ ***15***
For serving subpoenas, for each witness 15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio 3
For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof 20
For each certificate of sale of real property under execution 5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons ..... ~~[9]~~ ***15***
For serving one notice required by law before the commencement of a proceeding for any type of eviction 26

For serving not fewer than 2 nor more than 10 such notices to the same location, each notice 20

For serving not fewer than 11 nor more than 24 such notices to the same location, each notice 17

For serving 25 or more such notices to the same location, each notice 15

~~[~~For~~]~~ ***Except as otherwise provided in subsection 3, for*** mileage in serving such a notice, for each mile necessarily and actually traveled in going only 2

But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.

For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution 21

For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper ..... ~~[~~9~~]~~ ***15***

For each warrant lawfully executed ***, unless a higher amount is established by the board of county commissioners*** 48

~~[~~For~~]~~ ***Except as otherwise provided in subsection 3, for*** mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only 2

But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.

~~[~~For~~]~~ ***Except as otherwise provided in subsection 3, for*** mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only 2

But mileage may not exceed $20 for any unsuccessful effort to serve such process.

2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, ***and for executing an order of arrest in civil cases,*** the constable's actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first $3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, ~~[except for execution of warrants,]~~ the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, $100.

(e) For providing any other service authorized by law for which no fee is established by this chapter, the fee provided for by ordinance by the board of county commissioners.

3. ***For each service for which a constable is otherwise entitled pursuant to subsection 1 to a fee based on the mileage necessarily and actually traveled in performing the service, a board of county commissioners may provide by ordinance for the constable to be entitled, at the option of the person paying the fee, to a flat fee for the travel costs of that service.***

4. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.

~~[~~4.~~]~~ ***5.*** Constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 16. NRS 171.124 is hereby amended to read as follows:

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070 **~~[,]~~** ***and*** 33.320 **,** ~~[and 258.070,]~~ a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross

misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 17. NRS 212.150 is hereby amended to read as follows:

212.150 1. A person shall not visit, or in any manner communicate with, any prisoner convicted of or charged with any felony, imprisoned in the county jail, other than the officer having such prisoner in charge, the prisoner's attorney or the district attorney, unless the person has a written permission so to do, signed by the district attorney, or has the consent of the Director of the Department of Corrections or the ~~[constable or]~~ sheriff having such prisoner in charge.

2. Any person violating, aiding in, conniving at or participating in the violation of this section is guilty of a gross misdemeanor.

Sec. 18. NRS 289.150 is hereby amended to read as follows:

289.150 The following persons have the powers of a peace officer:

1. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers.

2. Marshals, police officers and correctional officers of cities and towns.

3. The bailiff of the Supreme Court.

4. The bailiffs and deputy marshals of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests.

5. ~~[Constables]~~ ***Subject to the provisions of NRS 258.070, constables*** and their deputies **.** ~~[whose official duties require them to carry weapons and make arrests.]~~

Sec. 19. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. ~~[Constables]~~ ***Subject to the provisions of NRS 258.070, constables*** and their deputies ***;*** ~~[whose official duties require them to carry weapons and make arrests;]~~

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. School police officers employed by the board of trustees of any county school district;

10. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

16. Field investigators of the Taxicab Authority;

17. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

18. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

19. Criminal investigators who are employed by the Secretary of State; and

20. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 20. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter which authorize the possession or sale of liquor only by a person who holds a license issued under this chapter do not apply to an officer or an officer's deputy who sells or offers for sale liquor at a sale under execution held pursuant to NRS 21.150.

2. It is not a violation of the provisions of this chapter if a person who holds a license issued under this chapter purchases any liquor at a sale under execution held pursuant to NRS 21.150.

Sec. 21. NRS 369.388 is hereby amended to read as follows:

369.388 ~~[A]~~ ***Except as otherwise provided in subsection 2 of section 20 of this act, a*** person who holds an importer's license or permit may purchase a liquor only from the supplier of that liquor.

Sec. 22. NRS 369.486 is hereby amended to read as follows:

369.486 1. ~~[A]~~ ***Except as otherwise provided in subsection 2 of section 20 of this act, a*** wholesaler who is not the importer designated by the supplier pursuant to NRS 369.386 may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor; or

(b) A wholesaler who purchased the liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, any subsidiary or affiliate of the supplier, or his or her designated agent.

Sec. 23. NRS 369.487 is hereby amended to read as follows:

369.487 Except as otherwise provided in NRS 369.4865 and 597.240, ***and subsection 2 of section 20 of this act,*** no retailer or retail liquor dealer may purchase any liquor from other than a state-licensed wholesaler.

Sec. 24. NRS 369.488 is hereby amended to read as follows:

369.488 1. Except as otherwise provided in NRS 369.4865, ***and subsection 2 of section 20 of this act,*** a retailer may purchase liquor only from:

(a) The importer designated by the supplier pursuant to NRS 369.386 to import that liquor if that importer is also a wholesaler; or

(b) A wholesaler who purchased liquor from the importer designated by the supplier pursuant to NRS 369.386 to import that liquor.

2. As used in this section, "supplier" means the brewer, distiller, manufacturer, producer, vintner or bottler of liquor, or his or her designated agent.

Sec. 25. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2, ***and section 20 of this act,*** a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter; and

(b) Holds an appropriate, valid license, permit or certificate issued by the Department.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) Who imports 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;

(2) Is 21 years of age or older; and

(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts liquor shipped into this State pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.

Sec. 26. NRS 482.231 is hereby amended to read as follows:

482.231 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection ~~[3]~~ ***6*** of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) ~~[Has]~~ ***After the imposition of punishment pursuant to NRS 482.385, has*** failed to pay the fee charged by the constable pursuant to subsection ~~[3]~~ ***6*** of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

Sec. 27. NRS 258.072 is hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

258.072 Accident reports and related materials: Provision upon receipt of reasonable fee; exceptions. A constable shall, within 7 days after receipt of a written request of a person who claims to have sustained damages as a result of an accident, or the person's legal representative or insurer, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, the person's legal representative or insurer, as applicable, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the constable's office that concern the accident, unless:

1. The materials are privileged or confidential pursuant to a specific statute; or

2. The accident involved:

(a) The death or substantial bodily harm of a person;

(b) Failure to stop at the scene of an accident; or

(c) The commission of a felony.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison, Kirkpatrick, Elliot Anderson, and Benitez-Thompson.

ASSEMBLYMAN ELLISON:

The amendment expands certain duties of a constable for purposes authorized by the chief of police for constables located in an incorporated city or the sheriff of a county for constables located in unincorporated areas.

ASSEMBLYWOMAN KIRKPATRICK:

I want to ask the bill's sponsor—we have had many bills over time about constables—when you say expanding the duties, what are those? Are they going to become actual police officers now as opposed to just going out and serving warrants? That is really what they were intended to be, if you go back through the history. What will they be doing now? On page 7, line 41, what does that mean specifically? To me it means they are equal to a sheriff, and I want to make sure that is not what we are doing.

ASSEMBLYMAN ELLISON:

What this bill does is give them the right to serve papers and make arrests, but it does not give them police powers. They can carry a weapon, but other than that, that is all they can do.

ASSEMBLYWOMAN KIRKPATRICK:

I have worked on constable legislation and followed it through. In the past when that has happened and they have asked to be a category II, that expands the PERS [Public Employees' Retirement System] liability as well. So is that what they will also be doing?

ASSEMBLYMAN ELLISON:

Yes, ma'am. There were two amendments that were proposed that did not go.

ASSEMBLYWOMAN KIRKPATRICK:

I just want to be sure because here we are trying to make changes to PERS and we are adding to it. It affects heart and lung, it affects PERS, it gives them another set of categories. To my colleague from Elko, we have tried not to expand it, so I just wanted to be clear what it was before we vote tomorrow.

ASSEMBLYMAN ELLIOT ANDERSON:

I want to ask my colleague from Elko another question. Also on page 7, the amendment strikes out language that says the written policy no longer has to be filed. So how would the public know what the consent of the sheriff was and how would they know if the constables are acting within their authority?

ASSEMBLYMAN ELLISON:

It looks to me like the constable still has to go through the chief of police or the sheriff. That is where the authority comes from. If there is any other information you need, I will have to pull the bill and go over it with you.

ASSEMBLYMAN ELLIOT ANDERSON:

I would appreciate if we could just get some clarity on how the public would know when the constable is within their agreement with the sheriff which would allow them all those other functions.

ASSEMBLYMAN ELLISON:
They are in some areas elected, so I will get that information and get back to you.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
This question is also to the chair because we did so much work around constables last session in Government Affairs. In section 15 on page 8, it is about a 60 percent to 70 percent increase on some of the fees that they can collect. What I remember from last session is that some of our constables are some of the highest gross earning elected offices in the state. Some of them collect revenue off of these fees up to some pretty impressive numbers. I want to understand why we would allow them to increase the amount of fees they can collect, because I did not think there was really any financial hardship from what I remember in conversations last session

ASSEMBLYMAN ELLISON:
These fees were adjusted, and I do not think they are going to increase. I will bring back both of these questions to you at the vote.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 293.
Bill read second time and ordered to third reading.

Senate Bill No. 307.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 796.
AN ACT relating to public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements ~~[and reports of campaign contributions and expenses]~~ filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff any gifts that exceed $100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930) In defining the term "gift," the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.400)
In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of $200 from a donor during a calendar year on financial disclosure statements filed with the

Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the Financial Disclosure Act does not define the term "gift," but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that "[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and traveling to Europe for that purpose, constitutes a gift." (*In re Phillips*, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift "[t]ravel, lodging, food or registration expenses as part of a 'fact-finding' trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer." (Nev. Sec'y of State, *Financial Disclosure Statement Guide*, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; *State Farm Mut. Auto. Ins. v. Comm'r of Ins.*, 114 Nev. 535, 543-44 (1998); *Labor Comm'r v. Littlefield*, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term "gift" that is similar for both acts. **Sections 4 and 17** of this bill also establish a definition for the term "educational or informational meeting, event or trip" that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under **sections 4, 8 and 11** of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under **sections 17, 20 and 27** of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.

Finally, ~~[existing law requires candidates and public officers to file reports with the Secretary of State disclosing contributions and campaign expenses greater than $100 by statutorily scheduled dates during an election year and to file such reports annually after nonelection years. (NRS 294A.120, 294A.200) The reports also must disclose information concerning certain types of loans and forgiveness of loans, contribution commitments, legal expenses, legal defense funds and contributions in the form of goods and services. (NRS 294A.128, 294A.160, 294A.286, 294A.362) Sections 35-39 of this bill retain the requirement to file such reports annually after nonelection years but require such reports to be filed monthly during an election year, not later than 15 days after the end of each month.]~~ **section 41 of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, section 40 of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year. (NRS 281.559, 281.561)**

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 3. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 4. ***1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:***

(a) The Legislator or a member of the Legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator's household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator's household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator's household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator's household travels to or from the meeting, event or trip.

Sec. 5. ***"Member of the Legislator's household" means a person who is a member of the Legislator's household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

Sec. 6. ***"Registrant" means a person who is registered as a lobbyist pursuant to this chapter.***

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, ***and sections 2 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 ***1.*** "Expenditure" means any ~~[advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription]~~ ***of the following acts by a lobbyist while the Legislature is in a regular or special session:***

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money ***, services*** or anything ***else*** of value ~~[, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any]~~ ***; or***

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any ***such*** expenditure ***.*** ~~[while the Legislature is in a regular or special session.]~~

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip.

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means ~~[a payment, subscription, advance,]~~ ***any payment, conveyance, transfer, distribution, deposit, advance, loan,*** forbearance, ***subscription, pledge or*** rendering ~~[or deposit]~~ of money, services or anything ***else*** of value ***,*** unless consideration of equal or greater value is received.

2. ~~["Gift"]~~ ***The term*** does not include:

(a) ~~[A]~~ ***Any*** political contribution of money or services related to a political campaign ***.*** ~~[;~~

~~(b) A]~~

(b) Any commercially reasonable loan made in the ordinary course of business ***.*** ~~[;]~~

(c) ***Anything of value provided for an educational or informational meeting, event or trip.***

(d) The cost of ~~[entertainment,]~~ ***a party, meal, function or other social event to which every Legislator is invited,*** including ***, without limitation,*** the cost of food or beverages ~~[; or~~

~~(d)]~~ ***provided at the party, meal, function or other social event.***

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from ~~[:~~

~~(1) A member of the recipient's immediate family; or~~

~~(2) A relative of]~~ ***a person who is:***

(1) Related to the recipient **,** or **~~[relative of the recipient's]~~** ***to the*** spouse ***or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership*** within the third degree of consanguinity or **~~[from the spouse of any such relative.]~~** ***affinity; or***

(2) A member of the recipient's household.

Sec. 10. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, permanent address, place of business and temporary address while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a **~~[statement of]~~** financial disclosure ***statement*** made by a **~~[candidate for public office or a]~~** public officer ***or candidate*** pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

➥ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Sec. 11. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide

support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

3. Except as otherwise provided in subsection 6, the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

4. If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission **.** ~~[, in the following categories:~~

~~(a) Entertainment;~~

~~(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;~~

~~(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

~~(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.~~**]**

5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a ***party, meal,*** function ***or other social event*** to which every Legislator was invited. **[**~~For the purposes of this subsection, "function" means a party, meal or other social event.~~**]**

Sec. 12. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not ***knowingly or willfully*** give ***any gift*** to a member of the Legislative Branch or a member of his or her ~~[staff or]~~ immediate family ~~[gifts that exceed $100 in value in the aggregate in any calendar year.]~~ ***, whether or not the Legislature is in a regular or special session.***

3. A member of the Legislative Branch or a member of his or her ~~[staff or]~~ immediate family shall not ***knowingly or willfully*** solicit ~~[anything of value from a registrant]~~ or accept any gift ~~[that exceeds $100 in aggregate value in any calendar year.]~~ ***from a lobbyist, whether or not the Legislature is in a regular or special session.***

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the

date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. ***As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 15. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 16. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 17. ***1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:***

(a) The public officer or candidate or a member of the public officer's or candidate's household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons

relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer's or candidate's household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer's or candidate's household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer's or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's or candidate's household travels to or from the meeting, event or trip.

Sec. 18. *"Financial disclosure statement" or "statement" means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.*

Sec. 19. *1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.*

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term "gift" as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer's or candidate's household.

Sec. 20. *1. "Interested person" means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.*

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. ***1. "Member of the public officer's or candidate's household" means:***

~~[1.]~~ (a) The spouse or domestic partner of the public officer or candidate;

~~[2.]~~ (b) A relative who lives in the same home or dwelling as the public officer or candidate; or

(c) A person , whether or not a relative, who ~~[does]~~ :

(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

~~[3. A person who lived]~~

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more ~~[in]~~ during the ~~[year]~~ immediately preceding ~~[the]~~ calendar year ~~[in]~~ or other period for which the public officer or candidate ~~[files a]~~ is filing the financial disclosure statement ~~[.]~~ and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, "relative" means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. ***1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. ***The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 ~~[As used in NRS 281.558 to 281.581, inclusive, "candidate"]~~

1. "Candidate" means any person ~~[:~~

~~1.]~~ ***who seeks to be elected to a public office and:***

(a) Who files a declaration of candidacy;

~~[2.]~~ ***(b)*** Who files an acceptance of candidacy; or

~~[3.]~~ ***(c)*** Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in ~~[subsections 2 and 3]~~ ***this section*** and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a ~~[statement of]~~ financial disclosure ~~[,]~~ ***statement,*** as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a ~~[statement of]~~ financial disclosure ***statement*** within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a ~~[statement of]~~ financial disclosure ***statement*** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a ~~[statement of]~~ financial disclosure ***statement*** pursuant to the requirements ~~[of Canon 4I]~~ of the Nevada Code of Judicial Conduct. ~~[Such]~~ ***To the extent practicable, such*** a statement ~~[of financial disclosure]~~ must include, without limitation, all information required to be included in a ~~[statement of]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

~~[4. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~5. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

Sec. 26. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in ~~[subsections 2 and 3]~~ ***this section*** and NRS 281.572, each candidate ~~[for public office]~~ who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and ~~[, except as otherwise provided in subsection 3,]~~ each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a ~~[statement of]~~ financial disclosure ~~[,]~~ ***statement,*** as follows:

(a) A candidate for nomination, election or reelection to public office shall file a ~~[statement of]~~ financial disclosure ~~[no]~~ ***statement not*** later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a ~~[statement of]~~ financial disclosure ***statement*** for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a ~~[statement of]~~ financial disclosure ***statement*** for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a ~~[statement of]~~ financial disclosure ***statement*** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate ~~[for public office]~~ is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a ~~[statement of]~~ financial disclosure ***statement*** for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a ~~[statement of]~~ financial disclosure ***statement*** relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a ~~[statement of]~~ financial disclosure ***statement*** pursuant to the requirements ~~[of Canon 4I]~~ of the Nevada Code of Judicial Conduct. ~~[Such]~~ ***To the extent practicable, such*** a statement ~~[of financial disclosure]~~ must include, without limitation, all

information required to be included in a ~~[statement of]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

~~[5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

Sec. 27. NRS 281.571 is hereby amended to read as follows:

281.571 ~~[1. Statements of]~~ ***Each*** financial disclosure ~~[, as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes,]~~ ***statement*** must contain the following information concerning the ~~[candidate for public office or]~~ public officer ~~[:~~

~~(a)]~~ ***or candidate:***

1. The ~~[candidate's or]~~ public officer's ***or candidate's*** length of residence in the State of Nevada and the district in which the ~~[candidate for public office or]~~ public officer ***or candidate*** is registered to vote.

~~[(b)]~~ ***2.*** Each source of the ~~[candidate's or]~~ public officer's ***or candidate's*** income, or that of any member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

~~[(c)]~~ ***3.*** A list of the specific location and particular use of real estate, other than a personal residence:

~~[(1)]~~ ***(a)*** In which the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household has a legal or beneficial interest;

~~[(2)]~~ ***(b)*** Whose fair market value is $2,500 or more; and

~~[(3)]~~ ***(c)*** That is located in this State or an adjacent state.

~~[(d)]~~ ***4.*** The name of each creditor to whom the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household owes $5,000 or more, except for:

~~[(1)]~~ ***(a)*** A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to ~~[paragraph (c);]~~ ***subsection 3;*** and

~~[(2)]~~ ***(b)*** A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

~~[(e)]~~ ***5. If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding ~~[taxable]~~ calendar year ~~[,]~~ or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:***

(a) The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;

(b) The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip; and

(c) The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.

6. If the ~~[candidate for public office or]~~ public officer ***or candidate*** has received ***any*** gifts in excess of an aggregate value of $200 from a donor during the ***immediately*** preceding ~~[taxable]~~ ***calendar*** year ~~[,]~~ ***or other period for which the public officer or candidate is filing the financial disclosure statement,*** a list of all such gifts, including the identity of the donor and ***the*** value of each gift ~~[, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f)~~ ***7.*** A list of each business entity with which the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

~~[(g)]~~ ***8.*** A list of all public offices presently held by the ~~[candidate for public office or]~~ public officer ***or candidate*** for which this ~~[statement of]~~ financial disclosure ***statement*** is required.

~~[2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~

Sec. 28. NRS 281.572 is hereby amended to read as follows:

281.572 1. A ~~[candidate or]~~ public officer ***or candidate*** who is required to file a ~~[statement of]~~ financial disclosure ***statement*** with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the ~~[candidate or]~~ public officer ***or candidate*** has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The ~~[candidate or]~~ public officer ***or candidate*** does not own or have the ability to access the technology necessary to file electronically the ~~[statement of]~~ financial disclosure ~~[;]~~ ***statement;*** and

(b) The ~~[candidate or]~~ public officer ***or candidate*** does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the ~~[statement of]~~ financial disclosure ~~[.]~~ ***statement.***

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A ~~[candidate or]~~ public officer ***or candidate*** who signs the affidavit under an oath to God is subject to the same penalties as if the ~~[candidate or]~~ public officer ***or candidate*** had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the ~~[statement of]~~ financial disclosure ***statement*** is required to be filed.

3. A ~~[candidate or]~~ public officer ***or candidate*** who is not required to file the ~~[statement of]~~ financial disclosure ***statement*** electronically may file the ~~[statement of]~~ financial disclosure ***statement*** by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A ~~[statement of]~~ financial disclosure ***statement*** transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a ~~[report]~~ ***financial disclosure statement*** electronically.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, ~~[statements of]~~ ***each*** financial disclosure ***statement*** required by the provisions of NRS 281.558 to 281.572, inclusive, ***and sections 14 to 23, inclusive, of this act*** must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last ~~[statement of]~~ financial disclosure ***statement*** for the last public office held.

Sec. 30. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a ~~[statement of]~~ financial disclosure ***statement*** must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate ~~[for public office]~~ who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 31. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~[candidate for public office or]~~ public officer ***or candidate*** willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** or willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to ~~[that person or entity,]~~ ***the public officer or candidate,*** cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ~~[candidate for public office or]~~ public officer ***or candidate*** who willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** or willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, "willfully" means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of ~~[statements of]~~ financial disclosure ***statements*** by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a ~~[statement of]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a ~~[statement of]~~ financial disclosure ***statement*** pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 33. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a ~~[~~statement of~~]~~ financial disclosure ~~[,]~~ ***statement;***

2. If the candidate is not a candidate for judicial office and is required to file electronically the ~~[~~statement of~~]~~ financial disclosure ~~[,]~~ ***statement,*** access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the ~~[~~statement of~~]~~ financial disclosure ***statement*** electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 34. ~~[~~Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.~~]~~ **(Deleted by amendment.)**

Sec. 35. ~~[~~***"Election year" means, with regard to a candidate or public officer, the calendar year during which the primary election and general election will be held for the public office for which the candidate or public officer intends to seek election.]*** **(Deleted by amendment.)**

Sec. 36. ~~[~~***"Nonelection year" means, with regard to a candidate or public officer, each calendar year that is not an election year for the candidate or public officer.]*** **(Deleted by amendment.)**

Sec. 37. ~~[~~NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, ***and sections 35 and 36 of this act*** have the meanings ascribed to them in those sections.~~]~~ **(Deleted by amendment.)**

Sec. 38. ~~[~~NRS 294A.120 is hereby amended to read as follows:

294A.120 1. ***The provisions of this subsection apply to every candidate for office at a primary election or general election beginning in the nonelection year immediately preceding the election year for that office and, if the candidate is elected to that office, continuing through the nonelection year immediately preceding the next election year for that office.*** Every candidate for office at a primary election or general election shall, not later than ~~[~~January~~]~~ 15 ***days after the end*** of each ~~[~~year,~~]~~ ***nonelection year for that office,*** for the period from January 1 ~~[~~of the previous year~~]~~ through December 31 of the ~~[~~previous~~]~~ ***nonelection*** year, report:

~~(a) Each contribution in excess of $100 received during the period;~~

~~(b) Contributions received during the period from a contributor which cumulatively exceed $100; and~~

~~(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).~~

~~[*~~ ~~The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~]~~

~~2. Every candidate for office at a primary election or general election shall, not later than~~ [~~:~~

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~ ~~*~~]~~ ***15 days after the end of each month of an election year for that office, for the period from the first day through the final day of the month,*** ~~report each contribution described in subsection 1 received during the period.~~

~~3. Except as otherwise provided in subsections 4 and 5 and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~*~~ ~~report each contribution described in subsection 1 received during the period.~~

~~4. Except as otherwise provided in subsection 5 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5~~

~~days before the beginning of early voting by personal appearance for the special election;~~

~~— (b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~— (c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~" report each contribution described in subsection 1 received during the period.~~

~~— 5. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in subsection 1 received during the period.~~

~~— 6. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.~~

~~— 7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~— 8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~**]**

(Deleted by amendment.)

Sec. 39. **[**~~NRS 294A.200 is hereby amended to read as follows:~~

~~— 294A.200 — 1.~~ ***The provisions of this subsection apply to every candidate for office at a primary election or general election beginning in the nonelection year immediately preceding the election year for that office and, if the candidate is elected to that office, continuing through the nonelection year immediately preceding the next election year for that office.*** ~~Every candidate for office at a primary election or general election shall, not later than~~ **[**~~January~~**]** ~~15~~ ***days after the end*** ~~of each~~ **[**~~year,~~**]** ***nonelection year for that office,*** ~~for the period from January 1~~ **[**~~of the previous year~~**]** ~~through December 31 of the~~ **[**~~previous~~**]** ***nonelection*** ~~year, report:~~

~~— (a) Each of the campaign expenses in excess of $100 incurred during the period;~~

~~— (b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;~~

~~— (c) The total of all campaign expenses incurred during the period which are $100 or less; and~~

~~— (d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.~~

~~— 2.~~ **[**~~The provisions of subsection 1 apply to the candidate:~~

~~(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the~~ ***] If a*** ~~candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286~~ ***[.] in any calendar year for which the candidate is not required to file a report pursuant to the other provisions of this section, the candidate shall, not later than 15 days after the end of each such year, for the period from January 1 through December 31 of the year, report:***

(a) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are $100 or less.

~~3. Every candidate for office at a primary election or general election shall, not later than~~ ***[:***

~~(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,~~ ***] 15 days after the end of each month of an election year for that office, for the period from the first day through the final day of the month,*** ~~report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~5. Except as otherwise provided in subsection 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~6. If a district court determines that a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.~~

~~7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.~~

~~8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~] **(Deleted by amendment.)**

Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.

Sec. 41. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblymen Stewart and Kirkpatrick.

ASSEMBLYMAN STEWART:

Amendment 796 deletes the proposed language to require candidates to file monthly financial disclosure reports in an election year. It revises the definition of "member of the public officer's or candidate's household" to include individuals who live in the household and who are financially dependent on the public officer or candidate.

ASSEMBLYWOMAN KIRKPATRICK:

This is a great bill. We have been trying to do this for a very long time. Too bad we did not go a little bit farther. I want to have some clarity. We had huge discussions last session and during the interim on the educational trips. Based on what we have relied on in the LCB, I see now that the educational trips are reportable, including the ones that we go to—NCSL [National Conference of State Legislatures] and CSG [Council of State Governments] to whom we pay dues. Is that

correct? You have to itemize, as well, all of the individual dinners? I want to be clear because it was super controversial and everybody wants to do the right thing. I want to make sure what the legislative intent was.

ASSEMBLYMAN STEWART:
To my colleague, it is my understanding that that is correct.

ASSEMBLYWOMAN KIRKPATRICK:
I also want to understand, when you go to those nonprofit dinners, what is the fee that is expected to be counted on. For instance, if I buy a box of Girl Scout cookies, only a certain portion of it is deductible. Is it that amount or is it the face value of the item?

ASSEMBLYMAN STEWART:
I do not think that was clearly identified in the bill. We will have to leave that up to interpretation later on, I guess.

ASSEMBLYWOMAN KIRKPATRICK:
Before tomorrow's vote, can we please clarify that because that was a big sticking point last time and during the interim. At least we could check with the Secretary of State or whoever or the bill's sponsors to see what the legislative intent was and put it on the record. I believe everybody in this building wants to report, so as long as we can report the same and there is no ambiguity, we are all off to a great start.

ASSEMBLYMAN STEWART:
I will clarify that. Thank you.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.
Bill read second time and ordered to third reading.

Senate Bill No. 340.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 824.
AN ACT relating to public works; disqualifying a contractor from being awarded a contract for a public work under certain circumstances; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law authorizes the Labor Commissioner to impose an administrative penalty against a person who violates certain provisions related to contracts for public works in this State. (NRS 338.015) A person against whom such an administrative penalty is imposed may not be awarded a contract for a public work for a period of 3 years, and upon a second or subsequent offense, for a period of 5 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for public works, such a person is also subject to the suspension of his or her contractor's license by the State Contractors' Board for the length of the prohibition. (NRS 624.300)

Under federal law, a contractor may be excluded for a period of time from receiving contracts from the Federal Government if the contractor is debarred. (48 C.F.R. §§ 9.400 et seq.)

This bill provides that, if a contractor is excluded for a period of time from receiving contracts from the Federal Government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the longer of: (1) 4 years after the date on which the Labor Commissioner becomes aware of the exclusion; or (2) the length of the term of debarment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.017 is hereby amended to read as follows:

338.017 ***1.*** If any administrative penalty is imposed ***pursuant to this chapter*** against a person for the commission of an offense ~~[~~:

~~1. That]~~ ***, that*** person, and the corporate officers, if any, of that person, may not be awarded a contract for a public work:

(a) For the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and

(b) For the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty.

2. ***A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the General Services Administration as being excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred may not be awarded a contract for a public work:***

(a) For a period of 4 years after the date on which the Labor Commissioner is made aware of the exclusion from receiving contracts from the Federal Government; or

(b) For the period of debarment of the contractor from receiving contracts from the Federal Government,

➥ whichever is longer.

3. The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor who is prohibited ***or disqualified*** from being awarded a contract for a public work pursuant to this section.

Sec. 2. ~~[This act becomes effective on July 1, 2015.]~~ **(Deleted by amendment.)**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:
The amendment changes the effective date from July 1, 2015, to October 1, 2015.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 376.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 810.
AN ACT relating to motor carriers; revising provisions concerning an appeal of certain decisions of the Nevada Transportation Authority; revising provisions concerning an appeal of a final decision of the Taxicab Authority; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Under existing law, any person who is aggrieved by a final decision of the Nevada Transportation Authority in an administrative hearing is entitled to judicial review. (NRS 233B.130, 706.2885, 706.771, 706.775) **Section 1** of this bill provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated carrier to operate in this State or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier is a final decision, and may be appealed directly to a court of competent jurisdiction for judicial review.
The Nevada Transportation Authority has regulatory authority over taxicab motor carriers in any county whose population is less than 700,000 (currently all counties except for Clark). (NRS 706.151, 706.881) In any county whose population is 700,000 or more (currently Clark County), the Taxicab Authority has regulatory authority over taxicab motor carriers. (NRS 706.881) Any person who is aggrieved by a final decision of the Taxicab Authority must appeal to the Nevada Transportation Authority. (NRS 706.8819) **Sections 3 and 8** of this bill provide that any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring such a person to appeal to the Nevada Transportation Authority.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:
Any decision or action by the Authority which:
1. Has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated motor carrier to operate in this State; or
2. Refuses an applicant the ability or authorization to operate as a fully regulated motor carrier in this State,

➥ is a final decision for the purpose of chapter 233B of NRS and may be appealed directly to a court of competent jurisdiction for judicial review.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

including charges between carriers and compensation paid or received for the use of facilities and equipment.

➥ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

~~[5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]~~

Sec. 4. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and section 1 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 5. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority **.** ~~**[**, or pursuant to NRS 706.2883.**]**~~

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 6. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the Authority or any lawful tariff on file with the Authority or who fails, neglects or refuses to obey any lawful order of the Authority or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than $10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the Authority in any court of competent jurisdiction.

2. If the Authority does not bring an action to recover the penalty prescribed by subsection 1, the Authority may impose an administrative fine of not more than $10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the Authority or Department pursuant to the provisions of this chapter. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** fine imposed by the Authority may be recovered by

the Authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the Authority pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 7. NRS 706.775 is hereby amended to read as follows:

706.775 1. In addition to any criminal penalty, any person who violates any provision of this chapter, or any lawful regulation, rule or order adopted or issued by the Department pursuant thereto is liable to the Department for an administrative fine as follows:

(a) For a first offense, a fine of $500.

(b) For a second offense, a fine of $1,000 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed $2,500.

(c) For a third offense, a fine of $1,500 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed $2,500.

(d) For a fourth and any subsequent offense, a fine of $2,500.

2. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Department shall afford to any person fined pursuant to subsection 1 an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 8. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. ~~[~~An appeal from the~~]~~ ***Any*** final decision of the Taxicab Authority ~~[~~must be made to the Nevada Transportation Authority.~~]~~ ***pursuant to this section is subject to judicial review pursuant to NRS 233B.130.***

Sec. 9. The amendatory provisions of this act do not apply to any administrative hearings before the Taxicab Authority where a final decision was issued by the Taxicab Authority on or before ~~[~~October 1, 2015.~~]~~ **January 1, 2016.**

Sec. 10. NRS 706.2883 is hereby repealed.

Sec. 11. **This act becomes effective on January 1, 2016.**

TEXT OF REPEALED SECTION

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Nevada Transportation Authority regarding its review of decisions of Taxicab Authority. Any person who is aggrieved by any action or inaction of the Taxicab Authority pursuant to NRS 706.8819 is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. The Nevada Transportation Authority may adopt such regulations as may be necessary to provide for its review of decisions of the Taxicab Authority.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 810 to Senate Bill 376 changes the effective date of the bill from October 1, 2015, to January 1, 2016.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 377.

Bill read second time and ordered to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 733.

AN ACT relating to public affairs; authorizing certain persons to file complaints relating to notaries public or document preparation services with the Secretary of State; revising provisions relating to the requirements for an application for appointment as a notary public or document preparation service; revising provisions relating to the advertising of services as a notary public or document preparation service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Secretary of State to appoint notaries public. (NRS 240.010) In addition, existing law provides that it is unlawful for a person: (1) to represent themselves as a notary public if they have not been appointed by the Secretary of State; (2) to submit an application for appointment as a notary public that contains a material misrepresentation or omission of fact; and (3) if the person is a notary public, to use the term "notario" or "notario publico" on any advertisement if the person is not also an attorney licensed in this State. (NRS 240.010, 240.085) Existing law sets forth similar prohibitions with respect to a document preparation service. (NRS 240A.100, 240A.240, 240A.260)

Sections 8 and 13 of this bill authorize any person who is aware of a violation of existing law governing notaries public and document preparation services to file a complaint with the Secretary of State. **Sections 9 and 11** of this bill require an applicant for appointment as a notary public or registration as a document preparation service to provide with his or her application a declaration under penalty of perjury stating that the applicant has never had an appointment as a notary public, or certificate or license as a document preparation service, as applicable, revoked or suspended in this State or any other state or territory. **Section 10** of this bill adds the term "licenciado" to the list of terms prohibited to be used in an advertisement if a notary public is not also an attorney licensed in this State. **Section 12** of this bill similarly prohibits document preparation services from using terms that may mislead a consumer into believing that a document preparation service is a licensed attorney, if such is not the case.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who, except as otherwise provided in subsection 3, has been convicted of:

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

➥ if the Secretary of State is aware of such a conviction before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

(c) Violate any provision of this chapter, including, without limitation, the provisions of NRS 240.085.

6. ***Any person who is aware of a violation of this chapter by a notary public or a person applying for appointment as a notary public may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.***

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5.

Sec. 9. NRS 240.030 is hereby amended to read as follows:

240.030 1. Each person applying for appointment as a notary public must:

(a) At the time the applicant submits his or her application, pay to the Secretary of State $35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

(d) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

(e) ***Submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had an appointment as a notary public revoked or suspended in this State or any other state or territory of the United States.***

(f) If required by the Secretary of State, submit:

(1) A complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(2) A fee established by regulation of the Secretary of State which must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public who resides in an adjoining state must submit to the Secretary of State with the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

(b) A copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the business is located, if the applicant is self-employed; and

(c) Unless the applicant is self-employed, a copy of the state business license of the applicant's employer, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

4. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for the appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

5. The term of a notary public commences on the effective date of the bond required pursuant to paragraph (d) of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless the notary public has been issued a certificate of appointment.

6. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

Sec. 10. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

> I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico ~~[.]~~ ***," "licenciado"*** or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.

(b) Revoke the appointment of the notary public for a third or subsequent offense.

4. A notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than $2,000.

Sec. 11. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States and at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service has previously been revoked by the Secretary of State;

(c) Who has previously been convicted of a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of a crime involving theft, fraud or dishonesty;

(2) Convicted of the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. ***An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.***

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

Sec. 12. NRS 240A.240 is hereby amended to read as follows:

240A.240 A registrant shall not:

1. After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

2. Make, orally or in writing:

(a) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(b) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(c) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

3. In any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," ***"notario,"*** ***"notario publico,"*** "notary public," "notary," "licensed," ***"licenciado,"*** "attorney," "lawyer" or any similar term, in English ***, Spanish*** or ~~[in]~~ any other language, which implies that the registrant:

(a) Offers services without charge if the registrant does not do so; or

(b) Is an attorney authorized to practice law in this State.

4. Negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

5. Appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

6. Provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

7. Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

Sec. 13. NRS 240A.260 is hereby amended to read as follows:

240A.260 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to NRS 240A.290.

(b) If a registrant has committed the violation, begin proceedings pursuant to NRS 240A.270 to revoke or suspend the registration of the registrant.

(c) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to NRS 240A.280.

(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to NRS 240A.290.

(e) Take any combination of the actions described in this subsection.

3. Any person who is aware of a violation of this chapter by a document preparation service, or person applying for registration as a document preparation service, may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

Sec. 14. 1. This ~~[act becomes]~~ **section and sections 1 to 9, inclusive, 11 and 13 of this act become** effective ~~[:~~

~~1. Upon]~~ **upon** passage and approval**.** ~~[for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and]~~

2. ~~[On January]~~ **Sections 10 and 12 of this act become effective on October** 1, ~~[2016, for all other purposes.]~~ **2015.**

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment changes the effective date to October 1, 2015, for provisions related to advertisements for a notary public, and it makes the effective date of passage and approval for all others provisions.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 784.

AN ACT relating to public health; defining the term "obesity" as a chronic disease; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to prepare an annual report on obesity; **requiring certain school districts to collect data concerning the height and weight of pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law uses the term "obesity" in listing the benefits of breast-feeding, mandating training for child care providers and mandating public information and prevention programs of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 201.232, 432A.1775, 439.517, 439.521) **Section 1** of this bill defines the term "obesity" in the preliminary chapter of NRS as a chronic disease having certain characteristics. **Sections** ~~[2-5]~~ **2, 3, 4 and 5** of this bill define the term "obesity" as used in those provisions of existing law. **Section 5** also requires the Division to prepare an annual report on obesity statistics in this State and the efforts to reduce obesity.

Existing law requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), through June 30, 2015, to: (1) conduct examinations of the height and weight of certain pupils in the schools within the school district; (2) provide notice of such examinations to the parent or guardian of a child before performing the examination; and (3) report the results of such examinations to the Chief Medical Officer. (NRS 392.420) Section 2.5 of this bill: (1) requires the board of trustees of each such school district to use school nurses, health personnel and certain teachers and other personnel to conduct such examinations on and after July 1, 2015; and (2) provides that, under certain circumstances, the school authorities are not required to provide notice to the parent or guardian of a child before conducting such an examination. Section 2.5 also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) compile a report of the results of such examinations specific to each region of this State for which such information is collected; and (2) publish and disseminate the reports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute or required by the context, "obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(a) A body mass index of 30 or higher in adults;

(b) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(c) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(d) A waist size of 40 inches or more for men or 35 inches or more for women.

2. As used in this section, "chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 2. NRS 201.232 is hereby amended to read as follows:

201.232 1. The Legislature finds and declares that:

(a) The medical profession in the United States recommends that children from birth to the age of 1 year should be breast fed, unless under particular circumstances it is medically inadvisable.

(b) Despite the recommendation of the medical profession, statistics reveal a declining percentage of mothers who are choosing to breast feed their babies.

(c) Many new mothers are now choosing to use formula rather than to breast feed even before they leave the hospital, and only a small percentage of all mothers are still breast feeding when their babies are 6 months old.

(d) In addition to the benefit of improving bonding between mothers and their babies, breast feeding offers better nutrition, digestion and immunity for babies than does formula feeding, and it may increase the intelligence quotient of a child. Babies who are breast fed have lower rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrheal diseases, otitis media, allergies, obesity and developmental delays.

(e) Breast feeding also provides significant benefits to the health of the mother, including protection against breast cancer and other cancers, osteoporosis and infections of the urinary tract. The incidence of breast cancer in the United States might be reduced by 25 percent if every woman breast fed all her children until they reached the age of 2 years.

(f) The World Health Organization and the United Nations Children's Fund have established as one of their major goals for the decade the encouragement of breast feeding.

(g) The social constraints of modern society weigh against the choice of breast feeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment, social ostracism or criminal prosecution.

(h) Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her baby, and no mother should be made to feel incriminated or socially ostracized for breast feeding her child.

2. Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

3. As used in this section:

(a) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 2.5. **NRS 392.420 is hereby amended to read as follows:**

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services shall determine the number of pupils necessary to include in the representative sample.***

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[3.]~~ ***4.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

~~[4.]~~ ***5.*** The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[5.]~~ ***6.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6.]~~ ***7.*** The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[7. The]~~

8. Except as otherwise provided in this subsection, the school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

~~[8.]~~ ***The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.***

9. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

10. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:

(a) Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 9; and

(b) Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 9.

Sec. 3. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete:

(a) Before January 1, 2014, at least 15 hours of training;

(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;

(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and

(d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

4. As used in this section:

(a) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 4. NRS 439.517 is hereby amended to read as follows:

439.517 ***1.*** Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

~~[1.]~~ ***(a)*** Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

~~[2.]~~ ***(b)*** The prevention of chronic diseases, including, without limitation, asthma, cancer, diabetes, cardiovascular disease ***, obesity*** and oral disease.

2. As used in this section:

(a) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(b) "Chronic disease" means a health condition or disease which presents for a period of three months or more or is persistent, indefinite or incurable.

Sec. 5. NRS 439.521 is hereby amended to read as follows:

439.521 ***1.*** To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

~~[1.]~~ ***(a)*** Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of physical fitness, poor nutrition, tobacco use and exposure to tobacco smoke, ~~[obesity,]~~ chronic diseases ***, including, without limitation, obesity and diabetes,*** and other diseases, as determined by the Division, using the most recent information obtained through surveillance, epidemiology and research. As used in this ~~[subsection,]~~ ***paragraph,*** "burden report" means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Division.

~~[2.]~~ ***(b) Prepare an annual report on obesity pursuant to paragraph (a) which must:***

(1) Include, without limitation:

(I) Current obesity rates in this State;

(II) Information regarding obesity with regard to specific demographics;

(III) Actions taken by the Division regarding obesity; and

(IV) The State's goals and achievements regarding obesity rates.

(2) On or before March 15 of each year, be submitted to the Director of the Legislative Counsel Bureau for transmittal to:

(I) The Legislative Committee on Health Care during even-numbered years; and

(II) The Legislature during odd-numbered years.

(c) Identify, review and encourage, in coordination with the Department of Education, the Nevada System of Higher Education and other appropriate state agencies, existing evidence-based programs related to nutrition, physical fitness and tobacco prevention and cessation, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

~~[3.]~~ ***(d)*** Develop, promote and coordinate recommendations for model and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:

~~[(a)]~~ ***(1)*** Proper nutrition, physical fitness and health among the residents of this State, including, without limitation, parents and children, senior citizens, high-risk populations and persons with special needs; and

~~[(b)]~~ ***(2)*** Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

~~[4.]~~ ***(e)*** Assist on projects within this State as requested by, and in coordination with, the President's Council on Fitness, Sports and Nutrition.

~~[5.]~~ ***(f)*** Identify and review methods for reducing health care costs associated with tobacco use and exposure to tobacco smoke, ~~[obesity,]~~ chronic diseases ***, including, without limitation, obesity and diabetes,*** and other diseases, as determined by the Division.

~~[6.]~~ ***(g)*** Maintain a website to provide information and resources on nutrition, physical fitness, health, wellness and the prevention of ~~[obesity and]~~ chronic diseases ~~[.~~ ~~7.]~~ ***, including, without limitation, obesity and diabetes.***

(h) Solicit information from and, to the extent feasible, coordinate its efforts with:

~~[(a)]~~ ***(1)*** Other governmental agencies;

~~[(b)]~~ ***(2)*** National health organizations and their local and state chapters;

~~[(c)]~~ ***(3)*** Community and business leaders;

~~[(d)]~~ ***(4)*** Community organizations;

~~[(e)]~~ ***(5)*** Providers of health care;

~~[(f)]~~ ***(6)*** Private schools; and

~~[(g)]~~ ***(7)*** Other persons who provide services relating to tobacco use and exposure, physical fitness and wellness and the prevention of ~~[obesity,]~~ chronic diseases ***, including, without limitation, obesity and diabetes,*** and other diseases.

~~[8.]~~ ***(i)*** Establish, maintain and enhance statewide chronic disease surveillance systems.

~~[9.]~~ ***(j)*** Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other

publications that highlight chronic diseases and the key risk factors of those diseases.

~~[10.]~~ ***(k)*** Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

~~[11.]~~ ***(l)*** Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

~~[(a)]~~ ***(1)*** Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

~~[(b)]~~ ***(2)*** Oral screenings; and

~~[(c)]~~ ***(3)*** Tobacco cessation counseling.

~~[12.]~~ ***(m)*** Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

~~[13.]~~ ***(n)*** Review and revise the Program as needed.

2. As used in this section:

(a) "Obesity" means a chronic disease characterized by an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

(1) A body mass index of 30 or higher in adults;

(2) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

(3) A body fat percentage greater than 25 percent for men or 32 percent for women; or

(4) A waist size of 40 inches or more for men or 35 inches or more for women.

(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment requires a school district's board of trustees in a county whose population is 100,000 or more to collect height and weight data of a representative sample of students in grades 4, 7, and 10, and in certain circumstances, school authorities are not required to provide notice to

a student's parent or guardian before such an examination. Also, the Division of Public and Behavioral Health must compile the results of the exams by region and disseminate the report.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 403.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

Senate Bill No. 457.

Bill read second time and ordered to third reading.

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 738.

SUMMARY—Revises provisions governing the installation of automatic fire sprinkler systems in certain ~~[single-family residences.]~~ **structures.** (BDR 22-1110)

AN ACT relating to ~~[buildings;]~~ **structures;** authorizing the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain larger single-family residences; providing limitations on the authority of the governing body of a county or incorporated city in this State to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in certain other single-family residences; **prohibiting the governing body of a county or incorporated city in this State from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in certain structures or portions thereof used primarily for agricultural, livestock or equestrian activities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of any county or incorporated city in this State is authorized to adopt a building code that specifies the design, soundness and materials of structures. (NRS 278.580) **Section 1** of this bill specifically authorizes such a governing body to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new single-family residence that has an area of livable space of 5,000 square feet or more. **Section 1** provides that, on or after July 1, 2015, a governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new single-

family residence that has an area of livable space of less than 5,000 square feet only if the governing body: (1) conducts an independent cost-benefit analysis of the proposed requirement to install an automatic fire sprinkler system; and (2) makes certain findings at a public hearing. **Section 1** provides that a governing body may require the installation of an automatic fire sprinkler system in such a residence without conducting the cost-benefit analysis and making the findings otherwise required by **section 1** if, with regard to any particular single-family residence, the governing body determines at a public hearing that the unique characteristics or location of the residence would cause an unreasonable delay in firefighter response time. **Additionally, section 1 prohibits a governing body from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in a structure other than a residential dwelling unit, regardless of whether the structure is located on public or private property, if the structure: (1) is covered but not completely enclosed; (2) is used primarily for agricultural, livestock or equestrian activities; (3) has spectator seating situated around the perimeter of the structure; and (4) is otherwise in compliance with all relevant building codes concerning exits and fire alarm systems.**

Section 6 of this bill provides that: (1) with certain exceptions, the amendatory provisions of **section 1** do not prohibit the enforcement of any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015; (2) any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body before January 1, 2015, but which makes such a requirement effective upon the occurrence of an event that has not occurred before January 1, 2015, is void and unenforceable; and (3) any building code, ordinance, regulation or rule which requires the installation of an automatic fire sprinkler system that was adopted by a governing body on or after January 1, 2015, but **on or** before ~~[the effective date of this bill,]~~ **June 30, 2015,** is void and unenforceable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of 5,000 square feet or more.

2. Except as otherwise provided in subsection 3, a governing body may, on or after July 1, 2015, adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than

5,000 square feet only if, before adopting the building code or taking the action, the governing body:

(a) Conducts an independent cost-benefit analysis of the adoption of a building code or the taking of any other action by the governing body that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet; and

(b) Makes a finding at a public hearing that, based on the independent cost-benefit analysis conducted pursuant to paragraph (a), adoption of the building code or the taking of any other action by the governing body that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet is to the benefit of the owners of the residential dwelling units to which the requirement would be applicable and that such benefit exceeds the costs related to the installation of automatic fire sprinkler systems in such residential dwelling units.

3. A governing body may require the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet without conducting the analysis or making the findings required by subsection 2 if the governing body makes a determination at a public hearing that the unique characteristics or the location of the residential dwelling unit, when compared to residential dwelling units of comparable size or location within the jurisdiction of the governing body, would cause an unreasonable delay in firefighter response time. In making such a determination, the governing body may consider:

(a) The availability of water for use by firefighters in the area in which the residential dwelling unit is located;

(b) The availability to firefighters of access to the residential dwelling unit;

(c) The topography of the area in which the residential dwelling unit is located; and

(d) The availability of firefighting resources in the area in which the residential dwelling unit is located.

4. A governing body shall not adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a structure other than a residential dwelling unit or any portion of such a structure, whether located on public or private property:

(a) That is covered but not completely enclosed;

(b) That is used primarily for agricultural, livestock or equestrian activities;

(c) That has spectator seating situated around the perimeter of the structure or portion thereof; and

(d) Which is otherwise in compliance with all relevant building codes concerning exits and fire alarm systems.

5. The provisions of this section do not prohibit:

(a) A local government from enforcing an agreement for the development of land which requires the installation of an automatic fire sprinkler system in any residential dwelling unit; or

(b) A person from installing an automatic fire sprinkler system in a structure described in subsection 4 or any residential dwelling unit.

~~[5.]~~ 6. As used in this section:

(a) "Automatic fire sprinkler system" has the meaning ascribed to it in NRS 202.580.

(b) "Residential dwelling unit" does not include a condominium unit, an apartment unit or a townhouse unit that shares a common wall with more than one other such unit.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.580 is hereby amended to read as follows:

278.580 1. Subject to the limitation set forth in NRS 244.368, ***and section 1 of this act,*** the governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures, and may adopt rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. A schedule of fees so fixed does not apply to the State of Nevada or the Nevada System of Higher Education, except that such entities may enter into a contract with the governing body to pay such fees for the issuance of building permits, the review of plans and the inspection of construction. Except as it may agree to in such a contract, a governing body is not required to provide for the review of plans or the inspection of construction with respect to a structure of the State of Nevada or the Nevada System of Higher Education.

3. Notwithstanding any other provision of law, the State and its political subdivisions shall comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

4. A governing body shall amend its building codes and, if necessary, its zoning ordinances and regulations to permit the use of:

(a) Straw or other materials and technologies which conserve scarce natural resources or resources that are renewable in the construction of a structure; and

(b) Systems which use solar or wind energy to reduce the costs of energy for a structure if such systems and structures are otherwise in compliance with applicable building codes and zoning ordinances, including those relating to the design, location and soundness of such systems and structures,

➥ to the extent the local climate allows for the use of such materials, technologies, resources and systems.

5. The amendments required by subsection 4 may address, without limitation:

(a) The inclusion of characteristics of land and structures that are most appropriate for the construction and use of systems using solar and wind energy.

(b) The recognition of any impediments to the development of systems using solar and wind energy.

(c) The preparation of design standards for the construction, conversion or rehabilitation of new and existing systems using solar and wind energy.

6. A governing body shall amend its building codes to include:

(a) The seismic provisions of the International Building Code published by the International Code Council; and

(b) Standards for the investigation of hazards relating to seismic activity, including, without limitation, potential surface ruptures and liquefaction.

Sec. 4. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 444.340 to 444.430, inclusive, and 477.030, ***and section 1 of this act,*** the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 6. 1. Except as otherwise provided in subsection 2, the amendatory provisions of section 1 of this act do not prohibit the enforcement by the governing body of a county or incorporated city in this State of any building code, ordinance, regulation or rule adopted by the governing body before January 1, 2015, which requires the installation of an automatic fire sprinkler system specified in section 1 of this act.

2. Any building code, ordinance, regulation or rule adopted by the governing body of a county or incorporated city in this State before January 1, 2015, which requires the installation of an automatic fire sprinkler system

specified in section 1 of this act and is effective upon the occurrence of any event, including, without limitation, the issuance of a certain number of building permits by the governing body, is hereby declared void and may not be enforced by the governing body if the event upon which the requirement for the installation of an automatic fire sprinkler system is effective did not occur before January 1, 2015.

3. Any building code, ordinance, regulation or rule adopted by the governing body of a county or incorporated city in this State on or after January 1, 2015, but **on or** before **[**~~the effective date of this act,~~**]** **June 30, 2015,** which requires the installation of an automatic fire sprinkler system specified in section 1 of this act is hereby declared void and may not be enforced by the governing body.

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison, Kirkpatrick, Sprinkle, and Wheeler.

ASSEMBLYMAN ELLISON:

The amendment prohibits the governing body of a county or incorporated city from adopting a building code or taking any other action that requires the installation of an automatic fire sprinkler system in structures used primarily for agricultural, livestock, or equestrian activities. Such buildings must be in compliance with all relevant building codes concerning exits and fire alarm systems.

ASSEMBLYWOMAN KIRKPATRICK:

This is yet another bill I worked on many times in Government Affairs. I just want to understand what it does. In section 1 of the bill, subsection 2, paragraphs (a) and (b), it says that a local government can go back and undo their current code that requires fire sprinklers. That is the way I am reading it, and I just want to be clear if this is the way it is. I know in 2009, in order to be in compliance with some ARRA [American Recovery and Reinvestment Act] dollars that the state accepted, we had to adopt codes across the state, and they had the ability to adopt fire sprinklers. I want to be sure, if a county currently has that in code—and we tried to be uniform across the state based on what folks wanted and needed for their areas—now are you saying the counties can go back and undo that and require an independent cost benefit analysis and also make a finding at a public hearing? I want to understand that piece; why are we going backward rather than going forward. We made concessions during the down time to make sure that folks could keep building. Your house can burn in eight minutes is what I understand.

I also want to understand in subsection 4. I am assuming this only applies in the rural areas of our state where they have outdoor venues for their livestock, for agriculture; barns, horse corrals, anything that is not covered would not be subject to it. I do not understand why we are putting that into statute when all of these years we have not done that and we have made a conscious effort to ensure safety for folks. If there was not a fire department somewhere within a reasonable time to protect your home, we required people to put fire sprinklers in. In North Las Vegas, that was a big deal because in eight minutes, your house is gone; that is your entire investment. I want to understand what the direction to local government is.

ASSEMBLYMAN ELLISON:

There are a lot of questions in there. I just finally got the bill up, but I think I can answer most of these. There is going to be a study on some of these units. Henderson already has a fire sprinkler system that is implemented into their county or city. They are exempt from this. Anything that is 5,000 square feet and above has to be sprinklered; anything smaller than that has be to part of the study.

The amendment that was proposed, which was for the agricultural and livestock centers, was out of Las Vegas—the County Commissioners asked for that amendment to be put in there. Most of these buildings in the rurals that you talked about are areas that could freeze or have no water pressure. They are trying to find what will work and what will not work.

Most of these small, small houses in there are going to be hit by a large insurance cost. It will be kind of like flood insurance, but it will be sprinkler insurance that has to go with every one of those new small homes. There are a lot of questions that are going to be answered in the study, and that is what we are hoping to get back to.

ASSEMBLYWOMAN KIRKPATRICK:

Five-thousand square feet—I think of my neighborhood. The average house is 1,500 square feet. In my mind it does not matter how big or small your house is. I always heard that fire sprinklers actually lowered your insurance, so I am a little confused by that. I am going to check this afternoon.

What happens while we do this study? Ironically, I have not heard from anyone in Clark County asking for waivers from this because every single entity across the state had to adopt these national codes in order to benefit from the ARRA [American Recovery and Reinvestment Act] funds they received. What happens in the process? In Clark County and in Washoe, they are not going to stop building, so what kind of code do they follow until the study gets done? There is nowhere in the cost benefit analysis that tells me the time frame by which this has to be done. There has to be a direction for the builders, there has to be a direction for code enforcement, and there has to be a direction for the building inspectors to be in compliance.

ASSEMBLYMAN ELLISON:

Not everybody throughout the state has adopted the 2012 building code. There were a lot of problems and two issues in the 2012 code. One is they put so much insulation in that they created a secondary problem. The other thing was the fire sprinkler system. Fire sprinkler systems will not work in every area. I spent quite a bit of time with the insurance companies and they said, Yes, there will be costs with sprinkler systems, mostly where children are involved. If they throw balls in the house and they hit these, it is going to flood the house. The other thing is the maintenance. Who is going to maintain these and who is going to inspect them? Those issues have never been brought up as to who is going to do that. I am hoping that if this information comes back to this body at the next session, we can determine where they are going to go and what they are doing. And nothing will burn.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Speaker, if you will just indulge me. I will work with the chairman outside of this floor session, but I am asking What is the legislative intent and the expectation for folks who are currently building new homes? If they are building a new home and if they are not under the 2012 national codes, they are under the 2009 or 2010 codes, and fire sprinklers are definitely within that. So is that the expectation—that they would stay within their current code today, do the study, and then come back and adopt something different?

I appreciate you indulging me a third time, but this is a pretty important issue when we talk about public safety. I want to understand what the building folks in my area should be expected to live by.

ASSEMBLYMAN ELLISON:

If I may, I would love to work with the Minority Leader and see if we can answer all these questions.

ASSEMBLYMAN SPRINKLE:

I also have a question for the Chairman of the Government Affairs Committee. It is back to the question my colleague just asked. I did not really feel comfortable with the answer you gave as far as the specific amendment. You said this came out of Las Vegas, but that is all you said. When I look at this language and it talks about agricultural, livestock, or equestrian activities that have spectator seating, to me that screams of public safety, and now we are trying to exempt them from having sprinkler systems. Could you maybe explain to me a little more about the conversation that went on as to why this amendment is necessary?

ASSEMBLYMAN ELLISON:

One of the things you have in agricultural centers or rodeo grounds are open facilities. They are large; they have no insulation. If there is a fire, it is going to be contained unless it is a place where there is hay. But if you try to sprinkle any place outside of Clark County—Washoe, Elko, all these other counties—there is no way you can keep these pipes from freezing and breaking. It would create more problems than what you started with. The only place that this was proposed was for Clark County, and this will go back and we will discuss it in great detail.

ASSEMBLYMAN WHEELER:

I believe the amendment in subsection 4 refers to an agricultural, livestock, or equestrian building that is covered but not enclosed. So in other words, it has no sides on it, just a roof. The idea is for areas such as rodeo arenas or open arenas, anywhere that has spectator seating where there are no walls to catch fire and most of these have metal roofs anyway.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 499.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 17.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 834.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to expand the rights guaranteed to victims of crime by adopting a victims' bill of rights.

Legislative Counsel's Digest:

Under the Nevada Constitution, the Legislature is required to provide by law for certain rights of the victims of crimes, in particular, the right to be informed of the status of criminal proceedings concerning those crimes, the right to be present at public hearings concerning those crimes and the right to be heard at all proceedings for the sentencing or release of persons convicted of those crimes. (Nev. Const. Art. 1, § 8)

This resolution proposes to amend the Nevada Constitution to eliminate the existing provisions of Article 1, section 8, concerning victims' rights and to add a new section that sets forth an expanded list of such rights in the form of a victims' bill of rights. The new section is modeled after the victims' bill of rights set forth in the California Constitution as it was amended in 2008 by what is commonly referred to as Marsy's Law. (Cal. Const. Art. 1, § 28)

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 23, be added to Article 1 of the Nevada Constitution to read as follows:

Sec. 23. 1. Each person who is the victim of a crime is entitled to the following rights:

(a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

(b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.

(d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.

(e) To refuse an interview or deposition request, unless under court order , ~~[or subpoena,]~~ and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

(g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

(h) To be reasonably heard, upon request , ~~[and at the discretion of the court,]~~ at any public proceeding, including any delinquency proceeding, in any court involving ~~[a postarrest release decision,]~~ release or sentencing, ~~[postconviction release decision or any proceeding in which a right of the victim is at issue.]~~ and at any parole proceeding.

(i) To the timely disposition of the case following the arrest of the defendant.

(j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

(l) To full and timely restitution.

(m) To the prompt return of legal property when no longer needed as evidence.

(n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

(o) To have the safety of the victim, the victim's family and the general public considered before any parole or other postjudgment release decision is made.

(p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

5. The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

6. The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

7. As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.

~~[8. This section is not intended and shall not be interpreted to infringe upon a right guaranteed to the defendant by the United States Constitution or the Nevada Constitution.]~~

And be it further

RESOLVED, That Section 8 of Article 1 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. ~~[~~The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

~~(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;~~

~~(b) Present at all public hearings involving the critical stages of a criminal proceeding; and~~

~~(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.~~

~~3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.~~

~~4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.~~

~~5.]~~ No person shall be deprived of life, liberty, or property, without due process of law.

~~[6.]~~ ***3.*** Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblymen Stewart and Elliot Anderson.

ASSEMBLYMAN STEWART:

Amendment 834 further clarifies that the victim has a reasonable right to be heard in any public proceedings involving the defendant.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to amendment 834 to Senate Joint Resolution 17.

If I could direct the body's attention to page 4 of the amendment, lines 23 through 25, the amendment strikes out the language "This section is not intended and shall not be interpreted to infringe upon a right guaranteed to the defendant by the *United States Constitution* or the *Nevada*

Constitution." This is a bad provision which I believe, by crossing this out, makes the bill potentially unconstitutional. It would create an interpretation nightmare for our Supreme Court. I urge that this amendment be rejected.

Amendment adopted.

Resolution ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 419.

Bill read third time.

The following amendment was proposed by Assemblyman Oscarson:

Amendment No. 794.

AN ACT relating to persons with disabilities; creating the Nevada ABLE Savings Program as a qualified ABLE program under the federal Achieving a Better Life Experience Act of 2014; authorizing the creation of a program within the Aging and Disability Services Division of the Department of Health and Human Services to provide independent living services and assistive technology for persons with disabilities who need independent living services; revising the terms of members of the Nevada Commission on Services for Persons with Disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Recently enacted federal law allows for the creation of tax-advantaged savings accounts for persons who have certain qualifying disabilities. Under the program, any person, including family members, may make a contribution to the account of a person with a qualified disability. Any interest or other growth in the value of the account and distributions taken from the account are tax free. The maximum amount that can be contributed tax free to the account of a qualified person is $14,000 per year. Distributions from the account may only be used to pay expenses related to living a life with a disability and may include such things as education, housing, transportation and employment training and support. Money in the account or distributions from the account do not affect the eligibility of a person for certain public benefits such as Social Security disability payments, Supplemental Nutrition Assistance Program benefits and Medicaid. To qualify for these benefits, the savings account into which contributions are made on behalf of a qualified person must be established and maintained by the qualified person's state of residence. If a state chooses not to establish its own program, it may contract with another state that has adopted a qualified program. (Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A) **Sections 2-15** of this bill require the **State Treasurer, in cooperation with the** Aging and Disability Services Division of the Department of Health and Human Services, ~~[in cooperation with the State Treasurer,]~~ to establish **or otherwise ensure the establishment of** the Nevada ABLE Savings Program as a qualified program pursuant to 26 U.S.C. § 529A.

Existing law creates the Aging and Disability Services Division within the Department of Health and Human Services and requires the Division to work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies to develop and improve policies of this State concerning programs and services for persons with disabilities. (NRS 427A.040) **Sections 18 and 19** of this bill authorize the Division to establish a program to provide independent living services and assistive technology for a person with a disability who needs independent living services.

Existing law creates the Nevada Commission on Services for Persons with Disabilities, which consists of 11 members appointed by the Director of the Department of Health and Human Services. (NRS 427A.1211) **Sections 21 and 22** of this bill make revisions to the terms of the members of the Commission to ensure that the terms of the members of the Commission are staggered.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 38 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the Department of Health and Human Services.***

Sec. 4. ***"Division" means the Aging and Disability Services Division of the Department.***

Sec. 5. ***"Nevada ABLE Savings Program" means the program*** ~~***[established by]***~~ ***the State Treasurer*** ~~***[pursuant to]***~~ ***established, or ensured the establishment of, as provided in section 8 of this act.***

Sec. 6. ***"Qualified ABLE program" has the meaning ascribed to it in the Achieving a Better Life Experience Act of 2014, 26 U.S.C. § 529A, as amended.***

Sec. 7. ***"Trust Fund" means the Nevada ABLE Savings Program Trust Fund created by section 11 of this act.***

Sec. 8. ***1. The State Treasurer may adopt regulations to establish and carry out the Nevada ABLE Savings Program to comply with the requirements of a qualified ABLE program pursuant to 26 U.S.C. § 529A, as amended.***

2. The regulations must be consistent with the provisions of the Internal Revenue Code set forth in Title 26 of the United States Code, and any regulations adopted pursuant thereto, to ensure that the Nevada ABLE Savings Program meets all criteria for federal tax-deferred or tax-exempt benefits, or both.

3. The regulations must provide for the use of savings trust agreements and savings trust accounts to apply distributions toward qualified disability expenses in accordance with 26 U.S.C. § 529A, as amended.

4. The regulations may include any other provisions not inconsistent with federal law that the State Treasurer determines are necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund, including, without limitation:

(a) Provisions for the charging and collection of administrative fees and charges in connection with any transaction relating to the Nevada ABLE Savings Program, including, without limitation, fees or charges related to continued participation in the Program;

(b) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, is not subject to attachment, levy or execution by any creditor of a contributor, account owner or designated beneficiary and may not be used as security for a loan;

(c) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility for any disability, medical or other health benefits administered by this State; and

(d) A requirement that any money deposited in accordance with a savings trust agreement, and any increase in the value thereof or qualified withdrawal taken therefrom, must not be used to calculate the personal assets of a designated beneficiary or account owner to determine eligibility or need for any student loan program, student grant program or any other student aid program administered by this State, except as otherwise provided for in federal law.

5. If the State Treasurer does not adopt regulations pursuant to this section to establish and carry out the Nevada ABLE Savings Program, the State Treasurer shall otherwise ensure that the Nevada ABLE Savings Program is established and carried out pursuant to sections 2 to 15, inclusive, of this act.

Sec. 9. ***1. The State Treasurer may delegate any of its administrative powers and duties specified in sections 2 to 15, inclusive, of this act if the State Treasurer determines that such delegation is necessary for the efficient and effective administration of the Nevada ABLE Savings Program and the Trust Fund.***

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may contract with one or more other states to:

(a) Provide for the administration of all or part of the Nevada ABLE Savings Program by another state;

(b) Authorize the State Treasurer to administer all or part of a qualified ABLE program of another state; or

(c) Jointly administer the Nevada ABLE Savings Program with a qualified ABLE program of one or more other states.

Sec. 10. *Savings trust accounts used and savings trust agreements entered into pursuant to sections 2 to 15, inclusive, of this act are not guaranteed by the full faith and credit of the State of Nevada.*

Sec. 11. *1. The Nevada ABLE Savings Program Trust Fund is hereby created.*

2. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation by this State and any political subdivision thereof.

3. The Trust Fund consists of:

(a) All money deposited in accordance with savings trust agreements;

(b) All earnings on the money in the Trust Fund;

(c) Any fees or charges charged to an account owner to cover expenses incurred in administering the Nevada ABLE Savings Program; and

(d) Any other money from any public or private source appropriated or made available to this State for the benefit of the Nevada ABLE Savings Program.

4. Money in the Trust Fund:

(a) Is not the property of this State, and this State has no claim to or interest in such money; and

(b) Must not be commingled with money of this State.

5. A savings trust agreement or any other contract entered into by or on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no account owner is entitled to any money in the Trust Fund except for that money on deposit in or accrued to his or her account.

6. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 15, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.

Sec. 12. *1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.*

2. In carrying out the provisions of sections 2 to 15, inclusive, of this act, the State Treasurer may use any administrative or investment agreements or arrangements used for the Nevada College Savings Program created pursuant to NRS 353B.300 to 353B.370, inclusive, without soliciting separate proposals for assistance with the management of all or part of the Nevada ABLE Savings Program.

3. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to sections 2 to 15, inclusive, of this act, including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

4. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

5. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada ABLE Savings Program.

6. The Endowment Account must be used for the deposit of any money received by the Nevada ABLE Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended for any purpose related to the Nevada ABLE Savings Program or in any other manner which assists residents of this State who are eligible individuals as defined in 26 U.S.C. § 529A, as amended.

Sec. 13. *The State Treasurer may accept and expend on behalf of the Trust Fund money provided by any entity for direct expenses or marketing. Such money is not a part of the Trust Fund.*

Sec. 14. *The State Treasurer may endorse insurance coverage written exclusively to protect the Trust Fund, and account owners and beneficiaries of the Trust Fund, which may be issued in the form of a group life policy. The provisions of title 57 of NRS are not applicable to the State Treasurer in carrying out the provisions of this section.*

Sec. 15. *1. The State Treasurer shall establish a comprehensive investment plan for the money in the Trust Fund.*

2. Notwithstanding the provisions of any specific statute to the contrary, the State Treasurer may invest or cause to be invested any money in the Trust Fund, including, without limitation, the money in the Program Account described in paragraph (a) of subsection 3 of section 12 of this act, in any manner reasonable and appropriate to achieve the objectives of the Nevada ABLE Savings Program, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The State Treasurer shall consider the risk, expected rate of return, term or maturity, diversification of total investments, liquidity and anticipated investments in and withdrawals from the Trust Fund.

3. The State Treasurer may establish criteria and select investment managers, mutual funds or other such entities to act as investment managers for the Nevada ABLE Savings Program.

4. The State Treasurer may employ or contract with investment managers, evaluation services or other services as determined by the State Treasurer to be necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

5. The Division and the State Treasurer may employ personnel and contract for goods and services necessary for the effective and efficient operation of the Nevada ABLE Savings Program.

6. The Division shall implement an outreach and educational program designed to create awareness of, and increase participation in, the Nevada

ABLE Savings Program. Any marketing plan and materials for the Nevada ABLE Savings Program must be approved by the Division.

7. The State Treasurer may prescribe terms and conditions of savings trust agreements.

8. The Division or State Treasurer may contract with one or more qualified entities for:

(a) The day-to-day operation of the Nevada ABLE Savings Program, and any associated educational and outreach activities of the Program, as the program administrator for the management of the marketing of the Nevada ABLE Savings Program;

(b) The administration of the comprehensive investment plan established pursuant to subsection 1 and the Trust Fund;

(c) The selection of investment managers for the Nevada ABLE Savings Program; and

(d) The performance of similar activities.

Sec. 16. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 20, inclusive, of this act.

Sec. 17. ***As used in sections 17 to 20, inclusive, of this act, unless the context otherwise requires, "person with a disability who needs independent living services" means a person with a physical disability, as that term is defined in NRS 427A.791, including, without limitation, a person who is blind, as that term is defined in NRS 426.082, who is in need of independent living services and who does not have a vocational goal.***

Sec. 18. ***1. The Division may, pursuant to this section and section 19 of this act, establish a program to provide independent living services and assistive technology for persons with disabilities who need independent living services.***

2. If the Division establishes a program pursuant to subsection 1, the Division shall adopt regulations:

(a) Establishing the procedures for a person to apply for independent living services and assistive technology;

(b) Prescribing the criteria for determining the eligibility of such an applicant;

(c) Prescribing the nature of the independent living services and assistive technology which may be provided and the conditions imposed on the provision of such services; and

(d) Setting forth such other provisions as the Division considers necessary to administer the program.

3. The decision of the Division regarding the eligibility of an applicant to participate in the program is a final decision for the purpose of judicial review.

Sec. 19. ***1. The independent living services that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without***

limitation, assistance and training as to how to perform skills of daily living, including, without limitation:

(a) The preparation and eating of meals;

(b) Home management, including, without limitation, paying bills;

(c) Communication, including, without limitation, the use of services of assistive technology;

(d) Orientation and mobility; and

(e) Any other skills that will allow a person who has recently become disabled to function and live in a more independent manner.

2. The services of assistive technology that the Division may, pursuant to this section and section 18 of this act, provide to a person with a disability who needs independent living services may include, without limitation:

(a) Large-print signs and reading materials;

(b) Voice recognition or Braille technology installed on a computer or handheld device;

(c) Global positioning satellite technology with voice output;

(d) Mechanical lifts or similar mobility enhancing devices;

(e) Telecommunications devices specially designed for persons with impaired vision, speech or hearing; and

(f) Any other technology that provides significant assistance in performing daily tasks to a person with a disability who needs independent living services.

Sec. 20. ***The Division may:***

1. Periodically research and determine the cost of providing services in this State for people who are blind or visually impaired and who do not have a vocational goal; and

2. Present a report of the findings of the research to the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

Sec. 21. NRS 427A.1211 is hereby amended to read as follows:

427A.1211 1. The Nevada Commission on Services for Persons with Disabilities, consisting of 11 voting members and 2 or more nonvoting members, is hereby created within the Division.

2. The Director shall appoint as voting members of the Commission 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities. The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

3. The Director and the Administrator shall serve as nonvoting, ex officio members of the Commission and each may designate an alternate within his or her office to attend any meeting of the Commission in his or her place.

4. The Director may appoint as nonvoting members of the Commission such other representatives of State Government as the Director deems appropriate.

5. After the initial term of an appointed member, the term of an appointed member is 3 years. An appointed member may be reappointed for an additional term of 3 years. An appointed member may not serve more than two terms ~~[.]~~ ***or 6 years, whichever is greater.*** A vacancy on the Commission must be filled in the same manner as the original appointment. An appointed member who serves for more than 1 year of a term to which another person was appointed may be appointed to serve only one additional full term as an appointed member. ***However, at the completion of the additional full-term, the member may be appointed to the remaining term of another member who has resigned or otherwise left the Commission before completing his or her term if the total combined service of the member being appointed, after serving the remaining term of the member who resigned or otherwise left the Commission, will not exceed 6 years.***

6. The Director may remove an appointed member of the Commission for malfeasance in office or neglect of duty. Absence from two consecutive meetings of the Commission constitutes good and sufficient cause for removal of an appointed member by the Director.

Sec. 22. 1. Notwithstanding any provision of subsection 5 of NRS 427A.1211, as amended by section 21 of this act, the existing terms of the voting members of the Nevada Commission on Services for Persons with Disabilities whose terms have not expired before July 1, 2015, must expire as follows:

(a) The terms of four voting members of the Commission must expire on June 30, 2016;

(b) The terms of four voting members of the Commission must expire on June 30, 2017; and

(c) The terms of three voting members of the Commission must expire on June 30, 2018.

2. The Director **of the Department of Health and Human Services** shall, at his or her sole discretion, determine the allocation of existing members of the Commission to the particular groupings established for the expiration of terms in subsection 1.

3. The terms of members of the Commission appointed after the expiration of the terms of the existing members of the Commission pursuant to subsection 1 must begin on July 1 of the year in which the member is appointed.

Sec. 23. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that the State Treasurer's Office will establish or otherwise ensure the establishment of the Nevada ABLE Savings Program.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 5 requires the Aging and Disability Services Division of the Department of Health and Human Services to enter into an agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions for jobs and day training services and supported living arrangement services.

Assembly Bill 5 also requires the Aging and Disability Services Division to give preference to potential providers of jobs and day training services that will provide persons with intellectual disabilities or persons with related conditions with training and experience leading to employment that is comparable to employment for persons without intellectual disabilities and persons without related conditions and pays at or above the state minimum wage. This act becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 5:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 21 revises Chapter 408 of the Nevada Revised Statutes to extend the period within which the State Board of Finance, when requested to do so by the Board of Directors of the Department of Transportation, may issue special obligation bonds to complete highway construction projects from not more than 20 years to not more than 30 years.

This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 21:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 708.

AN ACT relating to deceptive trade practices; ~~[revising the requirements for the impoundment of property in cases involving deceptive trade practices; authorizing the Attorney General to bring administrative actions in such~~

~~cases;~~ requiring the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry to provide investigative assistance to the Attorney General with ~~such~~ cases **involving deceptive trade practices;** revising the provisions governing the revolving account for the Consumer Affairs Division of the Department of Business and Industry; revising provisions governing the service of subpoenas issued by the Division; expanding injunctive relief available against a person engaging in a deceptive trade practice; ~~requiring the Attorney General to share certain proceeds with the Division;~~ authorizing the Director to assess administrative fines; revising provisions relating to assurances of discontinuance; revising provisions relating to nondisclosure; ~~authorizing certain violations to be charged as a felony;~~ creating the Consumer Affairs Unit within the Department of Business and Industry; continuing the transfer of certain powers and duties of the Consumer Affairs Division and the Commissioner of Consumer Affairs to the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes certain parties to seize property in a deceptive trade practice case if the property owner is given a hearing and the seizure will not impair his or her business activities. (NRS 598.096) Section 1 of this bill revises these requirements, authorizing such a seizure if the property owner is given a hearing and the seizure is necessary to protect the public and is in the public interest. Existing law authorizes the Attorney General to bring legal proceedings against a person who is engaging in a deceptive trade practice. (NRS 598.0963) Section 2 of this bill authorizes the Attorney General to alternatively bring an administrative action before the Consumer Affairs Division of the Department of Business and Industry.~~ Existing law requires that the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry provide investigative assistance to the Attorney General with cases involving a deceptive trade practice, subject to limitations of legislative appropriation or availability of personnel. (NRS 598.0965) **Section 3** of this bill removes the aforementioned limitations.

Existing law creates a revolving account for the Consumer Affairs Division ~~,~~ **of the Department.** (NRS 598.0966) **Section 4** of this bill requires the ~~Commissioner~~ **Director or his or her designee** to administer the account and ~~authorizes him or her~~ to deposit grants ~~and fines~~ **of money** received by the Division into the account. **Section 4** also requires the money in the account to be used to defray the costs of the Division. ~~Section 8 of this bill requires the Attorney General to share the proceeds of certain fines and penalties with the Division.~~ Existing law authorizes the Commissioner or the Director to issue subpoenas and prescribes the method of service. (NRS 598.0967) **Section 5 of this bill** revises the requirements for service of these subpoenas. Existing law authorizes a court to provide injunctive relief to prevent deceptive trade practices by a person who is not cooperating with an investigation. (NRS 598.097) **Section 6** of this bill authorizes a court to order a person who

is not cooperating with an investigation to cease doing business in this State. Existing law authorizes certain sanctions against a person found to be engaging in a deceptive trade practice, including an order to cease and desist, payment of investigation and hearing costs and payment of restitution. (NRS 598.0971) **Section 7** of this bill authorizes the Director to assess an administrative fine as well. **Section 9** of this bill revises the provisions authorizing the Commissioner or Director to accept an assurance of discontinuance **. [**~~in lieu of commencing a formal enforcement action.~~**]** Existing law allows the Commissioner or Director to make certain disclosures regarding deceptive trade practices. (NRS 598.098) **Section 10** of this bill makes the Commissioner and Director subject to the same nondisclosure law as the Attorney General in these cases. ~~**[**Section 13 of this bill authorizes certain violations of the provisions governing deceptive trade practices to be charged as a category B felony.**]**~~

Section 14 of this bill creates, from July 1, 2015, through June 30, 2017, the Consumer Affairs Unit within the Department to perform certain duties previously assigned to the Consumer Affairs Division. **Section 15** of this bill provides that certain provisions which were temporarily repealed by the 75th Session of the Nevada Legislature are no longer repealed. **Section 16** of this bill continues the temporary repeal of certain other provisions repealed by the 75th Session.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 598.096 is hereby amended to read as follows:~~

~~598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he or she may:~~

~~1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.~~

~~2. Examine under oath any person in connection with the sale or advertisement of any property.~~

~~3. Examine any property or sample thereof, record, book, document, account or paper as he or she may deem necessary.~~

~~4. Make true copies, at the expense of the Consumer Affairs Division of the Department of Business and Industry, of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.~~

~~5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his or her possession until completion of all proceedings as~~

~~provided in NRS 598.0903 to 598.0999, inclusive. An order may not be issued pursuant to this subsection unless:~~

~~(a) The Commissioner, Director or Attorney General and the court give the accused full opportunity to be heard; and~~

~~(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the~~ **[**~~business activities of the accused will not be impaired thereby.~~**]** ~~***impoundment of the property is necessary to protect the public from further deceptive trade practices and is in the public interest.]***~~ **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 598.0963 is hereby amended to read as follows:~~

~~598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.~~

~~2.~~ ~~***The Attorney General may bring an action in the name of the State of Nevada before the Consumer Affairs Division of the Department of Business and Industry for a violation of any provision of this chapter if he or she deems it appropriate to seek administrative enforcement. Any action brought pursuant to this subsection must not be dismissed by the Commissioner or Director before holding an evidentiary hearing.***~~

~~***3.***~~ ~~The Attorney General may institute criminal~~ ***, civil or administrative*** ~~proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive.~~ ***A criminal or civil proceeding may be initiated in any district court.*** ~~The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.~~

~~**[**3.**]** ***4.*** If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

~~**[**4.**]** ***5.*** If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.~~**]** **(Deleted by amendment.)**

Sec. 3. NRS 598.0965 is hereby amended to read as follows:

598.0965 1. **[**~~Within the limits of legislative appropriation and the availability of personnel, the~~**]** ***The*** Commissioner or Director shall provide investigative assistance, including the identification and use of relevant evidence in his or her possession, necessary for litigation referred to the Attorney General pursuant to NRS 598.0963 or 598.0979. The Attorney

General shall provide legal advice and guidance to the Commissioner or Director in carrying out his or her powers and duties pursuant to NRS 598.0903 to 598.0999, inclusive, including the investigation of any alleged violation of those sections and the preparation for litigation.

2. Upon written request by the Attorney General, the Commissioner or Director may provide any investigative assistance, including evidence and information in his or her possession, for use in any action brought by the Attorney General pursuant to subsection 3 ~~*[4]*~~ of NRS 598.0963. No request for assistance may be unreasonably denied.

Sec. 4. NRS 598.0966 is hereby amended to read as follows:

598.0966 1. There is hereby created a revolving account for the Consumer Affairs Division of the Department of Business and Industry **.** ~~[in the sum of $7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.]~~ ***The account must be administered by the ~~[Commissioner.]~~ Director or his or her designee.***

2. The ~~[Commissioner]~~ ***Director or his or her designee*** shall deposit ~~[the money in the revolving account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.]~~ ***any grant ~~[or administrative fine]~~ of money received by the Division into the account ~~[.~~***

~~3. The Commissioner or the designee of the Commissioner may:~~

~~(a) Sign all checks drawn upon the revolving account; and~~

~~(b) Make withdrawals of cash from the revolving account.~~

~~4. Payments made from the revolving account must be promptly reimbursed from the legislative appropriation, if any, to the Consumer Affairs Division for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.~~

~~5. The Commissioner shall:~~

~~(a) Approve any disbursement from the revolving account; and~~

~~(b) Maintain records of any such disbursement.~~ ***~~The]~~ , and any money in the account must be used solely to defray the costs and expenses of the Division.***

3. The Director or his or her designee shall deposit any administrative fines received by the Division into the State General Fund.

Sec. 5. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive. Such

regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, to particular persons or circumstances.

2. ~~[Service]~~ ***Except as otherwise provided in this subsection, service*** of any notice or subpoena must ~~*[may]*~~ be made ***by certified mail with return receipt or*** as ~~[provided in N.R.C.P. 45(c).]~~ ***otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.***

Sec. 6. NRS 598.097 is hereby amended to read as follows:

598.097 If any person fails to cooperate with any investigation, as provided in NRS 598.096, or if any person fails to obey a subpoena issued by the Commissioner, Director or Attorney General pursuant to NRS 598.0963 or 598.0967, the Commissioner, Director or Attorney General may apply to any district court for equitable relief. The application must state reasonable grounds showing that the relief is necessary to terminate or prevent a deceptive trade practice. If the court is satisfied of the reasonable grounds, the court may:

1. Grant injunctive relief restraining the sale or advertisement of any property by the person.

2. Require the attendance of or the production of documents by the person, or both.

3. ***Order the person to cease doing business within this State.***

4. Grant other relief necessary to compel compliance by the person.

Sec. 7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, the Commissioner may issue an order directed to the person to show cause why the ~~[Commissioner]~~ ***Director*** should not order the person to cease and desist from engaging in the practice ~~[.]~~ ***and to pay an administrative fine.*** The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. ***An administrative hearing on any action brought by the Commissioner*** ~~*[or the Attorney General]*~~ ***must be conducted before the Director or his or her designee.***

3. If, after conducting a hearing pursuant to the provisions of subsection ~~[1,]~~ ***2,*** the ~~[Commissioner]~~ ***Director or his or her designee*** determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the ~~[Commissioner may make a written report of]~~ ***Director or his or her designee shall issue an order setting forth*** his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the ~~[Commissioner]~~ ***Director or his or her designee*** determines in

the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the ~~[~~Commissioner~~]~~ ***Director or his or her designee*** free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive; ~~[~~and~~]~~

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation ~~[~~.~~]~~ ***; and***

(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

~~[~~3.~~]~~ ***4.*** Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection ~~[~~2~~]~~ ***3*** or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

~~[~~4.~~]~~ ***5.*** If a person fails to comply with any provision of an order issued pursuant to subsection ~~[~~2,~~]~~ ***3,*** the Commissioner ***or the Director*** may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

~~[~~5.~~]~~ ***6.*** If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the ~~[~~Commissioner~~]~~ ***Director or his or her designee*** concerning the written report and any order issued pursuant to subsection ~~[~~2~~]~~ ***3*** are in the interest of the public; and

(c) The findings of the ~~[~~Commissioner~~]~~ ***Director or his or her designee*** are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the ~~[~~Commissioner.~~]~~

~~[~~6. Except as otherwise provided in NRS 598.0974, an~~]~~ ***Director or his or her designee.***

7. ***An*** order issued pursuant to subsection ~~[~~5~~]~~ ***6*** may include:

(a) A provision requiring the payment to the ~~[~~Commissioner~~]~~ ***Consumer Affairs Division of the Department of Business and Industry*** of a penalty of

not more than $5,000 for each act amounting to a failure to comply with the ~~[~~Commissioner's~~]~~ ***Director's or designee's*** order; ~~[or]~~

(b) ***An order that the person cease doing business within this State; and***

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

~~[~~7.~~]~~ ***8.*** Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

~~[~~8.~~]~~ ***9.*** Upon the violation of any judgment, order or decree issued pursuant to subsection ~~[~~5~~]~~ ***6*** or ~~[~~6,~~]~~ ***7,*** the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection ~~***[subsections]***~~ 3 ~~***[and 4]***~~ and in subsection 1 of NRS 598.0999, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive:

(a) In an action brought by the Attorney General, ~~[~~Commissioner or Director,~~]~~ must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[~~.~~]~~ ***, by the Attorney General.***

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly persons or persons with disabilities; and

(b) Programs for the education of consumers which are directed toward elderly persons or persons with disabilities, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

3. ~~***[In any matter in which, pursuant to NRS 598.0965, the Attorney General obtains the assistance of the Consumer Affairs Division of the Department of Business and Industry, one third of the proceeds of any administrative fines or penalties paid in that matter must be delivered to the Consumer Affairs Division for deposit in the revolving account for the Consumer Affairs Division created pursuant to NRS 598.0966.***~~

~~***—4.]***~~ The provisions of this section do not apply to:

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive; or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the Consumer Affairs Division of the Department of Business and Industry or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. NRS 598.0979 is hereby amended to read as follows:

598.0979 1. Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, when the Commissioner or Director has cause to believe that a person has engaged or is engaging in any deceptive trade practice, knowingly or otherwise, he or she may request in writing that the Attorney General represent him or her in instituting an appropriate legal proceeding, including, without limitation, an application for an injunction or temporary restraining order prohibiting the person from continuing the practices. The court may make orders or judgments necessary to prevent the use by the person of any such deceptive trade practice or to restore to any other person any money or property which may have been acquired by the deceptive trade practice.

2. Where ~~*[In any action or proceeding,]*~~ the Commissioner or Director has the authority to institute a civil action or other proceeding, in lieu thereof or as a part thereof, he or she may accept an assurance of discontinuance of any deceptive trade practice ~~*[in lieu of maintaining the action or proceeding.]*~~ This assurance may include a stipulation for the payment by the alleged violator of:

(a) The costs of investigation and the costs of instituting the action or proceeding ~~[;]~~ ***, including attorney's fees for the services of the Attorney General;***

(b) Any amount of money which he or she may be required to pay pursuant to the provisions of NRS 598.0971 in lieu of any administrative fine; and

(c) The restitution of any money or property acquired by any deceptive trade practice.

~~[➥ Except as otherwise provided in this subsection and NRS 239.0115, any assurance of discontinuance accepted by the Commissioner or Director and any stipulation filed with the court is confidential to the parties to the action or proceeding and to the court and its employees. Upon final judgment by the court that an injunction or a temporary restraining order, issued as provided in subsection 1, has been violated, an assurance of discontinuance has been violated or a person has engaged in the same deceptive trade practice as had previously been enjoined, the assurance of discontinuance or stipulation becomes a public record. Proof by a preponderance of the evidence of a violation of an assurance constitutes prima facie evidence of a deceptive trade practice for the purpose of any civil action or proceeding brought thereafter by the Commissioner or Director, whether a new action or a subsequent motion or petition in any pending action or proceeding.]~~

~~*[2.]*~~ ***3.*** ***Any assurance of discontinuance accepted by the Commissioner or Director pursuant to subsection*** ~~*[1]*~~ ***2 must be filed with the court in the same manner as required by the Attorney General pursuant to NRS 598.0995 and, upon acceptance by the court, becomes an order of the court. An assurance of discontinuance made pursuant to subsection*** ~~*[1]*~~ ***2 is not an admission of guilt or liability for any purpose, except that any failure***

to comply with the provisions of the assurance is enforceable in the same manner as provided in subsection 7 of NRS 598.0971.

Sec. 10. NRS 598.098 is hereby amended to read as follows:

598.098 1. ~~[NRS 598.0903 to 598.0999, inclusive, do not prohibit the]~~ ***The*** Commissioner or Director ~~[from disclosing to the Attorney General, any district attorney or any law enforcement officer the fact that a crime has been committed by any person, if this fact has become known as a result of any investigation conducted pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive.]~~ ***may, during the course of the investigation of any alleged violation of this chapter, obtain and use any intelligence, investigative information or other information obtained by or made available to the Commissioner or Director. Except as otherwise provided in subsections 2 and 3, any such intelligence or information received must remain confidential under the laws of this State until the Commissioner or Director obtains a final administrative order pursuant to NRS 598.0971 and is exempt from the provisions of NRS 239.010.***

2. ~~[Subject to the provisions of subsection 2 of NRS 598.0979 and except]~~ ***Except*** as otherwise provided in ~~[this section,]~~ ***subsection 4,*** the Commissioner or Director may ~~[not make public the name of any person alleged to have committed a deceptive trade practice. This subsection does not:~~

~~(a) Prevent the Commissioner or Director from issuing public statements describing or warning of any course of conduct which constitutes a deceptive trade practice.~~

~~(b) Apply to a person who is subject to an order issued pursuant to subsection 5 of NRS 598.0971.]~~ ***cooperate with and coordinate the enforcement of the provisions of this chapter with the Attorney General, any state or local governmental agencies, officer of the Federal Government and the several states, including, without limitation, the sharing of information and evidence obtained in accordance with NRS 598.0967.***

3. ~~[Upon request,]~~ ***The provisions of subsections 1 and 2 do not prohibit*** the Commissioner ~~[may:~~

~~(a) Disclose the number of written complaints received by the Commissioner during the current and immediately preceding 3 fiscal years. A disclosure made pursuant to this paragraph must include the disposition of the complaint disclosed.~~

~~(b) Make public any order to cease and desist issued pursuant to subsection 5 of NRS 598.0971.~~

~~➥ This subsection does not authorize the Commissioner to disclose or make public the contents of any complaint described in paragraph (a) or the record of or any other information concerning a hearing conducted in relation to the issuance of an order to cease and desist described in paragraph (b).]~~ ***or Director from disclosing any intelligence or information received pursuant to subsection 1, including, without limitation, the address or telephone number of a business or organization.***

4. ~~[The Commissioner may adopt regulations authorizing the disclosure of]~~ ***If any*** information ~~[concerning any complaint or number of complaints received by]~~ ***sought pursuant to an investigation of an alleged violation of this chapter includes a trade secret,*** the Commissioner or Director ~~[relating to a person who has been convicted of violating a provision of NRS 598.0903 to 598.0999, inclusive.]~~ ***shall enter into, and be bound by, an agreement regarding limitations on the disclosure of the information to protect the trade secret. Notwithstanding the provisions of this section, the Commissioner or Director shall not disclose that information in violation of the terms of the agreement. As used in this subsection, "trade secret" has the meaning ascribed to it in NRS 600A.030.***

Sec. 11. ~~[NRS 598.099 is hereby amended to read as follows:~~

~~598.099 Whenever the district attorney or the Attorney General has reason to believe that the delay caused by complying with the notice requirement of NRS 598.0987 or the requirements of subsection [3] 4 of NRS 598.0963 would cause immediate harm to the public of this state or endanger the public welfare, he or she may immediately institute an action for injunctive relief, including a request for a temporary restraining order, upon proof of specific facts shown by affidavit or by verified complaint or otherwise that such immediate harm will be or is likely to be caused by the delay. The Attorney General shall give written notice of the filing by the Attorney General of such an action to the Commissioner or Director. The Nevada Rules of Civil Procedure pertaining to the issuance of temporary restraining orders govern all actions instituted pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 12. NRS 598.0995 is hereby amended to read as follows:

598.0995 1. In proceeding pursuant to subsection 3 ~~[4]~~ of NRS 598.0963 or NRS 598.0987 to 598.0995, inclusive, the district attorney or Attorney General may accept an assurance of discontinuance with respect to any method, act or practice deemed to be a deceptive trade practice from any person who is engaged or is about to engage in the method, act or practice by following the procedures set forth in ~~[subsection 2 of]~~ NRS 598.0979.

2. Any assurance made pursuant to subsection 1 must be in writing and must be filed with and subject to the approval of the district court in the county in which the alleged violator resides or has his or her principal place of business, or the district court in any county where any deceptive trade practice has occurred or is about to occur or the district court agreed to by the parties.

3. An assurance of discontinuance made pursuant to subsections 1 and 2 is not an admission of violation for any purpose, but is subject to the terms, limitations and conditions of NRS 598.0979.

Sec. 13. ~~[NRS 598.0999 is hereby amended to read as follows:~~

~~598.0999 1. [Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive,] Upon a finding of a violation based upon a complaint brought by [the Commissioner, the Director,] the district attorney of any county of this State or the Attorney General , a violator~~ shall

~~forfeit and pay to the State General Fund a civil penalty of [not more than] $10,000 *or treble the amount of restitution ordered* for each violation [.] , *whichever is greater.* For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.~~

~~2. [Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The] *In any action brought pursuant to this chapter, the* court in any such action may, in addition to any other relief or reimbursement, *reimburse the State for the costs of any investigation and* award reasonable attorney's fees and costs.~~

~~3. [A] *Except as otherwise provided in subsection 4, a* natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

~~(a) For the first offense, is guilty of a misdemeanor.~~

~~(b) For the second offense, is guilty of a gross misdemeanor.~~

~~(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~→ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.~~

~~4. [Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.] *If the Attorney General or the district attorney of any county of this State files a criminal complaint alleging that a violation of this chapter includes any charges for theft or racketeering, the violation must be charged as a category B felony.*~~

~~5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:~~

~~(a) The suspension of the person's privilege to conduct business within this State; or~~

~~(b) If the defendant is a corporation, dissolution of the corporation.~~

~~→ The court may grant or deny the relief sought or may order other appropriate relief.~~

~~6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:~~

~~(a) The suspension of the person's privilege to conduct business within this State; or~~

~~(b) If the defendant is a corporation, dissolution of the corporation.~~

~~→ The court may grant or deny the relief sought or may order other appropriate relief.~~**]** **(Deleted by amendment.)**

Sec. 14. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. From July 1, 2015, through June 30, 2017, for the purposes of the provisions of NRS 598.0903 to 598.0999, inclusive, any duty or authority conferred upon or any reference to the Consumer Affairs Division of the Department of Business and Industry shall be deemed to be the duty or authority of, or a reference to, the Consumer Affairs Unit which is hereby created in the Department of Business and Industry.

2. The Director of the Department of Business and Industry shall designate a Deputy Director of the Department of Business and Industry ~~***[shall]***~~ ***to serve as the Commissioner of Consumer Affairs and Chief of the Consumer Affairs Unit.***

Sec. 15. Section 77 of chapter 475, Statutes of Nevada 2009, at page 2732, is hereby amended to read as follows:

Sec. 77. 1. NRS 487.535, 487.568, 487.570, 487.602, 597.480, 597.490, 597.500, 597.510, 597.520, 597.530, 597.535, 597.540, 597.550, 597.560, 597.570, 597.5701, 597.5702, 597.5703, 597.5704, 597.5705, 597.5706, 597.580, 597.590, 598.971, 598.975, 598.981, 598.985 and 598.990 are hereby repealed.

2. NRS ~~[598.0913, 598.0927, 598.0957, 598.0959, 598.0965, 598.0966, 598.0967, 598.0971, 598.0979, 598.098,]~~ 598.305, 598.307, 598.315, 598.317, 598.325, 598.335, 598.345, 598.356, 598.361, 598.365, 598.366, 598.367, 598.371, 598.372, 598.373, 598.374, 598.375, 598.385, 598.395, 598.405, 598.416, 598.425, 598.435, 598.445, 598.455, 598.465, 598.471, 598.485, 598.495, 598.506, 598.515, 598.525, 598.845, 598.851, 598.855, 598.860, 598.865, 598.915, 598.9407, 598.9413, 598.944, 598.946, 598C.030, 598C.180, 599B.015, 599B.080, 599B.090, 599B.100, 599B.105, 599B.110, 599B.115, 599B.120, 599B.125, 599B.130, 599B.140, 599B.143, 599B.145 and 599B.195 are hereby repealed.

Sec. 16. Section 80 of chapter 475, Statutes of Nevada 2009, as last amended by chapter 250, Statutes of Nevada 2013, at page 1054, is hereby amended to read as follows:

Sec. 80. 1. This section and sections 1 to 35, inclusive, 36 to 57, inclusive, and 58 to 79, inclusive, of this act become effective on July 1, 2009.

2. The amendatory provisions of sections 3, 4, ~~[36 to]~~ ***50,*** 51, ~~[inclusive,]~~ 57, 58 to 75, inclusive, and subsection 2 of section 77 of this act expire by limitation on June 30, ~~[2015.]~~ ***2017.***

3. Sections 35.1 to 35.95, inclusive, and 57.5 of this act become effective on July 1, 2015.

4. The amendatory provisions of sections 36 to 49, inclusive, of this act expire by limitation on June 30, 2015.

Sec. 17. 1. This section and sections 14, 15 and 16 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

3. Section 14 of this act expires by limitation on June 30, 2017.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 708 to Assembly Bill 481 removes sections 1, 2, 11, and 13 and reinstates certain provisions proposed to be deleted in sections 8 and 9. It requires administrative fines received by the Director to be deposited in the State General Fund rather than the revolving account and any grant funds received be deposited in the account.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 36 provides an exemption to state business licensing requirements such that an out of-state business that provides vehicles or equipment to assist with a wildfire, flood, earthquake, or other emergency on a short-term basis need not hold a state business license and may legally pay an employee who provides services according to the provisions of the bill.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblymen Gardner and Carlton.

ASSEMBLYMAN GARDNER:

Senate Bill 38 requires persons who manufacture, sell, or distribute gaming associated equipment to be registered with the Nevada Gaming Commission and requires the Commission to develop appropriate regulations for such registration. The Commission is also directed to adopt regulations governing the registration of certain club venue employees and related matters.

Additionally, the bill broadens the range of charitable and professional organizations that are authorized to conduct charitable lotteries in the state and allows for the conduct of multicounty charitable events subject to regulatory approval.

Finally, Senate Bill 38 revises several definitions related to manufacturers of gaming-associated equipment and repeals obsolete provisions concerning the granting of certain gaming licenses.

This bill is effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks, and on July 1, 2015, for all other purposes.

ASSEMBLYWOMAN CARLTON:

My one concern with Senate Bill 38 was under section 1.7 as far as requiring a club venue employee to register with the board in the same manner as a gaming employee. I am very happy to see that language; it is something I brought up years ago. When the day clubs started, even though they were subcontracted out, the employees did not have to go through the same criteria that other gaming employees would have to go through, so I am glad to see and hope that this means they will be fingerprinted, background checked, and will have sheriff's cards in the future to secure the safety and security of our gaming establishments.

Roll call on Senate Bill No. 38:

YEAS—38.

NAYS—Fiore, Moore, Seaman, Shelton—4.

Senate Bill No. 38 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 70 provides that for the purpose of complying with certain requirements relevant to the Open Meeting Law, a working day is every day of the week except Saturday, Sunday, and legal holidays prescribed in existing law, even if an agency has a four-day workweek. The bill compiles a list of certain meetings, hearings, or other proceedings not subject to the general provisions of the Open Meeting Law. A public body must certify in writing, including certain prescribed information, its compliance with the requirements for minimum public notice for each of its meetings.

Specific legal authority is required for a public body to designate a person to attend a meeting of the public body in the place of another member. The minutes of a public meeting must be approved not later than 45 days after the meeting or at the next meeting of the public body, whichever occurs later. The name of a person who may be the subject of any type of administrative action by a public body, including administrative actions that are not adverse to a person such as the appointment of the person to a position, must be included on its agenda.

Senate Bill 70 authorizes the filing of a complaint alleging a violation of the Open Meeting Law with the Office of the Attorney General. Such a complaint is a public record but makes any other information obtained by the Attorney General during an investigation of a violation of the Open Meeting Law confidential until the investigation is closed, unless the information is obtainable from another source.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 112 makes discretionary the adoption of regulations by the Public Utilities Commission of Nevada setting forth the standards of performance and penalties for nonrural incumbent local exchange carriers.

This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 112:

YEAS—42.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 231 revises various provisions governing workers' compensation. It provides that a health care provider may dispense only an initial 15-day supply of a schedule II or schedule III controlled substance to an injured employee. Any additional doses that are prescribed must be provided by a registered pharmacy. A health care provider must include the original manufacturer's National Drug Code for the drug on all bills and reports submitted to the insurer. The measure requires an insurer to pay or deny a health care provider's bill for accident benefits within 45 days of receipt.

In addition, Senate Bill 231 removes the rebuttable presumption provisions concerning a workplace injury that occurs while an employee is under the influence of alcohol or drugs and replaces those provisions with a requirement that the employee not receive compensation unless he or she can prove by clear and convincing evidence that being intoxicated or under the influence of a controlled or prohibited substance was not the proximate cause of the injury.

Finally, the results of any alcohol or drug test performed as a result of an injury must be made available to an insurer or employer upon request.

This bill is effective upon passage and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 231:

YEAS—42.

NAYS—None.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 232 provides a right to reimbursement in situations in which an insurer, managed care organization, third-party administrator, or employer appeals an order of a hearing officer, appeals officer, or district court and the order is not stayed pending the appeal. In such a situation, if the appeal is successful, the insurer, managed care organization, third party administrator, or employer is entitled to seek reimbursement from the injured employee's health or casualty insurer for payments made while the appeal was pending.

The bill also revises provisions concerning the reopening of a claim such that an employee has one year to file an application to reopen a claim if the employee was not incapacitated from earning full wages for at least 5 consecutive days or 5 cumulative days within a 20-day period. Further, the measure provides that an employee who has sustained more than one permanent partial disability may not receive compensation for any portion of the injury that is based on a combined permanent partial disability rating for all the employee's injuries that exceeds 100 percent.

This bill is effective upon passage and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 232:

YEAS—42.

NAYS—None.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I would like the record on Senate Bill 232 to be clear. Some statements were made in the committee, and they were not incorporated into the floor statement because I don't believe the bill was ever justified. I would like the record to refer to the statements that were made in committee on behalf of this bill. The person who proposed the bill said it did not affect or it was not the intent on what the time frame was that you had to be off. I want to be very sure that if there is ever a challenge to it legally, there is a great record in the committee. I would hope that this would be put in the journal because I feel that the floor statement did not address it. To me that is not okay because I might have changed my vote.

Without objection, Mr. Speaker directed that the following excerpt from the minutes of the May 6, 2015, meeting of the Assembly Committee on Commerce and Labor be entered into the day's journal.

DONALD JAYNE, REPRESENTING NEVADA SELF-INSURERS ASSOCIATION:

Senate Bill 232 (1st Reprint) has three key sections. Section 1 of the bill addresses *Nevada Revised Statutes* (NRS) 616C.138, and according to the Legislative Counsel's Digest, "provides a reciprocal right to reimbursement in situations in which an insurer, organization for managed care, third-party administrator or employer appeals an order of a hearing officer, appeals officer or district court and the order is not stayed pending the appeal. In such situations, if the appeal is

successful, the insurer, organization for managed care, third-party administrator or employer is entitled to seek reimbursement."

In a prior session, health insurers came forward and said if they denied a claim as a workers' compensation insurer and ultimately began to pay under a health policy, and it was later determined through a hearing, an appeal, or a district court that it was, in fact, a workers' compensation claim, they could be reimbursed for those expenses. We are seeking the same reciprocal arrangement in reverse.

Let us say we initially deny a claim, we do not think it is workers' compensation, and we are ordered to pick up the claim. We pick it up and are not able to get a stay, so we begin to pay the bills and treat on the claim. If we are later successful on that appeal and it is determined not to be a workers' compensation claim, then we do not think the workers' compensation insurer should bear the burden of those expenses. We should have the same ability to go to the health insurer and request reimbursement for those expenses. That is what section 1 does.

During the hearing in the Senate, concerns were expressed by Rusty McAllister, president of the Professional Fire Fighters of Nevada, and Ryan Beaman, president of Clark County Firefighters Local 1908. We worked with them extensively to try to find a way to protect their health fund because of the uniqueness of the claims in NRS Chapter 617. They can be incredibly large and have different types of treatment plans. I sent an email to the Chairman of the Senate Committee on Commerce, Labor and Energy and told him that we probably would not be successful in getting an amendment agreed to, but surprisingly enough, we were able to pick up an amendment that is incorporated into the first reprint of the bill. It satisfied their concerns and kind of put a firewall between those sections in NRS Chapter 617.

Section 2 of the bill addresses language regarding the reopening of claims in the workers' compensation law in NRS 616C.390. In subsection 5, there is a portion that refers to an injured worker being off work. Over time, that definition has begun to cause problems for us as well. Jason Mills was testifying earlier on a different bill and mentioned how case law begins to pile up. We have begun to see losses on what "off work" is when somebody was off work for an hour or half a day. We felt that the original legislative intent of this would be someone who was off work for a more extensive period of time to be in the reopening sections. In this section, we are looking to point to existing law in NRS 616C.400 to give some clarification as to what off work would mean. This section essentially talks about being off work for 5 consecutive days, or 5 days out of 20, and is a trigger used for the temporary total disability (TTD) benefits. Our initial version of this bill did not reference NRS 616C.400 until we worked with the Nevada Justice Association (NJA) to try to clarify what we were intending to do. That is where we incorporated a specific reference to NRS 616C.400.

Section 3 of the bill addresses the current limitation on the amounts of a permanent partial disability (PPD). Currently, you cannot take more than 25 percent of your PPD in a lump sum, the balance of which is paid in installments, and those installments can be paid until the individual is age 70. With the recent developments in bringing in the fifth edition of the *Guides to the Evaluation of Permanent Impairment* and addressing activities of daily living, we are finding more and more claims coming in with PPDs that exceed 25 percent. There are some situations where you could have a 25-year-old injured worker who wanted a lump sum for his claim; we would give him the 25 percent, and he would have 1 or 2 percentage points left over, and we would be sending him a small check every year until he was 70 years old. We think the change is appropriate because this section has not been updated in more years than I could find. I could not find where we put 25 percent in, and I only go back to 1991 with my work in workers' compensation in Nevada.

In section 3, our recommendation is to move that up to 30 percent. By choice, if an injured worker wants a lump sum, he can take up to 30 percent with the language we are proposing here, and the balance and installments. Recognizing that the PPD awards have escalated over time, we feel it appropriate to move that percentage up a bit. Do not forget that this is a voluntary move. With a PPD, the injured worker, if he chooses to, could take installments. This was a limitation placed in the law to prevent the situation where an injured worker, without intent of finding himself in duress because he was behind in his bills and had other issues going on, would take a lump sum and then would not have any additional money. I believe that is why the 25 percent was originally

put in. I was not here for that, but we are looking to raise that in recognition of the increase in the PPD awards that is occurring.

The other part of that section also clarifies that the person, over time, cannot receive more than 100 percent of the whole body, or what we call a "whole man." When you look at the body, it is a 100 percent body; if you get a PPD that is 20 percent, that is 20 percent of the whole body. Unfortunately we sometimes have individuals with multiple claims, and we are looking to clarify that you cannot get more than 100 percent of what your whole man is. The American Medical Association's *Guides to the Evaluation of Permanent Impairment* gives us direction on how to calculate that just in case somebody had a PPD that was on a second, third, or fourth version. There are methods in there on how to calculate and adjust those. We believe it is appropriate to point out that 100 percent of the whole man is the limitation.

CHAIRMAN KIRNER:
Are there any questions?

ASSEMBLYMAN ELLISON:
Let us say an injured worker gets a PPD of 30 percent and takes a lump sum. Can he reopen that claim ten years down the road?

DON JAYNE:
This section does not really impact that, if I understand your question. I was talking about reopening in a different section. Section 3 does not apply to reopening. Under section 3, when it is time to get your PPD award, when you get your lump sum, the lump sum could go from 25 percent to 30 percent. All the other limitations would still exist.

ASSEMBLYWOMAN CARLTON:
I have some concerns with the limits. This will impact the injured worker because if he hits 110 percent or 155 percent, statutorily, we are going to be taking a benefit away from him. I have some problems with that. I know it does not happen often and it is probably someone who was injured over his career, but there could be a construction worker who gets injured when he was younger, middle-aged, and older, and if he subsequently injures himself again, by the time you add all of this together, we will be taking a benefit away. I do not think it is something we should take lightly and gloss over. How many people do we have who are over 100 percent? Do we know?

DON JAYNE:
We have addressed these issues and discussed them over time. I do not have a number of how many are over 100 percent. What may be helpful is if I could bring to you the way that is calculated and we could start a conversation. It is my understanding—and I am not an expert on how to do a PPD rating—that there are guidelines and directions within the rating guides. If possible, I would like to show those to you individually. If there are problems from there, we can take a look at the language.

ASSEMBLYWOMAN CARLTON:
If we do not talk about it in the Committee, there is no record of it. Meetings in our offices are great, but getting answers in the Committee is the way we build an actual record. I want to make sure that everyone understands this proposal takes away money from injured workers.

ASSEMBLYWOMAN KIRKPATRICK:
In section 1, subsection 4, starting at line 36, does this in any way help expedite the process? I had a firefighter in my district who was waiting for his workers' compensation claim to go through. Unfortunately, he passed away before that came to fruition. If we are going to solve one problem, we should look at how we get people in and through the system. As far as the payment and the appeal process, is it expedited at all? It is kind of like social security; they deny you first and make you go back and reprove everything. I am wondering if this speeds up the time frame.

DON JAYNE:
Unfortunately, I do not believe the intent in bringing this bill was to try to speed up the process. It may not speed up the process. The very nature of what we are bringing here would say that, for

whatever reason, the insurer had denied the claim. That could be in the presumptive benefits or somewhere else, but it is across the board. If the insurer is of the mindset that it is not a workers' compensation claim and they want to deny it, this process begins. The workers' compensation insurer is then ordered to pick up the claim and starts paying it.

We do not want anybody out-of-pocket for that money, so the workers' compensation company will begin to pay it. However long it takes for that process to complete and come to resolution in the adjudication of the claim—a determination of whether it is a compensable claim—these provisions would come in once that is over. If the workers' compensation company was correct, if it was ultimately determined it was not a workers' compensation claim and should have been paid by health insurance or some other form, and if the workers' compensation company had bills, then it would have a right to seek reimbursement from the health insurer.

ASSEMBLYWOMAN KIRKPATRICK:

I wish we could fix the process so that it could go much quicker. Do you foresee a situation in the appeal process where a worker could get stuck with a large medical bill that somebody said was not workers' compensation, but it was regular, and now they are in a catch-22? My concern is that I do not want people to assume that the bill is being paid, and then it comes back through an appeal process where it shows it was never workers' compensation. Now they have someone putting a lien on their home or something similar. Is there a time frame? I do not see any numbers as to what we think the time frame should be so it does not get so far out there that it is hard to come back.

DON JAYNE:

The intent of this proposed legislation would be to recover, but to recover from the insurer, not the individual. It is not our intent to go after the individual. It would be our intent to be reimbursed by the health insurer with these provisions. If it is not clear in the bill, I would like to be clear on the record. We are not looking to go after the injured worker. In this case, if the person had been deemed not an injured worker, it would not be our intent to go after the individual that might be disadvantaged by payments that we were making. We want to regress against other insurers.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Jayne, I was pretty hard on you in regard to the first workers' compensation bill you brought before this Committee, so I want to applaud you for going back to the way we have done things in the past, because they are complicated issues. I appreciate that people have been working to try to address the concerns.

ASSEMBLYMAN OHRENSCHALL:

The language in section 2, subsection 5, states, "An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if: (a) The claimant . . . ." You are striking the language "was not off work" and adding "did not meet the minimum duration of incapacity as set forth in NRS 616C.400," which says 5 days in a 20-day period. Can you explain this section? My other question has to do with the lump sum payments going from 25 percent to 30 percent in section 3.

DON JAYNE:

I will need clarification on your question in regard to section 3. Addressing your first question, it was my intent to try to explain that the original language, "was not off work," has been in the statutes for quite some time. It has become difficult to understand what that means. We are beginning to find that in court cases, if somebody was off work for any amount of time, they were technically off work. We do not believe that is the intent. In fact, we would like to recommend that we help define that in some fashion. The best language we had—and we ultimately worked with the NJA on this—was to point to existing statutory language to try to clarify it. We are trying to get clarification that the reopening is intended for claims where the person had met the criteria, received TTD payments or other payments, PPD payments, and qualifies for the reopening.

ASSEMBLYMAN OHRENSCHALL:

What is the rationale for going from 25 percent to 30 percent on the lump sum payments?

DON JAYNE:
The 25 percent provision has been in statute for many years, longer than I can personally remember. We are finding, with the evolution, changes, and additional guides coming in, that many injuries—particularly back injuries, knee injuries, shoulder injuries, and neck injuries—are resulting in awards that exceed 25 percent. We are looking to provide the injured worker with an opportunity if he wants a lump sum. For example, for a 28 percent PPD award, rather than giving the injured worker a 25 percent lump sum and saying the marginal difference of 3 percent is going to be paid out in installments for the rest of your life or until you are age 70, we are allowing him to take a lump sum of up to 30 percent, if he chooses, and the difference beyond that in installments. We are looking to increase that lump sum amount from 25 percent to 30 percent to capture the larger number of awards that are falling into that range.

ASSEMBLYMAN NELSON:
If I am reading the bill correctly, though, that only applies to injuries that were sustained prior to July 1, 1995. Am I reading that wrong, in section 3, subsection 1, paragraph (c)?

DON JAYNE:
Mr. Ostrovsky says that it did not exist before that. My general recall is that over time, as legislatures met and made changes to the provisions, these were scaled in there to recognize some of those changes.

ASSEMBLYMAN NELSON:
What if somebody is injured after 1995? Do you still want the hike up to 30 percent? I do not see that in the bill.

DON JAYNE:
Yes.

BOB OSTROVSKY:
It is just the reverse. I think people prior to the enactment of the 25 percent did not have the option of taking a lump sum. They always received installment payments. I was around when we bargained the 25 percent, Danny Thompson of the AFL-CIO and I. It was a number we picked out of the air at the time, but the concern of organized labor was that an injured worker, let us say a roofer, got a choice of a lump sum or payments. Too many people could take lump sums and a year later go back on the same roof after the doctor said he should not be a roofer anymore. It was an incentive to put some money in the hands of the injured worker, but to make some protections that that same injured worker did not end up on Medicaid or having to get some other public assistance; that is not the purpose of workers' compensation. I will admit the date in there is confusing.

CHAIRMAN KIRNER:
I will invite those in support of the bill to the table.

JASON MILLS, REPRESENTING NEVADA JUSTICE ASSOCIATION:
We are here in support of S.B. 232 (R1) and would like to thank Mr. Jayne for working on this bill, as well as Senator Settelmeyer. I wanted to point out a couple of issues that I think I heard, and I could probably help clarify them from a legal standpoint. In regard to Assemblywoman Kirkpatrick's question on the speed of the benefits being provided, I do not think it will impact that. In section 1, currently what happens is, if the claim is denied and then they lose at a hearing or appeal or at the district court, they often request a motion for stay. That is, even though they have lost and the claimant has won, the insurer or self-insured employer will ask for a stay. Those are regularly granted because the insurer or the self-insured employer indicates that they have no ability to recapture the money if they ultimately are successful and it is proven that it is not a compensable claim.

The reason we are in support of section 1 is we think it will help the claimants, because when they bring the stay motion, they now have the ability to subrogate against a health insurer. Regarding the past argument, when they say they were right but cannot recapture their money, we get to point out, Yes, you do because the person has health benefits, so go ahead and provide those

benefits in the meantime. We think the ability for the claimant to get medical benefits and have their stays more often denied with regard to medical benefits will inure to the benefit of the claimant and still protect the insurers and the employers if there is health coverage that they can then turn around and subrogate against. The way I read it, this particular language does not allow them to go after the individual claimant, only against those health and casualty insurers.

Our original concern with regard to section 2 was that they wanted the reopening of a claim tied to whether or not the claimant had received short-term disability benefits. Our concern was that it should not be based upon the reception of those benefits, because you could have bad actors basically not provide the benefits to which the injured worker is entitled for a period of days, weeks, or months. Then the injured worker seeks to reopen the claim, and they are a year past that, and they would have been entitled to months of TTD, but since they did not receive it, they would be able to deny it. We proffered this particular language because we think it was in response to the Nevada Supreme Court case *Williams v. United Parcel Services*, 129 Nev. Adv. Op. No. 41 (2013), where their concern was that a person was off work only half of his shift, and he was able to reopen the claim for greater than a year.

They wanted to mimic the entitlement statute of short-term disability pay of the 5 days in 20 days or 5 consecutive days, so we proffered why not be off work for the minimum duration of incapacity as defined by NRS 616C.400. They were not comfortable with using the language "off work." I think the *Williams* case spooked them, to be frank. It seemed to make most sense that as long as we mirror that duration of incapacity under NRS 616C.400, it waylaid their concerns, but still protects injured workers from reopening the claim within the one year, and then allows them to reopen for life beyond that.

There was a question that Assemblyman Nelson brought forth with regard to section 3 on the 30 percent applying to injuries sustained prior to 1995. You will note that section 3, subsection 1, paragraph (d) gives the DIR Administrator the power to set the lump sum. I have been practicing workers' compensation for 15 years, and it has been my experience that the DIR usually mimics whatever the statute is for the lump sum cap. It is our understanding that the DIR would then see these changes and implement a 30 percent lump sum by regulation. Technically, this would not compel them to do it, but is has been their practice to basically look at the statute and mirror the percentage cap in regulation.

TERRY GRAVES, REPRESENTING NEVADA TRUCKING ASSOCIATION:
We are in support of this bill and would like to thank those who put the bill together.

JUSTIN HARRISON, DIRECTOR, GOVERNMENT AFFAIRS, LAS VEGAS METRO CHAMBER OF COMMERCE:
I would like to echo the comments of Mr. Jayne and Mr. Ostrovsky. We are in support of S.B. 232 (R1) and the proposed changes to NRS Chapter 616.

BRYAN WACHTER, SENIOR VICE PRESIDENT, RETAIL ASSOCIATION OF NEVADA:
We, too, support this bill.

CHAIRMAN KIRNER:
Are there any other questions? [There were none.] Is there anyone in opposition to this bill?

RUSTY MCALLISTER, PRESIDENT, PROFESSIONAL FIRE FIGHTERS OF NEVADA:
I am in opposition to section 2, subsection 5, located on page 6, lines 19 through 21, of the bill. We believe that this adds another hurdle for an employee to reopen a claim. Many times the insurers reference NRS 616C.400, which states that to be considered for a partial disability, you have to have been off work for either 5 consecutive days or 5 days in a 20-day period. We believe that provision was set up in law a long time ago for a person who works an eight-hour day. For a person who does not work an 8-hour day, but works 24-hour shifts and injures his knee and gets sent home, now he is off for his cycle, which is three 24-hour shifts. All told, that is a two-week period—the days off that he has prior to his cycle, his cycle, and the days off he has afterward. He may be able to come back to work and only miss 3 days of work, but he has been off for 13 days. If he does not have any type of settlement, which he would not, the question would be, Would he not be able to reopen his claim down the road if the condition worsened?

We had a conversation with Mr. Jayne earlier, and he is aware of my concerns. The gentleman who was with him confirmed that this person in the example would not be able to reopen his claim if it got worse, based on the provisions of this the way it is. We currently have insurers in this state that are denying claims for heart and lung benefits, under NRS Chapter 617, by referring to the provisions under NRS 616C.400. If you are not off work for a total of five days, they deny your claim in heart, lung, and cancer claims, saying that you are not disabled because you were not off work for five days. If a worker has an atrial fibrillation and he goes to the doctor on his days off, gets treated, gets medication, and returns to work, they say he has no disability and he has not been off work for five days, so therefore, we are denying his claim. This would make it so that person could not reopen the claim. They would not accept it in the first place, but even if they did accept it, he could not reopen it later.

We certainly have concerns, especially because of the number of claims that are being denied under NRS Chapter 617 using a provision in the law that is not in NRS Chapter 617. *Nevada Revised Statutes* Chapter 617 says, "Notwithstanding any other provision of this chapter," yet they are using NRS 616C.400 to deny our claims. When we saw that, it certainly raised bells and whistles for us. We had concerns that this might be an attempt by insurers to find another means by which to deny our claims.

TIM ROSS, PRESIDENT, WASHOE COUNTY SHERIFF DEPUTIES ASSOCIATION, AND REPRESENTING PEACE OFFICERS RESEARCH ASSOCIATION OF NEVADA:

I wanted to echo the sentiments of Mr. McAllister and add the alternative shift. We also work the alternative shifts and wanted to take a look at that.

ASSEMBLYMAN O'NEILL:

Mr. McAllister, what is your proposed fix?

RUSTY MCALLISTER:

I do not know the proposed fix. I believe that Mr. Jayne's intent is not to inflict upon NRS Chapter 617. As far as someone who gets hurt and is off for three shifts, but it equates to two weeks and then they lose their claim, I do not know how you can fix that. The NJA agreed to this, but I do not know whether they thought about people like us who do not work an eight-hour shift.

CHAIRMAN KIRNER:

Is there anyone who is neutral? [There was no one.] Mr. Jayne, do you have a response for Mr. McAllister?

DON JAYNE:

I think Mr. McAllister fairly represented our conversation. We are in a reopening section and looking to clarify the off-work portion of the bill. There is already a claim when you are in the reopening section, so it is not a claim compensability issue. I appreciate how complex and confusing the sections of NRS Chapter 617 can be in regard to the presumptive benefits. If individuals are using this loophole or this option to deny claims, that is certainly not our intent. We do not want this used to deny claims. We are trying to find a way to clarify what the definition for "off work" is. We felt we had a statutory definition we could point to, but Mr. McAllister sees this definition as a problem because it is being used in some circumstances to deny a claim. It is not our intent to put this in here for claims denial or anything of that nature.

I appreciate what Assemblywoman Kirkpatrick said about trying to hammer this out. We will continue to try to get this done. It has always been our intent to try to work with the opposition. When opposition came forward on this bill, we tried to work with them. Unfortunately, we created another concern when we pointed to NRS 616C.400.

CHAIRMAN KIRNER:

We will close the hearing on S.B. 232 (R1). I appreciate all those who testified today and everyone's hard work. Is there any public comment? [There was none.]

GENERAL FILE AND THIRD READING

Senate Bill No. 242.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 242 enacts the Payday Lender Best Practices Act, which adopts certain provisions of the Community Financial Services Association of America's Best Practices for the Payday Loan Industry. The provisions of this bill apply to a licensee operating a deferred deposit loan service, a high-interest loan service, or a title loan service.

I have seen many payday loan bills come before our body in my time, but this is the first one I am actually going to vote for. We do want to have consistent best practices as other states have, and I think this will be beneficial to the folks in our state who use this type of financial service. I urge your support.

Roll call on Senate Bill No. 242:

YEAS—42.

NAYS—None.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 4, 6, 11, 15, 17, 24, 32, 43, 47, 53, 54, 57, 59, 62, 81, 86, 88, 92, 101, 106, 108, 116, 124, 130, 140, 143, 151, 153, 158, 162, 183, 192, 193, 195, 201, 204, 212, 223, 224, 227, 231, 243, 246, 251, 267, 268, 270, 285, 292, 301, 305, 308, 324, 362, 366, 371, 377, 384, 391, 419, 422, 425, 449, 454; Assembly Joint Resolution No. 1.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 78, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 261 and 583 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

ROBIN TITUS	DONALD GUSTAVSON
IRA HANSEN	PETE GOICOECHEA
RICHARD CARRILLO	JAMES SETTELMEYER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. CA1.

AN ACT relating to wildlife; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State

Predatory Animal and Rodent Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) **Sections 1 and 1.2** of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) **Sections 1.4-1.6** of this bill make various changes relating to those boards.

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) **Section 4** of this bill revises the provisions governing the use of this money. **Section 4** also requires the ~~[Commission]~~ **Department, before adopting any program for the management and control of predatory wildlife,** to consider the recommendations of the **Commission and the** State Predatory Animal and Rodent Committee**.** ~~[, the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.]~~

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) **Section 5** of this bill adds two new members to the Committee and establishes their qualifications. **Section 8** of this bill requires the Chair to designate the two additional members described in **section 5** of this bill as soon as practicable after the effective date of this bill. **Sections 6 and 7** of this bill make various changes relating to the meetings of the Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.105 is hereby amended to read as follows:

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. ***In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.***

Sec. 1.2. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The ***management and*** control of ***predatory*** wildlife **.** ~~[~~depredations.~~]~~

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. ~~[~~The~~]~~ ***If, in establishing any*** regulations ~~[~~must be established after first considering~~]~~ ***pursuant to this subsection, the Commission rejects*** the recommendations of ~~[~~the Department, the~~]~~ ***a*** county advisory ~~[~~boards~~]~~ ***board*** to manage wildlife ~~[~~and others who wish to present their views at an open meeting.~~]~~ ***with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife*** ~~***[a written]***~~ ***at the meeting an explanation***

of the Commission's decision to reject the recommendations ~~[.]~~ ***and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations.*** Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 1.4. NRS 501.290 is hereby amended to read as follows:

501.290 The board shall meet before ~~[those meetings]~~ ***each meeting*** of the Commission ~~[at which seasons, bag limits or hours are to be established]~~ and at such other times as the chair may call or the Commission may request.

Sec. 1.5. NRS 501.297 is hereby amended to read as follows:

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife **.** ~~[within their respective counties.]~~

Sec. 1.6. NRS 501.303 is hereby amended to read as follows:

501.303 1. The boards shall submit recommendations for ***the management of wildlife and*** setting seasons for fishing, hunting and trapping, which must be considered by the Commission in its deliberation on and

establishment of regulations **.** ~~[covering open or closed seasons, bag limits, hours and other regulations or policies.]~~

2. The chair or vice chair, or members of the board appointed by them:

(a) Shall attend the meetings of the Commission ***;*** ~~[at which seasons are set or bag limits, hours or other regulations and policies are established;]~~ and

(b) Are entitled to receive such travel and per diem expenses as are allowed by law.

Sec. 1.8. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) ~~[~~Programs~~]~~ ***Developing and implementing an annual program*** for the management and control of ~~[~~injurious~~]~~ predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals ~~[,]~~ ***and*** sensitive wildlife species ***;*** and ~~[~~related wildlife habitat;~~]~~

(c) Conducting research ~~[~~, as needed,~~]~~ ***necessary*** to determine successful techniques for managing and controlling predatory ~~[~~wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

~~(d) Programs for the education of the general public concerning the management and control of predatory~~] wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of ***~~[may be implemented or conducted only if the program, activity or research is approved by]~~*** the Commission ***~~[pursuant to subsection 4 and is]~~ in accordance with the provisions of subsection 4 and the policies adopted by the Commission*** pursuant to ~~[~~subsection 2 of~~]~~ NRS 501.181.

4. ***The ~~[Commission:]~~ Department:***

(a) In ~~[approving]~~ adopting any program for the management and control of predatory wildlife developed ~~[or wildlife management activity or research conducted]~~ pursuant to this section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020 . ~~[, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.]~~

(b) Shall not ~~[approve]~~ adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the ~~[immediately preceding]~~ most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. NRS 567.030 is hereby amended to read as follows:

567.030 The Committee consists of ~~[five]~~ ***the following seven*** members ~~[.]~~ ***:***

1. Two members ~~[must be]~~ designated by the State Board of Agriculture from among its members, one of which must be the appointee for range or semirange sheep production.

2. One member ~~[must be]~~ designated by the Board of Wildlife Commissioners from among its members.

3. One member ~~[must be]~~ designated by the State Board of Health from among its members.

4. One member ~~[must be]~~ designated by the Nevada Farm Bureau ***Federation*** from among its members.

5. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must have been issued a license to hunt, trap or fish in this State in at least 3 of the 5 years immediately preceding the date on which he or she is designated as a member; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the ~~[5 years]~~ year immediately preceding the date on which he or she is designated as a member.

6. One member designated by the Chair of the Committee from among the persons who make application to the Committee who:

(a) Must hold a license as a master guide issued pursuant to NRS 504.390; and

(b) Must not have been convicted of any violation of the provisions of this title or any regulations adopted pursuant thereto or any federal law or regulation or any law or regulation of any other state relating to hunting, trapping or fishing in the ~~[5 years]~~ year immediately preceding the date on which he or she is designated as a member.

Sec. 6. NRS 567.040 is hereby amended to read as follows:

567.040 1. ~~[Upon and following its organization]~~ ***At*** the ***first meeting of each year, the*** Committee shall select its own Chair ~~[.]~~ ***and Vice Chair from among its members. A member may not serve as the Chair or Vice Chair for more than two consecutive terms.***

2. ***Upon the selection of the Chair at the first meeting of each year, the Chair shall designate the members described in subsections 5 and 6 of NRS 567.030.***

3. The Secretary of the State Board of Agriculture shall serve as Secretary of the Committee.

Sec. 7. NRS 567.070 is hereby amended to read as follows:

567.070 The Committee's Secretary shall call the first meeting of the Committee ***each year*** following the designation of ~~[its]~~ ***the*** members ~~[as provided]~~ ***described*** in ***subsections 1 to 4, inclusive, of*** NRS 567.030.

Sec. 8. Notwithstanding the amendatory provisions of subsection 2 of section 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall, as soon as practicable after the effective date of this act, designate the members of the Committee described in subsections 5 and 6 of NRS 567.030, as amended by section 5 of this act, each to serve a term that expires on the date of the first meeting of the Committee that occurs on or after January 1, 2017.

Sec. 9. This act becomes effective upon passage and approval.

Assemblywoman Titus moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 78.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

The Conference Committee Report with Amendment 1 does several things. It concurs in two Senate amendments, 261 and 583. The conference amendment also requires the Department of Wildlife to consider the recommendations of the Wildlife Commission and the Predatory Animal and Rodent Committee before adopting programs for managing and controlling predators. It also makes a minor change to the time frame used to calculate the percentage of money to be spent on the predator control. For the new members of the Predatory Animal and Rodent Committee appointed to represent hunters and sports people, it only excludes persons with a wildlife violation in the past year rather than the past five years.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 136.

The following Senate amendment was read:

Amendment No. 700.

AN ACT relating to wildlife; requiring the ~~[Department]~~ **Board** of Wildlife **Commissioners** to **adopt regulations prescribing the circumstances under which a person may assist a licensed hunter with certain disabilities in the killing and retrieval of a big game mammal; requiring the Department of Wildlife to** make reasonable accommodations for the completion of a course in the responsibilities of hunters by persons with disabilities; authorizing a person hunting ~~[with]~~ **during a period of a hunting season in which hunting is restricted to the use of only** archery equipment or a muzzle-loading firearm to carry certain ~~[firearms;]~~ **handguns for self-defense;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[~~authorizes~~]~~ **requires** the ~~[~~Department~~]~~ **Board** of Wildlife **Commissioners** to **establish certain policies and adopt certain regulations to carry out and enforce the provisions of title 45 of NRS and chapter 488 of NRS. (NRS 501.181) Section 2.1 of this bill requires the Commission to adopt regulations prescribing the circumstances under which a person may assist in the killing and retrieval of a wounded big game mammal by another person who: (1) is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and (2) has obtained a valid tag issued by the Department for hunting that animal.**

Existing law authorizes the Department of Wildlife to provide a course of instruction in the responsibilities of hunters and requires a person to complete such a course before obtaining a hunting license. (NRS 502.330, 502.340) **Section 2.5** of this bill requires the Department to make reasonable accommodations for the completion of the course in the responsibilities of hunters by a person with a disability.

Existing law provides for the manner of hunting game birds and game mammals. (NRS 503.090-503.245) **Section 3** of this bill authorizes a person **who is** hunting ~~[~~with~~]~~ **during any period of an open season during which hunting is restricted to the use of only** archery equipment or a muzzle-loading firearm to carry for self-defense a ~~[~~firearm~~]~~ **handgun** that: (1) has a barrel length of less than 8 inches; and (2) does not have a telescopic sight.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.1. **NRS 501.181 is hereby amended to read as follows:**

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

9. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

Sec. 2.2. **NRS 501.376 is hereby amended to read as follows:**

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) ~~[Other]~~ ***Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other*** than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 2.3. **NRS 502.140 is hereby amended to read as follows:**

502.140 1. Tags may be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one management area, or that one tag may be used in several management areas, as designated by the Commission.

2. The Commission shall designate the number of tags for any species which may be obtained by any one person, and it is unlawful for any person to obtain tags for the person's use in excess of this number. Except as otherwise provided in NRS 502.145 [,] ***and the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181,*** it is unlawful for any person to use or possess tags issued to any other person, or to transfer or give tags issued to him or her to any other person.

Sec. 2.5. NRS 502.340 is hereby amended to read as follows:

502.340 ***1.*** The Department shall certify instructors who will, with the cooperation of the Department, provide instruction in the responsibilities of hunters established by the Department to all eligible persons who, upon the successful completion of the course, must be issued a certificate. Persons who are disqualified from obtaining a hunting license, pursuant to NRS 502.330, are eligible for the course.

2. The Department shall make reasonable accommodations for the completion of the course by a person with a disability.

Sec. 3. NRS 503.150 is hereby amended to read as follows:

503.150 1. Unless otherwise specified by Commission regulation, it is unlawful to hunt:

(a) Any game bird or game mammal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Big game mammals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot-pounds of energy at 100 yards, or with a longbow and arrow which meet the specifications established by Commission regulation.

(c) Small game mammals in any manner other than with a handgun, shotgun, rifle, longbow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a longbow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game mammal with the aid of any artificial light.

(g) Any big game mammal, except mountain lions, with a dog of any breed.

2. ***A person who is hunting ~~[with]~~ during any period of an open season during which hunting is restricted to the use of only archery equipment or a muzzle-loading firearm:***

(a) May carry for self-defense a ~~[firearm]~~ handgun that:

(1) Has a barrel length of less than 8 inches; and

(2) Does not have a telescopic sight.

(b) May not use the ~~[firearm]~~ handgun carried pursuant to paragraph (a) to hunt any wildlife.

3. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game mammals.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved that the Assembly concur in the Senate Amendment No. 700 to Assembly Bill No. 136.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 107.

The following Senate amendment was read:

Amendment No. 736.

AN ACT relating to education; requiring reports of accountability for public schools to include certain information regarding pupils who qualify for free or reduced-price lunches pursuant to federal law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education, the boards of trustees of school districts and the sponsors of charter schools to prepare annual reports of accountability that contain certain information regarding public schools and pupils enrolled in public schools. (NRS 385.347, 385.3572) **Section 1.2** of this bill requires the annual report of accountability prepared by each school

district and the sponsor of each charter school to include: (1) the number and percentage of pupils who are eligible for free or reduced-price breakfasts pursuant to federal law; (2) the number and percentage of pupils who are eligible for free or reduced-price lunches pursuant to federal law; (3) the number and percentage of pupils who are eligible for free or reduced-price breakfasts and who receive free and reduced-price breakfasts; (4) the number and percentage of pupils who are eligible for free or reduced-price lunches and who receive free and reduced-price lunches; (5) a comparison of the achievement and proficiency of pupils, reported separately by race ~~[,]~~ **and ethnicity,** who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches; and (6) a comparison of pupils, reported separately by race ~~[,]~~ **and ethnicity,** who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free and reduced-price lunches and pupils who receive free and reduced-price lunches in certain areas for which data is collected. **Section 1.2** also authorizes the State Board of Education to adopt any regulations necessary to carry out the provisions of this bill. **Section 1.4** of this bill requires the annual report of accountability prepared by the State Board to include the same information for the State as a whole.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. ***1. The annual report of accountability prepared pursuant to NRS 385.347 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:***

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

(b) The percentage of pupils who receive free and reduced-price breakfasts;

(c) The number and percentage of pupils who are eligible for free or reduced-price lunches;

(d) The percentage of pupils who receive free and reduced-price lunches;

(e) A comparison of the achievement and proficiency of pupils, reported separately by race ~~[,]~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and

reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

(f) A comparison of pupils, reported separately by race ~~,~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(1) Retention rates;

(2) Graduation rates;

(3) Dropout rates;

(4) Grade point averages; and

(5) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.4. *The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:*

1. The number and percentage of pupils who are eligible for free or reduced-price breakfasts;

2. The number and percentage of pupils who receive free and reduced-price breakfasts;

3. The number and percentage of pupils who are eligible for free or reduced-price lunches;

4. The number and percentage of pupils who receive free and reduced-price lunches;

5. A comparison of the achievement and proficiency of pupils, reported separately by race ~~,~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches, pupils who receive free and reduced-price lunches and pupils who are not eligible for free or reduced-price breakfasts or lunches;

6. A comparison of pupils, reported separately by race ~~,~~ and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced-price breakfasts, pupils who are eligible for free or reduced-price lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:

(a) Retention rates;

(b) Graduation rates;

(c) Dropout rates;

(d) Grade point averages; and

(e) Scores on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

Sec. 2. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.3891, inclusive, ***and sections 1.2 and 1.4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 385.346 to 385.34675, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.3891, inclusive, ***and sections 1.2 and 1.4 of this act*** do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385.347 to 385.3495, inclusive, ***and section 1.2 of this act*** for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, ***and section 1.2 of this act,*** and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, ***and section 1.2 of this act,*** if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a

charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385.347 to 385.3495, inclusive, ***and section 1.2 of this act,*** as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to this section and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to this section is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to this section.

Sec. 4.5. NRS 385.3572 is hereby amended to read as follows:

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive ~~[.]~~ ***, and section 1.4 of this act.***

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, ***and section 1.4 of this act,*** if the number of pupils in that group is insufficient to yield statistically

reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district;

(6) Governing body of each charter school; and

(7) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.

5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 5. This act becomes effective ~~[on]~~ **:**

1. On July 1, 2015 ~~[.]~~ **, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and**

2. On January 1, 2016, for all other purposes.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 736 to Assembly Bill No. 107.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 660.

AN ACT relating to education; revising the policy for all school districts and public schools to provide a safe and respectful learning environment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Education is required to prescribe a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying, cyber-bullying and violence. (NRS 388.121-388.145) **Section 1** of this bill expands the goals to establish a safe and respectful learning environment in public schools in this State to include ensuring that the quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers or other personnel of a school district. **Section 2** of this bill requires the policy prescribed by the Department for all school districts and public schools to provide a safe and respectful learning environment to include methods to promote a positive learning environment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of bullying or cyber-bullying seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying and cyber-bullying; ~~[and]~~

(c) ***The quality of instruction is not negatively impacted by poor attitudes or interactions among administrators, principals, teachers or other personnel of a school district; and***

(d) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying or violence; and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse.

Sec. 2. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135 ~~[.]~~ ***, including, without limitation, violations among teachers and violations between teachers and administrators, principals and other*** ~~***[educational]***~~ ***personnel*** ~~***[,]***~~ ***of a school district;*** and

(b) A policy for use by school districts to train members of the board of trustees and all administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) ***Methods to promote a positive learning environment;***

(4) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~[(4)]~~ ***(5)*** Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 660 to Assembly Bill No. 112.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 150.

The following Senate amendment was read:

Amendment No. 659.

AN ACT relating to education; revising the eligibility criteria for a student to receive a Governor Guinn Millennium Scholarship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a student to maintain a certain grade point average based on his or her year of graduation to be eligible for a Governor Guinn Millennium Scholarship. (NRS 396.930) This bill extends eligibility for such a scholarship to students who do not meet the minimum grade point average requirement, but who receive a certain score on a college entrance examination ~~[offered]~~ **administered to the student while the student was enrolled as a**

pupil in a public or private high school in this State. This bill requires the Board of Regents of the University of Nevada to establish such score requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) ~~[~~Maintained~~]~~ ***Except as otherwise provided in paragraph (e), maintained*** in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; ~~[~~and~~]~~

(e) ***Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents*** ~~[,]~~ ***that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and***

(f) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,

➥ to be eligible for Millennium Scholarships.

4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 659 to Assembly Bill No. 150.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 189.

The following Senate amendment was read:

Amendment No. 679.

AN ACT relating to special license plates; authorizing the Commission on Special License Plates to request the Legislative Commission to direct the Legislative Auditor to perform an audit of certain charitable organizations which receive additional fees collected by the Department of Motor Vehicles for special license plates; revising provisions regarding the application submitted to the Department by certain persons seeking a special license plate intended to generate financial support for an organization; revising provisions requiring certain charitable organizations which receive additional fees paid for special license plates to provide certain documents and records annually to the Commission on Special License Plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons may apply to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate that is intended to generate financial support for a charitable organization. The application must include certain information about the person requesting the special license plate, the charitable organization, if different from the person requesting the special license plate, and information about the intended use of the financial support. (NRS 482.367002) **Section 6** of this bill requires that such an application also include a budget prepared by or for the charitable organization if the charitable organization is not a governmental entity whose

budget is included in the executive budget. **Section 6** also requires the Department to notify the Commission on Special License Plates (hereinafter referred to as "the Commission") and the charitable organization upon making a determination to issue the special license plate.

Existing law requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission a balance sheet and a recent bank statement. (NRS 482.38277) The Commission is required to provide those documents to the Legislative Auditor, who is required to prepare a final written report for the Commission regarding the propriety of the financial administration and recordkeeping of the charitable organization. (NRS 482.38278) **Section 2** of this bill authorizes the Commission to request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization that receives fees from the sale of special license plates if the Commission has reasonable cause to believe or has received a credible complaint that the charitable organization has: (1) filed with the Commission or the Department forms or records that are inadequate or inaccurate; (2) committed improper practices of financial administration; or (3) failed to use adequate methods and procedures to ensure that all money received in the form of additional fees from special license plates is expended solely for the benefit of the intended recipient. The Commission may also request the Legislative Commission to direct the Legislative Auditor to perform such an audit if the Commission determines that an investigation and audit are reasonably necessary to assist the Commission in administering any provision of existing law which the Commission is authorized to administer.

Existing law also requires each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives fees from the sale of special license plates to prepare and submit annually to the Commission updated information regarding the telephone number and mailing address of the charitable organization and the names of persons who are responsible for overseeing the operation of the charitable organization. (NRS 482.38277) **Section 8** of this bill further requires that the charitable organization provide the Commission annually with a report on the budget of the organization which provides details about how the fees received from the special license plates have been expended and a copy of the most recent federal tax return of the organization, if any, including all schedules related thereto. **Section 8** also requires the charitable organization: (1) to post annually on its Internet website the most recent federal tax return of the charitable organization, if any, including all schedules related thereto; or (2) if the charitable organization does not have an Internet website, to publish annually the most recent federal tax return of the charitable organization, if any, including all schedules related thereto, in a newspaper of general circulation in the county where the charitable organization is based.

Existing law authorizes the Commission to recommend that the Department take adverse action against a charitable organization that receives fees from the sale of special license plates if the Commission makes certain determinations about the organization, and after the organization has had an opportunity for a hearing on those determinations. The adverse action recommended may include the suspension of the collection of all additional fees collected on behalf of the charitable organization and the suspension of production of the special license plates from which the charitable organization receives additional fees, if the Department is still producing that design. (NRS 482.38279) **Section 10** of this bill adds to the criteria on which the Commission may base such a determination the results of an audit prepared by the Legislative Auditor pursuant to **section 2**.

Section 4 of this bill provides that ~~[all]~~ **certain** records ~~[related to the receipt or use of money]~~ **submitted to the Commission by a charitable organization that receives fees** from the sale of special license plates are public records and are available for public inspection. **Existing law provides that any personally identifiable information contained in such public records is confidential. (Chapter 239 of NRS, NRS 239B.030)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Commission on Special License Plates may request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization if the Commission on Special License Plates:***

(a) Has reasonable cause to believe or has received a credible complaint that the charitable organization has filed with the Commission on Special License Plates or the Department forms or records that are inadequate or inaccurate, has committed improper practices of financial administration, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; or

(b) Determines that an audit is reasonably necessary to assist the Commission on Special License Plates in administering any provision of this chapter which it is authorized or required to administer.

2. If the Legislative Commission directs the Legislative Auditor to perform an audit of a charitable organization, the Legislative Auditor shall:

(a) Conduct the audit and prepare a final written report of the audit;

(b) Distribute a copy of the final written report to each member of the Commission on Special License Plates; and

(c) Present the final written report to the Commission on Special License Plates at its next regularly scheduled meeting.

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report of the audit may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission on Special License Plates or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 3. ***1. Upon receiving notification by the Department pursuant to subsection 5 of NRS 482.367002 that a special license plate that is intended to generate financial support for an organization will be issued by the Department, a charitable organization, not including a governmental entity whose budget is in the executive budget, that is to receive additional fees shall, if the charitable organization wishes to award grants with any of the money received in the form of additional fees, submit to the Commission on Special License Plates in writing the methods and procedures to be used by the charitable organization in awarding such grants, including, without limitation:***

(a) A copy of the application form to be used by any person or entity seeking a grant from the charitable organization;

(b) The guidelines established by the charitable organization for the submission and review of applications to receive a grant from the charitable organization; and

(c) The criteria to be used by the charitable organization in awarding such a grant.

2. Upon receipt of the information required, the Commission shall review the procedures to determine if the methods and procedures are adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient. If the Commission determines that the methods and procedures are:

(a) Adequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

(b) Inadequate to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization and request that the charitable organization submit a revised version of the methods and procedures to be used by the charitable organization in awarding grants.

3. A charitable organization may not award any grants of money received in the form of additional fees until the procedures and methods have been determined adequate by the Commission pursuant to subsection 2.

Sec. 4. ~~***[All records of:***~~

~~***1. A]***~~ ***All documents and information submitted to the Commission pursuant to sections 2 and 3 of this act, NRS 482.38277 and 482.38278 by a charitable organization that is to receive additional fees, not including a governmental entity whose budget is in the executive budget,*** ~~***[that are related to the receipt of or use of those fees; and***~~

~~***2. Any person who receives money from such a charitable organization in the form of a grant, that are related to the receipt of or use of that money, ←]***~~ ***are public records and are available for public inspection as provided in chapter 239 of NRS.***

Sec. 5. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph ~~[(f)]~~ ***(g)*** of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 6. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of $5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000; ~~[and]~~

(f) ***Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and***

(g) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➥ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a meeting of the Commission on Special License Plates, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates recommends to the Department that the Department approve the application for that plate pursuant to subsection 5 of NRS 482.367004.

5. ***Upon making a determination to issue a special license plate pursuant to this section, the Department shall notify:***

(a) The person who requested the special license plate pursuant to subsection 1;

(b) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(c) The Commission on Special License Plates.

6. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has recommended the Department approve for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 6 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

~~[6.]~~ ***7.*** The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

~~[7.]~~ ***8.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 7. NRS 482.38272 is hereby amended to read as follows:

482.38272 As used in NRS 482.38272 to 482.38279, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 482.38273 to 482.38276, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 482.38277 is hereby amended to read as follows:

482.38277 1. On or before September 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall prepare a

balance sheet for the immediately preceding fiscal year on a form provided by the Commission on Special License Plates and file the balance sheet, accompanied by a recent bank statement, with the Commission. The Commission shall prepare and make available, or cause to be prepared and made available, a form that must be used by a charitable organization to prepare such a balance sheet.

2. On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall provide to the Commission and the Department:

(a) A list of the names of the persons, whether or not designated officers, who are responsible for overseeing the operation of the charitable organization;

(b) The current mailing address of the charitable organization; ~~[and]~~

(c) The current telephone number of the charitable organization ~~[.]~~ ***;***

(d) A report on the budget of the charitable organization, including, without limitation:

(1) A copy of the most recent annual budget of the charitable organization; and

(2) A description of how all money received by the charitable organization in the form of additional fees was expended, including, without limitation, how that money was expended by the charitable organization, or any recipient or awardee of that money from the charitable organization; and

(e) A copy of the most recent federal tax return of the charitable organization, if any, including all schedules related thereto.

3. ***On or before July 1 of each fiscal year, each charitable organization, not including a governmental entity whose budget is included in the executive budget, that receives additional fees shall post on the Internet website of the charitable organization or, if no such Internet website exists, publish in a newspaper of general circulation in the county where the charitable organization is based, the most recent federal tax return of the charitable organization, if any, including all schedules related thereto.***

4. The Legislative Auditor shall prescribe:

(a) The form and content of the balance sheets required to be filed pursuant to subsection 1; and

(b) Any additional information that must accompany the balance sheets and bank statements required to be filed pursuant to subsection 1, including, without limitation, the methods and procedures used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient.

~~[4.]~~ ***5.*** The Commission shall provide to the Legislative Auditor:

(a) A copy of each balance sheet and bank statement that it receives from a charitable organization pursuant to subsection 1; and

(b) A copy of the information that it receives from a charitable organization pursuant to subsection 2.

Sec. 9. NRS 482.38278 is hereby amended to read as follows:

482.38278 1. On or before September 30 following the end of each fiscal year, the Legislative Auditor shall present to the Commission on Special License Plates a final written report with respect to the charitable organizations for which the Commission provided to the Legislative Auditor a balance sheet pursuant to subsection ~~[4]~~ ***5*** of NRS 482.38277.

2. The final written report must be distributed to each member of the Commission before the report is presented to the Commission.

3. Along with any statement of explanation or rebuttal from the audited charitable organization, the final written report may include, without limitation:

(a) Evidence regarding the inadequacy or inaccuracy of any forms or records filed by the charitable organization with the Commission or the Department;

(b) Evidence regarding any improper practices of financial administration on the part of the charitable organization;

(c) Evidence regarding the methods and procedures, or lack thereof, used to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient; and

(d) Any other evidence or information that the Legislative Auditor determines to be relevant to the propriety of the financial administration and recordkeeping of the charitable organization, including, without limitation, the disposition of any additional fees received by the charitable organization.

Sec. 10. NRS 482.38279 is hereby amended to read as follows:

482.38279 1. If the Commission on Special License Plates determines that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or if, in a report provided to the Commission by the Legislative Auditor pursuant to NRS 482.38278, ***or section 2 of this act,*** the Legislative Auditor determines that a charitable organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall notify the charitable organization of that determination.

2. A charitable organization may request in writing a hearing, within 20 days after receiving notification pursuant to subsection 1, to respond to the determinations of the Commission or Legislative Auditor. The hearing must be held not later than 30 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

3. The Commission shall issue a decision on whether to uphold the original determination of the Commission or the Legislative Auditor or to

overturn that determination. The decision required pursuant to this subsection must be issued:

(a) Immediately after the hearing, if a hearing was requested; or

(b) Within 30 days after the expiration of the 20-day period within which a hearing may be requested, if a hearing was not requested.

4. If the Commission decides to uphold its own determination that a charitable organization has failed to comply with one or more of the provisions of NRS 482.38277 or decides to uphold the determination of the Legislative Auditor that the organization has committed improper practices of financial administration, has filed with the Commission or the Department forms or records that are inadequate or inaccurate, or has failed to use adequate methods and procedures to ensure that all money received in the form of additional fees is expended solely for the benefit of the intended recipient, the Commission shall issue its decision in writing and may recommend that the Department:

(a) Suspend the collection of all additional fees collected on behalf of the charitable organization; and

(b) Suspend production of the particular design of special license plates from which the charitable organization receives additional fees, if the Department is still producing that design.

5. If, in accordance with subsection 4, the Commission recommends that the Department take adverse action against a charitable organization, the Commission shall notify the charitable organization, in writing, of that fact within 30 days after making the recommendation. A charitable organization aggrieved by a recommendation of the Commission may, within 30 days after the date on which it received notice of the recommendation, submit to the Department any facts, evidence or other information that it believes is relevant to the propriety of the Commission's recommendation. Within 30 days after receiving all facts, evidence and other relevant information submitted to the Department by the aggrieved charitable organization, the Department shall render a decision, in writing, as to whether the Department accepts or rejects the Commission's recommendation. The decision of the Department is a final decision for the purpose of judicial review.

Sec. 11. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 679 to Assembly Bill No. 189.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 667.

AN ACT relating to drivers' licenses; authorizing reciprocal agreements with certain other countries concerning the licensing of drivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue a Nevada driver's license to an applicant who has a valid driver's license from a state which has requirements for the issuance of drivers' licenses which are comparable to those of this State. Existing law also authorizes the Director of the Department, acting as the Administrator, to enter into reciprocal agreements with the appropriate officials of other states concerning the licensing of drivers of motor vehicles. (NRS 483.245) **Section 1** of this bill authorizes the Department to issue a Nevada driver's license to an applicant who has a valid driver's license from a country which has requirements for the issuance of drivers' licenses which are comparable to those of this State, and authorizes the Director to enter into reciprocal agreements with the appropriate officials of other countries. **Section 3** of this bill requires the Director, in recognition of the 30th anniversary of the sister-state relationship between this State and ~~[the Republic of China (Taiwan),]~~ **Taiwan,** to begin negotiations as soon as practicable with the Director General of the Taipei Economic and Cultural Office in San Francisco for reciprocity in issuing drivers' licenses to: (1) residents of this State who reside in ~~[the Republic of China (Taiwan);]~~ **Taiwan;** and (2) Taiwanese citizens who reside in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state ***or country*** which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.

3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of other states ***or countries*** concerning the licensing of drivers of motor vehicles.

Sec. 2. (Deleted by amendment.)

Sec. 3. The Director of the Department of Motor Vehicles, in recognition of the 30th anniversary of the sister-state relationship between this State and ~~[the Republic of China (Taiwan),]~~ **Taiwan,** shall, as soon as practicable, begin negotiations pursuant to the authority granted in section 1 of this act toward a reciprocal agreement between the Department of Motor Vehicles and ~~[the Republic of China (Taiwan),]~~ **Taiwan,** through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in San Francisco, California, for reciprocity in issuing drivers' licenses to residents of this State who reside in ~~[the Republic~~

~~of China (Taiwan)~~ **Taiwan** and to Taiwanese citizens who reside in this State. Any agreement negotiated pursuant to this section must be in writing and signed by the Director of the Department of Motor Vehicles and the Director General of the Taipei Economic and Cultural Office in San Francisco, California.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 667 to Assembly Bill No. 383.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 718.

SUMMARY— ~~[Revises provisions]~~ **Makes various changes** relating to ~~[notaries public and document preparation services.]~~ **public affairs.** (BDR 19-445)

AN ACT relating to public affairs; making various changes relating to the regulation of notaries public; authorizing the Secretary of State to conduct certain examinations of the records of a document preparation service; **revising provisions relating to the authentication by the Secretary of State of certain information contained on notarized documents;** revising the definition of "document preparation service" to exclude certain nonprofit organizations ~~[, commercial resident agents]~~ and collection agencies; making various changes relating to the regulation of document preparation services; **authorizing the Secretary of State to adopt regulations prescribing procedures to prevent the filing of certain documents in his or her office; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits persons with certain criminal convictions from becoming notaries public and provides for the revocation of the appointment of notaries public who are convicted of certain crimes. (NRS 240.010, 240.150) **Sections 1 and 6** of this bill clarify that those convictions include a conviction that follows a plea of nolo contendere or no contest. **Section 1** also prohibits the Secretary of State from appointing as a notary public a person whose previous appointment as a notary public in this State or another state has been revoked for cause.

Existing law prohibits a person who has not been appointed as a notary public from representing himself or herself as a notary public. (NRS 240.010) **Section 1** expands this prohibition to include those persons whose appointment has expired or been suspended or revoked, and provides a civil penalty for such a violation.

Existing law requires that applicants for appointment as notaries public complete 4 hours of instruction relating to the functions and duties of notaries public. (NRS 240.018) **Section 3** of this bill shortens the course to 3 hours and

requires an examination. **Section 3** also requires a person renewing his or her appointment as a notary public to retake the course, and allows the Secretary of State to require a notary public who has violated any provision of chapter 240 of NRS to retake the course. Additionally, **section 3** authorizes the Secretary of State to use an outside vendor to administer the course and examination. **Section 6.5** of this bill makes similar conforming changes to the course and examination requirements for an electronic notary public.

Existing law requires the Secretary of State to issue, upon request and the payment of certain fees, an authentication to verify that: (1) the signature of a notarial officer on a document is valid; and (2) the notarial officer holds the office indicated on the document. (NRS 240.1657) Section 6.3 of this bill requires a request for authentication to include a statement signed under penalty of perjury that the document will not be used to: (1) harass a person; or (2) accomplish any fraudulent, criminal or other unlawful purpose. Section 6.3 also prohibits bringing a civil action against the Secretary of State on the basis that: (1) the Secretary of State has issued an authentication; and (2) the document has been used to harass a person or accomplish any fraudulent, criminal or other unlawful purpose. Additionally, section 6.3 provides that a person who uses a document for which an authentication has been issued for such unlawful purposes is guilty of a category C felony.

Existing law prohibits certain actions by notaries public. (NRS 240.075) **Section 4** of this bill prohibits a notary public from affixing his or her stamp to any document which does not contain a notarial certificate.

Existing law prohibits the use of the Spanish term "notario" or "notario publico" in any signage or advertisement by a notary public who is not also an attorney licensed to practice law in this State. (NRS 240.085) **Section 5** of this bill extends this prohibition to the employers of notaries public, and requires the imposition of a civil penalty for violating such a prohibition.

Existing law requires that a person who wishes to register **as** a documentation preparation service must be a citizen or legal resident of the United States. (NRS 240A.100) **Section 9** of this bill allows a person who holds employment authorization from the United States Citizenship and Immigration Services to register **as** a documentation preparation service. **Section 9** also provides that an application for registration that is not completed within 6 months must be denied. Finally, **section 9** prohibits the Secretary of State from registering as a document preparation service any person whose previous registration as a document preparation service in this State or another state has been revoked for cause.

Existing law exempts certain persons from registering as a documentation preparation service. (NRS 240A.030) **Section 8** of this bill clarifies which nonprofit organizations ~~[and commercial registered agents]~~ are not required to register and adds collection agencies to the list of such persons.

Existing law requires that a document prepared by a documentation preparation service must include the name, address, phone number and

registration number of the document preparation service. (NRS 240A.200) **Section 11** of this bill deletes this requirement but requires a document preparation service to provide this information on any document on which the information is requested.

Section 7 of this bill specifically authorizes the Secretary of State to inspect the documents required to be maintained by document preparation services to ensure compliance with the law.

Existing law authorizes the Secretary of State to adopt regulations prescribing procedures to prevent the filing of false or forged documents in his or her office. (NRS 225.083) Section 11.5 of this bill authorizes the Secretary of State also to adopt regulations prescribing procedures to prevent the filing of documents in his or her office that: (1) are fraudulent; (2) contain a false statement of material fact; or (3) are filed for the purpose of harassing or defrauding a person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State ***or another state*** has been revoked ~~[.]~~ ***for cause.***

(c) Who, except as otherwise provided in subsection 3, has been convicted of ~~[.]~~ ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to:***

(1) A crime involving moral turpitude; or

(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,

➥ if the Secretary of State is aware of such a conviction ***or plea*** before the Secretary of State makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

3. A person who has been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:

(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;

(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;

(c) The person possesses his or her civil rights; and

(d) The crime for which the person was convicted ***or entered a plea*** is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.

4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.

5. It is unlawful for a person to:

(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter ~~[.]~~ ***, or if his or her appointment is expired, revoked or suspended or is otherwise not in good standing.***

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

6. ***Any person who violates a provision of paragraph (a) of subsection 5 is liable for a civil penalty of not more than $2,000 for each violation, plus reasonable attorney's fees and costs.***

7. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5 ~~[.]~~ ***and recover any penalties, attorney's fees and costs.***

Sec. 2. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) During the period of his or her appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his or her civil rights.

(e) Have completed a course of study pursuant to NRS 240.018.

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his or her appointment, the person shall, within 90 days after his or her lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that the person is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, the person's appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada that is licensed pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

➥ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend the person's appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his or her term of appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

Sec. 3. NRS 240.018 is hereby amended to read as follows:

240.018 1. The Secretary of State may:

(a) Provide courses of study for the mandatory training of notaries public. Such courses of study ~~[must]~~ ***:***

(1) Must include at least ~~[4]~~ ***3*** hours of instruction ***and an examination*** relating to the functions and duties of notaries public ~~[.]~~ ***; and***

(2) May be conducted in person or online by the Secretary of State or a vendor approved by the Secretary of State.

(b) Charge a reasonable fee to each person who enrolls in a course of study for the mandatory training of notaries public.

2. A course of study provided pursuant to this section must comply with the regulations adopted pursuant to subsection 1 of NRS 240.017.

3. The following persons are required to enroll in and successfully complete a course of study provided pursuant to this section:

(a) A person applying for appointment as a notary public for the first time.

(b) A person renewing his or her appointment as a notary public ***.*** ~~[, if the appointment has expired for a period greater than 1 year.]~~

(c) A person ~~[renewing his or her appointment as a notary public, if during the immediately preceding 4 years the person has been fined for failing to comply with a statute or regulation of this State relating to notaries public.~~

~~➥ A person who holds a current appointment as a notary public is not required to enroll in and successfully complete a course of study provided pursuant to this section if the person is in compliance with all of the statutes and regulations of this State relating to notaries public.]~~ ***who has committed a violation of this chapter or whose appointment as a notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.***

4. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 1 in the Notary Public Training Account which is hereby created in the State General Fund. The Account must be administered by the Secretary of State. Any interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does

not revert to the State General Fund, and the balance in the Account must be carried forward. All claims against the Account must be paid as other claims against the State are paid. The money in the Account may be expended:

(a) To pay for expenses related to providing courses of study for the mandatory training of notaries public, including, without limitation, the rental of rooms and other facilities, advertising, travel and the printing and preparation of course materials; or

(b) For any other purpose authorized by the Legislature.

5. At the end of each fiscal year, the Secretary of State shall reconcile the amount of the fees collected pursuant to paragraph (b) of subsection 1 and the expenses related to administering the training of notaries public pursuant to this chapter and deposit any excess fees received with the State Treasurer for credit to the State General Fund.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

11. Affix his or her stamp to any document which does not contain a notarial certificate.

Sec. 5. NRS 240.085 is hereby amended to read as follows:

240.085 1. Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears.

The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form:

I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE.

2. A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign.

3. If the Secretary of State finds a notary public guilty of violating the provisions of subsection 1 or 2, the Secretary of State shall:

(a) Suspend the appointment of the notary public for not less than 1 year.

(b) Revoke the appointment of the notary public for a third or subsequent offense.

(c) Assess a civil penalty of not more than $2,000 for each violation.

4. A notary public who is found guilty in a criminal prosecution of violating subsection 1 or 2 shall be punished by a fine of not more than $2,000.

5. An employer of a notary public shall not:

(a) Prohibit the notary public from meeting the requirements set forth in subsection 1; or

(b) Advertise using the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State.

6. If the Secretary of State finds the employer of ~~[the]~~ a notary public guilty of violating a provision of subsection 5, the Secretary of State shall:

(a) Notify the employer in writing of the violation and order the immediate removal of such language.

(b) Assess a civil penalty of not more than $2,000 for each violation.

7. The employer of a notary public who is found guilty in a criminal prosecution of violating a provision of subsection 5 shall be punished by a fine of not more than $2,000.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than $2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that a notary public has been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than $2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension;

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State; and

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 6.3. **NRS 240.1657 is hereby amended to read as follows:**

240.1657 1. Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of $20, issue an authentication to verify that the signature of the notarial officer on a document is genuine and that the notarial officer holds the office indicated on the document. If the document:

(a) Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.

(b) Is intended for use in the United States or in a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.

2. The Secretary of State shall not issue an authentication pursuant to subsection 1 if:

(a) The document has not been notarized in accordance with the provisions of this chapter; ~~[or]~~

(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or ***other*** unlawful purpose ~~[.]~~ ***; or***

(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

3. No civil action may be brought against the Secretary of State on the basis that:

(a) The Secretary of State has issued an authentication pursuant to subsection 1; and

(b) The document has been used to:

(1) Harass a person; or

(2) Accomplish any fraudulent, criminal or other unlawful purpose.

4. A person who uses a document for which an authentication has been issued pursuant to subsection 1 to:

(a) Harass a person; or

(b) Accomplish any fraudulent, criminal or other unlawful purpose,

➥ is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than $5,000.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 6.5. NRS 240.195 is hereby amended to read as follows:

240.195 1. Except as otherwise provided in subsection 2, an applicant for appointment as an electronic notary public must successfully:

(a) Complete a course of study that is in accordance with the requirements of subsection 5; and

(b) Pass an examination at the completion of the course.

2. The following persons ~~[must]~~ ***are required to enroll in and*** successfully complete a course of study as required pursuant to subsection 1:

(a) A person applying for his or her first appointment as an electronic notary public;

(b) A person renewing his or her appointment as an electronic notary public ***;*** ~~[if the appointment as an electronic notary public has been expired for a period of more than 1 year;]~~ and

(c) A person ~~[renewing his or her appointment as an electronic notary public if, during the 4 years immediately preceding the application for renewal, the Secretary of State took action against the person pursuant to NRS 240.150 for failing to comply with any provision of this chapter or any regulations adopted pursuant thereto.~~

~~➥ A person renewing his or her appointment as an electronic notary public need not successfully complete a course of study as required pursuant to subsection 1 if the appointment as an electronic notary public has been expired for a period of 1 year or less.]~~ ***who has committed a violation of this chapter or whose appointment or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.***

3. A course of study required to be completed pursuant to subsection 1 must:

(a) Include at least 3 hours of instruction;

(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

(c) Include an examination of the course content;

(d) Comply with the regulations adopted pursuant to NRS 240.206; and

(e) Be approved by the Secretary of State.

4. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1:

(a) Provide such a course of study; and

(b) Charge a reasonable fee to each person who enrolls in such a course of study.

5. A course of study provided pursuant to this section ~~[must]~~ ***:***

(a) Must satisfy the criteria set forth in subsection 3 and comply with the requirements set forth in the regulations adopted pursuant to NRS 240.206.

(b) May be provided in person or online by the Secretary of State or a vendor approved by the Secretary of State.

6. The Secretary of State shall deposit the fees collected pursuant to paragraph (b) of subsection 4 in the Notary Public Training Account created pursuant to NRS 240.018.

Sec. 7. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of a registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.

Sec. 8. NRS 240A.030 is hereby amended to read as follows:

240A.030 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter; or

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(b) Holds himself or herself out as a person who provides such services.

2. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization ***formed pursuant to title 7 of NRS*** which ~~[qualifies as]~~ ***the Secretary of the Treasury has determined is*** a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) A person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative and an enrolled agent authorized to practice before the Internal Revenue Service, but not including a bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110.

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent. ~~*[while carrying out his or her duties as a commercial registered agent pursuant to chapter 77 of NRS or acting within the scope of those duties.]*~~

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

3. As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 9. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States ***or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services*** ~~*[,]*~~ ***of the Department of Homeland Security,*** and ***be*** at least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service ***in this State or another state*** has previously been revoked ~~[by the Secretary of State;]~~ ***for cause;***

(c) Who has previously been convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a gross misdemeanor pursuant to paragraph (b) of subsection 1 of NRS 240A.290; or

(d) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** a crime involving theft, fraud or dishonesty;

(2) Convicted of ***, or entered a plea of guilty, guilty but mentally ill or nolo contendere to,*** the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the

Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120.

4. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

5. An application for registration as a document preparation service that is not completed within 6 months after the date on which the application was submitted must be denied.

Sec. 10. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by a cash bond or surety bond meeting the requirements of NRS 240A.120, unless the bond previously filed by the registrant remains on file and in effect.

2. ***The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services*** ***of the Department of Homeland Security*** ***must expire on the date on which that person's employment authorization expires.***

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[3.]~~ ***4.*** After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 11. NRS 240A.200 is hereby amended to read as follows:

240A.200 ~~[Any]~~ ***If a*** document prepared for a client by a registrant ~~[must include, below any required signature of the client,]~~ ***includes a place on the document for the registrant to provide information, including, without limitation,*** the name, business address ***,*** ~~[and]~~ telephone number and registration number of the registrant ~~[.]~~ ***, the registrant shall include the requested information on the document.***

Sec. 11.5. **NRS 225.083 is hereby amended to read as follows:**

225.083 1. The Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

> The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.
>
> Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and may be further punished by a fine of not more than $10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing ~~[of false or forged documents]~~ in his or her office ~~[.]~~ ***of:***

(a) False, fraudulent or forged documents.

(b) Documents that contain a false statement of material fact.

(c) Documents that are filed for the purpose of harassing or defrauding a person.

Sec. 12. 1. The provisions of NRS 240.018, as amended by section 3 of this act, do not apply to a notary public whose appointment as a notary public expires before July 1, 2015.

2. The provisions of NRS 240.195, as amended by section 6.5 of this act, do not apply to an electronic notary public whose appointment as an electronic notary public expires before July 1, 2015.

Sec. 13. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 718 to Assembly Bill No. 65.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 236.

The following Senate amendment was read:

Amendment No. 717.

AN ACT relating to state agencies; providing for the promotion of public engagement by state agencies using the Internet and Internet tools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that it is the policy of this State to promote public engagement in the activities of the State Government by adopting methods of public participation and public comment that include the use of the Internet and Internet tools. This bill encourages each state agency, to the extent

practicable and within the limits of available money, to develop a policy to promote public engagement that includes the use of the Internet and Internet tools, including electronic mail, electronic mailing lists, online forums and social media. ~~[This bill requires that such a policy must: (1) require that any information communicated to the public using the Internet and Internet tools is written in easily understood language; (2) ensure that legal permission has been obtained for the use of any image on the Internet and Internet tools; and (3) ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency. This bill further authorizes a state agency to designate a public engagement specialist: (1) to implement the agency's policy on public engagement; (2) to the extent feasible, to provide training on public engagement to other employees of the agency; and (3) to communicate information to the public related to the activities of the state agency using the Internet and Internet tools. In addition, with respect to any proposed major change to an existing policy of a state agency, this bill requires the state agency, to the extent feasible, to hold at least one public meeting in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) and provide for public comment using the Internet and Internet tools.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is the policy of this State to strengthen and further promote broad, inclusive and meaningful engagement by the general public and interested stakeholders in the activities of the State Government by adopting methods of public participation and public comment that incorporate the use of the Internet and Internet tools. To assist in carrying out this policy ~~[:~~

~~(a) Each]~~ each state agency is encouraged, to the extent practicable and within the limits of available money, to develop a policy on public engagement that incorporates the use of the Internet and Internet tools for the purpose of encouraging public participation and soliciting public comments on the activities of the state agency, including, without limitation, the development or adoption of regulations, policies and programs. The Internet tools used by the state agency may include, without limitation, electronic mail, electronic mailing lists, online forums and social media.

~~[The policy must:~~

~~(1) Require that any information communicated by the state agency using the Internet and Internet tools is written in easily understood language;~~

~~(2) Ensure that legal permission has been obtained by the state agency for the use of any image on the Internet and Internet tools; and~~

~~(3) Ensure that the use of the Internet and Internet tools does not disrupt a public meeting of the state agency.~~

~~*(b) Each state agency may designate an employee as the public engagement specialist. The public engagement specialist shall:*~~

~~*(1) Implement the public engagement policy of the state agency;*~~

~~*(2) To the extent feasible, provide training on public engagement for other employees of the state agency; and*~~

~~*(3) Communicate information to the public related to the activities of the state agency using the Internet and Internet tools.*~~

~~*(c) If a state agency intends to propose a major change to an existing policy of the state agency, the state agency shall, to the extent feasible, hold at least one public meeting in accordance with the provisions of chapter 241 of NRS in a county whose population is less than 100,000, and provide for public comment using the Internet and Internet tools.*~~

~~*2. The decision by a state agency whether to adopt any particular Internet tool in carrying out its policy on public engagement is at the discretion of the state agency and not subject to judicial review.*~~

~~*3. The provisions of this section are intended to supplement the existing laws of this State applicable to specific state agencies and the existing requirements for such state agencies to provide notice, solicit public comments and hold public hearings. This section does not limit the applicability of any such provision.*~~

~~*4.]*~~ *2. As used in this section:*

(a) "Social media" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, live chat, mobile applications, online services or Internet website profiles.

(b) "State agency" means every public agency, bureau, board, commission, department or division of the Executive Department of the State Government.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 717 to Assembly Bill No. 236.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 156.

The following Senate amendment was read:

Amendment No. 664.

AN ACT relating to public welfare; revising the manner in which the Director of the Department of Health and Human Services determines whether a community is at-risk for purposes of provisions relating to family resource centers; requiring a family resource center to obtain input from certain elected officials when creating an action plan; requiring a case manager at a family resource center to collect and analyze data to monitor the performance of certain responsibilities by members of families receiving services from the family resource center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "family resource center" as a facility within an at-risk community where families may obtain: (1) an assessment of their eligibility for social services; (2) social services; and (3) referrals to obtain social services from other service agencies or organizations. (NRS 430A.040) **Section 1** of this bill ~~[revises the definition of "at-risk community" to require]~~ **requires** the Director of the Department of Health and Human Services ~~[to use data and demographic analyses to determine]~~ **, when determining** whether a community is ~~["at-risk." In addition, section 1 requires the Director, when making such a determination,]~~ **"at-risk,"** to consider the number of families in the community who are at imminent risk of homelessness in addition to the number of families in the community who are transient. **Section 2** of this bill clarifies that a family resource center is a facility where families may obtain social services directly from the center.

Before a family resource center may obtain a grant from the Director, existing law requires the family resource center to create an action plan which must be approved by the Director. Such an action plan must be developed with input from members of the family resource center council, an organization of community members who assist and advise the family resource center. (NRS 430A.045, 430A.120, 430A.140) **Sections 3 and 4** of this bill require the family resource center also to develop the plan with input from local and state elected officials who represent the geographic area in which the family resource center is located when creating the action plan.

Existing law requires a case manager to develop a plan with each family that seeks services from a family resource center and requires that the plan specify the responsibilities the family members must fulfill to remain eligible for services. (NRS 430A.170) **Section 5** of this bill requires the case manager to collect and analyze data to monitor the performance of these responsibilities by the family members.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 430A.020 is hereby amended to read as follows:

430A.020 "At-risk community" means a geographic area that the Director has declared ~~*[, based on an analysis of demographics and data,]*~~ to be in need of social and economic assistance and social service programs because of the number of families who reside there who:

1. Have low incomes;
2. Are transient ~~[,]~~ or ***at imminent risk of homelessness; or***
3. Have members whose ability to excel in academics, work and social situations is impaired by the educational, economic and social situation of the family as a unit.

Sec. 2. NRS 430A.040 is hereby amended to read as follows:

430A.040 "Family resource center" means a facility within an at-risk community where families may obtain:

1. An assessment of their eligibility for social services;

2. Social services ~~[;]~~ ***directly from the family resource center;*** and

3. Referrals to obtain social services from other social service agencies or organizations.

Sec. 3. NRS 430A.120 is hereby amended to read as follows:

430A.120 The Director shall adopt such regulations as are necessary to carry out the provisions of this chapter. The regulations must provide:

1. Criteria for evaluating and determining the geographic boundaries for at-risk communities.

2. A method for establishing family resource centers, which must include the option of designating existing organizations as family resource centers.

3. Criteria for evaluating and approving action plans. The criteria must provide that no action plan will be approved unless it is:

(a) Tailored to meet the specific needs of the community;

(b) Developed with input from members of the family resource center council ~~[;]~~ ***and local and state elected officials who represent the geographic area in which the family resource center is located;*** and

(c) Feasible in relation to the resources available to the family resource center to which the action plan applies.

4. Criteria for the establishment and composition of a family resource center council.

Sec. 4. NRS 430A.140 is hereby amended to read as follows:

430A.140 1. Before a family resource center may obtain a grant from the Director, the family resource center:

(a) Must submit to the Director an action plan created by the family resource center with input from the family resource center council ~~[;]~~ ***and local and state elected officials who represent the geographic area in which the family resource center is located;*** and

(b) Must obtain approval from the Director of that action plan.

2. An action plan must be resubmitted to the Director for approval:

(a) On or before July 1 of each year; and

(b) Any time the family resource center adopts a proposed amendment to the action plan.

Sec. 5. NRS 430A.170 is hereby amended to read as follows:

430A.170 1. Each family resource center must have a case manager and may have a coordinator to handle administrative matters. If a family resource center does not employ a separate person to act as coordinator, the case manager shall also act as coordinator.

2. The Director shall provide training for all case managers on how to assess the needs of families using the family resource center.

3. The case manager shall, for each family that seeks services from the center ~~[, develop]~~ ***:***

(a) Develop a plan with the family which specifies:

~~[(a)]~~ ***(1)*** The services for which the family is eligible;

~~[(b)]~~ ***(2)*** Whether the family will receive services from the family resource center or a social service agency, or both;

~~[(c)]~~ ***(3)*** The responsibilities the family members must fulfill to remain eligible for the services; and

~~[(d)]~~ ***(4)*** The manner in which the performance of responsibilities by the agency and the family members will be monitored ~~[.]~~ ***; and***

(b) Collect and analyze data to monitor the performance by the family members of the responsibilities prescribed in the plan.

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 664 to Assembly Bill No. 156.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 200.

The following Senate amendment was read:

Amendment No. 665.

AN ACT relating to persons with disabilities; making certain voting members of the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities nonvoting members; requiring the Subcommittee to make certain recommendations; revising provisions relating to the program to provide devices for telecommunication to persons with impaired speech or hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities. The Subcommittee consists of nine voting members appointed by the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services. One member of the Subcommittee is required to be an employee of the Division, and another member is required to be the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, another representative of the telecommunications industry. (NRS 427A.750) **Section 1** of this bill makes these two members nonvoting members.

The Aging and Disability Services Division is required to develop and administer a program to provide devices for telecommunication to persons with impaired speech or hearing and to fund centers for persons who are deaf or hard of hearing operated by this State. (NRS 427A.797) **Section 2 of this bill requires the program to make interpreters available, when possible, to assist the departments of State Government in providing access to persons who are deaf or hard of hearing. Section 2 also** requires that this

program include the provision of other assistive technology and the provision of certain services by such centers, including, without limitation: (1) facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing; (2) assisting persons with impaired speech or hearing in accessing assistive devices; (3) expanding service capacity for devices for telecommunication and other assistive technology in areas where there is a need and services are not available; (4) providing instruction in language acquisition; **and** (5) providing programs designed to increase access to education, employment and health and social services**.** ~~**[**, and (6) providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of the State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.~~**]** **Section 2** also removes the requirement in existing law that the Public Utilities Commission of Nevada approve the program.

Existing law requires that funding be provided for the program, the centers and certain administrative costs from the surcharge imposed on each telephone and wireless telephone line of each customer in this State. The amount of the surcharge is established by the Public Utilities Commission. (NRS 427A.797) **Section 2** limits the amount of the surcharge to not more than eight cents per month. **Section 1** requires the Subcommittee to make recommendations concerning the programs and activities funded by the surcharge.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons With Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created. The Subcommittee consists of nine members appointed by the Administrator. The Administrator shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Subcommittee:

(a) One ***nonvoting*** member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech-impaired;

(d) ~~[The]~~ ***One nonvoting member who is the*** Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, ~~[a member]~~ who represents the telecommunications industry;

(e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Administrator shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Subcommittee shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its ***voting*** members; and

(b) Meet at the call of the Administrator, the Chair of the Nevada Commission on Services for Persons with Disabilities, the Chair of the Subcommittee or a majority of its ***voting*** members as is necessary to carry out its responsibilities.

5. A majority of the ***voting*** members of the Subcommittee constitutes a quorum for the transaction of business, and a majority of the ***voting*** members of a quorum present at any meeting is sufficient for any official action taken by the Subcommittee.

6. Members of the Subcommittee serve without compensation, except that each member is entitled, while engaged in the business of the Subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Subcommittee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Subcommittee and perform any work necessary to carry out the duties of the Subcommittee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Subcommittee to make up the time he or she is absent from work to carry out his or her duties as a member of the Subcommittee or use annual vacation or compensatory time for the absence.

8. The Subcommittee may:

(a) Make recommendations to the Nevada Commission on Services for Persons with Disabilities concerning the establishment and operation of

programs for persons with communications disabilities which affect their ability to communicate.

(b) Recommend to the Nevada Commission on Services for Persons with Disabilities any proposed legislation concerning persons with communications disabilities which affect their ability to communicate.

(c) Collect information concerning persons with communications disabilities which affect their ability to communicate.

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Subcommittee must solicit input from various persons, including, without limitation, persons with communications disabilities.

(e) Review the goals, programs and services of the Division for persons with communications disabilities and advise the Division regarding such goals, programs and services, including, without limitation, the outcomes of services provided to persons with communications disabilities and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

9. The Subcommittee shall make recommendations to ~~[the]~~ ***:***

(a) The Nevada Commission on Services for Persons with Disabilities concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) The Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

10. As used in this section:

(a) "Nevada Commission on Services for Persons with Disabilities" means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211.

(b) "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

(c) "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

(d) "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 2. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for

telecommunication ***or other assistive technology*** capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service; ~~[and]~~

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, ***or other means*** with other persons through a dual-party relay system ~~[.~~ ~~The program must be approved by the Public Utilities Commission of Nevada.]~~ ***or other assistive technology*** ~~***[.]***~~ ***; and***

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing.

2. ***The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:***

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; and

(e) Providing programs designed to increase access to education, employment and health and social services . ~~[; and~~

~~***(f) Providing for the hiring of or contracting with interpreters for use, if available, by the Executive, Judicial and Legislative Departments of State Government to ensure that appropriate access to the State Government is provided for persons who are deaf or hard of hearing.]***~~

3. A surcharge ***of not more than 8 cents per month*** is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State ***.*** ~~[which is sufficient]~~ ***The surcharge must be used*** to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing ~~[operated by this State;]~~ ***established pursuant to subsection 2;*** and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

➥ The ***Public Utilities*** Commission ***of Nevada*** shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

~~[3.]~~ ***4.*** The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection ~~[2.]~~ ***3*** must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication ~~[,]~~ ***and other assistive technology,*** including the distribution of ***such*** devices ***and technology*** to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the ***Public Utilities*** Commission ***of Nevada*** the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices ~~[;]~~ ***for telecommunication and other assistive technology;***

(f) To fund the centers for persons who are deaf or hard of hearing ~~[operated by this State;]~~ ***established pursuant to subsection 2;*** and

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

~~[4.]~~ ***5.*** For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 3. 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 665 to Assembly Bill No. 200.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 97.

The following Senate amendment was read:

Amendment No. 684.

AN ACT relating to wills; providing that a will which is delivered or presented to the clerk of a district court becomes part of the permanent record maintained by the clerk; providing that such wills become ~~[public]~~ **court** records open to inspection unless sealed pursuant to certain provisions of the Nevada Supreme Court Rules; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, certain persons in possession of a will to deliver or present the will to the clerk of the district court having jurisdiction over the case. (NRS 136.050) This bill provides that a will which is delivered or presented to the clerk of a court becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed. This bill also provides that a will which is part of the permanent record maintained by the clerk of a court becomes a ~~[public]~~ **court** record open to inspection unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 136.050 is hereby amended to read as follows:

136.050 1. Any person having possession of a will shall, within 30 days after knowledge of the death of the person who executed the will, deliver it to the clerk of the district court which has jurisdiction of the case or to the personal representative named in the will.

2. Any person named as personal representative in a will shall, within 30 days after the death of the testator, or within 30 days after knowledge of being named, present the will, if in possession of it, to the clerk of the court.

3. Every person who neglects to perform any of the duties required in subsections 1 and 2 without reasonable cause is liable to every person interested in the will for the damages the interested person may sustain by reason of the neglect.

4. A will that is delivered or presented pursuant to subsection 1 or 2 becomes part of the permanent record maintained by the clerk of the court, whether or not a petition for the probate of the will is filed.

5. A will that is part of the permanent record maintained by the clerk of the court becomes a ~~[public]~~ court record open to inspection ~~[in accordance

~~with NRS 239.010~~ ***unless the will is sealed pursuant to Part VII of the Nevada Supreme Court Rules.***

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, ***136.050,*** 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085,

637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 684 to Assembly Bill No. 97.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 669.

AN ACT relating to courts; revising provisions concerning the locations in which justice courts and municipal courts must be held; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires justice courts to be held in their respective townships, precincts or cities, and municipal courts in their respective cities. (NRS 1.050) This bill provides that justice courts and municipal courts may also be held in various other locations under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 1.050 is hereby amended to read as follows:

1.050 1. Except as otherwise provided in NRS 3.100, the District Court in and for Carson City shall sit at Carson City.

2. Except as provided in subsection ~~[4]~~ ***5*** or NRS 3.100, every other court of justice, except justice or municipal court, shall sit at the county seat of the county in which it is held.

3. Justice courts ~~[shall]~~ ***must*** be held in their respective townships, precincts or cities, ~~[and municipal courts in their respective cities.]~~ ***except that a justice court may also be held:***

(a) In a court or other facility used by any other justice court located within the same county, with the consent of the justice of the peace who presides over that court or other facility.

(b) With the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.

~~*[(c) At any other place located within the same county, with the consent of the parties to an action or proceeding pending before the court and the approval of the court.]*~~

4. ***Municipal courts must be held in their respective cities, except that a municipal court may also be held, with the approval of the court, in any county or city jail or detention facility where a person whose offense or alleged offense which is subject to the jurisdiction of the court is customarily held in custody.***

5. The parties to an action in ~~[a district]~~ ***any*** court may stipulate, with the approval of the court, that the action may be tried, or any proceeding related

to the action may be had, before that court at any other place in this State where ~~[a district]~~ court is regularly held.

Sec. 2. NRS 4.360 is hereby amended to read as follows:

4.360 The courts held by justices of the peace are denominated justice courts. ~~[They shall]~~ ***Justice courts*** have no terms ~~[, but shall]~~ ***and must*** always be open. ~~[Justice]~~ ***Except as otherwise provided in ~~[subsection]~~ subsections 3 and 5 of NRS 1.050, justice*** courts ~~[shall]~~ ***must*** be held in their respective townships.

Sec. 3. NRS 5.010 is hereby amended to read as follows:

5.010 There must be in each city a municipal court presided over by a municipal judge. The municipal court:

1. ~~[Must]~~ ***Except as otherwise provided in ~~[subsection]~~ subsections 4 and 5 of NRS 1.050, must*** be held at such place in the city within which it is established as the governing body of that city may by ordinance direct.

2. May by ordinance be designated as a court of record.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 669 to Assembly Bill No. 160.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 727.

AN ACT relating to the Department of Corrections; requiring certain provisions to be included in contracts entered into between the Director of the Department of Corrections and public or private entities to provide certain services to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Corrections, after consulting with the Division of Parole and Probation of the Department of Public Safety, to enter into one or more contracts with one or more public or private entities to provide certain services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program for reentry of offenders and parolees into the community. (NRS 209.4889) This bill **removes the requirement that the Director consult with the Division before entering into such a contract and instead authorizes the Director to consult with the Division before entering into such a contract. This bill also** requires such ~~[contracts]~~ **a contract** to contain certain provisions concerning: (1) services that the entity will provide; (2) ~~[offenders and]~~ parolees **who have completed or are currently** participating in ~~[such]~~ **a program of** services **~~[,]~~ provided by the entity;** (3) assessments of the risk levels **and needs** of offenders and parolees; and (4) annual meetings between the Director, a representative of the Division, and entities which have entered

into a contract with the Director to provide such services to offenders and parolees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. The Director may ~~[, after consulting with the Division,]~~ enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to substance abuse or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and

(e) Any other services required by offenders or parolees who are participating in a correctional or judicial program.

2. ***The Director may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.***

3. The Director shall, as necessary and appropriate, provide referrals and information regarding:

(a) Any of the services provided pursuant to subsection 1;

(b) Access and availability of any appropriate self-help groups;

(c) Social services for families and children; and

(d) Permanent housing.

~~[3.]~~ ***4.*** The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

~~[4.]~~ ***5.*** ***A contract entered into between the Director and a public or private entity pursuant to subsection 1 must require the entity to:***

(a) Provide a budget concerning ~~[any]~~ all services the entity will provide during the duration of any grant received.

(b) Provide all services required by any grant received.

(c) Provide to the Department for its approval a curriculum for any program of services the entity will provide.

(d) Provide to the Division ~~[the number of offenders or parolees to whom any grant received will enable the entity to provide services and, once services are provided,]~~ , if appropriate, a list of the ~~[offenders or]~~ parolees who have completed or are currently participating in ~~[such services.]~~ a program of services provided by the entity pursuant to any grant received.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division ~~[.]~~ or the Department, as appropriate.

(f) To the extent financially practicable ~~[,]~~ and necessary, assess the risk levels and needs of offenders and parolees by using ~~[the most effective data system available to assess such risk levels.]~~ a validated assessment tool.

(g) Share with the Director information concerning assessments of the risk levels and needs of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

(h) ~~[Meet]~~ While the entity is providing services pursuant to the contract, meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

~~[5.]~~ 6. As used in this section, "training in life skills" includes, without limitation, training in the areas of:

(a) Parenting;

(b) Improving human relationships;

(c) Preventing domestic violence;

(d) Maintaining emotional and physical health;

(e) Preventing abuse of alcohol and drugs;

(f) Preparing for and obtaining employment; and

(g) Budgeting, consumerism and personal finances.

Sec. 2. The amendatory provisions of this act apply to a contract entered into between the Director of the Department of Corrections and a public or private entity pursuant to NRS 209.4889, as amended by section 1 of this act, after October 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 727 to Assembly Bill No. 225.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 734.

AN ACT relating to crimes; providing an enhanced penalty for committing certain repeat offenses of placing graffiti on or otherwise defacing certain property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who unlawfully places graffiti on or otherwise defaces the public or private property of another without the permission of the owner is guilty of a misdemeanor, gross misdemeanor or

felony, depending on the value of the loss of the property. (NRS 206.330) This bill provides that if a person has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation, regardless of the value of the loss, the person is guilty of a category ~~[C]~~ **D** felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than $250, is guilty of a misdemeanor.

(b) Where the value of the loss is $250 or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category D felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

2. Unless a greater penalty is provided by a specific statute, a person who has previously been convicted of a violation of subsection 1:

(a) Two or more times; or

(b) That was punished as a felony,

↳ and who violates subsection 1, regardless of the value of the loss, is guilty of a category ~~[C]~~ D felony and shall be punished as provided in NRS 193.130.

~~[2.]~~ ***3.*** If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is $500 or more.

~~[3.]~~ ***4.*** A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than $400 but not more than $1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than $750 but not more than $1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense:

(1) Pay a fine of $1,000; and

(2) Perform up to 300 hours of community service for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

~~[4.]~~ ***5.*** The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.

~~[5.]~~ ***6.*** The parent or legal guardian of a person under 18 years of age who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

~~[6.]~~ ***7.*** If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

~~[7.]~~ ***8.*** The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

~~[8.]~~ ***9.*** A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to this section or another statute for the same conduct.

~~[9.]~~ ***10.*** As used in this section:

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Protected site" means:

(1) Any site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) Any site, building, structure, object or district listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(3) Any site, building, structure, object or district listed in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places;

(4) Any site, building, structure, object or district that is more than 50 years old and is located in a municipal or state park;

(5) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

(6) Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 734 to Assembly Bill No. 244.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 287.

The following Senate amendment was read:

Amendment No. 710.

AN ACT relating to crimes; prohibiting a person from making or causing to be made certain nonemergency telephone calls under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made any telephonic access to a system established to provide a telephone number to be used in an emergency if no actual or perceived emergency exists. (NRS 207.245) This bill similarly makes it a gross misdemeanor for a person to knowingly or willfully make or cause to be made a nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity if no actual or perceived emergency exists. This bill also makes it a category E felony for a person to commit either offense if the person intended to initiate an emergency response and the emergency response initiated by that person results in the death or serious bodily injury of another. This bill further provides that a person who is convicted of a category E felony for such an

offense is liable for any costs incurred by any governmental entity as a result of his or her conduct. Finally, this bill provides that ~~[it is an affirmative defense to a violation]~~ **if a defendant who is** charged ~~[pursuant to]~~ **with a violation of** the provisions of this bill ~~[if it is proven by a preponderance of the evidence that the defendant]~~ suffers from a mental illness or is intellectually disabled ~~[.]~~ **, the court may, if appropriate, assign the defendant to a program for the treatment of mental illness or intellectual disabilities.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 207.245 is hereby amended to read as follows:

207.245 1. ~~[As used in this section, "system" means a system established to provide a telephone number to be used in an emergency.~~

~~2.]~~ It is unlawful for any person knowingly or willfully to make or cause to be made ~~[any]~~ ***:***

(a) Any telephonic access to a system ***; or***

(b) A nonemergency telephone call to report an emergency on any nonemergency telephone line maintained by a governmental entity,

➥ if no actual or perceived emergency exists.

~~[3. Any]~~

2. Except as otherwise provided in subsection 3, a person who violates any provision of this section is guilty of a gross misdemeanor.

3. A person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130 if:

(a) The person intended to initiate an emergency response by law enforcement, firefighting, emergency medical care or public safety personnel when no actual emergency exists; and

(b) The emergency response initiated by the person results in the death or serious bodily injury of another.

4. A person who is convicted of a category E felony pursuant to subsection 3 is liable for any costs incurred by any governmental entity as a result of his or her conduct.

5. ~~[It is an affirmative defense to a violation charged pursuant to this section if it is proven by a preponderance of the evidence that the]~~ If a defendant who is charged with a violation of this section suffers from a mental illness or is intellectually disabled ~~[, a]~~ , the court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to a program ~~[of treatment]~~ established pursuant to NRS 176A.250.

6. As used in this section:

(a) "Emergency" means a situation in which immediate intervention is necessary to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of severe property damage, or any other situation which is likely to cause a governmental entity to provide services related to law enforcement, firefighting, emergency medical care or public safety.

(b) "Governmental entity" means an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision.

(c) "System" means a system established to provide a telephone number to be used in an emergency.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 710 to Assembly Bill No. 287.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

Assemblyman Wheeler requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, Private First Class Alejandro Ray Varela of Fernley, Nevada, was born on January 29, 1988, in Roseville, California, and was killed in action on May 19, 2007, while he was fighting for our country in Baghdad, Iraq; and

WHEREAS, Known endearingly by his friends and family as Alex, he grew up in Fernley, Nevada, where he lived with his father, Roger Varela, attending Cottonwood Elementary School and graduated from Fernley High School; and

WHEREAS, With the goal of becoming an agent for the United States Drug Enforcement Administration, he enlisted in the U.S. Army in 2006, and went to Basic Training at Fort Benning, Georgia; and

WHEREAS, After graduating from Basic Training on August 11, 2006, Private First Class Varela was assigned to the 1st Cavalry Division at Fort Hood, Texas, where he was only stationed for a short time before being deployed overseas; and

WHEREAS, He deployed to Iraq via Germany at the end of October 2006, where he had different roles such as driving a Humvee, being a gunner, and finally driving a Bradley Fighting Vehicle; and

WHEREAS, During a mission to rescue five American soldiers who had escaped from the enemy, Private First Class Varela perished in Baghdad along with Staff Sergeant Christopher Moore, Sergeant Jean P. Medlin, Specialist David W. Behrle, Specialist Joseph A. Gilmore, and Private First Class Travis F. Haslip, from wounds sustained when an improvised explosive device detonated sending their Bradley Fighting Vehicle 50 feet into the air; and

WHEREAS, He died at the young age of 19 years and had less than a month left before finishing his tour, when he would have returned to Fort Irwin in California instead of Fort Hood, Texas, in order to be closer to his father; and

WHEREAS, Private First Class Alejandro Ray Varela was a well-liked young man who enjoyed playing paintball with his friends, trapshooting, and riding his quad in the Nevada desert, and he is greatly missed by everyone whose lives he touched; now, therefore, be it

PROCLAIMED, That the Nevada Legislature is indebted and honored not only by Private First Class Varela's service to his country, but also by the efforts of his father, Roger Varela, in fostering the legislation leading to the Nevada Gold Star license plate, the creation of the Gold Star Families of Nevada National, and the establishment of a memorial honoring Nevada's fallen soldiers on the Capitol Complex in Carson City; and be it further

PROCLAIMED, That the Nevada Legislature is profoundly grateful for the ultimate sacrifice that Private First Class Alejandro Ray Varela and his fellow fallen soldiers have given in defending our freedom, a sacrifice that will never be forgotten.

DATED this 27th day of March, 2015.

John C. Ellison
Nevada State Assemblyman

James A. Settelmeyer
Nevada State Senator

Jim Wheeler
Nevada State Assemblyman

Assemblyman O'Neill requested that the following proclamation be entered in the journal.

PROCLAMATION

WHEREAS, The inaugural edition of Nevada's capital city newspaper, the Carson Daily Appeal, was published on May 16, 1865, in Carson City; and

WHEREAS, The creation of the capital city newspaper by E. F. McElwain, J. Barrett, and Marshall Robinson came into existence just a little over six months after Nevada became a state and predates the completion of the Capitol Building by six years; and

WHEREAS, The first edition debuted with a letter by the publisher acknowledging the short-lived career of several previous capital newspapers that made the citizens skeptical of its longevity, but adding confidence "that the Appeal will be enlarged, just as speedily, as the patronage it receives will justify"; and

WHEREAS, The newly hired editor, Henry Rust Mighels, had successfully operated the Marysville Appeal newspaper in Marysville, California, which became the namesake of the newly created capital newspaper in honor of his success; and

WHEREAS, The first edition was printed using the mechanics of the time, which was the use of hand set type and letterpress printing; the paper was produced in this fashion until 1961 when offset printing was incorporated; and

WHEREAS, In the young capital town of about 1,200 residents, the newspaper boasted a distribution of 200 subscribers within the city who could receive the newspaper delivered by carriers for 50 cents per week, with a one year subscription delivered by mail or express for $16; and

WHEREAS, The capital city newspaper was published under six names since its beginning, Carson Daily Appeal (1865), Daily State Register (1870), New Daily Appeal (1872), Daily Appeal (1873), Morning Appeal (1877), becoming the Nevada Appeal as it appears today in 1947; and

WHEREAS, On this date in 1865, the Carson Daily Appeal described the capital city "as near Paradise as you will find this side the Sierra Nevadas"; experiencing a charming, fragrant spring with the Carson River overflowing its banks; building new homes; and planting shade trees to beautify the town; and

WHEREAS, During its existence, the newspaper operated in at least five different locations; continues to report news of local, national, and international interest; and is considered one of the records documenting the history of the State; now, therefore, be it

PROCLAIMED, That the Nevada Appeal is acknowledged as the longest continually running newspaper in the State and longest continually operating business in the State's capital of Carson City; and be it further

PROCLAIMED, That the Nevada Appeal is recognized for its commitment to the citizens and business owners of the capital city for 150 years and congratulated for celebrating its sesquicentennial anniversary as it advances toward the next milestone.

DATED this 16th day of May, 2015.

Philip "PK" O'Neill
Nevada State Assemblyman

Ben Kieckhefer
Nevada State Senator

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to George Johnson, Carol Johnson, Judy Black, Chuck Allen, and Ken Furlong.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Tully and Phillip Bradley Williams.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Raymond and the following students, chaperones, and teachers from Fremont Elementary School: Schuyler Anaya, James Adams, Robert Arroyo Segura, Lourdes Cervantes-Mejia, Aubrie Chan, Schuyler Clark, Sam Chenin, Tryton Cox, Morgan Currier, Andrea Garza, Robert Henn, Telena Higuera, Kaden Lopez, Denzel Llamas-Aranda, Makenna Malone, Evelyn Manzano-Curiel, Calie Medeiros, Bryan Martinez-Castaneda, Caydance Miguel, Jacob Mathison, Makenna Miles, Simon Noell, Andrea Munoz, Madison Norris, Alex Myrehn, Gilberto Ortiz-Monroy, Josh Nichols, Izabel Rivera, Angie Portillo Lopez, Dyana Sanchez, Blair Rankin, Julio Soriano, Seren Rojas, Kana Teruya, Gabby Sarabia, Esa Tewanema, Devin Schneider, Ckayden Batesel, Heaven Silvers, Alexander Pattison, Micheala Stinson, Alex Pacheco, Evan Watson, Alexis Chester, Brenna Argust, Jovany Arroyo, Aiden Blandford, Jakson Perry, Nicholas Felix, Austin Garcia, Elsa Harrison, Madison Healy, Rebecca Hughey, Steven Hyatt, Aryana Jones, Elle Liebendorfer, Parker Maldonado, Nathan McKee, Hailey Obregon, Paulina Onesto, Kairy Orozco Ortiz, Dustin Packmore, Cole Palotas, Carolina Parra Hernandez, Emma Riley, Kylie Scanlon, Britney Schulz, and Harlie Vatella.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Varela, Tawnya Brown, and Amy Roby.

Assemblyman Hansen moved that the Assembly adjourn until Wednesday, May 20, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:36 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 5

**THE ONE HUNDRED AND EIGHTH DAY—
THE ONE HUNDRED AND TENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 5

Page

ASSEMBLY PROCEEDINGS 4043

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 20, 2015

Assembly called to order at 12:42 p.m.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Mark Cyr.

Our God in Heaven, Father we thank You for this great state of Nevada. We thank You for these leaders of our state who have worked so hard these last several months to determine the future and direction of our state. Lord, we ask Your blessing to be on our leaders and that You give them wisdom in these last couple of weeks to end well and find the proper path You have laid for our state. Lord help guide and direct them today and every day. Father, we pray these things in the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 67, 137, 153, 193, 194, 224, 233, 250, 341, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 6, 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 16, 45, 46, 48, 60, 68, 164, 435, 442, 465; Senate Bill No. 507.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 23, Amendment No. 668; Assembly Bill No. 34, Amendment No. 719; Assembly Bill No. 50, Amendment No. 729; Assembly Bill No. 67, Amendment No. 728; Assembly Bill No. 69, Amendment No. 748; Assembly Bill No. 114, Amendment No. 711; Assembly Bill No. 126, Amendment No. 830; Assembly Bill No. 152, Amendment No. 771; Assembly Bill No. 169, Amendment No. 767; Assembly Bill No. 170, Amendment No. 762; Assembly Bill No. 239, Amendment No. 746; Assembly Bill No. 307,

Amendment No. 768; Assembly Bill No. 457, Amendment No. 793; Assembly Bill No. 461, Amendment No. 777, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 85, Amendment No. 752; Assembly Bill No. 166, Amendment No. 848; Assembly Bill No. 205, Amendment No. 803; Assembly Bill No. 206, Amendment No. 802; Assembly Bill No. 295, Amendment No. 831, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 24, 76, 185, 291, 332.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 296, 324.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 675 to Senate Bill No. 13; Assembly Amendment No. 687 to Senate Bill No. 127; Assembly Amendment No. 688 to Senate Bill No. 156; Assembly Amendment No. 666 to Senate Bill No. 208.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 12:50 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 24.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 60.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 76.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 185.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 291.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 296.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 324.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 332.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 507.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 837.

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities. ~~[and programs.]~~ (BDR 39-64)

AN ACT relating to mental health; ~~[expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs;]~~ expanding the list of persons authorized to complete certain certificates concerning the mental condition of another ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others.~~

~~(NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) Section 1.5 of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.]~~

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if ~~[not admitted to certain facilities or programs.]~~ **allowed his or her liberty.** (NRS 433A.170 ~~[, 433A. 200)]~~ **) Section 1.7 of this bill also authorizes a physician to complete the certificate regardless of whether a psychiatrist or psychologist is available. If a person is in an emergency room of a hospital, section 1.7 also authorizes a physician assistant under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience and an advanced practice registered nurse with certain psychiatric training and experience to examine such a person and complete such a certificate after conducting the examination. Existing law further requires a psychiatrist, psychologist or physician to examine the person before the person is admitted to a mental health facility or hospital on an emergency basis and a psychiatrist to approve each such admission. (NRS 433A.160) These requirements remain.**

Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) **Sections ~~[1, 1.7,]~~ 2 ~~[,]~~ and 3 ~~[and 4]~~** of this bill **also** authorize **any physician, a psychiatrist,** a physician assistant under the supervision of a psychiatrist, a psychologist, a clinical social worker with certain psychiatric training and experience ~~[,]~~ **or** an advanced practice registered nurse with certain psychiatric training and experience ~~[or an accredited agent of the Department of Health and Human Services]~~ to **examine a person alleged to be a person with mental illness in a hospital emergency room and** complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person.

Sections 4.2 and 4.7 of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete ~~[such]~~ a certificate ~~[,]~~ **stating whether a person examined in a hospital emergency room has a mental illness that makes it likely that he or she would harm himself or herself or others if allowed his or her liberty.**

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with mental illness. (NRS 433A.197) **Section 3** also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

~~[Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community based or outpatient services. (NRS 433A.200) Section 4 further authorizes a physician assistant to file such a petition.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 433A.145 is hereby amended to read as follows:~~

~~433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist~~ **, [or]** physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** ~~pursuant to NRS 433A.170.~~

~~2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless, before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.~~

~~3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~[NRS 433A.160 is hereby amended to read as follows:~~

~~433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician~~ ***, physician assistant,*** ~~psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician,~~ ***physician assistant,***

~~psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:~~

~~(a) Without a warrant:~~

~~(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and~~

~~(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:~~

~~(I) A local law enforcement agency;~~

~~(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;~~

~~(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or~~

~~(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,~~

~~→ only if the agent, officer, physician, ***physician assistant,*** psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.~~

~~(b) Apply to a district court for an order requiring:~~

~~(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and~~

~~(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose.~~

~~→ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.~~

~~2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.~~

~~3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.~~

~~4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.~~

~~5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.~~] **(Deleted by amendment.)**

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 ***1.*** Except as otherwise provided in ~~[this section,]~~ ***subsection 2,*** the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a psychiatrist **,** ~~[or a]~~ licensed psychologist ***[, a]*** ***or physician [, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department]*** stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~[If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.]~~

2. A physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or any person authorized to conduct an examination and complete a certificate pursuant to subsection 1 may conduct the examination and complete the certificate required pursuant to subsection 1 for a person who is in the emergency room of a hospital.

3. The certificate required by this section may be obtained from a psychiatrist, licensed psychologist **,** ~~[or]~~ physician ***, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department*** who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 ~~[A]~~

1. Except as otherwise provided in this section, a licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital ***[, a physician assistant under the supervision of a psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department]*** stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

2. A psychiatrist, a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the examination and complete the certificate required pursuant to subsection 1 for a person who is in the emergency room of a hospital.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychiatrist, psychologist ***,*** ***[***or***]*** physician ***, physician assistant, clinical social worker [,] or advanced practice registered nurse [or accredited agent of the Department]*** who is related by blood or marriage within the ***[***first***]*** ***second*** degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ***[***,***]*** ***, physician assistant, psychologist, clinical social worker [,] or advanced practice registered nurse . [or accredited agent of the Department.]*** The certificate authorized pursuant to NRS 433A.195 must ***[***set forth***]*** ***describe*** in detail the facts and reasons on which the examining physician ***, physician***

assistant, psychologist, clinical social worker ~~[,]~~ ***or advanced practice registered nurse*** ~~***[or accredited agent of the Department]***~~ based his or her opinions and conclusions.

Sec. 4. ~~[~~NRS 433A.200 is hereby amended to read as follows:

~~433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, ***physician assistant,*** psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:~~

~~(a) By a certificate of a physician, [~~psychiatrist or~~] ***, a*** licensed psychologist ***, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department*** stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or~~

~~(b) By a sworn written statement by the petitioner that:~~

~~(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and~~

~~(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.~~

~~2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.~~] **(Deleted by amendment.)**

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170 ~~[,]~~ and 433A.195 . ~~[and 433A.200.]

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~[such]~~ ***:***

1. ***Such*** regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~[.]~~ ***; and***

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170 ~~[,]~~ ***and 433A.195*** . ~~***[and 433A.200.]***~~

Sec. 5. Thi s act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment only allows for the expanded list of persons to complete a certificate in the ER [emergency room] as well as release from the ER.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 654.

SUMMARY—Revises provisions relating to ~~[public schools.]~~ **education.** (BDR 34-316)

AN ACT relating to education; revising provisions governing the membership of the State Board of Education; revising certain duties of the Superintendent of Public Instruction, the Department of Education and the State Board; revising the membership of the Advisory Council on Parental Involvement and Family Engagement; revising provisions governing certain products used to clean in public schools; **authorizing unused allocations for special education program units to be reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that operates a licensed private school in certain circumstances;** revising provisions relating to certain programs of distance education; revising provisions governing standards of content and performance for foreign and world language and any other course of study requested by the Superintendent of Public Instruction; revising provisions relating to certain hearings concerning the suspension or revocation of a license to teach; revising provisions concerning minimum standards for the maintenance and operation of certain educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is elected to serve as an officer of this State or any political subdivision thereof from also serving on the State Board of Education. **Section 1** also prohibits a person who is appointed to

serve for the unexpired term of such an office from continuing to serve on the State Board, with certain exceptions. **Section 3** of this bill removes certain requirements regarding the use of environmentally sensitive cleaning and maintenance products in public schools and authorizes the board of trustees of a school district to use a product that is not an environmentally sensitive cleaning and maintenance product after posting a notice of the product to be used on the Internet website maintained by the school district. **Sections 4, 10, 11-13, 15, 17 and 18** of this bill replace references to the terms "English" and "foreign language" with references to "English language arts" and "foreign or world language" for consistency with currently accepted terminology.

Existing law authorizes certain hospitals or other facilities that are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services and that operate a licensed private school to request reimbursement, under certain circumstances, from the Department of Education for the cost of providing educational services to a child who attends the licensed private school. (NRS 277.0655, 387.1225) Existing law also: (1) provides for the establishment of a basic support guarantee for special education program units for the purpose of allocating money from the State Distributive School Account; and (2) authorizes the Superintendent to reallocate any unused allocations for special education program units to a school district, charter school or university school for profoundly gifted pupils. (NRS 387.122, 387.1221) Section 4.5 of this bill authorizes the Superintendent to reallocate any unused allocations to a hospital or facility which is licensed by the Division of Public and Behavioral Health that operates a licensed private school.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State's financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.126) **Sections 5, 6, 8 and 9** of this bill provide that the apportionment for a pupil enrolled part-time in a program of distance education is paid to the school district in which the pupil resides, or the charter school in which the pupil is enrolled. The school district or charter school, as applicable, is required to allocate a percentage of that amount to the school district or charter school that provides the program of distance education in an amount which must be set out in an agreement between them.

Section 2.5 of this bill adds a member to the Advisory Council on Parental Involvement and Family Engagement to represent the Nevada Parent Teacher Association.

Because existing law gives the Governor authority over the budgets of the Department of Education, **section 7** of this bill: (1) requires the Superintendent to submit certain recommendations of the Department to the Governor instead of to the State Board; and (2) removes the requirement that the State Board

consider the biennial budgets of the Department. **Sections 8 and 9** remove the requirement that certain pupils obtain written permission from the board of trustees of a school district or the governing body of a charter school before enrolling in certain part-time programs of distance education.

Section 12 requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for foreign and world languages in addition to other subjects for which it is already required to do so. **Section 13** requires the State Board to prescribe examinations that measure the achievement and proficiency of pupils for grades 9, 10, 11 and 12 in certain subjects to comply with federal law. (20 U.S.C. § 6311(b)(3)) **Section 14** of this bill revises the manner in which the Department provides an informational pamphlet concerning end-of-course examinations and college and career readiness assessments so that the pamphlet is available electronically. **Section 14.5** of this bill removes an incorrect reference to an organization.

Section 16 of this bill allows the parties in a hearing concerning the suspension or revocation of a license to teach to agree to extend the date by which the hearing must be held. **Section 20** of this bill authorizes money in the Educational Trust Account to be expended as authorized by the Interim Finance Committee when the Legislature is not in session. **Section 21** of this bill repeals the requirements that: (1) the State Board adopt and use an official seal in authentication of its acts; and (2) the Department approve or disapprove lists of books for use in public school libraries.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

(a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;

(b) One member appointed by the Governor;

(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and

(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;

(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and

(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. ***Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.***

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

~~[6.]~~ ***7.*** After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years ~~[.]~~ ***, except that each member continues to serve until a successor is appointed.*** A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~[7.]~~ ***8.*** If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the

unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of ~~[10]~~ ***11*** members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; ~~[and]~~

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000 ~~[.]~~ ***; and***

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a

regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 3. NRS 386.4195 is hereby amended to read as follows:

386.4195 1. ~~[The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.~~

~~2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.~~

~~3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.~~

~~4.]~~ Except as otherwise provided in ~~[subsections 6 and 7,]~~ ***subsection 2,*** each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district**.** ~~[in accordance with the regulations adopted pursuant to subsection 1.~~

~~5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:~~

~~(a) Submit a written request to the Department pursuant to subsection 6 or 7.~~

~~(b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.~~

~~6.~~ ***2.*** If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may ~~[submit a written request to the Department for a waiver from purchasing and using environmentally sensitive]~~ ***, after posting notice of the product to be used on the Internet website maintained by the school district, purchase and use a*** cleaning and maintenance ~~[products for use]~~ ***product that is not an environmentally sensitive cleaning and maintenance product*** in the cleaning of floor surfaces for the school district as a whole or for a particular school or schools within the school district.

~~[7. If the board of trustees of a school district determines that an environmentally sensitive cleaning and maintenance product for use in the cleaning of floor surfaces which is not included in the sample list developed pursuant to subsection 2 is more economically feasible or is a more effective environmentally sensitive cleaning and maintenance product, the board of trustees may submit a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards prescribed pursuant to subsection 1.~~

~~8. If a waiver is granted by the Department pursuant to subsection 6 or 7, the waiver is effective for 1 year after the date of its approval and a renewal may be requested on an annual basis in the manner set forth in subsection 6 or 7, as applicable.~~

~~9.~~ ***3.*** In addition to the environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces in the public schools within the school district required pursuant to subsection 1, the board of trustees of a school district may use environmentally sensitive cleaning products for use in the cleaning of any other surfaces.

~~[10. The regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.~~

~~11.~~ ***4.*** As used in this section, "environmentally sensitive cleaning and maintenance products" means cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.

Sec. 4. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event

may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

(a) English ~~[, reading or]~~ language arts;

(b) Mathematics;

(c) Science;

(d) ~~[Foreign]~~ ***A foreign or world*** language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391

of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 7, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 4.5. **NRS 387.1221 is hereby amended to read as follows:**

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated ***by the Superintendent of Public Instruction*** to other school districts, charter schools**,** ~~[or]~~ university schools for profoundly gifted pupils ~~[by the Superintendent of Public Instruction.]~~ ***or hospitals or facilities which are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provide residential treatment to children and which operate a private school licensed pursuant to chapter 394 of NRS.*** In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. ***Any unused allocation of a special education program unit that is reallocated to a hospital or facility which is licensed by the Division of Public and Behavioral Health pursuant to subsection 2 must be provided as a percentage of a unit as determined based upon the number of days that such a program is provided compared to the total number of school days for the year.***

4. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive.

~~[4.]~~ ***5.*** A school district in a county whose population is less than 700,000, a charter school or a university school for profoundly gifted pupils that receives an allocation for special education program units may use not more than 15 percent of its allocation to provide early intervening services.

6. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year **.** ~~[, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).]~~

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year **.** ~~[, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).]~~

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 6. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil

in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, ***if a pupil is enrolled part-time in a program of distance education and part-time in a:***

(a) Public school other than a charter school, an apportionment must be made to ~~[a school district or charter school that provides a program of distance education for each pupil who is enrolled part-time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for]~~ the school district in which the pupil resides. ***The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.***

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to

receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 7. NRS 387.3035 is hereby amended to read as follows:

387.3035 The Department shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

(a) School district; and

(b) School within a school district.

➥ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 387.3037.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the **[**~~State Board~~**]** ***Governor*** as the Department deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the **[**~~State Board~~**]** ***Governor*** such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for ~~[consideration by the State Board and]~~ submission to the Governor.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Before a pupil may enroll full-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, ~~[the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part-time in a program of distance education that is provided by a charter school,]~~ the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.

2. A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides or ~~[enrolls full-time in a program of distance education]~~ that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

3. If the board of trustees of a school district grants permission ***for a pupil to enroll full-time in a program of distance education*** pursuant to subsection 1 ~~[,]~~ ***or if a pupil enrolls part-time in a program of distance education pursuant to subsection 2,*** the board of trustees ***of the school district in which the pupil resides*** shall enter into a written agreement with the board of trustees ***of the school district*** or ***the*** governing body ~~[,]~~ ***of the charter school,*** as applicable, that provides the program of distance education. ***If the pupil enrolls part-time in a program of distance education, the agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.***

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.

5. If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of

subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, the pupil may enroll full-time in a program of distance education only if the charter school in which the pupil is enrolled provides the program of distance education.

2. ~~[Before a]~~ ***A*** pupil who is enrolled in a charter school may enroll part-time in a program of distance education that is provided by a school district or another charter school ~~[, the pupil must]~~ ***and is not required to*** obtain the ~~[written permission]~~ ***approval*** of the governing body of the charter school in which the pupil is enrolled.

3. If ~~[the governing body of]~~ a ***pupil who is enrolled in a*** charter school ~~[grants permission pursuant to subsection 2, the]~~ ***enrolls in a part-time program of distance education that is provided by a school district or another charter school, the*** governing body ***of the charter school in which the pupil is enrolled*** shall enter into a written agreement with the board of trustees ***of the school district*** or governing body ~~[,]~~ ***of the charter school,*** as applicable, that provides the program of distance education. ***The agreement must include, without limitation, the amount of the apportionment provided to the charter school in which the pupil is enrolled that will be allocated pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.***

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education.

5. If the charter school in which the pupil is enrolled and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the charter school in which the pupil is enrolled is required to allocate pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

Sec. 10. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English ***language arts*** and mathematics established pursuant to NRS 389.520 with the standards for English ***language arts*** and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 11. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and

any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English ~~[, including reading, composition and writing;]~~ ***language arts;***

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English ~~[;]~~ ***language arts;***

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 12. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade

levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English ~~[, including reading, composition and writing;]~~ ***language arts;***

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; ~~[and]~~

(8) Physical education ~~[.]~~ ***; and***

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English ***language arts*** and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 13. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 **,** in the standards of content established by the Council for the subjects of English ***language arts*** and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(3).

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 14. NRS 389.809 is hereby amended to read as follows:

389.809 1. The Department shall develop an informational pamphlet concerning the end-of-course examinations required pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the end-of-course examinations and the importance of taking the college and career readiness assessment;

(b) Courses of study for which the end-of-course examinations are administered and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the end-of-course examinations and the college and career readiness assessment.

3. On or before September 1, the Department shall ~~[provide a]~~ ***:***

(a) Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level ~~[.]~~ ***; and***

(b) Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 14.5. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

(a) The licensure of teachers or other educational personnel;

(b) The renewal of licenses of teachers or other educational personnel; or

(c) An endorsement in a field of specialization.

➥ If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, ~~[and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators,]~~ shall adopt regulations governing the approval by the State Board of courses of study and training **.** ~~[which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.]~~

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

Sec. 15. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

(a) English ~~[, reading or]~~ language arts;

(b) Mathematics;

(c) Science;

(d) ~~[Foreign]~~ ***A foreign or world*** language;

(e) Civics or government;

(f) Economics;

(g) Geography;

(h) History; or

(i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by

another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.

Sec. 16. NRS 391.323 is hereby amended to read as follows:

391.323 1. ~~[Within]~~ ***Unless the parties agree to a later date, within*** 30 days after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and

(b) Findings of fact and conclusions of law which support the recommendation.

2. The State Board may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the State Board is a final decision in a contested case.

Sec. 17. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English ~~[,]~~ ***language arts,*** mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

Sec. 18. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the

change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child

resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English ~~[, including reading, composition and writing,]~~ ***language arts,*** mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 19. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

(a) The quality and content of each course of instruction, training or study reasonably and adequately achieve the stated objective for which the course or program is offered.

(b) The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality.

(c) The education and experience qualifications of directors, administrators, supervisors and instructors reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.

(d) The institution provides pupils and other interested persons with a catalog or brochure containing information describing the grades or programs offered, program objectives, length of school year or program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution as are reasonably likely to affect the decision of the parents or pupil to enroll in the institution, together with any other disclosures specified by the Superintendent or defined in the regulations of the Board, and the information is provided to parents or prospective pupils before enrollment.

(e) Upon satisfactory completion of training or instruction, the pupil is given appropriate educational credentials by the institution indicating that the course of instruction or study has been satisfactorily completed.

(f) Adequate records are maintained by the institution to show attendance, progress and performance.

(g) The institution is maintained and operated in compliance with all pertinent ordinances and laws, including regulations adopted relative to the safety and health of all persons upon the premises.

(h) The institution is financially sound and capable of fulfilling its commitments.

(i) Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair.

(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The pupil housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Department of Education ***, including, without limitation, the Middle States Commission on Higher Education, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Southern Association of Colleges and Schools and the Accrediting Commission for Schools, Western Association of Schools and Colleges,*** may be accepted as evidence of compliance with the minimum standards established pursuant to this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 20. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator

determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature ***, if it is in session, or by the Interim Finance Committee, if the Legislature is not in session,*** for educational purposes.

Sec. 21. NRS 385.060 and 390.400 are hereby repealed.

Sec. 22. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

385.060 Seal. The Board shall adopt and use an official seal in authentication of its acts.

390.400 Approval for use in public schools; exception for charter schools; actions subject to review by State Board.

1. The Department shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the Department with respect to lists of books are subject to review and approval or disapproval by the State Board.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywomen Woodbury and Neal.

ASSEMBLYWOMAN WOODBURY:

Amendment 654 authorizes hospitals or other facilities licensed by the Division of Public and Behavioral Health for residential treatment of children which operate a licensed private school to receive unused allocations of special education program units in the same manner allowed for charter schools and the university school for profoundly gifted pupils. The units must be provided as a percentage of a unit based upon the number of days that a program is provided as compared to the total number of school days for the year.

ASSEMBLYWOMAN NEAL:

I want to ask my colleague a question about Amendment 654 to Senate Bill 25. What is the intent of the added language which is authorizing the unused allocations for the special education program units to be reallocated to the hospital?

ASSEMBLYWOMAN WOODBURY:

There is at least one hospital that operates a school because some of these kids are there long-term, and they get credit while they are there. A high number of them have IEPs [individualized education plans], so this would let the money follow them just for the time they are at the hospital. It would be prorated for their services just for the time they are there.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 740.

SUMMARY—Grants power to a board of county commissioners to ~~[~~perform~~]~~ **address matters of local concern within** certain ~~[~~acts which are not prohibited or limited by statute.~~]~~ **parameters.** (BDR 20-465)

AN ACT relating to county government; authorizing a board of county commissioners to exercise ~~[~~the~~]~~ powers necessary **or proper to address matters of local concern** for the effective operation of county government; **providing that such powers do not apply to certain matters;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In **a case from** 1868 ~~[~~, Judge~~]~~ **and in later treatises on the law governing local governments, former Chief Justice** John F. Dillon of the Iowa Supreme Court ~~[~~established~~]~~ **developed** a common-law rule ~~[~~of statutory interpretation~~]~~ **on local governmental power** known as Dillon's Rule, which **defines and** limits the powers of local governments. ~~[~~(*Merriam v. Moody's Ex'rs*, 25 Iowa 163 (Iowa 1868))~~]~~ Under Dillon's Rule, a local government is authorized to exercise only those powers which are: (1) expressly granted; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared **objects and** purposes of the local government ~~[~~.

~~Under~~~~]~~ **and not merely convenient but indispensable. Dillon's Rule also provides that if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved against the local government and the power is denied. (*Merriam v. Moody's Ex'rs*, 25 Iowa 163, 170 (1868); 1 John F. Dillon, *Commentaries on the Law of Municipal Corporations* § 237 (5th ed. 1911))**

In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied Dillon's Rule to county, city and other local governments. (*Ronnow v. City of Las Vegas*, 57 Nev. 332, 341-43 (1937); *Hard v. Depaoli*, 56 Nev. 19, 30 (1935); *Lyon County v. Ross*, 24 Nev. 102, 111-12 (1897); *State ex rel. Rosenstock v. Swift*, 11 Nev. 128, 140 (1876)) Thus, as a general rule under existing law, **a board of** county commissioners ~~[~~are~~]~~ **is** authorized to exercise only those powers which are expressly granted **to the board** and **those** powers ~~[~~that~~]~~ **which** are necessarily implied to carry out **the** express

powers**[.** (**]** **of the board. (NRS 244.195; *First Nat'l Bank v. Nye County*, 38 Nev. 123, 134-39 (1914);** *Sadler v. Board of County Comm'rs*, 15 Nev. 39, 42 (1880)) **[**This bill authorizes**]**

Sections 2-2.7, 7 and 7.5 of this bill authorize a board of county commissioners, with **[**limited**]** **certain** exceptions, to exercise all powers necessary **or proper to address matters of local concern** for the effective operation of county government, **[**even if such a power is neither express nor implied, so long as the power is**]** **whether or** not **the powers are** expressly **[**prohibited or limited by**]** **granted to the board, but such powers remain subject to all federal and state** constitutional **,** **[**or**]** statutory **and regulatory** provisions **.** **[**granted to another entity.**]**

Section 2.7 defines the term "matter of local concern" as any matter that primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and that does not have a significant effect or impact on areas located in other counties. However, the term "matter of local concern" does not include any matter that is within the exclusive jurisdiction of another governmental entity or any matter that concerns: (1) a state interest that requires statewide uniformity of regulation; (2) the regulation of business activities that are subject to substantial regulation by a federal or state agency; or (3) any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

Sections 2 and 7 modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature. Section 2 also states that the provisions of this bill must not be interpreted to modify Dillon's Rule with regard to: (1) any local governing body other than a board of county commissioners; or (2) any powers other than those powers necessary or proper to address matters of local concern for the effective operation of county government.

Section 7.7 of this bill provides that during the 2015-2017 interim between regular legislative sessions, the Nevada Association of Counties shall: (1) obtain information regarding the implementation of the provisions of this bill from each board of county commissioners; and (2) compile and report the information to the next regular session of the Legislature in 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ~~*[It is expressly declared as the intent of the]*~~ *The Legislature* ~~*[to grant a]*~~ *hereby finds and declares that:*

1. Historically under Nevada law, the exercise of powers by a board of county commissioners has been governed by a common-law rule on local governmental power known as Dillon's Rule, which is named after former Chief Justice John F. Dillon of the Iowa Supreme Court who in a case from 1868 and in later treatises on the law governing local governments set forth the common-law rule defining and limiting the powers of local governments.

2. In Nevada's jurisprudence, the Nevada Supreme Court has adopted and applied Dillon's Rule to county, city and other local governments.

3. As applied to county government, Dillon's Rule provides that a board of county commissioners possesses and may exercise only the following powers and no others:

(a) Those powers granted in express terms by the Nevada Constitution or statute;

(b) Those powers necessarily or fairly implied in or incident to the powers expressly granted; and

(c) Those powers essential to the accomplishment of the declared objects and purposes of the county and not merely convenient but indispensable.

4. Dillon's Rule also provides that if there is any fair or reasonable doubt concerning the existence of a power, that doubt is resolved against the board of county commissioners and the power is denied.

5. As a general rule on local governmental power, Dillon's Rule serves an important function in defining the powers of county government and remains a vital component of Nevada law. However, with regard to matters of local concern, a strict interpretation and application of Dillon's Rule unnecessarily restricts a board of county commissioners from taking appropriate actions that are necessary or proper to address matters of local concern for the effective operation of county government and thereby impedes the board from responding to and serving the needs of local citizens diligently, decisively and effectively.

6. To provide a board of county commissioners with the appropriate authority to address matters of local concern for the effective operation of county government, the provisions of sections 2 to 7, inclusive, of this act:

(a) Expressly grant and delegate to the board of county commissioners ~~*[the]*~~ *all powers necessary or proper to address matters of local concern so that the board may adopt county ordinances and implement and carry out county programs and functions for the effective operation of county government* ~~*[.]*~~ *; and*

(b) Modify Dillon's Rule as applied to the board of county commissioners so that if there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

7. The provisions of sections 2 to 7, inclusive, of this act must not be interpreted to modify Dillon's Rule with regard to:

(a) Any local governing body other than a board of county commissioners; or

(b) Any powers other than those powers necessary or proper to address matters of local concern for the effective operation of county government.

Sec. 2.1. As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 and 2.7 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. "County government" means any public body, agency, bureau, board, commission, department, division, office or other unit of county government, or any officer or employee thereof, within the jurisdiction of the board of county commissioners.

Sec. 2.7. 1. "Matter of local concern" means any matter that:

(a) Primarily affects or impacts areas located in the county, or persons who reside, work, visit or are otherwise present in areas located in the county, and does not have a significant effect or impact on areas located in other counties;

(b) Is not within the exclusive jurisdiction of another governmental entity; and

(c) Does not concern:

(1) A state interest that requires statewide uniformity of regulation;

(2) The regulation of business activities that are subject to substantial regulation by a federal or state agency; or

(3) Any other federal or state interest that is committed by the Constitution, statutes or regulations of the United States or this State to federal or state regulation that preempts local regulation.

2. The term includes, without limitation, any of the following matters of local concern:

(a) Public health, safety and welfare in the county.

(b) Planning, zoning, development and redevelopment in the county.

(c) Nuisances and graffiti in the county.

(d) Outdoor assemblies in the county.

(e) Contracts and purchasing by county government.

(f) Operation, management and control of county jails and prisoners by county government.

(g) Any public property, buildings, lands, utilities and other public works owned, leased, operated, managed or controlled by county government, including, without limitation:

(1) Roads, highways and bridges.

(2) Parks, recreational centers, cultural centers, libraries and museums.

3. The provisions of subsection 2:

(a) Are intended to be illustrative;

(b) Are not intended to be exhaustive or exclusive; and

(c) Must not be interpreted as either limiting or expanding the meaning of the term "matter of local concern" as provided in subsection 1.

Sec. 3. ~~*[1. The rule of law that any doubt as to the existence of a power of a board of county commissioners must be resolved against its existence is abrogated.*~~

~~*2. Any doubt as to the existence of the power of a board of county commissioners must be resolved in favor of its existence. This rule applies even though a statute granting the power has been repealed.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. The rule of law that a board of county commissioners can exercise only powers:*~~

~~*(a) Expressly granted by statute;*~~

~~*(b) Necessarily or fairly implied in or incident to powers expressly granted; and*~~

~~*(c) Indispensable to the declared purposes of a board of county commissioners,*~~

~~*↵ is abrogated.*~~

~~*2. A board of county commissioners has:*~~

~~*(a) All powers granted it by statute; and*~~

~~*(b) All other powers necessary or desirable in the conduct of county affairs even though not granted by statute.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[A board of county commissioners may exercise any power to the extent that the power is not expressly:*~~

~~*1. Denied by the Constitution of the State of Nevada;*~~

~~*2. Denied by the Constitution of the United States;*~~

~~*3. Denied by the laws of the State of Nevada; or*~~

~~*4. Granted to another entity.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall do so in that manner.*~~

~~*2. If there is no constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners that wishes to exercise the power shall adopt an ordinance prescribing a specific manner for exercising the power.]*~~ **(Deleted by amendment.)**

Sec. 7. *1. Except as prohibited, limited or preempted by the Constitution, statutes or regulations of the United States or this State and except as otherwise provided in this section, a board of county commissioners has:*

(a) All powers expressly granted to the board;

(b) All powers necessarily or fairly implied in or incident to the powers expressly granted to the board; and

(c) All other powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter

of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature.

2. If there is a constitutional or statutory provision requiring a board of county commissioners to exercise a power set forth in subsection 1 in a specific manner, the board may exercise the power only in that specific manner, but if there is no constitutional or statutory provision requiring the board to exercise the power in a specific manner, the board may adopt an ordinance prescribing a specific manner for exercising the power.

3. Except as expressly authorized by statute, a board of county commissioners shall not:

(a) Condition or limit its civil liability unless such condition or limitation is part of a legally executed contract or agreement between the county and another governmental entity or a private person or [business.] entity.

(b) Prescribe the law governing civil actions between private persons [.] or entities.

(c) Impose duties on another governmental entity unless the performance of the duties is part of a legally executed agreement between the county and another governmental entity.

(d) Impose a tax.

(e) Order or conduct an election.

[2.] 4. Except as expressly authorized by statute or necessarily or fairly implied in or incident to powers expressly [granted] authorized by statute, a board of county commissioners shall not:

(a) Impose a service charge or user fee; or

(b) Regulate business activities that are subject to substantial regulation by a federal or state agency.

Sec. 7.5. **NRS 244.195 is hereby amended to read as follows:**

244.195 [The] ***Except as otherwise provided in sections 2 to 7, inclusive, of this act, the*** boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and [strictly] necessary to the full discharge of the powers and jurisdiction conferred on the board.

Sec. 7.7. **1. During the 2015-2017 interim between the 78th and 79th Sessions of the Nevada Legislature, the Nevada Association of Counties shall obtain information regarding the implementation of the provisions of this act from each board of county commissioners in this State, and each such board shall cooperate and work collaboratively with the Nevada Association of Counties to provide that information.**

2. On or before February 1, 2017, the Nevada Association of Counties shall compile and report the information obtained pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

Sec. 8. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblymen Ellison and Kirkpatrick.

ASSEMBLYMAN ELLISON:

The amendment replaces most of the bill and grants boards of county commissioners the powers necessary to address matters of local concern. The amendment defines the term "matter of local concern" as "any matter that primarily affects or impacts areas located in the county . . . ." The amendment requires the Nevada Association of Counties to compile and report on information regarding the implementation of the provisions of this bill to the next regular session of the Legislature in 2017.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from Elko, for the record, I have always been opposed to any form of home rule, but I do appreciate the reports. For years, they have not been able to define what they are not able to do, so I look forward to getting that report. How often will we get that report? I would like to see it in the interim so we know as it comes along.

ASSEMBLYMAN ELLISON:

I think that is a great idea and I am sure that the Nevada Association of Counties would be happy to bring that forward.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

Senate Bill No. 54.

Bill read second time and ordered to third reading.

Senate Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 789.

AN ACT relating to graffiti; revising the definition of "graffiti"; expanding the list of items that are considered graffiti implements which are unlawful to carry in certain places; clarifying that a governmental entity may bring a civil action for damages to public property; authorizing the governing body of a city to adopt ordinances to address covering and removing certain graffiti on residential and nonresidential property; revising provisions governing money in a city's graffiti reward and abatement fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to place graffiti on or otherwise deface the public or private property, real or personal, of another, without the permission of the owner. (NRS 206.330) **Sections 5, 8.2 and 16** of this bill revise the definition of "graffiti" to: (1) clarify that estrays and livestock are included

within the scope of property to which the offense of graffiti applies; and (2) exclude certain items which are affixed to property.

Existing law makes it a misdemeanor for a person to carry on his or her person, in certain public places, a graffiti implement with the intent to vandalize, place graffiti on or deface property. (NRS 206.335) **Section 7** of this bill revises the definition of "graffiti implement" to include any item that may be used to etch or deface property.

Existing law requires a person who is ordered to pay restitution for placing graffiti on public property to pay the restitution to the governmental entity that has incurred expenses for abating the graffiti. (NRS 206.345) **Section 8** of this bill authorizes the payment of restitution to a governmental entity for future expenses to abate the graffiti. Existing law also authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who placed the graffiti and recover damages in an amount up to three times the amount of any loss in value to property and up to three times the cost of restoring the property plus attorney's fees and costs. (NRS 206.345) **Section 8** clarifies that a governmental entity may also bring a civil action to recover such damages from a person who placed graffiti on property if the governmental entity owns or is otherwise responsible for the damaged property.

Existing law authorizes a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property. (NRS 244.36935) **Sections 8.4 and 8.6** of this bill revise provisions governing the covering or removal of certain graffiti that is placed on residential property. **Section 14** of this bill authorizes the governing body of a city to similarly provide by ordinance for the covering or removal of certain graffiti on residential property.

Existing law authorizes a board of county commissioners to provide by ordinance procedures pursuant to which the board may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property. (NRS 244.3694) **Section 8.8** of this bill revises provisions governing the covering or removal of graffiti that is placed on nonresidential property. **Section 15** of this bill similarly authorizes the governing body of a city to provide by ordinance procedures pursuant to which the governing body may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property.

Existing law requires the governing body of each city to create a fund to pay, upon approval by the governing body of the city, a reward to certain persons who provide information which results in the identification, apprehension and conviction of a person who violated a city ordinance prohibiting graffiti or other defacement of property. (NRS 268.4085) **Section 18** of this bill expands the authorized use of money in the fund: (1) to purchase supplies or pay for other graffiti abatement costs incurred by the city; (2) to be paid for information which results in the identification, apprehension or conviction of a person who is alleged to have violated a city ordinance that

prohibits graffiti or defacement of property; and (3) to be paid upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 206.005 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Estray" means any livestock running at large upon public or private lands in this State whose owner is unknown in the section where the animal is found.***

Sec. 4. ***"Livestock" has the meaning ascribed to it in NRS 205.219.***

Sec. 5. NRS 206.005 is hereby amended to read as follows:

206.005 ~~[As used in this chapter, "graffiti"]~~

1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, painted on or affixed to the public or private property, real or personal, of another, ***including, without limitation, an estray or one or more head of livestock,*** which defaces the property.

2. The term does not include any item affixed to property which may be removed:

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.

Sec. 6. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as otherwise provided in subsections 2 and 3, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

2. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

~~[4. As used in this section:~~

~~(a) "Estray" means any livestock running at large upon public or private lands in this state, whose owner is unknown in the section where the animal is found.~~

~~(b) "Livestock" has the meaning ascribed to it in NRS 205.219.~~]

Sec. 7. NRS 206.335 is hereby amended to read as follows:

206.335 1. Any person who carries on his or her person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

➥ is guilty of a misdemeanor unless the person has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker ***,*** ~~[or]~~ aerosol paint container ***, carbide-tipped instrument*** or other item that may be used to ~~[propel]~~ ***:***

(1) Propel or apply ~~[fluid]~~ ***any substance*** that is not soluble in water ~~[.]~~ ***; or***

(2) Etch or deface property.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 8. NRS 206.345 is hereby amended to read as follows:

206.345 1. A court may, in addition to any other fine or penalty imposed, order a person who places graffiti on or otherwise defaces public or private property in violation of NRS 206.125 or 206.330 to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling pursuant to NRS 62E.290.

2. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

(a) The owner of the property which was affected by the violation; or

(b) If the violation involved the placing of graffiti on any public property, the governmental entity that incurred ***or will incur*** expenses for removing, covering or cleaning up the graffiti.

3. The owner of ~~[public or private]~~ ***the*** property that has been damaged by graffiti ***or a governmental entity that is otherwise responsible for the property*** may bring a civil action against the person who placed the graffiti on such property. The court may award to the ***governmental entity or other*** property owner damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property plus attorney's fees and costs, which may be recovered from the offender or, if the offender is less than 18 years of age, from the parent or legal guardian of the offender.

Sec. 8.2. NRS 244.36915 is hereby amended to read as follows:

244.36915 ***1.*** "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn ***,*** ~~[or]~~ painted on ***or affixed to*** the public or private property, real or personal, of another, ***including, without limitation, an estray or one or more head of livestock,*** which defaces such property.

2. The term does not include any item affixed to property which may be removed:

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. As used in this section:

(a) "Decal remover tool" means any device using power or heat to remove an adhesive substance.

(b) "Estray" has the meaning ascribed to it in section 3 of this act.

(c) "Livestock" has the meaning ascribed to it in NRS 205.219.

Sec. 8.4. NRS 244.3692 is hereby amended to read as follows:

244.3692 "Residential property" means a parcel of land, including all structures thereon, that is ~~[zoned for]~~ ***an owner-occupied*** single-family ~~[residential use.]~~ ***residence.***

Sec. 8.6. NRS 244.36935 is hereby amended to read as follows:

244.36935 1. The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is ~~[:~~

~~(a) Placed]~~ ***placed*** on ~~[the exterior of a fence or wall located on the perimeter of]~~ residential property ***.*** ~~[; and~~

~~(b) Visible from a public right-of-way.]~~

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,

➥ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.

(b) The county shall pay the cost of covering or removing the graffiti.

Sec. 8.8. NRS 244.3694 is hereby amended to read as follows:

244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is ~~[~~:

~~(a) Placed~~ ~~]~~ ***placed*** on that nonresidential property ~~[~~; and

~~(b) Visible from a public right-of-way,~~

➥ ~~]~~ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may:

(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or

(b) Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:

(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and

(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.

6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. ***As used in NRS 268.4075 to 268.4085, inclusive, and sections 10 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 268.4075 and sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Estray" has the meaning ascribed to it in section 3 of this act.***

Sec. 12. ***"Livestock" has the meaning ascribed to it in NRS 205.219.***

Sec. 13. ***"Residential property" means a parcel of land, including all structures thereon, that is an owner-occupied single-family residence.***

Sec. 14. ***1. The governing body of a city may adopt by ordinance procedures pursuant to which officers, employees or other designees of the city may cover or remove graffiti that is placed on residential property.***

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the city may not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the governing body of the city or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the

governing body first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,

➥ at least 5 days before the officers, employees or other designees of the city cover or remove the graffiti.

(b) The city shall pay the cost of covering or removing the graffiti.

Sec. 15. *1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of nonresidential property within the city to cover or remove graffiti that is placed on that nonresidential property to protect the public health, safety and welfare of the residents of the city and to prevent blight upon the community.*

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the governing body of the city or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The governing body of the city or its designee may direct the city to cover or remove the graffiti and may recover the amount expended by the city for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The governing body has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the city to cover or remove the graffiti, the governing body of the city may ~~[:~~

~~*(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or*~~

~~*(b) Make]*~~ *make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.*

5. ~~*[A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:*~~

~~*(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and*~~

~~*(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.*~~

~~*6.]*~~ *A special assessment authorized pursuant to* ~~*[paragraph (b) of]*~~ *subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.*

~~*[7.]*~~ *6. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.*

Sec. 16. NRS 268.4075 is hereby amended to read as follows:

268.4075 ~~[~~As used in this section, NRS 268.408 and 268.4085, "graffiti"~~]~~

1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn ***,*** ~~[or]~~ painted on ***or affixed to*** the public or private property, real or personal, of another, ***including, without limitation, an estray or one or more head of livestock,*** which defaces such property.

2. The term does not include any item affixed to property which may be removed:

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.

Sec. 17. NRS 268.408 is hereby amended to read as follows:

268.408 1. The governing body of a city shall remove or cover all evidence that graffiti has been placed on any real or personal property which it owns or otherwise controls within 15 days after it discovers the graffiti or as soon as practicable.

2. The governing body of a city may bring an action against a person responsible for placing graffiti on the property of the city to recover a civil penalty and damages ~~[~~for the cost of removing or covering the graffiti placed on such property.~~]~~ ***pursuant to the provisions of NRS 206.345.***

Sec. 18. NRS 268.4085 is hereby amended to read as follows:

268.4085 1. The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used ***to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or*** to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension ~~[~~and~~]~~ ***or*** conviction of a person who ***is alleged to have*** violated ***or who violates*** a city ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty or guilty but mentally ill of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension ~~[~~and~~]~~ ***or*** conviction of a person who ***is alleged to have violated or who*** violates a city ordinance that prohibits graffiti or other defacement of property.

4. The ***money to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a*** reward must be paid out of the graffiti reward and abatement fund upon approval of the ***city manager, the authorized designee of the city manager or, if the city does not have a city manager, the*** governing body of the city.

Sec. 19. Nothing in this act may be construed to limit the ability of a county or city to enforce any ordinance or regulation relating to the abatement of graffiti adopted before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

In Section 15 of the bill, the provision allowing a lien upon nonresidential property for the cost of covering or removing the graffiti is deleted.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 691.

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; **revising provisions governing the state business license;** requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 4** of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 4** further authorizes state and local agencies and health districts to: (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) meet certain other requirements related to participation in the state business portal. However, **section 4** also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information. **Section 3** of this bill deems that the records and files collected as common business registration information **by the Secretary of State** are confidential and privileged unless an exception applies.

Section 5 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business ~~[license]~~ **registration** or who claims to be excluded or exempt from the requirement to obtain a state business ~~[license.]~~ **registration.** Under **section 4**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Sections 7 and 8 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. **Section 9** of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. **Section 10** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal. **Section 12** of this bill repeals certain provisions relating to: (1) the coordination of the collection of certain information and forms from businesses by state agencies and local governments; and (2) the affidavit required to be filed by an applicant who wishes to obtain a local business license to sell certain retail merchandise. **Sections 4.3, 4.6, 6.5 and 7.5 of this bill change the term "state business license" to "state business registration."**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.***

Sec. 3. ***1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State ~~[, a state or local agency or health district]~~ pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State ~~[,]~~ and any employee of the Secretary of State ~~[and any state or local agency or health district, or employee of an agency or health district, which]~~ who is authorized to view or use the information in such records or files:***

(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and

(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:

(a) Testimony by the Secretary of State [,] or any employee of the Secretary of State [, or a member or employee of any state or local agency or health district] and the production of records, files and information on behalf of the Secretary of State [, any state or local agency or health district] or a person in any action or proceeding before the Secretary of State [, any state or local agency or health district,] or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Secretary of State [, any state or local agency, health district] or a federal [governmental] agency in accordance with any agreement made and provided for in such cases or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.

(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a [local or] federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.

(f) Disclosure by the Secretary of State [or a state or local agency or health district] for the purpose of collection of a debt, fee or obligation owed to the Secretary of State . [or the agency or district.]

(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct

necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~[,]~~ ***and consultation with representatives of state agencies, local governments, health districts and businesses,*** the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~[,]~~ ***and the agency has entered into an agreement for access to the state business portal*** ~~***[which is prescribed by]***~~ ***with the Secretary of State;***

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) ***Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;***

(f) For the purpose of coordinating the collection of common information from businesses using the state business portal:

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to ~~***[provide]***~~ ***exchange the common business registration information*** ~~***[to]***~~ ***among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;***

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ ***(h)*** Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. Each state agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State may, to the extent practicable, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to

conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:

(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(c) Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.

(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to:

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state

business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 5 of this act to an entity organized pursuant to this title or to a person who is issued a state business ~~[license]~~ registration or who claims to be excluded or exempt from the requirement to obtain a state business ~~[license]~~ registration pursuant to chapter 76 of NRS.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 4.3. **NRS 76.030 is hereby amended to read as follows:**

76.030 "State business ~~[license"]~~ ***registration"*** means the ~~[business license]~~ ***registration*** required pursuant to this chapter.

Sec. 4.6. **NRS 76.100 is hereby amended to read as follows:**

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business ~~[license]~~ ***registration*** issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business ~~[license]~~ ***registration*** at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business ~~[license]~~ ***registration*** before conducting a business in this State.

2. An application for a state business ~~[license]~~ ***registration*** must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~[entity]~~ ***business identification*** number as assigned by the Secretary of State ~~[, if known,]~~ ***pursuant to section 5 of this act,*** and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $100; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business ~~[license]~~ ***registration*** is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business ~~[license]~~ ***registration*** required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 5. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business ~~[license]~~ registration pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business ~~[license]~~ registration pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, ***75A.100,*** 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,

176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320,

704B.325, 706.1725, 710.159, 711.600 ~~[,]~~ ***and section 3 of this act and*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6.5. **NRS 244.335 is hereby amended to read as follows:**

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service,

entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business ~~[license]~~ ***registration*** pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 5 of this act*** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 5 of this act*** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property

of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 7. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit ~~[or attestation]~~ required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.

Sec. 7.5. **NRS 268.095 is hereby amended to read as follows:**

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business ~~[license]~~ ***registration*** pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 5 of this act*** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 5 of this act*** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as

the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 8. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit ~~[or attestation]~~ required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a

document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.

Sec. 9. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~4.]~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~[~~"Foreign artificial person" means an artificial person that is not organized under the laws of this State.

~~(c)]~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 10. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~[and]~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[.]~~ ***; and***

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly

charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of

applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 237.180, 364.110 and 364.120 are hereby repealed.

Sec. 12.5. **The Legislative Counsel shall:**

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "state business registration" for the term "state business license" as previously used, to substitute appropriately the terms "register," "registered" or "registration" for the terms "license," "licensed" or "licensing" as previously used in reference to the issuance of a state business license and to substitute appropriately the term "business identification number" for the term "state business license number" as previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "state business registration" for the term "state business license" as previously used, substitute appropriately the terms "register," "registered" or "registration" for the terms "license," "licensed" or "licensing" as previously used in reference to the issuance of a state business license and substitute appropriately the term "business identification number" for the term "state business license number" as previously used.

Sec. 13. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the

appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed $3 for the filing of the affidavit required to be filed by NRS 364.110.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
The amendment changes the term "state business license" to "state business registration."

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 129.
Bill read second time and ordered to third reading.

Senate Bill No. 138.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 788.

AN ACT relating to criminal procedure; requiring the reporting of certain information relating to the forfeiture of property; **revising provisions relating to the forfeiture of property;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the seizure, forfeiture and disposition of certain property and proceeds attributable to the commission of certain crimes. (NRS 179.1156-179.121) Existing law separately provides for the seizure, forfeiture and disposition of property and proceeds attributable to any technological crime which is punishable as a felony. (NRS 179.1211-179.1235) Finally, existing law provides for the seizure, forfeiture and disposition of property and proceeds attributable to racketeering crimes. (NRS 207.350-207.520) This bill requires each law enforcement agency to submit an annual report containing certain information relating to the seizure, forfeiture and disposition of property to the Office of the Attorney General.

Section 34.3 of this bill requires a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. Section 34.3 also prohibits the forfeiture of property seized by a law enforcement agency unless: (1) the agency files a complaint for forfeiture in the district court for the county in which such property is located; or (2) a stipulated agreement between the parties is reached.

Section 34.6 of this bill requires that, if a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. Section 34.6 also requires seized property to be returned to a claimant if the criminal charges against the claimant have been denied or dismissed. Lastly, section 34.6 provides for the forfeiture of property through a claimant's plea or a stipulated agreement reached between the claimant and the plaintiff.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)
Sec. 24. (Deleted by amendment.)
Sec. 25. (Deleted by amendment.)
Sec. 26. (Deleted by amendment.)
Sec. 27. (Deleted by amendment.)
Sec. 28. (Deleted by amendment.)
Sec. 29. (Deleted by amendment.)

Sec. 30. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On an annual basis, each law enforcement agency shall report the following information about each individual seizure and forfeiture completed by the law enforcement agency under state forfeiture law:

(a) Data on seizures and forfeitures, including, without limitation, the:

(1) Date that currency, vehicles, houses or other types of property were seized;

(2) Type of property seized, including, the year, make and model, as applicable;

(3) Type of crime associated with the seizure of the property;

(4) Market value of the property seized;

(5) Disposition of the property following the seizure; and

(6) Date of the disposition of the property.

(b) Data on the use of proceeds, including, without limitation, the:

(1) Payment of all outstanding liens on the forfeited property;

(2) Payment of reasonable expenses, except personnel costs, of the seizure, storage and maintenance of custody of any forfeited property; and

(3) Distribution of proceeds pursuant to NRS 179.118, 179.1187, 179.1233 and 207.500.

(c) Any other information required by the Office of the Attorney General.

2. The Office of the Attorney General shall develop standard forms, processes and deadlines for the entry of electronic data for the annual submission of the report required by subsection 1.

3. Each law enforcement agency shall file with the Office of the Attorney General the report required by subsection 1. A null report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period. The Office of the Attorney General shall compile the submissions and issue an aggregate report of all forfeitures in this State.

4. On or before April 1 of each year, the Office of the Attorney General shall make available:

(a) On its Internet website, the reports submitted by law enforcement agencies and the aggregate report.

(b) Upon request, printed copies of the reports submitted by law enforcement agencies and the aggregate report.

5. The Office of the Attorney General shall include in the aggregate report information on any law enforcement agencies not in compliance with this section.

Sec. 30.3. NRS 179.1156 is hereby amended to read as follows:

179.1156 Except as otherwise provided in NRS 179.1211 to 179.1235, inclusive, and 207.350 to 207.520, inclusive, the provisions of NRS 179.1156 to 179.121, inclusive, ***and section 30 of this act*** govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.

Sec. 30.7. NRS 179.1157 is hereby amended to read as follows:

179.1157 As used in NRS 179.1156 to 179.119, inclusive, ***and section 30 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.1158 to 179.11635, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 34.3. **NRS 179.1171 is hereby amended to read as follows:**

179.1171 1. Except as otherwise provided in NRS 179.1156 to 179.119, inclusive, ***and section 30 of this act,*** the Nevada Rules of Civil Procedure are applicable to and constitute the rules of practice in a proceeding for forfeiture pursuant to those sections.

2. A proceeding for forfeiture is commenced by filing a complaint for forfeiture. If the property has been seized without process, the plaintiff shall ~~[promptly]~~ file the complaint for forfeiture ~~[.]~~ ***within 120 days after the property is seized.*** The property is subject to an action to claim its delivery

only if the plaintiff does not file the complaint for forfeiture within 60 days after the property is seized. If the complaint for forfeiture is filed following the commencement of an action claiming delivery, the complaint must be treated as a counterclaim.

3. ***If a law enforcement agency seizes property, the property must not be forfeited unless:***

(a) The agency files a complaint for forfeiture in the district court for the county in which the property is located; or

(b) A stipulated agreement between the parties regarding the property is reached.

4. A proceeding for forfeiture is in rem. The complaint for forfeiture must be filed in the district court for the county in which the property which is the subject of the proceeding is located.

~~[4.]~~ ***5.*** The plaintiff shall cause service of the summons and complaint to be made upon each claimant whose identity is known to the plaintiff or who can be identified through the exercise of reasonable diligence. If real property or any interest in real property is affected by the proceeding, the plaintiff shall file notice of the proceeding in the manner provided in NRS 14.010.

~~[5.]~~ ***6.*** Each claimant served with the summons and complaint who desires to contest the forfeiture shall, within 20 days after the service, serve and file a verified answer to the complaint. The claimant shall admit or deny the averments of the complaint and shall, in short and plain terms, describe the interest which the claimant asserts in the property. Concurrently with the answer, the claimant shall serve answers or objections to any written interrogatories served with the summons and complaint.

~~[6.]~~ ***7.*** No person, other than the plaintiff and any claimant, is a proper party in the proceeding.

Sec. 34.6. **NRS 179.1173 is hereby amended to read as follows:**

179.1173 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** district court shall proceed as soon as practicable to a trial and determination of the matter. A proceeding for forfeiture is entitled to priority over other civil actions which are not otherwise entitled to priority.

2. At a proceeding for forfeiture, the ~~[plaintiff or claimant may file a motion for]~~ ***court shall issue*** an order staying the proceeding ~~[and the court shall grant that motion if a]~~ ***that remains in effect while the*** criminal action which is the basis of the proceeding is pending trial. The court shall ~~[, upon a motion made by the plaintiff,]~~ lift the stay ~~[upon a satisfactory showing that the claimant is a fugitive.]~~ ***after the trial is completed. If the claimant is acquitted during the trial, the property of the claimant must be returned to the claimant within 7 business days after the acquittal.***

3. ***If property has been seized and the criminal charges against the owner of such property are denied or dismissed, all such property must be returned to the owner within 7 business days after the property is seized.***

4. The plaintiff in a proceeding for forfeiture must establish proof by clear and convincing evidence that the property is subject to forfeiture.

~~[4.]~~ ***5.*** In a proceeding for forfeiture, the rule of law that forfeitures are not favored does not apply.

~~[5.]~~ ***6.*** The plaintiff is not required to plead or prove that a claimant has been charged with or convicted of any criminal offense. If proof of such a conviction is made, and it is shown that the judgment of conviction has become final, the proof is, as against any claimant, conclusive evidence of all facts necessary to sustain the conviction.

~~[6.]~~ ***7.*** The plaintiff has an absolute privilege to refuse to disclose the identity of any person, other than a witness, who has furnished to a law enforcement officer information purporting to reveal the commission of a crime. The privilege may be claimed by an appropriate representative of the plaintiff.

~~[7.]~~ ***8.*** If the court determines that the property is not subject to forfeiture, the court shall order the property and any interest accrued pursuant to subsection 2 of NRS 179.1175 returned to the claimant found to be entitled to the property ~~[.]~~ ***within 7 business days after the order is issued.*** If the court determines that the property is subject to forfeiture, the court shall so decree. The property, including any interest accrued pursuant to subsection 2 of NRS 179.1175, must be forfeited to the plaintiff, subject to the right of any claimant who establishes a protected interest. Any such claimant must, upon the sale or retention of the property, be compensated for the claimant's interest in the manner provided in NRS 179.118.

9. A claimant who agrees to enter a plea of guilty, guilty but mentally ill or nolo contendere to criminal charges relating to the seized property or reaches a stipulated agreement with the plaintiff may agree to the forfeiture of any property as part of the plea or agreement.

10. If the court accepts a plea or stipulated agreement pursuant to subsection 9, the court shall order forfeiture of the property that the claimant agreed to forfeit pursuant to the plea or agreement.

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment revises provisions governing the forfeiture of property, including requiring a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. It prohibits the forfeiture of property seized by a law enforcement agency under certain circumstances. It requires that, if a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. Lastly, it requires that seized property be returned within seven business days under certain circumstances.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 162.

Bill read second time and ordered to third reading.

Senate Bill No. 168.

Bill read second time and ordered to third reading.

Senate Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 742.

SUMMARY—Revises provisions governing eligibility to be a **candidate for or** member of the executive board or an officer of a unit-owners' association. (BDR 10-617)

AN ACT relating to common-interest communities; revising provisions governing eligibility to be a **candidate for or** member of the executive board or an officer of a unit-owners' association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a unit-owners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) This bill additionally excludes a person, other than a person appointed by the declarant, from being a **candidate for or** member of the executive board or an officer of a unit-owners' association if: (1) the person resides with, is married to or domestic partners with or is related within the third degree of consanguinity to a member of the board or an officer of the association; **or** (2) the person stands to gain any personal profit or compensation from a matter before the board**.** ~~[;~~ ~~or (3) the person owns more than one unit in the association.~~**]** The exclusion does not apply **: (1)** to a person who owns 75 percent or more of the units in an association under certain circumstances ~~[.]~~ **; or (2) to a candidate for the**

executive board if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected. Lastly, this bill provides that if a person is not eligible to be a candidate for or member of the executive board or an officer of an association, the association: (1) must not place the person's name on the ballot; and (2) must prohibit such a person from serving as a member of the executive board or an officer of the association.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the

election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. ~~[~~Unless~~]~~ ***~~[subsection]~~ subsections 10 ~~[,]~~ and 11, unless*** a person is appointed by the declarant:

(a) A person may not be a ***candidate for or*** member of the executive board or an officer of the association if ~~[~~the~~]~~ ***:***

(1) The person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association;

(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association; or

~~[~~(3) The person owns more than one unit in the association; or~~]~~

~~[~~(4)~~]~~ The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a ***candidate for or*** member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. ***A person, other than a person appointed by the declarant, who owns 75 percent or more of the units in an association may:***

(a) Be a candidate for or member of the executive board or an officer of the association; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➥ unless the person owning 75 percent or more of the units in the association and the other person would constitute a majority of the total number of seats on the executive board.

11. A person, other than a person appointed by the declarant, may:

(a) Be a candidate for or member of the executive board; and

(b) Reside in a unit with, be married to, be domestic partners with, or be related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association,

➥ if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

12. If a person is not eligible to be a candidate for or member of the executive board or an officer of the association pursuant to any provision of this chapter, the association:

(a) Must not place his or her name on the ballot; and

(b) Must prohibit such a person from serving as a member of the executive board or an officer of the association.

13. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

~~[~~11.~~ 12.]~~ ***14.*** Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~[~~12.~~ 13.]~~ ***15.*** An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.

~~[~~13.~~ 14.]~~ ***16.*** A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(1) Must be no longer than a single, typed page;

(2) Must not contain any defamatory, libelous or profane information; and

(3) May be sent with the secret ballot mailed pursuant to subsection ~~[~~11 ~~12]~~ ***14*** or in a separate mailing; or

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign

material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

[14. ***15.]*** ***17.*** An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection **[**13.

15. ***14.]*** ***16.***

18. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment excludes a person, other than a person appointed by the declarant, from being a candidate for the executive board or an officer of a unit-owners' association under certain circumstances. An exception may be made if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected. Lastly, if a person is not eligible to be a candidate or member of the executive board, the association must not place the person's name on the ballot and must prohibit the person from serving as a member of the executive board or an officer of the association.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 176.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 855.

SENATORS HARRIS, BROWER, ROBERSON, FARLEY; DENIS, GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, LIPPARELLI, SETTELMEYER AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYMEN HAMBRICK ~~[,]~~ **, O'NEILL;** AND SEAMAN

AN ACT relating to crimes; providing that certain employees of or volunteers at a school who are convicted of engaging in sexual conduct with certain pupils are subject to various statutory provisions relating to sex offenders; providing that certain employees of a college or university who are convicted of engaging in sexual conduct with certain students are also subject to various statutory provisions relating to sex offenders; revising provisions relating to certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; prohibiting certain employees of or volunteers at a school from engaging in sexual conduct with ~~[a pupil who is 18 years of age;]~~ **certain pupils;** prohibiting certain employees of a college or university from engaging in sexual conduct with certain students; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) **Sections 1 and 12** of this bill add to the list of sexual offenses that require a sentence of lifetime supervision and for which certain conditions of lifetime supervision apply: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law also: (1) requires a person convicted of certain sexual offenses to undergo a psychosexual evaluation as part of the presentence investigation and report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.135, 176A.110) **Sections 2 and 3** of this bill add to the list of sexual offenses which require a psychosexual evaluation as part of the presentence investigation and report and a certification that the person convicted does not represent a high risk to reoffend before the person may be granted probation or have his or her sentence suspended: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law requires the prosecuting attorney, sheriff or chief of police, upon request, to inform a victim or witness of certain sexual offenses: (1) when the defendant is released from custody at any time before or during the defendant's trial; and (2) of the final disposition of the case involving the victim or witness. (NRS 178.5698) **Section 4** of this bill adds to the list of sexual offenses that are subject to such requirements concerning notification of a victim or witness: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law allows a person convicted of certain offenses to petition the court for the sealing of all records relating to the conviction, but does not authorize the sealing of records relating to a conviction of certain sexual offenses. (NRS 179.245) **Section 5** of this bill adds to the list of sexual offenses for which the sealing of records is not authorized: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law also defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176A.410, 179D.097, 213.1099, 213.1245) **Section 6** of this bill revises the list of sexual offenses to which these statutory provisions apply to include: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner. The State Board of Parole Commissioners must consider the assessment before determining whether to grant or revoke the parole of a person convicted of a sexual offense. (NRS 213.1214) **Section 13** of this bill adds to the list of sexual offenses which require such an assessment: (1) an offense involving sexual conduct between certain employees of or volunteers at a school and certain pupils; and (2) an offense involving sexual conduct between certain employees of a college or university and certain students.

Existing law generally provides that a person who: (1) is 21 years of age or older; (2) is or was employed in a position of authority by or is or was volunteering in a position of authority at a public or private school; and (3) engages in sexual conduct with a pupil, is guilty of a category C felony if the pupil is 16 or 17 years of age or a category B felony if the pupil is 14 or 15 years of age. (NRS 201.540) **Section 10** of this bill: (1) removes the requirement that such a person be employed or volunteer in a position of authority; and (2) prohibits such a person from engaging in sexual conduct

with a pupil who is ~~[18]~~ **16** years of age ~~[.]~~ **or older and who has not received a high school diploma, a general educational development certificate or an equivalent document.** Similarly, existing law generally provides that a person who: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 or 17 years of age and enrolled in or attending the college or university, is guilty of a category C felony. (NRS 201.550) **Section 11** of this bill prohibits such a person from engaging in sexual conduct with a student who is ~~[18]~~ **16** years of age ~~[. Section 11 additionally provides that such a prohibition on engaging in sexual conduct with a student only applies if the student]~~ **or older and who** is enrolled in or attending the college or university but has not received a high school diploma, a general educational development certificate or an equivalent document.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 ***,*** ~~[or]~~ 201.450 ***, 201.540 or 201.550*** or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 2. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;***

(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(l)]~~ ***(n)*** An attempt to commit an offense listed in paragraphs (a) to ~~[(k),]~~ ***(m),*** inclusive, if punished as a felony; or

~~[(m)]~~ ***(o)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 3. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense

does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Open or gross lewdness pursuant to NRS 201.210.

(h) Indecent or obscene exposure pursuant to NRS 201.220.

(i) Sexual penetration of a dead human body pursuant to NRS 201.450.

(j) ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.***

(k) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(k)]~~ ***(m)*** A violation of NRS 207.180.

~~[(l)]~~ ***(n)*** An attempt to commit an offense listed in paragraphs (b) to ~~[(k),]~~ ***(m),*** inclusive.

~~[(m)]~~ ***(o)*** Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 4. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Open or gross lewdness pursuant to NRS 201.210;

(7) Indecent or obscene exposure pursuant to NRS 201.220;

(8) Lewdness with a child pursuant to NRS 201.230;

(9) Sexual penetration of a dead human body pursuant to NRS 201.450;

(10) ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;***

(11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(11)]~~ ***(13)*** An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

~~[(12)]~~ ***(14)*** An attempt to commit an offense listed in this paragraph.

Sec. 5. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from

the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(d) A violation of NRS 484C.430;

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(g) A violation of NRS 488.420 or 488.425.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.***

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~[(15)]~~ ***(17)*** An attempt to commit an offense listed in this paragraph.

Sec. 6. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.***

(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(p) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(o)]~~ ***(q)*** Sex trafficking pursuant to NRS 201.300.

~~[(p)]~~ ***(r)*** Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ ***(s)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p),]~~ ***(r),*** inclusive.

~~[(r)]~~ ***(t)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ ***(u)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ ***(v)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. ~~[The]~~ ***Except for the offenses described in paragraphs (n) and (o) of subsection 1, the*** term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(p)]~~ ***(r)*** of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[4,]~~ ***3,*** a person who:

(a) Is 21 years of age or older;

(b) Is or was employed ~~[in a position of authority]~~ by a public school or private school or is or was volunteering ~~[in a position of authority]~~ at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 ~~[, or 17 *or 18]*~~ years of age ***or older, who has not received a high school diploma, a general educational development certificate or an equivalent document*** and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection ~~[4,]~~ ***3,*** a person who:

(a) Is 21 years of age or older;

(b) Is or was employed ~~[in a position of authority]~~ by a public school or private school or is or was volunteering ~~[in a position of authority]~~ at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. ~~[For the purposes of subsections 1 and 2, a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:~~

~~(a) A teacher or instructor;~~

~~(b) An administrator;~~

~~(c) A head or assistant coach; or~~

~~(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.~~

~~4.]~~ The provisions of this section do not apply to a person who is married to the pupil.

4. The provisions of this section must not be construed to apply to sexual conduct between two pupils.

Sec. 11. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 ~~[, or 17 *or 18]*~~ years of age ***or older*** **,** ~~[and]~~ who ***has not received a high school diploma, a general educational development certificate or an equivalent document and who*** is

enrolled in or attending the college or university at which the person is employed,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

(a) A teacher, instructor or professor;

(b) An administrator; or

(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student.

4. The provisions of this section must not be construed to apply to sexual conduct between two students.

Sec. 12. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230 ***,*** ~~[or]~~ 201.450, ***201.540 or 201.550*** or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 13. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must return a risk level of low, moderate or high. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~[(18)]~~ ***(20)*** of paragraph (d).

➥ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210.

(11) Indecent or obscene exposure pursuant to NRS 201.220.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.***

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(15)]~~ ***(17)*** An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[(14),]~~ ***(16),*** inclusive.

~~[(16)]~~ ***(18)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(17)]~~ ***(19)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~[(18)]~~ ***(20)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

➥ ~~[The]~~ ***Except for the offenses described in subparagraphs 14 and 15, the*** term does not include an offense involving consensual sexual conduct if the

victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 14. The amendatory provisions of:

1. Sections 1 to 4, inclusive, 10 and 11 of this act apply to offenses committed on or after October 1, 2015.

2. Sections 5 to 8, inclusive, 12 and 13 of this act apply to offenses committed before, on or after October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment prohibits certain employees or volunteers at a school from engaging in sexual conduct with all secondary school pupils, regardless of age. It also amends the bill to include an additional bill sponsor.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 790.

AN ACT relating to public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring the Central Repository, upon request, to conduct a background check without charge on a person who wishes to acquire a firearm; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Department of Health and Human Services; requiring a mental health professional to **apply for the emergency admission of a patient to a mental health facility or** notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; **revising the applicability of certain provisions pertaining to the regulation of firearms by local governments;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to transmit to the Central Repository for Nevada Records of Criminal History a record of any court order, judgment, plea or verdict concerning the involuntary admission of a person to a mental health facility, the appointment of a guardian for a person with a mental defect, a finding that a person is incompetent to stand trial, a verdict acquitting a defendant by reason of insanity or a plea or finding of guilty but mentally ill, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) **Sections 1-4, 13 and 17** of this bill require such records to be transmitted to the Central Repository within 5 business days.

Existing law requires the inclusion, correction and removal of information in records of criminal history in each appropriate database of the National Instant Criminal Background Check System. (NRS 179A.163, 179A.165, 179A.167, 433A.310) **Sections 8-10 ~~[and 17]~~** of this bill also authorize or require, as appropriate, the inclusion, correction and removal of such information in each appropriate database of the National Crime Information Center. **Section 5** of this bill defines "National Crime Information Center" to mean the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Existing law requires each agency of criminal justice to submit information relating to records of criminal history within the period described by the Director of the Department of Public Safety. (NRS 179A.075) **Section 7** of this bill requires the submission of such information within 60 days after the date of the conviction.

Existing law authorizes a private person who wishes to transfer a firearm to another person to request the Central Repository to perform a background check on the person who wishes to acquire the firearm. (NRS 202.254) **Section 14** of this bill prohibits the Central Repository from charging a fee to perform a background check for such a transfer. **Section 14** further provides immunity from civil and criminal liability to a person who does not request a background check or who requests a background check for any act or omission that was taken in good faith and without malicious intent. Finally, **section 14** allows the Director of the Department of Public Safety to request an allocation from the Contingency Account in the State General Fund if necessary to cover the cost of providing background checks without the imposition of a fee.

Existing law prohibits a person who has been adjudicated as mentally ill, has been committed to any mental health facility or is illegally or unlawfully in the United States from possessing or having custody or control of a firearm. (NRS 202.360) **Section 15** of this bill also prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty but mentally ill or has been acquitted by reason of insanity from possessing or having custody or control of a firearm.

Existing law prohibits a person from selling or otherwise disposing of any firearm or ammunition to another person if he or she has actual knowledge that the other person: (1) is under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has been adjudicated as mentally ill or has been committed to a mental health facility; or (4) is illegally or unlawfully in the United States. (NRS 202.362) **Section 16** of this bill prohibits a person from selling, transferring or otherwise disposing of any firearm or ammunition to another person or purchasing a firearm on behalf of or for another person with the intent to transfer the firearm to that person if he or she has reasonable cause to believe that the other person meets any of those listed conditions, if the other person is otherwise prohibited from possessing a firearm or if the other person is a member of a criminal gang.

Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State, and further provides that no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 of this bill expand such rights and powers of the Legislature to include those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2) define all such terms. Sections 16.3-16.7 provide that certain ordinances or regulations which are inconsistent with these rights and powers of the Legislature are null and void and require the governing bodies of certain political subdivisions of this State to repeal any such ordinance or regulation. Sections 16.3-16.7 also authorize any person who is adversely affected by the enforcement of any such ordinance or regulation on or after the effective date of these sections to file suit in the appropriate court for declarative and injunctive relief and damages. Such a person is entitled to certain damages depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) Sections 16.3-16.7 additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Existing law provides that a patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the patient and the patient's psychologist or doctor. (NRS 49.209, 49.225) **Sections 11 and 12** of this bill provide exceptions to the privilege for certain determinations which are now required pursuant to this bill.

Existing law: (1) designates the Department of Health and Human Services as the official state agency for developing and administering outpatient mental health services; and (2) requires the Department to perform certain functions relating to mental health. (NRS 433C.130) **Section 18** of this bill requires the Department to also assist and consult with local governments and all local law enforcement agencies in this State in providing community mental health services.

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) **Section 19** of this bill provides that if a patient of a mental health professional makes an explicit threat of imminent serious physical harm or death to a person, and the mental health professional believes the patient has the intent and ability to carry out the threat, the mental health professional must **: (1) apply for the emergency admission of the patient to a mental health facility; or (2)** notify the threatened person and the appropriate law enforcement agency. A mental health professional who exercises reasonable care in determining whether or not to provide notice of such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. Section 20 of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty or guilty but mentally ill.

2. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty, guilty but mentally ill or nolo contendere,

reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty but mentally ill has the burden of establishing the defendant's mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

5. The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish by a preponderance of the evidence that:

(a) Due to a disease or defect of the mind, the defendant was in a delusional state at the time of the alleged offense; and

(b) Due to the delusional state, the defendant either did not:

(1) Know or understand the nature and capacity of his or her act; or

(2) Appreciate that his or her conduct was wrong, meaning not authorized by law.

6. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or guilty but mentally ill or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

7. A defendant may not enter a plea of guilty or guilty but mentally ill pursuant to a plea bargain for an offense punishable as a felony for which:

(a) Probation is not allowed; or

(b) The maximum prison sentence is more than 10 years,

➥ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if the defendant is represented by counsel, and the prosecuting attorney.

8. If the court accepts a plea of guilty but mentally ill pursuant to this section, the court shall cause, ***within 5 business days after acceptance of the plea,*** on a form prescribed by the Department of Public Safety, a record of that plea to be transmitted to the Central Repository for Nevada Records of Criminal History along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

9. As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 2. NRS 175.533 is hereby amended to read as follows:

175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense; and

(c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. If the trier of fact finds a defendant guilty but mentally ill pursuant to subsection 1, the court shall cause, ***within 5 business days after the finding,*** on a form prescribed by the Department of Public Safety, a record of the finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and the defendant is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if the defendant were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport the person to a forensic facility for detention pending a hearing to determine the person's mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a person with mental illness, the court must order the person's discharge; or

(b) That there is clear and convincing evidence that the person is a person with mental illness, the court must order that the person be committed to the

custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services until the person is discharged or conditionally released therefrom in accordance with NRS 178.467 to 178.471, inclusive.

➥ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the reports and the court shall proceed in the manner provided in NRS 178.467 to 178.471, inclusive.

4. If the court accepts a verdict acquitting a defendant by reason of insanity pursuant to this section, the court shall cause, ***within 5 business days after accepting the verdict,*** on a form prescribed by the Department of Public Safety, a record of that verdict to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

5. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Public and Behavioral Health of the Department of Health and Human Services for offenders and defendants with mental disorders. The term includes, without limitation, Lakes Crossing Center.

(c) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(d) "Person with mental illness" has the meaning ascribed to it in NRS 178.3986.

Sec. 4. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure. The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. The defendant must be held in such custody until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may

require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. Except as otherwise provided in subsection 5, proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought after a period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has lapsed since the date of the alleged offense.

6. If a defendant is found incompetent pursuant to this section, the court shall cause, ***within 5 business days after the finding,*** on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 5. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"National Crime Information Center" means the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Sec. 6. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, ***and section 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates ***,*** ~~[or]~~ issues ~~[,]~~ ***or collects,*** and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the ~~[period prescribed by the Director of the Department.]~~ ***60 days after the date of the disposition of the case.*** If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or

convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 8. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository ~~[shall]~~ ***:***

(a) Shall take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System ~~[.]~~ ***; and***

(b) May take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center.

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

(a) The basis for the adjudication reported in the record no longer exists;

(b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

(c) The information reported in the record must be removed from the National Instant Criminal Background Check System ~~[.]~~ ***and the National Crime Information Center.***

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository.

4. A petition filed pursuant to subsection 2 must be:

(a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and

(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to

NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from the National Instant Criminal Background Check System ~~[.]~~ ***and the National Crime Information Center, if applicable.***

10. If the Central Repository fails to remove a record as provided in subsection 9, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 9. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for ***a purpose related to criminal justice, including, without limitation,*** inclusion in the appropriate database of the National Instant Criminal Background Check System ~~[.]~~ ***and the National Crime Information Center, if applicable. The Central Repository may disclose the record to any agency of criminal justice.***

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 10. NRS 179A.167 is hereby amended to read as follows:

179A.167 1. The Central Repository shall permit a person who is or believes he or she may be the subject of information relating to records of mental health held by the Central Repository to inspect and correct any information contained in such records.

2. The Central Repository shall adopt regulations and make available necessary forms to permit inspection, review and correction of information relating to records of mental health by those persons who are the subjects thereof. The regulations must specify:

(a) The requirements for proper identification of the persons seeking access to the records; and

(b) The reasonable charges or fees, if any, for inspecting records.

3. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information or records of mental health by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of mental health found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A reasonable time limit within which inaccurate or insufficient information relating to records of mental health must be corrected and the corrected information disseminated.

4. As used in this section, "information relating to records of mental health" means information contained in a record:

(a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

(b) Transmitted to the National Instant Criminal Background Check System ***or the National Crime Information Center*** pursuant to NRS 179A.163.

Sec. 11. NRS 49.213 is hereby amended to read as follows:

49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

1. For communications relevant to an issue in a proceeding to hospitalize the patient for mental illness, if the psychologist in the course of diagnosis or treatment has determined that the patient requires hospitalization.

2. For communications relevant to ***any determination made pursuant to NRS 202.360.***

3. For communications relevant to an issue of the treatment of the patient in any proceeding in which the treatment is an element of a claim or defense.

~~[3.]~~ ***4.*** If disclosure is otherwise required by state or federal law.

~~[4.]~~ ***5.*** For communications relevant to an issue in a proceeding to determine the validity of a will of the patient.

~~[5.]~~ ***6.*** If there is an immediate threat that the patient will harm himself or herself or other persons.

~~[6.]~~ ***7.*** For communications made in the course of a court-ordered examination of the condition of a patient with respect to the specific purpose of the examination unless the court orders otherwise.

~~[7.]~~ ***8.*** For communications relevant to an issue in an investigation or hearing conducted by the Board of Psychological Examiners if the treatment of the patient is an element of that investigation or hearing.

~~[8.]~~ ***9.*** For communications relevant to an issue in a proceeding relating to the abuse or neglect of a person with a disability or a person who is legally incompetent.

Sec. 12. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. ***For communications relevant to any determination made pursuant to NRS 202.360.***

3. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

~~[3.]~~ ***4.*** As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

~~[4.]~~ ***5.*** In a prosecution or mandamus proceeding under chapter 441A of NRS.

~~[5.]~~ ***6.*** As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

~~[6.]~~ ***7.*** As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

~~[7.]~~ ***8.*** As to records that are required by chapter 453 of NRS to be maintained.

~~[8.]~~ ***9.*** If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 13. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause ***, within 5 business days after issuing the order,*** a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, incompetence, condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 14. NRS 202.254 is hereby amended to read as follows:

202.254 1. A private person who wishes to transfer a firearm to another person may, before transferring the firearm, request that the Central Repository for Nevada Records of Criminal History perform a background check on the person who wishes to acquire the firearm.

2. The person who requests the information pursuant to subsection 1 shall provide the Central Repository with identifying information about the person who wishes to acquire the firearm.

3. Upon receiving a request from a private person pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the Central Repository shall within 5 business days after receiving the request:

(a) Perform a background check on the person who wishes to acquire the firearm; and

(b) Notify the person who requests the information whether the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a state or federal law.

4. If the person who requests the information does not receive notification from the Central Repository regarding the request within 5 business days after making the request, the person may presume that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law.

5. The Central Repository may ***not*** charge a ~~[~~reasonable~~]~~ fee for performing a background check and notifying a person of the results of the background check pursuant to this section.

6. ~~[The failure of a person to request the Central Repository to perform a background check pursuant to this section before transferring a firearm to another person does not give rise to any civil cause of action.]~~ ***A private person who transfers a firearm to another person is immune from civil liability for failing to request a background check pursuant to this section or for any act or omission relating to a background check requested pursuant to this section if the act or omission was taken in good faith and without malicious intent.***

7. The Director of the Department of Public Safety may request an allocation from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the Department to carry out the provisions of subsection 5 of this section.

Sec. 15. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is a fugitive from justice; ~~[or]~~

(c) Is an unlawful user of, or addicted to, any controlled substance ~~[.]~~ ***; or***

(d) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➥ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility ~~[; or]~~ ***by a court of this State, any other state or the United States;***

(b) ***Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;***

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 16. NRS 202.362 is hereby amended to read as follows:

202.362 1. Except as otherwise provided in subsection 3, a person within this State shall not sell ***, transfer*** or otherwise dispose of any firearm or ammunition to another person ***or purchase a firearm on behalf of or for another person with the intent to transfer the firearm to that person*** if he or she has ~~[actual knowledge]~~ ***reasonable cause to believe*** that the other person:

(a) Is under indictment for, or has been convicted of, a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is ~~[a fugitive from justice;~~

~~(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or~~

~~(d) Is illegally or unlawfully in the United States.~~] ***prohibited from possessing a firearm pursuant to NRS 202.360; or***

(c) Is a known member of a criminal gang as defined in NRS 193.168.

2. A person who violates the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to a person who sells or disposes of any firearm or ammunition to:

(a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; or

(b) A person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

4. For purposes of this section, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

Sec. 16.3. **NRS 244.364 is hereby amended to read as follows:**

244.364 1. ***The Legislature hereby declares that:***

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ***carrying,*** ownership, transportation, ***storage,*** registration and licensing of firearms ***, firearm accessories*** and ammunition in Nevada [~~,~~] and [~~no~~] ***to define such terms. No*** county may infringe upon those rights and powers. [~~As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.~~] ***3.*** A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as]~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) ***"Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.***

(b) "Firearm" ~~[means]~~ ***includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or*** any device ***which is*** designed to ~~[be used as a weapon from which]~~ ***, able to or able to be readily converted to expel*** a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ ***action*** of ~~[any explosion or]~~ ***an explosive,*** other form of combustion ~~[.~~

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~ ***or expanding gases.***

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 16.5. **NRS 268.418 is hereby amended to read as follows:**

268.418 1. ***The Legislature hereby declares that:***

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ***carrying,*** ownership, transportation, ***storage,*** registration and licensing of firearms ***, firearm accessories*** and ammunition in Nevada ~~[,]~~ and ~~[no]~~ ***to define such terms. No*** city may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ ***3.*** The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as~~]

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) ***"Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.***

(b) "Firearm" ~~[means]~~ ***includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or*** any device ***which is*** designed to ~~[be used as a weapon from which]~~ ***, able to or able to be readily converted to expel*** a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ ***action*** of ~~[any explosion or]~~ ***an explosive,*** other form of combustion. ~~[.~~

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~ ***or expanding gases.***

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 16.7. **NRS 269.222 is hereby amended to read as follows:**

269.222 1. ***The Legislature hereby declares that:***

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ***carrying,*** ownership, transportation, ***storage,*** registration and licensing of firearms ***, firearm accessories*** and ammunition in Nevada ~~[,]~~ and ~~[no]~~ ***to define such terms. No*** town may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ ***3.*** A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as]~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer,

manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after the effective date of this section may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment of enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby

affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) ***"Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.***

(b) "Firearm" ~~[means]~~ ***includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or*** any device ***which is*** designed to ~~[be used as a weapon from which]~~ ***, able to or able to be readily converted to expel*** a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ ***action*** of ~~[any explosion or]~~ ***an explosive,*** other form of combustion ~~[.~~

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~ ***or expanding gases.***

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 17. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

5. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, ***within 5 business days after ~~[issuing]~~ the order ~~[,]~~ becomes final pursuant to this section,*** on a form prescribed by the Department of Public Safety, a record of ~~[such]~~ ***the*** order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 18. NRS 433C.130 is hereby amended to read as follows:

433C.130 The Department is designated as the official state agency responsible for developing and administering preventive and outpatient mental health services. The Department shall function in the following areas:

1. Assisting and consulting with local health authorities ***, local governments and all law enforcement agencies in this State*** in providing community mental health services, which services may include prevention, rehabilitation, case finding, diagnosis and treatment of persons with mental illness, and consultation and education for groups and individuals regarding mental health.

2. Coordinating mental health functions with other state agencies.

3. Participating in and promoting the development of facilities for training personnel necessary for implementing such services.

4. Collecting and disseminating information pertaining to mental health.

5. Performing such other acts as are necessary to promote mental health in the State.

Sec. 19. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

3. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) In the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

4. As used in this section, "mental health professional" includes:

(a) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology in this State pursuant to chapter 641 of NRS;

(c) A social worker who:

(1) Holds a master's degree in social work ; ~~[or a related field;]~~

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(d) A registered nurse who:

(1) Is licensed to practice professional nursing in this State; and

(2) Holds a master's degree in psychiatric nursing or a related field;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS; ~~[and]~~

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS ~~[.]~~ ; and

(g) A person who is working in this State within the scope of his or her employment by the Federal Government and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Sec. 20. **Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:**

Sec. 5. ~~[1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~2.]~~ The provisions of this act ~~[, as amended on October 1, 2007,]~~ apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 21. **Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision must be destroyed within 1 year after the effective date of this section.**

Sec. 22. **1. This section and sections 16.3, 16.5, 16.7, 20 and 21 of this act become effective upon passage and approval.**

2. Sections 1 to 16, inclusive, 17, 18 and 19, of this act become effective on October 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment repeals the grandfathering of certain ordinances adopted by a political subdivision of this state before June 13, 1989, relating to the registration of any firearm capable of being concealed and requires that any records relating to such registration must be destroyed within one year after the effective date of this bill. Lastly, this amendment amends section 5 of Assembly Bill 147 of the 1989 Legislative Session to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 241.
Bill read second time and ordered to third reading.

Senate Bill No. 245.
Bill read second time and ordered to third reading.

Senate Bill No. 264.
Bill read second time and ordered to third reading.

Senate Bill No. 286.
Bill read second time and ordered to third reading.

Senate Bill No. 294.
Bill read second time and ordered to third reading.

Senate Bill No. 306.
Bill read second time and ordered to third reading.

Senate Bill No. 327.
Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 894.

AN ACT relating to air ambulances; providing for the minimum number of attendants and qualifications of those attendants for an air ambulance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of a permit for the operation of an air ambulance by the Division of Public and Behavioral Health of the Department of Health and Human Services or by the district board of health of a county whose population is 700,000 or more (currently Clark County). (NRS 450B.200) **Section 3** of this bill provides for the minimum number of attendants and qualifications for those attendants aboard an air ambulance. **Section 5** of this bill revises the training requirements for a licensed physician, registered nurse or licensed physician assistant to be certified as an attendant. **Section 6** of this bill authorizes an emergency medical services registered nurse to perform certain procedures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Emergency medical services registered nurse" means a registered nurse who is issued a certificate to serve as an attendant by the State Board of Nursing pursuant to subsection 8 of NRS 450B.160.***

Sec. 3. ***1. Except as otherwise provided in subsection 2, during any period in which an air ambulance is used to provide medical transportation services for which a permit is required, the air ambulance must be staffed with, at a minimum:***

(a) One primary attendant who:

(1) Is an emergency medical services registered nurse ~~***[***~~***;***

~~***(2) Has]***~~ ***who has at least*** ~~***[5 years of experience as a registered nurse, which includes:***~~

~~***(I) Two years of critical care nursing experience if working on a fixed-wing air ambulance; or***~~

~~***(II) Three]***~~ ***3 years of critical care nursing experience*** ~~***[if working on a rotary-wing air ambulance;***~~

~~***(3)]***~~ ***:***

(2) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

~~***[(4)]***~~ ***(3) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board; and***

(b) One secondary attendant who meets the same qualifications as a primary attendant pursuant to paragraph (a) or:

(1) Is certified as a paramedic;

(2) Has at least 3 years of field experience as a paramedic;

(3) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(4) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board.

2. If, as determined by the pilot and medical director of the air ambulance, the weight of the secondary attendant could compromise the performance of the air ambulance, safety or patient care, an air ambulance providing medical transportation services may be staffed with only a primary attendant as described in paragraph (a) of subsection 1.

3. The board may adopt regulations specifying the acceptable documentation of the requirements set forth in paragraph (a) or (b) of subsection 1.

4. The health authority may issue a letter of endorsement and identification card to an emergency medical services registered nurse or paramedic who satisfies the requirements of paragraph (a) or (b) of subsection 1.

Sec. 4. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Such other certificates for training and such other items as the board may specify.

4. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

5. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.

6. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

7. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; ~~[or]~~ ***and***

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➥ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

8. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 7 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➥ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification. ~~[The Board of Medical Examiners and the State Board of Nursing may require certification of training in all three areas set forth in subsection 7 for a licensed physician, licensed physician assistant or registered nurse who primarily serves as an attendant in a county whose population is 700,000 or more.]~~

Sec. 6. NRS 450B.197 is hereby amended to read as follows:

450B.197 An attendant or a firefighter who is a paramedic ***or emergency medical services registered nurse*** may perform any procedure and administer any drug:

1. Approved by regulation of the board; or

2. Authorized pursuant to NRS 450B.1975, if the attendant or firefighter who is a paramedic has obtained an endorsement pursuant to that section.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective on January 1, 2016.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment clarifies that an emergency medical services registered nurse has at least three years of critical care experience.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senate Bill No. 429.

Bill read second time and ordered to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Assemblyman Paul Anderson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 1:31 p.m.

ASSEMBLY IN SESSION

At 8:49 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 78.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 703 to Senate Bill No. 288; Assembly Amendment No. 702 to Senate Concurrent Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 751 to Senate Bill No. 52.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 480.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 912.

SUMMARY— ~~[Provides for the licensing and regulation of mortgage loan servicers and revises provisions governing the administration of the Division of Mortgage Lending of the Department of Business and Industry.]~~ **Revises provisions relating to mortgage lending.** (BDR 54-1174)

AN ACT relating to mortgage lending; revising provisions governing the licensing and regulation of escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; **authorizing a wholesale lender from outside this State to conduct business in this State; providing for the licensure and regulation of such a wholesale lender as a mortgage broker or mortgage banker;** increasing certain fees relating to escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; ~~[~~providing~~]~~ **requiring the Commissioner of Mortgage Lending to prescribe by regulation the requirements** for the licensing **, ~~[~~and~~]~~** regulation **and discipline** of mortgage servicers; ~~[~~establishing certain fees relating to mortgage servicers;~~]~~ revising provisions governing the administration of the Division of Mortgage Lending of the Department of Business and Industry; ~~[~~providing penalties;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Mortgage Lending within the Department of Business and Industry and authorizes the Division to license and regulate escrow agents, escrow agencies, mortgage brokers, mortgage agents, mortgage bankers, foreclosure consultants and loan modification consultants. (Chapters 645A, 645B, 645E and 645F of NRS) Existing law establishes the Commissioner of Mortgage Lending, and makes the Commissioner the chief of the Division. (NRS 232.520, 645A.010)

Sections 3-10 of this bill revise various provisions governing the licensing and regulation of escrow agents and escrow agencies. ~~[Section 11 of this bill increases certain fees required to be paid by escrow agents and escrow agencies.~~

~~Section 15 of this bill prohibits a mortgage broker from engaging in the servicing of mortgages unless the mortgage broker holds a license as a mortgage servicer.~~] **Sections 15-15.8 of this bill authorize a wholesale lender from outside this State to operate in this State as a mortgage broker. Sections 16 and 17** of this bill increase certain fees related to mortgage brokers.

~~[Section 18 of this bill prohibits a mortgage banker from engaging in the servicing of mortgages unless the mortgage banker holds a license as a mortgage servicer.~~] **Sections 18-18.8 of this bill authorize a wholesale lender from outside this State to operate in this State as a mortgage banker. Section 19** of this bill increases certain fees related to mortgage bankers.

~~[Sections 23-86 of this bill authorize the Commissioner of Mortgage Lending to license and regulate mortgage servicers who service loans on residential property located in this State. Sections 40-55 provide the requirements for obtaining a license as a mortgage servicer which include, among other things, having a minimum net worth of $250,000, posting a surety bond, submitting financial statements to the Commissioner and having a qualified employee located at each branch office of the mortgage servicer. Sections 56 and 57 provide for the powers and duties of the Commissioner to regulate mortgage

~~servicers. Sections 58-68 set forth certain requirements that mortgage servicers must adhere to in the conduct of their business and certain prohibitions related to the practice of mortgage servicing in this State. Sections 69 and 70 enact certain requirements related to the preservation of certain records and the filing of certain reports by mortgage servicers. Section 71 provides the procedure for claims made against the surety bond of a licensed mortgage servicer. Sections 72 and 73 provide the process for the filing and investigation of complaints against a mortgage servicer. Sections 74-80 provide for the discipline of licensed mortgage servicers who violate the provisions of this bill. Sections 81-86 provide various remedies and impose certain civil and criminal liability upon mortgage servicers and other persons for violations of the provisions of this bill.~~**]**

Sections 86.2-86.7 of this bill provide for the licensure, regulation and discipline of mortgage servicers through regulations adopted by the Commissioner of Mortgage Lending.

Sections 89 ~~[,]~~ and 92 of this bill revise certain provisions related to the powers and duties of the Commissioner**.** ~~**[**of Mortgage Lending generally.**]**~~ **Section 102** of this bill repeals two sections of existing law that are made redundant by other provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645.8725 is hereby amended to read as follows:

645.8725 "Escrow" has the meaning ascribed to it in ~~**[**subsection 4 of**]**~~ NRS 645A.010.

Sec. 2. NRS 645.8731 is hereby amended to read as follows:

645.8731 "Escrow agent" has the meaning ascribed to it in ~~**[**subsection 6 of**]**~~ NRS 645A.010.

Sec. 3. Chapter 645A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. The Commissioner may require that any application, fee, fine, form or filing required pursuant to this chapter be submitted to the Commissioner through the Registry and that the applicant or licensee pay any costs associated with the use of the Registry.***

2. All fees, assessments or penalties received by the Commissioner pursuant to this chapter are in addition to any costs or fees that may be required by the Registry and are nonrefundable. All fees, assessments and penalties received by the Commissioner pursuant to this chapter must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

Sec. 5. ***1. An escrow agent ~~[may]~~ shall not act as or provide the services of an escrow agent on behalf of any escrow agency other than an escrow agency that has notified the Commissioner pursuant to subsection 2 that the escrow agent is employed by and associated with that escrow agency.***

2. Before employing or associating with an escrow agent to administer escrows on its behalf, an escrow agency must:

(a) File with the Commissioner, on a form and in a manner prescribed by the Commissioner, a request to associate with the escrow agent; and

(b) Pay the fee required by NRS 645A.040.

3. An escrow agent ~~[may]~~ shall not associate or begin employment with an escrow agency until the Commissioner has provided notice to the escrow agency of acceptance of the request to associate with the escrow agent.

4. An escrow agent ~~[may]~~ shall not directly or indirectly receive any compensation, remuneration or fees related to the business of administering escrows from any escrow agency that the escrow agent is not associated with ~~[or]~~ and employed by pursuant to this section.

Sec. 6. NRS 645A.010 is hereby amended to read as follows:

645A.010 As used in this chapter, unless the context otherwise requires:

1. ***"Business of administering escrows" or "administering escrows" means the process of managing, conducting or supervising an escrow or escrow-related transaction as an escrow agent or escrow agency.***

2. "Client" means a person that has engaged an escrow agent or escrow agency to administer an escrow related to a transaction.

3. "Commissioner" means the Commissioner of Mortgage Lending.

~~[2.]~~ ***4.*** "Construction control" has the meaning ascribed to it in NRS 627.050.

~~[3.]~~ ***5. "Control person" means an executive officer, director, general partner, trustee, member or shareholder of an applicant or a licensee, or a person, who has the authority to participate in the direction, directly or indirectly through one or more other persons, of the management or policies of an applicant or a licensee.***

6. "Division" means the Division of Mortgage Lending of the Department of Business and Industry.

~~[4.]~~ ***7.*** "Escrow" means any transaction wherein one person, for the purpose of effecting ***or closing*** the sale, ***purchase, exchange,*** transfer, encumbering or leasing of real or personal property to another person ~~[,]~~ ***or persons,*** delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person ***to be held by such third person*** until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person ***, in compliance with instructions under which he or she is to act,*** to a grantee, grantor, promisee, promisor, obligee, obligor, ***lessee, lessor,*** bailee, bailor or any agent or employee ~~[of any of the latter.]~~ ***thereof.*** The term includes ~~[the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property and]~~ the performance of the services of a construction control.

~~[5.]~~ ***8.*** "Escrow agency" means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his or her own behalf.

~~[6.]~~ ***9.*** "Escrow agent" means any ***natural*** person ***employed by and associated with an escrow agency*** engaged in the business of administering escrows for compensation.

10. "Registry" has the meaning ascribed to it in NRS 645B.0128.

Sec. 7. NRS 645A.015 is hereby amended to read as follows:

645A.015 ~~[The provisions of this chapter do not apply to:]~~

1. ***Except as otherwise provided in subsection 2, it shall be unlawful for any person to engage in or carry on, or hold himself or herself out as engaging in or carrying on, the business of administering escrows or to act in the capacity of an escrow agent or escrow agency within this State or with respect to any transaction involving real or personal property located in this State without first obtaining a license as an escrow agent or escrow agency issued by the Commissioner pursuant to the requirements of this chapter.***

2. The licensing requirements of this chapter do not apply to:

(a) Any person ~~[:~~

~~(a) Doing]~~ ***doing*** business under the laws of this State or the United States relating to banks, mutual savings banks, trust companies, savings and loan associations, common and consumer finance companies or industrial loan companies; ~~[or]~~

(b) ~~[Licensed]~~ ***Any person licensed*** pursuant to chapter 692A of NRS ~~[.~~

~~2. An attorney at law rendering services in the performance of his or her duties as attorney at law, except an attorney actively engaged in conducting an escrow agency.~~

~~3.]~~ ***;***

(c) Any person licensed to practice law in this State if:

(1) The escrow transaction is performed by the attorney while engaged in the practice of law, or by employees of the law firm under the direct supervision of the attorney while engaged in the practice of law;

(2) The escrow transaction is performed under the name of a person or entity identified and operated as a law firm; and

(3) Any money provided to the attorney related to the escrow, other than money designated for attorney's fees and costs, is deposited into, maintained within and disbursed from a client trust account that complies with rules of this State governing the conduct of attorneys;

(d) Any firm or corporation which lends money on real or personal property and is subject to licensing, supervision or auditing by an agency of the United States or of this State ~~[.~~

~~4.]~~ ***; or***

(e) Any person doing any act under order of any court.

3. As used in this section, "law firm" has the meaning ascribed to it in NRS 38.435.

Sec. 8. NRS 645A.020 is hereby amended to read as follows:

645A.020 1. ~~[A person who wishes to be licensed as an escrow agent or agency must file a written application in the Office of the Commissioner.]~~ ***An application for, or renewal of, a license as an escrow agency or escrow agent***

shall be made in writing to the Commissioner on a form and in a manner prescribed by the Commissioner.

2. ~~[The application must:~~

~~(a) Be verified.~~

~~(b) Be accompanied by the appropriate fee prescribed in NRS 645A.040.~~

~~(c) State the location of the applicant's principal office and branch offices in the State and residence address.~~

~~(d) State the name under which the applicant will conduct business.~~

~~(e) List the names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each.~~

~~(f) Indicate the general plan and character of the business.~~

~~(g) State the length of time the applicant has been engaged in the escrow business.~~

~~(h) Require a financial statement of the applicant.~~

~~(i) Require such other information as the Commissioner determines necessary.~~

~~(j) If for an escrow agency, designate a natural person to receive service of process in this State for the agency.~~

~~(k) Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the escrow agency as a principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~(l) Include all information required to complete the application.~~**]** ***An applicant shall include in an application for an initial license:***

(a) Any application fee required pursuant to NRS 645A.040;

(b) All content required to be included in the application by the Commissioner;

(c) Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:

(1) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);

(2) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and

(3) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;

(d) A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(e) Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.

3. ***The applicant shall include in an application for renewal of an existing license:***

(a) Any renewal fee required pursuant to NRS 645A.040;

(b) All content required by the Commissioner in the application form; and

(c) Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.

4. If the Commissioner determines, after investigation, that the experience, character, financial condition, business reputation and general fitness of the applicant ***, or the control persons of the applicant,*** are such as to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public, the Commissioner shall issue ***or renew*** a license to the applicant as an escrow agent or ***escrow*** agency.

~~[4. The Commissioner may waive the investigation required by subsection 3 if the applicant submits with the application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license, within 1 year before the date the applicant submits his or her application, which was issued pursuant to the provisions of NRS 692A.103.]~~

5. An ~~[escrow agent or agency shall immediately notify]~~ ***applicant for a license, and a licensee upon the issuance or renewal of a license, shall have a continuing obligation to provide written notification to*** the Division of any material change in the information contained in the application ~~[.]~~ ***for an initial license or renewal of an existing license.***

6. A person may not be licensed as an escrow agent or agency or be a ~~[principal, partner, officer, director or trustee]~~ ***control person*** of an escrow agency if the person is the holder of an active license issued pursuant to chapter 645 of NRS.

7. If the Commissioner finds that additional information is required to consider the application, the Commissioner shall send a letter to the applicant which specifies the additional requirements that the applicant must satisfy within 30 days after receiving the letter to obtain a license. If the applicant does not satisfy all additional requirements set forth in the letter within 30 days after receipt of the letter, the application will be deemed to have been denied, and the applicant must reapply to obtain a license. The Commissioner may, for good cause, extend the 30-day period prescribed in this subsection.

Sec. 9. NRS 645A.032 is hereby amended to read as follows:

645A.032 1. The Division shall issue to each licensee a license which:

(a) Shows the name and address of the licensee, and in the case of an escrow agent, the name of the ***licensed*** escrow agency with whom the escrow agent will be ~~*[is]*~~ ***employed*** ~~*[or]*~~ ***and*** associated ~~**[**.**]**~~ ***; and***

(b) ~~**[**Has imprinted thereon the seal of the Division.~~

~~(c)**]**~~ Contains any additional ~~**[**matter**]**~~ ***information*** prescribed by the ~~**[**Division.**]**~~ ***Commissioner.***

2. No escrow agent may be associated with ~~[or]~~ ***and*** employed by more than one escrow agency at the same time.

Sec. 10. NRS 645A.036 is hereby amended to read as follows:

645A.036 1. Every escrow agency shall maintain a definite place of business ~~**, [**within the State,**]**~~ which must be a room or rooms used for the transaction of escrows, or such business and any allied businesses, and which must serve as the office for the transaction of business pursuant to the authority granted in the license.

2. The place of business must be specified in the application for the license and so designated on the license.

3. A license does not authorize the licensee to transact business from any office other than that designated in the license.

Sec. 11. ~~**[**NRS 645A.040 is hereby amended to read as follows:~~

~~645A.040 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal, paying the annual fee for the succeeding year and submitting all information required to complete the renewal.~~

~~2. The fees for the issuance or renewal of a license for an escrow agency are:~~

~~(a) For filing an application for an initial license, $500 for the principal office and **[**$100**]** ***$300*** for each branch office.~~

~~(b) If the license is approved for issuance, $200 for the principal office and $100 for each branch office. The fee must be paid before issuance of the license.~~

~~(c) For filing an application for renewal, **[**$200**]** ***$700*** for the principal office and **[**$100**]** ***$400*** for each branch office.~~

~~3. The fees for the issuance or renewal of a license for an escrow agent are:~~

~~(a) For filing an application for an initial license or for the renewal of a license, **[**$100.**]** ***$225.***~~

~~(b) If a license is approved for issuance or renewal, $25. The fee must be paid before the issuance or renewal of the license.~~

~~4. If a licensee fails to pay the fee or submit all required information for the annual renewal of his or her license before its expiration, the license may be renewed only upon the payment of a fee one and one-half times the amount otherwise required for renewal. A license may be renewed pursuant to this~~

~~subsection only if all the fees are paid and all required information is submitted within 2 months after the date on which the license expired.~~

~~5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:~~

~~(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, $10.~~

~~(b) For filing any change of information contained in the application, $10.~~

~~(c) For each change of association with an escrow agency, $25.~~

~~[6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Account for Mortgage Lending created by NRS 645F.270.]~~ **(Deleted by amendment.)**

Sec. 11.5. **NRS 645A.041 is hereby amended to read as follows:**

645A.041 1. Except as otherwise provided in NRS 645A.042, as a condition to doing business in this State, each escrow agency shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the escrow agency and all escrow agents employed by ~~[or]~~ ***and*** associated with the escrow agency.

2. At the time of filing an application for a license as an escrow agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the escrow agency with whom he or she is associated ~~[or]~~ ***and*** employed.

3. The bond must be in substantially the following form:

> Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.
>
> The condition of that obligation is such that: Whereas, the principal has been issued a license as an escrow agency or escrow agent by the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada and is required to furnish a bond, which is conditioned as set forth in this bond:
>
> Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter

645A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of .....(year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of ..….(year).

.....(Seal)
Principal
.....(Seal)
Surety
By.....
Attorney-in-fact
.....
Nevada Licensed Insurance Agent

4. Each escrow agency shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 645A.042 in the following amount based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160:

AVERAGE MONTHLY BALANCE	AMOUNT OF BOND OR SECURITY REQUIRED
$50,000 or less	$20,000
More than $50,000 but not more than $250,000	50,000
More than $250,000 but not more than $500,000	100,000
More than $500,000 but not more than $750,000	150,000
More than $750,000 but not more than $1,000,000	200,000
More than $1,000,000	250,000

The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the escrow agency based upon the expected average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. After the initial deposit, the Commissioner shall, on a semiannual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the escrow agency based

upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160.

5. A bond used to satisfy the requirements of NRS 627.180 or a substitute for that bond which satisfies the requirements of NRS 627.183 may be used to satisfy the requirements of this section if:

(a) The amount required by NRS 627.180 for a bond is not less than the amount required by this section for a bond; or

(b) The amount required by NRS 627.180 for a bond is less than the amount required by this section for a bond, and the escrow agency deposits an additional bond in an amount not less than the difference between the amount required by NRS 627.180 and the amount required by this section.

Sec. 11.7. **NRS 645A.196 is hereby amended to read as follows:**

645A.196 1. Whenever an escrow agent terminates, for any reason, his or her employment with the escrow agency with whom the escrow agent was associated, the escrow agency shall:

(a) Immediately deliver or send by certified mail to the Division the escrow agent's license, together with a written statement of the circumstances surrounding the termination.

(b) At the time of delivering or mailing the license to the Division, address a communication to the last known residence address of the escrow agent, advising the escrow agent that his or her license has been delivered or mailed to the Division. A copy of the communication must accompany the license when delivered or mailed to the Division.

2. An escrow agent shall not perform either directly or indirectly any act for which a license is required pursuant to this chapter:

(a) On or after the date the Division receives the escrow agent's license from the escrow agency until the license is transferred or reissued or until a new license is issued.

(b) Without being associated with ~~[or]~~ ***and*** employed by a licensed escrow agency.

Sec. 12. NRS 645A.221 is hereby amended to read as follows:

645A.221 If a person, or any general partner, director, officer, agent or employee of a person, violates the provisions of NRS ~~[645A.210]~~ ***645A.015*** or 645A.220:

1. Any contracts entered into by that person for the escrow transaction are voidable by the other party to the contract; and

2. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $50,000.

Sec. 13. NRS 645A.222 is hereby amended to read as follows:

645A.222 In addition to any other remedy or penalty, if a person violates the provisions of NRS ~~[645A.210]~~ ***645A.015*** or 645A.220, the respective parties to the escrow transaction may bring a civil action against the person for:

1. Actual and consequential damages;

2. Punitive damages, which are subject to the provisions of NRS 42.005;

3. Reasonable attorney's fees and costs; and

4. Any other legal or equitable relief that the court deems appropriate.

Sec. 14. NRS 645A.230 is hereby amended to read as follows:

645A.230 Any person who violates:

1. NRS ***645A.015,*** 645A.160 ~~[, 645A.210]~~ or 645A.220 is guilty of a gross misdemeanor.

2. Any other provision of this chapter is guilty of a misdemeanor.

Sec. 15. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1. A mortgage broker shall not service or offer to service a residential mortgage loan, unless the mortgage broker holds a license as a mortgage servicer issued by the Commissioner pursuant to section 42 of this act.*~~

~~*2. As used in this section:*~~

~~*(a) "Residential mortgage loan" has the meaning ascribed to it in section 37 of this act.*~~

~~*(b) "Service" has the meaning ascribed to it in section 38 of this act.]*~~ ***"Wholesale lender" means a person who:***

1. Holds himself or herself out:

(a) For hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(b) As being able to make loans secured by liens on real property; or

(c) As being able to buy or sell notes secured by liens on real property; and

2. Does not directly:

(a) Take or receive an application from a borrower for a loan which will be secured by a lien on real property; or

(b) Negotiate any terms with a borrower relating to a loan which will be secured by a lien on real property.

Sec. 15.4. **NRS 645B.010 is hereby amended to read as follows:**

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0104 to 645B.0135, inclusive, ***and section 15 of this act*** have the meanings ascribed to them in those sections.

Sec. 15.6. **NRS 645B.0127 is hereby amended to read as follows:**

645B.0127 1. "Mortgage broker" means a person who, directly or indirectly:

(a) Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself or herself out as being able to make loans secured by liens on real property;

(d) Holds himself or herself out as being able to buy or sell notes secured by liens on real property; or

(e) Offers for sale in this State any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

2. ***The term includes a wholesale lender.***

3. The term does not include a person who is licensed as a mortgage banker, as defined in NRS 645E.100, unless the person is also licensed as a mortgage broker pursuant to this chapter.

Sec. 15.8. **NRS 645B.020 is hereby amended to read as follows:**

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. The Commissioner may require the applicant or person to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry. An application for a license as a mortgage broker must:

(a) State the name, residence address and business address of the applicant and ***, if the applicant is a mortgage broker other than a wholesale lender,*** the location of each principal office and branch office at which the mortgage broker will conduct business within this State ***.*** ~~[, including, without limitation,]~~

(b) State the location of any ***principal office,*** office or other place of business located outside this State from which the mortgage broker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

~~[(b)]~~ ***(c)*** State the name under which the applicant will conduct business as a mortgage broker.

~~[(c)]~~ ***(d)*** List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

~~[(d)]~~ ***(e)*** Include a general business plan and a description of the policies and procedures that the mortgage broker and his or her mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

~~[(e)]~~ ***(f)*** State the length of time the applicant has been engaged in the business of a mortgage broker.

~~[(f)]~~ ***(g)*** Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

~~[(g)]~~ ***(h)*** Include all information required to complete the application.

~~[(h)]~~ ***(i)*** Unless fingerprints were submitted to the Registry for the person, include a complete set of fingerprints for each natural person who is a

principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(i)]~~ ***(j)*** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business in this State at one or more branch offices, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State ~~[.]~~ ***or if the applicant will conduct business in this State only as a wholesale lender,*** and the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available ***electronically or*** at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any

investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 16. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or after November 1 and on or before December 31 of each year or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than ~~[$40]~~ ***$400*** for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than ~~[$60]~~ ***$100*** for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee or date set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Commissioner or, if the licensee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 17. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to

the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 or 2 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee ~~[of $10.]~~ ***in an amount prescribed by regulation of the Commissioner, not to exceed $50.***

5. Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

7. Nothing in this section shall be construed as preventing the Commissioner from renewing the license of a mortgage agent who does not satisfy the criteria set forth in paragraph (e) of subsection 1 of NRS 645B.410 at the time of the application for renewal.

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 18. Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:

~~***[1. A mortgage banker shall not service or offer to service a residential mortgage loan, unless the mortgage banker holds a license as a mortgage servicer issued by the Commissioner pursuant to section 42 of this act.***~~

~~***2. As used in this section:***~~

~~***(a) "Residential mortgage loan" has the meaning ascribed to it in section 37 of this act.***~~

~~***(b) "Service" has the meaning ascribed to it in section 38 of this act.]***~~

1. "Wholesale lender" means a person who:

(a) Directly or indirectly holds himself or herself out as being able to:

(1) Buy or sell notes secured by liens on real property; or

(2) Make loans secured by liens on real property using his or her own money;

(b) Does not directly:

(1) Take or receive an application from a borrower for a loan which will be secured by a lien on real property; or

(2) Negotiate any terms with a borrower relating to a loan which will be secured by a lien on real property; and

(c) Does not engage in any other act or transaction described in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. For the purposes of this section, a person does not make a loan secured by a lien on real property using his or her own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 18.4. **NRS 645E.010 is hereby amended to read as follows:**

645E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645E.020 to 645E.105, inclusive, ***and section 18 of this act*** have the meanings ascribed to them in those sections.

Sec. 18.6. **NRS 645E.100 is hereby amended to read as follows:**

645E.100 1. "Mortgage banker" means any of the following:

(a) A person who, directly or indirectly:

(1) Holds himself or herself out as being able to:

(I) Buy or sell notes secured by liens on real property; or

(II) Make loans secured by liens on real property using his or her own money; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

(b) A person who, directly or indirectly:

(1) Negotiates, originates or makes or offers to negotiate, originate or make commercial mortgage loans as an agent for or on behalf of an institutional investor; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. ***The term includes a wholesale lender.***

3. For the purposes of this section, a person does not make a loan secured by a lien on real property using his or her own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 18.8. **NRS 645E.200 is hereby amended to read as follows:**

645E.200 1. A person who wishes to be licensed as a mortgage banker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage banker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and ***, if the applicant is a mortgage banker other than a wholesale lender,*** the location of each principal office and branch office at which the mortgage banker will conduct business in this State ***.*** ~~[, including, without limitation,]~~

(c) State the location of any ***principal office,*** office or other place of business located outside this State from which the mortgage banker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

~~[(c)]~~ ***(d)*** State the name under which the applicant will conduct business as a mortgage banker.

~~[(d)]~~ ***(e)*** If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage banker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

~~[(e)]~~ ***(f)*** Indicate the general plan and character of the business.

~~[(f)]~~ ***(g)*** State the length of time the applicant has been engaged in the business of a mortgage banker.

~~[(g)]~~ ***(h)*** Include a financial statement of the applicant.

~~[(h)]~~ ***(i)*** Include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(i)]~~ ***(j)*** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage banker will conduct business in this State at one or more branch offices, the mortgage banker must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage banker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter, other applicable law and, if applicable, the Registry; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter. For the purposes of this subparagraph, the factors considered in determining whether a person has demonstrated financial responsibility include, without limitation:

(I) Whether the person's personal credit history indicates any adverse material items, including, without limitation, liens, judgments, disciplinary action, bankruptcies, foreclosures or failures to comply with court-approved payment plans;

(II) The circumstances surrounding any adverse material items in the person's personal credit history; and

(III) Any instance of fraud, misrepresentation, dishonest business practices, the mishandling of trust funds or other types of comparable behavior.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State ***or if the applicant will conduct business in this State only as a wholesale lender,*** and ~~[if]~~ the applicant submits with the application for a

license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available ***electronically or*** at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 19. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section;

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(d) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than ~~[$40]~~ ***$400*** for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than ~~[$60]~~ ***$100*** for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

Sec. 20. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to ~~[86,]~~ **86.7,** inclusive, of this act.

Sec. 21. ~~*[“Mortgage servicer” has the meaning ascribed to it in section 35 of this act.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[This section and NRS 645F.300 to 645F.450, inclusive, may be cited as the “Nevada Loan Modification Regulatory Act.”]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[Sections 23 to 86, inclusive, of this act may be cited as the “Nevada Residential Mortgage Servicer Licensing and Regulatory Act.”]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[As used in sections 23 to 86, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 to 39, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[“Affiliate” means a person that, directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with another person and that is engaged in a business or a transaction regulated by sections 23 to 86, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[“Applicant” means a person that has made application for a license pursuant to sections 23 to 86, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[“Borrower” means a person that is a debtor on a residential mortgage loan.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[“Branch office” means a location, other than the principal office of a person, from which the person provides mortgage servicer activities related to a residential mortgage loan secured by a dwelling located in this State.]*~~ **(Deleted by amendment.)**

Sec. 29. ~~*[“Control person” means an executive officer, director, general partner, trustee, member or shareholder of a licensee, or a person, who has the authority to participate in the direction, directly or indirectly, through one or more other persons, of the management or policies of a licensee.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*[“Depository financial institution” has the meaning ascribed to it in NRS 645.335 and includes, without limitation, any bank, savings and loan association, thrift or credit union whose share and deposit accounts are federally insured.]*~~ **(Deleted by amendment.)**

Sec. 31. ~~*[“Dwelling” means a residential structure that contains between one and four units, each of which is planned, designed or used as a residence for a single family, whether or not that structure is attached to real property. The term includes, without limitation, an individual condominium unit, cooperative unit, mobile home or trailer, if it is used as a residence.]*~~ **(Deleted by amendment.)**

Sec. 32. ~~*[“Executive officer” means an officer, manager, partner or managing member of a licensee. The term includes, without limitation, a*~~

~~*chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer, or a natural person in any similar position.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~*[“License” means a license or other authority granted by the Commissioner pursuant to sections 23 to 86, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~*[“Licensee” means a person who is licensed or required to be licensed pursuant to sections 23 to 86, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 35. ~~*[“Mortgage servicer” means a person that directly or indirectly services residential mortgage loans.]*~~ **(Deleted by amendment.)**

Sec. 36. ~~*[“Principal office” means the office where the corporate or executive offices of a business entity or other person are located, whether or not the office is located in this State.]*~~ **(Deleted by amendment.)**

Sec. 37. ~~*[“Residential mortgage loan” means any loan that is secured by a mortgage, deed of trust or other similar consensual security interest on a dwelling located within this State or on real property located within this State upon which is constructed or intended to be constructed a dwelling.]*~~ **(Deleted by amendment.)**

Sec. 38. ~~*[“Service” means:*~~

~~*1. The collection of six or more payments of principal, interest or an amount to be placed into escrow for the payment of hazard insurance or taxes, or any combination thereof, related to a residential mortgage loan owned, in whole or in part, by a licensee or for which a licensee is a primary beneficiary; or*~~

~~*2. The collection or remittance, or the right to collect or remit, for any lender, mortgagee, noteowner, noteholder, trustee or primary beneficiary of a residential mortgage loan any payment of principal, interest or an amount to be placed into escrow for the payment of hazard insurance or taxes, or any combination thereof, related to a residential mortgage loan, in accordance with the terms of a residential mortgage loan, a mortgage servicing agreement or an agreement with a mortgagee, trustee or primary beneficiary of a residential mortgage loan.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~*[“Shareholder” means:*~~

~~*1. Any person that has beneficial ownership of, or the power to vote directly or indirectly on behalf of, any percentage of a class of voting securities or voting interests of an applicant or licensee if the applicant or licensee has 20 or fewer shareholders or beneficial owners.*~~

~~*2. Any person that has the beneficial ownership of, or the power to vote directly or indirectly on behalf of, 10 percent or more of a class of voting securities or voting interests of an applicant or licensee if the applicant or licensee has more than 20 shareholders or beneficial owners.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~*[No person shall directly or indirectly provide or offer to provide, or hold himself or herself out as providing or offering to provide,*~~

~~*the services of a mortgage servicer in this State without first obtaining and maintaining the applicable license pursuant to sections 23 to 86, inclusive, of this act, unless the person is exempt from the licensing provisions of this chapter under section 55 of this act and complies with the requirements of that exemption.]*~~ **(Deleted by amendment.)**

Sec. 41. ~~*[1. An application for a license as a mortgage servicer must be made in writing to the Commissioner, on a form and in a manner prescribed by the Commissioner.*~~

~~*2. The applicant shall include in the application:*~~

~~*(a) The applicable fee required pursuant to section 53 of this act;*~~

~~*(b) All content and information required by the Commissioner in the application;*~~

~~*(c) Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:*~~

~~*(1) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);*~~

~~*(2) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and*~~

~~*(3) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;*~~

~~*(d) A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*~~

~~*(e) Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.]*~~ **(Deleted by amendment.)**

Sec. 42. ~~*[The Commissioner shall not issue a license to an applicant for a license as a mortgage servicer unless, after investigation, the Commissioner finds that the applicant or any control person of the applicant:*~~

~~*1. Meets all the requirements of sections 23 to 86, inclusive, of this act.*~~

~~*2. Has demonstrated experience, financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant and any control person of the applicant will operate honestly, fairly and efficiently for the purposes of sections 23 to 86, inclusive, of this act.*~~

~~— 3. Has never had a license or registration as mortgage servicer revoked in this State or any other jurisdiction or had any financial services license revoked within the immediately preceding 10 years. For purposes of this subsection, a license or registration shall not be considered revoked if the revocation was subsequently vacated.~~

~~— 4. Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if any such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering. For the purposes of this subsection, a person shall not be considered to have been convicted, or entered or agreed to enter a plea of guilty or nolo contendere, if the conviction or plea has been pardoned or vacated.~~

~~— 5. Has designated a qualified employee for each principal and branch office making application for a license in accordance with section 46 of this act and the qualified employee has been approved by the Commissioner.~~

~~— 6. Has provided a surety bond that meets the requirements of section 49 of this act.~~

~~— 7. Has provided a financial statement that meets the requirements of section 47 of this act.]~~ **(Deleted by amendment.)**

Sec. 43. ~~[1. An applicant for a license as a mortgage servicer shall obtain a license for its principal office and for each branch office from which it will conduct mortgage servicer activity related to any dwelling located in this State.~~

~~— 2. An applicant for a license as a mortgage servicer that will conduct mortgage servicer activity related to any dwelling located in this State under one or more fictitious or assumed names must apply for and obtain a separate license for each fictitious or assumed name.~~

~~— 3. A licensee may not conduct business from any location, or in any name or fictitious or assumed name, other than the location and name that appears on the license of the licensee issued pursuant to sections 23 to 86, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 44. ~~[1. In addition to any other requirements set forth in this chapter:~~

~~— (a) A natural person who applies for the issuance of a license as a mortgage servicer shall include the social security number of the applicant in the application submitted to the Commissioner.~~

~~— (b) A natural person who applies for the issuance or renewal of a license as a mortgage servicer shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~— 2. The Commissioner shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~(b) A separate form prescribed by the Commissioner.~~

~~3. The Commissioner shall not issue or renew a license as a mortgage servicer if the applicant is a natural person who:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.]~~ **(Deleted by amendment.)**

Sec. 45. ~~[1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]~~ **(Deleted by amendment.)**

Sec. 46. ~~[1. A mortgage servicer shall designate an individual to serve as a qualified employee for each principal or branch office licensed pursuant to sections 23 to 86, inclusive, of this act. An individual must not be designated to serve as a qualified employee unless such individual:~~

~~(a) Is licensed as a mortgage agent under chapter 645B of NRS;~~

~~(b) Has at least 2 years of verifiable experience in the residential mortgage industry, within the immediately preceding 5 years;~~

~~(c) Is designated by a mortgage servicer to act on behalf of the mortgage servicer and to supervise and control the conduct of the business of the mortgage servicer at that location;~~

~~(d) Will be present at the location a majority of the time that the office is open;~~

~~(e) Is designated to serve as the qualified employee for only one location; and~~

~~(f) Is approved by the Commissioner to act as the qualified employee for the licensee at the location.~~

~~2. If a qualified employee is not approved by the Commissioner, or is subsequently ineligible because he or she does not meet the above requirements, within 30 days after the disapproval or ineligibility, the mortgage servicer shall:~~

~~(a) Provide written notification to the Commissioner; and~~

~~(b) Designate a new qualified employee and request the approval of the Commissioner for that individual to serve as the qualified employee.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[1. At the time of application and not later than 90 days after the last day of each fiscal year of a mortgage servicer, an applicant or licensee must submit to the Commissioner an independently audited financial statement that:~~

~~(a) Is dated not earlier than the last day of the fiscal year; and~~

~~(b) Demonstrates that the applicant or licensee meets the minimum net worth requirement set forth in section 48 of this act.~~

~~2. The Commissioner may grant a reasonable extension for the submission of a financial statement required by this section if a mortgage servicer requests such an extension before the date on which the financial statement is due.]~~ **(Deleted by amendment.)**

Sec. 48. ~~[An applicant for a license shall demonstrate that it has, and a licensee shall continuously maintain, a minimum net worth of $250,000.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[1. As a condition of doing business in this State, at the time of filing an application for a license or renewal of a license, each mortgage servicer must deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 3, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the mortgage servicer and employees or agents of the mortgage servicer.~~

~~2. The bond must be in a form prescribed by the Commissioner.~~

~~3. Each mortgage servicer shall deposit a corporate surety bond that complies with the provisions of this section in the following amounts:~~

~~(a) If the mortgage servicer has an annual servicing volume of less than $20,000,000, $100,000.~~

~~(b) If the mortgage servicer has an annual servicing volume of $20,000,000 or more, $250,000.~~

~~4. The annual servicing volume will be determined from the quarterly reports filed with the Commissioner by the mortgage servicer pursuant to section 70 of this act.]~~ **(Deleted by amendment.)**

Sec. 50. ~~[1. The surety may cancel a bond upon giving 60 days' notice, by certified mail, to the Commissioner and to the licensee who is the principal on the bond. Upon receipt by the Commissioner of such a notice, the Commissioner shall immediately notify the licensee who is the principal on the bond of the effective date of cancellation of the bond, and that his or her license will be summarily suspended on that date and thereafter revoked unless the licensee furnishes an equivalent bond before the effective date of the cancellation. The notice must be sent to the licensee by certified mail to his or her last address of record filed in the office of the Division.~~

~~2. If the licensee does not comply with the requirements set out in the notice from the Commissioner, the license must be revoked in accordance with sections 23 to 86, inclusive, of this act and the requirements of chapter 233B of NRS. During the pendency of the revocation proceedings, the license must be summarily suspended in accordance with chapter 233B of NRS.]~~ **(Deleted by amendment.)**

Sec. 51. ~~[1. A license issued pursuant to sections 23 to 86, inclusive, of this act must not be transferred or assigned without the prior written consent and approval of the Commissioner.~~

~~2. If a transfer, sale or conveyance of the outstanding voting stock or ownership interest of a licensee will result in the cumulative transfer of 25 percent or more of the outstanding voting stock or ownership interest of the licensee from the date upon which the original license was issued, the licensee shall make prior written application to the Commissioner for the approval of such transfer, sale or conveyance. The applications must include:~~

~~(a) The transfer fee required pursuant to section 53 of this act.~~

~~(b) The name and percentage of ownership of each person who has obtained or is obtaining ownership resulting in a cumulative transfer of 25 percent or more of the outstanding voting stock or ownership interest of the licensee.~~

~~(c) A personal interrogatory and a complete set of fingerprints of each person referred to in paragraph (b), in a form prescribed by the Commissioner, and written consent authorizing the Commissioner to conduct an investigation of the person's background in the same manner as provided for in paragraph (c) of subsection 2 of section 41 of this act.~~

~~3. The Commissioner shall conduct an investigation of the applicant to determine that all the requirements necessary for licensure pursuant to sections 23 to 86, inclusive, of this act are met.]~~ **(Deleted by amendment.)**

Sec. 52. ~~[1. Any licensee that wishes to amend its name, address or license qualifications shall make written application to the Commissioner, in a form and manner prescribed by the Commissioner, to amend the license.~~

~~2. Such application must:~~

~~(a) Be submitted to the Commissioner, in a form and manner prescribed by the Commissioner, not less than 30 days before the anticipated effective date of the proposed amendment to the name or license qualification of the~~

~~*licensee, or not more than 10 days after a change of the address of the licensee.*~~

~~*— (b) Include all information required by the Commissioner.*~~

~~*— (c) Include the fee required pursuant to section 53 of this act.*~~

~~*— 3. An amendment to the name or qualifications of a licensee is not effective until approved by the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 53. ~~*[1. A license issued pursuant to sections 23 to 86, inclusive, of this act shall expire on December 31 of each year, unless it is renewed. To renew a license, a licensee must submit a renewal application in a form and manner prescribed by the Commissioner before December 31 of each year and pay the annual supervision fee.*~~

~~*— 2. The Commissioner shall annually establish a schedule of fees that are sufficient to pay, but not to exceed, the Division's reasonably anticipated costs of administering and enforcing the provisions of sections 23 to 86, inclusive, of this act as follows:*~~

~~*— (a) To file an initial application for a license, a fee of not more than $2,500 for the principal office and not more than $500 for each branch office.*~~

~~*— (b) To obtain a duplicate original or to amend the address of a mortgage servicer, a fee of not more than $50.*~~

~~*— (c) To transfer the ownership or control of a licensee, a fee of not more than $500.*~~

~~*— (d) To renew a license, an operating fee of not more than $1,000 and an annual supervision fee that is based upon the dollar volume of residential mortgage loans serviced by the licensee during the 12-month period beginning on October 1 of the year preceding the expiration of the current license and ending on September 31 of the year of the expiration of the current license. The Commissioner shall adopt regulations necessary to implement and to establish the annual supervision fee required under this subsection.*~~

~~*— 3. A licensee that fails to submit a complete renewal application by December 31 of any given year, may reinstate the license if, before February 28 of the next year, the licensee files its complete renewal application, pays the fee for renewal and pays a reinstatement fee of not more than $200.*~~

~~*— 4. A mortgage servicer shall pay the actual travel, lodging and meal expenses incurred by employees or contractors of the Division who are required to travel out of state to conduct an examination or investigation of the mortgage servicer.*~~

~~*— 5. Each licensee shall pay an annual assessment as established by the Commissioner pursuant to NRS 645F.180 and 645F.290.*~~

~~*— 6. A licensee that fails timely to submit a financial statement as required under section 47 of this act, a report as required under section 70 of this act or a special report as required by the Commissioner under section 56 of this act shall pay a late penalty of not more than $25 per day that such statement*~~

~~*or report is late up to a maximum of $1,000, and may be subject to other discipline provided for pursuant to sections 23 to 86, inclusive, of this act.*~~

~~*— 7. The Commissioner may require that any fee, assessment or late penalty required under this section be paid directly to the Division or to the Division through the Registry.*~~

~~*— 8. All fees, assessments or penalties received pursuant to sections 23 to 86, inclusive, of this act are in addition to any fees that may be required by the Registry and are nonrefundable. All fees, assessments and penalties received pursuant to sections 23 to 86, inclusive, of this act must be deposited in the Account for Mortgage Lending created by NRS 645F.270.]*~~ **(Deleted by amendment.)**

Sec. 54. ~~*[1. A license granted pursuant to sections 23 to 86, inclusive, of this act entitles a licensee to engage only in the activities for which they are licensed and authorized by sections 23 to 86, inclusive, of this act.*~~

~~*— 2. The provisions of sections 23 to 86, inclusive, of this act do not prohibit a licensee from holding a license issued pursuant to chapter 645A, 645B or 645E of NRS.]*~~ **(Deleted by amendment.)**

Sec. 55. ~~*[Sections 23 to 86, inclusive, of this act do not apply to:*~~

~~*— 1. A depository financial institution;*~~

~~*— 2. A subsidiary or a holding company of a depository financial institution, if that depository financial institution maintains its main office or a branch office in this State;*~~

~~*— 3. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted by the real estate investment trust in this State is not subject to supervision by the regulatory authority of another jurisdiction, in which case licensing pursuant to sections 23 to 86, inclusive, of this act is required;*~~

~~*— 4. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the residential mortgage loan is made directly from money in the plan by the plan's trustee;*~~

~~*— 5. An individual who is an attorney licensed in this State who does not engage in the business, or otherwise hold himself or herself out as being able to provide the services, of a mortgage servicer, and who is rendering services as an ancillary matter to his or her representation of a client;*~~

~~*— 6. Any person doing any act under an order of any court;*~~

~~*— 7. Agencies of the United States and of this State and its political subdivisions or corporate instrumentalities, including, without limitation, the Public Employees' Retirement System;*~~

~~*— 8. A bona fide nonprofit agency or organization which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. §501(c)(3), as amended; and*~~

~~*— 9. A mortgage servicer that, in the aggregate with any affiliates, services 10 or fewer residential mortgage loans in this State during any 12-month period beginning on January 1 of the year to December 31 of the same year.]*~~ **(Deleted by amendment.)**

Sec. 56. ~~[*1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall have jurisdiction over and shall exercise general supervision and control over all mortgage servicers governed under sections 23 to 86, inclusive, of this act.*~~

~~*2. In addition to any other duty or authority assigned or granted pursuant to sections 23 to 86, inclusive, of this act, the Commissioner may:*~~

~~*(a) Adopt any regulation that is necessary to efficiently and effectively carry out the provisions of sections 23 to 86, inclusive, of this act.*~~

~~*(b) Require that any application for an initial license or the renewal of a license pursuant to sections 23 to 86, inclusive, of this act be submitted directly to the Division or to the Division through the Registry.*~~

~~*(c) Require that any fee or administrative fine due or assessment levied pursuant to sections 23 to 86, inclusive, of this act be submitted directly to the Division or to the Division through the Registry.*~~

~~*(d) Issue or refuse to issue a license, amendment to a license or transfer of a license as provided in sections 23 to 86, inclusive, of this act.*~~

~~*(e) Revoke, suspend or condition a license as provided in sections 23 to 86, inclusive, of this act.*~~

~~*(f) Impose an administrative fine and assess administrative fees or assessments or attorney fees as provided in sections 23 to 86, inclusive, of this act or under applicable law.*~~

~~*(g) Impose any other administrative discipline as provided in sections 23 to 86, inclusive, of this act.*~~

~~*(h) Bring an action in any county in this State to enforce an order or subpoena issued pursuant to sections 23 to 86, inclusive, of this act.*~~

~~*(i) Advise the Attorney General or the prosecuting attorney of any county of this State that a mortgage servicer is conducting business or engaging in any activity that violates sections 23 to 86, inclusive, of this act.*~~

~~*(j) Conduct such investigations as may be necessary to determine if any person is violating sections 23 to 86, inclusive, of this act or any regulations adopted pursuant thereto, and to efficiently enforce the provisions of sections 23 to 86, inclusive, of this act and any regulations adopted pursuant thereto.*~~

~~*(k) Conduct an annual examination of each mortgage servicer doing business pursuant to sections 23 to 86, inclusive, of this act. Notwithstanding the foregoing, the Commissioner may also conduct more frequent examinations of a licensee if the Commissioner, in his or her sole discretion, determines that such an examination is warranted.*~~

~~*(l) In the conduct of an examination or investigation pursuant to sections 23 to 86, inclusive, of this act, the Commissioner may:*~~

~~*(1) Issue subpoenas to compel the appearance of any person or production of any documents, books or records, administer oaths and examine any person pursuant to NRS 645F.291;*~~

~~*(2) Have free access during regular business hours to the offices, places of business or other locations where a licensee or an affiliate of a licensee*~~

~~*maintains business related documents, and to the books, accounts, papers, records files, documents, safes and vaults of a licensee;*~~

~~*(3) Assess a fee upon any mortgage servicer or other person, based upon the rate established pursuant to NRS 645F.280, for each special audit, investigation or examination conducted of that mortgage servicer or other person pursuant to sections 23 to 86, inclusive, of this act; or*~~

~~*(4) By procedure, order or regulation, classify as confidential certain records and information when:*~~

~~*(I) Those records or information are obtained from a governmental agency upon the express condition that those records or information remain confidential;*~~

~~*(II) Those records or information contain private or personal information related to a natural person, the release of which would result in an unwarranted invasion of privacy;*~~

~~*(m) Notwithstanding subparagraph (4) of paragraph (l), all records of the Commissioner may be examined by the Legislative Auditor or the Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS.*~~

~~*(n) For the purposes of conducting any examination or investigation under sections 23 to 86, inclusive, of this act, the Commissioner may:*~~

~~*(1) Retain attorneys, accountants or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;*~~

~~*(2) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information or evidence obtained under this section;*~~

~~*(3) Use, hire, contract or employ public or privately available analytical systems, methods or software to examine or investigate a licensee or other person subject to sections 23 to 86, inclusive, of this act;*~~

~~*(4) Accept and rely on examination or investigation reports made by another state or federal government agency or officials; or*~~

~~*(5) Accept audit reports prepared by an independent certified public accountant for the licensee or other person subject to sections 23 to 86, inclusive, of this act in the course of that part of the examination covering the same general subject matter as the audit and incorporate the audit report in the report of the examination, report of investigation or other writing of the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 57. ~~*[1. Except as otherwise provided in sections 23 to 86, inclusive, of this act, or by specific statute, all papers, documents, reports and other written instruments filed with the Commissioner pursuant to sections 23 to 86, inclusive, of this act are public records and open to public inspection. Notwithstanding the foregoing, the Commissioner may withhold from public inspection or refuse to disclose to a person, for such time as the*~~

~~*Commissioner considers necessary, any information that, in the Commissioner's judgment, would:*~~

~~*(a) Impede or otherwise interfere with an investigation or examination that is currently pending against a mortgage servicer;*~~

~~*(b) Have an undesirable effect on the welfare of the public or result in an unfair competitive advantage in the mortgage industry; or*~~

~~*(c) Reveal personal information in violation of NRS 239B.030.*~~

~~*2. Information obtained during an examination or investigation conducted pursuant to sections 23 to 86, inclusive, of this act must be confidential and must not be available for public inspection or copying, or divulged to any person, except as provided in this section. The information may be disclosed as follows:*~~

~~*(a) To the Attorney General;*~~

~~*(b) To any regulatory agency;*~~

~~*(c) In connection with an enforcement action brought pursuant to sections 23 to 86, inclusive, of this act or another applicable chapter of NRS;*~~

~~*(d) To law enforcement officials; or*~~

~~*(e) To persons authorized by a court of competent jurisdiction to receive the information.*~~

~~*3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.*~~

~~*4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order, including all documents, records, information, and testimony relied upon in the order, unless otherwise entered under protective order or confidential pursuant to sections 23 to 86, inclusive, of this act are public records.*~~

~~*5. Notwithstanding subsections 2 and 3, and except as otherwise provided by applicable law, the Commissioner may disclose any information, documents or records in his or her possession or control to the public if, in the sole discretion of the Commissioner, the Commissioner determines that disclosure of such information is in the public interest.]*~~ **(Deleted by amendment.)**

Sec. 58. ~~*[1. A mortgage servicer shall exercise reasonable supervision and control over the activities, and be responsible for the actions or inactions, of his or her employees or agents.*~~

~~*2. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage servicer has exercised reasonable supervision and control over the activities of his or her employees or agents pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 59. ~~*[1. The unique identifier assigned to a mortgage servicer, if any, must be clearly shown on all residential mortgage loan*~~

~~*communications, correspondence, forms, solicitations and advertisements of a mortgage servicer.*~~

~~*— 2. As used in this section, "unique identifier" means a number or other identifier assigned by protocols established by the Registry.]*~~ **(Deleted by amendment.)**

Sec. 60. ~~*[1. A mortgage servicer may not charge a borrower a late fee, an additional amount of interest or any other penalty in connection with a payment if the payment is delivered to the mortgage servicer before 5 p.m. Pacific Standard Time on:*~~

~~*— (a) The day on which the payment is due pursuant to the terms of the loan, if an office of the mortgage broker is open to customers until 5 p.m. Pacific Standard Time on that day; or*~~

~~*— (b) The next day that an office of the mortgage broker is open to customers until 5 p.m. Pacific Standard Time, if the provisions of paragraph (a) do not otherwise apply.*~~

~~*— 2. A person and a mortgage servicer may not agree to alter or waive the provisions of this section by contract or other agreement, and any provision altering or waiving the provisions of this section in such contract or agreement is void.]*~~ **(Deleted by amendment.)**

Sec. 61. ~~*[A mortgage servicer, in addition to duties imposed by other statutes or at common law, shall:*~~

~~*— 1. Safeguard and account for any money handled for the borrower and lender;*~~

~~*— 2. Follow reasonable and lawful instructions from the borrower and lender;*~~

~~*— 3. Act with reasonable skill, care and diligence;*~~

~~*— 4. File with the Commissioner a complete and current schedule of the ranges of costs and fees the mortgage servicer charges a borrower for its servicing-related activities with its application for a license or renewal of a license and with its supplemental filings made from time to time;*~~

~~*— 5. File with the Commissioner, upon request, a report in a form and format acceptable to the Commissioner detailing the activities of the mortgage servicer in this State, including, without limitation:*~~

~~*— (a) The number of mortgage loans the mortgage servicer is servicing in this State;*~~

~~*— (b) The type and characteristics of the loans the mortgage servicer is servicing in this State;*~~

~~*— (c) The number of serviced loans in this State that are in default, along with a breakdown of the number of those loans that are 30-, 60- and 90-days' delinquent; and*~~

~~*— (d) Information on foreclosures commenced in this State;*~~

~~*— 6. At the time a mortgage servicer accepts assignment of servicing rights for a mortgage loan, the mortgage servicer shall disclose to the borrower:*~~

~~(a) Any notice required by the Real Estate Settlement Procedures Act, 12 U.S.C. §§ 2601 et seq., as amended, or by any regulations adopted thereunder;~~

~~(b) A schedule of the ranges and categories of its costs and fees for its servicing-related activities, which must comply with the laws of this State and which must not exceed those reported to the Commissioner pursuant to subsection 4; and~~

~~(c) A notice in a form and content acceptable to the Commissioner that the mortgage servicer is licensed by the Commissioner and that any complaint about the mortgage servicer may be submitted to the Commissioner; and~~

~~7. In the event of a delinquency or other act of default on the part of the borrower, the mortgage servicer shall act in good faith to inform the borrower of the facts concerning the loan and the nature and extent of the delinquency or default and, if the borrower replies, to negotiate with the borrower, subject to the mortgage servicer's duties and obligations under the mortgage servicing contract, if any, to attempt a resolution or workout to the delinquency.]~~ **(Deleted by amendment.)**

Sec. 62. ~~[A person shall not transfer servicing rights or obligations to another person unless that person holds a mortgage servicing license or is a person otherwise exempt pursuant to sections 23 to 86, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 63. ~~[1. A mortgage servicer shall deliver to the borrower annually a statement of the account of the borrower showing the unpaid principal balance of the mortgage loan at the end of the immediately preceding 12-month period, the interest paid during the period, the amounts deposited into escrow and disbursed from escrow during the period and an itemization of each payment made or credited to the account of the borrower during the period. The itemization must include, without limitation, the date and amount of all payments received, how payments were applied to principal, interest, escrows, late fees and other charges, and be easily understandable to the borrower. The mortgage servicer shall provide the statement required by this subsection within 30 days after the end of the 12-month period.~~

~~2. A mortgage servicer shall not charge a fee to a borrower for an annual statement pursuant to subsection 1 that is furnished to the borrower. A mortgage servicer is not obligated to furnish to the borrower more than one annual statement at no cost during any 12-month period.~~

~~3. Within 7 days after receipt of a request from the borrower or his or her authorized representative, a mortgage servicer shall deliver to the borrower, or other designated person, a payoff statement for the mortgage loan that includes a breakdown of charges. The payoff statement must include all information necessary to effect the payoff of the mortgage loan, including where to remit the payment. Except as otherwise provided in this subsection, a mortgage servicer shall not charge the borrower a fee for preparing or delivering a payoff statement. A mortgage servicer may charge~~

~~*a reasonable fee for any payoff statement requested by a borrower in excess of two payoff statements during any given 12-month period.*~~

~~*— 4. Within 30 days after a mortgage loan is paid off, the mortgage servicer must refund to the borrower any funds representing an overpayment, including, but not limited to, funds received in excess of the payoff amount and funds held in escrow.]*~~ **(Deleted by amendment.)**

Sec. 64. ~~*[A licensee that acts as a mortgage servicer for another party, or a licensee that contracts with another party to service mortgage loans on the licensee's behalf, shall have a written agreement with the other party specifying the terms of the mortgage servicing agreement.]*~~ **(Deleted by amendment.)**

Sec. 65. ~~*[1. All money paid to a mortgage servicer for payment of taxes or insurance premiums on real property securing a residential mortgage loan being serviced by the mortgage servicer must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage servicer. Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage servicer.*~~

~~*— 2. The mortgage servicer has a fiduciary duty to each borrower with respect to the money in an impound trust account.*~~

~~*— 3. The mortgage servicer shall, upon reasonable notice, account to any borrower whose real property secures a loan being serviced by the mortgage servicer for any money which that person has paid to the mortgage servicer for the payment of taxes or insurance premiums on the real property.*~~

~~*— 4. The mortgage servicer shall, upon reasonable notice, account to the Commissioner for all money in an impound trust account.*~~

~~*— 5. A mortgage servicer shall:*~~

~~*— (a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due;*~~

~~*— (b) Undertake an annual review of an impound trust account; and*~~

~~*— (c) Within 30 days after the completion of the annual review of an impound trust account, notify the borrower:*~~

~~*— (1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and*~~

~~*— (2) That the borrower may specify the disposition of the excess money within 20 days after receipt of the notice. If the borrower fails to specify such a disposition within that time, the mortgage servicer shall maintain the excess money in the account.*~~

~~*➥ This subsection does not prohibit a mortgage servicer from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.*~~

~~*— 6. A mortgage servicer shall not make payments from an impound trust account in a manner that causes a policy of insurance to be cancelled or*~~

~~*causes property taxes or similar payments to become delinquent.]*~~ **(Deleted by amendment.)**

Sec. 66. ~~*[In addition to any other activity prohibited under provisions of sections 23 to 86, inclusive, of this act, it is a violation for any applicant or licensee to:*~~

~~*1. Fail to conduct his or her business in accordance with any law or to violate any provision of sections 23 to 86, inclusive, of this act, a regulation adopted thereto or an order of the Commissioner issued pursuant to sections 23 to 86, inclusive, of this act;*~~

~~*2. Fail to maintain the minimum net worth required pursuant to section 48 of this act;*~~

~~*3. Suppress or withhold from the Commissioner any information which the applicant or licensee possesses and which, if submitted by the applicant or licensee, would have rendered the applicant or licensee ineligible to be licensed pursuant to the provisions of sections 23 to 86, inclusive, of this act;*~~

~~*4. Suppress or withhold from any borrower any material facts, data or other information relating to any transaction governed by the provisions of sections 23 to 86, inclusive, of this act which the licensee knew or, by the exercise of reasonable diligence, should have known;*~~

~~*5. To be grossly negligent or incompetent in performing any act for which a license is required under sections 23 to 86, inclusive, of this act;*~~

~~*6. Fail to exercise reasonable supervision over the activities of the employees or agents of the licensee;*~~

~~*7. Engage in any conduct constituting fraud, deceit or material misrepresentation in connection with any transaction governed by sections 23 to 86, inclusive, of this act;*~~

~~*8. Engage in any other conduct constituting a deceitful, fraudulent or dishonest business practice;*~~

~~*9. Repeatedly violate the policies and procedures of a licensee or intentionally or negligently repeatedly fail to provide borrowers material disclosures of information required under law;*~~

~~*10. Refuse to permit an examination or investigation by the Commissioner of the books and affairs of a licensee, or refuse or fail, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner as required by sections 23 to 86, inclusive, of this act or a regulation adopted pursuant thereto;*~~

~~*11. Refuse or fail to pay, within a reasonable time, any fees, assessments, costs, expenses or fines that the licensee is required to pay by sections 23 to 86, inclusive, of this act or a regulation adopted pursuant thereto;*~~

~~*12. Fail to satisfy a claim, related to activity conducted pursuant to sections 23 to 86, inclusive, of this act, which has been reduced to a judgment;*~~

~~*13. Fail to place in a trust or escrow account held by a depository financial institution all money that is received by the licensee from the*~~

~~*borrower or fail to account for all money received or disbursed for a trust or escrow account;*~~

~~*— 14. Fail to account for or to remit any money to a borrower within a reasonable time after a request for accounting or remittal;*~~

~~*— 15. Commingle the money or property of a borrower with the money or property of the licensee or convert the money or property of others to the use of the licensee;*~~

~~*— 16. Have been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;*~~

~~*— 17. Employ or sponsor a person at a time when the licensee knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:*~~

~~*— (a) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or*~~

~~*— (b) Had a license or registration as a mortgage agent, mortgage broker, mortgage banker or mortgage servicer revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;*~~

~~*— 18. Fail to pay a tax as required pursuant to the provisions of chapter 363A of NRS;*~~

~~*— 19. Fail to comply with chapter 40 or 107 of NRS;*~~

~~*— 20. Instruct, encourage or aid another licensee or person in the commission of an act that is a violation of sections 23 to 86, inclusive, of this act, whether or not the licensee or person commits the act;*~~

~~*— 21. Fail to amend its address with the Commissioner; or*~~

~~*— 22. Engage in or offer to engage in or otherwise hold himself or herself as being able to provide or conduct the activity of a mortgage broker, mortgage banker or mortgage agent, unless properly licensed under chapter 645B or 645E of NRS, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 67. ~~*[1. A licensee shall report any disciplinary or enforcement action, denial of a license application, settlement agreement, or other similar action involving the licensee and another state or federal regulator. The licensee shall file a report with the Commissioner within 10 days after the action, in a form and manner prescribed by the Commissioner.*~~

~~*— 2. A licensee shall report any bankruptcy petitions filed by or against the licensee. The licensee shall file the report with the Commissioner within 10 days after the bankruptcy petition, in a form and manner prescribed by the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 68. ~~[*1. Except as otherwise provided in subsection 2, a licensee may surrender a license by delivering to the Commissioner the license with a written notice that the licensee surrenders the license.*~~

~~*2. A licensee whose license has been destroyed or lost may comply with this section by submitting to the Commissioner a notarized affidavit of the loss accompanied by written notice that the licensee surrenders the license.*~~

~~*3. A licensee may not close his or her principal office or a branch office until:*~~

~~*(a) The licensee has returned his or her original license or licenses; and*~~

~~*(b) The Commissioner has approved the closure.*~~

~~*4. The request for approval of the closure of the principal or branch office of the licensee must be in the form and contain the information prescribed by the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 69. ~~[*1. Each mortgage servicer shall keep and maintain, and make available for examination by the Commissioner, at all times at the principal place of business of the mortgage servicer:*~~

~~*(a) Complete and suitable records of all business conducted by the mortgage servicer to enable the Commissioner to determine whether the business of the mortgage servicer is conducted in compliance with sections 23 to 86, inclusive, of this act and any regulations adopted thereto; and*~~

~~*(b) If the mortgage servicer does not maintain the records required by paragraph (a) in this State, the mortgage servicer shall provide such records to the Commissioner within 24 hours after a request or the mortgage servicer shall pay the actual travel, lodging and meal expenses of the examiner as provided in section 53 of this act.*~~

~~*2. Each mortgage servicer shall preserve and keep available for examination by the Commissioner complete and suitable records related to all his or her residential mortgage servicing activity for a period of at least 4 years after the date of the last activity relating to the transaction.]*~~ **(Deleted by amendment.)**

Sec. 70. ~~[*1. Each mortgage servicer shall submit to the Commissioner on a quarterly basis, in a form and manner prescribed by the Commissioner, a report of the activity of the mortgage servicer for the previous quarter. The report must:*~~

~~*(a) Specify the volume of loans serviced by the mortgage servicer for the quarter or state that no loans were serviced in that quarter;*~~

~~*(b) Include any other information prescribed by the Commissioner by instruction or order or any regulation adopted pursuant to sections 23 to 86, inclusive, of this act; and*~~

~~*(c) Be submitted to the Commissioner on or before a date prescribed by the Commissioner.*~~

~~*2. The Commissioner may require a mortgage servicer to submit one or more special reports related to the business conducted by the licensee.]*~~ **(Deleted by amendment.)**

Sec. 71. ~~[*1. Subject to the requirements of this section, any person claiming against a bond may file a claim with the Commissioner for damages to the extent covered by the bond.*~~

~~*2. The Commissioner shall prioritize and pay claims on a bond filed with the Commissioner pursuant to sections 23 to 86, inclusive, of this act in a manner that, in his or her discretion, best protects the public interest.*~~

~~*3. A claim may only be filed against the bond of a licensee by the loan servicing customers of the licensee or the Commissioner.*~~

~~*4. Claims filed against a bond by a loan servicing customer shall involve only residential mortgage loans secured by real property located in this State. The amount of the claim must not exceed the actual fees paid by the loan servicing customer, overcharges or misapplication of principal and interest, and excess escrow collections charged by the licensee and paid by the claimant to the licensee or the agent of the licensee.*~~

~~*5. A claim on a bond must not be commenced after the expiration of 3 years following the commission or omission of the act upon which the claim is based.*~~

~~*6. Upon receipt of a bond claim, the Commissioner shall commence an investigation in accordance with the provisions of sections 23 to 86, inclusive, of this act to determine if a violation has occurred and the validity of the bond claim. If the Commissioner determines that a claim is valid and is covered by the bond, the Commissioner shall cause written notification of such determination to be served upon the licensee and provide the licensee with 30 days to pay the claim without a bond claim. If the licensee fails to pay the claim, the Commissioner shall file a claim with the surety in the amount of the valid claim or, if the amount of the valid claims exceeds the amount of the bond, the full amount of the bond.*~~

~~*7. If the Commissioner has received more claims against the bond than bond proceeds are available, each claimant is entitled only to a pro rata amount of his or her valid claim. Partial payment of a claim is not full payment, and any claimant may bring an action against the licensee for the unpaid balance.*~~

~~*8. The Commissioner may file a claim against a bond for payment of fines or fees due and payable to the Commissioner and reimbursement of expenses incurred in investigating the licensee and expenses incurred in distributing the proceeds of the bond. A claim filed by the Commissioner is subordinate to any claim filed by the loan servicing customers of the licensee.*~~

~~*9. As used in this section, "loan servicing customer" means a borrower of a residential mortgage loan serviced by a licensee and does not include any lender, mortgagee, noteowner, noteholder, trustee or primary beneficiary of a residential mortgage loan with which the licensee has a mortgage servicing agreement.]*~~ **(Deleted by amendment.)**

Sec. 72. ~~[*1. The Commissioner, Attorney General or any other person may file with the Commissioner a complaint alleging that another person*~~

~~*has violated a provision of sections 23 to 86, inclusive, of this act, a regulation adopted pursuant to this chapter or an order of the Commissioner. If the complaint is made by the Commissioner, he or she shall designate one or more employees of the Division to act as the person filing the complaint.*~~

~~*2. A complaint filed pursuant to this section must:*~~

~~*(a) Be in writing;*~~

~~*(b) Be signed by the person filing the complaint or the designee of the person filing the complaint;*~~

~~*(c) Contain an address and a telephone number for the person filing the complaint or the designee of the person filing the complaint;*~~

~~*(d) Describe the nature of the alleged violation in as much detail as possible;*~~

~~*(e) Include as exhibits copies of all documentation supporting the complaint; and*~~

~~*(f) Include any other information or supporting materials required by the regulations adopted by the Commissioner or by an order of the Commissioner.*~~

~~*3. Upon receipt of a properly filed complaint, the Commissioner shall investigate each violation alleged in the complaint, unless the Commissioner has already investigated the alleged violation.*~~

~~*4. Notwithstanding subsections 2 and 3, nothing in this section shall preclude the Commissioner from conducting an examination or investigation of any person if the Commissioner reasonably believes the person may have violated or may be in violation of sections 23 to 86, inclusive, of this act or any regulation adopted pursuant thereto.]*~~ **(Deleted by amendment.)**

Sec. 73. ~~*[1. If the Commissioner conducts an investigation of a complaint filed pursuant to section 72 of this act, the Commissioner shall determine from the investigation whether there is reasonable cause to believe that the person committed the alleged violation.*~~

~~*2. If, upon investigation, the Commissioner determines that there is not reasonable cause to believe that the person committed the alleged violation, the Commissioner shall provide the reason for the determination, in writing, to the person who filed the complaint and to the person alleged to have committed the violation.*~~

~~*3. Except as otherwise provided in subsection 4, if, after investigation, the Commissioner determines that there is reasonable cause to believe that the person committed the alleged violation, the Commissioner may prepare a formal complaint and notice of hearing to be served on the person against which the allegations are made and shall provide a copy of the formal complaint and notice of hearing to the complainant by mail to the complainant's last known address.*~~

~~*4. A formal complaint and notice of hearing pursuant to subsection 3 must be served on the person alleged to have committed the violation by*~~

~~*personal service, certified mail or by other means reasonably calculated to obtain service, and must include, without limitation:*~~

~~*— (a) The date, time, place and nature of the hearing;*~~

~~*— (b) The legal authority and jurisdiction under which the hearing is to be held;*~~

~~*— (c) A reference to the particular sections of sections 23 to 86, inclusive, of this act involved and any regulations adopted pursuant thereto;*~~

~~*— (d) A short and plain statement of the matters asserted and to be heard;*~~

~~*— (e) Notice informing the person that, within 15 days after service of the formal complaint and notice of hearing, the person may request an opportunity to settle the complaint through an informal conference; and*~~

~~*— (f) Notice informing the person that if the person fails to appear, without reasonable cause, at the hearing:*~~

~~*— (1) The person is guilty of a misdemeanor; and*~~

~~*— (2) The Commissioner is authorized to conduct the hearing in the person's absence, draw any conclusions that the Commissioner deems appropriate from his or her failure to appear and render a decision concerning each alleged violation.*~~

~~*— 5. An informal conference may result in a settlement, consent order, waiver, dismissal, default or other method of settlement agreed upon by the person complained against and the Commissioner. A settlement, consent order, default or other method of settlement may include a license revocation or suspension, restitution or any penalty provided for under sections 23 to 86, inclusive, of this act.*~~

~~*— 6. If an informal conference results in a settlement or consent order settling or resolving the alleged violation, the Commissioner shall provide a copy of the settlement or consent order to the person who filed the complaint.*~~

~~*— 7. The Commissioner may:*~~

~~*— (a) Investigate and conduct a hearing concerning any alleged violation, whether or not a complaint has been filed.*~~

~~*— (b) Hear and consider more than one alleged violation against a person at the same hearing.]*~~ **(Deleted by amendment.)**

Sec. 74. ~~*[If the Commissioner finds that an applicant or licensee has violated, or directly or indirectly counseled, aided or abetted in a violation, of sections 23 to 86, inclusive, of this act or any regulation adopted pursuant thereto, the Commissioner may take any of the following actions, either singly or in any combination:*~~

~~*— 1. Refuse to issue or renew an applicant's application for a license or renewal of a license pursuant to sections 23 to 86, inclusive, of this act.*~~

~~*— 2. Assess an administrative fine against the applicant of not more than $25,000 for each violation, whether or not the applicant is issued a license.*~~

~~*— 3. Assess an administrative fine against a licensee or a control person of a licensee of not more than $25,000 for each violation.*~~

~~*— 4. Place conditions upon or suspend or revoke a license.*~~

~~— 5. Require a licensee or control person of a licensee to make restitution to each individual injured, if the Commissioner finds that the violation of sections 23 to 86, inclusive, of this act or the regulations adopted pursuant thereto resulted in an injury to one or more individuals. Notwithstanding the provisions of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution must be done in a manner consistent with the provision of chapter 622A of NRS.~~

~~— 6. An order issued or administrative fine assessed pursuant to sections 23 to 86, inclusive, of this act, may be enforced or sued for and recovered by and in the name of the Commissioner and may be collected and enforced by summary proceedings by the Attorney General.~~

~~— 7. In determining the amount of an administrative fine pursuant to sections 23 to 86, inclusive, of this act, whether to suspend or revoke a license, the amount of restitution, or to deny an application for or renewal of a license, the Commissioner shall consider, without limitation:~~

~~— (a) The extent to which the violation was a knowing and willful violation;~~

~~— (b) The extent of the injury suffered because of the violation;~~

~~— (c) The corrective action taken by the person to ensure the violation will not be repeated;~~

~~— (d) The record of the licensee in complying with sections 23 to 86, inclusive, of this act; and~~

~~— (e) Any other factor the Commissioner considers relevant.]~~ **(Deleted by amendment.)**

Sec. 75. ~~[1. If a person engages in an activity in violation of the provisions of sections 23 to 86, inclusive, of this act the Commissioner may issue an order to the person directing the person to cease and desist from engaging in the activity.~~

~~— 2. The order to cease and desist must be in writing and served personally or sent by certified mail or by other means reasonably calculated to obtain service on the person, and must state that, in the opinion of the Commissioner, the person has engaged in an activity:~~

~~— (a) For which the person has not received a license as required by sections 23 to 86, inclusive, of this act; or~~

~~— (b) In a manner that violates the provisions of sections 23 to 86, inclusive, of this act or any regulation adopted pursuant thereto.~~

~~— 3. Not later than 30 calendar days after receiving an order pursuant to this section, the person who received the order may file a verified petition with the Commissioner to request a hearing. Upon receipt of the verified petition, the Commissioner may, for good cause shown, suspend the order pending the hearing. The Commissioner must hold the hearing on a date not later than 30 calendar days after the date the petition is filed unless the Commissioner and the person agree to another date. The order to cease and desist is rescinded if the Commissioner fails to:~~

~~— (a) Hold a hearing:~~

~~(1) Not later than 30 calendar days after the date the petition is filed; or~~

~~(2) On a date agreed to by the Commissioner and the person; or~~

~~(b) Render a written decision within 45 days after the date the hearing is concluded.~~

~~4. A hearing must be conducted under the provisions of chapter 233B of NRS and other applicable provisions of law.~~

~~5. If a person fails to file a verified petition to request a hearing within 30 calendar days after receiving the order, the Commissioner shall issue a final order.~~

~~6. A final order issued under subsection 5 or the decision of the Commissioner after a hearing is a final decision of the Division for the purposes of judicial review.]~~ **(Deleted by amendment.)**

Sec. 76. ~~[1. The Commissioner shall give notice to a licensee of his or her intention to enter an order suspending or revoking that person's license, or notice to an applicant of a refusal to issue a license, or notice to a licensee or applicant of intention to assess an administrative fine, in writing and served personally or sent by certified mail to the licensee or applicant or by other means reasonably calculated to obtain service.~~

~~2. Within 20 days after the notice of the intention to enter an order suspending or revoking a license, or a refusal to issue a license, or intention to assess an administrative fine, pursuant to subsection 1, the licensee or applicant may request a hearing to contest the order or refusal. If a hearing regarding suspension, revocation, refusal or fine is not requested, the Commissioner shall enter a final order regarding the suspension, revocation, refusal or fine. A hearing must be conducted in accordance with the provisions of chapter 233B of NRS and other applicable provisions of law.]~~ **(Deleted by amendment.)**

Sec. 77. ~~[The expiration or revocation or suspension of a license by operation of law or by order or decision of the Commissioner or a court of competent jurisdiction, or the voluntary surrender of a license, does not:~~

~~1. Prohibit the Commissioner from initiating or continuing an investigation of, or action or disciplinary proceeding against, the licensee as authorized by sections 23 to 86, inclusive, of this act or any regulations adopted pursuant thereto;~~

~~2. Prevent the Commissioner from revoking the license or imposing or collecting any fine or penalty authorized pursuant to sections 23 to 86, inclusive, of this act or any regulations adopted pursuant thereto against the licensee;~~

~~3. Affect the licensee's administrative, civil or criminal liability for acts committed before the surrender, revocation, expiration or suspension; or~~

~~4. Impair or affect the obligation of a preexisting contract between the licensee and another person, except as otherwise provided by law.]~~ **(Deleted by amendment.)**

Sec. 78. ~~[1. After an investigation has been conducted pursuant to section 73 of this act and before conducting a hearing, the Commissioner may issue an order summarily suspending a license pursuant to subsection 3 of NRS 233B.127, based upon an affidavit by a person familiar with the facts set forth in the affidavit or, if appropriate, based upon an affidavit, on information and belief, that an imminent threat of financial loss or imminent threat to the public welfare exists.~~

~~2. Pursuant to a proceeding commenced under subsection 3 of NRS 233B.127, an administrative law hearings examiner shall grant a request to dissolve a summary suspension order unless the examiner finds that an imminent threat of financial loss or imminent threat to the public welfare exists which requires emergency action and continuation of the summary suspension order.~~

~~3. The record created at the hearing of the summary suspension must become part of the record on the complaint at a subsequent hearing in a contested case.]~~ **(Deleted by amendment.)**

Sec. 79. ~~[1. In addition to any other action that is required or permitted pursuant to sections 23 to 86, inclusive, of this act, if the Commissioner has reasonable cause to believe that:~~

~~(a) The assets or capital of a licensee are impaired; or~~

~~(b) A licensee is conducting business in an unsafe and injurious manner that may result in danger to the public,~~

~~→ the Commissioner shall immediately take possession of all the property, business and assets of the licensee that are located in this State and shall retain possession of them pending further proceedings provided for in sections 23 to 86, inclusive, of this act.~~

~~2. If the licensee or any control person refuses to permit the Commissioner to take possession of the property of the licensee pursuant to subsection 1:~~

~~(a) The Commissioner shall notify the Attorney General; and~~

~~(b) The Attorney General shall immediately bring such proceedings as may be necessary to place the Commissioner in immediate possession of the property of the licensee.~~

~~3. If the Commissioner takes possession of the property of the licensee, the Commissioner shall:~~

~~(a) Make or have made an inventory of the assets and known liabilities of the licensee;~~

~~(b) File one copy of the inventory in the office of the Commissioner and one copy in the office of the clerk of the district court of the county in which the principal office of the licensee is located and shall mail one copy to each control person of the licensee at his or her last known address; and~~

~~(c) If the licensee maintains any accounts described in section 65 of this act, not later than 5 business days after the date on which the Commissioner takes possession of the property of the licensee, mail notice of the possession to the last known address of each person whose money is deposited in such~~

~~*an account or whose money was or should have been deposited in such an account during the preceding 12 months.*~~

~~*— 4. The clerk of the court with which the copy of the inventory is filed shall file it as any other case or proceeding pending in the court and shall give it a docket number.]*~~ **(Deleted by amendment.)**

Sec. 80. ~~*[1. If the Commissioner takes possession of the property of a licensee pursuant to section 79 of this act, the licensee, or any control person of the licensee may, within 60 days after the date on which the Commissioner takes possession of the property, make good any deficit in the assets or capital of the licensee or remedy any unsafe and injurious conditions or practices of the licensee.*~~

~~*— 2. At the expiration of the 60-day period, if the deficiency in assets or capital has not been made good or the unsafe and injurious conditions or practices remedied, the Commissioner may apply to the court to appoint a receiver who may proceed to liquidate the assets of the licensee which are located in this State in the same manner as now provided by law for liquidation of a private corporation in receivership.*~~

~~*— 3. No person may be appointed receiver by any court without first giving the Commissioner prior notice of his or her application.*~~

~~*— 4. The inventory made by the Commissioner and all claims filed by creditors are open at all reasonable times for inspection, and any action taken by the receiver upon any of the claims is subject to the approval of the court before which the cause is pending.*~~

~~*— 5. The expenses of the receiver and compensation of counsel, as well as all expenditures required in the liquidation proceedings, must be fixed by the Commissioner subject to the approval of the court and, upon certification of the Commissioner, must be paid out of the money in the hands of the receiver.]*~~ **(Deleted by amendment.)**

Sec. 81. ~~*[A summary suspension order, cease and desist order, or injunctive relief issued or granted in relation to a license must be in addition to and not in place of an informal conference, criminal prosecution or proceeding to deny, revoke or suspend a license, or any other legal action.]*~~ **(Deleted by amendment.)**

Sec. 82. ~~*[The provisions of sections 23 to 86, inclusive, of this act do not:*~~

~~*— 1. Limit any statutory or common-law right of a person to bring a civil action against a licensee for any act or omission involved in the transaction of business by or on behalf of the licensee;*~~

~~*— 2. Limit the right of the State to punish a person for the violation of any law, ordinance or regulation; or*~~

~~*— 3. Establish a basis for a person to bring a civil action against the State or its officers or employees for any act or omission in carrying out the provisions of sections 23 to 86, inclusive, of this act, including, without limitation, any act or omission relating to the disclosure of information or*~~

~~*the failure to disclose information pursuant to the provisions of sections 23 to 86, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 83. ~~*[1. A control person, employee, agent, broker or other person, or a representative acting on the authority of such a person, who willfully or intentionally does any of the following is guilty of a misdemeanor punishable by a fine of not more than $50,000 or imprisonment of not more than 1 year, or both:*~~

~~*(a) Engages in this State in the business of a mortgage servicer without a license required pursuant to sections 23 to 86, inclusive, of this act; or*~~

~~*(b) Aids or abets any other person to engage in this State in the business of a mortgage servicer without a license required pursuant to sections 23 to 86, inclusive, of this act.*~~

~~*2. If the Attorney General prevails in any civil action brought pursuant to sections 23 to 86, inclusive, of this act, the court shall order the person against whom the civil action was brought to pay:*~~

~~*(a) Court costs; and*~~

~~*(b) Reasonable costs of the investigation and prosecution of the civil action.*~~

~~*3. Whether or not the Attorney General brings a civil action against a person pursuant to sections 23 to 86, inclusive, of this act, the Attorney General may prosecute the person for a criminal violation pursuant to sections 23 to 86, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 84. ~~*[1. A court of this State may exercise jurisdiction over a party to a civil action arising under the provisions of sections 23 to 86, inclusive, of this act on any basis not inconsistent with the United States Constitution or the Nevada Constitution.*~~

~~*2. Personal service of summons upon a party outside this State is sufficient to confer upon a court of this State jurisdiction over the party so served if the service is made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a person of like kind within this State.*~~

~~*3. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.*~~

~~*4. This section provides an additional manner of serving process and does not invalidate any other service.]*~~ **(Deleted by amendment.)**

Sec. 85. ~~*[1. A control person, agent or employee of a licensee, who violates any provision of sections 23 to 86, inclusive, of this act, a regulation adopted pursuant thereto or an order of the Commissioner is guilty of a misdemeanor.*~~

~~*2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:*~~

~~*(a) Court costs; and*~~

~~(b) Reasonable costs of the investigation and prosecution of the violation.]~~ **(Deleted by amendment.)**

Sec. 86. ~~[1. A person, control person or an agent or employee of such a person, who violates any provision of sections 23 to 86, inclusive, of this act is guilty of:~~

~~(a) A misdemeanor if the amount involved is less than $650;~~

~~(b) A gross misdemeanor if the amount involved is $650 or more but less than $1,000; or~~

~~(c) A category D felony if the amount involved is $1,000 or more, and shall be punished as provided in NRS 193.130.~~

~~2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:~~

~~(a) Court costs; and~~

~~(b) Reasonable costs of the investigation and prosecution of the violation.]~~ **(Deleted by amendment.)**

Sec. 86.2. "Mortgage servicer" means a person who directly services a mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.

Sec. 86.3. Except as otherwise provided in section 86.7 of this act, a person shall not engage in the business of a mortgage servicer or hold himself or herself out as a mortgage servicer in this State without a license issued pursuant to this chapter.

Sec. 86.4. 1. The Commissioner:

(a) Shall adopt regulations establishing the requirements for the licensure and supervision of mortgage servicers in this State.

(b) May adopt any other regulations necessary to carry out the provisions of sections 86.3 to 86.7, inclusive, of this act.

2. The regulations adopted pursuant to subsection 1 must:

(a) Prescribe the form and contents of an application for the initial issuance and renewal of a license as a mortgage servicer.

(b) Prescribe the manner in which an application may be approved or denied.

(c) Prescribe the grounds and procedures for the revocation, suspension, denial or nonrenewal of a license.

(d) Establish reasonable fees for an application, the initial issuance of a license and the renewal of a license.

(e) Establish the manner in which the Commissioner may take appropriate disciplinary action, including, without limitation, the imposition of an administrative fine, against any person for a violation of any regulation adopted pursuant to subsection 1 or any provision of sections 86.3 to 86.7, inclusive, of this act.

Sec. 86.5. 1. A mortgage servicer shall comply with:

(a) The relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10696 and 10902 on February 14, 2013, and any amendments thereto.

(b) Any other applicable federal or state law or regulation or any order of the Commissioner.

2. The Commissioner shall conduct any examination or investigation of a mortgage servicer or applicant for the issuance of a license as a mortgage servicer as may be necessary to ensure compliance with the provisions of sections 86.3 to 86.7, inclusive, of this act, and any regulations adopted pursuant thereto.

3. If the Commissioner, upon examination or investigation of a mortgage servicer or applicant for the issuance of a license as a mortgage servicer, determines that the mortgage servicer or applicant has violated any applicable provision of section 86.3 to 86.7, inclusive, of this act, or any regulations adopted pursuant thereto, the Commissioner may take such disciplinary action against the mortgage servicer or applicant as may be authorized by regulation of the Commissioner.

Sec. 86.6. 1. Except as otherwise provided in NRS 645F.267 and 645F.293, the Commissioner shall require a person to submit to the Commissioner through the Registry:

(a) An application for the initial issuance or the renewal of a license as a mortgage servicer, including any fees related to the issuance or renewal of a license.

(b) Any form or filing that a mortgage servicer is otherwise required to submit to the Commissioner.

(c) Any administrative fine assessed against the person pursuant to the regulations adopted pursuant to section 86.4 of this act.

(d) Any costs associated with the submittal of any document, information, fee or fine through the Registry.

2. Any fees and costs received pursuant to subsection 1 are nonrefundable.

3. Except as otherwise provided in this chapter, all fees and costs received pursuant to sections 86.3 to 86.7, inclusive, of this act are in addition to any fee or cost required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

Sec. 86.7. The provisions of sections 86.3 to 86.7, inclusive, of this act do not apply to:

1. A depository financial institution, as that term is defined in NRS 645E.060, or any subsidiary or holding company of a depository financial institution if such entity maintains its principal place of business or a branch office in this State.

2. A real estate investment trust, as that term is defined in 26 U.S.C. § 856(a), unless the business conducted by the trust in this State is not subject to supervision by the appropriate regulatory body of a jurisdiction outside of this State.

3. Any trustee of an employee benefit plan, as that term is defined in 29 U.S.C. § 1002(3), who makes a residential mortgage loan directly from money in the plan.

4. An attorney who is licensed in this State and who does not engage in the business of, or otherwise hold himself or herself out as being able to provide services related to, a mortgage servicer, if the activities of the attorney are directly incidental to the representation of a client.

5. A person performing any act pursuant to a court order.

6. A federal or state agency or a political subdivision of this State, including, without limitation, the Public Employees' Retirement System.

7. A nonprofit organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

8. A mortgage servicer that, in the aggregate with any affiliates, services not more than 10 residential mortgage loans in this State during a calendar year.

9. A person licensed pursuant to the provisions of chapter 645B, 645E or 675 of NRS who is collecting payments on a mortgage loan or servicing one or more mortgage loans made or arranged by the person under his or her license.

Sec. 87. NRS 645F.010 is hereby amended to read as follows:

645F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645F.020 to 645F.065, inclusive, ***and section ~~[21]~~ 86.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 88. NRS 645F.160 is hereby amended to read as follows:

645F.160 The Commissioner shall not, either directly or indirectly, be interested in any ***mortgage servicer,*** escrow agency, mortgage broker or mortgage banker to which ***this chapter and*** chapters 645A, 645B and 645E of NRS apply, nor engage in business as a personal loan broker.

Sec. 89. NRS 645F.180 is hereby amended to read as follows:

645F.180 1. The Commissioner may appoint deputy commissioners of mortgage lending, examiners, assistants, clerks, stenographers and other employees necessary to assist the Commissioner in the performance of his or her duties pursuant to this chapter, chapters 645A, 645B and 645E of NRS or any other law. These employees shall perform such duties as are assigned to them by the Commissioner.

2. The Commissioner may employ or contract with a certified public accountant to review and conduct independent audits and examinations of escrow agencies, mortgage brokers ***,*** ***mortgage servicers*** and mortgage bankers. The Commissioner shall levy an assessment upon each licensed escrow agency, mortgage broker ***,*** ***mortgage servicer*** and mortgage banker to cover all the costs related to the employment of or the contract with the certified public accountant and the performance of the audits and examinations.

3. Assessments collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury for deposit to the Account for Mortgage Lending created by NRS 645F.270 and accounted for separately. The Commissioner shall use the money for the purposes specified in subsection 2.

Sec. 90. ~~[NRS 645F.255 is hereby amended to read as follows:~~

~~645F.255 In addition to the other duties imposed upon him or her by law, the Commissioner shall [adopt any regulations that are necessary to carry out the provisions of this chapter.]~~ ***~~have broad administrative authority to administer, interpret and enforce this chapter and chapters 645A, 645B and 645E of NRS and any other chapter for which the Commissioner is statutorily responsible for implementing and administering, and to promulgate and adopt rules or regulations to implement this chapter and chapters 645A, 645B and 645E of NRS and any other chapter for which the Commissioner is statutorily responsible for implementing and administering, in order to carry out the intent of the Legislature.~~]*** **(Deleted by amendment.)**

Sec. 91. NRS 645F.267 is hereby amended to read as follows:

645F.267 1. A mortgage agent, mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** or an employee of a mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** is not required to register or renew with the Registry, or provide reports of financial condition to the Registry, if the mortgage agent, mortgage banker, mortgage broker ***or mortgage servicer*** or employee:

(a) Is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and

(b) Is not required to register pursuant to the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. A mortgage agent, mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** or an employee of a mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** who, pursuant to subsection 1, is not required to register or renew with the Registry and who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and any regulations adopted pursuant thereto.

3. As used in this section, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 92. NRS 645F.280 is hereby amended to read as follows:

645F.280 1. The Commissioner shall establish by regulation rates to be paid by all persons licensed by the Commissioner ~~[or the Division]~~ for supervision and examinations by the Commissioner or the Division.

2. In establishing a rate ***for examinations*** pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

Sec. 93. 645F.293 is hereby amended to read as follows:

645F.293 1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B or 645E of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

3. The regulations must not require a mortgage agent, mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** or an employee of a mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** to register with the Registry if the mortgage agent, mortgage banker, mortgage broker ***, mortgage servicer*** or employee is exempt from registration pursuant to subsection 1 of NRS 645F.267.

Sec. 94. NRS 645H.040 is hereby amended to read as follows:

645H.040 "Asset management company" means a person, limited-liability company, partnership, association or corporation which, for compensation and pursuant to a contractual agreement, power of attorney or other legal authorization, engages in asset management on behalf of:

1. A bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section*** ~~***[35]***~~ ***86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary thereof which is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity.

Sec. 95. NRS 645H.060 is hereby amended to read as follows:

645H.060 "Client" means:

1. A bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section*** ~~***[35]***~~ ***86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary thereof that is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity,

➥ for whom an asset management company provides asset management.

Sec. 96. NRS 645H.160 is hereby amended to read as follows:

645H.160 The provisions of this chapter do not apply to:

1. A person who is a regular, full-time employee of a bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section*** ~~***[35]***~~ ***86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary thereof.

2. A person who takes possession of property from a defendant in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.

Sec. 97. NRS 40.750 is hereby amended to read as follows:

40.750 1. As used in this section, "financial institution" means a bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section*** ~~***[35]***~~ ***86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, mortgage broker, mortgage banker, ***mortgage servicer,*** credit union, thrift company or savings and loan association, which is authorized to transact business in this State and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution or other lender which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution or other lender may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

(a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

(b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution or other lender. Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution or other lender is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

(a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by the person in connection with the person's application for the loan; and

(b) The loan is for the principal amount of $150,000 or less.

Sec. 98. NRS 205.372 is hereby amended to read as follows:

205.372 1. A person who is a participant in a mortgage lending transaction and who:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or knowingly conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or knowingly uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction with regard to which the fraud was committed may be rescinded by the borrower within 6 months after the date of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. In addition to the criminal penalties imposed for a violation of this section, any person who violates this section is subject to a civil penalty of not more than $5,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In

such an action, the Attorney General may recover reasonable attorney's fees and costs.

7. The owner or holder of the beneficial interest in real property which is the subject of mortgage lending fraud may bring a civil action in the district court in and for the county in which the real property is located to recover any damages suffered by the owner or holder of the beneficial interest plus reasonable attorney's fees and costs.

8. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in NRS 645F.320;

(4) A foreclosure purchaser as defined in NRS 645F.330;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A loan modification consultant as defined in NRS 645F.365;

(8) A mortgage agent as defined in NRS 645B.0125;

(9) A mortgage banker as defined in NRS 645E.100; ~~[and]~~

(10) A mortgage broker as defined in NRS 645B.0127 ~~[.]~~ ***; and***

(11) A mortgage servicer as defined in section ~~[35]~~ 86.2 of this act.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar purposes, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 99. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620,~~

~~62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330,~~

~~647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and sections 56 and 57 of this act,* sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

~~2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.~~

~~3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.~~

~~4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:~~

~~(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.~~

~~(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.~~**] (Deleted by amendment.)**

Sec. 100. NRS 675.035 is hereby amended to read as follows:

675.035 The provisions of this chapter apply to any person who:

1. Makes installment loans that are not subject to regulation pursuant to chapter 604A of NRS;

2. Is an affiliate, subsidiary or holding company of a bank, national banking association, savings bank, trust company, savings and loan

association, credit union, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section ~~[35]~~ 86.2 of this act,*** thrift company or insurance company; and

3. Seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

(a) Calling a loan by any other name;

(b) Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or

(c) Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 675.040, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a material economic interest in the revenues generated by the loan.

Sec. 101. ~~[Section 44 of this act is hereby amended to read as follows:~~

~~Sec. 44. 1. In addition to any other requirements set forth in this chapter [:~~

~~(a) A natural person who applies for the issuance of a license as a mortgage servicer shall include the social security number of the applicant in the application submitted to the Commissioner.~~

~~(b) A~~**] *, a*** ~~natural person who applies for the issuance or renewal of a license as a mortgage servicer shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Commissioner shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~(b) A separate form prescribed by the Commissioner.~~

~~3. The Commissioner shall not issue or renew a license as a mortgage servicer if the applicant is a natural person who:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public~~

~~agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.~~] **(Deleted by amendment.)**

Sec. 102. NRS 645A.210 and 645F.265 are hereby repealed.

Sec. 103. ~~[1. This section and sections 1 to 100, inclusive, and 102 of this act, inclusive, become~~] **This act becomes** effective:

~~[(a)~~] **1.** Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~[(b)~~] **2.** On January 1, 2016, for all other purposes.

~~[2. Section 101 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~* are repealed by the Congress of the United States.~~

~~3. Sections 45 and 46 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~* are repealed by the Congress of the United States.~~]

TEXT OF REPEALED SECTIONS

645A.210 Unlawful to engage in escrow business without license. It is unlawful for any person, unless exempted under NRS 645A.015, to engage in or carry on, or hold himself or herself out as engaging in or carrying on, the escrow business or act in the capacity of an escrow agent or agency without first obtaining a license as an escrow agent or agency.

645F.265 Registration of certain persons and institutions engaged in business of servicing mortgage loans required. A person or institution engaged in the business of servicing mortgage loans that intends to conduct business in this State for the purpose of servicing mortgage loans secured by a lien on real property located in this State shall register with the Commissioner on a form prescribed by the Commissioner. The form must:

1. Identify the state in which the institution is domiciled;
2. Identify the principal place of business of the institution; and
3. Provide such other information as the Commissioner may require.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment deletes provisions to the bill requiring an increase in certain fees for licensed escrow agents and branches. It also removes sections relating to the licensure of mortgage servicers, instead requiring the Commissioner of the Division of Mortgage Lending to prescribe by regulation the requirements for licensure, regulation, and discipline of servicers. The amendment also creates a new definition of "wholesale lender" and provides for the regulation of out-of-state wholesale lenders by the Division. Additionally, it allows the Commissioner to examine a licensee's record electronically.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that upon return from the printer, Assembly Bill No. 480 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 19, 33, 307, 314, 499; Senate Joint Resolution No. 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 114, 274, 340, 402, 403; Senate Joint Resolution No. 3 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 476 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried

Assemblyman Paul Anderson moved that Senate Bill No. 254 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 481 be taken from the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 199.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

AN ACT relating to public health; abolishing certain advisory committees and bodies within the Department of Health and Human Services; revising

provisions governing the State Program for Wellness and the Prevention of Chronic Disease; revising provisions governing the Medical Care Advisory Group within the Division of Health Care Financing and Policy of the Department; ~~[requiring the State Board of Health to establish a program to promote awareness of early screening for preventable or inheritable disorders;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. (NRS 232B.210-232B.250) **Sections 1-3** of this bill change the name of the Medical Care Advisory Group to the Medical Care Advisory Committee, and extend the terms of its members from 1 year to 2 years, as recommended by the Sunset Subcommittee.

Section 4 of this bill transfers the requirement to raise awareness for certain chronic diseases from the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease to the State Program for Wellness and the Prevention of Chronic Disease.

~~[Section 6 of this bill requires the State Board of Health to establish a program to promote public awareness of the importance of early screening for preventable or inheritable disorders.]~~

Section 8 of this bill abolishes the Nevada Academy of Health, the Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board, the Advisory Committee Concerning Sickle Cell Anemia, the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease and the Advisory Committee on the Arthritis Prevention and Control Program, as recommended by the Sunset Subcommittee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.151 is hereby amended to read as follows:

422.151 1. The Medical Care Advisory ~~[Group]~~ ***Committee*** is hereby created within the Division.

2. The function of the Medical Care Advisory ~~[Group]~~ ***Committee*** is to:

(a) Advise the Division regarding the provision of services for the health and medical care of welfare recipients.

(b) Participate, and increase the participation of welfare recipients, in the development of policy and the administration of programs by the Division.

Sec. 2. NRS 422.153 is hereby amended to read as follows:

422.153 1. The Medical Care Advisory ~~[Group]~~ ***Committee*** consists of the Chief Medical Officer and:

(a) A person who:

(1) Holds a license to practice medicine in this state; and

(2) Is certified by the Board of Medical Examiners in a medical specialty.

(b) A person who holds a license to practice dentistry in this state.

(c) A person who holds a certificate of registration as a pharmacist in this state.

(d) A member of a profession in the field of health care who is familiar with the needs of persons of low income, the resources required for their care and the availability of those resources.

(e) An administrator of a hospital or a clinic for health care.

(f) An administrator of a facility for intermediate care or a facility for skilled nursing.

(g) A member of an organized group that provides assistance, representation or other support to recipients of Medicaid.

(h) A recipient of Medicaid.

2. The Director shall appoint each member required by ~~[paragraphs (a) to (h), inclusive, of]~~ subsection 1 to serve for a term of ~~[1 year.]~~ ***2 years.***

3. Members of the Medical Care Advisory ~~[Group]~~ ***Committee*** serve without compensation, except that while engaged in the business of the Advisory ~~[Group,]~~ ***Committee,*** each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 422.155 is hereby amended to read as follows:

422.155 1. The Director shall appoint a Chair of the Medical Care Advisory ~~[Group]~~ ***Committee*** from among its members.

2. The Administrator or the designee of the Administrator shall serve as Secretary for the Medical Care Advisory ~~[Group.]~~ ***Committee.***

3. The Medical Care Advisory ~~[Group:]~~ ***Committee:***

(a) Shall meet at least once each calendar year.

(b) May, upon the recommendation of the Chair, form subcommittees for decisions and recommendations concerning specific problems within the scope of the functions of the Medical Care Advisory ~~[Group.]~~ ***Committee.***

Sec. 4. NRS 439.517 is hereby amended to read as follows:

439.517 Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

1. Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

2. The prevention of chronic diseases, including, without limitation, ***arthritis,*** asthma, cancer, diabetes, cardiovascular disease ***, stroke, heart disease*** and oral disease.

Sec. 5. NRS 439B.220 is hereby amended to read as follows:

439B.220 The Committee may:

1. Review and evaluate the quality and effectiveness of programs for the prevention of illness.

2. Review and compare the costs of medical care among communities in Nevada with similar communities in other states.

3. Analyze the overall system of medical care in the State to determine ways to coordinate the providing of services to all members of society, avoid the duplication of services and achieve the most efficient use of all available resources.

4. Examine the business of providing insurance, including the development of cooperation with health maintenance organizations and organizations which restrict the performance of medical services to certain physicians and hospitals, and procedures to contain the costs of these services.

5. Examine hospitals to:

(a) Increase cooperation among hospitals;

(b) Increase the use of regional medical centers; and

(c) Encourage hospitals to use medical procedures which do not require the patient to be admitted to the hospital and to use the resulting extra space in alternative ways.

6. Examine medical malpractice.

7. Examine the system of education to coordinate:

(a) Programs in health education, including those for the prevention of illness and those which teach the best use of available medical services; and

(b) The education of those who provide medical care.

8. Review competitive mechanisms to aid in the reduction of the costs of medical care.

9. Examine the problem of providing and paying for medical care for indigent and medically indigent persons, including medical care provided by physicians.

10. Examine the effectiveness of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services, and its effect on the subjects listed in subsections 1 to 9, inclusive.

11. Determine whether regulation by the State will be necessary in the future by examining hospitals for evidence of:

(a) Degradation or discontinuation of services previously offered, including without limitation, neonatal care, pulmonary services and pathology services; or

(b) A change in the policy of the hospital concerning contracts,

➥ as a result of any legislation enacted to accomplish the purpose of restraining the costs of health care while ensuring the quality of services.

12. Study the effect of the acuity of the care provided by a hospital upon the revenues of the hospital and upon limitations upon that revenue.

13. Review the actions of the Director in administering the provisions of this chapter and adopting regulations pursuant to those provisions. The Director shall report to the Committee concerning any regulations proposed or adopted pursuant to this chapter.

14. Identify and evaluate, with the assistance of an advisory group, the alternatives to institutionalization for providing long-term care, including, without limitation:

(a) An analysis of the costs of the alternatives to institutionalization and the costs of institutionalization for persons receiving long-term care in this State;

(b) A determination of the effects of the various methods of providing long-term care services on the quality of life of persons receiving those services in this State;

(c) A determination of the personnel required for each method of providing long-term care services in this State; and

(d) A determination of the methods for funding the long-term care services provided to all persons who are receiving or who are eligible to receive those services in this State.

15. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to integrate and coordinate acute care services provided through Medicare and long-term care services provided through Medicaid in this State.

16. Evaluate, with the assistance of an advisory group, the feasibility of obtaining a waiver from the Federal Government to eliminate the requirement that elderly persons in this State impoverish themselves as a condition of receiving assistance for long-term care.

17. Conduct investigations and hold hearings in connection with its review and analysis and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

18. Apply for any available grants and accept any gifts, grants or donations to aid the Committee in carrying out its duties pursuant to this chapter.

19. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

20. Recommend to the Legislature as a result of its review any appropriate legislation.

~~**[**21. Prescribe duties and make requests, in addition to those set forth in NRS 439B.250, of the Nevada Academy of Health established pursuant to that section.~~**]**

Sec. 6. ~~**[**NRS 442.008 is hereby amended to read as follows:~~

~~442.008 1. The State Board of Health, upon the recommendation of the Chief Medical Officer:~~

~~(a)~~ ***Shall establish a program to promote public awareness of the importance of early screening for preventable or inheritable disorders, including, without limitation, sickle cell anemia;***

~~***(b)***~~ Shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia; and

~~**[**(b)**]**~~ ***(c)*** May require the Division to provide for the services of a laboratory in accordance with NRS 442.009 to determine the presence of certain preventable or inheritable disorders in an infant pursuant to this section.

~~2. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall make or cause to be made an examination of the infant,~~

~~including standard tests, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such disorders.~~

~~3. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:~~

~~(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and~~

~~(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.~~

~~4. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.~~] **(Deleted by amendment.)**

Sec. 7. 1. The amendment to NRS 422.153 in section 2 of this act which extends the term of members of the Medical Care Advisory Committee applies only to any appointment made on or after July 1, 2015.

2. As soon as practicable after July 1, 2015, the Director of the Department of Health and Human Services shall appoint to the Medical Care Advisory Committee the members required by subsection 1 of NRS 422.153, as amended by section 2 of this act.

3. In making the initial appointments described in subsection 2, the Director shall appoint members to staggered terms of 1 and 2 years.

Sec. 8. NRS 422.4055, 439.491, 439.4911, 439.4913, 439.4915, 439.4917, 439.4919, 439.492, 439.493, 439.494, 439.503, 439B.250 and 442.118, are hereby repealed.

Sec. 9. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

422.4055 Advisory Committee to the Pharmacy and Therapeutics Committee and the Drug Use Review Board: Creation; membership; Chair; terms; vacancies; members serve without compensation; members entitled to per diem; members holding public office or employed by governmental entity.

439.491 Definitions.

439.4911 "Committee" defined.

439.4913 "Hospital" defined.

439.4915 "Primary prevention" defined.

439.4917 "Provider of health care" defined.

439.4919 "Secondary prevention" defined.

439.492 Creation; appointment, terms and compensation of members; Chair.

439.493 Duties; quorum.

439.494 Powers of Division to enter into contracts and to apply for and accept gifts, grants, donations and bequests; disposition of money; administration of account.

439.503 Advisory Committee: Establishment; appointment, terms and compensation of members; quorum; Chair; meetings.

439B.250 Establishment; members; qualifications of members; election of Chair; compensation of members; members holding public office or employed by governmental entity; vacancies; duties; appointment of advisory committees authorized; acceptance of gifts and grants.

442.118 Advisory Committee Concerning Sickle Cell Anemia: Establishment; duties.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
The amendment removes the fiscal note for Assembly Bill 199.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 234.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 798.

AN ACT relating to education; requiring the standards of content and performance for a course of study in social studies established by the Council to Establish Academic Standards for Public Schools to include multicultural education; requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including social studies. (NRS 389.520) **Section 1.5** of this bill requires: (1) the standards of content and performance for social studies to include multicultural education; and (2) the Council to consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

Section 2 of this bill requires a licensed teacher who is initially licensed on or after July 1, 2015, to submit with his or her first application for renewal of his or her license proof of the completion of a course in multicultural education. **Section 2** also requires the Commission on Professional Standards

in Education to prescribe the contents and credits required for such a course in multicultural education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection ~~[3,]~~ ***4,*** based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. ***The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.***

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

~~[4.]~~ ***5.*** The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

~~[5.]~~ ***6.*** If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

~~[6.]~~ ***7.*** The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

~~[7.]~~ ***8.*** As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensed teacher who is initially licensed on or after July 1, 2015, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 3. On or before January 1, 2016, the Commission on Professional Standards in Education shall adopt regulations to carry out the provisions of section 2 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $8,406 for the costs of programming changes to the licensure system of the Department and the adoption of regulations related to multicultural education as required by the amendatory provisions of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2017, by the entity to which the appropriation is made or any entity to which the money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton

ASSEMBLYWOMAN CARLTON:
The amendment makes an appropriation to cover the cost of the multicultural education.

Amendment adopted.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:02 p.m.

ASSEMBLY IN SESSION

At 9:05 p.m.
Mr. Speaker presiding.
Quorum present.

The following amendment was proposed by Assemblyman Munford:
Amendment No. 878.

AN ACT relating to education; requiring the standards of content and performance for a course of study in social studies established by the Council to Establish Academic Standards for Public Schools to include multicultural education; requiring certain licensed teachers to complete a course in multicultural education for renewal of their license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including social studies. (NRS 389.520) **Section 1.5** of this bill requires: (1) the standards of content and performance for social studies to include multicultural education; and (2) the Council to consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

Section 2 of this bill requires a licensed teacher who is initially licensed on or after July 1, 2015, to submit with his or her first application for renewal of his or her license proof of the completion of a course in multicultural education. **If the teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license.** **Section 2** also requires the Commission on Professional Standards in Education to prescribe the contents and credits required for such a course in multicultural education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection ~~[3,]~~ ***4,*** based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. ***The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council***

shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

~~[4.]~~ ***5.*** The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

~~[5.]~~ ***6.*** If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

~~[6.]~~ ***7.*** The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

~~[7.]~~ ***8.*** As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~***[A]***~~ ***Any licensed teacher who is initially licensed on or after July 1, 2015, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.***

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 3. On or before January 1, 2016, the Commission on Professional Standards in Education shall adopt regulations to carry out the provisions of section 2 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Munford moved the adoption of the amendment.

Remarks by Assemblyman Munford.

ASSEMBLYMAN MUNFORD:

Nonrenewable licensees must submit an application upon their being hired into the district.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 437 appropriates from the State General Fund to the Reserve for Statutory Contingency Account the sum of $1 million to restore the balance in the account. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 437:

YEAS—41.

NAYS—None.

EXCUSED—Edwards.

Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Assembly Bill 477 requires the Administrator of the Taxicab Authority within the Department of Business and Industry to appoint a staff attorney to perform legal services or serve as a hearing officer.

Roll call on Assembly Bill No. 477:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, O'Neill, Seaman, Shelton, Titus, Wheeler—11.

EXCUSED—Edwards.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 4 removes requirements for the registration of traps with the Department of Wildlife and makes registration optional. The bill excludes from registration any trap, snare, or similar device if the device is used exclusively on private property by the owner or occupant of the property or with his or her permission if that property is posted or fenced in accordance with Nevada law; for the control of rodents by an institution of the Nevada System of Higher Education; by any governmental agency; or for the taking of wild mammals for scientific or educational purposes under a permit issued by the Department. The bill also removes the requirement that an owner or occupant of property obtain a permit from the Department prior to taking or killing a fur-bearing mammal injuring that property.

Finally, the measure transfers responsibility for the regulation of the taking of shed antlers from the Board of Wildlife Commissioners to the boards of county commissioners and limits that authority to the regulation of taking shed antlers for commercial purposes.

Roll call on Senate Bill No. 4:

YEAS—27.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Neal, Spiegel, Sprinkle, Swank, Thompson—14.

EXCUSED—Edwards.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblymen Trowbridge and Ohrenschall.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 5 provides that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election must be declared the winner and his or her name not placed on the general election ballot. The measure clarifies this requirement for certain city elections and adds this provision to the Charter of Carson City.

If no more than twice the number of candidates file for a nonpartisan office, the candidates must be declared the nominees. Their names must be omitted from the primary election ballot and placed on the ballot for the general election. This provision also applies in judicial elections.

In addition, if one of the candidates in a judicial primary election receives a majority of the votes cast in the primary election, the candidate must be declared the nominee and only that person's name must be placed on the general election ballot.

The bill is effective on October 1, 2015.

ASSEMBLYMAN OHRENSCHALL:

I reluctantly rise in opposition to Senate Bill 5. I voted against this bill in your Committee on Legislative Operations and Elections. We know that many of our constituents sit out the primary. They do not turn out, unfortunately, but get more excited in the general election. That is when they come out to vote. This bill will have an effect on our judges. In Nevada, we elect our judges. As it stands now, if three people file for district court judgeship, Court of Appeals, or Nevada Supreme Court and one of the candidates gets 50 percent plus one vote, they have a runoff in November with whomever is the second-highest vote-getter. A lot more voters then get to pick who that member of the judiciary will be.

The effect of Senate Bill 5 for nonpartisan offices and all these judgeships will be that the winner in the primary will take all. We will have a very small group of voters picking our

judiciary, and I do not think that is a good recipe. Ideally, we would get more people to turn out in the primary but, unfortunately, that has not happened up until now. I am, regrettably, going to be a no.

Roll call on Senate Bill No. 5:

YEAS—30.

NAYS—Armstrong, Benitez-Thompson, Bustamante Adams, Carrillo, Diaz, Flores, Joiner, Munford, Neal, Ohrenschall, Swank—11.

EXCUSED—Edwards.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 35 ratifies the Interstate Compact on Mental Health and designates the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services as the Compact Administrator.

Roll call on Senate Bill No. 35:

YEAS—41.

NAYS—Jones.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 50 deletes the requirement of the State Contractors' Board to establish an advisory committee concerning the classification of licensure of persons who install and maintain building shell or thermal system installation. The bill authorizes the Board to use additional information to consider whether an applicant or licensee is qualified on behalf of another for more than one active license. The Board is allowed to inquire into and consider the financial responsibility and good character of such persons. The bill adds certain international building codes to the list of workmanship standards that, in the absence of a locally adopted building or construction code, a licensee must achieve or else be subject to disciplinary action.

Finally, the measure clarifies that an injured person or personal representative of the licensee who is cohabitating with the licensee, is married to the licensee, or is related to the licensee by blood within the first or second degree of consanguinity is not eligible for recovery of damages from the Recovery Fund maintained by the Board.

Roll call on Senate Bill No. 50:

YEAS—42.

NAYS—None.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 62 authorizes the Personnel Commission to adopt regulations concerning a number of different employee-related matters, including the restoration of employee positions, reemployment, and employee disability.

Senate Bill 62 also addresses matters relating to the state's substance abuse and on-the-job alcohol consumption policies as they relate to employees who hold a valid registry identification card for medical marijuana. The bill authorizes the Personnel Commission to adopt regulations concerning employees who engage in the medical use of marijuana.

Roll call on Senate Bill No. 62:

YEAS—34.

NAYS—Dickman, Dooling, Jones, Moore, Nelson, Oscarson, Titus, Wheeler—8.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 74.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 74 makes various changes to the eligibility requirements and the administration of the economic development abatements administered by the Office of Economic Development.

First, the bill limits the amount of partial abatements that may be granted if the business pays less than the statewide average wage. An abatement of the local school support tax is prohibited if the business pays its new employees less than 100 percent of the statewide average wage.

Second, the bill provides for certain employment requirements to be met within a two-year period, rather than a one-year period, following the effective date of the abatement. An applicant is also required to provide an estimate of the total number of new employees anticipated to be hired within that two-year period.

Third, the bill requires the agreement between the Office and the applicant to state the effective date of the abatement, as agreed to by the Office and the applicant.

Finally, the bill clarifies that only wages paid to new employees in this state are considered when determining whether an applicant satisfies the average hourly wage requirement.

Roll call on Senate Bill No. 74:

YEAS—36.

NAYS—Dooling, Ellison, Fiore, Moore, Shelton, Titus—6.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 78 authorizes any person, firm, company, association, or corporation claiming overvaluation or excessive valuation of its property that is centrally assessed by the Department

of Taxation to file an appeal of that assessment directly to the State Board of Equalization without first filing an appeal to the county board of equalization.

The direct appeal to the State Board of Equalization must be filed by January 15, which corresponds with the date an appeal must be submitted to the county board of equalization under current law. If January 15 falls on a Saturday, Sunday, or legal holiday, the appeal may be filed on the next business day. This act becomes effective on July 1, 2015.

Roll call on Senate Bill No. 78:

YEAS—42.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 84 expands the definition of a "provider of health care" to include medical facilities and certain persons certified under the laws of this state in alcohol and drug abuse and problem gambling counseling and social work. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 84:

YEAS—33.

NAYS—Dickman, Dooling, Fiore, Gardner, Jones, Moore, Shelton, Titus, Wheeler—9.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 88 authorizes employees of the Division of Public and Behavioral Health of the Department of Health and Human Services [DHHS] to access information in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. An employee may only access information in the registry when conducting a background investigation of holders of licenses, employees, and certain residents of child care facilities.

In addition, the measure authorizes the Administrator of the Division of Child and Family Services, DHHS, to grant access to the registry to employees or contractors of any other state or local government agency responsible for the welfare of children who demonstrate a bona fide need to access the registry. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 88:

YEAS—42.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Senate Bill 94 makes various changes regarding the administration and eligibility criteria for the transferrable film tax credit program administered by the Office of Economic Development.

The bill eliminates the June 30, 2023, expiration date for the program, thus making the program permanent rather than a pilot program. The bill also removes the $10 million limitation on the total amount of tax credits that may be approved and instead limits the total amount of tax credits to the amount appropriated for or authorized for each fiscal year by the Legislature.

The bill changes the definition of "qualified expenditures and production costs" that may serve as the basis for transferrable tax credits to reflect "qualified direct production expenditures" and further clarifies the types of expenditures and productions that may qualify for a tax credit. This act becomes effective on July 1, 2015.

Roll call on Senate Bill No. 94:

YEAS—34.

NAYS—Dickman, Dooling, Gardner, Jones, Moore, Shelton, Titus—7.

EXCUSED—Benitez-Thompson.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 144.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 144 makes various changes to traffic laws with regard to pedestrian safety. The bill authorizes the Department of Transportation or the governing body of a local government to designate pedestrian safety zones, and it provides the court with the discretion to double the penalty for violating certain traffic laws within such zones. A sign must be placed before a pedestrian safety zone to warn that higher fines may apply, and additional signs must identify the beginning and end of each zone. A person is not subject to a double penalty if such signs are not erected.

In the case where there is a flashing yellow turn arrow, Senate Bill 144 requires a vehicle to yield the right-of-way to other traffic or pedestrians lawfully in the intersection. Senate Bill 144 also prohibits a vehicle from passing another vehicle or making a U-turn in an active designated school zone. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 144:

YEAS—26.

NAYS—Armstrong, Bustamante Adams, Dickman, Dooling, Edwards, Ellison, Fiore, Jones, Moore, Neal, Nelson, Seaman, Shelton, Titus, Trowbridge—15.

EXCUSED—Benitez-Thompson.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 155 authorizes a farmer or rancher to claim a refund of 80 percent of the taxes paid by the farmer or rancher on bulk purchases of special fuel, which is consistent with provisions of current law that provide for a similar refund on bulk purchases of motor vehicle fuel. The bill defines "bulk purchases" as purchases of more than 50 gallons of special fuel which are not placed directly into the tanks of motor vehicles.

The bill consolidates into the term "implement of husbandry" the vehicles and agricultural equipment that are described in various provisions of existing law as "farm equipment," "farm tractors," and "implements of husbandry." The bill requires a person who engages in the operation, towing, and transportation of implements of husbandry on the highways of this state to apply for and obtain a farm license plate which must be displayed on the implement of husbandry and pay the Department of Motor Vehicles a nonrefundable fee of $100.

The bill additionally provides that, instead of a farm license plate, a reflective placard for slow-moving vehicles approved by the United States Department of Transportation may be displayed on certain implements of husbandry that are operated or transported on the highways of this state.

Roll call on Senate Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 155 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 188.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 188 replaces the word "accident" or "collision" with "crash" in *Nevada Revised Statutes* where the term is used to refer to motor vehicle accidents. The bill also directs the Legislative Counsel to make conforming changes to the *Nevada Administrative Code*.

Roll call on Senate Bill No. 188:

YEAS—35.

NAYS—Dickman, Ellison, Fiore, Jones, Shelton, Titus—6.

EXCUSED—Benitez-Thompson.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 209 removes the requirement that an honorably discharged veteran of the Armed Forces of the United States submit a copy of the DD Form 214 in order to have a designation of veteran status placed on his or her driver's license, commercial driver's license, identification card, or instruction permit. Instead, this bill requires a veteran to submit satisfactory evidence of an honorable discharge or other document of honorable separation to Nevada's Department of Motor Vehicles.

This bill is effective upon passage and approval for the purposes of adopting any regulations and performing preparatory administrative tasks, and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 209:
YEAS—41.
NAYS—None.
EXCUSED—Benitez-Thompson.
Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 223.
Bill read third time.
Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:
Senate Bill 223 provides that a prime contractor is not liable for the labor costs of a subcontractor to the extent those costs are interest, liquidated damages, attorney's fees, or costs resulting from a subcontractor's failure to pay contributions or other payments to, or on behalf of, an employee; or any amounts for which the prime contractor did not receive adequate notice by an administrator of a Taft-Hartley trust.
The measure reduces to one year the statute of limitations period applicable to commencing an action against a prime contractor for the recovery of wages or benefits due to an employee of a subcontractor. A prime contractor or subcontractor who participates in a health or welfare fund, or other plan for the benefit of employees, must provide to the fund or plan notice of the name and location of the project upon the commencement of work on a project.

Roll call on Senate Bill No. 223:
YEAS—41.
NAYS—None.
EXCUSED—Benitez-Thompson.
Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved to rescind the action whereby Senate Bill No. 206 was concurrently referred to the Committee on Ways and Means.
Motion carried.

Assemblyman Paul Anderson moved to reconsider the action whereby Senate Bill No. 254 was taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 238.
Bill read third time.
Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:
Senate Bill 238 requires that an advisory question be placed on the ballot at the general city election to be held in the City of Ely on June 6, 2017, asking whether the governments of White Pine County and the City of Ely should be combined.

Roll call on Senate Bill No. 238:

YEAS—23.

NAYS—Armstrong, Carrillo, Fiore, Flores, Hickey, Joiner, Moore, Munford, Neal, Ohrenschall, O'Neill, Seaman, Shelton, Silberkraus, Spiegel, Stewart, Swank, Woodbury—18.

EXCUSED—Benitez-Thompson.

Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 254 requires a public body undertaking a public work to withhold 5 percent, instead of at least 5 percent, from any progress payment to a contractor until 50 percent of the work required by the contract has been completed. Additionally, after 50 percent of the project is completed, any retainage may be paid in certain situations, including when the contractor has determined that any subcontractor has made satisfactory progress on the work under the subcontract.

The bill reduces the retention amount allowed in private construction projects from 10 percent to 5 percent from the progress payments made to the contractor. Retained funds must be paid upon the issuance of a temporary certificate of occupancy. Finally, the bill repeals the expiration of certain provisions of existing law pertaining to retainage in public works, which are set to expire on July 1, 2015.

Roll call on Senate Bill No. 254:

YEAS—40.

NAYS—Nelson.

EXCUSED—Benitez-Thompson.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 257 requires a child care facility to give preferential admission, to the extent authorized by federal law, to a child whose parent or guardian meets certain conditions related to service in the United States Armed Forces.

Roll call on Senate Bill No. 257:

YEAS—39.

NAYS—Fiore, Seaman—2.

EXCUSED—Benitez-Thompson.

Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 285 revises provisions relating to the powers and duties of constables and deputy constables. The bill allows the process, writs, or warrants of courts of justice, judicial officers, and coroners to be delivered directly to a constable who then must execute the orders. Certain fees to which constables are entitled for their services are increased, and a board of county commissioners is authorized to provide by ordinance for the fee to which a constable is entitled for providing a service authorized by law for which no fee is established by statute. A constable is authorized to accept payment of fees by credit card, debit card, or the electronic transfer of money and to charge and collect a convenience fee for the acceptance of such forms of payment under certain circumstances.

A board of county commissioners is authorized to appoint a reasonable number of clerks for the constable of a township and to set their salaries. The bill exempts from the licensure requirements in state law, relevant to intoxicating liquors, a sheriff or constable who sells or offers for sale liquor at a sale under execution and further allows a person licensed under state law to purchase liquor at such a sale under execution. This measure is effective upon passage and approval.

Roll call on Senate Bill No. 285:

YEAS—39.

NAYS—Armstrong, Titus—2.

EXCUSED—Benitez-Thompson.

Senate Bill No. 285 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblywoman Shelton.

ASSEMBLYWOMAN SHELTON:

Senate Bill 293 requires a person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of $100, to dispose of all contributions that have not been spent or committed for expenditure if, within four years after receipt of the contribution, he or she does not file a declaration or acceptance of candidacy or appear on the ballot at any election.

The bill also provides that a former public officer who has any unspent campaign contributions as of October 1, 2015, shall, on or before September 30, 2017: (1) file a declaration or acceptance of candidacy; (2) appear on a ballot at any election; or (3) dispose of his or her unspent contributions as set forth in Nevada law. The bill specifies that such former public officers are subject to campaign finance reporting requirements for as long as they have unspent campaign contributions. The bill is effective on October 1, 2015.

Roll call on Senate Bill No. 293:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 376.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Senate Bill 376 provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting, or rescinding the ability or authorization of a fully regulated carrier to operate in Nevada, or which refuses an applicant the ability or authorization to operate in this state as a fully regulated carrier, is a final decision and may be appealed directly to a court of competent jurisdiction for judicial review.

Roll call on Senate Bill No. 376:

YEAS—28.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carlton, Carrillo, Diaz, Joiner, Kirkpatrick, Neal, Spiegel, Sprinkle, Swank, Thompson—13.

EXCUSED—Benitez-Thompson.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 377 specifically provides that any appeal to a county board of equalization filed by mail is deemed to be filed based on the date the envelope is postmarked by the post office. If the postmark date is omitted or illegible, the appeal is deemed to be filed on the day the appeal is received. Any postmark not provided directly by the post office does not establish that an appeal is timely filed.

The bill also specifies that the methodology provided in current law for equally allocating the taxable value of common elements within a common-interest community to each of the units within the community may be used only if the community association provides the county assessor with the information necessary to identify the units to which the taxable value of the common elements must be allocated. If the community association does not provide such information to the county assessor, the property taxes on common elements must be paid by the person or association who is the owner of the common elements. This is effective July 1, 2015.

This clarifies our current law to ensure that we are equally implementing it across the state.

Roll call on Senate Bill No. 377:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 909.

AN ACT relating to children; revising provisions relating to guardians ad litem for a child in certain circumstances; requiring the instruction of pupils in

personal safety; **providing for the reallocation of a portion of certain fees to compensate guardians ad litem for a child;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain courts to appoint an attorney to serve as a guardian ad litem to represent a child in certain matters concerning child welfare, and further provides that an attorney may not receive any compensation for services as a guardian ad litem. (NRS 432B.420) Existing law also requires certain courts to appoint a guardian ad litem, who must be a volunteer and who has had certain training, to represent a child in a proceeding to determine if a child is in need of protection, and provides that no compensation may be allowed a person serving as such a guardian ad litem. (NRS 432B.500, 432B.505) **Sections 11 and 12** of this bill remove the prohibition on **such** a guardian ad litem receiving compensation, and **section 13** of this bill removes the requirement that **such** a guardian ad litem be a volunteer. **Existing law authorizes a board of county commissioners in certain counties to impose filing fees on certain motions filed in justice court or district court. Such fees must be remitted to an organization that provides legal services without charge to indigent or elderly persons through a program of organized legal aid. (NRS 4.071, 19.0312) Sections 19 and 20 of this bill require a portion of such fees to instead be used to compensate such guardians ad litem.**

Sections 15 and 16 of this bill require pupils in public schools to be provided with age-appropriate instruction in personal safety. **Section 15** requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety to children. The Department must also develop recommendations to assist a school district or a charter school to develop and implement various programs related to the personal safety of children. **Section 16** requires the board of trustees of each school district and the governing body of each charter school to ensure that instruction on the personal safety of children be carried out as part of a course of study in health and based on the standards developed by the Department. The school district or charter school is required to determine the appropriate grade levels, course content and materials for such instruction, and the instruction must be provided by: (1) a licensed teacher; (2) an employee of the school district with special knowledge or training in the teaching of personal safety to children; (3) an employee of an agency which has as its primary purpose the teaching of personal safety to children; (4) an employee of a law enforcement agency; or (5) a volunteer of an agency which has as its primary purpose the teaching of personal safety to children who has undergone a background investigation and has special training in the teaching of personal safety. **Section 16** also provides that the parent or guardian of each pupil to whom such instruction will be provided must be notified of such instruction and provided with an opportunity to review

the instructional materials to be used and to submit a written request that the pupil be excused from the instruction, unless the course in which the instruction is provided is required for graduation.

Finally, **section 19** of this bill gives the Department until July 1, 2016, to develop the age-appropriate curriculum standards, and gives the board of trustees of each school district and the governing board of each charter school until July 1, 2020, to begin providing instruction in the personal safety of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent the person. The court may, if it finds it appropriate, appoint an attorney to represent the child. The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided in NRS 432B.500, an attorney appointed to represent a

child may also be appointed as guardian ad litem for the child. ~~[An attorney may not receive any compensation for services as a guardian ad litem.]~~

Sec. 12. NRS 432B.500 is hereby amended to read as follows:

432B.500 1. After a petition is filed that a child is in need of protection pursuant to NRS 432B.490, the court shall appoint a guardian ad litem for the child. The person so appointed:

(a) Must meet the requirements of NRS 432B.505 or, if such a person is not available, a representative of an agency which provides child welfare services, a juvenile probation officer, an officer of the court or another volunteer.

(b) Must not be a parent or other person responsible for the child's welfare.

2. ~~[No compensation may be allowed a person serving as a guardian ad litem pursuant to this section.~~

~~3.]~~ A guardian ad litem appointed pursuant to this section shall:

(a) Represent and protect the best interests of the child until excused by the court;

(b) Thoroughly research and ascertain the relevant facts of each case for which the guardian ad litem is appointed, and ensure that the court receives an independent, objective account of those facts;

(c) Meet with the child wherever the child is placed as often as is necessary to determine that the child is safe and to ascertain the best interests of the child;

(d) Explain to the child the role of the guardian ad litem and, when appropriate, the nature and purpose of each proceeding in the case;

(e) Participate in the development and negotiation of any plans for and orders regarding the child, and monitor the implementation of those plans and orders to determine whether services are being provided in an appropriate and timely manner;

(f) Appear at all proceedings regarding the child;

(g) Inform the court of the desires of the child, but exercise independent judgment regarding the best interests of the child;

(h) Present recommendations to the court and provide reasons in support of those recommendations;

(i) Request the court to enter orders that are clear, specific and, when appropriate, include periods for compliance;

(j) Review the progress of each case for which the guardian ad litem is appointed, and advocate for the expedient completion of the case; and

(k) Perform such other duties as the court orders.

Sec. 13. NRS 432B.505 is hereby amended to read as follows:

432B.505 1. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that includes a county whose population is less than 100,000, a special advocate must ~~[be a volunteer from the community who completes]~~ ***complete*** an initial 12 hours of specialized training and, annually thereafter, ~~[completes]~~ ***complete*** 6 hours of specialized training. The training must be approved by the court and include information regarding:

(a) The dynamics of the abuse and neglect of children;

(b) Factors to consider in determining the best interests of a child, including planning for the permanent placement of the child;

(c) The interrelationships between the family system, legal process and system of child welfare;

(d) Skills in mediation and negotiation;

(e) Federal, state and local laws affecting children;

(f) Cultural, ethnic and gender-specific issues;

(g) Domestic violence;

(h) Resources and services available in the community for children in need of protection;

(i) Child development;

(j) Standards for guardians ad litem;

(k) Confidentiality issues; and

(l) Such other topics as the court deems appropriate.

2. To qualify for appointment as a guardian ad litem pursuant to NRS 432B.500 in a judicial district that does not include a county whose population is less than 100,000, a special advocate must be qualified pursuant to the standards for training of the National Court Appointed Special Advocate Association or its successor. If such an Association ceases to exist, the court shall determine the standards for training.

Sec. 13.3. **NRS 4.071 is hereby amended to read as follows:**

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee ~~[to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent]~~ in an amount not to exceed $10 to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. ~~[The]~~ ***On or before the 15th day of each month, the*** county treasurer shall ~~[remit quarterly]~~ **:**

(a) Deposit from the fees collected during the preceding month an amount equal to $5 from each fee collected or the total amount collected, whichever is less, in an account for guardians ad litem in the county general fund. The money in the account must be used only to compensate guardians ad litem appointed pursuant to NRS 432B.420 and 432B.500.

(b) Remit to the organization ~~[to which the fees are to be paid pursuant to subsection 1 all]~~ ***operating the program for legal services that receives the***

fees charged pursuant to NRS 19.031 for programs for the indigent any remaining amount of the money received by the county treasurer from the justice of the peace.

3. Any ~~[fees collected]~~ ***amount of money remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent*** pursuant to ~~[this section]~~ ***paragraph (b) of subsection 2*** must be used ~~[for]~~ ***:***

(a) To offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence; and

(b) For the benefit of the persons to whom the organization ~~[operating the program for legal services that receives money pursuant to this section]~~ provides legal services without a charge.

Sec. 13.7. **NRS 19.0312 is hereby amended to read as follows:**

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee ~~[to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent]~~ in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the county clerk shall account for and pay over to the county treasurer any such fees collected by the county clerk during the preceding month. ~~[The]~~ ***On or before the 15th day of each month, the*** county treasurer shall ~~[remit quarterly]~~ ***:***

(a) Deposit from the fees collected during the preceding month an amount equal to $5 from each fee collected or the total amount collected, whichever

is less, in an account for guardians ad litem in the county general fund. The money in the account must be used only to compensate guardians ad litem appointed pursuant to NRS 432B.420 and 432B.500.

(b) Remit to the organization ~~[to which the fees are to be paid pursuant to subsection 1 all]~~ ***operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent any remaining amount of*** the money received by the county treasurer from the county clerk.

4. Any ~~[fees collected]~~ ***amount of money remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent*** pursuant to ~~[this section]~~ ***paragraph (b) of subsection 3*** must be used ~~[for]~~ ***:***

(a) To offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence; and

(b) For the benefit of the persons to whom the organization ~~[operating the program for legal services that receives money pursuant to this section]~~ provides legal services without a charge.

Sec. 14. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. ***1. The Department, in consultation with persons and organizations who possess knowledge and expertise in the teaching of personal safety of children, shall develop:***

(a) Age-appropriate curriculum standards based on best practices for teaching the personal safety of children to pupils in kindergarten and grades 1 to 12, inclusive.

(b) Recommendations to assist a school district or charter school in developing:

(1) A training plan to ensure that at least one employee at each school, as designated by the principal, receives training on the personal safety of children;

(2) Educational materials and information to be distributed to parents, guardians or other caretakers of pupils regarding the personal safety of children and how and when to teach and reinforce concepts and skills of the personal safety of children; and

(3) Policies and procedures for the referral of a child who has reported or experienced an incident that did or could have threatened his or her personal safety, and his or her family or guardian, if appropriate, to various services, including, without limitation, counseling or any other available services or resources.

(c) Recommendations of existing research-based programs and curriculum samples to be considered for implementation.

2. The Department will review the standards and recommendations developed pursuant to subsection 1 on an annual basis to ensure that those standards and recommendations contain current information.

3. The Department may apply for and accept grants, gifts, donations, bequests or devises from any public or private source to carry out the provisions of this section.

4. As used in this section, "personal safety of children" means an age-appropriate recognition of various hazards and dangers that are particular to children, including, without limitation, the danger associated with unsafe persons, both known and unknown to the child, abuse, becoming lost or separated from a parent or guardian, and an awareness of age-appropriate steps a child may take to avoid, lessen or alleviate those hazards and dangers, including, without limitation, reporting threats of harm to a responsible adult.

Sec. 16. ***1. The board of trustees of each school district and the governing body of each charter school shall ensure that instruction in the personal safety of children, based on the standards developed by the Department pursuant to section 15 of this act, be implemented as part of a course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018.***

2. The school district and the charter school, in accordance with the recommendations provided by the Department pursuant to subsection 1 of section 15 of this act, shall determine, for the instruction required by subsection 1:

(a) The content of and materials to be used to provide the instruction; and

(b) The grade levels in which the instruction will be provided.

3. A person who provides the instruction required by subsection 1 must be:

(a) A licensed teacher;

(b) An employee of the school district with special knowledge or training in the teaching of the personal safety of children;

(c) An employee of an agency which has as its primary purpose the teaching of the personal safety of children;

(d) An employee of a law enforcement agency; or

(e) A volunteer of an agency which has as its primary purpose the teaching of the personal safety of children and who meets the requirements of subsection 8.

4. The school district and the charter school shall develop a procedure for the notification of the parent or guardian of each pupil to whom the instruction required by subsection 1 is to be provided. The procedure must inform the parent or guardian that:

(a) The parent or guardian may submit a written request that the pupil be excused from some or all of the instruction, except when the instruction is included in a course which is required for graduation; and

(b) All instructional materials to be used in the instruction required by subsection 1 are available for inspection by the parent or guardian at reasonable times and locations before the instruction is provided.

5. A pupil whose parent or guardian submits a written request pursuant to paragraph (a) of subsection 4 must be excused from such instruction without any penalty as to credits or academic standing.

6. The school district and the charter school shall consider the recommendations developed by the Department pursuant to paragraph (b) of subsection 1 of section 15 of this act and, to the extent money is available for this purpose, develop and implement:

(a) A training plan to ensure that all school employees receive training as to the teaching of the personal safety of children;

(b) Educational materials and information to be distributed to parents, guardians or other caretakers of pupils regarding the teaching of the personal safety of children; and

(c) Policies and procedures for the referral of a child who has reported or experienced an incident that did or could have threatened his or her personal safety, and his or her family or guardian, if appropriate, to various services, including, without limitation, counseling or any other available services or resources.

7. On or before August 1 of each year, each board of trustees and each governing body shall report to the Department for the preceding year:

(a) The grade levels in which the instruction required by subsection 1 was conducted;

(b) The curriculum content and materials distributed and utilized for the instruction required by subsection 1;

(c) The person, persons or agency utilized to provide the instruction required by subsection 1; and

(d) The number of reports or disclosures by pupils of incidents that did or could have threatened their personal safety during the preceding school year.

8. An agency which has as its primary purpose the teaching of the personal safety of children, before allowing any volunteer of the agency to provide instruction pursuant to paragraph (e) of subsection 3, must ensure that the volunteer has successfully completed:

(a) A national background check, which must include, without limitation, a report of the criminal history of the volunteer from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History;

(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(c) Adequate and appropriate training specific to providing instruction regarding the personal safety of children.

9. An agency which has as its primary purpose the teaching of the personal safety of children shall, upon request from a school district or charter school and to the extent allowed by federal law, make available to the school district or charter school documentation of the agency's

conclusions regarding a volunteer's successful completion of the requirements of subsection 8.

10. A board of trustees of a school district and a governing body of a charter school may apply for and accept grants, gifts, donations, bequests or devises from any public or private source to carry out the provisions of this section.

11. As used in this section, "personal safety of children" has the meaning ascribed to it in section 15 of this act.

Sec. 17. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English, including reading, composition and writing;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185 ~~[.]~~ ***and the instruction prescribed by subsection 1 of section 16 of this act,*** unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

2. This section and sections 1 to ~~[13,]~~ **13.7,** inclusive, and 18 of this act become effective on January 1, 2016, for all other purposes.

3. Sections 14 and 15 of this act become effective on July 1, 2016, for all other purposes.

4. Sections 16 and 17 of this act become effective on July 1, 2020, for all other purposes.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment brings the bill up to state and federal requirements ensuring "best interests of the child" is included in guardian ad litem compensation formulation.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 401.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 401 requires an applicant for appointment as a notary public or registration as a document preparation service to submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has never had an appointment as a notary public or certificate or license as a document preparation service, as applicable, revoked or suspended in this state or any other state or territory of the United States. The measure prohibits the use of certain terms in an advertisement by a notary public or a document preparation service that may mislead a consumer into believing either is a licensed attorney if such is not the case.

Roll call on Senate Bill No. 401:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 410 authorizes a school bus to travel at the posted speed limit when transporting students to and from school-related activities. The bill also clarifies that a student between 14 and 18 years of age, who has a restricted license for driving to and from school in a rural area, may not exceed a speed of 55 miles per hour.

Roll call on Senate Bill No. 410:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 419 requires the Aging and Disability Services Division in cooperation with the State Treasurer to establish the Nevada ABLE [Achieving a Better Life Experience] Savings Program as a qualified program pursuant to federal law to provide tax-advantaged savings accounts for persons who have certain qualifying disabilities. The Division is required to implement an outreach and educational program to increase participation in the ABLE program.

In addition, the measure allows the Division to establish a program to provide services of independent living and assistive technology for persons with disabilities who need independent living services. Finally, the bill revises the term of the members of the Nevada Commission on Services for Persons with Disabilities to ensure that the members' terms are staggered.

Roll call on Senate Bill No. 419:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 441 exempts a craft food operation from inspections and enforcement by certain health authorities. The measure specifies the requirements for a craft food operation and authorizes the production of acidified foods. A person who produces acidified foods must comply with certain requirements, including required training, successful completion of an examination, pH testing of the foods, documentation of certain information about the foods produced, and registration with the State Department of Agriculture. The Department is authorized to charge a reasonable fee for such training, examinations, and registration and may inspect the premises of a producer of acidified foods under certain circumstances.

This measure is effective upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 441:

YEAS—41.

NAYS—None.

EXCUSED—Benitez-Thompson.

Senate Bill No. 441 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Senate Bill 457 creates the Nevada High-Speed Rail Authority, which is responsible for pursuing the implementation of the Nevada High-Speed Rail System, connecting southern Nevada and southern California. The Authority must select a franchisee to construct and operate the high-speed rail system based on specific criteria. The franchisee may, with the assistance of the Authority, acquire land for rights-of-way, conduct studies, issue debt, and enter into governmental agreements for the construction and implementation of the system. The Authority may issue bonds, notes, or obligations and enter into agreements, among other things. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 457:

YEAS—40.

NAYS—Hickey.

EXCUSED—Benitez-Thompson.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 477 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 476.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 476 allows—through either a general, special, or primary election or an election conducted by mail—for the board of county commissioners to impose an annual fee not to exceed $25 on each parcel in a conservation district. Any money collected from the fee may be used only for purposes of a conservation district.

Roll call on Senate Bill No. 476:

YEAS—28.

NAYS—Dickman, Dooling, Edwards, Ellison, Fiore, Jones, Kirner, Moore, Nelson, Seaman, Shelton, Titus, Wheeler—13.

EXCUSED—Benitez-Thompson.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 20, 65, 66, 97, 107, 112, 136, 150, 156, 160, 189, 200, 214, 225, 236, 244, 287, 379, 380, 383; Assembly Joint Resolution No. 4; Senate Bills Nos. 13, 48, 75, 87, 127, 156, 157, 208, 246, 248, 249, 251, 256, 289, 310, 313, 354, 373, 384, 389, 390; Senate Joint Resolutions Nos. 1, 2, 4, and 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Veronika Scavacini.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Clontz and Wendy Boszak.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Alexander.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Robert “Mo” Mulvana.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Sharan Sajjad Ahmad.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Osheroff.

On request of Assemblyman O’Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Deavers.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Mac Rossi and Marsy Kupfersmith.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 21, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:09 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 21, 2015

Assembly called to order at 1:03 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Leslie Cyr.

Father God, we thank You for this day, and we invite you to be present in this place of government. We ask for Your leading and Your guidance to rest on these leaders of our state. We ask for Your spirit to bring peace and unity over the decisions that are being made and that You would grant them wisdom to see clearly the needs of Nevada and its people. We thank You, Father, for their service and the personal sacrifices they have made over these last several months and ask that You would bless them and their families as they finish these remaining weeks of session. We thank You, Lord, for our freedom and we pray that we may be taking the direction You would have for us. In the name of Jesus we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 68, 146, 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 471, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 120, 273.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that all bills reported out of committee this legislative day be placed on the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 183 and 314 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 402 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 19, 56, 168, and 181 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 348 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 423.

Bill read second time and ordered to third reading.

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 845.

AN ACT relating to health care; requiring **certain** accreditation **or other official recognition** before a primary care practice may ~~[operate]~~ **represent itself** as a patient-centered medical home; ~~[requiring each operator of a patient-centered medical home to spend a certain amount of his or her working hours providing primary health services for the patient-centered medical home; authorizing the State Board of Health to adopt regulations governing the operation of patient-centered medical homes; authorizing the Commissioner of Insurance to adopt regulations governing insurance coverage for health services provided through]~~ **providing that certain acts by** patient-centered medical homes ~~[;]~~ **and insurers do not constitute unfair trade practices; authorizing the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to establish an advisory group to study the delivery of health care through patient-centered medical homes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 20.2 of this bill defines the term "patient-centered medical home" to mean a primary care practice that: (1) offers ~~[family centered,]~~ **patient-centered, continuous,** culturally competent **, evidence-based, comprehensive** health care that ~~[is coordinated with outside practitioners and health facilities to provide comprehensive health services;]~~ **coordinates the needs of the patient and uses enhanced communication strategies and health information technology;** and (2) emphasizes enhanced access to practitioners and preventive care to improve the outcomes for and experiences of patients and lower the costs of health services. **Section 20.2** also prohibits a primary care practice from representing itself as a patient-centered medical home unless ~~[: (1)]~~ it is **certified,** accredited **or otherwise officially recognized** as such by a nationally recognized organization for accrediting patient-centered medical homes **.** ~~[; and (2) each physician or advanced practice registered nurse who operates a patient-centered medical home spends at least 60 percent of his or her working hours providing primary health services for the patient-centered medical home. Section]~~ **Additionally, section 20.2** ~~[and 20.7]~~ of this bill ~~[authorize the State Board of Health and the Commissioner of Insurance to adopt regulations that govern the operation of patient-centered medical homes and insurance coverage for health services provided through patient-centered medical homes. Such regulations: (1) must allow for the operation of patient-centered medical homes to the greatest extent authorized by federal and state antitrust laws; and (2) may allow for]~~ **authorizes** coordination between patient-centered medical homes and insurers and incentives provided by insurers to patient-centered medical homes that

would otherwise constitute unfair trade practices ~~[.]~~ **to the extent that such coordination and incentives are authorized under federal law.**

Existing law creates the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease and authorizes the Advisory Council to appoint committees or subcommittees to study issues relating to wellness and the prevention of chronic disease. (NRS 439.518, 439.519) Section ~~[21]~~ 20.1 of this bill authorizes the ~~[State Board and the Commissioner to adopt regulations exempting insurance coverage for health services provided through patient-centered medical homes from certain prohibitions on inducements to insurance.]~~ **Advisory Council to establish an advisory group of interested persons and governmental entities to study the delivery of health care through patient-centered medical homes.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)
Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)

Sec. 20.1. **NRS 439.519 is hereby amended to read as follows:**

439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed to serve not more than two additional, consecutive terms.

2. A majority of the voting members of the Advisory Council shall select a Chair and a Vice Chair of the Advisory Council.

3. A majority of the voting members of the Advisory Council may:

(a) Appoint committees or subcommittees to study issues relating to wellness and the prevention of chronic disease.

(b) Remove a nonlegislative member of the Advisory Council for failing to carry out the business of, or serve the best interests of, the Advisory Council.

(c) Establish an advisory group of interested persons and governmental entities to study the delivery of health care through patient-centered medical homes. Interested persons and governmental entities that serve on the advisory group may include, without limitation:

(1) Public health agencies;

(2) Public and private insurers;

(3) Providers of primary care, including, without limitation, physicians and advanced practice registered nurses who provide primary care; and

(4) Recipients of health care services.

4. The Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.

5. A majority of the voting members of the Advisory Council constitutes a quorum to transact all business, and a majority of those voting members present, physically or via telecommunications, must concur in any decision.

6. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chair or a majority of the voting members of the Advisory Council quarterly or as is necessary.

7. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

8. As used in this section, "patient-centered medical home" has the meaning ascribed to it in section 20.2 of this act.

Sec. 20.2. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A primary care practice shall not represent itself as a patient-centered medical home unless ~~[~~:

~~(a) The~~ the primary care practice is certified, accredited or otherwise officially recognized as a patient-centered medical home by a nationally recognized organization for the accrediting of patient-centered medical homes . ~~[~~; and

~~(b) Each physician or advanced practice registered nurse who operates a patient-centered medical home spends at least 60 percent of his or her working hours providing primary health services for the patient-centered medical home.~~]

2. The Department shall post on an Internet website maintained by the Department links to nationally recognized organizations for the accrediting of patient-centered medical homes and any other information specified by the Department to allow patients to find a patient-centered medical home that meets the requirements of this section and any regulations adopted pursuant thereto.

~~*3. [The State Board of Health may, in consultation with the Commissioner of Insurance, adopt regulations governing the operation of patient-centered medical homes. Such regulations must allow for the operation of patient-centered medical homes to the greatest extent authorized by federal and state antitrust laws, and may, without limitation, establish:*~~

~~*(a) An advisory council to provide input to the Department concerning patient-centered medical homes; and*~~

~~*(b) Means of measuring the quality of health services provided by patient-centered medical homes and the effectiveness of patient-centered medical homes at reducing the cost of health services.*~~

~~*4.]*~~ ***Any coordination between an insurer and a patient-centered medical home or acceptance of an incentive from an insurer by a patient-centered medical home that is authorized*** ~~*[under the regulations adopted pursuant to this section and section 20.7 of this act]*~~ ***by federal law shall not be deemed to be an unfair method of competition or an unfair or deceptive trade practice or other act or practice prohibited by the provisions of chapter 598 or 686A of NRS.***

~~*[5.]*~~ ***4. As used in this section:***

(a) "Patient-centered medical home" means a primary care practice that:

(1) Offers ~~*[family-centered,]*~~ ***patient-centered, continuous, culturally competent*** ~~*[health services that are coordinated with outside practitioners and health facilities to provide]*~~ ***, evidence-based, comprehensive health*** ~~*[services;]*~~ ***care that is led by a provider of primary care and a team of health care providers, coordinates the health care needs of the patient and uses enhanced communication strategies and health information technology; and***

(2) Emphasizes enhanced access to practitioners and preventive care to improve the outcomes for and experiences of patients and lower the costs of health services.

(b) "Primary care practice" means a federally-qualified health center, as defined in 42 U.S.C. ~~*[1396(l)(2)(B),]*~~ ***1396d(l)(2)(B), or a business where health services are provided by one or more advanced practice registered nurses or one or more physicians who are licensed pursuant to chapter 630 or 633 of NRS and who practice in the area of family practice, internal medicine*** ~~*[, obstetrics and gynecology]*~~ ***or pediatrics.***

Sec. 20.7. ~~[Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Commissioner may, in consultation with the State Board of Health, adopt regulations governing insurance coverage for health services provided to patients through a patient-centered medical home. Such regulations must facilitate the operation of patient-centered medical homes and the coverage for health services provided through patient-centered medical homes to the greatest extent authorized by federal and state antitrust laws. Such regulations must not require an insurer to cover health services*~~

~~*provided through patient-centered medical homes and may, without limitation, authorize an insurer to:*~~

~~*(a) Provide an incentive to a patient-centered medical home that offers health services to its insureds. The regulations may prescribe the manner in which such an incentive must be provided and the maximum amount of the incentive.*~~

~~*(b) Pay a patient-centered medical home for services associated with the coordination of care for any health services provided to an insured.*~~

~~*(c) With the authorization of an insured, share health care records and other related information about an insured who has elected to receive health services from a patient-centered medical home with the patient-centered medical home and any other practitioner or health facility that provides health services to the insured.*~~

~~*2. Any coordination between an insurer and a patient-centered medical home or provision of an incentive by an insurer to a patient-centered medical home that is authorized under the regulations adopted pursuant to this section and section 20.2 of this act shall not be deemed to be an unfair method of competition or an unfair or deceptive trade practice or other act or practice prohibited by the provisions of chapter 598 or 686A of NRS.*~~

~~*3. As used in this section:*~~

~~*(a) "Health services" has the meaning ascribed to it in NRS 439A.017.*~~

~~*(b) "Patient-centered medical home" means a primary care practice that:*~~

~~*(1) Offers family centered, culturally competent health services that are coordinated with outside practitioners and health facilities to provide comprehensive health services; and*~~

~~*(2) Emphasizes enhanced access to practitioners and preventive care to improve outcomes and experience for patients and lower the costs of health services.]~~* **(Deleted by amendment.)**

Sec. 21. ~~[NRS 686A.110 is hereby amended to read as follows:~~

~~686A.110 Except as otherwise expressly provided by law [,] *and any regulations adopted pursuant to section 20.7 of this act,* no person shall knowingly:~~

~~1. Permit to be made or offer to make or make any contract of life insurance, life annuity or health insurance, or agreement as to such contract, other than as plainly expressed in the contract issued thereon, or pay or allow, or give or offer to pay, allow or give, directly or indirectly, or knowingly accept, as an inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any paid employment or contract for services of any kind, or any valuable consideration or inducement whatever not specified in the contract; or~~

~~2. Directly or indirectly give or sell or purchase or offer or agree to give, sell, purchase, or allow as an inducement to such insurance or annuity or in connection therewith, whether or not to be specified in the policy or contract, any agreement of any form or nature promising returns and profits, or any~~

~~stocks, bonds or other securities, or interest present or contingent therein or as measured thereby, of any insurer or other corporation, association or partnership, or any dividends or profits accrued or to accrue thereon.]~~ **(Deleted by amendment.)**

Sec. 21.5. ~~[NRS 690C.120 is hereby amended to read as follows:~~

~~690C.120 1. Except as otherwise provided in this chapter, the marketing, issuance, sale, offering for sale, making, proposing to make and administration of service contracts are not subject to the provisions of title 57 of NRS, except, when applicable, the provisions of:~~

~~(a) NRS 679B.020 to 679B.152, inclusive~~ **[**~~,~~**]** ***, and section 20.7 of this act,***

~~(b) NRS 679B.159 to 679B.300, inclusive;~~

~~(c) NRS 679B.310 to 679B.370, inclusive;~~

~~(d) NRS 679B.600 to 679B.690, inclusive;~~

~~(e) NRS 685B.090 to 685B.190, inclusive;~~

~~(f) NRS 686A.010 to 686A.095, inclusive;~~

~~(g) NRS 686A.160 to 686A.187, inclusive; and~~

~~(h) NRS 686A.260, 686A.270, 686A.280, 686A.300 and 686A.310.~~

~~2. A provider, person who sells service contracts, administrator or any other person is not required to obtain a certificate of authority from the Commissioner pursuant to chapter 680A of NRS to issue, sell, offer for sale or administer service contracts.]~~ **(Deleted by amendment.)**

Sec. 22. (Deleted by amendment.)

Sec. 23. This act becomes effective upon passage and approval.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment revises the definition of "patient-centered medical home," clarifies that a home be certified or otherwise officially recognized by a national accrediting organization, removes the requirement for adoption of regulations, and authorizes the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to establish an advisory group to study the delivery of health care through patient-centered medical homes.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 891.

AN ACT relating to health care professionals; requiring a mental health professional to apply for the emergency admission of his or her patient to a mental health facility or **make a reasonable attempt to** notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) If a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, this bill requires the mental health professional to: (1) apply for the emergency admission of the patient to a mental health facility; or (2) **make a reasonable attempt to** notify the person threatened with imminent serious physical harm or death and the closest law enforcement agency. This bill also provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:

(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

3. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

~~[3.]~~ 4. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) Who is in the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

~~[4.]~~ 5. As used in this section, "mental health professional" means:

(a) A physician licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS;

(c) A social worker who:

(1) Holds a master's degree in social work; and

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS;

(d) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS;

(g) ~~[An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS; and~~

~~(h)]~~ A person who is working in this State within the scope of his or her employment by the Federal Government , including, without limitation, employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist ~~[,]~~ or clinical professional counselor ~~[, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor]~~ in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment expands upon what constitutes a reasonable effort made by a mental health professional. It removes alcohol and drug abuse counselors from the list of mental health professionals defined in the bill and clarifies that a person employed by the federal government includes employment with the VA [Department of Veterans Affairs], military, or Indian Health Service.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 757.

AN ACT relating to insurance; adopting the provisions of various model laws and acts of the National Association of Insurance Commissioners; setting forth the manner in which the Commissioner of Insurance may adopt the *Valuation Manual* adopted by the National Association of Insurance Commissioners; revising provisions regarding the confidentiality of certain information and materials provided to the Division of Insurance of the Department of Business and Industry; revising provisions regarding the requirements for annual financial statements filed by self-insured ~~[groups]~~ **employers** for workers' compensation; revising provisions regarding licensing requirements; revising provisions regarding the cash value of policies of life insurance; allowing insurer's to issue electronic proof of insurance certificates for automobiles; revising provisions governing state-chartered risk retention groups; authorizing the Division to access certain sealed records of licensees and applicants for licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-18 of this bill make changes to chapter 681A of NRS in conformance with amendments to the National Association of Insurance Commissioners' Credit for Reinsurance Model Law. **Sections 23-39.5 and 41** of this bill adopt certain provisions of the National Association of Insurance Commissioners' Standard Valuation Law. **Section 33.7** of this bill describes the *Valuation Manual* and sets forth the criteria for determining the date on which the *Valuation Manual* becomes operative. **Sections 33.3 and 33.7-36** of this bill describe the minimum standards for the valuation of reserves associated with policies and contracts of insurance issued on or after the operative date of the *Valuation Manual*. **Section 33.5** of this bill sets forth the requirements for actuarial opinions of reserves prepared after the operative date of the *Valuation Manual*. **Sections 40.15-40.43** of this bill revise certain existing provisions to apply before the operative date of the *Valuation Manual*,

as specified. **Section 41** makes changes regarding the confidentiality of documents and information which constitute a memorandum in support of an actuarial opinion submitted by an insurer to the Commissioner pursuant to NRS 681B.230, including materials provided by the insurer to the Commissioner in connection with the memorandum. **Sections 43-230** of this bill adopt the provisions of the National Association of Insurance Commissioners' Investments of Insurers Model Act (Defined Limits Version). **Sections 233 and 318** of this bill make changes to the requirements for insurance administrators and self-insured employers for workers' compensation when filing their annual financial statements. **Sections 234-238** of this bill make various changes to the licensing requirements for producers of insurance. **Sections 241-253** of this bill adopt certain provisions of the National Association of Insurance Commissioners' Life and Health Insurance Guaranty Association Model Act. **Sections 254 and 256** of this bill add coverage for assumed claims transactions to the Nevada Insurance Guaranty Association. **Section 258** of this bill makes changes to certain provisions relating to the cash values of policies of life insurance. **Sections 263 and 317** of this bill allow insurers to provide electronic proof of insurance certificates for motor vehicles. **Sections 265-289** of this bill adopt the provisions of the National Association of Insurance Commissioners' Risk Management and Own Risk and Solvency Assessment Model Act. **Sections 290-303** of this bill adopt various amendments to the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act. **Sections 307-311** of this bill make changes regarding state-chartered risk retention groups. **Sections 312 and 313** of this bill authorize the Division of Insurance of the Department of Business and Industry to inspect certain sealed records to determine the suitability of an applicant for a license or the discipline of a licensee for misconduct. **Section 319** of this bill repeals various provisions of existing law which are replaced by various sections of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 680B.050 is hereby amended to read as follows:

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer, including, without limitation, an insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29), which owns and substantially occupies and uses any building in this state as its home office or as a regional home office is entitled to the following credits against the tax otherwise imposed by NRS 680B.027:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive; and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with

the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

➥ These credits must not reduce the amount of tax payable to less than 20 percent of the tax otherwise payable by the insurer under NRS 680B.027.

2. As used in this section, a "regional home office" means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

3. The insurer shall, on or before March 15 of each year, furnish proof to the satisfaction of the Executive Director of the Department of Taxation, on forms furnished by or acceptable to the Executive Director, as to its entitlement to the tax reduction provided for in this section. A determination of the Executive Director of the Department of Taxation pursuant to this section is not binding upon the Commissioner for the purposes of ~~[NRS 682A.240.]~~ ***sections 174 to 177, inclusive, of this act.***

4. An insurer is not entitled to the credits provided in this section unless:

(a) The insurer owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

(b) The insurer occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

5. If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

6. For the purposes of subsection 1, any insurer that is exempt from federal taxation pursuant to 26 U.S.C. § 501(c)(29) and is restricted or prohibited from purchasing or owning real property pursuant to a contract with the Federal Government, including any entity thereof, shall be deemed to own any portion of any real property that the insurer occupies. The provisions of this subsection expire upon the expiration, cancellation, repayment or any other termination of the contract restricting or prohibiting such purchase or ownership.

Sec. 2. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300
(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300
(2) Annual fee $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee $60
(2) Annual fee $60

(d) Insurers not otherwise provided for in this subsection:

(1) Initial fee $1,300
(2) Annual fee $1,300

(e) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee $60
(2) Triennial fee $60

(f) ~~[Accredited reinsurers,]~~ ***Reinsurers,*** as provided for in NRS 681A.160 ~~[:]~~ ***or section 5 of this act, as applicable:***

(1) Initial fee $1,300
(2) Annual fee $1,300

(g) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee $60
(2) Triennial fee $60

(h) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee $1,300
(2) Annual fee $1,300

(i) Administrators, as defined in NRS 683A.025:

(1) Initial fee $60
(2) Triennial fee $60

(j) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee $60
(2) Triennial fee $60

(k) Agents who perform utilization reviews, as defined in NRS 683A.376:

(1) Initial fee $60
(2) Annual fee $60

(l) Insurance consultants, as defined in NRS 683C.010:

(1) Initial fee $60
(2) Triennial fee $60
(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
(q) Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
(r) ~~[Eligible surplus line insurers, as provided for in NRS 685A.070:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~
~~(s)]~~ Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(t)]~~ ***(s)*** Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(u)]~~ ***(t)*** Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
~~[(v)]~~ ***(u)*** Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee $60
(2) Annual fee $60
~~[(w)]~~ ***(v)*** Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
~~[(x)]~~ ***(w)*** Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(y)]~~ ***(x)*** Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
~~[(z)]~~ ***(y)*** Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
~~[(aa)]~~ ***(z)*** Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(bb)]~~ ***(aa)*** Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60
~~[(cc)]~~ ***(bb)*** Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60
~~[(dd)]~~ ***(cc)*** Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250
~~[(ee)]~~ ***(***dd***)*** Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(ff)]~~ ***(***ee***)*** Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60
~~[(gg)]~~ ***(ff)*** Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(hh)]~~ ***(gg)*** Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(ii)]~~ ***(hh)*** Organizations for dental care, as defined in NRS 695D.060:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(jj)]~~ ***(ii)*** Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
~~[(kk)]~~ ***(jj)*** Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250

~~[(ll)]~~ ***(kk)*** Prepaid limited health service organizations, as defined in NRS 695F.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(mm)]~~ ***(ll)*** Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(nn)]~~ ***(mm)*** Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
~~[(oo)]~~ ***(nn)*** Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(pp)]~~ ***(oo)*** Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
~~[(qq)]~~ ***(pp)*** Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
~~[(rr)]~~ ***(qq)*** Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
~~[(ss)]~~ ***(rr)*** General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
~~[(tt)]~~ ***(ss)*** Exchange enrollment facilitators, as defined in NRS 695J.050:
(1) Initial fee $60
(2) Triennial fee $60

Sec. 3. Chapter 681A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 12, inclusive, of this act.

Sec. 4. ***Credit must be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the Commissioner as a reinsurer in this State and secures its obligations in accordance with the requirements of this chapter.***

Sec. 5. ***To be eligible for certification, an assuming insurer must:***

1. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the Commissioner pursuant to section 7 of this act;

2. Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the Commissioner;

3. Maintain financial strength ratings from two or more rating agencies deemed acceptable by the Commissioner;

4. Agree to submit to the jurisdiction of this State, appoint the Commissioner as its agent for service of process in this State and agree to provide security for 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded by ceding insurers in the United States for use if the assuming insurer resists enforcement of a final judgment rendered by any court of competent jurisdiction in the United States;

5. Agree to meet applicable information filing requirements as determined by the Commissioner, both with respect to an initial application for certification and on an ongoing basis; and

6. Satisfy any other requirements for certification deemed relevant by the Commissioner.

Sec. 6. *An association that includes incorporated and individual unincorporated underwriters may be a certified reinsurer. In addition to satisfying the requirements of section 5 of this act, to be eligible for certification:*

1. The association must satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which must include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the Commissioner to provide adequate protection;

2. The incorporated members of the association must not engage in any business other than underwriting as a member of the association and are subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

3. Within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, the association must provide to the Commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member or, if a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member.

Sec. 7. *1. The Commissioner shall create and publish a list of qualified jurisdictions, pursuant to which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the Commissioner as a certified reinsurer.*

2. In order to determine whether the domiciliary jurisdiction of an alien assuming insurer is eligible to be recognized as a qualified jurisdiction, the Commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and extent of reciprocal recognition afforded by the alien jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction must agree to share information and cooperate with the Commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the Commissioner has determined

that the jurisdiction does not adequately and promptly enforce final judgments rendered by a court of competent jurisdiction in the United States. Additional factors may be considered at the discretion of the Commissioner.

3. The Commissioner may consider the list of qualified jurisdictions maintained by the National Association of Insurance Commissioners in determining qualified jurisdictions.

4. Any jurisdictions that meet the requirements for accreditation pursuant to the National Association of Insurance Commissioners' financial standards and accreditation program must be recognized as qualified jurisdictions.

5. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the Commissioner may suspend or revoke the reinsurer's certification.

Sec. 7.5. *The Commissioner shall:*

1. Assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings which have been assigned to certified reinsurers by rating agencies that the Commissioner deems acceptable pursuant to regulations adopted by the Commissioner; and

2. Publish a list of all certified reinsurers and the ratings that he or she has assigned to those certified reinsurers.

Sec. 8. *1. For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the Commissioner and consistent with the provisions of NRS 681A.240 or, in a multi-beneficiary trust, pursuant to NRS 681A.180 and 681A.190, except as otherwise provided in sections 4 to 10, inclusive, of this act.*

2. If a certified reinsurer maintains a trust to fully secure its obligations subject to NRS 681A.180 and 681A.190, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multi-beneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this section or comparable laws of other jurisdictions in the United States and for its obligations subject to NRS 681A.180 and 681A.190. It is a condition of the grant of certification pursuant to sections 4 to 10, inclusive, of this act that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the commissioner of insurance of the state with principal regulatory authority over each trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

3. The minimum trusteed surplus requirements provided in NRS 681A.180 and 681A.190 are not applicable with respect to a multi-beneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred pursuant to sections 4 to 10, inclusive, of this

act, except that the trust shall maintain a minimum trusteed surplus of $10,000,000.

4. With respect to obligations incurred by a certified reinsurer pursuant to sections 4 to 10, inclusive, of this act, if the security is insufficient, the Commissioner shall reduce the allowable credit by an amount proportionate to the deficiency and may impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

5. For the purposes of sections 4 to 10, inclusive, of this act, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100 percent of its obligations.

6. If the Commissioner continues to assign a higher rating as permitted by other provisions of NRS 681A.150 to 681A.190, inclusive, and sections 4 to 10, inclusive, of this act, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

7. A certified reinsurer shall secure obligations assumed from ceding insurers in the United States under this section at a level consistent with the rating of the certified reinsurer, as specified in regulations adopted by the Commissioner.

8. As used in this section, "terminated" means the revocation, suspension, voluntary surrender or inactive status of a reinsurer's certification.

Sec. 9. *If an applicant for certification has been certified as a reinsurer in a National Association of Insurance Commissioners accredited jurisdiction, the Commissioner has the discretion to defer to that jurisdiction's certification, and has the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be certified in this State.*

Sec. 10. *A certified reinsurer that ceases to assume new business in this State may request to maintain its certification in inactive status to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer must continue to comply with all applicable requirements of NRS 681A.150 to 681A.190, inclusive, and sections 4 to 10, inclusive, of this act, and the Commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.*

Sec. 11. *Credit must be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of NRS 681A.150 to 681A.190, inclusive, and sections 4 to 10, inclusive, of this act, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.*

Sec. 12. *1. A ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the Commissioner within 30 days after reinsurance*

recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds 50 percent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer.

2. A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the Commissioner within 30 days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20 percent of the ceding insurer's gross written premium in the preceding calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer.

Sec. 13. NRS 681A.130 is hereby amended to read as follows:

681A.130 The Commissioner may adopt regulations to carry out the provisions of NRS 681A.110 to 681A.560, inclusive ~~.~~ ***, and sections 4 to 12, inclusive, of this act.***

Sec. 14. NRS 681A.140 is hereby amended to read as follows:

681A.140 As used in NRS 681A.140 to 681A.240, inclusive, ***and sections 4 to 12, inclusive, of this act,*** "qualified financial institution in the United States" means an institution that:

1. Is organized, or in the case of a branch or agency of a foreign banking organization in the United States licensed, under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers;

2. Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies;

3. Is determined:

(a) By the Commissioner to meet the standards of financial condition and standing prescribed by the Commissioner; or

(b) By the National Association of Insurance Commissioners to meet the standards of financial condition and standing prescribed by the National Association of Insurance Commissioners; and

4. Is determined by the Commissioner to be otherwise acceptable.

Sec. 15. NRS 681A.150 is hereby amended to read as follows:

681A.150 No credit may be taken as an asset or as a deduction from liability on account of reinsurance unless the reinsurer is authorized to transact insurance or reinsurance in this state or the requirements of NRS 681A.160 ~~, 681A.170, 681A.180 or~~ ***to*** 681A.190, ***inclusive, and sections 4 to 10, inclusive, of this act,*** and in any of these cases the requirements of NRS 681A.200 and 681A.210 also are met.

Sec. 16. NRS 681A.160 is hereby amended to read as follows:

681A.160 1. Except as otherwise provided in subsection 2, credit must be allowed if reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state. An accredited reinsurer is one which ~~[:]~~ ***satisfies all of the following conditions:***

(a) Files with the Commissioner ~~[an]~~ ***a properly*** executed ~~[form approved by the Commissioner]~~ ***Form AR-1, provided on the Internet website of the Division,*** as evidence of its submission to this state's jurisdiction ***.*** ~~[;]~~

(b) Submits to this state's authority to examine its books and records ***.*** ~~[;]~~

(c) Files with the Commissioner a certified copy of a certificate of authority or other evidence approved by the Commissioner indicating that it is licensed to transact insurance or reinsurance in at least one state, or in the case of a branch in the United States of an alien assuming insurer is entered through and licensed to transact insurance or reinsurance in at least one state ***.*** ~~[;]~~

(d) Files annually with the Commissioner a copy of its annual statement filed with the Division of its state of domicile or entry and a copy of its most recent audited financial statement ***.*** ~~[;]~~

(e) ~~[Maintains]~~ ***Demonstrates to the satisfaction of the Commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains*** a surplus as regards policyholders in an amount which is:

(1) Not less than $20,000,000 and whose accreditation has not been denied by the Commissioner within 90 days after its submission; or

(2) Less than $20,000,000 and whose accreditation has been approved by the Commissioner ***.*** ~~[; and]~~

(f) Pays all applicable fees, including, without limitation, all applicable fees required pursuant to NRS 680C.110.

2. ~~[No credit may be allowed for a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the Commissioner after notice and a hearing.]~~ ***If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the Commissioner may suspend or revoke the reinsurer's accreditation or certification. Before suspending or revoking the reinsurer's accreditation or certification, the Commissioner must give the reinsurer notice and opportunity for a hearing.***

3. The suspension or revocation of an accreditation or certification may not take effect until after the Commissioner's order on hearing unless:

(a) The reinsurer waives its right to a hearing;

(b) The Commissioner's order is based upon regulatory action taken by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer; or

(c) The Commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the Commissioner's action.

4. During the period in which a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured pursuant to NRS 681A.240. If the reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured pursuant to NRS 681A.240.

Sec. 17. NRS 681A.170 is hereby amended to read as follows:

681A.170 1. Except as otherwise provided in subsection 2, credit must be allowed if reinsurance is ceded to an assuming insurer which is domiciled and licensed in, or in the case of a branch in the United States of an alien assuming insurer is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this chapter and the assuming insurer or branch in the United States of an alien assuming insurer:

(a) Maintains a surplus as regards policyholders in an amount not less than $20,000,000; ~~[and]~~

(b) Submits to the authority of this state to examine its books and records ~~[.]~~ ***; and***

(c) Files with the Commissioner a properly executed Form AR-1, provided on the Internet website of the Division, as evidence of its submission to this State's jurisdiction.

2. The requirement of paragraph (a) of subsection 1 does not apply to reinsurance ceded and assumed pursuant to pooling among insurers affiliated with the same holding company.

Sec. 18. NRS 681A.180 is hereby amended to read as follows:

681A.180 1. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** credit must be allowed if reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified financial institution in the United States for the payment of the valid claims of its policyholders and ceding insurers in the United States, their assigns and successors in interest. The assuming insurer shall:

(a) Report annually to the Commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners' form of annual statement by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund; and

(b) Submit to the authority of the Commissioner to examine its books and records.

2. In the case of a single assuming insurer ~~[, the]~~ ***:***

(a) The trust must consist of an account in trust equal to the assuming insurer's liabilities attributable to business written in the United States and the assuming insurer shall maintain a surplus in trust of not less than $20,000,000.

(b) Three years after the assuming insurer has permanently discontinued underwriting new business secured by the trust, the commissioner of insurance of the state with principal regulatory authority over the trust may, at any time, authorize a reduction in the required trustee surplus, but only after finding, based on the assessment of the risk, that the new required surplus level is adequate for the protection of ceding insurers, policyholders and claimants in the United States in light of a reasonably adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and must consider all material risk factors, including, as applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than 30 percent of the assuming insurer's liabilities attributable to reinsurance ceded by ceding insurers domiciled in the United States and covered by the trust.

3. In the case of a group of incorporated and individual unincorporated underwriters:

(a) The trust must consist of an account in trust equal to the group's liabilities attributable to business written in the United States.

(b) The group shall:

(1) Maintain a surplus in trust of which $100,000,000 must be held jointly for the benefit of ceding insurers in the United States to any member of the group; and

(2) Make available to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountants.

(c) The incorporated members of the group:

(1) Shall not engage in any business other than underwriting as a member of the group; and

(2) Must be subject to the same level of regulation and solvency control by the applicable regulatory agency of the state in which the group is domiciled as the individual unincorporated members of the group.

4. ***Credit for reinsurance must not be granted unless the form of the trust and any amendments to the trust have been approved by the commissioner of insurance of the state in which the trust is domiciled or the commissioner of insurance of another state that, under the terms of the trust instrument, has accepted responsibility for regulatory authority over the trust. The form of the trust and any amendments to the trust must also be filed with each state in which the ceding insurer beneficiaries are domiciled or located. The trust instrument must provide that:***

(a) Contested claims become valid and enforceable from money held in the trust to the extent such claims remain unsatisfied within 30 days after the entry of the final order of any court of competent jurisdiction in the United States;

(b) Legal title to the assets of the trust must be vested in the trustees for the benefit of the grantor's ceding insurers in the United States, their assigns and successors in interest;

(c) The trust is subject to examination as determined by the Commissioner;

(d) The trust must remain in effect for as long as the assuming insurers or any member or former member of a group of insurers has outstanding obligations due under the agreements for reinsurance subject to the trust; and

(e) Not later than February 28 of each year, the trustees of the trust shall report to the Commissioner in writing setting forth the balance of the trust and listing the trust's investments at the end of the preceding year and shall certify the date of termination of the trust or certify that the trust will not expire before the next following December 31.

5. If the assuming insurer does not meet the requirements of NRS 681A.110, 681A.160 or 681A.170, credit must not be allowed unless the assuming insurer has agreed to the following conditions set forth in the trust agreement:

(a) Notwithstanding any provision to the contrary in the trust instrument, if the trust fund consists of an amount that is less than the amount required pursuant to this section, or if the grantor of the trust fund is declared to be insolvent or placed into receivership, rehabilitation, liquidation or a similar proceeding in accordance with the laws of the grantor's state or country of domicile, the trustee of the trust fund must comply with an order of the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in that state or country or a court of competent jurisdiction requiring the trustee to transfer to that commissioner or person all the assets of the trust fund;

(b) The assets of the trust fund must be distributed by and claims filed with and valued by the commissioner of insurance or other appropriate person with regulatory authority over the trust fund in accordance with the laws of the state in which the trust fund is domiciled that are applicable to the liquidation of domestic insurers in that state;

(c) If the commissioner of insurance or other appropriate person with regulatory authority over the trust fund determines that the assets of the trust fund or any portion of the trust fund are not required to satisfy any claim of any ceding insurer of the grantor of the trust fund in the United States, the assets must be returned by that commissioner or person to the trustee of the trust fund for distribution in accordance with the trust agreement; and

(d) The grantor of the trust must waive any right that:

(1) Is otherwise available to the grantor under the laws of the United States; and

(2) Is inconsistent with the provisions of this subsection.

Sec. 19. NRS 681A.210 is hereby amended to read as follows:

681A.210 1. Except as otherwise provided in subsection 2, if the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this State, the credit permitted by NRS 681A.170 or 681A.180 must not be allowed unless the assuming insurer agrees in the agreements for reinsurance:

(a) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the agreement, the assuming insurer, at the request of the ceding insurer, will submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give the court jurisdiction, and will abide by the final decision of the court or of any appellate court in the event of an appeal;

(b) To designate the Commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in an action, suit or proceeding instituted by or on behalf of the ceding company; and

(c) To comply with the conditions set forth in subsection ~~[4]~~ ***5*** of NRS 681A.180.

2. This section does not conflict with or override the obligation of the parties to an agreement for reinsurance to arbitrate their disputes if such an obligation is created in the agreement.

Sec. 20. NRS 681A.220 is hereby amended to read as follows:

681A.220 Credit must be allowed if reinsurance is ceded to an assuming insurer not meeting the requirements of NRS 681A.110 ~~[,]~~ ***and*** 681A.150 ~~[, 681A.160, 681A.170, 681A.180 or]~~ ***to*** 681A.190, ***inclusive, and sections 4 to 10, inclusive, of this act,*** but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

Sec. 21. NRS 681A.230 is hereby amended to read as follows:

681A.230 1. Credit must be allowed as an asset or as a deduction from liability to any ceding insurer for reinsurance lawfully ceded to an assuming insurer qualified therefor pursuant to NRS 681A.110 ~~[,]~~ ***and*** 681A.150 ~~[, 681A.160, 681A.170, 681A.180 or]~~ ***to*** 681A.190, ***inclusive, and sections 4 to 10, inclusive, of this act,*** but no such credit may be allowed unless the contract for reinsurance provides in substance that, in the event of the insolvency of the ceding insurer, the reinsurance is payable pursuant to a contract reinsured by the assuming insurer on the basis of reported claims allowed in any liquidation proceedings, subject to court approval, without diminution because of the insolvency of the ceding insurer. Except as otherwise provided in NRS 686C.223, those payments must be made directly to the ceding insurer or to its domiciliary liquidator unless:

(a) The contract of reinsurance or other written contract specifically designates another payee of the payments in the event of the insolvency of the ceding insurer; or

(b) The assuming insurer, with the consent of the persons directly insured, has assumed the obligations from the policies issued by the ceding insurer as direct obligations of the assuming insurer, and in substitution for the obligations of the ceding insurer, to the payees under those policies.

2. The domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of any claim against the ceding insurer on any contract reinsured within a reasonable time after such a claim is filed in the liquidation proceeding. During the pendency of the claim, the assuming insurer may investigate the claim and, at its own expense, interpose in the proceeding in which the claim is to be adjudicated any defense that the assuming insurer deems available to the ceding insurer or its liquidator.

Sec. 22. Chapter 681B of NRS is hereby amended by adding thereto the provisions set forth as sections 23 to 39.5, inclusive, of this act.

Sec. 23. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 24 to 32, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 24. ***"Accident and health insurance" means a contract that incorporates morbidity risk and provides protection against economic loss resulting from accident, sickness or medical conditions, and as may further be specified in the Valuation Manual.***

Sec. 25. ***"Applicable company" means an insurer that:***

1. Has written, issued or reinsured life insurance, accident and health insurance or deposit-type contracts in this State and has at least one such policy in force or on claim; or

2. Has written, issued or reinsured life insurance, accident and health insurance or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance or deposit-type contracts in this State.

Sec. 26. ***"Appointed actuary" means a qualified actuary who is appointed in accordance with the Valuation Manual to prepare the actuarial opinion required by section 33.5 of this act.***

Sec. 27. ***"Confidential information" means any information which qualifies as confidential under section 33 of this act.***

Sec. 28. ***"Deposit-type contract" means a contract that does not incorporate mortality or morbidity risks, and as may further be specified in the Valuation Manual.***

Sec. 28.3. ***"Life insurance" means a contract that incorporates mortality risk, including, without limitation, an annuity and pure endowment contract, and as may further be specified in the Valuation Manual.***

Sec. 28.5. ***"NAIC" means the National Association of Insurance Commissioners or its successor organization.***

Sec. 28.7. *"Operative date of the Valuation Manual" means the date determined pursuant to subsection 2 of section 33.7 of this act.*

Sec. 29. *"Policyholder behavior" includes any action a policyholder, contract holder or any other person with the right to elect options, such as a certificate holder, may take pursuant to a policy or contract subject to this chapter, including, without limitation, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization or benefit elections prescribed by the policy or contract. The term does not include events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.*

Sec. 30. *"Principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with sections 34, 35 and 36 of this act, and as may further be specified in the Valuation Manual.*

Sec. 30.5. *"Qualified actuary" means a natural person who:*

1. Is qualified to sign the applicable statement of actuarial opinion in accordance with the standards that are established by the American Academy of Actuaries, or its successor organization, to determine the qualification of an actuary to sign such a statement; and

2. Meets the applicable requirements set forth in the Valuation Manual.

Sec. 31. *"Tail risk" means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.*

Sec. 32. *"Valuation Manual" means the Valuation Manual adopted by the National Association of Insurance Commissioners on December 2, 2012, and as subsequently amended by the NAIC.*

Sec. 33. *1. The following types of information shall qualify as confidential information:*

(a) A memorandum in support of an opinion submitted pursuant to NRS 681B.200 to 681B.260, inclusive, or section 33.5 of this act and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such memorandum;

(b) All documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in the course of an examination authorized by subsection 2 of NRS 679B.230 or subsection 7 of section 33.7 of this act, provided that if an examination report or other material prepared in connection with an examination authorized by NRS 679B.230 to 679B.300, inclusive, is not held as private and confidential information in accordance with the provisions of NRS 679B.230 to 679B.300, inclusive, an adopted examination report created in accordance

with the provisions of subsection 2 of NRS 679B.230 or subsection 7 of section 33.7 of this act shall not be deemed confidential information;

(c) Any reports, documents, materials and other information developed by an applicable company in support of, or in connection with, an annual certification by the applicable company in accordance with the provisions of paragraph (b) of subsection 1 of section 35 of this act evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation, and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such reports, documents, materials and other information;

(d) Any principle-based valuation report developed in accordance with paragraph (c) of subsection 1 of section 35 of this act, and any other documents, materials and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such report; and

(e) Any experience data and experience materials, and any other documents, materials, data and other information, including, without limitation, all working papers, and copies thereof, created, produced or obtained by or disclosed to the Commissioner or any other person in connection with such data and materials.

2. As used in this section:

(a) "Experience data" means all documents, materials, data and other information submitted by an applicable company to the Commissioner, a designated experience reporting agent or other such person authorized to act on behalf of the Commissioner pursuant to sections 37 and 37.5 of this act.

(b) "Experience materials" means all documents, materials, data and other information, including, without limitation, all working papers, and copies thereof, created or produced in connection with experience data including, without limitation, any potentially company-identifying or personally identifiable information, that is provided to or obtained by the Commissioner, a designated experience reporting agent or other such person authorized to act on behalf of the Commissioner pursuant to sections 37 and 37.5 of this act.

Sec. 33.3. ***1. For policies and contracts issued on or after the operative date of the Valuation Manual:***

(a) The Commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every applicable company doing business in this State.

(b) In lieu of the valuation of the reserves required of a foreign or alien applicable company, the Commissioner may accept a valuation made, or

caused to be made, by the insurance supervisory official of any state or other jurisdiction when the valuation complies with the minimum standard provided in sections 23 to 39.5, inclusive, of this act, and NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive.

2. The provisions set forth in sections 33.7 to 36, inclusive, of this act apply to all policies and contracts issued on or after the operative date of the Valuation Manual.

3. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after the operative date of the Valuation Manual.

Sec. 33.5. *1. For actuarial opinions of reserves prepared after the operative date of the Valuation Manual:*

(a) Every company with outstanding life insurance contracts, accident and health insurance contracts or deposit-type contracts in this State and subject to regulation by the Commissioner shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this State. The Valuation Manual will prescribe the specifics of this opinion including any items deemed to be necessary to its scope.

(b) Every applicable company with outstanding life insurance contracts, accident and health insurance contracts or deposit-type contracts in this State and subject to regulation by the Commissioner, except as exempted in the Valuation Manual, must also annually include in the opinion required by paragraph (a), an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the Valuation Manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.

(c) Each opinion required by paragraphs (a) and (b) must be governed by the following provisions:

(1) A memorandum, in the form and substance as specified in the Valuation Manual, and acceptable to the Commissioner, must be prepared to support each actuarial opinion.

(2) If the insurance company fails to provide a supporting memorandum at the request of the Commissioner within a period specified in the Valuation Manual or the Commissioner determines that the supporting memorandum provided by the insurance company fails to meet the standards prescribed by the Valuation Manual or is otherwise unacceptable to the Commissioner, the Commissioner may engage a

qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the Commissioner.

(d) In addition to the requirements of paragraph (c), each opinion required by paragraphs (a) and (b) must be governed by the following provisions:

(1) The opinion must be in the form and substance as specified in the Valuation Manual and acceptable to the Commissioner.

(2) The opinion must be submitted with the annual statement reflecting the valuation of the reserve liabilities for each year ending on or after the operative date of the Valuation Manual.

(3) The opinion must apply to all policies and contracts subject to paragraph (b) plus other actuarial liabilities as may be specified in the Valuation Manual.

(4) The opinion must be based on standards adopted from time to time by the Actuarial Standards Board, or its successor organization, and on such additional standards as may be prescribed in the Valuation Manual.

(5) In the case of an opinion required to be submitted by a foreign or alien applicable company, the Commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the Commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this State.

(6) Except in cases of fraud or willful misconduct, the appointed actuary is not liable for damages to any person, other than the insurance company and the Commissioner, for any act, error, omission, decision or conduct with respect to the appointed actuary's opinion.

(7) Disciplinary action by the Commissioner against the company or the appointed actuary must be defined in regulations by the Commissioner.

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 33.7. *1. For policies issued on or after the operative date of the Valuation Manual, the standard prescribed in the Valuation Manual is the minimum standard of valuation required under section 33.3 of this act, except as otherwise provided in subsection 6 or 8.*

2. The operative date of the Valuation Manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

(a) The Valuation Manual has been adopted by the NAIC by an affirmative vote of at least 42 members, or three-fourths of the members voting, whichever is greater.

(b) The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by states representing greater than 75 percent of the direct premiums written as reported in the following annual statements submitted for 2008:

(1) Life, accident and health annual statements;

(2) Health annual statements; or

(3) Fraternal annual statements.

(c) The Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least 42 of the following 55 jurisdictions:

(1) The 50 states of the United States;

(2) American Samoa;

(3) The American Virgin Islands;

(4) The District of Columbia;

(5) Guam; and

(6) Puerto Rico.

(d) The Valuation Manual is adopted in accordance with regulations adopted by the Commissioner.

3. Within 90 days after all the events described in paragraphs (a) to (d), inclusive, of subsection 2 have taken place, the Commissioner shall issue a bulletin to inform insurers and the public of that fact.

4. Unless a change in the Valuation Manual specifies a later effective date, changes to the Valuation Manual are effective on January 1 following the date when the change to the Valuation Manual is adopted by the NAIC by an affirmative vote representing:

(a) At least three-fourths of the members of the NAIC voting, but not less than a majority of the total membership; and

(b) Members of the NAIC representing jurisdictions totaling greater than 75 percent of the direct premiums written as reported in the following annual statements most recently available before the vote in subparagraph (1):

(1) Life, accident and health annual statements;

(2) Health annual statements; or

(3) Fraternal annual statements.

5. The Valuation Manual must specify all of the following:

(a) Minimum valuation standards for and definitions of the policies or contracts subject to section 33.3 of this act, including:

(1) The Commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subject to section 33.3 of this act;

(2) The Commissioner's annuity reserve valuation method for annuity contracts subject to section 33.3 of this act; and

(3) Minimum reserves for all other policies or contracts subject to section 33.3 of this act;

(b) Which policies or contracts or types of policies or contracts that are subject to the requirements of a principle-based valuation in section 34 of this act and the minimum valuation standards consistent with those requirements;

(c) For policies and contracts subject to a principle-based valuation under sections 34, 35 and 36 of this act:

(1) Requirements for the format of the reports provided to the Commissioner pursuant to paragraph (c) of subsection 1 of section 35 of this act and which must include information necessary to determine if the valuation is appropriate and in compliance with sections 23 to 39.5, inclusive, of this act, and NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive;

(2) Assumptions must be prescribed for risks over which the company does not have significant control or influence; and

(3) Procedures for corporate governance and oversight of the actuarial function, and a process for appropriate waiver or modification of such procedures;

(d) For policies not subject to a principle-based valuation under sections 34, 35 and 36 of this act, the minimum valuation standard must:

(1) Be consistent with the minimum standard of valuation before the operative date of the Valuation Manual; or

(2) Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions which include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts;

(e) Other requirements, including, but not limited to, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules and internal controls; and

(f) The data and form of the data required pursuant to section 37 of this act, with whom the data must be submitted, and may specify other requirements including data analyses and reporting of such analyses.

6. In the absence of a specific valuation requirement or if a specific valuation requirement in the Valuation Manual is not, in the opinion of the Commissioner, in compliance with sections 23 to 39.5, inclusive, of this act, and NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive, the company must, with respect to such requirements, comply with minimum valuation standards prescribed by the Commissioner by regulation.

7. The Commissioner may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company's compliance with any requirement set forth in sections 23 to 39.5, inclusive, of this act, and NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive. The Commissioner may rely upon the opinion, regarding provisions contained within sections 23 to 39.5, inclusive, of this act, and NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive, of a qualified actuary engaged by the Commissioner of another state, district

or territory of the United States. As used in this subsection, "engage" includes employment and contracting.

8. The Commissioner may require a company to change any assumption or method that, in the opinion of the Commissioner, is necessary in order to comply with the requirements of the Valuation Manual or sections 23 to 39.5, inclusive, of this act, and NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive, and the company shall adjust the reserves as required by the Commissioner. The Commissioner may take other disciplinary action as allowed pursuant to regulations adopted by the Commissioner.

9. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after the operative date of the Valuation Manual.

Sec. 33.9. *1. For accident and health insurance policies and contracts issued on or after the operative date of the Valuation Manual, the standard prescribed in the Valuation Manual is the minimum standard of valuation required under section 33.3 of this act.*

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after the operative date of the Valuation Manual.

Sec. 34. *1. An applicable company using a principle-based valuation must establish reserves that:*

(a) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions which include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, the valuation must reflect conditions appropriately adverse to quantify the tail risk.

(b) Incorporate assumptions, risk analysis methods and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods.

(c) Incorporate assumptions that are:

(1) Prescribed in the Valuation Manual; or

(2) Established utilizing the company's available experience, to the extent that it is relevant and statistically credible or established utilizing other relevant, statistically credible experience.

(d) Provide margins for uncertainty, including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 35. *1. An applicable company using a principle-based valuation for one or more policies or contracts subject to this chapter, and as specified in the Valuation Manual, shall:*

(a) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the Valuation Manual.

(b) Provide to the Commissioner, and the company's board of directors, an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls must be designed to ensure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation, and that valuations are made pursuant to the Valuation Manual. The certification must be based on the controls in place as of the end of the preceding calendar year.

(c) Develop and, upon request, provide to the Commissioner a principle-based valuation report that complies with the standards prescribed in the Valuation Manual.

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 36. *1. A principle-based valuation may include a prescribed formulaic reserve component.*

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after the operative date of the Valuation Manual.

Sec. 37. *1. An applicable company shall submit to the Commissioner, to an appropriately appointed experience reporting agent or to such other person authorized to act on behalf of the Commissioner pursuant to section 37.5 of this act, and as specified in the Valuation Manual, mortality, morbidity, policyholder behavior or expense experience and other data as prescribed in the Valuation Manual.*

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 37.5. *1. The Commissioner may designate a person to act as the experience reporting agent of the Commissioner and to assist the Commissioner in compiling relevant mortality, morbidity, policyholder behavior or expense experience and other data pursuant to section 37 of this act and as prescribed in the Valuation Manual.*

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 38. *1. Except as otherwise provided in this section and NRS 239.0115 and sections 33 and 39 of this act, an applicable company's confidential information is confidential by law and privileged, and is not:*

(a) Subject to subpoena or other forms of civil discovery; or

(b) Admissible in evidence in any private civil action.

2. Neither the Commissioner nor any person who received confidential information while acting under the authority of the Commissioner may be permitted or required to testify in any private civil action concerning the confidential information.

3. To assist in the performance of the Commissioner's duties, the Commissioner may share confidential information with other state, federal and international regulatory agencies and the NAIC, provided that the recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of such confidential information in the same manner and to the same extent as required of the Commissioner.

4. To assist in the performance of the Commissioner's duties, the Commissioner may share confidential information specified in paragraphs (a) and (d) of subsection 1 of section 33 of this act with state, federal and international law enforcement officials or the Actuarial Board for Counseling and Discipline, or its successor, if the confidential information is provided for the purpose of professional disciplinary hearings and the recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of such confidential information in the same manner and to the same extent as required of the Commissioner.

5. The Commissioner may receive documents, materials, data and other information, including, without limitation, confidential information and privileged documents, materials, data or other information from the NAIC, and its affiliates and subsidiaries, from regulatory or law enforcement officials of other foreign or domestic jurisdictions and from the Actuarial Board for Counseling and Discipline, or its successor, and shall maintain as confidential or privileged any document, material, data or other information received with notice, or the understanding, that the information is confidential or privileged under the laws of the jurisdiction which is the source of the document, material, data or other information.

6. The Commissioner may enter into agreements governing the sharing and use of confidential information consistent with this section.

7. No waiver of any applicable privilege or claim of confidentiality in confidential information shall occur as a result of the disclosure of the confidential information to the Commissioner pursuant to this section or as a result of sharing as authorized in subsections 3 and 4.

8. A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this section may be available and enforced in any proceeding in, and in any court of, this State.

9. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 39. ***1. Notwithstanding any provisions of section 38 of this act to the contrary, any confidential information specified in subsections 1 and 5 of section 38 of this act:***

(a) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted in accordance with the provisions of NRS 681B.200 to 681B.260, inclusive, or a principle-based valuation report developed in accordance with paragraph (c) of subsection 1 of section 35 of this act by reason of an action required by sections 33 to 39.5, inclusive, of this act or any regulations adopted pursuant thereto;

(b) May otherwise be released by the Commissioner with the written consent of the applicable company; and

(c) Is no longer confidential if any portion of a memorandum in support of an opinion submitted in accordance with the provisions of NRS 681B.200 to 681B.260, inclusive, or a principle-based valuation report developed in accordance with paragraph (c) of subsection 1 of section 35 of this act, is:

(1) Cited by the applicable company in its marketing;

(2) Publicly volunteered to or before a government agency other than the Division or an insurance department of another state; or

(3) Released by the applicable company to the news media.

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 39.5. ***1. The Commissioner may exempt specific product forms or product lines of a domestic company that is licensed and doing business only in this State from the requirements of section 33.7 of this act, if:***

(a) The Commissioner has issued to the company a written exemption and has not subsequently revoked that written exemption; and

(b) The company computes reserves using assumptions and methods that were used before the operative date of the Valuation Manual, in addition to complying with any applicable requirements established in regulations adopted by the Commissioner.

2. If a company is granted an exemption as described in subsection 1, the provisions of NRS 681B.110 to 681B.150, inclusive, and 681B.200 to 681B.270, inclusive, apply to that company.

3. The provisions of this section apply only on or after the operative date of the Valuation Manual.

Sec. 40. NRS 681B.020 is hereby amended to read as follows:

681B.020 1. In addition to assets impliedly excluded by the provisions of NRS 681B.010, the following expressly may not be allowed as assets in any determination of the financial condition of an insurer:

(a) Goodwill, trade names and other like intangible assets.

(b) Advances to officers, other than policy loans, whether secured or not, and advances to employees, agents and other persons on personal security only.

(c) Stock of such insurer, owned by it, or any equity therein or loans secured thereby, or any proportionate interest in such stock acquired or held through

the ownership by such insurer of an interest in another firm, corporation or business unit.

(d) Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature and supplies, other than data processing, recordkeeping and accounting systems authorized under subsection 13 of NRS 681B.010, except ~~[~~:

~~(1) In the case of title insurers such materials and plants as the insurer is expressly authorized to invest in under NRS 682A.220; and~~

~~(2) In the case of any insurer,~~] such personal property as the insurer is permitted to hold pursuant to chapter 682A of NRS, or which is reasonably necessary for the maintenance and operation of real property lawfully acquired and held by the insurer other than real property used by it for home office, branch office and similar purposes.

(e) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this Code.

2. If any successor organization to the State Industrial Insurance System that was established by section 79 of chapter 642, Statutes of Nevada 1981, at page 1449, wishes to transact in this state property or casualty insurance other than industrial insurance, the money required to be held in trust by that organization pursuant to NRS 616B.042 may not be allowed as assets of the successor organization in determining its financial condition to transact such insurance.

Sec. 40.15. NRS 681B.110 is hereby amended to read as follows:

681B.110 1. The Commissioner shall, in the manner provided by NRS 681B.110 to 681B.150, inclusive, annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, ***issued on or after January 1, 1972, and before the operative date of the Valuation Manual,*** except that in the case of an alien insurer, the valuation must be limited to its United States business.

2. ~~[~~The Commissioner may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods used in the calculation of the reserves.

~~3.~~] The Commissioner may:

(a) Use any method, including group methods and the net level premium method, in the calculation of the reserves.

(b) Use approximate averages for fractions of a year or other period to calculate the reserves.

(c) In lieu of the valuation of the reserves required of any foreign or alien company, accept any valuation made, or caused to be made, by an insurance supervisory officer of any other state or jurisdiction if the valuation by the insurance supervisory officer complies with the minimum standard required by NRS 681B.110 to 681B.150, inclusive. ~~[~~, and if the insurance officer of the other state or jurisdiction accepts as sufficient and valid for all legal purposes

~~the certificate of valuation of the Commissioner when the certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.~~

~~4. Any such insurer which at any time has adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided in NRS 681B.110 to 681B.150, inclusive, may, with the approval of the Commissioner, adopt any lower standard of valuation, but not lower than the minimum provided in those sections.~~]

3. The provisions set forth in NRS 681B.110 to 681B.150, inclusive, and 681B.270 apply to all policies and contracts, as appropriate, issued on or after January 1, 1972, and before the operative date of the Valuation Manual. The provisions set forth in sections 33.7 to 36, inclusive, of this act do not apply to any such policies and contracts.

4. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

5. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after January 1, 1972, and before the operative date of the Valuation Manual.

Sec. 40.2. NRS 681B.120 is hereby amended to read as follows:

681B.120 1. Except as otherwise provided in subsection 3 and in NRS 681B.125, the minimum standards for the valuation of all policies and contracts issued before January 1, 1972, are as follows:

(a) The legal minimum standard for valuation of contracts issued before January 1, 1942, is a basis not lower than that used for the annual statement of the year during which the policies were issued, and for contracts issued on and after January 1, 1942, is the American Experience Table of Mortality with either Craig's or Buttolph's Extension for ages under 10, with interest at not more than 3.5 percent per annum. Annuities and pure endowments purchased under group annuity and pure endowment contracts must be valued in the same manner, with interest at not more than 5 percent. Such policies may provide for not more than 1-year preliminary term insurance by incorporating therein a clause plainly showing that the first year's insurance under the contract is term insurance purchased by the whole or part of the premiums to be received during the first year of the contract.

(b) The legal minimum standard for the valuation of group life insurance policies under which the premium rates are not guaranteed for more than 5 years is the American Men Ultimate Table of Mortality with interest at not more than 3.5 percent per annum.

(c) The legal minimum standard for the valuation of industrial policies is the American Experience Table of Mortality or the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table with interest at not more than 3.5 percent per annum by the net level premium method, or in

accordance with their terms by the modified preliminary term method described in this section.

(d) Reserves for all such policies and contracts may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves than the minimum reserves required by this subsection.

2. Except as otherwise provided in subsection 3 and in NRS 681B.125, the minimum standards for the valuation of all policies and contracts issued on or after January 1, 1972, are the Commissioners reserve valuation methods defined in NRS 681B.130 and 681B.150, 5 percent interest for group annuity and pure endowment contracts and 3.5 percent interest for all other such policies and contracts or, in the case of policies and contracts other than annuity and pure endowment contracts issued on or after July 1, 1973, 4 percent interest for such policies issued before July 1, 1977, 5.5 percent interest for single premium life insurance policies and 4.5 percent for all other such policies issued on and after July 1, 1977, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 Standard Ordinary Mortality Table until the operative date of NRS 688A.340, and, for all such policies issued on and after the operative date of NRS 688A.340 and before the operative date of NRS 688A.325, the Commissioners 1958 Standard Ordinary Mortality Table, except that for any category of such policies issued on female risks all modified net premiums and present values referred to in NRS 681B.110 to 681B.150, inclusive, may be calculated according to an age not more than 6 years younger than the actual age of the insured. For policies issued on or after the operative date of NRS 688A.325:

(1) The Commissioners 1980 Standard Ordinary Mortality Table;

(2) At the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; or

(3) Any ordinary mortality table which is adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and is approved by a regulation adopted by the Commissioner,

➥ may be used in determining the minimum standard of valuation for such policies.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the 1941 Standard Industrial Mortality Table for such policies issued before the operative date of NRS 688A.330, and for such policies issued on or after that date, the Commissioners 1961 Standard Industrial Mortality Table or any industrial mortality table which is adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and is approved by a regulation adopted by the Commissioner for use in determining the minimum standard of valuation for such policies.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 Standard Annuity Mortality Table, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the Commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the Group Annuity Mortality Table for 1951, any modification of that table approved by the Commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit, or any tables of disablement rates and termination rates which are adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and are approved by a regulation adopted by the Commissioner for use in determining the minimum standard of valuation for such policies; and for policies or contracts issued on or after January 1, 1961, and before January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926).

(f) Benefits for accidental death in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table, or any accidental death benefits table which is adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and is approved by a regulation adopted by the Commissioner for use in determining the minimum standard of valuation for such policies; and for policies issued on or after January 1, 1961, and before January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table. Either table must be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, for life insurance issued on the substandard basis and for special benefits, such tables as may be approved by the Commissioner.

3. Except as provided in NRS 681B.125, the minimum standards for the valuation of all individual annuity and pure endowment contracts issued on or after the valuation operative date defined in subsection 4 and for all annuities and pure endowments purchased on or after that date, under group annuity and pure endowment contracts, are the Commissioners reserve valuation methods defined in NRS 681B.130 and the following tables and interest rates:

(a) For individual annuity and pure endowment contracts issued before July 1, 1977, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of the table approved by the Commissioner, and 6 percent interest for single

premium immediate annuity contracts, and 4 percent interest for all other individual annuity and pure endowment contracts.

(b) For individual single premium immediate annuity contracts issued on or after July 1, 1977, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any individual annuity mortality table which is adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and is approved by a regulation adopted by the Commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of those tables approved by the Commissioner, and 7.5 percent interest.

(c) For individual annuity and pure endowment contracts issued on or after July 1, 1977, other than single premium immediate annuity contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table or any individual annuity mortality table which is adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and is approved by a regulation adopted by the Commissioner for use in determining the minimum standard of valuation for such contracts, or any modification of those tables approved by the Commissioner, and 5.5 percent interest for single premium deferred annuity and pure endowment contracts and 4.5 percent interest for all other such individual annuity and pure endowment contracts.

(d) For all annuities and pure endowments purchased before July 1, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of that table approved by the Commissioner, and 6 percent interest.

(e) For all annuities and pure endowments purchased on or after July 1, 1977, under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any group annuity mortality table which is adopted after 1980 by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and is approved by a regulation adopted by the Commissioner for use in determining the minimum standard of valuation for such annuities and pure endowments, or any modification of those tables approved by the Commissioner, and 7.5 percent interest.

4. After July 1, 1973, any insurer may file with the Commissioner a written notice of its election to comply with the provisions of subsection 3 after a specified date before January 1, 1979, which then becomes the valuation operative date for the insurer, but an insurer may elect a different valuation operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the valuation operative date for the insurer is January 1, 1979.

5. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued before the operative date of the Valuation Manual.

Sec. 40.25. NRS 681B.125 is hereby amended to read as follows:

681B.125 1. This section sets forth the interest rates used in determining the minimum standard for valuation of:

(a) All life insurance policies issued in a particular calendar year on or after the operative date of NRS 688A.325;

(b) All individual annuity and pure endowment contracts issued in a particular calendar year on or after January 1, 1984;

(c) All annuities and pure endowments purchased in a particular calendar year on or after January 1, 1984, under group annuity and pure endowment contracts; and

(d) The net increase, if any, in a particular calendar year after January 1, 1984, in amounts held under contract which have guaranteed interest.

2. The interest rates for valuation must be determined as follows, and the results rounded to the nearer one-quarter of 1 percent:

(a) For life insurance:

$$I = .03 + W (R_1 - .03) + W/2 (R_2 - .09)$$

(b) For single-premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with options for cash settlement and from contracts which have guaranteed interest with options for cash settlement:

$$I = .03 + W (R - .03)$$

where

R_1 is the lesser of R and .09,
R_2 is the greater of R and .09,
R is the reference interest rate defined in this section, and
W is the weighting factor defined in this section.

(c) For other annuities with options for cash settlement and contracts which have guaranteed interest with options for cash settlement, valued on the basis of the year issued, except as stated in paragraph (b), the formula for life insurance set forth in paragraph (a) applies to annuities and contracts which have guaranteed interest with a guaranteed duration in excess of 10 years, and the formula for single-premium immediate annuities stated in paragraph (b) applies to annuities and contracts which have guaranteed interest with guaranteed durations of 10 years or less.

(d) For other annuities with no options for cash settlement and for contracts which have guaranteed interest with no options for cash settlement, the formula for single-premium immediate annuities set forth in paragraph (b) applies.

(e) For other annuities with options for cash settlement and contracts which have guaranteed interest with no options for cash settlement which are valued

on the basis of a change in its fund the formula for single-premium immediate annuities stated in paragraph (b) applies.

(f) If the interest rate for valuation for any life insurance policies issued in any calendar year determined without reference to this sentence differs from the corresponding actual rate for similar policies issued in the immediately preceding calendar year by less than one-half of 1 percent, the interest rate for the valuation of such life insurance policies is equal to the corresponding actual rate for the immediately preceding calendar year. The interest rate for the valuation of life insurance policies issued in a calendar year must be determined for 1980 using the reference interest rate defined for 1979 and must be determined for each subsequent calendar year regardless of when NRS 688A.325 becomes operative with respect to the insurer.

3. The weighting factors referred to in the formulas set forth in subsection 2 are given in the following tables:

(a) Weighting Factors for Life Insurance:

Guarantee Duration (Years)	Weighting Factors
10 or less	.50
More than 10 but not more than 20	.45
More than 20	.35

For life insurance, the duration of the guarantee is the maximum number of years the life insurance can remain in force on a basis guaranteed in the policy or under options to convert to plans of life insurance with premium rates or nonforfeiture values, or both, which are guaranteed in the original policy;

(b) The weighting factor for single-premium immediate annuities and for annuity benefits involving life contingencies arising from other annuities with options for cash settlement and contracts which have guaranteed interest with options for cash settlement is .80; and

(c) Weighting factors for other annuities and for contracts which have guaranteed interest except as stated in paragraph (b), are specified in the tables in subparagraphs (1), (2) and (3), according to the rules and definitions in subparagraphs (4), (5) and (6) as follows:

(1) For annuities and contracts which have guaranteed interest valued on the basis of the year issued:

Guarantee Duration (Years)	Weighting Factor for Plan Type		
	A	B	C
5 or less	.80	.60	.50
More than 5, but not more than 10	.75	.60	.50

More than 10, but not more than 20	.65	.50	.45
More than 2	.45	.35	.35

(2) For annuities and contracts which have guaranteed interest valued on a change in fund basis, the factors shown in subparagraph (1):

	Weighting Factor for Plan Type		
	A	B	C
Increased by	.15	.25	.05

(3) For annuities and contracts which have guaranteed interest valued on the basis of the year issued, (other than those with no options for cash settlement) which do not guarantee interest on considerations received more than 1 year after issue or purchase and for annuities and contracts which have guaranteed interest valued on a change in fund basis which do not guarantee interest rates on considerations received more than 12 months beyond the valuation date, the factors shown in subparagraph (1) or derived in subparagraph (2) increased by .05.

(4) For other annuities with options for cash settlement and contracts which have guaranteed interest with options for cash settlement, the guaranteed duration is the number of years for which the contract guarantees interest rates in excess of the interest rate for the valuation of life insurance policies with a guaranteed duration in excess of 20 years. For other annuities with no options for cash settlement and for contracts which have guaranteed interest with no options for cash settlement, the guaranteed duration is the number of years from the date of issue or date of purchase to the date on which the annuity benefits are scheduled to commence.

(5) The types of plans listed in this subsection have the following characteristics:

Plan Type A

Under this plan the policyholder:

(I) May withdraw money only with an adjustment to reflect changes in interest rates or the value of assets since the insurer's receipt of the money, or without such an adjustment but in installments payable over 5 years or more;

(II) May withdraw money as an immediate life annuity; or

(III) Is not permitted to withdraw money.

Plan Type B

Under this plan, before expiration of the guaranteed interest rate, the policyholder:

(I) May withdraw money only with an adjustment to reflect changes in interest rates or the value of assets since the insurer's receipt of the money, or without such an adjustment but in installments payable over 5 years or more; or

(II) Is not permitted to withdraw money.

➥ At the end of the guaranteed interest rate, the policyholder may withdraw money without such an adjustment in a single sum or in installments over a period of less than 5 years.

Plan Type C

Under this plan the policyholder may withdraw money before expiration of the guaranteed interest rate in a single sum or in installments over a period of less than 5 years:

(I) Without any adjustment to reflect changes in interest rates or the value of assets since the insurer's receipt of the money; or

(II) Subject only to a fixed charge for surrender which is stipulated in the contract as a percentage of the fund.

(6) An insurer may elect to value contracts which have guaranteed interest with options for cash settlement and annuities with options for cash settlement on the basis of the year issued or a change in fund basis. Contracts which have guaranteed interest but no options for cash settlement and annuities with no options for cash settlement must be valued on the basis of the year issued. As used in this section, "valuation on the basis of the year issued" means a basis of valuation under which the interest rate used to determine the minimum standard of valuation for the entire duration of an annuity or contract with guaranteed interest is the interest rate of valuation for the year of issue or the year of purchase of the annuity or contract, and "change in fund basis of valuation" means a basis of valuation under which the interest rate used to determine the minimum standard of valuation applicable to each change in the fund held under the annuity or contract is the interest rate for valuation for the year of the change in the fund.

4. For purposes of subsection 2, "reference interest rate" means:

(a) For all life insurance, the lesser of the average over 36 months and the average over 12 months, ending on June 30 of the calendar year next preceding the year of issue, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(b) For single-premium immediate annuities, annuity benefits involving life contingencies arising from other annuities with options for cash settlement and contracts which have guaranteed interest with options for cash settlement, the average over 12 months, ending on June 30 of the calendar year of issue or year of purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(c) For other annuities with options for cash settlement and contracts which have guaranteed interest with options for cash settlement, valued on the basis of the year issued, except as stated in paragraph (b), with a guaranteed duration of more than 10 years, the lesser of the average over 36 months and the average over 12 months, ending on June 30 of the calendar year of issue or purchase, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(d) For other annuities with options for cash settlement and guaranteed interest with options for cash settlement, valued on the basis of the year issued,

except as stated in paragraph (b), with a guaranteed duration of 10 years or less, the average over 12 months, ending on June 30 of the calendar year issued or purchased, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(e) For other annuities with no options for cash settlement and for contracts which have guaranteed interest with no option for cash settlement, the average over 12 months, ending on June 30 of the calendar year issued or purchased, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

(f) For other annuities with options for cash settlement and contracts which have guaranteed interest with options for cash settlement valued on a change in fund basis, except as stated in paragraph (b), the average over 12 months, ending on June 30 of the calendar year of the change in the fund, of Moody's Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody's Investors Service, Inc.

5. If the publication of Moody's Corporate Bond Yield Average—Monthly Average Corporates by Moody's Investors Service, Inc., ends or the National Association of Insurance Commissioners determines that Moody's Corporate Bond Yield Average—Monthly Average Corporates is no longer appropriate for determination of the reference interest rate, an alternative method for determination of the reference interest rate which is adopted by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** and approved by regulation of the Commissioner may be substituted.

6. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

7. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after January 1, 1972, and before the operative date of the Valuation Manual.

Sec. 40.3. NRS 681B.130 is hereby amended to read as follows:

681B.130 1. Except as otherwise provided in subsection 4 and in NRS 681B.150, reserves, according to the Commissioners' reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums must be the excess, if any, of the present value, at the date of valuation, of the future guaranteed benefits provided for by the policies over the then present value of any future modified net premiums therefor. The modified net premiums for the policy must be such a uniform percentage of the respective contract premiums for those benefits that the present value, at the date of issue of the policy, of all the modified net premiums are equal to the sum of the then present value of the benefits provided for by the policy and the excess of the premium set forth in paragraph (a) over that set forth in paragraph (b), as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due. The net level annual premium must not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age 1 year higher than the age at the time the policy is issued.

(b) A net 1-year term premium for such benefits provided for in the first policy year.

2. If any life insurance policy issued on or after January 1, 1987, for which the contract premium in the first policy year exceeds that of the second year, and for which no comparable additional benefit is provided in the first year in return for the excess premium and which provides an endowment benefit or a cash surrender value or a combination thereof in an amount greater than the excess premium, the reserve according to the Commissioners' reserve valuation method as of any policy anniversary occurring on or before the assumed ending date, which is the first policy anniversary on which the sum of any endowment benefit and any cash surrender value then available is greater than the excess premium, must, except as otherwise provided in NRS 681B.150, be the greater of:

(a) The reserve as of the policy anniversary calculated as described in subsection 1; and

(b) The reserve as of the policy anniversary calculated as described in subsection 1, but with:

(1) The value defined in paragraph (a) of subsection 1 being reduced by 15 percent of the amount of the excess first-year premium;

(2) All present values of benefits and premiums being determined without reference to premiums or benefits provided for by the policy after the assumed ending date;

(3) The policy being assumed to mature on such date as an endowment; and

(4) The cash surrender value provided on that date being considered as an endowment benefit. In making the above comparison, the mortality and interest bases stated in NRS 681B.120 and 681B.125 must be used.

3. Reserves according to the Commissioners' reserve valuation method for:

(a) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums;

(b) Group annuity and pure endowment contracts purchased under a retirement plan or plan of deferred compensation, established or maintained by an employer (including a partnership or sole proprietorship), by an employee organization or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as amended;

(c) Disability and accidental death benefits in all policies and contracts; and

(d) All other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts,

➥ must be calculated by a method consistent with the principles of subsection 1 and this subsection, except that any extra premiums charged because of impairments or special hazards must be disregarded in the determination of modified net premiums.

4. This subsection applies to all annuity and pure endowment contracts except those group annuity and pure endowment contracts for which reserves according to the Commissioners' reserve valuation method are to be calculated by a method consistent with the principles of subsections 1, 2 and 3. Reserves according to the Commissioners' annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in those contracts must be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by those contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of the contract, which become payable before the end of such respective contract year. The future guaranteed benefits must be determined by using the mortality table, if any, and the interest rate or rates specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of the contracts to determine nonforfeiture values.

5. An insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after January 1, 1972, must not be less than the aggregate reserves calculated in accordance with the methods set forth in this section, NRS 681B.145 and 681B.150, and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for those policies.

6. An insurer's aggregate reserves for all policies, contracts and benefits must not be less than the aggregate reserves determined by a qualified actuary to be necessary for a favorable opinion under NRS 681B.210 and 681B.220.

7. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

8. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after January 1, 1972, and before the operative date of the Valuation Manual.

Sec. 40.35. NRS 681B.140 is hereby amended to read as follows:

681B.140 1. Reserves for any category of policies, contracts or benefits as established by the Commissioner, issued on or after January 1, 1972, may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for the category than those calculated

according to the minimum standards provided by subsections 2 and 3 of NRS 681B.120 and 681B.125, but the rate or rates of interest used for policies and contracts other than the annuity and pure endowment contracts must not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for in such policies.

2. Any insurer which has adopted a standard of valuation producing greater aggregate reserves as described in subsection 1 may, with the approval of the Commissioner, adopt a lower standard of valuation, but not lower than the minimum described in subsection 1.

3. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

4. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after January 1, 1972, and before the operative date of the Valuation Manual.

Sec. 40.4. NRS 681B.145 is hereby amended to read as follows:

681B.145 ***1.*** For any plan of life insurance which provides for the determination of a future premium, the amounts of which are to be determined by the insurer based on estimates of future experience, or for any plan of life insurance or annuity which is of such a nature that the minimum reserves cannot be determined by the methods described in NRS 681B.130 and 681B.150, the reserves which are held under the plan must be:

~~[1.]~~ ***(a)*** Appropriate in relation to the benefits and the pattern of premiums for the plan; and

~~[2.]~~ ***(b)*** Computed by a method which is consistent with the principles of standard valuation contained in this chapter.

2. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

3. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after January 1, 1972, and before the operative date of the Valuation Manual.

Sec. 40.43. NRS 681B.150 is hereby amended to read as follows:

681B.150 ***1.*** If in any contract year the gross premium charged by any life insurer on any policy or contract issued on or after January 1, 1972, is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for the policy or contract is the greater of:

~~[1.]~~ ***(a)*** The reserve calculated according to the mortality table, rate of interest and method actually used for the policy or contract; or

~~[2.]~~ ***(b)*** The reserve calculated by the method actually used for the policy or contract, but using the minimum valuation standards of mortality and rate

of interest, and replacing the valuation net premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium. The minimum valuation standards of mortality and rate of interest referred to in this ~~[section]~~ ***subsection*** are the standards stated in NRS 681B.120 and 681B.125.

~~[3.]~~ ***2.*** If any life insurance policy is issued on or after January 1, 1987, for which the gross premium in the first policy year exceeds that of the second year and no comparable additional benefit is provided in the first year in return for the excess premium, and which provides an endowment benefit or a cash surrender value, or a combination thereof, in an amount greater than the excess premium, the provisions of this section must be applied as if the method actually used in calculating the reserve for the policy were the method described in NRS 681B.130 other than in subsection 2 of that section. The minimum reserve required at each policy anniversary of such a policy is the greater of the minimum reserve calculated in accordance with NRS 681B.130, including subsection 2 of that section, and the minimum reserve calculated in accordance with this ~~[section.]~~ ***subsection and subsection 1.***

3. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

4. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only to, or in connection with, policies and contracts issued on or after January 1, 1972, and before the operative date of the Valuation Manual.

Sec. 40.45. NRS 681B.160 is hereby amended to read as follows:

681B.160 1. Except as otherwise provided in subsection 5, all bonds or other evidences of debt having a fixed term and rate of interest held by an insurer may, if amply secured and not in default as to principal or interest, be valued as follows:

(a) If purchased at par, at the par value.

(b) If purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made or, in lieu of that method, according to an accepted method of valuation that is approved by the Commissioner.

2. The purchase price must not be taken at a higher figure than the actual market value at the time of purchase, plus actual brokerage, transfer, postage or express charges paid in the acquisition of such securities.

3. Unless otherwise provided by a valuation established or approved by the Commissioner, the security must not be carried at above the call price for the entire issue during any period within which the security may be so called.

4. The Commissioner has full discretion in determining the method of calculating values pursuant to this section.

5. A valuation determined pursuant to this section must not be inconsistent with any applicable valuation or method then currently formulated or approved

by the ~~[National Association of Insurance Commissioners or its successor organization.]~~ ***NAIC.***

Sec. 40.47. NRS 681B.170 is hereby amended to read as follows:

681B.170 1. Except as otherwise provided in subsection 4, securities, other than those specified in NRS 681B.160, held by an insurer must be valued, in the discretion of the Commissioner, at their market value, or at their appraised value, or at prices determined by the Commissioner as representing their fair market value.

2. Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the Commissioner and in accordance with a method of computation approved by the Commissioner.

3. The stock of a subsidiary of an insurer must be valued on the basis of the value of only those assets of the subsidiary as would constitute lawful investments of the insurer if acquired or held directly by the insurer.

4. A valuation determined pursuant to this section must not be inconsistent with any applicable valuation or method then currently formulated or approved by the ~~[National Association of Insurance Commissioners or its successor organization.]~~ ***NAIC.***

Sec. 40.5. NRS 681B.200 is hereby amended to read as follows:

681B.200 ***1.*** As used in NRS 681B.200 to 681B.260, inclusive, "qualified actuary" means a ***natural*** person who is qualified to sign the applicable statement of actuarial opinion in accordance with the qualification standards set by the American Academy of Actuaries for an actuary signing such a statement.

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 40.55. NRS 681B.210 is hereby amended to read as follows:

681B.210 ***1.*** Every insurer doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commissioner by regulation are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The Commissioner by regulation may further define or enlarge the scope of this opinion.

2. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 40.6. NRS 681B.220 is hereby amended to read as follows:

681B.220 1. Every such insurer, unless exempted by or pursuant to regulation, shall also annually submit an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commissioner by regulation, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items, including the earnings on the assets invested and

the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the insurer's obligations under the policies and contracts, including the benefits under and expenses associated with the policies and contracts.

2. The Commissioner may provide by regulation for a period of transition for establishing any higher reserves which the qualified actuary may deem necessary in order to render the opinion required by this section and NRS 681B.210.

3. The holding of additional reserves determined by a qualified actuary to be necessary to render the opinion required by this section or NRS 681B.210, shall not be deemed to be the adoption of a higher standard of valuation for the purposes of NRS 681B.120 or 681B.140.

4. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 40.65. NRS 681B.230 is hereby amended to read as follows:

681B.230 1. Each opinion required by NRS 681B.220 must be supported by memorandum, in form and substance acceptable to the Commissioner as specified by regulation.

2. If an insurer fails to provide a supporting memorandum at the request of the Commissioner within a period specified by regulation, or the Commissioner determines that the supporting memorandum provided by the insurer fails to meet the standards prescribed by the regulations or is otherwise unacceptable to the Commissioner, the Commissioner may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare such supporting memorandum as is required by the Commissioner.

3. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 40.7. NRS 681B.240 is hereby amended to read as follows:

681B.240 1. Every opinion must:

(a) Be submitted with the annual statement reflecting the valuation of reserve liabilities for each year ending on or after December 31, 1996.

(b) Apply to all business in force including, without limitation, individual and group health insurance plans, in form and substance acceptable to the Commissioner as specified by regulation.

(c) Be based on standards adopted from time to time by the Actuarial Standards Board or a successor organization approved by the Commissioner and on such additional standards as the Commissioner may by regulation prescribe.

2. In the case of an opinion required to be submitted by a foreign or alien company, the Commissioner may accept the opinion filed by that company with the commissioner of insurance of another state if the Commissioner determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in this state.

3. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 40.75. NRS 681B.250 is hereby amended to read as follows:

681B.250 1. Except in a case of fraud or willful misconduct, a qualified actuary who is appointed by an insurer to issue an opinion pursuant to this chapter or any regulation adopted pursuant thereto is not liable for damages to any person other than an affected insurer or the Commissioner for any act, error, omission, decision or conduct with respect to the actuary's opinion.

2. Disciplinary action by the Commissioner against an actuary must be prescribed by regulation by the Commissioner.

3. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 41. NRS 681B.260 is hereby amended to read as follows:

681B.260 1. Except as otherwise provided in this section and NRS 239.0115, ***and sections 33, 38 and 39 of this act,*** ~~[an opinion,]~~ ***any documents*** and ~~[any]~~ other material ***or information*** provided by an insurer to the Commissioner ***, which constitute a memorandum in support of an opinion, and any other material provided to the Commissioner*** in connection ~~[therewith,]~~ ***with such a memorandum,*** must be kept confidential by the Commissioner, is not open to the public, and is not subject to subpoena, except for the purpose of defending an action seeking damages from any person by reason of any action required by NRS 681B.200 to 681B.260, inclusive, or by ***any*** regulation adopted under those sections.

2. A memorandum or other material may be released by the Commissioner with the written consent of the insurer or to the American Academy of Actuaries or its successor organization upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the Commissioner for preserving the confidentiality of the memorandum or other material.

3. If any portion of a confidential memorandum is cited by the insurer in its marketing or is cited before any governmental agency other than a state commissioner of insurance or is released by an insurer to the public, all portions of the memorandum are no longer confidential.

4. The Commissioner may use the documents, materials and other information described in this section in the furtherance of any regulatory or legal action brought as part of the Commissioner's official duties.

5. Neither the Commissioner nor any other person in receipt of documents, materials or other information obtained while acting under the authority of the Commissioner may be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to this section.

6. No waiver of any applicable privilege or claim of confidentiality in the documents, materials or other information described in this section shall

occur as a result of disclosure to the Commissioner pursuant to this section or as a result of sharing as authorized in subsection 8 of NRS 679B.190.

7. A memorandum in support of an opinion, and any other material provided by the applicable company or insurer to the Commissioner in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this section.

8. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 41.3. NRS 681B.270 is hereby amended to read as follows:

681B.270 ~~[The Commissioner shall adopt by regulation minimum standards for the valuation of reserves of other insurers offering]~~

1. For health insurance ***contracts*** of any kind ~~[,]~~ ***issued on or after January 1, 1972, and before the operative date of the Valuation Manual, by health insurers,*** corporations for hospital, medical and dental service, health maintenance organizations and plans for dental care ~~[.]~~ ***, the minimum standard of valuation is the standard adopted by the Commissioner by regulation.***

2. The minimum standard for the valuation of policies and contracts issued before January 1, 1972, must be that provided by the laws in effect immediately preceding that date.

3. Except as otherwise provided in section 39.5 of this act, the provisions of this section apply only before the operative date of the Valuation Manual.

Sec. 41.7. NRS 681B.290 is hereby amended to read as follows:

681B.290 1. Except as otherwise provided in subsection 3, on or before March 1 of each year, each domestic insurer, and each foreign insurer domiciled in a state which does not have requirements for reporting risk-based capital, that transacts property, casualty, life or health insurance in this state shall prepare and submit to the Commissioner, and to each person designated by the Commissioner, a report of the level of the risk-based capital of the insurer as of the end of the immediately preceding calendar year. The report must be in such form and contain such information as required by the regulations adopted by the Commissioner pursuant to this section.

2. The Commissioner shall adopt regulations concerning the amount of risk-based capital required to be maintained by each insurer licensed to do business in this state that is transacting property, casualty, life or health insurance in this state. The regulations must be consistent with the instructions for reporting risk-based capital adopted by the ~~[National Association of Insurance Commissioners,]~~ ***NAIC,*** as those instructions existed on January 1, 1997. If the instructions are amended, the Commissioner may amend the regulations to maintain consistency with the instructions if the Commissioner determines that the amended instructions are appropriate for use in this state.

3. The Commissioner may exempt from the provisions of this section:

(a) A domestic insurer who:

(1) Does not transact insurance in any other state;

(2) Does not assume reinsurance that is more than 5 percent of the direct premiums written by the insurer; and

(3) Writes annual premiums of not more than $2,000,000.

(b) A prepaid limited health service organization that provides or arranges for the provision of limited health services to fewer than 1,000 enrollees.

4. As used in this section, "prepaid limited health service organization" has the meaning ascribed to it in NRS 695F.050.

Sec. 42. Chapter 682A of NRS is hereby amended by adding thereto the provisions set forth as sections 43 to 230, inclusive, of this act.

Sec. 43. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 44 to 130, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 44. ***"Acceptable collateral" means:***

1. As to securities lending transactions, and for the purpose of calculating counterparty exposure amount, cash, cash equivalents, letters of credit, direct obligations of, or securities that are fully guaranteed as to principal and interest by, the Federal Government or any agency thereof, or by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation and, as to lending foreign securities, sovereign debt rated 1 by the SVO;

2. As to repurchase transactions, cash, cash equivalents and direct obligations of, or securities that are fully guaranteed as to principal and interest by, the Federal Government or any agency thereof, or by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; and

3. As to reverse repurchase transactions, cash and cash equivalents.

Sec. 45. ***"Acceptable private mortgage insurance" means insurance written by a private insurer protecting a mortgage lender against loss occasioned by a mortgage loan default and issued by a licensed mortgage insurance company with a rating of 1 by the SVO, or a rating issued by a nationally recognized statistical rating organization equivalent to a rating of 1 by the SVO, that covers losses up to an 80 percent loan-to-value ratio.***

Sec. 46. ***"Accident and health insurance" means protection which provides payment of benefits for covered sickness or accidental injury. The term does not include credit insurance, disability insurance, accidental death and dismemberment insurance and long-term care insurance.***

Sec. 47. ***"Accident and health insurer" means a licensed life or health insurer or health services corporation whose insurance premiums and required statutory reserves for accident and health insurance constitute at least 95 percent of the total premium considerations or total statutory required reserves, respectively.***

Sec. 48. ***"Admitted asset" means an asset permitted to be reported as an admitted asset on the statutory financial statement of the insurer most recently required to be filed with the Commissioner. The term does not***

include assets of separate accounts, the investments of which are not subject to the provisions of this chapter.

Sec. 49. *"Affiliate" means, as to any person, another person that, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the person.*

Sec. 50. *"Asset-backed security" means a security or other instrument, excluding a mutual fund, evidencing an interest in, or the right to receive payments from, or payable from distributions on, an asset, a pool of assets or specifically divisible cash flows which are legally transferred to a trust, or another special purpose bankruptcy-remote business entity, which meets the conditions set forth in section 131 of this act.*

Sec. 51. *"Business entity" includes, without limitation, a sole proprietorship, corporation, limited-liability company, association, partnership, joint-stock company, joint venture, mutual fund, trust, joint tenancy or other similar form of business organization, whether organized for-profit or not-for-profit.*

Sec. 52. *"Cap" means an agreement obligating the seller to make payments to the buyer, with each payment based on the amount by which a reference price or level, or the performance or value of one or more underlying interests, exceeds a predetermined number, sometimes referred to as the strike rate or strike price.*

Sec. 53. *"Capital and surplus" means the sum of the capital and surplus of the insurer which is required to be shown on the statutory financial statement of the insurer most recently required to be filed with the Commissioner.*

Sec. 54. *"Cash equivalents" means short-term, highly rated and highly liquid investments or securities that are readily convertible to known amounts of cash without penalty and so near maturity that they present insignificant risk of change in value. The term includes, without limitation, government money market mutual funds and class one money market mutual funds. As used in this section:*

1. "Highly rated" means an investment rated:

(a) "P-1" by Moody's Investor Service, Inc., or its successor organization;

(b) "A-1" by Standard and Poor's division of The McGraw Hill Companies, Inc., or its successor organization; or

(c) An equivalent rating by a nationally recognized statistical rating organization recognized by the SVO.

2. "Short-term" means investments with a remaining term to maturity of 90 days or less.

Sec. 55. *"Class one bond mutual fund" means a mutual fund that at all times qualifies for investment using the bond class one reserve factor contained in the Purposes and Procedures Manual of the SVO.*

Sec. 56. *"Class one money market mutual fund" means a money market mutual fund that at all times qualifies for investment using the bond class one reserve factor under the Purposes and Procedures Manual of the SVO.*

Sec. 57. *"Collar" means an agreement to receive payments as the buyer of an option, cap or floor and to make payments as the seller of a different option, cap or floor.*

Sec. 58. *"Commercial mortgage loan" means any mortgage loan other than a residential mortgage loan.*

Sec. 59. *"Construction loan" means a loan of less than 3 years in term, made for financing the costs of construction of a building or other improvement to real estate and that is secured by the real estate.*

Sec. 60. *"Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, by contract, other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.*

Sec. 61. *"Counterparty exposure amount" means the amount calculated pursuant to section 133 of this act.*

Sec. 62. *"Covered" means that an insurer owns or can immediately acquire, through the exercise of options, warrants or conversion rights already owned, the underlying interest to fulfill or secure its obligations under a call option, cap or floor it has written, or has set aside in accordance with a custodial or escrow agreement, cash or cash equivalents with a market value equal to the amount required to fulfill its obligations in accordance with a put option it has written, in an income generation transaction.*

Sec. 63. *"Credit tenant loan" means a mortgage loan which is made primarily in reliance on the credit standing of a major tenant, structured with an assignment of the rental payments to the lender with real estate pledged as collateral in the form of a first position lien.*

Sec. 64. *1. "Derivative instrument" means an agreement, option or instrument, or a series or combination thereof:*

(a) To make or take delivery of, or assume or relinquish, a specified amount of one or more underlying interests, or to make a cash settlement in lieu thereof; or

(b) That has a price, performance, value or cash flow based primarily upon the actual or expected price, level, performance, value or cash flow of one or more underlying interests.

2. The term includes, without limitation, options, warrants used in a hedging transaction and not attached to another financial instrument, caps, floors, collars, swaps, forwards, futures and any other agreements, options or instruments substantially similar thereto, or any series or combination thereof, and any agreements, options or instruments allowed pursuant to the regulations adopted under section 158 of this act.

3. The term does not include an investment authorized by sections 163 to 183, inclusive, 189, and 203 to 223, inclusive, of this act.

Sec. 65. *"Derivative transaction" means a transaction involving the use of one or more derivative instruments.*

Sec. 66. ***"Direct" or "directly," when used in connection with an obligation, means that the designated obligor is primarily liable on the instrument representing the obligation.***

Sec. 67. ***"Dollar roll transaction" means two simultaneous transactions with different settlement dates, not more than 96 days apart, such that in the transaction with the earlier settlement date, an insurer sells to a business entity, and in the other transaction the insurer is obligated to purchase from the same business entity substantially similar securities of the following types:***

1. Asset-backed securities issued, assumed or guaranteed by the Government National Mortgage Association, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, or their respective successors; and

2. Other asset-backed securities referred to in section 106 of title 1 of the Secondary Mortgage Market Enhancement Act of 1984, 15 U.S.C. § 77r-1, as amended.

Sec. 68. ***"Domestic jurisdiction" means the United States, Canada, any state of the United States, any province of Canada or any political subdivision of any of the foregoing.***

Sec. 69. ***"Equity interest" means any of the following that are not rated credit instruments:***

1. Common stock;

2. Preferred stock;

3. A trust certificate;

4. An equity investment in an investment company, other than a money market mutual fund or a class one bond mutual fund;

5. An investment in a common trust fund of a bank regulated by a federal or state agency;

6. An ownership interest in minerals, oil or gas, the rights to which have been separated from the underlying fee interest in the real estate where the minerals, oil or gas are located;

7. Instruments which are mandatorily, or at the option of the issuer, convertible to equity;

8. Limited partnership interests and those general partnership interests authorized pursuant to paragraph (d) of subsection 1 of section 154 of this act;

9. Member interests in a limited-liability company;

10. Warrants or other rights to acquire equity interests that are created by the person that owns or would issue the equity to be acquired; and

11. Instruments that would be rated credit instruments.

Sec. 70. ***"Equivalent securities" means any securities which meet the qualifications of section 134 of this act.***

Sec. 71. ***"Floor" means an agreement obligating the seller to make payments to the buyer in which each payment is based on the amount by which a predetermined number, sometimes called the floor rate or price,***

exceeds a reference price, level, performance or value of one or more underlying interests.

Sec. 72. *"Foreign currency" means a currency other than that of a domestic jurisdiction.*

Sec. 73. *"Foreign investment" means an investment in a foreign jurisdiction, or an investment in a person, real estate or asset domiciled in a foreign jurisdiction, that is substantially of the same type as those eligible for investment in accordance with this chapter, other than an investment made in accordance with sections 179 to 183, inclusive, and 219 to 223, inclusive, of this act.*

Sec. 74. *"Foreign jurisdiction" means a jurisdiction other than a domestic jurisdiction.*

Sec. 75. *"Forward" means an agreement, other than a future, to make or take delivery of or effect a cash settlement based on the actual or expected price, level, performance or value of one or more underlying interests.*

Sec. 76. *"Future" means an agreement, traded on a qualified exchange or qualified foreign exchange, to make or take delivery of, or effect a cash settlement based on the actual or expected price, level, performance or value of one or more underlying interests.*

Sec. 77. *"Government money market mutual fund" means a money market mutual fund that at all times:*

1. Invests only in obligations issued, guaranteed or insured by the Federal Government or collateralized repurchase agreements composed of these obligations; and

2. Qualifies for investment without a reserve in accordance with the Purposes and Procedures Manual of the SVO.

Sec. 78. *"Government-sponsored enterprise" means a:*

1. Governmental agency; or

2. Corporation, limited-liability company, association, partnership, joint stock company, joint venture, trust or other entity or instrumentality organized in accordance with the laws of any domestic jurisdiction to accomplish a public policy or other governmental purpose.

Sec. 79. *"Guaranteed or insured," when used in connection with an obligation acquired in accordance with the provisions of this chapter, means that the guarantor or insurer has agreed to:*

1. Perform or insure the obligation of the obligor or purchase the obligation; or

2. Be unconditionally obligated until the obligation is repaid to maintain in the obligor a minimum net worth, fixed charge coverage, stockholder's equity or sufficient liquidity to enable the obligor to pay the obligation in full.

Sec. 80. *"Hedging transaction" means a derivative transaction which is entered into and maintained to reduce:*

1. The risk of a change in the value, yield, price, cash flow or quantity of assets or liabilities which the insurer has acquired or incurred or anticipates acquiring or incurring; or

2. The currency exchange rate risk or the degree of exposure as to assets or liabilities which an insurer has acquired or incurred or anticipates acquiring or incurring.

Sec. 81. *"High grade investment" means a rated credit instrument rated 1 or 2 by the SVO.*

Sec. 82. *"Income" means, as to a security, interest, accrual of discount, dividends or other distributions, including, without limitation, rights, tax or assessment credits, warrants and distributions in kind.*

Sec. 83. *"Income generation transaction" means a derivative transaction involving the writing of covered call options, covered put options, covered caps or covered floors that is intended to generate income or enhance returns.*

Sec. 84. *"Insurance future" means a future relating to an index or pool that is based on insurance-related claims.*

Sec. 85. *"Insurance future option" means an option on an insurance future.*

Sec. 86. *"Investment company" has the meaning ascribed to it in 15 U.S.C. § 80a-3, as amended, and a person described in section 3(c) of that Act.*

Sec. 87. *"Investment company series" means an investment portfolio of an investment company that is organized as a series company and to which assets of the investment company have been specifically allocated.*

Sec. 88. *"Investment practices" means transactions of the types described in sections 178, 184 to 188, inclusive, 218 and 224 to 228, inclusive, of this act.*

Sec. 89. *"Investment strategy" means the techniques and methods used by an insurer to meet its investment objectives, including, without limitation, active bond portfolio management, passive bond portfolio management, interest rate anticipation, growth investing and value investing.*

Sec. 90. *"Investment subsidiary" means a subsidiary of an insurer engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer where the subsidiary limits its investment in any asset so that its investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations or avoid any other provisions of this chapter applicable to the insurer. As used in this section, "total investment of the insurer" includes:*

1. Direct investment by the insurer in an asset; and

2. The insurer's proportionate share of an investment in an asset by an investment subsidiary of the insurer, calculated by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership interest in the subsidiary.

Sec. 91. ***"Letter of credit" means a clean, irrevocable and unconditional document that serves as a guaranty for payments made to a specified person under specified conditions, issued or confirmed by, and payable and presentable at, a financial institution on the list of financial institutions meeting the standards for issuing letters of credit in accordance with the Purposes and Procedures Manual of the SVO.***

Sec. 92. ***"Limited-liability company" means a business organization, excluding partnerships and ordinary business corporations, that is organized or operating in accordance with the laws of the United States, or any state thereof, and that limits the personal liability of investors to the equity investment of the investor in the business organization.***

Sec. 93. ***"Lower grade investment" means a rated credit instrument that is rated 4, 5 or 6 by the SVO.***

Sec. 94. ***"Market value" means:***

1. As to cash and letters of credit, the face amounts thereof; and

2. As to a security as of any date, the price for the security on that date obtained from a generally recognized source or the most recent quotation from such a source or, to the extent no generally recognized source exists, the price for the security as determined in good faith by the parties to a transaction, plus accrued but unpaid income thereon to the extent not included in the price on that date.

Sec. 95. ***"Medium grade investment" means a rated credit instrument that is rated 3 by the SVO.***

Sec. 96. ***"Money market mutual fund" means a mutual fund that meets the conditions of 17 C.F.R. § 270.2a-7, adopted in accordance with the provisions of the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended.***

Sec. 97. ***"Mortgage loan" means an obligation secured by a mortgage, deed of trust, trust deed or other consensual lien on real estate.***

Sec. 98. ***"Multilateral development bank" means an international development organization of which the United States is a member.***

Sec. 99. ***"Mutual fund" means an investment company or, in the case of an investment company that is organized as a series company, an investment company series, that, in either case, is registered with the United States Securities and Exchange Commission in accordance with the provisions of the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended.***

Sec. 100. ***"NAIC" means the National Association of Insurance Commissioners, or its successor organization.***

Sec. 101. ***"Obligation" means evidence of indebtedness for the payment of money or other consideration, whether constituting a general obligation of the issuer or payable only out of certain revenues or certain funds pledged or otherwise dedicated for payment. The term includes, without limitation, a bond, note, debenture, trust certificate, including an equipment certificate,***

production payment, negotiable bank certificate of deposit, banker's acceptance, credit tenant loan or loan secured by financing net leases.

Sec. 102. ***"Option" means an agreement giving the buyer the right to buy or receive, sell or deliver, enter into, extend or terminate, or effect a cash settlement based on the actual or expected price, level, performance or value of one or more underlying interests.***

Sec. 103. ***"Over-the-counter derivative instrument" means a derivative instrument entered into with a business entity other than through a qualified exchange or qualified foreign exchange, or cleared through a qualified clearinghouse.***

Sec. 104. ***"Person" means an individual, a business entity, a multilateral development bank or a government or quasi-governmental body, including, without limitation, a political subdivision or a government sponsored enterprise.***

Sec. 105. ***"Potential exposure" means the amount determined in accordance with the Annual Statement Instructions for the type of insurer to be reported on as adopted by the NAIC.***

Sec. 106. ***"Preferred stock" means the stock of a business entity authorized to issue the stock and that has a preference in liquidation over the common stock of the business entity.***

Sec. 107. ***"Qualified bank" means:***

1. A national bank, state bank or trust company that at all times is not less than adequately capitalized as determined by the standards adopted by United States banking regulators and that is either regulated by state banking laws or is a member of the Federal Reserve System; or

2. A bank or trust company incorporated or organized in accordance with the laws of a country other than the United States that is regulated as a bank or trust company by that country's government, or an agency thereof, and that at all times is not less than adequately capitalized as determined by the standards adopted by international banking authorities.

Sec. 108. ***"Qualified business entity" means a business entity that is:***

1. An issuer of obligations or preferred stock that is rated 1 or 2 by the SVO or an issuer of obligations, preferred stock or derivative instruments that are rated the equivalent of 1 or 2 by the SVO or by a nationally recognized statistical rating organization recognized by the SVO; or

2. A primary dealer in United States government securities, recognized by the Federal Reserve Bank of New York.

Sec. 109. ***"Qualified clearinghouse" means a clearinghouse for, and subject to the rules of, a qualified exchange or qualified foreign exchange, which provides clearing services, including acting as a counterparty to each of the parties to a transaction such that the parties no longer have credit risk as to each other.***

Sec. 110. ***"Qualified exchange" means:***

1. A securities exchange registered as a national securities exchange or a securities market regulated in accordance with the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a et seq., as amended;

2. A board of trade or commodities exchange designated as a contract market by the United States Commodity Futures Trading Commission or any successor thereof;

3. Private Offerings, Resales and Trading through Automated Linkages, otherwise known as PORTAL;

4. A designated offshore securities market as defined in Securities Exchange Commission Regulation S, 17 C.F.R. Part 230, as amended; or

5. A qualified foreign exchange.

Sec. 111. *"Qualified foreign exchange" means a foreign exchange, board of trade or contract market located outside the United States, its territories or possessions:*

1. That has received regulatory comparability relief in accordance with Commodity Futures Trading Commission Rule 30.10, as set forth in 17 C.F.R. Part 30, Appendix C, as amended;

2. That is, or its members are, subject to the jurisdiction of a foreign futures authority that has received regulatory comparability relief in accordance with Commodity Futures Trading Commission Rule 30.10, as set forth in 17 C.F.R. Part 30, Appendix C, as amended, as to futures transactions in the jurisdiction where the exchange, board of trade or contract market is located; or

3. Upon which foreign stock index futures contracts are listed that are the subject of no-action relief issued by the Commodity Futures Trading Commission's Office of General Counsel, provided that an exchange, board of trade or contract market that qualifies as a qualified foreign exchange only in accordance with this section is a qualified foreign exchange as to foreign stock index futures contracts that are the subject of no-action relief.

Sec. 112. *1. "Rated credit instrument" means a contractual right to receive cash or another rated credit instrument from another entity which instrument:*

(a) Is rated or required to be rated by the SVO;

(b) In the case of an instrument with a maturity of 397 days or less, is issued, guaranteed or insured by an entity that is rated by, or another obligation of such entity is rated by, the SVO or by a nationally recognized statistical rating organization recognized by the SVO;

(c) In the case of an instrument with a maturity of 90 days or less, is issued by a qualified bank;

(d) Is a share of a class one bond mutual fund; or

(e) Is a share of a money market mutual fund.

2. The term does not include:

(a) An instrument that is mandatorily, or at the option of the issuer, convertible to an equity interest; or

(b) A security that has a par value and whose terms provide that the issuer's net obligation to repay all or part of the security's par value is determined by reference to the performance of an equity, a commodity, a foreign currency or an index of equities, commodities, foreign currencies, or any combination thereof.

Sec. 113. *1. "Real estate" means:*

(a) Real property;

(b) Interests in real property, including, without limitation, leaseholds, minerals and oil and gas that have not been separated from the underlying fee interest;

(c) Improvements and fixtures located on or in real property; and

(d) The seller's equity in a contract providing for a deed of real estate.

2. As to a mortgage on real estate, the term includes the leasehold estate only if it has an unexpired term, including, without limitation, renewal options exercisable at the option of the lessee, extending beyond the scheduled maturity date of the obligation that is secured by a mortgage on the leasehold estate for the greater of:

(a) A period equal to at least 20 percent of the original term of the obligation; or

(b) Ten years.

Sec. 114. *"Replication transaction" means a derivative transaction that is intended to replicate the performance of one or more assets which an insurer is authorized to acquire in accordance with the provisions of this chapter. The term does not include a derivative transaction that is entered into as a hedging transaction.*

Sec. 115. *"Repurchase transaction" means a transaction in which an insurer purchases securities from a business entity that is obligated to repurchase the purchased securities, or equivalent securities, from the insurer at a specified price, either within a specified period of time or upon demand.*

Sec. 116. *"Required liabilities" means the total liabilities required to be reported on the statutory financial statement of the insurer most recently required to be filed with the Commissioner.*

Sec. 117. *"Residential mortgage loan" means a mortgage loan primarily secured by real estate which is improved with at least one but not more than four residential dwelling units.*

Sec. 118. *"Reverse repurchase transaction" means a transaction in which an insurer sells securities to a business entity and is obligated to repurchase the sold securities, or equivalent securities, from the business entity at a specified price, either within a specified period of time or on demand.*

Sec. 119. *"Secured location" means the contiguous real estate owned by one person.*

Sec. 120. *"Securities lending transaction" means a transaction in which securities are loaned by an insurer to a business entity that is obligated to*

return the loaned securities, or equivalent securities, to the insurer, either within a specified period of time or upon demand.

Sec. 121. *"Series company" means an investment company that is organized as a series company, as defined in 17 C.F.R. § 270.18f-2.*

Sec. 122. *"Sinking fund stock" means preferred stock that:*

1. Is subject to a mandatory sinking fund or similar arrangement that will provide for the redemption or open market purchase of the entire issue over a period not greater than 40 years after the date of acquisition; and

2. Provides for mandatory sinking fund installments or open market purchases commencing not more than 10.5 years after the date of issue, with the sinking fund installments providing for the purchase or redemption, on a cumulative basis commencing 10 years after the date of issue, of at least 2.5 percent per year of the original number of shares of that issue of preferred stock.

Sec. 123. *"Special rated credit instrument" means a rated credit instrument that meets the requirements of section 136 of this act.*

Sec. 124. *"State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.*

Sec. 125. *"Substantially similar securities" means securities that meet all criteria for "substantially similar" specified in the Accounting Practices and Procedures Manual adopted by the NAIC, as amended, and in an amount that constitutes good delivery form as determined from time to time by the Public Securities Administration, or its successor organization.*

Sec. 126. *"SVO" means the Securities Valuation Office of the NAIC, or any successor office established by the NAIC.*

Sec. 127. *"Swap" means an agreement to exchange or to net payments at one or more times based on the actual or expected price, level, performance or value of one or more underlying interests.*

Sec. 128. *"Underlying interest" means the assets, liabilities, other interests or a combination thereof underlying a derivative instrument, including, without limitation, any one or more securities, currencies, rates, indices, commodities or derivative instruments.*

Sec. 129. *"Unrestricted surplus" means the amount by which total admitted assets exceed 125 percent of the insurer's required liabilities.*

Sec. 130. *"Warrant" means an instrument that:*

1. Gives the holder the right to purchase an underlying financial instrument at a given price and time or at a series of prices and times outlined in the warrant agreement; and

2. Is issued alone or in connection with the sale of other securities, including, without limitation, as part of a merger or recapitalization agreement, or to facilitate the divestiture of the securities of another business entity.

Sec. 131. *To qualify as an asset-backed security, a trust or other special purpose bankruptcy-remote business entity must meet the following conditions:*

1. The trust or other business entity is established solely for the purpose of acquiring specific types of assets or rights to cash flows, issuing securities and other instruments representing an interest in or right to receive cash flows from those assets or rights, and engaging in activities required to service the assets or rights and any credit enhancement or support features held by the trust or other business entity; and

2. The assets of the trust or other business entity consist solely of interest-bearing obligations or other contractual obligations representing the right to receive payment from the cash flows from the assets or rights. The existence of credit enhancements, including, without limitation, letters of credit or guarantees, or support features, including, without limitation, swap agreements, do not cause a security or other instrument to be ineligible as an asset-backed security.

Sec. 132. *1. Control, as defined in section 60 of this act, shall be deemed to exist if a person, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing 10 percent or more of the voting securities of another person.*

2. A presumption of control may be rebutted by a showing that control does not exist in fact.

3. The Commissioner may determine, after furnishing all interested persons notice and an opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

Sec. 133. *1. Except as otherwise provided in this section, the counterparty exposure amount is the net amount of credit risk attributable to an over-the-counter derivative instrument. The amount of credit risk equals:*

(a) The market value of the over-the-counter derivative instrument if the liquidation of the derivative instrument would result in a final cash payment to the insurer; or

(b) Zero, if the liquidation of the derivative instrument would not result in a final cash payment to the insurer.

2. If over-the-counter derivative instruments are entered into in accordance with a written master agreement which provides for netting of payments owed by the respective parties, and the domiciliary jurisdiction of the counterparty is either within the United States or, if not within the United States, within a foreign jurisdiction listed in the Purposes and Procedures Manual of the SVO as eligible for netting, the net amount of credit risk is the greater of zero or the net sum of:

(a) The market value of the over-the-counter derivative instruments entered into in accordance with the agreement, the liquidation of which would result in a final cash payment to the insurer; and

(b) The market value of the over-the-counter derivative instruments entered into in accordance with the agreement, the liquidation of which would result in a cash payment by the insurer to the business entity.

3. For open transactions, market value must be determined at the end of the most recent quarter of the insurer's fiscal year and must be reduced by the market value of acceptable collateral held by the insurer or placed in escrow by one or both parties.

Sec. 134. *To qualify as equivalent securities, the securities must be:*

1. In a securities lending transaction, securities that are identical to the loaned securities in all features including the amount of the loaned securities, except as to certificate number if held in physical form, but if any different security is exchanged for a loaned security by recapitalization, merger, consolidation or other corporate action, the different security shall be deemed to be the loaned security;

2. In a repurchase transaction, securities that are identical to the purchased securities in all features including the amount of the purchased securities, except as to the certificate number if held in physical form; or

3. In a reverse repurchase transaction, securities that are identical to the sold securities in all features including the amount of the sold securities, except as to the certificate number if held in physical form.

Sec. 135. *1. An investment shall not be deemed a foreign investment if the issuing person, qualified primary credit source or qualified guarantor is a domestic jurisdiction or a person domiciled in a domestic jurisdiction unless:*

(a) The issuing person is a shell business entity; and

(b) The investment is not assumed, accepted, guaranteed or insured or otherwise backed by a domestic jurisdiction or a person, that is not a shell business entity, domiciled in a domestic jurisdiction.

2. For the purposes of this section:

(a) "Qualified guarantor" means a guarantor against which an insurer has a direct claim for full and timely payment, evidenced by a contractual right for which an enforcement action can be brought in a domestic jurisdiction; and

(b) "Qualified primary credit source" means the credit source to which an insurer looks for payment as to an investment and against which an insurer has a direct claim for full and timely payment, evidenced by a contractual right for which an enforcement action can be brought in a domestic jurisdiction.

(c) "Shell business entity" means a business entity having no economic substance, except as a vehicle for owning interests in assets issued, owned or previously owned by a person domiciled in a foreign jurisdiction;

Sec. 136. *1. To qualify as a special rated credit instrument the instrument must be:*

(a) An instrument that is structured so that, if it is held until retired by or on behalf of the issuer, its rate of return, based on its purchase cost and any cash flow stream possible in accordance with the structure of the transaction, may become negative because of reasons other than the credit

risk associated with the issuer of the instrument. A rated credit instrument is not a special rated credit instrument for the purposes of this section if it is:

(1) A share in a class one bond mutual fund;

(2) An instrument, other than an asset-backed security, with payments of par value fixed as to amount and timing, or callable but in any event payable only at par or greater, and interest or dividend cash flows that are based on either a fixed or variable rate determined by reference to a specified rate or index;

(3) An instrument, other than an asset-backed security, that has a par value and is purchased at a price not more than 110 percent of par;

(4) An instrument, including an asset-backed security, whose rate of return would become negative only as a result of a prepayment due to casualty, condemnation, economic obsolescence of collateral or change of law;

(5) An asset-backed security that relies on collateral that meets the requirements of subparagraph (2), the par value of which collateral:

(I) Is not allowed to be paid sooner than one-half of the remaining term to maturity from the date of acquisition;

(II) Is allowed to be paid before maturity only at a premium sufficient to provide a yield to maturity for the investment, considering the amount prepaid and reinvestment rates at the time of early repayment, at least equal to the yield to maturity of the initial investment; or

(III) Is allowed to be paid before maturity at a premium at least equal to the yield of a treasury issue of comparable remaining life; or

(6) An asset-backed security that relies on cash flows from assets that are not prepayable at any time at par, but is not otherwise governed by subparagraph (5), if the asset-backed security has a par value reflecting principal payments to be received if held until retired by or on behalf of the issuer and is purchased at a price not more than 105 percent of such par amount.

(b) An asset-backed security that:

(1) Relies on cash flows from assets that are prepayable at par at any time;

(2) Does not make payments of par that are fixed as to amount and timing; and

(3) Has a negative rate of return at the time of acquisition if a prepayment threshold assumption is used. As used in this subsection, "prepayment threshold assumption" includes:

(I) Two times the prepayment expectation reported by a recognized, publicly available source as being the median of expectations contributed by broker dealers or other entities, except insurers, engaged in the business of selling or evaluating such securities or assets. The prepayment expectation used in this calculation is, at the insurer's election, the prepayment expectation for pass-through securities of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation or the

Government National Mortgage Association, or, for other assets of the same type as the assets that underlie the asset-backed security, in either case with a gross weighted average coupon of the assets that underlie the asset-backed security.

(II) Another prepayment threshold assumption specified by the Commissioner by regulation adopted pursuant to section 158 of this act.

2. For the purposes of paragraph (b) of subsection 1, if the asset-backed security is purchased in combination with one or more other asset-backed securities that are supported by identical underlying collateral, the insurer may calculate the rate of return for these specific combined asset-backed securities in combination. The insurer shall maintain documentation demonstrating that such securities were acquired and are continuing to be held in combination.

Sec. 137. *Subject to the provisions of section 138 of this act, an insurer shall not acquire or hold an investment as an admitted asset unless at the time of acquisition the investment is:*

1. Eligible for the payment or accrual of interest or a discount, whether in cash or securities, eligible to receive dividends or other distributions or is otherwise income producing; or

2. Acquired in accordance with sections 168, 170, 176 to 180, inclusive, 182 to 185, inclusive, 208, 210, 216 to 220, inclusive, or 221 and 222 of this act or pursuant to the authority of this title, other than this chapter.

Sec. 138. *An insurer may acquire or hold as admitted assets investments that do not otherwise qualify as provided in this chapter if:*

1. The insurer has not acquired them for the purpose of circumventing any limitations contained in this chapter;

2. The insurer complies with the provisions of sections 154 and 157 of this act as to the investments; and

3. The insurer acquires the investments in the following circumstances:

(a) As payment on account of existing indebtedness or in connection with the refinancing, restructuring or workout of existing indebtedness, if taken to protect the insurer's interest in that investment;

(b) As realization on collateral for an obligation;

(c) In connection with an otherwise qualified investment or investment practice, as interest on, or a dividend or other distribution related to, the investment or investment practice, or in connection with the refinancing of the investment, in each case for no additional or only nominal consideration;

(d) Under a lawful and bona fide agreement of recapitalization or voluntary or involuntary reorganization in connection with an investment held by the insurer; or

(e) Under a bulk reinsurance, merger or consolidation transaction approved by the Commissioner if the assets constitute admissible investments for the ceding, merged or consolidated companies.

Sec. 139. *1. An investment, or portion of an investment, acquired by an insurer in accordance with section 138 of this act becomes a nonadmitted*

asset 3 years, or 5 years in the case of mortgage loans and real estate, after the date of its acquisition, unless within that period the investment has become a qualified investment in accordance with a provision of this chapter, other than section 138 of this act, but an investment acquired in accordance with an agreement of bulk reinsurance, merger or consolidation may be qualified for a longer period if so provided in the plan for reinsurance, merger or consolidation as approved by the Commissioner.

2. Upon application by the insurer, and a showing that the nonadmission of an asset held in accordance with section 138 of this act would materially injure the interests of the insurer, the Commissioner may extend the period of admissibility for an additional reasonable period of time.

Sec. 140. *Except as otherwise provided in sections 141 and 143 of this act, an investment shall be deemed to qualify pursuant to this chapter if, on the date the insurer committed to acquire the investment or on the date of its acquisition, it would have qualified pursuant to this chapter. For the purposes of determining limitations contained in this chapter, an insurer shall give appropriate recognition to any commitments to acquire investments.*

Sec. 141. *1. An investment, held as an admitted asset by an insurer on July 1, 2015, which qualified pursuant to this chapter before July 1, 2015, shall be deemed to remain qualified as an admitted asset pursuant to this chapter.*

2. Each specific transaction constituting an investment practice of the type described in this chapter that was lawfully entered into by an insurer, and was in effect on July 1, 2015, must continue to be allowed in accordance with the provisions of this chapter until its expiration or termination in accordance with its terms.

Sec. 142. *Unless otherwise specified, an investment limitation computed on the basis of an insurer's admitted assets or capital and surplus shall relate to the amount required to be shown on the statutory balance sheet of the insurer most recently required to be filed with the Commissioner. For purposes of computing any limitation based on admitted assets, the insurer shall deduct from the amount of its admitted assets the amount of the liability recorded on its statutory balance sheet for:*

1. The return of acceptable collateral received in a reverse repurchase transaction or a securities lending transaction;

2. Cash received in a dollar roll transaction; and

3. The amount reported as borrowed money in the most recently filed financial statement to the extent not included in subsections 1 and 2.

Sec. 143. *An investment qualified, in whole or in part, for acquisition or holding as an admitted asset may be qualified or prequalified at the time of acquisition or a later date, in whole or in part, in accordance with any section of this chapter if the relevant conditions contained in that section are satisfied at the time of qualification or requalification.*

Sec. 144. *An insurer shall maintain documentation demonstrating that investments were acquired in accordance with the provisions of this chapter, and specifying the section of this chapter pursuant to which they were acquired.*

Sec. 145. *An insurer shall not enter into an agreement to purchase securities in advance of their issuance for resale to the public as part of a distribution of the securities by the issuer, or otherwise guarantee the distribution, except that an insurer may acquire privately placed securities with registration rights.*

Sec. 146. *Notwithstanding the provisions of this chapter, the Commissioner, for good cause, may, in accordance with the provisions of chapter 233B of NRS, order an insurer to nonadmit, limit, dispose of, withdraw from or discontinue an investment or investment practice. The authority of the Commissioner pursuant to this section is in addition to any other authority of the Commissioner.*

Sec. 147. *Insurance futures and insurance future options are not considered investments or investment practices for the purposes of this chapter.*

Sec. 148. *An insurer's board of directors shall adopt a written plan for acquiring and holding investments and for engaging in investment practices that specifies guidelines as to the quality, maturity and diversification of investments and other specifications, including, without limitation, investment strategies intended to ensure that the investments and investment practices are appropriate for the business conducted by the insurer, its liquidity needs and its capital and surplus. The board of directors shall review and assess the insurer's technical investment and administrative capabilities and expertise before adopting a written plan concerning an investment strategy or practice.*

Sec. 149. *Investments acquired and held pursuant to this chapter must be acquired and held under the supervision and direction of the board of directors of the insurer. The board of directors shall evidence by formal resolution, at least annually, that it has determined whether all investments have been made in accordance with delegations, standards, limitations and investment objectives prescribed by the board or a committee of the board charged with the responsibility to direct the insurer's investments.*

Sec. 150. *On no less than a quarterly basis, and more often if deemed appropriate, an insurer's board of directors or a committee of the board shall:*

1. Receive and review a summary report on the insurer's investment portfolio, its investment activities and practices engaged in pursuant to delegated authority, in order to determine whether the investment activity or practice of the insurer is consistent with its written plan; and

2. Review and revise, as appropriate, the written plan.

Sec. 151. *In discharging its duties pursuant to sections 148 to 153, inclusive, of this act, the board of directors shall require that the records of*

any authorizations or approvals, other documentation as the board may require and reports of any action taken pursuant to authority delegated in accordance with the written plan referred to in section 148 of this act be made available on a regular basis to the board of directors.

Sec. 152. *In discharging its duties pursuant to sections 148 to 153, inclusive, of this act, the board of directors of an insurer shall perform its duties in good faith and with that degree of care that ordinarily prudent individuals in like positions would use under similar circumstances.*

Sec. 153. *If an insurer does not have a board of directors, all references to the board of directors in this chapter shall be deemed to be references to the governing body of the insurer having authority equivalent to that of a board of directors.*

Sec. 154. *1. An insurer shall not, directly or indirectly:*

(a) Invest in an obligation or security, or make a guarantee for the benefit of or in favor of an officer or director of the insurer, except as provided in sections 155 and 156 of this act;

(b) Invest in an obligation or security, make a guarantee for the benefits of or in favor of, or make other investments in a business entity of which 10 percent or more of the voting securities or equity interests are owned directly or indirectly by, or for the benefit of, one or more officers or directors of the insurer, except as authorized in chapter 692C of NRS or provided in sections 155 and 156 of this act;

(c) Engage on its own behalf, or through one or more affiliates, in a transaction or series of transactions designed to evade the prohibitions of this chapter;

(d) Invest in a partnership as a general partner, except that an insurer may make an investment as a general partner:

(1) If all other partners are subsidiaries of the insurer;

(2) For the purpose of:

(I) Meeting cash calls committed to before July 1, 2015;

(II) Completing those specific projects or activities of the partnership in which the insurer was a general partner on July 1, 2015, that had been undertaken as of that date; or

(III) Making capital improvements to property owned by the partnership on July 1, 2015, if the insurer was a general partner as of that date; or

(3) Pursuant to section 138 of this act; or

(e) Invest in or lend its funds upon the security of shares of its own stock, except that an insurer may acquire shares of its own stock for the following purposes:

(1) Conversion of a stock insurer into a mutual or reciprocal insurer or a mutual or reciprocal insurer into a stock insurer;

(2) Issuance to the insurer's officers, employees or agents in connection with a plan approved by the Commissioner for converting a publicly held insurer into a privately held insurer pursuant to NRS 693A.400

to 693A.540, inclusive, or in connection with other stock option and employee benefit plans; or

(3) In accordance with any other plan approved by the Commissioner.

2. Nothing contained in paragraph (d) of subsection 1 shall be construed to prohibit a subsidiary or other affiliate of the insurer from becoming a general partner.

3. Any investment or loan made by an insurer in accordance with the provisions of paragraph (e) of subsection 1 must not be an admitted asset of the insurer.

Sec. 155. *1. Except as otherwise provided in section 156 of this act, an insurer shall not, without the prior written approval of the Commissioner, directly or indirectly:*

(a) Make a loan to, or another investment in, an officer or director of the insurer, or a person in which the officer or director has any direct or indirect financial interest;

(b) Make a guarantee for the benefit of, or in favor of, an officer or director of the insurer, or a person in which the officer or director has any direct or indirect financial interest; or

(c) Enter into an agreement for the purchase or sale of property from or to an officer or director of the insurer, or a person in which the officer or director has any direct or indirect financial interest.

2. For the purposes of this section, an officer or director shall not be deemed to have a financial interest by reason of an interest that is held directly or indirectly through the ownership of equity interests representing less than 2 percent of all outstanding equity interests issued by a person that is a party to the transaction, or solely by reason of that individual's position as a director or officer of a person that is a party to the transaction.

3. This section does not allow an investment that is prohibited by section 154 of this act.

4. This section does not apply to a transaction between an insurer and any of its subsidiaries or affiliates that is entered into in compliance with the provisions of chapter 692C of NRS, other than a transaction between an insurer and its officer or director.

Sec. 156. *An insurer may, without the prior written approval of the Commissioner, make:*

1. Policy loans in accordance with the terms of the policy or contract and section 189 of this act;

2. Advances to officers or directors for expenses reasonably expected to be incurred in the ordinary course of the insurer's business or guarantees associated with credit or charge cards issued, or credit extended, for the purpose of financing these expenses;

3. Loans secured by the principal residence of an existing or new officer of the insurer made in connection with the officer's relocation at the insurer's request, if the loans comply with the requirements of sections 174 to 177, inclusive, or 214 to 217, inclusive, of this act and the terms and

conditions otherwise are the same as those generally available from unaffiliated third parties;

4. Secured loans to an existing or new officer of the insurer made in connection with the officer's relocation at the insurer's request, if the loans:

(a) Do not have a term exceeding 2 years;

(b) Are required to finance mortgage loans outstanding at the same time on the prior and new residences of the officer;

(c) Do not exceed an amount equal to the equity of the officer in the prior residence; and

(d) Are required to be fully repaid upon the earlier of the end of the 2-year period or the sale of the prior residence; or

5. Loans and advances to officers or directors made in compliance with state or federal law specifically related to the loans and advances by a regulated noninsurance subsidiary or affiliate of the insurer in the ordinary course of business and on terms not more favorable than available to other customers of the entity.

Sec. 157. *For the purposes of this chapter, the value or amount of an investment acquired or held, or an investment practice engaged in, pursuant to this chapter, unless otherwise specified in this title, is the value at which assets of an insurer are required to be reported for statutory accounting purposes as determined in accordance with procedures prescribed in published accounting and valuation standards of the NAIC, including, without limitation, the Purposes and Procedures Manual of the SVO and the Valuation of Securities Manual, the Accounting Practices and Procedures Manual, the Annual Statement Instructions or any successor valuation procedures officially adopted by the NAIC.*

Sec. 158. *The Commissioner may, pursuant to chapter 233B of NRS, adopt regulations to carry out the provisions of this chapter.*

Sec. 159. *Sections 159 to 193, inclusive, of this act apply to the investments and investment practices of life and health insurers.*

Sec. 160. *1. Except as otherwise specified in this chapter, an insurer shall not acquire, directly or indirectly through an investment subsidiary, an investment in accordance with the provisions of this chapter if, as a result of and after giving effect to the investment, the insurer would hold more than 3 percent of its admitted assets in investments of all kinds issued, assumed, accepted, insured or guaranteed by a single person, or 5 percent of its admitted assets in investments in the voting securities of a depository institution or any company that controls the institution.*

2. The limitations in subsection 1 do not apply to the aggregate amounts insured by a single financial guaranty insurer with the highest generic rating issued by a nationally recognized statistical rating organization.

3. Asset-backed securities are not subject to the limitations in subsection 1. However, an insurer shall not acquire an asset-backed security if, as a result of and after giving effect to the investment, the aggregate amount of asset-backed securities secured by, or evidencing an interest in, a single asset

or single pool of assets held by a trust or other business entity held by the insurer would exceed 3 percent of its admitted assets.

Sec. 161. *1. An insurer shall not acquire, directly or indirectly through an investment subsidiary, an investment in accordance with the provisions of sections 163, 169 to 173, inclusive, or 179 to 183, inclusive, of this act, or counterparty exposure in accordance with the provisions of section 187 of this act if, as a result of and after giving effect to the investment:*

(a) The aggregate amount of medium and lower grade investments held by the insurer would exceed 20 percent of its admitted assets;

(b) The aggregate amount of lower grade investments held by the insurer would exceed 10 percent of its admitted assets;

(c) The aggregate amount of investments rated 5 or 6 by the SVO held by the insurer would exceed 3 percent of its admitted assets;

(d) The aggregate amount of investments rated 6 by the SVO held by the insurer would exceed 1 percent of its admitted assets;

(e) The aggregate amount of medium and lower grade investments held by the insurer that receive as cash income less than the equivalent yield for United States Treasury issues with a comparative average life, would exceed 1 percent of its admitted assets;

(f) The aggregate amount of medium and lower grade investments issued, assumed, guaranteed, accepted or insured by any one person or, as to asset-backed securities secured by or evidencing an interest in a single asset or pool of assets, held by the insurer would exceed 1 percent of its admitted assets; or

(g) The aggregate amount of lower grade investments issued, assumed, guaranteed, accepted or insured by any one person or, as to asset-backed securities secured by or evidencing an interest in a single asset or pool of assets, held by the insurer would exceed 0.5 percent of its admitted assets.

2. If an insurer attains or exceeds the limit of any one rating category referred to in this section, the insurer is not precluded from acquiring investments in other rating categories subject to the specific and multicategory limits applicable to those investments.

Sec. 162. *1. An insurer shall not acquire, directly or indirectly through an investment subsidiary, a Canadian investment authorized by the provisions of this chapter if, as a result of and after giving effect to the investment, the aggregate amount of these investments held by the insurer would exceed 40 percent of its admitted assets, or if the aggregate amount of Canadian investments not acquired in accordance with the provisions of paragraph (c) or (d) of subsection 2 of section 163 of this act held by the insurer would exceed 25 percent of its admitted assets.*

2. As to an insurer that is authorized to do business in Canada or that has outstanding insurance, annuity or reinsurance contracts on lives or risks resident or located in Canada and denominated in Canadian currency, the limitations in subsection 1 must be increased by the greater of:

(a) The amount the insurer is required by Canadian law to invest in Canada or to be denominated in Canadian currency; or

(b) An amount not to exceed 115 percent of the amount of its reserves and other obligations under contracts on lives or risks resident or located in Canada.

Sec. 163. *1. Subject to the limitations of section 161 of this act, but not to the limitations of section 160 of this act, an insurer may acquire rated credit instruments issued, assumed, guaranteed or insured by:*

(a) The United States;

(b) A government-sponsored enterprise of the United States, if the instruments of the government-sponsored enterprise are assumed, guaranteed or insured by the United States or are otherwise backed or supported by the full faith and credit of the United States;

(c) Canada; or

(d) A government-sponsored enterprise of Canada, if the instruments of the government-sponsored enterprise are assumed, guaranteed or insured by Canada or are otherwise backed or supported by the full faith and credit of Canada.

2. An insurer shall not acquire an instrument in accordance with paragraph (c) or (d) of subsection 1 if, as a result of and after giving effect to the investment, the aggregate amount of investments held by the insurer in accordance with paragraph (c) or (d) of subsection 1 would exceed 40 percent of its admitted assets.

3. Subject to the limitations of section 161 of this act, but not to the limitations of section 160 of this act, an insurer may acquire credit rated instruments, excluding asset-backed securities:

(a) Issued by a government money market mutual fund, a class one money market mutual fund or a class one bond mutual fund;

(b) Issued, assumed, guaranteed or insured by a government-sponsored enterprise of the United States other than those eligible under subsection 1;

(c) Issued, assumed, guaranteed or insured by a state, if the instruments are general obligations of the state; or

(d) Issued by a multilateral development bank.

4. An insurer shall not acquire an instrument of any one fund, any one enterprise or entity or any one state as described in subsection 3 if, as a result of and after giving effect to the investment, the aggregate amount of investments held in any one fund, enterprise or entity, or state would exceed 10 percent of the insurer's admitted assets.

5. Subject to the limitations of sections 160, 161 and 162 of this act, an insurer may acquire preferred stocks that are not foreign investments and which meet the requirements of rated credit instruments if, as a result of and after giving effect to the investment:

(a) The aggregate amount of preferred stocks held by the insurer in accordance with this section does not exceed 20 percent of the insurer's admitted assets; and

(b) The aggregate amount of preferred stocks held by the insurer in accordance with this section which are not sinking fund stocks or rated P1 or P2 by the SVO does not exceed 10 percent of the insurer's admitted assets.

6. Subject to the limitations of sections 160, 161 and 162 of this act, in addition to those investments eligible pursuant to subsections 1 to 5, inclusive, an insurer may acquire rated credit instruments that are not foreign investments.

7. An insurer shall not acquire special rated credit instruments as described in this section if, as a result of and after giving effect to the investment, the aggregate amount of special rated credit instruments held by the insurer would exceed 5 percent of the insurer's admitted assets.

Sec. 164. *1. An insurer may acquire investments in investment pools that invest only in:*

(a) Obligations with an SVO rating of 1 or 2, or the equivalent of an SVO rating of 1 or 2 by a nationally recognized statistical rating organization recognized by the SVO, or, in the absence of an equivalent rating, the issuer has outstanding obligations with the equivalent of an SVO rating of 1 or 2, or an equivalent rating, and have:

(1) A remaining maturity of 397 days or less or a put option that entitles the holder to receive the principal amount of the obligation with the ability to exercise the put option through maturity at specified intervals not exceeding 397 days; or

(2) A remaining maturity less than or equal to 3 years and a floating interest rate that resets not less frequently than quarterly on the basis of a current short-term index and is not subject to a maximum limit, if the obligations do not have an interest rate that varies inversely to market interest rate changes. For the purposes of this subparagraph, qualifying short-term indexes include, without limitation, the federal funds rate, prime rate, treasury bills rates, the London Interbank Offered Rate or commercial paper rates.

(b) Government money market mutual funds or class one money market mutual funds.

(c) Securities lending, repurchase and reverse repurchase transactions that meet all the requirements of section 178 of this act, except the quantitative limitations of subsection 4 of section 178 of this act.

(d) Investments which an insurer may acquire pursuant to this chapter if the insurer's proportionate interest in the amount invested in these investments does not exceed the applicable limits of this chapter.

2. For an investment in an investment pool to be qualified pursuant to this chapter, the investment pool must not:

(a) Acquire securities issued, assumed, guaranteed or insured by the insurer or an affiliate of the insurer;

(b) Borrow or incur any indebtedness for borrowed money, except for securities lending and reverse repurchase transactions that meet the

requirements of section 178 of this act, except the quantitative limitations of subsection 4 of section 178 of this act; or

(c) Permit the aggregate value of securities loaned or sold to, purchased from or invested in any one business entity in accordance with this section to exceed 10 percent of the total assets of the investment pool.

3. The limitations of section 160 of this act do not apply to an insurer's investment in an investment pool, however an insurer shall not acquire an investment in an investment pool in accordance with this section if, as a result of and after giving effect to the investment, the aggregate amount of investments held by the insurer in accordance with this section:

(a) In any one investment pool would exceed 10 percent of its admitted assets;

(b) In all investment pools investing in investments permitted in accordance with paragraph (d) of subsection 1 would exceed 25 percent of its admitted assets; or

(c) In all investment pools would exceed 35 percent of its admitted assets.

4. For an investment in an investment pool to be qualified pursuant to this chapter, the manager of the investment pool must:

(a) Be organized in accordance with the laws of the United States or a state and designated as the pool manager in a pooling agreement;

(b) Be the insurer, an affiliated insurer or a business entity affiliated with the insurer, a qualified bank, a business entity registered in accordance with the provisions of the Investment Advisers Act of 1940, 15 U.S.C. 80a-1 et seq., as amended, or, in the case of a reciprocal insurer or interinsurance exchange, its attorney-in-fact, or in the case of a United States branch of an alien insurer, its United States manager or affiliates or subsidiaries of its United States manager;

(c) Compile and maintain detailed accounting records setting forth:

(1) The cash receipts and disbursements reflecting each participant's proportionate investments in the investment pool;

(2) A complete description of all underlying assets of the investment pool, including, without limitation, amount, interest rate, maturity date, if any, and other appropriate designations; and

(3) Other records which, on a daily basis, allow third parties to verify each participant's investment in the investment pool; and

(d) Maintain the assets of the investment pool in one or more accounts, in the name of or on behalf of the investment pool, in accordance with a custody agreement with a qualified bank. The custody agreement must:

(1) State and recognize the claims and rights of each participant;

(2) Acknowledge that the underlying assets of the investment pool are held solely for the benefit of each participant in proportion to the aggregate amount of its investments in the investment pool; and

(3) Contain an agreement that the underlying assets of the investment pool must not be commingled with the general assets of the custodian qualified bank or any other person.

5. The pooling agreement for each investment pool must be in writing and must provide that:

(a) An insurer and its affiliated insurers or, in the case of an investment pool investing solely in investments allowed in accordance with paragraph (a) of subsection 1, the insurer and its subsidiaries, affiliates or any pension or profit-sharing plan of the insurer, its subsidiaries and affiliates or, in the case of a United States branch of an alien insurer, affiliates or subsidiaries of its United States manager, shall at all times hold 100 percent of the interests in the investment pool.

(b) The underlying assets of the investment pool must not be commingled with the general assets of the pool manager or any other person.

(c) In proportion to the aggregate amount of each pool participant's interest in the investment pool:

(1) Each participant owns an undivided interest in the underlying assets of the investment pool; and

(2) The underlying assets of the investment pool are held solely for the benefit of each participant.

(d) A participant, or in the event of the participant's insolvency, bankruptcy or receivership, its trustee, receiver or other successor-in-interest, may withdraw all or any portion of its investment from the investment pool in accordance with the terms of the pooling agreement.

(e) Withdrawals may be made on demand without penalty or other assessment on any business day, but settlements of funds must occur within a reasonable and customary period thereafter not to exceed 5 business days. Distributions in accordance with this paragraph must be calculated in each case net of all applicable fees and expenses of the investment pool. The pooling agreement must provide that the pool manager shall distribute to a participant, at the discretion of the pool manager:

(1) In cash, the then fair market value of the participant's pro rata share of each underlying asset of the investment pool;

(2) In kind, a pro rata share of each underlying asset; or

(3) In a combination of cash and in-kind distributions, a pro rata share in each underlying asset.

(f) The pool manager shall make the records of the investment pool available for inspection by the Commissioner.

Sec. 165. *Subject to the limitations of sections 160, 161 and 162 of this act, an insurer may acquire equity interests in business entities organized in accordance with the laws of any domestic jurisdiction.*

Sec. 166. *An insurer shall not acquire an investment in accordance with the provisions of sections 165 to 168, inclusive, of this act if, as a result of and after giving effect to the investment, the aggregate amount of investments held by the insurer in accordance with those sections would exceed 20 percent of the insurer's admitted assets, or the amount of equity interests held by the insurer that are not listed on a qualified exchange would exceed 5 percent of the insurer's admitted assets. An accident and health*

insurer is not subject to the provisions of sections 165 to 168, inclusive, of this act, but is subject to the same aggregate limitation on equity interests as a property and casualty insurer in accordance with the provisions of sections 195 to 199, inclusive, and 205 to 208, inclusive, of this act.

Sec. 167. *An insurer shall not acquire in accordance with the provisions of sections 165 to 168, inclusive, of this act any investments that the insurer may acquire in accordance with the provisions of sections 174 to 177, inclusive, of this act.*

Sec. 168. *An insurer shall not short sell equity investments unless the insurer covers the short sale by owning the equity investment or an unrestricted right to the equity investment exercisable within 6 months after the short sale.*

Sec. 169. *1. Subject to the limitations of sections 160, 161 and 162 of this act, an insurer may acquire tangible personal property or equity interests therein located or used wholly or in part within a domestic jurisdiction either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by paragraph (d) of subsection 1 of section 154 of this act, joint ventures, stock of an investment subsidiary or membership interests in a limited-liability company, trust certificates or other similar instruments.*

2. Investments acquired as described in subsection 1 are eligible only if:

(a) The property is subject to a lease or other agreement with a person whose rated credit instruments in the amount of the purchase price of the personal property the insurer could acquire in accordance with the provisions of section 163 of this act; and

(b) The lease or other agreement provides the insurer the right to receive rental, purchase or other fixed payments for the use or purchase of the property, and the aggregate value of the payments, together with the estimated residual value of the property at the end of its useful life and the estimated tax benefits to the insurer resulting from ownership of the property, must be adequate to return the cost of the insurer's investment in the property, plus a return deemed adequate by the insurer.

Sec. 170. *The insurer shall compute the amount of each investment acquired in accordance with the provisions of sections 169 to 173, inclusive, of this act on the basis of the out-of-pocket purchase price and applicable related expenses paid by the insurer for the investment, net of each borrowing made to finance the purchase price and expenses, to the extent the borrowing is without recourse to the insurer.*

Sec. 171. *An insurer shall not acquire an investment in accordance with the provisions of sections 169 to 173, inclusive, of this act if, as a result of and after giving effect to the investment, the aggregate amount of all investments held by the insurer in accordance with the provisions of sections 169 to 173, inclusive, of this act would exceed:*

1. Two percent of its admitted assets; or

2. One half of one percent of its admitted assets as to any single item of tangible personal property.

Sec. 172. *For the purposes of determining compliance with the limitations of sections 160, 161 and 162 of this act, investments acquired by an insurer in accordance with the provisions of sections 169 to 173, inclusive, of this act must be aggregated with those acquired in accordance with the provisions of section 163 of this act, and each lessee of the property under a lease referred to in sections 169 to 173, inclusive, of this act shall be deemed the issuer of an obligation in the amount of the investment of the insurer in the property determined as provided in section 170 of this act.*

Sec. 173. *Nothing in sections 169 to 173, inclusive, of this act applies to tangible personal property lease arrangements between an insurer and its subsidiaries and affiliates in accordance with a cost-sharing arrangement or agreement permitted in accordance with the provisions of chapter 692C of NRS.*

Sec. 174. *1. Subject to the limitations of sections 160, 161 and 162 of this act, an insurer may acquire, either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by paragraph (d) of subsection 1 of section 154 of this act, joint ventures, stock of an investment subsidiary or membership interests in a limited-liability company, trust certificates or other similar instruments, obligations secured by mortgages on real estate situated within a domestic jurisdiction.*

2. A mortgage loan which is secured by other than a first lien must not be acquired unless the insurer is the holder of the first lien.

3. The obligations held by the insurer and any obligations with an equal lien priority shall not, at the time of acquisition of the obligation, exceed:

(a) Ninety percent of the fair market value of the real estate, if the mortgage loan is secured by a purchase money mortgage or like security received by the insurer upon disposition of the real estate.

(b) Eighty percent of the fair market value of the real estate, if the mortgage loan requires immediate scheduled payment in periodic installments of principal and interest, has an amortization period of not more than 30 years and periodic payments made not less frequently than annually. Each periodic payment must be sufficient to ensure that at all times the outstanding principal balance of the mortgage loan is not greater than the outstanding principal balance that would be outstanding under a mortgage loan with the same original principal balance, with the same interest rate and requiring equal payments of principal and interest with the same frequency over the same amortization period. Mortgage loans allowed in accordance with this section are allowed notwithstanding the fact that they provide for a payment of the principal balance before the end of the period of amortization of the loan. For residential mortgage loans, the 80-percent limitation may be increased to 97 percent if acceptable private mortgage insurance has been obtained.

(c) Seventy-five percent of the fair market values of the real estate for mortgage loans that do not meet the requirements of paragraph (a) or (b).

4. For purposes of subsections 1, 2 and 3, the amount of an obligation required to be included in the calculation of the loan-to-value ratio may be reduced to the extent the obligation is insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans Affairs, or their successors.

5. A mortgage loan that is held by an insurer pursuant to section 141 of this act or acquired in accordance with the provisions of sections 174 to 177, inclusive, of this act, and is restructured in a manner that meets the requirements of a restructured mortgage loan in conformance with the Accounting Practices and Procedures Manual adopted by the NAIC will continue to qualify as a mortgage loan in accordance with the provisions of this chapter.

6. Subject to the limitations of sections 160, 161 and 162 of this act, credit lease transactions that do not qualify for investment pursuant to section 163 of this act are exempt from the provisions of subsections 1, 2 and 3 if they meet the following criteria:

(a) The loan amortizes over the initial fixed lease term at least in an amount sufficient so that the loan balance at the end of the lease term does not exceed the original appraised value of the real estate;

(b) The lease payments cover or exceed the total debt service over the life of the loan;

(c) A tenant or its affiliated entity whose rated credit instruments have an SVO rating of 1 or 2, or a comparable rating from a nationally recognized statistical rating organization recognized by the SVO, has a full faith and credit obligation to make the lease payments;

(d) The insurer holds or is the beneficial holder of a first lien mortgage on the real estate;

(e) The expenses of the real estate are passed through to the tenant, excluding exterior, structural, parking and heating, ventilation and air conditioning replacement expenses, unless annual escrow contributions, from cash flows derived from the lease payments, cover the expense shortfall; and

(f) There is a perfected assignment of the rents due pursuant to the lease to, or for the benefit of, the insurer.

Sec. 175. *1. An insurer may acquire, manage and dispose of real estate situated in a domestic jurisdiction either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by paragraph (d) of subsection 1 of section 154 of this act, joint ventures, stock of an investment subsidiary or membership interests in a limited-liability company, trust certificates or other similar instruments. The real estate must be income producing or intended for improvement or development for investment purposes under an existing program, in which case the real estate shall be deemed to be income producing.*

2. The real estate may be subject to mortgages, liens or other encumbrances, the amount of which must, to the extent that the obligations secured by the mortgages, liens or encumbrances are without recourse to the insurer, be deducted from the amount of the investment of the insurer in the real estate for purposes of determining compliance with subsections 2 and 3 of section 177 of this act.

Sec. 176. *1. An insurer may acquire, manage and dispose of real estate for the convenient accommodation of the insurer's, and its affiliates, business operations, including home office, branch office and filed office operations.*

2. Real estate acquired as described in this section may include excess space for rent to others, if the excess space, valued at its fair market value, would otherwise be an allowed investment in accordance with the provisions of section 175 of this act and is so qualified by the insurer.

3. The real estate acquired as described in this section may be subject to one or more mortgages, liens or other encumbrances, the amount of which must, to the extent that the obligations secured by the mortgages, liens or encumbrances are without recourse to the insurer, be deducted from the amount of the investment of the insurer in the real estate for purposes of determining compliance with subsection 4 of section 177 of this act.

4. For the purposes of this section, business operations must not include that portion of real estate used for the direct provision of health care services by an accident and health insurer for its insureds. An insurer may acquire real estate used for these purposes under section 175 of this act.

Sec. 177. *1. An insurer shall not acquire an investment in accordance with the provisions of section 174 of this act if, as a result of and after giving effect to the investment, the aggregate amount of all investments held by the insurer pursuant to that section would exceed:*

(a) One percent of its admitted assets in mortgage loans covering any one secured location;

(b) One-quarter of one percent of its admitted assets in construction loans covering any one secured location; or

(c) Two percent of its admitted assets in construction loans in the aggregate.

2. An insurer shall not acquire an investment under section 175 of this act if, as a result of and after giving effect to the investment and any outstanding guarantees made by the insurer in connection with the investment, the aggregate amount of investments held by the insurer under section 175 of this act plus the guarantees outstanding would exceed:

(a) One percent of its admitted assets in one parcel or group of contiguous parcels of real estate, except that this limitation does not apply to that portion of real estate used for the direct provision of health care services by an accident and health insurer for its insureds, such as hospitals, medical clinics, medical professional buildings or other health facilities used for the purpose of providing health services; or

(b) Fifteen percent of its admitted assets in the aggregate, but not more than 5 percent of its admitted assets as to properties that are to be improved or developed.

3. An insurer shall not acquire an investment pursuant to sections 174 and 175 of this act if, as a result of and after giving effect to the investment and any guarantees made by the insurer in connection with the investment, the aggregate amount of all investments held by the insurer in accordance with those sections plus the guarantees outstanding would exceed 45 percent of the insurer's admitted assets. An insurer may exceed this limitation by not more than 30 percent of the insurer's admitted assets if:

(a) This increased amount is invested only in residential mortgage loans;

(b) The insurer has not more than 10 percent of the insurer's admitted assets invested in mortgage loans other than residential mortgage loans;

(c) The loan-to-value ratio of each residential mortgage loan does not exceed 60 percent at the time the mortgage loan is qualified pursuant to this increased authority, and the fair market value is supported by an appraisal that is not more than 2 years old and prepared by an independent appraiser;

(d) A single mortgage loan qualified pursuant to this increased authority does not exceed 0.5 percent of the insurer's admitted assets;

(e) The insurer files with the Commissioner, and receives approval from the Commissioner for, a plan that is designed to result in a portfolio of residential mortgage loans that is sufficiently geographically diversified; and

(f) The insurer agrees to file annually with the Commissioner records which demonstrate that the insurer's portfolio of residential mortgage loans is geographically diversified in accordance with the plan.

4. The limitations of sections 160, 161 and 162 of this act do not apply to an insurer's acquisition of real estate under section 175 of this act. An insurer shall not acquire real estate under section 175 of this act if, as a result of and after giving effect to the acquisition, the aggregate amount of real estate held by the insurer in accordance with that section would exceed 10 percent of its admitted assets. With the approval of the Commissioner, additional amounts of real estate may be acquired under section 175 of this act.

Sec. 178. *An insurer may enter into securities lending, repurchase, reverse repurchase and dollar roll transactions with business entities, subject to the following requirements:*

1. The insurer's board of directors shall adopt a written plan that is consistent with the requirements of the written plan in section 148 of this act which specifies the guidelines and objectives to be followed, including, without limitation:

(a) A description of how cash received will be invested or used for general corporate purposes of the insurer;

(b) Operational procedures to manage interest rate risk, counterparty default risk, the conditions under which proceeds from reverse repurchase

transactions may be used in the ordinary course of business and the use of acceptable collateral in a manner that reflects the liquidity needs of the transactions; and

(c) The extent to which the insurer may engage in these transactions.

2. The insurer shall enter into a written agreement for all transactions authorized by this section other than dollar roll transactions. The written agreement must require that each transaction terminate not more than 1 year after its inception or upon the earlier demand of the insurer. The agreement must be with the business entity counterparty, but for securities lending transactions, the agreement may be with an agent acting on behalf of the insurer, if the agent is a qualified business entity and if the agreement:

(a) Requires the agent to enter into separate agreements with each counterparty that are consistent with the requirements of this section; and

(b) Prohibits securities lending transactions under the agreement with the agent or its affiliates.

3. Cash received in a transaction as described in this section must be invested in accordance with the provisions of this chapter and in a manner that recognizes the liquidity needs of the transaction or used by the insurer for its general corporate purposes. For so long as the transaction remains outstanding, the insurer, its agent or custodian shall maintain, as to acceptable collateral received in a transaction in accordance with this section, either physically or through book entry systems of the Federal Reserve, the Depository Trust Company, the Participants Trust Company or any other securities depositories approved by the Commissioner:

(a) Possession of the acceptable collateral;

(b) A perfected security interest in the acceptable collateral; or

(c) In the case of a jurisdiction outside of the United States, title to, or rights of a secured creditor to, the acceptable collateral.

4. The limitations of sections 160, 161, 162 and 179 to 183, inclusive, of this act do not apply to the business entity counterparty exposure created by transactions entered into under this section. For purposes of calculations made to determine compliance with this subsection, no effect will be given to the insurer's future obligation to resell securities, in the case of a repurchase transaction, or to repurchase securities, in the case of a reverse repurchase transaction. An insurer shall not enter into a transaction under this section if, as a result of and after giving effect to the transaction:

(a) The aggregate amount of securities loaned, sold or purchased from any one business entity counterparty under this section would exceed 5 percent of its admitted assets. In calculating the amount sold to or purchased from a business entity counterparty in accordance with repurchase or reverse purchase transactions, effect may be given to netting provisions under a master written agreement.

(b) The aggregate amount of all securities loaned, sold to or purchased from all business entities under this section would exceed 40 percent of its admitted assets.

5. In a securities lending transaction, the insurer shall receive acceptable collateral having a market value on the transaction date equal to 102 percent or more of the market value of the securities loaned by the insurer in the transaction on that date. If at any time the market value of the acceptable collateral is less than the market value of the loaned securities, the business entity counterparty is obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral held in connection with the transaction, equals 102 percent or more of the market value of the loaned securities.

6. In a reverse repurchase transaction, other than a dollar roll transaction, the insurer shall receive acceptable collateral having a market value on the transaction date equal to 95 percent or more of the market value of the securities transferred by the insurer in the transaction on that date. If at any time the market value of the acceptable collateral is less than 95 percent of the market value of the securities so transferred, the business entity counterparty is obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral held in connection with the transaction, equals 95 percent or more of the market value of the transferred securities.

7. In a dollar roll transaction, the insurer shall receive cash in an amount equal to at least the market value of the securities transferred by the insurer in the transaction on the transaction date.

8. In a repurchase transaction, the insurer shall receive as acceptable collateral transferred securities having a market value equal to 102 percent or more of the purchase price paid by the insurer for the securities. If at any time the market value of the acceptable collateral is less than 100 percent of the purchase price paid by the insurer, the business entity counterparty is obligated to provide additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral held in connection with the transaction, equals 102 percent or more of the purchase price. Securities acquired by an insurer in a repurchase transaction may not be sold in a reverse repurchase transaction, loaned in a securities lending transaction or otherwise pledged.

9. To constitute acceptable collateral for the purposes of this section, a letter of credit must have an expiration date beyond the term of the subject transaction.

Sec. 179. *Subject to the limitations of sections 160, 161 and 162 of this act, an insurer may acquire foreign investments, or engage in investment practices with persons of or in foreign jurisdictions, of substantially the same type as those that an insurer is allowed to acquire pursuant to this chapter, other than of the type allowed under section 164 of this act if, as a result of and after giving effect to the investments:*

1. The aggregate amount of foreign investments held by the insurer in accordance with this section does not exceed 20 percent of its admitted assets; and

2. The aggregate amount of foreign investments held by the insurer in accordance with this section in a single foreign jurisdiction does not exceed 10 percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO 1 or 3 percent of its admitted assets as to any other foreign jurisdiction.

Sec. 180. *1. Subject to the limitations of sections 160, 161 and 162 of this act, an insurer may acquire investments, or engage in investment practices denominated in foreign currencies, whether or not they are foreign investments acquired as described in section 179 of this act, or additional foreign currency exposure as a result of the termination or expiration of a hedging transaction with respect to investments denominated in a foreign currency if:*

(a) The aggregate amount of investments held by the insurer in accordance with this section denominated in foreign currencies does not exceed 10 percent of its admitted assets; and

(b) The aggregate amount of investments held by the insurer in accordance with this section denominated in the foreign currency of a single foreign jurisdiction does not exceed 10 percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO 1 or 3 percent of its admitted assets as to any other foreign jurisdiction.

2. An investment must not be considered denominated in a foreign currency if the acquiring insurer enters into one or more contracts in transactions allowed under sections 184 to 188, inclusive, of this act and the business entity counterparty agrees in the contract or contracts to exchange all payments made on the foreign currency denominated investment for United States currency at a rate which effectively insulates the investment cash flows against future changes in currency exchange rates during the period the contract or contracts are in effect.

Sec. 181. *In addition to investments allowed under sections 179 and 180 of this act, an insurer that is authorized to do business in a foreign jurisdiction, and that has outstanding insurance, annuity or reinsurance contracts on lives or risks resident or located in that foreign jurisdiction and denominated in a foreign currency of that jurisdiction, may acquire foreign investments respecting that foreign jurisdiction, and may acquire investments denominated in the currency of that jurisdiction, subject to the limitations of sections 160, 161 and 162 of this act. Investments made in accordance with this section in obligations of foreign governments, their political subdivisions and government-sponsored enterprises are not subject to the limitations of sections 160, 161 and 162 of this act if those investments carry an SVO rating of 1 or 2. The aggregate amount of investments acquired by the insurer in accordance with this section must not exceed the greater of:*

1. The amount the insurer is required by the law of the foreign jurisdiction to invest in the foreign jurisdiction; or

2. One hundred fifteen percent of the amount of the insurer's reserves, net of reinsurance, and other obligations under the contracts on lives or risks resident or located in the foreign jurisdiction.

Sec. 182. *In addition to investments allowed under sections 179 and 180 of this act, an insurer that is not authorized to do business in a foreign jurisdiction, but which has outstanding insurance, annuity or reinsurance contracts on lives or risks resident or located in that foreign jurisdiction and denominated in foreign currency of that jurisdiction, may acquire foreign investments respecting that foreign jurisdiction, and may acquire investments denominated in the currency of that jurisdiction subject to the limitations of sections 160, 161 and 162 of this act. Investments made in accordance with this section in obligations of foreign governments, their political subdivisions and government-sponsored enterprises are not subject to the limitations of sections 160, 161 and 162 of this act if those investments carry an SVO rating of 1 or 2. The aggregate amount of investments acquired by the insurer in accordance with this section must not exceed 105 percent of the amount of the insurer's reserves, net of reinsurance, and other obligations under the contracts on lives or risks resident or located in the foreign jurisdiction.*

Sec. 183. *Investments acquired in conformance with sections 179 to 183, inclusive, of this act must be aggregated with investments of the same types made under this chapter, and in a similar manner, for purposes of determining compliance with the limitations, if any, contained in this chapter. Investments in obligations of foreign governments, their political subdivisions and government-sponsored enterprises of these persons, except for those exempted by sections 181 and 182 of this act, are subject to the limitations of sections 160, 161 and 162 of this act.*

Sec. 184. *An insurer may, directly or indirectly through an investment subsidiary, engage in derivative transactions as described in sections 184 to 188, inclusive, of this act pursuant to the following conditions:*

1. An insurer may use derivative instruments under sections 184 to 188, inclusive, of this act to engage in hedging transactions and certain income generation transactions, as these terms may be further defined in regulations adopted by the Commissioner pursuant to section 158 of this act; and

2. An insurer must be able to demonstrate to the Commissioner the intended hedging characteristics and the ongoing effectiveness of the derivative transaction or combination of the transactions through cash flow testing or other appropriate analyses.

Sec. 185. *An insurer may enter into hedging transactions under sections 184 to 188, inclusive, of this act if, as a result of and after giving effect to the transaction:*

1. The aggregate statement value of options, caps, floors and warrants not attached to another financial instrument purchased and used in hedging transactions does not exceed 7.5 percent of its admitted assets;

2. The aggregate statement value of options, caps and floors written in hedging transactions does not exceed 3 percent of its admitted assets; and

3. The aggregate potential exposure of collars, swaps, forwards and futures used in hedging transactions does not exceed 6.5 percent of its admitted assets.

Sec. 186. *An insurer may only enter into the following types of income generation transactions if, as a result of and after giving effect to the transactions, the aggregate statement value of the fixed income assets that are subject to call or which generate the cash flows for payments under the caps or floors, plus the face value of fixed income securities underlying a derivative instrument subject to call, plus the amount of the purchase obligations under the puts, does not exceed 10 percent of its admitted assets:*

1. Sales of covered call options on noncallable fixed income securities, callable fixed income securities if the option expires by its terms before the end of the noncallable period or derivative instruments based on fixed income securities;

2. Sales of covered call options on equity securities, if the insurer holds in its portfolio, or can immediately acquire through the exercise of options, warrants or conversion rights already owned, the equity securities subject to call during the complete term of the call option sold;

3. Sales of covered puts on investments that the insurer is allowed to acquire pursuant to this chapter, if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the amount of its purchase obligations under the put during the complete term of the put option sold; or

4. Sales of covered caps or floors, if the insurer holds in its portfolio the investments generating the cash flow to make the required payments under the caps or floors during the complete term that the cap or floor is outstanding.

Sec. 187. *An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of sections 160, 161 and 162 of this act.*

Sec. 188. *In accordance with the regulations adopted pursuant to section 158 of this act, the Commissioner may approve additional transactions involving the use of derivative instruments in excess of the limits of section 185 of this act for other risk-management purposes, but replication transactions must not be allowed for other than risk-management purposes.*

Sec. 189. *A life insurer may lend to a policyholder on the security of the cash surrender value of the policyholder's policy a sum not exceeding the legal reserve that the insurer is required to maintain on the policy.*

Sec. 190. *Solely for the purpose of acquiring investments that exceed the quantitative limitations of sections 160 to 183, inclusive, of this act, an insurer may acquire in accordance with this section an investment, or engage in investment practices described in section 178 of this act, but an*

insurer shall not acquire an investment or engage in investment practices described in section 178 of this act in accordance with this section if, as a result of and after giving effect to the transaction:

1. The aggregate amount of investments held by the insurer would exceed 3 percent of its admitted assets; or

2. The aggregate amount of investments as to one limitation in sections 160 to 183, inclusive, of this act held by the insurer would exceed 1 percent of its admitted assets.

Sec. 191. *1. In addition to the authority provided in section 190 of this act, an insurer may acquire in accordance with this section an investment of any kind, or engage in investment practices described in section 178 of this act that are not specifically prohibited by the provisions of this chapter, without regard to the categories, conditions, standards or other limitations of sections 160 to 183, inclusive, of this act if, as a result of and after giving effect to the transaction, the aggregate amount of investments held would not exceed the lesser of:*

(a) Ten percent of its admitted assets; or

(b) Seventy-five percent of its capital and surplus.

2. An insurer shall not acquire any investment or engage in any investment practice in accordance with this section if, as a result of and after giving effect to the transaction, the aggregate amount of all investments in any one person held by the insurer would exceed 3 percent of its admitted assets.

Sec. 192. *In addition to the investments acquired as described in sections 190 and 191 of this act, an insurer may acquire in accordance with this section an investment of any kind, or engage in investment practices described in section 178 of this act, that are not specifically prohibited by the provisions of this chapter, without regard to any limitations of sections 160 to 183, inclusive, of this act if:*

1. The Commissioner grants prior approval;

2. The insurer demonstrates that its investments are being made in a prudent manner and that the additional amounts will be invested in a prudent manner; and

3. As a result of and after giving effect to the transaction the aggregate amount of investments held by the insurer is not greater than:

(a) Twenty-five percent of its capital and surplus; or

(b) One hundred percent of capital and surplus less 10 percent of its admitted assets.

Sec. 193. *An investment prohibited by section 154 of this act, not allowed by sections 184 to 188, inclusive, of this act or additional derivative instruments acquired under sections 184 to 188, inclusive, of this act must not be acquired pursuant to sections 190 to 193, inclusive, of this act.*

Sec. 194. *Sections 194 to 230, inclusive, of this act apply to the investments and investment practices of property and casualty, financial guaranty and mortgage guarantee insurers.*

Sec. 195. *Subject to all other limitations and requirements of this chapter, a property and casualty, financial guaranty, mortgage guaranty or accident and health insurer shall maintain an amount not less than 100 percent of adjusted loss reserves and loss adjustment expense reserves, 100 percent of adjusted unearned premium reserves and 100 percent of statutorily required policy and contract reserves in:*

1. Cash and cash equivalents;

2. High and medium grade investments that qualify pursuant to sections 203 and 204 of this act;

3. Equity interests that qualify pursuant to sections 205 to 208, inclusive, of this act and which are traded on a qualified exchange;

4. Investments of the type set forth in sections 219 to 223, inclusive, of this act, if the investments are rated in the highest generic rating category by a nationally recognized statistical rating organization recognized by the SVO for rating foreign jurisdictions and if any foreign currency exposure is effectively hedged through the maturity date of the investments;

5. Qualifying investments of the type set forth in subsections 2, 3 and 4 that are acquired pursuant to sections 229 and 230 of this act;

6. Interest and dividends receivable on qualifying investments of the type set forth in subsections 1 to 5, inclusive; or

7. Reinsurance recoverable on paid losses.

Sec. 196. *1. For the purposes of determining the amount of assets to be maintained in accordance with this section, the calculation of adjusted loss reserves and loss adjustment expense reserves, adjusted unearned premium reserves and statutorily required policy and contract reserves must be based on the amounts reported as of the most recent annual or quarterly statement date.*

2. Adjusted loss reserves and loss adjustment expense reserves must be, for each individual line of business, equal to the sum derived by multiplying the amount obtained pursuant to paragraph (a) by the amount obtained pursuant to paragraph (b), and subtracting from the product obtained by way of that multiplication the amount obtained pursuant to paragraph (c), as follows:

(a) The result of each amount reported by the insurer as losses and loss adjustment expenses unpaid for each accident year for each individual line of business.

(b) The discount factor that is applicable to the line of business and accident year published by the Internal Revenue Service in accordance with the provisions of section 846 of the Internal Revenue Code, 26 U.S.C. § 846, as amended, for the calendar year that corresponds to the most recent annual statement of the insurer.

(c) Accrued retrospective premiums discounted by an average discount factor. The discount factor used in this paragraph must be calculated by dividing the losses and loss adjustment expenses unpaid after discounting by

loss and loss adjustment expense reserves before discounting the amount obtained pursuant to paragraph (a).

3. For purposes of the calculations required pursuant to subsection 2, the losses and loss adjustment expenses unpaid must be determined net of anticipated salvage and subrogation, and gross of any discount for the time value of money or tabular discount.

4. Adjusted unearned premium reserves must be equal to the sum derived by subtracting the amount obtained pursuant to paragraph (b) from the amount obtained pursuant to paragraph (a), as follows:

(a) The amount reported by the insurer as unearned premium reserves.

(b) The admitted asset amounts reported by the insurer as:

(1) Premiums in and agent's balances in the course of collection, accident and health premiums due and unpaid and uncollected premiums for accident and health premiums;

(2) Premiums, agent's balances and installments booked but deferred and not yet due; and

(3) Bills receivable, taken for premium.

5. Statutorily required policy and contract reserves also must include, without limitation, any required contingency reserves, including, without limitation, in the case of a mortgage guaranty insurer, the amounts required by NRS 681B.100.

Sec. 197. *A property and casualty, financial guaranty, mortgage guaranty or accident and health insurer shall supplement its annual statement with a reconciliation and summary of its assets and reserve requirements as required in sections 195 and 196 of this act. A reconciliation and summary showing that an insurer's assets as required in sections 195 and 196 of this act are greater than or equal to its undiscounted reserves referred to in sections 195 and 196 of this act is sufficient to satisfy this requirement. Upon prior notification, the Commissioner may require an insurer to submit such a reconciliation and summary with any quarterly statement filed during the calendar year.*

Sec. 198. *If a property and casualty, financial guaranty, mortgage guaranty or accident and health insurer's assets and reserves do not comply with sections 195 and 196 of this act, the insurer shall notify the Commissioner immediately of the amount by which the reserve requirements exceed the annual statement value of the qualifying assets, explain why the deficiency exists and, within 30 days after the date of the notice, propose a plan of action to remedy the deficiency.*

Sec. 199. *1. If the Commissioner determines that an insurer is not in compliance with sections 195 and 196 of this act, the Commissioner shall require the insurer to eliminate the condition causing the noncompliance within a specified time after the date on which the notice of the Commissioner's requirements is mailed or delivered to the insurer.*

2. If an insurer fails to comply with the Commissioner's requirements that are imposed pursuant to subsection 1, the insurer is deemed to be in

hazardous financial condition and the Commissioner shall take one or more of the actions authorized by law as to insurers in hazardous financial condition.

Sec. 200. *1. Except as otherwise specified in this chapter, an insurer shall not acquire, directly or indirectly through an investment subsidiary, an investment in accordance with the provisions of this chapter if, as a result of and after giving effect to the investment, the insurer would hold more than 5 percent of its admitted assets in investments of all kinds issued, assumed, accepted, insured or guaranteed by a single person.*

2. The limitation in subsection 1 does not apply to the aggregate amounts insured by a single financial guaranty insurer with the highest generic rating issued by a nationally recognized statistical rating organization.

3. Asset-backed securities are not subject to the limitation in subsection 1. However, an insurer shall not acquire an asset-backed security if, as a result of and after giving effect to the investment, the aggregate amount of asset-backed securities secured by, or evidencing an interest in, a single asset or single pool of assets held by a trust or other business entity held by the insurer would exceed 5 percent of its admitted assets.

Sec. 201. *1. An insurer shall not acquire, directly or indirectly through an investment subsidiary, an investment in accordance with the provisions of sections 203, 209 to 213, inclusive, or 219 to 223, inclusive, of this act or counterparty exposure in accordance with the provisions of section 227 of this act if, as a result of and after giving effect to the investment:*

(a) The aggregate amount of all medium and lower grade investments held by the insurer would exceed 20 percent of its admitted assets;

(b) The aggregate amount of lower grade investments held by the insurer would exceed 10 percent of its admitted assets;

(c) The aggregate amount of investments rated 5 or 6 by the SVO held by the insurer would exceed 5 percent of its admitted assets;

(d) The aggregate amount of investments rated 6 by the SVO held by the insurer would exceed 1 percent of its admitted assets; or

(e) The aggregate amount of medium and lower grade investments held by the insurer that receive as cash income less than the equivalent yield for United States Treasury issues with a comparative average life, would exceed 1 percent of its admitted assets.

2. An insurer shall not acquire, directly or indirectly through an investment subsidiary, an investment in accordance with the provisions of sections 203, 209 to 213, inclusive, or 219 to 223, inclusive, of this act or counterparty exposure in accordance with the provisions of section 227 of this act if, as a result of and after giving effect to the investment:

(a) The aggregate amount of medium and lower grade investments issued, assumed, guaranteed, accepted or insured by any one person or, as to asset-backed securities by or evidencing an interest in a single asset or pool of assets, held by the insurer, would exceed 1 percent of its admitted assets; or

(b) The aggregate amount of lower grade investments issued, assumed, guaranteed, accepted or insured by any one person or, as to asset-backed securities by or evidencing an interest in a single asset or pool of assets, held by the insurer, would exceed 0.5 percent of its admitted assets.

3. If an insurer attains or exceeds the limit of any one rating category referred to in this section, the insurer must not be precluded from acquiring investments in other rating categories subject to the specific and multicategory limits applicable to those investments.

Sec. 202. *1. An insurer shall not acquire, directly or indirectly through an investment subsidiary, any Canadian investments authorized by the provisions of this chapter if, as a result of and after giving effect to the investment, the aggregate amount of these investments held by the insurer would exceed 40 percent of its admitted assets, or if the aggregate amount of Canadian investments not acquired in accordance with paragraph (c) or (d) of subsection 1 of section 203 of this act held by the insurer would exceed 25 percent of its admitted assets.*

2. As to an insurer that is authorized to do business in Canada or that has outstanding insurance, annuity or reinsurance contracts on lives or risks resident or located in Canada and denominated in Canadian currency, the limitations in subsection 1 must be increased by the greater of:

(a) The amount the insurer is required by Canadian law to invest in Canada or to be denominated in Canadian currency; or

(b) One hundred twenty-five percent of the amount of its reserves and other obligations under contracts on risks resident or located in Canada.

Sec. 203. *1. Subject to the limitations of section 201 of this act, but not to the limitations of section 200 of this act, an insurer may acquire rated credit instruments issued, assumed, guaranteed or insured by:*

(a) The United States;

(b) A government-sponsored enterprise of the United States, if the instruments of the government-sponsored enterprise are assumed, guaranteed or insured by the United States or are otherwise backed or supported by the full faith and credit of the United States;

(c) Canada; or

(d) A government-sponsored enterprise of Canada, if the instruments of the government-sponsored enterprise are assumed, guaranteed or insured by Canada or are otherwise backed or supported by the full faith and credit of Canada.

2. An insurer shall not acquire an instrument in accordance with paragraph (c) or (d) of subsection 1 if, as a result of and after giving effect to the investment, the aggregate amount of investments held by the insurer in accordance with paragraph (c) or (d) of subsection 1 would exceed 40 percent of its admitted assets.

3. Subject to the limitations of section 201 of this act, but not to the limitations of section 200 of this act, an insurer may acquire rated credit instruments, excluding asset-backed securities:

(a) Issued by a government money market mutual fund, a class one money market mutual fund or a class one bond mutual fund;

(b) Issued, assumed, guaranteed or insured by a government-sponsored enterprise of the United States other than those eligible in accordance with subsection 1;

(c) Issued, assumed, guaranteed or insured by a state, if the instruments are general obligations of the state; or

(d) Issued by a multilateral development bank.

4. An insurer shall not acquire an instrument of any one fund, any one enterprise or entity, or any one state as described in subsection 3 if, as a result of and after giving effect to the investment, the aggregate amount of investments held in any one fund, enterprise or entity or state would exceed 10 percent of the insurer's admitted assets.

5. Subject to the limitations of sections 200, 201 and 202 of this act, an insurer may acquire preferred stocks that are not foreign investments and which meet the requirements of rated credit instruments if, as a result of and after giving effect to the investments:

(a) The aggregate amount of preferred stocks held by the insurer in accordance with this section does not exceed 20 percent of the insurer's admitted assets; and

(b) The aggregate amount of preferred stocks held by the insurer in accordance with this section which are not sinking fund stocks or rated P1 or P2 by the SVO does not exceed 10 percent of the insurer's admitted assets.

6. Subject to the limitations of sections 200, 201 and 202 of this act, in addition to those investments eligible pursuant to subsections 1 to 5, inclusive, an insurer may acquire rated credit instruments that are not foreign investments.

7. An insurer shall not acquire special rated credit instruments as described in this section if, as a result of and after giving effect to the investment, the aggregate amount of special rated credit instruments held by the insurer would exceed 5 percent of the insurer's admitted assets.

Sec. 204. *1. An insurer may acquire investments in investment pools that invest only in:*

(a) Obligations that are rated 1 or 2 by the SVO or have an equivalent of an SVO 1 or 2 rating, or, in the absence of a 1 or 2 rating or equivalent rating, the issuer has outstanding obligations with an SVO 1 or 2 equivalent rating, by a nationally recognized statistical rating organization recognized by the SVO, and have:

(1) A remaining maturity of 397 days or less or a put option that entitles the holder to receive the principal amount of the obligation with the ability to exercise the put option through maturity at specified intervals not exceeding 397 days; or

(2) A remaining maturity of less than or equal to 3 years and a floating interest rate that resets not less frequently than quarterly on the basis of a current short-term index and is not subject to a maximum limit, if the

obligations do not have an interest rate that varies inversely to market interest rate changes. For the purpose of this subparagraph, qualifying short-term indexes include, without limitation, the federal funds rate, prime rate, treasury bills rates, the London Interbank Offered Rate or commercial paper rates.

(b) Government money market mutual funds or class one money market mutual funds.

(c) Securities lending, repurchase and reverse repurchase transactions that meet all the requirements of section 218 of this act, except the quantitative limitations of subsection 4 of that section.

(d) Investments which an insurer may acquire pursuant to this chapter if the insurer's proportionate interest in the amount invested in these investments does not exceed the applicable limits of this chapter.

2. For an investment in an investment pool to be qualified pursuant to this chapter, the investment pool must not:

(a) Acquire securities issued, assumed, guaranteed or insured by the insurer or an affiliate of the insurer;

(b) Borrow or incur any indebtedness for borrowed money, except for securities lending and reverse repurchase transactions that meet the requirements of section 218 of this act except the quantitative limitations of subsection 4 of that section; or

(c) Permit the aggregate value of securities loaned or sold to, purchased from or invested in any one business entity in accordance with this section to exceed 10 percent of the total assets of the investment pool.

3. The limitations of section 200 of this act do not apply to an insurer's investment in an investment pool, however an insurer shall not acquire an investment in an investment pool in accordance with this section if, as a result of and after giving effect to the investment, the aggregate amount of investments held by the insurer in accordance with this section:

(a) In any one investment pool would exceed 10 percent of its admitted assets;

(b) In all investment pools investing in investments permitted in accordance with paragraph (d) of subsection 1 would exceed 25 percent of its admitted assets; or

(c) In all investment pools would exceed 40 percent of its admitted assets.

4. For an investment in an investment pool to be qualified pursuant to this chapter, the manager of the investment pool must:

(a) Be organized in accordance with the laws of the United States or a state and designated as the pool manager in a pooling agreement;

(b) Be the insurer, an affiliated insurer or a business entity affiliated with the insurer, a qualified bank, a business entity registered in accordance with the provisions of the Investment Advisers Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, or, in the case of a United States branch of an alien insurer, its United States manager or affiliates or subsidiaries of its United States manager;

(c) Compile and maintain detailed accounting records setting forth:

(1) The cash receipts and disbursements reflecting each participant's proportionate investments in the investment pool;

(2) A complete description of all underlying assets of the investment pool, including, without limitation, amount, interest rate, maturity date, if any, and other appropriate designations; and

(3) Other records which, on a daily basis, allow third parties to verify each participant's investment in the investment pool; and

(d) Maintain the assets of the investment pool in one or more accounts, in the name of or on behalf of the investment pool, in accordance with a custody agreement with a qualified bank. The custody agreement must:

(1) State and recognize the claims and rights of each participant;

(2) Acknowledge that the underlying assets of the investment pool are held solely for the benefit of each participant in proportion to the aggregate amount of its investments in the investment pool; and

(3) Contain an agreement that the underlying assets of the investment pool must not be commingled with the general assets of the custodian qualified bank or any other person.

5. The pooling agreement for each investment pool must be in writing and must provide that:

(a) An insurer and its affiliated insurers or, in the case of an investment pool investing solely in investments allowed in accordance with paragraph (a) of subsection 1, the insurer and its subsidiaries, affiliates or any pension or profit-sharing plan of the insurer, its subsidiaries and affiliates or, in the case of a United States branch of an alien insurer, affiliates or subsidiaries of its United States manager, shall at all times hold 100 percent of the interests in the investment pool.

(b) The underlying assets of the investment pool must not be commingled with the general assets of the pool manager or any other person.

(c) In proportion to the aggregate amount of each pool participant's interest in the investment pool:

(1) Each participant owns an undivided interest in the underlying assets of the investment pool; and

(2) The underlying assets of the investment pool are held solely for the benefit of each participant.

(d) A participant, or in the event of the participant's insolvency, bankruptcy or receivership, its trustee, receiver or other successor-in-interest, may withdraw all or any portion of its investment from the investment pool in accordance with the terms of the pooling agreement.

(e) Withdrawals may be made on demand without penalty or other assessment on any business day, but settlements of funds shall occur within a reasonable and customary period thereafter not to exceed 5 business days. Distributions in accordance with this paragraph must be calculated in each case net of all applicable fees and expenses of the investment pool. The

pooling agreement must provide that the pool manager shall distribute to a participant at the discretion of the pool manager:

(1) In cash, the then fair market value of the participant's pro rata share of each underlying asset of the investment pool;

(2) In kind, a pro rata share of each underlying asset; or

(3) In a combination of cash and in-kind distributions, a pro rata share in each underlying asset.

(f) The pool manager shall make the records of the investment pool available for inspection by the Commissioner.

Sec. 205. *Subject to the limitations of sections 200, 201 and 202 of this act, an insurer may acquire equity interests in business entities organized in accordance with the laws of any domestic jurisdiction.*

Sec. 206. *An insurer shall not acquire an investment in accordance with the provisions of sections 205 to 208, inclusive, of this act if, as a result of and after giving effect to the investment, the aggregate amount of investments held by the insurer in accordance with the provisions of those sections would exceed the greater of 25 percent of the insurer's admitted assets or 100 percent of the insurer's surplus as regards policyholders.*

Sec. 207. *An insurer shall not acquire in accordance with the provisions of sections 205 to 208, inclusive, of this act any investments that the insurer may acquire in accordance with the provisions of sections 214 to 217, inclusive, of this act.*

Sec. 208. *An insurer shall not short sell equity investments unless the insurer covers the short sale by owning the equity investment or an unrestricted right to the equity instrument exercisable within 6 months after the short sale.*

Sec. 209. *1. Subject to the limitations of sections 200, 201 and 202 of this act, an insurer may acquire tangible personal property or equity interests therein located or used wholly or in part within a domestic jurisdiction either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by paragraph (d) of subsection 1 of section 154 of this act, joint ventures, stock of an investment subsidiary or membership interests in a limited-liability company, trust certificates or other similar instruments.*

2. Investments acquired as described in subsection 1 are eligible only if:

(a) The property is subject to a lease or other agreement with a person whose rated credit instruments in the amount of the purchase price of the personal property the insurer could acquire in accordance with the provisions of section 203 of this act; and

(b) The lease or other agreement provides the insurer the right to receive rental, purchase or other fixed payments for the use or purchase of the property, and the aggregate value of the payments, together with the estimated residual value of the property at the end of its useful life and the estimated tax benefits to the insurer resulting from ownership of the

property, must be adequate to return the cost of the insurer's investment in the property, plus a return deemed adequate by the insurer.

Sec. 210. *The insurer shall compute the amount of each investment entered into in accordance with the provisions of sections 209 to 213, inclusive, of this act on the basis of the out-of-pocket purchase price and applicable related expenses paid by the insurer for the investment, net of each borrowing made to finance the purchase price and expenses, to the extent the borrowing is without recourse to the insurer.*

Sec. 211. *An insurer shall not acquire an investment in accordance with the provisions of sections 209 to 213, inclusive, of this act if, as a result of and after giving effect to the investment, the aggregate amount of all investments held by the insurer in accordance with the provisions of sections 209 to 213, inclusive, of this act would exceed:*

1. Two percent of its admitted assets; or

2. One half of one percent of its admitted assets as to any single item of tangible personal property.

Sec. 212. *For the purposes of determining compliance with the limitations of sections 200, 201 and 202 of this act, investments acquired by an insurer in accordance with the provisions of sections 209 to 213, inclusive, of this act must be aggregated with those acquired in accordance with the provisions of section 203 of this act, and each lessee of the property in accordance with a lease referred to in sections 209 to 213, inclusive, of this act shall be deemed the issuer of an obligation in the amount of the investment of the insurer in the property determined as provided in section 210 of this act.*

Sec. 213. *Nothing in sections 209 to 213, inclusive, of this act applies to tangible personal property lease arrangements between an insurer and its subsidiaries and affiliates in accordance with a cost-sharing arrangement or agreement permitted in accordance with the provisions of chapter 692C of NRS.*

Sec. 214. *1. Subject to the limitations of sections 200, 201 and 202 of this act, an insurer may acquire, either directly, or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by paragraph (d) of subsection 1 of section 154 of this act, joint ventures, stock of an investment subsidiary or membership interests in a limited-liability company, trust certificates, or other similar instruments, obligations secured by mortgages on real estate situated within a domestic jurisdiction. A mortgage loan which is secured by other than a first lien must not be acquired unless the insurer is the holder of the first lien.*

2. The obligations held by the insurer and any obligations with an equal lien priority must not, at the time of acquisition of the obligation, exceed:

(a) Ninety percent of the fair market value of the real estate, if the mortgage loan is secured by a purchase money mortgage or like security received by the insurer upon disposition of the real estate.

(b) Eighty percent of the fair market value of the real estate, if the mortgage loan requires immediate scheduled payment in periodic installments of principal and interest, has an amortization period of 30 years or less and periodic payments made not less frequently than annually. Each periodic payment must be sufficient to ensure that at all times the outstanding principal balance of the mortgage loan is not greater than the outstanding principal balance that would be outstanding under a mortgage loan with the same original principal balance, the same interest rate and requiring equal payments of principal and interest with the same frequency over the same amortization period. Mortgage loans allowed in accordance with this section are allowed notwithstanding the fact that they provide for a payment of the principal balance before the end of the period of amortization of the loan. For residential mortgage loans, the 80-percent limitation may be increased to 97 percent if acceptable private mortgage insurance has been obtained.

(c) Seventy-five percent of the fair market value of the real estate for mortgage loans that do not meet the requirements of paragraph (a) or (b).

3. For the purposes of subsection 2, the amount of an obligation required to be included in the calculation of the loan-to-value ratio may be reduced to the extent the obligation is insured by the Federal Housing Administration or guaranteed by the Administrator of Veterans Affairs, or their successors.

4. A mortgage loan that is held by an insurer pursuant to section 141 of this act or acquired in accordance with the provisions of sections 214 to 217, inclusive, of this act and is restructured in a manner that meets the requirements of a restructured mortgage loan in conformance with the Accounting Practices and Procedures Manual adopted by the NAIC, will continue to qualify as a mortgage loan in accordance with the provisions of this chapter.

5. Subject to the limitations of sections 200, 201 and 202 of this act, credit lease transactions that do not qualify for investment pursuant to section 203 of this act are exempt from the provisions of subsections 1, 2 and 3 if they meet the following criteria:

(a) The loan amortizes over the initial fixed lease term at least in an amount sufficient so that the loan balance at the end of the lease term does not exceed the original appraised value of the real estate;

(b) The lease payments cover or exceed the total debt service over the life of the loan;

(c) A tenant or its affiliated entity whose rated credit instruments have an SVO 1 or 2 rating or a comparable rating from a nationally recognized statistical rating organization recognized by the SVO, has a full faith and credit obligation to make the lease payments;

(d) The insurer holds or is the beneficial holder of a first lien mortgage on the real estate;

(e) The expenses of the real estate are passed through to the tenant excluding exterior, structural, parking and heating, ventilation and air conditioning replacement expenses, unless annual escrow contributions, from cash flows derived from the lease payments, cover the expense shortfall; and

(f) There is a perfected assignment of the rents due pursuant to the lease to, or for the benefit of, the insurer.

Sec. 215. *1. An insurer may acquire, manage and dispose of real estate situated in a domestic jurisdiction either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by paragraph (d) of subsection 1 of section 154 of this act, joint ventures, stock of an investment subsidiary or membership interests in a limited-liability company, trust certificates or other similar interests. The real estate must be income producing or intended for improvement or development for investment purposes under an existing program, in which case the real estate shall be deemed to be income producing.*

2. The real estate may be subject to mortgages, liens or other encumbrances, the amount of which must, to the extent that the obligations secured by the mortgages, liens or encumbrances are without recourse to the insurer, be deducted from the amount of the investment of the insurer in the real estate for purposes of determining compliance with subsections 2 and 3 of section 217 of this act.

Sec. 216. *1. An insurer may acquire, manage and dispose of real estate for the convenient accommodation of the insurer's, and its affiliates, business operations, including home office, branch office and filed office operations.*

2. Real estate acquired as described in this section may include excess space for rent to others, if the excess space, valued at its fair market value, would otherwise be an allowed investment in accordance with the provisions of section 215 of this act and is so qualified by the insurer.

3. The real estate acquired as described in this section may be subject to one or more mortgages, liens or other encumbrances, the amount of which must, to the extent that the obligations secured by the mortgages, liens or encumbrances are without recourse to the insurer, be deducted from the amount of the investment of the insurer in the real estate for purposes of determining compliance with subsection 4 of section 217 of this act.

4. For purposes of this section, business operations must not include that portion of real estate used for the direct provision of health care services by an insurer whose insurance premiums and required statutory reserves for accident and health insurance constitute at least 95 percent of total premium considerations or total statutory required reserves, respectively. An insurer may acquire real estate used for these purposes under section 215 of this act.

Sec. 217. *1. An insurer shall not acquire an investment in accordance with the provisions of section 214 of this act if, as a result of and after giving*

effect to the investment, the aggregate amount of all investments held by the insurer pursuant to that section would exceed:

(a) One percent of its admitted assets in mortgage loans covering any one secured location;

(b) One-quarter of one percent of its admitted assets in construction loans covering any one secured location; or

(c) One percent of its admitted assets in construction loans in the aggregate.

2. An insurer shall not acquire an investment under section 215 of this act if, as a result of and after giving effect to the investment and any outstanding guarantees made by the insurer in connection with the investment, the aggregate amount of investments held by the insurer under section 215 of this act plus the guarantees outstanding would exceed:

(a) One percent of its admitted assets in any one parcel or group of contiguous parcels of real estate, except that this limitation does not apply to that portion of real estate used for the direct provision of health care services by an insurer whose insurance premiums and required statutory reserves for accident and health insurance constitute at least 95 percent of total premium considerations or total statutory required reserves, respectively, including, without limitation, hospitals, medical clinics, medical professional buildings or other health facilities used for the purpose of providing health services; or

(b) The lesser of 10 percent of its admitted assets or 40 percent of its surplus as regards policyholders in the aggregate, except for an insurer whose insurance premiums and required statutory reserves for accident and health insurance constitute at least 95 percent of total premium considerations or total statutory required reserves, respectively, this limitation must be increased to 15 percent of its admitted assets in the aggregate.

3. An insurer shall not acquire an investment pursuant to sections 214 and 215 of this act if, as a result of and after giving effect to the investment and any guarantees it has made in connection with the investment, the aggregate amount of all investments held by the insurer in accordance with the provisions of those sections plus the guarantees outstanding would exceed 25 percent of the insurer's admitted assets.

4. The limitations of sections 200, 201 and 202 of this act do not apply to an insurer's acquisition of real estate under section 216 of this act. An insurer shall not acquire real estate under section 216 of this act if, as a result of and after giving effect to the acquisition, the aggregate amount of real estate held by the insurer in accordance with that section would exceed 10 percent of its admitted assets. With the permission of the Commissioner, additional amounts of real estate may be acquired under section 216 of this act.

Sec. 218. *An insurer may enter into securities lending, repurchase, reverse repurchase and dollar roll transactions with business entities, subject to the following requirements:*

1. The insurer's board of directors shall adopt a written plan that is consistent with the requirements of the written plan in section 148 of this act which specifies the guidelines and objectives to be followed, including, without limitation:

(a) A description of how cash received will be invested or used for general corporate purposes of the insurer;

(b) Operational procedures to manage interest rate risk, counterparty default risk, the conditions under which proceeds from reverse repurchase transactions may be used in the ordinary course of business and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction; and

(c) The extent to which the insurer may engage in these transactions.

2. The insurer shall enter into a written agreement for all transactions authorized in this section other than dollar roll transactions. The written agreement must require that each transaction terminate not more than 1 year after its inception or upon the earlier demand of the insurer. The agreement must be with the business entity counterparty, but for securities lending transactions, the agreement may be with an agent acting on behalf of the insurer, if the agent is a qualified business entity and if the agreement:

(a) Requires the agent to enter into separate agreements with each counterparty that are consistent with the requirements of this section; and

(b) Prohibits securities lending transactions under the agreement with the agent or its affiliates.

3. Cash received in a transaction entered into as described in this section must be invested in accordance with the provisions of this chapter and in a manner that recognizes the liquidity needs of the transaction or used by the insurer for its general corporate purposes. For so long as the transaction remains outstanding, the insurer, its agent or custodian shall maintain, as to acceptable collateral received in a transaction entered into in accordance with this section, either physically or through the book entry systems of the Federal Reserve, the Depository Trust Company, the Participants Trust Company or any other securities depositories approved by the Commissioner:

(a) Possession of the acceptable collateral;

(b) A perfected security interest in the acceptable collateral; or

(c) In the case of a jurisdiction outside of the United States, title to, or rights of a secured creditor to, the acceptable collateral.

4. The limitations of sections 200, 201, 202 and 219 to 223, inclusive, of this act do not apply to the business entity counterparty exposure created by transactions entered into under this section. For purposes of calculations made to determine compliance with this subsection, no effect will be given to the insurer's future obligation to resell securities, in the case of a

repurchase transaction, or to repurchase securities, in the case of a reverse repurchase transaction. An insurer shall not enter into a transaction under this section if, as a result of and after giving effect to the transaction:

(a) The aggregate amount of securities loaned, sold to or purchased from any one business entity counterparty under this section would exceed 5 percent of its admitted assets. In calculating the amount sold to or purchased from a business entity counterparty under repurchase or reverse repurchase transactions, effect may be given to netting provisions contained within a master written agreement.

(b) The aggregate amount of all securities loaned, sold to or purchased from all business entities under this section would exceed 40 percent of its admitted assets.

➥ The limitation in this subsection does not apply to reverse repurchase transactions for so long as the borrowing is used to meet operational liquidity requirements resulting from an officially declared catastrophe and subject to a plan approved by the Commissioner.

5. In a securities lending transaction, the insurer shall receive acceptable collateral having a market value on the transaction date, equal to 102 percent or more of the market value of the securities loaned by the insurer in the transaction on that date. If at any time the market value of the acceptable collateral is less than the market value of the loaned securities, the business entity counterparty is obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral held in connection with the transaction, equals 102 percent or more of the market value of the loaned securities.

6. In a reverse repurchase transaction, other than a dollar roll transaction, the insurer shall receive acceptable collateral having a market value on the transaction date equal to 95 percent or more of the market value of the securities transferred by the insurer in the transaction on that date. If at any time the market value of the acceptable collateral is less than 95 percent of the market value of the securities so transferred, the business entity counterparty is obligated to deliver additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral held in connection with the transaction, equals 95 percent or more of the market value of the transferred securities.

7. In a dollar roll transaction, the insurer shall receive cash in an amount equal to at least the market value of the securities transferred by the insurer in the transaction on the transaction date.

8. In a repurchase transaction, the insurer shall receive as acceptable collateral transferred securities having a market value equal to 102 percent or more of the purchase price paid by the insurer for the securities. If at any time the market value of the acceptable collateral is less than 100 percent of the purchase price paid by the insurer, the business entity counterparty is obligated to provide additional acceptable collateral, the market value of which, together with the market value of all acceptable collateral held in

connection with the transaction, equals 102 percent or more of the purchase price. Securities acquired by an insurer in a repurchase transaction must not be sold in a reverse repurchase transaction, loaned in a securities lending transaction or otherwise pledged.

9. To constitute acceptable collateral for the purposes of this section, a letter of credit must have an expiration date beyond the term of the subject transaction.

Sec. 219. *Subject to the limitations of sections 200, 201 and 202 of this act, an insurer may acquire foreign investments, or engage in investment practices with persons of, or in, foreign jurisdictions, of substantially the same types as those that an insurer is allowed to acquire pursuant to this chapter, other than of the type allowed under section 204 of this act if, as a result of and after giving effect to the investment:*

1. The aggregate amount of foreign investments held by the insurer in accordance with this section does not exceed 20 percent of its admitted assets; and

2. The aggregate amount of foreign investments held by the insurer in accordance with this section in a single foreign jurisdiction does not exceed 10 percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO 1 or 5 percent of its admitted assets as to any other foreign jurisdiction.

Sec. 220. *1. Subject to the limitations of sections 200, 201 and 202 of this act, an insurer may acquire investments, or engage in investment practices denominated in foreign currencies, whether or not they are foreign investments acquired as described in section 219 of this act, or additional foreign currency exposure as a result of the termination or expiration of a hedging transaction with respect to investments denominated in a foreign currency if:*

(a) The aggregate amount of investments held by the insurer in accordance with this section denominated in foreign currencies does not exceed 15 percent of its admitted assets; and

(b) The aggregate amount of investments held by the insurer in accordance with this section denominated in the foreign currency of a single foreign jurisdiction does not exceed 10 percent of its admitted assets as to a foreign jurisdiction that has a sovereign debt rating of SVO 1 or 5 percent of its admitted assets as to any other foreign jurisdiction.

2. An investment must not be considered denominated in a foreign currency if the acquiring insurer enters into one or more contracts in transactions allowed under sections 224 to 228, inclusive, of this act and the business entity counterparty agrees, in accordance with the contract or contracts, to exchange all payments made on the foreign currency denominated investment for United States currency at a rate which effectively insulates the investment cash flows against future changes in currency exchange rates during the period the contract or contracts are in effect.

Sec. 221. ***In addition to investments allowed under sections 219 and 220 of this act, an insurer that is authorized to do business in a foreign jurisdiction, and that has outstanding insurance, annuity or reinsurance contracts on lives or risks resident or located in that foreign jurisdiction and denominated in foreign currency of that jurisdiction, may acquire foreign investments respecting that foreign jurisdiction, and may acquire investments denominated in the currency of that jurisdiction, subject to the limitations of sections 200, 201 and 202 of this act. Investments made in accordance with this section in obligations of foreign governments, their political subdivisions and government-sponsored enterprises are not subject to the limitations of sections 200, 201 and 202 of this act if those investments carry an SVO rating of 1 or 2. The aggregate amount of investments acquired by the insurer in accordance with this section must not exceed the greater of:***

1. The amount the insurer is required by law to invest in the foreign jurisdiction; or

2. One hundred twenty-five percent of the amount if the insurer's reserves, net of reinsurance and other obligations under the contracts.

Sec. 222. ***In addition to investments allowed under sections 219 and 220 of this act, an insurer that is not authorized to do business in a foreign jurisdiction but which has outstanding insurance, annuity or reinsurance contracts on lives or risks resident or located in a foreign jurisdiction and denominated in foreign currency of that jurisdiction, may acquire foreign investments respecting that foreign jurisdiction, and may acquire investments denominated in the currency of that jurisdiction subject to the limitations set forth in sections 200, 201 and 202 of this act. Investments made in accordance with this section in obligations of foreign governments, their political subdivisions and government-sponsored enterprises are not subject to the limitations of sections 200, 201 and 202 of this act if those investments carry an SVO rating of 1 or 2. The aggregate amount of investments acquired by the insurer in accordance with this section must not exceed 105 percent of the amount of the insurer's reserves, net of reinsurance, and other obligations under the contracts on risks resident or located in the foreign jurisdiction.***

Sec. 223. ***Investments acquired in conformance with sections 219 to 223, inclusive, of this act must be aggregated with investments of the same types made under this chapter, and in a similar manner, for purposes of determining compliance with the limitations, if any, contained in this chapter. Investments in obligations of foreign governments, their political subdivisions and government-sponsored enterprises of these persons, except for those exempted in accordance with the provisions of sections 221 and 222 of this act, are subject to the limitations of sections 200, 201 and 202 of this act.***

Sec. 224. *An insurer may, directly or indirectly through an investment subsidiary, engage in derivative transactions as described in sections 224 to 228, inclusive, of this act pursuant to the following conditions:*

1. An insurer may use derivative instruments under sections 224 to 228, inclusive, of this act to engage in hedging transactions and certain income generation transactions, as these terms may be further defined in regulations adopted by the Commissioner pursuant to section 158 of this act; and

2. An insurer must be able to demonstrate to the Commissioner the intended hedging characteristics and the ongoing effectiveness of the derivative transaction or combination of transactions through cash flow testing or other appropriate analyses.

Sec. 225. *An insurer may enter into hedging transactions under sections 224 to 228, inclusive, of this act if, as a result of and after giving effect to the transaction:*

1. The aggregate statement value of options, caps, floors and warrants not attached to another financial instrument purchased and used in hedging transactions does not exceed 7.5 percent of its admitted assets;

2. The aggregate statement value of options, caps and floors written in hedging transactions does not exceed 3 percent of its admitted assets; and

3. The aggregate potential exposure of collars, swaps, forwards and futures used in hedging transactions does not exceed 6.5 percent of its admitted assets.

Sec. 226. *An insurer may only enter into the following types of income generation transactions if, as a result of and after giving effect to the transactions, the aggregate statement value of the fixed income assets that are subject to call plus the face value of fixed income securities underlying a derivative instrument subject to call, plus the amount of the purchase obligations under the puts, does not exceed 10 percent of its admitted assets:*

1. Sales of covered call options on noncallable fixed income securities, callable fixed income securities if the option expires by its terms before the end of the noncallable period or derivative instruments based on fixed income securities;

2. Sales of covered call options on equity securities, if the insurer holds in its portfolio, or can immediately acquire through the exercise of options, warrants or conversion rights already owned, the equity securities subject to call during the complete term of the call option sold; or

3. Sales of covered puts on investments that the insurer is allowed to acquire pursuant to this chapter if the insurer has escrowed, or entered into a custodian agreement segregating, cash or cash equivalents with a market value equal to the amount of its purchase obligations under the put during the complete term of the put option sold.

Sec. 227. *An insurer shall include all counterparty exposure amounts in determining compliance with the limitations of sections 200, 201 and 202 of this act.*

Sec. 228. ***In accordance with the regulations adopted pursuant to section 158 of this act, the Commissioner may approve additional transactions involving the use of derivative instruments in excess of the limits of section 225 of this act or for other risk-management purposes, but replication transactions must not be allowed for other than risk-management purposes.***

Sec. 229. ***An insurer may acquire investments, or engage in investment practices, in accordance with the provisions of this section and section 230 of this act, of any kind that are not specifically prohibited by this chapter, or engage in investment practices, without regard to any limitation in sections 200 to 223, inclusive, of this act, but an insurer shall not acquire an investment or engage in an investment practice in accordance with the provisions of this section and section 230 of this act if, as a result of and after giving effect to the transaction, the aggregate amount of the investments held by the insurer in accordance with the provisions of this section and section 230 of this act would exceed the greater of:***

1. Its unrestricted surplus; or

2. The lesser of:

(a) Ten percent of its admitted assets; or

(b) Fifty percent of its surplus as regards policy holders.

Sec. 230. ***An insurer shall not acquire any investment or engage in any investment practice in accordance with subsection 2 of section 229 of this act if, as a result of and after giving effect to the transaction, the aggregate amount of all investments in any one person held by the insurer in accordance with subsection 1 of section 229 would exceed 5 percent of its admitted assets.***

Sec. 231. NRS 682A.020 is hereby amended to read as follows:

682A.020 ~~[1.]~~ Insurers may ***acquire, hold or*** invest in ~~[or lend their funds on the security of, and may hold as invested assets, only eligible investments as prescribed in this chapter.~~

~~2. Any particular investment held by an insurer on January 1, 1972, which was a legal investment at the time it was made, and which the insurer was legally entitled to possess immediately before January 1, 1972, shall be deemed to be an eligible investment.~~

~~3. Any particular investment held by a successor organization to the State Industrial Insurance System that was established by section 79 of chapter 642, Statutes of Nevada 1981, at page 1449, which was a legal investment of the System made before January 1, 2000, and which the successor organization is legally entitled to possess on or after January 1, 2000, shall be deemed to be an eligible investment of the successor organization.~~

~~4. Eligibility of an investment must be determined as of the date of its making or acquisition, except as stated in subsections 2 and 3.~~

~~5. Any investment limitation based upon the amount of the insurer's assets or particular funds must relate to such assets or funds as shown by the insurer's annual statement as of December 31 next preceding the date of acquisition of~~

~~the investment by the insurer, or as shown by a current financial statement resulting from merger of another insurer, bulk reinsurance or change in capitalization.~~

~~6. No insurer may pay any commission or brokerage for the purchase or sale of property in excess of that usual and customary at the time and in the locality where such purchases or sales are made, and complete information regarding all payments of commission and brokerage must be reported in the next annual statement.~~] ***investments or engage in investment practices as set forth in this chapter. Investments not conforming to the provisions of this chapter are not admitted assets.***

Sec. 232. NRS 682B.130 is hereby amended to read as follows:

682B.130 1. An alien insurer may use Nevada as a state of entry to transact insurance in the United States of America by making and maintaining in this state a deposit of assets in trust with a bank, credit union or trust company approved by the Commissioner.

2. The deposit, together with other trust deposits of the insurer held in the United States of America for the same purpose, must be in an amount not less than as required of an alien insurer under NRS 680A.140, deposit requirement in general, and must consist of United States money, public obligations of the government or states or political subdivisions of the United States of America, and obligations of corporations and institutions in the United States of America, all as eligible for the investment of money of domestic insurers under ~~[NRS 682A.060, 682A.070 and 682A.080.]~~ ***sections 159 to 193, inclusive, of this act.***

3. Such a deposit may be referred to as "trusteed assets."

Sec. 233. NRS 683A.08528 is hereby amended to read as follows:

683A.08528 1. Not later than ~~[July 1 of each year,]~~ ***90 days after the expiration of the fiscal year of the administrator, or within such other period as the Commissioner may allow,*** each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for ~~[the most recently completed]~~ ***that*** fiscal year ~~[of the administrator.]~~ Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) A financial statement of the administrator that has been reviewed by an independent certified public accountant.

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the ~~[most recently completed]~~ fiscal year ~~[of the administrator.]~~

(c) ***A statement regarding the total money handled by the administrator on behalf of contracted entities in connection with his or her activities as an administrator. The statement must be on a form prescribed or approved by the Commissioner for the purpose of calculating the amount of the bond required by NRS 683A.0857.***

(d) Any other information required by the Commissioner.

3. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include ~~[a columnar or combining worksheet]~~ ***supplemental exhibits*** that:

(a) ~~[Includes the amounts shown on the consolidated financial statement accompanying the annual report;]~~ ***Have been reviewed by an independent certified public accountant; and***

(b) ~~[Separately sets forth the amounts for each entity included in the worksheet; and~~

~~(c) Includes an explanation of each consolidating and eliminating entry included in the worksheet.]~~ ***Include a balance sheet and income statement for each holder of a certificate of registration as an administrator in this State.***

4. ***In lieu of complying with the requirements set forth in paragraphs (a) and (b) of subsection 3, an administrator who is a wholly owned subsidiary of a parent company ~~[and who does not hold a certificate of registration in this State]~~ may submit to the Commissioner:***

(a) The financial statement of the parent company that has been audited by an independent certified public accountant; and

(b) A parental guaranty that is signed by an officer of the parent company and which guarantees the financial solvency of the administrator.

5. Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.

~~[5.]~~ ***6.*** The Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall:

(a) Issue a certificate to the administrator:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is currently licensed and in good standing in this State; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or

(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:

(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or

(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.

Sec. 234. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true,

correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded;

(b) Designated a natural person who is licensed as a producer of insurance and who is authorized to transact business on behalf of the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance; ~~[and]~~

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization ~~[.]~~ ***; and***

(d) Established and maintains a valid electronic mail address at the applicant's own expense.

3. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; ~~[and]~~

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other

authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary ~~.~~ ***; and***

(c) Establish and maintain a valid electronic mail address.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

5. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 235. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.

(b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) Fixed annuities, including, without limitation, indexed annuities, as a limited line.

(i) Travel and baggage as a limited line.

(j) Rental car agency as a limited line.

(k) Portable electronics as a limited line.

(l) Crop as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

6. A licensee shall inform the Commissioner of each change of business **,** ~~[or]~~ residence ***or electronic mail*** address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business **,** ~~[or]~~ residence ***or electronic mail*** address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 236. NRS 683A.271 is hereby amended to read as follows:

683A.271 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a nonresident person if the nonresident person:

(a) Is currently licensed as a resident and in good standing in his or her home state;

(b) Has made the proper request for licensure and paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account;

(c) Has sent to the Commissioner the application for licensure that the nonresident person made in his or her home state, or a completed uniform application; ~~[and]~~

(d) Has a home state which issues nonresident licenses as producers of insurance to residents of this State pursuant to substantially the same procedure ~~[.]~~ ***; and***

(e) Establishes and maintains a valid electronic mail address at the applicant's own expense.

2. The Commissioner may participate with the National Association of Insurance Commissioners or a subsidiary in a centralized registry in which licensing and appointment of producers of insurance may be effected for all states that require licensing and participate in the registry. If the Commissioner finds that participation is in the public interest, the Commissioner may adopt by regulation any uniform standards and procedures necessary for participation, including central collection of fees for licensing and appointment that are handled through the registry.

3. A nonresident producer who moves from one state to another state shall file a change of address and certification from the new state of residence within 30 days after the change of legal residence. No fee or application for license is required.

4. A nonresident licensed as a producer for surplus lines in his or her home state must be issued a nonresident license of that kind in this State pursuant to subsection 1, subject in all other respects to chapter 685A of NRS. A nonresident licensed as a producer for limited lines in his or her home state is entitled to a nonresident license of that kind in this State pursuant to subsection 1, granting the same scope of authority as the license issued in the home state.

As used in this subsection, insurance for limited lines is authority granted by the home state which is restricted to less than the total authority prescribed for the associated major lines pursuant to NRS 683A.261.

5. A nonresident firm or corporation maintaining a physical business location in this State shall notify the Commissioner of each physical location in this State from which it transacts business. A nonresident firm or corporation shall maintain a list identifying the locations outside this State from which it transacts business and provide the list to the Commissioner upon request.

Sec. 237. NRS 683A.378 is hereby amended to read as follows:

683A.378 1. A person shall not conduct utilization review unless the person is:

(a) Registered with the Commissioner as an agent who performs utilization review and has a medical director who is a physician or, in the case of an agent who reviews dental services, a dentist, licensed in any state; or

(b) Employed by a registered agent who performs utilization review.

2. A person may apply for registration by filing with the Commissioner a $250 fee and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 and the following information on a form provided by the Commissioner:

(a) The applicant's name, address, telephone number***, valid electronic mail address*** and normal business hours;

(b) The name and telephone number of a person the Commissioner may contact for information concerning the applicant;

(c) The name of the medical director of the applicant and the state in which he or she is licensed to practice medicine or dentistry; and

(d) A summary of the plan for utilization review, including procedures for appealing determinations made through utilization review.

3. An agent who performs utilization review shall file with the Commissioner any material changes in the information provided pursuant to subsection 1 within 30 days after the change occurs.

4. The Commissioner shall not evaluate the plan submitted pursuant to paragraph (d) of subsection 2. The Commissioner shall make the plan available upon request and shall charge a reasonable fee for providing a copy of the plan.

5. Registration pursuant to this section must be renewed on or before March 1 of each year by providing the information specified in subsection 2 and paying a renewal fee of $250 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 238. NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony ~~[.]~~ ***or a crime which involves theft, fraud, dishonesty or moral turpitude.***

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business ***, or otherwise,*** in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required ~~[pursuant to the provisions of chapter 363A of NRS.]~~ ***by law.***

Sec. 239. NRS 686B.080 is hereby amended to read as follows:

686B.080 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ ***to 5, inclusive,*** each filing and any supporting information filed under NRS 686B.010 to 686B.1799, inclusive, must, as soon as filed, be open to public inspection at any reasonable time. Copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

2. All ~~[approved]~~ rates for health benefit plans available for purchase by individuals ***and small employers*** are considered proprietary and ~~[to]~~ constitute trade secrets, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

3. The provisions of subsection 2 expire annually on the date 30 days before open enrollment.

4. ***Except in cases of violations of NRS 689A.010 to 689A.740, inclusive, or 689C.015 to 689C.355, inclusive, the unified rate review template and rate filing documentation used by carriers servicing the individual and small***

employer markets are considered proprietary and constitute a trade secret, and are not subject to disclosure by the Commissioner to persons outside the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

5. An insurer providing blanket health insurance in accordance with the provisions of chapter 689B of NRS shall make all information concerning rates available to the Commissioner upon request. Such information is considered proprietary and constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside the Division except as agreed by the insurer or as ordered by a court of competent jurisdiction.

6. For the purposes of this section ~~[, "open]~~ ***:***

(a) "Open enrollment" has the meaning ascribed to it in 45 C.F.R. § 147.104(b)(1)(ii).

(b) "Rate filing documentation" and "unified rate review template" have the meanings ascribed to them in 45 C.F.R. § 154.215.

Sec. 240. Chapter 686C of NRS is hereby amended by adding thereto the provisions set forth as sections 241 to 246, inclusive, of this act.

Sec. 241. ***1. At any time within 180 days after the date of an order of liquidation, the Association may elect to succeed to the rights and obligations of the ceding member insurer that relate to policies or annuities covered, in whole or in part, by the Association, in each case under any one or more reinsurance contracts entered into by the insolvent insurer and its reinsurers and selected by the Association. Any such assumption must be effective on the date of the order of liquidation. The election must be carried out by the Association sending written notice, return receipt requested, to the affected reinsurers.***

2. To facilitate the earliest practicable decision about whether to assume any of the contracts of reinsurance, and to protect the financial position of the estate, the receiver and each reinsurer of the ceding insurer shall make available upon request to the Association as soon as possible after commencement of formal delinquency proceedings:

(a) Copies of in-force contracts of reinsurance and all related files and records relevant to the determination of whether such contracts should be assumed; and

(b) Notices of any defaults under the reinsurance contracts or any known event or condition which with the passage of time could become a default under the reinsurance contracts.

3. The following apply to reinsurance contracts assumed by the Association:

(a) The Association is responsible for all unpaid premiums due pursuant to the reinsurance contracts for periods both before and after the date of the order of liquidation, and is responsible for the performance of all other obligations to be performed after the date of the order of liquidation, in each case which relates to policies or annuities covered, in whole or in part, by the Association. The Association may charge policies or annuities covered

in part by the Association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the Association and shall provide notice and an accounting of these changes to the liquidator.

(b) The Association may be entitled to any amounts payable by the reinsurer pursuant to the reinsurance contracts with respect to losses or events that occur in periods after the date of the order of liquidation and which relate to policies or annuities covered, in whole or in part, by the Association, provided that, upon receipt of any such amounts, the Association is obligated to pay to the beneficiary, under the policy or annuity on account of which the amounts were paid, a portion of the amount equal to the lesser of:

(1) The amount received by the Association; or

(2) The excess of the amount received by the Association over the amount equal to the benefits paid by the Association on account of the policy or annuity, less the retention of the insurer applicable to the loss or event.

(c) Within 30 days after the Association's election, the Association and each reinsurer under the contracts assumed by the Association shall calculate the net balance due to or from the Association pursuant to each reinsurance contract on the election date with respect to policies or annuities covered, in whole or in part, by the Association, which calculation must give full credit to all items paid by either the insurer or its receiver or the reinsurer before the election date. The reinsurer shall pay the receiver any amounts due for losses or events before the date of the order of liquidation, subject to any set-off for premiums unpaid for periods before the date, and the Association or reinsurer shall pay any remaining balance due to the other, in each case within 5 days after the completion of the aforementioned calculation. Any disputes over the amounts due to either the Association or the reinsurer must be resolved by arbitration pursuant to the terms of the affected reinsurance contracts or, if the contracts contain no arbitration clause, as otherwise prescribed by law. If the receiver has received any amounts due to the Association under paragraph (d), the receiver shall remit the same to the Association as promptly as practicable.

(d) If the Association or receiver, on the Association's behalf, within 60 days after the election date, pays the unpaid premiums due for periods both before and after the election date that relate to policies or annuities covered, in whole or in part, by the Association, the reinsurer is not entitled to terminate the reinsurance contracts for failure to pay premiums insofar as the reinsurance contracts relate to policies or annuities covered, in whole or in part, by the Association, and is not entitled to set off any unpaid amounts due pursuant to the other contracts, or unpaid amounts due from parties other than the Association, against amounts due to the Association.

Sec. 242. *1. During the period after the date of an order of liquidation until the election date, or, if the election date does not occur, until 180 days after the date of the order of liquidation:*

(a) Neither the Association nor the reinsurer shall have any rights or obligations under reinsurance contracts that the Association has the right to assume under section 241 of this act, whether for periods before or after the date of the order of liquidation.

(b) The reinsurer, the receiver and the Association shall, to the extent practicable, provide each other data and records as reasonably requested.

2. Once the Association has elected to assume a reinsurance contract, the parties' rights and obligations are governed by the provisions of section 241 of this act.

Sec. 243. *If the Association does not elect to assume a reinsurance contract by the election date under section 241 of this act, the Association has no rights or obligations, in each case for periods both before and after the date of the order of liquidation, with respect to the reinsurance contract.*

Sec. 244. *When policies or annuities, or covered obligations with respect thereto, are transferred to an assuming insurer, reinsurance on the policies or annuities may also be transferred by the Association, in the case of contracts assumed under section 241 of this act, subject to the following:*

1. Unless the reinsurer and the assuming insurer agree otherwise, the reinsurance contract transferred must not cover any new policies of insurance or annuities in addition to those transferred.

2. The obligations described in section 241 of this act no longer apply with respect to matters arising after the effective date of the transfer.

3. Notice must be given in writing, return receipt requested, by the transferring party to the affected reinsurer not less than 30 days before the effective date of the transfer.

Sec. 245. *The provisions of sections 241 to 246, inclusive, of this act supersede the provisions of any state law or of any affected reinsurance contract that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the date of an order of liquidation, to the receiver of the insolvent insurer or any other person. The receiver shall remain entitled to any amounts payable by the reinsurer pursuant to the reinsurance contracts with respect to losses or events that occur in periods before the date of the order of liquidation, subject to applicable set-off provisions.*

Sec. 246. *1. Except as otherwise provided in NRS 686C.130 to 686C.226, inclusive, nothing in sections 241 to 246, inclusive, of this act shall alter or modify the terms and conditions of any reinsurance contract.*

2. Nothing in this section shall:

(a) Abrogate or limit any rights of any reinsurer to claim that it is entitled to rescind a reinsurance contract;

(b) Give a policyholder or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract;

(c) Limit or affect the Association's rights as a creditor of the estate against the assets of the estate; or

(d) Apply to reinsurance agreements covering property or casualty risks.

Sec. 247. NRS 686C.030 is hereby amended to read as follows:

686C.030 1. This chapter provides coverage for the policies or contracts described in subsection 4 to persons who are:

(a) Owners of or certificate holders under such policies or contracts, other than structured settlement annuities, and who:

(1) Are residents of this state; or

(2) Are not residents, but only if:

(I) The insurer that issued the policies or contracts is domiciled in this state;

(II) The states in which the persons reside have associations similar to the Association created by this chapter; and

(III) The persons are not eligible for coverage by an association in another state because the insurer was not authorized in the other state at the time specified in that state's law governing guaranty associations; and

(b) Beneficiaries, assignees or payees of the persons covered under paragraph (a), wherever they reside, except for nonresident certificate holders under group policies or contracts.

2. For structured settlement annuities, except as otherwise provided in subsection 3, this chapter provides coverage to a payee under the annuity, or beneficiary of a payee if the payee is deceased, if the payee or beneficiary:

(a) Is a resident of this state, regardless of the residence of the owner of the annuity; or

(b) Is not a resident of this state, but:

(1) The owner of the annuity is a resident of this state, or the issuer of the annuity is domiciled in this state and the state in which the owner resides has an association similar to the Association created by this chapter; and

(2) Neither the payee or beneficiary nor the owner of the annuity is eligible for coverage by the association of the state in which the payee, beneficiary or owner resides.

3. This chapter does not provide coverage for a payee or beneficiary of a structured settlement annuity if the owner of the annuity is a resident of this state and the payee or beneficiary is afforded any coverage by the association of another state. In determining the application of the provisions of this chapter to a situation where a person could be covered by the association of more than one state, this chapter must be construed in conjunction with the laws of other states to result in coverage by only one association.

4. This chapter provides coverage to the persons described in subsections 1 and 2 for direct, nongroup life, health and ~~[~~supplemental~~]~~ ***annuity*** policies or contracts, ~~[~~and annuities, and~~]~~ ***for*** certificates under direct group policies and contracts, and ~~[~~annuities,~~]~~ ***for supplemental contracts to any of these, in each case issued by member insurers,*** except as limited by this chapter.

Sec. 248. NRS 686C.090 is hereby amended to read as follows:

686C.090 "Impaired insurer" means ~~[~~an~~]~~ ***a member*** insurer which is not an insolvent insurer and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

Sec. 249. NRS 686C.095 is hereby amended to read as follows:

686C.095 "Insolvent insurer" means ~~[an]~~ ***a member*** insurer which is ordered to liquidate by a court of competent jurisdiction after a finding of insolvency.

Sec. 250. (Deleted by amendment.)

Sec. 251. NRS 686C.110 is hereby amended to read as follows:

686C.110 "Premiums" means amounts received in any calendar year on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and credits for experience thereon. The term does not include:

1. Any amounts received for policies or contracts or for the portions of policies or contracts for which coverage is not provided under NRS 686C.030 except that the assessable premium is not reduced on account of paragraph (c) of subsection 1 of NRS 686C.035 relating to limitations on interest and subsection 2 or paragraph (b) of subsection 1 of NRS 686C.210 relating to limitations with respect to any one life.

2. Premiums for an unallocated annuity contract ~~[.]~~ ***, except those issued in accordance with the provisions of a governmental retirement plan, established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively, or the trustees of such a plan.***

3. Premiums that exceed $5,000,000 for several nongroup policies of life insurance owned by one owner, regardless of:

(a) Whether the owner is a natural person, firm, corporation or other person;

(b) Whether any person insured under the policies is an officer, manager, employee or other person; or

(c) The number of policies or contracts held by the owner.

Sec. 252. NRS 686C.120 is hereby amended to read as follows:

686C.120 "Resident" means any person to whom a contractual obligation is owed and who resides in this state on the date of entry of a court order that determines a member insurer to be impaired or insolvent **.** ~~[, whichever determination is first made.]~~ A person may be a resident of but one state, which in the case of a person other than a natural person is its principal place of business. A citizen of the United States who is a resident of a foreign country or of a territory or insular possession subject to the jurisdiction of the United States which does not have an association similar to the Association created by this chapter shall be deemed to be a resident of the state of domicile of the insurer that issued the policy or contract.

Sec. 253. NRS 686C.240 is hereby amended to read as follows:

686C.240 1. The Board of Directors of the Association shall determine the amount of each assessment in Class A and may, but need not, prorate it. If an assessment is prorated, the Board may provide that any surplus be credited against future assessments in Class B. An assessment which is not prorated must not exceed ~~[$300]~~ ***$500*** for each member insurer for any 1 calendar year.

2. The Board may allocate any assessment in Class B among the accounts according to the premiums or reserves of the impaired or insolvent insurer or

any other standard which it considers fair and reasonable under the circumstances.

3. Assessments in Class B against member insurers for each account and subaccount must be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account or subaccount for the 3 most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent bears to premiums received on business in this State for those calendar years by all assessed member insurers.

4. Assessments for money to meet the requirements of the Association with respect to an impaired or insolvent insurer must not be authorized or called until necessary to carry out the purposes of this chapter. Classification of assessments under subsection 2 of NRS 686C.230 and computation of assessments under this section must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible. The Association shall notify each member insurer of its anticipated prorated share of an assessment authorized but not yet called within 180 days after it is authorized.

Sec. 254. Chapter 687A of NRS is hereby amended by adding thereto a new section to read as follows:

"Assumed claims transaction" includes:

1. A policy obligation that has been assumed by an insolvent insurer, before the entry of a final order of liquidation, through a merger between the insolvent insurer and another entity obligated under the policy.

2. An assumption reinsurance transaction in which:

(a) The insolvent insurer assumed, before the entry of a final order of liquidation, the claim or policy obligations of another insurer or entity obligated under a claim or policy;

(b) The assumption of the claim or policy obligations has been approved by the Commissioner, if such approval is required; and

(c) As a result of the assumption, the claim or policy obligation became the direct obligation of the insolvent insurer through a novation of the claim or policy.

Sec. 255. NRS 687A.030 is hereby amended to read as follows:

687A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 687A.031 to 687A.039, inclusive, ***and section 254 of this act*** have the meanings ascribed to them in those sections.

Sec. 256. NRS 687A.033 is hereby amended to read as follows:

687A.033 1. "Covered claim" means an unpaid claim or judgment, including a claim for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this chapter applies ~~[issued by an insurer which]~~ ***if the insurer*** becomes an insolvent insurer, ~~[if]~~ ***the policy was issued by the insurer or assumed by the insurer in an assumed claims transaction, and*** one of the following conditions exists:

(a) The claimant or insured, if a natural person, is a resident of this State at the time of the insured event.

(b) The claimant or insured, if other than a natural person, maintains its principal place of business in this State at the time of the insured event.

(c) The property from which the first party property damage claim arises is permanently located in this State.

(d) The claim is not a covered claim pursuant to the laws of any other state and the premium tax imposed on the insurance policy is payable in this State pursuant to NRS 680B.027.

2. The term does not include:

(a) An amount that is directly or indirectly due a reinsurer, insurer, insurance pool or underwriting association, as recovered by subrogation, indemnity or contribution, or otherwise.

(b) That part of a loss which would not be payable because of a provision for a deductible or a self-insured retention specified in the policy.

(c) Except as otherwise provided in this paragraph, any claim filed with the Association:

(1) More than 18 months after the date of the order of liquidation; or

(2) After the final date set by the court for the filing of claims against the liquidator or receiver of the insolvent insurer,

➥ whichever is earlier. The provisions of this paragraph do not apply to a claim for workers' compensation that is reopened pursuant to the provisions of NRS 616C.390 or 616C.392.

(d) A claim filed with the Association for a loss that is incurred but is not reported to the Association before the expiration of the period specified in subparagraph (1) or (2) of paragraph (c).

(e) An obligation to make a supplementary payment for adjustment or attorney's fees and expenses, court costs or interest and bond premiums incurred by the insolvent insurer before the appointment of a liquidator, unless the expenses would also be a valid claim against the insured.

(f) A first party or third party claim brought by or against an insured, if the aggregate net worth of the insured and any affiliate of the insured, as determined on a consolidated basis, is more than $25,000,000 on December 31 of the year immediately preceding the date the insurer becomes an insolvent insurer. The provisions of this paragraph do not apply to a claim for workers' compensation. As used in this paragraph, "affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For the purpose of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10 percent or more.

Sec. 257. NRS 687B.420 is hereby amended to read as follows:

687B.420 ~~[An]~~

1. ***An*** insurer shall not cancel, fail to renew or renew with altered terms a policy or contract issued pursuant to chapter 688B, 689A, 689B, 689C, 695A, 695B, 695C, 695D or 695F of NRS unless notice in writing of the proposal is

given to the insured at least 60 days before the date the proposed action becomes effective. The notice must include, without limitation, any changes in specific rates by line of coverage.

2. An insurer shall not cancel, fail to renew or renew with altered terms an individual health benefit plan that is not grandfathered pursuant to applicable law unless notice in writing of the proposal is given to the insured at least 30 days before the beginning of the open enrollment period described in NRS 686B.080. The notice must include the specific changes in terms or rates, as applicable.

Sec. 258. NRS 688A.305 is hereby amended to read as follows:

688A.305 1. This section applies to all policies issued on or after January 1, 1987. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary must be in an amount which does not differ by more than two-tenths of 1 percent of the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years, from the sum of:

(a) The greater of zero and the basic cash value specified in this section; and

(b) The present value of any existing paid-up additions less the amount of any indebtedness to the ~~[insurer]~~ ***company*** under the policy.

2. The basic cash value must be equal to the present value, on the anniversary, of the future guaranteed benefits which would have been provided by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the ~~[insurer,]~~ ***company,*** if there had been no default, less the present value of the nonforfeiture factors, ~~[corresponding to premiums which would have fallen due on and after the anniversary.]~~ ***as defined in NRS 688A.290 to 688A.360, inclusive.*** The effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in ***this section or*** NRS 688A.300 or 688A.320, whichever is applicable, must be the same as the effects specified in ***this section or*** NRS 688A.300 or 688A.320, on the cash surrender values defined in ~~[that]~~ ***the applicable*** section.

3. The nonforfeiture factor for each policy year must be an amount equal to a percentage of the adjusted premium for the policy year, as defined in NRS 688A.320 or 688A.325, whichever is applicable. Except as is required in this subsection, the percentage must be:

(a) The same for each policy year between the second policy anniversary and the later of:

(1) The fifth policy anniversary; and

(2) The first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least two-tenths of 1 percent of the amount of insurance, if the insurance is uniform in amount, or

the average amount of insurance at the beginning of each of the first 10 policy years; and

(b) Such that no percentage after the later of the two policy anniversaries specified in paragraph (a) may apply to fewer than 5 consecutive policy years.

➥ No basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in NRS 688A.320 or 688A.325, whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

4. All adjusted premiums and present values referred to in this section for a particular policy must be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with NRS 688A.290 to 688A.360, inclusive. The cash surrender values referred to in this section must include any endowment benefits provided for by the policy.

5. Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment must be determined by methods consistent with those specified for determining the analogous minimum amounts in NRS 688A.290, 688A.300, ***688A.310,*** 688A.325 and 688A.350. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 688A.350, must conform with the principles of this section.

Sec. 259. (Deleted by amendment.)

Sec. 259.5. NRS 688A.325 is hereby amended to read as follows:

688A.325 1. This section applies to all policies issued by an insurer on or after the operative date of this section as it relates to that insurer. Except as otherwise provided in subsection 7, the adjusted premiums for any policy must be calculated on an annual basis and be the uniform percentage of the respective premium specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits. The present value, at the date of issue of the policy, of all adjusted premiums must be equal to the sum of:

(a) The value of the future guaranteed benefits provided for by the policy;

(b) One percent of the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and

(c) One hundred twenty-five percent of the nonforfeiture net level premium.

In applying the percentage specified in paragraph (c), no nonforfeiture net level premium may be deemed to exceed 4 percent of the amount of insurance, if the insurance is uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years. The date of issue of a policy

for the purpose of this section must be the date as of which the rated age of the insured is determined.

2. The nonforfeiture net level premium must be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of the policy on which a premium falls due.

3. In the case of policies which cause unscheduled changes in benefits or premiums on a basis guaranteed in the policy, or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values must initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any change in the benefits or premiums, the future adjusted premiums, nonforfeiture net level premiums and present values must be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

4. Except as otherwise provided in subsection 7, the recalculated future adjusted premiums for any such policy must be a uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards and any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, which results in the present value, at the time of change to the newly defined benefits or premiums, of all future adjusted premiums being equal to the excess of the sum of the present value of the future guaranteed benefits provided for by the policy and the additional expense allowance, if any, over the cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

5. The additional expense allowance, at the time of the change to the newly defined benefits or premiums, must be the sum of:

(a) One percent of the excess, if positive, of the average amount of insurance at the beginning of each of the first 10 policy years after the change, over the average amount of insurance before the change at the beginning of each of the first 10 policy years after the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and

(b) One hundred twenty-five percent of the increase, if positive, in the nonforfeiture net level premium.

6. The recalculated nonforfeiture net level premium must be equal to the result obtained by dividing amount "A" by amount "B" where:

(a) "A" equals the sum of:

(1) The nonforfeiture net level premium applicable before the change, multiplied by the present value of an annuity of one per annum payable on each anniversary of the policy on or after the date of the change on which a premium would have fallen due if the change had not occurred; and

(2) The present value of the increase in future guaranteed benefits provided for by the policy.

(b) "B" equals the present value of an annuity of one per annum payable on each anniversary of the policy on or after the date of change on which a premium falls due.

7. In the case of a policy issued on a substandard basis which provides reduced graded amounts of insurance so that, in each policy year, the policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for the substandard policy may be calculated as if it were issued to provide the higher uniform amounts of insurance on the standard basis.

8. All adjusted premiums and present values referred to in NRS 688A.290 to 688A.360, inclusive, must be calculated for all policies of ordinary insurance on the basis of the Commissioners 1980 Standard Ordinary Mortality Table or, at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with Ten-Year Select Mortality Factors; all policies of industrial insurance must be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table; and all policies issued in a particular calendar year must be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate established in this section for policies issued in that calendar year, except as follows:

(a) At the option of the insurer, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, established in this section, for policies issued in the immediately preceding calendar year.

(b) Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by NRS 688A.290, must be calculated on the basis of the mortality table and rate of interest used in determining the amount of the paid-up nonforfeiture benefit and paid-up dividend additions, if any.

(c) An insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate which is not lower than that specified in the policy for calculating cash surrender values.

(d) In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance Table for policies of ordinary insurance and not more than the Commissioners 1961 Industrial Extended Term Insurance Table for policies of industrial insurance.

(e) For insurance issued on a substandard basis or a special underwriting basis, the calculation of any adjusted premiums and present values may be based on appropriate modifications of the tables specified in this subsection.

(f) ~~[~~Any~~]~~ ***For policies issued:***

(1) Before the operative date of the Valuation Manual, as determined pursuant to section 33.7 of this act, any Commissioners Standard ordinary mortality tables which are adopted after 1980 by the National Association of Insurance Commissioners and are approved by a regulation adopted by the Commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

(2) On or after the operative date of the Valuation Manual, as determined pursuant to section 33.7 of this act, the Valuation Manual must set forth the Commissioners Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the Commissioner approves by regulation any Commissioners Standard ordinary mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the Valuation Manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard specified in the Valuation Manual.

(g) ~~[~~Any~~]~~ ***For policies issued:***

(1) Before the operative date of the Valuation Manual, as determined pursuant to section 33.7 of this act, any Commissioners Standard industrial mortality tables which are adopted after 1980 by the National Association of Insurance Commissioners and are approved by a regulation adopted by the Commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table.

(2) On or after the operative date of the Valuation Manual, as determined pursuant to section 33.7 of this act, the Valuation Manual must set forth the Commissioners Standard industrial mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the Commissioner approves by regulation any Commissioners Standard industrial mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the Valuation Manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard specified in the Valuation Manual.

9. ~~[~~The~~]~~ ***For the purposes of this section:***

(a) For policies issued before the operative date of the Valuation Manual, as determined pursuant to section 33.7 of this act, the nonforfeiture interest

rate for any policy issued in a particular calendar year must be equal to ~~[~~125~~]~~ ***the greater of:***

(1) One hundred twenty-five percent of the calendar year statutory valuation interest rate for the policy as defined in the Standard Valuation Law, rounded to the nearer one-fourth of 1 percent ~~[~~.~~]~~ ***; or***

(2) Four percent.

(b) For policies issued on or after the operative date of the Valuation Manual, as determined pursuant to section 33.7 of this act, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year must be as specified in the Valuation Manual.

10. Any refiling of nonforfeiture values or their methods of computation for any previously approved policy form which involves only a change in the interest rate or mortality table used to compute nonforfeiture values does not require refiling of any other provisions of that policy form.

11. After July 1, 1983, any insurer may file with the Commissioner a written notice of its election to comply with the provision of this section after a specified date before January 1, 1989. A date so specified is the operative date of this section for that insurer. If an insurer makes no election, the operative date of this section for that insurer is January 1, 1989.

12. As used in this section, "Valuation Manual" has the meaning ascribed to it in section 32 of this act.

Sec. 260. NRS 688A.390 is hereby amended to read as follows:

688A.390 1. A domestic life insurer may establish one or more separate accounts, and may allocate thereto amounts (including without limitation proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance or annuities (and benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(a) The income, gains and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains or losses of the company.

(b) Except as may be provided with respect to reserves for guaranteed benefits and funds referred to in paragraph (c):

(1) Amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurance companies; and

(2) The investments in such separate account or accounts shall not be taken into account in applying the investment limitations otherwise applicable to the investments of the company.

(c) Except with the approval of the Commissioner and under such conditions as to investments and other matters as the Commissioner may prescribe, which shall recognize the guaranteed nature of the benefits provided, reserves for:

(1) Benefits guaranteed as to dollar amount and duration; and

(2) Funds guaranteed as to principal amount or stated rate of interest,

➥ shall not be maintained in a separate account.

(d) Unless otherwise approved by the Commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account; but unless otherwise approved by the Commissioner, the portion if any of the assets of such separate account equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in paragraph (c) shall be valued in accordance with the rules otherwise applicable to the company's assets.

(e) Amounts allocated to a separate account in the exercise of the power granted by this section shall be owned by the company, and the company shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with respect to such account shall not be chargeable with liabilities arising out of any other business the company may conduct.

(f) No sale, exchange or other transfer of assets may be made by a company between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account pursuant to subsection 6 or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made:

(1) By a transfer of cash; or

(2) By a transfer of securities having a readily determinable market value, provided that such transfer of securities is approved by the Commissioner.

➥ The Commissioner may approve other transfers among such accounts if, in the opinion of the Commissioner, such transfers would not be inequitable.

(g) To the extent such company deems it necessary to comply with any applicable federal or state laws, such company, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may provide for persons having an interest therein appropriate voting and other rights and special procedures for the conduct of the business of such account, including without limitation special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants and the selection of a committee, the members of which need not be otherwise affiliated with such company, to manage the business of such account.

2. Any contract providing benefits payable in variable amounts delivered or issued for delivery in this state, including a group contract and any certificate issued thereunder, shall contain a statement of the essential features of the procedures to be followed by the insurance company in determining the dollar amount of such variable benefits. Any such contract under which the benefits vary to reflect investment experience, including a group contract and

any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will so vary and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

3. No company shall deliver or issue for delivery within this state variable contracts unless it is licensed or organized to do a life insurance or annuity business in this state, and the Commissioner is satisfied that its condition or method of operation in connection with the issuance of such contracts will not render its operation hazardous to the public or its policyholders in this state. In this connection, the Commissioner shall consider among other things:

(a) The history and financial condition of the company;

(b) The character, responsibility and fitness of the officers and directors of the company; and

(c) The law and regulations under which the company is authorized in the state of domicile to issue variable contracts.

➥ If the company is a subsidiary of an admitted life insurance company, or affiliated with such company through common management or ownership, it may be deemed by the Commissioner to have met the provisions of this subsection if either it or the parent or the affiliated company meets the requirements hereof.

4. Notwithstanding any other provision of law, the Commissioner has sole authority to regulate the issuance and sale of variable contracts, and to issue such reasonable rules and regulations as may be appropriate to carry out the purposes and provisions of this section.

5. Except for NRS 688A.190, 688A.240 and 688A.250 in the case of a variable annuity contract and NRS 688A.060, 688A.110, 688A.120, 688A.130, 688A.290 to 688A.360, inclusive, and 688B.050 in the case of a variable life insurance policy and except as otherwise provided in this Code, all pertinent provisions of this Code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance contract, delivered or issued for delivery in this state, shall contain grace, reinstatement and nonforfeiture provisions appropriate to such a contract. Any individual variable annuity contract, delivered or issued for delivery in this state, shall contain grace and reinstatement provisions appropriate to such a contract. The reserve liability for variable contracts shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

6. A domestic life insurer which establishes one or more separate accounts pursuant to this section may participate therein by allocating and contributing to such separate account funds which otherwise might be invested pursuant to ~~[subsection 1 of NRS 682A.050 and NRS 682A.110.]~~ ***sections 164 and 201 of this act.*** The insurer shall have a proportionate interest in any such account, along with all other participating contract holders, to the extent of its participation therein **.** ~~[, and with respect thereto shall also be subject to all the provisions of NRS 682A.210 applicable to separate account contract holders generally.]~~ The aggregate amount so allocated or contributed by such an

insurer to one or more separate accounts shall not, without the consent of the Commissioner, exceed the greater of:

(a) One hundred thousand dollars;

(b) One percent of its admitted assets as of December 31 next preceding; or

(c) Five percent of its surplus as to policyholders as of December 31 next preceding.

➥ All funds allocated or contributed by the insurer to a separate account for the purpose of participation therein shall be included in applying the limitations upon investments otherwise specified in this Code. The insurer shall be entitled to withdraw at any time in whole or in part its participation in any separate account to which funds have been allocated or contributed and to receive upon withdrawal its proportional share of the value of the assets of the separate account at the time of withdrawal.

Sec. 261. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations to carry out the provisions of this section and NRS 689A.690 ~~[and 689A.695]~~ and to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive.

Sec. 262. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, a plan for coverage of a bona fide association must:

1. Conform with NRS 689A.690 ~~[, 689A.695]~~ and 689A.700 concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

Sec. 263. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance ***, which may be provided in paper or electronic format,*** to the insured on a form ***or in a format*** approved by the Commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) Vehicle information, consisting of:

(1) The year, make and complete identification number of the insured vehicle or vehicles; or

(2) The word "Fleet" and the name of the registered owner if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement "This ~~[card]~~ ***evidence of insurance*** must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 264. Chapter 692C of NRS is hereby amended by adding thereto the provisions set forth as sections 265 to 289, inclusive, of this act.

Sec. 265. ***"Insurance group" means, for the purpose of conducting an ORSA, those insurers and affiliates included within an insurance holding company system.***

Sec. 266. ***"NAIC" means the National Association of Insurance Commissioners.***

Sec. 267. ***"Own Risk and Solvency Assessment" or "ORSA" means a confidential internal assessment, appropriate to the nature, scale and complexity of an insurer or insurance group, conducted by that insurer or insurance group, of the material and relevant risks associated with the insurer or insurance group's current business plan, and the sufficiency of capital resources to support those risks.***

Sec. 268. ***"ORSA Guidance Manual" means the current version of the NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual developed and adopted by the NAIC, as amended. A change in the ORSA Guidance Manual is effective on the first day of January following the calendar year in which the changes were adopted by the NAIC.***

Sec. 269. ***"ORSA Summary Report" means a confidential high-level summary of an ORSA.***

Sec. 270. ***An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing and reporting on its material relevant risks. This requirement shall be deemed satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.***

Sec. 271. ***Subject to the provisions of sections 275 to 280, inclusive, of this act, an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an ORSA consistent with a process comparable to that set forth in the ORSA Guidance Manual. An ORSA must be conducted not less than annually but also at any time when there are significant***

changes to the risk profile of the insurer or the insurance group of which the insurer is a member.

Sec. 272. *Upon the request of the Commissioner, and not more than once each year, an insurer shall submit to the Commissioner an ORSA Summary Report or any combination of reports that together contain the information described in the ORSA Guidance Manual, applicable to the insurer and the insurance group of which the insurer is a member. Notwithstanding any request from the Commissioner, if the insurer is a member of an insurance group, the insurer shall submit the report required by this section if the Commissioner is the lead state commissioner of the insurance group as determined by the procedures within the Financial Analysis Handbook, published by the NAIC.*

Sec. 273. *The report required by section 272 of this act must include a signature of the insurer or insurance group's chief risk officer, or other executive having responsibility for the oversight of the insurer's enterprise risk management process, attesting to the best of his or her belief and knowledge that the insurer applies the enterprise risk management processes described in the ORSA Summary Report and that a copy of the Report has been provided to the insurer's board of directors or the appropriate committee thereof.*

Sec. 274. *An insurer may comply with the requirements of section 272 of this act by providing the most recent and substantially similar report provided by the insurer or another member of an insurance group of which the insurer is a member to the commissioner of another state or to a supervisor or regulator of a foreign jurisdiction, if that report provides information that is comparable to the information described in the ORSA Guidance Manual. Any such report in a language other than English must be accompanied by a translation of that report into the English language.*

Sec. 275. *An insurer is exempt from the requirements of sections 270 to 289, inclusive, of this act, if:*

1. The insurer has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums, but excluding premiums reinsured with the Federal Crop Insurance Corporation and the National Flood Insurance Program, of less than $500,000,000; and

2. The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premiums, including international direct and assumed premiums but excluding premiums reinsured with the Federal Crop Insurance Corporation and the National Federal Flood Insurance Program, of less than $1 billion.

Sec. 276. *If an insurer qualifies for an exemption pursuant to subsection 1 of section 275 of this act and the insurance group of which the insurer is a member does not qualify for an exemption pursuant to subsection 2 of that section, the ORSA Summary Report that may be required under sections 272, 273 and 274 of this act must include every*

insurer within the insurance group. This requirement shall be deemed satisfied by the submission of more than one ORSA Summary Report for any combination of insurers, provided that any combination of reports includes every insurer within the insurance group.

Sec. 277. *If an insurer does not qualify for an exemption pursuant to subsection 1 of section 275 of this act and the insurance group of which the insurer is a member qualifies for an exemption pursuant to subsection 2 of that section, the ORSA Summary Report that may be required under sections 272, 273 and 274 of this act is the report applicable to that insurer.*

Sec. 278. *An insurer that does not qualify for an exemption pursuant to section 275 of this act may apply to the Commissioner for a waiver from the requirements of sections 270 to 289, inclusive, of this act based on unique circumstances. In deciding whether to grant the insurer's request for a waiver, the Commissioner may consider the type and volume of business written, ownership and organizational structure, and any other factor the Commissioner considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is part of an insurance group with insurers domiciled in more than one state, the Commissioner shall coordinate with the lead state commissioner and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.*

Sec. 279. *Notwithstanding the provisions of sections 275 to 278, inclusive, of this act:*

1. The Commissioner may require that an insurer maintain a risk management framework, conduct an ORSA and file an ORSA Summary Report based on unique circumstances, including, without limitation, the type and volume of business written, ownership and organizational structure, federal agency requests and international supervisor requests.

2. The Commissioner may require that an insurer maintain a risk management framework, conduct an ORSA and file an ORSA Summary Report if the insurer has risk-based capital for company action level event, as defined in regulations adopted by the Commissioner, meets one or more of the standards of an insurer deemed to be in hazardous financial condition, as defined in NRS 680A.205, or otherwise exhibits qualities of a troubled insurer as determined by the Commissioner.

Sec. 280. *If an insurer that qualifies for an exemption pursuant to section 275 of this act subsequently no longer qualifies for that exemption as a result of changes in premium as reflected in the insurer's most recent annual statement, or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have 1 year after the date on which the threshold is exceeded to comply with the requirements of sections 270 to 289, inclusive, of this act.*

Sec. 281. *An ORSA Summary Report must be prepared consistent with the ORSA Guidance Manual, subject to the requirements of this section and section 282 of this act. Documentation and supporting information must be*

maintained and made available upon examination or upon request of the Commissioner.

Sec. 282. ***The review of an ORSA Summary Report, and any additional requests for information, must be made using similar procedures currently used in analysis and examination of multistate or global insurers and insurance groups.***

Sec. 283. ***1. Except as otherwise provided in this section and NRS 239.0115 and section 273 of this act, any documents, materials and other information, including an ORSA Summary Report, in the possession of or control of the Division that are obtained by, created by or disclosed to the Commissioner or any other person in accordance with the provisions of sections 270 to 289, inclusive, of this act are proprietary and constitute trade secrets. All such documents, materials or other information are:***

(a) Confidential by law and privileged;

(b) Not subject to subpoena; and

(c) Not subject to discovery or admissible in evidence in any private civil action.

2. Notwithstanding any provision of subsection 1 to the contrary, the Commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the Commissioner's official duties. The Commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer.

Sec. 284. ***Neither the Commissioner, nor any other person who received documents, materials or other information received pursuant to sections 270 to 289, inclusive, of this act, through examination or otherwise, while acting pursuant to the authority of the Commissioner or with whom such documents, materials and other information are shared in accordance with the provisions of those sections, is allowed or required to testify in any private civil action concerning any such documents, materials and information subject to section 283 of this act.***

Sec. 285. ***To assist the performance of the Commissioner's regulatory duties, the Commissioner:***

1. May, upon request, share documents, materials and other information received pursuant to sections 270 to 289, inclusive, of this act, including, without limitation, any documents, materials and information subject to section 283 of this act and any proprietary and trade secret documents and materials, with other state, federal and international financial regulatory agencies, including members of any supervisory college, as defined in NRS 692C.359, with the NAIC and with third-party consultants designated by the Commissioner, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials and other information received pursuant to sections 270 to 289, inclusive, of this act and has verified in writing the legal authority to maintain confidentiality; and

2. May receive documents, materials and other information received pursuant to sections 270 to 289, inclusive, of this act, including, without limitation, documents, materials and information which are otherwise confidential and privileged, and proprietary and trade secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college, as defined in NRS 692C.359, and from the NAIC, and shall maintain as confidential or privileged any such documents, materials and information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

3. Shall enter into a written agreement with the NAIC or a third-party consultant governing the sharing and use of information provided pursuant to sections 270 to 289, inclusive, of this act, that must:

(a) Specify procedures and protocols regarding the confidentiality and security of the information shared with the NAIC or third-party consultant, including procedures and protocols for sharing by the NAIC with other state regulators from states in which the insurance group has domiciled insurers. The agreement must provide that the recipient agrees to maintain the confidentiality and privileged status of the documents, materials and other information and has verified, in writing, the legal authority to maintain confidentiality;

(b) Specify that ownership of the information shared with the NAIC or third-party consultant remains with the Commissioner and use of the information by the NAIC or third-party consultant is subject to the discretion of the Commissioner;

(c) Prohibit the NAIC or third-party consultant from storing the information in a permanent database after the underlying analysis is completed;

(d) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or third-party consultant is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;

(e) Require the NAIC or third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or third-party consultant; and

(f) In the case of an agreement involving a third-party consultant, provide for the insurer's written consent.

Sec. 286. *The sharing of documents, materials and other information by the Commissioner pursuant to sections 270 to 289, inclusive, of this act does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of sections 270 to 289, inclusive, of this act.*

Sec. 287. ***No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade secrets materials or other information shall occur as a result of the disclosure of such documents, materials and information to the Commissioner in accordance with the provisions of sections 283 to 288, inclusive, of this act or as a result of sharing as authorized in accordance with the provisions of sections 270 to 289, inclusive, of this act.***

Sec. 288. ***Documents, materials or other information in the possession or control of the NAIC or a third-party consultant in accordance with the provisions of sections 270 to 289, inclusive, of this act are:***

1. Confidential by law and privileged;

2. Not subject to the provisions of chapter 239 of NRS;

3. Not subject to subpoena; and

4. Not subject to discovery or admissible in evidence in any private civil action.

Sec. 289. ***1. The failure to file an ORSA Summary Report required by sections 270 to 289, inclusive, of this act, within the time specified for the filing is a violation of those sections.***

2. Except as otherwise provided in subsection 3, if an insurer or group insurer fails, without just cause, to file an ORSA Summary Report required by sections 270 to 289, inclusive, of this act, the insurer or group insurer, as applicable, shall, after receiving notice and a hearing, pay a civil penalty of $1,500 for each day the insurer or group insurer fails to file the ORSA Summary Report. The civil penalty may be recovered in a civil action brought by the Commissioner. Any civil penalty paid pursuant to this subsection must be deposited in the State General Fund.

3. The maximum civil penalty that may be imposed pursuant to subsection 2 is $100,000. The Commissioner may reduce the amount of the civil penalty if the insurer or group insurer demonstrates to the satisfaction of the Commissioner that the payment of the civil penalty would impose a financial hardship on the insurer or group insurer, as applicable.

Sec. 290. NRS 692C.020 is hereby amended to read as follows:

692C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 692C.025 to 692C.110, inclusive, ***and sections 265 to 269, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 291. NRS 692C.180 is hereby amended to read as follows:

692C.180 1. No person other than the issuer may make a tender for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire or acquire in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, the person would directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of the insurer, nor may any person enter into an agreement to merge with or otherwise acquire control of a domestic insurer, unless, at the time any such offer, request or invitation is made or any such

agreement is entered into, or before the acquisition of those securities if no offer or agreement is involved, the person has filed with the Commissioner and has sent to the insurer, and the insurer has sent to its shareholders, a statement containing the information required by NRS 692C.180 to 692C.250, inclusive, and, except as otherwise provided in subsection 4, the offer, request, invitation, agreement or acquisition has been approved by the Commissioner in the manner prescribed in this chapter.

2. The ***pre-acquisition*** statement required by subsection 1 must be filed with the Commissioner at least 60 days before the proposed date of the acquisition. The statement must set forth, without limitation, the information required by NRS 692C.254. A person who fails to comply with this subsection is subject to the penalties set forth in subsections 6 and 7 of NRS 692C.258.

3. A person controlling a domestic insurer who is seeking to divest his or her controlling interest in the domestic insurer shall file with the Commissioner, and send to the insurer, notice of the proposed divestiture at least 30 days before the proposed divestiture, unless a ***pre-acquisition*** statement has been filed pursuant to subsection 1 concerning the proposed transaction. Notice filed pursuant to this subsection is confidential until the conclusion, if any, of the divestiture unless the Commissioner determines that such confidentiality will interfere with the enforcement of this section.

4. Upon receiving a ***pre-acquisition*** statement or notice pursuant to this section by a person seeking to acquire a controlling interest in a domestic insurer or divest a controlling interest in a domestic insurer, the Commissioner shall determine whether or not the person will be required to file for and obtain the approval of the Commissioner for the acquisition or divestiture. As soon as practicable after making that determination, the Commissioner shall notify the person of the results of the determination.

5. For purposes of this section, a domestic insurer includes any other person controlling a domestic insurer unless the other person is directly or through affiliates primarily engaged in a business other than the business of insurance. If a person is directly or through affiliates primarily engaged in a business other than the business of insurance, the person shall, at least 60 days before the proposed effective date of the acquisition, file a notice of intent to acquire with the Commissioner setting forth the information required by NRS 692C.254.

6. ***If a transaction is governed by the provisions of this section, the acquiring person shall also file a pre-acquisition notification with the Commissioner which must contain the information set forth in subsection 1. The Commissioner shall specify by regulation the period within which the notification must be filed. A person who fails to comply with this subsection or any regulations adopted pursuant thereto may be subject to the penalties set forth in subsection 7 of NRS 692C.258.***

7. As used in this section, "person" does not include a securities broker who, in the regular course of business as a broker, holds less than 20 percent of the voting securities of an insurer or of any person who controls an insurer.

Sec. 292. NRS 692C.190 is hereby amended to read as follows:

692C.190 The ***pre-acquisition*** statement to be filed with the Commissioner hereunder shall be made under oath or affirmation and shall contain the following:

1. The name and address of each person (hereinafter called the "acquiring party") by whom or on whose behalf the merger or other acquisition of control referred to in subsection 1 of NRS 692C.180 is to be effected and, if such person is:

(a) An individual, the individual's principal occupation and all offices and positions held by the individual during the past 5 years, and any conviction of crimes other than for minor traffic violations during the past 10 years.

(b) Not an individual, a report of the nature of its business operations during the past 5 years or for such lesser period as such person and any predecessors thereof shall have been in existence, together with an informative description of the business intended to be done by such person and such person's subsidiaries, and a list of all individuals who are or who have been selected to become directors or executive officers of such person or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph (a).

2. The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose, and the identity of persons furnishing such consideration, but where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

3. Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding 5 fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement.

4. Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

5. The number of shares of any security referred to in subsection 1 of NRS 692C.180 which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement or acquisition referred to in subsection 1 of NRS 692C.180 and a statement as to the method by which the fairness of the proposal was determined.

6. The amount of each class of any security referred to in subsection 1 of NRS 692C.180 which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

7. A full description of any contracts, arrangements or understandings with respect to any security referred to in subsection 1 of NRS 692C.180 in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been made.

8. A description of the purchase of any security referred to in subsection 1 of NRS 692C.180 during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid therefor.

9. A description of any recommendations to purchase any security referred to in subsection 1 of NRS 692C.180 made during the 12 calendar months preceding the filing of the statement by any acquiring party, or by anyone based upon interviews with or at the suggestion of such acquiring party.

10. Copies of all tenders, offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection 1, and, if distributed, additional soliciting material relating thereto.

11. The terms of any agreement, contract or understanding made with any broker-dealer, as to solicitation of securities referred to in subsection 1 of NRS 692C.180, for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

12. ***An agreement by the person required to file the statement that the person will file the annual report of enterprise risk required by NRS 692C.290 while control exists.***

13. An acknowledgment by the person required to file the statement that the person, and all subsidiaries within its control in the insurance holding company system, will provide information to the Commissioner upon request as necessary to evaluate enterprise risk to the insurer.

14. Such additional information as the Commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policy holders and security holders of the insurer or for the protection of the public interest.

➥ If the person required to file the statement referred to in this section is a partnership, limited partnership, syndicate or other group, the Commissioner may require that the information required by this section, be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection 1 of NRS 692C.180 is a corporation, the Commissioner may require that the information required by this section, be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner

of more than 10 percent of the outstanding voting securities of such corporation. If any material change occurs in the facts set forth in the statement filed with the Commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the Commissioner and sent to such insurer within 2 business days after the person learns of such change. Such insurer shall send each such amendment to its shareholders.

Sec. 293. NRS 692C.200 is hereby amended to read as follows:

692C.200 If any offer, request, invitation, agreement or acquisition referred to in subsection 1 of NRS 692C.180 is proposed to be made by means of a registration statement under the Securities Act of 1933, 15 U.S.C. §§ 77a to 77aa, inclusive, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a et seq., or under any state law requiring similar registration or disclosure, the person required to file the ***pre-acquisition*** statement referred to in subsection 1 of NRS 692C.180 may utilize such documents in furnishing the information called for by that statement.

Sec. 294. NRS 692C.210 is hereby amended to read as follows:

692C.210 1. Except as otherwise provided in subsections 5 and 7, the Commissioner shall approve any merger or other acquisition of control referred to in subsection 1 of NRS 692C.180 unless, after a public hearing thereon, the Commissioner finds that:

(a) After the change of control, the domestic insurer specified in subsection 1 of NRS 692C.180 would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(b) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or tend to create a monopoly;

(c) The financial condition of any acquiring party may jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders or the interests of any remaining security holders who are unaffiliated with the acquiring party;

(d) The terms of the offer, request, invitation, agreement or acquisition referred to in subsection 1 of NRS 692C.180 are unfair and unreasonable to the security holders of the insurer;

(e) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer or not in the public interest;

(f) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest

of policyholders of the insurer or of the public to permit the merger or other acquisition of control;

(g) If approved, the merger or acquisition of control would likely be harmful or prejudicial to the members of the public who purchase insurance; or

(h) The practices of the applicant in managing claims have evidenced a pattern in which the applicant has knowingly committed, or performed with such frequency as to indicate a general business practice of:

(1) Misrepresentation of pertinent facts or provisions of policies of insurance as they relate to coverages at issue;

(2) Failure to affirm or deny coverage of claims within a reasonable time after written proofs of loss have been furnished; or

(3) Failure to pay claims in a timely manner.

2. Except as otherwise provided in subsection 7, the public hearing specified in subsection 1 must be held within 30 days after the ***pre-acquisition*** statement required by subsection 1 of NRS 692C.180 has been filed, and at least 20 days' notice thereof must be given by the Commissioner to the person filing the statement. Not less than 7 days' notice of the public hearing must be given by the person filing the statement to the insurer and to any other person designated by the Commissioner. The insurer shall give such notice to its security holders. The Commissioner shall make a determination within 60 days after the conclusion of the hearing. If the Commissioner determines that an infusion of capital to restore capital in connection with the change in control is required, the requirement must be met within 60 days after notification is given of the determination. At the hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent and any other person whose interests may be affected thereby may present evidence, examine and cross-examine witnesses, and offer oral and written arguments and, in connection therewith, may conduct discovery proceedings in the same manner as is presently allowed in the district court of this state. All discovery proceedings must be concluded not later than 3 days before the commencement of the public hearing.

3. The Commissioner may retain at the acquiring party's expense attorneys, actuaries, accountants and other experts not otherwise a part of the staff of the Commissioner as may be reasonably necessary to assist the Commissioner in reviewing the proposed acquisition of control.

4. The period for review by the Commissioner must not exceed the 60 days allowed between the filing of the notice of intent to acquire required pursuant to subsection 5 of NRS 692C.180 and the date of the proposed acquisition if the proposed affiliation or change of control involves a financial institution, or an affiliate of a financial institution, and an insured.

5. When making a determination pursuant to paragraph (b) of subsection 1, the Commissioner:

(a) Shall require the submission of the information specified in subsection 2 of NRS 692C.254;

(b) Shall ~~[~~consider:

~~(1) The standards set forth in the Horizontal Merger Guidelines issued by the United States Department of Justice and the Federal Trade Commission and in effect at the time the Commissioner receives the statement required pursuant to subsection 1 of NRS 692C.180; and~~

~~(2) The~~] ***not disapprove the merger or other acquisition upon a finding that any of the*** factors described in subsection ~~[3]~~ ***6*** of NRS 692C.256 ~~[.]~~ ***exist;*** and

(c) May condition approval of the merger or acquisition of control in the manner provided in subsection 4 of NRS 692C.258.

6. If, in connection with a change of control of a domestic insurer, the Commissioner determines that the person who is acquiring control of the domestic insurer must maintain or restore the capital of the domestic insurer in an amount that is required by the laws and regulations of this state, the Commissioner shall make the determination not later than 60 days after the notice of intent to acquire required pursuant to subsection 5 of NRS 692C.180 is filed with the Commissioner.

7. If the proposed merger or other acquisition of control referred to in subsection 1 of NRS 692C.180 requires the approval of the commissioner of more than one state, the public hearing required pursuant to subsection 1 may, upon the request of the person who filed the ***pre-acquisition*** statement required pursuant to subsection 1 of NRS 692C.180, be consolidated with the hearings required in other states. Not more than 5 days after receiving such a request, the Commissioner shall file with the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** a copy of the ***pre-acquisition*** statement that was filed with the Commissioner pursuant to subsection 1 of NRS 692C.180 by the person requesting a consolidated hearing. The Commissioner may opt out of a consolidated hearing and, if the Commissioner elects to do so, he or she shall provide notice to the person requesting the consolidated hearing not more than 10 days after receiving the ***pre-acquisition*** statement filed pursuant to subsection 1 of NRS 692C.180. A consolidated hearing must be public and must be held within the United States before participating commissioners of the states in which the insurers are domiciled. Participating commissioners may hear and receive evidence at the hearing.

Sec. 295. NRS 692C.254 is hereby amended to read as follows:

692C.254 1. An acquisition to which the provisions of NRS 692C.252 apply is subject to an order issued pursuant to NRS 692C.258 unless:

(a) The acquiring person files a notice of acquisition pursuant to this section; and

(b) The waiting period specified in subsection 4 has expired.

2. The Commissioner shall prescribe the form of the notice required pursuant to subsection 1. A notice of acquisition filed pursuant to this section must include:

(a) The information required by the ~~[National Association of Insurance Commissioners]~~ ***NAIC*** relating to any market that, pursuant to subsection 5 of

NRS 692C.252, causes the acquisition not to be exempted from the provisions of this section; and

(b) Any other material or information required by the Commissioner to determine whether or not the proposed acquisition, if consummated, would violate the provisions of NRS 692C.256.

3. The information required pursuant to subsection 2 may include the opinion of an economist relating to the competitive effect of the acquisition on the business of insurance in this state if the opinion is accompanied by a summary of the education and experience of the economist and a statement indicating the ability of the economist to provide an informed opinion.

4. Except as otherwise provided in subsection 5, the waiting period for an acquisition required pursuant to subsection 1 begins on the date the Commissioner receives the notice filed pursuant to subsection 1 and ends on the expiration of 30 days after that date or on the expiration of a shorter period prescribed by the Commissioner, whichever is earlier.

5. Before the expiration of the waiting period specified in subsection 4, the Commissioner may, not more than once, require a person to submit additional information relating to the proposed acquisition. If the Commissioner requires the submission of additional information, the waiting period for the acquisition ends upon the expiration of 30 days after the Commissioner receives the additional information or upon the expiration of a shorter period prescribed by the Commissioner, whichever is earlier.

Sec. 296. NRS 692C.256 is hereby amended to read as follows:

692C.256 1. The Commissioner may issue an order pursuant to NRS 692C.258 relating to an acquisition if:

(a) The effect of the acquisition may substantially lessen competition in any line of insurance in this state or tend to create a monopoly; or

(b) The acquiring person fails to file sufficient materials or information pursuant to NRS 692C.254.

2. In determining whether ~~[to issue an order pursuant to subsection 1,]~~ ***a proposed acquisition would violate the competitive standard,*** the Commissioner shall consider the ~~[standards set forth in the Horizontal Merger Guidelines issued by the United States Department of Justice and the Federal Trade Commission and in effect at the time the Commissioner receives the notice required pursuant to NRS 692C.254.~~

~~3.]~~ ***following:***

(a) Any acquisition to which the provisions of NRS 692C.252 apply involving two or more insurers competing in the same market is prima facie evidence of a violation of the competitive standard if:

(1) The market is highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	***Insurer B***
4 percent	***4 percent or more***
10 percent	***2 percent or more***
15 percent	***1 percent or more***

(2) The market is not highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	***Insurer B***
5 percent	***5 percent or more***
10 percent	***4 percent or more***
15 percent	***3 percent or more***
19 percent	***1 percent or more***

(b) There is a significant trend toward increased concentration when the aggregate market share of any grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by 7 percent or more of the total market over a period of time extending from any base year 5 to 10 years before the acquisition up to the time of the acquisition. Any acquisition to which the provisions of NRS 692C.252 apply, involving two or more insurers competing in the same market is prima facie evidence of a violation of the competitive standard if:

(1) There is a significant trend toward increased concentration in the market;

(2) One of the insurers involved is one of the insurers in a grouping of large insurers showing the requisite increase in the market share; and

(3) Another involved insurer's market share is 2 percent or more.

3. Percentages not shown in the tables in paragraph (a) of subsection 2 must be interpolated proportionately to the percentages that are shown.

4. If more than two insurers are involved in an acquisition, exceeding the total of the two columns in the relevant table of paragraph (a) of subsection 2 is prima facie evidence of a violation of the competitive standard. For the purposes of this subsection, the insurer with the largest market share shall be deemed to be Insurer A.

5. Irrespective of whether an acquisition constitutes a prima facie violation of the competitive standard set forth in this section, the Commissioner, or a party to the acquisition, may establish the presence or absence of the requisite anticompetitive effect based upon other substantial evidence, including, without limitation, market shares, volatility of ranking market leaders, the number of competitors, concentrations, trend concentration in the industry and ease of entry and exit in the market.

6. The Commissioner shall, before issuing an order specified in subsection 1, consider:

(a) If:

(1) The acquisition creates substantial economies of scale or economies in the use of resources that may not be created in any other manner; and

(2) The public benefit received from those economies exceeds the public benefit received from not lessening competition; or

(b) If:

(1) The acquisition substantially increases the availability of insurance; and

(2) The public benefit received by that increase exceeds the public benefit received from not lessening competition.

~~[4.]~~ ***7.*** The public benefits set forth in subparagraph 2 of paragraphs (a) and (b) of subsection ~~[3]~~ ***6*** may be considered together, as applicable, in assessing whether the public benefits received from the acquisition exceed any benefit to competition that would arise from disapproving the acquisition.

~~[5.]~~ ***8.*** The Commissioner has the burden of establishing that the acquisition will result in a violation of the competitive standard set forth in subsection 1.

9. An order may not be entered in accordance with NRS 692C.258 if:

(a) The acquisition will yield substantial economies of scale or economies in resource utilization that cannot be feasibly achieved in any other way, and the public benefits which would arise from such economies exceed the public benefits which would not arise from lessening competition; or

(b) The acquisition will substantially increase the availability of insurance, and the public benefits of the increase exceed the public benefits which would arise from not lessening competition.

10. As used in this section:

(a) "Highly concentrated market" means a market in which the combined market share of the four largest insurers totals 75 percent or more of the total market.

(b) "Insurer" includes any company or group of companies under common management, ownership or control.

(c) "Market" means the relevant product and geographical markets. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by an insurer doing business in this State and the relevant geographical market is assumed to be this State.

Sec. 297. NRS 692C.260 is hereby amended to read as follows:

692C.260 1. Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the Commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by a statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in NRS 692C.260 to 692C.350, inclusive.

2. Any insurer which is subject to registration under NRS 692C.260 to 692C.350, inclusive, shall register not later than September 1, 1973, or 15 days after it becomes subject to registration, whichever is later, ***and annually thereafter by June 30 of each year for the immediately preceding calendar year,*** unless the Commissioner for good cause shown extends the time for registration. The Commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other

information filed by the insurance company with the insurance regulatory authority of domiciliary jurisdiction.

3. Any person within an insurance holding company system subject to registration shall, upon request by an insurer, provide complete and accurate information to the insurer if the information is reasonably necessary to enable the insurer to comply with the provisions of this section.

Sec. 298. NRS 692C.270 is hereby amended to read as follows:

692C.270 Every insurer subject to registration shall file:

1. A registration statement ~~[on a form provided by]~~ ***with*** the Commissioner, ***on a form and in a format prescribed by the Commissioner,*** which must contain current information about:

(a) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer.

(b) The identity of every member of the insurance holding company system.

(c) The following agreements in force, relationships subsisting and transactions currently outstanding between the insurer and its affiliates:

(1) Loans, other investments or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates.

(2) Purchases, sales or exchanges of assets.

(3) Transactions not in the ordinary course of business.

(4) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business.

(5) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles.

(6) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(7) Any dividend or other distribution made to a shareholder.

(8) Any consolidated agreement to allocate taxes.

(d) Any pledge of the insurer's stock, including the stock of any subsidiary or controlling affiliate of the insurer, for a loan made to any member of the insurance holding company system.

(e) Any other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the Commissioner.

2. A statement verifying that:

(a) The board of directors of the insurer oversees the corporate governance and internal controls of the insurer; and

(b) Officers or senior management of the insurer have approved, implemented and continue to maintain and monitor the corporate governance and internal controls of the insurer.

3. Financial statements of the insurance holding company system and all affiliates, if requested by the Commissioner. This requirement may be satisfied

by providing the most recent statement filed with the United States Securities and Exchange Commissioner pursuant to the Securities Act of 1933, 15 U.S.C. 78a et seq., by the insurance holding company system or its parent corporation.

Sec. 299. NRS 692C.290 is hereby amended to read as follows:

692C.290 1. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on forms provided by the Commissioner within 15 days after the end of the month in which it learns of each such change or addition, and not less often than annually, except that, subject to the provisions of NRS 692C.390, each registered insurer shall report all dividends and other distributions to shareholders within 5 business days following the declaration and 10 days before payment.

2. ***The principal of a registered insurer shall file an annual report of enterprise risk pursuant to this subsection.*** If the principal of a registered insurer does not file a report of enterprise risk with the commissioner of the lead state of the insurance company system, as determined by the most recent edition of the Financial Analysis Handbook, published by the ~~[National Association of Insurance Commissioners,]~~ ***NAIC,*** in a calendar year, the principal shall file a report of enterprise risk with the Commissioner. The principal shall include in the report the material risks within the insurance holding company system that, to the best of his or her knowledge and belief, may pose enterprise risk to the registered insurer.

3. Whenever it appears to the Commissioner that any person has committed a violation of subsection 2 which prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for conducting an examination of the insurer pursuant to NRS 679B.230 to 679B.287, inclusive.

Sec. 300. NRS 692C.330 is hereby amended to read as follows:

692C.330 1. Any person may file with the Commissioner:

(a) A disclaimer of affiliation with any authorized insurer specified in the disclaimer; or

(b) A request for a termination of registration on the basis that the person does not, or will not after taking an action specified in the request for termination, control another person specified in the request.

2. A disclaimer of affiliation or request for a termination of registration specified in subsection 1 may be filed by the authorized insurer or any member of an insurance holding company system. A disclaimer of affiliation or request for a termination of registration filed pursuant to subsection 1 must include:

(a) A statement indicating the number of authorized, issued and outstanding voting securities of the person specified in the disclaimer of affiliation or request for a termination of registration;

(b) A statement indicating the number and percentage of shares of the person specified in the disclaimer of affiliation or request for a termination of registration that are owned or beneficially owned by the person disclaiming

control, and the number of those shares for which the person disclaiming control has a direct or indirect right to acquire;

(c) A statement setting forth all material relationships and bases for affiliation between the person specified in the disclaimer of affiliation or request for a termination of registration and the person and any affiliate of the person who is disclaiming control of the person specified in the disclaimer of affiliation or request for a termination of registration; and

(d) An explanation of why the person who is disclaiming control does not control the person specified in the disclaimer of affiliation or request for a termination of registration.

3. A request for a termination of registration filed pursuant to subsection 1 shall be deemed granted upon filing unless the Commissioner, within 30 days after receipt of the request for a termination of registration, notifies the person, authorized insurer or member of an insurance holding company system that the request is denied.

4. ~~[After a disclaimer of affiliation has been filed, the insurer is relieved of any duty to register or report under NRS 692C.260 to 692C.350, inclusive, which may arise out of the insurer's relationship with the person unless the Commissioner disallows the disclaimer. The Commissioner may disallow the disclaimer only after furnishing all parties in interest with a notice and opportunity to be heard and after making specific findings of fact to support the disallowance.]~~ ***A disclaimer of affiliation filed pursuant to subsection 1 shall be deemed granted unless the Commissioner, within 30 days after receipt of a complete disclaimer of affiliation, notifies the filing party that the disclaimer of affiliation is disallowed. In the event of disallowance, the disclaiming party may request an administrative hearing, which shall be granted. The disclaiming party is relieved of its duty to register pursuant to NRS 692C.260 to 692C.350, inclusive, if approval of the disclaimer of affiliation has been granted by the Commissioner, or if the disclaimer of affiliation is deemed approved.***

Sec. 301. NRS 692C.350 is hereby amended to read as follows:

692C.350 1. The failure to file a registration statement or ***summary or*** any amendment thereto ***, or a report of enterprise risk,*** required by NRS 692C.260 to 692C.350, inclusive, within the time specified for the filing is a violation of NRS 692C.260 to 692C.350, inclusive.

2. Except as otherwise provided in subsection 3, if an insurer fails, without just cause, to file a registration statement required pursuant to NRS 692C.270 ~~[,]~~ ***to 692C.350, inclusive,*** the insurer shall, after receiving notice and a hearing, pay a civil penalty of $100 for each day the insurer fails to file the registration statement. The civil penalty may be recovered in a civil action brought by the Commissioner. Any civil penalty paid pursuant to this subsection must be deposited in the State General Fund.

3. The maximum civil penalty that may be imposed pursuant to subsection 2 is $20,000. The Commissioner may reduce the amount of the civil penalty if

the insurer demonstrates to the satisfaction of the Commissioner that the payment of the civil penalty would impose a financial hardship on the insurer.

4. Any officer, director or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made any false statement, false report or false filing with the intent to deceive the Commissioner in the performance of his or her duties pursuant to NRS 692C.260 to 692C.350, inclusive, is guilty of a category D felony and shall be punished as provided in NRS 193.130. The officer, director or employee is personally liable for any fine imposed against the officer, director or employee pursuant to that section.

Sec. 302. NRS 692C.380 is hereby amended to read as follows:

692C.380 For purposes of NRS 692C.360 to 692C.400, inclusive, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the ~~[greater]~~ ***lesser*** of:

1. Ten percent of the insurer's surplus as regards policyholders as of December 31 next preceding the dividend or distribution; or

2. The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, not including realized capital gains if the insurer is not a life insurer, for the 12-month period ending December 31 next preceding the dividend or distribution,

➥ but does not include pro rata distributions of any class of the insurer's own securities.

Sec. 303. NRS 692C.420 is hereby amended to read as follows:

692C.420 1. Except as otherwise provided in NRS 239.0115, all information, documents and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to NRS 692C.410, and all information reported pursuant to ***subsections 12 and 13 of NRS 692C.190 and*** NRS 692C.260 to 692C.350, inclusive, ~~[must be given]~~ ***is*** confidential ***,*** ~~[treatment and]~~ is not subject to subpoena ***, is not subject to discovery, is not admissible in evidence in any private civil action*** and must not be made public by the Commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and an opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he or she may publish all or any part thereof in any manner as he or she may deem appropriate.

2. The Commissioner or any person who receives any documents, materials or other information while acting under the authority of the Commissioner must not be permitted or required to testify in a private civil action concerning any information, document or copy thereof specified in subsection 1.

3. The Commissioner may share or receive any information, document or copy thereof specified in subsection 1 in accordance with NRS 679B.122. The sharing or receipt of the information, document or copy pursuant to this subsection does not waive any applicable privilege or claim of confidentiality in the information, document or copy.

4. The Commissioner shall enter into a written agreement with the NAIC governing the sharing and use of information specified in subsection 1 that must:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidiaries, including procedures and protocols for sharing by the NAIC with other state, federal and international regulators;

(b) Specify that ownership of the information shared with the NAIC and its affiliates and subsidiaries remains with the Commissioner and the NAIC's use of the information is subject to the discretion of the Commissioner;

(c) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC is subject to a request or subpoena to the NAIC for disclosure or production; and

(d) Require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates or subsidiaries may be required to disclose confidential information about the insurer shared with the NAIC and its affiliates and subsidiaries.

5. The sharing of information by the Commissioner does not constitute a delegation of regulatory authority or rulemaking, and the Commissioner is solely responsible for the administration, execution and enforcement of the provisions of this section.

6. No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the Commissioner in accordance with this section or as a result of sharing as authorized in this section.

7. Documents, materials and other information in the possession or control of the NAIC in accordance with this section are:

(a) Confidential by law and privileged;

(b) Not subject to the provisions of chapter 239 of NRS;

(c) Not subject to subpoena; and

(d) Not subject to discovery or admissible in evidence in any private civil action.

Sec. 304. NRS 692C.485 is hereby amended to read as follows:

692C.485 1. A director or officer of an insurance holding company system who knowingly violates, or knowingly participates in or assents to a violation of, NRS 692C.350, 692C.360, 692C.363 or 692C.390, ***or section 289 of this act,*** or who knowingly ~~[~~~~permits~~~~]~~ ***allows*** any officer or agent of the insurance holding company to engage in a transaction in violation of

NRS 692C.360 or 692C.363 or to pay a dividend or make an extraordinary distribution in violation of NRS 692C.390 shall pay, after receiving notice and a hearing before the Commissioner, a fine of not more than $10,000 for each violation. In determining the amount of the fine, the Commissioner shall consider the appropriateness of the fine in relation to:

(a) The gravity of the violation;

(b) The history of any previous violations committed by the director or officer; and

(c) Any other matters as justice may require.

2. Whenever it appears to the Commissioner that an insurer or any director, officer, employee or agent of the insurer has engaged in a transaction or entered into a contract to which the provisions of NRS 692C.363 apply and for which the insurer has not obtained the Commissioner's approval, the Commissioner may order the insurer to cease and desist immediately from engaging in any further activity relating to the transaction or contract. In addition to issuing such an order, the Commissioner may order the insurer to rescind the contract and return each party to the contract to the position the party was in before the execution of the contract if the issuing of the order is in the best interest of:

(a) The policyholders or creditors of the insurer; or

(b) The members of the general public.

Sec. 305. NRS 693A.030 is hereby amended to read as follows:

693A.030 1. Except as otherwise provided in subsections 2, 3 and 4, a domestic insurer formed before, on or after January 1, 1972, shall not engage in any business other than the insurance business and in business activities reasonably and necessarily incidental to the insurance business.

2. A title insurer may also engage in business as an escrow agent.

3. Any insurer may also engage in business activities reasonably related to the management, supervision, servicing of and protection of its interests as to its lawful investments, and to the full utilization of its facilities.

4. An insurer may own subsidiaries which may engage in such businesses as are provided for in ~~[NRS 682A.130.]~~ ***section 174 of this act.***

Sec. 306. Chapter 694C of NRS is hereby amended by adding thereto the provisions set forth as sections 307, 308 and 309 of this act.

Sec. 307. ***"State-chartered risk retention group" means any risk retention group, as defined in NRS 695E.110, that is formed in accordance with the laws of this State as an association captive insurer.***

Sec. 308. ***1. In addition to the information required pursuant to NRS 694C.210, a state-chartered risk retention group being formed as an association captive insurer must submit to the Commissioner in summary form:***

(a) The identities of:

(1) All members of the group;

(2) All organizers of the group;

(3) Those persons who will provide administrative services to the group; and

(4) Any person who will influence or control the activities of the group;

(b) The amount and nature of initial capitalization of the group;

(c) The coverages to be offered by the group; and

(d) Each state in which the group intends to operate.

2. Before it may transact insurance in any state, the state-chartered risk retention group must submit to the Commissioner, for approval by the Commissioner, a plan of operation. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation within 10 days after the change. The group shall not offer any additional kinds of liability insurance, in this State or in any other state, until a revision of the plan is approved by the Commissioner.

3. A state-chartered risk retention group chartered in this State must file with the Commissioner on or before March 1 of each year a statement containing information concerning the immediately preceding year which must:

(a) Be submitted in a form prescribed by the National Association of Insurance Commissioners;

(b) Be prepared in accordance with the Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement;

(c) Utilize accounting principles in a manner that remains consistent among financial statements submitted each year and that are substantively identical to:

(1) Generally accepted accounting principles, including any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner; or

(2) Statutory accounting principles, as described in the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(d) Be submitted electronically, if required by the Commissioner.

4. The Commissioner shall transmit to the National Association of Insurance Commissioners a copy of:

(a) All information submitted by a state-chartered risk retention group to the Commissioner pursuant to subsections 1 and 3; and

(b) Any revisions to a plan of operation submitted to the Commissioner pursuant to subsection 3.

Sec. 309. *1. The board of directors of a risk retention group must have a majority of independent directors. If the risk retention group is a reciprocal risk retention group, the attorney-in-fact is required to adhere to the same*

standards regarding independence of operation and governance as imposed on the risk retention group's board of directors or subscribers advisory committee under this section, and, to the extent permissible by state law, service providers of a reciprocal risk retention group must contract with the risk retention group and not the attorney-in-fact.

2. No director qualifies as independent unless the board of directors affirmatively determines that the director has no material relationship with the risk retention group. Each risk retention group shall disclose these determinations to its domestic regulator at least annually. For the purposes of this subsection, any person that is a direct or indirect owner of or subscriber in the risk retention group, or is an officer, director or employee of such an owner or insured, unless some other position of such officer, director or employee constitutes a material relationship, as contemplated by 15 U.S.C. 3901(a)(4)(E)(ii), is considered to be independent.

3. The term of any material service provider contract with a risk retention group must not exceed 5 years. Any such contract, or its renewal, must require the approval of the majority of the risk retention group's independent directors. The risk retention group's board of directors shall have the right to terminate any service provider, audit or actuarial contracts at any time for cause after providing adequate notice as defined in the contract. The service provider contract is deemed material if the amount to be paid for such contract is greater than, or equal to, 5 percent of the risk retention group's annual gross written premium or 2 percent of its surplus, whichever is greater. No service provider contract which creates a material relationship may be entered into unless the risk retention group has notified the Commissioner, in writing, of its intention to enter into such a transaction at least 30 days before and the Commissioner has not disapproved it within such period. For the purposes of this subsection:

(a) "Lawyer" does not include defense counsel retained by the risk retention group to defend claims, unless the amount of fees paid to such lawyer creates a material relationship.

(b) "Service provider" includes, without limitation, a captive manager, auditor, accountant, actuary, investment advisor, lawyer, managing general underwriter or other party responsible for underwriting, determination of rates, collection of premium, adjusting and settling claims or the preparation of financial statements.

4. The board of directors shall adopt a written policy in the plan of operation as approved by the board that requires the board to:

(a) Ensure that all owners and insureds of the risk retention group receive evidence of ownership interest;

(b) Develop a set of governance standards applicable to the risk retention group;

(c) Oversee the evaluation of the risk retention group's management, including, without limitation, the performance of the captive manager, managing general underwriter or other party or parties responsible for

underwriting, determination of rates, collection of premium, adjusting or settling claims or the preparation of financial statements;

(d) Review and approve the amount to be paid for all material service providers; and

(e) At least annually, review and approve:

(1) The risk retention group's goals and objectives relevant to the compensation of officers and service providers;

(2) The officer's and service provider's performance in light of those goals and objectives; and

(3) The continued engagement of the officers and material service providers.

5. A risk retention group must have an audit committee composed of at least three independent board members. A board member that is not independent may participate in the activities of the audit committee if invited by the members, but cannot be a member of such committee.

6. An audit committee established pursuant to subsection 5 must have a written charter that defines the committee's purpose, which must include, without limitation:

(a) Assisting the board of directors with oversight of:

(1) The integrity of financial statements;

(2) Compliance with legal and regulatory requirements; and

(3) The qualifications, independence and performance of the independent auditor and actuary;

(b) Discussing the annual audited financial statements and quarterly financial statements with management;

(c) Discussing the annual audited financial statements and, if advisable, its quarterly financial statements with its independent auditor;

(d) Discussing policies with respect to risk assessment and risk management;

(e) Meeting separately and periodically, either directly or through a designated representative of the committee, with management and independent auditors;

(f) Reviewing with the independent auditor any audit problems or difficulties and management's response;

(g) Setting clear hiring policies of the risk retention group as to the hiring of employees or former employees of the independent auditor;

(h) Requiring the external auditor to rotate the lead, or coordinating, audit partner having primary responsibility for the risk retention group's audit as well as the audit partner responsible for reviewing that audit so that one such person does not perform audit services for more than 5 consecutive fiscal years; and

(i) Reporting regularly to the board of directors.

7. The domestic regulator may waive the requirement to establish an audit committee composed of independent board members if the risk retention group is able to demonstrate to the domestic regulator that it is

impracticable to do so and the board of directors itself is otherwise able to accomplish the purposes of the audit committee.

8. The board of directors shall adopt and disclose governance standards which must include:

(a) A process by which the directors are elected by the owners and insureds;

(b) Qualification standards;

(c) Responsibilities;

(d) Access to management and, as necessary and appropriate, independent advisors;

(e) Compensation;

(f) Orientation and continuing education;

(g) The policies and procedures to be followed for management succession; and

(h) The policies and procedures to be followed for annual performance evaluation of the board.

➥ As used in this subsection, "disclose" means making information available through electronic or other means, including, without limitation, posting such information on the risk retention group's Internet website and providing such information to its members and insureds upon request.

9. The board of directors shall adopt and disclose a code of business conduct and ethics for directors, officers and employees which must include, without limitation:

(a) Conflicts of interest;

(b) Matters covered under the corporate opportunities doctrine within the state of domicile;

(c) Confidentiality;

(d) Fair dealing;

(e) Protection and proper use of assets of the risk retention group;

(f) Compliance with all applicable laws, rules and regulations; and

(g) Requiring the reporting of any illegal or unethical behavior which affects the operation of the risk retention group.

➥ The board shall promptly disclose any waivers of the code for directors or executive officers.

10. The captive manager, president or chief executive officer of a risk retention group shall promptly notify the domestic regulator, in writing, if he or she becomes aware of any material noncompliance with this section.

11. As used in this section:

(a) "Board of directors" or "board" means the governing body of a risk retention group elected by the shareholders or members to establish policy, elect or appoint officers and committees and make other governing decisions.

(b) "Director" means a natural person designated in the articles of the risk retention group, or designated, elected or appointed by any other manner, name or title to act on the board.

(c) "Material relationship," of a person with a risk retention group, includes, without limitation:

(1) The receipt in any one 12-month period of compensation or payment of any other item of value by such person, a member of such person's immediate family or any business with which such person is affiliated from the risk retention group or a consultant or service provider to the risk retention group that is greater than or equal to 5 percent of the risk retention group's gross written premium for such 12-month period or 2 percent of its surplus, whichever is greater, as measured at the end of any fiscal quarter falling in such a 12-month period. Such person or immediate family member of such a person is not considered to be independent until 1 year after his or her compensation or payment from the risk retention group falls below the threshold set forth in this paragraph;

(2) A director or an immediate family member of a director who is affiliated with or employed in a professional capacity by a present or former internal or external auditor of the risk retention group is not considered to be independent until 1 year after the end of the affiliation, employment or auditing relationship.

(3) A director or immediate family member of a director who is employed as an executive officer of another company where any of the risk retention group's present executives serve on that company's board of directors is not considered to be independent until 1 year after the end of such service or the employment relationship.

Sec. 310. NRS 694C.010 is hereby amended to read as follows:

694C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 694C.020 to 694C.150, inclusive, ***and section 307 of this act,*** have the meanings ascribed to them in those sections.

Sec. 311. NRS 695E.140 is hereby amended to read as follows:

695E.140 1. A risk retention group seeking to be chartered in this State must obtain a certificate of authority pursuant to chapter 694C of NRS to transact liability insurance and, except as otherwise provided in this chapter, must comply with:

(a) All of the laws, regulations and requirements applicable to liability insurers in this State, unless otherwise approved by the Commissioner; and

(b) The provisions of NRS 695E.150 to 695E.210, inclusive, to the extent that those provisions do not limit or conflict with the provisions with which the group is required to comply pursuant to paragraph (a).

2. A risk retention group applying to be chartered in this State must submit to the Commissioner ~~[in summary form:~~

~~(a) The identities of:~~

~~(1) All members of the group;~~

~~(2) All organizers of the group;~~

~~(3) Those persons who will provide administrative services to the group; and~~

~~(4) Any person who will influence or control the activities of the group;~~

~~(b) The amount and nature of initial capitalization of the group;~~

~~(c) The coverages to be offered by the group; and~~

~~(d) Each state in which the group intends to operate.~~

~~3. Before it may transact insurance in any state, the risk retention group must submit to the Commissioner for approval by the Commissioner a plan of operation. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation within 10 days after the change. The group shall not offer any additional kinds of liability insurance, in this State or in any other state, until a revision of the plan is approved by the Commissioner.~~

~~4. A risk retention group chartered in this State must file with the Commissioner on or before February 1 of each year a statement containing information concerning the immediately preceding year, which must be:~~

~~(a) Submitted in a form prescribed by the National Association of Insurance Commissioners;~~

~~(b) Prepared in accordance with the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and~~

~~(c) Submitted on a diskette, if required by the Commissioner.~~

~~5. The Commissioner shall transmit to the National Association of Insurance Commissioners a copy of:~~

~~(a) All information submitted by a risk retention group to the Commissioner pursuant to subsections 2 and 4; and~~

~~(b) Any revisions to a plan of operation submitted to the Commissioner pursuant to subsection 3.~~

~~6.~~ ***an application for licensure as an association captive insurer in accordance with NRS 694C.210.***

3. A risk retention group chartered in a state other than Nevada that is seeking to transact insurance as a risk retention group in this State must comply with the provisions of NRS 695E.150 to 695E.210, inclusive ~~.~~ ***, and section 308 of this act.***

Sec. 312. NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3 ***, 4*** and ~~4,~~ ***5,*** 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each

such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. ***The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.***

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

~~[5.]~~ ***6.*** As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry to which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

Sec. 313. NRS 179.301 is hereby amended to read as follows:

179.301 1. The State Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. ***The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.***

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.575; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.

~~[3.]~~ ***4.*** The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to sexual offenses, and may notify employers of the information in accordance with NRS 179A.180 to 179A.240, inclusive.

~~[4.]~~ ***5.*** Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

~~[5.]~~ ***6.*** The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

~~[6.]~~ ***7.*** As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 314. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419,

209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and sections 38, 283, 284 and 285 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law

to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 315. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used,

and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 ***or in an electronic format allowed pursuant to that section,*** which identifies the vehicle or the registered owner of the vehicle; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 316. NRS 485.034 is hereby amended to read as follows:

485.034 "Evidence of insurance" means:

1. The form ***, or electronic format,*** provided by an insurer pursuant to NRS 690B.023 as evidence of a contract of insurance for a motor vehicle liability policy; or

2. The certificate of self-insurance issued to a self-insurer by the Department pursuant to NRS 485.380.

Sec. 317. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this State, without having insurance as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance. ***The surrender, upon demand, of an evidence of insurance issued in electronic format does not constitute consent for a peace officer or authorized representative of the Department to access other contents of any device used to display the evidence of insurance and surrendered in compliance with this section.***

(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. A person shall not operate the motor vehicle of another person unless the person who will operate the motor vehicle:

(a) First ensures that the required evidence of insurance is present in the motor vehicle ~~[;]~~ ***or available electronically;*** or

(b) Has his or her own evidence of insurance which covers that person as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 is guilty of a misdemeanor. Except as otherwise provided in this subsection, in addition to any other penalty, a person sentenced pursuant to this subsection shall be punished by a fine of not less than $600 nor more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the person obtains a motor vehicle liability policy by the time of sentencing, unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not find a person guilty or fine a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if the person presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of not more than $1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the Department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396 or 482.3965 authorizing the movement or operation of that vehicle within the State for a limited time.

Sec. 318. NRS 616B.336 is hereby amended to read as follows:

616B.336 1. Each self-insured employer shall furnish ~~[audited]~~ financial statements ~~[, certified by an auditor licensed to do business in this State,]~~ ***audited by an independent certified public accountant, or foreign equivalent,*** to the Commissioner annually within 120 days after the expiration of the self-insured employer's fiscal year ~~[.]~~ ***, or within such other timeframe as the Commissioner may allow.***

2. The Commissioner may examine the records and interview the employees of each self-insured employer as often as the Commissioner deems advisable to determine the adequacy of the deposit which the employer has made with the Commissioner, the sufficiency of reserves and the reporting, handling and processing of injuries or claims. The Commissioner shall examine the records for that purpose at least once every 3 years. The self-insured employer shall reimburse the Commissioner for the cost of the examination.

Sec. 319. NRS 682A.010, 682A.030, 682A.040, 682A.050, 682A.060, 682A.070, 682A.080, 682A.090, 682A.100, 682A.110, 682A.120, 682A.130, 682A.140, 682A.150, 682A.160, 682A.170, 682A.180, 682A.190, 682A.200, 682A.210, 682A.220, 682A.230, 682A.240, 682A.250, 682A.260, 682A.270, 682A.280, 682A.290, 689A.695, 689B.115 and 689C.250 are hereby repealed.

Sec. 320. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

682A.010 Scope.

682A.030 General qualifications.

682A.040 Authorization and record of investments.

682A.050 Diversification.

682A.060 Public obligations.

682A.070 Obligations and stock of certain federal and international agencies.

682A.080 Corporate obligations.
682A.090 Definitions; net earnings.
682A.100 Preferred or guaranteed stock.
682A.110 Common stocks.
682A.120 Insurance stocks.
682A.130 Stocks of subsidiaries.
682A.140 Common trust funds; mutual funds.
682A.150 Bankers' acceptances and bills of exchange.
682A.160 Equipment trust obligations or certificates.
682A.170 Loans secured by policy.
682A.180 Collateral loans.
682A.190 Savings and share accounts.
682A.200 Miscellaneous investments; records.
682A.210 Special accounts.
682A.220 Special investments of title insurers.
682A.230 Mortgages and deeds of trust.
682A.240 Real property.
682A.250 Time limited for disposal of real property.
682A.260 Time limited for disposal of other ineligible property and securities.
682A.270 Failure to dispose of real property, personal property or securities: Effect; penalty.
682A.280 Prohibited investments and underwriting.
682A.290 Investments of foreign insurers.
689A.695 Information and documents to be made available to Commissioner; proprietary information.
689B.115 Access by Commissioner to information concerning rates; confidentiality of information.
689C.250 Information considered to be trade secret; exception.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywomen Carlton and Spiegel.

Potential conflict of interest declared by Assemblywoman Spiegel.

ASSEMBLYWOMAN CARLTON:

The amendment addresses wholly owned subsidiaries of a parent company. It amends section 233 to address the Insurance Commissioner's concerns in his omnibus bill.

ASSEMBLYWOMAN SPIEGEL:

Because we are considering Senate Bill 67, which includes some amendments to the statutes governing the Nevada Insurance Guaranty Association in NRS [*Nevada Revised Statutes*] Chapter 687A, I would like to disclose that my business is considering doing some work for the Association. Therefore, I am making this disclosure and abstaining from voting on anything to do with this bill out of an abundance of caution.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 814.

AN ACT relating to property tax; revising provisions governing the publication of property tax rolls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county assessor is required to prepare and publish in a newspaper of general circulation in the county a list of all the taxpayers on the secured roll in the county and the total value of the property on which they pay taxes or print and deliver or mail such a list and valuations to each taxpayer in the county. (NRS 361.300) This bill requires a board of county commissioners to direct the county assessor to publish this list and valuations on an Internet website maintained by the county assessor or the county. This bill also requires a board of county commissioners to direct the county assessor in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to make not fewer than 10 copies of this list and valuations available to the public free of charge.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause ***, on or before January 1 of the fiscal year in which assessment is made,*** such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her ~~[on or before January 1 of the fiscal year in which assessment is made]~~ to each taxpayer in the county; ~~[or]~~

(2) Published once ~~[on or before January 1 of the fiscal year in which assessment is made]~~ in a newspaper of general circulation in the county; ***or***

(3) Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause ***, on or before January 1 of the fiscal year in which assessment is made,*** such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) ~~[Published]~~ ***If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published*** on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county ~~[.]~~ ***;***

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county ~~[, on or before January 1 of the fiscal year in which assessment is made,]~~ four times each year which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; ~~[and]~~

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font ~~[.]~~ ;

(4) Provides an explanation of how property tax rates are determined;

(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;

(6) Provides information on how often assessed values change;

(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;

(8) Provides the due dates for payments;

(9) Provides an explanation of exemptions and how to apply for an exemption; and

(10) Includes a statement of certification by the assessor that the roll is complete and accurate.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll ~~[is]~~ ***will be*** available for inspection ***on or before January 1*** as specified in paragraph (b) of subsection 3 ~~[.]~~ ***and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax role may be accessed or retrieved.*** If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 1.5. **Section 1 of this act is hereby amended to read as follows:**

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her to each taxpayer in the county;

(2) Published once in a newspaper of general circulation in the county; or

(3) Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county;

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county ~~[four times each year]~~ ***, on or before January 1 of the fiscal year in which assessment is made,*** which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; ***and***

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font ***.*** ~~[;~~

~~(4) Provides an explanation of how property tax rates are determined;~~

~~(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;~~

~~(6) Provides information on how often assessed values change;~~

~~(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;~~

~~(8) Provides the due dates for payments;~~

~~(9) Provides an explanation of exemptions and how to apply for an exemption; and~~

~~(10) Includes a statement of certification by the assessor that the roll is complete and accurate.]~~

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is

made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll will be available for inspection on or before January 1 as specified in paragraph (b) of subsection 3 and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax role may be accessed or retrieved. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 2. ~~[This]~~

1. This section and section 1 of this act ~~[becomes]~~ **become** effective on July 1, 2015.

2. Section 1.5 of this act becomes effective on July 1, 2017.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 814 to Senate Bill 95 requires a county who publishes its property tax roll on the Internet instead of in a newspaper to provide notice of that publication in a newspaper of general circulation four times each year. The notice must additionally contain other information relating to the assessment and taxation of property, as specified in the amendment.

The amendment specifies that this requirement to publish the notice in a newspaper four times per year exists only until July 1, 2017. After that date, a county that publishes its property tax roll on the Internet must only provide notice of that publication in a newspaper of general circulation on or before January 1, rather than four times per year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 760.

AN ACT relating to insurance; designating a stand-alone dental benefit as the primary policy for certain dental care; prohibiting a health insurer from denying certain claims on the basis that another health insurer has liability to pay the claim; ~~[prohibiting a health insurer from requiring that a claim be submitted directly to a secondary health insurer under certain circumstances; requiring]~~ **authorizing** the Commissioner of Insurance to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Certain procedures performed by ~~[dentists]~~ **an oral and maxillofacial surgeon** may be covered by both stand-alone dental benefits and policies of health insurance. Existing law regulates policies of health insurance and stand-alone dental benefits separately, but provides for no coordination of claims between the two. (Chapters 686C, 689A, 689B, 689C, 695A, 695B, 695C and 695D of NRS) This bill defines a "stand-alone dental benefit" to mean any policy of insurance which only pays for or reimburses the costs of certain dental care and which is ~~[not embedded in or included as part of]~~ **offered or issued separately from** any other policy of health insurance. This bill also requires that for an insurance claim for a procedure provided by ~~[a dentist]~~ **an oral and maxillofacial surgeon** which may be covered by both the patient's stand-alone dental benefit and policy of health insurance, the stand-alone dental benefit must provide primary coverage. This bill also prohibits a health insurer from ~~[: (1)]~~ denying certain claims for which it has liability on the basis that another health insurer has liability **.** ~~[; or (2) requiring a separate claim be filed with the other health insurer.]~~ Finally, this bill ~~[requires]~~ **authorizes** the Commissioner of Insurance to adopt regulations necessary to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The following provisions apply to a claim for payment submitted for services provided by ~~[a dentist]~~ an oral and maxillofacial surgeon which may

be covered, in whole or in part, by a stand-alone dental benefit and a policy of health insurance:

(a) If a claimant is covered by a stand-alone dental benefit and a policy of health insurance, the stand-alone dental benefit is the primary policy and the claim must be first submitted to the health insurer that issued the stand-alone dental benefit. The issuer of the secondary policy may not reduce benefits based upon payments under the primary policy, except to avoid overpayment to the ~~[dentist.]~~ oral and maxillofacial surgeon.

(b) Except as otherwise provided in paragraph (a), a health insurer may not deny a claim for which it has liability solely on the basis that another health insurer has liability to pay the claim.

~~[(c) A health insurer with partial liability for paying a claim may not require the claimant to file a separate claim directly with a secondary health insurer.]~~

2. The Commissioner ~~[shall]~~ may adopt regulations necessary to carry out the provisions of this section.

3. As used in this section:

(a) ~~[“Health insurer” means a person who is the holder of a certificate of authority issued pursuant to chapter 680A, 695C, 695D or 695F of NRS or a corporation that is the holder of a certificate of authority issued pursuant to chapter 695B of NRS.]~~ “Oral and maxillofacial surgeon” means a dentist who has been issued a specialist’s license to practice oral and maxillofacial surgery pursuant to NRS 631.250 and who provides any of the services described in paragraph (c) of subsection 1 of NRS 631.215.

(b) “Stand-alone dental benefit” means any policy which only pays for or reimburses any part of the cost of dental care, as defined in NRS 695D.030 ~~[. The term does not include such coverage embedded in or included as part of any other]~~ , and is offered or issued separately from any policy of health insurance.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~[The Commissioner of Insurance shall, on or before January 1, 2016, adopt regulations to carry out the amendatory provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 760 changes the procedures required to be covered to those performed by oral and maxillofacial surgeons. It also specifies that a stand-alone dental benefit is one that is offered or

issued separately from any other policy of health insurance. Finally, the amendment allows the Commissioner of Insurance to adopt regulations to carry out the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 846.

AN ACT relating to child welfare; revising requirements concerning service of a summons to a hearing on a petition that a child is in need of protection; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to hold an adjudicatory hearing within 30 days of the filing of a petition that a child who was removed from his or her home is in need of protection. (NRS 432B.530) As a result of such a hearing, the court may return the child to the custody of his or her parent or guardian or place the child in the temporary custody of a relative, a fictive kin, another suitable person or certain public or private agencies or institutions. (NRS 432B.550) Before such a hearing, the court is required to issue a summons to the person who has custody or control of the child. If this person is not the parent or guardian of the child, the summons must also be issued to the parent or guardian of the child. If the person summoned resides in this State, the summons must be served personally. If the person cannot be found in this State or does not reside in this State, the summons must be served by registered or certified mail. If the child is a newborn and was delivered to a provider of emergency services and the location of the parent is unknown, the summons must be served by publication. (NRS 432B.520) Except when a newborn child is delivered to a provider of emergency services and the location of the parent is unknown, this bill requires the summons to be served personally ~~[,]~~ **or** by registered or certified mail **,** ~~[or by posting a written notice on the door of the residence of the person served,]~~ regardless of whether the person resides within or outside of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.520 is hereby amended to read as follows:

432B.520 1. After a petition has been filed, the court shall direct the clerk to issue a summons requiring the person who has custody or control of the child to appear personally and bring the child before the court at a time and place stated in the summons. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian, or both, must also be notified by a similar summons of the pendency of the hearing and of the time and place appointed.

2. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the court, is necessary.

3. Each summons must include notice of the right of parties to counsel at the adjudicatory hearing. A copy of the petition must be attached to each summons.

4. ~~[If the:]~~ ***Except as provided in subsection 5, the summons must be served by:***

(a) ~~[Person summoned resides in this state, the summons must be served personally;]~~ ***Personal service of a written notice; or***

(b) ~~[Person summoned cannot be found within this state or does not reside in this state, the summons must be mailed by registered]~~ ***Registered*** or certified mail to the last known address of the person**.** ~~[; or~~

~~(c) Child~~ ~~***Posting a written notice on the door of the residence of the person.]***~~

5. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the summons must be served on the parent by publication at least once a week for 3 consecutive weeks in a newspaper published in the county and if no such newspaper is published, then a newspaper published in this state that has a general circulation in the county. The failure of the parent to appear in the action after the service of summons on the parent pursuant to this paragraph shall be deemed to constitute a waiver by the parent of any further notice of the proceedings that would otherwise be required pursuant to this chapter.

~~[5.]~~ ***6.*** If it appears that the child is in such condition or surroundings that the welfare of the child requires that custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the person serving it shall at once deliver the child to an agency which provides child welfare services in whose custody the child must remain until the further order of the court.

~~[6.]~~ ***7.*** If the summons cannot be served or the person who has custody or control of the child fails to obey it, or:

(a) In the judge's opinion, the service will be ineffectual or the welfare of the child requires that the child be brought forthwith into the custody of the court; or

(b) A person responsible for the child's welfare has absconded with the child or concealed the child from a representative of an agency which provides child welfare services,

➥ the court may issue a writ for the attachment of the child's person, commanding a law enforcement officer or a representative of an agency which provides child welfare services to place the child in protective custody.

Sec. 2. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings.

Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

(c) A copy of an academic plan developed for the child pursuant to NRS 388.155, 388.165 or 388.205.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and ~~[paragraph (c) of]~~ subsection ~~[4]~~ ***5*** of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

7. The notice of the hearing required to be given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

10. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment deletes the requirement that a written summons notice be posted on the door of the residence of the person served.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 723.

AN ACT relating to occupational diseases; revising the circumstances under which certain occupational diseases are conclusively presumed to arise out of and in the course of employment; **limiting the compensation to which a person is entitled to receive for certain occupational diseases;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain diseases of the lungs or heart contracted by certain police officers, firefighters or other employees are, for purposes of industrial insurance claims, conclusively presumed to be occupationally related if the employee has served a certain number of years in the profession before contracting the disease. (NRS 617.455, 617.457) **Sections 2 and 3** of this bill limit the period in which certain employees may claim these presumptions. **Sections 2 and 3 also provide that a person who files a claim for the disease after he or she retires from employment as a police officer, firefighter or arson investigator is not entitled to receive any compensation for that disease other than medical benefits. Sections 2.5 and 3.5** of this bill prevent certain persons who use tobacco products or fail to follow a physician's prescribed plan of care from claiming these presumptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 617.454 is hereby amended to read as follows:

617.454 1. Any physical examination administered pursuant to NRS 617.455 or 617.457 must include:

(a) A thorough test of the functioning of the hearing of the employee; and

(b) A purified protein derivative skin test to screen for exposure to tuberculosis.

2. Except as otherwise provided in subsection ~~[7]~~ ***8*** of NRS 617.457, the tests required by this section must be paid for by the employer.

Sec. 2. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every 2 years until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

➥ until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.

4. All physical examinations required pursuant to subsections 2 and 3 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for ~~[5]~~ ***2*** years or more before the date of disablement ~~[.]~~ ***if the disease is diagnosed and causes the disablement:***

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ ***Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.***

6. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after a physical examination required pursuant to subsection 2 or 3 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

7. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

8. A person who files a claim for a disease of the lungs specified in this section after he or she retires from employment as a police officer, firefighter or arson investigator is not entitled to receive any compensation for that disease other than medical benefits.

Sec. 2.5. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every 2 years until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

➥ until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.

4. All physical examinations required pursuant to subsections 2 and 3 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 2 years or more before the date of disablement if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

6. ***Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 5.***

7. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after a physical examination required pursuant to subsection 2 or 3 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

~~[7.]~~ ***8.*** A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

~~[8.]~~ ***9.*** A person who files a claim for a disease of the lungs specified in this section after he or she retires from employment as a police officer, firefighter or arson investigator is not entitled to receive any compensation for that disease other than medical benefits.

Sec. 3. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for ~~[5]~~ ***2*** years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment ~~[.]~~ ***if the disease is diagnosed and causes the disablement:***

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

3. Except as otherwise provided in subsection 4, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

4. During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a physical examination for the volunteer firefighter is required:

(a) Upon employment;

(b) Upon commencement of coverage; and

(c) Once every 3 years after the physical examination that is required pursuant to paragraph (b),

➥ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment.

5. The employer of the volunteer firefighter is responsible for scheduling the physical examination. The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at least 10 days before the date of the physical examination and shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.

6. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 5 excludes the volunteer firefighter from the benefits of this section.

7. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

8. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 7;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

9. Except as otherwise provided in subsection 7, all physical examinations required pursuant to subsections 3 and 4 must be paid for by the employer.

10. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination required pursuant to subsection 3 or 4 excludes the employee from the benefits of this section if the correction is within the ability of the employee.

11. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

12. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

13. A person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a firefighter, arson investigator or police officer is not entitled to receive any compensation for that disease other than medical benefits.

Sec. 3.5. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 2 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment if the disease is diagnosed and causes the disablement:

(a) During the course of that employment;

(b) If the person ceases employment before completing 20 years of service as a police officer, firefighter or arson investigator, during the period after separation from employment which is equal to the number of years worked; or

(c) If the person ceases employment after completing 20 years or more of service as a police officer, firefighter or arson investigator, at any time during the person's life.

➥ Service credit which is purchased in a retirement system must not be calculated towards the years of service of a person for the purposes of this section.

2. ***Frequent or regular use of a tobacco product within 1 year, or a material departure from a physician's prescribed plan of care by a person within 3 months, immediately preceding the filing of a claim for compensation excludes a person who has separated from service from the benefit of the conclusive presumption provided in subsection 1.***

3. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

~~[3.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

~~[4.]~~ ***5.*** During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a physical examination for the volunteer firefighter is required:

(a) Upon employment;

(b) Upon commencement of coverage; and

(c) Once every 3 years after the physical examination that is required pursuant to paragraph (b),

➥ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once every 2 years during his or her employment.

~~[5.]~~ ***6.*** The employer of the volunteer firefighter is responsible for scheduling the physical examination. The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at least 10 days before the date of the physical examination and

shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.

~~[6.]~~ ***7.*** Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection ~~[5]~~ ***6*** excludes the volunteer firefighter from the benefits of this section.

~~[7.]~~ ***8.*** The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

~~[8.]~~ ***9.*** The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection ~~[7;]~~ ***8;***

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

~~[9.]~~ ***10.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** all physical examinations required pursuant to subsections ~~[3]~~ ***4*** and ~~[4]~~ ***5*** must be paid for by the employer.

~~[10.]~~ ***11.*** Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to a physical examination required pursuant to subsection ~~[3]~~ ***4*** or ~~[4]~~ ***5*** excludes the employee from the benefits of this section if the correction is within the ability of the employee.

~~[11.]~~ ***12.*** A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

~~[12.]~~ ***13.*** Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

~~[13.]~~ ***14.*** A person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a firefighter, arson investigator or police officer is not entitled to receive any compensation for that disease other than medical benefits.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. The amendatory provisions of this act:

1. Apply only to disablement which occurs on or after the effective date of this section; and

2. Do not apply to any person who, on the effective date of this section, has completed at least 20 years of creditable service, not including any service credit purchased in a retirement system, as a police officer, firefighter, volunteer firefighter or arson investigator in this State.

Sec. 7. 1. This section and sections 2, 3 and 6 of this act become effective upon passage and approval.

2. Sections 1.5, 2.5 and 3.5 of this act become effective on January 1, 2017.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 723 to Senate Bill 153 provides that a person who files a claim for an occupational disease after he or she retires from employment as a police officer, firefighter, or arson investigator is not entitled to receive any compensation for that disease other than medical benefits.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 854.

AN ACT relating to public safety; revising provisions governing justifiable homicide; **authorizing the possession of a firearm in a motor vehicle that is on the property of certain educational entities or child care facilities in certain circumstances;** prohibiting a person convicted in this State or any other state of a misdemeanor crime of domestic violence from owning or having in his or her possession or under his or her custody or control any firearm; **authorizing a person who holds a permit to carry a concealed firearm to do so on the property of the Nevada System of Higher Education under certain circumstances;** requiring the Department of Public Safety to make certain determinations before issuing a list of states for purposes of reciprocity; prohibiting a person against whom an extended order for protection against domestic violence is issued from subsequently purchasing or otherwise acquiring any firearm during the period the extended order is in effect; revising provisions governing civil liability in actions involving the use of force; expanding the rights and powers reserved for the Legislature relating to the regulation of firearms and ammunition; requiring the governing bodies of certain political subdivisions of this State to repeal certain ordinances and regulations; authorizing a person adversely affected by the enforcement of such an ordinance or regulation to seek declarative and injunctive relief and damages; providing that such a person is entitled to certain damages; deleting certain provisions relating to the registration of firearms

capable of being concealed; revising the applicability of certain provisions pertaining to the regulation of firearms by local governments; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person against a person who manifestly intends or endeavors to commit a felony or to enter the habitation of another for the purpose of assaulting a person who is in the habitation. (NRS 200.120) **Section 1** of this bill revises the definition of "justifiable homicide" to include specifically the killing of a person in defense of an occupied motor vehicle or in defense against any person who manifestly intends and endeavors to enter the occupied motor vehicle of another for the purpose of assaulting a person who is in the motor vehicle.

Existing law also provides that a killing is justifiable if the circumstances were sufficient to excite the fears of a reasonable person and the person killing really acted under the influence of those fears and not in a spirit of revenge. (NRS 200.130) **Section 2** of this bill establishes a rebuttable presumption that a killing is justifiable under the standard set forth in NRS 200.130 if the person killing: (1) knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the habitation or property of another; (2) knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and (3) did not provoke the person who was killed.

Existing law prohibits a person from carrying a concealed firearm while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, unless the person holds a permit to carry a concealed firearm and has written permission from the president of a branch or facility of the System, the principal of the school or the person designated by the child care facility to give permission to carry or possess a weapon to carry the concealed firearm. (NRS 202.265, 202.3673) Sections 2.5 and 3.5 of this bill authorize a person who holds such a permit to carry a concealed firearm while on the property of the System.

Existing law generally makes it a gross misdemeanor to carry or possess certain weapons while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or a child care facility except in certain circumstances. (NRS 202.265) Section 2.5 of this bill adds an exception so that a person who holds a permit to carry a concealed firearm is not prohibited from possessing a firearm capable of being concealed upon the person on the property of the Nevada System of Higher Education, a private or public school or a child care facility, if the firearm remains out of public view and if the firearm is: (1) inside a motor vehicle that is occupied or, if the motor vehicle is unoccupied, the motor vehicle is locked; or (2) stored in a locked container that is affixed securely to the motor vehicle.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) **Section 3** of this bill adds to such a list of persons a person who has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in federal law.

Existing law authorizes a court to issue an extended order for protection against domestic violence. (NRS 33.030) **Section 5** of this bill provides that if such an extended order is issued, the adverse party is prohibited from purchasing or otherwise acquiring any firearm during the period that the extended order is in effect. A person who violates such a provision is guilty of a category B felony.

Existing law provides that in a civil action brought by or on behalf of a person against whom force which is intended or likely to cause death or bodily injury was used: (1) there is a presumption that the person who used such force had a reasonable fear of imminent death or bodily injury to himself or herself or another person if the person against whom such force was used was committing burglary or invasion of the home; and (2) that presumption must be overcome by clear and convincing evidence to the contrary for the civil action to be maintained. (NRS 41.095) **Section 7** of this bill extends that presumption to circumstances in which the person who used such force was in his or her motor vehicle and the other person was committing grand larceny of the motor vehicle with the use or threatened use of a deadly weapon. **Section 7** also enacts a provision, based upon Texas law, which provides that a person is immune to civil liability for using force which is intended or likely to cause death or bodily injury if the person was justified in using such force under the applicable provisions of Nevada criminal law. (Texas Civil Practice and Remedies Code 83.001)

Existing law requires the Department of Public Safety to prepare annually a list of states that have: (1) requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements set forth in this State; and (2) an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm by that state and which a law enforcement officer in this State may access at all times. Additionally, a state may only be included in the list if the Nevada Sheriffs' and Chiefs' Association agrees with the Department's inclusion of the state. (NRS 202.3689) Existing law also authorizes a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list to carry a concealed firearm in this State in accordance with the laws of this State unless the person: (1) becomes a resident of this State; and (2) has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State. (NRS 202.3688) **Section 4.5** of this bill **: (1)** requires the Department to determine whether each state requires a person to complete any training, class or program for purposes of preparing the list **; and (2) removes the**

requirement that the Nevada Sheriffs' and Chiefs' Association must agree with the Department's inclusion of a state in the list.

Existing law provides that, except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State, and further provides that no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) **Sections 8-10** of this bill expand such rights and powers of the Legislature to include those necessary to: (1) regulate the carrying and storage of firearms, firearm accessories and ammunition; and (2) define all such terms. **Sections 8-10** provide that certain ordinances or regulations which are inconsistent with these rights and powers of the Legislature are null and void and require the governing bodies of certain political subdivisions of this State to repeal any such ordinance or regulation. **Sections 8-10** also authorize any person who is adversely affected by the enforcement of any such ordinance or regulation on or after ~~[October 1, 2015,]~~ **the effective date of this bill** to file suit in the appropriate court for declarative and injunctive relief and damages. Such a person is entitled to certain damages depending on whether and when the relevant governing body of a political subdivision repeals such an ordinance or a regulation.

Existing law also requires certain political subdivisions of this State in a county whose population is 700,000 or more (currently Clark County), which adopted ordinances or regulations before June 13, 1989, that require the registration of firearms capable of being concealed, to make certain amendments to such registration provisions. (NRS 244.364, 268.418, 269.222) **Sections 8-10** additionally delete the provisions requiring certain political subdivisions of this State to make such amendments.

Assembly Bill No. 147 of the 1989 Legislative Session (A.B. 147) reserved for the Legislature the rights and powers necessary to regulate the transfer, sale, purchase, possession, ownership, transportation, registration and licensing of firearms and ammunition in this State. (Chapter 308, Statutes of Nevada 1989, p. 652) However, section 5 of A.B. 147 provided that the preemptive effect of the bill applied only to ordinances or regulations adopted by certain political subdivisions on or after June 13, 1989. **Section 11** of this bill amends section 5 of A.B. 147 to include and preempt ordinances or regulations adopted by certain political subdivisions before June 13, 1989.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 200.120 is hereby amended to read as follows:

200.120 1. Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of ***an occupied*** habitation, ~~[property]~~ ***an occupied motor vehicle*** or ***a*** person, against one who manifestly intends or endeavors ~~[, by violence or surprise,]~~ to commit a ~~[felony,]~~ ***crime of violence,*** or against any person or persons who manifestly intend and endeavor, in a

violent, riotous, tumultuous or surreptitious manner, to enter the ***occupied*** habitation ***or occupied motor vehicle,*** of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

2. A person is not required to retreat before using deadly force as provided in subsection 1 if the person:

(a) Is not the original aggressor;

(b) Has a right to be present at the location where deadly force is used; and

(c) Is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.

3. As used in this section:

(a) "Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

(b) "Motor vehicle" means every vehicle which is self-propelled.

Sec. 2. NRS 200.130 is hereby amended to read as follows:

200.130 ***1.*** A bare fear of any of the offenses mentioned in NRS 200.120, to prevent which the homicide is alleged to have been committed, ~~[shall not be]~~ ***is not*** sufficient to justify the killing. It must appear that the circumstances were sufficient to excite the fears of a reasonable person and that the ~~[party]~~ ***person*** killing really acted under the influence of those fears and not in a spirit of revenge.

2. There is a rebuttable presumption that the circumstances were sufficient to excite the fears of a reasonable person and that the person killing really acted under the influence of those fears and not in a spirit of revenge if the person killing:

(a) Knew or reasonably believed that the person who was killed was entering unlawfully and with force, or attempting to enter unlawfully and with force, the occupied habitation or occupied motor vehicle, of another;

(b) Knew or reasonably believed that the person who was killed was committing or attempting to commit a crime of violence; and

(c) Did not provoke the person who was killed.

3. As used in this section:

(a) "Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

(b) "Motor vehicle" means every vehicle which is self-propelled.

Sec. 2.5. **NRS 202.265 is hereby amended to read as follows:**

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or ***a*** child care facility, or while in a vehicle of a private or public school or ***a*** child care facility:

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles;

(e) A pistol, revolver or other firearm; or

(f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 ***while*** on the property of:

(a) ~~[A]~~ ***The Nevada System of Higher Education, a*** private or public school or ***a*** child care facility by a:

(1) Peace officer;

(2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. ***This section does not prohibit the possession of a firearm capable of being concealed upon the person by a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, if:***

(a) The person is carrying upon his or her person a concealed firearm on the property of the Nevada System of Higher Education; or

(b) The motor vehicle that is or was being operated by the person or in which the person is or was a passenger is located on the property of the Nevada System of Higher Education, a private or public school or a child care facility, the firearm remains out of common observation, and the firearm is:

(1) Inside a motor vehicle, other than a school bus, that is:

(I) Occupied; or

(II) Unoccupied and locked; or

(2) Stored in a locked container that is affixed securely to a motor vehicle, other than a school bus.

5. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~[5.]~~ ***6.*** For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) ***"School bus" has the meaning ascribed to it in NRS 484A.230.***

(e) **"**Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ ***(f)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.]~~

Sec. 3. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) ***Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33);***

(b) Has been convicted of a felony in this ***State*** or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

~~[(b)]~~ ***(c)*** Is a fugitive from justice; or

~~[(c)]~~ ***(d)*** Is an unlawful user of, or addicted to, any controlled substance.

➥ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

➥ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 3.5. **NRS 202.3673 is hereby amended to read as follows:**

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility ~~[, for the property of the Nevada System of Higher Education,]~~ unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265. ***If a public school or a child care facility is located on the property of the***

Nevada System of Higher Education, this paragraph must be construed to prohibit only the carrying of a concealed firearm in that portion of a public building and on that portion of the property of the Nevada System of Higher Education that is occupied by the public school or child care facility, assuming that the permittee has not obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265 from the principal of the public school or the person designated by the child care facility to give such permission.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~[5]~~ ***6*** of NRS 202.265. ***If only part of the building is occupied by a child care facility, the term means only that portion of the building which is so occupied.***

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this ~~[subsection,]~~ ***paragraph,*** the term means only that portion of the building which is so occupied.

Sec. 4. NRS 202.3688 is hereby amended to read as follows:

202.3688 1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive.

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to NRS 202.3689 may not carry a concealed firearm in this State if the person:

(a) Becomes a resident of this State; and

(b) Has not been issued a permit from the sheriff of the county in which he or she resides within 60 days after becoming a resident of this State.

~~[3. A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.]~~

Sec. 4.5. NRS 202.3689 is hereby amended to read as follows:

202.3689 1. On or before July 1 of each year, the Department shall:

(a) ~~[Examine the requirements for the]~~ ***Determine whether each state requires a person to complete any training, class or program before the*** issuance of a permit to carry a concealed firearm in ~~[each]~~ ***that*** state **.** ~~[and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive.]~~

(b) Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.

(c) Prepare a list of states that meet the requirements of paragraphs (a) and (b). ~~[A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.]~~

(d) Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.

2. The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.

Sec. 5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court issues an extended order pursuant to NRS 33.030, the adverse party shall not subsequently purchase or otherwise acquire any firearm during the period that the extended order is in effect.

2. A person who violates the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

Sec. 6. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and section 5 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 7. NRS 41.095 is hereby amended to read as follows:

41.095 1. For the purposes of NRS 41.085 and 41.130, any person who uses ~~[, while]~~ ***:***

(a) While lawfully in his or her residence ***,*** ~~[or]~~ in transient lodging ~~[,]~~ ***or in a motor vehicle that is not his or her residence,*** force which is intended or likely to cause death or bodily injury is presumed to have had a reasonable fear of imminent death or bodily injury to himself or herself or another person lawfully in the residence ***,*** ~~[or]~~ transient lodging ***or motor vehicle*** if the force is used against a person who is committing burglary ***,*** ~~[or]~~ invasion of the home ***or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon*** and the person using the force knew or had reason to believe that burglary ***,*** ~~[or]~~ invasion of the home ***or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon*** was being committed. An action to recover damages for personal injuries to or the wrongful death of the person who committed burglary ***,*** ~~[or]~~ invasion of the home ***or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon*** may not be maintained against the person who used such force unless the presumption is overcome by clear and convincing evidence to the contrary.

(b) Force which is intended or likely to cause death or bodily injury is immune from civil liability in an action to recover damages for personal injuries to or the wrongful death of a person against whom such force was used if the use of such force was justified under the applicable provisions of chapter 200 of NRS relating to the use of such force.

2. As used in this section ~~[, "residence"]~~ ***:***

(a) "Deadly weapon" has the meaning ascribed to it in NRS 193.165.

(b) "Motor vehicle" means every vehicle which is self-propelled.

(c) "Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.

Sec. 7.5. **NRS 62C.060 is hereby amended to read as follows:**

62C.060 1. If a child is taken into custody for an unlawful act that involves the possession, use or threatened use of a firearm, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

2. At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

3. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~[5]~~ ***6*** of NRS 202.265.

Sec. 8. NRS 244.364 is hereby amended to read as follows:

244.364 1. ***The Legislature hereby declares that:***

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ***carrying,*** ownership, transportation, ***storage,*** registration and licensing of firearms ***, firearm accessories*** and ammunition in Nevada ~~[,]~~ and ~~[no]~~ ***to define such terms. No*** county may

infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ ***3.*** A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If a board of county commissioners in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the board of county commissioners shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the county before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the county upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as]~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after ~~[October 1, 2015,]~~ the effective date of this act may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final

determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. ***As*** used in this section:

(a) ***"Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.***

(b) "Firearm" ~~[means]~~ ***includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or*** any device ***which is*** designed to ~~[be used as a weapon from which]~~ ***, able to or able to be readily converted to expel*** a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ ***action*** of ~~[any explosion or]~~ ***an explosive,*** other form of combustion ~~[.~~

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~ ***or expanding gases.***

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 9. NRS 268.418 is hereby amended to read as follows:

268.418 1. ***The Legislature hereby declares that:***

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ***carrying,*** ownership, transportation, ***storage,*** registration and licensing of firearms ***, firearm accessories*** and ammunition in Nevada ~~[,]~~ and ~~[no]~~ ***to define such terms. No*** city may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ ***3.*** The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If the governing body of a city in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the governing body shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the city before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the city upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as]~~

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after ~~[October 1, 2015,]~~ the effective date of this act may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) ***"Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.***

(b) "Firearm" ~~[means]~~ ***includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or*** any device ***which is*** designed to ~~[be used as a weapon from which]~~ ***, able to or able to be readily converted to expel*** a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ ***action*** of ~~[any explosion or]~~ ***an explosive,*** other form of combustion ~~[~~.

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~ ***or expanding gases.***

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 10. NRS 269.222 is hereby amended to read as follows:

269.222 1. ***The Legislature hereby declares that:***

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, ***carrying,*** ownership, transportation, ***storage,*** registration and licensing of firearms ***, firearm accessories*** and ammunition in Nevada ~~[,]~~ and ~~[no]~~ ***to define such terms. No*** town may infringe upon those rights and powers. ~~[As used in this subsection, "firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force.~~

~~2.]~~ ***3.*** A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

~~[3. If a town board in a county whose population is 700,000 or more has required by ordinance or regulation adopted before June 13, 1989, the registration of a firearm capable of being concealed, the town board shall amend such an ordinance or regulation to require:~~

~~(a) A period of at least 60 days of residency in the town before registration of such a firearm is required.~~

~~(b) A period of at least 72 hours for the registration of a pistol by a resident of the town upon transfer of title to the pistol to the resident by purchase, gift or any other transfer.~~

~~4. Except as otherwise provided in subsection 1, as~~]

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after ~~[October 1, 2015,]~~ the effective date of this act may file suit in the appropriate court for declarative and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment of enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) ***"Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.***

(b) "Firearm" ~~[means]~~ ***includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or*** any device ***which is*** designed to ~~[be used as a weapon from which]~~ ***, able to or able to be readily converted to expel*** a projectile ~~[may be expelled]~~ through the barrel by the ~~[force]~~ ***action*** of ~~[any explosion or]~~ ***an explosive,*** other form of combustion ~~[~~.

~~(b) "Firearm capable of being concealed" includes all firearms having a barrel less than 12 inches in length.~~

~~(c) "Pistol" means a firearm capable of being concealed that is intended to be aimed and fired with one hand.]~~ ***or expanding gases.***

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

Sec. 10.3. **NRS 396.110 is hereby amended to read as follows:**

396.110 1. The Board of Regents may prescribe rules for:

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265. ***The rules prescribed by the Board of Regents pursuant to this subsection must not require a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, to obtain permission to carry a concealed firearm.***

3. Any rules prescribed by the Board of Regents pursuant to subsection 2 before, on or after the effective date of this act that are inconsistent with the provisions of subsection 2 are void.

Sec. 11. Section 5 of chapter 308, Statutes of Nevada 1989, as amended by chapter 320, Statutes of Nevada 2007, at page 1291, is hereby amended to read as follows:

Sec. 5. ~~[1. Except as otherwise provided in subsection 2, the provisions of this act apply to ordinances or regulations adopted on or after June 13, 1989.~~

~~2.]~~ The provisions of this act ~~[, as amended on October 1, 2007,]~~ apply to ordinances or regulations adopted before, on or after June 13, 1989.

Sec. 11.5. **The Board of Regents of the University of Nevada shall, on or before September 1, 2015, prescribe the rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265 required by subsection 2 of NRS 396.110, as amended by section 10.3 of this act.**

Sec. 12. 1. The provisions of NRS 202.360, as amended by section 3 of this act, apply to an offense committed before, on or after the effective date of this act.

2. The provisions of section 5 of this act apply to an extended order pursuant to NRS 33.030 issued on or after the effective date of this act.

Sec. 12.5. Records relating to the registration of any firearm capable of being concealed pursuant to any ordinance or regulation adopted by a political subdivision ~~[before June 13, 1989,]~~ must be destroyed within 1 year after the effective date of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows a firearm in a motor vehicle under certain circumstances and authorizes a CCW [concealed carry weapon] permit holder to possess a firearm on the property of the Nevada System of Higher Education.

Mr. Speaker called for a division of the house.

YEAS— Dickman, Dooling, Ellison, Fiore, Gardner, Hambrick, Hansen, Hickey, Jones, Kirner, Moore, Nelson, Ohrenschall, O'Neill, Seaman, Shelton, Titus, Trowbridge—18.

NAYS— Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Oscarson, Silberkraus, Spiegel, Sprinkle, Stewart, Swank, Thompson, Wheeler, Woodbury—24.

Motion lost on a division of the house.

Bill ordered to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 839.

SUMMARY—Revises provisions governing the payment of ~~[minimum wage and]~~ compensation for overtime. (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of ~~[minimum wage and]~~ compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) Section 1 of this bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is $9 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.]~~

The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) **Sections 2-4** of this bill remove the provisions which require payment of compensation for overtime for hours

worked in excess of 8 hours in any workday, while retaining the provisions which require payment of compensation for overtime for hours worked in excess of 40 hours in any week of work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is at least $9 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 608.018 is hereby amended to read as follows:

608.018 1. ~~[An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:~~

~~— (a) More than 40 hours in any scheduled week of work; or~~

~~— (b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~— 2. An]~~ ***Except as otherwise provided in subsection 2, an*** employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee ~~[who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250]~~ works more than 40 hours in any scheduled week of work.

~~[3.]~~ ***2.*** The provisions of ~~[subsections]~~ ***subsection*** 1 ~~[and 2]~~ do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 3. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6 ~~[, 7]~~ and ~~[9,]~~ ***8,*** overtime is considered time worked in excess of ~~[:~~

~~(a) Eight hours in 1 calendar day;~~

~~(b) Eight hours in any 16-hour period; or~~

~~(c) A]~~ ***a*** 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

(a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➥ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. ~~[For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.~~

~~7.]~~ Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly . ~~[, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.~~

~~8.]~~ ***7.*** An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

~~[9.]~~ ***8.*** This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

~~[10.]~~ ***9.*** All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

~~[11.]~~ ***10.*** The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

~~[12.]~~ ***11.*** A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 4. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of ~~[~~:

~~(a) Forty~~~~]~~ ***40*** hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work ~~[~~**.** ~~]~~; or

~~(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~]

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of ~~[~~:

~~(a) Forty~~~~]~~ ***40*** hours in any scheduled week of work ~~[~~**.** ~~]~~; or

~~(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~]

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 839 to Senate Bill 193 removes the requirement that the Labor Commissioner establish the $9 per hour minimum wage proposed in Section 1.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 759.

AN ACT relating to industrial insurance; revising the threshold cost of a construction project at which a private company, public entity or utility may establish a consolidated insurance program; requiring the owner or principal contractor of a construction project that is covered by a consolidated insurance program to provide access to the site of the construction project and to documents relating to claims under certain circumstances; revising certain requirements for the issuance of a policy or contract of insurance providing coverage for a consolidated insurance program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a private company, public entity or utility to establish and administer or to require participation in a consolidated insurance program for industrial insurance on a construction project which meets a minimum threshold amount established by the Commissioner of Insurance, which must initially be set at $150,000,000. (NRS 616B.710) **Section 1** of this bill fixes this threshold cost for a construction project or series of projects at $50,000,000.

~~[Existing law requires a private company, public entity or utility that enters into a contract with a private carrier for the provision of industrial insurance coverage for a consolidated insurance program to file a copy of the contract with the Commissioner. Section 2 of this bill deletes that requirement for a private company.]~~

Existing law requires that each consolidated insurance program have a designated administrator of claims. Existing law also prohibits the administrator from serving as administrator for more than one consolidated insurance program. (NRS 616B.727) **Section 3** of this bill removes this prohibition, allowing an administrator of claims to serve as the administrator of claims for the consolidated insurance program of more than one construction project. **Section 3** also requires that any policy or contract of insurance required by a consolidated insurance program be issued by an insurer meeting certain requirements.

Section 2.5 of this bill requires the owner or primary contractor of a construction project to allow the contractor, employer or subcontractor who employs an employee who is engaged in the construction project to have access to the site of the construction project and to any documents relating to claims filed by or on behalf of their injured workers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616B.710 is hereby amended to read as follows:

616B.710 1. A private company, public entity or utility may:

(a) Establish and administer a consolidated insurance program to provide industrial insurance coverage for employees of contractors and subcontractors who are engaged in a construction project ***or series of projects*** of which the

private company, public entity or utility is the owner or principal contractor, if the estimated total cost of the construction project ***or series of projects*** is equal to or greater than ~~[~~the threshold amount established by the Commissioner pursuant to subsection 3;~~]~~ ***$50,000,000;*** and

(b) As a condition precedent to the award of a contract to perform work on the construction project ~~[,]~~ ***or any project that is part of the series of projects,*** require that contractors and subcontractors who will be engaged in the construction of the project ***or series of projects*** participate in the consolidated insurance program.

2. If a private company, public entity or utility:

(a) Establishes and administers a consolidated insurance program; and

(b) Pursuant to the contract for the construction of the project ~~[,]~~ ***or series of projects,*** owes a periodic payment to a contractor or subcontractor whose employees are covered under the consolidated insurance program,

➥ the private company, public entity or utility shall not withhold such a periodic payment on the basis that the contractor or subcontractor has not signed an employer's report of industrial injury or occupational disease as required pursuant to NRS 616C.045.

3. ~~[~~The Commissioner shall establish the threshold amount that the estimated total cost of a construction project must be equal to or greater than before a consolidated insurance program may be established and administered for that project pursuant to this section. The base amount for the threshold must initially be $150,000,000 and thereafter must be an amount equal to $150,000,000 as adjusted by the Commissioner on June 30 of each year to reflect the present value of that amount with respect to the construction cost index.

~~4.~~~~]~~ As used in this section:

(a) ~~[~~"Construction cost index" means the construction cost index published by the Engineering News-Record as a measure of inflation.

~~(b)~~~~]~~ "Estimated total cost" means the estimated cost to complete all parts of a construction project ~~[,]~~ ***or series of projects,*** including, without limitation, the cost of:

(1) Designing the project ~~[,]~~ ***or series of projects;***

(2) Acquiring the real property on which the project ***or series of projects*** will be constructed;

(3) Connecting the project ***or series of projects*** to utilities;

(4) Excavating and carrying out underground improvements for the project ~~[,]~~ ***or series of projects;*** and

(5) Acquiring equipment and furnishings for the project ~~[,]~~ ***or series of projects.***

➥ The term does not include the cost of any fees or charges associated with acquiring the money necessary to complete the project ~~[,]~~ ***or series of projects.***

(b) "Series of projects" means two or more projects of which the same private company, public entity or utility is the owner or principal contractor

and ~~[which are specifically identifiable at the time]~~ acts as the sponsor under which a consolidated insurance program is established.

Sec. 2. ~~[NRS 616B.712 is hereby amended to read as follows:~~

~~616B.712 1. A private carrier who is authorized to transact industrial insurance in this State may contract with a private company, public entity or utility to provide industrial insurance coverage for a consolidated insurance program.~~

~~2. A [private company,] public entity or utility that enters into a contract with a private carrier for the provision of industrial insurance coverage for a consolidated insurance program shall file a copy of the contract with the Commissioner at least 60 days before the date on which the construction project is scheduled to begin.~~

~~3. The Commissioner shall, within 60 days after receiving a copy of a contract pursuant to subsection 2, review and approve or disapprove the contract. If the Commissioner does not disapprove the contract within 60 days after receiving it, the contract shall be deemed approved.]~~ **(Deleted by amendment.)**

Sec. 2.5. NRS 616B.725 is hereby amended to read as follows:

616B.725 1. A consolidated insurance program that a private company, public entity or utility is authorized to establish and administer pursuant to NRS 616B.710 must, in the manner set forth in this section, provide for the safety of an employee of a contractor or subcontractor who is engaged in the construction project when such an employee works at the site of the construction project.

2. The owner or principal contractor of the construction project shall develop and carry out a safety program that includes, without limitation:

(a) The establishment of minimum standards of safety to be observed during construction of the project;

(b) The holding of regular meetings to address and discuss issues related to safety;

(c) Training of contractors and subcontractors regarding issues and procedures related to safety;

(d) Regular inspections of the site of the construction project to identify potential safety hazards and ensure that minimum standards of safety are being observed;

(e) The notification of contractors and subcontractors of special hazards that exist at the site of the construction project, including advice on ways in which the contractors and subcontractors can avoid those hazards; and

(f) The prompt investigation of any injuries that take place at the site of the construction project which result in death or serious bodily injury.

3. The owner or principal contractor of the construction project shall hire or contract with two persons to serve as the primary and alternate coordinators for safety for the construction project. The primary and alternate coordinators for safety must:

(a) Possess credentials in the field of safety that the Administrator determines to be adequate to prepare a person to act as a coordinator for safety for a construction project, including, without limitation, credentials issued by ***:*** ~~[~~the:~~]~~

(1) ***The*** Board of Certified Safety Professionals; or

(2) ~~[~~Insurance Institute of America;~~]~~ ***The Institutes;*** or

(b) Have at least 3 years of experience in overseeing matters of occupational safety and health in the field of construction that the Administrator determines to be adequate to prepare a person to act as a coordinator for safety for a construction project.

4. The primary and alternate coordinators for safety for the construction project:

(a) Must not serve as coordinators for safety for another construction project that is covered by a different consolidated insurance program;

(b) Shall oversee and enforce the safety program established pursuant to subsection 2, including, without limitation, resolving problems related to the operation of the safety program; and

(c) Shall ensure that the contractors, employers and subcontractors who are engaged in the construction of the project coordinate their efforts regarding issues of occupational safety and health to create and maintain a safe and healthful workplace.

5. The alternate coordinator for safety shall report to the primary coordinator for safety regarding activities that take place at the site of the construction project when the primary coordinator is absent.

6. The owner or principal contractor of the construction project shall ensure that the primary or alternate coordinator for safety for the construction project is physically present at the site of the construction project whenever activity related to construction is taking place at the site.

7. The owner or principal contractor of the construction project shall allow the contractor, employer or subcontractor who employs an employee who is engaged in the construction project to access:

(a) The site of the construction project for the purpose of ensuring the occupational safety and health of the employees of the contractor, employer or subcontractor; and

(b) Any documents relating to claims filed by or on behalf of an employee of the contractor, employer or subcontractor who has been injured on the construction project.

Sec. 3. NRS 616B.727 is hereby amended to read as follows:

616B.727 1. A consolidated insurance program that a private company, public entity or utility is authorized to establish and administer pursuant to NRS 616B.710 must, in the manner set forth in this section, provide for the administration of claims for industrial insurance for an employee of a contractor or subcontractor who is engaged in the construction project when such an employee works at the site of the construction project.

2. The owner or principal contractor of the construction project shall hire or contract with a person to serve as the administrator of claims for industrial insurance for the construction project. ~~[Such a person must not serve as an administrator of claims for industrial insurance for another construction project that is covered by a different consolidated insurance program.]~~

3. ***Any policy or contract of insurance providing coverage for a consolidated insurance program must be issued by an insurer who is rated A- or better by A.M. Best with a Financial Size Category of Class VII or larger, or the equivalent as determined by the Commissioner.***

4. The administrator of claims for industrial insurance for the construction project who is hired or with whom the owner or principal contractor contracts pursuant to subsection 2 shall:

(a) Assist an employee who is covered under the consolidated insurance program or, in the event of the employee's death, one of the dependents of the employee, in filing a written notice of injury or death as required pursuant to NRS 616C.015 or a written notice of an occupational disease as required pursuant to NRS 617.342;

(b) Sign and file on behalf of a contractor or subcontractor whose employees are covered under the consolidated insurance program an employer's report of industrial injury or occupational disease as required pursuant to NRS 616C.045 or 617.354;

(c) Ensure that an employee who is covered under the consolidated insurance program and who has been injured or who has incurred an occupational disease while working on the construction project is directed to a medical facility that will provide treatment to the employee under the program;

(d) Handle all issues, to the extent reasonably practicable, relating to claims for industrial insurance at the site of the construction project; and

(e) Hire or contract such assistant administrators as may be necessary to carry out the responsibilities of the administrator of claims pursuant to this section.

~~[4.]~~ ***5.*** The owner or principal contractor of the construction project shall ensure that the administrator of claims for industrial insurance for the construction project or an assistant administrator is physically present at the site of the construction project whenever activity related to construction is taking place at the site.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 759 to Senate Bill 194 requires private companies to file a copy of a consolidated insurance program contract with the Division of Insurance for approval. The amendment also modifies the definition of "series of projects" to mean "two or more projects of which the same private company, public entity or utility is the owner or principal contractor and acts as the sponsor under which a consolidated insurance program is established."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 206.

Bill read second time and ordered to third reading.

Senate Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 865.

AN ACT relating to employment; establishing a conclusive presumption that a person is an independent contractor if certain conditions are met; excluding the relationship between a principal and an independent contractor from certain provisions governing the payment of minimum wage to an employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of Article 15 of the Nevada Constitution defines the term "employee" and requires each employer to pay a certain minimum wage to each employee. Existing law imposes certain additional requirements relating to compensation, wages and hours of employees. (Chapter 608 of NRS) **Section 1** of this bill establishes a conclusive presumption that a person is an independent contractor, rather than an employee, if certain conditions are met. **Section 5** of this bill excludes the relationship between a principal and an independent contractor from those relationships that constitute employment relationships for the purpose of requiring the payment of a minimum wage. **Section 7** of this bill applies the provisions of this bill to any action or proceeding to recover unpaid wages pursuant to a requirement to pay a minimum wage in which a final decision has not been rendered as of the effective date of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this chapter, a person is conclusively presumed to be an independent contractor if:

(a) Unless the person is a foreign national who is legally present in the United States, the person possesses or has applied for an employer identification number or social security number or has filed an income tax return for a business or earnings from self-employment with the Internal Revenue Service in the previous year;

(b) The person is required by the contract with the principal to hold any necessary state or local business license and to maintain any necessary occupational license, insurance or bonding ; [that may be required by law

~~*for the trade or profession in which the person engages pursuant to the contract;]*~~ ***and***

(c) The person satisfies three or more of the following criteria:

(1) Notwithstanding the exercise of any control necessary to comply with any statutory, regulatory or contractual obligations, the person has control and discretion over the means and manner of the performance of any work and the result of the work, rather than the means or manner by which the work is performed, is the primary element bargained for by the principal in the contract.

(2) Except for an agreement with the principal relating to the completion schedule, range of work hours or, if the work contracted for is entertainment, the time such entertainment is to be presented, the person has control over the time the work is performed.

(3) The person is not required to work exclusively for one principal unless:

(I) A law, regulation or ordinance prohibits the person from providing services to more than one principal; or

(II) The person has entered into a written contract to provide services to only one principal for a limited period.

(4) The person is free to hire employees to assist with the work.

(5) The person contributes a substantial investment of capital in the business of the person, including, without limitation, the ~~*[purchase]*~~ ***:***

(I) Purchase or lease of ordinary tools, material and equipment regardless of source ;

(II) Obtaining of a license or other permission from the principal to access any work space of the principal to perform the work for which the person was engaged; and ~~*[the lease]*~~

(III) Lease of any work space from the principal required to perform the work for which the person was engaged.

➥ The determination of whether an investment of capital is substantial for the purpose of this ~~*[paragraph]*~~ ***subparagraph must be made on the basis of the amount of income the person receives , [and] the equipment commonly used and the expenses commonly incurred in the trade or profession in which the person engages.***

2. The fact that a person is not conclusively presumed to be an independent contractor for failure to satisfy three or more of the criteria set forth in paragraph (c) of subsection 1 does not automatically create a presumption that the person is an employee.

3. As used in this section, "foreign national" has the meaning ascribed to it in NRS 294A.325.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 608.255 is hereby amended to read as follows:

608.255 For the purposes of this chapter and any other statutory or constitutional provision governing the minimum wage paid to an employee, the following relationships do not constitute employment relationships and are therefore not subject to those provisions:

1. The relationship between a rehabilitation facility or workshop established by the Department of Employment, Training and Rehabilitation pursuant to chapter 615 of NRS and an individual with a disability who is participating in a training or rehabilitative program of such a facility or workshop.

2. The relationship between a provider of jobs and day training services which is recognized as exempt pursuant to the provisions of 26 U.S.C. 501(c)(3) and which has been issued a certificate by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 435.130 to 435.310, inclusive, and a person with an intellectual disability or a person with a related condition participating in a jobs and day training services program.

3. The relationship between a principal and an independent contractor.

Sec. 6. (Deleted by amendment.)

Sec. 7. The amendatory provisions of this act apply to an action or proceeding to recover unpaid wages pursuant to Section 16 of Article 15 of the Nevada Constitution or NRS 608.250 to 608.290, inclusive, in which a final decision has not been rendered before, on or after the effective date of this act.

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 865 to Senate Bill 224 modifies the factors used to determine whether a person's investment in his or her business is a substantial investment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 724.

AN ACT relating to occupational safety; ~~[revising]~~ **removing** provisions governing the expiration and renewal of certain completion cards obtained by construction workers and supervisory employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each construction worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking a course in construction industry safety and health hazard recognition

which is: (1) developed by the Occupational Safety and Health Administration of the United States Department of Labor; and (2) approved by the Division of Industrial Relations of the Department of Business and Industry. Each completion card obtained by a construction worker or supervisory employee expires 5 years after the date it is issued and may be renewed by: (1) completing another such course in construction industry safety and health hazard recognition within the previous 5 years; or (2) completing certain requirements for continuing education within that period. (NRS 618.983) This bill provides that a completion card obtained by a construction worker **or supervisory employee** does not expire or require renewal. ~~[This bill also provides that each completion card obtained by a supervisory employee expires 10 years, rather than 5 years, after the date it is issued and may be renewed by completing another such course or completing those requirements for continuing education within the previous 10 years.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 618.977 is hereby amended to read as follows:**

618.977 1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of NRS 618.983.

2. The Division shall establish a registry to track the providers of courses approved pursuant to subsection 1.

~~[3. The Division shall adopt regulations that set forth guidelines for job-specific training to qualify as continuing education for the purposes of NRS 618.983.]~~

~~[Section 1.]~~ ***Sec. 2.*** NRS 618.983 is hereby amended to read as follows:

618.983 1. Not later than 15 days after the date a construction worker other than a supervisory employee is hired, the construction worker must obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.977.

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.977.

~~[3. Any completion card used to satisfy the requirements of~~ this section ***subsection 2*** ~~expires 5~~ ***10*** ~~years after the date it is issued and may be renewed by:~~

~~(a) Completing an OSHA 10 course or OSHA 30 course,~~, as applicable, ~~within the previous 5~~ ***10*** ~~years; or~~

~~(b) Providing proof satisfactory to the Division that the construction worker~~ ***supervisory employee*** ~~has completed continuing education within the previous 5~~ ***10*** ~~years consisting of job-specific training that meets the guidelines established by the Division pursuant to NRS 618.977 in an amount of :~~

~~(1) For a completion card issued for an OSHA 10 course, not less than 5 hours; or~~

~~(2) For a completion card issued for an OSHA 30 course, not less than 15 hours.~~]

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 724 to Senate Bill 233 provides that a completion card received by a supervisory employee for completing an OSHA-30 course does not expire or require renewal.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 783.

AN ACT relating to public health; providing for the expenditure of certain application fees; prohibiting certain expenditures for new construction by or on behalf of a health facility in certain less populated areas without the approval of the Director of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Health and Human Services to collect an application fee from persons who apply for approval of certain projects and services. (NRS 439A.081) **Section 1** of this bill provides for the deposit of those fees and requires those fees to be used to administer the state administrative program relating to health planning and development. **Section 1** also provides that the fees revert to the State General Fund if the money received from the fees collected is not spent 2 fiscal years after the fees were originally paid.

Existing law prohibits a person from spending more than $2,000,000 or an amount specified by the Department for new construction by or on behalf of a health facility in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) without the approval of the Director of the Department. This requirement does not apply to construction for purposes unrelated to the provision of health services, renovation and maintenance, a project approved by the Legislature or the construction of a hospital in certain large unincorporated towns that do not already have a hospital. (NRS 439A.100) A person who violates this prohibition is subject to a civil penalty and the rejection of an application for a license to operate a medical facility or the suspension or revocation of such a license. (NRS 439A.310, 449.080, 449.087, 449.089, 449.160) **Section 2** of this bill

~~[deletes the restriction concerning counties whose population is less than 100,000 and]~~ **also** prohibits any such expenditure, without the approval of the Director, for new construction by or on behalf of a health facility ~~[unless the construction]~~ **that** will occur in an incorporated city or unincorporated town whose population is ~~[60,000 or more (currently the Cities of Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or meets one of the other currently listed exceptions. Section 2 also deletes the exception from this requirement for the construction of a hospital in certain large unincorporated towns that do not have a hospital.]~~ **less than 25,000 that is located in a county whose population is 100,000 or more.** Finally, **section 2** requires the Director to consider certain criteria when deciding whether to approve a project.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439A.081 is hereby amended to read as follows:

439A.081 1. The Department is the agency of the State of Nevada for health planning and development, and shall carry out the state administrative program and perform the functions of health planning and development for the State in accordance with the following priorities:

(a) Providing for the effective use of methods for controlling increases in the cost of health care;

(b) Providing for the adequate supply and distribution of health resources;

(c) Providing for equal access to health care of good quality at a reasonable cost; and

(d) Providing education to the public regarding proper personal health care and methods for the effective use of available health services.

2. In order to carry out the provisions of this chapter, the Director may:

(a) Delegate the duties of the Director and the Department pursuant to this chapter to any of the divisions of the Department;

(b) Hire employees in the classified service;

(c) Adopt such regulations as are necessary; and

(d) Apply for, accept and disburse money granted by the Federal Government for the purposes of health planning and development.

3. The Department may, by regulation, fix fees to be collected from applicants seeking approval of proposed health facilities or services. The amounts of such fees must be based upon the Department's costs of examining and acting upon the applications.

4. ***Any application fees collected pursuant to subsection 3 are not refundable and must be deposited in the State Treasury and accounted for separately in the State General Fund. Any interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of a fiscal year does not revert to the State General Fund and the balance in the account must be carried forward to the next fiscal year. Any money remaining in the account that is not committed for expenditure after 2 fiscal***

years following the date on which the money is paid as a fee reverts to the State General Fund. All claims against the account must be paid as other claims against the State are paid. The money in the account must be used to pay the costs of administering the state administrative program.

5. In developing and revising any state plan for health planning and development, the Department shall consider, among other things, the amount of money available from the Federal Government for health planning and development and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for health planning and development.

Sec. 2. NRS 439A.100 is hereby amended to read as follows:

439A.100 1. Except as otherwise provided in this section, in a county whose population is less than 100,000, ***or in an incorporated city or unincorporated town whose population is less than 25,000 that is located in a county whose population is 100,000 or more,*** no person may undertake any proposed expenditure for new construction by or on behalf of a health facility in excess of the greater of $2,000,000 or such an amount as the Department may specify by regulation, which under generally accepted accounting principles consistently applied is a capital expenditure, without first applying for and obtaining the written approval of the Director. The Division of Public and Behavioral Health of the Department shall not issue a new license or alter an existing license for such a project unless the Director has issued such an approval.

2. The provisions of subsection 1 do not apply to:

(a) Any capital expenditure for:

(1) The acquisition of land;

(2) The construction of a facility for parking;

(3) The maintenance of a health facility;

(4) The renovation of a health facility to comply with standards for safety, licensure, certification or accreditation;

(5) The installation of a system to conserve energy;

(6) The installation of a system for data processing or communication; or

(7) Any other project which, in the opinion of the Director, does not relate directly to the provision of any health service;

(b) Any project for the development of a health facility that has received legislative approval and authorization; or

(c) A project for the construction of a hospital in an unincorporated town if:

(1) The population of the unincorporated town is more than 24,000;

(2) No other hospital exists in the town;

(3) No other hospital has been approved for construction or qualified for an exemption from approval for construction in the town pursuant to this section; and

(4) The unincorporated town is at least a 45-minute drive from the nearest center for the treatment of trauma that is licensed by the Division of Public and Behavioral Health of the Department. ***[Any proposed expenditure for new***

~~*construction by or on behalf of a health facility that will occur in an incorporated city or unincorporated town whose population is 60,000 or more.]*~~

➥ Upon determining that a project satisfies the requirements for an exemption pursuant to this subsection, the Director shall issue a certificate which states that the project is exempt from the requirements of this section.

3. In reviewing an application for approval, the Director shall:

(a) Comparatively assess applications for similar projects affecting the same geographic area; and

(b) Base his or her decision on criteria established by the Director by regulation. The criteria must include:

(1) The need for and the appropriateness of the project in the area to be served;

(2) The financial feasibility of the project;

(3) The effect of the project on the cost of health care; and

(4) The extent to which the project is consistent with the purposes set forth in NRS 439A.020 and the priorities set forth in NRS 439A.081 ~~[.]~~ ***, including, without limitation:***

(I) The impact of the project on other health care facilities;

(II) The need for any equipment that the project proposes to add, the manner in which such equipment will improve the quality of health care and any protocols provided in the project for avoiding repetitive testing;

(III) The impact of the project on disparate health outcomes for different populations in the area that will be served by the project;

(IV) The manner in which the project will expand, promote or enhance the capacity to provide primary health care in the area that will be served by the project;

(V) Any plan by the applicant to collect and analyze data concerning the effect of the project on health care quality and patient outcomes in the area served by the project;

(VI) Any plan by the applicant for controlling the spread of infectious diseases; and

(VII) The manner in which the applicant will coordinate with and support existing health facilities and practitioners, including, without limitation, mental health facilities, programs for the treatment and prevention of substance abuse and providers of nursing ~~*[pools, as defined in NRS 449.0153.]*~~ ***services.***

4. The Department may by regulation require additional approval for a proposed change to a project which has previously been approved if the proposal would result in a change in the location of the project or a substantial increase in the cost of the project.

5. The decision of the Director is a final decision for the purposes of judicial review.

6. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment requires provisions of the bill to apply to a county whose population is less than 100,000 or an incorporated city or unincorporated town whose population is less than 25,000 that is located in a county whose population is 100,000 or more.

The amendment does exempt from approval a project for the construction of a hospital in an unincorporated town that meets certain conditions. The amendment replaces references of "nursing pool" with the term "providers of nursing services."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 758.

AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for certain prescriptions dispensed for a supply of less than 30 days; prohibiting certain policies of health insurance and health care plans from prorating any pharmacy dispensing fees for those prescriptions ~~[.]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private policies of insurance and health care plans to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1, 3, 4, 6, 7, 10 and 11** of this bill require that certain public and private policies of insurance and health care plans must authorize certain prescriptions to be divided into more than one dispensing for the purpose of synchronizing a patient's multiple prescriptions. **Sections 1, 3, 4, 6, 7, 10 and 11** prohibit these policies and plans from denying a claim for such a prescription that is otherwise covered. Finally, **sections 1, 3, 4, 6, 7, 10 and 11** prohibit these policies and plans from prorating the pharmacy dispensing fees for such prescriptions ~~[.]~~ **unless otherwise provided by a contract or other agreement.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer who offers or issues a policy of health insurance which provides coverage for prescription drugs:

(a) Must authorize coverage for and may apply a copayment and deductible to a prescription that is dispensed by a pharmacy for less than a 30-day supply if, for the purpose of synchronizing the insured's chronic medications:

(1) The prescriber or pharmacist determines that filling or refilling the prescription in that manner is in the best interest of the insured; and

(2) The insured requests less than a 30-day supply.

(b) May not deny coverage for a prescription described in paragraph (a) which is otherwise approved for coverage by the insurer.

(c) ~~[May]~~ Unless otherwise provided by a contract or other agreement, may not prorate any pharmacy dispensing fees for a prescription described in paragraph (a).

2. A policy subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2017, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. The provisions of this section do not apply to unit-of-use packaging for which synchronization is not practicable or to a controlled substance.

4. As used in this section:

(a) "Chronic medication" means any drug that is prescribed to treat any disease or other condition which is determined to be permanent, persistent or lasting indefinitely.

(b) "Synchronization" means the alignment of the dispensing of multiple medications by a single contracted pharmacy for the purpose of improving a patient's adherence to a prescribed course of medication.

(c) "Unit-of-use packaging" means medication that is prepackaged by the manufacturer in blister packs, compliance packs, course-of-therapy packs or any other packaging which is designed and intended to be dispensed directly to the patient without modification by the dispensing pharmacy, except for the addition of a prescription label.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer who offers or issues a policy of group health insurance which provides coverage for prescription drugs:

(a) Must authorize coverage for and may apply a copayment and deductible to a prescription that is dispensed by a pharmacy for less than a 30-day supply if, for the purpose of synchronizing the insured's chronic medications:

(1) The prescriber or pharmacist determines that filling or refilling the prescription in that manner is in the best interest of the insured; and

(2) The insured requests less than a 30-day supply.

(b) May not deny coverage for a prescription described in paragraph (a) which is otherwise approved for coverage by the insurer.

(c) ~~[May]~~ Unless otherwise provided by a contract or other agreement, may not prorate any pharmacy dispensing fees for a prescription described in paragraph (a).

2. A policy subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2017, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. The provisions of this section do not apply to unit-of-use packaging for which synchronization is not practicable or to a controlled substance.

4. As used in this section:

(a) "Chronic medication" means any drug that is prescribed to treat any disease or other condition which is determined to be permanent, persistent or lasting indefinitely.

(b) "Synchronization" means the alignment of the dispensing of multiple medications by a single contracted pharmacy for the purpose of improving a patient's adherence to a prescribed course of medication.

(c) "Unit-of-use packaging" means medication that is prepackaged by the manufacturer in blister packs, compliance packs, course-of-therapy packs or any other packaging which is designed and intended to be dispensed directly to the patient without modification by the dispensing pharmacy, except for the addition of a prescription label.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier who offers or issues a health benefit plan which provides coverage for prescription drugs:

(a) Must authorize coverage for and may apply a copayment and deductible to a prescription that is dispensed by a pharmacy for less than a 30-day supply if, for the purpose of synchronizing the insured's chronic medications:

(1) The prescriber or pharmacist determines that filling or refilling the prescription in that manner is in the best interest of the insured; and

(2) The insured requests less than a 30-day supply.

(b) May not deny coverage for a prescription described in paragraph (a) which is otherwise approved for coverage by the carrier.

(c) ~~[May]~~ Unless otherwise provided by a contract or other agreement, may not prorate any pharmacy dispensing fees for a prescription described in paragraph (a).

2. A health benefit plan subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2017, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the health benefit plan or renewal which is in conflict with this section is void.

3. The provisions of this section do not apply to unit-of-use packaging for which synchronization is not practicable or to a controlled substance.

4. As used in this section:

(a) "Chronic medication" means any drug that is prescribed to treat any disease or other condition which is determined to be permanent, persistent or lasting indefinitely.

(b) "Synchronization" means the alignment of the dispensing of multiple medications by a single contracted pharmacy for the purpose of improving a patient's adherence to a prescribed course of medication.

(c) "Unit-of-use packaging" means medication that is prepackaged by the manufacturer in blister packs, compliance packs, course-of-therapy packs or any other packaging which is designed and intended to be dispensed directly to the patient without modification by the dispensing pharmacy, except for the addition of a prescription label.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 4 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation who offers or issues a policy of health insurance which provides coverage for prescription drugs:

(a) Must authorize coverage for and may apply a copayment and deductible to a prescription that is dispensed by a pharmacy for less than a 30-day supply if, for the purpose of synchronizing the insured's chronic medications:

(1) The prescriber or pharmacist determines that filling or refilling the prescription in that manner is in the best interest of the insured; and

(2) The insured requests less than a 30-day supply.

(b) May not deny coverage for a prescription described in paragraph (a) which is otherwise approved for coverage by the hospital or medical services corporation.

(c) ~~[May]~~ Unless otherwise provided by a contract or other agreement, may not prorate any pharmacy dispensing fees for a prescription described in paragraph (a).

2. A policy of health insurance subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2017, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy of health insurance or renewal which is in conflict with this section is void.

3. The provisions of this section do not apply to unit-of-use packaging for which synchronization is not practicable or to a controlled substance.

4. As used in this section:

(a) "Chronic medication" means any drug that is prescribed to treat any disease or other condition which is determined to be permanent, persistent or lasting indefinitely.

(b) "Synchronization" means the alignment of the dispensing of multiple medications by a single contracted pharmacy for the purpose of improving a patient's adherence to a prescribed course of medication.

(c) "Unit-of-use packaging" means medication that is prepackaged by the manufacturer in blister packs, compliance packs, course-of-therapy packs or any other packaging which is designed and intended to be dispensed directly to the patient without modification by the dispensing pharmacy, except for the addition of a prescription label.

Sec. 7. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for prescription drugs:

(a) Must authorize coverage for and may apply a copayment and deductible to a prescription that is dispensed by a pharmacy for less than a 30-day supply if, for the purpose of synchronizing the enrollee's chronic medications:

(1) The prescriber or pharmacist determines that filling or refilling the prescription in that manner is in the best interest of the enrollee; and

(2) The enrollee requests less than a 30-day supply.

(b) May not deny coverage for a prescription described in paragraph (a) which is otherwise approved for coverage by the health maintenance organization.

(c) ~~[May]~~ Unless otherwise provided by a contract or other agreement, may not prorate any pharmacy dispensing fees for a prescription described in paragraph (a).

2. An evidence of coverage subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued

for delivery or renewed on or after January 1, 2017, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or renewal which is in conflict with this section is void.

3. The provisions of this section do not apply to unit-of-use packaging for which synchronization is not practicable or to a controlled substance.

4. As used in this section:

(a) "Chronic medication" means any drug that is prescribed to treat any disease or other condition which is determined to be permanent, persistent or lasting indefinitely.

(b) "Synchronization" means the alignment of the dispensing of multiple medications by a single contracted pharmacy for the purpose of improving a patient's adherence to a prescribed course of medication.

(c) "Unit-of-use packaging" means medication that is prepackaged by the manufacturer in blister packs, compliance packs, course-of-therapy packs or any other packaging which is designed and intended to be dispensed directly to the patient without modification by the dispensing pharmacy, except for the addition of a prescription label.

Sec. 8. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 ***and section 7 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 9. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 7 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 10. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for prescription drugs:

(a) Must authorize coverage for and may apply a copayment and deductible to a prescription that is dispensed by a pharmacy for less than a 30-day supply if, for the purpose of synchronizing the insured's chronic medications:

(1) The prescriber or pharmacist determines that filling or refilling the prescription in that manner is in the best interest of the insured; and

(2) The insured requests less than a 30-day supply.

(b) May not deny coverage for a prescription described in paragraph (a) which is otherwise approved for coverage by the managed care organization.

(c) ~~[May]~~ Unless otherwise provided by a contract or other agreement, may not prorate any pharmacy dispensing fees for a prescription described in paragraph (a).

2. An evidence of coverage subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2017, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or renewal which is in conflict with this section is void.

3. The provisions of this section do not apply to unit-of-use packaging for which synchronization is not practicable or to a controlled substance.

4. As used in this section:

(a) "Chronic medication" means any drug that is prescribed to treat any disease or other condition which is determined to be permanent, persistent or lasting indefinitely.

(b) "Synchronization" means the alignment of the dispensing of multiple medications by a single contracted pharmacy for the purpose of improving a patient's adherence to a prescribed course of medication.

(c) "Unit-of-use packaging" means medication that is prepackaged by the manufacturer in blister packs, compliance packs, course-of-therapy packs or any other packaging which is designed and intended to be dispensed directly to the patient without modification by the dispensing pharmacy, except for the addition of a prescription label.

Sec. 11. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 3 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district

must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 12. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.167, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 10 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2017, for all other purposes.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 758 to Senate Bill 250 allows an insurer to prorate any pharmacy dispensing fees for a prescription if the proration is provided for by contract or other agreement.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 329.

Bill read second time and ordered to third reading.

Senate Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 750.

AN ACT relating to education; authorizing a pupil or school to appeal a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association to a hearing officer appointed by the Executive Director of the Association; establishing certain procedural requirements for the disposition of the appeal; requiring that certain rules and regulations adopted by the Association must apply equally to public schools and private schools that are members of the Association; authorizing a pupil who enrolls in a private school or public school to be immediately eligible to participate and practice in a sanctioned sport under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Interscholastic Activities Association for the purpose of controlling, supervising and regulating interscholastic athletic events in public schools and further authorizes the Association to adopt rules and regulations for that purpose. (NRS 386.420-386.470) Generally, under the existing regulations of the Association, an aggrieved pupil or school may appeal any determination made pursuant to a regulation adopted by the Association. (NAC 386.850) Such an appeal is considered initially by an administrator of the school district who is responsible for interpreting and enforcing the regulations of the Association, a panel of principals chosen from the schools located in the school district or the Executive Director of the Association. (NAC 386.852, 386.853) A further appeal may be taken to a hearing officer appointed by the Executive Director. (NAC 386.855) **Section 5** of this bill authorizes a pupil or school that is aggrieved by a final decision or order of an administrator, a panel of principals or the Executive Director to appeal the decision or order to a hearing officer appointed by the Executive

Director. **Section 5** establishes certain procedural requirements regarding the disposition of the appeal, including requirements for making the decision of the hearing officer public and accessible in a format that protects the identity of any minor involved in the appeal.

Section 6 of this bill provides that any rules and regulations adopted by the Association governing the eligibility of a pupil who transfers from one ~~[high]~~ school to another ~~[high]~~ school to participate ~~[or practice in a sanctioned sport]~~ **in an interscholastic activity or event** must apply equally to public schools and private schools that are members of the Association. **Section 6.5** of this bill provides that a pupil who enrolls in the 9th grade at: (1) a public school is immediately eligible to participate and practice in a sanctioned sport at the school if the pupil resides within the zone of attendance of the school at the time of enrollment, regardless of whether the pupil resided in a different zone of attendance or attended a school other than a public school before enrollment in the 9th grade; and (2) a private school is immediately eligible to participate and practice in a sanctioned sport at the school, regardless of whether the pupil attended a school other than a private school before enrollment in the 9th grade.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. ***As used in NRS 386.420 to 386.470, inclusive, and sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 3.5 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory attendance pursuant to NRS 392.070.***

Sec. 3.5. ***"Sanctioned sport" means any athletic competition that is approved by the Nevada Interscholastic Activities Association.***

Sec. 4. ***"School" means any school that is affiliated with or is a member of the Nevada Interscholastic Activities Association.***

Sec. 5. ***1. Any pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:***

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director,

↳ may file a written appeal with the Executive Director. The Executive Director shall appoint a hearing officer to review the decision or order that is the subject of the appeal.

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order in writing and shall cause a copy of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age ~~.~~ , which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 6. ***Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate ~~for practice in a sanctioned sport during the period in which the pupil is enrolled in grade 9, 10, 11 or 12~~ in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.***

Sec. 6.5. ***1. A pupil who enrolls in grade 9 at:***

(a) A public school and who resides within the zone of attendance of the public school at the time of enrollment is immediately eligible to participate and practice in a sanctioned sport at the public school, regardless of whether the pupil:

(1) Resided in a different zone of attendance before the pupil's enrollment in grade 9; or

(2) Attended a school other than a public school before the pupil's enrollment in grade 9.

(b) A private school is immediately eligible to participate and practice in a sanctioned sport at the private school, regardless of whether the pupil attended a school other than a private school before the pupil's enrollment in grade 9.

2. As used in this section, "zone of attendance" means the region established by the board of trustees of a school district or governing board of a charter school for the attendance of a pupil enrolled in the school.

Sec. 7. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of NRS 386.420 to 386.470, inclusive ~~,~~ ***, and sections 2 to 6.5, inclusive, of this act.*** The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 8. NRS 386.462 is hereby amended to read as follows:

386.462 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

2. The provisions of NRS 386.420 to 386.470, inclusive, ***and sections 2 to 6.5, inclusive, of this act*** and the regulations adopted pursuant thereto that

apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;
(b) Fees for participation;
(c) Insurance;
(d) Transportation;
(e) Requirements of physical examination;
(f) Responsibilities of participants;
(g) Schedules of events;
(h) Safety and welfare of participants;
(i) Eligibility for awards, trophies and medals;
(j) Conduct of behavior and performance of participants; and
(k) Disciplinary procedures.

Sec. 9. (Deleted by amendment.)

Sec. 9.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350,

425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, ***and*** 711.600, ***and section 5 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the

governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 10. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and sections 6.5 to 9.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 750 revises the bill so that any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

The amendment further clarifies the summary required in the bill must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age, which information is confidential.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 841.

AN ACT relating to dentists; ~~[revising provisions relating to insurers who offer individual health insurance, insurers who offer group health insurance, nonprofit corporations for dental service, health maintenance organizations and organizations for dental care;]~~ establishing requirements relating to ~~[the use of a network of]~~ **contracts between** dentists ~~[by a third party;]~~ **and a medical discount plan;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to ~~[provide coverage for dental care may obtain a certificate of authority from the Commissioner of Insurance and may contract with dentists to provide dental care. (NRS 695D.110, 695D.225) Section 10 of this bill requires that an organization for dental care which enters into an agreement with a third party to provide access to dentists to comply with certain requirements. Section 11 of this bill requires the organization for dental care to provide the dentist with a notice containing certain information. Section 11 also requires such a third party to maintain a website or toll-free telephone number for dentists to obtain contact information for the person used by the third party to reimburse the dentist for covered services. Section 11 also prohibits the assignment or sale of a contract which includes a dentist that would hinder the ability of the dentist to manage his or her practice. Sections 1 and 2 of this bill apply similar provisions to an insurer who offers a policy of individual health insurance. Sections 4 and 5 of this bill apply similar provisions to an insurer who offers a policy of group health insurance. Sections 6 and 7 of this bill apply similar provisions to a nonprofit corporation for dental service. Sections 8 and 9 of this bill apply similar provisions to a health maintenance organization.]~~ **offer, market, sell or engage in business as a medical discount plan in this State must be registered with the Commissioner of Insurance. (NRS 695H.080) This bill requires a medical discount plan that contracts directly with a dentist to: (1) notify the dentist whether the contract may be assigned to a third party; and (2) maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan. This bill allows a contract between a medical discount plan and a dentist to be assigned only if the contract expressly authorizes the assignment of the contract. This bill also requires a medical discount plan to which a contract with a dentist is assigned to provide a notice of inclusion to the dentist and prohibits the medical discount plan from requiring the dentist to perform pursuant to the assigned contract unless such a notice is given.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— For the purpose of the contract between an insurer and a dentist, a third party who enters into an agreement with an insurer to access dentists within a network of dentists maintained by the insurer shall comply with the provisions of NRS 689A.035.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 689A.035 is hereby amended to read as follows:~~

~~— 689A.035 — 1. — An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.~~

~~2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between an insurer and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

5. If an insurer contracts with a dentist, the insurer shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the insurer, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:

(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;

(b) Information about each policy of health insurance offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and

(c) The approximate number of members in each network of dentists or policy of health insurance, including any policy operated by a third party. If the actual number of members in a network of dentists or such a policy is not available, the insurer or third party, as appropriate, shall estimate the number to the best of its ability.

6. A third party who enters into an agreement with an insurer to access dentists within a network of dentists maintained by the insurer shall maintain an Internet website or a toll-free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.

~~*7. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.*~~

~~*8. The provisions of this section do not require an insurer to provide a notice to a dentist when the insurer issues a policy to an insured.*~~

~~*9.* As used in this section [, "provider] *:*~~

~~*(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.*~~

~~*(b) "Provider* of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.~~] **(Deleted by amendment.)**

Sec. 3. ~~[NRS 689A.330 is hereby amended to read as follows:~~

~~689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive [.] *and section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*For the purpose of the contract between an insurer that issues a policy of group health insurance and a dentist, a third party who enters into an agreement with the insurer to access dentists within a network of dentists maintained by the insurer shall comply with the provisions of NRS 689B.015.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 689B.015 is hereby amended to read as follows:~~

~~689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.~~

~~2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

5. If an insurer specified in subsection 1 contracts with a dentist, the insurer shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the insurer, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:

(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;

(b) Information about each policy of group health insurance offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and

(c) The approximate number of members in each network of dentists or policy of group health insurance, including any policy operated by a third party. If the actual number of members in a network of dentists or such a policy is not available, the insurer or third party, as appropriate, shall estimate the number to the best of its ability.

6. A third party who enters into an agreement with an insurer specified in subsection 1 to access dentists within a network of dentists maintained by the insurer shall maintain an Internet website or a toll-free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.

7. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.

8. The provisions of this section do not require an insurer specified in subsection 1 to provide a notice to a dentist when the insurer issues a policy to a group.

~~9. As used in this section [, "provider] :~~

~~(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.~~

~~(b) "Provider~~ of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.~~]~~ **(Deleted by amendment.)**

Sec. 6. ~~[Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— For the purpose of the contract between a corporation subject to the provisions of this chapter and a dentist, a third party who enters into an agreement with the corporation to access dentists within a network of dentists maintained by the corporation shall comply with the provisions of NRS 695B.035.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[~~NRS 695B.035 is hereby amended to read as follows:

~~— 695B.035 — 1. — A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.~~

~~— 2. — A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~— 3. — A contract between a corporation specified in subsection 1 and a provider of health care may be modified:~~

~~— (a) — At any time pursuant to a written agreement executed by both parties.~~

~~— (b) — Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~— 4. — If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:~~

~~— (a) — If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~— (b) — If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~— 5. — *If a corporation specified in subsection 1 contracts with a dentist, the corporation shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the corporation, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:*~~

~~— *(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;*~~

~~— *(b) Information about each contract for dental services offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and*~~

~~*(c) The approximate number of members in each network of dentists or contract for dental services, including any contract for dental services operated by a third party. If the actual number of members in a network of dentists or a contract for dental services is not available, the corporation or third party, as appropriate, shall estimate the number to the best of its ability.*~~

~~*6. A third party who enters into an agreement with a corporation specified in subsection 1 to access dentists within a network of dentists maintained by the corporation shall maintain an Internet website or a toll-free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.*~~

~~*7. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.*~~

~~*8. The provisions of this section do not require a corporation specified in subsection 1 to provide a notice to a dentist when the corporation issues a contract for dental services to an insured or employer.*~~

~~*9.* As used in this section [, "provider] *:*~~

~~*(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.*~~

~~*(b) "Provider* of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*For the purpose of the contract between a health maintenance organization and a dentist, a third party who enters into an agreement with a health maintenance organization to access dentists within a network of dentists maintained by the health maintenance organization shall comply with the provisions of NRS 695C.125.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 695C.125 is hereby amended to read as follows:~~

~~695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~2. A contract between a health maintenance organization and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day~~

~~period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~4.~~ ***If a health maintenance organization contracts with a dentist, the health maintenance organization shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the health maintenance organization, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:***

(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;

(b) Information about each health care plan offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and

(c) The approximate number of members in each network of dentists or health care plan, including any health care plans operated by a third party. If the actual number of members in a network of dentists or a health care plan is not available, the health maintenance organization or third party, as appropriate, shall estimate the number to the best of its ability.

5. A third party who enters into an agreement with a health maintenance organization to access dentists within a network of dentists maintained by the health maintenance organization shall maintain an Internet website or a toll-free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.

6. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.

7. The provisions of this section do not require a health maintenance organization to provide a notice to a dentist when the health maintenance organization issues a health care plan to an enrollee or employer.

~~8. As used in this section [, "provider] :~~

(a) "Covered service" has the meaning ascribed to it in NRS 695D.227.

~~(b) "Provider~~ of health care" means a provider of health care who is ~~licensed pursuant to chapter 630, 631, 632 or 633 of NRS.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*For the purpose of the contract between an organization for dental care and a dentist, a third party who enters into an agreement with an organization for dental care to access dentists within a network of dentists maintained by the organization for dental care shall comply with the provisions of NRS 695D.225.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 695D.225 is hereby amended to read as follows:~~

~~695D.225 1. Except as otherwise provided in NRS 695D.227, a contract between an organization for dental care and a dentist may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the organization for dental care upon giving to the dentist 45 days' written notice of the modification of the organization for dental care's schedule of payments, including any changes to the fee schedule applicable to the dentist's practice. If the dentist fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the dentist objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~2. If an organization for dental care contracts with a dentist, the organization for dental care shall:~~

~~(a) If requested by the dentist at the time the contract is made, submit to the dentist the schedule of payments applicable to the dentist; or~~

~~(b) If requested by the dentist at any other time, submit to the dentist the schedule of payments, including any changes to the fee schedule applicable to the dentist's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~3. *If an organization for dental care contracts with a dentist, the organization for dental care shall, before entering into the contract and before executing an agreement with a third party to provide access to dentists within the network of dentists maintained by the organization for dental care, provide the dentist with a notice. The notice must be in a form prescribed by the Commissioner and include, without limitation:*~~

~~*(a) The name of each third party to whom a contract which includes the dentist has been assigned or sold;*~~

~~*(b) Information about each plan for dental care offered by a third party, including, without limitation, contact information for the third party and the procedure for submitting claims for payment to the third party; and*~~

~~*(c) The approximate number of members in each network of dentists or plan for dental care, including any plans for dental care operated by a third party. If the actual number of members in a network of dentists or a plan for dental care is not available, the organization for dental care or third party, as appropriate, shall estimate the number to the best of its ability.*~~

~~*4. A third party who enters into an agreement with an organization for dental care to access dentists within a network of dentists maintained by the organization for dental care shall maintain an Internet website or a toll-free telephone number through which a dentist may obtain the name, address and telephone number of the person used by the third party to reimburse the dentist for covered services.*~~

~~*5. The assignment or sale of a contract which includes a dentist to a third party must not hinder the ability of the dentist to manage his or her practice, including, without limitation, his or her ability to schedule patients.*~~

~~*6. The provisions of this section do not require an organization for dental care to provide a notice to a dentist when the organization for dental care issues a plan for dental care to a member or employer.*~~

~~7. The provisions of this section do not apply to an organization for dental care that provides services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt an organization for dental care from any provision of this chapter for services provided pursuant to any other contract.~~

~~*8. As used in this section, "covered service" has the meaning ascribed to it in NRS 695D.227.]*~~ **(Deleted by amendment.)**

Sec. 12. **Chapter 695H of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A medical discount plan that contracts directly with a dentist:

(a) Shall notify the dentist in the contract if the contract may be assigned to a third party;

(b) May assign the contract with the dentist to a third party only if the contract expressly authorizes the medical discount plan to assign the contract; and

(c) Shall maintain a toll-free telephone number for the dentist to obtain information regarding the medical discount plan.

2. A medical discount plan to which a contract with a dentist is assigned shall issue a written notice of inclusion in the medical discount plan to the dentist within 30 days after the assignment of the contract. Such a notice must include:

(a) The approximate number of members in the medical discount plan;

(b) The corporate name of the person offering the medical discount plan;

(c) The location and address of each office for the medical discount plan; and

(d) The telephone number where the dentist may obtain information regarding the medical discount plan.

3. A medical discount plan which fails to provide the notice required by subsection 2 to a dentist may not hold the dentist responsible for performance pursuant to the assigned contract.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 841 to Senate Bill 341 requires a medical discount plan that contracts directly with a dentist to notify the dentist whether the contract may be assigned to a third party and maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan. The amendment also allows a contract between a medical discount plan and a dentist to be assigned only if expressly authorized by the contract; a dentist must be notified of inclusion in any contract that has been assigned.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 838.

AN ACT relating to barbering; revising provisions relating to the examination for a license as an instructor of the practice of barbering; requiring a barber school to be owned and operated by a certain number of instructors to obtain licensure of the barber school; revising the ratio of enrolled students to instructors at a barber school; revising the number of barber's chairs required to be on the premises of a barber school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the State Barbers' Health and Sanitation Board to oversee the examination for a license as an instructor of the practice of barbering but prohibits the Board from administering any aspect of the examination. **Section 1** also provides that the examination for a license as an instructor must include a practical demonstration and a written test. Finally, **section 1** requires the Board to: (1) contract with a national organization, with limited exceptions, to administer the examination for a license as an instructor; (2) include a specific term in any such contract entered into by the Board; and (3) use only proctors who are licensed as instructors of barbering in this State and approved by a national organization to administer the practical demonstration portion of the examination.

Sections 2.5, 5.5 and 6 of this bill require, on or after July 1, 2017, an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors.

Existing law requires an applicant for a license as an instructor who fails to pass the examination for licensure to complete not more than 250 hours of further study before he or she is authorized to retake the examination. (NRS 643.110) **Section 2** of this bill ~~[provides that such]~~ **authorizes** an applicant ~~[may fail]~~ **who fails** to pass the examination ~~[two times before he or~~

~~shol~~ **to retake the examination. Section 2 further provides that such an applicant: (1) is not required to complete further study in a barber school as a prerequisite to retaking the examination if the applicant retakes the examination not later than 1 year after taking the initial examination; and (2)** is required to complete 250 hours of further study ~~[.]~~ **in a barber school before retaking the examination if the applicant retakes the examination later than 1 year after taking the initial examination.**

Section 4 of this bill: (1) revises the ratio of students enrolled in a barber school to instructors required to be on the premises of the barber school; and (2) requires a barber school to have at least one barber's chair for each student present during instruction in the barber school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 643 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The examination of an applicant for a license as an instructor must include a practical demonstration and a written test that must include the subjects usually taught in barber schools approved by the Board.

2. The Board shall oversee the examination for a license as an instructor but shall not administer any aspect of the examination, including, without limitation, the practical demonstration or written test.

3. The Board shall:

(a) Except as otherwise provided in paragraph (c), contract with the National-Interstate Council of State Boards of Cosmetology, Inc. or any other national organization approved by the Board to administer the examination for a license as an instructor;

(b) Include as a term of any contract entered into pursuant to paragraph (a), a requirement that the organization provide the results of the examination to the applicant within 10 working days after the date of the examination; and

(c) Use only proctors who meet the requirements of subsection 4 to administer the practical demonstration portion of the examination for a license as an instructor.

4. To administer the practical demonstration portion of the examination for a license as an instructor, a proctor must be:

(a) An instructor; and

(b) Approved by the National-Interstate Council of State Boards of Cosmetology, Inc. or any other national organization approved by the Board to administer a practical examination for persons who wish to instruct students in the practice of barbering.

Sec. 2. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the

Board must continue to practice as a licensed apprentice for an additional 3 months before he or she may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644 of NRS and who fails to pass the examination conducted by the Board must complete further study as prescribed by the Board, not exceeding 250 hours, in a barber school approved by the Board before he or she may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 must complete further study as prescribed by the Board in a barber school approved by the Board before he or she may retake the examination for a license as an apprentice.

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 ***may retake the examination for a license as an instructor*** **.** ~~***[two additional times. If the applicant fails to pass the examination two or more times, the]***~~ ***If the applicant retakes the examination:***

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must complete ***250 hours of*** further study ~~[prescribed by the Board, not to exceed 250 hours,]~~ in a barber school approved by the Board ***each time*** before he or she may retake the examination for a license as an instructor.

Sec. 2.5. NRS 643.174 is hereby amended to read as follows:

643.174 Upon receipt of an application to operate a barber school, the Board shall require the applicant, if the applicant is a sole proprietor, or a member, partner or officer, if the applicant is a firm, partnership or corporation, to appear personally before the Board and submit information in such form as the Board may by regulation prescribe showing:

1. The location of the proposed barber school and its physical facilities and equipment;

2. The proposed maximum number of students to be trained at any one time and the number of instructors to be provided;

3. The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;

4. The financial ability of the applicant to operate the barber school in accordance with the requirements of this chapter and the regulations of the Board; ~~[and]~~

5. ***That the barber school will be owned and operated by at least two instructors; and***

6. Such other information as the Board considers necessary.

Sec. 3. NRS 643.176 is hereby amended to read as follows:

643.176 1. The Board may adopt and enforce reasonable regulations governing:

(a) The conduct of barber schools;

(b) The course of study of barber schools;

(c) ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** examination of instructors;

(d) The fee for the examination of instructors, which may not exceed ~~[$75;]~~ ***$100;*** and

(e) The fee for the issuance and renewal of an instructor's license ~~[.]~~ ***, which must not exceed $250.***

2. The Board shall require, as a prerequisite for the renewal of an instructor's license, continuing education in the form of seminars or other training.

Sec. 4. NRS 643.177 is hereby amended to read as follows:

643.177 Any person who owns, manages, operates or controls any barber school, or part thereof:

1. Shall:

(a) Display a sign that may be easily seen upon entering the barber school on which is printed in bold letters "Work Performed Exclusively by Students";

(b) Have at least:

(1) One instructor on the premises of the barber school at all times if the active enrollment of the school is ~~[10]~~ ***20*** students or less;

(2) One additional instructor on the premises of the barber school for each ~~[10]~~ ***20*** students enrolled in the school in excess of ~~[10]~~ ***20*** students; ~~[and]~~

(3) Two instructors available to provide instruction at all times; ***and***

(4) One barber's chair for each student present during instruction in the barber school;

(c) Not allow a student to provide barbering services to members of the general public for more than 7 hours in a day or for more than 5 days in any 7-day period;

(d) Not advertise that the barber school will charge for barbering services provided to members of the general public by students unless those barbering services are specifically advertised as services provided by students; and

(e) Comply with all other provisions of this chapter relating to barber schools.

2. May charge for barbering services provided to a member of the general public by a student if the student performs those barbering services as part of the required course of study of the barber school.

Sec. 5. NRS 643.1775 is hereby amended to read as follows:

643.1775 The Board shall license any person as an instructor who:

1. Has applied to the Board in writing on the form prescribed by the Board;
2. Holds a high school diploma or its equivalent;
3. Has paid the applicable fees;
4. Holds a license as a barber issued by the Board;
5. Submits all information required to complete the application;
6. Has practiced not less than 5 years as a full-time licensed barber in this State, the District of Columbia or in any other state or country whose

requirements for licensing barbers are substantially equivalent to those in this State;

7. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of not less than 600 hours of instruction within a 6-month period; and

8. Has passed an examination for instructors administered ~~[by the Board]~~ ***in accordance with section 1 of this act.***

Sec. 5.5. The amendatory provisions of section 2.5 of this act do not apply to a barber school for which a license to operate the barber school is issued or renewed before July 1, 2017.

Sec. 6. 1. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act.

2. This section and sections 1, 2 ~~[, 3, 4 and 5]~~ **and 3 to 5.5, inclusive,** of this act become effective on January 1, 2016, for all other purposes.

3. Section 2.5 of this act becomes effective on July 1, 2017, for all other purposes.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Amendment 838 to Senate Bill 370 provides that an applicant for licensure as an instructor who fails to pass the required examination may retake the examination as many times as it is offered within one year of taking the initial examination without completing further study in a barber school. If after one year of taking the initial examination the applicant has not yet passed, he or she must complete an additional 250 hours in a barber school.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 388.

Bill read second time and ordered to third reading.

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 859.

SUMMARY—Revises provisions ~~[governing domestic relations.]~~ **relating to marriage.** (BDR 11-530)

AN ACT relating to ~~[domestic relations;]~~ **marriage;** revising provisions relating to fees charged and collected for the issuance of a marriage license; authorizing a board of county commissioners to adopt an ordinance imposing an additional fee for the issuance of a marriage license which must be used to promote marriage tourism in the county; authorizing a county to provide a space at certain county clerk offices for the display of informational brochures of certain persons who perform weddings; ~~[revising provisions relating to the~~

~~division of community property and liabilities in certain domestic relations actions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a county whose population is 100,000 or more (currently Clark and Washoe Counties) to provide a space outside each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business which operates principally for the performance of weddings in the county or a church or religious organization incorporated, organized or established in this State may place informational brochures for display.

~~[Under existing law, in granting a divorce, a court must, to the extent practicable, make an equal disposition of the community property of the parties, unless the action is contrary to a valid premarital agreement between the parties or the court makes written findings setting forth a compelling reason for making an unequal disposition of the community property. (NRS 125.150) The Nevada Supreme Court has held that under Rule 60(b) of the Nevada Rules of Civil Procedure, relief from a divorce decree dividing community property between the parties may be obtained by: (1) filing within 6 months after the final decree a motion for relief or modification from the decree because of mistake, newly discovered evidence or fraud; or (2) showing exceptional circumstances justifying equitable relief in an independent civil action. (Kramer v. Kramer, 96 Nev. 759, 762 (1980); Amic v. Amic, 106 Nev. 541, 542 (1990)) In Doan v. Wilkerson, 130 Nev. Adv. Op. 48 (2014), the Nevada Supreme Court held that exceptional circumstances justifying equitable relief do not exist when a particular item of community property was disclosed and considered in a divorce action but omitted from the divorce decree. Section 27 of this bill provides that at any time, a party in an action for divorce, separate maintenance or annulment may file a postjudgment motion to obtain an adjudication of any community property or liability that was omitted from the final decree. Section 27 further provides that the court has continuing jurisdiction to hear such a motion and must make an equal disposition of the omitted community property or liability unless the court finds that certain exceptions apply.]~~

Under existing law, the county clerk is required to collect certain fees for the issuance of a marriage license. **Sections 4 and 56** of this bill authorize a board of county commissioners in a county whose population is 700,000 or more (currently Clark County) to adopt an ordinance imposing an additional fee of not more than $14 for the issuance of a marriage license. Under **section 56**, if a board of county commissioners adopts such an ordinance, the fee must be deposited in a special revenue fund designated as the fund for the promotion of marriage tourism, and money in the fund must be used by the county clerk to promote marriage tourism in the county. **Section 4** also specifically states that any administrative fee charged and collected by a county clerk's office, including, without limitation, a fee for providing a copy of a marriage license,

is separate from any fee charged and collected for the issuance of a marriage license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 122 of NRS is hereby amended by adding thereto a new section to read as follows:

In each county whose population is 100,000 or more, the county may provide a space outside each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business which operates principally for the performance of weddings in the county or a church or religious organization incorporated, organized or established in this State may place informational brochures for display.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of $21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of $10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection 2 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

(c) Collect the additional fee imposed pursuant to section 56 of this act, if the board of county commissioners has adopted an ordinance imposing the fee.

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $4 for the State of Nevada. The fees collected for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall remit quarterly all such fees deposited by the county clerk to the State Controller for credit to the State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of $25 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or

before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

5. Any fee charged and collected pursuant to this section is separate and distinct from any administrative fee charged and collected by a county clerk's office, including, without limitation, a fee for certifying a copy of a marriage license.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. ~~[~~NRS 125.150 is hereby amended to read as follows:

~~125.150 Except as otherwise provided in NRS 125.155 and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:~~

~~1. In granting a divorce, the court:~~

~~(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and~~

~~(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.~~

~~2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set~~

~~forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:~~

~~(a) The intention of the parties in placing the property in joint tenancy;~~

~~(b) The length of the marriage; and~~

~~(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.~~

~~➤~~ ~~As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.~~

~~3.~~ ***A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment. There is no limitation on the time in which a motion pursuant to this subsection may be filed. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:***

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

~~4.~~ Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

~~[4.]~~ ***5.*** In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

~~[5.] 6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.~~

~~[6.] 7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.~~

~~[7.] 8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.~~

~~[8.] 9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:~~

~~(a) The financial condition of each spouse;~~

~~(b) The nature and value of the respective property of each spouse;~~

~~(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;~~

~~(d) The duration of the marriage;~~

~~(e) The income, earning capacity, age and health of each spouse;~~

~~(f) The standard of living during the marriage;~~

~~(g) The career before the marriage of the spouse who would receive the alimony;~~

~~(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;~~

~~(i) The contribution of either spouse as homemaker;~~

~~(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and~~

~~(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.~~

~~[9.] 10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating~~

~~to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:~~

~~(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and~~

~~(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.~~

~~[10.]~~ ***11.*** ~~If the court determines that alimony should be awarded pursuant to the provisions of subsection [9.]~~ ***10:***

~~(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.~~

~~(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.~~

~~(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:~~

~~(1) Testing of the recipient's skills relating to a job, career or profession;~~

~~(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;~~

~~(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;~~

~~(4) Subsidization of an employer's costs incurred in training the recipient;~~

~~(5) Assisting the recipient to search for a job; or~~

~~(6) Payment of the costs of tuition, books and fees for:~~

~~(I) The equivalent of a high school diploma;~~

~~(II) College courses which are directly applicable to the recipient's goals for his or her career; or~~

~~(III) Courses of training in skills desirable for employment.~~

~~[11.]~~ ***12.*** ~~For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070.]~~ **(Deleted by amendment.)**

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)
Sec. 39. (Deleted by amendment.)
Sec. 40. (Deleted by amendment.)
Sec. 41. (Deleted by amendment.)
Sec. 42. (Deleted by amendment.)
Sec. 43. (Deleted by amendment.)
Sec. 44. (Deleted by amendment.)
Sec. 45. (Deleted by amendment.)
Sec. 46. (Deleted by amendment.)
Sec. 47. (Deleted by amendment.)
Sec. 48. (Deleted by amendment.)
Sec. 49. (Deleted by amendment.)
Sec. 50. (Deleted by amendment.)
Sec. 51. (Deleted by amendment.)
Sec. 52. (Deleted by amendment.)
Sec. 53. (Deleted by amendment.)
Sec. 54. (Deleted by amendment.)
Sec. 55. (Deleted by amendment.)

Sec. 56. Chapter 246 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 700,000 or more, the board of county commissioners may impose by ordinance an additional fee of not more than $14 for the issuance of a marriage license.

2. An ordinance adopted pursuant to subsection 1 must include a provision creating a special revenue fund designated as the fund for the promotion of marriage tourism. Any money collected from a fee imposed pursuant to subsection 1 must be paid by the county clerk to the county treasurer, and the county treasurer shall deposit the money received in the fund.

3. Any interest earned on money in the fund, after deducting any applicable charges, must be credited to the fund.

4. Any money remaining in the fund at the end of a fiscal year must not revert to the county general fund, and the balance in the fund must be carried forward to the next fiscal year.

5. The money in the fund:

(a) Must be used by the county clerk only to promote wedding tourism in the county.

(b) Must not be used to replace or supplant any money available to fund the regular operations of the office of the county clerk.

6. If a board of county commissioners adopts an ordinance pursuant to subsection 1, on or before July 1 of each year, the county clerk shall submit to the board of county commissioners a report of the projected expenditures of the money in the fund for the following fiscal year.

Sec. 57. (Deleted by amendment.)
Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)
Sec. 60. (Deleted by amendment.)
Sec. 61. (Deleted by amendment.)
Sec. 62. (Deleted by amendment.)
Sec. 63. (Deleted by amendment.)
Sec. 64. (Deleted by amendment.)
Sec. 65. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.
Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
This amendment deletes Section 27 of the bill. Deleting the postjudgment language removes any potential conflicts with Assembly Bill 362.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 405.
Bill read second time and ordered to third reading.

Senate Bill No. 409.
Bill read second time and ordered to third reading.

Senate Bill No. 442.
Bill read second time and ordered to third reading.

Senate Bill No. 446.
Bill read second time and ordered to third reading.

Senate Bill No. 453.
Bill read second time and ordered to third reading.

Senate Bill No. 458.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 866.
AN ACT relating to mammography; revising the language of certain notices provided to patients who undergo mammography; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law requires that a patient who undergoes mammography must be given a notice which includes a report of the patient's breast density and which may include, without limitation, a statement regarding the relationship between breast density, breast cancer and the impact of breast density on the effectiveness of mammography. (NRS 457.1857) Pursuant to existing law, the State Board of Health adopted a regulation prescribing the language of such a notification. (LCB File No. R100-13 which became effective on January 1,

2014) This bill provides new language which must be used in such notification ~~[.]~~ **if the report indicates that the breast tissue is dense.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 457.1857 is hereby amended to read as follows:

457.1857 1. If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and ~~[~~Database~~]~~ ***Data*** System or such other guidelines as required by the State Board of Health by regulation, and ***, ~~[as necessary,]~~ if applicable,*** the notice ~~[~~prescribed by the State Board of Health pursuant to~~]~~ ***provided in*** subsection 2.

2. ~~[~~The State Board of Health shall prescribe by regulation the notice to be included in a report~~]~~ ***If the statement of the category of the patient's breast density which is provided pursuant to subsection 1 indicates that the breast tissue is dense, the report described in subsection 1 must also include a notice*** ~~[~~***provided***~~]~~ pursuant to subsection 1. The notice must include:

~~(a) A statement regarding the benefits, risks and limitations of mammograms;~~

~~(b) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;~~

~~(c) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and~~

~~(d) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.~~

~~3. The notice prescribed by regulation pursuant to subsection 2 may include, without limitation:~~

~~(a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and~~

~~(b) A description of the factors that affect the risk of developing breast cancer.~~

~~4.~~ ~~[~~***must be***~~]~~ ***in the following form:***

> ***Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with a modestly increased risk of breast***

cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your physician. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.

3. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment removes the requirement that the State Board of Health prescribe by regulation the notice to be included in a report on a patient's category of breast density and instead specifies the notice in statute. Also, the amendment clarifies that an owner, lessee, or other person responsible for the radiation machine for mammography will send a notice if applicable.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 464.

Bill read second time and ordered to third reading.

Senate Bill No. 484.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:59 p.m.

ASSEMBLY IN SESSION

At 2:10 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly rescind the action whereby Amendment No. 909 to Senate Bill No. 394 was adopted.

Motion carried.

Assemblyman Paul Anderson moved the Senate Bill No. 394 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved the Assembly Bill No. 423 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 394. It requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety to children. The Department must also develop recommendations to assist the school district or a charter school and to develop and implement various programs related to the personal safety of children. The board of trustees of each school district and the governing body of each charter school are required to ensure that instruction on the personal safety of children is carried out as part of a course of study in health and is based on the standards developed by the Department.

The Department of Education has already been planning and is scheduled to revise their health studies curriculum. This bill was endorsed by the Superintendent and passed unanimously by your Committee on Education. I urge your support.

Roll call on Senate Bill No. 394:

YEAS—41.

NAYS—None.

EXCUSED—Fiore.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 402.

Bill read third time.

The following amendment was proposed by Assemblywoman Titus:

Amendment No. 893.

AN ACT relating to public health; defining the term "obesity" **;** ~~[as a chronic disease;]~~ requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to prepare an annual report on obesity; requiring certain school districts to collect data concerning the height and weight of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law uses the term "obesity" in listing the benefits of breast-feeding, mandating training for child care providers and mandating public information and prevention programs of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 201.232, 432A.1775, 439.517, 439.521) **Section 1** of this bill defines the term "obesity" in the preliminary chapter of NRS ~~[as a chronic disease having certain characteristics.]~~ **as an abnormal and unhealthy accumulation of body fat which is statistically correlated with certain conditions.** **Sections 2, 3, 4 and 5** of this bill define the term "obesity" as used in those provisions of existing law. **Section 5** also requires the Division to prepare an annual report on obesity statistics in this State and the efforts to reduce obesity.

Existing law requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), through June 30, 2015, to: (1) conduct examinations of the height and weight of certain pupils in the schools within the school district; (2) provide notice of such examinations to the parent or guardian of a child before performing the examination; and (3) report the results of such examinations to the Chief Medical Officer. (NRS 392.420) **Section 2.5** of this bill: (1) requires the board of trustees of each such school district to use school nurses, health personnel and certain teachers and other personnel to conduct such examinations on and after July 1, 2015; and (2) provides that, under certain circumstances, the school authorities are not required to provide notice to the parent or guardian of a child before conducting such an examination. **Section 2.5** also requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) compile a report of the results of such examinations specific to each region of this State for which such information is collected; and (2) publish and disseminate the reports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ Except as otherwise provided by specific statute or required by the context, "obesity" means ~~[a chronic disease characterized by]~~ an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

~~[(a)]~~ 1. A body mass index of 30 or higher in adults;

~~[(b)]~~ 2. A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

~~[(c)]~~ 3. A body fat percentage greater than 25 percent for men or 32 percent for women; or

[(d)] ***4. A waist size of 40 inches or more for men or 35 inches or more for women.***

[2. As used in this section, "chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.]

Sec. 2. NRS 201.232 is hereby amended to read as follows:

201.232 1. The Legislature finds and declares that:

(a) The medical profession in the United States recommends that children from birth to the age of 1 year should be breast fed, unless under particular circumstances it is medically inadvisable.

(b) Despite the recommendation of the medical profession, statistics reveal a declining percentage of mothers who are choosing to breast feed their babies.

(c) Many new mothers are now choosing to use formula rather than to breast feed even before they leave the hospital, and only a small percentage of all mothers are still breast feeding when their babies are 6 months old.

(d) In addition to the benefit of improving bonding between mothers and their babies, breast feeding offers better nutrition, digestion and immunity for babies than does formula feeding, and it may increase the intelligence quotient of a child. Babies who are breast fed have lower rates of death, meningitis, childhood leukemia and other cancers, diabetes, respiratory illnesses, bacterial and viral infections, diarrheal diseases, otitis media, allergies, obesity and developmental delays.

(e) Breast feeding also provides significant benefits to the health of the mother, including protection against breast cancer and other cancers, osteoporosis and infections of the urinary tract. The incidence of breast cancer in the United States might be reduced by 25 percent if every woman breast fed all her children until they reached the age of 2 years.

(f) The World Health Organization and the United Nations Children's Fund have established as one of their major goals for the decade the encouragement of breast feeding.

(g) The social constraints of modern society weigh against the choice of breast feeding and lead new mothers with demanding time schedules to opt for formula feeding to avoid embarrassment, social ostracism or criminal prosecution.

(h) Any genuine promotion of family values should encourage public acceptance of this most basic act of nurture between a mother and her baby, and no mother should be made to feel incriminated or socially ostracized for breast feeding her child.

2. Notwithstanding any other provision of law, a mother may breast feed her child in any public or private location where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

3. As used in this section [:

(a) "Obesity"] , "obesity" means [a chronic disease characterized by] an abnormal and unhealthy accumulation of body fat which is statistically

correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

~~[(1)]~~ (a) A body mass index of 30 or higher in adults;

~~[(2)]~~ (b) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

~~[(3)]~~ (c) A body fat percentage greater than 25 percent for men or 32 percent for women; or

~~[(4)]~~ (d) A waist size of 40 inches or more for men or 35 inches or more for women.

~~[(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.]~~

Sec. 2.5. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and weight of a representative sample of pupils who are enrolled in grades 4, 7 and 10 in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human***

Services shall determine the number of pupils necessary to include in the representative sample.

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~[3.]~~ ***4.*** A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

~~[4.]~~ ***5.*** The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~[5.]~~ ***6.*** In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~[6.]~~ ***7.*** The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~[7. The]~~

8. Except as otherwise provided in this subsection, the school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

~~[8.]~~ ***The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.***

9. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health

services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

10. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:

(a) Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 9; and

(b) Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 9.

Sec. 3. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete:

(a) Before January 1, 2014, at least 15 hours of training;

(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;

(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and

(d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

4. As used in this section ~~[:~~

~~(a) "Obesity"]~~ , "obesity" means ~~[a chronic disease characterized by]~~ an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

~~[(1)]~~ (a) A body mass index of 30 or higher in adults;

~~[(2)]~~ (b) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

~~[(3)]~~ (c) A body fat percentage greater than 25 percent for men or 32 percent for women; or

~~*[(4)]*~~ *(d) A waist size of 40 inches or more for men or 35 inches or more for women.*

~~*[(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.]*~~

Sec. 4. NRS 439.517 is hereby amended to read as follows:

439.517 ***1.*** Within the limits of available money, the Division shall establish the State Program for Wellness and the Prevention of Chronic Disease to increase public knowledge and raise public awareness relating to wellness and chronic diseases and to educate the residents of this State about:

~~[1.]~~ ***(a)*** Wellness, including, without limitation, behavioral health, proper nutrition, maintaining oral health, increasing physical fitness, preventing obesity and tobacco use; and

~~[2.]~~ ***(b)*** The prevention of chronic diseases, including, without limitation, asthma, cancer, diabetes, cardiovascular disease ***, obesity*** and oral disease.

2. As used in this section ~~[:~~

~~*(a) "Obesity"]*~~ ***, "obesity" means*** ~~*[a chronic disease characterized by]*~~ ***an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:***

~~*[(1)]*~~ *(a) A body mass index of 30 or higher in adults;*

~~*[(2)]*~~ *(b) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;*

~~*[(3)]*~~ *(c) A body fat percentage greater than 25 percent for men or 32 percent for women; or*

~~*[(4)]*~~ *(d) A waist size of 40 inches or more for men or 35 inches or more for women.*

~~*[(b) "Chronic disease" means a health condition or disease which presents for a period of three months or more or is persistent, indefinite or incurable.]*~~

Sec. 5. NRS 439.521 is hereby amended to read as follows:

439.521 ***1.*** To carry out the provisions of NRS 439.514 to 439.525, inclusive, the Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

~~[1.]~~ ***(a)*** Periodically prepare burden reports concerning health problems and diseases, including, without limitation, a lack of physical fitness, poor nutrition, tobacco use and exposure to tobacco smoke, obesity, chronic diseases ***, including, without limitation,*** ~~*[obesity and]*~~ ***diabetes,*** and other diseases, as determined by the Division, using the most recent information obtained through surveillance, epidemiology and research. As used in this ~~[subsection,]~~ ***paragraph,*** "burden report" means a calculation of the impact of a particular health problem or chronic disease on this State, as measured by financial cost, mortality, morbidity or other indicators specified by the Division.

~~[2.]~~ ***(b) Prepare an annual report on obesity pursuant to paragraph (a) which must:***

(1) Include, without limitation:

(I) Current obesity rates in this State;

(II) Information regarding obesity with regard to specific demographics;

(III) Actions taken by the Division regarding obesity; and

(IV) The State's goals and achievements regarding obesity rates.

(2) On or before March 15 of each year, be submitted to the Director of the Legislative Counsel Bureau for transmittal to:

(I) The Legislative Committee on Health Care during even-numbered years; and

(II) The Legislature during odd-numbered years.

(c) Identify, review and encourage, in coordination with the Department of Education, the Nevada System of Higher Education and other appropriate state agencies, existing evidence-based programs related to nutrition, physical fitness and tobacco prevention and cessation, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

~~[3.]~~ ***(d)*** Develop, promote and coordinate recommendations for model and evidence-based programs that contribute to reductions in the incidence of chronic disease in this State. The programs should encourage:

~~[(a)]~~ ***(1)*** Proper nutrition, physical fitness and health among the residents of this State, including, without limitation, parents and children, senior citizens, high-risk populations and persons with special needs; and

~~[(b)]~~ ***(2)*** Work-site wellness policies that include, without limitation, tobacco-free and breast feeding-friendly environments, healthy food and beverage choices and physical activity opportunities in schools, businesses and public buildings.

~~[4.]~~ ***(e)*** Assist on projects within this State as requested by, and in coordination with, the President's Council on Fitness, Sports and Nutrition.

~~[5.]~~ ***(f)*** Identify and review methods for reducing health care costs associated with tobacco use and exposure to tobacco smoke, obesity, chronic diseases ***, including, without limitation, ~~[obesity and]~~ diabetes,*** and other diseases, as determined by the Division.

~~[6.]~~ ***(g)*** Maintain a website to provide information and resources on nutrition, physical fitness, health, wellness and the prevention of obesity and chronic diseases ~~[.~~

~~7.]~~ ***, including, without limitation, ~~[obesity and]~~ diabetes.***

(h) Solicit information from and, to the extent feasible, coordinate its efforts with:

~~[(a)]~~ ***(1)*** Other governmental agencies;

~~[(b)]~~ ***(2)*** National health organizations and their local and state chapters;

~~[(c)]~~ ***(3)*** Community and business leaders;

~~[(d)]~~ ***(4)*** Community organizations;

~~[(e)]~~ ***(5)*** Providers of health care;

~~[(f)]~~ ***(6)*** Private schools; and

~~[(g)]~~ ***(7)*** Other persons who provide services relating to tobacco use and exposure, physical fitness and wellness and the prevention of obesity, chronic diseases ***, including, without limitation, ~~[obesity and]~~ diabetes,*** and other diseases.

~~[8.]~~ ***(i)*** Establish, maintain and enhance statewide chronic disease surveillance systems.

~~[9.]~~ ***(j)*** Translate surveillance, evaluation and research information into press releases, briefs, community education and advocacy materials and other publications that highlight chronic diseases and the key risk factors of those diseases.

~~[10.]~~ ***(k)*** Identify, assist and encourage the growth of, through funding, training, resources and other support, the community's capacity to assist persons who have a chronic disease.

~~[11.]~~ ***(l)*** Encourage relevant community organizations to effectively recruit key population groups to receive clinical preventative services, including, without limitation:

~~[(a)]~~ ***(1)*** Screening and early detection of breast, cervical and colorectal cancer, diabetes, high blood pressure and obesity;

~~[(b)]~~ ***(2)*** Oral screenings; and

~~[(c)]~~ ***(3)*** Tobacco cessation counseling.

~~[12.]~~ ***(m)*** Promote positive policy, system and environmental changes within communities and the health care system based on, without limitation, the Chronic Care Model developed by the MacColl Center for Health Care Innovation and the Patient-Centered Medical Home Recognition Program of the National Committee for Quality Assurance.

~~[13.]~~ ***(n)*** Review and revise the Program as needed.

2. As used in this section ~~[:~~

~~[(a) "Obesity"]~~ , "obesity" means ~~[a chronic disease characterized by]~~ an abnormal and unhealthy accumulation of body fat which is statistically correlated with premature mortality, hypertension, heart disease, diabetes, cancer and other health conditions, and may be indicated by:

~~[(1)]~~ (a) A body mass index of 30 or higher in adults;

~~[(2)]~~ (b) A body mass index that is greater than two standard deviations above the World Health Organization's growth standard for children who are at least 5 but less than 19 years of age, or greater than three standard deviations above the standard for children who are less than 5 years of age;

~~[(3)]~~ (c) A body fat percentage greater than 25 percent for men or 32 percent for women; or

~~[(4)]~~ (d) A waist size of 40 inches or more for men or 35 inches or more for women.

~~[(b) "Chronic disease" means a health condition or disease which presents for a period of 3 months or more or is persistent, indefinite or incurable.]~~

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywomen Titus and Carlton.

ASSEMBLYWOMAN TITUS:

Amendment 893 to Senate Bill 402 changes the language and the definition of "obesity" to an "accumulation of body fat" but does not define it as a chronic disease.

ASSEMBLYWOMAN CARLTON:

I have a question for the proponent of the amendment. I know with a designation of chronic disease, doors are opened to different resources from the federal government. I know that definition is recognized at the federal level and through the CDC [Centers for Disease Control and Prevention], so I just want to make sure that by changing this we do not eliminate any options for any funding to deal with this chronic disease.

ASSEMBLYWOMAN TITUS:

Thank you to my esteemed colleague from the south. It can be chronic if you allow it to be and there are forces that prevent you from losing it, but it is not chronic by the nature of the disease itself. I have worked extensively with the initial author of this bill as well as our state health officer to make sure that we do not impair the application of any grants that we get and that it still includes the studies so that we can know where the problem is. Also, there is no other state in the nation that has passed this type of wording or law and so we are not going to be behind on anything. I am working closely with our state health officer to look at what possible grants may be out there. If this, indeed, were to impair that, I would be willing to change it in the future. It is something that we are working closely on because I am for the health of this state and for improving the overall life of not only the youth but adults of all ages, categories, and backgrounds in this state.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 199 is recommended by the Sunset Subcommittee to the Legislative Commission. This bill removes certain committees that are no longer serving a purpose in Nevada and also makes transitions to others.

Roll call on Assembly Bill No. 199:

YEAS—39.

NAYS—Shelton.

EXCUSED—Edwards, Fiore—2.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblymen Munford and Hickey.

ASSEMBLYMAN MUNFORD:

Assembly Bill 234 requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for social studies to include multicultural education. A licensed teacher who is initially licensed on or after July 1, 2015, must submit proof of the completion of a course in multicultural education along with the first application for renewal of his or her license to teach.

This bill has been a passion for me because I presented this bill for five sessions and it finally made it to the floor for a vote. I am so grateful to, elated by, and appreciative of those who made it possible by supporting me in this particular legislation. I would like to single you out personally: Assemblyman Pat Hickey; Assemblyman Oscarson; Assemblyman Paul Anderson, who is the Chairman of Ways and Means and got it out of Ways and Means; all the members of the Democratic Caucus who supported me, like Assemblywoman Dina Neal, Assemblyman Thompson, Assemblywoman Swank, Assemblywoman Benitez-Thompson, and even my neighbor here, Assemblywoman Olivia Diaz, Assemblywoman Irene Bustamante Adams, Assemblyman Araujo, Assemblyman Flores—all of them. I cannot even find the words to express how I appreciate their support in getting this bill through for me because it has been a long journey starting way back in 2005. Now it is finally going to get some legs and go where it is supposed to go. Thank you very much.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 234. I think I speak on behalf of all of my colleagues and schoolteacher colleagues. I say that as a proud description. Not only has our colleague brought this piece of legislation for five sessions, but we passed this in honor of his accomplishments in the classroom. We in the Committee on Education have heard on countless occasions from former students of our colleague who have come and are a testimony and a legacy to his accomplishments in the classroom and in this building. For that reason, I proudly stand in support of this bill and urge yours as well.

Roll call on Assembly Bill No. 234:

YEAS—39.

NAYS—Seaman.

EXCUSED—Edwards, Fiore—2.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 799.

AN ACT relating to education; establishing the Achievement School District within the Department of Education; authorizing certain underperforming schools to be converted to achievement charter schools sponsored by the Achievement School District; prescribing requirements for the conversion of a public school to an achievement charter school and the operation of an achievement charter school; providing for the use of certain school buildings by an achievement charter school without compensation; authorizing a school district to provide services to an achievement charter school under certain circumstances; prescribing certain conditions of employment for a teacher at an achievement charter school; authorizing the conversion of an achievement charter school to a public school in a school

district or a charter school; revising provisions governing the use of school buildings owned by the board of trustees of the school district by a charter school; making reassignment of the employees of an achievement charter school outside the scope of collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 17 of this bill creates the Achievement School District within the Department of Education, and **section 18** of this bill requires the Superintendent of Public Instruction to appoint an Executive Director as the chief of the Achievement School District. **Section 19** of this bill establishes the Account for the Achievement School District in the State General Fund.

Existing law establishes the statewide system of accountability for public schools. (NRS 385.3455-385.391) The statewide system of accountability provides for each public school to be rated based on the performance of the school and whether each public school meets the annual measurable objectives and performance targets. (NRS 385.3594) **Section 20** of this bill requires the Executive Director to make a list of public schools that demonstrate unsatisfactory pupil achievement and school performance for consideration for conversion to achievement charter schools and submit the list to the State Board of Education for approval. The list must include 20 percent of schools that meet certain criteria, and the State Board must approve for consideration at least 50 percent of the schools on the list. **Section 20** authorizes the Executive Director to select ~~[any school]~~ **up to six of the schools** approved by the State Board for conversion to an achievement charter ~~[school]~~ **schools** after: (1) considering data concerning pupil achievement and school performance for the school; (2) considering input from parents of pupils enrolled at the school and other members of the community in which the school is located; and (3) consulting with the board of trustees of the school district in which the school is located.

Existing law prohibits the conversion of an existing public school to a charter school. (NRS 386.505, 386.506) **Sections 11 and 23** of this bill provide that these provisions do not apply to an achievement charter school, thereby allowing the conversion of an existing public school to an achievement charter school.

Section 21 of this bill requires the Executive Director of the Achievement School District to evaluate applications and enter into a contract with a charter management organization, educational management organization or other person to operate an achievement charter school. **Section 21** also requires the Department to adopt regulations prescribing the process for applying to operate an achievement charter school, which must allow for certain applicants to submit one application to operate more than one achievement charter school. **Section 21.5** of this bill provides that the Achievement School District is deemed the sponsor of an achievement charter school and requires the operator of an achievement charter school to appoint a governing body of the achievement charter school. **Section 21.5** provides that the governing body

may consist of any persons chosen by the operator of the achievement charter school, with certain restrictions. **Section 22** of this bill requires the principal of an achievement charter school to determine whether to offer employment at the achievement charter school to the former employees of the public school. Any such employees who are not offered employment at the achievement charter school must be reassigned to another public school in the district. **Section 22** also requires the board of trustees of a school district to allow an achievement charter school to operate in the building in which the school was located before conversion to an achievement charter school without compensation and continue to pay capital expenses for the building. The achievement charter school is required to pay for maintenance and operation of the building. **Section 22: (1) provides that the board of trustees of a school district is not required to give priority to a capital project at a school that is selected for conversion to an achievement charter school; and (2) prohibits the board of trustees of a school district from reducing the priority of any such capital project that existed before the school was selected for conversion.** **Section 22** also provides that any pupil who was enrolled in a school before conversion to an achievement charter school must be enrolled in the achievement charter school ~~[upon request.]~~ **unless the parent or guardian of the pupil submits written notice that the pupil will not continue to be enrolled at the school.** Finally, **section 22** limits the amount of loans, advances or other monetary charges that the governing body of an achievement charter school may authorize to be paid to the operator of the achievement charter school. **Section 61** of this bill makes the right of a school district to reassign employees who are not retained by an achievement charter school outside the scope of collective bargaining.

Section 22.5 of this bill enacts provisions necessary for an achievement charter school to be able to receive money available from federal and state categorical grant programs.

Sections 3-8 and 23 of this bill require an achievement charter school to participate in the statewide system of accountability for public schools.

Existing law: (1) establishes requirements concerning the availability of certain information concerning charter schools and the operation of a charter school; (2) prohibits a member of the board of trustees of a school district or employee of a school district to solicit gifts or payments from a governing body or employee of a charter school; (3) prohibits the board of trustees of a school district from interfering with the operation of a charter school; (4) prescribes the manner in which money will be apportioned to and paid by a charter school; (5) establishes requirements concerning hiring of personnel at a charter school; (6) requires certain information to be reported by the governing body and sponsor of a charter school; and (7) authorizes a charter school to finance improvements through the issuance of bonds. (NRS 386.545, 386.547, 386.550, 386.553, 386.555, 386.563-386.573, 386.582-386.593 and 386.598-386.649) **Section 23** of this bill makes these provisions applicable to an achievement charter school. **Section 23** also allows the governing body of

an achievement charter school to obtain a waiver of certain requirements concerning the school calendar, testing, curriculum, enrollment, distance education and staffing.

Existing law authorizes: (1) a charter school that meets certain requirements to apply to the Department for money for facilities; (2) a charter school to take certain actions to expand its facilities; and (3) a pupil at a charter school to participate in classes or extracurricular activities at a public school in a school district. (NRS 386.5515, 386.560, 386.595) **Sections 24-26** of this bill enacts similar provisions applicable to achievement charter schools. **Section 25** also requires the board of trustees of a school district in which an achievement charter school is located to provide facilities, other than the school building in which the achievement charter school operates, to the achievement charter school or perform certain services to an achievement charter school for compensation upon the request of the Executive Director.

Sections 27, 31 and 32 of this bill prescribe conditions for employment at an achievement charter school. **Sections 28, 30 and 31** of this bill require the board of trustees of a school district to grant a leave of absence of 6 years to a teacher who wishes to accept or continue employment at an achievement charter school and prescribe requirements concerning benefits and tenure of a teacher who takes such a leave of absence.

Section 33 of this bill allows an achievement charter school that has demonstrated adequate improvement in pupil achievement and school performance to: (1) convert back to a public school under the governance of the board of trustees of the school district in which the school is located; (2) apply to an entity for sponsorship as a charter school and become a charter school outside the Achievement School District; or (3) remain an achievement charter school for at least 6 more years. **Section 33** requires an achievement charter school that has not demonstrated adequate improvement to remain an achievement charter school for at least 6 more years, subject to review at least every 3 years thereafter. **Section 33** provides that if an achievement charter school converts back to a public school in a school district, the board of trustees of the school district must employ any teacher, administrator or paraprofessional who wishes to continue at the school. **Section 34** of this bill requires the Department to adopt regulations to carry out the provisions governing achievement charter schools. **Sections 36-38** of this bill exempt an achievement charter school from certain prohibitions on converting an existing public school into a charter school.

Existing law authorizes a charter school to use school buildings owned by the school district in which the charter school is located only upon approval of the board of trustees of the school district and during times that are not regular school hours. (NRS 386.560) **Section 39.5** of this bill removes the limitation on the use of such buildings during regular school hours, but still requires such use to be approved by the board of trustees of the school district.

Sections 1, 2, 9, 11-16, 35, 39-60, 62-64 and 69 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, ***the Achievement School District,*** each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~[“Charter school” means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive.]~~ ***“Achievement charter school” means a public school operated by a charter management organization, as defined in section 13 of this act, an educational management organization, as defined in section 14 of this act, or other person pursuant to a contract with the Achievement School District pursuant to section 21 of this act and subject to the provisions of sections 12 to 34, inclusive, of this act.***

2. “Department” means the Department of Education.

3. “Homeschooled child” means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.

4. “Limited English proficient” has the meaning ascribed to it in 20 U.S.C. § 7801(25).

5. “Public schools” means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

6. “State Board” means the State Board of Education.

7. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 392A.040.

Sec. 3. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385.347 to 385.3495, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority ***, Achievement School District*** or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority ***, Achievement School District*** and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385.347 to 385.3495, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to this section and provide the forms to the respective school districts, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to this section is available on the Internet website maintained by the school district, State Public Charter School Authority ***, Achievement School District*** or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(b) The board of trustees of each school district, the State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority ***, the Achievement School District*** or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority ***, the Achievement School District*** or the institution does not maintain a website, the State Public Charter School Authority ***, the Achievement School District*** or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority ***, the Achievement School District*** or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to this section.

Sec. 4. NRS 385.3481 is hereby amended to read as follows:

385.3481 1. The annual report of accountability prepared pursuant to NRS 385.347 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority ***, the Achievement School District*** and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385.347.

Sec. 5. NRS 385.3572 is hereby amended to read as follows:

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district;

(6) Governing body of each charter school;

(7) Executive Director of the Achievement School District; and

~~[(7)]~~ ***(8)*** The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3584.

5. Upon the request of the Governor, the Attorney General, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 6. NRS 385.3593 is hereby amended to read as follows:

385.3593 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3572 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; ~~[and]~~

(g) Governing body of each charter school ~~[.]~~ ***; and***

(h) Executive Director of the Achievement School District.

Sec. 7. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter

school is sponsored by the State Public Charter School Authority ***, the Achievement School District*** or ~~[by]~~ a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority ***, the Achievement School District*** or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) ***,*** ~~[or]~~ (c) ~~[.]~~ ***or (d),*** the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) ***The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.***

(d) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 8. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority ***, the Achievement School District*** or ~~[by]~~ a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools ~~[that are]~~ sponsored by the State Public Charter School Authority ***, all charter schools sponsored by the Achievement School District*** and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority ***, the Achievement School District*** or ~~[by]~~ a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final ratings made pursuant to this section as follows:

(a) The determinations and final ratings made for all schools in this State to the:

(1) Governor;

(2) State Board;

(3) Committee; and

(4) Bureau.

(b) The determinations and final ratings made for all schools within a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

(c) The determination and final rating made for each school to the principal of the school.

(d) The determination and final rating made for each charter school to the sponsor of the charter school.

Sec. 9. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385.3495 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, ***the Achievement School District*** and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635;

10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

11. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 10. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 34, inclusive, of this act.

Sec. 11. ***"Charter school" does not include an achievement charter school, except to the extent provided pursuant to section 23 of this act.***

Sec. 12. *As used in sections 12 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 13. *"Charter management organization" means a nonprofit corporation, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 14. *"Educational management organization" means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 15. *"Executive Director" means the Executive Director of the Achievement School District created by section 17 of this act.*

Sec. 16. *"Public school" does not include a charter school or a university school for profoundly gifted pupils.*

Sec. 17. *1. The Achievement School District is hereby created within the Department.*

2. The Achievement School District may employ such persons as it deems necessary to carry out the provisions of sections 12 to 34, inclusive, of this act. The employees of the Achievement School District:

(a) Must be qualified to carry out the daily responsibilities of overseeing achievement charter schools in accordance with the provisions of sections 12 to 34, inclusive, of this act; and

(b) Are in the unclassified service of the State and serve at the pleasure of the Executive Director.

Sec. 18. *1. The Superintendent of Public Instruction shall appoint an Executive Director of the Achievement School District. The Executive Director shall serve at the pleasure of the Superintendent of Public Instruction.*

2. The Executive Director is the chief of the Achievement School District. The Executive Director has the powers and duties assigned by sections 12 to 34, inclusive, of this act, and any other applicable law or regulation and such other powers and duties as may be assigned by the Superintendent of Public Instruction.

3. The Executive Director shall develop policies and practices for the operation of the Achievement School District that are consistent with state laws and regulations governing achievement charter schools. Such policies and practices must include, without limitation, the manner in which the Achievement School District will maintain oversight of achievement charter schools.

Sec. 19. *1. The Account for the Achievement School District is hereby created in the State General Fund, to be administered by the Executive Director.*

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the Achievement School District.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Executive Director and the Achievement School District may accept gifts, grants and bequests to carry out the responsibilities of the Achievement School District pursuant to sections 12 to 34, inclusive, of this act. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

6. Claims against the Account must be paid as other claims against the state are paid.

Sec. 20. *1. A public school is eligible for conversion to an achievement charter school if:*

(a) Based upon the most recent annual report of the statewide system of accountability for public schools, the public school is an elementary school or middle school that was rated in the lowest 5 percent of elementary or middle schools in this State in pupil achievement and school performance for the most recent school year;

(b) The public school is a high school that had a graduation rate for the immediately preceding school year of less than 60 percent; or

(c) Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by regulation of the Department.

2. Each year, the Executive Director shall submit a list of not less than 20 percent of the public schools that are eligible for conversion to an achievement charter school pursuant to subsection 1 to the State Board for its approval. Within 30 days after the list is submitted, the State Board shall approve at least 50 percent of the schools on the list.

3. ~~[The]~~ Each year, the Executive Director may select ~~[any]~~ not more than six public ~~[school]~~ schools approved for consideration by the State Board pursuant to subsection 2 for conversion to ~~[an]~~ achievement charter ~~[school.]~~ schools. Before selecting a public school for conversion to an achievement charter school, the Executive Director must:

(a) Consider available data concerning pupil achievement and school performance for the public school, including, without limitation, data from the statewide system of accountability for public schools and data maintained by the board of trustees of the school district in which the public school is located;

(b) Solicit, in accordance with any regulations adopted pursuant to section 34 of this act, and consider input from parents of pupils enrolled at the public school and other members of the community in which the public school is located; and

(c) Consult with the board of trustees of the school district in which the public school is located.

4. The Executive Director shall notify a public school selected for conversion to an achievement charter school and the school district in which the public school is located not later than 60 days after making the selection.

Sec. 21. *1. For each public school selected for conversion to an achievement charter school pursuant to section 20 of this act, the Executive Director shall:*

(a) Solicit applications from educational management organizations, charter management organizations and other persons to operate the achievement charter school.

(b) Provide information to parents of pupils enrolled at the public school concerning programs of instruction that applicants to operate the achievement charter school have proposed to offer at the achievement charter school and, in accordance with any regulations adopted pursuant to section 34 of this act, solicit the input of such parents concerning the needs of such pupils and the ability of the proposed programs of instruction to address those needs.

(c) Taking into consideration the input provided pursuant to paragraph (b), evaluate the applications submitted to operate the achievement charter school and approve the application that the Executive Director determines is high quality, meets the identified educational needs of pupils and is likely to improve pupil achievement and school performance.

(d) Negotiate and enter into a contract to operate the achievement charter school directly with the charter management organization, educational management organization or other person whose application is approved pursuant to paragraph (c). A contract to operate an achievement charter school must be for a term of 6 years. The term of the contract begins on the first day on which the contract provides that the educational management organization, charter management organization or other person is responsible for the operation of the achievement charter school.

(e) Monitor the performance and compliance of each achievement charter school.

2. The Department shall adopt regulations that prescribe the process by which a charter management organization, educational management organization or other person may apply to operate an achievement charter school. Such regulations must, without limitation:

(a) Require each application to include a plan to involve and engage the parents and families of pupils enrolled at the achievement charter school; and

(b) Authorize a charter management organization, educational management organization or other person to submit one application to operate more than one achievement charter school.

3. If a charter management organization, educational management organization or other person applies to operate more than one achievement

charter school pursuant to paragraph (b) of subsection 2, the Department must not approve the application unless any charter school currently operated by the charter management organization, educational management organization or other person meets specific criteria for pupil achievement and school performance established for each such school by the Department.

Sec. 21.5. ***1. After a contract is entered into pursuant to paragraph (d) of subsection 1 of section 21 of this act, the Achievement School District shall be deemed the sponsor of the achievement charter school for all purposes, including, without limitation, receipt of the sponsorship fee prescribed pursuant to NRS 386.570.***

2. The charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school shall appoint the governing body of the achievement charter school, consisting of such persons as deemed appropriate by the charter management organization, educational management organization or other person and who meet the requirements set forth in subsection 3. The governing body has such powers and duties as assigned pursuant to sections 12 to 34, inclusive, of this act and any other applicable law or regulation and by the Executive Director.

3. At least two members of the governing body of an achievement charter school must reside in the community in which the achievement charter school is located. A person who is employed by the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school may not serve as a voting member of the governing body of the achievement charter school.

4. The Executive Director may terminate a contract to operate an achievement charter school before the expiration of the contract under circumstances prescribed by regulation of the Department.

Sec. 22. ***1. After the governing body of an achievement charter school is appointed pursuant to section 21.5 of this act, the governing body shall select the principal of the achievement charter school. The principal shall review each employee of the achievement charter school to determine whether to offer the employee a position in the achievement charter school based on the needs of the school and the ability of the employee to meet effectively those needs. The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement charter school or does not accept such a position in accordance with any collective bargaining agreement negotiated pursuant to chapter 288 of NRS.***

2. An achievement charter school must continue to operate in the same building in which the school operated before being converted to an achievement charter school. The board of trustees of the school district in which the school is located must provide such use of the building without compensation. While the school is operated as an achievement charter

school, the governing body of the achievement charter school shall pay all costs related to the maintenance and operation of the building and the board of trustees shall pay all capital expenses.

3. The board of trustees of a school district:

(a) Is not required to give priority to a capital project at a public school that is selected for conversion to an achievement charter school; and

(b) Shall not reduce the priority of such a capital project that existed before the school was selected for conversion.

4. Any pupil who was enrolled at the school before it was converted to an achievement charter school must be enrolled in the achievement charter school ~~[upon the request of]~~ unless the parent or guardian of the pupil ~~[,]~~ submits a written notice to the principal of the achievement charter school that the pupil will not continue to be enrolled in the achievement charter school.

~~[4.]~~ 5. The governing body of an achievement charter school shall not authorize the payment of loans, advances or other monetary charges to the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school which are greater than 15 percent of the total expected funding to be received by the achievement charter school from the State Distributive School Account.

Sec. 22.5. *1. Each achievement charter school is hereby deemed a local educational agency for the purpose of receiving any money available from federal and state categorical grant programs. An achievement charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.*

2. If an achievement charter school is eligible to receive special education program units, the Department must pay the special education program units directly to the achievement charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

Sec. 23. *1. Except as otherwise provided in this section, the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act are not applicable to an achievement charter school.*

2. The provisions of NRS 386.545, 386.547, 386.550, 386.553, 386.555, 386.563 to 386.573, inclusive, 386.582 to 386.588, inclusive, 386.590, 386.593 and 386.598 to 386.649, inclusive, apply to an achievement charter school.

3. The governing body of an achievement charter school may submit a written request to the Superintendent of Public Instruction for a waiver from the requirements of paragraphs (f) to (k), inclusive, of subsection 1 of NRS 386.550 or subsection 2 of that section or, except with regard to a program supported with Title I money, NRS 386.590. The Executive Director may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent of Public Instruction that circumstances

justify the waiver and that granting the waiver is in the best interest of the pupils enrolled in the achievement charter school.

Sec. 24. *1. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if:*

(a) The achievement charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) The Executive Director has determined that the finances of the achievement charter school are being managed in a prudent manner;

(c) The achievement charter school has met or exceeded the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools or has demonstrated improvement in the achievement of pupils enrolled in the achievement charter school, as indicated by those annual measurable objectives and performance targets, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the achievement charter school in the immediately preceding school year have satisfied the criteria prescribed by the State Board pursuant to NRS 389.805, if the achievement charter school enrolls pupils at a high school grade level.

2. An achievement charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the achievement charter school if requested by the Executive Director.

Sec. 25. *1. Upon request of the Executive Director, the board of trustees of the school district in which an achievement charter school is located shall provide facilities to operate the achievement charter school, in addition to and not including the building in which the achievement charter school operates pursuant to section 22 of this act, or perform any service relating to the operation of the achievement charter school, including, without limitation, transportation, the provision of health services for pupils who are enrolled in the achievement charter school and the provision of school police officers. The governing body of the achievement charter school shall reimburse the board of trustees for the cost of such facilities and services. If a dispute arises between the governing body of an achievement charter school or the Executive Director and the board of trustees of a school district concerning the cost of such facilities and services to be reimbursed, the Superintendent of Public Instruction must determine the cost to be reimbursed.*

2. In addition to the school building used by the Achievement School District pursuant to section 22 of this act, an achievement charter school may use any public facility located within the school district in which the achievement charter school is located. An achievement charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to an achievement charter school that is located within the school district.

4. An achievement charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the Achievement School District.

5. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if it meets the requirements prescribed by regulation of the Department.

Sec. 26. *1. Except as otherwise provided in this section, upon the request of a parent or legal guardian of a pupil who is enrolled in an achievement charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the achievement charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:*

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

2. If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, the board of trustees is not required to provide transportation for the pupil to attend the class or activity.

3. Upon the request of a parent or legal guardian of a pupil who is enrolled in an achievement charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district or, upon approval of the board of trustees, any public school within the same zone of attendance as the achievement charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

4. If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to subsection 3, the board of trustees is not required to provide transportation for the pupil to participate.

5. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sport at a public school pursuant to subsections 1 or 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 27. *1. All employees of an achievement charter school shall be deemed public employees and are not employees of the Department.*

2. Except as otherwise provided in a collective bargaining agreement entered into by the governing body of an achievement charter school pursuant to chapter 288 of NRS, the principal of an achievement charter school may make:

(a) All decisions concerning the terms and conditions of employment with the achievement charter school and any other matter relating to employment with the achievement charter school; and

(b) All employment decisions with regard to the employees of the achievement charter school pursuant to NRS 391.311 to 391.3197, inclusive.

3. Upon the request of the governing body of an achievement charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the achievement charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 28. *1. Except as otherwise provided in this section, if the contract to operate an achievement charter school is terminated or if an achievement charter school ceases to operate as an achievement charter school or charter school, the licensed employees of the achievement charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement.*

2. A school district is not required to reassign a licensed employee of an achievement charter school pursuant to subsection 1 if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the achievement charter school pursuant to section 29 of this act;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with section 29 of this act; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to section 30 of this act, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the achievement charter school.

Sec. 29. *1. The board of trustees of a school district shall grant a leave of absence, not to exceed 6 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept or continue employment with an achievement charter school.*

2. After any of the first 5 school years in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the sixth school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted.

3. The board of trustees shall grant a written request to return to a comparable position pursuant to subsection 2 even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district.

4. The board of trustees is not required to accept the return of a licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to section 30 of this act, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the achievement charter school.

5. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to subsection 2 be submitted at least 90 days before the employee would otherwise be required to report to duty.

Sec. 30. *1. Upon the request of the board of trustees of a school district, the governing body of an achievement charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to section 29 of this act, transmit to the school district a copy of the employment record of the employee that is maintained by the achievement charter school before the return of the employee to employment with the school district pursuant to section 28 or 29 of this act.*

2. The employment record provided pursuant to subsection 1 must include, without limitation, each evaluation of the licensed employee conducted by the achievement charter school and any disciplinary action taken by the achievement charter school against the licensed employee.

3. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

4. If a school district conducts an investigation pursuant to subsection 3:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

Sec. 31. *1. A licensed employee who is on a leave of absence from a school district pursuant to section 29 of this act:*

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

2. The time during which such an employee is on a leave of absence and employed in an achievement charter school does not count toward the acquisition of permanent status with the school district.

3. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in an achievement charter school.

4. An employee of an achievement charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

Sec. 32. *1. For all employees of an achievement charter school:*

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

2. If the board of trustees of a school district in which an achievement charter school is located manages a plan of group insurance for its employees, the governing body of the achievement charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the achievement charter school participate in the plan of group insurance

managed by the board of trustees, the governing body of the achievement charter school must:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the achievement charter school.

Sec. 33. *1. During the sixth year that a school operates as an achievement charter school, the Executive Director shall evaluate the pupil achievement and school performance of the school. If, as a result of such an evaluation, the Executive Director determines:*

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 386.525; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the school must continue to operate as an achievement charter school for at least 6 more years. The Executive Director shall evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

2. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

3. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and the continued operation of the charter school in

the building in which the school has been operating is subject to the provisions of NRS 386.560.

4. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.311.

Sec. 34. ***The Department shall adopt any regulations necessary or convenient to carry out the provisions of sections 12 to 34, inclusive, of this act. The regulations may prescribe, without limitation:***

1. The process by which the Executive Director will solicit the input of:

(a) Members of the community in which a public school is located, including, without limitation, parents of pupils enrolled at the public school, before selecting the public school for conversion to an achievement charter school pursuant to section 20 of this act; and

(b) Parents of pupils enrolled at a public school that has been selected for conversion to an achievement charter school concerning the needs of such pupils before approving an application to operate the achievement charter school pursuant to section 21 of this act.

2. The process by which the Executive Director will solicit applications to operate an achievement charter school and the procedure and criteria that the Executive Director must use when evaluating such applications.

3. The manner in which the Executive Director will monitor and evaluate pupil achievement and school performance of an achievement charter school.

4. The process by which the parent or legal guardian of a child may apply for enrollment in an Achievement Charter School, including, without limitation, the required contents of the application, and the criteria used to determine which pupils will be enrolled in the Achievement Charter School. An achievement charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the race, gender, religion, ethnicity or disability of a pupil.

5. Circumstances under which the governing body of a charter school may authorize a child who is enrolled in a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the achievement charter school.

6. The procedure for converting an achievement charter school into a public school.

Sec. 35. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and section 11 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, ***and section 11 of this act,*** have the meanings ascribed to them in those sections.

Sec. 36. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~[The]~~ ***Except as otherwise provided in section 33 of this act, the*** conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and section 11 of this act.***

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 37. NRS 386.506 is hereby amended to read as follows:

386.506 The provisions of NRS 386.490 to 386.649, inclusive, ***and section 11 of this act*** do not authorize an existing public school, homeschool or other program of home study to convert to a charter school ~~[.]~~ ***except as otherwise provided in section 33 of this act.***

Sec. 38. NRS 386.525 is hereby amended to read as follows:

386.525 1. A charter school may submit the application to the proposed sponsor of the charter school. ~~[If]~~ ***Except as otherwise provided in section 33 of this act, if*** an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, ***and section 11 of this act*** and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of

NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The

staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 39. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end-

of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance ~~[authorized by the State Board]~~ pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 39.5. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located

or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district . ~~[and during times that are not regular school hours.]~~

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to

participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 40. NRS 386.593 is hereby amended to read as follows:

386.593 1. A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).

2. A person who is employed as a paraprofessional by a charter school, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c).

3. For the purposes of this section, a person is not "initially hired" if the person has been employed as a paraprofessional by another school district ***, achievement charter school*** or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 41. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils ~~[.]~~ ***or an achievement charter school.***

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 42. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State ***, the Achievement School District*** and any governing body of any charter school in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 43. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, ***the Achievement School District,*** any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 44. NRS 387.090 is hereby amended to read as follows:

387.090 The board of trustees of each school district ***, the Executive Director of the Achievement School District*** and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.112, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 45. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the

school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 ***,*** ~~[and]~~ pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580 ~~[.]~~ ***and pupils who are enrolled in classes pursuant to subsection 1 of section 26 of this act or any regulations adopted pursuant to section 34 of this act that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.***

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 46. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the

school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 ***,*** ~~[or]~~ subsection 3 of NRS 392.070 ~~[.]~~ ***or subsection 1 of section 26 of this act or any regulations adopted pursuant to section 34 of this act that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school,*** expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school

district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 47. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and section 11 of this act or an achievement charter school that is formed pursuant to sections 12 to 34, inclusive, of this act.***

6. A university school for profoundly gifted pupils is a public school established pursuant to NRS 392A.010 to 392A.110, inclusive.

Sec. 48. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385.3493 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority ***, the Achievement School District*** and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide

recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 49. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100; ~~[or]~~

(2) The governing body of a charter school ~~[.]~~ ***; or***

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 50. NRS 389.612 is hereby amended to read as follows:

389.612 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district ***,*** ~~[or]~~ the governing body of a charter school ~~[.]~~ ***or the Achievement School District.***

Sec. 51. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, ***Achievement School District,*** charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, ***Achievement School District,*** charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 52. NRS 391.045 is hereby amended to read as follows:

391.045 The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and

educational personnel employed by a charter school pursuant to NRS 386.590 and 386.595, ***and sections 27 to 32, inclusive, of this act,*** who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Sec. 53. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595, ***or sections 27 to 32, inclusive, of this act,***

➥ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 54. NRS 391.620 is hereby amended to read as follows:

391.620 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district ***,*** ~~[or]~~ the governing body of a charter school ~~[.]~~ ***or the Achievement School District.***

Sec. 55. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority ***, the Achievement School District*** or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385.3481;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 56. NRS 400.030 is hereby amended to read as follows:

400.030 1. The P-20W Advisory Council, consisting of 11 voting members, is hereby created to assist in the coordination between early childhood education programs, K-12 public education, postsecondary education and the workforce in this State. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation serve as ex officio nonvoting members of the Council.

2. The Governor shall appoint five members to the Council as follows:

(a) One representative of higher education in this State.

(b) One representative of elementary and secondary education in this State.

(c) One representative of private business in this State.

(d) One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school district, ***the Achievement School District,*** the governing body of a charter school or the System.

(e) One person who possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint two members to the Council as follows:

(a) One member of the House of the Legislature that he or she represents.

(b) One person who meets the qualifications of paragraph (a), (b), (c) or (e) of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The members of the Council shall elect a Chair and a Vice Chair from among the members of the Council. After the initial term, the Chair and Vice Chair serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Council shall elect a member to fill the vacancy to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his or her successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chair:

(a) Forfeits his or her office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 57. The preliminary chapter of NRS is hereby amended by adding thereto the provisions set forth as sections 58 and 59 of this act.

Sec. 58. ***Except as otherwise expressly provided in a particular statute or required by the context, "Achievement School District" means the Achievement School District created by section 17 of this act.***

Sec. 59. ***Except as otherwise expressly provided in a particular statute or required by the context, "charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and an achievement charter school formed pursuant to the provisions of sections 12 to 34, inclusive, of this act.***

Sec. 60. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a

community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, ***an*** irrigation district, ***a*** school district, ***the Achievement School District, the*** governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 61. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) ~~[The]~~ ***Except as otherwise provided in subsection 6, the*** policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. ***The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to sections 20 to 22, inclusive, of this act and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.***

7. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local

government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[7.]~~ ***8.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

9. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 62. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State ***, to the Achievement School District*** or to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 63. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district ***, the Achievement School District*** or ***a*** charter school within the State and devoted to public school purposes are exempt from taxation.

Sec. 64. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[656A.023]~~ ***656A.025*** to 656A.065, inclusive, have the meanings ascribed to them in those sections.

Sec. 65. The provisions of section 20 of this act apply to any public school regardless of any other designations or programs to which the school may already be included. The prior ratings of such a public school may be used to determine whether to convert the school into an achievement charter school. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007, as amended by section 2 of this act.

Sec. 66. The provisions of NRS 288.150, as amended by section 61 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after July 1, 2016, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before the effective date of this act during the current term of the agreement.

Sec. 67. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 68. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 69. NRS 656A.023 is hereby repealed.

Sec. 70. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and carrying out any other preparatory administrative tasks necessary to implement the provisions of this act; and

2. On July 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

656A.023 "Charter school" defined. "Charter school" has the meaning ascribed to it in NRS 385.007.

Assemblyman Paul Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 7 authorizes a physician to complete a certificate that accompanies an application for the emergency admission of a person alleged to be a person with a mental illness regardless of whether a psychiatrist or psychologist is available. The bill also authorizes certain other health professionals to complete such a certificate for the emergency admission or release of a person who is in a hospital emergency room. The State Board of Nursing and the Board of Examiners for Social Workers are required to adopt regulations prescribing the psychiatric training and experience necessary for the health professionals they license to meet the qualifications to make the certifications for emergency admission or release.

Lastly, the bill prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity from involvement in the involuntary commitment process.

Roll call on Senate Bill No. 7:

YEAS—35.

NAYS—Dooling, Moore, Seaman, Shelton, Wheeler—5.

EXCUSED—Edwards, Fiore—2.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that the Assembly recess until 5:30 p.m.

Motion carried.

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 6:33 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBIN L. TITUS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 177.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 21, 2015.

SENATOR MICHAEL ROBERSON	ASSEMBLYMAN JOHN HAMBRICK
Senate Majority Leader	*Speaker of the Assembly*

Assemblyman Paul Anderson moved that Senate Bill No. 172 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 168 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 240 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 801.

AN ACT relating to insurance; abolishing the Insurance Examination Account; requiring fees currently paid into the Account to be paid into the Fund for Insurance Administration and Enforcement; abolishing certain fees paid into the Insurance Recovery Account; authorizing the Commissioner of Insurance to impose a fee on certain licensees if the balance of the Account is less than a certain amount at the end of a fiscal year; revising initial and annual fees paid by certain insurers; abolishing the Stabilization of Insurance Costs Account and the National Association of Insurance Commissioners Account and certain fees paid into them; repealing certain other fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Insurance to examine, at least once every 5 years, the affairs, transactions, accounts, records and assets of each authorized insurer, and of any person as to any matter relevant to the financial affairs of the insurer or to the examination. (NRS 679B.230) An insurer that is examined is required to pay the cost of the examination. (NRS 679B.290) The money paid by insurers for such examinations is deposited in the Insurance Examination Account, and the money in the Account is used to pay for the expenses incurred by examiners and other representatives of the Division of Insurance of the Department of Business and Industry when examining insurers. (NRS 679B.300) **Section 1** of this bill abolishes the Account and instead requires money paid by insurers for such examinations to be deposited in the Fund for Insurance Administration and Enforcement. **Section 1** also requires the expenses for such examinations to be paid from the Fund.

Existing law requires **: (1) certain annual fees to be paid on or before March 1 of every year; and (2)** eligible surplus line insurers, fraternal benefit societies, corporations that operate a hospital, medical or dental service plan, health maintenance organizations, organizations for dental care, prepaid limited health service organizations and certain other insurers to pay to the Commissioner an initial fee of $1,300 and an annual fee of $1,300. (NRS 680C.110) **Section 4** of this bill instead requires: (1) **certain annual fees to be paid on or before the date established by regulation of the Commissioner; (2)** each insurer authorized to transact casualty insurance, health insurance, life insurance or property insurance and each title insurer, fraternal benefit society, corporation that operates a hospital, medical or dental

service plan, health maintenance organization, organization for dental care and prepaid limited health service organization to pay to the Commissioner an initial fee of $1,000 and an annual fee determined by the Commissioner; and ~~[(2)]~~ **(3)** certain other insurers to pay to the Commissioner an initial fee of $1,300 and an annual fee of $1,300.

Existing law creates the Insurance Recovery Account in the Fund for Insurance Administration and Enforcement and requires an applicant for the issuance or renewal of certain licenses and certificates to practice certain professions relating to insurance to pay a fee of not more than $15 for deposit in the Insurance Recovery Account. (NRS 679B.305, 683A.251, 683A.261, 683A.271, 683C.030, 683C.035, 683C.040, 685A.120, 695J.110, 695J.140, 696A.300) **Sections 5-17** of this bill abolish the licensing fees paid into the Account. Instead, **section 2** of this bill authorizes the Commissioner to impose a fee of not more than $10 on each producer of insurance, insurance adjuster, surplus lines broker, title agent, title insurer and escrow officer in this State if the balance of the Account is below $40,000 at the end of any fiscal year.

Existing law requires an insurer authorized to transact casualty or property insurance to pay a fee of not more than $500 to the Division. The fee is deposited in the Stabilization of Insurance Costs Account and used to pay the expenses of the Commissioner in carrying out certain requirements relating to the stabilization of insurance costs. (NRS 679B.450) **Section 17** repeals this fee and the Account.

Existing law requires each authorized insurer, fraternal benefit society, health maintenance organization, organization for dental care, prepaid limited health service organization and motor club to pay to the Commissioner an annual amount of not more than $30 to cover an assessment levied upon this State by the National Association of Insurance Commissioners. The money is deposited in the National Association of Insurance Commissioners Account. (NRS 680B.070) **Section 17** repeals this annual amount and the Account.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.300 is hereby amended to read as follows:

679B.300 1. ~~[The Insurance Examination Account is hereby created as an account in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.]~~ All money received by the Commissioner pursuant to NRS 679B.290 must be deposited in the ~~[State Treasury for credit to the Account.]~~ ***Fund for Insurance Administration and Enforcement created by NRS 680C.100.***

2. Money for travel, per diem, compensation and other necessary and authorized expenses incurred by an examiner or other representative of the Division in the examination of any person required to pay, and making payment of, the expense of examination pursuant to NRS 679B.290 must be paid out of the ***Fund for*** Insurance ~~[Examination Account]~~ ***Administration and Enforcement*** as other claims against the State are paid.

~~[3. Money in the Insurance Examination Account may be expended for any other purpose authorized by the Legislature.]~~

Sec. 2. NRS 679B.305 is hereby amended to read as follows:

679B.305 1. There is hereby created the Insurance Recovery Account in the Fund for Insurance Administration and Enforcement created by NRS 680C.100. ~~[The Commissioner shall promptly deposit with the State Treasurer for credit to the Account all recovery fees received from licensees pursuant to the provisions of this title.]~~

2. A balance of not ~~[more]~~ ***less*** than $40,000 must be maintained in the Account to be used for satisfying claims against persons licensed pursuant to chapters 683A, 684A, 685A and 692A of NRS. ~~[Any balance over $40,000 in the Account at the end of any fiscal year must be set aside and used by the Commissioner for insurance education and research or for any other purpose authorized by the Legislature.]~~ ***Except as otherwise provided in this subsection, if the balance in the Account is less than $40,000 at the end of a fiscal year, the Commissioner may, during the next fiscal year, assess a fee of not more than $10 on each person licensed pursuant to chapter 683A, 684A, 685A or 692A of NRS. The Commissioner shall deposit such fees into the Insurance Recovery Account. The Commissioner shall not assess a fee pursuant to this subsection in consecutive fiscal years.***

3. The Commissioner shall adopt reasonable regulations for ~~[the]~~ ***:***

(a) The administration of the Account, including the manner, time, procedure and grounds for recovery against the Account ~~[.]~~ ***; and***

(b) The assessment of a fee pursuant to subsection 2.

4. The limit of liability of the insurance recovery account is $5,000 per fiscal year for any one licensee.

Sec. 3. NRS 679B.460 is hereby amended to read as follows:

679B.460 1. An insurer who willfully or repeatedly violates or fails to comply with a provision of NRS 679B.400 to ~~[679B.450,]~~ ***679B.440,*** inclusive, or 690B.260 or a regulation adopted pursuant to NRS 679B.430 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to payment of an administrative fine of not more than $1,000 for each day of the violation or failure to comply, up to a maximum fine of $50,000.

2. An insurer who fails or refuses to comply with an order issued by the Commissioner pursuant to NRS 679B.430 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to suspension or revocation of the insurer's certificate of authority to transact insurance in this state.

3. The imposition of an administrative fine pursuant to this section must not be considered by the Commissioner in any other administrative proceeding unless the fine has been paid or a court order for payment of the fine has become final.

Sec. 4. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) ~~[If]~~ ***Except as otherwise provided in NRS 680A.180, 683A.378, 686A.380, 694C.230, 695A.080, 695B.135, 695D.150, 695H.090 and 696A.150, if*** an annual fee, paid on or before ~~[March 1 of every year;]~~ ***the date established by regulation of the Commissioner;***

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300
(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300
(2) Annual fee $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee $60
(2) Annual fee $60

(d) ~~[Insurers not otherwise provided for in this subsection:~~

~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~

~~(e)]~~ Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee $60
(2) Triennial fee $60

~~[(f)]~~ ***(e)*** Accredited reinsurers, as provided for in NRS 681A.160:

(1) Initial fee $1,300
(2) Annual fee $1,300

~~[(g)]~~ ***(f)*** Intermediaries, as defined in NRS 681A.330:

(1) Initial fee $60
(2) Triennial fee $60

~~[(h)]~~ ***(g)*** Reinsurers, as defined in NRS 681A.370:

(1) Initial fee $1,300
(2) Annual fee $1,300

~~[(i)]~~ ***(h)*** Administrators, as defined in NRS 683A.025:
(1) Initial fee $60
(2) Triennial fee $60
~~[(j)]~~ ***(i)*** Managing general agents, as defined in NRS 683A.060:
(1) Initial fee $60
(2) Triennial fee $60
~~[(k)]~~ ***(j)*** Agents who perform utilization reviews, as defined in NRS 683A.376:
(1) Initial fee $60
(2) Annual fee $60
~~[(l)]~~ ***(k)*** Insurance consultants, as defined in NRS 683C.010:
(1) Initial fee $60
(2) Triennial fee $60
~~[(m)]~~ ***(l)*** Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
~~[(n)]~~ ***(m)*** Public adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
~~[(o)]~~ ***(n)*** Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
~~[(p)]~~ ***(o)*** Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
~~[(q)]~~ ***(p)*** Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
~~[(r) Eligible surplus line insurers, as provided for in NRS 685A.070:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~
~~(s)~~]*(q)* Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(t)]~~ ***(r)*** Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~[(u)]~~ ***(s)*** Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
~~[(v)]~~ ***(t)*** Providers of viatical settlements, as defined in NRS 688C.080:

(1) Initial fee $60
(2) Annual fee $60

~~[(w)]~~ ***(u)*** Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(x)]~~ ***(v)*** Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(y)]~~ ***(w)*** Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(z)]~~ ***(x)*** Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60

~~[(aa)]~~ ***(y)*** Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300

~~[(bb)]~~ ***(z)*** Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60

~~[(cc)]~~ ***(aa)*** Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60

~~[(dd)]~~ ***(bb)*** Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250

~~[(ee) Fraternal benefit societies, as defined in NRS 695A.010:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~

~~(ff)]~~ ***(cc)*** Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60

~~[(gg) Corporations subject to the provisions of chapter 695B of NRS:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~

~~(hh) Health maintenance organizations, as defined in NRS 695C.030:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~

~~(ii) Organizations for dental care, as defined in NRS 695D.060:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee ..... $1,300~~
~~(jj)~~ ***(dd)*** Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
~~(kk)~~ ***(ee)*** Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250
~~(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:~~
~~(1) Initial fee ..... $1,300~~
~~(2) Annual fee $1,300~~
~~(mm)~~ ***(ff)*** Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~(nn)~~ ***(gg)*** Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
~~(oo)~~ ***(hh)*** Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
~~(pp)~~ ***(ii)*** Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
~~(qq)~~ ***(jj)*** Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
~~(rr)~~ ***(kk)*** Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
~~(ss)~~ ***(ll)*** General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
~~(tt)~~ ***(mm)*** Exchange enrollment facilitators, as defined in NRS 695J.050:
(1) Initial fee $60
(2) Triennial fee $60

5. An initial fee of $1,000 must be paid to the Commissioner by each:

(a) Insurer who is authorized to transact casualty insurance, as defined in NRS 681A.020;

(b) Insurer who is authorized to transact health insurance, as defined in NRS 681A.030;

(c) Insurer who is authorized to transact life insurance, as defined in NRS 681A.040;

(d) Insurer who is authorized to transact property insurance, as defined in NRS 681A.060;

(e) Title insurer, as defined in NRS 692A.070;

(f) Fraternal benefit society, as defined in NRS 695A.010;

(g) Corporation subject to the provisions of chapter 695B of NRS;

(h) Health maintenance organization, as defined in NRS 695C.030;

(i) Organization for dental care, as defined in NRS 695D.060; and

(j) Prepaid limited health service organization, as defined in NRS 695F.050.

6. An insurer who is required to pay an initial fee of $1,000 pursuant to subsection 5 shall also pay to the Commissioner an annual fee in an amount determined by the Commissioner. When determining the amount of the annual fee, the Commissioner must consider:

(a) The direct written premiums reported to the Commissioner by the insurer during the previous year;

(b) The number of insurers who are required to pay an annual fee pursuant to this subsection;

(c) The direct written premiums reported during the previous year by all insurers paying such fees; and

(d) The budget of the Division.

7. An insurer who is not required to pay an initial or annual fee pursuant to subsection 4 or subsections 5 and 6 shall pay to the Commissioner an initial fee of $1,300 and an annual fee of $1,300.

Sec. 5. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid all applicable fees prescribed for the license ***,*** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of]~~ which may ***not*** be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license **,** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of]~~ which may ***not*** be refunded;

(b) Designated a natural person who is licensed as a producer of insurance and who is authorized to transact business on behalf of the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance; and

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

5. The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 6. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability income.

(b) Accident and health insurance for sickness, bodily injury or accidental death, which may include benefits for disability income.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property. For the purposes of a producer of insurance, this line of insurance includes surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(e) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(f) Credit insurance, including credit life, credit accident and health, credit property, credit involuntary unemployment, guaranteed asset protection, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(g) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(h) Fixed annuities, including, without limitation, indexed annuities, as a limited line.

(i) Travel and baggage as a limited line.

(j) Rental car agency as a limited line.

(k) Portable electronics as a limited line.

(l) Crop as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account]~~ are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit

a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. The license must be made available for public inspection upon request.

6. A licensee shall inform the Commissioner of each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes his or her business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 7. NRS 683A.271 is hereby amended to read as follows:

683A.271 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a nonresident person if the nonresident person:

(a) Is currently licensed as a resident and in good standing in his or her home state;

(b) Has made the proper request for licensure and paid all applicable fees prescribed for the license ***;*** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account;]~~

(c) Has sent to the Commissioner the application for licensure that the nonresident person made in his or her home state, or a completed uniform application; and

(d) Has a home state which issues nonresident licenses as producers of insurance to residents of this State pursuant to substantially the same procedure.

2. The Commissioner may participate with the National Association of Insurance Commissioners or a subsidiary in a centralized registry in which licensing and appointment of producers of insurance may be effected for all states that require licensing and participate in the registry. If the Commissioner finds that participation is in the public interest, the Commissioner may adopt by regulation any uniform standards and procedures necessary for participation, including central collection of fees for licensing and appointment that are handled through the registry.

3. A nonresident producer who moves from one state to another state shall file a change of address and certification from the new state of residence within 30 days after the change of legal residence. No fee or application for license is required.

4. A nonresident licensed as a producer for surplus lines in his or her home state must be issued a nonresident license of that kind in this State pursuant to subsection 1, subject in all other respects to chapter 685A of NRS. A nonresident licensed as a producer for limited lines in his or her home state is entitled to a nonresident license of that kind in this State pursuant to subsection 1, granting the same scope of authority as the license issued in the home state. As used in this subsection, insurance for limited lines is authority granted by the home state which is restricted to less than the total authority prescribed for the associated major lines pursuant to NRS 683A.261.

Sec. 8. NRS 683C.030 is hereby amended to read as follows:

683C.030 1. An application for a license to act as an insurance consultant must be submitted to the Commissioner on forms prescribed by the Commissioner and must be accompanied by the applicable license fee set forth in NRS 680B.010 ~~[, an additional fee established by the Commissioner of not more than $15 which must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305]~~ and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110. The license fee set forth in NRS 680B.010 ~~[and the additional fee established by the Commissioner of not more than $15 are]~~ ***is*** not refundable. If the applicant is a natural person, the application must include the social security number of the applicant.

2. An applicant for an insurance consultant's license must successfully complete an examination and a course of instruction which the Commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance or until it is suspended, revoked or otherwise terminated, and

each insurance consultant must pay, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

Sec. 9. NRS 683C.035 is hereby amended to read as follows:

683C.035 1. The Commissioner shall prescribe the form of application by a natural person for a license as an insurance consultant. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years.

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license pursuant to NRS 683A.451.

(c) Paid all applicable fees prescribed for the license **,** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, none of]~~ which may ***not*** be refunded.

(d) Passed each examination required for the license and successfully completed each course of instruction which the Commissioner requires by regulation, unless the applicant is a resident of another state and holds a similar license in that state.

2. A business organization must be licensed as an insurance consultant in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license **,** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, none of]~~ which may ***not*** be refunded; and

(b) Designated a natural person who is licensed as an insurance consultant in this State and who is affiliated with the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance.

3. The Commissioner may require any document reasonably necessary to verify information contained in an application.

4. A license issued pursuant to this chapter is valid for 3 years after the date of issuance or until it is suspended, revoked or otherwise terminated.

5. An insurance consultant may qualify for a license pursuant to this chapter in one or more of the lines of authority set forth in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 683A.261.

Sec. 10. NRS 683C.040 is hereby amended to read as follows:

683C.040 1. A license may be renewed for additional 3-year periods by submitting to the Commissioner an application for renewal and:

(a) If the application is made:

(1) On or before the expiration date of the license, all applicable renewal fees ***;*** ~~[and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account;]~~ or

(2) Not more than 30 days after the expiration date of the license, all applicable renewal fees plus any late fee required ***;*** ~~[and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account;]~~

(b) If the applicant is a natural person, the statement required pursuant to NRS 683C.043; and

(c) If the applicant is a resident, proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

Sec. 11. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself or herself out as or be a surplus lines broker with respect to subjects of insurance for which this State is the insured's home state unless the person is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

(a) Application for a license and payment of all applicable fees for a license ***;*** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created by NRS 679B.305;]~~

(b) Submitting the statement required pursuant to NRS 685A.127; and

(c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. An application for a license must be submitted to the Commissioner on a form designated and furnished by the Commissioner. The application must include the social security number of the applicant.

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of all applicable fees for renewal ~~[and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created by NRS 679B.305]~~ to the Commissioner on or before the last day of the month in which the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) The statement required pursuant to NRS 685A.127;

(b) All applicable fees for renewal; ***and***

(c) A penalty in an amount that is equal to 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110 **.** ~~[; and~~

~~(d) A fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created by NRS 679B.305.~~

Sec. 12. NRS 695J.110 is hereby amended to read as follows:

695J.110 ~~1.~~ An applicant for an initial certificate as an exchange enrollment facilitator must:

~~(a)~~ ***1.*** Be a natural person of not less than 18 years of age;

~~(b)~~ ***2.*** Apply on a form prescribed by the Commissioner;

~~(c)~~ ***3.*** Pass a written examination established by the Commissioner by regulation;

~~(d)~~ ***4.*** Successfully complete a course of instruction established by the Commissioner by regulation;

~~(e)~~ ***5.*** Submit fingerprints as required pursuant to NRS 695J.120; and

~~(f)~~ ***6.*** Pay the nonrefundable:

~~(1)~~ ***(a)*** Application and certificate fee set forth in NRS 680B.010; ***and***

~~(2)~~ ***(b)*** Initial fee set forth in NRS 680C.110 ***.*** ~~; and~~

~~(3) Additional fee of not more than $15 for the processing of the application established pursuant to NRS 695J.270.~~

~~2. The additional fee for the processing of applications pursuant to subparagraph (3) of paragraph (f) of subsection 1 must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305.~~

Sec. 13. NRS 695J.140 is hereby amended to read as follows:

695J.140 1. A certificate may be renewed for an additional 3-year period by submitting to the Commissioner an application for renewal and:

(a) If the application is made:

(1) On or before the expiration date of the certificate, all applicable renewal fees ***;*** ~~and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305;~~ or

(2) Except as otherwise provided in subsection 3:

(I) Not more than 30 days after the expiration date of the certificate, all applicable renewal fees plus any late fee required ***;*** ~~and an additional fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305;~~ or

(II) More than 30 days but not more than 1 year after the expiration date of the certificate, all applicable renewal fees plus a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110.

(b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

3. An exchange enrollment facilitator who is unable to renew his or her certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

Sec. 14. NRS 695J.270 is hereby amended to read as follows:

695J.270 1. The Commissioner shall adopt regulations:

(a) For establishing and conducting an examination required by this chapter for the initial issuance and renewal of a certificate;

(b) For the establishment of a course of instruction as required by this chapter for the initial issuance and renewal of a certificate;

(c) ~~[Establishing the fee required by NRS 695J.110 for the processing of an application;~~

~~(d)]~~ Establishing the fee required by NRS 695J.130 for the administration of the examination; and

~~[(e)]~~ ***(d)*** For carrying out the provisions of this chapter.

2. The Commissioner may contract with a person to perform functions required by this chapter, including, without limitation:

(a) Administering examinations;

(b) Providing courses of instruction;

(c) Processing applications; and

(d) Collecting fees.

Sec. 15. NRS 696A.300 is hereby amended to read as follows:

696A.300 1. Each license for a club agent issued under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon submission of the statement required pursuant to NRS 696A.303 and payment to the Commissioner of all applicable fees for renewal**.** ~~[and a fee established by the Commissioner of not more than $15 for deposit in the insurance recovery account created by NRS 679B.305.]~~ The statement must be submitted and the fees must be paid on or before the last day of the month in which the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by the statement required pursuant to NRS 696A.303, a fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110 **.** ~~[, and the fee established by the Commissioner of not more than $15 for deposit in the insurance recovery account created by NRS 679B.305.]~~

3. In addition to all applicable fees required pursuant to NRS 680C.110 to be deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100, the Commissioner shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees for licensure as a club agent:

(a) Application and license..... $78

(b) Appointment by each motor club 5

(c) Triennial renewal of each license 78

Sec. 16. Any money remaining in the Stabilization of Insurance Costs Account created by 679B.450 or the National Association of Insurance Commissioners Account created by NRS 680B.070 on July 1, 2015, remains in the Fund for Insurance Administration and Enforcement created by

NRS 680C.100 and may be used for any other purpose for which any money in the Fund may be used.

Sec. 17. NRS 679B.450, 680B.070, 684A.160 and 692A.104 are hereby repealed.

Sec. 18. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

679B.450 Fee for administration and enforcement; cost of report; schedule of fees; Stabilization of Insurance Costs Account.

680B.070 Assessment for National Association of Insurance Commissioners.

684A.160 Fee for adjuster's license.

692A.104 Fee for issuance or renewal of license as title agent or escrow officer.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

As amended, this abolishes the Insurance Examination Account and requires fees paid by insurers for examinations to be deposited in the Fund for Insurance Administration and Enforcement. This bill also reduces the initial licensing fee from $1,300 to $1,000 and revises the annual license fee from $1,300 to a fee determined by the Commissioner of Insurance for most insurer types.

This bill also abolishes the licensing fees paid into the Insurance Recovery Account and authorizes the Commissioner of Insurance to impose a fee of not more than $10 on certain licenses if the balance of the Insurance Recovery Account is below $40,000 at the end of a fiscal year.

Lastly, this bill abolishes the Stabilization of Insurance Cost Account and the National Association of Insurance Commissioners Account and their associated fees. This bill becomes effective on July 1, 2015.

This is one of the final steps in taking our Division of Insurance into a total enterprise fund and allowing them to realign their accounts to do their jobs the best way they can.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 741.

SUMMARY—Revises provisions governing the release of information relating to children**__.** ~~[within the jurisdiction of the juvenile court.]~~ (BDR 5-490)

AN ACT relating to children; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; **revising provisions concerning the release of certain information relating to child welfare services;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes directors of juvenile services and the Chief of the Youth Parole Bureau, or his or her designee, to release, upon written request and good cause shown, certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) ~~[This]~~ **Section 1 of this** bill specifies that juvenile justice information is confidential and may only be released under certain circumstances. ~~[This bill]~~ **Section 1** also revises: (1) the information that may be released; (2) the list of persons to whom the information may be released; and (3) the circumstances under which the information may be released. ~~[This bill]~~ **Section 1** further eliminates the requirement that a request for such information be in writing and revises from 3 days to 5 business days the period in which a denial of a request for the release of the information must be made to the person who requested the information. Finally, ~~[this bill]~~ **section 1** makes it a gross misdemeanor for certain persons to disseminate or make public juvenile justice information.

Existing law makes it a gross misdemeanor for certain persons to disseminate or make public information relating to child welfare services. (NRS 432B.290) Section 1.5 of this bill revises the list of persons who may disseminate or make public such information and the circumstances under which the information may be released.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information ~~[must be maintained in accordance with federal law, and any provision of federal law authorizing the release of juvenile justice information must be construed as broadly as possible in favor of the release of juvenile justice information.]~~ ***is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.***

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child ~~[,]~~ ***or the safety of the public,*** a ~~[director of]~~ juvenile ~~[services or the Chief of the Youth Parole Bureau, or his or her designee,]~~ ***justice agency*** may ~~[, upon written request and good cause shown, share appropriate]~~ ***release*** juvenile justice information ~~[with:]~~ ***to:***

(a) A director of juvenile services or his or her designee;

(b) The Chief of the Youth Parole Bureau or his or her designee;

(c) A district attorney or his or her designee;

(d) An attorney representing the child;

(e) The director of a state agency which administers juvenile justice or his or her designee;

(f) A director of a state, regional or local facility for the detention of children or his or her designee;

(g) The director of an agency which provides child welfare services or his or her designee;

(h) A guardian ad litem or court appointed special advocate who represents the child;

(i) A parent or guardian of the child ***;*** ~~[if the release of the information to the parent or guardian is consistent with the purposes of this section; or]~~

(j) The child to whom the juvenile justice information pertains if the child has reached the age of majority ~~[.]~~ ***, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;***

(k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;

(l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

(m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or

(n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. ~~[A written request for juvenile justice information pursuant to subsection 2 may be made only for the purpose of determining the appropriate placement of the child pursuant to the provisions of chapter 432B of NRS, the appropriate treatment or services to be provided to the child or the appropriate conditions of probation or parole to be imposed on the child. The written request must state the reason that the juvenile justice information is requested. A written]~~ ***A juvenile justice agency may deny a*** request for juvenile justice information ~~[may be refused]~~ if:

(a) The request does not ***, in accordance with the purposes of this section,*** demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➥ A ~~[refusal]~~ ***denial*** pursuant to this subsection must be made in writing to the person ~~[or entity]~~ requesting the information not later than ~~[3]~~ ***5 business*** days after receipt of the request. ~~[, excluding Saturdays, Sundays and holidays.~~

~~4. Any juvenile justice information provided pursuant to this section is confidential, must be provided only to those persons listed in subsection 2 and must be maintained in accordance with any applicable laws and regulations.~~

~~5.]~~ ***4.*** Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;
(b) Social services;
(c) Mental health services;
(d) Medical services; or
(e) Legal services.

~~[6. A director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee, may release juvenile justice information:~~

~~(a) In the aggregate and without personal identifying information included, to a person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services.~~

~~(b) As deemed necessary by a legislative body of this State or a local government in this State to conduct an audit or proper oversight of any department, agency or office providing services related to juvenile justice.~~

~~7.~~] ~~5. [Any]~~ ***Except as otherwise provided in this subsection, any person*** ~~[, except for:]~~ ***who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:***

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS . ~~[,~~

~~"who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public, is guilty of a gross misdemeanor.]~~

6. As used in this section ~~[~~, "juvenile~~]~~ ***:***

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information ~~[maintained by a director of juvenile services or the Chief of the Youth Parole Bureau, or his or her designee,]~~ which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 1.5. **NRS 432B.290 is hereby amended to read as follows:**

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(q) The child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(r) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(s) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(t) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(u) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall

be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. ~~[Any]~~ ***Except as otherwise provided in this subsection, any*** person ~~[~~, ~~except for:]~~ ***who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:***

(a) A district attorney or other law enforcement officer ***who uses the information solely for the purpose of*** initiating legal proceedings ***;*** ~~[; or]~~

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151 ~~[;~~

~~who is provided with information maintained by an agency which provides child welfare services and further disseminates this information, or who makes this information public, is guilty of a gross misdemeanor.]~~ ***; or***

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment revises provisions governing the release of information relating to children within the jurisdiction of the juvenile court.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 756.

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in the District of Columbia or another state or territory of the United States to apply for the issuance of an expedited license by endorsement to practice in this State; revising provisions relating to certain limited licenses to practice medicine as a resident physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1.3, 1.5, 6.3, 6.4, 6.7, **7, 8.5, 11, 13.1, 14, 18, 19, 25, 28, 32, 35, 36, 41, 45 and 50-54** of this bill authorize certain qualified physicians, podiatrists, other providers of health care and professionals to obtain an expedited license by endorsement to practice their respective professions in this State if the physician, podiatrist, other provider of health care or professional holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry, **the State Board of Optometry,** the Board of Examiners for Audiology and Speech Pathology, the State Board of Pharmacy, the State Board of Physical Therapy Examiners, the Board of Occupational Therapy, the Board of Massage Therapists, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors. **Sections 1.3 and 8.5** require a physician or osteopathic physician to be certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable, to obtain such an expedited license by endorsement.

Existing law authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements. (NRS 630.265, 633.401) **Sections 5 and 9** of this bill require, with limited

exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue those limited licenses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act:

Sec. 1.3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~[or investigated]~~ and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.5. *1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~*[more than once;]*~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 2. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and section 1.3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[or]~~ the ~~[Coordinating Council of Medical Education of the Canadian Medical Association;]~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations;*** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after

receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[or]~~ the ~~[Coordinating Council of Medical Education of the Canadian Medical Association,]~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations,*** has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 3. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ***or section 1.3 of this act*** must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 3.5. NRS 630.195 is hereby amended to read as follows:

630.195 1. ~~[In]~~ ***Except as otherwise provided in section 1.3 of this act, in*** addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 4. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[.]~~ ***or section 1.3 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment

or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 5. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 6. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant ***, including a license by endorsement***	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card	25
For a duplicate license	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has

paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to section 1.3 or 1.5 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 6.1. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. ***The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to section 1.5 of this act.***
5. The tests or examinations of applicants by the Board.

~~[5.]~~ ***6.*** The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

~~[6.]~~ ***7.*** The duration, renewal and termination of licenses ~~[.~~ ~~7.]~~ ***, including licenses by endorsement.***

8. The grounds and procedures respecting disciplinary actions against physician assistants.

~~[8.]~~ ***9.*** The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

~~[9.]~~ ***10.*** A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 6.2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.4 of this act.

Sec. 6.3. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a professional nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~*[more than once;]*~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.4. *1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a practical nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.5. NRS 632.140 is hereby amended to read as follows:

632.140 ***Except as otherwise provided in section 6.3 of this act:***

1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:

(a) Is of good moral character.

(b) Is in good physical and mental health.

(c) Has completed a course of study in:

(1) An accredited school of professional nursing and holds a diploma therefrom; or

(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom.

(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.

2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.

Sec. 6.6. NRS 632.150 is hereby amended to read as follows:

632.150 1. ~~[Each]~~ ***Except as otherwise provided in NRS 632.160, 632.237 and section 6.3 of this act, each*** applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be

supplemented by an oral or practical examination in the discretion of the Board.

2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.

Sec. 6.7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse ***:*** ~~[who:]~~

(a) ***Who is licensed by endorsement pursuant to section 6.3 of this act and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or***

(b) Who:

(1) Has completed an educational program designed to prepare a registered nurse to:

~~[(1)]~~ ***(I)*** Perform designated acts of medical diagnosis;

~~[(2)]~~ ***(II)*** Prescribe therapeutic or corrective measures; and

~~[(3)]~~ ***(III)*** Prescribe controlled substances, poisons, dangerous drugs and devices;

~~[(b)]~~ ***(2)*** Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

~~[(c)]~~ ***(3)*** Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➥ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the

medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of ***subparagraph (2) of*** paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 6.8. NRS 632.270 is hereby amended to read as follows:

632.270 ~~[Each]~~ ***Except as otherwise provided in section 6.4 of this act, each*** applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:

1. Is of good moral character.

2. Has a high school diploma or its equivalent as determined by the State Board of Education.

3. Is at least 18 years of age.

4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or

(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 6.9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse) ***, including a license by endorsement***	$45	$100
Application for license to practice practical nursing ***, including a license by endorsement***	30	90
Application for temporary license to practice professional nursing or		

practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for a license to practice as an advanced practice registered nurse **,** ***including a license by endorsement***	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500

Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 7. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties ~~[.]~~ or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~[or investigated]~~ and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall

approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 7.5. NRS 633.305 is hereby amended to read as follows:

633.305 ***Except as otherwise provided in section 7 of this act and NRS 633.400:***

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 8. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315 ~~[,]~~ ***and 633.381 to 633.419, inclusive,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;

2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. The applicant is a graduate of a school of osteopathic medicine;

4. The applicant:

(a) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(1) A hospital internship; or

(2) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(b) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(c) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

5. The applicant applies for the license as provided by law;

6. The applicant passes:

(a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(b) All parts of the licensing examination of the Federation of State Medical Boards *;* ~~[of the United States, Inc.;]~~

(c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;

7. The applicant pays the fees provided for in this chapter; and

8. The applicant submits all information required to complete an application for a license.

Sec. 8.5. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license ***by endorsement*** pursuant to this section shall ~~[pay in]~~ ***submit:***

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) In advance to the Board the application and initial license fee specified in this chapter ~~[.]~~ ***; and***

(d) Any other information required by the Board.

3. ***Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:***

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 9. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. ***The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to section 7 of this act.***

5. The tests or examinations of applicants by the Board.

~~[5.]~~ 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~[6.]~~ ***7.*** The grounds and procedures respecting disciplinary actions against physician assistants.

~~[7.]~~ ***8.*** The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than ~~[45]~~ :

(a) Forty-five days after receiving the application ~~[.]~~ ; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ ***Except as otherwise provided in section 11 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license ***, including a license by endorsement,*** of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 13. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ ***Except as otherwise provided in section 11 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 13.1. **Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(4) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in the practice of optometry; and

(6) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 13.3. **NRS 636.143 is hereby amended to read as follows:**

636.143 The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination	$100	$500
Reexamination	100	500

Issuance of each license or duplicate license **, *including a license by endorsement***	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license	10	50

Sec. 13.5. **NRS 636.150 is hereby amended to read as follows:**

636.150 ~~[Any]~~ ***Except as otherwise provided in section 13.1 of this act, any*** person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and
5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 13.7. **NRS 636.155 is hereby amended to read as follows:**

636.155 ~~[An]~~ ***Except as otherwise provided in section 13.1 of this act, an*** applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;
2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;
3. Is of good moral character;
4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and
5. Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 13.9. **NRS 636.215 is hereby amended to read as follows:**

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150 ***or section 13.1 of this act*** and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and
2. Be signed by each member of the Board.

Sec. 14. Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech pathology, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in the practice of audiology or speech pathology, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~***[more than once;]***~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech pathology, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of audiology or speech pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 15. NRS 637B.160 is hereby amended to read as follows:

637B.160 1. ~~[An]~~ ***Except as otherwise provided in section 14 of this act, an*** applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the Board if the applicant:

(a) Is over the age of 21 years;

(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(c) Is of good moral character;

(d) Meets the requirements for education or training and experience provided by subsection 2;

(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;

(f) Applies for the license in the manner provided by the Board;

(g) Passes any examination required by this chapter;

(h) Pays the fees provided for in this chapter; and

(i) Submits all information required to complete an application for a license.

2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.

Sec. 16. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee for a license to practice speech pathology ***, including a license by endorsement***	$100
Application fee for a license to practice audiology ***, including a license by endorsement***	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. All fees are payable in advance and may not be refunded.

Sec. 17. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States.***

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a registered pharmacist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~*[more than once;]*~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 19. *1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to conduct a pharmacy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~*[more than once;]*~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the

Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 20. NRS 639.015 is hereby amended to read as follows:

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 ***, 639.134 or section 18 of this act*** and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate ***or certificate by endorsement*** as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 21. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~[An]~~ ***Except as otherwise provided in NRS 639.134 and section 18 of this act, an*** applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other

states in which the experience requirement is equivalent to the requirements in this State.

Sec. 22. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134 ~~[.]~~ ***and section 18 of this act.*** The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 23. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist ***, including a certificate by endorsement***	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy ***, including a license by endorsement***	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy ***, including a license by endorsement***	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist ***, including a certificate by endorsement***	50

For the biennial renewal of registration as a registered pharmacist 200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the investigation or registration of an intern pharmacist 50
For the biennial renewal of registration as an intern pharmacist 40
For investigation or issuance of an original license to a manufacturer or wholesaler 500
For the biennial renewal of a license for a manufacturer or wholesaler 500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

2. ***If an applicant submits an application for a certificate of registration or license by endorsement pursuant to section 18 or 19 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:***

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

~~[3.]~~ ***4.*** All fees are payable in advance and are not refundable.

~~[4.]~~ ***5.*** The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal

for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 24. NRS 639.231 is hereby amended to read as follows:

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~[Any]~~ ***Except as otherwise provided in section 19 of this act, any*** application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~[Upon]~~ ***Except as otherwise provided in section 19 of this act, upon*** compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

Sec. 25. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as a physical therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~***[more than once;]***~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to subsection 3 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a physical therapist to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 26. NRS 640.080 is hereby amended to read as follows:

640.080 ~~[To]~~ ***Except as otherwise provided in section 25 of this act, to*** be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;

2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and

3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 or 640.140.

Sec. 27. NRS 640.090 is hereby amended to read as follows:

640.090 Unless he or she is entitled to licensure under NRS 640.120 or 640.140, ***or section 25 of this act,*** a person who desires to be licensed as a physical therapist must:

1. Apply to the Board, in writing, on a form furnished by the Board;
2. Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;
3. Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed $300;
4. Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
5. Submit other documentation and proof the Board may require; and
6. Submit all other information required to complete the application.

Sec. 28. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~***[more than once;]***~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the

application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 29. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~[To]~~ ***Except as otherwise provided in section 28 of this act, to*** be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.

2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➥ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 30. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~[A]~~ ***Except as otherwise provided in section 28 of this act, a*** person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 31. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;

(b) The initial issuance of a license ~~[.]~~ ***, including a license by endorsement;***

(c) The issuance of a temporary license;

(d) The renewal of a license; and

(e) The late renewal of a license.

2. The fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 32. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~***[more than once;]***~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive

Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 33. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) ~~[Submit]~~ ***Except as otherwise provided in section 32 of this act, submit*** to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~[.]~~ ***and except as otherwise provided in section 32 of this act:***

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a

list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. ~~[The]~~ ***Except as otherwise provided in section 32 of this act, the*** Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist or behavior analyst, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ *whichever occurs later.*

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 36. *1. The Board may issue a certificate by endorsement as an autism behavior interventionist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an autism behavior interventionist in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an autism behavior interventionist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~***[more than once;]***~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial certificate; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an autism behavior interventionist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an autism behavior interventionist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as an autism behavior interventionist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 37. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification

as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Within]~~ ***Except as otherwise provided in section 35 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 38. NRS 641.172 is hereby amended to read as follows:

641.172 1. ~~[Each]~~ ***Except as otherwise provided in section 36 of this act, each*** application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. ~~[Within]~~ ***Except as otherwise provided in section 36 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 39. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, ***and section 35 of this act,*** each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

3. The Board may waive the requirement of the national examination for a person who:

(a) Is licensed in another state;

(b) Has at least 10 years' experience; and

(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 40. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement***	25

For the biennial renewal of a license of a psychologist..... 500
For the biennial renewal of a license of a licensed behavior analyst..... 400
For the biennial renewal of a license of a licensed assistant behavior analyst..... 275
For the biennial renewal of a certificate of a certified autism behavior interventionist..... 175
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license..... 100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology..... 300
For the registration of a nonresident to practice as a consultant..... 100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst or a certificate as a autism behavior interventionist shall pay the biennial fee for the renewal of a license or certificate, which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

4. ~~[In]~~ ***Except as otherwise provided in subsection 5 and sections 35 and 36 of this act, in*** addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license or certificate by endorsement pursuant to section 35 or 36 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license or certificate.

Sec. 41. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~***[more than once;]***~~

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 42. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;
5. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 43. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 41 of this act,*** each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 44. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 45. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work; ~~[and]~~

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ~~[more than once]~~ ; and

(5) Has been continuously and actively engaged in social work for the past 5 years;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 46. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS ***641B.270 and*** 641B.275, ***and section 45 of this act,*** before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 47. NRS 641B.300 is hereby amended to read as follows:

641B.300 ***1.*** The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	$40
Provisional license	75
Initial issuance of a license ***, including a license by endorsement***	100
Annual renewal of a license	150
Restoration of a suspended license or reinstatement of a revoked license	150
Restoration of an expired license	200
Renewal of a delinquent license	100
Reciprocal license without examination	100

2. If an applicant submits an application for a license by endorsement pursuant to section 45 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.

Sec. 48. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 53, inclusive, of this act.

Sec. 49. ***1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ; ~~[more than once;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ *whichever occurs later.*

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 50. *1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~*[more than once;]*~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 51. *1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ***;*** ~~*[more than once;]*~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 52. *1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ~~*[more than once;]*~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 53. *1. Notwithstanding any regulations adopted pursuant to NRS 641C.500, the Board may issue a certificate by endorsement as a detoxification technician to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a detoxification technician in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a detoxification technician; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States ~~*[more than once;]*~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided pursuant to NRS 641C.500;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) Any fee prescribed by the Board pursuant to NRS 641C.500 for the issuance of a certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a detoxification technician pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a detoxification technician to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a detoxification technician may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 54. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ~~[Each]~~ ***Except as otherwise provided in section 49 of this act, each*** applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. ~~[Each]~~ ***Except as otherwise provided in section 50 or 51 of this act, each*** applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. ~~[Each]~~ ***Except as otherwise provided in section 52 of this act, each*** applicant for a certificate as a problem gambling counselor must pass a written examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 55. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate ***, including a license or certificate by endorsement*** $150
For the issuance of a provisional license or certificate 125
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement*** 60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor 300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern 75
For the renewal of a delinquent license or certificate 75
For the restoration of an expired license or certificate 150
For the restoration or reinstatement of a suspended or revoked license or certificate 300
For the issuance of a license or certificate without examination 150
For an examination 150
For the approval of a course of continuing education 150

2. ***If an applicant submits an application for a license or certificate by endorsement pursuant to section 49, 50, 51 ~~[or]~~ , 52 or 53 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.***

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 56. This act becomes effective upon passage and approval.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Amendment 756 to Senate Bill 68 addresses malpractice as well as specialties certified by the American Osteopathic Association. It ensures physicians who have been investigated but not disciplined are not precluded from licensure by endorsement. The amendment requires the Nevada State Board of Optometry to issue a license by endorsement to practice optometry under certain circumstances. Additionally, it revises section 11 of the bill to provide the State Board of Podiatry with additional time to process an application for license by endorsement based on the submission of an applicant's fingerprints.

Finally, the amendment allows the Board of Examiners for Social Workers to ensure applicants for a license by endorsement and to collect fees for issuance of such a license.

Amendment adopted.

The following amendment was proposed by Assemblyman Kirner.

Amendment No. 874.

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in the District of Columbia or another state or territory of

the United States to apply for the issuance of an expedited license by endorsement to practice in this State; revising provisions relating to certain limited licenses to practice medicine as a resident physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1.3, 1.5, 6.3, 6.4, 6.7, 7, 8.5, 11, 13.93, 14, 18, 19, 25, 28, 32, 35, 36, 41, 45 and 50-54 of this bill authorize certain qualified physicians, podiatrists, other providers of health care and professionals to obtain an expedited license by endorsement to practice their respective professions in this State if the physician, podiatrist, other provider of health care or professional holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry, **the Board of Hearing Aid Specialists,** the Board of Examiners for Audiology and Speech Pathology, the State Board of Pharmacy, the State Board of Physical Therapy Examiners, the Board of Occupational Therapy, the Board of Massage Therapists, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors. **Sections 1.3 and 8.5** require a physician or osteopathic physician to be certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable, to obtain such an expedited license by endorsement.

Existing law authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements. (NRS 630.265, 633.401) **Sections 5 and 9** of this bill require, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue those limited licenses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act:

Sec. 1.3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.5. *1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 2. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and section 1.3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[or]~~ the ~~[Coordinating Council of Medical Education of the Canadian Medical Association;]~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations;*** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[or]~~ the ~~[Coordinating Council of Medical Education of the Canadian Medical Association,]~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations,*** has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description

of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 3. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ***or section 1.3 of this act*** must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 3.5. NRS 630.195 is hereby amended to read as follows:

630.195 1. ~~[In]~~ ***Except as otherwise provided in section 1.3 of this act, in*** addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree.

If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 4. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[,]~~ ***or section 1.3 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 5. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 6. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement $600

For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license 400
For renewal of a limited, restricted, authorized facility or special license 400
For application for and issuance of a license as a physician assistant ***, including a license by endorsement*** 400
For biennial registration of a physician assistant 800
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels 500
For verification of a listing of physicians, per hour 20
For furnishing a list of new physicians 100

2. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to section 1.3 or 1.5 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 6.1. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. ***The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to section 1.5 of this act.***

5. The tests or examinations of applicants by the Board.

~~[5.]~~ ***6.*** The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

~~[6.]~~ ***7.*** The duration, renewal and termination of licenses ~~[.~~ ~~7.]~~ ***, including licenses by endorsement.***

8. The grounds and procedures respecting disciplinary actions against physician assistants.

~~[8.]~~ ***9.*** The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

~~[9.]~~ ***10.*** A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 6.2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.4 of this act.

Sec. 6.3. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a professional nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.4. *1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a practical nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall

approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.5. NRS 632.140 is hereby amended to read as follows:

632.140 ***Except as otherwise provided in section 6.3 of this act:***

1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:

(a) Is of good moral character.

(b) Is in good physical and mental health.

(c) Has completed a course of study in:

(1) An accredited school of professional nursing and holds a diploma therefrom; or

(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom.

(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.

2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.

Sec. 6.6. NRS 632.150 is hereby amended to read as follows:

632.150 1. ~~[Each]~~ ***Except as otherwise provided in NRS 632.160, 632.237 and section 6.3 of this act, each*** applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be supplemented by an oral or practical examination in the discretion of the Board.

2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.

Sec. 6.7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse ***:*** ~~[who:]~~

(a) ***Who is licensed by endorsement pursuant to section 6.3 of this act and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or***

(b) Who:

(1) Has completed an educational program designed to prepare a registered nurse to:

~~[(1)]~~ ***(I)*** Perform designated acts of medical diagnosis;

~~[(2)]~~ ***(II)*** Prescribe therapeutic or corrective measures; and

~~[(3)]~~ ***(III)*** Prescribe controlled substances, poisons, dangerous drugs and devices;

~~[(b)]~~ ***(2)*** Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

~~[(c)]~~ ***(3)*** Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➥ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of ***subparagraph (2) of*** paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 6.8. NRS 632.270 is hereby amended to read as follows:

632.270 ~~[Each]~~ ***Except as otherwise provided in section 6.4 of this act, each*** applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:

1. Is of good moral character.
2. Has a high school diploma or its equivalent as determined by the State Board of Education.
3. Is at least 18 years of age.
4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or

(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 6.9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse) ***, including a license by endorsement***	$45	$100
Application for license to practice practical nursing ***, including a license by endorsement***	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40

Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for a license to practice as an advanced practice registered nurse ***, including a license by endorsement***	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 7. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in

this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 7.5. NRS 633.305 is hereby amended to read as follows:

633.305 ***Except as otherwise provided in section 7 of this act and NRS 633.400:***

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 8. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315 ~~[,]~~ ***and 633.381 to 633.419, inclusive,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;

2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. The applicant is a graduate of a school of osteopathic medicine;

4. The applicant:

(a) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(1) A hospital internship; or

(2) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(b) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(c) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

5. The applicant applies for the license as provided by law;

6. The applicant passes:

(a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(b) All parts of the licensing examination of the Federation of State Medical Boards ***;*** ~~[of the United States, Inc.;]~~

(c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;

7. The applicant pays the fees provided for in this chapter; and

8. The applicant submits all information required to complete an application for a license.

Sec. 8.5. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license ***by endorsement*** pursuant to this section shall ~~[pay in]~~ ***submit:***

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) In advance to the Board the application and initial license fee specified in this chapter ~~[.]~~ ***; and***

(d) Any other information required by the Board.

3. ***Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the***

Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 9. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.

4. ***The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to section 7 of this act.***

5. The tests or examinations of applicants by the Board.

~~[5.]~~ 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~[6.]~~ ***7.*** The grounds and procedures respecting disciplinary actions against physician assistants.

~~[7.]~~ ***8.*** The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the

application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ ***Except as otherwise provided in section 11 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license ***, including a license by endorsement,*** of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 13. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who

has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ ***Except as otherwise provided in section 11 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 13.93. **Chapter 637A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to practice as a hearing aid specialist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a hearing aid specialist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a hearing aid specialist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a hearing aid specialist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a hearing aid specialist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a hearing aid specialist may be issued at a meeting of the Board or between its meetings by the Chair. Such an action shall be deemed to be an action of the Board.

Sec. 13.96. **NRS 637A.160 is hereby amended to read as follows:**

637A.160 1. ~~[Subject to the provisions of]~~ ***Except as otherwise provided in*** NRS 637A.170 ~~[,]~~ ***and section 13.93 of this act,*** any person who intends to commence business as a hearing aid specialist must comply with the following requirements:

(a) Make application for examination.

(b) Take and pass the examination.

(c) Pay the prescribed fees, including the annual license fee and the initial license fee prescribed in NRS 637A.210.

(d) Submit all information required to complete the application.

2. The license must be issued and delivered by the Secretary to the licensee therein named upon compliance by the licensee with the requirements prescribed in subsection 1.

Sec. 13.99. **NRS 637A.210 is hereby amended to read as follows:**

637A.210 The Board shall charge fees which must not exceed the following:

For a license as a hearing aid specialist:

Application fee	$250
Examination fee	200
Initial license fee ***, including a license by endorsement***	100
Annual license fee	200
Duplicate license fee	20
Inactive status fee	100

For a license as an apprentice to a hearing aid specialist:

Application fee	$250
Annual license fee	100

Inactive status fee 100

For all licenses issued by the Board:

Lapsed renewal fee $100
Reinstatement fee 100

Sec. 14. Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech pathology, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in the practice of audiology or speech pathology, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech pathology, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of audiology or speech pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 15. NRS 637B.160 is hereby amended to read as follows:

637B.160 1. ~~[An]~~ ***Except as otherwise provided in section 14 of this act, an*** applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the Board if the applicant:

(a) Is over the age of 21 years;

(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(c) Is of good moral character;

(d) Meets the requirements for education or training and experience provided by subsection 2;

(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;

(f) Applies for the license in the manner provided by the Board;

(g) Passes any examination required by this chapter;

(h) Pays the fees provided for in this chapter; and

(i) Submits all information required to complete an application for a license.

2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.

Sec. 16. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee for a license to practice speech pathology ***, including a license by endorsement***	$100
Application fee for a license to practice audiology ***, including a license by endorsement***	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. All fees are payable in advance and may not be refunded.

Sec. 17. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted***

certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a registered pharmacist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 19. *1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to conduct a pharmacy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 20. NRS 639.015 is hereby amended to read as follows:

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 ***, 639.134 or section 18 of this act*** and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate ***or certificate by endorsement*** as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 21. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~[An]~~ ***Except as otherwise provided in NRS 639.134 and section 18 of this act, an*** applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 22. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134 ~~[.]~~ ***and section 18 of this act.*** The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 23. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist ***, including a certificate by endorsement***	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy ***, including a license by endorsement***	600

For the biennial renewal of a license to conduct a retail pharmacy 500
For the investigation or issuance of an original license to conduct an institutional pharmacy ***, including a license by endorsement*** 600
For the biennial renewal of a license to conduct an institutional pharmacy 500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist ***, including a certificate by endorsement*** 50
For the biennial renewal of registration as a registered pharmacist 200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the investigation or registration of an intern pharmacist 50
For the biennial renewal of registration as an intern pharmacist 40
For investigation or issuance of an original license to a manufacturer or wholesaler 500
For the biennial renewal of a license for a manufacturer or wholesaler 500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

2. ***If an applicant submits an application for a certificate of registration or license by endorsement pursuant to section 18 or 19 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:***

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

~~[3.]~~ ***4.*** All fees are payable in advance and are not refundable.

~~[4.]~~ ***5.*** The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 24. NRS 639.231 is hereby amended to read as follows:

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~[Any]~~ ***Except as otherwise provided in section 19 of this act, any*** application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~[Upon]~~ ***Except as otherwise provided in section 19 of this act, upon*** compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

Sec. 25. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as a physical therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to subsection 3 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a physical therapist to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 26. NRS 640.080 is hereby amended to read as follows:

640.080 ~~[To]~~ ***Except as otherwise provided in section 25 of this act, to*** be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;

2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and

3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 or 640.140.

Sec. 27. NRS 640.090 is hereby amended to read as follows:

640.090 Unless he or she is entitled to licensure under NRS 640.120 or 640.140, ***or section 25 of this act,*** a person who desires to be licensed as a physical therapist must:

1. Apply to the Board, in writing, on a form furnished by the Board;

2. Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;

3. Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed $300;

4. Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

5. Submit other documentation and proof the Board may require; and

6. Submit all other information required to complete the application.

Sec. 28. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 29. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~[To]~~ ***Except as otherwise provided in section 28 of this act, to*** be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.

2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➥ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 30. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~[A]~~ ***Except as otherwise provided in section 28 of this act, a*** person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 31. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;

(b) The initial issuance of a license ~~[.]~~ ***, including a license by endorsement;***

(c) The issuance of a temporary license;

(d) The renewal of a license; and

(e) The late renewal of a license.

2. The fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 32. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the

Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 33. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) ~~[Submit]~~ ***Except as otherwise provided in section 32 of this act, submit*** to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~[.]~~ ***and except as otherwise provided in section 32 of this act:***

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. ~~[The]~~ ***Except as otherwise provided in section 32 of this act, the*** Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application***

for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist or behavior analyst, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 36. *1. The Board may issue a certificate by endorsement as an autism behavior interventionist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an autism behavior interventionist in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an autism behavior interventionist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial certificate; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an autism behavior interventionist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an autism behavior interventionist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as an autism behavior interventionist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 37. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Within]~~ ***Except as otherwise provided in section 35 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an

accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 38. NRS 641.172 is hereby amended to read as follows:

641.172 1. ~~[Each]~~ ***Except as otherwise provided in section 36 of this act, each*** application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. ~~[Within]~~ ***Except as otherwise provided in section 36 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 39. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, ***and section 35 of this act,*** each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

3. The Board may waive the requirement of the national examination for a person who:

(a) Is licensed in another state;

(b) Has at least 10 years' experience; and

(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 40. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination $100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination 100
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement*** 25
For the biennial renewal of a license of a psychologist 500
For the biennial renewal of a license of a licensed behavior analyst 400
For the biennial renewal of a license of a licensed assistant behavior analyst 275
For the biennial renewal of a certificate of a certified autism behavior interventionist 175
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license 100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology 300
For the registration of a nonresident to practice as a consultant 100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst or a certificate as a autism behavior interventionist shall pay the biennial fee for the renewal of a license or certificate, which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

4. ~~[In]~~ ***Except as otherwise provided in subsection 5 and sections 35 and 36 of this act, in*** addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license or certificate by endorsement pursuant to section 35 or 36 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license or certificate.

Sec. 41. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an

applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 42. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

5. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 43. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2 ~~[.]~~ ***and section 41 of this act,*** each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 44. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 45. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ ***whichever occurs later.***

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 46. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS ***641B.270 and*** 641B.275, ***and section 45 of this act,*** before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 47. NRS 641B.300 is hereby amended to read as follows:

641B.300 ***1.*** The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	$40
Provisional license	75
Initial issuance of a license ***, including a license by endorsement***	100
Annual renewal of a license	150
Restoration of a suspended license or reinstatement of a revoked license	150
Restoration of an expired license	200
Renewal of a delinquent license	100
Reciprocal license without examination	100

2. If an applicant submits an application for a license by endorsement pursuant to section 45 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.

Sec. 48. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 53, inclusive, of this act.

Sec. 49. ***1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 50. *1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 51. *1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in

which the applicant holds a certificate as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 52. *1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 53. *1. Notwithstanding any regulations adopted pursuant to NRS 641C.500, the Board may issue a certificate by endorsement as a detoxification technician to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a detoxification technician in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a detoxification technician; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided pursuant to NRS 641C.500;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) Any fee prescribed by the Board pursuant to NRS 641C.500 for the issuance of a certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a detoxification technician pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a detoxification technician to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
➥ whichever occurs later.

4. A certificate by endorsement as a detoxification technician may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 54. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ~~[Each]~~ ***Except as otherwise provided in section 49 of this act, each*** applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. ~~[Each]~~ ***Except as otherwise provided in section 50 or 51 of this act, each*** applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. ~~[Each]~~ ***Except as otherwise provided in section 52 of this act, each*** applicant for a certificate as a problem gambling counselor must pass a written examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 55. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate ***, including a license or certificate by endorsement***	$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement***	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination	150
For an examination	150
For the approval of a course of continuing education	150

2. ***If an applicant submits an application for a license or certificate by endorsement pursuant to section 49, 50, 51 or 52 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.***

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 56. This act becomes effective upon passage and approval.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblywomen Seaman and Carlton.

ASSEMBLYWOMAN SEAMAN:

Amendment 874 to Senate Bill 68 allows the Board of Hearing Aid Specialists to issue a license by endorsement to practice as a hearing aid specialist to an applicant licensed in good standing in another jurisdiction.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Amendment 874 to Senate Bill 68. I apologize to the Vice Chair of the Committee on Commerce and Labor. I had discussed this with the Chair before he left for the day, so I do not want the Assemblywoman from District 34 to think that I am trying to put her in an awkward position.

This amendment adds hearing aid specialists to the bill. It was discussed in the committee. We did not process it that day; it was the last day of bill passage. There are four different types of licensure for hearing aid specialists and with the proposal of the two boards joining together and being able to work forward, I think adding another burden on that board at this time is inappropriate and could cause problems. The whole idea behind the work that we have done with these two boards is to solve the problems. There is not an outcry of a shortage of hearing aid specialists. It does not seem to be a big issue in this state right now. This board is having issues. They have not even submitted their report from March and here we are at the end of May. I have real concerns about this amendment.

ASSEMBLYWOMAN SEAMAN:

I would like to withdraw my motion to adopt Amendment 874 to Senate Bill 68 until the Chair can speak to my colleague from the south.

Assemblywoman Seaman withdrew the motion to adopt Amendment No. 874 to Senate Bill No. 68.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 840.

AN ACT relating to wages; authorizing certain employers and employees to enter into a written agreement to exclude from an employee's wages payment for certain specified periods; **exempting certain employees from the requirement that an employer pay the employee overtime;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay an employee wages for each hour the employee works. (NRS 608.016) Existing federal regulations allow employees who work shifts of 24 hours or more to agree to not be paid for a sleeping period not to exceed 8 hours under certain circumstances. (29 C.F.R. § 785.22) ~~[This]~~ **Section 1.3 of this** bill provides that an employee who is employed in a certain residential facility and who works for 24 hours or more may agree to not be paid for a sleeping period not to exceed 8 hours if adequate sleeping facilities are provided by the employer.

Existing federal regulations authorize an employer and a domestic service employee who resides in the household of the employer for which he or she works to enter into an agreement to exclude certain periods from the calculation of the hours for which the employee is entitled to receive wages. (29 C.F.R. § 552.102) Section 1.7 of this bill authorizes an employer and a domestic service employee to enter into such an agreement consistent with federal law.

Existing state and federal laws provide certain exceptions to the requirement that an employer pay an employee overtime. (29 U.S.C. § 213(b)(21), NRS 608.018) Section 2.5 of this bill provides an exemption

under state law from these requirements for a domestic service employee who resides in the household in which he or she works.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished by the employer.

2. If the sleeping period is interrupted by any call for service by the employer, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

3. The provisions of subsections 1 and 2:

(a) Apply only to an employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or other assistance from employees at the residential facility; and

(b) Do not apply to a firefighter, a member of a rescue or emergency services crew or a peace officer, including, without limitation, a correctional officer.

4. As used in this section:

(a) "A group of similarly situated persons" includes, without limitation, a group of:

(1) Persons with a mental illness;

(2) Persons with a physical disability;

(3) Persons with an intellectual disability;

(4) Persons who are elderly;

(5) Persons recovering from alcohol or drug abuse;

(6) Children in foster care; and

(7) Children in a program to address emotional or behavioral problems.

(b) "On duty" means any period during which an employee is working or is required to remain on the premises of the employer.

(c) "Residential facility" means:

(1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which a group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees.

(2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential living for the children and employees.

Sec. 1.7. 1. A domestic service employee who resides in the household in which he or she works may agree in writing to exclude from his or her wages any sleeping period, meal period or free time.

2. If the sleeping period, meal period or free time is interrupted by any call for service by the employer, the interruption must be counted as hours worked.

3. If there is a significant deviation from the agreement entered into pursuant to subsection 1, the employer must not exclude from the wages of the domestic service employee any sleeping period, meal period or free time unless the domestic service employee and the employer enter into a new agreement that accurately accounts for all hours worked by the domestic service employee.

4. As used in this section:

(a) "Domestic service employee" means a natural person who is paid by an employer to perform work of a domestic nature for the household of the employer, including, without limitation, housekeeping, housecleaning, cooking, laundering, nanny services, caretaking of sick, convalescing or elderly persons, gardening or chauffeuring. The term does not include persons who provide services on a casual, irregular or intermittent basis or persons who are employed by a third-party service or agency.

(b) "Free time" means a period of time, sufficient in duration for a domestic service employee to make meaningful use of the time, during which the domestic service employee has complete freedom from all duties and is free to leave the household of the employer or stay within the household solely for personal pursuits.

(c) "Household" means the premises of the residence of an employer and includes, without limitation, any living quarters on the property of the employer.

Sec. 2. NRS 608.016 is hereby amended to read as follows:

608.016 ~~[An]~~ ***Except as otherwise provided in ~~[section 1]~~ sections 1.3 and 1.7 of this act, an*** employer shall pay to the employee wages for each hour the employee works. An employer shall not require an employee to work without wages during a trial or break-in period.

Sec. 2.5. **NRS 608.018 is hereby amended to read as follows:**

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; ~~[and]~~

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.~~[.]~~ ***; and***

(o) A domestic service employee who resides in the household where he or she works.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Amendment 840 to Senate Bill 146 authorizes a domestic service employee who resides in his or her employer's household to enter into an agreement with the employer to exclude sleeping periods, meal periods, or free time from his or her wages. The amendment further exempts a domestic service employee who resides in the household in which he or she works from being paid overtime.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 726.

AN ACT relating to health care records; prohibiting a custodian of health care records from preventing the physical inspection of any health care records or providing copies thereof under certain circumstances; requiring a custodian of health care records to deliver the health care records or copies thereof under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each provider of health care to: (1) retain the health care records of his or her patients as part of his or her regularly maintained records for 5 years after their receipt or production; and (2) make those health care records available for physical inspection or provide copies thereof for certain persons, including, without limitation, the patient or a representative with written authorization from the patient. If the health care records are retained for at least 5 years or a longer period as provided by federal law and the person for whom the health care records are maintained has attained the age of 23 years, the health care records may be destroyed. (NRS 629.051, 629.061) Existing law defines "provider of health care" to mean a physician licensed pursuant to chapter 630, 630A or 633 of NRS and various other persons involved in the provision of health care. (NRS 629.031) This bill enacts provisions governing the retention of health care records by a custodian of health care records, and defines a "custodian of health care records" to mean any person having lawful custody of any health care records pursuant to chapter 629 of NRS, other than ~~[a licensed hospital or facility that maintains health care records.]~~ **certain specified facilities and hospitals.** This bill also: (1) prohibits, under certain circumstances, a custodian of health care records who has lawful custody of any health care records of a provider of health care from preventing the provider of health care from physically inspecting the health care records or from receiving copies of those records upon request; (2) requires a custodian of health care records to deliver the health care records or copies thereof to the provider of health care and the patient under certain circumstances; and (3) subjects a custodian of health care records who violates a provision of this bill to prosecution for a gross misdemeanor and punishment by imprisonment in the county jail for not more than 364 days or by a fine of not more than $25,000, or both, for each violation and the imposition of a civil penalty of not less than $10,000 for each violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records of the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not less than $10,000 for each violation, to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City.

4. As used in this section, "custodian of health care records" means any person having custody of any health care records pursuant to this chapter. The term does not include ~~[any licensed hospital or facility that maintains health care records specified in NRS 629.031.]~~ :

(a) A facility for hospice care, as defined in NRS 449.0033;

(b) A facility for intermediate care, as defined in NRS 449.0038;

(c) A facility for skilled nursing, as defined in NRS 449.0039;

(d) A hospital, as defined in NRS 449.012; or

(e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Amendment 726 to Senate Bill 273 excludes the following facilities from the definition of "custodian of health care records" for the purposes of this bill: a facility for hospice care, a facility for intermediate care, a facility for skilled nursing, a hospital, and a psychiatric hospital.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 887.

SENATORS DENIS; **HAMMOND** AND MANENDO

JOINT SPONSORS: ASSEMBLYMEN O'NEILL AND SILBERKRAUS

AN ACT relating to motor vehicles; providing for the registration of mopeds; requiring a fee for such registration; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain motor-driven cycles and scooters are considered mopeds if the engine produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and is not capable of exceeding 30 miles per hour on a flat surface. (NRS 482.069) Such a moped is not required to be registered with the Department of Motor Vehicles and the owner or operator is not required to provide liability insurance. (NRS 482.210, 485.185) **Section 1** of this bill requires the owner of a moped to register the moped once with the Department. The owner must bring the moped to the Department **or, in a county where no office of the Department is located, to either the sheriff of that county or a location of the Department in another county,** for an inspection to verify that the moped meets the definition of a moped. The fee for registration is $33, the same as that for a motorcycle. There is also a license plate fee and an inspection fee, and the owner must pay for 1 year of the governmental services tax based on the value of the moped at the time of registration. A moped registration is valid until the owner transfers the ownership of the moped or cancels the registration and surrenders the license plate to the Department. **Section 3** of this bill removes the exemption of mopeds from the requirement to register a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State. Existing law requires the owner or operator of any motor vehicle which is registered or required to be registered to maintain liability insurance. (NRS 485.185) **Section 14** of this bill exempts mopeds from the requirement to maintain liability insurance. Existing law makes failure to register a vehicle which is required to be registered a misdemeanor. (NRS 482.555)

Section 5 of this bill requires the Department to issue a license plate to the owner of a moped upon registration of the moped. **Section 6** of this bill requires that the license plate for a moped be distinct in appearance from the license plate for a motorcycle. **Sections 9 and 13** of this bill make provisions that allow disabled vehicle owners to obtain and use special license plates and parking stickers applicable to mopeds. (NRS 482.384, 484B.467) **Sections 15.2-15.6** of this bill provide for the calculation and imposition of the 1 year of governmental services tax that must be paid upon the registration of a moped. (NRS 371.040, 371.060, 371.070) **Section 15.8** of this bill exempts mopeds from the requirements for emissions testing of certain vehicles. (NRS 445B.760)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner of a moped shall, before the moped may be operated upon any highway in this State, apply to the Department for and obtain registration thereof. The application must be made upon the appropriate form as prescribed by the Department.

2. An application for the registration of a moped pursuant to this section must include:

(a) The signature and residential address of the owner of the moped.

(b) The owner's declaration of the county where he or she intends the moped to be based, unless the moped is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(c) A brief description of the moped to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and, upon the registration of a new moped, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the moped.

(d) Proof of ownership satisfactory to the Department.

3. An application for the registration of a moped pursuant to subsection 2 must be accompanied by:

(a) The registration fee required pursuant to NRS 482.480.

(b) The governmental services tax imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(c) The fees for a license plate and an inspection required pursuant to this section.

4. An applicant for the registration of a moped pursuant to this section ~~[must]~~ who resides in a county where an office of the Department is located must, at an office of the Department in that county, allow the Department to inspect the moped for verification that the moped meets the definition of "moped" as provided in NRS 482.069. The Department may by regulation establish a fee for such an inspection.

5. An applicant for the registration of a moped pursuant to this section who resides in a county where no office of the Department is located must allow the Department to inspect the moped, as specified in subsection 4, at an office of the Department in another county or, in lieu of an inspection by the Department, allow a sheriff or deputy sheriff of the county in which the applicant resides to inspect the moped for verification that the moped meets the definition of "moped" as provided in NRS 482.069. A sheriff or deputy sheriff shall, upon the request of the applicant, conduct such an inspection and transmit his or her determination, in writing, to the Department and may collect the fee established by the Department pursuant to subsection 4 for

such an inspection. All fees collected pursuant to this subsection must be accounted for as provided in subsection 6 of NRS 248.275.

6. As soon as practicable after ~~[receiving]~~ the Department:

(a) Receives the application and fees required by this section ; and ~~[conducting]~~

(b) Conducts the inspection required by ~~[this section,]~~ subsection 4 or 5 or receives the alternative written determination from a sheriff or deputy sheriff that is authorized by subsection 5,

➥ the Department shall , if the inspection or written determination confirms that the moped meets the definition of "moped" as provided in NRS 482.069, issue a license plate and certificate of registration to the owner of the moped.

~~[6.]~~ 7. The fee for the issuance of a license plate pursuant to this section is $5, which must be allocated to the Revolving Account for the Issuance of Special License Plates, created by NRS 482.1805, to defray the costs of manufacturing license plates pursuant to this section.

~~[7.]~~ 8. The registration issued pursuant to this section is not renewable or transferable, and a moped that is registered pursuant to this section is registered until the date on which the owner of the moped:

(a) Transfers the ownership of the moped; or

(b) Cancels the registration of the moped and surrenders the license plate to the Department.

~~[8.]~~ 9. The Department may, upon proof of ownership satisfactory to it, issue a certificate of title before the registration of a moped pursuant to this section. A certificate of title issued pursuant to this subsection is valid until cancelled by the Department upon the transfer of interest therein.

Sec. 1.5. NRS 482.087 is hereby amended to read as follows:

482.087 "Passenger car" means a motor vehicle designed for carrying 10 persons or less, except a motorcycle ***, an electric bicycle*** or ~~[motor driven cycle.]~~ ***a moped.***

Sec. 2. NRS 482.1825 is hereby amended to read as follows:

482.1825 1. Except as otherwise provided in subsection 3, any voluntary contributions collected pursuant to subsection ~~[11]~~ ***12*** of NRS 482.480 must be distributed to each county based on the county of registration of the vehicle for which the contribution was made, to be used as provided in NRS 244.2643, 277A.285 or 403.575, as applicable. The Department shall remit monthly the contributions directly:

(a) In a county in which a regional transportation commission exists, to the regional transportation commission.

(b) In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, to the board of county commissioners.

(c) In a county whose population is less than 100,000 and in which a regional transportation commission does not exist, to the board of county highway commissioners created pursuant to NRS 403.010.

2. The Department shall certify monthly to the State Board of Examiners the amount of the voluntary contributions collected pursuant to subsection ~~[11]~~ ***12*** of NRS 482.480 for each county by the Department and its agents during the preceding month, and that the money has been distributed as provided in this section.

3. The Department shall deduct and withhold 1 percent of the contributions collected pursuant to subsection 1 to reimburse the Department for its expenses in collecting and distributing the contributions.

4. As used in this section, "regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 277A of NRS.

Sec. 2.5. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section and NRS 482.2065, every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 ~~[,]~~ ***or a moped registered pursuant to section 1 of this act,*** must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 7 ***and 8*** and NRS 482.2065, every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. Except as otherwise provided in subsection 7 and NRS 482.2065, a vehicle which must be registered through the Motor Carrier Division of the Department, or a motor vehicle which has a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. Except as otherwise provided in subsections 6 ***,*** ~~[and]~~ 7 ~~[,]~~ ***and 8,*** when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the

transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date ***on which*** the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

8. A moped that is registered pursuant to section 1 of this act is registered until the date on which the owner of the moped:

(a) Transfers the ownership of the moped; or

(b) Cancels the registration of the moped and surrenders the license plate to the Department.

Sec. 3. NRS 482.210 is hereby amended to read as follows:

482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:

(a) Special mobile equipment.

(b) Implements of husbandry temporarily drawn, moved or otherwise propelled upon the highways.

(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.

(d) Electric bicycles.

(e) Golf carts which are:

(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and

(2) Operating pursuant to a permit issued pursuant to this chapter.

(f) ~~[Mopeds.~~

~~(g)]~~ Towable tools or equipment as defined in NRS 484D.055.

~~[(h)]~~ ***(g)*** Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.

2. For the purposes of this section, "motorized conveyance for a wheelchair" means a vehicle which:

(a) Can carry a wheelchair;

(b) Is propelled by an engine which produces not more than 3 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;

(c) Is designed to travel on not more than three wheels; and

(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.

➥ The term does not include a tractor.

Sec. 3.3. NRS 482.215 is hereby amended to read as follows:

482.215 1. ~~[All]~~ ***Except as otherwise provided in section 1 of this act, all*** applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle or the registered owner of the vehicle; or

(3) In another form satisfactory to the Department.

➥ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 3.7. NRS 482.216 is hereby amended to read as follows:

482.216 1. ~~[Upon]~~ ***Except as otherwise provided in section 1 of this act, upon*** the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection ~~[4;]~~ ***5;*** and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. ***The provisions of this section do not apply to the registration of a moped pursuant to section 1 of this act.***

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, ***moped,*** trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable of the township in which the motor vehicle is located or a justice of the peace or a deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 4.5. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070 and subsections 6 ***,*** ~~[and]~~ 7 ~~[,]~~ ***and 8,*** every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

8. A moped being registered pursuant to section 1 of this act must be taxed for the purposes of the governmental services tax for only the 12-month period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 5. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle ***or moped*** and one license plate for all other vehicles required to be registered hereunder. ~~[Upon]~~ ***Except as otherwise provided in section 1 of this act, upon*** renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the

issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to NRS 482.37901.

Sec. 6. NRS 482.272 is hereby amended to read as follows:

482.272 ***1.*** Each license plate for a motorcycle ***or moped*** may contain a number of characters, including numbers and letters, as determined necessary by the Director. Only one plate may be issued for a motorcycle ~~.~~ ***or moped.***

2. The Department shall ensure that the license plate for a moped is distinct in appearance from the license plate for a motorcycle. Such distinction may be provided by, without limitation, the size, color or design of the plate. A license plate produced pursuant to this subsection is not required to have displayed upon it the month and year the registration expires.

Sec. 7. NRS 482.275 is hereby amended to read as follows:

482.275 1. The license plates for a motor vehicle other than a motorcycle ***, moped*** or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2, one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.

2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:

(a) One license plate must be attached to the motor vehicle in the rear; and

(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.

3. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:

(a) Retain the other license plate; and

(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.

4. Every license plate must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

5. Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 8. NRS 482.280 is hereby amended to read as follows:

482.280 1. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of $2 for each vehicle registration

renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

5. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 8.2. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees.

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

(a) A duplicate number plate or a substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

(a) A substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and

(b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Signs a declaration that the plates were stolen; and

(b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 ***or 8*** of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full period of registration.

Sec. 8.4. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The Department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of such license plates.

2. The Department shall issue personalized prestige license plates, upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers, except that such plates may not be issued for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 ~~.~~ ***or a moped registered pursuant to section 1 of this act.***

3. Except as otherwise provided in NRS 482.2065, personalized prestige license plates are valid for 12 months and are renewable upon expiration. These plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter.

4. In case of any conflict, the person who first made application for personalized prestige license plates and has continuously renewed them by payment of the required fee has priority.

5. The Department may limit by regulation the number of letters and numbers used and prohibit the use of inappropriate letters or combinations of letters and numbers.

6. The Department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 8.5. NRS 482.381 is hereby amended to read as follows:

482.381 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance..... $35

(b) For a renewal sticker 10

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to ***paragraph (b) of subsection 1 of*** NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 8.52. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ***paragraph (b) of subsection 1 of*** NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 8.54. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ***paragraph (b) of subsection 1 of*** NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 8.56. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ***paragraph (b) of subsection 1 of*** NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 8.6. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, ~~[and]~~ full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 ~~[,]~~ ***and mopeds registered pursuant to section 1 of this act,*** upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive. The term includes the successor, if any, of a charitable organization.

Sec. 9. NRS 482.384 is hereby amended to read as follows:

482.384 1. Upon the application of a person with a permanent disability, the Department may issue special license plates for a vehicle, including a motorcycle ~~[,]~~ ***or moped,*** registered by the applicant pursuant to this chapter. The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability. The issuance of a special license plate to a person with a permanent disability pursuant to this

subsection does not preclude the issuance to such a person of a special parking placard for a vehicle other than a motorcycle ***or moped*** or a special parking sticker for a motorcycle ***or moped*** pursuant to subsection 6.

2. Every year after the initial issuance of special license plates to a person with a permanent disability, the Department shall require the person to renew the special license plates in accordance with the procedures for renewal of registration pursuant to this chapter. The Department shall not require a person with a permanent disability to include with the application for renewal a statement from a licensed physician certifying that the person is a person with a permanent disability.

3. Upon the application of an organization which provides transportation for a person with a permanent disability, disability of moderate duration or temporary disability, the Department may issue special license plates for a vehicle registered by the organization pursuant to this chapter, or the Department may issue special parking placards to the organization pursuant to this section to be used on vehicles providing transportation to such persons. The application must include a statement from the organization certifying that:

(a) The vehicle for which the special license plates are issued is used primarily to transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities; or

(b) The organization which is issued the special parking placards will only use such placards on vehicles that actually transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities.

4. The Department may charge a fee for special license plates issued pursuant to this section not to exceed the fee charged for the issuance of license plates for the same class of vehicle.

5. Special license plates issued pursuant to this section must display the international symbol of access in a color which contrasts with the background and is the same size as the numerals and letters on the plate.

6. Upon the application of a person with a permanent disability or disability of moderate duration, the Department may issue:

(a) A special parking placard for a vehicle other than a motorcycle ~~[.]~~ ***or moped.*** Upon request, the Department may issue one additional placard to an applicant to whom special license plates have not been issued pursuant to this section.

(b) A special parking sticker for a motorcycle ~~[.]~~ ***or moped.***

➥ The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability or disability of moderate duration.

7. A special parking placard issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a blue background;

(b) Have an identification number and date of expiration of:

(1) If the special parking placard is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking placard is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance;

(c) Have placed or inscribed on it the seal or other identification of the Department; and

(d) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

8. A special parking sticker issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which complies with any applicable federal standards, is centered on the sticker and is white on a blue background;

(b) Have an identification number and a date of expiration of:

(1) If the special parking sticker is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking sticker is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance; and

(c) Have placed or inscribed on it the seal or other identification of the Department.

9. Before the date of expiration of a special parking placard or special parking sticker issued to a person with a permanent disability or disability of moderate duration, the person shall renew the special parking placard or special parking sticker. If the applicant for renewal is a person with a disability of moderate duration, the applicant must include with the application for renewal a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk, and that such disability, although not irreversible, is estimated to last longer than 6 months. A person with a permanent disability is not required to submit evidence of a continuing disability with the application for renewal.

10. The Department, or a city or county, may issue, and charge a reasonable fee for, a temporary parking placard for a vehicle other than a motorcycle ***or moped*** or a temporary parking sticker for a motorcycle ***or moped*** upon the application of a person with a temporary disability. Upon request, the Department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

(a) That the applicant has a temporary disability; and

(b) The estimated period of the disability.

11. A temporary parking placard issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background;

(b) Have an identification number and a date of expiration; and

(c) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

12. A temporary parking sticker issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the sticker and is white on a red background; and

(b) Have an identification number and a date of expiration.

13. A temporary parking placard or temporary parking sticker is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months. If the temporary disability continues after the period for which the physician has certified the disability, the person with the temporary disability must renew the temporary parking placard or temporary parking sticker before the temporary parking placard or temporary parking sticker expires. The person with the temporary disability shall include with the application for renewal a statement from a licensed physician certifying that the applicant continues to be a person with a temporary disability and the estimated period of the disability.

14. A special or temporary parking placard must be displayed in the vehicle when the vehicle is parked by hanging or attaching the placard to the rearview mirror of the vehicle. If the vehicle has no rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

15. Upon issuing a special license plate pursuant to subsection 1, a special or temporary parking placard, or a special or temporary parking sticker, the Department, or the city or county, if applicable, shall issue a letter to the applicant that sets forth the name and address of the person with a permanent disability, disability of moderate duration or temporary disability to whom the special license plate, special or temporary parking placard or special or temporary parking sticker has been issued and:

(a) If the person receives special license plates, the license plate number designated for the plates; and

(b) If the person receives a special or temporary parking placard or a special or temporary parking sticker, the identification number and date of expiration indicated on the placard or sticker.

➥ The letter, or a legible copy thereof, must be kept with the vehicle for which the special license plate has been issued or in which the person to whom the special or temporary parking placard or special or temporary parking sticker has been issued is driving or is a passenger.

16. A special or temporary parking sticker must be affixed to the windscreen of the motorcycle ~~,~~ ***or moped.*** If the motorcycle ***or moped*** has no windscreen, the sticker must be affixed to any other part of the motorcycle ***or moped*** which may be easily seen when the motorcycle ***or moped*** is parked.

17. Special or temporary parking placards, special or temporary parking stickers, or special license plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

18. No person, other than the person certified as being a person with a permanent disability, disability of moderate duration or temporary disability,

or a person actually transporting such a person, may use the special license plate or plates or a special or temporary parking placard, or a special or temporary parking sticker issued pursuant to this section to obtain any special parking privileges available pursuant to this section.

19. Any person who violates the provisions of subsection 18 is guilty of a misdemeanor.

20. The Department may review the eligibility of each holder of a special parking placard, a special parking sticker or special license plates, or any combination thereof. Upon a determination of ineligibility by the Department, the holder shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department.

21. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9.3. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, ***and section 1 of this act,*** the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or

interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, no refund may be allowed by the Department.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040 and ~~[subsection]~~ ***subsections*** 7 ***and 8*** of NRS 482.260, ***and section 1 of this act,*** if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 10. NRS 482.451 is hereby amended to read as follows:

482.451 1. The Department shall, upon receiving an order from a court to suspend the registration of each motor vehicle that is registered to or owned by a person pursuant to NRS 484C.520, suspend the registration of each such motor vehicle for 5 days and require the return to the Department of the license plates of each such motor vehicle.

2. If the registration of a motor vehicle of a person is suspended pursuant to this section, the person shall immediately return the certificate of registration and the license plates to the Department.

3. The period of suspension of the registration of a motor vehicle that is suspended pursuant to this section begins on the effective date of the suspension as set forth in the notice thereof.

4. The Department shall reinstate the registration of a motor vehicle that was suspended pursuant to this section and reissue the license plates of the motor vehicle only upon the payment of the fee for reinstatement of registration prescribed in subsection ~~[10]~~ ***11*** of NRS 482.480.

5. The suspension of the registration of a motor vehicle pursuant to this section does not prevent the owner of the motor vehicle from selling or otherwise transferring an interest in the motor vehicle.

Sec. 11. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State General Fund for

credit to the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372.

5. ***For every moped, a one-time fee for registration of $33.***

6. For each transfer of registration, a fee of $6 in addition to any other fees.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection 6 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

~~[7.]~~ ***8.*** For every travel trailer, a fee for registration of $27.

~~[8.]~~ ***9.*** For every permit for the operation of a golf cart, an annual fee of $10.

~~[9.]~~ ***10.*** For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

~~[10.]~~ ***11.*** To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451 or 482.458, a fee of $33.

~~[11.]~~ ***12.*** For each vehicle for which the registered owner has indicated his or her intention to opt in to making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or subsection 4 of NRS 482.280, a contribution of $2. The contribution must be distributed to the appropriate county pursuant to NRS 482.1825.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of $250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces,

➥ must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of $250 for violation" or similar words indicating that the minimum fine for parking in such a space is $250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➥ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➥ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle ***,*** ~~[or]~~ motorcycle ***or moped*** displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle ~~[,]~~ ***or moped,*** or is being picked up or dropped off by the driver of the vehicle ***,*** ~~[or]~~ motorcycle ~~[,]~~ ***or moped,*** at the time that the vehicle ***,*** ~~[or]~~ motorcycle ***or moped*** is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $250.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.

Sec. 14. NRS 485.185 is hereby amended to read as follows:

485.185 ~~[Every]~~

1. Except as otherwise provided in subsection 2, every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:

~~[1.]~~ ***(a)*** In the amount of $15,000 for bodily injury to or death of one person in any one accident;

~~[2.]~~ ***(b)*** Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

~~[3.]~~ ***(c)*** In the amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The provisions of this section do not apply to a moped.

Sec. 15. NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection ~~[6]~~ *7* of NRS 482.480.

6. If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating

circumstances or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection ~~[6]~~ ***7*** of NRS 482.480; or

(b) Remove the suspension of the registration without the payment of a fee or administrative fine.

➥ The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 15.19. **NRS 248.320 is hereby amended to read as follows:**

248.320 ~~[No]~~ ***Except as otherwise provided in subsection 5 of section 1 of this act, no*** other fees shall be charged by sheriffs than those specifically set forth in this chapter, nor shall fees be charged for any other services than those mentioned in this chapter.

Sec. 15.2. NRS 371.040 is hereby amended to read as follows:

371.040 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** the annual amount of the basic governmental services tax throughout the State is 4 cents on each $1 of valuation of the vehicle as determined by the Department.

2. A full trailer or semitrailer registered pursuant to subsection 3 of NRS 482.483 is subject to the basic governmental services tax in the nonrefundable amount of $86 each time such a full trailer or semitrailer is registered pursuant to subsection 3 of NRS 482.483.

3. The amount of the basic governmental services tax imposed on a moped registered pursuant to section 1 of this act is 4 cents on each $1 of valuation of the moped as determined by the Department at the time of registration.

Sec. 15.4. NRS 371.060 is hereby amended to read as follows:

371.060 1. Except as otherwise provided in subsection 2 and subsection 2 of NRS 371.040 ~~[,]~~ ***and section 1 of this act,*** each vehicle must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	95 percent
2 years	85 percent
3 years	75 percent
4 years	65 percent
5 years	55 percent
6 years	45 percent
7 years	35 percent

8 years	25 percent
9 years or more	15 percent

2. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ***and 3*** of NRS 371.040, each bus, truck or truck-tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	85 percent
2 years	69 percent
3 years	57 percent
4 years	47 percent
5 years	38 percent
6 years	33 percent
7 years	30 percent
8 years	27 percent
9 years	25 percent
10 years or more	23 percent

3. Notwithstanding any other provision of this section, the minimum amount of the governmental services tax:

(a) On any trailer having an unladen weight of 1,000 pounds or less is $3; and

(b) On any other vehicle is $16.

4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the Department and has never been registered with the appropriate agency of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.

Sec. 15.6. NRS 371.070 is hereby amended to read as follows:

371.070 Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ***and 3*** of NRS 371.040, upon the registration for the first time in this State after the beginning of the period of registration of a vehicle which is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or which has a declared gross weight in excess of 26,000 pounds, the amount of the governmental services tax must be reduced one-twelfth for each month which has elapsed since the beginning of the period of registration.

Sec. 15.8. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including,

but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must provide for the exemption from such standards of ~~[a]~~ ***:***

(a) A moped registered pursuant to section 1 of this act; and

(b) A vehicle for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

➥ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 15.9. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 16. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. For all other purposes, on:

(a) January 1, 2017; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 15.9 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act,

➥ whichever occurs first.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 887 makes two changes to Senate Bill 404. It provides that in a county where the Department of Motor Vehicles [DMV] does not have an office, the owner of a moped may take the moped to the sheriff of that county or to a DMV location in another county for an inspection. It adds Senator Hammond and Assemblymen O'Neill and Silberkraus as joint sponsors of this bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 825.

AN ACT relating to public retirement systems; providing that certain members of public retirement systems who are convicted of or plead guilty or nolo contendere to certain felonies forfeit, with limited exceptions, all rights and benefits under the relevant system; amending the amount of postretirement increases for persons who become members of public retirement systems on or after July 1, 2015; providing an additional benefit option for a surviving spouse or survivor beneficiary of a police officer or firefighter killed in the line of duty or other member killed in the course of employment, judicial service or legislative service ~~[,]~~ **on or after July 1, 2013;** amending the age of eligibility to receive retirement benefits for persons, other than police officers or firefighters, who become members of the Public Employees' Retirement System or Judicial Retirement Plan on or after July 1, 2015; revising provisions relating to the calculation of the years of service of certain members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System; providing, with ~~[a]~~ limited ~~[exception,]~~ **exceptions,** that the purchase of service credit cannot be used to reduce the number of years of service a member of each respective retirement system must earn to retire with an unreduced benefit; limiting the amount of compensation that may be used to determine retirement benefits for persons who become members of public retirement systems on or after July 1, 2015; revising the formula for calculating retirement allowances for persons who become members of certain public retirement systems on or after July 1, 2015; clarifying that the term "spouse" includes a domestic partner for purposes of eligibility for survivor benefits from a public retirement system; removing the expiration date of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) ~~[Retired]~~ **With certain exceptions, retired** justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges receive retirement allowances through membership in and contributions to the Judicial Retirement Plan. (Chapter 1A of NRS) **With certain exceptions,** Legislators receive retirement allowances through membership in and contributions to the Legislators' Retirement

System. (Chapter 218C of NRS) This bill makes a number of changes to these public retirement systems.

Sections 2, 17 and 26 of this bill provide that if a person becomes a member of the Public Employees' Retirement System, Judicial Retirement Plan or Legislators' Retirement System, respectively, on or after July 1, 2015, and that member is convicted of or pleads guilty or nolo contendere to certain felonies, the member forfeits, with limited exceptions, all rights and benefits under the relevant retirement system.

Existing law provides for postretirement increases for members of the Public Employees' Retirement System, Judicial Retirement Plan and Legislators' Retirement System. (NRS 1A.240, 286.571, 218C.510) **Section 3** of this bill reduces the postretirement increases for retirees who become members of the retirement systems on or after July 1, 2015.

Existing law sets forth several benefit options for surviving spouses of deceased members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System. (NRS 1A.590-1A.610, 218C.580, 286.674-286.6766) Existing law also sets forth several benefit options for survivor beneficiaries of deceased members of the Public Employees' Retirement System, the Judicial Retirement Plan and the Legislators' Retirement System if a member is unmarried on the date of the member's death. (NRS 1A.620-1A.650, 218C.580, 286.6767-286.6769) **Sections 4, 16 and 27** of this bill provide an additional benefit option for the spouse of a member who is killed in the line of duty, the course of employment, the course of judicial service or the course of legislative service, as applicable ~~[.]~~ **, on or after July 1, 2013.** This additional option authorizes the surviving spouse to receive a benefit that is equivalent to the greater of: (1) fifty percent of the salary of the member on the date of the member's death; or (2) one hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member. **Sections 4.5, 16.5 and 27.5** of this bill provide that this additional benefit option is available to a survivor beneficiary if the deceased member is unmarried on the date of the member's death. **Section 29.7 of this bill provides a method for the spouse or survivor beneficiary of a member who was killed in the line of duty, the course of employment, the course of judicial service or the course of legislative service during the period beginning on July 1, 2013, and ending on June 30, 2015, to select the additional benefit option set forth in section 4, 4.5, 16, 16.5, 27 or 27.5, as applicable.**

Under existing law, a person who becomes a member of the Public Employees' Retirement System on or after January 1, 2010, other than a police officer or firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years of service, at 62 years of age if he or she has at least 10 years of service and at any age if he or she has at least 30 years of service. (NRS 286.510) **Section 5** of this bill provides that a person who becomes a member of the System on or after July 1, 2015, other than a police officer or

firefighter, is eligible to retire at 65 years of age if he or she has at least 5 years of service, at 62 years of age if he or she has at least 10 years of service, at 55 years of age if he or she has at least 30 years of service, and at any age if he or she has at least 33 1/3 years of service. **Section 20** of this bill makes the eligibility requirements for retirement relating to age and service consistent between public employees and justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges.

Sections 5, 20 and 28 of this bill provide, respectively, that for a member of the Public Employees' Retirement System, Judicial Retirement Plan or Legislators' Retirement System, the calculation of the member's years of service for the purpose of determining the age at which the member may retire with an unreduced benefit must not include any year or part of a year of service credit purchased by the member or **, in certain circumstances,** on behalf of the member. **Sections 5, 20 and 28** provide a limited exception if the member has a family medical emergency.

Under existing law, the amount of a member's monthly retirement benefit is based on the member's compensation while employed, subject to certain limitations. (NRS 1A.390, 1A.400, 1A.410, 286.535, 286.537, 286.551, 218C.520, 218C.530) **Sections 6, 21 and 29** of this bill limit the amount of compensation used to determine the retirement benefit of a person who becomes a member of a public retirement system on or after July 1, 2015, to $200,000, plus certain adjustments based on changes in the Consumer Price Index.

Under existing law, the monthly retirement allowance for a person who became a member of the Public Employees' Retirement System on or after January 1, 2010, is calculated by multiplying a member's average compensation, over the member's 36 consecutive months of highest compensation, by 2.5 percent for every year of service earned. (NRS 286.551) **Section 7** of this bill provides that the monthly retirement allowance for each person who has an effective date of membership on or after July 1, 2015, other than a police officer or firefighter, will be determined by multiplying the member's average compensation by 2.25 percent for every year of service with the member's eligibility for service credit ceasing at 33 1/3 years of service.

Under existing law, members of the Judicial Retirement Plan do not pay contributions into the Plan. (NRS 1A.180) **Section 15** of this bill requires members of the Plan who have an effective date of membership on or after July 1, 2015, to pay 50 percent of the required contributions to the Plan.

Under existing law, the monthly retirement allowance for a member of the Judicial Retirement Plan is calculated by multiplying a member's average compensation, over the member's 36 consecutive months of highest compensation, by 3.4091 percent for every year of service earned. (NRS 1A.440) **Section 22** of this bill provides that the monthly retirement allowance for each person who has an effective date of membership on or after July 1, 2015, will be determined by multiplying the member's average compensation by 3.1591 percent for every year of service.

Sections 10, 14, 24 and 27 of this bill clarify that the term "spouse" includes a domestic partner for purposes of determining eligibility to receive survivor benefits from a public retirement system.

Existing law provides that a retired public employee who accepts employment or an independent contract with a public employer under the Public Employees' Retirement System is disqualified under certain circumstances from receiving allowances under the System for the duration of that employment or contract. (NRS 286.520) Existing law also provides an exception to this disqualification if the retired public employee fills a position for which there is a critical labor shortage. (NRS 286.523) This exception is scheduled to expire on June 30, 2015. (Chapter 346, Statutes of Nevada 2009, p. 1550) **Sections 29.6 and 29.8** of this bill remove the expiration date of this exception.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 286 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsections 2 and 3, a member who is convicted of or pleads guilty or nolo contendere to any felony involving:***

(a) Accepting or giving, or offering to give, any bribe;

(b) Embezzlement of public money;

(c) Extortion or theft of public money;

(d) Perjury; or

(e) Conspiracy to commit any crime set forth in paragraphs (a) to (d), inclusive,

➥ and arising directly out of his or her duties as an employee, forfeits all rights and benefits under the System.

2. Upon a conviction described in subsection 1, the System must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.

3. The provisions of subsections 1 and 2 apply only to persons who become members of the System on or after July 1, 2015.

Sec. 3. ***1. For a person who retires and who has an effective date of membership on or after July 1, 2015, allowances or benefits must be increased once each year on the first day of the month immediately following the anniversary date the person began receiving the allowance or benefit:***

(a) By 2 percent following the 3rd, 4th and 5th anniversaries of the commencement of benefits.

(b) By 2.5 percent following the 6th, 7th and 8th anniversaries of the commencement of benefits.

(c) By the lesser of 3 percent or the increase, if any, in the Consumer Price Index (All Items) published by the United States Department of Labor for

the preceding calendar year following the 9th anniversary of the commencement of benefits and each year thereafter.

2. The base from which the increase provided by this section must be calculated is the allowance or benefit in effect on the day before the increase becomes effective.

Sec. 4. *1. The spouse of a member who is a police officer or firefighter killed in the line of duty on or after July 1, 2013, or the spouse of any other member killed in the course of employment on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:*

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.

3. The spouse may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.674;

(c) NRS 286.676;

(d) NRS 286.6765; or

(e) NRS 286.6766.

4. For the purposes of this section, the Board shall define by regulation "killed in the line of duty" and "killed in the course of employment."

Sec. 4.5. *1. Except as otherwise provided in subsection 2, the survivor beneficiary of a member who is a police officer or firefighter killed in the line of duty on or after July 1, 2013, or the survivor beneficiary of any other member killed in the course of employment on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:*

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. If the member had designated one or more payees in addition to the survivor beneficiary pursuant to NRS 286.6767, the monthly allowance to which a survivor beneficiary is entitled pursuant to subsection 1 must be divided between the survivor beneficiary and any additional payees in the proportion designated by the member pursuant to NRS 286.6767.

3. The benefits provided by this section must be paid to the survivor beneficiary for the remainder of the survivor beneficiary's life.

4. The survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 286.67675;

(c) NRS 286.6768;

(d) NRS 286.67685; or

(e) NRS 286.6769.

5. For the purposes of this section, the Board shall define by regulation "killed in the line of duty" and "killed in the course of employment."

6. As used in this section, "survivor beneficiary" means a person designated pursuant to NRS 286.6767.

Sec. 5. NRS 286.510 is hereby amended to read as follows:

286.510 1. Except as otherwise provided in subsections 2 and 3, a member of the System:

(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the member has at least 5 years of service, at age 60 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(b) Who has an effective date of membership on or after January 1, 2010, ***and before July 1, 2015,*** is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(c) Who has an effective date of membership on or after July 1, 2015, is eligible to retire at age 65 if the member has at least 5 years of service, at age 62 if the member has at least 10 years of service, at age 55 if the member has at least 30 years of service and at any age if the member has at least 33 1/3 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a member pursuant to subsection 2 or 3 of NRS 286.300 or purchased on behalf of the member pursuant to subsection 4 of NRS 286.300 or as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a member unless the member has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a member who has a family medical emergency.

2. A police officer or firefighter:

(a) Who has an effective date of membership before January 1, 2010, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 55 if the police officer or firefighter has at least 10 years of service, at age 50 if the police officer or firefighter has at least 20 years of service and at any age if the police officer or firefighter has at least 25 years of service.

(b) Who has an effective date of membership on or after January 1, 2010, ***and before July 1, 2015,*** is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or

firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service.

(c) Who has an effective date of membership on or after July 1, 2015, is eligible to retire at age 65 if the police officer or firefighter has at least 5 years of service, at age 60 if the police officer or firefighter has at least 10 years of service and at age 50 if the police officer or firefighter has at least 20 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a police officer or firefighter pursuant to subsection 2 or 3 of NRS 286.300 or subsection 7 of NRS 286.367 or purchased on behalf of the police officer or firefighter as authorized by NRS 286.3005 and subsections 1 and 2 of NRS 286.3007 must not be considered in determining the number of years of service of a police officer or firefighter unless the police officer or firefighter has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a police officer or firefighter who has a family medical emergency.

➥ Only service performed in a position as a police officer or firefighter, established as such by statute or regulation, service performed pursuant to subsection 3 and credit for military service, may be counted toward eligibility for retirement pursuant to this subsection.

3. Except as otherwise provided in subsection 4, a police officer or firefighter who has at least 5 years of service as a police officer or firefighter and is otherwise eligible to apply for disability retirement pursuant to NRS 286.620 because of an injury arising out of and in the course of the police officer's or firefighter's employment remains eligible for retirement pursuant to subsection 2 if:

(a) The police officer or firefighter applies to the Board for disability retirement and the Board approves the police officer's or firefighter's application;

(b) In lieu of a disability retirement allowance, the police officer or firefighter accepts another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled as soon as practicable but not later than 90 days after the Board approves the police officer's or firefighter's application for disability retirement;

(c) The police officer or firefighter remains continuously employed by that public employer until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2; and

(d) After the police officer or firefighter accepts a position pursuant to paragraph (b), the police officer's or firefighter's contributions are paid at the rate that is actuarially determined for police officers and firefighters until the police officer or firefighter becomes eligible for retirement pursuant to subsection 2.

4. If a police officer or firefighter who accepted another position with the public employer with which the police officer or firefighter was employed when the police officer or firefighter became disabled pursuant to subsection 3 ceases to work for that public employer before becoming eligible to retire pursuant to subsection 2, the police officer or firefighter may begin to receive a disability retirement allowance without further approval by the Board by notifying the Board on a form prescribed by the Board.

5. Eligibility for retirement, as provided in this section, does not require the member to have been a participant in the System at the beginning of the police officer's or firefighter's credited service.

6. Any member who has the years of creditable service necessary to retire but has not attained the required age, if any, may retire at any age with a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 286.537, a retirement benefit pursuant to this subsection must be reduced:

(a) If the member has an effective date of membership before January 1, 2010, by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age.

(b) If the member has an effective date of membership on or after January 1, 2010, by 6 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.5 percent for each additional month that the member is under the appropriate retirement age.

➥ Any option selected pursuant to this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 6. NRS 286.535 is hereby amended to read as follows:

286.535 Notwithstanding any other provision of law, the amount of compensation used to determine the retirement benefit of a member of the System must not exceed:

1. For persons who first became members of the System before July 1, 1996, the limitation provided by section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as that section existed on July 1, 1993.

2. For persons who first became members of the System on or after July 1, 1996, ***and before July 1, 2015,*** the limitation provided by section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as that section existed on July 1, 1996.

3. For persons who first became members of the System on or after July 1, 2015, the lesser of:

(a) The limitation provided by section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as that section existed on July 1, 2015; or

(b) Two hundred thousand dollars. The limitation set forth in this paragraph must be adjusted by the Board every year by an amount equal to

the average percentage increase in the Consumer Price Index (All Items) for the immediately preceding 3-year period.

Sec. 7. NRS 286.551 is hereby amended to read as follows:

286.551 Except as otherwise required as a result of NRS 286.535 or 286.537:

1. Except as otherwise provided in subsection 2:

(a) For a member who has an effective date of membership before January 1, 2010, a monthly service retirement allowance must be determined by multiplying ~~[a]~~ ***the*** member's average compensation by 2.5 percent for each year of service earned before July 1, 2001, and 2.67 percent for each year of service earned on or after July 1, 2001.

(b) ***For a member who is a police officer or firefighter and who has an effective date of membership on or after January 1, 2010, a monthly service retirement allowance must be determined by multiplying the member's average compensation by 2.5 percent for each year of service earned.***

(c) For a member who ***is not a police officer or firefighter and who*** has an effective date of membership on or after January 1, 2010, ***and before July 1, 2015,*** a monthly service retirement allowance must be determined by multiplying ~~[a]~~ ***the*** member's average compensation by 2.5 percent for each year of service earned.

(d) For a member who is not a police officer or firefighter and who has an effective date of membership on or after July 1, 2015, a monthly service retirement allowance must be determined by multiplying the member's average compensation by 2.25 percent for each year of service earned.

2. A member:

(a) ***Who is not a police officer or firefighter and who has an effective date of membership on or after July 1, 2015, is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 33 1/3 years of service.***

(b) Who ***is not a police officer or firefighter and who*** has an effective date of membership on or after July 1, 1985, ***and before July 1, 2015,*** is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 30 years of service.

~~[(b)]~~ ***(c) Who is a police officer or firefighter and who has an effective date of membership on or after July 1, 1985, is entitled to a benefit of not more than 75 percent of the member's average compensation with the member's eligibility for service credit ceasing at 30 years.***

(d) Who has an effective date of membership before July 1, 1985, and retires on or after July 1, 1977, is entitled to a benefit of not more than 90 percent of the member's average compensation with the member's eligibility for service credit ceasing at 36 years of service.

➥ In no case may the service retirement allowance determined pursuant to this section be less than the allowance to which the retired employee would have been entitled pursuant to the provisions of this section which were in effect on the day before July 3, 1991.

3. For the purposes of this section, except as otherwise provided in subsections 4, 5 and 6, "average compensation" means the average of a member's 36 consecutive months of highest compensation as certified by the public employer.

4. Except as otherwise provided in subsection 5, for an employee who becomes a member of the System on or after January 1, 2010, the following limits must be observed when calculating the member's average compensation based on a 60-month period that commences 24 months immediately preceding the 36 consecutive months of highest compensation:

(a) The compensation for the 13th through the 24th months may not exceed the actual compensation amount for the 1st through the 12th months by more than 10 percent;

(b) The compensation for the 25th through the 36th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (a); or

(2) The actual compensation amount for the 13th through the 24th months;

(c) The compensation for the 37th through the 48th months may not exceed by more than 10 percent the lesser of:

(1) The maximum compensation amount allowed pursuant to paragraph (b); or

(2) The actual compensation amount for the 25th through the 36th months; and

(d) The compensation for the 49th through the 60th months may not exceed by more than 10 percent the lesser of:

(1) The maximum average compensation amount allowed pursuant to paragraph (c); or

(2) The actual compensation amount for the 37th through the 48th months.

5. Compensation attributable to a promotion and assignment-related compensation must be excluded when calculating the limits pursuant to subsection 4.

6. The average compensation of a member who has a break in service or partial months of compensation, or both, as a result of service as a Legislator during a regular or special session of the Nevada Legislature must be calculated on the basis of the average of the member's 36 consecutive months of highest compensation as certified by the member's public employer excluding each month during any part of which the Legislature was in session. This subsection does not affect the computation of years of service.

7. The retirement allowance for a regular part-time employee must be computed from the salary which the employee would have received as a full-time employee if it results in greater benefits for the employee. A regular part-time employee is a person who works half-time or more, but less than full-time:

(a) According to the regular schedule established by the employer for the employee's position; and

(b) Pursuant to an established agreement between the employer and the employee.

Sec. 8. NRS 286.571 is hereby amended to read as follows:

286.571 1. Except as otherwise provided in subsection 2, for a person who retires and who has an effective date of membership on or after January 1, 2010, ***and before July 1, 2015,*** allowances or benefits must be increased once each year on the first day of the month immediately following the anniversary of the date the person began receiving the allowance or benefit, by the lesser of:

(a) Two percent following the 3rd anniversary of the commencement of benefits, 3 percent following the 6th anniversary of the commencement of benefits, 3.5 percent following the 9th anniversary of the commencement of benefits, 4 percent following the 12th anniversary of the commencement of benefits and each year thereafter; or

(b) The average percentage of increase in the Consumer Price Index (All Items) for the 3 preceding years, unless a different index is substituted by the Board.

2. In any event, the allowance or benefit of a member must be increased by the percentages set forth in paragraph (a) of subsection 1 if the allowance or benefit of a member has not increased at a rate greater than or equal to the average of the Consumer Price Index (All Items), unless a different index is substituted by the Board, for the period between the date of the member's retirement and the date specified in subsection 1.

3. The Board may use a different index for the calculation made pursuant to paragraph (b) of subsection 1 if:

(a) The substituted index is compiled and published by the United States Department of Labor; and

(b) The Board determines that the substituted index represents a more accurate measurement of the cost of living for retired employees.

4. The base from which the increase provided by this section must be calculated is the allowance or benefit in effect on the day before the increase becomes effective.

Sec. 9. NRS 286.5756 is hereby amended to read as follows:

286.5756 1. ~~[A]~~ ***Except as otherwise provided in NRS 286.571 and section 3 of this act, a*** person is entitled to the increase provided in this section if the person began receiving an allowance or benefit:

(a) Before September 1, 1983, and has received the allowance or benefit for at least 6 continuous months in the 12 months preceding the effective date of the increase; or

(b) At least 3 years before the increase.

2. Except as otherwise provided in subsection 3, allowances or benefits increase once each year on the first day of the month immediately following

the anniversary of the date the person began receiving the allowance or benefit, by the lesser of:

(a) Two percent following the 3rd anniversary of the commencement of benefits, 3 percent following the 6th anniversary of the commencement of benefits, 3.5 percent following the 9th anniversary of the commencement of benefits, 4 percent following the 12th anniversary of the commencement of benefits and 5 percent following the 14th anniversary of the commencement of benefits; or

(b) The average percentage of increase in the Consumer Price Index (All Items) for the 3 preceding years, unless a different index is substituted by the Board.

3. In any event, the allowance or benefit of a member must be increased by the percentages set forth in paragraph (a) of subsection 2 if the allowance or benefit of a member has not increased at a rate greater than or equal to the average of the Consumer Price Index (All Items), unless a different index is substituted by the Board, for the period between the date of the member's retirement and the date specified in subsection 2.

4. The Board may use a different index for the calculation made pursuant to paragraph (b) of subsection 2 if:

(a) The substituted index is compiled and published by the United States Department of Labor; and

(b) The Board determines that the substituted index represents a more accurate measurement of the cost of living for retired employees.

5. The base from which the increase provided by this section must be calculated is the allowance or benefit in effect on the day before the increase becomes effective.

Sec. 10. NRS 286.671 is hereby amended to read as follows:

286.671 As used in NRS 286.671 to 286.679, inclusive ~~[:]~~ ***, and sections 4 and 4.5 of this act:***

1. "Child" means an unmarried person under 18 years of age who is the issue or legally adopted child of a deceased member. As used in this subsection, "issue" means the progeny or biological offspring of the deceased member.

2. "Dependent parent" means the surviving parent of a deceased member who was dependent upon the deceased member for at least 50 percent of the surviving parent's support for at least 6 months immediately preceding the death of the deceased member.

3. ***"Domestic partner" means a person who is in a domestic partnership that is registered pursuant to chapter 122A of NRS, and that has not been terminated pursuant to that chapter.***

4. "Spouse" means the surviving husband or wife ***or domestic partner*** of a deceased member.

Sec. 11. NRS 286.672 is hereby amended to read as follows:

286.672 1. Except as otherwise provided in subsection 3 ~~[,]~~ ***and sections 4 and 4.5 of this act,*** if a deceased member had 2 years of accredited

contributing service in the 2 1/2 years immediately preceding the member's death or was a regular, part-time employee who had 2 or more years of creditable contributing service before and at least 1 day of contributing service within 6 months immediately preceding the member's death, or if the employee had 10 or more years of accredited contributing service, certain of the deceased member's dependents are eligible for payments as provided in NRS 286.671 to 286.679, inclusive ~~.~~ ***, and sections 4 and 4.5 of this act.*** If the death of the member resulted from a mental or physical condition which required the member to leave the employ of a participating public employer or go on leave without pay, eligibility pursuant to the provisions of this section extends for 18 months after the member's termination or commencement of leave without pay.

2. If the death of a member occurs while the member is on leave of absence granted by the member's employer for further training and if the member met the requirements of subsection 1 at the time the member's leave began, certain of the deceased member's dependents are eligible for payments as provided in subsection 1.

3. If the death of a member is caused by an occupational disease or an accident arising out of and in the course of the member's employment, no prior contributing service is required to make the deceased member's dependents eligible for payments pursuant to NRS 286.671 to 286.679, inclusive, ***and sections 4 and 4.5 of this act,*** except that this subsection does not apply to an accident occurring while the member is traveling between the member's home and the member's principal place of employment or to an accident or occupational disease arising out of employment for which no contribution is made.

4. As used in this section, "dependent" includes a survivor beneficiary designated pursuant to NRS 286.6767.

Sec. 12. NRS 286.679 is hereby amended to read as follows:

286.679 1. If payments to a beneficiary pursuant to NRS 286.671 to 286.679, inclusive, ***and sections 4 and 4.5 of this act,*** cease before the total contributions of a deceased member have been paid in benefits, and there is no person entitled to receive such benefits pursuant to any provision of this chapter, the surplus of such contributions over the benefits actually received may be paid in a lump sum to:

(a) The beneficiary whom the deceased member designated for this purpose in writing on a form approved by the System.

(b) If no such designation was made or the person designated is deceased, the beneficiary who previously received the payments.

(c) If no payment may be made pursuant to paragraphs (a) and (b), the persons entitled as heirs or residuary legatees to the estate of the deceased member.

2. A lump-sum payment made pursuant to this section fully discharges the obligations of the System.

Sec. 13. Chapter 1A of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 17, inclusive, of this act.

Sec. 14. ***"Domestic partner" means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.***

Sec. 15. ***For members of the Judicial Retirement Plan who have an effective date of membership on or after July 1, 2015:***

1. A member must pay 50 percent of the total contribution rate that is actuarially determined for members of the Judicial Retirement Plan pursuant to NRS 1A.180.

2. The amount described in subsection 1 must be deducted from each payroll during the period of the member's membership in the Judicial Retirement Plan and transmitted to the Board at intervals designated and upon forms prescribed by the Board. The contributions must be paid on compensation earned by a member from the member's first day of service.

3. The Judicial Retirement Plan shall guarantee to each member the return of at least the total contributions which the member has made and which were credited to the member's individual account. These contributions may be returned to the member, the member's estate or beneficiary or a combination thereof in monthly benefits, a lump-sum refund or both. The relevant provisions of NRS 286.430 apply to a member of the Judicial Retirement Plan who withdraws his or her contributions to the Plan pursuant to this section.

Sec. 16. ***1. The spouse of a member killed in the course of judicial service on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:***

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.

3. The spouse may elect to receive the benefits by any one of the following only:

(a) This section;

(b) NRS 1A.590;

(c) NRS 1A.600; or

(d) NRS 1A.610.

4. For the purposes of this section, the Board shall define by regulation "killed in the course of judicial service."

Sec. 16.5. ***1. Except as otherwise provided in subsection 2, the survivor beneficiary of a member of the Judicial Retirement Plan killed in the course of judicial service on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:***

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. If the member had designated one or more payees in addition to the survivor beneficiary pursuant to NRS 1A.620, the monthly allowance to which a survivor beneficiary is entitled pursuant to subsection 1 must be divided between the survivor beneficiary and any additional payees in the proportion designated by the member pursuant to NRS 1A.620.

3. The benefits provided by this section must be paid to the survivor beneficiary for the remainder of the beneficiary's life.

4. The survivor beneficiary may elect to receive the benefits provided by any one of the following only:

(a) This section;

(b) NRS 1A.630;

(c) NRS 1A.640; or

(d) NRS 1A.650.

5. For the purposes of this section, the Board shall define by regulation "killed in the course of judicial service."

6. As used in this section, "survivor beneficiary" means a person designated pursuant to NRS 1A.620.

Sec. 17. ***1. Except as otherwise provided in subsections 2 and 3, a member of the System who is convicted of or pleads guilty or nolo contendere to any felony involving:***

(a) Accepting or giving, or offering to give, any bribe;

(b) Embezzlement of public money;

(c) Extortion or theft of public money;

(d) Perjury; or

(e) Conspiracy to commit any crime set forth in paragraphs (a) to (d), inclusive,

➥ and arising directly out of his or her duties in judicial service, forfeits all rights and benefits under the System.

2. Upon a conviction described in subsection 1, the System must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.

3. The provisions of subsections 1 and 2 apply only to persons who become members of the System on or after July 1, 2015.

Sec. 18. NRS 1A.160 is hereby amended to read as follows:

1A.160 1. The Judicial Retirement Fund is hereby established as a trust fund.

2. It is hereby declared to be the policy of the Legislature that the Judicial Retirement Fund is established to afford a degree of security to long-time justices of the Supreme Court, judges of the Court of Appeals, district judges, justices of the peace and municipal judges in this State. The money in the Fund

must not be used or appropriated for any purpose incompatible with the provisions of this chapter or NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive. The Fund must be invested and administered to ensure the highest return consistent with safety in accordance with accepted investment practices.

3. All money appropriated by the Legislature to the Judicial Retirement Fund, all money submitted to the System for deposit in the Fund pursuant to NRS 1A.180 ***and section 15 of this act,*** and all income accruing to the Fund from all other sources must be deposited in the Fund.

4. The interest and income earned on the money in the Judicial Retirement Fund, after deducting any applicable charges, must be credited to the Fund.

5. The System must pay all retirement allowances, benefits, optional settlements and other obligations or payments payable by the System pursuant to this chapter and NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, and 3.090 to 3.099, inclusive, from the Judicial Retirement Fund. The money in the Fund must be expended by the Board for the payment of expenses authorized by law to be paid from the Fund.

Sec. 19. NRS 1A.180 is hereby amended to read as follows:

1A.180 ***Except as otherwise provided in section 15 of this act:***

1. The Court Administrator shall submit to the System for deposit in the Judicial Retirement Fund on behalf of each justice of the Supreme Court, judge of the Court of Appeals or district judge who is a member of the System the percentage of compensation of the member that is determined by the actuary of the System to be required to pay the normal cost incurred in making payments for such members pursuant to subsection 5 of NRS 1A.160 and the administrative expenses of the System that are attributable to such members. Such payments must be:

(a) Accompanied by payroll reports that include information deemed necessary by the Board to carry out its duties; and

(b) Received by the System not later than 15 days after the calendar month for which the compensation and service credits of members of the System are reported and certified by the Court Administrator. The compensation must be reported separately for each month that it is paid.

2. The State of Nevada shall make an appropriation to the Court Administrator and the Court Administrator shall pay to the System for deposit in the Judicial Retirement Fund from any fund created for the purpose of paying pension benefits to justices of the Supreme Court, judges of the Court of Appeals or district judges an amount as the contribution of the State of Nevada as employer which is actuarially determined to be sufficient to provide the System with enough money to pay the benefits for justices of the Supreme Court, judges of the Court of Appeals and district judges for which the System will be liable.

3. Upon the participation of a justice of the peace or municipal judge in the Judicial Retirement Plan pursuant to NRS 1A.285, the county or city shall submit to the System for deposit in the Judicial Retirement Fund on behalf of

each justice of the peace or municipal judge who is a member of the System the percentage of compensation of the member that is determined by the actuary of the System to be required to pay the normal cost incurred in making payments for such members pursuant to subsection 5 of NRS 1A.160 and the administrative expenses of the System that are attributable to such members. Such payments must be:

(a) Accompanied by payroll reports that include information deemed necessary by the Board to carry out its duties; and

(b) Received by the System not later than 15 days after the calendar month for which the compensation and service credits of members of the System are reported and certified by the county or city. The compensation must be reported separately for each month that it is paid.

4. Upon the participation of a justice of the peace or municipal judge in the Judicial Retirement Plan pursuant to NRS 1A.285, the county or city shall pay to the System for deposit in the Judicial Retirement Fund an amount as the contribution of the county or city as employer which is actuarially determined to be sufficient to provide the System with enough money to pay the benefits for justices of the peace and municipal judges for which the System will be liable.

5. Except as otherwise provided in this subsection, the total contribution rate that is actuarially determined for members of the Judicial Retirement Plan must be adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report. The adjusted rate must be rounded to the nearest one-quarter of 1 percent. The total contribution rate must not be adjusted pursuant to this subsection if the existing rate is within one-half of 1 percent of the actuarially determined rate.

Sec. 20. NRS 1A.350 is hereby amended to read as follows:

1A.350 1. A member of the Judicial Retirement Plan ***:***

(a) Who has an effective date of membership before July 1, 2015, is eligible to retire at the age of 65 years if the member has at least 5 years of service, at the age of 60 years if the member has at least 10 years of service and at any age if the member has at least 30 years of service.

(b) Who has an effective date of membership on or after July 1, 2015, is eligible to retire at the age of 65 years if the member has at least 5 years of service, at the age of 62 years if the member has at least 10 years of service ***,*** ~~***[and]***~~ ***at*** ***the*** ***age*** ***of*** ***55*** ***years*** ***if the member has at least 30 years of service and at any age if the member has at least 33 1/3 years of service. For the purposes of this paragraph, any year or part of a year of service purchased pursuant to NRS 1A.310 by a member of the Judicial Retirement Plan who has an effective date of membership on or after July 1, 2015, must not be considered in determining the number of years of service of the member unless the member has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical***

emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a member who has a family medical emergency.

2. Any member of the Judicial Retirement Plan who has the years of creditable service necessary to retire, but has not attained the required age, if any, may retire at any age with a benefit actuarially reduced to the required retirement age. Except as otherwise required as a result of NRS 1A.410, a retirement benefit pursuant to this subsection must be reduced by 4 percent of the unmodified benefit for each full year that the member is under the appropriate retirement age, and an additional 0.33 percent for each additional month that the member is under the appropriate retirement age. Any option selected pursuant to this subsection must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 21. NRS 1A.400 is hereby amended to read as follows:

1A.400 Notwithstanding any other provision of law, the amount of compensation used to determine the retirement benefit of a member of the Judicial Retirement Plan must not exceed ***:***

1. If the member has an effective date of membership before July 1, 2015, the limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. § 401(a)(17).

2. If the member has an effective date of membership on or after July 1, 2015, the lesser of:

(a) The limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. § 401(a)(17); or

(b) Two hundred thousand dollars. The limitation set forth in this paragraph must be adjusted by the Board every year by an amount equal to the average percentage increase in the Consumer Price Index (All Items) for the immediately preceding 3-year period.

Sec. 22. NRS 1A.440 is hereby amended to read as follows:

1A.440 Except as otherwise required as a result of NRS 1A.400 or 1A.410:

1. Except as otherwise provided in this subsection, a monthly service retirement allowance must be determined by multiplying a member of the Judicial Retirement Plan's average compensation ~~[by]~~ ***:***

(a) If the member has an effective date of membership before July 1, 2015, by 3.4091 percent for each year of service, except that a member of the Plan is entitled to a benefit of not more than 75 percent of the member's average compensation.

(b) If the member has an effective date of membership on or after July 1, 2015, by 3.1591 percent for each year of service, except that a member of the Plan is entitled to a benefit of not more than 75 percent of the member's average compensation.

2. For the purposes of this section, "average compensation" means the average of a member of the Plan's 36 consecutive months of highest compensation as certified by the Court Administrator if the member is a justice of the Supreme Court, a judge of the Court of Appeals or a district judge, by the county if the member is a justice of the peace or by the city if the member is a municipal judge.

Sec. 23. NRS 1A.530 is hereby amended to read as follows:

1A.530 As used in NRS 1A.530 to 1A.670, inclusive, ***and sections 14, 16 and 16.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 1A.540, 1A.550 and 1A.560 ***and section 14 of this act*** have the meanings ascribed to them in those sections.

Sec. 24. NRS 1A.560 is hereby amended to read as follows:

1A.560 "Spouse" means the surviving husband**,** ~~[or]~~ wife ***or domestic partner*** of a deceased member of the Judicial Retirement Plan.

Sec. 25. Chapter 218C of NRS is hereby amended by adding thereto the provisions set forth as sections 26, 27 and 27.5 of this act.

Sec. 26. ***1. Except as otherwise provided in subsections 2 and 3, a Legislator who is a member of the Legislators' Retirement System who is convicted of or pleads guilty or nolo contendere to any felony involving:***

(a) Accepting or giving, or offering to give, any bribe;

(b) Embezzlement of public money;

(c) Extortion or theft of public money;

(d) Perjury; or

(e) Conspiracy to commit any crime set forth in paragraphs (a) to (d), inclusive,

➥ and arising directly out of his or her duties in legislative service, forfeits all rights and benefits under the System.

2. Upon a conviction described in subsection 1, the Legislators' Retirement System must return to the member, without interest, all contributions which the member has made and which were credited to the member's individual account.

3. The provisions of subsections 1 and 2 apply only to Legislators who become members of the Legislators' Retirement System on or after July 1, 2015.

Sec. 27. ***1. The spouse of a Legislator who is a member of the Legislators' Retirement System killed in the course of legislative service on or after July 1, 2013, is entitled to receive a monthly allowance equivalent to the greater of:***

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the spouse for the remainder of the spouse's life.

3. The spouse may elect to receive the benefits by any one of the following only:

(a) This section; or

(b) NRS 218C.580.

4. For the purposes of this section, the Board shall define by regulation "killed in the course of legislative service."

5. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership which is registered pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(b) "Spouse" means the surviving husband, wife or domestic partner of a Legislator killed in the course of legislative service.

Sec. 27.5. ***1. If a Legislator who is a member of the Legislators' Retirement System is killed in the course of legislative service on or after July 1, 2013, and does not have at the time of his or her death a spouse, as that term is defined in section 27 of this act, the survivor of the member is entitled to receive a monthly allowance equivalent to the greater of:***

(a) Fifty percent of the salary of the member on the date of the member's death; or

(b) One hundred percent of the retirement allowance that the member was eligible to receive based on the member's years of service obtained before the member's death without any reduction for age for the deceased member.

2. The benefits provided by this section must be paid to the survivor for the remainder of his or her life.

3. The survivor may elect to receive the benefits provided by any one of the following only:

(a) This section; or

(b) NRS 218C.580.

4. For the purposes of this section, the Board shall define by regulation "killed in the course of legislative service."

Sec. 28. NRS 218C.450 is hereby amended to read as follows:

218C.450 1. The minimum requirement for retirement is ***:***

(a) For a Legislator who has an effective date of membership before July 1, 2015, 10 years of accredited service ~~.~~ ***; and***

(b) For a Legislator who has an effective date of membership on or after July 1, 2015, 10 years of service. For the purposes of this paragraph, any year or part of a year of service purchased by a Legislator pursuant to NRS 218C.370 must not be considered in determining the number of years of service of the Legislator unless the Legislator has a family medical emergency. For the purposes of this paragraph, the Board shall define by regulation "family medical emergency" and set forth by regulation the circumstances in which purchased service credit may be considered in determining the number of years of service of a Legislator who has a family medical emergency.

➥ A lapse in service as a Legislator does not operate to forfeit any retirement rights accrued before the lapse.

2. A Legislator who meets ~~[this requirement]~~ ***the requirements of subsection 1*** may retire:

(a) At the age of 60 years or older with a full allowance.

(b) At any age less than 60 years with an allowance or benefit actuarially reduced to the age of 60 years. Except as otherwise required as a result of NRS 218C.340, an allowance or benefit under this paragraph must be reduced by 6 percent of the unmodified amount for each full year that the member is under the age of 60 years, and an additional 0.5 percent for each additional month that the member is under the age of 60 years. Any option selected must be reduced by an amount proportionate to the reduction provided in this subsection for the unmodified allowance or benefit. The Board may adjust the actuarial reduction based upon an experience study of the System and recommendation by the actuary.

Sec. 29. NRS 218C.530 is hereby amended to read as follows:

218C.530 Notwithstanding any other provision of law, the amount of compensation used to determine the retirement benefit of a member of the Legislators' Retirement System must not exceed ***:***

1. If the member has an effective date of membership before July 1, 2015, the limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. 401(a)(17).

2. If the member has an effective date of membership on or after July 1, 2015, the lesser of:

(a) The limitation provided by section 401(a)(17) of the Internal Revenue Code, 26 U.S.C. 401(a)(17); or

(b) Two hundred thousand dollars. The limitation set forth in this paragraph must be adjusted by the Board every year by an amount equal to the average percentage increase in the Consumer Price Index (All Items) for the immediately preceding 3-year period.

Sec. 29.3. NRS 218C.580 is hereby amended to read as follows:

218C.580 1. The provisions of NRS 286.671 to 286.679, inclusive, ***and sections 4 and 4.5 of this act,*** except NRS 286.6775, relating to benefits for survivors pursuant to the Public Employees' Retirement System, are applicable to the dependents of a Legislator who is a member of the Legislators' Retirement System, and the benefits for the survivors must be paid by the Board following the death of the Legislator to the persons entitled thereto from the Legislators' Retirement Fund.

2. It is declared that of the contributions required by subsections 1 and 2 of NRS 218C.390, one-half of 1 percent must be regarded as costs incurred in benefits for survivors.

Sec. 29.6. Section 8 of chapter 346, Statutes of Nevada 2009, at page 1550, is hereby amended to read as follows:

Sec. 8. ~~[1.]~~ This section and sections 1 to 6, inclusive, of this act become effective upon passage and approval.

~~[2. Section 7 of this act becomes effective on June 30, 2015.]~~

Sec. 29.7. **1. If, during the period beginning on July 1, 2013, and ending on June 30, 2015, a police officer or firefighter was killed in the line of duty, any other member of the Public Employees' Retirement System was killed in the course of employment, a member of the Judicial Retirement Plan was killed in the course of judicial service or a member of the Legislators' Retirement System was killed in the course of legislative service, the spouse, survivor beneficiary or survivor of such person may elect to receive payments provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable. Such an election:**

(a) Is not reversible; and

(b) Must be made on or before the date set forth by the Public Employees' Retirement Board. The date set forth by the Board must provide the spouse, survivor beneficiary or survivor a reasonable amount of time to make such an election.

2. If the spouse, surviving beneficiary or survivor makes an election pursuant to subsection 1 to receive payments provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, the spouse, survivor beneficiary and any additional payee or survivor:

(a) Is eligible to receive the payments provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, beginning on July 1, 2015. Except as otherwise provided in subparagraph (1) of paragraph (b), payments pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, must be made retroactive to July 1, 2015.

(b) Is not eligible to:

(1) Continue to receive the payments provided pursuant to NRS 1A.590, 1A.600, 1A.610, 1A.630, 1A.640, 1A.650, 218C.580, 286.674, 286.676, 286.6765, 286.6766, 286.67675, 286.6768, 286.67685 or 286.6769, as applicable. Any payment made pursuant to such provisions on or after July 1, 2015, must be credited against the amount of retroactive payment that the spouse, survivor beneficiary, additional payee or survivor receives pursuant to paragraph (a).

(2) Receive retroactive payment of the benefits provided pursuant to section 4, 4.5, 16, 16.5, 27 or 27.5 of this act, as applicable, for the period beginning on the date of the death of the police officer, firefighter or other member and ending on June 30, 2015.

3. Immediately upon the effective date of this section, the Public Employees' Retirement Board shall send notice of the provisions of this section by certified mail to the spouse, survivor beneficiary or survivor of each police officer or firefighter killed in the line of duty, any other member of the Public Employees' Retirement System killed in the course of employment, a member of the Judicial Retirement Plan killed in the course of judicial service or a member of the Legislators' Retirement System killed in the course of legislative service during the period beginning on July 1, 2013, and ending on June 30, 2015.

4. For purposes of this section, the Public Employees' Retirement Board shall define by regulation "killed in the line of duty," "killed in the course of employment," "killed in the course of judicial service" and "killed in the course of legislative service."

Sec. 29.8. Section 7 of chapter 346, Statutes of Nevada 2009, at page 1550, is hereby repealed.

Sec. 30. 1. This section and sections 29.6 **, 29.7** and 29.8 of this act become effective upon passage and approval.

2. **Sections 4, 4.5, 16, 16.5, 27 and 27.5 of this act become effective:**

(a) Upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On July 1, 2015, for all other purposes.

3. Sections 1 ~~[to 29.3, inclusive,]~~ **, 2, 3, 5 to 15, inclusive, 17 to 26, inclusive, 28, 29 and 29.3** of this act become effective on July 1, 2015.

TEXT OF REPEALED SECTION

Section 7 of chapter 346, Statutes of Nevada 2009:

Sec. 7. NRS 286.523 is hereby repealed.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment clarifies that service credit buyouts, purchased by the state for the purpose of workforce reductions, can be used in the calculation of postretirement benefits. The opt-in date for the additional survivor benefit option proposed in the bill is changed to June 1, 2013.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 861.

AN ACT relating to civil actions; ~~[revising provisions governing the dismissal of certain claims based on the right to petition and the right to free speech under certain circumstances;]~~ revising provisions relating to special motions to dismiss ~~[such claims; repealing provisions authorizing]~~ certain ~~[monetary awards in proceedings related to special motions to dismiss such]~~ claims ~~[.]~~ **based upon the right to petition and the right to free speech under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions to deter frivolous or vexatious lawsuits (Strategic Lawsuits Against Public Participation, commonly known as "SLAPP lawsuits"). (Chapter 387, Statutes of Nevada 1997, p. 1363; NRS 41.635-41.670) A SLAPP lawsuit is characterized as a meritless suit filed

primarily to discourage the named defendant's exercise of First Amendment rights. "The hallmark of a SLAPP lawsuit is that it is filed to obtain a financial advantage over one's adversary by increasing litigation costs until the adversary's case is weakened or abandoned." (*Metabolic Research, Inc. v. Ferrel*, 693 F.3d 795, 796 n.1 (9th Cir. 2012))

Existing law provides that a person who engages in good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is immune from civil liability for claims based upon that communication. (NRS 41.650) ~~[Section 4 of this bill defines, for the purposes of statutory provisions concerning SLAPP lawsuits, an issue of public concern as any topic that concerns the general public beyond a mere curiosity or general interest. Section 12 of this bill provides that any cause of action arising from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is subject to a special motion to dismiss.~~

~~Section 5 of this bill requires a special motion to dismiss to be filed within 20 days after service of the complaint, and to be limited to the issue of whether the claim arises from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. If the court determines that such a claim does not arise from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, section 6 of this bill requires the court to deny the special motion to dismiss. If the court determines that the claim does arise from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, section 7 of this bill requires the plaintiff to establish prima facie evidence supporting each and every element of the claim other than elements requiring proof of the subjective intent or knowledge of the defendant. Section 7 further requires the court to determine whether the plaintiff has established such prima facie evidence within 20 judicial days after the plaintiff's filing of briefs and supporting evidence.~~

~~Section 8 of this bill provides that, if a court determines that the plaintiff established prima facie evidence of each and every element of its claim other than elements requiring proof of the subjective intent or knowledge of the defendant, the court must deny the special motion to dismiss. If the court determines that the defendant filed the special motion to dismiss in bad faith, section 8 requires the court to award the plaintiff reasonable attorney's fees and costs. If a court determines that the plaintiff has not established the required prima facie evidence, section 9 of this bill requires the court to dismiss the claim and award the defendant reasonable attorney's fees and costs.~~

~~Section 15 of this bill repeals provisions authorizing additional awards of compensation when a court dismisses a claim arising from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.]~~ **Existing law also provides that if an action is brought against a person based upon such good faith**

communication, the person may file a special motion to dismiss the claim. If a special motion to dismiss is filed, the court must first determine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. If the court determines that the moving party has met this burden, the court must then determine whether the person who brought the claim has established by clear and convincing evidence a probability of prevailing on the claim. While the court's ruling on the special motion to dismiss is pending and while the disposition of any appeal from that ruling is pending, the court must stay discovery. (NRS 41.660)

Section 13 of this bill revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. Section 13 increases from 7 days to 20 judicial days the time within which a court must rule on a special motion to dismiss. Section 13 also authorizes limited discovery for the purposes of allowing a party to obtain certain information necessary to meet or oppose the burden of the party who brought the claim to establish by clear and convincing evidence a probability of prevailing on the claim. Finally, section 13 authorizes the court to modify certain deadlines upon a finding that such a modification would serve the interests of justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9.5, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. The Legislature finds and declares that:*~~

~~*(a) Meritless lawsuits that arise from the public's exercise of the right to petition for the redress of grievances and the right of free speech as it relates to matters of public concern are Strategic Lawsuits Against Public Participation, commonly known as SLAPP suits; and*~~

~~*(b) Such lawsuits have a chilling effect on the exercise of such rights.*~~

~~*2. The Legislature reaffirms its support of the provisions of Section 9 of Article 1 of the Nevada Constitution which provide for the rights of every citizen of this State to freely speak, write and publish his or her thoughts on all subjects, while being responsible for the abuse of such rights.*~~

~~*3. To avoid the chilling effect of meritless SLAPP suits while still providing a remedy when free speech rights have been abused, it is the Legislature's intent to provide for the early termination of SLAPP suits.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[NRS 41.635 to 41.660, inclusive, and sections 2 to 9.5, inclusive, of this act may be referred to as the Nevada anti-SLAPP Law.]*~~ **(Deleted by amendment.)**

Sec. 3.5. ~~*["Defendant" means any person against whom a claim is asserted, including, without limitation, a counterclaim or cross-claim.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*["Issue of public concern" means any topic that concerns not only the speaker and the speaker's audience, but the general public, and is not merely a subject of curiosity or general interest.]*~~ **(Deleted by amendment.)**

Sec. 4.5. ~~*["Plaintiff" means any person asserting a claim, including, without limitation, a counterclaim or cross-claim.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. A special motion to dismiss filed pursuant to NRS 41.660 must be:*~~

~~*(a) Filed within 20 days after service of the complaint, unless the court provides an extension of time for good cause shown; and*~~

~~*(b) Limited to the issue of whether the claim arises from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.*~~

~~*2. The plaintiff has 10 judicial days to file an opposition to a special motion to dismiss filed pursuant to subsection 1, and the defendant has 5 judicial days to reply to such an opposition.*~~

~~*3. Within 20 judicial days after service of a special motion filed pursuant to subsection 1, the court shall hear and determine whether the defendant has established, by a preponderance of the evidence, that the claim arises from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. The court shall enter written findings of fact and conclusions of law on the record supporting the determination of the court.*~~

~~*4. Except as otherwise provided in this subsection, all discovery must be stayed pending a ruling by the court on a special motion to dismiss filed pursuant to subsection 1. Upon a showing by the plaintiff that information necessary to oppose the special motion to dismiss is in the possession of the defendant or a third party and is not reasonably available to the plaintiff without discovery, the court shall allow limited discovery for the purpose of ascertaining such information. The court may modify briefing and hearing schedules for the special motion to dismiss to accommodate limited discovery pursuant to this subsection.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. If the court determines that a claim does not arise from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, the court shall deny the special motion to dismiss.*~~

~~*2. If the court determines that the defendant filed the special motion to dismiss without a reasonable basis to contend that the claim arose from a*~~

~~*communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, the court must award the plaintiff reasonable attorney's fees and costs incurred in opposing the special motion to dismiss.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. If the court determines that the claim arises from a communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, the plaintiff has 15 judicial days after the court enters an order making such a determination to file such briefs, declarations and evidence necessary to establish prima facie evidence supporting each and every element of the claim, except such elements that require proof of the subjective intent or knowledge of the defendant.*~~

~~*2. The defendant has 10 judicial days to file an opposition to briefs, declarations and evidence filed pursuant to subsection 1, and the plaintiff has 5 judicial days to reply to such an opposition.*~~

~~*3. Within 20 judicial days after the plaintiff serving the briefs, declarations and evidence required pursuant to subsection 1, the court shall:*~~

~~*(a) Determine whether the plaintiff has established prima facie evidence of each and every element of the claim, except such elements that require proof of the subjective intent or knowledge of the defendant; and*~~

~~*(b) Enter written findings of fact and conclusions of law on the record supporting the determination of the court.*~~

~~*4. Except as otherwise provided in this subsection, all discovery must be stayed pending a ruling by the court on whether the plaintiff has established prima facie evidence of each and every element of the claim, except such elements that require proof of the subjective intent or knowledge of the defendant pursuant to subsection 1. Upon a showing by the plaintiff that the information necessary to make such a prima facie showing is in the possession of the defendant or a third party and is not reasonably available to the plaintiff without discovery, the court shall allow limited discovery for the purpose of ascertaining such information. The court may modify briefing and hearing schedules for the special motion to dismiss to accommodate limited discovery pursuant to this subsection.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. If the court determines that the plaintiff has established prima facie evidence of each and every element of its claim, except such elements that require proof of the subjective intent or knowledge of the defendant, the court shall deny the special motion to dismiss.*~~

~~*2. If the court determines that the defendant filed the special motion to dismiss in bad faith, the court shall award the plaintiff reasonable attorney's fees and costs incurred in opposing the special motion to dismiss.*~~

~~*3. The court shall ensure that a determination made pursuant to this section:*~~

~~*(a) Will not be admitted as evidence at any later stage of the underlying action or subsequent proceeding; or*~~

~~*(b) Will not affect the burden of proof required in the underlying action or subsequent proceeding.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. If the court determines that the plaintiff has not established prima facie evidence of each and every element of the claim except such elements that require proof of the subjective intent or knowledge of the defendant, the court shall dismiss the claim and award the defendant reasonable attorney's fees and costs incurred in bringing the special motion to dismiss.*~~

~~*2. If the court dismisses the action pursuant to subsection 1, the dismissal operates as an adjudication upon the merits.]*~~ **(Deleted by amendment.)**

Sec. 9.5. ~~*[If the court denies a special motion to dismiss filed pursuant to NRS 41.660, an interlocutory appeal lies to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 41.635 is hereby amended to read as follows:~~

~~41.635 As used in NRS 41.635 to [41.670,]~~ ***41.660,*** inclusive, ~~***and sections 2 to 9.5, inclusive, of this act,***~~ unless the context otherwise requires, the words and terms defined in NRS 41.637 and 41.640 ~~***and sections 3.5, 4 and 4.5 of this act***~~ have the meanings ascribed to them in those sections.~~]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 41.637 is hereby amended to read as follows:~~

~~41.637 [~~"Good faith communication~~]~~ ~~***"Communication***~~ in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern" means any:

~~1. Communication that is aimed at procuring any governmental or electoral action, result or outcome;~~

~~2. Communication of information or a complaint to a Legislator, officer or employee of the Federal Government, this state or a political subdivision of this state, regarding a matter reasonably of concern to the respective governmental entity;~~

~~3. Written or oral statement made in direct connection with an issue under consideration by a legislative, executive or judicial body, or any other official proceeding authorized by law; or~~

~~4. Communication made in direct connection with an issue of public [interest]~~ ~~***concern***~~ ~~in a place open to the public or in a public forum. [,~~

~~* which is truthful or is made without knowledge of its falsehood.]]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 41.650 is hereby amended to read as follows:~~

~~41.650 A~~ ~~***cause of action against a***~~ person ~~[who engages in a good faith]~~ ~~***arising from a***~~ communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern ~~[is immune from any civil action for claims based upon the communication.]~~ ~~***is subject to a special motion to dismiss, and that motion must be granted by***~~

~~*the court unless the plaintiff establishes that the claim is not meritless pursuant to section 8 of this act.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 41.660 is hereby amended to read as follows:

41.660 1. If an action is brought against a person based upon ~~*[arising from]*~~ a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern:

(a) ~~*[1.]*~~ The person against whom the action is brought may file a special motion to dismiss; and

(b) ~~*[2.]*~~ The Attorney General or the chief legal officer or attorney of a political subdivision of this State may defend or otherwise support the person against whom the action is brought. If the Attorney General or the chief legal officer or attorney of a political subdivision has a conflict of interest in, or is otherwise disqualified from, defending or otherwise supporting the person, the Attorney General or the chief legal officer or attorney of a political subdivision may employ special counsel to defend or otherwise support the person.

2. A special motion to dismiss must be filed within 60 days after service of the complaint, which period may be extended by the court for good cause shown.

3. If a special motion to dismiss is filed pursuant to subsection 2, the court shall:

(a) Determine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern;

(b) If the court determines that the moving party has met the burden pursuant to paragraph (a), determine whether the plaintiff has established by clear and convincing evidence a probability of prevailing on the claim;

(c) If the court determines that the plaintiff has established a probability of prevailing on the claim pursuant to paragraph (b), ensure that such determination will not:

(1) Be admitted into evidence at any later stage of the underlying action or subsequent proceeding; or

(2) Affect the burden of proof that is applied in the underlying action or subsequent proceeding;

(d) Consider such evidence, written or oral, by witnesses or affidavits, as may be material in making a determination pursuant to paragraphs (a) and (b);

(e) ~~[Stay]~~ ***Except as otherwise provided in subsection 4, stay*** discovery pending:

(1) A ruling by the court on the motion; and

(2) The disposition of any appeal from the ruling on the motion; and

(f) Rule on the motion within ~~[7]~~ ***20*** judicial days after the motion is served upon the plaintiff.

4. ***Upon a showing by a party that information necessary to meet or oppose the burden pursuant to paragraph (b) of subsection 3 is in the possession of another party and is not reasonably available without***

discovery, the court shall allow limited discovery for the purpose of ascertaining such information.

5. If the court dismisses the action pursuant to a special motion to dismiss filed pursuant to subsection 2, the dismissal operates as an adjudication upon the merits.

6. The court may modify any briefing or hearing deadlines pursuant to this section or any other deadlines relating to a complaint filed pursuant to this section upon a finding that such modification would serve the interests of justice.

7. As used in this section:

(a) "Complaint" means any action brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, including, without limitation, a counterclaim or cross-claim.

(b) "Plaintiff" means any person asserting a claim, including, without limitation, a counterclaim or cross-claim.

Sec. 14. The amendatory provisions of this act apply to an action commenced on or after October 1, 2015.

Sec. 15. ~~[~~NRS 41.670 is hereby repealed.~~]~~ **(Deleted by amendment.)** ~~[~~

~~TEXT OF REPEALED SECTION~~

~~41.670 Award of reasonable costs, attorney's fees and monetary relief under certain circumstances; separate action for damages; sanctions for frivolous or vexatious special motion to dismiss; interlocutory appeal.~~

~~1. If the court grants a special motion to dismiss filed pursuant to NRS 41.660:~~

~~(a) The court shall award reasonable costs and attorney's fees to the person against whom the action was brought, except that the court shall award reasonable costs and attorney's fees to this State or to the appropriate political subdivision of this State if the Attorney General, the chief legal officer or attorney of the political subdivision or special counsel provided the defense for the person pursuant to NRS 41.660.~~

~~(b) The court may award, in addition to reasonable costs and attorney's fees awarded pursuant to paragraph (a), an amount of up to $10,000 to the person against whom the action was brought.~~

~~(c) The person against whom the action is brought may bring a separate action to recover:~~

~~(1) Compensatory damages;~~

~~(2) Punitive damages; and~~

~~(3) Attorney's fees and costs of bringing the separate action.~~

~~2. If the court denies a special motion to dismiss filed pursuant to NRS 41.660 and finds that the motion was frivolous or vexatious, the court shall award to the prevailing party reasonable costs and attorney's fees incurred in responding to the motion.~~

~~— 3. In addition to reasonable costs and attorney's fees awarded pursuant to subsection 2, the court may award:~~

~~— (a) An amount of up to $10,000; and~~

~~— (b) Any such additional relief as the court deems proper to punish and deter the filing of frivolous or vexatious motions.~~

~~— 4. If the court denies the special motion to dismiss filed pursuant to NRS 41.660, an interlocutory appeal lies to the Supreme Court.]~~

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment deletes several sections of the bill and allows for limited, reciprocal discovery by a respondent or moving party on a motion to dismiss under the statute. Any discovery is limited to ascertaining such information necessary to meet or oppose the special motion to dismiss. It also alters the timeline for a response and ruling on the motion to dismiss from 7 days in the current statute to 20 judicial days.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 471.

Bill read second time and ordered to third reading.

Senate Bill No. 472.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 782.

SUMMARY—Revises provisions relating to ~~[counties and cities.]~~ **certain local governments.** (BDR 20-1114)

AN ACT relating to local governments; prohibiting a county**_,** ~~[or]~~ incorporated city **or regional transportation commission** from creating, maintaining or displaying ~~[in any format]~~ a comprehensive model or map of the physical location of all or a substantial portion of the facilities ~~[or critical infrastructure]~~ of a public utility, public water system or video service provider; ~~[authorizing]~~ **providing that the prohibition does not limit the authority of** a county**_,** ~~[or]~~ city **or regional transportation commission** to require a public utility, public water system ~~[,]~~ **or** video service provider ~~[or any other person]~~ to disclose information relating to the physical location of the facilities ~~[or critical infrastructure]~~ of ~~[a]~~ **the** public utility, public water system or video service provider ~~[only under certain circumstances;]~~ **to facilitate certain public projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a county**,** ~~[and]~~ incorporated city**,** ~~[,]~~ **or regional transportation commission,** respectively, from creating, maintaining or displaying ~~[in any format, including, without limitation, a digital or electronic format,]~~ a comprehensive model or map of the location of all or a substantial portion of the facilities ~~[or critical infrastructure]~~ of a public utility, public water system or video service provider. This bill further ~~[authorizes]~~ **provides that the prohibition does not limit the authority of** a county**,** ~~[or]~~ city **or regional transportation system** to require a public utility, public water system or video service provider ~~[or any other person]~~ to provide information to the county**,** ~~[or]~~ city **or commission** relating to the physical location of the facilities ~~[or critical infrastructure]~~ of the public utility, public water system or video service provider ~~[pursuant to certain agreements executed between the public utility, public water system, video service provider or person and the county or city, respectively.]~~ **to facilitate certain public projects.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county, including, without limitation, any board ~~[,]~~ or planning agency ~~[or other political subdivision]~~ of the county, shall not create, maintain or display ~~[in any format, including, without limitation, a digital or electronic format,]~~ a comprehensive model or map of the physical location of all or a substantial portion of the facilities ~~[or critical infrastructure]~~ of a public utility, public water system or video service provider.

2. ~~[A]~~ The provisions of subsection 1 do not limit the authority of a county, including, without limitation, any board ~~[,]~~ or planning agency ~~[or other political subdivision]~~ of the county, ~~[may]~~ to require a public utility, public water system, video service provider ~~[or other person]~~ to provide information about the physical location of the facilities ~~[or critical infrastructure]~~ of the public utility, public water system or video service provider ~~[only pursuant to a franchise, right-of-way or similar occupancy agreement entered into with the public utility, public water system, video service provider or other person.]~~ for the purpose of facilitating a public work.

3. As used in this section:

(a) ~~["Critical infrastructure" means any asset of a public utility, public water system or video service provider that is essential for the operation of the public utility, public water system or video service provider, as applicable.~~

~~(b)~~ "Public utility" has the meaning ascribed to it in NRS 704.020.

~~[(c)]~~ (b) "Public water system" has the meaning ascribed to it in NRS 445A.235 ~~[.]~~, except the term does not include a water system that is owned or operated by the county.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An incorporated city, including, without limitation, any board ~~[,]~~ or planning agency ~~[or other political subdivision]~~ of the city, shall not create, maintain or display ~~[in any format, including, without limitation, a digital or electronic format,]~~ a comprehensive model or map of the physical location of all or a substantial portion of the facilities ~~[or critical infrastructure]~~ of a public utility, public water system or video service provider.

2. ~~[An]~~ The provisions of subsection 1 do not limit the authority of an incorporated city, including, without limitation, any board ~~[,]~~ or planning agency ~~[or other political subdivision]~~ of the city, ~~[may]~~ to require a public utility, public water system ~~[,]~~ or video service provider ~~[or other person]~~ to provide information about the physical location of the facilities ~~[or critical infrastructure]~~ of the public utility, public water system or video service provider ~~[only pursuant to a franchise, right-of-way or similar occupancy agreement entered into with the public utility, public water system, video service provider or other person.]~~ for the purpose of facilitating a public work or a public improvement project pursuant to a franchise agreement.

3. As used in this section:

(a) ~~["Critical infrastructure" means any asset of a public utility, public water system or video service provider that is essential for the operation of the public utility, public water system or video service provider, as applicable.~~

~~(b)~~ "Public utility" has the meaning ascribed to it in NRS 704.020 ~~.~~

~~(c)~~ , except the term does not include a sewer system that is owned or operated by the city.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235 ~~.~~ , except the term does not include a sewer system that is owned or operated by the city.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 3.5. **Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A commission shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of a commission to require a public utility, public water system or video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a project.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment adds regional transportation commissions to the provisions of the bill and clarifies the authority of local governments to require the submission of information related to utilities infrastructure.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 807.

AN ACT relating to vehicles; authorizing a person to apply for title to an abandoned recreational vehicle in certain circumstances; providing that a person who owns ~~[or occupies]~~ private property on which a recreational vehicle has been abandoned has a lien on the recreational vehicle; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such a vehicle. After providing notice to the owner of a vehicle on which such a lien is held, the vehicle may be sold to satisfy the lien. Any proceeds from such a sale in excess of those necessary to satisfy the lien must be returned to the owner of the vehicle. (NRS 108.270-108.367) **Section 1.4** of this bill provides that a person who owns ~~[or occupies]~~ private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle. **Sections 1 and 1.2** of this bill set forth a procedure by which a person may obtain title to a recreational vehicle abandoned on private property after attempting to provide notice to the owner.

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) **Section 2** of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle;

and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who holds a lien on an abandoned recreational vehicle pursuant to NRS 108.270 may apply to the Department for title to the abandoned recreational vehicle upon the expiration of:

(a) Thirty days after the date on which the owner ~~[or occupant]~~ of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 1 of section 1.2 of this act, if such a letter is required; or

(b) Thirty days after the date of publication of the notice required by paragraph (b) of subsection 1 of section 1.2 of this act,

↪ whichever is later.

2. An application for title to an abandoned recreational vehicle must contain:

(a) A completed application form prescribed by the Department;

(b) Proof that the letter required by paragraph (a) of subsection 1 of section 1.2 of this act was mailed at least 30 days before the submission of the application or, if no letter was sent, a detailed explanation of the steps taken to identify an owner of the abandoned recreational vehicle;

(c) Proof that notice was printed in a newspaper as required by paragraph (b) of subsection 1 of section 1.2 of this act at least 30 days before the submission of the application;

(d) A clear and accurate photograph of the abandoned recreational vehicle; and

(e) The serial number, vehicle identification number, registration number or any other identifying information relating to the abandoned recreational vehicle.

3. The Department may charge and collect a fee for issuing a certificate of title pursuant to this section, which must ~~[not exceed the actual cost to]~~ be the fee established by law for the Department ~~[of issuing]~~ to issue the certificate of title.

4. Upon receipt of the materials and information required in subsection 2 and any fees required pursuant to subsection 3, the Department shall enter the application upon the records of its office and issue the certificate of title for the abandoned recreational vehicle.

5. A person to whom a certificate of title is issued pursuant to this section is not required to provide consideration for the recreational vehicle to the owner of the recreational vehicle.

6. The Department may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.2. Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner ~~[or occupant]~~ of private property where an abandoned recreational vehicle is located who claims a lien on the abandoned recreational vehicle shall:

(a) If the abandoned recreational vehicle has a serial number, vehicle identification number, registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and provide the owner with notice of the lien by registered or certified letter to the last known address of the owner. The owner ~~[or occupant]~~ of the property where the abandoned recreational vehicle is located is not required to send a registered or certified letter if an owner cannot be located or if an address for an owner cannot be ascertained.

(b) Place a notice of the lien in a newspaper of general circulation published in the county in which the abandoned recreational vehicle is located.

2. The notice of the lien must contain:

(a) An itemized statement of the claim, showing the sum due at the time of the notice and the date when it became due.

(b) A description of the abandoned recreational vehicle and the location where the abandoned recreational vehicle was discovered and providing the serial number, vehicle identification number, registration number or any other identifying information relating to the abandoned recreational vehicle.

(c) A demand that the amount of the claim as stated in the notice, and of any further claim as may accrue, must be paid on or before a date mentioned.

(d) A statement that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 30 days after the publication date of the newspaper, the owner ~~[or occupant]~~ of the property where the abandoned recreational vehicle is located will advertise the recreational vehicle for sale and sell the recreational vehicle by auction at a specified time and place or apply for title to the recreational vehicle as prescribed in section 1 of this act.

3. The owner ~~[or occupant]~~ of the private property where the abandoned recreational vehicle is located shall determine a day for the purposes of the demand in paragraph (c) of subsection 2. The day mentioned must be:

(a) Not less than 30 days after delivery of the letter pursuant to paragraph (a) of subsection 1, if any; and

(b) Not less than 30 days after publication of the notice pursuant to paragraph (b) of subsection 1.

4. As used in this section, "private property" has the meaning ascribed to it in NRS 108.270.

Sec. 1.3. NRS 108.270 is hereby amended to read as follows:

108.270 Subject to the provisions of NRS 108.315:

1. A person engaged in the business of:

(a) Buying or selling automobiles;

(b) Keeping a garage or place for the storage, maintenance, keeping or repair of motor vehicles, motorcycles, motor equipment, trailers, mobile homes or manufactured homes, including the operator of a salvage pool; or

(c) Keeping a mobile home park, mobile home lot or other land for rental of spaces for trailers, mobile homes or manufactured homes,

➥ and who in connection therewith stores, maintains, keeps or repairs any motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home, or furnishes accessories, facilities, services or supplies therefor, at the request or with the consent of the owner or the owner's representatives, or at the direction of any peace officer or other authorized person who orders the towing or storage of any vehicle through any action permitted by law, has a lien upon the motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home or any part or parts thereof for the sum due for the towing, storing, maintaining, keeping or repairing of the motor vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home or for labor furnished thereon, or for furnishing accessories, facilities, services or supplies therefor, and for all costs incurred in enforcing such a lien.

2. Subject to the provisions of NRS 108.315, a person engaged in the business of keeping a recreational vehicle park who, at the request or with the consent of the owner of a recreational vehicle or the owner's representative, furnishes facilities or services in the recreational vehicle park for the recreational vehicle, has a lien upon the recreational vehicle for the amount of rent due for furnishing those facilities and services, and for all costs incurred in enforcing such a lien.

3. A person who at the request of the legal owner performed labor on, furnished materials or supplies or provided storage for any aircraft, aircraft equipment or aircraft parts is entitled to a lien for such services, materials or supplies and for the costs incurred in enforcing the lien.

4. ***A person who owns ~~[or occupies]~~ private property on which a recreational vehicle is abandoned has a lien upon the recreational vehicle for the amount of rent due for the use of the private property to store the recreational vehicle and for the costs incurred in enforcing the lien.***

5. Any person who is entitled to a lien as provided in subsections 1 ~~[, 2 and 3]~~ ***to 4, inclusive,*** may, without process of law, detain the motor vehicle, motorcycle, motor equipment, trailer, recreational vehicle, mobile home, manufactured home, aircraft, aircraft equipment or aircraft parts at any time it is lawfully in the person's possession until the sum due is paid.

6. As used in this section, "private property" means any property not owned by a governmental entity or devoted to public use.

Sec. 1.4. NRS 108.272 is hereby amended to read as follows:

108.272 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 1.2 of this act,*** the notice of a lien must be given by delivery in person or by

registered or certified letter addressed to the last known place of business or abode of:

(a) The legal owner and registered owner of the property.

(b) Each person who holds a security interest in the property.

(c) If the lien is on a mobile home or manufactured home, each person who is listed in the records of the Manufactured Housing Division of the Department of Business and Industry as holding an ownership or other interest in the home.

➥ If no address is known, the notice must be addressed to that person at the place where the lien claimant has his or her place of business.

2. Any person who claims a lien on aircraft, aircraft equipment or parts shall:

(a) Within 120 days after the person furnishes supplies or services; or

(b) Within 7 days after the person receives an order to release the property,

➥ whichever time is less, serve the legal owner by mailing a copy of the notice of the lien to the owner's last known address, or if no address is known, by leaving a copy with the clerk of the court in the county where the notice is filed.

3. ~~[The]~~ ***Except as otherwise provided in section 1.2 of this act, the*** notice must contain:

(a) An itemized statement of the claim, showing the sum due at the time of the notice and the date when it became due.

(b) A brief description of the motor vehicle, airplane, motorcycle, motor or airplane equipment, trailer, recreational vehicle, mobile home or manufactured home against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of any further claim as may accrue, must be paid on or before a day mentioned.

(d) A statement that unless the claim is paid within the time specified the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, trailer, recreational vehicle, mobile home or manufactured home will be advertised for sale, and sold by auction at a specified time and place.

4. The lienholder shall determine a day for the purposes of the demand in paragraph (c) of subsection 3. The day mentioned must be:

(a) Not less than 10 days after the delivery of the notice if it is personally delivered; or

(b) Not less than 10 days after the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail.

Sec. 1.5. NRS 108.290 is hereby amended to read as follows:

108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.367, inclusive, ***and section 1.2 of this act*** is the subject of a secured transaction in accordance with the laws of this State, the lien:

(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.

(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:

(1) For the first 30 days of the lien:

(I) If the amount of the lien does not exceed $1,000, is a first lien.

(II) If the amount of the lien exceeds $1,000, is a second lien.

(2) After the first 30 days of the lien:

(I) If the amount of the lien does not exceed $2,500, is a first lien.

(II) If the amount of the lien exceeds $2,500, is a second lien.

(c) In all other cases, if the amount of the lien:

(1) Does not exceed $1,000, is a first lien.

(2) Exceeds $1,000, is a second lien.

2. The lien of a landlord may not exceed $2,500 or the total amount due and unpaid for rentals and utilities, whichever is less.

Sec. 1.6. NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.315, ***and section 1.2 of this act,*** the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Manufactured Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. In accordance with the terms of a notice so given, a sale by auction may be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. The sale must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.

3. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper published in the place where the sale is to be held, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place. The sale must not be held less than 22 days after the time of the first publication.

4. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien,

including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

Sec. 1.7. NRS 108.320 is hereby amended to read as follows:

108.320 At any time before the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home is so sold ~~[,]~~ ***or before a certificate of title to an abandoned recreational vehicle is issued pursuant to section 1 of this act,*** any person claiming a right of property or possession therein may pay the lien claimant the amount necessary to satisfy the lien claimant's lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The lien claimant shall deliver the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to the person making the payment if the person is entitled to the possession of the property on payment of the charges thereon.

Sec. 1.8. NRS 108.330 is hereby amended to read as follows:

108.330 The remedy for enforcing the lien provided in NRS 108.270 to 108.367, inclusive, ***and section 1.2 of this act*** does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the lienholder's claim as is not paid by the proceeds of the sale of the property.

Sec. 1.9. NRS 108.350 is hereby amended to read as follows:

108.350 Nothing contained in NRS 108.270 to 108.367, inclusive, ***and section 1.2 of this act*** precludes:

1. The owner of any motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home; or
2. Any other person having an interest or equity in the property,

➥ from contesting the validity of the lien. All legal rights and remedies otherwise available to the person are reserved to and retained, except that, after a sale has been made to an innocent third party, the lien claimant is solely responsible for loss or damage occasioned the owner, or any other person having an interest or equity in the property, by reason of the invalidity of the lien, or by reason of failure of the lien claimant to proceed in the manner provided in those sections.

Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

A municipal solid waste landfill shall accept a recreational vehicle for disposal if:

1. The person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle, indicating that he or she is the owner.

2. Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

Sec. 3. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 444.580 is hereby amended to read as follows:

444.580 ***Except as otherwise provided in section 2 of this act:***

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~.~~ ***, and section 2 of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 807 makes two changes to Senate Bill 110. It allows the Department of Motor Vehicles to charge and collect the established fee for a certificate of title to an abandoned recreational vehicle [RV]. It removes all references authorizing an occupant of the private property from processing the request for an abandoned RV title. This provides that only a property owner may request a title and dispose of an abandoned RV.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 76.

Bill read second time and ordered to third reading.

Senate Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 928.

AN ACT relating to crimes; prohibiting a person from selling, distributing or offering to sell vapor products and alternative nicotine products to any child

under the age of 18 years; requiring the owner of a retail establishment to display a notice containing certain information whenever vapor products or alternative nicotine products are being sold or offered for sale at the establishment; **prohibiting a retailer from selling vapor products or alternative nicotine products through the use of certain types of displays;** requiring the Attorney General to conduct inspections at locations where vapor products or alternative nicotine products are sold, distributed or offered for sale as necessary to comply with any applicable federal law; imposing certain fines; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from selling, distributing or offering to sell cigarettes or smokeless products made or derived from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. (NRS 202.2493) **Section 2** of this bill applies such a prohibition to alternative nicotine products. **Section 2** also defines the term "smokeless product made or derived from tobacco."

Existing law also prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper, tobacco or products made or derived from tobacco to any child under the age of 18 years. A person who violates such a provision must pay a fine of not more than $500 and a civil penalty of not more than $500. (NRS 202.2493) **Section 2** prohibits a person from selling, distributing or offering to sell vapor products or alternative nicotine products to any child under the age of 18 years, and requires a person who violates such a provision to pay the same fine and civil penalty.

Existing law further requires the owner of a retail establishment to display a notice containing information relating to the prohibition against selling cigarettes and other tobacco products to minors whenever any product made or derived from tobacco is being sold or offered for sale at the establishment. A person who violates such a provision must pay a fine of not more than $100. (NRS 202.2493) **Section 2** requires the owner of a retail establishment to display a notice containing information relating to the prohibition against selling vapor products and alternative nicotine products to minors whenever vapor products or alternative nicotine products are being sold or offered for sale at the establishment, and requires a person who violates such a provision to pay the same fine.

Existing law generally prohibits a retailer from selling cigarettes through the use of any type of display: (1) which contains cigarettes and is located in any area to which customers are allowed access; and (2) from which cigarettes are readily accessible to a customer without the assistance of the retailer. A person who violates such a provision must pay a fine of not more than $500. (NRS 202.2493) Section 2 additionally prohibits a retailer from selling vapor products and alternative nicotine products through the use of any such type of display which contains vapor

products or alternative nicotine products, and requires a person who violates such a provision to pay the same fine.

Additionally, existing law requires the Attorney General, as necessary to comply with applicable federal law, to conduct random, unannounced inspections at locations where tobacco and products made or derived from tobacco are sold, distributed or offered for sale to inspect for and enforce compliance with certain provisions of law, including the prohibition against selling such products to a child under the age of 18 years. (NRS 202.2493, 202.2496) **Section 3** of this bill requires the Attorney General, as necessary to comply with any applicable federal law, to conduct such an inspection at locations where vapor products or alternative nicotine products are sold, distributed or offered for sale to inspect for and enforce compliance with certain provisions of law relating to the prohibition against selling vapor products and alternative nicotine products to a child under the age of 18 years, as set forth in **section 2**.

Section 1 of this bill defines the terms "vapor product" and "alternative nicotine product" for the purposes of **sections 2 and 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.2485 is hereby amended to read as follows:

202.2485 As used in NRS 202.2485 to 202.2497, inclusive:

1. ***"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. The term does not include:***

(a) A vapor product;

(b) A product made or derived from tobacco; or

(c) Any product regulated by the United States Food and Drug Administration ~~***[under]***~~ ***pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.***

2. "Distribute" includes furnishing, giving away or providing products made or derived from tobacco or samples thereof at no cost to promote the product, whether or not in combination with a sale.

~~[2.]~~ ***3.*** "Health authority" means the district health officer in a district, or his or her designee, or, if none, the Chief Medical Officer, or his or her designee.

~~[3.]~~ ***4.*** "Product made or derived from tobacco" does not include any product regulated by the United States Food and Drug Administration pursuant to ~~[Chapter]~~ ***Subchapter*** V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

5. "Vapor product":

(a) Means any noncombustible product ~~***[containing nicotine]***~~ ***that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size***

thereof, that can be used to produce vapor ~~[from nicotine]~~ or aerosol in a solution or other form.

(b) Includes, without limitation:

(1) An electronic cigarette, cigar, cigarillo or pipe or a similar product or device; and

(2) A vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo or pipe or a similar product or device.

(c) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

Sec. 2. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes **,** ~~[or]~~ ***any*** smokeless ~~[products]~~ ***product*** made or derived from tobacco ***or any alternative nicotine product*** in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100. ***As used in this subsection, "smokeless product made or derived from tobacco" means any product that consists of cut, ground, powdered or leaf tobacco and is intended to be placed in the oral or nasal cavity.***

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description **,** ~~[or]~~ products made or derived from tobacco ***, vapor products or alternative nicotine products*** to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description **,** ~~[or]~~ products made or derived from tobacco, ***vapor products or alternative nicotine products,*** the person:

(a) Demands that the other person present a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco **,** ~~[or]~~ products made or derived from tobacco ***, vapor products or alternative nicotine products,*** in the course of the child's lawful employment, provide tobacco **,** ~~[or]~~ products made or derived from tobacco ***, vapor products or alternative nicotine products*** to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made or derived from tobacco ***, vapor product or alternative nicotine product*** is being sold or offered for sale at the establishment, display prominently at the point of sale:

(a) A notice indicating that:

(1) The sale of cigarettes ***,*** ~~[and]~~ other tobacco products ***, vapor products and alternative nicotine products*** to minors is prohibited by law; and

(2) The retailer may ask for proof of age to comply with this prohibition; and

(b) At least one sign that complies with the requirements of NRS 442.340.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes ***, vapor products or alternative nicotine products*** through the use of any type of display:

(a) Which contains cigarettes ***, vapor products or alternative nicotine products*** and is located in any area to which customers are allowed access; and

(b) From which cigarettes ***, vapor products or alternative nicotine products*** are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Sec. 3. NRS 202.2496 is hereby amended to read as follows:

202.2496 1. As necessary to comply with ***any*** applicable federal law, the Attorney General shall conduct random, unannounced inspections at locations where tobacco ***,*** ~~[and]~~ products made or derived from tobacco ***, vapor products and alternative nicotine products*** are sold, distributed or offered for sale to inspect for and enforce compliance with NRS 202.2493 and 202.2494 ~~[.]~~ ***, as applicable.*** For assistance in conducting any such inspection, the Attorney General may contract with:

(a) Any sheriff's department;

(b) Any police department; or

(c) Any other person who will, in the opinion of the Attorney General, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

3. A child assisting in an inspection pursuant to this section shall, if questioned about his or her age, state his or her true age and that he or she is under 18 years of age.

4. If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the child's appearance to make the child appear to be 18 years of age or older.

(b) Photograph the child immediately before the inspection is to occur and retain any photographs taken of the child pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the child attempted to purchase tobacco **,** ~~[or]~~ products made or derived from tobacco ***, vapor products or alternative nicotine products*** that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and that person's position;

(2) The age and date of birth of the child who assisted in the inspection;

(3) The name and position of the person from whom the child attempted to purchase tobacco **,** ~~[or]~~ products made or derived from tobacco ~~[;]~~ ***, vapor products or alternative nicotine products;***

(4) The name and address of the establishment at which the child attempted to purchase tobacco **,** ~~[or]~~ products made or derived from tobacco ~~[;]~~ ***, vapor products or alternative nicotine products;***

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco **,** ~~[or]~~ products made or derived from tobacco ***, vapor products or alternative nicotine products*** to the child.

6. No civil or criminal action based upon an alleged violation of NRS 202.2493 or 202.2494 may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the inspection has been conducted in accordance with the provisions of this section.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment defines a vapor product and authorizes a board of county commissioners to adopt ordinances related to vapor products or alternative nicotine products.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 787.

AN ACT relating to agriculture; authorizing the growth or cultivation of industrial hemp in this State under certain circumstances; excluding industrial hemp authorized to be grown or cultivated in this State from the definition of marijuana for the purposes of certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits selling, manufacturing, delivering, bringing into the State or possessing any part of any plant of the genus *Cannabis*, whether growing or not. (NRS 453.339) On February 7, 2014, the President of the United States signed the Agricultural Act of 2014 into law. Section 7606 of the Act authorizes institutions of higher education and state departments of agriculture to cultivate industrial hemp for research purposes under an agricultural pilot program or for other agricultural or academic research. (7 U.S.C. 5940)

Section 13.5 of this bill authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for purposes of research conducted under an agricultural pilot program or for other agricultural or academic research. **Section 13.5** also requires each site used to grow or cultivate industrial hemp to be certified by and registered with the Department. **Section 14** of this bill authorizes the State Board of Agriculture to adopt regulations to carry out these provisions **[.] and to restrict or prohibit the use of industrial hemp grown or cultivated pursuant to the provisions of this bill to manufacture cannabidiol or any preparation of cannabidiol.**

Sections 28 and 29 of this bill exclude industrial hemp, as defined in **section 7** of this bill, which is grown or cultivated for such research purposes from certain crimes relating to marijuana.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 49 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ***"Agricultural pilot program" means a program to study the growth, cultivation or marketing of industrial hemp.***

Sec. 4. ***"Department" means the State Department of Agriculture.***

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ***"Industrial hemp" means the plant Cannabis sativa L. and any part of such plant, whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight basis.***

Sec. 8. (Deleted by amendment.)

Sec. 8.5. ***"Institution of higher education" means:***

1. A university, college or community college which is privately owned or which is part of the Nevada System of Higher Education; and

2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ***"THC" has the meaning ascribed to it in NRS 453A.155.***

Sec. 13. (Deleted by amendment.)

Sec. 13.5. ***1. An institution of higher education or the Department may grow or cultivate industrial hemp if the industrial hemp is grown or cultivated for:***

(a) Purposes of research conducted under an agricultural pilot program; or

(b) Other agricultural or academic research.

2. Each site used for growing or cultivating industrial hemp in this State must be certified by and registered with the Department before growing or cultivating industrial hemp.

Sec. 14. ***The State Board of Agriculture may adopt regulations to carry out the provisions of this chapter, including, without limitation, regulations necessary to:***

1. Establish and carry out an agricultural pilot program; ~~[and]~~

2. Provide for the certification and registration of sites used for growing or cultivating industrial hemp ~~.~~ ; and

3. Restrict or prohibit the use or processing of industrial hemp for the creation, manufacture, sale or use of cannabidiol or any compound, salt, derivative, mixture or preparation of cannabidiol.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant; and

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include ~~[the]~~ ***:***

(a) Industrial hemp, as defined in section 7 of this act, which is grown or cultivated pursuant to the provisions of sections 2 to 14, inclusive, of this act; or

(b) The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 29. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana shall be punished, if the quantity involved:

(a) Is 100 pounds or more, but less than 2,000 pounds, for a category C felony as provided in NRS 193.130 and by a fine of not more than $25,000.

(b) Is 2,000 pounds or more, but less than 10,000 pounds, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(c) Is 10,000 pounds or more, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➥ and by a fine of not more than $200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not ~~[.]~~ ***, except for industrial hemp, as defined in section 7 of this act, which is grown or cultivated pursuant to the provisions of sections 2 to 14, inclusive, of this act.***

(b) The weight of marijuana is its weight when seized or as soon as practicable thereafter.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

This amendment adds clarifying language regarding the scope of the authority of the Department of Agriculture to adopt regulations relating to certain byproducts of hemp.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Senate Bill No. 240 be taken from the Chief Clerk's desk and place on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 172.

Bill read third time.

The following amendment was proposed by Assemblywoman Titus:

Amendment No. 735.

AN ACT relating to public health; prohibiting a medical facility ~~[or physician]~~ from allowing a person who is not enrolled in good standing at an accredited medical school or school of osteopathic medicine ~~[from performing]~~ **to perform** or ~~[participating]~~ **participate** in any activity for credit towards a medical degree; **prohibiting a physician from allowing such a person to perform or participate in certain activities under certain circumstances;** requiring a medical student to attend an accredited medical school in order to possess and administer a controlled substance or dangerous drug; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 8 and 10 of this bill prohibit a medical facility or a physician from allowing a person to perform or participate in activities for credit toward a medical degree unless the person is enrolled in good standing at an accredited medical school. **Sections 8 and 10 exempt a physician from this prohibition if: (1) the activity takes place in a primary care practice that is located in a designated health professional shortage area and is entirely under the supervision of the physician; and (2) the physician is not currently supervising other medical students.** **Sections 3-5, 9, 11 and 12** of this bill give the Division of Public and Behavioral Health of the Department of Health

and Human Services, the Board of Medical Examiners, the State Board of Osteopathic Medicine and the Board of Examiners for Long-term Care Administrators the authority to enforce this prohibition with respect to their licensees.

Under existing law, a student at an approved medical school is authorized to possess and administer a controlled substance or dangerous drug at the direction of a physician. (NRS 453.375, 454.213) **Sections 6 and 7** of this bill instead allow a medical student who attends an accredited medical school to possess and administer such drugs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

A medical facility shall not allow a person to perform or participate in any activity at the facility for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

1. A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

2. A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 2. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 3. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, ***and section 1 of this act,*** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, ***and section 1 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and section 1 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ***and section 1 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.965, inclusive, and to protect the health, safety,

well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 6. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

3. A paramedic:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an ~~[approved]~~ ***accredited*** college of medicine or ***approved*** school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

12. As used in this section, "accredited college of medicine" means:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 7. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing.

As used in this subsection, "designated facility" has the meaning ascribed to it in NRS 632.0145.

6. Except as otherwise provided in subsection 7, an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

7. An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an ~~[approved]~~ ***accredited*** college of medicine or ***approved*** school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

23. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 8. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[4]~~

1. Except as otherwise provided in subsection 2, a physician shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

~~[1.]~~ (a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

~~[2.]~~ (b) A school of osteopathic medicine, as defined in NRS 633.121.

2. The provisions of subsection 1 do not apply to a physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the physician; and

(b) The physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. As used in this section, "primary care practice" means a health care practice operated by one or more physicians who practice in the area of family practice, internal medicine or pediatrics.

Sec. 9. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

18. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

19. Failure to comply with the provisions of section 8 of this act.

Sec. 10. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[An]~~

1. Except as otherwise provided in subsection 2, an osteopathic physician shall not allow a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

~~[1.]~~ (a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

~~[2.]~~ (b) A school of osteopathic medicine.

2. The provisions of subsection 1 do not apply to an osteopathic physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. 254e; and

(2) Entirely under the supervision of the osteopathic physician; and

(b) The osteopathic physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. As used in this section, "primary care practice" means a health care practice operated by one or more physicians who practice in the area of family practice, internal medicine or pediatrics.

Sec. 11. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record

or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

21. Failure to comply with the provisions of section 10 of this act.

Sec. 12. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.2428, inclusive, ***and section 1 of this act,*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 12.5. The amendatory provisions of this act do not apply to any activity authorized pursuant to a contract entered into before July 1, 2015, between a facility licensed pursuant to chapter 449 of NRS and a medical school or medical school training institution that is listed in the International Medical Education Directory managed by the Foundation for Advancement of International Medical Education and Research.

Sec. 13. This act becomes effective on July 1, 2015.

Assemblywoman Titus moved the adoption of the amendment.

Remarks by Assemblywomen Titus and Benitez-Thompson.

ASSEMBLYWOMAN TITUS:

Amendment 735 to Senate Bill 172 allows physicians that are in an underserved area to have medical students that may be foreign medical students rotate with them under their direct supervision as long as they are directly supervised and they are in a shortage area.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I have a question for the proponent of the amendment. As I read it and look at the language that is being added, American students have to meet the standard and the requirement of being in good standing and being from a medical school that is accredited by the American Medical Association, the Liason Committee on Medical Education, or the Association of American Medical Colleges. So American students have to meet those two standards before they can be placed and be laying their hands and practicing. They have to be from an accredited institution and they have to be in good standing. The way I read this amendment, it is saying that international students do not have to be held to that same standard. If that is true, then we are holding our American medical students to a higher standard by allowing international students to come into our rural areas and not have to meet those same qualifications.

ASSEMBLYWOMAN TITUS:

Thank you for that question, my noted Assembly colleague from northern Nevada. To clarify that so that everyone understands what the real issue is, we have medical students from foreign medical schools come to America all the time. We have doctors from foreign medical schools come to America all the time. They have to pass certain tests to get here and then they are mainstreamed into the accredited programs. What this bill would prohibit and did not intend to—which is why the sponsor of this bill has allowed me to bring forward this amendment and will accept it on the other side—is recognize that there are many Nevada students who do not get accepted into Nevada medical schools who then do their training in Caribbean schools and in foreign schools. They want to come back here to Nevada and to the United States, and many do if there is an opening in the program. But many do not know what schools they want to go to

when they finish perhaps their first two years. What this bill allows, and what has already happened, is students who are Nevada kids or kids from America can come back and rotate with us to see what my rural practice is like and what other rural practices are like. They may want to set up a practice or set up a residency here. We do now have residents from many foreign medical schools in this state.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 12 replaces the position of Assistant Investment Officer within the Public Employees' Retirement System with a position of Chief Financial Officer.

Roll call on Senate Bill No. 12:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 25 makes various changes to the administrative practices of Nevada's Department of Education. Among its provisions, Senate Bill 25 revises the manner in which distance education courses are funded; changes the Department's budget submission process to reflect its statutory governance structure; allows the parties to a hearing concerning the suspension or revocation of a teaching license to agree to extend the hearing deadline date; authorizes Educational Trust Account expenditures to be authorized by the Interim Finance Committee when the Legislature is not in session; and authorizes hospitals or other facilities licensed by the Division of Public and Behavioral Health for residential treatment of children, which operate a licensed private school, to receive unused allocations of special education program units.

Roll call on Senate Bill No. 25:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 29 provides that a board of county commissioners is authorized, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. Matters of local concern include any matters that primarily affect or impact areas located in the county or persons who reside, work, or visit the county and that do not have a significant effect or impact on areas located in other counties. These powers remain subject to all federal and state constitutional, statutory, and regulatory provisions. The bill also provides a list of powers a board of county commissioners cannot exercise without being expressly authorized by law.

Roll call on Senate Bill No. 29:

YEAS—32.

NAYS—Elliot Anderson, Araujo, Bustamante Adams, Carrillo, Flores, Neal, Oscarson, Seaman, Swank—9.

EXCUSED—Kirner.

Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 33.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 33 authorizes the board of hospital trustees of a county hospital to hold a closed meeting to discuss providing a new service at the hospital, materially expanding an existing service, acquiring an additional facility for the hospital, or materially expanding an existing facility. The records of such a meeting become public five years after the date of the meeting or when the board determines that confidentiality is no longer required, whichever occurs first.

Roll call on Senate Bill No. 33:

YEAS—39.

NAYS—Elliot Anderson, Sprinkle—2.

EXCUSED—Kirner.

Senate Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 39 Senate Bill 39 requires that a state business license contain a business identification number assigned by the Secretary of State and that the Secretary of State assign an identification number in certain instances. In addition, the measure requires certain persons who are exempt from obtaining a state business license to obtain a certificate of exemption from the Secretary of State each year. The measure provides that the penalty for conducting business without obtaining a license be assessed for each year in which the business was conducted without a license and applies the penalty for not renewing a license until the person cancels his or her business license. If the person has not conducted business during the period in question, the Secretary of State shall waive any fees or penalties that have accrued.

The bill expands a resident agent's responsibility to receive and forward any service of process, notice, or demand and to maintain certain documents for a represented entity. It also provides that

process may be served on a business by serving the business's resident agent and that the service is valid, regardless of whether the business is in default or revoked status or if there are any debts or disputes between the business and the resident agent.

Senate Bill 39 also allows the Secretary of State to halt the accrual of fees for a domestic or foreign business whose charter or certificate has been revoked. Similarly, the bill expands provisions concerning the renewal of a charter or certificate to additional domestic and foreign entities. Finally, the bill exempts from the annual state business license fee certain nonprofit unit-owners' associations.

Senate Bill 39 was presented by the Secretary of State. It is about 50 pages long. I could speak for about 50 minutes as to how great it is and how wonderful it is. I plan on doing that. Page 1—it is a great bill. I hope that everyone will support it.

Roll call on Senate Bill No. 39:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 904.

SUMMARY—Revises provisions relating to ~~[certain postconviction petitions for writs of habeas corpus.]~~ **criminal procedure.** (BDR 3-156)

AN ACT relating to criminal procedure; requiring an incarcerated person to exhaust all available administrative remedies before filing a postconviction petition for a writ of habeas corpus challenging the computation of time the person has served pursuant to a judgment of conviction; **revising provisions concerning the withdrawal of certain pleas after sentence is imposed or imposition of sentence is suspended;** requiring a court to dismiss ~~[such]~~ a **postconviction** petition **for a writ of habeas corpus** upon determining that the petitioner has not exhausted all available administrative remedies; requiring the Department of Corrections to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person convicted of a crime and under sentence of death or imprisonment who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed to file a postconviction petition for a writ of habeas corpus to challenge the computation of time that the person has served. (NRS 34.724) **Section 1** of this bill requires a person to exhaust all administrative remedies available for resolving a challenge to the computation of time that he or she has served as set forth in regulations adopted by the Department of Corrections before the person may file such a petition. **Section 2** of this bill requires a court to dismiss

such a petition if the court determines that the petitioner has not exhausted all available administrative remedies. **Section 2.5** of this bill requires the Department to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department. **Section 3** of this bill provides that the amendatory provisions of this bill do not apply to a postconviction petition for a writ of habeas corpus which challenges the computation of time that a petitioner has served that is filed on or before the effective date of this bill.

Existing law also authorizes a person convicted of a crime and under sentence of death or imprisonment to file a postconviction petition for a writ of habeas corpus to challenge the conviction or sentence as having been obtained or imposed in violation of state law or a constitutional right. Existing law provides that, with the exception of a direct appeal or a remedy which is incident to the proceedings in the trial court, the petition for a writ of habeas corpus replaces all other common law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence and must be used exclusively in place of them. (NRS 34.724) Existing law also authorizes a criminal defendant to withdraw a plea of guilty, guilty but mentally ill or nolo contendere at any time before sentencing, and also permits the withdrawal of such a plea after sentencing, but only to correct a manifest injustice. (NRS 176.165)

In 2000, the Nevada Supreme Court held that a postconviction motion to withdraw a guilty plea to correct a manifest injustice was a remedy incident to the proceedings in the trial court. Accordingly, the motion had not been replaced by the petition for a writ of habeas corpus and was not subject to the various procedural requirements that govern such petitions. (*Hart v. State*, 116 Nev. 558 (2000)) The Nevada Supreme Court recently overruled *Hart*. The Court held that a postconviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of a guilty plea made after sentencing for persons in custody on the conviction being challenged and overruled *Hart* to the extent that it concluded otherwise. (*Harris v. State*, 130 Nev. Adv. Op. 47, 329 P.3d 619 (2014))

Section 1 expressly provides that a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 34.724 is hereby amended to read as follows:

34.724 1. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in

violation of the Constitution of the United States or the Constitution or laws of this State, or who claims that the time the person has served pursuant to the judgment of conviction has been improperly computed, may, without paying a filing fee, file a postconviction petition for a writ of habeas corpus to obtain relief from the conviction or sentence or to challenge the computation of time that the person has served.

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the conviction or sentence, and must be used exclusively in place of them.

~~[(c) Is the only remedy available to an incarcerated person to challenge]~~

3. Before a person may file a petition pursuant to this section that challenges the computation of time that the person has served pursuant to a judgment of conviction ~~[.]~~ ***, the person must exhaust all administrative remedies available for resolving a challenge to the computation of time that the person has served as set forth in regulations adopted by the Department of Corrections.***

4. For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court.

Sec. 2. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

3. Pursuant to subsections 1 and 2, the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same conviction or sentence.

4. ***The court shall dismiss a petition that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction if the court determines that the petitioner has not exhausted all administrative remedies available for resolving a challenge to the computation of time which the petitioner has served as required pursuant to subsection 3 of NRS 34.724.***

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 2.5. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall adopt regulations to establish procedures for the expedited resolution of a challenge to the computation of time that an offender has served that is brought by the offender within 180 days before the offender's projected discharge date as determined by the Department.

Sec. 2.7. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, ***and section 2.5 of this act,*** unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this State and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this State and assigned to the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

2. "Residential confinement" means the confinement of a person convicted of a felony to his or her place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 3. **1.** The amendatory provisions of this act do not apply to a postconviction petition for a writ of habeas corpus that challenges the computation of time which a petitioner has served pursuant to a judgment of conviction that is filed on or before the effective date of this act.

2. The amendatory provisions of subsection 4 of section 1 of this act apply to any motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is

imposed or imposition of sentence is suspended that is pending on or after June 12, 2014.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Amendment 904 to Senate Bill 53 incorporates the language of Assembly Bill 262 that passed out of your Committee on Judiciary unanimously earlier this spring and passed out of this house unanimously. The amendment will allow a person to petition the court to request to withdraw a guilty plea if and only if they are able to establish that there was a violation of a constitutional right in their case, that that violation resulted in a manifest injustice, and that the withdrawal of the plea does not unduly prejudice the prosecutors.

In the committee, we heard testimony of examples in which a person did not learn of serious negative consequences until years after they had entered a plea. There was testimony about people who had entered a guilty plea without proper advice from an attorney or perhaps an attorney had not been appointed for them. Years later, they found out they may not be able to own a firearm or remain a member of the military due to loss of an important right like that. In a case such as that where the defendant does not learn of the consequences until years later and they can establish that their constitutional rights were violated during this process, the current remedies available in statute, habeas corpus and coram nobis, are not going to address their issue and are not going to provide a remedy. I urge the body to adopt the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 54 provides that for all category A felonies—except murder or sexual assault—and for certain category B felonies, if a comprehensive risk assessment conducted by the Division of Public and Behavioral Health indicates that the offender does not require the level of security provided by a forensic facility, a prosecuting attorney's request for a hearing on whether the offender should be committed to the custody of the Division must be dismissed. The bill also removes the requirement that a court find by clear and convincing evidence that a person no longer has a mental disorder to be eligible for discharge from conditional release. The bill is effective upon passage and approval.

Roll call on Senate Bill No. 54:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 59 requires the Secretary of State to establish common business registration information that is used by state and local agencies and health districts and to cause the state business portal to make that information available to these same entities that conduct necessary transactions with businesses in the state. It also allows these entities, to the extent practicable, to integrate their electronic application systems with the state business portal; to use the portal to accept and disseminate information necessary for the issuance of business licenses, registrations, permits, or similar authorizations; to make related applications available on the Internet; and to integrate those applications with the business portal. The bill clarifies that any information that is deemed confidential under state or federal law need not be disseminated and, similarly, that records and files collected as common business registration information are confidential unless an exception applies. It also does all kinds of really good stuff that will become effective on July 1, 2015.

Roll call on Senate Bill No. 59:

YEAS—40.

NAYS—Shelton.

EXCUSED—Kirner.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 129 provides immunity from civil liability to a sponsor, veterinarian, equine professional, or any other person for the injury or death of a participant resulting from risks inherent in certain equine activities. The bill also specifies both the behavior necessary on the part of a participant in an equine activity and instances in which a sponsor or other equine professional is not immune from civil liability, including if a person fails to act responsibly while conducting an equine activity or maintaining an equine.

Roll call on Senate Bill No. 129:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 138 provides that each law enforcement agency in the state must report annually to the Attorney General specific information about each seizure and forfeiture it conducts. The Office of the Attorney General is to develop standardized forms for law enforcement agencies to use for the reports and is to make the reports available on its website by April 1 of each year along with an aggregate report of all forfeitures in the state.

The measure requires a plaintiff to file a complaint for forfeiture within 120 days after property has been seized if the property was seized without process. In addition, the forfeiture of property

seized by a law enforcement agency is prohibited under certain circumstances. If a criminal trial is pending, an order staying a proceeding for forfeiture remains in effect until the completion of the criminal trial. Seized property is required to be returned within seven business days under certain circumstances.

Lastly, if a court accepts a plea or a stipulated agreement is reached between the claimant and the plaintiff to forfeit property, the court must order the forfeiture.

Roll call on Senate Bill No. 138:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 162.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 162 repeals current Nevada law governing the provision of medical records by a claimant or a claimant's attorney upon the request of an insurer or other party who is the subject of a personal injury claim brought under a policy of motor vehicle insurance covering a passenger car.

This has been a negotiated deal in both houses, and I would request that everyone vote for it.

Roll call on Senate Bill No. 162:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

EXCUSED—Kirner.

Senate Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblymen Silberkraus, Kirkpatrick, Fiore, and Seaman.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 168 authorizes a local government to reopen a collective bargaining agreement during a fiscal emergency and sets forth the circumstances under which such an emergency shall be deemed to exist. Negotiations must begin no later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. The bill provides, for certain funds of any local government other than a school district, that a budgeted ending fund balance of not more than 25 percent of the total budgeted expenditures for a general fund, less capital outlay, is not subject to negotiation and cannot be considered by a fact finder or arbitrator in determining ability to pay compensation or monetary benefits. This bill is effective upon passage and approval.

ASSEMBLYWOMAN KIRKPATRICK:

I have been in this building a really long time and every single time, public employees are asked to come to the table to make changes to things in order to make this building—which truly is not even affected by the job they do—run better. They have been at the table in 2009, they have been

at the table in 2011, they have been at the table this time, and guess what? They have been at the table back home while the rest of us are sitting in this room and asking them to do this.

My point is, 25 percent of the ending fund balance was addressed in Assembly Bill 54 which was heard and passed on the Senate side. It addressed when we should open up contracts and how that works. We have addressed how we reopen contracts since 2009 and here, once again, it is never enough. It is not good enough. But to exempt one group from the 25 percent ending fund balance? I do not know how we do that, especially in this building. We all sit here and each and every one of you remind me that local government employees get paid too much, local government employees have too much, but when it comes to bills to make sure that local governments pay their fair share on sales tax, I get pushback. When it comes to making sure that local governments play fair, I get pushback for trying to do that. At the same time, we are hindering them while giving them all the money and the home rule, which we have passed for the first time in 30 years in this building, and yet it is not enough for them.

I do not understand how any one of us can single out one group and think they are better than anybody else when it comes to an ending fund balance. I get opening contracts. Many of our public employees have been doing that for a really long time, but at what point is it too much? The local government finance board are the people who really know what monies they have. That is their responsibility. We, the Legislature, give these independent people who are all about local government the ability to do that, yet we will not let them do their job.

What I say to this body is, Let us start getting rid of this stuff in statute. If we want to put a law in place and we do not want all these quasi-public agencies to do the work that we allow them to do because they are better at it, get rid of them. I will put in a bill tomorrow as an emergency measure that gets rid of 2,168 quasi-public agencies so we can do our job because we are not letting them do it. I have a problem—I offered an amendment in committee; it was not even considered. Yet here we are allowing one group to be out and one group to do something different.

For my folks who live in the rural counties, guess what? You are going to be back here next session fixing this because your people are never ever going to get a raise. They are never ever going to get better benefits because you are limiting them to 25 percent. I can speak to this because I live in the city of North Las Vegas, which was in financial trouble because people kept moving dollars around. I agreed to work with the Department of Taxation to fix that issue. I get it. But this was not discussed. It was a very short hearing on a day when we were told only five questions and we are moving on.

This is going to have long-term effects, and I will not support anything that is not good policy. For all of you in the rural counties, 25 percent—just wait until you cannot recruit employees, just like the state cannot recruit. Do you know why? Because we keep taking everything away from folks because we do not want to pay them and we do not want them to have benefits. At the same time, here are the ramifications. I will say it for the 150th time: We pay for them. The state pays for them. Do you know why? We pay for them on Medicaid, we pay for them on social services, and we pay for them on food stamps. So if we cannot agree to let people have a decent wage with fair benefits, then the state should do its part and live up to it. I rise in opposition, and I encourage each and every one of you to think about what you are doing today.

ASSEMBLYWOMAN FIORE:
I have a question for the Assemblywoman from District 1. Is this not a kumbaya bill?

ASSEMBLYWOMAN KIRKPATRICK:
This is not a kumbaya bill in my words.

ASSEMBLYWOMAN FIORE:
I suggest we oppose it until this whole body gets together and figures it out. So I stand in opposition with the Assemblywoman from District 1 and I urge my colleagues to oppose it as well.

ASSEMBLYWOMAN SEAMAN:
I rise in support of Senate Bill 168, and I would like to remind this body that this bill is for a fiscal emergency. Over the last few years, our local government revenues have been declining and some were not able to meet their obligations. With this bill, local governments will have a better opportunity to avoid layoffs and continue a balanced budgeting approach for our shared

constituents. I urge each and every one of you to support Senate Bill 168 and remind you, once again, that this bill is for a fiscal emergency.

Roll call on Senate Bill No. 168:

YEAS—20.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Ellison, Fiore, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Silberkraus, Spiegel, Sprinkle, Swank, Thompson—21.

EXCUSED—Kirner.

Senate Bill No. 168 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 174.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 174 excludes a person, other than one appointed by a declarant, from being a candidate for or a member of the executive board of a unit-owners' association if the person resides with, is married to, is a domestic partner of, or is related within the third degree of consanguinity to a board member or the person stands to gain any personal profit or compensation from a matter before the board.

The exclusions do not apply to a candidate for the executive board or a person who owns 75 percent or more of the units in an association so long as doing so will not mean that two persons who meet any of the conditions described above and who serve on a board together will constitute a majority of the board membership.

Lastly, this bill provides that if a person is not eligible to be a candidate for or member of the executive board or an officer of an association, the association must not place the person's name on the ballot and must prohibit such a person from serving as a member of the executive board or an officer of the association.

Roll call on Senate Bill No. 174:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 176.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 176 repeals provisions authorizing a sheriff to issue a permit for the manufacture or sale of switchblade knives. The bill also removes integrated belt buckles and switchblade knives from the list of weapons that may not legally be manufactured, imported, sold, given, lent, or possessed in Nevada. Additionally, Senate Bill 176 removes dirks, daggers, and integrated belt buckle knives from the list of weapons that may not be carried in a concealed manner without a permit.

The bill also adds pneumatic guns, such as certain pellet guns and paintball guns, to the list of weapons that are prohibited on the property of the Nevada System of Higher Education, a public or private school, a child care facility, or in a vehicle of a school or child care facility. Finally, the bill prohibits carrying a concealed pneumatic gun.

Roll call on Senate Bill No. 176:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 192 provides that sexual conduct between certain employees of a school or volunteers at a school and a pupil or sexual conduct between certain employees of a college or university and a student constitute sex offenses. A person guilty of such an offense is required to register as a sex offender and is subject to certain conditions regarding parole and probation; is required to undergo a psychosexual evaluation as part of a presentence investigation; is required to undergo lifetime supervision; is prohibited from having his or her records sealed; and is guilty of a category C felony for engaging in sexual conduct with a person 16 years of age or older who has not received a high school diploma, a general educational development certificate, or equivalent document and who is enrolled in or attending the school, college, or university at which the person is employed or volunteering. The bill adds these offenses to the list of those for which the Department of Corrections must conduct a risk to reoffend assessment, which the State Board of Parole Commissioners must take into account before granting or revoking parole. Finally, the bill clarifies that these provisions must not be construed to apply to sexual conduct between two students.

Roll call on Senate Bill No. 192:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 197 prohibits the filing, registering, or recording of a fraudulent lien or other encumbrance against the property of a public officer, candidate for public office, mediator, public employee, or participant in an official proceeding or a member of the person's immediate family and provides that any such lien filed against the real or personal property of any of the persons listed above is invalid.

A person committing such a crime is guilty of a category B felony, with enhanced penalties for a second or subsequent offense or for an offense that constitutes part of a pattern of such offenses. A victim may also bring civil action against the perpetrator for damages suffered, attorney fees, and costs.

Roll call on Senate Bill No. 197:

YEAS—28.

NAYS—Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Shelton, Swank—13.

EXCUSED—Kirner.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 240.

Bill read third time.

Remarks by Assemblymen Nelson, Elliot Anderson, and Benitez-Thompson.

ASSEMBLYMAN NELSON:

Senate Bill 240 imposes a time limit of five business days for a court to transmit to the Central Repository for Nevada Records of Criminal History an order, judgment, plea, or verdict concerning the involuntary admission to a mental health facility, the appointment of a guardian for a person with a mental defect, a finding that a person is incompetent to stand trial, a verdict acquitting a defendant by reason of insanity, or a plea or finding of guilty but mentally ill.

The bill also requires criminal justice agencies to submit information relating to records of criminal history within 60 days after conviction and authorizes the Central Repository to take reasonable steps to ensure the information reported in the record is included in the National Crime Information Center database maintained by the Federal Bureau of Investigation. The measure also adds to the definition of persons prohibited from possessing a firearm those who have entered a plea of guilty but mentally ill, been found guilty but mentally ill, or been acquitted by reason of insanity.

If a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, the mental health professional must apply for the emergency admission of the patient to a mental health facility or make a reasonable effort to notify the person who was threatened and the closest law enforcement agency or, if the patient is a minor, a parent or guardian.

Lastly, this bill provides that an ordinance or regulation that is inconsistent with the Legislature's rights and powers is null and void and must be repealed. A person who is adversely affected by such an ordinance or regulation, on or after the effective date of this bill, may file suit in the appropriate court for declarative and injunctive relief and damages.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition Senate Bill 240. I voted for this in committee, but there is a conceptual amendment which I do not like. We can reserve our right to change our vote. The reason I am changing is because I do not think it is appropriate to allow an organization to sue the county for damages when injunctive relief would be much more appropriate if there is an ordinance that is affecting people in the state. In addition, it would be much more appropriate for the Attorney General to sue the local governments to enjoin enforcement of an ordinance in violation of our law. I have never seen allowing an outside organization to sue for damages based upon an ordinance before. I think it is a big expansion that I am not comfortable with. For those reasons, I urge this measure to be defeated.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in opposition to Senate Bill 240 specifically because it is in contrast with another bill that we passed in Health and Human Services in which we wanted to maintain very good public policy around who would be able to commit a person to be held against their will for 72 hours. We said it should only be people who are licensed in this state and who are familiar with our L2K [Legal 2000] practices. This bill allows for professions outside of the state, if they are in the state, to

initiate that process. That is in section 19. That absolutely should not be allowed. It is also adding drug and alcohol counselors to that list of people who can commit. Once again, we have had some pretty healthy public policy conversations about who can begin this process and do an involuntary hold. Once again, I think there has been the thought that expanding that scope is not the direction we want to go as a body. In particular, drug and alcohol counselors who do not have the ability to initiate a legal hold should not, without really good conversation, be given that ability.

Roll call on Senate Bill No. 240:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Jones, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18.

EXCUSED—Kirner.

Senate Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 241.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 241, which makes various changes relating to collective bargaining. Among them, it excludes a school administrator whose annual salary, adjusted for inflation, is greater than $120,000 from membership in any bargaining unit; authorizes, under certain circumstances, a local government employer to provide paid leave to an employee for time spent in providing services to an employee organization; reduces from 180 days to 45 days the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing relating to certain complaints; and provides that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement. It also provides that upon the end of the term stated in a collective bargaining agreement and until a successor agreement becomes effective, a local government employer shall not, with limited exceptions, increase any compensation or monetary benefits paid to or on behalf of employees in the affected bargaining unit. It also revises various provisions relating to negotiations between a school district and an employee organization representing teachers or educational support personnel and provides that a principal is employed at will during the first three years of employment by a school district.

I rise in support of this bill because here, once again, our public employees are at the table because we, the Legislature, believe there is a problem. I think these are reasonable changes. This prevents us from having to have any other bills to address financial emergencies because it says right here that you now have to bargain within a shorter time frame. This says that you are employed at will and you have to have the reforms that everyone in this building is talking about. I would encourage this body to support this because when we make reasonable reforms, we start at the beginning of session talking amongst folks, talking to workers. We can make reforms that will make a difference. I believe in this body, and I encourage support.

Roll call on Senate Bill No. 241:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Remarks by Assemblymen Nelson, Elliot Anderson, Jones, Ohrenschall, Seaman, and O'Neill.

ASSEMBLYMAN NELSON:

Senate Bill 245 increases from 15 years to 20 years the maximum term of imprisonment for a person who leaves the scene of an accident that results in bodily injury to or the death of a person. A person charged with a hit-and-run is not eligible for probation and may be charged with multiple counts if more than one person involved in the accident is injured or dies. Finally, a person charged under the driving under the influence statute and any of the three statutes that impose a duty to stop at the scene of an accident may not use as an affirmative defense that the reason the person's blood alcohol level exceeded the legal level was because he or she consumed alcohol after the incident. This bill is effective on October 1, 2015.

This bill removes the incentive to drive away from an accident if you caused it so that you can wait long enough for the blood alcohol to dissipate.

ASSEMBLYMAN ELLIOT ANDERSON:

Regretfully, I rise in opposition to Senate Bill 245. This is a very well-meaning bill. The intent is shared by many, but logically it is not intellectually consistent. The whole premise of the bill is that the district attorney cannot prove the next day that people have been driving while intoxicated. How do we know that everyone who leaves the scene of an accident is DUI [driving under the influence] and should be punished with the DUI penalty? That is my first issue with the bill.

Second, it does not define what bodily injury is. The way I read this, it is any injury. If you got whiplash, you could also be included. Furthermore, we saw some amendments in your Committee on Judiciary to tighten this up a bit. What we suggested is if you have had one DUI within the past seven years, then this new penalty would apply. Right now, it does not just apply to people who leave the scene of an accident and who are drunk—it applies to anyone. If you are a scared 17-year-old kid and you hit someone and you leave, it would apply to you as well. A kid that makes a mistake is not guilty of a DUI and should not be punished that way.

In addition, the penalty is already a category B felony under the current law. What we are really doing is taking away the discretion of the judge for situations that we cannot possibly contemplate. It is not appropriate for us to invade the province of the court when we cannot possibly consider every single situation that could happen down the line. This bill is too broad and should either be amended or defeated.

ASSEMBLYMAN JONES:

I rise in support of this bill. As a matter of public policy, we cannot encourage people to do the wrong thing. This is a loophole where people can leave the scene of an accident after bodily injuries occurred and they are incentivized to do the wrong thing. With this bill, people will be incentivized to do the right thing, which is to stay at the scene of an accident. We are well aware of instances where flagmen have been hit and killed on the side of the road while they are doing their duty for the state and the driver just drives off. Of course, when you wait until the next day, the alcohol is out of your system and you cannot be held liable. If you are required to stay at the scene of the accident—now crash instead of accident—then you will do the right thing because you know the consequence is worse to not do the right thing.

ASSEMBLYMAN OHRENSCHALL:

I rise in reluctant opposition to S.B. 245. I agree with my colleague from Assembly District 15: this is a well-meaning bill. There were some amendments discussed in the Committee on Judiciary which could have led to my support. I could have supported increasing the category B felony to a 2 to 20. I could have supported keeping the non-probation ability of the offense for people who had at least one prior DUI in the last ten years so that we would know if this person had driven under the influence before.

I want to talk about the current law. The current law imposes a category B felony for leaving the scene of an accident where there is bodily harm. It does not say substantial bodily harm, just

any kind of bodily harm. As my colleague from southern Nevada pointed out, that could be whiplash. It does not mean something that sends someone in for surgery. The current penalty for a category B felony is a 1 to 15. Category B felonies are reserved for some of our most violent crimes: robbery, battery, substantial bodily harm. The only difference is that now a district court judge at sentencing would be able to read the presentence investigation report and find out the kind of history the person has had. Have they been in trouble with the law before? Have they not been in trouble? They can decide if they are going to give the person a chance at probation and see how they do with the threat of prison hanging over their head or if they are going to send them straight to prison.

This bill will tie our judges' hands at sentencing. There will not be any discretion for the judge to read a presentence investigation report and decide whether this person deserves to go to prison or to get probation. Under this bill, they are mandatorily going to have to serve 24 months at the Nevada Department of Corrections. Here are some examples of how this bill might work. You might have an 18-year-old who gets into an accident, freaks out, has some kind of panic attack, drives down the street to the 7-Eleven, and calls their parents. The parents say to go back. Even though they go back within the hour or half hour, they could be charged with this category B felony. The district judge's hands would be tied and that young person, who returned to the scene to turn themselves in, would be subject to a mandatory 24 months at one of our Nevada Department of Corrections facilities.

I think we have learned through the last several decades that taking discretion away from our judges is a poor, poor choice. We elect our judges in Nevada and we have a fine judiciary. They know when to send someone to prison and when to give them probation with the threat of prison hanging over their head. I urge this measure's defeat.

ASSEMBLYMAN SEAMAN:

I rise in support of Senate Bill 245. I want to answer the question of my colleague in District 15. You are right. We do not know if they have a DUI, but if they would stay and be accountable, we would know. I do not know when we stopped thinking about the accountability of someone who leaves the scene of an accident, but as a victim of a hit-and-run, I know how traumatizing the experience can be. The accident is bad enough and then you are left wanting justice. To the extent that we can end hit-and-runs, we should. I will be voting yes for this important bill and I encourage all of you to do the same.

ASSEMBLYMAN O'NEILL:

Although I was not able to give the introduction to this bill, I stand in support. I want to respectfully submit this to the Assembly. I find it rather interesting that two attorneys from the opposing party stand before you and talk about how we should give a "get home free" card, that the person first has to be convicted of one crime before they can be held accountable for another crime. Show me one other crime where that has ever occurred. Period. It is ridiculous to me.

Second, we talk about how the judge is held binding. What they forget to tell us all is that first the district attorney's office has to prove beyond a reasonable doubt that the person who was charged with this crime was found guilty. Then the judge administers the punishment. Ninety-plus percent of all crimes in this state are actually pled out. Just because the person is charged does not mean that is what they are going to be found guilty of.

This is a reasonable charge. The person has caused injury, damage to another human being, and left the scene. If they come back within 30 minutes, there will be prime evidence, reasonable evidence, whether they were or were not intoxicated. Leaving the scene and coming back the next day allows them to be arrested and to be held accountable and that is what I think we are here for. That is what we are trying to do: hold people accountable for their actions and not make excuses for them. I stand in support and ask the rest of you to stand in support of this bill.

Assemblymen Oscarson, Wheeler, and Silberkraus moved the previous question.

The question being the passage of Senate Bill No. 245.

Roll call on Senate Bill No. 245:

YEAS—29.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Joiner, Munford, Ohrenschall, Swank, Thompson—12.

EXCUSED—Kirner.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:11 p.m.

ASSEMBLY IN SESSION

At 9:12 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Silberkraus moved that the Assembly reconsider the action whereby Senate Bill No. 168 was refused passage.

Motion carried.

Assemblyman Silberkraus moved that Senate Bill No. 168 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 482 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 306 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 252.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 21, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 460.
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 21, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

Remarks by Assemblymen Trowbridge and Elliot Anderson.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 306 allows collection costs to be included within the scope of a unit-owners' association's super-priority lien but limits allowable collection costs. The bill also clarifies that if a subordinate lienholder makes a payment to an association, the payment becomes a debt owed by the unit owner to the lienholder. A notice of default and election to sell must include an itemized statement of the amounts due that must be mailed to each holder of a recorded security interest. An association is required to record an affidavit containing the name and address of each security

holder to whom the notice of default was mailed, and notices must be sent by certified or registered mail to each holder of a recorded security interest. This bill is effective on October 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 306. This is an important step forward for the super-priority issue. It is not perfect, but very few things in the Nevada Legislature are. I urge the body to support this measure because it will bring some important protections in the super-priority realm.

Roll call on Senate Bill No. 306:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Senate Bill No. 306 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

The following amendment was proposed by Assemblyman Ellison:

Amendment No. 930.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to public officers; increasing the compensation of elected county officers ~~[,]~~ **except in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the annual compensation to be paid to district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators. (NRS 245.043) This bill increases the annual compensation for those officers by 3 percent each fiscal year for Fiscal Years 2015-2016, 2016-2017, 2017-2018 and 2018-2019 ~~[.]~~ **, unless the board of county commissioners determines that sufficient financial resources are not available to pay the increased salaries.**

Existing law authorizes each board of county commissioners, by a majority vote of all the members of the board to set the members' annual salary within certain statutory limitations. (NRS 245.043) This bill: (1) eliminates this authority; and (2) sets forth the salaries for members for Fiscal Years 2015-2016, 2016-2017, 2017-2018 and 2018-2019. The salaries are increased by 3 percent in each fiscal year ~~[.]~~ **, unless the board of county commissioners determines that sufficient financial resources are not available to pay the increased salaries.**

This bill also authorizes an elected officer, including a county commissioner, to elect not to receive any part of the salary to which he or she is entitled.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided ***in subsection 5 and*** by any special law, the elected officers of the counties of this State are entitled to receive, for the appropriate fiscal year, annual salaries in the base amounts specified in the following table ~~[:]~~ ***commencing on July 1 of the fiscal year.*** The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark							
~~[~~	~~FY 2007-2008~~	~~$166,647~~	~~$143,661~~	~~$97,518~~	~~$97,518~~	~~$97,518~~	~~$97,518~~	~~$97,518~~
	~~FY 2008-2009~~	~~171,647~~	~~147,971~~	~~100,443~~	~~100,443~~	~~100,443~~	~~100,443~~	~~100,443~~
	~~FY 2009-2010~~	~~176,796~~	~~152,410~~	~~103,456~~	~~103,456~~	~~103,456~~	~~103,456~~	~~103,456~~
	~~FY 2010-2011~~	~~182,100~~	~~156,983~~	~~106,560~~	~~106,560~~	~~106,560~~	~~106,560~~	~~106,560~~~~]~~
	FY 2015-2016	***$187,563***	***$161,692***	***$109,757***	***$109,757***	***$109,757***	***$109,757***	***$109,757***
	FY 2016-2017	***193,190***	***166,543***	***113,050***	***113,050***	***113,050***	***113,050***	***113,050***
	FY 2017-2018	***198,986***	***171,540***	***116,441***	***116,441***	***116,441***	***116,441***	***116,441***
	FY 2018-2019	***204,955***	***176,685***	***119,934***	***119,934***	***119,934***	***119,934***	***119,934***
2	Washoe							
~~[~~	~~FY 2007-2008~~	~~147,109~~	~~118,376~~	~~89,391~~	~~89,391~~	~~89,391~~	~~89,391~~	~~89,391~~
	~~FY 2008-2009~~	~~151,522~~	~~121,928~~	~~92,073~~	~~92,073~~	~~92,073~~	~~92,073~~	~~92,073~~
	~~FY 2009-2010~~	~~156,068~~	~~125,585~~	~~94,835~~	~~94,835~~	~~94,835~~	~~94,835~~	~~94,835~~
	~~FY 2010-2011~~	~~160,750~~	~~129,353~~	~~97,680~~	~~97,680~~	~~97,680~~	~~97,680~~	~~97,680~~~~]~~
	FY 2015-2016	***165,573***	***133,234***	***100,610***	***100,610***	***100,610***	***100,610***	***100,610***
	FY 2016-2017	***170,540***	***137,231***	***103,629***	***103,629***	***103,629***	***103,629***	***103,629***
	FY 2017-2018	***175,656***	***141,348***	***106,738***	***106,738***	***106,738***	***106,738***	***106,738***
	FY 2018-2019	***180,926***	***145,588***	***109,940***	***109,940***	***109,940***	***109,940***	***109,940***
3	Carson City							
~~[~~	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---------~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---------~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---------~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---------~~~~]~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
	Churchill							
~~[~~	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---------~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---------~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---------~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---------~~~~]~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------

	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---
	Douglas							
	~~FY 2007-2008~~	~~$105,616~~	~~$87,575~~	~~$69,563~~	~~$69,563~~	~~$69,563~~	~~$69,563~~	~~---~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---
	Elko							
	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---
	Humboldt							
	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---
	Lyon							
	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---
	Nye							
	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---~~
	~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~---~~
	~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~---~~
	~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~---~~
	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---
4	Lander							
	~~FY 2007-2008~~	~~99,749~~	~~78,818~~	~~58,023~~	~~58,023~~	~~58,023~~	~~58,023~~	~~---~~
	~~FY 2008-2009~~	~~102,741~~	~~81,183~~	~~59,764~~	~~59,764~~	~~59,764~~	~~59,764~~	~~---~~
	~~FY 2009-2010~~	~~105,823~~	~~83,618~~	~~61,556~~	~~61,556~~	~~61,556~~	~~61,556~~	~~---~~
	~~FY 2010-2011~~	~~108,998~~	~~86,127~~	~~63,403~~	~~63,403~~	~~63,403~~	~~63,403~~	~~---~~
	FY 2015-2016	***$112,268***	***$88,711***	***$65,305***	***$65,305***	***$65,305***	***$65,305***	---
	FY 2016-2017	***115,636***	***91,372***	***67,264***	***67,264***	***67,264***	***67,264***	---
	FY 2017-2018	***119,105***	***94,113***	***69,282***	***69,282***	***69,282***	***69,282***	---
	FY 2018-2019	***122,678***	***96,937***	***71,361***	***71,361***	***71,361***	***71,361***	---
	Storey							
	~~FY 2007-2008~~	~~99,749~~	~~78,818~~	~~58,023~~	~~58,023~~	~~58,023~~	~~58,023~~	~~---~~

~~FY 2008-2009 102,741 81,183 59,764 59,764 59,764 59,764~~
~~FY 2009-2010 105,823 83,618 61,556 61,556 61,556 61,556~~
~~FY 2010-2011 108,998 86,127 63,403 63,403 63,403 63,403~~
FY 2015-2016 112,268 88,711 65,305 65,305 65,305 65,305
FY 2016-2017 115,636 91,372 67,264 67,264 67,264 67,264
FY 2017-2018 119,105 94,113 69,282 69,282 69,282 69,282
FY 2018-2019 122,678 96,937 71,361 71,361 71,361 71,361

White Pine

~~FY 2007-2008 99,749 78,818 58,023 58,023 58,023 58,023~~
~~FY 2008-2009 102,741 81,183 59,764 59,764 59,764 59,764~~
~~FY 2009-2010 105,823 83,618 61,556 61,556 61,556 61,556~~
~~FY 2010-2011 108,998 86,127 63,403 63,403 63,403 63,403~~
FY 2015-2016 112,268 88,711 65,305 65,305 65,305 65,305
FY 2016-2017 115,636 91,372 67,264 67,264 67,264 67,264
FY 2017-2018 119,105 94,113 69,282 69,282 69,282 69,282
FY 2018-2019 122,678 96,937 71,361 71,361 71,361 71,361

5 Eureka

~~FY 2007-2008 88,014 63,054 52,009 52,009 52,009 52,009~~
~~FY 2008-2009 90,654 64,946 53,570 53,570 53,570 53,570~~
~~FY 2009-2010 93,374 66,894 55,177 55,177 55,177 55,177~~
~~FY 2010-2011 96,175 68,901 56,832 56,832 56,832 56,832~~
FY 2015-2016 99,060 70,968 58,537 58,537 58,537 58,537
FY 2016-2017 102,033 73,097 60,293 60,293 60,293 60,293
FY 2017-2018 105,093 75,290 62,102 62,102 62,102 62,102
FY 2018-2019 108,246 77,549 63,965 63,965 63,965 63,965

Lincoln

~~FY 2007-2008 88,014 63,054 52,009 52,009 52,009 52,009~~
~~FY 2008-2009 90,654 64,946 53,570 53,570 53,570 53,570~~
~~FY 2009-2010 93,374 66,894 55,177 55,177 55,177 55,177~~
~~FY 2010-2011 96,175 68,901 56,832 56,832 56,832 56,832~~
FY 2015-2016 99,060 70,968 58,537 58,537 58,537 58,537
FY 2016-2017 102,033 73,097 60,293 60,293 60,293 60,293
FY 2017-2018 105,093 75,290 62,102 62,102 62,102 62,102
FY 2018-2019 108,246 77,549 63,965 63,965 63,965 63,965

Mineral

~~FY 2007-2008 88,014 63,054 52,009 52,009 52,009 52,009~~
~~FY 2008-2009 90,654 64,946 53,570 53,570 53,570 53,570~~
~~FY 2009-2010 93,374 66,894 55,177 55,177 55,177 55,177~~
~~FY 2010-2011 96,175 68,901 56,832 56,832 56,832 56,832~~
FY 2015-2016 99,060 70,968 58,537 58,537 58,537 58,537
FY 2016-2017 102,033 73,097 60,293 60,293 60,293 60,293
FY 2017-2018 105,093 75,290 62,102 62,102 62,102 62,102
FY 2018-2019 108,246 77,549 63,965 63,965 63,965 63,965

Pershing

~~FY 2007-2008 $88,014 $63,054 $52,009 $52,009 $52,009 $52,009~~
~~FY 2008-2009 90,654 64,946 53,570 53,570 53,570 53,570~~
~~FY 2009-2010 93,374 66,894 55,177 55,177 55,177 55,177~~
~~FY 2010-2011 96,175 68,901 56,832 56,832 56,832 56,832~~
FY 2015-2016 99,060 70,968 58,537 58,537 58,537 58,537
FY 2016-2017 102,033 73,097 60,293 60,293 60,293 60,293
FY 2017-2018 105,093 75,290 62,102 62,102 62,102 62,102
FY 2018-2019 108,246 77,549 63,965 63,965 63,965 63,965

6 Esmeralda

~~FY 2007-2008 69,886 56,049 45,508 45,508 45,508~~
~~FY 2008-2009 71,983 57,730 46,873 46,873 46,873~~
~~FY 2009-2010 74,142 59,462 48,280 48,280 48,280~~
~~FY 2010-2011 76,366 61,246 49,728 49,728 49,728~~

FY 2015-2016	*78,657*	*63,083*	*51,220*	*51,220*	*51,220*	*-------*	*-------*
FY 2016-2017	*81,017*	*64,976*	*52,756*	*52,756*	*52,756*	*-------*	*-------*
FY 2017-2018	*83,447*	*66,926*	*54,339*	*54,339*	*54,339*	*-------*	*-------*
FY 2018-2019	*85,951*	*68,933*	*55,969*	*55,969*	*55,969*	*-------*	*-------*

➥ ***The annual salaries set forth in this subsection for Fiscal Year 2018-2019 are effective for that fiscal year and each fiscal year thereafter.***

3. ~~[A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the ***The]*** ***Except as otherwise provided in subsection 5, the*** annual salary for ~~[the]~~ county commissioners ~~[of that county, but in no event may the annual salary exceed an amount which equals:]~~ ***commencing on July 1 of the fiscal year is:***

(a) For Fiscal Year ~~[2007-2008, 131.716]~~ ***2015-2016, 103.00*** percent;

(b) For Fiscal Year ~~[2008-2009, 136.985]~~ ***2016-2017, 106.09*** percent;

(c) For Fiscal Year ~~[2009-2010, 142.464]~~ ***2017-2018, 109.273*** percent; and

(d) For Fiscal Year ~~[2010-2011, 148.163]~~ ***2018-2019 ~~[,]~~ and each fiscal year thereafter, 112.551*** percent,

➥ of the amount of the annual salary for the county commissioners of that county that was in effect ~~[by operation of statute]~~ on January 1, ~~[2003.]~~ ***2015.***

4. Any elected officer or county commissioner who is entitled to a salary pursuant to subsection 2 or 3 may elect not to receive any part of the salary to which he or she is entitled pursuant to subsection 2 or 3, as applicable.

5. The increased annual salaries for all elected county officers provided for in subsections 2 and 3 for a fiscal year must not be paid in that fiscal year if the board of county commissioners determines that sufficient financial resources are not available to pay the increased annual salaries in that fiscal year and the annual salaries provided for those officers in the immediately preceding fiscal year must continue to be paid. If increased annual salaries are paid in a subsequent fiscal year:

(a) Those increased annual salaries must be in the amounts provided for in subsections 2 and 3 for that subsequent fiscal year.

(b) An elected county officer is not entitled to any retroactive payment of the salary increase for any previous fiscal year in which increased annual salaries were not paid.

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment gives the county board of commissioners the option not to approve the salary increases for elected officials if the board determines that there are insufficient financial resources available to pay for these increases. A lot of us came together and worked very hard to try and get this bill amended to where it will work for everybody, and I think we have done that. I am pretty happy that we did get this amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 264, 286, 294, 307, 327, 393, 429, 477, 490, 499; Senate Joint Resolution No. 17 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 154.

Bill read second time and ordered to third reading.

Senate Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 853.

SUMMARY—Enacts provisions ~~[governing the liability of owners, lessees or occupants of any premises for injuries to trespassers.]~~ **relating to civil liability for certain acts.** (BDR 3-939)

AN ACT relating to actions concerning persons; enacting certain limitations of liability for owners, lessees or occupants of any premises for injuries to trespassers; providing immunity from certain civil actions for certain persons in connection with the display of public art; **providing that a person who jumps or otherwise removes himself or herself, by parachute or by other airborne means, from a fixed structure owned by another person or who takes certain actions to assist another person in doing so is deemed a trespasser for the purposes of certain provisions relating to trespassers; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Traditionally, at common law, the duty of care that an owner or other lawful occupant of real property owed to a person entering onto the property was determined by the person's status as an invitee, a licensee or a trespasser. Thus, an owner or occupant of real property had a duty to exercise ordinary care and prudence to render the property reasonably safe for the visit of an invitee or to warn the invitee of certain dangerous or unsafe conditions on the property. An owner or occupant of real property who failed to exercise due care was subject to civil liability for any harm to an invitee caused by that failure. (*Galloway v. McDonalds Restaurants of Nevada, Inc.*, 102 Nev. 534, 537 (1986)) In contrast, an owner or occupant of real property had no duty to a mere trespasser except to not wantonly or willfully injure the trespasser and to exercise due care to prevent injury to the trespasser after the owner or occupant discovered

the trespasser's presence in a place of danger on the property. (*Crosman v. Southern Pac. Co.*, 44 Nev. 286, 300 (1921)) In 1994, however, the Nevada Supreme Court abandoned the principle of basing the liability of an owner or occupant of real property on the status of the person injured on the property. The Court adopted instead the principle that the owner or occupier of real property should be held to the general duty of reasonable care whenever another person is injured on that property and that determinations of liability should primarily depend on whether the owner or occupier acted reasonably under the circumstances. (*Moody v. Manny's Auto Repair*, 110 Nev. 320, 333 (1994))

Section 2 of this bill adopts the principle for determining the duty of care owed by an owner, lessee or occupant of any premises to a trespasser as it was at common law. **Section 2** also codifies in statute what is commonly known as the "attractive nuisance doctrine." This doctrine imposes a higher standard of care on an owner, lessee or occupant toward a trespassing child who is injured by an artificial condition on the premises if: (1) the owner, lessee or occupant knows or reasonably should know that the condition is likely to attract children and involves an unreasonable risk of death or serious bodily injury; (2) the child is unlikely to appreciate the dangerousness of the condition because of his or her age; (3) the utility of maintaining the condition and eliminating the danger are slight as compared to the risk to the child; and (4) the owner, lessee or occupant fails to exercise reasonable care to eliminate the danger or to otherwise protect the trespassing child.

Section 3 of this bill provides that, subject to certain conditions, a person who creates, sponsors, owns or produces public art or who owns, leases or occupies any estate or interest in any premises where such art is displayed is not liable for the death or injury of a person or for damage to property caused or sustained by a person who: (1) defaces or destroys, or attempts to deface or destroy, public art; (2) uses the public art in an unintended manner; or (3) fails to heed certain posted warnings or instructions concerning the public art. **Section 3** also defines "public art" for such purposes.

Section 3.5 of this bill: (1) provides that a person who jumps or otherwise removes himself or herself, by parachute or by other airborne means, from a fixed structure owned by another person or a person who knowingly delivers or retrieves another person who intends to commit, is committing or has committed such an act is deemed a trespasser for the purposes of section 2 of this bill; and (2) provides that a person who violates a provision of section 3.5 is guilty of a category E felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, an owner of any estate or interest in any premises, or a lessee or an occupant of any***

premises, owes no duty of care to a trespasser and is not liable to a trespasser for physical harm caused by the failure to exercise reasonable care to put the premises in a condition that is reasonably safe for the entry or use by a trespasser or to carry on activities on the premises so as not to endanger a trespasser.

2. An owner, lessee or occupant of premises may be subject to liability for harm to a trespasser if:

(a) The owner, lessee or occupant willfully or wantonly causes harm to the trespasser;

(b) The owner, lessee or occupant fails to exercise reasonable care to prevent harm to the trespasser after discovering the trespasser's presence in a place of danger on the premises; or

(c) The trespasser is a child who is injured by an artificial condition on the premises and:

(1) The place where the condition exists is one on which the owner, lessee or occupant knows or has reason to know that a child is likely to trespass;

(2) The condition is one that the owner, lessee or occupant knows or has reason to know and that the owner, lessee or occupant realizes or should realize involves an unreasonable risk of death or serious bodily harm to a trespassing child;

(3) The trespassing child, because of his or her youth, does not discover the condition or realize the risk involved in the condition or coming within the area made dangerous by it;

(4) The utility to the owner, lessee or occupant of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to the trespassing child; and

(5) The owner, lessee or occupant fails to exercise reasonable care to eliminate the danger or to otherwise protect the trespassing child from harm.

3. This section does not affect any immunity from or defenses to civil liability established by specific statute or available at common law to which an owner, lessee or occupant may be entitled.

4. As used in this section, "trespasser" means any person who enters or remains upon any premises owned, leased or occupied by another person without the express or implied consent of the owner, lessee or occupant of the premises.

Sec. 3. *1. Except as otherwise provided in this section, a person who creates, sponsors, owns or produces public art, or who owns, leases or occupies any estate or interest in any premises where such art is displayed, is not liable for the death or injury of a person or for damage to property caused or sustained by a person who:*

(a) Defaces or destroys, or attempts to deface or destroy, public art;

(b) Uses the public art in an unintended manner; or

(c) Fails to heed posted warnings or instructions concerning the public art if such warnings are posted to warn the public against any foreseeable

conditions or any misuse of the public art that may pose an unreasonable risk of death or serious bodily injury.

2. This section does not eliminate a person's duty to remedy or mitigate a condition that has actually caused two or more instances of serious bodily injury.

3. As used in this section, "public art":

(a) Except as otherwise provided in paragraph (b), means a work of art which:

(1) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of stone, clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(2) Was purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(3) Is displayed in a building or indoor or outdoor premises generally open to the public, whether publicly or privately owned; and

(4) Is made available to be viewed by the public without charge; and

(b) Does not include:

(1) Performance art;

(2) Literary works;

(3) Property used in the performing arts, including, without limitation, scenery or props for a stage production;

(4) A product of filmmaking or photography, including, without limitation, motion pictures; or

(5) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

Sec. 3.5. **Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not:

(a) Jump or otherwise remove himself or herself, by parachute or by other airborne means, from a fixed structure owned by another person or any fixture or appurtenance attached thereto; or

(b) Knowingly and intentionally deliver or retrieve another person who intends to commit, is committing or has committed an act specified in paragraph (a).

2. A person who violates any provision of subsection 1:

(a) Shall be deemed to be a trespasser for the purposes of section 2 of this act.

(b) Is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. This section does not apply to:

(a) An emergency involving public safety or damage to property, loss of life or injury to any person; or

(b) An act committed pursuant to the terms and conditions of a lawfully issued permit.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment provides that a person who jumps with a parachute, wingsuit, or other airborne means from a building owned by someone else is deemed a trespasser. The person who delivers or retrieves the person who has jumped or intends to jump is also deemed a trespasser.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 161.

Bill read second time and ordered to third reading.

Senate Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 857.

AN ACT relating to real property; authorizing certain persons to file a notice to terminate ~~[a revolving]~~ **an equity** line of credit secured by a deed of trust or mortgage; **authorizing certain persons to file a written instruction to suspend and close an equity line of credit secured by a deed of trust or mortgage;** authorizing certain trustees to file a declaration of nonmonetary status under certain circumstances; revising provisions governing an action to declare void a trustee's sale; authorizing a beneficiary to substitute as trustee for the purpose of reconveying a deed of trust; providing that a failure to comply with the provisions of law governing a trustee's sale does not affect the validity of a sale in favor of a bona fide purchaser; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, within 21 days after receiving notice that a debt secured by a mortgage has been paid or otherwise satisfied or discharged, the mortgagee is required to record a discharge of the mortgage. (NRS 106.290) Existing federal law relating to lending practices also specifies certain circumstances under which a lender may reduce or terminate a home equity line of credit **.** ~~[, otherwise known as "revolving line of credit."]~~ (Truth in Lending Act, 12 C.F.R. Part 1026) **Section 1** of this bill authorizes certain persons to provide a written request to terminate ~~[a revolving]~~ **an equity** line of credit secured by a deed of trust or mortgage. **Section 1** also requires a lender upon receipt of such notice to: (1) terminate the borrower's right to obtain advances under the ~~[revolving]~~ **equity** line of credit; (2) apply certain sums paid to the satisfaction of the ~~[revolving]~~ **equity** line of credit; and (3)

record a reconveyance or certificate of discharge of the security instrument when the balance becomes zero. **Section 1 also authorizes certain persons to provide a written instruction from a borrower to suspend and close an equity line of credit secured by a deed of trust or mortgage. Section 1 provides the content of the written instruction and requires a lender upon receipt of such an instruction to suspend the equity line of credit for a minimum of 30 days. When the lender is in possession of both the instruction and payment, section 1 requires the lender to: (1) close the equity line of credit; and (2) release or reconvey the property securing the equity line of credit.**

Existing law: (1) prescribes certain qualifications and duties of a trustee under a deed of trust; (2) provides for a civil action against a trustee under certain circumstances; and (3) prohibits a beneficiary from reconveying a deed of trust, unless the beneficiary meets certain qualifications to act as a trustee. (NRS 107.028) **Section 2** of this bill: (1) authorizes certain trustees to file a declaration of nonmonetary status if the trustee is named as a party to a civil action under certain circumstances; and (2) authorizes a party to the action to file an objection to a trustee's declaration of nonmonetary status. If no such objection is timely made or if a court does not determine that an objection is valid, the trustee is no longer required to participate in the action and is not subject to any damages ~~[, equitable relief]~~ or attorney's fees or costs. **Section 3** of this bill authorizes a beneficiary to substitute and act as trustee for the purpose of partially or fully reconveying a deed of trust.

Existing law provides that a sale by the trustee under a deed of trust must be declared void by a court of competent jurisdiction if: (1) the trustee or a person authorized to make the sale does not substantially comply with certain provisions of existing law governing the exercise of the trustee's power of sale; and (2) an action is commenced in the county where the sale took place within 45 days after the date of the sale or, if the notice of default and election to sell or the notice of sale is not provided to certain persons in accordance with existing law, within 60 days after the person received actual notice of sale. Existing law also requires a trustee or a successful bidder at a trustee's sale of property to record a trustee's deed upon sale not later than 30 days after the trustee's sale of the property. (NRS 107.080) Under **section 4** of this bill: (1) not later than 5 days after a trustee's deed upon sale is recorded, the trustee or successful bidder at the trustee's sale must post conspicuously on the property a notice of trustee's sale ~~[.]~~ **, although failure to do so does not affect the validity of a sale to a bona fide purchaser for value without knowledge of the failure;** (2) an action to declare void a trustee's sale must be commenced within ~~[15]~~ **30** days after the recording of the trustee's deed upon sale or, in certain circumstances, within 90 days after the date of the sale; and (3) after the expiration of the period for commencing an action to declare void a trustee's sale, any failure to comply with a provision of existing law governing the exercise of the trustee's power of sale does not affect the rights of a bona fide purchaser.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 106 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a written request from an authorized person to terminate ~~[a revolving]~~ an equity line of credit secured by a mortgage or deed of trust, the lender shall:

(a) Terminate the borrower's right to obtain advances under the borrower's ~~[revolving]~~ equity line of credit;

(b) Apply all sums subsequently paid by or on behalf of the borrower in connection with the ~~[revolving]~~ equity line of credit to the satisfaction of the ~~[revolving]~~ equity line of credit and other sums secured by the related security instrument; and

(c) When the balance of all outstanding sums secured by the related security instrument becomes zero, record a reconveyance or certificate of discharge of the security instrument.

2. ~~[No particular phrasing is required in the written request provided to the lender to terminate a revolving line of credit, but the request must include, without limitation:~~

~~(a) The name of each borrower;~~

~~(b) The account number of the revolving line of credit; and~~

~~(c) The street address of the property, if appropriate.~~

~~3. Notice of a written request to terminate a revolving line of credit secured by a mortgage or deed of trust from an authorized person must be provided to the borrower. The notice must be in substantially the following form:~~

~~NOTICE TO BORROWER~~

~~You have a revolving line of credit, otherwise known as a home equity line of credit, secured by a mortgage or deed of trust, and lien, on real property located at _____.~~

~~Our company is handling the escrow for your transaction. We are sending the attached notice to your lender requesting that your revolving line of credit be terminated. Our reason for making this request is: _____. When your lender receives our request, your lender will terminate and close your revolving line of credit and you will no longer be able to obtain credit advances. However, termination of your revolving line of credit does not release you from liability for amounts owed under the account. All sums your lender subsequently receives in connection with your revolving line of credit, including any sums we may send to your lender, will be applied by your lender to the satisfaction of your account. When the balance of your account becomes zero, your lender will be required to cancel the mortgage or deed of trust as a matter of public record.~~

~~*If you have questions about this notice or our action, please contact _____ by calling us at _____ or writing to us at _____.*~~

~~*_____.*~~

~~*(Name of Company)]*~~

Upon receipt from an authorized person of an instruction from a borrower to suspend and close an equity line of credit, the lender shall suspend the equity line of credit for a minimum of 30 days if the instruction is:

(a) Prepared and presented to the lender by the authorized person;

(b) Signed by the borrower; and

(c) Made in substantially the following form:

BORROWER'S INSTRUCTION TO SUSPEND AND CLOSE EQUITY LINE OF CREDIT

Lender: [Name of lender]
Borrower: [Name of borrower]
Account number of equity line of credit: [Account number]
Address of encumbered property: [Property address]
Escrow agent or settlement agent: [Name of agent]

In connection with a sale or refinance of the above-referenced property, my escrow agent or settlement agent has requested a payoff demand statement for the above-described equity line of credit. I understand that my ability to use this equity line of credit has been suspended for at least 30 days to accommodate this pending transaction. I understand that I cannot use any credit card, debit card or check associated with this equity line of credit while it is suspended, and all amounts of money will be due and payable upon close of escrow. I also understand that when payment is made in accordance with the payoff demand statement, my equity line of credit will be closed. If any amounts of money remain due after the payment is made, I understand that I will remain personally liable for those amounts of money even if the equity line of credit has been closed and the property released.
This is my written authorization and instruction that you are to close my equity line of credit and cause the secured lien against this property to be released when you are in receipt of both this instruction and payment in accordance with your payoff demand statement.

(Date)

(Signature of each borrower)

3. If a lender is in receipt of an instruction from a borrower to suspend and close an equity line of credit and payment in accordance with the payoff demand statement, the lender shall:

(a) Close the equity line of credit; and

(b) Release or reconvey the property securing the equity line of credit as provided in this chapter.

4. A lender may conclusively rely on a representation by the authorized person that presents an instruction of a borrower to suspend and close an equity line of credit that the instruction is that of the borrower.

5. As used in this section:

(a) "Authorized person" includes:

(1) A title agent as defined in NRS 692A.060;

(2) A title insurer as defined in NRS 692A.070; and

(3) An escrow agency as defined in NRS 645A.010.

(b) "Receipt of a written request" includes confirmation by facsimile, electronic ~~[mail]~~ record, as defined in NRS 719.090, or paper copy sent by certified mail.

Sec. 2. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the trustee under a deed of trust is named in an action in which the deed of trust is the subject and the trustee has a reasonable belief that he or she has been named in the action solely in his or her capacity as trustee and not as a result of any wrongful act or omission made in the performance of his or her duties as trustee, the trustee may, at any time, file a declaration of nonmonetary status. The declaration must be served on the parties in the manner prescribed by Rule 5 of the Nevada Rules of Civil Procedure and must include:

(a) The status of the trustee as trustee under the deed of trust; and

(b) The basis for the trustee's reasonable belief that he or she has been named as a defendant in the action solely in his or her capacity as trustee and not as a result of any wrongful act or omission made in the performance of his or her duties as trustee.

2. Upon the filing of a declaration of nonmonetary status pursuant to subsection 1, the time in which the trustee is required to file an answer or any other responsive pleading is tolled until notice is given of an order granting an objection to the declaration of nonmonetary status, from which date the trustee has 30 days to file an answer or any other responsive pleading to the complaint.

3. Any party that has appeared in an action described in subsection 1 has 15 days after the date of service of the declaration of nonmonetary status to file an objection. Any objection filed pursuant to this subsection must set forth the factual basis on which the objection is based and must be served on the trustee.

4. If a timely objection is made pursuant to subsection 3, the court shall promptly examine the declaration of nonmonetary status and the objection and shall issue an order as to the validity of the objection. If the court determines the objection is valid, the trustee is required to participate in the action.

5. If no objection is raised within the 15-day period pursuant to subsection 3 or if the court determines the objection is invalid, the trustee is not required to participate any further in the action and is not subject to any money damages ~~[, equitable relief]~~ or attorney's fees or costs, except that the trustee is required to respond to any discovery request as a nonparty participant and is bound by any court order relating to the deed of trust.

6. If, at any time during the proceedings under this section, the parties to the action acquire newly discovered evidence indicating the trustee should be made a participant in the action as a result of the trustee's performance of his or her duties as trustee, the parties may file a motion to amend the pleadings pursuant to Rule 15 of the Nevada Rules of Civil Procedure.

7. For the purposes of this section, "trustee" includes any agent or employee of the trustee who performs some or all the duties of a trustee under this chapter and includes substitute trustees and agents of the beneficiary or trustee.

Sec. 3. NRS 107.028 is hereby amended to read as follows:

107.028 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** trustee under a deed of trust must be:

(a) An attorney licensed to practice law in this State;

(b) A title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS;

(c) A person licensed pursuant to chapter 669 of NRS;

(d) A domestic or foreign entity which holds a current state business license issued by the Secretary of State pursuant to chapter 76 of NRS;

(e) A person who does business under the laws of this State, the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies;

(f) A person who is appointed as a fiduciary pursuant to NRS 662.245;

(g) A person who acts as a registered agent for a domestic or foreign corporation, limited-liability company, limited partnership or limited-liability partnership;

(h) A person who acts as a trustee of a trust holding real property for the primary purpose of facilitating any transaction with respect to real estate if he or she is not regularly engaged in the business of acting as a trustee for such trusts;

(i) A person who engages in the business of a collection agency pursuant to chapter 649 of NRS; or

(j) A person who engages in the business of an escrow agency, escrow agent or escrow officer pursuant to the provisions of chapter 645A or 692A of NRS.

2. A trustee under a deed of trust must not be the beneficiary of the deed of trust for the purposes of exercising the power of sale pursuant to NRS 107.080.

3. A trustee under a deed of trust must not:

(a) Lend its name or its corporate capacity to any person who is not qualified to be the trustee under a deed of trust pursuant to subsection 1.

(b) Act individually or in concert with any other person to circumvent the requirements of subsection 1.

4. A beneficiary of record may ~~[replace]~~ ***:***

(a) Replace its trustee with another trustee ~~[.]~~ ***; or***

(b) Substitute as trustee only for the purposes of executing a substitution of trustee and a full or partial reconveyance of a deed of trust.

5. The appointment of a new trustee is not effective until the substitution of trustee is recorded in the office of the recorder of the county in which the real property is located.

~~[5.]~~ ***6.*** The trustee does not have a fiduciary obligation to the grantor or any other person having an interest in the property which is subject to the deed of trust. The trustee shall act impartially and in good faith with respect to the deed of trust and shall act in accordance with the laws of this State. A rebuttable presumption that a trustee has acted impartially and in good faith exists if the trustee acts in compliance with the provisions of NRS 107.080. In performing acts required by NRS 107.080, the trustee incurs no liability for any good faith error resulting from reliance on information provided by the beneficiary regarding the nature and the amount of the default under the obligation secured by the deed of trust if the trustee corrects the good faith error not later than 20 days after discovering the error.

~~[6.]~~ ***7.*** If, in an action brought by a grantor, a person who holds title of record or a beneficiary in the district court in and for the county in which the real property is located, the court finds that the trustee did not comply with this section, any other provision of this chapter or any applicable provision of chapter 106 or 205 of NRS, the court must award to the grantor, the person who holds title of record or the beneficiary:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award.

Sec. 4. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record

on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. ~~[A]~~ ***Except as otherwise provided in subsection 7, a*** sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within ~~[45 *15]~~ ***30*** days after the date ~~[of the sale;]~~ ***on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of the county in which the property is located;*** and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within ~~[15]~~ ***5*** days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within ~~[60]~~ ***90*** days after the date ~~[on which the person received actual notice]~~ of the sale.

7. ***Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.***

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

~~[8.]~~ ***9.*** The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

~~[9.]~~ ***10.*** After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

~~[10.]~~ ***11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whomever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.***

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection ~~[9.]~~ ***10,*** the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection ~~[9]~~ ***10*** and for reasonable attorney's fees and the costs of bringing the action.

~~[11.]~~ ***13.*** The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

~~[12.]~~ ***14.*** The fees collected pursuant to paragraphs (a) and (b) of subsection ~~[11]~~ ***13*** must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection ~~[11.]~~ ***13.*** The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection ~~[11.]~~ ***13.***

~~[13.]~~ ***15.*** The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection ~~[11.]~~ ***13.***

~~[14.]~~ ***16.*** As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 5. NRS 645B.340 is hereby amended to read as follows:

645B.340 1. Except as otherwise provided by law or by agreement between the parties and regardless of the date the interests were created, if the beneficial interest in a loan or the ownership interest in the real property previously securing the loan belongs to more than one person, the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property, as indicated on a trustee's deed upon sale recorded pursuant to subsection ~~[9]~~ ***10*** of NRS 107.080, a deed recorded pursuant to subsection 5 of NRS 40.430 or a deed in lieu of foreclosure, and any subsequent deed selling, transferring or assigning an ownership interest, may act on behalf of all the holders of the beneficial interests or ownership interests of record on matters which require the action of the holders of the beneficial interests in the loan or the ownership interests in the real property, including, without limitation:

(a) The designation of a mortgage broker or mortgage agent, servicing agent or any other person to act on behalf of all the holders of the beneficial interests or ownership interests of record;

(b) The foreclosure of the property for which the loan was made;

(c) The subsequent sale, transfer, encumbrance or lease of real property owned by the holders resulting from a foreclosure or the receipt of a deed in

lieu of a foreclosure in full satisfaction of a loan, to a bona fide purchaser or encumbrancer for value;

(d) The release of any obligation under a loan in return for an interest in equity in the real property or, if the loan was made to a person other than a natural person, an interest in equity of that entity; and

(e) The modification or restructuring of any term of the loan, deed of trust or other document relating to the loan, including, without limitation, changes to the maturity date, interest rate and the acceptance of payment of less than the full amount of the loan and any accrued interest in full satisfaction of the loan.

2. A person designated to act pursuant to subsection 1 on behalf of the holders of the beneficial interest in a loan or the ownership interest in real property shall, not later than 30 days before the date on which the holders will determine whether or not to act pursuant to subsection 1, send a written notice of the action to each holder of a beneficial interest or ownership interest at the holder's last known address, by a delivery service that provides proof of delivery or evidence that the notice was sent. The written notice must state:

(a) The actions that will be taken on behalf of the holders who consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1;

(b) The actions that will be taken on behalf of the holders who do not consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1; and

(c) The amount of the costs or, if an amount is unknown, an estimate of the amount of the costs that will be allocated to, or due from, the holder and deducted from any proceeds owed to the holder.

3. If real property is sold, transferred, encumbered or leased pursuant to paragraph (c) of subsection 1, any beneficial interest in the loan or ownership interest in the real property of a holder who does not consent to the sale, transfer, encumbrance or lease, including, without limitation, any interest of a tenant in common who does not consent to the sale, transfer, encumbrance or lease, must be sold, transferred, encumbered or leased by a reference to this section and by the signatures on the necessary documents of the holders consenting to the sale, transfer, encumbrance or lease of the real property. The holders consenting to the sale, transfer, encumbrance or lease of the real property shall designate a representative to sign any necessary documents on behalf of the holders who do not consent to the sale, transfer, encumbrance or lease and, if the representative maintains written evidence of the consent of the number of holders described in subsection 1, the representative is not liable for any action taken pursuant to this subsection.

4. Any action which is taken pursuant to subsection 1 must be in writing.

5. The provisions of this section do not apply to a transaction involving two investors with equal interests.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment provides for the termination of an equity line of credit secured by a mortgage or deed of trust if a written request is received from an authorized person. It also changes the number of days from 45 to 30 after the sale of the property when the trustee's deed is recorded.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 858.

SENATORS HARRIS, FARLEY, DENIS; GOICOECHEA, GUSTAVSON, LIPPARELLI, MANENDO, SEGERBLOM AND SETTELMEYER

JOINT SPONSORS: ASSEMBLYMEN STEWART, NELSON, SILBERKRAUS ~~[,]~~ **, O'NEILL, SEAMAN; ELLIOT ANDERSON, FIORE, GARDNER, JONES** AND WOODBURY

AN ACT relating to guardians; adding provisions governing the appointment of certain preferred persons as guardians for adult wards; revising provisions relating to the appointment of a guardian for a minor; revising requirements governing eligibility to utilize a public guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment, qualifications and duties of guardians for certain minor and adult wards. (Chapter 159 of NRS) Existing law prohibits a nonresident of Nevada from being appointed as a guardian for a minor or adult ward unless the person has associated a co-guardian who is a resident of Nevada or a banking corporation whose principal place of business is in Nevada. (NRS 159.059) Existing law also gives preference to certain persons to be appointed as a guardian for a minor ward but does not give preference to any persons to be appointed as a guardian for an adult ward. (NRS 159.061)

Sections 1 and 6.7 of this bill revise the circumstances under which a court is authorized to appoint a nonresident as a guardian for an adult ward. **Section 6.3** eliminates existing limitations on the authority of a court to appoint a nonresident as a guardian for a minor ward. **Section 1** also requires the court to give preference in appointing a guardian for an adult ward to the following persons in the following order, whether or not the person is a nonresident: (1) a nominated person, who is a person the adult ward specifically nominated or requested as a guardian in a will, trust or other written document executed by

the adult ward while competent; or (2) a relative. If two or more nominated persons are qualified and suitable to be appointed as a guardian, **section 1** authorizes the court to appoint two or more co-guardians or generally requires the court to give preference to the nominated person named in a will, trust or other written document that is part of the adult's established estate plan, but there are certain exceptions for extraordinary circumstances.

In selecting a guardian, **section 1** does not allow the court to give preference to ~~[a nominated person or relative who is]~~ a resident over ~~[a nominated person or relative who is]~~ a nonresident if the court determines that the nonresident would be a more qualified and suitable guardian and the adult would receive continuing care and supervision under the guardianship of the nonresident. If the court selects a nonresident guardian, **section 1** requires the court to order the nonresident guardian to designate a registered agent in this State.

~~[Sections 1 and 2.5 of this bill increase the frequency with which a guardian must file with the court a report regarding the finances and well-being of a ward from annually to semiannually.]~~

Section 2.3 of this bill revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by: (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or (2) a guardian ad litem or court appointed special advocate who represents the minor.

Sections 2.1-2.9 and 6.3 of this ~~[act]~~ **bill** make conforming changes to reflect the changes made by ~~[sections 1 and 6.7.]~~ **the other sections of this bill.**

Existing law provides that a ward is eligible to have a public guardian appointed as his or her permanent or general individual guardian if: (1) there is no relative or friend able and willing to be appointed as a guardian for the ward; or (2) the court removes a private professional guardian previously appointed for the ward. (NRS 253.200) **Section 3** of this bill provides for the appointment of a public guardian for an incompetent adult who failed to nominate a person for appointment as guardian while he or she was still competent or if the nominated person is not suitable or willing to serve as guardian.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether ~~[a]~~ any nominated person , ~~[or]~~ relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person , ~~[or]~~ relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person , ~~[or]~~ relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person , ~~[or]~~ relative or other person has been judicially determined to have committed abuse, neglect , ~~[or]~~ exploitation , isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person , ~~[or]~~ relative or other person is incompetent or has a disability; and

(e) Whether the nominated person , ~~[or]~~ relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person ~~[or relative]~~ from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining ~~[who]~~ which qualified person is most suitable, the court shall , in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with

those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while competent.

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is not a relative and who has a power of attorney executed by the adult while competent.

5. The court may appoint as guardian ~~[a]~~ any nominated person , ~~[or]~~ relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian ~~[to]~~ for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of ~~[semiannual]~~ annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is ~~[no]~~ not any suitable nominated person , ~~[or]~~ relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from ~~[.]~~ any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership

as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 2. (Deleted by amendment.)

Sec. 2.1. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. ~~[A]~~ ***In order for a person to serve as a*** private professional guardian, ~~[if a person,]~~ ***the person*** must be ~~[qualified]~~ ***:***

(a) Qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ ***section 1 of this act if the ward is an adult or NRS 159.061 if the ward is a minor :*** and ~~[must be a]~~

(b) A certified guardian.

2. ~~[A]~~ ***In order for an entity to serve as a*** private professional guardian, ~~[if an entity,]~~ ***the entity*** must ~~[be]~~ ***:***

(a) Be qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ ***section 1 of this act if the ward is an adult :*** and ~~[must have]~~

(b) Have a certified guardian involved in the day-to-day operation or management of the entity.

3. A private professional guardian shall, at his or her own cost and expense:

(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History and to the Federal Bureau of Investigation for their respective reports; and

(b) Present the results of the background investigation to the court upon request.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 2.3. NRS 159.061 is hereby amended to read as follows:

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the

minor. The appointment of a parent as ~~[a]~~ guardian ~~[of]~~ ***for*** the ~~[person]~~ ***minor*** must not conflict with a valid order for custody of the minor.

2. In determining whether the parents of a minor, or either parent, ***or any other person who seeks appointment as guardian for the minor*** is qualified and suitable, the court shall consider, ***if applicable and*** without limitation:

(a) Which parent has physical custody of the minor;

(b) The ability of the parents ***,*** ~~[or]~~ parent ***or other person*** to provide for the basic needs of the ~~[child,]~~ ***minor,*** including, without limitation, food, shelter, clothing and medical care;

(c) Whether the parents ***,*** ~~[or]~~ parent ***or other person*** has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; ~~[and]~~

(d) Whether the parents ***,*** ~~[or]~~ parent ***or other person*** has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the ***abuse, neglect , or*** exploitation ***, isolation or abandonment*** of a child ~~[.]~~ ***, his or her spouse, his or her parent or any other adult; and***

(e) Whether the ~~[parent or]~~ parents ~~[have]~~ , parent or other person has been convicted in this State or any other jurisdiction of a felony.

~~[2.]~~ ***3.*** Subject to the preference set forth in subsection 1, the court shall appoint as guardian ~~[for an incompetent, a person of limited capacity or a minor,]~~ the qualified person who is most suitable and is willing to serve.

~~[3.]~~ ***4.*** In determining ~~[who]~~ ***which qualified person*** is most suitable, the court shall ***, in addition to considering any applicable factors set forth in subsection 2,*** give consideration, among other factors, to:

(a) ~~[Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.~~

~~(b)]~~ Any nomination of a guardian for ~~[an incompetent, a]~~ ***the*** minor ~~[or person of limited capacity]~~ contained in a will or other written instrument executed by a parent ~~[or spouse]~~ of the ~~[proposed ward.~~

~~(c)]~~ ***minor.***

(b) Any request ~~[for the appointment as guardian for a]~~ ***made by the*** minor ***, if he or she is*** 14 years of age or older ~~[made by]~~ ***, for the appointment of a person as guardian for*** the minor.

~~[(d)]~~ ***(c)*** The relationship by blood ~~[,]~~ ***or*** adoption ~~[or marriage]~~ of the proposed guardian to the ~~[proposed ward.]~~ ***minor.*** In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) ~~[Spouse.~~

~~(2) Adult child.~~

~~(3)]~~ Parent.

~~[(4)]~~ ***(2)*** Adult sibling.

~~[(5)]~~ ***(3)*** Grandparent ***.*** ~~[or adult grandchild.]~~

~~[(6)]~~ ***(4)*** Uncle ~~[,]~~ ***or*** aunt **.** ~~[, adult niece or adult nephew.]~~

~~[(e)]~~ ***(d)*** Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

~~[(f)]~~ ***(e) Any recommendation made by:***

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

~~[4. If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3, the court may appoint as guardian:~~

~~(a) The public guardian of the county where the ward resides, if:~~

~~(1) There is a public guardian in the county where the ward resides; and~~

~~(2) The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS;~~

~~(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary; or~~

~~(c) A private professional guardian who meets the requirements of NRS 159.0595.]~~

5. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it NRS 432B.030.

Sec. 2.5. ~~[NRS 159.073 is hereby amended to read as follows:~~

~~159.073 1. Every guardian, before entering upon his or her duties as guardian and before letters of guardianship may issue, shall:~~

~~(a) Take and subscribe the official oath which must:~~

~~(1) Be endorsed on the letters of guardianship; and~~

~~(2) State that the guardian will well and faithfully perform the duties of guardian according to law.~~

~~(b) File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.~~

~~(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgment must set forth:~~

~~(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:~~

~~(I) Act in the best interest of the ward at all times.~~

~~(II) Provide the ward with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.~~

~~(III) Protect, preserve and manage the income, assets and estate of the ward and utilize the income, assets and estate of the ward solely for the benefit of the ward.~~

~~(IV) Maintain the assets of the ward in the name of the ward or the name of the guardianship. Except when the spouse of the ward is also his or her guardian, the assets of the ward must not be commingled with the assets of any third party.~~

~~(V) Notify the court, all interested parties, the trustee, and named executor or appointed personal representative of the estate of the ward of the death of the ward within 30 days after the death.~~

~~(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.~~

~~(3) A list of actions regarding the ward that require the prior approval of the court.~~

~~(4) A statement of the need for accurate recordkeeping and the filing of [annual] *semiannual* reports with the court regarding the finances and well-being of the ward.~~

~~2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.]~~ **(Deleted by amendment.)**

Sec. 2.7. NRS 159.185 is hereby amended to read as follows:

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to ~~[NRS 159.059;]~~ ***section 1 of this act if the ward is an adult or NRS 159.061 if the ward is a minor;***

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 2.9. NRS 159.2024 is hereby amended to read as follows:

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to ~~[NRS 159.059.]~~ ***section 1 of this act if the ward is an adult or NRS 159.061 if the ward is a minor.***

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.

Sec. 3. NRS 253.200 is hereby amended to read as follows:

253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he or she resides appointed as his or her temporary individual guardian pursuant to NRS 159.0523 or 159.0525.

2. A resident of Nevada is eligible to have the public guardian of a county appointed as his or her permanent or general individual guardian if the proposed ward is a resident of that county and:

(a) The proposed ward has no ***nominated person,*** relative or friend suitable and willing to serve as his or her guardian; or

(b) The proposed ward has a guardian who the court determines must be removed pursuant to NRS 159.185.

3. A person qualified pursuant to subsection 1 or 2, or anyone on his or her behalf, may petition the district court of the county in which he or she resides to make the appointment.

4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.

5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:

> The undersigned is the Public Guardian or a Deputy Public Guardian of ..... County. The undersigned certifies that he or she has received a copy of this petition and all accompanying documents to be filed with the court.

6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.

7. If a person other than the public guardian served as temporary guardian before the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.

8. In addition to NRS 159.099, a county is not liable on any written or oral contract entered into by the public guardian of the county for or on behalf of a ward.

9. For the purposes of this section:

(a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.

(b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.

10. As used in this section, "nominated person" has the meaning ascribed to it in section 1 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS ~~[~~159.059;~~]~~ ***159.061;***

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) ~~[Except as otherwise provided in subsection 3, that]~~ ***That*** the proposed guardian has complied with the requirements of chapter 159 of NRS; and

(4) That the burden of proof set forth in chapter 159 of NRS for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in NRS 159.079, and subjects the guardian to the limitations set forth in NRS 159.0805;

(b) Is subject to the provisions of NRS 159.065 to 159.076, inclusive, and 159.185 to 159.199, inclusive;

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

~~[3. The court may appoint as a guardian for a child pursuant to this section for not more than 6 months a person who does not satisfy the residency requirement set forth in subsection 5 of NRS 159.059 if the court determines that appointing such a person is necessary to facilitate the permanent placement of the child.]~~

Sec. 6.7. NRS 159.059 is hereby repealed.

Sec. 7. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

159.059 Qualifications of guardian. Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.

4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state,

➥ during the period of the suspension or disbarment.

5. Is a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment changes the requirement that a guardian provide a report on the finances and well-being of a ward from once every six months to once every year. It gives the court the flexibility to determine the qualifications and suitability of any person seeking appointment as a guardian and adds additional sponsors to the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 862.

SUMMARY—Revises provisions relating to ~~[the use of safety belts in taxicabs.]~~ **motor vehicles.** (BDR 43-774)

AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; **limiting the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[This]~~ **Section 1 of this** bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

Existing law requires every owner of a motor vehicle registered or required to be registered in this State to maintain certain amounts of insurance coverage for the payment of tort liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185) Existing law authorizes certain persons to satisfy such a requirement by obtaining an operator's policy of liability insurance instead of an owner's policy of

liability insurance. (NRS 485.186) Existing law also provides that a person in whose name more than 10 motor vehicles are registered in this State may qualify as a self-insurer. (NRS 485.380) Section 2 of this bill limits, under certain circumstances, the amount of damages a plaintiff or claimant may recover in a civil action arising from a motor vehicle accident if he or she was not in compliance with such provisions of existing law, as applicable, at the time of the accident.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~[not]~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~[not]~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Sec. 2. **Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 2, in any civil action to recover damages arising from an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability policy of another party, if the plaintiff or claimant was not in compliance with the

requirements of NRS 485.185, 485.186 or 485.380, as applicable, at the time of the accident, the maximum amount that may be awarded to the plaintiff or claimant must:

(a) Be limited to medical costs, property damage and lost income incurred as a result of the accident; and

(b) Not include any damages for pain and suffering.

2. The provisions of subsection 1 do not apply to:

(a) A plaintiff or claimant injured by a motorist who, at the time of the accident, was operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance or engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 and:

(1) Was convicted of, or entered a plea of guilty or nolo contendere to, the offense; or

(2) Died as a result of the accident, if it is proven by a preponderance of the evidence that the motorist was operating the motor vehicle while committing any of the offenses described in this paragraph.

(b) A plaintiff or claimant who was a passenger in a motor vehicle involved in the accident, unless the plaintiff or claimant is an owner of the vehicle.

(c) A plaintiff or claimant who was not the operator of or a passenger in a motor vehicle involved in the accident.

(d) A plaintiff or claimant if the motorist who caused the accident:

(1) Intentionally caused the accident;

(2) Left the scene of the accident; or

(3) At the time of the accident, was acting in furtherance of the commission of a felony.

(e) A plaintiff or claimant who, at the time of the accident, was claimed as a dependent on the federal income tax return of one or both of his or her parents, and the parent or parents were not in compliance with the requirements of NRS 485.185, 485.186 or 485.380, as applicable.

(f) A plaintiff or claimant who, at the time of the accident, previously had been covered by an insurance policy which satisfied the requirements of NRS 485.185, 485.186 or 485.380, as applicable, that was cancelled or terminated for failure to pay the premium unless, at least 45 days before the accident, a notice of cancellation or termination was mailed to the last known address of the policyholder.

(g) Wrongful death claims.

3. Except as otherwise provided in subsection 2, the limitations of subsection 1 upon the amount and nature of damages which may be awarded may be asserted by:

(a) Any person who is involved in the accident which is the basis of the action or claim; and

(b) The insurer of motor vehicle liability for any person asserting a limitation set forth in subsection 1.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblymen Hansen, Elliot Anderson, and Wheeler.

ASSEMBLYMAN HANSEN:

The amendment limits, under certain circumstances, the amount of damages a person may recover in a civil action arising from a motor vehicle accident if he or she was not in compliance with certain insurance or financial responsibility laws at the time of the accident.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Amendment 862 to Senate Bill 304. I know legal counsel has ruled this amendment to be germane, but this amendment is in a wholly different title, not to mention a different chapter. The original bill was about seatbelts in taxicabs. The amendment is about all types of vehicles and insurance. I am struggling with the germaneness of this one. If this is germane, I think we are in for a fun rest of the session because I do not see how it is germane.

ASSEMBLYMAN WHEELER:

I was asked to let you know that this is an unfriendly amendment to the author of the bill and I would urge a no vote.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:30 p.m.

ASSEMBLY IN SESSION

At 9:31 p.m.

Mr. Speaker presiding.

Quorum present.

Motion lost.

Bill ordered to third reading

Senate Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 819.

SUMMARY—Allows the imposition of ~~[additional statutory]~~ **certain** taxes in a county to fund capital projects of the school district based on the recommendations of a Public Schools Overcrowding and Repair Needs Committee and voter approval. (BDR S-140)

AN ACT relating to taxation; authorizing the board of trustees of a school district **under specified circumstances** to adopt a resolution establishing the formation of a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of ~~[one or more statutory]~~ **certain** taxes to fund the capital projects of the school district; providing that if such a Committee is formed and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question to the voters at the 2016 General Election asking whether the ~~[statutory tax or]~~ **recommended** taxes should be imposed in the county; requiring the board of county commissioners to adopt an

ordinance imposing any such ~~[statutory tax or]~~ taxes that are approved by the voters; **providing for the use of the proceeds of such taxes for certain school purposes;** providing for the prospective expiration of the authority of a board of trustees to establish such a Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of ~~[one or more statutory]~~ **certain** taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. ~~[This bill further requires that if]~~ **Under this bill, a Committee may not be established by the board of trustees of a school district in a county in which there is imposed for the benefit of a school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both (currently Clark County).**

Sections 2 and 2.5 of this bill provide that if such a Committee is established ~~[and]~~ **, the Committee may recommend the imposition of one or more of the following taxes: (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) an additional tax on the transfer of real property in the county; (4) an additional sales and use tax in the county; and (5) an additional property tax in the county. The recommendations of the Committee must specify the rate or rates for each of the recommended taxes and may specify the period during which the recommended taxes will be imposed. If the Committee** submits its recommendations to the board of county commissioners by April 2, 2016, the board of county commissioners is required to submit a question to the voters at the November 8, 2016, General Election asking whether any of the ~~[statutory tax or]~~ taxes recommended by the Committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to ~~[adopt an ordinance imposing]~~ **impose** the approved ~~[statutory tax or]~~ taxes ~~[and]~~ **at the rate specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed $3.64 on each $100 of assessed valuation.**

Section 3 of this bill provides that the proceeds resulting from the imposition of such ~~[a tax or]~~ taxes **: (1)** must be deposited in the fund for capital projects of the school district ~~[. The]~~ **; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.**

Section 4 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such a Public Schools Overcrowding and Repair Needs Committee expire by limitation on April 2, 2016.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The board of trustees of a school district **, other than a school district located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both,** may, by resolution, establish a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of ~~[a statutory tax]~~ **one** or **more of the** taxes **described in section 2.5 of this act** for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If such a resolution is adopted, the Committee must be appointed consisting of:

(a) The superintendent of schools of the school district, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part the school district. If the legislative district of more than one Senator includes the school district, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the school district. If the legislative district of more than one member of the Assembly includes the school district, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) If applicable to the county, one member of the oversight panel for school facilities established pursuant to NRS 393.092 or 393.096, appointed by the chair of the panel.

(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.

(j) One member who is a representative of the largest organization of licensed educators in the county, appointed by that organization.

(k) One member of the general public, appointed by the parent-teacher association with the largest membership in the county.

(l) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.

(m) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the board of trustees.

(n) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest membership in the county or, if there is no local chamber of commerce in the county, the board of trustees.

(o) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county or, if there are no members of an association of homebuilders in the county, the board of trustees.

2. The members appointed pursuant to paragraphs (d) to (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a Committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a Committee is established pursuant to subsection 1, the Committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the Committee, the members of the Committee shall elect a chair.

5. A majority of a Committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

6. If a Committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the Committee.

Sec. 2. 1. If a Public Schools Overcrowding and Repair Needs Committee is established pursuant to subsection 1 of section 1 of this act, such a Committee shall, on or before April 2, 2016:

(a) Prepare recommendations for the imposition of one or more ~~[statutory]~~ **of the** taxes **described in section 2.5 of this act** in the county to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335**.** ~~[; and]~~ **The recommendations must specify the proposed rate or rates for each of the recommended taxes and may specify the period during which one or more of the recommended taxes will be imposed.**

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners shall ~~[:~~

~~(a) At]~~ **, at** the General Election on November 8, 2016, submit a question to the voters of the county asking whether any of the recommended ~~[statutory tax or]~~ taxes should be imposed in the county**.** ~~[; and~~

~~(b)~~ **The question submitted to the voters of the county must specify the proposed rate or rates for each of the recommended taxes and the period during which each of the recommended taxes will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1. If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to impose the tax described in subsection 5 of section 2.5 of this act, the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.**

3. If a majority of the voters voting on the question **submitted to the voters pursuant to subsection 2** vote affirmatively on the question ~~[, adopt an ordinance imposing]~~ **:**

(a) The board of county commissioners shall impose the recommended ~~[statutory]~~ tax or taxes ~~[.~~

~~The ordinance must provide the same procedures for the administration and enforcement of the statutory tax or taxes as set forth in the statutory provisions governing that tax or taxes.]~~ **in accordance with the provisions of section 2.5 of this act and at the rate or rates specified in the question submitted to the voters pursuant to subsection 2.**

(b) If the question recommended the imposition of the tax described in subsection 5 of section 2.5 of this act:

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

(c) The ~~[statutory]~~ tax or taxes ~~[may]~~ **shall** be imposed notwithstanding the provisions of any specific statute to the contrary ~~[.]~~ **and, except as otherwise specifically provided in sections 1 to 3, inclusive, of this act, such tax or taxes are not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.**

Sec. 2.5. **1. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed**

pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.

2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

➥ The tax must be administered and enforced in the same manner as the taxes imposed pursuant NRS 371.043 and 371.045 are administered and enforced.

3. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds $100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.

4. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.

5. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with

NRS 387.195, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 387.195, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced.

Sec. 3. The proceeds of any ~~[statutory]~~ tax or taxes imposed ~~[under an ordinance adopted]~~ pursuant to ~~[section 2]~~ **sections 2 and 2.5** of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and **, except as otherwise provided in subsection 2,** expended in the same manner as other money deposited in that fund **.** ~~[; and]~~

2. **May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.**

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2016.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblymen Armstrong and Hickey.

ASSEMBLYMAN ARMSTRONG:

The amendment makes the following changes to the bill: a committee may not be formed in any county where the real property transfer tax or room tax is currently being imposed for the benefit of a school district; the taxes that may be recommended for a position by a committee are limited to sales and use tax, property tax, government services tax, real property transfer tax, and room tax; if the property tax is recommended and approved by voters, the rate is exempt from the partial abatements of taxes approved by the Legislature in the 2005 Session as well as the combined statutory limit of $3.64 per $100 of assessed value; and the proceeds from any taxes imposed may be used for the payment of principal or interest on bonds or other obligations.

ASSEMBLYMAN HICKEY:

I rise in support of the motion to add Amendment 819 to Senate Bill 411. This bill and this amendment that was provided with the help of Carole Vilardo from the Taxpayers Association allows school districts, like Washoe County, who have identified that they have real capital and maintenance needs to bring forth through a process a measure to the voters. It is simply going to bring, through this process, an opportunity for the voters to decide about the needs for schools in their district.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 443.
Bill read second time and ordered to third reading.

Senate Bill No. 445.
Bill read second time and ordered to third reading.

Senate Bill No. 447.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 860.

AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; defining certain terms, including "concentrated cannabis"; revising the definition of marijuana for certain purposes; making it unlawful to extract concentrated cannabis; providing for the issuance of a letter of approval to certain children that allows such children to engage in the medical use of marijuana; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing the Division to issue a registry identification card; **revising provisions relating to the location and operation of medical marijuana establishments;** authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana. (NRS 207.335) **Section 1** of this bill makes it unlawful to: (1) counterfeit or forge or attempt to counterfeit or forge a letter of approval; or (2) possess with the intent to use any such counterfeit or forged registry identification card or letter of approval. Existing law defines marijuana for the purposes of the regulation of controlled substances. (NRS 453.096) Existing law also provides criminal penalties for various acts involving a schedule I controlled substance, including, without limitation, possession, manufacture, compounding, importation, distribution, sale, transfer, trafficking or driving under the influence. (NRS 453.316-453.348, 484C.110, 484C.120, 488.410) In addition to criminal penalties, existing law provides for civil penalties against a person who engages in certain acts involving the unlawful manufacture, distribution or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

Sections 1.2-1.5 and 2 of this bill define certain terms, including "concentrated cannabis," and revise the definition of marijuana for the purposes of regulating controlled substances. **Section 8** of this bill makes it

unlawful to knowingly or intentionally extract concentrated cannabis. A person who violates such a provision is guilty of a category C felony.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) The Division of Public and Behavioral Health of the Department of Health and Human Services may either issue a registry identification card that has been prepared by the Department of Motor Vehicles to a person who meets certain qualifications or designate the Department of Motor Vehicles to issue a registry identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A person under the age of 18 years can obtain a registry identification card if the custodial parent or legal guardian with responsibility for health care decisions for the person agrees to serve as the designated primary caregiver for the person and the person meets certain other requirements. (NRS 453A.210) **Sections 17 and 18** of this bill require the Division to issue a letter of approval to an applicant who is under 10 years of age stating that the Division has approved the person's application to be exempted from state prosecution for engaging in the medical use of marijuana if the applicant meets these requirements instead of requiring the applicant to obtain a registry identification card that is prepared or issued by the Department. **Section 18** also prescribes the required contents of a letter of approval.

Section 13.3 of this bill provides that: (1) an employee of the State Department of Agriculture who possesses, delivers or produces marijuana in the course of his or her duties is exempt from certain offenses relating to marijuana; and (2) no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana.

Section 13 of this bill provides that a person who obtains a letter of approval is exempt from certain offenses relating to the possession of marijuana or paraphernalia, but not offenses relating to the delivery and production of marijuana. **Sections 17 and 22** of this bill require the custodial parent or legal guardian of a child under the age of 10 years who obtains a letter of approval to agree to serve as the designated primary caregiver for the child. **Section 18** requires the Division to issue a registry identification card to the designated primary caregiver of the holder of a letter of approval. **Sections 25-27** of this bill authorize a medical marijuana establishment to acquire marijuana from and dispense marijuana to the designated primary caregiver of a person who holds a letter of approval in the same manner as for a patient who holds a registry identification card.

Sections 19-23 of this bill make certain provisions concerning the revocation and expiration of a registry identification card, the designation of a primary caregiver and acts for which the holder of a registry identification card is not exempt from state prosecution applicable to the holder of a letter of approval. **Sections 29 and 30** of this bill authorize a patient who holds a valid letter of approval and his or her designated primary caregiver to select one

medical marijuana dispensary to serve as his or her designated medical marijuana dispensary. **Sections 31-34** of this bill make certain rights and protections for persons who hold a registry identification card and persons who assist such persons in the medical use of marijuana applicable to a person who holds a letter of approval and a person who assists a person who holds a letter of approval as well.

Section 26.5 of this bill allows a medical marijuana establishment to move to a new location under the jurisdiction of the same local government if the local government approves the new location. Section 27 of this bill allows a medical marijuana establishment to use certain pesticides in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products. Section 36.7 of this bill requires the Division to revise its regulations to conform with the provisions of sections 26.5 and 27.

Section 27.5 of this bill allows a medical marijuana establishment to transport medical marijuana or enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Existing law provides certain acts for which the holder of a registry identification card is not exempt from state prosecution for certain offenses relating to marijuana. (NRS 453A.300) **Section 23** provides that such a person is not exempt from state prosecution for possessing marijuana or paraphernalia on school property.

The Nevada Constitution requires the Legislature to provide by law for protection of the plant of the genus *Cannabis* for medical purposes and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere. (Nev. Const. Art. 4 § 38) Existing law requires a district attorney of the county in which marijuana, drug paraphernalia or other related property was seized, or the district attorney's designee, to make a determination that a person is engaging in or assisting in the medical use of marijuana under certain circumstances. (NRS 453A.400) **Section 31** removes the requirement to make such a determination and instead requires law enforcement to return any usable marijuana, marijuana plants, drug paraphernalia and other related property that was seized upon: (1) a decision not to prosecute; (2) the dismissal of the charges; or (3) acquittal.

Section 34 also provides that the Division shall not disclose the contents of any tool used by the Division to evaluate an applicant or affiliate or certain other information regarding an applicant or affiliate.

Section 35 of this bill authorizes the Division to issue a registry identification card rather than requiring that the card be prepared by the Department of Motor Vehicles. **Section 35** further provides that the Division will issue a letter of approval to a qualified person and authorizes a fee for providing an application and processing a letter of approval in the same amount as for a registry identification card.

Existing law does not require an employer to modify the job or working conditions of an employee who engages in the medical use of marijuana, but does require that an employer must attempt to make reasonable accommodations for the employee under certain circumstances. (NRS 453A.800) **Section 36** of this bill provides that a law enforcement agency is not prohibited from adopting policies or procedures that preclude an employee from engaging in the medical use of marijuana.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to ~~[counterfeit]~~ ***:***

(a) Counterfeit or forge or attempt to counterfeit or forge a registry identification card ~~[.]~~ ***or letter of approval; or***

(b) Have in his or her possession with the intent to use any counterfeit or forged registry identification card or letter of approval.

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section ~~[, "registry]~~ ***:***

(a) "Letter of approval" has the meaning ascribed to it in section 12 of this act.

(b) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 1.1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.5, inclusive, of this act.

Sec. 1.2. ***"CBD" means cannabidiol, which is a primary phytocannabinoid compound found in marijuana.***

Sec. 1.3. ***"Concentrated cannabis" means the extracted or separated resin, whether crude or purified, containing THC or CBD from marijuana.***

Sec. 1.4. ***"Extraction" means the process or act of extracting THC or CBD from marijuana, including, without limitation, pushing, pulling or drawing out THC or CBD from marijuana.***

Sec. 1.5. ***"THC" means:***

1. Delta-9-tetrahydrocannabinol;

2. Delta-8-tetrahydrocannabinol; and

3. The optical isomers of such substances.

Sec. 1.6. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act*** have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 2. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant ~~[.]~~ ***, including concentrated cannabis;*** and

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create

a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section ***:*** ~~[, "premises" means:]~~

(a) ***"Marijuana" does not include concentrated cannabis.***

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

~~[(b)]~~ ***(2)*** Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~[.]~~ ***, and sections 1.2 to 1.5, inclusive, of this act.***

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) ***"Marijuana" does not include concentrated cannabis.***

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.3385 is hereby amended to read as follows:

453.3385 ***1.*** Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~[1.]~~ ***(a)*** Is 4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.

~~[2.]~~ ***(b)*** Is 14 grams or more, but less than 28 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $100,000.

~~[3.]~~ ***(c)*** Is 28 grams or more, for a category A felony by imprisonment in the state prison:

~~[(a)]~~ ***(1)*** For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

~~[(b)]~~ ***(2)*** For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and by a fine of not more than $500,000.

2. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 7. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana shall be punished, if the quantity involved:

(a) Is 100 pounds or more, but less than 2,000 pounds, for a category C felony as provided in NRS 193.130 and by a fine of not more than $25,000.

(b) Is 2,000 pounds or more, but less than 10,000 pounds, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(c) Is 10,000 pounds or more, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➥ and by a fine of not more than $200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not. ***The term does not include concentrated cannabis.***

(b) The weight of marijuana is its weight when seized or as soon as practicable thereafter.

Sec. 8. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or chapter 453A of NRS.

2. Unless a greater penalty is provided in ***subsection 3 or*** NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. ***A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of chapter 453A***

of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any punishment imposed pursuant to ~~[~~subsection 2,~~]~~ ***this section,*** the court shall order a person convicted of a violation of ~~[~~subsection 1~~]~~ ***this section*** to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana ~~[.]~~ ***or the extraction of concentrated cannabis.***

Sec. 9. NRS 453.401 is hereby amended to read as follows:

453.401 1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which is a felony under the Uniform Controlled Substances Act or conspire to defraud the State of Nevada or an agency of the State in connection with its enforcement of the Uniform Controlled Substances Act, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the conspirator has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or of any state, territory or district which if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(c) For a third or subsequent offense, or if the conspirator has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

2. Except as otherwise provided in subsection 3, if two or more persons conspire to commit an offense in violation of the Uniform Controlled Substances Act and the offense does not constitute a felony, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator shall be punished by imprisonment, or by imprisonment and fine, for not more than the maximum punishment provided for the offense which they conspired to commit.

3. If two or more persons conspire to possess more than 1 ounce of marijuana unlawfully, except for the purpose of sale, and one of the

conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.

4. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, the persons so conspiring shall be punished in the manner provided in NRS 207.400.

5. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 1.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 10. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed $250,000 for each violation.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 11. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 ~~[and 13]~~ **to 13.7, inclusive,** of this act.

Sec. 12. ***"Letter of approval" means a document issued by the Division to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.***

Sec. 13. ***1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid letter of approval issued pursuant to NRS 453A.220 is exempt from state prosecution for:***

(a) Possession of marijuana;

(b) Possession of paraphernalia;

(c) Any combination of the acts described in paragraphs (a) and (b); and

(d) Any other criminal offense in which the possession of marijuana or paraphernalia is an element.

2. The exemption from state prosecution set forth in subsection 1 applies only to the extent that the person who holds a letter of approval:

(a) Engages in the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Does not, at any one time, collectively possess with his or her designated primary caregiver an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.3. 1. An employee of the State Department of Agriculture who, in the course of his or her duties:

(a) Possesses, delivers or produces marijuana;

(b) Aids and abets another in the possession, delivery or production of marijuana;

(c) Performs any combination of the acts described in paragraphs (a) and (b); or

(d) Performs any other criminal offense in which the possession, delivery or production of marijuana is an element,

➥ is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the marijuana described in this subsection is safeguarded in an enclosed, secure location.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.7. ***The Division may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.***

Sec. 14. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and section 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 453A.116 is hereby amended to read as follows:

453A.116 "Medical marijuana establishment" means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products; ***or***
4. A medical marijuana dispensary**.** ~~[; or~~
~~5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.]~~

Sec. 16. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of ~~[the]~~ ***a*** person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess ~~[,]~~ ***with another who is authorized to possess,*** deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card ~~[or his or her]~~ ***, including, without limitation, a*** designated primary caregiver, ~~[if any,]~~ such ~~[persons are]~~ ***a person is*** not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card ~~[or his or her designated primary caregiver, if any,]~~ was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card ~~[or his or her designated primary caregiver, if any,]~~ close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card ~~[and his or her designated primary caregiver, if any, are]~~ ***is*** unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 17. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards ***and letters of approval*** to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is ~~[under]~~ ***at least 10 years of age but less than*** 18 years of age ***or a letter of approval to a person who is less than 10 years of age*** if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card ***or letter of approval*** pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➥ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to

subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card ***or letter of approval*** pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card ***or letter of approval*** revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card ***or letter of approval*** is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be

limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card ***or letter of approval*** pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card ***or letter of approval*** upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 18. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a ***letter of approval or*** serially numbered registry identification card ***, as applicable,*** to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. ***A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:***

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

~~[4.]~~ ***5.*** Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card ***or letter of approval*** issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 19. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card ***or letter of approval*** to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,

➥ the Division shall immediately revoke the registry identification card ***or letter of approval*** issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.

3. Upon the revocation of a registry identification card ***or letter of approval*** pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ***or letter of approval*** has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ***or letter of approval*** to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the Division to revoke a registry identification card ***or letter of approval*** pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card ***or letter of approval*** has been revoked pursuant to this section may not reapply for a registry identification card ***or letter of approval*** pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 20. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card ***or letter of approval*** issued to the person shall be deemed expired. If the registry identification card ***or letter of approval*** of a person to whom the Division or its designee issued the card ***or letter*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card ***or letter of approval*** pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ***or letter of approval*** has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ***or letter of approval*** to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 21. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person ***shall return his or her registry identification card or letter of approval*** and his or her designated primary caregiver, if any, shall return ~~[their]~~ ***his or her*** registry identification ~~[cards]~~ ***card*** to the Division within 7 days after notification of the diagnosis.

Sec. 22. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card ***or letter of approval*** or to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires ***or is required*** to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card ***or letter of approval*** to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card ~~[.]~~ ***or letter of approval,*** the Division or its designee shall, except as otherwise provided in subsection 5 of NRS 453A.210, issue a registry identification card to the designated primary

caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 23. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card ***or letter of approval*** issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566 ~~[, if]~~ ***:***

(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

~~[(1)]~~ ***(I)*** Any public place or in any place open to the public or exposed to public view; or

~~[(2)]~~ ***(II)*** Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders ~~[.]~~ ***; or***

(2) If the possession of the marijuana or paraphernalia occurs on school property.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card ***or letter of approval*** issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card ***or letter of approval*** issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card ***or letter of approval*** for a period of up to 6 months.

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 24. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession, delivery or production of marijuana, or any other criminal offense in which

possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card ***or letter of approval*** issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

➥ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 25. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without, limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

Sec. 26. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment ~~[,]~~ ***or*** a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including , without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 26.5. **NRS 453A.350 is hereby amended to read as follows:**

453A.350 ***1.*** Each medical marijuana establishment must:

~~[~~1.~~]~~ ***(a)*** Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

~~[~~2.~~]~~ ***(b)*** Comply with all local ordinances and rules pertaining to zoning, land use and signage;

~~[~~3.~~]~~ ***(c)*** Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

~~[~~4.~~]~~ ***(d)*** Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government.

Sec. 27. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards ***or letters of approval*** by way of those patients' designated primary caregivers.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card ***or letter of approval*** if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card, ~~[~~or the~~]~~ ***, including, without limitation, a***

designated primary caregiver . ~~[of such a patient.]~~ Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, ***or the designated primary caregiver of a person who holds a letter of approval*** may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. ***A medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products if the pesticide:***

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

7. The State Department of Agriculture shall, in accordance with the provisions of subsection 1 and NRS 586.010 to 586.450, inclusive, establish and publish a list of pesticides allowed to be used on medical marijuana pursuant to this section and accept requests from pesticide manufacturers and medical marijuana establishments, or a representative thereof, to add pesticides to the list.

8. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

~~[7.]~~ ***9.*** Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

Sec. 27.5. **NRS 453A.362 is hereby amended to read as follows:**

453A.362 1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the marijuana;

(b) Only immediately before the marijuana is dispensed; and

(c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

4. A medical marijuana establishment may:

(a) Transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment; and

(b) Enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Sec. 28. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card ~~[.]~~ ***or letter of approval,*** as determined by the Division.

Sec. 29. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card ***or letter of approval*** and his or her designated primary caregiver, if any, may select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 29.5. **NRS 453A.368 is hereby amended to read as follows:**

453A.368 1. The Division shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) ~~[Whether the tested material is organic or non-organic.~~

~~(c)]~~ The presence and identification of molds and fungus.

~~[(d)]~~ ***(c)*** The ~~[presence and concentration of fertilizers and other nutrients.]~~ ***composition of the tested material.***

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 30. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards ~~[.]~~ ***and letters of approval.***

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card ***or letter of approval*** has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, ~~[or the]~~ ***including, without limitation, a*** designated primary caregiver ***,*** ~~[of such a person,]~~ in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 31. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card ***or letter of approval*** issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon ~~[~~a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the~~]~~ ***:***

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ ***the*** law enforcement agency shall ~~[~~immediately~~]~~ ***, to the extent permitted by law,*** return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

~~[~~➥~~]~~ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

~~[3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:~~

~~(a) A decision not to prosecute;~~

~~(b) The dismissal of charges; or~~

~~(c) Acquittal.]~~

Sec. 32. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card ***or letter of approval*** or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card ~~[,]~~ ***or letter of approval*** if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 33. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card ***or letter of approval*** issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 34. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ~~[and any designee of the Division shall maintain the confidentiality of and]~~ shall not disclose:

(a) The contents of any ~~[applications, records or other written documentation that]~~ ***tool used by*** the Division ~~[or its designee creates or receives pursuant to the provisions of this chapter; or]~~ ***to evaluate an applicant or its affiliate.***

(b) ***Any information, documents or communications provided to the Division by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or***

pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card ~~[.]~~ ***or letter of approval.***

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card ***or letter of approval*** issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 35. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will ~~[.]~~ ***issue a registry identification card or letter of approval or,*** in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card ***or letter of approval*** to a qualified person ***;*** ~~[after the card has been prepared by the Department of Motor Vehicles;]~~ or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. ***That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.***

3. Fees for:

(a) Providing to an applicant an application for a registry identification card ~~[,]~~ ***or letter of approval,*** which fee must not exceed $25; and

(b) Processing and issuing a registry identification card ~~[,]~~ ***or letter of approval,*** which fee must not exceed $75.

Sec. 36. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. ~~[Require]~~ ***Except as otherwise provided in subsection 4, require*** an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.

5. As used in this section, "law enforcement agency" means:

(a) The Office of the Attorney General, the office of a district attorney within this State or the State Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the State Gaming Control Board; or

(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 36.3. **Section 26 of chapter 374, Statutes of Nevada 2013, at page 3729, is hereby amended to read as follows:**

Sec. 26. 1. This section and section 25.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 22.35 to 24.7, inclusive, and 25 of this act become effective upon passage and approval for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on April 1, 2014, for all other purposes.

3. Sections 22.3 and 24.9 of this act become effective on April 1, ~~[2016.]~~ **2018.**

4. Sections 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 36.7. **1. The provisions of any regulation adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services which conflict with the provisions of NRS 453A.350 or 453A.352, as amended by sections 26.5 and 27 of this act, are void and must not be given effect to the extent of the conflict.**

2. The Division of Public and Behavioral Health shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 453A.350 and 453A.352, as amended by sections 26.5 and 27 of this act, as soon as practicable after July 1, 2015.

Sec. 37. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment allows the State Department of Agriculture and the Division of Public and Behavioral Health to enter into an interlocal agreement. It allows legal immunity for certain agency employees handling cannabis for testing and pesticide regulation and clarifies laboratory testing of marijuana. It also requires the Nevada Department of Agriculture to create a list of pesticides that are allowed to be used on marijuana pursuant to the criteria established in the bill. It allows the use of certain pesticides.

It defines "marijuana distributor" and requires a license for such a distributor. It allows a medical marijuana establishment to move to a new location under the jurisdiction of the same local government, under certain circumstances. Lastly, it changes the date of implementation of a Division of Public and Behavioral Health program to computer cross-check between the State of Nevada and other jurisdictions from April 1, 2016, to April 1, 2018.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 70, 112, 231, 232, 242, 288; Senate Concurrent Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Hunter Lake Elementary School: Jamie Allen, Jose De Jesus Almaguer, Anabel Amestoy, Daniel Arden, Kaden Barr, Anthony Braun, Tori Campanaro, Zach Fermoile, Isabela Garcia, Nicholas Greene, Kalli Hall, Daniel Heller, Maddy Lusenhop, Annacy McCombs, Dean Metzger, Kaitlin Nichols, Lizzy Riley, Emily Rivera, Aspen Strouse, Jessica L. Abel, Abrielle F. Amestoy, Chasen J. Binnell, Remmie J. Bounyalath, Vastella Britt, Kristyana K. Davis, Gannyn R. Dunn, Josue J. Gonzalez, Ivan Gutierrez Ramirez, Landen C. Keller, Andie N. Lammel, Aeris A. Noble, Ryan B. Rockefeller, Adriana G. Sanchez Pena, Colton R. Sellers, Kaleiamapuana C. Sieck, Dominic I. Slaughter, Nico L. Vagner, Xuanyi Wang, and Samantha T. Wiley.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Chandni Patel.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Kiran Hill.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Incline Elementary School: Alondra Aguirre-Gomez, Eddie (Angel) Barajas, Isabelle Bloomhuff, Lizbeth Callejas Heredia, Dylan Combs, Kailer Crawford, Milton Cruz-Rivera, Andrew Donahue, Allen Frausto Garcia, Carlos Garcia, J Cruz Garcia Arciga, Rosemary Heffern, Bryan (Tyler) Hoopes, Taylor Kabat, Brianna Kurashewich, Mattison Lampe, Alondra Machuca Escobar, Nicolas Martinez Jimenez, Leslie Martinez Virgen, Emma Midgley, Rebecca Noble, Stephanie Poalillo, Toby Pollard, Madelynn Sharenbrock, Wyatt Shreve, Lena Soli, Brithany Solis-Hernandez, Brody Thralls, Sawyer Tocchetti, Sofia Weahkee, Elbert Zendner, Hacem Zuniga, Thomas Peinado, Samual Peinado, Falkon Frazier, Erika Frazier, Emma Cates, Gavin Cates, Katelynn Anderson, Tyler Stevens, Pamela Jonovic, Sierra Jonovic, Selah Peery, Cierra Columbus and Alyssa Laxague.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Miller.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Kermitt Waters.

On request of Assemblyman Silberkraus, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Weaver.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Baker, Mikayla Tea, Walt Nowosad, and Brooke Gallaway.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 22, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:41 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 22, 2015

Assembly called to order at 1:50 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, we come to You today asking for Your guidance. Guide our State Assembly as they lead us to a better future. Lord, we ask for Your hand of blessing to be on them. Unite our leaders together to help bring a brighter future to our state. Lead them in a direction of truth that brings about genuine unity and freedom for the people of Nevada. Lord, we ask for Your presence throughout today's meeting: in our hearts, in our thoughts, and in our agendas. Father we pray these things in the name above all names, the precious name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 391, 463, 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 21, 40, 44, 132, 198, 468; Senate Bills Nos. 412, 500.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 159, Amendment No. 835; Assembly Bill No. 173, Amendment No. 701; Assembly Bill No. 293, Amendment No. 716; Assembly Bill No. 321, Amendment No. 805; Assembly Bill No. 351, Amendment No. 781; Assembly Bill No. 386, Amendment No. 712; Assembly Bill No. 428, Amendment No. 908; Assembly Bill No. 452,

Amendments Nos. 816, 884; Assembly Bill No. 462, Amendment No. 677; Assembly Joint Resolution No. 10, Amendment No. 867, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 253, 292, 338, 414, 431.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 429 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Standing Rules Nos. 110 and 113 be suspended, reading so far had considered Second Reading, Senate Bills Nos. 348 and 463 be declared emergency measures under the Constitution and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 68, 193, and 481 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 56 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oscarson, Wheeler, Woodbury, Armstrong, Edwards, Silberkraus and Stewart:

Assembly Bill No. 487—AN ACT relating to firearms; authorizing the possession of a firearm in a motor vehicle that is on the property of certain educational entities or child care facilities in certain circumstances; authorizing a person who holds a permit to carry a concealed firearm to do so on the property of the Nevada System of Higher Education under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 253.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 292.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 338.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 412.

Assemblyman Armstrong moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 414.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 431.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 500.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 56.

Bill read third time.

The following amendment was proposed by Assemblyman Gardner:

Amendment No. 914.

AN ACT relating to graffiti; revising the definition of "graffiti"; expanding the list of items that are considered graffiti implements which are unlawful to carry in certain places; clarifying that a governmental entity may bring a civil action for damages to public property; authorizing the governing body of a city to adopt ordinances to address covering and removing certain graffiti on residential and nonresidential property; revising provisions governing money in a city's graffiti reward and abatement fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to place graffiti on or otherwise deface the public or private property, real or personal, of another, without the permission of the owner. (NRS 206.330) **Sections 5, 8.2 and 16** of this bill revise the definition of "graffiti" to: (1) clarify that estrays and livestock are included within the scope of property to which the offense of graffiti applies; and (2) exclude certain items which are affixed to property.

Existing law makes it a misdemeanor for a person to carry on his or her person, in certain public places, a graffiti implement with the intent to

vandalize, place graffiti on or deface property. (NRS 206.335) **Section 7** of this bill revises the definition of "graffiti implement" to include any item that may be used to etch or deface property.

Existing law requires a person who is ordered to pay restitution for placing graffiti on public property to pay the restitution to the governmental entity that has incurred expenses for abating the graffiti. (NRS 206.345) **Section 8** of this bill authorizes the payment of restitution to a governmental entity for future expenses to abate the graffiti. Existing law also authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who placed the graffiti and recover damages in an amount up to three times the amount of any loss in value to property and up to three times the cost of restoring the property plus attorney's fees and costs. (NRS 206.345) **Section 8** clarifies that a governmental entity may also bring a civil action to recover such damages from a person who placed graffiti on property if the governmental entity owns or is otherwise responsible for the damaged property.

Existing law authorizes a board of county commissioners to provide by ordinance for the covering or removal of certain graffiti on certain types of property. (NRS 244.36935) **Sections 8.4 and 8.6** of this bill revise provisions governing the covering or removal of certain graffiti that is placed on residential property. **Section 14** of this bill authorizes the governing body of a city to similarly provide by ordinance for the covering or removal of certain graffiti on residential property.

Existing law authorizes a board of county commissioners to provide by ordinance procedures pursuant to which the board may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property. (NRS 244.3694) **Section 8.8** of this bill revises provisions governing the covering or removal of graffiti that is placed on nonresidential property. **Section 15** of this bill similarly authorizes the governing body of a city to provide by ordinance procedures pursuant to which the governing body may order an owner of nonresidential property to cover or remove certain graffiti on the owner's property.

Existing law requires the governing body of each city to create a fund to pay, upon approval by the governing body of the city, a reward to certain persons who provide information which results in the identification, apprehension and conviction of a person who violated a city ordinance prohibiting graffiti or other defacement of property. (NRS 268.4085) **Section 18** of this bill expands the authorized use of money in the fund: (1) to purchase supplies or pay for other graffiti abatement costs incurred by the city; (2) to be paid for information which results in the identification, apprehension or conviction of a person who is alleged to have violated a city ordinance that prohibits graffiti or defacement of property; and (3) to be paid upon approval of the city manager, the authorized designee of the city manager or, if the city does not have a city manager, the governing body of the city.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 206.005 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Estray" means any livestock running at large upon public or private lands in this State whose owner is unknown in the section where the animal is found.***

Sec. 4. ***"Livestock" has the meaning ascribed to it in NRS 205.219.***

Sec. 5. NRS 206.005 is hereby amended to read as follows:

206.005 ~~[As used in this chapter, "graffiti"]~~

1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, painted on or affixed to the public or private property, real or personal, of another, ***including, without limitation, an estray or one or more head of livestock,*** which defaces the property.

2. The term does not include any item affixed to property which may be removed:

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.

Sec. 6. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as otherwise provided in subsections 2 and 3, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

2. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

~~[4. As used in this section:~~

~~(a) "Estray" means any livestock running at large upon public or private lands in this state, whose owner is unknown in the section where the animal is found.~~

~~(b) "Livestock" has the meaning ascribed to it in NRS 205.219.]~~

Sec. 7. NRS 206.335 is hereby amended to read as follows:

206.335 1. Any person who carries on his or her person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:

(a) While on or under any overpass or bridge or in any flood channel;

(b) At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

➥ is guilty of a misdemeanor unless the person has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. As used in this section:

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker ***,*** ~~[or]~~ aerosol paint container ***, carbide-tipped instrument*** or other item that may be used to ~~[propel]~~ ***:***

(1) Propel or apply ~~[fluid]~~ ***any substance*** that is not soluble in water ~~[.]~~ ***; or***

(2) Etch or deface property.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 8. NRS 206.345 is hereby amended to read as follows:

206.345 1. A court may, in addition to any other fine or penalty imposed, order a person who places graffiti on or otherwise defaces public or private property in violation of NRS 206.125 or 206.330 to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling pursuant to NRS 62E.290.

2. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

(a) The owner of the property which was affected by the violation; or

(b) If the violation involved the placing of graffiti on any public property, the governmental entity that incurred ***or will incur*** expenses for removing, covering or cleaning up the graffiti.

3. The owner of ~~[public or private]~~ ***the*** property that has been damaged by graffiti ***or a governmental entity that is otherwise responsible for the property***

may bring a civil action against the person who placed the graffiti on such property. The court may award to the ***governmental entity or other*** property owner damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property plus attorney's fees and costs, which may be recovered from the offender or, if the offender is less than 18 years of age, from the parent or legal guardian of the offender.

Sec. 8.2. NRS 244.36915 is hereby amended to read as follows:

244.36915 ***1. "***Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn ***,*** ~~[or]~~ painted on ***or affixed to*** the public or private property, real or personal, of another, ***including, without limitation, an estray or one or more head of livestock,*** which defaces such property.

2. The term does not include any item affixed to property which may be removed:

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. As used in this section:

(a) "Decal remover tool" means any device using power or heat to remove an adhesive substance.

(b) "Estray" has the meaning ascribed to it in section 3 of this act.

(c) "Livestock" has the meaning ascribed to it in NRS 205.219.

Sec. 8.4. NRS 244.3692 is hereby amended to read as follows:

244.3692 "Residential property" means a parcel of land, including all structures thereon, that is ~~[zoned for]~~ ***an owner-occupied*** single-family ~~[residential use.]~~ ***residence.***

Sec. 8.6. NRS 244.36935 is hereby amended to read as follows:

244.36935 1. The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is ~~[:~~

~~(a) Placed]~~ ***placed*** on ~~[the exterior of a fence or wall located on the perimeter of]~~ residential property ***.*** ~~[; and~~

~~(b) Visible from a public right-of-way.]~~

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,

➥ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.

(b) The county shall pay the cost of covering or removing the graffiti.

Sec. 8.8. NRS 244.3694 is hereby amended to read as follows:

244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is ~~[~~:

~~(a) Placed~~~~]~~ ***placed*** on that nonresidential property ~~[~~; and

~~(b) Visible from a public right-of-way,~~

➥~~]~~ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may:

(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or

(b) Make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:

(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and

(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.

6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.

Sec. 9. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. ***As used in NRS 268.4075 to 268.4085, inclusive, and sections 10 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 268.4075 and sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Estray" has the meaning ascribed to it in section 3 of this act.***

Sec. 12. ***"Livestock" has the meaning ascribed to it in NRS 205.219.***

Sec. 13. ***"Residential property" means a parcel of land, including all structures thereon, that is an owner-occupied single-family residence.***

Sec. 14. ***1. The governing body of a city may adopt by ordinance procedures pursuant to which officers, employees or other designees of the city may cover or remove graffiti that is placed on residential property.***

2. An ordinance adopted pursuant to subsection 1 must provide that:

(a) Officers, employees or other designees of the city may not cover or remove the graffiti unless:

(1) The owner of the residential property consents to the covering or removal of the graffiti; or

(2) If the governing body of the city or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the governing body first provides the owner of the property with written notice that is:

(I) Sent by certified mail, return receipt requested; and

(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,

➥ at least 5 days before the officers, employees or other designees of the city cover or remove the graffiti.

(b) The city shall pay the cost of covering or removing the graffiti.

Sec. 15. *1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of nonresidential property within the city to cover or remove graffiti that is placed on that nonresidential property to protect the public health, safety and welfare of the residents of the city and to prevent blight upon the community.*

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the governing body of the city or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

3. The governing body of the city or its designee may direct the city to cover or remove the graffiti and may recover the amount expended by the city for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The governing body has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4. ~~[In addition to any other reasonable means of recovering money expended by the city to cover or remove the graffiti, the governing body of the city may make the cost of covering or removing the graffiti a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.~~

~~5. A special assessment authorized pursuant to subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure~~

~~*and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.*~~

~~*— 6.]*~~ ***As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.***

Sec. 16. NRS 268.4075 is hereby amended to read as follows:

268.4075 ~~[~~As used in this section, NRS 268.408 and 268.4085, "graffiti"~~]~~

1. "Graffiti" means any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn ***,*** ~~[or]~~ painted on ***or affixed to*** the public or private property, real or personal, of another, ***including, without limitation, an estray or one or more head of livestock,*** which defaces such property.

2. The term does not include any item affixed to property which may be removed:

(a) By hand without defacing the property;

(b) Through the use of a chemical or cleaning solvent commonly used for removing an adhesive substance without defacing the property; or

(c) Without the use of a decal remover tool.

3. As used in this section, "decal remover tool" means any device using power or heat to remove an adhesive substance.

Sec. 17. NRS 268.408 is hereby amended to read as follows:

268.408 1. The governing body of a city shall remove or cover all evidence that graffiti has been placed on any real or personal property which it owns or otherwise controls within 15 days after it discovers the graffiti or as soon as practicable.

2. The governing body of a city may bring an action against a person responsible for placing graffiti on the property of the city to recover a civil penalty and damages ~~[~~for the cost of removing or covering the graffiti placed on such property.~~]~~ ***pursuant to the provisions of NRS 206.345.***

Sec. 18. NRS 268.4085 is hereby amended to read as follows:

268.4085 1. The governing body of each city shall create a graffiti reward and abatement fund. The money in the fund must be used ***to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or*** to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension ~~[and]~~ ***or*** conviction of a person who ***is alleged to have*** violated ***or who violates*** a city ordinance that prohibits graffiti or other defacement of property.

2. When a defendant pleads or is found guilty or guilty but mentally ill of violating a city ordinance that prohibits graffiti or other defacement of property, the court shall include an administrative assessment of $250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for credit to the graffiti reward and abatement fund.

3. If sufficient money is available in the graffiti reward and abatement fund, a law enforcement agency for the city may offer a reward, not to exceed $1,000, for information leading to the identification, apprehension ~~[and]~~ ***or*** conviction of a person who ***is alleged to have violated or who*** violates a city ordinance that prohibits graffiti or other defacement of property.

4. The ***money to purchase supplies or pay for other costs incurred by the city which are directly related to graffiti abatement or to pay a*** reward must be paid out of the graffiti reward and abatement fund upon approval of the ***city manager, the authorized designee of the city manager or, if the city does not have a city manager, the*** governing body of the city.

Sec. 19. Nothing in this act may be construed to limit the ability of a county or city to enforce any ordinance or regulation relating to the abatement of graffiti adopted before, on or after October 1, 2015.

Assemblyman Gardner moved the adoption of the amendment.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

This amendment corrects an oversight from when our committee pushed this out. The original graffiti bill had two ways that the city could recover money spent to remove graffiti from a nonresident home: they could put a lien or a special assessment on the property. In committee, we talked about getting rid of both of them, but the original amendment only got rid of the lien portion. This amendment gets rid of the special assessment. That means if someone puts graffiti on your nonresidential house or business, the city can no longer put a special assessment or lien on your house and eventually take your house if you do not pay it.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 348.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 791.

AN ACT relating to unclaimed property; exempting certain property due or owing from a business association to another business association from provisions governing the disposition of unclaimed property under certain circumstances; exempting ~~[public infrastructure]~~ **certain intersection improvement** proceeds from provisions governing the disposition of unclaimed property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the powers, duties and liabilities of the State and other persons concerning certain property which is abandoned and unclaimed by its owner. (Chapter 120A of NRS) Under existing law, property that is unclaimed by the apparent owner of the property for a certain period is presumed to be abandoned. (NRS 120A.500, 120A.510, 120A.520) A holder of property that is presumed to be abandoned must make a report concerning the property to the State Treasurer, acting as the Administrator of Unclaimed Property, and pay or deliver the property to the Administrator.

(NRS 120A.560, 120A.570) The Administrator must deposit any money received as abandoned property and the proceeds of any sale of abandoned property in the Abandoned Property Trust Account. (NRS 120A.620) A person who claims property paid or delivered to the Administrator may file a claim for the property, and, if the Administrator approves the claim, the Administrator must deliver the property to the claimant or, if the property is money or the net proceeds of a sale of abandoned property, pay the claim from the Account. (NRS 120A.620, 120A.640) At the end of each fiscal year, the first $7.6 million of the balance remaining in the Account is transferred to the Millennium Scholarship Trust Fund, and the remaining balance is transferred to the State General Fund, subject to any valid claims. (NRS 120A.620)

Section 1 of this bill provides that certain amounts due or owing from a holder that is a business association to another business association must not be presumed abandoned if the holder and the other business association have an ongoing business relationship. Because these amounts must not be presumed abandoned, the provisions of existing law governing unclaimed property would not apply to those amounts. Under **section 2** of this bill, the provisions of **section 1** apply to the amounts due or owing from a business association to another business association that, on or after July 1, 2015, are in the possession, custody or control of a business association.

Section 1.5 of this bill provides that certain amounts paid to this State or a local government as a deposit or fee to provide security for, or to fund the construction of, ~~[public infrastructure]~~ **certain intersection improvement projects** are exempt from the provisions of existing law governing unclaimed property. Under **section 2**, this exemption applies only to such deposits or fees that, on or after July 1, 2015, are in the possession, control or custody of this State or a local government.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, any credit memoranda, overpayments, credit balances, deposits, unidentified remittances, nonrefunded overcharges, discounts, refunds and rebates due or owing from a holder that is a business association to another business association shall not be presumed abandoned if the holder and such business association have an ongoing business relationship. The provisions of this subsection do not apply to outstanding checks, drafts or other similar instruments.

2. For the purposes of subsection 1, an ongoing business relationship shall be deemed to exist if the holder has engaged in at least one commercial, business or professional transaction involving the sale, lease, license or purchase of goods or services with the business association or a predecessor-in-interest of the business association within each 3-year period that follows

the date of the transaction giving rise to the property interest that shall not be presumed abandoned pursuant to subsection 1.

Sec. 1.5. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to ~~[~~gaming~~]~~ ***:***

(a) Gaming chips or tokens which are not redeemed at an establishment.

(b) ~~[Public infrastructure]~~ Intersection improvement project proceeds.

2. As used in this section:

(a) "Establishment" has the meaning ascribed to it in NRS 463.0148.

(b) "Gaming chip or token" means any object which may be redeemed at an establishment for cash or any other representative of value other than a slot machine wagering voucher as defined in NRS 463.369.

(c) ~~[("Public infrastructure")]~~ "Intersection improvement project" means ~~[facilities and the structure or network used for the delivery of goods, services and public safety,]~~ construction or improvements relating to intersections, including, without limitation, ~~[communications facilities, facilities for the transmission of electricity and natural gas, water systems, sanitary sewer systems, storm sewer systems, streets and roads,]~~ the construction, installation or upgrade of traffic control ~~[systems, sidewalks, parks and trails, recreational facilities, fire, police and flood protection and all related]~~ devices, turn lanes and appurtenances.

(d) ~~[("Public infrastructure]~~ "Intersection improvement project proceeds" means amounts held by this State or an agency or political subdivision of this State that were paid to the State or the agency or political subdivision for the purpose of providing security for, or to fund the construction of, ~~[public infrastructure.]~~ an intersection improvement project.

Sec. 2. 1. The amendatory provisions of section 1 of this act apply to all amounts due or owing from a business association to another business association that, on or after July 1, 2015, are in the possession, custody or control of a business association.

2. The amendatory provisions of section 1.5 of this act apply only to ~~[~~public infrastructure~~]~~ **intersection improvement project** proceeds that, on or after July 1, 2015, are in the possession, custody or control of this State or an agency or political subdivision of this State.

3. As used in this section:

(a) "Business association" has the meaning ascribed to it in NRS 120A.040.

(b) ~~[~~"Public infrastructure~~]~~ **"Intersection improvement project** proceeds" has the meaning ascribed to it in NRS 120A.135, as amended by section 1.5 of this act.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

The amendment clarifies the bill by deleting the broad term "public infrastructure" and inserting the term "intersection improvement project." "Intersection improvement project" is defined as a construction or improvement project relating to intersections, including the construction, installation, or upgrade of traffic control devices, turn lanes, and appurtenances.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 463.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 934.

AN ACT relating to education; requiring certain providers of electronic applications used for educational purposes to provide written disclosures concerning personally identifiable information that is collected; requiring such a provider to allow certain persons to review and correct personally identifiable information about a pupil maintained by the provider; limiting the circumstances under which such a provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil; requiring such a provider to establish and carry out a detailed plan for the security of data concerning pupils; requiring teachers and other licensed personnel employed by a school district or charter school to complete certain professional development; requiring certain disciplinary action against a teacher or administrator for **willful** breaches in security or confidentiality of certain examinations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1.25 of this bill declares that: (1) the educational records of a pupil, including the personally identifiable information contained in such records, belong to the pupil and his or her parent or legal guardian; and (2) it is the public policy of this State to protect such records and information; and (3) the provisions of this bill are intended to provide greater protection over such records and information.]~~

Section 5 of this bill requires a school service provider to provide to the board of trustees of a school district or the governing body of a school, as applicable, and a teacher who uses a school service, a written disclosure of: (1) the types of personally identifiable information collected by the school service provider; (2) the manner in which such information is used; (3) a description of the plan for security of data concerning pupils which has been established by the school service provider; and (4) any material change to such a plan. **Section 3** of this bill defines the term "school service" to mean **, with certain exceptions,** an Internet website, online service or mobile application that: (1) collects or maintains personally identifiable information concerning a pupil; (2) is used primarily for educational purposes; (3) is designed and marketed for use in public schools; and (4) is used at the direction of teachers and other educational personnel. **Section 5** requires a school service provider to: (1)

allow certain pupils or the parent or guardian of a pupil to review personally identifiable information about the pupil maintained by the school service provider; and (2) establish a process for making any corrections to such information.

Section 6 of this bill limits the circumstances under which a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil. **Section 6** requires a school service provider to delete personally identifiable information concerning a pupil at the request of the board of trustees of the school district or the governing body of the school, as applicable. **Section 6** requires any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information to limit the circumstances under which the person or governmental entity to whom the information is disclosed may collect, use or transfer such information to circumstances authorized by law. **Section 6** also subjects any school service provider that violates these requirements to a civil penalty.

Section 7 of this bill requires a school service provider to establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. **Section 8** of this bill requires each school district and the governing body of a charter school or university school for profoundly gifted pupils, as applicable, to annually provide professional development regarding the use of school service providers and the security of data concerning pupils. **Section 8** also requires teachers and other licensed personnel employed by a school district or charter school to annually complete professional development regarding school service providers and the security of data concerning pupils.

Section 8.3 of this bill authorizes a school service provider to use and disclose information derived from personally identifiable information to demonstrate the effectiveness of the products or services of the school service provider. **Section 8.5** of this bill prohibits a person or governmental entity from waiving or modifying any right, obligation or liability provided by the provisions of **sections 1.5-8.5**. **Section 8.5** also provides that any condition, stipulation, or provision in a contract that conflicts with the provisions of **sections 1.5-8.5** is void and unenforceable.

Existing law authorizes a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed for breaches in security or confidentiality of the questions and answers of certain examinations. (NRS 391.3127) **Section 9** of this bill instead requires a teacher to be suspended, dismissed or not reemployed and an administrator to be demoted, suspended, dismissed or not reemployed ~~[for such breaches.]~~ **if the teacher or administrator is found, through an investigation of a testing irregularity, to have willfully committed such a breach.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.25 to 8.5, inclusive, of this act.

Sec. 1.25. ~~*[The Legislature hereby finds and declares that:*~~

~~*1. The educational records of a pupil, including, without limitation, the personally identifiable information of the pupil, belong to the pupil and his or her parent or legal guardian.*~~

~~*2. It is the public policy of this State to protect such records and information.*~~

~~*3. The provisions of sections 1.5 to 8.5, inclusive, of this act are intended to:*~~

~~*(a) Provide greater protection of such records and information;*~~

~~*(b) Limit and restrict the collection, transfer and maintenance of such information;*~~

~~*(c) Provide greater control of such information to pupils and their parents or guardians;*~~

~~*(d) Provide notification to persons and governmental entities regarding the types of personally identifiable information collected and how such information is kept secure;*~~

~~*(e) Establish a process for the correction or deletion of any personally identifiable information collected by a school service provider;*~~

~~*(f) Prohibit a school service provider from using personally identifiable information to target advertising to minors; and*~~

~~*(g) Ensure that teachers and other licensed educational personnel understand how to use school services in a manner that protects personally identifiable information concerning pupils.]*~~ **(Deleted by amendment.)**

Sec. 1.5. *As used in sections 1.25 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 4.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2. *"Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.*

Sec. 3. *1. "School service" means an Internet website, online service or mobile application that:*

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include ~~*[an]*~~ **:**

(a) An ***Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools*** ~~*[.]*~~ **;**

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g);

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g), relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 389.550 and 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 4. ***"School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.***

Sec. 4.5. ***"Targeted advertising" means presenting advertisements to a pupil where the advertisement is selected based on information obtained or inferred from the online behavior of a pupil, the use of applications by a pupil or personally identifiable information concerning a pupil. The term does not include advertising to a pupil at an online location based upon the current visit to the location by the pupil or a single search query without the collection and retention of the online activities of a pupil over time.***

Sec. 5. ***1. Before the persons or governmental entities described in subsection 3 begin using a school service, a school service provider must provide a written disclosure to such persons or governmental entities in language that is easy to understand, which includes, without limitation:***

(a) The types of personally identifiable information collected by the school service provider and the manner in which such information is used; and

(b) A description of the plan for the security of data concerning pupils which has been established by the school service provider pursuant to section 7 of this act.

2. Before a school service provider makes a material change to the plan for the security of data concerning pupils established pursuant to section 7 of this act, the school service provider must provide notice to the persons or governmental entities set forth in subsection 3.

3. The disclosure or notice provided pursuant to subsection 1 or 2, as applicable, must be provided to:

(a) The board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, that uses the school service of the school service provider; and

(b) Any teacher who uses the school service.

4. A school service provider shall:

(a) Allow a pupil who is at least ~~[13]~~ 18 years of age and the parent or legal guardian of any pupil to review personally identifiable information concerning the pupil that is maintained by the school service provider; and

(b) Establish a process, in accordance with any contract governing the activities of a school service provider and which is consistent with the provisions of sections 1.5 to 8.5, inclusive, of this act, for the correction of such information upon the request of:

(1) A pupil who is at least ~~[13]~~ 18 years of age or the parent or legal guardian of any pupil; or

(2) The teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.

Sec. 6. *1. Except as otherwise provided in ~~[subsection]~~ subsections 2 ~~[,]~~ and 5, a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil only:*

(a) For purposes inherent to the use of a school service by a teacher in a classroom or for the purposes authorized by the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable, so long as it is authorized by federal and state law;

(b) If required by federal or state law;

(c) In response to a subpoena issued by a court of competent jurisdiction;

(d) To protect the safety of a user of the school service; or

(e) With the consent of any person required in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, or, if none, with the consent of the pupil, if the pupil is at least ~~[13]~~ 18 years of age, or the parent or legal guardian of the pupil ~~[if the parent or legal guardian has requested to provide consent before any such action is taken or]~~ if the pupil is less than ~~[13]~~ 18 years of age.

2. A school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the school service provider provides notice to ~~[the appropriate]~~ any person ~~[described]~~ designated in ~~[paragraph (e) of subsection 1]~~ a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of the pupil and:

(a) Contractually prohibits the third-party service provider from using any such information for any purpose other than providing the contracted school services to, or on behalf of, the school service provider;

(b) Prohibits the third-party service provider from disclosing any personally identifiable information concerning a pupil unless the disclosure is authorized pursuant to subsection 1; and

(c) Requires the third-party service provider to comply with the requirements of sections 1.5 to 8.5, inclusive, of this act.

3. A school service provider shall delete any personally identifiable information concerning a pupil that is collected or maintained by the school service provider and that is under the control of the school service provider within a reasonable time not to exceed 30 days after receiving a request from the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable. The board of trustees or the governing body, as applicable, must have a policy which allows a pupil who is at least 18 years of age or the parent or legal guardian of ~~[a]~~ any pupil to review such information and request that such information about the pupil be deleted. The school service provider shall delete such information upon the request of the parent or legal guardian of a pupil if no such policy exists.

4. Any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information must require that the person or governmental entity to whom the information will be disclosed abide by the requirements imposed pursuant to this section.

5. A school service provider shall not:

(a) Use personally identifiable information to engage in targeted advertising.

(b) Except as otherwise provided in this paragraph, sell personally identifiable information concerning a pupil. A school service provider may ~~[provide]~~ transfer personally identifiable information concerning pupils to an entity that purchases, merges with or otherwise acquires the school service and the acquiring entity becomes subject to the requirements of sections 1.5 to 8.5, inclusive, of this act ~~.~~ and any contractual provisions between the school service provider and the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, governing such information.

(c) Use personally identifiable information concerning a pupil to create a profile of the pupil for any purpose not related to the instruction of the pupil provided by the school without the consent of the appropriate person described in paragraph (e) of subsection 1. ~~[For the purposes of this paragraph, "creating a profile" does not include collecting or retaining account registration records or information that remains under the control of the pupil if he or she is at least 13 years of age, the parent or legal~~

~~*guardian of any pupil, the teacher of the pupil or the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable.]*~~

(d) Use personally identifiable information concerning a pupil in a manner that is inconsistent with any contract governing the activities of the school service provider for the school service in effect at the time the information is collected or in a manner that violates any of the provisions of sections 1.5 to 8.5, inclusive, of this act.

(e) Knowingly retain, without the consent of the appropriate person described in paragraph (e) of subsection 1, personally identifiable information concerning a pupil beyond the period authorized by the contract governing the activities of the school service provider.

6. This section does not prohibit the use of personally identifiable information concerning a pupil that is collected or maintained by a school service provider for the purposes of:

(a) Adaptive learning or providing personalized or customized education;

(b) Maintaining or improving the school service;

(c) Recommending additional content or services within a school service;

(d) Responding to a request for information by a pupil;

(e) Soliciting feedback regarding a school service; or

(f) Allowing a pupil who is at least ~~[13]~~ 18 years of age or the parent or legal guardian of any pupil to download, transfer, or otherwise maintain data concerning a pupil.

7. A school service provider that violates the provisions of this section is subject to a civil penalty in an amount not to exceed $5,000 per violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 7. *1. A school service provider shall establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. The plan must include, without limitation:*

(a) Procedures for protecting the security, privacy, confidentiality and integrity of personally identifiable information concerning a pupil; and

(b) Appropriate administrative, technological and physical safeguards to ensure the security of data concerning pupils.

2. A school service provider shall ensure that any successor entity understands that it is subject to the provisions of sections 1.5 to 8.5, inclusive, of this act and agrees to abide by all privacy and security commitments related to personally identifiable information concerning a pupil collected and maintained by the school service provider before allowing a successor entity to access such personally identifiable information.

Sec. 8. *1. Each school district and the governing body of a charter school or a university school for profoundly gifted pupils, as applicable, shall*

annually provide professional development regarding the use of school service providers and the security of data concerning pupils.

2. Teachers and other licensed educational personnel employed by a school district, charter school or university school for profoundly gifted pupils shall complete the professional development provided pursuant to subsection 1.

Sec. 8.3. ***A school service provider may use and disclose information derived from personally identifiable information concerning a pupil to demonstrate the effectiveness of the products or services of the school service provider, including, without limitation, for use in advertising or marketing regarding the school service so long as the information is aggregated or is presented in a manner which does not disclose the identity of the pupil about whom the information relates.***

Sec. 8.5. ***A person or governmental entity may not waive or modify any right, obligation or liability set forth in sections 1.5 to 8.5, inclusive, of this act. Any condition, stipulation or provision in a contract which seeks to do so or which in any way conflicts with the provisions of sections 1.5 to 8.5, inclusive, of this act is against public policy and is void and unenforceable.***

Sec. 9. NRS 391.31297 is hereby amended to read as follows:

391.31297 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) ~~[Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.~~

~~(r)]~~ Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620;

~~[(s)]~~ ***(r)*** An intentional violation of NRS 388.5265 or 388.527;

~~[(t)]~~ ***(s)*** Gross misconduct; or

~~[(u)]~~ ***(t)*** An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. ***If a teacher or administrator ~~[breaches]~~ is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 389.550 or 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:***

(a) Suspend, dismiss or fail to reemploy the teacher; or

(b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

~~[3.]~~ ***4.*** As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 10. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.31297, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p) and ~~[(t)]~~ ***(s)*** of subsection 1 of NRS 391.31297.

Sec. 11. NRS 391.3161 is hereby amended to read as follows:

391.3161 1. Each request for the appointment of a person to serve as a hearing officer must be submitted to the Superintendent of Public Instruction.

2. Within 10 days after receipt of such a request, the Superintendent of Public Instruction shall request that the Hearings Division of the Department of Administration appoint a hearing officer.

3. The State Board shall prescribe the procedures for exercising challenges to a hearing officer, including, without limitation, the number of challenges that may be exercised and the time limits in which the challenges must be exercised.

4. A hearing officer shall conduct hearings in cases of demotion, dismissal or a refusal to reemploy based on the grounds contained in ~~[subsection]~~ ***subsections*** 1 ***and 2*** of NRS 391.31297.

5. This section does not preclude the employee and the superintendent from mutually selecting an attorney who is a resident of this State, an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services to serve as a hearing officer to conduct a particular hearing.

Sec. 12. The provisions of sections 1.5 to 8.5, inclusive, of this act:

1. Apply to any agreement entered into, extended or renewed on or after July 1, 2015, and any provision of the agreement that is in conflict with ~~[that section]~~ **those sections** is void.

2. Apply on July 1, 2018, to any agreement entered into before July 1, 2015.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 934 to Senate Bill 463 deletes the legislative declaration in section 1.25. Subsection 2 of section 3 limits the definition of "school service provider" so that it does not include an internal database, system, or program operated by a school district, charter school, or university school for profoundly gifted pupils or a school service for which a school service provider has been designated as a school official pursuant to the Family Educational Rights and Privacy Act. The term does not include any state, district, college, and career readiness instructional programs purchased by the state or by the governing body of a school district or charter school.

Throughout the bill, this amendment increases the age from 16 years to 18 years for a pupil to request a review and correction of personally identifiable information concerning the pupil. It revises subsection 2 of section 6 to state that a school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the provider provides notice to any person designated in a policy of a school district, charter school, or university school for profoundly gifted pupils to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of a pupil.

Subsection 3 of section 6 requires that the governing body of a school district or charter school must have a policy to allow for the process for reviewing and requesting the deletion of personally identifiable information. It specifies that a testing irregularity investigation must make a finding of a willful breach of security or confidentiality for the penalty in the remaining portion of subsection 2 to apply.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 429 as amended appropriates $62 million from the General Fund to the Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and the 2014-2015 school years and increased costs related to the provisions of hold harmless for declining enrollment in charter schools and several school districts. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 429:

YEAS—40.

NAYS—Jones, Shelton—2.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblymen Edwards, Elliot Anderson, Paul Anderson, Diaz, and Hickey.

ASSEMBLYMAN EDWARDS:

Assembly Bill 448 is one of the Governor's major initiatives for this session. It will give a lot of the children across the state a great opportunity to improve their education experience. As you

know, they will be in the most failing schools in some of the most desperate locations. We hope that everyone will support it.

As amended, it creates the Achievement School District within the Department of Education and establishes the criteria for the conversion of up to six underperforming schools approved by the State Board of Education to achievement charter schools. The Department is required to consider student performance data and parental and community input, in consultation with the local school board, in selecting the schools proposed for conversion.

Additionally, the bill as amended establishes how the achievement charter schools are operated, staffed, and financed and the process for schools to leave the Achievement School District after a minimum period of six years. The bill as amended further establishes requirements concerning the priority of a capital project for a school selected for conversion to an achievement charter school. Assembly Bill 448 as amended limits the monetary amount that may be paid to the operator of the achievement charter school and authorizes an achievement charter school to receive funds available from federal and state categorical grant programs.

Finally, the bill as amended removes limitations on the use of school district-owned properties during regular school hours by charter schools but still requires such use to be approved by the board of trustees of the school district. This bill is effective upon passage and approval for the purposes of adopting regulations and performing other administrative tasks and on July 1, 2016, for all other purposes.

I encourage your approval and passage.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Assembly Bill 448. My objections are fairly broad, but I want to zero in on one specific provision that I think is troublesome. Under section 23, subsection 2 in the second reprint version of the bill, it talks about basically picking and choosing which laws these schools will have to follow. It broadly exempts these operators from following these laws. One that is particularly worrisome is the exclusion of NRS [*Nevada Revised Statutes*] 386.580 which, in subsection 3, deals with discrimination on applications based upon race, gender, religion, ethnicity, or disability. Unless I am reading this wrong, it says that NRS 386.580 would not be included for charter school operators to follow. To me, that is a very big concern. I think it sets us up for liability if state funds are used and there is discrimination going on.

For that reason, and many others, I oppose this measure and I urge its defeat.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 448. As we all listened to the Governor's State of the State Address, he mentioned many education priorities but perhaps none as important as this one. This draws the line in the sand where we determine that we are no longer going to accept failing schools. We have a lot of schools that have been in this failing category for a lot of years, some as many as ten years. This gives the opportunity for us to draw that line in the sand, go forward, and select a limited number of schools to turn around to become successful for the children who attend. I wholeheartedly support this bill and urge the body to pass it.

ASSEMBLYWOMAN DIAZ:

I respectfully rise in opposition to Assembly Bill 448. When we say we are doing the best by our children attending these failing schools, we fail to recognize that we as a state have not done as much as we could have done in the past for these children. I respectfully disagree with some of my colleagues who stated that turning these underperforming schools into charter schools is the magic bullet. We have not addressed staffing concerns. We have not incentivized our best teachers to go to these underperforming schools. When we do not address the staffing issues that currently exist, we are not going to get much movement in terms of academic achievement.

We also have seen that the charter schools which currently exist in this state are not outperforming our public schools. Charter schools get to pick the kids that come to their schools, whereas the public schools we are talking about in this bill do not get to pick their students. Public schools have to receive and educate all children to the best of their abilities. We talk about this being a great measure that is going to save all of our kids. I am hopeful that will be the case, but I am not 100 percent sure. We have not allocated the funds and we have not addressed the staffing

measures. I believe our public school teachers are doing the very best they can with what we have been giving them the last few years.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 448. When your house is on fire, you welcome firefighters in from wherever. This bill is limited to a process whereby only a handful of schools will first be incorporated into these special districts. This is an attempt at reform. You have to break a few eggs to make an omelet sometimes. We have underperforming schools. This is an attempt to step in and see if we can make them better using a method that has proven successful in other states. For that reason, I urge my colleagues to support this measure.

Roll call on Assembly Bill No. 448:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 470 revises provisions governing the base for allocating costs of the Division of Human Resource Management of the Department of Administration to state agencies.

Roll call on Assembly Bill No. 470:

YEAS—42.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I have gone through the numbers and figures on the Stabilization Account for the Department of Insurance. If anyone would like me to repeat them, I would be happy to but it is the same thing I said yesterday.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:24 p.m.

ASSEMBLY IN SESSION

At 2:26 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 6.
Bill read third time.
Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:
Senate Bill 6 prohibits a primary care practice from representing itself as a patient-centered medical home unless it is certified, accredited, or otherwise officially recognized as such by a nationally recognized organization for accrediting patient-centered medical homes.

The bill authorizes the coordination between patient-centered medical homes and insurers and the acceptance of incentives provided by insurers to patient-centered medical homes, which would otherwise constitute unfair methods of competition or unfair trade practices to the extent that such coordination and incentives are authorized under federal law.

Roll call on Senate Bill No. 6:
YEAS—42.
NAYS—None.
Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 15.
Bill read third time.
Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:
Senate Bill 15 provides that if a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, the mental health professional must apply for the emergency admission of the patient to a mental health facility or make a reasonable effort to notify the person who was threatened and the closest law enforcement agency.

The measure provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

Roll call on Senate Bill No. 15:
YEAS—42.
NAYS—None.
Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 53 requires a person convicted of a crime who claims that his or her time served has been computed incorrectly to exhaust all administrative remedies available to resolve the matter prior to filing a petition for a writ of habeas corpus with the court. It also requires the Department of Corrections to develop an expedited process for resolving a challenge brought by a convicted person regarding the computation if the challenge is brought within 180 days before that person's projected discharge date. A court is required to dismiss such a petition if it determines that a petitioner has filed without having exhausted all administrative remedies. These amendatory provisions do not apply to a postconviction petition filed on or before the effective date of the bill.

Finally, Senate Bill 53 expressly provides that a motion to withdraw a plea of guilty, guilty but mentally ill, or nolo contendere that is made after sentence is imposed, or imposition of sentence is suspended, is a remedy that is incident to the proceedings in the trial court for any such motion pending on or after June 12, 2014. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 53:

YEAS—42.

NAYS—None.

Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 58 provides that a juvenile justice or care agency may share information concerning a child within the jurisdiction of the juvenile court. Such an agency may do so, however, only when the other agency is investigating a matter or is involved in a case or proceeding involving the child or has been assigned the responsibility for supervising the child. The bill also provides that juvenile justice information is confidential and may only be released in accordance with state or federal law and requires that public safety be taken into consideration prior to the release of any information. An agency's denial of an information request must be provided to the requester within five business days.

The release of any record held by a law enforcement agency, prosecuting attorney, or attorney for a child must be made pursuant to statute and any other pertinent rule of law, except that upon the decision to arrest or upon the actual arrest of a child, a law enforcement agency or prosecuting attorney may share pertinent information with the child's school. An incident report, however, must not be released if doing so would jeopardize the investigation, prosecution, or defense of the child or endanger witnesses. The sharing of an incident report must be limited to the extent necessary to protect other students and staff at the child's school.

A juvenile court may use personal identifying information from sealed records in order to conduct an outcome and recidivism study but must provide any results from the study without including any personal identifying information. Finally, with certain exceptions, it is a gross misdemeanor for a person who receives juvenile justice information or child welfare services information maintained by an agency to further disseminate the information or make it public.

Roll call on Senate Bill No. 58:

YEAS—42.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblymen Nelson and Spiegel.

Potential conflict of interest declared by Assemblywoman Spiegel.

ASSEMBLYMAN NELSON:

Senate Bill 67 is the Division of Insurance of the Department of Business and Industry's omnibus bill. This bill adopts provisions of various model laws and acts of the National Association of Insurance Commissioners, including provisions relating to investments, reinsurance, standard valuation, standard nonforfeiture, own-risk solvency assessment, and insurer mergers and acquisitions. It makes changes to the Nevada Life and Health Insurance Guaranty Association, makes changes to the requirements for insurance administrators and self-insured employers for workers' compensation when filing their annual financial statements, allows insurers to provide electronic proof of insurance certificates for motor vehicles, makes changes regarding state-chartered risk retention groups, authorizes the inspections of certain sealed records to determine the suitability of an applicant for licensure or the discipline of a licensee for misconduct, and repeals various provisions of existing law, which are replaced by the adoption of the model law provisions.

ASSEMBLYWOMAN SPIEGEL:

Because we are considering Senate Bill 67, which includes some amendments to the statutes governing the Nevada Insurance Guaranty Association in NRS [*Nevada Revised Statutes*] Chapter 687, I would like to disclose that my business is considering doing some work for the Association. Therefore, I am making this disclosure and am abstaining from voting on Senate Bill 67 out of an abundance of caution.

Roll call on Senate Bill No. 67:

YEAS—41.

NAYS—None.

NOT VOTING—Spiegel.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 76.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 76 updates provisions governing Nevada's participation in the Western Interstate Commission for Higher Education. Among its provisions, it authorizes the three Nevada State Commissioners to adopt regulations and to delegate certain authority to carry out the provisions in Nevada law governing the Western Regional Education Compact. It authorizes the Commissioners to choose and certify applicants for certain programs administered by the Commission. It allows program participants in certain medical professions to qualify for loan forgiveness if their practice after graduation serves certain medically underserved populations or areas, and it modifies and caps the permissible amount of loan forgiveness.

Roll call on Senate Bill No. 76:

YEAS—42.

NAYS—None.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Remarks by Assemblymen Hickey and Fiore.

ASSEMBLYMAN HICKEY:

Senate Bill 95 allows the county assessor in each of Nevada's counties the option of publishing the list of taxpayers and assessed valuation on an Internet website maintained by the county or the county assessor instead of publishing the list in the newspaper or mailing the list to taxpayers.

If the assessor elects to publish this list on the website, he or she must provide notice through a newspaper advertisement to inform the public that the list has been made available on the Internet. Between July 1, 2015, and June 30, 2017, notice must be published in the newspaper four times per year. Effective July 1, 2017, notice must be published one time, on or before January 1 of each year.

If the list is published on the Internet, the assessor must also provide information about the availability of the list on the annual assessed value notice that is sent out to taxpayers on or before December 18 of each year. Finally, in counties whose population is less than 100,000, the county assessor must also print at least ten copies of the notice to be available to the general public upon request.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 95 simply because I have many seniors in my district who like getting that paper and this will eventually eliminate that. For that specific reason, I am in opposition and voting no on this.

Roll call on Senate Bill No. 95:

YEAS—38.

NAYS—Dooling, Ellison, Fiore, Wheeler—4.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 110 provides that a person who owns private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle. The measure establishes a procedure by which a person may obtain title to a recreational vehicle abandoned on private property after attempting to notify the owner. In addition, the bill specifies the requirement for such a notification. This bill also requires a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances.

Roll call on Senate Bill No. 110:

YEAS—42.

NAYS—None.

Senate Bill No. 110 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 134 limits the amount of a bond that an appellant must pay to secure a stay of execution of certain judgments to $50 million or the amount of the judgment, whichever is less. If the appellant is a small business as defined under the federal Small Business Act, the bond amount is limited to $1 million or the amount of the judgment, whichever is less. A court may, for good cause shown, set the bond at an amount less than the amount otherwise required by law.

If a plaintiff proves by a preponderance of evidence that an appellant is purposefully diverting or dissipating assets in order to avoid paying the judgment, the court may order the appellant to post a bond not larger than the amount of the full judgment. The provisions of Senate Bill 134 apply to all actions pending or filed on or after the effective date of this bill. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 134:

YEAS—42.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 137 requires that for an insurance claim for a procedure provided by an oral and maxillofacial surgeon, which may be covered by both the patient's stand-alone dental benefit and policy of health insurance, the stand-alone dental benefit must provide primary coverage. The bill also prohibits a health insurer from denying certain claims for which it has liability on the basis that another health insurer has liability.

Roll call on Senate Bill No. 137:

YEAS—42.

NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 146.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 146 authorizes an employer of a residential facility for a group of similarly situated persons to enter into a written agreement with an employee who is required to be on duty for 24 hours or more to exclude from his or her wages a sleeping period not to exceed 8 hours, if adequate sleeping facilities are provided and certain conditions are met.

Roll call on Senate Bill No. 146:

YEAS—41.

NAYS—None.

EXCUSED—Moore.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 148 revises provisions governing service of a summons to an adjudicatory hearing on a petition that a child who was removed from his or her home is in need of protection. Such a summons must be served personally, by registered or certified mail, regardless of whether the person resides inside or outside of Nevada.

Roll call on Senate Bill No. 148:

YEAS—42.

NAYS—None.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 153 limits the period under which heart and lung diseases are, for purposes of industrial insurance claims, conclusively presumed to be occupationally related. Specifically, a person must have been employed in a full-time, continuous, uninterrupted, and salaried occupation as a police officer, firefighter, or arson investigator for two years or more before the date of disablement. If the disease is diagnosed and causes the disablement during the course of the employment; if the person ceases employment before completing 20 years of service as a police officer, firefighter, or arson investigator, during the period after separation from employment, which is equal to the number of years worked; or if the person ceases employment after completing 20 years or more of service as a police officer, firefighter, or arson investigator at any time during the person's life, service credit purchased in a retirement system must not be calculated towards the years of service.

The measure also prevents these persons who use tobacco products or fail to follow a physician's prescribed plan of care from claiming these presumptions under certain circumstances. Finally, Senate Bill 153 clarifies that a retiree who files an industrial insurance claim for heart or lung disease is eligible only for medical benefits.

Roll call on Senate Bill No. 153:

YEAS—36.

NAYS—Carlton, Carrillo, Joiner, Ohrenschall, Sprinkle, Trowbridge—6.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblyman Trowbridge.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 154 requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the qualifications necessary for a community manager to renew his or her certificate. The regulations must require that a certificate be renewed biennially and must set the number of hours of continuing education necessary for renewal. The regulations also must allow that up to five hours of the total hours required may be satisfied by observing a disciplinary hearing conducted by the Commission, or by observing a mediation or arbitration that arises from a claim within the Real Estate Division's jurisdiction. Education of this type must be designated as instruction relating to Nevada laws and regulations governing common-interest communities and community managers.

Provisions of this measure requiring the adoption of regulations or conducting other necessary administrative tasks are effective upon passage and approval. All other provisions of the bill are effective on January 1, 2016.

Roll call on Senate Bill No. 154:

YEAS—33.

NAYS—Dickman, Dooling, Ellison, Fiore, Moore, Seaman, Shelton, Titus, Wheeler—9.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 160 provides that an owner, lessee, or occupant of any premises does not owe a duty of care to, and is not liable for, physical harm to a trespasser, except when the owner, lessee, or occupant willfully or wantonly causes harm to the trespasser or fails to exercise reasonable care to prevent harm to the trespasser after discovering the trespasser's presence in a place of danger on the premises. Additionally, the owner, lessee, or occupant may be liable if the trespasser is a child who is injured by an artificial condition on the premises and certain other conditions exist.

This bill also provides that a person who creates, sponsors, owns, or produces public art, or the owner, lessee, or occupant of any estate or interest in any premises where such art is displayed, is not liable for the death or injury of a person or for damage to property caused or sustained by a person who defaces, destroys, or attempts to deface or destroy public art; uses the public art in an unintended manner; or fails to heed posted warnings or instructions concerning the public art if such warnings are posted to warn the public against any foreseeable conditions or any misuse of the public art that may pose an unreasonable risk of death or serious bodily injury.

Lastly, a person who jumps by parachute or other airborne means from a building or structure owned by another or a person who knowingly delivers the person who intends to jump or retrieves the person who has jumped is deemed a trespasser and is guilty of a category E felony, except under certain circumstances.

This bill is effective upon passage and approval.

Roll call on Senate Bill No. 160:

YEAS—38.

NAYS—Moore, Neal, Shelton, Swank—4.

Senate Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblymen O'Neill, Elliot Anderson, Diaz, Dickman, Ohrenschall, Gardner, Wheeler, and Carlton.

ASSEMBLYMAN O'NEILL:

Senate Bill 161 prohibits the filing or maintenance of a product liability action against a seller who is not the manufacturer of the product and lays out specific circumstances under which such a seller is not immune from liability. In general, the circumstances under which a seller is not immune include instances in which the seller has substantial control over the design, formula, production, assembly, maintenance, packaging, installation, modification, or resale of the product. The bill also provides that a seller who fails to exercise reasonable and product-appropriate care in the storage or transport of a product may be subject to a liability action.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 161. I believe this bill takes away the responsibility from corporations, both here and foreign, in the name of profit. They have no real reason to ensure that products are manufactured to the standards that we expect, because if they do it right, they do not have anything to worry about anyway. This bill takes away the ability of consumers to hold sellers accountable if they are selling shoddy manufactured products. It gives that seller immunity. I urge this body to stand on the side of consumers and vote no for immunity for faulty products.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Senate Bill 161. Senate Bill 161 removes sellers from those who may be held liable for their actions in selling an innocent consumer a defective product. Senate Bill 161 is bad policy for the state of Nevada as it will inevitably leave some Nevadans with legitimate claims, who have been harmed at the hands of a product seller, without any recourse and without access to justice.

Although Senate Bill 161 includes exceptions, we as a legislative body are incapable of drafting laws that encompass every scenario that may exist. Getting close or attempting to would be doing a disservice to my constituents and to residents of our state who may be harmed by defective products. Instead, such deliberations determining the culpability of each party should be left in the hands of our judges and our juries. This would be compromising the same individuals we have trusted to elect us. Senate Bill 161 is simply another means of closing off the courthouse doors to injured, innocent Nevadans at the request of the same companies making profits off of them.

ASSEMBLYWOMAN DICKMAN:

I rise in support of Senate Bill 161. This bill simply brings us in line with other states and helps Nevada's businesses. I urge your support.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 161. All one needs to do is look at the headlines. Whether it is toys coming from overseas that have lead in them, whether it is lumber that has formaldehyde—we realize that as consumers, we are not on an equal footing. If a seller is going to go ahead and sell a product that has problems which can harm a consumer, they should be held liable. I believe this bill goes way too far for those of us who are worried about the consumer. I urge its defeat.

ASSEMBLYMAN GARDNER:

I rise in support of Senate Bill 161. As my colleague spoke about, this is all about getting the right person to pay: the person who made the mistake. That is what this bill is. We are not bringing in people who did not do anything. They did not create the bad product. They did not create these issues.

Also, I would like to remind my colleagues that all these products are regulated. These are not just something you put on your shelves. If you are selling in the U.S., there are lots of codes you have to follow, which are things we have talked about.

Finally, if we pass one perfect piece of legislation, I would love to see it. I think waiting until we have a perfect piece of legislation to pass it—we might as well go home if that is going to be the only way we are going to pass things. I think this is a great bill. It helps to focus on the people who actually created the problem instead of focusing on the innocent sellers.

ASSEMBLYMAN WHEELER:

I rise in support of Senate Bill 161. As one who used to be a manufacturer, I understand the problems with liabilities. When it is a manufacturing problem, we as manufacturers carry insurance to take care of it, whereas a lot of the people who sell our products do not carry that insurance. If it is an actual manufacturing problem, I believe we should be held liable, whereas the person who is simply selling something in a box really should not.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 161. The concern that I have as a parent is the recall portion, and we have not had any discussion about that. We are going to be giving immunity to the seller. When that toy, car seat, or crib is sold and there is a recall on it, if we cannot hold the seller accountable, how do we make sure those things are taken off the shelf?

I pulled up Recalls.gov just in the couple of minutes we have been talking about this. In April alone, I see pages and pages of recalls on toys for children that have lead in them. We thought we had lead in toys dealt with 20 years ago, but still we have problems with that. If we cannot hold the sellers accountable, how do we make sure that product gets taken off the shelf so that I do not inadvertently purchase it for—I hope someday to have some grandchildren? I want to know that the products I am picking up are safe and reliable products. I see this as shortcutting the consumer's information on what they can purchase.

Assemblymen Seaman, Kirner, and Stewart moved the previous question.

The question being the passage of Senate Bill No. 161.

Roll call on Senate Bill No. 161:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Senate Bill 172 prohibits a medical facility or a physician from allowing a person to perform or participate in activities for credit towards a medical degree unless the person is enrolled in good standing at an accredited medical school. The bill exempts a physician who works in a designated health professional shortage area, directly supervises the person, and does not currently supervise any other person receiving credit toward a medical degree.

The bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services, the Board of Medical Examiners, the State Board of Osteopathic Medicine, and the Board of Examiners for Long-Term Care Administrators to enforce this prohibition with respect to their licensees.

In addition, a medical student who attends an accredited medical school is authorized to possess and administer a controlled substance or dangerous drug at the direction of a physician.

Roll call on Senate Bill No. 172:

YEAS—33.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Ohrenschall, Seaman, Shelton—9.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Remarks by Assemblymen Nelson, Fiore, and Neal.

ASSEMBLYMAN NELSON:

Senate Bill 175 revises the definition of "justifiable homicide" to include the killing of a person in defense of an occupied habitation or an occupied motor vehicle. The bill also establishes a rebuttable presumption that a person asserting justifiable homicide acted under the fears of a reasonable person and not in a spirit of revenge.

Under this measure, a person who has been convicted of a misdemeanor crime of domestic violence, as defined in federal law, is prohibited from owning or having possession, custody, or control of any firearm. Similarly, anyone against whom a court has issued an extended order for protection against domestic violence may not purchase or otherwise obtain a firearm during the time the order is in effect. A violation of these provisions is a category B felony.

Further, Senate Bill 175 requires the Department of Public Safety to annually determine and prepare a list of other states that require a person to complete any training, class, or program before being issued a permit to carry a concealed firearm in that state. A person who is issued a permit to carry a concealed firearm that was issued by a state on the list does not need to apply for a Nevada permit to carry a concealed firearm but must still comply with any existing laws governing the carrying of a concealed firearm in Nevada.

ASSEMBLYWOMAN FIORE:

I rise in support of Senate Bill 175. I have nicknamed this the infamous bill full of bills stolen by our Senator from District 20. I want to make sure that Assembly members from Districts 2, 39, 10, and the Senator from District 13 get full credit because this is their bill.

ASSEMBLYWOMAN NEAL:

I rise in strong opposition to Senate Bill 175 for two reasons. The bill offers a rebuttable presumption of fear not only in situations where—number one, fear is subjective. So if I were to approach a vehicle, although occupied by a person, how do you determine fear? I would have the burden of overcoming the belief that my colleague from District 27 was actually fearful. Having a rebuttable presumption on the side of the individual is unfair because it is so subjective.

The second reason why I am against this bill is in section 7. It keeps the person who potentially shot another individual from civil liability in an action. So I would not have a wrongful death lawsuit if it were my child or person who approached the vehicle and was shot in the face. I do not think an individual who could have acted inappropriately, who could have acted on some prejudicial belief of their fear, should be removed from all liability or I should have to overcome the burden of proving whether or not they were in fear. The original law does not give that presumption and I do not think that is good policy for the state of Nevada. So I rise in strong opposition to Senate Bill 175.

Roll call on Senate Bill No. 175:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 183 revises the legislative intent regarding the regulation and licensing of motor carriers to provide fair and impartial regulation and promote safe service in motor transportation. The bill eliminates certain requirements in the application process for a motor carrier certificate of public convenience and necessity [CPCN] to reflect the legislative intent. In addition, Senate Bill 183 allows a person to intervene in a hearing on a CPCN application only if the person has actual or constructive knowledge that the applicant poses a threat to the physical safety of the traveling public. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 183:

YEAS—26.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—16.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 194 allows a private company, public entity, or utility to establish and administer a consolidated insurance program for industrial insurance on a construction project or a series of projects if the estimated total cost of the construction project is at least $50 million. Any policy or contract of insurance required by a consolidated insurance program must be issued by an insurer who is rated A- or better by A.M. Best with a Financial Size Category of Class VII or larger, or the equivalent as determined by the Commissioner of Insurance. The measure requires the owner or primary contractor of a construction project to allow a contractor, employer, or subcontractor who has an employee on the construction project to have access to the project site and to any documents relating to claims filed by or on behalf of their injured workers.

Finally, this bill allows an administrator of claims for a consolidated insurance program to serve as the administrator of claims for the consolidated insurance program of more than one construction project.

Roll call on Senate Bill No. 194:

YEAS—34.

NAYS—Carlton, Carrillo, Diaz, Flores, Joiner, Neal, Swank, Thompson—8.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 206 makes various changes to the process for indicating on a driver's license, driver authorization card, or identification [ID] card whether a person wishes to be an organ donor. Upon issuance of a driver's license or other ID card, the bill requires the Department of Motor Vehicles [DMV] to provide a person an opportunity to indicate that he or she "does not at that time wish" to be an organ donor, rather than "refuses" to be a donor. The bill also provides that if a person opts to be a donor upon issuance of a driver's license or ID card, the indication will remain on his or her driver's license or ID card at the time of renewal unless the person indicates otherwise. If a person initially indicates he or she does not wish to be a donor, the DMV must provide the opportunity to change the indication upon renewal of a license or card.

Roll call on Senate Bill No. 206:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 224.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 224 establishes a conclusive presumption that a person is an independent contractor, rather than an employee, if certain conditions are met. The bill excludes the relationship between a principal and an independent contractor from those relationships that constitute employment relationships for the purpose of requiring the payment of a minimum wage.

Roll call on Senate Bill No. 224:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 225 adds vapor products and alternative nicotine products to the list of tobacco or nicotine-related products that cannot be sold to a person under the age of 18. The bill also requires that retailers post notices regarding the prohibition against selling vapor products and alternative nicotine products to minors and subjects those who violate these prohibitions to the same fines that currently exist regarding selling tobacco to a minor.

Finally, the bill requires the Attorney General to conduct random, unannounced inspections of locations where these products are sold.

Roll call on Senate Bill No. 225:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 233 provides that a completion card indicating that a construction worker or supervisory employee has completed a course in construction industry safety and health hazard recognition does not expire or require renewal.

Roll call on Senate Bill No. 233:

YEAS—24.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—17.

EXCUSED—Wheeler.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 239 provides a mechanism whereby a lender, upon written request from a title agent, title insurer, or escrow agency, can, with proper notice to a borrower, terminate a home equity line of credit or suspend and close a home equity line of credit. When the lender is in possession of the payment, it must release or reconvey the property securing the equity line of credit.

The bill grants a trustee who has been named as a defendant in an action solely because he or she is a trustee, and not because of any wrongdoing on the part of the trustee, the ability to file a declaration of nonmonetary status in the action. It additionally sets forth a process whereby any party to the action may, within reasonable time limits, object to the trustee's declaration and have the court decide the matter. If no objection is raised, or if the court determines that an objection is invalid, the trustee is not required to participate and is not subject to any damages or attorney's fees or costs. Should new information come to light at any point during the proceedings indicating that the trustee should be made a participant, the parties may move to amend the pleadings to include the trustee.

Finally, the measure allows a beneficiary to substitute as a trustee in order to fully or partially reconvey a deed of trust and provides that once time has expired to commence an action against a trustee, the rights of a bona fide purchaser in the matter will not be affected.

Roll call on Senate Bill No. 239:

YEAS—42.

NAYS—None.

Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 247 provides for the deposit of certain application fees collected by the Department of Health and Human Services from persons who apply for approval of certain projects and services to be used to administer the state administrative program relating to health planning and development. The fees revert to the State General Fund if the money received from the fees collected is not spent within two fiscal years after the fees were originally paid.

Also, the bill requires approval by the Department for new construction by, or on behalf of, a health facility with proposed expenditures in excess of $2 million or a specified amount in counties whose population is less than 100,000, or in an incorporated city or unincorporated town whose population is less than 25,000 that is located in a county whose population is 100,000 or more. Finally, the measure requires the Director of the Department of Health and Human Services to consider certain criteria when deciding whether to approve a project.

Roll call on Senate Bill No. 247:

YEAS—36.

NAYS—Ellison, Fiore, Jones, Moore, Seaman, Shelton—6.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 250 requires that certain public and private policies of insurance and health care plans must authorize coverage for, and may apply a copayment and deductible to, a prescription to be divided into more than one dispensing for the purpose of synchronizing a patient's multiple prescriptions. These policies and plans are prohibited from denying a claim for such a prescription that is otherwise covered. Finally, these policies and plans are prohibited from prorating the pharmacy dispensing fees for such prescriptions unless otherwise provided by a contract or other agreement.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 262 revises various provisions governing the appointment of guardians. The bill allows a nonresident of Nevada to be appointed as a guardian for an adult or minor ward and requires a court to give preference in appointing a guardian for an adult ward in order of a list of persons provided in the bill. The bill also authorizes a court to appoint two or more co-guardians

and directs a court, with certain exceptions, to give preference for a guardianship to a person named in a will, trust, or other document executed as part of an estate plan.

The bill provides that a ward who cannot afford to pay for a private guardian is eligible to have a public guardian appointed. Additionally, Senate Bill 262 provides for the appointment of a public guardian for an incompetent adult who failed to nominate a guardian while he or she was still competent or if the nominated person is not suited or is not willing to serve as a guardian.

Roll call on Senate Bill No. 262:

YEAS—42.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Elliot Anderson.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 264 clarifies that certain provisions of the Uniform Fraudulent Transfer Act regarding time limits applied to actions concerning certain fraudulent transfers do not apply to a claim for relief with respect to a transfer of property to a spendthrift trust.

There was testimony in your Committee on Judiciary that this would clarify a misinterpretation of our law from a court in California. It would help encourage further business in the spendthrift trust industry here in Nevada.

ASSEMBLYMAN ELLIOT ANDERSON:

I want to further the analysis of my colleague from District 12. In NRS [*Nevada Revised Statutes*] Chapter 166, we have a specific time limitation provision that applies to spendthrift trusts. The California court misapplied the general statute of limitation for all types of fraudulent transfers found in NRS Chapter 112. That analysis did not make any sense to me, and I think that this clarification will help our trust businesses.

Roll call on Senate Bill No. 264:

YEAS—42.

NAYS—None.

Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 273. This bill enacts provisions governing the retention of health care records by a custodian of health care records. The bill prohibits, under certain circumstances, a custodian of health care records who has lawful custody of any health care records of a health care provider from preventing the health care provider from physically inspecting the health care records or from receiving copies of those records upon request.

It is a fairly long floor statement, so I would like to cut to the chase and tell you all what this does. In southern Nevada, we had some instances where we found medical records outside of a dumpster behind a building when somebody had moved or left their practice. This is to protect consumers by making sure that those medical records are safely destroyed and still available if people need to look at them. I urge your support.

Roll call on Senate Bill No. 273:

YEAS—38.

NAYS—Dooling, Jones, Moore, Titus—4.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Joint Resolution No. 17 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblymen Stewart, Kirkpatrick, Elliot Anderson, and Paul Anderson.

ASSEMBLYMAN STEWART:

Senate Joint Resolution 17 proposes to amend the *Nevada Constitution* by eliminating existing victims' rights provisions found in Article 1, Section 8 and replacing them with an expanded set of provisions in the form of a victims' bill of rights.

Mr. Speaker, this bill is sometimes known as Marsy's Law. This is an effort to protect victims and to put them on a level playing field with the accused. This comes from Marsy, whose parents went shopping and found the person who had killed their daughter shopping in the same store as them. They had gotten no notification that this person had been released from jail. I strongly urge your support.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of S.J.R. 17. It is very hard for families who also feel any trauma that comes to a member of their family. I will speak for myself, having been in that position before. It does make a difference if the families can know what is going on. Whether you agree or disagree with that point, I do think it is important to let the voters decide whether or not they think that victims' families should enjoy the privilege of knowing when the perpetrator has made bail or probation. I would urge my colleagues to give the voters the opportunity to decide if that is important to them.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Joint Resolution 17. Many of the provisions contained in here are already provided for in some of our existing laws. As a matter of fact, in terms of community safety, there are provisions for this in the bail factors. In addition, rather than putting a lot of these things in the *Constitution*, it would make more sense to put them in statute. These are provisions that may need to be changed a bit faster when you have an actual application of them. By putting them in the *Constitution*, we cannot adjust them as they come into practice. The reason that defendants' rights are put in the *Constitution* is to keep the power of the state at bay. We have had a long experience in this country with the power of the government being used against people who are innocent and that is why those rights are enshrined in the *Constitution*. They are not enshrined there to say that victims are less important. They are enshrined there to protect the people against the power of the state.

As we know, here at the Legislature, we have done great things for victims and we will continue to do good things for victims, but I think this is more appropriate in statute because we may need to change them more quickly than the constitutional amendment process would allow. Victims are not going to be prosecuted by the state. They are not going to be put in jail, and they are very

sympathetic individuals. For those reasons, not because I do not believe a lot of these should be law, I oppose Senate Joint Resolution 17.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Senate Joint Resolution 17. Just like Marsy's Law, this is a victims' bill of rights dedicated to guaranteeing constitutional rights for Nevada's crime victims. Nevada is one of a handful of states that actually provides greater constitutional protections to those convicted of a crime than it does to the actual victims of a crime. Crime victims are often shut out of the process and this resolution would be dedicated to securing justice in their name. Should Nevadans approve this measure, this language would help even the scales of justice, protect those victims, and give them equal rights. I strongly encourage this body to vote in favor of S.J.R. 17.

Roll call on Senate Joint Resolution No. 17:

YEAS—41.

NAYS—Elliot Anderson.

Senate Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 16, 45, 46, 48, 60, 68, 78, 120, 164, 273, 435, 442, 465; Senate Bills Nos. 35, 62, 74, 78, 88, 94, 155, 268, 293, 303, 377, 410, 441 and 457.

Assemblyman Paul Anderson moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 3:54 p.m.

ASSEMBLY IN SESSION

At 8:50 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 429.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 70, Amendment No. 863; Assembly Bill No. 115, Amendments Nos. 829, 877; Assembly Bill No. 248, Amendment No. 769, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 227.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 68, 114, 168, 193, 229, and 481 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 307, 411, 442, 447, and 458 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 402 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 304 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 227.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 304.

Bill read third time.

The following amendment was proposed by Assemblywoman Fiore:

Amendment No. 880.

SUMMARY—Revises provisions relating to ~~[the use of safety belts in taxicabs.]~~ **motor vehicles.** (BDR 43-774)

AN ACT relating to motor vehicles; revising provisions relating to the use of safety belts in taxicabs; **creating the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of issues relating to certain traffic and motor vehicle laws;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[This]~~

Section 1 of this bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

Section 2.5 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 2.5 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues relating to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem allowance that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.0125) Section 4 of this bill requires the Advisory Commission to evaluate certain laws relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~[not]~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~[not]~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Sec. 2.5. **Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues relating to:

(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,

➥ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. **NRS 176.0121 is hereby amended to read as follows:**

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, ***and section 2.5 of this act,*** "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 4. **NRS 176.0125 is hereby amended to read as follows:**

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which

imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. ***Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.***

14. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 5. **NRS 176.01255 is hereby amended to read as follows:**

176.01255 1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 176.0121 to 176.0129, inclusive ~~[.]~~ ***, and section 2.5 of this act.***

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to NRS 176.0121 to 176.0129, inclusive ~~[.]~~ ***, and section 2.5 of this act.***

Sec. 6. **The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice created by and appointed pursuant to section 2.5 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 79th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.**

Sec. 7. **The amendatory provisions of sections 2.5 to 6, inclusive, of this act expire by limitation on July 31, 2017.**

Assemblywoman Fiore moved the adoption of the amendment.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Amendment 880 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. The Subcommittee members will be appointed by the chair of the Advisory Commission. The Subcommittee must study violations of traffic laws including laws on drivers' licenses and car insurance and consider the implications and the feasibility of changing certain violations from criminal offenses to civil infractions. The Subcommittee must submit a report to the Commission on its recommendations prior to the 2017 Session. The amendment also requires the Advisory Commission to evaluate these issues and the recommendations of the Subcommittee when considering proposed legislation.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 307.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 903.

AN ACT relating to public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements **and campaign finance reports** filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff any gifts that exceed $100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930) In defining the term "gift," the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.400)

In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of $200 from a donor during a calendar year on financial disclosure statements filed with the Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the

Financial Disclosure Act does not define the term "gift," but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that "[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and traveling to Europe for that purpose, constitutes a gift." (*In re Phillips*, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift "[t]ravel, lodging, food or registration expenses as part of a 'fact-finding' trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer." (Nev. Sec'y of State, *Financial Disclosure Statement Guide*, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; *State Farm Mut. Auto. Ins. v. Comm'r of Ins.*, 114 Nev. 535, 543-44 (1998); *Labor Comm'r v. Littlefield*, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term "gift" that is similar for both acts. **Sections 4 and 17** of this bill also establish a definition for the term "educational or informational meeting, event or trip" that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under **sections 4, 8 and 11** of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under **sections 17, 20 and 27** of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate

family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.

Existing law regulates campaign finance practices, including the reporting of campaign contributions. (Chapter 294A of NRS) Existing law requires candidates to file campaign finance reports with the Secretary of State disclosing each monetary contribution received in an amount greater than $100 by certain statutorily scheduled dates during an election year and to file such reports annually after nonelection years. (NRS 294A.120)

Section 39.2 of this bill requires candidates who receive monetary contributions in an amount greater than $100 to report each such contribution to the Secretary of State not later than 72 hours after receiving the contribution. The report must be filed electronically with the Secretary of State unless the candidate qualifies for an exception from electronic filing. Section 39.3 of this bill requires the Secretary of State to create and maintain application software which is designed for use on a mobile device, such as a smartphone or tablet computer, and which must allow candidates to file their campaign finance reports electronically with the Secretary of State using such a mobile device.

Finally, **section 41** of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, **section 40** of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year. (NRS 281.559, 281.561)

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 3. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 4. ***1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:***

(a) The Legislator or a member of the Legislator's household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator's household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator's household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator's household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator's household travels to or from the meeting, event or trip.

Sec. 5. ***"Member of the Legislator's household" means a person who is a member of the Legislator's household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

Sec. 6. ***"Registrant" means a person who is registered as a lobbyist pursuant to this chapter.***

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, ***and sections 2 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 ***1.*** ***"***Expenditure" means any ~~[advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription]~~ ***of the following acts by a lobbyist while the Legislature is in a regular or special session:***

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money ***, services*** or anything ***else*** of value ~~[, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any]~~ ***; or***

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any ***such*** expenditure ***.*** ~~[while the Legislature is in a regular or special session.]~~

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip.

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means ~~[a payment, subscription, advance,]~~ ***any payment, conveyance, transfer, distribution, deposit, advance, loan,*** forbearance, ***subscription, pledge or*** rendering ~~[or deposit]~~ of money, services or anything ***else*** of value ***,*** unless consideration of equal or greater value is received.

2. ~~["Gift"]~~ ***The term*** does not include:

(a) ~~[A]~~ ***Any*** political contribution of money or services related to a political campaign ***.*** ~~[;~~

~~(b) A]~~

(b) Any commercially reasonable loan made in the ordinary course of business ***.*** ~~[;]~~

(c) ***Anything of value provided for an educational or informational meeting, event or trip.***

(d) The cost of ~~[entertainment,]~~ ***a party, meal, function or other social event to which every Legislator is invited,*** including ***, without limitation,*** the cost of food or beverages ~~[; or~~

~~(d)]~~ ***provided at the party, meal, function or other social event.***

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from ~~[~~:

~~(1) A member of the recipient's immediate family; or~~

~~(2) A relative of~~] ***a person who is:***

(1) Related to the recipient **,** or ~~[relative of the recipient's~~] ***to the*** spouse ***or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership*** within the third degree of consanguinity or ~~[from the spouse of any such relative.~~] ***affinity; or***

(2) A member of the recipient's household.

Sec. 10. NRS 218H.210 is hereby amended to read as follows:

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, permanent address, place of business and temporary address while lobbying.

2. The full name and complete address of each person, if any, by whom the registrant is retained or employed or on whose behalf the registrant appears.

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any person by whom the registrant is retained or employed. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a ~~[statement of]~~ financial disclosure ***statement*** made by a ~~[candidate for public office or a]~~ public officer ***or candidate*** pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any person by whom the registrant is retained or employed,

➥ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Sec. 11. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the

registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

3. Except as otherwise provided in subsection 6, the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

4. If expenditures made by or on behalf of a registrant during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission **.** ~~[~~, in the following categories:

~~(a) Entertainment;~~

~~(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;~~

~~(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

~~(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.~~**]**

5. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

6. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a ***party, meal,*** function ***or other social event*** to which every Legislator was invited. ~~[For the purposes of this subsection, "function" means a party, meal or other social event.]~~

Sec. 12. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not ***knowingly or willfully*** give ***any gift*** to a member of the Legislative Branch or a member of his or her ~~[staff or]~~ immediate family ~~[gifts that exceed $100 in value in the aggregate in any calendar year.]~~ ***, whether or not the Legislature is in a regular or special session.***

3. A member of the Legislative Branch or a member of his or her ~~[staff or]~~ immediate family shall not ***knowingly or willfully*** solicit ~~[anything of value from a registrant]~~ or accept any gift ~~[that exceeds $100 in aggregate value in any calendar year.]~~ ***from a lobbyist, whether or not the Legislature is in a regular or special session.***

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. ***As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 15. ***"Domestic partner" means a person in a domestic partnership.***

Sec. 16. ***"Domestic partnership" means:***

1. A domestic partnership as defined in NRS 122A.040; or

2. A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

Sec. 17. ***1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:***

(a) The public officer or candidate or a member of the public officer's or candidate's household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a public officer or candidate for personal reasons or for reasons relating to any professional or occupational license held by the public officer or candidate, unless the public officer or candidate participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate or a member of the public officer's or candidate's household or reimbursement for any such actual expenses paid by the public officer or candidate or a member of the public officer's or candidate's household, if the expenses are incurred on a day during which the public officer or candidate or a member of the public officer's or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's or candidate's household travels to or from the meeting, event or trip.

Sec. 18. *"Financial disclosure statement" or "statement" means a financial disclosure statement in the electronic form or other authorized form prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by the Secretary of State for a specialized or local ethics committee pursuant to NRS 281A.350.*

Sec. 19. *1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.*

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term "gift" as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption,

marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer's or candidate's household.

Sec. 20. ***1. "Interested person" means a person who has a substantial interest in the legislative, administrative or political action of a public officer or a candidate if elected.***

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. ***1. "Member of the public officer's or candidate's household" means:***

(a) The spouse or domestic partner of the public officer or candidate;

(b) A relative who lives in the same home or dwelling as the public officer or candidate; or

(c) A person, whether or not a relative, who:

(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, "relative" means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. ***1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. ***The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.***

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 ~~[As used in NRS 281.558 to 281.581, inclusive, "candidate"]~~

1. "Candidate" means any person ~~[~~:

~~1.]~~ ***who seeks to be elected to a public office and:***

(a) Who files a declaration of candidacy;

~~[2.]~~ ***(b)*** Who files an acceptance of candidacy; or

~~[3.]~~ ***(c)*** Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in ~~[~~subsections 2 and 3~~]~~ ***this section*** and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a ~~[~~statement of~~]~~ financial disclosure ~~[~~,~~]~~ ***statement,*** as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a ~~[~~statement of~~]~~ financial disclosure ***statement*** within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a ~~[~~statement of~~]~~ financial disclosure ***statement*** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a ~~[~~statement of~~]~~ financial disclosure ***statement*** pursuant to the requirements ~~[~~of Canon 4I~~]~~ of the Nevada Code of Judicial Conduct. ~~[~~Such~~]~~ ***To the extent practicable, such*** a statement ~~[~~of financial disclosure~~]~~ must include, without limitation, all information required to be included in a ~~[~~statement of~~]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

~~[4. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~5. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~]

Sec. 26. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in [~~subsections 2 and 3~~] ***this section*** and NRS 281.572, each candidate [~~for public office~~] who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and [~~, except as otherwise provided in subsection 3,~~] each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a [~~statement of~~] financial disclosure [~~,~~] ***statement,*** as follows:

(a) A candidate for nomination, election or reelection to public office shall file a [~~statement of~~] financial disclosure [~~no~~] ***statement not*** later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a [~~statement of~~] financial disclosure ***statement*** for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a [~~statement of~~] financial disclosure ***statement*** for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a [~~statement of~~] financial disclosure ***statement*** on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate [~~for public office~~] is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a [~~statement of~~] financial disclosure ***statement*** for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a [~~statement of~~] financial disclosure ***statement*** relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a [~~statement of~~] financial disclosure ***statement*** pursuant to the requirements [~~of Canon 4I~~] of the Nevada Code of Judicial Conduct. [~~Such~~] ***To the extent practicable, such*** a statement [~~of financial disclosure~~] must include, without limitation, all information required to be included in a [~~statement of~~] financial disclosure ***statement*** pursuant to NRS 281.571.

[~~5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~]

Sec. 27. NRS 281.571 is hereby amended to read as follows:

281.571 [~~1. Statements of~~] ***Each*** financial disclosure [~~, as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes,~~] ***statement*** must contain the following information concerning the [~~candidate for public office or~~] public officer [~~:~~

~~(a)~~] ***or candidate:***

1. The [~~candidate's or~~] public officer's ***or candidate's*** length of residence in the State of Nevada and the district in which the [~~candidate for public office or~~] public officer ***or candidate*** is registered to vote.

[~~(b)~~] ***2.*** Each source of the [~~candidate's or~~] public officer's ***or candidate's*** income, or that of any member of the [~~candidate's or~~] public officer's ***or candidate's*** household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

[~~(c)~~] ***3.*** A list of the specific location and particular use of real estate, other than a personal residence:

[~~(1)~~] ***(a)*** In which the [~~candidate for public office or~~] public officer ***or candidate*** or a member of the [~~candidate's or~~] public officer's ***or candidate's*** household has a legal or beneficial interest;

[~~(2)~~] ***(b)*** Whose fair market value is $2,500 or more; and

[~~(3)~~] ***(c)*** That is located in this State or an adjacent state.

[~~(d)~~] ***4.*** The name of each creditor to whom the [~~candidate for public office or~~] public officer ***or candidate*** or a member of the [~~candidate's or~~] public officer's ***or candidate's*** household owes $5,000 or more, except for:

[~~(1)~~] ***(a)*** A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to [~~paragraph (c);~~] ***subsection 3;*** and

[~~(2)~~] ***(b)*** A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

[~~(e)~~] ***5. If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the***

immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:

(a) The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;

(b) The identity of each interested person providing anything of value to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip; and

(c) The aggregate value of everything provided by those interested persons to the public officer or candidate or a member of the public officer's or candidate's household to undertake or attend the meeting, event or trip.

6. If the ~~[candidate for public office or]~~ public officer ***or candidate*** has received ***any*** gifts in excess of an aggregate value of $200 from a donor during the ***immediately*** preceding ~~[taxable]~~ ***calendar*** year ~~[,]~~ ***or other period for which the public officer or candidate is filing the financial disclosure statement,*** a list of all such gifts, including the identity of the donor and ***the*** value of each gift ***.*** ~~[, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f)~~] ***7.*** A list of each business entity with which the ~~[candidate for public office or]~~ public officer ***or candidate*** or a member of the ~~[candidate's or]~~ public officer's ***or candidate's*** household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

~~[(g)~~] ***8.*** A list of all public offices presently held by the ~~[candidate for public office or]~~ public officer ***or candidate*** for which this ~~[statement of]~~ financial disclosure ***statement*** is required.

~~[2. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding~~

~~the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~

Sec. 28. NRS 281.572 is hereby amended to read as follows:

281.572 1. A ~~[candidate or]~~ public officer ***or candidate*** who is required to file a ~~[statement of]~~ financial disclosure ***statement*** with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the ~~[candidate or]~~ public officer ***or candidate*** has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The ~~[candidate or]~~ public officer ***or candidate*** does not own or have the ability to access the technology necessary to file electronically the ~~[statement of]~~ financial disclosure ~~[;]~~ ***statement;*** and

(b) The ~~[candidate or]~~ public officer ***or candidate*** does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the ~~[statement of]~~ financial disclosure ~~[.]~~ ***statement.***

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A ~~[candidate or]~~ public officer ***or candidate*** who signs the affidavit under an oath to God is subject to the same penalties as if the ~~[candidate or]~~ public officer ***or candidate*** had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the ~~[statement of]~~ financial disclosure ***statement*** is required to be filed.

3. A ~~[candidate or]~~ public officer ***or candidate*** who is not required to file the ~~[statement of]~~ financial disclosure ***statement*** electronically may file the ~~[statement of]~~ financial disclosure ***statement*** by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A ~~[statement of]~~ financial disclosure ***statement*** transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a ~~[report]~~ ***financial disclosure statement*** electronically.

Sec. 29. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, ~~[statements of]~~ ***each*** financial disclosure ***statement*** required by the provisions of NRS 281.558 to 281.572, inclusive, ***and sections 14 to 23, inclusive, of this act*** must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last ~~[statement of]~~ financial disclosure ***statement*** for the last public office held.

Sec. 30. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a ~~[statement of]~~ financial disclosure ***statement*** must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate ~~[for public office]~~ who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 31. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~[candidate for public office or]~~ public officer ***or candidate*** willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** or willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to ~~[that person or entity,]~~ ***the public officer or candidate,*** cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ~~[candidate for public office or]~~ public officer ***or candidate*** who willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** or willfully fails to file a ~~[statement of]~~ financial disclosure ***statement*** in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, "willfully" means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of ~~[statements of]~~ financial disclosure ***statements*** by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the Secretary of State for review; and

(2) Upon review, approved by the Secretary of State. The Secretary of State shall not approve the form unless the form contains all the information required to be included in a ~~[statement of]~~ financial disclosure ***statement*** pursuant to NRS 281.571.

2. The Secretary of State is not responsible for the costs of producing or distributing a form for filing a ~~[statement of]~~ financial disclosure ***statement*** pursuant to the provisions of subsection 1.

3. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

4. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 33. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a ~~[statement of]~~ financial disclosure ~~[,]~~ ***statement;***

2. If the candidate is not a candidate for judicial office and is required to file electronically the ~~[statement of]~~ financial disclosure ~~[,]~~ ***statement,*** access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the ~~[statement of]~~ financial disclosure ***statement*** electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 39.1. **Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 39.2 and 39.3 of this act.**

Sec. 39.2. 1. In addition to complying with any other requirements set forth in this chapter, a candidate shall report each monetary contribution received in excess of $100 not later than 72 hours after receiving the contribution.

2. A report required pursuant to this section must include the name and address of the contributor and the date on which the contribution was received.

3. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State. The report shall be deemed filed at the time that it is received by the Secretary of State.

4. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to

NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 39.3. 1. The Secretary of State shall create and maintain application software that is designed for use on a mobile device, including, without limitation, a smartphone or tablet computer.

2. The application software must allow a person to use such a mobile device to file or otherwise submit electronically to the Secretary of State any information, form or report required by this chapter.

Sec. 40. The provisions of this act do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016.

Sec. 41. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblymen Ohrenschall, Stewart, Carlton, Wheeler, and Spiegel.

ASSEMBLYMAN OHRENSCHALL:

This amendment has the chance to really move Nevada from the bottom of the heap in terms of transparency and campaign reporting to being a leader in the nation. Fourteen other states have what is called "fast-track reporting." Most of those states require, in varying forms, a candidate to disclose contributions between 24 and 48 hours, earlier than the 72 hours I am proposing in this amendment.

Mr. Speaker, for years Nevada has been chastised for our disclosure, for our transparency. All one needs to do is go to the website of the Center for Public Integrity. It is a national think tank that looks at these laws across the states. You will see that Nevada's grade is a D-. We are rated forty-second out of the fifty states in terms of our disclosure in campaign funding. Our constituents deserve to know who is funding the campaigns that send us here, that send the constitutional officers to their seats, that send their city councilmen, their county commissioners—every office in the state. People deserve to know who is funding these and they do not need to wait months—or in the off year, 12 months—to find out who is funding these races.

I urge adoptions of this amendment. This amendment will move us from the bottom of the heap to the leader in the nation in terms of transparency and disclosure.

ASSEMBLYMAN STEWART:

I rise in opposition to this amendment. My colleague has some good intentions, but I think Senate Bill 307, as it stands, will bring some great transparency to our campaign situation. I think this amendment puts an undue burden on the candidates to have to report within such a short period of time. I urge opposition to this amendment.

ASSEMBLYMAN OHRENSCHALL:

If you will look at the last page of the amendment, I have included language which asks the Secretary of State to develop an app for cell phones and tablets so that candidates in that 72-hour time frame could report any contribution over $100. Until that app is available, we have the Aurora system, which provides for online reporting. It has been very successful. All of us have used it and we realize it has made life a lot easier than the old days of filling out the reports by

hand or on a typewriter. Under the current system, it is not going to be onerous. Once the app is developed, it will be even less onerous. I think it is time. We are in the twenty-first century. People have a right to this kind of knowledge. They want that and we need to give this to our constituents.

ASSEMBLYMAN STEWART:

If I can respond to my colleague. He might be very apt in apps, but there are a lot of people who are not. I think this puts an undue burden. Again, three days—a person might be out of town or sick. All kinds of things could happen. There might be family problems. I think this puts an undue burden on a campaigner.

ASSEMBLYWOMAN CARLTON:

I rise in support of Amendment 903 to Senate Bill 307. I have been in this building since 1999. My first campaign was in 1998. I actually filled out those forms at the kitchen table with paper, Wite-Out, and a pen, trying to figure out how to do all this. We have made leaps and bounds. The Aurora system has made it so easy. I was one of the people standing in front of it and saying I do not want to do this. This is not going to work. But now with the autofill that is there, it is so easy. You pick the amount and insert it. I did not know how to turn on a computer when I came into this building in 1998, and I can handle that. It is very user-friendly.

As far as the three days go, it is all about when it is in your hand. Let us be reasonable. We are working towards full disclosure, full transparency. I believe three days is plenty of time. I wanted to take this further, and they reined me back. I would like to see us go even further with this and have even more disclosure during the interim, and I would love to see electronic funds transfer so I do not have to handle checks. I do not think there is any reason that any candidate or politician in the state should be handling a check anymore. They are outdated. We need to figure out a way to do electronic funds transfers so there is a true tracking mechanism for all these dollars. I see no problem with 72-hour reporting. If I can do it, anybody can do it.

ASSEMBLYMAN WHEELER:

While I agree with my colleague, the Chair of Legislative Operations and Elections, that my other colleagues have the best intentions here, I think one of the things that we are forgetting is that developing an app can cost anywhere from thousands of dollars to hundreds of thousands of dollars. I think the citizens of Nevada would like us to spend our money a little bit more wisely than that. I believe this bill without the amendment is a very good bill.

ASSEMBLYMAN OHRENSCHALL:

If I may respond to the concern of the Chair of Legislative Operations and Elections that someone might be out of town and not realize that a check has arrived in the mail. *Nevada Administrative Code* 294A.091 states that a contribution is not deemed to have been received until 14 days after a person has knowledge and actual physical possession of that contribution. That is the regulation now. Of course, the Secretary of State would have regulatory authority to promulgate new regulations under the bill as passed. The regulation now says you have to have knowledge and actual physical possession, so there would be no problem with a check that is sitting in the mail when you are out of town.

In terms of the development of the app, certainly the Secretary of State would not have to do that immediately. They could work it into their budget. The Aurora system is already a very good system, and I doubt that the app would be very costly to develop.

ASSEMBLYWOMAN SPIEGEL:

I rise in support of Amendment 903 to Senate Bill 307. The people of Nevada have told us time and time again that they want transparency in their government. They believe that good government requires an openness of government. This amendment goes a long way in helping to ensure transparency.

In response to my colleague from Assembly District 39, when you look at the value of transparency, even if it is $5,000 or $10,000 to develop an app—at this point, the prices are coming down and it probably would not even be that expensive—you are talking about pennies per person in Nevada. The cost of transparency, the value of transparency, is more than offset by

the minimal cost there might be. I urge my colleagues to stand up in support of transparency for the people of Nevada.

Assemblymen Hansen, Dickman, and Stewart moved the previous question.

The question being the motion to adopt Amendment No. 903 to Senate Bill No. 307.

Motion lost.

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 307 aligns certain provisions in the Nevada Lobbying Disclosure Act and Nevada's Financial Disclosure Act. The bill revises the definitions of "expenditure" and "gift" as they relate to reporting by lobbyists and public officers. Pursuant to the measure, lobbyists are required to disclose expenditures made for educational or informational meetings, events, or trips provided to legislators and public officers. Furthermore, candidates must report on their financial disclosure statements such meetings, events, or trips that have been provided by interested persons, as defined in the bill. Categorical reporting of expenditures made by a registered lobbyist is replaced by the itemization of such expenditures as set forth in regulations adopted by the Legislative Commission.

Senate Bill 307 provides that a lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch and a member shall not accept any gift from a lobbyist. This prohibition applies whether or not the Legislature is in session. The bill clarifies which persons constitute members of the household of a public officer or candidate for public office. The Secretary of State is required to provide access through a secure website for the purpose of filing these statements electronically. Finally, Senate Bill 307 provides that the required nonelection year contribution and expense reports, as well as the disposition of unspent contributions reports, must be filed 15 days after the end of that nonelection year.

Of course, I would have liked to have seen my amendment added to the bill. The body did not see fit to do that. But even without the amendment, I think this bill improves the conditions in terms of our lobbying law and our financial disclosure. I urge its passage.

Roll call on Senate Bill No. 307:

YEAS—42.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

The following amendment was proposed by Assemblywoman Seaman:

Amendment No. 947.

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes to fund the capital projects of the school district; providing that if such a Committee is formed and submits its recommendations to the board of county commissioners within the time prescribed, the board of county commissioners is required to submit a question

to the voters at the 2016 General Election asking whether the recommended taxes should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such taxes that are approved by the voters; providing for the use of the proceeds of such taxes for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. Under this bill, a Committee may not be established by the board of trustees of a school district in a county in which there is imposed for the benefit of a school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both (currently Clark County).

Sections 2 and 2.5 of this bill provide that if such a Committee is established, the Committee may recommend the imposition of one or more of the following taxes: (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) ~~[an additional tax on the transfer of real property in the county; (4)]~~ an additional sales and use tax in the county; and ~~[(5)]~~ **(4)** an additional property tax in the county. The recommendations of the Committee must specify the rate or rates for each of the recommended taxes and may specify the period during which the recommended taxes will be imposed. If the Committee submits its recommendations to the board of county commissioners by April 2, 2016, the board of county commissioners is required to submit a question to the voters at the November 8, 2016, General Election asking whether any of the taxes recommended by the Committee should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved taxes at the rate specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed $3.64 on each $100 of assessed valuation.

Section 3 of this bill provides that the proceeds resulting from the imposition of such taxes: (1) must be deposited in the fund for capital projects of the school district; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

Section 4 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such a Public Schools Overcrowding and Repair Needs Committee expire by limitation on April 2, 2016.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The board of trustees of a school district, other than a school district located in a county in which there is imposed for the benefit of the school district a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of one or more of the taxes described in section 2.5 of this act for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If such a resolution is adopted, the Committee must be appointed consisting of:

(a) The superintendent of schools of the school district, who serves ex officio, or his or her designee.

(b) One Senator whose legislative district includes all or part the school district. If the legislative district of more than one Senator includes the school district, those Senators shall jointly appoint the member to serve.

(c) One member of the Assembly whose legislative district includes all or part of the school district. If the legislative district of more than one member of the Assembly includes the school district, those members of the Assembly shall jointly appoint the member to serve.

(d) One member who is a representative of the Nevada Association of Realtors, appointed by that Association.

(e) One member who is a representative of the Retail Association of Nevada, appointed by that Association.

(f) One member appointed by the board of county commissioners.

(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.

(h) If applicable to the county, one member of the oversight panel for school facilities established pursuant to NRS 393.092 or 393.096, appointed by the chair of the panel.

(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.

(j) One member who is a representative of the largest organization of licensed educators in the county, appointed by that organization.

(k) One member of the general public, appointed by the parent-teacher association with the largest membership in the county.

(l) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.

(m) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the board of trustees.

(n) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest

membership in the county or, if there is no local chamber of commerce in the county, the board of trustees.

(o) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county or, if there are no members of an association of homebuilders in the county, the board of trustees.

2. The members appointed pursuant to paragraphs (d) to (o), inclusive, of subsection 1 must be residents of the county.

3. Any vacancy occurring in the appointed membership of a Committee established pursuant to subsection 1 must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. If a Committee is established pursuant to subsection 1, the Committee shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the Committee, the members of the Committee shall elect a chair.

5. A majority of a Committee established pursuant to subsection 1 constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

6. If a Committee is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the Committee.

Sec. 2. 1. If a Public Schools Overcrowding and Repair Needs Committee is established pursuant to subsection 1 of section 1 of this act, such a Committee shall, on or before April 2, 2016:

(a) Prepare recommendations for the imposition of one or more of the taxes described in section 2.5 of this act in the county to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335. The recommendations must specify the proposed rate or rates for each of the recommended taxes and may specify the period during which one or more of the recommended taxes will be imposed.

(b) Submit the recommendations to the board of county commissioners.

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners shall, at the General Election on November 8, 2016, submit a question to the voters of the county asking whether any of the recommended taxes should be imposed in the county. The question submitted to the voters of the county must specify the proposed rate or rates for each of the recommended taxes and the period during which each of the recommended taxes will be imposed, if the period was specified in the recommendations submitted pursuant to subsection 1. If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to impose the tax described in subsection ~~[5]~~ **4** of section 2.5 of this act, the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose the recommended tax or taxes in accordance with the provisions of section 2.5 of this act and at the rate or rates specified in the question submitted to the voters pursuant to subsection 2.

(b) If the question recommended the imposition of the tax described in subsection ~~[5]~~ **4** of section 2.5 of this act:

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

(c) The tax or taxes shall be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in sections 1 to 3, inclusive, of this act, such tax or taxes are not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.

Sec. 2.5. 1. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.

2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

➥ The tax must be administered and enforced in the same manner as the taxes imposed pursuant NRS 371.043 and 371.045 are administered and enforced.

3. ~~[Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds $100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.~~

~~4.]~~ Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.

~~[5.]~~ **4.** Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with NRS 387.195, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 387.195, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced.

Sec. 3. The proceeds of any tax or taxes imposed pursuant to sections 2 and 2.5 of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and, except as otherwise provided in subsection 2, expended in the same manner as other money deposited in that fund.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2016.

Assemblywoman Seaman moved the adoption of the amendment.

Remarks by Assemblymen Seaman, Elliot Anderson, Armstrong, Sprinkle, Joiner, and Benitez-Thompson.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 411 authorizes the board of trustees of a school district to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes to be placed on the 2016 General Election ballot to fund capital projects. Under the bill, the Committee may recommend increasing a series of taxes ranging from a tax on transient lodging, a supplemental governmental services tax on vehicles, and a sales and use tax. This amendment will eliminate one of those options: an additional tax on the transfer of real property in the county.

I urge all my colleagues to support this amendment.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from District 34. Is this a friendly amendment from the bill's sponsor? I want to know if you have had a chance to speak with her.

ASSEMBLYWOMAN SEAMAN:

I spoke with the Chair. I did hear that Senator Smith was okay with my amendment. Does my colleague want to answer that?

ASSEMBLYMAN ARMSTRONG:

Thank you, Assemblywoman from District 34. To my colleague from District 15, I was informed that the amendment was acceptable to the bill's sponsor.

ASSEMBLYMAN ELLIOT ANDERSON:

I am not sure that she has. She has not gotten in touch with us to say that she supports it, so I am wondering if we could try to get some information from her before we vote on this amendment.

ASSEMBLYMAN SPRINKLE:

To the last question, I also have not been given any indication that the sponsor of this bill has even been given the opportunity to discuss this amendment. I have not had a chance to see this amendment myself until just a little while ago. To the sponsor of the amendment, what is the intent of removing this one part of the tax? This is supposed to be an advisory panel that will then put something to the voters specifically in Washoe County. What was the rationale behind removing one of the questions the panel is going to be considering?

ASSEMBLYMAN ARMSTRONG:

I guess prior to the Assemblywoman speaking to the intent of that, I would say that the amendment was placed on your desk during the first floor session today.

ASSEMBLYMAN SPRINKLE:

Thank you, but I was looking for the justification, Mr. Speaker, because I have not had a chance to hear from anybody as to why this is being proposed.

ASSEMBLYWOMAN JOINER:

I believe my question is similar to my colleague's. As a co-sponsor on this measure, I did not know that this was coming. I would like to know why, specifically, this one tax out of the five that are in the bill was selected to be removed? What is the reason for that? How is it different from the other taxes and why was it selected?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

My question comes as one of the primary joint sponsors of the bill. Many of the joint sponsors of the bill, including my colleague from Assembly District 30 and my colleague from Assembly District 24, were very supportive of this bill because what it sought to do was to put together an advisory board of local business community members to talk about the needs specific to Washoe County and whether or not our community would favor an advisory question regarding more revenue for capital needs for our schools. A lot of local work and effort was put into this language. As people who reside in the area and have to go back and answer to our constituents on this, the intent of this was local control and local conversation about a local need. The question remains: Why is such an amendment being proposed when the joint sponsors are not in support?

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

The Chair of Taxation has assured the floor that he has been in contact with the sponsor. Am I correct?

ASSEMBLYMAN ARMSTRONG:

Let me clarify. The sponsor of the bill did not directly contact me. I was told through indirect contact that the sponsor of the bill was amenable to this amendment.

Assemblymen Fiore, Seaman, and Wheeler moved the previous question.

The question being the motion to adopt Amendment No. 947 to Senate Bill No. 411.

Motion lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Armstrong moved that Senate Bill No. 411 be taken from General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 442.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 959.

AN ACT relating to arbitration; authorizing the removal of ~~[an arbitrator]~~ **certain arbitrators** from an arbitral proceeding under certain circumstances; prohibiting ~~[an arbitrator]~~ **certain arbitrators** from consolidating separate arbitral proceedings or other claims under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Arbitration Act of 2000. (NRS 38.206-38.248) Under existing law, a person who is requested to serve as an arbitrator must disclose to all parties to the agreement to arbitrate and arbitral proceeding and to any other arbitrators any facts that a reasonable person would consider

likely to affect the impartiality of the arbitrator in the proceeding. Existing law also authorizes a court, upon a timely objection by a party, to vacate an award made by an arbitrator who did not disclose such a fact. (NRS 38.227) **Section 1** of this bill prohibits ~~[an arbitrator]~~ **certain arbitrators** from consolidating separate arbitral proceedings or other claims unless all parties expressly agree to such consolidation. **Section 2** of this bill requires a court to remove ~~[an arbitrator]~~ **certain arbitrators** who did not disclose such a fact from the arbitral proceeding if an award has not yet been made.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 38.224 is hereby amended to read as follows:

38.224 1. Except as otherwise provided in subsection 3, upon motion of a party to an agreement to arbitrate or to an arbitral proceeding, the court may order consolidation of separate arbitral proceedings as to all or some of the claims if:

(a) There are separate agreements to arbitrate or separate arbitral proceedings between the same persons or one of them is a party to a separate agreement to arbitrate or a separate arbitral proceeding with a third person;

(b) The claims subject to the agreements to arbitrate arise in substantial part from the same transaction or series of related transactions;

(c) The existence of a common issue of law or fact creates the possibility of conflicting decisions in the separate arbitral proceedings; and

(d) Prejudice resulting from a failure to consolidate is not outweighed by the risk of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

2. The court may order consolidation of separate arbitral proceedings as to some claims and allow other claims to be resolved in separate arbitral proceedings.

3. The court may not order consolidation of the claims of a party to an agreement to arbitrate if the agreement prohibits consolidation.

4. ~~[An] ***Except as otherwise provided in this subsection, an arbitrator may not consolidate separate arbitral proceedings or other claims unless all parties expressly agree to the consolidation. This subsection does not apply to an arbitral proceeding conducted or administered by a self-regulatory organization, as defined by the Securities Exchange Act of 1934, 15 U.S.C. § 78c(a)(26), the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., and any regulations adopted pursuant thereto.***

Sec. 2. NRS 38.227 is hereby amended to read as follows:

38.227 1. Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitral proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the proceeding, including:

(a) A financial or personal interest in the outcome of the arbitral proceeding; and

(b) An existing or past relationship with any of the parties to the agreement to arbitrate or the arbitral proceeding, their counsel or representatives, a witness or another arbitrator.

2. An arbitrator has a continuing obligation to disclose to all parties to the agreement to arbitrate and arbitral proceeding and to any other arbitrators any facts that the arbitrator learns after accepting appointment which a reasonable person would consider likely to affect the impartiality of the arbitrator.

3. If an arbitrator discloses a fact required by subsection 1 or 2 to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, the objection may be a ground under paragraph (b) of subsection 1 of NRS 38.241 for vacating an award made by the arbitrator.

4. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** the arbitrator did not disclose a fact as required by subsection 1 or 2, upon timely objection by a party ~~[,]~~ ***and a determination by*** the court under paragraph (b) of subsection 1 of NRS 38.241 ~~[may vacate]~~ ***that the nondisclosed fact is one that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitral proceeding, the court shall:***

(a) Vacate an award ~~[,]~~ ***made before the objecting party discovered such fact; or***

(b) If an award has not been made before discovery of such fact, remove the arbitrator from the arbitral proceeding.

➥ This subsection does not apply to an arbitral proceeding conducted or administered by a self-regulatory organization, as defined by the Securities Exchange Act of 1934, 15 U.S.C. § 78c(a)(26), the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., and any regulations adopted pursuant thereto.

5. An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct and material interest in the outcome of the arbitral proceeding or a known, existing and substantial relationship with a party is presumed to act with evident partiality for the purposes of paragraph (b) of subsection 1 of NRS 38.241.

6. If the parties to an arbitral proceeding ***expressly*** agree to the procedures of an arbitral organization or any other procedures for challenges to arbitrators before an award is made, substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under paragraph (b) of subsection 1 of NRS 38.241.

Sec. 3. NRS 38.241 is hereby amended to read as follows:

38.241 1. Upon motion to the court by a party to an arbitral proceeding, the court shall vacate an award made in the arbitral proceeding if:

(a) The award was procured by corruption, fraud or other undue means;

(b) There was:

(1) Evident partiality by an arbitrator appointed as a neutral arbitrator;

(2) Corruption by an arbitrator; or

(3) Misconduct by an arbitrator prejudicing the rights of a party to the arbitral proceeding;

(c) An arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy, or otherwise conducted the hearing contrary to NRS 38.231, so as to prejudice substantially the rights of a party to the arbitral proceeding;

(d) An arbitrator exceeded his or her powers;

(e) There was no agreement to arbitrate, unless the movant participated in the arbitral proceeding without raising the objection under subsection 3 of NRS 38.231 not later than the beginning of the arbitral hearing; or

(f) The arbitration was conducted without proper notice of the initiation of an arbitration as required in NRS 38.223 so as to prejudice substantially the rights of a party to the arbitral proceeding.

2. A motion under this section must be made within 90 days after the movant receives notice of the award pursuant to NRS 38.236 or within 90 days after the movant receives notice of a modified or corrected award pursuant to NRS 38.237, unless the movant alleges that the award was procured by ***evident partiality,*** corruption, fraud or other undue means, in which case the motion must be made within 90 days after the ground is known or by the exercise of reasonable care would have been known by the movant.

3. If the court vacates an award on a ground other than that set forth in paragraph (e) of subsection 1, it may order a rehearing. If the award is vacated on a ground stated in paragraph (a) or (b) of subsection 1, the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in paragraph (c), (d) or (f) of subsection 1, the rehearing may be before the arbitrator who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in subsection 2 of NRS 38.236 for an award.

4. If the court denies a motion to vacate an award, it shall confirm the award unless a motion to modify or correct the award is pending.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amendment prohibits certain arbitrators from consolidating separate arbitral proceedings or other claims unless all parties expressly agree to such consolidation. It requires a court to remove certain arbitrators who did not disclose certain facts from arbitral proceedings if an award has not yet been made. The provisions do not apply to an arbitral proceeding conducted or administered by a self-regulatory organization as defined by the Security and Exchange Act of 1934.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 447.

Bill read third time.

The following amendment was proposed by Assemblyman Gardner:

Amendment No. 953.

AN ACT relating to marijuana; revising the crime of counterfeiting or forging a registry identification card for the medical use of marijuana; defining certain terms, including "concentrated cannabis"; revising the definition of marijuana for certain purposes; making it unlawful to extract concentrated cannabis; **revising the provisions pertaining to trafficking in marijuana and concentrated cannabis;** providing for the issuance of a letter of approval to certain children that allows such children to engage in the medical use of marijuana; revising certain exemptions from state prosecution for marijuana related offenses; revising provisions governing the return of seized marijuana, paraphernalia or related property from certain persons; providing that certain records created by the Division of Public and Behavioral Health of the Department of Health and Human Services relating to the medical use of marijuana are not confidential; authorizing the Division to issue a registry identification card; revising provisions relating to the location and operation of medical marijuana establishments; authorizing law enforcement agencies to adopt policies and procedures governing the medical use of marijuana by employees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, for a person to counterfeit or forge or attempt to counterfeit or forge a registry identification card, which is the instrument that indicates a bearer is entitled to engage in the medical use of marijuana. (NRS 207.335) **Section 1** of this bill makes it unlawful to: (1) counterfeit or forge or attempt to counterfeit or forge a letter of approval; or (2) possess with the intent to use any such counterfeit or forged registry identification card or letter of approval. Existing law defines marijuana for the purposes of the regulation of controlled substances. (NRS 453.096) Existing law also provides criminal penalties for various acts involving a schedule I controlled substance, including, without limitation, possession, manufacture, compounding, importation, distribution, sale, transfer, trafficking or driving under the influence. (NRS 453.316-453.348, 484C.110, 484C.120, 488.410) In addition to criminal penalties, existing law provides for civil penalties against a person who engages in certain acts involving the unlawful manufacture, distribution or sale of a schedule I controlled substance. (NRS 453.553-453.5533)

Sections 1.2-1.5 and 2 of this bill define certain terms, including "concentrated cannabis," and revise the definition of marijuana for the purposes of regulating controlled substances. **Section 7 of this bill revises the quantities of marijuana and concentrated cannabis for the purposes of the prohibition against trafficking. Section 8** of this bill makes it unlawful to knowingly or intentionally extract concentrated cannabis. A person who violates such a provision is guilty of a category C felony.

Existing law exempts a person who holds a valid registry identification card from state prosecution for possession, delivery and production of marijuana. (NRS 453A.200) The Division of Public and Behavioral Health of the Department of Health and Human Services may either issue a registry identification card that has been prepared by the Department of Motor Vehicles to a person who meets certain qualifications or designate the Department of Motor Vehicles to issue a registry identification card to such a person. (NRS 453A.210, 453A.220, 453A.740) A person under the age of 18 years can obtain a registry identification card if the custodial parent or legal guardian with responsibility for health care decisions for the person agrees to serve as the designated primary caregiver for the person and the person meets certain other requirements. (NRS 453A.210) **Sections 17 and 18** of this bill require the Division to issue a letter of approval to an applicant who is under 10 years of age stating that the Division has approved the person's application to be exempted from state prosecution for engaging in the medical use of marijuana if the applicant meets these requirements instead of requiring the applicant to obtain a registry identification card that is prepared or issued by the Department. **Section 18** also prescribes the required contents of a letter of approval.

Section 13.3 of this bill provides that: (1) an employee of the State Department of Agriculture who possesses, delivers or produces marijuana in the course of his or her duties is exempt from certain offenses relating to marijuana; and (2) no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana.

Section 13 of this bill provides that a person who obtains a letter of approval is exempt from certain offenses relating to the possession of marijuana or paraphernalia, but not offenses relating to the delivery and production of marijuana. **Sections 17 and 22** of this bill require the custodial parent or legal guardian of a child under the age of 10 years who obtains a letter of approval to agree to serve as the designated primary caregiver for the child. **Section 18** requires the Division to issue a registry identification card to the designated primary caregiver of the holder of a letter of approval. **Sections 25-27** of this bill authorize a medical marijuana establishment to acquire marijuana from and dispense marijuana to the designated primary caregiver of a person who holds a letter of approval in the same manner as for a patient who holds a registry identification card.

Sections 19-23 of this bill make certain provisions concerning the revocation and expiration of a registry identification card, the designation of a primary caregiver and acts for which the holder of a registry identification card is not exempt from state prosecution applicable to the holder of a letter of approval. **Sections 29 and 30** of this bill authorize a patient who holds a valid letter of approval and his or her designated primary caregiver to select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary. **Sections 31-34** of this bill make certain rights and

protections for persons who hold a registry identification card and persons who assist such persons in the medical use of marijuana applicable to a person who holds a letter of approval and a person who assists a person who holds a letter of approval as well.

Section 26.5 of this bill allows a medical marijuana establishment to move to a new location under the jurisdiction of the same local government if the local government approves the new location. **Section 27** of this bill allows a medical marijuana establishment to use certain pesticides in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products. **Section 36.7** of this bill requires the Division to revise its regulations to conform with the provisions of **sections 26.5 and 27**.

Section 27.5 of this bill allows a medical marijuana establishment to transport medical marijuana or enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Existing law provides certain acts for which the holder of a registry identification card is not exempt from state prosecution for certain offenses relating to marijuana. (NRS 453A.300) **Section 23** provides that such a person is not exempt from state prosecution for possessing marijuana or paraphernalia on school property.

The Nevada Constitution requires the Legislature to provide by law for protection of the plant of the genus *Cannabis* for medical purposes and property related to its use from forfeiture except upon conviction or plea of guilty or nolo contendere. (Nev. Const. Art. 4 38) Existing law requires a district attorney of the county in which marijuana, drug paraphernalia or other related property was seized, or the district attorney's designee, to make a determination that a person is engaging in or assisting in the medical use of marijuana under certain circumstances. (NRS 453A.400) **Section 31** removes the requirement to make such a determination and instead requires law enforcement to return any usable marijuana, marijuana plants, drug paraphernalia and other related property that was seized upon: (1) a decision not to prosecute; (2) the dismissal of the charges; or (3) acquittal.

Section 34 also provides that the Division shall not disclose the contents of any tool used by the Division to evaluate an applicant or affiliate or certain other information regarding an applicant or affiliate.

Section 35 of this bill authorizes the Division to issue a registry identification card rather than requiring that the card be prepared by the Department of Motor Vehicles. **Section 35** further provides that the Division will issue a letter of approval to a qualified person and authorizes a fee for providing an application and processing a letter of approval in the same amount as for a registry identification card.

Existing law does not require an employer to modify the job or working conditions of an employee who engages in the medical use of marijuana, but does require that an employer must attempt to make reasonable accommodations for the employee under certain circumstances.

(NRS 453A.800) **Section 36** of this bill provides that a law enforcement agency is not prohibited from adopting policies or procedures that preclude an employee from engaging in the medical use of marijuana.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 207.335 is hereby amended to read as follows:

207.335 1. It is unlawful for any person to ~~[counterfeit]~~ ***:***

(a) Counterfeit or forge or attempt to counterfeit or forge a registry identification card ~~[.]~~ ***or letter of approval; or***

(b) Have in his or her possession with the intent to use any counterfeit or forged registry identification card or letter of approval.

2. Any person who violates the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section ~~[, "registry]~~ ***:***

(a) "Letter of approval" has the meaning ascribed to it in section 12 of this act.

(b) "Registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 1.1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.5, inclusive, of this act.

Sec. 1.2. ***"CBD" means cannabidiol, which is a primary phytocannabinoid compound found in marijuana.***

Sec. 1.3. ***"Concentrated cannabis" means the extracted or separated resin, whether crude or purified, containing THC or CBD from marijuana.***

Sec. 1.4. ***"Extraction" means the process or act of extracting THC or CBD from marijuana, including, without limitation, pushing, pulling or drawing out THC or CBD from marijuana.***

Sec. 1.5. ***"THC" means:***

1. Delta-9-tetrahydrocannabinol;

2. Delta-8-tetrahydrocannabinol; and

3. The optical isomers of such substances.

Sec. 1.6. NRS 453.016 is hereby amended to read as follows:

453.016 As used in this chapter, the words and terms defined in NRS 453.021 to 453.141, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act*** have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 2. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant ~~[.]~~ ***, including concentrated cannabis;*** and

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include the mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322, 453.3385 or 453.3395, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section ***:*** ~~**[**, "premises" means:**]**~~

(a) ***"Marijuana" does not include concentrated cannabis.***

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

~~[(b)]~~ ***(2)*** Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 5. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive ~~.~~ ***, and sections 1.2 to 1.5, inclusive, of this act.***

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug

addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) ***"Marijuana" does not include concentrated cannabis.***

(c) **"**Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 6. NRS 453.3385 is hereby amended to read as follows:

453.3385 ***1.*** Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

~~[1.]~~ ***(a)*** Is 4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.

~~[2.]~~ ***(b)*** Is 14 grams or more, but less than 28 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $100,000.

~~[3.]~~ ***(c)*** Is 28 grams or more, for a category A felony by imprisonment in the state prison:

~~[(a)]~~ ***(1)*** For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

~~[(b)]~~ ***(2)*** For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and by a fine of not more than $500,000.

2. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 7. NRS 453.339 is hereby amended to read as follows:

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, ***and sections 1.2 to 1.5, inclusive, of this act,*** a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana ***or concentrated cannabis*** shall be punished, if the quantity involved:

(a) Is ~~[100]~~ ***50*** pounds or more, but less than ~~[2,000]~~ ***1,000*** pounds, ***of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis,*** for a category C felony as provided in NRS 193.130 and by a fine of not more than $25,000.

(b) Is ~~[2,000]~~ ***1,000*** pounds or more, but less than ~~[10,000]~~ ***5,000*** pounds, ***of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis,*** for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(c) Is ~~[10,000]~~ ***5,000*** pounds or more ~~[,]~~ ***of marijuana or 100 pounds or more of concentrated cannabis,*** for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➥ and by a fine of not more than $200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not. ***The term does not include concentrated cannabis.***

(b) The weight of marijuana ***or concentrated cannabis*** is its weight when seized or as soon as practicable thereafter. ***If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.***

Sec. 8. NRS 453.3393 is hereby amended to read as follows:

453.3393 1. A person shall not knowingly or intentionally manufacture, grow, plant, cultivate, harvest, dry, propagate or process marijuana, except as specifically authorized by the provisions of this chapter or chapter 453A of NRS.

2. Unless a greater penalty is provided in ***subsection 3 or*** NRS 453.339, a person who violates subsection 1, if the quantity involved is more than 12 marijuana plants, irrespective of whether the marijuana plants are mature or

immature, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. ***A person shall not knowingly or intentionally extract concentrated cannabis, except as specifically authorized by the provisions of chapter 453A of NRS. Unless a greater penalty is provided in NRS 453.339, a person who violates this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.***

4. In addition to any punishment imposed pursuant to ~~[~~subsection 2,~~]~~ ***this section,*** the court shall order a person convicted of a violation of ~~[~~subsection 1~~]~~ ***this section*** to pay all costs associated with any necessary cleanup and disposal related to the manufacturing, growing, planting, cultivation, harvesting, drying, propagation or processing of the marijuana ~~[.]~~ ***or the extraction of concentrated cannabis.***

Sec. 9. NRS 453.401 is hereby amended to read as follows:

453.401 1. Except as otherwise provided in subsections 3 and 4, if two or more persons conspire to commit an offense which is a felony under the Uniform Controlled Substances Act or conspire to defraud the State of Nevada or an agency of the State in connection with its enforcement of the Uniform Controlled Substances Act, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the conspirator has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or of any state, territory or district which if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(c) For a third or subsequent offense, or if the conspirator has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

2. Except as otherwise provided in subsection 3, if two or more persons conspire to commit an offense in violation of the Uniform Controlled Substances Act and the offense does not constitute a felony, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator shall be punished by imprisonment, or by imprisonment and fine, for not more than

the maximum punishment provided for the offense which they conspired to commit.

3. If two or more persons conspire to possess more than 1 ounce of marijuana unlawfully, except for the purpose of sale, and one of the conspirators does an act in furtherance of the conspiracy, each conspirator is guilty of a gross misdemeanor.

4. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, the persons so conspiring shall be punished in the manner provided in NRS 207.400.

5. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 1.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 10. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.

(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 28 grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.

(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.

(c) Not to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed $250,000 for each violation.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 11. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 to 13.7, inclusive, of this act.

Sec. 12. ***"Letter of approval" means a document issued by the Division to an applicant who is under 10 years of age pursuant to NRS 453A.220 which provides that the applicant is exempt from state prosecution for engaging in the medical use of marijuana.***

Sec. 13. ***1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid letter of approval issued pursuant to NRS 453A.220 is exempt from state prosecution for:***

(a) Possession of marijuana;

(b) Possession of paraphernalia;

(c) Any combination of the acts described in paragraphs (a) and (b); and

(d) Any other criminal offense in which the possession of marijuana or paraphernalia is an element.

2. The exemption from state prosecution set forth in subsection 1 applies only to the extent that the person who holds a letter of approval:

(a) Engages in the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and

(b) Does not, at any one time, collectively possess with his or her designated primary caregiver an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.3. ***1. An employee of the State Department of Agriculture who, in the course of his or her duties:***

(a) Possesses, delivers or produces marijuana;

(b) Aids and abets another in the possession, delivery or production of marijuana;

(c) Performs any combination of the acts described in paragraphs (a) and (b); or

(d) Performs any other criminal offense in which the possession, delivery or production of marijuana is an element,

↪ is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the marijuana described in this subsection is safeguarded in an enclosed, secure location.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other

criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 13.7. ***The Division may enter into an interlocal agreement pursuant to NRS 277.080 to 277.180, inclusive, to carry out the provisions of NRS 453A.320 to 453A.370, inclusive.***

Sec. 14. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, ***and section 12 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 453A.116 is hereby amended to read as follows:

453A.116 "Medical marijuana establishment" means:

1. An independent testing laboratory;
2. A cultivation facility;
3. A facility for the production of edible marijuana products or marijuana-infused products; ***or***
4. A medical marijuana dispensary **.** ~~[; or~~

~~5. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4.~~**]**

Sec. 16. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of ~~[the]~~ ***a*** person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess ~~[,]~~ ***with another who is authorized to possess,*** deliver or produce more than:

(1) Two and one-half ounces of usable marijuana in any one 14-day period;

(2) Twelve marijuana plants, irrespective of whether the marijuana plants are mature or immature; and

(3) A maximum allowable quantity of edible marijuana products and marijuana-infused products as established by regulation of the Division.

➥ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid medical marijuana establishment registration certificate issued to the person pursuant to NRS 453A.322 or a valid medical marijuana establishment agent registration card issued to the person pursuant to NRS 453A.332, and who confines his or her activities to those authorized by NRS 453A.320 to 453A.370, inclusive, and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card ~~[or his or her]~~ ***, including, without limitation, a*** designated primary caregiver, ~~[if~~

~~any,~~] such ~~[persons are]~~ ***a person is*** not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card ~~[or his or her designated primary caregiver, if any,]~~ was cultivating, growing or producing marijuana in accordance with this chapter on or before July 1, 2013;

(b) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card ~~[or his or her designated primary caregiver, if any,]~~ close or are unable to supply the quantity or strain of marijuana necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card ~~[and his or her designated primary caregiver, if any, are]~~ ***is*** unable reasonably to travel to a medical marijuana dispensary; or

(d) No medical marijuana dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products and marijuana-infused products.

Sec. 17. NRS 453A.210 is hereby amended to read as follows:

453A.210 1. The Division shall establish and maintain a program for the issuance of registry identification cards ***and letters of approval*** to persons who meet the requirements of this section.

2. Except as otherwise provided in subsections 3 and 5 and NRS 453A.225, the Division or its designee shall issue a registry identification card to a person who is a resident of this State and who submits an application on a form prescribed by the Division accompanied by the following:

(a) Valid, written documentation from the person's attending physician stating that:

(1) The person has been diagnosed with a chronic or debilitating medical condition;

(2) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(3) The attending physician has explained the possible risks and benefits of the medical use of marijuana;

(b) The name, address, telephone number, social security number and date of birth of the person;

(c) Proof satisfactory to the Division that the person is a resident of this State;

(d) The name, address and telephone number of the person's attending physician;

(e) If the person elects to designate a primary caregiver at the time of application:

(1) The name, address, telephone number and social security number of the designated primary caregiver; and

(2) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver; and

(f) If the person elects to designate a medical marijuana dispensary at the time of application, the name of the medical marijuana dispensary.

3. The Division or its designee shall issue a registry identification card to a person who is ~~[under]~~ ***at least 10 years of age but less than*** 18 years of age ***or a letter of approval to a person who is less than 10 years of age*** if:

(a) The person submits the materials required pursuant to subsection 2; and

(b) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age signs a written statement setting forth that:

(1) The attending physician of the person under 18 years of age has explained to that person and to the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age the possible risks and benefits of the medical use of marijuana;

(2) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age consents to the use of marijuana by the person under 18 years of age for medical purposes;

(3) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to serve as the designated primary caregiver for the person under 18 years of age; and

(4) The custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age agrees to control the acquisition of marijuana and the dosage and frequency of use by the person under 18 years of age.

4. The form prescribed by the Division to be used by a person applying for a registry identification card ***or letter of approval*** pursuant to this section must be a form that is in quintuplicate. Upon receipt of an application that is completed and submitted pursuant to this section, the Division shall:

(a) Record on the application the date on which it was received;

(b) Retain one copy of the application for the records of the Division; and

(c) Distribute the other four copies of the application in the following manner:

(1) One copy to the person who submitted the application;

(2) One copy to the applicant's designated primary caregiver, if any;

(3) One copy to the Central Repository for Nevada Records of Criminal History; and

(4) One copy to:

(I) If the attending physician of the applicant is licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners; or

(II) If the attending physician of the applicant is licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine.

➥ The Central Repository for Nevada Records of Criminal History shall report to the Division its findings as to the criminal history, if any, of an applicant within 15 days after receiving a copy of an application pursuant to subparagraph (3) of paragraph (c). The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall report to the Division its findings as to the licensure and standing of the applicant's attending physician within 15 days after receiving a copy of an application pursuant to subparagraph (4) of paragraph (c).

5. The Division shall verify the information contained in an application submitted pursuant to this section and shall approve or deny an application within 30 days after receiving the application. The Division may contact an applicant, the applicant's attending physician and designated primary caregiver, if any, by telephone to determine that the information provided on or accompanying the application is accurate. The Division may deny an application only on the following grounds:

(a) The applicant failed to provide the information required pursuant to subsections 2 and 3 to:

(1) Establish the applicant's chronic or debilitating medical condition; or

(2) Document the applicant's consultation with an attending physician regarding the medical use of marijuana in connection with that condition;

(b) The applicant failed to comply with regulations adopted by the Division, including, without limitation, the regulations adopted by the Administrator pursuant to NRS 453A.740;

(c) The Division determines that the information provided by the applicant was falsified;

(d) The Division determines that the attending physician of the applicant is not licensed to practice medicine or osteopathic medicine in this State or is not in good standing, as reported by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable;

(e) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has been convicted of knowingly or intentionally selling a controlled substance;

(f) The Division has prohibited the applicant from obtaining or using a registry identification card ***or letter of approval*** pursuant to subsection 2 of NRS 453A.300;

(g) The Division determines that the applicant, or the applicant's designated primary caregiver, if applicable, has had a registry identification card ***or letter of approval*** revoked pursuant to NRS 453A.225; or

(h) In the case of a person under 18 years of age, the custodial parent or legal guardian with responsibility for health care decisions for the person has not signed the written statement required pursuant to paragraph (b) of subsection 3.

6. The decision of the Division to deny an application for a registry identification card ***or letter of approval*** is a final decision for the purposes of judicial review. Only the person whose application has been denied or, in the

case of a person under 18 years of age whose application has been denied, the person's parent or legal guardian, has standing to contest the determination of the Division. A judicial review authorized pursuant to this subsection must be limited to a determination of whether the denial was arbitrary, capricious or otherwise characterized by an abuse of discretion and must be conducted in accordance with the procedures set forth in chapter 233B of NRS for reviewing a final decision of an agency.

7. A person whose application has been denied may not reapply for 6 months after the date of the denial, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

8. Except as otherwise provided in this subsection, if a person has applied for a registry identification card ***or letter of approval*** pursuant to this section and the Division has not yet approved or denied the application, the person, and the person's designated primary caregiver, if any, shall be deemed to hold a registry identification card ***or letter of approval*** upon the presentation to a law enforcement officer of the copy of the application provided to him or her pursuant to subsection 4.

9. As used in this section, "resident" has the meaning ascribed to it in NRS 483.141.

Sec. 18. NRS 453A.220 is hereby amended to read as follows:

453A.220 1. If the Division approves an application pursuant to subsection 5 of NRS 453A.210, the Division or its designee shall, as soon as practicable after the Division approves the application:

(a) Issue a ***letter of approval or*** serially numbered registry identification card ***, as applicable,*** to the applicant; and

(b) If the applicant has designated a primary caregiver, issue a serially numbered registry identification card to the designated primary caregiver.

2. A registry identification card issued pursuant to paragraph (a) of subsection 1 must set forth:

(a) The name, address, photograph and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant's designated primary caregiver, if any;

(d) The name of the applicant's designated medical marijuana dispensary, if any;

(e) Whether the applicant is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

3. ***A letter of approval issued pursuant to paragraph (a) of subsection 1 must set forth:***

(a) The name, address and date of birth of the applicant;

(b) The date of issuance and date of expiration of the registry identification card of the designated primary caregiver;

(c) The name and address of the applicant's designated primary caregiver;

(d) The name of the applicant's designated medical marijuana dispensary, if any; and

(e) Any other information prescribed by regulation of the Division.

4. A registry identification card issued pursuant to paragraph (b) of subsection 1 must set forth:

(a) The name, address and photograph of the designated primary caregiver;

(b) The date of issuance and date of expiration of the registry identification card;

(c) The name and address of the applicant for whom the person is the designated primary caregiver;

(d) The name of the designated primary caregiver's designated medical marijuana dispensary, if any;

(e) Whether the designated primary caregiver is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200; and

(f) Any other information prescribed by regulation of the Division.

~~[4.]~~ ***5.*** Except as otherwise provided in NRS 453A.225, subsection 3 of NRS 453A.230 and subsection 2 of NRS 453A.300, a registry identification card ***or letter of approval*** issued pursuant to this section is valid for a period of 1 year and may be renewed in accordance with regulations adopted by the Division.

Sec. 19. NRS 453A.225 is hereby amended to read as follows:

453A.225 1. If, at any time after the Division or its designee has issued a registry identification card ***or letter of approval*** to a person pursuant to paragraph (a) of subsection 1 of NRS 453A.220, the Division determines, on the basis of official documents or records or other credible evidence, that the person:

(a) Provided falsified information on his or her application to the Division or its designee, as described in paragraph (c) of subsection 5 of NRS 453A.210; or

(b) Has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210,

➥ the Division shall immediately revoke the registry identification card ***or letter of approval*** issued to that person and shall immediately revoke the registry identification card issued to that person's designated primary caregiver, if any.

2. If, at any time after the Division or its designee has issued a registry identification card to a person pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250, the Division determines, on the basis of official documents or records or other credible evidence, that the person has been convicted of knowingly or intentionally selling a controlled substance, as described in paragraph (e) of subsection 5 of NRS 453A.210, the Division shall immediately revoke the registry identification card issued to that person.

3. Upon the revocation of a registry identification card ***or letter of approval*** pursuant to this section:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ***or letter of approval*** has been revoked, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ***or letter of approval*** to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

4. The decision of the Division to revoke a registry identification card ***or letter of approval*** pursuant to this section is a final decision for the purposes of judicial review.

5. A person whose registry identification card ***or letter of approval*** has been revoked pursuant to this section may not reapply for a registry identification card ***or letter of approval*** pursuant to NRS 453A.210 for 12 months after the date of the revocation, unless the Division or a court of competent jurisdiction authorizes reapplication in a shorter time.

Sec. 20. NRS 453A.230 is hereby amended to read as follows:

453A.230 1. A person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 shall, in accordance with regulations adopted by the Division:

(a) Notify the Division of any change in the person's name, address, telephone number, designated medical marijuana dispensary, attending physician or designated primary caregiver, if any; and

(b) Submit annually to the Division:

(1) Updated written documentation from the person's attending physician in which the attending physician sets forth that:

(I) The person continues to suffer from a chronic or debilitating medical condition;

(II) The medical use of marijuana may mitigate the symptoms or effects of that condition; and

(III) The attending physician has explained to the person the possible risks and benefits of the medical use of marijuana; and

(2) If the person elects to designate a primary caregiver for the subsequent year and the primary caregiver so designated was not the person's designated primary caregiver during the previous year:

(I) The name, address, telephone number and social security number of the designated primary caregiver; and

(II) A written, signed statement from the person's attending physician in which the attending physician approves of the designation of the primary caregiver.

2. A person to whom the Division or its designee has issued a registry identification card pursuant to paragraph (b) of subsection 1 of NRS 453A.220 or pursuant to NRS 453A.250 shall, in accordance with regulations adopted by the Division, notify the Division of any change in the person's name, address,

telephone number, designated medical marijuana dispensary or the identity of the person for whom he or she acts as designated primary caregiver.

3. If a person fails to comply with the provisions of subsection 1 or 2, the registry identification card ***or letter of approval*** issued to the person shall be deemed expired. If the registry identification card ***or letter of approval*** of a person to whom the Division or its designee issued the card ***or letter*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is deemed expired pursuant to this subsection, a registry identification card issued to the person's designated primary caregiver, if any, shall also be deemed expired. Upon the deemed expiration of a registry identification card ***or letter of approval*** pursuant to this subsection:

(a) The Division shall send, by certified mail, return receipt requested, notice to the person whose registry identification card ***or letter of approval*** has been deemed expired, advising the person of the requirements of paragraph (b); and

(b) The person shall return his or her registry identification card ***or letter of approval*** to the Division within 7 days after receiving the notice sent pursuant to paragraph (a).

Sec. 21. NRS 453A.240 is hereby amended to read as follows:

453A.240 If a person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 is diagnosed by the person's attending physician as no longer having a chronic or debilitating medical condition, the person ***shall return his or her registry identification card or letter of approval*** and his or her designated primary caregiver, if any, shall return ~~[their]~~ ***his or her*** registry identification ~~[cards]~~ ***card*** to the Division within 7 days after notification of the diagnosis.

Sec. 22. NRS 453A.250 is hereby amended to read as follows:

453A.250 1. If a person who applies to the Division for a registry identification card ***or letter of approval*** or to whom the Division or its designee has issued a registry identification card ***or letter of approval*** pursuant to paragraph (a) of subsection 1 of NRS 453A.220 desires ***or is required*** to designate a primary caregiver, the person must:

(a) To designate a primary caregiver at the time of application, submit to the Division the information required pursuant to paragraph (e) of subsection 2 of NRS 453A.210; or

(b) To designate a primary caregiver after the Division or its designee has issued a registry identification card ***or letter of approval*** to the person, submit to the Division the information required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 453A.230.

2. A person may have only one designated primary caregiver at any one time.

3. If a person designates a primary caregiver after the time that the person initially applies for a registry identification card ~~[.]~~ ***or letter of approval,*** the Division or its designee shall, except as otherwise provided in subsection 5 of

NRS 453A.210, issue a registry identification card to the designated primary caregiver as soon as practicable after receiving the information submitted pursuant to paragraph (b) of subsection 1.

Sec. 23. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card ***or letter of approval*** issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566 ~~[, if]~~ ***:***

(1) If the possession of the marijuana or paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

~~[(1)]~~ ***(I)*** Any public place or in any place open to the public or exposed to public view; or

~~[(2)]~~ ***(II)*** Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders ~~[.]~~ ***; or***

(2) If the possession of the marijuana or paraphernalia occurs on school property.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card ***or letter of approval*** issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card ***or letter of approval*** issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card ***or letter of approval*** for a period of up to 6 months.

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 24. NRS 453A.310 is hereby amended to read as follows:

453A.310 1. Except as otherwise provided in this section and NRS 453A.300, it is an affirmative defense to a criminal charge of possession,

delivery or production of marijuana, or any other criminal offense in which possession, delivery or production of marijuana is an element, that the person charged with the offense:

(a) Is a person who:

(1) Has been diagnosed with a chronic or debilitating medical condition within the 12-month period preceding his or her arrest and has been advised by his or her attending physician that the medical use of marijuana may mitigate the symptoms or effects of that chronic or debilitating medical condition;

(2) Is engaged in the medical use of marijuana; and

(3) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the person's attending physician to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; or

(b) Is a person who:

(1) Is assisting a person described in paragraph (a) in the medical use of marijuana; and

(2) Possesses, delivers or produces marijuana only in the amount described in paragraph (b) of subsection 3 of NRS 453A.200 or in excess of that amount if the person proves by a preponderance of the evidence that the greater amount is medically necessary as determined by the assisted person's attending physician to mitigate the symptoms or effects of the assisted person's chronic or debilitating medical condition.

2. A person need not hold a registry identification card ***or letter of approval*** issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250 to assert an affirmative defense described in this section.

3. Except as otherwise provided in this section and in addition to the affirmative defense described in subsection 1, a person engaged or assisting in the medical use of marijuana who is charged with a crime pertaining to the medical use of marijuana is not precluded from:

(a) Asserting a defense of medical necessity; or

(b) Presenting evidence supporting the necessity of marijuana for treatment of a specific disease or medical condition,

➥ if the amount of marijuana at issue is not greater than the amount described in paragraph (b) of subsection 3 of NRS 453A.200 and the person has taken steps to comply substantially with the provisions of this chapter.

4. A defendant who intends to offer an affirmative defense described in this section shall, not less than 5 days before trial or at such other time as the court directs, file and serve upon the prosecuting attorney a written notice of the defendant's intent to claim the affirmative defense. The written notice must:

(a) State specifically why the defendant believes he or she is entitled to assert the affirmative defense; and

(b) Set forth the factual basis for the affirmative defense.

➥ A defendant who fails to provide notice of his or her intent to claim an affirmative defense as required pursuant to this subsection may not assert the affirmative defense at trial unless the court, for good cause shown, orders otherwise.

Sec. 25. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without, limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

Sec. 26. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment ~~[~~,~~]~~ ***or*** a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card ~~[~~or the~~]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 26.5. NRS 453A.350 is hereby amended to read as follows:

453A.350 ***1.*** Each medical marijuana establishment must:

~~[~~1.~~]~~ ***(a)*** Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

~~[~~2.~~]~~ ***(b)*** Comply with all local ordinances and rules pertaining to zoning, land use and signage;

~~[~~3.~~]~~ ***(c)*** Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

~~[4.]~~ ***(d)*** Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government.

Sec. 27. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards; and

(b) Assist patients who possess valid registry identification cards ***or letters of approval*** by way of those patients' designated primary caregivers.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card ***or letter of approval*** if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a ~~[~~patient~~]~~ ***person*** who holds a valid registry identification card, ~~[~~or the~~]~~ ***, including, without limitation, a*** designated primary caregiver ***.*** ~~[~~of such a patient.~~]~~ Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, ***or the designated primary caregiver of a person who holds a letter of approval*** may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. ***A medical marijuana establishment may use a pesticide in the cultivation and production of marijuana, edible marijuana products and marijuana-infused products if the pesticide:***

(a) Is exempt from registration pursuant to 40 C.F.R. § 152.25 or allowed to be used on Crop Group 19, as defined in 40 C.F.R. § 180.41(c)26, hops or unspecified crops or plants;

(b) Has affixed a label which allows the pesticide to be used at the intended site of application; and

(c) Has affixed a label which allows the pesticide to be used on crops and plants intended for human consumption.

7. The State Department of Agriculture shall, in accordance with the provisions of subsection 1 and NRS 586.010 to 586.450, inclusive, establish and publish a list of pesticides allowed to be used on medical marijuana pursuant to this section and accept requests from pesticide manufacturers and medical marijuana establishments, or a representative thereof, to add pesticides to the list.

8. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

~~[~~7.~~]~~ ***9.*** Medical marijuana establishments are subject to reasonable inspection by the Division at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.

Sec. 27.5. NRS 453A.362 is hereby amended to read as follows:

453A.362 1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

(a) Only for the purpose of dispensing the marijuana;

(b) Only immediately before the marijuana is dispensed; and

(c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

4. A medical marijuana establishment may:

(a) Transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment; and

(b) Enter into a contract with a third party to transport medical marijuana to another medical marijuana establishment or between the buildings of the medical marijuana establishment.

Sec. 28. NRS 453A.364 is hereby amended to read as follows:

453A.364 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The holder or bearer of the nonresident card signs an affidavit in a form prescribed by the Division which sets forth that the holder or bearer is entitled to engage in the medical use of marijuana in his or her state or jurisdiction of residence; and

(e) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state or jurisdiction of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

(a) Is issued by a state or jurisdiction other than Nevada; and

(b) Is the functional equivalent of a registry identification card ~~[.]~~ ***or letter of approval,*** as determined by the Division.

Sec. 29. NRS 453A.366 is hereby amended to read as follows:

453A.366 1. A patient who holds a valid registry identification card ***or letter of approval*** and his or her designated primary caregiver, if any, may

select one medical marijuana dispensary to serve as his or her designated medical marijuana dispensary at any one time.

2. A patient who designates a medical marijuana dispensary as described in subsection 1:

(a) Shall communicate the designation to the Division within the time specified by the Division.

(b) May change his or her designation not more than once in a 30-day period.

Sec. 29.5. NRS 453A.368 is hereby amended to read as follows:

453A.368 1. The Division shall establish standards for and certify one or more private and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in this State.

2. Such an independent testing laboratory must be able to determine accurately, with respect to marijuana, edible marijuana products and marijuana-infused products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) ~~[~~Whether the tested material is organic or non-organic.

~~(c)~~~~]~~ The presence and identification of molds and fungus.

~~[~~(d)~~]~~ ***(c)*** The ~~[~~presence and concentration of fertilizers and other nutrients.~~]~~ ***composition of the tested material.***

(d) The presence of chemicals in the tested material, including, without limitation, pesticides, herbicides or growth regulators.

3. To obtain certification by the Division on behalf of an independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 453A.322.

(b) Pay the fees required pursuant to NRS 453A.344.

Sec. 30. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards ~~[.]~~ ***and letters of approval.***

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card ***or letter of approval*** has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, ~~[or the]~~ ***including, without limitation, a*** designated primary caregiver **,** ~~[of such a person,]~~ in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 31. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card ***or letter of approval*** issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a medical marijuana establishment registration certificate issued to the person by the Division or its designee pursuant to NRS 453A.322 or a medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to NRS 453A.332 does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon **[**~~a determination by the district attorney of the county in which the marijuana, paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the~~**]** ***:***

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ ***the*** law enforcement agency shall **[**~~immediately~~**]** ***, to the extent permitted by law,*** return to that person any usable marijuana, marijuana plants, paraphernalia or other related property that was seized.

[~~➥~~**]** The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

[~~3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:~~

~~(a) A decision not to prosecute;~~

~~(b) The dismissal of charges; or~~

~~(c) Acquittal.~~**]**

Sec. 32. NRS 453A.500 is hereby amended to read as follows:

453A.500 The Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, shall not take any disciplinary action against an attending physician on the basis that the attending physician:

1. Advised a person whom the attending physician has diagnosed as having a chronic or debilitating medical condition, or a person whom the attending physician knows has been so diagnosed by another physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS or licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS:

(a) About the possible risks and benefits of the medical use of marijuana; or

(b) That the medical use of marijuana may mitigate the symptoms or effects of the person's chronic or debilitating medical condition,

➥ if the advice is based on the attending physician's personal assessment of the person's medical history and current medical condition.

2. Provided the written documentation required pursuant to paragraph (a) of subsection 2 of NRS 453A.210 for the issuance of a registry identification card ***or letter of approval*** or pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 453A.230 for the renewal of a registry identification card ~~[,]~~ ***or letter of approval*** if:

(a) Such documentation is based on the attending physician's personal assessment of the person's medical history and current medical condition; and

(b) The physician has advised the person about the possible risks and benefits of the medical use of marijuana.

Sec. 33. NRS 453A.510 is hereby amended to read as follows:

453A.510 A professional licensing board shall not take any disciplinary action against a person licensed by the board on the basis that:

1. The person engages in or has engaged in the medical use of marijuana in accordance with the provisions of this chapter; or

2. The person acts as or has acted as the designated primary caregiver of a person who holds a registry identification card ***or letter of approval*** issued to him or her pursuant to paragraph (a) of subsection 1 of NRS 453A.220.

Sec. 34. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, NRS 239.0115 and subsection 4 of NRS 453A.210, the Division ~~[and any designee of the Division shall maintain the confidentiality of and]~~ shall not disclose:

(a) The contents of any ~~[applications, records or other written documentation that]~~ ***tool used by*** the Division ~~[or its designee creates or receives pursuant to the provisions of this chapter; or]~~ ***to evaluate an applicant or its affiliate.***

(b) ***Any information, documents or communications provided to the Division by an applicant or its affiliate pursuant to the provisions of this chapter, without the prior written consent of the applicant or affiliate or***

pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant or affiliate.

(c) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Division or its designee has issued a registry identification card ~~[.]~~ ***or letter of approval.***

➥ Except as otherwise provided in NRS 239.0115, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Division or its designee may release the name and other identifying information of a person to whom the Division or its designee has issued a registry identification card ***or letter of approval*** to:

(a) Authorized employees of the Division or its designee as necessary to perform official duties of the Division; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card ***or letter of approval*** issued to him or her pursuant to NRS 453A.220 or 453A.250.

Sec. 35. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will ~~[.]~~ ***issue a registry identification card or letter of approval or,*** in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card ***or letter of approval*** to a qualified person ***;*** ~~[after the card has been prepared by the Department of Motor Vehicles;]~~ or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. ***That if the Division issues a registry identification card pursuant to subsection 1, the Division may charge and collect any fee authorized for the issuance of an identification card described in NRS 483.810 to 483.890, inclusive.***

3. Fees for:

(a) Providing to an applicant an application for a registry identification card ~~[,]~~ ***or letter of approval,*** which fee must not exceed $25; and

(b) Processing and issuing a registry identification card ~~[,]~~ ***or letter of approval,*** which fee must not exceed $75.

Sec. 36. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to allow the medical use of marijuana in the workplace.

3. ~~[Require]~~ ***Except as otherwise provided in subsection 4, require*** an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not:

(a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer; or

(b) Prohibit the employee from fulfilling any and all of his or her job responsibilities.

4. Prohibit a law enforcement agency from adopting policies and procedures that preclude an employee from engaging in the medical use of marijuana.

5. As used in this section, "law enforcement agency" means:

(a) The Office of the Attorney General, the office of a district attorney within this State or the State Gaming Control Board and any attorney, investigator, special investigator or employee who is acting in his or her professional or occupational capacity for such an office or the State Gaming Control Board; or

(b) Any other law enforcement agency within this State and any peace officer or employee who is acting in his or her professional or occupational capacity for such an agency.

Sec. 36.3. Section 26 of chapter 374, Statutes of Nevada 2013, at page 3729, is hereby amended to read as follows:

Sec. 26. 1. This section and section 25.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 22.35 to 24.7, inclusive, and 25 of this act become effective upon passage and approval for the purpose of adopting regulations and carrying out other preparatory administrative acts, and on April 1, 2014, for all other purposes.

3. Sections 22.3 and 24.9 of this act become effective on April 1, ~~[2016.]~~ ***2018.***

4. Sections 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 36.7. 1. The provisions of any regulation adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services which conflict with the provisions of NRS 453A.350 or 453A.352, as amended by sections 26.5 and 27 of this act, are void and must not be given effect to the extent of the conflict.

2. The Division of Public and Behavioral Health shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 453A.350 and 453A.352, as amended by sections 26.5 and 27 of this act, as soon as practicable after July 1, 2015.

Sec. 37. This act becomes effective on July 1, 2015.

Assemblyman Gardner moved the adoption of the amendment.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

This amendment adds concentrated cannabis weights. This amendment has been agreed to by the medical marijuana industry, law enforcement, and the public defenders.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 458.

Bill read third time.

The following amendment was proposed by Assemblyman Ohrenschall:

Amendment No. 956.

AN ACT relating to mammography; revising the language of certain notices provided to patients who undergo mammography; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that a patient who undergoes mammography must be given a notice which includes a report of the patient's breast density and which may include, without limitation, a statement regarding the relationship between breast density, breast cancer and the impact of breast density on the effectiveness of mammography. (NRS 457.1857) Pursuant to existing law, the State Board of Health adopted a regulation prescribing the language of such a notification. (LCB File No. R100-13 which became effective on January 1,

2014) This bill provides new language which must be used in such notification if the report indicates that the breast tissue is dense.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 457.1857 is hereby amended to read as follows:

457.1857 1. If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and ~~[~~Database~~]~~ ***Data*** System or such other guidelines as required by the State Board of Health by regulation, and ***, if applicable,*** the notice ~~[~~prescribed by the State Board of Health pursuant to~~]~~ ***provided in*** subsection 2.

2. ~~[~~The State Board of Health shall prescribe by regulation the notice to be included in a report pursuant to subsection 1. The notice must include:

~~(a) A statement regarding the benefits, risks and limitations of mammograms;~~

~~(b) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;~~

~~(c) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and~~

~~(d) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.~~

~~3. The notice prescribed by regulation pursuant to subsection 2 may include, without limitation:~~

~~(a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and~~

~~(b) A description of the factors that affect the risk of developing breast cancer.~~

~~4.~~~~]~~ ***If the statement of the category of the patient's breast density which is provided pursuant to subsection 1 indicates that the breast tissue is dense, the report described in subsection 1 must also include a notice in the following form:***

> ***Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with ~~[a modestly]~~ an increased risk of breast***

cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your physician. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.

3. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. This act becomes effective on July 1, 2015.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

The amendment removes one word from the bill: "modestly." I have consulted with both the Chair of Health and Human Services and the Senators who sponsored this bill, and both were amenable to this amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 68 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblymen Trowbridge, Elliot Anderson, O'Neill, Thompson, Fiore, Titus, and Oscarson.

ASSEMBLYMAN TROWBRIDGE:

Senate Bill 114 requires the State Board of Pharmacy to allow a law enforcement officer to have Internet access to the prescription drug monitoring program database if the employer of the officer approves and submits certification to the Board that the officer meets certain requirements. The officer is limited to accessing the database to investigate a crime related to prescription drugs. The employer is required to monitor the use of the database by the officer and establish appropriate disciplinary action for any misuse. The Board, the Investigation Division of the Department of Public Safety, or a law enforcement agency must notify any person whose information has been intentionally accessed by an improper person or for an improper purpose.

The bill is effective October 1, 2015.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from Assembly District 37. I am looking at this, and this is pretty sensitive prescription information. I am wondering, Do the police have to have any probable cause or a search warrant or anything before they get this very private information? It seems edgy to me without having some probable cause because this is certainly getting into people's private lives.

ASSEMBLYMAN TROWBRIDGE:

It has to be in the course of a normal criminal investigation relating to drugs.

ASSEMBLYMAN ELLIOT ANDERSON:

To follow up, Mr. Speaker, in the course of a normal criminal investigation, I feel like you should have some sort of probable cause that there is a crime there and have this signed off on by a judge before they can take it.

ASSEMBLYMAN O'NEILL:

Mr. Speaker, may I add some additional information to assist on that question? To my esteemed colleague from the south, the requirement is that the officer has to have a drawn case number, which means paper has to be written and verified. Currently, the Department of Public Safety's Investigation Division has this authority. It has had it for several years. They go ask the pharmacists to look at specific individuals. They cannot go on a fishing expedition. It is recorded. The information is available. I think it has been happening; it has been covered. We have not had any problems. This just expands to allow other law enforcement agencies, under certain guidelines, to go forward with it.

ASSEMBLYMAN THOMPSON:

I want to state for the record that this was heard in Judiciary and I had concerns about the fact that there does not seem to be an outlined auditing trail. We talked to the bill sponsors. Hopefully, there will be some type of frequent auditing system to ensure that an auditing trail becomes a deterrent so there is less abuse of the system. It is very confidential information. When you are dealing with prescription drugs, that is a person's personal issue they may be going through. We do not want to use this as another form of persecuting somebody or trying to make someone guilty of something just because they might be on prescription drugs. I will be supporting this; however, I hope that we will have this in the statute.

ASSEMBLYWOMAN FIORE:

I rise in extremely strong opposition to Senate Bill 114. Being in the health care industry, I cannot see how this complies with HIPAA [Health Insurance Portability and Accountability Act]. Nevertheless, once our law enforcement is actually in the database, they can look at other things. I urge all my colleagues to vote no on this measure. This is not kosher.

ASSEMBLYWOMAN TITUS:

I rise in very strong opposition to Senate Bill 114. I am disappointed it has been brought this far. I have voiced my opinion and my concerns all along. My noted colleague from the Carson area is correct. Law enforcement has been doing this for a number of years, then it was brought to their attention that this may not be legal so now this bill comes forward to allow them to access patient data. I am quite concerned about it. I do think they should have a search warrant to do this, more than just a number. I would urge everyone to vote against this bill.

ASSEMBLYMAN OSCARSON:

I rise in support of Senate Bill 114. This bill was vetted in your Committee on Health and Human Services. We were assured that people were going to be screened and how they got into this plan would be monitored. In addition, it was Title 40, so that is why it went to our committee. We were assured by our legal team here in the building that it was HIPAA-compliant. We are not in violation of HIPAA.

Assemblymen Wheeler, Silberkraus, and Stewart moved the previous question.

The question being the passage of Senate Bill No. 114.

Roll call on Senate Bill No. 114:

YEAS—23.

NAYS—Elliot Anderson, Armstrong, Bustamante Adams, Carlton, Carrillo, Diaz, Dickman, Dooling, Ellison, Fiore, Flores, Jones, Moore, Ohrenschall, Shelton, Swank, Titus, Trowbridge, Woodbury—19.

Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 941.

AN ACT relating to local governments; revising provisions relating to the reopening of a collective bargaining agreement during a period of fiscal emergency; excluding certain money from collective bargaining negotiations and from consideration in determining the ability of local governments **[**, other than school districts,**]** to pay compensation and monetary benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain mandatory subjects of bargaining in the negotiation of a collective bargaining agreement between a local government employer and a recognized employee organization. Among these mandatory subjects is a requirement that the parties bargain over procedures and requirements for the reopening and renegotiation of the agreement during periods of fiscal emergency. Currently, the existence of such an emergency is determined on the basis of revenue shortfalls or other criteria agreed to by the parties. (NRS 288.150) **Section [1] 1.5** of this bill authorizes a local government to reopen a collective bargaining agreement during a fiscal emergency and sets forth the circumstances under which such an emergency shall be deemed to exist. The procedural requirements relating to the reopening of the agreement **generally** remain a mandatory subject of bargaining. **Before a local government may reopen an agreement, section 1 of this bill requires that the local government notify each affected employee organization and the Committee on Local Government Finance, and the Committee must concur that such an emergency exists.**

Existing law provides for the resolution of an impasse in collective bargaining through fact-finding, arbitration or both, but imposes limitations on the money that a fact finder or arbitrator may consider in determining the financial ability of a local government employer to pay compensation or monetary benefits. (NRS 288.200, 288.215, 288.217, 354.6241) **Section 2** of this bill provides **[**, for certain governmental funds of a local government other than a school district,**]** that **[**a budgeted**]** **an amount equal to an** ending fund balance of not more than **[**25**]** **16.6** percent of the **[**total budgeted expenditures, less capital outlay,**]** **general fund and all the other funds and accounts of a local government, combined,** is not subject to negotiation and cannot be considered by a fact finder or arbitrator in determining ability to pay.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a local government employer determines that a fiscal emergency exists as defined by paragraph (a) of subsection 4 of NRS 288.150, it shall give written notice of its determination to the recognized employee organization, if any, for each bargaining unit among its employees and to the Committee on Local Government Finance. The notice must be accompanied by a copy of any audit report or other document on which the local government employer has relied in making its determination.

2. The Committee on Local Government Finance shall promptly conduct a public hearing on the matter and determine whether a fiscal emergency exists as described in subsection 1. Not later than 10 days after the close of the hearing, the Committee shall give written notice of its determination to the local government employer and each recognized employee organization, if any. If the Committee determines that a fiscal emergency exists, the local government employer may proceed as provided in subsection 4 of NRS 288.150.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as ***otherwise*** provided in subsection 4 ~~[,]~~ ***and NRS 354.6241,*** every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures ~~[and requirements]~~ ***consistent with the provisions of subsection 4*** for the reopening of collective bargaining agreements ~~[that exceed 1 year in duration]~~ for additional, further, new or supplementary negotiations during periods of fiscal emergency. ~~[The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.]~~

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to ~~[take]~~ ***:***

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer ~~[notifies the]~ ***and employee organization receive notice pursuant to section 1 of this act of the determination of the Committee on Local Government Finance that a fiscal emergency exists. For the purposes of this section ~~[,]~~ and section 1 of this act, a fiscal emergency shall be deemed to exist:***

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 2. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in ***subsection 3 and*** NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For ~~[any local government other than a school district, for]~~ the purposes of chapter 288 of NRS, ~~[a budgeted]~~ an amount equal to an ending fund balance of not more than ~~[25]~~ 16.6 percent of the ~~[total budgeted expenditures, less capital outlay, for a]~~ general fund ~~[.]~~ and all the other funds and accounts of the local government, combined:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

Sec. 3. The amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before the effective date of this act, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Section 1 of this amendment allows for the Committee on Local Government Finance to promptly conduct a public hearing to ensure that all of the fiscal needs are met before the emergency happens. Section 2 puts back the schools and still allows for the reopening of any collective bargaining agreement. I would ask the body to support it.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblymen Kirner, Kirkpatrick, Carlton, Jones, Ohrenschall, Diaz, and Dickman.

ASSEMBLYMAN KIRNER:

Senate Bill 193 removes provisions requiring compensation for overtime for hours worked in excess of 8 hours in any workday, while retaining provisions requiring that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. This will be effective October 1, 2015.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Senate Bill 193. There have been a lot of things that we have done this session, but I do not know that we have ever taken away the 8-hour workday from many folks who are in this building. What I will tell you is, this is a true change to our state. I get that in

committee they talked about 47 other states that do something similar, but I would tell you that trying to work on amendments that were amenable so we could address the issues in construction—sure, you put back one piece of the construction, but now construction workers will no longer be able to work after the 8 hours in one day and get that overtime unless, of course, they have 40 hours.

Let us talk about the service industry. They do not always get 40 hours per week, but now they will be asked to work 10- and 12-hour days? That is a true thing that happens every single day in the service industry. If somebody calls out, somebody else has to stay. By the way, we are a state that relies on the service industry.

I am disappointed that we are having this discussion. I am disappointed that we could not work on an amendment that made sense for business and that made sense for the constituents we all represent. I will not support this and go home and tell my constituents that I think it is okay they do not get paid time and a half after 8 hours.

The one point I brought up in committee that was not addressed was many of our state workers make $10 an hour. They would not be subject to overtime unless they worked 40 hours in a week. If you do not believe me, all you have to do is go on the job website and you can see what they get paid. We have talked about this all session long. At the very least, the people who stay here late into the night to help us, and they do not make one and a half times the rate to be allowed to have overtime? I think it is terrible that we would even consider something like this. I hope that business is happy.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 193. I take this bill personally. I work an 8-hour shift. I have worked in an at-will state. I was lucky enough to get a good union job where I did not have to worry about being taken advantage of by my employer. The 8-hour day is one of the few things that a minimum wage worker in the service industry has to protect them from being abused. I can tell you that in the 16 years I have knocked on doors—and I will tell you what, I will make that 18 years because I have worked on other people's campaigns—I have not heard one person say to me, Go to the Legislature and take away my overtime.

I had a conversation with my husband today on the phone. He had a probationer in his office who has to show his paycheck. The only thing that was keeping that guy alive was his overtime. When you looked at his regular hours, it was one thing. But when you looked at the overtime pay, that is what allowed him to survive. He only works maybe 30 or 32 hours a week, but he is getting overtime and he is just making it. He is happy to have a job. What is going to happen when we take that extra money away from him? Mr. Speaker, I cannot support this. My constituents did not send me here to lower their paychecks.

ASSEMBLYMAN JONES:

I rise in support of this bill. I can speak from personal experience. I am an employer. I am a job creator. The people who work in my production facility prefer four 10-hour days because it gives them a three-day workweek. I am sure we can all find examples of potential abuse, but if somebody feels they are being abused, they can always find another job if they so please. But my employees appreciate the four 10-hour days because it gives them an extra day off for the weekend.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 193. In response to my colleague from the southwest Clark County, this is not about the four-day, 10-hour workweek. I think the Democrats on the committee were willing to look at the 4/10 issue. This is about people who are trying to make ends meet. They may work for a temporary agency or a day labor agency. They get sent out and maybe get 15 or 20 hours at one job, work another 15 or 20 hours at a different job, and will put in those 12-hour days. A lot of those workers are single parents, single moms, who are trying to support a family. I do not think we came to the Legislature to kick them in the shins. We are going to be hurting the people who are most vulnerable and who are really struggling to survive. I urge this bill's defeat.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Senate Bill 193. I stand in opposition today because this affects people in my district. When I walked my district during the election cycle, I heard time and time again that my constituents had to have two part-time jobs for years. Not for one month, not six months—for years. There are some who have been working two part-time jobs for three years now because the employers are not giving them 40-hour weeks. If we take this overtime away, what you are telling my constituents is, Get a third job because now we are going to make you work 10-hour shifts. You do not have any recourse because you are a part-timer, plus we are not going to pay you what we should be paying you.

What we complain the most about is our constituents having to put their hands out for state services. So if we want to continue to have more of our folks on state services instead of being able to pay for themselves, if we want to make them dependent on our social services, I think this is the right way to go. So please, my constituents need the overtime, especially in this day and age when getting a 40-hour workweek—I commend my colleague from the south who says he gives his employees 40 hours a week. My constituents do not have that luxury and because of that, I am a firm no. I urge opposition to this measure.

ASSEMBLYWOMAN DICKMAN:

I rise in strong support of Senate Bill 193. We are one of the few states that has a more stringent overtime law than the federal government. This is very hard on small businesses, like many of us in this body have. We cannot afford to pay our employees overtime for more than 8 hours. When they work more than 40 hours, we do. A lot of times our people like to work 10 hours, maybe 9 hours. Sometimes we need them for more hours and sometimes we do not. They are very happy for an opportunity to work over 40 and get their overtime. Many of the employees that I know have asked for this. I appreciate your support on this bill and I urge a yes.

Assemblymen O'Neill, Jones, and Trowbridge moved the previous question.

The question being the passage of Senate Bill No. 193.

Roll call on Senate Bill No. 193:

YEAS—22.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hansen, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—20.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblywomen Dickman, Seaman, and Carlton.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 229 provides for the issuance of special license plates indicating support for the rights guaranteed by the Second Amendment to the *United States Constitution*. The fees generated by such special license plates, in addition to all other applicable registration and license fees and governmental services taxes, must be deposited with the State Treasurer and distributed to the Nevada Firearms Coalition or its successor on a quarterly basis. Such funds are to be used only to provide or pay for firearm training or firearm safety education. These special license plates must be approved by the Commission on Special License Plates and, after approval, will not be issued until one of the 30 design slots for special license plates becomes available. A surety bond must be posted with the Department of Motor Vehicles.

I would like to urge a yes vote on this bill. I think we have been waiting a long time to honor our Second Amendment, and a lot of people are waiting in line for these plates.

ASSEMBLYWOMAN SEAMAN:

I urge all of my colleagues to vote for this. As my colleague from the north has said, we have been waiting a long time. Please support these license plates.

ASSEMBLYWOMAN CARLTON:

On Senate Bill 229, I have the same question I asked earlier in the session about Girl Scouts and Boy Scouts license plates. My understanding is that this plate will go into the queue, and I am receiving a "yes" nod from the Assemblywoman who proposed the bill.

Even with that, I rise in opposition to Senate Bill 229. I was in opposition to the Boy Scouts/Girl Scouts bill. If we are going to have a Commission on Special License Plates, let us use it. There is no reason to bring costly legislation and to take time and energy away from the Legislature in the mere 120 days we have to get our work done. They simply have to place the application with the Special License Plate Commission and go through the process like everyone else. No one is special. Everyone should be treated the same.

If I can tell the Girl Scouts and Boy Scouts no, I can say no to this one also. It is not against the Second Amendment; it is the fact that we have a process in place and it is being circumvented this session for the first time since that Commission was established. I voted no against the Commission, but still we are all supposed to play by the rules.

Roll call on Senate Bill No. 229:

YEAS—30.

NAYS—Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Joiner, Munford, Neal, Spiegel, Swank, Thompson—12.

Senate Bill No. 229 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 481.

Bill read third time.

The following amendment was proposed by Assemblyman Paul Anderson:

Amendment No. 952.

AN ACT relating to local governments; prohibiting a county, incorporated city or regional transportation commission from creating, maintaining or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider; providing that the prohibition does not limit the authority of a county, city or regional transportation commission to require a public utility, public water system or video service provider to disclose information relating to the physical location of the facilities of the public utility, public water system or video service provider to facilitate certain public projects; **revising provisions relating to municipal utilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~~~This bill prohibits~~**~~]~~** **Sections 1, 3 and 3.5 of this bill prohibit** a county, incorporated city or regional transportation commission, respectively, from creating, maintaining or displaying a comprehensive model or map of the location of all or a substantial portion of the facilities of a public utility, public water system or video service provider. This **~~[~~**~~bill further provides that the~~**~~]~~** prohibition does not limit the authority of a county, city or regional transportation system to require a public utility, public water system or video

service provider to provide information to the county, city or commission relating to the physical location of the facilities of the public utility, public water system or video service provider to facilitate certain public projects.

Sections 2.3 and 3.3 of this bill provide that if real property is located within the service area of a municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county, including, without limitation, any board or planning agency of the county, shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of a county, including, without limitation, any board or planning agency of the county, to require a public utility, public water system, video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a public work.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235, except the term does not include a water system that is owned or operated by the county.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 2. (Deleted by amendment.)

Sec. 2.3. **Chapter 266 of NRS is hereby amended by adding thereto a new section to read as follows:**

If real property is located within the service area of a public utility acquired or established by a city council pursuant to NRS 266.290, the provision of services by the public utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

Sec. 2.5. **Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 3.3 of this act.**

Sec. 3. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. An incorporated city, including, without limitation, any board or planning agency of the city, shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial

portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of an incorporated city, including, without limitation, any board or planning agency of the city, to require a public utility, public water system or video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a public work or a public improvement project pursuant to a franchise agreement.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020, except the term does not include a sewer system that is owned or operated by the city.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235, except the term does not include a sewer system that is owned or operated by the city.

(c) "Public work" has the meaning ascribed to it in NRS 338.010.

(d) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 3.3. If real property is located within the service area of a municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property to the city.

Sec. 3.5. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission shall not create, maintain or display a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider.

2. The provisions of subsection 1 do not limit the authority of a commission to require a public utility, public water system or video service provider to provide information about the physical location of the facilities of the public utility, public water system or video service provider for the purpose of facilitating a project.

3. As used in this section:

(a) "Public utility" has the meaning ascribed to it in NRS 704.020.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.235.

(c) "Video service provider" has the meaning ascribed to it in NRS 711.151.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblymen Paul Anderson and Kirkpatrick.

ASSEMBLYMAN PAUL ANDERSON:

Sections 2.3 and 3.3 of this bill provide that if real property is located within a service area of a municipal utility, the provisions of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annexation of the real property.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of this amendment. In southern Nevada, we truly have an issue where people are feeling like they are being forced to annex their property in order to receive utility services. For as long as I have been in this building, we have had that discussion. Everybody promises that it does not really happen, but I can tell you that there are constituents that border District 13 and District 1 that are constantly being caught in that battle. They have been calling for months asking us to address it. I reached out to the local government, and they said, Oh, well, too bad. You want our water and sewer? You have to annex.

This will give the constituents one more opportunity to make sure they do not have to annex just to have the utilities they should be provided.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 286 revises various provisions governing funeral and cemetery services. The measure authorizes the Nevada Funeral and Cemetery Services Board to issue permits for the operation of direct cremation facilities and licenses to persons to engage in the business as a funeral arranger.

This last interim, I had the privilege of being the chair of the Sunset Subcommittee of the Legislative Commission. The previous session, we had put the Nevada Funeral and Cemetery Services Board on the chopping block to be terminated, but they have done an amazing job in turning themselves around. The bipartisan effort to bring forth the Sunset Subcommittee has proven itself worthy. I ask for your support on Senate Bill 286.

Roll call on Senate Bill No. 286:

YEAS—42.

NAYS—None.

Senate Bill No. 286 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 294 allows the Department of Corrections to enter into a contract with an offender granting the offender use of telecommunication devices for the purposes of employment and education. An offender who resides at a Department of Corrections restitution center or transitional housing facility, which has approved the offender's use of the device, may access a network for the purpose of obtaining approved educational or vocational training, looking or applying for work, performing essential job functions, or for other purposes required by an employer to perform essential job functions.

I urge our body to support this bill. It truly helps the transition from the restitution center or transitional housing facility to be more fluid so the offenders can start rebuilding their lives and

contributing back to the community immediately upon release. If we do not do this, we are going to continue to see an increase in people accessing social services. We are going to see increased homelessness and recidivism. I strongly urge our body to support this bill.

Roll call on Senate Bill No. 294:

YEAS—42.

NAYS—None.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblymen Araujo and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN ARAUJO:

Senate Bill 305 authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp under an agricultural pilot program or for other agricultural or academic research and requires that each site used to grow industrial hemp be certified and registered with the Department. The bill also authorizes the State Board of Agriculture to adopt regulations to carry out the provisions of the bill, including, if necessary, regulations relating to cannabidiol. Finally, S.B. 305 excludes industrial hemp, which is grown or cultivated pursuant to the provisions of the bill, from certain crimes relating to marijuana.

ASSEMBLYMAN OHRENSCHALL:

Because we are considering Senate Bill 305 which makes changes relating to marijuana and potentially could affect marijuana establishments, I would like to advise this body that my wife lobbies on behalf of marijuana dispensary owners. Although Senate Bill 305 does not affect her clients any differently than any other dispensary owners, pursuant to Rule No. 23 of the Assembly Standing Rules, I am making this disclosure and am abstaining from voting on Senate Bill 305 out of an abundance of caution.

Roll call on Senate Bill No. 305:

YEAS—41.

NAYS—None.

NOT VOTING—Ohrenschall.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblymen Thompson, Woodbury, Kirkpatrick, and Armstrong.

ASSEMBLYMAN THOMPSON:

Senate Bill 314 revises the composition of a health district in a county whose population is 700,000 or more, currently Clark County, to include a chief medical officer and a public health advisory board. Certain members of the district board of health no longer serve as voting members and instead comprise the public health advisory board. Members of the advisory board serve as nonvoting members of the district board of health and include one resident of each city in the county and three other members, each of whom is to be selected based on his or her specific background or expertise. Members of the district board of health are prohibited from designating

another person to vote, participate in a discussion, or otherwise serve on his or her behalf. The bill provides for the appointment, job description, qualifications, and compensation of a chief medical officer and revises provisions relating to a district health officer.

Senate Bill 314 was the combined efforts of the Governance Reform Committee of the Southern Nevada Forum, a topic that has been studied by this Legislature over several sessions. It streamlines the current board of health and creates a separate and distinct advisory board that will contain both subject matter experts and community members who can advise the board of health on those public health matters of importance to southern Nevada. I truly urge this body to support this bill.

ASSEMBLYWOMAN WOODBURY:

I rise in opposition to Senate Bill 314. This bill adds an extra layer of bureaucracy that does not make governance simpler, more efficient, or more transparent. Quite the opposite. The public does not need an administrative CEO making emergency public health decisions based primarily on the bottom line. Rather, they need a medical professional making those decisions based on the most up-to-date health knowledge and data, just like their chief health officer does now. Having two heads with differing opinions and priorities would only cause indecision, delays, and dissention. It is an unfunded mandate. If passed, this will cost the health district another $300,000 to $500,000, which means they will have to cut staff or programs or both out of an already strained budget.

The current size and composition of the health district board provides checks and balances that protect the interests of various industries, the smaller jurisdictions like Boulder City and Mesquite, and underserved minorities. Everyone has a voice. Removing three of the appointed members from the board—one physician, one in nursing, and one in environmental health—will take away their voice. Elected officials, unless they happen to be in the health care industry, are not the experts, so why do we want to take away the power of the appointed board members and give more power to the elected officials who play an important role but have little, if any, expertise in these areas? And by reducing the number of board members, the smaller jurisdictions like Boulder City, Mesquite, and even Henderson and North Las Vegas, all of whom already only have one representative and one vote compared to the two votes of Clark County and the City of Las Vegas, will have even less of a voice. This would reduce the checks and balances and diminish the voice of the industries and smaller jurisdictions even further than they already are.

If another voice is needed, I would support the provision in this bill that establishes an advisory council to make recommendations to the board. But why make such sweeping changes to the make-up of the board and add another layer of bureaucracy without having provided the board with a report of the findings that led to this legislation or any specifics about complaints or changes that need to be made? They have informed me they have requested this on multiple occasions so they can first work to address the alleged issues. I strongly oppose this measure based on these procedural and policy issues and appeal to my colleagues to please join me in voting no.

ASSEMBLYMAN THOMPSON:

In response to the statement of my colleague, first of all, I want to say this is not increasing bureaucracy. It is actually creating efficiencies that are needed. Our community in southern Nevada has grown significantly since we have made any type of changes to this board. We have a plethora of health and regulatory issues we need to deal with. In order to do so, we need to have adequate administration and, yes, we do need to have a chief medical officer. That is the rationale for the changes we need to make for our community.

Secondly, I want to say that even though you only see two sponsors on this bill, this bill is on the backs of over 300 people representing many industries that deal with the health district. This was done through the Southern Nevada Forum. It was carefully vetted. It was an extremely transparent process. We had numerous meetings—anybody could have come to those meetings to express their opinions at that point.

As far as saying that we are reducing the voices, we are actually increasing the voices. It was mentioned that Boulder City would only have one representative when in actuality there would be two or more; you would have an elected official who sits on the board and, because we want to expand it and get that community effort, you would have a person from the community that would actually be speaking. Those are the people that go in the doors of the health district daily. Even

though they may not be medical doctors, their voice and their experience counts. I know there has been a lot of opposition to this, but I really want you to think about this. This is something we need for southern Nevada. We have lots of issues. Please vote yes for this bill.

ASSEMBLYWOMAN KIRKPATRICK:

My colleague from Assembly District 17 did such an eloquent job, but I would like to put some real perspective on this, so I rise in support of Senate Bill 314. Quite frankly, this might cost me my job when I get home, but what the heck. Our job here is to write good policy for this state to ensure that everybody has a voice.

We started the Southern Nevada Forum and met for well over one year. We had close to 44 elected officials from just Clark County who participated. Frankly, there were three county commissioners who participated in that who sit on the health district board. There were two city council people who participated who also sit on that health district board. They, too, agreed with us that it has become a rubber stamp situation.

Mr. Speaker, we serve food to over 44 million people in Clark County in one year. We have an amazing rate of what our health violations are when it comes to ensuring that people have good, safe food to eat. One of the reasons that people come to Clark County is for the food experience. This is the real thing that goes on in Clark County. To say that it is going to be an unfunded mandate—maybe they should give back that property tax fee they get that is a guaranteed mandate for Clark County, which goes from Clark County to the health district.

The health district has been trying to work with folks, but only because we put in legislation and only because well over 300 people said in a secret ballot that they wanted to address this issue. I would like to ask my colleagues if they think that it is fair that the health district can put in things that say, Hey, I know you have this amazing buffet and I know you have 15 stations, but you only get 10 points. But here is the thing: If you give me $2,000 for every single permit, I will let you have 10 points for every single permit you get.

Why not change the code? You know why? Because they do not want to. And you know why? Because there is nobody who actually has to work. There are real chefs who are losing their jobs over these things, but they do not want to change it. They adopted 165 pages of regulations with no input. They got input from somebody in Laughlin on what works on the Strip. I do not understand how that works. They are totally different things.

They started addressing it. They started reaching out to the restaurant association, so we dialed back what we wanted. It was much more egregious and, quite frankly, maybe we should have gone there anyway. We need to be focusing on immunizations to make sure that kids are safe and healthy in school. We talk about how we had a measles outbreak in Washoe County. What if we had had one in Clark County? Who would we have gone to? The board does not let you discuss that. There is no real representation on the board.

Think about the people who were involved. It is more than just one or two issues; there are a lot of issues. You want to shut down Bouchon because the handwashing sink is not in the same place? The health district approved that but, Oh, I changed my mind. We met with all the health inspectors and all of those folks and asked, What does a chef do if they want to debate this, because every health inspector does things differently? Guess what they said? Challenge them. I will tell you what—challenging a health inspector is like challenging a cop on a DUI. I do not know if that ever works out well for you. If you have to challenge a health inspector, you take the chance of losing your job. Not only the hotel or the restaurant who is going to get a black label on them for not doing something right, based on something that is not always black and white. That is one portion of what the health district should be doing. All we are asking is that they divide their duties so that people can make real decisions that affect those 44 million people who come to Clark County who help fund this state by. I urge you to support this.

ASSEMBLYMAN ARMSTRONG:

I have a question for my colleague from Assembly District 17. For me, the issue that has been raised is that the health district does not support this. So my question is, Do you know if the health district supports this? There is a question of the transparency of this process that has occurred because there were a lot of complaints, and they were never provided any information regarding those complaints.

ASSEMBLYMAN THOMPSON:

I want to reiterate that this was not done in a vacuum. The head of the health district attended two of our meetings, so it is incumbent upon that person to inform their board. Secondly, no, the health district has not made a statement as to whether they support or reject this. There were statements on both ends of representatives on the board representing themselves as a private citizen but not as a voice of the health district.

ASSEMBLYMAN ARMSTRONG:

I have a follow-up question to my colleague regarding the transparency. There were a lot of complaints that came up throughout this process. Was information about the complaints given to the health district so they could cure those items?

ASSEMBLYMAN THOMPSON:

To my colleague, this was not complaint-focused. This was not the impetus of this bill. I want to make that clear. This was not one complaint, two complaints, a thousand complaints. This was a group of stakeholders who came together collectively and said this is what is necessary for us to have a highly efficient and effective health district.

ASSEMBLYMAN ARMSTRONG:

Mr. Speaker, one more follow-up question. If we are saying they are not efficient at this point, were they provided the information as to why they are not efficient or how they could cure that themselves? Or are we just saying that we as the Southern Nevada Forum, or however that was decided, know how to do the job more efficiently than the health district itself?

ASSEMBLYMAN THOMPSON:

What I am saying is that there were stakeholders that worked daily with the health district and through their experience, which is very valid, they came together with us—and another thing, we looked at best practices. We did not just say, This sounds about right. We looked at and talked to people in other states and at models within our state that were highly effective. So that is how we looked at that.

Assemblymen Hansen, Fiore, and Stewart moved the previous question.

The question being the passage of Senate Bill No. 314.

Roll call on Senate Bill No. 314:

YEAS—22.

NAYS—Armstrong, Dickman, Dooling, Ellison, Fiore, Hambrick, Hansen, Hickey, Jones, Kirner, Moore, Nelson, Ohrenschall, Seaman, Shelton, Stewart, Titus, Trowbridge, Wheeler, Woodbury—20.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 327 provides for the minimum number of attendants and qualifications for those attendants aboard an air ambulance. The bill revises the training requirements for a licensed physician, registered nurse, or licensed physician assistant to be certified as an attendant. Also, an emergency medical services registered nurse is authorized to perform certain procedures.

Roll call on Senate Bill No. 327:

YEAS—42.

NAYS—None.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 329 exempts a person from liability for the use of certain words or conduct relating to partnerships, joint ventures, or other similar relationships if the words or conduct are used for the sole purpose of a business development undertaken by a corporation or limited-liability company. This bill, in essence, preserves the rights and protections of the members of a limited-liability company or a corporation, otherwise known as the corporate veil.

Roll call on Senate Bill No. 329:

YEAS—29.

NAYS—Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Swank—13.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 330.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 330 authorizes a student or school to appeal a final decision or order of the Nevada Interscholastic Activities Association, NIAA, to a hearing officer appointed by the Executive Director of the NIAA and prescribes certain procedures for the disposition of the appeal.

Roll call on Senate Bill No. 330:

YEAS—42.

NAYS—None.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 341 requires a medical discount plan that contracts directly with a dentist to notify the dentist whether the contract may be assigned to a third party and maintain a toll-free telephone number for the dentist to obtain information about the medical discount plan. The bill also allows a contract between a medical discount plan and a dentist to be assigned only if expressly authorized by the contract. A dentist must be notified of inclusion in any contract that has been assigned.

Roll call on Senate Bill No. 341:

YEAS—41.

NAYS—Carlton.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 370 requires the State Barbers' Health and Sanitation Board to oversee the examination for a license as a barbering instructor but prohibits the Board from administering any part of the examination. The bill provides that the examination for a license as an instructor must include a practical demonstration and written test. The Board must contract with a national organization to administer the examination for such a license and use only proctors who are licensed barbers in Nevada and approved by a national organization to administer the practical demonstration portion of the examination.

The measure provides that an applicant for license as an instructor who fails to pass the examination may retake the examination as many times as it is offered within one year of the initial examination without completing further study in a barber school. If after one year of taking the initial examination the applicant does not pass, he or she must complete 250 hours of further study.

The bill revises the ratio of students enrolled in a barber school to instructors required to be on the premises of the barber school and requires a barber school to have at least one barber's chair for each student present during instruction in the barber school. Finally, the bill requires an applicant for a license to operate a barber school to submit information to the Board demonstrating that the barber school will be owned and operated by at least two instructors.

I strongly urge our body to support this bill. Barbering is a high-demand profession in Nevada. It yields entrepreneurs, and this bill encourages and supports the opportunity for additional barber schools in Nevada. I just want to share with you the fact that there is only one barber school in our great state of Nevada. In comparison, there are a few hundred in our neighboring state, California, and a few in Arizona. We lose out because our students have to go outside of this state for this profession. This is a great opportunity for us to expand this business in our state, so I totally urge your support of this bill.

Roll call on Senate Bill No. 370:

YEAS—31.

NAYS—Armstrong, Carlton, Dooling, Fiore, Jones, Moore, Ohrenschall, Shelton, Titus, Wheeler, Woodbury—11.

Senate Bill No. 370 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 388.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Senate Bill 388 provides for the imposition of additional fees to be charged by a county clerk when a party to a jointly filed divorce action files for the first time a motion to modify or enforce a final order or an opposition, answer, or response to such a motion. Funds from these charges are to be used only for specific purposes that benefit the court, including, but not limited to, land acquisition, renovation or construction of court facilities, advanced technology acquisition, and establishing or supporting a civil family law self-help center.

Roll call on Senate Bill No. 388:

YEAS—33.

NAYS—Dickman, Dooling, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—9.

Senate Bill No. 388 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblyman Silberkraus.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 393 exempts a practitioner of acupuncture from the licensing requirements of Chapter 634A, Doctors of Oriental Medicine, of *Nevada Revised Statutes* if the practitioner is employed by a school of Oriental medicine that is located in Nevada and has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine; licensed in another state or jurisdiction; and limited in his or her practice to teaching, supervising, or demonstrating the methods and practice of acupuncture in a clinical setting and does not accept payments from any patients relating to his or her practice of acupuncture.

Roll call on Senate Bill No. 393:

YEAS—42.

NAYS—None.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 395 authorizes a county whose population is 100,000 or more to provide a space outside each office and branch office of the county clerk in which a commercial wedding chapel, a licensed business that operates principally for the performance of weddings in the county, or a church or religious organization may place informational brochures for display.

The bill also authorizes a board of county commissioners in a county whose population is 700,000 or more, currently Clark County, to adopt an ordinance imposing a fee of not more than $14 on the issuance of a wedding license, the proceeds of which must be used to promote marriage tourism.

Roll call on Senate Bill No. 395:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—10.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 404 requires the owner of a moped to register the vehicle with the Department of Motor Vehicles [DMV] before operating the moped on state highways. A one-time $33 registration fee is required, as is a nontransferable, nonrefundable government services tax. Upon registration, the DMV must issue a license plate distinct from a motorcycle license plate. Moped registration is effective until the owner transfers ownership or cancels the registration and surrenders the license plate to the DMV.

Roll call on Senate Bill No. 404:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Jones, Kirner, Moore, Seaman, Shelton, Titus, Wheeler—12.

Senate Bill No. 404 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 405 provides for the expansion of the Zoom schools program. Funding approved by the 2015 Legislature from the Account for Programs for Innovation and the Prevention of Remediation is designated for the Clark and Washoe County School Districts, and the remainder will be available for the Department of Education to fund grants as proposed by the remaining school districts and the State Public Charter School Authority.

The bill funds existing Zoom schools, allows additional elementary schools to receive funding, and expands the program to a limited number of middle schools and high schools in Clark and Washoe Counties. Additional services concerning the recruitment and retention of personnel, parental engagement, and professional development are added to the program, but no more than 2 percent of the funding provided may be used for such purposes.

This bill requires the State Board of Education to prescribe statewide performance levels and outcome indicators for Zoom schools and requires the Department to contract for an independent evaluation of the effectiveness of Zoom schools. It further requires the State Board of Education to recommend legislation for the 79th Session of the Nevada Legislature defining "long-term limited English proficient" and prescribing a procedure for districts and charter schools to separately count and report data concerning students so defined.

Roll call on Senate Bill No. 405:

YEAS—35.

NAYS—Dickman, Ellison, Fiore, Moore, Shelton, Titus, Wheeler—7.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblymen Silberkraus, Carlton, and Ellison.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 406 makes various changes to the Public Employees' Retirement System, PERS, the Judicial Retirement Plan, and the Legislators' Retirement System for persons who become members on or after July 1, 2015. Among other things, the bill revises certain factors used to calculate retirement benefits; requires the forfeiture of retirement benefits for a member convicted

of certain felonies committed on the job; revises the manner in which postretirement increases and benefit payments are calculated; provides an additional survivor benefit option for current and future members; changes the age of eligibility to receive retirement benefits for members, other than police officers or firefighters; requires members of the Judicial Retirement Plan to pay 50 percent of the required contributions to the plan; and repeals the June 30, 2015, expiration of certain provisions relating to retired public employees who fill positions for which there are critical labor shortages.

ASSEMBLYWOMAN CARLTON:

I had a question on Senate Bill 406 which I did discuss with the Chair of the committee earlier in the day, and I want to share these concerns with the body. When we look at the yellow document that we have, section 2, page 5, we are talking about the conviction portion and the return of the retirement money. The concern I have is that families make retirement investments together. There could be a spouse and children impacted by this. I know this is on employees going forward, so I hope that no one will be harmed by this in the future.

I have to be honest with you, when I am getting married, I am not planning on marrying a felon, but sometimes that happens. I would hate to see the spouse and children lose the time value of that money which the family has invested and planned for in their retirement. If that person does go to prison, the other spouse is left to deal with the family issues. As we move forward with this, I hope we will address this. I hope it does not hurt anyone in the future. We will have time to do this, but I think it is something we really should consider. We are penalizing a whole family for one person's misdeeds.

ASSEMBLYMAN ELLISON:

I agree with my colleague from down south. An individual convicted of a felony in the course of his or her work should not receive the benefits of taxpayer contributions. They will get all the individual contributions made to the system, so they will receive whatever they paid in. It just will not be the match. Only new employees starting after July 1, 2015, will be part of a deal going forward, which does not affect existing employees.

Roll call on Senate Bill No. 406:

YEAS—41.

NAYS—Trowbridge.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Senate Bill 409 creates an exception in state law similar to that in federal law with regard to credit reporting. The bill allows a credit reporting agency to report on bankruptcies older than ten years, and other civil judgments older than seven years, incurred by a person who is seeking employment with a gaming licensee or employment in a position that is directly connected to the licensee's operations. The bill also clarifies that credit reporting agencies are not required to delete records of felony convictions.

Roll call on Senate Bill No. 409:

YEAS—39.

NAYS—Moore, Seaman, Shelton—3.

Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Paul Anderson moved that Senate Bill No. 411 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 443 enables the Nevada Gaming Commission to adopt regulations on business entity race book and sports pool wagering as it deems appropriate and adds criminal penalties for the failure to disclose persons involved with a business entity's wagering.

Roll call on Senate Bill No. 443:

YEAS—41.

NAYS—None.

EXCUSED—Seaman.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 444 revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication concerning the right to petition or the right to free speech in direct connection with an issue of public concern.

The timeline for a response and ruling on a special motion to dismiss is increased from 7 days to 20 judicial days. Any discovery is limited to the purposes of allowing a party to obtain information necessary to meet or oppose the burden of the party who brought the claim to establish by clear and convincing evidence a probability of prevailing on the claim. Lastly, the court may modify any briefing or hearing deadlines relating to a complaint if such modification would serve the interests of justice.

Roll call on Senate Bill No. 444:

YEAS—38.

NAYS—Fiore, Neal, Ohrenschall—3.

EXCUSED—Seaman.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 445 requires the Nevada Gaming Commission to adopt regulations governing the operation by a licensed race book or sports pool operator of a global risk management system through the use of communications technology between and among various jurisdictions.

Roll call on Senate Bill No. 445:

YEAS—42.

NAYS—None.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 446 establishes a framework for the ratification of certain corporate actions and clarifies the ability to establish various powers, designations, limitations, and restrictions for classes and series of stock. The measure provides that stockholder meetings may be held remotely; revises incorporation language across *Nevada Revised Statutes* for consistency; eliminates the provision of effective dates for the formation of limited-liability companies and limited partnerships; and aligns the effect of a conversion with that of a merger.

I think one of the striking things Senate Bill 446 does is provide for these virtual meetings so that the officers will not necessarily have to physically fly here to the state. I did have some concerns as to what that would do to our economy, and they were alleviated. There are still many things that will bring those officers to the state, so I do urge support of this bill.

Roll call on Senate Bill No. 446:

YEAS—42.

NAYS—None.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 453 makes technical changes to eliminate duplications and provide for consistency in Nevada's laws governing the enforcement of loans secured by deeds of trust or mortgages on real property and related proceedings.

Roll call on Senate Bill No. 453:

YEAS—40.

NAYS—Moore, Shelton—2.

Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 464 exempts a person under 21 years of age from criminal liability for possession or consumption of alcohol if the person requests emergency medical assistance for himself, herself, or another person.

The exemption applies, however, only if the person making the request reasonably believes that the person for whom emergency medical assistance is requested is under 21 years of age; reasonably believes the person needs such assistance; is the first person to request emergency medical assistance for the person; remains with the person requiring such assistance; and cooperates with providers of emergency medical assistance, health care providers, and law enforcement.

The bill also prohibits the sale, purchase, possession, or use of powdered alcohol and makes a violation of these provisions a misdemeanor.

Roll call on Senate Bill No. 464:

YEAS—34.

NAYS—Dickman, Edwards, Ellison, Fiore, Gardner, Moore, Shelton, Titus—8.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 471 provides an exception to the requirement that eligibility for the monthly Health Reimbursement Arrangement contribution and basic group life insurance benefit otherwise provided by PEBP [Public Employees' Benefits Program] to Medicare-eligible retirees requires enrolling in an individual Medicare medical plan through the state's individual Medicare market exchange.

Specifically, the PEBP Board and the Governor recommend that participating retirees who are veterans and eligible for and/or enrolled in TRICARE receive an exemption to the NRS [*Nevada Revised Statutes*] requirement to enroll in a Medicare medical insurance plan. The cost to the plan is estimated at $2,238 per TRICARE-eligible retiree per year. The cost of implementing Senate Bill 471 was included in the Governor's recommended budget for PEBP, which was approved by the Senate Committee on Finance and Assembly Committee on Ways and Means Subcommittees on General Government on April 30, 2015.

Senate Bill 471 is effective July 1, 2015.

Roll call on Senate Bill No. 471:

YEAS—42.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 472, as amended, amends NRS [*Nevada Revised Statutes*] 287.045 to revise the effective date of coverage for eligible participants to be either the first day of full-time

employment, if that date is the first day of the month; or the first day of the month immediately following the first day of full-time employment of the eligible participant.

The intent of Senate Bill 472 is to ensure compliance with two aspects of health care reform under the federal Affordable Care Act: compliance with the requirement that the waiting period for health insurance coverage not exceed 90 days, and to ensure that highly compensated employees are not treated more favorably than lower-compensated employees.

Historically, NSHE [Nevada System of Higher Education] professional staff have been eligible for coverage either on the first day of employment, if employment begins on the first of the month, or on the first day of the following month. Senate Bill 472, as amended, creates equal treatment for all eligible participants.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Remarks by Assemblymen Moore, Sprinkle, Kirkpatrick, Seaman, and Ellison.

ASSEMBLYMAN MOORE:

Senate Bill 477 authorizes a governing body of any county or incorporated city to adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of 5,000 square feet or more. On or after July 1, 2015, such a governing body may adopt a building code or take any other action that requires the installation of an automatic fire sprinkler system in a new residential dwelling unit that has an area of livable space of less than 5,000 square feet only if the governing body conducts an independent cost-benefit analysis of the proposed requirement to install an automatic fire sprinkler system and makes certain findings at a public hearing.

ASSEMBLYMAN SPRINKLE:

I rise in opposition to Senate Bill 477. In the end, this bill is about public safety. Residential sprinklers save people's lives. As someone who goes into these buildings and tries to get people out, eight minutes is a long time for me to be responding. These sprinklers save lives. I am opposed to this bill because many jurisdictions are currently already carved out of this bill. They already have code in place, and they are exempt from what this is trying to do. However, certain major jurisdictions in southern Nevada do not have that. So with this bill, what is going to happen is they are going to have to spend money—a lot of money—to get these analyses done if they want to have residential sprinkler systems in their code. On top of that, they are also going to have to do the same analysis every time they want to change their code. It is going to make it incredibly cumbersome for the counties or the jurisdictions to do this, which ultimately is going to lead to no residential sprinkler systems in these houses and the potential for people to die. I strongly oppose this bill.

ASSEMBLYWOMAN KIRKPATRICK:

I, too, rise in opposition to Senate Bill 477. I remember a time in this building when we actually thought about constituents, we thought about public safety, and we thought about things that mattered back home. However, with this bill, I am perplexed. If you have a house over 5,000 square feet, then you have to follow the fire sprinkler code. But if you do not have a house of that size, then you can go to the county and you can lobby your way through; you can change the codes. I do not know about most of you in here, but I live in a house under 5,000 square feet, and if I do not have a fire department close to me, I want those sprinklers.

For people to say that insurance rates are going to go up, it is quite the contrary. Back in the day in North Las Vegas, when we were a bedroom community, we were way out in the desert in the dirt and nobody wanted to be out there; there were no fire stations and there were no police stations. So we put in sprinklers and it did not cost any more because at the end of the day, it helped ensure that that house fire could be put out in a much quicker manner.

What I do have a problem with are all the folks in this room who always want to talk about regulation and talk about being inefficient as a government, and here we are allowing them to continue to spend money to go out and get public comment from everybody on public safety. I cannot figure out for the life of me this session which way we are supposed to go. I am consistent, and I would like to stay with the tone I had in 2009 when we adopted some of these codes. We made sure they worked across the board, and we allowed local government to do what was best for them rather than putting in all these hoops they have to jump through.

I would just like to put that on the record, Mr. Speaker. Public safety comes above and beyond all costs. No matter how much money you get in the world, you cannot replace someone's life. If we have not thought that through, then we are here for all the wrong reasons.

ASSEMBLYWOMAN SEAMAN:

I rise in support of Senate Bill 477. This bill will help lower housing costs without jeopardizing safety by eliminating unnecessary regulations. Homebuilders will still be allowed to include any features they desire in their product. All we are doing is freeing these builders from regulations that impose costs far in excess of any benefits. I will be voting yes, and I encourage all of you to vote yes as well.

ASSEMBLYMAN ELLISON:

I stand in support of Senate Bill 477. We worked quite a bit on this, and we are trying to get through all the loops. We did find out a lot of things. This is not a one-system-fits-all. Mostly in the state of Nevada, we have areas with low water pressure, we have stuff with large tanks, stuff that is up on the side of a mountain that you could not get these systems into. One of the things that is a problem is not just the cost, but that it will not fit everywhere.

Mr. Speaker, if you will look back through, we are having trouble with the 2009 and the 2012 codes. What we are asking for is to take a look at this and bring it back. That is going to be the big thing. This is enabling for some of these cities. Right now, if you want to build a house with a fire sprinkler, I do not care if it is 900 square feet, you can do that. Nobody says you cannot. We are just saying, let us look at all the options that are out there. One of the big costs a lot of people are not looking at is going to be for the insurance for those with sprinkler systems. I urge all my colleagues to please stand strong and support Senate Bill 477.

Roll call on Senate Bill No. 477:

YEAS—22.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Silberkraus, Spiegel, Sprinkle, Swank, Thompson—20.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 482 eliminates the authority of boards of county commissioners to set the annual salaries of their members and establishes those salaries by statute. The bill provides that the salaries for county commissioners and certain other elected county officials increase by 3 percent in each fiscal year for each of the next four fiscal years beginning with Fiscal Year 2015-2016, unless the board of county commissioners determines that insufficient financial resources are

available to pay the increased salaries. Finally, Senate Bill 482 authorizes an elected officer, including a county commissioner, to elect not to receive any part of the salary to which he or she is entitled.

Roll call on Senate Bill No. 482:

YEAS—22.

NAYS—Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Jones, Kirkpatrick, Munford, Neal, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge—20.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate

Senate Bill No. 484.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Senate Bill 484 makes both technical and substantive revisions relating to issues of personal financial administration including, but not limited to, termination of life estates; nonprobate transfers; definitions, including "domestic partner" and "interested person"; prenuptial agreements related to estate planning; predeath declaratory judgments regarding the validity of wills; appointment of executors and administrators of estates; sale of property in an estate; filing of inventories and appraisals of estates; distribution of probate assets; trustee liability; trustee investor responsibilities; binding arbitration regarding trusts and wills; judicial and nonjudicial settlements; and termination of uneconomical estates.

This bill is the biennial omnibus measure submitted by the Probate and Trust Law Section of the State Bar of Nevada with the approval of the State Bar's Board of Governors.

Roll call on Senate Bill No. 484:

YEAS—42.

NAYS—None.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 68 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

The following amendment was proposed by Assemblyman Kirner:

Amendment No. 962.

AN ACT relating to professions; authorizing certain qualified professionals who hold a license in the District of Columbia or another state or territory of the United States to apply for the issuance of an expedited license by endorsement to practice in this State; revising provisions relating to certain

limited licenses to practice medicine as a resident physician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1.3, 1.5, 6.3, 6.4, 6.7, 7, 8.5, 11, 13.1, 14, 18, 19, 25, 28, 32, 35, 36, 41, 45 and 50-54 of this bill authorize certain qualified physicians, podiatrists, other providers of health care and professionals to obtain an expedited license by endorsement to practice their respective professions in this State if the physician, podiatrist, other provider of health care or professional holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry, the State Board of Optometry, the Board of Examiners for Audiology and Speech Pathology, the State Board of Pharmacy, the State Board of Physical Therapy Examiners, the Board of Occupational Therapy, the Board of Massage Therapists, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors. **Sections 1.3 and 8.5** require a physician or osteopathic physician to be certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable, to obtain such an expedited license by endorsement.

Existing law authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements. (NRS 630.265, 633.401) **Sections 5 and 9** of this bill require, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue those limited licenses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act:

Sec. 1.3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 1.5. *1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
↳ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 2. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and section 1.3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education **,** ~~**[or]**~~ the ~~**[**Coordinating Council of Medical Education of the Canadian Medical Association;**]**~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations;*** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education **,** ~~**[or]**~~ the ~~**[**Coordinating Council of Medical Education of the Canadian Medical Association,**]**~~ ***Royal College of Physicians and Surgeons of Canada, the College des medecins du Quebec, the College of Family Physicians of Canada or, as applicable, their successor organizations,*** has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the

Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 3. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ***or section 1.3 of this act*** must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 3.5. NRS 630.195 is hereby amended to read as follows:

630.195 1. ~~[In]~~ ***Except as otherwise provided in section 1.3 of this act, in*** addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 4. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[.]~~ ***or section 1.3 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 5. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[~~Except as otherwise provided in~~]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[~~may~~]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 6. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400

For renewal of a limited, restricted, authorized facility or special license 400
For application for and issuance of a license as a physician assistant ***, including a license by endorsement*** 400
For biennial registration of a physician assistant 800
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels 500
For verification of a listing of physicians, per hour 20
For furnishing a list of new physicians 100

2. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to section 1.3 or 1.5 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 6.1. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. ***The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to section 1.5 of this act.***
5. The tests or examinations of applicants by the Board.

~~[5.]~~ ***6.*** The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and

duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

~~[6.]~~ ***7.*** The duration, renewal and termination of licenses ~~[.~~ ~~7.]~~ ***, including licenses by endorsement.***

8. The grounds and procedures respecting disciplinary actions against physician assistants.

~~[8.]~~ ***9.*** The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

~~[9.]~~ ***10.*** A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 6.2. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.4 of this act.

Sec. 6.3. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a professional nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application.

Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.4. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a practical nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ ***whichever occurs later.***

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 6.5. NRS 632.140 is hereby amended to read as follows:

632.140 ***Except as otherwise provided in section 6.3 of this act:***

1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:

(a) Is of good moral character.

(b) Is in good physical and mental health.

(c) Has completed a course of study in:

(1) An accredited school of professional nursing and holds a diploma therefrom; or

(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom.

(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.

2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.

Sec. 6.6. NRS 632.150 is hereby amended to read as follows:

632.150 1. ~~[~~Each~~]~~ ***Except as otherwise provided in NRS 632.160, 632.237 and section 6.3 of this act, each*** applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be supplemented by an oral or practical examination in the discretion of the Board.

2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.

Sec. 6.7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse ***:*** ~~[~~who:~~]~~

(a) ***Who is licensed by endorsement pursuant to section 6.3 of this act and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or***

(b) Who:

(1) Has completed an educational program designed to prepare a registered nurse to:

~~[~~(1)~~]~~ ***(I)*** Perform designated acts of medical diagnosis;

~~[~~(2)~~]~~ ***(II)*** Prescribe therapeutic or corrective measures; and

~~[(3)]~~ ***(III)*** Prescribe controlled substances, poisons, dangerous drugs and devices;

~~[(b)]~~ ***(2)*** Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

~~[(c)]~~ ***(3)*** Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➥ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of ***subparagraph (2) of*** paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 6.8. NRS 632.270 is hereby amended to read as follows:

632.270 ~~[Each]~~ ***Except as otherwise provided in section 6.4 of this act, each*** applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:

1. Is of good moral character.

2. Has a high school diploma or its equivalent as determined by the State Board of Education.

3. Is at least 18 years of age.

4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or

(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 6.9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse) ***, including a license by endorsement***	$45	$100
Application for license to practice practical nursing ***, including a license by endorsement***	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100

Application for a license to practice as an advanced practice registered nurse **,** ***including a license by endorsement***	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 7. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 7.5. NRS 633.305 is hereby amended to read as follows:

633.305 ***Except as otherwise provided in section 7 of this act and NRS 633.400:***

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 8. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315 ~~[,]~~ ***and 633.381 to 633.419, inclusive,*** an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;

2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. The applicant is a graduate of a school of osteopathic medicine;

4. The applicant:

(a) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(1) A hospital internship; or

(2) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(b) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(c) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

5. The applicant applies for the license as provided by law;

6. The applicant passes:

(a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(b) All parts of the licensing examination of the Federation of State Medical Boards ***;*** ~~[of the United States, Inc.;]~~

(c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by

a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;

7. The applicant pays the fees provided for in this chapter; and

8. The applicant submits all information required to complete an application for a license.

Sec. 8.5. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license ***by endorsement*** pursuant to this section shall ~~[pay in]~~ ***submit:***

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) In advance to the Board the application and initial license fee specified in this chapter ~~[.]~~ ***; and***

(d) Any other information required by the Board.

3. ***Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application***

for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 9. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.

4. ***The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to section 7 of this act.***

5. The tests or examinations of applicants by the Board.

~~[5.]~~ 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~[6.]~~ ***7.*** The grounds and procedures respecting disciplinary actions against physician assistants.

~~[7.]~~ ***8.*** The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the

application and issue a license by endorsement to practice podiatry to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ ***Except as otherwise provided in section 11 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license ***, including a license by endorsement,*** of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 13. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ ***Except as otherwise provided in section 11 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 13.1. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(4) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

(6) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 13.3. NRS 636.143 is hereby amended to read as follows:

636.143 The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination	$100	$500
Reexamination	100	500
Issuance of each license or duplicate license***, including a license by endorsement***	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license	10	50

Sec. 13.5. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[Any]~~ ***Except as otherwise provided in section 13.1 of this act, any*** person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and

5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 13.7. NRS 636.155 is hereby amended to read as follows:

636.155 ~~[An]~~ ***Except as otherwise provided in section 13.1 of this act, an*** applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;

2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;

3. Is of good moral character;

4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and

5. Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 13.9. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150 ***or section 13.1 of this act*** and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and

2. Be signed by each member of the Board.

Sec. 14. Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech pathology, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory

in which the applicant currently holds or has held a license to engage in the practice of audiology or speech pathology, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech pathology, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of audiology or speech pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 15. NRS 637B.160 is hereby amended to read as follows:

637B.160 1. ~~[An]~~ ***Except as otherwise provided in section 14 of this act, an*** applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the Board if the applicant:

(a) Is over the age of 21 years;

(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(c) Is of good moral character;

(d) Meets the requirements for education or training and experience provided by subsection 2;

(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;

(f) Applies for the license in the manner provided by the Board;

(g) Passes any examination required by this chapter;

(h) Pays the fees provided for in this chapter; and

(i) Submits all information required to complete an application for a license.

2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least

24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.

Sec. 16. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee for a license to practice speech pathology ***, including a license by endorsement***	$100
Application fee for a license to practice audiology ***, including a license by endorsement***	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. All fees are payable in advance and may not be refunded.

Sec. 17. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States.***

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or [the] any state or territory in which the applicant currently holds or has held a certificate as a registered pharmacist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 19. ***1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to conduct a pharmacy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 20. NRS 639.015 is hereby amended to read as follows:

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 ***, 639.134 or section 18 of this act*** and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate ***or certificate by endorsement*** as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 21. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~[An]~~ ***Except as otherwise provided in NRS 639.134 and section 18 of this act, an*** applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 22. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134 ~~[.]~~ ***and section 18 of this act.*** The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 23. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist ..... Actual cost of the examination

For the investigation or registration of an applicant as a registered pharmacist ***, including a certificate by endorsement*** $200

For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity 300

For the investigation or issuance of an original license to conduct a retail pharmacy ***, including a license by endorsement*** 600

For the biennial renewal of a license to conduct a retail pharmacy 500

For the investigation or issuance of an original license to conduct an institutional pharmacy ***, including a license by endorsement*** 600

For the biennial renewal of a license to conduct an institutional pharmacy 500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist ***, including a certificate by endorsement*** 50

For the biennial renewal of registration as a registered pharmacist 200

For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100

For the initial registration of a pharmaceutical technician or pharmaceutical technician in training 50

For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training 50

For the investigation or registration of an intern pharmacist 50

For the biennial renewal of registration as an intern pharmacist 40

For investigation or issuance of an original license to a manufacturer or wholesaler 500

For the biennial renewal of a license for a manufacturer or wholesaler 500

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon..... 100

For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

2. ***If an applicant submits an application for a certificate of registration or license by endorsement pursuant to section 18 or 19 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:***

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

~~[3.]~~ ***4.*** All fees are payable in advance and are not refundable.

~~[4.]~~ ***5.*** The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 24. NRS 639.231 is hereby amended to read as follows:

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in

the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~[Any]~~ ***Except as otherwise provided in section 19 of this act, any*** application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~[Upon]~~ ***Except as otherwise provided in section 19 of this act, upon*** compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

Sec. 25. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as a physical therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a physical therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to subsection 3 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a physical therapist to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 26. NRS 640.080 is hereby amended to read as follows:

640.080 ~~[To]~~ ***Except as otherwise provided in section 25 of this act, to*** be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;

2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and

3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 or 640.140.

Sec. 27. NRS 640.090 is hereby amended to read as follows:

640.090 Unless he or she is entitled to licensure under NRS 640.120 or 640.140, ***or section 25 of this act,*** a person who desires to be licensed as a physical therapist must:

1. Apply to the Board, in writing, on a form furnished by the Board;

2. Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;

3. Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed $300;

4. Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

5. Submit other documentation and proof the Board may require; and

6. Submit all other information required to complete the application.

Sec. 28. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an

occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 29. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~[To]~~ ***Except as otherwise provided in section 28 of this act, to*** be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.

2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➥ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 30. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~[A]~~ ***Except as otherwise provided in section 28 of this act, a*** person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 31. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;

(b) The initial issuance of a license ~~[.]~~ ***, including a license by endorsement;***

(c) The issuance of a temporary license;

(d) The renewal of a license; and

(e) The late renewal of a license.

2. The fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 32. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory

in which the applicant currently holds or has held a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 33. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) ~~[~~Submit~~]~~ ***Except as otherwise provided in section 32 of this act, submit*** to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the

fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~[.]~~ ***and except as otherwise provided in section 32 of this act:***

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. ~~[The]~~ ***Except as otherwise provided in section 32 of this act, the*** Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 34. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. ***1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~***[the]***~~ ***any state or territory in which the applicant currently holds or has held a license as a psychologist or behavior analyst, as applicable; and***

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 36. ***1. The Board may issue a certificate by endorsement as an autism behavior interventionist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an autism behavior interventionist in the District of Columbia or any state or territory of the United States.***

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as an autism behavior interventionist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial certificate; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an autism behavior interventionist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an autism behavior interventionist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as an autism behavior interventionist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 37. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Each]~~ ***Except as otherwise provided in section 35 of this act, each*** application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Within]~~ ***Except as otherwise provided in section 35 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 38. NRS 641.172 is hereby amended to read as follows:

641.172 1. ~~[Each]~~ ***Except as otherwise provided in section 36 of this act, each*** application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. ~~[Within]~~ ***Except as otherwise provided in section 36 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 39. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, ***and section 35 of this act,*** each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

3. The Board may waive the requirement of the national examination for a person who:

(a) Is licensed in another state;

(b) Has at least 10 years' experience; and

(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 40. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement***	25
For the biennial renewal of a license of a psychologist	500
For the biennial renewal of a license of a licensed behavior analyst	400
For the biennial renewal of a license of a licensed assistant behavior analyst	275
For the biennial renewal of a certificate of a certified autism behavior interventionist	175
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license	100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology	300
For the registration of a nonresident to practice as a consultant	100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst or a certificate as a autism

behavior interventionist shall pay the biennial fee for the renewal of a license or certificate, which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

4. ~~[In]~~ ***Except as otherwise provided in subsection 5 and sections 35 and 36 of this act, in*** addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license or certificate by endorsement pursuant to section 35 or 36 of this act, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the issuance of an initial license or certificate.

Sec. 41. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist

or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 42. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;
5. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 43. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 41 of this act,*** each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 44. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~[Each]~~ ***Except as otherwise provided in section 41 of this act, each*** applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 45. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license to engage in social work;

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) Has been continuously and actively engaged in social work for the past 5 years;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 46. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS ***641B.270 and*** 641B.275, ***and section 45 of this act,*** before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 47. NRS 641B.300 is hereby amended to read as follows:

641B.300 ***1.*** The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	$40
Provisional license	75
Initial issuance of a license ***, including a license by endorsement***	100
Annual renewal of a license	150

Restoration of a suspended license or reinstatement of a revoked license 150
Restoration of an expired license 200
Renewal of a delinquent license 100
Reciprocal license without examination 100

2. If an applicant submits an application for a license by endorsement pursuant to section 45 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.

Sec. 48. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 49 to 53, inclusive, of this act.

Sec. 49. ***1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.***

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as a clinical alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
↪ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 50. *1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.*

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a license as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
↪ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the

President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 51. ***1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.***

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 52. ***1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application***

for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as a problem gambling counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 53. *1. Notwithstanding any regulations adopted pursuant to NRS 641C.500, the Board may issue a certificate by endorsement as a detoxification technician to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a detoxification technician in the District of Columbia or any state or territory of the United States.*

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or ~~[the]~~ any state or territory in which the applicant currently holds or has held a certificate as a detoxification technician; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided pursuant to NRS 641C.500;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) Any fee prescribed by the Board pursuant to NRS 641C.500 for the issuance of a certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a detoxification technician pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a detoxification technician to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A certificate by endorsement as a detoxification technician may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 54. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ~~[Each]~~ ***Except as otherwise provided in section 49 of this act, each*** applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. ~~[Each]~~ ***Except as otherwise provided in section 50 or 51 of this act, each*** applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. ~~[Each]~~ ***Except as otherwise provided in section 52 of this act, each*** applicant for a certificate as a problem gambling counselor must pass a written examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 55. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate ***, including a license or certificate by endorsement***	$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate ***, including a license or certificate by endorsement***	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination	150
For an examination	150
For the approval of a course of continuing education	150

2. ***If an applicant submits an application for a license or certificate by endorsement pursuant to section 49, 50, 51, 52 or 53 of this act, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and issuance of an initial license or certificate, as applicable.***

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 56. This act becomes effective upon passage and approval.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 962 to Senate Bill 68 provides that an applicant for licensure by endorsement is not eligible for licensure if he or she has been disciplined in any state or territory in which the applicant currently holds or has previously held a license to practice.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 490.

Bill read third time.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 490, as amended, requires the State Controller to transfer the current balance of $28,061,106 from the Account to Stabilize the Operation of the State Government to the State General Fund for purposes of addressing the Fiscal Year 2015 General Fund shortfall.

Roll call on Senate Bill No. 490:

YEAS—42.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 499.

Bill read third time.

Remarks by Assemblyman Moore.

ASSEMBLYMAN MOORE:

Senate Bill 499 extends the deadlines by which petitions from minor political parties and independent candidates must be filed and shortens the deadlines by which the county clerks must verify the signatures on those petitions. The dates by which challenges to the qualification of a minor party to place names of candidates on the ballot and for challenges to the candidacy of an independent candidate are revised. The bill also provides that the district court in which the challenge is filed must give priority to the proceedings.

Roll call on Senate Bill No. 499:

YEAS—27.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Hickey, Jones, Kirner, Moore, Neal, Nelson, O'Neill, Seaman, Titus, Wheeler—15.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 56.

Bill read third time.

Remarks by Assemblymen Hansen, Elliot Anderson, and Thompson.

ASSEMBLYMAN HANSEN:

Senate Bill 56 adds "estrays" and "livestock" to the list of property to which offensive graffiti can be committed. It also grants the governing body of a city the authority to adopt ordinances pursuant to which officers, employees, or other designees of the city may cover or remove graffiti.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 56. Primarily, I have a problem with section 7 of this bill. It adds to the definition of "graffiti implement" specifically anything that can etch. That is a fairly broad description. It does not describe specific implements that the City of Reno is having problems with. Because of that, this could criminalize something as simple as fingernail clippers if you are in the wrong part of town.

The way the existing law works is you need intent to vandalize, and you have to be in possession of a graffiti implement. That made sense when you were talking about graffiti implements like a spray paint can—what are you doing with a spray paint can walking down the side of the road? That is something you usually keep in your garage. But people could be carrying other types of things. I do not even know how you would be able to distinguish this. It is just creating a mess; it is too broad. We could have either gotten rid of section 7 and voted for the bill or described specific implements that the City of Reno is having problems with. But we were not able to get an amendment, so for that reason, I am a no. This will give the police too much power.

ASSEMBLYMAN THOMPSON:

I rise in opposition to Senate Bill 56. This is a stop-and-frisk type of bill. This will have a disproportionate effect on juveniles and people of color. Instead of trying to penalize our way out of this situation, we really need to analyze it. We need to get to the root of the problem and go on from there. I stand in opposition, and I hope others will follow suit.

Roll call on Senate Bill No. 56:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Edwards, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Stewart, Swank, Thompson—18.

EXCUSED—Trowbridge.

Senate Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:

Senate Bill 348 exempts proceeds paid to the state or a political subdivision of the state for the purpose of providing security for or funding the construction of certain intersection improvement projects from the requirement that certain abandoned property be delivered to the State Treasurer in his or her capacity as Administrator of Unclaimed Property. These provisions apply only to certain intersection improvement project proceeds that are in the control of the state or a political subdivision of the state on or after July 1, 2015.

The bill also enacts an exception to the Uniform Unclaimed Property Act for business-to-business transfers which are limited to credit memoranda, overpayments, credit balances, deposits, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates due or owing from one business association to another business association. The businesses in question must have had an ongoing business relationship within the last three years.

Roll call on Senate Bill No. 348:

YEAS—42.

NAYS—None.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

This bill limits the ability of a provider of an Internet website, online service, or mobile application that is used in public schools, primarily for educational purposes and at the direction of teachers or other educational personnel, to collect or maintain personally identifiable information concerning a student. It also allows students or their parents to review, as well as request correction or deletion of, any personally identifiable information collected by the provider.

Roll call on Senate Bill No. 463:

YEAS—32.

NAYS—Dickman, Dooling, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—10.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblymen Kirkpatrick and Kirner.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 168. I would like to thank the body for adopting the amendment earlier. The one piece that I left out in my remarks about the amendment is that it takes the ending fund balance to 16.6 percent of the General Fund. I hope that, if nothing else, this will further some discussion in a conference committee if it is fortunate enough to get out this way. I urge your support.

ASSEMBLYMAN KIRNER:

I join my colleague in rising in support of Senate Bill 168. I believe we have worked through some issues across the aisle, between unions and non-unions and I think this is a fair deal.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Wheeler.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 304 expressly allows a violation of the existing requirement to wear a seatbelt while riding in a taxicab to be considered as negligence or as causation in any civil action, as negligent or reckless driving, as misuse or abuse of a product, or as causation in any action brought to recover

damages for injury to a person or property resulting from the manufacture, distribution, sale, or use of a product.

Additionally, Senate Bill 304 creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. This bill requires the Subcommittee to consider issues concerning Nevada's existing statutes on violations of traffic laws and laws related to drivers' licenses, motor vehicle registration, motor vehicle insurance, and the treatment of violations as criminal offenses. The Subcommittee must consider the related laws of other states, the elements of systems necessary to treat violations as civil infractions, and the anticipated fiscal effects of those systems.

The bill further requires the Subcommittee to submit its report to the Advisory Commission at least 30 days before the meeting at which the Advisory Commission considers findings and recommendations for proposed legislation for the 2017 Legislative Session.

Roll call on Senate Bill No. 304:

YEAS—34.

NAYS—Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Joiner, Neal, Nelson, Swank—8.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 442 requires a court to remove an arbitrator who fails to disclose to the involved parties any facts a reasonable person would consider likely to affect the arbitrator's impartiality in the proceeding if an award has not yet been made. The bill also prohibits the consolidation of separate arbitration proceedings or other claims unless expressly agreed to by all parties. Arbitral proceedings conducted or administered by a self-regulatory organization as defined under federal law are excluded from the provisions of the bill.

Roll call on Senate Bill No. 442:

YEAS—42.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblymen Elliot Anderson and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYMAN ELLIOT ANDERSON:

Let me be blunt, Mr. Speaker. The hour is late. This floor statement is about two pages, so I do not think anyone wants me to get into the weeds. Instead, I am just going to roll right through it. I can tell you that I am really high on this bill. It was a joint effort among many parties, and I feel there is consensus.

ASSEMBLYMAN OHRENSCHALL:

I want to refer to my earlier disclosure. Due to my wife's employment on behalf of marijuana dispensary associations, pursuant to Rule No. 23, I am disclosing. I do not believe this affects me

or her any differently than others similarly situated; however, out of an abundance of caution, I am disclosing and I will be abstaining on Senate Bill 447.

Roll call on Senate Bill No. 447:
YEAS—35.
NAYS—Dickman, Ellison, Kirner, Moore, Shelton, Titus—6.
NOT VOTING—Ohrenschall.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Senate Bill 458. This is kind of a compromise between Senator Hardy over in the other house and what we put in last session. It basically takes the notification for patients who have dense breast tissue—after they get their mammogram—out of regulation and puts it in statute. The language is a good compromise, and I urge its support.

Roll call on Senate Bill No. 458:
YEAS—42.
NAYS—None.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Bustamante Adams moved that Senate Joint Resolution No. 21 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 481.

Bill read third time.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Senate Bill 481 prohibits a county, incorporated city, or regional transportation commission from creating, maintaining, or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system, or video service provider. The bill does not limit the authority of a county, city, or regional transportation system to require a public utility, public water system, or a video service provider to disclose information relating to the physical location of the facilities of a public utility, public water system, or video service provider to facilitate certain public projects.

The bill also provides that if the real property is located within the service area of the municipal utility, the provision of services by the municipal utility to the property may not be conditioned upon the property owner agreeing to annex the real property to the city.

What this means is, they can ask for a portion, but not the whole thing, to keep it protected from terrorists or other unsavory characters.

Roll call on Senate Bill No. 481:

YEAS—42.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

Remarks by Assemblymen Hickey, Fiore, and Kirkpatrick.

ASSEMBLYMAN HICKEY:

Senate Bill 411 allows the board of trustees of certain school districts to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of one or more taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. If a majority of the voters approve the question, the board of county commissioners is required to adopt an ordinance to impose the approved tax or taxes and the proceeds must be deposited in the fund for capital projects of the school district. The provisions of this bill authorizing the board of trustees of a school district to establish such a committee expire by limitation on April 2, 2016.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 411. They tried to pass this bill last session, Assembly Bill 46, and they left it up to the Washoe County Board of Commissioners. The Board did not act on it, and now they are trying to bypass the county commissioners. This is a violation of the tax pledge, and I strongly urge your no vote on this bill.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 411. Since I have been in this building, this poor issue has been a political football. Politics has gotten in the way of it since the late 1990s, and still we have Washoe schools that will never ever get up to par at this rate. This bill is a compromise among all that allows for an advisory committee.

I will tell you something about northern Nevadans. You all are so conservative, it is ridiculous. I have a hard time believing that anything is going to get passed without the majority of people having a say.

Let us talk about the process. A conservative group of people are going to come together and decide what is reasonable. Then they are going to say to the Washoe County Board of Commissioners, You have to put it on the ballot so it goes to a vote. The people are always going to be part of the process, but the kids are actually going to get a chance for once.

I would hate to see in the late hour of the day that this, again, becomes a political football because folks from the south want to get involved in it. I implore us, as the southerners, to count on what the northerners need and what they can live with. At the end of the day, they have to go back to their constituents, and they have to go back to this super conservative group who are actually going to put together an idea that might work. I hope that we can finally do this after 15 years of trying.

Roll call on Senate Bill No. 411:

YEAS—28.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Fiore, Gardner, Jones, Moore, Nelson, Seaman, Shelton, Titus, Wheeler—14.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Moore moved that Senate Joint Resolution No. 21 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblymen Thompson, Fiore, Gardner, and Dickman.

ASSEMBLYMAN THOMPSON:

Senate Joint Resolution 21 urges Congress to enact comprehensive immigration reform.

This is not just a brown or Latino issue and concern. It is a concern of many diverse backgrounds. It will make families whole, and it will strengthen our economy through taxpayers. I urge everybody to vote in favor of this joint resolution.

ASSEMBLYWOMAN FIORE:

Senate Joint Resolution 21 basically is a warm and fuzzy feel-good resolution used for political benefit for the next election. Since it basically does nothing, I urge my colleagues to support S.J.R. 21.

ASSEMBLYMAN GARDNER:

I am for comprehensive immigration reform. I did not like that resolution, as it seemed to call for immigration that is against our laws. I am fully in agreement with immigration according to our laws, and that is why I had to vote against it.

ASSEMBLYWOMAN DICKMAN:

I want to say ditto to the comments of my friend from the south.

Assemblywomen Benitez-Thompson, Spiegel, and Swank moved the previous question.

The question being the passage of the Senate Joint Resolution No. 21.

Roll call on Senate Joint Resolution No. 21:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Jones, Moore, Seaman, Shelton, Titus, Wheeler—11.

Senate Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that upon concurrence of the Senate, the time by which final action may be taken by the second House has been extended to 6 a.m. of the 111th calendar day of the legislative session.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 68 authorizes certain qualified physicians, osteopaths, podiatrists, and other providers of health care and professionals to obtain a license by endorsement to practice in Nevada if they hold a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; are certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable; and meet certain other requirements. The measure also requires, with limited exceptions, the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a limited license to practice medicine as a resident physician to an applicant who meets certain requirements. This bill is effective upon passage and approval.

I would like to thank the Chair of Commerce and Labor for working so hard with those of us on the committee who have a passion about professional licensure and addressing all of our issues to bring good professionals into our state.

Roll call on Senate Bill No. 68:

YEAS—42.

NAYS—None.

Senate Bill No. 68 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:06 a.m.

ASSEMBLY IN SESSION

At 1:38 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 176, Amendment No. 965, and respectfully requests your honorable body to concur in said amendment.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 167.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 22, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 172.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 22, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

Assemblyman Wheeler moved that Senate Bill No. 340 be taken from the Chief Clerk's desk and be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 340.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 340, if I remember correctly, deals with the disbarment of contractors at the federal level and basically makes the state disbar as well when found out. Good bill. Pass it.

Roll call on Senate Bill No. 340:

YEAS—40.

NAYS—Shelton.

EXCUSED—Thompson.

Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 678.

SUMMARY—Revises provisions relating to ~~[the use of safety belts in taxicabs.]~~ **transportation.** (BDR 43-703)

AN ACT relating to ~~[motor vehicles;]~~ **transportation;** revising provisions relating to the use of safety belts in taxicabs; **providing for the regulation by the Public Utilities Commission of Nevada of transportation network companies; requiring the establishment of fees and annual assessments for a transportation network company; authorizing a transportation network company that holds a valid permit issued by the Commission to make its digital network or software application service available to one or more drivers to receive connections to passengers from the company; establishing requirements concerning the qualifications of, the provision of insurance for and the operation and maintenance of motor vehicles operated by drivers who provide transportation services; prohibiting a local government from imposing on a transportation network company or a driver for such a company any additional tax or fee or requirement as a condition of providing transportation services; providing that a transportation network company or driver who provides transportation**

services pursuant to a valid permit issued by the Commission is not subject to certain provisions of law governing motor carriers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[This]~~ **Section 1 of this** bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

Sections 2-46, 51-53, 55 and 56 of this bill provide for the permitting by the Public Utilities Commission of Nevada of transportation network companies and the regulation by the Commission of the provision of transportation services. Section 18 defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services to passengers. Section 19 defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver through the use of the digital network or software application service of a transportation network company. Section 20 provides that it is the purpose and policy of the Legislature in enacting this bill to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sections 2-13 of this bill establish certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Section 24 of this bill prohibits any person from doing business in this State as a transportation network company unless the person holds a valid permit issued by the Commission pursuant to the provisions of this bill. Section 25 of this bill provides for the submission to the Commission of an application for a permit. Section 26 of this bill requires the Commission to issue a permit to an applicant upon a determination by the Commission that the applicant meets all the applicable requirements for the issuance of the permit. Section 26 of this bill further provides that a permit issued by the Commission authorizes a transportation network company to: (1) connect passengers to a driver who can provide transportation services through the use of a digital network or software application service; and (2) make its digital network or software application service available to

one or more drivers to receive connections from the company. Additionally, section 26 of this bill provides that a permit issued by the Commission does not authorize a transportation network company to engage in any activity regulated pursuant to chapter 706 of NRS, relating to motor carriers. Section 27 of this bill requires the Commission to establish a fee for the issuance of a permit to operate a transportation network company. Section 27 of this bill also requires the payment of an annual assessment by each transportation network company in this State beginning in the year after the company receives a permit. Section 28 of this bill requires the Commission to collect from a company an excise tax on the use of a digital network or software application service to connect a passenger to a driver at the rate of 3 percent of the total fare charged for transportation services for deposit with the State Treasurer. Sections 51 and 52 of this bill impose a similar excise tax on the connection made by a common motor carrier or certificate holder, respectively, of a passenger to a person or operator or taxicab, respectively. Section 53 of this bill requires the State Treasurer to credit the first $5,000,000 of the combined amount of such excise taxes collected in each biennium to the State Highway Fund and to credit the remainder to the State General Fund.

Section 30 of this bill authorizes a transportation network company to enter into agreements with one or more drivers to receive connections to potential passengers from the company. Section 30 also establishes the minimum qualifications for drivers and requires a transportation network company to conduct an investigation of the background of each driver, which must include a criminal background check, a search of a database containing information from the sex offender website maintained by each state and a review of the complete driving history of the driver. Further, section 30 sets forth the conditions for which a transportation network company must terminate an agreement with a driver.

Section 31 of this bill: (1) provides that a transportation network company may, on behalf of a driver, charge a fare for the provision of transportation services by the driver; and (2) places certain requirements on the company concerning the fares and the information which must be provided to passengers concerning the amount and the calculation of fares.

Section 32 of this bill: (1) prohibits a transportation network company from allowing any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws governing the operation and maintenance of a motor vehicle to be connected to potential passengers; and (2) requires annual inspections of each motor vehicle operated by a driver.

Section 33 of this bill prohibits discrimination on account of national origin, religion, age, disability, sex, race, color, sexual orientation or

gender identity or expression by a transportation network company or driver. Section 34 of this bill requires a transportation network company to provide to passengers certain information relating to the identification of a driver. Section 35 of this bill requires a transportation network company to provide an electronic receipt to each passenger. Section 36 of this bill imposes on transportation network companies certain recordkeeping requirements. Section 37 of this bill imposes on transportation network companies certain reporting requirements.

Section 38 of this bill establishes certain requirements relating to the provision of transportation services by a driver. Section 38 also prohibits a driver from soliciting passengers or providing transportation services except to persons who have arranged for such transportation services through the digital network or software application service of a transportation network company. Section 39 of this bill prohibits a driver from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period when the driver is providing transportation services or is logged into the digital network or software application service of a transportation network company. With certain exceptions, section 40 of this bill prohibits a transportation network company from releasing the personally identifying information of passengers.

Section 41 of this bill provides for the investigation of complaints against a transportation network company or driver. Section 42 of this bill: (1) authorizes the Commission to impose certain penalties for any violation of the provisions of this bill by a transportation network company or driver; and (2) provides that a person who violates any provision of this bill is not subject to a criminal penalty.

Section 43 of this bill provides that this bill does not exempt any person from any other laws governing the operation of a motor vehicle upon the highways of this State, except that a transportation network company or a driver who provides transportation services within the scope of a permit issued by the Commission is not subject to the provisions of existing law governing motor carriers or public utilities.

Section 44 of this bill prohibits a local government from: (1) imposing any tax or fee on a transportation network company, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver; (2) requiring a transportation network company or driver to obtain from the local government any certificate, license or permit to provide transportation services; or (3) imposing any other requirement on the operation of a motor vehicle by a transportation network company or driver which is not of general applicability. Section 44 does not prohibit a local government from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to

any other business that operates within the jurisdiction of the local government. Section 44 does not prohibit an airport from requiring a transportation network company or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport or comply with any other requirement to operate at the airport. Section 44 also states that this bill does not exempt any person from the requirement to obtain a state business license.

Section 45 of this bill requires each transportation network company to provide the Commission with reports at certain times containing certain information about damages resulting from accidents involving drivers who are providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. Section 45 also requires the Commission to collect these reports, determine whether the limits of coverage required pursuant to section 10 are sufficient and report to the Legislative Commission or Director of the Legislative Counsel Bureau.

Section 55 of this bill requires the Commission to: (1) investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of section 30 of this bill and those performed by submitting the fingerprints of a person to the Central Repository for Nevada Records of Criminal History to be forwarded to the Federal Bureau of Investigation for its report; and (2) report the results of the investigation to the Legislative Commission.

Section 56 of this bill provides that: (1) a transportation network company may commence operations within this state immediately upon being issued a permit; and (2) any regulation adopted by the Commission pursuant to this bill on or before July 1, 2017, shall not be effective for at least 30 days after filing with the Secretary of State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484D.500 is hereby amended to read as follows:

484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions

of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~[not]~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~[not]~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

Sec. 2. **Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 13, inclusive, of this act.**

Sec. 3. ***As used in sections 3 to 13, inclusive, of this act, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Driver" has the meaning ascribed to it in section 17 of this act.***

Sec. 5. ***"Transportation network company" has the meaning ascribed to it in section 18 of this act.***

Sec. 6. ***"Transportation network company insurance" means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver pursuant to sections 3 to 13, inclusive, of this act.***

Sec. 7. ***"Transportation services" has the meaning ascribed to it in section 19 of this act.***

Sec. 8. ***The provisions of sections 3 to 13, inclusive, of this act do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS.***

Sec. 9. ***Before allowing a natural person to be connected to a potential passenger using the digital network or software application service of a transportation network company to provide transportation services as a driver, a transportation network company shall, in writing:***

1. Disclose the insurance coverage and limits of liability that the transportation network company provides for a driver while the driver is providing transportation services; and

2. Notify the person that:

(a) His or her insurance for the operation of a motor vehicle required pursuant to NRS 485.185 may not provide coverage for the use of a motor vehicle to provide transportation services.

(b) If comprehensive or collision coverage was purchased in addition to such insurance, the comprehensive or collision coverage may not apply to any damage which results from the use of the motor vehicle while a driver is providing transportation services or logged into the digital network or

software application service of a transportation network company and available to receive requests for transportation services.

3. Disclose to the person that, if there is a lien against a vehicle used by a driver to provide transportation services, the driver must notify the lienholder that the vehicle is being used to provide transportation services.

4. Disclose to the person that the use of a vehicle to provide transportation services may violate the contract between a driver and a lienholder.

Sec. 10. 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than $1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident that occurs while the driver is providing transportation services;

(b) In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance

company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 11. 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver for any claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network

company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver for a claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver,

➥ has the right of contribution against other insurers who provide coverage to the driver to satisfy the coverage required by section 10 of this act at the time of the loss.

Sec. 12. In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company and driver, and each insurer providing transportation network company insurance to a transportation network company or driver, who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident involving a driver.

2. The dates and times that the driver involved in an accident logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

3. The dates and times that the driver involved in an accident logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 13. 1. A driver shall carry proof of coverage under a policy of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. A driver shall provide proof of coverage under a policy of transportation network company insurance and disclose whether he or she was logged into the digital network or software application service of the transportation network company, available to receive requests for

transportation services or providing transportation services at the time of an accident upon request to a law enforcement officer and to any party with whom the driver is involved in an accident.

Sec. 14. **Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 15 to 46, inclusive, of this act.**

Sec. 15. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 16 to 19, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 16. "Commission" means the Public Utilities Commission of Nevada.

Sec. 17. "Driver" means a natural person who:

1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

Sec. 18. "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.

Sec. 19. "Transportation services" means the transportation by a driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver.

Sec. 20. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sec. 21. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A person who provides a digital network or software application service to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the digital network or software application service.

Sec. 22. ***Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services to be a commercial motor vehicle.***

Sec. 23. ***Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.***

Sec. 24. ***1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Commission pursuant to this chapter.***

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Commission pursuant to this chapter.

Sec. 25. ***A person who desires to operate a transportation network company in this State must submit to the Commission an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the Commission, must be accompanied by the fee required by section 27 of this act and must include such information as reasonably required by the Commission by regulation.***

Sec. 26. ***1. Upon receipt of a completed application and payment of the required fee and upon a determination by the Commission that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Commission shall issue to the applicant within 120 days a permit to operate a transportation network company in this State.***

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by sections 15 to 46, inclusive, of this act.

Sec. 27. ***1. The Commission shall charge and collect a fee in an amount established by the Commission by regulation from each applicant for a permit to operate a transportation network company in this State. The fee required by this subsection is not refundable. The Commission shall not issue a permit to operate a transportation network company in this State unless the applicant has paid the fee required by this subsection.***

2. For each year after the year in which the Commission issues a permit to a transportation network company, the Commission shall levy and collect an annual assessment from the transportation network company at a rate determined by the Commission based on the gross operating revenue derived from the intrastate operations of the transportation network company in this State.

3. The annual assessment levied and collected by the Commission pursuant to subsection 2 must be used by the Commission for the regulation of transportation network companies.

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Commission shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the Commission pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 29. A transportation network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 30. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(6) Any other information required by the company or any regulations adopted by the Commission pursuant to section 46 of this act.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation

of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license, motor vehicle registration or automobile liability insurance information within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

Sec. 31. 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Commission pursuant to this chapter may, on behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability.

6. The Commission may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 32. 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services to ensure that the vehicle complies with the provisions of subsection 1 and any regulations adopted by the Commission before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

Sec. 33. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 34. For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 35. A transportation network company which connected a passenger to a driver shall, within a reasonable period following the provision of transportation services by the driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 36. 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Commission and the Regulatory Operations Staff of the Commission upon request to investigate complaints, promote public safety and ensure compliance with the provisions of this chapter.

Sec. 37. 1. Each transportation network company shall:

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Commission upon request; and

(b) On or before May 15 of each year, provide an annual report to the Commission regarding all business conducted by the company in this State during the preceding calendar year.

2. The Commission shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Commission determines that a transportation network company has failed to include information in its accounts or report required pursuant to subsection 1, the Commission shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the transportation network company under oath.

Sec. 38. 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Commission that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 39. ***1. A driver is prohibited from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period in which the driver is providing transportation services on behalf of the transportation network company and any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not providing transportation services.***

2. Each transportation network company shall:

(a) Provide notice of the provisions of subsection 1:

(1) On an Internet website maintained by the company; or

(2) Within the digital network or software application service of the company; and

(b) Provide for the submission to the company of a complaint by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1.

3. Upon receipt of a complaint submitted by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1, a transportation network company shall immediately suspend the access of the driver to the digital network or software application service of the company and conduct an investigation of the complaint. The company shall not allow the driver to access the digital network or software application service of the company or provide transportation services in affiliation with the company until after the investigation is concluded.

4. If a transportation network company determines, pursuant to an investigation conducted pursuant to subsection 3, that a driver has violated the provisions of subsection 1, the company shall terminate the agreement entered into with the driver and shall not allow the driver to access the digital network or software application service of the company.

5. Each transportation network company shall maintain a record of each complaint described in subsection 3 and received by the company for a period of not less than 3 years after the date on which the complaint is received. The record must include, without limitation, the name of the driver, the date on which the complaint was received, a summary of the investigation conducted by the company and the results of the investigation.

Sec. 40. ***1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:***

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver and the passenger.

Sec. 41. 1. Each transportation network company shall:

(a) Provide notice of the contact information of the Division of Consumer Complaint Resolution of the Commission on an Internet website maintained by the company or within the digital network or software application service of the company; and

(b) Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

2. The Division of Consumer Complaint Resolution of the Commission shall accept, promptly investigate and attempt to resolve each complaint submitted to the Division by a person who alleges that a transportation network company or driver has violated the provisions of this chapter.

3. The Commission shall adopt regulations to establish procedures for investigating a complaint, holding a hearing and imposing disciplinary action, including, without limitation, the imposition of the penalties described in section 42 of this act, for a violation of this chapter.

Sec. 42. 1. If the Commission determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Commission may, depending on whether the violation was committed by the company, the driver, or both:

(a) Suspend or revoke the permit issued to the transportation network company;

(b) Impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;

(c) Prohibit a person from operating as a driver; or

(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Commission shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Commission determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of sections 15 to 46, inclusive, of this act is not subject to any criminal penalty for such a violation.

Sec. 43. ***1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.***

2. A transportation network company which holds a valid permit issued by the Commission pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 706 of NRS; and

(b) The provisions of chapter 704 relating to public utilities,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 44. ***1. Except as otherwise provided in subsection 2, a local governmental entity shall not:***

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Commission pursuant to this chapter, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Commission pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS.

Sec. 45. ***1. Each transportation network company shall provide to the Commission reports containing information relating to motor vehicle***

accidents involving drivers affiliated with the company which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all accidents that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all accidents that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle accidents which occurred in this state involving such a driver;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such an accident; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such an accident.

3. The Commission shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 10 of this act are sufficient. The Commission shall submit a report stating whether the limits of coverage required pursuant to section 10 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Commission pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 46. The Commission shall adopt such regulations as are necessary to carry out the provisions of this chapter.

Sec. 47. **NRS 703.150 is hereby amended to read as follows:**

703.150 The Commission shall supervise and regulate the operation and maintenance of public utilities and other persons named and defined in chapters 704, 704A and 708 of NRS ***and sections 15 to 46, inclusive, of this act*** pursuant to the provisions of those chapters.

Sec. 48. **NRS 703.164 is hereby amended to read as follows:**

703.164 1. The Commission may employ, or retain on a contract basis, legal counsel who shall:

(a) Except as otherwise provided in subsection 2, be counsel and attorney for the Commission in all actions, proceedings and hearings.

(b) Prosecute in the name of the Commission all civil actions for the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS ***and sections 15 to 46, inclusive, of this act*** and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Commission in the performance of its duties and the enforcement of NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705 and 708 of NRS ~~[.]~~ ***and sections 15 to 46, inclusive, of this act.***

2. Each district attorney shall:

(a) Prosecute any violation of chapter 704, 704A, 705, 708 or 711 of NRS for which a criminal penalty is provided and which occurs in the district attorney's county.

(b) Aid in any investigation, prosecution, hearing or trial held under the provisions of chapter 704, 704A, 705, 708 or 711 of NRS and, at the request of the Commission or its legal counsel, act as counsel and attorney for the Commission.

3. The Attorney General shall, if the district attorney fails or refuses to do so, prosecute all violations of the laws of this state by public utilities under the jurisdiction of the Commission and their officers, agents and employees.

4. The Attorney General is not precluded from appearing in or moving to intervene in any action and representing the interest of the State of Nevada in any action in which the Commission is a party and is represented by independent counsel.

Sec. 49. **NRS 703.380 is hereby amended to read as follows:**

703.380 1. Unless another administrative fine is specifically provided, a person, including, without limitation, a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission, or any officer, agent or employee of a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission who:

(a) Violates any applicable provision of this chapter or chapter 704, 704B, 705 or 708 of NRS, ***or sections 15 to 46, inclusive, of this act,*** including, without limitation, the failure to pay any applicable tax, fee or assessment;

(b) Violates any rule or regulation of the Commission; or

(c) Fails, neglects or refuses to obey any order of the Commission or any order of a court requiring compliance with an order of the Commission,

➥ is liable for an administrative fine, to be assessed by the Commission after notice and the opportunity for a hearing, in an amount not to exceed $1,000 per day for each day of the violation and not to exceed $100,000 for any related series of violations.

2. In determining the amount of the administrative fine, the Commission shall consider the appropriateness of the fine to the size of the business of the

person charged, the gravity of the violation, the good faith of the person charged in attempting to achieve compliance after notification of a violation and any repeated violations committed by the person charged.

3. An administrative fine assessed pursuant to this section is not a cost of service of a public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

4. All money collected by the Commission as an administrative fine pursuant to this section must be deposited in the State General Fund.

5. The Commission may bring an appropriate action in its own name for the collection of any administrative fine that is assessed pursuant to this section. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this subsection.

6. The administrative fine prescribed by this section is in addition to any other remedies, other than a monetary fine, provided by law, including, without limitation, the authority of the Commission to revoke a certificate of public convenience and necessity, license or permit pursuant to NRS 703.377.

Sec. 50. **Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 51, 52 and 53 of this act.**

Sec. 51. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a common motor carrier of a passenger to a person or operator willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Authority shall charge and collect from each common motor carrier of passengers the excise tax imposed by this subsection.

2. The provisions of subsection 1 do not apply to an airport transfer service.

3. The excise tax collected by the Authority pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.

Sec. 52. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a certificate holder of a passenger to a taxicab willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees,

surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The Taxicab Authority shall charge and collect from each certificate holder the excise tax imposed by this subsection.

2. The excise tax collected by the Taxicab Authority pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 53. ***The State Treasurer shall deposit any money the State Treasurer receives from the Public Utilities Commission of Nevada pursuant to section 28 of this act, the Authority pursuant to section 51 of this act and the Taxicab Authority pursuant to section 52 of this act:***

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 54. **NRS 706.881 is hereby amended to read as follows:**

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, ***and section 52 of this act*** apply to any county:

(a) Whose population is 700,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 55. **1. The Public Utilities Commission of Nevada shall investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of subsection 2 of section 30 of this act and background checks performed by submitting the fingerprints of a person by the Central Repository for Nevada Records of Criminal History to the Federal Bureau of Investigation for its report.**

2. The Public Utilities Commission of Nevada shall, on or before the date 6 months after the effective date of this section, report the results of its investigation to the Legislative Commission.

Sec. 56. **1. Notwithstanding any regulation adopted by the Public Utilities Commission of Nevada pursuant to sections 15 to 46, inclusive, of this act, a transportation network company, as defined in section 18 of this act, which is issued a permit by the Public Utilities Commission of Nevada pursuant to section 26 of this act on or before July 1, 2017, may commence operations in this State immediately upon being issued a permit.**

2. Notwithstanding the effective date of any regulation adopted by the Public Utilities Commission of Nevada pursuant to sections 15 to 46, inclusive, of this act on or before July 1, 2017, a transportation network company must not be required to comply with the provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.

Sec. 57. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 58. **1. This section and sections 2 to 50, inclusive, and 53 to 57, inclusive, of this act become effective upon passage and approval.**

2. Sections 51 and 52 of this act become effective on the 90th day after the effective date described in subsection 1.

3. Section 1 of this act becomes effective on October 1, 2015.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 678 to Assembly Bill No. 175.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 175 provides for the permitting and regulation by the Public Utilities Commission of Nevada [PUCN] of transportation network companies [TNCs], which are entities that use digital network or software application services to connect passengers and drivers who can provide transportation services to those passengers. This measure establishes the minimum requirements for TNC drivers, requires a TNC to perform a background check of each driver, requires a TNC to provide certain notices and disclosures relating to insurance coverage before a person may become a driver, establishes insurance requirements for the operation and maintenance of motor vehicles operated by the TNC drivers, and requires the TNC to report certain information about accidents involving its drivers.

The measure requires the PUCN to collect certain information related to the sufficiency of insurance coverage limits and background check requirements and report that information to the Legislature. The measure does not exempt any person from a requirement to obtain a state business license.

In addition, the bill does not prohibit an airport from requiring that a TNC or driver obtain a permit or certification to operate at the airport, pay a fee at the airport, or comply with any other requirements to operate at the airport. The TNC or driver who provides transportation services within the scope of a permit issued by the PUCN is not subject to the provisions of existing law governing motor carriers or public utilities.

Assembly Bill 175 also creates an excise tax of 3 percent of the total fare charged when a TNC connects a passenger and driver on the connection of a passenger and on a common motor carrier taxiway. The first $5 million of revenue raised in each biennium is directed to the State Highway Fund. The remainder is directed to the State General Fund. The bill allows the TNC to begin operating in Nevada immediately upon receipt of a permit from the PUCN, and any regulation adopted on or before July 1, 2017, shall not be effective for at least 30 days after filing.

Motion carried by a constitutional two-thirds majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 965.

ASSEMBLYMEN ARMSTRONG, **PAUL ANDERSON**, SILBERKRAUS, EDWARDS; DICKMAN, ELLISON, ~~[FLORES,]~~ KIRNER, OSCARSON AND TITUS

SUMMARY— ~~[Requires the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program.]~~ **Revises various provisions relating to transportation.** (BDR 22-649)

AN ACT relating to transportation; requiring the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program; setting forth the requirements of the Program; requiring the commission in those counties to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; **revising provisions relating to casualty insurance for certain uses of motor vehicles; providing for the regulation of transportation network companies by the Nevada Transportation Authority; establishing requirements concerning drivers and motor vehicles operated by drivers who provide transportation services; prohibiting a local government from imposing any additional tax, fee or requirement for providing transportation services; exempting a transportation network company or driver who provides transportation services from certain provisions of law governing motor carriers; transferring responsibility for certain fees, assessments and excise taxes from the Public Utilities Commission of Nevada to the Authority; requiring an investigation and comparison of certain types of background checks; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill: (1) requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this State; (2) requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to disseminate information about the Program to the public and to public safety agencies; (3) authorizes that commission to obtain grants or sponsorships for the Program; and (4) provides that first responders are immune from civil liability for damages as a result of any act or omission taken by the first responder relating to a collision or other emergency in connection with the Program.

Sections 3-46 of this bill provide for the permitting by the Nevada Transportation Authority of transportation network companies and the regulation by the Authority of the provision of transportation services. Section 19 of this bill defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services to passengers. Section 20 of this bill defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver

through the use of the digital network or software application service of a transportation network company. Section 21 of this bill provides that it is the purpose and policy of the Legislature in enacting this bill to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sections 4-14 of this bill establish certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Section 25 of this bill prohibits any person from doing business in this State as a transportation network company unless the person holds a valid permit issued by the Authority pursuant to the provisions of sections 4-14 and 16-46 of this bill. Section 25 also: (1) empowers the Authority to regulate, pursuant to the provisions of this bill, all transportation network companies and drivers who operate or wish to operate within this State; and (2) prohibits the Authority from applying any provision of chapter 706 of NRS, relating to motor carriers, to a transportation network company or driver who operates within the provisions of sections 4-14 and 16-46 of this bill. Section 26 of this bill provides for the submission to the Authority of an application for a permit. Section 27 of this bill requires the Authority to issue a permit to an applicant upon a determination by the Authority that the applicant meets all the applicable requirements for the issuance of the permit. Section 27 of this bill further provides that a permit issued by the Authority authorizes a transportation network company to: (1) connect passengers to a driver who can provide transportation services through the use of a digital network or software application service; and (2) make its digital network or software application service available to one or more drivers to receive connections from the company. Section 27 of this bill provides that a permit issued by the Authority does not authorize a transportation network company to engage in any activity regulated pursuant to chapter 706 of NRS, relating to motor carriers. Additionally, section 27 provides that a person who is regulated pursuant to chapter 706 of NRS may be issued a permit to operate a transportation network company if the person meets the requirements for the issuance of a permit.

Section 29 of this bill authorizes a transportation network company to enter into agreements with one or more drivers to receive connections to potential passengers from the company. Section 29 also establishes the minimum qualifications for drivers and requires a transportation network company to conduct an investigation of the background of each driver, which must include a criminal background check, a search of a database containing information from the sex offender website maintained by each state and a review of the complete driving history of the driver. Further, section 29 sets forth the conditions for which a

transportation network company must terminate an agreement with a driver.

Section 30 of this bill: (1) provides that a transportation network company may, on behalf of a driver, charge a fare for the provision of transportation services by the driver; and (2) places certain requirements on the company concerning the fares and the information which must be provided to passengers concerning the amount and the calculation of fares.

Section 31 of this bill: (1) prohibits a transportation network company from allowing any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws governing the operation and maintenance of a motor vehicle to be connected to potential passengers; and (2) requires annual inspections of each motor vehicle operated by a driver.

Section 32 of this bill prohibits discrimination on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression by a transportation network company or driver. Section 33 of this bill requires a transportation network company to provide to passengers certain information relating to the identification of a driver. Section 34 of this bill requires a transportation network company to provide an electronic receipt to each passenger. Section 35 of this bill allows a transportation network company to enter into certain contracts with the Department of Health and Human Services. Section 36 of this bill imposes on transportation network companies certain recordkeeping requirements. Section 37 of this bill imposes on transportation network companies certain reporting requirements.

Section 38 of this bill establishes certain requirements relating to the provision of transportation services by a driver. Section 38 also prohibits a driver from soliciting passengers or providing transportation services except to persons who have arranged for such transportation services through the digital network or software application service of a transportation network company. Section 39 of this bill prohibits a driver from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period when the driver is providing transportation services or is logged into the digital network or software application service of a transportation network company. With certain exceptions, section 40 of this bill prohibits a transportation network company from releasing the personally identifiable information of passengers.

Section 41 of this bill provides for the investigation of complaints against a transportation network company or driver. Section 42 of this bill: (1) authorizes the Authority to impose certain penalties for any violation of the provisions of sections 4-14 and 16-46 of this bill by a transportation network company or driver; and (2) provides that a person

who violates any provision of sections 4-14 and 16-46 of this bill is not subject to a criminal penalty.

Section 43 of this bill provides that this bill does not exempt any person from any other laws governing the operation of a motor vehicle upon the highways of this State, except that a transportation network company or a driver who provides transportation services within the scope of a permit issued by the Authority is not subject to the provisions of existing law governing motor carriers or public utilities.

Section 44 of this bill prohibits a local government from: (1) imposing any tax or fee on a transportation network company, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver; (2) requiring a transportation network company or driver to obtain from the local government any certificate, license or permit to provide transportation services; or (3) imposing any other requirement on the operation of a motor vehicle by a transportation network company or driver which is not of general applicability. Section 44 does not prohibit a local government from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government. Section 44 does not prohibit an airport from requiring a transportation network company or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport or comply with any other requirement to operate at the airport. Section 44 also states that sections 4-14 and 16-46 of this bill do not exempt any person from the requirement to obtain a state business license and requires a transportation network company to notify each driver of the requirement.

Section 45 of this bill requires each transportation network company to provide the Authority with reports at certain times containing certain information about damages resulting from accidents involving drivers who are providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. Section 45 also requires the Authority to collect these reports, determine whether the limits of coverage required pursuant to section 11 of this bill are sufficient and report to the Legislative Commission or Director of the Legislative Counsel Bureau.

Sections 47-53 and 58 of this bill revise the provisions of Assembly Bill No. 175 of this session to make the Authority, rather than the Public Utilities Commission of Nevada, responsible for carrying out the provisions of that bill relating to fees, assessments and excise taxes for transportation network companies.

Section 54 of this bill provides that: (1) a transportation network company may commence operations within this State immediately upon being issued a permit; (2) any regulation adopted by the Authority pursuant to sections 4-14 and 16-46 of this bill on or before July 1, 2017, shall not be effective for at least 30 days after filing with the Secretary of State; (3) the Authority must begin to accept applications for permits within 30 days after the effective date of section 26 of this bill; and (4) the Authority shall not issue a permit until July 1, 2015.

Section 55 of this bill requires the Nevada Transportation Authority to investigate and compare specific types of background checks to determine the efficacy, efficiency and effect on public safety and report the results of its investigation to the Legislative Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 700,000 or more, the commission shall establish and administer the Nevada Yellow Dot Program for the purpose of improving traffic safety.

2. The commission specified in subsection 1 shall coordinate with each commission in this State regarding the design, implementation and funding of the Program.

3. The Program must:

(a) Be available to any person in this State who wishes to participate in the Program by obtaining the materials described in paragraphs (b) and (c):

(1) At the main office or any branch office of each commission in this State;

(2) At the main office or any branch office of the Nevada Highway Patrol, the Department of Transportation or other location designated by the commission in a county whose population is 700,000 or more; or

(3) By mail, upon request.

(b) Provide to a participant a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment of the vehicle if the occupant is involved in a collision or other emergency.

(c) Provide to a participant a brightly colored and distinctively marked envelope and information card to be completed by the participant and kept in the glove box of a vehicle upon which the decal described in paragraph (b) has been affixed. The information card must include, without limitation, spaces for the participant to include:

(1) The participant's name;

(2) A recent photograph of the participant;

(3) Emergency contact information;

(4) Any allergies or medical conditions of the participant;

(5) The name and contact information of the participant's physician and a preferred hospital, if any; and

(6) Information, if any, regarding the participant's health insurance.

4. In designing materials for the Program, the commission in a county whose population is 700,000 or more shall consider any materials used by similar programs in other states to ensure, to the extent practicable, uniformity with those materials.

5. In a county whose population is 700,000 or more, the commission shall establish and carry out a public information campaign to raise public awareness of the Program. In carrying out that campaign, that commission shall disseminate information concerning the Program to public safety agencies in this State.

6. In a county whose population is 700,000 or more, the commission may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program, including, without limitation, any private or corporate sponsorship for the Program.

7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a collision or other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.

8. As used in this section, "first responder" means any police, fire or emergency medical personnel acting in the normal course of duty.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,

250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 ***and section 36 of this act*** and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the

records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. **Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.**

Sec. 4. ***As used in sections 4 to 14, inclusive, of this act, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Driver" has the meaning ascribed to it in section 18 of this act.***

Sec. 6. ***"Transportation network company" has the meaning ascribed to it in section 19 of this act.***

Sec. 7. ***"Transportation network company insurance" means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver pursuant to sections 4 to 14, inclusive, of this act.***

Sec. 8. ***"Transportation services" has the meaning ascribed to it in section 20 of this act.***

Sec. 9. ***The provisions of sections 4 to 14, inclusive, of this act do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS unless the person holds a permit issued pursuant to section 27 of this act.***

Sec. 10. ***Before allowing a natural person to be connected to a potential passenger using the digital network or software application service of a transportation network company to provide transportation services as a driver, a transportation network company shall, in writing:***

1. Disclose the insurance coverage and limits of liability that the transportation network company provides for a driver while the driver is providing transportation services.

2. Notify the person that:

(a) His or her insurance for the operation of a motor vehicle required pursuant to NRS 485.185 may not provide coverage for the use of a motor vehicle to provide transportation services.

(b) If comprehensive or collision coverage was purchased in addition to such insurance, the comprehensive or collision coverage may not apply to any damage which results from the use of the motor vehicle while a driver is providing transportation services or logged into the digital network or software application service of a transportation network company and available to receive requests for transportation services.

3. Disclose to the person that, if there is a lien against a vehicle used by a driver to provide transportation services, the driver must notify the lienholder that the vehicle is being used to provide transportation services.

4. Disclose to the person that the use of a vehicle to provide transportation services may violate the contract between a driver and a lienholder.

Sec. 11. 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than $1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident that occurs while the driver is providing transportation services;

(b) In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation

network company and available to receive requests for transportation services but is not otherwise providing transportation services,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 12. 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver for any claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver for a claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver,

➥ has the right of contribution against other insurers who provide coverage to the driver to satisfy the coverage required by section 11 of this act at the time of the loss.

Sec. 13. In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company and driver, and each insurer providing transportation network company insurance to a transportation network company or driver, who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident involving a driver.

2. The dates and times that the driver involved in an accident logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

3. The dates and times that the driver involved in an accident logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 14. 1. A driver shall carry proof of coverage under a policy of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. A driver shall provide proof of coverage under a policy of transportation network company insurance and disclose whether he or she was logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services at the time of an accident upon request to a law enforcement officer and to any party with whom the driver is involved in an accident.

Sec. 15. **Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 16 to 46, inclusive, of this act.**

Sec. 16. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 17. "Authority" means the Nevada Transportation Authority.

Sec. 18. "Driver" means a natural person who:

1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

Sec. 19. "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.

Sec. 20. "Transportation services" means the transportation by a driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver.

Sec. 21. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-

effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sec. 22. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A person who provides a digital network or software application service to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the digital network or software application service.

Sec. 23. Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services to be a commercial motor vehicle.

Sec. 24. Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.

Sec. 25. 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. The Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 26. A person who desires to operate a transportation network company in this State must submit to the Authority an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the Authority and must include such information as the Authority, by regulation, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.

Sec. 27. 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 26 of this act and meets the requirements for the issuance of a permit.

Sec. 28. A transportation network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 29. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less

than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

Sec. 30. 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 31. 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear

view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

Sec. 32. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 33. For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 34. A transportation network company which connected a passenger to a driver shall, within a reasonable period following the provision of transportation services by the driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 35. A transportation network company may enter into a contract with any agency of the Department of Health and Human Services to provide assistance in transportation pursuant to the programs administered by the agency.

Sec. 36. 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

Sec. 37. 1. Each transportation network company shall:

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Authority upon request;

(b) On or before May 15 of each year, provide an annual report to the Authority regarding all business conducted by the company in this State during the preceding calendar year; and

(c) Provide the information determined by the Authority to be necessary to verify the collection of money owed to the State.

2. The Authority shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Authority determines that a transportation network company has failed to include information in its accounts or report required pursuant to subsection 1, the Authority shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the transportation network company under oath.

Sec. 38. 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Authority that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 39. 1. A driver is prohibited from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period in which the driver is providing transportation services on behalf of the transportation network company and any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not providing transportation services.

2. Each transportation network company shall:

(a) Provide notice of the provisions of subsection 1:

(1) On an Internet website maintained by the company; or

(2) Within the digital network or software application service of the company; and

(b) Provide for the submission to the company of a complaint by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1.

3. Upon receipt of a complaint submitted by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1, a transportation network company shall immediately suspend the access of the driver to the digital network or software application service of the company and conduct an investigation of the complaint. The company shall not allow the driver to access the digital network or software application service of the company or provide transportation services in affiliation with the company until after the investigation is concluded.

4. If a transportation network company determines, pursuant to an investigation conducted pursuant to subsection 3, that a driver has violated the provisions of subsection 1, the company shall terminate the agreement entered into with the driver and shall not allow the driver to access the digital network or software application service of the company.

5. Each transportation network company shall maintain a record of each complaint described in subsection 3 and received by the company for a period of not less than 3 years after the date on which the complaint is received. The record must include, without limitation, the name of the driver, the date on which the complaint was received, a summary of the investigation conducted by the company and the results of the investigation.

Sec. 40. 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver and the passenger.

Sec. 41. Each transportation network company shall:

1. Provide notice of the contact information of the Authority on an Internet website maintained by the company or within the digital network or software application service of the company; and

2. Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

Sec. 42. 1. If the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:

(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;

(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;

(c) Prohibit a person from operating as a driver; or

(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 43. 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an

agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 relating to public utilities; and

(b) The provisions of chapter 706 of NRS,

↳ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 44. 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 45. 1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle accidents involving drivers affiliated with the company which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available

to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all accidents that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all accidents that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle accidents which occurred in this State involving such a driver;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such an accident; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such an accident.

3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 11 of this act are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to section 11 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 46. ***The Authority shall adopt such regulations as are necessary to carry out the provisions of this chapter.***

Sec. 47. **Section 14 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 14. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 15 to ~~[46,]~~ ***28,*** inclusive, of this act.

Sec. 48. **Section 25 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 25. A person who desires to operate a transportation network company in this State must submit to the ~~[Commission]~~ ***Authority*** an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the

~~[Commission,]~~ ***Authority,*** must be accompanied by the fee required by section 27 of this act and must include such information as ~~[reasonably required by]~~ the ~~[Commission]~~ ***Authority,*** by regulation ~~[.]~~ ***, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.***

Sec. 49. **Section 26 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 26. 1. Upon receipt of a completed application and payment of the required fee and upon a determination by the ~~[Commission]~~ ***Authority*** that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the ~~[Commission]~~ ***Authority*** shall issue to the applicant within ~~[120]~~ ***30*** days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by ~~[sections 15 to 46, inclusive, of]~~ this ~~[act.]~~ ***chapter.***

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 25 of this act and meets the requirements for the issuance of a permit.

Sec. 50. **Section 27 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 27. 1. The ~~[Commission]~~ ***Authority*** shall charge and collect a fee in an amount established by the ~~[Commission]~~ ***Authority*** by regulation from each applicant for a permit to operate a transportation network company in this State. The fee required by this subsection is not refundable. The ~~[Commission]~~ ***Authority*** shall not issue a permit to operate a transportation network company in this State unless the applicant has paid the fee required by this subsection.

2. For each year after the year in which the ~~[Commission]~~ ***Authority*** issues a permit to a transportation network company, the ~~[Commission]~~ ***Authority*** shall levy and collect an annual assessment from the transportation network company at a rate determined by the ~~[Commission]~~ ***Authority*** based on the gross operating revenue derived

from the intrastate operations of the transportation network company in this State.

3. The annual assessment levied and collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 2 must be used by the ~~[Commission]~~ ***Authority*** for the regulation of transportation network companies.

Sec. 51. **Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ ***Authority*** shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 52. **Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~[Public Utilities Commission of]~~ Nevada ***Transportation Authority*** pursuant to ~~[section]~~ ***sections*** 28 ~~[of this act, the Authority pursuant to section]~~ ***and*** 51 of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 53. **Section 58 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 58. 1. This section and sections ~~[2]~~ ***14, 15, 17, 18, 19, 25*** to ~~[50,]~~ ***28,*** inclusive, ***50, 53*** and ~~[53 to 57, inclusive,]~~ ***54*** of this act become effective upon passage and approval.

2. Sections 51 and 52 of this act become effective on the 90th day after the effective date described in subsection 1.

3. Section 1 of this act becomes effective on October 1, 2015.

Sec. 54. **1. Notwithstanding any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act, a transportation network company, as defined in section 19 of this act, which is issued a permit by the Nevada Transportation Authority pursuant to section 27 of this act on or before July 1, 2017, may commence operations in this State immediately upon being issued a permit.**

2. Notwithstanding the effective date of any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act on or before July 1, 2017, a transportation network company must not be required to comply with the provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.

3. The Nevada Transportation Authority shall accept applications for a permit to operate a transportation network company within 30 days after the effective date of section 26 of this act.

4. Notwithstanding the provisions of section 27 of this act, the Nevada Transportation Authority shall not, before July 1, 2015, issue a permit to operate a transportation network company.

Sec. 55. **1. The Nevada Transportation Authority shall investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of subsection 2 of section 29 of this act and background checks performed by submitting the fingerprints of a person by the Central Repository for Nevada Records of Criminal History to the Federal Bureau of Investigation for its report.**

2. The Nevada Transportation Authority shall, on or before the date 6 months after the effective date of this section, report the results of its investigation to the Legislative Commission.

Sec. 56. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 2.5.]~~ ***Sec. 57.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 58. **Sections 2 to 13, inclusive, 16, 20 to 24, inclusive, 29 to 49, inclusive, 55, 56 and 57 of Assembly Bill No. 175 of this session are hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 59.*** **1.** This **section, sections 2 to 46, inclusive, 54, 55 and 56 of this** act ~~[becomes]~~ **become** effective **upon passage and approval.**

2. Sections 47 to 53, inclusive, and 58 of this act become effective upon passage and approval of Assembly Bill No. 175 of this session.

3. Sections 1 and 57 of this act become effective on January 1, 2016.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 965 to Assembly Bill No. 176.

Remarks by Assemblyman Wheeler, Trowbridge, Carlton, and Fiore.

ASSEMBLYMAN WHEELER:

Assembly Bill 176 requires the Regional Transportation Commission in a county whose population is 700,000 or more, currently Clark County, to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this state. The bill also requires the Regional Transportation Commission to disseminate information about the program to the public and to public safety agencies. The Commission is authorized to obtain grants or sponsorships for the program, and first responders are immune from civil liability for

damages as a result of any act or omission that they take related to an emergency in connection with the program.

The measure provides for the permitting by the Nevada Transportation Authority [NTA] of transportation network companies [TNCs] and the regulation by the NTA of the transportation services. The bill establishes certain requirements for drivers of TNCs, requires a background check of each driver, and establishes a requirement of insurance for the operation and maintenance of motor vehicles operated by the TNC drivers. A person is prohibited from doing business as a TNC unless the person holds a valid permit issued by the NTA. A permit issued by the NTA is not subject to the provisions of existing law governing motor carriers or public utilities. Further, a TNC may commence operations in this state immediately upon being issued a permit. The measure does not exempt any person from a requirement to obtain a state or local business license.

In addition, the bill does not permit an airport requiring a TNC or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport, or comply with any other requirement to operate at the airport. Each TNC must provide the NTA with reports about accidents involving any TNC driver. The NTA must collect these reports, determine whether the limits of insurance coverage required are sufficient, and report to the Director of the Legislative Counsel Bureau. The NTA must also investigate and report on and compare specific types of background checks to determine the effect on public safety and report the results to the Legislative Commission.

ASSEMBLYMAN TROWBRIDGE:

What this proposal provides is cheap competition against our long-standing and very successful system of transportation industry. This competition will be made by private taxis driven by nonprofessional drivers getting approximately $9 an hour, resulting in increased demand for our social services in the valley. It is clearly a race to the bottom in terms of quality of service and the quality of those who provide it. This obvious result will be a reduction in our transportation services for our tourists and a significant reduction in the earnings of our professional drivers. Lower earnings for drivers and lower-quality service for our lifeline—is this really what we want? Is this the best we want for Las Vegas? I would urge everyone to speak out loudly against this proposal as it is not in the best interest of our drivers or our tourists.

ASSEMBLYWOMAN CARLTON:

In the informational hearing that we had about this particular issue, since we have never really had jurisdiction over a bill that deals with this, I brought up concerns about background checks and fingerprinting, and I would like to ask the sponsor of the bill to address that issue. That was my line in the sand. As a waitress for over 15 years in Las Vegas, I had to be background checked and fingerprinted to serve eggs, Bloody Marys, coffee, and club sandwiches. I just want to know: Will those background checks and fingerprints be done?

ASSEMBLYMAN WHEELER:

As the author of the bill, the bill originally said you had to have a seatbelt on. I was not the author of this part of the bill. From what I understand, from what I have been able to read very quickly, I do not believe fingerprints are taken. There is a background check done on these drivers through the TNC.

ASSEMBLYWOMAN FIORE:

I have a question for my colleague in Assembly District 39. Are there taxes attached to this bill?

ASSEMBLYMAN WHEELER:

There are no taxes attached to this bill. Mr. Speaker, I am sorry. Something was just pointed out to me. While there are no taxes attached to this bill, they are still subject to business license fees.

Assemblymen Moore, Shelton, and Trowbridge requested a roll call vote.

YEAS—19.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Fiore, Flores, Joiner, Kirkpatrick, Moore, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson, Titus, Trowbridge, Woodbury—23.

Motion lost.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Cartwright Elementary School: Prince Davis, Aditya Dagar, Sydney Randall, Mary Pallett, Rachel Grant, Will Cox, Jayme Cajudoy, Anthony Bell, Garrett Cox, Juan Lopez, Carmine Aitala, Rachel Gehien, Karli Brooks, Cameron Green, Seth Klein, Ryan Walker, Kody Opipari, Arianna Himmelsbach, Janlyah Hunsaker, Bailey Kachinsky, Jessica Reimer, Emily Lee, Anahis Mora, Janelle Millan, Jimena Cervantes, Catherine Parise, Amberlee Cruz, Samantha Rodriguez, Cassidy Smith, Kaweihilani Takizawa, Skyler Blades, Tristaney Church, Valelia Ah You, Gina Vogt, Nicolai Sarkis, Juliano Saade, Joshua Manago, Jayda Tavares, Alexis Galvez, Gracie Weeks, Jessica Metz, Amber Martin, John Lynch, Christopher Juan, Erick Miller, Jordynn Armstrong, Kristen Poselero, Stephanie Robinson, Jessica Henderson, Marlon Melu, Bonnita Gallagher, Stacie Warnshoiz, Tonia Moniz, Patrick Moniz, Denise Miller, Tonya Simmons, Janelle Flores, Sahmaya Henderson, Alondra Vasquez, Collin Morville, Anthony Morris, Khol Nguyen, Destanee Henderson Hosley, Madison Canida, Madilynn Crispin, Gianna Craner, Ananya Dagar, Shelby Goetzelman, Brooks Evans, Meli'ala Moniz, Annila Perez, Ryan Brzozowski, Cain Mireles, Avery Thompson, Payce Weight, Alberto Chavez, and Joey Harper.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Geri McHam, Lori Teakle, Erin McHam, and Cindy Cutler.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Mayita Cocio and Rudy Cocio.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Seale.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Darlin Camacho.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Renee Plain.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Rose Fudenberg.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Walter M. Nowosad.

Assemblyman Paul Anderson moved that the Assembly adjourn until Tuesday, May 26, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:03 a.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 6

**THE ONE HUNDRED AND FOURTEENTH DAY—
THE ONE HUNDRED AND NINETEENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 7 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 6

Page

ASSEMBLY PROCEEDINGS 5191

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 26, 2015

Assembly called to order at 12:40 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblyman Tyrone Thompson.

Dear Lord, we thank You for being with us since our journey began on February 2 of 2015. We ask that You continue to be with us as we make key decisions that greatly benefit our state. Thank You for the perspective of each legislator representing constituents throughout our state and thank You for the diligent, professional work of our Legislative Counsel Bureau. Give us discernment and endurance to continue to make a difference. In Your Name we pray. Thank God.

AMEN.

Pledge of allegiance to the Flag.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 24, 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 500, 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 466, 472, 473, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 71, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 197, 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 420, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 83, 121, 128, 141, 437, 451, 467; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 51, Amendment No. 844; Assembly Bill No. 89, Amendment No. 828; Assembly Bill No. 93, Amendment No. 753; Assembly Bill No. 94, Amendment No. 676; Assembly Bill No. 163, Amendment No. 761; Assembly Bill No. 178, Amendment No. 937; Assembly Bill No. 238, Amendment No. 842; Assembly Bill No. 240, Amendment No. 913; Assembly Bill No. 263, Amendments Nos. 745, 958; Assembly Bill No. 325, Amendment No. 843; Assembly Bill No. 328, Amendment No. 906; Assembly Bill No. 341, Amendment No. 804; Assembly Bill No. 385, Amendment No. 780; Assembly Bill No. 409, Amendment No. 938; Assembly Bill No. 447, Amendment No. 806, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 276, 353, 360, 475.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 23, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 49, Amendments Nos. 917, 932, 964; Assembly Bill No. 421, Amendment No. 888, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 25, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 242; Senate Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 133.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 133.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 276.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 353.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 360.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 475.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 489.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 895.

SENATORS HARRIS, KIECKHEFER, FARLEY, ROBERSON, WOODHOUSE; ATKINSON, DENIS, FORD, GOICOECHEA, GUSTAVSON, KIHUEN, LIPPARELLI, MANENDO, PARKS, SETTELMEYER AND SPEARMAN.

JOINT SPONSOR: ASSEMBLYMAN ELLIOT ANDERSON.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of pupils enrolled in certain grades; requiring the principal of each public elementary school to designate a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading; requiring certain teachers at public schools to complete professional development concerning the subject area of reading; requiring certain interventions for pupils enrolled in kindergarten or grade 1, 2 or 3 who do not achieve adequate proficiency in reading; prohibiting a public school from promoting a pupil to grade 4 if the pupil does not achieve proficiency in reading; providing for a competitive grants program to assist schools in paying for certain literacy programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 and submit the plan to the Department of Education for its approval.

Section 6 of this bill requires the principal of a public elementary school, including, without limitation, a charter school, to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. **Section 6** also: (1) authorizes a school district or charter school to provide additional compensation to learning strategists and teachers whose overall performance is determined to be "highly effective" under the statewide performance evaluation system; and (2) requires each teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 to complete professional development prescribed by the State Board of Education concerning the subject area of reading.

Section 8 of this bill requires the principal of a school to provide notice that a pupil exhibits a deficiency in the subject area of reading to the parent or guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3. **Section 9** of this bill requires a public elementary school to: (1) establish a plan to monitor the progress of a pupil enrolled in kindergarten or grade 1, 2 or 3 who has a deficiency in the subject area of reading; and (2) assess the proficiency in reading of a pupil for whom such a plan is established at the beginning of the next school year.

Existing law authorizes a pupil enrolled in a public school, other than a charter school, to be retained in the same grade upon joint agreement by the pupil's teacher and principal. (NRS 392.125) Existing law also requires the governing body of a charter school to adopt rules for the academic retention of pupils who are enrolled in the charter school. (NRS 386.583) **Section 10** of this bill provides that, unless a pupil receives an exemption by the superintendent of schools of the school district or the governing body of the charter school, as recommended by the principal, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading. **Section 10** also: (1) provides certain good-cause exemptions for certain pupils to allow them to be promoted to grade 4 even if they did not obtain that score; and (2) requires the State Board to prescribe an alternate examination for pupils who do not obtain that score. **Section 14** of this bill makes conforming changes. **Section 3** of this bill similarly provides that a pupil enrolled in grade 3 at a charter school must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score presented by the State Board on the criterion-referenced examination unless the pupil receives a good-cause exemption.

Section 11 of this bill requires the principal of a school to: (1) provide notice to the parent or legal guardian of a pupil who will be retained in grade 3; (2) develop a plan to monitor the progress of the pupil in achieving proficiency in reading; and (3) ensure that the pupil receives intensive instructional services in the subject area of reading. **Section 11** requires the board of trustees of each school district or the governing body of a charter school to prescribe the intensive instructional services that the principal of a school is required to implement for a pupil who is retained in grade 3. **Section 11** requires such instructional services to be provided by a teacher who is: (1) different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and (2) highly effective, as demonstrated by pupil performance data and performance evaluations. **Section 11** also authorizes such instructional services to be provided by a teacher who is the same teacher who provided instructional services to the pupil during the immediately preceding school year in certain circumstances.

Section 12 of this bill requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. **Sections 3 and 13** of this bill require the board of trustees

of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are **: (1)** retained in grade 3 for deficiency in reading **, including whether or not a pupil was previously retained in kindergarten or grade 1 or 2;** and ~~[: (1)]~~ **(2) not retained in grade 3 because a good cause exemption was approved but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years. Sections 3 and 13 also require the board of trustees of each school district and the governing body of a charter school to** submit the report to the Department ~~[,]~~ and ~~[(2)]~~ post the report on the Internet website maintained by the school district or charter school, as applicable.

Section 15 of this bill provides for the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. **Section 15** requires schools that receive a grant of money to use the money for the literacy programs in kindergarten and grades 1, 2 and 3 to support school-based efforts to ensure all pupils are proficient in reading by the end of the third grade. **Section 15** requires the board of trustees of a school district and the governing body of a charter school that receives a grant of money to prepare and submit to the Department a report that includes: (1) a description of the programs or services for which the money was used; and (2) the number of pupils who participated in a program or received services. **Section 15** also requires the Department of Education to prepare a report concerning the programs for which the money is used and submit the report and certain recommendations to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature and to the Governor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3481 is hereby amended to read as follows:

385.3481 1. The annual report of accountability prepared pursuant to NRS 385.347 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ***,*** ~~[or]~~ 392.125 ~~[,]~~ ***or section 10 of this act,*** for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385.347.

Sec. 2. NRS 385.3583 is hereby amended to read as follows:

385.3583 The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ***,*** ~~[or]~~ 392.125 ~~[,]~~ ***or section 10 of this act,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient

if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

Sec. 3. NRS 386.583 is hereby amended to read as follows:

386.583 ***1.*** The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school ~~[.]~~ ***that are consistent with sections 8, 10 and 11 of this act.*** The rules must ~~[prescribe]~~ ***:***

(a) Prescribe the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.

(b) Require a pupil enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required pursuant to section 10 of this act.

2. On or before September 1 of each year, the governing body of each charter school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were ~~[retained]~~ :

(1) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading ~~[.]~~ , including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(2) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(b) Submit a copy of the report to the Department; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. Such a plan must include, without limitation:***

(a) A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction on phonological and phonemic awareness, decoding skills and reading fluency;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During grades 1, 2 and 3;

(c) A program to improve the proficiency in reading of pupils who are limited English proficient; and

(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 6. *1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading.*

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a learning strategist pursuant to this section; or

(b) A teacher who is employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.

3. Each teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 shall complete professional development provided by a learning strategist designated pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

(a) Any training or professional development that a learning strategist is required to successfully complete;

(b) Any professional development that a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 is

required to receive from a learning strategist in the subject area of reading; and

(c) The duties and responsibilities of a learning strategist.

Sec. 7. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 13, inclusive, of this act.

Sec. 8. ***If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments ~~[or upon]~~ and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:***

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to section 5 of this act;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 10 of this act;

3. Describe , explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in the subject area of reading administered pursuant to NRS 389.550 is not the only factor used to determine whether the pupil will be retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 10 of this act;

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to section 11 of this act regarding the promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 10 of this act;

6. Include information regarding the English literacy development of a pupil who is limited English proficient; and

7. Describe , explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is limited English proficient.

Sec. 9. ***1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to section 8 of this act shall, within 30 days after providing such notice, establish a plan to monitor the progress of the pupil in the subject area of reading.***

2. A plan to monitor the progress of a pupil in the subject area of reading must be established by the teacher of the pupil and any other relevant school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services that will be provided to the pupil to correct the deficiency and must include that the pupil will receive intensive instruction in reading to ensure the pupil achieves adequate proficiency in reading. Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act.

3. A school that establishes a plan to monitor the progress of a pupil in the subject area of reading shall assess the proficiency of the pupil in the subject area of reading at the beginning of the next school year after the plan is established pursuant to this section.

Sec. 10. *1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 that meets the passing score prescribed by the State Board pursuant to subsection 7.*

2. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.

3. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;

(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 389.550 is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 389.550;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.

5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.

6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon scientifically based research that will improve proficiency in the subject area of reading.

7. The State Board shall prescribe by regulation:

(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4 without a good-cause exemption; and

(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.

8. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 11. *1. If a pupil will be retained in grade 3 pursuant to section 10 of this act, the principal of the school must:*

(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.

(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act;

(2) Instruction for at least 90 minutes each school day based upon scientifically based reading instruction research; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to section 10 of this act, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to section 10 of this act to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 12. ***In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 10 of this act, the principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:***

1. Supplemental tutoring which is based upon scientifically based research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available

in the school district to assist the parent or guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 13. ***On or before September 1 of each year, the board of trustees of each school district shall:***

1. Prepare a report concerning the number and percentage of pupils at each public school within the school district who were ~~[retained]~~ :

(a) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading ~~[.]~~ , including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(b) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.

2. Submit a copy of the report to the Department.

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 14. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. ~~[~~The~~]~~ ***Except as otherwise provided in section 10 of this act, the*** teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.

4. ~~[~~This~~]~~ ***Except as otherwise provided in NRS 386.583, this*** section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a competitive grants program. Grants must be awarded by the Department based on the demonstrated needs of the school districts and charter schools and will be awarded to school districts and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in kindergarten and grades 1, 2 and 3 established pursuant to section 5 of this act and to support other school-based efforts to ensure that all pupils are proficient in the subject area of

reading by the end of the third grade. Such school-based efforts may include, without limitation:

(a) Hiring or training learning strategists;

(b) Entering into contracts with vendors for the purchase of reading assessments, textbooks, computer software or other materials;

(c) Providing professional development for school personnel;

(d) Providing programs to pupils before and after school and during intercessions or summer school; and

(e) Providing other evidence-based literacy initiatives for pupils enrolled in kindergarten and grades 1, 2 and 3.

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; and

(b) Prepare and submit to the Department of Education, on or before July 1, 2016, a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade 3.

5. On or before August 31, 2016, the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before

November 15, 2016, the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 16. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act and for all other purposes:

1. This section, sections 4 to 9, inclusive, and 15 of this act become effective on July 1, 2015.

2. Sections 1, 2, 3 and 10 to 14, inclusive, of this act become effective on July 1, 2019.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 895 to Senate Bill 391 adds Assemblyman Elliot Anderson as a joint sponsor of the bill. It also requires that if a pupil exhibits deficiencies in the subject area of reading, a written notice to the parent or legal guardian must describe, explain, and if appropriate, demonstrate the strategies that may be used to improve reading and English literacy. It requires the report prepared by the board of trustees of each school district or the governing body of a charter school include whether or not the pupil was previously retained in kindergarten or Grade 1 or 2 and not retained in Grade 3 because a good cause exemption was approved but who were previously retained in kindergarten or Grade 1 or 2 for a total of two years.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 910.

AN ACT relating to education; creating the Great Teaching and Leading Fund; prescribing the administration and use of money in the Fund; authorizing certain entities to submit an application to the State Board of

Education for a grant of money from the Fund; **requiring the Superintendent of Public Instruction to post a list of each gift or grant received for deposit in the Fund on the Internet website maintained by the Department of Education;** requiring school districts and charter schools to ensure that certain professional development is available to teachers and administrators; revising provisions governing the provision of training by the regional training programs for the professional development of teachers and administrators; creating the Advisory Task Force on Educator Professional Development to study and report on matters relating to professional development of teachers, school administrators and other educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill creates the Great Teaching and Leading Fund in the State General Fund, to be administered by the Superintendent of Public Instruction. **Section 1.5** also authorizes the following entities to submit an application to the State Board of Education for a grant of money from the Fund: (1) the governing body of a regional training program for the professional development of teachers and administrators; (2) the board of trustees of a school district; (3) the governing body of a charter school; (4) the State Public Charter School Authority; (5) a university, state college or community college within the Nevada System of Higher Education; (6) employee associations representing licensed educational personnel; and (7) nonprofit educational organizations. **Section 1.5** further requires the State Board of Education to prescribe annually the priorities of programs for which grants of money may be awarded from the Fund and requires an application submitted by an entity to address how the money will be used in accordance with those priorities. An entity that receives a grant of money from the Fund is required to use the money in accordance with the priorities to provide: (1) professional development for teachers, administrators and other licensed educational personnel; (2) programs of preparation for teachers, administrators and other licensed educational personnel; (3) programs of peer assistance and review for teachers, administrators and other licensed educational personnel; (4) programs for leadership training and development; and (5) programs to recruit, select and retain effective teachers and principals. ~~[Finally, section]~~ **Section 1.5 additionally** requires the Superintendent of Public Instruction, to the extent money is available for this purpose, to **: (1)** contract for an independent evaluation of the effectiveness of the grants made from the Fund ~~[.]~~ **; and (2) if such an evaluation is conducted, submit a report of the results to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or the Legislative Committee on Education. Section 1.5 also requires the Superintendent of Public Instruction to: (1) post a list of each gift or grant received for deposit in the Fund on the Internet website maintained by the Department; (2) update the list annually; and (3) transmit the list to the next regular session of the Legislature or the Legislative Committee on Education.**

Section 1.7 of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers and administrators have access to high-quality, ongoing professional development training.

Existing law creates three regional training programs for the professional development of teachers and administrators and requires the governing body of each regional training program to make an assessment of the training needs of teachers and administrators who are employed by school districts within the primary jurisdiction of the regional training program and provide training based upon that assessment. (NRS 391.512, 391.544) **Section 2** of this bill requires the provision of training by a regional training program to also be based upon the priorities of programs prescribed by the State Board pursuant to **section 1.5**.

Section 3.5 of this bill creates the Advisory Task Force on Educator Professional Development to study certain issues relating to professional development of teachers, school administrators and other educational personnel. The Task Force is required to meet at least four times before June 30, 2016, and prepare a final report with its findings and recommendations which must be distributed to the Governor, the State Board of Education, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. ***1. The Great Teaching and Leading Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants from any source for deposit in the Fund. Any money from such gifts and grants must be expended only in accordance with the terms and conditions of the gift or grant, or in accordance with this section.***

2. The interest and income earned on:

(a) Money in the Fund, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Fund from the State General Fund,

↳ must be credited to the Fund.

3. Any money in the Fund and any unexpended appropriations made to the Fund from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

4. The money in the Fund may only be used for public schools and public education, as authorized by the Legislature and in accordance with the priorities of programs prescribed by the State Board pursuant to subsection 8.

5. The Superintendent of Public Instruction shall coordinate the annual distribution of grants of money from the Fund to the following entities whose applications for a grant are approved:

(a) The governing body of a regional training program for the professional development of teachers and administrators.

(b) The board of trustees of a school district.

(c) The governing body of a charter school.

(d) The State Public Charter School Authority.

(e) A university, state college or community college within the Nevada System of Higher Education.

(f) Employee associations representing licensed educational personnel.

(g) Nonprofit educational organizations.

6. The Superintendent of Public Instruction shall:

(a) Prescribe the form for an entity described in subsection 5 to submit an application for a grant of money from the Fund and the deadline for submission of such an application.

(b) Assign a committee to review the applications and make recommendations to the Superintendent for awarding grants of money from the Fund.

(c) Make recommendations to the State Board regarding awarding grants of money from the Fund.

7. Based upon the recommendations made by the Superintendent of Public Instruction pursuant to paragraph (c) of subsection 6 and to the extent money is available in the Fund, the State Board shall award grants of money to each entity with an approved application not later than December 31 of each year. To the extent that money is available, a grant of money from the Fund may be awarded for ~~[a]~~ the period ~~[of up to 5]~~ specified by the applicant in the application, not to exceed 3 years. The State Board may not award more than ~~[25]~~ 20 percent of the money placed in the Fund by legislative appropriation to any single entity in a fiscal year.

8. On or before September 30 of each year, the State Board shall prescribe the priorities of programs set forth in subsection 10 for which grants of money will be made from the Fund on or before December 31 of that year. In developing the priorities, the State Board shall review and consider the assessment of the training needs of teachers and administrators made by the governing body of each regional training program for the professional development of teachers and administrators pursuant to NRS 391.540.

9. An entity described in subsection 5 may submit an application for a grant of money on the form prescribed by the Superintendent of Public Instruction, which must include, without limitation, a description of how the entity will use money from the grant to address the priorities prescribed by the State Board pursuant to subsection 8 ~~[.]~~ and the period for which the grant is requested, not to exceed 3 years.

10. An entity that receives a grant of money from the Fund shall use the money in accordance with the priorities of programs prescribed by the State Board pursuant to subsection 8 to provide:

(a) Professional development for teachers, administrators and other licensed educational personnel;

(b) Programs of preparation for teachers, administrators and other licensed educational personnel;

(c) Programs of peer assistance and review for teachers, administrators and other licensed educational personnel;

(d) Programs for leadership training and development; and

(e) Programs to recruit, select and retain effective teachers and principals.

11. An entity that receives a grant of money from the Fund shall provide a report annually if the entity receives a grant of money for more than 1 year or, if the entity receives a grant of money for 1 year or less, within 120 days after the conclusion of the grant to the Superintendent of Public Instruction in the form prescribed by the Superintendent that includes, without limitation, a description of:

(a) The programs for which the grant of money was used.

(b) The effectiveness of the grant of money in:

(1) Improving the achievement of pupils;

(2) Assisting teachers, administrators and other licensed educational personnel; and

(3) Improving the recruitment, selection and retention of effective teachers and principals.

12. To the extent money is available from legislative appropriation or otherwise, the Superintendent of Public Instruction shall contract for an independent evaluation of the effectiveness of the grants of money from the Fund, including, without limitation, a review and analysis of data relating to:

(a) Changes in instructional or administrative practices;

(b) The achievement of pupils; and

(c) The recruitment, selection and retention of effective teachers and administrators.

➥ The Superintendent of Public Instruction shall consult with the Statewide Council for the Coordination of the Regional Training Programs in determining the duties of the contractor.

13. If the Superintendent of Public Instruction contracts for an independent evaluation of the effectiveness of the grants of money from the Fund pursuant to subsection 12, the Superintendent shall submit a report of the results of the evaluation to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) If the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

14. The Superintendent of Public Instruction shall:

(a) Post on the Internet website maintained by the Department a list of each gift or grant, if any, received pursuant to subsection 1 for deposit in the Fund and the name of the donor of the gift or grant.

(b) Update the list annually.

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 1.7. ***The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:***

1. The academic standards adopted by the State Board, including , without limitation, the academic standards for science.

2. The academic standards and curriculum in English language development and literacy.

3. The curriculum and instruction required for courses of study in : [science,]

(a) Science, technology, engineering and mathematics.

(b) English language development and literacy.

4. The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

Sec. 2. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the ***priorities of programs prescribed by the State Board pursuant to subsection 8 of section 1.5 of this act and the*** assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the ~~[common core state]~~ standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.3125 and 391.3127 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.3125 or 391.3127.

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 3. Notwithstanding the provisions of subsection 8 of section 1.5 of this act, for Fiscal Year 2015-2016, the priorities of programs for which grants of money may be made from the Great Teaching and Leading Fund created by section 1.5 of this act must address:

1. The provision of professional development for teachers to provide instruction in the standards of content and performance for the subject area of science;

2. The implementation of the statewide performance evaluation system established pursuant to NRS 391.465;

3. The recruitment, selection and retention of effective teachers and principals; and

4. Programs of leadership training and development.

Sec. 3.5. 1. The Advisory Task Force on Educator Professional Development is hereby created consisting of:

(a) Two members of the State Board of Education, appointed by the President of the Board;

(b) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(d) One member who is a teacher, appointed by the Nevada State Education Association; and

(e) One member of the Statewide Council for the Coordination of the Regional Training Programs, appointed by the Chair of the Council.

2. The Task Force shall study:

(a) The cost of professional development for teachers and school administrators in this State and the use and availability of regional training programs created pursuant to NRS 391.512;

(b) Federal funding available for the professional development of teachers and school administrators in this State;

(c) The effectiveness of the manner in which professional development is delivered to teachers and administrators in this State;

(d) The standards and quality of professional development provided to teachers and school administrators in this State;

(e) The effectiveness of the programs for professional development provided to teachers and school administrators in this State;

(f) Professional development for paraprofessionals and other educational personnel; and

(g) The structure for the delivery of professional development.

3. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair by majority vote.

4. The Task Force shall hold its first meeting by not later than August 31, 2015, and shall meet not less than four times before June 30, 2016.

5. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

6. The Department of Education shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties.

7. The Legislators who are members of the Task Force are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Task Force the per diem allowance provided for state officers generally, and travel expenses provided pursuant to NRS 218A.655. Such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

8. While engaged in the business of the Task Force, to the extent that money is available for that purpose, the members of the Task Force who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

10. By not later than December 31, 2016, the Task Force shall complete a final report with its findings and any recommendations, including, without limitation, recommendations regarding budgets, changes to regulations and legislation ~~.~~ **and the adoption of statewide standards for professional development.** The Superintendent of Public Instruction shall assist the Task Force in preparing the final report. The final report must be submitted to the Governor, the State Board of Education, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 3.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 910 to Senate Bill 474 specifies that grant money awarded to an applicant be for a term not to exceed three years. It requires the Superintendent of Public Instruction to submit a report of the results of the evaluation of the effectiveness of the grants to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature and if the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

The Superintendent is required to post a list of each gift or grant, if any, received for deposit in the Fund and the name of the donor of the gift or grant on the Department of Education's website and update the list annually. This list is required to be transmitted to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature and if the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

The professional development training required must include, without limitation, the academic standards adopted by the State Board for science, technology, engineering, and mathematics; English language development and literacy; and cultural competency required to meet the social, emotional, and academic needs of certain categories of pupils enrolled at the school, including without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities, and gifted and talented pupils.

Finally, the Advisory Task Force on Educator Professional Development is required to complete a final report with its findings and recommendation that will include the adoption of statewide standards for professional development.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 503.
Bill read second time and ordered to third reading.

Senate Bill No. 510.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 161.
Bill read third time.
Remarks by Assemblymen Bustamante Adams, Titus, Gardner, and Nelson.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Assembly Bill 161 provides for the Office of Economic Development to grant a partial abatement of property taxes and sales and use taxes for up to 20 years for qualified new and existing aircraft-related businesses if the business meets certain employment requirements and eligibility criteria as set forth in the bill.

The amount of the sales and use tax abatement is equal to all sales and use taxes except for the state 2 percent rate, and the property tax abatement is equal to all personal property taxes.

The sales and use and property tax abatements are for tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul, or assemble an aircraft or any component of an aircraft.

The sales and use tax abatement does not apply to the actual sales and use tax due on the purchase of an aircraft.

Assembly Bill 161 also repeals provisions of current law that authorize a sales and use tax exemption for aircraft and major components of aircraft under certain circumstances, which the Nevada Supreme Court has ruled as unconstitutional.

ASSEMBLYWOMAN TITUS:
I unfortunately rise in opposition to A.B. 161. I am a proud pilot, owner of an antique aircraft, and a senior aviation medical examiner, so I love the aviation industry. If we had a fair tax system in this great state of Nevada, we would not need to give abatements, so I am rising in protest that we have to give abatements.

ASSEMBLYMAN GARDNER:
I have a question for the Assemblywoman from District 42. I was just wondering, I saw in the amendment that it was increased from 10 years to 20 years. Could I get the reasoning behind that please?

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Thank you for the question. It was a compromise among all the stakeholders included. There was a similar bill in the Senate that had 20 years. My bill had 10 years, and the compromise was for us to do it for 20 years. There was a timeframe for 20 years that we felt was enough to be able to—especially the UAV [Unmanned Aerial Vehicles] industry that is coming to our state—get them up and going. No pun intended.

ASSEMBLYMAN NELSON:
In response to the question from my colleague from the south, it also had to do with the depreciation of buildings, so that they could depreciate them over 20 years instead of 10 years.

Roll call on Assembly Bill No. 161:
YEAS—39.
NAYS—Shelton, Titus—2.
EXCUSED—Kirkpatrick.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 166.

The following Senate amendment was read:

Amendment No. 848.

AN ACT relating to education; providing for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English by affixing the State Seal of Biliteracy to the diploma and **noting the receipt of the State Seal of Biliteracy on the** transcript of each pupil who meets certain requirements. **Section 3** of this bill prescribes the requirements that a pupil must meet in order to be awarded the State Seal of Biliteracy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Superintendent of Public Instruction shall establish a State Seal of Biliteracy Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in one or more languages in addition to English.***

2. The Superintendent of Public Instruction shall:

(a) Create a State Seal of Biliteracy that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and

(b) Deliver the State Seal of Biliteracy to each school district, charter school and university school for profoundly gifted pupils that participates in the program.

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Biliteracy Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of Biliteracy; and

(b) Affix the State Seal of Biliteracy to the diploma and note the receipt of the State Seal of Biliteracy on the transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.

Sec. 3. ***A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:***

1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;

2. Passes the end-of-course examinations in English language arts required pursuant to NRS 389.805;

3. Demonstrates proficiency in one or more languages other than English:

(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or

(b) By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and

4. If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 848 to Assembly Bill No. 166.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

The amendment clarifies that the State Seal of Biliteracy will be noted on a student's transcript rather than affixed to it.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 205.

The following Senate amendment was read:

Amendment No. 803.

AN ACT relating to education; requiring the Legislative Committee on Education to consider guidelines, parameters and financial plans for certain mentorship programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Education. The Committee meets during the legislative interim to evaluate, review and comment upon issues related to education in this State. (NRS 218E.600-218E.615) This bill requires the Committee, during the 2015-2016 legislative interim, to consider guidelines, parameters and financial plans for certain mentorship programs in this State to aid in addressing issues relating to education, **college and career readiness,** health, criminal justice and employment with respect to children residing in this State, including, without limitation, children who are disproportionately at risk of: (1) being deprived of the opportunity to develop and maintain a competitive position in the economy; (2) failing to make adequate yearly progress in school; or (3) entering the juvenile justice system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. 1. As part of its review of issues related to education during the 2015-2016 legislative interim, the Legislative Committee on Education created by NRS 218E.605 shall consider guidelines, parameters and financial plans for mentorship programs that are established or may be established in this State to address issues relating to education, **college and career readiness,** health, criminal justice and employment with respect to school-age children, including, without limitation, children who are disproportionately at risk of:

(a) Being deprived of the opportunity to develop and to maintain a competitive position in the economy;

(b) Failing to make adequate yearly progress in school; or

(c) Entering the juvenile justice system.

2. Not later than February 6, 2017, the Committee shall prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 79th Session of the Nevada Legislature, concerning the Committee's consideration of the matters described in this section and any recommendations for legislation.

Sec. 8. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate amendment No. 803 to Assembly Bill No. 205.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

The amendment adds planning for college and career readiness to the issues addressed by mentorship programs.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 206.

The following Senate amendment was read:

Amendment No. 802.

AN ACT relating to education; requiring ~~[certain notices provided by]~~ a principal at a public school to **provide certain information to** the parent or guardian of a pupil **who was included in a report of bullying or who school authorities believe has certain issues** relating to ~~[the]~~ **his or her** health ~~[or bullying of the pupil to include a list of]~~ **regarding** resources that may be available in the community for the pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of a public school or his or her designee to provide written notice to the parent or legal guardian of any pupil involved in a bullying or cyber-bullying incident on the premises of the school, at an activity sponsored by the school or on a school bus. (NRS 388.135, 388.1351) **Section 1 of this bill requires the principal of a public school or his or her designee to provide a list of any resources that may be available in the community to assist a pupil to each parent or legal guardian of a pupil to whom written notice was provided, if such information is available.**

Existing law also requires public school authorities to notify the parent or guardian of a child who is found or believed to have scoliosis, any visual or auditory problems or any gross physical defect. (NRS 392.420) ~~[This]~~ **Section 2 of this** bill requires any written notice required pursuant to these provisions to include a list of any resources that may be available in the community to ~~[assist the pupil or]~~ provide appropriate medical attention, if such information is available.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation , a ~~[~~ ~~*(a) A]*~~ statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil . ~~*[; and*~~

~~*(b) To the extent that information is available, a list of any resources that may be available in the community to assist the pupil, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.]*~~

3. The investigation ***conducted pursuant to subsection 2*** must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

~~[~~3.~~]~~ ***4.*** The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

5. To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. ***Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.***

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 802 to Assembly Bill No. 206.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

The amendment conforms the bill's notice requirements with the language contained in Senate Bill 504.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 321.

The following Senate amendment was read:

Amendment No. 805.

AN ACT relating to schools; requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a **charter school or private school to provide certain notice to the** primary law enforcement agency ~~[to respond to requests for assistance relating to certain offenses at schools;]~~ **where the school is located;** requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances; clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district; **requiring a law enforcement agency that is contacted for assistance by a public school or private school which does**

not have school police to respond according to certain protocols; requiring a local law enforcement agency to consider notifying public schools or private schools when responding to certain situations or when notifying another school regarding a crisis or emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) **Section ~~1~~ 1.2** of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. **Sections 3 and 4** of this bill make conforming changes.

~~[Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.]~~

Section 1.4 of this bill requires a charter school to notify the primary law enforcement agency where the charter school is located of: (1) the location of the charter school; (2) the names of authorized contact persons for the charter school; (3) the number of pupils enrolled in the charter school; and (4) the maximum number of pupils that may enroll in the charter school. Section 1.4 also requires a charter school to notify the primary law enforcement agency if the charter school relocates and if the name of any authorized contact person changes. Section 7.4 of this bill requires a private school to provide notice containing the same information to the primary law enforcement agency where the private school is located. Section 8.5 of this bill requires each charter school and each private school in this State to provide such notice as soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year regardless of when the school commenced operation.

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) **Section 6** of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) **Section 6** also clarifies that the board of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel, pupils and property. (NRS 391.275) **Section 7** of this bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district for police services. **Section 7 also requires a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.**

Existing law requires the principal of a public school or private school to contact all appropriate local agencies to respond to a crisis or emergency that occurs at a public school or private school. (NRS 392.648, 394.1696) Sections 7.2 and 7.6 of this bill, respectively, require a local law enforcement agency to consider whether it is necessary and appropriate to notify any other public school or private school of the crisis or emergency under certain circumstances. Sections 7.2 and 7.6 require this notification to include any information necessary for the school to appropriately respond to the crisis or emergency.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 1.2 and 1.4 of this act.**

Sec. 1.2. 1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers ~~*[.]*~~ ***, including, without limitation, any other costs associated with providing the officers. If the school district is the***

sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

Sec. 1.4. **1. As soon as practicable after commencing operation, but before the first day of the school year, a charter school shall notify the primary law enforcement agency where the charter school is located of:**

(a) The location of the charter school;

(b) The names of authorized contact persons for the charter school, including, without limitation, the principal and vice principal of the charter school;

(c) The number of pupils enrolled in the charter school; and

(d) The maximum number of pupils that may enroll in the charter school.

2. As soon as practicable, but not later than 30 days after a charter school relocates or the name of any authorized contact person changes, the charter school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

(a) The police department of an incorporated city;

(b) The sheriff's office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 2. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and ~~[section 1]~~ sections 1.2 and 1.4 of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or

university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services ~~[.]~~ ***, other than for the provision of school police officers when the provisions of section ~~[1]~~ 1.2 of this act apply.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the

pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 4. NRS 386.563 is hereby amended to read as follows:

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560 ~~[.]~~ ***or section ~~[1]~~ 1.2 of this act.***

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify the primary law enforcement agency in the city or county, as appropriate, where the school is located when:***~~

~~***(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;***~~

~~***(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or***~~

~~***(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.***~~

~~*2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:*~~

~~*(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or*~~

~~*(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense was allegedly committed or attempted and to protect the life and safety of any person who is present.*~~

~~*3. Upon the arrival of an officer from the primary law enforcement agency notified pursuant to subsection 2, the principal, teacher or school police officer, if applicable, shall immediately transfer the investigation of the offense, attempted offense or threatened offense to the primary law enforcement agency.*~~

~~*4. As used in this section, "primary law enforcement agency" means:*~~

~~*(a) A police department of an incorporated city;*~~

~~*(b) The sheriff's office of a county; or*~~

~~*(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or

(i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her

fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer ~~[.]~~ ***, including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section ~~[1]~~ 1.2 of this act.*** In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district ~~[.]~~ ***and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section ~~[1]~~ 1.2 of this act.*** If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district ***, including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to section ~~[1]~~ 1.2 of this act,*** and on property owned by the school district ~~[.]~~ ***, and if applicable, the property owned or occupied by the charter school,*** but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district ***, including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section ~~[1]~~ 1.2 of this act,*** and on property therein that is owned by the school district ~~[.]~~ ***and, if applicable, the property owned or occupied by the charter school.***

Sec. 7. NRS 391.275 is hereby amended to read as follows:

391.275 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ***and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to section ~~[1]~~ 1.2 of this act, all property, buildings and facilities in which the charter school is located,*** for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Sec. 7.2. **NRS 392.648 is hereby amended to read as follows:**

392.648 1. If a crisis or an emergency that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 392.620 and in accordance with any deviation approved pursuant to NRS 392.636, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a public school or notifies a public school regarding a crisis or an emergency that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any other public school, including, without limitation, a charter school, or any private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

Sec. 7.4. **Chapter 394 of NRS is hereby amended by adding a new section to read as follows:**

1. As soon as practicable after commencing operation, but before the first day of the school year, a private school shall notify the primary law enforcement agency where the private school is located of:

(a) The location of the private school;

(b) The names of authorized contact persons for the private school, including, without limitation, the principal and vice principal of the private school;

(c) The number of pupils enrolled in the private school; and

(d) The maximum number of pupils that may enroll in the private school.

2. As soon as practicable, but not later than 30 days after a private school relocates or the name of any authorized contact person changes, the private school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

(a) The police department of an incorporated city;

(b) The sheriff's office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 7.6. **NRS 394.1696 is hereby amended to read as follows:**

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a private school or notifies a private school regarding a crisis or an emergency that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school, including, without limitation, a charter school, or any other private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

Sec. 8. NRS 280.287 is hereby amended to read as follows:

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district ***and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section [1] 1.2 of this act,*** and on property owned by the school district [.] ***and, if applicable, on property owned or operated by a charter school.*** If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

Sec. 8.5. **As soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year, each charter school and each private school in this State must comply with the requirements of sections 1.4 and 7.4 of this act, respectively, regardless of when the charter school or private school commenced operation.**

Sec. 9. [1. This section and section 5 of this] **This** act [become] **becomes** effective [upon passage and approval.

2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act become effective] on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 805 to Assembly Bill No. 321.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

This amendment clarifies the cost that may be passed along from a school district to a charter school; limits the liability of a school district that contracts with a charter school; deletes section 5 related to notification of and interaction with the primary local law enforcement agency; requires a law enforcement agency contacted for assistance by a public or private school without school police to respond as it would to a call for assistance from the general public; requires all charter and private schools, after they begin operating but before the first day of school, to notify local law enforcement of certain key information; adds a transitory provision to require existing charter and private schools to also inform local law enforcement as just described; and if there is an incident for which local law enforcement notifies a public school, the amendment requires that the law enforcement agency consider whether it is necessary and appropriate to notify any other public or private school. Such notification must include any information necessary for the school to respond appropriately.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 152.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to care of children; requiring the State Board of Health to adopt regulations [prescribing guidelines for meals and snacks provided to

~~children at child care facilities and~~] setting forth certain requirements for child care facilities relating to breastfeeding and physical activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to be licensed by the State Board of Health or, if the county or city in which the child care facility is located requires child care facilities to be licensed, by such a county or city. If a city or county licenses child care facilities, the city or county is required to adopt standards and regulations governing child care facilities that are at least as stringent as those adopted by the Board. (NRS 432A.131) ~~[Section 2 of this bill requires the Board to adopt regulations prescribing guidelines for all meals and snacks served to children by child care facilities. Section 2 also: (1) allows a child, upon the request of a parent or guardian, to receive meals and snacks that do not comply with the guidelines; and (2) provides that the guidelines do not apply to any meal prepared by a parent or guardian and brought to a child care facility by a child or a parent or guardian.~~]

Section 3 of this bill requires the Board to adopt regulations that: (1) require a child care facility to provide an appropriate, private space where mothers may breastfeed; (2) require certain child care facilities to provide a program of physical activity; and (3) prohibit a child care facility from withholding or requiring physical activity as a form of discipline.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~[*1. The Board shall adopt regulations prescribing guidelines for meals and snacks provided to children by a child care facility. Such guidelines must, without limitation:*~~

~~*(a) Ensure that each meal or snack provided to a child by a child care facility is served in a portion size appropriate for the age of the child;*~~

~~*(b) Include specific requirements concerning milk, other dairy products and juice; and*~~

~~*(c) Limit the fat and sugar content of all meals and snacks.*~~

~~*2. At the request of a parent or guardian, a child in a child care facility may receive meals and snacks from the child care facility that do not comply with the guidelines prescribed pursuant to subsection 1.*~~

~~*3. The guidelines prescribed pursuant to subsection 1 do not apply to any meal or snack prepared for a child by a parent or guardian and brought by the child or a parent or guardian to a child care facility.*~~] **(Deleted by amendment.)**

Sec. 3. ***1. The Board shall adopt regulations that:***

(a) Require each licensee that operates a child care facility to provide an appropriate, private space on the premises of the child care facility where a mother may breastfeed.

(b) Require each licensee that operates a child care facility, other than an accommodation facility or a child care institution, to provide a program of physical activity that:

(1) Ensures that all children receive daily periods of moderate or vigorous physical activity that are appropriate for the age of the child;

(2) Limits the amount of sedentary activity, other than meals, snacks and naps, that children engage in each day; and

(3) Allows for specialized plans for children with special needs or who have disabilities.

(c) Prohibit an employee of or a licensee who operates a child care facility from withholding or requiring a child to participate in physical activity as a form of discipline.

2. As used in this section:

(a) "Moderate or vigorous physical activity" means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball, gardening, running, jumping, playing tag, chasing games, soccer, basketball and swimming.

(b) "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 771 to Assembly Bill No. 152.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment removes the requirement that the Board of Health or city or county licensing authority adopt regulations prescribing guidelines for all meals and snacks served to children by child care facilities and related provisions.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 767.

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit

graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; requiring the State Board to submit a report to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

Section 6 of this bill requires the State Board of Health to adopt regulations concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. **Section 4** of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Section 6 provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater system. **Section 6** allows issuance of such a permit only if certain requirements are met. **If the graywater system is or will be connected to a treatment works, these requirements include that the operator of the treatment works: (1) conduct an analysis of the possible effects of the graywater system on the treatment works; and (2) report the results of the analysis to the State Board of Health or district board of health, as applicable. Section 6 requires an operator of a treatment works to conduct such an analysis within 90 days after the date on which the analysis is requested by the proposed operator of a graywater system and authorizes the operator of the treatment works to charge a fee to cover the cost of conducting the analysis.** Finally, **section 6** provides that local governments may not prohibit the use of such graywater systems.

Section 8 of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

Section 11 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) **Section 11** also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

Section 12 of this bill requires the State Board of Health to submit to the Legislature a report stating the number and location of each permit issued pursuant to **section 6** for the operation of a graywater system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

(a) To define and control dangerous communicable diseases.

(b) To prevent and control nuisances.

(c) To regulate sanitation and sanitary practices in the interests of the public health.

(d) To provide for the sanitary protection of water and food supplies.

(e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, ***and sections 3 to 6, inclusive, of this act,*** 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

(f) To protect and promote the public health generally.

(g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, ***and sections 3 to 6, inclusive, of this act,*** those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***As used in NRS 444.650 and sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Graywater system" means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.***

Sec. 5. *"Recycled water" means water that has been used and subsequently treated to make it suitable for use again.*

Sec. 6. *1. The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.*

2. Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitos or other vectors;

(c) The graywater is vertically separated from and at least 4 feet above the groundwater table;

(d) All piping for the graywater is clearly identified as containing nonpotable water;

(e) The graywater is used on the site where it is generated and does not run off the property;

(f) The graywater is applied in a manner that prevents contact with people or domestic pets;

(g) The application of the graywater is managed to prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

(h) The graywater is discharged below the surface of the ground;

(i) The graywater is not discharged into a natural watercourse;

(j) If the application is for a permit for a residence that is or will be connected to a treatment works, the ~~[proposed]~~ operator of the ~~[graywater system]~~ treatment works has conducted an analysis of the possible effect of the graywater system on the treatment works and has reported the results of the analysis, including, without limitation, any finding that the graywater system will be detrimental to the flow of or total suspended solids in water passing through the treatment works, to the State Board of Health or a district board of health, as applicable; and

(k) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.

5. A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geologic, hydrological and topographical characteristics of the area within its jurisdiction.

6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.

7. If the proposed operator of a graywater system for a residence that is or will be connected to a treatment works requests the operator of the treatment works to conduct the analysis described in paragraph (j) of subsection 4, the operator of the treatment works must conduct the analysis within 90 days after the request. The operator of the treatment works may charge a fee for conducting the analysis which must not exceed the actual cost incurred by the operator to conduct the analysis.

8. As used in this section, "treatment works" has the meaning ascribed to it in NRS 445A.410.

Sec. 7. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for ***the*** disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for ***the*** disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act*** and any regulations adopted pursuant to those provisions.

~~[4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.]~~

Sec. 8. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a graywater system if the person has obtained a permit that meets the requirements of section 6 of this act.

2. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 9. NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

Sec. 10. NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~[.]~~ ***, and section 8 of this act.***

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, ***and section 8 of this act,*** the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 11. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.

2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest community must comply with the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act.

3. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 12. On or before December 31, 2020, the State Board of Health shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation, the number of permits issued pursuant to section 6 of this act and the regulations adopted pursuant thereto and the location for which each such permit was issued.

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2016, for all other purposes.

Assemblyman Oscarson moved that the Assembly not concur in the Senate Amendment No. 767 to Assembly Bill No. 169.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment was a technical correction that had provisions added to it that need to be further discussed.

Motion carried by a constitutional two-thirds majority.

Bill ordered to the Senate.

Assembly Bill No. 248.

The following Senate amendment was read:

Amendment No. 769.

AN ACT relating to public health; ~~[authorizing]~~ **requiring** physicians, under certain circumstances, to report to the Department of Motor Vehicles certain information regarding patients who have epilepsy; abolishing certain duties of physicians to report certain patient information; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; providing that certain reports and statements provided to the Department concerning patients with epilepsy are not subject to the doctor-patient privilege under certain circumstances; providing that a cause of action may not be brought against a physician for failing to report such information to the Department ~~[,]~~ **in circumstances where reporting is not required;** providing that a cause of action may not be brought against a physician for reporting certain information regarding patients who have epilepsy to the Department except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) a physician to report immediately to the Division of Public and Behavioral Health of the Department of Health and Human Services, in writing, the name, age and address of every person diagnosed as a case of epilepsy, as defined by the State Board of Health; and (2) the Division to report this information to the Department of Motor Vehicles. (NRS 439.270) **Section 1** of this bill abolishes these duties and the requirement that the State Board define the term "epilepsy." Instead, **section 1** requires a physician who determines that a patient's epilepsy severely impairs the ability of ~~[a]~~ **the** patient to safely operate a motor vehicle to notify such a patient of this determination and ~~[obtain from the patient a signed statement acknowledging the notification. If the patient refuses to sign an acknowledgment, section 1 requires the physician to]~~ sign a written statement verifying that the physician provided the required notification. **Section 1** ~~[authorizes]~~ **requires** a physician ~~[, upon the request of the Department of Motor Vehicles,]~~ to provide a copy of the ~~[acknowledgment or]~~ statement to the Department ~~[.]~~ **of Motor Vehicles within 15 days after determining that a patient's epilepsy severely impairs the ability of the patient to operate a motor vehicle.**

Section 4 of this bill prohibits a person with epilepsy from operating a motor vehicle if the person has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle. **Section 4** authorizes a physician who is aware that a person with epilepsy has violated this provision to submit, without the person's consent, a written report to the Department of Motor Vehicles that includes the name, address and age of the person.

Section 2 of this bill provides that a person who has been informed by a physician that his or her condition would severely impair his or her ability to

safely operate a motor vehicle has no privilege to prevent a physician from disclosing this information to the Department of Motor Vehicles.

Sections 1 and 4 provide that the Department of Motor Vehicles may only use such information to determine whether a person is eligible to operate a motor vehicle in this State. **Sections 1 and 4** also provide that no cause of action may be brought against a physician: (1) for failing to provide such information to the Department ~~[,]~~ **in any circumstance where the provision of such information is not required;** or (2) for providing such information to the Department, unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.270 is hereby amended to read as follows:

439.270 1. ~~[The State Board of Health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.~~

~~2. All physicians shall report immediately to the Division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.~~

~~3. The Division shall report, in writing, to the Department of Motor Vehicles the name, age and address of every person reported to it as a case of epilepsy.~~

~~4. Except as otherwise provided in NRS 239.0115, the reports are for the information of the Department of Motor Vehicles and must be kept confidential~~] ***If a physician determines that, in his or her professional judgment, a patient's epilepsy severely impairs the ability of the patient to safely operate a motor vehicle, the physician shall:***

(a) Adequately inform the patient of the dangers of operating a motor vehicle with his or her condition until such time as the physician or another physician informs the patient that the patient's condition does not severely impair the ability of the patient to safely operate a motor vehicle ***. ~~[; and]~~***

(b) ~~[Except as otherwise provided in subsection 2:~~

~~(1) Require the patient to sign a statement acknowledging that he or she has been informed by the physician of the dangers of operating a motor vehicle with his or her condition; and~~

~~(2) Retain the original signed statement and provide a copy of the signed statement to the patient.~~

~~2. If a patient refuses to sign a statement pursuant to paragraph (b) of subsection 1, the physician shall sign~~] Sign a written statement verifying that the physician informed the patient of all material facts and information required by paragraph (a) . ~~[of subsection 1.]~~ The physician shall, to the extent practicable, provide a copy of the statement signed by the physician to the patient.

~~[3. A statement signed by a patient pursuant to subsection 1 or a]~~ The statement signed by ~~[a]~~ the physician pursuant to ~~[subsection 2]~~ this paragraph shall be deemed a health care record, as defined in NRS 629.021.

~~*[4. A physician may, upon the request of the Department, provide]*~~

(c) Within 15 days after making such a determination, provide to the Department a copy of ~~*[a]*~~ *the statement signed by* ~~*[a patient pursuant to subsection 1 or a statement signed by]*~~ *the physician pursuant to* ~~*[subsection 2,]*~~ *paragraph (b). A statement received by the Department pursuant to this* ~~*[subsection:]*~~ *paragraph:*

~~*[(a)]*~~ *(1) Is confidential, except that the contents of the statement may be disclosed to the patient;* and

~~*[(b)]*~~ *(2) May be* used *by the Department* solely to determine the eligibility of ~~[~~any person~~]~~ *the patient* to operate a vehicle on the streets and highways of this State.

~~[~~5. A violation of this section is a misdemeanor.~~ *The provision by a physician of a copy of a statement pursuant to subsection 4 is solely within his or her discretion.]*~~

2. Except as otherwise provided in subsection 1, a physician is not required to notify the Department about a patient who has been diagnosed with epilepsy. No cause of action may be brought against a physician based on the fact that he or she did not ~~*[provide such a copy.*~~

~~*6.]*~~ *notify the Department about a patient who has been diagnosed with epilepsy unless the physician does not comply with the requirements set forth in subsection 1.*

3. No cause of action may be brought against a physician based on the fact that he or she provided a copy of a statement pursuant to subsection ~~*[4]*~~ *1 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.*

~~*[7.]*~~ *4. As used in this section:*

(a) "Department" means the Department of Motor Vehicles.

(b) "Patient" means a person who consults or is examined or interviewed by a physician for the purposes of diagnosis or treatment.

Sec. 2. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

3. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

4. In a prosecution or mandamus proceeding under chapter 441A of NRS.

5. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

6. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

7. As to records that are required by chapter 453 of NRS to be maintained.

8. ***As to reports made to the Department of Motor Vehicles pursuant to subsection 2 of section 4 of this act and any statements provided to the Department pursuant to NRS 439.270.***

9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,

459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 4 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 4. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person with epilepsy shall not operate a motor vehicle if that person has been informed by a physician pursuant to NRS 439.270 that his or her condition would severely impair his or her ability to safely operate a motor vehicle.

2. If a physician is aware that a person has violated subsection 1 after the physician has informed the person pursuant to NRS 439.270 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and

(b) ~~[May include the statement maintained by the physician pursuant to subsection 3 of NRS 439.270; and~~

~~(c)]~~ May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

3. The submission by a physician of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician based on the fact that he or she did not submit such a report.

4. No cause of action may be brought against a physician based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 769 to Assembly Bill No. 248.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment revises who must sign an acknowledgement statement, requires a physician to report certain information to the DMV [Department of Motor Vehicles] within 15 days, and clarifies the circumstances when a cause of action can be brought against a physician for failure to comply.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 768.

AN ACT relating to mental health; providing for the establishment of a pilot program to provide certain intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and reside in certain larger counties; requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department to take certain actions to monitor the effectiveness of the pilot program and obtain funding for the pilot program; requiring the Department to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to make provisions for the support, education and care of the children with intellectual disabilities and children with related conditions who reside in their respective counties. (NRS 435.010)

Section 2 of this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department, to the extent that money is available for that purpose, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed as having behavioral health needs and reside in a county whose population is 100,000 or more (currently Clark and Washoe Counties). The Director of the Department is required to amend the State Plan for Medicaid if needed and obtain any necessary Medicaid waiver necessary to use money received pursuant to the State Plan for Medicaid to pay for **any part of** the pilot program **~~[.]~~ for which such money is authorized to be used by federal law or the waiver. Section 2 also authorizes the Division of Health Care Financing and Policy and the Aging and Disability Services Division to apply for and accept gifts, grants, donations and bequests to pay for the pilot program. Section 2** requires the intensive care coordination services provided through the pilot program to include certain medically necessary services, support for the family of a child and food and lodging expenses for a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian. **Section 2** requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to: (1) take certain measures to evaluate the effectiveness of the pilot program; and (2) collaborate with each person or governmental entity that provides services pursuant to the pilot

program to obtain grants for the purpose of carrying out the pilot program. The pilot program will expire on July 1, 2019, unless extended before that date.

Section 3 of this bill requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to submit a report on or before April 30, 2016, and every 6 months thereafter until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, concerning the status and results of the pilot program. **Section 3** of this bill requires the board of county commissioners of each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit a report on or before April 30, 2016, and every 6 months until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, describing the manner in which the board makes provisions for the required support, education and care of the children with intellectual disabilities and children with related conditions who reside in the county.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual disabilities or a child with a related condition who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual disability or a child with a related condition who has also been diagnosed as having behavioral health needs;

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for **any part of** the pilot program described in subsection 1 **~~[.]~~ for which such money is authorized to be used by federal law or by the waiver.**

5. As used in this section:

(a) "Children with related conditions" means children who have a severe, chronic disability which:

(1) Is attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;

(2) Is likely to continue indefinitely; and

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(I) Taking care of oneself;

(II) Understanding and use of language;

(III) Learning;

(IV) Mobility;

(V) Self-direction; and

(VI) Capacity for independent living.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) "Intensive care coordination services" means the delivery of comprehensive services provided to a child with an intellectual disability or a child with a related condition that is also diagnosed as having behavioral health

needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

(d) "Supported living arrangement services" means flexible, individualized services provided in a residential setting, for compensation, to a child with an intellectual disability or a person with a related condition who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child's independence, including, without limitation, training and habilitation services.

Sec. 3. On or before April 30, 2016, and every 6 months thereafter:

1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the status and results of the pilot program established pursuant to section 2 of this act and recommendations for legislation to facilitate the improvement or expansion of the pilot program.

2. The board of county commissioners of each county whose population is less than 100,000 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the actions the county is taking to comply with the requirements of NRS 435.010.

Sec. 3.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 4. This act becomes effective on July 1, 2015, and expires by limitation on July 1, 2019.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 768 to Assembly Bill No. 307.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment specifies that the funding received to support the pilot program may only be used as authorized by federal law or by the waiver. It also authorizes the Division of Health Care Financing and Policy and the Aging and Disability Services Division to apply for and accept gifts, grants, donations, and bequests to pay for the pilot program.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 780.

AN ACT relating to tow cars; prohibiting operators of tow cars from towing certain vehicles to any location other than a designated vehicle storage lot under certain circumstances; revising provisions relating to operators of tow cars; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an insurance company to designate vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Existing law also requires an operator of a tow car who fails to tow a vehicle to a vehicle storage lot designated by an insurance company to forfeit the charge for towing and storage of the vehicle and tow the vehicle free of charge to the designated lot. (NRS 706.4489) **Section 3** of this bill prohibits an operator of a tow car from: (1) towing a vehicle to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle unless the owner or operator of the vehicle directs the operator of the tow car to tow the vehicle to a location that is not a vehicle storage lot pursuant to **section 16** of this bill; or (2) seeking authorization from an owner or operator of a vehicle to tow the vehicle to a location other than the designated vehicle storage lot. **Section 3** also imposes civil penalties on an operator of a tow car who fails to tow certain vehicles to certain vehicle storage lots designated by an insurance company.

Existing law requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle before the vehicle is towed. (NRS 706.4489) **Section 16** requires the operator of a tow car to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle if the law enforcement officer does not communicate that information to the operator. **Section 16** also requires the operator of a tow car to: (1) retain any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for the vehicle; and (2) provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

Section 16 additionally prohibits an owner or operator of a vehicle from directing an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company, but authorizes an owner or operator of a vehicle to direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such a location, ~~[~~~the owner or operator of the vehicle~~]~~ **a law enforcement officer, if one is on the scene,** must confirm ~~[~~~in writing that: (1) he or she~~]~~ **that the owner or operator of the vehicle** directed the operator of the tow car to tow the vehicle to such a location ~~[,]~~ and ~~[(2)]~~ **that** the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location. **The law enforcement officer must also note the decision of the owner or operator of the vehicle in any report of the incident. If no law**

enforcement officer is on the scene, the operator of the tow car must have the owner or operator of the vehicle confirm in writing that he or she directed the towing of the vehicle to a location other than a vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location. The operator of the tow car is required to retain ~~[such written]~~ **a copy of any** documentation ~~[.]~~ **provided by the law enforcement officer or agency or any written confirmation obtained from the owner or operator of the vehicle.**

Existing law requires an operator of a tow car to maintain a dispatcher's log identifying certain information for each vehicle towed. (NRS 706.4465) **Section 13** of this bill requires an operator to record the insurance company of each vehicle towed if such information is known.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in NRS 706.445 to 706.453, inclusive, and sections 2 and 3 of this act, "insurance company" means any entity authorized to provide insurance for motor vehicles in this State, including, without limitation, a captive insurer, as defined in NRS 694C.060, and a person qualified as a self-insurer, pursuant to NRS 485.380.***

Sec. 3. ***1. Except as otherwise provided in NRS 706.4489, an operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to that section shall not tow the vehicle to another location. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot when required pursuant to NRS 706.4489, the operator of the tow car must:***

(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

2. An operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to NRS 706.4489 shall not solicit the owner or operator of the vehicle to divert the towing of the vehicle to a location other than the designated vehicle storage lot or solicit or market other services performed by a third party. Towing services performed pursuant to a request or demand by the owner or operator of a vehicle that the vehicle be towed to a location other than the designated vehicle storage lot does not relieve the operator of a tow car of any obligation relating to towing services performed without the prior consent of the owner or operator of a vehicle.

3. If an operator of a tow car violates the provisions of subsection 1 or 2, the Authority may:

(a) For a first offense, impose an administrative fine of not more than $5,000.

(b) For a second offense within a period of 24 consecutive months, impose an administrative fine of not more than $10,000.

(c) For a third offense within a period of 24 consecutive months, impose an administrative fine of not more than $15,000.

(d) For a fourth or subsequent offense within a period of 24 consecutive months, impose an administrative fine of not more than $20,000.

4. Before imposing a fine pursuant to subsection 3, the Authority shall provide notice to the holder of the certificate of public convenience and necessity and conduct a hearing pursuant to the provisions of chapter 233B of NRS and NRS 706.286.

5. All administrative fines imposed and collected by the Authority pursuant to this section are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 6. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 7. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property,

including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➥ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

Sec. 8. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, ***and sections 2 and 3 of this act*** have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

➥ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 9. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 10. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 11. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 12. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act,*** but no such transfer is valid for any purpose until a joint application to make the transfer is made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. The application must include a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the transferee and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The Authority shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** and the regulations adopted by the Authority pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the Authority;

(c) Has provided evidence that the transferee has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the transferee has filed with the Authority schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The Authority may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The Authority shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the Authority of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

Sec. 13. NRS 706.4465 is hereby amended to read as follows:

706.4465 The operator shall maintain a dispatcher's log which shows for each vehicle towed:

1. The date and time the call to provide towing was received.
2. The name of the person requesting that the vehicle be towed.
3. The date and time a tow car was dispatched to provide the towing.
4. The date and time the tow car arrived at the location of the vehicle to be towed.
5. The date and time the towing was completed.
6. The model, make, year of manufacture, vehicle identification number and license plate number of the towed motor vehicle.
7. The name of the insurance company that provides coverage for the towed vehicle, if the operator determines the identity of the insurance company or is otherwise informed of the identity of the insurance company.

Sec. 14. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 15. NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

(a) Guarantee safe access to the vehicles by their owners; and

(b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.

3. The provisions of NRS 706.4489 ***and section 3 of this act*** constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 16. NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

(a) Following an accident; or

(b) Following recovery after having been stolen,

➥ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle following an accident or following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the ~~[owner of the]~~ vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. ***If the law enforcement officer does not inform the operator of the tow car of the identity of the insurance company, the operator of the tow car shall make a good faith effort to determine the identity of the insurance company from the law enforcement officer and the owner or operator of the vehicle.*** If the operator of the tow car:

(a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the ~~[owner of the]~~ vehicle; or

(b) Otherwise determines the identity of the insurance company that provides coverage for the ~~[owner of the]~~ vehicle,

➥ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless the owner ***or operator*** of the vehicle ***, pursuant to subsection 4,*** or a representative of the insurance company has directed otherwise. ***The owner or operator of the vehicle shall be deemed to have consented to towing the vehicle to the vehicle storage lot designated by the insurance company that provides coverage for the vehicle.***

3. ~~[If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:~~

~~(a) Forfeit the charge for towing and storage of the vehicle; and~~

~~(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.]~~ ***The operator of a tow car shall***

retain any documents provided by a law enforcement officer pursuant to subsection 2 indicating the identity of the insurance company that provides coverage for a vehicle that is towed at the request of the law enforcement officer. The operator of a tow car shall provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

4. ***An owner or operator of a vehicle shall not direct an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company pursuant to subsection 1, but may direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such a location, ~~[the operator of the tow car shall require the owner or operator of the vehicle to confirm in writing that he or she]~~ a law enforcement officer, if one is on the scene, shall confirm that the owner or operator of the vehicle directed the operator of the tow car to tow the vehicle to a location other than the designated vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle in violation of subsection 2 of section 3 of this act ~~[.]~~ , and shall note the decision of the owner or operator of the vehicle in any report of the incident. If a law enforcement officer is not on the scene, the operator of the tow car shall require the owner or operator of the vehicle to confirm in writing on a form prescribed by the Authority that he or she directed the operator of the tow car to tow the vehicle to a location other than the designated vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle in violation of subsection 2 of section 3 of this act. The operator of the tow car shall retain ~~[such written documentation.]~~ a copy of any documentation provided by the law enforcement officer or agency and any form signed by the owner or operator of the vehicle.***

5. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

~~[5.]~~ ***6.*** A vehicle storage lot must:

(a) Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;

(c) Comply with all local laws and ordinances applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

(d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

~~[6.]~~ ***7.*** If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess those rates and charges for the storage of a vehicle that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

~~[7.]~~ ***8.*** Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection ~~[4;]~~ ***5;***

(b) Satisfied the requirements of subsection ~~[5;]~~ ***6;*** and

(c) Otherwise satisfied the requirements of this section.

~~[8.]~~ ***9.*** The provisions of this section apply only to a county whose population is 700,000 or more.

~~[9.]~~ ***10.*** As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) "Vehicle storage lot" means a business which, for a fee, stores vehicles that are towed at the request of a law enforcement officer following an accident or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

Sec. 17. NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, ***and sections 2 and 3 of this act*** do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

Sec. 18. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 and 3 of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, ***and sections 2 and 3 of this act,*** 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 19. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2 and 3 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2 and 3 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and sections 2 and 3 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 20. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act,*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 and 3 of this act,*** and with the orders of the Authority or the

Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 21. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board relating to the order of abatement and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(4) Afforded an opportunity for a hearing before the designee of the board relating to the imposition of civil penalties and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if

the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the board or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or

endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 22. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the governing body or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

7. If a designee of the governing body imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 780 to Assembly Bill No. 385.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 780 to Assembly Bill 385 provides that if the owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot, a law enforcement officer must confirm that the vehicle owner or operator provided such direction if one is on the scene. If a law enforcement officer is not on the scene, the tow car operator must have the vehicle owner or operator confirm in writing that he or she directed the tow to another location and that the tow car operator did not solicit the owner or operator of the vehicle to tow the vehicle to such a location.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wheeler moved that the Assembly rescind the action whereby it refused to concur in Senate Amendment No. 965 to Assembly Bill No. 176.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 965.

ASSEMBLYMEN ARMSTRONG, **PAUL ANDERSON**, SILBERKRAUS, EDWARDS; DICKMAN, ELLISON, ~~[FLORES,]~~ KIRNER, OSCARSON AND TITUS

SUMMARY— ~~[Requires the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program.]~~ **Revises various provisions relating to transportation.** (BDR 22-649)

AN ACT relating to transportation; requiring the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program; setting forth the requirements of the Program; requiring the commission in those counties to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; **revising provisions relating to casualty insurance for certain uses of motor vehicles; providing for the regulation of transportation network companies by the Nevada Transportation Authority; establishing requirements concerning drivers and motor vehicles operated by drivers who provide transportation services; prohibiting a local government from imposing any additional tax, fee or requirement for providing transportation services; exempting a transportation network company or driver who provides transportation services from certain provisions of law governing motor carriers; transferring responsibility for certain fees, assessments and excise taxes from the Public Utilities Commission of Nevada to the Authority; requiring an investigation and comparison of certain types of background checks; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill: (1) requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this State; (2) requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to disseminate information about the Program to the public and to public safety agencies; (3) authorizes that commission to obtain grants or sponsorships for the Program; and (4) provides that first responders are immune from civil liability for damages as a result of any act or omission taken by the first responder relating to a collision or other emergency in connection with the Program.

Sections 3-46 of this bill provide for the permitting by the Nevada Transportation Authority of transportation network companies and the regulation by the Authority of the provision of transportation services.

Section 19 of this bill defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services to passengers. Section 20 of this bill defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver through the use of the digital network or software application service of a transportation network company. Section 21 of this bill provides that it is the purpose and policy of the Legislature in enacting this bill to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sections 4-14 of this bill establish certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Section 25 of this bill prohibits any person from doing business in this State as a transportation network company unless the person holds a valid permit issued by the Authority pursuant to the provisions of sections 4-14 and 16-46 of this bill. Section 25 also: (1) empowers the Authority to regulate, pursuant to the provisions of this bill, all transportation network companies and drivers who operate or wish to operate within this State; and (2) prohibits the Authority from applying any provision of chapter 706 of NRS, relating to motor carriers, to a transportation network company or driver who operates within the provisions of sections 4-14 and 16-46 of this bill. Section 26 of this bill provides for the submission to the Authority of an application for a permit. Section 27 of this bill requires the Authority to issue a permit to an applicant upon a determination by the Authority that the applicant meets all the applicable requirements for the issuance of the permit. Section 27 of this bill further provides that a permit issued by the Authority authorizes a transportation network company to: (1) connect passengers to a driver who can provide transportation services through the use of a digital network or software application service; and (2) make its digital network or software application service available to one or more drivers to receive connections from the company. Section 27 of this bill provides that a permit issued by the Authority does not authorize a transportation network company to engage in any activity regulated pursuant to chapter 706 of NRS, relating to motor carriers. Additionally, section 27 provides that a person who is regulated pursuant to chapter 706 of NRS may be issued a permit to operate a transportation network company if the person meets the requirements for the issuance of a permit.

Section 29 of this bill authorizes a transportation network company to enter into agreements with one or more drivers to receive connections to potential passengers from the company. Section 29 also establishes the

minimum qualifications for drivers and requires a transportation network company to conduct an investigation of the background of each driver, which must include a criminal background check, a search of a database containing information from the sex offender website maintained by each state and a review of the complete driving history of the driver. Further, section 29 sets forth the conditions for which a transportation network company must terminate an agreement with a driver.

Section 30 of this bill: (1) provides that a transportation network company may, on behalf of a driver, charge a fare for the provision of transportation services by the driver; and (2) places certain requirements on the company concerning the fares and the information which must be provided to passengers concerning the amount and the calculation of fares.

Section 31 of this bill: (1) prohibits a transportation network company from allowing any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws governing the operation and maintenance of a motor vehicle to be connected to potential passengers; and (2) requires annual inspections of each motor vehicle operated by a driver.

Section 32 of this bill prohibits discrimination on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression by a transportation network company or driver. Section 33 of this bill requires a transportation network company to provide to passengers certain information relating to the identification of a driver. Section 34 of this bill requires a transportation network company to provide an electronic receipt to each passenger. Section 35 of this bill allows a transportation network company to enter into certain contracts with the Department of Health and Human Services. Section 36 of this bill imposes on transportation network companies certain recordkeeping requirements. Section 37 of this bill imposes on transportation network companies certain reporting requirements.

Section 38 of this bill establishes certain requirements relating to the provision of transportation services by a driver. Section 38 also prohibits a driver from soliciting passengers or providing transportation services except to persons who have arranged for such transportation services through the digital network or software application service of a transportation network company. Section 39 of this bill prohibits a driver from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period when the driver is providing transportation services or is logged into the digital network or software application service of a transportation network company. With certain exceptions, section 40 of this bill prohibits a transportation network company from releasing the personally identifiable information of passengers.

Section 41 of this bill provides for the investigation of complaints against a transportation network company or driver. Section 42 of this bill: (1) authorizes the Authority to impose certain penalties for any violation of the provisions of sections 4-14 and 16-46 of this bill by a transportation network company or driver; and (2) provides that a person who violates any provision of sections 4-14 and 16-46 of this bill is not subject to a criminal penalty.

Section 43 of this bill provides that this bill does not exempt any person from any other laws governing the operation of a motor vehicle upon the highways of this State, except that a transportation network company or a driver who provides transportation services within the scope of a permit issued by the Authority is not subject to the provisions of existing law governing motor carriers or public utilities.

Section 44 of this bill prohibits a local government from: (1) imposing any tax or fee on a transportation network company, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver; (2) requiring a transportation network company or driver to obtain from the local government any certificate, license or permit to provide transportation services; or (3) imposing any other requirement on the operation of a motor vehicle by a transportation network company or driver which is not of general applicability. Section 44 does not prohibit a local government from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government. Section 44 does not prohibit an airport from requiring a transportation network company or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport or comply with any other requirement to operate at the airport. Section 44 also states that sections 4-14 and 16-46 of this bill do not exempt any person from the requirement to obtain a state business license and requires a transportation network company to notify each driver of the requirement.

Section 45 of this bill requires each transportation network company to provide the Authority with reports at certain times containing certain information about damages resulting from accidents involving drivers who are providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. Section 45 also requires the Authority to collect these reports, determine whether the limits of coverage required pursuant to section 11 of this bill are sufficient and report to the Legislative Commission or Director of the Legislative Counsel Bureau.

Sections 47-53 and 58 of this bill revise the provisions of Assembly Bill No. 175 of this session to make the Authority, rather than the Public Utilities Commission of Nevada, responsible for carrying out the provisions of that bill relating to fees, assessments and excise taxes for transportation network companies.

Section 54 of this bill provides that: (1) a transportation network company may commence operations within this State immediately upon being issued a permit; (2) any regulation adopted by the Authority pursuant to sections 4-14 and 16-46 of this bill on or before July 1, 2017, shall not be effective for at least 30 days after filing with the Secretary of State; (3) the Authority must begin to accept applications for permits within 30 days after the effective date of section 26 of this bill; and (4) the Authority shall not issue a permit until July 1, 2015.

Section 55 of this bill requires the Nevada Transportation Authority to investigate and compare specific types of background checks to determine the efficacy, efficiency and effect on public safety and report the results of its investigation to the Legislative Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 700,000 or more, the commission shall establish and administer the Nevada Yellow Dot Program for the purpose of improving traffic safety.

2. The commission specified in subsection 1 shall coordinate with each commission in this State regarding the design, implementation and funding of the Program.

3. The Program must:

(a) Be available to any person in this State who wishes to participate in the Program by obtaining the materials described in paragraphs (b) and (c):

(1) At the main office or any branch office of each commission in this State;

(2) At the main office or any branch office of the Nevada Highway Patrol, the Department of Transportation or other location designated by the commission in a county whose population is 700,000 or more; or

(3) By mail, upon request.

(b) Provide to a participant a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment of the vehicle if the occupant is involved in a collision or other emergency.

(c) Provide to a participant a brightly colored and distinctively marked envelope and information card to be completed by the participant and kept

in the glove box of a vehicle upon which the decal described in paragraph (b) has been affixed. The information card must include, without limitation, spaces for the participant to include:

(1) The participant's name;

(2) A recent photograph of the participant;

(3) Emergency contact information;

(4) Any allergies or medical conditions of the participant;

(5) The name and contact information of the participant's physician and a preferred hospital, if any; and

(6) Information, if any, regarding the participant's health insurance.

4. In designing materials for the Program, the commission in a county whose population is 700,000 or more shall consider any materials used by similar programs in other states to ensure, to the extent practicable, uniformity with those materials.

5. In a county whose population is 700,000 or more, the commission shall establish and carry out a public information campaign to raise public awareness of the Program. In carrying out that campaign, that commission shall disseminate information concerning the Program to public safety agencies in this State.

6. In a county whose population is 700,000 or more, the commission may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program, including, without limitation, any private or corporate sponsorship for the Program.

7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a collision or other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.

8. As used in this section, "first responder" means any police, fire or emergency medical personnel acting in the normal course of duty.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419,

209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 ***and section 36 of this act*** and unless otherwise declared by law to be confidential,

all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. **Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.**

Sec. 4. ***As used in sections 4 to 14, inclusive, of this act, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Driver" has the meaning ascribed to it in section 18 of this act.***

Sec. 6. ***"Transportation network company" has the meaning ascribed to it in section 19 of this act.***

Sec. 7. ***"Transportation network company insurance" means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver pursuant to sections 4 to 14, inclusive, of this act.***

Sec. 8. ***"Transportation services" has the meaning ascribed to it in section 20 of this act.***

Sec. 9. ***The provisions of sections 4 to 14, inclusive, of this act do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS unless the person holds a permit issued pursuant to section 27 of this act.***

Sec. 10. ***Before allowing a natural person to be connected to a potential passenger using the digital network or software application service of a transportation network company to provide transportation services as a driver, a transportation network company shall, in writing:***

1. Disclose the insurance coverage and limits of liability that the transportation network company provides for a driver while the driver is providing transportation services.

2. Notify the person that:

(a) His or her insurance for the operation of a motor vehicle required pursuant to NRS 485.185 may not provide coverage for the use of a motor vehicle to provide transportation services.

(b) If comprehensive or collision coverage was purchased in addition to such insurance, the comprehensive or collision coverage may not apply to any damage which results from the use of the motor vehicle while a driver is providing transportation services or logged into the digital network or software application service of a transportation network company and available to receive requests for transportation services.

3. Disclose to the person that, if there is a lien against a vehicle used by a driver to provide transportation services, the driver must notify the lienholder that the vehicle is being used to provide transportation services.

4. Disclose to the person that the use of a vehicle to provide transportation services may violate the contract between a driver and a lienholder.

Sec. 11. ***1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:***

(a) In an amount of not less than $1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident that occurs while the driver is providing transportation services;

(b) In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two or more persons in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for

transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 12. 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver for any claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver for a claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver,

➥ has the right of contribution against other insurers who provide coverage to the driver to satisfy the coverage required by section 11 of this act at the time of the loss.

Sec. 13. In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company and driver, and each insurer providing transportation network company insurance to a transportation network company or driver, who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident involving a driver.

2. The dates and times that the driver involved in an accident logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

3. The dates and times that the driver involved in an accident logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.

4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 14. 1. A driver shall carry proof of coverage under a policy of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. A driver shall provide proof of coverage under a policy of transportation network company insurance and disclose whether he or she was logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services at the time of an accident upon request to a law enforcement officer and to any party with whom the driver is involved in an accident.

Sec. 15. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 16 to 46, inclusive, of this act.

Sec. 16. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 17. "Authority" means the Nevada Transportation Authority.

Sec. 18. "Driver" means a natural person who:

1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

Sec. 19. "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.

Sec. 20. "Transportation services" means the transportation by a driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when

the last such passenger fully disembarks from the motor vehicle operated by the driver.

Sec. 21. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sec. 22. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A person who provides a digital network or software application service to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the digital network or software application service.

Sec. 23. Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services to be a commercial motor vehicle.

Sec. 24. Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.

Sec. 25. 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. The Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 26. A person who desires to operate a transportation network company in this State must submit to the Authority an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the Authority and must include such information as the Authority, by regulation, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.

Sec. 27. 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the

Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 26 of this act and meets the requirements for the issuance of a permit.

Sec. 28. A transportation network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 29. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

Sec. 30. 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 31. 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering,

windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

Sec. 32. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 33. For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 34. A transportation network company which connected a passenger to a driver shall, within a reasonable period following the provision of transportation services by the driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;

2. The total time for which transportation services were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 35. A transportation network company may enter into a contract with any agency of the Department of Health and Human Services to provide assistance in transportation pursuant to the programs administered by the agency.

Sec. 36. ***1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:***

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) Records of each complaint and the resolution of each complaint; and

(d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

Sec. 37. ***1. Each transportation network company shall:***

(a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Authority upon request;

(b) On or before May 15 of each year, provide an annual report to the Authority regarding all business conducted by the company in this State during the preceding calendar year; and

(c) Provide the information determined by the Authority to be necessary to verify the collection of money owed to the State.

2. The Authority shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Authority determines that a transportation network company has failed to include information in its accounts or report required pursuant to subsection 1, the Authority shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the transportation network company under oath.

Sec. 38. ***1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.***

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Authority that:

(a) The driver has good reason to fear for the driver's personal safety; or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 39. 1. A driver is prohibited from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period in which the driver is providing transportation services on behalf of the transportation network company and any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not providing transportation services.

2. Each transportation network company shall:

(a) Provide notice of the provisions of subsection 1:

(1) On an Internet website maintained by the company; or

(2) Within the digital network or software application service of the company; and

(b) Provide for the submission to the company of a complaint by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1.

3. Upon receipt of a complaint submitted by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1, a transportation network company shall immediately suspend the access of the driver to the digital network or software application service of the company and conduct an investigation of the complaint. The company shall not allow the driver to access the digital network or software application service of the company or provide transportation services in affiliation with the company until after the investigation is concluded.

4. If a transportation network company determines, pursuant to an investigation conducted pursuant to subsection 3, that a driver has violated the provisions of subsection 1, the company shall terminate the agreement entered into with the driver and shall not allow the driver to access the digital network or software application service of the company.

5. Each transportation network company shall maintain a record of each complaint described in subsection 3 and received by the company for a period of not less than 3 years after the date on which the complaint is received. The record must include, without limitation, the name of the driver, the date on which the complaint was received, a summary of the investigation conducted by the company and the results of the investigation.

Sec. 40. 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the

personally identifiable information of a passenger who received services from the company unless:

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver and the passenger.

Sec. 41. Each transportation network company shall:

1. Provide notice of the contact information of the Authority on an Internet website maintained by the company or within the digital network or software application service of the company; and

2. Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

Sec. 42. 1. If the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:

(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;

(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed $100,000 per violation;

(c) Prohibit a person from operating as a driver; or

(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 43. ***1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.***

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 relating to public utilities; and

(b) The provisions of chapter 706 of NRS,

➥ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 44. ***1. Except as otherwise provided in subsection 2, a local governmental entity shall not:***

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 45. ***1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle accidents involving drivers affiliated with the company which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:***

(a) For all accidents that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all accidents that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle accidents which occurred in this State involving such a driver;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such an accident; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such an accident.

3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 11 of this act are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to section 11 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 46. ***The Authority shall adopt such regulations as are necessary to carry out the provisions of this chapter.***

Sec. 47. **Section 14 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 14. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 15 to ~~[46,]~~ ***28,*** inclusive, of this act.

Sec. 48. **Section 25 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 25. A person who desires to operate a transportation network company in this State must submit to the ~~[Commission]~~ ***Authority*** an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the ~~[Commission,]~~ ***Authority,*** must be accompanied by the fee required by section 27 of this act and must include such information as ~~[reasonably required by]~~ the ~~[Commission]~~ ***Authority,*** by regulation ~~[.]~~ ***, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.***

Sec. 49. **Section 26 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 26. 1. Upon receipt of a completed application and payment of the required fee and upon a determination by the ~~[Commission]~~ ***Authority*** that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the ~~[Commission]~~ ***Authority*** shall issue to the applicant within ~~[120]~~ ***30*** days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by ~~[sections 15 to 46, inclusive, of]~~ this ~~[act.]~~ ***chapter.***

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 25 of this act and meets the requirements for the issuance of a permit.

Sec. 50. **Section 27 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 27. 1. The ~~[Commission]~~ ***Authority*** shall charge and collect a fee in an amount established by the ~~[Commission]~~ ***Authority*** by regulation from each applicant for a permit to operate a transportation network company in this State. The fee required by this subsection is not refundable. The ~~[Commission]~~ ***Authority*** shall not issue a permit to

operate a transportation network company in this State unless the applicant has paid the fee required by this subsection.

2. For each year after the year in which the ~~[Commission]~~ ***Authority*** issues a permit to a transportation network company, the ~~[Commission]~~ ***Authority*** shall levy and collect an annual assessment from the transportation network company at a rate determined by the ~~[Commission]~~ ***Authority*** based on the gross operating revenue derived from the intrastate operations of the transportation network company in this State.

3. The annual assessment levied and collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 2 must be used by the ~~[Commission]~~ ***Authority*** for the regulation of transportation network companies.

Sec. 51. **Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ ***Authority*** shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Sec. 52. **Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~[Public Utilities Commission of]~~ Nevada ***Transportation Authority*** pursuant to ~~[section]~~ ***sections*** 28 ~~[of this act, the Authority pursuant to section]~~ ***and*** 51 of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 53. **Section 58 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 58. 1. This section and sections ~~[2]~~ ***14, 15, 17, 18, 19, 25*** to ~~[50,]~~ ***28,*** inclusive, ***50, 53*** and ~~[53 to 57, inclusive,]~~ ***54*** of this act become effective upon passage and approval.

2. Sections 51 and 52 of this act become effective on the 90th day after the effective date described in subsection 1.

3. Section 1 of this act becomes effective on October 1, 2015.

Sec. 54. **1. Notwithstanding any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act, a transportation network company, as defined in section 19 of this act, which is issued a permit by the Nevada Transportation Authority pursuant to section 27 of this act on or before July 1, 2017, may commence operations in this State immediately upon being issued a permit.**

2. Notwithstanding the effective date of any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act on or before July 1, 2017, a transportation network company must not be required to comply with the provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.

3. The Nevada Transportation Authority shall accept applications for a permit to operate a transportation network company within 30 days after the effective date of section 26 of this act.

4. Notwithstanding the provisions of section 27 of this act, the Nevada Transportation Authority shall not, before July 1, 2015, issue a permit to operate a transportation network company.

Sec. 55. **1. The Nevada Transportation Authority shall investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of subsection 2 of section 29 of this act and background checks performed by submitting the fingerprints of a person by the Central Repository for Nevada Records of Criminal History to the Federal Bureau of Investigation for its report.**

2. The Nevada Transportation Authority shall, on or before the date 6 months after the effective date of this section, report the results of its investigation to the Legislative Commission.

Sec. 56. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 2.5.]~~ ***Sec. 57.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 58. **Sections 2 to 13, inclusive, 16, 20 to 24, inclusive, 29 to 49, inclusive, 55, 56 and 57 of Assembly Bill No. 175 of this session are hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 59.*** **1.** This **section, sections 2 to 46, inclusive, 54, 55 and 56 of this** act ~~[becomes]~~ **become** effective **upon passage and approval.**

2. Sections 47 to 53, inclusive, and 58 of this act become effective upon passage and approval of Assembly Bill No. 175 of this session.

3. Sections 1 and 57 of this act become effective on January 1, 2016.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 965 to Assembly Bill No. 176.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 965 to Assembly Bill 176 provides for the permitting by the Nevada Transportation Authority [NTA] of transportation network companies and the regulation by the NTA of the provision of transportation services. Specifically, the amendment requires that the transportation network companies hold a valid permit issued by the NTA; establishes insurance requirements for transportation network companies; empowers the NTA to regulate transportation network companies and transportation network company drivers; establishes minimum qualifications for drivers and requires a transportation network company to conduct certain background checks; requires an annual inspection of each motor vehicle operated by a transportation network company driver; and prohibits a local government from imposing taxes, fees, or certain other requirements on a transportation network company. The amendment provides that neither a transportation network company nor a transportation network company driver is subject to the provisions of existing law governing motor carriers or public utilities.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:21 p.m.

ASSEMBLY IN SESSION

At 1:23 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly suspend paragraph 4 of Assembly Standing Rule No. 57 for the balance of session.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:27 p.m.

ASSEMBLY IN SESSION

At 4:17 p.m.

Mr. Speaker presiding.

Quorum not present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Kenzie Taylor.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Clara Thomas, Mark Matthews, and Debra Springer.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Thom Collins and Susan Collins.

Mr. Speaker announced that the Assembly would adjourn until Wednesday, May 27, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:17 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 27, 2015

Assembly called to order at 12:09 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, like the recent and welcome rain, every good and perfect gifts come down from heaven from Your hands. We are thankful for Your constant love and provision. Provide for us today all things necessary for us to perform well the tasks set before us. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Education, to which was referred Senate Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBIN L. TITUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 69, 491, 498, 509; Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 795 to Senate Bill No. 5; Assembly Amendment No. 654 to Senate Bill No. 25; Assembly Amendment No. 740 to Senate Bill No. 29; Assembly Amendment No. 693 to Senate Bill No. 36; Assembly Amendment No. 692 to Senate Bill No. 38; Assembly Amendment No. 663 to Senate Bill No. 40; Assembly Amendment No. 722 to Senate Bill No. 50; Assembly Amendment No. 691 to Senate Bill No. 59; Assembly Amendment No. 725 to Senate Bill No. 84; Assembly Amendment No. 820 to Senate Bill No. 144; Assembly Amendment No. 742 to Senate Bill No. 174; Assembly Amendment No. 808 to Senate Bill No. 188; Assembly Amendment No. 855 to Senate Bill No. 192; Assembly Amendment No. 809 to Senate Bill No. 209; Assembly Amendment No. 721 to Senate Bill No. 223; Assembly Amendment No. 822 to Senate Bill No. 238; Assembly Amendment No. 790 to Senate Bill No. 240; Assembly Amendment No. 823 to Senate Bill No. 254; Assembly Amendment No. 739 to Senate Bill No. 285; Assembly Amendment No. 733 to Senate Bill No. 401; Assembly Amendments Nos. 674, 794 to Senate Bill No. 419; Assembly Amendments Nos. 656, 672 to Senate Bill No. 476.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 837 to Senate Bill No. 7; Assembly Amendment No. 904 to Senate Bill No. 53; Assembly Amendment No. 810 to Senate Bill No. 376.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 13.

Assemblyman Paul Anderson moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Assemblyman Paul Anderson moved that the Assembly rescind the action whereby Senate Bill No. 456 was concurrently referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 69.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 491.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 498.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 509.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 920.

AN ACT relating to state employees; revising provisions relating to compensation of state employees to eliminate longevity pay for such employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a plan to encourage continuity of service for state employees whereby each employee with 8 years or more of continuous state service is entitled to a semiannual payment which begins at $75 and increases annually after that for each year of continuous service to a maximum semiannual payment of $1,175 (referred to commonly as "longevity pay"). (NRS 284.177) **Section 5** of this bill repeals that provision, but does not affect any longevity pay of local governmental employees, and **sections 1 ~~[–4]~~ and 2** of this bill make conforming changes to reflect that repeal.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.123 is hereby amended to read as follows:

281.123 1. Except as otherwise provided in subsection 3 or NRS 281.1233, or as authorized by statute referring specifically to that position, the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period.

2. As used in subsection 1, the term "salary":

(a) Includes any:

(1) Payment received by an employee for being available to work although the employee was not actually required to perform the work;

(2) Increase in salary provided to compensate for a rise in the cost of living; ***and***

(3) ~~[Payment received under a plan established to encourage continuity of service; and~~

~~(4)~~] Payment received as compensation for purportedly performing additional duties.

(b) Excludes any:

(1) Payment received as compensation for overtime even if that payment is otherwise authorized by law; and

(2) Rent or utilities supplied to an employee if the employee is required by statute or regulation to live in a particular dwelling.

3. The provisions of subsection 1 do not apply to the salaries of:

(a) Dentists and physicians employed full-time by the State; or

(b) Officers and employees of the Nevada System of Higher Education.

Sec. 2. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals, employees in the unclassified service of the Executive Branch of the Government of the State of Nevada, or employees of the Legislative Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority. The benefit conferred by this subsection includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave **,** [~~and longevity,~~] and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

2. Except as otherwise provided in subsection 4, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

3. Except as otherwise provided in this subsection and subsection 4, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

➥ A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

4. The restrictions provided in subsections 2 and 3 do not apply to an employee of the Supreme Court, an employee of the Court of Appeals, an employee in the unclassified service of the Executive Branch of Government or an employee of the Legislative Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that such an employee may only transfer to a position in the classified service that has duties and compensation that are similar either to the employee's current position or to a position the employee previously held in the classified service.

5. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

6. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a regular session of the Legislature and is eligible at that time pursuant to subsection 1 to transfer to a position having similar duties and compensation in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date. For the purposes of this section, the weekly compensation of a person paid a daily salary during a legislative session is seven times the daily salary.

Sec. 3. ~~[NRS 1A.030 is hereby amended to read as follows:~~

~~1A.030 1. "Compensation" means the salary paid to a justice of the Supreme Court, a judge of the Court of Appeals or a district judge by this State, to a justice of the peace by a county or to a municipal judge by a city, including:~~

~~(a) Base pay, which is the monthly rate of pay excluding all fringe benefits;~~

~~(b) Additional payment for longevity~~ **[**~~;~~**]** ***, if applicable;*** ~~and~~

~~(c) Payment for extra duty assignments if it is the standard practice of this State, the county or the city to include such pay in the employment contract or official job description for the calendar year in which it is paid and such pay is specifically included in the justice's or judge's employment contract or official job description.~~

~~2. The term does not include any type of payment not specifically described in this section.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 3.030 is hereby amended to read as follows:~~

~~3.030 1. Until the first Monday in January 2009, the annual base salary of each district judge is $130,000. From and after the first Monday in January 2009, the annual base salary of each district judge is $160,000.~~

~~2. If a district judge has served in his or her office for at least 4 years, the district judge is entitled to an additional salary of 2 percent of his or her annual base salary for each year of service. The additional salary must not exceed 22 percent of his or her annual base salary.~~

~~3. The annual base salaries [and the additional salary for longevity] must be paid in biweekly installments out of the State Judicial Elected Officials Account of the Supreme Court.~~

~~4. No salary of any district judge may be paid in advance.~~**]** **(Deleted by amendment.)**

Sec. 5. NRS 284.177 and 284.179 are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

284.177 Plan to encourage continuity of service.

1. A plan to encourage continuity of service, administered by the Division, is hereby established for employees with 8 years or more of continuous state service. Except as otherwise provided in NRS 284.179, an employee rated standard or better with 8 years or more of continuous service is entitled to receive a semiannual payment of $75 plus:

(a) An annual increase of $25 in the semiannual payment for each year of the employee's ninth through fourteenth years of continuous service;

(b) An annual increase of $50 in the semiannual payment for each year of the employee's fifteenth through twenty-fourth years of continuous service; and

(c) An annual increase of $75 in the semiannual payment for each additional year of continuous service after 24 years, up to a maximum of 30 years of continuous state service.

2. An interruption in continuous state service terminates the employee's eligibility for additional pay pursuant to subsection 1.

3. Except as otherwise provided in this subsection, no year served before the interruption may be counted in determining the employee's subsequent eligibility. This provision does not apply to an employee who was employed before July 1, 1981, unless the employee leaves state service after that date.

4. As used in this section, "continuous service" means uninterrupted service as defined by the Commission.

284.179 Professional employees of Nevada System of Higher Education not entitled to payments pursuant to plan to encourage continuity of service. The professional employees of the Nevada System of Higher Education are not entitled to receive the payments provided in NRS 284.177.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 436 as amended repeals NRS 284.177 and NRS 284.179, which provide for longevity payments to state employees. Assembly Bill 436 as amended enacts recommendations, including the Executive Budget, and is effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 921.

AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for costs related to employee retirement buyouts, terminal leave payments and other termination-related costs for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[$259,928]~~ **$255,815** for employee retirement buyouts, terminal leave payments and other termination-related costs for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2017, by the Division of Forestry of the State Department of Conservation and Natural Resources or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the Division or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 438 as amended appropriates $255,815 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for costs related to the employee retirement buyouts for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division. It becomes effective upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 950.

AN ACT making an appropriation to the Legislative Counsel Bureau for the cost of dues and registration for national organizations and one-time building

maintenance and information technology purchases; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Legislative Counsel Bureau the sum of ~~[$2,011,073]~~ **$2,004,232** to be allocated as follows:

1. For the cost of dues and registration for national organizations ..... ~~[$778,181]~~ **$776,460**

2. For one-time building maintenance and information technology purchases ..... ~~[$1,232,892]~~ **$1,227,772**

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2017, by the Legislative Counsel Bureau or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2017, by either the Legislative Counsel Bureau or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2017.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 443 as amended makes an appropriation to the Legislative Counsel Bureau for the cost of dues and registration for national organizations and some one-time building maintenance and information technology purchases.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 466.

Bill read second time and ordered to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 800.

AN ACT relating to governmental administration; creating the Office of Finance in the Office of the Governor; transferring certain powers and duties of the Department of Administration to the Office of Finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Administration consisting of several divisions, including the Budget Division and the Division of Internal Audits.

(NRS 232.213) **Section 2** of this bill creates the Office of Finance in the Office of the Governor. **Sections 2-13** of this bill transfer the duties of the Budget Division and the Division of Internal Audits from the Department of Administration to the Office of Finance.

Sections 14-16 of this bill provide transitory provisions regarding the transfer of the responsibilities of the Department of Administration to the Office of Finance, including the transfer and adoption of regulations, the effect of name changes on any existing contracts, revisions that may be necessary to other provisions of existing law and administrative regulations to conform to the changes made in this bill and other necessary direction to carry out the intent of this bill.

If this bill is enacted, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau will be required by **section 16** and NRS 220.120 to conform all sections of law not included in this bill to the reorganization provided by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. The Office of Finance is hereby created in the Office of the Governor.***

2. The Office of Finance consists of a Director and the following:

(a) The Budget Division; and

(b) The Division of Internal Audits.

Sec. 3. ***The Director of the Office of Finance:***

1. Is appointed by, is responsible to and serves at the pleasure of the Governor.

2. Is in the unclassified service of the State.

3. Shall not engage in any other gainful employment or occupation.

Sec. 4. ***The Director of the Office of Finance:***

1. Shall appoint a Chief of the Budget Division, who serves at the pleasure of the Director and is in the unclassified service of the State, or may serve in this position if the Director has the qualifications required by NRS 353.175.

2. Is responsible for the administration, through the divisions of the Office, of the provisions of NRS 235.005 to 235.016, inclusive, 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive, and all other provisions of law relating to the functions of the divisions of the Office.

Sec. 5. ***1. The Director of the Office of Finance shall appoint the Administrator of the Division of Internal Audits.***

2. The Administrator of the Division of Internal Audits of the Office of Finance serves at the pleasure of the Director and is in the unclassified service of the State.

Sec. 6. ***1. Unless federal law or regulation otherwise requires, the Chief of the Budget Division and the Administrator of the Division of Internal Audits may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.***

2. Except as otherwise provided in subsection 1 and sections 3, 4 and 5 of this act, employees of the Office of Finance are in the classified service of the State.

Sec. 7. ~~[NRS 223.085 is hereby amended to read as follows:~~

~~223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation,~~ ***the Office of Finance,*** ~~the Office of Economic Development, the Office of Science, Innovation and Technology and the Governor's mansion. Any such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.~~

~~2. The Governor shall:~~

~~(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and~~

~~(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.~~

~~3. The Governor may:~~

~~(a) Appoint a Chief Information Officer of the State; or~~

~~(b) Designate the Administrator as the Chief Information Officer of the State.~~

~~→ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.~~

~~4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.~~**]** **(Deleted by amendment.)**

Sec. 8. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

(a) ~~[Budget Division.~~

~~(b)~~**]** Risk Management Division.

~~[(c)~~**]** ***(b)*** Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

~~[(d)~~**]** ***(c)*** State Public Works Division.

~~[(e)~~**]** ***(d)*** Purchasing Division.

~~[(f)~~**]** ***(e)*** Administrative Services Division.

~~[(g) Division of Internal Audits.~~

~~(h)~~**]** ***(f)*** Division of Human Resource Management.

~~[(i)~~**]** ***(g)*** Division of Enterprise Information Technology Services.

~~[(j)]~~ ***(h)*** Division of State Library and Archives.

~~[(k)]~~ ***(i)*** Office of Grant Procurement, Coordination and Management.

~~[(l)]~~ ***(j)*** Fleet Services Division.

Sec. 9. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

(a) Risk Management Division;

(b) State Public Works Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) ~~[Division of Internal Audits;~~

~~(f)]~~ Division of Human Resource Management;

~~[(g)]~~ ***(f)*** Division of Enterprise Information Technology Services;

~~[(h)]~~ ***(g)*** Division of State Library and Archives;

~~[(i)]~~ ***(h)*** Office of Grant Procurement, Coordination and Management; and

~~[(j)]~~ ***(i)*** Fleet Services Division.

2. ~~[Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by NRS 353.175.~~

~~3.]~~ Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

~~[4.]~~ ***3.*** Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242, 284, 331, 333, 336, 338 and 341 of NRS ~~[, NRS 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive,]~~ ***and*** chapter 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.

~~[5.]~~ ***4.*** Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

~~[6.]~~ ***5.*** Has such other powers and duties as are provided by law.

Sec. 10. NRS 232.2165 is hereby amended to read as follows:

232.2165 The Administrator of:

1. The State Public Works Division;

2. The Purchasing Division;

3. The Administrative Services Division;

4. ~~[The Division of Internal Audits;~~

~~5.]~~ The Division of Human Resource Management;

~~[6.]~~ ***5.*** The Division of Enterprise Information Technology Services;

~~[7.]~~ ***6.*** The Division of State Library and Archives;

~~[8.]~~ ***7.*** The Office of Grant Procurement, Coordination and Management; and

~~[9.]~~ ***8.*** The Fleet Services Division,

➥ of the Department serves at the pleasure of the Director and is in the unclassified service of the State.

Sec. 11. NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the ~~[Chief of the Budget Division and the]~~ Administrator of the:

1. State Public Works Division;
2. Purchasing Division;
3. ~~[Division of Internal Audits;~~
~~4.]~~ Division of Human Resource Management;
~~[5.]~~ ***4.*** Division of Enterprise Information Technology Services;
~~[6.]~~ ***5.*** Division of State Library and Archives; and
~~[7.]~~ ***6.*** Fleet Services Division,

➥ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.

Sec. 12. NRS 232.219 is hereby amended to read as follows:

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

(a) State Public Works Division;
(b) ~~[Budget Division;~~
~~(c)]~~ Purchasing Division;
~~[(d)]~~ ***(c)*** Hearings Division;
~~[(e)]~~ ***(d)*** Risk Management Division;
~~[(f) Division of Internal Audits;~~
~~(g)]~~ ***(e)*** Division of Human Resource Management;
~~[(h)]~~ ***(f)*** Division of Enterprise Information Technology Services;
~~[(i)]~~ ***(g)*** Division of State Library and Archives; and
~~[(j)]~~ ***(h)*** Fleet Services Division.

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

Sec. 13. NRS 232.2195 is hereby amended to read as follows:

232.2195 The Administrative Services Division shall:

1. Furnish fiscal and accounting services to ~~[the]~~ ***:***

(a) The Director and to each division of the Department; and

(b) The Office of Finance.

2. Advise and assist ~~[the]~~ ***:***

(a) The Director and each division of the Department in carrying out their functions and responsibilities ~~[.]~~ ***; and***

(b) The Office of Finance in carrying out its functions and responsibilities.

Sec. 14. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 15. The assets and liabilities of any fund or account transferred from the Director of the Department of Administration to the Director of the Office of Finance are unaffected by the transfer.

Sec. 16. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 17. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 469 as amended creates the Office of Finance in the Office of the Governor and removes the duties of the Budget Division and the Division of Internal Audits from the Department of Administration and transfers them to the Office of Finance. Assembly Bill 469 as amended also creates a new position for the Director of the Office of Finance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time and ordered to third reading.

Assembly Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 967.

AN ACT relating to common-interest ownership; revising certain fees required to be paid by homeowners' associations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain fees that must be paid by homeowners' associations to the Real Estate Administrator for deposit with the State Treasurer for credit to the Account for Common-Interest Communities and Condominium Hotels. These fees are established on the basis of the actual costs of administering the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and may not exceed $3 for each unit in a homeowners' association. (NRS 116.31155) This bill increases that amount from $3 to $5 **~~[.]~~ beginning on July 1, 2016.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31155 is hereby amended to read as follows:

116.31155 1. Except as otherwise provided in subsection 2, an association shall:

(a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541, 87A.560 or 88.591, pay to the Administrator a fee established by regulation of the Administrator for every unit in the association used for residential use.

(b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the Administrator a fee established by regulation of the Administrator for each unit in the association.

2. If an association is subject to the governing documents of a master association, the master association shall pay the fees required pursuant to this section for each unit in the association that is subject to the governing documents of the master association, unless the governing documents of the master association provide otherwise. The provisions of this subsection do not relieve any association that is subject to the governing documents of a master association from its ultimate responsibility to pay the fees required pursuant to this section to the Administrator if they are not paid by the master association.

3. The fees required to be paid pursuant to this section must be:

(a) Paid at such times as are established by the Division.

(b) Deposited with the State Treasurer for credit to the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630.

(c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed ~~[~~$3~~]~~ ***$5*** per unit.

4. The Division shall impose an administrative penalty against an association or master association that violates the provisions of this section by failing to pay the fees owed by the association or master association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or master association or $500, whichever amount is less. The amount of the unpaid fees owed by the association or master association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.

5. A unit's owner may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to both an association and a master association.

6. An association that is subject to the governing documents of a master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by the master association.

7. A master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by an association that is subject to the governing documents of the master association.

8. Upon the payment of the fees and any administrative penalties and interest required by this section, the Administrator shall provide to the association or master association evidence that it paid the fees and the administrative penalties and interest in compliance with this section.

9. Any person, association or master association which has been requested or required to pay any fees, administrative penalties or interest pursuant to this section and which believes that such fees, administrative penalties or interest has been imposed in error may, without exhausting any available administrative remedies, bring an action in a court of competent jurisdiction to recover:

(a) Any amount paid in error for any fees, administrative penalties or interest during the immediately preceding 3 years;

(b) Interest on the amount paid in error at the rate set forth in NRS 99.040; and

(c) Reasonable costs and attorney's fees.

Sec. 2. This act becomes effective on July 1, ~~[~~2015.~~]~~ **2016.**

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 474 as amended increases the per unit fee paid by homeowners' associations to the Real Estate Administrator from a maximum of $3 to a maximum of $5 for actual costs for administering the Office of the Ombudsman within the Common-Interest Communities Account. This bill as amended becomes effective July 1, 2016.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 966.

SUMMARY— ~~[Provides for the establishment of a Veterans Policy Leadership Institute within the Nevada System of Higher Education and provides for the preparation of certain reports]~~ **Revises provisions** relating to veterans. (BDR ~~[34-1197)]~~ **37-1197)**

AN ACT relating to veterans affairs; ~~[authorizing the Board of Regents of the University of Nevada to establish a Veterans Policy and Leadership Institute to increase research on improving outcomes for veterans, members of the military and their families;]~~ requiring the Department of Veterans Services and the Nevada Veterans Services Commission to prepare certain reports; **imposing certain duties on the Interagency Council on Veterans Affairs relating to veterans and servicemen and servicewomen and their families;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Desert Research Institute was required to be established by the Board of Regents of the University of Nevada within the Nevada System of Higher Education for educational and scientific research. (NRS 396.795-396.7956) The Board of Regents was also authorized to establish an Ethics Institute within the System to study questions and define standards regarding medical ethics. (NRS 396.797-396.7975) Sections 2-7 of this bill authorize the Board of Regents to establish a Veterans Policy and Leadership Institute within the Nevada System of Higher Education. The purpose of the Institute is to increase the amount of research related to improving the outcomes for veterans, members of the military and their families, including in the areas of education, employment and wellness. Sections 9, 10 and 12 of this bill require the Interagency Council on Veterans Affairs, the Director and Deputy Director of the Department of Veterans Services and the Nevada Veterans Services Commission to consult with the Veterans Policy and Leadership Institute when developing and analyzing data for any reports or recommendations that those entities are required to submit to the Governor and the Legislature.]~~

Section 8 of this bill requires the Director of the Department of Veterans Services to prepare a fiscal report regarding the amount and sources of funding received by the Department for the provision of programs and services to veterans and a comprehensive overview of the Department's budget. **Section 8** also requires the Director to transmit a digital copy of the report to each veteran for whom the Department has an electronic mail address and to post the report on the Department's Internet website.

Existing law creates the Interagency Council on Veterans Affairs and requires the Council to perform various duties relating to the needs of veterans and servicemen and servicewomen and their families in Nevada. (NRS 417.0191, 417.0195) Section 9 of this bill imposes additional duties on the Council relating to such persons, including: (1) fostering the development and dissemination of research and policy for improving outcomes for those persons; (2) developing and administering a fellowship program to increase research on improving outcomes for those persons; and (3) developing models for outreach to and engagement of veterans.

Under existing law, the Nevada Veterans Services Commission is required to advise the Director and Deputy Director of the Department of Veterans Services on various issues relating to veterans. (NRS 417.150-417.190) **Section 12** requires the Nevada Veterans Services Commission to prepare and submit an annual report to the Interagency Council on Veterans Affairs that summarizes its activities during the preceding fiscal year. **Section 9** requires the Interagency Council on Veterans Affairs to include the Commission's annual report in the annual report that the Interagency Council is required to submit to the Governor and the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.**]** **(Deleted by amendment.)**

Sec. 2. **[*~~The Board of Regents may establish a Veterans Policy and Leadership Institute as a facility within the System to increase research on improving outcomes for veterans, members of the military and their families, including, without limitation, in the areas of education, employment and wellness.~~*]** **(Deleted by amendment.)**

Sec. 3. **[*~~If established pursuant to section 2 of this act, the Veterans Policy and Leadership Institute may:~~*

~~1. Develop and disseminate best practices for improving outcomes for veterans, members of the military and their families through policy recommendations at the state and local governmental levels.~~

~~2. Foster the development and dissemination of research and policy for improving outcomes for veterans, members of the military and their families.~~

~~3. Develop and administer a fellowship program to increase research on improving outcomes for veterans, members of the military and their families,~~

~~*including, without limitation, in the areas of education, employment and wellness. If developed, the program must include, without limitation, publication of peer-reviewed materials and an annual conference.*~~

~~*4. Assist the Department of Veterans Services, the Nevada Veterans Services Commission and the Interagency Council on Veterans Affairs in developing and analyzing data for reports and policy recommendations for the Governor and the Legislature.*~~

~~*5. Cultivate leadership opportunities for veterans.*~~

~~*6. Develop models for outreach to and engagement of veterans.]*~~ **(Deleted by amendment.)**

Sec. 4. **[**~~*The Board of Regents, on behalf of the Veterans Policy and Leadership Institute, may:*~~

~~*1. Enter into contracts with persons or governmental agencies to use the services or facilities of the Veterans Policy and Leadership Institute.*~~

~~*2. Accept gifts or grants of money or property.*~~

~~*3. Receive and hold any real or personal property, including, without limitation, patents, copyrights, royalties and contracts.*~~

~~*4. Manage, invest, use and dispose of any property received, either as specified by the donor or for the furtherance of the objectives of the Veterans Policy and Leadership Institute.]*~~ **(Deleted by amendment.)**

Sec. 5. **[**~~*1. The Board of Regents may establish policies and procedures for personnel in connection with the operation of contractual or sponsored activities of the Veterans Policy and Leadership Institute, apart from those policies and procedures which are established for the professional personnel of other branches or facilities of the System.*~~

~~*2. In establishing the policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS, and none of those provisions are applicable to any person employed in connection with the operation of contractual or sponsored activities of the Veterans Policy and Leadership Institute except as may be prescribed by the Board of Regents.]*~~ **(Deleted by amendment.)**

Sec. 6. **[**~~*Any money received by the Board of Regents on behalf of the Veterans Policy and Leadership Institute pursuant to section 4 of this act may be deposited by the Board of Regents to the credit of the Veterans Policy and Leadership Institute in any financial institution in this State that is federally insured or insured by a private insurer approved pursuant to NRS 678.755. The Board of Regents may act through any authorized agent in depositing or withdrawing any money in such an account.]*~~ **(Deleted by amendment.)**

Sec. 7. **[**~~*1. The Board of Regents shall establish fiscal policies and procedures in connection with the operation of contractual or sponsored activities of the Veterans Policy and Leadership Institute, apart from those fiscal policies and procedures which are applicable to other branches or facilities of the System.*~~

~~*[2. None of the other provisions of this chapter or the provisions of title 23 or 31 of NRS or any other statute relating to public officers and employees or public financial administration applies to the receipt, investment, management, disbursement, use, expenditure or accounting for any money or property received by the Board of Regents pursuant to section 4 of this act.*~~

~~*3. Any money received by or made available to the Board of Regents for the Veterans Policy and Leadership Institute is subject to all laws relating to public money and expenditures.]*~~ **(Deleted by amendment.)**

Sec. 8. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, not later than August 1 of each year, prepare a report that provides an analysis of the funding of programs and services for veterans in this State. The report must include, without limitation:

(a) The amount and sources of money received by the Department for the provision of programs and services for veterans in this State;

(b) A comprehensive overview of the budget of the Department; and

(c) The expenditures made from the Gift Account for the Veterans Home in Southern Nevada, the Gift Account for the Veterans Home in Northern Nevada and the Gift Account for Veterans established pursuant to NRS 417.145.

2. The Director shall:

(a) Transmit a digital copy of the report to each veteran in this State for whom the Department has an electronic mail address of record; and

(b) Publish a digital copy of the report on the Internet website maintained by the Department.

Sec. 9. NRS 417.0195 is hereby amended to read as follows:

417.0195 The Interagency Council on Veterans Affairs shall:

1. Identify and prioritize the needs of veterans and servicemen and servicewomen and their families in this State.

2. Study the coordination of the efforts of the Federal Government, State Government, local governments and private entities to meet the needs of veterans and servicemen and servicewomen and their families in this State.

3. ~~*[Consult with the Veterans Policy and Leadership Institute, if established pursuant to section 2 of this act, when developing and analyzing data for any reports or recommendations that the Council is required to prepare and submit to the Governor and the Legislature.*~~

~~*4.]*~~ ***Develop and disseminate best practices for improving outcomes for veterans and servicemen and servicewomen and their families through policy recommendations at the state and local governmental levels.***

4. Foster the development and dissemination of research and policy for improving outcomes for veterans and servicemen and servicewomen and their families.

5. Develop and administer a fellowship program to increase research on improving outcomes for veterans and servicemen and servicewomen and

their families, including, without limitation, in the areas of education, employment and wellness. The program must include, without limitation, publication of peer-reviewed materials and an annual conference.

6. Cultivate leadership opportunities for veterans.

7. Develop models for outreach to and engagement of veterans.

8. On or before February 15 of each year, submit a report concerning the activities of the Council during the preceding calendar year ***, including the annual report submitted to the Council by the Nevada Veterans Services Commission pursuant to NRS 417.190,*** and any recommendations of the Council to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(b) If the Legislature is not in session, the Legislative Commission.

Sec. 10. ~~[NRS 417.090 is hereby amended to read as follows:~~

~~417.090 The Director and the Deputy Director shall:~~

~~1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their wives, widows, widowers, husbands, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.~~

~~2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.~~

~~3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.~~

~~4. Coordinate activities of veterans' organizations.~~

~~5. Serve as a clearinghouse and disseminate information relating to veterans' benefits.~~

~~6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.~~

~~7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.~~

~~8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.~~

~~9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The Director or Deputy Director may transfer such property to a veterans' or military museum.~~

~~*10. Consult with the Veterans Policy and Leadership Institute, if established pursuant to section 2 of this act, when developing and analyzing data for any reports or recommendations that the Department is required to prepare and submit to the Governor and the Legislature.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 417.145 is hereby amended to read as follows:~~

~~417.145 1. The Veterans Home Account is hereby established in the State General Fund.~~

~~2. Money received from:~~

~~(a) Payments made by the United States Department of Veterans Affairs for veterans who receive care in a veterans' home;~~

~~(b) Other payments for medical care and services;~~

~~(c) Appropriations made by the Legislature for veterans' homes;~~

~~(d) Federal grants and other money received pursuant to paragraph (c) of subsection 1 of NRS 417.147;~~

~~(e) Money collected pursuant to the schedule of rates established pursuant to subsection 2 of NRS 417.147 for occupancy of rooms at veterans' homes; and~~

~~(f) Except as otherwise provided in subsections 7 and 8, gifts of money and proceeds derived from the sale of gifts of personal property for the use of veterans' homes, if the use of those gifts has not been restricted by the donor,~~

~~→ must be deposited with the State Treasurer for credit to the Veterans Home Account.~~

~~3. Interest and income must not be computed on the money in the Veterans Home Account.~~

~~4. The Veterans Home Account must be administered by the Director, with the advice of the administrators, and except as otherwise provided in paragraph (c) of subsection 1 of NRS 417.147, the money deposited in the Veterans Home Account may only be expended for:~~

~~(a) The establishment, management, maintenance and operation of veterans' homes;~~

~~(b) A program or service related to a veterans' home;~~

~~(c) The solicitation of other sources of money to fund a veterans' home; and~~

~~(d) The purpose of informing the public about issues concerning the establishment and uses of a veterans' home.~~

~~5. Except as otherwise provided in subsections 7 and 8, gifts of personal property for the use of veterans' homes:~~

~~(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or~~

~~(b) May be used in kind if the gifts are not appropriate for conversion to money.~~

~~— 6. All money in the Veterans Home Account must be paid out on claims approved by the Director as other claims against the State are paid.~~

~~— 7. The Gift Account for the Veterans Home in Southern Nevada is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at the veterans' home in southern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans' home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Southern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Southern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Southern Nevada. Any money remaining in the Gift Account for the Veterans Home in Southern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.~~

~~— 8. The Gift Account for the Veterans Home in Northern Nevada is hereby established in the State General Fund. Gifts of money or personal property which the donor has restricted to one or more uses at the veterans' home in northern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans' home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Northern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Northern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Northern Nevada. Any money remaining in the Gift Account for the Veterans Home in Northern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.~~

~~— 9. The Gift Account for Veterans is hereby created in the State General Fund. The Director shall administer the Gift Account for Veterans. The money deposited in the Gift Account for Veterans pursuant to NRS 482.3764 may only be used for the support of outreach programs or services for veterans and their families, or both, as determined by the Director~~ **[.]** ***and for the Veterans Policy and Leadership Institute, if established pursuant to section 2 of this act.*** ~~The interest and income earned on the money in the Gift Account for Veterans, after deducting any applicable charges, must be credited to the Gift Account for Veterans. All money in the Gift Account for Veterans must be paid out on claims approved by the Director as other claims against the State are paid. Any money remaining in the Gift Account for Veterans at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.~~

~~—~~ **[**~~10. The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for the Veterans Home in Southern Nevada, the~~

~~Gift Account for the Veterans Home in Northern Nevada and the Gift Account for Veterans.]]~~ **(Deleted by amendment.)**

Sec. 12. NRS 417.190 is hereby amended to read as follows:

417.190 The Nevada Veterans Services Commission shall:

1. Advise the Director and Deputy Director.

2. ***~~[Consult with the Veterans Policy and Leadership Institute, if established pursuant to section 2 of this act, when developing and analyzing data for any reports or recommendations that the Commission is required to prepare and submit to the Governor and the Legislature.~~***

~~3.]~~ Prepare and submit a report, on or before November 1 of each year, to the Interagency Council on Veterans Affairs. The report must, without limitation:

(a) Summarize the activities of the Commission during the preceding fiscal year.

(b) Make recommendations to the Governor, the Legislature, the Director and the Deputy Director regarding ~~[aid or benefits]~~ ***issues relating*** to veterans.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of section 8 of this act and NRS 417.190, as amended by section 12 of this act.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 482 as amended requires the Director of the Department of Veterans' Services to prepare a report that provides an analysis of the funding of programs and services for veterans in the state. The bill requires transmission of a digital copy of the report to each veteran and the publication of the report on the Department's website.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 969.

AN ACT relating to license plates; providing for the reissuance of new license plates by the Department of Motor Vehicles at certain intervals to replace existing license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles is required to furnish to every owner whose vehicle is required to be registered two license plates

for a motor vehicle other than a motorcycle and one license plate for all other vehicles, including, without limitation, a motorcycle, a trailer and certain farm tractors or self-propelled implements of husbandry. (NRS 482.265, 482.276) Existing law provides that, in addition to any other fee, the Department may by regulation impose a fee to defray the cost of issuing a license plate. (NRS 482.268) **Section 2** of this bill requires the Department to reissue a license plate or plates issued by the Department every 8 years, and authorizes the Director of the Department to provide procedures for such reissuance in regulations. **Section 1** of this bill provides for the reissuance of such a plate for a trailer with a 3-year registration period at the first renewal of registration that occurs after the existing plate has been issued for 8 years. (NRS 482.2065) **Section 6** of this bill requires the Department, at the time when a license plate or a set of plates is to be reissued, to include with the notification of renewal of registration for the plate or plates the amount of any fee to be charged for the reissuance. (NRS 482.280)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance ***, reissuance*** and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. ***A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.***

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 2. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. ***Except as otherwise provided in NRS 482.2065, every 8 years the Department shall reissue a license plate or plates at the time of renewal of each license plate or plates issued pursuant to this chapter. The Director may adopt regulations to provide procedures for such reissuance.***

3. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

~~[3.]~~ ***4.*** Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

~~[4.]~~ ***5.*** The provisions of subsection ~~[3]~~ ***4*** do not apply to NRS 482.37901.

Sec. 3. NRS 482.266 is hereby amended to read as follows:

482.266 1. A person who desires to have regular or personalized license plates that are substantially in the same color and form as license plates manufactured before January 1, 1982, must:

(a) Submit a written request for such license plates to the Department in a manner and form prescribed by the Department; and

(b) In addition to all other applicable registration fees, licensing fees and governmental services taxes, pay the manufacturing fee prescribed by the Department.

➥ A person requesting license plates pursuant to this section must comply with all requirements for registration and licensing pursuant to this chapter. A request for license plates pursuant to this section does not, by itself, constitute a request for special license plates pursuant to subsection ~~[3]~~ ***4*** of NRS 482.265.

2. After receiving a request and the full amount of the payment due for license plates requested pursuant to subsection 1, the Department shall manufacture the license plates using substantially the same process, dies and materials as were used to manufacture license plates before January 1, 1982. The Department shall deliver license plates requested pursuant to this section to a person who requests such license plates within 180 days after acceptance

of the written request or after receipt of payment therefor, whichever occurs last.

3. The Department shall:

(a) Prescribe, by regulation, a manner and form for submitting a written request pursuant to subsection 1. The form must include, without limitation, an indication of whether the requester desires to have the same letters and numbers on the license plates requested as are on the license plates that are registered to the requester at the time of the request.

(b) Determine the cost of manufacturing a license plate pursuant to this section and prescribe a manufacturing fee, which must not exceed $25, to defray the cost of manufacturing license plates pursuant to this section. The manufacturing fee must be:

(1) Collected by the Department;

(2) Deposited with the State Treasurer to the credit of the State Highway Fund; and

(3) Allocated to the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805 to defray the costs of manufacturing license plates pursuant to this section.

4. A person who requests license plates pursuant to this section may keep the license plates which are registered to him or her at the time of the request if the license plates requested contain the same letters and numbers as the license plates which are registered to the person at the time of the request.

Sec. 4. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department ~~[shall,]~~ ***may,*** upon the payment of all applicable fees, issue redesigned motor vehicle license plates ***.*** ~~[pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.]~~

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, ~~[482.3775, 482.378,]~~ 482.379 or 482.37901, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (f) of subsection 2 of that section; and

(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.

Sec. 5. NRS 482.276 is hereby amended to read as follows:

482.276 Notwithstanding any provision of this chapter to the contrary:

1. Any agricultural user who wishes to obtain a license plate and decal to operate a farm tractor or self-propelled implement of husbandry on the highways of this State may submit an application to the Motor Carrier Division of the Department. Each application must be made upon the appropriate form furnished by the Department. The application must include a nonrefundable fee of $20.50 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance which provides at least $300,000 in coverage for bodily injury and property damage resulting from any single accident caused by the agricultural user while operating the farm tractor or self-propelled implement of husbandry. As soon as practicable after receiving the application, fee and evidence of insurance, the Department shall issue the license plate and decal to the agricultural user to affix to the farm tractor or self-propelled implement of husbandry. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal. The license plate and decal are not transferable and must be surrendered or returned to the Department within 60 days after:

(a) A transfer of ownership or interest in the farm tractor or self-propelled implement of husbandry occurs; or

(b) The decal expires pursuant to this subsection and the agricultural user fails to submit an application for renewal pursuant to subsection 2.

2. An application for the renewal of a license plate and decal issued pursuant to subsection 1 must be made upon the appropriate form furnished by the Department. The application for renewal must include a nonrefundable fee of $10 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance specified in subsection 1. As soon as practicable after receiving the application for renewal, fee and evidence of insurance, the Department shall issue a new decal to affix to the license plate ~~[.]~~ ***or a plate reissued pursuant to subsection 2 of NRS 482.265.*** A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal.

3. A license plate issued pursuant to subsection 1 must be displayed on the farm tractor or self-propelled implement of husbandry in such a manner that the license plate is easily visible from the rear of the farm tractor or self-propelled implement of husbandry. If the license plate is lost or destroyed, the Department may issue a replacement plate upon the payment of a fee of 50 cents. If the decal is lost or destroyed, the Department may, upon the payment of the fee specified in subsection 2, issue a replacement decal for the farm tractor or self-propelled implement of husbandry.

4. Notwithstanding any provision of chapter 445B of NRS to the contrary, an agricultural user is not required to obtain a certificate of compliance or vehicle inspection report concerning the control of emissions from a farm tractor or self-propelled implement of husbandry before obtaining a license plate and decal for or operating the farm tractor or self-propelled implement of husbandry pursuant to this section.

5. As used in this section, "agricultural user" means any person who owns or operates a farm tractor or self-propelled implement of husbandry specified in subsection 1 for an agricultural use. As used in this subsection, "agricultural use" has the meaning ascribed to it in NRS 361A.030.

Sec. 6. NRS 482.280 is hereby amended to read as follows:

482.280 1. The registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

➥ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of $2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.

(e) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of $2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

5. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 7. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The Department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of such license plates.

2. The Department shall issue personalized prestige license plates, upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers, except that such plates may not be issued for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

3. Except as otherwise provided in NRS 482.2065, personalized prestige license plates are valid for 12 months and are renewable upon expiration. ~~[These]~~

4. Except as otherwise provided in subsection 6, personalized prestige license plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter.

~~[4.]~~ ***5.*** In case of any conflict, the person who first made application for personalized prestige license plates and has continuously renewed them by payment of the required fee has priority.

~~[5.]~~ ***6.*** The Department may limit by regulation the number of letters and numbers used ***,*** ~~[and]~~ prohibit the use of inappropriate letters or combinations of letters and numbers ~~[.~~

~~6.]~~ ***and prohibit the transfer of personalized prestige license plates from one vehicle or trailer to another if such a transfer would result in an inappropriate use of letters or combination of letters and numbers.***

7. The Department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 8. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed

a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. ~~[Such]~~ ***Except as otherwise provided in subsection 2 of NRS 482.265, such*** an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 9. NRS 482.3757 is hereby amended to read as follows:

482.3757 1. Except as otherwise provided in this section, the Department shall design, prepare and issue license plates honoring peace officers who have received a medal specified in subsection 3, or the equivalent thereof.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the person. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is:

(a) A current or former peace officer who has received one or more of the following medals, or the equivalent thereof, for his or her service as a peace officer:

(1) The Medal of Honor;

(2) The Purple Heart;

(3) The Medal of Valor;

(4) The Lifesaving Medal;

(5) The Meritorious Service Medal; or

(6) The Distinguished Service Medal; or

(b) A family member of a person who was:

(1) Killed in the line of duty while serving as a peace officer; and

(2) Awarded posthumously the Medal of Honor, or the equivalent thereof, for his or her actions as a peace officer.

4. A qualifying event described in subsection 3 that entitles a person to special license plates issued pursuant to the provisions of this section is a

qualifying event regardless of whether the event occurs or occurred before, on or after July 1, 2013.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this subsection ~~[,]~~ ***and NRS 482.265,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for ~~[a fee of $5.]~~ ***the fee required pursuant to NRS 482.268.***

7. As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while serving as a peace officer" includes peace officers who:

(1) Are killed directly in the line of duty; and

(2) Die as a result of injuries sustained in the line of duty.

(c) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 10. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to specially designed license plates which indicate that the veteran is a recipient of the Purple Heart.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Purple Heart as required by the Department. The Department may designate any appropriate colors for the special plates.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and NRS 482.265,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for ~~[a fee of $5.]~~ ***the fee required pursuant to NRS 482.268.***

Sec. 11. NRS 482.3785 is hereby amended to read as follows:

482.3785 1. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and NRS 482.265,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle

may secure a set of replacement license plates from the Department for ~~[a fee of $5.]~~ ***the fee required pursuant to NRS 482.268.***

6. As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while on active duty in the Armed Forces of the United States" includes persons killed directly in the line of duty and persons who die as a result of injuries sustained in the line of duty.

Sec. 12. NRS 482.3787 is hereby amended to read as follows:

482.3787 1. Each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. Except as otherwise provided in this subsection ~~[,]~~ ***and NRS 482.265,*** no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for ~~[a fee of $5.]~~ ***the fee required pursuant to NRS 482.268.***

6. As used in this section:

(a) "Died as a result of injuries sustained while on active duty in the Armed Forces of the United States" includes persons who die as a result of an injury

sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

(b) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

Sec. 13. NRS 482.3825 is hereby amended to read as follows:

482.3825 1. The Director may order the design and preparation of souvenir license plates which are easily distinguishable in design or color from regular license plates. The Director may establish a fee for the issuance of such plates of not more than $15 per plate. The Department may issue more than one plate of any particular design.

2. All money collected from the issuance of souvenir license plates must be deposited in the State Treasury for credit to the ~~[Motor Vehicle Fund.]~~ ***License Plate Production Account created by NRS 482.268.***

3. As used in this section, "issuance" does not include the resale of a souvenir license plate as authorized pursuant to paragraph (a) of subsection 1 of NRS 482.3824.

Sec. 14. ~~[This act becomes effective:]~~

1. **This section and sections 3, 4, 7 and 9 to 13, inclusive, of this act become effective upon passage and approval; and**

2. Sections 1, 2, 5, 6 and 8 of this act become effective:

(a) On July 1, 2015, for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[2.]~~ **(b)** On July 1, 2016, for all other purposes.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Assembly Bill 484 as amended revises Chapter 482 of the *Nevada Revised Statutes* to require the Department of Motor Vehicles to reissue a license plate or plates issued by the Department every eight years. Assembly Bill 484 as amended allows for the reissuance of a license plate, as well, for a trailer with a three-year registration period at the first renewal of registration that occurs after the existing license plate has been issued for eight years. Assembly Bill 484 as amended also requires the Department of Motor Vehicles, at the time when a license plate or plates are to be reissued, to include with the notification of registration renewal the amount of any fee to be charged for the reissuance of the license plate or plates.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 24.

Bill read second time and ordered to third reading.

Senate Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 815.

AN ACT relating to economic development; authorizing a person who locates or expands a data center in this State to apply to the Office of Economic Development for a partial abatement of certain property taxes and local sales and use taxes; establishing criteria by which a data center may qualify for such a partial abatement; establishing the maximum duration and percentage of such partial abatements; requiring the Office to approve an application for a partial abatement if the applicant meets the criteria for eligibility; authorizing the Office to approve a partial abatement of taxes for certain qualified businesses that colocate with a data center for which a partial abatement has been approved; revising provisions governing eligibility for a partial abatement of certain property taxes and sales and use taxes for a data center that is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210) **Section 1** of this bill authorizes the Office of Economic Development to grant a partial abatement of property taxes and local sales and use taxes to a data center that locates or expands in this State and meets certain qualifications. **Section 1** establishes the criteria by which a data center must demonstrate eligibility for a partial abatement, including requirements concerning the number of full-time employees ~~[that must be]~~ employed by a data center **who must be residents of Nevada** and minimum requirements for capital investment. If the Office of Economic Development approves a partial abatement for a data center, **section 1** authorizes the Office of Economic Development to grant the same partial abatement to certain businesses that colocate with the data center. **Section 5** of this bill specifies that the amount of the abatement must not exceed 75 percent of the amount of personal property taxes payable by a data center for eligible equipment and machinery located in the data center. **Section 6** of this bill specifies the duration of the partial abatement applicable to the local sales and use taxes otherwise payable by a data center for eligible equipment and machinery located in the data center. **Section 10.5 of this bill provides that any such abatement of the local sales and use taxes must not include, for Fiscal Year 2015-2016, an abatement of the local school support tax.**

Section ~~[6]~~ 1 prohibits the Office of Economic Development from approving any abatements pursuant to the provisions of **sections 1-6, 7-9 and 10-12** of this bill on or after January 1, 2036, but, pursuant to **section 13** of this bill, the provisions of **sections 1-6, 7-9 and 10-12** will remain effective until December 31, 2056, so that the Office of Economic Development and the Department of Taxation may continue to administer the law with regard to any

abatements approved pursuant to the provisions of this bill and in effect on January 1, 2036.

Existing law authorizes the Office of Economic Development to grant, for a period of at least 1 year but not more than 5 years, a partial abatement of property taxes and sales and use taxes to an eligible business that is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community. Under existing law, a data center that locates in such an area is eligible for such partial abatements for a period of at least 1 year but not more than 15 years. (NRS 274.310, 274.320, 274.330, 374.358) **Sections 6.5, 9.3-9.7 and 12.5** of this bill delete the provisions which apply specifically to a data center which is or will be located in a historically underutilized business zone, a redevelopment area, an area eligible for a community development block grant or an enterprise community.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added ~~[25]~~ 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ ~~[25]~~ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make ~~[,]~~ in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least ~~[$50,000,000 in this State]~~ $25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection ~~[10.]~~ 12.

(4) At least 50 percent of the employees engaged or anticipated to be engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be

employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make ~~[,]~~ in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least $100,000,000 ~~[in this State]~~ in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection ~~[10.]~~ 12.

(4) At least 50 percent of the employees engaged or anticipated to be engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraph (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a state business license issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 7 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of

subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

11. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in sub-paragraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

12. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

~~[11.]~~ 13. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

~~[12.]~~ 14. As used in this section, unless the context otherwise requires:

(a) "Colocated business" means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) "Data center" means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 2. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of eligible property pursuant to NRS 372.397 or 374.402;

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357;

(e) A partial abatement of taxes pursuant to NRS 360.752; ~~[or]~~

(f) ***A partial abatement of taxes pursuant to section 1 of this act; or***

(g) An abatement of taxes pursuant to NRS 360.950,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 3. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the Office of Economic Development approves an application by a business for an abatement of taxes pursuant to NRS 360.950 or a partial abatement pursuant to NRS 360.750 or 360.752 ~~[.]~~ ***or section 1 of this act,*** the agreement with the Office must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in full compliance with the requirements for the abatement or partial abatement, the Department shall, upon request, provide the audit report to the Office of Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Office of Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Office of Economic Development shall disclose the audit report to the person who made

the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Office of Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.

Sec. 4. NRS 360.757 is hereby amended to read as follows:

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ***or section 1 of this act*** or any other specific statute unless the Office:

(a) Takes that action at a public meeting conducted for that purpose; and

(b) At least 30 days before the meeting, provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the meeting at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 5. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a data center in this State may, pursuant to section 1 of this act, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter on personal property located at the data center.

2. If a partial abatement from the taxes imposed by this chapter on personal property located at the data center is approved by the Office of Economic Development pursuant to section 1 of this act:

(a) The partial abatement must:

(1) For an applicant seeking an abatement pursuant to paragraph (d) of subsection 2 of section 1 of this act:

(I) Be for a duration of at least 1 year but not more than 10 years; and

(II) Not exceed 75 percent of the taxes payable by the data center each year pursuant to this chapter on personal property located at the data center;

(2) For an applicant seeking an abatement pursuant to paragraph (e) of subsection 2 of section 1 of this act:

(I) Be for a duration of at least 10 years but not more than 20 years; and

(II) Not exceed 75 percent of the taxes payable by the data center each year pursuant to this chapter on personal property located at the data center; and

(3) Be administered and carried out in the manner set forth in section 1 of this act.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of each county in which the data center is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted and the applicability of the partial abatement to any colocated business. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a data center qualifies for a partial abatement during the current fiscal year as to whether the data center or any colocated business is still eligible for the partial abatement in the next succeeding fiscal year.

3. As used in this section:

(a) "Colocated business" has the meaning ascribed to it in section 1 of this act.

(b) "Data center" has the meaning ascribed to it in section 1 of this act.

Sec. 6. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intends to locate or expand a data center in this State may, pursuant to section 1 of this act, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use at a data center which has been approved for a partial abatement pursuant to section 1 of this act.

2. If an application for a partial abatement is approved:

(a) For an applicant seeking an abatement pursuant to paragraph (d) of subsection 2 of section 1 of this act, the data center and any colocated business is eligible for an abatement from the tax imposed by this chapter for a period of not more than 10 years.

(b) For an applicant seeking an abatement pursuant to paragraph (e) of subsection 2 of section 1 of this act, the data center and any colocated business is eligible for an abatement from the tax imposed by this chapter for a period of not more than 20 years.

(c) The abatement must be administered and carried out in the manner set forth in section 1 of this act.

3. As used in this section:

(a) "Colocated business" has the meaning ascribed to it in section 1 of this act.

(b) "Data center" has the meaning ascribed to it in section 1 of this act.

(c) "Eligible machinery or equipment" means machinery or equipment ~~[for which a deduction is authorized pursuant to 26 U.S.C. § 179.]~~ necessary to and specifically related to the business of the data center or colocated business. The term does not include vehicles, buildings or the structural components of buildings.

Sec. 6.5. NRS 374.358 is hereby amended to read as follows:

374.358 1. A person who maintains a business or intends to locate a business in a historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 in this State may, pursuant to the applicable provisions of NRS 274.310, 274.320 or 274.330, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 274.310, 274.320 or 274.330.

2. If an application for an abatement is approved pursuant to NRS 274.310, 274.320 or 274.330:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for ~~[~~:

~~(1) Except as otherwise provided in subparagraph (2),]~~ a duration of not less than 1 year but not more than 5 ~~[years; or~~

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective, a minimum of $100,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, a duration of not less than 1 year but not more than 15]~~ years.

(b) The abatement must be administered and carried out in the manner set forth in the applicable provisions of NRS 274.310, 274.320 or 274.330.

3. As used in this section, unless the context otherwise requires ~~[~~:

~~(a) "Data center" has the meaning ascribed to it in NRS 274.025.~~

~~(b) "Eligible]~~ ***, "eligible*** machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(1) Buildings or the structural components of buildings;

(2) Equipment used by a public utility;

(3) Equipment used for medical treatment;

(4) Machinery or equipment used in mining; or

(5) Machinery or equipment used in gaming.

Sec. 7. NRS 218D.355 is hereby amended to read as follows:

218D.355 1. Except as otherwise provided in NRS 360.965 ~~[,]~~ ***and section 1 of this act,*** any state legislation enacted on or after July 1, 2012, which authorizes or requires the Office of Economic Development to approve any abatement of taxes or increases the amount of any abatement of taxes which the Office is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 or 374.190; or

(2) Any entity that receives:

(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director for transmittal to the Legislature.

Sec. 8. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750 or 360.752 ~~[.]~~ ***or section 1 of this act.*** The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. The value of infrastructure included as an incentive for the business;
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
5. Whether the business for which the abatement was approved is a new business or an existing business;
6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and
7. Any other information that the Office determines to be useful.

Sec. 9. NRS 231A.170 is hereby amended to read as follows:

231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low-income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This

exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

3. The following businesses are not qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[.]~~ ***or section 1 of this act.***

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

Sec. 9.3. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit

the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which the abatement becomes effective:

(1) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must ~~[~~:

~~(1) Except as otherwise provided in subparagraph (2),~~] be for a duration of not less than 1 year but not more than 5 ~~[~~years; or

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of~~

~~$100,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 15~~] years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9.5. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board

of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which the abatement becomes effective:

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must ~~[~~:

~~(1) Except as otherwise provided in subparagraph (2),]~~ be for a duration of not less than 1 year but not more than 5 ~~[~~years; or

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of $100,000,000 in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 15]~~ years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9.7. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one

or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which the abatement becomes effective:

(1) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must ~~[:~~

~~(1) Except as otherwise provided in subparagraph (2),]~~ be for a duration of not less than 1 year but not more than 5 ~~[years; or~~

~~(2) If the business is a data center that has invested or commits to invest during the period in which the abatement is effective a minimum of $100,000,000 in the enterprise community established pursuant to 24 C.F.R. Part 597, be for a duration of not less than 1 year but not more than 15]~~ years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

9. As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 10. NRS 353.207 is hereby amended to read as follows:

353.207 1. The Chief shall:

(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.950, 361.0687, 374.357 or 701A.210 ~~[,]~~ ***or section 1 of this act,*** to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;

(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and

(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 10.5. **Notwithstanding the provisions of sections 1 and 6 of this act, if the Office of Economic Development approves an application for a partial abatement pursuant to section 1 of this act, of the taxes imposed pursuant to chapter 374 of NRS, any such partial abatement must not include, for Fiscal Year 2015-2016, an abatement of the local school support tax imposed by chapter 374 of NRS.**

Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 12. The Legislature hereby finds that each abatement provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or other consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and the benefits of the abatement are expected to exceed any adverse effect of the abatement on the provision of services to the public by the State or a local government that

would otherwise receive revenue from the tax from which the abatement would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the abatement would be granted was pledged.

Sec. 12.5. NRS 274.025 is hereby repealed.

Sec. 13. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Sections 6.5, 9.3, 9.5 and 9.7 of this act expire by limitation on June 30, 2032.

3. Sections 1 to 6, inclusive, 7, 8, 9 **[,]** **and** 10 **[, 11 and]** **to** 12 **, inclusive,** of this act expire by limitation on December 31, 2056.

TEXT OF REPEALED SECTION

274.025 "Data center" defined. "Data center" means one or more buildings located at one physical location which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to a particular business and includes the associated telecommunications and storage systems at the location.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblyman Armstrong.

ASSEMBLYMAN ARMSTRONG:

Amendment 815 reduces the number of employees and capital investment required for an abatement that may be approved for a period not to exceed ten years. It also requires that employees hired for the data center be Nevada residents in order to meet the eligibility requirement. It also specifies that at least 50 percent of the employees involved in any construction of the data center be Nevada residents. It also specifies that the requirements for Nevada employees and capital investment be met in each county in which the data center intends to operate. It also requires that a colocated business receiving abatement obtain a state business license. It also limits the definition of "eligible machinery and equipment" to only those items necessary to and specifically related to the business of the data center or colocated business, specifically excluding vehicles from the definition, and specifies the Office of Economic Development may not approve an abatement of the Local School Support Tax in Fiscal Year 2016. For Fiscal Year 2017 and future fiscal years, the abatements for sales and use tax include the Local School Support Tax.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 253.

Bill read second time and ordered to third reading.

Senate Bill No. 420.
Bill read second time and ordered to third reading.

Senate Bill No. 422.
Bill read second time and ordered to third reading.

Senate Bill No. 431.
Bill read second time and ordered to third reading.

Senate Bill No. 500.
Bill read second time and ordered to third reading.

Senate Bill No. 501.
Bill read second time and ordered to third reading.

Senate Bill No. 456.
Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:47 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Assembly Bill 12 removes the expiration date of the pilot diversion program established by the Department of Corrections to provide treatment for alcohol and drug abuse or mental illness in lieu of revocation of probation for certain probation violators.

Roll call on Assembly Bill No. 12:
YEAS—42.
NAYS—None.
Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Senate Bills Nos. 391, 474, and 503 be taken from the General File and placed on the General File for the next legislative day.
Motion lost.

GENERAL FILE AND THIRD READING

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 71 provides for the following tax incentives relating to military veterans and members and relatives of members of the Nevada National Guard. An employer who hires a veteran who has been unemployed for a period of at least three months may deduct 100 percent of the wages of that veteran from the employer's calculation for the Modified Business Tax for the first four full calendar quarters following the hiring of the employee and 50 percent of the wages for the next eight calendar quarters. Certain family members of a Nevada National Guard member killed while on active National Guard duty may receive an exemption from the sales and use tax for a period of three years following the death of the Guard member.

Assembly Bill 71 also makes technical adjustments relating to the calculation of the exemptions from property tax and Governmental Services Tax that are provided to certain disabled veterans under current law.

Assembly Bill 71 becomes effective on July 1, 2015. The provisions allowing an employer to claim deductions from the Modified Business Tax for hiring certain veterans expire by limitation on July 31, 2022.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 1:40 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 197, 203, 221, 388, 389; Senate Bills Nos. 391, 474, 503, 510 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Maureen Allred, James Kirkpatrick, and Mace Hardy.

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Lauretta Nawojski, Debbie Johnston, and Eddie Lorton.

On request of Assemblywoman Dooling, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Inez-Jacobi and Julie Haro.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Clara Andriola, Scott Peterson, and George Combs.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Cose.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Surrat and Larry Stacy.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Callie Crawford.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Roshanda Tillman.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Bordewich Bray Elementary School: Gabe Allen, Noah Blakeney, Delcia Colunga, Hunter Del Fiorentino, Talia Diez, Taylor Dungey, Preston Emborsky, Autumn Frost, Makala Furlong, Matthew Garcia Tapungot, Julia Kaiser, Gracie Konrad, Ester Lainez, Norissa Lockhart, Monica Mascareno, Hunter Matthies, Ethne Myler, Xavier Pierce, Anirudh Praveen, Joshua Shortt, Adam Sulik, Seth Taylor, Joseph Tierney, Nico Ventura, Natalyn Wakeling, Emma Young, Chris Camacho, Shirley Campas, Cassy Gantan, William Goodman, Isabell Gutierrez, Joey Hitchcock, Jacob Hughes, Kayce Johnston, Korbin Kossmann, Michael Putt, James Mason, Eduardo Medina, Jacob Miltimore, Ramon Montez, Kaylee Morean, Sidynee Noble, Leslie Nunez, Hailee Olson, Marius Painter, Jose Rivera, Andrew Roa, Samuel Sanchez, Jimena Tapia-Gonzalez, Jasmine Valdivia, and Danielle Van Dusen.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Hamilton.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Clara Thomas, Mark Matthews, and Debra Springer.

On request of Assemblywoman Shelton, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Collins.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Peters.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Downie and Fred Cornelius.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Marjie Swaitek.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Colby Frey, Ashley Frey, and Stephen Wood.

On request of Assemblyman Trowbridge, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Bonner.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Hodgson and Sarah VanNest.

Assemblyman Paul Anderson moved that the Assembly adjourn until Thursday, May 28, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:41 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 28, 2015

Assembly called to order at 1:34 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, as this body approaches deadlines and this legislative session winds down, stress and pressure increase. We may feel like the Apostle Paul who wrote, "We are hard pressed on every side, but not crushed; perplexed, but not in despair; persecuted, but not abandoned; struck down, but not destroyed." Grant to these legislators inner strength and enable them to remain focused upon the work which must be completed. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Concurrent Committee on Education, to which were referred Senate Bills Nos. 133, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 291, 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 486; Senate Bill No. 511.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 128, 163, 269, 302, 321, 467, 497, 506, 508.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 845 to Senate Bill No. 6; Assembly Amendment No. 891 to Senate Bill No. 15; Assembly Amendment No. 741 to Senate Bill No. 58; Assembly Amendment No. 757 to Senate Bill No. 67; Assembly Amendments Nos. 756, 962 to Senate Bill No. 68; Assembly Amendment No. 807 to Senate Bill No. 110; Assembly Amendment No. 788 to Senate Bill No. 138; Assembly Amendment No. 846 to Senate Bill No. 148; Assembly Amendment No. 723 to Senate Bill No. 153; Assembly Amendment No. 853 to Senate Bill No.160; Assembly Amendment No. 735 to Senate Bill No. 172; Assembly Amendment No. 759 to Senate Bill No. 194; Assembly Amendment No. 865 to Senate Bill No. 224; Assembly Amendment No. 724 to Senate Bill No. 233; Assembly Amendment No. 857 to Senate Bill No. 239; Assembly Amendment No. 758 to Senate Bill No. 250; Assembly Amendment No. 683 to Senate Bill No. 261; Assembly Amendment No. 858 to Senate Bill No. 262; Assembly Amendment No. 726 to Senate Bill No. 273; Assembly Amendment No. 787 to Senate Bill No. 305; Assembly Amendment No. 894 to Senate Bill No. 327; Assembly Amendment No. 750 to Senate Bill No. 330; Assembly Amendment No. 838 to Senate Bill No. 370; Assembly Amendment No. 887 to Senate Bill No. 404; Assembly Amendment No. 959 to Senate Bill No. 442; Assembly Amendments Nos. 866, 956 to Senate Bill No. 458; Assembly Amendment No. 738 to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 941 to Senate Bill No. 168; Assembly Amendment No. 839 to Senate Bill No. 193; Assembly Amendment No. 824 to Senate Bill No. 340; Assembly Amendment No. 791 to Senate Bill No. 348; Assembly Amendment No. 861 to Senate Bill No. 444; Assembly Amendment No. 930 to Senate Bill No. 482.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Assembly Bill No. 487, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 197 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 488—AN ACT relating to statutes; making technical corrections to certain measures passed by the 78th Legislative Session; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 128.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 163.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 269.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 302.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 321.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 467.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 497.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 506.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 508.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 511.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 60.

Bill read second time and ordered to third reading.

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 230.

Bill read second time and ordered to third reading.

Senate Bill No. 332.

Bill read second time and ordered to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 981.

AN ACT relating to energy; revising provisions relating to certain energy conservation standards adopted by the Director of the Office of Energy and the governing body of a local government; providing that certain design professionals are not subject to disciplinary action for complying with certain energy conservation standards; providing that the adoption of certain energy conservation standards by the Director and the governing body of a local government shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs; revising provisions relating to net metering systems; requiring electric utilities in this State to submit to the Public Utilities Commission of Nevada certain proposed tariffs pursuant to which an electric utility is required to offer net metering to certain customers of the electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy and the governing body of a local government to adopt certain standards for the conservation of energy in buildings. (NRS 701.220) **Section 1** of this bill prohibits the Director and a governing body from adopting certain standards mandating requirements for air changes per hour. **Sections 1, 3 and 4** of this bill provide that certain design professionals are not subject to disciplinary action by their respective licensing boards for complying with the energy conservation standards adopted by a governing body pursuant to **section 1**. **Section 1** further provides that the adoption of certain energy conservation standards by the Director and a governing body shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs related to new residential construction.

Existing law requires electric utilities to offer net metering to the customer-generators operating within the service area of the utility until the cumulative capacity of all net metering systems operating in this State is equal to 3 percent of the total peak capacity of all electric utilities in this State. (NRS 704.773) **Section 2.95 of this bill revises the amount of cumulative capacity for which utilities are required to offer net metering in accordance with existing law. Section 2.3** of this bill requires each electric utility to offer net metering to customers who **submit an application to the utility to** install net metering systems ~~[on or]~~ after the date on which such **revised** cumulative capacity requirement is met in accordance with a tariff filed by the electric utility and approved by the Public Utilities Commission of Nevada. **Section 2.3** sets forth the authority of the Commission relative to the approval of such tariffs ~~[.]~~ **and authorizes the Commission to determine whether and the extent to which any tariff is applicable to existing customer-generators. Section 4.5** of this bill requires each electric utility to submit to the Commission the proposed tariff required by **section 2.3** not later than July 31, 2015, and requires the Commission to review and approve or disapprove each such proposed tariff not later than December 31, 2015. **Section 4.5 provides that a tariff approved by the Commission cannot take effect until after the date on which the cumulative capacity requirement prescribed by section 2.95 is met. Section 4.5 also requires an electric utility, in the event that the Commission does not approve a tariff on or before December 31, 2015, to offer net metering to customer-generators in accordance with applicable provisions of law as such provisions existed before the effective date of this bill for the period beginning January 1, 2016, and ending on the date on which the Commission approves a tariff, unless a court has issued an order staying or prohibiting the enforcement or issuance of a written order or tariff approved by the Commission.**

Existing law prohibits an electric utility from making changes in any schedule or imposing any rate on residential customers which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the

electricity is used. (NRS 704.085) **Section 2.5** of this bill provides that this prohibition does not apply to residential customers who are users of net metering systems.

Existing law requires each electric utility to submit to the Commission every 3 years a plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the plan must include certain components, including: (1) an energy efficiency program for residential customers; and (2) a comparison of a diverse set of scenarios to address issues relating to customer demand, which must include at least one scenario of low carbon intensity. (NRS 704.741) **Section 2.7** of this bill requires that the scenario of low carbon intensity must include the deployment of distributed generation. Additionally, **section 2.7** requires that the plan include an analysis of the effects of net metering on the reliability of the distribution system of the electric utility and the costs to the electric utility to provide electric service to all customers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701.220 is hereby amended to read as follows:

701.220 1. The Director shall adopt regulations for the conservation of energy in buildings, including manufactured homes. ~~[Such]~~ ***Except as otherwise provided in subsection 5, such*** regulations must include the adoption of the most recent version of the International Energy Conservation Code, issued by the International Code Council, and any amendments to the Code that will not materially lessen the effective energy savings requirements of the Code and are deemed necessary to support effective compliance and enforcement of the Code, and must establish the minimum standards for:

(a) The construction of floors, walls, ceilings and roofs;

(b) The equipment and systems for heating, ventilation and air-conditioning;

(c) Electrical equipment and systems;

(d) Insulation; and

(e) Other factors which affect the use of energy in a building.

➥ The regulations must provide for the adoption of the most recent version of the International Energy Conservation Code, and any amendments thereto, every third year.

2. The Director may exempt a building from a standard if the Director determines that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for sources of renewable energy used to supply all or a part of the energy required in a building.

4. The standards adopted by the Director are the minimum standards for the conservation of energy and energy efficiency in buildings in this State. The

governing body of a local government that is authorized by law to adopt and enforce a building code:

(a) Except as otherwise provided in paragraph (b), shall incorporate the standards adopted by the Director in its building code;

(b) ~~[~~May~~]~~ ***Except as otherwise provided in subsection 5, may*** adopt higher or more stringent standards and must report any such higher or more stringent standards, along with supporting documents, to the Director; and

(c) Shall enforce the standards adopted.

5. ***The Director or the governing body of a local government shall not adopt a standard ~~[or code]~~ which mandates a requirement for air changes per hour that is outside the following ranges:***

(a) Less than 4 1/2 or more than 7 air changes per hour for an attached residence or any residence for which fire sprinklers are installed; or

(b) Less than 4 or more than 7 air changes per hour for any residence other than a residence described in paragraph (a).

6. A design professional who complies with the standards adopted by the Director or the governing body of a local government pursuant to this section is not subject to disciplinary action by the State Board of Architecture, Interior Design and Residential Design pursuant to paragraph (f) of subsection 1 of NRS 623.270 or the State Board of Professional Engineers and Land Surveyors pursuant to NRS 625.410.

7. Nothing in this section shall be deemed to prohibit the Director or the governing body of a local government from approving and implementing a program for the purpose of increasing energy efficiency in new residential construction through the use of sample inspections.

8. The Director shall solicit comments regarding the adoption of regulations pursuant to this section from:

(a) Persons in the business of constructing and selling homes;

(b) Contractors;

(c) Public utilities;

(d) Local building officials; and

(e) The general public,

➥ before adopting any regulations. The Director must conduct at least three hearings in different locations in the State, after giving 30 days' notice of each hearing, before the Director may adopt any regulations pursuant to this section.

9. As used in this section, "design professional" means a person who holds a professional license or certificate issued pursuant to chapter 623 or 625 of NRS.

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each ~~[electric]~~ utility shall, in accordance with a tariff filed by the ~~[electric]~~ utility and approved by the Commission, offer net metering to customer-generators who ~~[, on or]~~ submit applications to install net metering systems within its service territory

after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met . ~~[, install net metering systems within its service territory.]~~

2. For the purposes of evaluating and approving any tariff filed with the Commission pursuant to subsection 1 and otherwise carrying out the provisions of this section, the Commission:

(a) May establish one or more rate classes for customer-generators.

(b) May establish terms and conditions for the participation by customer-generators in net metering, including, without limitation, limitations on enrollment in net metering which the Commission determines are appropriate to further the public interest.

(c) May close to new customer-generators a tariff filed pursuant to subsection 1 and approved by the Commission if the Commission determines that closing the tariff to new customer-generators is in the public interest.

(d) May authorize ~~[an electric]~~ a utility to establish just and reasonable rates and charges to avoid, reduce or eliminate an unreasonable shifting of costs from customer-generators to other customers of the ~~[electric]~~ utility.

(e) Shall not approve a tariff filed pursuant to subsection 1 or authorize any rates or charges for net metering that unreasonably shift costs from customer-generators to other customers of the ~~[electric]~~ utility.

3. ~~[To avoid a significant disruption of the net metering market, the Commission may, in its discretion and without a hearing, approve a tariff submitted pursuant to subsection 1 subject to any requirements relating to adjustments which the Commission may impose. In approving a tariff pursuant to this subsection, the Commission may solicit comments from any interested parties and may substitute for any rates, terms or conditions contained in the tariff submitted by the electric utility such rates, terms and conditions as the Commission determines are just and reasonable.~~

~~4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.]~~ In approving any tariff submitted pursuant to subsection 1, the Commission shall determine whether and the extent to which any tariff approved or rates or charges authorized pursuant to this section are applicable to customer-generators who, on or before the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met, submitted a complete application to install a net metering system within the service territory of a utility.

Sec. 2.5. NRS 704.085 is hereby amended to read as follows:

704.085 1. ~~[An]~~ ***Except as otherwise provided in subsection 2, an*** electric utility shall not make changes in any schedule or impose any rate, and the Commission shall not approve any changes in any schedule or authorize the imposition of any rate by an electric utility, which requires a residential customer to purchase electric service at a rate which is based on the time of day, day of the week or time of year during which the electricity is used or which otherwise varies based upon the time during which the electricity is used, except that the Commission may approve such a change in a schedule or

authorize the imposition of such a rate if the approval or authorization is conditioned upon an election by a residential customer to purchase electric service at such a rate.

2. ***The provisions of subsection 1 do not apply to any changes in a schedule or rates imposed on a customer-generator.***

3. As used in this section ~~[, "electric]~~ ***:***

(a) "Customer-generator" has the meaning ascribed to it in NRS 704.768.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 2.7. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources **.** ~~[; and]~~

(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity ~~[.]~~ ***that includes the deployment of distributed generation.***

(c) An analysis of the effects of the requirements of NRS 704.766 to 704.775, inclusive, and section 2.3 of this act on the reliability of the distribution system of the ~~*[electric]*~~ ***utility and the costs to the*** ~~*[electric]*~~ ***utility to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.***

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility in meeting the portfolio standard established by NRS 704.7821.

5. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and

where transmission constrains the delivery of electricity from those resources to customers.

Sec. 2.8. **NRS 704.766 is hereby amended to read as follows:**

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, ***and section 2.3 of this act*** to:

1. Encourage private investment in renewable energy resources;
2. Stimulate the economic growth of this State;
3. Enhance the continued diversification of the energy resources used in this State; and
4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 2.9. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.775, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.95. **NRS 704.773 is hereby amended to read as follows:**

704.773 1. A utility shall offer net metering ~~[, as set forth in]~~ **:**

(a) In accordance with the provisions of this section, NRS ***704.774 and*** 704.775, to the customer-generators operating within its service area until the ***date on which the*** cumulative capacity of all net metering systems ~~[operating in this State is equal to 3 percent of the total peak capacity of]~~ ***for which*** all utilities in this State ~~[.]~~ ***have accepted or approved completed applications for net metering is equal to 235 megawatts.***

(b) After the date on which the cumulative capacity requirement described in paragraph (a) is met, in accordance with a tariff filed by the utility and approved by the Commission pursuant to section 2.3 of this act.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 5, shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c) and subsection 5, may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

5. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; ~~[and]~~

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator ~~[.]~~ ***; and***

(c) The charges or rates, if any, which the Commission determines must be assessed against the customer-generator pursuant to any tariff submitted to and approved by the Commission pursuant to section 2.3 of this act.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

6. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~[.]~~ ***, and section 2.3 of this act.***

Sec. 3. NRS 623.270 is hereby amended to read as follows:

623.270 1. ~~[The]~~ ***Except as otherwise provided in subsection 6 of NRS 701.220, the*** Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand the holder of the certificate, impose a fine of not more than $10,000 against him or her, suspend or revoke his or her license, impose the costs of investigation and prosecution upon him or her or take any combination of these disciplinary actions for any of the following acts:

(a) The certificate was obtained by fraud or concealment of a material fact.

(b) The holder of the certificate has been found guilty by the Board or found guilty or guilty but mentally ill by a court of justice of any fraud, deceit or concealment of a material fact in his or her professional practice, or has been convicted by a court of justice of a crime involving moral turpitude.

(c) The holder of the certificate has been found guilty by the Board of incompetency, negligence or gross negligence in:

(1) The practice of architecture or residential design; or

(2) His or her practice as a registered interior designer.

(d) The holder of a certificate has affixed his or her signature or seal to plans, drawings, specifications or other instruments of service which have not been prepared by the holder of the certificate or in his or her office, or under his or her responsible control, or has permitted the use of his or her name to assist any person who is not a registered architect, registered interior designer or residential designer to evade any provision of this chapter.

(e) The holder of a certificate has aided or abetted any unauthorized person to practice:

(1) Architecture or residential design; or

(2) As a registered interior designer.

(f) The holder of the certificate has violated any law, regulation or code of ethics pertaining to:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer.

(g) The holder of a certificate has failed to comply with an order issued by the Board or has failed to cooperate with an investigation conducted by the Board.

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, but are not limited to:

(a) Restriction on the scope of professional practice.

(b) Peer review.

(c) Required education or counseling.

(d) Payment of restitution to each person who suffered harm or loss.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not privately reprimand the holder of any certificate of registration issued pursuant to this chapter.

5. As used in this section:

(a) "Gross negligence" means conduct which demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct which, in:

(1) The practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➥ demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in:

(1) The profession of architecture or residential design; or

(2) Practice as a registered interior designer.

Sec. 4. NRS 625.410 is hereby amended to read as follows:

625.410 ~~[The]~~ ***Except as otherwise provided in subsection 6 of NRS 701.220, the*** Board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for:

1. The practice of any fraud or deceit in obtaining or attempting to obtain or renew a license or cheating on any examination required by this chapter.

2. Any gross negligence, incompetency or misconduct in the practice of professional engineering as a professional engineer or in the practice of land surveying as a professional land surveyor.

3. Aiding or abetting any person in the violation of any provision of this chapter or regulation adopted by the Board.

4. Conviction of or entry of a plea of nolo contendere to any crime an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

5. A violation of any provision of this chapter or regulation adopted by the Board.

6. Discipline by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

7. Practicing after the license of the professional engineer or professional land surveyor has expired or has been suspended or revoked.

8. Failing to comply with an order issued by the Board.

9. Failing to provide requested information within 30 days after receipt of a request by the Board or its investigators concerning a complaint made to the Board.

Sec. 4.5. 1. Each ~~[electric]~~ utility shall, on or before July 31, 2015, file with the Public Utilities Commission of Nevada a tariff required by section 2.3 of this act and a cost-of-service study.

2. The tariff filed pursuant to subsection 1 must establish the terms and conditions for net metering service for customer-generators who **submit an application to the utility to** install net metering systems within the service territory of the ~~[electric]~~ utility ~~[on or]~~ after the date on which the ~~[cumulative capacity requirement of subsection 1 of NRS 704.773 is met.]~~ **tariff takes effect.** The terms and conditions of service must include, without limitation, the rates the ~~[electric]~~ utility must charge for providing electric service to customer-generators.

3. The rates included in the terms and conditions of service established pursuant to subsection 2 may include, without limitation:

(a) A basic service charge that reflects marginal fixed costs incurred by the ~~[electric]~~ utility to provide service to customer-generators;

(b) A demand charge that reflects the marginal demand costs incurred by the ~~[electric]~~ utility to provide service to customer-generators; and

(c) An energy charge that reflects the marginal energy costs incurred by the ~~[electric]~~ utility to provide service to customer-generators.

➥ The charges included pursuant to this subsection must adequately reflect the marginal costs of providing service to customer-generators.

4. The Public Utilities Commission of Nevada shall, in accordance with the provisions of section 2.3 of this act, conduct a review of each tariff filed by ~~[an electric]~~ **a** utility pursuant to subsection 1 and issue a written order approving or disapproving, in whole or in part, the proposed tariff not later than December 31, 2015. The Commission may make modifications to the tariff, including modifications to the rate design and the terms and conditions of net metering services to customer-generators. **A tariff approved pursuant to this section must not take effect until after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met.**

5. **Except as otherwise provided in subsection 6, if for any reason the Commission does not approve a tariff as required by subsection 4 on or before December 31, 2015, and notwithstanding the amendatory provisions of this act to the contrary, for the period beginning January 1, 2016, and ending on the date on which the Commission approves a tariff pursuant to section 2.3 of this act, a utility shall offer net metering to customer-generators in a manner consistent with the provisions of NRS 704.773, 704.774 and 704.775 as those sections existed before the effective date of this act.**

6. If a court of competent jurisdiction issues an order prohibiting the Commission from issuing a written order or approving a tariff as required by subsection 4, or staying or prohibiting the enforcement of a written order or tariff issued or approved pursuant thereto, an electric utility is not required to offer net metering after the date on which the cumulative capacity requirement described in paragraph (a) of subsection 1 of NRS 704.773 is met until after the date on which the order of the court has been lifted.

7. As used in this section:

(a) "Customer-generator" has the meaning ascribed to it in NRS 704.768.

(b) "Demand costs" means those costs associated with the maximum load requirement of a customer, such as kilowatt or kilo-volt amperes, and which are typically represented by the electric utility's investment in generating units, transmission facilities and the distribution system.

(c) ~~["Electric utility" has the meaning ascribed to it in NRS 704.187.~~

~~(d)]~~ "Energy costs" means those costs associated with a customer's requirement for a volume of energy, such as fuel and purchased power costs.

~~[(e)]~~ **(d)** **"**Fixed costs" means those investments and expenses that do not vary with output and which typically reflect the electric utility's investment in back office systems, customer facilities, customer-related expenses and labor costs.

~~[(f)]~~ **(e)** **"**Net metering" has the meaning ascribed to it in NRS 704.769.

~~[(g)]~~ **(f)** **"**Net metering system" has the meaning ascribed to it in NRS 704.771.

(g) "Utility" has the meaning ascribed to it in NRS 704.772.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 981 to Senate Bill 374 removes the requirement that the utility offer net metering to customer-generators until the cumulative capacity of all net metering systems operating in the state is equal to 3 percent of the total peak capacity of all utilities. Instead, the amendment requires the utility to offer net metering to customer-generators until the cumulative capacity of all net metering systems, for which all utilities in this state have accepted or approved completed applications for net metering, is equal to 235 megawatts. After the date on which the cumulative capacity requirement is met, the utility is required to offer net metering in accordance with a tariff filed by the utility pursuant to the bill and approved by the Public Utilities Commission of Nevada.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 992.

ASSEMBLYMEN OSCARSON, WHEELER, WOODBURY, ARMSTRONG, EDWARDS; **DICKMAN, DOOLING, GARDNER, KIRNER, MOORE, O'NEILL, SEAMAN,** SILBERKRAUS ~~[AND]~~ **,** STEWART **, TITUS AND TROWBRIDGE**

AN ACT relating to firearms; authorizing the possession of a firearm in a motor vehicle that is on the property of certain educational entities or child care facilities in certain circumstances; authorizing a person who holds a permit to carry a concealed firearm to do so on the property of the Nevada

System of Higher Education under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally makes it a gross misdemeanor to carry or possess certain weapons while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or a child care facility except in certain circumstances. (NRS 202.265) **Section 2** of this bill adds an exception so that a person who holds a permit to carry a concealed firearm is not prohibited from possessing a firearm capable of being concealed upon the person on the property of the Nevada System of Higher Education, a private or public school or a child care facility, if the firearm remains out of public view and if the firearm is: (1) inside a motor vehicle that is occupied or, if the motor vehicle is unoccupied, the motor vehicle is locked; or (2) stored in a locked container that is affixed securely to the motor vehicle.

Existing law also prohibits a person from carrying a concealed firearm while on the property of the Nevada System of Higher Education, a private or public school or a child care facility, unless the person holds a permit to carry a concealed firearm and has written permission from the president of a branch or facility of the System, the principal of the school or the person designated by the child care facility to give permission to carry or possess a weapon to carry the concealed firearm. (NRS 202.265, 202.3673) **Sections 2 and 3** of this bill authorize a person who holds such a permit to carry a concealed firearm while on the property of the System.

Existing law requires the Board of Regents of the University of Nevada to prescribe rules for the granting of permission to carry or possess a weapon on the property of the Nevada System of Higher Education. (NRS 396.110) **Section 4** of this bill provides that: (1) the rules prescribed by the Board must not require a person who is authorized to carry a concealed firearm to obtain permission to carry a concealed firearm; and (2) any rules prescribed by the Board before, on or after July 1, 2015, that require such a person to obtain such permission are void.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a child is taken into custody for an unlawful act that involves the possession, use or threatened use of a firearm, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

2. At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

3. If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. As used in this section, "child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~[5]~~ ***6*** of NRS 202.265.

Sec. 2. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or ***a*** child care facility, or while in a vehicle of a private or public school or ***a*** child care facility:

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles;

(e) A pistol, revolver or other firearm; or

(f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 ***while*** on the property of:

(a) ~~[A]~~ ***The Nevada System of Higher Education, a*** private or public school or ***a*** child care facility by a:

(1) Peace officer;

(2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. ***This section does not prohibit the possession of a firearm capable of being concealed upon the person by a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, if:***

(a) The person is carrying upon his or her person a concealed firearm on the property of the Nevada System of Higher Education; or

(b) The motor vehicle that is or was being operated by the person or in which the person is or was a passenger is located on the property of the Nevada System of Higher Education, a private or public school or a child care facility, the firearm remains out of common observation, and the firearm is:

(1) Inside a motor vehicle, other than a school bus, that is:

(I) Occupied; or

(II) Unoccupied and locked; or

(2) Stored in a locked container that is affixed securely to a motor vehicle, other than a school bus.

5. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

~~[5.]~~ ***6.*** For the purposes of this section:

(a) "Child care facility" means any child care facility that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) ***"School bus" has the meaning ascribed to it in NRS 484A.230.***

(e) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

~~[(e)]~~ ***(f)*** "Trefoil" has the meaning ascribed to it in NRS 202.350.

~~[(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.]~~

Sec. 3. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility **,** ~~[or the property of the Nevada System of Higher Education,]~~ unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265. ***If a public school or a child care facility is located on the property of the Nevada System of Higher Education, this paragraph must be construed to prohibit only the carrying of a concealed firearm in that portion of a public building and on that portion of the property of the Nevada System of Higher Education that is occupied by the public school or child care facility, assuming that the permittee has not obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265 from the principal of the public school or the person designated by the child care facility to give such permission.***

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection ~~[5]~~ ***6*** of NRS 202.265. ***If only part of the building is occupied by a child care facility, the term means only that portion of the building which is so occupied.***

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this ~~[subsection,]~~ ***paragraph,*** the term means only that portion of the building which is so occupied.

Sec. 4. NRS 396.110 is hereby amended to read as follows:

396.110 1. The Board of Regents may prescribe rules for:

(a) Its own government; and

(b) The government of the System.

2. The Board of Regents shall prescribe rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265. ***The rules prescribed by the Board of Regents pursuant to this subsection must not require a person who is authorized to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, to obtain permission to carry a concealed firearm.***

3. Any rules prescribed by the Board of Regents pursuant to subsection 2 before, on or after July 1, 2015, that are inconsistent with the provisions of subsection 2 are void.

Sec. 5. The Board of Regents of the University of Nevada shall, on or before September 1, 2015, prescribe the rules for the granting of permission to carry or possess a weapon pursuant to NRS 202.265 required by subsection 2 of NRS 396.110, as amended by section 4 of this act.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:
This amendment simply adds additional co-sponsors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 203 adds to the list of permissible deductions from the governmental services fee the amount of any fee or charge that is imposed by a governmental entity and is paid by a short-term lessor of vehicles. The bill also provides an exemption from the governmental services fee for any passenger car leased by or on behalf of this state, its unincorporated agencies and instrumentalities, and any county, city, district, or other political subdivision of this state.

Finally, the bill replaces the term "passenger car" with the term "vehicle" to allow an employee of a short-term lessor who holds a limited license as a producer of insurance to solicit and sell insurance requested by a short-term lessee. Assembly Bill 203 becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 203:

YEAS—42.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 919.

AN ACT relating to education; making various changes concerning policies governing data which includes information about pupils that is maintained by the Department of Education; requiring certain contracts that require disclosure of personally identifiable information concerning pupils to include provisions concerning the protection of such information; requiring the Department to adopt a data security plan for collecting, maintaining and transferring data concerning pupils; requiring the annual report of the state of public education to include certain information concerning the collection, maintenance and transfer of data concerning pupils; requiring certain entities to adopt policies concerning data which includes information concerning pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an automated system of accountability information for the State of Nevada. (NRS 386.650) **Section 2** of this bill requires the Department of Education to establish, publish and make publicly available on its Internet website: (1) an index of data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada; (2) an explanation of the index of data elements that must include a description of each data element and the reason for collecting or proposing to collect such an element; and (3) the third-party service providers, organizations and agencies that have access to the data about individual pupils maintained by the Department in this system. **Section 2** also requires the Department to update this information at least once each biennium.

Existing law requires a public school to comply with federal law governing: (1) access to the education records of a pupil; (2) requesting an amendment or other change to the education records of a pupil; and (3) confidentiality of the education records of a pupil. (NRS 392.029) **Section 3** of this bill requires the Department to adopt any policies and procedures necessary to ensure the privacy of data about pupils which are consistent with relevant state and federal privacy laws. **Section 3** also requires the Department to review these policies and procedures at least once each biennium and revise them as necessary.

Section 4 of this bill requires any contract entered into by the Department, a school district, a charter school, a university school for profoundly gifted pupils or any public school that provides for the disclosure of data that includes any personally identifiable information of a pupil to include: (1) express provisions to protect the privacy and security of such information; **and** (2) ~~[a prohibition on the use of such information for any purpose other than those required or specifically authorized by the contract; (3) a prohibition on selling the information and using the information to market products or services to pupils; and (4)]~~ a penalty for intentional or grossly negligent noncompliance with the terms of the contract.

Section 5 of this bill requires the Department, in consultation with each school district **,** ~~[and]~~ the ~~[State Public Charter School Authority,]~~ **sponsor of a charter school and the governing body of a university school for profoundly gifted pupils** to adopt a detailed plan to provide for the security of data that is collected, maintained and transferred by the Department. **Section 5** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to carry out this plan.

Existing law requires the Department, in conjunction with the State Board of Education, to prepare an annual report of the state of public education in this State. (NRS 385.230) **Section 5** requires each school district, sponsor of a charter school and university school for profoundly gifted pupils to prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department. **Section 6** of this bill requires the annual report to include: (1) a description of any significant changes made to the collection, maintenance or transfer of data concerning pupils; and (2) any new data elements proposed for inclusion in the automated system of accountability information for Nevada.

Section 8 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available an index **of categories** of data ~~[elements]~~ transferred to the automated system of accountability information for Nevada. **Section 8** also requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to establish, publish and make publicly available a list of third-party service providers, organizations and agencies that have access to such information.

Section 9 of this bill requires the board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils to adopt policies and procedures governing: (1) the use by teachers and other educational personnel of certain software; and (2) the manner in which data concerning pupils may be provided

to any person when the provision of such data is not expressly authorized by the board of trustees or the governing body, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Department shall establish, publish and make publicly available on its Internet website:***

(a) An index of the data elements that the Department maintains or proposes to include in the automated system of accountability information for Nevada established pursuant to NRS 386.650, including, without limitation:

(1) Data concerning individual pupils; and

(2) Aggregated data concerning pupils within a defined group.

(b) An explanation of the index of data elements established pursuant to paragraph (a), which must include, without limitation:

(1) A description of each data element concerning each individual pupil;

(2) The reason for collecting or proposing to collect each data element concerning each individual pupil; and

(3) The third-party service providers, organizations and agencies that have access to the data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650.

2. At least once each biennium, the Department shall update the information described in subsection 1.

Sec. 3. ***1. The Department shall adopt any policies and procedures necessary to ensure the privacy of data concerning pupils which are consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.***

2. At least once each biennium, the Department shall review and revise as necessary the policies and procedures described in subsection 1.

Sec. 4. ***1. Any contract entered into by the Department, a school district, a sponsor of a charter school , the governing body of a university school for profoundly gifted pupils or [a] any public school [, including, without limitation, a charter school,] that provides for the disclosure of data that includes any personally identifiable information of a pupil must include, without limitation:***

(a) Provisions specifically to protect the privacy and security of the personally identifiable information; and

(b) [A prohibition on the use of the personally identifiable information for any purpose other than those required or specifically authorized by the terms of the contract;

~~*(c) A prohibition on selling the personally identifiable information and using the personally identifiable information to market products or services to pupils, except that information which includes only aggregated data concerning pupils may be used to demonstrate the effectiveness of the product or service; and*~~

~~*(d)]*~~ ***A penalty for intentional or grossly negligent noncompliance with the terms of the contract, including, without limitation, provisions for termination of the contract and for the payment of monetary damages for any breach of the terms of the contract.***

2. As used in this section, "personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 5. ***1. The Department, in consultation with each school district*** ~~*[and]*~~ ***the*** ~~*[State Public Charter School Authority,]*~~ ***sponsor of each charter school and the governing body of a university school for profoundly gifted pupils shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.***

2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.

3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the Department an annual report concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the annual report prepared by the Department pursuant to NRS 385.230.

Sec. 6. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3572;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.3593;

(e) ***A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;***

(f) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 386.650;

(g) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

~~[(f)]~~ ***(h)*** An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

~~[(g)]~~ ***(i)*** An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

~~[(h)]~~ ***(j)*** An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

~~[(i)]~~ ***(k)*** An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

~~[(j)]~~ ***(l)*** A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

~~[(k)]~~ ***(m)*** A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Legislative Committee on Education.

Sec. 7. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall establish, publish and make publicly available:***

1. An index of categories of data , ~~[elements,]~~ including, without limitation, data concerning individual pupils and aggregated data concerning pupils within a defined group transferred to the automated system of accountability information for Nevada established pursuant to NRS 386.650; and

2. A list of the third-party service providers, organizations and agencies that have access to data concerning individual pupils maintained by the Department in the automated system of accountability information for Nevada established pursuant to NRS 386.650.

Sec. 9. ***The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall adopt policies and procedures governing:***

1. The use by teachers and other educational personnel of software offered to users free of charge for basic services, but that requires users to pay for any additional or premium proprietary features, functionality or virtual goods; and

2. The manner in which data concerning pupils may be provided to a person when the provision of such data is not expressly authorized by the board of trustees or governing body, as applicable.

Sec. 10. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.3891, inclusive, ***and section 2 of this act*** in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➥ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 11. The provisions of section 4 of this act do not apply to any contract entered into before July 1, 2015, until extended or renewed.

Sec. 12. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This amendment does a number of things, but the key here is that this provides for certain contracts that involve personally identifiable data about pupils. The Department of Education and public school boards of trustees are required to include in a contract provisions that meet certain privacy and security requirements, including prohibiting the sale of personally identifiable information and providing corresponding penalties for noncompliance.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 972.

AN ACT relating to public employment; revising provisions governing certain leaves of absence for military duty for public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, public officers and employees who are active members of the National Guard or a reserve component of the Armed Forces of the United States are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for a period of not more than 15 working days in a calendar year. In addition to these 15 working days of leave, such public officers and employees who are employed by the State of Nevada and whose work schedules include Saturday or Sunday are required to be relieved from their duties as a public officer or employee to serve under orders without loss of their regular compensation for an additional 24 working days in a calendar year. (NRS 281.145)

This bill changes the period during which a public officer or employee is eligible to take the specified number of days of leave of absence for military duty each year from a calendar year to a 12-month period selected by the officer's or employee's public employer. This bill requires: (1) the Personnel Commission within the Division of Human Resource Management of the Department of Administration to prescribe this 12-month period by regulation for each state agency; and (2) each political subdivision to prescribe this 12-month period for its agencies.

Under existing law, a public officer or employee who is on leave of absence for military duty receives his or her regular compensation and his or her military pay during that period of leave. With respect to a state officer or employee whose work schedule includes a Saturday or Sunday, this bill limits the officer's or employee's compensation for those additional 24 working days of leave as follows, for each hour during any such period of leave: (1) if the officer's or employee's military pay exceeds his or her regular compensation, the officer or employee receives only his or her military pay and not his or her regular compensation; or (2) if the officer's or employee's military pay does not exceed his or her regular compensation, the officer or employee receives his or her military pay and his or her regular compensation is reduced by an amount equal to his or her military pay. **This bill provides that for any hours in which an officer or employee receives such compensation, the officer or employee is not entitled to receive any additional compensation for which he or she would otherwise be eligible or use any paid or certain unpaid leave.** This bill also limits the use of the additional 24 working days of leave from service under any type of orders to only service under orders for training that is scheduled on a Saturday or Sunday.

Finally, this bill clarifies the terms "work schedule" and "working day" for purposes of accounting for officers' and employees' leave of absence for

military duty and clarifies that the leave must be accounted for on an hourly basis instead of a daily basis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.145 is hereby amended to read as follows:

281.145 1. Except as otherwise provided in subsection 2, any public officer or employee of the State or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, to serve under orders ***including, without limitation, orders for training or deployment,*** without loss of the officer's or employee's regular compensation for a period of not more than ***the number of hours equivalent to*** 15 working days in any ~~[1 calendar year.]~~ ***12-month period, as prescribed in subsection 3 or 4, as applicable.*** No such absence may be a part of the ***officer's or*** employee's annual vacation provided for by law.

2. ~~[Any]~~ ***In addition to the leave authorized pursuant to subsection 1, any*** public officer or employee of the State or any agency thereof whose work schedule includes Saturday or Sunday and who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve or the Nevada National Guard must be relieved from the officer's or employee's duties, upon the officer's or employee's request, ~~[to serve under orders without loss of the officer's or employee's regular compensation]~~ for a period of not more than ~~[39]~~ ***the number of hours equivalent to 24*** working days in any ~~[1 calendar year.]~~ ***12-month period, as prescribed in subsection 3, to serve under orders for training that is scheduled on a Saturday or Sunday, including, without limitation, monthly and annual training.*** No such absence may be a part of the ***officer's or*** employee's annual vacation provided for by law. ***An officer or employee is not entitled to receive his or her regular compensation for any hours in a working day in which the officer or employee serves under orders for training pursuant to this subsection if his or her military pay for the service is equal to or exceeds his or her regular compensation for those hours. If the officer's or employee's military pay does not exceed his or her regular compensation for those hours, the officer or employee is entitled to receive, in addition to his or her military pay for those hours, the difference between the regular compensation that the officer or employee would have otherwise received as an officer or employee and his or her military pay for those hours. An officer or employee is not entitled to:***

(a) Receive any other compensation for which he or she would otherwise be eligible, including, without limitation, compensation pursuant to NRS 284.358; or

(b) Use any annual leave, compensatory time or other paid leave or any unpaid leave that is required as a result of statewide economic conditions,

➥ for any hours for which the officer or employee receives compensation pursuant to this subsection.

3. The Personnel Commission created by NRS 284.030 shall adopt regulations prescribing for each agency of the State the 12-month period during which an officer or employee of the agency is eligible to take the number of working days of leave set forth in subsections 1 and 2.

4. A political subdivision shall establish the 12-month period during which an officer or employee of an agency of the political subdivision or an agency thereof is eligible to take the number of working days of leave set forth in subsection 1.

5. As used in this section:

(a) "Work schedule" means the working days that an officer or employee is regularly assigned to work. The term does not include, without limitation, any temporary change in assigned working days unless the change becomes permanent.

(b) "Working day" means a period of work consisting of the number of hours that a public officer or employee is regularly scheduled to work. The term does not include, without limitation, overtime, or any time in which the officer or employee is on standby status or has been called back to work during his or her scheduled time off.

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2015, for all other purposes.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 388, as amended, changes the period which a public officer or employee is eligible to take the specified number of days of leave of absence for military duties each year from a calendar year to a 12-month period selected by the officer's or employee's public employer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 389 deems the client company of an employee leasing company to be the employer of the employees it leases for purposes of unemployment insurance. The measure also revises the definition of "employee leasing company," allows such a company to submit consolidated financial statements for purposes of applying for a certificate of registration, and repeals provisions requiring an employee leasing company to maintain a physical presence in this state.

Roll call on Assembly Bill No. 389:

YEAS—41.

NAYS—Shelton.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Fiore, Seaman, Carlton, and Kirner.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 436, as amended, repeals NRS [*Nevada Revised Statutes*] 284.177 and NRS 284.179, which provide for longevity payments to state employees. Assembly Bill 436, as amended, enacts recommendations included in the *Executive Budget* and is effective upon passage and approval.

It is very hard for many of us to have to vote to get rid of longevity pay, but it is even harder to vote for a budget to give our state employees something more. I urge the body to support this in hopes that we can pass something in the next five days and ensure that our state employees are taken care of as they should be.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 436. Our state employees get hammered every session, and I would urge this body not to take away our state employees' longevity pay and stand up for our state employees.

ASSEMBLYWOMAN SEAMAN:

I rise in opposition to Assembly Bill 436. Our state employees have been furloughed and have taken pay cuts. It is time to stand with our state workers. I will be a no on this.

ASSEMBLYWOMAN CARLTON:

Unfortunately, I rise in support of Assembly Bill 436. We have already taken the money out of the budget; now we are just getting rid of the NRS. It is time to move forward. I have been married to a state employee who worked in two different states in his career over 38 years. I know what it means. My daughter is a state employee. She is impacted by all the things we have talked about in this building. I genuinely do not want to do this, but there is a better path forward. If we can do COLAs [cost of living adjustments], if we can take care of folks—think about the senior employees who top out. Their merit pay is very small compared to what other folks get. If they get the percentages on the money they are making, we are going to be doing a much better thing for them in the long run.

To stand up and say protect state employees from folks who have made votes in this Chamber this session which have hurt working-class families that include state employees is very frustrating to me. I do not want to vote for this, but I am doing the right thing by these folks, and I am not playing politics with our state employees. I care about them, and this is the right thing to do.

ASSEMBLYMAN KIRNER:

I rise in support of Assembly Bill 436. I am not a state employee, but I have worked with state employees for 15 or 16 years. I am not comfortable eliminating this thing, but on the other hand, when I look at the balance, I am highly in favor of reestablishing people's basic salaries,

eliminating the furloughs, and putting in a COLA where we can recognize all employees of the state. I do understand that there are senior people and that we would like to keep them in mind but, sir, I think we need to keep all our employees in mind and not just a small group of them.

Assemblymen Wheeler, Diaz, and Spiegel moved the previous question.

The question being the passage of Assembly Bill No. 436.

Roll call on Assembly Bill No. 436:

YEAS—23.

NAYS—Armstrong, Dickman, Dooling, Edwards, Ellison, Fiore, Hansen, Jones, Moore, Munford, Nelson, O'Neill, Seaman, Shelton, Silberkraus, Stewart, Titus, Trowbridge, Wheeler—19.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:09 p.m.

ASSEMBLY IN SESSION

At 2:10 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the Assembly reconsider the action whereby Assembly Bill No. 436 was passed.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 436 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 438, as amended, appropriates $255,815 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for costs related to employee retirement buyouts for eliminated positions within the Intergovernmental All-Risk Fire Management Program of the Division. The bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 438:

YEAS—41.

NAYS—Shelton.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 443, as amended, appropriates from the General Fund to the Legislative Counsel Bureau the sum of $2,004,232, of which $776,460 would be allocated for dues and registration expenditures and $1,227,772 would be allocated for one-time building maintenance and information technology purchases. This becomes effective on July 1.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblymen Dickman, Elliot Anderson, and Paul Anderson.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 466 authorizes the Director of the Office of Energy to adopt regulations establishing a procedure by which an officer or employee of the state, to whom the Director makes a loan from the Renewable Energy Account, may enter into an agreement with the Director which provides for the repayment of the loan through payroll deductions.

Assembly Bill 466 further authorizes any officer of the state who disburses money in payment of salaries and wages of officers and employees of the state and the Legislative Fiscal Officer, in accordance with the agreement entered into between the Director and an officer or employee pursuant to this bill, to withhold certain amounts from the salary or wages of the officer or employee and pay the amounts withheld to the Director for credit to the Renewable Energy Account.

ASSEMBLYMAN ELLIOT ANDERSON:

I have a question for my colleague from Sparks. How will the distribution of money work?

ASSEMBLYWOMAN DICKMAN:

May I defer to the Chair of Ways and Means on that one?

ASSEMBLYMAN PAUL ANDERSON:

There are limited funds in the Renewable Energy Account, and distributions will be based on an application process. State employees would be able to apply for help with renewable energy at their homes.

Roll call on Assembly Bill No. 466:

YEAS—42.

NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 469 separates out the budgeting process from the Department of Administration. As we all know—and we have seen particularly in recent days—the process of building a budget for the state is extraordinarily complex. This eliminates any conflict of interest, and I rise in support of the bill.

Roll call on Assembly Bill No. 469:

YEAS—35.

NAYS—Ellison, Fiore, Hansen, Jones, Moore, O'Neill, Titus—7.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 472 eliminates reimbursement to a member of the Nevada National Guard from the Patriot Relief Account for premiums paid on a group life insurance policy pursuant to the provisions of Title 38, *United States Code* for veterans' benefits, commonly known as Servicemembers' Group Life Insurance. The bill also establishes a limit of $1,000 per semester, quarter, or term, as applicable, on reimbursements to a member of the Nevada National Guard who is enrolled at an institution within the Nevada System of Higher Education for the cost of textbooks. Assembly Bill 472 becomes effective upon passage and approval.

Roll call on Assembly Bill No. 472:

YEAS—42.

NAYS—None.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 473 requires the Director of the Department of Conservation and Natural Resources to appoint two deputy directors, rather than one, and to assign each of their duties. Assembly Bill 473 becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 473:

YEAS—31.

NAYS—Dickman, Dooling, Ellison, Fiore, Hansen, Jones, Moore, O'Neill, Shelton, Titus, Wheeler—11.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.

Bill read third time.

Remarks by Assemblymen Armstrong and Fiore.

ASSEMBLYMAN ARMSTRONG:

Assembly Bill 474, as amended, increases the per-unit fee paid by homeowners' associations to the Real Estate Administrator from a maximum of $3 to a maximum of $5 for actual costs of administering the Office of the Ombudsman within the Account for Common-Interest Communities.

ASSEMBLYWOMAN FIORE:

Assembly Bill 474 violates the tax pledge, and I am voting no.

Roll call on Assembly Bill No. 474:

YEAS—28.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Jones, Moore, Munford, Oscarson, Seaman, Shelton, Titus, Trowbridge, Wheeler—14.

Assembly Bill No. 474 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 482, as amended, requires the Director of the Department of Veterans' Services to prepare a report that provides an analysis of the funding of programs and services for veterans in the state. This bill requires the transmission of a digital copy of the report to each veteran in the state for whom the Department has an electronic mail address of record and the publication of the report on the Department's website.

In addition, the bill requires the Interagency Council on Veterans Affairs to develop and disseminate best practices, as well as foster the development and dissemination of research and policy for improving outcomes for veterans, members of the military, and their families through policy recommendations. Further, this bill requires the development and administration of a fellowship program, the cultivation of leadership opportunities for veterans, and the development and dissemination of models for outreach and engagement of veterans. Assembly Bill 482, as amended, becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 482:

YEAS—41.

NAYS—Shelton.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 483, for the purposes of the program of performance pay and enhanced compensation established by the board of trustees pursuant to NRS [*Nevada Revised Statutes*] 391.168, requires the board of trustees of each school district to annually reserve for each fiscal

year a sum of money sufficient to provide an increase in base salaries, not to exceed 10 percent, for not less than 5 percent of the teachers and administrators employed by the school district. The bill requires the initial increase of salaries be effective for the 2016-2017 school year.

Additionally, this measure eliminates the requirement that the program of performance pay and enhanced compensation be subject to collective bargaining and requires that consideration be given to implementation of the program in the lowest-rated schools rated as underperforming pursuant to the statewide system of accountability for public schools. Assembly Bill 483 becomes effective on January 1, 2016.

Roll call on Assembly Bill No. 483:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Hickey, Fiore, Kirkpatrick, Wheeler, Edwards, and Carlton.

ASSEMBLYMAN HICKEY:

Assembly Bill 484, as amended, revises Chapter 482 of the *Nevada Revised Statutes* to require the Department of Motor Vehicles to reissue a license plate or plates issued by the Department every eight years. Assembly Bill 484, as amended, allows for the reissuance of a license plate for a trailer with a three-year registration period at the first renewal of registration that occurs after the existing license plate has been issued for eight years. Assembly Bill 484, as amended, requires the Department of Motor Vehicles, at the time when a license plate or plates are to be reissued, to include with the notification of registration renewal the amount of any fee to be charged for the reissuance of a license plate or plates.

Assembly Bill 484, as amended, is effective upon passage and approval for the purpose of issuing redesigned license plates and the fee paid for replacement of specialty license plates. Assembly Bill 484, as amended, is effective on July 1, 2015, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2016, for all other purposes.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 484. This bill requires all license plates, whether they are in mint condition if we take great care of our cars, to be replaced. All trailer plates also must be replaced. Besides the fact that it is a violation of the tax pledge, I do not see any reason why this should be forced upon us, and I urge my colleagues to vote no.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Assembly Bill 484. This piece is part of our budget. I have many constituents who are waiting in lines at DMV [Department of Motor Vehicles] down south, and if this helps them get served in less than the three hours they are currently waiting, I am all about supporting that fee and doing my part for the state. We have seen many incidents where license plates are hard to read. I have one on my car; I have had it for ten years. I believe that whether or not it is part of your pledge, if you value your constituents sitting at the DMV for hours on end, I would hope you would realize that this is an important piece to make sure we can pay for those employees.

ASSEMBLYMAN WHEELER:

I rise in opposition to Assembly Bill 484. The DMV is already required to replace plates that are hard to read, bent, or destroyed in any way. I do not believe that an automatic eight-year renewal is consistent in saving the state money. Had this come to the Committee on Transportation, I do not think it would be on your desk right now.

ASSEMBLYMAN EDWARDS:

I rise in opposition to this bill for a simple reason: It actually increases the workload on DMV, and DMV is already overworked. They are spending hours after hours serving constituents down south. I think this would only increase their burden of work. On that account, I want to oppose it. I also think it will be an additional burden on those who keep their cars in the garage and their plates are fine for 10 years, 20 years—however long. I think it should be up to the individual. It is already covered in law, so I am going to need to oppose this one.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 484. A number of years ago, we changed the license plate division over to an enterprise fund. Therefore, it needs to support itself. They get to set the license plate fees by regulation. Yes, this one will go up but in the future, who knows what those numbers are going to be?

The second part of the issue is, we are changing over the materials we are using. A number of years ago, they went to the flat plate and all of us complained. We did not like it. We liked the embossed plate. It was much better. Well, guess what? The flat plate did not work. They are falling apart; things are flaking off of it, especially in southern Nevada. So we are going back to the better material, the embossed plate. This is a process by which we take the oldest plates that are in the state, we start replacing them so everyone will get new plates with the new materials. If another material comes out and it is a better material, we will be able to upgrade to that and make sure everyone has good plates on their cars.

Now, we have gone to an eight-year rolling on this. It is going to take 24 years to go all the way through to get everybody. It is going to take a long time to print all these plates. So, in order to ensure public safety, we make sure everyone has readable plates. No one is going to lose their plate. I want to make that perfectly clear. That was put on the record that if you have an old antique plate that belonged to your grandfather and it is that classic blue—which people will fight and die for in this state, I learned as a newer resident to this state when I asked about those plates—those will not be impacted. You get to keep that plate. We are not going to fight you for it. We are just going to reissue the new plates on the other ones. I do not believe this is a violation of the tax pledge. This is just paying your fair share for your license plate.

Assemblymen Seaman, Kirner, and Stewart moved the previous question.

The question being the passage of Assembly Bill No. 484.

Roll call on Assembly Bill No. 484:

YEAS—26.

NAYS—Benitez-Thompson, Dickman, Dooling, Edwards, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Nelson, Seaman, Shelton, Titus, Trowbridge, Wheeler—16.

Assembly Bill No. 484 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly reconsider the action whereby Assembly Bill No. 484 was refused passage.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 484 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 24.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Besides being a really great bill, Senate Bill 24 has a really long floor introduction. Let me tell you quickly: It makes several changes to provisions governing unemployment compensation. Specifically, the bill allows members of the Nevada National Guard and Nevada Air National Guard to use their military wages to establish an unemployment claim. It also allows the Employment Security Division [ESD] to provide employment and wage information to the Nevada System of Higher Education in order to facilitate tracking the effectiveness of state public education in meeting workforce needs.

The bill revises the manner in which certain claims of recipients' benefits for workers' compensation are compared against claims for unemployment benefits to determine whether any simultaneous claiming of benefits has occurred. It also revises the manner in which persons who receive certain disability benefits or rehabilitation services may elect a base period preceding the disability. It extends from five to ten years the period ESD may recover any overpayment of benefits. It includes as an act of fraud failure by a person to disclose at the time of filing for or receiving unemployment insurance benefits any disability compensation received by the person.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Ellison, and Armstrong.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 170 in its second reprint allows the Office of Economic Development to grant a partial abatement of personal property taxes or sales and use taxes for up to 20 years for qualified new and existing data centers and any colocated businesses within a qualified data center. If the data center and the colocated businesses meet certain requirements as set forth in the bill, the amount of property tax to be abated is limited to 75 percent of the personal property taxes imposed on property located at the data center. The amount of the sales and use tax abatement is equal to all sales and use taxes imposed in a political subdivision of the state except for the taxes imposed by the sales and use tax, which is 2 percent by the state.

Additionally, in Fiscal Year 2016, only the sales and use tax abatement may not include the local school support tax. Senate Bill 170 also requires provisions from existing abatements provided for data centers located in certain economic development areas pursuant to NRS [*Nevada Revised Statutes*] 274.310, NRS 274.320, and NRS 274.330, which were originally approved by the Legislature pursuant to Assembly Bill 1 of the 27th Special Session. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes. The provisions of the bill providing the partial abatements to data centers and the colocated businesses in the data center expire by limitation on December 31, 2056.

There has been a lot of interest in this bill to ensure that we have Internet and highway use across the state, through all of our parks—rural, south, north—to ensure that we can bring data so we can be on the highway network. I believe that this is a much better piece of legislation with the amendments than it was when it was first introduced. I hope we have the support.

ASSEMBLYMAN ELLISON:
Just for clarification, if I may—does this bill also include existing businesses that are already in place, or is this only for new?

ASSEMBLYMAN ARMSTRONG:
This would apply to any current, existing data centers that are going to expand.

Roll call on Senate Bill No. 170:
YEAS—36.
NAYS—Dooling, Jones, Moore, Shelton, Titus, Trowbridge—6.
Senate Bill No. 170 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 253.
Bill read third time.
Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:
Senate Bill 253 provides that the guaranteed asset protection waivers are exempt from the provisions of the Nevada Insurance Code except for those provisions that give the Commissioner of Insurance the authority to regulate and conduct investigative hearings on violations of the law.

Roll call on Senate Bill No. 253:
YEAS—24.
NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.
Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:47 p.m.

ASSEMBLY IN SESSION

At 2:56 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 391.
Bill read third time.
Remarks by Assemblymen Elliot Anderson, Hansen, Jones, Paul Anderson, Shelton, Wheeler, and Thompson.

ASSEMBLYMAN ELLIOT ANDERSON:

Senate Bill 391 requires the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of students enrolled in kindergarten through grade 3. The principal of each public elementary school must designate a learning strategist to train and assist teachers in providing intensive instruction to students identified as deficient in reading. Certain teachers are required to complete related professional development. This bill requires academic interventions for students enrolled in kindergarten through grade 3 who do not achieve adequate proficiency in reading.

This is a monumental change in education law that has been long sought and long supported by governors of both parties and was supported by members of both caucuses last session. This is a phenomenal policy; it will allow us to identify kids who need help, make sure they can read, and get them up to speed. The Department of Corrections actually forecasts its prison population based upon the level of reading proficiency at third grade. We can either spend the money now or we can spend it later. I prefer to be smart on crime and this bill is smart on crime. It will allow all of our kids to have a future because you cannot learn physics if you cannot read.

ASSEMBLYMAN HANSEN:

I rise in support of Senate Bill 391. My only concern is that it has a $27 million cost. As we have not yet had a significant discussion in our own caucus and a decision-making process as to what our tax package should be and what the final budget numbers should be, while I am supportive of it, there is going to be a series of these bills coming up that I will probably have to reconsider in some respects. This bill is definitely wonderful; I think it is a great idea. There is a certain irony, though, because we are spending $4.2 billion in a normal year in Nevada on K-12. Assuming you divide that by 13, we are spending roughly $300 million a year on third grade, so there are some questions in my mind as to whether we are getting enough bang for our buck. Hopefully, this program, which I understand is modeled after Florida, will have the same sort of success they have had down there, which has been very, very good. So I do rise in support, but I am concerned about the lack of prudence in spending money when we have not yet come up with a decision as to what that tax package will be.

ASSEMBLYMAN JONES:

I regrettably must rise in opposition to Senate Bill 391. Although I support the purpose of this bill, I cannot support the new spending being approved at this time. The bill has a large fiscal impact, and although the members of the Committee on Ways and Means have supported the bill, they have neither sought nor received feedback from the majority of the Republican Caucus. I believe it is unacceptable that the Chair of Ways and Means and other committee members in the majority party would spend four months considering bills—

Assemblyman Paul Anderson rose to a point of order regarding the content of remarks.

Mr. Speaker ruled that there was improper content in remarks.

ASSEMBLYMAN PAUL ANDERSON:

Point of order: I do not think it is appropriate on the floor to impugn another chair or any of the other work that the chairs have done.

MR. SPEAKER:

Point is well taken. Mr. Jones please limit your comments strictly to the bill.

ASSEMBLYMAN JONES:

I believe the issue should have been debated during regular caucus meetings so that we could fully understand the impact, as our previous colleague from the north previously indicated, so we all know what the budget is going to be when we come together. Since this did not occur, I unfortunately must vote no.

ASSEMBLYWOMAN SHELTON:

Unfortunately, I am going to have to rise in opposition to Senate Bill 391. Like everyone in this Chamber, I value education, especially for our children. However, we have been working on

the reading program for several years now. This program is a little bit different in that we are now going to hold the children back if they are unable to meet certain requirements. However, it does have a huge price tag on this additional program, so I am going to have to be a no.

ASSEMBLYMAN WHEELER:

I rise in support of Senate Bill 391. We have all seen many programs this year to improve our education system that we will be considering and voting on. While I echo completely the comments of my colleague from Sparks, this is less than one half of 1 percent of what the Economic Forum said we will be receiving. This is the place where we actually need to start spending some of that money because, Mr. Speaker, this is the one program for which we have definitive proof that it works for our children. I will be voting yes, and I urge my colleagues to vote yes as well.

ASSEMBLYMAN THOMPSON:

I rise in support of Senate Bill 391. I would like to echo the sentiments of my colleague from District 15. This is an investment for our youth. I know we are talking about the price tag, but it is an investment for our community and for the state of Nevada. There is a term out there: "school-to-prison pipeline." It is proven that the number of students who do not know how to read by third grade is equal to the number of prison spaces they are already looking to build. We have this opportunity. What I love about this bill is it is very bipartisan. Not all of us signed on, but it is very bipartisan. It makes sense. We need to do this for our children.

Assemblyman Stewart, Silberkraus, and Wheeler moved the previous question.

The question being the passage of Senate Bill No. 391.

Roll call on Senate Bill No. 391:

YEAS—38.

NAYS—Fiore, Jones, Moore, Shelton—4.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 420, as amended, establishes a new General Counsel position as a member of the executive staff of the Public Employees' Retirement System. This bill implements a decision in the Public Employees' Retirement System budget, which includes the General Counsel position. Senate Bill 420 also allows the Public Employees' Retirement Board to fix the initial salary for the position not to exceed the amount set forth in the budget of the Public Employees' Retirement System that is approved by the Legislature for the 2015-2017 biennium.

Roll call on Senate Bill No. 420:

YEAS—42.

NAYS—None.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

During the 26th Special Session, the Legislature suspended the requirement that certain atypical and typical antipsychotic medications, anticonvulsant medications, and antidiabetic medications be excluded from the restrictions imposed on the list of preferred prescription drugs developed by the Department of Health and Human Services from July 1, 2010, to June 30, 2011. Senate Bill 97 of the 2011 Legislative Session extended the expiration of these provisions until June 30, 2015. Senate Bill 422, as amended, further extends the expiration of these provisions until June 30, 2017.

Roll call on Senate Bill No. 422:

YEAS—42.

NAYS—None.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 431, as amended, authorizes the Supreme Court of Nevada to enter into a 25-year lease for office space in Clark County, extending beyond the 2016-2017 biennium. The total amount of money committed over the 25-year period, exclusive of operation and maintenance costs, must not exceed $19,493,635. Senate Bill 431 also authorizes the Supreme Court of Nevada to execute any necessary amendments to effectuate the release of the court and the State of Nevada from any further liability to Clark County incurred by an existing lease agreement for office space for the court in the Regional Justice Center, which is owned by Clark County.

Roll call on Senate Bill No. 431:

YEAS—42.

NAYS—None.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblymen Silberkraus, Kirkpatrick, and Wheeler.

ASSEMBLYMAN SILBERKRAUS:

Senate Bill 456 urges the Attorney General to take a leadership role in pursuing actions on behalf of the state and counties in formalizing and finalizing title to accessory roads and public roads. The bill authorizes the Attorney General to participate as a party in a quiet title action regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which these roads exist. In addition, the Attorney General, the Land Use Planning Advisory Council, and the Nevada Association of Counties must work together to develop and implement a legal protocol that a county may use to perfect its rights to and finalize title to accessory or public roads.

ASSEMBLYWOMAN KIRKPATRICK:

I have a question for my colleague from Assembly District 29. Because I came in late to the work session, I want to make sure that my question got clarified. Am I correct that this ensures that we put maps together so that people know which roads belong to the counties, the cities, and the federal government? Is that correct? Does it also allow the Attorney General to come in and enforce the maps if there is ever an instance where a road cannot be crossed?

ASSEMBLYMAN WHEELER:

In response to the Minority Leader's question: Yes.

Roll call on Senate Bill No. 456:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 474.

Bill read third time.

Remarks by Assemblymen Diaz, Jones, Silberkraus, Hansen, Kirkpatrick, Benitez-Thompson, and Shelton.

ASSEMBLYWOMAN DIAZ:

Senate Bill 474 creates the Great Teaching and Leading Fund in the State General Fund to be administered by the Superintendent of Public Instruction. The State Board of Education must annually prescribe program priorities for which grants may be awarded from the fund, and certain public and private organizations are authorized to submit a grant application in response to the stated priorities. Grants must be used to provide professional development, preparation, and peer assistance and review for teachers, administrators, and other licensed education personnel; leadership training and development; and programs to recruit, select, and retain effective teachers and principals.

This bill also requires the Superintendent, to the extent funding is available, to contract for an independent evaluation of the effectiveness of the grants made from the fund and to report the results of the evaluation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or the Legislative Committee on Education.

The bill also creates the Advisory Task Force on Educator Professional Development to study certain issues relating to professional development of teachers, school administrators, and other educational personnel. The task force must, by December 31, 2016, submit a report of its findings and recommendations to the Governor, the State Board of Education, the Legislative Committee on Education, and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature. This bill is effective upon passage and approval.

ASSEMBLYMAN JONES:

Although I appreciate what this bill intends to do, I must again regrettably vote no. As a businessperson, I understand the importance of approving a budget in terms of how much you can spend before you just start spending money. Until we know how much we are going to spend, I do not believe it is prudent to continue to approve appropriations that could exceed $7.3 billion. We have not decided yet, as a body, how much we are willing to spend—whether it be $6.9 million, $7 million, or $7.5 million. So I do not believe it is prudent—

ASSEMBLYMAN SILBERKRAUS:

Point of order: Can we please stick to the bill?

ASSEMBLYMAN JONES:

Mr. Speaker, this has to do with the bill. It has an appropriation of $16 million tied to it.

ASSEMBLYMAN SILBERKRAUS:
Then let us speak to the appropriation and not to all appropriations.

ASSEMBLYMAN HANSEN:
What my colleague from the south was saying is entirely appropriate, and it is inappropriate for us to keep interrupting people. The fact is, we are supposed to debate things on this floor. What we do in caucus actually defeats the original intent of this floor. We come here now, and we pretend we are showing the public our decision-making process when in reality all these decisions are being made behind closed doors in our caucuses. The idea that you would try to shut down one of our colleagues who is trying to make a point that you may not agree with is entirely inappropriate.

There have been many statements on this floor that do not tie directly to the bill at that moment but fit when you look at the broader context. So while we may disagree, I strongly deplore the idea that we are attempting to censor opinions that we do not like. That is what this floor is for, that is why the press is sitting there, and that is why all these people have an opportunity to listen. I strongly urge my colleagues to allow their fellow members a free and fair forum for their opinions in this body.

ASSEMBLYMAN JONES:
I thank you, my colleague from the north, for standing up for me. I appreciate that to allow the open and transparent speech that my other colleague from District 1 was talking about earlier.

As I was saying, just think of an instance where if you just told your wife, Go out and spend whatever you want. Then when it comes time to balance your budget at the end of the month, there is a surprise because your wife has spent much more—and I use the term "wife" because I am a male—your wife has spent much more than you had anticipated would be spent and you do not have the money to pay for it. What then do you do? It can create problems. Therefore, I believe we should be prudent representing our great state of Nevada, and we should know how much money we are willing to spend as a body before we start approving and continuing to approve appropriations.

In closing, I would like to state that it is not that I am opposed to what this particular bill is proposing, I am just opposed to this appropriation at this time.

ASSEMBLYWOMAN KIRKPATRICK:
Point of order: Based on what my colleague from Sparks said, does that mean that we entertain a motion on Rule No. 81 which would mean we quit calling for the question every time that we want to speak? If that is the direction that we are headed, at the next floor session I would like to have a two-thirds discussion about suspending Rule No. 81, which would no longer allow anyone to call for the question and we could have some real debate.

ASSEMBLYMAN HANSEN:
I agree with my colleague. I think we too often call the question. Because we have actually made these decisions behind closed doors, we all know how we are going to vote. I think it is important that the public have a little more opportunity to hear debate. I agree that when we called the question on a very controversial bill—she, in fact, had her light on and we called the question to shut down public debate. Admittedly, most of us have our minds made up after we have discussed these things behind closed doors in caucus. While I do not agree with suspending the rule because we do not want a filibuster through an endless process of discussion, I think we ought to be a little more prudent in the use of the calling of the question and allow people to have an opportunity to have a free and fair discussion and get their views on the record. Whether or not we agree with those views should be irrelevant.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
Just a point of clarification on the point of order from my colleague from Assembly District 29: It was correct and in line with Mason's Rules of Order regarding debate and decorum, No. 101, paragraph 5. It is out of line to refer in debate to a bill not yet reported out of committee. So when you refer to specific appropriations bills that have not been reported out of committee yet—he was correct in that point of order.

ASSEMBLYWOMAN SHELTON:

I am standing in opposition to the bill although it is not that I have anything against teachers. I just have a problem with passing bills when we already have something similar to them. It seems like we continue to make new programs that add one or two things to the bill, and I do not think that is the proper way to go. If there needs to be some adjustment to the original programs, maybe that is where we need to go. So, unfortunately, I will be another no on this one.

ASSEMBLYWOMAN DIAZ:

I rise in support of Senate Bill 474. As an educator myself, in the classroom, in the trenches, I know how important S.B. 474 is to our state. We are facing a huge teacher shortage; we cannot recruit teachers fast enough. We need to be growing our teachers and developing our teachers because we are going to need them to become administrators to replace those who retire, and the chain keeps on going. We know that good leaders, those administrators, are what create culture and what drive achievement. We need the very best that we can get in our school buildings all through our state in order to solve the embarrassment of where our state stands in terms of school performance. So if everybody in this body is super happy with where we are on that list, I say vote against this bill.

Roll call on Senate Bill No. 474:

YEAS—33.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Moore, Seaman, Shelton, Titus—9.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 500 eliminates the requirement that a facility for the treatment of abuse of alcohol or drugs needs to be certified by the Division of Public and Behavioral Health as a prerequisite to obtaining a license from the Division to operate the facility.

Roll call on Senate Bill No. 500:

YEAS—30.

NAYS—Dickman, Dooling, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Nelson, O'Neill, Seaman, Titus—12.

Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 501 provides that the State Dental Health Officer and State Public Health Dental Hygienist may be contractors for the Division of Public and Behavioral Health. The measure requires the officer and the hygienist to work collaboratively with each other. The officer is required to seek certain information and advice from any dental education program in this state, including any such program of the Nevada System of Higher Education, as necessary to carry out the provisions of his or her duties.

Roll call on Senate Bill No. 501:

YEAS—42.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblymen Benitez-Thompson, Edwards, Jones, Seaman, Thompson, Fiore, Ellison, Joiner, Trowbridge, Kirkpatrick, Elliot Anderson, and Nelson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 503, as amended, expands Chapter 387 of *Nevada Revised Statutes* to require public schools with 70 percent or more of the enrolled pupils eligible for free or reduced-price lunches under the National School Lunch Act to provide breakfast to their pupils after an instructional day of school has officially begun. Senate Bill 503, as amended, requires the Department of Agriculture to distribute funding to eligible schools to assist with the implementation of these breakfast programs, utilizing General Fund appropriations of $1 million in each year of the 2015-2017 biennium that are included in the *Executive Budget*.

Senate Bill 503, as amended, requires the Department of Agriculture to publish a list of public schools that meet the requirements for participation in the program and adopt regulations prescribing the manner in which these funds would be distributed. Senate Bill 503, as amended, requires funds to be distributed in sequential order starting with the public school with the highest percentage of enrolled pupils eligible for free or reduced-price lunches under the National School Lunch Act. Senate Bill 503, as amended, requires the Department of Agriculture to prepare and submit an annual report on the implementation and effectiveness of the program and submit the report to the Governor and the Director of the Legislative Counsel Bureau.

ASSEMBLYMAN EDWARDS:

Surprisingly, I am going to have to rise in opposition to the bill for the simple matter of fiscal responsibility. As I have learned about the program and I have learned about Ways and Means and where all these taxes are coming from, I have discovered that in this case, the funds for this program have already been collected through a tax upon the people. The funds have been made available to the district for exactly this purpose. I had it confirmed today by Clark County School District that the districts actually have these funds available within their grasp to expend for exactly this purpose and, therefore, as we try to limit the size of our budget, limit the amount of money we are going to have to tax our people, if the funds are there to be expended for this purpose, we should expend them and not have to raise more taxes on our folks. As a matter of fiscal responsibility, I have to rise in opposition to this, and I encourage you to do the same. I do not want to tax our people any more than they have already been taxed. In this case, they have already paid.

ASSEMBLYMAN JONES:

I, surprisingly, rise in concurrence with my friend from Assembly District 19 but do rise in opposition to the bill itself. Unfortunately, for the same reasons I discussed earlier, I do not feel it is appropriate to start a new program with new appropriations until we have determined how much we can spend.

ASSEMBLYWOMAN SEAMAN:

I also rise in opposition, dittoing my colleague from District 19. We should not create a duplicative nutritional program that is already available, so I will be voting no.

ASSEMBLYMAN THOMPSON:
I rise in support of Senate Bill 503. First of all, I want to let our colleagues know that this is about public policy. This is an evidence-based criteria that we are looking at. I did some research from the Food Research and Action Center, and it states that in the 2013-2014 school year, there were 88,657 schools that participated in such a program. It goes on to say that students who eat breakfast prior to testing do better; they do better in math; they do better in reading. All the evidence is there. This was initially piloted a year before I was born in 1966, so there is a lot of data that shows that this works. I strongly urge this body to support Senate Bill 503.

ASSEMBLYWOMAN FIORE:
I am sorry, but I cannot pass up this opportunity to let you know I am in agreement with my colleague from Assembly District 19 and I oppose Senate Bill 503.

ASSEMBLYMAN ELLISON:
I would like to get some clarification. I know that these programs exist right now in the state of Nevada. They have this program in the districts that I live in. For the amount of money that we are discussing to be appropriated for this, are there other programs being funded out of this? I found out from my colleague some of it is going to be for advertising and maybe for equipment. Can we get clarification on where this money will go?

ASSEMBLYWOMAN BENITEZ-THOMPSON:
For clarification, it is going to support the programs that are part of an authorized national school lunch program. That program may include equipment in order to provide the meals. When you are providing the meals in the morning, if it is a cold item such as milk, you might need a refrigerator to keep that milk cold. The General Fund cost of $1 million per year in the biennium budget will be used to better leverage federal dollars. So it is a little bit of a contribution to give a lot more back to our kiddos.

ASSEMBLYMAN ELLISON:
Are all our schools equipped with cafeterias?

ASSEMBLYWOMAN BENITEZ-THOMPSON:
For the record, yes.

ASSEMBLYWOMAN JOINER:
I rise in support of this measure. I am extremely excited for this measure to be here today. I think it is a long time coming. Those of us who remember past sessions know that we have been working on this issue for a long time. We are at a crisis level in the state of Nevada. We know that we have children who are hungry. There has been a lot of progress made in the last year; there is now an Office of Food Security and a Governor's Council on Food Security. To me, this program is key to furthering and progressing the attack on food security issues here in our state. We need to do it for our low-income children, and I urge support.

ASSEMBLYMAN TROWBRIDGE:
I stand in opposition to this bill for different reasons. I certainly fully support feeding the children who are hungry. It is obvious that they are going to learn better with a full belly than they would when they are hungry. My opposition is because we are taking away time from the classroom. With more time out of the classroom, we can expect a corresponding decrease in test scores. Secondly, I have a constituent who worked her way through college as a waitress to become a teacher. She said these children simply do not tip.

ASSEMBLYMAN EDWARDS:
I want to make the distinction between what this bill is for and what it is not in this sense. This is for the equipment. This is for the freezers, the carts, the stuff that actually keeps the food where it needs to be in storage whether it is cold or not. This is not about feeding the children with the actual food. In Clark County, they have a budget of $117 million a year. Sixty-three million dollars go to the purchase of the food. Forty million dollars go to pay for those who provide it. There is $14 million per year in Clark County alone in order to provide for refrigerators, for carts, and so on. If they have $14 million now, I believe they have the funds available to provide the

freezers and the carts and so forth without having to have additional funds coming in from the state. So please keep in mind, this is about equipment, it is not about food. It is about storage. It is not about whether the kids are going to be able to eat. They have these funds available to the tune of $28 million over the next biennium. I just do not see why we, at the state level, need to add $2 million more out of the pockets of our people.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 503. I have listened to a lot of the conversation that has gone on today, so I would like to speak under Order of Business 15. I will comply with all the rules on sticking to the bill. I do appreciate my colleague from Sparks not calling for the question so we can have some real debate on this because I am ready for it, and I think it is important.

This is about feeding children. This is about making sure we have things that are available. I have a colleague here from District 7, and in her district those kids do not necessarily have a cafeteria. You know why? Those schools were built in the 1950s. They have a room where they bring carts on a truck and they say, Here you go; here is your breakfast. Not all schools have cafeterias. They have a place where they can serve something. Any school that was built after 2000 probably does have a cafeteria for the simple reason that the health district and the federal government required it. They required that we do that.

I want to be clear about what this bill does. If anyone does not have the bill, I have them all on my desk, and I have extras if you would like them. This bill is not just about CCSD [Clark County School District]. This is about the entire state making an investment in our kids. If you are in Elko, those kids are hungry, too, and those schools probably need some additional equipment. I know for a fact there is a school in Douglas County with kids who participate in this program and it works well for them. I know there are several schools in Clark County. I do not care what district you live in; they are all across the board. There are schools in Summerlin, there are schools in Henderson, there are schools in North Las Vegas, and there are schools in Las Vegas. This is not about one district. This is about a program that goes across our state.

This is not a new bill, by the way. It came in 2009. The former Assemblywoman from District 29 introduced it and, unfortunately, it got vetoed at that time because we were not ready. But now we have an opportunity to leverage federal dollars. That has been our problem in this state for a very long time. We do not ever put any money in to get our dollar plus back. Then we cry as legislators and say we never get enough return on our investment for the dollars from the federal government. You have to match. That is what the grant says, that you have to match. You have to establish the program first in order to be able to even apply for the grant to get the match to get the money back to us.

Section 9, subsection 2 says this can be used for "Training school employees." I definitely want to make sure, being in the food industry myself, that we have people serving who are following all the proper health regulations to ensure the food we serve to the kids is at the proper temperature. I bet not too many people in here know that the temperature has to be between 165 degrees and 185 degrees. That is required. That ensures those kids get something in their bellies that makes sense. We want to make sure that they get the right food at the right temperatures. So if it means that I am going to train some school employees who will make sure those kids eat, I am willing to spend that little bit of money.

The bill says the funds may be used for "Any additional costs of labor." When we bring in more lunches and breakfasts because people are actually participating in the classroom, I am willing to do that. If it means additional costs for labor so that we can have a nutritionist, I am willing to do that. Currently, we have a program through UNR [University of Nevada, Reno] Cooperative Extension that has only one person because we are so dang cheap we will not fund them. Cooperative Extension picks one school, goes into the classroom throughout the year, and teaches them about nutrition. That is part of the curriculum of second grade—they have to know about nutrition no later than second grade. There is a whole piece of curriculum.

If we want to talk about why this matters, kindergarten, first grade, second, third, fourth, all the way through—every kid has to learn about nutrition. They have to learn about how their bodies work. That is part of the everyday job of a teacher. That is part of the science curriculum they are required to teach our kids. On the kindergarten level, you teach them about their hands, teach them about their feet, teach them about their throats, so they know what those body parts do. In

second grade, you get a little more in depth. You teach them about their esophagus. You teach them about what happens to the milk that goes into their tummies and why their tummies do not feel well. When they get into sixth grade, you dissect that food and tell them what happens when you add oranges, which is an acid, into your stomach that has a hole in it. This is part of everyday curriculum, and breakfast in the classroom can easily be put in place so that it can be part of the classroom instruction. There are lots of reasons to do this.

Let us continue through the bill, Mr. Speaker. Section 9, subsection 2, paragraph (c) says, "Equipment related to the provision of breakfast." What I will tell you, being in the food industry, there is a lot of equipment that goes into this. I will remind some folks that I beat up public works all the time about chillers. My colleague from Sparks can appreciate that, as a plumber, we talk about chillers. We are constantly having to replace them because we use them all the time. They are constantly going. It is no different with refrigerators. We have to have a second one just in case. It goes back to those health district requirements that I talked about, making sure those kids have food at the right temperature.

See, Mr. Speaker, I did study this bill. Let us go to section 9, subsection 2, paragraph (d): "To conduct surveys to market the Program to pupils and the families. . . ." This ensures that kids get to the classroom so they can have some fun with eating. I have a daughter who is now 23. She is very artistic. The book that she read every morning while she had her breakfast was about food. It was about taking a piece of cauliflower and making it into a head. There are lots of things kids can do to entice them and get them to love food. Las Vegas is what it is today because of food. Why would we not want our young people to learn about food with their teachers, to have some fun with it, to have a full belly? I get a little cranky about this time when I have not had breakfast or lunch. I cannot imagine being 5, being 10, or being 18 and not having had food all day or the night before. Sometimes the only job that parents can actually do to help their student is to get them to the classroom. That is a big deal for a lot of parents. If it means that these kids can learn about food, they can make better choices at the grocery store and they can make better choices when they eat. That benefits each and every one of us in this building. By the way, it also says that kids can learn about make a living. I participate in that program. We go out as chefs. We give kids hats and we teach them about nutrition. Anybody can be whatever they want.

Let us also talk about accountability with this bill. I am tired of hearing about accountability. We put a lot of accountability in place. Everybody wants accountability for every dollar that we spend. So here we are. Section 11 of the bill says before December 31 of each year, the Governor's Office and the Department of Agriculture are going to get a report to show how we have implemented it and how it is working. Many in this building spent last session combining those two so that we could have Agriculture—most of our rural areas benefit from agriculture—so we can ensure they were working and we were leveraging federal dollars for everyone.

In section 11, subsection 2 of the bill, it says, "Submit the report prepared pursuant to subsection 1 to: (a) The Governor; and (b) The Director of the Legislative Counsel Bureau" for transmittal to the Legislature or the Legislative Commission. That means that whether or not you sit on that, you will get a copy of that report so that you can constantly stay on top of it. It also says in section 12 of the bill that the Department of Agriculture is going to adopt expectations which are regulations, and when that happens, Mr. Speaker and to my colleagues, everybody gets to see that. There are three public hearings we go through and there is a process.

This is about feeding kids, but it is also about investing in a program to help them grow and do better in the long term. This is about our future. This is more than just equipment. This is more than just CCSD. This is the entire state that is going to benefit, including my friends from the rurals where agriculture feeds their families at night. I encourage all of you to please think about this bill and what the ramifications are if we do not start investing in our students.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 503. Clark County School District told me that this alone will fund the program for 82 classrooms. Taking a conservative estimate, pretending that all of the rooms had class size reduction implemented, that would be a minimum of 1,312 kids. We talk about a lot of things on this floor. Just today, we gave tax abatements for new businesses. Why is it that we cannot do breakfast for kids? Why can we not do that? It says something about our priorities when we had this much debate on giving breakfast to kids but had practically no debate

on giving tax breaks to new companies. I think that all of us ought to think about that as we vote here and wonder what our priorities are.

To respond to my colleague from District 37: These breakfasts are normally done in homeroom when there are announcements going on. It is not actually taking away from instructional time. With that, Mr. Speaker, I respectfully ask this body to have the right priority here today.

ASSEMBLYMAN NELSON:

I have a question. I want to make sure I understand this properly. My understanding is that as the bill was originally introduced, it provided breakfast for all children. Then it was later changed to be only for certain children. Is that accurate?

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Speaker, I am happy to answer that. It is not my bill, but I am sure happy to answer it. We could not fund all of it and needed to have a starting place, and each and every one of the districts across the state have some schools to which this applies. In section 6, subsection 2 it says, "Except as otherwise provided in subsections 3 and 4: (a) If a public school in this State in which 70 percent or more of the enrolled pupils during the previous school year were eligible for free or reduced-price lunches under the National School Lunch Act, the public school shall participate. . . ." Under paragraph (b), it says, "A public school that participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010 . . . must participate in the Program. . . ."

It does get to those who need it most and typically there are schools in each of our districts who meet these criteria. I would love every school to do it. Many schools already do it because they have a PTA [parent-teacher association] that can support it and fund it, but for these particular students, this is a start. Honestly, we are arguing over $2 million, and we are just hoping $2 million leverages $4 million so we can go much further, or you as a future legislator can go much further.

Roll call on Senate Bill No. 503:

YEAS—28.

NAYS—Dickman, Dooling, Edwards, Fiore, Hansen, Jones, Moore, Nelson, O'Neill, Seaman, Shelton, Titus, Trowbridge, Wheeler—14.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 510 authorizes certain employees of the Legislative Branch of government to transfer, as part of the normal transfer process afforded to other state employees in the classified service, to any position in the classified service of the state for which he or she is qualified without regard to the duties and compensation of the position. These provisions apply only to employees of the Legislative Branch who have served four consecutive months or more in the Legislative Branch. The bill is effective upon passage and approval.

Roll call on Senate Bill No. 510:

YEAS—41.

NAYS—Titus.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 21, 40, 44, 132, 166, 175, 176, 198, 468; Senate Bills Nos. 5, 12, 25, 29, 33, 36, 38, 39, 40, 50, 54, 59, 76, 84, 114, 129, 134, 144, 154, 162, 174, 175, 176, 183, 188, 192, 197, 206, 209, 223, 229, 238, 240, 241, 245, 254, 264, 285, 286, 294, 306, 314, 329, 388, 393, 394, 401, 405, 409, 419, 443, 445, 446, 453, 464, 471, 472, 476, 484, 490, 499; Senate Joint Resolution No. 21.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Assemblyman Paul Anderson moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 4:03 p.m.

ASSEMBLY IN SESSION

At 9:21 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 128, 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 103, 483, 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 789, 914 to Senate Bill No. 56; Assembly Amendment No. 760 to Senate Bill No. 137; Assembly Amendment No. 796 to Senate Bill No. 307; Assembly Amendment No. 841 to Senate Bill No. 341; Assembly Amendment No. 859 to Senate Bill No. 395; Assembly Amendment No. 825 to Senate Bill No. 406; Assembly Amendment No. 819 to Senate Bill No. 411; Assembly Amendments Nos. 860, 953 to Senate Bill No. 447; Assembly Amendment No. 934 to Senate Bill No. 463; Assembly Amendment No. 834 to Senate Joint Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 814 to Senate Bill No. 95; Assembly Amendment No. 928 to Senate Bill No. 225.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 276 and 302, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 85.

The following Senate amendment was read:

Amendment No. 752.

AN ACT relating to professions; transferring certain duties of the Secretary-Treasurer of the Board of Examiners for Alcohol, Drug and Gambling Counselors to the Executive Director of the Board; authorizing the Executive Director to delegate his or her duties; revising provisions governing alcohol, drug and gambling counselors and interns; ~~[authorizing the certification by the Board of peer support specialists;]~~ repealing the prospective transfer of the authority and duties relating to the certification of detoxification technicians to the Board; ~~[establishing fees;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Alcohol, Drug and Gambling Counselors and authorizes the Board to license or certify persons engaged in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers. (Chapter 641C of NRS)

~~[Sections 1.3-1.5 of this bill provide for the certification of peer support specialists by the Board. Section 1.45 establishes the requirements for obtaining a certificate as a peer support specialist. Section 1.5 authorizes a certified peer support specialist to engage in the practice of providing peer support specialist services only under the supervision of certain licensed professionals. Section 1.45 requires an applicant for the issuance or renewal of a certificate as a peer support specialist to pay to the Board a fee which, pursuant to section 12.7 of this bill, must not exceed $150 for the initial application or $300 for the renewal of a certificate.]~~

Section 2 of this bill transfers certain duties of the Secretary-Treasurer of the Board to the Executive Director of the Board. **Section 2** also authorizes the Executive Director to delegate certain duties to a designee.

Sections 3-10 of this bill make various changes regarding the requirements for obtaining and renewing a license or certificate as an alcohol, drug or gambling counselor or intern. **Sections 8, 10 and 12** of this bill reduce the duration of certificates for certain counseling interns from 1 year to 6 months.

Section 13 of this bill authorizes the Board, when determining whether to issue, renew, restore, suspend, revoke or reinstate a license or certificate or imposing disciplinary action upon an existing licensee or certificate holder, to consider any original criminal charges filed against the applicant, licensee or certificate holder, even if that person was convicted of a lesser crime.

Section 14 of this bill eliminates the 30-day grace period authorizing an otherwise qualified person to engage in the practice of counseling alcohol and drug abusers or problem gamblers without a license or certificate while his or her application is being reviewed. **Section 15** of this bill prohibits a person who is not licensed or certified by the Board from engaging in the practice or clinical practice of counseling alcohol and drug abusers and problem gamblers ~~[or the practice of providing peer support specialist services.]~~.

Section 24 of this bill repeals the authority of the Board to provide for the certification of detoxification technicians. (NRS 641C.500) **Sections 16-20** of this bill make conforming changes to account for the repeal of NRS 641C.500 regarding the certification of detoxification technicians by the Board. The effect of **sections 16-20 and 24** is to leave the authority to certify detoxification technicians with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 458 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 641.029 is hereby amended to read as follows:~~

~~641.029 The provisions of this chapter do not apply to:~~

~~1. A physician who is licensed to practice in this State;~~

~~2. A person who is licensed to practice dentistry in this State;~~

~~3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;~~

~~4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;~~

~~5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;~~

~~6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;~~

~~7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern, a clinical alcohol and drug abuse counselor intern, a problem gambling counselor , [or] a problem gambling counselor intern [,] *or a certified peer support specialist,* pursuant to chapter 641C of NRS; or~~

~~8. Any member of the clergy,~~

~~→ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.]~~ **(Deleted by amendment.)**

Sec. 1.1. ~~[NRS 641B.040 is hereby amended to read as follows:~~

~~641B.040 The provisions of this chapter do not apply to:~~

~~1. A physician who is licensed to practice in this State;~~

~~2. A nurse who is licensed to practice in this State;~~

~~3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;~~

~~4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;~~

~~5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;~~

~~6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;~~

~~7. A person who is licensed as a clinical alcohol and drug abuse counselor, licensed or certified as an alcohol and drug abuse counselor, or certified as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor , [or] a problem gambling counselor intern [,] *or a certified peer support specialist,* pursuant to chapter 641C of NRS;~~

~~8. Any member of the clergy;~~

~~9. A county welfare director;~~

~~10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or~~

~~11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.]~~ **(Deleted by amendment.)**

Sec. 1.2. ~~[Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 1.5, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 1.3. ~~[*"Certified peer support specialist" means a person who is certified as a peer support specialist pursuant to the provisions of this chapter.]~~ **(Deleted by amendment.)**

Sec. 1.4. ~~[*1. "Practice of providing peer support specialist services" means the practice of giving nonprofessional, nonclinical assistance, including, without limitation, mentoring, coaching, educating or serving as a role model, with the intent of achieving long-term recovery from severe psychiatric, traumatic or addiction-related stress by sharing appropriate portions of the person's own recovery from severe psychiatric, traumatic or addiction-related stress.*~~

~~*2. The term does not include:*~~

~~*(a) The diagnosis or treatment of a substance abuse, mental health, psychiatric or psychotic disorder; or*~~

~~*(b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude or interests.]*~~ **(Deleted by amendment.)**

Sec. 1.45. ~~[*The Board shall issue a certificate as a peer support specialist to a person who:*~~

~~*1. Is not less than 21 years of age;*~~

~~*2. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;*~~

~~*3. Has:*~~

~~*(a) A high school diploma; or*~~

~~*(b) A general equivalency diploma or an equivalent document;*~~

~~*4. Submits evidence satisfactory to the Board that the person has completed a training program approved by the Board and consisting of at least 46 hours of training, including, without limitation:*~~

~~*(a) Ten hours of training in each of the following domains, as they relate to the practice of providing peer support specialist services:*~~

~~*(1) Advocacy;*~~

~~*(2) Mentoring and education; and*~~

~~*(3) Recovery and wellness support; and*~~

~~*(b) Sixteen hours of training in the domain of confidentiality and ethical responsibility, as it relates to the practice of providing peer support specialist services;*~~

~~*5. Submits evidence satisfactory to the Board that the person has completed at least 25 hours of work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services, under the supervision of a person who normally provides supervision of such work for the entity or organization for which the work is completed;*~~

~~*— 6. Submits, on a form prescribed by the Board, evidence satisfactory to the Board that the person has completed at least 500 hours of paid or volunteer work in each of the domains described in subsection 4, as they relate to the practice of providing peer support specialist services. The form must be signed by a person who normally provides supervision or management for the entity or organization for which the work is completed, attesting that the applicant has completed the paid or volunteer work required by this subsection;*~~

~~*— 7. If the person is in recovery from a mental health or substance abuse disorder, provides to the Board a statement attesting that the person remains in active recovery and that the disorder is stable or in sustained remission;*~~

~~*— 8. Has not been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime of violence or a sexual offense as that term is defined in NRS 179.245;*~~

~~*— 9. If the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime other than a crime described in subsection 8, has been released from parole, probation or custody for at least 12 months before applying for certification;*~~

~~*— 10. Provides evidence satisfactory to the Board that the person has experienced the process of recovering from severe psychiatric, traumatic or addiction related stress and as a result is qualified to engage in the practice of providing peer support specialist services;*~~

~~*— 11. Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;*~~

~~*— 12. Pays the fees required pursuant to NRS 641C.470; and*~~

~~*— 13. Submits all information required to complete an application for a certificate.]*~~ **(Deleted by amendment.)**

Sec. 1.5. ~~**[***1. A certificate as a peer support specialist is valid for 2 years and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.*~~

~~*— 2. A certified peer support specialist may engage in the practice of providing peer support specialist services only under the supervision of a licensed clinical alcohol and drug abuse counselor, a licensed or certified alcohol and drug abuse counselor, a psychologist licensed pursuant to chapter 641 of NRS, a clinical professional counselor licensed pursuant to chapter 641A of NRS, a marriage and family therapist licensed pursuant to chapter 641A of NRS or a social worker licensed pursuant to chapter 641B of NRS.]*~~ **(Deleted by amendment.)**

Sec. 1.6. ~~**[**NRS 641C.010 is hereby amended to read as follows:~~

~~— 641C.010 The practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers , **[**and**]** the practice of counseling problem gamblers *and the practice of providing peer support specialist services* are hereby declared to be learned professions affecting public health, safety and welfare and are subject to regulation to protect the

~~public from the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers~~ **, [**~~and~~**]** ~~the practice of counseling problem gamblers~~ ***and the practice of providing peer support specialist services*** ~~by unqualified persons and from unprofessional conduct by persons who are licensed or certified to engage in the practice of counseling alcohol and drug abusers, licensed to engage in the clinical practice of counseling alcohol and drug abusers~~ **, [**~~or~~**]** ~~certified to engage in the practice of counseling problem gamblers~~ ***[.] or certified to engage in the practice of providing peer support specialist services.]*** **(Deleted by amendment.)**

Sec. 1.7. ~~[NRS 641C.020 is hereby amended to read as follows:~~

~~641C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641C.030 to 641C.110, inclusive,~~ ***and sections 1.3 and 1.4 of this act*** ~~have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 1.8. ~~[NRS 641C.040 is hereby amended to read as follows:~~

~~641C.040 "Certificate" means a certificate issued to a person who is certified as an alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern, a problem gambling counselor~~ **, [**~~or~~**]** ~~a problem gambling counselor intern~~ ***[.] or a peer support specialist.]*** **(Deleted by amendment.)**

Sec. 1.9. ~~[NRS 641C.150 is hereby amended to read as follows:~~

~~641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.~~

~~2. The Board must consist of:~~

~~(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.~~

~~(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.~~

~~(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.~~

~~(d) One member who is a representative of the general public. This member must not be:~~

~~(1) A licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor~~ **, [**~~or~~**]** ~~a certified problem gambling counselor~~ ***[;] or a certified peer support specialist;*** ~~or~~

~~(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor~~ **, [**~~or~~**]** ~~a certified problem gambling counselor~~ ***[.] or a certified peer support specialist.***

~~3. A person may not be appointed to the Board unless he or she is:~~

~~(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(b) A resident of this State.~~

~~4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.~~] **(Deleted by amendment.)**

Sec. 1.95. NRS 641C.200 is hereby amended to read as follows:

641C.200 1. The Board shall adopt such regulations as are necessary to carry out the provisions of this chapter, including, without limitation, regulations that prescribe:

(a) The ethical standards for licensed and certified counselors ~~[,]~~ and certified interns ~~[~~ ***~~[and certified peer support specialists;]~~*** and

(b) The requirements for continuing education for the renewal, restoration or reinstatement of a license or certificate.

2. The Board may adopt regulations that prescribe:

(a) The contents of a written ***and oral*** examination concerning the practice of counseling problem gamblers;

(b) The grounds for initiating disciplinary action against a certified problem gambling counselor or certified problem gambling counselor intern; and

(c) Disciplinary procedures for certified problem gambling counselors and certified problem gambling counselor interns, including the suspension, revocation and reinstatement of a certificate as a problem gambling counselor or problem gambling counselor intern.

3. Any regulations adopted by the Board pursuant to this section must be consistent with the provisions of chapter 622A of NRS.

Sec. 2. NRS 641C.210 is hereby amended to read as follows:

641C.210 The ~~[~~Secretary-Treasurer~~]~~ ***Executive Director*** of the Board ***or his or her designee*** shall prepare and maintain:

1. A separate list of the names and addresses of:

(a) The applicants for a license;

(b) The applicants for a certificate;

(c) The licensed counselors;

(d) The certified counselors; and

(e) The certified interns ~~[~~ ***~~[; and~~***

~~***(f) The certified peer support specialists.]***~~

2. A record of each examination conducted by the Board.

3. An inventory of:

(a) The property of the Board; and

(b) The property of this State that is in the possession of the Board.

Sec. 3. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. Each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. Each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her

knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. Each applicant for a certificate as a problem gambling counselor must pass a written ***and oral*** examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. ~~***[Each applicant for a certificate as a peer support specialist must pass a written and oral examination concerning his or her knowledge of the practice of providing peer support specialist services, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.***~~

~~***5.]***~~ The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. ~~***[6.]***~~ The Board may employ other persons to conduct the examinations.

Sec. 4. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board ~~[shall]~~ ***may*** issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor ~~***[,]***~~ or an alcohol and drug abuse counselor ~~***[or a peer support specialist]***~~ in another state, a territory or possession of the United States or the District of Columbia if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.

Sec. 5. NRS 641C.310 is hereby amended to read as follows:

641C.310 1. The Board may hold hearings and conduct investigations concerning any matter related to an application for a license or certificate. In the hearings and investigations, the Board may require the presentation of evidence.

2. The Board may refuse to issue a license or certificate to ***, or renew the license or certificate of,*** an applicant if the Board determines that the applicant:

(a) Is not of good moral character as it relates to the practice of counseling alcohol and drug abusers ~~***[,]***~~ or the clinical practice of counseling alcohol and drug abusers ; ~~***[or the practice of providing peer support specialist services;]***~~

(b) Has submitted a false credential to the Board;

(c) Has been disciplined in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~***[,]***~~ or the clinical practice of counseling

alcohol and drug abusers ; ~~*[or the practice of providing peer support specialist services;]*~~

(d) Has committed an act in another state, a possession or territory of the United States or the District of Columbia in connection with the practice of counseling alcohol and drug abusers ~~*[,]*~~ or the clinical practice of counseling alcohol and drug abusers ~~*[or the practice of providing peer support specialist services]*~~ that would be a violation of the provisions of this chapter if the act were committed in this State; or

(e) Has failed to comply with any of the requirements for a license or certificate.

Sec. 6. NRS 641C.320 is hereby amended to read as follows:

641C.320 1. The Board may issue:

(a) A provisional license as a clinical alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license as a clinical alcohol and drug abuse counselor and is otherwise eligible for that license pursuant to NRS 641C.330; or

(b) A provisional license or certificate as an alcohol and drug abuse counselor to a person who has applied to the Board to take the examination for a license or certificate as an alcohol and drug abuse counselor and is otherwise eligible for that license or certificate pursuant to NRS 641C.350 or 641C.390.

2. A provisional license or certificate is valid for not more than ~~[1 year]~~ ***6 months*** and may not be renewed.

Sec. 7. NRS 641C.331 is hereby amended to read as follows:

641C.331 1. A license as a clinical alcohol and drug abuse counselor is valid for ~~[1 year]~~ ***2 years*** and may be renewed.

2. A licensed clinical alcohol and drug abuse counselor may:

(a) Engage in the clinical practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) Supervise certified clinical alcohol and drug abuse counselor interns and alcohol and drug abuse counselor interns.

Sec. 8. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Pays the fees required pursuant to NRS 641C.470;

(d) Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and

(e) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for ~~[1 year]~~ ***6 months*** and may be renewed. The Board may waive any

requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 9. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed ~~[at least 6 months]~~ ***1,000 hours*** of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 10. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) ~~[~~Has:

~~(1) A high school diploma; or~~

~~(2) A general equivalency diploma or an equivalent document;~~

~~(d)]~~ Pays the fees required pursuant to NRS 641C.470;

~~[(e)]~~ ***(d)*** Submits proof to the Board that the person:

(1) Is enrolled in a program ~~[from]~~ ***in*** which he or she ~~[will receive an associate's degree,]~~ ***has completed at least 60 hours of credit toward the completion of a*** bachelor's degree ~~[,]~~ ***in a field of social science approved by the Board;***

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board; or

~~[(2)]~~ ***(3)*** Has received an associate's degree, bachelor's degree, master's degree or doctoral degree ***that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers*** in a field of social science approved by the Board; ~~[and]~~

(e) Has completed not less than 30 hours of training specific to alcohol and drug abuse which must:

(1) Include at least 6 hours of instructions relating to confidentiality and 6 hours of instruction relating to ethics; and

(2) Be approved by the Board; and

(f) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for ~~[1 year]~~ ***6 months*** and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor or licensed clinical alcohol and drug abuse counselor:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 11. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written ***and oral*** examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Is licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) A clinical professional counselor pursuant to chapter 641A of NRS;

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

(4) A physician pursuant to chapter 630 of NRS;

(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(6) A psychologist pursuant to chapter 641 of NRS;

(7) An alcohol and drug abuse counselor pursuant to this chapter; or

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written ***and oral*** examination prescribed by the Board pursuant to NRS 641C.290;

(g) Pays the fees required pursuant to NRS 641C.470; and

(h) Submits all information required to complete an application for a certificate.

Sec. 12. NRS 641C.440 is hereby amended to read as follows:

641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Submits proof to the Board that the person:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

(2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;

(d) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

(e) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a certificate.

2. A certificate as a problem gambling counselor intern is valid for **[**~~1 year~~**]** ***6 months*** and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

(a) Engage in the practice of counseling problem gamblers; and

(b) Assess and evaluate a person as a problem gambler.

Sec. 12.3. **[**~~NRS 641C.460 is hereby amended to read as follows:~~

~~641C.460 1. A license or certificate that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license or certificate becomes delinquent, send a notice to the licensed or certified counselor or certified intern by certified mail, return receipt requested, to the address of the counselor or intern as indicated in the records of the Board.~~

~~2. A licensed or certified counselor~~ **~~, [or]~~** ~~certified intern~~ ***~~or certified peer support specialist~~*** ~~may renew a delinquent license or certificate within 60 days after the license or certificate becomes delinquent by complying with the requirements of NRS 641C.450 and paying, in addition to the fee for the renewal of the license or certificate, the fee for the renewal of a delinquent license or certificate prescribed in NRS 641C.470.~~

~~3. A license or certificate expires 60 days after it becomes delinquent if it is not renewed within that period.~~

~~4. Except as otherwise provided in NRS 641C.530, a license or certificate that has expired may be restored if the applicant:~~

~~(a) Submits to the Board an application to restore the license or certificate;~~

~~(b) Pays the renewal fees for the period during which the license or certificate was expired and the fee for the restoration of a license or certificate prescribed in NRS 641C.470;~~

~~(c) Passes the oral and written examinations prescribed by the Board;~~

~~(d) Submits to the Board evidence of completion of the continuing education required by the Board; and~~

~~(e) Submits all information required to complete the application.~~**] (Deleted by amendment.)**

Sec. 12.7. ~~[NRS 641C.470 is hereby amended to read as follows:~~

~~641C.470 1. The Board shall charge and collect not more than the following fees:~~

~~For the initial application for a license or certificate~~	~~$150~~
~~For the issuance of a provisional license or certificate~~	~~125~~
~~For the issuance of an initial license or certificate~~	~~60~~
~~For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor~~ ~~, [or] a certificate as a problem gambling counselor~~ ~~*or a certificate as a peer support specialist*~~	~~300~~
~~For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern~~	~~75~~
~~For the renewal of a delinquent license or certificate~~	~~75~~
~~For the restoration of an expired license or certificate~~	~~150~~
~~For the restoration or reinstatement of a suspended or revoked license or certificate~~	~~300~~
~~For the issuance of a license or certificate without examination~~	~~150~~
~~For an examination~~	~~150~~
~~For the approval of a course of continuing education~~	~~150~~

~~2. The fees charged and collected pursuant to this section are not refundable.~~**] (Deleted by amendment.)**

Sec. 13. NRS 641C.530 is hereby amended to read as follows:

641C.530 1. The Board may use any information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260 in determining whether:

(a) To issue, renew, restore, suspend, revoke or reinstate a license or certificate pursuant to this chapter; or

(b) Any ground for imposing any disciplinary action exists pursuant to NRS 641C.700.

2. Before renewing, restoring or reinstating the license or certificate of a licensed counselor, certified counselor ~~***[,]***~~ or certified intern , ~~***[or certified peer support specialist,]***~~ the Board may, by regulation, require the licensed counselor, certified counselor ~~***[,]***~~ or certified intern ~~***[or certified peer support specialist]***~~ to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. ~~[A regulation adopted pursuant to subsection 2 must set forth the circumstances under which the Board will require a detoxification technician to submit fingerprints and written authorization specified in that subsection before renewing, restoring or reinstating a certificate.]~~ ***Except as otherwise provided in this subsection, in reviewing the information included in a report of criminal history that is obtained pursuant to this section or NRS 641C.260, the Board may consider any original charge filed against an applicant, licensed counselor, certified counselor ~~[,]~~ or certified intern ~~[or certified peer support specialist]~~ that alleges a particular criminal act regardless of whether the person was convicted of, or entered a plea of guilty or nolo contendere to, a lesser charge. The Board shall not consider a charge filed against an applicant, licensed counselor, certified counselor ~~[,]~~ or certified intern ~~[or certified peer support specialist]~~ that alleges a particular criminal act for which, in the absence of a plea of guilty or nolo contendere to a lesser charge:***

(a) The applicant, licensed counselor, certified counselor ~~[,]~~ or certified intern ~~[or certified peer support specialist]~~ was found not guilty; or

(b) The charges against the applicant, licensed counselor, certified counselor ~~[,]~~ or certified intern ~~[or certified peer support specialist]~~ were dismissed.

Sec. 13.3. ~~[NRS 641C.700 is hereby amended to read as follows:~~

~~641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:~~

~~1. Conviction of:~~

~~(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers , [or] the practice of counseling problem gamblers [;] *or the practice of providing peer support specialist services;*~~

~~(b) An offense involving moral turpitude; or~~

~~(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;~~

~~2. Fraud or deception in:~~

~~(a) Applying for a license or certificate;~~

~~(b) Taking an examination for a license or certificate;~~

~~(c) Documenting the continuing education required to renew or reinstate a license or certificate;~~

~~(d) Submitting a claim for payment to an insurer; or~~

~~(e) The practice of counseling alcohol and drug abusers~~ **, [**or**]** ~~the clinical practice of counseling alcohol and drug abusers~~ **[;] *or the practice of providing peer support specialist services;***

~~3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;~~

~~4. Professional incompetence;~~

~~5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor~~ **, [**or**]** ~~certified intern~~ ***or certified peer support specialist*** ~~to engage in the practice of counseling alcohol and drug abusers~~ **, [**or**]** ~~the clinical practice of counseling alcohol and drug abusers~~ **[;] *or the practice of providing peer support specialist services, as applicable;***

~~6. Engaging in the practice of counseling alcohol and drug abusers~~ **, [**or**]** ~~the clinical practice of counseling alcohol and drug abusers~~ ***or the practice of providing peer support specialist services*** ~~with an expired, suspended or revoked license or certificate;~~

~~7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; and~~

~~8. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~(a) The license of the facility is suspended or revoked; or~~

~~(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~The subsection applies to an owner or other principal responsible for the operation of the facility.~~**] (Deleted by amendment.)**

Sec. 13.7. **[**~~NRS 641C.720 is hereby amended to read as follows:~~

~~641C.720 1. The Board or any of its members who become aware of any ground for initiating disciplinary action against a person engaging in the practice of counseling alcohol and drug abusers~~ **, [**or**]** ~~the clinical practice of counseling alcohol and drug abusers~~ ***or the practice of providing peer support specialist services*** ~~in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board. The complaint must specifically charge one or more of the grounds for initiating disciplinary action.~~

~~2. If, after notice and a hearing as required by law, the Board determines that a licensed or certified counselor~~ **, [**or**]** ~~certified intern~~ ***or certified peer support specialist*** ~~has violated a provision of this chapter or any regulation adopted pursuant to this chapter, it may:~~

~~(a) Administer a public reprimand;~~

~~(b) Suspend the license or certificate and impose conditions for the removal of the suspension;~~

~~(c) Revoke the license or certificate and prescribe the requirements for the reinstatement of the license or certificate;~~

~~(d) If he or she is a licensed or certified counselor, require him or her to be supervised by another person while engaging in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;~~

~~(e) Require him or her to participate in treatment or counseling and pay the expenses of that treatment or counseling;~~

~~(f) Require him or her to pay restitution to any person adversely affected by his or her acts or omissions;~~

~~(g) Impose a fine of not more than $5,000; or~~

~~(h) Take any combination of the actions authorized by paragraphs (a) to (g), inclusive.~~

~~3. If a license or certificate is revoked or suspended pursuant to subsection 2, the licensed or certified counselor~~ **~~, [~~**~~or~~**~~]~~** ~~certified intern~~ ***~~or certified peer support specialist~~*** ~~may apply to the Board for reinstatement of the suspended license or certificate or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or certificate. The Board may accept or reject the application and may require the successful completion of an examination as a condition of reinstatement of the license or certificate.~~

~~4. The Board shall not administer a private reprimand.~~

~~5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~6. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.~~**~~]~~** **(Deleted by amendment.)**

Sec. 14. NRS 641C.900 is hereby amended to read as follows:

641C.900 **[**~~1. Except as otherwise provided in subsection 2, a~~**]** ***A*** person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers ***[,]*** or the practice of counseling problem gamblers ***[or the practice of providing peer support specialist services]*** unless the person is a licensed counselor, certified counselor ***[,]*** or certified intern .

[~~2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:~~

~~(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and~~

~~(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.~~***~~or certified peer support specialist.]~~***

Sec. 15. NRS 641C.910 is hereby amended to read as follows:

641C.910 1. A person shall not:

(a) Hold himself or herself out to a member of the general public as a clinical alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor, an alcohol and drug abuse counselor intern, a problem gambling counselor ~~***[,]***~~ or a problem gambling counselor intern ; ~~***[or a peer support specialist;]***~~

(b) Use the title "clinical alcohol and drug abuse counselor," "clinical alcohol and drug abuse counselor intern," "alcohol and drug abuse counselor," "alcohol and drug abuse counselor intern," "drug abuse counselor," "substance abuse counselor," "problem gambling counselor," "problem gambling counselor intern," "gambling ~~[counselor,"~~ ~~"detoxification technician"~~ ~~***"peer support specialist"]***~~ ***counselor"*** or any similar title in connection with his or her work; ~~[or]~~

(c) Imply in any way that he or she is licensed or certified by the Board ~~[,]~~ ***;***

(d) Engage in the practice of counseling alcohol and drug abusers;

(e) Engage in the clinical practice of counseling alcohol and drug abusers; or

(f) Engage in the practice of counseling problem gamblers ***,*** ~~***[; or***~~

~~***(g) Engage in the practice of providing peer support specialist services,]***~~

➥ unless the person is licensed or certified by the Board pursuant to the provisions of this chapter.~~[~~or a regulation adopted pursuant to NRS 641C.500.~~]~~

2. If the Board believes that any person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, it may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prevent the criminal prosecution and punishment of a person who violates a provision of this chapter or a regulation adopted pursuant thereto.

Sec. 15.3. ~~[NRS 200.5093 is hereby amended to read as follows:~~

~~200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:~~

~~(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:~~

~~(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;~~

~~(2) A police department or sheriff's office;~~

~~(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or~~

~~(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and~~

~~(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.~~

~~2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.~~

~~3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.~~

~~4. A report must be made pursuant to subsection 1 by the following persons:~~

~~(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***certified peer support specialist,*** music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.~~

~~(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.~~

~~(c) A coroner.~~

~~(d) Every person who maintains or is employed by an agency to provide personal care services in the home.~~

~~(e) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.~~

~~(g) Any employee of the Department of Health and Human Services.~~

~~(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.~~

~~(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.~~

~~(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect,~~

~~exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.~~

~~(k) Every social worker.~~

~~(l) Any person who owns or is employed by a funeral home or mortuary.~~

~~5. A report may be made by any other person.~~

~~6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:~~

~~(a) Aging and Disability Services Division;~~

~~(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and~~

~~(c) Unit for the Investigation and Prosecution of Crimes.~~

~~8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.~~

~~9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~

~~10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.~~**]** **(Deleted by amendment.)**

Sec. 15.7. **[**~~NRS 200.50935 is hereby amended to read as follows:~~

~~200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:~~

~~(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.~~

~~2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~3. A report must be made pursuant to subsection 1 by the following persons:~~

~~(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***certified peer support specialist,*** music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.~~

~~(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.~~

~~(c) A coroner.~~

~~(d) Every person who maintains or is employed by an agency to provide nursing in the home.~~

~~(e) Any employee of the Department of Health and Human Services.~~

~~(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.~~

~~(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.~~

~~(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.~~

~~(i) Every social worker.~~

~~(j) Any person who owns or is employed by a funeral home or mortuary.~~

~~4. A report may be made by any other person.~~

~~5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit~~

~~to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.~~

~~6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.~~

~~7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 16. Sections 14, 15 and 16 of chapter 207, Statutes of Nevada 2003, at pages 1168 and 1169, are hereby amended to read as follows:

Secs. 14-16. **(Deleted by amendment.)**

Sec. 17. Section 191 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 57, is hereby amended to read as follows:

Sec. 191. **(Deleted by amendment.)**

Sec. 18. Section 193 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 58, is hereby amended to read as follows:

Sec. 193. **(Deleted by amendment.)**

Sec. 19. Section 220 of chapter 1, Statutes of Nevada 2005, 22nd Special Session, at page 67, is hereby amended to read as follows:

Sec. 220. 1. This section and section 211 of this act become effective upon passage and approval.

2. Sections 1 to 185.7, inclusive, 186 to 188.5, inclusive, and 208 to 219, inclusive, of this act become effective on October 1, 2005.

3. Sections 185.9, 189, 190, 192 and 194 to 207, inclusive, of this act, become effective on July 1, 2007.

[~~4. Sections 190, 192, 194 and 195 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~

~~5. Sections 191 and 193 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.~~**]**

Sec. 20. Section 69 of chapter 462, Statutes of Nevada 2013, at page 2746, is hereby amended to read as follows:

Sec. 69. 1. This section and sections 1, 2, 3, 5, 6, 7, 8 to 9.3, inclusive, 16.5 and 68 of this act become effective on July 1, 2013.

2. Sections 4, 7.1 to 7.9, inclusive, 13 to 16, inclusive, and 17 to 67, inclusive, of this act become effective:

(a) On July 1, 2013, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2014, for all other purposes.

~~[3. Section 29 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for certification as a detoxification technician pursuant to NRS 641C.500 becomes effective.]~~

Sec. 21. 1. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

2. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used.

Sec. 23. The amendatory provisions of sections 6, 7, 8 and 12 of this act, and the provisions of subsection 2 of NRS 641C.420 as amended by section 10 of this act, do not apply to the length of time a license or certificate is valid if the license or certificate is issued pursuant to the provisions of chapter 641C of NRS before July 1, 2015.

Sec. 24. NRS 641C.500 is hereby repealed.

Sec. 25. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

641C.500 Adoption of regulations governing certification; scope of regulations; prohibitions; inapplicability of certain provisions of chapter.

1. The Board may, by regulation, provide for the certification of a person as a detoxification technician.

2. Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:

(a) The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to NRS 641C.260;

(b) The scope of practice for a person who is issued a certificate;

(c) The conduct of any investigation or hearing relating to an application for a certificate;

(d) The examination of an applicant for a certificate or a waiver of examination for an applicant;

(e) The requirements for issuing a certificate or provisional certificate;

(f) The duration, expiration, renewal, restoration, suspension, revocation and reinstatement of a certificate;

(g) The grounds for refusing the issuance, renewal, restoration or reinstatement of a certificate;

(h) The conduct of any disciplinary or other administrative proceeding relating to a person who is issued a certificate;

(i) The filing of a complaint against a person who is issued a certificate;

(j) The issuance of a subpoena for the attendance of witnesses and the production of books, papers and records;

(k) The payment of fees for:

(1) Witnesses, mileage and attendance at a hearing or deposition; and

(2) The issuance, renewal, restoration or reinstatement of a certificate;

(l) The imposition of a penalty for a violation of any provision of the regulations; and

(m) The confidentiality of any record or other information maintained by the Board relating to an applicant or the holder of a certificate.

3. A person shall not engage in any activity for which the Board requires a certificate as a detoxification technician pursuant to this section unless the person is the holder of such a certificate.

4. In addition to the provisions of subsection 2, a regulation adopted pursuant to this section must include provisions that are substantially similar to the requirements set forth in NRS 641C.280 and 641C.710. Any provision included in a regulation pursuant to this subsection remains effective until the provisions of NRS 641C.280 and 641C.710 expire by limitation.

5. Except as otherwise provided in this section and NRS 641C.900, 641C.910 and 641C.950, the provisions of this chapter do not apply to the holder of a certificate that is issued in accordance with a regulation adopted pursuant to this section.

6. As used in this section, "detoxification technician" means a person who is certified by the Board to provide screening for the safe withdrawal from alcohol and other drugs.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 752 to Assembly Bill No. 85.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 89.

The following Senate amendment was read:

Amendment No. 828.

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council

on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; authorizing the Nevada Equal Rights Commission to review such an employment policy under certain circumstances; revising provisions governing the dissemination of certain records of criminal history; authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; revising provisions relating to the licensure of an allopathic and osteopathic physician; revising provisions relating to the practice of dentistry and dental hygiene, including, without limitation, the licensing requirements for and the issuance of a license to dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; ~~[authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill set forth new provisions relating to the employment of veterans. **Section 1** requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather aggregate unemployment data concerning veterans and report such data to the Interagency Council on Veterans Affairs on a quarterly basis. **Section 2** authorizes a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. **Section 2** also authorizes the Nevada Equal Rights Commission to review the uniform application of such an employment policy upon receiving a written complaint from a prospective employee of the employer and requires the employer, upon a finding by the Commission that the policy has not been applied uniformly, to revise his or her employment policy in accordance with the recommendations of the Commission. Existing law generally provides for preferential employment in public employment and the construction of public works for certain veterans. (NRS 281.060, 284.260, 338.130)

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928) **Section 5** of this bill provides an exemption to this requirement for certain

persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) ~~[Section 9 of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. Section 9 also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license.]~~ **Sections 13.6, 27.2, 27.3, 28.3, 36.5, 41, 45, 46, 52, 55, 59, 63, 64, 69, 74 and 78-82 of this bill authorize certain qualified physicians, podiatrists and other providers of health care and professionals to obtain an expedited license by endorsement to practice their respective professions in this State if the physician, podiatrist or other provider of health care or professional: (1) holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; (2) is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and (3) meets certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry, the State Board of Optometry, the Board of Examiners for Audiology and Speech Pathology, the State Board of Pharmacy, the State Board of Physical Therapy Examiners, the Board of Occupational Therapy, the Board of Massage Therapists, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors.**

Section 10 of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. **Section 11** of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. **Section 12** provides that such a reciprocal agreement

must not authorize a person to practice his or her profession concurrently in this State unless the person meets certain credentialing requirements. **Sections ~~[13,]~~ 13.3, 30.5 and 33** of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain an expedited license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. **Section 14** of this bill authorizes the Board of Medical Examiners to issue a license to practice medicine to certain persons who receive postgraduate education in certain approved residency programs in Canada.

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. **Section 22.5** authorizes the Executive Director of the Board of Dental Examiners of Nevada to issue a license to a qualified applicant without further review of the Board under certain circumstances. **Sections 23 and 25** revise provisions relating to the licensing requirements for dentists and dental hygienists, and **section 27** establishes a fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.

~~[Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. (NRS 641B.270) Section 36 of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State.]~~ **Section 3** of this bill adds the Board **of Examiners for Social Workers** to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division shall, for each calendar quarter, gather aggregate unemployment data concerning veterans, including, without limitation, benefits paid to veterans, and report such data to the Interagency Council on Veterans Affairs.

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.

2. A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.

3. The Nevada Equal Rights Commission may, upon receipt of a written complaint from a prospective employee of a private employer who has adopted an employment policy giving preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1, review the employment policy to determine whether the policy is being applied uniformly in accordance with subsection 1. If the Commission determines that an employment policy is not being applied uniformly, the Commission shall cause written notice of its findings, including the recommendations of the Commission, to be provided to the employer and prospective employee. Upon receipt of a notice from the Commission that an employment policy is not being applied uniformly, the employer shall revise his or her employment policy consistent with the recommendations of the Commission.

4. As used in this section:

(a) "Private employer" has the meaning ascribed to it in NRS 616A.295.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 3. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) ***The Board of Examiners for Social Workers.***

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In accordance with 49 C.F.R. § 383.77, the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 for the issuance of a commercial driver's license by this State must be waived for an applicant who:

(a) Has experience driving a commercial motor vehicle because of his or her service in the Armed Forces of the United States;

(b) Is licensed at the time of his or her application for a commercial driver's license; and

(c) Meets the requirements set forth in subsection 2.

2. An applicant for a commercial driver's license who seeks a waiver pursuant to subsection 1 of the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 shall:

(a) Certify that, during the 2 years immediately preceding his or her application for a commercial driver's license, the applicant has not had:

(1) More than one license in more than one jurisdiction at the same time, except for a military license;

(2) A license suspended, revoked, cancelled or denied;

(3) A conviction for an offense listed in 49 C.F.R. § 383.51(b);

(4) More than one conviction for a serious traffic violation listed in 49 C.F.R. § 383.51(c); and

(5) A conviction for a violation of any military, state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

(b) Certify and provide evidence that he or she:

(1) Has been regularly employed in a military position that requires the operation of a commercial motor vehicle within the 90 days immediately preceding his or her application;

(2) Is exempt from the requirements for a commercial driver's license pursuant to 49 C.F.R. § 383.3(c); and

(3) Has operated a vehicle which is representative of the commercial motor vehicle that he or she intends to operate for at least 2 years immediately preceding the date of his or her application.

Sec. 6. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;

2. In accordance with standards contained in regulations adopted by the Department:

(a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

(b) ~~[Pass]~~ ***Except as otherwise provided in section 5 of this act, pass*** a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 7. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. ***As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, "veteran" has the meaning ascribed to it in NRS 417.005.***

Sec. 9. ~~***[1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:***~~

~~***(a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;***~~

~~***(b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and***~~

~~***(c) The regulatory body determines that the provisions of law in the District of Columbia or the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.***~~

~~***2. An applicant for a license by endorsement pursuant to this section shall submit to the applicable regulatory body with his or her application:***~~

~~***(a) Proof satisfactory to the regulatory body that the applicant:***~~

~~*(1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;*~~

~~*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*~~

~~*(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice his or her respective profession;*~~

~~*(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and*~~

~~*(5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association;*~~

~~*(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.*~~

~~*3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than:*~~

~~*(a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application; or*~~

~~*(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,*~~

~~*",*~~ ~~*whichever occurs later.*~~

~~*4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.*~~

~~*5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.*~~

~~*6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.]*~~ **(Deleted by amendment.)**

Sec. 10. ***A regulatory body shall develop opportunities for reciprocity of licensure for any person who:***

1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.

Sec. 11. *If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:*

1. Applied for a license from the regulatory body.

2. Been issued a license by the regulatory body.

3. Renewed a license with the regulatory body.

Sec. 12. *1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:*

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in ~~[or]~~ and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 13.3 and 13.6 of this act.**

Sec. 13.3. 1. Except as otherwise provided in NRS 630.1605 and 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined ~~[for been the subject of multiple investigations]~~ and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

~~[(c)]~~ (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the

Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) ~~[If the Board requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10]~~ Ten days after receiving ~~[the]~~ a report ~~[from the appropriate authority,]~~ on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

Sec. 13.6. 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ***and ~~[sections 9 and 13]~~ section 13.3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family ~~[~~practice~~]~~ ***medicine*** and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[~~or~~]~~ the ~~[~~Coordinating Council of Medical Education of the Canadian Medical Association;~~]~~ ***Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Quebéc or the College of Family Physicians of Canada, or their successor organizations;*** or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** ~~[~~or~~]~~ the ~~[~~Coordinating Council of Medical Education of the Canadian Medical Association,~~]~~ ***Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Quebéc, the College of Family Physicians of Canada or, as applicable, their successor organizations,*** has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not

limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ***or section ~~[9 or 13]~~ 13.3 of this act*** must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 16. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~[received]~~ ***completed*** training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 16.5. **NRS 630.195 is hereby amended to read as follows:**

630.195 1. ~~[In]~~ ***Except as otherwise provided in section 13.3 of this act,*** addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 17. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[:]~~ ***or section ~~[9 or 13]~~ 13.3 of this act;***

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~[shall]~~ ***must*** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 18. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 630.161 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 19. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement ***issued pursuant to NRS 630.1605 or except as otherwise provided in subsection 4, section ~~[13]~~ 13.3 of this act***	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card	25
For a duplicate license	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) Section 13.3 of this act and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of

the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) Section 13.6 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 19.5. **NRS 630.275 is hereby amended to read as follows:**

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. ***The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to section 13.6 of this act.***
5. The tests or examinations of applicants by the Board.

~~[5.]~~ ***6.*** The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

~~[6.]~~ ***7.*** The duration, renewal and termination of licenses~~[.~~ ~~7.]~~ ***, including licenses by endorsement.***

8. The grounds and procedures respecting disciplinary actions against physician assistants.

~~[8.]~~ ***9.*** The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

~~[9.]~~ ***10.*** A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

"Minimal sedation" means a minimally depressed level of consciousness, produced by a ~~[pharmacological]~~ pharmacologic or nonpharmacologic method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

Sec. 21. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, ***and section 20 of this act*** have the meanings ascribed to them in those sections.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ~~[~~"Conscious~~]~~ ***"Moderate*** sedation" means a ~~[~~minimally~~]~~ ***drug-induced*** depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method or a combination thereof, ~~[~~in~~]~~ ***during*** which ~~[~~the~~]~~ ***:***

1. The patient retains the ability ~~[~~independently and continuously to maintain an airway and~~]~~ to respond ~~[~~appropriately~~]~~ ***purposefully*** to ~~[~~physical stimulation and~~]~~ verbal commands ~~[~~.~~]~~ ***, either alone or accompanied by light tactile stimulation;***

2. Spontaneous ventilation is adequate and no interventions are required to maintain a patent airway; and

3. Cardiovascular function is usually maintained.

Sec. 22.5. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, must:

(a) File an application with the Board ***.*** ~~[~~at least 45 days before:

~~(1) The date on which the examination will be given; or~~

~~(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.~~]

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 23. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental

Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[, within the 5 years immediately preceding the date of the application,]~~ a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 23.5. NRS 631.260 is hereby amended to read as follows:

631.260 ~~[As]~~ ***Except as otherwise provided in subsection 3 of NRS 631.220, as*** soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~[or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;]~~ ***; or***

(2) ~~[Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~(3)]~~ Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[, within the 5 years immediately preceding the date of the application,]~~ a clinical examination administered by the Western Regional Examining Board.

2. ~~[The clinical examination given by the Board must include components that are:~~

~~(a) Written or oral, or a combination of both; and~~

~~(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~3.]~~ The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

~~[4.]~~ ***3.*** All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 26. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 27. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry	$1,500
Application fee for an initial license to practice dental hygiene	750
Application fee for a specialist's license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene	1,500
Application and examination fee for a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~[conscious]~~ ***minimal sedation, moderate*** sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	***500***
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene 600
Annual license renewal fee for a limited license to practice dental hygiene..... 300
Biennial license renewal fee for an inactive dentist..... 400
Biennial license renewal fee for a dentist who is retired or has a disability 100
Biennial license renewal fee for an inactive dental hygienist 200
Biennial license renewal fee for a dental hygienist who is retired or has a disability 100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene 500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene..... 500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status 500
Fee for the certification of a license..... 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 27.1. **Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 27.2 and 27.3 of this act.**

Sec. 27.2. ***1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***

(a) Holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a professional nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a professional nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 27.3. 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a practical nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a practical nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 27.4. **NRS 632.140 is hereby amended to read as follows:**

632.140 ***Except as otherwise provided in section 27.2 of this act:***

1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:

(a) Is of good moral character.

(b) Is in good physical and mental health.

(c) Has completed a course of study in:

(1) An accredited school of professional nursing and holds a diploma therefrom; or

(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom.

(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.

2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.

Sec. 27.5. **NRS 632.150 is hereby amended to read as follows:**

632.150 1. ~~[Each]~~ ***Except as otherwise provided in NRS 632.160, 632.237 and section 27.2 of this act, each*** applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be supplemented by an oral or practical examination in the discretion of the Board.

2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.

Sec. 27.6. **NRS 632.237 is hereby amended to read as follows:**

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse ~~[who:]~~ ***:***

(a) ***Who is licensed by endorsement pursuant to section 27.2 of this act and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or***

(b) Who

(1) Has completed an educational program designed to prepare a registered nurse to:

~~[(1)]~~ ***(I)*** Perform designated acts of medical diagnosis;

~~[(2)]~~ ***(II)*** Prescribe therapeutic or corrective measures; and

~~[(3)]~~ ***(III)*** Prescribe controlled substances, poisons, dangerous drugs and devices;

~~[(b)]~~ ***(2)*** Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

~~[(c)]~~ ***(3)*** Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➥ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of ***subparagraph (2) of*** paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 27.7. **NRS 632.270 is hereby amended to read as follows:**

632.270 ~~[Each]~~ ***Except as otherwise provided in section 27.3 of this act, each*** applicant for a license to practice as a practical nurse must submit to the Board written evidence, under oath, that the applicant:

1. Is of good moral character.

2. Has a high school diploma or its equivalent as determined by the State Board of Education.

3. Is at least 18 years of age.

4. Has:

(a) Successfully completed the prescribed course of study in an accredited school of practical nursing or an accredited school of professional nursing, and been awarded a diploma by the school;

(b) Successfully completed the prescribed course of study in an approved school of practical nursing in the process of obtaining accreditation or an approved school of professional nursing in the process of obtaining accreditation, and been awarded a diploma by the school; or

(c) Been registered or licensed as a registered nurse under the laws of another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 27.8. **NRS 632.345 is hereby amended to read as follows:**

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	$45	$100
Application for license to practice practical nursing	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for a license to practice as an advanced practice registered nurse	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30

Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. ***If an applicant submits an application for a license by endorsement pursuant to section 27.2 or 27.3 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.***

3. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 28. (Deleted by amendment.)

Sec. 28.3. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the

state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 28.6. **NRS 633.305 is hereby amended to read as follows:**

633.305 ***Except as otherwise provided in NRS 633.400 and section 28.3 of this act:***

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 29. NRS 633.311 is hereby amended to read as follows:

633.311 ***1.*** Except as otherwise provided in NRS 633.315 ~~[,]~~ ***and 633.381 to 633.419, inclusive,*** ~~***[and section 9 of this act,]***~~ an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~[1.]~~ ***(a)*** The applicant is 21 years of age or older;

~~[2.]~~ ***(b)*** The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~[3.]~~ ***(c)*** The applicant is a graduate of a school of osteopathic medicine;

~~[4.]~~ ***(d)*** The applicant:

~~[(a)]~~ ***(1)*** Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~[(1)]~~ ***(I)*** A hospital internship; or

~~[(2)]~~ ***(II)*** One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~[(b)]~~ ***(2)*** Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~[(c)]~~ ***(3)*** Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~[5.]~~ ***(e)*** The applicant applies for the license as provided by law;

~~[6.]~~ ***(f)*** The applicant passes:

~~[(a)]~~ ***(1)*** All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~[(b)]~~ ***(2)*** All parts of the licensing examination of the Federation of State Medical Boards ~~[of the United States, Inc.;~~

~~(c)]~~ ***;***

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~[(d)]~~ ***(4)*** A combination of the parts of the licensing examinations specified in ~~[paragraphs (a), (b) and (c)]~~ ***subparagraphs (1), (2) and (3)*** that is approved by the Board;

~~[7.]~~ ***(g)*** The applicant pays the fees provided for in this chapter; and

~~[8.]~~ ***(h)*** The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 30. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 30.5. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license ***by endorsement*** pursuant to this section ~~[shall pay in]~~ ***must submit:***

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) In advance to the Board the application and initial license fee specified in this chapter ~~[.]~~ ***; and***

(d) Any other information required by the Board.

3. ***Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:***

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice osteopathic medicine in accordance with regulations adopted by the Board.

Sec. 31. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ ***Unless the Board denies such licensure pursuant to*** NRS 633.315 ~~[,]~~ ***or for other good cause,*** the Board ~~[may]~~ ***shall*** issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(d)*** of subsection ~~[4]~~ ***1*** of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 32. ~~[NRS 633.416 is hereby amended to read as follows:~~

~~633.416 1. An osteopathic physician who is retired from active practice and who:~~

~~(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,~~

~~** may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.~~

~~2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:~~

~~(a) Documentation of the history of medical practice of the osteopathic physician;~~

~~(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;~~

~~(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400~~ **[;]** ***or section 9 of this act;***

~~(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:~~

~~(1) To persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and~~

~~(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a~~

~~medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.~~

~~3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board [shall] *must* issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.~~

~~4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.~~

~~5. The Board shall not charge a fee for:~~

~~(a) The review of an application for a special volunteer license to practice osteopathic medicine; or~~

~~(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.~~

~~6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.]~~ **(Deleted by amendment.)**

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 32.3. **NRS 633.434 is hereby amended to read as follows:**

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. ***The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to section 28.3 of this act.***
5. The tests or examinations of applicants by the Board.

~~[5.]~~ ***6.*** The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~[6.]~~ ***7.*** The grounds and procedures respecting disciplinary actions against physician assistants.

~~[7.]~~ ***8.*** The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 32.6. **NRS 633.501 is hereby amended to read as follows:**

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

(a) Application and initial license fee for an osteopathic physician $800
(b) Annual license renewal fee for an osteopathic physician 500
(c) Temporary license fee 500
(d) Special or authorized facility license fee 200
(e) Special event license fee 200
(f) Special or authorized facility license renewal fee 200
(g) Reexamination fee 200
(h) Late payment fee 300
(i) Application and initial license fee for a physician assistant 400
(j) Annual license renewal fee for a physician assistant 400
(k) Inactive license fee 200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) Section 28.3 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 33. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 635.067;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

[(c)] (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than [45] :

(a) Forty-five days after receiving all the additional information required by the Board to complete the application [.] ; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice podiatry in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a license by endorsement pursuant to this section and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee established pursuant to NRS 635.050 for the initial issuance of the license. As used in this subsection, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 34. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. [A] ***Except as otherwise provided in section [9 or] 33 of this act, a*** license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 35. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[~~The~~]~~ ***Except as otherwise provided in section ~~[9 or]~~ 33 of this act, the*** Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 36. ~~[~~NRS 641B.275 is hereby amended to read as follows:

~~641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:~~

~~(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or~~

~~(b) Who:~~

~~(1) Possesses a baccalaureate degree or a master's degree in a related field of study from an accredited college or university recognized by the Board; and~~

~~(2) Presents evidence of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board.~~

~~2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.~~

~~3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.~~

~~4. *The Board may grant a provisional license to engage in social work as an independent social worker or as a clinical social worker pursuant to a plan of supervision established by the Board by regulation to a person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States if:*~~

~~*(a) The person applied for a license to engage in social work as an independent social worker or a clinical social worker without examination pursuant to NRS 641B.270; and*~~

~~*(b) The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements*~~

~~***at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter.***~~

~~***5.*** The Board shall establish by regulation the period during which a provisional license issued pursuant to this section will be valid. The period must be:~~

~~(a) **[**No**]** ***Not*** longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and~~

~~(b) **[**No**]** ***Not*** longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.**]**~~ **(Deleted by amendment.)**

Sec. 36.5. **Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice optometry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 37. (Deleted by amendment.)

Sec. 37.3. **NRS 636.143 is hereby amended to read as follows:**

636.143 ***1.*** The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination	$100	$500
Reexamination	100	500
Issuance of each license or duplicate license	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license	10	50

2. If an applicant submits an application for a license by endorsement pursuant to section 36.5 of this act, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

Sec. 38. **NRS 636.150 is hereby amended to read as follows:**

636.150 ~~[Any]~~ ***Except as otherwise provided in section 36.5 of this act, any*** person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and
5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 39. **NRS 636.155 is hereby amended to read as follows:**

636.155 ~~[An]~~ ***Except as otherwise provided in section 36.5 of this act, an*** applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;

2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;

3. Is of good moral character;

4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and

5. Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 40. **NRS 636.215 is hereby amended to read as follows:**

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150 ***or section 36.5 of this act*** and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and

2. Be signed by each member of the Board.

Sec. 41. **Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech pathology, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to engage in the practice of audiology or speech pathology, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech pathology, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to engage in the practice of audiology or speech pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in the practice of audiology or speech pathology, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 42. **NRS 637B.160 is hereby amended to read as follows:**

637B.160 1. ~~[An]~~ ***Except as otherwise provided in section 41 of this act, an*** applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the Board if the applicant:

(a) Is over the age of 21 years;

(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

(c) Is of good moral character;

(d) Meets the requirements for education or training and experience provided by subsection 2;

(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;

(f) Applies for the license in the manner provided by the Board;

(g) Passes any examination required by this chapter;

(h) Pays the fees provided for in this chapter; and

(i) Submits all information required to complete an application for a license.

2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development,

function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.

Sec. 43. **NRS 637B.230 is hereby amended to read as follows:**

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee for a license to practice speech pathology	$100
Application fee for a license to practice audiology	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. ***If an applicant submits an application for a license by endorsement pursuant to section 41 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.***

3. All fees are payable in advance and may not be refunded.

Sec. 44. **Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.**

Sec. 45. 1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a registered pharmacist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate as a registered pharmacist to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 46. 1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to conduct a pharmacy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional

information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license to conduct a pharmacy to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 47. **NRS 639.015 is hereby amended to read as follows:**

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 , ***639.134 or section 45 of this act*** and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate ***or certificate by endorsement*** as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 48. **NRS 639.120 is hereby amended to read as follows:**

639.120 1. ~~[An]~~ ***Except as otherwise provided in NRS 639.134 and section 45 of this act, an*** applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 49. **NRS 639.127 is hereby amended to read as follows:**

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134 ~~[.]~~ ***and section 45 of this act.*** The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 50. **NRS 639.170 is hereby amended to read as follows:**

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy	500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist..... 50
For the biennial renewal of registration as a registered pharmacist 200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training..... 50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the investigation or registration of an intern pharmacist 50
For the biennial renewal of registration as an intern pharmacist 40
For investigation or issuance of an original license to a manufacturer or wholesaler 500
For the biennial renewal of a license for a manufacturer or wholesaler 500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

2. ***If an applicant submits an application for a certificate of registration or a license by endorsement pursuant to section 45 or 46 of this act, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:***

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

~~[3.]~~ ***4.*** All fees are payable in advance and are not refundable.

~~[4.]~~ ***5.*** The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal

for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 51. **NRS 639.231 is hereby amended to read as follows:**

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~[Any]~~ ***Except as otherwise provided in section 46 of this act, any*** application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~[Upon]~~ ***Except as otherwise provided in section 46 of this act, upon*** compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

Sec. 52. **Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement as a physical therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a physical therapist to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 53. **NRS 640.080 is hereby amended to read as follows:**

640.080 ~~[To]~~ ***Except as otherwise provided in section 52 of this act, to*** be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;

2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and

3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 or 640.140.

Sec. 54. **NRS 640.090 is hereby amended to read as follows:**

640.090 ***1.*** Unless he or she is entitled to licensure under NRS 640.120 or 640.140, ***or section 52 of this act,*** a person who desires to be licensed as a physical therapist must:

~~[1.]~~ ***(a)*** Apply to the Board, in writing, on a form furnished by the Board;

~~[2.]~~ ***(b)*** Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;

~~[3.]~~ ***(c)*** Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed $300;

~~[4.]~~ ***(d)*** Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[5.]~~ ***(e)*** Submit other documentation and proof the Board may require; and

~~[6.]~~ ***(f)*** Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to section 52 of this act, the Board shall collect not more than one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

Sec. 55. **Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 56. **NRS 640A.120 is hereby amended to read as follows:**

640A.120 ~~[To]~~ ***Except as otherwise provided in section 55 of this act, to*** be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.

2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

(a) If the application is for licensing as an occupational therapist, 24 weeks; or

(b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➥ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 57. **NRS 640A.140 is hereby amended to read as follows:**

640A.140 1. ~~[A]~~ ***Except as otherwise provided in section 55 of this act, a*** person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

(a) Submit an application to the Board on a form furnished by the Board; and

(b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 58. **NRS 640A.190 is hereby amended to read as follows:**

640A.190 1. The Board may by regulation establish reasonable fees for:

(a) The examination of an applicant for a license;

(b) The initial issuance of a license;

(c) The issuance of a temporary license;

(d) The renewal of a license; and

(e) The late renewal of a license.

2. ~~[The]~~ ***If an applicant submits an application for a license by endorsement pursuant to section 55 of this act, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.***

3. Except as otherwise provided in subsection 2, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 59. **Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 60. **NRS 640C.400 is hereby amended to read as follows:**

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) ~~[Submit]~~ ***Except as otherwise provided in section 59 of this act, submit*** to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~[.]~~ ***and except as otherwise provided in section 59 of this act:***

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. ~~[The]~~ ***Except as otherwise provided in section 59 of this act, the*** Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. **NRS 640C.520 is hereby amended to read as follows:**

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter	$600
An application for a license	300
An application for a license without an examination	300
A background check of an applicant	600
The issuance of a license	400
The renewal of a license	200
The restoration of an expired license	500
The reinstatement of a suspended or revoked license	500
The issuance of a replacement license	75
The restoration of an inactive license	300

2. ***If an applicant submits an application for a license by endorsement pursuant to section 59 of this act, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.***

3. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 62. **Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 and 64 of this act.**

Sec. 63. ***1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:***

(a) Holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist or behavior analyst, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist or behavior analyst, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 64. 1. The Board may issue a certificate by endorsement as an autism behavior interventionist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as an autism behavior interventionist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an autism behavior interventionist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial certificate; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an autism behavior interventionist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an autism behavior interventionist to the applicant not later than 45 days after

receiving all the additional information required by the Board to complete the application.

4. A certificate by endorsement as an autism behavior interventionist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an autism behavior interventionist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 65. **NRS 641.170 is hereby amended to read as follows:**

641.170 1. ~~[Each]~~ ***Except as otherwise provided in section 63 of this act, each*** application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Each]~~ ***Except as otherwise provided in section 63 of this act, each*** application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Within]~~ ***Except as otherwise provided in section 63 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 66. **NRS 641.172 is hereby amended to read as follows:**

641.172 1. ~~[Each]~~ ***Except as otherwise provided in section 64 of this act, each*** application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. ~~[Within]~~ ***Except as otherwise provided in section 64 of this act, within*** 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 67. **NRS 641.180 is hereby amended to read as follows:**

641.180 1. Except as otherwise provided in this section and NRS 641.190, ***and section 63 of this act,*** each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

3. The Board may waive the requirement of the national examination for a person who:

(a) Is licensed in another state;

(b) Has at least 10 years' experience; and

(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 68. **NRS 641.370 is hereby amended to read as follows:**

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license or certificate	25
For the biennial renewal of a license of a psychologist	500
For the biennial renewal of a license of a licensed behavior analyst	400
For the biennial renewal of a license of a licensed assistant behavior analyst	275
For the biennial renewal of a certificate of a certified autism behavior interventionist	175
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license	100

For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology 300
For the registration of a nonresident to practice as a consultant 100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst or a certificate as a autism behavior interventionist shall pay the biennial fee for the renewal of a license or certificate, which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

4. ~~[In]~~ ***Except as otherwise provided in subsection 5, in*** addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

5. If an applicant submits an application for a license or certificate by endorsement pursuant to section 63 or 64 of this act, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license or certificate.

Sec. 69. **Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 70. **NRS 641A.220 is hereby amended to read as follows:**

641A.220 ~~[Each]~~ ***Except as otherwise provided in section 69 of this act, each*** applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

5. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 71. **NRS 641A.230 is hereby amended to read as follows:**

641A.230 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 69 of this act,*** each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 72. **NRS 641A.231 is hereby amended to read as follows:**

641A.231 ~~[Each]~~ ***Except as otherwise provided in section 69 of this act, each*** applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 73. **NRS 641A.290 is hereby amended to read as follows:**

641A.290 ***1.*** The Board shall charge and collect not more than the following fees, respectively:

For application for a license	$75
For examination of an applicant for a license	200
For issuance of a license	50
For annual renewal of a license	150
For reinstatement of a license revoked for nonpayment of the fee for renewal	100
For an inactive license	150

2. If an applicant submits an application for a license by endorsement pursuant to section 69 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 74. **Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work;

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) Is currently engaged in social work under the license held required by paragraph (a) of subsection 1;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in social work in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 75. **NRS 641B.250 is hereby amended to read as follows:**

641B.250 1. Except as otherwise provided in NRS ***641B.270 and*** 641B.275, ***and section 74 of this act,*** before the issuance of a license, each applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 76. **NRS 641B.300 is hereby amended to read as follows:**

641B.300 ***1.*** The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	$40
Provisional license	75
Initial issuance of a license	100
Annual renewal of a license	150

Restoration of a suspended license or reinstatement of a revoked license 150
Restoration of an expired license 200
Renewal of a delinquent license 100
Reciprocal license without examination 100

2. If an applicant submits an application for a license by endorsement pursuant to section 74 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 77. **Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 78 to 82, inclusive, of this act.**

Sec. 78. 1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the

Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a clinical alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 79. 1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 80. 1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 81. 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a problem gambling counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 82. 1. Notwithstanding any regulations adopted pursuant to NRS 641C.500, the Board may issue a certificate by endorsement as a detoxification technician to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a detoxification technician in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a detoxification technician; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided pursuant to NRS 641C.500;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) Any fee prescribed by the Board pursuant to NRS 641C.500 for the issuance of a certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a detoxification technician pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a detoxification technician to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a detoxification technician may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a detoxification technician in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a certificate by endorsement pursuant to this section, the Board shall collect not more than one-half of

any fee prescribed by the Board pursuant to NRS 641C.500 for the initial issuance of the certificate.

7. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 83. **NRS 641C.290 is hereby amended to read as follows:**

641C.290 1. ~~[Each]~~ ***Except as otherwise provided in section 78 of this act, each*** applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. ~~[Each]~~ ***Except as otherwise provided in section 79 or 80 of this act, each*** applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. ~~[Each]~~ ***Except as otherwise provided in section 81 of this act, each*** applicant for a certificate as a problem gambling counselor must pass a written examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 84. **NRS 641C.470 is hereby amended to read as follows:**

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate	$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate	150

For the restoration or reinstatement of a suspended or revoked license or certificate..... 300
For the issuance of a license or certificate without examination..... 150
For an examination..... 150
For the approval of a course of continuing education 150

2. ***If an applicant submits an application for a license or certificate by endorsement pursuant to sections 79 to 81, inclusive, of this act, as applicable, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.***

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 85. **Section 12 of this act is hereby amended to read as follows:**

Sec. 12. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

~~[(g) Submits to the applicable regulatory body the statement required by NRS 425.520.]~~

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

~~[Sec. 37.5.]~~ ***Sec. 86.*** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~[Sec. 38.]~~ ***Sec. 87.*** **1.** This **section and sections 1 to 84, inclusive, and 86 of this** act ~~[becomes]~~ **become** effective on July 1, 2015.

2. Section 85 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 828 to Assembly Bill No. 89.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 93.

The following Senate amendment was read:

Amendment No. 753.

SUMMARY—Revises provisions relating to the continuing education required to renew certain licenses **~~[.]~~ and certificates.** (BDR 54-27)

AN ACT relating to public health; requiring **or encouraging** certain licensed **or certified** professionals to receive ~~[evidence-based]~~ suicide prevention and awareness training in order to renew a license **~~[,]~~ or certificate;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires psychiatrists, **physicians, advanced practice registered nurses,** psychologists, clinical professional counselors, marriage and family therapists**, ~~[and]~~** social workers **, alcohol and drug abuse counselors, problem gambling counselors and other persons licensed or certified to practice in various related fields** to complete certain continuing education as a condition to the renewal of their licenses **~~[.]~~ or certificates.** (NRS 630.253, **632.343,** 633.471, 641.220, 641A.260, 641B.280 **~~[) This]~~ , 641C.450, 641C.500) Sections 1, 2, 3, 4, 5, 5.3 and 5.7 of this** bill **~~[requires]~~ require certain of** those professionals to receive **~~[at least 2 hours of]~~** instruction on **~~[evidence-based]~~** suicide prevention and awareness as a condition to the renewal of their licenses **~~[.]~~ or certificates beginning on July 1, 2016. Those requirements, however, are temporary and are eliminated or expire by limitation on June 30, 2026.**

Sections 1, 1.5 and 2 of this bill require the professional licensing boards for certain physicians and advanced practice registered nurses to encourage their licensees to receive certain training concerning suicide prevention, detection and intervention as part of their continuing education.

Sections 1 and 2 revise provisions concerning compliance with continuing education by physicians to require that they submit evidence of such compliance.

Sections 1, 1.5, 2, 3, 4, 5, 5.3 and 5.7 require certain professional licensing boards to establish their continuing education requirements by regulation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to **~~[comply]~~** ***submit evidence of compliance*** with the requirements for continuing education ***as set forth in regulations*** adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine who is a psychiatrist of a course of instruction that provides at least 2 hours of instruction on ~~[evidence-based]~~ clinically-based suicide prevention and awareness.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ***The Board shall encourage each holder of a license to practice medicine, other than a psychiatrist, to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:***

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in ***the detection of suicidal thoughts***

and ideations, and the intervention and prevention of suicide, pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~[6.]~~ ***7.*** As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 1.3. **NRS 630.253 is hereby amended to read as follows:**

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

~~[(c) Must provide for the completion by a holder of a license to practice medicine who is a psychiatrist of a course of instruction that provides at least 2 hours of instruction on clinically-based suicide prevention and awareness.]~~

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall encourage each holder of a license to practice medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide, pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 1.5. **NRS 632.343 is hereby amended to read as follows:**

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board ~~[.]~~ ***in accordance with regulations adopted by the Board.*** The licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

4. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. ***The Board shall encourage each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction on clinically-based suicide prevention and awareness.***

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[6]~~ ***8*** and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting ~~[an affidavit]~~ ***evidence*** to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board ***in accordance with regulations adopted by the Board*** totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~[at]~~ ***:***

(a) At least 2 hours of continuing education credits in ethics, pain management or addiction care ~~[.]~~ ***; and***

(b) If the holder of a license to practice osteopathic medicine is a psychiatrist, at least 2 hours of continuing education credits on ~~[evidence-based]~~ clinically-based suicide prevention and awareness.

6. ***The Board shall encourage each holder of a license to practice osteopathic medicine, other than a psychiatrist, to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:***

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. A holder of a license to practice osteopathic medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 2.5. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 8 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to

practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of ~~[:~~

~~(a) At]~~ ***at*** least 2 hours of continuing education credits in ethics, pain management or addiction care**.** ~~[; and~~

~~(b) If the holder of a license to practice osteopathic medicine is a psychiatrist, at least 2 hours of continuing education credits on clinically-based suicide prevention and awareness.]~~

6. The Board shall encourage each holder of a license to practice osteopathic medicine ~~[, other than a psychiatrist,]~~ to receive as a portion of his or her continuing education training concerning suicide, including, without limitation, such topics as:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. A holder of a license to practice osteopathic medicine may substitute not more than 2 hours of continuing education credits in the detection of suicidal thoughts and ideations, and the intervention and prevention of suicide for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education ~~[;]~~ ***as set forth in regulations adopted by the Board;*** and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 3.5. **NRS 641.220 is hereby amended to read as follows:**

641.220 1. To renew a license or certificate issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or certificate;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license or certificate, require each holder to comply with the requirements for continuing education adopted by the Board ***.*** ~~[, which must include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.]~~

Sec. 4. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education ~~[;]~~ ***as set forth in regulations adopted by the Board;*** and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 4.5. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license issued pursuant to this chapter, each person must, on or before the date of expiration of the current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for renewal set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board **.** ~~[, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.]~~

Sec. 5. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education ~~[;]~~ ***as set forth in regulations adopted by the Board;*** and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board ~~[.]~~ ***, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.***

Sec. 5.1. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board **.** ~~[, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.]~~

Sec. 5.3. **NRS 641C.450 is hereby amended to read as follows:**

641C.450 Except as otherwise provided in NRS 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate;

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470;

3. Evidence of completion of the continuing education required by the Board ~~[;]~~ ***, which must include, without limitation, a requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide***

prevention and awareness for each year of the term of the applicant's licensure or certification;

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant; and

5. All information required to complete the renewal.

Sec. 5.7. **NRS 641C.500 is hereby amended to read as follows:**

641C.500 1. The Board may, by regulation, provide for the certification of a person as a detoxification technician.

2. Any regulation adopted pursuant to subsection 1 must be consistent with the provisions of chapter 622A of NRS and must include, without limitation, provisions relating to:

(a) The requirements for submitting an application for a certificate, including, without limitation, the submission of a complete set of fingerprints pursuant to NRS 641C.260;

(b) The scope of practice for a person who is issued a certificate;

(c) The conduct of any investigation or hearing relating to an application for a certificate;

(d) The examination of an applicant for a certificate or a waiver of examination for an applicant;

(e) The requirements for issuing a certificate or provisional certificate;

(f) The duration, expiration, renewal, restoration, suspension, revocation and reinstatement of a certificate;

(g) The grounds for refusing the issuance, renewal, restoration or reinstatement of a certificate;

(h) ***Requirements for the completion of continuing education which must include, without limitation, a requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness for each year of the term of the applicant's certification;***

(i) The conduct of any disciplinary or other administrative proceeding relating to a person who is issued a certificate;

~~[(i)]~~ ***(j)*** The filing of a complaint against a person who is issued a certificate;

~~[(j)]~~ ***(k)*** The issuance of a subpoena for the attendance of witnesses and the production of books, papers and records;

~~[(k)]~~ ***(l)*** The payment of fees for:

(1) Witnesses, mileage and attendance at a hearing or deposition; and

(2) The issuance, renewal, restoration or reinstatement of a certificate;

~~[(l)]~~ ***(m)*** The imposition of a penalty for a violation of any provision of the regulations; and

~~[(m)]~~ ***(n)*** The confidentiality of any record or other information maintained by the Board relating to an applicant or the holder of a certificate.

3. A person shall not engage in any activity for which the Board requires a certificate as a detoxification technician pursuant to this section unless the person is the holder of such a certificate.

4. In addition to the provisions of subsection 2, a regulation adopted pursuant to this section must include provisions that are substantially similar to the requirements set forth in NRS 641C.280 and 641C.710. Any provision included in a regulation pursuant to this subsection remains effective until the provisions of NRS 641C.280 and 641C.710 expire by limitation.

5. Except as otherwise provided in this section and NRS 641C.900, 641C.910 and 641C.950, the provisions of this chapter do not apply to the holder of a certificate that is issued in accordance with a regulation adopted pursuant to this section.

6. As used in this section, "detoxification technician" means a person who is certified by the Board to provide screening for the safe withdrawal from alcohol and other drugs.

Sec. 6. **1.** This **section and sections 1, 1.5, 2, 3, 4, 5, 5.3 and 5.7 of this** act ~~[becomes]~~ **become** effective on July 1, 2016.

2. Sections 5.3 and 5.7 of this act expire by limitation on June 30, 2026.

3. Sections 1.3, 2.5, 3.5, 4.5 and 5.1 of this act become effective on July 1, 2026.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 753 to Assembly Bill No. 93.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 115.

The following Senate amendment was read:

Amendment No. 829.

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts.

(NRS 629.051, 629.071, 629.076, 629.078) **Section 1** of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) **Section 72** of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and **section 44** of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. **Under sections 44 and 44.5 of this bill, the Board consists of eight members until July 1, 2017, on which date the membership of the Board will decrease to seven members.** **Section 45** of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. **Section 46** of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. **Section 16** of this bill authorizes the Board to select certain persons as advisory members, and **sections 17, 18, 25 and 28** of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 20** of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. **Sections 21, 22 and 50** of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. **Section 23** of this bill prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and **section 72** repeals those requirements in chapter 637A of NRS. **Section 27** authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and **sections 29-31** prescribe requirements concerning the practice of an apprentice. **Section 32** authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. **Section 33** requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. **Section 34** requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) **Section 35** of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 49** of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. **Sections 48, 50, 53, 54 and 56-59** of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. **Section 51** of this bill imposes fees for certain tasks relating to licensing. **Section 53** provides that certain acts are grounds for disciplinary action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~[a]~~ ***:***

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~[,]~~***;***

(b) A physician assistant ~~[,]~~ ***;***

(c) A dentist ~~[,]~~ ***;***

(d) A licensed nurse ~~[,]~~ ***;***

(e) A dispensing optician ~~[,]~~ ***;***

(f) A speech-language pathologist;

(g) An audiologist;
(h) An optometrist ~~[,]~~ ***;***
(i) A practitioner of respiratory care ~~[,]~~ ***;***
(j) A registered physical therapist ~~[,]~~ ***;***
(k) An occupational therapist ~~[,]~~ ***;***
(l) A podiatric physician ~~[,]~~ ***;***
(m) A licensed psychologist ~~[,]~~ ***;***
(n) A licensed marriage and family therapist ~~[,]~~ ***;***
(o) A licensed clinical professional counselor ~~[,]~~ ***;***
(p) A music therapist ~~[,]~~ ***;***
(q) A chiropractor ~~[,]~~ ***;***
(r) An athletic trainer ~~[,]~~ ***;***
(s) A perfusionist ~~[,]~~ ***;***
(t) A doctor of Oriental medicine in any form ~~[,]~~ ***;***
(u) A medical laboratory director or technician ~~[,]~~ ***;***
(v) A pharmacist ~~[,]~~ ***;***
(w) A licensed dietitian ***;*** or ~~[a]~~
(x) A licensed hospital as the employer of any ~~[such]~~ person ~~[.]~~ ***specified in this subsection.***

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[~~637A,~~]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~[637A]~~ ***637B*** of NRS, as appropriate;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~[637A,]~~ ***637B,*** respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and ~~[637A,]~~ ***637B,*** respectively, of NRS.
6. The grounds and procedures respecting disciplinary actions against physician assistants.
7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. ***"Apprentice" means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.***

Sec. 10. ***"Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.***

Sec. 11. ***"Hearing aid" means any:***

1. Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and

2. Part, attachment or accessory for such a device.

Sec. 12. ***"Hearing aid specialist" means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.***

Sec. 13. ***"Manufacturer" means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.***

Sec. 14. ***"Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:***

1. Making impressions for earmolds;

2. Administering and interpreting tests of human hearing and middle ear functions;

3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;

4. Selecting and fitting hearing aids;

5. Providing assistance to a person after the fitting of a hearing aid;

6. Providing services relating to the care and repair of hearing aids;

7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and

8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.

Sec. 15. *"Sponsor" means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.*

Sec. 16. *1. Except as otherwise provided in subsection 2, the Board may, by majority vote, select ~~[any person,]~~ one or more persons, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.*

2. A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.

3. An advisory member may not vote on any matter before the Board.

Sec. 17. *The Board shall:*

1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons licensed or endorsed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

6. Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.

Sec. 18. *1. The Board shall adopt regulations prescribing:*

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and

(c) The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. *1. Except as otherwise provided in subsection 2:*

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. *Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

Sec. 21. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:*

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of ~~[speech-language]~~ :*

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) Holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and

(2) Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to an active license upon payment of the fee required pursuant to NRS 637B.230 for converting the license and the award of ~~[a]~~ :

(1) A certificate of clinical competence by the American Speech-Language-Hearing Association ; or

(2) Certification by the National Board for Certification in Hearing Instrument Sciences. ~~[and payment of the fee required for converting the license pursuant to NRS 637B.230.]~~

Sec. 23. *An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:*

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.

Sec. 24. *1. A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:*

(a) Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;

(b) Be knowledgeable and competent in the technology used to provide services by telepractice;

(c) Only use telepractice to provide services for which delivery by telepractice is appropriate;

(d) Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;

(e) Document any services provided by telepractice in the record of the person receiving the services; and

(f) Comply with the provisions of this chapter and any regulations adopted pursuant thereto.

2. As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.

Sec. 25. *The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:*

1. The licensing of hearing aid specialists and apprentices;

2. The educational and training requirements for hearing aid specialists and apprentices;

3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and

4. A program of in-service training for apprentices.

Sec. 26. *An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:*

1. Successfully complete a program of education or training approved by the Board ~~*[.]*~~ *which requires, without limitation, that the applicant:*

(a) Hold an associate's degree or bachelor's degree in hearing instrument sciences; or

(b) Hold:

(1) A high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences; and

(2) Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.

2. ~~*[Be]*~~ *Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences* ~~*. [;]*~~

3. Pass the examination prescribed pursuant to section 25 of this act ~~*. [;]*~~

4. Comply with the regulations adopted pursuant to section 25 of this act ~~*. [; and]*~~

5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. *1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.*

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 28. *The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.*

Sec. 29. *1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.*

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.

4. As used in this section:

(a) "Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 30. *1. A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.*

2. Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.*

Sec. 33. ***Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.***

Sec. 34. ***Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, ~~[as provided by the applicant pursuant to section 26 of this act,]~~ notify the Board of the new address of his or her place of business.***

Sec. 35. ***1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:***

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology ***,*** ~~[and]~~ the practice of ~~[speech]~~ ***speech-language*** pathology ***and the practice of fitting and dispensing hearing aids*** are hereby declared to be learned professions, affecting public

safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, ***and sections 9 to 15, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 "Audiologist" means any person who ~~[~~engages~~]~~ ***is licensed to engage*** in the practice of audiology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 "Board" means the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[.]~~ ***, Audiology and Hearing Aid Dispensing Board.***

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" ~~[~~consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of~~]~~ ***means the application of principles, methods and procedures relating to*** hearing and ***balance,*** hearing ~~[~~impairment,~~]~~ ***disorders and related speech and language disorders and includes, without limitation:***

1. The conservation of auditory system functions;

2. Screening, identifying, assessing and interpreting, ~~[diagnosing,]~~ preventing and rehabilitating auditory and balance system disorders;

3. The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing and training persons to use such technology;

4. Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services; ~~[and]~~

5. Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing ~~[.]~~ ***; and***

6. Providing referral services for medical diagnosis and treatment.

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of ~~[~~speech~~]~~ ***speech-language*** pathology" ~~[~~consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:

~~1. Normal and abnormal development of a person's ability to communicate;~~

~~2. Disorders and problems concerning a person's ability to communicate;~~

~~3. Deficiencies in a person's sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~

~~4. Sensorimotor functions of a person's mouth, pharynx and larynx.~~] ***means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:***

1. The prevention, screening, consultation, assessment, ~~[diagnosis,]~~ treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;

2. Argumentative and alternative communication techniques and strategies;

3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;

4. The screening of persons for hearing loss and middle ear pathology;

5. Vocal tract imaging and visualization by the use of nonmedical oral and nasal endoscopy;

6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss; ~~[and]~~

7. Providing services to modify or enhance communication ~~[.]~~ ; and

8. Providing referral services for medical diagnosis and treatment.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~[~~"Speech~~]~~ ***"Speech-language*** pathologist" means any person who ~~[~~engages~~]~~ ***is licensed to engage*** in the practice of ~~[~~speech~~]~~ ***speech-language*** pathology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to ~~[~~:

~~1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~

~~2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~

~~3. Any~~] ***any*** person who:

~~[~~(a)~~]~~ ***1.*** Holds a current credential ~~[~~as an audiologist or a speech pathologist~~]~~ issued by the Department of Education ~~[~~;

~~(b)~~] ***pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;***

2. Is employed ~~[~~as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;

~~(c)~~] ***by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;***

3. Is a ~~[~~graduate~~]~~ student ~~[~~intern~~]~~ enrolled in a program or school approved by the Board ***,*** ~~[~~and~~]~~ is pursuing a ~~[~~graduate~~]~~ degree in audiology or ~~[~~speech~~]~~ ***speech-language*** pathology ~~[~~;

~~(d) Is a registered nurse employed as a school nurse; or~~

~~(e)~~**]** ***and is clearly designated to the public as a student; or***

4. Holds a current **[**~~certificate from the Council on the Education of the Deaf as a teacher,~~**]** ***license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,***

➥ and who does not engage in the private practice of audiology or **[**~~of speech~~**]** ***speech-language*** pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The **[**~~Board of Examiners for Audiology and Speech~~**]** ***Speech-Language*** Pathology, ***Audiology and Hearing Aid Dispensing Board,*** consisting of **[**~~five~~ ***seven]*** ***eight*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) **[**~~Two~~**]** ***Three*** members who **[**~~have been engaged in the practice of speech pathology for 2 years or more;~~**]** ***are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;***

(b) **[**~~One member who has been engaged in the practice of audiology for 2 years or more;~~**]** ***Two members who are audiologists, at least one of whom must be a dispensing audiologist;***

(c) **[**~~One member~~**]** ***Two members*** who **[**~~is a physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;~~**]** ***are hearing aid*** ***[specialist;]*** ***specialists;*** and

(d) One member who is a representative of the general public. This member must not be:

(1) A **[**~~speech~~**]** ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a **[**~~speech~~**]** ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist.

3. **[**~~Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.~~

~~4.~~**]** Each member of the Board who is **[**~~a speech pathologist or~~**]** ***an*** audiologist ***, a speech-language pathologist or a hearing aid specialist*** must **[**~~hold~~**]** ***:***

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter **.** **[**~~or a current certificate of clinical competence from the American Speech-Language-Hearing Association.~~

~~5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.~~**]**

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 44.5. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~[eight]~~ ***seven*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~[Two members]~~ ***One member*** who ~~[are]~~ ***is a*** hearing aid ~~[specialists;]~~ ***specialist;*** and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. ***The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.***

2. The Board shall meet at least ***twice*** annually and may meet at other times on the call of the ~~[President]~~ ***Chair*** or a majority of its members.

~~[2.]~~ ***3.*** A majority of the Board constitutes a quorum to transact all business.

4. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.

4. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~[1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license]~~ ***Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing*** by the Board ~~[if the]~~ ***, an*** applicant ~~[:~~

~~(a) Is over the age of 21 years;~~

~~(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(c) Is]~~ ***for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:***

1. Be a natural person of good moral character;

~~[(d) Meets the requirements for education or training and experience provided by subsection 2;~~

~~(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;~~

~~(f) Applies for the license in the manner provided by the Board;~~

~~(g) Passes any]~~

2. Pass an examination ~~[required by this chapter;~~

~~(h) Pays]~~ ***prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;***

3. Pay the fees provided for in this chapter; and

~~[(i) Submits]~~

4. Submit all information required to complete an application for a license.

~~[2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.]~~

Sec. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to

contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~[A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or~~

~~2.]~~ A ***current*** certificate of clinical competence issued by the American ~~[Speech and Hearing]~~ ***Speech-Language-Hearing*** Association in the field of practice for which the person is applying for a license ~~[.]~~ ***; or***

2. Current certification from the American Board of Audiology.

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~[shall]~~ ***may*** issue a temporary license to ***engage in the*** practice ~~[audiology or speech]~~ ***of:***

(a) Audiology, speech-language pathology ~~[,]~~ ***or fitting and dispensing hearing aids*** upon application and the payment of the ***fee*** required ~~[fee,]~~ ***pursuant to NRS 637B.230*** to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[other than passing the examination.]~~ ***; and***

(b) Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.

2. ***The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:***

(a) Is so licensed in another state; and

(b) Attests that he or she meets all of the qualifications for licensure in this State.

3. A temporary license issued pursuant to this section ~~[is valid until the Board publishes the results of the examination next administered after the license is issued.]~~ ***:***

(a) Is valid for not more than 6 months;

(b) May be renewed not more than once; and

(c) May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.

Sec. 51. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee ~~[for a license to practice speech pathology ..... $100~~
~~Application fee for a license to practice audiology ..... 100~~
~~Annual fee]~~ ***$150***
License fee ***100***
Fee for the renewal of a license ..... ~~[50]~~ ***100***
Reinstatement fee ..... ~~[75]~~ ***100***
Examination fee ***300***
Fee for converting to a different type of license ***50***
Fee for each additional license or endorsement ***50***
Fee for obtaining license information ***50***

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~[Secretary-Treasurer of the]~~ Board to be used to defray the necessary expenses of the Board. The ~~[Secretary-Treasurer]~~ ***Board*** shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 ***1.*** The grounds for initiating disciplinary action pursuant to this chapter are:

~~[1.]~~ ***(a)*** Unprofessional conduct.

~~[2.]~~ ***(b)*** Conviction of:

~~[(a)]~~ ***(1)*** A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[(b)]~~ ***(2)*** A felony ***or gross misdemeanor*** relating to the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ~~[;]~~ ***or fitting and dispensing hearing aids;***

~~[(c)]~~ ***(3)*** A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~[(d)]~~ ***(4)*** Any offense involving moral turpitude.

~~[3.]~~ ***(c)*** ~~[Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.~~

~~4.~~] Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~[~~5. ~~4.]~~ ***(d)*** Professional incompetence.

~~[~~6. ~~5.]~~ ***(e)*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~[(a)]~~ ***(1)*** The license of the facility is suspended or revoked; or

~~[(b)]~~ ***(2)*** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[subsection]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

~~[6.]~~ ***2. As used in this section, "unprofessional conduct" includes, without limitation:***

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ~~[,]~~ ***or fitting and dispensing hearing aids,*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the

subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

(a) Refuse to renew a license;

(b) Revoke a license;

(c) Suspend a license ***;*** ~~[for a definite time, not to exceed 1 year;]~~

(d) Administer to the licensee a public reprimand; ~~[or]~~

(e) ***Impose conditions on the practice of the licensee;***

(f) Impose a civil penalty not to exceed ~~[$1,000.]~~ ***$5,000 for each act constituting grounds for disciplinary action; or***

(g) Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who ~~[practices]~~ ***engages in the practice of*** or offers to ***engage in the*** practice ***of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter ~~[practices]~~ ***engages in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~[President]~~ ***Chair*** or ~~[Secretary-Treasurer]~~ ***Vice Chair*** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without a license valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 61. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 62. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, ~~[637A.352,]~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 63. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690,

125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, **[**~~637A.315,~~**]** 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,

687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~[~~speech~~]~~ ***speech-language*** pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~[~~speech~~]~~ ***speech-language*** pathologist by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board;***

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board; and***

(b) The employee is assigned by the school district to serve as a ~~[~~speech~~]~~ ***speech-language*** pathologist during the school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[~~637A,~~]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of

licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:
(1) Private vehicles;
(2) Commercial vehicles;
(3) Liability insurance; and
(4) Insurance for property damage;
(d) Workers' compensation insurance; and
(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:
(a) Premiums directly written;
(b) Premiums directly earned;
(c) Number of policies issued;
(d) Net investment income, using appropriate estimates when necessary;
(e) Losses paid;
(f) Losses incurred;
(g) Loss reserves, including:
(1) Losses unpaid on reported claims; and
(2) Losses unpaid on incurred but not reported claims;
(h) Number of claims, including:
(1) Claims paid; and
(2) Claims that have arisen but are unpaid;
(i) Expenses for adjustment of losses, including allocated and unallocated losses;
(j) Net underwriting gain or loss;
(k) Net operation gain or loss, including net investment income; and
(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:
(a) Recoverable federal income tax;
(b) Net unrealized capital gain or loss; and
(c) All other expenses not included in subsection 2.

Sec. 67.5. 1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the administration of

the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.

4. The ~~[State Controller shall transfer the money in any fund or account]~~ **Secretary** of the Board of Hearing Aid Specialists ~~[to a fund or account created for]~~ **shall close each account maintained with a financial institution by the Board of Hearing Aid Specialists pursuant to NRS 637A.080 and pay the closing balance of the account to** the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of **each** such ~~[a fund or]~~ account are unaffected by the ~~[transfer.]~~ **closure and payment. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board shall deposit the money so received in qualified banks, credit unions or savings and loan associations in this State in accordance with NRS 637B.240, as amended by section 52 of this act.**

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) ~~[Three]~~ **Four** members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. **1.** This **section and sections 1 to 44, inclusive, and 45 to 72, inclusive, of this** act ~~[becomes]~~ **become** effective:

~~[1.]~~ **(a)** Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[2.]~~ **(b)** On October 1, 2015, for all other purposes.

2. Section 44.5 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.
637A.020 Definitions.
637A.021 "Board" defined.
637A.0213 "Chair" defined.
637A.0217 "Hearing aid" defined.
637A.022 "Hearing aid specialist" defined.
637A.0221 "Incompetence" defined.
637A.0223 "License" defined.
637A.0227 "Manufacturer" defined.
637A.023 "Member" defined.
637A.0233 "Negligence" defined.
637A.0235 "Practice of fitting and dispensing hearing aids" defined.
637A.024 "Secretary" defined.
637A.025 Applicability.
637A.030 Creation; number and appointment of members.
637A.035 Qualifications of members; terms; members serve at pleasure of Governor.
637A.040 Chair and Secretary; meetings; quorum.
637A.060 Officers; rules and regulations.
637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
637A.090 Compensation of members and employees.
637A.100 Duties.
637A.110 Powers.
637A.120 Seal.
637A.130 Application for examination; fee.
637A.140 Contents of application.
637A.150 Actions by Board on applications.
637A.160 Requirements for licensing.
637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.
637A.170 Examination waived for certain specialists applying before October 1, 1973.
637A.190 Display of license.
637A.200 Expiration and renewal of licenses.
637A.205 Transfer of license to inactive list.

637A.210 Fees.

637A.220 Apprentices: Employment; application for licensure.

637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.

637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.

637A.235 Apprentices: Identification; title.

637A.240 Limitation on period of apprenticeship.

637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.

637A.245 Audiograms for use of physician or member of related profession.

637A.250 Grounds.

637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.

637A.260 Complaint against licensee; investigation; retention of complaints.

637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.

637A.300 Surrender and reinstatement of revoked license.

637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.

637A.310 Records required.

637A.315 Confidentiality of certain records of Board; exceptions.

637A.340 Transfer or alteration of license.

637A.345 Inspection of premises by Board.

637A.350 Fraudulent use of assumed name or practice without license.

637A.352 Engaging in business of hearing aid specialist without license; penalties.

637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.

637A.355 Injunctive relief against violators.

637A.360 Penalty.

637B.090 Use of title "certified hearing aid audiologist."

637B.110 Officers.

637B.150 Regulations.

637B.170 Examinations.

637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Assemblyman Kirner moved that the Assembly concur in Senate Amendment No. 829 to Assembly Bill No. 115.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 877.

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) **Section 1** of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of

certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) **Section 72** of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and **section 44** of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. Under **sections 44 and 44.5** of this bill, the Board consists of eight members until July 1, 2017, on which date the membership of the Board will decrease to seven members. **Section 45** of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. **Section 46** of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. **Section 16** of this bill authorizes the Board to select certain persons as advisory members, and **sections 17, 18, 25 and 28** of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 20** of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. **Sections 21, 22 and 50** of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. **Section 23** of this bill prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and **section 72** repeals those requirements in chapter 637A of NRS. **Section 27** authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and **sections 29-31** prescribe requirements concerning the practice of an apprentice. **Section 32** authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. **Section 33** requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. **Section 34**

requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) **Section 35** of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. **Section 49** of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. **Sections 48, 50, 53, 54 and 56-59** of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. **Section 51** of this bill imposes fees for certain tasks relating to licensing. **Section 53** provides that certain acts are grounds for disciplinary action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means ~~[a]~~ ***:***

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~[,]~~***;***

(b) A physician assistant ~~[,]~~ ***;***

(c) A dentist ~~[,]~~ ***;***

(d) A licensed nurse ~~[,]~~ ***;***

(e) A dispensing optician ~~[,]~~ ***;***

(f) A speech-language pathologist;

(g) An audiologist;

(h) An optometrist ~~[,]~~ ***;***

(i) A practitioner of respiratory care ~~[,]~~ ***;***

(j) A registered physical therapist ~~[,]~~ ***;***

(k) An occupational therapist ~~[,]~~ ***;***

(l) A podiatric physician ~~[,]~~ ***;***

(m) A licensed psychologist ~~[,]~~ ***;***

(n) A licensed marriage and family therapist ~~[,]~~ ***;***

(o) A licensed clinical professional counselor ~~[,]~~ ***;***

(p) A music therapist ~~[,]~~ ***;***

(q) A chiropractor ~~[,]~~ ***;***

(r) An athletic trainer ~~[,]~~ ***;***

(s) A perfusionist ~~[,]~~ ***;***

(t) A doctor of Oriental medicine in any form ~~[,]~~ ***;***

(u) A medical laboratory director or technician ~~[,]~~ ***;***

(v) A pharmacist ~~[,]~~ ***;***

(w) A licensed dietitian ***;*** or ~~[a]~~

(x) A licensed hospital as the employer of any ~~[such]~~ person ~~[.]~~ ***specified in this subsection.***

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other

health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~[637A]~~ ***637B*** of NRS, as appropriate;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~[637A,]~~ ***637B,*** respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or

those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and ~~[~~637A,~~]~~ ***637B,*** respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. ***"Apprentice" means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.***

Sec. 10. ***"Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.***

Sec. 11. ***"Hearing aid" means any:***

1. Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and

2. Part, attachment or accessory for such a device.

Sec. 12. ***"Hearing aid specialist" means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.***

Sec. 13. ***"Manufacturer" means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.***

Sec. 14. ***"Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:***

1. Making impressions for earmolds;

2. Administering and interpreting tests of human hearing and middle ear functions;

3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;

4. Selecting and fitting hearing aids;

5. Providing assistance to a person after the fitting of a hearing aid;

6. Providing services relating to the care and repair of hearing aids;

7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and

8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.

Sec. 15. ***"Sponsor" means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service***

training of an apprentice in the practice of fitting and dispensing hearing aids.

Sec. 16. *1. Except as otherwise provided in subsection 2, the Board may, by majority vote, select one or more persons, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.*

2. A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.

3. An advisory member may not vote on any matter before the Board.

Sec. 17. *The Board shall:*

1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons licensed or endorsed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

6. Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.

Sec. 18. *1. The Board shall adopt regulations prescribing:*

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and

(c) The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. *1. Except as otherwise provided in subsection 2:*

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. *Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

Sec. 21. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:*

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. *1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of:*

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) Holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and

(2) Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to an active license upon payment of the fee required pursuant to NRS 637B.230 for converting the license and the award of:

(1) A certificate of clinical competence by the American Speech-Language-Hearing Association; or

(2) Certification by the National Board for Certification in Hearing Instrument Sciences.

Sec. 23. *An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:*

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.

Sec. 24. *1. A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:*

(a) Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;

(b) Be knowledgeable and competent in the technology used to provide services by telepractice;

(c) Only use telepractice to provide services for which delivery by telepractice is appropriate;

(d) Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;

(e) Document any services provided by telepractice in the record of the person receiving the services; and

(f) Comply with the provisions of this chapter and any regulations adopted pursuant thereto.

2. As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.

Sec. 25. *The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:*

1. The licensing of hearing aid specialists and apprentices;

2. The educational and training requirements for hearing aid specialists and apprentices;

3. The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and

4. A program of in-service training for apprentices.

Sec. 26. *An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:*

1. Successfully complete a program of education or training approved by the Board which requires, without limitation, that the applicant:

(a) Hold an associate's degree or bachelor's degree in hearing instrument sciences; or

(b) Hold:

(1) A high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences; and

(2) Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.

2. Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences.

3. Pass the examination prescribed pursuant to section 25 of this act.

4. Comply with the regulations adopted pursuant to section 25 of this act.

5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. *1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.*

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 28. *The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.*

Sec. 29. *1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and*

the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.

4. As used in this section:

(a) "Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 30. *1. A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.*

2. Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.*

Sec. 33. *Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.*

Sec. 34. *Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, notify the Board of the new address of his or her place of business.*

Sec. 35. *1. A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:*

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid

will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology **,** ~~[and]~~ the practice of ~~[speech]~~ ***speech-language*** pathology ***and the practice of fitting and dispensing hearing aids*** are hereby declared to be learned professions, affecting public safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, ***and sections 9 to 15, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 "Audiologist" means any person who ~~[engages]~~ ***is licensed to engage*** in the practice of audiology ~~[.]~~ ***pursuant to the provisions of this chapter.***

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 "Board" means the ~~[Board of Examiners for Audiology and Speech]~~ ***Speech-Language*** Pathology ~~[.]~~ ***, Audiology and Hearing Aid Dispensing Board.***

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" ~~[~~consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of~~]~~ ***means the application of principles, methods and procedures relating to*** hearing and ***balance,*** hearing ~~[~~impairment,~~]~~ ***disorders and related speech and language disorders and includes, without limitation:***

1. The conservation of auditory system functions;

2. Screening, identifying, assessing and interpreting, preventing and rehabilitating auditory and balance system disorders;

3. The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing loss and training persons to use such technology;

4. Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services;

5. Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing ~~[.]~~ ***; [and]***

6. Providing referral services for medical diagnosis and treatment [.] ; and

7. At the request of a physician, participating in the diagnosis of a person.

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of ~~[~~speech~~]~~ ***speech-language*** pathology" ~~[~~consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:

1. Normal and abnormal development of a person's ability to communicate;

2. Disorders and problems concerning a person's ability to communicate;

3. Deficiencies in a person's sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and

4. Sensorimotor functions of a person's mouth, pharynx and larynx.~~]~~ ***means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:***

1. The prevention, screening, consultation, assessment, treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;

2. Argumentative and alternative communication techniques and strategies;

3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;

4. The screening of persons for hearing loss and middle ear pathology;

5. [Vocal tract imaging and visualization by the] The use of [nonmedical] oral and nasal endoscopy [;] for the purpose of vocal tract imaging and visualization;

6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss;

7. Providing services to modify or enhance communication; [and]

8. Providing referral services for medical diagnosis and treatment [.] ; and

9. At the request of a physician, participating in the diagnosis of a person.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 [“Speech] ***“Speech-language*** pathologist” means any person who [engages] ***is licensed to engage*** in the practice of [speech] ***speech-language*** pathology [.] ***pursuant to the provisions of this chapter.***

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to [:

1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.

2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.

3. Any] ***any*** person who:

[(a)] ***1.*** Holds a current credential [as an audiologist or a speech pathologist] issued by the Department of Education [;

(b)] ***pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;***

2. Is employed [as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;

(c)] ***by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;***

3. Is a [graduate] student [intern] enrolled in a program or school approved by the Board **,** [and] is pursuing a [graduate] degree in audiology or [speech] ***speech-language*** pathology [;

(d) Is a registered nurse employed as a school nurse; or

(e)] ***and is clearly designated to the public as a student; or***

4. Holds a current [certificate from the Council on the Education of the Deaf as a teacher,] ***license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,***

➥ and who does not engage in the private practice of audiology or [of speech] ***speech-language*** pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology, ***Audiology and Hearing Aid Dispensing Board,*** consisting of ~~[~~five~~]~~ ***eight*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~[~~Two~~]~~ ***Three*** members who ~~[~~have been engaged in the practice of speech pathology for 2 years or more;~~]~~ ***are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;***

(b) ~~[~~One member who has been engaged in the practice of audiology for 2 years or more;~~]~~ ***Two members who are audiologists, at least one of whom must be a dispensing audiologist;***

(c) ~~[~~One member~~]~~ ***Two members*** who ~~[~~is a physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;~~]~~ ***are hearing aid specialists;*** and

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~[~~speech~~]~~ ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~[~~speech~~]~~ ***speech-language*** pathologist ***, hearing aid specialist*** or an audiologist.

3. ~~[~~Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.

~~4.~~~~]~~ Each member of the Board who is ~~[~~a speech pathologist or~~]~~ ***an*** audiologist ***, a speech-language pathologist or a hearing aid specialist*** must ~~[~~hold~~]~~ ***:***

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter ***.*** ~~[~~or a current certificate of clinical competence from the American Speech-Language-Hearing Association.

~~5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.~~~~]~~

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 44.5. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~[~~eight~~]~~ ***seven*** members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~[~~Two members~~]~~ ***One member*** who ~~[~~are~~]~~ ***is a*** hearing aid ~~[~~specialists;~~]~~ ***specialist;*** and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. ***The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.***

2. The Board shall meet at least ***twice*** annually and may meet at other times on the call of the ~~[~~President~~]~~ ***Chair*** or a majority of its members.

~~[~~2.~~]~~ ***3.*** A majority of the Board constitutes a quorum to transact all business.

4. The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.

4. The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~[~~1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license~~]~~ ***Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing*** by the Board ~~[~~if the~~]~~ ***, an*** applicant ~~[~~:

~~(a) Is over the age of 21 years;~~

~~(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(c) Is~~~~]~~ ***for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:***

1. Be a natural person of good moral character;

~~[~~(d) Meets the requirements for education or training and experience provided by subsection 2;

~~(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;~~

~~(f) Applies for the license in the manner provided by the Board;~~

~~(g) Passes any~~~~]~~

2. Pass an examination ~~[~~required by this chapter;

~~(h) Pays~~~~]~~ ***prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;***

3. Pay the fees provided for in this chapter; and

~~[~~(i) Submits~~]~~

4. Submit all information required to complete an application for a license.

~~[~~2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least

~~24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.~~**]**

Sec. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of audiology **[**~~or speech~~**]** ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. **[**~~A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or~~

~~2.~~ A ***current*** certificate of clinical competence issued by the American ~~[~~Speech and Hearing~~]~~ ***Speech-Language-Hearing*** Association in the field of practice for which the person is applying for a license ~~[.]~~ ***; or***

2. Current certification from the American Board of Audiology.

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~[shall]~~ ***may*** issue a temporary license to ***engage in the*** practice ~~[audiology or speech]~~ ***of:***

(a) Audiology, speech-language pathology ~~[,]~~ ***or fitting and dispensing hearing aids*** upon application and the payment of the ***fee*** required ~~[fee,]~~ ***pursuant to NRS 637B.230*** to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[other than passing the examination.]~~ ***; and***

(b) Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.

2. ***The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:***

(a) Is so licensed in another state; and

(b) Attests that he or she meets all of the qualifications for licensure in this State.

3. A temporary license issued pursuant to this section ~~[is valid until the Board publishes the results of the examination next administered after the license is issued.]~~ ***:***

(a) Is valid for not more than 6 months;

(b) May be renewed not more than once; and

(c) May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.

Sec. 51. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee ~~[for a license to practice speech pathology~~	~~$100~~
~~Application fee for a license to practice audiology~~	~~100~~
~~Annual fee]~~	***$150***
License fee	***100***
Fee for the renewal of a license	~~[50]~~ ***100***
Reinstatement fee	~~[75]~~ ***100***
Examination fee	***300***
Fee for converting to a different type of license	***50***

Fee for each additional license or endorsement..... 50
Fee for obtaining license information..... 50

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~[~~Secretary-Treasurer of the~~]~~ Board to be used to defray the necessary expenses of the Board. The ~~[~~Secretary-Treasurer~~]~~ ***Board*** shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 ***1.*** The grounds for initiating disciplinary action pursuant to this chapter are:

~~[~~1.~~]~~ ***(a)*** Unprofessional conduct.

~~[~~2.~~]~~ ***(b)*** Conviction of:

~~[~~(a)~~]~~ ***(1)*** A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[~~(b)~~]~~ ***(2)*** A felony ***or gross misdemeanor*** relating to the practice of audiology ~~[~~or speech~~]~~ ***, speech-language*** pathology ~~[~~,~~]~~ ***or fitting and dispensing hearing aids;***

~~[~~(c)~~]~~ ***(3)*** A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~[~~(d)~~]~~ ***(4)*** Any offense involving moral turpitude.

~~[~~3.~~]~~ ***(c)*** ~~[~~Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.

~~4.~~~~]~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~[~~5.~~]~~ ***(d)*** Professional incompetence.

~~[~~6.~~]~~ ***(e)*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~[~~(a)~~]~~ ***(1)*** The license of the facility is suspended or revoked; or

~~[~~(b)~~]~~ ***(2)*** An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This ~~[subsection]~~ ***paragraph*** applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "unprofessional conduct" includes, without limitation:

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ~~[,]~~ ***or fitting and dispensing hearing aids,*** the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

(a) Refuse to renew a license;

(b) Revoke a license;

(c) Suspend a license ***;*** ~~[for a definite time, not to exceed 1 year;]~~

(d) Administer to the licensee a public reprimand; ~~[or]~~

(e) ***Impose conditions on the practice of the licensee;***

(f) Impose a civil penalty not to exceed ~~[$1,000.]~~ ***$5,000 for each act constituting grounds for disciplinary action; or***

(g) Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who ~~[practices]~~ ***engages in the practice of*** or offers to ***engage in the*** practice ***of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing***

hearing aids without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter ~~[practices]~~ ***engages in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~[President]~~ ***Chair*** or ~~[Secretary-Treasurer]~~ ***Vice Chair*** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ ***engaging in the practice of*** audiology ~~[or speech]~~ ***, speech-language*** pathology ***or fitting and dispensing hearing aids*** without a license valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 61. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 62. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227,

634A.230, 635.167, 636.145, 637.090, ~~[637A.352,]~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 63. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,

228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, ~~[637A.315,]~~ 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or

memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary

required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~[~~speech~~]~~ ***speech-language*** pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~[~~speech~~]~~ ***speech-language*** pathologist by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board;***

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~[~~Board of Examiners for Audiology and Speech~~]~~ ***Speech-Language*** Pathology ~~[~~;~~]~~ ***, Audiology*** and ***Hearing Aid Dispensing Board; and***

(b) The employee is assigned by the school district to serve as a ~~[~~speech~~]~~ ***speech-language*** pathologist during the school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➥ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for

teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance

abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[~~637A,~~]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of

licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage;

(d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 67.5. 1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the administration of the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to

which the responsibility for the enforcement of such action has been transferred.

4. The Secretary of the Board of Hearing Aid Specialists shall close each account maintained with a financial institution by the Board of Hearing Aid Specialists pursuant to NRS 637A.080 and pay the closing balance of the account to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of each such account are unaffected by the closure and payment. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board shall deposit the money so received in qualified banks, credit unions or savings and loan associations in this State in accordance with NRS 637B.240, as amended by section 52 of this act.

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) Four members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any

regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. 1. This section and sections 1 to 44, inclusive, and 45 to 72, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On October 1, 2015, for all other purposes.

2. Section 44.5 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.
637A.020 Definitions.

637A.021 "Board" defined.
637A.0213 "Chair" defined.
637A.0217 "Hearing aid" defined.
637A.022 "Hearing aid specialist" defined.
637A.0221 "Incompetence" defined.
637A.0223 "License" defined.
637A.0227 "Manufacturer" defined.
637A.023 "Member" defined.
637A.0233 "Negligence" defined.
637A.0235 "Practice of fitting and dispensing hearing aids" defined.
637A.024 "Secretary" defined.
637A.025 Applicability.
637A.030 Creation; number and appointment of members.
637A.035 Qualifications of members; terms; members serve at pleasure of Governor.
637A.040 Chair and Secretary; meetings; quorum.
637A.060 Officers; rules and regulations.
637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
637A.090 Compensation of members and employees.
637A.100 Duties.
637A.110 Powers.
637A.120 Seal.
637A.130 Application for examination; fee.
637A.140 Contents of application.
637A.150 Actions by Board on applications.
637A.160 Requirements for licensing.
637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.
637A.170 Examination waived for certain specialists applying before October 1, 1973.
637A.190 Display of license.
637A.200 Expiration and renewal of licenses.
637A.205 Transfer of license to inactive list.
637A.210 Fees.
637A.220 Apprentices: Employment; application for licensure.
637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.
637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.
637A.235 Apprentices: Identification; title.
637A.240 Limitation on period of apprenticeship.

637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.

637A.245 Audiograms for use of physician or member of related profession.

637A.250 Grounds.

637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.

637A.260 Complaint against licensee; investigation; retention of complaints.

637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.

637A.300 Surrender and reinstatement of revoked license.

637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.

637A.310 Records required.

637A.315 Confidentiality of certain records of Board; exceptions.

637A.340 Transfer or alteration of license.

637A.345 Inspection of premises by Board.

637A.350 Fraudulent use of assumed name or practice without license.

637A.352 Engaging in business of hearing aid specialist without license; penalties.

637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.

637A.355 Injunctive relief against violators.

637A.360 Penalty.

637B.090 Use of title "certified hearing aid audiologist."

637B.110 Officers.

637B.150 Regulations.

637B.170 Examinations.

637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Assemblyman Kirner moved that the Assembly concur in Senate Amendment No. 877 to Assembly Bill No. 115.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 830.

AN ACT relating to massage therapy; exempting a nail technologist from the requirement to be licensed as a massage therapist when performing certain activities; revising certain testing requirements for applicants for a license to practice massage therapy; limiting the period during which an inactive or expired license may be restored or renewed; ~~[deleting]~~ **revising provisions establishing** certain grounds for refusal to issue a license or initiate disciplinary action against licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts certain persons from the requirement to be licensed as a massage therapist. (NRS 640C.100) **Section 1** of this bill adds licensed nail technologists to this list of exempt persons if the nail technologist is massaging the hands, feet, forearms or lower legs of a person within the permissible scope of practice for a nail technologist.

Existing law requires an applicant for a license to practice massage therapy to pass a written examination administered by a board that is accredited by the National Commission for Certifying Agencies (NCCA) or certain other examinations. (NRS 640C.400) **Section 2** of this bill deletes the requirement that the written examination be administered by a board accredited by the NCCA, and instead requires that the examination be a nationally recognized competency examination that is approved by the Board of Massage Therapists.

Existing law allows a massage therapist whose license has expired or been placed on inactive status to restore or renew his or her license by paying certain fees and meeting certain requirements. (NRS 640C.500, 640C.510) **Sections 3 and 4** of this bill limit to 2 years the period during which an expired or inactive license may be restored or renewed.

Existing law authorizes the Board of Massage Therapists to refuse to issue a license to an applicant or initiate disciplinary action against the holder of a license for certain reasons, including a conviction for any crime involving moral turpitude within the immediately preceding 10 years. (NRS 640C.700) **Section 5** of this bill ~~[deletes the conviction for such a crime as grounds for disciplinary action or denial of a license, leaving convictions for crimes involving sex, violence, prostitution, theft or drugs, or crimes related to massage therapy as grounds for such disciplinary action or denial of a license.]~~ **removes the 10-year limitation, allowing the Board to take such action based on a conviction for any crime involving moral turpitude regardless of when the conviction occurred.** **Section 5** also adds the failure to report to the Board any unethical or unprofessional conduct of the holder of a license or

other person relating to massage therapy as grounds for such disciplinary action or denial of a license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, hair designer, hair braider, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) ***A person licensed as a nail technologist pursuant to NRS 644.205 if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist.***

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

~~[(e)]~~ ***(f)*** Students enrolled in a school of massage therapy recognized by the Board.

~~[(f)]~~ ***(g)*** A person who practices massage therapy solely on members of his or her immediate family.

~~[(g)]~~ ***(h)*** A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320:

(1) Except as otherwise provided in subsection 3, pass a ~~[written]~~ ***nationally recognized*** examination ~~[administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists;]~~ ***for testing the education and professional competency of massage therapists that is approved by the Board;*** or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

(a) Approved by the Commission on Postsecondary Education; or

(b) Offered by a public college in this State or any other state.

➥ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to determine:

(1) The reputation and character of the applicant;

(2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 3. NRS 640C.500 is hereby amended to read as follows:

640C.500 1. Each license expires on the last day of the month in which it was issued in the next succeeding calendar year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by the Board pursuant to the regulations adopted by the Board under NRS 640C.320; and

(c) The fee for renewal of the license prescribed by the Board pursuant to NRS 640C.520.

2. A license that expires pursuant to this section may be restored if ***, within 2 years after the expiration of the license,*** the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees prescribed by the Board pursuant to NRS 640C.520:

(1) For the restoration of an expired license; and

(2) For each year that the license was expired, for the renewal of a license.

3. The Board shall send a notice of renewal to each holder of a license not later than 60 days before the license expires. The notice must include a statement setting forth the provisions of this section and the amount of the fee for renewal of the license.

Sec. 4. NRS 640C.510 is hereby amended to read as follows:

640C.510 1. Upon written request to the Board, a holder of a license in good standing may cause his or her name and license to be transferred to an inactive list. The holder of the license may not practice massage therapy during the time the license is inactive, and no renewal fee accrues.

2. If an inactive holder of a license desires to resume the practice of massage therapy ~~[,]~~ ***within 2 years after the license was made inactive,*** the Board shall renew the license upon:

(a) Demonstration, if deemed necessary by the Board, that the holder of the license is then qualified and competent to practice;

(b) Completion and submission of an application; and

(c) Payment of the current fee for renewal of the license.

Sec. 5. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy or a substantially similar business ~~*[;]*~~ , or a crime involving moral turpitude ***;*** ~~[within the immediately preceding 10 years;]~~

4. Has engaged in or solicited sexual activity during the course of practicing massage on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in the practice of massage therapy;

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy;

8. Has failed to provide information requested by the Board within 60 days after receiving the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy;

10. ***Has knowingly failed to report to the Board that the holder of a license or other person has engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy within 30 days after becoming aware of that conduct;***

11. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

~~[11.]~~ ***12.*** Has solicited or received compensation for services relating to the practice of massage therapy that he or she did not provide;

~~[12.]~~ ***13.*** If the holder of the license is on probation, has violated the terms of the probation;

~~[13.]~~ ***14.*** Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he or she has received training in a specialty technique of massage for which he or she has not received training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist;

~~[14.]~~ ***15.*** Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

~~[15.]~~ ***16.*** Has failed to comply with a written administrative citation issued pursuant to NRS 640C.755 within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to NRS 640C.757, within 15 business days after the hearing; or

~~[16.]~~ ***17.*** Except as otherwise provided in subsection ~~[15,]~~ ***16,*** has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 830 to Assembly Bill No. 126.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 173.

The following Senate amendment was read:

Amendment No. 701.

AN ACT relating to private investigations; **exempting the Private Investigator's Licensing Board from certain administrative procedures governing professional licensing boards;** exempting certain professionals who provide information security from regulation as a private investigator; **deleting provisions requiring a licensee or applicant for a license to maintain a principal place of business in this State; authorizing the Board to revoke the registration of a registered employee under certain circumstances; revising certain provisions relating to licensure and registration by the Board; revising provisions relating to disciplinary actions by the Board; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Private Investigator's Licensing Board to comply with certain administrative procedures governing certain professional licensing boards. (Chapter 622A of NRS) Sections 1, 4 and 5 of this bill exempt the Board from complying with such procedures.

Existing law provides that a person engaging in the business of a private investigator must be licensed ~~[by]~~ and is subject to ~~[the]~~ regulation ~~[of the Private Investigator's Licensing]~~ **by the** Board. (NRS 648.060) Existing law defines a private investigator to include a person who conducts an investigation through the review or analysis of computerized data not available to the public. (NRS 648.012) **Section ~~[1]~~ 1.3** of this bill defines the term "information security." **Section 2.5** of this bill revises the definition of "private investigator" to exclude from the definition certain professionals who provide information security. **Section 3** of this bill exempts certain professionals who provide information security from the provisions of NRS governing private investigators.

Existing law prohibits a person from engaging in any business regulated by the Board or advertising such business unless the person is licensed by the Board. Existing law further prohibits the employment by a licensee of a person unless the person is a registered employee. Existing law requires the Board to assess certain administrative fines for violations of these provisions and specifies the amounts of such administrative fines. (NRS 648.060, 648.165) Section 14 of this bill authorizes rather than requires the Board to assess such administrative fines and provides the Board with discretion as to the amount of such administrative fines.

Sections 7, 8, 10 and 11 of this bill delete provisions requiring a licensee or an applicant for a license to maintain a principal place of business in Nevada.

Section 9 of this bill provides that each registered employee employed in this State by a licensee must be supervised by the licensee or his or her designated agent who is physically present in this State.

Under existing law, the Board is required to issue a registration to a person who, in addition to certain other requirements, has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime

involving moral turpitude or the illegal use or possession of a dangerous weapon. (NRS 648.1493) Existing law provides that a licensee may employ only persons who have not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon. (NRS 648.060) Sections 6 and 12 of this bill remove this prohibition, effectively providing the Board with the discretion to issue a registration to a person who is otherwise qualified to obtain a registration but has been convicted of such crimes.

Section 1.7 of this bill authorizes the Board to revoke the registration of a registered employee under certain circumstances. Section 13 of this bill expands the authority of the Board to investigate the actions of a person holding or claiming to hold a license to include investigations of the actions of a person holding or claiming to hold a registration. Section 13.5 of this bill provides that it is grounds for the suspension or revocation of a registration or application for registration that a registered employee or applicant for a registration fails to comply with a notice of violation issued by the Board. Sections 14.5 and 15 of this bill similarly expand provisions of existing law relating to disciplinary action by the Board to include disciplinary action with regard to registered employees.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 622A.120 is hereby amended to read as follows:**

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

(a) State Contractors' Board.

(b) State Board of Professional Engineers and Land Surveyors.

(c) Nevada State Board of Accountancy.

(d) Board of Medical Examiners.

(e) Board of Dental Examiners of Nevada.

(f) State Board of Nursing.

(g) Chiropractic Physicians' Board of Nevada.

(h) Nevada State Board of Optometry.

(i) State Board of Pharmacy.

(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

(k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.

(l) Commission of Appraisers of Real Estate.

(m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.

(n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.

(o) ***Private Investigator's Licensing Board.***

(p) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

~~[Section 1.]~~ ***Sec. 1.1.*** Chapter 648 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.**

Sec. 1.3. "Information security" has the meaning ascribed to it in 44 U.S.C. § 3552. The term includes restoring the integrity, confidentiality and availability of information and information systems after a data breach, suspected data breach or other data security incident.

Sec. 1.5. "Registered employee" means a person to whom the Board has issued a registration pursuant to NRS 648.1493.

Sec. 1.7. The Board may revoke the registration of a registered employee if the Board finds, after a hearing conducted pursuant to NRS 648.166 and 648.170, that the registered employee:

1. Failed to disclose any fact or misstated or otherwise misled the Board with respect to any fact contained in any application for the issuance or renewal of a registration submitted to the Board by the registered employee;

2. On or after the date on which the Board issues a registration to the registered employee, the registered employee commits or attempts or conspires to commit any act prohibited by this chapter or any regulation adopted or order issued pursuant thereto; or

3. On or after the date on which the Board issues a registration to the registered employee, the registered employee is convicted of, or enters a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

Sec. 2. NRS 648.005 is hereby amended to read as follows:

648.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 648.006 to 648.016, inclusive, ***and*** ~~***[section 1]***~~ ***sections 1.3 and 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 648.012 is hereby amended to read as follows:

648.012 ***1.*** **"**Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining ~~[, including, without limitation, through the review, analysis and investigation of computerized data not available to the public,]~~ information with reference to:

~~[1.]~~ ***(a)*** The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;

~~[2.]~~ ***(b)*** The location, disposition or recovery of lost or stolen property;

~~[3.]~~ ***(c)*** The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;

~~[4.]~~ ***(d)*** A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

~~[5.]~~ ***(e)*** Securing evidence to be used before any court, board, officer or investigating committee; or

~~[6.]~~ ***(f)*** The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

2. The term does not include:

(a) Any person who is accessing exclusively public records, public databases or any other public information; or

(b) Any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 3. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a repossessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a repossessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. To any person who for any consideration engages in business or accepts employment to provide information security.

Sec. 4. **NRS 648.033 is hereby amended to read as follows:**

648.033 1. The Board shall maintain a public record of:

(a) The business it transacts at its regular and special meetings; and

(b) The applications received by it together with the record of the disposition of each application.

2. Except as otherwise provided in NRS 239.0115, information obtained by the Board from other than public sources concerning the:

(a) Financial condition; or

(b) Criminal record,

➥ of an applicant or a licensee is confidential and may be revealed only to the extent necessary for the proper administration of the provisions of this chapter.

3. The Board may release information described in subsection 2 to an agency of the Federal Government, of a state or of a political subdivision of this State.

4. The Board shall adopt by regulation a procedure for notifying the applicant or licensee of the release of confidential information pursuant to subsections 2 and 3. The Board shall release information described in subsection 2 concerning an applicant or licensee to the applicant or licensee upon request.

5. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

6. The charging documents filed with the Board to initiate disciplinary action ~~[pursuant to chapter 622A of NRS]~~ and all other documents and information considered by the Board when determining whether to impose discipline are public records.

7. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 5. **NRS 648.040 is hereby amended to read as follows:**

648.040 1. There is hereby created in the State General Fund the Fund for the Private Investigator's Licensing Board, to be administered by the Board.

2. Except as otherwise provided in subsection 7, all money received pursuant to the provisions of this chapter must be deposited in the State Treasury for credit to the Fund for the Private Investigator's Licensing Board and must be used by the Board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the Board.

3. All claims against the Fund must be paid as other claims against the State are paid. Any amount remaining in the Fund at the end of a fiscal year must be carried forward into the next fiscal year.

4. The Board through majority vote controls exclusively the expenditures from the Fund. The Board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the Fund.

5. Except as otherwise provided in subsection 7, the money in this Fund may be used to:

(a) Pay the expenses of the Board in connection with the investigation of the background of an applicant;

(b) Finance a substantive investigation of a licensee or of unlicensed activity; and

(c) Pay the operational and administrative expenses of the Board and its Secretary,

➥ and for such other expenses as the Board deems appropriate to regulate the persons subject to its supervision.

6. ~~[In a manner consistent with the provisions of chapter 622A of NRS, the]~~ ***The*** Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines

therefor and deposit the money therefrom in the State Treasury for credit to the Fund for the Private Investigator's Licensing Board.

7. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 6, the Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. In such a case, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 6. **NRS 648.060 is hereby amended to read as follows:**

648.060 1. Except as otherwise provided in NRS 253.220, no person may:

(a) Engage in the business of private investigator, private patrol officer, process server, repossessor, dog handler, security consultant, or polygraphic examiner or intern; or

(b) Advertise his or her business as such, irrespective of the name or title actually used,

➥ unless the person is licensed pursuant to this chapter.

2. No person may be employed by a licensee unless the person is registered pursuant to this chapter. The provisions of this subsection do not apply to a person licensed pursuant to this chapter.

~~[3. A person licensed pursuant to this chapter may employ only another licensee, or a nonlicensed person who:~~

~~(a) Is at least 18 years of age.~~

~~(b) Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~(c) Is of good moral character and temperate habits.~~

~~(d) Has not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.~~

~~(e) Is registered pursuant to this chapter.]~~

Sec. 7. **NRS 648.080 is hereby amended to read as follows:**

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. The complete address of the principal place of business of the applicant ~~[in this State]~~ and of each branch office or other place of business of the applicant**.** ~~[in this State.]~~

4. The business or businesses in which the applicant intends to engage and the category or categories of license he or she desires.

5. A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

7. Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

8. If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

9. Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 8. **NRS 648.100 is hereby amended to read as follows:**

648.100 1. The Board shall require an applicant to pass a written examination for an initial license and may require an applicant to pass an oral examination. Examinations must be given at least four times a year.

2. The Board shall conduct ~~[such]~~ ***an*** investigation of an applicant, including the directors and officers of a corporate applicant, as it considers necessary. An applicant shall deposit with the Board at the time of making an initial application for any license a fee of $750 for the first category of license and $250 for each additional category of license for which application is made, which must be applied to the cost of conducting the investigation. ~~[An individual applicant who is a resident of Nevada is liable for the entire cost of the investigation up to a maximum cost of $1,500 for the first category of license and $500 for each additional category of license for which application is made. A corporate applicant or an individual applicant who is not a resident of Nevada is liable for the entire cost of the investigation.]~~ Each applicant must pay the entire fee for which he or she is liable before taking an examination.

3. The Board may refuse to grant a license if it determines that the applicant has:

(a) Committed any act which if committed by a licensee would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

(c) Demonstrated untruthfulness or a lack of integrity.

(d) Been refused a license under this chapter or had a license revoked.

(e) Been an officer, director, partner or manager of any firm, partnership, association or corporation which has been refused a license under this chapter or whose license has been revoked.

(f) While unlicensed, performed any act for which a license is required by this chapter.

(g) Knowingly made any false statement in the application.

(h) Refused to provide any information required by the Board.

4. The Board shall provide the applicant with a copy of the report of the investigation within a reasonable time after it receives the completed report.

Sec. 9. **NRS 648.140 is hereby amended to read as follows:**

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county

or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many ~~[persons registered pursuant to this chapter]~~ ***registered employees*** as may be necessary, but at all times every licensee:

(a) Shall ensure that each registered ~~[person]~~ ***employee*** employed in this State by the licensee is supervised by ~~[a]~~ ***the*** licensee ***or his or her qualifying agent*** who is physically present in this State; and

(b) Is accountable for the good conduct of every person employed by the licensee in connection with his or her business.

3. Each licensee shall:

(a) Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;

(b) Furnish the Board with the information requested by it concerning all ***registered*** employees ***;*** ~~[registered pursuant to this chapter, except clerical personnel;]~~ and

(c) Notify the Board within 3 days after such employees begin their employment.

Sec. 10. **NRS 648.142 is hereby amended to read as follows:**

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the licensee's principal place of business ***.*** ~~[in this State.]~~

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

Sec. 11. **NRS 648.148 is hereby amended to read as follows:**

648.148 1. Each licensee shall:

(a) Maintain a principal place of business **;** ~~[in this State;]~~ and

(b) File with the Board the complete address of his or her principal place of business**,** ~~[in this State,]~~ including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and the number of the licensee's license as they appear in the records of the Board.

Sec. 12. **NRS 648.1493 is hereby amended to read as follows:**

648.1493 1. To obtain a registration, a person must:

(a) Be a natural person;

(b) File a written application for registration with the Board;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Board of not more than $135.

2. An application for registration must include:

(a) A fully completed application for registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board; and

(d) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Board shall issue a registration to an applicant if:

(a) The application is verified by the Board and complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) ***Is at least 18 years of age;***

(2) Is a citizen of the United States or lawfully entitled to remain and work in the United States;

(3) Is of good moral character and temperate habits;

~~[(2)]~~ ***(4)*** Has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon;

~~[(3)]~~ ***(5)*** Has not made a false statement of material fact on the application; and

~~[(4)]~~ ***(6)*** Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Board.

4. Upon the issuance of a registration, a pocket card of such size, design and content as may be determined by the Board will be issued without charge to each registered ~~[person,]~~ ***employee,*** and will be evidence that the ~~[person]~~ ***employee*** is duly registered pursuant to this chapter.

5. A registration issued pursuant to this section and the cards issued pursuant to subsection 4 expire 5 years after the date the registration is issued, unless it is renewed. To renew a registration, the holder of the registration must submit to the Board on or before the date the registration expires:

(a) A fully completed application for renewal of registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board;

(d) A renewal fee set by the Board of not more than $135; and

(e) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

6. A denial of registration may be appealed to the Board. The Board shall adopt regulations providing for the consideration of such appeals.

Sec. 13. **NRS 648.160 is hereby amended to read as follows:**

648.160 1. The Board may, upon its own motion:

(a) Investigate the actions of any person holding or claiming to hold a license ~~[.]~~ ***or registration.***

(b) Authorize a representative of the Board to issue a notice of violation to any licensee or ***registered employee or any*** applicant for a license ***or registration*** who, based upon probable cause, has violated a requirement of this chapter, or any standard, rule or order adopted or issued pursuant to this chapter.

2. The Board shall, upon the filing with it of a verified written complaint by any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license ~~[.]~~ ***or registration,*** investigate the actions of any person holding or claiming to hold a license ~~[.]~~ ***or registration.***

3. The Board has the power of subpoena in any proceeding before the Board pursuant to this chapter concerning the activity of an unlicensed person ***or unregistered employee*** or discipline of a licensee ~~[.]~~ ***or registered employee.*** If any person refuses to respond to a subpoena, the Board shall certify the facts to the district court of the county where the hearing is being conducted. The court shall thereupon issue an order directing the person to appear before the court and show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement must be served on the person. Thereafter the court has jurisdiction of the matter. The same

proceedings must be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action.

Sec. 13.5. **NRS 648.164 is hereby amended to read as follows:**

648.164 1. The failure of a licensee ***or registered employee*** to comply with a notice of violation after it is final is a ground for suspension or revocation of the ***person's*** license ~~[.]~~ ***or registration.***

2. The failure of an applicant for ~~[licensure]~~ ***a license or registration*** to comply with a notice of violation after it is final is a ground for denial of the ***person's application for a*** license ~~[.]~~ ***or registration.***

Sec. 14. **NRS 648.165 is hereby amended to read as follows:**

648.165 1. The Board may issue to a person who has violated NRS 648.060 a citation.

2. Such a citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each such violation.

3. If appropriate, the citation must contain an order to cease and desist conduct fixing a reasonable time for abatement of the violation. If the order to cease and desist conduct is directed to a business, the order must expressly state that it applies to any person acting in the name of the business regardless of whether any such person is alleged to have previously violated any of the provisions of this chapter.

4. The Board ~~[shall]~~ ***may*** assess an administrative fine of:

(a) For the first such violation, ***not more than*** $2,500.

(b) For the second such violation, ***not more than*** $5,000.

(c) For the third or subsequent such violation, ***not more than*** $10,000.

5. To appeal the finding of such a violation, the person must request a hearing by written notice of appeal to the Board within 30 days after the date of issuance of the citation.

Sec. 14.5. **NRS 648.174 is hereby amended to read as follows:**

648.174 If a licensee ***or registered employee,*** or ***an*** applicant for a license ***or registration,*** has engaged in repeated acts which would be grounds for disciplinary action, but has corrected the conditions resulting from those acts, the correction of those conditions does not preclude the Board or its authorized representative from taking action against the person pursuant to NRS 648.160.

Sec. 15. **NRS 648.177 is hereby amended to read as follows:**

648.177 Upon receiving written notification of a suspension, revocation or refusal to renew a license ~~[,]~~ ***or registration,*** the holder of the license ***or registration*** shall immediately surrender the license ***or registration*** to the Board.

Sec. 16. **NRS 648.200 is hereby amended to read as follows:**

648.200 It is unlawful for any licensee or any ***registered employee or other*** employee, security guard, officer or member of any licensee:

1. To divulge to anyone, except as he or she may be so required by law to do, any information acquired by him or her except at the direction of the employer or client for whom the information was obtained.
2. To make a false report to his or her employer or client.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 701 to Assembly Bill No. 173.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 295.

The following Senate amendment was read:

Amendment No. 831.

AN ACT relating to healing arts; limiting the scope of services which may be performed by providers of wellness services; requiring certain disclosures by such providers; defining "wellness services"; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the licensing, certification and registration of various providers of health care, including, without limitation, physicians, homeopathic physicians, osteopathic physicians, chiropractic physicians, doctors of Oriental medicine and podiatric physicians. (Chapters 630, 630A, 633, 634, 643A and 635 of NRS) **Section 3** of this bill limits the scope of services which may be performed by a provider of wellness services, which are not regulated by this State, by prohibiting those providers of wellness services from providing certain services which may only be provided by a licensed provider of health care. The term "wellness services" is defined in **section 3** to mean certain therapies and practices and the provision of certain products based on certain complementary health treatment approaches. **Section 3** also requires providers of wellness services to make certain disclosures to their clients and retain copies of signed disclosures for a period of not less than 5 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:***

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060; or

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement ~~[recommending that the client notify his or her providers of health care of the wellness services he or she is to receive.]~~ in substantially the following form:

> ***It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments***

prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➥ ***A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.***

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant as that term is defined in NRS 630.0129 and 633.075 ~~[.]~~ , an advanced practitioner of homeopathy as that term is defined in NRS 630A.015 or a homeopathic assistant as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reflexology and Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 831 to Assembly Bill No. 295.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 325.

The following Senate amendment was read:

Amendment No. 843.

SUMMARY—Enacts **and revises** provisions ~~[governing persons engaged in the business of a private professional guardian.]~~ **relating to guardians.** (BDR 54-976)

AN ACT relating to ~~[private professional]~~ guardians; requiring licensing for **certain** persons engaged in the business of a private professional guardian; establishing the requirements for the licensing and operation of a private professional guardian company; amending provisions ~~[related]~~ **relating** to the appointment of a guardian under certain circumstances; **adding provisions governing the appointment of certain preferred persons as guardians for adult wards; revising provisions relating to the appointment of a guardian for a minor;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the court appointment of a private professional guardian to act as a fiduciary for a person or estate, but does not require the private professional guardian to be licensed. (NRS 159.0595) This bill requires the licensing of **certain** persons engaging in the business of a private professional guardian and authorizes the Commissioner of Financial Institutions to adopt regulations relating to the licensing of those persons.

Sections 15-17 of this bill make it unlawful for a person to act as a private professional guardian without being licensed. **Section 12 of this bill provides certain exceptions to the licensing and other regulatory requirements.** **Sections 18-26** of this bill establish the requirements and application process

to obtain a license to transact the business of a private professional guardian. **Section 28** of this bill sets forth requirements relating to the change of ownership or transfer of assets of a private professional guardian company. **Section 29** of this bill establishes the process for the renewal of a license. **Section 30** of this bill establishes the process for surrender of a license.

Section 31 of this bill requires a licensee to keep a principal office in this State. **Section 32** of this bill establishes procedures for the Commissioner to approve an out-of-state office of a private professional guardian company. **Section 33** of this bill requires a licensee to maintain certain types and levels of bonds and insurance.

Section 35 of this bill establishes the rights and authority of a licensee. **Section 36** of this bill prohibits certain activities by a licensee. **Sections 37-41** of this bill establish requirements for accounting, reporting and auditing of a private professional guardian company and authorize the Commissioner or a designee to inspect certain records of a private professional guardian company.

Sections 42-46 of this bill establish procedures for the Commissioner to take administrative action against licensees. **Sections 47 and 48** of this bill establish procedures for handling a complaint against a private professional guardian company. **Sections 49 and 50** of this bill provide administrative and criminal penalties for violating certain provisions of this bill.

Existing law ~~[requires that, subject to certain exceptions, a person must be a resident of this State to be appointed as a guardian. (NRS 159.059) Existing law also requires a court to appoint as guardian for an incompetent the qualified person who is most suitable and is willing to serve as a guardian. (NRS 159.061) Sections 50.5 and 51.5 of this bill require a court to appoint as guardian for an incompetent a person who, regardless of whether the person is a resident of this State, has been requested to be appointed as guardian in a written instrument executed by the incompetent while he or she was competent, if that person is willing to serve and is otherwise determined to be qualified and suitable.]~~ **provides for the appointment, qualifications and duties of guardians for certain minor and adult wards. (Chapter 159 of NRS) Existing law prohibits a nonresident of Nevada from being appointed as a guardian for a minor or adult ward unless the person has associated a co-guardian who is a resident of Nevada or a banking corporation whose principal place of business is in Nevada. (NRS 159.059) Existing law also gives preference to certain persons to be appointed as a guardian for a minor ward but does not give preference to any persons to be appointed as a guardian for an adult ward. (NRS 159.061)**

Sections 50.2 and 52.7 of this bill revise the circumstances under which a court is authorized to appoint a nonresident as a guardian for an adult ward. Section 52.5 eliminates existing limitations on the authority of a court to appoint a nonresident as a guardian for a minor ward. Section 50.2 also requires the court to give preference in appointing a guardian for an adult ward to the following persons in the following order, whether or not the person is a nonresident: (1) a nominated person, who is a person

the adult ward specifically nominated or requested as a guardian in a will, trust or other written document executed by the adult ward while competent; or (2) a relative. If two or more nominated persons are qualified and suitable to be appointed as a guardian, section 50.2 authorizes the court to appoint two or more co-guardians or generally requires the court to give preference to the nominated person named in a will, trust or other written document that is part of the adult's established estate plan, but there are certain exceptions for extraordinary circumstances.

In selecting a guardian, section 50.2 does not allow the court to give preference to a resident over a nonresident if the court determines that the nonresident would be a more qualified and suitable guardian and the adult would receive continuing care and supervision under the guardianship of the nonresident. If the court selects a nonresident guardian, section 50.2 requires the court to order the nonresident guardian to designate a registered agent in this State.

Section 51.5 of this bill revises the existing list of persons who are preferred for appointment as a guardian to a minor to include any person recommended by: (1) an agency which provides child welfare services, an agency which provides child protective services or a similar agency; or (2) a guardian ad litem or court appointed special advocate who represents the minor.

Sections 51-51.9 and 52.5 of this bill make conforming changes to reflect the changes made by the other sections of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 50, inclusive, of this act.

Sec. 2. ***The Legislature finds and declares that:***

1. There exists in this State a need, in order to provide for the protection of the public interest, to regulate persons engaged in the business of private professional guardians.

2. Persons engaging in the business of private professional guardians must be licensed and regulated in such a manner as to promote advantages and convenience for the public while protecting the public interest.

3. It is the purpose of this chapter to bring under public supervision persons who are engaged in or who desire to engage in the business of a private professional guardian and to ensure that there is established in this State an adequate, efficient and competitive private professional guardian service available to the courts and the public at large.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 4. *"Business of a private professional guardian" means the holding out by a person, through advertising, solicitation or other means, that the person is available to act for compensation as a private professional guardian.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Director" means the Director of the Department of Business and Industry.*

Sec. 7. *"Division" means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 8. *"Fiduciary" means a person who has the power and authority to act for a beneficiary under circumstances requiring trust, good faith and honesty.*

Sec. 9. *1. "Private professional guardian" has the meaning ascribed to it in NRS 159.024.*

2. For the purposes of this chapter, the term does not include a person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or section 12 of this act from the requirement to have a license issued pursuant to this chapter.

Sec. 10. *1. "Private professional guardian company" means a natural person or business entity, including, without limitation, a sole proprietorship, partnership, limited-liability company or corporation, that is licensed pursuant to the provisions of this chapter to engage in the business of a private professional guardian, whether appointed by a court or hired by a private party.*

2. For the purposes of this chapter, the term does not include a natural person or business entity which engages in the business of a private professional guardian but which is exempt pursuant to NRS 159.0595 or section 12 of this act from the requirement to have a license issued pursuant to this chapter.

Sec. 11. *"Ward" has the meaning ascribed to it in NRS 159.027.*

Sec. 12. *This chapter does not apply to a person who:*

1. Is a public guardian or administrator appointed by the court;

2. Is a banking corporation as defined in NRS 657.016;

3. Is ~~[appointed]~~ an organization permitted to act as a fiduciary pursuant to NRS 662.245;

~~[3.]~~ 4. Is a trust company as defined in NRS 669.070;

5. Is acting in the performance of his or her duties as an attorney at law;

~~[4.]~~ 6. Acts as a trustee under a deed of trust;

~~[5.]~~ 7. Acts as a fiduciary under a court trust; or

~~[6.]~~ 8. Acts as a fiduciary as an individual or a family member.

Sec. 13. *The Commissioner shall administer and enforce the provisions of this chapter subject to the administrative supervision of the Director.*

Sec. 14. *The Commissioner may adopt regulations to carry out the provisions of this chapter.*

Sec. 15. *It is unlawful for any person to engage in the business of a private professional guardian without having a license issued by the Commissioner pursuant to this chapter.*

Sec. 16. *A person who does not have a license issued pursuant to this chapter shall not:*

1. Use the term "private professional guardian" or "guardianship services" as a part of his or her business name.

2. Advertise or use any sign which includes the term "private professional guardian."

Sec. 17. *1. The Commissioner shall conduct an investigation if he or she receives a verified complaint that an unlicensed person is engaging in an activity for which a license is required pursuant to this chapter.*

2. If the Commissioner determines that an unlicensed person is engaged in an activity for which a license is required pursuant to this chapter, the Commissioner shall ~~[issue]~~ :

(a) Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains a license issued by the Commissioner ~~[.]~~ ; and

(b) Send a copy of the order to each district court in this State.

3. If a person upon whom an order to cease and desist is served pursuant to subsection 2 does not comply with the order within 30 days after the service of the order, the Commissioner shall, after providing to the person notice and an opportunity for a hearing:

(a) Impose upon the person an administrative fine of $10,000; or

(b) Enter into a written agreement with the person pursuant to which the person agrees to cease and desist from engaging in any activity in this State for which a license is required relating to the business of a private professional guardian and impose upon the person an administrative fine of not less than $5,000 and not more than $10,000.

4. The Commissioner shall bring suit in the name and on behalf of the State of Nevada against a person upon whom an administrative fine is imposed pursuant to subsection 3 to recover the amount of the administrative fine if:

(a) No petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after notice of the imposition of the fine; or

(b) A petition for judicial review is filed pursuant to NRS 233B.130 and the fine remains unpaid for at least 90 days after the exhaustion of any right of appeal in the courts of this State resulting in a final determination that upholds the imposition of the fine.

5. A person's liability for an administrative fine is in addition to any other penalty provided for in this chapter.

Sec. 18. *1. A person wishing to engage in the business of a private professional guardian in this State must file with the Commissioner an*

application on a form prescribed by the Commissioner, which must contain or be accompanied by such information as is required.

2. A nonrefundable fee of not more than $750 must accompany the application. The applicant must also pay such reasonable additional expenses incurred in the process of investigation as the Commissioner deems necessary.

3. The application must contain:

(a) The name of the applicant and the name under which the applicant does business or expects to do business, if different.

(b) The complete business and residence addresses of the applicant.

(c) The character of the business sought to be carried on.

(d) The address of any location where business will be transacted.

(e) In the case of a firm or partnership, the full name and residence address of each member or partner and the manager.

(f) In the case of a corporation or voluntary association, the name and residence address of each director and officer and the manager.

(g) A statement [, under penalty of perjury that] by the applicant [has complied] acknowledging that the applicant is required to comply with the provisions of NRS [159.059 and] 159.0595 [.] if issued a license.

(h) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

4. Each application for a license must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

5. In addition to any other requirements, each applicant or member, partner, director, officer, manager or case manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. If the applicant is a corporation or limited-liability company, the articles of incorporation or articles of organization must contain:

(a) The name adopted by the private professional guardian company, which must distinguish it from any other private professional guardian company formed or incorporated in this State or engaged in the business of a private professional guardian in this State; and

(b) The purpose for which it is formed.

7. The Commissioner shall deem an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is submitted to the Commissioner. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays the required fees.

8. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section, subject to the following limitations:

(a) An initial fee of not more than $1,500 for a license to transact the business of a private professional guardian; and

(b) A fee of not more than $300 for each branch office that is authorized by the Commissioner.

9. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

Sec. 19. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license to engage in the business of a private professional guardian shall include the social security number of the applicant or applicants in the application submitted to the Commissioner.

(b) An applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 20. ***1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to engage in the business of a private professional guardian shall submit to the***

Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 21. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to engage in the business of a private professional guardian, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 22. *1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:*

(a) That each person who will serve as a sole proprietor, partner of a partnership, member of a limited-liability company or director or officer of a corporation, and any person acting in a managerial or case manager capacity, as applicable:

(1) Has a good reputation for honesty, trustworthiness and integrity and displays competence to engage in the business of a private professional guardian in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of those qualifications, including, without limitation, evidence that the applicant has passed an examination for private professional guardians specified by the Commissioner.

(2) Has not been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving fraud, misrepresentation, material omission, misappropriation, conversion or moral turpitude.

(3) Has not made a false statement of material fact on the application.

(4) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license issued pursuant to the provisions of this chapter was suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(5) Has not been a sole proprietor or an officer or member of the board of directors for an entity whose license as a private professional guardian company which was issued by any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application if, in the reasonable judgment of the Commissioner, there is evidence that the sole proprietor, officer or member materially contributed to the actions resulting in the suspension or revocation of the license.

(6) Has not violated any of the provisions of this chapter or any regulations adopted pursuant thereto.

(b) That the financial status of each sole proprietor, partner, member or director and officer of the corporation and person acting in a managerial or case manager capacity indicates fiscal responsibility consistent with his or her position.

(c) That the name of the proposed business complies with all applicable statutes.

(d) That, except as otherwise provided in section 33 of this act, the initial surety bond is not less than the amount required by NRS 159.065.

2. In rendering a decision on an application for a license, the Commissioner shall consider, without limitation:

(a) The proposed markets to be served and, if they extend outside this State, any exceptional risk, examination or supervision concerns associated with those markets;

(b) Whether the proposed organizational and equity structure and the amount of initial equity or fidelity and surety bonds of the applicant appear adequate in relation to the proposed business and markets, including, without limitation, the average level of assets under guardianship projected for each of the first 3 years of operation; and

(c) Whether the applicant has planned suitable annual audits conducted by qualified outside auditors of its books and records and its fiduciary activities under applicable accounting rules and standards as well as suitable internal audits.

Sec. 23. *1. After conducting an investigation pursuant to section 22 of this act, if the Commissioner finds grounds for the denial of the application, the Commissioner shall provide to the applicant written notice of such grounds by personal service or certified mail.*

2. The applicant may cure any defect or deficiency in the application and, not more than 30 days after receipt of the notice pursuant to subsection 1, resubmit the application for approval.

3. If an application is not approved, the Commissioner shall ~~[(provide)~~ :

(a) Enter an order denying the application and provide to the applicant written notice of the denial by personal service or certified mail ~~[. The]~~ ; and

(b) Send a copy of the order denying the application to each district court in each county where the applicant proposed to do business based on the information provided in the application.

4. If the Commissioner enters an order denying an application, the applicant may request a hearing before the Commissioner, but if no such ~~[application]~~ request is made within 30 days after the entry of ~~[an]~~ the order ~~[refusing a license to any person,]~~ denying the application, the Commissioner shall enter a final order.

~~*[4. The decision]*~~

5. A final order of the Commissioner denying an application is a final order for the purposes of judicial review.

Sec. 24. *The Commissioner shall approve the application for a license, keeping on file his or her findings of fact pertaining thereto, if the Commissioner finds that the applicant has met all the requirements of this chapter pertaining to the applicant's qualifications and application.*

Sec. 25. *1. If the Commissioner approves an application pursuant to section 24 of this act and the applicant pays the required fees, the Commissioner shall issue to the applicant a license to engage in the business of a private professional guardian.*

2. A license issued pursuant to subsection 1 must contain:

(a) The name of the licensee.

(b) The locations by street and number where the licensee is authorized to engage in business.

(c) The number and the date of issuance of the license.

(d) That the license is issued pursuant to this chapter and that the licensee is authorized to engage in the business of a private professional guardian under this chapter.

(e) The expiration date of July 1 of the next year.

Sec. 26. *1. The Commissioner shall maintain in the Office of the Commissioner, in a suitable record provided for that purpose, each application for a license and all bonds required to be filed pursuant to this chapter. The record must state the date of issuance or denial of the license and the date and nature of any action taken relating to an application.*

2. Each license issued by the Commissioner must be sufficiently identified in the record.

3. Each renewal of a license must be recorded in the same manner as the original license, and the number of the preceding license issued must be recorded.

Sec. 27. *Each license issued pursuant to this chapter must be conspicuously displayed in the place of business designated in the license.*

Sec. 28. *1. A license issued pursuant to this chapter is not transferable or assignable, but upon the approval of the Commissioner and any applicable court of jurisdiction, a licensee may merge or consolidate with, or transfer its assets and control to, another person who holds a license pursuant to this chapter. In determining whether to grant the approval, the Commissioner may consider the factors set forth in section 22 of this act.*

2. If a change in the control of a private professional guardian company occurs, the chief executive officer or managing member of the company shall report the change in control and the name of the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A private professional guardian company shall, within 5 business days after a change in the chief executive officer, managing member or a majority of the directors or managing directors of the company occurs, report the change to the Commissioner. The company shall include in its report to the Commissioner a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who intends to acquire control of a private professional guardian company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation pursuant to section 22 of this act to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to control the private professional guardian company in a manner which protects the interests of the general public.

5. The private professional guardian company of which the applicant intends to acquire control shall pay the nonrefundable cost of the investigation as required by the Commissioner. If the Commissioner denies the application, the Commissioner may prohibit or limit the applicant's participation in the business.

6. As used in this section, "control" means the possession, directly or indirectly, of the authority to direct or cause the direction of the management and policy of a private professional guardian company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, the company.

Sec. 29. *1. A private professional guardian company wishing to renew a license to engage in the business of a private professional guardian shall file in the Office of the Commissioner, on or before the June 1 of the year after the year of the original issuance of the license, an application, which must contain, without limitation, the number of the license being renewed. The application for renewal must be accompanied by a renewal fee of not more than $1,500 and all information required to complete the application.*

2. The Commissioner shall issue a renewal license to the applicant, which must be dated July 1 next ensuing the date of the application, in form and text similar to the original except that, in addition, the renewal must include the date and number of the earliest license issued.

3. All requirements of this chapter with respect to original licenses and bonds apply to all renewal licenses and bonds, except as otherwise provided in this section.

4. The Commissioner shall refuse to renew a license if at the time of application a proceeding to revoke or suspend the license is pending.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section. All money collected under the provisions of this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. *1. If any private professional guardian company wishes to discontinue its business, the company shall furnish to the Commissioner satisfactory evidence of the release and discharge from all obligations which the company has assumed or which have been imposed by law. Thereafter, the Commissioner shall enter an order cancelling the license of the private professional guardian company.*

2. If the Commissioner enters an order cancelling a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 31. *1. A private professional guardian company licensed pursuant to this chapter shall maintain its principal office in this State.*

2. To qualify as the principal office for the purposes of subsection 1, an office of the private professional guardian company must:

(a) Have a verifiable physical location in this State at which the private professional guardian company conducts such business operations in this

State as are necessary to administer private professional guardianships in this State;

(b) Have available at the office a private professional guardian who is licensed pursuant to this chapter, a permanent resident of this State and at least 21 years of age;

(c) Have any license issued pursuant to this chapter conspicuously displayed;

(d) Have available at the office originals or true copies of all material business records and accounts of the private professional guardian company, which must be readily available to access and readily available for examination by the Division;

(e) Have available to the public written procedures for making claims against the surety bond required to be maintained pursuant to section 33 of this act;

(f) Have available all services to residents of this State which are consistent with the business plan of the private professional guardian company included with the application for a license; and

(g) Comply with any other requirements specified by the Commissioner.

Sec. 32. ***1. It is unlawful for any person licensed pursuant to this chapter to engage in the business of a private professional guardian at any office outside this State without the prior approval of the Commissioner.***

2. Before the Commissioner will approve a branch to be located outside this State, the private professional guardian must:

(a) Obtain from that state any required license as a private professional guardian; or

(b) Provide proof satisfactory to the Commissioner that the private professional guardian company has met all the requirements to engage in the business of a private professional guardian in that state pursuant to its laws, including, without limitation, written documentation from the appropriate court or state agency that the private professional guardian company is authorized to do business in that state.

3. For each branch location of a private professional guardian company organized under the laws of this State, and every branch location in this State of a foreign private professional guardian company authorized to do business in this State, a request for approval and licensing must be filed with the Commissioner on forms prescribed by the Commissioner. A nonrefundable fee of not more than $500, as provided by the Commissioner, must accompany each request. In addition, a fee of not more than $200, to be prorated on the basis of the licensing year as provided by the Commissioner, must be paid at the time of making the request. Money collected pursuant to this section must be deposited in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A foreign corporation or limited-liability company wishing to engage in the business of a private professional guardian in this State must use a

name that distinguishes it from any other private professional guardian in this State.

Sec. 33. *1. The Commissioner may require a private professional guardian company to maintain equity, fidelity and surety bonds in amounts that are more than the minimum required initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the business plan of the private professional guardian or other information contained in the application, the Commissioner's investigation of the application or any examination of or filing by the private professional guardian company thereafter, including, without limitation, any examination before the opening of the business. In making such a determination, the Commissioner may consider, without limitation:*

(a) The nature and type of business to be conducted by the private professional guardian company;

(b) The nature and liquidity of assets proposed to be held in the account of the private professional guardian company;

(c) The amount of fiduciary assets projected to be under the management or administration of the private professional guardian company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of the fiduciary duties and degree of discretion proposed to be undertaken by the private professional guardian company;

(f) The competence and experience of the proposed management of the private professional guardian company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The adequacy of fidelity and surety bonds and any additional insurance proposed to be obtained by the private professional guardian company for the purpose of protecting its fiduciary assets;

(k) The success of the private professional guardian company in achieving the financial projections submitted with its application for a license; and

(l) The fulfillment by the private professional guardian company of its representations and its descriptions of its business structures and methods and management set forth in its application for a license.

2. The director or manager of a private professional guardian company shall require fidelity bonds in the amount of at least $25,000 on the sole proprietor or each active officer, manager, member acting in a managerial or case manager capacity and employee, regardless of whether the person receives a salary or other compensation from the private professional guardian company, to indemnify the company against loss due to any

dishonest, fraudulent or criminal act or omission by a person upon whom a bond is required pursuant to this section who acts alone or in combination with any other person. A bond required pursuant to this section may be in any form and may be paid for by the private professional guardian company.

3. A private professional guardian company shall obtain suitable insurance against burglary, robbery, theft and other hazards to which it may be exposed in the operation of its business.

4. A private professional guardian company shall obtain suitable surety bonds in accordance with NRS 159.065, as applicable.

5. The surety bond obtained pursuant to subsection 4 must be in a form approved by a court of competent jurisdiction and the Division and conditioned that the applicant conduct his or her business in accordance with the requirements of this chapter. The bond must be made and executed by the principal and a surety company authorized to write bonds in this State.

6. A private professional guardian company shall at least annually prescribe the amount or penal sum of the bonds or policies of the company and designate the sureties and underwriters thereof, after considering all known elements and factors constituting a risk or hazard. The action must be recorded in the minutes kept by the private professional guardian company and reported to the Commissioner.

7. The bond must cover all matters placed with the private professional guardian company during the term of the license or a renewal thereof.

8. An action may not be brought upon any bond after 2 years from the revocation or expiration of the license.

9. After 2 years, all liability of the surety or sureties upon the bond ceases if no action is commenced upon the bond.

Sec. 34. ***1. The Commissioner shall revoke the license of a private professional guardian company [:***

1. If] if the [private professional guardian] company [fails] :

(a) Fails to open for business within 6 months after the date the license was issued, or within an additional 6-month extension granted by the Commissioner upon written application and for good cause shown; or

[2. If the private professional guardian company fails]

(b) Fails for more than 30 consecutive days to maintain regular business hours or otherwise conduct the business of a private professional guardian.

2. If the Commissioner enters an order revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 35. ***Each private professional guardian company which is licensed pursuant to this chapter may, in the conduct of its business activities, within and outside this State, as applicable:***

1. Act under the order or appointment of any court as guardian.

2. Accept and execute any activities and duties relating to the business of a private professional guardian as permitted by any law.

3. Exercise the powers of a corporation, partnership or limited-liability company organized or qualified as a foreign corporation, partnership or limited-liability company under the laws of this State and any incidental powers that are reasonably necessary to enable it to exercise, in accordance with commonly accepted customs and usages, a power conferred by this chapter.

4. Perform any act authorized by this chapter and any other applicable laws of this State.

Sec. 36. *1. The fiduciary relationship which exists between a private professional guardian and the ward of the private professional guardian may not be used for the private gain of the guardian other than the remuneration for fees and expenses. A private professional guardian may not incur any obligation on behalf of the guardianship that conflicts with the discharge of the duties of the private professional guardian.*

2. Unless prior approval is obtained from a court of competent jurisdiction, a private professional guardian shall not:

(a) Have any interest, financial or otherwise, direct or indirect, in any business transaction or activity with the guardianship.

(b) Acquire an ownership, possessory, security or other pecuniary interest adverse to the ward.

(c) Be knowingly designated as a beneficiary on any life insurance policy, pension or benefit plan of the ward unless such designation was validly made by the ward before the adjudication of the person's incapacity.

(d) Directly or indirectly purchase, rent, lease or sell any property or services from or to any business entity in which the private professional guardian, or the spouse or relative of the guardian, is an officer, partner, director, shareholder or proprietor or in which such a person has any financial interest.

3. Any action taken by a private professional guardian which is prohibited by this section may be voided during the term of the guardianship or by the personal representative of the ward's estate. The private professional guardian is subject to removal and to imposition of personal liability through a proceeding for discharge, in addition to any other remedies otherwise available.

4. A court shall not appoint a private professional guardian that is not licensed pursuant to this chapter as the guardian of a person or estate. The court must review each guardianship involving a private professional guardian on the anniversary date of the appointment of the private professional guardian. If a private professional guardian does not hold a current license, the court must replace the guardian until such time as the private professional guardian obtains the necessary license.

5. The provisions of NRS 159.076 regarding summary administration do not apply to a private professional guardian.

6. A licensee shall file any report required by the court in a timely manner.

Sec. 37. ***1. Except as otherwise provided in NRS 159.076, a licensee shall maintain a separate guardianship account for each ward into which all money received for the benefit of the ward must be deposited. Each guardianship account must be maintained in an insured bank or credit union located in this State, be held in a name which is sufficient to distinguish it from the personal or general checking account of the licensee and be designated as a guardianship account. Each guardianship account must at all times account for all money received for the benefit of the ward and account for all money dispersed for the benefit of the ward, and no disbursement may be made from the account except as authorized under chapter 159 of NRS or as authorized by court order.***

2. Each licensee shall keep a record of all money deposited in each guardianship account maintained for a ward, which must clearly indicate the date and from whom the money was received, the date the money was deposited, the dates of withdrawals of money and other pertinent information concerning the transactions. Records kept pursuant to this subsection must be maintained for at least 6 years after the completion of the last transaction concerning the account. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

3. The Commissioner or his or her designee may conduct an examination of the guardianship accounts and records relating to wards of each private professional guardian company licensed pursuant to this chapter at any time to ensure compliance with the provisions of this chapter.

4. During the first year a private professional guardian is licensed in this State, the Commissioner or his or her designee may conduct any examinations deemed necessary to ensure compliance with the provisions of this chapter.

5. If there is evidence that a private professional guardian company has violated a provision of this chapter, the Commissioner or his or her designee may conduct additional examinations to determine whether a violation has occurred.

6. Each licensee shall authorize the Commissioner or his or her designee to examine all books, records, papers and effects of the private professional guardian company.

7. If the Commissioner determines that the records of a licensee are not maintained in accordance with subsections 1 and 2, the Commissioner may require the licensee to submit, within 60 days, an audited financial statement prepared from the records of the licensee by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The Commissioner may grant a reasonable extension of time for the submission of the financial statement if an extension is requested before the statement is due.

8. Upon the request of the Division, a licensee must provide to the Division copies of any documents reviewed during an examination

conducted by the Commissioner or his or her designee pursuant to subsection 4, 5 or 6. If the copies are not provided, the Commissioner may subpoena the documents.

9. For each examination of the books, papers, records and effects of a private professional guardian company that is required or authorized pursuant to this chapter, the Commissioner shall charge and collect from the private professional guardian company a fee for conducting the examination and preparing a report of the examination based upon the rate established by regulation pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking the license of the private professional guardian company.

10. All money collected under this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 38. *1. After an examination is conducted pursuant to section 37 of this act, the person who conducted the examination shall prepare a written report of the results of the examination which must be signed by the Commissioner or his or her designee.*

2. The written report must contain a true and detailed statement of the financial condition of the private professional guardian company and, if applicable, a full statement of any violations of the provisions of this chapter.

Sec. 39. *1. The Commissioner shall provide a copy of a report prepared pursuant to section 38 of this act to the president or secretary of the board of directors of the private professional guardian company if the company is a corporation, or to a manager or owner of the private professional guardian company if the company is not a corporation, and may make a copy available to each member of the board of directors or each manager or owner, as applicable. If, in the judgment of the Commissioner, the report discloses any violation of the provisions of this chapter committed by the private professional guardian company, or if it appears from the report that there are certain conditions existing which should be corrected by the private professional guardian company, the Commissioner may, in writing, call the matter to the attention of each member of the board of directors or each manager or owner, with instructions to correct the condition.*

2. Upon the preparation of the report as provided in section 38 of this act, the Commissioner shall also serve a copy thereof to the court having jurisdiction of each ward of the private professional guardian company.

Sec. 40. *1. The Commissioner may require a licensee to submit an annual financial statement or an audited financial statement prepared by an independent certified public accountant licensed to do business in this State, dependent upon the size and complexity of the private professional guardian company.*

2. If applicable, on or before the fourth Monday in January of each year, each licensee shall submit to the Commissioner the stock ledger of stockholders of the corporation required to be maintained pursuant to

paragraph (c) of subsection 1 of NRS 78.105 or the list of each member and manager required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. A list of each member and manager submitted pursuant to subsection 2 must include the percentage of each member's interest in the company, in addition to the requirements set forth in NRS 86.241.

4. If a licensee fails to submit the ledger or list required pursuant to this section within the prescribed period, the Commissioner may impose and collect a fee of not more than $10 for each day the report is late.

5. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this section.

Sec. 41. ***Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted to the Division pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division pursuant to an examination conducted by the Commissioner or his or her designee or in response to a subpoena are confidential and may be disclosed only to:***

1. The Division, any authorized employee or representative of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; and

2. Any person if the Commissioner, in his or her discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 42. ***1. The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any private professional guardian company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the private professional guardian company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.***

2. An officer, director, manager or employee of a private professional guardian company who is required to be removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the private professional guardian company and the officer, director, manager or employee who is appealing his or her removal from office. Within 5 days after the conclusion of the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 43. ***1. The Commissioner may take administrative action against a licensee, including, without limitation, revoking or suspending the license, or initiate proceedings as provided in section 46 of this act if the company:***

(a) Has violated this chapter or any other state or federal laws applicable to the business of a private professional guardian.

(b) Is conducting the business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact business.

(d) Has an impairment of the surety bonds held by the company.

(e) Has an impairment of the fidelity bonds held by the company.

(f) Has become insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has refused to provide copies to the Division upon request, and in cooperation with any investigation, inspection or examination, of any and all documents reviewed by the Division during any such investigation, inspection or examination.

(j) Has failed to pay any state or local taxes as required.

(k) Has materially and willfully breached its fiduciary duties to a ward.

(l) Has failed to properly disclose all fees, interest and other charges to the court and the public.

(m) Has willfully engaged in material conflicts of interest regarding a ward.

(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the private professional guardian company.

2. The Commissioner also may initiate such proceedings to take possession of the business and property of any private professional guardian company if an officer, partner, member or sole proprietor of the private professional guardian company refuses to be examined upon oath regarding its affairs.

Sec. 44. *1. If the Commissioner has reason to believe that grounds for the revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.*

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Commissioner;

(c) The licensee has failed to pay any applicable state or local tax as required;

(d) Any fact or condition exists which would have justified the Commissioner in denying the original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 consecutive days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

5. If the Commissioner enters an order suspending or revoking a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 45. *1. If the Commissioner finds that probable cause for the revocation of any license exists and that the public interest requires the immediate suspension of the license pending an investigation, the Commissioner may, upon 5 days' written notice offering the opportunity for a hearing, enter an order suspending the license for a period of not more than 20 days, pending a hearing upon the revocation of the license unless the opportunity for a hearing is waived by the licensee.*

2. If the Commissioner enters an order suspending a license pursuant to this section, the Commissioner shall send a copy of the order to each district court in this State.

Sec. 46. *1. If the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to any action provided for in this chapter and chapter 233B of NRS and without prejudice thereto, enter an order requiring the person to cease and desist or to refrain from such violation. If the Commissioner enters such an order pursuant to this subsection, the Commissioner shall send a copy of the order to each district court in this State.*

2. The Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, irreparable harm and lack of an adequate remedy at law will be presumed and an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper. The findings of the Commissioner shall be deemed to be prima facie evidence

and sufficient grounds, in the discretion of the court, for the issuance ex parte of a temporary restraining order.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the person, including books, papers, documents and records pertaining thereto, or so much thereof as a court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business, whether such books, papers, documents and records are in the possession of the person, a registered agent acting on behalf of the person or any other person. If a receiver is appointed and qualified, the receiver has such powers and duties relating to the custody, collection, administration, winding up and liquidation of such property and business as may be conferred upon the receiver by the court.

4. If a receiver is appointed pursuant to subsection 3, the receiver shall remit to the owners, members or shareholders of the private professional guardian company any amount of equity of the private professional guardian company remaining after the discharge of the liabilities and payment of the normal, prudent and reasonable expenses of the receivership.

Sec. 47. *1. Upon the filing with the Commissioner of a verified complaint against a private professional guardian company, the Commissioner shall investigate the alleged violation of the provisions of this chapter.*

2. If the Commissioner determines that a complaint filed pursuant to subsection 1 warrants further action, the Commissioner shall send a copy of the complaint and notice of the date set for an informal hearing to the subject of the complaint and the Attorney General.

3. The Commissioner may require the private professional guardian company that is the subject of a complaint to file a verified answer to the complaint within 10 days after receipt of the complaint unless, for good cause shown, the Commissioner extends the time required for filing an answer for a period not to exceed 60 days.

4. If at the hearing the complaint is not explained to the satisfaction of the Commissioner, the Commissioner may take such action against the private professional guardian company as authorized by the provisions of this chapter.

Sec. 48. *1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.*

2. The complaint or other documents filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

Sec. 49. ***1. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $10,000 per violation upon a person who violates any provision of this chapter or any regulation adopted pursuant thereto.***

2. The maximum total fine that the Commissioner may impose on any person pursuant to this section with respect to the same or similar actions or series of actions which constitute the violations must not exceed the greater of $250,000 or 125 percent of the monetary value of all losses incurred by the private professional guardian company and its wards as the direct or indirect result of such violations.

Sec. 50. ***1. A licensee who knowingly or willfully neglects to perform any act or duty required by this chapter or other applicable law, or who knowingly or willfully fails to satisfy any material lawful requirement made by the Commissioner is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. If no other punishment is otherwise provided by law, a person who violates any provision of this chapter is guilty of a gross misdemeanor.

Sec. 50.2. **Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 3, in a proceeding to appoint a guardian for an adult, the court shall give preference to a nominated person or relative, in that order of preference:

(a) Whether or not the nominated person or relative is a resident of this State; and

(b) If the court determines that the nominated person or relative is qualified and suitable to be appointed as guardian for the adult.

2. In determining whether any nominated person, relative or other person listed in subsection 4 is qualified and suitable to be appointed as guardian for an adult, the court shall consider, if applicable and without limitation:

(a) The ability of the nominated person, relative or other person to provide for the basic needs of the adult, including, without limitation, food, shelter, clothing and medical care;

(b) Whether the nominated person, relative or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has been judicially determined to have committed abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult, unless the court finds that it is in the best interests of the ward to appoint the person as guardian for the adult;

(d) Whether the nominated person, relative or other person is incompetent or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the adult.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for an adult, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the adult nominated for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(b) A person whom the adult requested for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the adult.

(b) Any nomination or request for the appointment as guardian by a relative.

(c) The relationship by blood, adoption, marriage or domestic partnership of the proposed guardian to the adult. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider any relative in the following order of preference:

(1) A spouse or domestic partner.

(2) A child.

(3) A parent.

(4) Any relative with whom the adult has resided for more than 6 months before the filing of the petition or any relative who has a power of attorney executed by the adult while competent.

(5) Any relative currently acting as agent.

(6) A sibling.

(7) A grandparent or grandchild.

(8) An uncle, aunt, niece, nephew or cousin.

(9) Any other person recognized to be in a familial relationship with the adult.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

(e) Any request for the appointment of any other interested person that the court deems appropriate, including, without limitation, a person who is

not a relative and who has a power of attorney executed by the adult while competent.

5. The court may appoint as guardian any nominated person, relative or other person listed in subsection 4 who is not a resident of this State. The court shall not give preference to a resident of this State over a nonresident if the court determines that:

(a) The nonresident is more qualified and suitable to serve as guardian; and

(b) The distance from the proposed guardian's place of residence and the adult's place of residence will not affect the quality of the guardianship or the ability of the proposed guardian to make decisions and respond quickly to the needs of the adult because:

(1) A person or care provider in this State is providing continuing care and supervision for the adult;

(2) The adult is in a secured residential long-term care facility in this State; or

(3) Within 30 days after the appointment of the proposed guardian, the proposed guardian will move to this State or the adult will move to the proposed guardian's state of residence.

6. If the court appoints a nonresident as guardian for the adult:

(a) The jurisdictional requirements of NRS 159.1991 to 159.2029, inclusive, must be met;

(b) The court shall order the guardian to designate a registered agent in this State in the same manner as a represented entity pursuant to chapter 77 of NRS; and

(c) The court may require the guardian to complete any available training concerning guardianships pursuant to NRS 159.0592, in this State or in the state of residence of the guardian, regarding:

(1) The legal duties and responsibilities of the guardian pursuant to this chapter;

(2) The preparation of records and the filing of annual reports regarding the finances and well-being of the adult required pursuant to NRS 159.073;

(3) The rights of the adult;

(4) The availability of local resources to aid the adult; and

(5) Any other matter the court deems necessary or prudent.

7. If the court finds that there is not any suitable nominated person, relative or other person listed in subsection 4 to appoint as guardian, the court may appoint as guardian:

(a) The public guardian of the county where the adult resides if:

(1) There is a public guardian in the county where the adult resides; and

(2) The adult qualifies for a public guardian pursuant to chapter 253 of NRS;

(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the adult will be served appropriately by the appointment of a private fiduciary; or

(c) A private professional guardian who meets the requirements of NRS 159.0595.

8. A person is not qualified to be appointed as guardian for an adult if the person has been suspended for misconduct or disbarred from any of the professions listed in this subsection, but the disqualification applies only during the period of the suspension or disbarment. This subsection applies to:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession that:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state in which the person practices his or her profession.

9. As used in this section:

(a) "Adult" means a person who is a ward or a proposed ward and who is not a minor.

(b) "Domestic partner" means a person in a domestic partnership.

(c) "Domestic partnership" means:

(1) A domestic partnership as defined in NRS 122A.040; or

(2) A domestic partnership which was validly formed in another jurisdiction and which is substantially equivalent to a domestic partnership as defined in NRS 122A.040, regardless of whether it bears the name of a domestic partnership or is registered in this State.

(d) "Nominated person" means a person, whether or not a relative, whom an adult:

(1) Nominates for the appointment as guardian for the adult in a will, trust or other written instrument that is part of the adult's established estate plan and was executed by the adult while competent.

(2) Requests for the appointment as guardian for the adult in a written instrument that is not part of the adult's established estate plan and was executed by the adult while competent.

(e) "Relative" means a person who is 18 years of age or older and who is related to the adult by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 50.3. **NRS 159.024 is hereby amended to read as follows:**

159.024 ***1.*** **"**Private professional guardian" means a person who receives compensation for services as a guardian to three or more wards who are not related to the guardian by blood or marriage.

2. For the purposes of this chapter, the term includes:

(a) A person who serves as a private professional guardian and who is required to have a license issued pursuant to sections 2 to 50, inclusive, of this act.

(b) A person who serves as a private professional guardian but who is exempt pursuant to NRS 159.0595 or section 12 of this act from the requirement to have a license issued pursuant to sections 2 to 50, inclusive, of this act.

3. The term does not include:

~~[1.]~~ ***(a)*** A governmental agency.

~~[2.]~~ ***(b)*** A public guardian appointed or designated pursuant to the provisions of chapter 253 of NRS.

Sec. 50.5. ~~[NRS 159.059 is hereby amended to read as follows:~~

~~159.059 Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:~~

~~1. Is an incompetent.~~

~~2. Is a minor.~~

~~3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.~~

~~4. Has been suspended for misconduct or disbarred from:~~

~~(a) The practice of law;~~

~~(b) The practice of accounting; or~~

~~(c) Any other profession which:~~

~~(1) Involves or may involve the management or sale of money, investments, securities or real property; and~~

~~(2) Requires licensure in this State or any other state,~~

~~during the period of the suspension or disbarment.~~

~~5. [Is] *Except as otherwise provided in subsection 2 of NRS 159.061, is* a nonresident of this State and:~~

~~(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and~~

~~(b) Is not a petitioner in the guardianship proceeding.~~

~~6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.]~~ **(Deleted by amendment.)**

Sec. 51. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. ~~[A]~~ ***In order for a person to serve as a*** private professional guardian, ~~[if a person,]~~ ***the person*** must be ~~[qualified]~~ ***:***

(a) Qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ ***section 50.2 of this act if the ward is an adult or NRS 159.061 if the ward is a minor;*** and

~~[must be]~~

(b) A guardian who has a license issued pursuant to sections 2 to 50, inclusive, of this act or a certified guardian ~~[. licensed]~~ ***who is not required to have such a license pursuant to ~~[section 18 of this act,]~~ subsection 3.***

2. ~~[A]~~ ***In order for an entity to serve as a*** private professional guardian, ~~[if an entity,]~~ ***the entity*** must ~~[be]~~ ***:***

(a) Be qualified to serve as a guardian pursuant to ~~[NRS 159.059]~~ ***section 50.2 of this act if the ward is an adult;***

(b) Have a license issued pursuant to sections 2 to 50, inclusive, of this act, unless the entity is not required to have such a license pursuant to subsection 3; and ~~[must have]~~

(c) Have a guardian who has a license issued pursuant to sections 2 to 50, inclusive, of this act or a certified guardian ~~[licensed]~~ ***who is not required to have such a license pursuant to ~~[section 18 of this act]~~ subsection 3*** involved in the day-to-day operation or management of the entity.

3. ~~[A]~~ ***In order for a person or entity to serve as a*** private professional guardian ~~[~~shall, at his or her own cost and expense:

~~(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History and to the Federal Bureau of Investigation for their respective reports; and~~

~~(b) Present the results of the background investigation to the court upon request.~~**]** ***, ~~[regardless of whether the private professional guardian is a]~~ the person or ~~[an]~~ entity ~~[, must be licensed]~~ is not required to have a license issued pursuant to ~~[section 18]~~ sections 2 to 50, inclusive, of this act ~~[,]~~ if the person or entity is exempt from the requirement to have such a license pursuant to section 12 of this act and the person or entity:***

(a) Is a banking corporation as defined in NRS 657.016;

(b) Is an organization permitted to act as a fiduciary pursuant to NRS 662.245;

(c) Is a trust company as defined in NRS 669.070;

(d) Is acting in the performance of his or her duties as an attorney at law;

(e) Acts as a trustee under a deed of trust; or

(f) Acts as a fiduciary under a court trust.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 51.5. NRS 159.061 is hereby amended to read as follows:

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the minor. The appointment of a parent as ~~[a]~~ guardian ~~[of]~~ ***for*** the ~~[person]~~ ***minor*** must not conflict with a valid order for custody of the minor.

2. In determining whether the parents of a minor, or either parent, ***or any other person who seeks appointment as guardian for the minor*** is qualified and suitable, the court shall consider, ***if applicable and*** without limitation:

(a) Which parent has physical custody of the minor;

(b) The ability of the parents ***,*** ~~[or]~~ parent ***or other person*** to provide for the basic needs of the ~~[child,]~~ ***minor,*** including, without limitation, food, shelter, clothing and medical care;

(c) Whether the parents ***,*** ~~[or]~~ parent ***or other person*** has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; ~~[and]~~

(d) Whether the parents ***,*** ~~[or]~~ parent ***or other person*** has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the ***abuse, neglect,*** exploitation ***, isolation or abandonment*** of a child ~~[.]~~ ***, his or her spouse, his or her parent or any other adult; and***

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony.

~~[2. The court shall appoint as guardian for an incompetent any person, regardless of whether the person is a resident of this State, who has been requested to be appointed as guardian in a written instrument executed by the incompetent, while competent, if the person is willing to serve and is otherwise qualified and suitable.]~~

3. Subject to the preference set forth in subsection 1 ***,*** ~~[and except as otherwise provided in subsection 2,]~~ the court shall appoint as guardian ~~[for an incompetent, a person of limited capacity or minor]~~ the qualified person who is most suitable and is willing to serve.

~~[3.]~~ ***4.*** In determining ~~[who]~~ ***which qualified person*** is most suitable, the court shall ***, in addition to considering any applicable factors set forth in subsection 2,*** give consideration, among other factors, to:

(a) ~~[Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.~~

~~(b)]~~ Any nomination of a guardian for ~~[an incompetent,]~~ ***the*** minor ~~[or person of limited capacity]~~ contained in a will or other written instrument executed by a parent ~~[or spouse]~~ of the ~~[proposed ward.~~

~~(c)]~~ ***minor.***

(b) Any request ~~[for the appointment as guardian for a]~~ ***made by the*** minor ***, if he or she is*** 14 years of age or older ~~[made by]~~ ***, for the appointment of a person as guardian for*** the minor.

~~[(d)]~~ ***(c)*** The relationship by blood ~~[,]~~ ***or*** adoption ~~[or marriage]~~ of the proposed guardian to the ~~[proposed ward.]~~ ***minor.*** In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) ~~[Spouse.~~

~~(2) Adult child.~~

~~(3)]~~ Parent.

~~[(4)]~~ ***(2)*** Adult sibling.

~~[(5)]~~ ***(3)*** Grandparent**.** ~~[or adult grandchild.]~~

~~[(6)]~~ ***(4)*** Uncle ~~[,]~~ ***or*** aunt**.** ~~[, adult niece or adult nephew.~~

~~(e)]~~ ***(d)*** Any recommendation made by a master of the court or special master pursuant to NRS 159.0615.

~~[(f)]~~ ***(e) Any recommendation made by:***

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

~~[~~4. ***5.*** ~~If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3,~~ ***4,*** the court may appoint as guardian:

~~(a) The public guardian of the county where the ward resides, if:~~

~~(1) There is a public guardian in the county where the ward resides; and~~

~~(2) The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS;~~

~~(b) A private fiduciary who may obtain a bond in this State and who is a resident of this State, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary; or~~

~~(c) A private professional guardian who meets the requirements of NRS 159.0595.~~**]**

5. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 51.7. **NRS 159.185 is hereby amended to read as follows:**

159.185 1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to ~~[NRS 159.059;]~~ ***section 50.2 of this act if the ward is an adult or NRS 159.061 if the ward is a minor;***

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the ward;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the ward or the estate of the ward; or

(2) There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The best interests of the ward will be served by the appointment of another person as guardian; or

(h) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 51.9. **NRS 159.2024 is hereby amended to read as follows:**

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include a certified copy of the other state's provisional order of transfer and proof that the ward is physically present in, or is reasonably expected to move permanently to, this State.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the ward; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to ~~[NRS 159.059.]~~ ***section 50.2 of this act if the ward is an adult or NRS 159.061 if the ward is a minor.***

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State.

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the ward's incapacity and the appointment of the guardian or conservator.

Sec. 52. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,

179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of

Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and ***sections 41 and 48 of this act and*** unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 52.3. **NRS 253.150 is hereby amended to read as follows:**

253.150 1. The board of county commissioners of each county shall establish the office of public guardian.

2. The board of county commissioners shall:

(a) Appoint a public guardian, who serves at the pleasure of the board, for a term of 4 years from the day of appointment;

(b) Designate an elected or appointed county officer as ex officio public guardian;

(c) Pursuant to the mechanism set forth in NRS 244.1507, designate another county officer to execute the powers and duties of the public guardian;

(d) Except in a county whose population is 100,000 or more, contract with a private professional guardian to act as public guardian; or

(e) Contract with the board of county commissioners of a neighboring county in the same judicial district to designate as public guardian the public guardian of the neighboring county.

3. The compensation of a public guardian appointed or designated pursuant to subsection 2 must be fixed by the board of county commissioners and paid out of the county general fund.

4. As used in this section, "private professional guardian" ~~[means a person who receives compensation for services as a guardian to three or more wards who are not related to the person by blood or marriage. The]~~ ***has the meaning ascribed to it in NRS 159.024, except that the*** term does not include:

(a) ~~[A governmental agency.~~

~~(b)]~~ A banking corporation, as defined in NRS 657.016, or an organization permitted to act as ***a*** fiduciary pursuant to NRS 662.245 if it is appointed as guardian of an estate only.

~~[(c)]~~ ***(b)*** A trust company, as defined in NRS 669.070.

~~[(d)]~~ ***(c)*** A court-appointed attorney licensed to practice law in this State.

(d) A trustee under a deed of trust.

(e) A fiduciary under a court trust.

Sec. 52.5. **NRS 432B.4665 is hereby amended to read as follows:**

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS ~~[159.059;]~~ ***159.061;***

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) ~~[Except as otherwise provided in subsection 3, that]~~ ***That*** the proposed guardian has complied with the requirements of chapter 159 of NRS; and

(4) That the burden of proof set forth in chapter 159 of NRS for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in NRS 159.079, and subjects the guardian to the limitations set forth in NRS 159.0805;

(b) Is subject to the provisions of NRS 159.065 to 159.076, inclusive, and 159.185 to 159.199, inclusive;

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

~~[3. The court may appoint as a guardian for a child pursuant to this section for not more than 6 months a person who does not satisfy the residency requirement set forth in subsection 5 of NRS 159.059 if the court determines that appointing such a person is necessary to facilitate the permanent placement of the child.]~~

Sec. 52.7. **NRS 159.059 is hereby repealed.**

Sec. 53. 1. This section and sections 2 to 19, inclusive, and 21 to ~~[52,]~~ **52.7,** inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Section 19 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 20 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 20 and 21 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

159.059 Qualifications of guardian. Except as otherwise provided in NRS 159.0595, any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony, unless the court determines that such conviction should not disqualify the person from serving as the guardian of the ward.

4. Has been suspended for misconduct or disbarred from:

(a) The practice of law;

(b) The practice of accounting; or

(c) Any other profession which:

(1) Involves or may involve the management or sale of money, investments, securities or real property; and

(2) Requires licensure in this State or any other state,

➥ during the period of the suspension or disbarment.

5. Is a nonresident of this State and:

(a) Has not associated as a coguardian, a resident of this State or a banking corporation whose principal place of business is in this State; and

(b) Is not a petitioner in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult, unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 843 to Assembly Bill No. 325.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 409.

The following Senate amendment was read:

Amendment No. 938.

AN ACT relating to cosmetology; requiring a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment in this State to register with the State Board of Cosmetology; ~~[exempting certain other makeup artists from the licensing and regulation provisions governing cosmetology; deleting]~~ **removing** the requirement for certain applicants for a license to complete a nationally recognized written examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in the practice of cosmetology or any branch of cosmetology unless the person is licensed by the

State Board of Cosmetology. (NRS 644.190) Existing law requires the Board to determine the qualifications of applicants for various licenses and to adopt regulations governing the sanitary conditions in cosmetological establishments. (NRS 644.090, 644.120)

Section 3.3 of this bill requires a makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment to register with the Board and sets forth the requirements that must be met before the Board is authorized to issue a certificate of registration to such a makeup artist. **Section ~~[~~3.7~~]~~ 3.5** of this bill ~~[requires the Board to prepare and administer a written examination on sanitation to makeup artists who are required to register with the Board.]~~ **establishes certain requirements that a makeup artist, other than a makeup artist required to be registered with the Board, must meet to practice makeup artistry in this State. Section 7.3** of this bill authorizes the Board to take certain disciplinary action against ~~[a registered]~~ **any** makeup artist ~~[.]~~ **who fails to comply with the requirements set forth in applicable statutory provisions or regulations adopted by the Board. Section ~~[~~8~~]~~ 5** of this bill exempts ~~[those]~~ **the occupation of a** makeup ~~[artists who are not required to register with the Board]~~ **artist** from the ~~[licensing and regulation provisions governing]~~ **definition of the term "** cosmetology.**"**

Section 7 of this bill eliminates passing a nationally recognized written examination as a requirement for certain applicants who are licensed in a branch of cosmetology in another state or jurisdiction to obtain a license to practice that branch of cosmetology in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.7, inclusive, of this act.

Sec. 2. ***"Makeup artist" means a natural person who:***

1. Engages in the practice of makeup artistry; or

2. Instructs other persons in the practice of makeup artistry,

↳ regardless of whether the person is licensed by the Board in any branch of cosmetology.

Sec. 3. ***1. "Makeup artistry" means the practice of applying makeup ~~[and]~~ or prosthetics for:***

(a) Theatrical, television, film and other similar productions;

(b) All aspects of the modeling and fashion industry, including, without limitation photography for magazines; and

(c) Weddings.

2. The term includes the practice of applying makeup ~~[and]~~ or prosthetics at ~~[licensed]~~ :

(a) Licensed cosmetological establishments ; and ~~[retail]~~

(b) Retail establishments ~~[.]~~ , unless the practice is limited to the demonstration of cosmetics by a retailer in the manner described in paragraph (d) of subsection 1 of NRS 644.460.

Sec. 3.3. *1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must:*

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by:

(1) A notarized statement indicating that the makeup artist : ~~[is:]~~

(I) ~~[Not less than]~~ Is 18 years of age ~~[,]~~ or older;

(II) ~~[Of]~~ Is of good moral character; ~~[and]~~

(III) ~~[A]~~ Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(IV) Has completed at least 2 years of high school; and

(2) ~~[Proof that the makeup artist has received a score of not less than 75 percent on the written examination administered by the Board pursuant to section 3.7 of this act; and~~

~~(3)]~~ Two current photographs of the makeup artist which are 2 by 2 inches.

2. The Board shall ~~[not]~~ charge a fee of not more than $25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

Sec. 3.5. A makeup artist, other than a makeup artist required to be registered pursuant to section 3.3 of this act, shall not engage in the practice of makeup artistry in this State unless he or she:

1. Is 18 years of age or older;

2. Is of good moral character;

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

4. Has completed at least 2 years of high school.

Sec. 3.7. ~~*[1. The Board shall prepare and administer a written examination on sanitation for makeup artists who are required to register with the Board pursuant to section 3.3 of this act.*~~

~~*2. The Board shall not charge a makeup artist a fee for administering or scoring the examination described in subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, hair braider, demonstrator of cosmetics and nail technologist. ***The term does not include the occupation of a makeup artist.***

Sec. 5.3. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. ***Issue certificates of registration to such applicants as may be entitled thereto.***

4. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

~~[4.]~~ ***5.*** Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

~~[5.]~~ ***6.*** Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 5.7. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license ***or certificate of registration*** of every nail technologist, electrologist, aesthetician, hair designer, hair braider, demonstrator of cosmetics ***, makeup artist registered pursuant to section 3.3 of this act*** and cosmetologist, together with the names and addresses of all establishments for hair braiding, cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure ~~[.]~~ ***or registration.***

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee ~~[.]~~ ***or registrant.***

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee ~~[.]~~ ***or registrant.***

Sec. 6. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology

or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

(f) A makeup artist registered pursuant to section 3.3 of this act from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 6.5. NRS 644.214 is hereby amended to read as follows:

644.214 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license or evidence of registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license or evidence of registration; or

(b) A separate form prescribed by the Board.

3. A license or evidence of registration may not be issued or renewed by the Board pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 7. NRS 644.310 is hereby amended to read as follows:

644.310 Except as otherwise provided in NRS 644.209, upon application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

4. ~~[~~Has successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he or she is licensed.

~~5.]~~ Is currently licensed in another state or territory or the District of Columbia.

Sec. 7.3. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, ~~[or a registered makeup artist or]~~ a cosmetologist's apprentice ***or any makeup artist*** to comply with the

requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license or a duplicate of the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license ~~[,]~~ ***or certificate of registration;***

(b) Revoke or suspend a license ~~[,]~~ ***or certificate of registration;***

(c) Place the licensee ***or registrant*** on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7.7. NRS 644.435 is hereby amended to read as follows:

644.435 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who has been issued a license or been registered pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act,*** the Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the license or registration stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to NRS 644.190 to 644.330, inclusive, ***and sections 3.3 and 3.7 of this act,*** that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 7.9. **NRS 644.440 is hereby amended to read as follows:**

644.440 1. The Board may refuse to issue or renew any license ***or registration*** only upon 20 days' notice in writing to the interested parties. The notice must contain a brief statement of the reasons for the contemplated action of the Board and designate a proper time and place for the hearing of all interested parties before any final action is taken.

2. Notice, within the provisions of subsection 1, shall be deemed to have been given when the Board deposits with the United States Postal Service a copy of the notice, addressed to the designated or last known residence of the applicant ***,*** ~~[or]~~ licensee ~~[.]~~ ***or registrant.***

3. Notwithstanding the provisions of chapter 622A of NRS, violations of any regulation of the Board for sanitation or of any statute or regulation of the State Board of Health or any county regulation concerning health may be corrected by any inspector of the Board by giving notice in the form of a citation. Any licensee ***or registrant*** receiving a citation shall immediately correct the violation or shall show that corrections have commenced. Failure to correct or to commence corrections within 72 hours after receipt of the citation subjects the license ***or registration*** to immediate suspension. The Board may then give 20 days' notice for hearing to show cause why the license ***or registration*** should not be permanently revoked.

4. Notwithstanding the provisions of chapter 622A of NRS, the closure of any establishment or school by the State Board of Health acts as an automatic revocation of the license ~~[.]~~ ***or registration.***

Sec. 8. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this State to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or

electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a cosmetological service except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services ***or the practice of makeup artistry*** and provides cosmetics without charge to the customer.

~~***[(f) Makeup artists other than makeup artists who are required to register pursuant to section 3.3 of this act.]***~~

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective upon passage and approval.

Assemblyman Kirner moved that the Assembly concur in the Senate Amendment No. 938 to Assembly Bill No. 409.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Wheeler moved that the Assembly do not recede from its action on Senate Bill No. 376, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Wheeler, Dickman, and Flores as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 376.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 178.

The following Senate amendment was read:

Amendment No. 937.

AN ACT relating to education; ~~[removing]~~ **revising** the ~~[requirement for]~~ **circumstances under which** a school **is required** to deem a pupil a habitual disciplinary problem **;** ~~[under certain circumstances;]~~ revising provisions governing the notice provided to a parent or legal guardian concerning a pupil who is deemed a habitual disciplinary problem and the discipline imposed on such a pupil; **requiring such notice to be provided each time a pupil is suspended; revising provisions relating to a plan of behavior for a pupil;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a school to suspend or expel a pupil for at least one semester if that pupil is deemed a habitual disciplinary problem under certain circumstances, and requires the pupil to enroll in a private school, a program of independent study or be homeschooled for the period of suspension or expulsion. (NRS 392.466) Existing law further requires a school to notify the parent or legal guardian of a pupil when the pupil is suspended for fighting or commits an act that may cause the pupil to be deemed a habitual disciplinary problem. (NRS 392.4655) **Section 1 of this bill instead requires a school to notify the parent or legal guardian of a pupil when the pupil is suspended for any reason. Section 1 also revises the requirements of such notice.**

Existing law authorizes a school to develop a plan of behavior for a pupil who may be deemed a habitual disciplinary problem. (NRS 392.4655) Section 1 authorizes a school to develop such a plan of behavior if a pupil is suspended for any reason.

Existing law requires a principal of a school to deem a pupil enrolled in the school a habitual disciplinary problem if the pupil: (1) has threatened or extorted, or attempted to threaten or extort, another pupil or employee of the school; (2) has been suspended for initiating at least two fights on school property or in certain other circumstances; or (3) has a record of five suspensions from the school. (NRS 392.4655) Section 1 instead requires the principal of a school to designate a pupil as a habitual disciplinary problem if: (1) the pupil has threatened or extorted, or attempted to threaten or extort, another pupil or employee of the school two or more times, or the pupil has a record of five suspensions from the school; and (2) the pupil has not entered into and participated in a plan of behavior.

Section 2 of this bill removes the requirement that a pupil who is deemed a habitual disciplinary problem be suspended or expelled for at least one semester and instead authorizes the school to suspend the pupil from school for a period not to exceed one semester if the pupil is deemed a habitual disciplinary problem or expel the pupil from school under extraordinary circumstances. **Section 2** further requires that a pupil enroll in a private school, a program of independent study or be homeschooled if the pupil is expelled or for the period of suspension only if the suspension is for one semester. ~~[Section 1 of this bill revises the requirements of the written notice that a school must provide to the parent or legal guardian of a pupil relating to the possibility of~~

~~suspension or expulsion if the pupil is deemed a habitual disciplinary problem. Section 1 also makes the designation of a pupil as a habitual disciplinary problem permissive rather than mandatory when the pupil commits certain acts.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall ~~[may]~~ deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school ~~[;~~

~~(b) The pupil has been suspended for initiating at least two fights on school property, at an activity sponsored by a public school, on a school bus or, if the fight occurs within 1 hour of the beginning or end of a school day, on the pupil's way to or from school; or~~

~~(c) The]~~ ***two or more times or the*** pupil has a record of five suspensions from the school for any reason ~~[.]~~ ***; and***

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended ~~[for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives one suspension on the pupil's record,]~~ the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the ~~[acts]~~ ***act*** committed by the pupil and the ~~[dates]~~ ***date*** on which ~~[those acts were]~~ ***the act was*** committed;

(b) An explanation that ~~[if the pupil is suspended for initiating one additional fight or]~~ if the pupil receives five suspensions on his or her record during the current school year ~~[,]~~ ***and has not entered into and participated in a plan of behavior pursuant to subsection 5,*** the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 3 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ ***:***

(1) Suspended from school for a period ~~[equal to at least one school semester;]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection ~~[6]~~ ***7*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) ~~[If applicable, a]~~ ***A*** summary of the provisions of subsection ~~[4.]~~ ***5.*** ~~[".]~~ ***4.*** A school shall provide the notice required by ~~[this]~~ subsection ***3*** for each suspension on the record of a pupil during a school year. ~~[A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.~~

~~4.]~~ ***Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.***

5. If a pupil is suspended ***,*** ~~[for initiating a fight described in paragraph (b) of subsection 1 and the fight is the first such fight that the pupil has initiated during that school year, or if a pupil receives four suspensions on the pupil's record within 1 school year,]~~ the school in which the pupil is enrolled may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation ***:*** ~~[, a voluntary agreement by:]~~

(a) ~~[The]~~ ***A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.***

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

~~[(b) The]~~

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

~~[(c) The]~~

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

~~[➥]~~ ***6.*** If ~~[the]~~ ***a*** pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior ~~[.]~~ ***pursuant to subsection 5,*** the pupil shall ***be deemed to have not successfully completed the plan of behavior and may*** be deemed a habitual disciplinary problem.

~~[5. If a pupil commits an act the commission of which qualifies the pupil to be deemed a habitual disciplinary problem pursuant to subsection 1, the school shall provide written notice to the parent or legal guardian of the pupil that contains:~~

~~(a) A description of the qualifying act and any previous such acts committed by the pupil and the dates on which those acts were committed;~~

~~(b) An explanation that pursuant to subsection 3 of NRS 392.466, a pupil who is a habitual disciplinary problem must ***may*** be suspended or expelled:~~

~~***(1) Suspended*** from ***that*** school for a period equal to at least one school semester; ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***~~

~~***(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;***~~

~~(c) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.520, an explanation of the effect of subsection 6 ***7*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from ***that*** school in the same manner as a pupil without a disability; and~~

~~(d) If applicable, a summary of the provisions of subsection 6.~~

~~➥ The school shall provide the notice at least 7 days before the school deems the pupil a habitual disciplinary problem. A school may include the notice required by this subsection with notice that is otherwise provided to the parent or legal guardian of a pupil which informs the parent or legal guardian of the act committed by the pupil.~~

~~6. Before a school deems a pupil a habitual disciplinary problem and suspends or expels the pupil, the school may develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation, a voluntary agreement by:~~

~~(a) The parent or legal guardian to attend ***that*** school with his or her child.~~

~~(b) The pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.~~

~~(c) The pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.~~

~~"; If the pupil violates the conditions of the plan or commits the same act for which notice was provided pursuant to subsection 5 after he or she enters into a plan of behavior, the pupil shall *may* be deemed a habitual disciplinary problem.]~~

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820

to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

➥ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the expulsion requirement of this subsection if such modification is set forth in writing.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil ~~[must]~~ ***may*** be ~~[suspended or expelled]~~ ***:***

(a) Suspended from the school for a period ~~[equal to at least one semester for that school. For]~~ ***not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or***

(b) Expelled from school under extraordinary circumstances as determined by the principal of the school.

4. If the ***pupil is expelled, or the*** period of the pupil's suspension ~~[or expulsion,]~~ ***is for one school semester,*** the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[4.]~~ ***5.*** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~[5.]~~ ***6.*** Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~[6.]~~ ***7.*** A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action

is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

~~[7.]~~ ***8.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

~~[8.]~~ ***9.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 386.580. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 937 to Assembly Bill No. 178.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 328.

The following Senate amendment was read:

Amendment No. 906.

AN ACT relating to education; ~~[requiring]~~ **prescribing procedures for** the ~~[Superintendent of Public Instruction to select]~~ **selection of** a hearing officer ~~[from a list maintained by the Department of Education]~~ to administer certain hearings relating to pupils with disabilities; requiring a local educational agency involved in a complaint to pay the cost of a hearing; requiring the Department of Education to adopt regulations prescribing certain procedures relating to hearing officers; authorizing the appeal of the decision of a hearing officer to the Department; requiring the Department to post certain information relating to such hearings on its Internet website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law requires each state to provide a parent or guardian of a pupil with the opportunity to challenge at a due process hearing: (1) the pupil's identification as a pupil with a disability; (2) the pupil's identification as a

pupil without a disability; or (3) the placement of such a pupil. (20 U.S.C. § 1415) **Section ~~[2]~~ 2.3** of this bill requires the Superintendent of Public Instruction to ~~[select a person to serve as a]~~ **provide the names of three** hearing ~~[officer]~~ **officers selected on an impartial basis** from a list maintained by the Department of Education **to a complainant** for a due process hearing held pursuant to federal law. ~~[The]~~ **Section 2.3 requires the complainant to return to the Superintendent a list which places the three names in order of preference within 2 days. If the preferred** hearing officer ~~[must be selected on an impartial basis and, in certain large school districts, must have a place of business located within the school district. The]~~ **is not available, the next person on the list will be selected. Section 2.3 requires the Superintendent to select a hearing officer on an impartial basis from the list maintained by the Department if the complainant does not return the list within 2 days or a due process hearing is required to be expedited pursuant to federal law. Section 2.3 also provides that the: (1)** local educational agency involved in the complaint **or the governing body of a charter school, as applicable,** must pay the cost of the hearing **~~[.]~~ ; and (2) decision of a hearing officer may be appealed to the Department.**

Section ~~[2 also]~~ 2.7 of this bill requires the State Board of Education to prescribe by regulation: (1) the procedures for requesting the recusal of a hearing officer; (2) the qualifications necessary to remain on the list of hearing officers maintained by the Department and (3) the procedures to compensate a hearing officer. ~~[Section 2 provides that the decision of a hearing officer may be appealed to the Department. Finally, section 2]~~ **Section 2.7 also** requires the Department to post certain information relating to due process hearings on its Internet website.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which the program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts, charter schools or university schools for profoundly gifted pupils by the Superintendent of Public Instruction. In such a reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated within counties whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for the remaining programs must be

prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district, a charter school or a university school for profoundly gifted pupils may, after receiving the approval of the Superintendent of Public Instruction, contract with any person, state agency or legal entity to provide a special education program unit for pupils of the district pursuant to NRS 388.440 to 388.520, inclusive ~~[.]~~ ***, and ~~[section 2]~~ sections 2.3 and 2.7 of this act.***

4. A school district in a county whose population is less than 700,000, a charter school or a university school for profoundly gifted pupils that receives an allocation for special education program units may use not more than 15 percent of its allocation to provide early intervening services.

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2.3 and 2.7 of this act.**

Sec. 2.3. 1. The Department shall maintain a list of hearing officers who meet the qualifications prescribed pursuant to 20 U.S.C. § 1415(f)(3)(A) to conduct a due process hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., regarding the identification, evaluation, reevaluation, classification, educational placement or disciplinary action of or provision of a free appropriate public education to a pupil with a disability.

2. ~~[The]~~ Except as otherwise provided in subsection 4, upon the filing of a complaint requiring a due process hearing described in subsection 1, the Superintendent of Public Instruction shall select ~~[a person to serve as a]~~ three hearing ~~[officer]~~ officers from the list maintained by the Department pursuant to subsection 1. ~~[. Hearing officers must be selected]~~ The selection of the hearing officers must be made on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.

3. The Superintendent of Public Instruction shall provide the names of the three hearing officers selected pursuant to subsection 2 to the complainant and request the complainant to return to the Superintendent a list which places the three names in the order of preference of the complainant. The complainant must return the list within 2 days. If the complainant returns the list, the Superintendent must request the first hearing officer on the list to preside over the hearing and if he or she is unavailable, the next person, until there are no more hearing officers on the list. If the complainant does not return the list within 2 days, the Superintendent must appoint a hearing officer and may determine the order in which to request a hearing officer to preside over the hearing.

4. If a due process hearing is required to be expedited pursuant to 20 U.S.C. §1415(k)(4), the Superintendent of Public Instruction must select a hearing officer to preside over the hearing from the list maintained by the Department pursuant to subsection 1. The selection of the hearing officer must be made on a random, rotational or other impartial basis and, in a school district in which more than 50,000 pupils are enrolled, the place of business of the hearing officer must, to the extent practicable, be located in the school district.

5. The local educational agency or governing body of a charter school involved in the complaint , as applicable, shall pay the cost of the hearing, including, without limitation, any compensation to which the hearing officer is entitled.

~~*[4. The State Board shall prescribe by regulation:*~~

~~*(a) The procedures for requesting the recusal of a hearing officer, on the basis of bias or a conflict of interest.*~~

~~*(b) The qualifications to remain on the list of hearing officers maintained pursuant to subsection 1. Such qualifications must include, without limitation, requiring that a hearing officer:*~~

~~*(1) Must complete, within the first year that the name of the hearing officer appears on the list maintained by the Department pursuant to subsection 1, a minimum of 40 hours of training, which must include, without limitation, 24 hours of training in laws relating to special education; and*~~

~~*(2) Must complete annual training arranged by the Department. The training must include, without limitation, training concerning laws relating to special education, the procedure for conducting a hearing and rendering and writing a decision.*~~

~~*(c) The procedures for compensating a hearing officer which must be established to avoid a conflict of interest for the hearing officer or the appearance of such a conflict.*~~

~~*5.]*~~ *6. The decision of a hearing officer may be appealed by any aggrieved party to the Department.*

~~*[6. The Department of Education shall post information as prescribed by the State Board relating to due process hearings held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on its Internet website. Such information must include, without limitation:*~~

~~*(a) A model form that may be used to request such a hearing;*~~

~~*(b) Decisions from such hearings;*~~

~~*(c) Decisions from the appeals of such hearings; and*~~

~~*(d) Timelines and procedures for conducting such hearings.]*~~

7. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).

Sec. 2.7. 1. The State Board shall prescribe by regulation:

(a) The procedures for requesting the recusal of a hearing officer on the basis of bias or a conflict of interest.

(b) The qualifications to remain on the list of hearing officers maintained pursuant to subsection 1 of section 1 of this act. Such qualifications must include, without limitation, requiring that a hearing officer:

(1) Must complete, within the first year that the name of the hearing officer appears on the list maintained by the Department pursuant to subsection 1 of section 1 of this act, a minimum of 40 hours of training, which must include, without limitation, 24 hours of training in laws relating to special education; and

(2) Must complete annual training arranged by the Department. The training must include, without limitation, training concerning laws relating to special education, the procedure for conducting a hearing and rendering and writing a decision.

(c) The procedures for compensating a hearing officer which must be established to avoid a conflict of interest for the hearing officer or the appearance of such a conflict.

2. The Department of Education shall post information as prescribed by the State Board relating to due process hearings held pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on its Internet website. Such information must include, without limitation:

(a) A model form that may be used to request such a hearing;

(b) Decisions from such hearings after the names and other personally identifiable information of the pupils who were the subject of such hearings have been removed;

(c) Decisions from the appeals of such hearings after the names and any other personally identifiable information of the pupils who were the subject of the hearings have been removed; and

(d) Timelines and procedures for conducting such hearings.

Sec. 3. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[.]~~ ***,*** ***and*** ~~[section 2]~~ ***sections 2.3 and 2.7 of this act:***

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

3. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

4. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

5. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

6. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2016, for all other purposes.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 906 to Assembly Bill No. 328.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 341.

The following Senate amendment was read:

Amendment No. 804.

AN ACT relating to education; requiring each school district and certain charter schools to administer an early literacy screening assessment to certain pupils; authorizing certain persons to perform additional testing for dyslexia; requiring a school district and a charter school to address the needs of a pupil who has indicators for dyslexia through the response to scientific, research-based intervention system of instruction; requiring the individualized education program team of a pupil with dyslexia to consider certain instructional approaches; requiring ~~[the Department of Education,]~~ each school district **, each elementary school** and certain charter schools to designate at least one employee to receive professional development regarding dyslexia; requiring the Department to prepare and publish a Dyslexia Resource Guide; requiring certain standards relating to the education of pupils with disabilities to include provisions concerning dyslexia; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill requires the board of trustees of each school district and the governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 to prescribe an early literacy screening assessment for use by the schools located in the school district or the charter school, respectively. **Section 9** of this bill: (1) requires each school district and charter school to administer screenings for dyslexia to certain pupils in certain grade levels; and (2) requires a school district and charter school to address the

needs of a pupil if the screening confirms that a pupil has indicators for dyslexia through the response to scientific, research-based intervention system of instruction.

Section 11 of this bill requires a pupil's individualized education program team to consider certain instructional approaches when developing an individualized education program for a pupil with dyslexia.

Section 13 of this bill requires the ~~[Department]~~ **principal of a public elementary school, including, without limitation, a charter school,** to designate ~~[at least one employee of]~~ **a licensed teacher employed by** the ~~[Department]~~ **school** to receive training in effective methods for intervention for pupils with dyslexia. **If the principal of a school has designated a teacher as a learning strategist, section 13 requires the learning strategist to be the person to receive such training. Section 13** also requires each school district and charter school to ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive professional development regarding dyslexia. **If the principal of a school has designated a teacher as a learning strategist, section 13 requires the learning strategist to provide such professional development.**

Section 14 of this bill requires the Department to prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school to use to identify and provide dyslexia intervention for pupils with dyslexia.

Existing law requires the State Board of Education to prescribe minimum standards for the special education of pupils with disabilities. (NRS 388.520) **Section 16** of this bill requires that the standards prescribed by the State Board for pupils with dyslexia include certain instruction.

Existing law requires the State Board to prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or perform other educational functions. (NRS 388.520) **Section 17** of this bill requires these regulations to include training on how to identify a pupil who is at risk for dyslexia or related disorders.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 14, inclusive, of this act.

Sec. 8. ***1. Except as otherwise provided in subsection 2, the board of trustees of each school district shall prescribe for use by the elementary***

schools located in the school district an early literacy screening assessment that meets the requirements set forth in subsection 3.

2. The governing body of each charter school that serves pupils in kindergarten or grade 1, 2 or 3 shall prescribe an early literacy screening assessment for use by the charter school that meets the requirements set forth in subsection 3.

3. The early literacy screening assessment prescribed pursuant to subsection 1 or 2 must include, without limitation, screening for:

(a) Phonological and phonemic awareness;

(b) Sound-symbol recognition;

(c) Alphabet knowledge;

(d) Decoding skills;

(e) Rapid naming skills; and

(f) Encoding skills.

Sec. 9. ***1. The board of trustees of a school district or the governing body of a charter school, as applicable, shall administer the early literacy screening assessment prescribed pursuant to section 8 of this act to each pupil enrolled in kindergarten or grade 1, 2 or 3 who:***

(a) Has indicators for dyslexia; and

(b) Needs intervention.

2. If an early literacy screening assessment administered pursuant to subsection 1 confirms that a pupil has indicators for dyslexia, the board of trustees of a school district or governing body of a charter school, as applicable, shall address the needs of the pupil through the response to scientific, research-based intervention system of instruction.

3. If the response to scientific, research-based intervention system of instruction determines that a pupil needs additional screening in order to determine whether the pupil has a specific learning disability, including, without limitation, dyslexia:

(a) The pupil must receive additional testing by a trained professional using a norm-referenced test; and

(b) The board of trustees of the school district or the governing body of the charter school, as applicable, shall perform a comprehensive evaluation for the pupil in addition to the required response to scientific, research-based intervention system of instruction.

Sec. 10. (Deleted by amendment.)

Sec. 11. ***When developing an individualized education program for a pupil with dyslexia in accordance with NRS 388.520, the pupil's individualized education program team shall consider, without limitation, the following instructional approaches:***

1. Explicit, direct instruction that is systematic, sequential and cumulative and follows a logical plan of presenting the alphabetic principle that targets the specific needs of the pupil;

2. Individualized instruction to meet the specific needs of the pupil in an appropriate setting that uses intensive, highly-concentrated instruction methods and materials that maximize pupil engagement;

3. Meaning-based instruction directed at purposeful reading and writing, with an emphasis on comprehension and composition; and

4. Multisensory instruction that incorporates the simultaneous use of two or more sensory pathways during teacher presentations and pupil practice.

Sec. 12. (Deleted by amendment.)

Sec. 13. ***1. The ~~[Department]~~ principal of a public elementary school, including, without limitation, a charter school, shall designate ~~[at least one employee of]~~ a licensed teacher employed by the ~~[Department]~~ school to receive training in effective methods of intervention for pupils with dyslexia. If the principal has designated a licensed teacher to serve as a learning strategist, the learning strategist must be the person to receive such training.***

2. The board of trustees of each school district and the governing body of each charter school shall ensure that at least one employee who serves pupils in kindergarten or grade 1, 2 or 3 is designated at each school to receive professional development regarding dyslexia. Such professional development must include, without limitation, training in:

(a) Methods to recognize indicators for dyslexia; and

(b) The science related to teaching a pupil with dyslexia.

3. The professional development required pursuant to subsection 2 ~~[may]~~ :

(a) Must be provided by a learning strategist, if the principal has designated a licensed teacher to serve as a learning strategist; or

(b) May be provided on the Internet ~~[, by a regional training program for the professional development of teachers and administrators created by NRS 391.512]~~ or at another venue approved by the Department.

Sec. 14. ***The Department shall prepare and publish a Dyslexia Resource Guide as a guide for each school district and public school, including, without limitation, a charter school, to use to identify and provide dyslexia intervention for pupils with dyslexia.***

Sec. 15. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[.]~~ ***, and sections 8 to 14, inclusive, of this act:***

1. "Communication mode" means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. ***"Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.***

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

~~[3.]~~ ***5.*** "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

~~[4.]~~ ***6.*** "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

~~[5.]~~ ***7. "***Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~[6.]~~ ***8.*** "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 16. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Intellectual disabilities.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must provide:

(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode solely because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and

(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.

6. ***The minimum standards prescribed by the State Board for pupils with dyslexia pursuant to paragraph (i) of subsection 4 must include, without limitation, standards for instruction on:***

(a) Phonemic awareness to enable a pupil to detect, segment, blend and manipulate sounds in spoken language;

(b) Graphonomic knowledge for teaching the sounds associated with letters in the English language;

(c) The structure of the English language, including, without limitation, morphology, semantics, syntax and pragmatics;

(d) Linguistic instruction directed toward proficiency and fluency with the patterns of language so that words and sentences are carriers of meaning; and

(e) Strategies that a pupil may use for decoding, encoding, word recognition, fluency and comprehension.

7. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

~~[7.]~~ ***8.*** The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

~~[8.]~~ ***9.*** The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

Sec. 17. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. ***The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.***

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

Sec. 18. (Deleted by amendment.)

Sec. 19. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 804 to Assembly Bill No. 341.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 351.

The following Senate amendment was read:

Amendment No. 781.

AN ACT relating to charter schools; revising the requirements for a project that is financed through bonds to benefit a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools if certain criteria are met. Existing law requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools. (NRS 386.630, 386.632, 386.634) ~~[This]~~ **Section 1.8 of this** bill instead requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools. **Sections 1-1.4 and 2.2-2.8 of this bill clarify that the Director of the Department of Business and Industry has the authority to administer the Charter School Financing Law. (NRS 386.612-386.649)**

Under existing law, the State pledges not to repeal, amend or modify the Charter School Financing Law in a way that impairs any outstanding bonds until all the bonds have been discharged in full or provisions for their payment and redemption have been fully made. (NRS 386.646) Section 3.3 of this bill clarifies that such a pledge must not be construed to bind the State or the Legislature to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 386.616 is hereby amended to read as follows:**

386.616 "Director of the Department of Business and Industry" means the Director of the Department of Business and Industry or any person within the Department of Business and Industry designated by the Director ***of the Department of Business and Industry*** to perform duties in connection with a project or the issuance of bonds pursuant to NRS 386.612 to 386.649, inclusive.

Sec. 1.2. **NRS 386.619 is hereby amended to read as follows:**

386.619 "Financing agreement" means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to NRS 386.612 to 386.649, inclusive, to finance one or more projects and the obligor agrees to:

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director ***of the Department of Business and Industry*** or his or her designee or assignee, including a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;

2. Pay other amounts required by NRS 386.612 to 386.649, inclusive; and

3. Comply with all the applicable provisions of NRS 386.612 to 386.649, inclusive.

Sec. 1.4. **NRS 386.630 is hereby amended to read as follows:**

386.630 When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees, purchasers or other obligors, the Director ***of the Department of Business and Industry*** may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor's designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.

~~[Section 1.]~~ ***Sec. 1.8.*** NRS 386.632 is hereby amended to read as follows:

386.632 Except as otherwise provided in NRS 386.639, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director ***of the Department of Business and Industry*** finds and the State Board of Finance approves the findings of the Director ***of the Department of Business and Industry*** that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter or charter contract, as applicable, granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding ~~[3]~~ ***2*** consecutive school years, one of the ~~[two]~~ ***three*** highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor

compliance with the provisions of NRS 386.612 to 386.649, inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 2. (Deleted by amendment.)

Sec. 2.2. **NRS 386.633 is hereby amended to read as follows:**

386.633 1. Except as otherwise provided in NRS 386.639, before financing a project pursuant to NRS 386.632, the Director of the Department of Business and Industry and the State Board of Finance must:

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least $100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director ***of the Department of Business and Industry*** and the State Board of Finance before financing a project pursuant to NRS 386.632.

Sec. 2.4. **NRS 386.634 is hereby amended to read as follows:**

386.634 1. The Director of the Department of Business and Industry may provide financing for a project pursuant to NRS 386.612 to 386.649, inclusive, if:

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and

(2) The cost of the project;

(b) The Director ***of the Department of Business and Industry*** makes the findings required by NRS 386.632; and

(c) The Director ***of the Department of Business and Industry*** complies with the guidelines established by the Director ***of the Department of Business and Industry*** pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to NRS 386.612 to 386.649, inclusive.

Sec. 2.6. **NRS 386.637 is hereby amended to read as follows:**

386.637 1. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, must be authorized by an order of the Director of the Department of Business and Industry and must:

(a) Be in denominations;

(b) Bear the date or dates;

(c) Mature at the time or times, not exceeding 40 years after their respective dates;

(d) Bear interest at a rate or rates;

(e) Be in the form;

(f) Carry the registration privileges;

(g) Be executed in the manner;

(h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,

➥ as provided by the order authorizing their issuance.

2. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director ***of the Department of Business and Industry*** may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

Sec. 2.8. **NRS 386.639 is hereby amended to read as follows:**

386.639 1. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, may be refunded by the Director of the Department of Business and

Industry by the issuance of refunding bonds in an amount which the Director ***of the Department of Business and Industry*** determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director ***of the Department of Business and Industry*** finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by NRS 386.632 are not required with respect to refunding bonds issued pursuant to this section.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. **NRS 386.646 is hereby amended to read as follows:**

386.646 ~~[The]~~

1. Except as otherwise provided in subsection 2, the faith of the State is hereby pledged that NRS 386.612 to 386.649, inclusive, will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.

2. The provisions of subsection 1 must not be construed so as to bind the State, the Legislature or any agency of the foregoing to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

Sec. 3.7. **NRS 386.647 is hereby amended to read as follows:**

386.647 1. NRS 386.612 to 386.649, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers

granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 386.612 to 386.649, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 386.612 to 386.649, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 386.612 to 386.649, inclusive. ~~[, except that the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.]~~

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 386.612 to 386.649, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 386.612 to 386.649, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of NRS 386.612 to 386.649, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director ***of the Department of Business and Industry*** may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 386.612 to 386.649, inclusive, without the assistance or intervention of any other officer.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 781 to Assembly Bill No. 351.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 421.

The following Senate amendment was read:

Amendment No. 888.

AN ACT relating to education; creating the Spending and Government Efficiency Commission for public education **;** ~~[and the Nevada System of Higher Education;]~~ prescribing the membership and duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Spending and Government Efficiency Commission for the system of K-12 public education **.** ~~[and the Nevada System of Higher Education.]~~ The Commission is required to make periodic recommendations to the Governor identifying: (1) areas in which the public costs of public education ~~[and the Nevada System of Higher Education]~~ may be reduced; (2) areas in which increased efficiencies in public education ~~[and the Nevada System of Higher Education]~~ may be found; and (3) any means by which public education ~~[and the Nevada System of Higher Education]~~ may be improved.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby created the Spending and Government Efficiency Commission for the system of K-12 public education in this State **.** ~~[and the Nevada System of Higher Education.]~~ The Commission consists of 12 members appointed as follows:

(a) Six members appointed by the Governor;

(b) Two members appointed by the Governor from a list of six recommendations provided by the Senate Majority leader;

(c) Two members appointed by the Governor from a list of six recommendations provided by the Speaker of the Assembly;

(d) One member appointed by the Governor from a list of three recommendations provided by the Senate Minority leader; and

(e) One member appointed by the Governor from a list of three recommendations provided by the Assembly Minority Leader.

➥ To the extent practicable, in appointing members to the Commission, the Governor shall ensure that the membership reflects the ethnic, gender and geographic diversity of this State.

2. The Governor shall appoint the Chair of the Commission from among its members.

3. The members of the Commission must be persons with expertise and experience in the operation of a business ~~[.]~~ **except that one of the members must be a retired teacher who taught pupils in kindergarten or grade 1 through 12 in a public school in this State regardless of whether the retired teacher has such expertise and experience.** A member may not have a personal or professional conflict of interest that would prevent the member from fully and objectively discharging his or her duties. A member may not derive any financial benefit from the work of the Commission, other than the general benefit received by all residents of this State from increased efficiency in the system of K-12 public education in this State **.** ~~[and the Nevada System of Higher Education.]~~

4. Members of the Commission serve at the pleasure of the Governor.

5. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

7. The Commission shall comply with the provisions of chapter 241 of NRS and all meetings must be conducted in accordance with that chapter.

8. The Department of Education shall provide administrative support to the Commission.

9. The Commission may appoint committees or subcommittees of its members to study the system of K-12 public education in this State ~~[and the Nevada System of Higher Education]~~ and any means by which the system of K-12 public education in this State ~~[and the Nevada System of Higher Education]~~ may be improved.

10. The Commission shall, not less frequently than every 90 days, meet and:

(a) Submit recommendations to the Governor:

(1) Identifying areas in which the public costs of the system of K-12 public education in this State ~~[and the Nevada System of Higher Education]~~ may be reduced;

(2) Identifying areas in which increased efficiencies in the system of K-12 public education in this State ~~[and the Nevada System of Higher Education]~~ may be found; and

(3) Identifying means by which the system of K-12 public education in this State ~~[and the Nevada System of Higher Education]~~ may be improved; or

(b) If the Commission does not have any recommendations, submit to the Governor a status report regarding the activities of the Commission for the period from the date on which the Commission last submitted to the Governor a status report or recommendations to the date on which the status report is submitted.

11. The Commission shall, on or before February 1, 2017, prepare and submit a final report to the Governor and the Director of the Legislative

Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature concerning its findings and recommendations.

Sec. 2. This act becomes effective on July 1, 2015, and expires by limitation on June 30, 2017.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 888 to Assembly Bill No. 421.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 447.

The following Senate amendment was read:

Amendment No. 806.

AN ACT relating to education; **authorizing the State Board of Education to provide for evaluations of certain licensed educational personnel and determine the manner in which to measure the performance of such personnel;** revising provisions relating to pupil achievement data used as a part of the statewide performance evaluation system; ~~[delaying the implementation of certain provisions relating to the policy for evaluations of counselors, librarians and other licensed educational personnel;]~~ revising the evaluation of teachers ~~[,]~~ **and** administrators ~~[, and other licensed personnel]~~ under the statewide performance evaluation system ~~[for the 2015-2016 school year;]~~ **; requiring the State Board to designate assessments that may be used to determine pupil achievement and prescribe the evaluation system and tools to be used by a school district for measuring of an employee's performance; authorizing a school district to apply to the State Board to use an evaluation system and tools and assessments that are different from those prescribed by the State Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a statewide performance evaluation system **which incorporates multiple measures** to evaluate the overall performance of certain employees. (NRS 391.465) **Section 10 of this bill requires the State Board to prescribe the tools to be used by a school district for obtaining such measures. Section 10 also allows a school district to apply to the State Board to use an evaluation system and tools that are different than the evaluation system and tools prescribed by the State Board.**

Existing law requires the statewide performance evaluation system to: (1) prescribe the pupil achievement data that must be used as a part of the evaluation system; and (2) require that pupil achievement data account for at least 50 percent of the evaluation of certain employees. (NRS 391.465) ~~[Section 1]~~ **Sections 10 and 16** of this bill ~~[provides]~~ **remove the requirement** that ~~[:]~~ **pupil achievement data must be used as a part of the evaluation system for the 2015-2016 school year. Sections 11 and 16 of this bill reinstate the requirement that pupil achievement data must be used as a**

part of the evaluation system and provides that, for the 2016-2017 school year: (1) pupil achievement data derived from statewide examinations and assessments must account for ~~[25]~~ **at least 10** percent of the evaluation of a teacher when applicable; and (2) pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher must account for ~~[25]~~ **at least 10** percent of the ~~[evaluator.]~~ **evaluation. Section 11 also: (1) requires the State Board to designate the assessments that may be used by a school district to determine pupil achievement; and (2) authorizes the board of trustees of a school district to apply to the Superintendent of Public Instruction for approval to use a different assessment. Sections 12 and 16 of this bill provide that, beginning with the 2017-2018 school year: (1) pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher when applicable; and (2) pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher must account for at least 20 percent of the evaluation.**

Existing law requires the board of trustees of each school district to develop a policy for objective evaluations **of teachers and administrators** that complies with the statewide performance evaluation system established by the State Board. Existing law requires this policy to include an evaluation of counselors, librarians and other licensed personnel **.** ~~[, commencing with the 2015-2016 school year.]~~ (NRS **391.3123,** 391.3125**)** ~~[; Section 22 of chapter 496, Statutes of Nevada 2013, p. 3169)]~~ **Section** ~~[2]~~ **4** of this bill ~~[instead delays implementation until the 2016-2017 school year. Section 3 of this bill provides that the evaluation of teachers, administrators and other licensed personnel under the statewide performance evaluation system must not include an evaluation of the performance of pupils enrolled in the school for the 2015-2016 school year.]~~ **authorizes the State Board to provide for the evaluation of counselors, librarians and other licensed educational personnel and determine the manner in which to measure the performance of such personnel. Sections 6 and 8-12 of this bill require this policy to provide for the evaluation of administrators at a district level who provide direct supervision of the principal of a school.**

Existing law requires each probationary teacher or administrator to receive three evaluations during each school year of his or her probationary employment. (NRS 391.3127, 391.3129) Sections 5 and 6 of this bill require a probationary teacher or administrator to instead receive one evaluation during the first school year of his or her probationary employment that must be based in part upon at least three scheduled observations of the teacher or administrator. Sections 5 and 6 also: (1) reduce the number of observations required for a probationary teacher or administrator during his or her second and third years of probationary employment whose performance is designated as highly effective or effective; and (2) require a probationary teacher or administrator whose

performance is designated as minimally effective or ineffective to continue to receive three observations.

Existing law also requires each postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as minimally effective or ineffective to be evaluated three times. (NRS 391.3125, 391.3127) Sections 5 and 6 instead require such a teacher or administrator to receive one evaluation which must be based in part upon at least three scheduled observations. Existing law requires a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective or effective to receive one evaluation which must be based in part upon at least: (1) one scheduled observation, if the teacher or administrator receives an evaluation designating his or her overall performance as highly effective; or (2) two scheduled observations, if the teacher or administrator receives an evaluation designating his or her overall performance as effective. (NRS 391.3125, 391.3127) Sections 5 and 6 instead require such an evaluation to be based on one scheduled observation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require that pupil achievement data account for at least 50 percent of the evaluation.

(d) Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) **[.]** ***which must require, without limitation, that:***

(1) Pupil achievement data derived from statewide examinations and assessments must account for 25 percent of the evaluation of a teacher when applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher and the

~~***Superintendent of Public Instruction must account for 25 percent of the evaluation.***~~

~~— (e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.~~

~~— (f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~**[**Section 22 of chapter 496, Statutes of Nevada 2013, at page 3169, is hereby amended to read as follows:~~

~~— Sec. 22. Commencing with the~~ **[**~~2015-2016~~**]** ***2016-2017*** ~~school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by NRS 391.3125, as amended by section 4 of this act.~~**]** **(Deleted by amendment.)**

Sec. 3. **NRS 386.650 is hereby amended to read as follows:**

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. ~~[Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.]~~

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 4. **NRS 391.3123 is hereby amended to read as follows:**

391.3123 ~~[Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy]~~ ***The State Board may provide*** for evaluations of counselors, librarians and other

licensed educational personnel, except for teachers and administrators, ~~[required by NRS 391.3125.]~~ ***and determine the manner in which to measure the performance of such personnel, including, without limitation, whether to use pupil achievement data as part of the evaluation.***

Sec. 5. **NRS 391.3125 is hereby amended to read as follows:**

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers ~~[and other licensed personnel]~~ in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations ***of teachers*** in narrative form. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. ~~[The policy must set forth a means according to which an employee's overall performance is determined to be highly effective, effective, minimally effective or ineffective. Except as otherwise provided in subsection 9, the policy must require that pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation.]~~ The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. ~~[In a similar manner, counselors, librarians and other licensed personnel must be evaluated.]~~ A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. The person charged with the evaluation of a teacher pursuant to this section shall hold a conference with the teacher before and after each scheduled observation of the teacher during the school year.

4. A probationary teacher must ~~[be evaluated three times]~~ ***receive one evaluation*** during each school year of his or her probationary employment. ~~[Each]~~ ***The*** evaluation must ~~[include]~~ ***be based in part upon*** at least ~~[one]~~ ***three*** scheduled ~~[observation]~~ ***observations*** of the teacher during the ***first*** school year ***of his or her probationary period*** as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

5. ***If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:***

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 4.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the teacher which must occur within 120 days after the first day of instruction of the school year.

6. If a probationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 4.

7. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must ~~[be evaluated three times]~~ ***receive one evaluation*** in the immediately succeeding school year ***which is based in part upon three observations which must occur*** in accordance with the observation schedule set forth in subsection 4. If a postprobationary teacher ~~[is evaluated three times in a school year and he or she]~~ receives ~~[an evaluation designating]~~ ***evidence from the first two observations during the school year indicating that, unless his or her performance improves,*** his or her overall performance ~~[as]~~ ***may be rated as*** minimally effective or ineffective ~~[on the first or second evaluation, or both evaluations,]~~ ***on the evaluation,*** the postprobationary teacher may request that the third ~~[evaluation]~~ ***observation*** be conducted by another administrator. If a postprobationary teacher requests that his or her third ~~[evaluation]~~ ***observation*** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

~~[6.]~~ ***8.*** If a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~[,]~~ ***or highly effective,*** the postprobationary teacher must ~~[be evaluated]~~ ***receive*** one ~~[time]~~ ***evaluation*** in the immediately succeeding school year. The evaluation must ~~[include at least two scheduled observations as follows:]~~

~~(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and~~

~~(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.~~

~~7. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include]~~ ***be based in part upon*** at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

~~[8.]~~ ***9.*** The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional practice of the teacher in the classroom;

(b) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection ~~[9,]~~ ***10,*** an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;

(e) Recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in the areas of instructional practice, professional responsibilities and the performance of pupils; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

~~[9.]~~ ***10.*** The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

~~[10.]~~ ***11.*** The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to improve his or her performance based upon the recommendations reported in the evaluation of the teacher.

Sec. 6. **NRS 391.3127 is hereby amended to read as follows:**

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal. ***The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school.*** The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. ~~[The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective.~~

~~Except as otherwise provided in subsection 8, the policy must require that pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation.~~] The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

3. A probationary administrator must ~~[be evaluated three times]~~ ***receive one evaluation*** during each school year of his or her probationary employment. ~~[Each]~~ ***The*** evaluation must ~~[include]~~ ***be based in part upon*** at least ~~[one]~~ ***three*** scheduled ~~[observation]~~ ***observations*** of the probationary administrator during the ***first*** school year ***of his or her probationary period which must occur*** as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

4. ***If a probationary administrator receives an evaluation designating his or her overall performance as effective or highly effective:***

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observations of the administrator which must occur within the times specified in paragraphs (b) and (c) of subsection 3.

(b) During the first and second school year of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation of the administrator which must occur within 120 days after the first day of instruction of the school year.

5. If a probationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective during the first or second school year of the probationary period, the probationary administrator must receive one evaluation during the immediately succeeding school year which is based in part upon three observations which must occur in accordance with the observation schedule set forth in subsection 3.

6. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must ~~[be evaluated three times]~~ ***receive one evaluation*** in the immediately succeeding school year ***which is based in part upon three observations which must occur*** in accordance with the observation

schedule set forth in subsection 3. If a postprobationary administrator ~~[is evaluated three times in a school year and he or she]~~ receives ~~[an evaluation designating]~~ ***evidence from the first two observations indicating that, unless his or her performance improves,*** his or her overall performance ~~[as]~~ ***may be rated as*** minimally effective or ineffective ~~[on the first or second evaluation, or both evaluations,]~~ ***on the evaluation,*** the postprobationary administrator may request that the third ~~[evaluation]~~ ***observation*** be conducted by another administrator. If a postprobationary administrator requests that his or her third ~~[evaluation]~~ ***observation*** be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

~~[5.]~~ ***7.*** If a postprobationary administrator receives an evaluation designating his or her overall performance as effective ~~[,]~~ ***or highly effective,*** the postprobationary administrator must ~~[be evaluated]~~ ***receive*** one ~~[time]~~ ***evaluation*** in the immediately succeeding school year. The evaluation must ~~[include at least two scheduled observations as follows:~~

~~(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and~~

~~(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.~~

~~6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include]~~ ***be based in part upon*** at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

~~[7.]~~ ***8.*** The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional leadership practices of the administrator at the school;

(b) An evaluation of the professional responsibilities of the administrator to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection ~~[8,]~~ ***9,*** an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the administrator employs practices and strategies to involve and engage the parents and families of pupils enrolled in the school;

(e) Recommendations for improvements in the performance of the administrator; and

(f) A description of the action that will be taken to assist the administrator in the areas of instructional leadership practice, professional responsibilities and the performance of pupils.

~~[8.]~~ ***9.*** The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

~~[9.]~~ ***10.*** Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

~~[10.]~~ ***11.*** Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 7. **NRS 391.3129 is hereby amended to read as follows:**

391.3129 A postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~[If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable:~~

~~(a)]~~ Minimally effective;

~~[(b)]~~ ***2.*** Ineffective; or

~~[(c)]~~ ***3.*** Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period ***.*** ~~[; or~~

~~2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average;]~~

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

Sec. 8. **NRS 391.460 is hereby amended to read as follows:**

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level ***and administrators at the district level who provide direct supervision of the principal of a school,*** and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice

principal ~~[, counselors, librarians and other licensed educational personnel employed by school districts]~~ are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods ~~[,~~ which includes evaluations based upon pupil achievement data as required by NRS 391.465,~~]~~

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers ~~[,]~~ ***and*** administrators ~~[, counselors, librarians and other licensed educational personnel]~~ throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers ~~[,]~~ ***and*** administrators to which paragraph (a) applies ~~[, counselors, librarians and other licensed educational personnel]~~ and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers ~~[,]~~ ***and*** administrators ~~[, counselors, librarians and other licensed educational personnel,]~~ and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 9. **NRS 391.460 is hereby amended to read as follows:**

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide

direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods ~~[.]~~ ***, which includes evaluations based upon pupil achievement data as required by NRS 391.465;***

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 10. **NRS 391.465 is hereby amended to read as follows:**

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. ***Except as otherwise provided in subsection 4, the State Board***

shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) ~~[Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require that pupil achievement data account for at least 50 percent of the evaluation.~~

~~(d) Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c).~~

~~(e)]~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level ***or administrator at the district level who provides direct supervision of the principal of a school,*** and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~[(f)]~~ ***(d)*** Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 11. **NRS 391.465 is hereby amended to read as follows:**

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's

performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) ***Except as otherwise provided in subsection 10 of NRS 391.3125 and subsection 9 of NRS 391.3127, require that pupil achievement data account for at least 20 percent of the evaluation.***

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least 10 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 10 percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~[(d)]~~ ***(f)*** Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. ***The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may***

apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 12. **NRS 391.465 is hereby amended to read as follows:**

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 4, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsection 10 of NRS 391.3125 and subsection 9 of NRS 391.3127, require that pupil achievement data account for at least ~~[20]~~ ***40*** percent of the evaluation.

(d) Except as otherwise provided in subsection 3, prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c) which must require that:

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least ~~[10]~~ ***20*** percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least ~~[10]~~ ***20*** percent of the evaluation.

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,

employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

~~[Sec. 3.]~~ ***Sec. 13.*** The evaluation of teachers ~~[,]~~ **and** administrators ~~[and other licensed personnel]~~ pursuant to NRS 391.3125 or 391.3127 must not include ~~[an evaluation of the performance of pupils enrolled in the school]~~ **pupil achievement data** for the 2015-2016 school year.

Sec. 14. **NRS 391.31211, 391.31212, 391.31213, 391.31214, 391.31215, 391.31216, 391.31217, 391.31218, 391.1219 and 391.3122 are hereby repealed.**

Sec. 15. **Any probationary or postprobationary teacher or administrator who was evaluated for the 2014-2015 school year must be evaluated for the 2015-2016 school year in the manner provided in NRS 391.3125 or 391.3127, as applicable, as amended by sections 5 and 6 of this act. For the purposes of the provisions of those sections, a teacher or administrator who received for the 2014-2015 school year or for any previous school year a rating of:**

1. Satisfactory, must be considered to have received a rating of effective or highly effective.

2. Unsatisfactory, must be considered to have received a rating of minimally effective or ineffective.

~~[Sec. 4.]~~ ***Sec. 16.*** **1.** This **section and sections 1 to 8, inclusive, and sections 10, 13, 14 and 15 of this** act ~~[becomes]~~ **become** effective on July 1, 2015.

2. Sections 9 and 11 of this act become effective on July 1, 2015, for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of those sections and on July 1, 2016, for all other purposes.

3. Section 12 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

391.31211 For 2013-2014 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

391.31212 For 2014-2015 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

391.31213 Validation study of statewide performance evaluation system; selection of representative sample of teachers and administrators to participate; disciplinary decisions must not be based on evaluations conducted under validation study.

391.31214 Policy for evaluations of teachers and other licensed educational personnel instead of NRS 391.3125 during validation study.

391.31215 Policy for evaluation of administrators instead of NRS 391.3127 during validation study.

391.31216 Status of probationary employees during validation study.

391.31217 Report to Interim Finance Committee on results of 2013-2014 validation study; determination by Interim Finance Committee whether all school districts prepared to implement statewide performance evaluation system.

391.31218 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2014-2015 school year.

391.31219 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2015-2016 school year.

391.3122 Validation study of counselors, librarians and certain other educational personnel for 2014-2015 school year.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 806 to Assembly Bill No. 447.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 23.

The following Senate amendment was read:

Amendment No. 668.

AN ACT relating to elections; revising provisions governing regulations that the Secretary of State must adopt regarding the conduct of elections; changing the date of the general city election in certain cities that hold such elections in odd-numbered years; amending provisions relating to committees for political action and independent expenditures made for the purpose of affecting the outcome of elections; revising the beginning and ending dates of the period during which certain limits apply to the amount that may be committed or contributed to a candidate or a legal defense fund; providing that a petition to recall a public officer may only be signed by a registered voter who actually voted in the election at which the public officer was elected; revising other provisions governing recall petitions and elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to adopt regulations governing the conduct of primary, general, special and district elections. (NRS 293.247) **Section 1** of this bill makes various changes to the types of regulations that the Secretary of State must adopt governing the conduct of elections.

Existing law provides that certain cities must hold a general city election on the first Tuesday after the first Monday in June in odd-numbered years. (NRS 293C.140, 293C.145; Boulder City Charter § 96; Caliente City Charter § 5.010; Henderson City Charter § 5.020; Las Vegas City Charter § 5.020; North Las Vegas City Charter § 5.010; Yerington City Charter § 5.010) **Sections 1.3, 1.5, 7-13 and 15** of this bill change the date of the general city election in those cities so that it occurs 1 week later on the second Tuesday after the first Monday in June in odd-numbered years. **Sections 4-6** of this bill make the same change in the election date to the second Tuesday after the first Monday in June in odd-numbered years for certain local special elections seeking voter approval of certain local taxes and debt obligations. (NRS 350.020, 354.5982, 387.3285)

During the 77th Session of the Legislature in 2013, the Legislature enacted legislation that amended the definition of the term "committee for political action" in the campaign finance laws to include certain businesses or organizations that make expenditures of a certain amount in a calendar year for the purpose of affecting the outcome of any election or question on the ballot. (NRS 294A.0055, 294A.230; chapter 259, Statutes of Nevada 2013, pp. 1149-51) In 2013, the Legislature also enacted legislation that added a definition of the term "independent expenditure" to the campaign finance laws, but this newly defined term was not incorporated into the definition of the term "committee for political action." (NRS 294A.0077; chapter 425, Statutes of Nevada 2013, p. 2379) **Sections 1.7 and 2.1** of this bill harmonize the 2013 legislation by incorporating the term "independent expenditure" into the definition of the term "committee for political action."

Under existing law, a person may not contribute or commit to contribute more than $5,000 for a primary election and $5,000 for a general election to a candidate for state, district, county or township office during the period beginning 30 days before the start of the regular session of the Legislature immediately after a general election for that office and ending 30 days before the start of the regular session of the Legislature immediately following the next general election for that office. During the same period, a person is prohibited from making or committing to make a contribution to a legal defense fund of a candidate or public officer in an amount which exceeds $10,000. Existing law also prohibits a candidate or public officer, as applicable, from accepting a contribution or commitment to make a contribution in excess of those amounts. (Nev. Const. Art. 2, § 10, NRS 294A.100, 294A.287) **Section 2** of this bill changes the period to which those contribution limits apply so that the period begins on January 1 immediately after a general election for an office and ends on December 31 immediately after the next general election for that office.

Existing law provides that a violation of the contribution limits to a candidate or a legal defense fund is a category E felony. (NRS 294A.100, 294A.287) **Section 14** of this bill provides that certain contributions made or committed to be made under existing law at the end of the contribution periods in early January 2011, 2013 or 2015 shall be deemed to have been made or committed to be made on December 31, 2010, 2012 or 2014, respectively, so that no person is guilty retrospectively of committing a crime as a result of the changes made by **section 2**.

Existing law requires a committee for the recall of a public officer to report certain contributions received and expenditures made by the committee during its recall efforts. Existing law also requires such a committee to comply with the reporting requirements when it does not submit a legally sufficient recall petition to the filing officer before the expiration of the period for circulating the petition for signatures. (NRS 294A.270, 294A.280) **Sections 2.3 and 2.5** of this bill clarify that such a committee must comply with the reporting requirements if it: (1) fails to submit the petition to the filing officer; (2) submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures; or (3) otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures.

Finally, in *Strickland v. Waymire*, 126 Nev. 230, 240 (2010), the Nevada Supreme Court held that Section 9 of Article 2 of the Nevada Constitution provides that, "[w]hile all registered voters can vote at a special recall election, only voters who voted at the relevant baseline election can qualify a recall petition" by signing a petition for the recall. **Section 3** of this bill conforms existing law to this ruling. (NRS 306.020)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

(a) ~~[~~The duties of election boards;

~~(b) The type and amount of election supplies;~~

~~(c)~~] The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

~~[(d) The method to be used in distributing ballots to precincts and districts;~~

~~(e) The method of inspection and the disposition of ballot boxes;~~

~~(f)~~] ***(b)*** The form and placement of instructions to voters;

~~[(g) The recess periods for election boards;~~

~~(h) The size, lighting and placement of voting booths;~~

~~(i) The amount and placement of guardrails and other furniture and equipment at voting places;~~

~~(j)~~] ***(c)*** The disposition of election returns;

~~[(k)~~] ***(d)*** The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

~~[(l)~~] ***(e)*** The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

~~[(m)~~] ***(f)*** The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

~~[(n)~~] ***(g)*** The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

~~[(o) The procedures to be used for the disposition of absent ballots in case of an emergency;~~

~~(p)~~] ***(h)*** The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;

~~[(q)~~] ***(i)*** The forms for applications to register to vote and any other forms necessary for the administration of this title; and

~~[(r)]~~ ***(j)*** Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 1.3. NRS 293C.140 is hereby amended to read as follows:

293C.140 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population categories one and two on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.

Sec. 1.5. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population category three on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to

NRS 293C.115. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 1.7. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes ***~~[independent]~~*** expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes ***independent*** expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of

incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 2. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning ~~[from 30 days before the regular session of the Legislature]~~ ***January 1 of the year*** immediately following the last general election for the office and ending ~~[30 days before the regular session of the Legislature]~~ ***December 31*** immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2.1. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making ~~***[independent]***~~ expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making ***independent*** expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of

paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose a civil penalty.

Sec. 2.3. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each contribution received or made by the committee for the recall of a public officer during the period in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a petition for the recall of a public officer is not ~~[filed]~~ ***submitted to the filing officer*** before the expiration of the notice of intent ~~[,]~~ ***pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,*** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee for the recall of a public officer, and each contribution made by the committee for the recall of a public officer in excess of $100 and contributions made to one recipient which cumulatively exceed $100. ***The provisions of this subsection apply to the committee for the recall of a public officer if the committee:***

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that the petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election,

➥ report each contribution received or made by the committee for the recall of a public officer in excess of $100 and contributions received from a contributor or made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the contributor or recipient and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation.

Sec. 2.5. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsections 3 and 4, each committee for the recall of a public officer shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer during the period in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a petition for the recall of a public officer is not ~~[filed]~~ ***submitted to the filing officer*** before the expiration of the notice of intent ~~[,]~~ ***pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS,*** the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100. ***The provisions of this subsection apply to the committee for the recall of a public officer if the committee:***

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If a district court determines that a petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040, the committee for the recall of a public officer shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each expenditure made by the committee for the recall of

a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

4. If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:

(a) Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;

(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and

(c) The 15th of the second month after the special election, for the remaining period through the date of the special election,

➥ report each expenditure made by the committee for the recall of a public officer in excess of $100 and expenditures made to one recipient which cumulatively exceed $100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

Sec. 3. NRS 306.020 is hereby amended to read as follows:

306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the State or of the county, district or municipality that the public officer represents, as provided in this chapter and Section 9 of Article 2 of the Constitution of the State of Nevada. A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.

2. The petition to recall a public officer may be signed by any registered voter of the State or of the county, district, municipality or portion thereof that the public officer represents ~~[, regardless of whether the registered voter cast a ballot]~~ ***who actually voted*** in the election at which the public officer was elected.

3. The petition must, in addition to setting forth the reason why the recall is demanded:

(a) Contain the residence addresses of the signers and the date that the petition was signed;

(b) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

(c) Contain at the top of each page and immediately above the signature line, in at least 10-point bold type, the words “Recall Petition”;

(d) Include the date that a notice of intent was filed; and

(e) Have the designation: "Signatures of registered voters seeking the recall of ..... (name of public officer for whom recall is sought)" on each page if the petition contains more than one page.

Sec. 4. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June of an odd-numbered year, ***whether or not the municipality also holds a general municipal election on that date,***

➥ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for

which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the

current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 5. NRS 354.5982 is hereby amended to read as follows:

354.5982 1. The local government may exceed the limit imposed by NRS 354.59811 upon the calculated receipts from taxes ad valorem only if its governing body proposes to its registered voters an additional property tax, and the proposal is approved by a majority of the voters voting on the question at a general election, a general city election or a special election called for that purpose. The question submitted to the voters must contain the rate of the proposed additional property tax stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question. The duration of the levy must not exceed 30 years. The governing body may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition.

2. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election, if the governing body of the local government determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~[~~first~~]~~ ***second*** Tuesday after the first Monday in June of an odd-numbered year ~~[.]~~ ***, whether or not the local government also holds a general city election on that date.***

3. The determination made by the governing body pursuant to subsection 2 that an emergency exists is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this

subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the local government to prevent or mitigate a substantial financial loss to the local government or to enable the governing body to provide an essential service to the residents of the local government.

4. To the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 for a local government, the Executive Director of the Department of Taxation shall add any amount approved by the Legislature for the cost to that local government of any substantial program or expense required by legislative enactment.

Sec. 6. NRS 387.3285 is hereby amended to read as follows:

387.3285 1. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is fewer than 25,000 pupils may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 75 cents on each $100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

2. Upon the approval of a majority of the registered voters of a county voting upon the question at a general or special election, the board of county commissioners in each county with a school district whose enrollment is 25,000 pupils or more may levy a tax which, when combined with any tax imposed pursuant to NRS 387.3287, is not more than 50 cents on each $100 of assessed valuation of taxable property within the county. The question submitted to the registered voters must contain the rate of the proposed additional property tax, stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the board of trustees of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question. The duration may not exceed 20 years.

3. Any money collected pursuant to this section must be deposited in the county treasury to the credit of the fund for capital projects to be held and, except as otherwise provided in NRS 387.3287, to be expended in the same manner as other money deposited in that fund.

4. A special election may be held:

(a) At any time, including, without limitation, on the date of a primary city election or a primary state election if the board of trustees of the school district determines, by a unanimous vote, that an emergency exists; or

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June of an odd-numbered year ~~[.]~~ ***, whether or not any local government also holds a general city election on that date.***

5. The determination made by the board of trustees pursuant to subsection 4 that an emergency exists is conclusive unless it is shown that the board of trustees acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board of trustees must be commenced within 15 days after the determination made by board of trustees is final. As used in this subsection, "emergency" means an unexpected occurrence or combination of occurrences that requires immediate action by the board of trustees of the school district to prevent or mitigate a substantial financial loss to the school district or to enable the board of trustees to provide an essential service.

Sec. 7. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess

of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 8. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) ~~[On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~(b)~~] On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1975,]~~ ***2019,*** and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold

office for a period of 4 years and until their successors have been elected and qualified.

~~[(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.~~

~~(d)]~~ ***(b)*** On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1977,]~~ ***2017,*** and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 9. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1215, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the ~~[first]~~ ***second*** Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the ***second*** Tuesday after the first Monday in June ~~[2001,]~~ ***2019,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the ***second*** Tuesday after the first Monday in June ~~[~~2003~~]~~ ***2021,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the ***second*** Tuesday after the first Monday in June ~~[~~2005,~~]~~ ***2017,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 10. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the ***second*** Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 11. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada 2013, at page 1183, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2, a general municipal election must be held in the City on the ***second*** Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 12. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 962, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. Except as otherwise provided in section 5.025:

(a) On the ***second*** Tuesday after the first Monday in June ~~[1977,]~~ ***2017,*** and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the ***second*** Tuesday after the first Monday in June ~~[1975,]~~ ***2019,*** and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 13. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1975,]~~ ***2019,*** and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the ~~[first]~~ ***second*** Tuesday after the first Monday in June ~~[1977,]~~ ***2017,*** and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 14. 1. For the purposes of NRS 294A.100, as amended by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to a candidate for an office having a term of 6 years, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office described in paragraph (a) who, on or after January 1, 2011, and on or before January 8, 2011, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to a candidate for an office having a term of 4 years or more, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office described in paragraph (c) who, on or after January 1, 2013, and on or before January 5, 2013, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to a candidate for an office having a term of 2 years or more, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office described in paragraph (e) who, on or after January 1, 2015, and on or before January 3, 2015, accepted a contribution or a commitment to make a contribution, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

2. For the purposes of NRS 294A.287, as affected by section 2 of this act:

(a) A person who, on or after January 1, 2011, and on or before January 8, 2011, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 6 years or a public officer who held such an office, the last preceding general election for which was in 2010, shall be deemed to have made or committed to make the contribution on December 31, 2010.

(b) A candidate for an office or a public officer who held an office described in paragraph (a), the last preceding general election for which was in 2010, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2011, and on or before January 8, 2011, shall be deemed to have accepted the contribution or commitment on December 31, 2010.

(c) A person who, on or after January 1, 2013, and on or before January 5, 2013, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 4 years or more or a public officer who held such an office, the last preceding general election for which was in 2012, shall be deemed to have made or committed to make the contribution on December 31, 2012.

(d) A candidate for an office or a public officer who held an office described in paragraph (c), the last preceding general election for which was in 2012, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2013, and on or before January 5, 2013, shall be deemed to have accepted the contribution or commitment on December 31, 2012.

(e) A person who, on or after January 1, 2015, and on or before January 3, 2015, made or committed to make a contribution to the legal defense fund of a candidate for an office having a term of 2 years or more or a public officer who held such an office, the last preceding general election for which was in 2014, shall be deemed to have made or committed to make the contribution on December 31, 2014.

(f) A candidate for an office or a public officer who held an office described in paragraph (e), the last preceding general election for which was in 2014, and who accepted a contribution or a commitment to make a contribution to his or her legal defense fund on or after January 1, 2015, and on or before January 3, 2015, shall be deemed to have accepted the contribution or commitment on December 31, 2014.

3. Nothing in this section authorizes a person to make a contribution or commitment to make a contribution, or a candidate or public officer to accept a contribution or commitment to make a contribution, in excess of the limits set forth in NRS 294A.100 or 294A.287.

Sec. 15. The amendatory provisions of this act do not abrogate or affect the current term of office of any municipal officer who is serving in that office on January 1, 2016.

Sec. 16. 1. This section and sections 1, 1.7 to 3, inclusive, and 14 of this act become effective on July 1, 2015.

2. Sections 1.3, 1.5, 4 to 13, inclusive, and 15 of this act become effective on January 1, 2016.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 668 to Assembly Bill No. 23.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 94.

The following Senate amendment was read:

Amendment No. 676.

AN ACT relating to elections; authorizing election officials to establish systems for registered voters to elect to receive sample ballots by electronic means; ~~[allowing]~~ **clarifying provisions governing the confidentiality of certain information relating to registered voters; protecting the confidentiality of electronic mail addresses provided by** registered voters ~~[who participate in such systems to elect to have their electronic mail addresses withheld from the public;]~~ **to election officials;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 2 and 4** of this bill authorize each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who elects to receive sample ballots in that manner. Such a system ~~[must be approved by the Secretary of State and]~~ may include, without limitation, electronic mail or electronic access through an Internet website.

Existing law provides that **certain information relating to a registered voter is confidential and that** a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) **Section 1.7** of this bill ~~[allows]~~ **clarifies that**

the following information relating to a registered voter is confidential: (1) the address and telephone number of the registered voter if requested by the registered voter; (2) an electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process, including an electronic mail address provided by a registered voter who participates in a system to distribute sample ballots by electronic means ~~[to elect to have his or her electronic mail address]~~ **; (3) the social security number and driver's license or identification card number of the registered voter; and (4) any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be** withheld from the public.

Sections 1, ~~[1.3, 1.5, 3, 3.5]~~ 3 and 5-10 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.097 is hereby amended to read as follows:

293.097 ***1.*** **"**Sample ballot" means a document distributed by a county or city clerk upon which is ~~[printed]~~ ***included*** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes ***, without limitation,*** any such document which is ~~[printed by]~~ ***prepared on*** a computer ~~[.]~~ ***and distributed by mail or electronic means pursuant to NRS 293.565 or 293C.530.***

Sec. 1.3. ~~[NRS 293.301 is hereby amended to read as follows:~~

~~293.301 1. The county clerk of each county shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name, address and political affiliation of each voter~~ ~~[.]~~ ~~*and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.*~~ ~~Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter that voted since the last identification.~~

~~2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:~~

> ~~It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.~~

~~3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address~~ ~~*, electronic mail address*~~ ~~or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~[NRS 293.440 is hereby amended to read as follows:~~

~~293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.~~

~~2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote~~ **[.]** ~~*and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.* If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.~~

~~3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.~~

~~4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:~~

~~(a) The list of persons who are registered to vote and the information required in subsection 2; and~~

~~(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:~~

~~(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or~~

~~(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.~~

~~5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.~~

~~6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who~~

~~receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:~~

~~— (a) Use the list for any purpose that is not related to an election; or~~

~~— (b) Sell the list for compensation or other valuable consideration.]~~ **(Deleted by amendment.)**

Sec. 1.7. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county ***or city*** clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county ***or city*** clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county ***or city*** clerk shall not disclose ~~[the]~~ ***:***

(a) The social security number or the driver's license or identification card number of a registered voter ~~[.]~~ ***, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.***

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

3. A registered voter may submit a written request to the county ***or city*** clerk to have his or her address and ~~*[withheld from the public the registered voter's address,]*~~ telephone number withheld from the public. ~~*[or electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.]*~~ Upon receipt of such a request, the county ***or city*** clerk shall not disclose the address ~~*[,]*~~ or telephone number ~~*[or electronic mail address]*~~ of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county ***or city*** clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information ***relating to a registered voter may be withheld from the public*** other than ~~[the]~~ ***:***

(a) The address ~~[,]~~ ***and*** telephone number ~~[,]~~ ***of the registered voter if requested by the registered voter pursuant to this section;***

(b) An electronic mail address ~~[,]~~ ***provided by the registered voter to carry out any state or federal law relating to the voting process;***

(c) The social security number and driver's license or identification card number of ~~[a]~~ ***the*** registered voter ~~[may]~~ ***; and***

(d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 2. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system*** ~~***[must be approved by the Secretary of State and]***~~ ***may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall*** ~~***[:***~~

~~*— (a) Distribute]*~~ *distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State . ~~[~~, and*

~~*— (b) If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.]*~~

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall ~~[~~cause to be mailed~~]~~ ***distribute*** to each registered voter in the county ~~[~~a~~]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~[~~mailing~~]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[~~5.~~]~~ ***7.*** Except as otherwise provided in subsection ~~[~~6,~~]~~ ***8,*** a sample ballot required to be ~~[~~mailed~~]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[~~printed~~]~~ ***prepared*** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~[~~printed~~]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[~~6.~~]~~ ***8.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[~~7.~~]~~ ***9.*** The sample ballot ~~[~~mailed~~]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[~~printed~~]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[~~8.~~]~~ ***10.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[~~mailed~~]~~ ***distributed*** to that person from the county are in large type.

~~[~~9.~~]~~ ***11.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or

disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10.]~~ ***12.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ ***Stated*** on all sample ballots ~~[mailed;]~~ ***distributed by mail or electronic means;***

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 3.5. ~~[NRS 293C.290 is hereby amended to read as follows:~~

~~293C.290 1. The city clerk shall require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing must include the name and address of each voter~~ ***.] and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530.*** ~~Not less than four times during the hours in which the polling place is open, an election board officer shall identify the name of each voter who voted since the last identification.~~

~~2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:~~

> ~~It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.~~

~~3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or~~

~~prevent others from readily ascertaining the name~~ **,** ~~[~~or~~]~~ address ~~*or electronic mail address*~~ of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.~~]~~ **(Deleted by amendment.)**

Sec. 4. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. ***A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system*** ~~*[must be approved by the Secretary of State and]*~~ ***may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall*** ~~*[:*~~

~~*(a) Distribute]*~~ ***distribute*** ***the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State*** ~~*. [; and*~~

~~*(b) If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.]*~~

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall ~~[cause to be mailed]~~ ***distribute*** to each registered voter in the city ~~[a]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~[mailing]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[2.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***6,*** a sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3.]~~ ***5.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4.]~~ ***6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5.]~~ ***7.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[6.]~~ ***8.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the city are in large type.

~~[7.]~~ ***9.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[8.]~~ ***10.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for a city election must be borne by the city holding the election.

Sec. 5. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➥ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 6. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~[cause to be mailed]~~ ***distribute*** to each qualified elector ***by mail or electronic means, as applicable,*** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. ***A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.***

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~[printed]~~ ***prepared*** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the county are in large type.

Sec. 7. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~[mailing]~~ ***distributing*** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 8. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 9. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per $100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 10. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 11. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 676 to Assembly Bill No. 94.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 793.

AN ACT relating to reports; revising provisions relating to reports submitted by certain entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to reports required to be submitted by various governmental entities. **Section 1** of this bill eliminates the requirement for the Court Administrator to submit a separate report relating to certain statistics regarding specialty court programs, and instead requires such statistics to be included in the annual report on court statistics. **Section 1** also eliminates the requirement for the Court Administrator to submit a report containing statistics on cases relating to competency, convictions and malpractice of certain licensed medical professionals. **Sections 15 and 16** of this bill eliminate the requirement that court clerks submit such case statistics to the Office of Court Administrator. **Section 2** of this bill eliminates the requirement that the Supreme Court submit a report containing statistics on the use of arbitration and alternative dispute resolution in the court system.

Section 3 of this bill eliminates the requirements that the Central Repository for Nevada Records of Criminal History submit: (1) an annual report to the Governor containing statistical data relating to crime in this State; and (2) an annual report to the Director of the Legislative Counsel Bureau containing statistical data about domestic violence in this State. **Instead, section 3 only requires the Central Repository to post both reports on its Internet website.**

Section 8 of this bill eliminates the requirement that the Director of the Department of Administration submit a semiannual report detailing the royalties charged for the use of The Great Seal of the State of Nevada on medallions.

Section 9 of this bill eliminates the requirement that the Administrator of the Office of Economic Development submit a biennial report evaluating the effectiveness of the programs relating to zones for economic development established pursuant to chapter 274 of NRS. **Section 10** of this bill eliminates the requirement that the Employment Security Division of the Department of Employment, Training and Rehabilitation submit a biennial report relating to the use of the Old-Age and Survivors Insurance System. **Section 11** of this bill eliminates the requirement that the Committee on Local Government Finance file a biennial report relating to the fiscal impact on counties and incorporated cities of the formula used for tax distribution.

Section 13 of this bill eliminates the requirement that the Division of Public and Behavioral Health of the Department of Health and Human Services submit a report relating to complaints received and disciplinary action taken by the Division.

Section 14 of this bill eliminates the requirement that the Board for the Regulation of Liquefied Petroleum Gas submit a biennial report of the Board's receipts and expenditures and any complaints received by the Board.

Section 17 of this bill eliminates the requirement that the Real Estate Division of the Department of Business and Industry submit a biennial report relating to complaints received and disciplinary action taken by the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court;

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report ~~[compiling]~~ ***:***

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; ***and***

(b) Concerning:

(1) The distribution of money deposited in the special account created by NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

11. ~~[On or before January 1 of each odd numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report;~~

~~(c) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and~~

~~(d) Such other related information as the Court Administrator deems appropriate;~~

~~12. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and~~

~~13.~~**]** Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 2. NRS 38.255 is hereby amended to read as follows:

38.255 1. The rules adopted by the Supreme Court pursuant to NRS 38.253 to provide guidelines for the establishment by a district court of a program must include provisions for a:

(a) Mandatory program for the arbitration of civil actions pursuant to NRS 38.250.

(b) Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds $50,000 per plaintiff, exclusive of attorney's fees, interest and court costs.

(c) Voluntary program for the use of binding arbitration in all civil actions.

2. The rules must provide that the district court of any judicial district whose population is 100,000 or more:

(a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of subsection 1.

(b) May set fees and charge parties for arbitration if the amount in issue exceeds $50,000 per plaintiff, exclusive of attorney's fees, interest and court costs.

➥ The rules may provide for similar programs for the other judicial districts.

3. The rules must exclude the following from any program of mandatory arbitration:

(a) Actions in which the amount in issue, excluding attorney's fees, interest and court costs, is more than $50,000 or less than the maximum jurisdictional amounts specified in NRS 4.370 and 73.010;

(b) Class actions;

(c) Actions in equity;

(d) Actions concerning the title to real estate;

(e) Probate actions;

(f) Appeals from courts of limited jurisdiction;

(g) Actions for declaratory relief;

(h) Actions involving divorce or problems of domestic relations;

(i) Actions brought for relief based on any extraordinary writs;

(j) Actions for the judicial review of an administrative decision;

(k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action or pursuant to rules adopted by the Supreme Court, have submitted the controversy to arbitration or any other alternative method for resolving a dispute;

(l) Actions that present unusual circumstances that constitute good cause for removal from the program;

(m) Actions in which any of the parties is incarcerated; and

(n) Actions submitted to mediation pursuant to rules adopted by the Supreme Court.

4. The rules must include:

(a) Provisions for the payment of fees to an arbitrator who is appointed to hear a case pursuant to the rules. The rules must provide that an arbitrator must be compensated at a rate of $100 per hour, to a maximum of $1,000 per case, unless otherwise authorized by the arbitration commissioner for good cause shown.

(b) Guidelines for the award of attorney's fees and maximum limitations on the costs to the parties of the arbitration.

(c) Disincentives to appeal.

(d) Provisions for trial upon the exercise by either party of the party's right to a trial anew after the arbitration.

~~[5. The Supreme Court shall, on or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary. The report must include, for the period since the previous such report, if any:~~

~~(a) A listing of the number of actions which were submitted to arbitration or other alternative methods of resolving disputes pursuant to NRS 38.250 or 38.258 and their manner of disposition;~~

~~(b) A statement of the amount of money collected in each judicial district pursuant to NRS 19.0315 and a summary of the manner in which the fees were expended; and~~

~~(c) Any recommendations for legislation or other information regarding the programs on arbitration deemed relevant by the Supreme Court.]~~

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the General Services Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and ~~[present to the Governor a printed]~~ ***post on the Central Repository's Internet website an*** annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be ~~[presented to the Governor]~~ ***posted to the Central Repository's Internet website*** throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and ~~[submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session,]~~ ***post on the Central Repository's Internet website*** a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the

Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 4. NRS 179A.175 is hereby amended to read as follows:

179A.175 1. The Director of the Department shall establish within the Central Repository a program for reporting crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

2. The program must be designed to collect, compile and analyze statistical data about crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. The Director shall adopt guidelines for the collection of the statistical data, including, but not limited to, the criteria to establish the presence of prejudice.

3. The Central Repository shall include in ~~[its annual report to the Governor pursuant to subsection 6 of NRS 179A.075, and in]~~ any ~~[other]~~ appropriate report ~~[,]~~ an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

4. Data acquired pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of an individual victim of a crime.

5. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

Sec. 5. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection Against Domestic Violence is hereby created within the Central Repository.

2. Except as otherwise provided in subsection 6, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada, in accordance with regulations adopted by the Director of the Department, including, without limitation, any information received pursuant to NRS 33.095. Information received by the Central Repository pursuant to NRS 33.095 must be entered in the Repository for Information Concerning

Orders for Protection Against Domestic Violence not later than 8 hours after it is received by the Central Repository.

3. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must be accessible by computer at all times to each agency of criminal justice.

4. On or before ~~[February 15]~~ ***July 1*** of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection against domestic violence issued pursuant to NRS 33.020 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection Against Domestic Violence. The report must include, without limitation, information for each court that issues temporary or extended orders for protection against domestic violence concerning:

(a) The total number of temporary and extended orders that were granted by the court pursuant to NRS 33.020 during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

5. The information provided pursuant to subsection 4 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

6. The Repository for Information Concerning Orders for Protection Against Domestic Violence must not contain any information concerning an event that occurred before October 1, 1998.

Sec. 6. NRS 213.10885 is hereby amended to read as follows:

213.10885 1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

(a) Who committed a capital offense.

(b) Who was sentenced to serve a term of imprisonment for life.

(c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.

(d) Who was convicted as a habitual criminal.

(e) Who is a repeat offender.

(f) Who was convicted of any other type of offense.

➥ The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the Board shall consider the information on decisions regarding parole that is compiled and maintained pursuant to NRS 213.10887 and all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:

(a) The severity of the crime committed;

(b) The criminal history of the person;

(c) Any disciplinary action taken against the person while incarcerated;

(d) Any previous parole violations or failures;

(e) Any potential threat to society or to the convicted person; and

(f) The length of his or her incarceration.

3. In determining whether to grant parole to a convicted person, the Board shall not consider whether the person has appealed the judgment of imprisonment for which the person is being considered for parole.

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

5. The Board shall make available to the public a sample of the form the Board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

6. On or before January 1 of each ~~[even-numbered]~~ ***odd-numbered*** year, the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

7. The Board shall report to each regular session of the Legislature:

(a) The number and percentage of the Board's decisions that conflicted with the standards;

(b) The results and conclusions from the Board's review pursuant to subsection 6; and

(c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

Sec. 7. NRS 213.10887 is hereby amended to read as follows:

213.10887 1. The Board shall compile and maintain detailed information concerning all decisions regarding parole. The information must include, but is not limited to:

(a) The Board's reasons for each decision to grant, deny, revoke or continue parole.

(b) The number of decisions made by the Board granting parole, denying parole, revoking parole and continuing parole.

2. The Board shall ~~[organize]~~ ***:***

(a) Organize and tabulate the information compiled pursuant to this section at regular intervals, which must not exceed 3 months ~~[.]~~ ***; and***

(b) Publish such information on its Internet website.

Sec. 8. NRS 235.016 is hereby amended to read as follows:

235.016 1. The Director shall set and collect a royalty for the use of The Great Seal of the State of Nevada from the mint which produces the medallions or bars. The amount of the royalty must be:

(a) Based on the usual and customary fee charged as a commission by dealers of similar medallions or bars; and

(b) Adjusted at least once each year to ensure it is competitive with the usual and customary fee.

2. ~~[The Director shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain:~~

~~(a) The amount of the royalties being charged; and~~

~~(b) The information used to determine the usual and customary fee charged by dealers.~~

~~3.]~~ The money collected pursuant to this section must be deposited in the Account for the Division of Minerals created pursuant to NRS 513.103.

Sec. 9. NRS 274.090 is hereby amended to read as follows:

274.090 1. The Executive Director of the Office of Economic Development shall serve as Administrator.

2. The Administrator shall:

(a) Administer this chapter.

(b) ~~[Submit reports evaluating the effectiveness of the programs established pursuant to this chapter together with any suggestions for legislation to the Legislature by February 1 of every odd-numbered year. The reports must contain statistics concerning initial and current population, employment, per capita income, corporate income and the construction of housing for each specially benefited zone.~~

~~(c)]~~ Adopt all necessary regulations to carry out the provisions of this chapter.

Sec. 10. NRS 287.230 is hereby amended to read as follows:

287.230 The state agency shall ~~[:~~

~~1. Make]~~ ***make*** studies concerning the problem of Old-Age and Survivors Insurance protection for employees of the State and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under NRS 287.050 to 287.240, inclusive.

~~[2. Submit a report to the Legislature at the beginning of each regular session covering the administration and operation of NRS 287.050 to 287.240, inclusive, during the preceding biennium, including such recommendations for amendments as it considers proper.]~~

Sec. 11. NRS 365.550 is hereby amended to read as follows:

365.550 1. Except as otherwise provided in subsection 2, the receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the Department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the Fiscal Year ending on June 30, 2003, and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003;

(b) If the total amount to be allocated is greater than the average monthly amount all counties received in the Fiscal Year ending on June 30, 2003, determine for each county an amount from the total amount to be allocated using the following formula:

(1) Multiply the county's percentage share of the total state population by 2;

(2) Add the percentage determined pursuant to subparagraph (1) to the county's percentage share of total mileage of improved roads or streets maintained by the county or an incorporated city located within the county;

(3) Divide the sum of the percentages determined pursuant to subparagraph (2) by 3; and

(4) Multiply the total amount to be allocated by the percentage determined pursuant to subparagraph (3);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (a) from the amount determined pursuant to paragraph (b); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(d) Identify each county for which the amount determined pursuant to paragraph (b) is less than or equal to the amount allocated to the county pursuant to paragraph (a) and:

(1) Subtract the amount determined pursuant to paragraph (b) from the amount determined pursuant to paragraph (a); and

(2) Add the amounts determined pursuant to subparagraph (1) for all counties;

(e) Subtract the amount determined pursuant to subparagraph (2) of paragraph (d) from the amount determined pursuant to subparagraph (2) of paragraph (c);

(f) Divide the amount determined pursuant to subparagraph (1) of paragraph (c) for each county by the sum determined pursuant to subparagraph (2) of paragraph (c) for all counties to determine each county's percentage share of the sum determined pursuant to subparagraph (2) of paragraph (c); and

(g) In addition to the allocation made pursuant to paragraph (a), allocate to each county that is identified pursuant to paragraph (c) a percentage of the total amount determined pursuant to paragraph (e) that is equal to the percentage determined pursuant to paragraph (f).

2. At the end of each fiscal year, the Department shall:

(a) Determine the total amount to be allocated to all counties pursuant to subsection 1 for the current fiscal year; and

(b) Use the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to each county an amount determined pursuant to subsection 3.

3. If the total amount to be allocated to all the counties determined pursuant to paragraph (a) of subsection 2:

(a) Does not exceed the total amount that was received by all the counties for the Fiscal Year ending on June 30, 2003, the Department shall adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the Fiscal Year ending on June 30, 2003.

(b) Exceeds the total amount that was received by all counties for the Fiscal Year ending on June 30, 2003, the Department shall:

(1) Identify the total amount allocated to each county for the Fiscal Year ending on June 30, 2003, and the total amount for the current fiscal year determined pursuant to paragraph (a) of subsection 2;

(2) Apply the formula set forth in paragraph (b) of subsection 1 using the amounts in subparagraph (1), instead of the monthly amounts, to determine the total allocations to be made to the counties for the current fiscal year; and

(3) Adjust the final monthly allocation to be made to each county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to subparagraph (2).

4. Of the money allocated to each county pursuant to the provisions of subsections 1, 2 and 3:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to NRS 373.131, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration.

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or, if there is at least one incorporated city in the county, allocated monthly by the Department to the county and each incorporated city in the county using, except as otherwise provided in paragraph (c), the following formula:

(1) Determine the average monthly amount the county and each incorporated city in the county received in the fiscal year ending on June 30, 2005, and allocate to the county and each incorporated city in the county that amount, or if the total amount to be allocated is less than that amount, allocate to the county and each incorporated city in the county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) If the total amount to be allocated is greater than the average monthly amount the county and all incorporated cities within the county received in the fiscal year ending on June 30, 2005, determine for the county and each incorporated city in the county an amount from the total amount to be allocated using the following formula:

(I) One-fourth in proportion to total area.

(II) One-fourth in proportion to population.

(III) One-fourth in proportion to the total mileage of improved roads and streets maintained by the county or incorporated city in the county, as applicable.

(IV) One-fourth in proportion to vehicle miles of travel on improved roads and streets maintained by the county or incorporated city in the county, as applicable.

➥ For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

(3) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was greater than the amount allocated to the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (1) from the amount determined pursuant to subparagraph (2); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(4) Identify whether the county or any incorporated city in the county had an amount determined pursuant to subparagraph (2) that was less than or equal to the amount determined for the county or incorporated city, as applicable, pursuant to subparagraph (1) and, if so:

(I) Subtract the amount determined pursuant to subparagraph (2) from the amount determined pursuant to subparagraph (1); and

(II) Add the amounts determined pursuant to sub-subparagraph (I) for the county and all incorporated cities in the county.

(5) Subtract the amount determined pursuant to sub-subparagraph (II) of subparagraph (4) from the amount determined pursuant to sub-subparagraph (II) of subparagraph (3).

(6) Divide the amount determined pursuant to sub-subparagraph (I) of subparagraph (3) for the county and each incorporated city in the county by the sum determined pursuant to sub-subparagraph (II) of subparagraph (3) for

the county and all incorporated cities in the county to determine the county's and each incorporated city's percentage share of the sum determined pursuant to sub-subparagraph (II) of subparagraph (3).

(7) In addition to the allocation made pursuant to subparagraph (1), allocate to the county and each incorporated city in the county that is identified pursuant to subparagraph (3) a percentage of the total amount determined pursuant to subparagraph (5) that is equal to the percentage determined pursuant to subparagraph (6).

(c) At the end of each fiscal year, the Department shall:

(1) Determine the total amount to be allocated to a county and each incorporated city within the county pursuant to paragraph (b) for the current fiscal year; and

(2) Use the amount equal to that part of the allocation which represents 2.35 cents per gallon of the proceeds of the tax paid by a dealer, supplier or user for June of the current fiscal year to allocate to a county and each incorporated city in the county an amount determined pursuant to paragraph (d).

(d) If the total amount to be allocated to a county and all incorporated cities in the county determined pursuant to subparagraph (1) of paragraph (c):

(1) Does not exceed the total amount that was received by the county and all the incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall adjust the final monthly amount allocated to the county and each incorporated city in the county so that the county and each incorporated city is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

(2) Exceeds the total amount that was received by the county and all incorporated cities in the county for the fiscal year ending on June 30, 2005, the Department shall:

(I) Identify the total amount allocated to the county and each incorporated city in the county for the fiscal year ending on June 30, 2005, and the total amount for the current fiscal year determined pursuant to subparagraph (1) of paragraph (c);

(II) Apply the formula set forth in subparagraph (2) of paragraph (b) using the amounts in sub-subparagraph (I), instead of the monthly amounts, to determine the total allocations to be made to the county and the incorporated cities in the county for the current fiscal year; and

(III) Adjust the final monthly allocation to be made to the county and each incorporated city in the county to ensure that the total allocations for the current fiscal year equal the amounts determined pursuant to sub-subparagraph (II).

5. The amount allocated to the counties and incorporated cities pursuant to subsections 1 to 4, inclusive, must be remitted monthly. The State Controller shall draw his or her warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities,

as applicable, and the State Treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

6. The formula computations must be made as of July 1 of each year by the Department of Motor Vehicles, based on estimates which must be furnished by the Department of Transportation and, if applicable, any adjustments to the estimates determined to be appropriate by the Committee pursuant to subsection 10. Except as otherwise provided in subsection 10, the determination made by the Department of Motor Vehicles is conclusive.

7. The Department of Transportation shall complete:

(a) The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.

(b) A physical audit of the information submitted by each county and incorporated city pursuant to subsection 8 at least once every 10 years.

8. Each county and incorporated city shall, not later than March 1 of each year, submit a list to the Department of Transportation setting forth:

(a) Each improved road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those improved roads or streets.

➥ Each county and incorporated city shall, at least 10 days before the list is submitted to the Department of Transportation, hold a public hearing to identify and determine the improved roads and streets maintained by the county or city.

9. If a county or incorporated city does not agree with the estimates prepared by the Department of Transportation pursuant to subsection 7, the county or incorporated city may request that the Committee examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the Committee not later than October 15.

10. The Committee shall hold a public hearing and review any request it receives pursuant to subsection 9 and determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection 9. Any determination made by the Committee pursuant to this subsection is conclusive.

11. The Committee shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities. ~~[Biennially, the Committee shall prepare a report concerning its findings and recommendations regarding that fiscal impact and submit the report on or before February 15 of each odd-numbered year to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Committees on Taxation of the Nevada Legislature for their review.]~~

12. As used in this section:

(a) "Committee" means the Committee on Local Government Finance created pursuant to NRS 354.105.

(b) "Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

(1) Grades and regrades;

(2) Graveling, oiling, surfacing, macadamizing and paving;

(3) Sweeping, cleaning and sanding roads and removing snow from a road;

(4) Crosswalks and sidewalks;

(5) Culverts, catch basins, drains, sewers and manholes;

(6) Inlets and outlets;

(7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

(8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

(9) Rights-of-way;

(10) Grade and traffic separators;

(11) Fences, cattle guards and other devices to control access to a county or city road;

(12) Signs and devices for the control of traffic; and

(13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) "Improved road or street" means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

(d) "Total mileage of an improved road or street" means the total mileage of the length of an improved road or street, without regard to the width of that road or street or the number of lanes it has for vehicular traffic.

Sec. 12. NRS 417.105 is hereby amended to read as follows:

417.105 1. ~~[Each year on]~~ ***On*** or before October 1 ~~[,]~~ ***of each even-numbered year,*** the Department shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Department shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board of the State Public Works Division of the Department of Administration.

(c) The Office of Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Department shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for local businesses owned by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 13. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility pursuant to subsection 2. The Division shall provide to a child care facility:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

~~[5. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.]~~

Sec. 14. NRS 590.505 is hereby amended to read as follows:

590.505 1. The Board may adopt a seal for its own use which must have imprinted thereon the words "Board for the Regulation of Liquefied Petroleum Gas." The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.

2. The Board may appoint an Executive Secretary and may employ or, pursuant to NRS 333.700, contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the

faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.

3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:

(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.

(b) May adopt such regulations as it deems necessary.

4. ~~[The Board shall submit to the Legislature and the Governor a biennial report before September 1 of each even-numbered year, covering the biennium ending June 30 of that year, of its transactions during the preceding biennium, including a complete statement of the receipts and expenditures of the Board during the period and any complaints received by the Board.~~

~~5.]~~ The Board shall keep accurate records, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035. The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.

Sec. 15. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. ~~[On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.~~

~~8.]~~ The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 633.533 is hereby amended to read as follows:

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician or physician assistant on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing

the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing osteopathic medicine or practicing as a physician assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall file a written report with the Board of any change in the privileges of an osteopathic physician or physician assistant to practice while the osteopathic physician or physician assistant is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician or physician assistant concerning the care of a patient or the competency of the osteopathic physician or physician assistant, within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician or physician assistant that is based on:

(a) An investigation of the mental, medical or psychological competency of the osteopathic physician or physician assistant; or

(b) Suspected or alleged substance abuse in any form by the osteopathic physician or physician assistant.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or physician assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after the finding, judgment or determination.

~~[7. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a~~

~~written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians and physician assistants pursuant to paragraph (e) of subsection 6.~~]

Sec. 17. NRS 645.633 is hereby amended to read as follows:

645.633 1. The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of any of the following acts:

(a) Willfully using any trade name, service mark or insigne of membership in any real estate organization of which the licensee is not a member, without the legal right to do so.

(b) Violating any order of the Commission, any agreement with the Division, any of the provisions of this chapter, chapter 116, 119, 119A, 119B, 645A or 645C of NRS or any regulation adopted pursuant thereto.

(c) Paying a commission, compensation or a finder's fee to any person for performing the services of a broker, broker-salesperson or salesperson who has not secured a license pursuant to this chapter. This subsection does not apply to payments to a broker who is licensed in his or her state of residence.

(d) A conviction of, or the entry of a plea of guilty, guilty but mentally ill or nolo contendere to:

(1) A felony relating to the practice of the licensee, property manager or owner-developer; or

(2) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

(e) Guaranteeing, or having authorized or permitted any person to guarantee, future profits which may result from the resale of real property.

(f) Failure to include a fixed date of expiration in any written brokerage agreement or failure to leave a copy of such a brokerage agreement or any property management agreement with the client.

(g) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a client.

(h) Gross negligence or incompetence in performing any act for which the person is required to hold a license pursuant to this chapter, chapter 119, 119A or 119B of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before the person became licensed which was in fact unknown to the Division and which would have been grounds for denial of a license had the Division been aware of the conduct.

(k) Knowingly permitting any person whose license has been revoked or suspended to act as a real estate broker, broker-salesperson or salesperson, with or on behalf of the licensee.

(l) Recording or causing to be recorded a claim pursuant to the provisions of NRS 645.8701 to 645.8811, inclusive, that is determined by a district court to be frivolous and made without reasonable cause pursuant to NRS 645.8791.

2. The Commission may take action pursuant to NRS 645.630 against a person who is subject to that section for the suspension or revocation of a real estate broker's, broker-salesperson's or salesperson's license issued by any other jurisdiction.

3. The Commission may take action pursuant to NRS 645.630 against any person who:

(a) Holds a permit to engage in property management issued pursuant to NRS 645.6052; and

(b) In connection with any property for which the person has obtained a property management agreement pursuant to NRS 645.6056:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124, and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to the property management agreement.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Commission may take action against a person holding a permit to engage in property management pursuant to subsection 3.

~~[5. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and~~

~~(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.]~~

Sec. 18. (Deleted by amendment.)

Sec. 19. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 793 to Assembly Bill No. 457.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 461.

The following Senate amendment was read:

Amend No. 777.

AN ACT relating to elections; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; ~~[increasing]~~ **prescribing** the penalty for a candidate who files certain documents containing a false statement; revising the forms for declarations of candidacy, acceptances of candidacy and declarations of residency; requiring certain proofs of identity and residency when filing for candidacy; making conforming changes to the

definition of "actual residence" for purposes of candidacy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) **Section 1** of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate is disqualified from taking office; and (2) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) Existing law also requires a candidate for election to the Legislature to file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) **Sections 1.5, 2, 3, 5 and 7** of this bill provide that a candidate who knowingly and willfully files a declaration of candidacy, acceptance of candidacy or declaration of residency which contains a false statement is guilty of a ~~[category E felony.]~~ **gross misdemeanor.**

Existing law specifies the forms for a declaration or acceptance of candidacy and a declaration of residency and requires certain information to be included on the forms. Existing law also requires a candidate to present the filing officer with one type of acceptable identification or documentation as proof of the candidate's identity and residency when the candidate files a declaration or acceptance of candidacy. (NRS 293.177, 293.181, 293C.185)

Sections 2, 3 and 5 revise the forms for a declaration or acceptance of candidacy and a declaration of residency to include a statement that the candidate understands that knowingly and willfully filing such a document which contains a false statement is a crime punishable as a ~~[category E felony]~~ **gross misdemeanor** and also subjects the candidate to a civil action disqualifying the candidate from taking office and making the candidate liable upon order of the court to pay the attorney's fees and costs of the party who brings the action. **Sections 2 and 5** also require the candidate to present the filing officer with two types of acceptable identification and documentation as proof of the candidate's identity and residency.

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is

deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) **Section 8** of this bill amends existing law to reflect the Supreme Court's holding.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other remedy or penalty provided by law, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The person is disqualified from entering upon the duties of the office for which he or she filed a declaration of candidacy or acceptance of candidacy; and

(b) The court may order the person to pay the reasonable attorney's fees and costs of the party who brought the action, including, without limitation, the Attorney General or a district attorney or city attorney.

2. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 1.5. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files ~~[an acceptance of candidacy or]~~ ***a*** declaration of candidacy ***or acceptance of candidacy*** which contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a gross misdemeanor. ~~***[category E felony and shall be punished as provided in NRS 193.130.]***~~

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held ~~[nor]~~ ***and not*** later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or

any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a*** ~~***[category E felony as provided in NRS 193.130]***~~ ***gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been

restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a*** ~~***[category E felony as provided in NRS 193.130]***~~ ***gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[~~**.**~~]~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~[~~is listed~~]~~ as a post office box unless a street address has not been assigned to his or her residence; ~~[~~or~~]~~ ***and***

(b) The candidate ~~[~~does not~~]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[~~or~~]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's

name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ***,*** ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a ~~***[category E felony and shall be punished as provided in NRS 193.130.]***~~ ***gross misdemeanor.***

Sec. 3. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 ***; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a ~~[category E felony as provided in NRS 193.130]~~ gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action;*** and ***that I*** have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From..... To.....	From..... ...To.....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From..... To.....	From..... ...To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is

guilty of a ~~[category E felony and shall be punished as provided in NRS 193.130.]~~ gross misdemeanor.

Sec. 4. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 ***working*** days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State **. ~~[~~, including, without limitation, a requirement concerning age or residency.~~]~~** Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[~~court~~]~~ costs of the ~~[~~challenged person.~~]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or ~~[~~a statute~~]~~ ***laws*** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ ***subject to the provisions of section 1 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 5. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; ***that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false***

statement is a crime punishable as a ~~[category E felony as provided in NRS 193.130]~~ gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office and making me liable upon order of the court to pay the reasonable attorney's fees and costs of the party who brings the action; and ***that I understand that*** my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~[:]~~ ***the candidate fails to comply with the following:***

(a) The ***candidate shall not list the*** candidate's address ~~[is listed]~~ as a post office box unless a street address has not been assigned to the residence; ~~[or]~~ ***and***

(b) The candidate ~~[does not]~~ ***shall*** present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; ~~[or]~~ ***and***

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number ~~[or]~~ driver's license or identification card number ***or account number*** of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service

of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a ~~[category E felony and shall be punished as provided in NRS 193.130.]~~ gross misdemeanor.

Sec. 6. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State **.** ~~[, including, without limitation, a requirement concerning age or residency.]~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who is being challenged.***

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 ***working*** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the constitution or ~~[a statute]~~ ***laws*** of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is ~~[disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.]~~ ***subject to the provisions of section 1 of this act.***

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and ~~[court]~~ costs of the ~~[challenged person.]~~ ***person who was challenged.***

Sec. 7. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or ~~[an]~~ acceptance of candidacy ~~[that]~~ ***which*** contains a false statement ~~[in this respect]~~ ***regarding the person's residency in violation of this section*** is guilty of a gross misdemeanor. ~~***[category E felony and shall be punished as provided in NRS 193.130.]***~~

Sec. 8. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to ***his or her*** eligibility to ***any*** office is the person's actual residence within the State ***,*** ~~[or]~~ county ***,*** ~~[or]~~ district, ***ward, subdistrict or any other unit prescribed by law,*** as

the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~[as a candidate]~~ ***a declaration of candidacy or acceptance of candidacy*** for ***any*** elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~[for which the person is a candidate and]~~ ***, as the case may be,*** in which the person is required actually, as opposed to constructively, to reside ~~[.]~~ ***in order for the person to be eligible to the office,*** a vacancy is created thereby and the appropriate action for filling the vacancy must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. ***If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of section 1 of this act.***

5. As used in this section ~~[, "actual]~~ ***:***

(a) "Actual residence" means the place ***of permanent habitation*** where a person ***actually resides and*** is legally domiciled ***.*** ~~[and maintains a permanent habitation.]~~ If the person maintains more than one ~~[such]~~ ***place of permanent*** habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration ***of candidacy*** or ~~[affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to]~~ ***acceptance of candidacy for any elective office must*** be the ~~[person's actual residence.]~~ ***place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.***

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 9. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

Assemblyman Stewart moved that the Assembly do not concur in the Senate Amendment No. 777 to Assembly Bill No. 461.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to elections; revising the definitions of certain terms relating to elections; increasing the maximum number of registered voters that may be included in an election precinct; providing that election board officers are appointed for polling places; eliminating the requirements for county clerks to publish the full text of a statewide measure or county referendum three times; revising the requirements for certain information on ballots; revising requirements related to voter signatures at polling places; revising requirements relating to the publication of names of registered voters at polling places; revising certain information required for documents prepared during early voting; authorizing election officials to establish a system for registered voters to elect to receive sample ballots by electronic means; ~~[allowing]~~ **clarifying provisions governing the confidentiality of certain information relating to registered voters; protecting the confidentiality of electronic mail addresses provided by** registered voters ~~[who participate in such systems to elect to have their electronic mail addresses withheld from the public;]~~ **to election officials;** making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines rosters, sample ballots and tally lists that are used in elections. (NRS 293.095, 293.097, 293.113) **Sections 2-4** of this bill clarify that such items may be electronic.

The terms "election board register" and "roster" are defined terms that are used interchangeably throughout the provisions of law relating to elections. (NRS 293.040, 293.053, 293.095, 293.250, 293.273, 293.275, 293.277, 293.283, 293.285, 293.287, 293.303, 293.3082, 293.333, 293.3585, 293.3604, 293.363, 293.373, 293.391, 293.510, 293.511, 293.524, 293.525, 293.533, 293.541, 293.547, 293.548, 293.563, 293C.267, 293C.270, 293C.272, 293C.275, 293C.277, 293C.292, 293C.332, 293C.3585, 293C.3604, 293C.362, 293C.375, 293C.525, 293C.535) **Section 75** of this bill repeals the term "election board register," and **sections 13-16, 18, 29, 31-39, 46-48, 50, 61, 62 and 64** of this bill replace the term "election board register" with "roster."

Existing law requires an election precinct to have a maximum of 1,500 registered voters. (NRS 293.207) **Section 6** of this bill increases the maximum number to 3,000 registered voters.

Existing law provides that ~~[the]~~ **each** county **or city** clerk ~~[of each county]~~ shall appoint election board officers for the various precincts and districts in the county **~~[.]~~ or city, as applicable.** (NRS 293.217, 293C.220) ~~[Section]~~ **Sections 7 and 43** of this bill ~~[clarifies]~~ **clarify** that election board officers are

appointed for the polling places in the county ~~[.]~~ **and the polling places and precincts in each city. Sections 1, 8, 9, 12, 13, 19-23, 27, 30, 39,** ~~[43-45,]~~ **44, 45, 51-55, 59 and 66** of this bill make corresponding changes.

Existing law requires a county clerk to publish a copy of the full text of any proposed constitution, constitutional amendment, statewide measure, including a state referendum, and county referendum along with its condensation, explanation, arguments, rebuttals and fiscal note three times in a newspaper of general circulation in the county. (NRS 293.253, 295.045, 295.160) **Sections 10, 67 and 68** of this bill eliminate the requirements to publish the full text of a statewide measure three times, including a statewide referendum, and a county referendum.

Existing law provides for the ballots for a general election to include the name of an independent candidate for a partisan office followed by the word "independent" or the abbreviation "IND." (NRS 293.267) **Section 11** of this bill provides for the use of the words "no political party" or the abbreviation "NPP" to follow the name of an independent candidate instead.

Existing law requires an election board officer in charge of the roster to announce the name of a voter applying to vote and take the voter's signature to verify that it matches the signature or facsimile thereof in the original application. (NRS 293.285, 293.3585, 293C.275, 293C.3585) **Existing law also provides that if the voter is unable to sign his or her name, the voter must be identified by answering questions covering the personal data from the original application. (NRS 293.283, 293C.272) Sections 14.5, 15, 24, 46.5, 47 and** ~~[57]~~ **56** of this bill provide that if **the voter is unable to sign his or her name or** the voter's signature does not match, the voter must ~~[provide]~~ **be identified by: (1) answering questions covering the personal data from the application; (2) providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or (3) providing** certain proof of identification **.** ~~[and]~~ **If the voter's signature has changed in comparison to the signature on the application, the voter must** update his or her signature.

Existing law requires an alphabetical listing of all registered voters for each precinct to be posted in a public area of each polling place in a county and city and for an election board officer to identify at certain times the names of each voter who has voted. (NRS 293.301, 293C.290) **Sections 17 and 49** of this bill authorize the county or city clerk of each county or city to: (1) require an election board officer to post the alphabetical listing at each precinct; or (2) publish on the Internet website of the county or city clerk, as applicable, the alphabetical listing of all registered voters for each precinct in the county or city, respectively. Regardless of which option is selected by the county or city clerk, **sections 17 and 49** require the alphabetical listings to be updated during the election.

Existing law provides that a voter's precinct or voting district number must be included in certain documents used during early voting. (NRS 293.3585, 293.3604, 293C.3585, 293C.3604) **Sections 24-26 and 56-58** of this bill

clarify that during early voting, the precinct or voting district number must be included on the roster and the voting receipt if that information is available. The statements prepared by the election board and the ballots do not require the precinct or voting district number and are not required to be sorted by precinct or voting district at the close of early voting.

Existing law requires each county and city clerk to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) **Sections 40 and 63** of this bill authorize each county and city clerk to establish a system to distribute a sample ballot by electronic means to each registered voter who elects to receive sample ballots in that manner. Such a system ~~[must be approved by the Secretary of State and]~~ may include, without limitation, electronic mail or electronic access through an Internet website. **Sections 3, 41 ~~[, 63]~~ and 69-74** of this bill make conforming changes.

Existing law provides that **certain information relating to a registered voter is confidential and that** a registered voter may submit a written request to the county clerk to have his or her address and telephone number withheld from the public. (NRS 293.558) **Section 38.5** of this bill ~~[allows]~~ **clarifies that the following information relating to a registered voter is confidential: (1) the address and telephone number of the registered voter if requested by the registered voter; (2) an electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process, including an electronic mail address provided by** a registered voter who participates in a system to distribute sample ballots by electronic means ~~[to elect to have his or her electronic mail address]~~ **; (3) the social security number and driver's license or identification card number of the registered voter; and (4) any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be** withheld from the public. ~~[Sections 17, 29.5, 41 and 49 make conforming changes.]~~

Existing law provides for the chair and at least one other member of the election board to deliver the ballots and election materials to a receiving center or central counting place. (NRS 293B.335, 293C.635) **Sections 42 and 65** of this bill revise this provision to require at least two board members to deliver the ballots and election materials.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.040 is hereby amended to read as follows:

293.040 "Clerk" means the election board officer designated or assigned to make the record of the election in the roster, tally list and challenge list in the precinct***,*** ~~[or]~~ district ***or polling place*** in which such officer is appointed.

Sec. 2. NRS 293.095 is hereby amended to read as follows:

293.095 "Roster" means the ***record in printed or electronic*** form furnished ***to*** election board officers ***which contains a list of eligible voters and is*** to be used for obtaining the signature of each person applying for a ballot.

Sec. 3. NRS 293.097 is hereby amended to read as follows:

293.097 ***1.*** "Sample ballot" means a document distributed by a county or city clerk upon which is ~~[~~printed~~]~~ ***included*** a list of the offices, candidates and ballot questions that will appear on a ballot.

2. The term includes ***, without limitation,*** any such document which is ~~[~~printed by~~]~~ ***prepared on*** a computer ~~[.]~~ ***and distributed by mail or ~~[by]~~ electronic means pursuant to NRS 293.565 or 293C.530.***

Sec. 4. NRS 293.113 is hereby amended to read as follows:

293.113 "Tally list" means ~~[~~the~~]~~ ***:***

1. The paper form furnished to election board officers to be used in recording the number of votes cast for each candidate and question on the ballot ~~[.]~~ ***; or***

2. An electronically generated report of the number of votes cast for each candidate and question on the ballot.

Sec. 5. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution ~~[,]~~ ***or*** constitutional amendment ~~[or statewide measure]~~ pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 6. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of ~~[~~1,500~~]~~ ***3,000*** registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 7. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various ~~[precincts and districts]~~ ***polling places*** in the county as provided in NRS 293.220 to 293.243, inclusive, and 293.384. The registered voters appointed as election board officers for any ~~[precinct or district]~~ ***polling place*** must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the absent ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 8. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed

by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~[precinct.]~~ ***polling place.***

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 9. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may:

(a) The election board of any ~~[precinct]~~ ***polling place*** include more than one trainee; or

(b) A trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 10. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution ~~[,]~~ ***or*** amendment ~~[or measure]~~ and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general

circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy ***of any such constitution or amendment*** is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. ***Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.***

6. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions, constitutional amendments or statewide measures is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 11. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the ~~[word "independent"]~~ ***words "no political party"*** or the abbreviation ~~["IND,"]~~ ***"NPP,"*** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the ~~[word "independent"]~~ ***words "no political party"*** or "nonpartisan" or the abbreviation ~~["IND"]~~ ***"NPP"*** or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 12. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~[precinct or district,]~~ ***polling place,*** as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 13. NRS 293.275 is hereby amended to read as follows:

293.275 No election board may perform its duty in serving registered voters at any ~~[precinct or district]~~ polling place in any election provided for in this title, unless it has before it the ~~[election board register]~~ ***roster*** for ~~[its precinct or district.]~~ ***the polling place.***

Sec. 14. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS ***293.283 and*** 293.541, if a person's name appears in the ~~[election board register]~~ ***roster*** or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the ~~[election board register]~~ ***roster*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's ~~[original]~~ application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

Sec. 14.5. **NRS 293.283 is hereby amended to read as follows:**

293.283 ~~[Any]~~

1. If, because of physical limitations, a registered voter ~~[who]~~ is unable to sign his or her name ***in the roster as required by NRS 293.277, the voter*** must be identified by ~~[answering]~~ **:**

(a) Answering questions ***from the election board officer*** covering the personal data which is reported on the ~~[original]~~ application to register to vote ~~[. The]~~ ***;***

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer ~~[in charge of]~~ ***shall indicate in*** the roster ~~[shall stamp, write or print]~~ "Identified ~~[as" to the left of]~~ ***" by*** the voter's name.

Sec. 15. NRS 293.285 is hereby amended to read as follows:

293.285 ~~[A]~~

1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name ~~[and take the registered voter's signature.]~~ ***, instruct the voter to sign the roster and verify the signature of the voter ~~[.]~~ in the manner set forth in NRS 293.277.***

2. If the signature does not match, the voter must ~~[:~~

~~***1. Provide]***~~ ***be identified by:***

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 ~~[; and~~

~~***2. Update]***~~ ***other than the card issued to the voter at the time he or she registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 16. NRS 293.287 is hereby amended to read as follows:

293.287 1. A registered voter applying to vote at any primary election shall give his or her name and political affiliation, if any, to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name and political affiliation.

2. Any person's right to vote may be challenged by any registered voter upon:

(a) Any of the grounds allowed for a challenge in NRS 293.303;

(b) The ground that the person applying does not belong to the political party designated upon the ~~[register;]~~ ***roster;*** or

(c) The ground that the ~~[register]~~ ***roster*** does not show that the person designated the political party to which he or she claims to belong.

3. Any such challenge must be disposed of in the manner provided by NRS 293.303.

4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.

Sec. 17. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall ~~[require]~~ ***:***

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county ~~[.]~~ ***; or***

(b) Publish on the Internet website of the county clerk an alphabetical listing of all registered voters for each precinct in the county.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing ***required ~~[pursuant to]~~ by subsection 1*** must include the name, ~~[~~address~~]~~ ***precinct*** and political affiliation of each voter . ~~[Not less than four times during the hours in which the polling place is open, an~~ ***~~and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.]~~***

3. If the county clerk:

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer ***at the polling place*** shall ***, not less than four times during the hours in which the polling place is open,*** identify the name of each voter that voted ~~[since the last identification.~~

~~2.]~~ ***at the polling place; and***

(2) Each page of the alphabetical listing ***that is posted in a polling place*** must contain a notice which reads substantially as follows:

> It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to ~~[subsection 1 of]~~ NRS 293.301.

~~[3.]~~ ***(b) Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the county clerk shall, not less than four times during the hours in which polling places in the county are open, identify on the Internet website of the county clerk the name of every voter who has voted at each polling place.***

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, ~~[address~~ ***~~, electronic mail address]~~ precinct*** or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 18. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same

election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the ~~[~~register,~~]~~ ***roster,*** "I swear or affirm under penalty of perjury that I belong to the political party designated upon the ~~[~~register";~~]~~ ***roster";***

(b) If the challenge is on the ground that the ~~[~~register~~]~~ ***roster*** does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~[~~election board register,~~]~~ ***roster,*** "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~[~~election board register";~~]~~ ***roster";***

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this ~~[~~election board register."~~]~~ ***roster.***

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, ~~[~~he or she~~]~~ ***the person*** must not be issued a ballot, and the ***election board*** officer ***shall indicate*** in ~~[~~charge of~~]~~ the ~~[~~election board register~~]~~ ***roster*** ~~[~~shall write the words~~]~~ "Challenged ~~[~~....." opposite his or her~~]~~ ***" by the person's*** name ***.*** ~~[~~in the election board register.~~]~~ ~~***roster.]***~~

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 19. NRS 293.310 is hereby amended to read as follows:

293.310 1. Except as otherwise provided in NRS 293.330 and chapter 293D of NRS, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the county clerk shall notify the ~~[precinct or district]~~ ***appropriate*** election board that the registered voter has requested an absent ballot.

Sec. 20. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver,

or cause to be delivered, that container to the ~~[precinct or district]~~ ***appropriate*** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 21. NRS 293.333 is hereby amended to read as follows:

293.333 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~[precinct or district]~~ election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile must be compared with that on the ~~[original]~~ application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall ~~[mark]~~ ***indicate*** in the roster ~~[opposite]~~ **"Voted" by** the name of the voter**.** ~~[the word "Voted."]~~

Sec. 22. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to ~~[precinct or district]~~ ***the*** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 23. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting **.** ~~[and the election precincts served by each location.]~~

(b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 24. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. ~~[Upon]~~ ***Except as otherwise provided in NRS 293.283, upon*** the appearance of a person to cast a ballot for early voting, ~~[the deputy clerk for early voting]~~ ***an election board officer*** shall:

(a) Determine that the person is a registered voter in the county **.** ~~[;]~~

(b) Instruct the voter to sign the roster for early voting **.** ~~[; and]~~

(c) Verify the signature of the voter ~~[against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.]~~ ***in the manner set forth in NRS 293.277.***

(d) Verify that the voter has not already voted in the current election pursuant to this section.

2. If the signature of the voter does not match, the voter must ~~***[:***~~

~~***(1) Provide]***~~ ***be identified by:***

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 ~~***[; and***~~

~~***(2) Update]***~~ ***other than the card issued to the voter at the time he or she registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

~~***[(d) Verify that the voter has not voted in this election.***~~

~~2.]~~ ***4.*** The county clerk shall prescribe a procedure, approved by the Secretary of State, to ~~[determine]~~ ***verify*** that the voter has not already voted ***in the current election*** pursuant to this section.

~~[3.]~~ ***5.*** The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~[;]~~ ***, if that information is available;*** and

(c) The date of voting early in person.

~~[4.]~~ ***6.*** When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~[deputy clerk for early voting,]~~ ***election board officer,*** the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~[5.]~~ ***7.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~[deputy clerk for early voting]~~ ***election board officer*** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district ***, if that information is available,*** and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[6.]~~ ***8.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 25. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~[The number of the precinct or voting district;~~

~~(3)]~~ The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~[(4)]~~ ***(3)*** The number of ballots voted on the mechanical recording device for that day; and

~~[(5)]~~ ***(4)*** The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~[~~Sort the items by precinct or voting district;~~

(b) Count the number of ballots voted by precinct or voting district;~~

(c) Account for all~~]~~ ***Indicate the number of*** ballots on an official statement of ballots; and

~~[~~(d)~~]~~ ***(b)*** Place the ~~[~~items~~]~~ ***storage devices*** in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the ~~[~~items~~]~~ ***storage devices*** to the central counting place.

Sec. 26. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day**,** the county clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) ~~[~~The items sorted and counted pursuant to subsection 3 of NRS 293.3604;~~

(b)~~]~~ The records provided pursuant to subsection 1; and

~~[~~(c)~~]~~ ***(b)*** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 27. NRS 293.365 is hereby amended to read as follows:

293.365 No counting board in any precinct **,** ~~[~~or~~]~~ district ***or polling place*** in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. 28. NRS 293.370 is hereby amended to read as follows:

293.370 ~~[~~1.~~]~~ When all the votes have been counted, the counting board officers shall ~~[~~enter on the~~]~~ ***produce a*** tally ~~[~~lists~~]~~ ***list organized*** by ***precinct and ballot type indicating*** ~~[~~the name of each candidate~~]~~ the number of votes ~~[~~the~~]~~ ***that each*** candidate received. The ~~[~~vote~~]~~ ***votes*** for and against any question submitted to the electors must be entered in the same manner.

~~[~~2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.~~]~~

Sec. 29. NRS 293.373 is hereby amended to read as follows:

293.373 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

2. The [~~other~~] rosters and tally lists [~~and the election board register~~] must be returned to the county clerk.

Sec. 29.5. [~~NRS 293.440 is hereby amended to read as follows:~~

~~293.440 1. Any person who desires a copy of any list of the persons who are registered to vote in any precinct, district or county may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to 1 cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided both to the state central committee of any major political party and to the county central committee of any major political party, and to the executive committee of any minor political party upon request, without charge.~~

~~2. Except as otherwise provided in NRS 293.5002 and 293.558, the copy of the list provided pursuant to this section must indicate the address, date of birth, telephone number and the serial number on each application to register to vote~~ **[.]** ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293.565 or 293C.530.*** ~~If the county maintains this information in a computer database, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the database and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.~~

~~3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.~~

~~4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state central committee or county central committee of any major political party or the executive committee of any minor political party which has filed a certificate of existence with the Secretary of State, record for both the state central committee and the county central committee of the major political party, if requested, and for the executive committee of the minor political party, if requested, on magnetic tape or diskette supplied by it:~~

~~(a) The list of persons who are registered to vote and the information required in subsection 2; and~~

~~(b) Not more than four times per year, as requested by the state or county central committee or the executive committee:~~

~~(1) A complete list of the persons who are registered to vote with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or~~

~~(2) A list that includes additions and revisions made to the list of persons who are registered to vote after a date specified by the state or county central committee or the executive committee.~~

~~5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.~~

~~6. Any state or county central committee of a major political party, any executive committee of a minor political party or any member or representative of such a central committee or executive committee who receives without charge a list of the persons who are registered to vote in any precinct, district or county pursuant to this section shall not:~~

~~(a) Use the list for any purpose that is not related to an election; or~~

~~(b) Sell the list for compensation or other valuable consideration.~~**] (Deleted by amendment.)**

Sec. 30. NRS 293.465 is hereby amended to read as follows:

293.465 If an election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct, or any other cause, the ***appropriate*** election officers **[**~~for~~**]** ***in*** that precinct or district shall make an affidavit setting forth that fact and transmit it to the appropriate board of county commissioners. Upon receipt of the affidavit and upon the application of any candidate for any office to be voted for by the registered voters of that precinct or district, the board of county commissioners shall order a new election in that precinct or district.

Sec. 31. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept **[**~~in a separate binder which is marked with the number of the~~**]** ***separately for each*** precinct or district. **[**~~This binder constitutes the election board register.~~**]** ***These applications must be used to prepare the rosters.***

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be **[**~~placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.~~**]** ***used to prepare the rosters.***

Sec. 32. NRS 293.511 is hereby amended to read as follows:

293.511 If a registrar of voters' register or **[**~~an election board register~~**]** ***roster*** is kept by computer, the register ***or roster, as applicable,*** must include

~~[all the information contained in the original applications to register to vote.]~~ ***the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.***

Sec. 33. NRS 293.524 is hereby amended to read as follows:

293.524 1. The Department of Motor Vehicles shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The county clerk shall accept any application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

7. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the ~~[election board registers]~~ ***rosters*** and registrar of voters' register.

Sec. 34. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~[election board register]~~ ***roster*** incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the ~~[election board register.]~~ ***roster.***

Sec. 35. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the registrar of voters' register and the ~~[election board register.]~~ ***roster.***

Sec. 36. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the registration concerning the identity or residence of the voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the voter's registration.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2, the county clerk shall execute an affidavit of cancellation and file the affidavit of cancellation with the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, the county clerk shall attach a copy of the affidavit of cancellation in the ~~[election board register.]~~ ***roster.***

(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the ~~[election board register.]~~ ***roster.***

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the ~~[election board register.]~~ ***roster.***

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot

voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 37. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the ~~[election board register.]~~ ***roster.***

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the ~~[election board register.]~~ ***roster.***

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 38. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from the registrar of voters' register, any ~~[election board register]~~ ***roster*** and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 38.5. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county ***or city*** clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county ***or city*** clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county ***or city*** clerk shall not disclose ~~[the]~~ ***:***

(a) The social security number or the driver's license or identification card number of a registered voter ~~[.]~~ ***, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.***

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

3. A registered voter may submit a written request to the county ***or city*** clerk to have his or her address and ~~***[withheld from the public the registered voter's address,]***~~ telephone number withheld from the public. ~~***[or electronic mail address if provided by the registered voter pursuant to NRS 293.565 or 293C.530.]***~~ Upon receipt of such a request, the county ***or city*** clerk shall not

disclose the address ~~[,]~~ or telephone number ~~[or electronic mail address]~~ of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county ***or city*** clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information ***relating to a registered voter may be withheld from the public*** other than ~~[the]~~ ***:***

(a) The address ~~[,]~~ ***and*** telephone number ~~[,]~~ ***of the registered voter if requested by the registered voter pursuant to this section;***

(b) An electronic mail address ~~[,]~~ ***provided by the registered voter to carry out any state or federal law relating to the voting process;***

(c) The social security number and driver's license or identification card number of ~~[a]~~ ***the*** registered voter ~~[may]~~ ***; and***

(d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 39. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall ~~[:~~

~~(a) In counties where records of registration are not kept by computer,]~~ prepare for each ~~[precinct or district]~~ ***polling place*** a ~~[binder]~~ ***roster*** containing ~~[in alphabetical order the original applications to register to vote of the electors]~~ ***the registered voters*** ~~[in the precinct or district.~~ The binder constitutes the election board register.

~~(b) In counties where records of registration are kept by computer, have printed and placed in a binder for each precinct or district a computer listing in alphabetical order of the applications to register to vote of the electors in the precinct or district. The binder constitutes the election board register.~~ ~~*assigned]*~~ ***eligible to vote at the polling place.***

2. ~~[Each election board register]~~ ***The roster*** must be delivered or caused to be delivered by the county or city clerk to an election ***board*** officer of the proper ~~[precinct or district]~~ ***polling place*** before the opening of the polls.

Sec. 40. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment,

statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A county clerk may establish a system for distributing sample ballots to each registered voter who elects to receive a sample ballot by electronic means. Such a system*** ~~***[must be approved by the Secretary of State and]***~~ ***may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by such electronic means, the county clerk shall*** ~~***[:***~~

~~***(a) Distribute]***~~ ***distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State*** ~~***. [; and***~~

~~***(b) If the system requires the registered voter to provide an electronic mail address to the county clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.]***~~

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Before the period for early voting for any election begins, the county clerk shall ~~[~~cause to be mailed~~]~~ ***distribute*** to each registered voter in the county ~~[~~a~~]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~[~~mailing~~]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[~~5.~~]~~ ***7.*** Except as otherwise provided in subsection ~~[~~6,~~]~~ ***8,*** a sample ballot required to be ~~[~~mailed~~]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[~~printed~~]~~ ***prepared*** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~[~~printed~~]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[~~6.~~]~~ ***8.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[~~7.~~]~~ ***9.*** The sample ballot ~~[~~mailed~~]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[~~printed~~]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[~~8.~~]~~ ***10.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[~~mailed~~]~~ ***distributed*** to that person from the county are in large type.

~~[~~9.~~]~~ ***11.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10.]~~ ***12.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 41. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ ***Stated*** on all sample ballots ~~[mailed;]~~ ***distributed by mail or electronic means;***

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 42. NRS 293B.335 is hereby amended to read as follows:

293B.335 1. ~~[The chair and at]~~ ***At*** least ~~[one other member]~~ ***two members*** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county clerk. If practicable, the ~~[other board member]~~ ***members*** must be of ~~[a]~~ different political ~~[party than the chair.]~~ ***parties.***

2. ~~[The chair]~~ ***At least two members of the election board*** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the county clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 43. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various ***polling places and*** precincts ~~[and districts]~~ in the city as provided in NRS 293.225, 293.227, 293C.227 to 293C.245, inclusive, and 293C.382. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 44. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not:

(a) Require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier; or

(b) Assign more than one trainee to serve as an election board officer in any one ~~[precinct.]~~ ***polling place.***

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 45. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the ~~[precinct or district,]~~ ***polling place,*** as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during

the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 46. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. ~~[If]~~ ***Except as otherwise provided in NRS 293C.272, if*** a person's name appears in the ~~[election board register]~~ ***roster*** or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the ~~[election board register]~~ ***roster*** when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's ~~[original]~~ application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he or she registered to vote;

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

Sec. 46.5. **NRS 293C.272 is hereby amended to read as follows:**

293C.272 ~~[Any]~~

1. If, because of physical limitations, a registered voter ~~[who]~~ is unable to sign his or her name ***in the roster as required by NRS 293C.270, the voter*** must be identified by ~~[answering]~~ ***:***

(a) Answering questions ***from the election board officer*** covering the personal data ~~[that]~~ ***which*** is reported on the ~~[original]~~ application to register to vote ~~[. The]~~ ***;***

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote.

2. If the identity of the voter is verified, the election board officer ~~[in charge of]~~ ***shall indicate in*** the roster ~~[shall stamp, write or print]~~ "Identified ~~[as" to the left of]~~ ***" by*** the voter's name.

Sec. 47. NRS 293C.275 is hereby amended to read as follows:

293C.275 ~~[A]~~

1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the ~~[election board register,]~~ ***roster,*** and the officer shall immediately announce the name ~~[and take the registered voter's signature.]~~ ***, instruct the voter to sign the roster and verify the signature of the voter ~~[.]~~ in the manner set forth in NRS 293C.270.***

2. If the signature does not match, the voter must ~~[:~~

~~***1. Provide]***~~ ***be identified by:***

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 [; and

2. Update] ***other than the card issued to the voter at the time he or she registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 48. NRS 293C.277 is hereby amended to read as follows:

293C.277 1. A registered voter who applies to vote at an election must give his or her name to the election board officer in charge of the [election board register,] ***roster,*** and the officer shall immediately announce the name of the voter.

2. Any person's right to vote may be challenged by a registered voter upon any of the grounds allowed for a challenge in NRS 293C.292. Any such challenge must be disposed of in the manner provided in NRS 293C.292.

Sec. 49. NRS 293C.290 is hereby amended to read as follows:

293C.290 1. The city clerk shall [require] ***:***

(a) Require an election board officer to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the city [.] ***; or***

(b) Publish on the Internet website of the city clerk an alphabetical listing of all registered voters for each precinct in the city.

2. Except as otherwise provided in NRS 293.5002 and 293.558, the alphabetical listing ***required by subsection 1*** must include the name ***[, precinct]*** and [address] ***precinct*** of each voter . [Not less than four times during the hours in which the polling place is open, an ***and the electronic mail address of the voter if provided by the voter pursuant to NRS 293C.530.]***

3. If the city clerk:

(a) Requires an alphabetical listing to be posted in each polling place pursuant to paragraph (a) of subsection 1:

(1) An election board officer ***at the polling place*** shall ***, not less than four times during the hours in which the polling place is open,*** identify the name of each voter who voted [since the last identification.

2.] ***at the polling place; and***

(2) Each page of the alphabetical listing ***that is posted in a polling place*** must contain a notice which reads substantially as follows:

> It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to NRS 293C.290.

~~[3.]~~ ***(b) Publishes an alphabetical listing pursuant to paragraph (b) of subsection 1, the city clerk shall, not less than four times during the hours in which polling places in the city are open, identify on the Internet website of the city clerk the name of every voter who has voted at each polling place.***

4. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name ~~***[,]***~~ or ~~[address ***or electronic mail address]***~~ ***precinct*** of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 50. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the ~~[election board register,]~~ ***roster,*** "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the ~~[election board register";]~~ ***roster";***

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this ~~[election board register."]~~ ***roster."***

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, ~~[he or she]~~ ***the person*** must not be issued a ballot, and the ***election board*** officer ***shall indicate*** in ~~[charge of]~~ the ~~[election board register]~~ ***roster*** ~~[shall write the words]~~ "Challenged ~~[....." opposite his or her]~~ ***" by the person's*** name ***.*** ~~[in the election board register. *roster.]~~*

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 51. NRS 293C.307 is hereby amended to read as follows:

293C.307 1. Except as otherwise provided in NRS 293C.330, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the city clerk shall notify the ~~[precinct or district]~~ ***appropriate*** election board that the registered voter has requested an absent ballot.

Sec. 52. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the ~~[precinct or district]~~ ***appropriate*** election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall

check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 53. NRS 293C.332 is hereby amended to read as follows:

293C.332 Except as otherwise provided in NRS 293D.200, on the day of an election, the ~~[precinct or district]~~ election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope or facsimile, must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile must be compared with that on the ~~[original]~~ application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall ~~[mark]~~ ***indicate*** in the roster ~~[opposite]~~ ***"Voted" by*** the name of the voter **.** ~~[the word "Voted."]~~

Sec. 54. NRS 293C.335 is hereby amended to read as follows:

293C.335 When all absent ballots delivered to ~~[precinct or district]~~ ***the*** election boards have been voted or rejected, except as otherwise provided in NRS 293D.200, the empty envelopes and the envelopes containing rejected ballots must be returned to the city clerk. On all envelopes containing the rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

Sec. 55. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting **.** ~~[and the election precincts served by each location.]~~

(b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 56. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. ~~[Upon]~~ ***Except as otherwise provided in NRS 293C.272, upon*** the appearance of a person to cast a ballot for early voting, ~~[~~the deputy clerk for early voting~~]~~ ***an election board officer*** shall:

(a) Determine that the person is a registered voter in the county ***.*** ~~[;]~~

(b) Instruct the voter to sign the roster for early voting ***.*** ~~[; and]~~

(c) Verify the signature of the voter ~~[~~against that contained on the original application to register to vote or a facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.~~]~~ ***in the manner set forth in NRS 293C.270.***

(d) Verify that the voter has not already voted in the current election pursuant to this section.

2. If the signature does not match, the voter must ~~[:~~

~~(1) Provide]~~ ***be identified by:***

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 ~~[; and~~

~~(2) Update]~~ ***other than the card issued to the voter at the time he or she registered to vote.***

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

~~[(d) Verify that the voter has not voted in this election.~~

~~2.]~~ ***4.*** The city clerk shall prescribe a procedure, approved by the Secretary of State, to ~~[determine]~~ ***verify*** that the voter has not already voted ***in the current election*** pursuant to this section.

~~[3.]~~ ***5.*** The roster for early voting must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number ~~[;]~~ ***, if that information is available;*** and

(c) The date of voting early in person.

~~[4.]~~ ***6.*** When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the ~~[deputy clerk for early voting,]~~ ***election board officer,*** the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~[5.]~~ ***7.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the ~~[deputy clerk for early voting]~~ ***election board officer*** shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district ***, if that information is available,*** and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[6.]~~ ***8.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

Sec. 57. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) ~~[The number of the precinct or voting district;~~

~~(3)]~~ The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

~~[(4)]~~ ***(3)*** The number of ballots voted on the mechanical recording device for that day; and

~~[(5)]~~ ***(4)*** The number of signatures in the roster for early voting for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting rosters used for early voting;

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(d) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) ~~[Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all~~] ***Indicate the number of*** ballots on an official statement of ballots; and

[~~(d)~~] ***(b)*** Place the [~~items~~] ***storage devices*** in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the [~~items~~] ***storage devices*** to the central counting place.

Sec. 58. NRS 293C.3608 is hereby amended to read as follows:

293C.3608 On election day, the city clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record [~~printed on paper~~] of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) [~~The items sorted and counted~~ ***storage devices required*** ~~pursuant to subsection 3 of NRS 293C.3604;~~

~~(b)~~] The records [~~printed on paper~~] provided pursuant to subsection 1; and

[~~(c)~~] ***(b)*** The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 59. NRS 293C.365 is hereby amended to read as follows:

293C.365 A counting board in any precinct **,** [~~or~~] district ***or polling place*** in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.

Sec. 60. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, the counting board officers shall [~~enter on the~~] ***produce a*** tally [~~lists~~] ***list organized*** by ***precinct and ballot type indicating*** [~~the name of each candidate~~] the number of votes [~~the~~] ***each*** candidate received. The [~~vote~~] ***votes*** for and against any question submitted to the electors must be entered in the same manner.

Sec. 61. NRS 293C.375 is hereby amended to read as follows:

293C.375 If paper ballots are used:

1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.

2. The [~~other~~] rosters and tally lists [~~and the election board register~~] must be returned to the city clerk.

Sec. 62. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral

or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in the registrar of voters' register or the ~~[election board register]~~ ***roster*** incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 63. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. ***A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system*** ~~***[must be approved by the Secretary of State and]***~~ ***may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall*** ~~***[:***~~

~~***(a) Distribute]***~~ ***distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State*** ~~***. [; and***~~

~~***(b) If the system requires the registered voter to provide an electronic mail address to the city clerk, inform the registered voter that his or her electronic mail address will be available to the public unless the registered voter submits a written request to have his or her electronic mail address withheld from the public pursuant to NRS 293.558.]***~~

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Before the period for early voting for any election begins, the city clerk shall ~~[cause to be mailed]~~ ***distribute*** to each registered voter in the city ~~[a]~~ ***by mail or electronic means, as applicable, the*** sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~[mailing]~~ ***distributing*** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[2.]~~ ***4.*** Except as otherwise provided in subsection ~~[4,]~~ ***6,*** a sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to this section must:

(a) Be ~~[printed]~~ ***prepared*** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice ~~[printed]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[3.]~~ ***5.*** The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~[4.]~~ ***6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[5.]~~ ***7.*** The sample ballot ~~[mailed]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[printed]~~ ***prepared*** in at least 14-point type, or larger when practicable.

~~[6.]~~ ***8.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots ~~[mailed]~~ ***distributed*** to that person from the city are in large type.

~~[7.]~~ ***9.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[8.]~~ ***10.*** The cost of ~~[mailing]~~ ***distributing*** sample ballots for a city election must be borne by the city holding the election.

Sec. 64. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the ~~[election board register]~~ ***roster*** of all electors eligible to vote at a regular or special city election.

3. The ~~[official register]~~ ***rosters*** must be prepared ***,*** ~~[in suitable books,]~~ one for each ward or other voting district within each incorporated city. The entries in the ~~[election board register]~~ ***roster*** must be arranged alphabetically with the surnames first.

4. The county clerk shall keep duplicate originals or copies of the applications to register to vote ~~[contained in the official register]~~ in the county clerk's office.

Sec. 65. NRS 293C.635 is hereby amended to read as follows:

293C.635 1. ~~[The chair and at]~~ ***At*** least ~~[one other member]~~ ***two members*** of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the city clerk.

2. The ~~[chair]~~ ***members of the election board described in subsection 1*** shall provide for the transportation or other disposition of all other supplies and election materials as directed by the city clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he or she does not interfere with the delivery of the sealed container.

Sec. 66. NRS 293C.710 is hereby amended to read as follows:

293C.710 If a city election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct or district, or any other cause, the ***appropriate*** election officers ~~[for]~~ ***in*** that precinct or district shall make an affidavit setting forth that fact and transmit it to the governing body of the appropriate city. Upon receipt of the affidavit and upon the application of any candidate for any city office to be voted for by the registered voters of that precinct or district, the governing body of the city shall order a new election in that precinct or district.

Sec. 67. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish ~~[questions and proposed constitutional amendments which are to be submitted for popular vote.]~~ ***statewide measures pursuant to NRS 293.253.***

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 68. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish ~~[questions and proposed constitutional amendments which are to be submitted for popular vote.]~~ ***statewide measures pursuant to NRS 293.253.***

Sec. 69. NRS 244A.785 is hereby amended to read as follows:

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➥ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

Sec. 70. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall ~~[cause to be mailed]~~

distribute to each qualified elector ***by mail or electronic means, as applicable,*** a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. ***A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.***

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~[~~printed~~]~~ ***prepared*** in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~[~~printed~~]~~ ***prepared*** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot ~~[~~mailed~~]~~ ***distributed*** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~[~~printed~~]~~ ***prepared*** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~[~~mailed~~]~~ ***distributed*** to that person from the county are in large type.

Sec. 71. NRS 266.034 is hereby amended to read as follows:

266.034 1. The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to NRS 266.0261, conducting the public hearing and election, including the cost of ~~[~~mailing~~]~~ ***distributing*** the sample ballots, and any appeal pursuant to NRS 266.0265 are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated city if the incorporation is approved by the voters.

2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated city if the incorporation is approved by the voters.

Sec. 72. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.

(f) The maximum amount of the bonds.

(g) The maximum rate of interest.

(h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 73. NRS 350.024 is hereby amended to read as follows:

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per $100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 74. NRS 350.027 is hereby amended to read as follows:

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~[mailed]~~ ***distributed*** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 75. NRS 293.053 is hereby repealed.

Sec. 76. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

TEXT OF REPEALED SECTION

293.053 "Election board register" defined. "Election board register" means the record of registered voters provided to election boards.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 677 to Assembly Bill No. 462.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 10.

The following Senate amendment was read:

Amendment No. 867.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the ~~[salaries]~~ **compensation** of certain elected officers.

Legislative Counsel's Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on ~~[Salaries]~~ **Compensation** for Certain Elected Officers the power to establish salaries **and benefits** for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court ~~[.]~~ **, and to establish salaries for various other offices within this State, including county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators.** This resolution also authorizes the Commission to: (1) fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature; and (2) provide compensation to

members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) One member has expertise in public compensation and is ~~[appointed]~~ recommended by the ~~[Speaker of the Assembly;]~~ Public Employees' Retirement Board or its successor organization;

(b) One member ~~[is appointed by the Minority Leader of the Assembly;]~~ represents a nonprofit public interest organization;

(c) One member ~~[is appointed by the Majority Leader of the Senate;]~~ represents the general public;

(d) One member ~~[is appointed by the Minority Leader of the Senate;]~~ has experience with the operation of independent businesses in this State and is recommended by an organization which represents the interests of independent businesses in this State;

(e) ~~[Two members are appointed by the Governor;]~~ One member has experience with the operation of a retailer in this State and is recommended by an organization which represents the interests of retailers in this State; and

(f) ~~[One member is appointed by the Chief Justice of the Supreme Court.]~~ Two members have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent,

spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. ~~[The member first appointed by the Speaker of the Assembly and the member first appointed by the Majority Leader of the Senate shall each serve an initial term of 2 years.]~~ The Governor shall appoint ~~[one]~~ three of the members first appointed by him or her for ~~[an]~~ initial ~~[term]~~ terms of 2 years. If a vacancy occurs, the ~~[appointing authority]~~ Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. ~~[An appointing authority]~~ The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Study the relationship of salaries to the duties of county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators;

(c) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications as those elected officers ~~[;~~

~~(c)]~~ and compare the salaries of the elected officers set forth in paragraph (b) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(d) Fix the salaries and benefits of the elected officers set forth in paragraph (a) [,] and fix the salaries of the elected officers set forth in paragraph (b); and

[(d)] (e) Carry out any duties provided by the Legislature.

9. The Commission may increase, but not diminish, the salary and benefits of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) or (b) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries [.] and benefits.

11. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 32 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties and ***, unless fixed by the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article, fix their*** compensation. County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ***.*** ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ ***The Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers pursuant to Section 33A of Article 4*** and paid in the manner provided by law ***.*** ~~[, which must not be increased or diminished during the term for which they have been elected, unless]~~ ***If*** a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ ***the salary and benefits*** provided ***for that office*** by ~~[law]~~ ***the Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers pursuant to Section 33A of Article 4*** at the time of his ***or her*** election or

appointment. ~~[A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 867 to Assembly Joint Resolution No. 10.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

Assembly Bill No. 8.

The following Senate amendment was read:

Amendment No. 671.

AN ACT relating to children; revising provisions concerning advertisements for the placement of children for adoption or permanent free care; prohibiting the use of restraints on children during court proceedings under certain circumstances unless ordered by the court; prohibiting certain transfers of children; prohibiting the trafficking of children; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person or organization, other than an agency which provides child welfare services or a licensed child-placing agency, who advertises in any periodical or newspaper, or by radio or other public medium, that the person or organization will place children for adoption or accept, supply, provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310) **Section 1** of this bill specifically applies this prohibition to a person or organization who advertises through a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

Section 3.5 of this bill prohibits the use of an instrument of restraint on a child during a court proceeding, unless ~~[: (1)]~~ the restraint is necessary to prevent the child from inflicting harm on himself or herself or another person or to prevent the child from escaping the courtroom ~~[; and (2) there is not a less restrictive alternative to prevent such harm or escape.]~~ **Section 3.5** further requires the court to hold a hearing **under certain circumstances** to determine

whether the use of an instrument of restraint on a child is necessary and to consider certain factors in making its determination. Under **section 3.5**, the court must make specific findings of fact and conclusions of law to support its determination.

Section 4 of this bill enacts provisions prohibiting the trafficking of children. **Section 4** provides that a person shall not recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of a child or a person with custody of a child places the child in the physical custody of another person who is not related to the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child. **Section 4** further provides that certain placements of a child are not prohibited, including, without limitation, the placement of a child with a relative or stepparent, the placement of a child with or by a licensed child-placing agency or agency which provides child welfare services and the placement of a child with a person that is approved by a court of competent jurisdiction. A person who violates **section 4** is guilty of a category C felony, and **section 5** of this bill requires a court to order that a person convicted of a violation of **section 4** pay restitution to the victim of the crime.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.310 is hereby amended to read as follows:

127.310 1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, any person or organization other than an agency which provides child welfare services who, without holding a valid unrevoked license to place children for adoption issued by the Division:

(a) Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

(b) Advertises ~~[~~in any periodical or newspaper, or by radio or other public medium,~~]~~ that he or she will place children for adoption ~~[,]~~ ***or permanent free care,*** or accept, supply, provide or obtain children for adoption ~~[,]~~ ***or permanent free care,*** or causes any advertisement to be ~~[~~published in or by any public medium~~]~~ ***disseminated*** soliciting, requesting or asking for any child or children for adoption ~~[,]~~ ***or permanent free care,***

➥ is guilty of a misdemeanor.

2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.

3. A periodical, newspaper, radio station ***, Internet website*** or other public medium is not subject to any criminal penalty or civil liability for ~~[~~publishing or broadcasting~~]~~ ***disseminating*** an advertisement that violates the provisions of this section.

4. A child-placing agency shall include in any advertisement concerning its services ~~[published in any periodical or newspaper or by radio or other public medium]~~ a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and

(b) Indicates any license number issued to the child-placing agency by the Division.

5. As used in this section:

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, telephone book listing, outdoor advertising, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

1. An instrument of restraint may be used on a child during a court proceeding only if ~~[:~~

~~(a) The~~ the restraint is necessary to prevent the child from:

~~[(1)]~~ (a) Inflicting physical harm on himself or herself or another person; or

~~[(2)]~~ (b) Escaping from the courtroom ~~.~~ ~~[; and~~

~~(b) There is not a less restrictive alternative to prevent such physical harm or escape from the courtroom, including, without limitation, the presence of court personnel, law enforcement officers or bailiffs.]~~

2. Whenever practical, the judge shall provide the:

(a) Child and his or her attorney an opportunity to be heard ~~[and contest]~~ regarding the use of an instrument of restraint before the judge orders the use of an instrument of restraint.

(b) Prosecuting attorney an opportunity to be heard ~~[and argue that]~~ regarding whether the use of an instrument of restraint is necessary pursuant to subsection 1.

3. In making a determination pursuant to subsection 2 as to whether an instrument of restraint is necessary pursuant to subsection 1, the court shall consider the following factors:

(a) Any previous escapes or attempted escapes by the child.

(b) Evidence of a present plan of escape by the child.

(c) A ~~[substantiated]~~ credible threat by the child to harm himself or herself or another person.

(d) A history of self-destructive tendencies by the child.

(e) Any ~~[substantiated]~~ credible threat of ~~[a rescue]~~ an attempt to escape by a person not in custody.

(f) Whether the child is subject to a proceeding ~~[for]~~ :

(1) That is not in the jurisdiction of the juvenile court pursuant to subsection 3 of NRS 62B.330; or

(2) For transfer or certification for criminal proceedings as an adult pursuant to NRS 62B.335, 62B.390 ~~[,]~~ or 62B.400.

(g) Any other factor that is relevant in determining whether the use of an instrument of restraint on the child is necessary pursuant to subsection 1.

4. The determination of the judge pursuant to subsection 2 must contain specific findings of fact and conclusions of law supporting the determination.

5. If an instrument of restraint is used on a child, the restraint must allow the child limited movement of his or her hands to hold any document or writing necessary to participate in the proceeding.

6. As used in this section, "instrument of restraint" includes, without limitation, handcuffs, chains, irons and straightjackets.

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330, 159.205 or 159.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in NRS 127.310.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 5. NRS 200.469 is hereby amended to read as follows:

200.469 1. In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 ***or section 4 of this act*** to pay restitution to the victim as provided in subsection 2.

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468 ~~[.]~~ ***or section 4 of this act.***

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.467 or 200.468 ***or section 4 of this act*** has been committed; or

(b) Who is the surviving child of such a person.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 671 to Assembly Bill No. 8.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 49.

The following Senate amendment was read:

Amendment No. 917.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting ~~[the electronic dissemination or the sale of]~~ **certain acts relating to** an intimate image of another person **;** ~~[in certain circumstances; prohibiting a person from demanding payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view;]~~ revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure **,** ~~[and]~~ lewdness with a child ~~[; revising provisions relating to]~~ **and** statutory sexual seduction; revising provisions relating to sexual conduct between certain pupils and certain employees of or volunteers at a school and between certain students and certain employees of a college or university; setting forth various provisions relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions; prohibiting a court from ordering the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in ~~[a]~~ **certain** criminal or juvenile delinquency ~~[action relating to the commission of the sexual offense;]~~ **actions;** authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker **;** ~~[who performed a psychological or psychiatric examination on such a victim or witness;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-6.5 of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. **Section 5** also sets forth certain exceptions regarding when an intimate image may be

lawfully electronically disseminated. Under **section 6**, a person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. **Section 6.5** provides that the provisions of **sections 1-6** must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. **Section 8** further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act **upon a child under the age of 14 years** if the person **committing the act** is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill ~~[increases that age to 16 years and]~~ **provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. Section 15 also** provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony. ~~[Section 15 also provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act if the person is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.]~~

Section 7 of this bill revises the definition of the term "statutory sexual seduction," and **section 8.5** of this bill revises the penalties imposed for the crime of statutory sexual seduction. ~~[Section 15 provides that an act which constitutes the crime of statutory sexual seduction does not constitute lewdness with a child.]~~

Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.

Sections 18 and 19 of this bill revise the punishment imposed for: (1) certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; and (2) certain employees of a college or university who engage in sexual conduct with certain students.

Sections 12, 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Intimate image":***

1. Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image which depicts:

(a) The fully exposed nipple of the female breast of another person, including through transparent clothing; or

(b) One or more persons engaged in sexual conduct.

2. Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:

(a) Is not clearly identifiable;

(b) Voluntarily exposed himself or herself in a public or commercial setting; or

(c) Is a public figure.

Sec. 4. ***"Sexual conduct" has the meaning ascribed to it in NRS 200.700.***

Sec. 5. ***1. Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:***

(a) Did not give prior consent to the electronic dissemination or the sale of the intimate image;

(b) Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and

(c) Was at least 18 years of age when the intimate image was created.

2. A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:

(a) A legitimate public interest;

(b) Reporting unlawful conduct;

(c) Any lawful law enforcement or correctional activity;

(d) Investigation or prosecution of a violation of this section; or

(e) Preparation for or use in any legal proceeding.

4. A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 6. ***Any person who demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 6.5. ***1. The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.***

2. As used in subsection 1, "interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. "Statutory sexual seduction" means ~~[~~:

~~(a) Ordinary]~~ ***ordinary*** sexual intercourse, anal intercourse, ~~[cunnilingus or fellatio]~~ ***or sexual penetration*** committed by a person 18 years of age or older with a person ~~[under the age of 16 years; or~~

~~(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.]~~ ***who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.***

7. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person ~~[who subjects]~~ ***is guilty of sexual assault if he or she:***

(a) Subjects another person to sexual penetration, or ~~[who]~~ forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct ~~[,]~~ ***; or*** ~~***[who commits]***~~

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast . [, ~~is guilty of sexual assault.]~~

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. ***The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:***

(a) The person committing the act uses force or threatens the use of force; or

(b) The person ~~[upon whom the act is committed suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness that is apparent or known to the person committing the act; or~~

~~(c) The victim has diminished capacity at the time of the offense as a result of drug or alcohol use.]~~ committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. NRS 200.368 is hereby amended to read as follows:

200.368 ~~[~~Except under circumstances where a greater penalty is provided in NRS 201.540, a~~]~~ ***A*** person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~[~~, for a category C felony as provided in NRS 193.130.~~]~~ ***at the time of the commission of the offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.***

2. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 3, if*** the person is under the age of 21 years, for a gross misdemeanor.

3. If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Strangulation" has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served **.** ~~[~~, ~~➞ as determined by the verdict of the jury, or the judgment of the court if there is no jury.~~]~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➥ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than $10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) ***or (2)*** does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child ***pursuant to NRS 432B.130*** and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole

beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) ***or (2)*** does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~[For]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~[For]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person ~~[who]~~ ***is guilty of lewdness with a child if he or she:***

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime ~~***[crimes]***~~ of sexual assault ***,*** ~~***[or statutory sexual seduction,]***~~ upon or with the body, or any part or member thereof, of a child under the age of ~~[14]~~ ***16*** years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child ~~[, is guilty of lewdness with a child.]~~ ***; or***

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 4 ~~[,]~~ and 5,*** a person who commits lewdness with a child ***under the age of 14 years*** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.***

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~[~~4.~~]~~ ***5. ~~[The provisions of this section do not apply to a person who is less than 18 years of age and who commits any act described in subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:~~***

~~(a) The person committing the act uses force or threatens the use of force;~~

~~(b) The person upon whom the act is committed suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness that is apparent or known to the person committing the act; or~~

~~(c) The victim has diminished capacity at the time of the offense as a result of drug or alcohol use.]~~ A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.

6. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection ~~[~~5~~]~~ ***6*** of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 12 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 "Sexual conduct" means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;

6. Masturbation or the lewd exhibition of unclothed genitals; ~~[or]~~

7. Sado-masochistic abuse ~~[.]~~ ***; or***

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[4,]~~ ***3,*** a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

~~[➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~2. Except as otherwise provided in subsection 4, a person who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,~~**]**

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~[1 year]~~ ***2 years*** and a maximum term of not more than ~~[6]~~ ***20*** years, and may be further punished by a fine of not more than ~~[$5,000.]~~ ***$10,000.***

~~[3.]~~ ***2.*** For the purposes of ~~[subsections]~~ ***subsection*** 1 ***,*** ~~[and 2,]~~ a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

~~[4.]~~ ***3.*** The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. NRS 201.550 is hereby amended to read as follows:

201.550 1. Except as otherwise provided in subsection 3, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a college or university; and

(c) Engages in sexual conduct with a student who is 16 or 17 years of age and who is enrolled in or attending the college or university at which the person is employed,

➥ is guilty of a category ~~[C]~~ ***B*** felony and shall be punished ~~[as provided in NRS 193.130.]~~ ***by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $10,000.***

2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:

(a) A teacher, instructor or professor;

(b) An administrator; or

(c) A head or assistant coach.

3. The provisions of this section do not apply to a person who is married to the student.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***1. In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:***

(a) The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and

(b) Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 24. ***1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.***

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with

particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

(q) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, ***and section 23 of this act,*** unless the context otherwise requires, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child ***has been subjected to harmful behavior that*** ~~***[communicates rejection or]***~~ ***is*** ~~***[threatening, intimidating, disparaging,]***~~ ***terrorizing*** ~~***[or humiliating, has been subjected to painful or abusive conduct,]***~~ ***, degrading, painful or***

emotionally traumatic, has been abandoned, is without proper care, control ~~[and]~~ ***or*** supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, 6.5 and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after October 1, 2015.

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after October 1, 2015, if, on or after October 1, 2015, a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13, 14, 15, 17, 18, 19 and 26 of this act apply to an offense that is committed on or after October 1, 2015.

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act apply to a court proceeding that is commenced on or after October 1, 2015.

5. As used in this section, "intimate image" has the meaning ascribed to it in section 3 of this act.

Sec. 28. (Deleted by amendment.)

Assemblyman Hansen moved that the Assembly concur in Senate Amendment No. 917 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 932.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting certain acts relating to an intimate image of another person; revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure, lewdness with a child and statutory sexual seduction; ~~[revising provisions relating to sexual conduct between certain pupils and certain employees of or volunteers at a school and between certain students and certain employees of a college or university;]~~ setting forth various provisions relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions; prohibiting a court from ordering

the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in certain criminal or juvenile delinquency actions; authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical worker; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-6.5 of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. **Section 5** also sets forth certain exceptions regarding when an intimate image may be lawfully electronically disseminated. Under **section 6**, a person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. **Section 6.5** provides that the provisions of **sections 1-6** must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. **Section 8** further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act upon a child under the age of 14 years if the person committing the act is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor

for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. **Section 15** also provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony.

Section 7 of this bill revises the definition of the term "statutory sexual seduction," and **section 8.5** of this bill revises the penalties imposed for the crime of statutory sexual seduction.

Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.

~~**[** Sections 18 and 19 of this bill revise the punishment imposed for: (1) certain employees of or volunteers at a school who engage in sexual conduct with certain pupils; and (2) certain employees of a college or university who engage in sexual conduct with certain students.**]**~~

Sections 12, 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Intimate image":***

1. Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image which depicts:

(a) The fully exposed nipple of the female breast of another person, including through transparent clothing; or

(b) One or more persons engaged in sexual conduct.

2. Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:

(a) Is not clearly identifiable;

(b) Voluntarily exposed himself or herself in a public or commercial setting; or

(c) Is a public figure.

Sec. 4. ***"Sexual conduct" has the meaning ascribed to it in NRS 200.700.***

Sec. 5. ***1. Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:***

(a) Did not give prior consent to the electronic dissemination or the sale of the intimate image;

(b) Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and

(c) Was at least 18 years of age when the intimate image was created.

2. A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:

(a) A legitimate public interest;

(b) Reporting unlawful conduct;

(c) Any lawful law enforcement or correctional activity;

(d) Investigation or prosecution of a violation of this section; or

(e) Preparation for or use in any legal proceeding.

4. A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to

registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 6. ***Any person who demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

Sec. 6.5. ***1. The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.***

2. As used in subsection 1, "interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. "Statutory sexual seduction" means ~~[~~:

~~(a) Ordinary~~] ***ordinary*** sexual intercourse, anal intercourse, ~~[cunnilingus or fellatio]~~ ***or sexual penetration*** committed by a person 18 years of age or older with a person ~~[under the age of 16 years; or~~

~~(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.]~~ ***who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.***

7. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person ~~[who subjects]~~ ***is guilty of sexual assault if he or she:***

(a) Subjects another person to sexual penetration, or ~~[who]~~ forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct ~~[, is guilty of sexual assault.]~~ ***; or***

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. ***The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b)***

of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:

(a) The person committing the act uses force or threatens the use of force; or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. NRS 200.368 is hereby amended to read as follows:

200.368 ~~[~~Except under circumstances where a greater penalty is provided in NRS 201.540, a~~]~~ ***A*** person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~[~~, for a category C felony as provided in NRS 193.130.~~]~~ ***at the time of the commission of the offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.***

2. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 3, if*** the person is under the age of 21 years, for a gross misdemeanor.

3. If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Strangulation" has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served **.** ~~[,~~

~~➥ as determined by the verdict of the jury, or the judgment of the court if there is no jury.]~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➥ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than $10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) ***or (2)*** does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child ***pursuant to NRS 432B.130*** and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ***If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:***

(I) Skull fracture;

(II) Depressed skull fracture;

(III) Cerebral laceration;

(IV) Cerebral contusion;

(V) Subarachnoid hemorrhage;

(VI) Subdural hemorrhage in the brain, neck or spinal cord;

(VII) Epidural hemorrhage;

(VIII) Intracranial hemorrhage;

(IX) Cerebral edema caused by trauma;

(X) Multiple fractures of the skull or face with injuries to other bones of the body;

(XI) Contusion of the cerebellum or brain stem;

(XII) Optic nerve injury;

(XIII) Retinal hemorrhage;

(XIV) Loss of eyesight;

(XV) Loss of hearing; or

(XVI) Speech impairment or loss of speech,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.

(3) In all other such cases to which subparagraph (1) ***or (2)*** does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~[~~For~~]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~[~~For~~]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person ~~[~~who~~]~~ ***is guilty of lewdness with a child if he or she:***

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of ~~[~~14~~]~~ ***16*** years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child ~~[~~, is guilty of lewdness with a child.~~]~~ ***; or***

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in ~~[~~subsection 3,~~]~~ ***subsections 4 and 5,*** a person who commits lewdness with a child ***under the age of 14 years*** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole

beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.***

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~[4.]~~ ***5. A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.***

6. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection ~~[5.]~~ ***6*** of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 12 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 "Sexual conduct" means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;

6. Masturbation or the lewd exhibition of unclothed genitals; ~~[or]~~

7. Sado-masochistic abuse ~~[.]~~ ***; or***

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[4,]~~ ***3,*** a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. ~~[Except as otherwise provided in subsection 4, a person who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,~~

~~➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year ***2 years*** and a maximum term of not more than 6 ***20*** years, and may be further punished by a fine of not more than $5,000. ***$10,000.***~~

~~3. ***2.]*** For the purposes of ~~[subsections]~~ ***subsection*** 1 ***,*** ~~[and 2,]~~ a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

[~~4.~~**]** ***3.*** The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. **[**~~NRS 201.550 is hereby amended to read as follows:~~

~~201.550 1. Except as otherwise provided in subsection 3, a person who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is employed in a position of authority by a college or university; and~~

~~(c) Engages in sexual conduct with a student who is 16 or 17 years of age and who is enrolled in or attending the college or university at which the person is employed,~~

~~*~~ is guilty of a category **[**~~C~~**]** ***B*** felony and shall be punished **[**~~as provided in NRS 193.130.~~**]** ***by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than $10,000.***

~~2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:~~

~~(a) A teacher, instructor or professor;~~

~~(b) An administrator; or~~

~~(c) A head or assistant coach.~~

~~3. The provisions of this section do not apply to a person who is married to the student.~~**]** **(Deleted by amendment.)**

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***1. In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:***

(a) The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and

(b) Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 24. ***1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.***

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with

particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

(q) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, ***and section 23 of this act,*** unless the context otherwise requires, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child ***has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic,*** has been abandoned, is without proper care, control ~~[and]~~ ***or*** supervision or lacks the subsistence, education, shelter,

medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, 6.5 and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after October 1, 2015.

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after October 1, 2015, if, on or after October 1, 2015, a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13, 14, 15, 17, 18, 19 and 26 of this act apply to an offense that is committed on or after October 1, 2015.

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act apply to a court proceeding that is commenced on or after October 1, 2015.

5. As used in this section, "intimate image" has the meaning ascribed to it in section 3 of this act.

Sec. 28. (Deleted by amendment.)

Assemblyman Hansen moved that the Assembly concur in Senate Amendment No. 932 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 964.

AN ACT relating to crimes; establishing the crime of unlawful dissemination of an intimate image of a person; prohibiting certain acts relating to an intimate image of another person; revising provisions relating to sexual assault and the abuse of a child; setting forth provisions relating to expert testimony in a prosecution for pandering or sex trafficking; revising provisions concerning acts of open or gross lewdness, open and indecent or obscene exposure, lewdness with a child and statutory sexual seduction; setting forth various provisions relating to the admissibility of evidence and expert testimony in criminal and juvenile delinquency actions; prohibiting a court from ordering the victim of or a witness to a sexual offense to take or submit to a psychological or psychiatric examination in certain criminal or juvenile delinquency actions; authorizing the court to exclude in certain circumstances the testimony of a licensed psychologist, psychiatrist or clinical

worker; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-6.5 of this bill establish the crime of unlawful dissemination of an intimate image of a person. **Section 3** defines the term "intimate image" generally as a photograph, film, videotape or other recorded image, or any reproduction thereof, which depicts: (1) the fully exposed nipple of the female breast of another person; or (2) one or more persons engaged in sexual conduct. **Section 3** also provides that an image which would otherwise constitute an intimate image is not an intimate image if the person depicted in the image: (1) is not clearly identifiable; (2) voluntarily exposed himself or herself in a public or commercial setting; or (3) is a public figure.

Section 5 provides that a person commits the crime of unlawful dissemination of an intimate image and is guilty of a category D felony when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. **Section 5** also sets forth certain exceptions regarding when an intimate image may be lawfully electronically disseminated. Under **section 6**, a person is guilty of a category D felony if he or she demands payment of money, property, services or anything else of value from a person in exchange for removing an intimate image from public view. **Section 6.5** provides that the provisions of **sections 1-6** must not be construed to impose liability on an interactive computer service, as that term is defined in federal law, for any content provided by another person.

Existing law provides that a person who forces another person under certain circumstances to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Section 8** of this bill additionally provides that a person who commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. **Section 8** further provides that, except in certain circumstances, such provisions do not apply to a person who commits any such act upon a child under the age of 14 years if the person committing the act is less than 18 years of age and is not more than 2 years older than the person upon whom the act is committed.

Existing law also provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of a gross misdemeanor for the first offense and a category D felony for any subsequent offense. (NRS 201.210, 201.220) Under **sections 13 and 14** of this bill, if a person commits any such offense and he or she has previously been convicted of a

sexual offense, or if the person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony.

Additionally, under existing law, a person who commits certain acts with a child under the age of 14 years is guilty of lewdness with a child and is guilty of a category A felony. (NRS 201.230) **Section 15** of this bill provides that a person is guilty of lewdness with a child if the person: (1) is 18 years of age or older and commits certain acts with a child under the age of 16 years; or (2) is under the age of 18 years and commits certain acts with a child under the age of 14 years. **Section 15** also provides that if a person commits lewdness with: (1) a child under the age of 14, he or she is guilty of a category A felony; and (2) a child who is 14 or 15, he or she is guilty of a category B felony.

Section 7 of this bill revises the definition of the term "statutory sexual seduction," and **section 8.5** of this bill revises the penalties imposed for the crime of statutory sexual seduction.

~~**[** Section 10 of this bill provides that certain persons are guilty of a category A felony if they willfully cause, permit or allow a child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect, and substantial bodily or mental harm results to the child which includes certain severe injuries.**]**~~

Sections 12, 23 and 24 of this bill revise various provisions relating to the admissibility of expert testimony and evidence in certain criminal and juvenile delinquency cases. **Section 12** provides that in a prosecution for pandering or sex trafficking, certain expert testimony that is offered by the prosecution or defense is admissible for any relevant purpose, but certain other expert testimony cannot be offered against the defendant to prove the occurrence of an act which forms the basis of a criminal charge against the defendant. Under **section 23**, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 or a vulnerable person for sexual abuse by the defendant is admissible for any purpose. **Section 24** prohibits a court in a criminal or juvenile delinquency action relating to the commission of a sexual offense from ordering a victim of or witness to a sexual offense to take or submit to a psychological or psychiatric examination. **Section 24** also authorizes the court to exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on a victim or witness in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Intimate image":*

1. Except as otherwise provided in subsection 2, includes, without limitation, a photograph, film, videotape or other recorded image which depicts:

(a) The fully exposed nipple of the female breast of another person, including through transparent clothing; or

(b) One or more persons engaged in sexual conduct.

2. Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:

(a) Is not clearly identifiable;

(b) Voluntarily exposed himself or herself in a public or commercial setting; or

(c) Is a public figure.

Sec. 4. *"Sexual conduct" has the meaning ascribed to it in NRS 200.700.*

Sec. 5. *1. Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person:*

(a) Did not give prior consent to the electronic dissemination or the sale of the intimate image;

(b) Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and

(c) Was at least 18 years of age when the intimate image was created.

2. A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The provisions of this section do not apply to the electronic dissemination of an intimate image for the purpose of:

(a) A legitimate public interest;

(b) Reporting unlawful conduct;

(c) Any lawful law enforcement or correctional activity;

(d) Investigation or prosecution of a violation of this section; or

(e) Preparation for or use in any legal proceeding.

4. A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 6. *Any person who demands payment of money, property, services or anything else of value from a person in exchange for removing an*

intimate image from public view is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 6.5. ***1. The provisions of sections 2 to 6.5, inclusive, of this act must not be construed to impose liability on an interactive computer service for any content provided by another person.***

2. As used in subsection 1, "interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

Sec. 7. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.

3. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. ***The term does not include any such conduct for medical purposes.***

6. "Statutory sexual seduction" means ~~[~~:

~~(a) Ordinary~~] ***ordinary*** sexual intercourse, anal intercourse, ~~[cunnilingus or fellatio]~~ ***or sexual penetration*** committed by a person 18 years of age or older with a person ~~[under the age of 16 years; or~~

~~(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.]~~ ***who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.***

7. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or sex trafficking.

Sec. 8. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person ~~[who subjects]~~ ***is guilty of sexual assault if he or she:***

(a) Subjects another person to sexual penetration, or ~~[who]~~ forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of

resisting or understanding the nature of his or her conduct ~~[, is guilty of sexual assault.]~~ ***; or***

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:

(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. ***The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:***

(a) The person committing the act uses force or threatens the use of force; or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

6. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; or

(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8.5. NRS 200.368 is hereby amended to read as follows:

200.368 ~~[~~Except under circumstances where a greater penalty is provided in NRS 201.540, a~~]~~ ***A*** person who commits statutory sexual seduction shall be punished:

1. If the person is 21 years of age or older ~~[~~, for a category C felony as provided in NRS 193.130.~~]~~ ***at the time of the commission of the offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.***

2. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 3, if*** the person is under the age of 21 years, for a gross misdemeanor.

3. If the person is under the age of 21 years and has previously been convicted of a sexual offense, as defined in NRS 179D.097, for a category D felony as provided in NRS 193.130.

Sec. 9. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Strangulation" has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim or is committed by strangulation, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served **.** ~~[~~, ➥ ~~as determined by the verdict of the jury, or the judgment of the court if there is no jury.]~~

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➥ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than $10,000.

Sec. 10. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) ~~*[If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:*~~

~~*(I) Skull fracture;*~~

~~*(II) Depressed skull fracture;*~~

~~*(III) Cerebral laceration;*~~

~~*(IV) Cerebral contusion;*~~

~~*(V) Subarachnoid hemorrhage;*~~

~~*(VI) Subdural hemorrhage in the brain, neck or spinal cord;*~~

~~*(VII) Epidural hemorrhage;*~~

~~*(VIII) Intracranial hemorrhage;*~~

~~*(IX) Cerebral edema caused by trauma;*~~

~~*(X) Multiple fractures of the skull or face with injuries to other bones of the body;*~~

~~*(XI) Contusion of the cerebellum or brain stem;*~~

~~*(XII) Optic nerve injury;*~~

~~*(XIII) Retinal hemorrhage;*~~

~~*(XIV) Loss of eyesight;*~~

~~*(XV) Loss of hearing; or*~~

~~*(XVI) Speech impairment or loss of speech,*~~

~~➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.~~

~~(3)]~~ In all other such cases to which subparagraph (1) ~~[or (2)]~~ does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child ***pursuant to NRS 432B.130*** and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) ~~[If the child is less than 18 years of age and the resulting harm includes, without limitation, one or more of the following injuries:~~

~~(I) Skull fracture;~~

~~(II) Depressed skull fracture;~~

~~(III) Cerebral laceration;~~

~~(IV) Cerebral contusion;~~

~~(V) Subarachnoid hemorrhage;~~

~~(VI) Subdural hemorrhage in the brain, neck or spinal cord;~~

~~(VII) Epidural hemorrhage;~~

~~(VIII) Intracranial hemorrhage;~~

~~(IX) Cerebral edema caused by trauma;~~

~~*(X) Multiple fractures of the skull or face with injuries to other bones of the body;*~~

~~*(XI) Contusion of the cerebellum or brain stem;*~~

~~*(XII) Optic nerve injury;*~~

~~*(XIII) Retinal hemorrhage;*~~

~~*(XIV) Loss of eyesight;*~~

~~*(XV) Loss of hearing; or*~~

~~*(XVI) Speech impairment or loss of speech,*~~

~~*➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, or for a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served.*~~

~~*(3)]*~~ In all other such cases to which subparagraph (1) ~~*[or (2)]*~~ does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

➥ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 11. NRS 200.604 is hereby amended to read as follows:

200.604 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 5 of this act, a*** person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

➥ is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

Sec. 12. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

In a prosecution for pandering or sex trafficking pursuant to NRS 201.300, expert testimony concerning:

1. The prostitution subculture, including, without limitation, the effect of physical, emotional or mental abuse on the beliefs, behavior and perception of the alleged victim of the pandering or sex trafficking that is offered by the prosecution or defense is admissible for any relevant purpose, including, without limitation, to demonstrate:

(a) The dynamics of and the manipulation and psychological control measures used in the relationship between a prostitute and a person who engages in pandering or sex trafficking in violation of NRS 201.300; and

(b) The normal behavior and language used in the prostitution subculture.

2. The effect of pandering or sex trafficking may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.

Sec. 13. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

(a) ~~[For]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

Sec. 14. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) ~~[For]~~ ***Except as otherwise provided in this subsection, for*** the first offense, of a gross misdemeanor.

(b) For any subsequent offense, ***or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097,*** of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 7 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 15. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person ~~[who]~~ ***is guilty of lewdness with a child if he or she:***

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of ~~[14]~~ ***16*** years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child ~~[, is guilty of lewdness with a child.]~~ ***; or***

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 4 and 5,*** a person who commits lewdness with a child ***under the age of 14 years*** is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole

beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than $10,000.

3. ***Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than $10,000.***

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child,

➥ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

~~[4.]~~ ***5. A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.***

6. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection ~~[5.]~~ ***6*** of NRS 200.366.

Sec. 16. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and section 12 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 17. NRS 201.520 is hereby amended to read as follows:

201.520 "Sexual conduct" means:

1. Ordinary sexual intercourse;
2. Anal intercourse;
3. Fellatio, cunnilingus or other oral-genital contact;
4. Physical contact by a person with the unclothed genitals or pubic area of another person for the purpose of arousing or gratifying the sexual desire of either person;

5. Penetration, however slight, by a person of an object into the genital or anal opening of the body of another person for the purpose of arousing or gratifying the sexual desire of either person;

6. Masturbation or the lewd exhibition of unclothed genitals; ~~[or]~~

7. Sado-masochistic abuse ~~[.]~~ ***; or***

8. Any lewd or lascivious act upon or with the body, or any part or member thereof, of another person.

Sec. 18. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~[4,]~~ ***3,*** a person who:

(a) Is 21 years of age or older;

(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and:

(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or

(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. ~~[Except as otherwise provided in subsection 4, a person who:~~

~~(a) Is 21 years of age or older;~~

~~(b) Is or was employed in a position of authority by a public school or private school or is or was volunteering in a position of authority at a public or private school; and~~

~~(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and:~~

~~(1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or~~

~~(2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,~~

~~➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.~~

~~3.]~~ For the purposes of ~~[subsections]~~ ***subsection*** 1 ***,*** ~~[and 2,]~~ a person shall be deemed to be or have been employed in a position of authority by a public school or private school or deemed to be or have been volunteering in a position of authority at a public or private school if the person is or was employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

~~[4.]~~ ***3.*** The provisions of this section do not apply to a person who is married to the pupil.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 48.045 is hereby amended to read as follows:

48.045 1. Evidence of a person's character or a trait of his or her character is not admissible for the purpose of proving that the person acted in conformity therewith on a particular occasion, except:

(a) Evidence of a person's character or a trait of his or her character offered by an accused, and similar evidence offered by the prosecution to rebut such evidence;

(b) Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence; and

(c) Unless excluded by NRS 50.090, evidence of the character of a witness, offered to attack or support his or her credibility, within the limits provided by NRS 50.085.

2. Evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

3. Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 22. Chapter 50 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***1. In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:***

(a) The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and

(b) Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 24. *1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.*

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Open or gross lewdness pursuant to NRS 201.210;

(h) Indecent or obscene exposure pursuant to NRS 201.220;

(i) Lewdness with a child pursuant to NRS 201.230;

(j) Sexual penetration of a dead human body pursuant to NRS 201.450;

(k) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(l) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(m) Luring a child or a person with mental illness pursuant to NRS 201.560;

(n) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(o) Pandering of a child pursuant to NRS 201.300;

(p) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

(q) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 25. NRS 50.260 is hereby amended to read as follows:

50.260 As used in NRS 50.260 to 50.345, inclusive, ***and section 23 of this act,*** unless the context otherwise requires, "prohibited substance" has the meaning ascribed to it in NRS 484C.080.

Sec. 26. NRS 432B.140 is hereby amended to read as follows:

432B.140 Negligent treatment or maltreatment of a child occurs if a child ***has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic,*** has been abandoned, is without proper care, control ~~[and]~~ ***or*** supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

Sec. 27. 1. The amendatory provisions of sections 1 to 5, inclusive, 6.5 and 11 of this act apply to an intimate image that is electronically disseminated or sold on or after October 1, 2015.

2. The amendatory provisions of section 6 of this act apply to an intimate image that is electronically disseminated or sold before, on or after October 1, 2015, if, on or after October 1, 2015, a person:

(a) Demands payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view; or

(b) Directly or indirectly counsels, hires, commands, induces or otherwise procures another person to demand payment of money, property, services or anything else of value from a person in exchange for removing the intimate image from public view.

3. The amendatory provisions of sections 7 to 10, inclusive, 13, 14, 15, 17, 18, 19 and 26 of this act apply to an offense that is committed on or after October 1, 2015.

4. The amendatory provisions of sections 12, 16 and 20 to 25, inclusive, of this act apply to a court proceeding that is commenced on or after October 1, 2015.

5. As used in this section, "intimate image" has the meaning ascribed to it in section 3 of this act.

Sec. 28. (Deleted by amendment.)

Assemblyman Hansen moved that the Assembly concur in Senate Amendment No. 964 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 729.

AN ACT relating to solicitation of contributions; requiring certain charitable organizations to register with the Secretary of State before soliciting charitable contributions in this State; requiring the Secretary of State to provide to the public certain information concerning such registered charitable organizations; revising provisions governing the enforcement of certain requirements imposed on certain nonprofit and charitable organizations; revising provisions governing the disclosure of certain information in a solicitation for contributions for or on behalf of a nonprofit or charitable organization; authorizing the imposition of penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the solicitation of charitable contributions within the State by nonprofit corporations. (NRS 82.382-82.417) **Section 27** of this bill repeals those provisions of existing law. **Sections 2-22** of this bill reenact and revise those repealed sections to provide governance of the solicitation of charitable and other contributions by all charitable organizations and nonprofit organizations in this State.

Section 14 requires every charitable organization that intends to solicit tax-deductible charitable contributions in this State, other than certain types of charitable organizations exempted by **section 15**, to register with the Secretary of State by filing certain information and a financial report with the Secretary of State before the charitable organization first solicits a charitable contribution in this State or has a charitable contribution solicited in this State on its behalf by another person and annually thereafter. In certain circumstances, **section 14** authorizes a charitable organization to submit a copy of its Form 990 as filed with the Internal Revenue Service for the most recent fiscal year as its financial report. **Section 18** requires the Secretary of State to make available the information and financial report on the Secretary of State's Internet website.

Section 19 provides that if a charitable organization fails to file the information and financial report as required for registration on or before the

due date, the Secretary of State will impose a $50 penalty and notify the organization. If the charitable organization fails to file the information and financial report and pay the penalty within 90 days after receiving notice, **section 19** further authorizes the Secretary of State to impose a civil penalty of not more than $1,000 and issue a cease and desist order prohibiting any further solicitation of contributions by the organization. If the charitable organization fails to pay the penalty or comply with the cease and desist order, **section 19** authorizes the Secretary of State to: (1) forfeit the right of the charitable organization to transact business in this State; and (2) refer the matter to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction.

Section 20 requires the Secretary of State to provide written notice to a person who is alleged to have violated certain provisions of law governing the solicitation of charitable contributions if the Secretary of State believes such a violation has occurred. **Section 20** further authorizes the Secretary of State to refer a violation of certain provisions of law governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute the appropriate proceedings in a court of competent jurisdiction. Under **section 20**, in such a proceeding, in addition to any other penalty imposed by law, the Attorney General may seek an injunction or other equitable relief and a civil penalty of not more than $1,000. If the Attorney General prevails in the proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, investigation costs and reasonable attorney's fees.

Existing law requires a person soliciting a contribution for or on behalf of a charitable organization or nonprofit corporation to make certain disclosures, and provides that under certain circumstances, a failure to make such disclosures is a deceptive trade practice. (NRS 598.1305) **Sections 16 and 17** revise the types of charitable and nonprofit organizations to which this requirement applies and exempt certain solicitations from this requirement. **Sections 16 and 25** further provide that a failure to make the required disclosures is no longer a deceptive trade practice, and transfer primary jurisdiction for enforcing the disclosure requirement from the Attorney General to the Secretary of State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings attributed to them in those sections.***

Sec. 3. *"Alumni association" means an organization whose membership is limited to graduates or former students of a particular university, college or school and which raises funds to support its membership and its activities.*

Sec. 4. *"Charitable contribution" means a contribution that is allowable as a tax deductible contribution pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), future amendments to that section and the corresponding provisions of future internal revenue laws.*

Sec. 5. *"Charitable organization" means any person who directly or indirectly, solicits contributions, and who the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3). The term does not include an organization that is established for and serving bona fide religious purposes.*

Sec. 6. *"Charitable promotion, service or activity" means an advertising or sales campaign conducted by a for-profit entity or business, which represents that the purchase of goods or services or participation in an activity will benefit, in whole or in part, a charitable organization, nonprofit organization or charitable purpose.*

Sec. 7. *"Church" means a religious organization which holds property for charitable or religious purposes. The term may include, without limitation, a mosque, synagogue or temple.*

Sec. 8. *"Contribution" means the promise or grant of any money or property of any kind or value.*

Sec. 9. *"Corporation for Public Broadcasting" means the corporation established pursuant to 47 U.S.C. § 396(b).*

Sec. 10. *"Form 990" means the Return of Organization Exempt from Income Tax (Form 990) of the Internal Revenue Service of the United States Department of the Treasury, or any equivalent or successor form of the Internal Revenue Service.*

Sec. 11. *"Nonprofit organization" means an organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code.*

Sec. 12. *"Solicit" means to request a contribution, donation, gift or the like that is made by any means, including, without limitation:*

1. Mail;

2. Commercial carrier;

3. Telephone, facsimile, electronic mail or other electronic medium or device;

4. A face-to-face meeting; or

5. A special event or promotion.

➥ The term includes, without limitation, requesting a contribution, donation, gift or the like from a location outside of this State to persons located in this State.

Sec. 13. *The provisions of this chapter do not apply to a person or other entity that is a unit or an instrumentality of the United States Government.*

Sec. 14. *1. Except as otherwise provided in section 15 of this act, a charitable organization shall not solicit charitable contributions in this State, or have charitable contributions solicited in this State on its behalf by another person, unless the charitable organization is registered with the Secretary of State pursuant to this section. Each chapter, branch or affiliate of a charitable organization may register separately.*

2. A charitable organization that wishes to register with the Secretary of State as set forth in subsection 1 must file on a form prescribed by the Secretary of State:

(a) The information required by subsection 4; and

(b) A financial report that satisfies the requirements of subsection 5.

3. If a charitable organization is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the charitable organization must file the information and financial report required by subsection 2 at the time of filing the initial list and at the time of filing each annual list. If the charitable organization did not file the information and financial report required by subsection 2 at the time of filing its initial list or at the time of filing its most recent annual list, it must file the information required by subsection 2 before soliciting charitable contributions in this State, or having charitable contributions solicited in this State on its behalf by another person, and thereafter at the time of filing each annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the charitable organization must file the information and financial report required by subsection 2 before it solicits charitable contributions in this State, or has charitable contributions solicited in this State on its behalf by another person, and annually thereafter on the last day of the month in which the anniversary date of the initial filing of the information and financial report.

4. The form required by subsection 2 must include, without limitation:

(a) The exact name of the charitable organization as registered with the Internal Revenue Service;

(b) The federal tax identification number of the charitable organization;

(c) The name of the charitable organization as registered with the Secretary of State or, in the case of a foreign charitable organization, the name of the foreign charitable organization as filed in its jurisdiction of origin;

(d) The name or names under which the charitable organization intends to solicit charitable contributions;

(e) The address and telephone number of the principal place of business of the charitable organization and the address and telephone number of any offices of the charitable organization in this State or, if the charitable organization does not maintain an office in this State, the name, address and

telephone number of the custodian of the financial records of the charitable organization;

(f) The names and addresses, either residence or business, of the executive personnel of the charitable organization;

(g) The last day of the fiscal year of the charitable organization;

(h) The jurisdiction and date of the formation of the charitable organization;

(i) The tax exempt status of the charitable organization;

(j) If the charitable organization does not file with the Secretary of State articles of incorporation or any other formation document, including, without limitation, a foreign qualification document, as defined in NRS 77.090:

(1) The purpose for which the charitable organization is organized; and

(2) The names and addresses, either residence or business, of the officers, directors and trustees of the charitable organization; and

(k) Any other information deemed necessary by the Secretary of State, as prescribed by regulations adopted by the Secretary of State pursuant to section 22 of this act.

5. Except as otherwise provided in this subsection, a financial report must contain the financial information of the charitable organization for the most recent fiscal year. In the discretion of the Secretary of State, the financial report may be a copy of the Form 990 of the charitable organization, with all schedules except the schedules of donors, for the most recent fiscal year. If a charitable organization was first formed within the past year and does not have any financial information or a Form 990 for its most recent fiscal year, the charitable organization must complete the financial report on a form prescribed by the Secretary of State using good faith estimates for its current fiscal year.

6. All information and the financial report filed pursuant to this section are public records. The filing of information pursuant to this section is not an endorsement of any charitable organization by the Secretary of State or the State of Nevada.

Sec. 15. *1. A charitable organization is not required to be registered with the Secretary of State pursuant to section 14 of this act during any year in which its only solicitations for contributions, donations, gifts or the like are:*

(a) Directed only to a total of fewer than 15 persons annually;

(b) Directed only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization;

(c) Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C.

§ 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033;

(d) Appeals for funds to benefit a particular person or his or her immediate family named in the solicitation, but only if all the proceeds of the solicitation are given to or expended for the direct benefit of the person or his or her immediate family; or

(e) Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons.

2. A charitable organization that believes it is exempt from registration pursuant to this section must, before it solicits a charitable contribution in this State or has a charitable contribution solicited in this State on its behalf by another person, and annually thereafter, file a declaration of exemption on a form prescribed by the Secretary of State.

Sec. 16. *1. Except as otherwise provided in this section and section 17 of this act,* ~~*[any]*~~ *a solicitation for a contribution by, for or on behalf of a charitable organization or nonprofit organization, including, without limitation, a solicitation by means of electronic mail or other electronic medium or device, must* ~~*[provide a disclosure which contains:]*~~ *disclose the following information:*

(a) The full legal name of the charitable organization or nonprofit organization as registered with the Secretary of State pursuant to this title;

(b) If the charitable organization or nonprofit organization is not registered or not required to be registered with the Secretary of State pursuant to this title, the full legal name and the ~~*[jurisdiction where]*~~ *physical address of the principal place of business of the charitable organization or nonprofit organization* ~~*; [is organized or was formed;]*~~

(c) A published phone number or Internet address of a website for the charitable organization or nonprofit organization;

(d) A statement or description of the purpose of the charitable organization or nonprofit organization; and

(e) A statement that the contribution:

(1) May be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c); or

(2) Does not qualify for such a federal tax deduction.

2. A solicitation for a contribution by, for or on behalf of a charitable organization or nonprofit organization by means of electronic medium or device, other than electronic mail, is deemed to comply with the requirements of subsection 1 if:

(a) The information required to be disclosed pursuant to subsection 1 may be obtained from an Internet website maintained by the charitable organization or nonprofit organization;

(b) The charitable organization or nonprofit organization provides a hyperlink to that Internet website; and

(c) The statement required by paragraph (e) of subsection 1 is located conspicuously on that Internet website or on the page of that Internet website where the donor commits to the charitable contribution.

3. A solicitation or pledge drive conducted by a charitable organization or nonprofit organization as part of a broadcast telethon, radiothon, webcast or any similar form of broadcast communication is not required to provide the [verbal or printed] disclosure required by this section throughout the broadcast event, but must [provide the disclosure] disclose the information to a prospective donor before the donor commits or pledges to make a contribution.

[3.] 4. A disclosure [statement] provided in connection with an appeal for funds to benefit a particular person or his or her immediate family must contain:

(a) The name of the particular person or family members who are to benefit from the appeal; and

(b) A statement that a contribution in response to the appeal may not qualify for a federal tax deduction.

[4. Except as provided in this subsection, a disclosure statement required by this section must be conspicuously displayed on any written, printed or electronic document, including, without limitation, an image that appears on an Internet website, that constitutes a part of the solicitation. If the solicitation materials consist of more than one piece, the disclosure statement must be displayed on a prominent piece of the solicitation materials.]

Sec. 17. *The requirement to [provide a disclosure statement] disclose information set forth in section 16 of this act does not apply to a solicitation that is:*

1. Directed only to a total of fewer than 15 persons annually;

2. Directed to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit organization;

3. Conducted by an alumni association of an accredited institution which solicits only persons who have an established affiliation with the institution, including, without limitation, current and former students, members of the faculty or staff, or persons who are within the third degree of consanguinity or affinity of such persons;

4. Conducted by a public broadcast organization which meets the eligibility requirements established by the Corporation for Public Broadcasting;

5. Conducted by a church or one or more of its integrated auxiliaries or by a convention or association of churches that is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C.

§ 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033;

6. A charitable promotion, service or activity conducted or facilitated by a for-profit entity or business located in this State if:

(a) The sale of the goods, services or participation by the for-profit entity or business is incidental to the ordinary transaction of its business; and

(b) The value of the goods, services or participation acquired by the purchaser or participant is de minimis;

7. Direct sales of tangible goods, items or services by a charitable organization or nonprofit organization in which the amount paid for the good, item or service is reasonably proportionate to the current market or face value of the good, item or service; or

8. An application or request for a grant, contract or similar funding from a foundation, corporation, nonprofit organization, governmental agency or similar entity which has an established application and review procedure for consideration of such applications or requests.

Sec. 18. *The Secretary of State shall make available to the public and post on the official Internet website of the Secretary of State the information and financial report filed by each charitable organization pursuant to sections 14 and 15 of this act.*

Sec. 19. *1. If the Secretary of State finds that a charitable organization which is required to file the information and financial report required for registration pursuant to subsection 2 of section 14 of this act is soliciting charitable contributions in this State, or is having charitable contributions solicited in this State on its behalf by another person, without having filed the information and financial report required for registration on or before the due date for the filing established pursuant to subsection 3 of section 14 of this act, the Secretary of State shall:*

(a) If the charitable organization is required to file an annual list with the Secretary of State pursuant to this title, impose the penalty for default in the filing of an annual list set forth in the provisions of this title applicable to the charitable organization and notify the charitable organization of the violation by providing written notice to its registered agent. The notice:

(1) Must include a statement that the charitable organization is required to file the information and financial statement required for registration by subsection 2 of section 14 of this act and pay the penalty for default in the filing of an annual list set forth in the provisions of this title applicable to the charitable organization; and

(2) May be provided electronically.

(b) If the charitable organization is not required to file an annual list with the Secretary of State pursuant to this title, impose a penalty in the amount of $50 for the failure of the charitable organization to file the information and financial report required for registration as required pursuant to subsection 2 of section 14 of this act and notify the charitable organization

of the violation by providing written notice to the charitable organization. The notice:

(1) Must include a statement indicating that the charitable organization is required to file the information and financial report required for registration by subsection 2 of section 14 of this act and pay the penalty as set forth in this paragraph; and

(2) May be provided electronically.

2. If a charitable organization fails to file the information and financial report required by subsection 2 of section 14 of this act and pay the penalty for default as set forth in this section within 90 days after the charitable organization or its registered agent receives the written notice provided pursuant to subsection 1, the Secretary of State may, in addition to imposing the penalty for default as set forth in this section, take any or all of the following actions:

(a) Impose a civil penalty of not more than $1,000.

(b) Issue an order to cease and desist soliciting charitable contributions or having charitable contributions solicited on behalf of the charitable organization by another person.

3. An action taken pursuant to subsection 2 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

4. If a charitable organization fails to pay a civil penalty imposed by the Secretary of State pursuant to subsection 2 or comply with an order to cease and desist issued by the Secretary of State pursuant to subsection 2, the Secretary of State may:

(a) If the charitable organization is organized pursuant to this title, revoke the charter of the charitable organization. If the charter of the charitable organization is revoked pursuant to this paragraph, the charitable organization forfeits its right to transact business in this State.

(b) If the charitable organization is a foreign nonprofit charitable organization, forfeit the right of the foreign nonprofit charitable organization to transact business in this State.

(c) Refer the matter to the Attorney General for a determination of whether to institute proceedings pursuant to section 20 of this act.

Sec. 20. *1. If the Secretary of State believes that a person has violated any provision of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions, the Secretary of State shall notify the person in writing of the alleged violation.*

2. The Secretary of State may refer an alleged violation of any provision of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce the provisions of this chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions. The Attorney General may institute and prosecute the appropriate proceedings to enforce the provisions of this

chapter, NRS 598.1305 or any other provision of the laws of this State governing the solicitation of charitable contributions.

3. In addition to any other penalty imposed by law, in a proceeding instituted by the Attorney General pursuant to subsection 2, the Attorney General may seek an injunction or other equitable relief and may recover a civil penalty of not more than $1,000 for each violation. If the Attorney General prevails in such a proceeding, the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

Sec. 21. ***The powers and duties of the Secretary of State and the Attorney General pursuant to the provisions of this chapter are in addition to other powers and duties of the Secretary of State and Attorney General with respect to charitable organizations and nonprofit organizations.***

Sec. 22. ***The Secretary of State may adopt regulations to administer the provisions of this chapter.***

Sec. 23. NRS 82.131 is hereby amended to read as follows:

82.131 Subject to such limitations, if any, as may be contained in its articles, and except as otherwise provided in ~~[~~NRS 82.392,~~]~~ ***section 14 of this act,*** every corporation may:

1. Borrow money and contract debts when necessary for the transaction of its business, or for the exercise of its corporate rights, privileges or franchises, or for any other lawful purpose of its incorporation, issue bonds, promissory notes, drafts, debentures and other obligations and evidences of indebtedness, payable at a specified time or times, or payable upon the happening of a specified event or events, whether secured by mortgage, pledge or other security, or unsecured, for money borrowed, or in payment for property purchased or acquired, or for any other lawful object.

2. Guarantee, purchase, hold, take, obtain, receive, subscribe for, own, use, dispose of, sell, exchange, lease, lend, assign, mortgage, pledge or otherwise acquire, transfer or deal in or with bonds or obligations of, or shares, securities or interests in or issued by any person, government, governmental agency or political subdivision of government, and exercise all the rights, powers and privileges of ownership of such an interest, including the right to vote, if any.

3. Issue certificates evidencing membership and issue identity cards.

4. Make donations for the public welfare or for community funds, hospital, charitable, educational, scientific, civil, religious or similar purposes.

5. Levy dues, assessments and fees.

6. Purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

7. Carry on a business for profit and apply any profit that results from the business to any activity in which it may lawfully engage.

8. Participate with others in any partnership, joint venture or other association, transaction or arrangement of any kind, whether or not participation involves sharing or delegation of control with or to others.

9. Act as trustee under any trust incidental to the principal objects of the corporation, and receive, hold, administer, exchange and expend funds and property subject to the trust.

10. Pay reasonable compensation to officers, directors and employees, pay pensions, retirement allowances and compensation for past services, and establish incentive or benefit plans, trusts and provisions for the benefit of its officers, directors, employees, agents and their families, dependents and beneficiaries, and indemnify and buy insurance for a fiduciary of such a benefit or incentive plan, trust or provision.

11. Have one or more offices, and hold, purchase, mortgage and convey real and personal property in this State, and in any of the several states, territories, possessions and dependencies of the United States, the District of Columbia and any foreign countries.

12. Do everything necessary and proper for the accomplishment of the objects enumerated in its articles of incorporation, or necessary or incidental to the protection and benefit of the corporation, and, in general, to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation, whether or not the business is similar in nature to the objects set forth in the articles of incorporation of the corporation, except that:

(a) A corporation does not, by any implication or construction, possess the power of issuing bills, notes or other evidences of debt for circulation of money; and

(b) This chapter does not authorize the formation of banking corporations to issue or circulate money or currency within this State, or outside of this State, or at all, except the federal currency, or the notes of banks authorized under the laws of the United States.

Sec. 24. NRS 82.5231 is hereby amended to read as follows:

82.5231 Except as otherwise provided in **[**~~NRS 82.392,~~**]** ***section 14 of this act,*** if a foreign nonprofit corporation has filed the initial or annual list in compliance with NRS 82.523 and has paid the appropriate fee for the filing, the cancelled check or other proof of payment received by the foreign nonprofit corporation constitutes a certificate authorizing it to transact its business within this State until the last day of the month in which the anniversary of its qualification to transact business occurs in the next succeeding calendar year.

Sec. 25. NRS 598.1305 is hereby amended to read as follows:

598.1305 1. **[**~~A person representing that he or she is conducting a solicitation for or on behalf of a charitable organization or nonprofit corporation shall disclose:~~

~~(a) The full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to NRS 82.392;~~

~~(b) The state or jurisdiction in which the charitable organization or nonprofit corporation was formed;~~

~~(c) The purpose of the charitable organization or nonprofit corporation; and~~

~~(d) That the contribution or donation may be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.~~

~~2.~~] A person, in planning, conducting or executing a solicitation for or on behalf of a charitable organization or nonprofit corporation, shall not:

(a) Make any claim or representation concerning a contribution which directly, or by implication, has the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances; or

(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.

~~[3. Any solicitation that is made in writing for or on behalf of a charitable organization or nonprofit corporation, including, without limitation, an electronic communication, must contain the full legal name of the charitable organization or nonprofit corporation as registered with the Secretary of State pursuant to NRS 82.392 and a disclaimer stating that the contribution or donation may be tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 170(c), or that the contribution or donation does not qualify for such a federal tax deduction.~~

~~4.~~] ***2.*** Notwithstanding any other provisions of this chapter, the Attorney General has primary jurisdiction to investigate and prosecute a violation of this section.

~~[5.~~] ***3.*** Except as otherwise provided in NRS 41.480 and 41.485, a violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

~~[6.~~] ***4.*** As used in this section:

(a) "Charitable organization" means any person who, directly or indirectly, solicits contributions and who the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code. The term does not include an organization which is established for and serving bona fide religious purposes.

(b) "Solicitation" means a request for a contribution to a charitable organization or nonprofit corporation that is made by any means, including, without limitation:

(1) Mail;

(2) Commercial carrier;

(3) Telephone, facsimile, electronic mail or other electronic ***medium or*** device; or

(4) A face-to-face meeting.

➥ The term includes **, *without limitation,*** solicitations which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State. ~~[For the purposes of subsections 1 and 3, the term does not include solicitations which are directed only to a total of fewer than 15 persons or only to persons who are related within the third degree of consanguinity or affinity to the officers, directors, trustees or executive personnel of the charitable organization or nonprofit corporation.]~~

Sec. 26. Any administrative regulations adopted by the Secretary of State pursuant to a provision of NRS that was amended or repealed by this act remain in force until amended by the Secretary of State.

Sec. 27. NRS 82.382, 82.387, 82.392, 82.397, 82.402, 82.407, 82.412 and 82.417 are hereby repealed.

Sec. 28. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

82.382 "Charitable contribution" defined.

82.387 Applicability.

82.392 Corporation required to register before soliciting charitable contributions; filing requirements; information filed is public record.

82.397 Secretary of State required to make filings available to public and post filings on official website.

82.402 Penalty for failure to register with Secretary of State.

82.407 Enforcement of laws governing solicitation of charitable contributions: Secretary of State required to provide notice of alleged violation; referral of alleged violation to Attorney General; proceedings instituted by Attorney General.

82.412 Powers and duties of Secretary of State and Attorney General are cumulative.

82.417 Regulations.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 729 to Assembly Bill No. 50.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 844.

AN ACT relating to securities; **requiring broker-dealers and investment advisers to provide training to certain persons concerning identifying the**

suspected exploitation of an older person or vulnerable person; requiring certain persons who work for broker-dealers and investment advisers to report the suspected or known exploitation of an older person or vulnerable person; authorizing the Administrator of the Securities Division of the Office of the Secretary of State to adopt regulations relating to the federal Jumpstart Our Business Startups Act; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Securities Act which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. (Chapter 90 of NRS) Sections 9.2-9.9 of this bill require broker-dealers and investment advisers to provide training to certain persons concerning the identification and reporting of suspected exploitation of older persons and vulnerable persons. "Older person" is defined in existing law as a person who is 60 years of age or older. "Vulnerable person" is defined in existing law as a person who is 18 years of age or older who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living. (NRS 200.5092) Section 9.8 specifies which sales representatives, representatives of an investment adviser and officers and employees of broker-dealers or investment advisers must receive the training, when the training must be provided and the content of the training. Section 9.8 further requires those persons to report incidents that reasonably appear to be exploitation of an older person or vulnerable person. Section 9.9 requires each broker-dealer and investment adviser to designate a person to whom such reports must be made. The person so designated is then responsible for determining when a formal report must be reported to the appropriate agency.

Existing law authorizes the imposition or granting of certain actions and penalties against a person who has violated any provision of state law or a regulation or order of the Administrator of the Securities Division of the Office of the Secretary of State relating to securities, including civil penalties, restitution and costs of investigation and prosecution of such a violation. (NRS 90.630, 90.640, 90.650) **Sections 11-13** of this bill revise those provisions to include, if the violation was committed against an older person or vulnerable person, the imposition or granting of civil penalties, restitution and costs of investigation and prosecution in amounts equal to twice the amounts that would otherwise have been imposed or granted.

Section 10 of this bill authorizes the Administrator to adopt regulations consistent with the federal Jumpstart Our Business Startups Act (Pub. L. No. 112-106), including regulations relating to the creation and oversight of funding portals for the purchase of securities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.2. ***As used in sections 9.2 to 9.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9.3 to 9.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 9.3. ***"Designated reporter" means a person designated by a broker-dealer or investment adviser to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 9.9 of this act.***

Sec. 9.4. ***"Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.***

Sec. 9.5. ***"Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.***

Sec. 9.6. ***"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.***

Sec. 9.7. ***"Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.***

Sec. 9.8. ***1. Each broker-dealer and investment adviser shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each sales representative, representative of the investment adviser and officer and employee of the broker-dealer or investment adviser who may:***

(a) As part of his or her regular duties for the broker-dealer or investment adviser, come into direct contact with an older person or vulnerable person;

(b) Review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with the offer, sale or purchase of securities; or

(c) Offer advice as to the value or advisability of investing in, purchasing or selling securities to an older person or vulnerable person.

2. The training required pursuant to subsection 1:

(a) Must be provided as soon as reasonably practicable, but not later than 6 months after the sales representative, representative of the investment

adviser or officer or employee is employed by the broker-dealer or investment adviser; and

(b) May be part of any existing continuing education or training program required to be completed by the sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation of an older person or vulnerable person are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to a designated reporter pursuant to section 9.9 of this act.

Sec. 9.9. 1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser must report known or suspected exploitation of an older person or vulnerable person.

2. If a sales representative, representative of an investment adviser or officer or employee of the broker-dealer or investment adviser reports known or suspected exploitation of an older person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of an older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.

4. If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable.

5. If the designated reporter knows or has reasonable cause to believe that the exploitation of a vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.

6. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

7. A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and a designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report pursuant to this section in good faith.

Sec. 10. ***1. The Administrator may adopt, by regulation or order, any filing requirements, registration exemptions and licensing requirements which are consistent with the Jumpstart Our Business Startups Act, Public Law 112-106, and any regulation adopted pursuant thereto by the United States Securities and Exchange Commission, including, without limitation, regulations relating to the creation and oversight of funding portals.***

2. As used in this section, "funding portal" has the meaning ascribed to it in section 3(a)(80) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §§ 78a et seq.

Sec. 11. NRS 90.630 is hereby amended to read as follows:

90.630 1. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that:

(a) The sale of a security is subject to registration under this chapter and the security is being offered or has been offered or sold by the issuer or another person in violation of NRS 90.460; or

(b) A person is acting as a broker-dealer or investment adviser in violation of NRS 90.310 or 90.330,

➥ the Administrator, in addition to any specific power granted under this chapter and subject to compliance with the requirements of NRS 90.820, may issue, without a prior hearing, a summary order against the person engaged in the prohibited activities, directing the person to desist and refrain from further activity until the security is registered or the person is licensed under this chapter. The summary order to cease and desist must state the section of this chapter or regulation or order of the Administrator under this chapter which the Administrator reasonably believes has been or is being violated.

2. If the Administrator reasonably believes, whether or not based upon an investigation conducted under NRS 90.620, that a person has violated this chapter or a regulation or order of the Administrator under this chapter, the Administrator, in addition to any specific power granted under this chapter, after giving notice by registered or certified mail and conducting a hearing in an administrative proceeding, unless the right to notice and hearing is waived by the person against whom the sanction is imposed, may:

(a) Issue an order against the person to cease and desist;

(b) Censure the person if he or she is a licensed broker-dealer, sales representative, investment adviser or representative of an investment adviser;

(c) Bar or suspend the person from association with a licensed broker-dealer or investment adviser in this State;

(d) Issue an order against an applicant, licensed person or other person who willfully violates this chapter, imposing a civil penalty of not more than $25,000 for each violation ~~[.]~~ or ***, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this paragraph, not to exceed $50,000 for each violation; or***

(e) Initiate one or more of the actions specified in NRS 90.640.

3. If the person to whom the notice is addressed pursuant to subsection 2 does not request a hearing within 45 days after receipt of the notice, the person waives the right to a hearing and the Administrator shall issue a permanent order. If a hearing is requested, the Administrator shall set the matter for hearing not less than 15 days nor more than 60 days after the Administrator receives the request for a hearing. The Administrator shall promptly notify the parties by registered or certified mail of the time and place set for the hearing.

4. Imposition of the sanctions under this section is limited as follows:

(a) If the Administrator revokes the license of a broker-dealer, sales representative, investment adviser or representative of an investment adviser or bars a person from association with a licensed broker-dealer or investment

adviser under this section or NRS 90.420, the imposition of that sanction precludes imposition of a civil penalty under subsection 2; and

(b) The imposition by the Administrator of one or more sanctions under subsection 2 with respect to a specific violation precludes the Administrator from later imposing any other sanctions under paragraphs (a) to (d), inclusive, of subsection 2 with respect to the violation.

5. For the purposes of determining any sanction to be imposed pursuant to paragraphs (a) to (d), inclusive, of subsection 2, the Administrator shall consider, among other factors, the frequency and persistence of the conduct constituting a violation of this chapter, or a regulation or order of the Administrator under this chapter, the number of persons adversely affected by the conduct and the resources of the person committing the violation.

6. If a sanction is imposed pursuant to this section, reimbursement for the costs of the proceeding, including investigative costs and attorney's fees incurred, may be ordered and recovered by the Administrator. Money recovered for reimbursement of the investigative costs and attorney's fees must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

7. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 12. NRS 90.640 is hereby amended to read as follows:

90.640 1. Upon a showing by the Administrator that a person has violated or is about to violate this chapter, or a regulation or order of the Administrator under this chapter, the appropriate district court may grant or impose one or more of the following appropriate legal or equitable remedies:

(a) Upon a showing that a person has violated this chapter, or a regulation or order of the Administrator under this chapter, the court may singly or in combination:

(1) Issue a temporary restraining order, permanent or temporary prohibitory or mandatory injunction or a writ of prohibition or mandamus;

(2) Impose a civil penalty of not more than $25,000 for each violation **~~[,]~~** ***or, if the violation was committed against an older person or vulnerable person, a civil penalty equal to twice the amount of the civil penalty that would otherwise have been imposed pursuant to this subparagraph, not to exceed $50,000 for each violation;***

(3) Issue a declaratory judgment;

(4) Order restitution to investors **~~[,]~~** ***which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of restitution that would otherwise have been ordered pursuant to this subparagraph;***

(5) Provide for the appointment of a receiver or conservator for the defendant or the defendant's assets;

(6) Order payment of the Division's investigative costs ~~[, or]~~ ***which, if the violation was committed against an older person or vulnerable person, must be in an amount equal to twice the amount of the Division's investigative costs that would otherwise have been ordered for payment pursuant to this subparagraph; or***

(7) Order such other relief as the court deems just.

(b) Upon a showing that a person is about to violate this chapter, or a regulation or order of the Administrator under this chapter, a court may issue:

(1) A temporary restraining order;

(2) A temporary or permanent injunction; or

(3) A writ of prohibition or mandamus.

2. In determining the appropriate relief to grant, the court shall consider enforcement actions taken and sanctions imposed by the Administrator under NRS 90.630 in connection with the transactions constituting violations of this chapter or a regulation or order of the Administrator under this chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Administrator.

3. The court shall not require the Administrator to post a bond in an action under this section.

4. Upon a showing by the administrator or securities agency of another state that a person has violated the securities act of that state or a regulation or order of the administrator or securities agency of that state, the appropriate district court may grant, in addition to any other legal or equitable remedies, one or more of the following remedies:

(a) Appointment of a receiver, conservator or ancillary receiver or conservator for the defendant or the defendant's assets located in this State; or

(b) Other relief as the court deems just.

5. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in subsection 2 of NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in subsection 5 of NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 13. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates:

(a) A provision of this chapter, except NRS 90.600, or who violates NRS 90.600 knowing that the statement made is false or misleading in any material respect;

(b) A regulation adopted pursuant to this chapter; or

(c) An order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator pursuant to this chapter,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, or by a fine of not more than $500,000, or by both fine and imprisonment, for each violation. In addition to any other penalty, the court shall order the person to pay restitution and may order the person to repay the costs of investigation and prosecution incurred by the Division and the Office of the Attorney General. ***If the violation was committed against an older person or vulnerable person, any restitution and costs of investigation and prosecution imposed by the court must be in an amount equal to twice the amount that would otherwise have been imposed by the court.*** Money recovered for reimbursement of the costs of investigation and prosecution must be deposited in the State General Fund for credit to the Secretary of State's Operating General Fund Budget Account.

2. A person convicted of violating a regulation or order under this chapter may be fined, but must not be imprisoned, if the person proves lack of knowledge of the regulation or order.

3. This chapter does not limit the power of the State to punish a person for conduct which constitutes a crime under other law.

Sec. 14. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 844 to Assembly Bill No. 51.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 67.

The following Senate amendment was read:

Amendment No. 728.

AN ACT relating to public safety; revising provisions governing the admission into evidence of certain affidavits and declarations in certain criminal proceedings; specifying certain conditions under which a person is deemed not to be in actual physical control of a vehicle; revising provisions governing the administration of certain tests for the presence of alcohol, controlled substances and prohibited substances; revising provisions concerning the revocation of a license, permit or privilege to drive; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive, operate or be in actual physical control of a vehicle or vessel while under the influence of intoxicating liquor or a controlled substance, or both. (NRS 484C.110, 484C.120, 488.410) **Sections 9.3 and 20** of this bill define the term "under the influence" for the purposes of existing law relating to driving, operating or being in actual physical control of a vehicle or vessel while under the influence of intoxicating

liquor or a controlled substance, or both. **Section 9.5** of this bill provides that a person shall be deemed not to be in actual physical control of a vehicle if: (1) the person is asleep inside the vehicle; ~~[and]~~ (2) **the person is not in the driver's seat of the vehicle; (3) the engine of the vehicle is not running; (4)** the vehicle is lawfully parked ~~[.]~~ **; and (5) under the facts presented, it is evident that the person could not have driven the vehicle to the location while under the influence of intoxicating liquor, a controlled substance or a prohibited substance.**

Existing law allows the affidavits and declarations of certain persons to be admitted as evidence during a criminal proceeding to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances. In a felony trial, if the defendant objects in writing to the admission of such affidavits or declarations, the court must not admit the affidavit or declaration into evidence and the prosecution may cause the witness to testify at trial concerning the information contained in the affidavit or declaration. A defendant in a misdemeanor trial, however, must also establish that: (1) there is a substantial and bona fide dispute between the prosecution and the defense regarding the facts in the declaration; and (2) it is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined. (NRS 50.315) The Nevada Supreme Court has held that the additional requirements imposed on a misdemeanor defendant under existing law violate a defendant's constitutional right to confront the witnesses against him or her and are therefore unconstitutional. (*City of Reno v. Howard*, 130 Nev. Adv. Op. 12, 318 P.3d 1063 (2014))

Section 1 of this bill eliminates the constitutional defect identified by the Nevada Supreme Court and provides instead that an affidavit or declaration must not be admitted as evidence during a misdemeanor trial to prove certain facts relating to the testing of the blood, breath or urine of a defendant to determine the presence or concentration of alcohol or certain other substances if, not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court, the defendant objects in writing to the admission of the affidavit or declaration. Under **section 1**, if the affidavit or declaration is not admitted into evidence, the prosecution may produce the witness to provide testimony at trial concerning the information contained in the affidavit or declaration at trial.

Under existing law, a person who drives a vehicle in this State is deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present. If a person who has thus given his or her "implied consent" to an evidentiary test refuses to submit to the test when directed to do so by a police officer who has reason to believe that the person was driving a vehicle or operating a vessel while under the influence of alcohol or a controlled substance, existing law

authorizes the police officer to direct that reasonable force be used to obtain a sample of blood from the person to be tested. (NRS 484C.160) The Nevada Supreme Court has held that the consent implied by a person's decision to drive in this State is not voluntary consent to an evidentiary blood test and, thus, existing laws that allow a police officer to obtain a blood sample from a person without a warrant and without voluntary consent are unconstitutional. (*Byars v. State*, 130 Nev. Adv. Op. No. 85, 336 P.3d 939 (2014))

Sections 12 and 14 of this bill eliminate the constitutional defect identified by the Nevada Supreme Court and provide instead that if a person refuses to submit to an evidentiary blood test at the request of a police officer: (1) the officer may apply for a warrant or other court order directing the use of reasonable force to obtain the blood sample; and (2) the person's driver's license must be revoked for a certain period. **Section 14** further authorizes the revocation of a person's license, permit or privilege to drive if an evidentiary test reveals the presence of a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription or hold a valid registry identification card. **Sections 15 and 16** of this bill make corresponding revisions to provisions of existing law which establish the procedure for effecting such a revocation and provide for an administrative hearing to challenge such a revocation. **Section 25** of this bill makes comparable changes to existing law concerning the evidentiary tests of persons who operate or exercise actual physical control over vessels on the waters of this State. **Section 5** of this bill makes comparable changes to existing law concerning evidentiary tests of persons who have actual physical possession of a firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the Director of the Department of Public Safety as being competent to operate devices of a type certified by the Committee on Testing for Intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his or her breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who has examined a prepared chemical solution or gas that has been used in calibrating, or verifying the calibration of, a device for testing another's breath to determine the concentration of alcohol in his or her

breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for use in accurately calibrating, or verifying the calibration of, the device.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his or her breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the Committee on Testing for Intoxication;

(c) That the calibration was performed within the period required by the Committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his or her sole custody or control and in substantially the same condition as when he or she first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal or civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his or her sole custody or control in substantially the same condition as when he or she first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, ~~[~~at or before the time of trial,~~]~~ ***not later than 10 days before the date set for trial or such shorter time before the date set for trial as authorized by the court,*** the defendant ~~[~~establishes that:

~~(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and~~

~~(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,~~] ***objects in writing to admitting into evidence the affidavit or declaration,***

[~~➥~~] the court ***shall not admit the affidavit or declaration into evidence and*** may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify to any information contained in the affidavit or declaration.

8. The Committee on Testing for Intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

➥ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is [~~directed~~] ***requested*** by a police officer to submit to the test. If a person to be tested fails to submit to a required test as [~~directed~~] ***requested*** by a police officer, the officer may [~~direct~~] ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 9.3 and 9.5 of this act.

Sec. 9.3. ***"Under the influence" means impaired to a degree that renders a person incapable of safely driving or exercising actual physical control of a vehicle.***

Sec. 9.5. ***For the purposes of this chapter, a person shall be deemed not to be in actual physical control of a vehicle if:***

1. The person is asleep inside the vehicle; ~~[and]~~

2. The person is not in the driver's seat of the vehicle;

3. The engine of the vehicle is not running;

4. The vehicle is lawfully parked ~~[.]~~ ; and

5. Under the facts presented, it is evident that the person could not have driven the vehicle to the location while under the influence of intoxicating liquor, a controlled substance or a prohibited substance.

Sec. 10. NRS 484C.010 is hereby amended to read as follows:

484C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484C.020 to 484C.100, inclusive, ***and section 9.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 484C.150 is hereby amended to read as follows:

484C.150 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[~~direction~]~~ ***request*** of a police officer at the scene of a vehicle accident or collision or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall ~~[~~seize~]~~ ***:***

(a) Seize the license or permit of the person to drive as provided in NRS 484C.220 ***;*** and

(b) If reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 12. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections ~~[3 and 4,]~~ ***4 and 5,*** any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[direction]~~ ***request*** of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. ***A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.***

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

~~[3.]~~ ***4.*** Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

~~[4.]~~ ***5.*** If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~ ***or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:***

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~[A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).~~

~~5.]~~ ***Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

6. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.~~

~~6.]~~ ***7.*** Except as otherwise provided in subsections ~~[3 and 5,]~~ ***4 and 6,*** a police officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

~~[7.]~~ ***8.*** If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his or her blood.~~

~~8.]~~ ***9.*** If a person who is less than 18 years of age is ~~[directed]~~ ***requested*** to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 13. NRS 484C.200 is hereby amended to read as follows:

484C.200 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a

person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 484C.160, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a police officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required test as provided in*** NRS 484C.160.

Sec. 14. NRS 484C.210 is hereby amended to read as follows:

484C.210 1. ***If a person fails to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, the license, permit or privilege to drive of the person must be revoked as provided in NRS 484C.220, and the person is not eligible for a license, permit or privilege to drive for a period of:***

(a) One year; or

(b) Three years, if the license, permit or privilege to drive of the person has been revoked during the immediately preceding 7 years for failure to submit to an evidentiary test.

2. If the result of a test given under NRS 484C.150 or 484C.160 shows that a person had a concentration of alcohol of 0.08 or more in his or her blood or breath ***or a detectable amount of a controlled substance or prohibited substance in his or her blood or urine for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** at the time of the test, the license, permit or privilege of the person to drive must be revoked as provided in NRS 484C.220 and the person is not eligible for a license, permit or privilege for a period of 90 days.

~~[2.]~~ ***3.*** If a revocation of a person's license, permit or privilege to drive under NRS 62E.640 or 483.460 follows a revocation under subsection ~~[1]~~ ***2*** which was based on the person having a concentration of alcohol of 0.08 or more in his or her blood or breath, the Department shall cancel the revocation

under that subsection and give the person credit for any period during which the person was not eligible for a license, permit or privilege.

~~[3.]~~ ***4.*** Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.

Sec. 15. NRS 484C.220 is hereby amended to read as follows:

484C.220 1. As agent for the Department, the officer who ***requested that a test be given pursuant to NRS 484C.150 or 484C.160 or who*** obtained the result of a test given pursuant to NRS 484C.150 or 484C.160 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who ***failed to submit to a test requested by the police officer pursuant to NRS 484C.150 or 484C.160 or who*** has a concentration of alcohol of 0.08 or more in his or her blood or breath or has a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~[,]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** if that person is present, and shall seize the license or permit to drive of the person. The officer shall then ***, unless the information is expressly set forth in the order of revocation,*** advise the person of his or her right to administrative and judicial review of the revocation pursuant to NRS 484C.230 and, except as otherwise provided in this subsection, that the person has a right to request a temporary license. If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484C.230, the person is not entitled to request an additional temporary license pursuant to this section or NRS 484C.230, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer shall issue the person a temporary license on a form approved by the Department if the person requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his or her blood or breath or had a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~[,]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, ***if any,*** a written certificate that the officer had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle ~~[with]~~ ***:***

(a) With a concentration of alcohol of 0.08 or more in his or her blood or breath or with a detectable amount of a ***controlled substance or*** prohibited

substance in his or her blood or urine ~~[.]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140,*** as determined by a chemical test ~~[.]~~ ***; or***

(b) While under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine and the person refused to submit to a required evidentiary test.

➥ The certificate must also indicate whether the officer served an order of revocation on the person and whether the officer issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at the person's last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484C.230 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 16. NRS 484C.230 is hereby amended to read as follows:

484C.230 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484C.220, the person may request in writing a hearing by the Department to review the order of revocation, but the person is only entitled to one hearing. The hearing must be conducted ~~[within 15 days after receipt of the request, or]~~ as soon ~~[thereafter]~~ as is practicable ~~[, in the county where the requester resides unless the parties agree otherwise.]~~ ***at any location, if the hearing officer permits each party and witness to attend the hearing by telephone, videoconference or other electronic means.*** The Director or agent of the Director may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. Unless the person is ineligible for a temporary license pursuant to NRS 484C.220, the Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person ~~[, at]~~ ***:***

(a) Failed to submit to a required test provided for in NRS 484C.150 or 484C.160; or

(b) At the time of the test, had a concentration of alcohol of 0.08 or more in his or her blood or breath or a detectable amount of a ***controlled substance or*** prohibited substance in his or her blood or urine ~~[.]~~ ***for which he or she did not have a valid prescription, as defined in NRS 453.128, or hold a valid registry identification card, as defined in NRS 453A.140.***

➥ Upon an affirmative finding on ~~[this]~~ ***either*** issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same manner as provided by chapter 233B of NRS. The court shall notify the Department upon the issuance of a stay, and the Department shall issue an additional temporary license for a period which is sufficient to complete the review.

4. If a hearing officer grants a continuance of a hearing at the request of the person whose license was revoked, or a court does so after issuing a stay of the revocation, the officer or court shall notify the Department, and the Department shall cancel the temporary license and notify the holder by mailing the order of cancellation to the person's last known address.

Sec. 17. NRS 484C.240 is hereby amended to read as follows:

484C.240 1. If a person refuses to submit to a required chemical test provided for in NRS 484C.150 or 484C.160, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ~~[;]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. Except as otherwise provided in subsection 3 of NRS 484C.150, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484C.150 to 484C.250, inclusive, and 484C.600 to 484C.640, inclusive.

3. If a person submits to a chemical test provided for in NRS 484C.150 or 484C.160, full information concerning that test must be made available, upon request of the person, to the person or his or her attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 18. NRS 484C.250 is hereby amended to read as follows:

484C.250 1. The results of any blood test administered under the provisions of NRS 484C.160 or 484C.180 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance ***or with a prohibited substance in his or her blood or urine*** or who was engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the

water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

9. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. "Operate" means to navigate or otherwise use a motorboat or a vessel.

12. "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➥ "Owner" does not include a person defined as a "legal owner" under subsection 9.

13. "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

14. "Registered owner" means the person registered by the Commission as the owner of a vessel.

15. ***"Under the influence" means impaired to a degree that renders a person incapable of safely operating or exercising actual physical control of a vessel.***

16. A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~[16.]~~ ***17.*** "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[17.]~~ ***18.*** "Waters of this State" means any waters within the territorial limits of this State.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 488.450 is hereby amended to read as follows:

488.450 1. Any person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the ~~[~~direction~~]~~ ***request*** of a peace officer after a vessel accident or collision or

where an officer stops a vessel, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person fails to submit to the test, the officer shall ***, if reasonable grounds otherwise exist,*** arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 488.460.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 25. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to have given consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the ~~[direction]~~ ***request*** of a peace officer having reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section, but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses ***whose testimony*** in court ~~[.]~~

is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) ~~[A peace officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:~~

~~(1) Caused death or substantial bodily harm to another person as a result of operating or being in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425; or~~

~~(2) Has been convicted within the previous 7 years of:~~

~~(I) A violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of another jurisdiction that prohibits the same or similar conduct; or~~

~~(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).]~~ ***Except as otherwise provided in NRS 488.470, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.***

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may ~~[direct]~~ ***request that*** the person ~~[to]~~ submit to a blood or urine test, or both ***.*** ~~[, in addition to the breath test.]~~

6. Except as otherwise provided in subsections 3 and 5, a peace officer shall not ~~[direct]~~ ***request that*** a person ~~[to]~~ submit to a urine test.

7. If a person to be tested fails to submit to a required test as ~~[directed]~~ ***requested*** by a peace officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance ~~[,]~~ or ***with a prohibited substance in his or her blood or urine; or***

(b) Engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425,

➥ the officer may ~~[direct]~~ ***apply for a warrant or court order directing*** that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. ~~[Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance or another prohibited substance in the person's blood.]~~

8. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing

the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 26. NRS 488.470 is hereby amended to read as follows:

488.470 1. Except as otherwise provided in subsection 2, an evidentiary test of breath to determine the concentration of alcohol in a person's breath may be used to establish that concentration only if two consecutive samples of the person's breath are taken and:

(a) The difference between the concentration of alcohol in the person's breath indicated by the two samples is less than or equal to 0.02;

(b) If the provisions of paragraph (a) do not apply, a third evidentiary test of breath is administered and the difference between the concentration of alcohol in the person's breath indicated by the third sample and one of the first two samples is less than or equal to 0.02; or

(c) If the provisions of paragraphs (a) and (b) do not apply, a fourth evidentiary test is administered. Except as otherwise provided in NRS 488.460, the fourth evidentiary test must be a blood test.

2. If the person fails to provide the second or third consecutive sample, or to submit to the fourth evidentiary test, the results of the first test may be used alone as evidence of the concentration of alcohol in the person's breath. If for some other reason a second, third or fourth sample is not obtained, the results of the first test may be used with all other evidence presented to establish the concentration.

3. If a person refuses or otherwise fails to provide a second or third consecutive sample or submit to a fourth evidentiary test, ~~[a peace officer may direct that reasonable force be used to obtain a sample or conduct a test pursuant to]~~ ***such refusal or failure constitutes a failure to submit to a required evidentiary test as provided in*** NRS 488.460.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 488.500 is hereby amended to read as follows:

488.500 1. The results of any blood test administered under the provisions of NRS 488.460 or 488.490 are not admissible in any criminal action arising out of acts alleged to have been committed by a person who was operating or in actual physical control of a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance or ***with a prohibited substance in his or her blood or urine or*** who was engaging in any other conduct prohibited by NRS 488.410, 488.420 or 488.425 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, registered nurse, licensed practical nurse, advanced emergency medical technician, paramedic or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of

competent jurisdiction or a person who has completed a course of instruction that qualifies him or her to take an examination in phlebotomy that is administered by the American Medical Technologists or the American Society for Clinical Pathology; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a peace officer or the person to be tested to administer the test.

Sec. 30. (Deleted by amendment.)

Sec. 31. 1. This section and sections 2 to 30, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 728 to Assembly Bill No. 67.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 69.

The following Senate amendment was read:

Amendment No. 748.

AN ACT relating to courts; revising provisions governing the recycling of paper and paper products by courts; revising provisions governing the duties of court clerks and justices of the peace in relation to the fees charged by those officials; revising provisions governing the collection and reporting of certain statistical information by district courts, justice courts and municipal courts; changing the term "county clerk" to "clerk of the court" in certain statutes relating to the fees charged by clerks of the district courts; removing provisions requiring courts to provide to the Court Administrator certain orders relating to bail forfeitures; **repealing provisions governing an offer of judgment;** repealing the requirement that the Nevada Supreme Court decide an appeal from a judgment imposing the death penalty within a certain period; repealing provisions governing the selection of panels of jurors by boards of county commissioners; revising various other provisions relating to court administration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless a waiver is granted because the cost of recycling is unreasonable or would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) To obtain such a waiver: (1) the Nevada Supreme Court must apply to the Interim Finance Committee; (2) a

district court or justice court must apply to the board of county commissioners of the county in which the court is located; and (3) a municipal court must apply to the governing body of the city in which it is located. (NRS 1.115) **Section 1** of this bill removes existing provisions regarding a waiver of the requirement for courts to recycle and, instead, requires courts to recycle to the extent reasonably possible.

Existing law requires the Clerk of the Supreme Court to post in a conspicuous place in his or her office a table of the fees charged by the Clerk. (NRS 2.250) **Section 2** of this bill requires the table of fees to be posted by conventional or electronic means and requires the table of fees to be posted on the Internet website of the Clerk.

Existing law requires district courts, justice courts and municipal courts to submit to the Court Administrator a report of statistical information concerning the workload of those courts. (NRS 3.243, 4.175, 5.045) Existing law further requires the clerk of a district court to obtain and file certain information concerning the nature of each criminal and civil case filed with the court. (NRS 3.275) **Sections 3, 4, 8 and 10** of this bill amend these provisions to require district courts, justice courts and municipal courts to submit a report of statistical information to the Court Administrator pursuant to the uniform system for collecting and compiling statistical information concerning the State Court System which is prescribed by the Supreme Court.

Existing law requires each justice of the peace to charge and collect certain fees and to pay those fees to the county treasurer not later than the first Monday of each month. (NRS 4.063, 4.065, 4.071) **Sections 4.2, 4.4 and 4.6** of this bill require that the fees be paid on or before the fifth day of the month. Under existing law, a justice of the peace is required to pay to the county treasurer the amount of each fine that is paid or bail that is forfeited within 30 days after such payment or forfeiture. (NRS 176.285) **Section 35.5** of this bill requires such payments to be made on or before the fifth day of the month immediately following the month in which the fine is paid or the bail forfeited.

Existing law contains various provisions governing the fees charged by justices of the peace and clerks of the district court and imposes certain penalties for the failure to comply with these provisions. (NRS 4.080-4.140, 19.040-19.110) **Sections 5 and 31** of this bill specifically authorize justices of the peace and clerks of the district courts to maintain in electronic format the fee book required by existing law. **Sections 6 and 32** of this bill require justices of the peace and clerks of the district courts to submit to the county official designated by the board of county commissioners a monthly financial statement of the fees collected by them rather than a quarterly financial statement. **Sections 7 and 27** of this bill require justices of the peace and clerks of the district courts to post tables of fees: (1) by conventional or electronic means in their offices; and (2) on their Internet websites. **Section 9** of this bill specifically authorizes a justice of the peace to keep his or her docket in written or electronic format.

Existing law authorizes jurors to be selected by a jury commissioner designated by the district court or, in counties where there is no jury commissioner, by the board of county commissioners. (NRS 6.045-6.090) **Sections 11 and 41** of this bill remove provisions relating to the selection of jurors by a board of county commissioners.

Under existing law, county clerks are ex officio clerks of the district court in and for their counties. (Nev. Const. Art. 4, § 32; NRS 3.250, 246.060) The Nevada Supreme Court has ruled that "[a] district court may exercise control over the court clerk's office either directly, by assuming all or part of the court clerk's functions, or indirectly, by supervising the county clerk in the performance of his or her duties as the *ex officio* court clerk." (*State ex rel. Harvey v. Second Jud. Dist. Ct.*, 117 Nev. 754, 772 (2001)) **Sections 12-33 and 35** of this bill change the term "county clerk" to "clerk of the court" in various statutes relating to the fees charged for the filing of certain documents in the district court and other services provided by the clerk of a district court.

Under existing law, a person may register an order for protection against domestic violence issued by a court in another state by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary. (NRS 33.090) **Section 34** of this bill: (1) provides that such an order may be registered in a court of competent jurisdiction in the judicial district in which the person believes that enforcement may be necessary; and (2) authorizes a copy of such an order to be forwarded by conventional or electronic means to the appropriate law enforcement agency.

Existing law requires a court, upon entering an order of probation or suspension of sentence, to direct the clerk of the court to certify a copy of the records in the case and deliver a copy of the records in the case to the Chief Parole and Probation Officer. (NRS 176A.220) **Section 36** of this bill removes the requirement that the clerk certify a copy of the records and authorizes the clerk to deliver the records to the Chief in writing, by electronic means or by affording the Chief access to an electronic system necessary to retrieve the records.

Sections 37-40 of this bill remove provisions of existing law which require a court to provide to the Court Administrator a copy of: (1) an order of bail forfeiture; (2) an order exonerating a surety of a bail bond; and (3) an order setting aside a bail forfeiture. (NRS 178.508, 178.509, 178.512, 178.514)

Section 41 removes certain provisions of existing law, including provisions: (1) requiring the Clerk of the Supreme Court to publish a list of certain cases in a newspaper; (2) **governing an offer of judgment; (3)** establishing penalties for justices of the peace and county clerks who fail to perform certain duties; ~~[(3)]~~ **(4)** requiring justices of the peace to keep records of certain traffic violations; and ~~[(4)]~~ **(5)** requiring the Nevada Supreme Court to decide an appeal from a judgment imposing the death penalty within a certain period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled ***, to the extent reasonably possible,*** the paper and paper products it uses. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. ~~[A court of justice may apply for a waiver from the requirements of subsection 1. For such a waiver, the Supreme Court or the Court of Appeals must apply to the Interim Finance Committee, a district court or a justice court must apply to the board of county commissioners of the county in which it is located and a municipal court must apply to the governing body of the city in which it is located. A waiver must be granted if it is determined that the cost to recycle or cause to be recycled the paper and paper products used by the court is unreasonable and would place an undue burden on the operations of the court.~~

~~3. The Court Administrator shall, after consulting with the State Department of Conservation and Natural Resources, prescribe the procedure for the disposition of the paper and paper products to be recycled. The Court Administrator may prescribe a procedure for the recycling of other waste materials produced on the premises of the court building.~~

~~4. Any money received by a court of justice for recycling or causing to be recycled the paper and paper products it uses must be paid by the clerk of that court to the State Treasurer for credit to the State General Fund.~~

~~5.]~~ As used in this section:

(a) "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

(b) "Paper product" means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.

Sec. 2. NRS 2.250 is hereby amended to read as follows:

2.250 1. The Clerk of the Supreme Court may demand and receive for the services of the Clerk rendered in discharging the duties imposed upon him or her by law the following fees:

(a) Except as otherwise provided in paragraph (d), whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or

the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court the sum of $200.

(b) Except as otherwise provided in paragraph (d), a party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court the sum of $100.

(c) Except as otherwise provided in paragraph (d), in addition to the fees required pursuant to paragraphs (a) and (b):

(1) Whenever an appeal is taken to the Supreme Court, or whenever a special proceeding by way of mandamus, certiorari, prohibition, quo warranto, habeas corpus, or otherwise is brought in or to the Supreme Court, the appellant and any cross-appellant or the party bringing a special proceeding shall, at or before the appeal, cross-appeal or petition for a special proceeding has been entered on the docket, pay to the Clerk of the Supreme Court a court automation fee of $50.

(2) A party to an appeal or special proceeding who petitions the Supreme Court for a rehearing shall, at the time of filing such a petition, pay to the Clerk of the Supreme Court a court automation fee of $50.

➥ The Clerk of the Supreme Court shall remit the fees collected pursuant to this paragraph to the State Controller for credit to a special account in the State General Fund. The State Controller shall distribute the money received to the Office of Court Administrator to be used for advanced and improved technological purposes in the Supreme Court. The special account is restricted to the use specified, and the balance in the special account must be carried forward at the end of each fiscal year. As used in this paragraph, "technological purposes" means the acquisition or improvement of technology, including, without limitation, acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

(d) No fees may be charged by the Clerk in:

(1) Any action brought in or to the Supreme Court wherein the State of Nevada or any county, city or town thereof, or any officer or commission thereof is a party in his, her or its official or representative capacity, against the State of Nevada, county, city, town, officer or commission;

(2) A habeas corpus proceeding of a criminal or quasi-criminal nature; or

(3) An appeal taken from, or a special proceeding arising out of, a criminal proceeding.

(e) A fee of $60 for Supreme Court decisions in pamphlet form for each year, or a fee of $30 for less than a 6 months' supply of decisions, to be collected from each person who requests such decisions, except those persons and agencies set forth in NRS 2.345. The Clerk may charge a reasonable fee to all parties, including, without limitation, the persons and agencies set forth

in NRS 2.345, for access to decisions of the Supreme Court compiled in an electronic format.

(f) A fee from a person who requests a photostatic copy or a photocopy print of any paper or document in an amount determined by the justices of the Supreme Court.

2. The Clerk of the Supreme Court shall not charge any fee that is not authorized by law.

3. The Clerk of the Supreme Court shall keep a fee book ***or electronic record*** in which the Clerk shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book ***or electronic record, as applicable,*** must be open to public inspection in the office of the Clerk.

4. The Clerk of the Supreme Court shall publish and post ***by conventional or electronic means,*** in some conspicuous place in the Clerk's office ***and on the Internet website of the Clerk,*** a table of fees for public inspection. ~~[The Clerk shall forfeit a sum of not less than $20 for each day of his or her omission to do so, which sum with costs may be recovered by any person by filing an action before any justice of the peace of the same county.]~~

5. All fees prescribed in this section must be paid in advance, if demanded. If the Clerk of the Supreme Court has not received any or all of the fees which are due to the Clerk for services rendered in any suit or proceeding, the Clerk may have execution therefor in the Clerk's own name against the party from whom they are due, to be issued from the Supreme Court upon order of a justice thereof or from the Court upon affidavit filed.

6. The Clerk of the Supreme Court shall give a receipt on demand of the party paying a fee. The receipt must specify the title of the cause in which the fee is paid and the date and the amount of the payment.

7. The Clerk of the Supreme Court shall, when depositing with the State Treasurer money received for Court fees, render to the State Treasurer a brief note of the cases in which the money was received.

Sec. 3. NRS 3.243 is hereby amended to read as follows:

3.243 In the time and manner prescribed by the Supreme Court, the Chief Judge of the judicial district or, if the district has no Chief Judge, a district judge designated by mutual consent of the district judges of that district, shall submit to the Court Administrator a report of the statistical information required pursuant to ~~[this section and such other]~~ ***the uniform system for collecting and compiling*** statistical information ~~[as]~~ ***regarding the State Court System which is*** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the judge to whom each case has been assigned;~~

~~2. The type and number of cases each judge considered during the preceding month;~~

~~3. The number of cases submitted to each judge during the preceding month;~~

~~4. The number of cases decided by each judge during the preceding month; and~~

~~5. The number of full judicial days in which each judge appeared in court or in chambers in performance of his or her duties during the preceding month.~~]

Sec. 4. NRS 3.275 is hereby amended to read as follows:

3.275 1. The clerk of each district court shall obtain and file information [~~regarding the nature of each criminal and civil case filed with the district court. If the~~] ***necessary to complete the report of statistical information required by NRS 3.243, including, without limitation, information relating to the referral of a*** criminal case [~~is referred~~] to a specialty court program, [~~the clerk must obtain and file information regarding the nature of the case and the program to which the defendant was referred.~~] ***using the case management system provided by the Court Administrator.***

2. The clerk shall provide a form approved by the Court Administrator for obtaining the information required by subsection 1 [~~.~~] ***for each civil case filed in the district court.*** No [~~criminal or~~] civil case may be filed in the district court unless the initial pleading is accompanied by the form, signed by the initiating party or his or her representative. [~~In addition to the information on the form, the~~]

3. The clerk shall maintain information concerning the disposition of each criminal ***and civil*** case and, if applicable, whether [~~the~~] ***a criminal*** defendant successfully completed [~~a~~] ***the*** specialty court program [~~.~~

~~3.~~] ***to which he or she was referred.***

4. The clerk shall maintain the information [~~contained in the form and collected pursuant to subsection 2~~] ***described in this section*** in a [~~separate system of filing to allow~~] ***manner that allows*** the retrieval of statistics relating to each criminal and civil action filed in the district courts [~~.~~] ***as required to complete the report required by NRS 3.243.***

Sec. 4.2. NRS 4.063 is hereby amended to read as follows:

4.063 1. In a county whose population is 100,000 or more, the justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any party in any such action or proceeding for which a fee is required, charge and collect a fee of not less than $5 but not more than $10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the [~~first Monday~~] ***fifth day*** of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 ***during the preceding month*** for credit to an account for dispute resolution in the county general fund. The money in that account must not be used for purposes other than the programs established pursuant to NRS 3.500 and 244.1607.

3. The board of county commissioners of any other county may impose by ordinance an additional filing fee of not more than $10 to be paid on the

commencement of any action or proceeding in the justice court for which a fee is required and on the filing of any answer or appearance in any such action or proceeding for which a fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the justice of the peace shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 4.4. NRS 4.065 is hereby amended to read as follows:

4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of $1 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the ~~[first Monday]~~ ***fifth day*** of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 ***during the preceding month*** for credit to the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Executive Director of the Department of Taxation to administer the provisions of NRS 360.283 and 360.289.

Sec. 4.6. NRS 4.071 is hereby amended to read as follows:

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed $10 to be paid on the commencement of any action or proceeding in the justice court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the ~~[first Monday]~~ ***fifth day*** of each month, in a county in which a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the justice of the peace.

3. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 5. NRS 4.090 is hereby amended to read as follows:

4.090 The justice of the peace shall keep in his or her office a fee book ***or electronic record*** in which he or she shall enter in detail the title of the matter, proceeding or action, and the fees charged therein. The fee book ***or electronic record, as applicable,*** shall be open to public inspection.

Sec. 6. NRS 4.100 is hereby amended to read as follows:

4.100 1. On ~~[the first Mondays of January, April, July and October, the justices]~~ ***or before the 15th day of each month, a justice*** of the peace who ~~[receive]~~ ***receives*** fees pursuant to the provisions of NRS 4.060, 4.063 and 4.065 shall make out and file with the ~~[boards]~~ ***county official designated by the board*** of county commissioners of ~~[their several counties]~~ ***his or her county*** a full and correct statement ~~[under oath]~~ of all fees or compensation, of whatever nature or kind, received in ~~[their several]~~ ***his or her*** official ~~[capacities]~~ ***capacity*** during the preceding ~~[3 months.]~~ ***month.*** In the statement ~~[they]~~ ***, the justice of the peace*** shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the ~~[clerk of]~~ ***county official designated by*** the board of county commissioners.

Sec. 7. NRS 4.130 is hereby amended to read as follows:

4.130 Any justice of the peace receiving fees as provided by law shall publish and set up ***by conventional or electronic means,*** in some conspicuous place in his or her office ***and on the Internet website of the justice court,*** a ~~[fee]~~ table ***of fees*** for public inspection. ~~[A sum not exceeding $20 for each day of his or her omission so to do shall be forfeited, which sum with costs may be recovered by any person by an action before any justice of the peace of the same county.]~~

Sec. 8. NRS 4.175 is hereby amended to read as follows:

4.175 In the time and manner prescribed by the Supreme Court, the justice of the peace of a township or, if there is more than one justice of the peace of a township, a justice of the peace designated by mutual consent of the other justices of the peace of that township, shall submit to the Court Administrator a written report of the statistical information required pursuant to ~~[this section and such other]~~ ***the uniform system for collecting and compiling*** statistical information ~~[as]~~ ***regarding the State Court System which is*** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the justice of the peace to whom each case has been assigned;~~

~~2. The type and number of cases each justice of the peace considered during the preceding month;~~

~~3. The number of cases submitted to each justice of the peace during the preceding month;~~

~~4. The number of cases decided by each justice of the peace during the preceding month; and~~

~~5. The number of full judicial days in which each justice of the peace appeared in court or in chambers in performance of his or her duties during the preceding month.~~]

Sec. 9. NRS 4.230 is hereby amended to read as follows:

4.230 [~~1.~~] Every justice must keep a docket, ***by conventional or electronic means,*** in which the justice must enter:

[~~(a)~~] ***1.*** The title of every action or proceeding.

[~~(b)~~] ***2.*** The object of the action or proceeding; and if a sum of money be claimed, the amount thereof.

[~~(c)~~] ***3.*** The date of the summons, and the time of its return; and if an order to arrest the defendant be made, or a writ of attachment be issued, a statement of the fact.

[~~(d)~~] ***4.*** The time when the parties, or either of them, appear, or their nonappearance, if default be made; a minute of the pleadings and motions; if in writing, referring to them; if not in writing, a concise statement of the material parts of the pleading.

[~~(e)~~] ***5.*** Every adjournment, stating on whose application and to what time.

[~~(f)~~] ***6.*** The demand for a trial by jury, when the same is made, and by whom made, the order for the jury, and the time appointed for the return of the jury and for the trial.

[~~(g)~~] ***7.*** The names of the jurors who appear and are sworn, and the names of all witnesses sworn, and at whose request.

[~~(h)~~] ***8.*** The verdict of the jury, and when received; if the jury disagree and are discharged, the fact of such disagreement and discharge.

[~~(i)~~] ***9.*** The judgment of the court, specifying the costs included, and the time when rendered.

[~~(j)~~] ***10.*** The issuing of the execution, when issued and to whom; the renewals thereof, if any, and when made, and a statement of any money paid to the justice, when and by whom.

[~~(k)~~] ***11.*** The receipt of a notice of appeal, if any be given, and of the appeal bond, if any be filed.

[~~2. The Court Administrator shall prescribe the form of the docket and of any other appropriate records to be kept by the justice, which form may vary from court to court according to the number and kind of cases customarily heard.~~]

Sec. 10. NRS 5.045 is hereby amended to read as follows:

5.045 In the time and manner prescribed by the Supreme Court, the municipal judge of a city or, if there is more than one municipal judge for a city, a municipal judge designated by mutual consent of the other municipal judges of that city, shall submit to the Court Administrator a written report of

the statistical information required pursuant to ~~[this section and such other]~~ ***the uniform system for collecting and compiling*** statistical information ~~[as]~~ ***regarding the State Court System which is*** prescribed by the Supreme Court. ~~[The report must include, without limitation, statistical information concerning:~~

~~1. Those cases which are pending and undecided and the municipal judge to whom each case has been assigned;~~

~~2. The type and number of cases each municipal judge considered during the preceding month;~~

~~3. The number of cases submitted to each municipal judge during the preceding month;~~

~~4. The number of cases decided by each municipal judge during the preceding month; and~~

~~5. The number of full judicial days in which each municipal judge appeared in court or in chambers in performance of his or her duties during the preceding month.]~~

Sec. 11. NRS 6.090 is hereby amended to read as follows:

6.090 1. ~~[To constitute a regular panel of trial jurors for the district court in a county in which the board of county commissioners selects jurors on an annual basis, such number of names as the district judge may direct must be drawn from the jury box. The district judge shall make and file with the county clerk an order that a regular panel of trial jurors be drawn, and the number of jurors to be drawn must be named in the order. The drawing must take place in the office of the county clerk, during regular office hours, in the presence of all persons who may choose to witness it. The panel must be drawn by the district judge and clerk, or, if the district judge so directs, by any one of the county commissioners of the county and the clerk. If the district judge directs that the panel be drawn by one of the county commissioners of the county and the clerk, the district judge shall make and file with the clerk an order designating the name of the county commissioner and fixing the number of names to be drawn as trial jurors and the time at which the persons whose names are so drawn are required to attend in court.~~

~~2. The drawing, for jurors drawn pursuant to subsection 1, must be conducted as follows:~~

~~(a) The number to be drawn having been previously determined by the district judge, the box containing the names of the jurors must first be thoroughly shaken. It must then be opened and the district judge and clerk, or one of the county commissioners of the county and the clerk, if the district judge has so ordered, shall alternately draw therefrom one ballot until of nonexempt jurors the number determined upon is obtained.~~

~~(b) If the officers drawing the jury deem that the attendance of any juror whose name is drawn cannot be obtained conveniently and inexpensively to the county, by reason of the distance of the juror's residence from the court or other cause, the juror's name may be returned to the box and in its place the~~

~~name of another juror drawn whose attendance the officers may deem can be obtained conveniently and inexpensively to the county.~~

~~(c) A list of the names obtained must be made out and certified by the officers drawing the jury. The list must remain in the clerk's office subject to inspection by any officer or attorney of the court, and the clerk shall immediately issue a venire.~~

~~3.~~] Whenever trial jurors are selected by a jury commissioner, the district judge may direct the jury commissioner to summon and assign to that court the number of qualified jurors the jury commissioner determines to be necessary for the formation of the petit jury. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists have been established by the jury commissioner.

~~[4.]~~ ***2.*** Every person named in the venire must be served by the sheriff personally or by the sheriff or the jury commissioner by mailing a summons to the person, commanding the person to attend as a juror at a time and place designated therein. Mileage is allowed only for personal service. The postage must be paid by the sheriff or the jury commissioner, as the case may be, and allowed him or her as other claims against the county. The sheriff shall make return of the venire at least the day before the day named for their appearance, after which the venire is subject to inspection by any officer or attorney of the court.

Sec. 12. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court is entitled to a fee of $40 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court actually sworn and serving is entitled to a fee of $40 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court and each grand juror and trial juror in the district court or justice court is entitled to receive 36.5 cents a mile for each mile necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by ~~[a county]~~ ***the*** clerk ***of the court*** to jurors for their services in a civil action or proceeding, which the ~~[county]~~ clerk ***of the court*** has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 13. NRS 6.160 is hereby amended to read as follows:

6.160 The ~~[county]~~ clerk ***of the court*** in cases in the district court and the deputy clerk of the justice court in cases in the justice court shall keep a payroll, enrolling thereon the names of all jurors, the number of days in attendance and the actual number of miles traveled by the shortest and most practical route in going to and returning from the place where the court is held, and at the conclusion of a trial may:

1. Give a statement of the amounts due to the jurors to the county auditor, who shall draw warrants upon the county treasurer for the payment thereof; or

2. Make an immediate payment in cash of the amount owing to each juror.

➥ These payments must be made from and to the extent allowed by the fees collected from the demanding party, pursuant to the provisions of NRS 6.150, and from and to the extent allowed by any other fees which have been collected pursuant to law. The clerk shall obtain from each juror so paid a receipt signed by him or her and indicating the date of payment, the date of service and the amount paid. A duplicate of this receipt must be immediately delivered to the appropriate county auditor, county recorder or county comptroller.

Sec. 14. Chapter 19 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 19.010 and section 16 of this act have the meanings ascribed to them in those sections.***

Sec. 16. ***"Clerk of the court" means:***

1. In a county where the district court in and for that county has not appointed a clerk, the county clerk when acting as ex officio clerk of the district court.

2. In a county where the district court in and for that county has appointed a clerk, the clerk of the district court.

Sec. 17. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, ~~[each]~~ ***the*** county clerk ***or clerk of the court, as applicable,*** shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer $56.00

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court $42.00

On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than $2,500..... 72.00

Where the stated value of the estate is $2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner..... 44.00

On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter..... 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants..... 44.00

For filing a notice of appeal 24.00

For issuing a transcript of judgment and certifying thereto..... 3.00

For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk ***or clerk of the court*** 0.50

For each certificate of the clerk, under the seal of the court..... 3.00

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk ***or clerk of the court*** 5.00

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity 15.00

For issuing any certificate under seal, not otherwise provided for..... 6.00

For searching records or files in the office of the county clerk ~~[,]~~ ***or clerk of the court,*** for each year, unless such fee is waived by the county clerk ***or clerk of the court, as applicable***..... $0.50

For filing and recording a bond of a notary public, per name 15.00
For entering the name of a firm or corporation in the register of the county clerk 20.00

2. A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed $5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to this subsection for credit to the account established pursuant to NRS 19.016.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk ~~[.]~~ ***or clerk of the court, as applicable.***

4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk ***or clerk of the court, as applicable,*** in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

6. Each county clerk ***and clerk of the court*** shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 18. NRS 19.030 is hereby amended to read as follows:

19.030 1. Except as otherwise provided by specific statute, on the commencement of any civil action or proceeding in the district court, other than the commencement of a proceeding for an adoption, the ~~[county]~~ clerk of ~~[each county,]~~ ***the court,*** in addition to any other fees provided by law, shall charge and collect $32 from the party commencing the action or proceeding.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer an amount equal to $32 per civil case commenced as provided in subsection 1, for the preceding calendar month, and the county treasurer shall place that money to the credit of the State ***General*** Fund. The county treasurer shall remit quarterly all such fees turned over to the county treasurer by the ~~[county]~~ clerk ***of the court*** to the State Controller to be placed by the State Controller in the State General Fund.

Sec. 19. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, ~~[each]~~ ***the*** clerk of the court ~~[or county clerk, as appropriate,]~~ shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court

of another county, to be paid by the party commencing the action, proceeding or transfer $99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants $99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more $352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000 ..... $99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto $1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding $349

(g) On the filing of a third-party complaint, to be paid by the filing party $135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party $349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the ***district*** court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court **.** ~~[or county clerk.]~~

4. Each clerk of the court ~~[or county clerk]~~ shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court ~~[or county clerk]~~ pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 20. NRS 19.031 is hereby amended to read as follows:

19.031 1. Except as otherwise provided in subsection 2 and NRS 19.034 **,** in each county in which legal services are provided without charge to indigent or elderly persons through a program for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or other program funded by this State or

the United States to provide legal assistance, the ~~[county]~~ clerk ***of the court*** shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect a fee of $25 from the party commencing or appearing in the action or proceeding. These fees are in addition to any other fees required by law.

2. In each county described in subsection 1, the ~~[county]~~ clerk ***of the court*** shall, on the commencement of any action provided for in chapter 125 of NRS, and on the filing of any answer or appearance in any such action, charge and collect a fee of $14 from the party commencing or appearing in the action. These fees are in addition to any other fees required by law.

3. On or before the first Monday of each month ***,*** the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer the amount of all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsections 1 and 2. Except as otherwise provided in subsection 5, the county treasurer shall remit quarterly to the organization operating the program for legal services all the money received by the county treasurer from the ~~[county]~~ clerk ~~[.]~~ ***of the court.***

4. The organization operating the program for legal services shall use any money received pursuant to subsection 3 as follows:

(a) From each $25 collected pursuant to subsection 1:

(1) Fifteen dollars and fifty cents for the benefit of indigent persons in the county; and

(2) Nine dollars and fifty cents for the benefit of elderly persons in the county.

(b) From each $14 collected pursuant to subsection 2:

(1) Ten dollars for the benefit of indigent persons in the county; and

(2) Four dollars for the benefit of elderly persons in the county.

5. If the county treasurer receives notice from the State or a political subdivision that an award of attorney's fees or costs has been made to an organization that receives money pursuant to this section and has been paid, the county treasurer shall:

(a) Deduct an amount equal to the award from the amount to be paid to the organization; and

(b) Remit an equal amount to the State or to the political subdivision that paid the fees or costs at the time when the county treasurer would have paid it to the organization.

6. The fees which are collected from a county must be used for the benefit of the indigent or elderly persons in that county.

Sec. 21. NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing

pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed:

(a) Ten dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the ~~[county]~~ clerk ***of the court*** shall account for and pay over to the county treasurer any such fees collected by the ~~[county]~~ clerk ***of the court*** during the preceding month. The county treasurer shall remit quarterly to the organization to which the fees are to be paid pursuant to subsection 1 all the money received by the county treasurer from the ~~[county]~~ clerk ~~[.]~~ ***of the court.***

4. Any fees collected pursuant to this section must be used for the benefit of the persons to whom the organization operating the program for legal services that receives money pursuant to this section provides legal services without a charge.

Sec. 22. NRS 19.0313 is hereby amended to read as follows:

19.0313 1. Except as otherwise provided in NRS 19.034, in a county whose population is 100,000 or more, the ~~[county]~~ clerk ***of the court*** shall, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, charge and collect not less than $5 but not more than $10 from the party commencing, answering or appearing in the action or proceeding. The fee required pursuant to this section is in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer the amount of all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsection 1 for use in the programs established in accordance with NRS 3.500 and 244.1607.

3. Except as otherwise provided in NRS 19.034, the board of county commissioners of any other county may impose by ordinance an additional

filing fee of not more than $10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required. On or before the fifth day of each month, in a county where this fee has been imposed, the ~~[county]~~ clerk ***of the court*** shall account for and pay over to the county treasurer all fees collected during the preceding month pursuant to this subsection for credit to an account for dispute resolution in the county general fund. The money in the account must be used only to support a program established pursuant to NRS 3.500 or 244.1607.

Sec. 23. NRS 19.0315 is hereby amended to read as follows:

19.0315 1. Except as otherwise provided in NRS 19.034, on the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, a board of county commissioners may impose by ordinance a filing fee in an amount not to exceed $15 to offset a portion of the costs of providing programs of alternative dispute resolution on the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer the amount of all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsection 1 for credit to an account for court programs for alternative dispute resolution in the county general fund. The money in the account must be used only to support programs for the arbitration of civil actions pursuant to NRS 38.250 and programs for the resolution of disputes through the use of other alternative methods of resolving disputes pursuant to NRS 38.258.

3. The provisions of this section apply only in judicial districts in which a program for alternative dispute resolution has been established pursuant to NRS 38.250 or 38.258.

4. As used in this section, "alternative dispute resolution" means alternative methods of resolving disputes, including, without limitation, arbitration and mediation.

Sec. 24. NRS 19.033 is hereby amended to read as follows:

19.033 1. In each county, on the commencement of any action for divorce in the district court, the ~~[county]~~ clerk ***of the court*** shall charge and collect, in addition to other fees required by law, a fee of $20. The fee must be paid by the party commencing the action.

2. On or before the first Monday of each month, the ~~[county]~~ clerk ***of the court*** shall pay over to the county treasurer an amount equal to all fees collected by the ~~[county]~~ clerk ***of the court*** pursuant to subsection 1, and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Director of the Department of Employment, Training and

Rehabilitation to administer the provisions of NRS 388.605 to 388.655, inclusive.

3. The board of county commissioners of any county may impose by ordinance an additional filing fee of not more than $6 to be paid by the defendant in an action for divorce, annulment or separate maintenance. In a county where this fee has been imposed:

(a) On the appearance of a defendant in the action in the district court, the ~~[~~county~~]~~ clerk ~~[~~,~~]~~ ***of the court,*** in addition to any other fees provided by law, shall charge and collect from the defendant the prescribed fee to be paid upon the filing of the first paper in the action by the defendant.

(b) On or before the fifth day of each month, the ~~[~~county~~]~~ clerk ***of the court*** shall account for and pay to the county treasurer all fees collected during the preceding month pursuant to paragraph (a).

Sec. 25. NRS 19.034 is hereby amended to read as follows:

19.034 If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, ~~[~~a county~~]~~ ***the*** clerk ***of the court*** shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

Sec. 26. NRS 19.035 is hereby amended to read as follows:

19.035 Notwithstanding any other provision of this chapter, ~~[~~a county~~]~~ ***the*** clerk ***of the court*** shall neither charge nor collect any fee for any service rendered by the ~~[~~county~~]~~ clerk ***of the court*** to:

1. The State of Nevada;
2. The county ~~[~~of~~]~~ ***in*** which he or she is ~~[~~county~~]~~ clerk ~~[~~,~~]~~ ***of the court;***
3. Any city or town within that county;
4. The school district of that county;
5. Any general improvement district which is located within that county; or
6. Any officer of the State, that county or any such city, town, school district or general improvement district in the officer's official capacity.

Sec. 27. NRS 19.040 is hereby amended to read as follows:

19.040 ~~[~~1.~~]~~ Every ~~[~~county~~]~~ clerk ***of the court*** shall publish and set up ***by conventional or electronic means,*** in some conspicuous place in his or her office ***and on the Internet website of the clerk of the court,*** a table of fees according to this chapter for the inspection of all persons who have business in the office of the ~~[~~county clerk.

~~2. Any county clerk who fails to comply with the provisions of subsection 1 shall forfeit for each day of omission a sum not exceeding $20, which, together with costs, may be recovered by any person in an action before a justice of the peace of the same county.~~] ***clerk of the court.***

Sec. 28. NRS 19.050 is hereby amended to read as follows:

19.050 Except as otherwise provided in subsection 8 of NRS 127.186, when by law any publication is required to be made by a ~~[~~county~~]~~ clerk ***of the***

court of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or other paper was granted before the ~~[county]~~ clerk ***of the court*** shall be compelled to make publication thereof.

Sec. 29. NRS 19.060 is hereby amended to read as follows:

19.060 Except as otherwise provided by specific statute, all fees prescribed in this chapter must be paid in advance, if demanded. If ~~[any county]~~ ***a*** clerk ***of the court*** has not received any or all of the fees which may be due for services rendered by the ~~[county]~~ clerk ***of the court*** in any suit or proceeding, the ~~[county]~~ clerk ***of the court*** may have execution therefor in ~~[his or her own]~~ ***the clerk's*** name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the judge or court upon affidavit filed.

Sec. 30. NRS 19.070 is hereby amended to read as follows:

19.070 A ~~[county]~~ clerk ***of the court*** shall not charge any fee that is not authorized by law.

Sec. 31. NRS 19.080 is hereby amended to read as follows:

19.080 ~~[Each county]~~ ***The*** clerk ***of the court*** shall keep in his or her office, open to public inspection, a fee book ***or electronic record*** in which the ~~[county]~~ clerk ***of the court*** shall enter in detail the fees charged with the title or the case number of the matter, proceeding or action in which they were charged.

Sec. 32. NRS 19.090 is hereby amended to read as follows:

19.090 1. ~~[Each county]~~ ***The*** clerk ***of the court*** shall, on ~~[the first Monday in January, April, July and October,]~~ ***or before the 15th day of each month,*** make out and file with the ***county official designated by the*** board of county commissioners a full and correct statement under oath of all fees, percentage or compensation, of whatever nature or kind, received in his or her official capacity during the preceding ~~[3 months.]~~ ***month.*** In the statement, the ~~[county]~~ clerk ***of the court*** shall set forth the cause in which and the services for which such compensations were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing the statements, and such statements may be transmitted by mail, express or otherwise directed to the ***county official designated by the*** board of county commissioners.

Sec. 33. NRS 19.110 is hereby amended to read as follows:

19.110 ~~[If any county]~~ ***The*** clerk ~~[takes]~~ ***of the court shall not take*** more or greater fees than are authorized by law ***.*** ~~[, the county clerk shall be liable to indictment, and on conviction shall be removed from office and fined in any sum not exceeding $1,000.]~~

Sec. 34. NRS 33.090 is hereby amended to read as follows:

33.090 1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States by presenting a certified copy of the order to the clerk of ~~[the]~~ ***a***

court ***of competent jurisdiction*** in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

(a) Maintain a record of each order registered pursuant to this section;

(b) Provide the protected party with a ~~[certified]~~ copy of the order registered pursuant to this section bearing proof of registration with the court;

(c) Forward, ***by conventional or electronic means,*** by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the protected party or the child of the protected party; and

(d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.

(b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

Sec. 34.5. **NRS 40.650 is hereby amended to read as follows:**

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

➥ Any sums paid under a homeowner's warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

➥ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a homeowner's warranty that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive, a claimant shall diligently pursue a claim under the contract. If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure ~~[or NRS 17.115]~~ if the offer of judgment includes all damages to which the claimant is entitled pursuant to NRS 40.655.

Sec. 35. NRS 41.260 is hereby amended to read as follows:

41.260 There shall be no fee charged or collected by ~~[any county]~~ ***the*** clerk ***of the court*** for any proceeding under the provisions of NRS 41.209 to 41.260, inclusive.

Sec. 35.2. **NRS 92A.500 is hereby amended to read as follows:**

92A.500 1. The court in a proceeding to determine fair value shall determine all of the costs of the proceeding, including the reasonable compensation and expenses of any appraisers appointed by the court. The court shall assess the costs against the subject corporation, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously or not in good faith in demanding payment.

2. The court may also assess the fees and expenses of the counsel and experts for the respective parties, in amounts the court finds equitable:

(a) Against the subject corporation and in favor of all dissenters if the court finds the subject corporation did not substantially comply with the requirements of NRS 92A.300 to 92A.500, inclusive; or

(b) Against either the subject corporation or a dissenter in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously or not in good faith with respect to the rights provided by NRS 92A.300 to 92A.500, inclusive.

3. If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated, and that the fees for those services should not be assessed against the subject corporation, the court may award to those counsel reasonable fees to be paid out of the amounts awarded to the dissenters who were benefited.

4. In a proceeding commenced pursuant to NRS 92A.460, the court may assess the costs against the subject corporation, except that the court may assess costs against all or some of the dissenters who are parties to the proceeding, in amounts the court finds equitable, to the extent the court finds that such parties did not act in good faith in instituting the proceeding.

5. To the extent the subject corporation fails to make a required payment pursuant to NRS 92A.460, 92A.470 or 92A.480, the dissenter may bring a

cause of action directly for the amount owed and, to the extent the dissenter prevails, is entitled to recover all expenses of the suit.

6. This section does not preclude any party in a proceeding commenced pursuant to NRS 92A.460 or 92A.490 from applying the provisions of N.R.C.P. 68 . ~~[or NRS 17.115.]~~

Sec. 35.5. NRS 176.285 is hereby amended to read as follows:

176.285 In Justice Court, when a fine is paid or bail is forfeited, the justice must pay the same to the county treasurer ~~[within 30 days thereafter.]~~ ***on or before the fifth day of the month immediately following the month in which the fine is paid or bail is forfeited.***

Sec. 36. NRS 176A.220 is hereby amended to read as follows:

176A.220 ***1.*** The court shall, upon the entering of an order of probation or suspension of sentence, as provided for in this chapter, direct the clerk of the court to ~~[certify]~~ ***deliver*** a copy of the records in the case ~~[and deliver the copy]~~ to the Chief Parole and Probation Officer.

2. At the court's discretion, the court may direct the clerk of the court to deliver the copy of the records in the case in writing, by electronic means or by providing the Chief Parole and Probation Officer access to the electronic systems necessary to retrieve the records.

Sec. 37. NRS 178.508 is hereby amended to read as follows:

178.508 1. If the defendant fails to appear when the defendant's presence in court is lawfully required for the commission of a misdemeanor and the failure to appear is not excused or is lawfully required for the commission of a gross misdemeanor or felony, the court shall:

(a) Enter upon its minutes that the defendant failed to appear;

(b) Not later than 45 days after the date on which the defendant failed to appear, order the issuance of a warrant for the arrest of the defendant; and

(c) If the undertaking exceeds $50 or money deposited instead of bail bond exceeds $500, direct that each surety and the local agent of each surety, or the depositor if the depositor is not the defendant, be given notice that the defendant has failed to appear, by certified mail within 20 days after the date on which the defendant failed to appear. The court shall execute an affidavit of such mailing to be kept as an official public record of the court and shall direct that a copy of the notice be transmitted to the prosecuting attorney at the same time that notice is given to each surety or the depositor.

2. Except as otherwise provided in subsection 3 and NRS 178.509, an order of forfeiture of any undertaking or money deposited instead of bail bond must be prepared by the clerk of the court and signed by the court. An order of forfeiture must include the date on which the forfeiture becomes effective. ~~[If the defendant who failed to appear has been charged with the commission of a gross misdemeanor or felony, a copy of the order must be forwarded to the Office of Court Administrator.]~~ The undertaking or money deposited instead of bail bond is forfeited 180 days after the date on which the notice is mailed pursuant to subsection 1.

3. The court may extend the date of the forfeiture for any reasonable period set by the court if the surety or depositor submits to the court:

(a) An application for an extension and the court determines that the surety or the depositor is making reasonable and ongoing efforts to bring the defendant before the court.

(b) An application for an extension on the ground that the defendant is temporarily prevented from appearing before the court because the defendant:

(1) Is ill;

(2) Is insane; or

(3) Is being detained by civil or military authorities,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety or depositor did not in any way cause or aid the absence of the defendant.

Sec. 38. NRS 178.509 is hereby amended to read as follows:

178.509 1. If the defendant fails to appear when the defendant's presence in court is lawfully required, the court shall not exonerate the surety before the date of forfeiture prescribed in NRS 178.508 unless:

(a) The defendant appears before the court and the court, upon hearing the matter, determines that the defendant has presented a satisfactory excuse or that the surety did not in any way cause or aid the absence of the defendant; or

(b) The surety submits an application for exoneration on the ground that the defendant is unable to appear because the defendant:

(1) Is dead;

(2) Is ill;

(3) Is insane;

(4) Is being detained by civil or military authorities; or

(5) Has been deported,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this paragraph exist and that the surety did not in any way cause or aid the absence of the defendant.

2. If the requirements of subsection 1 are met, the court may exonerate the surety upon such terms as may be just.

~~[3. If the court exonerates a surety pursuant to this section and there is any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall:~~

~~(a) Prepare an order exonerating the surety; and~~

~~(b) Forward a copy of the order to the Office of Court Administrator.]~~

Sec. 39. NRS 178.512 is hereby amended to read as follows:

178.512 1. The court shall not set aside a forfeiture unless:

(a) The surety submits an application to set it aside on the ground that the defendant:

(1) Has appeared before the court since the date of the forfeiture and has presented a satisfactory excuse for the defendant's absence;

(2) Was dead before the date of the forfeiture but the surety did not know and could not reasonably have known of the defendant's death before that date;

(3) Was unable to appear before the court before the date of the forfeiture because of the defendant's illness or insanity, but the surety did not know and could not reasonably have known of the illness or insanity before that date;

(4) Was unable to appear before the court before the date of the forfeiture because the defendant was being detained by civil or military authorities, but the surety did not know and could not reasonably have known of the defendant's detention before that date; or

(5) Was unable to appear before the court before the date of the forfeiture because the defendant was deported, but the surety did not know and could not reasonably have known of the defendant's deportation before that date,

➥ and the court, upon hearing the matter, determines that one or more of the grounds described in this subsection exist and that the surety did not in any way cause or aid the absence of the defendant; and

(b) The court determines that justice does not require the enforcement of the forfeiture.

2. If the court sets aside a forfeiture pursuant to subsection 1 and the forfeiture includes any undertaking or money deposited instead of bail bond where the defendant has been charged with a gross misdemeanor or felony, the court shall make a written finding in support of setting aside the forfeiture. ~~[The court shall mail a copy of the order setting aside the forfeiture to the Office of Court Administrator immediately upon entry of the order.]~~

Sec. 40. NRS 178.514 is hereby amended to read as follows:

178.514 1. When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon.

2. If ~~[the Office of Court Administrator has not received]~~ an order setting aside a forfeiture ***has not been entered*** within 180 days after the issuance of the order of forfeiture, ~~[the Court Administrator shall request that the court that ordered the forfeiture institute proceedings to enter a judgment of default with respect to the amount of the undertaking or money deposited instead of bail bond with the court. Not later than 30 days after receipt of the request from the Office of Court Administrator,]~~ the court shall enter judgment by default and commence execution proceedings therein.

3. By entering into a bond the obligors submit to the jurisdiction of the court and irrevocably appoint the clerk of the court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses.

Sec. 41. NRS 2.260, 4.110, 4.200, 4.250, 4.330, 5.075, 6.050, 6.060, 6.070, 6.080, **17.115,** 19.100 and 177.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

2.260 List of cases submitted to be published monthly by Clerk.
4.110 Penalty for failure to comply with statutory requirements.
4.200 Duty to record violations concerning motor vehicles.

4.250 Docket must be kept by justice of the peace.

4.330 Justice of the peace to receive all money collected and pay it to parties.

5.075 Form of docket and records.

6.050 Estimate of required number of jurors by district court; selection by county commissioners.

6.060 Names of persons selected to be placed in jury box.

6.070 Juror not serving; name drawn again; exemption.

6.080 Selection of additional jurors by county commissioners when names in jury box exhausted; open venire.

17.115 Offer of judgment.

19.100 Penalty for violating NRS 19.070, 19.080 or 19.090.

177.267 Time within which court of appeals or Supreme Court shall render opinion on appeal from judgment of death.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 748 to Assembly Bill No. 69.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 113.

The following Senate amendment was read:

Amendment No. 709.

AN ACT relating to juvenile justice; revising provisions governing the sealing of juvenile records; setting forth factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; providing that certain portions of juvenile records relating to certain civil judgments must not be sealed until the judgment is satisfied or expires; including the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person entitled to notification of the filing of a petition for the sealing of juvenile records and authorized to testify at a hearing on the petition if the circumstances warrant; revising the circumstances in which the juvenile court may order the inspection of sealed juvenile records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. (NRS 62H.130) **Section 1** of this bill revises the requirements for such a petition to be filed. Existing law also provides that the juvenile court shall enter an order sealing all records relating to a child if the juvenile court finds that: (1) during the previous 3 years, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and (2) the child has been rehabilitated to the satisfaction of the juvenile court. (NRS 62H.130) **Section 1** instead provides that if the juvenile court makes such findings, then the juvenile court: (1) may enter an

order sealing all records relating to the child if the child is less than 18 years of age; and (2) shall enter an order sealing all records relating to the child if the child is 18 years of age or older. **Section 1** also: (1) sets forth various factors that the juvenile court may consider in determining whether a child has been rehabilitated to the satisfaction of the juvenile court; and (2) provides that if the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires.

Existing law requires the juvenile court to notify the district attorney and, in certain circumstances, the chief probation officer, if a petition is filed to seal juvenile records. Additionally, the district attorney and the chief probation officer, any of their deputies or any other person who has evidence that is relevant to consideration of the petition is authorized to testify at the hearing on the petition. (NRS 62H.130, 62H.150) **Sections 1 and 3** of this bill include the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services as a person who, if the circumstances warrant, is entitled to notification of the filing of a petition for the sealing of juvenile records and is authorized to testify at a hearing on the petition.

Existing law further provides that the juvenile court may order the inspection of juvenile records that are sealed in certain circumstances, including if the juvenile court determines that the inspection of the records is necessary to perform bona fide outcome and recidivism studies. (NRS 62H.170) **Section 4** of this bill: (1) adds to these circumstances the situation in which the person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit inspection of the records to obtain information relating to the person who is the subject of the records; and (2) specifies that performing bona fide outcome and recidivism studies may include using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to title 5 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the child or a probation ***or parole*** officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed ~~[not]~~ ***:***

(a) Not earlier than 3 years after the child ~~[.~~

~~(a) Was~~ ***was*** last adjudicated in need of supervision ***,*** ~~or~~ adjudicated delinquent ~~,~~ or ***placed under the supervision of the juvenile court pursuant to NRS 62C.230; and***

(b) ~~Was last referred to the juvenile court, whichever is later.~~ ***If, at the time the petition is filed, the child does not have any delinquent or criminal charges pending.***

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation ***or parole*** officer is not the petitioner, the chief probation officer ~~.~~ ***or the Chief of the Youth Parole Bureau.***

3. The district attorney and the chief probation officer ~~,~~ or any of their deputies, ***the Chief of the Youth Parole Bureau or his or her designee,*** or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. ~~After~~ ***Except as otherwise provided in subsection 6, after*** the hearing on the petition, ~~the juvenile court shall enter an order sealing all records relating to the child~~ if the juvenile court finds that ~~:~~

~~(a) During~~ ***during*** the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude ~~;~~ and

~~(b) The~~ ***the*** child has been rehabilitated to the satisfaction of the juvenile court ~~.~~ ***, the juvenile court:***

(a) May enter an order sealing all records relating to the child if the child is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.

5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under the supervision of the juvenile court pursuant to NRS 62C.230 ; ~~or placed with a suitable person or in an appropriate facility by a probation officer pursuant to subsection 5 of NRS 62C.300;~~

(d) The response of the child to any treatment or rehabilitation program;

(e) The education and employment history of the child;

(f) The statement of the victim;

(g) The nature of any criminal offense for which the child was convicted;

(h) Whether the sealing of the record would be in the best interest of the child and the State; and

(i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.

Sec. 2. NRS 62H.140 is hereby amended to read as follows:

62H.140 Except as otherwise provided in NRS ***62H.130 and*** 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

Sec. 3. NRS 62H.150 is hereby amended to read as follows:

62H.150 1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, ***unless the records have not been sealed pursuant to subsection 6 of NRS 62H.130,*** those records must not be sealed before the child reaches 30 years of age.

2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.

3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer ~~[.]~~ ***or the Chief of the Youth Parole Bureau.***

4. The district attorney and the chief probation officer ~~[,]~~ or any of their deputies, ***the Chief of the Youth Parole Bureau or his or her designee,*** or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.

6. The provisions of this section apply to any of the following unlawful acts:

(a) An unlawful act which, if committed by an adult, would have constituted:

(1) Sexual assault pursuant to NRS 200.366;

(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or

(3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

Sec. 4. NRS 62H.170 is hereby amended to read as follows:

62H.170 1. Except as otherwise provided in this section, if the records of a person are sealed:

(a) All proceedings recounted in the records are deemed never to have occurred; and

(b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

(a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;

(b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency;

(c) A ~~[district]~~ ***prosecuting*** attorney or ~~[an attorney representing]~~ a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons ***, including the defendant,*** who were involved in the acts detailed in the records; ~~[or]~~

(d) ***The person who is the subject of the records has committed an act which subjects the person to the jurisdiction of the juvenile court and which may form the basis of a civil action and a person who, in good faith, intends to bring or has brought the civil action, or any other person who is a party to the civil action, petitions the juvenile court to permit the inspection of the records to obtain information relating to the person who is the subject of the records; or***

(e) The juvenile court determines that the inspection of the records is necessary to:

(1) Perform bona fide outcome and recidivism studies ~~[;]~~ ***, which may include, without limitation, using personal identifying information from sealed juvenile records to perform criminal background checks on persons who were adjudicated pursuant to this title;***

(2) Further bona fide research to determine the effectiveness of juvenile justice services;

(3) Improve the delivery of juvenile justice services; or

(4) Obtain additional resources for the delivery of juvenile justice services.

➥ Personal identifying information contained in records inspected ***or obtained from criminal background checks*** pursuant to this paragraph must remain confidential in a manner consistent with any applicable laws and regulations.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 709 to Assembly Bill No. 113.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 114.

The following Senate amendment was read:

Amendment No. 711.

AN ACT relating to restitution; providing that a judgment requiring the payment of restitution ~~[expires 10 years after the date on which the judgment is rendered;]~~ **does not expire until it is satisfied;** exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof **;** ~~[until the judgment expires;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a judgment which, among other things, requires a defendant in a criminal action to pay restitution constitutes a lien which is enforceable as a judgment in a civil action. (NRS 176.275) Existing law also provides that an action upon a judgment or decree or for the renewal of such judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1) provides that a judgment requiring a defendant in a criminal action or a parent or guardian of a child to pay restitution ~~[expires 10 years after the date on which the judgment is rendered;]~~ **does not expire until it is satisfied;** and (2) exempts such a judgment from the time limitation for commencing an action or seeking the renewal thereof **.** ~~[until the judgment expires.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.275 is hereby amended to read as follows:

176.275 ***1.*** A judgment which imposes a fine or administrative assessment or requires a defendant to pay restitution or repay the expenses of a defense constitutes a lien in like manner as a judgment for money rendered in a civil action.

2. A judgment which requires a defendant to pay restitution:

(a) May be recorded, docketed and enforced as any other judgment for money rendered in a civil action.

(b) ~~***[Expires 10 years after the date on which]***~~ ***Does not expire until the judgment is*** ~~***[rendered.]***~~ ***satisfied.***

3. An independent action to enforce a judgment which requires a defendant to pay restitution may be commenced at any time . ~~***[before the judgment expires.]***~~

Sec. 2. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

↪ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.

(d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

(e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

(g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 3. NRS 176A.870 is hereby amended to read as follows:

176A.870 A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;

2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or

3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution ~~[,]~~ ***which is enforceable pursuant to NRS 176.275,*** but does not entitle the probationer to any privilege conferred by NRS 176A.850.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) ~~[An]~~ ***Except as otherwise provided in NRS 62B.420 and 176.275, an*** action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by

the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 4.5. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine, administrative assessment, fee or restitution or to make any other payment and the fine, administrative assessment, fee, restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant

to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. ***A judgment which requires a parent or guardian of a child to pay restitution ~~[expires 10 years after the date on which]~~ does not expire until the judgment is ~~[rendered.]~~ satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time . ~~[before the judgment expires.]~~***

4. If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:

(a) Not more than $100, if the amount of the judgment is less than $2,000.

(b) Not more than $500, if the amount of the judgment is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the judgment, if the amount of the judgment is $5,000 or greater.

5. In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection 6.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.

6. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to

surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this subsection.

7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.

8. If the juvenile court enters a civil judgment pursuant to subsection 1 and the person against whom the judgment is entered is convicted of a crime before he or she satisfies the civil judgment, the court sentencing the person for that crime shall include in the sentence the civil judgment or such portion of the civil judgment that remains unpaid.

Sec. 5. NRS 213.154 is hereby amended to read as follows:

213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:

(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or

(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.

2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:

(a) The whereabouts of the parolee are unknown;

(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or

(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.

3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge ~~[.]~~ ***and is enforceable pursuant to NRS 176.275.***

Sec. 6. The amendatory provisions of this act apply to any judgment which requires a defendant to pay restitution which is rendered before, on or after October 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 711 to Assembly Bill No. 114.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 138.

The following Senate amendment was read:

Amendment No. 670.

AN ACT relating to juvenile justice; requiring the juvenile court to suspend a case if doubt arises as to whether a child is competent; requiring the juvenile court to appoint certain experts to evaluate a child and provide a written report on the competence of the child if the juvenile court suspends a case to determine whether the child is competent; requiring the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the written reports of all appointed experts; **providing that a statement made by a child during an evaluation by an appointed expert is not admissible as evidence in certain proceedings unless the child introduces the statement as evidence first;** requiring the juvenile court to conduct a periodic review of a child determined to be incompetent; authorizing the juvenile court to terminate its jurisdiction in certain circumstances if a child has not attained competence and will be unable to attain competence in the foreseeable future; providing that a child determined to be incompetent may not be adjudicated a delinquent child or a child in need of supervision or placed under the supervision of the juvenile court during the period that the child remains incompetent; ~~[providing that evidence introduced to assist the juvenile court in determining whether a child is competent is not admissible in any criminal proceeding;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts a juvenile competency standard. **Section 3** of this bill provides that any time after a petition is filed and before the final disposition of a case, if doubt arises as to whether a child is competent, the juvenile court is required to suspend the case until the question of competence is determined. **Section 4** of this bill requires a person who makes a motion for the evaluation of a child for the purpose of determining whether the child is competent to: (1) certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent; and (2) specify facts that support the motion. **Section 5** of this bill provides that if the juvenile court

suspends a case to determine whether a child is competent, the juvenile court must appoint one or more able and qualified experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and provide a written report on the competence of the child. **Section 6** of this bill sets forth certain considerations an expert must take into account as part of his or her evaluation, as well as certain other considerations an expert must take into account if appropriate, and **section 7** of this bill sets forth certain requirements relating to the written report of an expert.

Section 8 of this bill requires the juvenile court to hold an expedited hearing to determine whether a child is competent upon receipt of the required written reports from all experts appointed by the juvenile court. **Section 9** of this bill authorizes the juvenile court to consider information relevant to the determination of the competence of a child and information elicited from the child only for certain purposes. **Section 9 also provides that any statement made by a child during the course of an evaluation by an expert appointed by the juvenile court is not admissible as evidence: (1) on the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or (2) in any criminal proceeding, unless the child introduces the statement as evidence first.** Under **section 10** of this bill, after the juvenile court considers the written reports of the appointed experts, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court must determine whether the child is competent. If the juvenile court determines that the child is incompetent, the juvenile court is required to make certain additional determinations and issue all necessary and appropriate recommendations and orders.

Section 11 of this bill requires that if the juvenile court determines that a child is incompetent, the juvenile court must conduct a periodic review to determine whether the child has attained competence. After a periodic review is conducted, if the juvenile court determines that the child: (1) has attained competence, the juvenile court is required to proceed with the case; (2) has not attained competence, the juvenile court is required to order appropriate treatment; and (3) has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court is required to hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate its jurisdiction.

Section 12 of this bill provides that if the juvenile court determines that a child is incompetent, the child may not, during the period that the child remains incompetent, be: (1) adjudicated a delinquent child or a child in need of supervision; or (2) placed under the supervision of the juvenile court.

~~**[**Section 13 of this bill provides that any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent is not admissible in any criminal proceeding.**]**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, "incompetent" means a child does not have the present ability to:***

1. Understand the nature of the allegations of delinquency or, if the child is a child in need of supervision, the allegations against the child;

2. Understand the nature and purpose of the court proceedings; or

3. Aid and assist the child's counsel in the defense at any time during the proceedings with a reasonable degree of rational understanding.

Sec. 3. ***1. Any time after a petition is filed and before the final disposition of a case, if doubt arises as to the competence of a child, the juvenile court shall suspend the case until the question of competence is determined.***

2. During the period when the competence of a child is being determined, the juvenile court shall consider the appropriate placement of the child and any services or other care to be provided to the child that are necessary for the well-being of the child or for public safety, and may issue any necessary orders.

3. The period in which the juvenile court is required to make its final disposition of a case, as set forth in NRS 62D.310, is tolled during the period when the competence of a child is being determined.

Sec. 4. ***A person who makes a motion for the evaluation of a child for the purpose of determining whether the child is incompetent shall:***

1. Certify that the motion is being made in good faith and is based on reasonable grounds to believe that the child is incompetent and cannot proceed in the case; and

2. Specify facts that support the motion, including, without limitation, any nonprivileged observations of or statements made by the child.

Sec. 5. ***1. If the juvenile court suspends a case pursuant to section 3 of this act, the juvenile court shall appoint one or more experts, at least one of whom is a psychologist or psychiatrist, to evaluate the child and report on the competence of the child.***

2. Before appointing an expert to evaluate and report on the competence of the child, the juvenile court shall consider the following factors to determine the ability and qualification of the expert to provide such an evaluation and report:

(a) The training and experience of the expert in child psychology, child and adolescent psychiatry or child forensic psychiatry;

(b) The licensure or professional certification of the expert; and

(c) Any other factor the juvenile court deems appropriate in making the appointment.

3. An expert appointed by the juvenile court to evaluate and report on the competence of a child must:

(a) Be deemed by the juvenile court to be able and qualified to evaluate and report on the competence of the child pursuant to subsection 2; and

(b) Prepare and provide a written report to the juvenile court and the parties not later than 14 days after the juvenile court enters an order appointing the expert, unless the juvenile court provides an extension for good cause shown.

4. The appointment of an expert pursuant to this section does not preclude the district attorney or the child from calling any other expert witness to testify concerning the competence of the child at an adjudicatory hearing, a hearing on a violation of juvenile probation or parole or a hearing to determine whether the child is incompetent. Any such expert witness must be allowed to evaluate the child and examine all relevant records and documents.

Sec. 6. *1. An expert who is appointed by the juvenile court pursuant to section 5 of this act shall evaluate the child as specified in the court order appointing the expert.*

2. An expert shall consider as part of his or her evaluation the child's ability to:

(a) Appreciate the allegations against the child;

(b) Appreciate the range and nature of possible penalties that may be imposed upon the child, if applicable;

(c) Understand the adversary nature of the legal process;

(d) Disclose to the child's counsel facts pertinent to the case;

(e) Display appropriate courtroom behavior; and

(f) Testify regarding relevant issues.

3. An expert shall also consider as part of his or her evaluation, if appropriate, the following circumstances of a child:

(a) The age and developmental maturity of the child;

(b) Whether the child has a mental illness or disability or a developmental disorder;

(c) Whether the child has any other disability that affects the competence of the child; and

(d) Any other factor that affects the competence of the child.

Sec. 7. *1. A written report submitted by an expert pursuant to subsection 3 of section 5 of this act must:*

(a) Identify the specific matters referred to the expert by the juvenile court for evaluation;

(b) Describe the procedures, techniques and tests used in the evaluation of the child and the purposes of each;

(c) Describe the considerations taken into account by the expert pursuant to section 6 of this act;

(d) State any clinical observations, findings and opinions of the expert on each issue referred to the expert for evaluation by the juvenile court and

specifically indicate any issues on which the expert was unable to give an opinion;

(e) Identify the sources of information used by the expert and present the factual basis for any clinical observations, findings and opinions of the expert; and

(f) State any recommended counseling, treatment, education or therapy to assist the child with behavioral, emotional, psychological or psychiatric issues, if ordered by the juvenile court to provide such recommendations.

2. In addition to the requirements set forth in subsection 1, if an expert believes that a child is incompetent, the expert shall also include in the report:

(a) Any recommended treatment or education for the child to attain competence;

(b) The likelihood that the child will attain competence under the recommended treatment or education;

(c) An assessment of the probable duration of the treatment or education required to attain competence;

(d) The probability that the child will attain competence in the foreseeable future; and

(e) If the expert recommends treatment for the child to attain competence, a recommendation as to whether services can best be provided to the child as an outpatient or inpatient, or by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160.

Sec. 8. ***1. Upon receipt of the required written reports from all experts appointed by the juvenile court, the juvenile court shall hold an expedited hearing to determine whether the child is incompetent.***

2. The parties may waive the presence of witnesses and submit the issue of competence to the juvenile court on the written reports of the experts who evaluated the child.

3. The party who made the motion to determine whether the child is competent has the burden of proof to rebut the presumption of competence by a preponderance of the evidence.

4. Unless the parties stipulate or the juvenile court orders otherwise, the parties shall disclose all witnesses, reports and documents at least 10 days before the scheduled day of the hearing.

5. During the hearing, the parties may:

(a) Introduce other evidence, including, without limitation, evidence related to treatment, competence and the possibility of ordering the involuntary administration of medicine; and

(b) Cross-examine witnesses.

Sec. 9. ***1. Except as otherwise provided in ~~[subsection 2,]~~ this section, the juvenile court may consider any information that is relevant to the determination of the competence of the child and any information elicited from the child pursuant to sections 2 to 13, inclusive, of this act only for the purpose of:***

(a) Determining whether the child is incompetent; and

(b) Making a disposition of the case in juvenile court.

2. The provisions of subsection 1 do not apply if a child whose competence is being determined presents any information to the juvenile court for a purpose other than those set forth in subsection 1.

3. Any statement made by a child during the course of an evaluation by an expert who is appointed by the juvenile court pursuant to section 5 of this act, regardless of whether the child consented to the evaluation, is not admissible as evidence:

(a) On the issue of guilt in a delinquency proceeding, unless the child introduces the statement as evidence on the issue of guilt first; or

(b) In any criminal proceeding, unless the child introduces the statement as evidence first.

Sec. 10. *1. After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.*

2. If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.

3. If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:

(a) The child is a danger to himself or herself or society;

(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and

(c) Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

4. After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders.

5. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.

Sec. 11. *1. If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:*

(a) Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;

(b) After any period of extended treatment;

(c) After the child completes any treatment ordered by the juvenile court;

(d) After a person ordered by the juvenile court to provide services to the child pursuant to section 10 of this act determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to section 10 of this act must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.

3. After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with sections 2 to 13, inclusive, of this act, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 12. ***If the juvenile court determines that a child is incompetent pursuant to section 10 of this act, during the period that the child remains incompetent, the child may not be:***

1. Adjudicated a delinquent child or a child in need of supervision; or

2. Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230.

Sec. 13. ~~**[***Any evidence that is introduced for the purpose of assisting the juvenile court in making a determination as to whether a child is competent pursuant to sections 2 to 13, inclusive, of this act is not admissible in any criminal proceeding.***]**~~ **(Deleted by amendment.)**

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 670 to Assembly Bill No. 138.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 238.

The following Senate amendment was read:

Amendment No. 842.

SUMMARY—~~**[**Makes various changes to**]**~~ **Revises** provisions relating to **the solicitation of bids for** a homeowners' association~~**[.]**~~ **project.** (BDR 10-808)

AN ACT relating to common-interest communities; ~~**[**revising provisions authorizing a homeowners' association to direct the removal of vehicles from property owned or leased by the association; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association;**]**~~ revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~**[**Existing law establishes the Uniform Common Interest Ownership Act, which governs common interest communities. (Chapter 116 of NRS) Under existing law, a homeowners' association is authorized, under certain circumstances, to direct the removal of a vehicle improperly parked on property owned or leased by the association. Unless a vehicle is blocking a certain area of the association property or the vehicle poses a threat to the~~

~~health, safety or welfare of the units' owners or residents, an association must provide certain written or oral notice to the owner or operator of a vehicle at least 48 hours before the association may direct the removal of the vehicle. (NRS 116.3102) Section 1 of this bill removes these requirements. Existing law also provides that unless a person is appointed by the declarant, a person may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) Section 1.5 of this bill additionally excludes a person, other than a person appointed by the declarant, from eligibility as a candidate for, or as a member of, the executive board or an officer of a homeowners' association if: (1) except under certain circumstances, the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association. Additionally, section 1.5 provides that if a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association, the association: (1) must not place the name of the person on any ballot as a candidate; and (2) must prohibit the person from serving as a member of the executive board or as an officer of the association.~~

~~— Existing]~~ **Under existing** law **, [**~~also requires]~~ a homeowners' association **is required** to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) **[**~~Section 2 of this]~~ **This** bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost: (1) in a common-interest community that consists of less than 1,000 units, **[**~~$2,500]~~ **3 percent** or more **[**~~;]~~ **of the annual budget of the association;** or (2) in a common-interest community that consists of 1,000 or more units, **[**~~$5,000]~~ **1 percent** or more **[**~~. Section 2]~~ **of the annual budget of the association. This bill** further specifies that the contents of bids which are opened at a meeting of the executive board must be read aloud.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~NRS 116.3102 is hereby amended to read as follows:~~

~~— 116.3102 — 1. — Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:~~

~~— (a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.~~

~~— (b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for~~

~~common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.~~

~~(c) May hire and discharge managing agents and other employees, agents and independent contractors.~~

~~(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common interest community.~~

~~(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.~~

~~(f) May regulate the use, maintenance, repair, replacement and modification of common elements.~~

~~(g) May cause additional improvements to be made as a part of the common elements.~~

~~(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:~~

~~(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and~~

~~(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.~~

~~(i) May grant easements, leases, licenses and concessions through or over the common elements.~~

~~(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.~~

~~(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.~~

~~(l) May impose construction penalties when authorized pursuant to NRS 116.310305.~~

~~(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.~~

~~(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.~~

~~(o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.~~

~~(p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.~~

~~(q) May exercise any other powers conferred by the declaration or bylaws.~~

~~(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.~~

~~(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. [In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:~~

~~(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.]~~

~~(t) May exercise any other powers necessary and proper for the governance and operation of the association.~~

~~2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.~~

~~3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:~~

~~(a) The association's legal position does not justify taking any or further enforcement action;~~

~~(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;~~

~~(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or~~

~~(d) It is not in the association's best interests to pursue an enforcement action.~~

~~4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but~~

~~the executive board may not be arbitrary or capricious in taking enforcement action.~~

~~5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.~~**] (Deleted by amendment.)**

Sec. 1.5. **[**~~NRS 116.31034 is hereby amended to read as follows:~~

~~116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.~~

~~2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.~~

~~3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:~~

~~(a) Members of the executive board who are appointed by the declarant; and~~

~~(b) Members of the executive board who serve a term of 1 year or less.~~

~~4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.~~

~~5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed~~

~~period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:~~

~~(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:~~

~~(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and~~

~~(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.~~

~~(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.~~

~~6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:~~

~~(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;~~

~~(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and~~

~~(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.~~

~~7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:~~

~~(a) Prepare and mail ballots to the units' owners pursuant to this section; and~~

~~(b) Conduct an election for membership on the executive board pursuant to this section.~~

~~8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:~~

~~(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a~~

~~reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and~~

~~(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.~~

~~"~~ ~~The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.~~

~~9. Unless a person is appointed by the declarant:~~

~~(a) A person~~ **[**may**]** ***is*** not ***eligible to*** be a ***candidate for, or a*** member of ~~,~~ the executive board or an officer of the association if **[**the**]** ~~:~~ ***:***

~~***(1) Unless there is an insufficient number of candidates to fill one or more vacancies as a member of the executive board or as an officer of the association, the person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;***~~

~~***(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;***~~

~~***(3) The person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or***~~

~~***(4) The*** person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.~~

~~(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:~~

~~(1) That master association; or~~

~~(2) Any association that is subject to the governing documents of that master association.~~

~~10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit may be~~

~~an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:~~

~~(a) The person is associated with the corporate owner, trust, partnership, limited liability company or estate as required by this subsection; and~~

~~(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited liability company or estate.~~

~~11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:~~

~~(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.~~

~~(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~(c) A quorum is not required for the election of any member of the executive board.~~

~~(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.~~

~~(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.~~

~~13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:~~

~~(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:~~

~~(1) Must be no longer than a single, typed page;~~

~~(2) Must not contain any defamatory, libelous or profane information; and~~

~~(3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or~~

~~(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:~~

~~(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or~~

~~(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:~~

~~(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.~~

~~(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.~~

~~The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.~~

~~14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 13.~~

~~15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to~~

~~submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.~~

~~*16. If a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association pursuant to this section or any other provision of this chapter, the association:*~~

~~*(a) Must not place the name of the person on any ballot as a candidate; and*~~

~~*(b) Must prohibit the person from serving as a member of the executive board or as an officer of the association.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project ~~[,~~ ~~the]~~ ***:***

(a) The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost:

(1) In a common-interest community that consists of less than 1,000 units, ~~[$2,500]~~ 3 percent or more ~~[;]~~ of the annual budget of the association; or

(2) In a common-interest community that consists of 1,000 or more units, ~~[$5,000]~~ 1 percent or more ~~[;]~~ of the annual budget of the association; and

(b) The bids must be opened ***and read aloud*** during a meeting of the executive board.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of ***professional*** services to the association ~~[.]~~ ***, including, without limitation, accounting, engineering and legal services.***

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 842 to Assembly Bill No. 238.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 746.

AN ACT relating to aircraft; regulating operators of unmanned aerial vehicles in this State; revising the definition of "aircraft" to include unmanned aerial vehicles; prohibiting the operation or use of an unmanned aerial vehicle under certain circumstances or for certain purposes; authorizing a law enforcement agency to operate an unmanned aerial vehicle at certain locations without a warrant under certain circumstances and for any other lawful purpose; prohibiting a law enforcement agency from operating an unmanned aerial vehicle without first obtaining a warrant under certain circumstances;

authorizing a public agency to operate an unmanned aerial vehicle only under certain circumstances; requiring the Department of Public Safety, to the extent that money is available, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State; requiring the Department to report certain information to the Legislature with respect to the operation of unmanned aerial vehicles by public agencies in this State; requiring the Department to adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle in this State; providing certain criminal and civil penalties for the unlawful operation or use of an unmanned aerial vehicle in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of aeronautics, including the operation of aircraft, in this State. (Title 44 of NRS) This bill revises the definition of "aircraft" to include unmanned aerial vehicles for the purpose of regulating unmanned aerial vehicles. This bill generally regulates the operators of unmanned aerial vehicles in this State in a manner similar to that of traditional aircraft by: (1) establishing the right to operate an unmanned aerial vehicle in this State, with certain exceptions; (2) clarifying that the provisions of this bill are not to be interpreted in a manner inconsistent with federal law or apply to unmanned aerial vehicles owned or operated by the Federal Government; (3) clarifying the applicability of state law to torts and crimes resulting from the operation of unmanned aerial vehicles; and (4) prohibiting a person from operating or using an unmanned aerial vehicle under certain circumstances or for certain purposes.

Section 18 of this bill prohibits a person from weaponizing an unmanned aerial vehicle. **Section 18.5** of this bill prohibits a person from operating an unmanned aerial vehicle within a certain distance from critical facilities or an airport except under certain circumstances in which the person obtains the consent of the owner of a critical facility or the airport authority of an airport or authorization from the Federal Aviation Administration. **Section 19** of this bill authorizes a person who owns or lawfully occupies real property to bring an action for trespass against the owner or operator of an unmanned aerial vehicle under certain circumstances and provides ~~[an exception]~~ **certain exceptions** to bringing such an action **.** ~~[against an operator lawfully operating an unmanned aerial vehicle within the scope of a business or for the purposes of surveying land.]~~ **Sections 20-22** of this bill prescribe certain restrictions on the operation and use of unmanned aerial vehicles by law enforcement agencies and public agencies. **Section 20** specifically prohibits, with limited exceptions, a law enforcement agency from operating an unmanned aerial vehicle for the purpose of gathering evidence or other information at any location or upon any property in this State at which a person has a reasonable expectation of privacy without first obtaining a warrant. **Section 20** authorizes a law enforcement agency to operate an unmanned aerial vehicle without a warrant: (1) if exigent circumstances exist and there is probable cause to

believe that a person has committed, is committing or is about to commit a crime; (2) if a person consents in writing to the activity; (3) for the purpose of conducting search and rescue operations; (4) if the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including the threat of an act of terrorism; and (5) upon the declaration of a state of emergency or disaster by the Governor. **Section 21** authorizes a public agency, other than a law enforcement agency, to operate an unmanned aerial vehicle for certain public purposes as prescribed by regulations adopted by the Department of Public Safety if the public agency registers the unmanned aerial vehicle with the Department. **Sections 20 and 21** provide that any photograph, image, recording or other information acquired unlawfully by a law enforcement agency or public agency, or otherwise acquired in a manner inconsistent with **section 20**, and any evidence that is derived therefrom, is inadmissible in any judicial, administrative or other adjudicatory proceeding and may not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense. **Section 22** requires the Department, to the extent that money is available for this purpose, to establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State and requires the Department to adopt regulations prescribing the public purposes for which an agency may operate an unmanned aerial vehicle. **Section 22** further requires the Department to prepare and submit an annual report to the Legislature outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State. **Section 24.4** of this bill revises provisions relating to the liability of the operator of an aircraft, including an unmanned aerial vehicle, with respect to the operation of the aircraft over heavily populated areas or public gatherings. **Section 24.8** of this bill prohibits a person from operating an unmanned aerial vehicle while intoxicated or in a careless or reckless manner so as to endanger the life or property of another person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 493 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ***1. A person shall not weaponize an unmanned aerial vehicle or operate a weaponized unmanned aerial vehicle. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.***

2. A person who weaponizes an unmanned aerial vehicle in violation of subsection 1 and who discharges the weapon is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 18.5. ***1. A person shall not operate an unmanned aerial vehicle within:***

(a) A horizontal distance of 500 feet or a vertical distance of 250 feet from a critical facility without the written consent of the owner of the critical facility.

(b) Except as otherwise provided in subsection 2, 5 miles of an airport.

2. A person may operate an unmanned aerial vehicle within 5 miles of an airport only if the person obtains the consent of the airport authority or the operator of the airport, or if the person has otherwise obtained a waiver, exemption or other authorization for such operation pursuant to any rule or regulation of the Federal Aviation Administration. A person who is authorized to operate an unmanned aerial vehicle within 5 miles of an airport pursuant to this subsection shall, at all times during such operation, maintain on his or her person documentation of any waiver, exemption, authorization or consent permitting such operation.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "airport" means any area of land or water owned, operated or maintained by ~~[an]~~ or on behalf of a city, county, town, municipal corporation or airport authority that is designed and set aside for the landing and taking off of aircraft and that is utilized in the interest of the public for such purposes.

Sec. 19. ***1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:***

(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and

(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the

owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection 2 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:

(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.

(b) The unmanned aerial vehicle is in the process of taking off or landing.

(c) The unmanned aerial vehicle was under the lawful operation of ~~[a]~~ :

(1) A law enforcement agency in accordance with section 20 of this act.

(2) A public agency in accordance with section 21 of this act.

(d) The unmanned aerial vehicle was under the lawful operation of a business licensed in this State or a land surveyor if:

(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;

(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and

(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.

3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney's fees and costs and injunctive relief.

Sec. 20. *1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.*

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the

law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 21. *1. A public agency:*

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of section 22 of this act.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of section 22 of this act.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

Sec. 22. ***1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.***

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

Sec. 22.5. NRS 493.010 is hereby amended to read as follows:

493.010 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** may be cited as the Uniform State Law for Aeronautics.

Sec. 23. NRS 493.020 is hereby amended to read as follows:

493.020 As used in NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act,*** unless the context otherwise requires:

1. "Aircraft" includes ***a*** balloon, airplane, hydroplane ***, unmanned aerial vehicle*** and any other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, is governed by the rules regarding water navigation. A hydroplane while being operated through the air other than immediately above water, is an aircraft.

2. ***"Critical facility" means a petroleum refinery, a petroleum or chemical production, transportation, storage or processing facility, a chemical manufacturing facility, a pipeline and any appurtenance thereto, a wastewater treatment facility, a water treatment facility, a mine as that term is defined in NRS 512.006, a power generating station, plant or substation and any appurtenances thereto, any transmission line that is owned in whole or in part by an electric utility as that term is defined in subsection 5 of NRS 704.187, a county, city or town jail or detention facility and any prison, facility or institution under the control of the Department of Corrections. The term does not include any facility or infrastructure of a utility that is located underground.***

3. "Department" means the Department of Public Safety.

4. "Law enforcement agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

5. "Operator" includes aviator, pilot, balloonist and any other person having any part in the operation of aircraft while in flight.

~~[3.]~~ ***6.*** "Passenger" includes any person riding in an aircraft, but having no part in its operation.

7. "Public agency" means an agency, office, bureau, board, commission, department or division of this State or a political subdivision of this State other than a law enforcement agency.

8. "Unmanned aerial vehicle" means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 24. (Deleted by amendment.)

Sec. 24.2. NRS 493.050 is hereby amended to read as follows:

493.050 1. Flight ~~[in]~~ ***of an*** aircraft over the lands and waters of this state is lawful:

(a) Unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner.

(b) Unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(c) Unless specifically prohibited by the provisions of NRS 493.010 to 493.120, inclusive, and sections 18 to 22, inclusive, of this act, or any regulations adopted pursuant thereto.

2. The landing of an aircraft on the lands or waters of another, without his or her consent, is unlawful, except in the case of a forced landing. For damages

caused by a forced landing, the owner, lessee or operator of the aircraft is liable as provided in NRS 493.060.

Sec. 24.4. NRS 493.100 is hereby amended to read as follows:

493.100 ***1.*** Any operator or passenger, while ***an aircraft is*** in flight over a heavily populated area or over a public gathering within this state, who:

~~[1. Engages]~~

(a) Except as otherwise provided in subsection 2, engages in trick or acrobatic flying, or in any acrobatic feat;

~~[2.]~~ ***(b)*** Except while in landing or taking off, flies at such a low level as to endanger the persons on the surface beneath; or

~~[3.]~~ ***(c)*** Drops any object ~~[except loose water or loose sand ballast,]~~ ***with reckless disregard for the safety of other persons and willful indifference to injuries that could reasonably result from dropping the object,***

➥ is guilty of a misdemeanor.

2. The provisions of paragraph (a) of subsection 1 do not apply to the operator of an unmanned aerial vehicle in a park unless the operator is operating the unmanned aerial vehicle with reckless disregard for the safety of other persons and with willful indifference to injuries that could reasonably result from such operation.

Sec. 24.6. NRS 493.120 is hereby amended to read as follows:

493.120 NRS 493.010 to 493.120, inclusive, ***and sections 18 to 22, inclusive, of this act*** shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them, and to harmonize, as far as possible, with federal laws and regulations on the subject of aeronautics. They shall not be interpreted or construed to apply in any manner to aircraft owned and operated by the Federal Government.

Sec. 24.8. NRS 493.130 is hereby amended to read as follows:

493.130 ***1.*** Any person operating an aircraft in the air, or on the ground or water:

~~[1.]~~ ***(a)*** While under the influence of intoxicating liquor or a controlled substance, unless in accordance with a lawfully issued prescription; or

~~[2.]~~ ***(b)*** In a careless or reckless manner so as to endanger the life or property of another,

➥ is guilty of a gross misdemeanor.

2. As used in this section:

(a) "Aircraft" includes an unmanned aerial vehicle as that term is defined in subsection 8 of NRS 493.020.

(b) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(c) "Prescription" has the meaning ascribed to it in NRS 453.128.

Sec. 25. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On October 1, 2015, for all other purposes.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 746 to Assembly Bill No. 239.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 240.

The following Senate amendment was read:

Amend No. 913.

SUMMARY—Revises provisions governing ~~[liens of a unit-owners' association.]~~ **common-interest communities.** (BDR 10-821)

AN ACT relating to common-interest communities; **requiring the establishment of an impound account for the payment of certain assessments under certain circumstances; providing for the payment of assessments for common expenses from the impound account;** revising provisions relating to the nonjudicial foreclosure of a unit-owners' association's lien; authorizing a right of redemption after the foreclosure of an association's lien by sale under certain circumstances; **authorizing the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations to carry out the requirement for impound accounts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association. Generally, the association's lien is prior to all other liens on a unit, except: (1) liens recorded before the recordation of the declaration; (2) the first security interest on the unit; and (3) liens for real estate taxes and other governmental assessments or charges against the unit. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest is commonly referred to as the "super-priority lien." (NRS 116.3116) Existing law authorizes a unit-owners' association to foreclose its lien through a nonjudicial foreclosure process. (NRS 116.31162-116.31168)

Under existing law, the holder of the first security interest on the unit may establish an impound account for advance contributions for the payment of assessments, if the unit's owner and the holder of the first security interest consent to the establishment of such an account. (NRS 116.3116) Section 3.5 of this bill provides that if there is an impound account established for the payment of property taxes or insurance premiums, the holder of the first security interest, if other than a credit union, is required to establish such an impound account for advance

contributions for the payment of certain assessments. Section 3.5 requires payments to be made from the account for assessments for common expenses in accordance with the same due dates as apply to the payment of assessments by a unit's owner or in quarterly installments that are due on the first day of each calendar quarter. Under section 3.5, if the assessments for common expenses are paid in quarterly installments from the impound account, the due date of the assessments is deemed to be the first day of the calendar quarter. Section 3.5 provides that: (1) if payments for assessments are timely made to an impound account, the super-priority lien does not arise; and (2) if an impound account is established, the association must provide notice of delinquency in the payment of assessments to the holder of the first security interest.

Section 4.7 of this bill provides that after a sale of a unit to enforce the association's lien, the unit's owner or a holder of a security interest on the unit may redeem the unit by paying certain amounts to the purchaser within 60 days after the sale. If the unit's owner redeems the unit, the unit's owner is restored to his or her ownership of the unit. If a holder of a security interest on the unit redeems the unit, that holder is entitled to a deed without warranty which conveys to the holder all title of the unit's owner to the unit. **Section 4.7** further provides that upon expiration of the redemption period, any failure to comply with the requirements of existing law for the foreclosure of the association's lien does not affect the rights of a bona fide purchaser or encumbrancer for value.

Section 7.5 of this bill authorizes the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations to carry out the provisions of section 3.5 relating to impound accounts, including, without limitation, requirements for bonding, servicing costs and conflicts of interest for entities servicing such accounts.

Section 8 of this bill provides that **: (1) the requirement to establish an impound account applies only to a holder of a first security interest on a unit that is recorded on or after January 1, 2016; and (2)** the amendatory provisions ~~[of this bill]~~ **related to the right of redemption** apply only to a sale to enforce an association's lien that occurs on or after July 1, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **NRS 116.3116 is hereby amended to read as follows:**

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late

charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

➥ ~~[The]~~ ***Unless payments for assessments described in subsection 3 are made timely to an escrow account, loan trust account or other impound account established pursuant to subsection 3, the*** lien is also prior to all security interests described in paragraph (b) to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, if the*** holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent ~~[may]~~ ***has established an escrow account, loan trust account or other impound account for advance contributions for the payment of property taxes on the unit or premiums for insurance on the unit, the holder or his or her authorized agent shall also*** establish an escrow account, loan trust account or other impound account for advance contributions for the payment of ~~[assessments]~~ **:**

(a) Assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 ~~[if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments]~~ ***;***

(b) Special assessments to establish adequate reserves for the association pursuant to paragraph (b) of subsection 2 of NRS 116.3115; and

(c) Assessments for capital expenditures based on the periodic budget adopted by the association pursuant to NRS 116.3115.

4. The provisions of subsection 3 do not apply to a security interest held by a credit union as defined in NRS 678.070.

5. Payments from ~~[the]~~ ***an escrow account, loan trust account or impound*** account for assessments ~~[for common expenses]~~ ***described in subsection 3*** must be made in ~~[accordance]~~ ***:***

(a) Accordance with the same due dates as apply to payments of such assessments by a unit's owner ~~[.~~

~~4.]~~ ***; or***

(b) Quarterly installments that are due the first day of each calendar quarter. Notwithstanding any other provision of law or the governing documents to the contrary, if assessments for common expenses are paid in quarterly installments pursuant to this paragraph, the due date of the assessments is deemed to be the first day of each calendar quarter.

6. If an escrow account, loan trust account or other impound account is established pursuant to subsection 3, not later than 30 days after a payment of an assessment described in subsection 3 is delinquent, the association must provide the holder of the security interest described in paragraph (b) of subsection 2 with a notice of delinquent assessment which states the amount of the assessments which are due, a description of the unit against which the assessment is imposed and the name of the record owner of the unit.

7. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[5.]~~ ***8.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[6.]~~ ***9.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[7.]~~ ***10.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[8.]~~ ***11.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[9.]~~ ***12.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid

assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[10.]~~ ***13.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~[11.]~~ ***14.*** In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 4. (Deleted by amendment.)

Sec. 4.3. NRS 116.31164 is hereby amended to read as follows:

116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.

2. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid

assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

3. After the sale, the person conducting the sale shall:

(a) ~~[Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~(c)]~~ ***Comply with the provisions of subsection 2 of NRS 116.31166; and***

(b) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 4.7. NRS 116.31166 is hereby amended to read as follows:

116.31166 1. ***Every sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, vests in the purchaser the title of the unit's owner subject to the right of redemption provided by this section.***

2. After the sale conducted pursuant to NRS 116.31164, the person conducting the sale shall:

(a) Give to the purchaser a certificate of the sale containing:

(1) A particular description of the unit sold;

(2) The price bid for the unit;

(3) The whole price paid; and

(4) A statement that the unit is subject to redemption; and

(b) Record a copy of the certificate in the office of the county recorder of the county in which the unit or part of it is located.

3. A unit sold pursuant to NRS 116.31162 to 116.31168, inclusive, may be redeemed by the unit's owner whose interest in the unit was extinguished by the sale, or his or her successor in interest, or any holder of a recorded security interest that is subordinate to the lien on which the unit was sold, or that holder's successor in interest. The unit's owner whose interest in the unit was extinguished, the holder of the recorded security interest on the unit or a successor in interest of those persons may redeem the property at any time within 60 days after the sale by paying:

(a) The purchaser the amount of his or her purchase price, with interest at the rate of 1 percent per month thereon in addition, to the time of redemption, plus:

(1) The amount of any assessment paid to the association by the purchaser before the redemption;

(2) The amount of any assessment, taxes or payments toward liens which were created before the purchase and which the purchaser may have paid thereon after the purchase, and interest on such amount;

(3) If the purchaser is also a creditor having a prior lien to that of the redemptioner, other than the association's lien under which the purchase was made, the amount of such lien, and interest on such amount; and

(4) Any reasonable amount expended by the purchaser which is reasonably necessary to maintain and repair the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) The association the amount of any assessments not paid to the association after the purchase and before the redemption.

(c) If the redemptioner is the holder of a recorded security interest on the unit or the holder's successor in interest, the amount of any lien before his or her own lien, with interest, but the association's lien under which the unit was sold is not required to be so paid as a lien.

4. Notice of redemption must be served by the person redeeming the unit on the person who conducted the sale and on the person from whom the unit is redeemed, together with:

(a) If the person redeeming the unit is the unit's owner whose interest in the unit was extinguished by the sale or his or her successor in interest, a certified copy of the deed to the unit and, if the person redeeming the unit is the successor of that unit's owner, a copy of any document necessary to establish that the person is the successor of the unit's owner.

(b) If the person redeeming the unit is the holder of a recorded security interest on the unit or the holder's successor in interest:

(1) An original or certified copy of the deed of trust securing the unit or a certified copy of any other recorded security interest of the holder.

(2) A copy of any assignment necessary to establish the claim of the person redeeming the unit, verified by the affidavit of that person, or that person's agent, or of a subscribing witness thereto.

(3) An affidavit by the person redeeming the unit, or that person's agent, showing the amount then actually due on the lien.

5. If the unit's owner whose interest in the unit was extinguished by the sale redeems the property as provided in this section:

(a) The effect of the sale is terminated, and the unit's owner is restored to his or her interest in the unit, subject to any security interest on the unit that existed at the time of sale; and

(b) The person to whom the redemption amount was paid must execute and deliver to the unit's owner a certificate of redemption, acknowledged or approved before a person authorized to take acknowledgments of conveyances of real property, and the certificate must be recorded in the

office of the recorder of the county in which the unit or part of the unit is situated.

6. If the holder of a recorded security interest redeems the unit as provided in this section and the period for a redemption set forth in subsection 3 has expired, the person conducting the sale shall:

(a) Make, execute and, if the amount required to redeem the unit is paid to the person from whom the unit is redeemed, deliver to the person who redeemed the unit or his or her successor or assign, a deed without warranty which conveys to the person who redeemed the unit all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the person who redeemed the unit, or his or her successor or assign.

7. If no redemption is made within 60 days after the date of sale, the person conducting the sale shall:

(a) Make, execute and, if payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the purchaser all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign.

8. The recitals in a deed made pursuant to ~~[NRS 116.31164]~~ ***subsection 6 or 7*** of:

(a) Default, the mailing of the notice of delinquent assessment, and the ***mailing and*** recording of the notice of default and election to sell;

(b) The elapsing of the ~~[90 days;]~~ ***90-day period set forth in paragraph (c) of subsection 1 of NRS 116.31162;*** and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

~~[2. Such a]~~

9. A deed containing ~~[those]~~ ***the*** recitals ***set forth in subsection 8*** is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

~~[3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.]~~

10. Upon the expiration of the redemption period set forth in subsection 3, any failure to comply with the provisions of NRS 116.3116 to 116.31168, inclusive, does not affect the rights of a bona fide purchaser or bona fide encumbrancer for value.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 116.615 is hereby amended to read as follows:**

116.615 1. The provisions of this chapter must be administered by the Division, subject to the administrative supervision of the Director of the Department of Business and Industry.

2. The Commission and the Division may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.

3. The Commission, or the Administrator with the approval of the Commission, may adopt such regulations as are necessary to carry out ~~[the]~~ ***:***

(a) The provisions of subsections 3 and 5 of NRS 116.3116 relating to escrow accounts, loan trust accounts or other impound accounts, including, without limitation, regulations relating to bonding of entities servicing such accounts, the cost of servicing such accounts and conflicts of interest for entities servicing such accounts; and

(b) Any other provisions of this chapter.

4. The Commission may by regulation delegate any authority conferred upon it by the provisions of this chapter to the Administrator to be exercised pursuant to the regulations adopted by the Commission.

5. When regulations are proposed by the Administrator, in addition to other notices required by law, the Administrator shall provide copies of the proposed regulations to the Commission not later than 30 days before the next meeting of the Commission. The Commission shall approve, amend or disapprove any proposed regulations at that meeting.

6. All regulations adopted by the Commission, or adopted by the Administrator with the approval of the Commission, must be published by the Division, posted on its website and offered for sale at a reasonable fee.

Sec. 8. **1. The amendatory provisions of NRS 116.3116, as amended by section 3.5 of this act, apply to a security interest described in paragraph (b) of subsection 2 of that section that is recorded on or after January 1, 2016.**

2. The amendatory provisions of NRS 116.31164 and 116.31166, as amended by sections 4.3 and 4.7 of this act, apply only to a sale of a unit pursuant to NRS 116.3116 to 116.31168, inclusive, as amended by sections 4.3 and 4.7 of this act, that occurs on or after July 1, 2015.

Sec. 9. (Deleted by amendment.)

Sec. 10. **1.** This ~~[act]~~ **section** becomes effective **upon passage and approval.**

2. Sections 3.5 and 7.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On January 1, 2016, for all other purposes.

3. Sections 4.3, 4.7 and 8 of this act become effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly do not concur in the Senate Amendment No. 913 to Assembly Bill No. 240.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.

The following Senate amendment was read:

Amendment No. 745.

AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent ~~[with]~~ **who has** primary or joint physical custody of a child **pursuant to an order, judgment or decree of a court** from relocating with the child outside this State or to certain locations within this State without the written consent of the noncustodial parent or the permission of the court as the circumstances require; authorizing a non-relocating parent to recover reasonable attorney's fees and costs in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. (NRS 125.450-125.520) **Section 19** of this bill repeals almost all of these provisions. **Sections 3-12** of this bill add such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried.

Section 4 provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. **Sections 5 and 6** provide that if a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. **Section 7** authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. **Section 7** also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock.

Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child.

(NRS 125C.200) **Section 16** of this bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is ~~[more than 100 miles from the place of his or her residence at the time the existing custody arrangement was established.]~~ **at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child.** **Section 13** of this bill requires a parent who has joint physical custody of a child **pursuant to an order, judgment or decree of a court** and wants to relocate outside this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child to petition the court for primary physical custody of the child for the purpose of relocating.

Section 14 of this bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. **Section 14** also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under **section 18** of this bill, a parent who relocates with a child without the **required** written consent of the noncustodial parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, **section 15** of this bill provides that if a parent relocates with a child in violation of **section 18:** (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating parent can recover reasonable attorney's fees and costs incurred as a result of the relocating parent's violation.

Section 18 further provides that a parent who, pursuant to section 4, has joint legal and physical custody of a child because a court has not made a determination regarding the custody of the child is prohibited from willfully concealing or removing the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. Unless a parent who takes such actions can demonstrate to the satisfaction of the court that he or she was protecting the child or himself or herself from an act that constitutes domestic violence, the parent is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125.040 is hereby amended to read as follows:

125.040 1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to

pay moneys necessary to assist the other party in accomplishing one or more of the following:

(a) To provide temporary maintenance for the other party;

(b) To provide temporary support for children of the parties; or

(c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with orders pursuant to ~~[NRS 125.470.]~~ ***section 12 of this act.***

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.

Sec. 3. ***The Legislature declares that it is the policy of this State:***

1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;

2. To encourage such parents to share the rights and responsibilities of child rearing; and

3. To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.

Sec. 4. ***1. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.***

2. If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.

Sec. 5. ***1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:***

(a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or

(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. The court may award joint legal custody without awarding joint physical custody.

Sec. 6. ***1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:***

(a) The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or

(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. For assistance in determining whether an award of joint physical custody is appropriate, the court may direct that an investigation be conducted.

Sec. 7. *1. A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:*

(a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

(b) A child is born out of wedlock and the provisions of subsection 2 are applicable; or

(c) Except as otherwise provided in subsection 6 of section 8 of this act or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.

2. A court may award primary physical custody of a child born out of wedlock to:

(a) The mother of the child if:

(1) The mother has not married the father of the child;

(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and

(3) The father of the child:

(I) Is not subject to any presumption of paternity under NRS 126.051;

(II) Has never acknowledged paternity pursuant to NRS 126.053; or

(III) Has had actual knowledge of his paternity but has abandoned the child.

(b) The father of the child if:

(1) The mother has abandoned the child; and

(2) The father has provided sole care and custody of the child in her absence.

3. As used in this section:

(a) "Abandoned" means that a mother or father has:

(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or

(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.

(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.

Sec. 8. *1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.*

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to section 6 of this act or to either parent pursuant to section 7 of this act. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 9. *1. Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.*

2. No allegation that parental custody would be detrimental to the child, other than a statement of that ultimate fact, may appear in the pleadings.

3. The court may exclude the public from any hearing on this issue.

Sec. 10. *1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:*

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and

(b) At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:

> ***PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.***

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 11. *1. The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court's order concerning custody.*

2. Access to records and other information pertaining to a minor child, including, without limitation, medical, dental and school records, must not be denied to a parent for the reason that the parent is not the child's custodial parent.

Sec. 12. *1. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.*

2. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.

3. If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.

4. All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.

5. A proceeding under this section must be given priority on the court calendar.

Sec. 13. *1. If joint physical custody has been established pursuant to an order, judgment or decree of a court ~~[or section 4 of this act or by operation of law]~~ and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall petition the court for primary physical custody for the purpose of relocating.*

2. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

Sec. 14. *1. In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.200 or section 13 of this act, the relocating parent must demonstrate to the court that:*

(a) There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;

(b) The best interests of the child are substantially better served by allowing the relocating parent to relocate;

(c) The child and the relocating parent will benefit from an actual advantage that currently exists or is certain to exist before the time of the relocation; and

(d) If the parents currently share joint custody of the child, the child will do substantially better in the new location than the child would if he or she remained in this State with the non-relocating parent.

2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

(a) The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;

(b) Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;

(c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;

(d) Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;

(e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and

(f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.200 or section 13 of this act has the burden of proving that relocating with the child is in the best interest of the child.

Sec. 15. ***If a parent with primary physical custody or joint physical custody relocates with a child in violation of NRS 200.359:***

1. The court shall not consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination.

2. If the non-relocating parent files an action in response to the violation, the non-relocating parent is entitled to recover reasonable attorney's fees and costs incurred as a result of the violation.

Sec. 16. NRS 125C.200 is hereby amended to read as follows:

125C.200 ***1.*** If ***primary physical*** custody has been established ***pursuant to an order, judgment or decree of a court*** and the custodial parent intends to ~~[~~move~~]~~ ***relocate*** his or her residence to a place outside of this State ***or to a place within this State that is*** ~~***[more than 100 miles from the place of his or***~~

~~***her residence at the time the existing custody arrangement was established,]***~~ ***at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child,*** and ***the custodial parent desires*** to take the child with him or her, the custodial parent ~~[must, as soon as possible and before the planned move, attempt]~~ ***shall:***

(a) Attempt to obtain the written consent of the noncustodial parent to ~~[move]~~ ***relocate with*** the child ~~[from this State. If]~~ ***; and***

(b) If the noncustodial parent refuses to give that consent, ~~[the custodial parent shall, before leaving this State with the child,]~~ petition the court for permission to ~~[move]~~ ***relocate with*** the child. ~~[The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.]~~

2. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

Sec. 17. NRS 146.010 is hereby amended to read as follows:

146.010 Except as otherwise provided in this chapter or in ~~[NRS 125.510,]~~ ***section 10 of this act,*** if a person dies leaving a surviving spouse or a minor child or minor children, the surviving spouse, minor child or minor children are entitled to remain in possession of the homestead and of all the wearing apparel and provisions in the possession of the family, and all the household furniture, and are also entitled to a reasonable provision for their support, to be allowed by the court.

Sec. 18. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** parent who has joint legal ***and physical*** custody of a child pursuant to ~~[NRS 125.465]~~ ***section 4 of this act*** shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to ~~[deprive]~~ ***frustrate the efforts of*** the other parent ~~[of the parent and child]~~ ***to establish or maintain a meaningful*** relationship ~~[.]~~ ***with the child.*** A person who violates this subsection shall be punished as provided in subsection 1 ~~[.]~~ ***unless the person***

demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If the mother of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. ***A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court ~~[or section 4 of this act]~~ shall not relocate with the child pursuant to section 13 of this act before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child. A person who violates this subsection shall be punished as provided in subsection 1.***

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~[~~5.~~]~~ ***7.*** Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~[~~6.~~]~~ ***8.*** The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~[~~7.~~]~~ ***9.*** A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~[~~8.~~]~~ ***10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.***

11. This section does not apply to a person who detains, conceals **,** ~~[or]~~ removes ***or relocates with*** a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment **,** ~~[or]~~ removal ***or relocation*** to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing **,** ~~[or]~~ removing ***or relocating with*** the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 745 to Assembly Bill No. 263.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 958.

AN ACT relating to domestic relations; repealing certain provisions relating to the custody of children and enacting certain similar provisions relating to the custody of children; prohibiting a parent who has primary or joint physical custody of a child pursuant to an order, judgment or decree of a court from relocating with the child outside this State or to certain locations within this State without the written consent of the ~~[noncustodial]~~ **other** parent or the permission of the court as the circumstances require; authorizing ~~[a non-~~

~~relocating parent to recover]~~ **an award of** reasonable attorney's fees and costs **to a parent** in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning the custody of children as it relates to the dissolution of marriage. (NRS 125.450-125.520) **Section 19** of this bill repeals almost all of these provisions. **Sections 3-12** of this bill add such repealed provisions, with certain revisions, to chapter 125C of NRS, which concerns custody and visitation of children generally. The addition of such provisions to chapter 125C of NRS expands their applicability to the custody of all children regardless of whether they were born to parents who were married or unmarried.

Section 4 provides that absent a determination by a court regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court. **Sections 5 and 6** provide that if a parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with a child, such a demonstration or attempted demonstration creates a presumption that joint legal and physical custody, respectively, is in the best interest of the child. **Section 7** authorizes a court to award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child, and sets forth circumstances in which an award of joint physical custody is presumed not to be in the best interest of a child. **Section 7** also sets forth the circumstances in which a court may award primary physical custody to a mother or father of a child born out of wedlock.

Existing law requires a parent with primary physical custody of a child who intends to move outside this State with the child to: (1) obtain the written consent of the noncustodial parent; or (2) if the noncustodial parent refuses to give such consent, petition the court for permission to move with the child. (NRS 125C.200) **Section 16** of this bill additionally requires a parent with primary physical custody of a child to take such actions if the parent intends to relocate to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child. **Section 13** of this bill requires a parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court and wants to relocate outside this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child to **: (1) obtain the written consent of the non-relocating parent; or (2) if the non-relocating parent refuses to give such consent,** petition the court for primary physical custody of the child for the purpose of relocating. **Sections 13 and 16 also authorize the court to award reasonable attorney's fees and costs to a relocating parent or custodial parent, respectively, if the non-relocating parent or noncustodial parent refused to give consent to the relocation:**

(1) without having reasonable grounds for such refusal; or (2) for the purpose of harassing the relocating or custodial parent.

Section 14 of this bill requires a parent who files a petition for permission to relocate with a child to demonstrate to the court certain reasons and benefits relating to the relocation. **Section 14** also requires the court to consider certain factors in determining whether to allow a parent to relocate with a child. Under **section 18** of this bill, a parent who relocates with a child without the ~~[required]~~ written consent of the ~~[noncustodial]~~ **other** parent or the permission of the court or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable, is guilty of a category D felony unless the parent: (1) demonstrates a compelling excuse for the relocation; or (2) relocated to protect the child or the parent from danger. Additionally, **section 15** of this bill provides that if a parent relocates with a child in violation of **section 18**: (1) the court cannot consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination; and (2) the non-relocating parent can recover reasonable attorney's fees and costs incurred as a result of the relocating parent's violation.

Section 18 further provides that a parent who, pursuant to **section 4**, has joint legal and physical custody of a child because a court has not made a determination regarding the custody of the child is prohibited from willfully concealing or removing the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. Unless a parent who takes such actions can demonstrate to the satisfaction of the court that he or she was protecting the child or himself or herself from an act that constitutes domestic violence, the parent is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125.040 is hereby amended to read as follows:

125.040 1. In any suit for divorce the court may, in its discretion, upon application by either party and notice to the other party, require either party to pay moneys necessary to assist the other party in accomplishing one or more of the following:

(a) To provide temporary maintenance for the other party;

(b) To provide temporary support for children of the parties; or

(c) To enable the other party to carry on or defend such suit.

2. The court may make any order affecting property of the parties, or either of them, which it may deem necessary or desirable to accomplish the purposes of this section. Such orders shall be made by the court only after taking into consideration the financial situation of each of the parties.

3. The court may make orders pursuant to this section concurrently with orders pursuant to ~~[NRS 125.470.]~~ ***section 12 of this act.***

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive, of this act.

Sec. 3. ***The Legislature declares that it is the policy of this State:***

1. To ensure that minor children have frequent associations and a continuing relationship with both parents after the parents have ended their relationship, become separated or dissolved their marriage;

2. To encourage such parents to share the rights and responsibilities of child rearing; and

3. To establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, health care, education and financial support. As used in this subsection, "equivalent" must not be construed to mean that both parents are responsible for providing the same amount of financial support to their children.

Sec. 4. ***1. The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.***

2. If a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction.

Sec. 5. ***1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:***

(a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or

(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. The court may award joint legal custody without awarding joint physical custody.

Sec. 6. ***1. When a court is making a determination regarding the physical custody of a child, there is a preference that joint physical custody would be in the best interest of a minor child if:***

(a) The parents have agreed to an award of joint physical custody or so agree in open court at a hearing for the purpose of determining the physical custody of the minor child; or

(b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

2. For assistance in determining whether an award of joint physical custody is appropriate, the court may direct that an investigation be conducted.

Sec. 7. ***1. A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:***

(a) The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

(b) A child is born out of wedlock and the provisions of subsection 2 are applicable; or

(c) Except as otherwise provided in subsection 6 of section 8 of this act or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this paragraph is a rebuttable presumption.

2. A court may award primary physical custody of a child born out of wedlock to:

(a) The mother of the child if:

(1) The mother has not married the father of the child;

(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and

(3) The father of the child:

(I) Is not subject to any presumption of paternity under NRS 126.051;

(II) Has never acknowledged paternity pursuant to NRS 126.053; or

(III) Has had actual knowledge of his paternity but has abandoned the child.

(b) The father of the child if:

(1) The mother has abandoned the child; and

(2) The father has provided sole care and custody of the child in her absence.

3. As used in this section:

(a) "Abandoned" means that a mother or father has:

(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or

(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.

(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.

Sec. 8. *1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.*

2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.

3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to section 6 of this act or to either parent pursuant to section 7 of this act. If the court does not enter an order

awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.

(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

➥ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:

(a) Findings of fact that support the determination that one or more acts of abduction occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.

8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:

(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;

(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or

(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.

10. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 9. *1. Before the court makes an order awarding custody to any person other than a parent, without the consent of the parents, it shall make a finding that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interest of the child.*

2. No allegation that parental custody would be detrimental to the child, other than a statement of that ultimate fact, may appear in the pleadings.

3. The court may exclude the public from any hearing on this issue.

Sec. 10. *1. In any action for determining the custody of a minor child, the court may, except as otherwise provided in this section and NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:*

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of the child, make such an order for the custody, care, education, maintenance and support of the minor child as appears in his or her best interest; and

(b) At any time modify or vacate its order, even if custody was determined pursuant to an action for divorce and the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child entered by a court of another state may, subject to the provisions of NRS 125C.0601 to 125C.0693, inclusive, and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and NRS 125C.0601 to 125C.0693, inclusive, and must contain the following language:

> ***PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.***

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 11. *1. The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court's order concerning custody.*

2. Access to records and other information pertaining to a minor child, including, without limitation, medical, dental and school records, must not be denied to a parent for the reason that the parent is not the child's custodial parent.

Sec. 12. *1. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.*

2. If, during any action for determining the custody of a minor child, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.

3. If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours

before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.

4. All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.

5. A proceeding under this section must be given priority on the court calendar.

Sec. 13. *1. If joint physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall* ***, before relocating:***

(a) Attempt to obtain the written consent of the non-relocating parent to relocate with the child; and

(b) If the non-relocating parent refuses to give that consent, petition the court for primary physical custody for the purpose of relocating.

2. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child is subject to the provisions of NRS 200.359.

Sec. 14. *1. In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.200 or section 13 of this act, the relocating parent must demonstrate to the court that:*

(a) There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;

(b) The best interests of the child are ~~*[substantially better]*~~ *served by allowing the relocating parent to relocate* ~~*[,]*~~ ***with the child; and***

(c) The child and the relocating parent will benefit from an actual advantage ~~*[that currently exists or is certain to exist before the time]*~~ ***as a result*** *of the relocation* ***.*** ~~*[; and*~~

~~*(d) If the parents currently share joint custody of the child, the child will do substantially better in the new location than the child would if he or she remained in this State with the non-relocating parent.]*~~

2. If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating

parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:

(a) The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;

(b) Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;

(c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;

(d) Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;

(e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and

(f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.200 or section 13 of this act has the burden of proving that relocating with the child is in the best interest of the child.

Sec. 15. ***If a parent with primary physical custody or joint physical custody relocates with a child in violation of NRS 200.359:***

1. The court shall not consider any post-relocation facts or circumstances regarding the welfare of the child or the relocating parent in making any determination.

2. If the non-relocating parent files an action in response to the violation, the non-relocating parent is entitled to recover reasonable attorney's fees and costs incurred as a result of the violation.

Sec. 16. NRS 125C.200 is hereby amended to read as follows:

125C.200 ***1.*** If ***primary physical*** custody has been established ***pursuant to an order, judgment or decree of a court*** and the custodial parent intends to ~~[move]~~ ***relocate*** his or her residence to a place outside of this State ***or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child,*** and ***the custodial parent desires*** to take the child with him or her, the custodial parent ~~[must, as soon as possible and before the planned move, attempt]~~ ***shall ~~[:]~~ , before relocating:***

(a) Attempt to obtain the written consent of the noncustodial parent to ~~[move]~~ ***relocate with*** the child ~~[from this State. If]~~ ***; and***

(b) If the noncustodial parent refuses to give that consent, ~~[the custodial parent shall, before leaving this State with the child,]~~ petition the court for permission to ~~[move]~~ ***relocate with*** the child. ~~[The failure of a parent to comply~~

~~with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.]~~

2. The court may award reasonable attorney's fees and costs to the custodial parent if the court finds that the noncustodial parent refused to consent to the custodial parent's relocation with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the custodial parent.

3. A parent who relocates with a child pursuant to this section without the written consent of the noncustodial parent or the permission of the court is subject to the provisions of NRS 200.359.

Sec. 17. NRS 146.010 is hereby amended to read as follows:

146.010 Except as otherwise provided in this chapter or in ~~[NRS 125.510,]~~ ***section 10 of this act,*** if a person dies leaving a surviving spouse or a minor child or minor children, the surviving spouse, minor child or minor children are entitled to remain in possession of the homestead and of all the wearing apparel and provisions in the possession of the family, and all the household furniture, and are also entitled to a reasonable provision for their support, to be allowed by the court.

Sec. 18. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** parent who has joint legal ***and physical*** custody of a child pursuant to ~~[NRS 125.465]~~ ***section 4 of this act*** shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to ~~[deprive]~~ ***frustrate the efforts of*** the other parent ~~[of the parent and child]~~ ***to establish or maintain a meaningful*** relationship ~~[.]~~ ***with the child.*** A person who violates this subsection shall be punished as provided in subsection 1 ~~[.]~~ ***unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.***

3. If the mother of a child has primary physical custody pursuant to subsection 2 of ~~[NRS 126.031,]~~ ***section 7 of this act,*** the father of the child

shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of ~~[~~NRS 126.031,~~]~~ ***section 7 of this act,*** the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. ***A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to section 13 of this act without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child ~~[.]~~ , as applicable. A person who violates this subsection shall be punished as provided in subsection 1.***

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.200 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

~~[~~5.~~]~~ ***7.*** Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

~~[~~6.~~]~~ ***8.*** The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

~~[~~7.~~]~~ ***9.*** A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

~~[~~8.~~]~~ ***10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.200 or section 13 of this act.***

11. This section does not apply to a person who detains, conceals ***,*** ~~[~~or~~]~~ removes ***or relocates with*** a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment ***,*** ~~[~~or~~]~~ removal ***or relocation*** to

a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing **,** ~~[or]~~ removing ***or relocating with*** the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 19. NRS 125.460, 125.465, 125.470, 125.480, 125.490, 125.500, 125.510, 125.520 and 126.031 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

125.460 State policy.

125.465 Married parents have joint custody until otherwise ordered by court.

125.470 Order for production of child before court; determinations concerning physical custody of child.

125.480 Best interests of child; preferences; presumptions when court determines parent or person seeking custody is perpetrator of domestic violence or has committed act of abduction against child or any other child.

125.490 Joint custody.

125.500 Award of custody to person other than parent.

125.510 Court orders; modification or termination of orders; form for orders; court may order parent to post bond if parent resides in or has significant commitments in foreign country.

125.520 Plan for carrying out court's order; access to child's records.

126.031 Relationship of parent and child not dependent on marriage; primary physical custody of child born out of wedlock.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 958 to Assembly Bill No. 263.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 712.

AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-40.420) **Section 23** of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) **Section 20** of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) **Section 17** of this bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) **Sections 11 and 12** of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. **Section 2** of this bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. **Section 4** of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the penalties that attach upon conviction. **Section 3** of this bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover possession of the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.***

2. At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:

(a) Identify the address of the dwelling;

(b) Identify the court that has jurisdiction over any matter relating to the dwelling;

(c) Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and

(d) Advise the unlawful or unauthorized occupant that:

(1) One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.

(2) The unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.

(3) Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.

(4) Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 21 calendar days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.

3. The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after any locks are changed on the dwelling and must be accompanied by a statement which includes an address

for service of any documents on the owner of the dwelling or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful ~~[entry"]~~ occupancy" has the meaning ascribed to it in section ~~[48]~~ 47 of this act.

Sec. 3. *1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.*

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:

(a) Identify the court that has jurisdiction over the matter.

(b) Advise the unlawful or unauthorized occupant:

(1) Of his or her right to contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner, an authorized representative of the owner or the occupant may dispose of any personal property of the unlawful or

unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner, authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal may not be issued pursuant to subsection 6;

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall

determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit raises an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

(1) There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:

(a) The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.

(b) After the expiration of the 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. ***1. If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.***

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.

4. If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.

5. A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

6. If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.

7. This section does not affect:

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context requires otherwise:

1. ***"Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed

room or addition occupied by one or more persons as a ~~[dwelling]~~ ***residence*** or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

~~[2.]~~ ***4.*** "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

~~[3.]~~ ***5.*** "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

~~[4.]~~ ***6.*** "Premises" includes a mobile home.

~~[5.]~~ ***7.*** "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

~~[6.]~~ ***8.*** "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

~~[7.]~~ ***9.*** "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220 No entry shall be made ***upon or*** into any ~~[lands, tenements]~~ ***real property*** or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230 ***1.*** Every person is guilty of a forcible entry who ~~[either:~~

~~1. By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by]~~ ***unlawfully enters any real property:***

(a) By means of physical force resulting in damage to a structure on the real property;

(b) By any kind of violence or circumstance of terror ~~[, enters upon or into any]~~ ***;***

(c) Peaceably or otherwise and:

(1) Thereafter prevents the owner of the real property ~~[.]~~ ***from access or occupancy of the property by changing a lock;*** or

~~[2. Who, after entering peaceably upon real property, turns]~~

(2) Turns out by force, threats ***of violence*** or menacing conduct, the ~~[party in natural]~~ ***owner of the real property or an occupant who is authorized by the owner to be in*** possession ~~[.]~~ ***of the real property.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of

the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

(a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and

(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 ***1.*** Every person is guilty of a forcible detainer who either:

~~[1. By]~~

(a) Unlawfully holds and keeps the possession of any real property by force ~~[, or by menaces]~~ or threats of violence ~~[, unlawfully holds and keeps the possession of any real property,]~~ ***, or*** whether the ~~[same]~~ ***possession*** was acquired peaceably or otherwise; or

~~[2. Who, in the nighttime, or during the absence of the occupant of]~~

(b) Enters any real property ~~[, unlawfully enters thereon,]~~ ***without the authority of the owner of the property, an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property*** and who, after ~~[demand made for the]~~ ***receiving written notice to*** surrender ~~[thereof, refuses for a period of 3 days]~~ ***pursuant to subsection 2, fails*** to surrender the ~~[same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.]~~ ***property.***

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As

used in this section, "actual damages" means damages to real property and personal property.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 ***1.*** A tenant of real property ***, a dwelling unit, a recreational vehicle*** or a mobile home ***other than a mobile home lot or a recreational vehicle lot*** for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the ***real*** property ***, dwelling unit, recreational vehicle*** or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.252,~~]~~ ***40.254,*** inclusive, ~~[~~and NRS 40.254,~~]~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the ***real*** property, ***dwelling unit, recreational vehicle or mobile home,*** served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~[~~,~~]~~ ***or property,*** also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within ~~[~~3~~]~~ ***5*** days after the service, the tenant, or any subtenant in actual occupation of the premises ~~[~~,~~]~~ ***or property,*** or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 ***1.*** Except as otherwise provided by specific statute, in addition to the remedy provided in ~~[~~NRS 40.251 and in~~]~~ NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** when the tenant of a dwelling unit ***,*** ~~[~~which is subject to the provisions of chapter 118A of NRS,~~]~~ part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer ~~[~~,~~]~~ ***pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516,*** the landlord ~~[~~is entitled to~~]~~ ***or the landlord's agent may utilize*** the summary procedures ***for eviction as*** provided in NRS 40.253 except that ~~[~~:

~~1. Written~~] ***written*** notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to ~~[contest]~~ ***:***

(1) Contest the notice by filing ~~[within 5 days]~~ ***before the court's close of business on the fifth judicial day after the day of service of the notice*** an affidavit with the court that has jurisdiction over the matter ~~[that]~~ ***stating the reasons why*** the tenant is not guilty of an unlawful detainer ~~[.~~

~~2.]~~ ***; or***

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must ***state or*** contain:

(a) The date when the tenancy commenced, the term of the tenancy ~~[,]~~ and, if any, a copy of the rental agreement ***.*** ~~[.~~

~~(b) The]~~ ***If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.***

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when ***written notice to surrender was given to*** the tenant ~~[became subject]~~ ***pursuant*** to the provisions of NRS 40.251 ~~[to]~~ ***, 40.2514 or*** 40.2516, ~~[inclusive,]~~ together with any ~~[supporting]~~ facts ~~[.~~

~~(d) The date when the]~~ ***supporting the notice.***

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with ~~[NRS 40.280.]~~ ***NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.***

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to ~~[quit]~~ ***surrender*** has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act:***

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed

by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, ***and sections 2, 3 and 4 of this act*** after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings ~~[.]~~ ***, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.***

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a

record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~[quit]~~ ***surrender*** by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, ~~[may]~~ ***must*** be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness **.** ~~[,]~~ ***If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.***

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business **.** ~~[; or]~~

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. ***The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:***

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

~~[3. Before an]~~

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order ~~[to remove]~~ ***for removal of*** a tenant is issued ~~[pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof]~~ ***pursuant to NRS 40.253 or 40.254;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

5. Proof of service of an order or writ filed pursuant to subsection 4 must consist of:

(a) ~~[A statement,]~~ ***Except as otherwise provided in paragraphs (b) and (c):***

(1) If the notice was served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant ***or the unlawful or unauthorized occupant, as applicable,*** and a

witness, ***signed under penalty of perjury by the server,*** acknowledging that the tenant ***or occupant*** received the notice on a specified date ***.*** ~~[;~~
~~(b) A]~~

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service ~~[;]~~ or ***confirmation of actual delivery by a private postal service.***

~~[(c) The endorsement of]~~

(b) If the notice was served by a sheriff, ***a*** constable or ~~[other]~~ ***a person who is licensed as a*** process server ***pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice,*** stating the ~~[time]~~ ***date*** and manner of service.

~~[4. If]~~ ***The statement must also include the number of the badge or license of the person who served the notice.***

(c) For a short-term tenancy, if service of the notice was not delivered in person ~~[to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~

~~(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(b) The endorsement of a]~~ ***:***

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

~~[(1)]~~ ***(I)*** Time and date the request for service was made by the landlord or the landlord's agent;

~~[(2)]~~ ***(II)*** Time, date and manner of the service; and

~~[(3) Fees paid for the service.]~~

(III) Fees paid for the service.

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, ***and sections 2***

to 7, inclusive, of this act not exceeding 5 days; and when the defendant, or the defendant's agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness's deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the ~~[complainant]~~ ***plaintiff*** for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the ~~[complainant]~~ ***plaintiff*** admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; ***and sections 2 to 7, inclusive, of this act,*** and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure ***, Justice Court Rules of Civil Procedure*** and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act,*** apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $2,500 ..... $50.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 100.00
If the sum claimed exceeds $5,000 but does not exceed $10,000 ..... 175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, ~~***[and sections 2, 3 and 4 of this act]***~~ in which a notice to ~~[quit]~~ ***surrender*** has been served pursuant to NRS 40.255 ..... $225.00
In all other civil actions 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 ..... $45.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 ..... 65.00
If the sum claimed exceeds $2,500 but does not exceed $5,000 ..... 85.00
If the sum claimed exceeds $5,000 but does not exceed $7,500 ..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $50.00
For every additional defendant, appearing separately 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.
(e) For the filing of any paper in intervention $25.00
(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $25.00
(g) For the issuance of any writ of restitution $75.00
(h) For filing a notice of appeal, and appeal bonds $25.00
One charge only may be made if both papers are filed at the same time.
(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $25.00
(j) For preparation and transmittal of transcript and papers on appeal $25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk $75.00
(l) For entering judgment by confession $50.00
(m) For preparing any copy of any record, proceeding or paper, for each page ..... $.50
(n) For each certificate of the clerk, under the seal of the court $3.00
(o) For searching records or files in his or her office, for each year $1.00
(p) For filing and acting upon each bail or property bond $50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of

an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to ~~[quit.]~~ ***surrender.***

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[;]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[;]~~ ***and to the place where the leased property is situated, if different;*** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[.]~~ ***situated.***

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 32. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to ~~[quit.]~~ ***surrender.***

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[;]~~ ***, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;***

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[;]~~ ***and to the place where the leased property is situated, if different;*** or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[.]~~ ***situated.***

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed

conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~[vacate]~~ ***surrender*** specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;

(b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~[or]~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~[.]~~ ***; or***

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of

continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

(a) The provisions of chapter 118B of NRS;

(b) Leases and rental agreements;

(c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~[,]~~ ***, and sections 2 to 7, inclusive, of this act;***

(d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

(e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection ~~[6]~~ ***8*** of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:

(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant's household consisting of any of the following specific activities:

(1) Discharge of a weapon.

(2) Prostitution.

(3) Illegal drug manufacture or use.

(4) Child molestation or abuse.

(5) Property damage as a result of vandalism.

(6) Operating a vehicle while under the influence of alcohol or any other controlled substance.

(7) Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord's right, if any, to enter the tenant's manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant's permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant's continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act,*** if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and

(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~[quit]~~ ***surrender*** for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 ***Except as otherwise provided in sections 46 and 47 of this act:***

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~[every]~~

2. Every person who, having removed or been removed ~~[therefrom]~~ ***from any lands or possessions of another*** pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,

➥ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. ***As used in sections 45 to 48, inclusive, of this act, "dwelling" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.***

Sec. 46. ***1. A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.***

2. A person convicted of housebreaking is guilty of:

(a) For a first offense, a gross misdemeanor; and

(b) For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.

4. As used in this section, "forcibly enters" means an entry involving:

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 47. ***1. A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.***

2. A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 48. ***1. A person is guilty of unlawful reentry if:***

(a) An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and

(b) Without the authority of the court or permission of the owner, the person reenters the property.

2. A person convicted of unlawful reentry is guilty of a gross misdemeanor.

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➥ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have

occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, ***and sections 2 to 7, inclusive, of this act*** do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.

Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, ***and sections 2 to 7, inclusive, of this act*** and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, "actual damages" means damages to real property and personal property.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 712 to Assembly Bill No. 386.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 70.

The following Senate amendment was read:

Amendment No. 863.

SUMMARY—Provides for the administration and enforcement of ~~[excise taxes on]~~ **various provisions relating to** medical marijuana. (BDR 32-322)

AN ACT relating to ~~[taxation;]~~ **medical marijuana;** providing for the administration and enforcement of taxes on the sale of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments; eliminating certain duties of the Department of Taxation relating to the rates of such taxes; **providing for the collection of a fee by an agency of a local government from a medical marijuana establishment for certain costs of the agency; authorizing an independent contractor to provide labor to a medical marijuana establishment in certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes taxes on: (1) the sale of controlled substances, which are defined to exclude marijuana, edible marijuana products and marijuana-infused products; and (2) the wholesale and retail sales of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments. (NRS 372A.070, 372A.075) **Sections 4-21** of this bill generally provide for the administration and enforcement of the taxes imposed on sales by medical marijuana establishments. **Section 10** adopts by reference provisions of general applicability relating to the payment, collection, administration and enforcement of taxes. **Sections 11 and 12** require that a taxpayer maintain certain records and provide for the inspection of those records by the Department of Taxation or its authorized representative. **Sections 1 and 2** of this bill and **sections 13-15** adopt provisions governing penalties for failure to pay, claims for refunds and credits, and the payment of interest on any overpayment of the tax on medical marijuana. **Section 16** sets forth the procedure by which the denial of a claim for a refund or credit may be appealed to the Nevada Tax Commission and provides that the Commission's final decision on an appeal is a final decision for the purposes of judicial review pursuant to the Nevada Administrative Procedure Act. **Section 17** denies standing to commence or maintain a proceeding for judicial review to anyone other than the person who made the disputed payment. If judgment is rendered for the claimant in such a proceeding, **section 18** provides for the allowance and computation of interest on the amount found to have been erroneously or illegally collected. **Section 19** prohibits proceedings to prevent or enjoin the collection of the tax and requires that a timely claim for a refund or credit be made as a prerequisite to any proceeding for the recovery of a refund. **Section 20** makes it a gross misdemeanor for any person to file a false or fraudulent return or engage in other conduct with intent to defraud the State or evade payment of the tax. **Section 21** provides that the remedies of the State relating to the administration of the tax are cumulative,

meaning that the pursuit of one remedy by the Department or the Attorney General does not preclude the pursuit of any other authorized remedy.

Under existing law, the Department is required regularly to review the rates of the taxes imposed on sales by medical marijuana establishments and make recommendations to the Legislature regarding adjustments of those rates. (NRS 372A.075) **Section 23** of this bill eliminates that requirement. With that exception, **sections 22-28** of this bill reflect a reorganization of the provisions of chapter 372A of NRS, but make no substantive changes.

Under existing law, an applicant for the issuance or renewal of a medical marijuana establishment registration certificate must submit proof that it has complied with the zoning restrictions and applicable building requirements of the local governmental authority for the place it will be located. (NRS 453A.322) Additionally, in a local governmental jurisdiction that issues business licenses, the issuance of a medical marijuana establishment registration certificate is provisional until the establishment complies with all applicable local governmental ordinances or rules and receives a business license. (NRS 453A.326) Section 29 of this bill requires an agency of a local government that performs inspections, reviews or other tasks related to ensuring that a medical marijuana establishment complies with all applicable local governmental ordinances or rules to maintain records of: (1) the hours its employees spend on these inspections, reviews and tasks; (2) the rate of pay of such employees; and (3) the share of any costs for equipment for the agency attributable to the establishment. Section 29 requires the agency to provide these records to the establishment within 30 days after performing such inspections, reviews or tasks and requires the establishment to pay a fee to the agency equal to the actual costs of the agency to perform the inspections, reviews and tasks. Section 29 requires that the proceeds of such a fee be expended only to pay the costs to perform such inspections, reviews and tasks and prohibits the proceeds from supplanting other support for the agency.

Under existing law, a person must register with the Division of Public and Behavioral Health of the Department of Health and Human Services as a medical marijuana establishment agent before volunteering or working at a medical marijuana establishment. (NRS 453A.332) Sections 30, 31 and 33 of this bill allow an independent contractor and its employees to register as medical marijuana establishment agents and provide labor to a medical marijuana establishment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of

NRS, ***any of the taxes provided for in NRS 372A.075,*** any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 2. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, ***any of the taxes provided for in NRS 372A.075,*** or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 3. Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 21, inclusive, of this act.

Sec. 4. ***As used in NRS 372A.075 and sections 4 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Cultivation facility" has the meaning ascribed to it in NRS 453A.056.***

Sec. 6. ***"Excise tax on medical marijuana" means any of the excise taxes imposed by NRS 372A.075.***

Sec. 7. ***"Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.***

Sec. 8. *"Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.*

Sec. 9. *"Taxpayer" means a:*

1. Cultivation facility;

2. Facility for the production of edible marijuana products or marijuana-infused products; or

3. Medical marijuana dispensary.

Sec. 10. *The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax on medical marijuana to the extent that those provisions do not conflict with the provisions of NRS 372A.075 and sections 4 to 21, inclusive, of this act.*

Sec. 11. *1. Each person responsible for maintaining the records of a taxpayer shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of NRS 372A.075 and sections 4 to 21, inclusive, of this act;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to NRS 372A.075 and sections 4 to 21, inclusive, of this act is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 12. *1. To verify the accuracy of any return filed by a taxpayer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax on medical marijuana.*

2. Any person who may be liable for the excise tax on medical marijuana and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 13. *If the Department determines that the excise tax on medical marijuana or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved*

by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 14. *1. Except as otherwise provided in NRS 360.235 and 360.395:*

(a) No refund of the excise tax on medical marijuana may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 15. *1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax on medical marijuana at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.*

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 16. *1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.*

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider the claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 17. *1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.*

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 18. ***1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.***

2. In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 19. ***1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax on medical marijuana or any amount of tax, penalty or interest required to be collected.***

2. No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 14 of this act.

Sec. 20. ***1. A person shall not, with intent to defraud the State or evade payment of the excise tax on medical marijuana or any part of the tax:***

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 21. ***The remedies of the State provided for in NRS 372A.075 and sections 4 to 21, inclusive, of this act are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.***

Sec. 22. NRS 372A.060 is hereby amended to read as follows:

372A.060 1. ~~[This chapter does]~~ ***The provisions of this section, NRS 372A.070 and 372A.080 to 372A.130, inclusive, do*** not apply to:

(a) Any person who is registered or exempt from registration pursuant to NRS 453.226 or any other person who is lawfully in possession of a controlled substance; or

(b) ~~[Except as otherwise provided in NRS 372A.075, any]~~ ***Any*** person who acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana for the medical use of marijuana as authorized pursuant to chapter 453A of NRS.

2. Compliance with ***the provisions of*** this ~~[chapter]~~ ***section, NRS 372A.070 and 372A.080 to 372A.130, inclusive,*** does not immunize a person from criminal prosecution for the violation of any other provision of law.

Sec. 23. NRS 372A.075 is hereby amended to read as follows:

372A.075 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.

3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana-infused products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the medical marijuana dispensary.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

(c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.

4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:

(a) Seventy-five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(b) Twenty-five percent must be expended to pay the costs of the Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive.

5. ~~[The Department shall review regularly the rates of the excise taxes imposed pursuant to subsections 1, 2 and 3 and make recommendations to the Legislature, as appropriate, regarding adjustments that the Department determines would benefit the residents of this State.~~

~~6.]~~ As used in this section:

(a) ~~[“Cultivation facility” has the meaning ascribed to it in NRS 453A.056.~~

~~(b)]~~ “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.

~~[(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.~~

~~(d)]~~ ***(b)*** "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

~~[(e) "Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.~~

~~(f)]~~ ***(c)*** "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 24. NRS 372A.080 is hereby amended to read as follows:

372A.080 1. Except as otherwise provided in NRS 239.0115, all information which is submitted to the Department by or on behalf of a dealer in controlled substances pursuant to ~~[this chapter]~~ ***NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive,*** and all records of the Department which contain the name, address or any other identifying information concerning a dealer are confidential.

2. No criminal prosecution may be initiated on the basis of:

(a) Information which was submitted to the Department; or

(b) Evidence derived from information submitted to the Department, pursuant to ~~[this chapter]~~ ***NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive,*** or any regulation adopted pursuant thereto.

3. No information described in paragraph (a) or (b) of subsection 2 is admissible in a criminal prosecution, unless the prosecution shows that the information:

(a) Was independently discovered; or

(b) Inevitably would have been discovered based on independent information.

4. This section does not prohibit the Department from publishing statistics that do not disclose the identity of a dealer or the contents of a particular return or report submitted to the Department by a dealer.

5. Any person who releases or reveals confidential information in violation of this section is guilty of a gross misdemeanor.

Sec. 25. NRS 372A.090 is hereby amended to read as follows:

372A.090 1. The Department shall:

(a) Design suitable stamps for the purpose of ~~[this chapter.]~~ ***NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive.***

(b) Have as many stamps printed as may be required.

(c) Sell the stamps to dealers in controlled substances who are registered.

2. The stamps must be serially numbered and the Department shall maintain a record of the number of each stamp with the name of the dealer to whom it was sold.

Sec. 26. NRS 372A.110 is hereby amended to read as follows:

372A.110 1. All taxes and fees collected by the Department pursuant to ~~[this chapter,]~~ ***NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive,*** after deducting the actual cost of producing the stamps and administering ~~[this chapter,]~~ ***the provisions of those sections,*** must be

deposited with the State Treasurer for credit to the State General Fund and accounted for separately.

2. The Governor or his or her designee shall administer the money credited to the State General Fund pursuant to subsection 1. The money may be expended only for grants to county and city law enforcement agencies for the enforcement of chapter 453 of NRS.

3. Any civil penalty collected by a district attorney pursuant to NRS 372A.070 must be deposited in the county treasury for the purposes of law enforcement and conducting criminal prosecutions.

Sec. 27. NRS 372A.120 is hereby amended to read as follows:

372A.120 1. The Department shall immediately deliver any controlled substances which come into its possession in the course of administering ~~[this chapter,]~~ ***NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive,*** with a full accounting to the Investigation Division of the Department of Public Safety.

2. The Investigation Division of the Department of Public Safety and every other law enforcement agency shall notify the Department of each person it discovers having possession of a controlled substance and the serial number of any stamps affixed.

Sec. 28. NRS 372A.130 is hereby amended to read as follows:

372A.130 No person may bring suit to enjoin the assessment or collection of any taxes, interest or civil penalties imposed by ~~[this chapter.]~~ ***NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive.***

Sec. 29. **Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each agency of a local government which performs inspections, reviews or other tasks related to ensuring that a medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules pursuant to NRS 453A.326 shall maintain records of the hours its employees spend performing these inspections, reviews and tasks, the rate of pay of each such employee and the share of any costs for equipment for the agency which is attributable to the establishment.

2. Each agency of a local government shall provide records maintained pursuant to subsection 1 to the medical marijuana establishment not less than 30 days after the agency performs an inspection, review or other related task.

3. Except as otherwise provided in subsection 5:

(a) A medical marijuana establishment shall pay a fee to an agency of a local government which provides records of its costs to the establishment pursuant to subsection 2 in an amount equal to the actual costs of the agency to perform the inspection, review or other related task.

(b) If a medical marijuana establishment fails to pay the fee imposed by this subsection within 30 days after receipt of the records provided pursuant to subsection 2, the agency may charge a penalty of $500 and assess interest

on the fee at a rate of 7 percent per year commencing 30 days after receipt of the records.

4. Any revenue generated from a fee imposed pursuant to subsection 3:

(a) Must be expended only to pay the costs of the agency of a local government to perform an inspection, review or other task related to ensuring the medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) Must not supplant any other support provided to the agency of a local government by the local government.

5. A medical marijuana establishment may appeal a fee imposed pursuant to subsection 3 to the appropriate local government by submitting a written request to the local government not more than 30 days after the imposition of the fee which includes documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous. The obligation of the medical marijuana establishment to pay the fee is suspended until such an appeal is dismissed or the amount of the fee is redetermined pursuant to subsection 7.

6. A local government which receives a written request pursuant to subsection 5 shall administratively dismiss the request if it is not accompanied by documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous.

7. A local government shall hold a hearing to determine the appropriate amount of a fee imposed pursuant to subsection 3 if the documentation which accompanies a written request submitted pursuant to subsection 5 shows that the amount of the fee was unsubstantiated or erroneous. The local government may revise the amount of the fee only if it determines that the records maintained by the agency of the local government do not support the amount of the fee imposed.

Sec. 30. **NRS 453A.117 is hereby amended to read as follows:**

453A.117 "Medical marijuana establishment agent" means an owner, officer, board member, employee or volunteer of a medical marijuana establishment[.] ***, an independent contractor who provides labor relating to the cultivation or processing of marijuana or the production of usable marijuana, edible marijuana products or marijuana-infused products for a medical marijuana establishment or an employee of such an independent contractor.***

Sec. 31. **NRS 453A.332 is hereby amended to read as follows:**

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, ***contract to provide labor to or be employed by an independent contractor to provide labor to*** a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Division pursuant to this section.

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the

Division an application on a form prescribed by the Division. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the Division may require by regulation.

3. ***A medical marijuana establishment that wishes to contract with an independent contractor to provide labor as a medical marijuana establishment agent shall submit to the Division an application on a form prescribed by the Division for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:***

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical

marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the Division may require by regulation.

4. A medical marijuana establishment shall notify the Division within 10 days after a medical marijuana establishment agent ceases to be employed by **,** ~~[or]~~ volunteer at ***or provide labor as a medical marijuana establishment agent to*** the medical marijuana establishment.

~~[4.]~~ ***5.*** A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➥ shall not serve as a medical marijuana establishment agent.

~~[5.]~~ ***6.*** The Division shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

~~[6.]~~ ***7.*** The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Division at the time the establishment was registered with the Division.

~~[7.]~~ ***8.*** If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person ***and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent,*** a medical marijuana establishment agent registration card. If the Division does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Division acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

Sec. 32. **NRS 453A.340 is hereby amended to read as follows:**

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical

marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to section 29 of this act.

Sec. 33. **NRS 453A.344 is hereby amended to read as follows:**

453A.344 1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary $30,000

For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary 5,000

For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility 3,000

For the renewal of a medical marijuana establishment registration certificate for a cultivation facility 1,000

For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products 3,000

For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products 1,000

For ***each person identified in an application for*** the initial issuance of a medical marijuana establishment agent registration card 75

For ***each person identified in an application for*** the renewal of a medical marijuana establishment agent registration card 75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory 5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Division:

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the Division in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Division in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 34. **NRS 453A.370 is hereby amended to read as follows:**

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer ~~[.]~~ ***or provide labor as a medical marijuana establishment agent.***

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

~~[Sec. 29.]~~ ***Sec. 35.*** This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 863 to Assembly Bill No. 70.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Motion carried by a constitutional two-thirds majority.

Bill ordered to enrollment.

Assembly Bill No. 191.

The following Senate amendment was read:

Amendment No. 686.

AN ACT relating to taxation; revising provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles; providing that the boards of county commissioners of certain larger counties may continue the imposition of certain additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority

of the voters in the county; providing for the imposition by the boards of county commissioners of certain counties of additional taxes on fuels for motor vehicles if a ballot question authorizing such additional taxes is approved by a majority of the voters in the county; requiring the approval by voters of additional ballot measures to continue the imposition of the additional taxes; providing that money collected from certain of the additional taxes must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected; repealing certain provisions relating to a ballot question providing for the imposition by the State of certain additional taxes on fuels for motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose, upon approval by a two-thirds majority of the members of the board, additional taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2014, and ending on December 31, 2016. Existing law provides that for the period beginning on January 1, 2017: (1) the board of county commissioners must not impose any additional increases in certain taxes authorized by that provision of existing law; and (2) increases in the remainder of the taxes authorized by that provision may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0663) **Section 2** of this bill removes the prohibition on the continued imposition of additional increases in certain taxes, subject to the existing provisions which provide that the additional increases may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases. **Section 2** additionally provides that for the period beginning on January 1, 2027, additional annual increases in the taxes on motor vehicle fuel and various special fuels used in motor vehicles may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. If the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases, **section 1** of this bill provides that any money collected from certain additional taxes imposed on motor vehicle fuel and various special

fuels used in motor vehicles after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. **Sections 4, 7, 9 and 12** of this bill make conforming changes.

Upon approval by a majority of the voters in any county, other than Clark or Washoe County, at the general election in November 2016, existing law requires the board of county commissioners of the county to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. Existing law also authorizes the board of county commissioners to provide for annual increases in these taxes, for the period beginning on January 1, 2017, and ending on December 31, 2026. Additionally, existing law provides that, for the period beginning on January 1, 2027, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0667) Existing law also provides for a statewide ballot measure, approval of which by a majority of the voters in the State at the general election in November 2016 would require the State to impose additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles and to impose annual increases on those taxes. (Section 12 of chapter 540, Statutes of Nevada 2013, p. 3586) **Section 18** of this bill repeals the provisions of existing law relating to the statewide ballot measure concerning the imposition by the State of additional state taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Sections 3 and 17** of this bill instead require the board of county commissioners of a county other than Clark or Washoe County, upon approval by a majority of the voters in the county at the general election in November 2016, to impose such additional taxes on motor vehicle fuel and various special fuels used in motor vehicles in the same manner as the board is required under existing law to impose the additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Sections 14.5 and 15** of this bill provide that money collected from certain additional taxes imposed on motor vehicle fuel and various special fuels used in motor vehicles on or after January 1, 2017, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected. **Sections 4.5, 5, 6, 7.5, 8, 9.5, 10, 11, 12.5, 13, 14 and 18** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016, must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 2. NRS 373.0663 is hereby amended to read as follows:

373.0663 1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the

adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal

year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax

imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. An ordinance authorized by this section must be approved by a two-thirds majority of the members of the board. If the board adopts an ordinance authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

(a) Must be adopted before October 1, 2013;

(b) Must become effective on January 1, 2014; and

(c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017 ~~[~~:

~~(1) The board shall not impose any additional annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance after November 8, 2016, but any annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 and imposed by the ordinance.~~

~~(2) The~~~~]~~ ***, and ending on December 31, 2026, the*** annual increases in the taxes authorized by ~~[~~~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~~~]~~ ***this section*** and imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by ~~[~~~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~~~]~~ ***this section*** in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by ~~[~~~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~~~]~~ ***this section*** and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by ~~[~~~~paragraphs (a) to (d), inclusive, (f), (k), (l) and (m) of subsection 1~~~~]~~ ***this section*** and imposed by the ordinance after November 8, 2016, but any annual increases in such taxes imposed by the ordinance on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

(c) For the period beginning on January 1, 2027, if the question placed on the ballot pursuant to paragraph (b) is approved by a majority of the registered voters in the county voting on the question, the annual increases in the taxes authorized by this section and imposed by the ordinance may be effectuated if a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved at the general election on November 3, 2026, by a majority of such voters, no further action by the board is necessary to effectuate the annual increases

in the taxes authorized by this section and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by this section and imposed by the ordinance after November 3, 2026, but any annual increases in such taxes imposed by the ordinance on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that Index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that Index ceases to be published by the United States

Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 3. NRS 373.0667 is hereby amended to read as follows:

373.0667 1. In addition to any other tax imposed pursuant to this chapter:

(a) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax

imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) ***The board shall by ordinance impose:***

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board shall by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or

the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(f)]~~ ***(g) The board shall by ordinance impose:***

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(g)]~~ ***(l)*** The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

~~[(h)]~~ ***(m)*** The board shall by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph ~~[(f) or (g),]~~ ***(k) or (l),*** which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 4, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. Upon the adoption of the ordinance required by subsection 1, and except as otherwise provided in subsection 4, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed by the board pursuant to this section. Except as otherwise provided in subsection 4, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

4. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2017, and ending on December 31, 2026, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2027, the annual increases in the taxes ***authorized by this section and*** imposed by the ordinance may ~~[not]~~ be effectuated ~~[unless]~~ ***if*** a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters in the county voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 3, 2026, but

any annual increases in the taxes imposed by the ordinance in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by the ordinance.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

Sec. 4. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 or paragraph (a) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 or paragraph (b) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 or paragraph (c) of subsection 1 of NRS 373.0663 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must, except as otherwise required by subsection 6 of NRS 373.140, ***and section 1 of this act,*** require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 or 373.0663 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 or 373.0663, and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 4.5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, ***and section 14.5 of this act,*** require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 5. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066, paragraph (a) of subsection 1 of NRS 373.0663 or paragraph (a) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066, paragraph (b) of subsection 1 of NRS 373.0663 or paragraph (b) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066, paragraph (c) of subsection 1 of NRS 373.0663 or paragraph (c) of subsection 1 of NRS 373.0667 must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must, except as otherwise required by subsection 6 of NRS 373.140, ***and section 15 of this act,*** require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066, 373.0663 or 373.0667 must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066, 373.0663 or 373.0667 and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 6. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066, paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (a) to ~~[(e),]~~ ***(f),*** inclusive, of subsection 1 of NRS 373.0667, does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs ~~[(f), (g) and (h)]~~ ***(g) to (m), inclusive,*** of subsection 1 of NRS 373.0667, does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066, 373.0663 or 373.0667 is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 7. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, ***and section 1 of this act,*** be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7.5. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, ***and section 14.5 of this act,*** be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or

paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 8. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, ***and section 15 of this act,*** be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065, paragraph (a), (b) or (c) of subsection 1 of NRS 373.066, paragraph (a), (b) or (c) of subsection 1 of NRS 373.0663 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.0667 which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 9. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 1 of this act,*** the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 9.5. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 14.5 of this act,*** the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of

NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 10. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, ***and except as otherwise provided in section 15 of this act,*** the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 that represents collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 11. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized or required by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of

NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by

this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065, paragraphs (a) and (b) of subsection 1 of NRS 373.066, paragraphs (a) and (b) of subsection 1 of NRS 373.0663 and paragraphs (a) and (b) of subsection 1 of NRS 373.0667 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 12. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663, except as otherwise ***provided in section 1 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 12.5. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, except as otherwise ***provided in section 14.5 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented

by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 13. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any

county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

(a) The priorities established by the plan;

(b) The relation of the proposed work to other projects already constructed or authorized;

(c) The relative need for the project in comparison with others proposed; and

(d) The money available.

➥ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, except as otherwise ***provided in section 15 of this act, otherwise*** required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➥ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 or paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 14. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667, excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.0663 and paragraphs (d) to ~~[(h),]~~ ***(m),*** inclusive, of subsection 1 of NRS 373.0667 are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board

or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 14.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from the annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS ~~[373.0663]~~ ***373.0667*** and imposed by the ordinance ***on or*** after ~~[November 8, 2016,]~~ ***January 1, 2017,*** must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 15. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, money collected from ~~[the]~~ ***:***

1. The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0663 and imposed by the ordinance after November 8, 2016 ~~[,]~~ ***; or***

2. The annual increases in the taxes authorized by paragraphs (e) and (g) to (j), inclusive, of subsection 1 of NRS 373.0667 and imposed by the ordinance on or after January 1, 2017,

➥ must be deposited with the State Treasurer to the credit of the State Highway Fund, accounted for separately in the State Highway Fund and used by the Department of Transportation only to finance projects for the construction, maintenance and repair of state highways in the county in which the tax is collected.

Sec. 16. Section 14 of chapter 540, Statutes of Nevada 2013, at page 3587, is hereby amended to read as follows:

Sec. 14. ~~[1.]~~ This section and sections 1, 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 11.5 of this act become effective upon passage and approval.

~~[2. Section 12 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~3. Section 13 of this act becomes effective on October 1, 2013, if and only if a board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013.~~

~~4. Sections 1.2, 1.5, 3.2 and 8.2 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~5. Sections 1.2, 1.3, 1.5, 1.8, 1.85, 2.3, 3.1, 4.3, 5.3, 6.3, 7.3, 8.1, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~6. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners adopts an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 13 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 13 of this act is~~

~~approved by a majority of the registered voters in any county in this State voting on the question.~~

~~7. Sections 1.2, 1.5, 3.7 and 8.7 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is not approved by a majority of the registered voters in every county in this State voting on the question.~~

~~8. Sections 1.2, 1.3, 1.5, 1.9, 1.95, 2.7, 3.5, 4.7, 5.7, 6.7, 7.7, 8.5, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~9. Sections 1.3, 1.9, 1.95, 2.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.9, 9.7, 10.7 and 11.3 of this act become effective on January 1, 2017, if:~~

~~(a) A board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013;~~

~~(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 1 of section 12 of this act is not approved by a majority of the registered voters in this State voting on the question; and~~

~~(c) The question placed on the ballot at the general election on November 8, 2016, pursuant to subsection 2 of section 12 of this act is approved by a majority of the registered voters in any county in this State voting on the question.~~

~~10. Sections 1.1, 1.7, 1.75, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of this act expire by limitation on October 1, 2013, if a board of county commissioners does not adopt an ordinance authorized by section 1.1 of this act before October 1, 2013.~~**]**

Sec. 17. A question must be placed on the ballot at the general election on November 8, 2016, in each county in this State other than Clark County and Washoe County, which asks the voters in the county whether to authorize the

board of county commissioners of the county to impose, for the period beginning on January 1, 2017, and ending on December 31, 2026, the taxes authorized by NRS 373.0667, as amended by section 3 of this act, and the additional annual increases in those taxes authorized by that section.

Sec. 18. 1. NRS 373.0665 and 373.165 are hereby repealed.

2. Sections 1.9, 1.95, 2.7, 3.1, 3.2, 3.5, 3.7, 3.9, 4.7, 5.7, 6.7, 7.7, 8.1, 8.2, 8.5, 8.7, 8.9, 9.7, 10.7, 11.3, 12 and 13 of chapter 540, Statutes of Nevada 2013, at pages 3549, 3550, 3552, 3554, 3555, 3557, 3558, 3561, 3562, 3563, 3564, 3565, 3567, 3569, 3570, 3571, 3576, 3581, 3584 and 3586, are hereby repealed.

Sec. 19. Sections 1.3, 1.8, 1.85, 2.3, 3.3, 4.3, 5.3, 6.3, 7.3, 8.3, 9.3, 10.3 and 11.1 of chapter 540, Statutes of Nevada 2013, become effective on January 1, 2017, if the question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

Sec. 20. 1. This section and sections 2 and 16 to 19, inclusive, of this act become effective upon passage and approval.

2. Sections 1, 4, 7, 9 and 12 of this act become effective on November 9, 2016, if the question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question.

3. Sections **3,** 4.5, 6, 7.5, 9.5, 11, 12.5, 14 and 14.5 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is not approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

4. Sections 3, 5, 6, 8, 10, 11, 13, 14 and 15 of this act become effective on January 1, 2017, if:

(a) The question placed on the ballot at the general election on November 8, 2016, pursuant to NRS 373.0663, as amended by section 2 of this act, is approved by a majority of the registered voters in Clark County voting on the question; and

(b) The question placed on the ballot at the general election on November 8, 2016, pursuant to section 17 of this act is approved by a majority of the registered voters in any county in this State voting on the question.

TEXT OF REPEALED SECTIONS

373.0665 Additional taxes in all counties: Impositions; rates and annual increases; money received credited to State Highway Fund.

1. In addition to any other tax imposed pursuant to chapter 365 or 366 of NRS:

(a) There is hereby imposed:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in this State in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in this State in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in this State in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) There is hereby imposed:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in this State in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) There is hereby imposed:

(1) An excise tax on each gallon of special fuel sold in this State, other than any special fuel described in paragraph (b), (c) or (d), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which this section becomes effective; and

(2) Except as otherwise provided in subsection 3, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. The applicable percentage for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 3, the Legislature may amend the applicable percentage from time to time, but any such amendment must not become effective earlier than 90 days after the date of the action by the Legislature amending the applicable percentage. Except as otherwise provided in NRS 373.165, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

3. For the period:

(a) Beginning on January 1, 2017, and ending on December 31, 2026, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section.

(b) Beginning on January 1, 2027, the annual increases in the taxes imposed by this section must not be effectuated unless a question is placed on the ballot at the general election on November 3, 2026, which asks the voters in this State

whether to authorize the Legislature to impose, for the period beginning on January 1, 2027, the increases authorized by this section in the taxes imposed by this section and the question is approved by a majority of the registered voters in this State voting on the question. If the question is approved by a majority of such voters, no further action by the Legislature is necessary to effectuate the annual increases in the taxes imposed by this section. If the question is not approved by a majority of such voters, the Legislature shall not impose any additional annual increases in the taxes imposed by this section after November 3, 2026, but any annual increases in the taxes imposed by this section in effect on or before November 3, 2026, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by the taxes imposed by this section.

4. All money received from the taxes imposed pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the Legislature in any act amending the applicable percentage of a tax imposed pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street

construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the Legislature.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

373.165 Pledge of continuing increases in taxes imposed pursuant to NRS 373.0665.

1. Except as otherwise provided in subsection 2, any continuing increases in any taxes imposed pursuant to NRS 373.0665 must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations which are secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but the taxes imposed pursuant to NRS 373.0665 that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.

2. At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to NRS 373.0665, the Legislature may, except as otherwise provided in paragraph (b) of subsection 3 of NRS 373.0665:

(a) Continue the pledge of the increase in taxes imposed pursuant to NRS 373.0665 beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the action by the Legislature authorized by this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 have been paid in full.

(b) Specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of any action of the Legislature authorized by this subsection; and

(3) The effective date of any action by the Legislature reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to NRS 373.0665 are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of any action by the Legislature authorized by paragraph (a).

3. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 373.0665.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 686 to Assembly Bill No. 191.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 816.

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner's property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term "owner" includes a person who owns, controls or possesses taxable property.

Section 2 of this bill provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner ~~[,]~~ or **of** an affiliate of the owner ~~[,]~~ who is acting within the scope of his or her employment. **Section 2** further provides that if there is an objection to the written authorization provided by the person who filed the appeal, written notice of the objection must be given to the person who filed the appeal and that person may submit documentation to cure the objection within 5 business days after receipt of the notice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. ***The term "owner" includes a person who owns, controls or possesses taxable property.***

2. The term "property" includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~[2.]~~ ***3.*** Where the term "property" is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term "owner" used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 ***1.*** Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. ***The written authorization required by this subsection may be signed by:***

(a) The owner; or

(b) ~~[An employee of]~~ A person employed by the owner ~~[,]~~ or an affiliate of the owner ~~[,]~~ who is acting within the scope of his or her employment.

2. If ~~[the]~~ ***a*** person files the appeal in a timely manner without the written authorization required by ~~[this section,]~~ ***subsection 1,*** the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

3. If there is an objection to a written authorization provided pursuant to subsection 1, written notice specifying the grounds for the objection must be given to the person filing the appeal by the assessor ~~[by]~~ :

(a) By certified mail ~~[,]~~ ; or

(b) If the person filing the appeal provided his or her electronic mail address on the form on which the appeal was filed, by electronic mail to the electronic mail address provided on that form.

4. If the person filing the appeal submits documentation necessary to cure the objection described in subsection 3 within 5 business days after receipt of the notice, the appeal must be deemed to be filed in a timely manner.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 816 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 884.

AN ACT relating to property taxes; revising provisions governing appeals of the assessment of property to county boards of equalization and the State Board of Equalization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that under certain circumstances, the owner of real or personal property that is placed on the secured or unsecured tax roll may file an appeal concerning the assessment of the owner's property with the county board of equalization or the State Board of Equalization. (NRS 361.356, 361.357, 361.360) Existing law further provides that if a person files such an appeal, on behalf of the owner of the property, the person filing the appeal must provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal. If the appeal is filed in a timely manner without the written authorization, the person filing the appeal may provide the written authorization within 48 hours after the deadline for filing the appeal. (NRS 361.362)

Section 1 of this bill specifically provides that for the purposes of appeals to a county board of equalization or the State Board of Equalization, the term "owner" includes a person who owns ~~[,]~~ **or** controls **taxable property** or possesses **in its entirety** taxable property.

Section 2 of this bill provides that the written authorization to file an appeal on behalf of an owner of property may be signed by: (1) the owner; or (2) an employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment. **Section 2** further provides that if there is an objection to the written authorization provided by the person who filed the appeal, written notice of the objection must be given to the person who filed the appeal and that person may submit documentation to cure the objection within 5 business days after receipt of the notice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.334 is hereby amended to read as follows:

361.334 As used in NRS 361.334 to 361.435, inclusive:

1. ***The term "owner" includes a person who owns ~~[,]~~ or controls taxable property or possesses in its entirety taxable property.***

2. The term "property" includes a leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property which is taxable pursuant to NRS 361.157 or 361.159.

~~[2.]~~ ***3.*** Where the term "property" is read to mean a taxable leasehold interest, possessory interest, beneficial interest or beneficial use of a lessee or user of property, the term "owner" used in conjunction therewith must be interpreted to mean the lessee or user of the property.

Sec. 2. NRS 361.362 is hereby amended to read as follows:

361.362 ***1.*** Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file

the appeal concerning the assessment that was made. ***The written authorization may be signed by:***

(a) The owner; or

(b) An employee of the owner, or an affiliate of the owner, who is acting within the scope of his or her employment.

2. If ~~[the]~~ ***a*** person files the appeal in a timely manner without the written authorization required by ~~[this section,]~~ ***subsection 1,*** the person may provide that written authorization within 48 hours after the last day allowed for filing the appeal.

3. If there is an objection to a written authorization provided pursuant to subsection 1, written notice specifying the grounds for the objection must be given to the person filing the appeal by the assessor by certified mail. If the person filing the appeal submits documentation necessary to cure the objection within 5 business days after receipt of the notice, the appeal must be deemed to be filed in a timely manner.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 884 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Armstrong moved that the Assembly do not recede from its action on Senate Bill No. 95, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Armstrong, Hickey, and Bustamante Adams as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 95.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 719.

AN ACT relating to fire safety; repealing provisions governing certain fire protection districts; reenacting certain of those provisions relating to fire safety; revising the circumstances under which a person, firm, association or agency that caused a fire or other emergency that threatens human life would be charged for the expenses incurred to extinguish the fire or meet the emergency; **authorizing a municipal agency to collect those expenses; providing for the issuance of an annual permit to engage in certain activities;** authorizing the State Land Registrar to transfer title to certain real

property owned by the State of Nevada to certain local fire protection districts and counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation of certain fire protection districts by petition to the State Forester Firewarden. (Chapter 473 of NRS) The functions of those districts are currently being transferred to other local government entities. Accordingly, **section 15** of this bill repeals the provisions of chapter 473 of NRS. Certain provisions of that chapter relating to fire safety are reenacted in chapter 472 of NRS by **sections 2, 3 and 5** of this bill. **Sections 6-10** of this bill make conforming changes.

Existing law provides that within the boundaries of certain fire protection districts, any person, firm, association or agency responsible for causing any fire or other emergency which threatens human life may, in certain circumstances, be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of necessary patrol. (NRS 473.080, 474.550) **Section 4** of this bill reenacts NRS 473.080 but **: (1)** removes the boundary limitation ~~[and]~~ **; (2)** revises the circumstances under which a person, firm, association or agency would be required to pay those expenses **~~[.]~~ ; and (3) authorizes a municipal agency to collect those expenses. Section 8.5** of this bill makes a similar change concerning those expenses with respect to county fire protection districts.

Existing law provides that it is unlawful within the boundaries of certain fire protection districts for any person, firm, association, corporation or agency to burn, or cause to be burned, any brush, grass, logs or any other inflammable material, or blast with dynamite, powder or other explosive, or set off fireworks, or operate a welding torch, tarpot or any other device that may cause a fire in forest, grass or brush, either on the land of the person, firm, association, corporation or agency or on the land of another, or on public land, unless such burning or act is done under a written permit from the State Forester Firewarden or the State Forester Firewarden's duly authorized agent and in strict accordance with the terms of the permit. Existing law also clarifies that this prohibition does not prevent the issuance of an annual permit to any public utility covering its usual and emergency operation and maintenance work within the district. (NRS 473.090) Section 5: (1) provides that this prohibition also does not prevent the issuance of an annual permit to a person who engages in agricultural production; and (2) defines the term "agricultural production."

Existing law authorizes the State Land Registrar to transfer any interest in land owned by the State of Nevada. (NRS 321.003) **Sections 11-13** of this bill authorize the State Land Registrar to transfer title to certain real property owned by the State, with certain restrictions, to certain local fire protection districts and counties as the result of the dissolution of the fire protection districts created pursuant to chapter 473 of NRS.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The State Forester Firewarden may prohibit or restrict the following activities on any lands within the jurisdiction of the State Forester Firewarden when a danger to public safety or natural resources exists because of conditions which create a high risk of fire:***

(a) The operation in an area of timber, brush or grass of a motor vehicle or other item of equipment powered by a motor:

(1) If the motor does not have a spark arrestor as required by law; or

(2) If the operator does not have in his or her possession an ax, shovel and at least 1 gallon of water;

(b) The operation in an area of timber, brush or grass of a motor vehicle off an existing paved, gravel or dirt road;

(c) The smoking of tobacco or other substances in any place other than a motor vehicle or an area cleared of flammable vegetation;

(d) Setting an open fire in any place other than in a fireplace located in an established picnic area or campground; or

(e) Other activities, if specified in regulations adopted by the State Forester Firewarden and the prohibition or restriction is related to reducing a high risk of fire,

➥ but these prohibitions and restrictions do not apply in established campgrounds or picnic areas, beaches or places of habitation or to travel on state or federal highways.

2. The State Forester Firewarden shall make a public announcement and post signs in any area where the State Forester Firewarden has prohibited or restricted any activities.

3. The State Forester Firewarden shall, upon finding that a danger to public safety or to natural resources no longer exists, make known to the public the end of any prohibition or restriction in that area.

4. The provisions of this section apply only to specified prohibitions or restrictions and do not confer upon the State Forester Firewarden the power to prohibit access to land.

5. Any person violating any of the provisions of this section is guilty of a misdemeanor.

Sec. 3. ***Except as otherwise provided in NRS 527.126, any person, firm, association or agency which, personally or through another, willfully, negligently or in violation of the law:***

1. Sets fire to the property, whether privately or publicly owned, of another;

2. Allows fire to be set to the property, whether privately or publicly owned, of another; or

3. Allows a fire kindled or attended by the person, firm, association or agency to escape to the property, whether privately or publicly owned, of another,

➥ is liable to the owner of the property for the damages caused by the fire.

Sec. 4. *1. Except as otherwise provided in this section or by specific statute, if the State Forester Firewarden determines that a person, firm, association or agency is responsible for willfully or negligently causing any fire or other emergency which threatens human life, the person, firm, association or agency may be charged with the expenses incurred in extinguishing the fire or meeting the emergency, together with the cost of necessary patrol. This charge constitutes a debt of the person, firm, association or agency charged and is collectible by the federal, state , ~~[or]~~ county or municipal agency incurring such expenses in the same manner as in the case of an obligation under a contract, express or implied.*

2. If the State Forester Firewarden determines that the fire or other emergency which threatens human life was the result of an unavoidable accident, the State Forester Firewarden shall not charge the person, firm, association or agency that caused the fire or emergency the expenses incurred in extinguishing the fire or meeting the emergency.

Sec. 5. *1. Except as otherwise provided in this section and NRS 527.126, it is unlawful for any person, firm, association, corporation or agency to burn, or cause to be burned, any brush, grass, logs or any other inflammable material, or blast with dynamite, powder or other explosive, or set off fireworks, or operate a welding torch, tarpot or any other device that may cause a fire in forest, grass or brush, either on the land of the person, firm, association, corporation or agency or on the land of another, or on public land, unless the burning or act is done under a written permit from the State Forester Firewarden or the State Forester Firewarden's duly authorized agent and in strict accordance with the terms of the permit.*

2. Written permission is not necessary:

(a) At any time during the year when the State Forester Firewarden determines that no fire hazard exists.

(b) To burn materials in screened, safe incinerators, or in incinerators approved by the local governmental jurisdiction, the State Forester Firewarden or the State Forester Firewarden's duly authorized agent, or in small heaps or piles, where the fire is set on a public road, corrals, gardens or ploughed fields, and at a distance not less than 100 feet from any woodland, timber or brush-covered land or field containing dry grass or other inflammable material with at least one adult person in actual attendance at the fire at all times during its burning.

3. This section does not prevent the issuance of an annual permit to any ~~[public]~~ :

(a) Public utility covering its usual and emergency operation and maintenance work.

(b) Person who engages in agricultural production.

4. This section does not prevent the building of necessary controlled small camp and branding fires if caution is taken to make certain that the fire is extinguished before leaving. In any case where the fire escapes and does injury to the property of another, the escape and injury are prima facie evidence of a violation of this section.

5. The provisions of this section apply only to areas of land that are outside of incorporated cities and towns.

6. Any person, firm, association, corporation or agency violating any of the provisions of this section is guilty of a misdemeanor.

7. As used in this section:

(a) "Agricultural production" means an activity associated with the production of agricultural products for food, fiber, fuel or any other lawful use, including every process and step necessary and incident to the preparation, production and storage of agricultural products for human or animal consumption. The term includes, without limitation:

(1) Planting, harvesting or raising agricultural, horticultural, floricultural or viticultural crops, including, without limitation, fruits, vegetables, grains, seeds, nursery stock, plant products, plant by-products and plant compost;

(2) Breeding, raising, feeding or managing livestock, furbearing animals, fish, bees and any other animal or aquatic species, or any product thereof;

(3) The construction, expansion, use, maintenance or repair of an agricultural production facility;

(4) Processing and packaging; and

(5) Manufacturing feed for animals.

(b) "Agricultural production facility" means any structure or land that is used for the production of agricultural products, including, without limitation, a structure or land that is privately or publicly owned, leased or operated.

(c) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 6. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.

(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.

(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.

(g) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of money for those purposes to fire departments and educational institutions in this State.

(h) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

(i) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.

(k) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318 ~~[, 473]~~ or 474 of NRS.

(l) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to NRS 533.436.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest and watershed management or the protection of forests and other lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

Sec. 7. NRS 472.041 is hereby amended to read as follows:

472.041 1. The State Forester Firewarden may ~~[:~~

~~(a) In a district formed pursuant to NRS 473.034; and~~

~~(b) In~~**]** ***, in*** an area designated pursuant to paragraph (d) of subsection 1 of NRS 472.040, including, without limitation, any land within the 1/2-mile radius surrounding such an area,

[~~,~~**]** enforce all regulations relating to the reduction of brush, dense undergrowth and other vegetation around and adjacent to a structure to reduce the exposure of the structure to fire and radiant heat and increase the ability of firefighters to protect the structure.

2. The enforcement of these provisions must permit the planting of grass, trees, ornamental shrubbery or other plants used to stabilize the soil and prevent erosion so long as the plants do not form a means of rapidly transmitting fire from native growth to any structure.

Sec. 8. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county or consolidated municipality not included in any other fire protection district, except incorporated areas other than consolidated municipalities, may be organized by ordinance by the board of county commissioners of the county in which that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as that territory may be included in another fire protection district formed in accordance with the provisions of **[**~~chapter 473 of NRS or~~**]** NRS 474.010 to 474.450, inclusive.

2. Each such district:

(a) Is a political subdivision of the State; and

(b) Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

(a) Sue and be sued, and be a party to suits, actions and proceedings;

(b) Arbitrate claims; and

(c) Contract and be contracted with.

4. The board of county commissioners organizing each such district is ex officio the governing body of each such district. The governing body must be known as the board of fire commissioners.

5. The chair of the board of county commissioners is ex officio the chair of each such district.

6. The county clerk is ex officio the clerk of each such district.

7. Unless the board of fire commissioners employs a treasurer, the county treasurer is ex officio the treasurer of each such district.

Sec. 8.5. NRS 474.550 is hereby amended to read as follows:

474.550 ***1.*** Except as otherwise provided in ***this section and*** NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency which threatens human life may be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county or district agency incurring the expenses in the same manner as an obligation under a contract, express or implied.

2. If it is determined that the fire or other emergency which threatens human life was the result of an unavoidable accident, the person, firm, association or agency that caused the fire or emergency may not be charged the expenses incurred in extinguishing the fire or meeting the emergency.

Sec. 9. NRS 332.015 is hereby amended to read as follows:

332.015 For the purpose of this chapter, unless the context otherwise requires, "local government" means:

1. Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, ~~[~~473,~~]~~ 474, 539, 541, 543 and 555 of NRS.

2. The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

3. County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

4. District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

5. The Nevada Rural Housing Authority.

Sec. 10. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

➥ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, ~~[~~473,~~]~~ 474, 539, 541, 543 and 555 of NRS.

Sec. 11. The State Land Registrar may transfer to:

1. The Elko County Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 1 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Elko County Fire Protection District shall pay the costs relating to the transfer of the real property.

2. The Truckee Meadows Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 2 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Truckee Meadows Fire Protection District shall pay the costs relating to the transfer of the real property.

3. Clark County, without consideration, all the interest of the State of Nevada in the real property described in subsection 3 of section 13 of this act. If the real property is transferred pursuant to this subsection, Clark County shall pay the costs relating to the transfer of the real property.

4. The Storey County Fire Protection District, without consideration, all the interest of the State of Nevada in the real property described in subsection 4 of section 13 of this act. If the real property is transferred pursuant to this subsection, the Storey County Fire Protection District shall pay the costs relating to the transfer of the real property.

Sec. 12. If real property is transferred pursuant to section 11 of this act, the deed from the State of Nevada to the fire protection district or county, as applicable, must, subject to any easement, condition or other encumbrance of record:

1. Include restrictions:

(a) Requiring that the use of the property be for the provision of services for fire protection and related public safety services; and

(b) Prohibiting the fire protection district or county receiving the real property or any successor in title from transferring the property without the consent of the State of Nevada.

2. Provide for the reversion of title to the property to the State of Nevada upon the breach of any restriction specified in subsection 1.

Sec. 13. 1. The real property that may be transferred to the Elko County Fire Protection District pursuant to subsection 1 of section 11 of this act contains approximately 1.25 acres and is commonly known as the Independence Valley Volunteer Fire Station. Such real property may be described as follows:

The north half (N 1/2) of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of the southwest quarter (SW 1/4) of section 3, Township 39 North, Range 52 East, M.D.B. & M.

2. The real property that may be transferred to the Truckee Meadows Fire Protection District pursuant to subsection 2 of section 11 of this act contains approximately 1.875 acres and is commonly known as the Mount Rose Fire Station. Such real property may be described as follows:

The west half (W 1/2) of the southwest quarter (SW 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) and the west half (W 1/2) of the east half (E 1/2) of the southwest quarter (SW 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of section 26, Township 18 North, Range 19 East, M.D.B. & M.

3. The real property that may be transferred to Clark County pursuant to subsection 3 of section 11 of this act contains approximately 0.25 acres and is commonly known as the Mount Charleston Fire Station. Such real property may be described as follows:

That portion of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of section 36, Township 19 South, Range 56 East, M.D.B. & M., as described in Grant, Bargain and Sale Deeds recorded on January 12, 1962, as Document Number 272260 in Book 337 and on August 20, 1962, as Document Number 307631 in Book 381 in the Recorder's Office of Clark County, Nevada.

4. The real property that may be transferred to the Storey County Fire Protection District pursuant to subsection 4 of section 11 of this act contains approximately 1 acre and is commonly known as the Virginia City Highlands Fire Station Site. Such property may be described as follows:

That portion of the southeast quarter (SE 1/4) of the northwest quarter (NW 1/4) of section 8, Township 17 North, Range 21 East, M.D.B. & M., as described in the Grant, Bargain and Sale Deed recorded on November 20, 1979, as Document Number 45784 in Book 20 at page 179 in the Recorder's Office of Storey County, Nevada.

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. NRS 473.010, 473.020, 473.030, 473.031, 473.032, 473.033, 473.034, 473.035, 473.0355, 473.036, 473.040, 473.050, 473.060, 473.065, 473.070, 473.080, 473.090, 473.100, 474.530 and 474.555 are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

473.010 "Federal aid" defined.

473.020 Institution of proceedings for formation of fire protection district: Petition by property owners.

473.030 Resolution of board of county commissioners: Adoption; contents.

473.031 Notice of proposed formation of district: Contents; publication.

473.032 Hearing; written objections; exclusion of land not benefited.

473.033 Inclusion of lands adjacent to proposed district; owner's application.

473.034 Determination; order of formation; regulations for organization of area.

473.035 Alteration of boundaries by inclusion of territory: Procedure; regulations.

473.0355 Alteration of boundaries by exclusion of territory: Procedure.

473.036 Effect of change in district's boundaries.

473.040 Board of directors: Composition.

473.050 Preparation of budgets; levy, collection, deposit and use of taxes.

473.060 Authorization to issue negotiable bonds; purpose; limitation on amount.

473.065 Activities within district which may be prohibited or restricted by State Forester Firewarden; public announcement and posting of prohibited or restricted activities; applicability; penalty.

473.070 Liability for damage by fire within district.

473.080 Collection of expenses for extinguishing fires or meeting other emergencies within district.

473.090 Unlawful burning, blasting or use of fireworks, welding torch or other devices in district; permits; exceptions; penalty.

473.100 Elimination of fire hazards.

474.530 Dissolution of district organized pursuant to chapter 473 of NRS or exclusion of portions.

474.555 Reorganization of district organized pursuant to chapter 473 of NRS.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 719 to Assembly Bill No. 34.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 761.

AN ACT relating to fire protection; providing for the creation of rangeland fire protection associations; authorizing certain boards to approve a petition to create a rangeland fire protection association; providing for the evaluation of such an association by the authorizing board and the State Forester Firewarden; requiring the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3, 7.5 and 7.7 of this bill authorize a board of county commissioners, board of directors of a county fire protection district or board of fire commissioners of certain other districts to approve a petition submitted by any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within the county or district to create a rangeland fire protection association if the petitioners meet certain requirements. **Sections 3, 7.5 and 7.7** additionally provide for the routine evaluation of such an association by the authorizing board in cooperation with the State Forester Firewarden during the term of a cooperative agreement based on certain criteria and requires the State Forester Firewarden to adopt regulations and develop recommendations relating to the formation, operation and training of the members of such an association.

Existing law authorizes fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into certain cooperative agreements for the purpose of providing fire protection services in this State. (NRS 472.050-472.070) **Sections 4-6, 8 and 9** of this bill authorize fire protection districts, the State Forester Firewarden and a board of county commissioners to enter into such agreements with a rangeland fire protection association.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 472 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" means a nonprofit association formed for the purpose of protecting rangeland from wildfire pursuant to section 3, 7.5 or 7.7 of this act, as applicable.***

Sec. 3. ***1. Except as otherwise provided in sections 7.5 and 7.7 of this act, any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or occupy property within a county in this State may establish a rangeland fire protection association by petitioning the board of county commissioners of the county in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.***

2. A board of county commissioners may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association meets all the applicable requirements set forth in the regulations adopted by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. A board of county commissioners, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the State Forester Firewarden.

4. A board of county commissioners may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of county commissioners the results of any such delegated evaluation.

5. The board of county commissioners, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 3.5. ***1. The State Forester Firewarden shall adopt regulations governing a rangeland fire protection association established pursuant to section 3 of this act setting forth:***

(a) The requirements for the formation of such a rangeland fire protection association, including the governance and management structure of an association;

(b) The scope of the operations which may be conducted by such an association;

(c) The training requirements for the members of such an association;

(d) The amount of liability insurance that must be carried by such an association; and

(e) Any financial requirements for the formation and operation of such an association.

2. The State Forester Firewarden shall develop recommendations concerning the formation, operation and training of the members of a rangeland fire protection association established pursuant to section 7.5 or 7.7 of this act. Such recommendations must address the topics set forth in subsection 1.

Sec. 4. NRS 472.050 is hereby amended to read as follows:

472.050 1. The State Forester Firewarden, with the approval of the Director of the State Department of Conservation and Natural Resources, may represent the State of Nevada in negotiating and entering into agreements with the Federal Government for the purpose of securing cooperation in forest management and the protection of the forest and watershed areas of Nevada from fire, and enter into such other agreements with boards of county commissioners, municipalities, ***rangeland fire protection associations and other*** organizations and individuals in the State of Nevada owning lands therein, as are necessary in carrying out the terms of the federal agreements or that will otherwise promote and encourage forest management and the protection from fire of forest or other lands having an inflammable cover.

2. Any federal money allotted to the State of Nevada under the terms of the federal agreements and such other money as may be received by the State for the management and protection of forests and watershed areas therein shall be deposited in the Division of Forestry Account in the State General Fund.

Sec. 5. NRS 472.060 is hereby amended to read as follows:

472.060 Any fire protection district and board or boards of county commissioners of the State of Nevada may:

1. Enter into cooperative agreements with the State Forester Firewarden subject to the approval of the Director of the State Department of Conservation and Natural Resources, acting for the State, and with other counties, ***rangeland fire protection associations and other*** organizations and individuals, to prevent and suppress outdoor fires.

2. Appropriate and expend funds for the payment of wages and expenses incurred in fire prevention and fire suppression ***,*** ~~[;]~~ for the purchase, construction and maintenance of forest protection improvements and

equipment ~~[,]~~ and for paying other expenses incidental to the protection of forest and other lands from fire, including any portion of the office and travel expense of the Division of Forestry incurred in carrying out the provisions of any cooperative agreements with the State of Nevada.

Sec. 6. NRS 472.070 is hereby amended to read as follows:

472.070 The State Forester Firewarden with the approval of the Director of the State Department of Conservation and Natural Resources, fire protection districts, and the boards of county commissioners, separately or collectively, may enter into agreements with the United States Forest Service, United States Bureau of Land Management, ~~[and]~~ other fire protection agencies ~~[,]~~ ***and rangeland fire protection associations*** to provide for placing any or all portions of the fire protection work under the direction of the agency ***or association*** concerned, under such terms as the contracting parties deem equitable, and may place any or all funds appropriated or otherwise secured for forest protection in the cooperative work fund of the respective agency ***or rangeland fire protection association*** for disbursement by that agency ***or association*** for the purposes stated in the agreements and otherwise in conformity with the terms thereof.

Sec. 7. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2, 7.5 and 7.7 of this act.

Sec. 7.2. ***As used in this chapter, unless the context otherwise requires, the term "rangeland fire protection association" has the meaning ascribed to it in section 2 of this act.***

Sec. 7.5. ***1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, may establish a rangeland fire protection association by petitioning the board of directors of the county fire protection district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.***

2. The board of directors of a county fire protection district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. The board of directors of a county fire protection district, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the county fire protection district.

4. The board of directors of a county fire protection district may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of directors of the county fire protection district the results of any such delegated evaluation.

5. The board of directors of a county fire protection district, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 7.7. *1. Any business entity or cooperative or any two or more persons who own, lease, produce agriculture on or otherwise control or occupy property within a district organized pursuant to NRS 474.460 may establish a rangeland fire protection association by petitioning the board of fire commissioners of the district in which the petitioners reside or in which their property is located for recognition as a rangeland fire protection association.*

2. The board of fire commissioners of the district may approve a petition submitted pursuant to subsection 1 if the petitioners:

(a) Meet the requirements established by the board relating to the creation, operation and duties of a rangeland fire protection association.

(b) Provide to the board a copy of written notice from the State Forester Firewarden that the proposed rangeland fire protection association complies with the recommendations developed by the State Forester Firewarden pursuant to section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

3. The board of fire commissioners of a district organized pursuant to NRS 474.460, in cooperation with the State Forester Firewarden or his or her designee, shall, before the board enters into a cooperative agreement with a rangeland fire protection association pursuant to NRS 472.060 or 472.070 and annually thereafter during the term of the agreement, evaluate:

(a) The governance and management structure of the association;

(b) The adequacy of any policy of liability insurance carried by the association;

(c) The condition and maintenance of the vehicles and equipment used by the association in carrying out its duties; and

(d) The training and qualifications of each member of the association in accordance with national standards or other substantially equivalent standards determined by the district.

4. The board of fire commissioners of a district organized pursuant to NRS 474.460 may delegate the performance of the evaluation required pursuant to subsection 3 to the State Forester Firewarden. The State Forester Firewarden shall report to the board of fire commissioners the results of any such delegated evaluation.

5. The board of fire commissioners of a district organized pursuant to NRS 474.460, the State Forester Firewarden and any other agency which is a party to a cooperative agreement entered into with a rangeland fire protection association shall, to the extent practicable, assist the association in procuring funding for the association, carrying out the duties of the association, training the members of the association and providing personal protective equipment for the members of the association.

6. The provisions of this section do not require a person to be a member of a rangeland fire protection association in order to protect his or her property from a rangeland fire.

Sec. 8. NRS 474.163 is hereby amended to read as follows:

474.163 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies ~~[.]~~ ***and rangeland fire protection associations.***

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may:

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies ***or rangeland fire protection associations*** as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 8.5. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire

protection thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[.]~~ ***, and section 7.7 of this act.***

Sec. 9. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies ***and rangeland fire protection associations*** and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, ***and section 7.7 of this act*** to the districts by entering into agreements with other agencies ***or rangeland fire protection associations*** as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, ***and section 7.7 of this act*** for the furnishing of such protection to the districts.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. ~~[On January 1, 2016, for]~~ **For** all other purposes ~~[.]~~ **, on the earlier of:**

(a) January 1, 2016; or

(b) The date on which the State Forester Firewarden adopts a temporary regulation, an emergency regulation or a permanent regulation pursuant to chapter 233B of NRS and section 3.5 of this act concerning the formation, operation and training of the members of a rangeland fire protection association.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 163.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 762.

AN ACT relating to municipal obligations; clarifying that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred; requiring certain information to be included in certain publications relating to the intent of a municipality to issue or incur obligations; revising the manner of publication of a certain notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes municipalities and school districts to issue or incur general obligations upon meeting certain requirements. Municipalities generally are required to submit a proposal to issue or incur general obligations to the electors of the municipality at a special or general election, with the exception that municipalities may issue or incur general obligations by an affirmative vote of two-thirds of the members of the governing body of the municipality finding that the pledged non property tax revenue will be sufficient to service the debt, upon publishing a resolution of intent to issue or incur the obligation and upon meeting certain other procedural requirements. Under the exception, **upon the filing of a petition by** not less than 5 percent

of the registered voters of the municipality **,** ~~[can reject the issuance of]~~ the obligation ~~[by petition.]~~ **may be issued only pursuant to an election.** (NRS 350.020) This bill: (1) clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose; (2) requires a publication of a resolution of the intent of a municipality to issue or incur a general obligation to include certain information relating to the filing of a petition to ~~[reject]~~ **hold an election on** the issuance of the obligation; and (3) requires the publication of the notice of the public hearing concerning the incurrence of the obligation to be made at least three times, once a week for 3 consecutive weeks, in a newspaper of general circulation in the municipality.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 350.020 is hereby amended to read as follows:

350.020 1. ***A general obligation issued or incurred pursuant to this section must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose.*** Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year,

➥ except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at

least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation ***,*** ~~[and]~~ the purpose for which it is to be incurred ~~[.]~~ ***, the date by which the registered voters of the municipality must file a petition with the governing body to*** ~~*[reject]*~~ ***hold an election on the issuance of the obligation, the location at which the petition must be filed with the governing body and the location at which a person may obtain additional information regarding the contents of and filing requirements for the petition.*** Notice of the public hearing must be published at least ~~[10 days before the day of the hearing. The publications must be made]~~ ***three times,*** once ***each week for three consecutive weeks,*** in a newspaper of general circulation in the municipality. ***The third publication of the notice required by this subsection must be made at least 10 days before the date of the hearing.*** When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of:

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by subsection 5:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5.

7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

8. A municipality may issue special or medium-term obligations without an election.

Sec. 2. (Deleted by amendment.)

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 762 to Assembly Bill No. 170.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 293.

The following Senate amendment was read:

Amendment No. 716.

AN ACT relating to public administrators; setting forth certain qualifications for deputy public administrators; authorizing the board of county commissioners in smaller counties to impose certain duties on the public administrators of the county; **revising the circumstances under which a public administrator may secure the property of a deceased person;** authorizing a board of county commissioners to take certain action concerning complaints received by the board against the public administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public administrator to meet certain qualifications for office. (NRS 253.010) Existing law also authorizes a public administrator to appoint as many deputy public administrators as he or she deems necessary and authorizes a deputy public administrator to perform all duties required of the public administrator. (NRS 253.025) **Section 1** of this bill requires a deputy public administrator, like a public administrator, to: (1) be a qualified elector of the county; (2) be 21 years of age or older; (3) not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and (4) not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Existing law authorizes a public administrator, without procuring letters of administration and upon filing with the court an affidavit of his or her right to do so, to administer an estate in which the gross value of the decedent's property does not exceed $20,000. (NRS 253.0403) **Section 1.5** of this bill increases this threshold amount to $25,000.

Under existing law, a public administrator may secure the property of a deceased person before the issuance of letters of administration for the estate of the decedent, before filing an affidavit to administer the estate or before petitioning to have the estate set aside without administration if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property. (NRS 253.0405) Section 1.7 of this bill instead authorizes a public administrator to act on behalf of the estate of a deceased person to identify and secure all tangible and intangible assets of the estate before the issuance of letters of administration, before filing the affidavit, before petitioning to have the estate set aside without administration and without giving notice to next of kin if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property.

Section 1.7 also prohibits a public administrator from distributing, liquidating or otherwise administering the assets of an estate before a

court has issued letters of administration for the estate or otherwise authorized the public administrator to act as administrator of the estate. Additionally, section 1.7 authorizes a public administrator who has identified and secured the assets of an estate to authorize a relative of the decedent, a named executor or trustee of the estate or an attorney or other natural person designated by the next of kin of the decedent to access the real and personal property of the estate.

Existing law sets forth the duties of a public administrator in administering the estate of an intestate decedent. (NRS 253.0415) **Section 2** of this bill authorizes the board of county commissioners, in a county whose population is less than 100,000, to require by ordinance, the public administrator, if he or she has been made an administrator of the estate of an intestate decedent who resides in the county, to notify or obtain permission from the board before taking any property belonging to the decedent out of the county.

Existing law authorizes a board of county commissioners to investigate any complaint received by the board against the public administrator. (NRS 253.091) **Section 3** of this bill authorizes the board to take any appropriate action that it deems is necessary to resolve such a complaint. **Section 3** also authorizes the board of county commissioners, in a county whose population is less than 100,000, to require, by ordinance, a public administrator to submit an independent audit report to the board on an annual basis, which covers the records and office of the public administrator.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 253.025 is hereby amended to read as follows:

253.025 1. A public administrator may appoint as many deputies as the public administrator deems necessary to perform fully the duties of his or her office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his or her duties each deputy must take and subscribe to the constitutional oath of office. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.

2. Each appointment must be in writing and recorded with the oath of office of that deputy in the office of the county recorder. Any revocation or resignation of an appointment must be recorded in the office of the county recorder.

3. The public administrator is responsible on his or her official bond for any official malfeasance or nonfeasance of his or her deputies and may require a bond for the faithful performance of the official duties of his or her deputies.

4. Every deputy appointed pursuant to this section must:

(a) Be a qualified elector of the county;

(b) Be at least 21 years of age;

(c) Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and

(d) Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Sec. 1.5. NRS 253.0403 is hereby amended to read as follows:

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed ~~[~~$20,000,~~]~~ ***$25,000,*** a public administrator may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his or her right to do so.

2. The affidavit must provide:

(a) The public administrator's name and address, and his or her attestation that he or she is entitled by law to administer the estate;

(b) The decedent's place of residence at the time of his or her death;

(c) That the gross value of the decedent's property in this State does not exceed ~~[~~$20,000;~~]~~ ***$25,000;***

(d) That at least 40 days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in this State;

(f) A description of the personal property of the decedent;

(g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;

(h) If heirs or next of kin are known to the affiant, a description of the method of service the affiant used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided;

(i) That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and

(j) The name of each person to whom the affiant intends to distribute the decedent's property.

3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, the administrator shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives or distributes is subject to all debts of the decedent, based on the priority for payment of debts and charges specified in NRS 147.195.

(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property the affiant holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if the person relies in good faith, he or she is immune from civil liability for actions based on that reliance.

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property.

Sec. 1.7. **NRS 253.0405 is hereby amended to read as follows:**

253.0405 ~~[Before]~~ ***1. Subject to the provisions of subsections 2 and 3, before*** the issuance of the letters of administration for an estate, before filing an affidavit to administer an estate pursuant to NRS 253.0403 ~~[or]~~ ***,*** before petitioning to have an estate set aside pursuant to NRS 253.0425, ***and without giving notice to the next of kin,*** the public administrator may ***act on behalf of the estate of a deceased person to identify and*** secure ~~[the property of a deceased person]~~ ***all tangible and intangible assets of the estate*** if the administrator finds that:

~~[1.]~~ ***(a)*** There are no relatives of the deceased who are able to protect the property; or

~~[2.]~~ ***(b)*** Failure to do so could endanger the property.

2. A public administrator shall not distribute, liquidate or otherwise administer any assets of an estate which are identified and secured pursuant to subsection 1 unless:

(a) A court has issued letters of administration for the estate; or

(b) A court order authorizing the public administrator to act as administrator of the estate has been issued.

3. A public administrator may, for the purpose of protecting the assets of an estate which are identified and secured pursuant to subsection 1, authorize any of the following persons to access the real and personal property of the estate:

(a) A relative of the deceased;

(b) A named executor or named trustee of the estate; or

(c) An attorney or any other natural person designated by the next of kin of the deceased.

Sec. 2. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) The financial status of any decedent for whom he or she has been requested to serve as administrator to determine the assets and liabilities of the estate.

(2) Whether there is any qualified person who is willing and able to serve as administrator of the estate of an intestate decedent to determine whether he or she is eligible to serve in that capacity.

(3) Whether there are beneficiaries named on any asset of the estate or whether any deed upon death executed pursuant to NRS 111.655 to 111.699, inclusive, is on file with the county recorder.

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of an intestate decedent if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

(c) Upon court order, act as administrator of the estate of an intestate decedent, regardless of the amount of assets in the estate of the decedent if no other qualified person is willing and able to serve.

2. The public administrator shall not administer any estate:

(a) Held in joint tenancy unless all joint tenants are deceased; or

(b) For which a deed upon death has been executed pursuant to NRS 111.655 to 111.699, inclusive.

3. ***In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require the public administrator to notify or obtain approval from the board of county commissioners before transporting outside the county any property of a decedent for whose estate the public administrator serves as administrator.***

4. As used in this section, "intestate decedent" means a person who has died without leaving a valid will, trust or other estate plan.

Sec. 3. NRS 253.091 is hereby amended to read as follows:

253.091 1. The board of county commissioners shall:

(a) Establish regulations for the form of any reports made by the public administrator.

(b) Review reports submitted to the board by the public administrator.

(c) Investigate any complaint received by the board against the public administrator ~~[.]~~ ***and take any appropriate action it deems necessary to resolve the complaint.***

2. The board of county commissioners may at any time investigate any estate for which the public administrator is serving as administrator.

3. In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require that, on or before March 1 of each year, the public administrator submit to the board of county commissioners an independent audit report prepared by a certified public accountant of the records and office of the public administrator. The ordinance must:

(a) Provide that each such audit report cover the period starting January 1 of the previous calendar year and ending December 31 of the previous calendar year.

(b) Prescribe who is responsible for paying the costs of the audit.

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 716 to Assembly Bill No. 293.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 364.

The following Senate amendment was read:

Amendment No. 765.

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring the Secretary of State to assign a unique business identification number to certain entities and persons under certain circumstances; revising provisions governing the issuance of certain licenses by the Office of the Secretary of State; **requiring the Secretary of State to suspend a state business license under certain circumstances;** removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions relating to the collection of information from **certain** businesses ~~[seeking certain authorizations to conduct business]~~ in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 4** of this bill requires the Secretary of State to: (1) establish common business registration information that may be used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to exchange the common business registration information among certain state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 4** authorizes state and local agencies and health districts to: (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or

similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) perform certain other actions related to participation in the state business portal. **Section 4** also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of information. **Section 3** of this bill deems that the records and files collected as common business registration information by the Secretary of State are confidential and privileged unless an exception applies.

Section 7 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license. Under **section 4**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registration, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State may require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Existing law also requires an applicant for a city or county business license to sign an affidavit or electronically submit an attestation affirming that the business satisfies certain insurance requirements. (NRS 244.33505, 268.0955) **Sections 9.5 and 10.5** of this bill provide that if an applicant submits such an attestation electronically via the state business portal, access to certain information regarding industrial insurance must be provided through the state business portal.

Existing law ~~[requires certain applicants for the issuance or renewal of certain licenses, certificates or permits by a county, city or town to]~~ **provides that if certain local governments require a person to obtain a license, permit or certificate to practice a profession or occupation, an applicant for the issuance or renewal of such a license, certificate or permit must** submit a statement indicating whether the applicant is subject to a court order for the support of a child and whether he or she is in compliance with that order or a plan for the repayment of the money owed pursuant to the order. (NRS 244.33506, 266.358, 266.368, 269.171) ~~[Section 15 repeals this requirement and section 5.3 of this bill instead requires certain applicants for the issuance or renewal of a state business license to submit such statement with the application for the issuance or renewal of a state business license.]~~ **Sections 9.6-9.9, 10.6 and 10.7 of this bill provide that an applicant for a**

general business license issued by a local government is not required to submit such a statement.

Existing law provides that if a local government which issues professional or occupational licenses, certificates or permits receives a copy of a court order suspending all such licenses, certificates or permits for failure to comply with certain child support requirements, the governmental entity must suspend the license, certificate or permit. (NRS 244.33508, 266.362, 269.172) Section 5.7 of this bill requires the Secretary of State to suspend the state business license of a sole proprietor if the Secretary of State receives a copy of a court order providing for the suspension of the professional and occupational licenses issued to the sole proprietor because the sole proprietor has not complied with certain child support requirements and the sole proprietor does not comply with certain requirements within 30 days. **Sections 10.8 and 10.9 of this bill make conforming changes.**

Section 11 of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. **Section 12** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.***

Sec. 3. ***1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State and any employee of the Secretary of State who is authorized to view or use the information in such records or files:***

(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and

(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.

2. The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:

(a) Testimony by the Secretary of State or any employee of the Secretary of State and the production of records, files and information on behalf of the Secretary of State or a person in any action or proceeding before the Secretary of State or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Secretary of State or a federal agency in accordance with any agreement made and provided for in such cases, or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.

(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.

(f) Disclosure by the Secretary of State for the purpose of collection of a debt, fee or obligation owed to the Secretary of State.

(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~[,]~~ ***and consultation with representatives of state agencies, local governments, health districts and businesses,*** the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~[.]~~ ***and the agency has entered into an agreement for access to the state business portal with the Secretary of State;***

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) ***Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;***

(f) For the purpose of coordinating the collection of common information from businesses using the state business portal:

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to exchange the common business registration information among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ ***(h)*** Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. Each state agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State may, to the extent practicable, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:

(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in any application processing system.

(c) Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.

(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to:

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 7 of this act to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 5. Chapter 76 of NRS is hereby amended by adding thereto the provisions sets forth as sections 5.3 and 5.7 of this act.

Sec. 5.3. ~~*[1. If an applicant for the issuance or renewal of a state business license is required to obtain or renew a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334, 244.335, 266.355, 268.0887, 268.095 or 269.170, the applicant shall:*~~

~~*(a) Include in the application his or her social security number; and*~~

~~*(b) Submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*~~

~~*2. The Secretary of State shall include the statement required pursuant to subsection 1 in:*~~

~~*(a) The application or any other forms that must be submitted for the issuance or renewal of the state business license; or*~~

~~*(b) A separate form prescribed by the Secretary of State.*~~

~~*3. A state business license may not be issued or renewed by the Secretary of State if the applicant:*~~

~~*(a) Fails to submit the statement required pursuant to subsection 1; or*~~

~~*(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*~~

~~*4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.]*~~ **(Deleted by amendment.)**

Sec 5.7. ***1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is conducting business in this State as a sole proprietor, and the state business license issued by the Secretary of State to such a person, the Secretary of State shall deem the state business license issued to that person to be suspended at the end of the 30th day after the date***

on which the court order was issued unless the Secretary of State receives a letter issued to the holder of the state business license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the state business license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a state business license that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose state business license was suspended stating that the person whose state business license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 6. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the ~~[entity]~~ ***business identification*** number as assigned by the Secretary of State ~~[, if known,]~~ ***pursuant to section 7 of this act,*** and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of $100; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 7. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, ***75A.100,*** 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,

239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 3 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general

public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 9. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license

tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the ~~[entity]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 9.5. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.

Sec. 9.6. **NRS 244.33506 is hereby amended to read as follows:**

244.33506 1. If a board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the board of county commissioners the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a board of county commissioners pursuant to NRS 244.334 or 244.335 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a board of county commissioners.

Sec. 9.7. **NRS 244.33507 is hereby amended to read as follows:**

244.33507 ***1.*** An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 244.334 or 244.335 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a board of county commissioners.

Sec. 9.8. **NRS 266.358 is hereby amended to read as follows:**

266.358 1. If a city council requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the city council the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The city council shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the city council.

3. A license, certificate or permit may not be issued or renewed by the city council pursuant to NRS 266.355 or 268.0887 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the

amount owed pursuant to the order, the city council shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a city council.

Sec. 9.9. **NRS 266.368 is hereby amended to read as follows:**

266.368 ***1.*** An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a city council.

Sec. 10. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 and NRS 268.0951, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the city licensing agency the ~~[~~entity~~]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the city licensing agency the ~~[~~entity~~]~~ ***business identification*** number of the applicant assigned by the Secretary of State ***pursuant to section 7 of this act*** which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

9. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 10.5. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~[list]~~ ***report*** of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. ***A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.***

4. ~~[Upon]~~ ***Except as otherwise provided in subsection 5, upon*** receiving an affidavit or attestation required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. If an applicant submits an attestation required by this section electronically via the state business portal, the state business portal must provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

6. As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.

Sec. 10.6. **NRS 269.171 is hereby amended to read as follows:**

269.171 1. If a town board or board of county commissioners requires a person to obtain a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the town board or board of county commissioners the statement prescribed by the Division of Welfare

and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The town board or board of county commissioners shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license, certificate or permit; or

(b) A separate form prescribed by the town board or board of county commissioners.

3. A license, certificate or permit may not be issued or renewed by a town board or board of county commissioners pursuant to NRS 269.170 if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the town board or board of county commissioners shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a town board or board of county commissioners.

Sec. 10.7. **NRS 269.173 is hereby amended to read as follows:**

269.173 ***1.*** An application for the issuance of a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 must include the social security number of the applicant.

2. As used in this section, "license, permit or certificate to practice a profession or occupation" does not include a general business license issued by a town board or board of county commissioners.

Sec. 10.8. **NRS 425.530 is hereby amended to read as follows:**

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall request in writing that the master suspend all professional, occupational and recreational licenses, certificates and permits issued to that person ~~[.]~~ ***, and any business license issued to that person if he or she is conducting business in this State as a sole proprietor.***

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If the master receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, ***and any business license issued to that person if he or she is conducting business in this State as a sole proprietor,*** the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ As soon as practicable after the master enters a recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

5. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required in subsection 3, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of the recommendation of the master at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 10.9. **NRS 425.540 is hereby amended to read as follows:**

425.540 1. If a master enters a recommendation determining that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ and the district court issues an order approving the recommendation of the master pursuant to NRS 425.3844, the court shall provide a copy of the order to ***the Secretary of State and*** all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person ***, and to the Secretary of State if he or she conducts business in this State as a sole proprietor,*** a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency ***, or the business license issued to the person to conduct business in this State as a sole proprietor by the Secretary of State,*** will be automatically suspended. Such an order must not apply to a license, certificate or permit issued by the Department of Wildlife or the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 11. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~4.]~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~[~~"Foreign artificial person" means an artificial person that is not organized under the laws of this State.

~~(c)]~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 12. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~[and]~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[.]~~ ***; and***

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able

to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement

agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 719.345 is hereby amended to read as follows:

719.345 The Secretary of State may require a governmental agency of this State or a governmental agency of a political subdivision of this State, as a condition of participation in the state business portal established pursuant to ***chapter 75A of*** NRS **,** ~~[~~75A.100, 75A.200 and 75A.300,~~]~~ to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Sec. 15. NRS 237.180, ~~[~~244.33506, 244.33507, 266.358, 266.368, 269.171, 269.173,~~]~~ 364.110 and 364.120 are hereby repealed.

Sec. 16. 1. This act becomes effective on ~~[~~October~~]~~ **July** 1, 2015.

2. Sections 5.3 **,** ~~[~~and~~]~~ 5.7 **, 10.8 and 10.9** of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[~~HEADLINES~~]~~ TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

~~[244.33506 Application for or renewal of license, permit or certificate: Statement regarding obligation of child support required; grounds for denial; duty of board of county commissioners.~~

~~244.33507 Application for issuance of license, permit or certificate: Social security number required.~~

~~— 266.358 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of city council.~~

~~— 266.368 Application for license, permit or certificate must include social security number of applicant.~~

~~— 269.171 Payment of child support: Statement by applicant for license, permit or certificate; grounds for denial of license, permit or certificate; duty of town board or board of county commissioners.~~

~~— 269.173 Application for license, certificate or permit must include social security number of applicant.~~**]**

364.110 Licensing authority to require affidavit. **No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:**

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. **Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed $3 for the filing of the affidavit required to be filed by NRS 364.110.**

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 765 to Assembly Bill No. 364.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 908.

SUMMARY— ~~[Exempts the Nevada Rural Housing Authority from the Local Government Purchasing Act.]~~ **Makes various changes to provisions relating to local government purchasing.** (BDR 27-1098)

AN ACT relating to public purchasing; exempting the Nevada Rural Housing Authority from the Local Government Purchasing Act; **increasing the authorized duration of a performance contract entered into by a local government;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Rural Housing Authority is considered to be a local government for the purposes of the Local Government Purchasing Act. (NRS 332.015) ~~[This]~~ **Section 1 of this** bill exempts the Authority from the provisions of the Act.

Existing law authorizes a local government to enter into a performance contract with a qualified service company for the purchase and installation of one or more operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs. (NRS 332.360) Existing law also provides that the term of a performance contract may not exceed 15 years. (NRS 332.380) Section 2 of this bill provides that the term of a performance contract may not exceed 25 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 332.015 is hereby amended to read as follows:

332.015 ***1.*** For the purpose of this chapter, unless the context otherwise requires, "local government" means:

~~[1.]~~ ***(a)*** Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555 of NRS.

~~[2.]~~ ***(b)*** The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

~~[3.]~~ ***(c)*** County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

~~[4.]~~ ***(d)*** District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

~~[5.]~~ ***2.*** The ***term does not include the*** Nevada Rural Housing Authority.

Sec. 2. **NRS 332.380 is hereby amended to read as follows:**

332.380 1. A performance contract must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, must be made over time.

2. Except as otherwise provided in this subsection, a performance contract, and the payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective for costs incurred in future fiscal years. The performance contract may extend for a term not to exceed ~~[15]~~ ***25*** years. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

3. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized.

Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 908 to Assembly Bill No. 428.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ellison moved that the Assembly do not recede from its action on Senate Bill No. 340, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ellison.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ellison, Wheeler, and Kirkpatrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 340.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Ellison moved that the Assembly do not recede from its action on Senate Bill No. 482, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Ellison.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ellison, Oscarson, and Carrillo as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 482.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Hansen moved that the Assembly do not recede from its action on Senate Bill No. 52, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Hansen.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Nelson, Gardner, and Ohrenschall as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 52.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Kirner moved that the Assembly recede from its action on Senate Bill No. 168.

Motion carried.

Bill ordered to the Senate.

Assemblyman Kirner moved that the Assembly do not recede from its action on Senate Bill No. 193, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kirner, Nelson, and Araujo as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 193.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Joel Paniagua Soto, a resident of Reno and senior at Procter R. Hug High School, has been named a Gates Millennium Scholar and awarded a grant from the Bill and Melinda Gates Foundation based on a number of criteria, including his academic record, leadership ability, extracurricular activities, and community involvement; and

WHEREAS, Joel was the first in his family of six to be born in the United States and, after a three-year relocation to his native country of Mexico, he returned to the U.S. to begin his education in the fourth grade knowing only a few words of English; and

WHEREAS, In elementary school, Joel faced the daunting challenge of learning the English language while also absorbing and understanding the subjects he was being taught and, as time passed, he gradually progressed and improved in both tasks; and

WHEREAS, Since middle school, Joel has demonstrated exemplary commitment to his education earning As in all middle and high school courses, including nearly a dozen Advanced Placement college-credit courses; and

WHEREAS, Joel has competed on Hug High's wrestling, tennis, swimming, cross-country, and bowling teams, and is a member of various school groups including the National Honor Society, Key Club, Green Club, and MESA (Math, Engineering, Science Achievement); and

WHEREAS, Joel is admired by his teachers and counselors at Hug High School for his tough work ethic and ambitious efforts to always test himself in numerous ways, including taking the most challenging classes available and setting motivating goals and achieving them; and

WHEREAS, Having a genuine passion for learning that goes beyond the classroom, Joel considers every life experience a learning opportunity; and

WHEREAS, Joel is known for his kindness and humble perspective and is greatly loved by his parents, family, and friends who are extremely proud of all his accomplishments; and

WHEREAS, Upon his high school graduation in June 2015, with a weighted 5.0 plus grade-point average, Joel will attend the University of California, Davis, to work towards a master's degree in bio-medical engineering; now, therefore, be it

PROCLAIMED, That Joel Paniagua Soto is hereby commended for his strength of character, determination, and academic accomplishments and is a true inspiration and outstanding role model to all the students of Nevada; and be it further

PROCLAIMED, That the State of Nevada is proud to claim Joel Paniagua Soto as a citizen and congratulates him on being named a Gates Millennium Scholar, and wishes him great success in his academic studies and all future endeavors.

DATED this 28th day of May, 2015.

TERESA BENITEZ-THOMPSON
Nevada State Assemblywoman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, chaperones, and teachers from Hug High School: Aminnah Ashley Parker, Tresha Atienza, Jensen Mark Beltejar Agustin, Franklyn Blender, Javier Campos Salas, Antonio Cardenas Torres, Nathanael Chavez Pulido, Alexa Cocoletzi, Yakera Dardy, Tania Gonzalez Contreras, Jocelin Guerrero, Heidi Herrera Delgado, Lesly Jasso Ponce, Charlene Johnson, Xeant Laroza, Leslie Linares-Gutierrez, Abigail Martinez Alcala, Claudia Meza Padilla, Alondra Mora Ayala, Joel Paniagua Soto, Dlonra Janeth Pasao, Joe Perez Alarcon, Yaquelin Ramirez Olivares, Steven Rubio, Priscila Salazar, Ricardo Trujillo, Zhane Williams, Treci Blanton, Bryan Bolanos, Roosevelt Calhoun, Alexis Denton, Angela Dunn, Hepisipa Fifita, Israel Flores Mondragon, Amy Garcia, Alexis Gonzalez, Jackeline Gonzalez, Nickolas Hampton, Yadira Inda Lopez, Justin Lachendro, Leonardo Lopez, Ualeni Moala, Lelani Muao, Kyra Phillips, Devin Porter, Edwing Rangel, Yajaira Rios, Joshua Rivera, Deyonne Robertson, Jennifer Segura, Sarah Sondergaard, Jaime Soto, Rachelle Tau, Samantha Trejo Vea, Stephanie Alcantar Morales, Gricelda Armenta Ramirez, Edlin Bonilla, Aylin Cardenas Torres, Odalys Casas, Lesly Corona Martinez, Karla Dominguez, Leslie Estrada, Michelle Garcia, Stephanie Guzman Martinez, Juan Jimenez, Jennifer Kilburne, Briana Lazo Rodriguez, Michelle Luna Barajas, Angelina Marquez Magallanes, Cynthia Martinez, Diana Mendez, Anna Monnier, Lesly Najera, Jasmin Palacios, Carlos Perez, Cristobal Porras, Marilyn Portillo, M Guadalupe Reyes, Jennifer Scriver, Sierra Stevens, and Elizabeth Whatley.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Suppe.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Fiegehen, Theresa Catalani, Shawnda Drudge, Suzie Weissman, Laurel Stadler, and Sandy Markoe.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to John Seaman.

Assemblyman Paul Anderson moved that the Assembly adjourn until Friday, May 29, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:38 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 29, 2015

Assembly called to order at 2:44 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Ken Haskins.

Our heavenly Father, we invoke Your much needed presence. We need Your light to guide us. We need Your strength to push forward. We need Your love to bring us together. Be with us and bless our efforts, I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JIM WHEELER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 488; Senate Bills Nos. 69, 296, 324, 360, 489, 492, just reported out of committee, be placed on the Second Reading File.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 10—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2015-2017 biennium.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That, pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following members of the Assembly are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. John Hambrick, Mr. Ira Hansen, Mr. Lynn D. Stewart, Ms. Marilyn Kirkpatrick, Ms. Irene Bustamante Adams and Ms. Teresa Benitez-Thompson are designated as the regular Assembly members; Mr. Erven T. Nelson and Mr. Stephen H. Silberkraus are designated as the first and second alternate members, respectively, for Mr. John Hambrick; Mr. Derek Armstrong and Mr. Chris Edwards are designated as the first and second alternate members, respectively, for Mr. Ira Hansen; Mr. Glenn Trowbridge and Mr. Phillip "P.K." O'Neill are designated as the first and second alternate members, respectively, for Mr. Lynn D. Stewart; Mr. Nelson Araujo and Mr. Edgar Flores are designated as the first and second alternate members, respectively, for Ms. Marilyn Kirkpatrick; Ms. Dina Neal and Mr. Tyrone Thompson are designated as the first and second alternate members, respectively, for Ms. Irene Bustamante Adams; and Ms. Amber Joiner and Mr. Michael C. Sprinkle are designated as the first and second alternate members, respectively, for Ms. Teresa Benitez-Thompson.

Assemblyman Stewart moved the adoption of the resolution.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

Most of the people on here are pretty good folks. There is one possible exception. I urge you to support the resolution.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 973.

AN ACT relating to real estate; revising provisions governing the ~~[financial administration of]~~ **retention and deposit of certain surplus fees by** the Real Estate Division of the Department of Business and Industry; decreasing ~~[and increasing]~~ certain fees charged by the Division; revising provisions governing certain licenses issued by the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, money collected by the Real Estate Division of the Department of Business and Industry must be deposited in the State General Fund and any money required for the administration of the Division must be legislatively appropriated from the State General Fund in the same manner as all other legislative appropriations. (NRS 116A.220, 119.118, 645.140, 645C.240, 645D.140, 645H.350) Section 1 of this bill creates an Account for Real Estate Administration in the State General Fund to pay for administrative expenses of the Division. Sections 1, 5-7, 10 and 12 of this bill provide that all money collected by the Division must be credited to the Account for Real Estate Administration and used to pay for administrative expenses of the Division. Sections 1, 5-7, 10 and 12 also create a reserve within the Account equal to 3 months of budgeted expenditures for the next fiscal year and provide that any surplus in the Account not needed to maintain the reserve must be deposited in the State General Fund. Section 10 provides that a certain portion of the money collected by the Commission for Common-Interest Communities and Condominium Hotels must also be credited to the Account for Real Estate Administration and used to pay for administrative expenses of the Division.]~~

Existing law provides that: (1) the initial period of licensure for an original license as a real estate broker, broker-salesperson or salesperson is 24 months beginning on the first day of the first calendar month after the original license is issued by the **Real Estate** Division ~~[,]~~ **of the Department of Business and Industry;** and (2) each subsequent period of licensure is 48 consecutive months. Existing law also provides that any other licenses issued pursuant to chapter 645 of NRS are issued for a period of 48 consecutive months. (NRS 645.780) **Sections 2 and 3** of this bill reduce the period of initial licensure for a license as a real estate broker, broker-salesperson or salesperson from 24 to 12 consecutive months and each subsequent period of licensure from 48 to 24 consecutive months. **Section 3** also decreases the period of licensure for other licenses issued by the Division from 48 to 24 consecutive months. **Section 13** of this bill provides that existing licenses issued by the Division before July 1, 2015, do not need to be renewed until the expiration date listed on the license.

Section 4 of this bill reduces the fee for issuance or renewal of a license as a broker, broker-salesperson, salesperson or branch office and the penalty for the late filing of a renewal for such licenses. ~~[Section 4 also increases the fee for reinstatement of a real estate broker license when the licensee fails to give written notice of a change of name or business location and reinstatement of a~~

~~broker salesperson or salesperson license when the licensee fails to notify the Division of a change of broker within 30 days after termination by the previous broker.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645.140 is hereby amended to read as follows:

645.140 1. ~~*[There is hereby created the Account for Real Estate Administration in the State General Fund. The Administrator shall administer the Account.*~~

~~*2. All claims against the Account must be paid as other claims against the State are paid.*~~

~~*3. The money deposited in or credited to the Account pursuant to this section must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.*~~

~~*4.]*~~ Except as otherwise provided in this section , ~~*[and NRS 645.314, 645.6058 and 645.842,]*~~ all fees, penalties and charges ~~*[money]*~~ received by the Division pursuant to NRS 645.410, 645.660 and 645.830 ~~*[this chapter]*~~ must be deposited with the State Treasurer for credit to the State General Fund. ~~*[Account and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter. At the end of each fiscal year, a reserve must be maintained in the Account for Real Estate Administration in the amount necessary to operate the Division for 3 months for the next fiscal year at the amount legislatively authorized for that fiscal year. Any surplus money from the fees collected pursuant to this chapter which is not necessary to maintain the reserve must be deposited with the State Treasurer for credit to the State General Fund.*~~

~~*5. Except as otherwise provided in NRS 645.6058, the Commission and the Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*~~

~~*6.]*~~ *2.* The fees received by the Division :

(a) From the sale of publications ~~[,]~~ must be retained by the Division to pay the costs of printing and distributing publications.

(b) For ~~*[for]*~~ examinations ~~[,]~~ must be retained by the Division to pay the costs of the administration of examinations.

➥ Any surplus of the fees retained by the Division ***for the administration of examinations*** must be deposited with the State Treasurer for credit to the State General Fund.

~~[2.]~~ *3.* Money for the support of the Division must be provided by direct legislative appropriation, and be paid out on claims as other claims against the State are paid.

~~[~~3. ~~*Account.*~~

~~*7.]~~ ***4.*** Each member of the Commission is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Commission, while engaged in the business of the Commission; and

(b) A per diem allowance and travel expenses at a rate fixed by the Commission, while engaged in the business of the Commission. The rate must not exceed the rate provided for state officers and employees generally.

~~[~~4. ~~*8.]*~~ ***5.*** While engaged in the business of the Commission, each employee of the Commission is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Commission. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 2. NRS 645.490 is hereby amended to read as follows:

645.490 1. Upon satisfactorily passing the written examination and upon complying with all other provisions of law and conditions of this chapter, a license shall thereupon be granted by the Division to the successful applicant therefor as a real estate broker, broker-salesperson or salesperson, and the applicant, upon receiving the license, may conduct the business of a real estate broker, broker-salesperson or salesperson in this State.

2. The Division shall issue licenses as a real estate broker, broker-salesperson or salesperson to all applicants who qualify and comply with all provisions of law and all requirements of this chapter.

3. Except as otherwise provided in NRS 645.785:

(a) An original license as a real estate broker, broker-salesperson or salesperson must be renewed with the Division before the expiration of the initial license period of ~~[~~24~~]~~ ***12*** consecutive months as prescribed in NRS 645.780; and

(b) Thereafter, the license must be renewed with the Division before the expiration of each subsequent license period of ~~[~~48~~]~~ ***24*** consecutive months as prescribed in NRS 645.780.

Sec. 3. NRS 645.780 is hereby amended to read as follows:

645.780 1. Each license issued under the provisions of this chapter expires at midnight on the last day of the last month of the applicable license period for the license.

2. The initial license period for an original license as a real estate broker, broker-salesperson or salesperson is a period of ~~[~~24~~]~~ ***12*** consecutive months beginning on the first day of the first calendar month after the original license is issued by the Division. Thereafter, each subsequent license period is a period of ~~[~~48~~]~~ ***24*** consecutive months beginning on the first day of the first calendar month after a renewal of the license is issued by the Division for the subsequent license period.

3. For all other licenses, the license period is a period of ~~[~~48~~]~~ ***24*** consecutive months beginning on the first day of the first calendar month after the license or any renewal of the license is issued by the Division, unless a specific statute:

(a) Provides for a different license period; or

(b) Expressly authorizes a different license period to be provided for by regulation.

4. The Division may:

(a) Create and maintain a secure website on the Internet through which each license, permit, certificate or registration issued pursuant to the provisions of this chapter may be renewed; and

(b) For each license, permit, certificate or registration renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 4. NRS 645.830 is hereby amended to read as follows:

645.830 1. The following fees must be charged by and paid to the Division: ***[Subject to the provisions of this chapter, the Division shall collect the following fees at such times and upon such conditions as it may provide by regulation:]***

For each original real estate broker's, broker-salesperson's or corporate broker's license ..... ***[***$210 ***$125]*** ***$105***

For each original real estate salesperson's license..... ***[***170 ***105]*** ***85***

For each original branch office license..... ***[***240 ***140]*** ***120***

For real estate education, research and recovery to be paid at the time an application for an original license is filed..... 40

For real estate education, research and recovery to be paid at the time an application for renewal of a license is filed ..... ***[***80 ***60]*** ***40***

For each renewal of a real estate broker's, broker-salesperson's or corporate broker's license ..... ***[***360 ***200]*** ***180***

For each renewal of a real estate salesperson's license ..... ***[***280 ***180]*** ***140***

For each renewal of a real estate branch office license ..... ***[***220 ***130]*** ***110***

For each penalty for late filing of a renewal for a broker's, broker-salesperson's or corporate broker's license ..... ***[***180 ***115]*** ***95***

For each penalty for late filing of a renewal for a salesperson's license..... ***[***140 ***95]*** ***75***

For each change of name or address..... 20

For each transfer of a real estate salesperson's or broker-salesperson's license and change of association or employment..... 20

For each duplicate license where the original license is lost or destroyed, and an affidavit is made thereof 20
For each change of broker status from broker to broker-salesperson 20
For each change of broker status from broker-salesperson to broker 40
For each reinstatement to active status of an inactive real estate broker's, broker-salesperson's or salesperson's license 20
For each reinstatement of a real estate broker's license when the licensee fails to give immediate written notice to the Division of a change of name or business location ..... 30 ~~[60]~~
For each reinstatement of a real estate salesperson's or broker-salesperson's license when he or she fails to notify the Division of a change of broker within 30 days of termination by previous broker ..... 30 ~~[60]~~
For each original registration of an owner-developer 125
For each annual renewal of a registration of an owner-developer 125
For each enlargement of the area of an owner-developer's registration 50
For each cooperative certificate issued to an out-of-state broker licensee for 1 year or fraction thereof 150
For each original accreditation of a course of continuing education 100
For each renewal of accreditation of a course of continuing education 50
For each annual approval of a course of instruction offered in preparation for an original license or permit 100

2. The fees prescribed by this section for courses of instruction offered in preparation for an original license or permit or for courses of continuing education do not apply to:

(a) Any university, state college or community college of the Nevada System of Higher Education.

(b) Any agency of the State.

(c) Any regulatory agency of the Federal Government.

3. The Commission shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of any investigation of a person's background.

Sec. 5. NRS 645C.240 is hereby amended to read as follows:

645C.240 1. Except as otherwise provided in subsections 2 and 3, ~~*[this section,]*~~ all fees, penalties and other charges ~~*[money]*~~ received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund. ~~*[Account for Real Estate Administration created by NRS 645.140 and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter. Any surplus money from the fees collected pursuant to this chapter which is not necessary to maintain the reserve required pursuant to NRS 645.140 must be deposited with the State Treasurer for credit to the State General Fund.]*~~

2. ~~*[The Commission and the Division shall deposit any money collected from the imposition of any fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*~~

~~*3.]*~~ Fees received by the Division :

(a) From the sale of publications ~~*[,]*~~ must be retained by the Division to pay the costs of printing and distributing publications.

(b) For ~~*[for]*~~ examinations ~~*[,]*~~ must be retained by the Division to pay the costs of the administration of examinations.

➥ Any surplus of the fees retained by the Division ***for the administration of examinations*** must be deposited with the State Treasurer for credit to the State General Fund.

3. ~~*[Account.*~~

~~*4.]*~~ The portion of the fees collected by the Division pursuant to NRS 645C.450 for the issuance or renewal of a certificate or license as a residential appraiser or the issuance or renewal of a certificate as a general appraiser which is used for payment of the registry fee to the ***Federal*** Financial Institutions Examination Council pursuant to 12 U.S.C. § 3338, must be retained by the Division for payment to the ***Federal*** Financial Institutions Examination Council.

4. Money for the support of the Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.

Sec. 6. NRS 645D.140 is hereby amended to read as follows:

645D.140 1. All fees, penalties and other charges ~~*[Except as otherwise provided in this section, all money]*~~ received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund. ~~*[Account for Real Estate Administration created by NRS 645.140 and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter. Any surplus money from the fees collected pursuant to this chapter which is not necessary to maintain the reserve required pursuant to NRS 645.140*~~

~~***must be deposited with the State Treasurer for credit to the State General Fund.]***~~

2. Money for the support of the Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid. ***The Commission and the Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.***

Sec. 7. ~~**[**NRS 645H.350 is hereby amended to read as follows:~~

~~645H.350 **[**1. All fees and administrative fines**]** ***Except as otherwise provided in this section, all money*** received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the **[**State General Fund.~~

~~2. Money for the support of the Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.**]** ***Account for Real Estate Administration created by NRS 645.140 and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter. Any surplus money from the fees collected pursuant to this chapter which is not necessary to maintain the reserve required pursuant to NRS 645.140 must be deposited with the State Treasurer for credit to the State General Fund.]*** **(Deleted by amendment.)**

Sec. 8. NRS 116.620 is hereby amended to read as follows:

116.620 1. Except as otherwise provided in this section and within the limits of legislative appropriations ~~**[**,**]**~~ ***and any other money available for this purpose,*** the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.

3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the Attorney General by the Commission or the Division.

Sec. 9. NRS 116A.210 is hereby amended to read as follows:

116A.210 1. Except as otherwise provided in this section and within the limits of legislative appropriations ~~**[**,**]**~~ ***and any other money available for this purpose,*** the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.

3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the Attorney General by the Commission or the Division.

Sec. 10. ~~[NRS 116A.220 is hereby amended to read as follows:~~

~~116A.220 1. Except as otherwise provided in subsection 2, all money received by the Commission, a hearing panel or the Division pursuant to this chapter must be deposited [into the Account for Common-Interest Communities and Condominium Hotels created pursuant to NRS 116.630.]~~ ***with the State Treasurer for credit to the Account for Real Estate Administration created by NRS 645.140 and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter. Any surplus money from the fees collected pursuant to this chapter which is not necessary to maintain the reserve required pursuant to NRS 645.140 must be deposited with the State Treasurer for credit to the State General Fund.***

~~2. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

~~[3. Money for the support of the Commission and Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 11. NRS 116B.810 is hereby amended to read as follows:

116B.810 1. Except as otherwise provided in this section and within the limits of legislative appropriations ~~[,]~~ ***and any other money available for this purpose,*** the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.

3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the Attorney General by the Commission or the Division.

Sec. 12. ~~[NRS 119.118 is hereby amended to read as follows:~~

~~119.118~~ **[**~~All~~**]** ***Except as otherwise provided in NRS 119.150, all*** ~~fees and charges received by the Division~~ **[**~~shall~~**]** ***must*** ~~be deposited in the~~ **[**~~General~~

~~Fund in the State Treasury. Funds for the support of the Division shall be provided by direct legislative appropriation, and shall be paid out on claims as other claims against the State are paid.~~ ***~~Account for Real Estate Administration created by NRS 645.140 and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter. Any surplus money from the fees collected pursuant to this chapter which is not necessary to maintain the reserve required pursuant to NRS 645.140 must be deposited with the State Treasurer for credit to the State General Fund.~~*** **(Deleted by amendment.)**

Sec. 13. Notwithstanding the amendatory provisions of sections 2 and 3 of this act, the holder of a license issued or renewed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 645.490 or 645.830 before July 1, 2015, is not required to renew the license until the expiration date set forth on the license.

Sec. 14. ~~[NRS 645C.610 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 15. This act becomes effective ~~[:~~

~~1. Upon passage and approval for the purpose of performing any preparatory administrative tasks or adopting any regulations that are necessary to carry out the provisions of this act; and~~

~~2. On]~~ **on** July 1, 2015 ~~[, for all other purposes.~~

~~TEXT OF REPEALED SECTION~~

~~645C.610 Disposition of money collected. If the Commission imposes a fine or a penalty or the Division collects an amount for the registration of an appraisal management company, the Commission or Division, as applicable, shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.]~~

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 475, as amended, changes the real estate licensing terms for real estate brokers and salespersons from two years to one year for initial licensure and from four years to two years for subsequent licensure. The legislation also reduces the licensing fees outlined in the bill to align with the new licensing renewal period and provides that existing licenses issued by the Real Estate Division before July 1, 2015, do not require renewal until the expiration date indicated on the license.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 103.

Bill read second time and ordered to third reading.

Senate Bill No. 128.
Bill read second time and ordered to third reading.

Senate Bill No. 291.
Bill read second time and ordered to third reading.

Senate Bill No. 292.
Bill read second time and ordered to third reading.

Senate Bill No. 338.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 987.
SENATORS SMITH, WOODHOUSE, FORD, KIHUEN, PARKS; ATKINSON, DENIS, MANENDO AND SPEARMAN
JOINT SPONSORS: ASSEMBLYMEN SPRINKLE; **ELLIOT ANDERSON,** ARAUJO, CARRILLO, **DIAZ, FLORES,** JOINER, ~~[AND]~~ MUNFORD **AND SWANK**
AN ACT relating to public schools; requiring the Director of the Office for a Safe and Respectful Learning Environment within the Department of Education to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, v9iolent or unlawful activity, or threats thereof, in or at a public school; prohibiting the release of records or information of the Program except under certain circumstances; creating and providing for the expenditure of money from the Safe-to-Tell Program Account; **requiring the Director of the Office for a Safe and Respectful Learning Environment to post on the Internet website maintained by the Department a list of each gift or donation received for deposit in the Account and the name of each donor;** creating and providing duties for the Safe-to-Tell Program Advisory Committee; providing penalties; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Section 4 of this bill requires the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to **section 4** of Senate Bill No. 504 of this Session to establish the Safe-to-Tell Program within the Office. The Safe-to-Tell Program must enable any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened to be conducted on the property of a public school, at an activity sponsored by a public school or on a school bus of a public school. **Section 4** provides that any information received by the Program is confidential and further provides that the Program must include methods and procedures to ensure that: (1) information reported to the Program is promptly forwarded to appropriate public safety agencies and appropriate public school administrators; and (2) the identity of a person who reports information to the Program is not known by persons operating the Program and is not disclosed to any person. Additionally, **section 4** authorizes the Director of the Office to enter into agreements with organizations to operate a hotline or call center to

receive initial reports made to the Program and forward the information contained in the reports in the required manner. **Section 4** provides that the identity of a person who reports information to the Program must remain unknown to persons employed by, contracting with, volunteering with or otherwise assisting such organizations in operating any such hotline or call center.

Under **section 5** of this bill, a person must not be compelled to produce or disclose any record or information provided to the Program except upon the motion of a defendant in a criminal action or as authorized pursuant to **section 4**. **Section 5** requires that the identity of any person who made a report to the Program be redacted from any record or information subsequently provided to the defendant, and provides that the court may subject the record or information to a protective order further redacting or otherwise limiting the use of the record or information.

Section 6 of this bill provides that the willful disclosure of a record or information of the Safe-to-Tell Program, or the willful neglect or refusal to obey a court order relating to the Program, is punishable as criminal contempt.

Section 6.5 of this bill creates the Safe-to-Tell Program Account in the State General Fund. The Account must be administered by the Director and money in the Account may be used only to implement and operate the Safe-to-Tell Program. **Section 6.5 also requires the Director to: (1) post on the Internet website maintained by the Department of Education a list of each gift or donation received for deposit to the Account and the name of each donor; (2) update the list annually; and (3) transmit the list to the next regular session of the Legislature or the Legislative Committee on Education, as applicable.**

Section 7.5 of this bill establishes the Safe-to-Tell Program Advisory Committee within the Office. The Committee is required to submit a report to the Governor and the Legislature which includes information regarding the number of reports received by the Safe-to-Tell Program and any recommendations for the improvement of the Program. **Section 8** of this bill provides for the dissolution of the Committee on December 31, 2016.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 6.5, inclusive, of this act.

Sec. 1.3. ***As used in sections 1.3 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.***

Sec. 1.5. ***"Director" means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of Senate Bill No. 504 of this Session.***

Sec. 1.7. ***"Safe-to-Tell Program" or "Program" means the Safe-to-Tell Program established within the Office for a Safe and Respectful Learning Environment pursuant to section 4 of this act.***

Sec. 2. ***The Legislature hereby declares that it is the intent of the Legislature in enacting sections 1.3 to 6.5, inclusive, of this act to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school.***

Sec. 3. ***The Legislature hereby finds and declares that:***

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

Sec. 4. ***1. The Director shall establish the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school or on a school bus of a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and section 5 of this act, must not be disclosed to any person.***

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies and school administrators; and

(b) The identity of a person who reports information to the Program:

(1) Is not known by any person designated by the Director to operate the Program;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and

(3) Is not disclosed to any person.

3. On behalf of the Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and

forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; and

(b) Provide to each public school educational materials regarding the Program, including, without limitation, the telephone number and any other methods by which a report may be made.

6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 5. *1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, a person must not be compelled to produce or disclose any record or information provided to the Safe-to-Tell Program.*

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the Safe-to-Tell Program.

Sec. 6. ***Except as otherwise provided in section 5 of this act or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, the willful disclosure of a record or information of the Safe-to-Tell Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to section 5 of this act, is punishable as criminal contempt.***

Sec. 6.5. ***1. The Safe-to-Tell Program Account is hereby created in the State General Fund.***

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the Safe-to-Tell Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

6. The Director shall:

(a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

(b) Update the list annually; and

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 7. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,

200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 4 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes

of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 7.5. 1. The Safe-to-Tell Program Advisory Committee is hereby created in the Office for a Safe and Respectful Learning Environment created by section 4 of Senate Bill No. 504 of this Session within the Department of Education.

2. The Committee consists of the following members, who must be appointed as soon as practicable after the effective date of this section but not later than July 31, 2015:

(a) The following members appointed by the Governor:

(1) One member who is a representative of a law enforcement agency in a county whose population is 700,000 or more;

(2) One member who is a representative of a law enforcement agency in a county whose population is 100,000 or more but less than 700,000;

(3) One member who is a representative of a law enforcement agency in a county whose population is less than 100,000;

(4) One member who is an employee or other representative of the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(5) One member who is an employee or other representative of the Department of Public Safety;

(6) One member who is a ~~[licensed teacher or]~~ school counselor of a public school, as defined in NRS 385.007;

(7) One member who is a psychologist employed by a school district; and

(8) One member who is a victim's advocate, as defined in NRS 49.2545, or who the Governor determines is otherwise qualified to provide expertise in the field of providing assistance to victims;

(b) One member who is a Senator, appointed by the Majority Leader of the Senate;

(c) One member who is a Senator, appointed by the Minority Leader of the Senate;

(d) One member who is an Assemblyman or Assemblywoman, appointed by the Speaker of the Assembly;

(e) One member who is an Assemblyman or Assemblywoman, appointed by the Minority Leader of the Assembly;

(f) The Superintendent of Public Instruction, or his or her designee;

(g) The Director of the State Public Charter School Authority, appointed pursuant to NRS 386.511, or his or her designee;

(h) **One member who is a licensed teacher, appointed by the Nevada State Education Association, or its successor organization;**

(i) Two members appointed by the Nevada Association of School Administrators, or its successor organization, who are school administrators;

~~[(i)]~~ **(j)** One member appointed by the Nevada Association of School Superintendents, or its successor organization, who is the superintendent of a county school district; and

~~[(j)]~~ **(k)** Two members appointed by the Nevada Association of School Boards, or its successor organization.

3. To the extent practicable, the persons appointing members to the Committee shall coordinate the appointments to ensure that the members represent the geographic and ethnic diversity of this State.

4. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation. If sufficient money is available, members are entitled to the travel allowances provided for state officers and employees generally while attending meetings of the Committee.

6. The Committee shall hold its first meeting as soon as practicable on or after August 1, 2015. At the first meeting of the Committee, the members of the Committee shall elect a Chair.

7. The Chair of the Committee may appoint such subcommittees of the Committee as the Chair determines necessary to carry out the duties of the Committee.

8. The Committee, or any subcommittee of the Committee, may seek the input, advice and assistance of persons and organizations with knowledge, interest or expertise relevant to the duties of the Committee.

9. The Committee shall, not later than June 30, 2016, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature a written report that includes, without limitation:

(a) Subject to the provisions regarding confidentiality set forth in sections 1.3 to 6.5, inclusive, of this act, information regarding the number of reports received by the Safe-to-Tell Program established pursuant to section 4 of this act and the disposition of those reports; and

(b) Recommendations, including, without limitation, any proposed legislation for the improvement of the Safe-to-Tell Program.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section 7.5 of this act:

(a) Becomes effective:

(1) Upon passage and approval for the purpose of appointing the members of the Safe-to-Tell Program Advisory Committee created pursuant to that section; and

(2) On July 1, 2015, for all other purposes.

(b) Expires by limitation on December 31, 2016.

3. Sections 1 to 7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 987 makes the following changes to the bill. It requires the Director of the Office for a Safe and Respectful Learning Environment to post a list of each grant, gift, donation, or other source of money, if any, received for deposit in the account and the name of each donor on the Department of Education's website and update the list annually. The Director is further required to report the list for the immediately preceding year to the Director of the Legislative Counsel Bureau in odd-numbered years for transmittal to the next regular session of the Legislature and in even-numbered years to the Legislative Committee on Education.

It further requires that one member of the Safe-to-Tell Advisory Committee be a licensed teacher appointed by the Nevada State Education Association, or its successor organization, in addition to the member who is a public school counselor.

It also adds Assembly members Elliot Anderson, Diaz, Flores, and Swank as joint sponsors.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 933.

AN ACT relating to education; providing for the distribution of money to public schools designated as Victory schools because they have high numbers of pupils living in poverty and received a rating indicating underperformance; requiring an assessment of the needs of the pupils at such schools; requiring Victory schools to use the money received to offer certain programs and services; authorizing the State Board of Education to withhold money if a Victory school demonstrates unsatisfactory pupil achievement and school performance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the distribution of money to schools that have high numbers of pupils living in poverty and have received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools, for the preceding school year, which are designated as Victory schools. This bill requires each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school to conduct an assessment of the needs of pupils at such schools and submit a comprehensive plan for meeting those needs ~~[.]~~ **by a certain date. This bill allows a comprehensive plan to be submitted at a later date if the school district or governing body submits to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school operated by the school district or governing body, as applicable.** A Victory school is required to use the money distributed to the school to provide certain programs and services.

Existing law requires the principal of each school to prepare a plan to improve the achievement of the pupils enrolled in the school and submit the plan to various entities, including the Superintendent of Public Instruction and the Department of Education. (NRS 385.357) This bill requires the principal of a Victory school to include in such a plan a description of how the money distributed to the school is being used to meet the needs of the pupils at the school. This bill also requires the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school which is designated as a Victory school to submit a report concerning the programs and services provided using the money distributed to the school.

This bill requires the Department of Education to contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this bill and authorizes the State Board of Education to require a Victory school that demonstrates unsatisfactory pupil achievement and school performance to take corrective action. The State Board is also authorized to direct the Department of Education to withhold money if unsatisfactory pupil achievement and school performance continues.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature finds and declares that:

1. It is the public policy of this State to provide each pupil enrolled in a public school with high-quality instruction.

2. Pupils who live in poverty benefit from attending a school that has a sustained focus on improving pupil achievement using methods that take into account a variety of factors that influence pupil achievement.

3. Pupils who live in poverty should be provided with services and instruction that is designed to address the needs of such pupils so that each such pupil:

(a) Reads at or above the level of the average pupil in third grade before the pupil completes third grade;

(b) Is prepared to engage in a rigorous high school curriculum upon completion of eighth grade; and

(c) Graduates from high school with the skills and attributes necessary to immediately succeed in college or a career.

4. The cost of providing additional services to pupils who live in poverty will continue to be studied with the purpose of updating the formula for funding schools as necessary.

Sec. 2. 1. The Department of Education shall designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

2. The Department shall designate each Victory school for the 2015-2016 Fiscal Year on or before June 1, 2015.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.031 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2015 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. ~~[On]~~ **Except as otherwise provided in subsection 7, on** or before August 15, 2015, the board of trustees of each school district in which a Victory school is designated for the 2015-2016 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2015-2016 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. **The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan.** The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) **Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;**

(d) Include a description of the **criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;**

(e) Include a description of the manner in which the school district or governing body will collaborate with ~~[other]~~ **selected** entities ~~[that offer programs and services in the community]~~ so that ~~[those]~~ **academic** programs and services **and nonacademic programs and services, including, without limitation, transportation services,** may be offered without charge to support pupils and their families within the region in which the school is located;

~~[(d)]~~ **(f)** Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

~~[(e) Coordinate]~~

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

~~[(f) Consider and coordinate]~~

(h) Coordinate all funding available to each school that is subject to the plan; ~~[and]~~

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

~~[(g)]~~ **(j)** Identify, for each school or group of schools subject to the plan, which of the measures described in subsection ~~[7]~~ **8** will be implemented ~~[.]~~ **; and**

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. **If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2015, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:**

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2015.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) An expansion of full-day kindergarten classes, if such classes have not otherwise been paid for through legislative appropriation.

(c) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(d) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(e) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(f) ~~[Provide programs to recruit and retain highly effective]~~ **Incentives for hiring and retaining** teachers and other **licensed** educational personnel **~~[.]~~ who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.**

(g) ~~[Operate reading]~~ **Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.**

(h) Reading skills centers.

~~[8.]~~ **9.** A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection ~~[7.]~~ **8** to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families, including, without limitation, wrap-around services;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) Provide evidence-based programs and services specifically designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4; or

(e) Any combination thereof.

~~[9.]~~ **10.** A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection ~~[7.]~~ **8** or ~~[8.]~~ **9.**

~~[10.]~~ **11.** Any programs offered at a Victory school pursuant to subsection ~~[7.]~~ **8** or ~~[8.]~~ **9** must:

(a) Be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

~~[11.]~~ **12.** Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385.357 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

~~[12.]~~ **13.** The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided

contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

~~[13.]~~ **15.** The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

~~[14.]~~ **16.** On or before November 30, 2016, and November 30, 2017, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

~~[15.]~~ **17.** The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection ~~[12]~~ **13** and the reports received pursuant to subsection ~~[14]~~ **16** and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

~~[16.]~~ **18.** The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

~~[17.]~~ **19.** Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

~~[18.]~~ **20.** As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Evidence-based programs and services" means practices, interventions and services that have been proven, through scientifically based research, as defined in 20 U.S.C. § 7801(37), to be effective in improving outcomes for pupils when implemented with fidelity.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 933 authorizes the submittal of a comprehensive plan in a two-part process that would involve an applicant first submitting a letter of intent on or before August 15, 2015, containing the school's most current school improvement plan, a summary of proposed activities, a needs assessment, and an analysis of the available data from state and district sources concerning pupil achievement and school performance. The completed plan would be due September 15, 2015. The board of trustees of each school district and charter school in which a Victory school is designated shall designate at least one person who is familiar with the public and charter schools to assist with the development of the plan.

It will require the full plan to include programs and services differentiated between those that are academic and nonacademic in nature. It includes the coordination of all available resources, such as textbooks and other instructional materials, and provides for recruitment and retention incentives from the list of State Board-approved incentives for licensed educational personnel who provide for the programs and services specified in the plan. It provides the State Board prescribe a list of recruitment and retention incentives for school districts and charter schools to offer to licensed educational personnel and paraprofessionals under this program.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 483.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 498.
Bill read second time and ordered to third reading.

Senate Bill No. 507.
Bill read second time and ordered to third reading.

Assembly Bill No. 488.
Bill read second time and ordered to third reading.

Senate Bill No. 69.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Senate Bill No. 296 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1010.

AN ACT relating to the Department of Transportation; authorizing the Director of the Department to issue an encroachment permit for certain discharges onto a state highway, within a right-of-way or into, onto or by way of a conveyance system; providing civil penalties for an unauthorized discharge onto a state highway, within a right-of-way or into, onto or by way of a conveyance system or for a violation of an encroachment permit issued by the Director; **creating and setting forth the duties of the Advisory Committee on Transportational Storm Water Management;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain from the Director of the Department of Transportation a permit before disturbing or digging up, or performing certain similar acts with respect to, a state highway or right-of-way. (NRS 408.423) **Section 4** of this bill prohibits a person from discharging onto a state highway, within a right-of-way or into, onto or by way of a conveyance system unless: (1) the discharge is allowed by a valid National Pollutant Discharge Elimination System permit or a valid encroachment permit issued

by the Director for the discharge; (2) the discharge is carried out in compliance with the terms of the applicable permit; and (3) the discharge is carried out in accordance with any applicable conditions, rules and regulations prescribed by the Director. In addition, **section 4** requires that if a person carries out such a discharge without adhering to the three preceding requirements, the person must, upon receipt of an order for compliance issued pursuant to **section 7** of this bill, abate, remove or remediate the discharge in a timely manner. If the person fails to abate, remove or remediate the discharge, the Director may exercise several powers of enforcement, as set forth in **sections 5-10** of this bill.

Sections 5-10 of this bill provide certain enforcement powers to the Director relating to **section 4** and authorize the Director to: (1) enter upon any premises to investigate the source of a discharge; (2) issue orders for compliance to enforce the provisions of **section 4**; (3) seek injunctive relief in a court of competent jurisdiction to prevent the continuance or occurrence of any act which violates or may violate the provisions of **section 4**; (4) impose a civil penalty of up to $25,000 per day for violations of the provisions of **section 4**; (5) request that the Attorney General institute a criminal prosecution for a violation of the provisions of **section 4**; and (6) conduct an independent investigation of any act which violates or may violate the provisions of **section 4**. **Section 10.3 of this bill creates and sets forth the functions and duties of the Advisory Committee on Transportational Storm Water Management, an advisory body which expires by limitation on June 30, 2021.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 405.205 is hereby amended to read as follows:

405.205 A rural electric cooperative which has been formed pursuant to NRS 81.410 to 81.540, inclusive, may erect or bury, and thereafter maintain or operate, power lines, and may permit the maintenance and operation of telephone lines in connection therewith, along public highways, roads, streets and alleys within the area which it holds a certificate of public convenience and necessity to serve. In exercising this right, the cooperative shall not obstruct the natural and proper use of the highway, road, street or alley, and is subject to the requirements of NRS 408.423 ~~[.]~~ ***and section 4 of this act.***

Sec. 3. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 to ~~[10,]~~ **10.3,** inclusive, of this act.

Sec. 3.3. ***"Conveyance system" means any system of drainage along or involving the roads or highways of this State, or within the rights-of-way of the Department, and designed or used to collect, contain, store or provide for the flow of surface and storm water. The term includes, without limitation, gutters, curbs, ditches, pipes, culverts, channels, catch basins, vaults, man-***

made channels or storm drains that are owned, operated or controlled by the Department.

Sec. 3.5. ***"Discharge" means the release of any pollutant, as that term is defined in NRS 445A.400, onto any state highway, within any right-of-way or into, onto or by way of any conveyance system.***

Sec. 4. ***1. No person shall discharge or cause a discharge upon a state highway, within a right-of-way or into, onto or by way of a conveyance system unless:***

(a) The discharge is allowed by a valid National Pollutant Discharge Elimination System permit or a valid encroachment permit issued by the Director pursuant to NRS 408.423;

(b) The person ensures that the discharge is carried out in compliance with the terms of the applicable permit that allows the discharge, as described in paragraph (a); and

(c) The person ensures that the discharge is carried out in accordance with any applicable conditions, rules and regulations prescribed by the Director.

2. If a person violates the provisions of subsection 1, the person shall, upon receipt of an order for compliance issued pursuant to section 7 of this act, abate, remove or remediate the discharge in a timely manner.

3. If a person who violates the provisions of subsection 1 fails to abate, remove or remediate the discharge in a timely manner, the Director may abate, remove or remediate the discharge. The abatement, removal or remediation of a discharge pursuant to this subsection gives the Department a right of action to recover any of the following:

(a) Any expenses associated with the abatement, removal or remediation.

(b) Attorney's fees, costs and expenses related to the abatement, removal or remediation.

(c) An administrative fee in an amount not to exceed $750 for each day of noncompliance with the provisions of subsection 1, commencing on the 6th day after the person who failed to abate, remove or remediate the discharge received an order for compliance pursuant to section 7 of this act.

(d) A civil penalty pursuant to section 9 of this act.

4. The remedies provided in subsection 3 are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

5. All money obtained in accordance with this section, including, without limitation, all fees and monetary penalties imposed pursuant to this section, must be deposited in the State Highway Fund.

6. To enforce the provisions of this section, the Director may cooperate and coordinate with the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Office of the Attorney General.

Sec. 5. *To enforce the provisions of section 4 of this act or any rule, regulation, standard, permit or order of the Director related thereto, the Director or an authorized designee of the Director may, upon presenting proper credentials:*

1. Enter upon any premises upon which any act in violation of section 4 of this act takes place to inspect, investigate, collect data or otherwise document the violation;

2. At reasonable times, have access to and copy any records required to be maintained in association with any permit issued for the purposes of section 4 of this act or with any abatement, removal or remediation of a discharge that violates the provisions of section 4 of this act;

3. Inspect any equipment or method for the monitoring or observation of a discharge; and

4. Have access to and sample any discharge onto the state highway or right-of-way which results directly or indirectly from activities of an owner or operator of a premises where the discharge originates.

Sec. 6. *1. Except as otherwise provided in section 10 of this act, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any rule, regulation, standard, permit or order issued by the Director for the purposes of section 4 of this act, the Director may:*

(a) Issue an order for compliance pursuant to section 7 of this act;

(b) Commence a civil action pursuant to sections 8 and 9 of this act; or

(c) Request that the Attorney General prosecute any person who violates any provision of sections 4 to 10, inclusive, of this act.

2. The remedies provided in subsection 1 are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 7. *1. Except as otherwise provided in section 10 of this act, if the Director finds that any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any rule, regulation, standard, permit or order issued by the Director to enforce the provisions of section 4 of this act, the Director or an authorized designee of the Director may issue an order for compliance which:*

(a) Specifies the provisions of section 4 of this act, or any rule, regulation, standard, permit or order issued by the Director, alleged to be violated or about to be violated;

(b) Indicates the facts alleged which constitute the alleged violation;

(c) Prescribes the necessary corrective action to be taken and a reasonable period for completion of that corrective action; and

(d) Except as otherwise provided in this paragraph, is served upon the person at his or her place of business or, if that place of business is unknown, served upon the person through the post office or at his or her last known address of record. Alternatively, the order for compliance may be served

upon the person by sending a copy of the order to the electronic mail address of the person, if the electronic mail address of the person is known.

2. Any order for compliance issued pursuant to subsection 1 is final and is not subject to review unless the person against whom the order is issued, within 10 days after the date on which the order is served, requests by written petition a hearing before the Director or an authorized designee of the Director.

Sec. 8. *1. Except as otherwise provided in section 10 of this act, the Director may seek injunctive relief in a court of competent jurisdiction to prevent the continuance or occurrence of any act or practice which violates any provision of section 4 of this act, or any rule, regulation, standard, permit or order issued pursuant thereto.*

2. On a showing by the Director or an authorized designee of the Director that a person is engaged or is about to engage in any act or practice which violates or will violate any rule, regulation, standard, permit or order issued for the purposes of section 4 of this act, the court may issue, without bond, any prohibitory or mandatory injunctions that the facts may warrant, including, without limitation, a temporary restraining order issued ex parte, or, after notice and an opportunity for a hearing, a preliminary injunction or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction pursuant to subsection 2.

4. A court may require the posting of a sufficient performance bond or other security interest to ensure compliance with the court order within the period prescribed.

5. An injunction issued pursuant to this section does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 9. *Except as otherwise provided in sections 4 to 10, inclusive, of this act, any person who violates or aids or abets in the violation of any provision of section 4 of this act, or of any rule, regulation, standard, permit or order issued pursuant thereto, shall pay a civil penalty of not more than $25,000 for each day of the violation. A civil penalty imposed pursuant to this section is cumulative and does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.*

Sec. 10. *1. Except as otherwise provided in subsection 2, before determining whether to issue an order for compliance, commence a civil action, request that the Attorney General commence a criminal action or seek injunctive relief pursuant to sections 4 to 10, inclusive, of this act, the Director or the authorized designee of the Director shall, if practicable, conduct an independent investigation of the alleged act or practice for which the Director is making the determination.*

2. The Director is not required to conduct an independent investigation pursuant to subsection 1 if:

(a) The determination of the Director to take any action specified in that subsection is based on information that is provided to the Director by a person authorized to act pursuant to a permit issued for the purposes of section 4 of this act or by a person who has carried out a discharge that is unauthorized, unlawful or otherwise impermissible pursuant to that section; or

(b) The alleged act or practice creates an imminent and substantial danger to the public health or the environment.

Sec. 10.3. 1. The Advisory Committee on Transportational Storm Water Management is hereby created.

2. The Advisory Committee consists of five members appointed by the Director of the State Department of Conservation and Natural Resources as follows:

(a) One member who represents the Associated General Contractors of America.

(b) One member who represents the State Department of Conservation and Natural Resources.

(c) One member who represents the Department of Transportation.

(d) One member who represents the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(e) One member who represents the public and who has expertise in a field that is relevant to the storm water program.

3. The Chair of the Advisory Committee must be the member of the Advisory Committee who is appointed to represent the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

4. Each member of the Advisory Committee serves for a term of 3 years, beginning on July 1, and may be reappointed.

5. Each member of the Advisory Committee serves at the pleasure of the Director of the State Department of Conservation and Natural Resources.

6. A vacancy on the Advisory Committee must be filled in the same manner as the original appointment.

7. Members of the Advisory Committee serve without compensation and are not entitled to travel or per diem expenses.

8. The Advisory Committee shall meet at the call of the Chair as frequently as required to perform its duties.

9. The Advisory Committee shall work cooperatively with the Division of Environmental Protection of the State Department of Conservation and Natural Resources to:

(a) Ensure the sound implementation and functioning of the storm water program.

(b) Monitor the status and efficacy of the storm water program.

10. Not less frequently than once each calendar quarter, the Advisory Committee shall report to the Department of Transportation regarding matters to include, without limitation:

(a) The activities of the Advisory Committee; and

(b) The implementation and efficacy of the storm water program.

11. Not less frequently than once each calendar quarter, the Department of Transportation shall report to the Interim Finance Committee regarding matters to include, without limitation:

(a) The activities of the Advisory Committee; and

(b) The implementation and efficacy of the storm water program.

12. As used in this section:

(a) "Advisory Committee" means the Advisory Committee on Transportational Storm Water Management created by subsection 1.

(b) "Storm water program" means the program described in sections 4 to 10, inclusive, of this act.

Sec. 10.5. NRS 408.020 is hereby amended to read as follows:

408.020 As used in this chapter ***, unless the context otherwise requires,*** the words and terms defined in NRS 408.033 to 408.095, inclusive, ~~[unless the context otherwise requires,]~~ ***and sections 3.3 and 3.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 408.050 is hereby amended to read as follows:

408.050 "Encroachment" means any tower, pole, pole line, wire, pipe, pipeline, fence, billboard, approach road, driveway, stand or building, crop or crops, flora, ***discharge of any kind or character*** or any structure which is placed in, upon, under or over any portion of highway rights-of-way.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) ***Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. The Deputy Director described in this paragraph shall coordinate the implementation of sections 4 to 10, inclusive, of this act with the State Department of Conservation and Natural Resources.***

(d) Employ such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and

shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 13.5. **NRS 408.175 is hereby amended to read as follows:**

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department. ~~[The Deputy Director described in this paragraph shall coordinate the implementation of sections 4 to 10, inclusive, of this act with the State Department of Conservation and Natural Resources.]~~

(d) Employ such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 14. NRS 408.210 is hereby amended to read as follows:

408.210 1. Except as otherwise provided in NRS 484D.655, the Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles

proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. ~~[The]~~ ***Except as otherwise provided in sections 4 to 10, inclusive, of this act, the*** Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of ~~[$100]~~ ***$750*** for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself or herself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 15. NRS 408.423 is hereby amended to read as follows:

408.423 1. No state highway or right-of-way may be disturbed, dug up, crossed, encroached upon ***, discharged upon*** or otherwise used for the laying or re-laying of pipelines, ditches, flumes, sewers, poles, wires, approach roads, driveways, railways or for any other purpose, without the written permit of the Director, and then only in accordance with the conditions and regulations

prescribed by the Director. All such work must be done under the supervision and to the satisfaction of the Director. All costs of replacing the highway in as good condition as previous to its being disturbed must be paid by the persons to whom or on whose behalf such permit was given or by the person by whom the work was done.

2. In case of immediate necessity therefor, a city or town may dig up a state highway without a permit from the Director, but in such cases the Director must be first notified and the highway must be replaced forthwith in as good condition as before at the expense of such city or town.

3. The Department shall charge each applicant a reasonable fee for all administrative costs incurred by the Department in acting upon an application for a permit, including costs for the preparation and inspection of a proposed encroachment.

Sec. 15.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 16. **1.** This **section and sections 1 to 13, inclusive, 14, 15 and 15.5 of this** act ~~[becomes]~~ **become** effective **upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act, and** on July 1, 2015 ~~[.]~~ **, for all other purposes.**

2. Section 13.5 of this act becomes effective on July 1, 2021.

3. Section 10.3 of this act expires by limitation on June 30, 2021.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

This amendment makes two changes to Senate Bill 324. It creates the Advisory Committee on Transportational Storm Water Management to work with the Division of Environmental Protection, State Department of Conservation and Natural Resources [DCNR] regarding the implementation of storm water programs. The Advisory Committee must report at least quarterly to NDOT [Nevada Department of Transportation] regarding its activities, and NDOT must report at least quarterly to the Interim Finance Committee on the status of the implementation of the storm water program. Provisions creating the Advisory Committee expire by limitation on June 30, 2021.

Second, it requires that the Deputy Director, provided for in section 13 of the bill, coordinate implementation of the storm water program with appropriate personnel at DCNR.

Amendment adopted.

The following amendment was proposed by Assemblyman Wheeler:

Amendment No. 1011.

AN ACT relating to the Department of Transportation; authorizing the Director of the Department to issue an encroachment permit for certain discharges onto a state highway, within a right-of-way or into, onto or by way of a conveyance system; providing civil penalties for an unauthorized discharge onto a state highway, within a right-of-way or into, onto or by way of a conveyance system or for a violation of an encroachment permit issued by

the Director; **revising the qualifications of the Director;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain from the Director of the Department of Transportation a permit before disturbing or digging up, or performing certain similar acts with respect to, a state highway or right-of-way. (NRS 408.423) **Section 4** of this bill prohibits a person from discharging onto a state highway, within a right-of-way or into, onto or by way of a conveyance system unless: (1) the discharge is allowed by a valid National Pollutant Discharge Elimination System permit or a valid encroachment permit issued by the Director for the discharge; (2) the discharge is carried out in compliance with the terms of the applicable permit; and (3) the discharge is carried out in accordance with any applicable conditions, rules and regulations prescribed by the Director. In addition, **section 4** requires that if a person carries out such a discharge without adhering to the three preceding requirements, the person must, upon receipt of an order for compliance issued pursuant to **section 7** of this bill, abate, remove or remediate the discharge in a timely manner. If the person fails to abate, remove or remediate the discharge, the Director may exercise several powers of enforcement, as set forth in **sections 5-10** of this bill.

Sections 5-10 of this bill provide certain enforcement powers to the Director relating to **section 4** and authorize the Director to: (1) enter upon any premises to investigate the source of a discharge; (2) issue orders for compliance to enforce the provisions of **section 4**; (3) seek injunctive relief in a court of competent jurisdiction to prevent the continuance or occurrence of any act which violates or may violate the provisions of **section 4**; (4) impose a civil penalty of up to $25,000 per day for violations of the provisions of **section 4**; (5) request that the Attorney General institute a criminal prosecution for a violation of the provisions of **section 4**; and (6) conduct an independent investigation of any act which violates or may violate the provisions of **section 4**.

Section 11.5 of this bill removes the requirement that the Director be a licensed professional engineer in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 405.205 is hereby amended to read as follows:

405.205 A rural electric cooperative which has been formed pursuant to NRS 81.410 to 81.540, inclusive, may erect or bury, and thereafter maintain or operate, power lines, and may permit the maintenance and operation of telephone lines in connection therewith, along public highways, roads, streets and alleys within the area which it holds a certificate of public convenience and necessity to serve. In exercising this right, the cooperative shall not

obstruct the natural and proper use of the highway, road, street or alley, and is subject to the requirements of NRS 408.423 ~~[.]~~ ***and section 4 of this act.***

Sec. 3. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 to 10, inclusive, of this act.

Sec. 3.3. ***"Conveyance system" means any system of drainage along or involving the roads or highways of this State, or within the rights-of-way of the Department, and designed or used to collect, contain, store or provide for the flow of surface and storm water. The term includes, without limitation, gutters, curbs, ditches, pipes, culverts, channels, catch basins, vaults, man-made channels or storm drains that are owned, operated or controlled by the Department.***

Sec. 3.5. ***"Discharge" means the release of any pollutant, as that term is defined in NRS 445A.400, onto any state highway, within any right-of-way or into, onto or by way of any conveyance system.***

Sec. 4. ***1. No person shall discharge or cause a discharge upon a state highway, within a right-of-way or into, onto or by way of a conveyance system unless:***

(a) The discharge is allowed by a valid National Pollutant Discharge Elimination System permit or a valid encroachment permit issued by the Director pursuant to NRS 408.423;

(b) The person ensures that the discharge is carried out in compliance with the terms of the applicable permit that allows the discharge, as described in paragraph (a); and

(c) The person ensures that the discharge is carried out in accordance with any applicable conditions, rules and regulations prescribed by the Director.

2. If a person violates the provisions of subsection 1, the person shall, upon receipt of an order for compliance issued pursuant to section 7 of this act, abate, remove or remediate the discharge in a timely manner.

3. If a person who violates the provisions of subsection 1 fails to abate, remove or remediate the discharge in a timely manner, the Director may abate, remove or remediate the discharge. The abatement, removal or remediation of a discharge pursuant to this subsection gives the Department a right of action to recover any of the following:

(a) Any expenses associated with the abatement, removal or remediation.

(b) Attorney's fees, costs and expenses related to the abatement, removal or remediation.

(c) An administrative fee in an amount not to exceed $750 for each day of noncompliance with the provisions of subsection 1, commencing on the 6th day after the person who failed to abate, remove or remediate the discharge received an order for compliance pursuant to section 7 of this act.

(d) A civil penalty pursuant to section 9 of this act.

4. The remedies provided in subsection 3 are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that

may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

5. All money obtained in accordance with this section, including, without limitation, all fees and monetary penalties imposed pursuant to this section, must be deposited in the State Highway Fund.

6. To enforce the provisions of this section, the Director may cooperate and coordinate with the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Office of the Attorney General.

Sec. 5. *To enforce the provisions of section 4 of this act or any rule, regulation, standard, permit or order of the Director related thereto, the Director or an authorized designee of the Director may, upon presenting proper credentials:*

1. Enter upon any premises upon which any act in violation of section 4 of this act takes place to inspect, investigate, collect data or otherwise document the violation;

2. At reasonable times, have access to and copy any records required to be maintained in association with any permit issued for the purposes of section 4 of this act or with any abatement, removal or remediation of a discharge that violates the provisions of section 4 of this act;

3. Inspect any equipment or method for the monitoring or observation of a discharge; and

4. Have access to and sample any discharge onto the state highway or right-of-way which results directly or indirectly from activities of an owner or operator of a premises where the discharge originates.

Sec. 6. *1. Except as otherwise provided in section 10 of this act, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any rule, regulation, standard, permit or order issued by the Director for the purposes of section 4 of this act, the Director may:*

(a) Issue an order for compliance pursuant to section 7 of this act;

(b) Commence a civil action pursuant to sections 8 and 9 of this act; or

(c) Request that the Attorney General prosecute any person who violates any provision of sections 4 to 10, inclusive, of this act.

2. The remedies provided in subsection 1 are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 7. *1. Except as otherwise provided in section 10 of this act, if the Director finds that any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any rule, regulation, standard, permit or order issued by the Director to enforce the provisions of section 4 of this act, the Director or an authorized designee of the Director may issue an order for compliance which:*

(a) Specifies the provisions of section 4 of this act, or any rule, regulation, standard, permit or order issued by the Director, alleged to be violated or about to be violated;

(b) Indicates the facts alleged which constitute the alleged violation;

(c) Prescribes the necessary corrective action to be taken and a reasonable period for completion of that corrective action; and

(d) Except as otherwise provided in this paragraph, is served upon the person at his or her place of business or, if that place of business is unknown, served upon the person through the post office or at his or her last known address of record. Alternatively, the order for compliance may be served upon the person by sending a copy of the order to the electronic mail address of the person, if the electronic mail address of the person is known.

2. Any order for compliance issued pursuant to subsection 1 is final and is not subject to review unless the person against whom the order is issued, within 10 days after the date on which the order is served, requests by written petition a hearing before the Director or an authorized designee of the Director.

Sec. 8. *1. Except as otherwise provided in section 10 of this act, the Director may seek injunctive relief in a court of competent jurisdiction to prevent the continuance or occurrence of any act or practice which violates any provision of section 4 of this act, or any rule, regulation, standard, permit or order issued pursuant thereto.*

2. On a showing by the Director or an authorized designee of the Director that a person is engaged or is about to engage in any act or practice which violates or will violate any rule, regulation, standard, permit or order issued for the purposes of section 4 of this act, the court may issue, without bond, any prohibitory or mandatory injunctions that the facts may warrant, including, without limitation, a temporary restraining order issued ex parte, or, after notice and an opportunity for a hearing, a preliminary injunction or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction pursuant to subsection 2.

4. A court may require the posting of a sufficient performance bond or other security interest to ensure compliance with the court order within the period prescribed.

5. An injunction issued pursuant to this section does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 9. *Except as otherwise provided in sections 4 to 10, inclusive, of this act, any person who violates or aids or abets in the violation of any provision of section 4 of this act, or of any rule, regulation, standard, permit or order issued pursuant thereto, shall pay a civil penalty of not more than $25,000 for each day of the violation. A civil penalty imposed pursuant to*

this section is cumulative and does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, pursuant to sections 4 to 10, inclusive, of this act.

Sec. 10. ***1. Except as otherwise provided in subsection 2, before determining whether to issue an order for compliance, commence a civil action, request that the Attorney General commence a criminal action or seek injunctive relief pursuant to sections 4 to 10, inclusive, of this act, the Director or the authorized designee of the Director shall, if practicable, conduct an independent investigation of the alleged act or practice for which the Director is making the determination.***

2. The Director is not required to conduct an independent investigation pursuant to subsection 1 if:

(a) The determination of the Director to take any action specified in that subsection is based on information that is provided to the Director by a person authorized to act pursuant to a permit issued for the purposes of section 4 of this act or by a person who has carried out a discharge that is unauthorized, unlawful or otherwise impermissible pursuant to that section; or

(b) The alleged act or practice creates an imminent and substantial danger to the public health or the environment.

Sec. 10.5. NRS 408.020 is hereby amended to read as follows:

408.020 As used in this chapter ***, unless the context otherwise requires,*** the words and terms defined in NRS 408.033 to 408.095, inclusive, ~~[unless the context otherwise requires,]~~ ***and sections 3.3 and 3.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 408.050 is hereby amended to read as follows:

408.050 "Encroachment" means any tower, pole, pole line, wire, pipe, pipeline, fence, billboard, approach road, driveway, stand or building, crop or crops, flora, ***discharge of any kind or character*** or any structure which is placed in, upon, under or over any portion of highway rights-of-way.

Sec. 11.5. **NRS 408.163 is hereby amended to read as follows:**

408.163 The Director:

1. Is in the unclassified service of the State.

2. ~~[Must be a licensed professional engineer in the State.~~

~~3.]~~ Must have had at least 5 years of responsible administrative experience in public or business administration.

~~[4.]~~ ***3.*** Must possess broad skills as a manager in areas related to the functions of the Department.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 408.175 is hereby amended to read as follows:

408.175 1. The Director shall:

(a) Appoint one Deputy Director who in the absence, inability or failure of the Director has full authority to perform any duty required or permitted by law to be performed by the Director.

(b) Appoint one Deputy Director for southern Nevada whose principal office must be located in an urban area in southern Nevada.

(c) ***Appoint one Deputy Director with full authority to perform any duty required or allowed by law to be performed by the Director to implement, manage, oversee and enforce any environmental program of the Department.***

(d) Employ such engineers, engineering and technical assistants, clerks and other personnel as in the Director's judgment may be necessary to the proper conduct of the Department and to carry out the provisions of this chapter.

2. Except as otherwise provided in NRS 284.143, the Deputy Directors shall devote their entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

3. The Director may delegate such authority as may be necessary for the Deputy Director appointed pursuant to paragraph (b) of subsection 1 to carry out his or her duties.

Sec. 14. NRS 408.210 is hereby amended to read as follows:

408.210 1. Except as otherwise provided in NRS 484D.655, the Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Office of Economic Development or the Director of the Department of Tourism and Cultural Affairs.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. ~~[The]~~ ***Except as otherwise provided in sections 4 to 10, inclusive, of this act, the*** Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the

owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of ~~[$100]~~ ***$750*** for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself or herself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 15. NRS 408.423 is hereby amended to read as follows:

408.423 1. No state highway or right-of-way may be disturbed, dug up, crossed, encroached upon ***, discharged upon*** or otherwise used for the laying or re-laying of pipelines, ditches, flumes, sewers, poles, wires, approach roads, driveways, railways or for any other purpose, without the written permit of the Director, and then only in accordance with the conditions and regulations prescribed by the Director. All such work must be done under the supervision and to the satisfaction of the Director. All costs of replacing the highway in as good condition as previous to its being disturbed must be paid by the persons to whom or on whose behalf such permit was given or by the person by whom the work was done.

2. In case of immediate necessity therefor, a city or town may dig up a state highway without a permit from the Director, but in such cases the Director must be first notified and the highway must be replaced forthwith in as good condition as before at the expense of such city or town.

3. The Department shall charge each applicant a reasonable fee for all administrative costs incurred by the Department in acting upon an application for a permit, including costs for the preparation and inspection of a proposed encroachment.

Sec. 16. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 1011 to Senate Bill 324 removes the requirement that the Director of the Department of Transportation be a licensed professional engineer in this state.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 360.

Bill read second time and ordered to third reading.

Senate Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 995.

AN ACT relating to health; requiring the licensure of peer support recovery organizations by the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to operate or maintain a facility for the dependent or a medical facility to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services and to pay an application fee for the license. (NRS 449.030, 449.050) **Section 6** of this bill includes a peer support recovery organization within the definition of facility for the dependent, thereby requiring peer support recovery organizations to obtain a license from the Division. **Section 4** of this bill provides that a person who holds a license as a facility for the dependent or a medical facility and employs persons to provide peer support services is not required to obtain an additional license as a peer support recovery organization. **Sections 9-11** of this bill impose certain requirements on peer support recovery organizations. **Section 14** of this bill makes certain employees of a peer support recovery organization immune from civil liability for rendering emergency care or assistance in good faith in the course of his or her employment. **Sections 15 and 17** of this bill extend certain mandatory reporting requirements to peer support recovery organizations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Peer support recovery organization" means a person or agency which , for compensation, provides peer support services to persons who are***

18 years of age or older and who suffer from mental illness or addiction or identify themselves as at risk for mental illness or addiction.

Sec. 3. ***"Peer support services" means supportive services relating to mental health, addiction or substance abuse which:***

1. Do not require the person offering the supportive services to be licensed.

2. Are offered to a person in need of such services.

3. May include, without limitation:

(a) Helping to stabilize such a person;

(b) Helping such a person with recovery;

(c) Helping such a person to access community-based behavioral health care;

(d) Assisting such a person during a crisis situation or an intervention;

(e) Providing assistance with preventive care;

(f) Providing strategies and education relating to the whole health needs of such a person; and

(g) Providing encouragement, peer mentoring and training in self-advocacy and self-direction to such a person.

Sec. 4. ***A person who is licensed pursuant to this chapter as a facility for the dependent or a medical facility and who employs persons to provide peer support services is not required to obtain an additional license as a peer support recovery organization.***

Sec. 5. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of abuse of alcohol or drugs;
2. A halfway house for recovering alcohol and drug abusers;
3. A facility for the care of adults during the day;
4. A residential facility for groups;
5. An agency to provide personal care services in the home;
6. A facility for transitional living for released offenders; ~~[and]~~
7. A home for individual residential care ~~[.]~~ ***; and***
8. ***A peer support recovery organization.***

Sec. 7. NRS 449.030 is hereby amended to read as follows:

449.030 1. ~~[No]~~ ***Except as otherwise provided in section 4 of this act, no*** person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.030 to 449.2428, inclusive ~~[.]~~ ***, and section 4 of this act.***

2. Unless licensed as a facility for hospice care, a person, state or local government or agency thereof shall not operate a program of hospice care without first obtaining a license for the program from the Board.

Sec. 8. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, ***and section 4 of this act*** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive ~~.~~ ***, and section 4 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user

of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 9. NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, ***peer support recovery organization,*** residential facility for groups, home for individual residential care, agency to provide personal care services in the home and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:

(a) If the facility, agency **,** ***organization*** or home employs less than 7 employees, in the amount of $5,000;

(b) If the facility, agency **,** ***organization*** or home employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the facility, agency **,** ***organization*** or home employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the facility, agency **,** ***organization*** or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Specialist for the Rights of Elderly Persons determines has suffered property damage as a result of any act or failure to act by the facility, agency **,** ***organization*** or home to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility, agency **,** ***organization*** or home to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility, agency **,** ***organization*** or home is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The Administrator of the Division of Public and Behavioral Health shall give the facility, agency **,** ***organization*** or home at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the

license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The Administrator of the Division of Public and Behavioral Health may exempt a ***peer support recovery organization,*** residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the Administrator determines that the requirement would result in undue hardship to the ***peer support recovery organization,*** residential facility for groups or home for individual residential care.

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, ***peer support recovery organization,*** residential facility for groups, home for individual residential care, agency to provide personal care services in the home or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

8. As used in this section, "older patient" means a patient who is 60 years of age or older.

Sec. 10. NRS 449.067 is hereby amended to read as follows:

449.067 1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, ***a peer support recovery organization,*** a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 11. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.030 to 449.2428, inclusive, ***and section 4 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.2428, inclusive, ***and section 4 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, ***a peer support recovery organization,*** the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program ***, organization*** or home is in compliance with the provisions of NRS 449.119 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, ***a peer support recovery organization,*** a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency ***, organization*** or home are in compliance with the provisions of NRS 449.093.

Sec. 12. NRS 449.119 is hereby amended to read as follows:

449.119 As used in NRS 449.119 to 449.125, inclusive, "facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, ***a***

peer support recovery organization, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.

Sec. 13. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home **,** ~~[or]~~ an agency to provide nursing in the home ***or a peer support recovery organization*** if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 14. NRS 449.194 is hereby amended to read as follows:

449.194 Any person who is employed by an agency to provide personal care services in the home ***or a peer support recovery organization*** who:

1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,

➥ and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

Sec. 15. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in section 2 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 16. NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his or her property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home, an intermediary service organization ***, a peer support recovery organization*** or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Specialist for the Rights of Elderly Persons. If requested, the Specialist for the Rights of Elderly Persons shall conduct a hearing to determine whether the facility, home, agency or organization is liable for damages to the patient. If the Specialist for the Rights of Elderly Persons determines that the facility, home, agency or organization is liable for damages to the patient, the Specialist for the Rights of Elderly Persons shall order the amount of the surety bond pursuant to NRS 449.065 or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021;

(c) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

(d) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

(e) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105;

(f) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304;

(g) "Older patient" has the meaning ascribed to it in NRS 449.065; ~~[and]~~

(h) ***"Peer support recovery organization" has the meaning ascribed to it in section 2 of this act; and***

(i) **"**Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 17. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a peer support recovery organization.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section ~~[~~, "agency~~]~~ ***:***

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Peer support recovery organization" has the meaning ascribed to it in section 2 of this act.

Sec. 18. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2015, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:
This amendment clarifies that a peer support recovery organization receive compensation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1005.

AN ACT relating to off-highway vehicles; ~~[providing a fee for the issuance of special plates to certain off-highway vehicle dealers, lessors and manufacturers by the Department of Motor Vehicles;]~~ revising provisions relating to fees collected by the Department for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the registration of certain off-highway vehicles. ~~[(NRS 490.082)]~~ Existing law also ~~[requires]~~ **authorizes** the Department of Motor Vehicles to issue to **the owner of** an off-highway vehicle ~~[dealer, long-term or short-term lessor or manufacturer a special plate, commonly known as a dealer plate, for use on certain off-highway vehicles for the purposes of display, demonstration, maintenance, sale or exchange. (NRS 490.0827, 490.125) Section 2 of this bill requires the Department to charge a fee of $12 for such a special plate, and authorizes the Department to only issue such a special plate upon a request from an off-highway vehicle dealer, long-term or short-term lessor or manufacturer. The money collected by the Department for such special plates must be deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration.]~~ **a certificate of title for the vehicle under certain circumstances. (NRS 490.082)**

Existing law requires the Department to deposit the fees collected for issuing a certificate of title for an off-highway vehicle into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) Money in the Account must be used to pay the expenses of administering the titling and registration of off-highway vehicles. (NRS 490.085) Fees collected for the annual registration of an off-highway vehicle must be distributed as follows: (1) fifteen percent must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration; and (2) to the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Account for Off-Highway Vehicles. Fees in the latter Account may be used by the Commission on Off-Highway Vehicles for certain administrative costs and to award grants for certain purposes related to off-highway vehicles. (NRS 490.069) **Section 3** of this bill requires that all the money collected by the Department for titling and registration must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. **Section 4** of this bill requires the Department, at least once each fiscal quarter, to transfer any amount in excess of $150,000 from the Revolving Account into the Account for Off-Highway Vehicles for use by the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

(a) Issuance of certificates of title and registration for off-highway vehicles; and

(b) Renewal of registration for off-highway vehicles.

2. An authorized dealer shall:

(a) Except as otherwise provided in ~~[~~paragraph (b) and~~]~~ subsection 4, submit to the State Treasurer for allocation to the Department ~~[~~or to the Account for Off-Highway Vehicles created by NRS 490.069~~]~~ all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(b) ~~[~~Submit to the State Treasurer for deposit into the Account for Off-Highway Vehicles all fees charged and collected and required to be deposited in the Account pursuant to NRS 490.084;

(c)~~]~~ Comply with the regulations adopted pursuant to subsection 5; and

~~[~~(d)~~]~~ ***(c)*** Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation for the performance of any services pursuant to this section.

4. An authorized dealer may charge and collect a fee of not more than $2 for each application for a certificate of title or registration received by the authorized dealer pursuant to this section. An authorized dealer may retain any fee collected by the authorized dealer pursuant to this subsection.

5. The Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation, provisions for:

(a) The expedient and secure issuance of:

(1) Forms for applying for the issuance of certificates of title for, or registration of, off-highway vehicles;

(2) Certificates of title and registration by the Department to each applicant whose application is approved by the Department; and

(3) Renewal notices for registrations before the date of expiration of the registrations;

(b) The renewal of registrations by mail or the Internet;

(c) The collection of a fee of not less than $20 or more than $30 for the renewal of a registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825;

(d) The submission by mail or electronic transmission to the Department of an application for:

(1) The issuance of a certificate of title for, or registration of, an off-highway vehicle; or

(2) The renewal of registration of an off-highway vehicle;

(e) The replacement of a lost, damaged or destroyed certificate of title or registration certificate, sticker or decal; and

(f) The revocation of the authorization granted to a dealer pursuant to subsection 1 if the authorized dealer fails to comply with the regulations.

Sec. 2. ~~[NRS 490.0827 is hereby amended to read as follows:~~

~~490.0827 1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210,~~ ***the off-highway dealer, long-term or short-term lessor or manufacturer may request from*** ~~the Department [shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer] one or more special plates for use on an off-highway vehicle specified in subsection 1 of NRS 490.125. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.~~

~~2. The Department~~ ***, upon a request pursuant to subsection 1,*** ~~shall issue to each off-highway vehicle dealer, long-term or short-term lessor or manufacturer a reasonable number of special plates.~~

~~***3. The Department shall charge an annual fee of $12 for each special plate issued pursuant to this section.***~~

~~***4. Money received by the Department pursuant to subsection 3 must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.]*** **(Deleted by amendment.)**

Sec. 3. NRS 490.084 is hereby amended to read as follows:

490.084 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

2. The Commission shall determine the fee for the annual registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825, but such fee must not be less than $20 or more than $30. Money received from the payment of the fees described in this subsection must be ~~[distributed as follows:~~

~~(a) During the period beginning on July 1, 2012, and ending on June 30, 2013:~~

~~(1) Eighty-five percent must be~~**]** deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

~~**[**(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 15 percent must be deposited into the Account for Off-Highway Vehicles created by NRS 490.069.~~

~~(b) On or after July 1, 2013:~~

~~(1) Fifteen percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, 85 percent must be deposited into the Account for Off-Highway Vehicles.~~**]**

Sec. 4. NRS 490.085 is hereby amended to read as follows:

490.085 1. The Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration is hereby created in the State Highway Fund.

2. ~~**[**The~~**]** ***Except as otherwise provided in subsection 3, the*** Department shall use the money in the Account to pay the expenses of administering the provisions of this chapter relating to the titling and registration of off-highway vehicles.

3. ~~[Money in the Account must be used only for the purposes specified in subsection 2.]~~ ***At least once each fiscal quarter, the Department shall transfer any amount in excess of $150,000 in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration into the Account for Off-Highway Vehicles created by NRS 490.069.***

4. Any money remaining in the ***Revolving*** Account ***for the Administration of Off-Highway Vehicle Titling and Registration*** at the end of a fiscal year does not revert to the State Highway Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Wheeler moved the adoption of the amendment.

Remarks by Assemblymen Wheeler and Carlton.

ASSEMBLYMAN WHEELER:

Amendment 1005 to Senate Bill 492 removes provisions in the bill that would have required the DMV [Department of Motor Vehicles] to charge an annual fee of $12 for each special license plate issued upon request from an off-highway vehicle [OHV] dealer, long-term or short-term lessor, or manufacturer for use on certain OHVs for the purpose of display, demonstration, maintenance, sale, or exchange. It also should remove the two-thirds requirement of the bill.

ASSEMBLYWOMAN CARLTON:

When I first read this, I was a little confused. Thank you for clarifying what this actually does. Removing the cost of the sticker—this is a self-sustaining fund; they cannot access State Highway funds. It is not allowed. How is this fund going to survive if we are not paying for stickers?

ASSEMBLYMAN WHEELER:

To my colleague from Las Vegas, the number of stickers for dealers in this particular industry was quoted in the committee at about 60. We were looking at a very small amount of money here, and it was able to be absorbed.

ASSEMBLYWOMAN CARLTON:

Once again, this was a self-sustaining fund. It was everyone paying their fair share. We heard another bill in Ways and Means about how we can get more people to buy stickers. I am just concerned that if they do not have the resources they need, Clark County or another county will end up having to subsidize them again in the future. Hopefully, that will not happen.

ASSEMBLYMAN WHEELER:

This is actually not part of the sticker program but is an actual license plate for dealers. It goes through the DMV. I think we are talking apples and oranges here.

Amendment adopted.

Bill ordered reprinted, reengrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 135.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 998.

AN ACT relating to public records; requiring the Division of State Library and Archives of the Department of Administration to develop and **, under certain circumstances,** conduct a program of education and training concerning the retention and disposition of official state records for the employees of agencies, boards and commissions that are required to have a schedule approved by the Committee to Approve Schedules for the Retention and Disposition of Official State Records; requiring **, under certain circumstances,** the head of such an agency, board or commission to require certain employees to complete the program; requiring the head of such an agency, board or commission to issue a letter of reprimand to an employee who knowingly and willfully disposes of an official state record in a manner contrary to an approved schedule for the retention and disposition of official state records or authorizing the head of an agency, board or commission to take more severe disciplinary action against such an employee in appropriate circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain state agencies, boards and commissions, in cooperation with the Division of State Library and Archives of the Department of Administration, to develop a schedule for the retention and disposition of the official state records of the agency, board or commission. Existing law also requires the Division to submit the schedules to the Committee to Approve Schedules for the Retention and Disposition of Official State Records for approval. Upon approval of a schedule, existing law provides that an official state record may be disposed of only in accordance with the approved schedule. (NRS 239.077, 239.080) As recommended by the Sunset Subcommittee of the Legislative Commission, this bill requires the Division to develop ~~[and conduct]~~ a program of education and training concerning the retention and disposition of official state records for employees of such agencies, boards and commissions. **This bill requires the Division to conduct the program to the extent that resources are available.** This bill also requires **, under certain circumstances,** the head of a state agency, board or commission that is required to maintain its official state records in accordance with such an approved schedule to require certain employees to complete the program. This bill further: (1) requires the head of an agency, board or commission to issue a letter of reprimand to an employee of the agency, board or commission who knowingly and willfully disposes of an official state record in a manner contrary to the approved schedule; or (2) authorizes the head of an agency, board or commission to take more severe disciplinary action against such an employee in appropriate circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and ***, to the extent that resources are available,*** *conduct a program of education and training on the retention and disposition of official state records for the employees of each agency, board and commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to NRS 239.080. The program must include, without limitation, instruction concerning:*

(a) The general standards of the Division for the development pursuant to NRS 239.080 of schedules for the retention and disposition of official state records;

(b) The specific criteria for the retention and disposition of official state records in accordance with the approved schedule applicable to the agency, board or commission by which an employee is employed; and

(c) Any criminal or civil penalties or other administrative or disciplinary action to which an employee may be subject as the result of the disposal of an official state record in a manner contrary to the approved schedule for the retention and disposition of official state records applicable to the agency, board or commission by which the employee is employed.

2. ~~*[The]*~~ ***Except as otherwise provided in subsection 3, the*** *head of an agency, board or commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to NRS 239.080 and approved by the Committee pursuant to NRS 239.077:*

(a) Shall require each employee of the agency, board or commission, as applicable, whose duties include the management of the retention and disposal of any official state records of the agency, board or commission to complete the program of education and training on the retention and disposition of official state records that is developed and conducted by the Division pursuant to subsection 1.

(b) May require other employees of the agency, board or commission, as applicable, to complete the program of education and training described in paragraph (a).

~~*[(c)]*~~ ***3. If sufficient resources are not available for the Division to conduct, in whole or in part, the program of education and training on the retention and disposition of official state records pursuant to subsection 1, the Division shall:***

(a) Determine which heads of agencies, boards or commissions that are required to maintain official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to NRS 239.080 and approved by the Committee pursuant to NRS 239.077 are subject to the provisions of subsection 2; and

(b) Notify the head of each agency, board or commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed

pursuant to NRS 239.080 and approved by the Committee pursuant to NRS 239.077 whether the head of the agency, board or commission is:

(1) Required to comply with the provisions of paragraph (a) of subsection 2; and

(2) Authorized to comply with the provisions of paragraph (b) of subsection 2.

4. The head of an agency, board or commission that is required to maintain its official state records in accordance with a schedule for the retention and disposition of official state records that has been developed pursuant to NRS 239.080 and approved by the Committee pursuant to NRS 239.077:

(a) Except as otherwise provided in paragraph [(d),] (b), shall issue a letter of reprimand to any employee of the agency, board or commission, as applicable, who knowingly and willfully disposes of an official state record of the agency, board or commission in a manner contrary to the approved schedule for the retention and disposition of the official state records of the agency, board or commission.

[(d)] (b) In lieu of a letter of reprimand issued pursuant to paragraph [(c),] (a), may take more severe disciplinary action against an employee in a matter involving a repeated offense or where circumstances otherwise warrant such action.

Sec. 2. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

4. "Division" means the Division of State Library and Archives of the Department of Administration.

5. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

6. ***"Official state record" includes, without limitation:***

(a) Papers, unpublished books, maps and photographs;

(b) Information stored on magnetic tape or computer, laser or optical disc;

(c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and

(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.

7. **"**Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 3. NRS 239.080 is hereby amended to read as follows:

239.080 1. An official state record may be disposed of only in accordance with a schedule for retention and disposition which is approved by the Committee.

2. In cooperation with the Division, each agency, board and commission shall develop a schedule for the retention and disposition of each type of official state record.

3. The Division shall submit the schedules described in subsection 2 to the Committee for final approval.

~~**[**4. As used in this section, "official state record" includes, without limitation, any:~~

~~(a) Papers, unpublished books, maps and photographs;~~

~~(b) Information stored on magnetic tape or computer, laser or optical disc;~~

~~(c) Materials which are capable of being read by a machine, including microforms and audio and visual materials; and~~

~~(d) Materials which are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.~~**]**

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 135, as amended, revises provisions relating to schedules for retention and disposal of official state records.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 487 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblymen Trowbridge, Joiner, Fiore, Araujo, Hansen, Seaman, and Wheeler.

ASSEMBLYMAN TROWBRIDGE:

Assembly Bill 487 provides that a person who has a permit to carry a concealed firearm may possess a concealed firearm inside a motor vehicle while on the property of the Nevada System of Higher Education [NSHE], a private or public school, or a child care facility if the motor vehicle is occupied or if the motor vehicle is unoccupied, the motor vehicle is locked, and the firearm is securely stored in a locked container attached to the motor vehicle.

The bill also requires the Board of Regents to prescribe rules that allow a permittee to carry a concealed firearm on NSHE property without having to obtain permission from the president of the educational institution. Any rules prescribed by the Board before, on, or after July 1, 2015, that are inconsistent with this provision are void.

ASSEMBLYWOMAN JOINER:

I rise in opposition to Assembly Bill 487. It is extremely disappointing to me that we have to continue to vote on this issue of campus carry. For me, this is a very personal vote, but it is also one that affects my constituents greatly. The University of Nevada, Reno is in my district, and I am going to take the cue from everyone on that campus who has taken a position in opposition on this issue. I am referring to the student government, the graduate student government, the Faculty Senate, the Nevada Student Alliance, and the Nevada System of Higher Education. Consistently, the folks who are affected by this law have voted no. The students of the University of Nevada, Reno have voted through their representatives, and I am going to respect their opinion and also vote no on this measure.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 487. We have had a great deal of debate on the issues covered by Assembly Bill 487, and it is now time to act. This bill safeguards both our students and their constitutional rights, and I urge all my colleagues to vote yes.

ASSEMBLYMAN ARAUJO:

I rise in opposition to Assembly Bill 487. This is the third time that we will be voting on this measure in this building. Earlier this week in committee, it was so disappointing to see so many young faces in our audience, both in southern Nevada and northern Nevada, and have administrators show up just for them not to be allowed to testify regarding this bill. We owe it to our constituents to allow them to have a say in this process. They elect us, and they have every right to share their views. For them not to be allowed to put their remarks on the record is extremely disappointing.

I hope that this body truly takes into consideration the fact that students have mobilized against this measure and have pleaded with us not to approve a measure that is going to impact them. This

is not about us; it is about them. The folks who will be directly impacted by this legislation are telling us that they do not want this measure in their institutions. The educators, the professionals, are telling us they do not want this, so why are we going to force this upon them? I urge this body to please take that into consideration. Our students matter, our education professionals matter, and we have got to start listening to our constituents.

ASSEMBLYMAN HANSEN:

I rise in strong support of Assembly Bill 487. For the record, I want to make it very clear that we gave a full and fair hearing to Assembly Bill 487 the first time this came around. Both sides had exactly equal time. I worked with both the proponents and opponents to make sure that everyone had the list of speakers that they wanted. This was thoroughly and fully vetted by our committee. Rather than have a totally redundant hearing, we simply moved it.

More importantly, Mr. Speaker, the reason we should all be supporting this is our United States Supreme Court said it is a constitutional right for people to carry firearms in the United States. Normally, the universities are the ones who are the biggest and most powerful proponents of pushing our Bill of Rights. But somehow, in this case, we are supposed to say your constitutional rights end at the border of a government institution. That is one thing.

Another thing is, all the horror stories that we heard in the hearings were entirely based on hyperbole and the idea that these things could potentially happen. The campuses in the state of Utah and the state of Colorado have, in fact, had campus carry for, in one case, a decade and the horror stories we were told are going to happen on our campuses about drunk frat boys shooting up the place and so forth have not occurred. Not a single case.

I would urge my colleagues, rather than listen to the rhetoric of some uninformed young people who ought to do their homework in the other states where they have allowed this law for a long time, to see what the real results are of allowing people the right to protect themselves. I would also point out that in our audience right now is Mr. Tom Collins, whose daughter had a CCW [concealed carry weapon] permit and was not allowed to carry it on the campus and then was brutally raped. The fact is that in so many cases, firearms have been shown to deter crime. Is it just coincidental that all these horrible mass shootings that have occurred in the United States have almost all occurred in places where guns are not allowed—post offices, school campuses, universities, Virginia Tech?

I have sat through those hearings as chairman, and as chairman I have pretty much done my very best not to express my opinion, to try to be fair and unbiased, so that both sides get a fair and equal opportunity to present their case. But this is my time, here and now, to say this is the right thing to do. It is time in the state of Nevada we recognize that people who are 21 years old, who have passed the test to carry these guns, and have been shown by all sorts of studies to be safer than even the policemen who carry the firearms on the campuses now—that we allow that right for our citizens here in the state. I would urge my colleagues to stand up, quit being intimidated by theoretical probabilities or possibilities when the evidence is overwhelming that concealed weapons reduce crime, allow protections of young ladies, and is simply an individual constitutional right that we should all support. I urge this body to vote yes on Assembly Bill 487.

ASSEMBLYWOMAN SEAMAN:

I rise in strong support of Assembly Bill 487. I just want to ditto the sentiments of my colleague from the north on campus carry and say thank you for those who will support our constitutional Second Amendment right to protect ourselves, no matter where we are, if we choose to carry a weapon to protect ourselves against rape and murder anywhere that we are. Thank you for supporting this.

ASSEMBLYMAN WHEELER:

I rise in strong support of Assembly Bill 487. I want to thank my colleague from District 32 for his passionate speech, and I agree. My colleague from District 3 says that he is only getting transmissions from students who are against this. I am thinking that maybe we are getting different transmissions, different emails, and different phone calls. Mine are overwhelmingly in support from students, from some faculty, and especially the phone calls I am getting from constituents. I know that as a 61-year-old man who happens to be able to carry a gun, I cannot walk on that campus. I cannot go pick up my kids. Look at me. Do you think I am going to shoot somebody?

This is the right thing to do for our rights. This is where our Bill of Rights really comes in. I urge your support for this.

Roll call on Assembly Bill No. 487:

YEAS—26.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Spiegel, Sprinkle, Swank, Thompson—16.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 221, as amended, revises provisions governing the collection, maintenance, use, and security of data collected concerning public school pupils. The bill requires the Department of Education to adopt any policies and procedures necessary to ensure the privacy of student data under state and federal law and to review these policies at least once each biennium and revise them as needed. The Department is further required to post on its website a list of all third-party service providers, organizations, and agencies that have access to data concerning individual pupils. For any contract that involves personally identifiable data about pupils, the Department, public school boards of trustees, and governing bodies are required to include contract provisions that meet certain privacy and security requirements, including prohibiting the sale of personally identifiable information and providing penalties for noncompliance.

This bill is one that we worked on during the interim. It has involved Clark County, Washoe County, and all the data people from those two organizations. It involved Infinite Campus. It involved a ton of lawyers as we worked on this thing. It involved outside organizations that have anything to do with schools. This is a composite of all that work. I think it is a very good bill, and I urge my colleagues to support it.

Roll call on Assembly Bill No. 221:

YEAS—42.

NAYS—None.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 974.

AN ACT relating to public works; prohibiting a public body from entering into certain contracts for public works which allow for purchase by the public body of the construction materials or goods to be used in the public work; providing that the Attorney General shall enforce the prohibition against such a contract for a public work; directing the Department of Taxation to withhold certain money payable to a public body which violates such a prohibition in a contract for a public work; revising provisions relating to certain construction

projects of the Nevada System of Higher Education; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sale of any tangible personal property to a governmental entity including the State, its unincorporated agencies and instrumentalities or a county, city, district or other political subdivision of this State, is exempted from the imposition of sales and use taxes. (NRS 372.325, 372.345) A contractor who buys tangible personal property or stores, uses or otherwise consumes tangible personal property for such a governmental entity must pay such taxes unless the contractor is a constituent part of that entity. (NRS 372.340) **Section 1** of this bill prohibits any public body including the State, its local governments, school districts, and any public agency thereof which sponsors or finances a public work from entering into an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by: (1) the public body; (2) a contractor who is a constituent part of the public body; or (3) a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes. **Section 1** also provides that: (1) an express or implied contract entered into in violation of this prohibition is void; (2) a person who enters into such a contract is guilty of a gross misdemeanor; and (3) the right to enforce the provisions of this prohibition vests exclusively in the Attorney General. **Section 1** further provides that, if a contract is entered into in violation of this prohibition, the Attorney General must forward to the Department of Taxation a list of the construction materials or goods purchased under the contract. The Department is then required to calculate the amount of applicable state and local taxes that should have been collected on the construction materials or goods, and deduct from the money otherwise payable from the proceeds of any tax distribution due to the public body either twice the amount of the applicable taxes or the sum of $250,000, whichever is greater. In addition, **section 1** exempts from the new prohibition express or implied contracts for public works that use certain construction materials or goods that are: (1) purchased pursuant to governmental procurement rules, needed on a recurring basis and used to protect the health, safety or welfare of the public; or (2) specialized, project-specific components.

Under existing law, the laws of this State pertaining to public works apply to any project which is financed in whole or in part from public money for the new construction, repair or reconstruction of publicly owned works and properties, except that such laws only apply to a building for the Nevada System of Higher Education if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal

money. (NRS 338.010) **Section 2** of this bill removes that exemption from the application of public works laws for ~~[such a building for the System. However, section 2.5 of this bill exempts]~~ a building of the System if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money **, but section 2.5 of this bill exempts such a building** from certain provisions requiring that a public body use the services of the State Public Works Division of the Department of Administration for certain services relating to planning, maintenance and construction of state buildings. (NRS 341.141-341.148) **Section 2.5 also specifically requires the System to use the services of the Division as building official for the construction of any building for the System. Section 4** of this bill repeals certain sections for conformity with the amendments made in **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a public body shall not enter into an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work will be purchased or otherwise supplied by:

(a) The public body or a contractor who is a constituent part of the public body; or

(b) A contractor who is not a constituent part of the public body but is acting on behalf of the public body.

2. A public body may enter into an express or implied contract for a public work which provides that any construction materials or goods to be used in the public work will be purchased or supplied by the public body, a contractor who is a constituent part of the public body or a contractor who is not a constituent part of the public body but is acting on behalf of the public body if:

(a) The contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of the construction materials or goods if the construction materials or goods had been purchased and used by a contractor who was not a constituent part of the public body and who was not otherwise exempt from the taxes pursuant to state or local law; and

(b) The public body sends an itemized list of the construction materials or goods to be purchased or otherwise provided by the public body or a contractor who is a constituent part of the public body, to the Department of Taxation. The itemized list must include the amount paid for each item.

3. An express or implied contract entered into in violation of subsection 1 is void.

4. A person who enters into an express or implied contract that violates the provisions of subsection 1 is guilty of a gross misdemeanor.

5. The right to enforce the provisions of this section vests exclusively in the Attorney General, who shall institute and prosecute the appropriate proceedings to enforce the provisions of this section.

6. If an express or implied contract for a public work is entered into in violation of subsection 1, the Attorney General shall forward to the Department of Taxation a list of construction materials or goods purchased in violation of this section by the public body or the contractor who is a constituent part of the public body. The Department shall calculate the applicable state and local taxes on the purchase and use of the construction materials or goods which would have been due but for the tax exemption of the public body or the contractor who is a constituent part of the public body, and shall deduct that amount from the money otherwise payable from the proceeds of any tax distribution to the public body:

(a) Twice the amount of the applicable taxes; or

(b) The sum of $250,000,

➥ whichever is greater.

7. The provisions of this section do not apply to an express or implied contract for a public work for which the construction materials or goods purchased by the public body are:

(a) Devices, equipment or hardware purchased in compliance with chapter 332 or 333 of NRS which are needed on a recurring basis and used to protect the health, safety or welfare of the public, including, without limitation, official traffic control devices; or

(b) Specialized components purchased in compliance with chapter 332 or 333 of NRS which are specific to a particular project and are not commonly used in public works projects.

➥ If a public body enters into such a contract, the public body must provide annually to the Department of Taxation an itemized list of the construction materials or goods purchased pursuant to the contract and the amount paid for each item.

8. As used in this section, "construction materials or goods" means all materials, equipment or supplies which are intended to be used in a public work and includes, without limitation, the following, as well as related components or other materials intended for similar use:

(a) Structural or reinforcing steel.

(b) Aggregates, including, without limitation, base, barrow, concrete, asphalt, treated base, fill, topsoil and decorative aggregate.

(c) Interior finishing materials, including, without limitation, drywall, metal studs, acoustical ceiling material, paint, sealants, compounds and wall coverings.

(d) Flooring, including, without limitation, carpet, tile, wood, vinyl and laminates.

(e) Wood and wood products, including, without limitation, plywood, lumber, form systems, sheeting and decking.

(f) Utility materials, including, without limitation, piping, conduit, fiber optics, cables and cabling, power generators and pumps.

(g) Electrical materials, including, without limitation, conduit, wire, cables and cabling, electrical panels, lighting fixtures, outlets and switches.

(h) Plumbing materials, including, without limitation, pipes and piping, fixtures, drains, pumps, toilets, sinks, tubs and water heaters.

(i) Heating, ventilation and air conditioning materials, including, without limitation, ducts, vents, sheet metal, air conditioning units, furnaces and fans.

(j) Equipment and devices, whether purchased or rented, including, without limitation, heavy construction equipment, forklifts, scissor lifts, boom lifts, cranes and traffic control devices.

(k) Miscellaneous materials, including, without limitation, materials used for fencing, irrigation, masonry, cabinetry, doors, windows, traffic signals and signs, landscaping, roofing and elevators.

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political

subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

14. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

15. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

16. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

17. "Public work" means any project for the new construction, repair or reconstruction of ~~[~~:

~~(a) A]~~ ***a*** project financed in whole or in part from public money for:

~~[(1)]~~ ***(a)*** Public buildings;

~~[(2)]~~ ***(b)*** Jails and prisons;

~~[(3)]~~ ***(c)*** Public roads;

~~[(4)]~~ ***(d)*** Public highways;

~~[(5)]~~ ***(e)*** Public streets and alleys;

~~[(6)]~~ ***(f)*** Public utilities;

~~[(7)]~~ ***(g)*** Publicly owned water mains and sewers;

~~[(8)]~~ ***(h)*** Public parks and playgrounds;

~~[(9)]~~ ***(i)*** Public convention facilities which are financed at least in part with public money; and

~~[(10)]~~ ***(j)*** All other publicly owned works and property.

~~[(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.]~~

18. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

19. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

20. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

21. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

22. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

24. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

25. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.5. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[The]*~~

1. Except as otherwise provided in subsection 2, the provisions of NRS 341.141 to 341.148, inclusive, apply to a contract for the construction of a building for the Nevada System of Higher Education only if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

2. The provisions of subsection 2 of NRS 341.145 apply to the construction of any building for the Nevada System of Higher Education.

Sec. 2.7. NRS 341.141 is hereby amended to read as follows:

341.141 1. The Division shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; ~~[and]~~

(c) ***Buildings of the Nevada System of Higher Education:***

(1) That are exempted pursuant to subsection 1 of section 2.5 of this act; or

(2) To which subsection 1 of section 2.5 of this act applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; and

(d) Buildings on property controlled by other state agencies if the Administrator has delegated his or her authority in accordance with NRS 341.119.

➥ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 3. NRS 338.018 and 338.075 are hereby repealed.

Sec. 4. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

338.018 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Assemblywoman Kirkpatrick moved the adoption of the amendment.
Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

This amendment to Assembly Bill 332 prohibits any public body—including the state, its local governments, school districts, and any public agency that sponsors or finances a public work—from entering into a contract, express or implied, for a public work that provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by the public body, a contractor who is a constituent part of the public body, or a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes.

The bill also exempts certain purchases related to emergencies, items needed on a reoccurring basis to protect health and safety, and specialized project-specific components. The bill exempts a building of the Nevada System of Higher Education from certain provisions requiring that a public body use the services of the State Public Works Division if less than 25 percent of the costs of the building are paid from money appropriated by this state or federal money.

The reason that I wanted to be sure to read the entire floor statement into the record is because in the past, there have been some things that were not so clear. This basically says that for all purposes, you are subject to the sales tax when you participate in a public works project for construction. I want to clarify that it is for construction. This goes a long way back in our state as a problem, and this helps to clarify it so we know where we are in the future.

Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 388.
Bill read third time.
Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 388 is a trailer bill from a bill that I passed last session in order to do some good, but it opened up a bit of a can of worms. I am putting those worms back in the can here. For the record, I will read the floor statement.

Assembly Bill 388, as amended, changes the period which a public officer or employee is eligible to take the specified number of days of leave of absence for military duties each year from a calendar year to a 12-month period selected by the officer's or employee's public employer and requires the Personnel Commission to prescribe this 12-month period by regulation for each state agency and for each political subdivision to prescribe this 12-month period for its agencies.

In addition, Assembly Bill 388 limits the compensation for a state officer or employee whose work schedule includes a Saturday or Sunday for those additional 24 working days of leave as follows, for each hour during any such period of leave: (1) If the officer's or employee's military pay exceeds his or her regular pay, the officer or employee receives only his or her military pay and not his or her regular compensation; or (2) If the officer's or employee's pay does not exceed his or her regular compensation, the officer or employee receives his or her military pay and his or her regular compensation is reduced by an amount equal to his or her military pay.

Finally, Assembly Bill 388 clarifies the term "work schedule" and "working day" and specifies other types of compensation and leave an officer or employee is not entitled to while on military leave. Assembly Bill 388, as amended, becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

Roll call on Assembly Bill No. 388:

YEAS—42.

NAYS—None.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Senate Bill 60 transfers from the Secretary of State to the Attorney General the authority to issue fictitious addresses to certain persons and provides funding necessary for the Attorney General to carry out the program of issuing fictitious addresses. The bill also creates within the Office of the Attorney General the Office of Military Legal Assistance and extends the expiration date for the Substance Abuse Working Group from June 30, 2015, to June 30, 2019.

Roll call on Senate Bill No. 60:

YEAS—42.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 89 increases from $250,000 per year to $2 million per fiscal year the limitation on expenditures by the Division of Environmental Protection from the Fund for Cleaning Up Discharges of Petroleum. The bill also broadens the authority of the Division to use the Fund for the cleanup of discharges of petrochemicals. Testimony indicated that the discharges of petrochemicals that may be cleaned up using monies in the fund include certain chemicals that have dry cleaning applications.

Roll call on Senate Bill No. 89:

YEAS—42.

NAYS—None.

Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 951.

AN ACT relating to education; creating the Office of the Western Regional Higher Education Compact within the Office of the Governor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the Governor to employ certain persons to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology and the Governor's mansion. (NRS 223.085) Section 4 of this bill additionally authorizes the Governor to employ certain persons to provide an appropriate staff for the Office of the Western Regional Higher Education Compact.]~~

Existing law directs the Governor to execute a compact with certain other states for the purpose of forming a Western Interstate Commission for Higher Education. (NRS 397.010) The compact requires the Western Interstate Commission for Higher Education to enter into certain contractual agreements with certain institutions offering graduate or professional education in other member states in order to increase the opportunities for residents of member states to obtain graduate or professional degrees. (NRS 397.020) **Sections 3 and 5** of this bill create the Office of the Western Regional Higher Education Compact within the Office of the Governor. **Section 5 requires the Governor to propose a budget for the Office and to appoint a Director of the Office, who is in the unclassified service of the State. Section 5 authorizes the Director to employ any necessary personnel, who are in the classified service of the State.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 397.030 is hereby amended to read as follows:

397.030 1. In furtherance of the provisions contained in the Compact, there must be three Commissioners from the State of Nevada, appointed by the Governor ~~[.]~~ ***to serve in the Office of the Western Regional Higher Education Compact created by section 5 of this act.***

2. The qualifications and terms of the three Nevada State Commissioners must be in accordance with Article 4 of the Compact. A Nevada State Commissioner shall hold office until his or her successor is appointed and qualified, but the successor's term expires 4 years after the legal date of expiration of the term of his or her predecessor.

3. Any Nevada State Commissioner may be removed from office by the Governor upon charges and after a hearing.

4. The term of any Nevada State Commissioner who ceases to hold the required qualifications terminates when a successor is appointed.

Sec. 4. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology

, the Office of the Western Regional Higher Education Compact and the Governor's mansion. ~~[Any]~~ ***Except as otherwise provided by specific statute,*** such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, ~~***[and section 5 of this act,]***~~ serve at the pleasure of the Governor.

2. ~~[The]~~ ***Except as otherwise provided by specific statute, the*** Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

➥ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 5. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created within the Office of the Governor the Office of the Western Regional Higher Education Compact.

2. The Governor shall propose a budget for the Office of the Western Regional Higher Education Compact.

3. ~~[Employees]~~ The Governor shall appoint a Director of the Office of the Western Regional Higher Education Compact . ~~[are not]~~ The Director is in the ~~[classified or]~~ unclassified service of the State and ~~[serve]~~ serves at the pleasure of the Governor.

4. The Director may, within the limits of available money, employ such additional personnel as may be required to carry out the duties of the Office of the Western Regional Higher Education Compact, who must be in the classified service of the State.

Sec. 6. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson

ASSEMBLYMAN PAUL ANDERSON:

Section 5 requires the Governor to propose a budget for the Office of the Western Regional Higher Education Compact and to appoint a Director of the Office who is in the unclassified service of the state. Section 5 authorizes the Director to employ any necessary personnel who are in classified service of the state.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 276.

Bill read third time.

Remarks by Assemblymen Dickman, Jones, and Ohrenschall.

Potential conflict of interest declared by Assemblyman Ohrenschall.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 276, as amended, requires the Division of Public and Behavioral Health [DPBH] to reallocate medical marijuana establishment certificates between counties under certain circumstances. Senate Bill 276 also allows for the DPBH to relocate medical marijuana establishment certificates from one location to another under the same local government under certain circumstances.

Additionally, S.B. 276 authorizes the transfer of ownership of a medical marijuana establishment to another party after complying with certain requirements of the DPBH. Finally, S.B. 276 requires DPBH to ensure its regulations do not conflict with the location, land use, appearance, or signage of a medical marijuana establishment.

ASSEMBLYMAN JONES:

I rise in support of Senate Bill 276. This bill will solve many of the issues between the state and counties regarding the licensing of these new businesses. The bill will also allow business owners the flexibility to transfer their ownership interests to other qualified persons that have been approved by the state.

As one who always encourages efficient markets, I urge your support for this bill.

ASSEMBLYMAN OHRENSCHALL:

Because we are considering Senate Bill 276, which makes changes relating to marijuana and marijuana establishments, I would like to advise this body that my wife lobbies on behalf of marijuana dispensary owners and associations of those. Although Senate Bill 276 does not affect her clients any differently than any other dispensary owners, I am making this disclosure pursuant to Assembly Standing Rule No. 23 and am abstaining from voting on Senate Bill 276 out of an abundance of caution.

Roll call on Senate Bill No. 276:

YEAS—34.

NAYS—Benitez-Thompson, Dooling, Ellison, Hansen, Moore, O'Neill, Titus—7.

NOT VOTING—Ohrenschall.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblymen Edwards, Elliot Anderson, Joiner, Swank, Hickey, Jones, Nelson, Oscarson, Gardner, Dickman, Carlton, Hansen, Thompson, Wheeler, and Spiegel.

ASSEMBLYMAN EDWARDS:

Senate Bill 302 authorizes the parent of a student to enter into an agreement with the State Treasurer under which the student will receive a grant equal to 90 percent of the statewide average basic support per pupil—or 100 percent for students with disabilities or those whose family income is less than 185 percent of the federal poverty level—to be used to pay the cost of enrollment in a private school or to contract for private educational services. Only students who attended a public school, including a charter school, for at least 100 school days are eligible, and

a proportionally smaller grant may be provided for part-time private education enrollment. Each grant agreement is valid for one school year and may be renewed or reinstated in a future year at the option of the parent.

Grant funds for each student must be deposited into an education savings account opened by a parent, and the funds must only be used for specific education expenses. The Treasurer may deduct up to 3 percent from the grant to cover administrative costs, which include annual audits of random education savings accounts. The Treasurer must establish reasonable fees for the education savings accounts and may qualify one or more private financial firms to manage those accounts.

Participating entities eligible to receive funding from the education savings account must meet certain requirements and maintain ongoing compliance. The Treasurer will publish a list of such entities, other than any participating parents. Participating students must complete standardized tests in math and English. Their results will be shared with the Department of Education, which will aggregate the results and report on the general progress of grant recipients. Students choosing to return to public school must do so at the end of a school funding period. Funds in an education savings account roll over from year to year and must revert to the State General Fund once the student graduates from high school.

I urge your support on this very important bill.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 302. I think the world of the bill's sponsor, but I do not think the world of this bill. There are a number of really big problems with this.

Number one: It is blatantly unconstitutional. The schools that can be given these funds include religious schools. Under NRS [*Nevada Revised Statutes*] 394.211, that is a blatant violation of Article 11, Section 10 of the *Nevada Constitution*, which prohibits any money going for sectarian purposes. It is going to be ruled unconstitutional.

Number two: It is also a bit reckless in the way it allows money to be disbursed. Part of a participating entity can include a parent. Although the bill says a child cannot be wholly homeschooled, it does say that if they are at least partially involved in some sort of public school, which could be a distance education course, and they are partially homeschooled, then they could receive money. A parent is included in the definition of a participating entity in section 11 of the bill. That is a problem because what expertise does a parent have in spending the DSA [Distributive School Account] dollars on curriculum? Are parents trained in ordering curriculum? Do they know whether curriculum is research-based or not? That is a problem. Someone could say, Here is my curriculum. Here are my textbooks. Buy it. We are opening the door for games with our taxpayer dollars, and we are depriving public education of much-needed revenue.

I strongly urge this body to consider defeating this measure because when it comes down to it, the Treasurer is the one managing this. They are the ones ensuring that the funds are being spent correctly on the correct education materials. Does anyone know what the Treasurer knows about education? I sure have not figured that out. This is a big, big problem. If you believe in accountability for taxpayer dollars, you cannot vote for this bill.

ASSEMBLYWOMAN JOINER:

I also rise in opposition to Senate Bill 302. Unfortunately, I rise in opposition to this measure because I think it flies in the face of everything that many of us have been fighting for this whole session, which is to adequately fund and support our public school system. This bill actually syphons money away from our public school system and gives it to private schools at a time when our schools can least afford it. What we are trying to do is support them more than we have before. The way that this bill is funded, it takes 90 percent—or 100 percent in certain students' cases—of the funding that goes to the public schools and gives it to the private schools. We asked in the hearing yesterday how that was arrived at, and really what it ends up doing is taking far more money away from the public schools than that student is actually costing. A true calculation should look at the margin of that student, not the total amount.

More importantly, I understand that parents think choice is important. I am a parent, and I think that choice sounds like a good idea, but it is an illusion under this bill. This bill allows the funds to go to private schools that will continue to choose their students. They will continue to interview students; your student will still have to pass the interview process. They can still discriminate

against your student for any reason, and they do not have to give a reason. It could be for ability, it could be for appearance, or it could be for a lack of fit with their particular school. That is not the type of school that we want to be spending our public funds on.

Again, it cuts a check to the families that can already afford private school. The students and their families who are currently in the private schools are wealthy and can afford it, and this will be giving them additional funds. They do not need that money; our public schools do. More importantly, for those people who think that this will give funds to poor families or working-class families to get their kids into a private school, even if they can get through the interview process and get into that school, this will not fund the full amount of the tuition. Please do not be deluded into thinking that this will make up the entire difference of the tuition. Our poor families still will not be able to send their kids there.

Finally, the vast majority of our students go to public schools. So when I vote against S.B. 302 today, my vote will be in favor of our public school students, teachers, and administration. I believe that we should be supporting them, not diverting our money to private schools.

ASSEMBLYWOMAN SWANK:

I rise in opposition to Senate Bill 302. We have been talking a lot this session about school choice. We have been talking about how this is good for our students. The one thing we really have not considered is how difficult it is for parents to choose a school. We know that when you look at schools—I hear a lot of my friends who are in the process of finding that right kindergarten, finding that right first grade for their child—there is a lot to consider. You have to consider your child's needs. You have to look at all the different curricula that exist across different schools.

My big concern with this bill is that if we are going to be expanding school choice, we need to provide support for these parents in making those choices. This bill does not create a position that would provide assistance and support to the parents in making these decisions. I think we are overburdening our already busy parents, and it really demonstrates how this kind of voucher scheme is not fully worked out to show how it would actually function. We need to be sure that we are providing the support that our parents need if we are going to expand choice in our state. I feel at this point, this bill is not ready to go forward on those grounds. I urge that you vote against it.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 302. I am sympathetic to the arguments from a couple of our colleagues about this body's and this state's commitment to, and investment in, our public school system. I think this session will be historic in the degree of investment and commitment that we make to the public school system. I think there are many instances in the larger school districts, especially in Clark and Washoe, where school choice is something that is already being incorporated into their plans. Whether it be magnet schools or choice within districts, I think choice has been good.

To the point of my colleague from southern Nevada that parents may need more help in making wise decisions, I think parents are very capable of making decisions for their children.

To the point that was made that minority students might be unfairly affected by this, this particular piece of legislation is based on choice programs in Florida where over two-thirds of their students who have taken advantage of choice are, in fact, minority students. Their assigned public schools tend to be among the lowest-performing public schools there. That program, in a state where it has been going on longer, now has 70,000 students, and the diversity of the private schools has expanded and had no impact on the racial makeup of public schools.

For that and any number of reasons, I think this is a sensible movement within education that I think will make all of our schools better and our education system better as a result. I urge your support.

ASSEMBLYMAN JONES:

I rise in strong support of Senate Bill 302. First, I would like to say to my colleague from the north that this session is not just about bettering public education. It is about improving education for all students. That includes students who go to charter and private schools.

What I would like to point out is, what is great about this country of ours, the greatest country that has ever existed on the face of the planet, is that we are 50 incubators of states where people can try new things. By and large, when school choice has been enacted, the overall performance

in both public and private schools has gone up. It is a good thing for both the public and the private schools. In New Orleans when it was taken out by Katrina, it was required that they go to charter schools. The disadvantaged, the impoverished, the poor, the minority students—all of them improved dramatically in their education. So school choice has been proven over and over and over in the different states to be successful. It is very good, and it will definitely help improve our children's education.

ASSEMBLYMAN NELSON:

I rise in support of Senate Bill 302. In response to my colleague from the south regarding the constitutionality of this bill, as he said, the *Nevada Constitution*, Article 11, Section 10 states, "No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purpose." It does not say anything about education. If this law is unconstitutional because some of the money ends up in private schools that may have a religious orientation, then all of the Medicaid and Medicare funds are also unconstitutional because some of those funds end up in religious hospitals. The money is not going for a "sectarian purpose." It is going to purchase something and what it is going to purchase is an education. It is just like Medicaid funds. If they go into Rose de Lima Hospital in Clark County, that does not mean they are going for a religious purpose. They are going to a hospital which is chartered by a religious organization to purchase medical attention and medical services. I think that the argument that this is unconstitutional is misguided.

I would like to commend our colleague from the Senate who proposed this bill. I think this is probably one of the most significant bills we will pass this session in improving education in our state, and I urge my colleagues to vote for it.

ASSEMBLYMAN OSCARSON:

I believe Senate Bill 302 sets a new top standard for school choice in our country. Empowering parents to choose the best education for their children is the best thing we can do for our students. I urge my colleagues' support.

ASSEMBLYMAN GARDNER:

I rise in support of Senate Bill 302. It is constitutional. The U.S. Supreme Court has already upheld programs just like this as constitutional. My colleague from the south notes the Blaine Amendment, which was put into our *Nevada Constitution* in 1880. It was an anti-Catholic amendment, done with hatred toward the Catholics. It is still in our *Nevada Constitution*, which I believe is probably unconstitutional under the *U.S. Constitution*. I do not think that is a good reason to try and deny this. States that have Blaine Amendments like ours—in Arizona, for example, their Supreme Court upheld this. So I think legally it is on a very solid foundation. The courts that have looked at this have upheld it as constitutional.

I somewhat disagree with some of my colleagues who say that parents are not smart enough to help their kids with education. That is what we do. I have four kids. I can tell you that when I look at their schools, I look at a lot. I do a lot of research, and I think most parents do. It is a very important thing. We all know that education is the great equalizer.

This funding is only a portion of the amount that we spend on our students. The DSA is what we are giving to them. That does not include all the local funds; that does not include all the federal funds. Those are still remaining in the schools. So the schools are actually getting fewer students for more money. They actually get more money on a per-pupil basis.

Some people were talking about how you cannot get into these private schools. I have talked to these private schools. These private schools are saying that in a lot of those cases where they cannot make up the entire cost, we give scholarships for that. Saying that just because you do not have all the money does not mean they will not be able to get into those schools. I have talked to those people.

The whole point about this idea is that we are giving parents the right. We are not forcing them to go to these other schools. If our public schools were not so terrible, guess what? No one would choose this option. Right now, we are condemning parents to be in terrible schools that have not gotten better in over 40 years; they have actually gotten worse. This gives them the option. This is one of the best bills in the country for school choice. I wholeheartedly support it, and I ask that you support it, too.

ASSEMBLYWOMAN DICKMAN:

I, too, rise in strong support of Senate Bill 302. For me, this is probably the most important reform that we will implement in this session to improve our schools. First, it is going to give our less fortunate students an opportunity to attend better schools and, secondly, I think the competition is what is really going to change our public schools. It is the only thing that is going to force them to become better schools because they are going to be losing students if they do not. I would appreciate it if everyone here would fully support this bill.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Senate Bill 302. I am sorry, I call them like I see them. This is a voucher, and I am opposed to vouchers. I do not think that is a surprise to anyone. But the thing that keeps going through my mind is, we spent hours this morning in Ways and Means going over the New Nevada Plan, how we were going to address each child's needs in the future, and how it was going to take us a good ten years to get where we are going. There is the ELL [English language learners] component, there are social issues, there is poverty—there are all types of things.

Ultimately, when we come back to the accountability of this and the schools want the money to put into these savings accounts, how are we going to figure out what amount we are supposed to give the kids? How are we going to hold the schools truly accountable and figure out what matrix we need? We are talking about different portions of weighted averages for all different types of students. No kid is like any other kid—to try to come up with a blanket way of figuring out how much each child's education is going to be worth. Then they are going to come back and say, Well, these children need this. I cannot see any way that we are going to be able to legitimately take the number and really figure out what it is going to do.

I have concerns about where this is located and the accountability within the Treasurer's section. The testing is on an aggregated basis. As far as homeschooling goes, they do not have the same requirements in testing that other children do. I have some real issues, and I think there are some real holes in this. I understand people want to send their kids to parochial school. I went to parochial school. My parents paid for it every Sunday in the envelope they put in the basket. I wore the uniform, and I went to school. That is the way you pay for parochial school.

ASSEMBLYMAN HANSEN:

I rise in support of Senate Bill 302. I have been doing a lot of research on education spending in Nevada. We are currently spending $4.2 billion a year. That is $8.4 billion in the biennium. Our entire General Fund for the state is $6.5 billion. So the idea that we are underfunding education—in fact, in the last 30 years we have doubled per-pupil spending in this state. Doubled it. And the result is that we are still fiftieth.

The idea that taxpayers are being gypped somehow in this—last time I checked, parents are, in fact, taxpayers. So the idea that a parent who wants to make a choice like that is somehow cheating the tax system makes absolutely no sense whatsoever.

The reality is, we are fiftieth in the nation. This is my third session, and every single session we have talked about money, money, money as the answer to educational woes. We have dramatically expanded the amount of spending on public education, and the results have been minimal. All the people I talk to desperately want some accountability for the money we have already invested. We keep pouring more and more money into the public schools, yet show me the evaluations of these programs and where we have actually blocked some programs, because after years and years of funding them, they have been shown to do nothing of value.

I would strongly urge my colleagues to support this, because if we have learned anything it is that competition is good and healthy and to allow these parents to have different options for their children will improve public education. Most importantly, it will allow the students themselves to have dramatically improved academic performances. Homeschoolers, for example, have been shown to do substantially better on academic tests than the public school kids. I think we need to have more confidence in our parents and give them those kinds of options to do that. This is a great bill. This is a great day for Nevada, and I would strongly urge my colleagues to support Senate Bill 302.

ASSEMBLYMAN THOMPSON:

I rise in strong opposition to Senate Bill 302. First of all, I want to say that I have the utmost respect for the bill's sponsor. However, I am a native Nevadan. I am a product of the Clark County School District. I must say that my biggest concern if we pass this is the trending that is going to occur. We are going to continue to create the haves and the have-nots.

Since I went to school, there are so many specialized schools in the public school system. There are many magnet schools in the public education system. We have quality programs in our schools. I feel like we are going in the wrong direction if we pass this. I urge our body to oppose Senate Bill 302.

ASSEMBLYMAN WHEELER:

My colleague from District 14 said something that I think was absolutely right on: Every child is different. I believe that as well. But because every child is different, I believe they learn at different levels, they take different amounts of education, and they take different amounts of teaching. I believe this bill not only gives us that option, but I also believe this bill actually helps with parental involvement, something that we cannot legislate in this room. No legislature can put parental involvement out there. But when you add something like this and you give parents a choice, you do help with parental involvement. Therefore, I am strongly in agreement with this bill, and I urge my colleagues to vote for this bill.

ASSEMBLYWOMAN SPIEGEL:

I, too, rise in opposition to Senate Bill 302. When my colleague from Assembly District 32 was speaking before, he was talking about the level of spending on education. I think most of you know that I am not a native Nevadan. I grew up in New York in a fairly small town that is known year after year for having one of the top 100 school districts in the country. I was fortunate. I was fortunate to go to a school that was properly funded, that had small class sizes, that had parents who were involved. We had a world of opportunity opened to us because we had schools that were appropriately funded. Some of you may know this, some of you may not. I had one classmate who dropped out of high school. One. Evan dropped out after tenth grade to go to MIT [Massachusetts Institute of Technology] because the school could not provide sufficient resources for him. Our high school dropout has a PhD [doctor of philosophy] and has done very well for himself.

I know what it is like to go to a school that is properly funded. When I go visit schools in my district and I see that the schools do not have enough resources, when I see there are not books or desks for all the kids, when I see an elementary school in my district with more students in portables than I had in my entire high school class, my heart breaks. This bill pulls money out of the public school system and gives it elsewhere. I am not denying the need for quality education for students who go to private schools or who are homeschooled. I think that our first obligation is to the public and to the public schools. Pulling money out of our schools that are so desperate for appropriate funding is something I feel is wrong, and I urge you all to please oppose this bill.

Assemblymen Moore, Ellison, and Kirner moved the previous question.

The question being the passage of Senate Bill No. 302.

Roll call on Senate Bill No. 302:

YEAS—25.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—17.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblymen Nelson and Kirkpatrick.

ASSEMBLYMAN NELSON:

Senate Bill 374 prohibits the Director of the Office of Energy and a governing body of a local government from adopting a standard mandating requirement for air changes per hour that is outside certain ranges. The adoption of certain energy conservation standards by the Office of Energy and a governing body is not deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs related to new residential construction.

Additionally, S.B. 374 requires a utility to offer net metering to customers until the cumulative capacity of all net metering systems for which all utilities in this state have accepted or approved completed applications for net metering is equal to 235 megawatts. After the requirement is met, the utility is required to offer net metering in accordance with a tariff filed by the utility and approved by the Public Utilities Commission of Nevada. A utility must submit the proposed tariff to the Commission not later than July 31, 2015, and the Commission must review and either approve or disapprove each proposed tariff not later than December 31, 2015. An approved tariff cannot take effect until after the date on which the cumulative capacity requirement is met. If the Commission does not approve the required net metering tariff by December 31, 2015, beginning on January 1, 2016, the utility is required to offer net metering to customers in the manner consistent with current law.

Furthermore, the measure allows the Commission to determine if the tariff approved under this bill should apply to customer-generators who have accepted an offer of net metering before the cumulative capacity is met. The bill also allows the Commission to charge net metering customers time-of-use rates. Finally, it requires a utility to include in an integrated resource plan an analysis of the effects of net metering on the reliability of the distribution system and the costs to the utility to provide electric service to all customers.

This bill has been highly negotiated. I would like to commend the Chair of Commerce and Labor for getting all the stakeholders in his office on numerous occasions and working out something that none of them really love but they can all live with.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 374. In all of the legislative sessions that I have been here for, I have worked to help promote this industry to ensure that we had opportunities and we could try new things within our state. Many folks before me did that as well.

I brought a consumer protection bill because we are letting an industry grow that we do not know for the long term. I have been accused of everything under the sun, as late as today, and really it is about the consumer. When we are creating a new industry and it is growing by leaps and bounds, I would hope that in the future this body would bring back some type of consumer protection to make sure that your residents and your consumers that participate in this new fast-growing industry have all the protections they are paying for and that we as legislators are expected to ensure they have. I urge your support on this piece of the puzzle, and I hope someone will finish my puzzle next session.

Roll call on Senate Bill No. 374:

YEAS—41.

NAYS—Carlton.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Remarks by Assemblywoman Dooling.

ASSEMBLYWOMAN DOOLING:

Senate Bill 414 encourages the Board of Regents to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition to residents of California in the Lake Tahoe Basin to attend Western Nevada College.

Roll call on Senate Bill No. 414:

YEAS—42.

NAYS—None.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bills Nos. 77 and 480, just reported out of committee, be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1000.

AN ACT relating to state governmental administration; revising certain provisions governing district boards of agriculture, agricultural associations and the operation of a state fair or regional fair in this State; making various changes to provisions governing noxious weeds; ~~[increasing the maximum rate of certain taxes on sheep;]~~ revising certain provisions governing public sales of livestock and licenses for the operation of public livestock auctions; authorizing the issuance of a free-sale certificate for an agricultural product under certain circumstances; requiring a person to register as a produce vendor under certain circumstances; requiring the State Sealer of Consumer Equitability to take certain actions concerning cash registers and to establish civil penalties for certain tests of nonconforming point-of-sale systems and cash registers; revising certain provisions governing the inspection of meat and poultry, pesticides and the sale of antifreeze; repealing and reenacting, without substantive change, provisions relating to the cleanup of discharged petroleum; repealing provisions relating to dangerous caustic or corrosive acids, alkalis

and other substances; authorizing the imposition of a civil penalty for certain violations relating to apiaries, quarantines, noxious weeds and meat, fish, produce, poultry and eggs; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the formation and powers of district boards of agriculture. (Chapter 547 of NRS) Existing law provides that the eight members of the district boards must be divided into different classes to provide for staggered terms. (NRS 547.040) **Sections 1 and 3** of this bill delete those provisions. Existing law requires the district boards of agriculture to organize annual fairs or exhibitions of the industries in their districts, and that counties may appropriate not more than $1,500 from their general funds to aid in this effort. (NRS 547.110, 547.120, 547.140) **Sections 4-6** of this bill make these fairs optional and increase the allowable county appropriation to not more than $150,000 in any 1 year. Existing law requires that an annual mineral industries exhibition be held in Ely, Nevada. (NRS 551.010) **Section 9** of this bill renames this exhibition, makes it optional and removes the requirement that it be held in Ely. **Section 8** of this bill authorizes the State Department of Agriculture to hold a state fair once a year. **Sections 10-12** of this bill place the control of the apiary industry under the Director of the Department. **Sections 13-21** of this bill revise punitive provisions relating to quarantines of agricultural products, increasing penalties and providing for civil penalties. **Sections 22 and 40** of this bill revise the definitions of "pest" and "pesticide" as those definitions relate to the control of pests and weeds. **Section 23** of this bill authorizes the Director to adopt a program certifying certain agricultural products as being free of noxious weeds. **Sections 30-35** of this bill replace references to the eradication, removal or destruction of weeds with the term "control." **Sections 36, 39 and 43** of this bill replace criminal penalties relating to the control of weeds with civil penalties. ~~[Section 102 of this bill increases the maximum amount of the tax on sheep from 18 cents per head to $1.50 per head.]~~ **Sections 103-105** of this bill place the proceeds of those taxes solely under the control of the State Controller and adjust the amount of the proceeds that may be spent on advancing the interests of the sheep industry. **Sections 108-113** of this bill revise provisions for the licensing of persons operating public livestock auctions to increase the amounts of surety bonds and available credit, provide for financial audits and increase fines for violations. **Section 125** of this bill requires sellers of certain farm products to register as produce vendors. **Sections 127 and 128** of this bill remove requirements for agricultural brokers, dealers, commission merchants and agents to disclose arrests and civil suits during the application process and to show good character. **Section 136** of this bill requires the State Sealer of Consumer Equitability to conduct random inspections of point-of-sale systems and cash registers and to adopt regulations establishing a schedule of civil penalties concerning point-of-sale systems and cash registers that are not in compliance with certain requirements. Existing law prohibits the sale of spoiled or diseased

meat, fish, produce and poultry in any city or town. (NRS 583.010, 583.060, 583.070) **Sections 142, 149 and 150** of this bill expand this prohibition to include any location in the State. **Sections 145, 151, 157, 159, 165 and 166** of this bill replace references to the Department of Health and Human Services with the State Department of Agriculture. **Sections 144, 147, 151, 152, 161, 163 and 164** of this bill revise the punitive provisions governing the regulation of meat, fish, produce, poultry and eggs. **Sections 191 and 193** of this bill replace the criminal provisions governing pesticides with civil penalties. **Sections 68-94** of this bill reenact in chapter 445C of NRS, without substantive change, provisions currently in chapter 590 of NRS which relate to the cleanup of discharged petroleum and which are repealed by **section 210** of this bill. **Section 96.5** of this bill reenacts in chapter 446 of NRS, without substantive change, a provision currently in chapter 583 of NRS which relates to the sale of diseased animal flesh or a container containing shellfish which has not been stamped as approved and which is repealed by **section 210** of this bill. The purpose of repealing and reenacting these provisions is to move the provisions, without substantive change, from one chapter in NRS to another chapter in NRS. **Section 210** of this bill also repeals provisions dealing with mineral content in fertilizer. **Section 194** of this bill authorizes the Director to adopt certain national standards concerning fertilizer. **Section 198** of this bill revises punitive provisions governing fertilizer. Existing law requires used and recycled oil to be clearly labelled on the package. (NRS 590.060) **Section 201** of this bill requires bulk deliveries of used or recycled oil to be clearly identified on the receipt. **Section 202** of this bill revises the testing procedures for motor oil viscosity. **Section 204** of this bill removes the requirement for the State Sealer of Consumer Equitability to inspect antifreeze before the antifreeze is sold, but requires the State Sealer of Consumer Equitability to issue a license authorizing its sale if it is in compliance with certain standards.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 547.040 is hereby amended to read as follows:

547.040 1. Not later than 10 days after an agricultural association is formed within an agricultural district listed in NRS 547.010 pursuant to the provisions of this chapter:

(a) The Governor, if the agricultural district is composed of more than one county, shall appoint eight persons who are residents of the agricultural district and who are members of the agricultural association to be members of the district board of agriculture for the agricultural district; or

(b) The board of county commissioners, if the agricultural district constitutes a single-county agricultural district, shall appoint eight persons who are residents of the agricultural district to be members of the district board of agriculture for the agricultural district.

2. Within 10 days after their appointment, the persons so appointed shall meet at a place within the agricultural district and organize by the election of:

(a) One of their number as president of the district board of agriculture and the agricultural association, who shall hold the office of president for 1 year and until his or her successor is elected.

(b) A secretary and a treasurer.

[~~3. At the same meeting the members of the district board of agriculture shall, by lot or otherwise, classify themselves into four classes of two members each. The terms of office of:~~

~~(a) The first class expire:~~

~~(1) At the end of the first fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the first fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~

~~(b) The second class expire:~~

~~(1) At the end of the second fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the second fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~

~~(c) The third class expire:~~

~~(1) At the end of the third fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the third fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~

~~(d) The fourth class expire:~~

~~(1) At the end of the fourth fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(2) On December 31 of the fourth fiscal year if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.~~**]**

Sec. 2. NRS 547.050 is hereby amended to read as follows:

547.050 When any district board of agriculture is ~~[classified and]~~ organized as provided in NRS 547.040, the secretary of the board shall report such ~~[classification and]~~ organization to:

1. The State Department of Agriculture; and
2. Its appointing authority.

Sec. 3. NRS 547.060 is hereby amended to read as follows:

547.060 1. ~~[Except as otherwise provided in subsection 3 of NRS 547.040, each]~~ ***Each*** member of a district board of agriculture must be appointed for a term of 4 years. ~~[The term begins on:~~

~~(a) July 1, if the member was appointed to a district board of agriculture for an agricultural district whose population is 100,000 or more as determined by the population of the county or counties that compose the district; or~~

~~(b) January 1, if the member was appointed to a district board of agriculture for an agricultural district whose population is less than 100,000 as determined by the population of the county or counties that compose the district.]~~

2. The secretary shall report any vacancy which may occur in the district board of agriculture to its appointing authority as specified in NRS 547.040, and the vacancy must be filled by appointment for the unexpired term.

3. The incumbent members of the district board of agriculture may submit to the appointing authority for consideration a list of nominees for appointment to fill any vacancy on the board.

Sec. 4. NRS 547.110 is hereby amended to read as follows:

547.110 The district board of agriculture ~~[shall]~~ ***may*** provide for ~~[an annual]~~ ***a*** fair or exhibition by the agricultural association of ~~[all]~~ the industries and industrial products in the agricultural district, at such time and place as the board may deem advisable, but:

1. No district fair shall be held in any of the districts at the same time as the state fair; and
2. The State shall in no event be liable for any premium offered, or award, or for any debt contracted by any district board of agriculture or agricultural association.

Sec. 5. NRS 547.120 is hereby amended to read as follows:

547.120 For the purpose of aiding each and any agricultural association formed under the provisions of this chapter within any county or counties in successfully carrying out the purposes for which it has been organized, which association ~~[shall annually]~~ ***may*** hold, within any county or counties comprising the agricultural district, a fair or exhibition, the boards of county commissioners of the several counties are authorized to appropriate any money or moneys out of the general fund of their respective counties to aid any such agricultural association composing any agricultural district of which the county or counties may be a part.

Sec. 6. NRS 547.140 is hereby amended to read as follows:

547.140 1. Except as otherwise provided in subsection 2, if two or more counties are included in and comprise an agricultural district, the boards of county commissioners of such counties are authorized to appropriate, out of

the general fund of such counties, such money for the encouragement of such agricultural associations as the boards may, in their judgment, deem just and proper.

2. In no case may an appropriation described in subsection 1 exceed the sum of ~~[$1,500]~~ ***$150,000*** in any 1 year, unless the money so appropriated was obtained from the proceeds of a tax imposed pursuant to chapter 377A of NRS.

Sec. 7. NRS 547.160 is hereby amended to read as follows:

547.160 1. When the boards of county commissioners of the counties constituting and comprising the agricultural district shall determine and allow the amount to be appropriated ~~[annually]~~ for the purposes mentioned in NRS 547.130, the same shall be paid as other bills against the county are paid.

2. All warrants drawn pursuant to the provisions of this section shall be made payable to the order of the president of the district board of agriculture of such agricultural association, or in the case of the president's absence or inability to serve, such warrants shall be made payable to the order of a member of the district board of agriculture as such board shall, by a majority vote thereof, determine and direct.

Sec. 8. Chapter 551 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 547.110, the State Department of Agriculture may operate or authorize the operation of any state fair or regional fair in this State.

2. The Director of the Department must determine the venue and frequency of any state fair or regional fair, except that a state fair or regional fair may not be held more frequently than once each calendar year.

~~*[3. The Department may charge and collect fees for vendor spaces and accept any contributions and sponsorships to offset any expenses associated with operating a state fair or regional fair.]*~~

Sec. 9. NRS 551.010 is hereby amended to read as follows:

551.010 1. A statewide mining, petroleum and industrial exhibition, to be known as the Nevada ~~[Fair of]~~ Mineral ~~[Industries, shall be held at Ely, Nevada, annually,]~~ ***Exhibition, may be held*** under the administration of ~~[the District Board of Agriculture of Agricultural District No. 13,]~~ ***a district board of agriculture*** and may, at the discretion of the ~~[Board,]~~ ***board,*** be held in connection with an agricultural district exhibition to include other fields of endeavor.

2. ~~[In addition to its other responsibilities, the Agricultural District shall use all suitable means to]~~ ***An agricultural district may*** collect and disseminate ~~[, throughout the State,]~~ information ~~[calculated to educate and benefit]~~ ***regarding*** the mineral industries within the State of Nevada, including the petroleum industry.

Sec. 10. Chapter 552 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department has control of all matters pertaining to the apiary industry in this State.

2. The Director may adopt regulations to carry out the provisions of this chapter.

3. The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of this chapter.

4. Any money collected from the imposition of a civil penalty pursuant to subsection 3 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 11. NRS 552.170 is hereby amended to read as follows:

552.170 If the owner or person in possession of an apiary neglects or refuses to comply with an order issued under NRS 552.160, the Department may ~~[refer the facts to the appropriate district attorney for prosecution under NRS 552.300, and may]~~ authorize the inspector or other agent to abate the nuisance by the method prescribed in the order.

Sec. 12. NRS 552.280 is hereby amended to read as follows:

552.280 It shall be unlawful for the owner, owners, lessee, lessees, agent or caretaker of any apiary, including appliances, structures, buildings and honey, wherein disease exists, to move or distribute any diseased bees, whether they are queens or workers, colonies, honeycombs, appliances or structures beyond the already established boundaries of such apiary wherein disease exists without written permission from the ~~[Chief Inspector or the Chief Inspector's deputies so to do.]~~ ***Director or his or her designee.***

Sec. 13. Chapter 554 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any criminal penalty imposed pursuant to this chapter, any person violating any provision of this chapter or any regulation adopted pursuant thereto is subject to a civil penalty not to exceed:

(a) For the first violation, $1,500;

(b) For a second violation, $3,000; and

(c) For each subsequent violation, $5,000.

2. If a defendant is convicted of violating any provision of this chapter or any regulation adopted pursuant thereto, the court shall order the defendant to pay a civil penalty pursuant to subsection 1. The court shall fix the manner and time of payment.

3. Any money collected from the imposition of a civil penalty pursuant to this section must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the State Department of Agriculture that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 14. NRS 554.020 is hereby amended to read as follows:

554.020 1. The State Quarantine Officer may proclaim and enforce a quarantine against any state, territory or district, or any portion of any state, territory or district, relating to the importation into or transportation through this State of any agricultural commodity, burlap, container or other packing material that:

(a) Is infected with, or which may have been exposed to infection with, any contagious or destructive disease, or infested with or exposed to infestation with a parasite, noxious weed, weed seed, propagating part of a plant, or vertebrate or invertebrate pest, or the eggs or larvae thereof; and

(b) Is dangerous to:

(1) The public health or quality of any water in this State; or

(2) Any wildlife, beneficial use of land in or industry of this State.

2. A quarantine must not be issued pursuant to the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, if the issuance of the quarantine will conflict with the provisions of the Constitution of the United States or any act of the Congress of the United States.

3. The quarantine remains effective until vacated by an order of the State Quarantine Officer.

Sec. 15. NRS 554.030 is hereby amended to read as follows:

554.030 1. Any quarantine issued under the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, may:

(a) Consist of a complete embargo against the importation into or transportation through the State of any agricultural commodity so quarantined against; or

(b) Provide for the importation into or transportation through the State of such agricultural commodity under such rules and regulations as may be set forth and prescribed in the quarantine at the time the same is issued.

2. Any quarantine issued under the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, shall remain fully in force and effect until dissolved or modified by the State Quarantine Officer, provided:

(a) That the State Quarantine Officer may amend from time to time any quarantine so issued; and

(b) That any such amendments shall be general in their application and shall not apply to any individual shipment or importation.

Sec. 16. NRS 554.040 is hereby amended to read as follows:

554.040 When a quarantine is declared as provided in NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, against the importation into or transportation through this State of any agricultural commodity from any other state, territory or district, or any portion or portions thereof, a certified copy of such quarantine shall be personally delivered by the State Quarantine Officer or the State Quarantine Officer's representative, or mailed by certified or registered mail, to each of the following:

1. The governor or the proper quarantine official of such state, territory or district.

2. The United States quarantine official having jurisdiction over the same character of quarantine.

3. The state agent or other qualified official of any interstate railroad, express company or other common carrier doing business within this State.

Sec. 17. NRS 554.050 is hereby amended to read as follows:

554.050 1. The State Quarantine Officer is designated the authority to administer NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive.

2. Insofar as practicable, the State Quarantine Officer, in carrying out the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, shall cooperate with the federal authorities and the quarantine officials of the several states, territories and districts.

Sec. 18. NRS 554.060 is hereby amended to read as follows:

554.060 1. Any agricultural commodity imported into or being transported through this State in violation of any quarantine issued pursuant to the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, must be immediately seized by the State Quarantine Officer or the State Quarantine Officer's authorized representative and treated in a manner approved by the State Quarantine Officer, or destroyed or sent out of the State within 48 hours, at the option and expense of the owner thereof.

2. If an agricultural commodity is seized by the State Quarantine Officer pursuant to the provisions of subsection 1 and the movement of the agricultural commodity to a point outside of the State would further endanger:

(a) The public health or quality of any water in this State; or

(b) Any wildlife, beneficial use of land in or industry of this State,

➥ the agricultural commodity seized by the State Quarantine Officer must be destroyed as provided in subsection 1.

Sec. 19. NRS 554.070 is hereby amended to read as follows:

554.070 It shall be unlawful for any railroad, express company or other common carrier, or any person or persons, to import into or transport through the State of Nevada any agricultural commodity in violation of the provisions of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, or to make delivery of any such commodity to any person or persons within the limits of this State.

Sec. 20. NRS 554.080 is hereby amended to read as follows:

554.080 In any criminal proceeding arising under NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, proof that any commodity, prohibited by proclamation of quarantine from importation into or transportation through this State, was imported into or transported through this State in violation of such quarantine shall be deemed proof within the meaning of NRS 554.020 to ~~[554.090,]~~ ***554.080,*** inclusive, that the same was diseased, exposed to disease or infested, or exposed to infestation.

Sec. 21. NRS 554.240 is hereby amended to read as follows:

554.240 ~~[Any]~~ ***Except as otherwise provided in NRS 554.140 and 554.190, any*** person ~~[, or any officer, agent or employee of any corporation,~~

~~who shall export, or who shall assist in exporting, as a principal or accessory, any agricultural commodity forbidden to be exported by any proclamation of quarantine shall be~~] ***who violates any provision of this chapter is*** guilty of a ***gross*** misdemeanor [~~.~~] ***and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $5,000, or by both fine and imprisonment. The prosecuting attorney and the State Department of Agriculture may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.***

Sec. 22. NRS 555.005 is hereby amended to read as follows:

555.005 As used in this chapter, unless the context requires otherwise:

1. "Department" means the State Department of Agriculture.

2. "Director" means the Director of the Department.

3. "Noxious weed" means any species of plant which is, or is likely to be, ***a public nuisance,*** detrimental or destructive and difficult to control **.** [~~or eradicate.~~]

4. "***Pest" means any form of animal or vegetable life detrimental to the crops, horticulture, livestock, public health, wildlife, quality of water and beneficial uses of land in this State, including, without limitation, any insect, snail, nematode, fungus, virus, bacterium, microorganism, mycoplasma, weed, parasitic plant or any other plant that is normally considered to be a pest of cultivated plants, uncultivated plants, agricultural commodities, horticultural products or nursery stock, or that the Director declares to be a pest.***

5. "Vertebrate pest" means any animal of the subphylum Vertebrata, except predatory animals, which is normally considered to be a pest, including a gopher, ground squirrel, rat, mouse, starling, blackbird and any other animal which the Director may declare to be a pest.

Sec. 23. NRS 555.010 is hereby amended to read as follows:

555.010 Within the limits of any appropriation made by law [~~, the~~] ***:***

1. The Director may:

[~~1.~~] ***(a)*** Investigate the prevalence of; and

[~~2.~~] ***(b)*** Take the necessary action to control,

➥ vertebrate and invertebrate pests of plants and animals, plant diseases, physiological plant disorders and noxious weeds for the protection of the crops, livestock, public health, wildlife, water quality and beneficial uses of land in the State of Nevada.

2. The Director may, by regulation, establish and administer a program to certify agricultural products as being free from noxious weeds to support the control and prevention of the spread of noxious weeds in this State and to allow businesses in this State to market those products in compliance with any applicable federal law or regulation or any other requirement specified by the Director.

Sec. 24. NRS 555.100 is hereby amended to read as follows:

555.100 1. The Department shall, if necessary or if a complaint is made to the Department, cause an inspection to be conducted of any premises, land, means of conveyance or article of any person in this State ~~[, and]~~ if ***it is*** found ***to be*** infested with any pest ***, noxious weed*** or plant disease that is injurious to:

(a) The public health or quality of any water in this State; or

(b) Any wildlife, beneficial use of land or agriculture in this State ***.*** ~~[, the]~~

2. The Department may provide a written notice of its findings to the owner or occupant of the premises, land, means of conveyance or article and require the owner or occupant to control ~~[, treat or eradicate]~~ the pest ***, noxious weed*** or plant disease in the manner and within the period specified in the notice.

~~[2.]~~ ***3.*** A notice issued pursuant to the provisions of subsection ~~[1.]~~ ***2:***

(a) May be served upon the owner or occupant by an officer or employee of the Department; and

(b) Must be served in writing, by certified mail or personally, with receipt given therefor.

Sec. 25. NRS 555.110 is hereby amended to read as follows:

555.110 1. Any premises found to be infested with any pest ***, noxious weed*** or plant disease is hereby adjudged and declared to be a public nuisance. If such a nuisance exists at any place within the jurisdiction of the Department and the owner or occupant of the premises, after notification, refuses or neglects to abate the nuisance within the period specified, the Department shall cause the nuisance to be abated at once by ~~[eradicating or]~~ controlling pests ***, noxious weeds*** or plant diseases in a manner to be determined by the Department.

2. The expense thereof must be paid from any money made available to the Department by direct legislative appropriation or otherwise.

Sec. 26. NRS 555.120 is hereby amended to read as follows:

555.120 1. All sums paid by the Department constitute a lien on the property and premises from which the nuisance has been removed or abated pursuant to NRS 555.100 and 555.110, and may be recovered by an action against that property and premises.

2. A notice of lien must be filed and recorded in the office of the county recorder of the county in which the property and premises are situated within 30 days after the right to liens has accrued.

3. An action to foreclose a lien may be commenced at any time within 1 year after the filing and recording of the notice of lien, which action must be brought in the proper court by the district attorney of the county in the name and for the benefit of the Department.

4. If the property is sold, enough of the proceeds must be paid to the Department to satisfy the lien and costs, and the ~~[overplus,]~~ ***balance remaining,*** if any, must be paid to the owner of the property if the owner is known, and if not, into the Court for the owner's use when ascertained. All sales under the provisions of this section and NRS 555.100 and 555.110 must

be made in the same manner and upon the same notice as sales of real property under execution from a Justice Court.

Sec. 27. NRS 555.125 is hereby amended to read as follows:

555.125 1. If it appears that an area has or is likely to become infested with a pest which cannot be practically ~~[eradicated or]~~ controlled except by the means provided in this section, the Department shall hold a public hearing to determine the necessity of declaring a time during which or an area in which plants capable of acting as hosts for the pest may not be planted, grown, cultivated, maintained or allowed to exist.

2. Notice of the hearing must be given to all growers of the host plants within the area and must specify:

(a) The time and place of the hearing.

(b) The host plant.

(c) The pest.

(d) The purpose of the hearing.

3. If, after the hearing, the Department determines that the pest cannot otherwise be practically ~~[eradicated or]~~ controlled, the Department shall issue an order prescribing a time during which or an area in which the host plants may not be planted, grown, cultivated, maintained or allowed to exist, and requiring owners or occupiers of property upon which the host plants exist to ~~[eradicate]~~ ***control*** the plants.

4. If the owner or occupant neglects or refuses to ~~[eradicate]~~ ***control*** the plants, the Department may do so in the manner prescribed by NRS 555.110.

5. Any person violating such an order is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty pursuant to NRS 555.201.***

Sec. 28. NRS 555.130 is hereby amended to read as follows:

555.130 ~~[The]~~

1. Except as otherwise provided in subsection 2, the State Quarantine Officer may declare by regulation the weeds of the state that are noxious weeds, but a weed must not be designated as noxious which is already introduced and established in the State to such an extent as to make its control ~~[or eradication]~~ impracticable in the judgment of the State Quarantine Officer.

2. The State Quarantine Officer may temporarily designate a weed as a noxious weed if he or she determines that immediate control of the weed is necessary. A temporary designation expires 18 months after the State Quarantine Officer makes the designation.

Sec. 29. NRS 555.140 is hereby amended to read as follows:

555.140 1. The State Quarantine Officer shall carry out and enforce the provisions of NRS 555.130 to 555.220, inclusive.

2. To secure information better to carry out the provisions of NRS 555.130 to 555.220, inclusive, the State Quarantine Officer may conduct reasonably limited trials of various methods of controlling ~~[or eradicating]~~ noxious or potentially noxious weeds under practical Nevada conditions.

3. The State Quarantine Officer may provide supervision and technical advice in connection with any project approved by him or her for the control ~~[or eradication]~~ of any noxious weed or weeds in this State.

4. All funds appropriated for, or received incident to, the control ~~[or eradication]~~ of any noxious weeds must be available for carrying out the provisions of NRS 555.130 to 555.220, inclusive.

Sec. 30. NRS 555.150 is hereby amended to read as follows:

555.150 Every railroad, canal, ditch or water company, and every person owning, controlling or occupying lands in this State, and every county, incorporated city or district having the supervision and control over streets, alleys, lanes, rights-of-way, or other lands, shall ~~[cut, destroy or eradicate]~~ ***control*** all weeds declared and designated as noxious as provided in NRS 555.130 ~~[, before such weeds propagate and spread,]~~ ***in any manner specified by*** and whenever required by the State Quarantine Officer.

Sec. 31. NRS 555.160 is hereby amended to read as follows:

555.160 1. The State Quarantine Officer shall make or cause to be made a careful examination and investigation of the spread, development and growth of noxious weeds in this State. Upon the discovery of those weeds, the State Quarantine Officer shall ascertain the name of the owner or occupant of the land and the description of the land where the weeds are found. The State Quarantine Officer may serve notice in writing upon the owner or occupant of the land to ~~[cut, eradicate or destroy]~~ ***control*** the weeds within such time and in such manner as designated and described in the notice. One such notice shall be deemed sufficient for the entire season of weed growth during that year.

2. Notices may be served upon the owner or occupant by an officer or employee of the Department, and must be served in writing, personally or by certified mail, with receipt given therefor.

Sec. 32. NRS 555.170 is hereby amended to read as follows:

555.170 1. If any owner or occupant of the lands described in the notice served, as provided in NRS 555.160, shall fail, neglect or refuse to ~~[cut, destroy or eradicate]~~ ***control*** the weeds designated, upon the land described, in accordance with the requirements of the notice, the State Quarantine Officer may notify the board of county commissioners of the county or counties in which the land is located of such failure, neglect or refusal.

2. Upon notice as provided in subsection 1, the board of county commissioners concerned shall proceed to ~~[have cut, destroyed or eradicated]~~ ***control*** the weeds in question in accordance with the requirements of the notice served upon the owner or occupant of the land in question, paying for such ~~[cutting, destruction or eradication]~~ ***control*** out of county funds.

3. Upon the completion of ~~[such work of cutting, destruction or eradication of such]~~ ***the work of controlling the*** weeds, the board of county commissioners shall prepare in triplicate itemized statements of all expenses incurred in ~~[the cutting, destruction or eradication of]~~ ***controlling*** the weeds involved, and shall deliver the three copies of the statements to the county treasurer within 10 days of the date of the completion of the work involved.

Sec. 33. NRS 555.180 is hereby amended to read as follows:

555.180 1. Upon receipt of the itemized statements of the cost of ~~[~~cutting, destroying or eradication of such~~]~~ ***controlling the*** weeds ~~[,]~~ ***pursuant to NRS 555.170,*** the county treasurer shall forthwith mail one copy to the owner or occupant of the land on which the weeds were ~~[~~cut, destroyed or eradicated,~~]~~ ***controlled,*** together with a statement that objections may be made to the whole or any part of the statement so filed to the board of county commissioners within 30 days. A hearing may be had upon any objections made.

2. If any objections to any statement are filed with the board of county commissioners, the board shall set a date for a hearing, giving due notice thereof, and upon the hearing fix and determine the actual cost of ~~[~~cutting, destroying or eradicating~~]~~ ***controlling*** the weeds and report its findings to the county treasurer.

3. If no objections to the items of the accounts so filed are made within 30 days ~~[~~of~~]~~ ***after*** the date of mailing the itemized statement, the county treasurer shall enter the amount of such statement upon his or her tax roll in a column prepared for that purpose; and within 10 days ~~[~~from~~]~~ ***after*** the date of the action of the board of county commissioners upon objections filed, the county treasurer shall enter the amount found by the board of county commissioners as the actual cost of ~~[~~cutting, destroying or eradicating~~]~~ ***controlling*** the weeds in the prepared column upon the tax roll.

4. If current tax notices have been mailed, the costs may be carried over on the rolls to the year following. The costs incurred shall be a lien upon the land from which the weeds were ~~[~~cut, destroyed or eradicated,~~]~~ ***controlled,*** and shall be collected as provided by law for the collection of other liens.

Sec. 34. NRS 555.190 is hereby amended to read as follows:

555.190 Any expense incurred by any county in ~~[~~the cutting, destroying or eradicating of~~]~~ ***controlling*** noxious weeds from any street, lane, alley or other property owned or controlled by an incorporated city in that city, in accordance with the provisions of NRS 555.170, must be repaid to the county from the general fund of the incorporated city, upon presentation to the governing body of the incorporated city of an itemized statement of the expense so incurred.

Sec. 35. NRS 555.200 is hereby amended to read as follows:

555.200 1. Whenever a noxious weed is found growing upon the public domain or any other lands in this State owned by the Federal Government, the State Quarantine Officer may serve notice, as provided in NRS 555.160, upon the person within the county or this State who is in charge of the activities of the federal agency having control or jurisdiction of the land.

2. If the agency described in the notice fails or refuses to comply with the notice, the State Quarantine Officer may provide for the ~~[~~cutting, destruction or eradication~~]~~ ***control*** of the weeds in any manner permitted by federal law. The State Quarantine Officer or the political subdivision shall seek

reimbursement from the Federal Government for any expense incurred by the State or the political subdivision pursuant to this section.

Sec. 36. NRS 555.201 is hereby amended to read as follows:

555.201 Any person violating any of the provisions of NRS 555.130 to 555.200, inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.130 to 555.200, inclusive, is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty not to exceed:***

1. For the first violation, $250.

2. For a second violation, $500.

3. For each subsequent violation, $1,000.

Sec. 37. NRS 555.203 is hereby amended to read as follows:

555.203 1. The board of county commissioners of any county may, in accordance with chapter 308 of NRS, create one or more weed control districts in that portion of the county which lies outside any incorporated city. Creation of such a district may be initiated by the board of county commissioners or by a petition which:

(a) Designates the area to be included in the weed control district, either as the entire unincorporated area of the county or by sections or parts of sections with appropriate township and range references; and

(b) Is signed by an owner of land within the proposed weed control district.

2. Lands proposed for inclusion in a weed control district need not be contiguous.

3. Before creating a weed control district, the board of county commissioners shall:

(a) Hold at least one public hearing pursuant to NRS 308.070. At this hearing, the board of county commissioners shall entertain applications for the exclusion of lands, designated by sections or parts of sections as prescribed in subsection 1, from the proposed district, if any such application is made. The board of county commissioners shall exclude any such lands as to which it is shown to their satisfaction that any weeds which exist on that land do not render substantially more difficult the control of weeds on other lands in the proposed district.

(b) Provide for the hearing of protests against the establishment of the district in the manner set forth in NRS 318.065 and 318.070.

4. The board of trustees of a general improvement district may, in accordance with NRS 318.077, add to the basic powers of the district the control ~~[and eradication]~~ of noxious weeds.

Sec. 38. NRS 555.208 is hereby amended to read as follows:

555.208 1. The board of directors of a weed control district or the board of county commissioners of any county having lands situated in a weed control district or proposed for inclusion in such a district may request that the State Board of Agriculture review any action taken by the board of county commissioners of a county, or the board of directors of the district, in

connection with the creation of the district or a change in the boundaries of the district.

2. Upon receiving such a request the State Board of Agriculture shall, after notice and opportunity for a hearing, affirm or reverse the action. The decision of the State Board of Agriculture is a final decision for purposes of judicial review.

3. This section does not limit the right of any landowner to seek judicial review of actions taken by a board of directors or a board of county commissioners in connection with the creation of a district or a change in the boundaries of a district.

4. A landowner may seek the removal of a member of the board of directors of that district for cause. A decision of the State Board of Agriculture made pursuant to this subsection is a final decision for the purpose of judicial review.

Sec. 39. NRS 555.220 is hereby amended to read as follows:

555.220 Any person violating any of the provisions of NRS 555.202 to 555.210, inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulations prescribed by the State Quarantine Officer, in accordance with the provisions of NRS 555.202 to 555.210, inclusive, is ~~[~~guilty of a misdemeanor.~~]~~ ***subject to a civil penalty not to exceed:***

1. For the first violation, $250.

2. For a second violation, $500.

3. For each subsequent violation, $1,000.

Sec. 40. NRS 555.267 is hereby amended to read as follows:

555.267 "Pesticide" ~~[~~means:~~]~~ ***includes, without limitation:***

1. Any substance or mixture of substances, including any living organisms or any product derived therefrom or any fungicide, herbicide, insecticide, nematocide or rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus and weed and any other form of plant or animal life or virus, except virus on or in a living human or other animal, which is normally considered to be a pest or which the Director declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and any other substances intended for that use as are named by the Director by regulation.

Sec. 41. NRS 555.2695 is hereby amended to read as follows:

555.2695 "Wildlife" means all living things that are neither human, domesticated ~~[~~,~~]~~ nor ~~[~~, as defined in NRS 555.2665,~~]~~ pests, including but not limited to mammals, birds and aquatic life.

Sec. 42. NRS 555.310 is hereby amended to read as follows:

555.310 1. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the ~~[~~State Board of Agriculture.~~]~~ ***Director.***

2. ~~[~~Upon the successful completion of the testing, the~~]~~ ***The*** Director shall, before the license is issued, collect from each person applying for a license for

pest control an annual fee established by regulation of the ~~[State Board of Agriculture.]~~ ***Director.*** Any ~~[company or]~~ person employing primary principals, principals, operators or agents shall pay to the Director a fee established by regulation of the ~~[Board]~~ ***Director*** for each primary principal, principal, operator or agent licensed.

Sec. 43. NRS 555.570 is hereby amended to read as follows:

555.570 ***1.*** Any person violating any of the provisions of NRS 555.500 to 555.560, inclusive, or failing, refusing or neglecting to perform or observe any conditions or regulation prescribed by the State Board of Agriculture, in accordance with the provisions of NRS 555.500 to 555.540, inclusive, is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 44. ~~[NRS 556.110 is hereby amended to read as follows:~~

~~556.110 *1. A person who violates any of the provisions of this chapter is* [guilty of a misdemeanor.] *subject to a civil penalty not to exceed:*~~

~~*(a) For the first violation, $250.*~~

~~*(b) For a second violation, $500.*~~

~~*(c) For each subsequent violation, $1,000.*~~

~~*2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:*~~

~~*(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and*~~

~~*(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.]~~ (Deleted by amendment.)**

Sec. 45. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to ~~[~~NRS 590.830.~~]~~ ***section 84 of this act.***

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 46. NRS 318.116 is hereby amended to read as follows:

318.116 Any one, all or any combination of the following basic powers may be granted to a district in proceedings for its organization, or its reorganization pursuant to NRS 318.077 and all provisions in this chapter supplemental thereto, or as may be otherwise provided by statute:

1. Furnishing electric light and power, as provided in NRS 318.117;

2. Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or Fasciola hepatica, as provided in NRS 318.118;

3. Furnishing facilities or services for public cemeteries, as provided in NRS 318.119;

4. Furnishing facilities for swimming pools, as provided in NRS 318.1191;

5. Furnishing facilities for television, as provided in NRS 318.1192;

6. Furnishing facilities for FM radio, as provided in NRS 318.1187;

7. Furnishing streets and alleys, as provided in NRS 318.120;

8. Furnishing curbs, gutters and sidewalks, as provided in NRS 318.125;

9. Furnishing sidewalks, as provided in NRS 318.130;

10. Furnishing facilities for storm drainage or flood control, as provided in NRS 318.135;

11. Furnishing sanitary facilities for sewerage, as provided in NRS 318.140;

12. Furnishing facilities for lighting streets, as provided in NRS 318.141;

13. Furnishing facilities for the collection and disposal of garbage and refuse, as provided in NRS 318.142;

14. Furnishing recreational facilities, as provided in NRS 318.143;

15. Furnishing facilities for water, as provided in NRS 318.144;

16. Furnishing fencing, as provided in NRS 318.1195;

17. Furnishing facilities for protection from fire, as provided in NRS 318.1181;

18. Furnishing energy for space heating, as provided in NRS 318.1175;

19. Furnishing emergency medical services, as provided in NRS 318.1185;

20. Control ~~[and eradication]~~ of noxious weeds, as provided in chapter 555 of NRS; and

21. Establishing, controlling, managing and operating an area or zone for the preservation of one or more species or subspecies of wildlife that has been

declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq., as provided in NRS 318.1177.

Sec. 47. NRS 360A.020 is hereby amended to read as follows:

360A.020 The Department shall adopt:

1. Such regulations as are necessary to carry out the provisions of this chapter.

2. Regulations providing for:

(a) The electronic submission of returns to the Department; and

(b) The payment to the Department of any amount required to be paid pursuant to this chapter or chapter 365, 366 or 373 of NRS, or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** through the use of credit cards, debit cards and electronic transfers of money.

Sec. 48. NRS 360A.040 is hereby amended to read as follows:

360A.040 1. If a check or other method of payment submitted to the Department for payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** is returned to the Department or otherwise dishonored upon presentation for payment, the Department:

(a) Shall charge an additional fee in the amount established by the State Controller pursuant to NRS 353C.115 for handling the check or other method of payment; and

(b) Except as otherwise provided in NRS 353.1467, may require that any future payments be made by cashier's check, traveler's check, money order or cash.

2. If a check or other method of payment is submitted to the Department for payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** on or before the date the tax or fee is due, but is afterward returned to the Department or otherwise dishonored upon presentation for payment, the submission of the check or other method of payment shall be deemed not to constitute timely payment of the tax or fee.

Sec. 49. NRS 360A.050 is hereby amended to read as follows:

360A.050 If the Department grants an extension of time for paying any amount required to be paid pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840,]~~ ***section 86 of this act,*** a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of 1 percent per month from the date the amount would have been due without the extension until the date of payment.

Sec. 50. NRS 360A.060 is hereby amended to read as follows:

360A.060 Unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** to this State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee that is owed, as

determined by the Department, in addition to the tax or fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment.

Sec. 51. NRS 360A.070 is hereby amended to read as follows:

360A.070 1. If the Director of the Department or a hearing officer designated by the Director finds that the failure of a person to make a timely return or payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** is the result of circumstances beyond the control of the person and occurred despite the exercise of ordinary care and without willful neglect, the Department may relieve the person of all or part of any interest or penalty, or both.

2. A person requesting relief must file with the Department a statement signed, under penalty of perjury, that sets forth the facts upon which the person bases his or her claim for relief.

3. The Department shall disclose, upon the request of any person:

(a) The name of the person to whom relief was granted; and

(b) The amount of the relief.

Sec. 52. NRS 360A.080 is hereby amended to read as follows:

360A.080 The Department may:

1. Enter into a written agreement with a person who is required to pay the taxes or fees required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** for the payment of delinquent taxes or fees, interest or penalties imposed pursuant to those provisions.

2. Adopt regulations providing for:

(a) The payment of delinquent taxes or fees, interest or penalties upon the execution of a written agreement between the Department and such a person; and

(b) The cancellation of such an agreement if the person becomes delinquent in his or her payment of the delinquent taxes or fees, interest or penalties owed to the Department pursuant to the provisions of chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840.]~~ ***section 86 of this act.***

Sec. 53. NRS 360A.090 is hereby amended to read as follows:

360A.090 1. The amounts, including interest and penalties, required to be paid by a person pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** must be satisfied first if:

(a) The person is insolvent;

(b) The person makes a voluntary assignment of his or her assets;

(c) The estate of the person in the hands of executors, administrators or heirs, before distribution, is insufficient to pay all the debts due from the deceased; or

(d) The estate and effects of an absconding, concealed or absent person required to pay any amount by force of such a revenue act are levied upon by process of law.

2. This section does not give the State of Nevada a preference over:

(a) Any recorded lien that attached before the date when the amounts required to be paid became a lien; or

(b) Any costs of administration, funeral expenses, expenses of personal illness, family allowances or debts preferred pursuant to federal law or wages as provided in NRS 147.195.

Sec. 54. NRS 360A.100 is hereby amended to read as follows:

360A.100 Except as otherwise provided in NRS 366.395:

1. If a person fails to file a return or the Department is not satisfied with the return of any tax or fee required to be paid to the Department pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** the Department may determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information that is in the possession of the Department or may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or more periods.

3. In making its determination of the amount required to be paid, the Department shall impose a penalty and interest on the amount of tax or fee determined to be due, calculated at the rate and in the manner set forth in NRS 360A.060.

4. If a business is discontinued, a determination may be made at any time thereafter within the period prescribed in NRS 360A.150 concerning liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 55. NRS 360A.120 is hereby amended to read as follows:

360A.120 If any part of the deficiency for which a deficiency determination is made is because of negligence or intentional disregard of any applicable provision of chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** or the regulations of the Department adopted pursuant thereto, a penalty of 10 percent of the amount of the determination must be added thereto.

Sec. 56. NRS 360A.130 is hereby amended to read as follows:

360A.130 If any part of the deficiency for which a deficiency determination is made is because of fraud or an intent to evade the payment of a tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** or the regulations of the Department adopted pursuant thereto, a penalty of 25 percent of the amount of the determination must be added thereto.

Sec. 57. NRS 360A.150 is hereby amended to read as follows:

360A.150 1. Except as otherwise provided in subsections 2, 3 and 5, each notice of a deficiency determination issued by the Department must be personally served, mailed or, pursuant to subsection 4, sent by electronic mail within 4 years after the last day of the month following the period for which

the amount is proposed to be determined or within 4 years after the return is filed, whichever period expires later.

2. In the case of a failure to make a return or a claim for an additional amount, each notice of determination must be mailed, personally served or, pursuant to subsection 4, sent by electronic mail within 8 years after the last day of the month following the period for which the amount is proposed to be determined.

3. If, before the expiration of the time prescribed in this section for the service of a notice of determination, the taxpayer has signed a waiver consenting to the service of the notice after that time, the notice may be mailed, personally served or, pursuant to subsection 4, sent by electronic mail at any time before the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing if each agreement is made before the expiration of the period previously agreed upon.

4. The provision by a person to the Department of an electronic mail address shall be deemed an agreement for the purposes of NRS 719.220 to receive notice pursuant to this section by electronic mail. If served by electronic mail, the notice must be sent to the person at his or her electronic mail address as it appears in the records of the Department and service is complete at the time the electronic mail is sent.

5. This section does not apply to cases of fraud or the intentional evasion of a provision of chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** or any regulation of the Department adopted pursuant thereto.

Sec. 58. NRS 360A.230 is hereby amended to read as follows:

360A.230 If the Department believes that the collection of any amount of taxes or fees due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** will be jeopardized by delay, the Department shall make a determination of the amount required to be collected and serve notice of the determination upon the person against whom it is made.

Sec. 59. NRS 360A.260 is hereby amended to read as follows:

360A.260 1. If a person who is delinquent in the payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act*** has not paid the amount of a deficiency determination, the Department may bring an action in a court of this State, a court of any other state or a court of the United States to collect the delinquent or deficient amount, penalties and interest. The action must be brought not later than 3 years after the payment became delinquent or the determination became final or within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee owed.

2. The Attorney General shall prosecute the action. The provisions of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In the action, a certificate by the Department showing the delinquency is prima facie evidence of:

(a) The determination of the tax or fee or the amount of the tax or fee;

(b) The delinquency of the amounts; and

(c) The compliance by the Department with the procedures required by law related to the computation and determination of the amounts.

Sec. 60. NRS 360A.270 is hereby amended to read as follows:

360A.270 1. If, with respect to any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** a person:

(a) Fails to pay the tax or fee when due according to his or her return filed with the Department;

(b) Fails to pay a deficiency determination when due; or

(c) Defaults on a payment pursuant to a written agreement with the Department,

➥ the Department may, within 3 years after the amount is due, file in the office of the clerk of any court of competent jurisdiction an application for the entry of a summary judgment for the amount due.

2. The application must be accompanied by a certificate that specifies:

(a) The amount required to be paid, including any interest and penalties due;

(b) The name and address of the person liable for the payment, as they appear on the records of the Department;

(c) The basis for the determination of the Department of the amount due; and

(d) That the Department has complied with the applicable provisions of law relating to the determination of the amount required to be paid.

3. The application must include a request that judgment be entered against the person in the amount required to be paid, including any interest and penalties due, as set forth in the certificate.

Sec. 61. NRS 360A.330 is hereby amended to read as follows:

360A.330 1. If any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840~~]~~ ***section 86 of this act,*** is not paid when due, the Department may, within 3 years after the date that the tax or fee became due, file for record a certificate in the office of any county recorder which states:

(a) The amount of the tax or fee and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the Department; and

(c) That the Department has complied with the procedures required by law for determining the amount due.

2. From the time of the filing of the certificate, the amount due, including interest and penalties, constitutes a lien upon all real and personal property in the county owned by the person or acquired by the person afterwards and before the lien expires. The lien has the effect and priority of a judgment lien

and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. Within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county. From the time of filing, the lien is extended to all real and personal property in the county owned by the person or acquired by the person afterwards for 5 years, unless sooner released or otherwise discharged.

Sec. 62. NRS 360A.350 is hereby amended to read as follows:

360A.350 1. The Department or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent taxes or fees required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840:~~]~~ ***section 86 of this act:***

(a) Within 3 years after the person is delinquent in the payment of the tax or fee; or

(b) Within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

Sec. 63. NRS 360A.370 is hereby amended to read as follows:

360A.370 1. If a person is delinquent in the payment of any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840,]~~ ***section 86 of this act,*** or if a determination has been made against the person that remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent taxpayer, or owing any debts to the delinquent taxpayer or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent taxpayer or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before it presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the persons so notified may not transfer or otherwise dispose of the credits, other personal property, or debts in their possession or under their control at the time they received the notice until the Department consents to a transfer or other disposition.

4. Each person so notified shall, within 10 days after receipt of the demand to transmit, inform the Department of, and transmit to the Department all such credits, other personal property, or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served upon that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing that person to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank or other depository institution, the notice must be delivered or mailed to the branch or office of the bank or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person so notified makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, he or she is liable to this State for any indebtedness due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition, this State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 64. NRS 360A.390 is hereby amended to read as follows:

360A.390 1. If a person who is liable for any tax or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ ***section 86 of this act*** sells any portion of his or her business or stock of goods not in the ordinary course of business or quits the business, the successors or assignees of that person shall:

(a) If the business or stock of goods was purchased for money, withhold from the purchase price the amount due; or

(b) If the business or stock of goods was not purchased for money, withhold a sufficient portion of the assets of the business or stock of goods which, if sold, would equal the amount due,

➥ until the former owner provides the successors or assignees with a receipt or certificate from the Department indicating that he or she paid the amount due.

2. A successor or assignee who fails to withhold the amount required pursuant to subsection 1 becomes personally liable for the payment of the amount required to be withheld by him or her to the extent of the consideration paid for the business or stock of goods, valued in money.

3. The Department shall issue a certificate of the amount due to the successor or assignee:

(a) Not later than 60 days after receiving a written request from the successor or assignee for such a certificate; or

(b) Not later than 60 days after the date the records of the former owner are made available for audit,

➥ whichever period expires later, but not later than 90 days after receiving the request.

4. If the Department fails to mail the certificate, the successor or assignee is released from any further obligation to withhold any portion of the purchase price, business or stock of goods.

5. The time within which the obligation of the successor or assignee may be enforced begins when the person who is liable for the tax or fee sells or assigns all or any portion of his or her business or stock of goods or when the determination against the person becomes final, whichever occurs later.

Sec. 65. NRS 360A.400 is hereby amended to read as follows:

360A.400 1. At any time within 3 years after a person has become delinquent in the payment of any amount of taxes or fees due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[~~590.840,~~]~~ ***section 86 of this act,*** the Department may seize any property, real or personal, of the person and sell the property, or a sufficient part of it, at public auction to pay the amount due, together with any interest or penalties imposed for the delinquency and any costs incurred on account of the seizure and sale.

2. Any seizure made to collect a tax or fee due may be only of the property of the person not exempt from execution under the provisions of law.

Sec. 66. NRS 408.242 is hereby amended to read as follows:

408.242 1. The Department shall establish an account in the State Highway Fund to be administered by the Director. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account must be used exclusively for the construction, reconstruction, improvement and maintenance of public roads.

2. The account consists of:

(a) The money transferred to the account pursuant to ~~[~~NRS 590.860;~~]~~ ***section 88 of this act;***

(b) All income and interest earned on the money in the account; and

(c) All other money received by the account from any source.

3. On July 1 and December 31 of each year, the Director shall allocate:

(a) Seventy percent of the money in the account to a regional transportation commission in a county whose population is 700,000 or more;

(b) Twenty percent of the money in the account to a regional transportation commission in a county whose population is 100,000 or more but less than 700,000; and

(c) Ten percent of the money in the account to the Department for use in counties that have a population of less than 100,000.

Sec. 67. Chapter 445C of NRS is hereby amended by adding thereto the provisions set forth as sections 68 to 94, inclusive of this act.

Sec. 68. ***As used in sections 68 to 94, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 68 to 81, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 69. ***"Board" means the Board to Review Claims.***

Sec. 70. ***"Department" means the Department of Motor Vehicles.***

Sec. 71. ***"Diesel fuel of grade number 1" means a distillate from fuel oil which is of high volatility and used in high-speed diesel engines generally operated under variations in speed and load. The term includes diesel fuel of the type "C-B," generally used in buses and similar operations.***

Sec. 72. ***"Diesel fuel of grade number 2" means a distillate from gas oil which is of low volatility and used in high-speed diesel engines generally operated under uniform speed and load. The term includes diesel fuel of the type "R-R," generally used in railroad locomotives, and type "T-T," generally used in trucks with diesel engines.***

Sec. 73. ***"Discharge" means any release, leaking or spilling from a storage tank into water or soil, unless the discharge is authorized by state or federal law.***

Sec. 74. ***"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.***

Sec. 75. ***"Fund" means the Fund for Cleaning Up Discharges of Petroleum.***

Sec. 76. ***"Heating oil" means diesel fuel of grade number 1 or 2 or any other form of petroleum used in an oil-fired furnace or boiler for space heating.***

Sec. 77. ***"Motor vehicle fuel" has the meaning ascribed to it in NRS 365.060.***

Sec. 78. ***"Operator" means a person who owns, controls or is responsible for the operation of a storage tank.***

Sec. 79. ***"Person" includes the United States, this State, and any agency or political subdivision of this State.***

Sec. 80. ***"Petroleum" means crude oil or any fraction thereof which is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.***

Sec. 81. *"Storage tank" means any tank used to store petroleum, except petroleum for use in a chemical process.*

Sec. 82. *The Legislature finds that:*

1. Protection of this State's environment, particularly its supplies of water, requires the prompt cleaning up of any discharge of petroleum from a storage tank.

2. Federal law and regulations require each operator of a storage tank to show financial responsibility for this purpose, but the capital of smaller operators is too little to meet these requirements and insurance to cover this liability is prohibitively costly for these smaller operators.

3. Free competitive access to the business of distributing petroleum therefore requires a system of funding this liability in which all engaged in the business must participate equitably.

4. The fee imposed by section 86 of this act is not an excise tax but a fee for engaging in the refining or importation of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil.

Sec. 83. *1. The Board to Review Claims is hereby created in the Division. The Board consists of:*

(a) The Administrator of the Division;

(b) The Director of the Department;

(c) The State Fire Marshal;

(d) A representative of refiners of petroleum;

(e) A representative of independent dealers in petroleum;

(f) A representative of independent retailers of petroleum; and

(g) A representative of the general public.

2. An officer designated as a member of the Board may designate a substitute. The Governor shall appoint the respective representatives designated as members of the Board. Each representative of a field of enterprise must be appointed from a list of three persons nominated by persons engaged in that field in this State, through their trade association if one exists.

3. The Board shall select its Chair. The Administrator of the Division shall provide administrative assistance to the Board as required.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than $80, as fixed by the Board, for each day's attendance at a meeting of the Board.

5. While engaged in the business of the Board, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 84. *1. The Fund for Cleaning Up Discharges of Petroleum is hereby created as a special revenue fund in the State Treasury. The Division shall administer the Fund for the purposes prescribed in sections 68 to 94, inclusive, of this act, and the Board shall adopt appropriate regulations for the investigation and payment of claims against the Fund. The Board shall*

review each claim presented and authorize payment to the extent warranted by the facts of the case.

2. The expenses incurred by the Division in performing its duties pursuant to sections 68 to 94, inclusive, of this act are a charge against the Fund. The interest earned on money in the Fund must be credited to the Fund.

3. The Board shall transmit a copy of any resolution that the Board has adopted in carrying out its duties pursuant to this section to the Legislative Counsel within 5 working days after the adoption of the resolution for inclusion in the register of administrative regulations published pursuant to NRS 233B.0653.

Sec. 85. *Notwithstanding any provision of sections 68 to 94, inclusive, of this act to the contrary, and except as otherwise provided in this section:*

1. The Division may expend not more than $250,000 from the Fund per year as reimbursement for necessary costs incurred by the Division in the response to and cleanup of any discharge involving petroleum, including discharges from a storage tank and discharges from a mobile tank that occur during the transportation of petroleum on roads and highways. If the discharge involving petroleum also involves the discharge of another hazardous material, the Division may expend money pursuant to this section in the cleanup of the discharge of petroleum and the other hazardous material. The Division shall not expend money from the Fund pursuant to this section to clean up discharges involving petroleum from pipelines.

2. Except as otherwise provided in this subsection, money from the Fund expended by the Division pursuant to this section must be used to augment, and must not be used to replace or supplant, any money available from other sources for the cleanup of discharges of petroleum, including, without limitation, reimbursements by operators required to be made to the Division pursuant to sections 87 and 89 of this act. If no money is available from those other sources, the Division may expend money from the Fund pursuant to this section to reimburse the Division for any costs specified in subsection 1.

3. If the Division expends money pursuant to this section to clean up a discharge involving petroleum, the operator of the tank shall reimburse the Division for the operator's share of the costs for cleaning up the discharge. The Division shall, upon being reimbursed by the operator of the tank pursuant to this subsection, deposit that money in the Fund.

4. As used in this section:

(a) "Discharge" means any release, leaking or spilling from a tank into water or soil, unless the discharge is authorized by state or federal law.

(b) "Operator" means a person who owns, controls or is responsible for the operation of a tank.

(c) "Tank" means a storage tank or a mobile tank used to transport petroleum received for sale or use in this State.

Sec. 86. *1. Except as otherwise provided in subsection 2, the Department shall collect for deposit in the Fund a fee of 0.75 cent for each*

gallon of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil imported into this State in one of those forms or refined in this State. The fee imposed by this section is in addition to the taxes imposed by chapters 365 and 366 of NRS.

2. The fee imposed by subsection 1 does not apply to motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 or heating oil that is:

(a) Imported or refined by the United States, its unincorporated agencies and instrumentalities, or any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;

(b) Exported from this State;

(c) Imported or refined by railroad companies for use in locomotive engines;

(d) Being transported through this State in interstate commerce; or

(e) Used as fuel for jet or turbine-powered aircraft.

3. The fee is payable on or before the last day of each calendar month for those products subject to the fee that are handled during the preceding calendar month. The Department shall prescribe by regulation the manner of payment of the fee and for this purpose may reasonably classify the persons liable for payment. The Department may, in collecting the fee, employ any administrative power conferred upon it by chapter 360A or 365 of NRS.

4. The expenses incurred by the Department in performing its duties under sections 68 to 94, inclusive, of this act are a charge against the Fund.

Sec. 87. *1. Except as otherwise provided in subsection 2, the Division shall collect for deposit in the Fund an annual fee not to exceed $100, set by the Board, for the registration of each storage tank.*

2. No fee is to be collected, and no registration is required, with respect to a storage tank used to store heating oil for consumption on the same premises where the oil is stored, or a storage tank operated by a person not required to pay the fee for petroleum produced in or imported into this State.

3. The operator of a storage tank required to be registered pursuant to this section who fails to register that tank or to pay the annual fee when required shall reimburse the Division for any expense incurred by the Division in cleaning up a discharge from that storage tank and for any discharge of liability to a third person. If, in cleaning up the discharge from that storage tank, the Division expends money from the Fund in accordance with section 85 of this act, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.

Sec. 88. *If the balance in the Fund for Cleaning Up Discharges of Petroleum at the end of any fiscal year is estimated at $7,500,000 or more, the Department shall transfer to the account created pursuant to*

NRS 408.242 the balance in the Fund for Cleaning Up Discharges of Petroleum which exceeds $7,500,000.

Sec. 89. *1. The operator of every storage tank, and every person who for compensation puts petroleum into a storage tank, shall report to the Division every discharge from that tank of which the operator or other person is aware or has reason to believe has occurred. The Division shall undertake or contract for cleaning up the discharge unless the operator or another person is already acting properly to clean it up. If the Division cleans up the discharge, the operator shall reimburse the Division for the operator's share of the costs. If, in cleaning up the discharge, the Division expends money from the Fund in accordance with section 85 of this act, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.*

2. Each operator who is required or who chooses to register a tank must, unless the tank has been tested for tightness under the federal standards embodied in 40 C.F.R. § 280.43c since July 1, 1988, test the tank pursuant to those standards before it is eligible for the coverage provided by sections 90 and 91 of this act.

Sec. 90. *The costs resulting from a discharge from a storage tank which has a capacity of 1,100 gallons or less and is used to store heating oil for consumption on the same premises where the oil is stored must be paid as follows, to the extent applicable:*

1. The first $250 for cleaning up and the first $250 of liability for damages to a person other than this State or the operator of the tank, or both amounts, by the operator.

2. If necessary to protect the environment or the public health and safety, the next $250,000 for cleaning up and the next $250,000 for damages to a person other than this State or the operator of the tank, or both amounts, from the Fund. These limits apply to any one discharge and to the total for discharges from storage tanks controlled by any one operator in any fiscal year. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. Any further cost for cleaning up or for damages, by the operator.

Sec. 91. *If the costs resulting from a discharge from any other storage tank exceed $5,000, the costs must be paid as follows, to the extent applicable:*

1. By an operator which is an agency, department, division or political subdivision of the State, 10 percent or $10,000, whichever is less, of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to any person other than this State or the operator of the tank, or both amounts. The balance of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the Fund, but the total amount paid from the Fund pursuant to this subsection in any one fiscal year for discharges from two or more storage

tanks under the control of any one operator must not exceed $1,980,000 for cleaning up and $1,980,000 for damages.

2. By an operator which is a small business, 10 percent of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to a person other than this State or the operator of the tank, or both amounts. The total amount paid by an operator pursuant to this subsection must not exceed $50,000 for cleaning up and $50,000 for damages regardless of the number of storage tanks involved. The balance of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the Fund, but the total amount paid from the Fund pursuant to this subsection in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,900,000 for cleaning up and $1,900,000 for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. By all other operators:

(a) Ten percent of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to a person other than this State or the operator of the tank, or both amounts.

(b) Ninety percent of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the Fund.

➥ The total amount paid from the Fund pursuant to paragraph (b) in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,800,000 for cleaning up and $1,800,000 for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

4. Any further cost for cleaning up or for damages which is in excess of the amounts paid pursuant to subsections 1, 2 and 3 must be paid by the operator.

5. A political subdivision of the State that receives money from the Fund pursuant to subsection 1 to pay for the costs of cleaning up shall hold one public hearing upon initiation of the cleanup and one public hearing every 3 months thereafter until the cleanup is completed to ensure that the cleanup complies with any requirements of the Division concerning the cost-effectiveness of cleaning up. The costs incurred by the political subdivision for the hearing must not be attributed to the political subdivision as part of the costs paid by the political subdivision pursuant to subsection 1.

6. For the purposes of this section, a small business is a business which receives less than $500,000 in gross annual receipts from the site where the tank is located.

Sec. 92. *1. Any person who, through willful or wanton misconduct, through gross negligence or through violation of any applicable statute or regulation, including specifically any state or federal standard pertaining to the preparation or maintenance of sites for storage tanks, proximately*

causes a discharge is liable to the Division for any cost in cleaning up the discharge or paying for it to be cleaned up.

2. If a discharge occurs, the site of the tank and any other premises affected by the discharge must be brought into compliance with any applicable standard as described in subsection 1.

Sec. 93. ***If the balance in the Fund is insufficient to pay in full all amounts payable from it under sections 68 to 94, inclusive, of this act, these amounts must be reduced pro rata and the amounts so withheld must be paid pro rata as additional money becomes available in the Fund.***

Sec. 94. ***1. Except as otherwise specifically provided in section 85 of this act, the provisions of sections 87 to 93, inclusive, of this act do not apply to any tank which:***

(a) Contains petroleum being transported through this State in interstate commerce, but do apply to a tank being used to store petroleum received for sale or use in this State;

(b) Contains fuel for jet or turbine-powered aircraft, or is above ground and has a capacity of 30,000 gallons or less, unless in either case the operator complies with subsection 2; or

(c) Is above ground and has a capacity of more than 30,000 gallons.

2. The operator of a tank exempted by paragraph (b) of subsection 1 may obtain the coverage provided by sections 90 and 91 of this act by applying to the Board, paying the fee set pursuant to section 87 of this act for its registration, and, if the tank is used to store fuel for jet or turbine-powered aircraft, reporting monthly the number of gallons of fuel put into the tank and paying the fee required by section 86 of this act. Coverage pursuant to this subsection begins 6 months after the tank is registered and the required fee first paid.

Sec. 95. NRS 445C.010 is hereby amended to read as follows:

445C.010 As used in ~~[this chapter,]~~ ***NRS 445C.010 to 445C.120, inclusive,*** unless the context otherwise requires, the words and terms defined in NRS 445C.020 to 445C.060, inclusive, have the meanings ascribed to them in those sections.

Sec. 96. NRS 445C.110 is hereby amended to read as follows:

445C.110 1. Except as otherwise provided in this section, an environmental audit conducted pursuant to the provisions of ~~[this chapter]~~ ***NRS 445C.010 to 445C.120, inclusive,*** shall be deemed privileged and is not admissible in an administrative proceeding or civil action against the regulated person who conducted the audit or the regulated facility which is owned or operated by the regulated person.

2. The privilege provided by subsection 1 does not apply if:

(a) A regulatory agency requests the admission of the results of an environmental audit at an administrative proceeding or civil action commenced by the regulatory agency;

(b) The regulated person expressly waives the privilege; or

(c) A court or administrative hearing officer determines in camera that the presumption against administrative or civil liability is rebutted pursuant to NRS 445C.090.

3. For the purposes of paragraph (b) of subsection 2, a regulated person does not waive the privilege if he or she voluntarily discloses, pursuant to NRS 445C.010 to 445C.120, inclusive, the results of an environmental audit or a violation of an environmental requirement discovered as a result of an environmental audit to a regulatory agency.

4. This section does not prohibit a person or entity from:

(a) Obtaining information concerning a violation of an environmental requirement from a source independent of an environmental audit.

(b) Commencing an administrative proceeding or civil or criminal action against a regulated person or a regulated facility which is owned or operated by a regulated person based upon information that was obtained from a source independent of an environmental audit.

(c) Intervening in a proceeding or action filed against a regulated person or regulated facility if the intervention is specifically authorized by statute or regulation.

Sec. 96.5. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

Any person who knowingly sells any flesh of any diseased animal or any container containing shellfish, if the container does not have an approved stamp authorized by the Division of Public and Behavioral Health of the Department of Health and Human Services, is guilty of a gross misdemeanor.

Sec. 96.7. NRS 446.945 is hereby amended to read as follows:

446.945 ~~[Any]~~ ***Except as otherwise provided in section 96.5 of this act, any*** person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

Sec. 97. NRS 561.301 is hereby amended to read as follows:

561.301 Aquatic agriculture, which includes the propagation, cultivation and harvesting of plants ***or animals*** indigenous to water in a ***man-made,*** controlled or selected aquatic environment for the commercial production of food, is one of the agricultural enterprises conducted in this state. The Department shall promote, protect and regulate aquatic agriculture to the extent that the Department is authorized to regulate other forms of agriculture and other agricultural products. The Department shall confer with the Department of Wildlife regarding aquatic agriculture to prevent any adverse effects on existing aquatic animals.

Sec. 98. NRS 561.305 is hereby amended to read as follows:

561.305 The Department shall establish and maintain a laboratory for the following purposes:

1. The diagnosis of infectious, contagious and parasitic diseases of animals, as may be necessary under the provisions of chapter 571 of NRS.

2. The diagnosis of infectious, contagious and parasitic diseases of bees, as may be necessary under the provisions of chapter 552 of NRS.

3. The diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as may be necessary under the provisions of chapter 554 of NRS.

4. The survey and identification of insect pests, plant diseases and noxious weeds, and the maintenance of a herbarium, as may be necessary under the provisions of NRS 555.005 to 555.249, inclusive.

5. The testing of pesticides, as may be necessary under the provisions of NRS 555.2605 to 555.460, inclusive, and ~~[586.010 to 586.450, inclusive.]~~ ***chapter 586 of NRS.***

6. The safekeeping and maintenance of official standards of weights and measures, as may be necessary under the provisions of chapter 581 of NRS.

7. The testing and grading of agricultural products and the testing of the purity and germinating power of agricultural seeds and the testing of the spray residue contained in produce, as may be necessary under the provisions of chapter 587 of NRS.

8. The analysis and testing of commercial fertilizers and agricultural minerals, as may be necessary under the provisions of chapter 588 of NRS.

9. The analysis and testing of petroleum products or motor vehicle fuel, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.

10. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.

11. Any laboratory examinations, diagnoses, analyses or testing as may be deemed necessary by the Director and which can be made with equipment available in any such laboratory. Any resident of this State may submit samples to the Department for examination, diagnosis, analysis or testing, subject to such rules and regulations as may be adopted by the Director.

Sec. 99. ~~[NRS 561.315 is hereby amended to read as follows:~~

~~561.315 The Director may fix the maximum number of~~ ***field inspections that may be conducted or laboratory*** ~~samples that may be examined, diagnosed, analyzed or tested [in the Department's laboratory] free of charge for any one~~ ***public agency,*** ~~natural person, group or corporation in any one period, and may fix reasonable fees for [samples submitted]~~ ***any services provided*** ~~in excess of those [tested]~~ ***provided*** ~~free of charge.]~~ **(Deleted by amendment.)**

Sec. 100. NRS 561.355 is hereby amended to read as follows:

561.355 1. The Plant Industry Program is hereby established.

2. The following fees and money must be used in the Plant Industry Program:

(a) ~~[Fees]~~ ***Except as otherwise provided in NRS 555.570 and section 10 of this act, fees*** and money collected pursuant to the provisions of chapters 552, 555 and 587 of NRS.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 552 of NRS.

(c) Laboratory fees collected for the diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of chapter 554 of NRS.

(d) Laboratory fees collected for the survey and identification of insect pests, plant diseases and noxious weeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 555.005 to 555.249, inclusive.

(e) Laboratory fees collected for the testing of the purity and germinating power of agricultural seeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 587.015 to 587.123, inclusive.

(f) Money received from a tax on the transfer of real property imposed pursuant to NRS 375.026.

3. Expenditures for the Plant Industry Program must be made only for the purposes of carrying out the provisions of this chapter and chapters 552, 554, 555 and 587 of NRS.

4. The money credited to the Program pursuant to NRS 375.026 must be allocated for disbursement to each county in proportion to the amount of money collected in that county and must only be used:

(a) By the Department for programs on the exclusion, detection and control of:

(1) Invasive species; and

(2) Endemic pests and weeds designated by the Director; and

(b) For grants to local governments and nonprofit organizations for the control or management of such species, pests and weeds.

5. As used in this section:

(a) "Invasive species" means any living organism not native to this State that may present a threat to the economy, environment or public health of this State.

(b) "Local government" has the meaning ascribed to it in NRS 237.050.

Sec. 101. NRS 561.385 is hereby amended to read as follows:

561.385 1. The Agriculture Registration and Enforcement Account is hereby created in the State General Fund for the use of the Department.

2. The following fees must be deposited in the Agriculture Registration and Enforcement Account:

(a) Except as otherwise provided in NRS 586.270 ~~[,]~~ ***and 586.450,*** fees collected pursuant to the provisions of ***chapter 586 of*** NRS**.** ~~[586.010 to 586.450, inclusive.]~~

(b) Fees collected pursuant to the provisions of chapter 588 of NRS.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and ~~[586.010 to 586.450, inclusive.]~~ ***, except as otherwise provided in NRS 586.270 and 586.450, chapter 586 of NRS.***

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 588 of NRS.

(f) Laboratory fees collected for the analysis and testing of petroleum products or motor vehicle fuel, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.

(g) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the Agriculture Registration and Enforcement Account may be made to carry out the provisions of this chapter, NRS 555.2605 to 555.460, inclusive, or chapters 586, 588 and 590 of NRS or for any other purpose authorized by the Legislature.

Sec. 102. ~~[NRS 562.170 is hereby amended to read as follows:~~

~~562.170 1. Except as otherwise provided in this section, the rate of tax fixed by the Board, as provided for in NRS 562.160, must not exceed the equivalent of [18 cents] *$1.50* per head on all sheep. The minimum tax that must be paid annually by an owner of sheep is [$5.] *$5.00.*~~

~~2. The tax paid by an owner of sheep must be deposited in the [state or county treasury in which] *State Treasury for credit to* the State Sheep Inspection [Account is located for credit to that] Account. The money in the State Sheep Inspection Account must be made available and disbursed by the [proper state or county officials] *State Controller* upon request of the Board for the purposes provided for in this chapter.]~~ **(Deleted by amendment.)**

Sec. 103. NRS 562.200 is hereby amended to read as follows:

562.200 All contributions of money which the Board is authorized to accept and which are made by any organization interested in the welfare of the sheep industry must be deposited by the Board with the ~~[state or county treasurer who has custody of]~~ ***State Treasury for credit to*** the State Sheep Inspection ~~[Account for credit to that]~~ Account. The money in the Account must be disbursed by the ~~[proper state or county officials]~~ ***State Controller*** when ordered by the Board in accordance with the purposes for which each contribution was made.

Sec. 104. NRS 562.210 is hereby amended to read as follows:

562.210 1. The Board may encourage, promote, advance and protect the sheep interests of the State and may, directly or indirectly, by expenditure or by payment or otherwise to any association formed for any such purposes or objects, pay annually, out of the State Sheep Inspection Account, for any enumerated purposes, not to exceed the equivalent of ~~[10 cents]~~ ***50 percent*** of the levy assessed pursuant to NRS 562.170.

2. The Board is the sole and exclusive judge of the expenditures of all sums directly or by the payment to any association, club or other organization pursuant to this section.

Sec. 105. NRS 562.230 is hereby amended to read as follows:

562.230 ~~[Whenever any inspector files in the office of the]~~ ***The*** State Controller ~~[or county treasurer who has custody of the State Sheep Inspection Account]~~ ***shall draw a warrant or check payable out of the State Sheep Inspection Account to any inspector who files*** proper vouchers or claims, duly approved by the Board, setting forth:

1. The name of the inspector;
2. The kind and nature of service rendered;
3. The particular locality where the work was done;
4. The length of time employed;
5. The number of sheep inspected and the name of the owner or person in charge of the sheep;
6. The disease or diseases treated, and the length of time of the treatment; and
7. The amount claimed for the services **.** ~~[,~~

~~➥ the State Controller or county treasurer shall draw a warrant or check in favor of the inspector, payable out of the money in the State Sheep Inspection Account.]~~

Sec. 106. (Deleted by amendment.)

Sec. 107. (Deleted by amendment.)

Sec. 108. NRS 573.020 is hereby amended to read as follows:

573.020 1. A person shall not hold, operate, conduct or carry on a public livestock auction in this state without first securing a license therefor from the Department.

2. The application for a license must be on a form prescribed and furnished by the Department and set forth:

(a) The name of the operator of the public livestock auction.

(b) The location of the establishment or premises where the public livestock auction will be conducted.

(c) The type or kinds of livestock to be handled, sold or exchanged.

(d) A description of the facilities that will be used to conduct the public livestock auction.

(e) The weekly or monthly sales day or days on which the applicant proposes to operate the applicant's public livestock auction.

(f) The name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

(g) Such other information as the Department reasonably may require, including, without limitation, proof that at the time of application the applicant has a line of credit established at a bank or credit union in the State of Nevada in ~~[an]~~ ***the*** amount ~~[at least equal to the estimated average weekly gross sales~~

~~receipts of the public livestock auction that will be conducted by the applicant.]~~ ***of $400,000 or more.***

3. The application must be accompanied by a bond or deposit receipt and the required fee as provided in this chapter.

Sec. 109. NRS 573.033 is hereby amended to read as follows:

573.033 1. If an applicant delivers a surety bond to the Director pursuant to the provisions of subsection 1 of NRS 573.030, the surety bond must be:

(a) In the ~~[sum provided for in subsection 2.]~~ ***amount of $200,000 or more but less than $1,000,000.***

(b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

(c) A standard form and approved by the Director as to terms and conditions.

(d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the Department.

(e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction.

2. ~~[If the application for a license to operate a public livestock auction is submitted by a person who:~~

~~(a) Has not operated in the past 12 month period, the Director shall determine the sum of the initial bond that the applicant must execute in favor of the State, which sum must be equal to an amount estimated to be 50 percent of the average monthly gross sales proceeds of the public livestock auction in the first 6 months of operation, but the sum must not be less than $10,000 or more than $100,000. At any time within the first 12 months of licensed operation, the Director may, upon written notice to the licensee, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.~~

~~(b) Has operated in the past 12 month period, the Director shall determine the sum of the bond that the applicant must execute in favor of the State, which sum must be equal to an amount equal to 50 percent of the average monthly gross sales proceeds received by the public livestock auction during the 6 successive months of the last 12 month period which produced the highest dollar volume, but the sum must not be less than $10,000 or more than $100,000.~~

~~3.]~~ The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 110. NRS 573.050 is hereby amended to read as follows:

573.050 Upon receipt of an application for a license under this chapter, accompanied by the required bond and license fee, the Department shall examine the application, and if it finds the application to be in proper form and that the applicant has otherwise complied with this chapter, the ~~[Department]~~

Director or his or her designee shall grant ***and sign*** the license as applied for, subject to the provisions of this chapter.

Sec. 111. NRS 573.080 is hereby amended to read as follows:

573.080 Licenses ~~[shall]~~ ***must*** be renewed annually upon like application and procedure as in the case of original licenses. ***An application for renewal must be accompanied by:***

1. A full audit completed not more than 2 months before the date of the application which must be signed and certified as correct by a holder of a live permit issued pursuant to chapter 628 of NRS.

2. The name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

Sec. 112. NRS 573.103 is hereby amended to read as follows:

573.103 ~~[1. Except as otherwise provided in subsection 2, every operator of a public livestock auction shall cause his or her accounts to be audited at least annually by a holder of a live permit under chapter 628 of NRS, and shall file with the Director a copy of the audit, signed and certified as correct by the auditor. The Director may prescribe by regulation the content and times for filing of the audits.~~

~~2.]~~ Every operator ***of a public livestock auction*** whose accounts are audited under the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, as amended, shall file a copy of each such audit with the Director.

Sec. 113. NRS 573.105 is hereby amended to read as follows:

573.105 ~~[The Director shall ascertain, at least quarterly, the continued existence and]~~ ***An operator of a public livestock auction shall notify the Department within 30 days after any change in the*** amount of the line of credit shown pursuant to paragraph (g) of subsection 2 of NRS 573.020, or its replacement by a line of credit at another bank or credit union in the State of Nevada and the amount of the replacement. If the line of credit is replaced, the custodial account must be transferred to the bank or credit union issuing the new line of credit. If a line of credit in the amount required is not maintained, the Director shall suspend the operator's license.

Sec. 114. NRS 573.140 is hereby amended to read as follows:

573.140 1. The yards, pens and premises where livestock is held or handled ~~[shall]~~ ***must*** be ~~[regularly]~~ cleaned and ~~[disinfected]~~ ***maintained*** for the purpose of preventing infectious, contagious or parasitic livestock diseases.

2. If livestock is held on the premises for more than 10 hours, then facilities for feeding and watering the livestock so held ~~[shall]~~ ***must*** be provided.

Sec. 115. NRS 573.180 is hereby amended to read as follows:

573.180 None of the provisions of this chapter shall be deemed to apply to the Nevada ~~[Fair of]~~ Mineral ~~[Industries,]~~ ***Exhibition,*** 4-H clubs, ***the Future Farmers of America,*** the Nevada Junior Livestock Show, the Nevada State

Livestock Show, the Nevada Hereford Association, and any other organization or association which is entirely nonprofit in character.

Sec. 116. NRS 573.190 is hereby amended to read as follows:

573.190 1. Any person who operates a public livestock auction without a license required by this chapter, or who violates any of the provisions of this chapter or of any rules or regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not ~~[more]~~ ***less*** than $1,000 ***and not more than $5,000*** per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

2. Each day's operation in which livestock is sold or exchanged at any unlicensed public livestock auction constitutes a separate offense.

3. Any money collected from the imposition of an administrative fine pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 117. NRS 575.120 is hereby amended to read as follows:

575.120 The Department shall ~~[prepare]~~ ***provide*** a ~~[form for]~~ declaration of livestock and sheep on which an owner of livestock or sheep shall declare the average number, kind and classification of all livestock and sheep in the State owned by him or her during the year immediately preceding the date the declaration is made.

Sec. 118. NRS 575.130 is hereby amended to read as follows:

575.130 1. The Department shall ~~[mail]~~ ***provide*** the ~~[form for]~~ declaration to each owner of livestock or sheep listed in its most current report of such owners. ~~[The Department may include the form with any other mailing sent to that owner.]~~

2. An owner of livestock or sheep who fails to complete ~~[and return the form for]~~ ***a*** declaration within 30 days after the date it was ~~[mailed]~~ ***provided*** to him or her is subject to a penalty of $5 assessed by the Department.

Sec. 119. NRS 575.150 is hereby amended to read as follows:

575.150 1. Upon receipt of the ~~[forms for]~~ declaration of livestock and sheep and the report of owners of livestock and sheep, the Department shall:

(a) Make an estimate of the number, kind and classification of all livestock and sheep owned by any person failing to return the ~~[form for]~~ declaration of livestock and sheep and include that information on the report; and

(b) Examine each completed ~~[form for]~~ declaration of livestock and sheep and the report to determine its accuracy, and if there is any evidence that any information is inaccurate or incomplete, may change and correct any listing as to number, kind, classification, ownership or location by adding thereto or deducting therefrom as necessary to make the report complete and accurate.

2. The Department may verify the number of livestock or sheep by any reasonable means, including actual count at any reasonable time.

3. If the Department changes the listings on the report of owners of livestock and sheep for any owner and the listing for that owner does not conform to the listings on the ~~[~~form for~~]~~ declaration completed by that owner, the Department shall notify the owner of the change within 15 days after the change is made. The notification must contain a statement explaining the owner's right to challenge the accuracy of the report made by the Department.

Sec. 120. Chapter 576 of NRS is hereby amended by adding thereto the provisions set forth as sections 121 to 125, inclusive, of this act.

Sec. 121. ***"Agricultural product" means a product of the soil, a farm product and any product commonly used to enhance agricultural production, including, without limitation, a product produced by hydroponic or aquatic farming. The term does not include a product inspected by a federal or other state agency.***

Sec. 122. ***"Free-sale certificate" means a document which certifies that an agricultural product which is proposed to be exported is the same type of agricultural product freely marketed and sold in this State.***

Sec. 123. ***"Produce vendor" means any person engaged in the sale of farm products other than any poultry, livestock or livestock product.***

Sec. 124. ***The Department may provide a free-sale certificate for an agricultural product if:***

1. An application is submitted in the manner prescribed by the Director;

2. The applicant is located in this State; and

3. The agricultural product is grown, produced or processed in this State
. [; and

4. The applicant pays a fee in an amount determined by the Department.]

Sec. 125. ***1. Except as otherwise provided in subsection [3,] 2, the Department shall adopt regulations pursuant to which a person must register as a produce vendor.***

2. [The Department may impose fees for the registration of a person as a produce vendor and any inspections necessary for that registration.

3.] A person who obtains certification pursuant to NRS 576.128 is not required to register as a produce vendor pursuant to this section.

Sec. 126. NRS 576.010 is hereby amended to read as follows:

576.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 576.0115 to 576.018, inclusive, ***and sections 121, 122 and 123 of this act*** have the meanings ascribed to them in those sections.

Sec. 127. NRS 576.030 is hereby amended to read as follows:

576.030 1. Every person, before acting as a broker, dealer, commission merchant or agent, shall file an application with the Department for a license to transact such business. Separate applications must be filed for each class of business.

2. The application must be on a form prescribed and furnished by the Department and must set forth:

(a) The full name of the person applying for the license. If the applicant is a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation must be given in the application.

(b) If the applicant is a natural person, the social security number of the applicant.

(c) The principal business address of the applicant in this State and elsewhere.

(d) The name of the person authorized to accept service of summons and legal notice of all kinds for the applicant.

(e) The names and addresses of all persons by whom the applicant has been employed for a period of 3 years immediately preceding the making of the application.

(f) A complete statement of the applicant's business activity for the 3 years immediately preceding the making of the application which is not covered by paragraph (e).

(g) ~~[~~A statement of whether the applicant has ever been arrested for any crime other than a traffic violation punishable by a fine of $25 or less and, if so, when and where, the nature of the crime charged, the disposition of the charge, the title and address of the police officers having custody of the record of arrest, and the names and locations of all the courts before which any proceedings in connection with the arrest took place.

(h) A statement of whether the applicant has ever been a party in a civil suit and, if so, the nature of the suit, whether the applicant was the plaintiff or the defendant, the disposition of the suit, and, if the applicant was the defendant and lost, whether there is a judgment or any portion thereof which remains unpaid.

(i)~~]~~ The county or counties in which the applicant proposes to engage in business.

~~[~~(j)~~]~~ ***(h)*** The class or classes of farm products the applicant proposes to handle.

~~[~~(k)~~]~~ ***(i)*** Such other information as the Department may reasonably require.

3. In addition to the general requirements applicable to all classes of applications as set forth in subsection 2, ~~[~~the following requirements apply to the class of applications specified in this subsection:

(a) Commission merchants. Each application must include a complete schedule of commissions and an itemized listing of all charges for all services. Any services rendered for which charges are made, if not listed in the schedule on the application, must be rendered on a strictly cost basis.

(b) Agents. Each~~]~~ ***each*** application ***for a license as an agent*** must be in the same form as an application for a license as a broker, dealer or commission merchant, and must include the name and address of the broker, dealer or commission merchant represented or sought to be represented by the agent,

and the written endorsement or nomination of the broker, dealer or commission merchant.

4. The application must be accompanied by an executed instrument whereby the applicant:

(a) Appoints and constitutes the Director and the Director's successor or successors in office the true and lawful attorney of the applicant upon whom all lawful process in any action or legal proceeding against the applicant arising in this State from a transaction under the provisions of this chapter may be served; and

(b) Agrees that any lawful process against the applicant which may be served upon the applicant's attorney as provided in this subsection is of the same force and validity as if served upon the applicant and that the authority thereof continues in force irrevocably as long as any liability of the applicant in the State remains outstanding.

Sec. 128. NRS 576.035 is hereby amended to read as follows:

576.035 1. ~~[The Department shall require the applicant for a license as a broker, dealer, commission merchant or agent to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings and make determinations regarding those matters.~~

~~2. If the applicant is a corporation or partnership, it shall satisfy the Department of the character, responsibility and good faith of all persons connected with it in a responsible or managing position, including the manager, superintendent, officer and director.~~

~~3. Failure of any person to satisfy the Department of the person's character, responsibility or good faith may be considered by the Department as adverse to a showing of such qualifications and is sufficient grounds for the denial of an application for a license or of the renewal thereof.]~~ A previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the Department as adverse to a showing of ~~[such]~~ character, responsibility or good faith on the part of ~~[the]~~ ***an*** applicant ~~[.~~

~~4.]~~ ***for a license as a broker, dealer, commission merchant or agent.***

2. Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen or deposit in lieu of bond a claim has been collected by a court order, who has not made full settlement with all producer-creditors, may not be licensed by the Department for 3 years after the date of the adjudication or collection.

~~[5.]~~ ***3.*** The Department may refuse to accept a new application for a license by an applicant rejected pursuant to this section for a period not exceeding 3 years after the date of rejection of the first application.

Sec. 129. NRS 576.042 is hereby amended to read as follows:

576.042 1. Any:

(a) Producer of livestock or farm products or the producer's agent or consignee ~~[;]~~ ***or produce vendor;***

(b) Licensed broker, dealer or commission merchant; or

(c) Nonprofit organization or association, including the Nevada ~~[~~Fair of~~]~~ Mineral ~~[~~Industries,~~]~~ ***Exhibition,*** 4-H clubs, ***the Future Farmers of America,*** the Nevada Junior Livestock Show, the Nevada State Livestock Show and the Nevada Hereford Association,

➥ who is injured by any violation of the provisions of this chapter, or by any misrepresentations or fraud on the part of any licensed dealer, broker or commission merchant, may maintain a civil action against the dealer, broker or commission merchant. If the dealer, broker or commission merchant is licensed, he or she may also maintain an action against the surety on any bonds, or the money or securities deposited in lieu of a bond. In such an action against an unlicensed dealer, broker or commission merchant, the injured person is entitled to treble damages.

2. Any person having a claim pursuant to subsection 1 against any licensed dealer, broker or commission merchant must begin legal action on any bond, or money or securities deposited in lieu of a bond, for recovery of the amount claimed to be due within 1 year after the claim has accrued.

3. Pursuant to subsection 4 of NRS 576.030, process may be served by delivering to the Director duplicate copies of the process and paying a fee established by regulation of the State Board of Agriculture. The service upon the Director shall be deemed service upon the dealer, broker or commission merchant. The Director shall forward one copy of the process by registered mail prepaid to the defendant dealer, broker or commission merchant, specifying the day and hour of service. The return receipt of the defendant is prima facie evidence of the completion of service. If service of summons is made upon the Director in accordance with the provisions of this subsection, the period within which the defendant must appear is extended 10 days. The provisions of this subsection are not exclusive, but if a defendant dealer, broker or commission merchant is found within the State of Nevada, he or she must be served with process in the State of Nevada.

Sec. 130. NRS 576.048 is hereby amended to read as follows:

576.048 1. If the Department receives notice from a producer of livestock or farm products or the producer's agent or consignee ***or produce vendor*** of the default of a licensed dealer, broker or commission merchant, the Department shall issue an order to the licensee to show cause why his or her license should not be revoked. The notice must be in writing and set forth a time and place for a hearing to be held before the Director.

2. If a license is revoked pursuant to subsection 1, the Director shall, by publication in a newspaper of general circulation in the area, notify all known producers of livestock or farm products in the area in which the licensee operated that the license has been revoked.

Sec. 131. NRS 576.100 is hereby amended to read as follows:

576.100 1. An agent shall not act for any dealer, broker or commission merchant unless:

(a) The dealer, broker or commission merchant is licensed and has designated the agent to act in his or her behalf; and

(b) The Department has been notified in writing and has approved the appointment of the agent.

2. The dealer, broker or commission merchant is accountable and responsible for contracts made by his or her agents.

3. An agent must, before approval by the Department, file an application with the Department pursuant to ~~[paragraph (b) of]~~ subsection 3 of NRS 576.030.

Sec. 132. NRS 576.120 is hereby amended to read as follows:

576.120 1. The Department may refuse to grant or renew a license or ~~[registration as provided in subsection 4 of NRS 576.140 or]~~ may suspend or revoke a license ~~[or registration as provided in subsection 4 of NRS 576.140]~~ if, after notice and a hearing, the Department is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That the applicant or licensee has intentionally made any false or misleading statement concerning the conditions of the market for any farm products.

(b) That the applicant or licensee has made fictitious sales or has been guilty of collusion to defraud the producer.

(c) That the licensee was intentionally guilty of fraud or deception in the procurement of the license.

(d) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit or willful negligence.

(e) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(f) That the licensee, without reasonable cause, has issued checks for the payment of farm products received without sufficient money to cover them or has stopped payment on a check given in payment for farm products received.

(g) That the licensee, without reasonable cause, has failed to account or make payment for farm products as required by this chapter.

(h) That the licensee has knowingly employed an agent without causing the agent to comply with the licensing requirements of this chapter applicable to agents.

(i) That the licensee has failed or refused to maintain and file records as required by this chapter.

(j) That the licensee has failed or refused to maintain a bond or other security as required by the provisions of NRS 576.040.

2. The Department may suspend, pending inquiry, for not longer than 30 days, and after hearing or investigation may refuse to grant, renew or revoke any license as the case may require, if it is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed

contracts for the purchase of farm products, or for the handling of farm products on consignment.

3. A license is suspended automatically, without action of the Department, if the bond filed pursuant to subsection 1 of NRS 576.040 is cancelled, and remains suspended until the bond is renewed.

4. In the case of any hearing held under the provisions of this section, there must be filed in the office of the Department a memorandum stating briefly the reasons of the Department for the denial, suspension or revocation of the license, but formal findings of fact need not be made or filed.

Sec. 133. NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person ~~[may obtain certification that the person]~~ ***who*** is an actual producer of farm products other than any livestock, livestock product or poultry ~~[.]~~ ***must obtain certification as an actual producer of farm products.*** The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The Department may impose fees for the certification of a person as an actual producer of farm products specified in subsection 1 and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of chapter 446 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of chapter 446 of NRS relating to such a sale or offer to sell.

Sec. 134. NRS 576.140 is hereby amended to read as follows:

576.140 Except as otherwise provided in NRS 576.042, the provisions of this chapter do not apply to:

1. The Nevada ~~[Fair of]~~ Mineral ~~[Industries,]~~ ***Exhibition,*** 4-H clubs, ***the Future Farmers of America,*** the Nevada Junior Livestock Show, the Nevada State Livestock Show, the Nevada Hereford Association, or any other nonprofit organization or association.

2. Any railroad transporting livestock interstate or intrastate.

3. Any farmer or rancher purchasing or receiving livestock for grazing, pasturing or feeding on his or her premises within the State of Nevada and not for immediate resale.

4. Operators of public livestock auctions as defined in NRS 573.010, and all buyers of livestock at those auctions at which the public livestock auction licensee does not control title or ownership to the livestock being sold or purchased at those auctions, and any person buying for interstate shipments only and subject to and operating under a bond required by the United States pursuant to the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, and the regulations adopted pursuant to those provisions. ~~[Each person exempted by the provisions of this subsection shall register annually with the Department, giving the location of his or her place of business, the number of his or her license and bond and the expiration date thereof. Each such registrant shall pay an annual registration fee of $40 to the Department.]~~

5. Any farmer or rancher whose farm or ranch is located in the State of Nevada, who buys or receives farm products or livestock from another farmer or rancher not for immediate resale.

6. Any retail merchant having a fixed and established place of business in this state and who conducts a retail business exclusively.

Sec. 135. NRS 576.150 is hereby amended to read as follows:

576.150 1. Except as otherwise provided by a specific statute, a person who acts as a dealer, broker, commission merchant or agent without a license therefor as required by the provisions of this chapter, or who violates any other provision of this chapter, or any of the regulations lawfully adopted pursuant to provisions of this chapter, is guilty of a misdemeanor. If the violation relates to the failure to make payment for farm products, an intent to defraud must be proven before a misdemeanor or other penalty may be imposed.

2. Any prosecution brought pursuant to this chapter may be brought in any county of this State in which the defendant or any one of the defendants resides, or in which the unlawful act was committed, or in which the defendant or any one of the defendants has his or her principal place of business.

3. In addition to any criminal penalty imposed pursuant to, or any remedy provided by, this chapter, the Director, after notice and a hearing in an administrative proceeding, may issue an order against any person who has violated any provision of this chapter or any regulation adopted pursuant to this chapter imposing a civil penalty of not more than $5,000 for each violation. ~~[Any civil penalty collected pursuant to this subsection must be deposited in the State General Fund.]~~

4. Any money collected from the imposition of a civil penalty pursuant to subsection 3 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 136. NRS 581.067 is hereby amended to read as follows:

581.067 The State Sealer of Consumer Equitability shall:

1. Adopt regulations establishing such primary standards and secondary standards for weights and measures for use in this State as the State Sealer of Consumer Equitability determines appropriate.

2. Maintain traceability of the state standards to the national standards of the National Institute of Standards and Technology.

3. Enforce the provisions of this chapter.

4. Adopt other reasonable regulations for the enforcement of this chapter.

5. Establish requirements for:

(a) Labeling;

(b) The presentation of information relating to cost per unit;

(c) Standards of weight, measure or count, and reasonable standards of fill, for any packaged commodity; and

(d) Information relating to open dating of packaged food.

6. Grant such exemptions from the provisions of this chapter or any regulations adopted pursuant thereto as the State Sealer of Consumer Equitability determines appropriate to the maintenance of good commercial practices within this State.

7. Conduct investigations to ensure compliance with this chapter.

8. Delegate to appropriate personnel any of the responsibilities of the Division as needed for the proper administration of the Division.

9. Adopt regulations establishing a schedule of civil penalties for any violation of NRS 581.415 ~~[.]~~ ***and for any point-of-sale system or cash register determined not to be in compliance with the provisions of subsection 19.***

10. Inspect and test commercial weights and measures that are kept, offered or exposed for sale.

11. Inspect and test, to ascertain if they are correct, weights and measures that are commercially used to:

(a) Determine the weight, measure or count of commodities or things that are sold, or offered or exposed for sale, on the basis of weight, measure or count; or

(b) Compute the basic charge or payment for services rendered on the basis of weight, measure or count.

12. Test all weights and measures used in checking the receipt or disbursement of supplies by entities funded by legislative appropriations.

13. Approve for use such commercial weights and measures as the State Sealer of Consumer Equitability determines are correct and appropriate. The State Sealer of Consumer Equitability may mark such commercial weights and measures. The State Sealer of Consumer Equitability shall reject and order to be corrected, replaced or removed any commercial weights and measures found to be incorrect. Weights and measures that have been rejected may be seized if they are not corrected within the time specified or if they are used or disposed of in a manner not specifically authorized. The State Sealer of

Consumer Equitability shall remove from service and may seize weights and measures found to be incorrect that are not capable of being made correct.

14. Weigh, measure or inspect packaged commodities that are kept, offered or exposed for sale, sold or in the process of delivery to determine whether the packaged commodities contain the amounts represented and whether they are kept, offered or exposed for sale in accordance with this chapter or the regulations adopted pursuant thereto. In carrying out the provisions of this subsection, the State Sealer of Consumer Equitability shall employ recognized sampling procedures, including, without limitation, sampling procedures adopted by the National Conference on Weights and Measures.

15. Adopt regulations prescribing the appropriate term or unit of weight or measure to be used whenever the State Sealer of Consumer Equitability determines that an existing practice of declaring the quantity of a commodity, or of setting charges for a service by weight, measure, numerical count or time, or any combination thereof, does not facilitate value comparisons by consumers or may confuse consumers.

16. Allow reasonable variations from the stated quantity of contents that entered intrastate commerce, which must include those variations caused by loss or gain of moisture during the course of good distribution practices or by unavoidable deviations in good manufacturing practices.

17. Provide for the training of persons employed by any governmental entity within this State, including, without limitation, state, county and municipal personnel, who enforce the provisions of this chapter and chapter 582 of NRS, and any regulations adopted pursuant thereto, relating to weights and measures. The State Sealer of Consumer Equitability may establish by regulation minimum training and performance requirements which must be met by all such persons.

18. Verify advertised prices ~~[,]~~ ***and*** price representations ***,*** ~~[and point-of-sale systems,]~~ as necessary, to determine ~~[the]~~ ***their*** accuracy ***.***

19. Without charging and collecting a fee, conduct random tests of point-of-sale systems and cash registers to determine the accuracy of prices ***, including advertised prices and price representations,*** and computations and the correct use of the equipment, and, if such systems utilize scanning or coding means in lieu of manual entry, the accuracy of prices printed or recalled from a database. ~~[In carrying out the provisions of this subsection, the State Sealer of Consumer Equitability shall:~~

~~(a)]~~ ***20.*** Employ recognized procedures for making ~~[such]~~ verifications and determinations of accuracy, including, without limitation, any appropriate procedures designated by the National Institute of Standards and Technology ***.*** ~~[;~~

~~(b)]~~ ***21.*** Adopt regulations and issue orders regarding standards for the accuracy of advertised prices and automated systems for retail price charging, ~~[or]~~ point-of-sale systems ~~[,]~~ ***and cash registers,*** and for the enforcement of those standards ***.*** ~~[; and~~

~~— (c)~~ **[**~~those standards.~~**]** ***22.*** Conduct investigations to ensure compliance with **[**~~those standards.~~**]** ***the regulations adopted pursuant to subsection 21.***

Sec. 137. (Deleted by amendment.)

Sec. 138. NRS 581.417 is hereby amended to read as follows:

581.417 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Consumer Equitability or a designee shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Consumer Equitability or the designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of Consumer Equitability **[**~~,~~**]** ***or designee;*** or

(b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the civil penalty is upheld, within 10 days after the effective date of the final decision of the court.

3. If the respondent fails to pay the penalty, a civil action may be brought by the State Sealer of Consumer Equitability in any court of competent jurisdiction to recover the civil penalty. **[**~~All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.~~**]**

4. Any money collected from the recovery of a civil penalty pursuant to subsection 3 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the State Department of Agriculture that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 139. Chapter 583 of NRS is hereby amended by adding thereto the provisions set forth as sections 140 and 141 of this act.

Sec. 140. ***As used in this chapter, unless the context otherwise requires, "Department" means the State Department of Agriculture.***

Sec. 141. ***1. Any person violating any provision of this chapter or any regulation adopted pursuant thereto is subject to a civil penalty. In addition to any other penalties set forth in this chapter, the Director of the Department may assess a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the Department that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 142. NRS 583.010 is hereby amended to read as follows:

583.010 1. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state, for human food, any ~~[:~~

~~(a) Blown, meager,]~~ ***unsound,*** diseased or ~~[bad]~~ ***unwholesome fish,*** meat or game ***.*** ~~[; or~~

~~(b) Unsound, diseased or unwholesome fish.]~~

2. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state, the flesh of any animal which, when killed, was sick or diseased, or that died a natural or accidental death.

3. No person shall slaughter, expose for sale or sell, or bring or cause to be brought into ~~[any city or town within]~~ this state, for human food, any calf unless it is in good, healthy condition ***.*** ~~[and 4 weeks of age.]~~

4. Any article or animal that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

5. Any person who, in violation of the provisions of this section, shall bring, slaughter, expose or offer for sale, or sell ~~[in any city or town]~~ within this state any article or animal which is unfit or unsafe for human food shall forfeit the same to the authorities.

6. Any sheriff, constable, police officer or other peace officer or the ~~[Chief Medical]~~ ***State Quarantine*** Officer shall forthwith remove any of the animals or articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will ensure safety and protection to the public.

7. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 143. (Deleted by amendment.)

Sec. 144. NRS 583.030 is hereby amended to read as follows:

583.030 1. It shall be unlawful for any person, firm or corporation to possess, with intent to sell:

(a) The carcass or part of any carcass of any animal which has died from any cause other than being slaughtered in a sanitary manner; ***or***

(b) The carcass or part of any carcass of any animal that shows evidence of any disease, or that came from a sick or diseased animal ***.*** ~~[; or~~

~~(c) The carcass or part of the carcass of any calf that was killed before it had attained the age of 4 weeks.]~~

2. Any person, firm or corporation violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 145. NRS 583.040 is hereby amended to read as follows:

583.040 1. It shall be unlawful for any person, firm or corporation to sell within this State, or to possess with the intent to sell within this State, for human food, the carcass or parts of the carcass of any animal which has been slaughtered, or is prepared, handled or kept under insanitary conditions, or any primal cut of meat which is not stamped with an approved stamp authorized by the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***Department.***

2. Insanitary conditions shall be deemed to exist in any slaughterhouse that does not comply with the provisions of chapter 446 of NRS.

3. Any person, firm or corporation violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 146. NRS 583.045 is hereby amended to read as follows:

583.045 1. No person or corporation may sell or offer for sale to the consumer through a meat market, store or otherwise any meats, either fresh or frozen, which are products of any country foreign to the United States, without first indicating such fact by labels or brands on each quarter, half or whole carcass of such meat, and on each counter display containing any of the above-described products, naming the country of its origin.

2. Any person violating any of the provisions of this section is ~~[guilty of a misdemeanor.]~~ ***subject to a civil penalty pursuant to section 141 of this act.***

Sec. 147. NRS 583.050 is hereby amended to read as follows:

583.050 1. It shall be unlawful for any person to sell the meat of any equine animal without informing the purchaser thereof, at the time of such sale, that the meat is the meat of an equine animal.

2. It shall be unlawful for any person peddling the meat of any equine animal, who is not the keeper of any shop or meat market, to sell such meat without possessing then and there the hide of such animal containing the brand and other marks thereon, and upon request not to exhibit the hide of such animal containing the brand and other marks thereon.

3. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 148. NRS 583.055 is hereby amended to read as follows:

583.055 1. The ~~[State]~~ Department ~~[of Agriculture shall]~~ ***may*** establish a program for grading and certifying meats, prepared meats and meat products in conformity with federal practice.

2. The Department may enter into cooperative agreements with the Agricultural Marketing Service of the United States Department of Agriculture and the College of Agriculture ***, Biotechnology and Natural Resources*** of the

University of Nevada, Reno, and adopt appropriate regulations to carry out the program.

3. The Department may establish fees, to be collected from slaughtering or other processing operations, for the purpose of grading and certifying meats, prepared meats and meat products.

Sec. 149. NRS 583.060 is hereby amended to read as follows:

583.060 1. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state for human food any unsound, diseased or unwholesome fruit, vegetables or other market produce.

2. Any article that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

3. Any person who, in violation of the provisions of this section, shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state any article which is unfit or unsafe for human food shall forfeit the same to the authorities.

4. Any sheriff, constable, police officer or other peace officer or the ~~[Chief Medical]~~ ***State Quarantine*** Officer shall forthwith remove any of the articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will ensure safety and protection to the public.

5. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 150. NRS 583.070 is hereby amended to read as follows:

583.070 1. No person shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state for human food any ~~[blown, meager,]~~ ***unsound,*** diseased or ~~[bad]~~ ***unwholesome*** poultry.

2. Any article that shall be offered or exhibited for sale, in any part of this state, in any market or elsewhere, as though it were intended for sale, shall be deemed offered and exposed for sale, within the intent and meaning of this section.

3. Any person who, in violation of the provisions of this section, shall bring, expose or offer for sale, or sell ~~[in any city or town]~~ within this state any article which is unfit or unsafe for human food shall forfeit the same to the authorities.

4. Any sheriff, constable, police officer or other peace officer or the ~~[Chief Medical]~~ ***State Quarantine*** Officer shall forthwith remove any of the articles named in this section, when aware of the existence thereof, at the expense of the owner thereof, in a manner that will ensure safety and protection to the public.

5. Any person violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 151. NRS 583.080 is hereby amended to read as follows:

583.080 1. It shall be unlawful for any person, firm or corporation to possess, with intent to sell:

(a) The carcass or part of any carcass of any fowl which has died from any cause other than being slaughtered in a sanitary manner;

(b) The carcass or part of any carcass of any fowl that shows evidence of any disease, or that came from a sick or diseased fowl; or

(c) The carcass or part of any carcass of any fowl not processed in an establishment approved by the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** or in accordance with poultry regulations adopted by the ~~[Division.]~~ ***Department.***

2. Any person, firm or corporation violating any of the provisions of this section ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 152. NRS 583.210 is hereby amended to read as follows:

583.210 Any person who violates any of the provisions of NRS 583.110 to 583.200, inclusive, ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty pursuant to section 141 of this act.***

Sec. 153. NRS 583.255 is hereby amended to read as follows:

583.255 As used in NRS 583.255 to 583.555, inclusive, unless the context otherwise requires, the words and terms defined in NRS 583.265 to 583.429, inclusive, have the meanings ascribed to them in ~~[NRS 583.265 to 583.429, inclusive.]~~ ***those sections.***

Sec. 154. NRS 583.295 is hereby amended to read as follows:

583.295 "Inspector" means:

1. A person who has entered into a contract pursuant to NRS 583.448; or

2. An employee or official of the ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** authorized by the Officer to inspect livestock, poultry, game mammals or birds or carcasses or parts thereof.

Sec. 155. NRS 583.365 is hereby amended to read as follows:

583.365 "Officer" means the ~~[Chief Medical]~~ ***State Quarantine*** Officer.

Sec. 156. NRS 583.375 is hereby amended to read as follows:

583.375 "Official establishment" means any establishment in this state, other than an establishment covered by subsection 1 of NRS 583.545, which on a commercial basis slaughters ~~[or processes]~~ for hire any meat animal, game mammal, poultry or game bird for human consumption, and which has been inspected and approved by the Officer.

Sec. 157. NRS 583.435 is hereby amended to read as follows:

583.435 1. Meat, meat food products, and poultry products are an important source of the supply of human food in this State and legislation to assure that such food supplies are unadulterated and otherwise fit for human consumption, and properly labeled, is in the public interest. Therefore, it is hereby declared to be the policy of this State to provide for the inspection of slaughtered livestock, poultry and other animals, and the carcasses and parts

thereof which are used for human food, at certain establishments to prevent the distribution in intrastate commerce, for human consumption, of animal carcasses and parts thereof which are adulterated or otherwise unfit for human food.

2. The ~~[Division of Public and Behavioral Health of the Department of Health and Human Services]~~ ***Department*** is hereby designated as the single state agency primarily responsible for the administration of the program established by NRS 583.255 to 583.555, inclusive.

Sec. 158. NRS 583.445 is hereby amended to read as follows:

583.445 1. The Officer, an inspector or a person acting as an inspector shall make an ante mortem inspection of livestock, poultry and game mammals and birds in any official establishment where livestock, poultry or game mammals or birds are slaughtered for commercial purposes.

2. Whenever slaughtering ~~[or other processing]~~ operations are being conducted, the Officer, an inspector or a person acting as an inspector shall make postmortem inspection of the carcasses and parts thereof of each animal and bird slaughtered in an official establishment.

3. The Officer, inspector or person acting as an inspector shall quarantine, segregate and reinspect livestock, poultry, game mammals and birds, and carcasses and parts thereof in official establishments as he or she deems necessary to effectuate the purposes of NRS 583.255 to 583.555, inclusive.

4. Except as otherwise provided in this section, all carcasses of livestock, poultry, other animals and parts thereof found by the Officer, an inspector or person acting as an inspector to be adulterated in any official establishment must be condemned by the Officer or an inspector. If no appeal is taken from the determination of condemnation, the carcasses must be destroyed for human food purposes under the supervision of an inspector unless the carcasses can, by ~~[reprocessing,]~~ ***processing,*** be made unadulterated. In such a case they need not be so condemned and destroyed if ~~[reprocessed]~~ ***processed*** under the supervision of an inspector and thereafter found to be unadulterated. If any appeal is taken from the determination of condemnation, the carcasses must be appropriately marked and segregated pending completion of an additional inspection. The appeal is at the cost of the appellant if the Officer, after a hearing, determines that the appeal is frivolous. If the determination of condemnation is sustained, the carcasses must be destroyed for human food purposes under the supervision of an inspector.

Sec. 159. NRS 583.453 is hereby amended to read as follows:

583.453 1. A person shall not operate an official establishment unless the person receives a permit issued by the Officer.

2. A person must apply for a permit ~~[on a form provided by the Division of Public and Behavioral Health of the Department of Health and Human Services.]~~ ***in the manner prescribed by the Department.*** The application must include:

(a) The applicant's full name and address;

(b) A statement whether the applicant is a natural person, firm or corporation, and if a partnership, the names and addresses of the partners;

(c) A statement of the location and type of proposed establishment; and

(d) The signature of the applicant.

3. Upon receipt of an application, an inspector shall make an inspection of the establishment. If the inspection indicates that the requirements of this chapter have been met, the Officer shall issue a permit to the applicant.

4. A permit issued pursuant to this section is not transferable and must be posted in the establishment.

Sec. 160. NRS 583.455 is hereby amended to read as follows:

583.455 1. Each official establishment at which livestock, poultry or game mammals or birds are slaughtered ~~[or carcasses or parts thereof are processed]~~ for intrastate commerce must be operated in accordance with sanitary practices required by rules or regulations prescribed by the Officer. Carcasses or parts of livestock, poultry or game mammals or birds must not be admitted into any official establishment unless they have been prepared in accordance with procedures approved pursuant to NRS 583.255 to 583.555, inclusive, the Wholesome Poultry Products Act or the Wholesome Meat Act, or unless their admission is permitted by rules or regulations prescribed by the ~~[State Board of Health.]~~ ***Department.***

2. The Officer may issue a permit for an establishment to operate as an official establishment but shall not approve any establishment whose premises, facilities or equipment, or the operation thereof, fail to meet the requirements of this section.

3. A local government shall not issue a business license for operation of any establishment unless it has been issued a permit as an official establishment.

Sec. 161. NRS 583.472 is hereby amended to read as follows:

583.472 1. It is unlawful for the owner, proprietor or manager of a retail meat market, personally or through another, to advertise any prepackaged meat or meat food product with a United States Department of Agriculture grade unless such meat or meat food product is actually available to the public and bears the grade awarded to it by the United States Department of Agriculture.

2. It is unlawful for the owner, proprietor or manager of a retail meat market, personally or through another, to advertise carcass, quarter or primal cuts of meat with a USDA grade unless the USDA yield grade is included in the advertisement.

3. Any person who violates any provision of this section shall be punished by a fine of not ~~[more]~~ ***less*** than $500 ~~[.]~~ ***or more than $2,000.***

Sec. 162. NRS 583.475 is hereby amended to read as follows:

583.475 It is unlawful for any person:

1. To process, sell or offer for sale, transport or deliver or receive for transportation, in intrastate commerce, any livestock or poultry carcass or part thereof unless such article has been inspected and unless the article and its shipping container and immediate container, if any, are marked in accordance

with the requirements of NRS 583.255 to 583.555, inclusive, or the Wholesome Meat Act or the Wholesome Poultry Products Act.

2. To sell or otherwise dispose of, for human food, any livestock or poultry carcass or part thereof which has been inspected and declared to be adulterated in accordance with NRS 583.255 to 583.555, inclusive, or which is misbranded.

3. Falsely to make or issue, alter, forge, simulate or counterfeit or use without proper authority any official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, used in connection with inspection in accordance with NRS 583.255 to 583.555, inclusive, or cause, procure, aid, assist in, or be a party to such false making, issuing, altering, forging, simulating, counterfeiting or unauthorized use, or knowingly to possess, without promptly notifying the Officer or the Officer's representative, utter, publish or use as true, or cause to be uttered, published or used as true, any such falsely made or issued, altered, forged, simulated or counterfeited official inspection certificate, memorandum, mark or other identification, or device for making such mark or identification, or to represent that any article has been officially inspected in accordance with NRS 583.255 to 583.555, inclusive, when such article has in fact not been so inspected, or knowingly to make any false representations in any certificate prescribed by the Officer or any form resembling any such certificate.

4. To misbrand or do an act intending to misbrand any livestock or poultry carcass or part thereof, in intrastate commerce.

5. To use any container bearing an official inspection mark unless the article contained therein is in the original form in which it was inspected and covered by such mark unless the mark is removed, obliterated or otherwise destroyed.

6. To refuse at any reasonable time to permit access:

(a) By ~~[a health officer or the health officer's]~~ ***the Officer or his or her*** agents to the premises of an establishment in this state where carcasses of livestock or poultry, or parts thereof, are processed for intrastate commerce.

(b) By the Secretary of Agriculture or the Secretary's representative to the premises of any establishment specified in paragraph (a), for inspection and the taking of reasonable samples.

7. To refuse to permit access to and the copying of any record as authorized by NRS 583.485.

8. To use for personal advantage, or reveal, other than to the authorized representatives of any state agency in their official capacity, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of NRS 583.255 to 583.555, inclusive, concerning any matter which as a trade secret is entitled to protection.

9. To deliver, receive, transport, sell or offer for sale or transportation in intrastate commerce, for human consumption, any uneviscerated slaughtered poultry, or any livestock or poultry carcass or part thereof which has been processed in violation of any requirements under NRS 583.255 to 583.555,

inclusive, except as may be authorized by and pursuant to rules and regulations prescribed by the Officer.

10. ~~[To deliver, receive, transport, sell or offer for sale or transportation in intrastate commerce any adulterated or misbranded livestock or poultry carcass or part thereof which is exempted under NRS 583.515.~~

~~11.]~~ To apply to any livestock or poultry carcass or part thereof, or any container thereof, any official inspection mark or label required by NRS 583.255 to 583.555, inclusive, except by, or under the supervision of, an inspector.

Sec. 163. NRS 583.476 is hereby amended to read as follows:

583.476 1. If a carcass of livestock or of a game mammal or bird is delivered for processing to a person who is engaged in the business of processing such carcasses, the person shall not, if he or she returns the carcass after processing it to the person who delivered it, return to that person a processed carcass other than the carcass which was delivered for processing.

2. For the purposes of carrying out the provisions of subsection 1, a person who is engaged in the business of processing carcasses of livestock or game mammals or birds shall mark any such carcass that is to be returned to the person who delivered it for processing in a manner which provides for the identification of that person.

3. A person who violates any provision of this section is guilty of a misdemeanor ~~[.]~~ ***and subject to a civil penalty pursuant to section 141 of this act.***

Sec. 164. NRS 583.495 is hereby amended to read as follows:

583.495 1. A person who ~~[:~~

~~(a) Violates]~~ ***violates*** any of the provisions of NRS 583.475 and 583.485 ~~[is guilty of a misdemeanor.]~~ ***:***

(a) For a first violation, is subject to a civil penalty pursuant to section 141 of this act.

(b) ~~[Is once convicted of violating the provisions of NRS 583.475 and 583.485 and again violates any of those provisions]~~ ***For a second violation,*** is guilty of a gross misdemeanor ~~[.]~~ ***and subject to a civil penalty pursuant to section 141 of this act.***

(c) ~~[Is twice convicted of violating the provisions of NRS 583.475 and 583.485 and again violates any of those provisions]~~ ***For a third or subsequent violation,*** is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***and subject to a civil penalty pursuant to section 141 of this act.***

2. When construing or enforcing the provisions of NRS 583.255 to 583.555, inclusive, the act, omission or failure of a person acting for or employed by an individual, partnership, corporation, association or other business unit, within the scope of the person's employment or office, shall in every case be deemed the act, omission or failure of the individual, partnership, corporation, association or other business unit, as well as of the person.

3. A carrier is not subject to the penalties imposed by this section by reason of the carrier's receipt, carriage, holding or delivery, in the usual course of business as a carrier, of livestock or poultry carcasses or parts thereof owned by another person, unless the carrier:

(a) Has knowledge, or is in possession of facts which would cause a reasonable person to believe, that the articles do not comply with the provisions of NRS 583.255 to 583.555, inclusive.

(b) Refuses to furnish, on request of a representative of the Officer, the name and address of the person from whom the carrier received the livestock or poultry carcasses, or parts thereof, and copies of all documents pertaining to the delivery of such carcasses, or parts thereof, to the carrier.

4. A person, firm or corporation is not subject to the penalties imposed by this section for receiving for transportation any shipment in violation of NRS 583.255 to 583.555, inclusive, if the receipt was made in good faith, unless the person, firm or corporation refuses to furnish on request of a representative of the Officer:

(a) The name and address of the person from whom such shipment was received; and

(b) Copies of all documents pertaining to the delivery of the shipment to the person, firm or corporation.

Sec. 165. NRS 583.545 is hereby amended to read as follows:

583.545 1. NRS 583.255 to 583.555, inclusive, do not apply to any act or transaction subject to regulation under the Wholesome Poultry Products Act and the Wholesome Meat Act.

2. The Department **[**~~of Health and Human Services~~**]** may enter into agreements with the Federal Government in carrying out the provisions of NRS 583.255 to 583.555, inclusive, the Wholesome Poultry Products Act and the Wholesome Meat Act, and may accept financial aid from the Federal Government for such purpose.

Sec. 166. NRS 583.555 is hereby amended to read as follows:

583.555 1. The cost of inspection of an official establishment must be paid by the owner or operator of the establishment.

2. The Officer may establish a mandatory schedule of killing days for an official establishment in any area of the State if the schedule conforms with the reasonable needs of the establishment and has received the approval of the **[**~~Division of Public and Behavioral Health of the~~**]** Department **.** **[**~~of Health and Human Services.~~**]** If such a schedule is established, it must be exclusively used for the inspection of the slaughtering operations of the official establishment.

Sec. 167. (Deleted by amendment.)

Sec. 168. (Deleted by amendment.)

Sec. 169. (Deleted by amendment.)

Sec. 170. (Deleted by amendment.)

Sec. 171. (Deleted by amendment.)

Sec. 172. (Deleted by amendment.)

Sec. 173. (Deleted by amendment.)

Sec. 174. (Deleted by amendment.)

Sec. 175. NRS 586.010 is hereby amended to read as follows:

586.010 ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***This chapter*** may be cited as the Nevada Pesticides Act.

Sec. 176. NRS 586.020 is hereby amended to read as follows:

586.020 As used in ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter,*** unless the context otherwise requires, the words and terms defined in NRS 586.030 to 586.220, inclusive, have the meanings ascribed to them in those sections.

Sec. 177. NRS 586.180 is hereby amended to read as follows:

586.180 "Misbranded" shall apply:

1. To any pesticide or device if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

2. To any pesticide:

(a) If it is an imitation of, or is offered for sale under the name of, another pesticide;

(b) If its labeling bears any reference to registration under ~~[~~NRS 586.010 to 586.450, inclusive;~~]~~ ***this chapter;***

(c) If the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(d) If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living human beings and other vertebrate animals;

(e) If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(f) If any word, statement or other information required by or under the authority of ~~[~~NRS 586.010 to 586.450, inclusive,~~]~~ ***this chapter*** to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(g) If in the case of a pesticide, when used as directed, or in accordance with commonly recognized practice, it shall be injurious to living human beings or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide; or

(h) If in the case of a plant regulator, defoliant or desiccant, when used as directed, it shall be injurious to human beings or other vertebrate animals, or vegetation to which it is applied; but physical or physiological effects on plants or parts thereof shall not be deemed to be injury when this is the purpose for

which the plant regulator, defoliant or desiccant was applied, in accordance with the label claims and recommendations.

Sec. 178. NRS 586.200 is hereby amended to read as follows:

586.200 "Registrant" means the person registering any brand of pesticide pursuant to the provisions of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

Sec. 179. NRS 586.220 is hereby amended to read as follows:

586.220 "Weed" means any plant which ~~[grows where not wanted.]~~ ***is or is likely to be a public nuisance, detrimental or destructive, or difficult to control.***

Sec. 180. NRS 586.230 is hereby amended to read as follows:

586.230 Jurisdiction in all matters pertaining to the distribution, sale and transportation of pesticides and devices is, pursuant to ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** vested exclusively in the Director.

Sec. 181. NRS 586.270 is hereby amended to read as follows:

586.270 1. A registrant shall pay an annual registration fee in an amount established by regulation of the Director for each brand of pesticide registered.

2. ***All registrations expire on December 31 and are renewable annually.***

3. The Director shall, for each annual registration fee collected, deposit in a separate account the amount established for that purpose by regulation of the Director. The money deposited in the account must be used:

(a) For the disposal of pesticides;

(b) To monitor pesticides;

(c) To protect groundwater and surface water from contamination by pesticides; and

(d) For the ~~[eradication and]~~ control of noxious weeds.

~~[3.]~~ ***4.*** A registrant who offers a pesticide for sale before registering the brand of pesticide shall pay an amount equal to twice the registration fee for registering the brand of pesticide.

~~[4.]~~ ***5.*** As used in this section, "noxious weed" has the meaning ascribed to it in NRS 555.005.

Sec. 182. NRS 586.280 is hereby amended to read as follows:

586.280 1. If the Director deems it necessary in the administration of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** the Director may require the submission of the complete formula of any pesticide.

2. If it appears to the Director that the composition of the article is such as to warrant the proposed claims for it, and if the article and its labeling and other material required to be submitted comply with the requirements of NRS 586.350 to 586.410, inclusive, the Director shall register the article.

Sec. 183. NRS 586.290 is hereby amended to read as follows:

586.290 1. If it does not appear to the Director that the article is such as to warrant the proposed claims for it, or if the article and its labeling and other material required to be submitted do not comply with the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** the Director shall notify the registrant of the manner in which the article, labeling or other material

required to be submitted fails to comply with ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** to allow the registrant an opportunity to make the necessary corrections.

2. The registration of an article is not a defense for the commission of any offense prohibited under NRS 586.350 to 586.410, inclusive.

Sec. 184. NRS 586.300 is hereby amended to read as follows:

586.300 Notwithstanding any other provision of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** registration is not required in the case of a pesticide shipped from one plant within this state to another plant within this state operated by the same person.

Sec. 185. NRS 586.330 is hereby amended to read as follows:

586.330 To avoid confusion endangering the public health resulting from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the residents of this state because of the necessity of complying with diverse requirements in the manufacture and sale of pesticides, it is desirable that there be uniformity between the requirements of the several states and the Federal Government relating to pesticides. To this end the Director may, after a public hearing, adopt such regulations applicable to and in conformity with the primary standards established by ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** as have been or may be prescribed by the United States Environmental Protection Agency with respect to pesticides.

Sec. 186. NRS 586.370 is hereby amended to read as follows:

586.370 It shall be unlawful for any person to distribute, sell or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any pesticide which contains any substance or substances in quantities highly toxic to humans, determined as provided in NRS 586.310, unless the label shall bear, in addition to any other matter required by ~~[NRS 586.010 to 586.450, inclusive:]~~ ***this chapter:***

1. The skull and crossbones.

2. The word "poison" prominently, in red, on a background of distinctly contrasting color.

3. A statement of an antidote for the pesticide.

Sec. 187. NRS 586.380 is hereby amended to read as follows:

586.380 1. It is unlawful for any person to distribute, sell or offer for sale within this State, or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State, the pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluorosilicate, and barium fluorosilicate, and those containing mercurial compounds, unless they have been distinctly colored or discolored as provided by the regulations adopted in accordance with the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter,*** or any other white powder pesticide which the Director, after investigation of and after public hearing on the necessity for such action for the protection of the public

health and the feasibility of the coloration or discoloration, by regulation requires to be distinctly colored or discolored, unless it has been so colored or discolored.

2. The Director may exempt any pesticide to the extent that it is intended for a particular use from the coloring or discoloring required or authorized by this section if the Director determines that the coloring or discoloring for that use is not necessary to protect the public health.

Sec. 188. NRS 586.400 is hereby amended to read as follows:

586.400 It shall be unlawful for any person to detach, alter, deface or destroy, in whole or in part, any label or labeling provided for in ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** or regulations promulgated thereunder, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

Sec. 189. NRS 586.403 is hereby amended to read as follows:

586.403 1. The regulations governing the use of restricted-use pesticides may:

(a) Provide the time when and the conditions under which they may be used in this State.

(b) Prohibit their use in areas of this State.

(c) Provide that they shall be used only under a permit for each application; and the permit may set forth the time, conditions, quantity and concentration of its use.

2. Every permit which is issued under the regulations adopted pursuant to this section is conditioned upon compliance with such regulations and upon such other specified conditions as may be deemed necessary to avoid injury.

3. Any permit may be refused, revoked or suspended for violation of any of the conditions of such permit, or for violation of any provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** or the regulations adopted pursuant ~~[to such sections.]~~ ***thereto.***

Sec. 190. NRS 586.420 is hereby amended to read as follows:

586.420 1. The penalties provided for violations of NRS 586.350 to 586.390, inclusive, do not apply to:

(a) Any carrier while lawfully engaged in transporting a pesticide within this state, if the carrier, upon request, permits the Director or the Director's designated agent to copy all records showing the transactions in and movement of the articles.

(b) Public officers of this state and the Federal Government engaged in the performance of their duties.

(c) The manufacturer or shipper of a pesticide for experimental use only:

(1) By or under the supervision of an agency of this state or of the Federal Government authorized by law to conduct research in the field of pesticides; or

(2) By other persons if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be

sold," together with the manufacturer's name and address, but if a written permit has been obtained from the Director, pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

2. An article shall not be deemed in violation of the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** if intended solely for export to a foreign country and if prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** apply.

Sec. 191. NRS 586.430 is hereby amended to read as follows:

586.430 ~~[1.]~~ The examination of pesticides or devices must be made under the direction of the Director to determine whether they comply with the requirements of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.*** If it appears from the examination that a pesticide or device fails to comply with the provisions of ~~[NRS 586.010 to 586.450, inclusive, and the Director contemplates instituting criminal proceedings against any person,]~~ ***this chapter,*** the Director shall cause appropriate notice to be given to the person. Any person so notified must be given an opportunity to present the person's views, orally or in writing, ~~[with regard to those contemplated proceedings,]~~ and if thereafter in the opinion of the Director it appears that the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** have been violated by the person, the Director ~~[shall refer the facts to the district attorney of the county in which the violation occurred with a copy of the results of the analysis or the examination of the article.]~~ ***may impose a civil penalty pursuant to NRS 586.450.*** The provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~ ***this chapter*** do not require the Director to ~~[report]~~ ***commence formal proceedings for*** any act or failure to act ~~[for prosecution or for the institution of libel proceedings, or to report minor violations of NRS 586.010 to 586.450, inclusive,]~~ if the Director believes that the public interest will be best served by a suitable notice of warning in writing.

~~[2. Each district attorney to whom any such violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of proper jurisdiction without delay.~~

~~3. The Director shall, by publication in such manner as the Director may prescribe, give notice of all judgments entered in actions instituted under the authority of NRS 586.010 to 586.450, inclusive.]~~

Sec. 192. NRS 586.440 is hereby amended to read as follows:

586.440 1. Any pesticide or device that is distributed, sold or offered for sale within the State of Nevada, or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state is liable to be proceeded against in any district court in any county of this state where it may be found and seized for confiscation by process of libel for condemnation:

(a) In the case of a pesticide:

(1) If it is adulterated or misbranded.

(2) If the brand of the pesticide has not been registered under the provisions of NRS 586.250 to 586.300, inclusive.

(3) If it is a white powder pesticide and is not colored as required under ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

(4) If it fails to bear on the label the information required by ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.***

(b) In the case of a device, if it is misbranded.

2. If the article is condemned, it must, after the entry of the decree, be disposed of by destruction or sale as the court may direct, and the proceeds must be paid to the State Treasurer and deposited in the State General Fund. The article seized must not be sold or destroyed contrary to the provisions of ~~[NRS 586.010 to 586.450, inclusive.]~~ ***this chapter.*** The article must not be sold or destroyed if the owner thereof pays the costs of condemnation and executes a good and sufficient bond conditioned that the article must not be disposed of unlawfully. The court shall then order that the article condemned must be delivered to the owner thereof for relabeling or reprocessing as the case may be.

3. When a decree of condemnation is entered against the article, court costs, fees and storage charges, and other proper expenses, must be awarded against the person, if any, intervening as claimant of the article.

Sec. 193. NRS 586.450 is hereby amended to read as follows:

586.450 1. Any person violating ~~[NRS 586.350 shall be guilty of a misdemeanor.]~~ ***any provision of this chapter is subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. ***Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:***

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

3. Notwithstanding any other provision of this section, if any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of NRS 586.280, the person shall be guilty of a gross misdemeanor.

Sec. 194. Chapter 588 of NRS is hereby amended by adding thereto a new section to read as follows:

Pursuant to NRS 233B.040, the Director may adopt by reference the fertilizer control rules and standards of the Association of American Plant Food Control Officials or its successor organization.

Sec. 195. NRS 588.170 is hereby amended to read as follows:

588.170 1. Each brand and grade of commercial fertilizer or agricultural mineral must be registered with the Department before being offered for sale, sold or distributed in this state.

2. An application for registration must be submitted to the Director on a form furnished by the Director, and, except as otherwise provided in subsection 3, must be accompanied by a ***nonrefundable*** registration fee in an amount to be fixed annually by the Director for each combined registration of brand and grade.

3. A person who offers a commercial fertilizer or agricultural mineral for sale before registering the brand and grade of the commercial fertilizer or agricultural mineral shall pay an amount equal to twice the otherwise applicable registration fee for registering the brand and grade of the commercial fertilizer or agricultural mineral.

4. ~~[Upon approval by the Director, a copy of the registration must be furnished to the applicant.]~~ ***The Director may deny the renewal of a registration if all the required tonnage reports have not been submitted and all fees and penalties have not been paid.***

5. All registrations expire on ~~[June 30]~~ ***December 31*** of each year.

Sec. 196. NRS 588.210 is hereby amended to read as follows:

588.210 1. There must be paid to the Department for all commercial fertilizers offered for sale, sold or distributed in this state a fee established by regulation of the State Board of Agriculture for each ton sold, but sales to manufacturers or exchanges between them are exempt.

2. There must be paid to the Department for all agricultural minerals offered for sale, sold or distributed in this state a fee established by regulation of the State Board of Agriculture. The regulations must specify the amount of the fee for each ton of agricultural minerals that is sold in packages and the amount of the fee for each ton of those minerals that is sold in bulk, but sales to manufacturers or exchanges between them are exempt.

3. The Department shall prepare suitable forms for reporting sales and, on request, shall furnish the forms without cost to all persons dealing in registered brands of commercial fertilizers or agricultural minerals. ***The form must be filed regardless of whether the person sold any commercial fertilizers or agricultural minerals during the reporting period.***

4. The registrant of each brand must report the total tonnage sold and pay the appropriate fees unless the responsibility for reporting and payment of fees has been assigned to another person by a contract entered into pursuant to subsection 5.

5. A contract specified in subsection 4 must:

(a) Include the registration number of the brand;

(b) Identify each party by name, address, telephone number and title, if applicable;

(c) Identify the specific product covered by the contract;

(d) Include an effective date and expiration date, not beginning or ending during a reporting period and not exceeding 3 years in duration; and

(e) Be signed by each party or his or her authorized agent.

6. A person who violates any provision of this section is subject to a civil penalty pursuant to NRS 588.350.

Sec. 197. NRS 588.270 is hereby amended to read as follows:

588.270 1. ~~[At least annually, the]~~ ***The*** Director ~~[shall]~~ ***may*** publish, in such form as the Director may deem proper:

(a) Information concerning the sales of commercial fertilizers and agricultural minerals, together with such data on their production and use as the Director may consider advisable.

(b) A report of the results of the analyses based on official samples of commercial fertilizers or agricultural minerals sold within the State as compared with the analyses guaranteed under NRS 588.170 to 588.200, inclusive.

2. The information concerning production and use of commercial fertilizers or agricultural minerals must be shown separately for the periods from July 1 to December 31 and from January 1 to June 30 of each year.

~~[3. No disclosure may be made of the operations of any person.]~~

Sec. 198. NRS 588.290 is hereby amended to read as follows:

588.290 If any commercial fertilizer or agricultural mineral in the possession of the consumer is found by the Director to be short in weight, the registrant of the commercial fertilizer or agricultural mineral ~~[shall, within 30 days after notice from the Director, pay to the consumer a penalty equal to 4 times the value of the actual shortage.]~~ ***is subject to a civil penalty pursuant to NRS 588.350.***

Sec. 199. NRS 588.295 is hereby amended to read as follows:

588.295 1. It is unlawful for any person to sell or offer to sell at retail, or to distribute or deliver for transportation for delivery to the consumer or user, a restricted-use commercial fertilizer or agricultural mineral unless the person is registered with the Director.

2. Each person applying for registration must provide the Director with a registration statement that includes:

(a) The name and address of the person registering; and

(b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted-use commercial fertilizer or agricultural mineral.

3. All such registrations expire on ~~[December]~~ ***January*** 31 of ~~[each]~~ ***the*** year ***immediately after the year in which the person registers pursuant to this section*** and are renewable annually.

4. ***Each application for renewal must be accompanied by the fourth quarter tonnage report for the immediately preceding year.***

5. Each person registering with the Director must pay:

(a) An annual registration fee established by regulation of the State Board of Agriculture; and

(b) A penalty fee established by regulation of the State Board of Agriculture if the person failed to renew the person's previous registration on or before

~~[February]~~ ***March*** 1 next following its expiration, unless the registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted-use commercial fertilizer or agricultural mineral during the period the registration was not in effect.

~~[5.]~~ ***6.*** Each person registered pursuant to this section shall maintain for at least 2 years a record of all sales of restricted-use commercial fertilizers or agricultural minerals showing:

(a) The date of sale or delivery of the restricted-use commercial fertilizer or agricultural mineral;

(b) The name and address of the person to whom the restricted-use commercial fertilizer or agricultural mineral was sold or delivered;

(c) The brand name of the restricted-use commercial fertilizer or agricultural mineral sold or delivered;

(d) The amount of the restricted-use commercial fertilizer or agricultural mineral sold or delivered; and

(e) Such other information as may be required by the Director.

~~[6.]~~ ***7.*** Each person registered pursuant to this section shall, on or before the date specified for each reporting period established pursuant to subsection ~~[7.]~~ ***8,*** file a report with the Director specifying the restricted-use commercial fertilizers or agricultural minerals that the person sold during the reporting period. The Director shall provide the form for the report. The report must be filed regardless of whether the person sold any commercial fertilizers or agricultural minerals during the reporting period.

~~[7.]~~ ***8.*** The Director shall adopt regulations establishing reporting periods and dates for filing reports pursuant to subsection ~~[6.]~~ ***7.***

Sec. 200. NRS 588.350 is hereby amended to read as follows:

588.350 ***1.*** Any person violating any provisions of this chapter ~~[shall be guilty of a misdemeanor.]~~ ***is subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 201. NRS 590.060 is hereby amended to read as follows:

590.060 1. Except as otherwise provided in NRS 590.063 and 590.065, it is unlawful for any person, or any officer, agent or employee thereof, to adulterate any petroleum product or motor vehicle fuel, to sell, attempt to sell, offer for sale or assist in the sale of any product resulting from the adulteration, and to represent the product as the petroleum product or motor vehicle fuel of

a brand name in general use by any other marketer or producer of petroleum products or motor vehicle fuel.

2. Whenever the description of any petroleum product or motor vehicle fuel is displayed on any tank, receptacle or other delivery device used for sale to the public, the kind, character and name of the petroleum product or motor vehicle fuel dispensed therefrom must correspond to the representations thereon.

3. Except as otherwise provided in this subsection, it is unlawful for any person, or any officer, agent or employee thereof, to deposit or deliver into any tank, receptacle or other container any petroleum product or motor vehicle fuel other than the petroleum product or motor vehicle fuel intended to be stored in the tank, receptacle or container and distributed therefrom, as indicated by the name of the producer, manufacturer or distributor of the product displayed on the container itself, or on the pump, dispenser or other distributing device used in connection therewith. This section does not apply to any person who sells or offers for sale under the person's name or brand name the product or output of another manufacturer or producer, with the consent of that manufacturer or producer.

4. If used oil or recycled oil, other than rerefined oil, is sold or offered for sale or delivery in this state, the container in which that oil is sold or offered for sale or delivery ***or, in the case of a bulk delivery, the delivery receipt,*** must bear a superimposed sign or label containing the clearly legible words "Recycled Oil" or "Used Oil."

Sec. 202. NRS 590.080 is hereby amended to read as follows:

590.080 1. Except as otherwise provided in subsection 2, crankcase drainings, lube-distillate, or any other petroleum product may not be sold, offered for sale, delivered, offered for delivery or stored as a motor oil or lubricating oil for use in the crankcase of an internal combustion engine unless it conforms to the performance rating set forth on its container ***or, in the case of a bulk delivery, on the delivery receipt,*** and the following specifications:

(a) ***It must meet the specifications for engine oil performance and engine service classification set by SAE International.***

(b) It must be free from water and suspended matter when tested ~~[by means of centrifuge,]~~ in accordance with the ~~[testing]~~ procedures approved by the State Sealer of Consumer Equitability.

~~[(b)]~~ ***(c)*** The flash points for the various viscosity grade classifications must not be less than the ~~[following]~~ ***most recent viscosity grade classifications determined by SAE International*** when tested by the ~~[Cleveland Open Cup Method in accordance with the testing procedures approved by the State Sealer of Consumer Equitability. Except as otherwise provided in this paragraph, the]~~ ***Pensky-Martens Closed Cup method. The*** viscosity grade classification number of motor or lubricating oils must conform to the latest ~~[Society of Automotive Engineers]~~ viscosity ***grade*** classification ~~[. Grade numbers 60 and 70 must conform to the requirements listed in this paragraph.~~

~~Viscosity Sayboldt Seconds~~

~~Viscosity Classification~~	~~Minimum Flash Degrees Fahrenheit~~	~~Universal 210 Degrees Fahrenheit~~
~~S.A.E. 5W~~	~~305~~	
~~S.A.E. 10W~~	~~335~~	
~~S.A.E. 20 and 20W~~	~~345~~	
~~S.A.E. 30~~	~~355~~	
~~S.A.E. 40~~	~~375~~	
~~S.A.E. 50~~	~~400~~	
~~Grade 60~~	~~435~~	~~110 to less than 125~~
~~Grade 70~~	~~470~~	~~125 to less than 150~~**]**

determined by SAE International.

2. The provisions of this section do not apply to any oil labeled "prediluted" or intended only for mixture with gasoline or other motor fuel in a two-cycle engine.

Sec. 203. NRS 590.324 is hereby amended to read as follows:

590.324 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Consumer Equitability or a designee thereof shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Consumer Equitability or designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of Consumer Equitability ~~[,]~~ ***or designee;*** or

(b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the civil penalty is upheld, within 10 days after the effective date of the final decision of the court.

3. If the respondent fails to pay the civil penalty, a civil action may be brought by the State Sealer of Consumer Equitability in any court of competent jurisdiction to recover the civil penalty. ~~[~~All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.~~]~~

Sec. 204. NRS 590.380 is hereby amended to read as follows:

590.380 1. Before any antifreeze may be sold, displayed for sale or held with intent to sell within this State, ~~[~~a sample thereof must be inspected annually by the State Sealer of Consumer Equitability.

~~2. Upon~~**]** ***and upon*** application of the manufacturer, packer, seller or distributor and the payment of a ***license*** fee established by regulation of the State Board of Agriculture for each brand of antifreeze submitted, the State Sealer of Consumer Equitability shall ~~[~~inspect the antifreeze submitted. If~~]~~ ***, if*** the antifreeze ~~[~~:

~~(a) Is not adulterated or misbranded;~~

~~(b) Meets the standards of the State Sealer of Consumer Equitability; and~~

~~(c) Is~~**]** ***is*** not in violation of NRS 590.340 to 590.450, inclusive,

[~~➥ the State Sealer of Consumer Equitability shall~~**]** issue to the applicant a **[**~~written permit~~**]** ***license*** authorizing its sale in this State for the fiscal year in which the **[**~~inspection~~**]** ***license*** fee is paid.

[~~3.~~**]** ***2.*** If the State Sealer of Consumer Equitability at a later date finds that:

(a) The product to be sold, displayed for sale or held with intent to sell has been materially altered or adulterated;

(b) A change has been made in the name, brand or trademark under which the antifreeze is sold; or

(c) The antifreeze violates the provisions of NRS 590.340 to 590.450, inclusive,

➥ the State Sealer of Consumer Equitability shall notify the applicant and the **[**~~permit~~**]** ***license*** must be cancelled forthwith.

Sec. 205. NRS 590.420 is hereby amended to read as follows:

590.420 The State Sealer of Consumer Equitability may furnish upon request a list of the brands and trademarks of antifreeze **[**~~inspected~~**]** ***licensed*** by the State Sealer of Consumer Equitability or his or her agents during the fiscal year which have been found to be in accord with NRS 590.340 to 590.450, inclusive.

Sec. 206. NRS 590.430 is hereby amended to read as follows:

590.430 No advertising literature relating to any antifreeze sold or to be sold in this State shall contain any statement that the antifreeze advertised for sale has been approved by the State Sealer of Consumer Equitability; but if any antifreeze has been **[**~~inspected~~**]** ***licensed*** by the State Sealer of Consumer Equitability and found **[**~~to meet the standards of the State Sealer of Consumer Equitability and~~**]** not to be in violation of NRS 590.340 to 590.450, inclusive, such statement may be contained in any advertising literature where such brand or trademark of antifreeze is being advertised for sale.

Sec. 207. NRS 590.450 is hereby amended to read as follows:

590.450 **[**~~If any~~**]**

1. Any person **[**~~, partnership, corporation or association shall violate the provisions~~**]** ***violating any provision*** of NRS 590.340 to 590.440, inclusive, **[**~~such person, partnership, corporation or association shall be guilty of a misdemeanor.~~**]** ***is subject to a civil penalty not to exceed:***

(a) For the first violation, $250.

(b) For a second violation, $500.

(c) For each subsequent violation, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director of the State Department of Agriculture that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 208. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

3. Any actions taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of the actions was transferred.

Sec. 209. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.

Sec. 210. NRS 552.090, 552.300, 552.310, 554.085, 554.090, 554.180, 555.23572, 555.2665, 562.195, 583.020, 583.515, 583.525, 583.535, 586.460, 586.470, 586.480, 586.490, 586.500, 586.510, 586.520, 588.240, 588.250, 590.440, 590.700, 590.710, 590.720, 590.725, 590.726, 590.730, 590.740, 590.750, 590.760, 590.765, 590.770, 590.780, 590.790, 590.800, 590.810, 590.820, 590.830, 590.835, 590.840, 590.850, 590.860, 590.870, 590.880, 590.890, 590.900, 590.910 and 590.920 are hereby repealed.

Sec. 211. This act becomes effective:

1. Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

552.090 Control of apiary industry: Authority of Department; adoption of regulations; imposition and deposit of civil penalties.

552.300 Prosecution of violations.

552.310 Penalty.

554.085 Civil penalties.

554.090 Criminal penalties.

554.180 Procedure for indemnification for loss by destruction.

555.23572 "Pest" defined.

555.2665 "Pest" defined.

562.195 State Sheep Inspection Account: Agreement with board of county commissioners for administration; annual statement by county treasurer; reimbursement for administration; termination of agreement.

583.020 Sale of flesh of diseased animal or shellfish containers without approved stamp is gross misdemeanor.

583.515 Exemptions.

583.525 Denial of inspection.

583.535 Regulations of State Board of Health; appointment of necessary personnel.

586.460 "Dangerous caustic or corrosive substance" defined.

586.470 "Misbranded parcel, package or container" defined.

586.480 Sale of dangerous caustic or corrosive substance for household use in misbranded parcel, package or container prohibited.

586.490 Misbranded dangerous caustic or corrosive substance may be proceeded against in justice court; condemnation, destruction or sale; disposition of sale proceeds.

586.500 Enforcement by Commissioner of Food and Drugs; approval and registration of brands and labels.

586.510 Duties of district attorney.

586.520 Penalty.

588.240 Assessment and payment of penalties when fertilizer or mineral is short of guaranteed analysis; appeal.

588.250 Annual determination and publication of values per pound of nitrogen, phosphoric acid and soluble potash.

590.440 Institution of proceedings by district attorney.

590.700 Definitions.

590.710 "Board" defined.

590.720 "Department" defined.

590.725 "Diesel fuel of grade number 1" defined.

590.726 "Diesel fuel of grade number 2" defined.

590.730 "Discharge" defined.

590.740 "Division" defined.

590.750 "Fund" defined.

590.760 "Heating oil" defined.

590.765 "Motor vehicle fuel" defined.

590.770 "Operator" defined.

590.780 "Person" defined.

590.790 "Petroleum" defined.

590.800 "Storage tank" defined.

590.810 Legislative findings.

590.820 Board to Review Claims: Creation; members; Chair; administrative assistance; compensation of members.

590.830 Fund for Cleaning Up Discharges of Petroleum: Creation; administration by Division; adoption of regulations by Board; claims; expenses and interest; resolutions adopted by Board concerning Fund.

590.835 Fund for Cleaning Up Discharges of Petroleum: Expenditures for certain discharges; limitations; reimbursement.

590.840 Collection of fee for certain fuels and heating oil; exempt products; payment of expenses of Department.

590.850 Registration of storage tanks: Collection of annual fee; exempt tanks; reimbursement and other liability for noncompliance.

590.860 Transfer of portion of ending balance in Fund to account created in NRS 408.242.

590.870 Report of discharge from tank required; Division to clean up discharge; exception; reimbursement; test of tank required for coverage.

590.880 Allocation of costs resulting from discharge from certain storage tanks for heating oil.

590.890 Allocation of costs resulting from discharge from other storage tanks; requirement to hold public hearings under certain circumstances.

590.900 Liability for costs to clean up discharge caused by willful or wanton misconduct, gross negligence or violation of statute or regulation.

590.910 Pro rata reduction required if balance in Fund insufficient for full payment.

590.920 Tanks exempted from certain provisions; optional coverage of exempted tank.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:
Primarily, this amendment removes all the fees.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 480.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1003.

AN ACT relating to mortgage lending; revising provisions governing the licensing and regulation of escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; authorizing a wholesale lender from outside this State to conduct business in this State; providing for the licensure and regulation of such a wholesale lender as a mortgage broker or mortgage

banker; increasing certain fees relating to escrow agents, escrow agencies, mortgage brokers, mortgage agents and mortgage bankers; requiring the Commissioner of Mortgage Lending to prescribe by regulation the requirements for the licensing, regulation and discipline of mortgage servicers; revising provisions governing the administration of the Division of Mortgage Lending of the Department of Business and Industry; **revising certain provisions relating to thrift companies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Mortgage Lending within the Department of Business and Industry and authorizes the Division to license and regulate escrow agents, escrow agencies, mortgage brokers, mortgage agents, mortgage bankers, foreclosure consultants and loan modification consultants. (Chapters 645A, 645B, 645E and 645F of NRS) Existing law establishes the Commissioner of Mortgage Lending, and makes the Commissioner the chief of the Division. (NRS 232.520, 645A.010)

Sections 3-10 of this bill revise various provisions governing the licensing and regulation of escrow agents and escrow agencies. **Sections 15-15.8** of this bill authorize a wholesale lender from outside this State to operate in this State as a mortgage broker. **Sections 16 and 17** of this bill increase certain fees related to mortgage brokers.

Sections 18-18.8 of this bill authorize a wholesale lender from outside this State to operate in this State as a mortgage banker. **Section 19** of this bill increases certain fees related to mortgage bankers.

Sections 86.2-86.7 of this bill provide for the licensure, regulation and discipline of mortgage servicers through regulations adopted by the Commissioner of Mortgage Lending.

Sections 89 and 92 of this bill revise certain provisions related to the powers and duties of the Commissioner. **Sections 101.3 and 101.7 revise certain provisions relating to thrift companies. Section 102** of this bill repeals two sections of existing law that are made redundant by other provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645.8725 is hereby amended to read as follows:

645.8725 "Escrow" has the meaning ascribed to it in ~~[subsection 4 of]~~ NRS 645A.010.

Sec. 2. NRS 645.8731 is hereby amended to read as follows:

645.8731 "Escrow agent" has the meaning ascribed to it in ~~[subsection 6 of]~~ NRS 645A.010.

Sec. 3. Chapter 645A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. The Commissioner may require that any application, fee, fine, form or filing required pursuant to this chapter be submitted to the***

Commissioner through the Registry and that the applicant or licensee pay any costs associated with the use of the Registry.

2. All fees, assessments or penalties received by the Commissioner pursuant to this chapter are in addition to any costs or fees that may be required by the Registry and are nonrefundable. All fees, assessments and penalties received by the Commissioner pursuant to this chapter must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

Sec. 5. ***1. An escrow agent shall not act as or provide the services of an escrow agent on behalf of any escrow agency other than an escrow agency that has notified the Commissioner pursuant to subsection 2 that the escrow agent is employed by and associated with that escrow agency.***

2. Before employing or associating with an escrow agent to administer escrows on its behalf, an escrow agency must:

(a) File with the Commissioner, on a form and in a manner prescribed by the Commissioner, a request to associate with the escrow agent; and

(b) Pay the fee required by NRS 645A.040.

3. An escrow agent shall not associate or begin employment with an escrow agency until the Commissioner has provided notice to the escrow agency of acceptance of the request to associate with the escrow agent.

4. An escrow agent shall not directly or indirectly receive any compensation, remuneration or fees related to the business of administering escrows from any escrow agency that the escrow agent is not associated with and employed by pursuant to this section.

Sec. 6. NRS 645A.010 is hereby amended to read as follows:

645A.010 As used in this chapter, unless the context otherwise requires:

1. ***"Business of administering escrows" or "administering escrows" means the process of managing, conducting or supervising an escrow or escrow-related transaction as an escrow agent or escrow agency.***

2. "Client" means a person that has engaged an escrow agent or escrow agency to administer an escrow related to a transaction.

3. **"**Commissioner" means the Commissioner of Mortgage Lending.

~~[2.]~~ ***4.*** **"**Construction control" has the meaning ascribed to it in NRS 627.050.

~~[3.]~~ ***5. "Control person" means an executive officer, director, general partner, trustee, member or shareholder of an applicant or a licensee, or a person, who has the authority to participate in the direction, directly or indirectly through one or more other persons, of the management or policies of an applicant or a licensee.***

6. **"**Division" means the Division of Mortgage Lending of the Department of Business and Industry.

~~[4.]~~ ***7.*** **"**Escrow" means any transaction wherein one person, for the purpose of effecting ***or closing*** the sale, ***purchase, exchange,*** transfer, encumbering or leasing of real or personal property to another person ~~[,]~~ ***or persons,*** delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person ***to be held by such***

third person until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person ***, in compliance with instructions under which he or she is to act,*** to a grantee, grantor, promisee, promisor, obligee, obligor, ***lessee, lessor,*** bailee, bailor or any agent or employee ~~[of any of the latter.]~~ ***thereof.*** The term includes ~~[the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property and]~~ the performance of the services of a construction control.

~~[5.]~~ ***8.*** **"**Escrow agency" means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his or her own behalf.

~~[6.]~~ ***9.*** **"**Escrow agent" means any ***natural*** person ***employed by and associated with an escrow agency*** engaged in the business of administering escrows for compensation.

10. "Registry" has the meaning ascribed to it in NRS 645B.0128.

Sec. 7. NRS 645A.015 is hereby amended to read as follows:

645A.015 ~~[The provisions of this chapter do not apply to:]~~

1. ***Except as otherwise provided in subsection 2, it shall be unlawful for any person to engage in or carry on, or hold himself or herself out as engaging in or carrying on, the business of administering escrows or to act in the capacity of an escrow agent or escrow agency within this State or with respect to any transaction involving real or personal property located in this State without first obtaining a license as an escrow agent or escrow agency issued by the Commissioner pursuant to the requirements of this chapter.***

2. The licensing requirements of this chapter do not apply to:

(a) Any person ~~[:~~

~~(a) Doing]~~ ***doing*** business under the laws of this State or the United States relating to banks, mutual savings banks, trust companies, savings and loan associations, common and consumer finance companies or industrial loan companies; ~~[or]~~

(b) ~~[Licensed]~~ ***Any person licensed*** pursuant to chapter 692A of NRS ~~[.~~

~~2. An attorney at law rendering services in the performance of his or her duties as attorney at law, except an attorney actively engaged in conducting an escrow agency.~~

~~3.]~~ ***;***

(c) Any person licensed to practice law in this State if:

(1) The escrow transaction is performed by the attorney while engaged in the practice of law, or by employees of the law firm under the direct supervision of the attorney while engaged in the practice of law;

(2) The escrow transaction is performed under the name of a person or entity identified and operated as a law firm; and

(3) Any money provided to the attorney related to the escrow, other than money designated for attorney's fees and costs, is deposited into, maintained within and disbursed from a client trust account that complies with rules of this State governing the conduct of attorneys;

(d) Any firm or corporation which lends money on real or personal property and is subject to licensing, supervision or auditing by an agency of the United States or of this State ~~[.~~

~~4.]~~ ***; or***

(e) Any person doing any act under order of any court.

3. As used in this section, "law firm" has the meaning ascribed to it in NRS 38.435.

Sec. 8. NRS 645A.020 is hereby amended to read as follows:

645A.020 1. ~~[A person who wishes to be licensed as an escrow agent or agency must file a written application in the Office of the Commissioner.]~~ ***An application for, or renewal of, a license as an escrow agency or escrow agent shall be made in writing to the Commissioner on a form and in a manner prescribed by the Commissioner.***

2. ~~[The application must:~~

~~(a) Be verified.~~

~~(b) Be accompanied by the appropriate fee prescribed in NRS 645A.040.~~

~~(c) State the location of the applicant's principal office and branch offices in the State and residence address.~~

~~(d) State the name under which the applicant will conduct business.~~

~~(e) List the names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each.~~

~~(f) Indicate the general plan and character of the business.~~

~~(g) State the length of time the applicant has been engaged in the escrow business.~~

~~(h) Require a financial statement of the applicant.~~

~~(i) Require such other information as the Commissioner determines necessary.~~

~~(j) If for an escrow agency, designate a natural person to receive service of process in this State for the agency.~~

~~(k) Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the escrow agency as a principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~(l) Include all information required to complete the application.]~~ ***An applicant shall include in an application for an initial license:***

(a) Any application fee required pursuant to NRS 645A.040;

(b) All content required to be included in the application by the Commissioner;

(c) Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control

person of the applicant, including, without limitation, authorization to obtain:

(1) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);

(2) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and

(3) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;

(d) A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(e) Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.

3. ***The applicant shall include in an application for renewal of an existing license:***

(a) Any renewal fee required pursuant to NRS 645A.040;

(b) All content required by the Commissioner in the application form; and

(c) Any other information required by this chapter, the Commissioner, an order of the Commissioner or requested in connection with the evaluation and investigation of the qualifications and suitability of the applicant for licensure.

4. If the Commissioner determines, after investigation, that the experience, character, financial condition, business reputation and general fitness of the applicant ***, or the control persons of the applicant,*** are such as to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public, the Commissioner shall issue ***or renew*** a license to the applicant as an escrow agent or ***escrow*** agency.

~~[4. The Commissioner may waive the investigation required by subsection 3 if the applicant submits with the application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license, within 1 year before the date the applicant submits his or her application, which was issued pursuant to the provisions of NRS 692A.103.]~~

5. An ~~[escrow agent or agency shall immediately notify]~~ ***applicant for a license, and a licensee upon the issuance or renewal of a license, shall have a continuing obligation to provide written notification to*** the Division of any material change in the information contained in the application ~~[.]~~ ***for an initial license or renewal of an existing license.***

6. A person may not be licensed as an escrow agent or agency or be a ~~[~~principal, partner, officer, director or trustee~~]~~ ***control person*** of an escrow agency if the person is the holder of an active license issued pursuant to chapter 645 of NRS.

7. If the Commissioner finds that additional information is required to consider the application, the Commissioner shall send a letter to the applicant which specifies the additional requirements that the applicant must satisfy within 30 days after receiving the letter to obtain a license. If the applicant does not satisfy all additional requirements set forth in the letter within 30 days after receipt of the letter, the application will be deemed to have been denied, and the applicant must reapply to obtain a license. The Commissioner may, for good cause, extend the 30-day period prescribed in this subsection.

Sec. 9. NRS 645A.032 is hereby amended to read as follows:

645A.032 1. The Division shall issue to each licensee a license which:

(a) Shows the name and address of the licensee, and in the case of an escrow agent, the name of the ***licensed*** escrow agency with whom the escrow agent will be ***employed and*** associated ~~[.]~~ ***; and***

(b) ~~[~~Has imprinted thereon the seal of the Division.

~~(c)]~~ Contains any additional ~~[~~matter~~]~~ ***information*** prescribed by the ~~[~~Division.~~]~~ ***Commissioner.***

2. No escrow agent may be associated with ~~[~~or~~]~~ ***and*** employed by more than one escrow agency at the same time.

Sec. 10. NRS 645A.036 is hereby amended to read as follows:

645A.036 1. Every escrow agency shall maintain a definite place of business ***,*** ~~[~~within the State,~~]~~ which must be a room or rooms used for the transaction of escrows, or such business and any allied businesses, and which must serve as the office for the transaction of business pursuant to the authority granted in the license.

2. The place of business must be specified in the application for the license and so designated on the license.

3. A license does not authorize the licensee to transact business from any office other than that designated in the license.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. NRS 645A.041 is hereby amended to read as follows:

645A.041 1. Except as otherwise provided in NRS 645A.042, as a condition to doing business in this State, each escrow agency shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the escrow agency and all escrow agents employed by ~~[~~or~~]~~ ***and*** associated with the escrow agency.

2. At the time of filing an application for a license as an escrow agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the escrow agency with whom he or she is associated ~~[~~or~~]~~ ***and*** employed.

3. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has been issued a license as an escrow agency or escrow agent by the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada and is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of .....(year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of ..….(year).

.....(Seal)
Principal
.....(Seal)
Surety
By .....
Attorney-in-fact
.....
Nevada Licensed Insurance Agent

4. Each escrow agency shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 645A.042 in the following amount based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160:

AVERAGE MONTHLY BALANCE	AMOUNT OF BOND OR SECURITY REQUIRED
$50,000 or less	$20,000
More than $50,000 but not more than $250,000	50,000
More than $250,000 but not more than $500,000	100,000
More than $500,000 but not more than $750,000	150,000
More than $750,000 but not more than $1,000,000	200,000
More than $1,000,000	250,000

The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the escrow agency based upon the expected average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. After the initial deposit, the Commissioner shall, on a semiannual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the escrow agency based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160.

5. A bond used to satisfy the requirements of NRS 627.180 or a substitute for that bond which satisfies the requirements of NRS 627.183 may be used to satisfy the requirements of this section if:

(a) The amount required by NRS 627.180 for a bond is not less than the amount required by this section for a bond; or

(b) The amount required by NRS 627.180 for a bond is less than the amount required by this section for a bond, and the escrow agency deposits an additional bond in an amount not less than the difference between the amount required by NRS 627.180 and the amount required by this section.

Sec. 11.7. NRS 645A.196 is hereby amended to read as follows:

645A.196 1. Whenever an escrow agent terminates, for any reason, his or her employment with the escrow agency with whom the escrow agent was associated, the escrow agency shall:

(a) Immediately deliver or send by certified mail to the Division the escrow agent's license, together with a written statement of the circumstances surrounding the termination.

(b) At the time of delivering or mailing the license to the Division, address a communication to the last known residence address of the escrow agent, advising the escrow agent that his or her license has been delivered or mailed to the Division. A copy of the communication must accompany the license when delivered or mailed to the Division.

2. An escrow agent shall not perform either directly or indirectly any act for which a license is required pursuant to this chapter:

(a) On or after the date the Division receives the escrow agent's license from the escrow agency until the license is transferred or reissued or until a new license is issued.

(b) Without being associated with ~~[or]~~ ***and*** employed by a licensed escrow agency.

Sec. 12. NRS 645A.221 is hereby amended to read as follows:

645A.221 If a person, or any general partner, director, officer, agent or employee of a person, violates the provisions of NRS ~~[645A.210]~~ ***645A.015*** or 645A.220:

1. Any contracts entered into by that person for the escrow transaction are voidable by the other party to the contract; and

2. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $50,000.

Sec. 13. NRS 645A.222 is hereby amended to read as follows:

645A.222 In addition to any other remedy or penalty, if a person violates the provisions of NRS ~~[645A.210]~~ ***645A.015*** or 645A.220, the respective parties to the escrow transaction may bring a civil action against the person for:

1. Actual and consequential damages;

2. Punitive damages, which are subject to the provisions of NRS 42.005;

3. Reasonable attorney's fees and costs; and

4. Any other legal or equitable relief that the court deems appropriate.

Sec. 14. NRS 645A.230 is hereby amended to read as follows:

645A.230 Any person who violates:

1. NRS ***645A.015,*** 645A.160 ~~[, 645A.210]~~ or 645A.220 is guilty of a gross misdemeanor.

2. Any other provision of this chapter is guilty of a misdemeanor.

Sec. 15. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

"Wholesale lender" means a person who:

1. Holds himself or herself out:

(a) For hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(b) As being able to make loans secured by liens on real property; or

(c) As being able to buy or sell notes secured by liens on real property; and

2. Does not directly:

(a) Take or receive an application from a borrower for a loan which will be secured by a lien on real property; or

(b) Negotiate any terms with a borrower relating to a loan which will be secured by a lien on real property.

Sec. 15.4. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0104 to 645B.0135, inclusive, ***and section 15 of this act*** have the meanings ascribed to them in those sections.

Sec. 15.6. NRS 645B.0127 is hereby amended to read as follows:

645B.0127 1. "Mortgage broker" means a person who, directly or indirectly:

(a) Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a loan which will be secured by a lien on real property;

(b) Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on real property;

(c) Holds himself or herself out as being able to make loans secured by liens on real property;

(d) Holds himself or herself out as being able to buy or sell notes secured by liens on real property; or

(e) Offers for sale in this State any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on real property.

2. ***The term includes a wholesale lender.***

3. The term does not include a person who is licensed as a mortgage banker, as defined in NRS 645E.100, unless the person is also licensed as a mortgage broker pursuant to this chapter.

Sec. 15.8. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. The Commissioner may require the applicant or person to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry. An application for a license as a mortgage broker must:

(a) State the name, residence address and business address of the applicant and ***, if the applicant is a mortgage broker other than a wholesale lender,*** the location of each principal office and branch office at which the mortgage broker will conduct business within this State ***.*** ~~[~~, including, without limitation,~~]~~

(b) State the location of any ***principal office,*** office or other place of business located outside this State from which the mortgage broker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

~~[(b)]~~ ***(c)*** State the name under which the applicant will conduct business as a mortgage broker.

~~[(c)]~~ ***(d)*** List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

~~[(d)]~~ ***(e)*** Include a general business plan and a description of the policies and procedures that the mortgage broker and his or her mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

~~[(e)]~~ ***(f)*** State the length of time the applicant has been engaged in the business of a mortgage broker.

~~[(f)]~~ ***(g)*** Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

~~[(g)]~~ ***(h)*** Include all information required to complete the application.

~~[(h)]~~ ***(i)*** Unless fingerprints were submitted to the Registry for the person, include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(i)]~~ ***(j)*** Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business in this State at one or more branch offices, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in

this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State ~~[.]~~ ***or if the applicant will conduct business in this State only as a wholesale lender,*** and the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available ***electronically or*** at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 16. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or after November 1 and on or before December 31 of each year or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than ~~[$40]~~ ***$400*** for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than ~~[$60]~~ ***$100*** for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and

must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee or date set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Commissioner or, if the licensee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 17. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires each year on December 31, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must continue to meet the requirements of subsection 3 of NRS 645B.410 and must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of NRS 645F.267, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 or 2 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee ~~[of $10.]~~ ***in an amount prescribed by regulation of the Commissioner, not to exceed $50.***

5. Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

7. Nothing in this section shall be construed as preventing the Commissioner from renewing the license of a mortgage agent who does not satisfy the criteria set forth in paragraph (e) of subsection 1 of NRS 645B.410 at the time of the application for renewal.

8. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 18. Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:

1. "Wholesale lender" means a person who:

(a) Directly or indirectly holds himself or herself out as being able to:

(1) Buy or sell notes secured by liens on real property; or

(2) Make loans secured by liens on real property using his or her own money;

(b) Does not directly:

(1) Take or receive an application from a borrower for a loan which will be secured by a lien on real property; or

(2) Negotiate any terms with a borrower relating to a loan which will be secured by a lien on real property; and

(c) Does not engage in any other act or transaction described in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. For the purposes of this section, a person does not make a loan secured by a lien on real property using his or her own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 18.4. NRS 645E.010 is hereby amended to read as follows:

645E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645E.020 to 645E.105, inclusive, ***and section 18 of this act*** have the meanings ascribed to them in those sections.

Sec. 18.6. NRS 645E.100 is hereby amended to read as follows:

645E.100 1. "Mortgage banker" means any of the following:

(a) A person who, directly or indirectly:

(1) Holds himself or herself out as being able to:

(I) Buy or sell notes secured by liens on real property; or

(II) Make loans secured by liens on real property using his or her own money; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

(b) A person who, directly or indirectly:

(1) Negotiates, originates or makes or offers to negotiate, originate or make commercial mortgage loans as an agent for or on behalf of an institutional investor; and

(2) Does not engage in any other act or transaction described in the definition of "mortgage broker," as set forth in NRS 645B.0127, unless the person is also licensed as a mortgage broker pursuant to chapter 645B of NRS.

2. ***The term includes a wholesale lender.***

3. For the purposes of this section, a person does not make a loan secured by a lien on real property using his or her own money if any portion of the money that is used to make the loan is provided by another person who acquires ownership of or a beneficial interest in the loan.

Sec. 18.8. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage banker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage banker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and ***, if the applicant is a mortgage banker other than a wholesale lender,*** the location of each principal office and branch office at which the mortgage banker will conduct business in this State **.** ~~[, including, without limitation,]~~

(c) State the location of any ***principal office,*** office or other place of business located outside this State from which the mortgage banker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.

~~[(c)]~~ ***(d)*** State the name under which the applicant will conduct business as a mortgage banker.

~~[(d)]~~ ***(e)*** If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage banker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

~~[(e)]~~ ***(f)*** Indicate the general plan and character of the business.

~~[(f)]~~ ***(g)*** State the length of time the applicant has been engaged in the business of a mortgage banker.

~~[(g)]~~ ***(h)*** Include a financial statement of the applicant.

~~[(h)]~~ ***(i)*** Include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(i)]~~ *(j)* Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage banker will conduct business in this State at one or more branch offices, the mortgage banker must apply for a license for each such branch office.

3. Except as otherwise provided by law, the Commissioner shall issue a license to an applicant as a mortgage banker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter, other applicable law and, if applicable, the Registry; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter. For the purposes of this subparagraph, the factors considered in determining whether a person has demonstrated financial responsibility include, without limitation:

(I) Whether the person's personal credit history indicates any adverse material items, including, without limitation, liens, judgments, disciplinary action, bankruptcies, foreclosures or failures to comply with court-approved payment plans;

(II) The circumstances surrounding any adverse material items in the person's personal credit history; and

(III) Any instance of fraud, misrepresentation, dishonest business practices, the mishandling of trust funds or other types of comparable behavior.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or

unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State ***or if the applicant will conduct business in this State only as a wholesale lender,*** and ~~[if]~~ the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available ***electronically or*** at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 19. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the license is cancelled as of December 31 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section;

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(d) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31,

unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or after November 1 and on or before December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, unless a different date is specified by the Commissioner by regulation, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner on or before February 28 of the following year:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than ~~[$40]~~ ***$400*** for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than ~~[$60]~~ ***$100*** for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

Sec. 20. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to 86.7, inclusive, of this act.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)
Sec. 58. (Deleted by amendment.)
Sec. 59. (Deleted by amendment.)
Sec. 60. (Deleted by amendment.)
Sec. 61. (Deleted by amendment.)
Sec. 62. (Deleted by amendment.)
Sec. 63. (Deleted by amendment.)
Sec. 64. (Deleted by amendment.)
Sec. 65. (Deleted by amendment.)
Sec. 66. (Deleted by amendment.)
Sec. 67. (Deleted by amendment.)
Sec. 68. (Deleted by amendment.)
Sec. 69. (Deleted by amendment.)
Sec. 70. (Deleted by amendment.)
Sec. 71. (Deleted by amendment.)
Sec. 72. (Deleted by amendment.)
Sec. 73. (Deleted by amendment.)
Sec. 74. (Deleted by amendment.)
Sec. 75. (Deleted by amendment.)
Sec. 76. (Deleted by amendment.)
Sec. 77. (Deleted by amendment.)
Sec. 78. (Deleted by amendment.)
Sec. 79. (Deleted by amendment.)
Sec. 80. (Deleted by amendment.)
Sec. 81. (Deleted by amendment.)
Sec. 82. (Deleted by amendment.)
Sec. 83. (Deleted by amendment.)
Sec. 84. (Deleted by amendment.)
Sec. 85. (Deleted by amendment.)
Sec. 86. (Deleted by amendment.)

Sec. 86.2. ***"Mortgage servicer" means a person who directly services a mortgage loan, or who is responsible for interacting with a borrower, managing a loan account on a daily basis, including, without limitation, collecting and crediting periodic loan payments, managing any escrow account or enforcing the note and security instrument, either as the current owner of the promissory note or as the authorized agent of the current owner of the promissory note. The term includes a person providing such services by contract as a subservicing agent to a master servicer by contract. The term does not include a trustee under a deed of trust, or the trustee's authorized agent, acting under a power of sale pursuant to a deed of trust.***

Sec. 86.3. ***Except as otherwise provided in section 86.7 of this act, a person shall not engage in the business of a mortgage servicer or hold himself or herself out as a mortgage servicer in this State without a license issued pursuant to this chapter.***

Sec. 86.4. ***1. The Commissioner:***

(a) Shall adopt regulations establishing the requirements for the licensure and supervision of mortgage servicers in this State.

(b) May adopt any other regulations necessary to carry out the provisions of sections 86.3 to 86.7, inclusive, of this act.

2. The regulations adopted pursuant to subsection 1 must:

(a) Prescribe the form and contents of an application for the initial issuance and renewal of a license as a mortgage servicer.

(b) Prescribe the manner in which an application may be approved or denied.

(c) Prescribe the grounds and procedures for the revocation, suspension, denial or nonrenewal of a license.

(d) Establish reasonable fees for an application, the initial issuance of a license and the renewal of a license.

(e) Establish the manner in which the Commissioner may take appropriate disciplinary action, including, without limitation, the imposition of an administrative fine, against any person for a violation of any regulation adopted pursuant to subsection 1 or any provision of sections 86.3 to 86.7, inclusive, of this act.

Sec. 86.5. *1. A mortgage servicer shall comply with:*

(a) The relevant provisions of 12 C.F.R. Part 1024, commonly known as Regulation X, and 12 C.F.R. Part 1026, commonly known as Regulation Z, as those regulations are amended by the Final Servicing Rules issued by the Consumer Financial Protection Bureau in 78 Federal Register 10696 and 10902 on February 14, 2013, and any amendments thereto.

(b) Any other applicable federal or state law or regulation or any order of the Commissioner.

2. The Commissioner shall conduct any examination or investigation of a mortgage servicer or applicant for the issuance of a license as a mortgage servicer as may be necessary to ensure compliance with the provisions of sections 86.3 to 86.7, inclusive, of this act, and any regulations adopted pursuant thereto.

3. If the Commissioner, upon examination or investigation of a mortgage servicer or applicant for the issuance of a license as a mortgage servicer, determines that the mortgage servicer or applicant has violated any applicable provision of section 86.3 to 86.7, inclusive, of this act, or any regulations adopted pursuant thereto, the Commissioner may take such disciplinary action against the mortgage servicer or applicant as may be authorized by regulation of the Commissioner.

Sec. 86.6. *1. Except as otherwise provided in NRS 645F.267 and 645F.293, the Commissioner shall require a person to submit to the Commissioner through the Registry:*

(a) An application for the initial issuance or the renewal of a license as a mortgage servicer, including any fees related to the issuance or renewal of a license.

(b) Any form or filing that a mortgage servicer is otherwise required to submit to the Commissioner.

(c) Any administrative fine assessed against the person pursuant to the regulations adopted pursuant to section 86.4 of this act.

(d) Any costs associated with the submittal of any document, information, fee or fine through the Registry.

2. Any fees and costs received pursuant to subsection 1 are nonrefundable.

3. Except as otherwise provided in this chapter, all fees and costs received pursuant to sections 86.3 to 86.7, inclusive, of this act are in addition to any fee or cost required to be paid to the Registry and must be deposited in the Account for Mortgage Lending created by NRS 645F.270.

Sec. 86.7. ***The provisions of sections 86.3 to 86.7, inclusive, of this act do not apply to:***

1. A depository financial institution, as that term is defined in NRS 645E.060, or any subsidiary or holding company of a depository financial institution if such entity maintains its principal place of business or a branch office in this State.

2. A real estate investment trust, as that term is defined in 26 U.S.C. § 856(a), unless the business conducted by the trust in this State is not subject to supervision by the appropriate regulatory body of a jurisdiction outside of this State.

3. Any trustee of an employee benefit plan, as that term is defined in 29 U.S.C. § 1002(3), who makes a residential mortgage loan directly from money in the plan.

4. An attorney who is licensed in this State and who does not engage in the business of, or otherwise hold himself or herself out as being able to provide services related to, a mortgage servicer, if the activities of the attorney are directly incidental to the representation of a client.

5. A person performing any act pursuant to a court order.

6. A federal or state agency or a political subdivision of this State, including, without limitation, the Public Employees' Retirement System.

7. A nonprofit organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

8. A mortgage servicer that, in the aggregate with any affiliates, services not more than 10 residential mortgage loans in this State during a calendar year.

9. A person licensed pursuant to the provisions of chapter 645B, 645E or 675 of NRS who is collecting payments on a mortgage loan or servicing one or more mortgage loans made or arranged by the person under his or her license.

Sec. 87. NRS 645F.010 is hereby amended to read as follows:

645F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645F.020 to 645F.065, inclusive, ***and section 86.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 88. NRS 645F.160 is hereby amended to read as follows:

645F.160 The Commissioner shall not, either directly or indirectly, be interested in any ***mortgage servicer,*** escrow agency, mortgage broker or mortgage banker to which ***this chapter and*** chapters 645A, 645B and 645E of NRS apply, nor engage in business as a personal loan broker.

Sec. 89. NRS 645F.180 is hereby amended to read as follows:

645F.180 1. The Commissioner may appoint deputy commissioners of mortgage lending, examiners, assistants, clerks, stenographers and other employees necessary to assist the Commissioner in the performance of his or her duties pursuant to this chapter, chapters 645A, 645B and 645E of NRS or any other law. These employees shall perform such duties as are assigned to them by the Commissioner.

2. The Commissioner may employ or contract with a certified public accountant to review and conduct independent audits and examinations of escrow agencies, mortgage brokers ***, mortgage servicers*** and mortgage bankers. The Commissioner shall levy an assessment upon each licensed escrow agency, mortgage broker ***, mortgage servicer*** and mortgage banker to cover all the costs related to the employment of or the contract with the certified public accountant and the performance of the audits and examinations.

3. Assessments collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury for deposit to the Account for Mortgage Lending created by NRS 645F.270 and accounted for separately. The Commissioner shall use the money for the purposes specified in subsection 2.

Sec. 90. (Deleted by amendment.)

Sec. 91. NRS 645F.267 is hereby amended to read as follows:

645F.267 1. A mortgage agent, mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** or an employee of a mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** is not required to register or renew with the Registry, or provide reports of financial condition to the Registry, if the mortgage agent, mortgage banker, mortgage broker ***or mortgage servicer*** or employee:

(a) Is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and

(b) Is not required to register pursuant to the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. A mortgage agent, mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** or an employee of a mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** who, pursuant to subsection 1, is not required to register or renew with the Registry and who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and any regulations adopted pursuant thereto.

3. As used in this section, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 92. NRS 645F.280 is hereby amended to read as follows:

645F.280 1. The Commissioner shall establish by regulation rates to be paid by all persons licensed by the Commissioner ~~[or the Division]~~ for supervision and examinations by the Commissioner or the Division.

2. In establishing a rate ***for examinations*** pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

Sec. 93. 645F.293 is hereby amended to read as follows:

645F.293 1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B or 645E of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

3. The regulations must not require a mortgage agent, mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** or an employee of a mortgage banker ***,*** ~~[or]~~ mortgage broker ***or mortgage servicer*** to register with the Registry if the mortgage agent, mortgage banker, mortgage broker ***, mortgage servicer*** or employee is exempt from registration pursuant to subsection 1 of NRS 645F.267.

Sec. 94. NRS 645H.040 is hereby amended to read as follows:

645H.040 "Asset management company" means a person, limited-liability company, partnership, association or corporation which, for compensation and pursuant to a contractual agreement, power of attorney or other legal authorization, engages in asset management on behalf of:

1. A bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section 86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary thereof which is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity.

Sec. 95. NRS 645H.060 is hereby amended to read as follows:

645H.060 "Client" means:

1. A bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section 86.2 of this act,*** credit union, thrift company or

savings and loan association, or any subsidiary thereof that is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity,

➥ for whom an asset management company provides asset management.

Sec. 96. NRS 645H.160 is hereby amended to read as follows:

645H.160 The provisions of this chapter do not apply to:

1. A person who is a regular, full-time employee of a bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section 86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary thereof.

2. A person who takes possession of property from a defendant in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.

Sec. 97. NRS 40.750 is hereby amended to read as follows:

40.750 1. As used in this section, "financial institution" means a bank, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section 86.2 of this act,*** credit union, thrift company or savings and loan association, or any subsidiary or affiliate of a bank, mortgage broker, mortgage banker, ***mortgage servicer,*** credit union, thrift company or savings and loan association, which is authorized to transact business in this State and which makes or acquires, in whole or in part, any loan of the kind described in subsection 2.

2. Except as otherwise provided in subsection 5, a person who, for the purpose of obtaining a loan secured by a lien on real property, knowingly conceals a material fact, or makes a false statement concerning a material fact knowing that the statement is false, is liable to any financial institution or other lender which relied upon the absence of that concealed fact or on that false statement for any damages it sustains because of the fraud.

3. In addition to its actual damages, a financial institution or other lender may recover exemplary or punitive damages in an amount not to exceed 50 percent of the actual damages awarded.

4. The cause of action provided by this section:

(a) Is not, for the purposes of NRS 40.430, an action for the recovery of any debt or an action for the enforcement of any right secured by mortgage or lien upon real estate.

(b) Is in addition to and not in substitution for any right of foreclosure existing in favor of the financial institution or other lender. Any recovery pursuant to this section does not limit the amount of a judgment awarded pursuant to NRS 40.459, but the financial institution or other lender is not entitled to recover actual damages more than once for the same loss.

5. The provisions of this section do not apply to any loan which is secured by a lien on real property used for residential purposes if:

(a) The residence is a single-family dwelling occupied by the person obtaining the loan, as represented by the person in connection with the person's application for the loan; and

(b) The loan is for the principal amount of $150,000 or less.

Sec. 98. NRS 205.372 is hereby amended to read as follows:

205.372 1. A person who is a participant in a mortgage lending transaction and who:

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or knowingly conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or knowingly uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction with regard to which the fraud was committed may be rescinded by the borrower within 6 months after the date of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. In addition to the criminal penalties imposed for a violation of this section, any person who violates this section is subject to a civil penalty of not more than $5,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs.

7. The owner or holder of the beneficial interest in real property which is the subject of mortgage lending fraud may bring a civil action in the district court in and for the county in which the real property is located to recover any damages suffered by the owner or holder of the beneficial interest plus reasonable attorney's fees and costs.

8. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in NRS 645F.320;

(4) A foreclosure purchaser as defined in NRS 645F.330;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A loan modification consultant as defined in NRS 645F.365;

(8) A mortgage agent as defined in NRS 645B.0125;

(9) A mortgage banker as defined in NRS 645E.100; ~~[and]~~

(10) A mortgage broker as defined in NRS 645B.0127 ~~[.]~~ ***; and***

(11) A mortgage servicer as defined in section 86.2 of this act.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar purposes, results, accomplices,

victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 99. (Deleted by amendment.)

Sec. 100. NRS 675.035 is hereby amended to read as follows:

675.035 The provisions of this chapter apply to any person who:

1. Makes installment loans that are not subject to regulation pursuant to chapter 604A of NRS;

2. Is an affiliate, subsidiary or holding company of a bank, national banking association, savings bank, trust company, savings and loan association, credit union, mortgage broker, mortgage banker, ***mortgage servicer as that term is defined in section 86.2 of this act,*** thrift company or insurance company; and

3. Seeks to evade its application by any device, subterfuge or pretense, including, without limitation:

(a) Calling a loan by any other name;

(b) Using any agents, affiliates or subsidiaries in an attempt to avoid the application of the provisions of this chapter; or

(c) Having any affiliation or other business arrangement with an entity that is exempt from the provisions of this chapter pursuant to subsection 1 of NRS 675.040, the effect of which is to evade the provisions of this chapter, including, without limitation, making a loan while purporting to be the agent of such an exempt entity where the purported agent holds, acquires or maintains a material economic interest in the revenues generated by the loan.

Sec. 101. (Deleted by amendment.)

Sec. 101.3. **NRS 677.241 is hereby amended to read as follows:**

677.241 ***1.*** Subject to the prior approval of the Commissioner, a licensee may, by a majority vote of its board of directors:

~~[1.]~~ ***(a)*** Enter into a contract, incur an obligation and perform other acts necessary to obtain a membership or other benefit that is available to a thrift company or its customers, stockholders, conservators, receivers or liquidators pursuant to the provisions of:

~~[(a)]~~ ***(1)*** The Federal Deposit Insurance Act**,** ~~[(]~~ 12 U.S.C. §§ 1811 et seq. **;** ~~[) or~~

~~(b)]~~

(2) The National Housing Act**,** ~~[(]~~ 12 U.S.C. §§ 1701 to 1743, inclusive ~~[).~~

~~2.]~~ ***; or***

(3) A contract for the insurance of deposits that is issued by a private insurer and approved by the Commissioner and the Commissioner of Insurance.

(b) Subscribe for and acquire any stock, debentures, bonds or other types of securities of the Federal Deposit Insurance Corporation.

2. The Commissioner shall adopt regulations prescribing the requirements that must be complied with before a contract issued pursuant

to subparagraph (3) of paragraph (a) of subsection 1 will be approved by the Commissioner.

Sec. 101.7. **NRS 677.247 is hereby amended to read as follows:**

677.247 1. ~~[Except as otherwise provided in subsection 2, an]~~ ***An*** applicant for an authorization to engage in the business regulated pursuant to this chapter must obtain:

(a) The insurance of deposits provided pursuant to the provisions of the Federal Deposit Insurance Act**,** ~~[(]~~ 12 U.S.C. §§ 1811 et seq.**;** ~~[); or]~~

(b) The insurance of deposits provided pursuant to the provisions of the National Housing Act**,** ~~[(]~~ 12 U.S.C. §§ 1701 to 1743, inclusive ~~[).~~

~~2. A person who:~~

~~(a) Is licensed pursuant to this chapter before October 1, 1997; and~~

~~(b) Has not obtained the insurance of deposits provided in subsection 1,~~

~~may obtain a]~~ ***; or***

(c) A contract for the insurance of deposits that is issued by a private insurer ~~[. The contract must be]~~ ***and*** approved by the Commissioner and the Commissioner of Insurance.

~~[3.]~~ ***2.*** The Commissioner shall adopt regulations prescribing the requirements that must be complied with before a contract issued pursuant to ***paragraph (c) of*** subsection ~~[2]~~ ***1*** will be approved by ~~[him or her.]~~ ***the Commissioner.***

Sec. 102. NRS 645A.210 and 645F.265 are hereby repealed.

Sec. 103. ~~[This act becomes effective:~~

1. ~~[Upon]~~ **This section and sections 101.3 and 101.7 of this act become effective upon passage and approval.**

2. Sections 1 to 101, inclusive, and section 102 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~[2.]~~ **(b)** On January 1, 2016, for all other purposes.

TEXT OF REPEALED SECTIONS

645A.210 Unlawful to engage in escrow business without license. It is unlawful for any person, unless exempted under NRS 645A.015, to engage in or carry on, or hold himself or herself out as engaging in or carrying on, the escrow business or act in the capacity of an escrow agent or agency without first obtaining a license as an escrow agent or agency.

645F.265 Registration of certain persons and institutions engaged in business of servicing mortgage loans required. A person or institution engaged in the business of servicing mortgage loans that intends to conduct business in this State for the purpose of servicing mortgage loans secured by a lien on real property located in this State shall register with the Commissioner on a form prescribed by the Commissioner. The form must:

1. Identify the state in which the institution is domiciled;
2. Identify the principal place of business of the institution; and
3. Provide such other information as the Commissioner may require.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 480, as amended, provides for licensure and regulation of out-of-state wholesale lenders, mortgage brokers, and mortgage bankers and requires the Commissioner of Mortgage Lending to prescribe by regulation the requirements for licensing, regulation, and discipline of mortgage servicers. The bill also makes various changes to the regulation of escrow agents and escrow agencies and increases mortgage broker and mortgage banker branch office origination fees, issuance of license fees, and mortgage agent change in association fees.

Assembly Bill 480, as amended, also allows thrift companies to contract for the insurance of deposits issued by a private insurer and provides for the Commissioner of the Division of Financial Institutions under the Department of Business and Industry to adopt regulations prescribing the contract requirements.

The bill becomes effective upon passage and approval for purposes of adopting regulations and performing the preparatory administrative tasks that are necessary to carry out the provisions of the bill upon passage and approval for sections 101.3 and 101.7 and on January 1, 2016, for all other purposes.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 83, 121, 128, 141, 152, 205, 206, 242, 248, 307, 321, 385, 437, 451, 467; Assembly Joint Resolution No. 8; Senate Bills Nos. 6, 15, 58, 67, 68, 110, 138, 148, 153, 160, 172, 194, 224, 233, 239, 250, 261, 262, 273, 305, 327, 330, 370, 404, 442, 458, 477.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Hansen moved that the Assembly recede from its action on Senate Bill No. 225.

Motion carried.

Assemblyman Hansen moved that the Assembly do not recede from its action on Senate Bill No. 348, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Hansen.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Hansen, O'Neill, and Neal as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 348.

REMARKS FROM THE FLOOR

Assemblyman Stewart requested that the following Proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Jack Lund Schofield was born in Douglas, Arizona, on April 25, 1923, and moved to Las Vegas, Nevada in 1937; and

WHEREAS, In 1941, he graduated from Las Vegas High School, became the State of Nevada's Golden Gloves welterweight boxing champion, and married his sweetheart Alene Earl; and

WHEREAS, Heeding the call of his country, Jack admirably served in the United States Armed Forces during World War II as a B-25H Mitchell combat bomber pilot flying 44 missions as a member of the renowned and iconic Flying Tigers, and he also flew with distinction during the Korean Conflict; and

WHEREAS, Jack's lifelong affinity for education saw him earn a bachelor of science degree in zoology from the University of Utah, a master's degree in education from the University of Nevada, Reno, and a doctorate in education from the University of Nevada, Las Vegas; and

WHEREAS, During his professional career as an educator, Jack served tirelessly for over 40 years in the Clark County School District as a teacher, coach, and administrator, and his lifetime of service and dedication to southern Nevada's students and schools was recognized with the naming of Jack Lund Schofield Middle School in his honor; and

WHEREAS, In November 1970, Jack was elected to the State Assembly and served two terms totaling four years until he was elected to the State Senate in November 1974, where he served one term of four years; and

WHEREAS, Jack's elected service in the Nevada Legislature was marked by many worthwhile and noteworthy accomplishments, especially in the field of education, by his sponsorship of important bills, his service as committee chair, and his leadership on veterans' issues, which was the catalyst for the construction of the Nevada State Veterans Home in Boulder City, Nevada; and

WHEREAS, After holding elected office in the Nevada Legislature and continuing his passion for education, Jack was subsequently elected to the Nevada System of Higher Education Board of Regents and served three terms totaling 12 years; and

WHEREAS, Jack Lund Schofield, a man of strong and enduring faith, passed away and received his final reward on March 13, 2015, now, therefore, be it

PROCLAIMED, That Jack Lund Schofield will always be fondly remembered for a life well lived and a lifetime of achievement, dedication, and service as an educator, State legislator, university regent, boxing champion, war hero, and veteran; and be it further

PROCLAIMED, That of all his numerous accomplishments, he was most proud and should be affectionately remembered as a family man, husband, father of six, and grandfather and great grandfather many times over, and his spirit and model of exemplary service will live on through them forever.

DATED this 21st day of May, 2015.

LYNN D. STEWART
Nevada State Assemblyman

JAMES OHRENSCHALL
Nevada State Assemblyman

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob McLemore.

On request of Assemblyman Araujo, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Jauregui.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to the following students,

chaperones, and teachers from Sandy Searles Miller Elementary School: Dunnunique Ahmad, Ava Andaya Giron, Leandro Araiza, Jacob Bacigalupi, Akianna Bailey, Antonio Barraza, Srija Bhowmik, Andrew Birt, Monica Bradley, Nicholas Briceno, Drew Campbell, Cailyn Campbell, Valeria Carillo Alvarez, Covin Carlson, Noel Cortez Salva, Vivianna Crawford Abeita, Foster Creque, Jordan Crossman, Jhonny Cruz-Salva, Enna Dishaw, Makayla D'Silva, Ramon Esquivel Garcia, Emiliano Estrada-Redes, Elian Estrada-Rubio, Kayla Fieldman, Maya Gonzalez, Christopher Grijalva Enriquez, Canyon Gronna, Alan Guerrero-Salazar, Andy Guerrero-Salazar, Aaron Gustafson, Anthony Guttierez Rodriguez, Cassidy Haney, Amber Hebberd, Alice Hermosillo, Jacob Hernandez, Dulce Hernandez, Mayling Hernandez, Matthew Howell, Lisa Hypes, Ryan Jensen, Jazmin Juarez, Sage Keenan, Ian Lazo, Katherine Luna-Lugo, Kaylie Marenco, Angel Marroquin, Jesse Martinez, Michael Martinez-Lee, Jayne Mendoza, Courtney Meyer, Lilana Mihaere, Nadia Miranda, Mateo Montez, Anthony Monti, Angelina Mora, Mariah Moser, Amiko Nkwethat, Michelle Nunez-Chavez, Caitlyn Olson, Jayson Pablo, Omar Padilla-Gomez, Anthony Paske, Faith Pickett, Zayda Ramirez, Derek Ramos, Krystalynne Raublot, Joseph Reavis, Trinty Regnauld, Jose Renteria-Lopez, Rodrigo Rios, Yoselin Salvador Salva, Daniel Sanchez, Karina Sanchez, Nancy Sanchez Garcia, Mariana Sarabia Hernandez, Aaron Segal, Malayiah Serna, Sonya Sosa Robles, Tienna Sprinkle-Blakney, Anthony Stanulis, Zoe Swift, Cheyenne Swinton, Eva Ulloa, Lalia Vazquez, Pedro Vidales-Lara, Zion Wandick, Crystal Warren, May Wescott, Krystal Williams-Leuma, Lauren Wolfe, and Daniel Wright.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Olsen, Andrea Jullerat-Olvera, and Thom Collins.

Assemblyman Hansen moved that the Assembly adjourn until Saturday, May 30, 2015, at 9 a.m.

Motion carried.

Assembly adjourned at 4:39 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 30, 2015

Assembly called to order at 10:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Dooling, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, we give You thanks for this new day and for new opportunities to be in service for You. You are the source of life, of liberty, and of justice; be with us and guide us this day. Help us to be the very best we can. And may Your spirit refresh and renew us this day and always.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 161, 199, 234, 470, 477.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 167, Amendments Nos. 786, 1008, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 169, Senate Amendment No. 767, and requests a conference, and appointed Senators Lipparelli, Hardy and Woodhouse as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 99, 107, 460, 488.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 815 to Senate Bill No. 170.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 782, 952 to Senate Bill No. 481.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Brower, Roberson and Parks as a Conference Committee concerning Senate Bill No. 95.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 128 and 432 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 484 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 483 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 489—AN ACT relating to public employees; establishing the maximum allowed salaries for certain employees in the classified and unclassified service of the State; making appropriations from the State General Fund and State Highway Fund for increases in the salaries of certain employees of the State; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 490—AN ACT relating to state financial administration; authorizing expenditures by various officers, departments, boards, agencies, commissions and institutions of the State Government for the 2015-2017 biennium; authorizing the collection of certain amounts from the counties for the use of the services of the State Public Defender; requiring repayment of certain advances to state agencies; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 491—AN ACT relating to projects of capital improvement; authorizing certain expenditures by the State Public Works

Division of the Department of Administration; levying a property tax to support the Consolidated Bond Interest and Redemption Fund; making appropriations; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 492—AN ACT relating to administrative regulations; revising provisions governing statements relating to the effect of a regulation on small business submitted with adopted permanent regulations; clarifying the time by which proposed regulations must be returned to state agencies; revising provisions relating to the review of regulations by the Legislative Committee on Health Care; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 99.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 107.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 460.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 488.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 478; Senate Bill No. 421, just reported out of committee, be placed on the Second Reading file.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1006.

AN ACT relating to damages; prohibiting the assertion of claims for punitive or exemplary damages in certain pleadings in civil actions; revising provisions relating to exemplary or punitive damages in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a party from including a claim for punitive or exemplary damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may request leave to amend its pleadings to include such a claim.

Existing law establishes certain limitations on the amount of exemplary or punitive damages that may be assessed against a defendant in certain actions. Existing law further exempts certain persons, including manufacturers, distributors and sellers of a defective product, from those limitations. (NRS 42.005) **Section 3** of this bill sets forth circumstances under which a manufacturer, distributor or seller of a product is not liable for exemplary or punitive damages.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon commencement of any civil action, a complaint or answer or other responsive pleading may not include a claim for exemplary or punitive damages.

2. The party commencing the action may conduct discovery of facts supporting a claim of fraud, malice or oppression. The discovery must comply with the provisions of the Nevada Rules of Civil Procedure. After the parties to an action have conducted discovery, a party may move the court for leave to amend the party's pleadings to claim exemplary or punitive damages. Such a motion must:

(a) Comply with the requirements and limitations of NRS 42.005; and

(b) Be supported with admissible evidence.

3. A party opposing a motion filed pursuant to subsection 2 may respond to the motion with affidavits, testimony taken by deposition or other admissible evidence.

4. If the court determines that there is prima facie evidence supporting a claim for punitive or exemplary damages, the court shall grant the moving party leave to amend the party's pleadings to include such a claim.

5. A party may not conduct discovery on issues of financial condition for the purposes of subsection 4 of NRS 42.005 before the party has filed with the court and served on all parties pleadings that have been amended with leave of the court pursuant to subsection 4.

6. As used in this section, "prima facie evidence" means evidence to permit a court to find that a party has acted with oppression, fraud or malice, express or implied.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 42.005 is hereby amended to read as follows:

42.005 1. Except as otherwise provided in NRS 42.007, in an action for the breach of an obligation not arising from contract, where it is proven by clear and convincing evidence that the defendant has been guilty of oppression, fraud or malice, express or implied, the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant. Except as otherwise provided in this section or by specific statute, an award of exemplary or punitive damages made pursuant to this section may not exceed:

(a) Three times the amount of compensatory damages awarded to the plaintiff if the amount of compensatory damages is $100,000 or more; or

(b) Three hundred thousand dollars if the amount of compensatory damages awarded to the plaintiff is less than $100,000.

2. The limitations on the amount of an award of exemplary or punitive damages prescribed in subsection 1 do not apply to an action brought against:

(a) A manufacturer, distributor or seller of a defective product ~~[:]~~ ***if:***

(1) The manufacturer, distributor or seller sold the product after the effective date of a governmental agency's final order to:

(I) Remove the product from the market;

(II) Withdraw the governmental agency's approval of the product; or

(III) Substantially alter the governmental agency's terms of approval of the product in a manner that would have avoided the plaintiff's alleged injury and the product did not meet the agency's altered terms of approval when sold;

(2) A governmental agency or court determined that the manufacturer, distributor or seller made an unlawful payment to an official or employee of a governmental agency for the purpose of securing or maintaining approval of the product;

(3) The manufacturer, distributor or seller intentionally, and in violation of any applicable laws or regulations, as determined by the responsible governmental agency, withheld from or misrepresented to a governmental agency information material to the approval of the product and that information is material and relevant to the harm that the plaintiff allegedly suffered; or

(4) After the product was sold, a governmental agency found that the manufacturer, distributor or seller knowingly violated any applicable laws or regulations by failing ~~[timely]~~ to report risks of harm to that governmental

agency and the information which was not reported was material and relevant to the harm that the plaintiff allegedly suffered;

(b) An insurer who acts in bad faith regarding its obligations to provide insurance coverage;

(c) A person for violating a state or federal law prohibiting discriminatory housing practices, if the law provides for a remedy of exemplary or punitive damages in excess of the limitations prescribed in subsection 1;

(d) A person for damages or an injury caused by the emission, disposal or spilling of a toxic, radioactive or hazardous material or waste; or

(e) A person for defamation.

3. If punitive damages are claimed pursuant to this section, the trier of fact shall make a finding of whether such damages will be assessed. If such damages are to be assessed, a subsequent proceeding must be conducted before the same trier of fact to determine the amount of such damages to be assessed. The trier of fact shall make a finding of the amount to be assessed according to the provisions of this section. The findings required by this section, if made by a jury, must be made by special verdict along with any other required findings. The jury must not be instructed, or otherwise advised, of the limitations on the amount of an award of punitive damages prescribed in subsection 1.

4. Evidence of the financial condition of the defendant is not admissible for the purpose of determining the amount of punitive damages to be assessed until the commencement of the subsequent proceeding to determine the amount of exemplary or punitive damages to be assessed.

5. For the purposes of an action brought against an insurer who acts in bad faith regarding its obligations to provide insurance coverage, the definitions set forth in NRS 42.001 are not applicable and the corresponding provisions of the common law apply.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Amendment 1006 says that limits in the amount of an award do not apply if a responsible government agency determines that the manufacturer, distributor, or seller intentionally and in violation of any applicable laws or regulations withheld or misrepresented information material to the approval of the product. A manufacturer, distributor, or seller of a product is liable for exemplary or punitive damages if a government agency found that after the product was sold, the manufacturer, distributor, or seller knowingly violated any applicable laws or regulations by failing to report risks of harm.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:52 a.m.

ASSEMBLY IN SESSION

At 10:56 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that, upon return from the printer, Senate Bill No. 296 be placed on the Chief Clerk's desk.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 478.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1004.
AN ACT relating to real property; revising certain fees collected by the Real Estate Division of the Department of Business and Industry and imposing certain new fees to be collected by the Division; **revising provisions relating to the disposition of such fees;** and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law sets forth provisions relating to the sale of subdivided land ~~[.~~ ~~(Chapter]~~ **and time shares. (Chapters** 119 **and 119A** of NRS) This bill increases the various fees relating to the sale of subdivided land **and time shares** which the Real Estate Division of the Department of Business and Industry may charge and collect and imposes certain new fees. **This bill specifically provides for the disposition of such fees.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 119.118 is hereby amended to read as follows:**
119.118 ~~[All]~~ ***Except as otherwise provided in paragraph (b) of subsection 1 of NRS 119.320, all*** fees and charges received by the Division shall be deposited in the General Fund in the State Treasury. Funds for the support of the Division shall be provided by direct legislative appropriation, and shall be paid out on claims as other claims against the State are paid.
~~[Section 1.]~~ ***Sec. 2.*** NRS 119.320 is hereby amended to read as follows:
119.320 1. Subject to the provisions of this chapter, the Division shall collect the following fees at such times and upon such conditions as it may provide by regulation:
(a) For deposit in the State General Fund:

For each annual registered representative's license to represent a developer..... $85
For each transfer of a registered representative's license to represent a developer..... $30
For each penalty for a late renewal of a registered representative's license 40
~~[For each application for a developer's request for an exemption from any provision of this chapter .....275~~ ***~~550~~*** ~~For each application for renewal of an exemption from any provision of this chapter .....275~~ ***~~550~~***~~]~~
For each developer's permit per subdivision..... 500
For each developer's temporary permit for each subdivision 275
For each renewal of a developer's permit 500
~~***[For each penalty for a late renewal of a developer's permit..... 125]***~~
For each developer's partial registration pursuant to NRS 119.121..... 275

(b) For deposit for use by the Division in carrying out the provisions of this chapter:

For each application for a developer's request for an exemption from any provision of this chapter..... $500
For each application for renewal of an exemption from any provision of this chapter..... 500
For each penalty for a late renewal of a developer's permit..... 125
For each amendment to a developer's permit.....~~[150]~~ ***300***
For each penalty for the untimely filing of an amendment to a developer's permit..... 125
For each filing of a Project Registration Form 649 - Statement of Project Broker..... 25
For each project request for processing within 5 days after a complete filing is made..... 1,000

The $500 fee for a developer's permit per subdivision does not apply to any subdivision having 34 or fewer lots, parcels, interests or units.

2. At the time of the original filing, each developer shall pay an additional $5 for each lot, parcel, interest or unit in any one subdivision in excess of 50, but not exceeding 250 such lots, parcels, interests or units; $4 for 251 through 500 lots, parcels, interests or units in any one subdivision; $3 for 501 through 750 lots, parcels, interests or units in any one subdivision; and $2.50 for all lots, parcels, interests or units in excess of 750 in any one subdivision. The

developer may designate lots, parcels, interests or units it intends to offer for sale or lease in this state out of the subdivision, and the fee per lot, parcel, interest or unit is only applicable to those lots, parcels, interests or units. The units must be designated in groupings of no less than 5 contiguous units in each group, except that the Division may accept fewer upon request of the developer. If the developer determines to offer additional lots, parcels, interests or units, it shall so certify to the Division and pay the additional fee therefor.

3. With the exception of the fees for a registered representative's license or transfer, the fees enumerated in this section must be reduced by the Administrator at such times as, in his or her judgment, the Administrator considers a reduction equitable in relation to the necessary costs of carrying out the administration and enforcement of the provisions of this chapter.

Sec. 3. **NRS 119A.220 is hereby amended to read as follows:**

119A.220 1. A sales agent may work for only one project broker at any one time at the location designated in the license.

2. A project broker shall give written notice to the Division of a change of association of any sales agent associated with the project broker within 10 days after that change.

3. The project broker, upon the termination of the employment of any sales agent associated with the project broker, shall submit that agent's license to the Division.

4. If a sales agent changes his or her association with any project broker or changes his or her location designated in the license, the sales agent must apply to the Division for the reissuance of his or her license for its unexpired term. The application must be accompanied by a fee of ~~[$10.]~~ ***$25.***

5. A sales agent may only become associated with a project broker who certifies to the sales agent's honesty, trustworthiness and good reputation.

Sec. 4. **NRS 119A.360 is hereby amended to read as follows:**

119A.360 1. The Division shall collect the following fees at the time of filing:

For each application for the registration of a representative	$100
For each renewal of the registration of a representative	100
For each transfer of the registration of a representative to a different developer	25
For each penalty for a late renewal of the registration of a representative	75
For each preliminary permit to sell time shares	400
For each initial permit to sell time shares	1,500
For each amendment to a statement of record after the issuance of the permit to sell time shares, where no new component sites are added	200
For each amendment to a statement of record after the issuance of the permit to sell time shares, where one	

or more new component sites are added, not including the addition of units to a component site previously permitted 500
For each annual renewal of a permit to sell time shares with only one component site..... 750
For each annual renewal of a permit to sell time shares with more than one component site..... 1,500
For each initial registration of a time-share resale broker 300
For each renewal of the registration of a time-share resale broker 150
For each original and annual registration of a manager 100
For each application for an original license as a sales agent 200
For each renewal of a license as a sales agent..... 200
For each penalty for a late renewal of a license as a sales agent..... 100
For each registration of a time share exchange company 500
For each conversion to an abbreviated registration 7,500
For each change of name or address of a licensee or status of a license 25
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof..... 25
For each annual approval of a course of instruction offered in preparation for an original license or permit..... 150
For each original accreditation of a course of continuing education 150
For each renewal of accreditation of a course of continuing education 75

2. Within 10 days after receipt of written notification from the Administrator of the approval of the application for a permit to sell time shares and before the issuance of the permit to sell time shares, or within 10 days after an amendment that adds time shares to the time-share plan is approved or deemed approved, each developer shall, for each time share that the developer includes in the initial time-share plan or adds to the time-share plan by amendment, pay a one-time fee of:

(a) For each such time share up to and including 1,499 time shares, $3.

(b) For each such time share over 1,499 time shares, $1.50.

➥ For the purposes of calculating the amount of the fee payable under this subsection, "time share" means the right to use and occupy a unit for 7 days or more per calendar year.

3. ***All fees collected by the Division pursuant to this section must be deposited for use by the Division in carrying out the provisions of this chapter.***

4. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

~~[4.]~~ ***5.*** The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

~~[Sec. 2.]~~ ***Sec. 5.*** This act becomes effective on July 1, 2015.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 478, as we are amending it, increases certain developer application and renewal fees and establishes expedited filing fees and late penalty fees. The bill also establishes time share exchange company registration and abbreviated conversion fees. It also increases the fee for sales agents, association change, or license location change. The bill, as amended, clarifies where the developer and time share fees collected by the Real Estate Division outlined in the bill are to be deposited.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1012.

SUMMARY—Makes various changes relating to ~~[statewide]~~ **political parties and presidential preference** primary elections. (BDR 24-1148)

AN ACT relating to elections; **making various changes relating to political parties and presidential preference primary elections; revising provisions governing the organization and operation of major political parties;** providing in certain circumstances for a presidential preference primary election to be held ~~[in conjunction with the statewide primary election; revising the date of the statewide primary election to the last Tuesday in February of each even-numbered year; making corresponding changes to various pre-election deadlines;]~~ **for each major political party;** establishing **certain** requirements **and procedures** for ~~[participation by major political parties and candidates in]~~ **conducting** a presidential preference primary election; **requiring delegates to a national party convention to vote according to the results of the state party's presidential preference process in certain circumstances; providing penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a major political party must: (1) hold precinct meetings in each county; (2) select delegates to the county, state and national party conventions; (3) provide certain types of notice regarding its meetings and conventions; and (4) follow certain procedural requirements when conducting its affairs. (NRS 293.130-293.163) Sections 3.5-6 of this bill revise various aspects of the organization and operation of major political parties.

Sections 3.5 and 4 authorize major political parties to adopt rules for providing notice of meetings and conventions through an Internet website or other social media. Section 4 also provides that precinct meetings may be consolidated or held for the county at large. Section 5 allows delegates to be selected through a nomination process instead of being selected at precinct meetings and permits the county central committee to provide for forms to be prepared and delivered electronically. Section 6 provides that until the end of the first ballot at the national party convention, the state party's delegates are bound to vote at each stage of the presidential nomination process according to the results of the state party's presidential preference process.

Sections ~~[1, 2, 18-21 and 32-38]~~ **1-2.5, 31.1-38 and 42** of this bill provide **, with certain exceptions,** for a statewide presidential preference primary election to be held ~~[in conjunction with the statewide primary election]~~ **for each major political party on the last Tuesday** in February of a presidential election year. **Section 32** provides that a presidential preference primary election is generally governed by the same statutory provisions applicable to the existing statewide primary ~~[.]~~ **, except that the specific provisions of sections 31.1-38 and any regulations adopted by the Secretary of State to carry out those provisions take precedence and control if there is any conflict.** Pursuant to **section 33**, **a major political party may opt out of** a presidential preference primary election **. Such an election** must be held for a major political party if: (1) the chair of the national committee of that party ~~[fails]~~ **does not** timely ~~[to]~~ notify the Secretary of State that the party ~~[does not desire]~~ **wants** to ~~[participate in]~~ **opt out of** the election; and (2) two or more ~~[presidential]~~ **qualified** candidates of that party timely file declarations of candidacy **for the election** with the Secretary of State.

~~[Under existing law, the election of delegates at precinct meetings scheduled by the state central committee of each major political party, commonly known as "party caucuses," may be a part of expressing preferences for candidates for the party's nomination for President of the United States. (NRS 293.137) In any year in which a presidential preference primary election is held for the party, section 4 of this bill requires that the precinct meetings not be held until after the presidential preference primary election has been conducted and the results of the election have been certified by the Secretary of State. Sections 5 and 6 of this bill further require that any rule of a party governing the election of delegates at a precinct meeting, the selection of delegates and alternates to~~

~~a national party convention, or the voting of delegates at the national convention, must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.~~

~~— Section 7 of this bill changes the date of the statewide primary election from the second Tuesday in June of each even-numbered year to the last Tuesday in February of each even-numbered year. To provide an example, if the provisions of this bill had been in effect in 2014, the primary election would have been held on February 25, 2014, instead of June 10, 2014. As a result of changing the date of the statewide primary election, sections 3, 8-13, 17, 22 and 23 of this bill amend various other dates relating to elections, such as the date for filing a declaration of candidacy.~~

~~— Sections 16 and 24 of this bill delete certain existing but obsolete statutory references to the presidential preference primary election.~~]

Sections 35-38 establish certain requirements and procedures for conducting a presidential preference primary election. In particular, section 35 specifies which registered voters are entitled to cast a ballot at the election, and section 36 states that local election officials: (1) shall not distribute sample ballots or conduct early voting for the election; (2) shall permit voting by absent ballot and military-overseas ballot for the election; and (3) shall establish polling places for the election that must be open from 7 a.m. until 7 p.m. on the day of the election. Section 36 also provides that a registered voter in the county who is entitled to cast a ballot at the election may do so at any polling place in the county on the day of the election. Finally, sections 37 and 42 ~~[of this bill]~~ provide that the cost of any presidential preference primary election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account in the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

"Presidential preference primary election" means an election held in a presidential election ~~[years]~~ ***year pursuant to sections*** ~~[32]~~ ***31.1 to 38, inclusive, of this act*** ~~[.]~~ ***to determine the preferences of the registered voters of a major political party regarding the party's nominee for President of the United States.***

Sec. 2. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 293.080 is hereby amended to read as follows:**

293.080 ***1.*** "Primary election" means the election held pursuant to NRS 293.175.

2. Except as otherwise provided in sections 31.1 to 38, inclusive, of this act, the term includes a presidential preference primary election.

Sec. 3. ~~[NRS 293.128 is hereby amended to read as follows:~~

~~293.128 1. To qualify as a major political party, any organization must, under a common name:~~

~~(a) On [January 1]~~ ***[September 1 of the year*** ~~preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or~~

~~(b) File a petition with the Secretary of State not later than the last Friday in [February before]~~ ***October of the year preceding*** ~~any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.~~

~~2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to the circulator's best information and belief and that the signatures are genuine and were signed in the circulator's presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in [February]~~ ***October of the year*** ~~preceding a primary election.~~

~~3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:~~

~~(a) Name of the political party;~~

~~(b) Names and addresses of its officers;~~

~~(c) Names of the members of its executive committee; and~~

~~(d) Name of the person who is authorized by the party to act as registered agent in this State.~~

~~4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.]~~ **(Deleted by amendment.)**

Sec. 3.5. **NRS 293.130 is hereby amended to read as follows:**

293.130 1. On the dates set by the respective state central committees in each year in which a general election is to be held, a county convention of each major political party must be held at the county seat of each county or at such other place in the county as the county central committee designates.

2. The county central committee of each major political party shall cause notice of the holding of the county convention of its party to be ~~[published]~~ ***:***

(a) Published in one or more newspapers, if any, published in the county ~~[.]~~ ***; or***

(b) If consistent with the rules of the party, posted on an Internet website or other social media.

3. The notice must be in substantially the following form:

NOTICE OF.....(NAME OF PARTY).....CONVENTION

Notice is hereby given that the county Convention of the ..... Party for ..... County will be held at ..... in ....., on the ……..day of the month of …… of the year ……; that at the convention delegates to the ..... State Convention will be elected, a county central committee to serve for the ensuing 2 years will be chosen, and other party affairs may be considered; that delegates to such county convention will be chosen at .....(name of party)..... precinct meetings to be held in each voting precinct in the county on or before the ..... day of the month of …… of the year ……..; and that a voting precinct is entitled to a number of delegates in proportion to the number of registered voters of the ..... Party residing in the precinct as set forth in NRS 293.133.

County Central Committee of ..... County, Nevada
By ..... (Its Chair)
And ..... (Its Secretary)

Sec. 4. NRS 293.135 is hereby amended to read as follows:

293.135 1. ~~[The]~~ ***Except as otherwise provided in this subsection ~~[,]~~ and subsection 3 of NRS 293.137, the*** county central committee of each major political party in each county shall have a precinct meeting of the registered voters of the party residing in each voting precinct entitled to delegates in the county convention called and held on the dates set for the precinct meeting by the respective state central committees in each year in which a general election is held. ***If consistent with the rules of the party, the county central committee may have precinct meetings consisting of two or more precincts or may have a precinct meeting for the county at large. In any year in which a presidential preference primary election is held for the party, the precinct ~~[meeting must]~~ meetings may not be held until after the results of that election are certified by the Secretary of State pursuant to ~~[subsection 5 of NRS 293.387.]~~ sections 31.1 to 38, inclusive, of this act.***

2. ~~[The]~~ ***Each*** meeting ***regarding one or more precincts*** must be held in one of the following places in the following order of preference:

(a) Any public building within the precinct if the meeting is for a single precinct, or any public building which is in reasonable proximity to the precincts and will accommodate a meeting of two or more precincts; or

(b) Any private building within the precinct or one of the precincts.

3. ~~[The]~~ ***On the date set by the respective state central committees for giving notice of the precinct meetings, the*** county central committee shall give notice of ~~[the]~~ ***each*** meeting by:

(a) Posting in a conspicuous place outside the building where the meeting is to be held; and

(b) Publishing in one or more newspapers of general circulation in the precinct, published in the county, if any are so published,

~~[, on the date set for giving notice of the meeting by the respective state central committees.]~~ ***or, if consistent with the rules of the party, posting on an Internet website or other social media.***

4. The notice must be ~~[printed]~~ ***prepared*** in conspicuous display advertising format of not less than 10 column inches, and must include the following language, or words of similar import:

Notice to All Voters Registered
IN THE (STATE NAME OF MAJOR POLITICAL PARTY)

Nevada state law requires each major political party, in every year during which a general election is held, to have ~~[a]~~ precinct ~~[meeting held for each precinct.]~~ ***meetings.*** All persons registered in the party and residing in ~~[the]~~ ***your*** precinct are entitled to attend the ~~[precinct meeting.]~~ ***meeting regarding your precinct.*** Delegates to your party's county convention will be elected at the meeting ***regarding your precinct*** by those in attendance. Set forth below are the time and place at which ***the meeting regarding*** your precinct ~~[meeting]~~ will be held, together with the number of delegates to be elected from each precinct. If you wish to participate in the organization of your party for the coming 2 years, attend ***the meeting regarding*** your precinct ***.*** ~~[meeting.]~~

5. The notice must specify:

(a) The date, time and place of the meeting; ~~[and]~~

(b) The number of delegates to the county convention to be chosen at the meeting ~~[.]~~ ***; and***

(c) Any fees which may be charged to attend the county or state convention.

Sec. 5. NRS 293.137 is hereby amended to read as follows:

293.137 1. ~~[Promptly]~~ ***Except as otherwise provided in subsection 3, promptly*** at the time and place appointed therefor, the ~~[mass]~~ meeting ***regarding one or more precincts*** must be convened and organized ***.*** ~~[for each precinct.]~~ If access to the premises appointed for any such meeting is not available, the meeting may be convened at an accessible place immediately adjacent thereto. The meeting must be conducted openly and publicly and in such a manner that it is freely accessible to any registered voter of the party calling the meeting who resides in ***one of*** the ~~[precinct]~~ ***precincts*** and is desirous of attending the meeting, until the meeting is adjourned. At the meeting, the delegates to which the members of the party residing in ***one of*** the ~~[precinct]~~ ***precincts*** are entitled in the party's county convention must be elected pursuant to the rules of the state central committee of ~~[that]~~ ***the*** party. In presidential election years ~~[,]~~ ***in which a presidential preference primary***

election is not held for the party, the election of delegates may be a part of expressing preferences for candidates for the party's nomination for President of the United States if the rules of the party permit such conduct. ***~~[rules of the state central committee must reasonably reflect the results of the presidential preference primary election, if one has been held for the party.]~~*** The result of the election must be certified to the county convention of the party by the chair and the secretary of the meeting upon the forms specified in subsection ~~[3.]~~ ***5.***

2. ~~[At]~~ ***Except as otherwise provided in subsection 3, at*** the precinct meetings, the delegates and alternates to the party's convention must be elected. If a meeting is not held for a particular precinct at the location specified, that precinct must be without representation at the county convention unless the meeting was scheduled, with proper notice, and no registered voter of the party appeared. In that case, the meeting shall be deemed to have been held and the position of delegate is vacant. If a position of delegate is vacant, it must be filled by the designated alternate, if any. If there is no designated alternate, the vacancy must be filled pursuant to the rules of the party, if the rules of the party so provide, or, if the rules of the party do not so provide, the county central committee shall appoint a delegate from among the qualified members of the party residing in the precinct in which the vacancy occurred, and the secretary of the county central committee shall certify the appointed delegate to the county convention.

3. ***If consistent with the rules of the party, the delegates and alternates to the party's convention may be elected through a nomination process and may be chosen by precinct or at large. The number of delegates elected may not exceed the number authorized pursuant to NRS 293.133. In presidential election years in which a presidential preference primary election is held for the party, the rules must reasonably reflect the results of the presidential preference primary election. The results of the nomination process must be certified to the county convention of the party by the chair and the secretary overseeing the process upon the forms specified in subsection 5.***

4. If the county central committee elects to nominate delegates and alternates to the party's convention pursuant to subsection 3, the county central committee shall give notice of the nomination process. The notice:

(a) May be given, without limitation, by:

(1) Publishing in one or more newspapers of general circulation published in the precinct or county, if any; or

(2) If consistent with the rules of the party, posting on an Internet website or other social media.

(b) Must include, without limitation:

(1) The name of the party;

(2) The purpose of the nomination process;

(3) The process that will be used to elect delegates and alternates;

(4) Any relevant dates, times or locations for the process;

(5) The number of delegates to be chosen; and

(6) Any fees which may be charged to attend the county or state convention.

5. The county central committee shall prepare and number serially a number of certificate forms equal to the total number of delegates to be elected throughout the county, and deliver the appropriate number to ~~[each precinct meeting.]~~ ***the precinct meetings.*** Each certificate must be in duplicate. The original must be given to the elected delegate, and the duplicate transmitted to the county central committee. ***The county central committee may provide for such forms to be prepared and delivered electronically pursuant to the rules of the party.***

~~[4.]~~ ***6.*** All duplicates must be delivered to the chair of the preliminary credentials committee of the county convention. Every delegate who presents a certificate matching one of the duplicates must be seated without dispute.

~~[5.]~~ ***7.*** Each state central committee shall adopt written rules governing, but not limited to, the following procedures:

(a) The selection, rights and duties of committees of a convention;

(b) Challenges to credentials of delegates; and

(c) Majority and minority reports of committees.

Sec. 5.5. **NRS 293.143 is hereby amended to read as follows:**

293.143 1. The county central committee of a major political party to be elected by the county convention of the party must consist of such number of members as may be determined by the convention, but each voting precinct, entitled to one or more delegates in the convention, is entitled to have at least one committeeman or committeewoman and no precinct may have more committeemen or committeewomen than its authorized number of delegates to the county convention.

2. After the county convention of the party, the composition of the county central committee may be changed ***, and during a presidential election year, must be changed,*** by the county central committee to reflect changes in the organization of precincts and in the number of registered voters of the party, using the same standards adopted by the party to elect delegates to the county convention.

Sec. 6. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, but one set of party conventions and but one state convention shall be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention shall be held 30 days before the date set for the national convention and the county conventions shall be held 60 days before the date set for the national convention.

2. Delegates to such conventions shall be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, and each convention shall have and exercise all of the power granted it under NRS 293.130 to 293.160, inclusive. In addition to such powers granted it, the state convention shall select the necessary delegates and alternates to the national convention of the

party and, if consistent with the rules ~~[and regulations]~~ of the party, shall select the national committeeman and committeewoman of the party from the State of Nevada. ***Any ~~[rule or regulation]~~ rules of the party governing the election of delegates and alternates to the national convention of the party, or directing the votes of delegates at the national convention, must reasonably reflect the results of ~~[the]~~ any presidential preference primary election ~~[, if one has been]~~ held for the party.***

3. Until the end of the first ballot at the national convention of the party, a delegate or alternate to the national convention of the party is bound to vote at each stage of the presidential nomination process at the national convention in accordance with:

(a) The preference expressed by the members of the state party through any presidential preference process prescribed by NRS 293.130 to 293.160, inclusive, or any presidential preference primary election held for the party; and

(b) Any rules of the party adopted pursuant to subsection 4.

4. The state central committee of the party shall adopt rules of the party to govern whether the delegates or alternates to the national convention of the party are bound to vote:

(a) For the presidential candidate receiving the highest percentage of votes during the presidential candidate selection process; or

(b) In a proportional manner in relation to the presidential preferences expressed during the presidential candidate selection process.

5. If a delegate violates the provisions of subsection 3, the delegate and the state party:

(a) Shall each pay to the candidate for whom the vote of the delegate was bound, an amount equal to the fee paid by the candidate to file with the state party; or

(b) If the candidate did not pay a fee to file with the state party, shall each pay a civil penalty in an amount not to exceed $1,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General in a court of competent jurisdiction. Any civil penalty collected pursuant to this section must be deposited by the Attorney General for credit to the State General Fund in the bank designated by the State Treasurer.

Sec. 7. ~~[NRS 293.175 is hereby amended to read as follows:~~

~~293.175 1. The primary election must be held on the [second Tuesday in June] *last Tuesday in February* of each even-numbered year.~~

~~2. [Candidates] *Except as otherwise provided in this subsection, candidates* for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election. *The provisions of this subsection do not apply to candidates for nomination for President of the United States.*~~

~~3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.~~

~~4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.~~

~~5. The provisions of NRS 293.175 to 293.203, inclusive:~~

~~(a) Apply to a special election to fill a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred.~~

~~(b) Do not apply to the nomination of the officers of incorporated cities.~~

~~(c) Do not apply to the nomination of district officers whose nomination is otherwise provided for by statute.~~] **(Deleted by amendment.)**

Sec. 8. [~~NRS 293.176 is hereby amended to read as follows:~~

~~293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:~~

~~(a) The designation of his or her political party affiliation; or~~

~~(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,~~

~~→ on an application to register to vote in the State of Nevada or in any other state during the time beginning on~~ [~~December~~] ***August*** ~~31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.~~

~~2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the~~ [~~December~~] ***August*** ~~31 next preceding the closing filing date for the election.~~] **(Deleted by amendment.)**

Sec. 9. [~~NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165,~~ ***and section 34 of this act,*** ~~a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:~~

~~(a) For a candidate for judicial office, the first Monday in~~ [~~January of the year in which the election is to be held~~] ***September*** ~~nor later than 5 p.m. on the second Friday after the first Monday in~~ [~~January;~~] ***September of the year preceding the primary election;*** ~~and~~

~~(b) For all other candidates, the first Monday in~~ [~~March of the year in which the election is to be held~~] ***November*** ~~nor later than 5 p.m. on the second Friday after the first Monday in~~ [~~March.~~] ***November of the year preceding the primary election.***

~~2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:~~

~~(a) For partisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since [December]~~ ***August*** ~~31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~

~~Notary Public or other person~~
~~authorized to administer an oath~~

~~(b) For nonpartisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or an oath~~

~~3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to~~

~~constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:~~

~~(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or~~

~~(b) The candidate does not present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been~~

~~convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~**]** **(Deleted by amendment.)**

Sec. 10. ~~**[**NRS 293.180 is hereby amended to read as follows:~~

~~"293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:~~

~~(a) Their major political party's nomination for any partisan elective office~~ **[**~~,~~**]** ~~***other than President of the United States,*** or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in~~ **[**~~February of the year in which the election is to be held~~**]** ~~***October*** nor later than 5 p.m. on the first Friday in **[**March;**]** ***November of the year preceding the year in which the election is to be held;*** or~~

~~(b) Nomination for a judicial office, not earlier than the first Monday in~~ **[**~~December of the year immediately preceding the year in which the election is to be held~~**]** ~~***August*** nor later than 5 p.m. on the first Friday in~~ **[**~~January~~**]** ***September*** ~~of the year ***preceding the year*** in which the election is to be held.~~

~~2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.~~

~~3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.~~**]** **(Deleted by amendment.)**

Sec. 11. ~~**[**NRS 293.205 is hereby amended to read as follows:~~

~~"293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in~~ **[**~~March of every even-numbered~~**]** ~~***November of each odd-numbered*** year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.~~

~~2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.~~

~~3. Election precincts must be composed only of contiguous territory.~~

~~4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right of way or any other physical feature which is clearly visible from the ground.~~**]** **(Deleted by amendment.)**

Sec. 12. ~~**[**NRS 293.206 is hereby amended to read as follows:~~

~~"293.206 1. On or before the last day in~~ **[**~~March of every even-numbered~~**]** ~~***November of each odd-numbered*** year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a~~

~~copy or electronic file of a map showing the boundaries of all election precincts in the county.~~

~~2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, the Secretary of State must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.~~

~~3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, the Secretary of State shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.~~

~~4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.~~**] (Deleted by amendment.)**

Sec. 13. ~~[NRS 293.208 is hereby amended to read as follows:~~

~~293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in~~ **[**~~March~~**]** ***November*** ~~of any year whose last digit is~~ **[**~~6~~**]** ***5*** ~~and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:~~

~~(a) Ordered by a court of competent jurisdiction;~~

~~(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;~~

~~(c) Required to comply with subsection 2 of NRS 293.205;~~

~~(d) Required by the incorporation of a new city; or~~

~~(e) Required by the creation of or change in the boundaries of a special district.~~

~~2. As used in this subsection, "special district" means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.~~

~~2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.~~

~~3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.~~

~~4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:~~

~~(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and~~

~~(b) Maintain in his or her office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.~~

~~5. Cities of population categories two and three are exempt from the provisions of subsection 1.~~

~~6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.~~**] (Deleted by amendment.)**

Sec. 14. ~~[NRS 293.209 is hereby amended to read as follows:~~

~~293.209 A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district~~ **[**~~after~~**]** ***at any time during the period between*** ~~the first day of filing by candidates~~ **[**~~during any year in which a~~**]** ***and the date of the*** ~~general election or city general election~~ **[**~~is held~~**]** ~~for that election district. This section does not prohibit a political subdivision from annexing territory~~ **[**~~in a year in which a general election or city general election is held for that election district.~~**]** ***during that period.]*** **(Deleted by amendment.)**

Sec. 15. ~~[NRS 293.260 is hereby amended to read as follows:~~

~~293.260 1.~~ ***Except as otherwise provided in subsection 2:***

~~***(a)*** Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.~~

~~**[**2.**]** ***(b)*** If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.~~

~~**[**3.**]** ***(c)*** If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.~~

~~[4.] *(d)* If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:~~

~~[(a)] *(1)* If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this [paragraph,] *subparagraph,* the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.~~

~~[(b)] *(2)* If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.~~

~~[5.] *(e)* Where no more than the number of candidates to be elected have filed for nomination for:~~

~~[(a)] *(1)* Any partisan office, the office of judge of the Court of Appeals or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;~~

~~[(b)] *(2)* Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and~~

~~[(c)] *(3)* The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.~~

~~[6.] *(f)* If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.~~

~~*2. The provisions of subsection 1 do not apply to candidates for nomination for President of the United States.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[~~NRS 293.3604 is hereby amended to read as follows:

~~293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for~~

~~early voting by personal appearance in an election : [other than a presidential preference primary election:]~~

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number of the precinct or voting district;~~

~~(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~(4) The number of ballots voted on the mechanical recording device for that day; and~~

~~(5) The number of signatures in the roster for early voting for that day.~~

~~(b) Secure:~~

~~(1) The ballots pursuant to the plan for security required by NRS 293.3594; and~~

~~(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.~~

~~2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:~~

~~(a) The statements for all polling places for early voting;~~

~~(b) The voting rosters used for early voting;~~

~~(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~(d) Any other items as determined by the county clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~(a) Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all ballots on an official statement of ballots; and~~

~~(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.]~~

(Deleted by amendment.)

Sec. 17. ~~[NRS 293.368 is hereby amended to read as follows:~~

~~293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in [April,]~~ ***December of the year preceding the election,*** ~~the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.~~

~~2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or~~

~~293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.~~

~~— 3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.~~

~~— 4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 293.387 is hereby amended to read as follows:~~

~~— 293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.~~

~~— 2. In making its canvass, the board shall:~~

~~— (a) Note separately any clerical errors discovered; and~~

~~— (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.~~

~~— 3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:~~

~~— (a) A copy of the certified abstract; and~~

~~— (b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,~~

~~— and transmit them to the Secretary of State not more than 7 working days after the election.~~

~~— 4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.~~

~~*— 5. The Secretary of State shall, immediately after any presidential preference primary election, compile the returns for all the candidates. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the state central committee and, if necessary to comply with the rules and regulations of the party, to the national committee of each major political party for which a presidential preference primary election was held, the number of votes received by each candidate.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 293.400 is hereby amended to read as follows:~~

~~293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:~~

~~(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.~~

~~(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates *, or in the case of a presidential preference primary election, the candidates or their representatives,* who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.~~

~~(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.~~

~~2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.~~

~~3. The right to a recount extends to all candidates in case of a tie.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 293.407 is hereby amended to read as follows:~~

~~293.407 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.~~

~~2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including *a presidential preference primary election or an* election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:~~

~~(a) The name of the contestant and *, unless the contestant is a candidate in a presidential preference primary election,* that the contestant is a registered~~

~~voter of the political subdivision in which the election to be contested or part of it was held;~~

~~(b) The name of the defendant;~~

~~(c) The office to which the defendant was declared elected;~~

~~(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and~~

~~(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.~~

~~3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.~~

~~4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[~~NRS 293.417 is hereby amended to read as follows:

~~293.417 1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.~~

~~2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination.~~

~~3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.~~

~~4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.~~

~~*5. In a contest over a presidential preference primary election, the Secretary of State shall correct, in accordance with the judgment of the court, any certification previously issued pursuant to subsection 5 of NRS 293.387. If such a certification has not been issued, the Secretary of State shall issue the certification in accordance with the judgment.*~~~~]~~ **(Deleted by amendment.)**

Sec. 22. ~~[~~NRS 293.481 is hereby amended to read as follows:

~~293.481 1. Except as otherwise provided in subsection 3, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:~~

~~(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a~~

~~bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in [March] *November of the year* preceding the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:~~

~~(1) A copy of the question, including an explanation of the question; and~~

~~(2) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 295.230.~~

~~2. An explanation of a question required to be provided to a county clerk pursuant to subsection 1 must be written in easily understood language and include a digest. The digest must include a concise and clear summary of any existing laws directly related to the measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such existing laws. For a measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~3. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 295.230, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.~~

~~4. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks~~

~~within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.~~

~~5. A county or city clerk:~~

~~(a) Shall assign a unique identification number to a question submitted pursuant to this section; and~~

~~(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.~~] **(Deleted by amendment.)**

Sec. 23. ~~[NRS 293B.354 is hereby amended to read as follows:~~

~~293B.354 1. The county clerk shall, not later than~~ [~~April~~] ***December*** ~~15 of~~ [~~each~~] ***the*** ~~year~~ ***preceding the year*** ~~in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.~~

~~2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.~~

~~3. Each plan must include:~~

~~(a) The location of the central counting place and of each polling place and receiving center;~~

~~(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;~~

~~(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and~~

~~(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.~~] **(Deleted by amendment.)**

Sec. 24. ~~[NRS 293C.3604 is hereby amended to read as follows:~~

~~293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election :~~ [~~other than a presidential preference primary election:~~]

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number of the precinct or voting district;~~

~~(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~(4) The number of ballots voted on the mechanical recording device for that day; and~~

~~(5) The number of signatures in the roster for early voting for that day.~~

~~(b) Secure:~~

~~(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and~~

~~(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.~~

~~2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:~~

~~(a) The statements for all polling places for early voting;~~

~~(b) The voting rosters used for early voting;~~

~~(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~(d) Any other items as determined by the city clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~(a) Sort the items by precinct or voting district;~~

~~(b) Count the number of ballots voted by precinct or voting district;~~

~~(c) Account for all ballots on an official statement of ballots; and~~

~~(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the items to the central counting place.~~ **(Deleted by amendment.)**

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[32]~~ **31.1** to 38, inclusive, of this act.

Sec. 31.1. ***As used in sections 31.1 to 38, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 31.2 to 31.6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 31.2. ***"Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.***

Sec. 31.3. ***"National committee" means the national committee of a party.***

Sec. 31.4. ***"Party" means a major political party.***

Sec. 31.5. "Qualified candidate" means a person who is qualified to be a party's nominee for President of the United States pursuant to the Constitution and laws of the United States and the rules of the party.

Sec. 31.6. "State central committee" means the state central committee of a party.

Sec. 32. *[Except as otherwise provided in]*

1. The Secretary of State may adopt regulations to carry out the provisions of sections [32] 31.1 to 38, inclusive, of this act . [or other specific statute,]

2. To the extent possible, the provisions of chapters 293 , [and] 293B and 293D of NRS [relating to] governing the conduct of a primary election also govern the conduct of a presidential preference primary election [.] and must be given effect to the extent that the provisions of chapters 293, 293B and 293D of NRS do not conflict with the provisions of sections 31.1 to 38, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions.

3. If there is a conflict between the provisions of chapters 293, 293B and 293D of NRS and the provisions of 31.1 to 38, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions, the provisions of sections 31.1 to 38, inclusive, of this act and the regulations adopted by the Secretary of State to carry out those provisions control.

Sec. 33. *1. Except as otherwise provided in this section, a presidential preference primary election for each party must be held on the last Tuesday in February of a presidential election year to determine the preferences of the registered voters of the party regarding the party's nominee for President of the United States.*

2. If a [major political] party [does not desire] wants to [participate in] opt out of a presidential preference primary election, the chair of the national committee of the party must so notify the Secretary of State in writing. Except as otherwise provided in this subsection, the notice must be given by certified mail and must be received by the Secretary of State not later than 5 p.m. on October 25 of the year immediately preceding [a] the presidential election year. If October 25 is not a business day, the notice must be received by the Secretary of State not later than 5 p.m. of the last business day immediately preceding October 25. Any such notice may be rescinded by a contrary notice given in the manner required by this subsection and more than one notice may be given, but the notice last received by the Secretary of State before the deadline established by this subsection shall be deemed to be the operative notice for the purposes of this section.

[2.] 3. If [the Secretary of State] a party does not [receive a timely notice pursuant to] opt out of a presidential preference primary election in the manner required by subsection [1 that a major political party does not desire to participate in a presidential preference primary election] 2 and:

(a) More than one qualified candidate of [that] the party files a declaration of candidacy pursuant to section 34 of this act, a presidential

preference primary election for ~~[that]~~ the party must be held ~~[in conjunction with the primary election held]~~ pursuant to ~~[NRS 293.175.]~~ the provisions of sections 31.1 to 38, inclusive, of this act.

(b) Only one qualified candidate or no qualified candidate of ~~[that]~~ the party files a declaration of candidacy pursuant to section 34 of this act, a presidential preference primary election for ~~[that]~~ the party must not be held . ~~[and that candidate must be certified by]~~ If only one qualified candidate of the party files a declaration of candidacy, the Secretary of State ~~[in the manner provided in subsection 5 of NRS 293.387.]~~ shall certify the name of the qualified candidate to:

(1) The state central committee; and

(2) The national committee if necessary to comply with the rules of the party.

Sec. 34. *1. ~~[A]~~ If a person who ~~[wishes to be]~~ is a qualified candidate ~~[for nomination]~~ to be a party's nominee for President of the United States ~~[for a major political party]~~ wants to appear on the ballot for a presidential preference primary election that is held for the party, the person must, not earlier than November 1 and not later than 5 p.m. on November 15 of the year immediately preceding ~~[a]~~ the presidential election year, file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State.*

2. A person who files a declaration of candidacy pursuant to this section is not required to file a declaration of candidacy or an acceptance of candidacy pursuant to NRS 293.177.

Sec. 35. *~~[The]~~*

1. If a presidential preference primary election is held for a party, the Secretary of State shall ~~[include in the certified list forwarded]~~ forward to each county clerk ~~[pursuant to NRS 293.187]~~ the name and mailing address of each ~~[person]~~ qualified candidate of the party whose name must appear on the ~~[primary]~~ ballot for the presidential preference primary election ~~[.]~~ for the party pursuant to sections 33 and 34 of this act.

2. A registered voter may cast a ballot at a presidential preference primary election for a party only if the registered voter designated on his or her application to register to vote an affiliation with the party. Such a registered voter may vote for only one qualified candidate on the ballot for the party as the voter's preference to be the nominee for President of the United States for the party.

3. If a person who is not such a registered voter wants to become a registered voter who may cast a ballot at a presidential preference primary election for a party, the person must register to vote and designate on his or her application to register to vote an affiliation with the party in the manner and within the time required by chapters 293 and 293D of NRS for a primary election.

Sec. 36. *1. ~~[The names of the candidates for nomination for President of the United States for each major political party for which a presidential~~*

~~*preference primary election is held must be printed on the primary ballot for the election.*~~

~~*2. Each voter registered with a party for which]*~~ *In conducting a presidential preference primary election that is held ~~[may vote for one person to be the nominee for President of the United States]~~ for ~~[that]~~ a party ~~[.]~~ , the county clerk:*

(a) Shall not distribute sample ballots for the presidential preference primary election.

(b) Shall not establish any polling places for early voting by personal appearance for the presidential preference primary election, and no registered voter of the party may request to vote early for the presidential preference primary election.

(c) Shall permit voting by registered voters of the party by absent ballot and military-overseas ballot for the presidential preference primary election in the manner and within the time required by chapters 293 and 293D of NRS for voting by absent ballot and military-overseas ballot for a primary election.

(d) Shall establish polling places for voting by registered voters of the party on the day of the presidential preference primary election. The polling places must open at 7 a.m. and close at 7 p.m. on the day of the presidential preference primary election.

2. A registered voter of the party who is a registered voter in the county and who is entitled to cast a ballot at the presidential preference primary election for the party may do so at any polling place in the county on the day of the presidential preference primary election.

Sec. 37. *If a presidential preference primary election is held ~~[pursuant to sections 32 to 38, inclusive, of this act,]~~ for one or more parties, the cost of the presidential preference primary election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.*

Sec. 38. ~~*[The]*~~

1. Immediately after a presidential preference primary election is held for a party, the Secretary of State ~~[may adopt regulations to carry out the provisions of sections 32 to 38, inclusive, of this act.]~~ shall compile the returns for each qualified candidate of the party whose name appeared on the ballot for the party.

2. The Secretary of State shall make out and file in his or her office an abstract of the returns and shall certify the number of votes received by each qualified candidate of the party to:

(a) The state central committee; and

(b) The national committee if necessary to comply with the rules of the party.

Sec. 39. ~~[NRS 218A.635 is hereby amended to read as follows:~~

~~218A.635 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a presession orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:~~

~~(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;~~

~~(b) The per diem allowance provided for state officers and employees generally; and~~

~~(c) The travel expenses provided pursuant to NRS 218A.655.~~

~~2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:~~

~~(a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or~~

~~(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.~~

~~3. For the purposes of this section, "nonreturning Legislator" means a Legislator who~~ **:** ~~[, in the year that the Legislator's term of office expires:]~~

~~(a)~~ ***In the year preceding the year in which his or her term expires:***

~~***(1)*** Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly; ***or***~~

~~***(2) Has withdrawn as a candidate for the Senate or the Assembly; or***~~

~~(b)~~ **[**~~Has~~**]** ***In the year in which his or her term expires, has*** ~~failed to win nomination as a candidate for the Senate or the Assembly at the primary election. [; or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.]~~

~~4. This section does not apply:~~

~~(a) During a regular or special session; or~~

~~(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.]~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 218D.150 is hereby amended to read as follows:~~

~~218D.150 1. Except as otherwise provided in this section, each:~~

~~(a) Incumbent member of the Assembly may request the drafting of:~~

~~(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(b) Incumbent member of the Senate may request the drafting of:~~

~~(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;~~

~~(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and~~

~~(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(c) Newly elected member of the Assembly may request the drafting of:~~

~~(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~(d) Newly elected member of the Senate may request the drafting of:~~

~~(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and~~

~~(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.~~

~~2. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who~~ **:** **[**~~, in the year that the Legislator's term of office expires:~~**]**

~~(a)~~ ***In the year preceding the year in which his or her term expires:***

~~*(1)* Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;~~ ***or***

~~*(2) Has withdrawn as a candidate for the Senate or the Assembly; or*~~

~~(b)~~ **[**~~Has~~**]** ***In the year in which his or her term expires, has*** ~~failed to win nomination as a candidate for the Senate or the Assembly at the primary election.~~ **[**~~, or~~

~~(c) Has withdrawn as a candidate for the Senate or the Assembly.~~**]**

~~3. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.~~

~~4. If a request made pursuant to subsection 1 is submitted:~~

~~(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.~~

~~5. In addition to the number of requests authorized pursuant to subsection 1:~~

~~(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.~~

~~(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.~~

~~6. If a request made pursuant to subsection 5 is submitted:~~

~~(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~7. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.]~~ **(Deleted by amendment.)**

Sec. 41. ~~[~~NRS 281.561 is hereby amended to read as follows:

~~281.561 1. Except as otherwise provided in subsections 2 and 3 and NRS 281.572, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking, each candidate for the office of Legislator and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file electronically with the Secretary of State a statement of financial disclosure, as follows:~~

~~(a) [A] *Except as otherwise provided in paragraph (b), a* candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph [(b)] *(c)* in the immediately succeeding year, if the candidate is elected to the office.~~

~~(b) *If the last day to qualify as a candidate for nomination, election or reelection to public office is established by NRS 293.177 for a candidate, the candidate shall file a statement of financial disclosure on or after January 1 and on or before January 15 of the year in which the election for the office will be held. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.*~~

~~*(c)* Each public officer shall file a statement of financial disclosure on or before January 15 of:~~

~~(1) Each year of the term, including the year in which the public officer leaves office; and~~

~~(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.~~

~~➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph [(b)] *(c)* of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements [of Canon 4I] of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.~~

~~5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~] **(Deleted by amendment.)**

Sec. 42. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~[,]~~ ***and section 37 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 43. ~~[Section 1.060 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 313, Statutes of Nevada 1983, at page 756, is hereby amended to read as follows:~~

~~Sec. 1.060 Wards: Creation; boundaries.~~

~~— 1. Carson City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.~~

~~— 2. The boundaries of wards must be established and realigned, if necessary, by ordinance, passed by a vote of at least three-fifths of the Board of Supervisors.~~

~~— 3. The Board shall realign any such boundaries on or before [January 1] *October 31 of the year* preceding the next general election at which Supervisors are to be elected, if reliable evidence indicates that the population in any ward exceeds the population in any other ward by more than 5 percent. In any case, the Board shall reconsider the boundaries of the wards upon the receipt of the necessary information from the preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce.]~~ **(Deleted by amendment.)**

Sec. 44. The Secretary of State shall adopt such regulations and prescribe such forms as are required by or necessary to carry out the provisions of ~~[:~~

~~— 1. Paragraph (b) of subsection 1 of NRS 293.180, as amended by section 10 of this act, so that the regulations and forms are effective and available for distribution and use on or before August 1, 2015.~~

~~— 2. NRS 293.177, as amended by section 9 of this act, so that the regulations and forms are effective and available for distribution and use on or before September 1, 2015.~~

~~— 3. Paragraph (a) of subsection 1 of NRS 293.180, as amended by section 10 of this act, so that the regulations and forms are effective and available for distribution and use on or before October 1, 2015.~~

~~— 4. Sections 1 to 8, inclusive, 11 to 30, inclusive, and 41 of this act so that the regulations and forms are effective and available for distribution and use on or before November 1, 2015.~~

~~— 5. Sections 32]~~ **sections 31.1** to 38, inclusive, of this act so that the regulations and forms are effective and available for distribution and use ~~[on or before July 1, 2017.]~~ **as soon as practicable before the next presidential election year.**

Sec. 45. This act becomes effective ~~[:~~

~~— 1. Upon passage and approval for the purpose of adopting regulations and prescribing forms; and~~

~~— 2. On]~~ **on** July 1, 2015 **.** ~~[, for all other purposes.]~~

Assemblyman Stewart moved the adoption of the amendment.

Remarks by Assemblyman Stewart.

ASSEMBLYMAN STEWART:

The amendment does several things. It has procedures for a presidential preference primary election in February of a presidential election year. The chair of the national committee must notify the Secretary of State if a major party does not wish to participate in a primary election. The cost of the presidential preference primary is a charge to the state. County clerks shall not provide sample ballots or early voting sites. County clerks shall establish voting centers and shall

provide absent ballots and military-overseas ballots. The Secretary of State shall compile the returns and notify the state central committee and the national committee, pursuant to its rules. Revisions are made to county conventions and precinct meetings. Delegates to national conventions are bound to vote in accordance with the preference results until the end of the first ballot. Finally, and most important to me, provisions moving the statewide primary election from June to February are deleted from the bill.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 128.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Senate Bill 128 increases from 6 to 9 the number of credit hours in which a Millennium scholar must enroll if attending a community college. The bill also increases from 12 to 15 the number of semester credit hours that may be funded on behalf of a Millennium scholar enrolled in a community college.

Roll call on Senate Bill No. 128:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Remarks by Assemblymen Diaz and Jones.

ASSEMBLYWOMAN DIAZ:

Senate Bill 432 provides for the distribution of funding for the 2015-2017 Biennium from the Account for Programs for Innovation and the Prevention of Remediation to public schools annually designated as Victory schools because they have a high percentage of students living in poverty and they are underperforming academically.

Designated schools are required to conduct a needs assessment and submit a comprehensive plan or letter of intent and comprehensive plan for approval by the Department of Education. A school district board of trustees or charter school governing body is required to submit a report concerning the programs and services provided by a Victory school.

The bill further outlines the instruction, programs, and services that shall or may be provided by a Victory school and requires the Department to contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this bill. The State Board of Education must also require a Victory school demonstrating unsatisfactory student achievement and school performance to take corrective action and direct the Department to withhold funding if such performance continues.

The Legislative Committee on Education shall consider the Victory school reports and the evaluations of the independent auditor and advise the State Board regarding any action the Committee determines appropriate. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature. This bill is effective upon passage and approval.

This appropriation in the bill is also included in the Governor's *Executive Budget*. Victory schools essentially function like Zoom schools for low-income children by bringing targeted instructional resources and wraparound supports to the lowest-performing, lowest-income schools. Income levels will be determined using federal poverty level, not free and reduced-price lunch participation. It is estimated there will be approximately 35 Victory schools statewide: 26 elementary schools, 5 middle schools, and 4 high schools. All will be one- or two-star-rated, and they are expected to be located in Clark, Elko, Humboldt, Nye, and Washoe Counties.

ASSEMBLYMAN JONES:

Unfortunately, I must rise again in opposition to this bill in that we are approving spending prior to us determining the exact amount we will have available for our budget. It is unfortunate because I believe this would be a good program. I think we are putting the cart before the horse when we are approving spending prior to actually knowing how much we can spend.

Roll call on Senate Bill No. 432:

YEAS—33.

NAYS—Dickman, Fiore, Hansen, Jones, Moore, Shelton, Titus, Wheeler—8.

EXCUSED—Dooling.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblywomen Titus, Spiegel, and Carlton.

ASSEMBLYWOMAN TITUS:

Assembly Bill 77, as amended, makes various changes related to the Department of Agriculture. Specifically, the bill revises provisions governing the composition of members for district boards of agriculture; authorizes the Department of Agriculture to operate a state fair or regional fair in the state; renames the Nevada Fair of Mineral Industries as the Nevada Mineral Exhibition and eliminates the requirement that this exhibition be held in Ely; authorizes the Department of Agriculture to control all matters pertaining to the apiary industry in the state; requires sellers of certain farm products to register as produce vendors with the Department of Agriculture; authorizes the State Sealer of Consumer Equitability to conduct random tests of point-of-sale systems and cash registers to determine the accuracy of prices without charging and collecting a fee; transfers provisions governing the cleanup of discharged petroleum from Chapter 590 to Chapter 445C of the *Nevada Revised Statutes* without substantive changes; authorizes the Department of Agriculture to issue licenses for the sale of antifreeze in the state; and replaces criminal penalties related to the control of weeds and use of pesticides with civil penalties. The bill is effective upon passage and approval.

ASSEMBLYWOMAN SPIEGEL:

I have a question on this bill. In several places in the bill, it speaks about unwholesome food and unwholesome poultry. For example, section 150 says, "No person shall bring, expose or offer for sale, or sell within this state for human food any unsound, diseased or unwholesome poultry." My question relates to the word "unwholesome." I looked it up in *Black's Law Dictionary*, and it seemed to indicate any food that could be dangerous for humans. My question is, as it becomes apparent that poultry that is fed GMOs [genetically modified organisms] or food that has hormones in it could be unsafe for humans, would that then ban the sale of poultry that was fed that feed?

ASSEMBLYWOMAN TITUS:

Thank you for the question, my noble Assemblywoman from the south. I appreciate that. "Unwholesome," at this point, as you have already described the definition, will be left up to what the Department of Agriculture determines. Whether or not there are hormones—I do not think there have been any national studies that will absolutely say what the FDA [Food and Drug

Administration] will call out on those products. I think they will follow the role of what the FDA gives them.

ASSEMBLYWOMAN CARLTON:

I do rise in support of Assembly Bill 77. I want to share the same concerns that I shared with my committee members. The original version of this bill did have fees in it. They were asked for by the industry. They needed the money to do predator control. Because of a vocal minority, the fees were removed. We are not truly addressing the issues that this industry has because of crossing the line on fees.

I support this industry. You have a girl from the south supporting the Department of Agriculture. That has to tell you something. I find it disingenuous that we are maneuvering legislation and policy to get around this. If the industry wanted this and they need it, what are they going to do in the next 18 months? They are going to have to figure out a way around this. This is a rural issue; this is not a southern Nevada issue. There are not too many sheep in my neighborhood, but I drive by them every day up here.

I just want to put on the record that I am going to support this. But if there comes a time when the industry needs something, we need to have the guts to vote for it because they need it.

Roll call on Assembly Bill No. 77:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 135 relates to official state records. It allows the Division of State Library and Archives to conduct a program of training concerning the retention of official state records only to the extent that resources are available. The Department of Administration shall determine which state agencies must comply with the training for their employees.

Roll call on Assembly Bill No. 135:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Edwards—2.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 332 prohibits any public body, including the state, its local governments, school districts, or any public agency that sponsors or finances a public work, from entering into a contract, expressed or implied, for a public work that provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by the public body, a contractor who is a constituent part of the public body, or a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter

into such a contract for a public work provided that the contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes.

The bill also exempts certain purchases related to emergencies, items needed on a reoccurring basis to protect health and safety, and specialized project-specific components. The bill exempts a building of the Nevada System of Higher Education from certain provisions requiring that a public body use the services of the State Public Works Division if less than 25 percent of the costs of the building are paid from money appropriated by this state or federal money.

I want to clarify that this only applies to construction projects.

Roll call on Assembly Bill No. 332:

YEAS—32.

NAYS—Dickman, Fiore, Moore, Nelson, Oscarson, Seaman, Shelton, Titus, Wheeler—9.

EXCUSED—Dooling.

Assembly Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 475, as amended, revises provisions governing the financial administration of the Real Estate Division. The bill changes the real estate licensing terms for real estate brokers and salespersons from two years to one year for the initial licensure and from four years to two years for subsequent licensure. The legislation also reduces the licensing fees outlined in the bill to align with the new licensing renewal period and provides that existing licenses issued by the Real Estate Division before July 1, 2015, do not require renewal until the expiration date indicated on the license.

Roll call on Assembly Bill No. 475:

YEAS—31.

NAYS—Ellison, Fiore, Jones, Moore, Nelson, Seaman, Shelton, Titus, Trowbridge, Wheeler—10.

EXCUSED—Dooling.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 480, as amended, provides for licensure and regulation of an out-of-state wholesale lender as a mortgage broker or mortgage banker and requires the Commissioner of Mortgage Lending to prescribe by regulation the requirements for licensing, regulation, and discipline of mortgage servicers. The bill also makes various changes to the regulation of escrow agents and escrow agencies and increases mortgage broker and mortgage banker branch office original application and issuance license fees and mortgage agent change in association fees. The bill allows thrift companies to contract for the insurance of deposits issued by a private insurer

and provides for the Commissioner of the Division of Financial Institutions under the Department of Business and Industry to adopt regulations prescribing the contract requirements.

The bill becomes effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of the bill; upon passage and approval for sections 101.3 and 101.7; and on January 1, 2016 for all other sections.

Roll call on Assembly Bill No. 480:

YEAS—32.

NAYS—Dickman, Ellison, Fiore, Jones, Moore, Seaman, Shelton, Titus, Wheeler—9.

EXCUSED—Dooling.

Assembly Bill No. 480 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblyman Jones.

ASSEMBLYMAN JONES:

Assembly Bill 488 makes technical corrections to two measures passed during the 78th Legislative Session. The bill removes the requirement in Senate Bill 175 that the Nevada Sheriffs' and Chiefs' Association must agree with the Department of Public Safety's inclusion of a state in the list of states that have certain provisions concerning permits to carry concealed firearms. It also resolves potential conflicts between Senate Bill 175 and Senate Bill 240 involving effective dates. I urge its passage.

Roll call on Assembly Bill No. 488:

YEAS—39.

NAYS—Diaz, Swank—2.

EXCUSED—Dooling.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

I am rising in support of Senate Bill 69. Existing law requires at least a six-month retirement period after the effective date of the retirement of a justice or judge for which he or she may accept reemployment. Senate Bill 69, as amended, reduces the minimum required period before the acceptance of employment from six months to 90 days after the effective date of the retirement of the justice or judge. Currently, a justice or judge who accepts employment as a justice or judge in the Nevada court system forfeits all retirement allowances for the duration of that employment. Senate Bill 69 exempts a retired employee who accepts employment or an independent contract as a senior justice, senior judge, senior justice of the peace, or senior municipal judge from the disqualification of receiving retirement allowances under certain circumstances.

Additionally, S.B. 69 removes a sunset provision for a retired justice or judge who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace, or senior municipal court judge to receive a retirement allowance in addition to compensation for his or her service and is entitled to receive additional service credit for actual time served if he or she is reenrolled in a retirement plan and makes the provision permanent.

Roll call on Senate Bill No. 69:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Senate Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 103 changes the definition of "financial institution," for the purposes of the modified business tax on financial institutions pursuant to Chapter 363A of *Nevada Revised Statutes* [NRS], by excluding from that definition a person who is primarily engaged in the sale, solicitation, or negotiation of insurance, therefore making such a person subject to the modified business tax [MBT] applicable to general businesses or nonfinancial institutions pursuant to Chapter 363B of NRS.

This bill represents the work of many members and constituents of all of ours that we heard from who were unfairly paying the MBT. This eliminates that misinterpretation and allows them to operate as insurance agents and not members of a financial institution. They will certainly appreciate our vote on this one.

Roll call on Senate Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 195.

Bill read third time.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 195, as amended, creates the Office of the Western Regional Higher Education Compact within the Office of the Governor. The bill will transfer the Nevada Office of the Western Interstate Commission for Higher Education and its employees from the Nevada System of Higher Education to the new Office of the Western Regional Higher Education Compact. As amended, the employees of the Office of the Western Regional Higher Education Compact would be in the unclassified and classified services of the state.

Roll call on Senate Bill No. 195:

YEAS—41.

NAYS—None.

EXCUSED—Dooling.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 291 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 292.

Bill read third time.

Remarks by Assemblyman O'Neill.

ASSEMBLYMAN O'NEILL:

Senate Bill 292 revises the statutory definition of the term "professional negligence" to include medical malpractice and dental malpractice. The bill also revises the definition of "provider of health care" to include a broader range of practitioners. The bill provides that the total noneconomic damages that can be awarded to the injured plaintiff in a civil action brought against a provider of health care claiming injury or death for professional negligence is $350,000, regardless of the number of plaintiffs, defendants, or theories upon which liability may be based.

Two items are added to the list of elements in an affidavit, the absence of which will require a district court to dismiss without prejudice an action for professional negligence. First, the supporting affidavit must identify by name or describe by conduct each provider of health care who is alleged to be negligent. Second, the affidavit must set forth in concise and direct terms the specific act or acts of alleged negligence committed by each defendant. The bill provides that a rebuttable presumption of professional negligence does not apply in an action where the plaintiff submits an affidavit or otherwise provides for an expert witness or expert testimony to establish the claim of negligence.

Finally, S.B. 292 provides to a school board of trustees or governing body of a charter school immunity from a civil action arising from an alleged act or omission committed by an employee or volunteer of a school-based health center.

Roll call on Senate Bill No. 292:

YEAS—23.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson—18.

EXCUSED—Dooling.

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 324.

Bill read third time.

Remarks by Assemblymen O'Neill and Oscarson.

ASSEMBLYMAN O'NEILL:

Senate Bill 324 prohibits a person from discharging a pollutant onto any state highway, right-of-way, or drainage unless the person has a valid permit. In the event of unpermitted discharge, the person must, upon receipt of an order of compliance, either abate, remove, or remediate the discharge in a timely manner. If a person fails to comply, Senate Bill 324 provides various enforcement powers to the Director of Nevada's Department of Transportation [NDOT]. Specifically, the Director may enter and inspect premises to investigate the source of a discharge, issue orders for compliance to enforce discharge laws, seek injunctive relief to remedy unpermitted discharge, impose administrative and civil penalties, and request criminal prosecution by the Attorney General for violations.

Senate Bill 324 also authorizes the Director to appoint a third Deputy Director to implement, oversee, and enforce NDOT's environmental programs. The Deputy Director must coordinate the implementation of the storm water program with appropriate personnel at the State Department of Conservation and Natural Resources [DCNR]. The bill also removes provisions requiring the Director of NDOT to be a licensed professional engineer in the state of Nevada.

Finally, Senate Bill 324 creates the Advisory Committee on Transportational Storm Water Management to work with the Division of Environmental Protection and DCNR regarding the implementation of the storm water program. The Committee must report at least quarterly to NDOT regarding its activities, and NDOT must report at least quarterly to the Interim Finance Committee on the status of the implementation of the storm water program.

ASSEMBLYMAN OSCARSON:

I rise in support of Senate Bill 324. This bill will grant the Nevada Department of Transportation the necessary authority to implement key components of their storm water program; permit NDOT to remediate any illegal discharges or dumping of pollutants onto its rights-of-way; and allow NDOT to recoup any costs of cleanup where a polluter fails or refuses to take corrective action.

Under the federal Clean Water Act, the EPA [Environmental Protection Agency] issues every state a National Pollution Discharge and Elimination System [NPDES] permit. The purpose of the permit is to improve water quality by requiring every department of transportation to administer a storm water program to reduce the discharge of pollutants associated with storm water runoff into drainage systems that serve highways and transportation-related properties, facilities, and activities. The pollutants found in storm water runoff can eventually find their way into our rivers and lakes and compromise our water quality. The United States EPA also requires that every state department of transportation have the authority to enforce the terms of its NPDES permit. This bill will enable NDOT to comply with that requirement and to be more proactive in managing its storm water program.

By granting NDOT the statutory authority to enforce the terms and conditions of its NPDES permit as well as any encroachment permits, this bill will allow NDOT to address and remediate any illegal or unpermitted dumping onto its highways and transportation facilities. In addition, this bill will give NDOT the ability to recoup the cost of any cleanup where a polluter either fails or refuses to stop their illegal dumping activities.

Each one of us needs to take seriously the responsibility for improving our water quality. This bill will play an important role in achieving that goal. For that reason, I support this bill.

Roll call on Senate Bill No. 324:

YEAS—40.

NAYS—Fiore.

EXCUSED—Dooling.

Senate Bill No. 324 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 338 requires the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment in Nevada's Department of Education. The program must enable any person to anonymously report dangerous, violent, or unlawful activity being conducted or threatened at a school, a school activity, or on a school bus. This bill provides that any information received by the program is confidential and requires program procedures to ensure information received is promptly reported to the appropriate entities and that the identity of a person reporting information is not disclosed.

The bill also creates the Safe-to-Tell Program Advisory Committee within the Office for a Safe and Respectful Learning Environment. The Director of the Office for a Safe and Respectful Learning Environment is required to provide training to school officials and individuals involved with the program, post program information on the Internet, and provide educational materials to public schools.

Confidential information received by the program, excluding the identity of anyone providing the information, may be disclosed in response to a motion filed by a defendant in a criminal action if the information could be exculpatory for the defendant or used to impeach the testimony of a witness. Any person knowingly disclosing program information, other than as authorized, is guilty of a misdemeanor.

Roll call on Senate Bill No. 338:

YEAS—35.

NAYS—Fiore, Jones, Moore, Seaman, Shelton, Trowbridge—6.

EXCUSED—Dooling.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 360.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 360 directs the Legislative Committee on Energy to study the viability of establishing green banks and similar entities to help finance the use and harnessing of clean energy projects in Nevada. If the Committee determines that a green bank or similar entity is needed in this state, it must provide recommendations regarding the legal steps required to create such an entity; the capital resources that can be used to pay for the entity; the structure and organization of the entity; the markets that such an entity should serve; and the types of financing activities the entity should undertake.

Senate Bill 360 also directs the Committee to study the development, viability, expansion, and implementation of energy efficiency programs in Nevada, including programs for businesses and industries, energy efficiency resource standards, and other energy efficiency incentives.

Roll call on Senate Bill No. 360:

YEAS—32.

NAYS—Dickman, Ellison, Fiore, Jones, Moore, O'Neill, Seaman, Shelton, Titus—9.

EXCUSED—Dooling.

Senate Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 489.

Bill read third time.

Remarks by Assemblymen Sprinkle, Nelson, and Benitez-Thompson.

ASSEMBLYMAN SPRINKLE:

Senate Bill 489 adds the term "peer support recovery organization" to the definition of a "facility for the dependent," thereby requiring such an organization to obtain a license from the Division of Public and Behavioral Health. A person licensed as a facility for the dependent or as a medical facility that employs a person to provide peer support services does not have to obtain an additional license as a peer support recovery organization. Certain employees of a peer support

recovery organization are immune from civil liability under certain circumstances and are subject to certain mandatory reporting requirements.

ASSEMBLYMAN NELSON:

I would like to ask a question to my colleague from the north. I read the various versions of the bill and there was one proposed amendment. What about someone who is in a volunteer position, say a church counselor or someone like that? Would they need to be licensed?

ASSEMBLYMAN SPRINKLE:

If I recall correctly, the answer to that is yes, but I would certainly defer to the committee chair if I am incorrect.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

For clarification, the amendment we adopted yesterday added the word "compensation" to clarify that it was services provided for a fee and not voluntary services. Groups like Alcoholics Anonymous that are volunteer-based and do not require fees from participants are excluded.

Roll call on Senate Bill No. 489:

YEAS—28.

NAYS—Dickman, Edwards, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Seaman, Shelton, Titus, Trowbridge, Wheeler—13.

EXCUSED—Dooling.

Senate Bill No. 489 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 491, as amended, requires the Department of Administration, in consultation with the Department of Education and the State Public Charter School Authority, to develop a request for proposals for a nonprofit organization incorporated in Nevada to recruit persons and charter management organizations to assume leadership roles in the formation and operation of high-quality charter schools to serve pupils who live in poverty. The bill, as amended, also requires a nonprofit organization that responds to the request for proposals to include evidence that the nonprofit organization has sufficient money to match a grant of up to $5 million per year for Fiscal Years 2015-2016 and 2016-2017.

Senate Bill 491, as amended, requires the Department of Administration to appoint a committee including one representative from the Department of Education and one representative from the State Public Charter School Authority to evaluate the responses to the request for proposals and recommend an applicant to the State Board of Examiners who shall make the final decision on whether to award a grant of money.

Roll call on Senate Bill No. 491:

YEAS—40.

NAYS—Munford.

EXCUSED—Dooling.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 498 adds the term "community health worker pools" to the definition of a "facility for the dependent," thereby requiring such a pool to obtain a license from the Division of Public and Behavioral Health. A person licensed as a facility for the dependent or as a medical facility that employs a community health worker does not have to obtain an additional license as a community health worker pool. Certain employees of a community health worker pool are immune from civil liability under certain circumstances and are subject to certain mandatory reporting requirements.

Roll call on Senate Bill No. 498:

YEAS—28.

NAYS—Dickman, Edwards, Ellison, Fiore, Gardner, Hansen, Jones, Moore, Nelson, Seaman, Shelton, Titus, Wheeler—13.

EXCUSED—Dooling.

Senate Bill No. 498 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 507.

Bill read third time.

Remarks by Assemblyman Nelson.

ASSEMBLYMAN NELSON:

Senate Bill 507 authorizes the Board of Economic Development and the Executive Director of the Office of Economic Development to approve and issue transferable tax credits to new or expanding businesses in Nevada to promote the economic development of this state. A business that intends to locate or expand in Nevada may apply to the Office for transferable tax credits in accordance with procedures established by the Executive Director in consultation with the Board. The Board and the Executive Director may not approve applications for transferable tax credits that exceed $500,000 for Fiscal Year 2016; $2,000,000 for Fiscal Year 2017; and $5,000,000 for each fiscal year thereafter.

The bill also permits a county or an incorporated city whose application for a grant or loan from the Catalyst Account was approved before the effective date of this bill to surrender the grant or loan, or any portion thereof, in exchange for the issuance of transferable tax credits upon such terms and conditions as agreed to by the Executive Director and the parties to any contracts involving the grant or loan.

Roll call on Senate Bill No. 507:

YEAS—30.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Moore, Neal, Shelton, Titus, Trowbridge, Wheeler—11.

EXCUSED—Dooling.

Senate Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Hickey, Fiore, Wheeler, Paul Anderson, Shelton, and Jones.

ASSEMBLYMAN HICKEY:

Assembly Bill 484, as amended, revises Chapter 482 of the *Nevada Revised Statutes* [NRS] to require the Department of Motor Vehicles [DMV] to reissue a license plate or plates issued by the Department every eight years. Assembly Bill 484, as amended, allows for the reissuance of a license plate for a trailer with a three-year registration period at the first renewal of registration that occurs after the existing license plate has been issued for eight years. Assembly Bill 484, as amended, also requires the Department of Motor Vehicles, at the time when a license plate or plates are to be reissued, to include with the notification of registration renewal the amount of any fee to be charged for the reissuance of the license plate or plates.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 484. There are a lot of us who keep our cars and plates intact and in good condition and I do not think it is fair to force us to get new plates every eight years and on our trailers every three years. We defeated this bill. It is a violation of the pledge and now we are bringing it back to see who switched over. I do not think it is okay. I do not think it is fair. I urge everyone who voted no the first time around to vote no the second time around.

ASSEMBLYMAN WHEELER:

We voted on this bill yesterday and of course it failed. It failed for a reason. It does not make sense to me, especially as the Chair of the Transportation Committee, to force people to turn in a perfectly good plate and have the revenue for that come from the state or have the cost to the plate owner. We already have a program in effect where if something happens to your plate, it can be reissued. There is no reason to force people to do it. As I said yesterday, and I will reiterate, had this come to my committee, I do not think you ever would have seen it on the floor.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Assembly Bill 484. I can think of nothing else I would rather do on my Saturday than debate license plates. However, I stand in support and just want to clarify a couple pieces of it.

There are federal regulations which regulate reflectivity on license plates. The parts that we use and the reflectivity that we use now is guaranteed for five years. Every plate that goes to that eight-year period is generally out of warranty and begins to degrade. This is also part of implementing new license plates. They are going to change the way we do license plates to try and get extra years out of those, so we can get to that eight-year mark. Initially, this effects about 25 percent of the plates out there and will take many, many years before we will get to the point where anyone will be affected. It is a minimal fee. You can do it by mail and get it done very easily. I would urge support of A.B. 484.

ASSEMBLYWOMAN SHELTON:

I used to own a DMV business where we did this probably eight or ten years ago and everybody had to change plates. I will tell you that if we pass this, the general public is not going to be in favor of this because they did not like it when we did it before and they are not going to like it now.

I do have one quick question in regard to the bill. I know before when it was done, if you did not change your plates and you were caught with the old-style plate, there was a fine a person could be penalized with. I did not see that addressed in this bill, so I do not know how that would affect these plates being issued at this point.

ASSEMBLYMAN PAUL ANDERSON:

Thank you for the question. I would imagine that the same NRS that would be related there would apply here as well, but I do not have an answer for you directly. I apologize.

ASSEMBLYMAN JONES:

I also rise in opposition to Assembly Bill 484, which was defeated yesterday. This is another indirect tax on our people. Our economy is still struggling and to continue to burden our public and our businesses with more fees and regulations is excessive. We need to get regulation out of

our lives so we can have a full recovery and get our state back to proper levels of productivity. This is just another burden that is going to be put on us, so I urge you to please not vote for this.

Roll call on Assembly Bill No. 484:

YEAS—28.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Moore, Nelson, O'Neill, Seaman, Shelton, Stewart, Titus, Wheeler—13.

EXCUSED—Dooling.

Assembly Bill No. 484 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 185, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

PAUL ANDERSON, *Chair*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 56, 137, 307, 341, 395, 406, 411, 447, 463; Senate Joint Resolution No. 17

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 185, just reported out of committee, be placed on the Second Reading file.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1025.

AN ACT relating to suppression of fires; temporarily requiring the entity that is responsible for the closest emergency fire-fighting vehicle to respond to and suppress certain fires in certain counties; **exempting an airport authority located in certain counties from this requirement; requiring certain entities to negotiate an automatic aid agreement concerning certain matters;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the municipalities of this State to provide fire protection services. (NRS 268.730) Existing law also authorizes the creation of districts for a fire department by boards of county commissioners and the creation of fire protection districts and county fire protection districts. (NRS 244.2961, 473.034, 474.110, 474.460) **Section 1** of this bill requires, in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire to respond to and take all actions necessary to suppress the fire regardless of whether the location of the fire falls within the territory served by the entity. **Section 1 exempts an airport authority in such a county and any vehicle or firefighter of such an airport authority from this requirement. Section 1 additionally: (1) requires each entity, other than an airport authority which maintains an emergency fire-fighting vehicle in such a county, to negotiate an automatic aid agreement with each other such entity which addresses the reimbursement of costs, geographic areas of coverage or any other relevant issue or any combination thereof; and (2) provides that a failure to reach an automatic aid agreement does not exempt an entity from complying with the requirement to respond to a fire if it is responsible for the emergency fire-fighting vehicle located closest to the fire. Section 2** of this bill provides that the provisions of **section 1** expire by limitation on June 30, 2017.

WHEREAS, The provision of fire protection and related emergency services is fundamental to what the people of this State expect from their local governments; and

WHEREAS, Providing such services in a timely, effective and efficient manner is critical to the protection of life and property; and

WHEREAS, The infighting that has continuously occurred for several years between the entities that provide fire protection and related emergency services in Washoe County threatens the lives and property of the people of this State who reside in that county; and

WHEREAS, The failure of the local governments in Washoe County to resolve this dispute in a timely manner now requires the Nevada Legislature to intervene and ensure that the lives and property of the people of this State who reside in Washoe County are no longer put at risk by the reluctance of these entities to find an agreement that protects their residents; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 475 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of law to the contrary, in a county whose population is 100,000 or more but less than 700,000, the entity that is

responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire , unless that entity is described in subsection 4, shall respond to and take all actions necessary to suppress the fire regardless of whether the fire occurs within the territory served by the entity.

2. Each entity, other than an airport authority which maintains an emergency fire-fighting vehicle in a county whose population is 100,000 or more but less than 700,000, shall negotiate an automatic aid agreement with each other such entity to address:

(a) The reimbursement of costs for actions to suppress fires pursuant to subsection 1;

(b) Geographic areas to be covered by each entity, except that any such geographic areas must be established so that, at a minimum, the entity responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire is required to respond to the fire as described in subsection 1; or

(c) Any other issues relating to the requirements of subsection 1 identified by the entities.

3. The failure of an entity to enter into an automatic aid agreement pursuant to subsection 2 does not exempt the entity from the requirements imposed by subsection 1.

4. The provisions of subsection 1 do not apply to an airport authority or to any emergency fire-fighting vehicle or firefighter of an airport authority.

Sec. 2. This act expires by limitation on June 30, 2017.

Assemblyman Ellison moved the adoption of the amendment.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Amendment 1025 to Senate Bill 185 requires each entity to negotiate an automatic aid agreement with each other addressing reimbursement costs and coverage areas. The coverage areas must be established so that, at a minimum, the entity closest to a structure or brush fire is required to respond to the fire. Finally, the provisions of this bill do not apply to any emergency fire-fighting vehicle or firefighter of an airport authority.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Paul Anderson moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering a proposed amendment to the Nevada Revenue Plan.

Motion carried.

Mr. Speaker designated Assemblyman Armstrong to chair the Committee of the Whole.

IN COMMITTEE OF THE WHOLE

At 12:47 p.m.

Chairman Armstrong presiding.

Quorum present.

Proposed Nevada Revenue Plan considered.

CHAIR ARMSTRONG:

The Committee will come to order. We will now consider the proposed amendment to the Nevada Revenue Plan.

Before we start, I want to set some of the ground rules for how the Committee will be conducted. This hearing will last three hours. The time now is 12:50 p.m., so this will last until 3:50 p.m. The body does not have possession of the actual bill, Assembly Bill 464. It is still in Ways and Means. We will not be accepting any amendments, and there will be no action taken on the plan. This hearing is limited to the Nevada Revenue Plan and the proposed amendment. The presentation by the presenters will last about 30 minutes, followed by a period for questions and answers by the body. We will take a short break, then we will move to testimony.

With that, Mr. Aguero and Mr. Willden, whenever you are ready.

MIKE WILLDEN, CHIEF OF STAFF, OFFICE OF THE GOVERNOR:

For the record, I am Mike Willden. I serve as the Chief of Staff to Governor Sandoval, here today to present the Nevada Revenue Plan. I would like to start first by thanking the leadership of the Assembly—Mr. Anderson, Ms. Kirkpatrick, and Mr. Armstrong—for continuing to work with us to improve this plan. I also would like to thank members of the Assembly for the significant amount of input and critique we have received over the last several weeks and months. I would also like to express our appreciation to your LCB [Legislative Counsel Bureau] fiscal and legal staff for helping us through and along this process.

For those of you who have not been in the money committees and have not heard the two or three hearings we have had on the revenue plan, I would like to indicate that our general desire in this process is to fundamentally restructure taxes that we receive, primarily to support the education initiative; develop a plan that works in harmony with one another; broaden the base of taxpayers; ensure it is a stable plan that can grow with our economy; and ensure that it is fair. Finally, I would also note that one of the legs of the stool helps in capturing out-of-state companies who do business directly or indirectly in Nevada.

I would note as we move through the plan that this is part of the overall picture of revenue. Largely, the budgets are closed. I think you will be seeing your appropriations and authorizations acts soon. I believe the authorization act is already out. The revenue plan is three pieces: those numbers that we received from the Economic Forum in the first week of May; the sunset bill that is still being heard and debated, which also includes the cigarette tax; and this new revenue plan is the third leg.

Mr. Chairman, I will briefly run through, for the members and the audience, what the plan is, then Mr. Aguero will go through some of the most recent changes.

ASSEMBLYMAN HANSEN:
Mr. Chairman, just a quick question: Are we talking about proposed Amendment 7779 [Appendix A] to Assembly Bill 464?

CHAIR ARMSTRONG:
Mr. Hansen, that is correct.

MIKE WILLDEN:
The Nevada Revenue Plan includes five basic pieces that I will run through. The first piece in the Nevada Revenue Plan is the business license fee component. In the first version of the business license fee, the proposal was that we would increase the existing $200 license fee to $300 for noncorporations and to $500 for corporations. Today, we are proposing an amendment that should be posted—Amendment 7773 [Appendix B] versus Amendment 7779—so that the business license fee component change from what I just said, $300 for the noncorporations and $500 for the corporations, back to $200 for noncorporation filers and continue with the $500 for the corporations. It also incorporates a new component of the business license fee where there would be a $25 increase in the cost of the annual listings. That component, Mr. Chairman, is designed to generate about $40 million or $41 million in annual yield.

The second component of the Nevada Revenue Plan is the modified business tax [MBT] component. In this area, the modified business tax would be increased from the current 1.17 percent up to either 1.475 percent or 2 percent, depending on the type of business. The 1.475 percent would apply to nonfinancial institutions and also to those businesses that are not part of the net proceeds on minerals or mining component. Again, it is 1.475 percent for general business and a 2 percent tax rate for financial and mining businesses.

The modified business tax would also change the amount of the exemption. The exemption is currently $85,000 per quarter or $340,000 per year, and that would change to $50,000 per quarter or $200,000 per year. In the MBT component, we would continue to allow a health care deduction. Finally, we would allow a 50 percent credit to the MBT for any commerce tax paid in the previous year.

That leads me to the third component, the commerce tax. We are proposing a commerce tax that would be based on a business's revenue. The first $4 million of Nevada revenue would be exempt from the tax, so this is targeted toward large business. We have designed the plan to exempt most small businesses. Again, the exemption would be at $4 million. The commerce tax would be paid on revenue of the business minus the $4 million. We still are talking the use of NAICS [North American Industry Classification System] code categories that businesses now use through their Department of Employment, Training and Rehabilitation business and other entities. They would look up their NAICS code in their chart and, based on their taxable revenue, would pay the tax based on the scheduled tax rate. As I said earlier, 50 percent of the paid commerce tax can be allowed as a modified business tax deduction.

Mr. Chairman, one of the last two things I will talk about before turning the time over to Mr. Aguero is that included in this bill is what we call the MBT buydown. How the buydown basically works is that we calculate the revenue generated from both the MBT and the commerce tax and add those together. If they perform better than 4 percent higher than what the Economic Forum numbers were for those two taxes for the year, then that excess over the 104 percent would be used to reduce, or buy down, the MBT rate for both nonfinancial businesses and the financial/mining businesses. There would be a buydown not to go below the 1.17 percent current tax rate. The buydown would not be effective until FY [Fiscal Year] 2018, so during the next biennium, FY 2016 and FY 2017, we are basically looking at first-year revenue and making a decision in the first half of the second year of the biennium as to whether there is overperformance, underperformance, or performance right on target. If there is overperformance over the 4 percent trigger, then the buydown would be effective on July 1 of the next biennium.

The last thing I will highlight as part of the plan is that we had talked in earlier versions that we included in the sunset bill the general services tax coming to the General Fund. In earlier versions of the Nevada Revenue Plan, we were making a decision to send the general services tax [GST] back to either the Highway Fund or as a reduction to the taxpayer who pays his vehicle registration. We are now proposing that the appreciation portion of the GST continue to come to the General Fund in FY 2016. That is about a $63 million or $64 million revenue stream, and then

we stop that process of the general services tax coming to the General Fund. In FY 2017 and beyond, it would go back to the Highway Fund.

Mr. Chairman, I will stop there and turn it over to Mr. Aguero, who will go through some more of the details of the changes we have made in the proposed amendment and then stand for questions.

JEREMY AGUERO, PRINCIPAL ANALYST, APPLIED ANALYSIS:

I am also thankful for the opportunity to be before this body today. I was asked by Mr. Willden and the Governor's staff to walk through some of the general policy underpinnings that underlie the Nevada Revenue Plan and then talk about some of the technical changes that have been made recently. Of course, the original plan that was drafted from the Governor's Office took the form of Senate Bill 252, sometimes referred to as the Governor's BLF [business license fee]. There are certainly components of that, but as was the instruction, we listened to what was provided in the various hearings—information from both the public sector, the private sector, this body, and businesses that provided additional information—and then tried to build upon the ideas that had been provided. I will try to walk through how we have done that in all three of the elements that Mr. Willden just laid out.

First and foremost is the business license fee itself. The business license fee is widely regarded as the broadest of the taxes that we have in the state of Nevada. The business license fee applies currently to an excess of 330,000 entities in the state of Nevada, having more taxpayers than any other business that we have. There have been a number of alternatives, but I think most of the major revenue plans that have come forward have utilized the business license fee in one way or another, largely due to the fact that it has a relatively broad base upon which we can apply. Generally speaking, when we are thinking about things like stability, equity, and those types of things, we certainly like the idea of having the broadest base possible, which brings us to that specific revenue source.

In the plan as it was originally proposed, there were different rates, and some of the other plans also have had different rates. Nonetheless, the one that is brought forward to you today would increase the rate on corporations from the existing level of $200 to $300 and would leave noncorporate filers at the same $200 that they are at today. Again, the goal is to try and broaden it and at the same time generate some revenue from the corporate filers, which have the tendency to be somewhat larger businesses.

The second component part is our payroll tax, which is technically referred to as the modified business tax in the state of Nevada. As Mr. Willden alluded to, that tax is currently imposed at 1.175 percent of taxable payroll in excess of about $340,000 per year. By lowering that standard exemption from $340,000 to $200,000, we bring more businesses into that fold. There has been some criticism in the past relative to how many businesses that are there. Holding that to the side for a moment, those 5,000 to 6,000 businesses will expand the base of our payroll tax today by somewhere between 40 percent and 50 percent. It is a material expansion to the number of taxpayers included under our existing payroll tax.

That component part also has a second element to it. Financial institutions today pay a similar tax at a rate of 2 percent. The proposal is that mining companies that are subject to the net proceeds tax would also pay that 2 percent. There is a reason for that. I am going to talk for a moment about the commerce tax, how it works, and how it is structured, but there are specific reasons why companies that are subject to the net proceeds tax in the state of Nevada and financial institutions will pay substantially less than other businesses under the commerce tax. Principally, mines have a constitutional limitation relative to how they can be taxed. As such, the commerce tax will apply to them in a very limited way. In the same general thinking, most interest earned by financial institutions is exempt from the commerce tax. Of course, financial institutions generate a substantial amount of their revenue from interest earnings and would therefore have very limited commerce tax, which is why those two industries bear a higher payroll tax under the plan that we are here to discuss today.

There is also a credit mechanism that is applied against a taxpayer's MBT, or payroll tax. That is a 50 percent credit for paid commerce tax, and I will talk more about that in just a moment.

The third component part is the commerce tax. This is a commerce tax that is based on total Nevada revenue of a business. Very broadly defined, it includes almost all business types. We can

certainly talk about some of those definitions and what is included in that. All of that being what it is, there are industry-specific rates that are applied to that Nevada-based revenue, generating roughly $119 million or $120 million a year for the state of Nevada. There has been some discussion about the rates, how the rates got set, why we have multiple rates, and those types of things, so I would like to take one moment and talk about the policy discussion that went into having multiple rates for different industries.

When we first had a conversation about implementing a tax like the commerce tax, there was some discussion about having a single rate. If you applied a single rate to every industry in the state of Nevada, the challenge would be that there are some entities that have very high volumes and very low margins and, frankly, not every industry is constructed in the same way. Because those industries are not always constructed in the same way, there was some desire to recognize the different structure of different businesses. There are really two ways we could do that. One is the way that is used in the state of Texas today and essentially says that you are going to take all of your revenue and then we are going to allow you to deduct some of the revenue from your total. We will either allow you to deduct your cost of goods sold, your cost of labor, or some type of standard deduction. We will allow you to do one of those things to ultimately get to a margined revenue. That is one way you could go about doing this.

The other way, and the way that we chose, was to essentially build those different structures into the rates. The reason some rates are lower than others is because the industries in those sectors have a tendency to have higher or lower costs of goods sold, costs of labor, or would have a different standard deduction. The way the mathematics works is relatively straightforward. We went to the state of Texas where they had information at the industry level. We looked at each industry as to whether or not it took the cost of goods sold, the cost of labor, or the standard deduction and then we essentially created margin-adjusted rates for each and every industry, upon which we applied Nevada's gross productivity, or total Nevada sales if you want to think about it that way.

All of that having been said, once that piece is constructed, it allows us to do something that the other two pieces do not. As Mr. Willden alluded to, one of the important components of the commerce tax as it currently exists is that it starts with a standard exemption of $4 million. Now, what does that mean? There has been a lot of talk, both prior to this session and during this session, about the concept of a fiscal cliff or many cliffs, as they sometimes have been referred to in discussion. A $4 million standard exemption takes away any of the problems that were created before in terms of a fiscal cliff. Every business has the opportunity to subtract their first $4 million worth of revenue. Every single one. In doing that, they only pay on anything in excess of that $4 million. Why? Why did we go through that exercise? Because in almost every hearing that I have been involved in and had the opportunity to listen to, there was a lot of concern about protecting small businesses. There was a great deal of concern about that. Having heard that concern and trying to build that in, the $4 million standard exemption exempts the vast majority of businesses in the state of Nevada. In doing so, it does not prevent us from capturing those businesses that the commerce tax was originally designed to capture. Those are businesses that benefit substantially from Nevada's economy by selling goods in our state, by trucking goods into our state, by taking advantage of our court system and other things, but who have very few employees in the state of Nevada. Because the way we choose to tax businesses today is largely through whether or not they have payroll here, those businesses today, in an absence of the commerce tax as currently constructed, would essentially be able to escape taxation. Importantly, businesses in the state of Nevada will bear a higher relative tax because businesses that have a relatively small presence here will pay less. That was something we wanted to avoid.

The last thing I wanted to mention, relative to the general structure of what is provided in the plan in all three of its parts, is the idea of the credit. Essentially what the credit says is that if a company pays the commerce tax, it can take 50 percent of that and use it against its payroll tax liability. Now, why would we do that? The reason is that the payroll tax, as it currently exists, is probably going to generate on the order of about $500 million a year. It is substantial in the state of Nevada. As Mr. Willden alluded to, it is our primary source of business tax today. The commerce tax, however, will generate only about $120 million a year. That means that labor-intensive firms in the state of Nevada will still bear a higher proportionate burden of the taxes than a capital-intensive firm that would be captured more so under the commerce tax. In doing that,

the credit provides some effort to balance the burden currently imposed and imposed in the future on a capital-intensive firm versus a labor-intensive firm.

Mr. Willden alluded to the buydowns. I will not talk through that again. We can certainly talk about some of the distributions relative to how our tax system will be shifted, and I am happy to go through those. But, Mr. Chairman, what I would like to do is talk through a few of the technical changes that are also included in the amendment from the last time it was discussed. I do so offering thanks to the legislators who offered some very meaningful changes from a technical standpoint. I would also like to extend my thanks to the Nevada Taxpayers Association. Ms. Vilardo submitted a number of questions and comments that have been reflected and, I think, add to the quality of the legislation. I would also like to extend my thanks to the Nevada Bankers Association, who spent a substantial amount of time providing some additional provisions as well. With that, I will walk through these and point them out because they are different than what was included previously.

In section 4, something that was left out previously was the concept of a limited liability partnership and a limited liability company under the definition of a business. This is one that clearly should have been included; it has now been included. In addition to that, there was previously the inclusion of an entity referred to as a combined group. This was an error. That has been removed from this draft and I think makes it much easier to administer and understand.

There are a few other sections that are here. I can walk through these in more specificity, but one of the things that the folks both from the Nevada Taxpayers Association and some of the technical folks from banking walked through was a need to provide some additional definitions in the bill. So we do define what a credit sale is; we define specifically what a loan is; we define what a pass-through entity is; we define what securities are. Some of these are technical definitions, but all of them merely solidify the intent as it was originally drafted.

Section 8 of the bill does make some notable changes. Section 8 of the bill specifically defines gross revenue. It talks about amounts realized. What is revenue that we are going to use for the state of Nevada? Some clarifications were provided relative to some things that could have been considered revenue but were never intended to be—things like giving money to a charity and getting a tax credit for that; reducing an expense and having to take something; doing a 1031 like-kind property exchange; or some other type of revenue that was not specifically considered revenue by generally accepted accounting procedures. The language has been added to section 8 to ensure that none of that indirect revenue would be included.

Section 14, which includes this concept of a passive entity, includes a limited liability company. In section 14, subsection 1, paragraph (b), we are talking about passive revenue. The concept of a limited liability company has been added to this definition. That is there. Of course, Mr. Willden talked about sections 20 and 23 through 48. In every one of those sections, the standard exemption has been increased from $3.5 million to $4 million.

There was some conversation in the last meeting we had regarding section 21, subsection 1, paragraph (e). It was brought up relative to carving out revenue that was subject to the liquor tax in the state of Nevada. That language has also been changed. It was pointed out that my understanding of what was being requested versus what was actually showing up in the bill was incorrect; therefore, it has been changed so that all that is being subtracted now is the actual amount paid in that liquor tax. Thus, instead of saying a company has $100 million in revenue and essentially all of that is exempt because they pay liquor tax on that, this now says that if the company generates $100 million worth of liquor sales and pays $10 million worth of liquor tax, they would then pay the tax on the $90 million. This is a material increase in what is included overall.

Section 21, subsection 1, paragraph (p) further defines—again, this is a purely technical revision—how dividends are handled and clarifies some of the questions relative to what is and what is not received revenue. Thank you to the bankers for providing that level of clarification.

Section 22 provides the definitions relative to how Nevada revenue is defined. How is it situsted in Nevada? There was some additional language that was offered to clarify that definition to simply say that if it is in Nevada, or the proportion of the service that is provided is in Nevada, it will be considered Nevada revenue. None of that changed the intent of what was provided, but I think it does provide clarity.

One of the bigger questions that came up as part of our discussion was section 50 of the bill. Section 50 of the bill essentially determines what type or form of accounting a taxpayer would use. There was some discussion early on that this should allow maximum flexibility to the taxpayer. They should be able to choose whatever form of accounting they wanted to reasonably choose—whatever made it easier on the taxpayer. Some of the discussion that came up was, that is fine, but realistically speaking, a taxpayer should be using whatever form of accounting they are using for their federal income tax purposes. If they are using the accrual method for federal income tax, they should be using that for tax payments in the state of Nevada. If they are using the cash basis, they should use that for the state of Nevada. Instead of allowing a taxpayer to appeal to the Department of Taxation for a change once every three years, they should only be able to make a change in the state of Nevada if they have made a similar change for their tax payments to the federal government.

Section 62—the buydown for overpayment in the event that we generate more revenue than we expect, as Mr. Willden alluded to—was changed such that it would include not only a buydown of the payroll tax as it is applied to all businesses generally, but also the payroll tax that is paid by financial institutions and is proposed to be paid by mines subject to the net proceeds tax.

Sections 71 and 73 are relatively straightforward in that they simply change the tax, as it is imposed through the business license fee, to the $500 and $200 that we talked about before. Then there are a number of new sections, 72.5 going all the way to 73.8, that merely make the adjustment for the annual filing fees that Mr. Willden talked about previously.

Those are the changes that are physically included in the document. I did commit to Ms. Vilardo to make a couple of clarifications on the record. I certainly do not speak for the Nevada Taxpayers Association or Ms. Vilardo, but just following up on my commitment, we agreed that the language was accurate but that clarification on the record would be helpful. The first one was a question about a foreign entity that had no activities in Nevada but had a managing member here. That is to say, they had a managing member that was perhaps providing some services but was providing those services to a business in Singapore, Toronto, or Mexico City, for that matter. Two things: number one, if the business had no activities and they were merely a presence here, they would have no tax liability as a result of the fact that they were not doing anything physically and they were not actively engaged. Secondly, if there is a service that is provided to someone outside of the state of Nevada, it would not be included as Nevada revenue anyway. I want to ensure that that is clear on the record.

In section 14, subsection 3, paragraph (a), subparagraph (1), there was a question about if a person were to perform management services but did not do anything else other than provide some type of management function for a company, would they be subject to the commerce tax? The brief answer to that question is yes. If they are in the business of providing that management service and they are generating more than $4 million a year from doing that, then they would be thought of as being in the business of providing that type of management service and therefore would be subject to the tax. However, one of the clarifications that we talked about and we thought was important to be made on the record is that section 14, subsection 3, paragraph (d) specifically notes that simply being on a board of directors does not constitute an active trade or business. Someone actually has to be in the business of doing those management services in order for that to arise.

With that, I would summarize by saying the Nevada Revenue Plan as it is brought before you was designed to provide the revenue necessary to fund the budget as it has been outlined and discussed and, in doing so, to provide a broader tax base for the state of Nevada, to provide increased equity among all taxpayers, and to bring in entities that might not otherwise be bearing a proportionate share relative to the economic opportunity that they have in the state of Nevada. I am very thankful both to the Legislature and to the number of businesses that have reached out in an effort to try and improve what was first proposed. I am very thankful to the legislators who brought forward plans of their own and for their thought and input as well. With that, Mr. Chairman, I am appreciative for the opportunity to be here, and I am happy to answer any questions that the Committee may have.

CHAIR ARMSTRONG:

Thank you, Mr. Aguero. At this point, we are going to open it up to the members for questions. I would ask the members to press their speak buttons and then I will call on them in the order in which I receive those. I would also remind the members that we are talking about the proposed amendment. I will give some latitude, but if you stray too far away from the amendment, then I will ask you to rephrase your question.

ASSEMBLYMAN HICKEY:

My questions would be to Mr. Aguero. I have two. I was quite uncomfortable with the commerce portion of the bill and the proposed tax but was pleased with the $4 million ceiling because that does protect a number of our small businesses like mine and, of course, many others in the state. My first question is, Approximately what percentage of existing businesses in this state do you think are below that $4 million ceiling?

JEREMY AGUERO:

The brief answer to your question is that it is in excess of 90 percent of the businesses that will fall under that threshold. I want to make sure that I am clear about this. There are two types of businesses in the state of Nevada, and this has created some concern as we have had this conversation. I think it is important that we are clear. There are businesses that are employer businesses; these are businesses that have employees and they pay wages, salaries, and those types of things. We also have about 200,000 businesses in the state of Nevada that are not employer-based businesses. If we think about it in the totality, really, I would estimate that in excess of 90 percent of employer and non-employer businesses would be under that $4 million standard exemption threshold.

ASSEMBLYMAN HICKEY:

The MBT [modified business tax] such as we are paying now is a fairly simple tax for employers to pay and to calculate. I have heard that one of the reasons we have had to move beyond that is because it is employee-based. Looking forward, why does that present a particular challenge to the economy that we enjoy now and the one that we are growing into? What is the rationale that brought us to the conclusion that the MBT simply cannot be enough of a vehicle to fund our needs for schools and other things in Nevada?

JEREMY AGUERO:

That is an excellent question. The modified business tax is stable and has been a consistent form of revenue for us in the state of Nevada. The challenge that we deal with in regard to the payroll tax is largely, as I think you alluded to in your question, by its very nature, it disparately impacts an industry that employs and sells labor while it does not do that for an industry that employs and sells capital. I want to be clear: The plan as it is in front of you does not eliminate that and does not get rid of the fact that it has been stable for us and is a good starting point relative to our revenue. What it does is recognize that it is probably not the whole package. In addition to that, if we think about major companies that are selling goods into the state of Nevada—shipping them across our roads and selling those things here—but do not have employees here, we are essentially disadvantaging Nevada-based companies that have chosen to put their employees in our state and, therefore, have wages and salaries.

In addition to that, the only other thing I would offer is that we are rapidly becoming an economy that is striving to diversify. Part of that diversification means that we are going to get into more and more entities that deploy technology and deploy capital and those types of things, which means that as that evolution occurs, we are going to want to have a tax base that is, frankly, as broad as possible. We have a very broad tax base among businesses that have employees or sell labor. It is much narrower on the other side. This allows us to bring in businesses that either avoid the tax as it is currently structured or do not pay it at all because they are simply selling their goods into our state.

ASSEMBLYMAN WHEELER:

I have two concerns I would like to address. I believe Mr. Aguero or Mr. Willden could answer these. On the commerce tax portion of it, I was very interested in Mr. Aguero's opening statements when he compared it against the margin tax in Texas. When I see this, and I have listened to most

of the hearings here, is the commerce tax not still a margin tax? Is it not based on the margins that authors of this have chosen for each type of business and the deductions that the authors have decided are acceptable and not acceptable, and then the tax is based on that particular margin afterwards? Then I do have a follow-up question.

JEREMY AGUERO:

In my opening statement, I alluded to the various forms of calculation in terms of trying to reflect that different businesses look differently and may need to have some adjustment relative to how we are going to include them. I do not want to leave this body or this Legislature with the impression that my reference to the state of Texas would suggest that this is the same thing as what currently exists in Texas as the Texas franchise tax. As a matter of fact, I recall a meeting we had early on, in October or November, where the charge was provided by the Governor's Office to look at all the different alternatives that were out there. You will notice that while there are elements from the Texas franchise tax, there are also elements from the state of Ohio's activity tax. There are also elements from the state of Washington. Frankly, there are elements that are simply unique to the state of Nevada. As was instructed, we have done everything we can to try and take the lessons learned from those states and apply them here in a construction that will work uniquely for the state of Nevada.

With that, the more specific question was, Did we, as the authors, work to simply construct something that is almost the same thing as the margin tax as it exists in Texas or—and I may be reading too much into your question—Question 3 that was defeated last November? I want to be clear in terms of my response here. In terms of Question 3, the tax rate is different; the tax base is different; the process in which we apply the tax is different; the yield is about a fourth of what it was under that tax; and in almost every meaningful way, it is different. The challenge that I commonly get when I give that answer is, Your starting point is the gross revenue line; therefore, it must be the same thing. My response to that is if I were to take total revenue and I were to deduct everything, every expense the business has, that would be a net income tax. I started with total revenue just like we do on our federal tax returns, and I subtract everything out of that. That is a net income tax. If I took gross revenue, the top line, my total Nevada revenue, and I did not subtract anything from it at all, I just left it alone, I just applied a single rate across the board to that, that would be a traditional gross receipts tax. We can point to other states that have something very similar to what was proposed by the Governor's Task Force on Tax Policy in Nevada back in 2003. If we start with that top line, that total revenue, and we subtract some of the things, we get what is referred to as a margin tax. The idea that all margin taxes are created equal is just—it is important to understand that everything from the definition to the process to the rates matters.

With regard to the question about whether or not the rates themselves were sort of chosen in terms of what would or would not be included in costs of goods sold, what would or would not be included in the cost of labor—again, we borrowed from the experience of the state of Texas who has gone through hurdles, legislative sessions, and lawsuits trying to better define what is cost of goods sold, what is cost of labor. Our understanding from talking to tax folks in that state and in other states is that this was a source of angst, a source of challenge, a source that made it very difficult for taxpayers to comply, having to go through the exercise of being able to always account and make sure they had it right. Exactly what is the cost of goods sold? We benefited from the state of Texas having information on various industries, and by industries I mean manufacturing, retail, wholesale, health care. Every single industry had an accounting for how much it had in revenue and how much it had subtracted in cost of goods sold or cost of labor or the standard exemption.

ASSEMBLYMAN HANSEN:

Mr. Chairman, I object. We all want to ask questions. There are 42 of us, and so far it has taken almost 15 minutes to answer the very first question. I would like to request that Mr. Aguero focus the answers to what our questions are actually trying to get to.

CHAIR ARMSTRONG:

Mr. Aguero, if you could be more concise with your answers, then we will get through more questions.

JEREMY AGUERO:

My apologies to the group and to you, Mr. Chairman. I will be more concise.

The immediate answer to the crux of the question is that we utilized information from other states in order to develop a set of margined rates that were based on knowledge of how individual industries had margins themselves.

ASSEMBLYMAN WHEELER:

You mentioned in your answer about federal tax returns. One of the things we have been talking about a lot in this session, especially on the education side of things, is data collection. As I look at sections 16 through 20 of this amendment, I see all the data collection that is going to be required. We could go through it, but I am sure everyone has a lot of questions so I will just ask you a yes or no. Will this be the largest data collection for business ever in the history of Nevada?

JEREMY AGUERO:

I do not know that I can answer that question in terms of whether it will be the greatest in the state of Nevada. I will be brief in my response in only saying that the revisions that have been brought to you today are designed such that whatever the standard records are that a business would normally keep for federal tax reporting purposes or any other is what we would request them to have here. If your question is more along the lines of whether we are asking all taxpayers to essentially submit a tax return, yes, that would be significant. I do expect that it will be relatively similar in terms of size and magnitude, in terms of number of filers, as we have under the business license fee today.

MIKE WILLDEN:

I would note that we can have taxation folks come forward if we need to. I understand those sections, 16 and 17, are standard language in other tax collection processes.

ASSEMBLYMAN THOMPSON:

Mr. Aguero, could you clarify section 15 for us? I want to be clear. Is it basically saying that if you have multiple businesses with various business categories that are specified in sections 24 through 49, only the top gross revenue-generating business pays the hybrid of taxes? Explain that better so that I am not misunderstanding it.

JEREMY AGUERO:

I think it is close to what you just said, just a little bit different. If I have a business and within my business I have multiple lines of that business that fall into various categories, the rate that I am going to choose in order to pay is going to be whichever category generates the most Nevada revenue.

ASSEMBLYMAN THOMPSON:

On accounting practices in section 17, subsection 1, paragraph (b), where you talk about preserving those records for four years, is that a standard accounting practice? Should we be holding on to those records longer than that before we purge them in the event that we need future audits?

JEREMY AGUERO:

It is my understanding, sir, that that is the standard language that is used most often in our tax statutes, so we are trying to be consistent with that.

ASSEMBLYWOMAN TITUS:

I am curious. It is no secret in this building that I am vehemently opposed to abatements because I think it creates winners and losers here in our state. Earlier this week, Steve Hill testified on S.B. 507 that providing subsidies to companies through the Catalyst Account was the most effective economic development tool Nevada had. So why does Nevada need to give subsidies to some businesses to get them to come here but somehow raising taxes on the rest of the companies in the state is not a problem?

JEREMY AGUERO:

I do not know that I have a response to that other than to say that at least as we have designed the proposal that is in front of you, I think that it aligns with our economic development goals without requiring additional abatements. I think your broader question is one along the lines of why we are raising taxes on one side only to give them away on the other. I wish I had a better answer for you other than to say I do not have an answer.

ASSEMBLYMAN OHRENSCHALL:

Section 71 of the amendment is the increase in the filing fee for foreign corporations. If this passes, I wonder how that is going to put us in comparison to our competitors like South Dakota, Wyoming, and Delaware. What do you forecast as the loss in corporations that we are going to suffer versus the gain in revenue?

JEREMY AGUERO:

We have attempted to take that into account based on some of the information that was provided by the Nevada Registered Agent Association. They were nice enough to give me a copy of the report, and I tried to review that. I also ran our estimates past your fiscal staff, and we tried to come up with an estimate. Right now, we are expecting a reduction in overall filings of about 12.5 percent in order to reflect that difference in terms of that increase.

ASSEMBLYMAN JONES:

Section 18 sets up the ability to basically audit a company—to go in and review their records. My colleague from the north talked about record keeping. Of course, we have to keep IRS [Internal Revenue Service] records, but is this in essence going to be creating our own mini IRS for the state of Nevada? In order to audit these records, what is the budget going to be for this new entity and group of auditors, and how many auditors do you anticipate it will take to go into our Nevada businesses and shuffle through their records?

MIKE WILLDEN:

The fiscal note that is currently prepared to attach with the Nevada Revenue Plan is approximately $2.2 million a year, $4.4 million over the next biennium. Most of that is start-up and IT [information technology] costs in the first biennium. It is my understanding that that cost would grow into the second biennium, so $4.4 million in the first biennium and it would grow to approximately $4.9 million in the second biennium. There are 23, I believe, staff associated in that fiscal note for this piece. I do not think that is a mini IRS. I would also note that according to previous testimony by the Director of Taxation and Mr. Nielsen, who was the previous Director of Taxation, the Department of Taxation already has auditors deployed throughout the nation and we would leverage that. There will be some additional staff, but we still believe that is a small administrative cost based on the revenue stream it will generate.

ASSEMBLYMAN SILBERKRAUS:

A concern I have is that health care providers, particularly doctors and hospitals, are concerned about low reimbursement rates for Medicaid and Medicare. Additional tax burdens may cause more difficulty in providing services to those individuals. Is there more that we can do to help providers meet their costs associated with providing services to low-income individuals?

MIKE WILLDEN:

Our suggestion is that there is a tax rate for the health care services, and we could have discussion about lowering that tax rate or trying to help that industry. There is some help for health care institutions in the commerce tax as proposed: 50 percent of their Medicaid/Medicare revenue is not counted in the revenue stream, and for other health care providers, all of their Medicaid/Medicare revenue is not counted in that revenue stream.

More to the point, we believe if there is additional investment needed, we should invest in rate increases to providers. If you followed the closing of the Medicaid budgets over the last months, there were rate increases to a number of providers such as laboratories and radiology. We did increase primary care physicians two years ago, and we will continue that rate increase. The budget was closed at a 2.5 percent increase going forward for hospitals in the two coming years. If you are going to invest money to help health care, we believe we should invest it where we can

leverage federal participation in that system. What I mean by that is there is a thing we call FMAP [Federal Medicaid Assistance Percentage]. Every Nevada General Fund dollar you invest to help a health care provider, you get roughly three or four federal dollars in match. So if you invest $5 million or $10 million, you can either turn that into $20 million or $40 million, and we think that is a better use of the dollars than reducing the tax load on that industry. It basically quadruples the effect of the dollar.

ASSEMBLYMAN HANSEN:
When the business license fee first came about in 1991, it was $25 and it was a one-time fee. Now we are up to $500, and I heard Mr. Aguero testify in the Senate on Senate Bill 252 that it was all the way up into the millions of dollars. While we are talking now about that $4 million exemption, when you look at the policy that has been conducted over time, we see that these have evolved to where more and more smaller businesses are quickly enveloped into these types of tax systems. I am wondering, while I understand why it is a good selling point right now, why should we not anticipate this commerce tax to follow the trend that the business license fee has followed where more and more businesses are incorporated into the payment of those things? Then I have a follow-up question.

JEREMY AGUERO:
First and foremost, I would certainly agree with your position. Over time, any tax system is going to evolve. The only specific response that I would have relative to the protection of the taxpayers is the buydown provisions that are included. To the extent that the revenue has come in more than 104 percent over expectations, that is not excess revenue but rather gets put back into the business tax and would buy down the existing payroll tax rate. I am not familiar with that being in any other provisions that I have worked on in the state of Nevada, and I think it does provide some degree of protection from your concern to the taxpayer. On a go-forward basis, this tax, like any other, will be part of the discussion we have. It is merely another tool in our toolbox.

ASSEMBLYMAN HANSEN:
The *Constitution* clearly says, "The Legislature shall provide by law for a uniform and equal rate of assessment and taxation . . ." yet this tax has 27 different rates in it currently. How does that jibe with our constitutional mandate?

JEREMY AGUERO:
With regard to the *Constitution* as it exists, I am certainly not going to substitute my judgement for your legal counsel's judgment relative to what Section 1 [Article 10, Section 1 of the *Nevada Constitution*] applies to. I would only point out that the provision of uniform and equal, at least in my mind, traditionally goes toward property taxes. We have different property tax rates even at that level almost everywhere in the entire state. If you live on one side of a border versus another side of the border, you pay a different property tax rate. We have different sales tax rates in this state. We currently have different MBT [modified business tax] and LET [live entertainment tax] rates. The idea of uniform and equal application of the tax in terms of property is what that is going to. But there are all kinds of examples where rates may be different to achieve a certain purpose. I would argue here that what we are actually doing in the different rates is not to create a disparate impact; it is to create more of an equitable impact between industries.

ASSEMBLYMAN HANSEN:
In section 9—I want to make sure I have this straight—it says, "'Nevada gross revenue' means the gross revenue of a business entity . . . ." So this is a gross revenue tax. It does not matter what your profit margin is. If you have $10 million in gross revenue and you have $10,100,000 in actual costs, you still pay on the gross revenue. Is that correct?

MIKE WILLDEN:
Yes, sir.

ASSEMBLYWOMAN SEAMAN:
I want to know if this commerce tax creates tax pyramiding issues.

JEREMY AGUERO:

Like all taxes, there is going to be some degree of pyramiding, not unlike our payroll tax today, the business license fee, sales tax, or property taxes. Those taxes are going to be built in at every layer of production, distribution, and retail sales in the state of Nevada. There will be some of that with regard to the commerce tax, just like there would be with any other business. We have, in the bill as it is currently constructed, taken a number of steps to try and avoid as much of the pyramiding as possible. If, for example, a retailer sells $100 worth of goods and collects $108 because they have to impose the sales tax, that sales tax is not included as Nevada revenue. It is not as though you are going to pay a tax on a tax on a tax.

In addition to that, there has been specific language to think about the relationship between a general contractor and associated contractors to make sure that we are not double counting revenue. There have been provisions in there to make sure that a broker or a real estate agent, for example, is not a double counting of revenue. There is also a concept of an affiliated group so that a company that owns multiple companies and provides services to them is also not double counted. While we are always concerned about pyramiding in our tax system, I think we have taken steps to limit it to the degree possible.

ASSEMBLYMAN EDWARDS:

I would like you to address two aspects of the tax, one being the discussion about it being broad-based. It has been stated that you want to broaden the base of the taxes; however, you also indicated that by putting the $4 million floor into the commerce tax, you eliminate over 90 percent of the businesses from paying. The logical consequence of that seems to be that you would have to lower that floor piece by piece until you are down to perhaps a million dollars in order to broaden that base. That, sir, puts us back at a margin tax, which the voters just rejected by almost 80 to 20. That is one of my major concerns because every precinct in my district voted almost 80 to 20 against the margin tax.

The other issue I would like you to address is the stability. You said that the MBT had proven to be a very stable source of income and that it has worked for us for years. However, in the committee meeting, you also talked about some of the risks involved in the commerce tax. In particular, the fact that we only collect it once a year means there are 12 months of not collecting any tax. If you add to that the MBT buydown, we could end up in a situation where you exceed the 104 percent of growth of the revenues, you therefore buy down the MBT rate, which will reduce your revenues for the following two years. If a recession were to hit a month or two after that buydown, we then have 22 months of reduced resources of revenues coupled with the fact that businesses will go out of business and not pay it. So we could end up with a huge budget hole. I would like to know how would you possibly address that and all the risks that would be involved?

JEREMY AGUERO:

With regard to the first portion of the question in terms of it being broad-based, the $4 million standard exemption, and the number of businesses that are paying—perhaps I was not clear in my original overview. I will try to provide some degree of clarity here.

If we take each one of the elements of the Nevada Revenue Plan by itself, we just look at them as though they are stand-alone, there are going to be shortcomings with each one of them. If we think about them as a broad structure, a strategy in order to deploy a tax in Nevada, I think that is where we get the stability. Each one of those component parts plays an important role. The business license fee allows us to hit a broad base of businesses, but it has the disadvantage of hitting all businesses evenly. The MBT is a payroll tax, so it disparately impacts labor-intensive businesses, but we are expanding it by lowering the base and bringing more folks in. Importantly, with regard to that MBT, I believe there was also testimony from the Legislative Counsel Bureau that something like 60 percent of the revenue is paid by only a fraction of the businesses—1 or 2 percent, something along those lines. This brings me to the commerce tax. The commerce tax is not designed currently to hit every business. It is designed to be part of a business revenue package that hits businesses that are not subject to the tax today and therefore will broaden our tax base by allowing us to have access to some base that we do not have today, either under the BLF [business license fee] as it currently exists or under the payroll tax as it currently exists. Combined, I think it stabilizes and increases the equity of our tax base.

With regard to the second portion of your question, which is more focused on the question of stability and the risks associated with that, my comments to this Legislature will focus on the concerns that were brought up by legislators. To your question, the concern is not that a tax that is like the commerce tax, that is essentially as broad as the economy can be, is in any way going to be unstable. As a matter of fact, we would believe that the tax with the broadest possible base and the lowest possible rate would have a tendency to be among the most stable. I will argue that should this go forward, it will likely be the most stable source of revenue we would have in the state of Nevada. In addition to that, the reason that we put on the credit between the commerce tax and the payroll tax was, in part, to ensure that we had some insulation against that specific risk. That is to say, if the commerce tax generates no revenue—I missed it altogether—there would be no credit against the payroll tax. It allows us to only have one be lower if the other one generates more money.

With regard to the timing issue, you are right, I do have some concerns about making it an annual tax, but what we heard overwhelmingly from both taxpayers and legislators is that we needed to lower the administrative burden on the Department of Taxation and the compliance burden on the taxpayer. Having it be paid only once each year as opposed to having it be paid four times a year goes directly to that. Essentially, we have lowered the number of taxpayers, or the tax that would need to be processed by the Department of Taxation, by 75 percent, I would argue, in going through that exercise.

The final portion of your question I believe was, Okay, I understand what happens if revenues come in over expectations, but what happens if we buy down that rate and then all of a sudden revenues come in under expectations? Again, the idea that the commerce tax is going to somehow lead to increased instability in our tax system is contrary to the structure of the option that is being considered here. That is to say, if we think about it in terms of hitting the broadest possible base in terms of business activity, it is much like that 1 percent of taxpayers that are paying 60 percent of the MBT. These are the right taxpayers that will generate substantial amounts of revenue and are likely to weather an economic downturn much more so than the smaller businesses that would otherwise be affected by a different option.

ASSEMBLYMAN EDWARDS:

I understand the desire to collect the additional tax and so on, but we are currently talking about netting about $60 million a year, which is, I believe, less than 1 percent of the overall budget. I do not understand how we could possibly leverage stability on 1 percent of the budget. I do not understand how that really creates the kind of stability of revenue that you say we are seeking. I think the MBT also offers you a much better opportunity to have a broader base simply by lowering the floor $5,000 or $10,000 rather than lowering the commerce tax from $4 million to $2 million to $1 million, and then we end up with our people saying, Well, it is nothing but a margin tax, which we have rejected. I do not understand how that $60 million is going to be leveraged so well.

JEREMY AGUERO:

Sure. In terms of response, your concerns are fair. Again, I think the reason why I would argue that it will stabilize our tax base and help increase the equity of our tax base is that we look at it as a plan in its totality—the business license fee, the payroll tax, and the commerce tax working together to provide us a broader and more stable tax base. You and I may disagree. You are correct from the standpoint that the net new revenue that comes between the two is going to be roughly $60 million, but the other side of that coin, of course, is that the commerce tax itself will generate $120 million. The reason for the net is that we are buying down existing payroll tax liability and in buying down that payroll tax liability, we are accomplishing the task of creating the equity.

With regard to the question of if the threshold were to be reduced from $4 million down to $1 million, would this relegate it to exactly the type of margin tax that was considered and rejected by the voters in November 2014, I would submit to you that the bases are different, the rates are different, and the yields are different. Yes, while it may have a gross element as some portion of the calculation, these are very different revenue-generating mechanisms.

ASSEMBLYWOMAN FIORE:

As a small-business person, and as I look at Amendment 7779 [Appendix A], I basically see S.B. 252 being put into A.B. 464. With all due respect to the both of you sitting at that table, as you are asking the small business communities to write bigger checks to MBT and pay bigger licensing fees—one of the reasons I got involved with politics is because I was kind of tired of politicians that do not sign the front of the checks making these laws that affect people like myself. So I am wondering if either one of you, with all due respect, sign the front of checks for MBTs or business licensing or everything you are asking the small business communities to do. Do either one of you that are trying to sell me this program—

CHAIR ARMSTRONG:

I am going to stop you because I do not think that is an appropriate question for the amendment. I think that is a statement. If you would like to rephrase it as a question to the amendment, then I will allow it.

ASSEMBLYWOMAN FIORE:

Okay. I will rephrase the question. As you are proposing this to the body, do either one of you personally understand the effects of what it will do to a small business?

JEREMY AGUERO:

Yes. With your permission, Mr. Chairman, I would be more than happy to answer the first portion of the question. I am a small-business owner. I have been a small-business owner for 17 years here in the state of Nevada, and this tax will affect me and my business in the same way that it will any other business that is in the same category.

ASSEMBLYWOMAN FIORE:

Could you be a little bit more specific because I am not really fond of these broad things?

JEREMY AGUERO:

Sure. I have a company in the state of Nevada called Applied Analysis. We are a professional services firm. As a professional services firm, we will bear the increase of a business license fee. We also pay payroll taxes and because we are a relatively small business, we will be disparately impacted by the increase going down from $340,000 to $200,000. So, yes, we will bear the increase. In addition, the rate increase on general businesses overall going from 1.17 percent to 1.475 percent will mean a 26 percent increase in our payroll tax as a company.

ASSEMBLYMAN ELLISON:

I have a couple of small questions. I am trying to go through this as much as I can. I am hoping that both of you gentlemen will be available for questions as we go because trying to read all this and trying to get it all soaked in is very complicated.

I am looking through here and you talked about the 2 percent of the net proceeds of mines. How is that formula going to come off? Is that going to come off as a total of the net proceeds? Because how the net proceeds of mining works is, a portion goes to the counties and a portion goes to the state. Could you hit on that? That is number one.

The other question, if you could, is in regard to the LLC [limited liability company] versus corporation, which you do have in here. I do not know if that is in section 25, by the way, on the net proceeds. Under section 4 when you talk about LLCs, are the LLCs going to be the same as corporations in your formulas? I think that is important because an LLC is a small business. Corporations are usually larger. So could you answer those two questions, please?

JEREMY AGUERO:

Thank you for the questions. With regard to the mining portion first, forgive me if I was not clear before. I will try to clarify now. This is not an increase on the net proceeds or the gross receipts of a mine like we have today under the net proceeds. The 2 percent is an increase in the payroll tax portion where mining companies are currently paying 1.17 percent. Instead of paying 1.17 percent and going to 1.475 percent like businesses generally, they will go from 1.17 percent to 2 percent, putting them essentially on the same level as financial institutions are today. So it is completely separate from that other piece.

With regard to LLCs and corporations—with regard to the business license fee, corporations are treated differently than any other business entity and by that I mean partnerships or LLCs. There are, of course, many of those corporate forms that exist out there. Corporations will see their annual business license fee increase from $200 to $500, as you alluded to. Some of the discussion that went on was that those have a tendency to be bigger businesses overall. With regard to the LLCs or the partnerships and even some of the sole proprietorships, their business license fees will be unchanged. They are at $200.

The second portion of your question was big businesses versus small businesses, so let us imagine a corporation or an LLC that has payroll in excess of $200,000. That would be a bigger business as opposed to something like a non-employer business—a real estate agent or something along those lines. You would have a larger business that would then become subject to the payroll tax to the extent they had taxable payroll in excess of $200,000 a year at a maximum. In that case, any corporate form—whether it is a corporation, an LLC, or anything else—is captured by that payroll tax so long as they actually have payroll.

The third piece would be the commerce tax. It does not matter if it is a corporation, an LLC, or some type of partnership formation. If they have more than $4 million, as a very large business they would be subject to that level. The distinction really between a corporation and a noncorporate entity only happens on that business license fee level.

ASSEMBLYMAN ELLISON:

Thank you, and I think you answered them very well. If you have a corporation or an LLC or partnership that is under $4 million, would they still be subject to audit?

JEREMY AGUERO:

I will defer to the Department of Taxation relative to audit questions. I understand that they would be subject to audit just like any other business would be, both in terms of the payroll tax—maybe your question is more specific to the commerce tax. Certainly, one of the reasons we want businesses to report is to have a sense of where they fall in the revenue stream. If they are just under the $4 million or just over the $4 million, we would want to know whether they are either in or out.

ASSEMBLYMAN STEWART:

In regard to the commerce tax and those entities from out of state that are paying little or no tax at the present time, do you have any idea how many of those would come under this? How much revenue would be raised from those who are not paying any or very little tax at the present time?

JEREMY AGUERO:

Unfortunately, I do not. When we see total demand for services and total economic activity in the state, it is all blended together. The ability to be able to specifically carve out a business that is out of the state and shipping goods in versus one that is physically located here and is selling those goods to people inside the state of Nevada—from the data that we have, it is almost impossible to distinguish.

The second half of your question is very difficult to answer because it is not as though it is a bright line. It is not as though companies have no employees or have all of their employees here. There could be companies that are shipping substantial amounts of goods into the state of Nevada and only maybe have one or two employees here. They may only have 30 or 40 employees here, somewhere along that spectrum, as opposed to the same company that is actually based in Nevada having 200 or 300 employees here. The second half of your question is equally difficult to answer because of that spectrum nature of how businesses are allocated.

ASSEMBLYMAN GARDNER:

You were talking about capital-intensive businesses being the ones that would be brought under this tax. Could you give us some examples of those? That was the first question.

The second question is, I want to find out all the effects this bill will have on small businesses. I know that they are kind of taken out with that $4 million, but is there going to be reporting or something like that they will have to do? What prevents a business from changing their NAICS [North American Industry Classification System] number? As far as I know, that is just something you tell the IRS. As far as I know, the state is not involved in that process.

The final thing is, in my understanding, the whole point of all these taxes is that we are trying to fix our educational system. What happens if that does not happen? What if we do these taxes and our educational system is not fixed?

JEREMY AGUERO:
Would you mind restating the first question? I got the other three. I could not hear you very well on the first one.

ASSEMBLYMAN GARDNER:
For the first one, which businesses would be brought under the commerce tax? I know they are going to be the capital-intensive ones, but are there examples of what kind of capital-intensive businesses we are talking about? Can you give us some examples, please?

JEREMY AGUERO:
When we think about a capital-intensive business versus a labor-intensive business and we think about larger enterprises, what are the largest capital-intensive businesses that we have in the state of Nevada? Things like wholesale trade, retail trade, transportation, real estate-related activities where essentially they are deploying some degree of capital. In addition to that, if you want to think about it in terms of out-of-state companies, as I have said in other hearings, I would certainly refer you to the Fortune 500 to look at all of the businesses that are out there. Let us look at pharmaceutical companies like Novartis and Pfizer that are selling goods in this state. Let us look at food companies that are shipping substantial food products into the state of Nevada and auto manufacturers that are shipping substantial amounts into the state of Nevada. Let us look at telecommunications companies that are generating substantial revenue from service fees from people in the state of Nevada and may only have a relatively small footprint. I do not want to leave you with the impression that there is only one kind of business because I can tell you that some of the most significant taxpayers in the state of Nevada are also going to be some of the service-related companies, but I do not want to leave you with the impression that there has not been some effort to try and create that equity. There absolutely is, and that is why I pointed out the ones that I did.

With regard to the second portion of your question, you asked the question about all the potential effects on small business. Of course, that is a very difficult question to answer as we like to think about things in terms of direct and indirect and induce the facts. But if we are thinking about it just in terms of businesses generally, under the business license fee, if a small business—and we can probably debate the definition of that—is a corporation, they are going to see a higher business license fee. If they are an LLC, a partnership, or something along those lines, they will not be affected by that.

Under the payroll tax, if that small business had payroll between $200,000 and $340,000, they are now going to be brought into the payroll tax base, so there will be an effect on them. They would pay essentially the 1.475 percent on that portion of their payroll, which they are not today because that threshold is higher.

Under the commerce tax, I have had people bring me examples of a partnership that generates $20 million a year because they sell some very expensive goods or something along those lines. I would have a tendency of saying that any business that generates more than $4 million a year probably is not that small. There are probably some businesses that will fall into that category that are maybe small in the nature that they do not have a lot of employees. I guess some of them will be captured, but the entire intent of the commerce tax and that standard exemption is to take out some of those businesses.

ASSEMBLYMAN GARDNER:
I am wondering about the companies that are under the $4 million and under the $200,000 in payroll. Obviously, they would have the state business license fee increase. I am wondering mostly about reporting or other things we may not have gone over. I apologize for not being more clear. I am just wondering, what about those businesses? I want to make sure that they do not have a huge reporting burden on them or something that is not being fully vetted here.

JEREMY AGUERO:
I apologize for answering the wrong question. With regard to the business license fee, they will do nothing different than they do with the business license fee today. Under the payroll tax, they will do nothing different than they do today. Remember that even some of those businesses that are employer businesses still have to report their payroll tax even if their amount of the payment is zero. Under the commerce tax, yes, they will have to file a commerce tax return once a year with their revenue and what rate they would be and essentially show that they have no revenue. You had a fourth question.

CHAIR ARMSTRONG:
Mr. Aguero, I will answer the fourth part because I think that is an important part of the equation that is not part of this amendment. A lot of the education spending that we are doing is categorical spending, so when that money is spent and they come back and they have to approve of those metrics or we approve as a body that those metrics are working and those programs are working, then we can decide whether or not to continue those programs.

ASSEMBLYMAN GARDNER:
What prevents a company from changing their NAICS code? As far as I know, the state is not involved in that decision.

JEREMY AGUERO:
I missed that question. I should have answered it. With regard to the NAICS codes, a taxpayer will have the ability, upon their initial filing, to identify the NAICS code that they think most closely associates their business. That should be relatively straightforward and alleviate some of the concern that has come up that somehow the Department of Taxation or someone else was going to assign it for them.

Of course, one of our concerns—and it has come up many times—is the potential for NAICS code shopping. They change or they just decide there is a lower rate over here, so I want to be that. The primary way we are going to avoid that is, number one, companies report that on things like their federal income tax returns. Importantly, the Nevada Department of Employment, Training and Rehabilitation already has NAICS codes assigned to the vast majority of major employer businesses in the state of Nevada. I believe it is a database in excess of 70,000 businesses. Again, all of the larger ones that have employees are included in there. This will give us an excellent basis to at least start to make sure that businesses are not rate shopping, if you will.

ASSEMBLYMAN O'NEILL:
I have two questions that I think will be fairly short. We have been talking about small businesses and big businesses in relationship to the business license fee. What is the definition of a big business and what are the percentages of the overall of big versus small within the BLF?

JEREMY AGUERO:
The definition of what is big versus what is small depends on where you look. The Small Business Administration provides some definition for that, but it really depends on which industry you are in. They will classify you differently. If we think about it in terms of the business license fee itself and if we think about the total number of employer businesses that there are in the state of Nevada, let us say there are about 70,000 of them. Again, not all of those are big and not all of those are small, but they are all going to be captured by that. There are roughly 180,000 non-employer businesses in the state of Nevada that should, at least theoretically, also be captured by that. The problem is that there is also a third category of business, and that is one that is essentially a paper company that is filing and has a business license fee with the state of Nevada. If we add up all three of those categories, they come to more than 330,000. Being able to gauge it exactly, relative to how many of those are small, is pretty tough to do, but I would certainly guess it is roughly half of them that would be in that small business category.

ASSEMBLYMAN O'NEILL:
Do you have any idea how many of those will be under the $500 business license fee and the percentage changes that you are proposing?

JEREMY AGUERO:
Do we know how many small businesses would fall under the corporation—

ASSEMBLYMAN O'NEILL:
Small and big. How many of the businesses now—

CHAIR ARMSTRONG:
Mr. Aguero, I will step in because this was one of the parts to A.B. 464 in its original form. When I was coming up with that consideration, I was trying to make a distinction between sole proprietors, partnerships, LLCs, and S corporations versus C corporations because, in my opinion, C corporations were generally larger corporations. Now under this, with the distinction between corporations and noncorporations, there is some overlap for S corporations because some start as LLCs and file S elections with the IRS. They would be treated under this plan at $200 for their annual fee. Some C corporations that file an S election would be treated at $500 as an annual fee under this plan. So the distinction between big and small was really a difference between C corporations and every other business entity.

ASSEMBLYMAN HANSEN:
Mr. Chairman, I have a quick question. We started at ten to one, and we are at the halfway point. I am hoping that we will have equal time for the opponents of the bill.

CHAIR ARMSTRONG:
We will. We will be taking a break in about ten minutes.

ASSEMBLYMAN O'NEILL:
I was looking at the rates. Help me understand—if I see the trucking industry has a very low profit in their businesses, but they are one of the highest taxed and would suffer a very high impact on their commerce tax, could you explain how that comes about? Why trucking, which has a very low profitability, is paying a much higher percentage?

JEREMY AGUERO:
With regard to the first portion of your question as it relates to profitability, every tax that we have in the state of Nevada—whether it is property taxes, payroll taxes, or sales taxes—is paid by businesses irrespective of profitability. The commerce tax operates the same way. With regard to why the rate is higher, much like real estate, the trucking industry and some others are going to be somewhat capital-intensive. That is to say, they deploy capital as an asset. They have an asset and then they generate revenue from it. They are going to have less cost of goods sold as a result of that. They are also going to have relatively modest labor because of the mix of how their business works. That is also why they pay a little bit less under the payroll tax that we have today. The reason that the rate is a little bit higher is solely determined by the fact that the cost of goods sold, that cost of labor, that standard deduction is just simply smaller in that particular industry than it would be in another.

ASSEMBLYMAN NELSON:
I have about ten questions, but I will limit it to two. My first one is, under the business license fee, as I understand it, LLCs will pay $200 per year and corporations will pay $500. Have you considered the fact that under *Nevada Revised Statutes* 92A.105, corporations can easily convert into LLCs and some may be doing this to escape their $500 tax? I understand that for a C corporation, that would be really difficult because they would have to sell their assets and things like that, but for a subchapter S corporation, that would be pretty simple. Have you factored that into your calculations?

JEREMY AGUERO:
No, sir, we have not.

ASSEMBLYMAN NELSON:
Okay. My second question is, I have heard varying opinions as to how this will affect economic development. Some have said this will be bad for economic development because it is higher taxes. Others have said it will be wonderful because it will provide more stability and also

strengthen our education system and the overall budget. If either one of you would like to address that, I would appreciate it.

MIKE WILLDEN:

I will repeat what I heard at previous hearings from the economic development folks, specifically Steve Hill from the Governor's Office of Economic Development, and I think EDAWN [Economic Development Authority of Western Nevada] was the other one testifying. They believe that there would be very little impact with this tax plan. They testified that what they hear most from businesses wanting to relocate here was that the problem with locating here was not tax-related; it was the poor education system that caused them not to come. So the testimony from those folks was that our efforts should be in improving our education system primarily.

ASSEMBLYMAN CARRILLO:

My question is regarding section 20. I want to find out how the $4 million was determined to be the amount versus a higher or lower number. Is it just an arbitrary number?

JEREMY AGUERO:

I certainly would not call it arbitrary. At the end of the day, there was a revenue target that we needed to hit. We wanted to balance the interest of trying to eliminate small businesses while at the same time generating the revenue that was necessary to fund the budget.

ASSEMBLYMAN CARRILLO:

In the same section, it talks about the businesses. My example would be that there are multiple Starbucks and multiple Walmarts—none of them are franchised, so they would be a conglomerate. Would they be all taxed as one, or would they be considered individual stores?

JEREMY AGUERO:

This is an excellent question. We ran into that exact problem as the business license fee exists today, and the brief answer to your question is that a business will have the ability to report in whichever way it currently operates as its corporate form. That is to say that if it operates as a number of units that rolls up to a single entity, of course we are eliminating that affiliated revenue associated with that, or if it just reports as a set of single outlets, we are only taxing that revenue one time. The goal was to try and structure it such that we are not asking a business to restructure how they currently exist today in the state of Nevada.

ASSEMBLYWOMAN SHELTON:

I wanted to get some clarification on the commerce tax. Let us hypothetically say that I own a hotel-casino. From your testimony before, it sounded like you were saying I would be able to pick what my tax rate is going to be for the lodging and what my tax rate is going to be for retail. How is that going to play out?

JEREMY AGUERO:

The way that it would work for a hotel-casino would be the same way that it would work for any other business. I guess it is a little different because they would be able to exempt their gaming revenue, which I want to be clear on. They would then be classified under the accommodations business category. The vast majority of them, I would assume, would fall under that particular category because that is where their revenue is, that is how they are classified by the Nevada Department of Employment, Training and Rehabilitation. I think your question is, Gosh, they do a lot of different things, right? They have restaurants. They have entertainment. They have all of those things, but they are going to report as a single taxpayer. Wherever they get the majority of their revenue, that is what they are going to be required to report as for the purposes of the commerce tax, not 26 different categories for that single business. It will be one category for each business based on where the majority of its Nevada revenue comes from.

ASSEMBLYWOMAN SHELTON:

So do they get to pick which tax? You lump that all together and then you get to pick which tax rate you want?

JEREMY AGUERO:
The brief answer to your question is yes, but I would only object to the word "pick." They will have to utilize whichever tax rate is consistent with where they generate the most revenue. You do not get to say, Well, I do these seven things; this one only represents 1 percent of my business but it has a lower rate, therefore I am just going to apply it. Whatever brings in the most revenue becomes what you are for purposes of commerce tax reporting.

ASSEMBLYWOMAN CARLTON:
Within our hotel-casino industry, we have a lot of subcontracted restaurants. So for those restaurants—or entities in a mall or whatever—even though they are associated with the hotel, they would still pay their own because they are not in with the hotel. That was my original understanding.

JEREMY AGUERO:
That is exactly right.

ASSEMBLYWOMAN CARLTON:
One of the things that came up in some of the discussions is that we have a lot of employee and citizen training programs out there. Some of them are nonprofits, so they are not going to be included. Some of them are small. Then we do have some for-profit educational opportunities out there for our citizens, and those will be taxed wherever their NAICS code falls. I do not know if it has come up in the Committee on Taxation or anyplace else, but it seems as though we are going to be taxing an educational opportunity to help pay for the state and education. I am not sure how many of those fall above the $4 million threshold, but I would be interested if anybody would know where those folks fall and what the impact on that would be because that will be borne by students. I would hate to limit opportunities. I do not think it will, but I think it is something we should look at.

JEREMY AGUERO:
Unfortunately, I do not have that level of specificity where I could tell you how many for-profit education enterprises would be in excess of $4 million. My intuition and yours, I think, would be the same, that there would be a limited amount. But I am sure that there will be some that are large and will fall above that threshold and they would be subject.

ASSEMBLYWOMAN DICKMAN:
Mr. Aguero, you seem somewhat unclear as to whether a business can be audited even if they fall under the $4 million cap. Yet section 18, subsection 1 says, "To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount of the commerce tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the commerce tax." Is that not an audit? Who determines whether they may be liable?

JEREMY AGUERO:
Thank you for the question. In order to clarify, my intent was to say early on that I would defer to the Department of Taxation relative to questions as they relate to audit. I will continue to do that, as they are the professionals who do that. The only thing I would tell you is that is the standard language that exists for our tax statutes in Nevada. As I attempted to say in my answer to the other question, perhaps not as clearly as I should have, that would be no different for all of the taxpayers that would be subject to the commerce tax.

ASSEMBLYWOMAN DICKMAN:
Basically, if you are a very small business, you probably will not be subject to the tax but you will be subject to the filing burden. Correct?

JEREMY AGUERO:
Yes.

CHAIR ARMSTRONG:

With that, the time is 2:32 p.m. We are going to take a five-minute break and then open it up for testimony after that. I am going to divide up the testimony. The time will be restricted for those who want to speak in support, opposition, or neutral. The time limit will be three minutes, and I would ask the speakers to be concise and make sure that it is in reference to the amendment itself. Thank you very much, Mr. Aguero and Mr. Willden.

Without objection, the Committee of the Whole recessed at 2:32 p.m.

IN COMMITTEE OF THE WHOLE

At 2:38 p.m.
Chair Armstrong presiding.
Quorum present.

CHAIR ARMSTRONG:

We are going to start. I want to explain how the testimony is going to work. We have 70 minutes. I only have two people signed in for neutral. I have a timer at my desk, so I will be timing three minutes for each person. We are going to do 30 minutes of support, 30 minutes of opposition, and then 10 minutes of neutral. The Sergeant at Arms will bring three people down at a time to testify at the table, and then each person will be allotted their time.

At this point, we are going to open it up for those who want to testify in support of the amendment. Would anyone like to come forward to speak in support of the amendment? [There was no one.] We will move to opposition. If anyone would like to speak in opposition to the amendment, please come forward.

RAY BACON, REPRESENTING NEVADA MANUFACTURERS ASSOCIATION:

For the record, Ray Bacon, Nevada Manufacturers Association. I think I will start by giving some clarity on some of the issues that impact the manufacturing sector a little bit and some of the complexity that we see as far as complying with this as it is written.

First of all, as a nation it has been fairly common that we are moving from a goods-based economy to a service-based economy. That has been widely touted in the press now for probably 20 years. A large portion of our goods economy has a tendency to be imported goods. At this stage of the game, I know of no mechanism where the state of Nevada could impose taxes on the companies that are under a free trade agreement. Our largest two trading partners in this country, and large trading partners in this state, are both Canada and Mexico. The North American Free Trade Agreement would not allow those corporations to be charged the tax, as I see it. We also have a free trade agreement with Korea; we will probably have one with Japan before this comes in place. What this effectively is doing, regardless of where the goods come from, is shifting that tax to U.S.-based companies. That is a point that I think is not addressed in this in any way, shape, or form.

Mr. Aguero talked about the pyramiding issue. In this country, as a general rule in the manufacturing sector, raw materials are not taxed for sales tax purposes or any other general basis, but then the finished good is subject to tax. That has been the common practice. That does not eliminate pyramiding, but it drastically reduces that. This will violate that principle. The way we do that in the face of residential housing and most construction is, we tax the materials and then we do not have a sales tax or any direct tax on the sale of the house. That was a change that we actually made in this state back in the 1950s. We started off with sales tax applying to the sale of homes, as well, and we took one look and said, That does not feel good, because all of a sudden that sales tax price, even at 2 percent, was a dramatic number. There will be pyramiding in this thing, and there is no way around that.

Assemblyman Edwards' point on the $60 million leverage number, if you take a look—and Mr. Aguero in previous testimony implied that the long-term goal is to increase the commerce tax and decrease the MBT [modified business tax]—if you do that, that $60 million roughly through the $600 million that we are going to be bringing in, means you would have to take this commerce tax, which right now is [allotted time was exceeded].

VICTOR JOECKS, EXECUTIVE VICE PRESIDENT, NEVADA POLICY RESEARCH INSTITUTE:

Thank you, Mr. Chairman. For the record, Victor Joecks with the Nevada Policy Research Institute, opposed to Assembly Bill 464. Regardless of how much the gross receipts tax brings in, there are inherent structural problems with that type of tax. First, it raises taxes on businesses that are losing money, which may put many of them out of business. As Mr. Bacon said, it creates tax pyramiding problems. These are some of the reasons that Texas has moved, just this week actually, to cut its margin tax by 25 percent. As Jeremy Aguero has noted, the commerce tax rates are based on the Texas margin tax. These were some of the same problems voters had with the recently defeated margin tax.

We have heard a lot of discussion today on the 27 different tax rates under the commerce tax and how and why each of those rates was selected. That discussion highlights why the commerce tax, as currently structured, flies in the face of Article 10, Section 1 of the *Nevada Constitution*, which says, "The Legislature shall provide by law for a uniform and equal rate of assessment and taxation . . . ." Now, it is important to point out, as has been noted, that the commerce tax will collect just $60 million in the next biennium, which will make it the twelfth-largest tax source behind the sales tax, sales tax commission, MBT on nonfinancial institutions, insurance premium tax, real property transfer tax, live entertainment tax, business license fee, cigarette tax, liquor tax, Secretary of State revenues, and short-term car rental fees.

Assemblyman Edwards made an excellent point. Unless you intend to increase the commerce tax in future biennia, how does a revenue source that is less than 1 percent of the budget create stability? It does not. I think what you are voting on with this bill is not just a $60 million tax, but knowing there are folks who want to expand it in the future.

Lastly, I think it is important to discuss the motivation for this tax increase. We have heard talk about the need to fund Governor Sandoval's education plans. There has been discussion about how this time there will be accountability for the education funding. In the last 30 years, according to LCB, we have nearly doubled inflation-adjusted per-pupil spending. So before we trust that there will be accountability for future spending, where is the accountability for the spending that we have already had? If you go back and look at the last big tax increase in 2003, then you look at what Governor Guinn said after the tax increase, he promised that he would create a commission to ensure accountability for the additional education dollars. Yet here we are, 12 years later, having the exact same discussions with the promises that this time there will be accountability. I think there has been this idea that somehow this will be the fix or this will be what is necessary to improve it. But if you look at Senate Bill 508, which is currently in Ways and Means, the Legislature is looking at spending an additional $1.5 billion in educational funding, and that is what they say will finally be the improvement. Of the $700 million in new spending this time, only $25 million is going toward [allotted time was exceeded].

PAUL J. ENOS, CHIEF EXECUTIVE OFFICER, NEVADA TRUCKING ASSOCIATION:

Good afternoon, Mr. Chairman, members of the Committee. For the record, I am Paul Enos. I am the CEO [Chief Executive Officer] of the Nevada Trucking Association. We are here today to support two-thirds of the revenue package. I think we made some good changes to the BLF [business license fee]. We do support an increase in the modified business tax; however, we do oppose the amendment that includes the commerce tax. The trucking industry, which in the state of Nevada moves 94 percent of the freight, would have a rate of 0.202 percent. Now, when you take a look at that, you go, That is not bad; that is going to hit the big trucking companies. When you look at the situs—I heard Mr. Aguero talking today about wanting to get those out-of-state guys that are not paying when they come in here and use roads. One thing I can tell you is that every truck—does not matter where it is plated, does not matter where it is buying its fuel—is paying registration and fuel tax in the state of Nevada if it is a commercial motor vehicle. The way that this amendment would treat the trucking industry would mean that all of our intrastate movements are exempted. That is the situs portion that is in section 22, subsection 1, paragraph (e) of the bill. It says we are only going to tax those movements that have an origin and a destination in the state of Nevada. So our big companies that are doing interstate movement, that are going outside the state—and most of our movement is interstate in Nevada. We do not make a lot here. We do not move a lot here. What we do move—we move ore, we move agriculture, we move food from distribution centers and warehouses into our casinos and restaurants, and we

move construction equipment. Those are the guys that we are going to be hitting here. With an average profit margin of 1.65 percent for our industry, a rate of 0.202 would give us an effective income tax rate of 12.24 percent. That is 27.8 times higher than the income tax rate in the state of California. So we can talk about economic diversification. We can say that this is okay for business. For the trucking business, this puts us at a rate 27.8 percent higher than California. We do have problems with pyramiding. We do think that is an issue.

I just want to say one quick thing. We are absolutely a capital-intensive business. Those trucks cost a lot of money. We are also a labor-intensive business. We need drivers to move those trucks. We are subjected to volatile prices in commodities that we need, such as fuel, that are traded on world markets that really do have an impact on our profitability. That is one of the reasons why our profitability is down. That is one of the number one reasons why we are here opposing that commerce tax, because even our companies that are losing money would have to pay it. We are opposed to the commerce tax. I would ask you not to do this, not to hurt these businesses. Thank you very much.

BRYAN WACHTER, SENIOR VICE PRESIDENT, RETAIL ASSOCIATION OF NEVADA:

Thank you, Mr. Chairman of the Assembly Committee of the Whole. My name is Bryan Wachter. I serve as the Senior Vice President of the Retail Association of Nevada. We are the second-largest industry in Nevada in terms of employment, representing roughly over $23.5 billion in state economic spending. We were a large partner in the fight against Question 3 in November. I want to clarify some points or provide a different perspective.

Mr. Aguero walked through a couple of reasons why he felt that the margin tax on the ballot was different than the question before you. The rate certainly is different, but the rate in this case is not elective as it was in the margin tax. This rate is based on a year's worth of data comparing the Texas economy to the Nevada economy, and Mr. Aguero has chosen what your profit margin will be for you. There are massive pyramiding problems when you tax at every rate of production. You are going to increase product prices at every single level.

Lastly, profitability—you heard testimony earlier from Mr. Aguero saying that profitability applies to all taxes. Well, with my property tax, I at least have an asset that I am able to utilize against that property tax. My modified business tax—it is very unlikely as a business that I will be losing money and will continue to be able to afford employees. After my revenue, my income, has fallen, I will be forced to let go of employees so it is unlikely that I will still have employees and still be paying the modified business tax. What is likely is after the July through June fiscal cycle of this particular tax, I will owe money and it will be more than what I was projecting in profits throughout the year. That is a bad reason to tax. Bad taxes are those that force you to make an economic decision you otherwise would not have made, and that seems to be the definition of this tax.

We were told during the hearing that there is a 25 percent chance that this revenue will not be realized. The modified business tax is your most stable, predictable tax that we have. The Economic Forum spent two minutes predicting it on May 1. We need to rely on the taxes that we know are going to produce and can produce, especially when they are funding important things—education, mental health, IT [information technology], pre-K. We have to go with what we know works. A net $60 million additional tax that attempts to tax people that are not here in the state, that we do not know if we can actually get, is the wrong message and it is the wrong way to stabilize our revenue system. Thank you, Mr. Chairman.

JOHN EPPOLITO, PRIVATE CITIZEN, INCLINE VILLAGE, NEVADA:

My name is John Eppolito. I am a former K-12 teacher. I am a parent with four kids in the public schools. I am not a paid lobbyist. My comments will not take three minutes. However, I did just email all the Assembly members my full comments, which would probably take you about two or three minutes to read. I am going to go with the shorter version right now.

I do agree that Nevada spends way too little on public education, but I am opposed to A.B. 464 because of what the money will be spent on. One thing it will be spent on is to implement Common Core. It has already failed in other states; it will fail here, too. It is just a matter of time and how many children get harmed before we stop it. Two, the inappropriate and harmful SBAC [Smarter Balanced Assessment Consortium] testing and teacher punishment related to the same. Third, the most insidious aspect of all—and over $9 million in the budget and nine new positions at the

Nevada Department of Education—is to collect, store, and share personal information on our children with almost anyone who asks. This is a bad bill. We need to discuss what the money is going to be spent on. Thank you very much.

WAYNE FREDIANI, EXECUTIVE DIRECTOR, NEVADA FRANCHISE AUTO DEALERS ASSOCIATION:

For the record, Wayne Frediani, Executive Director of the Nevada Franchise Auto Dealers Association. I represent 106 franchised new car and truck dealers that employ about 11,000 people. We have been in support of the education reform initially. We have no problem with the business license fee. We have no problem with the modified business tax. But we have a problem with the commerce tax.

We are an industry whose operating margin is very similar to the trucking industry—about 1.8 to 2.4 percent. Our numbers are big. They are large. But our costs of goods sold are large as well. From a net profitability standpoint, it affects dealers. I have a dealer who has run this number—and granted, it is a large operation. He will pay $802,000 under this formula. He is not going to pay $802,000 out of his bottom line. He is going to lay some people off to be able to cover that. That is the bottom line.

We are not anti-education. I do not like the policy. I think there were some better ideas that could have happened. I know for a fact that this will be harmful to economic development. In September of this year, the Governor asked me if we would support a modification of the franchise act to allow Tesla to come into Nevada because of economic development. We gave up dealer rights to do that because we felt it was important. Tesla's business model is very questionable whether they will even make it. Will the battery plant make it? Yes, I think the battery plant will make it. But we gave up some rights there for economic development. I just have a really hard time understanding how this is not going to impact economic development if this is passed. I would urge you not to pass the commerce tax as part of this bill. Thank you.

CHAIR ARMSTRONG:

Thank you, Mr. Frediani. Would anyone else like to come down and speak in opposition to this amendment? While those people come down, I believe we have someone down south in Las Vegas who was signed in for opposition. If that person is there, we can take his testimony while these people are coming up. Please state your name for the record. You have three minutes.

ED UEHLING, PRIVATE CITIZEN, LAS VEGAS, NEVADA:

My name is Ed Uehling, from here in Las Vegas. When this session started back in February, you had the choice of either doing things that would stimulate economic development or would discourage economic development and destroy the economy. Everything you do does one of these two things. Economic development means creating jobs, creating higher incomes, creating wealth, having fewer controls over people, having fewer taxes, and having a more efficient government. You have decided not to look at the actions of the government and rather to go to the public because you have decided that the government budgets are more important than our budgets—than our household budgets, than our business budgets, than the budgets in the private sector. You have decided to tax. There are two ways of getting taxes. You can either enlarge the pie that we have or you can impose higher rates and create new tax categories.

CHAIR ARMSTRONG:

Mr. Uehling, do you have comments to the amendment?

ED UEHLING:

Yes, I oppose it. I am against this amendment and these new tax categories because they are going to discourage economic development in this state. It was stated in the answer to one of the questions, What will happen if the education system continues to decline? And the answer given was, We will look at the metrics and we will do something about it. That is totally false. The Legislature, the government of the state of Nevada, none of the county agencies, none of the cities—governments do not look at metrics. They do not look at the outputs that they are giving. They are only interested in the inputs. I have had a couple of unique experiences. I moved here with my family in 1943 at the age of three, and I moved into a society that had very low taxes and actually functioned, to a large degree, better than the government does today. For example, the

output of the schools was better when I graduated in 1958 than it is today and yet we spend a lot more money today [allotted time was exceeded].

CHAIR ARMSTRONG:
Mr. Uehling, thank you. Your time is up. We will come back up to Carson.

BRIAN REEDER, GOVERNMENT AFFAIRS COORDINATOR, NEVADA CHAPTER, ASSOCIATED GENERAL CONTRACTORS:
Thank you, Mr. Chairman. For the record, Brian Reeder with the Nevada Chapter of the Associated General Contractors of America. We are opposed to Assembly Bill 464 with Amendment 7779 [Appendix A] because it implements a commerce tax. The construction industry is the backbone of a growing economy, and we all know that construction was hit very hard during the recession. Two out of every three construction workers lost their jobs, so we have seen what a recession can do. It is recovering right now, we are happy to say. But that recovery is still fragile, and the commerce tax makes the construction industry very, very nervous.

Briefly to the issue with pyramiding, it appears that the language we have here in this amendment is the same as Senate Bill 252. I know the proponents, the drafters, attempted to address pyramiding, but we think that there are still some problems. Specifically, if you are a contractor and a supplier, you will, with construction materials, pay the tax based on the same revenue. Another problem with the materials is, if I am a general contractor and my subcontractor payments can be pass-through revenue, why would I ever buy my own materials again if the materials are not pass-through revenue? We think that is a problem.

For those reasons, the AGC [Associated General Contractors] does not support the bill with this amendment. Thank you.

TERRY GRAVES, REPRESENTING NEVADA COGENERATION ASSOCIATES; AND SCRAP METAL PROCESSING GROUP:
For the record, Terry Graves, representing Nevada Cogeneration Associates and Scrap Metal Processing Group. I love Mr. Aguero and I appreciate his ability to present this third plan and make it sound like a different plan, but our problem is, you cannot fix our objection to the plan in that it is a gross receipts tax plan. It is basically the same conceptual plan that was presented in Senate Bill 252. I will not repeat the technical problems we see with it; they have already been stated by previous folks who opposed it. I would just like to point out that my scrap metal processing folks, who are barometers of the economy, are not enjoying a good economy right now. One of them has laid off a third of his crew in the last six months. There is simply not much scrap metal being produced. The scrap metal comes from construction, it comes from renovation, it comes from personal residences replacing appliances, and so on. That is just not happening now because the economy really is not in a full-bore recovery.

I want to make that point to the Committee of the Whole here, Mr. Chairman. I appreciate the opportunity, and I appreciate the Committee considering these comments from both myself and the others who were in opposition.

CHAIR ARMSTRONG:
Thank you, Mr. Graves. Would anyone else like to speak in opposition to the amendment? Seeing none, we will go back around to those in support. If you are in support, we will take you three at a time. Just a reminder that testimony is limited to three minutes.

SAMUEL P. MCMULLEN, REPRESENTING NEVADA BANKERS ASSOCIATION:
For the record, my name is Samuel P. McMullen. I am here representing the Nevada Bankers Association in support of this amendment. The Bankers Association, of course, had to review this like anybody else does as a business and, frankly, decided that they were going to pay their fair share in whatever way you guys decided, even to the extent that there is a 2 percent MBT for financial institutions included in this. They are going to basically step over that. They may try to do something about it in future sessions, but they believe that this actually works. It works for them, so they wanted us to be in support of it, and we are today.

We also wanted to thank you for considering in this amendment some of the amendments that we proposed that were of a technical and correcting nature. I would say, Mr. Chairman, to you and through you to the members of the body because I know some of them will ask, there is

nothing in these amendments that reduces the tax burden on banking. We did not ask for any of that and, frankly, I want that to be said. We clearly support this and wanted you to know that. Thank you very much.

STEPHANIE TYLER, NEVADA STATE PRESIDENT, AT&T; AND REPRESENTING CTIA – THE WIRELESS ASSOCIATION; AND ECONOMIC DEVELOPMENT AUTHORITY OF WESTERN NEVADA:

Thank you, Mr. Chairman. For the record, Stephanie Tyler, representing AT&T. I am actually wearing a couple of different hats today. First of all, on behalf of CTIA – The Wireless Association, made up of the four major wireless companies; we are all very fierce competitors, and this is a very competitive marketplace. We invest more in infrastructure and advertising than I think just about any industry in the United States today. We do not agree on a lot of things, but our four companies did come together, looked at this tax proposal, and considered it. After a number of our concerns were addressed, we are here in support of this measure.

Now I would like to shift to my AT&T hat. On behalf of our over 1,000 employees in this state, as well as our millions of customers, we believe that the tax structure is way beyond its time for being broadened in terms of spreading the load as far across the board as we can. As a major taxpayer under this proposal, we are here in support of this because of the need to address the educational system as we see it today.

Lastly, as a member of the EDAWN [Economic Development Authority of Western Nevada] Board of Directors, Mike Kazmierski was here during the original hearing and testified in favor. He was unable to be here today, but I would like to convey, on behalf of the Economic Development Authority of Western Nevada, their support for this measure as well.

JOHN GRIFFIN, REPRESENTING SPRINT, DIRECTV, AND DISH:

Mr. Chairman and members of the Committee, John Griffin here today on behalf of three companies: Sprint, DIRECTV, and DISH. Collectively, the three companies provide services to over half a million Nevadans. All three companies would pay all three aspects of this plan; they would pay MBT, business license fee, and the commerce tax. For all three companies—Sprint, DIRECTV, and DISH—this plan before you today represents a tax increase to their operations, and they are here in support of it. Thank you.

JIM WADHAMS, REPRESENTING LAS VEGAS METRO CHAMBER OF COMMERCE:

For the record, my name is Jim Wadhams. I apologize in advance if my voice is a little raspy. I think I have the cold that seems to be going around the room. I am here today on behalf of the Las Vegas Metro Chamber of Commerce. We appeared in support of the amendment that the Governor offered to Assembly Bill 464 and are appearing today again in support of the refinements that were offered today in Amendment 7779 [Appendix A]. We think this is an important element of moving this state forward.

The Chamber, as many of you know, has supported several of the major components of education improvement and reform. As always, when we need to make improvements, we have to pay for them. You have heard from the questions and answers that there are problems with all forms of taxation. These are no different. We feel like this is a good compromise and highly recommend that the state continue to monitor, go forward with, and support this amendment. Thank you.

DANA BENNETT, PRESIDENT, NEVADA MINING ASSOCIATION:

For the record, I am Dana Bennett. I am President of the Nevada Mining Association. The Nevada Mining Association represents Nevada's statewide mining industry in every aspect, from exploration and construction to operation and vendors. We are here today in support of the amendment that you are reviewing. We have been encouraged by the educational reforms that have been considered. We are Nevada's oldest and most enduring STEM [science, technology, engineering, and mathematics] industry, and we are the first ones who are affected when we cannot find graduates who are skilled in science, technology, engineering, and math. We believe that Nevada's educational system should be the most excellent system, and we think that this is an important way to get there.

The Nevada Mining Association has consistently supported the development and application of a broad-based business tax, and we think that this amendment provides that compromise.

Nevada's economy is becoming more diversified—it is more diversified—and it is time for our tax system to be more diversified. Thank you.

BILLY VASSILIADIS, REPRESENTING NEVADA RESORT ASSOCIATION:

Thank you, Mr. Chairman. Billy Vassiliadis, representing the Nevada Resort Association. First, let me say that my friend and colleague Paul Enos is in favor of two-thirds of the bill and we are in favor of one-third of the bill, so together we have a compromise that I think you can pass.

We appreciate the concerns of our business colleagues, as we have concerns about the MBT. As the largest employer having the largest payroll, it is a concern to us. However, we also know that the education system in this state is sorely in need of support and of being fixed. I have heard a lot about economic development and the good or bad that this will do for economic development. We have represented economic development agencies around the country. When we look at the surveys done of relocation managers, the top two things that come out are a trained workforce and a quality of life. Not taxes, but a trained workforce and a quality of life. I would say that this is the first step toward achieving those two goals.

Lastly, I would like to say—and I said this in committee several times—we need to continue this discussion. I do not know that this is a perfect tax bill. I do not know that there is a perfect tax bill. I think sometimes bills are better when everybody is a little bit upset, as we all are now. But at the end of the day, the discussion needs to continue. Looking at the broadening of the sales tax, looking at some stabilization of our property taxes, there are a lot of avenues that we need to look at to create as broad and stable of a tax base as we can and one that does not unfairly burden any one sector of our economy. Thank you, Mr. Chairman.

JOSH GRIFFIN, REPRESENTING BARRICK GOLD OF NORTH AMERICA; MGM RESORTS INTERNATIONAL AND NEVADA SUBCONTRACTORS ASSOCIATION:

Josh Griffin, here on behalf of three pretty different companies. First, I am here to support the bill and the amendment presented here for Barrick Gold of North America, which is the largest gold mining company in the state. I am also here to testify on behalf of MGM Resorts, the largest employer and the largest taxpayer in the state. Then, finally in support is the Nevada Subcontractors Association, which is an association of small businesses that are part of the residential construction industry. These are three very different companies who agree with a lot of the testimony that has been given. It is not perfect, but it is good. I know there is an expression, Let us not make the perfect the enemy of the good. I just appreciate being able to be in front of you today to support this important piece of legislation.

BILL WELCH, PRESIDENT, NEVADA HOSPITAL ASSOCIATION:

For the record, Bill Welch with the Nevada Hospital Association, representing 95 percent of all hospital beds in the state of Nevada, regardless of the type of hospital. We have analyzed the various tax proposals that have come through, and each of them has impacted our industry in a different manner. This proposal impacts us probably to the greatest extent of the tax proposals that were out there. Having said that, we have looked at the options, we understand that we are in the last two and a half days of the legislative process, and we also understand the importance of adequately funding our essential services. Education and the health care services of this state need this package passed. We are here today to support the proposed amendment as it has been presented to you today, and we encourage your support. Thank you.

BILL NOONAN, SENIOR VICE PRESIDENT, BOYD GAMING CORPORATION:

I apologize up front. I got Jim Wadhams' cold. I am Bill Noonan, Senior Vice President of Boyd Gaming Corporation, based in Las Vegas. I am here on behalf of our 10,000 southern Nevada employees who feel that the education system is in need of definite improvements. The improvements outlined in the Governor's plan, we believe, address a lot of the concerns that we have heard from our workforce.

Boyd Gaming, as most of you know, is a Nevada-based and Nevada-born company. We are proud of our heritage and our roots in southern Nevada. We are here because we believe in the decency of this tax package. While there is no perfect tax package, we believe this one comes closer to meeting the needs of the education reforms that were outlined by the Governor. So, on behalf of Boyd Gaming, we totally endorse the amendment and the bill as drafted. Thank you.

KARLOS LASANE, REGIONAL VICE PRESIDENT, CAESARS ENTERTAINMENT:

My name is Karlos LaSane. I am the Regional Vice President of Caesars Entertainment. On behalf of Caesars Entertainment, the third-largest taxpayer in the state, and on behalf of our 33,000-plus employees, Caesars supports this amendment wholeheartedly. It is time to make sacrifices, lawmakers. It is the time right now to dig down—we are all making sacrifices. I would appreciate your support on this bill. Thank you.

SEAN T. HIGGINS, REPRESENTING GOLDEN GAMING, INC.:

Sean Higgins, here representing Golden Gaming. Much like Mr. Noonan said, Golden Gaming is a homegrown company. The owner of the company is a proud product of Nevada education, K through 12 and UNLV [University of Nevada, Las Vegas]. When the Governor came out with his education plan, Mr. Sartini came out in full support of that plan. He is also in support of the amendment to Assembly Bill 464. Golden Gaming is both a capital- and employee-intensive business. This is a tax that will have a direct and significant effect on Golden Gaming. However, as a Nevada company, we felt it incumbent to support the Governor and this tax plan, and we fully support the amendment to Assembly Bill 464.

STEVE HILL, EXECUTIVE DIRECTOR, OFFICE OF ECONOMIC DEVELOPMENT, OFFICE OF THE GOVERNOR:

My name is Steve Hill. I am the Executive Director of the Governor's Office of Economic Development. It is a pleasure to be before you again. As you have heard, I am here on behalf of our office as well as economic development entities across the state, including the Las Vegas Global Economic Alliance, EDAWN here in northern Nevada, and the Northern Nevada Development Authority.

I would first like to put to rest the idea that this compromise proposal before you today as amended will have a negative impact on economic development. That is not the case. As a point to exhibit that, and in particular with the commerce tax portion of this amendment and compromise tax program, there will not be abatements that will be necessary for that commerce tax. I think that is an important point to make. The policy that this body has made over the years to provide the opportunity for abatements is to mitigate the negative economic development consequences that come with standard tax policy. In this particular case, because of the alignment the commerce tax has with economic development, those abatements will not be necessary.

The other important point that I need to make is that the commerce tax portion allows the distribution of tax revenue to be generated not only from Nevada employers but from out-of-state employers. It is the only component in our tax system that does that. That means that current and future Nevada employers who are competing for business in our state with companies from out of state will be on a level playing field and will pay less taxes as a result of that. An estimate has been made that about 25 percent of the commerce tax will be paid by companies that have operations out of state and do business in this state. That is a significant savings for Nevada employers, and it is one of the reasons that this will be in alignment with economic development.

CHAIR ARMSTRONG:

Thank you, Mr. Hill. Would anyone else like to speak in support of this amendment? [There was no one.] Seeing no one, we will move to neutral. Would anyone like to speak neutral to this amendment?

SCOTT ANDERSON, CHIEF DEPUTY SECRETARY, OFFICE OF THE SECRETARY OF STATE:

For the record, Scott Anderson, Chief Deputy Secretary of State on behalf of Secretary of State Barbara Cegavske. The reason that we are here in neutral is that we are just addressing the amendment and the parts affecting our office and our ability to maintain and attract businesses to our state. We appreciate and support the reduction of the business license fee on LLCs [limited liability companies] and other entities to $200, but we cannot support the $500 increase on corporations. We have to realize that corporations include large corporations, small corporations, S corporations, mom-and-pop corporations—every size corporation. This fee will apply to all of them, regardless of their size and regardless of their revenue stream. We are concerned because of the flight that this could cause. The majority of the entities that file with our office have no

nexus in our state; they can go to other states, they can stay in their home jurisdiction, and they do not have to come here. So we are very concerned. There is a significant risk of flight.

I apologize because I know we are short on time here. We also have a concern because of the fact that we are uncertain that we could implement this. We are already past the time of implementation. We sent out our renewals for July last month, and August will go out on Monday. Those companies can pay their business license fees 90 days in advance. Additionally, it will take us a while to ramp up and get our systems changed so that we can effectively have any change in business licensing.

With that, I urge this Committee to adopt a flat business license. Keep it at the $200 and consider having perhaps a modest increase in the annual list fees. We think that would help fill that void in changing from the $200 to the $500. We would be happy to work with all parties involved to come up with a resolution and a solution to this. I am aways open to questions.

MATTHEW TAYLOR, PRESIDENT, NEVADA REGISTERED AGENTS ASSOCIATION:

For the record, my name is Matthew Taylor. I am the President of the Nevada Registered Agents Association. We are here in neutral but specifically to address one concern we have regarding the even application of this $300 increase that is applied only to corporations. Currently, there are 307,000 entities on file with the Secretary of State's Office. Forty-six percent of those, or 140,000 businesses, are corporations. Small Business Administration statistics show that 99 percent of all businesses are classified as small businesses. Corporations are not bigger than LLCs, S corporations, small businesses. There are a number of reasons people choose corporations; size is not the main factor for that. We are concerned that this penalizes those same small businesses that we are trying to protect by reducing LLC fees. By applying this fee only to corporations, we are affecting those same businesses that happen to choose corporation as a structure.

Again, we would also urge this body to maintain a level business license of $200 and would agree with the suggestion that a modest increase in the list fees is probably a more effective and more acceptable plan for us. We look forward to working with this body and the Secretary of State's Office to find a solution to this concern.

MARCUS CONKLIN, REPRESENTING UNIVERSITY OF PHOENIX:

My name is Marcus Conklin, here today representing University of Phoenix and testifying in the neutral position on Amendment 7779 [Appendix A] to Assembly Bill 464. I testified earlier on A.B. 464 regarding the specific impact the proposed tax structure would have on the private education community. As you make your final determinations on the specifics of this bill, I hope you will keep in mind the importance and value of these nonpublic schools to our education system and to our continued economic recovery. In this classification, we find not only private universities like the one I represent but also trade schools, such as beauty and cosmetology schools, schools training students for jobs in the gaming and hospitality industry, schools in car repair and mechanical skills, and even some private K through 12 schools.

Not every student has the ability to attend a public college or university. These institutions fulfill a real need in our state: online courses, coursework offered in the evenings, education that accommodates those students who work a full-time or part-time job or perhaps have child care responsibilities they have to work around. These schools are also important to the students who live in areas not readily served by public colleges or universities. These education opportunities are particularly critical in our still recovering economy where we have so many workers needing to retrain because they have lost their jobs or there are simply no jobs available in their previous line of work. It is because these education institutions are so critically important to so many students who want to continue their education that I believe we need to ensure their continued availability and success.

I hope you will seriously consider reclassifying these schools, not to erase but to mitigate their future tax burden and potential cost to students. Mr. Chairman, when appropriate, I hope you would consider reclassifying nonpublic education institutions. This is easily done by deleting section 43 of the bill. In effect, this would move providers of education services from one of the highest tax sections to the unclassified business section in section 49. Thank you, and I would be happy to answer any questions.

CHAIR ARMSTRONG:

Thank you, Mr. Conklin. Would anyone else like to come up in neutral to this amendment? Welcome, Ms. Vilardo. I am sorry I have to use a timer. Whenever you are ready.

CAROLE VILARDO, PRESIDENT, NEVADA TAXPAYERS ASSOCIATION:

For the record, Carole Vilardo, Nevada Taxpayers Association. I will be very brief. I came up not as much in neutral but to thank Jeremy Aguero and the Governor's staff because I know I drove them crazy relative to getting amendments and putting forth the issues that we had. I do appreciate that they tried to accommodate as much as possible everything that was there. I did forget one thing, and I spoke to Mr. Aguero about it and I have spoken to Ms. Kirkpatrick about it, and that was to put a provision in that we had put in Senate Bill 252. It is section 161. What it does is, unless there is a willful mischaracterization of revenue, if there is an audit the first year, there are no penalties and interest attached unless it is a willful violation of the statute. There is going to be a learning curve on this.

I would like to echo that there will be unintended consequences. It happens with every tax. I think we tried as much as possible, whether you like this bill or you do not, to get the issues resolved that could be identified at this time. One was just mentioned by the Secretary of State's Office, and that is the fact on the subchapter S corporations. So you see that this is going to be ongoing. You will be back next year if you pass this. As good as it might be when you pass it, as many unintended consequences as you think you have captured, I hate to tell you, that is impossible with a tax bill. But I thank everybody for their courtesy to me and listening to what my objections were and trying to resolve them. Thank you.

ANGIE SULLIVAN, PRIVATE CITIZEN, LAS VEGAS, NEVADA:

My name is Angie Sullivan, and I am a Clark County School District teacher. I want to testify in neutral because the need for this money is great. I appreciate all the people that I have seen say very frankly that this is going to affect us and we have decided to step up because it is something our community and the state of Nevada needs. There is a realization that education is in crisis, and I understand no one wants to pay. I saw some very bold moves by some leadership today. Thank you for your leadership, for doing what the kids in this state have waited for for a long time. The teachers try hard, the kids try hard, but the bottom line is that we have to have the things we need to be able to make progress.

So I wanted to testify in neutral. I have been watching the hearing and making notes of who is for kids and who is not. Thank you for all those people who are courageous in doing this work because I know it has been a heavy lift and might come at great personal cost or maybe at the cost of your business. But the truth of the matter is, the kids who cannot speak at this microphone are the people who will benefit from this and from the work of your hands. Thank you very much.

CHAIR ARMSTRONG:

Is there anyone else down in Vegas? [There was no one.]

ASSEMBLYMAN STEWART:

Can I make a comment to end the public comment? This might be the last time that Carole Vilardo has to share her wisdom with us. I personally, and I am sure the rest of the body, would like to express our appreciation for her years of sharing wisdom and knowledge of the tax program in Nevada.

CHAIR ARMSTRONG:

Thank you, Mr. Stewart, and I hope that even though she is retiring, we see her in this body for many years to come. With that, the Chairman will accept a motion.

ASSEMBLYMAN PAUL ANDERSON:

Thank you, Mr. Chairman, and I congratulate you on a well-run committee today. Mr. Chairman, I move that the Committee rise and report back to the Assembly.

On motion of Assemblyman Paul Anderson, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 3:32 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole has considered a proposed amendment to the Nevada Revenue Plan.

DEREK ARMSTRONG, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 258.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 30, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Antonio Ernesto Gonzalez.

Assemblyman Paul Anderson moved that the Assembly adjourn until Sunday, May 31, 2015, at 2 p.m.

Motion carried.

Assembly adjourned at 3:39 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), May 31, 2015

Assembly called to order at 6:16 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Dooling and Moore, who were excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Healing God, we pray today for Assemblyman John Moore, who was admitted today to the Reno VA hospital.

We ask that Your healing angels would be with him, and with those providing care for him, that he might be restored to fullness of health.

We also pray today for Richard Dooling, who died this morning. He was for 50 years the husband of Assemblywoman Vicki Dooling. Loving God, we pray today for Richard that You would receive him into the arms of Your loving embrace and into that heavenly dwelling place that You have prepared for him.

We pray for his wife Vicki and children, Todd and Candace, and all who mourn would be comforted by Your love. We pray this in Jesus' name.

The Assembly observed a moment of silence in honor of Richard Dooling.

God our creator, when You speak there is light and life. When You act, there is justice and love. Grant that Your love would be present so that what we say and what we do may be guided by Your Spirit.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELISSA WOODBURY, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 489, 490, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 467, 506, 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 203, 388, 389, 448, 466, 469, 472, 473, 482, 483.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 5, Amendment No. 1024; Assembly Bill No. 71,

Amendment No. 1021, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 240, Senate Amendment No. 913, and requests a conference, and appointed Senators Harris, Hammond and Ford as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 461, Senate Amendment No. 777, and requests a conference, and appointed Senators Farley, Settelmeyer and Ford as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 213, 214.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 818 to Senate Bill No. 4; Assembly Amendment No. 981 to Senate Bill No. 374.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 895 to Senate Bill No. 391; Assembly Amendment No. 910 to Senate Bill No. 474.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 840 to Senate Bill No. 146.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Brower, Hammond and Kihuen as a Conference Committee concerning Senate Bill No. 52.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Settelmeyer, Farley and Harris as a Conference Committee concerning Senate Bill No. 193.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lipparelli, Goicoechea and Parks as a Conference Committee concerning Senate Bill No. 340.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Brower, Roberson and Ford as a Conference Committee concerning Senate Bill No. 348.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Hammond, Settelmeyer and Atkinson as a Conference Committee concerning Senate Bill No. 376.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Goicoechea, Lipparelli and Atkinson as a Conference Committee concerning Senate Bill No. 482.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 31, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 258, Amendment No. 1034, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 92, 416, 502.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 325, 371.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 483 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried

Assemblyman Paul Anderson moved that all rules be suspended, reading so far had considered first or second reading as appropriate, rules further suspended, and all measures reported out of committee be declared emergency measures under the constitution and placed on third reading and final passage.

Motion carried

Assemblyman Paul Anderson moved to dispense with the reprinting of all measures for the remainder of the session.

Motion carried.

WAIVER OF JOINT STANDING RULES

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 275.
To Waive:
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 30, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Assembly Bill No. 122.
To Waive:
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 31, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

A Waiver requested by Senator Roberson.
For: Senate Bill No. 123.
To Waive:
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 31, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hambrick (Emergency Request of the Speaker of the Assembly):

Assembly Bill No. 493—AN ACT relating to incorporated cities; authorizing the governing body of an incorporated city to exercise powers necessary or proper to address matters of local concern for the effective

operation of city government; providing that such powers do not apply to certain matters; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hambrick (Emergency Request of the Speaker of the Assembly):

Assembly Bill No. 494—AN ACT relating to taxation; creating a regional board for the purpose of considering whether to enact the legislatively authorized increase in the rate of the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; providing that any such increase in the rate must be approved by a two-thirds majority of the members of the regional board; specifying the membership and duties of the regional board; requiring the Board of County Commissioners of Clark County to impose an increase in the rate of the tax if such increase is approved by the regional board; specifying the date by which any such increase in the rate must first be imposed; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 495—AN ACT relating to the Legislature; revising provisions governing the submission of a request for the drafting of a legislative measure to the Legislative Counsel; revising the deadline for prefiling legislative measures; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 496—AN ACT relating to the Legislative Department of the State Government; revising and clarifying provisions relating to the Legislative Department of the State Government; clarifying provisions relating to legislative studies and investigations; clarifying provisions relating to the work produced by and matters entrusted to the Legislative Counsel Bureau; clarifying the statutory codification of the constitutional doctrines of separation of powers and legislative privilege and immunity; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Kirkpatrick (Emergency Request of the Assembly Minority Leader):

Assembly Bill No. 497—AN ACT relating to taxes; revising provisions governing the financing of certain undertakings located in a tax increment area; authorizing, under certain circumstances, the allocation of certain sales and use taxes and employer excise taxes for the payment of debt incurred by a municipality that has designated a tax increment area for the purpose of financing an undertaking; authorizing, under certain circumstances, the financing of certain undertakings located in a tax increment area through the purchase by the State Treasurer of certain municipal securities and revenue securities; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 92.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 213.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 214.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 325.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 371.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 416.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 502.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 483.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 1017.

AN ACT relating to governmental financial administration; **temporarily** revising provisions governing the rate of the payroll tax imposed on certain businesses engaged in mining in this State; **temporarily** revising provisions governing the rate and distribution of the excise tax on cigarettes; extending the prospective expiration of certain requirements regarding the **imposition and** advance payment ~~[and computation of the tax on the net proceeds from certain mining operations conducted in this State;]~~ **of certain taxes;** removing the prospective expiration of certain requirements regarding the imposition of the local school support tax; temporarily extending the allocation of a portion of the proceeds of the basic governmental services tax to the State General Fund; requiring businesses to provide additional information in an application for the issuance or renewal of a state business license that is submitted during a specified period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on certain financial institutions at a rate of 2 percent of the total wages paid by the financial institution each calendar quarter. (NRS 363A.130) **Sections 1 and 2** of this bill require businesses that are subject to the tax on the net proceeds of mining to pay the tax on the wages paid by the business at the same rate as the rate paid by financial institutions under existing law. **Section 17 of this bill expires this increased rate on June 30, 2017.**

Existing law imposes an excise tax on certain businesses other than financial institutions at the rate of 1.17 percent of the total wages paid by the business each calendar quarter that exceed $85,000. (NRS 363B.110) On July 1, 2015, this rate is scheduled to change to 0.63 percent of the total wages paid by the business each calendar quarter. (Chapter 476, Statutes of Nevada 2011, pp. 2891, 2898, as last amended by chapter 518, Statutes of Nevada 2013, p. 3427; chapter 518, Statutes of Nevada 2013, p. 3424) **Sections 10 and 12-14** of this bill ~~[remove]~~ **delay** this scheduled rate change **until June 30, 2017,** and ~~[permanently]~~ **thus** provide for the imposition of the tax at the rate of 1.17 percent of the total wages paid by the business each calendar quarter in excess of $85,000 ~~[.]~~ **until that date.**

Existing law imposes an excise tax on the purchase, possession or use of cigarettes at the rate of 80 cents per pack of 20 cigarettes. (NRS 370.165, 370.350) Under existing law, the Department of Taxation must remit 70 cents

of the tax on each pack of 20 cigarettes, less the costs of collecting the tax, to the State Treasurer for deposit in the Account for the Tax on Cigarettes in the State General Fund, and the remaining amount of the tax must be deposited in the Local Government Tax Distribution Account for distribution to local governments. (NRS 370.260) **Sections 3-5** of this bill increase the excise tax on cigarettes to $1.80 per pack of 20 cigarettes and require the additional amount of tax to be deposited in the Account in the State General Fund. **Section 17 of this bill expires the increased amount of the tax on June 30, 2017. Section 16** of this bill requires a wholesale dealer who purchases a revenue stamp evidencing payment of the tax before July 1, 2015, but who has not affixed that stamp to a pack of cigarettes before that date to pay the additional tax on the stamp.

Existing law requires, until June 30, 2015, the advance payment of the tax on the net proceeds of minerals based upon the estimated net proceeds and royalties of a mining operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special Session, p. 14, as last amended by chapter 518, Statutes of Nevada 2013, p. 3425) **Section 6** of this bill delays the expiration of this requirement for advance payment until June 30, ~~[2016,]~~ **2017,** and **section 11** of this bill makes conforming changes to related transitory provisions governing the duties of the Department of Taxation in ~~[2017]~~ **2018** and the appropriation and apportionment of money to counties and other local governments during that year.

Existing law provides that effective January 1, 2016, in computing the net proceeds from certain mining operations conducted in this State, a person may deduct certain amounts expended for health care for employees actually engaged in mining operations in this State. (Chapter 449, Statutes of Nevada 2011, p. 2690, as amended by chapter 518, Statutes of Nevada 2013, p. 3426) **Section 9** of this bill extends to January 1, ~~[2017,]~~ **2018,** the effective date of this deduction. **Section 8** of this bill makes conforming changes to transitory provisions governing the computation of the proceeds from certain mining operations for calendar years ~~[2016]~~ **2017** and ~~[2017]~~ **2018** and all subsequent calendar years.

Existing law requires, until June 30, 2015, an increase in the rate of the Local School Support Tax of 0.35 percent. (Chapter 395, Statutes of Nevada 2009, pp. 2191-93, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) **Section 7** of this bill ~~[removes]~~ **delays** the expiration date of this ~~[rate thereby requiring the payment of this rate indefinitely.]~~ **increase until June 30, 2017.**

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each $1 of valuation of the vehicle, as determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth depreciation schedules for determining the amount of the basic governmental services tax due each year for used vehicles and establishes a minimum tax. (NRS 371.060)

In 2009, the amount of the basic governmental services tax due annually was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue from these increases in the basic governmental services tax were allocated to the State General Fund until June 30, 2015, and then were required to be deposited in the State Highway Fund thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) **Section 7** of this bill extends for an additional 2 years the period during which the increases in the basic governmental services tax are allocated to the State General Fund. Therefore, those increases will be deposited in the State Highway Fund commencing on July 1, 2017.

~~[Section 14.5 of this bill requires a person who, on or after October 1, 2015, and before October 1, 2016, applies for the issuance or renewal of a state business license to include in the application certain information concerning the revenue earned by that person from the sale of services used in this State.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~["Employer"]~~

1. Except as otherwise provided in this section, "employer" means any ~~[financial]~~ ***:***

(a) Financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution **.** ~~[, except]~~

(b) Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.

2. The term does not include an Indian tribe, a nonprofit organization or a political subdivision.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[2.]~~ ***(b)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[3.]~~ ***(c)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 2. NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~["Employer"]~~

1. Except as otherwise provided in this section, "employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for

any calendar quarter with respect to any business activity of the employer . ~~[, except a]~~

2. The term does not include:

(a) A financial institution ~~[, an]~~ ***;***

(b) Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;

(c) An Indian tribe ~~[, a]~~ ***;***

(d) A nonprofit organization ~~[, a]~~ ***;***

(e) A political subdivision ***;*** or ~~[any]~~

(f) Any person who does not supply a product or service, but who only consumes a service.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Financial institution" has the meaning ascribed to it in NRS 363A.050.

~~[2.]~~ ***(b)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[3.]~~ ***(c)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[4.]~~ ***(d)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 3. NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or possession of cigarettes by a consumer in the State of Nevada at the rate of ~~[40]~~ ***90*** mills per cigarette. The tax may be represented and precollected by the affixing of a revenue stamp or other approved evidence of payment to each package, packet or container in which cigarettes are sold. The tax must be precollected by the wholesale or retail dealer, and must be recovered from the consumer by adding the amount of the tax to the selling price. Each person who sells cigarettes at retail shall prominently display on the premises a notice that the tax is included in the selling price and is payable under the provisions of this chapter.

Sec. 4. NRS 370.260 is hereby amended to read as follows:

370.260 1. All taxes and license fees imposed by the provisions of NRS 370.001 to 370.430, inclusive, less any refunds granted as provided by law, must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall:

(a) As compensation to the State for the costs of collecting the taxes and license fees, transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the credit of the Department. The deposited

money must be expended by the Department in accordance with its work program.

(b) From the remittances made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to ~~[35]~~ ***85*** mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.

(c) Transmit the balance of the payments each month to the State Treasurer for deposit in the Local Government Tax Distribution Account created by NRS 360.660.

(d) Report to the State Controller monthly the amount of collections.

3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

Sec. 5. NRS 370.350 is hereby amended to read as follows:

370.350 1. Except as otherwise provided in subsection 3, a tax is hereby levied and imposed upon the use of cigarettes in this state.

2. The amount of the use tax is ~~[40]~~ ***90*** mills per cigarette.

3. The use tax does not apply where:

(a) Nevada cigarette revenue stamps have been affixed to cigarette packages as required by law.

(b) Tax exemption is provided for in this chapter.

Sec. 6. Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, as last amended by chapter 518, Statutes of Nevada 2013, at page 3425, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009.

3. Sections 4 and 6 to 12, inclusive, of this act expire by limitation on June 30, 2009.

4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30, ~~[~~2015.~~ *2016.]* *2017.***

Sec. 7. Section 20 of chapter 395, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.

3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009 ~~[.]~~ , and expire by limitation on June 30, ~~[~~2015.~~]~~ ***2017.***

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, ~~[~~2015.~~]~~ ***2017.***

7. Section 18 of this act expires by limitation on June 30, ~~[~~2015.~~]~~ ***2017.***

Sec. 8. Section 17.5 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3426, is hereby amended to read as follows:

Sec. 17.5. The amendatory provisions of section 12.7 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[~~2015.~~ 2016.]~~ ***2017.***

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[~~2016~~ 2017]~~ ***2018*** and each calendar year thereafter.

Sec. 9. Section 19 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to 18, inclusive, of this act become effective upon passage and approval.

2. Section 12.5 of this act becomes effective on January 1, 2012.

3. Section 12.7 of this act becomes effective on January 1, ~~[~~2016. ~~2017.]~~ ***2018.***

Sec. 10. Section 13 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 13. The amendatory provisions of section 4 of this act :

1. Do ~~[do]~~ not apply to any taxes due for any period ending on or before June 30, 2011 ~~[.]~~ ; and

2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 17 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, ~~[~~2015.~~]~~ ***2017.***

Sec. 11. Section 15 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 15. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year ~~[~~2016,~~ 2017,]~~

2018, the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year ~~[~~2015~~ 2016]~~ ***2017*** pursuant to NRS 362.115, as that section read on January 1, ~~[~~2015;~~ 2016;]~~ ***2017;*** and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any provision of NRS 362.170 to the contrary:

(a) The amount appropriated to each county pursuant to that section for distribution to the county during the calendar year ~~[~~2016~~ 2017]~~ ***2018*** must be reduced by the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year ~~[~~2015, ~~2016,]~~ ***2017,*** excluding any portion of the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year ~~[~~2015~~ 2016]~~ ***2017*** which is attributable to a pro rata share of any penalties and interest collected by the Department of Taxation for the late payment of taxes distributed to the county.

(b) In calculating the amount required to be apportioned to each local government or other local entity pursuant to subsection 2 of that section for the calendar year ~~[~~2016, ~~2017,]~~ ***2018,*** the county treasurer shall reduce the amount required to be determined pursuant to paragraph (a) of that subsection for that calendar year by the amount determined pursuant to that paragraph for the calendar year ~~[~~2015. ~~2016.]~~ ***2017.***

Sec. 12. Section 17 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 17. 1. This section and sections 1 and 7 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 4.5 and 6 of this act become effective on July 1, 2011.

3. Sections 4 and 6.5 of this act become effective on July 1, 2011 ~~[.]~~ , and expire by limitation on June 30, ~~[~~2015.~~]~~ ***2017.***

4. Section 5 of this act becomes effective on the date that the balance of the separate account required by subsection 8 of NRS 408.235 is reduced to zero.

Sec. 13. Section 11 of chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 11. The amendatory provisions of section 1 of this act :

1. Do ~~[do]~~ not apply to any taxes due for any period ending on or before June 30, 2013 ~~[.]~~ ; and

2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 12 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, ~~[~~2015.~~]~~ ***2017.***

Sec. 14. Section 12 of chapter 518, Statutes of Nevada 2013, at page 3428, is hereby amended to read as follows:

Sec. 12. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on June 30, ~~[2015.]~~ ***2017.***

Sec. 14.5. 1. In addition to the information required by law to be included in an application for the issuance or renewal of a state business license, each application for the issuance or renewal of a state business license submitted on or after October 1, 2015, and before October 1, 2016, must include the following information:

(a) The total dollar amount of revenue earned by each business conducted by the applicant during the immediately preceding federal tax year of the business from the sale of services used in this State or, if the applicant conducted no business in this State during the immediately preceding federal tax year, an estimate of the total dollar amount of revenue that the applicant will earn from the sale of services used in this State during the 12-month period commencing with the date the application is submitted.

(b) The industry in which each business conducted by the applicant is primarily engaged.

2. The agency responsible for administering the state business license shall collect the information required by subsection 1 in the manner that is least burdensome for the businesses required to submit such information.

3. Upon request, the agency responsible for administering the state business license shall provide the information collected pursuant to subsection 1 to the Fiscal Analysis Division of the Legislative Counsel Bureau and the Department of Taxation.

4. The Fiscal Analysis Division and the Department of Taxation may analyze the information obtained pursuant to subsection 3 and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the agency responsible for administering the state business license pursuant to subsection 3. Any written report based on the information obtained pursuant to subsection 3 may include only aggregate information for statistical purposes and must exclude any identifying information related to a particular person or business.

5. Except as otherwise provided in subsections 3 and 4:

(a) If the information collected pursuant to subsection 1 is collected by the Secretary of State, the provisions of NRS 76.160 apply to the information.

(b) If the information collected pursuant to subsection 1 is collected by the Department of Taxation, the provisions of NRS 360.255 apply to the information.

(c) Any information obtained by the Fiscal Analysis Division pursuant to subsection 3 shall be deemed a work product that is confidential pursuant to NRS 218F.150.

6. As used in this section, "federal tax year" means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.

Sec. 15. The amendatory provisions of sections 1 and 2 of this act ~~[do]~~ **:**

1. Do not apply to taxes due for any period ending on or before June 30, 2015 ~~.~~ **; and**

2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of those sections by limitation pursuant to section 17 of this act, apply to taxes due pursuant to NRS 363A.130 for each calendar quarter ending on or before June 30, 2017.

Sec. 16. 1. The amendatory provisions of sections 3 and 5 of this act apply to cigarettes to which a stamp is affixed on or after July 1, 2015, regardless of the date on which a wholesale dealer purchased the stamp from the Department of Taxation.

2. As used in this section:

(a) "Stamp" has the meaning ascribed to it in NRS 370.048.

(b) "Wholesale dealer" has the meaning ascribed to it in NRS 370.055.

Sec. 17. 1. This section and sections 6 to 14, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 15 and 16 of this act become effective on July 1, 2015.

3. Section 14.5 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On October 1, 2015, for all other purposes.

4. Sections 1 to 5, inclusive, and 16 of this act expire by limitation on June 30, 2017.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

In 2009, at the time our state was in its worst financial crisis, Senator Raggio set up a series of tax changes that we have called the sunset taxes. They involve changes to the modified business tax and the business license fee. They required the mining industry to pay in advance on its taxation. There are other similar taxes in it, including a 0.35 percent sales tax that went to the Distributive School Account and today totals $376 million. Our state has not recovered anywhere close to making these things permanent. What this amendment does is extend the sunsets on these as was promised to the voters of the state of Nevada back in 2009.

We are still number one in the number of homes that are upside down on their mortgages. We are number two in the nation in foreclosure. Being a member of the small business community, I can assure this body that small businesses are still struggling financially. The idea that we are now going to make these taxes permanent is wrong in light of the original intent of Senator Raggio and the Legislature back in 2009. My amendment proposes to extend those sunsets for another two years, and if the economy of the state of Nevada substantially recovers, then we can revisit those. In light of the fact that our economy is still just barely getting going, this is the right thing for this body to do.

I should also point out that since the 2009 change, the number of business licenses that have come to Nevada for nonresident corporations has dropped off substantially. We have seen a loss of revenue that this state has relied on in the range of tens to hundreds of millions of dollars as those nonresident corporations are moving to Wyoming and other states we are no longer competitive against. Something as simple as changing the business license fee from $100 to $200 has hurt the nonresident efforts to come to this state. Right here in Carson City, there are a large

number of these resident agent businesses that are struggling now. We will be discussing further the other aspects of Senate Bill 483, including an even greater enhancement of the business license fee and how that will drive even more businesses out of Nevada. As most of you know who have studied the business license fee, that is basically free money. There are no children going to school from those. There are no increases in uses of our highways. It is one of the very best and most stable sources we have had for years.

I would urge this body to adopt my amendment to extend those sunsets, do the right thing for the economy, and keep these as temporary taxes with the expectation that our state's economy will improv and then we can revisit those in two years if that happens. I would urge the adoption of Amendment 1017 to Senate Bill 483.

Motion lost.

Assemblymen Hansen, Ellison, and Jones requested a roll call vote.

Roll call on motion to adopt Amendment No. 1017 to Senate Bill No. 483.

YEAS—14.

NAYS—Elliot Anderson, Paul Anderson, Araujo, Armstrong, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hambrick, Hickey, Joiner, Kirkpatrick, Kirner, Munford, Neal, Nelson, Ohrenschall, Oscarson, Spiegel, Sprinkle, Stewart, Swank, Thompson, Woodbury—26.

EXCUSED—Dooling, Moore—2.

Motion lost.

The following amendment was proposed by Assemblymen Armstrong and Paul Anderson:

Amendment No. 1039.

AN ACT relating to governmental financial administration; **providing for the imposition, administration and payment of a commerce tax on the Nevada gross revenue of certain business entities engaged in business in this State;** revising provisions governing the rate **and calculation** of the payroll tax imposed on certain businesses ~~[engaged in mining]~~ in this State; revising provisions governing the rate and distribution of the excise tax on cigarettes; **revising provisions governing the state business license fee; revising provisions governing the fee imposed on certain business entities for filing an initial or annual list;** extending the prospective expiration of certain requirements regarding the advance payment and computation of the tax on the net proceeds from certain mining operations conducted in this State; removing the prospective expiration of certain requirements regarding the imposition of the local school support tax; ~~[temporarily extending]~~ **revising provisions relating to** the allocation of a **certain** portion of the proceeds of the basic governmental services tax ~~[to the State General Fund; requiring businesses to provide additional information in an application for the issuance or renewal of a state business license that is submitted during a specified period;]~~ **; temporarily extending the expiration of the fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes an excise tax on certain financial institutions at a rate of 2 percent of the total wages paid by the financial institution each calendar~~

~~quarter. (NRS 363A.130) Sections 1 and 2 of this bill require businesses that are subject to the tax on the net proceeds of mining to pay the tax on the wages paid by the business at the same rate as the rate paid by financial institutions under existing law.]~~

Section 20 of this bill imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceed $4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. In accordance with section 9 of this bill, the Nevada gross revenue of a business entity is determined by taking the amount of its gross revenue, as defined in section 8 of this bill, making various adjustments to that amount under section 21 of this bill, and then situsing that adjusted amount to this State pursuant to section 22 of this bill. Sections 24-49 of this bill set forth the rate of the commerce tax for the industry in which a business entity is primarily engaged. Sections 2-66 of this bill further provide for the administration, collection and enforcement of the commerce tax by the Department of Taxation in a manner similar to other state taxes. Sections 77, 79, 83, 85, 86, 89, 90, 93-95, 97 and 100 of this bill authorize the imposition of various types of disciplinary action against certain business entities who fail to pay the tax by the agencies responsible for their supervision and licensing. Sections 78, 80-82, 84, 87, 88, 91 and 92 of this bill authorize the Department to obtain certain records and information from certain agencies to assist the Department in its administration of the tax. Sections 96, 98, 99, 101 and 102 of this bill amend various provisions of existing law, including, without limitation, various provisions of the Nevada Insurance Code to specifically provide that entities regulated under that Code are required to comply with the provisions of the commerce tax.

Existing law imposes an excise tax on certain businesses other than financial institutions at the rate of 1.17 percent of the total wages paid by the business each calendar quarter that exceed $85,000. (NRS 363B.110) On July 1, 2015, this rate is scheduled to change to 0.63 percent of the total wages paid by the business each calendar quarter. (Chapter 476, Statutes of Nevada 2011, pp. 2891, 2898, as last amended by chapter 518, Statutes of Nevada 2013, p. 3427; chapter 518, Statutes of Nevada 2013, p. 3424) **Existing law also imposes an excise tax on financial institutions at the rate of 2 percent of the total wages paid by the financial institution each calendar quarter. Sections** ~~[10 and 12-14]~~ **62 and 67-70** of this bill ~~[remove this scheduled rate change and permanently provide for the imposition of the tax at the rate of 1.17 percent of the total wages paid by the business each calendar quarter in excess of $85,000.]~~ **: (1) require businesses that are subject to the tax on the net proceeds of mining to pay the payroll tax at the same rate as the rate paid by financial institutions under existing law; (2) impose the payroll tax businesses other than a financial institution or a mining business at the rate of 1.475 of the total wages paid by the business each calendar quarter that exceed $50,000; (3) authorize a business to subtract 50 percent of the**

commerce tax paid by the business as a credit when determining the amount of the tax on the total wages paid the business which is due from the business; and (4) require a reduction in the rate of the tax on the total wages paid by all businesses if the combined revenue from the commerce tax and the tax on the total wages by a business exceed a certain amount.

Existing law imposes an excise tax on the purchase, possession or use of cigarettes at the rate of 80 cents per pack of 20 cigarettes. (NRS 370.165, 370.350) Under existing law, the Department of Taxation must remit 70 cents of the tax on each pack of 20 cigarettes, less the costs of collecting the tax, to the State Treasurer for deposit in the Account for the Tax on Cigarettes in the State General Fund, and the remaining amount of the tax must be deposited in the Local Government Tax Distribution Account for distribution to local governments. (NRS 370.260) **Sections ~~[3-5]~~ 71-73** of this bill increase the excise tax on cigarettes to $1.80 per pack of 20 cigarettes and require the additional amount of tax to be deposited in the Account in the State General Fund. **Section ~~[16]~~ 113** of this bill requires a wholesale dealer who purchases a revenue stamp evidencing payment of the tax before July 1, 2015, but who has not affixed that stamp to a pack of cigarettes before that date to pay the additional tax on the stamp.

Existing law imposes an annual fee of $200 for a state business license. (NRS 76.100, 76.130) On July 1, 2015, this fee is scheduled to change to $100. (Chapters 381 and 429, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) Sections 74 and 75 of this bill increased the annual state business license fee to $500 for all corporations organized pursuant to the laws of this State and all foreign corporations transacting business in this State. Sections 74 and 75 further maintain the existing $200 state business license fee for all other businesses.

Existing law requires each business entity organizing under the laws of this State or transacting business in this State to: (1) file with the Secretary of State an initial list and an annual list of the directors and officers of the entity or the persons holding the equivalent office; and (2) pay a fee for that filing. (NRS 78.150, 80.110, 82.193, 82.523, 84.110, 86.263, 86.5461, 87.510, 87.541, 87A.290, 87A.560, 88.395, 88.591, 88A.600, 88A.732, 89.250) Sections 75.5 and 76.1-76.8 of this bill increase by $25 the fee for filing an initial or annual list.

Existing law requires, until June 30, 2015, the advance payment of the tax on the net proceeds of minerals based upon the estimated net proceeds and royalties of a mining operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special Session, p. 14, as last amended by chapter 518, Statutes of Nevada 2013, p. 3425) **Section ~~[6]~~ 103** of this bill delays the expiration of this requirement for advance payment until June 30, 2016, and **section ~~[11]~~ 107** of this bill makes conforming changes to related transitory provisions governing the duties of the Department of Taxation in

2017 and the appropriation and apportionment of money to counties and other local governments during that year.

Existing law provides that effective January 1, 2016, in computing the net proceeds from certain mining operations conducted in this State, a person may deduct certain amounts expended for health care for employees actually engaged in mining operations in this State. (Chapter 449, Statutes of Nevada 2011, p. 2690, as amended by chapter 518, Statutes of Nevada 2013, p. 3426) ~~[~~Section 9~~]~~ **Section 106** of this bill extends to January 1, 2017, the effective date of this deduction. Section ~~[~~8~~]~~ **105** of this bill makes conforming changes to transitory provisions governing the computation of the proceeds from certain mining operations for calendar years 2016 and 2017 and all subsequent calendar years.

Existing law requires, until June 30, 2015, an increase in the rate of the Local School Support Tax of 0.35 percent. (Chapter 395, Statutes of Nevada 2009, pp. 2191-93, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) **Section** ~~[~~7~~]~~ **104** of this bill removes the expiration date of this rate thereby requiring the payment of this rate indefinitely.

The State of Nevada imposes a governmental services tax for the privilege of operating any vehicle upon the public highways of this State. (NRS 371.030) The annual amount of the basic governmental services tax is 4 cents on each $1 of valuation of the vehicle, as determined by the Department of Motor Vehicles. (NRS 371.040) Existing law sets forth depreciation schedules for determining the amount of the basic governmental services tax due each year for used vehicles and establishes a minimum tax. (NRS 371.060) In 2009, the amount of the basic governmental services tax due annually was increased for used vehicles by reducing the amount of depreciation allowed and increasing the minimum tax. The revenue from these increases in the basic governmental services tax were allocated to the State General Fund until June 30, 2015, and then were required to be deposited in the State Highway Fund thereafter. (Chapter 395, Statutes of Nevada 2009, p. 2188, as last amended by chapter 518, Statutes of Nevada 2013, p. 3426) ~~[~~Section 7~~]~~ **Sections 78.1-78.9** of this bill ~~[~~extends for an additional 2 years the period during which~~]~~ **provide that: (1)** the increases in the basic governmental services tax are allocated to the State General Fund ~~[~~. Therefore,~~]~~ **in fiscal year 2015-2016; (2) in fiscal year 2016-2017, fifty percent of** those increases **will be deposited in the State General Fund and 50 percent of those increases** will be deposited in the State Highway Fund **; and (3) the entire amount of those increases will be deposited in the State Highway Fund** commencing on July 1, 2017.

~~[~~Section 14.5 of this bill requires a person who, on or after October 1, 2015, and before October 1, 2016, applies for the issuance or renewal of a state business license to include in the application certain information concerning the revenue earned by that person from the sale of services used in this State.~~]~~

Existing law requires a court to impose a fee of $100, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found

guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor. The money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs. (NRS 484C.515) Under existing law, this fee expires by limitation on June 30, 2015. (Chapter 373, Statutes of Nevada 2013, p. 1992) Section 109 of this bill extends the expiration date of this fee until June 30, 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 61, inclusive, of this act.**

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Business" means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.***

Sec. 4. ***1. Except as otherwise provided in subsection 2, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business.***

2. "Business entity" does not include:

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(e) A business entity organized pursuant to chapter 82 or 84 of NRS.

(f) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by section 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the

grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

Sec. 5. "Commerce tax" means the tax required to be paid pursuant to this chapter.

Sec. 5.5. "Credit sales" means a sale of goods by a seller who accepts payments for the goods at a later time.

Sec. 6. "Engaging in a business" means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.

Sec. 7. "Governmental entity" means:

1. The United States and any of its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada and any of its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

Sec. 8. 1. Except as otherwise provided in subsection 3, "gross revenue" means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

2. Except as otherwise provided in subsection 3, the term includes, without limitation:

(a) Amounts realized from the sale, exchange or other disposition of a business entity's property;

(b) Amounts realized from the performance of services by a business entity;

(c) Amounts realized from another person's possession of the property or capital of a business entity; and

(d) Any combination of these amounts.

3. The term does not include:

(a) Amounts realized from the sale, exchange, disposition or other grant of the right to use trademarks, trade names, patents, copyrights and similar intellectual property;

(b) The value of cash discounts allowed by the business entity and taken by a customer;

(c) The value of goods or services provided to a customer on a complimentary basis;

(d) Amounts realized from a transaction subject to, described in, or equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033 of the Internal Revenue Code, 26 U.S.C. § 118, 331, 332, 336, 338, 351, 355, 368, 721, 731, 1031 or 1033, regardless of the federal tax classification of the business entity under 26 C.F.R. § 301.7701-3;;

(e) Amounts indirectly realized from a reduction of an expense or deduction; and

(f) The value of property or services donated to a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), if the donation is tax deductible pursuant to the provisions of section 170(c) of the Internal Revenue Code, 26 U.S.C. § 170(c).

(g) Amounts that are not considered revenue under generally accepted accounting principles.

Sec. 8.5. "Loan" means any extension of credit or the purchase in whole or in part of an extension of credit from another person, including, without limitation, participations and syndications.

Sec. 9. "Nevada gross revenue" means the gross revenue of a business entity from engaging in a business in this State, as adjusted pursuant to section 21 of this act and situsedto this State pursuant to section 22 of this act.

Sec. 10. "North American Industry Classification System" or "NAICS" means the 2012 North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.

Sec. 10.5. "Pass-through entity" means an entity that is disregarded as an entity for the purposes of federal income taxation or is treated as a partnership for the purposes of federal income taxation.

Sec. 11. 1. "Pass-through revenue" means:

(a) Revenue received by a business entity that is required by law or fiduciary duty to be distributed to another person or governmental entity;

(b) Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority;

(c) Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;

(d) Revenue received by a business entity that is mandated by contract or subcontract to be distributed to another person or entity if the revenue constitutes:

(1) Sales commissions that are paid to a person who is not an employee of the business entity, including, without limitation, a split-fee real estate commission;

(2) The tax basis of securities underwritten by the business entity, as determined for the purposes of federal income taxation; or

(3) Subcontracting payments under a contract or subcontract entered into by a business entity to provide services, labor or materials in connection with the actual or proposed design, construction, remodeling, remediation or repair of improvements on real property or the location of the boundaries of real property;

(e) Revenue received by a business entity that provides legal services if the revenue received by the business entity is:

(1) Mandated by law, fiduciary duty or contract to be distributed to a claimant by the claimant's attorney or to another person or entity on behalf of a claimant by the claimant's attorney, including, without limitation, revenue received:

(I) For damages due to a client represented by the business entity;

(II) That is subject to a lien or other contractual obligation arising out of the representation provided by the business entity, other than fees owed to the business entity for the provision of legal services;

(III) That is subject to a subrogation interest or other third-party contractual claim; and

(IV) That is required to be paid to another attorney who provided legal services in a matter and who is not a member, partner, shareholder or employee of the business entity; and

(2) Reimbursement of the expenses incurred by the business entity in providing legal services to a claimant that are specific to the claimant's matter and that are not general operating expenses of the business entity; or

(f) Revenue received by a business entity that is part of an affiliated group from another member of the affiliated group.

2. As used in this section:

(a) "Affiliated group" means a group of two or more business entities, including, without limitation, a business entity described in subsection 2 of section 4 of this act, each of which is controlled by one or more common owners or by one or more members of the group.

(b)"Controlled by" means the direct or indirect ownership, control or possession of 50 percent or more of a business entity.

(c) "Sales commission" means:

(1) Any form of compensation paid to a person for engaging in an act for which a license is required pursuant to chapter 645 of NRS; or

(2) Compensation paid to a sales representative by a principal in an amount that is based on the amount or level of orders for or sales on behalf of the principal and that the principal is required to report on Internal Revenue Service Form 1099-MISC, Miscellaneous Income.

Sec. 11.5. "Securities" means United States Treasury securities, obligations of United States governmental agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by United States or state governmental agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker's acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.

Sec. 12. "Taxable year" means the 12-month period beginning on July 1 and ending on June 30 of the following year.

Sec. 13. "Wages" means any remuneration paid for personal services, including, without limitation, commissions and bonuses, and remuneration payable in any medium other than cash.

Sec. 13.5. For the purposes of this chapter, unless otherwise indicated, section references are to the Internal Revenue Code of 1986, as amended, and include future amendments to such sections and corresponding provisions of future federal internal revenue laws.

Sec. 14. 1. For the purposes of this chapter, a business is a "passive entity" only if:

(a) The business is a limited-liability company, general partnership, limited-liability partnership, limited partnership or limited-liability limited partnership, or a trust, other than a business trust;

(b) During the period for which the gross revenue of the business entity is reported pursuant to section 20 of this act, at least 90 percent of the business entity's federal gross income consists of the following income:

(1) Dividends, interest, foreign currency exchange gains, periodic and nonperiodic payments with respect to notional principal contracts, option premiums, cash settlements or termination payments with respect to a financial instrument, and income from a limited-liability company;

(2) Capital gains from the sale of real property, gains from the sale of commodities traded on a commodities exchange and gains from the sale of securities; and

(3) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests; and

(c) The business entity does not receive more than 10 percent of its federal gross income from conducting an active trade or business.

2. As used in paragraph (b) of subsection 1, the term "income" does not include any:

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

3. For the purposes of paragraph (c) of subsection 1:

(a) Except as otherwise provided in this subsection, a business entity is "conducting an active trade or business" if:

(1) The activities being carried on by the business entity include one or more active operations that form a part of the process of earning income or profit, and the business entity performs active management and operating functions; or

(2) Any assets, including, without limitation, royalties, patents, trademarks and other intangible assets, held by the business entity are used in the active trade or business of one or more related business entities.

(b) The ownership of a royalty interest or a nonoperating working interest in mineral rights does not constitute the conduct of an active trade or business.

(c) The payment of compensation to employees or independent contractors for financial or legal services reasonably necessary for the operation of a business does not constitute the conduct of an active trade or business.

(d) Holding a seat on the board of directors of a business entity does not by itself constitute the conduct of an active trade or business.

(e) Activities performed by a business entity include activities performed by persons outside the business entity, including independent contractors, to the extent that those persons perform services on behalf of the business entity and those services constitute all or any part of the business entity's trade or business.

Sec. 15. For the purposes of this chapter, if a business entity engaging in a business in this State is engaged in business in more than one business category set forth in sections 24 to 49, inclusive, of this act, the business entity shall be deemed to be primarily engaged in the business category in which the highest percentage of its Nevada gross revenue is generated.

Sec. 16. The Department shall:

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for that purpose.

2. Deposit all fees, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.

Sec. 17. 1. Each person responsible for maintaining the records of a business entity shall:

(a) Keep such records as may be necessary to determine the amount of the liability of the business entity pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a business entity pursuant to the provisions of this chapter. The regulations adopted by the Department pursuant to this subsection must specify the type of information that a business entity engaging in a business in this State must keep in the normal course of its financial recordkeeping for the purpose of determining the amount of the commerce tax owed by the business entity.

Sec. 18. 1. To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount of the commerce tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the commerce tax.

2. Any person who may be liable for the commerce tax and who keeps outside of this State any books, papers or records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 19. The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out the provisions of this chapter. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.

Sec. 20. 1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds $4,000,000 in an amount determined pursuant to sections 23 to 49, inclusive, of this act. The commerce tax is due and payable as provided in this section.

2. Each business entity engaging in a business in this State during a taxable year shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a report on a form prescribed by the Department. The report required by this subsection must include such information as is required by the Department. A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1.

3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial report filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

4. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 21. ***1. In computing the commerce tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in gross revenue of the business entity:***

(a) Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.

(c) If a business entity is required to pay a license fee pursuant to NRS 463.370, the amount of its gross receipts used to determine the amount of that fee.

(d) If the business entity is required to pay a tax on the net proceeds from mineral extraction and royalties subject to the excise tax pursuant to the provisions of NRS 362.100 to 362.240, inclusive, the amount of the gross proceeds used to determine the amount of that tax.

(e) If the business entity is required to pay the tax imposed by chapter 369 of NRS, an amount equal to the amount of the excise tax paid pursuant to that chapter by the business entity.

(f) If the business entity is required to pay the tax imposed pursuant to chapter 680B of NRS:

(1) The amount of the total income derived from direct premiums written and all other considerations for insurance, bail or annuity contracts used to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

(2) Any amounts excluded from total income derived from direct premiums pursuant to NRS 680B.025; and

(3) Gross premiums upon policies on risks located in this State received by a factory mutual and amounts deducted from such gross premiums to determine the amount of the tax imposed by NRS 680B.027 upon the factory mutual pursuant to NRS 680B.033.

(g) If the business entity is required to pay the tax imposed pursuant to NRS 694C.450, the amount of the net direct premiums, as defined in that section, used to determine the amount of that tax.

(h) If the business entity is required to pay the tax imposed pursuant to NRS 685A.180, the amount of the premiums, as defined in that section, used to determine the amount of that tax.

(i) Except as otherwise provided by paragraph (j), the total amount of payments received by a health care provider:

(1) From Medicaid, Medicare, the Children's Health Insurance Program, the Fund for Hospital Care to Indigent Persons created pursuant to NRS 428.175 or TRICARE;

(2) For professional services provided in relation to a workers' compensation claim; and

(3) For the actual cost to the health care provider for any uncompensated care provided by the health care provider, except that if the health care provider later receives payment for all or part of that care, the health care provider must include the amount of the payment in his or her gross receipts for the calendar quarter in which the payment is received.

(j) If the business entity is engaging in a business in this State as a health care provider that is a health care institution, an amount equal to 50 percent of the amounts described in paragraph (i) that are received by the health care institution.

(k) If the business entity is engaging in business in this State as an employee leasing company, the amount of any payments received from a client company for wages, payroll taxes on those wages, employee benefits and workers' compensation benefits for employees leased to the client company.

(l) The amount of any pass-through revenue of the business entity. (m) The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.

(n) The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:

(1) Located on property owned or leased by the Federal Government; and

(2) Managed or operated primarily to house members of the Armed Forces of the United States.

(o) Interest income other than interest on credit sales.

(p) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity.

(q) Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221 or 1231, without regard to the length of time the business entity held the asset.

(r) Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this paragraph, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.

(s) Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.

(t) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.

(u) Proceeds received from the issuance of the business entity's own stock, options, warrants, puts or calls, from the sale of the business entity's treasury stock or as contributions to the capital of the business entity.

(v) Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.

(w) Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.

(x) Bad debts expensed for the purposes of federal income taxation.

(y) Returns and refunds to customers.

(z) Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.

(aa) If the business entity owns an interest in a passive entity, the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the gross revenue of another business entity.

2. As used in this section:

(a) "Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.

(b) "Client company" has the meaning ascribed to it in NRS 616B.670.

(c) "Employee leasing company" has the meaning ascribed to it in NRS 616B.670.

(d) "Health care institution" means:

(1) A medical facility as defined in NRS 449.0151; and

(2) A pharmacy as defined in NRS 639.012.

(e) "Health care provider" means a business that receives any payments listed in paragraph (i) of subsection 1 as a provider of health care services, including, without limitation, mental health care services.

(f) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(g) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 22. 1. In computing the commerce tax owed by a business entity, the gross revenue of the business entity, as adjusted pursuant to section 21 of this act, must be situsued to this State in accordance with the following rules:

(a) Gross rents and royalties from real property are situsued to this State if the real property is located in this State.

(b) Gross revenue from the sale of real property are situsedto this State if the real property is located in this State.

(c) Gross rents and royalties from tangible personal property is situsedto this State to the extent the tangible personal property is located or used in this State.

(d) Gross revenue from the sale of tangible personal property is situsedto this State if the property is delivered or shipped to a buyer in this State, regardless of the F.O.B. point or any other condition of sale.

(e) Gross revenue from the sale of transportation services is situsedto this State if both the origin and the destination point of the transportation are located in this State.

(f) Gross revenue from the sale of any services not otherwise described in this section is situsedto this State in the proportion that the purchaser's benefit in this State, with respect to what was purchased, bears to the purchaser's benefit everywhere with respect to what was purchased. For the purposes of this paragraph, the physical location at which the purchaser of a service ultimately uses or receives the benefit of the service that was purchased is paramount in determining the proportion of the benefit in this State to the benefit everywhere. If the records of a business entity do not allow the taxpayer to determine that location, the business entity may use an alternative method to situs gross revenue pursuant to this section if the alternative method is reasonable, is consistently and uniformly applied and is supported by the taxpayer's records as those records exist when the service is provided or within a reasonable period of time thereafter.

(g) Gross revenue not otherwise described in this section is situsedto this State if the gross receipts are from business conducted in this State. For the purposes of this paragraph, the physical location of the purchaser is paramount in determining if business is done in this State. If the records of a business entity do not allow the business entity to determine the location of the purchaser, the gross revenue must not be considered to be from business conducted in this State.

2. If the application of the provisions of subsection 1 does not fairly represent the extent of the business conducted in this State by a business entity, the Department may authorize the business entity to the use of an alternative method of situsing gross revenue to this State.

Sec. 23. Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in sections 24 to 48, inclusive, of this act for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in sections 24 to 48, inclusive, of this act, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the

taxable year and multiplying that amount by the rate set forth in section 49 of this act.

Sec. 24. 1. The agriculture, forestry, fishing and hunting business category (NAICS 11) includes all business entities primarily engaged in agricultural production or agricultural support activities, or both, including, without limitation, growing crops, raising animals, harvesting timber and harvesting fish and other animals from a farm, ranch or their natural habitats.

2. Examples of business entities in this category include, without limitation, farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.

3. This category does not include business entities primarily engaged in agricultural research or administering programs for regulating and conserving land, minerals, wildlife or forest use.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.063 percent.

Sec. 25. 1. The mining, quarrying and oil and gas extraction business category (NAICS 21) includes all business entities primarily engaged in mining operations and mining support activities, including, without limitation, extracting:

(a) Naturally occurring mineral solids, such as coal and ores;

(b) Liquid minerals, such as crude petroleum; and

(c) Gases, such as natural gas.

2. Examples of business entities in this category include, without limitation:

(a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.

(b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.

3. As used in subsections 1 and 2, the term "mining" includes quarrying, well operations and beneficiating, including, without limitation, crushing, screening, washing, flotation and other preparation customarily performed at a mine site or as a part of mining activity.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.051 percent.

Sec. 26. 1. The utilities and telecommunications business category (NAICS 22 and 517, respectively) includes:

(a) All business entities primarily engaged in providing utility services, including, without limitation, electric power, natural gas, steam supply, water supply and sewage removal; and

(b) All business entities primarily engaged in providing telecommunications and the services related to that activity, including, without limitation, telephony, cable and satellite distribution services, Internet access and telecommunications reselling services.

2. This category does not include business entities primarily engaged in waste management and remediation services that are described in section 42 of this act.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.136 percent.

Sec. 27. 1. The construction business category (NAICS 23) includes all business entities primarily engaged in the construction of buildings or engineering projects, such as highways and utility systems. Business entities engaged in the preparation of sites for new construction and business entities primarily engaged in subdividing land for sale as building sites also are included in this category.

2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint-venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.083 percent.

Sec. 28. 1. The manufacturing business category (NAICS 31, 32 and 33) includes all business entities primarily engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.

2. Examples of business entities in this category include, without limitation, milk bottling and pasteurizing, water bottling and processing, fresh fish packaging, apparel jobbing, contracting on materials owned by others, printing and related activities, ready-mixed concrete production, leather converting, grinding of lenses to prescription, wood preserving, electroplating, plating, metal heat, treating and polishing for the trade, lapidary work for the trade, fabricating signs and advertising displays, rebuilding or remanufacturing machinery, ship repair and renovation, machine shops and tire retreading.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.091 percent.

Sec. 29. 1. The wholesale trade business category (NAICS 42) includes all business entities primarily engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.101 percent.

Sec. 30. 1. The retail trade business category (NAICS 44 and 45) includes all businesses primarily engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 31. 1. The air transportation business category (NAICS 481) includes all business entities primarily engaged in providing air transportation of passengers or cargo, or both, using aircraft, such as an airplane and helicopter.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.058 percent.

Sec. 32. 1. The truck transportation business category (NAICS 484) includes all business entities primarily engaged in providing over-the-road transportation of cargo using motor vehicles, such as a truck and tractor trailer.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.202 percent.

Sec. 33. 1. The rail transportation business category (NAICS 482) includes all business entities primarily engaged in providing rail transportation of passengers or cargo, or both, using railroad rolling stock.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.331 percent.

Sec. 34. 1. The other transportation business category (NAICS 483, 485, 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:

(a) Water transportation, including, without limitation, the transportation of passengers and cargo using watercraft;

(b) Transit and ground passenger transportation, including, without limitation, charter buses, school buses, interurban bus transportation, taxis and limousine services, street railroads, commuter rail and rapid transit;

(c) Pipeline transportation, including, without limitation, using transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products and slurry;

(d) Scenic and sightseeing transportation, including, without limitation, on land or the water, or in the air;

(e) Support activities for transportation, including, without limitation, air traffic control services, marine cargo handling, motor vehicle towing, railroad switching and terminals, and ship repair and maintenance not done in a shipyard, such as floating drydock services in a harbor;

(f) Postal services, including, without limitation, the activities of the United States Postal Service and its subcontractors operating under a universal service obligation to provide mail services, deliver letters and small parcels, and rural post offices on contract to the United States Postal Service; and

(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery of parcels and documents without operating under a universal service obligation.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.129 percent.

Sec. 35. 1. The warehousing and storage business category (NAICS 493) includes all business entities primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods and other warehouse products.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 36. 1. The publishing, software and data processing business category (NAICS 511, 512, 515 and 518) includes all business entities primarily engaged in:

(a) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;

(b) Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 37. 1. The finance and insurance business category (NAICS 52) includes all business entities primarily engaged in financial transactions or in facilitating financial transactions.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 38. 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.25 percent.

Sec. 39. 1. The professional, scientific and technical services business category (NAICS 54) includes all business entities primarily engaged in performing professional, scientific and technical activities for others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.181 percent.

Sec. 40. 1. The management of companies and enterprises business category (NAICS 55) includes all business entities primarily engaged in:

(a) Holding the securities of, or other equity interests in, companies and enterprises for the purpose of owning a controlling interest or influencing management decisions; or

(b) Administering, overseeing and managing establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.137 percent.

Sec. 41. 1. The administrative and support services business category (NAICS 561) includes all business entities primarily engaged in activities that support the day-to-day operations of other organizations.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.154 percent.

Sec. 42. 1. The waste management and remediation services business category (NAICS 562) includes all business entities primarily engaged in the collection, treatment and disposal of waste materials.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.261 percent.

Sec. 43. 1. The educational services business category (NAICS 61) includes all businesses primarily engaged in providing instruction and training in a wide variety of subjects.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.281 percent.

Sec. 44. 1. The health care and social assistance business category (NAICS 62) includes all business entities primarily engaged in providing health care and social assistance for natural persons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.190 percent.

Sec. 45. 1. The arts, entertainment and recreation business category (NAICS 71) includes all business entities primarily engaged in operating facilities or providing services to meet varied cultural, entertainment and recreational interests of their patrons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.24 percent.

Sec. 46. 1. The accommodation business category (NAICS 721) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.2 percent.

Sec. 47. 1. The food services and drinking places business category (NAICS 722) includes all business entities primarily engaged in preparing

meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.194 percent.

Sec. 48. 1. The other services business category (NAICS 81) includes all business entities primarily engaged in providing services not included in any of the business categories described in sections 24 to 47, inclusive, of this act. Business entities in this category are primarily engaged in activities such as repairing equipment and machinery, promoting or administering religious activities, grantmaking, advocacy, and providing dry cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.142 percent.

Sec. 49. 1. The unclassified business category includes any business entity not included in any of the business categories established by sections 24 to 48, inclusive, of this act.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 50. A business entity's method of accounting for gross revenue for a taxable year for the purposes of determining the amount of the commerce tax owed by the business entity must be the same as the business's method of accounting for federal income tax purposes for the business's federal taxable year which includes that calendar quarter. If a business entity's method of accounting for federal income tax purposes changes, its method of accounting for gross revenue pursuant to this chapter must be changed accordingly.

Sec. 51. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 52. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the last month of the taxable year for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 53. 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the commerce tax at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 54. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent or enjoin the collection under this chapter of the commerce tax or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 55. 1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 56. 1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the

grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited toward any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 57. In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 58. A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Sec. 59. 1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of the Nevada Revised Statutes, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 60. 1. If any amount in excess of $25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.

2. If an amount not exceeding $25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 61. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 62. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 4, on or before September 30 of each even-numbered year, the Department shall determine the combined revenue from the taxes imposed by chapters 363A and 363B of

NRS and the commerce tax imposed by sections 2 to 61, inclusive, of this act for the preceding fiscal year.

2. Except as otherwise provided in subsection 4, if the combined revenue determined pursuant to subsection 1 exceeds by more than 4 percent the amount of the combined anticipated revenue from those taxes for that fiscal year, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year, the Department shall determine the rate at which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by sections 2 to 61, inclusive, of this act, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding fiscal year.

3. Except as otherwise provided in subsection 4, effective on July 1 of the odd-numbered year immediately following the year in which the Department made the determination described in subsection 1, the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter be the rate of those taxes, unless further adjusted in a subsequent fiscal year.

4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS 363B.110 is 1.17 percent:

(a) The Department is no longer required to make the determinations required by subsections 1 and 2; and

(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 must not be further adjusted pursuant to subsection 3.

Sec. 63. **NRS 360.2937 is hereby amended to read as follows:**

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, ***or sections 2 to 61, inclusive, of this act,*** any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 64. **NRS 360.300 is hereby amended to read as follows:**

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, ***or sections 2 to 61, inclusive, of this act,*** as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 65. **NRS 360.417 is hereby amended to read as follows:**

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, ***or sections 2 to 61, inclusive, of this act,*** or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion

of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 66. **NRS 360.510 is hereby amended to read as follows:**

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS ***or sections 2 to 61, inclusive, of this act*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

~~[Section 1.]~~ ***Sec. 67.*** NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~[“Employer”]~~

1. Except as otherwise provided in this section, “employer” means any ~~[financial]~~ ***:***

(a) Financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution **.** ~~[, except]~~

(b) Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.

2. The term does not include an Indian tribe, a nonprofit organization or a political subdivision.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** “Indian tribe” includes any entity described in subsection 10 of NRS 612.055.

~~[2.]~~ ***(b)*** “Nonprofit organization” means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[3.]~~ ***(c)*** “Political subdivision” means any entity described in subsection 9 of NRS 612.055.

Sec. 68. **NRS 363A.130 is hereby amended to read as follows:**

363A.130 1. ~~[There]~~ ***Except as otherwise provided in section 62 of this act, there*** is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~[Sec. 2.]~~ ***Sec. 69.*** NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~["Employer"]~~

1. Except as otherwise provided in this section, "employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer**.** ~~[, except a]~~

2. The term does not include:

(a) A financial institution ~~[, an]~~ ***;***

(b) Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;

(c) An Indian tribe ~~[, a]~~ ***;***

(d) A nonprofit organization ~~[, a]~~ ***;***

(e) A political subdivision ***;*** or ~~[any]~~

(f) Any person who does not supply a product or service, but who only consumes a service.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Financial institution" has the meaning ascribed to it in NRS 363A.050.

~~[2.]~~ ***(b)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[3.]~~ ***(c)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[4.]~~ ***(d)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 70. **NRS 363B.110 is hereby amended to read as follows:**

363B.110 1. ~~[There]~~ ***Except as otherwise provided in section 62 of this act, there*** is hereby imposed an excise tax on each employer at the rate of ~~[0.63]~~ ***1.475*** percent of the ***amount by which the sum of all the*** wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer ~~[.]~~ ***exceeds $50,000.***

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~[Sec. 3.]~~ ***Sec. 71.*** NRS 370.165 is hereby amended to read as follows:

370.165 There is hereby levied a tax upon the purchase or possession of cigarettes by a consumer in the State of Nevada at the rate of ~~[40]~~ ***90*** mills per cigarette. The tax may be represented and precollected by the affixing of a

revenue stamp or other approved evidence of payment to each package, packet or container in which cigarettes are sold. The tax must be precollected by the wholesale or retail dealer, and must be recovered from the consumer by adding the amount of the tax to the selling price. Each person who sells cigarettes at retail shall prominently display on the premises a notice that the tax is included in the selling price and is payable under the provisions of this chapter.

~~[Sec. 4.]~~ ***Sec. 72.*** NRS 370.260 is hereby amended to read as follows:

370.260 1. All taxes and license fees imposed by the provisions of NRS 370.001 to 370.430, inclusive, less any refunds granted as provided by law, must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall:

(a) As compensation to the State for the costs of collecting the taxes and license fees, transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the credit of the Department. The deposited money must be expended by the Department in accordance with its work program.

(b) From the remittances made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to ~~[35]~~ ***85*** mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.

(c) Transmit the balance of the payments each month to the State Treasurer for deposit in the Local Government Tax Distribution Account created by NRS 360.660.

(d) Report to the State Controller monthly the amount of collections.

3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

~~[Sec. 5.]~~ ***Sec. 73.*** NRS 370.350 is hereby amended to read as follows:

370.350 1. Except as otherwise provided in subsection 3, a tax is hereby levied and imposed upon the use of cigarettes in this state.

2. The amount of the use tax is ~~[40]~~ ***90*** mills per cigarette.

3. The use tax does not apply where:

(a) Nevada cigarette revenue stamps have been affixed to cigarette packages as required by law.

(b) Tax exemption is provided for in this chapter.

Sec. 74. **NRS 76.100 is hereby amended to read as follows:**

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of ~~[$100;]~~ ***$200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500;*** and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 75. **NRS 76.130 is hereby amended to read as follows:**

76.130 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person who applies for renewal of a state business license shall submit a fee in the amount of ~~[$100]~~ ***$200*** to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. ***If the person applying for the renewal of a state business license pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business license is $500.***

3.The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

~~[3.]~~ ***4.*** If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and

revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

Sec. 75.5. **NRS 78.150 is hereby amended to read as follows:**

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State or, if the corporation has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State a list, on a form furnished by the Secretary of State, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director; and

(e) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year or, if, pursuant to subsection 11, the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The corporation has complied with the provisions of chapter 76 of NRS;

(2) The corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$125]~~ ***$150***
Over $75,000 and not over $200,000	~~[175]~~ ***200***
Over $200,000 and not over $500,000	~~[275]~~ ***300***
Over $500,000 and not over $1,000,000	~~[375]~~ ***400***
Over $1,000,000:	
For the first $1,000,000	~~[375]~~ ***400***
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[$11,100.]~~ ***$11,125.***

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, provide to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies an officer or director with the fraudulent

intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

11. The Secretary of State may allow a corporation to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 76. **NRS 78.245 is hereby amended to read as follows:**

78.245 ~~[No]~~

1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.

Sec. 76.1. **NRS 80.110 is hereby amended to read as follows:**

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the information required by NRS 80.010 is filed with the Secretary of State or, if the foreign corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors; and

(b) The signature of an officer of the corporation or some other person specifically authorized by the corporation to sign the list.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The foreign corporation has complied with the provisions of chapter 76 of NRS;

(2) The foreign corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any

person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$125]~~ ***$150***
Over $75,000 and not over $200,000	~~[175]~~ ***200***
Over $200,000 and not over $500,000	~~[275]~~ ***300***
Over $500,000 and not over $1,000,000	~~[375]~~ ***400***
Over $1,000,000:	
For the first $1,000,000	~~[375]~~ ***400***
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[$11,100.]~~ ***$11, 125.***

4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list pursuant to subsection 1. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list required by subsection 1 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

9. The Secretary of State may allow a foreign corporation to select an alternative due date for filing the initial list required by subsection 1.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.15. **NRS 82.193 is hereby amended to read as follows:**

82.193 1. A corporation shall have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 or 116B.030 has failed to register pursuant to NRS 116.31158 or 116B.625 or failed to pay the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 or 116B.625 and paid the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$25;]~~ ***$50;***

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 76.2. **NRS 82.523 is hereby amended to read as follows:**

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State or, if the foreign nonprofit corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation; and

(e) The signature of an officer of the foreign nonprofit corporation, or some other person specifically authorized by the foreign nonprofit corporation to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign nonprofit corporation has complied with the provisions of chapter 76 of NRS;

(b) The foreign nonprofit corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of ~~[$25.]~~ ***$50.***

4. The Secretary of State shall, 60 days before the last day for filing each annual list, provide to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign nonprofit corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list pursuant to this section which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a member of a foreign nonprofit corporation is not deemed to exercise actual control of the daily operations of the foreign nonprofit corporation based solely on the fact that the member has voting control of the foreign nonprofit corporation.

9. The Secretary of State may allow a foreign nonprofit corporation to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.25. **NRS 84.110 is hereby amended to read as follows:**

84.110 1. Every corporation sole must have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent shall comply with the provisions of those sections.

2. A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$25;]~~ ***$50;***

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 76.3. **NRS 86.263 is hereby amended to read as follows:**

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State or, if the limited-liability company has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and

(e) The signature of a manager or managing member of the limited-liability company, or some other person specifically authorized by the limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs or, if, pursuant to subsection 11, the limited-liability company has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that:

(a) The limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity

of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, provide to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file the list required by subsection 2. Failure of any company to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a limited-liability company based solely on the fact that the member has voting control of the limited-liability company.

11. The Secretary of State may allow a limited-liability company to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 76.35. **NRS 86.5461 is hereby amended to read as follows:**

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State or, if the foreign limited-liability company has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in

each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list on a form furnished by the Secretary of State that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c); and

(e) The signature of a manager or managing member of the foreign limited-liability company, or some other person specifically authorized by the foreign limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, provide to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited-liability company to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing members in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a foreign limited-liability company based solely on the fact that the member has voting control of the foreign limited-liability company.

10. The Secretary of State may allow a foreign limited-liability company to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.4. **NRS 87.510 is hereby amended to read as follows:**

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State or, if the registered limited-liability partnership has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the registered limited-liability partnership, or some other person specifically authorized by the registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 76 of NRS, that the registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State and that none of the

managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, provide to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. The Secretary of State may allow a registered limited-liability partnership to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 76.45. **NRS 87.541 is hereby amended to read as follows:**

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State or, if the foreign registered limited-liability partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the

last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the foreign registered limited-liability partnership, or some other person specifically authorized by the foreign registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign registered limited-liability partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign registered limited-liability partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power and authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign registered limited-liability partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.5. **NRS 87A.290 is hereby amended to read as follows:**

87A.290 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 87A.300.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.55. **NRS 87A.560 is hereby amended to read as follows:**

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each

year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall

be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.6. **NRS 88.395 is hereby amended to read as follows:**

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$175.]~~ ***$200.***

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.65. **NRS 88.591 is hereby amended to read as follows:**

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the

Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 76.7. **NRS 88A.600 is hereby amended to read as follows:**

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State or, if the business trust has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, on a form furnished by the Secretary of State, a list signed by at least one trustee, or by some other person specifically authorized by the business trust to sign the list, that contains the name and street address of at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that:

(a) The business trust has complied with the provisions of chapter 76 of NRS;

(b) The business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1.

Failure of a business trust to receive a notice does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

6. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

7. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a business trust based solely on the fact that the person is a beneficial owner.

8. The Secretary of State may allow a business trust to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 76.75. **NRS 88A.732 is hereby amended to read as follows:**

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State or, if the foreign business trust has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c); and

(e) The signature of a trustee of the foreign business trust, or some other person specifically authorized by the foreign business trust to sign the list, certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign business trust has complied with the provisions of chapter 76 of NRS;

(b) The foreign business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons

exercising the power or authority of a trustee in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign business trust to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a foreign business trust based solely on the fact that the person is a beneficial owner.

10. The Secretary of State may allow a foreign business trust to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 76.8. **NRS 89.250 is hereby amended to read as follows:**

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in

each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each list filed pursuant to this section must be:

(a) Made on a form furnished by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association or by some other person specifically authorized by the chief executive officer to sign the list.

(c) Accompanied by a declaration under penalty of perjury that:

(1) The professional association has complied with the provisions of chapter 76 of NRS;

(2) The professional association acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(3) None of the members or employees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

5. A person who files with the Secretary of State an initial list or annual list required by this section which identifies a member or an employee of a professional association with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

6. For the purposes of this section, a person is not deemed to exercise actual control of the daily operations of a professional association based solely on the fact that the person holds an ownership interest in the professional association.

7. The Secretary of State may allow a professional association to select an alternative due date for filing the initial list required by this section.

8. The Secretary of State may adopt regulations to administer the provisions of subsection 7.

Sec. 77. **NRS 90.420 is hereby amended to read as follows:**

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state,

but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Has been convicted of a felony or, within the previous 10 years has been convicted of a misdemeanor, which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary;

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses; or

(4) Involves moral turpitude;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser, representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Commodity Futures Trading Commission, or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order by a self-regulatory organization that prohibits the person from serving, indefinitely or for a specified period, as a principal or in a supervisory capacity within a business or organization which is a member of a self-regulatory organization;

(4) An order of the United States Postal Service relating to fraud;

(5) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Securities and Exchange

Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(6) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

Sec. 78. **NRS 90.730 is hereby amended to read as follows:**

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~.~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.***

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

Sec. 78.1. **NRS 482.181 is hereby amended to read as follows:**

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State ~~[Highway]~~ ***General*** Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for

distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 78.3. **NRS 482.181 is hereby amended to read as follows:**

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State General Fund ***and the State Highway Fund*** pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special

district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 78.5. **NRS 482.181 is hereby amended to read as follows:**

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to ~~[the State General Fund and the]~~ State Highway Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

Carson City	1.07 percent	Lincoln	3.12 percent
Churchill	5.21 percent	Lyon	2.90 percent
Clark	22.54 percent	Mineral	2.40 percent
Douglas	2.52 percent	Nye	4.09 percent
Elko	13.31 percent	Pershing	7.00 percent
Esmeralda	2.52 percent	Storey	0.19 percent
Eureka	3.10 percent	Washoe	12.24 percent
Humboldt	8.25 percent	White Pine	5.66 percent
Lander	3.88 percent		

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 78.7. **NRS 482.182 is hereby amended to read as follows:**

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the State ~~[Highway]~~ ***General*** Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 11 percent of those proceeds;

(2) Two years, is a sum equal to 12 percent of those proceeds;

(3) Three years, is a sum equal to 13 percent of those proceeds;

(4) Four years, is a sum equal to 15 percent of those proceeds;

(5) Five years, is a sum equal to 18 percent of those proceeds;

(6) Six years, is a sum equal to 22 percent of those proceeds;

(7) Seven years, is a sum equal to 29 percent of those proceeds;

(8) Eight years, is a sum equal to 40 percent of those proceeds; and

(9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

(b) Subsection 2 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 12 percent of those proceeds;

(2) Two years, is a sum equal to 14 percent of those proceeds;

(3) Three years, is a sum equal to 18 percent of those proceeds;

(4) Four years, is a sum equal to 21 percent of those proceeds;

(5) Five years, is a sum equal to 26 percent of those proceeds;

(6) Six years, is a sum equal to 30 percent of those proceeds;

(7) Seven years, is a sum equal to 33 percent of those proceeds;
(8) Eight years, is a sum equal to 37 percent of those proceeds;
(9) Nine years, is a sum equal to 40 percent of those proceeds; and
(10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 78.8. **NRS 482.182 is hereby amended to read as follows:**

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the ***:***

(a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month ***50 percent of*** the amounts indicated pursuant to this section.

(b) State Highway Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:
(1) One year, is a sum equal to 11 percent of those proceeds;
(2) Two years, is a sum equal to 12 percent of those proceeds;
(3) Three years, is a sum equal to 13 percent of those proceeds;
(4) Four years, is a sum equal to 15 percent of those proceeds;
(5) Five years, is a sum equal to 18 percent of those proceeds;
(6) Six years, is a sum equal to 22 percent of those proceeds;
(7) Seven years, is a sum equal to 29 percent of those proceeds;
(8) Eight years, is a sum equal to 40 percent of those proceeds; and
(9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

(b) Subsection 2 of NRS 371.060 based upon an age of:
(1) One year, is a sum equal to 12 percent of those proceeds;
(2) Two years, is a sum equal to 14 percent of those proceeds;
(3) Three years, is a sum equal to 18 percent of those proceeds;
(4) Four years, is a sum equal to 21 percent of those proceeds;
(5) Five years, is a sum equal to 26 percent of those proceeds;
(6) Six years, is a sum equal to 30 percent of those proceeds;
(7) Seven years, is a sum equal to 33 percent of those proceeds;
(8) Eight years, is a sum equal to 37 percent of those proceeds;
(9) Nine years, is a sum equal to 40 percent of those proceeds; and
(10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 78.9. **NRS 482.182 is hereby amended to read as follows:**

482.182 1. After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180 and before carrying out the provisions of NRS 482.181 each month, the Department shall direct the State Controller to transfer to the ~~[:~~

~~(a) State General Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month 50 percent of the amounts indicated pursuant to this section.~~

~~(b)]~~ State Highway Fund from the proceeds of the basic governmental services tax collected by the Department and its agents during the preceding month ~~[50 percent of]~~ the amounts indicated pursuant to this section.

2. Except as otherwise provided in subsection 3, the amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles depreciated in accordance with:

(a) Subsection 1 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 11 percent of those proceeds;

(2) Two years, is a sum equal to 12 percent of those proceeds;

(3) Three years, is a sum equal to 13 percent of those proceeds;

(4) Four years, is a sum equal to 15 percent of those proceeds;

(5) Five years, is a sum equal to 18 percent of those proceeds;

(6) Six years, is a sum equal to 22 percent of those proceeds;

(7) Seven years, is a sum equal to 29 percent of those proceeds;

(8) Eight years, is a sum equal to 40 percent of those proceeds; and

(9) Nine years or more, is a sum equal to 67 percent of those proceeds; and

(b) Subsection 2 of NRS 371.060 based upon an age of:

(1) One year, is a sum equal to 12 percent of those proceeds;

(2) Two years, is a sum equal to 14 percent of those proceeds;

(3) Three years, is a sum equal to 18 percent of those proceeds;

(4) Four years, is a sum equal to 21 percent of those proceeds;

(5) Five years, is a sum equal to 26 percent of those proceeds;

(6) Six years, is a sum equal to 30 percent of those proceeds;

(7) Seven years, is a sum equal to 33 percent of those proceeds;

(8) Eight years, is a sum equal to 37 percent of those proceeds;

(9) Nine years, is a sum equal to 40 percent of those proceeds; and

(10) Ten years or more, is a sum equal to 43 percent of those proceeds.

3. The amount required to be transferred pursuant to subsection 1 from the proceeds of the basic governmental services tax imposed on vehicles to which the minimum amount of that tax applies pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum equal to 63 percent of those proceeds.

Sec. 79. **NRS 604A.820 is hereby amended to read as follows:**

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 80. **NRS 612.265 is hereby amended to read as follows:**

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the

proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions

necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~.~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.*** The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or

return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 81. **NRS 616B.012 is hereby amended to read as follows:**

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a

law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➥ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS ~~.~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.*** The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Sec. 82. **NRS 645B.060 is hereby amended to read as follows:**

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[.]~~ ***and sections 2 to 61, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

Sec. 83. **NRS 645B.670 is hereby amended to read as follows:**

645B.670 1. Except as otherwise provided in NRS 645B.690:

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

(b) For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(1) Is insolvent;

(2) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(4) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(5) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(8) Has failed to account to persons interested for all money received for a trust account;

(9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(12) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(16) Has repeatedly violated the policies and procedures of the mortgage broker;

(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage agent as required by NRS 645B.460;

(18) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(19) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(20) Has violated NRS 645C.557;

(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;*** or

(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage agent to a person other than a mortgage agent who:

(I) Is an employee of or associated with the mortgage broker; or

(II) If the mortgage agent is required to register with the Registry, is an employee of and whose sponsorship has been entered with the Registry by the mortgage broker as required by subsection 2 of NRS 645B.450.

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(1) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(9) Has violated NRS 645C.557;

(10) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed;

(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage agent:

(I) From a person other than the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(II) If the mortgage agent is required to be registered with the Registry, from a person other than the mortgage broker by whom the mortgage agent is employed and on whose behalf sponsorship was entered as required by subsection 2 of NRS 645B.450; or

(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers so long as such a transaction is not inconsistent with any other provision of this chapter.

Sec. 84. **NRS 645E.300 is hereby amended to read as follows:**

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon

the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A of NRS ~~[.]~~ ***and sections 2 to 61, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

Sec. 85. **NRS 645E.670 is hereby amended to read as follows:**

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[;]~~ ***or sections 2 to 61, inclusive, of this act;***

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 86. **NRS 658.151 is hereby amended to read as follows:**

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

(a) Has violated its charter or any laws applicable thereto.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' or members' equity.

(e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

(f) Has become or is in imminent danger of becoming otherwise insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to trustees.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

Sec. 87. **NRS 665.133 is hereby amended to read as follows:**

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;

(b) The Director of the Department of Business and Industry for the Director's confidential use;

(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;

(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act;***

(e) An entity which insures or guarantees deposits;

(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;

(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;

(h) Any person to whom the subject of the report has authorized the disclosure;

(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and

(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.

2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

Sec. 88. **NRS 669.275 is hereby amended to read as follows:**

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.

2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.

3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.

4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. ***This subsection does not limit the examination of any document by the Department of Taxation if necessary to carry out the provisions of sections 2 to 61, inclusive, of this act.***

Sec. 89. **NRS 669.2825 is hereby amended to read as follows:**

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:

(a) Has violated its charter or any state or federal laws applicable to the business of a trust company.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' equity.

(e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.

(f) Has become insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

(k) Has materially and willfully breached its fiduciary duties to its customers.

(l) Has failed to properly disclose all fees, interest and other charges to its customers.

(m) Has willfully engaged in material conflicts of interest regarding a customer's account.

(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

Sec. 90. **NRS 669.2847 is hereby amended to read as follows:**

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 91. **NRS 669.285 is hereby amended to read as follows:**

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; ~~[and]~~

2. ***The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and***

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 92. **NRS 669A.310 is hereby amended to read as follows:**

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; ~~[and]~~

(b) ***The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and***

(c) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person pursuant to

paragraph ~~[(b)]~~ ***(c)*** of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information. Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

Sec. 93. **NRS 673.484 is hereby amended to read as follows:**

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

Sec. 94. **NRS 675.440 is hereby amended to read as follows:**

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 95. **NRS 677.510 is hereby amended to read as follows:**

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was

issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 96. **NRS 680B.037 is hereby amended to read as follows:**

680B.037 ~~[Payment]~~

1. Except as otherwise provided in subsection 2, payment by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to the provisions of sections 2 to 61, inclusive, of this act.

Sec. 97. **NRS 683A.451 is hereby amended to read as follows:**

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

Sec. 98. **NRS 686C.360 is hereby amended to read as follows:**

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~[.]~~ ***and the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.***

Sec. 99. **NRS 687A.130 is hereby amended to read as follows:**

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or

2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

Sec. 100. **NRS 688C.210 is hereby amended to read as follows:**

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

(a) There was material misrepresentation in the application for the license;

(b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

(c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

(d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

(e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

(f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;

(g) The licensee no longer meets a requirement for initial licensure;

(h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;

(i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

(j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or

(l) The applicant or licensee has acted in bad faith with regard to a viator.

2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

Sec. 101. **NRS 694C.450 is hereby amended to read as follows:**

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

(a) Two-fifths of 1 percent on the first $20,000,000 of its net direct premiums;

(b) One-fifth of 1 percent on the next $20,000,000 of its net direct premiums; and

(c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first $20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next $20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

➥ The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than $5,000 in any given year, the captive insurer shall pay a tax of $5,000 for that year. The maximum aggregate tax for any year must not exceed $175,000. The maximum aggregate tax to be paid by a

sponsored captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS ***or sections 2 to 61, inclusive, of this act*** and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of $5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

Sec. 102. **NRS 695A.550 is hereby amended to read as follows:**

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than ***the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act and*** taxes on real property and office equipment.

~~[Sec. 6.]~~ ***Sec. 103.*** Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, as last amended by chapter 518, Statutes of Nevada 2013, at page 3425, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009.

3. Sections 4 and 6 to 12, inclusive, of this act expire by limitation on June 30, 2009.

4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30, ~~[2015.]~~ ***2016.***

~~[Sec. 7.]~~ ***Sec. 104.*** Section 20 of chapter 395, Statutes of Nevada 2009, as last amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2009.

3. Section 3 of this act becomes effective on July 1, 2009, and expires by limitation on June 30, 2011.

4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009 **.** ~~[, and expire by limitation on June 30, 2015.]~~

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

6. Sections 15.5 and 18.5 of this act become effective on July 1, 2015. ~~*[2017.]*~~

7. Section 18 of this act expires by limitation on June 30, ~~[2015.]~~ ***2017.***

~~[Sec. 8.]~~ ***Sec. 105.*** Section 17.5 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3426, is hereby amended to read as follows:

Sec. 17.5. The amendatory provisions of section 12.7 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[2015.]~~ ***2016.***

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year ~~[2016]~~ ***2017*** and each calendar year thereafter.

~~[Sec. 9.]~~ ***Sec. 106.*** Section 19 of chapter 449, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at p. 3426, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to 18, inclusive, of this act become effective upon passage and approval.

2. Section 12.5 of this act becomes effective on January 1, 2012.

3. Section 12.7 of this act becomes effective on January 1, ~~[2016.]~~ ***2017.***

~~[Sec. 10. Section 13 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:~~

~~Sec. 13. The amendatory provisions of section 4 of this act [:~~

~~1. Do]~~ ***do*** ~~not apply to any taxes due for any period ending on or before June 30, 2011. [; and~~

~~2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 17 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2015.]]~~

~~[Sec. 11.]~~ ***Sec. 107.*** Section 15 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 15. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year **[**2016,**]** ***2017,*** the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year **[**2015**]** ***2016*** pursuant to NRS 362.115, as that section read on January 1, **[**2015;**]** ***2016;*** and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any provision of NRS 362.170 to the contrary:

(a) The amount appropriated to each county pursuant to that section for distribution to the county during the calendar year **[**2016**]** ***2017*** must be reduced by the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year **[**2015,**]** ***2016,*** excluding any portion of the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year **[**2015**]** ***2016*** which is attributable to a pro rata share of any penalties and interest collected by the Department of Taxation for the late payment of taxes distributed to the county.

(b) In calculating the amount required to be apportioned to each local government or other local entity pursuant to subsection 2 of that section for the calendar year **[**2016,**]** ***2017,*** the county treasurer shall reduce the amount required to be determined pursuant to paragraph (a) of that subsection for that calendar year by the amount determined pursuant to that paragraph for the calendar year **[**2015.**]** ***2016.***

~~[Sec. 12.]~~ ***Sec. 108.*** Section 17 of chapter 476, Statutes of Nevada 2011, as amended by chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:

Sec. 17. 1. This section and sections 1 and 7 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 4.5 ~~, [and]~~ 6 ***and 6.5*** of this act become effective on July 1, 2011.

3. ~~[Sections]~~ ***Section*** 4 ~~[and 6.5]~~ of this act ~~[become]~~ ***becomes*** effective on July 1, 2011 ~~***[,]***~~ , and expire by limitation on June 30, 2015.

4. Section 5 of this act becomes effective on the date that the balance of the separate account required by subsection 8 of NRS 408.235 is reduced to zero.

~~[Sec. 13. Section 11 of chapter 518, Statutes of Nevada 2013, at page 3427, is hereby amended to read as follows:~~

~~Sec. 11. The amendatory provisions of section 1 of this act [:~~

~~1. Do] *do* not apply to any taxes due for any period ending on or before June 30, 2013 . [; and~~

~~2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 12 of this act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2015.]~~

~~Sec. 14. Section 12 of chapter 518, Statutes of Nevada 2013, at page 3428, is hereby amended to read as follows:~~

~~Sec. 12. [1.] This act becomes effective upon passage and approval.~~

~~[2. Section 1 of this act expires by limitation on June 30, 2015.]~~

~~Sec. 14.5. 1. In addition to the information required by law to be included in an application for the issuance or renewal of a state business license, each application for the issuance or renewal of a state business license submitted on or after October 1, 2015, and before October 1, 2016, must include the following information:~~

~~(a) The total dollar amount of revenue earned by each business conducted by the applicant during the immediately preceding federal tax year of the business from the sale of services used in this State or, if the applicant conducted no business in this State during the immediately preceding federal tax year, an estimate of the total dollar amount of revenue that the applicant will earn from the sale of services used in this State during the 12-month period commencing with the date the application is submitted.~~

~~(b) The industry in which each business conducted by the applicant is primarily engaged.~~

~~2. The agency responsible for administering the state business license shall collect the information required by subsection 1 in the manner that is least burdensome for the businesses required to submit such information.~~

~~3. Upon request, the agency responsible for administering the state business license shall provide the information collected pursuant to subsection~~

~~1 to the Fiscal Analysis Division of the Legislative Counsel Bureau and the Department of Taxation.~~

~~4. The Fiscal Analysis Division and the Department of Taxation may analyze the information obtained pursuant to subsection 3 and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the agency responsible for administering the state business license pursuant to subsection 3. Any written report based on the information obtained pursuant to subsection 3 may include only aggregate information for statistical purposes and must exclude any identifying information related to a particular person or business.~~

~~5. Except as otherwise provided in subsections 3 and 4:~~

~~(a) If the information collected pursuant to subsection 1 is collected by the Secretary of State, the provisions of NRS 76.160 apply to the information.~~

~~(b) If the information collected pursuant to subsection 1 is collected by the Department of Taxation, the provisions of NRS 360.255 apply to the information.~~

~~(c) Any information obtained by the Fiscal Analysis Division pursuant to subsection 3 shall be deemed a work product that is confidential pursuant to NRS 218F.150.~~

~~6. As used in this section, "federal tax year" means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.~~]

Sec. 109. **Section 4 of chapter 373, Statutes of Nevada 2013, at page 1992, is hereby amended to read as follows:**

Sec. 4. This act becomes effective on July 1, 2013, and expires by limitation on June 30, [~~2015.~~] ***2017.***

Sec. 110. **Notwithstanding the provisions of sections 2 to 61, inclusive, of this act, the Department shall waive payment of any penalty or interest for a person's failure to timely file a report or pay the commerce tax pursuant to sections 2 to 61, inclusive, of this act for any failure to comply with the provisions of those sections, which occurs before February 15, 2017, regardless of when the Department makes the determination that the person failed to file a report or pay the commerce tax, if the failure:**

1. Occurred despite the person's exercise of ordinary care; and

2. Was not intentional or the result of willful neglect.

Sec. 111. **Any rate of the tax imposed by NRS 363A.130 or 363B.110 determined pursuant to section 62 of this act does not apply to any taxes due for any period ending on or before June 30 of the year in which the rate becomes effective.**

[~~Sec. 15.~~] ***Sec. 112.*** The amendatory provisions of sections [~~1 and 2~~] **67 to 70, inclusive,** of this act do not apply to taxes due for any period ending on or before June 30, 2015.

[~~Sec. 16.~~] ***Sec. 113.*** 1. The amendatory provisions of sections [~~3~~] **71** and [~~5~~] **73** of this act apply to cigarettes to which a stamp is affixed on or after

July 1, 2015, regardless of the date on which a wholesale dealer purchased the stamp from the Department of Taxation.

2. As used in this section:

(a) "Stamp" has the meaning ascribed to it in NRS 370.048.

(b) "Wholesale dealer" has the meaning ascribed to it in NRS 370.055.

~~[Sec. 17.]~~ ***Sec. 114.*** 1. This section and sections ~~[6 to 14,]~~ **103 to 112,** inclusive, of this act become effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ **78,** inclusive, ~~[15 and 16]~~ **and 79 to 102, inclusive,** of this act become effective ~~[on]~~ **:**

(a) Upon passage and approval for the or the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2015.

3. ~~[Section 14.5]~~ **Sections 78.1 and 78.7** of this act ~~[becomes]~~ **become** effective ~~[:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~(b) On October]~~ **on July** 1, 2015 **.** ~~[, for all other purposes.]~~

4. Sections 78.3 and 78.8 of this act become effective on July 1, 2016.

5. Sections 78.5 and 78.9 of this act become effective on July 1, 2017.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblymen Armstrong, Hansen, Fiore, Titus, Wheeler, and Kirkpatrick.

ASSEMBLYMAN ARMSTRONG:

Amendment 1039 to Senate Bill 483 makes the following changes to the bill.

Effective July 1, 2016, 50 percent of the proceeds from the 10 percent increase in the depreciation schedule from the governmental services tax are deposited in the State Highway Fund and 50 percent of the proceeds are deposited in the State General Fund.

The structure of the modified business tax upon nonfinancial institutions is changed to include an exemption for the first $50,000 in taxable wages per quarter and the rate of 1.475 percent on all taxable wages over $50,000 per quarter.

The business license fee for certain corporations is changed to $500 per year and the $200 fee for other business entities that was scheduled to sunset on July 30, 2015, is made permanent.

The Nevada commerce tax, which is to be paid by certain businesses that have at least $4 million in Nevada gross revenue during a taxable year based on their industry-specific rate, is created. Provisions allowing a business to credit 50 percent of its commerce tax liability in the previous year against the business's modified business tax liability in the current year are created.

Provisions requiring businesses to submit additional information relating to revenues in conjunction with the application of the state business license between October 1, 2015, and September 30, 2016, are removed.

ASSEMBLYMAN HANSEN:

I rise in opposition to Amendment 1039 to Senate Bill 483. My opposition is based primarily on this thick amendment that was just dropped into our lap less than an hour and a half ago. We have not had a caucus meeting on it. We have not had an opportunity to discuss it. While I realize it is probably, for the most part, rolling Assembly Bill 464 into Senate Bill 483, I think it is wrong for this body to vote on what, by my mathematics, is almost a $1.5 billion tax increase which is included in this amendment and the original bills. I urge my colleagues to vote no until tomorrow.

Roll this until tomorrow so at least we have an opportunity to read the specifics of the bill and have an opportunity to discuss it, not only among ourselves but with people in our own districts who may be very concerned over a billion and a half dollars' worth of tax increases.

ASSEMBLYWOMAN FIORE:

I rise in opposition to this amendment. I am going to ditto my colleague from the north. I believe the 77 pages of an amendment into a bill should be considered diligently and not sneakily in this Chamber.

ASSEMBLYMAN ARMSTRONG:

I rise in support of the amendment. I would remind my colleague from District 32 that this body as a whole has undertaken this tax policy that this amendment covers over the past 119 days. We have had numerous hearings in the Senate and in the Assembly. Yesterday, we had a Committee of the Whole that went over most of this amendment. I rise in support, and I would encourage everyone to adopt this amendment.

ASSEMBLYWOMAN FIORE:

I rise in opposition to the statement of the Assemblyman from District 21. Yesterday as we, as a whole body, listened to this amendment, I instant messaged him several times to ask questions. He refused. I have screenshots of those IMs [instant messages], which will be public. I urge everyone to vote no on this. I was denied several times to ask questions of this body yesterday.

ASSEMBLYMAN HANSEN:

I, too, rise to challenge what my colleague from District 21 said. While it is true that we had a Committee of the Whole, we were not allowed to ask questions. We did not have a caucus meeting. We have not had an opportunity for all 25 of us to actually discuss and decide what the policy should be on this. So the idea that we are being unreasonable in asking such a simple request for a meeting and an opportunity to read and thoroughly digest this amendment and then discuss it among our own members is really a stretch.

Again, I would urge my colleagues to vote no. What I would prefer, Mr. Speaker, is to have it rolled to General File for tomorrow. That would be an opportunity to still vote on it, but it would at least give us an opportunity, which is completely reasonable, to read it, digest it, and question all the elements in it. Again, this is a $1.5 billion package.

ASSEMBLYWOMAN TITUS:

I, too, rise in opposition to Amendment 1039 and would like to clarify that the Committee of the Whole heard an amendment to A.B. 464. Now we have an amendment to Senate Bill 483. We have not had time as a caucus to vet this and I, too, object that this is now being slipped in at the ninth hour.

ASSEMBLYMAN WHEELER:

I, too, rise in opposition to this amendment, not so much because of the amendment itself, but because I really do not know what is in it. We have only had it about an hour. I have heard what is in it; I have been told what is in it. But I have not had an opportunity personally to read it, except about half of it. I want to make sure of the things we did in the Committee of the Whole. I want to make sure that the vetting that was done on other bills in Ways and Means, where I was able to watch the videos of those—I want to make sure that that is exactly what is in the bill and there have not been any changes that I am unaware of. At this point, I am not yet satisfied that I am fully aware of everything that is in this amendment because of the time constraint, and I would request that we vote no on this and bring it back tomorrow.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Amendment 1039. I am always one that has talked about making sure we have time to read amendments. People from Ways and Means would remember that I said this morning there are many things that are coming so people should know this is the end of session. To those people who say they have not been able to read it, I have been in this Chamber since 5:30 this evening. It was on my desk. I did go through it. When an amendment comes out,

typically we only look at the green language because that is what has changed since yesterday. It is very clear in the bill which sections have changed.

Assemblymen Hansen, Shelton, and Wheeler requested a roll call vote on the motion.

Roll call on motion to adopt Amendment No. 1039 to Senate Bill No. 483.

YEAS—31.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Seaman, Shelton, Titus, Wheeler—9.

EXCUSED—Dooling, Moore—2.

Amendment adopted.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:55 p.m.

ASSEMBLY IN SESSION

At 6:58 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 483 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblymen Armstrong, Dickman, Hickey, Fiore, Titus, Hansen, Edwards, Nelson, Woodbury, Benitez-Thompson, Shelton, Kirkpatrick, Carrillo, Jones, Ellison, Stewart, Diaz, Paul Anderson, Neal, Elliot Anderson, Joiner, O'Neill, Wheeler, Carlton, Silberkraus, Spiegel, Munford, and Trowbridge.

ASSEMBLYMAN ARMSTRONG:

I rise in support of Senate Bill 483. When this session began, it was supposed to be all about education. We have certainly debated many other contentious issues on this floor. When you look at our final results, it really has been all about our kids. There is no silver bullet for fixing an education system lagging as far behind as it is in Nevada, and this vote alone will not fix that. I am confident with this vote because we are no longer throwing more money at the problem but truly making an investment into programs that have had such great success in other states. We have passed education savings accounts, empowering parents like never before. We have created the Achievement School District. No longer accepting failing schools, kids will not be promoted to fourth grade until they can read. We are increasing spending in a targeted way with more accountability than ever before.

We have looked at every possible tax option to get to the Governor's budget, and this is the final vote making it to our floor. I promised the voters in District 21 I would not raise taxes to fund business as usual in Carson City. I feel with this vote I am keeping that promise. No bill, especially a tax, is perfect, but a yes vote today is better for the people of Nevada. I urge your support.

ASSEMBLYWOMAN DICKMAN:

I rise in strong opposition to this bill. As I was running for office, I talked with thousands and thousands of voters, and the number one concern they had was to defeat the margin tax. The margin tax was soundly defeated. As a candidate, I told voters I was opposed to the margin tax and every single Republican candidate that I know of was opposed to it as well. That is why I am amazed that we are about to vote on the largest tax increase in state history that includes a modified version of the margin tax. As a freshman legislator, there are lots of things I have no control over. One thing I can control is this. I will keep my word to my constituents, and I will be opposing this tax bill.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 483. Many of us, veterans or young at the time, stood in this body and took a gamble during the 30th Special Session in October on new opportunities for the state of Nevada in the form of Tesla and other things that we are seeing grow within our fine state. Along with those opportunities came the responsibility and a challenge to fund and develop a workforce that has grown out of our schools and out of our population to be successful in meeting that challenge.

We all sat here together, new and old alike, on January 15 and heard the State of the State from the state's Chief Executive, who also took a gamble as a member of his party in suggesting that we do something bold and ambitious—that is, to tackle the challenge of education in ways that we never have heretofore in Nevada. I am here tonight in support of this bill because I think this legislation—and all of the categories, programs, and assessments—has gotten us to a point where I feel confident in taking that gamble on our future. I think this is a risk, but it is one with great rewards which come along with a commitment and a challenge and certain risk to us as elected folks. Frankly, that is what we got sent here to do. I personally am proud to make this vote as a member of my party and as a proud Nevadan. I urge my colleagues to do so as well.

ASSEMBLYWOMAN FIORE:

I rise in strong opposition to S.B. 483. Many of us here in this body ran on promises that we are about to break. Our integrity and character are on the line. I urge my colleagues to vote no on this bill. The taxpayers, the voters, the constituents—80 percent voted down Question 3, I might remind all of you. This yes vote tonight is basically telling our voters and constituents that they do not know what they are talking about and we know better. It is quite condescending if we pass this out of this body. I urge every one of you to vote your conscience because your integrity and character are on the line with this one vote.

ASSEMBLYWOMAN TITUS:

I rise in strong opposition to S.B. 483. I find it a complete insult to the taxpayers and small businesses of the state of Nevada. Many of us made promises to them when we ran. I, too, made them a promise that I was going to come to this great legislative body and this building and represent my district and the citizens of Nevada as honestly and as true as I could. To see so many who also made those promises go back on that is heartbreaking for me. I also say that this bill is a complete insult to those who voted against the margins tax, as many have said, and I am going to say again. The fact that we have offered so many abatements to new companies that come to this state that have no investment in this state yet we are throwing this kind of tax at those companies and citizens who have stayed, made their payroll, and survived the Great Recession. It is overwhelmingly disappointing to me, so I will be a no on this vote. I would encourage those who still have some integrity to vote no also.

ASSEMBLYMAN HANSEN:

I rise in opposition to Senate Bill 483. It is hard to know where to start, Mr. Speaker. We have been calling this a commerce tax, but in fact it is a gross income tax on businesses. I think we need to call it what it really is. Last session, we had 15 Republicans in this. Today, we have 25, and it has to do directly with Question 3. Four hundred and twenty-nine thousand Nevadans said no. That is four out of every five, and I would bet almost five out of five of the members in my party said no to that. The Governor himself aggressively said no way are we going to have a margins tax, yet this is exactly what it is.

The education question needs to be addressed because there is a certain sense of déjà vu. If you go back to 2005 in this very Chamber, you heard Governor Guinn stand right there and he said these very words: "The Governor's Commission on Excellence in Education will oversee this unprecedented influx of funding for public education." In 2003, they passed an $800 million tax increase, which was exclusively for education, and the Governor said, "I will mandate a system of checks and balances to ensure that this funding produces results for our children." I challenge anyone to find those results. Once again, we are going to raise taxes and spend it on education. Where are the performance and accountability metrics, the checks and balances, from the last $800 million tax increase that we had in this very body? I would challenge us to say that before we go and spend more of the taxpayers' money on these programs, we find out what happened to the money that we have already spent, which is consistently what everybody in the state of Nevada has requested. They do not have a problem spending more money.

By the way, our current budget for total K-12 is $4.2 billion per year. So, while we heard some members from the south suggesting that we do not have books in our classrooms, I would certainly ask, Why do we not have books in our classrooms when we are spending $4.2 billion? I would suggest the first thing we should do is start with finding out what we did with the money previously. There are some excellent programs, and I would agree that the Read by 3 program is certainly something we should look at. I am not suggesting that the entire education package—there are 17 components to it, by the way, Mr. Speaker. Some of those are excellent; those are the kinds of things we should discuss and then vote on item by item rather than throwing more money at it and thinking it is going to work.

The most critical portion of this whole tax is this commerce tax, which has 27 different components in it, 27 different things for the business community. Now, every single business in Nevada will have to open their books whether or not they qualify for that $4 million floor. As my colleague from the south correctly pointed out, it is a safe prediction it will consistently drop over the next few years. Every business in Nevada basically has to be audited, or face the threat of audit, by some new agency within the Department of Taxation. Call it what you will, but it is some form of an IRS [Internal Revenue Service] arrangement.

This building really is a bubble. When we were all running for office, the voters were so smart, and we went to every door asking them to support us. Once we get into this place where we have hardly any contact with those people, suddenly those same 429,000 voters are not nearly as intelligent as these dozens of very well paid, high-dollar lobbyists who come in here and tell us how those 429,000 people were wrong. I would suggest we pierce that bubble. One thing that I have learned as a small-business man—do you know how many lobbyists out there represent the small-business man? Just about none. None. So while we sit here and listen to these experts and we have the entire Governor's staff busy lobbying all the members of this body on those swing votes consistently for a week and a half now—virtually every day the entire staff is standing at the entrance to the Chamber. I think we should ask ourselves if those are the people that we promised we would support if we got elected. No, they are not.

What I am going to reiterate is that we were elected, every one of us, by the 65,000 people in our districts. Do you really think that the 80 percent of those 65,000 that said no to a margins tax are too stupid now and that we are somehow so much smarter than them? We, in our infinite wisdom, are going to reject them. In my entire life—and I have been involved in Nevada politics since I was 4 years old sitting on my dad's shoulders watching Barry Goldwater at the Reno airport—I have never seen a mandate like this. Eighty percent of the voters said no and now we are going to sit here and say we are smarter than you. We are going to reject what you did in that election cycle. We are going to ramrod down your throats this new so-called commerce tax. I think it is disgraceful.

In winding up, we have not even covered the BLF [business license fee], but I did a little bit on the earlier amendment. It is also going to bump those numbers way up, and we are going to see even more of those nonresident corporations driven out of the state if this bill passes as it is.

One other thing I want to cover quickly, Mr. Speaker—a lot of people are asking why I am not supporting the Governor. Well, I tell you, I do support the Governor. I support the Governor that we thought we elected when we elected him. For example, here is his handout: Stop job-killing tax increases. Brian Sandoval opposes a corporate income tax that will kill Nevada jobs and weaken our ability to compete for new business. That is the Governor I am supporting.

One last thought on class size reduction—we are budgeting $400 million for class size reduction. The Department of Education was audited by our own LCB [Legislative Counsel Bureau] audit staff, and they found that they had spent $381 million on class size reduction and they did not follow any of the procedures laid out by statute. Basically, they spent all that money and nobody knows exactly what they did. By the way, $381 million would buy an awful lot of books. So before we spend any more money, I would encourage this body to insist—what happened to all that audit stuff from Kenny Guinn's days? Ten years have gone by, and here we are again. Let us dump more money into education. Let us sap all that money out of the private sector. Let us force all those small businesses that are still struggling in this economy to pay more and more tax dollars in spite of the fact that our economy is still lousy. Have them pay in when we have not even accounted for the $800 million tax increase from 2005.

I would urge this body to vote no on S.B. 483 and acknowledge what the voters told us to do here. I think that the voters were very wise, and I think that we need to recognize that 429,000 of them probably have, collectively, more wisdom than the 42 of us do in spite of being aggressively lobbied by the best lobbyists that you can buy as well as the Governor's entire staff. I would suggest that you think very carefully about this vote because out of all the votes you have taken this entire session, this is the one. This is the one that you are going to be held accountable for when you go to your district and your constituents say, "What are you doing? All your campaign literature said you were going to vote no, yet you voted yes on it." Well, you know what, Mr. Voter? We are smarter than you. We know better than you. You did not get to talk to the experts like we did. I would encourage all my colleagues to acknowledge what the voters told us to do and vote no on Senate Bill 483

ASSEMBLYMAN EDWARDS:

Tonight, I rise in opposition to Senate Bill 483. When I was running for office, I did not run on a campaign to give people a tax break, I did not run on a campaign to give people a tax hike, and I did not tell them I would keep them all even. What I told my voters is that I was going to do my best to get the lowest tax burden for individuals, families, and our businesses. I think that is a very reasonable approach.

Having worked in Ways and Means these past several months, I saw the impact of the $700 million our budget was cut by several years ago. Our state employees have been working like dogs with pay cuts, furloughs, diminishments of everything. They have been faithful and true to us, and we need to be faithful and true to them. I am absolutely willing to vote for revenues that would restore the pay they have lost, to make sure they do not have to take the furloughs, and to make sure that they get longevity pay and the COLAs [cost-of-living adjustments] that we talked about. I voted for such things, and I would support such things.

When it comes to our infrastructure, we have talked about how we have been diminished. We have had to put off fixes, repairs, and maintenance. I have voted in favor of providing the funding for all those things, as we should. I supported it, and I would more than happily fund it.

What I have also done is gone through the different budgets to find ways that we could save money and cut programs down to a size that would be more reasonable and better at this time. I have voted to eliminate some programs because I did not think that we could afford them or that we had to do them right now. I have also offered a multitude of options for how to reduce our costs, how to cut our budgets, how to save money. Thankfully, some of them have been taken, and I am grateful that they have been. Unfortunately, the bulk of them have not even been tried.

Funding what we have to do and funding what we need to do is also part of our job. I fully support a revenue program that would fund these programs in a good fashion for the individual Nevadan, our families, and our businesses. I believe that this Assembly put forth such a program under the original version of A.B. 464. I believe that the Chairman of the Committee on Taxation put forth a great set of ideas for how to get us there and not hurt our businesses. Tragically, A.B. 464 has been morphed by amendments and by the inclusion of additional amendments tonight. Sadly, I cannot support the new program because of what it has morphed into, including what we will all soon call the poison pill: this commerce tax.

As the witnesses spoke to us yesterday right here in our midst, we know that the $4 million floor is going to be brought down lower and lower because the requirement to broaden the tax base cannot be met at the current rate. So in order to broaden it, that rate must fall. When it falls,

it will become nothing short of a margins tax. Like most of you, my voters were absolutely opposed to the margins tax. We all know that businesses spent millions of dollars to defeat it. I believe, like most of you, I knocked on the doors and asked people what they thought about it, and four out of five times, sometimes more, they said do not do it. I told them that I would not. Knowing what this will become, I have to be true to my people. I have to live up to my word to not allow this to happen. It may not happen in this biennium, but by the admission of the Governor's representatives themselves, it is sure to happen in the future.

We also talked about having more stability for our education system. By the admission of the Governor's representatives, there is instability and risk involved in this kind of a program. Funding this program of hundreds of millions of dollars cannot be done by a tax of only $60 million. Surely this will change and not for the better. We also do not know what the burden on businesses will be. We have been told that this is not going to be a mini IRS, that not everybody will be audited, but having worked in and around government long enough, I believe that it will. I also believe that it does not have to be that way.

Tonight, we have a choice. We can make the choice to say no to Senate Bill 483 and replace it with something that would work. By the Governor's own admission, other plans can work. Assembly Bill 464 in its original form would work better for my families, for my businesses, and my people in my district, and I would gladly have supported Assembly Bill 464. We are going to have to make a choice. My choice tonight has to be no. In order to be true to my people in my district, I must say no, and I must also urge you to say no as well.

ASSEMBLYMAN NELSON:

I rise in support of Senate Bill 483. First, I need to address my colleagues from my own party who know a lot about the *U.S. Constitution*. I love the *U.S. Constitution*. I even love to read *The Federalist Papers* and think about constitutional law. It is different on the state level. We are not the United States Congress; we are the state of Nevada. The founding fathers wanted limited government, but they were talking about the federal government. They always wanted a very vigorous state and local government. That is what they fought for.

As you know, in the *U.S. Constitution* we have Article I, Section 8, which limits what the federal government should do. It is a list of things the federal government should do. I would be the first one to argue that the federal government is operating way outside the scope of Article I, Section 8. I would vote against tax increases at the federal level, but it is different in the state of Nevada.

All of us took an oath the very first day to support the *Nevada Constitution* as well as the *U.S. Constitution*, and I wonder how many of us have read the *Nevada Constitution*. Let me quote something for you. Here is Article 11, Section 6, Subsection 2: "During a regular session of the Legislature, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium." That is a lot of legal language. Basically, it says we have to fund education first. If you keep reading that section, the same applies to special sessions.

I know everyone in here likes to live up to their oaths and their campaign promises. It is easy to sit at home and spout the party line—I did it based on my limited knowledge of our state's archaic tax system and significant challenges in public education. I initially opposed the proposed budget and new tax plan, again, based on my limited knowledge at the time. But in the last few weeks, I have spent many hours talking to legislators and lobbyists, both in favor of and opposed to the budget and tax plan; studying proposed plans; analyzing the budget cuts over the past few sessions; questioning the architects of the competing tax plans; and just thinking. I gradually changed my mind and now honestly feel that Governor Sandoval's plan for education reform, budget, and new tax plan is right for our state.

The revenue plan is not perfect, but it is elegant in that it balances taxation more appropriately over a broader scope of businesses and better reflects the changing economy of the state of Nevada. What finally convinced me was hearing from the heads of economic development throughout the state that they want this bill because many companies have refused to come to Nevada, not because

of taxes but because of our poor education system. They want their employees to be able to send their children to good schools, and they want employees they can hire who are ready to work.

We owe this to the rising generation. This building has been here before any of us here started to serve, and it will be here long after we leave. It is a sacred trust we have here and a great privilege to serve here. I know you all feel that way. We may disagree on how to get there, but I honestly feel that every member of this body, in good faith, wants to do what is best for our citizens and for our constituents. And if we disagree on how to get there, we should not lower ourselves to personal attacks and questioning each other's integrity. We have to do what we think is right after doing our due diligence. That is the word we use in corporate law, and I think you all know what that means. I have done months of due diligence, as all of you have. Maybe it is because I am almost 60, but I am not too afraid to say I was uninformed. I made a mistake. I sat and spouted the party line of no new taxes no matter what. I dare say, there are some philosophies that even if ISIS [Islamic State of Iraq and Syria] were storming our building to kill us all, we would not raise a penny in taxes, and I do not think that is appropriate.

This is a representative body. I had an interesting chat with my beloved wife last night and had another with her this morning. She supports me, but I had to explain to her that you need to give us the benefit of the doubt. I have sat through hours and hours and hours of hearings, like you have. I have sat down with the architect of this tax plan, the proponents of the tax plan, the opponents, and everybody in between. I have come to the conclusion that this is best. I know that I have offended a number of my very best friends, both in this Assembly and in my home. A number of my constituents are calling me. They are even calling my wife saying, What is your husband doing? It is funny. Before I came here, I was a right-wing extremist; now, I am a RINO [Republican in name only]. Fine, call me what you will. I have thought about this. I have fasted. I have prayed. I think this is the right thing to do. I think you can come to a different conclusion based on your personal experience.

I have had some lobbyists who were, I thought, my best friends until two days ago. Now all of a sudden, according to them I have no integrity, I am not doing what I really think is in my heart, and I have been cajoled and threatened by the Governor's Office. Someone even suggested I have been promised things from the Governor's Office. So I took the bait and said, Yes, that is true. I was promised a judgeship. Someone said, Really? And I said no. And for the record: Governor Sandoval has been a perfect gentleman to me through this whole thing. He has never pressured me. He has answered my questions. He has never threatened me, and he has never promised me anything. The same with his staff. I resent any insinuations to the contrary.

This is not Question 3. This is a different tax. It has been modified a lot. It reflects our growing and changing economy. When 70 percent of our economy is services, we cannot continue to tax 30 percent and build what I think is a shack, keep adding chimneys and new floors, and hope it will not fall down. We have to broaden the base, and this tax does that. It also will reach companies making millions of dollars in Nevada but because they do not have any employees, they do not pay a cent in tax.

I had a very good conversation with someone the other day who told me that his company just purchased millions and millions of dollars from an out-of-state computer company. I am not going to say the name, but you would all recognize it. It is a Fortune 100 company. All the state of Nevada got out of that was a small use tax, just because that company is not here. This new commerce tax will reach some of those things. The $4 million floor, hopefully, will never be lowered. Of course, we cannot bind future legislatures but, hopefully, it will not.

When I ran, the first thing I said was that I am promoting economic development. The second thing I said was that I want to keep a stable tax base. I think with this bill, I can do both of those things. The third thing I said was, let the sunset sunset, and I am going to have to break that promise. But, with Mr. Hansen's amendment, it is only for two more years. Hopefully, the economy will continue to grow and we can reevaluate that. Oh, wait. Did that fail? I apologize. Never mind. I am going off my notes and I have not slept too much in the last three days.

To wind up: As I said, I have changed my mind. I hope my colleagues will support this bill.

ASSEMBLYWOMAN WOODBURY:

I rise in support of Senate Bill 483. Many of my colleagues know that my students in Henderson are afforded the luxury of a five-star school. Far too many of Nevada's students are

trapped in failing schools and are falling through the cracks. It is bad for our economy. It is a cost on social services and creates a cycle of poverty that we can no longer accept. I am supporting this bill because we have enacted so many bold education initiatives that target underperforming schools and provide a real choice for our parents like nowhere else in the country. I hope education is no longer viewed as an expense in this state, but as an investment. I urge my colleagues to join me in supporting this bill.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I rise in support of Senate Bill 483. I stand proud to rise in support of this bill as we put Nevada on a new path and a new trajectory forward. It is something that we have talked about a lot as policymakers in this building, but it has eluded us. As our children prepare to get out of school in the next two weeks, we are going to be starting their future. Over the last two days, some of you might have noticed that I have had my daughter with me. I have her with me for a very important reason. She was serving as my compass during these last couple days when debate ramped up, when it looked like all hope for a change in the way that we conduct business in this state might be lost.

My daughter attends a two-star Title I school, and I have to be able to look into the eyes of the rest of the children at her school. I also have to be able to go home and answer to my own children about how I fought for them in this building. I cannot serve as a legislator and not make a difference that impacts their lives. I want for them a future in which high-paying jobs are available to them and a future in which they are qualified for those high-paying jobs because of the stellar, outstanding education they have received in this state.

We need to stop importing highly gifted and smart folks with high educations from outside our state to take these jobs. We need to be growing our own leadership and growing our own future. I will vote for Senate Bill 483 not only because of what it does for education but because of what it is doing for our social safety net. As a social worker in a hospice program, I spend my days with impoverished seniors who have outlived family members. They might be widowed. They might not ever have had children. They are alone, and so many of them have been on a waiting list to receive support services from the state. I can list the names of so many folks who have died waiting for services so that they could be safe in their home. This will change that.

This bill will make a meaningful impact in people's lives, in our constituents' lives. I know that when I was first elected and sent here by my constituents, I had to make hundreds of millions of dollars in cuts to education and hundreds of millions of dollars in cuts to health and human services. In the space of two hours, more than $40 million was cut out of mental health, and we saw that did not serve us well. This is the real change that my constituents have been looking for. For the first time since I was elected, I know that I get to push a button that is really going to be changing the way that we conduct business in Nevada and the way that we are growing this state. I am proud to support Senate Bill 483.

ASSEMBLYWOMAN SHELTON:

I have been getting tons and tons of emails from people saying to vote no on this. I agree with my colleagues that the voters voted no to the margins tax back in November. Some might argue that this is not a margins tax. I would say to those people: If this is not a margins tax, why am I still getting people sending me emails and making phone calls to tell me to vote no on this bill? I am getting texts as I sit here from constituents telling me to vote no. The people of Nevada do not want this, and I implore my colleagues to vote no.

ASSEMBLYWOMAN KIRKPATRICK:

I would like to remind this body about a couple of things. I was one of those 429,000 that voted against Question 3. I am going to tell you why. It was not the right policy. There were a lot of flaws in it, but I took it upon myself to come to this building and to do what was right for the tax structure of the state. Anyone who comes into this building with their mind made up and says that they cannot make a decision because they have already made it before they have even heard the facts—that is unfortunate because it takes you out of the game.

Whether or not all of these lobbyists in this building tell you something, if you sit on the committees and pay attention, we do many things. There are things that I do not always agree with in this building, but I make sure that my colleagues in the rurals have schools that they can

go to, I make sure that they have roads that they can use, and I make sure that they have jobs. For my folks that live in the north, I make sure that they have the economic opportunities that they want. I make sure that those kids also go to school. Down in the south, I make sure that the kids do not have to have 50 students in a third grade classroom because I work hard to support things such as class size reduction.

I would also like to remind everybody that we represent our state. We represent constituents, and it is our job to come here with an open mind and to think about what we have to do that is in their best interest. Many people forget that we walked into a shortfall. I am sure none of you knew that when you were out campaigning because about six of us knew that. I did not ask any of my constituents what I should do about the shortfall. I told them. I spoke to well over 180 businesses within a six-month timeframe and not one time did I say I am scared to vote for taxes because I might get unelected. Not one time. What I said was, I am going to go there with an open mind.

We have to be serious, folks. We have to talk about a revenue package that works for everybody. We have to talk about a revenue package that is stable for the state. We have to talk about a revenue package that helps our small businesses work, and this revenue package does. To say that small businesses are going to be hurt by this—I do not know that I consider a $4 million company a small business. It is only going to pay $200 for a business license. I think the myths that are out there are incorrect. Do I think that a modified business tax has been a very stable piece of our legislation? This is not a new idea. We have been talking about this for years. No one has ever had the courage to actually do it. I have been on this side. I have been on that side. I will tell you that it is hard to get to 28, and for once I believe that 28 of us have the courage to do what is right for Nevada's future.

It is not just about education. Education is super important. I am tired of hearing from businesses that they will not come to our state because we do not have a great education system. We do. I am tired of hearing from businesses that we do not have the traffic and the transportation systems in our state. This will help us get there. I am tired of hearing people say that the reason they do not come to our state is because we do not have anything to do. Not once did they ever tell me they do not come to our state because of taxes.

Virginia is one of the most conservative states in the United States. Virginia has the highest tax that is out there, but they also have the very best education system, not just in the higher education sector. They have it from pre-K all the way up, so those kids start out on the right foot. We have never ever invested.

Want to talk about the tax from 2003? It was a great idea. It was a great tax, but we never actually kept that money. You know why? Because we gave it back in 2005, the $300 million that was left over. We gave it back because we said it was too much. However, in 2009, we cut $1.2 billion out of our budget. So to say that we had the highest tax increase in 2003, I would say it has never really surfaced because we gave it all back. Every single time we have not been able to do it.

This session is my last session, and it is very unfortunate some people feel that this is personal. This is not personal among your colleagues. At the end of the day, I do not begrudge any one of my colleagues for not voting for this. I am going to go home and sleep well. I do not check kids' voter registration when they register for kindergarten. I educate them, and I make sure that they have the tools to do that. Each and every one of us has a responsibility to the state of Nevada and to the children of Nevada who are our future. That is why we support things such as career and technology. That is why we support things such as our community college. That is why we support great job opportunities so people can build roads.

I find it unfortunate on the night before *sine die* that we have made this a personal issue. I like each and every one of you in this building. Everyone has something unique about them that they bring to this building, and that is what makes Nevada so great as a citizen legislature. I got probably 4,000 emails on a solar issue and two of the senders lived in my district. That is exactly what happens with mass robocalls, and that is exactly what happens with mass emails. I implore them to give me their address because I want to write back to them, and I want to contact them.

I would urge my colleagues to please build a new Nevada, start something new. You will be back next session. You will have the opportunity. There is not one perfect tax. Remember I said that in 2003 we passed a tax? I was not here in 2003, but in 2005 we fixed it. In 2007, we passed

a tax called a property tax and we are still fixing that. There is no perfect tax in any state in the country, but let us be like some of those more conservative states who invest in their infrastructure. The infrastructure I see in the state that is most important is our children. If our children do not like to go out hunting, that will go away. If our children do not like to go out and ride bikes, that too will go away. If our children do not have the educational opportunities that they deserve, to be on the cutting edge, to compete globally, then we might as well just stop right here.

You should think twice about why you are in this building. This building is not easy. In this building there is a lot of pressure from a lot of folks but at some point, you have to stand up and take a stand. I have sat in the Ways and Means Committee. I have watched people vote for things and thought it was interesting. I am a little bit more conservative than them. I have watched people vote down things that I thought were really important to their district. Why would they do that? So I would say this is not personal. This is not who you are inside. This is not about your integrity, for heaven's sake. I have been in this building a long time. My integrity is super important, and if you are telling me that by supporting something that is going to benefit the children of Nevada, the infrastructure of Nevada, the IT [information technology] needs of Nevada, the mental health that we have never agreed to do anything about—we talk about it. In our state, we are really good about talking about stuff, but we never do it—and if that means that I have no integrity, I am ashamed to be a Nevadan.

I came here with integrity. I came here with hope. I came here with the ability to sit down with everybody and to work. I have worked on taxes long before many of you in this building. Our tax structure is antiquated. We need a new revenue structure to work. We need to protect our smaller businesses, as we did. Two hundred dollars for a business license fee is a pretty good gig because you know what? In Virginia, it is not $200. We said $4 million and then you have to participate in this. This gets some of the bigger people that have not invested.

If you want to talk about the poor resident agents, let me just tell you all something. We did help them. We did address some of their needs, not all of them, but they benefit from Nevada's legal community and laws all the time. That is why they are here. That is why we have 120,000 of them, so I would implore all of you not to think about this as a mark on your integrity because it is not. It is a mark on being a Nevadan, standing up for what is right, and investing in our state for the long term. Please support Senate Bill 483.

I will say one last thing: It is easy to vote no. It is easy to fill the budget and expand it, but it is very hard to push this button and go home. I have done this once before, and if you explain it to your constituents, they will understand. My husband is my number one constituent, and he reminds me all the time. When that road does not work on Rancho, he says, What is the state doing about it? Then I get on the phone and ask about what we are doing about all those potholes. As a state, we fund that. We take care of that. So if you can go home and explain your actions today, good or bad, then you have won. You have proven to the folks that you were here for all the right reasons. I will just say when leaving this building, I hope that integrity is not questioned on a daily basis because we all work really hard. When we go out door to door, my constituents are all about supporting this and making sure that every single kid gets the opportunity for all-day kindergarten after 22 years of fighting for it. But if you cannot go home and explain it, then you probably should vote no. I guarantee that there are plenty of you that can go home and justify why you do this.

Thank you, Mr. Speaker, and I encourage people to vote in support of Senate Bill 483 for a new Nevada.

ASSEMBLYMAN CARRILLO:

I rise in support of Senate Bill 483. It is imperative that we pass this bill in order to fund the bills and services that we have already voted on during this session. We have a duty to the citizens of this state to ensure that the services that they have expressed overwhelming support and need for are supported, including those services related to mental health, social services, and education. All these kids who we have talked about during the session regarding education belong to all of us—everyone in this room, gallery, everywhere. These kids deserve more, and we need to make sure that they are educated, employable, and able to carry the torch for all of us in the future. These businesses that we keep talking about have clearly indicated that they need an educated

workforce, and we have the responsibility to give them just that. I urge the body to support S.B. 483.

ASSEMBLYMAN JONES:

I rise in strong opposition to Senate Bill 483. I just want to point out that I agree wholeheartedly with the many statistics shared by my colleagues that are also in opposition. I do not want to go through all of them again, but I do want to point out a couple. We always come back to this issue of funding our education; our education is underfunded. As my colleagues have pointed out, that is not the true case. In fact, in our state our teachers are paid above the national average. Also, class size reduction is an issue. On average, our class size is just a little over 20, which is lower than Utah and Arizona.

The biggest thing is this: Since 1972, education spending with inflation adjusted has been tracked as has performance. We are spending now over 100 percent more than we were back in 1972, yet our performance has gone down a little bit. So throwing more money at it is not the solution. The solution is education reform, and we are doing a $1.5 billion tax increase mostly for new education programs. What is great about our country is that we have 50 states that can try different things and then find out what works and what does not work. Many of the programs that we are throwing millions and hundreds of millions of dollars at have proven not to work in other states.

Just before this election cycle started, Wisconsin was another state in a similar situation with over a $3.6 billion deficit. Scott Walker, in a Democratic state, was able to get his legislature together and they went in another direction, which is a shining star of what we could be doing right now. We are choosing to go the other way, which has failed time and time again—just throwing more money at the problem.

What this reminds me of is one simple thing. We ushered in a Republican majority because the people spoke loud and clear. They do not want more taxes, and they want better accountability and less government in their lives. Ronald Reagan proved that less government creates prosperity, and with prosperity all ships rise. So with prosperity and educational reforms, we could be making a true difference, as has been established in other states and has been proven to work. What this comes down to for me is one simple statement. This simple statement means different things to different people, and I am sure that everybody in here has integrity, but it comes down to this. The people ushered us in. When I say "us," I mean the Republican Party, with their idea of what they expected us to do. With this vote, what we are going to be doing is a betrayal after trust. We are going to betray the very people who ushered us in, and they spoke very loudly.

What this reminds me of is a scene out of my favorite movie. My favorite movie is *Braveheart*, and for those of you who know *Braveheart*, Mel Gibson played Sir William Wallace fighting for independence for the state of Scotland. He was going against Longshanks, the evil English king. The scene that this reminds me of is the second major battle against the English army. Sir William Wallace already had defeated the English army and sacked York. Now, Longshanks had come up with his entire force to take on Sir William Wallace. Prior to the fight, he agreed with the major Scottish king, who was Robert the Bruce. He had agreed with Robert the Bruce that at the pivotal point in the battle, Robert the Bruce would come over from behind a hillside and help him defeat the English. He went into battle. They were doing quite well and when that pivotal point came, you know what happened? Robert the Bruce was nowhere to be found because you know where Robert the Bruce was? He was on the English side with Longshanks wearing a helmet to disguise who he was.

At the end of the battle, Sir William Wallace, in defeat, lying bloody on the ground, sees the king and his entourage. He gets on his horse and rides after them. He gets in a fight with Mr. Bruce, who has a helmet on and he cannot see. How did he feel after that fight? When the helmet came off Robert Bruce, he felt betrayal after trust. His heart sank to a low level. That is how I feel. When we Republicans were ushered in for this point, our hearts are going to be sinking to a new level because we are betraying the very constituents that put us in office.

Thank you, and I urge you to vote no against S.B. 483.

ASSEMBLYMAN ELLISON:

I stand in opposition to Senate Bill 483. To give a little good news on this, I promise I will not go as long as my colleagues from District 32 or 19, even though I agree with them, or my colleague

from District 5. As of this morning, small businesses and past legislators have called me and reminded me that these seats that we sit in belong to the people of the state of Nevada. They reminded me that they did vote strongly against Question 3, and that is what we are doing here today.

Mr. Speaker, I came here this year with an open mind, knowing that we were going to have to make some changes in what we are going to do for the finances of the state of Nevada. I knew we were going to have to make some changes. This body supported new schools. This body has made changes in prevailing wages. We have done all kinds of things to make this state better. Mr. Speaker, when we get done with this vote, tomorrow morning I am going to get up and wipe my pants off just like I do every day. I am going to look up in the sky.

Mr. Speaker, what we have to do, whatever these decisions are, we cannot look back. We have to go forward for what is good for Nevada; we have to go forward for what is good for the state as a whole. I know that there has been a lot of heartache between individuals here, but you never look back. You always look forward at what is good. Do not live in the past. Even though I am in opposition, no matter what this vote comes out to be, tomorrow I will look forward for the betterment of this state. I am hoping that everybody in this body will do the same because that is what we are. We are Nevadans and Americans.

ASSEMBLYMAN STEWART:

It is always hard to follow my colleague from Elko. Mr. Speaker, I stand in support of Senate Bill 483. It has been so long I almost forgot the number.

Unlike my colleague from District 5, I am not approaching my 60th year. I am well past it, in fact. As I look around here, I think I have probably lived in Nevada longer than anybody in this Assembly and probably anybody in this building. I have thought long and hard about this bill. When the Governor first came out with his plan, I talked with him and told him the things I did not like about it. He has made many corrections. My colleague who is the chair of Taxation has done a great job. We have blended together some plans. I do not think we have come up with a perfect plan by any means. There are still some things in it I would like to change, but I think it is the best plan for Nevada at this time. So I am going to follow the Governor as he leads us on the path to a new and a better Nevada.

In this plan, we have a medical school beginning at UNLV [University of Nevada, Las Vegas] for future medical students. In this plan, we have a veterans' home in northern Nevada to match the one in southern Nevada to take care of our veterans. In this plan, we have some great education reforms with accountability so our children can go forward. In this plan, we have developed probably the best school choice program in the United States.

Mr. Speaker and my colleagues, I am voting for this because I think it is best for my grandchildren, for your children and grandchildren, and for the future of Nevada.

ASSEMBLYWOMAN DIAZ:

I rise in strong support of Senate Bill 483. Mr. Speaker and colleagues, we truly are at a watershed moment in our state. Many of us have been dreaming of this for many sessions. Many of those have already departed and are no longer among us, but the time has come for us to ensure that we start to construct and to build a new Nevada.

As stateswomen and statesmen, we need to do what is right for the future of our state and its citizenry. Efforts to diversify our state's economic development need to continue. We need to support it in order to move our state forward and ensure we continue to grow the middle class in our state. This investment in our children is key to this economic development. Time and time again, we hear from companies wanting to come here that they do not come because they feel that we do not have a workforce that is educated. They feel that if they come, they do not have the people, the citizens, who are adequately prepared to work for their companies or that they want to bring their children to our educational system. I want to praise the Governor for his education reform plan and for having the vision that many of us have had for this state for a long time.

As we strive to ensure that all Nevadans are moved forward and no one is left behind, we need to think about the choice that is before us today. I agree with my colleagues that have spoken before me in opposition to this measure. We do have a choice. We can break the cycle of poverty by educating our future citizens. We can also eliminate this pipeline that we have created that

goes straight to prison. Let us educate and not incarcerate our future Nevadans. This vote is for you, Peggy Pierce.

ASSEMBLYMAN PAUL ANDERSON:

I rise in support of Senate Bill 483. Just for the record, the sky is not falling. The end of the world is not nigh. Taxes are never easy and raising taxes is difficult, especially for someone like me. I am a business owner. I pay these taxes. My tax burden will go up under this proposal, but I am convinced that Nevada's education system needs it.

By combining new investment with major reform, we are improving our education system in many ways that folks believed were impossible. Rather than being critical, disappointed, or ashamed of the way we educate our kids, we will be able to hold our heads high. We are giving Nevada's families the resources and choices that they demanded. The easy way out is to maintain the status quo, but I cannot do that. I cannot accept what we have today and keep pushing it forward into the same problems that we have now, being at the bottom of all the good lists and the top of all the bad lists.

It is time that we put status quo in the rearview mirror. Together, legislators, the Chief Executive, Democrats, and Republicans are revolutionizing Nevada. I am proud to stand with you today. I am proud to stand with Nevada's children, and I am proud to stand in support of Senate Bill 483 and Nevada's future.

ASSEMBLYWOMAN NEAL:

I rise in support of Senate Bill 483. Public policy does not come without sacrifice. I did not start out as an advocate for this tax plan, but it is said that the moral test of government is how it treats those that are in the greatest need in this state. When I first entered this body as a freshman, I thought we were a body who could not see beyond the allegory of a cave. I thought we were imprisoned by our own selfish needs and that we could not see the greatest needs of this state. But that changed. This legislative session, I saw us come together and fight for this legislative institution as it came under attack. There were days when I thought that the truest values of our government, which are to serve the collective, were going to be sacrificed. I watched us come together and hold strong to the principles of this government. We made a decision to serve the people of this state. We made a decision that we were not here to serve our selfish interests but to seek to serve the greatest needs of our people and that is the educational needs of our children. We battled over this tax policy and after many amendments, we found a way to support education. We found a way to create a new revenue stream to support this state. It was not easy, but we found a way to set a new course for the state of Nevada and a place to build from. We found a stable place, although not perfect, but one which we can leap from and one in which we can claim a greater future to plan for our state. I urge your support of S.B. 483 for the educational needs of our children, which is supported in the *Nevada Constitution*.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 483. One point that has not been mentioned so far is a substantial improvement to the stability of Nevada's revenue structure with S.B. 483. During 2009, we had a 37 percent structural deficit. Unlike other states, we have revenue streams that vary wildly. Our deficits in 2009, structurally and on a percentage basis, were larger than California's. The commerce tax element of this measure will help us stop those wild swings in revenue and give government, business, and policymakers some much-needed certainty. We will no longer invest in great programs just to cut them after they get off the ground. Really, what is the point of spending anything if you have to cut it immediately when the economy tanks?

Additionally, it will allow us to provide much-needed funding for education programs. For two sessions, the Legislature has invested in smart and research-based policies. We have already seen results from Zoom schools, for example. We know these policies work. We know we are investing smartly. My colleague from District 32, I would note that we voted for A.B. 278, which places tighter controls and reporting requirements on class size reduction funds in the future.

Mr. Speaker, I do not recall many saying during the Question 3 debate that we do not need education spending—it was how. For good reason, you would not expect Marines to take a hill if you did not give them ammo, and you should not expect teachers to produce results without funding. In the past, too many legislators have said that we should spend more on education, but

then they get weak-kneed when it comes to raising the revenue to fund it. I would note to my colleague from District 35 that if you really want freedom, you need an educated populace. The first thing that tyrants do is restrict access to education. Our founding fathers were some of the most educated people of their day, and that is the reason we have democracy and that is why we are here having this debate tonight.

Now is the time for all of us to have the courage to stand up for the new Nevada. In the end, it does not matter if any of us lose an election. The only thing that matters is what we do while we are here. Mr. Speaker, I can look at myself in the mirror, and I urge the body to have the courage to fund the new Nevada. We can make people proud of the Nevada Legislature tonight by learning from the past

ASSEMBLYWOMAN JOINER:

I rise in support of Senate Bill 483. This bill tonight presents us with an historic opportunity. I am confident that when I push that green button and vote in favor of this measure, I will be on the right side of history. I am confident of that because this is a well-balanced tax program that diversifies our state's tax base, something that we have been desperately needing and looking for for decades. It is also a balanced approach to providing the necessary revenue to fund our essential services. It protects our middle-class folks while at the same time ensuring that those corporations that can afford it pay their fair share.

There has been a lot of talk about constituents tonight. I listen to my constituents constantly. I actually made a list of all the things my constituents have asked me for this session. Most of the things on this list are related to this bill. In order, my constituents most consistently have asked me to fund K-12 education. They want to see our education improve in this state. Having UNR [University of Nevada, Reno] in my district, they consistently ask me to fund higher education so that our university can continue to be competitive for economic development reasons when corporations want to come into Nevada and have a legitimate workforce. Having been a state employee myself, I have state workers begging me to end the furloughs, to vote for things that help to improve their salaries, and to restore some of their cost-of-living raises. Finally, I hear from folks every day who need a little bit of help, either through Medicaid or social services. They need the help, and we need to provide it.

Those are four key areas that my constituents consistently ask me for, and this is the bill that gives the opportunity to fund these services for our constituents. So it is for these reasons that I am proud to vote for this measure tonight. I think it is the perfect long-term solution for funding the services that we need for our citizens.

ASSEMBLYMAN O'NEILL:

I rise in support of Senate Bill 483. First—and I will try to make this quick—I want to commend everybody for their passion no matter which side of this argument they are on. I particularly commend my colleague from Assembly District 5 and his most eloquent presentation. I stand with him. I commend my colleague from Assembly District 21 and the work that he and his Taxation Committee and all those members on Ways and Means have done to find a reasonable solution to some of the biggest problems facing our state.

I represent the best Assembly district in this great state, I believe. Our economy has seen some hard times over the last few years, and many of my constituents who work in state government have shared the sacrifice with many of their friends in the private sector. Restoring the cuts made to them should be a part of our recovery. There is a balance to ending furloughs and restoring COLAs [cost-of-living adjustments] without slowing down our economy. This will also restore bridge funding to our Western Nevada College and some of the community colleges that play an integral role in workforce development for northern Nevada and our expanding future. They provide the workers that are so desperately needed.

When I was walking and talking to my constituents, knocking on doors, I said several things. One of the things that seems to be forgotten often, and that I have regularly said, is what I bring to the Legislature that I feel is unique, which is 40 years in law enforcement and the greater majority of that in investigations, investigating some of the most serious crimes. What I did in that job was collect information, talk to people, collect data and evidence, test it, research it, and draw conclusions. Conclusions and actions not based upon what was popular, not based upon what was the simplest and easiest thing to do, but based upon what is the right thing to do. I believe

as I hit that green button tonight, I will be fulfilling that pledge I gave to my constituents, and I am proud to do that. I feel confident this compromise is the best way to move forward, and I thank you very much.

ASSEMBLYMAN WHEELER:

Mr. Speaker, we have heard a lot of passion tonight. We have heard about different parties and what our constituents want. We have even heard a great movie reference. As a matter of fact, my colleague from Elko made a reference that I am not even sure about. My colleague from District 1 tells me something almost every time we go out to our little smokers' caucus, and she says it is about the policy. When we walk through that door, the party politics should stop and it is about the policy. She is right. With the respect I have for her, I am going to say I am glad she is right because this is about the policy. That is exactly what this bill is about.

I am a very lucky Assemblyman, Mr. Speaker, because I represent the best Assembly district. It includes all of Douglas County, part of Lyon County, and all of Storey County. In Storey County, we have a little thing called the Tahoe Reno Industrial Center where we just saw two absolutely major corporations move, followed by nine to ten other smaller corporations coming in. I have had the opportunity to talk to these people and sit down and say, Why did you come here? We keep hearing over and over and over again that businesses will not come here because of our education system. Yet I go out in my district and I see the exact opposite thing happening. It is not because of our roads. It is not because of our education system. No, they all have the same answer: You are a low-tax state. Every single one of them. Let us take a look at that for a minute. What have we done so far in this session? We have stopped counties from tax breaks they have gotten for years. We have taxed taxis and cabs; we have taxed taxies to the tune of about $100 million. We are contemplating a new tax on live entertainment, and now we are going to tax our businesses with a gross receipts tax. I do not care what you call it, that is what it is. So what are we doing in this session, ladies and gentlemen? I think we will be known as the tax session, I am sorry to say. That is not a policy that I am willing to live with, and I know that is not a policy that the business community is willing to live with.

Ladies and gentlemen, I urge you very much to vote no on this and not just for that reason. There is another reason when you go to push this button that you might want to push the red one. If you push the green button on this particular bill, S.B. 483 that is now an omnibus bill with every tax we can think of, you are saying that you love every single bit of it because you will not be able to change anything again. You will not have any more negotiations. It will stop right here with this vote. So tell me again that you think this a perfect tax, because that is what it is going to say when you hit this green button. You are not going to be able to change a thing. There are no more negotiations.

ASSEMBLYWOMAN CARLTON:

First, I would like to thank you for giving the body the latitude to have this very serious discussion. I do appreciate that, and I appreciate the Majority Leader's comments and all the comments of my colleagues, especially my colleague from the double deuce. He is a native Nevadan and knows a lot more about Nevada than I do. I am a Nevadan by choice. I came here with my husband looking for a better life, looking for a better education for my children. We got it. I have represented four different groups, four different districts in this state, since I was elected in 1999: two different Senate districts and two different Assembly districts. So when you talk about representing a lot of folks, I have talked to a lot of folks on the east side of the valley in Las Vegas. Taxes very rarely come up. It is all about education and what is going on in their neighborhoods; it is about public safety; and it is about providing the services that their families need, whether they have a child with special needs, a child with autism, or a mother or father that needs services. When I get those calls, that is who I am trying to help out.

This is not about party. This is not about caucuses. This is about being a Nevadan, and because I chose to be here, I chose this responsibility. We heard earlier, where is the accountability? How are we going to be sure this money is spent well? What have we done with the money since 2003? Well, I voted on that tax in 2003, and I am still here. I have held myself accountable, and I have watched the budgets. I have paid attention. I was honored to chair Ways and Means last session, and I respect the work that our current chair of Ways and Means has done. We have had 134 meetings, some of them two and three hours long. We have vetted this budget down to the

nickel. We know what is in it. We know that we are going to be held accountable for it, and it is the right budget. It is not a great budget. Lord knows there is more that I would like to have in it, but I know at this time and this place this is what we need to do.

In getting away from the bill for just a second, Mr. Speaker, with your permission, look at the things that we are going to fund. We are funding the medical school, which we heard about. We are funding unmanned aerial vehicles. In 2011 when we were doing the cuts, we never even thought that something like that would come to our state, but because we are investing, that industry is now here in this state. There is a senior property tax abatement in there that I had to vote to take away from my seniors and now I get to vote to give it back to them. I am very happy to do that. The autism funding is going to be one of my proudest moments because we are going to take care of these kids. That is why I came here and that is why I support S.B. 483.

Thank you again for allowing us to have this debate.

ASSEMBLYMAN SILBERKRAUS:

I rise in support of Senate Bill 483. We have worked all session to build a better system of education for our children and for those that will come after. It is easy to say we support these programs. It is easy to say that we support these changes, but today comes the hard part. This is where the rubber meets the road. Today, actions speak louder than words. Today, I vote to fund a better future for my son and for all the children of Nevada. Mr. Speaker, today we build the new Nevada.

ASSEMBLYWOMAN FIORE:

As we wrap this up, I am just going to remind everyone as we make promises to our children and deliver on that, I think we need to stick to our promises to our constituents and deliver on those. I urge this body to vote no on this atrocious bill.

ASSEMBLYWOMAN SPIEGEL:

I rise in support of Senate Bill 483. You know, one thing that is always difficult for us is to make the challenging decisions. I do not think there is a member of this body who takes this decision lightly. I think that we have all taken the time to weigh the policy, to weigh the implications of this bill, and to look at the benefits that we have come across with. As long as I have lived in Nevada, I have heard people say things like, Now is not the time raise taxes, it does not matter if the economy is doing well. People say, The economy is doing well, now is not the time to raise taxes because that could scare our businesses. When the economy is doing poorly, people say, Now is not the time to raise taxes, our businesses are doing poorly. When is the right time to raise taxes? It is not an easy decision.

Like my colleague from District 13, I am also a business owner. This bill will increase the tax burden on me and my company as well, but in looking at the decision and looking at the decision for Nevadans, I have done a couple of things. First of all, earlier this session, I went home one Saturday and I spent the day visiting businesses in my district. I spoke to small business owners about their tax burdens. I spoke to them about what they wanted for Nevada. One of the things that I am really proud of in this bill is that our small businesses, those with revenues under $4 million, will not have their tax burden increase that much. Those whose payroll is under $200,000 a year, our smallest businesses and growing businesses, will not have their modified business taxes affected at all. Yet it offers us so much. It offers us as a state the ability to provide the services that we need, to build the infrastructure that we need, to protect our middle-class families, and to grow.

We have ceased being competitive with our nearby states, and this bill enables us to regain our competitive nature to provide the services and amenities that the people of Nevada want without really harming our businesses. We had the largest employers in our state coming out and testifying at the hearing yesterday urging us to support this bill. For once, I think they are right. When the business community comes to us and says that now is the time to raise taxes and this is the package to do it with, I think we need to take their words seriously and heed them. Thank you.

ASSEMBLYMAN MUNFORD:

When I walked into this Chamber this evening and I took my seat, I basically had my mind made up about how I was going to vote. Right now, in that this is my last session in this Chamber,

as I am going to be termed out, I would say this is the most difficult bill that I have had to vote on. I stand here right now, to some degree, a little confused because I listened to both of the arguments. The opposition and those in support both had merit. They made a lot of sense. I was listening to all my colleagues talk. I still stand here a little concerned. I think about the business side of it, the businessman. I know they are the job creators, so we need them. We look at the education side. We need improvement in our education system. I taught school for many, many years, but even in my district, District 6, they need a lot of support in terms of the economic area and helping to improve schools. So I can say both sides have so much strong merit, and I am going to take my seat and vote, but I still think this is very, very hard for me. I just do not know what to say right now.

ASSEMBLYMAN TROWBRIDGE:

I stand in support of Senate Bill 483. I voted to support the proposed amendment by my colleague from Assembly District 32, which would have provided a temporary extension to the sunset taxes, and I look forward to those days when these taxes are no longer needed. I hate to disappoint my colleague from District 5 because when I was sworn into office, I did get a job as a judge. Along with every legislator, I am expected to make judgments concerning our highest priority, which is supporting our schools. Our schools are tasked with the ever-growing population and unprecedented challenges with complex issues that require innovative approaches to help move our student performance in the right direction. Sure, we need far more accountability; no one can deny that. We need accountability for the funding that the schools currently have as well as any new funding that they are going to get, but we cannot let past failures to instill adequate accountability prohibit us from doing the right thing.

Let there be no misunderstanding: We demand changes and improvements. Empty demands are not adequate. We need to fund our demands and expectations. I did not come here to raise taxes. I did not come here to protect those who do not want to pay any more, because I am certainly one of them, but I am here to do the right thing. We cannot have expectations and demands without funding them. Admittedly, this bill is not perfect, although I dare someone to show me a bill in this house that is perfect. However, please support Senate Bill 483.

Roll call on Senate Bill No. 483:

YEAS—30.

NAYS—Dickman, Edwards, Ellison, Fiore, Hansen, Jones, Seaman, Shelton, Titus, Wheeler—10.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 483 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblywomen Carlton and Fiore.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 478 increases certain developer application and renewal fees and establishes expedited filing fees and late penalty fees. The bill also establishes time share exchange company registration and abbreviated conversion fees and increases the fee for sales agent association changes or license location changes. As amended, the bill clarifies where the developer and time share fees collected by the Real Estate Division outlined in the bill are deposited. The bill becomes effective on July 1, 2015.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 478. Assembly Bill 478 almost doubles the fees on a number of individuals, and I think after just passing along $1.5 billion in tax, maybe we can give them a break and vote no on this one.

ASSEMBLYWOMAN CARLTON:

This bill was heard. There was just a bit of opposition. The opposition was addressed. This is an industry bill. This takes care of an issue that they would like to have taken care of, so we actually listened to the people who were in front of us who said we need to get this fixed.

Roll call on Assembly Bill No. 478:

YEAS—30.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Seaman, Shelton, Titus, Trowbridge, Wheeler—10.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 478 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:31 p.m.

ASSEMBLY IN SESSION

At 9:29 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 421 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 296 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Diaz moved that Assembly Bill No. 197 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion lost.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 513, 515.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 79, 266.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 79.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 266.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 513.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 515.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 8, 23, 34, 49, 50, 51, 67, 69, 93, 115, 126, 138, 161, 178, 191, 199, 234, 239, 328, 470, 477, 486; Assembly Resolution No. 10; Senate Bills Nos. 4, 24, 60, 89, 170, 253, 276, 302, 374, 391, 414, 420, 422, 431, 456, 474, 481, 500, 501, 503, 510.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Hansen moved that the Assembly do not recede from its action on Senate Bill No. 53, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Hansen.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Gardner, O'Neill, and Ohrenschall as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 53.

Assembly Bill No. 167.

The following Senate amendment was read:

Amendment No. 786.

AN ACT relating to foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while ~~[off of the premises of a family foster home]~~ **in the presence of a foster child** in certain circumstances; **providing that an agency which provides child welfare services is immune from liability for any injury caused by a firearm on the premises of a family foster home;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish requirements for the licensure of family foster homes, specialized foster homes, independent living foster homes and group foster homes. (NRS 424.020) Existing regulations require all weapons on the premises of a foster home to be unstrung and unloaded at all times when children are in the home and stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition is required to be kept in a separate locked container and weapons may not be transported in a vehicle in which children are riding unless the weapons are made inoperable and inaccessible. (NAC 424.600) This bill authorizes a person lawfully in possession of a firearm or ammunition to ~~[store]~~ **possess** the firearm or ammunition on the premises of a family foster home **if it is stored** in a locked secure storage container ~~[.]~~ **except when used for certain lawful purposes or to clean or service the firearm. This bill requires any key, combination or access code to the locked storage container to be kept in the reasonably secure possession of an adult or in a locked combination or biometric safe.** This bill also authorizes a provider of family foster care or other person who resides in a family foster home to carry a firearm on his or her person while ~~[off of the premises of a family foster home but]~~ in the presence of a foster child **if: (1) the firearm is kept in a holster; (2) the firearm is carried** in a manner which ensures that the firearm is inaccessible to the foster child ~~[if]~~ **and is in the possession or control of the provider or other person; and (3)** the provider or other person is a law enforcement officer or has a permit to carry a concealed firearm. **Finally, this bill provides that an agency which provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family foster home or carried by a provider of family foster care or any other person who resides in a family foster home.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 3, a person who is lawfully in possession of a firearm or ammunition may ~~[store]~~ possess the firearm, whether loaded or unloaded, or ammunition while on the premises of a family foster home but must store the firearm in a locked secure storage container ~~[.]~~ except when used for a lawful purpose which may include, without limitation, for an educational or recreational purpose, for hunting, for the defense of a person or property, or to clean or service the firearm.

2. A person who stores a firearm or ammunition on the premises of a family foster home in a locked secure storage container as required pursuant to subsection 1 shall ensure that any key, combination or access code to the locked secure storage container is kept in the reasonably secure possession of an adult or a locked combination or biometric safe.

3. A provider of family foster care or any other person who resides in a family foster home may carry a firearm on his or her person , including, without limitation, in a purse, bag, briefcase or other similar means, while ~~[off of the premises of the family foster home but]~~ in the presence of a foster child, including, without limitation, while operating or riding in a motor vehicle, if ~~[the]~~ :

(a) The firearm is kept in a holster;

(b) The provider or other person carries the firearm in a manner which ensures that the firearm is inaccessible to any foster child and is in the possession and control of the provider or other person; and ~~[the]~~

(c) The provider or other person is a person who:

~~[(a)]~~ (1) Is listed in paragraph (a) of subsection 4 of NRS 202.350; or

~~[(b)]~~ (2) Has been issued a permit to carry a concealed firearm pursuant to NRS 202.3653 to 202.369, inclusive.

~~[3.]~~ 4. An agency which provides child welfare services is immune from civil and criminal liability for any injury resulting from the use of a firearm or ammunition that is stored on the premises of a family foster home or is carried by a provider of family foster care or any other person who resides in a family foster home.

5. As used in this section:

(a) "Firearm" has the meaning ascribed to it in NRS 202.253.

(b) "Secure storage container" means any device, including, without limitation, a safe, gun safe, secure gun case or lock box, that is marketed commercially for storing a firearm or ammunition and is designed to be unlocked only by means of a key, a combination , a biometric lock or other similar means.

Sec. 2. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, ***and section 1 of this act*** do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.
2. Care is provided by the legal guardian.
3. Care is provided for an exchange student.
4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.
5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.
6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.
7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~.~~ ***, and section 1 of this act.***

Sec. 3. Any regulations adopted pursuant to NRS 424.020 that conflict with section 1 of this act are void.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 786 to Assembly Bill No. 167.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1008.

AN ACT relating to foster care; authorizing the storage of a firearm and ammunition on the premises of a family foster home in certain circumstances; authorizing certain persons to carry a firearm on their person while in the presence of a foster child in certain circumstances; providing that an agency which provides child welfare services is immune from liability for any injury caused by a firearm on the premises of a family foster home ~~.~~ **or that was carried in the presence of a foster child;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish requirements for the licensure of family foster homes, specialized foster homes, independent living foster homes and group foster homes. (NRS 424.020) Existing regulations require all weapons on the premises of a

foster home to be unstrung and unloaded at all times when children are in the home and stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition is required to be kept in a separate locked container and weapons may not be transported in a vehicle in which children are riding unless the weapons are made inoperable and inaccessible. (NAC 424.600) This bill authorizes a **law enforcement officer or** person ~~[lawfully in possession of a firearm or ammunition]~~ **who holds a permit to carry a concealed firearm** to possess the firearm or ammunition on the premises of a family foster home if it is stored in a locked secure storage container except when used for certain lawful purposes ~~[or]~~ **, when carried lawfully,** to clean or service the firearm ~~[.]~~ **or if the firearm or ammunition is inoperable and solely ornamental.** This bill requires any key, combination or access code to the locked storage container to be kept in the reasonably secure possession of an adult or in a locked combination or biometric safe. This bill also authorizes a ~~[provider of family foster care or other person who resides in a family foster home]~~ **law enforcement officer or person who holds a permit to carry a concealed firearm** to carry a firearm on his or her person while in the presence of a foster child if ~~[.]~~ **the person:** (1) **keeps** the firearm ~~[is kept]~~ in a holster ~~[,]~~ **or other similarly secure case;** (2) **carries** the firearm ~~[is carried]~~ in a manner which ensures that the firearm is inaccessible to the foster child and is in the possession or control of the provider or other person; and (3) ~~[the provider or other person is a law enforcement officer or has a permit to carry a concealed]~~ **returns the** firearm ~~[.]~~ **to a locked secure storage container when it is not being carried or in use.**

Finally, this bill provides that an agency which provides child welfare services is immune from liability for any injury caused by a firearm that is stored on the premises of a family foster home or carried by a provider of family foster care or any other person who resides in a family foster home.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 3, a]~~ A person who is ~~[lawfully in possession of a firearm or ammunition]~~ listed in paragraph (a) of subsection 4 of NRS 202.350 or holds a permit to carry a concealed firearm pursuant to NRS 202.3653 to 202.369, inclusive, may possess the firearm, whether loaded or unloaded, or ammunition while on the premises of a family foster home ~~[but]~~ in accordance with the provisions of this section.

2. Except as otherwise provided in subsection 4, a person described in subsection 1 who possesses a firearm or ammunition while on the premises of a family foster home must store the firearm or ammunition in a locked secure storage container except ~~[when]~~ :

(a) When used for a lawful purpose , which may include, without limitation, for an educational or recreational purpose, for hunting, for the defense of a person or property, or to clean or service the firearm ~~.~~ ; or

(b) If the firearm or ammunition is inoperable and solely ornamental.

~~[2.]~~ 3. A person who stores a firearm or ammunition on the premises of a family foster home in a locked secure storage container as required pursuant to subsection ~~[1]~~ 2 shall ensure that any key, combination or access code to the locked secure storage container is kept in the reasonably secure possession of an adult or a locked combination or biometric safe.

~~[3.]~~ 4. A ~~[provider of family foster care or any other person who resides in]~~ person who is authorized to possess a firearm on the premises of a family foster home pursuant to subsection 1 may carry a firearm on his or her person ~~[, including, without limitation, in a purse, bag, briefcase or other similar means,]~~ while in the presence of a foster child, including, without limitation, while operating or riding in a motor vehicle, if ~~[:]~~ the person:

(a) ~~[The]~~ Keeps the firearm ~~[is kept]~~ in a holster ~~[,]~~ or similarly secure case; and

(b) ~~[The provider or other person carries]~~ Carries the firearm in a manner which ensures that the firearm is inaccessible to any foster child and is in the possession and control of the provider or other person; and

(c) ~~[The provider or other person is a person who:~~

~~(1) Is listed in paragraph (a) of subsection 4 of NRS 202.350; or~~

~~(2) Has been issued a permit to carry a concealed firearm pursuant to NRS 202.3653 to 202.369, inclusive.]~~ Returns the firearm to a locked storage container when the firearm is on the premises of a foster home or in the presence of a foster child and is not being carried on his or her person in accordance with this subsection or used for a lawful purpose.

~~[4.]~~ 5. An agency which provides child welfare services is immune from civil and criminal liability for any injury resulting from the use of a firearm or ammunition that is stored on the premises of a family foster home or is carried by a provider of family foster care or any other person who resides in a family foster home.

~~[5.]~~ 6. As used in this section:

(a) "Firearm" has the meaning ascribed to it in NRS 202.253.

(b) "Secure storage container" means any device, including, without limitation, a safe, gun safe, secure gun case or lock box, that is marketed commercially for storing a firearm or ammunition and is designed to be unlocked only by means of a key, a combination, a biometric lock or other similar means.

Sec. 2. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, ***and section 1 of this act*** do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~.~~ ***, and section 1 of this act.***

Sec. 3. Any regulations adopted pursuant to NRS 424.020 that conflict with section 1 of this act are void.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Hansen moved that the Assembly concur in the Senate Amendment No. 1008 to Assembly Bill No. 167.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 258.

The following Senate amendment was read:

Amendment No. 1034.

SUMMARY— ~~Exempts certain offers or sales of securities from registration requirements for securities.~~ **Prohibits certain acts relating to the obstruction of property and roadways.** (BDR ~~7-700~~ **3-700)**

AN ACT relating to ~~securities; providing for an exemption from the requirement to register for certain offerings for the sale of securities made through certain Internet websites; establishing certain requirements relating to an issuer of a security who qualifies for such an exemption; providing for the registration of certain operators of Internet websites who post offerings for the sale of securities not required to be registered;~~ **unlawful acts; prohibiting a person from obstructing certain property or roadways;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law sets forth requirements for the registration of a security with the Securities Division of the Office of the Secretary of State before an offer to sell or a sale of such a security is made unless certain exceptions apply. (NRS 90.460-90.510) Existing law further provides for an exemption of certain securities from the registration requirement and sets forth the filing requirements necessary to qualify for the exemption. (NRS 90.520-90.565)~~

~~— Section 3 of this bill provides an additional exemption from the registration requirement for securities for an offer to sell or sale of a security offered by an issuer through an Internet website, commonly known as a "crowdfunding" website, if certain filing and disclosure requirements are met. Section 3 requires that to qualify for this exemption, the issuer of the security and the Internet website conducting the offer of the security must be business entities organized and existing in Nevada. Section 3 also requires that any purchaser of such a security be a resident of, or a business entity organized and existing in, Nevada. The amount of the offer made pursuant to the exemption provided for in section 3 is limited to $1,000,000 in any consecutive 12-month period. The exemption also limits an investor's purchase to $5,000, unless the purchaser is an accredited investor. Section 3 further requires a depository institution to hold all investor funds in an escrow account until the issuer's crowdfunding goal is met. Section 3 also requires the Administrator of the Division to adopt regulations to carry out the implementation of the new registration exemption.~~

~~— Section 4 of this bill requires such an Internet website to register with the Division before conducting any offer or sale of a security for an issuer pursuant to the exemption provided for in section 3. Section 4 also provides for certain registration exemptions for a crowdfunding Internet website if certain registration requirements are met with the Securities and Exchange Commission.~~**]** **This bill: (1) prohibits a person from intentionally obstructing certain property or roadways; and (2) prescribes certain civil remedies for persons aggrieved by such conduct.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 and 2:

Section 1. **Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not intentionally obstruct:

(a) The ingress or egress to any public or private property from any other public or private place in such a manner as not to leave a free passageway for persons and vehicles lawfully seeking to enter or leave the property via the public or private place; or

(b) Any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. In addition to any other remedy, a person aggrieved by a violation of subsection 1 may bring a civil action in a court of competent jurisdiction against any person who commits the violation to seek any or all of the following relief:

(a) Declaratory and injunctive relief, including, without limitation, injunctive relief to enjoin any ongoing activity that violates any provision of subsection 1. For the purposes of injunctive relief, a person who brings an action pursuant to this subsection is entitled to a rebuttable presumption of irreparable harm.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

3. A person who violates the provisions of this section is not subject to criminal liability.

Sec. 2. **This act becomes effective upon passage and approval.**

Assemblyman Hansen moved that the Assembly do not concur in the Senate Amendment No. 1034 to Assembly Bill No. 258.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

I talked to the bill's sponsor. The bill was hijacked, and at her request, I have asked for a committee to be formed.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Hansen moved that the Assembly do not recede from its action on Senate Bill No. 444, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Hansen.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Hansen, Gardner, and Elliot Anderson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 444.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2015

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 340.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 482.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 340, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 824 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

MARK LIPPARELLI

JIM WHEELER
MARILYN KIRKPATRICK
Assembly Conference Committee

DAVID PARKS
Senate Conference Committee

Conference Amendment No. CA3.

AN ACT relating to public works; disqualifying a contractor from being awarded a contract for a public work under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Labor Commissioner to impose an administrative penalty against a person who violates certain provisions related to contracts for public works in this State. (NRS 338.015) A person against whom such an administrative penalty is imposed may not be awarded a contract for a public work for a period of 3 years, and upon a second or subsequent offense, for a period of 5 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for public works, such a person is also subject to the suspension of his or her contractor's license by the State Contractors' Board for the length of the prohibition. (NRS 624.300)

Under federal law, a contractor may be excluded for a period of time from receiving contracts from the Federal Government if the contractor is debarred. (48 C.F.R. §§ 9.400 et seq.)

This bill provides that, if a contractor is excluded for a period of time from receiving contracts from the Federal Government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the ~~[longer of: (1) 4 years after the date on which the Labor Commissioner becomes aware of the exclusion; or (2) the length of the]~~ term of **the** debarment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.017 is hereby amended to read as follows:

338.017 ***1.*** If any administrative penalty is imposed ***pursuant to this chapter*** against a person for the commission of an offense ~~[~~:

~~1. That]~~ ***, that*** person, and the corporate officers, if any, of that person, may not be awarded a contract for a public work:

(a) For the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and

(b) For the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty.

2. A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the General Services Administration as being excluded from receiving contracts

from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred may not be awarded a contract for a public work ~~***[:***~~

~~***(a) For a period of 4 years after the date on which the Labor Commissioner is made aware of the exclusion from receiving contracts from the Federal Government; or***~~

~~***(b) For]***~~ ***for*** ***the period of debarment of the contractor from receiving contracts from the Federal Government*** ***.*** ~~***,***~~

~~***whichever is longer.]***~~

3. The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor who is prohibited ***or disqualified*** from being awarded a contract for a public work pursuant to this section.

Sec. 2. (Deleted by amendment.)

Assemblyman Ellison moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 340.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 482, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 930 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

JOHN ELLISON	PETE GOICOECHEA
JAMES OSCARSON	MARK LIPPARELLI
RICHARD CARRILLO	KELVIN ATKINSON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA2.

AN ACT relating to public officers; increasing the compensation of elected county officers except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the annual compensation to be paid to district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators. (NRS 245.043) This bill increases the annual compensation for those officers by 3 percent each fiscal year for Fiscal Years 2015-2016, 2016-2017, 2017-2018 and 2018-2019, unless the board of county commissioners determines that sufficient financial resources are not available to pay the increased salaries.

Existing law authorizes each board of county commissioners, by a majority vote of all the members of the board to set the members' annual salary within

certain statutory limitations. (NRS 245.043) This bill: (1) eliminates this authority; and (2) sets forth the salaries for members for Fiscal Years 2015-2016, 2016-2017, 2017-2018 and 2018-2019. The salaries are increased by 3 percent in each fiscal year, unless the board of county commissioners determines that sufficient financial resources are not available to pay the increased salaries.

This bill also authorizes an elected officer, including a county commissioner, to elect not to receive any part of the salary to which he or she is entitled.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided ***in subsection 5 and*** by any special law, the elected officers of the counties of this State are entitled to receive, for the appropriate fiscal year, annual salaries in the base amounts specified in the following table ~~:~~ ***commencing on July 1 of the fiscal year.*** The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

Class	County	District Attorney	Sheriff	County Clerk	County Assessor	County Recorder	County Treasurer	Public Administrator
1	Clark							
~~[~~	~~FY 2007-2008~~	~~$166,647~~	~~$143,661~~	~~$97,518~~	~~$97,518~~	~~$97,518~~	~~$97,518~~	~~$97,518~~
	~~FY 2008-2009~~	~~171,647~~	~~147,971~~	~~100,443~~	~~100,443~~	~~100,443~~	~~100,443~~	~~100,443~~
	~~FY 2009-2010~~	~~176,796~~	~~152,410~~	~~103,456~~	~~103,456~~	~~103,456~~	~~103,456~~	~~103,456~~
	~~FY 2010-2011~~	~~182,100~~	~~156,983~~	~~106,560~~	~~106,560~~	~~106,560~~	~~106,560~~	~~106,560~~~~]~~
	FY 2015-2016	***187,563***	***161,692***	***109,757***	***109,757***	***109,757***	***109,757***	***109,757***
	FY 2016-2017	***193,190***	***166,543***	***113,050***	***113,050***	***113,050***	***113,050***	***113,050***
	FY 2017-2018	***198,986***	***171,540***	***116,441***	***116,441***	***116,441***	***116,441***	***116,441***
	FY 2018-2019	***204,955***	***176,685***	***119,934***	***119,934***	***119,934***	***119,934***	***119,934***
2	Washoe							
~~[~~	~~FY 2007-2008~~	~~147,109~~	~~118,376~~	~~89,391~~	~~89,391~~	~~89,391~~	~~89,391~~	~~89,391~~
	~~FY 2008-2009~~	~~151,522~~	~~121,928~~	~~92,073~~	~~92,073~~	~~92,073~~	~~92,073~~	~~92,073~~
	~~FY 2009-2010~~	~~156,068~~	~~125,585~~	~~94,835~~	~~94,835~~	~~94,835~~	~~94,835~~	~~94,835~~
	~~FY 2010-2011~~	~~160,750~~	~~129,353~~	~~97,680~~	~~97,680~~	~~97,680~~	~~97,680~~	~~97,680~~~~]~~
	FY 2015-2016	***165,573***	***133,234***	***100,610***	***100,610***	***100,610***	***100,610***	***100,610***
	FY 2016-2017	***170,540***	***137,231***	***103,629***	***103,629***	***103,629***	***103,629***	***103,629***
	FY 2017-2018	***175,656***	***141,348***	***106,738***	***106,738***	***106,738***	***106,738***	***106,738***
	FY 2018-2019	***180,926***	***145,588***	***109,940***	***109,940***	***109,940***	***109,940***	***109,940***
3	Carson City							
~~[~~	~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~---~~

~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~
FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
Churchill							
~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~--------~~
~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~
FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
Douglas							
~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~--------~~
~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~
FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
Elko							
~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~--------~~
~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~
FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
Humboldt							
~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~--------~~
~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~
FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
Lyon							
~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~--------~~
~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~
FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***	---------
FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***	---------
FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***	---------
FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***	---------
Nye							
~~FY 2007-2008~~	~~105,616~~	~~87,575~~	~~69,563~~	~~69,563~~	~~69,563~~	~~69,563~~	~~--------~~
~~FY 2008-2009~~	~~108,785~~	~~90,202~~	~~71,650~~	~~71,650~~	~~71,650~~	~~71,650~~	~~--------~~
~~FY 2009-2010~~	~~112,049~~	~~92,909~~	~~73,799~~	~~73,799~~	~~73,799~~	~~73,799~~	~~--------~~
~~FY 2010-2011~~	~~115,410~~	~~95,696~~	~~76,013~~	~~76,013~~	~~76,013~~	~~76,013~~	~~--------~~

	FY 2015-2016	***118,872***	***98,567***	***78,293***	***78,293***	***78,293***	***78,293***
	FY 2016-2017	***122,438***	***101,524***	***80,642***	***80,642***	***80,642***	***80,642***
	FY 2017-2018	***126,112***	***104,570***	***83,061***	***83,061***	***83,061***	***83,061***
	FY 2018-2019	***129,895***	***107,707***	***85,553***	***85,553***	***85,553***	***85,553***
4	Lander						
~~FY 2007-2008~~	~~99,749~~	~~78,818~~	~~58,023~~	~~58,023~~	~~58,023~~	~~58,023~~	
~~FY 2008-2009~~	~~102,741~~	~~81,183~~	~~59,764~~	~~59,764~~	~~59,764~~	~~59,764~~	
~~FY 2009-2010~~	~~105,823~~	~~83,618~~	~~61,556~~	~~61,556~~	~~61,556~~	~~61,556~~	
~~FY 2010-2011~~	~~108,998~~	~~86,127~~	~~63,403~~	~~63,403~~	~~63,403~~	~~63,403~~	
FY 2015-2016	***112,268***	***88,711***	***65,305***	***65,305***	***65,305***	***65,305***	
FY 2016-2017	***115,636***	***91,372***	***67,264***	***67,264***	***67,264***	***67,264***	
FY 2017-2018	***119,105***	***94,113***	***69,282***	***69,282***	***69,282***	***69,282***	
FY 2018-2019	***122,678***	***96,937***	***71,361***	***71,361***	***71,361***	***71,361***	
	Storey						
~~FY 2007-2008~~	~~99,749~~	~~78,818~~	~~58,023~~	~~58,023~~	~~58,023~~	~~58,023~~	
~~FY 2008-2009~~	~~102,741~~	~~81,183~~	~~59,764~~	~~59,764~~	~~59,764~~	~~59,764~~	
~~FY 2009-2010~~	~~105,823~~	~~83,618~~	~~61,556~~	~~61,556~~	~~61,556~~	~~61,556~~	
~~FY 2010-2011~~	~~108,998~~	~~86,127~~	~~63,403~~	~~63,403~~	~~63,403~~	~~63,403~~	
FY 2015-2016	***112,268***	***88,711***	***65,305***	***65,305***	***65,305***	***65,305***	
FY 2016-2017	***115,636***	***91,372***	***67,264***	***67,264***	***67,264***	***67,264***	
FY 2017-2018	***119,105***	***94,113***	***69,282***	***69,282***	***69,282***	***69,282***	
FY 2018-2019	***122,678***	***96,937***	***71,361***	***71,361***	***71,361***	***71,361***	
	White Pine						
~~FY 2007-2008~~	~~99,749~~	~~78,818~~	~~58,023~~	~~58,023~~	~~58,023~~	~~58,023~~	
~~FY 2008-2009~~	~~102,741~~	~~81,183~~	~~59,764~~	~~59,764~~	~~59,764~~	~~59,764~~	
~~FY 2009-2010~~	~~105,823~~	~~83,618~~	~~61,556~~	~~61,556~~	~~61,556~~	~~61,556~~	
~~FY 2010-2011~~	~~108,998~~	~~86,127~~	~~63,403~~	~~63,403~~	~~63,403~~	~~63,403~~	
FY 2015-2016	***112,268***	***88,711***	***65,305***	***65,305***	***65,305***	***65,305***	
FY 2016-2017	***115,636***	***91,372***	***67,264***	***67,264***	***67,264***	***67,264***	
FY 2017-2018	***119,105***	***94,113***	***69,282***	***69,282***	***69,282***	***69,282***	
FY 2018-2019	***122,678***	***96,937***	***71,361***	***71,361***	***71,361***	***71,361***	
5	Eureka						
~~FY 2007-2008~~	~~88,014~~	~~63,054~~	~~52,009~~	~~52,009~~	~~52,009~~	~~52,009~~	
~~FY 2008-2009~~	~~90,654~~	~~64,946~~	~~53,570~~	~~53,570~~	~~53,570~~	~~53,570~~	
~~FY 2009-2010~~	~~93,374~~	~~66,894~~	~~55,177~~	~~55,177~~	~~55,177~~	~~55,177~~	
~~FY 2010-2011~~	~~96,175~~	~~68,901~~	~~56,832~~	~~56,832~~	~~56,832~~	~~56,832~~	
FY 2015-2016	***99,060***	***70,968***	***58,537***	***58,537***	***58,537***	***58,537***	
FY 2016-2017	***102,033***	***73,097***	***60,293***	***60,293***	***60,293***	***60,293***	
FY 2017-2018	***105,093***	***75,290***	***62,102***	***62,102***	***62,102***	***62,102***	
FY 2018-2019	***108,246***	***77,549***	***63,965***	***63,965***	***63,965***	***63,965***	
	Lincoln						
~~FY 2007-2008~~	~~88,014~~	~~63,054~~	~~52,009~~	~~52,009~~	~~52,009~~	~~52,009~~	
~~FY 2008-2009~~	~~90,654~~	~~64,946~~	~~53,570~~	~~53,570~~	~~53,570~~	~~53,570~~	
~~FY 2009-2010~~	~~93,374~~	~~66,894~~	~~55,177~~	~~55,177~~	~~55,177~~	~~55,177~~	
~~FY 2010-2011~~	~~96,175~~	~~68,901~~	~~56,832~~	~~56,832~~	~~56,832~~	~~56,832~~	
FY 2015-2016	***99,060***	***70,968***	***58,537***	***58,537***	***58,537***	***58,537***	
FY 2016-2017	***102,033***	***73,097***	***60,293***	***60,293***	***60,293***	***60,293***	
FY 2017-2018	***105,093***	***75,290***	***62,102***	***62,102***	***62,102***	***62,102***	
FY 2018-2019	***108,246***	***77,549***	***63,965***	***63,965***	***63,965***	***63,965***	
	Mineral						
~~FY 2007-2008~~	~~88,014~~	~~63,054~~	~~52,009~~	~~52,009~~	~~52,009~~	~~52,009~~	
~~FY 2008-2009~~	~~90,654~~	~~64,946~~	~~53,570~~	~~53,570~~	~~53,570~~	~~53,570~~	
~~FY 2009-2010~~	~~93,374~~	~~66,894~~	~~55,177~~	~~55,177~~	~~55,177~~	~~55,177~~	
~~FY 2010-2011~~	~~96,175~~	~~68,901~~	~~56,832~~	~~56,832~~	~~56,832~~	~~56,832~~	
FY 2015-2016	***99,060***	***70,968***	***58,537***	***58,537***	***58,537***	***58,537***	
FY 2016-2017	***102,033***	***73,097***	***60,293***	***60,293***	***60,293***	***60,293***	
FY 2017-2018	***105,093***	***75,290***	***62,102***	***62,102***	***62,102***	***62,102***	

FY 2018-2019	***108,246***	***77,549***	***63,965***	***63,965***	***63,965***	***63,965***	---
Pershing							
~~FY 2007-2008~~	~~88,014~~	~~63,054~~	~~52,009~~	~~52,009~~	~~52,009~~	~~52,009~~	~~---~~
~~FY 2008-2009~~	~~90,654~~	~~64,946~~	~~53,570~~	~~53,570~~	~~53,570~~	~~53,570~~	~~---~~
~~FY 2009-2010~~	~~93,374~~	~~66,894~~	~~55,177~~	~~55,177~~	~~55,177~~	~~55,177~~	~~---~~
~~FY 2010-2011~~	~~96,175~~	~~68,901~~	~~56,832~~	~~56,832~~	~~56,832~~	~~56,832~~	~~---~~
FY 2015-2016	***99,060***	***70,968***	***58,537***	***58,537***	***58,537***	***58,537***	---
FY 2016-2017	***102,033***	***73,097***	***60,293***	***60,293***	***60,293***	***60,293***	---
FY 2017-2018	***105,093***	***75,290***	***62,102***	***62,102***	***62,102***	***62,102***	---
FY 2018-2019	***108,246***	***77,549***	***63,965***	***63,965***	***63,965***	***63,965***	---
6 Esmeralda							
~~FY 2007-2008~~	~~69,886~~	~~56,049~~	~~45,508~~	~~45,508~~	~~45,508~~	~~---~~	~~---~~
~~FY 2008-2009~~	~~71,983~~	~~57,730~~	~~46,873~~	~~46,873~~	~~46,873~~	~~---~~	~~---~~
~~FY 2009-2010~~	~~74,142~~	~~59,462~~	~~48,280~~	~~48,280~~	~~48,280~~	~~---~~	~~---~~
~~FY 2010-2011~~	~~76,366~~	~~61,246~~	~~49,728~~	~~49,728~~	~~49,728~~	~~---~~	~~---~~
FY 2015-2016	***78,657***	***63,083***	***51,220***	***51,220***	***51,220***	---	---
FY 2016-2017	***81,017***	***64,976***	***52,756***	***52,756***	***52,756***	---	---
FY 2017-2018	***83,447***	***66,926***	***54,339***	***54,339***	***54,339***	---	---
FY 2018-2019	***85,951***	***68,933***	***55,969***	***55,969***	***55,969***	---	---

➥ ***~~[The]~~ Except as otherwise provided in subsection 5, the annual salaries set forth in this subsection for Fiscal Year 2018-2019 are effective for that fiscal year and each fiscal year thereafter.***

3. ~~[A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the]~~ ***Except as otherwise provided in subsection 5, the*** annual salary for ~~[the]~~ county commissioners ~~[of that county, but in no event may the annual salary exceed an amount which equals:]~~ ***commencing on July 1 of the fiscal year is:***

(a) For Fiscal Year ~~[2007-2008, 131.716]~~ ***2015-2016, 103.00*** percent;

(b) For Fiscal Year ~~[2008-2009, 136.985]~~ ***2016-2017, 106.09*** percent;

(c) For Fiscal Year ~~[2009-2010, 142.464]~~ ***2017-2018, 109.273*** percent; and

(d) For Fiscal Year ~~[2010-2011, 148.163]~~ ***2018-2019 and each fiscal year thereafter, 112.551*** percent,

➥ of the amount of the annual salary for the county commissioners of that county that was in effect ~~[by operation of statute]~~ on January 1, ~~[2003.]~~ ***2015.***

4. Any elected officer or county commissioner who is entitled to a salary pursuant to subsection 2 or 3 may elect not to receive any part of the salary to which he or she is entitled pursuant to subsection 2 or 3, as applicable.

5. The increased annual salaries for all elected county officers provided for in subsections 2 and 3 for a fiscal year must not be paid in ~~[that]~~ a fiscal year if the board of county commissioners determines that sufficient financial resources are not available to pay ~~[the]~~ increased annual salaries in that fiscal year and the annual salaries ~~[provided]~~ paid for those officers in the immediately preceding fiscal year must continue to be paid. If increased annual salaries are paid in a subsequent fiscal year:

(a) Those increased annual salaries must be in the amounts provided for in subsections 2 and 3 ~~[for that subsequent]~~ starting with the first fiscal year ~~[,]~~ in which increased salaries were not paid because sufficient financial resources were not available.

(b) An elected county officer is not entitled to any retroactive payment of the salary increase for any previous fiscal year in which increased annual salaries were not paid.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 482.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 71.

The following Senate amendment was read:

Amendment No. 1021.

AN ACT relating to taxation; **allowing a person who qualifies as both a military veteran and the surviving spouse of a veteran to claim both of the veterans' exemptions from property taxes and governmental services taxes;** revising the calculation of the inflation adjustment to certain exemptions from property taxes and governmental services taxes for certain veterans; providing a deduction from the payroll tax for wages paid to newly hired full-time employees who are veterans; providing an exemption from certain sales and use taxes for certain relatives of a member of the Nevada National Guard who is called into active service and is killed while performing his or her duties as a member of the Nevada National Guard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a person who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States is entitled to an exemption from property taxes and the governmental services tax.]~~ **Existing law provides an exemption from property taxes for a military veteran who served on active duty under certain circumstances. (NRS 361.090) Existing law also provides an exemption from property taxes for a veteran with a permanent service-connected disability, or the surviving spouse of such a veteran, and prohibits a person who claims this exemption from obtaining the other property tax exemption otherwise allowable for such a person. (NRS 361.091) Section 1 of this bill provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a permanent service-connected disability may claim both of the veterans' exemptions from property taxes.**

Existing law provides similar exemptions from governmental services taxes for military veterans and, under certain circumstances, authorizes a veteran to transfer the exemption to his or her current spouse. (NRS 371.103, 371.104) Section 2 of this bill provides that a person who qualifies as both a veteran and the surviving spouse of a veteran with a

permanent service-connected disability may claim both of these exemptions from governmental services taxes.

Each fiscal year, the amount of ~~[exemption]~~ **the exemptions allowable for military veterans** is adjusted for inflation based on the percentage increase in the Consumer Price Index (All Items) for a certain period. (NRS 361.091, 371.104) **Sections 1 and 4** of this bill **also** revise provisions governing these inflation adjustments to provide that: (1) the adjustments are based on the percentage increase in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor, or the successor index that most closely resembles that index as determined by the Department of Taxation; and (2) the percentage increase in that index is measured for the same period for the purposes of both adjustments.

Existing law requires employers to pay a payroll tax on the wages paid to their employees during each calendar quarter. The tax is imposed on financial institutions at the rate of 2 percent per calendar quarter and, effective July 1, 2015, on other employers at the rate of 0.63 percent per calendar quarter. (NRS 363A.130, 363B.110) **Sections 2 and 3** of this bill authorize financial institutions and other employers to deduct from the total amount of wages reported and upon which the payroll tax is imposed any wages paid to a newly hired full-time employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if: (1) the employee is a veteran of certain specified military service; (2) at the time of hiring the employee has been unemployed for a continuous period of not less than 3 months; and (3) certain other conditions are satisfied. The deduction does not apply with respect to any employee hired after June 30, 2019.

Existing law provides an exemption from certain sales and use taxes for members of the Nevada National Guard called into active service and for certain relatives of such members of the Nevada National Guard. (NRS 372.7281, 374.7285) **Sections 5-8** of this bill provide for eligibility for a 3-year exemption from such taxes for certain relatives of members of the Nevada National Guard who are killed while performing duties as a member of the Nevada National Guard while on active service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total

permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the United States Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section ~~[, the claimant]~~ ***to a person who qualifies for the exemption:***

(a) As a veteran with a permanent service-connected disability, that person is not entitled to an exemption under NRS 361.090.

(b) Solely as the surviving spouse of a veteran with a permanent service-connected disability, the allowance of a tax exemption under this section does not affect the eligibility of that person for an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the ~~[Consumer Price Index (All Items)]~~ ***consumer price inflation index*** from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

11. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region

(All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department.

Sec. 2. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been:

(1) Unemployed for a continuous period of not less than 3 months immediately preceding the date of hire; and

(2) Receiving unemployment compensation continuously for that entire period;

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed;

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c);

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 3. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the 5th through 12th full calendar quarters next following the hiring of the employee, if:

(a) The employee is a veteran as defined in NRS 417.005;

(b) The employee is first hired by the employer on or after July 1, 2015, and on or before June 30, 2019;

(c) The employee has been:

(1) Unemployed for a continuous period of not less than 3 months immediately preceding the date of hire; and

(2) Receiving unemployment compensation continuously for that entire period;

(d) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed;

(e) The employee provides to the employer documentation to verify that the employee meets the requirements of paragraph (c); and

(f) The employer submits to the Department an affidavit, signed under penalty of perjury by the employer or an authorized agent of the employer, stating that:

(1) The employee meets the requirements specified in paragraphs (a), (b) and (c); and

(2) The employee meets all qualifications for the position of employment for which he or she is hired; and

(3) The employee was not hired to replace another employee or, if so, the replaced employee left voluntarily or was terminated for cause.

2. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, provide the Department with such documentation as the Department deems appropriate to substantiate that claim.

Sec. 4. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before an authorized employee of the Department or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before an authorized employee of the Department or a notary public.

3. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong entirely to that person.

4. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

➥ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the veteran's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

6. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2, would have been eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

7. If a tax exemption is allowed under this section ~~[, the]~~ ***to a person who qualifies for the tax exemption:***

(a) As a veteran ~~[and his]~~ or ~~[her]~~ ***as the*** current spouse ~~[are]~~ ***of a veteran who receives a transfer of an exemption pursuant to subsection 2, that person is*** not entitled to an exemption under NRS 371.103.

(b) Solely as the surviving spouse of a veteran with a permanent service-connected disability, the allowance of a tax exemption under this section does not affect the eligibility of that person for an exemption under NRS 371.103.

8. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

9. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the ~~[Consumer Price Index (All Items)]~~ ***consumer price inflation index*** from ~~[December]~~ ***July*** 2003 to the ~~[December]~~ ***July*** preceding the fiscal year for which the adjustment is calculated.

10. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.

Sec. 5. NRS 372.7281 is hereby amended to read as follows:

372.7281 In administering the provisions of NRS 372.325, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5) **,** and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 6. NRS 372.7282 is hereby amended to read as follows:

372.7282 1. A person who wishes to claim an exemption pursuant to NRS 372.7281 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 372.7281, the Department shall issue a letter of exemption to the person. ~~[The]~~ ***A*** letter of exemption ***issued to a member of the Nevada National Guard described in subsection 1 of NRS 372.7281 or a relative of a member described in subsection 2 of NRS 372.7281*** expires on the date on which the person no longer meets the qualifications for eligibility. ***A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 372.7281 expires on the date 3 years after the date of the death of the member.***

3. To claim an exemption pursuant to NRS 372.7281 for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 7. NRS 374.7285 is hereby amended to read as follows:

374.7285 In administering the provisions of NRS 374.330, the Department shall apply the exemption for the sale of tangible personal property to the State of Nevada, its unincorporated agencies and instrumentalities to include all tangible personal property that is sold to:

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5) **,** and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 8. NRS 374.7286 is hereby amended to read as follows:

374.7286 1. A person who wishes to claim an exemption pursuant to NRS 374.7285 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that a person is eligible for the exemption provided pursuant to NRS 374.7285, the Department shall issue a letter of exemption to the person. ~~[The]~~ ***A*** letter of exemption ***issued to a member of the Nevada National Guard described in subsection 1 of NRS 374.7285 or a relative of a member described in subsection 2 of NRS 374.7285*** expires on the date on which the person no longer meets the qualifications for eligibility. ***A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of NRS 374.7285 expires on the date 3 years after the date of the death of the member.***

3. To claim an exemption pursuant to NRS 374.7285, for the sale of tangible personal property to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 9. 1. This **section and sections 1 and 4 of this** act ~~[becomes]~~ **become** effective ~~[on]~~ **:**

(a) Upon passage and approval for the purpose of filing claims for tax exemptions and performing any preparatory administrative tasks that are necessary to carry out the amendatory provisions of sections 1 and 4 of this act; and

(b) On July 1, 2015 **, for all other purposes.**

2. **Sections 2, 3 and 5 to 8, inclusive, of this act become effective on July 1, 2015.**

3. Sections 2 and 3 of this act expire by limitation on July 31, 2022.

Assemblyman Armstrong moved that the Assembly concur in the Senate Amendment No. 1021 to Assembly Bill No. 71.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 481, as amended, temporarily establishes the Consumer Affairs Unit within the Department of Business and Industry through June 30, 2017, to perform certain duties previously assigned to the Consumer Affairs Division, including the authority to impose administrative sanctions for deceptive trade practices. The bill requires the Director of the Department of Business and Industry or his or her designee to administer the revolving account and deposit grants received by the Division in the revolving account to defray the costs of investigation and prosecution of deceptive trade practices.

Assembly Bill 481, as amended, authorizes the Director of Business and Industry or his or her designee to assess an administrative fine for violating the law regarding deceptive trade and requires any such fine received by the Division be deposited to the State General Fund.

Roll call on Assembly Bill No. 481:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Joiner.

ASSEMBLYWOMAN JOINER:

Senate Bill 185 requires that in Washoe County the entity that is responsible for the emergency fire-fighting vehicle located closest to a structure or brush fire respond to and take all actions necessary to suppress the fire regardless of whether the location of the fire falls within the territory served by the entity. The bill requires each entity to negotiate an automatic aid agreement with each other such entity addressing reimbursement costs and coverage areas. The coverage areas

must be established so that, at a minimum, the entity closest to a structure or brush fire is required to respond to the fire. Finally, the provisions of this bill do not apply to any emergency fire-fighting vehicle or firefighter of an airport authority.

This bill, in its amended form, is the result of hard work and a lot of compromise among the entities involved as well as the bill's sponsor. I know I am personally very grateful that they were able to come to this compromise. Currently, the affected local governments, such as the City of Reno and Washoe County, have come together and are discussing a comprehensive and regional solution to fire protection services for our residents. They have pledged to continue that dialogue, and I am confident with this measure in place that conversation will continue moving forward and that we will find the best way to serve our residents in Washoe County and Reno.

Roll call on Senate Bill No. 185:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1042.

SUMMARY—~~[Revises provisions governing]~~ **Provides for a study relating to emissions from** motor ~~[vehicle licensing.]~~ **vehicles.** (BDR ~~[40-15)]~~ **S-15)**

AN ACT relating to air pollution; ~~[revising provisions governing the required inspections of the emissions of certain motor vehicles;]~~ **requiring the Advisory Committee on the Control of Emissions From Motor Vehicles to conduct a study concerning the inspection and testing of motor vehicles and systems for the control of emissions from motor vehicles in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission, in cooperation with the Department of Motor Vehicles **,** to adopt regulations to prescribe standards for emissions from motor vehicles. (NRS 445B.760) ~~[:~~

~~— Section 2.3 of this bill requires the Commission to exempt from those standards any motor vehicle manufactured before 1996.~~

~~— Existing law requires the Department of Motor Vehicles to charge a fee for the forms distributed to certify emission control compliance in the amount of $6 per form and $150 per set of forms. (NRS 445B.830) Section 2 of this bill raises the fees to $12 per form and $300 per set of forms so that the change in the required frequency of emissions inspections from every year to every other year prescribed by section 1 does not affect the funding of the Pollution Control Account.~~

~~— However, existing law also requires the Department of Motor Vehicles, for the initial issuance of license plates for certain "Old Timer" antique vehicles,~~

~~"Street Rods," "Classic Rods" and "Classic Vehicles," to charge an additional fee that is equal in amount to the fee charged for a form distributed to certify emission control compliance if the vehicle for which such a license plate is issued is exempted from emissions testing. (NRS 482.381, 482.3812, 482.3814, 482.3816) Sections 3-6 of this bill remove the requirement for the fee as to vehicles with those certain license plates. Section 2.5 of this bill requires the Department to charge a fee that is equal to the amount of the fee for a form certifying emission control compliance at the initial issuance of license plates for any motor vehicle which is exempt from emissions testing by section 2.3. Section 2.5 also requires that the fees must be accounted for in the Pollution Control Account, to reduce the effect on the Account of the new exemption provided in section 2.3.~~

~~Section 6.3 of this bill clarifies that if the owner of a motor vehicle that was registered with "Old Timer," "Street Rod," "Classic Rod" or "Classic Vehicle" plates before July 1, 2015, has already, in connection with that vehicle, paid the special fee that is equal to the amount of the fee for a form certifying emission control compliance, such a person is not required to pay that same fee again for the same vehicle pursuant to section 2.5.]~~ **Existing law also requires the Commission, in cooperation with the Department and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in any county whose population is 100,000 or more (currently Clark and Washoe Counties). In any county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the Commission is required to adopt such regulations if the Commission makes certain determinations, including that it is feasible and practicable to carry out a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles. (NRS 445B.770)**

This bill requires the Advisory Committee on the Control of Emissions From Motor Vehicles, which has been created by the Department, to conduct a study concerning the inspection and testing of motor vehicles and systems for the control of emissions from motor vehicles in this State. This bill also requires the Committee to submit, on or before June 30, 2016, a report of the results of the study and a proposal for an updated and modernized plan for such inspection and testing to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.3. ~~[NRS 445B.760 is hereby amended to read as follows:~~

~~445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke~~

~~from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must provide for the exemption from such standards of a~~ ***motor*** ~~vehicle [for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.]~~ ***manufactured before 1996.***

~~2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:~~

~~(a) Reconstructed vehicle, as defined in NRS 482.100; and~~

~~(b) Trimobile, as defined in NRS 482.129,~~

~~must be based on standards which were in effect in the year in which the engine of the vehicle was built.~~

~~3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.~~

~~4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.]~~ **(Deleted by amendment.)**

Sec. 2.5. ~~[Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. In addition to the fee for the issuance of a license plate and all other applicable registration and license fees and governmental services taxes, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.*~~

~~*2. Fees paid to the Department pursuant to subsection 1 must be accounted for in the Pollution Control Account created by NRS 445B.830.*~~

~~*3. As used in this section, "first issuance" means the first time that the plates with which a motor vehicle is registered are issued or renewed on or after July 1, 2015.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 482.381 is hereby amended to read as follows:~~

~~482.381 1. [Except as otherwise provided in NRS 482.2655, the]~~ ***The*** ~~Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.~~

~~2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.~~

~~3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.~~

~~4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:~~

~~(a) For the first issuance..... $35~~

~~(b) For a renewal sticker..... 10~~

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 482.3812 is hereby amended to read as follows:~~

~~482.3812 1. [Except as otherwise provided in NRS 482.2655, the]~~ ***The*** ~~Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:~~

~~(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and~~

~~(b) Manufactured not later than 1948.~~

~~2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.~~

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~— 6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 482.3814 is hereby amended to read as follows:~~

~~— 482.3814 1. [Except as otherwise provided in NRS 482.2655, the]~~ ***The*** ~~Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:~~

~~— (a) Having a manufacturer's rated carrying capacity of 1 ton or less; and~~

~~— (b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.~~

~~— 2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~— 3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~— (a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~— (b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~— 4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.~~

~~— [5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~— 6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 482.3816 is hereby amended to read as follows:~~

~~— 482.3816 1. [Except as otherwise provided in NRS 482.2655, the]~~ ***The*** ~~Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:~~

~~— (a) Having a manufacturer's rated carrying capacity of 1 ton or less;~~

~~— (b) Manufactured at least 25 years before the application is submitted to the Department; and~~

~~— (c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.~~

~~2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.~~

~~3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:~~

~~(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.~~

~~4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.~~

~~[5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.]~~ **(Deleted by amendment.)**

Sec. 6.3. ~~[Notwithstanding the provisions of section 2.5 of this act, no additional fee is required to be paid in connection with a motor vehicle pursuant to that section if:~~

~~1. The motor vehicle was manufactured before 1996;~~

~~2. Before July 1, 2015, the motor vehicle was registered with special license plates pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816; and~~

~~3. The owner of the motor vehicle, pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816, already paid to the Department an additional fee equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.]~~ **(Deleted by amendment.)**

Sec. 6.4. **1. The Advisory Committee on the Control of Emissions From Motor Vehicles shall conduct a study concerning the inspection and testing of motor vehicles and systems for the control of emissions from motor vehicles in this State.**

2. On or before June 30, 2016, the Committee shall submit a report of the results of the study conducted pursuant to subsection 1 and a proposal for an updated and modernized plan for such inspection and testing to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

3. As used in this section, "Advisory Committee on the Control of Emissions From Motor Vehicles" means the advisory committee described in subsection 7 of NRS 445B.830.

Sec. 6.5. ~~[NRS 482.2655 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2015.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~482.2655 Department not to issue special license plates for certain older motor vehicles within 90 days after failed emissions test.~~

~~1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department shall not issue a special license plate for that vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.~~

~~2. As used in this section:~~

~~(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.~~

~~(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.~~

~~(c) "Fails the emissions test" means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.]~~

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

This amendment requires the Advisory Committee on the Control of Emissions From Motor Vehicles to conduct a study concerning the inspection and testing of motor vehicles and systems for the control of emissions from motor vehicles in the state. Assembly Bill 146, as amended, requires the Committee to submit a report of the results of the study and a proposal for an updated plan for inspection and testing to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Committees on Transportation on or before June 30, 2016. Assembly Bill 146, as amended, is effective July 1, 2015.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 241.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1026.

SUMMARY—Creates the **Women Veterans** Advisory ~~[Military and Veterans Research]~~ Committee. (BDR 36-579)

AN ACT relating to the military; creating the **Women Veterans** Advisory ~~[Military and Veterans Research]~~ Committee; ~~[authorizing]~~ **setting forth the composition of the Committee; requiring** the Committee to ~~[research certain issues]~~ **perform duties and conduct activities** of concern to **, and of assistance to, women** veterans ~~[and members]~~ of the Armed Forces of the United States; requiring the Committee to submit an annual report; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[3]~~ **5.3** of this bill creates the **Women Veterans** Advisory ~~[Military and Veterans Research]~~ Committee ~~[, provides for]~~ **and sets forth** its membership**.** ~~[and sets forth provisions regarding the conduct of its business.]~~ **Section** ~~[4]~~ **5.5** of this bill ~~[authorizes]~~ **sets forth the duties of** the Committee **,** ~~[to research issues related to members of the Armed Forces of the United States and veterans residing in this State]~~ including issues related to: (1) ~~[the pre- and post-deployment of members of the Armed Forces of the United States to active conflict zones;]~~ **locating, educating and advocating for women veterans;** (2) ~~[the homelessness of]~~ **informing women** veterans ~~[,]~~ **about available programs and benefits;** (3) ~~[backlogs in the processing of claims by the Department of Veterans Affairs in this State;]~~ **determining the unique needs of women veterans;** (4) ~~[backlogs in the provision of services at facilities operated by the Veterans Health Administration in this State;]~~ **making recommendations on an annual basis to the Governor, the Nevada Legislature and the Director of the Department of Veterans Services;** and (5) ~~[mental health issues relating to members of the Armed Forces of the United States and veterans.]~~ **working cooperatively with the Interagency Council on Veterans Affairs.** In addition, **section** ~~[4]~~ **5.5** requires the Committee to submit an annual report to the Governor **.** ~~[and Legislature.]~~ **Section** ~~[5]~~ **5.7** of this bill requires ~~[the Office of the Military and]~~ the Department of Veterans Services to ~~[jointly]~~ provide administrative assistance to the Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 417 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[5,]~~ **5.7,** inclusive, of this act.

Sec. 2. ~~*[As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Committee" means the Advisory Military and Veterans Research Committee created by section 3 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Advisory Military and Veterans Research Committee is hereby created consisting of the following twelve members:*~~

~~*(a) Four members appointed by the Governor, at least three of whom must be former members of the Armed Forces of the United States who are now retired;*~~

~~(b) One member who is a member of the Senate appointed by the Majority Leader of the Senate;~~

~~(c) One member who is a member of the Senate appointed by the Minority Leader of the Senate;~~

~~(d) One member who is a member of the Assembly appointed by the Speaker of the Assembly;~~

~~(e) One member who is a member of the Assembly appointed by the Minority Leader of the Assembly;~~

~~(f) The Attorney General, or his or her designee, as an ex officio member;~~

~~(g) The person who is appointed to the position commonly known as the Director of Military and Veterans Policy within the Office of the Governor, or his or her successor, as an ex officio member;~~

~~(h) The Commander of the Department of Nevada of the Veterans of Foreign Wars of the United States as an ex officio member; and~~

~~(i) The Commander of the Department of Nevada of the American Legion as an ex officio member.~~

~~2. The Governor shall annually select from the members of the Committee two members to serve as Chair and as Vice Chair.~~

~~3. After the initial terms, each member of the Committee appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1 serves a term of 4 years.~~

~~4. If a vacancy occurs in the membership of a member appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1, the applicable appointing authority shall appoint a new member to fill the remainder of the unexpired term.~~

~~5. The Committee shall meet at least four times per year at the call of the Chair.~~

~~6. A majority of the members of the Committee appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1 constitutes a quorum for the transaction of any business.~~

~~7. Each member of the Committee:~~

~~(a) Serves without compensation, except that a member of the Committee who is a state officer or employee may receive his or her regular compensation while engaging in the business of the Committee; and~~

~~(b) While engaged in the business of the Committee, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[The Committee shall:~~

~~1. Work cooperatively with the Interagency Council on Veterans Affairs to research issues related to members and veterans of the Armed Forces of the United States residing in this State, including, without limitation, issues related to:~~

~~(a) The pre- and post-deployment of such members of the Armed Forces of the United States to active conflict zones;~~

~~(b) Homelessness among such veterans;~~

~~(c) Backlogs in the processing of claims by the Department of Veterans Affairs in this State;~~

~~(d) Backlogs in the provision of services at facilities operated by the Veterans Health Administration of the United States Department of Veterans Affairs in this State; and~~

~~(e) Mental health issues relating to members of the Armed Forces of the United States and veterans.~~

~~2. On or before February 15 of each year, submit a report concerning the activities of the Committee during the preceding calendar year and any recommendations of the Committee to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction over the subject matter; or~~

~~(b) If the Legislature is not in session, the Legislative Commission.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[The Office of the Military and the Department of Veterans Services shall jointly provide the Committee with:~~

~~1. Meeting rooms;~~

~~2. Staff assistance;~~

~~3. Data processing services; and~~

~~4. Clerical assistance.]~~ **(Deleted by amendment.)**

Sec. 5.1. *As used in sections 5.1 to 5.7, inclusive, of this act, unless the context otherwise requires, "Committee" means the Women Veterans Advisory Committee created by section 5.3 of this act.*

Sec. 5.2. *The Legislature hereby finds and declares that:*

1. Women make up 15 percent of the veterans of the Armed Forces of the United States and continue to be an increasingly integral part of the operations of the Armed Forces of the United States around the world.

2. Few studies have been conducted to determine and understand the unique challenges that women veterans may have, both postdeployment and following separation from active duty.

3. Many veterans who are women do not self-identify as veterans and may, therefore, fail to consider various programs and benefits that are available to them as a result of their military service.

Sec. 5.3. *1. The Women Veterans Advisory Committee is hereby created consisting of five members appointed by the Governor, at least three of whom must be women, and all of whom must be former members of the Armed Forces of the United States, including, without limitation, the Nevada Army National Guard and the Nevada Air National Guard, who received, upon severance from service, an honorable discharge. Each member serves at the pleasure of the Governor.*

2. In making appointments pursuant to subsection 1, the Governor shall consider:

(a) The recommendations of the Director;

(b) Whether the appointments provide a geographical balance between the urban and rural areas of this State and represent the cultural diversity of this State; and

(c) The level of activity of the person in the veteran community.

3. The Committee shall elect a Chair from among its members.

4. After the initial terms, each member of the Committee appointed pursuant to subsection 1 serves a term of 4 years.

5. A vacancy on the Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The Committee shall meet at least four times per year at the call of the Chair.

7. A majority of the members of the Committee appointed pursuant to subsection 1 constitutes a quorum for the transaction of business.

8. Each member of the Committee:

(a) Serves without compensation, except that a member of the Committee who is a state officer or employee may receive his or her regular compensation while engaging in the business of the Committee; and

(b) While engaged in the business of the Committee, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 5.5. The Committee shall:

1. Support and assist the Department in:

(a) Locating, educating and advocating for all women veterans in this State;

(b) Determining the unique needs of women veterans;

(c) Conducting outreach and education through various means, including, without limitation, the Green Zone Network, the organization of statewide women veterans events, the promotion of benefits and superior health care for women veterans and the development of programs that inform pupils, business leaders and educators about the important role women play in the Armed Forces of the United States;

(d) Educating women veterans as to benefits and programs that are available to them;

(e) At least annually, making such recommendations as may be deemed necessary or advisable to the Governor, the Nevada Legislature, the office of the Director of the Department of Veterans Services and such other offices of this State as may be appropriate; and

(f) Advocating on behalf of women veterans to ensure that the programs and policies of this State and of the United States Department of Veterans Affairs remain open to women and mindful of the elements of the experience of a veteran that are unique to women.

2. Work cooperatively with the Interagency Council on Veterans Affairs and make recommendations concerning the needs of, and resources available to, women veterans.

3. On or before February 15 of each year, submit a report concerning the activities of the Committee during the preceding calendar year and any recommendations of the Committee to the Governor. The report must include, without limitation, information pertaining to:

(a) The demographics of women veterans.

(b) The contributions that women veterans have made on behalf of the United States and this State.

(c) The unique needs of the population of women veterans.

(d) Steps taken to reduce misinformation and improve support for programs for women veterans.

Sec. 5.7. The Department shall provide the personnel, facilities, equipment and supplies required by the Committee.

Sec. 6. ~~[NRS 417.0195 is hereby amended to read as follows:~~

~~417.0195 The Interagency Council on Veterans Affairs shall:~~

~~1. Identify and prioritize the needs of veterans and servicemen and servicewomen and their families in this State.~~

~~2. Study the coordination of the efforts of the Federal Government, State Government, local governments and private entities to meet the needs of veterans and servicemen and servicewomen and their families in this State.~~

~~3. *Work with the Advisory Military and Veterans Research Committee pursuant to section 4 of this act.*~~

~~4. On or before February 15 of each year, submit a report concerning the activities of the Council during the preceding calendar year and any recommendations of the Council to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(a) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or~~

~~(b) If the Legislature is not in session, the Legislative Commission.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[The initial terms of the members of the Advisory Military and Veterans Research Committee appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 1 of section 3 of this act are as follows:~~

~~1. Two of the members appointed pursuant to paragraph (a) of subsection 1 of that section shall serve an initial term of 4 years;~~

~~2. Two of the members appointed pursuant to paragraph (a) of subsection 1 of that section shall serve an initial term of 2 years;~~

~~3. The members appointed pursuant to paragraphs (b) and (d) of subsection 1 of that section shall serve an initial term of 4 years; and~~

~~4. The members appointed pursuant to paragraphs (c) and (e) of subsection 1 of that section shall serve an initial term of 2 years.]~~ **(Deleted by amendment.)**

Sec. 7.5. **Notwithstanding any other provision of this act, the Governor shall, on or before July 1, 2015, appoint:**

1. Three of the members of the Women Veterans Advisory Committee, established by the Governor pursuant to Executive Order

2014-08, issued on March 13, 2014, to a term of office on the Women Veterans Advisory Committee created by section 5.3 of this act expiring on January 1, 2018.

2. Two of the members of the Women Veterans Advisory Committee, established by the Governor pursuant to Executive Order 2014-08, issued on March 13, 2014, to a term of office on the Women Veterans Advisory Committee created by section 5.3 of this act expiring on January 1, 2016.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. This act becomes effective upon ~~[:~~

~~1. Passage]~~ **passage** and approval for the purposes of adopting any regulations or performing any preparatory administrative tasks that are necessary to carry out the provisions of this act**,** ~~[;]~~ and

~~[2. On]~~ **on** October 1, 2015, for all other purposes.

Assemblyman Edwards moved the adoption of the amendment.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 241, as amended, creates the Women Veterans Advisory Committee, provides for its membership, and sets forth provisions regarding the conduct of its business. This bill authorizes the Committee to support and assist the Department of Veterans Services in locating, educating, and advocating for all women veterans in this state; determining the unique needs of women veterans; conducting outreach and education through various means, including, without limitation, the Green Zone Network and the organization of statewide women veterans' events. This is a great bill for the women veterans of this state, and I hope you will adopt the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1041.

AN ACT relating to motor vehicle registration; revising provisions relating to the requirements for certain special license plates; ~~[revising the depreciation schedule used for calculating the governmental services tax imposed on certain vehicles upon registration;]~~ **prohibiting the Department of Motor Vehicles from issuing certain special license plates for a certain period;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a resident of Nevada may obtain from the Department of Motor Vehicles a special license plate ~~[for any passenger car or light commercial vehicle]~~ inscribed with the words **"Old Timer," "STREET ROD," "CLASSIC ROD" or** "CLASSIC VEHICLE" if the vehicle ~~[: (1) has a manufacturer's rated carrying capacity of 1 ton or less; (2) was manufactured~~

~~at least 25 years before the application for the special license plate is submitted, and (3) contains only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.~~] **for which any such special license plate is issued satisfies the requirements for the specific license plate.** (NRS **482.381, 482.3812, 482.3814,** 482.3816) ~~[Section 1 of this bill revises those requirements, allowing the issuance of such special license plates for a passenger car or light commercial vehicle manufactured before 1996.]~~ Existing law provides that a vehicle for which **any** such ~~[a]~~ special license plate has been issued is exempt from standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke if the owner of the vehicle certifies to the Department that the vehicle was not driven more than 5,000 miles during the immediately preceding year. (NRS 445B.760)

~~[Existing law sets forth depreciation schedules for determining the amount of governmental services taxes due each year for used vehicles and establishes a minimum tax of $16. (NRS 371.060) Section 2 of this bill reduces the amount of governmental services taxes due annually for used vehicles by increasing the amount of depreciation allowed and decreases the minimum tax to $6.]~~

Under existing law, a vehicle with a model year of 1996 or newer is not eligible for the issuance of a special license plate inscribed with the words "STREET ROD," as a vehicle must have been manufactured not later than 1948 to be eligible for the issuance of that special license plate. (NRS 482.3812) Sections 1, 1.3 and 1.7 of this bill revise the requirements for the issuance of a special license plate inscribed with the words "Old Timer," "CLASSIC ROD" or "CLASSIC VEHICLE," respectively, and provide that a vehicle with a model year of 1996 or newer is not eligible for the issuance of any such special license plate.

Section 3.5 of this bill prohibits the Department from issuing a special license plate inscribed with the words "Old Timer," "STREET ROD," "CLASSIC ROD" or "CLASSIC VEHICLE" on or after July 1, 2015, and before July 1, 2017.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 482.381 is hereby amended to read as follows:**

482.381 1. Except as otherwise provided in ***subsection 7 and*** NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance $35

(b) For a renewal sticker 10

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

7. The Department shall not issue a license plate pursuant to this section for any motor vehicle with a model year of 1996 or newer.

Sec. 1.3. **NRS 482.3814 is hereby amended to read as follows:**

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but ~~[at least 20 years before the application is submitted to the Department.]~~ ***with a model year of 1995 or older.***

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) ~~[Manufactured at least 25 years before the application is submitted to the Department;~~ ~~*1996;]*~~ ***With a model year of 1995 or older;*** and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. ~~[NRS 371.060 is hereby amended to read as follows:~~

~~371.060 1. Except as otherwise provided in subsection 2 and subsection 2 of NRS 371.040, each vehicle must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:~~

~~Age~~	~~Percentage of Initial Value~~
~~New~~	~~100 percent~~
~~1 year~~	~~[95] *85* percent~~
~~2 years~~	~~[85] *75* percent~~
~~3 years~~	~~[75] *65* percent~~
~~4 years~~	~~[65] *55* percent~~

~~5 years ..... [55] *45* percent~~
~~6 years ..... [45] *35* percent~~
~~7 years ..... [35] *25* percent~~
~~8 years ..... [25] *15* percent~~
~~9 years or more ..... [15] *5* percent~~

~~2. Except as otherwise provided in subsection 2 of NRS 371.040, each bus, truck or truck tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the Department for the purposes of the annual governmental services tax according to the following schedule:~~

~~Age~~	~~Percentage of Initial Value~~
~~New~~	~~100 percent~~
~~1 year~~	~~[85] *75* percent~~
~~2 years~~	~~[69] *59* percent~~
~~3 years~~	~~[57] *47* percent~~
~~4 years~~	~~[47] *37* percent~~
~~5 years~~	~~[38] *28* percent~~
~~6 years~~	~~[33] *23* percent~~
~~7 years~~	~~[30] *20* percent~~
~~8 years~~	~~[27] *17* percent~~
~~9 years~~	~~[25] *15* percent~~
~~10 years or more~~	~~[23] *13* percent~~

~~3. Notwithstanding any other provision of this section, the minimum amount of the governmental services tax:~~
~~(a) On any trailer having an unladen weight of 1,000 pounds or less is $3; and~~
~~(b) On any other vehicle is [$16.] *$6.*~~
~~4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the Department and has never been registered with the appropriate agency of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.~~ **] (Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **Notwithstanding the provisions of NRS 482.381, 482.3812, 482.3814 and 482.3816, the Department of Motor Vehicles shall not issue any license plate pursuant to those provisions on or after July 1, 2015, and before July 1, 2017.**

Sec. 4. This act becomes effective on July 1, 2015.

Assemblyman Paul Anderson moved the adoption of the amendment.
Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Assembly Bill 326, as amended, revises Chapter 482 of *Nevada Revised Statutes* and prohibits the Department of Motor Vehicles from issuing an Old Timer license plate for any motor vehicle with a model year of 1996 or newer. Assembly Bill 326, as amended, authorizes the Department of Motor Vehicles to issue Classic Rod and Classic Vehicle license plates for vehicles with a model year of 1995 or older.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 399.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 997.

AN ACT relating to economic development; directing the Office of Economic Development within the Office of the Governor to create a pilot program to encourage growth and expansion of existing businesses that are located in this State; setting forth the goals and functions of the pilot program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the development, creation and operation of a pilot program that will operate in this State from ~~[July 1, 2017,]~~ **January 1, 2016,** through June 30, ~~[2019,]~~ **2017,** and focus its efforts on the growth of businesses already located in this State by emphasizing the use of information and technology.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. It is vital to the overall health and growth of the economy of the State of Nevada to promote favorable conditions which allow the expansion of Nevada businesses that demonstrate the ability to grow;

2. As a result of the extraordinary economic challenges which have been, and are, confronting the State, the public has an interest in expanding the resources of this State to stimulate investment in Nevada's economy;

3. It is the intent of the Legislature that resources be provided for the operation of the pilot program described in section 2 of this act; and

4. The purpose of the pilot program described in section 2 of this act is to stimulate investment in Nevada's economy by providing technical assistance for businesses in this State that are expanding or ready to expand.

Sec. 2. 1. The Office, in consultation with the ~~[Centers and other interested parties,]~~ **stakeholders group,** shall develop, create and oversee **the NV Grow Program as** a pilot program to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. Under the auspices of the pilot program:

(a) ~~[The College of Southern Nevada,]~~ **Institutions of the Nevada System of Higher Education located** in Clark County ~~[,]~~ **and the Nevada Small Business Development Center in Clark County** shall, in cooperation with the geographic information system specialist employed at the College, **of Southern Nevada,** mentor and track businesses participating in the pilot program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the pilot program in Clark County.

(b) ~~[The Nevada Small Business Development Center, in Washoe County, shall mentor and track businesses participating in the pilot program in Washoe County. The Bureau of Business and Economic Research of the University of Nevada, Reno, will coordinate with the Development Center to provide such data as may be necessary for the operation of the pilot program in Washoe County.~~

~~(c)]~~ The ~~[College of Southern Nevada and the]~~ Nevada Small Business Development Center **located in Washoe County** shall ~~[, in Clark County and Washoe County, respectively,]~~ **cooperate with the geographic information system specialist employed to** assist businesses **in Clark County** that are participating in the pilot program with marketing and other efforts.

3. The pilot program must include, without limitation:

(a) **The employment of a geographic information specialist at the College of Southern Nevada who provides data to clients of the stakeholders group;**

(b) The appointment of the Nevada Small Business Development Center in Washoe County as administrator of the geographic information system;

(c) An analysis of businesses in this State that are ready to expand;

~~[(b)]~~ **(d)** The identification of the skilled labor that exists in this State and its potential for growth;

~~[(c)]~~ **(e)** The targeting of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;

~~[(d)]~~ **(f)** A focus on the utilization of existing resources;

~~[(e)]~~ **(g)** The harnessing of the academic expertise of the Centers to provide economic and market data to contribute to the diversification and growth of the economy of this State;

~~[(f)]~~ **(h)** The use of geographic information systems to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;

~~[(g)]~~ **(i)** The selection of businesses and business sectors in this State to participate in the pilot program;

~~[(h)]~~ **(j)** The elements described in subsection 2;

~~[(i)]~~ **(k)** The provision of informational and other assistance to businesses and business sectors in this State; and

~~[(j)]~~ **(l)** Such other components as the Office, in consultation with the ~~[Centers and other interested parties,]~~ **stakeholders group** determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

4. The pilot program shall, insofar as is possible, use the resources and expertise of the Centers and make available those resources and that expertise to businesses in this State for the purposes of:

(a) Developing business connections;

(b) Exchanging data and other information with and between businesses and trade associations;

(c) Creating and facilitating peer-to-peer mentoring sessions; and

(d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of geographic information systems.

5. To the extent possible, the pilot program must be conducted with the goal of selecting 10 businesses ~~[, 5 each representing]~~ **in** Clark County ~~[and Washoe County,]~~ to participate in the pilot program.

6. To qualify to participate in the pilot program, a business must:

(a) Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

(b) Generate at least $100,000 but not more than $700,000 in revenue; and

(c) Have a business plan.

7. As used in this section:

(a) "Business plan" means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) "Centers" means all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and the University of Nevada, Reno.

(c) "Geographic information system" means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.

(d) "Office" means the Office of Economic Development within the Office of the Governor.

(e) "Stakeholders group" means a group of persons interested in economic development in this State selected by the Office, including, without limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County.

Sec. 3. In assisting and carrying out the pilot program described in section 2 of this act, the Centers, as defined in section 2 of this act, shall, without limitation, perform the following services:

1. Analyze data;

2. Ensure that businesses participating in the pilot program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;

3. Mentor the businesses as to the optimum use of data received under the pilot program relative to the making of business decisions; and

4. With respect to the businesses participating in the pilot program:

(a) Track the business decisions and growth of each business over the entire period of the pilot program; and

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Office of Economic Development within the Office of the Governor.

Sec. 4. The Office of Economic Development within the Office of the Governor shall serve as a consultant to the ~~[Centers]~~ **stakeholders group** described in subsection 2 of section 2 of this act, including, without limitation, collecting and analyzing data to ensure that the data used by ~~[those]~~ **the** Centers is uniform.

Sec. 4.5. **The Office of Economic Development within the Office of the Governor may apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office in carrying out the pilot program described in section 2 of this act.**

Sec. 5. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$300,000]~~ **$150,000** to allow ~~[the Centers, as defined in section 2 of this act, that are participating in the pilot program described in section 2 of this act]~~ **the College of Southern Nevada** to:

1. Purchase software for a geographic information system;

2. Hire a person who is a specialist in geographic information systems to operate the geographic information system; and

3. Provide such other services as may be necessary to assist and carry out the pilot program described in section 2 of this act.

Sec. 6. Any remaining balance of the appropriation made by section 5 of this act must not be committed for expenditure after June 30, ~~[2019,]~~ **2017,** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[20, 2019,]~~ **15, 2017,** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[20, 2019.]~~ **15, 2017.**

Sec. 7. The pilot program described in section 2 of this act must begin operating not later than January 1, 2016.

Sec. 8. 1. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry

out the provisions of this act, and on July 1, ~~[2017,]~~ **2015,** for all other purposes.

2. This act expires by limitation on June 30, ~~[2019.]~~ **2017.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The amendment makes the correction that the dollars would go to the College of Southern Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 971.

SUMMARY—Revises the membership of ~~[certain boards and commissions of the Executive Department of the State Government.]~~ **the Real Estate Commission.** (BDR ~~[28-741)]~~ **54-741)**

AN ACT relating to government affairs; revising the membership of ~~[certain boards and commissions of the Executive Department of the State Government]~~ **the Real Estate Commission** to provide for proportionate representation based on population; providing for a decennial review of the membership of ~~[these boards and commissions]~~ **the Commission** to ensure continuation of proportional representation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the method of appointment, number of members and criteria for selection of members of the ~~[State Public Works Board, the Commission on Tourism, the Nevada Tax Commission, the State Board of Education, the Board of Directors of the Department of Transportation, the Nevada Gaming Commission and the]~~ Real Estate Commission. (NRS ~~[231.170, 341.020, 360.030, 385.021, 408.106, 463.023,]~~ 645.100) ~~[This]~~ **Section 7 of this** bill ~~[divides the State into three regions for purposes of determining proportional representation and]~~ revises the requirements for the membership of ~~[those boards and commissions]~~ **the Commission** to provide approximately proportional representation on the basis of the last decennial census population of the **following** three regions: (1) Clark County; (2) Washoe ~~[, Storey and Lyon Counties and Carson City;]~~ **County;** and (3) the remainder of the State. ~~[This bill]~~ **Section 7** also ~~[provides these requirements]~~ **requires reconsideration of the Commission's apportionment of membership** following each decennial census, if necessary to maintain proportional representation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 341.020 is hereby amended to read as follows:~~

~~341.020 1. The State Public Works Board is hereby created.~~

~~2. The Board consists of the Director of the Department and six members appointed as follows:~~

~~(a) The Governor shall appoint:~~

~~(1) One member who has education or experience, or both, regarding the principles of engineering or architecture;~~

~~(2) One member who is licensed to practice law in this State and who has experience in the practice of construction law; and~~

~~(3) Two members who are licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.~~

~~(b) The Majority Leader of the Senate shall appoint one member who is licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.~~

~~(c) The Speaker of the Assembly shall appoint one member who is licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.~~

~~3. *Of the six members appointed to the Board pursuant to subsection 2:*~~

~~*(a) Three members must reside in or have a principal place of business located in Clark County;*~~

~~*(b) Two members must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and*~~

~~*(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.*~~

~~*4. The apportionment of members pursuant to subsection 3 is intended to give approximately proportional regional representation on the Board to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Board must be reconsidered to ensure approximately proportional regional representation is maintained.*~~

~~*5.* Each member of the Board who is appointed serves at the pleasure of the appointing authority.~~

~~[4.] *6.* A vacancy on the Board in an appointed position must be filled by the appointing authority in the same manner as the original appointment.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 231.170 is hereby amended to read as follows:~~

~~231.170 1. The Commission on Tourism is composed of:~~

~~(a) Eleven voting members as follows:~~

~~(1) The Lieutenant Governor, who is its Chair;~~

~~(2) Eight members, appointed by the Governor, who are informed on and have experience in travel and tourism, including the business of gaming; and~~

~~(3) The chief administrative officers of the county fair and recreation boards or, if there is no county fair and recreation board in the county, the chair of the board of county commissioners, of the two counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year.~~

~~(b) The following ex officio, nonvoting members:~~

~~(1) The Chair of the Commission for Cultural Affairs;~~

~~(2) The Chair of the Board of Museums and History;~~

~~(3) The Chair of the Nevada Indian Commission; and~~

~~(4) The Chair of the Board of the Nevada Arts Council.~~

~~* A person may serve as an ex officio, nonvoting member pursuant to subparagraph (1) and subparagraph (2) or (4) concurrently.~~

~~2. A change in any member of the Commission who serves pursuant to subparagraph (3) of paragraph (a) of subsection 1 that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the Department of Taxation.~~

~~3. Of the members appointed by the Governor pursuant to subparagraph (2) of paragraph (a) of subsection 1:~~

~~(a) [At least one member must be a resident of a county whose population is 700,000 or more.]~~ ~~*[Five members must reside in or have a principal place of business located in Clark County;]*~~

~~(b) [At least one member must be a resident of a county whose population is 100,000 or more but less than 700,000.]~~ ~~*[Two members must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City;]*~~

~~(c) [At least two members must be residents of counties whose population is less than 100,000.~~

~~(d) Four members must be residents of any county in this State.]~~ ~~*[One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.*~~

~~*4. The apportionment of members pursuant to subsection 3 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.]~~

(Deleted by amendment.)

Sec. 3. ~~[NRS 360.030 is hereby amended to read as follows:~~

~~360.030 1. *Of the eight members appointed to the Nevada Tax Commission pursuant to NRS 360.010:*~~

~~*(a) Five members must reside in or have a principal place of business located in Clark County;*~~

~~*(b) Two members must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and*~~

~~*(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.*~~

~~*2. The apportionment of members pursuant to subsection 1 is intended to give approximately proportional regional representation on the Nevada Tax Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.*~~

~~*3.* Not more than five of the eight commissioners may be~~ **[**~~:~~

~~(a) Appointed from any one county in this State.~~

~~(b) Of~~**]** ~~*of* the same political party.~~

~~**[**2.**]** *4.* After the initial terms, members serve terms of 4 years, except when appointed to fill unexpired terms.~~

~~**[**3.**]** *5.* Any commissioner may be removed by the Governor if, in his or her opinion, that commissioner is guilty of malfeasance in office or neglect of duty.~~**]** (Deleted by amendment.)**

Sec. 4. ~~[NRS 385.021 is hereby amended to read as follows:~~

~~385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:~~

~~(a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;~~

~~(b)~~ **[**~~One member~~**]** ~~*Two members* appointed by the Governor;~~

~~(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and~~

~~(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.~~

~~*2. Of the four voting members appointed to the State Board pursuant to paragraphs (b), (c) and (d) of subsection 1:*~~

~~*(a) Two members must be residents of Clark County;*~~

~~*(b) One member must be a resident of Washoe, Lyon or Storey County or Carson City; and*~~

~~*(c) One member must be a resident of Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.*~~

~~*3.* In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:~~

~~— (a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;~~

~~— (b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;~~

~~— (c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and~~

~~— (d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.~~

~~— [3.] *4. Of the four nonvoting members appointed to the State Board pursuant to subsection 3:*~~

~~— *(a) Two members must be residents of Clark County;*~~

~~— *(b) One member must be a resident of Washoe, Lyon or Storey County or Carson City; and*~~

~~— *(c) One member must be a resident of Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.*~~

~~— *5. The apportionment of members pursuant to subsections 2 and 4 is intended to give approximately proportional regional representation on the State Board to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the State Board must be reconsidered to ensure approximately proportional regional representation is maintained.*~~

~~— *6.* Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.~~

~~— [4.] Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.~~

~~— 5.] *7.* The Governor shall ensure that *of* the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 *:* [represent the geographic diversity of this State and that:]~~

~~— (a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.~~

~~— (b) One member is the parent or legal guardian of a pupil enrolled in a public school.~~

~~— (c) One member is a person active in a private business or industry of this State.~~

~~[6.] 8. After the initial terms, each member:~~

~~(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection [2] 3 after service as an elected member, notwithstanding the number of terms the member served as an elected member.~~

~~(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.~~

~~(c) Appointed pursuant to subsection [2] 3 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.~~

~~[7.] 9. If a vacancy occurs during the term of:~~

~~(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.~~

~~(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection [2,] 3, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 408.106 is hereby amended to read as follows:~~

~~408.106 1. There is hereby created a Department of Transportation, administered by a seven-member Board of Directors consisting of the Governor, the Lieutenant Governor, and the State Controller, who serve ex officio, and four members who are appointed by the Governor. If one of the three constitutional offices is vacant, the Secretary of State shall serve ex officio on the Board until the vacancy is filled.~~

~~2. The Governor shall appoint as members of the Board four persons who are residents of Nevada, informed on and interested in the construction and maintenance of highways and other matters relating to transportation. The members so appointed must be residents of Nevada as follows:~~

~~(a) Two members who must reside in a highway district that includes a county whose population is 700,000 or more;~~

~~(b) One member who must reside in a highway district that includes a county whose population is 100,000 or more but less than 700,000; and~~

~~(c) One member who must reside in a highway district that does not include a county whose population is 100,000 or more.~~

~~3. *The apportionment of members pursuant to subsection 2 is intended to give approximately proportional regional representation on the Board to the residents of the State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members*~~

~~*on the Board must be reconsidered to ensure approximately proportional regional representation is maintained.*~~

~~*4.* All the members appointed pursuant to subsection 2 must be informed on and interested in the construction and maintenance of highways and other matters relating to transportation, and must possess at least one of the following qualifications:~~

~~(a) Knowledge of engineering evidenced by the possession of a bachelor of science degree in civil or structural engineering and licensure in this State as a professional engineer.~~

~~(b) Demonstrated expertise in financial matters and business administration.~~

~~(c) Demonstrated expertise in the business of construction evidenced by the possession of a license as a general contractor and experience as a principal officer of a firm licensed in this State.~~

~~*** The Governor shall not appoint to the Board any person who is currently employed in the field of or has a substantial financial interest in the construction or maintenance of highways in this State.~~

~~**[**4.**]** *5.* The Governor shall serve as the Chair of the Board and the members of the Board shall elect annually a Vice Chair.~~

~~**[**5.**]** *6.* Each member of the Board who is not a public officer is entitled to receive as compensation $80 for each day or portion of a day during which the member attends a meeting of the Board or is otherwise engaged in the business of the Board plus the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~**[**6.**]** *7.* After the initial terms, the appointed members of the Board shall serve terms of 4 years.~~

~~**[**7.**]** *8.* As used in this section, "highway district" means a portion of this State designated by the Board as a highway district for the purposes of carrying out the duties of the Board.**]**~~ **(Deleted by amendment.)**

Sec. 6. ~~**[**NRS 463.023 is hereby amended to read as follows:~~

~~463.023 1. Each member of the Commission shall be:~~

~~(a) A citizen of the United States; and~~

~~(b) A resident of the State of Nevada.~~

~~2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party shall be eligible to appointment to the Commission.~~

~~3. It is the intention of the Legislature that the Commission shall be composed of the most qualified persons available, preferably no two of whom shall be of the same profession or major field of industry; but no person actively engaged or having a direct pecuniary interest in gaming activities shall be a member of the Commission.~~

~~4. Not more than three members of the Commission shall be of the same major political affiliation.~~

~~*5. Of the five members appointed to the Commission pursuant to NRS 463.024:*~~

~~*(a) Three members must reside in or have a principal place of business located in Clark County;*~~

~~*(b) One member must reside in or have a principal place of business located in Washoe, Lyon or Storey County or Carson City; and*~~

~~*(c) One member must reside in or have a principal place of business located in Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing or White Pine County.*~~

~~*6. The apportionment of members pursuant to subsection 5 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 645.100 is hereby amended to read as follows:

645.100 1. ~~[At least two members of the Commission must be residents of the southern district of Nevada, and at least two members of the Commission must be residents of the northern district of Nevada.]~~ ***Of the five members appointed to the Commission pursuant to NRS 645.050:***

(a) Three members must reside in or have a principal place of business located in Clark County;

(b) One member must reside in or have a principal place of business located in Washoe ~~***[, Lyon or Storey]***~~ ***County*** ***;*** ~~***[or Carson City;]***~~ ***and***

(c) One member must reside in or have a principal place of business located in ***Carson City or*** ***Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln,*** ***Lyon,*** ***Mineral, Nye, Pershing*** ***, Storey*** ***or White Pine County.***

2. ~~[Not more than two members may be appointed from any one county.]~~ ***For purposes of appointing a member or filling a vacancy in the membership of the Commission, if no qualified person is willing to serve on the Commission from the region prescribed in:***

(a) Paragraph (a) of subsection 1, the Governor must appoint a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (c) of subsection 1 or, if there is no such person, a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (b) of subsection 1.

(b) Paragraph (b) of subsection 1, the Governor must appoint a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (a) of subsection 1 or, if there is no such person, a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (c) of subsection 1.

(c) Paragraph (c) of subsection 1, the Governor must appoint a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (b) of subsection 1 or, if there is no such person, a qualified

person who is willing to serve on the Commission from the region prescribed in paragraph (a) of subsection 1.

➥ If there is no qualified person willing to be appointed or to fill a vacancy on the Commission from any region, the seat must be left vacant.

3. At the expiration of the term of a member who is appointed from outside a prescribed region pursuant to paragraph (a), (b) or (c) of subsection 2 or if that member vacates the seat, the Governor must appoint a qualified person from the prescribed region or, if no qualified person is willing to serve on the Commission from that region, appoint a qualified person pursuant to paragraph (a), (b) or (c) of subsection 2, as applicable.

4. The apportionment of members pursuant to subsection 1 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained.

~~[3. The southern district *of Nevada* consists of all that portion of the State lying within the boundaries of the counties of Clark, Esmeralda, Lincoln and Nye.~~

~~4. The northern district *of Nevada* consists of all that portion of the State lying within the boundaries of Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine.]~~ ***Any reapportionment of a seat pursuant to this subsection does not become effective until the expiration of the term of the member who holds the seat immediately preceding the date of the reapportionment.***

Sec. 8. Notwithstanding the amendatory provisions of this act, a member of the ~~[State Public Works Board, the Commission on Tourism, the Nevada Tax Commission, the State Board of Education, the Board of Directors of the Department of Transportation, the Nevada Gaming Commission or the]~~ Real Estate Commission who was appointed pursuant to NRS ~~[231.170, 341.020, 360.010, 385.021, 408.106, 463.024 or]~~ 645.050 as ~~[those sections]~~ **that section** existed on June 30, 2015, and who is serving a term on July 1, 2015, is, if the member is otherwise qualified to serve in that capacity, entitled to serve the remainder of the term to which he or she was appointed.

Sec. 9. This act becomes effective on July 1, 2015.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

This amendment changes the commissions to which this bill will apply to applying only to the Real Estate Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 445.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1037.

AN ACT relating to redevelopment; requiring a portion of the revenues from taxes imposed on property in certain redevelopment areas to be set aside and used for public educational facilities; revising provisions relating to the extension of certain redevelopment plans; revising provisions relating to the recalculation of the total assessed value of taxable property in certain redevelopment areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan, and any amendments to the plan, adopted by the redevelopment agency of a city or county on or after January 1, 1991, terminates not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439) **Section 3** of this bill extends to a maximum of 45 years the date of termination of such a redevelopment plan, and any amendments to the plan, adopted by a city **whose population is 220,000 or more but less than 500,000** located in a county whose population is 700,000 or more (currently ~~[Clark County)]~~ **the City of Henderson)** if the city council adopts the extension of the plan by ordinance. If such an ordinance is adopted, **section 1** of this bill requires that 18 percent of the revenues received from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. **Section 1** also provides that the obligation to set aside such revenues is subordinate to any existing obligations of the agency.

Under existing law, the date of termination of a redevelopment plan and any amendments to the plan adopted before January 1, 1991, by a redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) is authorized to be extended by ordinance adopted by the city council of that city from a maximum of 45 years to 60 years if the following conditions exist on the date on which the extension is adopted: (1) the assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted; (2) the assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and (3) the agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities. (NRS 279.438) **Section 2** of this bill changes the assessed value requirement in the first condition from the basis of each individual redevelopment project to the aggregate of redevelopment projects in the redevelopment area and eliminates the third condition.

Under existing law, a redevelopment agency in a city located in a county whose population is 700,000 or more (currently Clark County) is authorized to adopt, in certain circumstances, an ordinance which provides for the recalculation of the total assessed value of the taxable property in a redevelopment area for certain purposes. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes, existing law requires that 18 percent of the revenue received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.676) **Section 3.5** of this bill revises the application of the recalculated assessed value in the tax distribution formula for the redevelopment area and specifies that the revenue received by the agency is from taxes on the taxable property located in the redevelopment area affected by the ordinance that is adopted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that adopts an ordinance pursuant to subsection 3 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside not less than 18 percent of such revenue received on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside not less than 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency pursuant to subsection 1 to set aside not less than 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 2. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or:

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of ~~[each]~~ ***the aggregate number of*** redevelopment ~~[project]~~ ***projects*** in the redevelopment area is not less than the assessed value of the ***aggregate number of*** redevelopment ~~[project]~~ ***projects*** in the year in which the redevelopment plan was adopted; ***and***

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted**.** ~~[; and~~

~~(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.]~~

Sec. 3. NRS 279.439 is hereby amended to read as follows:

279.439 ~~[A]~~

1. Except as otherwise provided in subsections 2 and 3, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.

2. A redevelopment plan, and any amendments to the plan, adopted on or after January 1, 1991, by an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that meets the requirement of subsection 3 must terminate not later than 45 years after the date on which the original redevelopment plan is adopted.

3. A redevelopment plan, and any amendments to the plan, may terminate on the date prescribed by subsection 2 only if the legislative body adopts an extension of the redevelopment plan by ordinance.

Sec. 3.5. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money

advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by:

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan; or

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

➥ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of ~~[paragraph]~~ ***paragraphs (a) and*** (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue ~~[from taxes]~~ pursuant to paragraph (b) of subsection 1 ***from taxes on the taxable property located in the redevelopment area affected by the ordinance*** shall set aside not less than 18 percent of that revenue received on and after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside not less than 18 percent of the revenue ~~[from taxes]~~ allocated to and received by

the agency pursuant to paragraph (b) of subsection 1 ***from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5*** is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 4. NRS 279.680 is hereby amended to read as follows:

279.680 Except as otherwise provided in NRS 279.685 ~~[,]~~ ***and section 1 of this act,*** in any redevelopment plan, or in the proceedings for the advance of money, or the making of loans, or the incurring of any indebtedness, whether funded, refunded, assumed or otherwise, by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph (b) of subsection 1 of NRS 279.676 may be irrevocably pledged for the payment of the principal of and interest on those loans, advances or indebtedness.

Sec. 5. NRS 279.687 is hereby amended to read as follows:

279.687 A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 ***,*** ~~[or]~~ paragraph (c) of subsection 1 of NRS 279.685 ***or section 1 of this act*** to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 ***,*** ~~[and]~~ paragraph (c) of subsection 1 of NRS 279.685 ~~[,]~~ ***and section 1 of this act,*** respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of section 1 of this act.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

As amended, this bill extends to a maximum of 45 years the termination date of a redevelopment plan and any amendments to the plan adopted by the redevelopment agency of a city whose population is 220,000 or more but less than 500,000, which is located in a county whose population is 700,000 or more. The bill requires that 18 percent of the revenue received from taxes on the taxable property located in the redevelopment area affected on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities located within the redevelopment area.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 485.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1015.

AN ACT relating to economic development; revising the duties of the Director of the Office of Science, Innovation and Technology; transferring the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office; reducing the membership of the Council; revising certain duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and sets forth the duties of the Director of the Office of Science, Innovation and Technology. (NRS 223.600, 223.610) **Section 1** of this bill revises the duties of the Director to include, without limitation: (1) coordinating activities in the State relating to broadband service; (2) providing support to the Advisory Council on Science, Technology, Engineering and Mathematics; and (3) administering such grants as are provided by legislative appropriation.

Existing law creates the Advisory Council on Science, Technology, Engineering and Mathematics within the Department of Education and provides for its membership and duties. The provisions of existing law which create the Advisory Council are also set to expire by limitation on June 30, 2017. (NRS 385.700, 385.705) **Section 2** of this bill transfers the Advisory Council to the Office of Science, Innovation and Technology and reduces the membership of the Advisory Council. **Section 2 also requires the Advisory Council to meet at least six times each year.** **Section 4** of this bill makes the Advisory Council permanent.

Section 3 of this bill imposes certain duties upon the Council concerning surveys and recommendations and requires the Board of Regents of the University of Nevada to consider certain plans developed by the Council. **Section 3 also requires the Advisory Council to establish annual events in southern Nevada and northern Nevada to: (1) recognize pupils who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics; and (2) establish a statewide event in Carson City to recognize not more than 15 schools that demonstrate exemplary performance in such fields.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor ***,*** ~~[and the Executive Director of the Office of Economic Development,]~~ identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. ~~[Develop and coordinate efforts to attract biotechnological companies to]~~ ***Coordinate activities in*** this State ~~[.]~~ ***relating to the planning, mapping and procurement of broadband service.***

6. ~~[Establish and maintain a clearinghouse of information regarding biotechnological business]~~ ***Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation*** in this State ~~[.]~~ ***of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.***

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

8. Administer such grants as are provided by legislative appropriation.

Sec. 2. NRS 385.700 is hereby amended to read as follows:

385.700 1. The Advisory Council on Science, Technology, Engineering and Mathematics is hereby created within the ~~[Department of Education.]~~ ***Office of Science, Innovation and Technology.*** The Council consists of:

(a) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee;

(2) The Chancellor of the Nevada System of Higher Education or his or her designee;

(3) The Executive Director of the Office of Economic Development or his or her designee; and

(4) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(b) Three members appointed by the Governor pursuant to subsection 2;

(c) ~~[Four]~~ ***Two*** members ~~***[One member]***~~ appointed by the Majority Leader of the Senate pursuant to ~~[subsections 2 and 3;]~~ ***subsection 2;***

(d) ~~[Four]~~ ***Two*** members ~~***[One member]***~~ appointed by the Speaker of the Assembly pursuant to ~~[subsections 2 and 3;]~~ ***subsection 2;***

(e) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Senate pursuant to subsection ~~[4.]~~ ***2.*** and

(f) ~~[One member]~~ ***Two members*** appointed by the Minority Leader of the Assembly pursuant to subsection ~~[4.]~~ ***subsection 2.***

2. The Governor, ***the*** Majority Leader ***and the Minority Leader*** of the Senate and ***the*** Speaker ***and the Minority Leader*** of the Assembly shall ~~[each appoint:~~

~~(a) One member who is a classroom teacher in the field of science, technology, engineering or mathematics;~~

~~(b) One member who is an administrator of a public school or school district in this State with an education program relating to the fields of science, technology, engineering and mathematics; and~~

~~(c) One member who represents businesses that employ persons in careers which are enhanced by education in science, technology, engineering and mathematics, including, without limitation, careers relating to manufacturing, information technology, aerospace engineering, health sciences and mining.~~

~~3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint one additional member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.~~

~~4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.~~

~~5.]~~ ***coordinate their respective appointments of members to the Council:***

(a) On a geographic basis to ensure statewide representation; and

(b) To ensure representation from:

(1) Classroom teachers or administrators in the field of science, technology, engineering or mathematics;

(2) Higher education in the field of science, technology, engineering or mathematics; and

(3) Businesses operating in the sectors relating to science, technology, engineering or mathematics.

3. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~[6. The Council shall hold its first regular meeting as soon as practicable on or after July 1, 2013, at the call of the Governor. At the first regular meeting of the Council, the members of the Council shall elect a Chair by majority vote.~~

~~7.]~~ ***4.*** The Council shall meet ~~[not more than four]~~ ***at least six*** times each year at the call of the Chair. ***Two meetings of the Council must be held in person and any other meeting may be held by videoconference.***

~~[8.]~~ ***5.*** A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

~~[9.]~~ ***6.*** The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

~~[10.]~~ ***7.*** The members of the Council serve without compensation ~~[.]~~ ***, except that each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Council.***

Sec. 3. NRS 385.705 is hereby amended to read as follows:

385.705 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 385.700 shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools ***and institutions of higher education*** in this State and report the information gathered by the survey to the State Board of Education ~~[,]~~ ***and the Board of Regents of the University of Nevada;***

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c); ~~[and]~~

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, ***the Board of Regents of the University of Nevada,*** the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature ~~[.]~~ ***; and***

(h) Conduct surveys for and make recommendations as deemed necessary to the Office of Economic Development and the Governor's Workforce Investment Board.

2. ***Each year the Council:***

(a) Shall establish an event in southern Nevada and an event in northern Nevada to recognize pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and

mathematics. The events must be held at an institution of higher education in this State.

(b) Shall establish a statewide event which must be held in Carson City to recognize not more than 15 schools in this State that have demonstrated exemplary performance in the fields of science, technology, engineering and mathematics.

(c) May accept any gifts, grants or donations from any source for use in carrying out the provisions of this subsection.

3. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

~~[3.]~~ ***4.*** The State Board of Education ***and the Board of Regents of the University of Nevada*** shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1 **.** ~~[and]~~ ***The State Board of Education shall*** adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 4. Section 4 of chapter 235, Statutes of Nevada 2013, at page 1011, is hereby amended to read as follows:

Sec. 4. This act becomes effective on July 1, 2013 **.** ~~[, and expires by limitation on June 30, 2017.]~~

Sec. 5. 1. The terms of the current members of the Advisory Council on Science, Technology, Engineering and Mathematics appointed pursuant to paragraphs (c) and (d) of subsection 1 of NRS 385.700 expire on July 1, 2015.

2. The Speaker of the Assembly shall ~~[reappoint]~~ **:**

(a) Reappoint one of the members whose term expired on July 1, 2015, or shall appoint a new member of the Advisory Council pursuant to paragraph (d) of subsection 1 of NRS 385.700, as amended by section 2 of this act, to a term ending **on** June 30, 2016 ~~[.]~~ **; and**

(b) Appoint one new member of the Advisory Council pursuant to paragraph (d) of subsection 1 of NRS 385.700, as amended by section 2 of this act, to a term ending on June 30, 2017.

3. The Majority Leader of the Senate shall ~~[reappoint]~~ **:**

(a) Reappoint one of the members whose term expired on July 1, 2015, or shall appoint a new member of the Advisory Council pursuant to paragraph (c) of subsection 1 of NRS 385.700, as amended by section 2 of this act, to a term ending **on** June 30, 2017 ~~[.]~~ **; and**

(b) Appoint one new member of the Advisory Council pursuant to paragraph (c) of subsection 1 of NRS 385.700, as amended by section 2 of this act, to a term ending on June 30, 2017.

4. In addition to the current members of the Advisory Council on Science, Technology, Engineering and Mathematics appointed pursuant to paragraphs (e) and (f) of subsection 1 of NRS 385.700, the Minority Leader of the Senate and the Minority Leader of the Assembly shall each

appoint one new member of the Advisory Council pursuant to paragraph (e) or (f), respectively, of subsection 1 of NRS 385.700, as amended by section 2 of this act, to terms ending on June 30, 2018.

Sec. 6. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, and 5 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations, appointing members to the Advisory Council on Science, Technology, Engineering and Mathematics and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

Assemblyman Oscarson moved the adoption of the amendment.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Assembly Bill 485, as amended, revises the duties of the Director of the Office of Science, Innovation and Technology to include coordinating activities in the state related to broadband services, providing support to the Advisory Council on Science, Technology, Engineering and Mathematics, and administering grants provided by legislative appropriation.

In addition, Assembly Bill 485, as amended, transfers the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office of Science, Innovation and Technology and eliminates the expiration date of the Council, making it permanent. Assembly Bill 485, as amended, also requires the Council to establish events in both southern and northern Nevada to recognize pupils who demonstrate exemplary achievement in the fields of science, technology, engineering, and mathematics.

There are several other things here, but I think it is a good bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Assembly Bill 489 establishes the maximum allowable salaries for employees in unclassified and classified medical service. The bill also makes appropriations from the General Fund and Highway Fund to fund pay increases for various groups of employees, including nonclassified, classified, unclassified, classified medical, and Nevada System of Higher Education professional and classified employees. The long-awaited COLA [cost-of-living adjustment] has been granted in this bill. That 1 percent increase is effective for FY [Fiscal Year] 2016 and takes effect July 1, 2015. A second 2 percent increase is effective for FY 2017 and takes effect July 1, 2016.

This is a good bill for our state and our employees.

Roll call on Assembly Bill No. 489:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:09 p.m.

ASSEMBLY IN SESSION

At 10:10 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblymen Hickey, Carlton, Fiore, and Elliot Anderson.

ASSEMBLYMAN HICKEY:

Assembly Bill 490 authorizes expenditures of agencies of the state government for the 2015-2017 biennium. The Authorized Expenditures Act, together with the General Appropriations Act, the school funding bill, the unclassified pay bill, and the capital improvement program bill, constitute the major budget bills for the ongoing operation of state government for the next two fiscal years and reflect the culmination of a considerable amount of work by the Senate Committee on Finance and the Assembly Committee on Ways and Means.

Assembly Bill 490 represents authority for agencies to collect and expend monies, including federal funds, gifts, grants, interagency transfers, service fees, and other funds, which total $11.7 billion over the 2015-2017 biennium. Additionally, due to specific statutory language for these agencies, Assembly Bill 490 includes authority for the Gaming Control Board and the Nevada Gaming Commission to expend $61.4 million from the General Fund over the 2015-2017 biennium. Similarly, the bill includes authority for the Nevada Department of Transportation to expend $644.4 million from the Highway Fund over the 2015-2017 biennium.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 490. I had committed to some of my colleagues that when this bill came, I would give them a snapshot in time of what we were looking at in the 2011-2012 fiscal year, what we are looking at now, and some of the changes. At that time, we had eliminated the senior citizen property tax abatement. In section 60 of the bill, you will find that abatement replaced. In FY 2011-2012, the Division of Museums and History was appropriated at $137,000 and $184,000. In this bill, they are at $207,000 and $208,000. So we are coming back. The UNLV [University of Nevada, Las Vegas] law school had an increase, and Nevada State College went from $4,404,000 to $14 million. So we are really making a difference in the state budget with this bill. Fire suppression—$3,162,000 of each year, now we are funding it at over $6 million. Unfortunately, state parks have not fared as well. They are still behind, but our Equal Rights Commission is working forward and doing much better to deal with the issues that face them. So just for the body's edification, when you question why you are voting for something, just ask me. I will tell you.

ASSEMBLYWOMAN FIORE:

I work really hard on making sure that I vet all bills before I vote on them. I do not like voting on a bill that we have not caucused on or talked about. This particular bill, A.B. 490—I am madly looking through my notes. I am sorry, I am not going to vote on this bill since I have not read it.

My name is Michele Fiore, not Nancy Pelosi. I urge any of my other colleagues who have not read this bill to be a no vote.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Assembly Bill 490. I cannot help but stand up as a student on this floor today and talk about how good this bill is for students. Unlike past sessions where we have not been able to fund the university system to the level it needed to be, this session we are really doing our higher education system a great deal of good. This will help students not to have to take out as many loans. For all you parents and grandparents, this is a great deal for students. I am proud to be here to vote on this measure.

Roll call on Assembly Bill No. 490:

YEAS—32.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Seaman, Shelton, Titus—8.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblymen Kirner, Fiore, Kirkpatrick, Hansen, Oscarson, and Wheeler.

ASSEMBLYMAN KIRNER:

Assembly Bill 491 provides for the implementation of the 2015 Capital Improvement Program as approved by the money committees. The bill includes funding in the amount of $215.3 million for the Capital Improvement Program. The bill includes the following major funding sources to support the program: $121.5 million in general obligation bonds; $43.6 million in federal funds for the Office of the Military and the Department of Veterans Services projects; $28.2 million in agency and donor funds for Nevada System of Higher Education, Department of Veterans Services, and Department of Administration projects; $6.4 million in General Fund appropriations; $5.6 million in excess funding reallocated from projects approved in prior capital improvement programs; $5.2 million in State Highway Funds for Department of Motor Vehicles and Department of Public Safety projects; and $5 million from the Special Higher Education Capital Construction Fund.

Assembly Bill 491 provides $134.2 million to support nine construction projects in the 2015 Capital Improvement Program. Notable construction includes $23 million to construct the new 38,500-square-foot Department of Motor Vehicles service office at the East Sahara complex in Las Vegas; $48.2 million to construct the new 102,000-square-foot Northern Nevada State Veterans Home in Sparks to provide long-term nursing care for veterans and their spouses in northern Nevada; and $48.8 million to construct the new 93,500-square-foot hotel college academic building at the University of Nevada, Las Vegas.

In addition, this bill provides maintenance, planning, and other statewide projects. At the same time, the bill includes a 15.45-cent property tax levy for debt service in each year of the 2015-2017 biennium for general obligation bonds issued to finance the Capital Improvement Program. The bill includes an additional 1.55-cent levy that must be used exclusively for repayment of bonded indebtedness issued as a result of the approval by the voters of Question 1 on the November 2002 ballot. The approval of Question 1 by the voters authorized the issuance of bonds not to exceed $200 million to protect, preserve, and obtain the benefits of the property and natural resources of the state. The total property tax levy of 17 cents remains unchanged from the levies approved for the 2013-2015 biennium. The levies above the historic 15-cent levy, 2 cents, are not subject to the $3.64 local government property tax cap.

ASSEMBLYWOMAN FIORE:

Hi, Mr. Speaker. I am sorry. It is late and I am once again frantically going through all my notes. I am hearing millions going here and millions going there and A.B. 491 is not on my list of approved bills. I will be voting no again.

ASSEMBLYWOMAN KIRKPATRICK:

I want to clarify for my colleagues what is going on here because I am shocked that so many people voted against capital improvement projects just now. These projects are going to be in everybody's districts across the state. These are things that matter in the rurals, things that matter in the north, things that matter in the south. We just voted against jobs, first and foremost. I said to my colleagues this morning in Ways and Means that we are at a deadline where all of these bills are going to come out. Please share the information with your colleagues. I do not care whose colleague it is—remember, I like everybody in the Chamber. I try to get along with everybody. I try to help everybody regardless of party. There were twelve bills that came out of Ways and Means that are crucial to funding our budget. It is somewhat bothersome to me that we voted against jobs because we are trying so hard to ensure that folks in Winnemucca, folks in Wendover, folks in Douglas County, folks in Reno, and folks in Las Vegas have those opportunities. I apologize to those folks who did not know what the bills were, but I did ask your colleagues, on both sides of the aisle, to reach out to each other. On Ways and Means, there are nine Republicans and there are six Democrats. That is one-third of this body. There were 12 bills that came out of Ways and Means, and we have about 7 of them left to vote on. So in order for this building to shut down logistically, we have to vote out all the Assembly bills tonight whether you like it or not, or they do not even have a fair shot on the other side. They still have to go through the entire process and hope to heaven's sake that they do not amend them, because then they are probably lost. That is not helpful to the overall situation.

I wanted to share with my colleagues why we do things, how we do things. I understand there are a lot of new faces, but it is important that we actually follow the procedure and the policy to ensure that, if all of you want to go home at midnight tomorrow, we can make that happen. We did the hard lift today. Whether you agree or disagree, if you do not bring the gravy for the mashed potatoes that we just passed, we are going to sit here and do them at about 1:30 Tuesday morning. Not all of us are going to suffer, but those people on the front desk are going to suffer, our broadcasting folks are going to suffer, our Legislative Police are going to suffer, and most importantly our legal folks are going to suffer. I thought I was helping by telling everybody to share the information with your colleagues. I am happy to share plenty with my colleagues.

ASSEMBLYMAN HANSEN:

I appreciate her comments very much. The only reason I voted no is that while your caucus has been highly functional in that you guys have discussed these bills in depth for days, I have not had a chance to review these. It is not because I am inept or because I have somehow failed to do my job. You expect us to vote for millions and millions of dollars, and I have no problem with that unless I have not been informed in the slightest degree about these bills. It is not because of some lack of diligence on my part. With all due respect, I certainly want jobs, but there is a big difference in how we functioned in this building.

ASSEMBLYWOMAN FIORE:

I have to stand here before this body and give kudos to the former Speaker of this body because they do have it together and we do not. Unfortunately, because we have not had your leadership this session, we do not know these bills, we were not informed, and I will not vote on something I have not read. I respect you highly, Assemblywoman from District 1, and sometimes I wish I were in your caucus.

ASSEMBLYMAN OSCARSON:

I have stayed silent as long as I can. There are some members of our caucus who are dysfunctional. Not all of them. Indeed, these documents have been on the desk for two days. Those who have not read them, I challenge them to start reading their literature. I am tired of the rhetoric and the innuendos.

ASSEMBLYMAN WHEELER:

Let us get back to the policy. I have actually read these bills; they were on my desk for a couple of days. In response to my colleague from District 1, I would like to say that I did not vote for the new revenue and therefore I do not think I should be voting for the expenditures.

Roll call on Assembly Bill No. 491:

YEAS—32.

NAYS—Ellison, Fiore, Hansen, Jones, Seaman, Shelton, Titus, Wheeler—8.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

The following amendment was proposed by Assemblyman Hansen:

Amendment No. 1048.

AN ACT relating to administrative regulations; **making the provisions governing administrative rulemaking applicable to certain written policies, interpretations, processes or procedures of certain agencies; limiting the scope of the exclusions to the rulemaking provisions;** revising provisions governing statements relating to the effect of a regulation on small business submitted with adopted permanent regulations; clarifying the time by which proposed regulations must be returned to state agencies; **providing that any permanent regulation adopted or implemented by an agency on or after July 1, 1995, that was not approved by the Legislative Commission or the Subcommittee to Review Regulations is null and void;** revising provisions relating to the review of regulations by the Legislative Committee on Health Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act establishes the procedures for the adoption of administrative regulations by agencies of the Executive Department of the State Government that are not exempt from the requirements of the Act. (Chapter 233B of NRS) Section 1 of this bill makes the requirements of the Act applicable to such an agency's written policies, interpretations, processes or procedures to determine whether a person is in compliance with a federal or state statute or regulation which is enforceable by the agency. Section 1 also provides that the exclusions from the rulemaking provisions must be construed narrowly by their express terms and no other exclusion may be implied.

Existing law requires an agency which is proposing to adopt a regulation to make a concerted effort to determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If so, the agency is required to take certain actions and prepare a small business impact statement. (NRS 233B.0608, 233B.0609) In addition, such an agency is required to prepare a statement which identifies the methods used by the

agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency. A copy of the statement and the small business impact statement are required to be submitted to the Legislative Counsel with each adopted regulation. (NRS 233B.0608) **Section ~~[2]~~ 3** of this bill instead requires an agency to submit only one statement or the other. **Section ~~[2]~~ 3** also provides that a small business impact statement will only be required when the agency concludes that the regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. **Sections ~~[1, 4 and 6]~~ 2, 6 and 8** of this bill make conforming changes.

Existing law prescribes a procedure for the review of adopted permanent regulations by the Legislative Commission or the Subcommittee to Review Regulations, which requires the Commission or Subcommittee to either affirmatively approve or object to a regulation. (NRS 233B.067, 233B.0675, 233B.0681) If the Commission or Subcommittee approves a permanent regulation, the regulation, with certain exceptions, becomes effective upon its filing by the Legislative Counsel with the Secretary of State. (NRS 233B.070) Section 4 of this bill provides that any permanent regulation adopted or implemented by an agency on or after July 1, 1995, that was not approved by the Commission or Subcommittee is null and void.

Existing law requires a state agency that intends to adopt, amend or repeal a permanent regulation to submit its proposed regulation to the Legislative Counsel. The Legislative Counsel is required to examine and, if appropriate, revise the language submitted. If the proposed regulation is submitted between July 1 of an odd-numbered year and July 1 of the succeeding even-numbered year, the Legislative Counsel is required to return the proposed regulation within 30 days. (NRS 233B.063) **Section ~~[3]~~ 5** of this bill clarifies that if the proposed regulation is submitted during any other period, the Legislative Counsel may accept the regulation but is not required to comply with the 30-day deadline.

Existing law requires the Legislative Committee on Health Care to consider certain regulations relating to the licensing of health care professionals. (NRS 439B.225) **Section ~~[7]~~ 9** of this bill instead authorizes the Legislative Committee on Health Care to consider any regulation that is proposed or adopted which relates to health care, thereby allowing the Committee to determine which regulations the Committee wishes to consider and to consider a broader range of topics that may relate to health care which are addressed in administrative regulations. **Sections ~~[3 and]~~ 5 and 7** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 233B.038 is hereby amended to read as follows:**

233B.038 1. "Regulation" means:

(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency;

(b) A proposed regulation;

(c) The amendment or repeal of a prior regulation; ~~[and]~~

(d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest ~~[.]~~ ***; and***

(e) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation which is enforceable by the agency.

2. The term does not include:

(a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) A declaratory ruling;

(c) An intraagency memorandum;

(d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;

(e) An agency decision or finding in a contested case;

(f) An advisory opinion issued by an agency that is not of general applicability;

(g) A published opinion of the Attorney General;

(h) An interpretation of an agency that has statutory authority to issue interpretations;

(i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;

(j) A contract or agreement into which an agency has entered;

(k) The provisions of a federal law, regulation or guideline;

(l) An emergency action taken by an agency that is necessary to protect public health and safety;

(m) The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;

(n) A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic-control devices that conform with the manual and specifications for a uniform system of official traffic-control devices adopted pursuant to NRS 484A.430;

(o) The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS; or

(p) A technical bulletin prepared pursuant to NRS 360.133.

➥ The exclusions set forth in this subsection must be construed narrowly by their express terms and no other exclusion may be implied.

~~[Section 1.]~~ ***Sec. 2.*** NRS 233B.0603 is hereby amended to read as follows:

233B.0603 1. The notice of intent to act upon a regulation required pursuant to NRS 233B.060 must:

(a) Include:

(1) A statement of the need for and purpose of the proposed regulation.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(I) Both adverse and beneficial effects; and

(II) Both immediate and long-term effects.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608 ~~]~~ ***or a small business impact statement prepared pursuant to paragraph (d) of subsection 2 of NRS 233B.0608 in the manner set forth in NRS 233B.0609, as applicable.***

(6) The estimated cost to the agency for enforcement of the proposed regulation.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(b) If the proposed regulation is a temporary regulation, state each address at which the text of the proposed regulation may be inspected and copied.

(c) Include an exact copy of the provisions of subsection 2 of NRS 233B.064.

(d) Include a statement indicating whether the regulation establishes a new fee or increases an existing fee.

(e) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the agency for that purpose.

(f) Be submitted to the Legislative Counsel Bureau for inclusion in the Register of Administrative Regulations created pursuant to NRS 233B.0653. The publication of a notice of intent to act upon a regulation in the Register does not satisfy the requirements for notice set forth in paragraph (e).

2. The Attorney General may by regulation prescribe the form of notice to be used.

3. In addition to distributing the notice to each recipient of the agency's regulations, the agency shall also solicit comment generally from the public and from businesses to be affected by the proposed regulation.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

(a) Impose a direct and significant economic burden upon a small business; or

(b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.

(c) Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

(1) Simplifying the proposed regulation;

(2) Establishing different standards of compliance for a small business; and

(3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

(d) Prepare a small business impact statement ***in the manner set forth in NRS 233B.0609*** and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held

pursuant to NRS 233B.061. A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.

3. ~~[The]~~ ***If the*** agency ***determines that a proposed regulation is not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency*** shall prepare a statement identifying the methods used by the agency in determining the impact of ~~[a]~~ ***the*** proposed regulation on a small business and the reasons for the conclusions of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of ***the statement prepared pursuant to subsection 3 or*** the small business impact statement ~~[and the statement made pursuant to subsection 3.]~~ ***prepared pursuant to paragraph (d) of subsection 2 in the manner set forth in NRS 233B.0609.*** If the agency revises a regulation after preparing the ***statement or the*** small business impact statement ~~[and the statement made pursuant to subsection 3,]~~ ***, as applicable,*** the agency must include ***in the applicable statement*** an explanation of the revision and the effect of the change on small businesses.

Sec. 4. **NRS 233B.0617 is hereby amended to read as follows:**

233B.0617 ***1.*** No regulation adopted after July 1, 1965, is valid unless adopted in substantial compliance with this chapter but no objection to any regulation on the ground of noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive, may be made more than 2 years after its effective date. Regulations in effect on July 1, 1965, continue in effect until amended or repealed in accordance with the provisions of this chapter, if an original and two copies were deposited with the Secretary of State on or before July 1, 1965.

2. Any permanent regulation adopted or implemented by an agency on or after July 1, 1995, that was not approved by the Legislative Commission or the Subcommittee to Review Regulations pursuant to NRS 233B.067, 233B.0675 or 233B.0681 is null and void.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. ~~[Unless]~~ ***If*** the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding

odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation ***as soon as possible or, if submitted any other time,*** within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. ~~[Unless]~~ ***If*** it is submitted between July 1 of an ~~[even-numbered]~~ ***odd-numbered*** year and July 1 of the succeeding ~~[odd-numbered]~~ ***even-numbered*** year, the Legislative Counsel shall return it with any appropriate revisions ***as soon as possible*** within 30 days ~~[. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Legislative Committee on Health Care.]~~ ***or as soon as possible if submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year.***

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 233B.0665 is hereby amended to read as follows:

233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 or a ***statement or*** small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609, ***as applicable,*** the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission or the Subcommittee to Review Regulations, as applicable, and the regulation never becomes effective.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the

Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. ~~[If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.]~~

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 233B.105 is hereby amended to read as follows:

233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the

regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The agency failed to prepare a ***statement or*** small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609 ~~[.]~~ ***, as applicable;*** or

(b) The ***statement or*** small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 ***, as applicable,*** is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.

3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 439B.225 is hereby amended to read as follows:

439B.225 1. ~~[As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2.]~~ The Committee ~~[shall]~~ ***may*** review ~~[each]~~ ***any*** regulation that ~~[a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board,]~~ ***is proposed or adopted which relates to health care,*** giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

~~[3.]~~ ***2.*** After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

~~[4.]~~ ***3.*** The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

~~[Sec. 8.]~~ ***Sec. 10.*** This act becomes effective upon passage and approval.

Assemblyman Hansen moved the adoption of the amendment.
Remarks by Assemblymen Hansen and Kirkpatrick.

ASSEMBLYMAN HANSEN:

This is a fairly brief amendment. It is an enhancement of some of the work that the Minority Leader and I have done on the amendment process and especially NRS [*Nevada Revised Statutes*] Chapter 233B. It deals primarily with permanent regulations and when they are going to be considered permanent.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Amendment 1048. My colleague from Assembly District 32 and I have spent three sessions working very hard to change NRS Chapter 233B along with many others to ensure that the Legislative Commission can make an educated vote when it comes to the regulations that are interpreting the legislative intent of each of our colleagues. I hope that everyone will support the amendment because it just makes this bill that much better.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 99.
Bill read third time.
Remarks by Assemblymen Fiore and Elliot Anderson.

ASSEMBLYWOMAN FIORE:

Senate Bill 99 revises statutes governing registration and community notification concerning sex offenders and persons guilty of certain crimes against children. It also revises provisions concerning certain juvenile sex offenders. The bill makes technical corrections to procedures concerning sex offender registration and petitions to reduce the time during which an offender must register and be subject to community notification requirements. It also revises provisions governing information that is to be included in the record of an offender's registration and revises provisions governing a registered offender's duty to update information.

In addition to other requirements, this bill provides that a sex offender or an offender convicted of a crime against a child must update his or her registration within 48 hours upon a change in his or her driver's license, identification card, or the description of a vehicle registered to, or frequently driven by, the offender. The measure also sets forth revised registration and community notification processes regarding a child who is 14 years of age or older at the time of an alleged offense who is adjudicated delinquent for the offenses. Procedures concerning the termination of registration and community notification requirements of such juveniles are also provided.

Senate Bill 99 is very important. It is just the beginning. When we come back next session, we are going to have some more work to do on it, but at least it is a start. I urge all of my colleagues to please support this bill. It is very important.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in support of Senate Bill 99. I want to compliment the Assemblywoman from District 4 for her and her co-sponsor's work on this. They have both done a really good job working this bill. It is not perfect, but it does a lot of good for kids in our state. We have talked a lot in this session about how kids have not developed as far as adults and their brains are not as developed. This is really important so that we are not sending them to prison for the rest of their lives and getting them down the wrong track. I urge your support.

Roll call on Senate Bill No. 99:
YEAS—40.
NAYS—None.
EXCUSED—Dooling, Moore—2.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblywomen Benitez-Thompson and Fiore.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Senate Bill 107 requires a child welfare agency to provide to the Division of Child and Family Services, Department of Health and Human Services, certain information concerning the placement of children in specialized foster homes.

ASSEMBLYWOMAN FIORE:

I just want to check one more place because this kind of seems like one of those bills again. I have to tell you that I am a no. I would like to be a yes. I am a yes. I rise in support of this bill because I read it.

Roll call on Senate Bill No. 107:

YEAS—39.

NAYS—Hickey.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bills Nos. 460, 467, 488, 506, 508, 509, and 296 be taken from the General File and be placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblywomen Swank and Fiore.

ASSEMBLYWOMAN SWANK:

Senate Bill 227, as amended, creates the Silver State Opportunity Grant Program and requires the Board of Regents to award grants for educational expenses to eligible students enrolled in a state or community college within the Nevada System of Higher Education. The bill requires the Board of Regents to adopt regulations prescribing the procedures and standards for determining eligibility, the methodology for calculating the financial need of a student, and the process by which a student may meet the 15-credit enrollment requirement and any other regulations necessary to carry out the program.

Additionally, the bill requires the Board of Regents to calculate the maximum grant a student is eligible to receive, net of other funding sources, and determine the actual amount of the grant to be awarded. The bill requires the Board of Regents to submit a biennial program report to the Legislature. Finally, the bill authorizes the Board to accept gifts, grants, bequests, and donations to fund program grants.

ASSEMBLYWOMAN FIORE:

I rise in support of this bill since it does not appropriate any funds.

Roll call on Senate Bill No. 227:

YEAS—37.

NAYS—Dickman, Shelton, Titus—3.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 146. As you may recall, in the recent past we amended this bill. It calls to conduct a study concerning the inspection and testing of motor vehicles and systems for the control of emissions from motor vehicles in this state. The results are to be forwarded to the Legislative Counsel Bureau to be forwarded to the Chairs of the Senate and Assembly Committees on Transportation on or before June 30, 2016.

Roll call on Assembly Bill No. 146:

YEAS—36.

NAYS—Fiore, Jones, Seaman, Shelton—4.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

I have a two-page floor statement, but I am going to summarize it this way. Two years ago, the Governor put the Women Veterans Advisory Committee together through an executive order. This puts it into legislation and makes it permanent. It is a great organization that gives women veterans great representation throughout the state, and I urge you to vote in favor of it.

Roll call on Assembly Bill No. 241:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblymen Dickman and Carrillo.

ASSEMBLYMAN DICKMAN:

Assembly Bill 326, as amended, revises Chapter 482 of *Nevada Revised Statutes* and prohibits the Department of Motor Vehicles from issuing an Old Timer license plate for any motor vehicle with a model year of 1996 or newer. Assembly Bill 326, as amended, authorizes the Department

of Motor Vehicles to issue Classic Rod and Classic Vehicle license plates for vehicles with a model year of 1995 or older. The bill prohibits the Department of Motor Vehicles from issuing any Old Timer, Street Rod, Classic Rod, and Classic Vehicle license plates on or after July 1, 2015, and before July 1, 2017, at which time the results of the study set forth in the companion bill, Assembly Bill 146, will have been completed.

ASSEMBLYMAN CARRILLO:

The premise of A.B. 326 originally was to help Nevadans lower the registration costs on their vehicles from where it was in 2009. Unfortunately, that was written out of the bill. At this point, we are looking at protecting the classic car community by putting a moratorium on the plate. This is a good bill, and I urge the body's support.

Roll call on Assembly Bill No. 326:

YEAS—39.

NAYS—None.

EXCUSED—Dooling, Moore, Trowbridge—3.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblywomen Bustamante Adams and Fiore.

ASSEMBLYMAN BUSTAMANTE ADAMS:

Assembly Bill 399, as amended, requires the Office of Economic Development, in consultation with the College of Southern Nevada and other parties, to develop, create, and oversee the NV Grow Program as a pilot program designed to stimulate Nevada's economy. The program is to be designed to provide assistance to businesses that are already located and operating in Nevada, rather than to recruit businesses from other states to relocate to Nevada.

Assembly Bill 399 also requires the appropriation of $150,000 from the State General Fund to the College of Southern Nevada to allow for the purchase of software for a geographic information system, hire a person to operate the system, and provide other services as are necessary to carry out the pilot program in Clark County.

ASSEMBLYWOMAN FIORE:

As we go through these bills, I am racing through my notes and my note is basically telling me no. It is a pilot program with an appropriation of fees. I think we just spent a lot of money tonight, and I think it is time to stop spending.

Roll call on Assembly Bill No. 399:

YEAS—32.

NAYS—Dickman, Ellison, Fiore, Jones, Seaman, Shelton, Titus, Wheeler—8.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 410, as amended, specifies the requirements of the five members appointed to the Real Estate Commission to reflect a regional representation of the Commission. The bill also

sets forth the requirements to appoint a board member when a vacancy occurs and requires reconsideration of the apportionment of members on the Commission after each decennial census.

Roll call on Assembly Bill No. 410:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 445.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 445 extends the redevelopment plan to 45 years. I can explain this bill more easily than trying to read a floor statement. In sections 1 and 3, it clarifies that the extension of the redevelopment plan applies to a city of 200,000 to 500,000. In section 2 of the bill, it makes some technical changes so that when redevelopment comes about, there will be clarity. Lastly, this bill clarifies that it is extending it to a 45-day period.

I urge everybody to support it, which is a big deal because I hardly ever support redevelopment, but this is actually a good fix for the state.

Roll call on Assembly Bill No. 445:

YEAS—34.

NAYS—Dickman, Fiore, Hansen, Jones, Shelton, Titus—6.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblymen Oscarson, Fiore, and Carlton.

ASSEMBLYMAN OSCARSON:

Assembly Bill 485, as amended, revises the duties of the Director of the Office of Science, Innovation and Technology to include coordinating activities in the state related to broadband services; providing support to the Advisory Council on Science, Technology, Engineering and Mathematics; and administering grants provided by legislative appropriation.

In addition, Assembly Bill 485, as amended, transfers the Advisory Council on Science, Technology, Engineering and Mathematics from the Department of Education to the Office of Science, Innovation and Technology and eliminates the expiration date of the Council, making it permanent. Assembly Bill 485, as amended, also requires the Council to establish events in both southern and northern Nevada to recognize pupils who demonstrate exemplary achievement in the fields of science, technology, engineering, and mathematics.

Assembly Bill 485, as amended, also reduces the membership of the Council, appointed by the Majority Leader of the Senate and the Speaker of the Assembly, from four members each to two members each, and increases the number of members appointed by the Minority Leaders of the Senate and Assembly from one member each to two members each.

ASSEMBLYWOMAN FIORE:

I am sorry. I have to rise in opposition to this bill. This is one that we have not vetted, and I will not vote on something that has not been vetted.

ASSEMBLYWOMAN CARLTON:

Unfortunately, I rise in opposition also. I was opposed in committee. I was opposed when it was in the budget, which was a couple of weeks ago. I was opposed when we did the bill in committee a couple of days ago. This bill has been out there. It has been talked about. It has been worked on. It has made its way around the building a couple of times, and I am still a no. I just wanted to let people know that I am a no because I actually know what it does.

Roll call on Assembly Bill No. 485:

YEAS—27.

NAYS—Bustamante Adams, Carlton, Dickman, Ellison, Fiore, Jones, Kirkpatrick, Neal, Ohrenschall, Seaman, Shelton, Titus, Wheeler—13.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Assembly Bill 492 requires a public agency, when proposing a regulation, to submit either a small business impact statement or a statement identifying the agency's conclusions and methods used in determining the impact on a small business. The bill also provides that a small business impact statement be prepared if the regulation is likely to impose a direct or significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business.

The bill provides that exclusions from the rulemaking provisions of the Administrative Procedure Act must be construed narrowly and by their express terms and no other exclusion may be implied. Finally, the bill provides that any pertinent regulation adopted or implemented by an agency on or after July 1, 1995, that was not approved by the Legislative Commission or the Subcommittee to Review Regulations is null and void.

Roll call on Assembly Bill No. 492:

YEAS—38.

NAYS—Ellison, Fiore—2.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 512.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 512.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 476.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1044.

AN ACT relating to unarmed combat; **requiring the Nevada Athletic Commission to perform drug testing of amateur and professional unarmed combatants;** requiring the Governor to designate a member of the ~~[Nevada Athletic]~~ Commission as Chair of the Commission; increasing the percentage of the total gross receipts from admission fees to a live contest or exhibition of unarmed combat required to be paid by a promoter as part of a license fee; requiring a portion of such percentage to be deposited with the State Treasurer for credit to the Athletic Commission's Agency Account; **eliminating certain license fees; granting certain authority to the Chair of the Commission; revising provisions concerning disciplinary action taken by the Commission;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the members of the Nevada Athletic Commission to elect a member as Chair of the Commission. (NRS 467.030) **Section ~~[1]~~ 1.5** of this bill instead: (1) requires the Governor to designate a member of the Commission as Chair of the Commission; and (2) provides that the designation as Chair lasts for 2 years, unless revoked by the Governor. **Section 3.3 of this bill grants certain authority to the Chair, including the authority to issue subpoenas and administer oaths.**

Existing law requires a person who charges and receives an admission fee for exhibiting any live contest or exhibition of unarmed combat on a closed-circuit telecast or motion picture to pay a license fee of 4 cents for each $1 or fraction thereof received for admission, based on the face value of all tickets sold and complimentary tickets issued. (NRS 467.104) Section 2.5 of this bill provides that complimentary tickets are not included in the calculation of the license fee.

Existing law also requires every promoter, which is a person who produces or stages any professional contest or exhibition of unarmed combat, to pay a license fee. Part of the license fee is calculated as 6 percent of the total gross receipts from admission fees to a live contest or exhibition of unarmed combat, exclusive of any tax. (NRS 467.107) **Section 3** of this bill increases this percentage of the total gross receipts from admission fees for purposes of

calculating the license fee to 8 percent. **Section 3 provides that complimentary tickets and tickets given to charitable organizations are not included in the total gross receipts from admission fees used to calculate such a license fee under certain circumstances.** **Section 3** also requires that one-fourth of that 8 percent be deposited with the State Treasurer for credit to the Athletic Commission's Agency Account. **Additionally, section 3 provides that a promoter is entitled to receive a credit against the license fee in an amount equal to the amount paid by the promoter to the Commission or to an organization sanctioned by the Commission to administer a drug testing program for unarmed combatants. Finally, section 3 eliminates the requirement to pay a fee based upon the gross receipts from the sale, lease or other exploitation of broadcasting, television and motion picture rights, and section 3.9 of this bill accordingly repeals the requirement to file copies of all contracts relating to television rights for a contest or exhibition of unarmed combat.**

Existing law authorizes the Commission to take disciplinary action and impose penalties against persons for violating the provisions of chapter 467 of NRS. (NRS 467.110, 467.117, 467.157, 467.158) Section 3.5 of this bill authorizes the Commission, in addition to any other disciplinary action taken against a person, to impose a ban from participation in unarmed combat in this State for a certain period, including a lifetime ban from participation in unarmed combat in this State. Section 3.5 also provides that the authority of the Commission to take disciplinary action against a person must not be construed to be limited to those persons who are licensed by the Commission. Such authority extends to any person involved in or associated with unarmed combat in this State who violates any provision of chapter 467 of NRS.

Additionally, existing law requires the Commission to use certain money collected from promoters for certain specified purposes. (NRS 467.108) Section 1 of this bill requires the Commission to perform drug testing of amateur and professional unarmed combatants, and section 3.1 of this bill provides that one of the purposes for which such money must be used is to perform such drug testing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 467 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Commission shall perform drug testing of amateur and professional unarmed combatants. Such drug testing may take place at any time, including, without limitation, during any period of training.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 467.030 is hereby amended to read as follows:

467.030 1. The ~~[members]~~ ***Governor shall designate a member*** of the Commission ~~[shall elect one of their number]~~ as Chair of the Commission. ***The designation as Chair lasts for 2 years, unless revoked by the Governor.***

2. The Commission may purchase and use a seal.

3. The Commission may adopt regulations for the administration of this chapter. The regulations must include:

(a) Number and qualifications of ring officials required at any exhibition or contest.

(b) Procedures for obtaining fingerprints pursuant to NRS 467.100 to investigate the criminal history of all ring officials and employees of the Commission and any other applicant the Commission wishes to investigate.

(c) Powers, duties and compensation of ring officials.

(d) Qualifications of licensees.

4. The Commission shall prepare all forms of contracts between sponsors, licensees, promoters and contestants.

Sec. 2. NRS 467.040 is hereby amended to read as follows:

467.040 1. The Commission may employ an Executive Director, who must not be a member of the Commission.

2. Except as provided in NRS 467.080 ***, subsection 2 of NRS 467.107*** and ***NRS*** 467.135, all money received by the Executive Director or the Commission pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 2.5. **NRS 467.104 is hereby amended to read as follows:**

467.104 1. Any person who charges and receives an admission fee for exhibiting any live contest or exhibition of unarmed combat on a closed-circuit telecast, or motion picture, shall, within 10 days after the event, furnish to the Commission a verified written report on a form which is supplied by the Commission, showing the number of tickets sold and issued or sold or issued, and the gross receipts therefor without any deductions.

2. That person shall also, not later than 20 days after the exhibition, pay to the Commission a license fee, exclusive of federal taxes thereon, of 4 cents for each $1 or fraction thereof received for admission at the exhibition. The license fee applies uniformly at the same rate to all persons subject to it. The license fee must be based on the face value of all tickets sold **.** ~~[and complimentary tickets issued.]~~

Sec. 3. NRS 467.107 is hereby amended to read as follows:

467.107 1. In addition to the payment of any other fees and money due under this chapter, every promoter, except as provided in subsection ~~[2,]~~ ***3,*** shall pay a license fee of ~~[:~~

~~(a) Six~~ ~~***Eight***~~ ***8*** percent of the total gross receipts from admission fees to the live contest or exhibition of unarmed combat, exclusive of any federal tax or tax imposed by any political subdivision of this state **,** ~~[; and~~

~~(b) Three percent of the first $1,000,000, and 1 percent of the next $2,000,000, of the total gross receipts from the sale, lease or other exploitation~~

~~of broadcasting, television and motion picture rights for that contest or exhibition,~~

~~"~~] without any deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses or any other expenses or charges.

2. ***One-fourth of the total gross receipts from admission fees collected pursuant to [paragraph (a) of] subsection 1 must be deposited with the State Treasurer for credit to the Athletic Commission's Agency Account created by NRS 467.080.***

3. A corporation organized pursuant to NRS 81.550 to 81.660, inclusive, which promotes an amateur contest or exhibition of unarmed combat whose net proceeds are to be spent entirely in this state, for the purposes for which the corporation is organized, is exempt from the fees payable under this section. The corporation must retain the services of a promoter licensed pursuant to this chapter.

~~[3.]~~ ***4. A promoter is entitled to receive a credit against the license fee imposed by this section in an amount equal to the amount paid by the promoter to the Commission or to an organization sanctioned by the Commission to administer a drug testing program for unarmed combatants, subject to regulations adopted pursuant to subsection 5.***

5. The Commission shall adopt regulations ~~[:]~~ ***governing:***

(a) ~~[Requiring that the number and face value of all complimentary tickets be reported.~~

~~(b) Governing the~~] ***The*** treatment of complimentary tickets for the purposes of computing gross receipts from admission fees under ~~[paragraph (a) of]~~ subsection 1.

(b) Credits against the license fee imposed by this section.

(c) The sanctioning of organizations to administer a drug testing program for unarmed combatants pursuant to subsection 4.

6. Except as otherwise provided in subsection 7, for the purpose of calculating the license fee imposed by this section, "gross receipts" does not include complimentary tickets or tickets provided to a charitable organization. As used in this subsection, "charitable organization" means a person that the Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

7. If a promoter issues complimentary tickets for more than 8 percent of the seats in the house for a live contest or exhibition of unarmed combat, the value of the complimentary tickets exceeding 8 percent of the seats in the house must be included in the calculation of the license fee imposed by this section.

Sec. 3.1. **NRS 467.108 is hereby amended to read as follows:**

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of $1.00 for each ticket sold for admission to a live professional contest of unarmed combat which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of $0.50 for each ticket sold for admission to a live professional contest of unarmed combat which is held in this State if the gross receipts from admission fees to the contest of unarmed combat are less than $500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission:

(a) To award grants to organizations which promote amateur contests or exhibitions of unarmed combat in this State;

(b) To perform ~~[random]~~ drug testing of amateur and professional unarmed combatants ~~[at any time, including, without limitation, during any period of training;]~~ ***pursuant to section 1 of this act;*** or

(c) For any combination of the purposes described in paragraphs (a) and (b).

4. The Commission shall adopt by regulation:

(a) The manner in which the fees required by subsections 1 and 2 must be paid.

(b) The manner in which applications for grants may be submitted to the Commission.

(c) The standards to be used to award grants to organizations which promote amateur contests or exhibitions of unarmed combat in this State.

Sec. 3.3. **NRS 467.115 is hereby amended to read as follows:**

467.115 1. The ***Chair of the*** Commission, or a quorum of three members ~~[thereof,]~~ ***of the Commission,*** may:

(a) Issue subpoenas to require the attendance and testimony of a licensee or other person whom the Commission believes to have information of importance to the Commission;

(b) Issue subpoenas duces tecum to require the production of books and papers by a licensee or other person whom the Commission believes to have books or papers of importance to the Commission;

(c) Administer oaths and require testimony under oath;

(d) Appoint hearing examiners who may administer oaths and receive evidence and testimony under oath; and

(e) Pay such transportation and other expenses of witnesses as it may deem reasonable and proper.

2. Service of process or notice required pursuant to this section must be served in the manner provided for service of process and notices in civil actions.

3. A person making false oath in a matter before the Commission or a hearing examiner is guilty of perjury which is a category D felony and shall be punished as provided in NRS 193.130.

Sec. 3.5. **NRS 467.158 is hereby amended to read as follows:**

467.158 1. If disciplinary action is taken against a person pursuant to this chapter and the disciplinary action does not relate to a contest or exhibition of

unarmed combat as provided in subsection 2, the Commission may ~~[, in lieu of revoking a license,]~~ prescribe a penalty not to exceed $250,000.

2. If disciplinary action is taken against a person pursuant to this chapter, including, but not limited to, a hearing for the revocation of a license, and the disciplinary action relates to:

(a) The preparation for a contest or an exhibition of unarmed combat;

(b) The occurrence of a contest or an exhibition of unarmed combat; or

(c) Any other action taken in conjunction with a contest or an exhibition of unarmed combat,

➥ the Commission may prescribe a penalty pursuant to subsection 3.

3. A penalty prescribed by the Commission pursuant to subsection 2:

(a) Must not exceed $250,000 or 100 percent of the share of the purse to which the holder of the license is entitled for the contest or exhibition, whichever amount is greater; and

(b) May be imposed in addition to or in lieu of any other disciplinary action that is taken against the person by the Commission.

4. ***In addition to any other disciplinary action that is taken against a person by the Commission pursuant to this chapter, the Commission may impose a ban from participation in unarmed combat in this State for a certain period, including a lifetime ban from participation in unarmed combat in this State.***

5. The authority of the Commission to take disciplinary action against a person pursuant to this chapter must not be construed to be limited to those persons who are licensed by the Commission. Such authority extends to any person involved in or associated with unarmed combat in this State who violates any provision of this chapter.

6. If disciplinary action is taken against a person pursuant to this chapter, the Commission may require the person against whom such action is taken to pay the costs of the proceeding, including investigative costs and attorney's fees.

Sec. 3.7. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,

228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, ~~[467.137,]~~ 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records.

Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3.9. **NRS 467.137 is hereby repealed.**

Sec. 4. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

467.137 1. A promoter and a broadcasting network for television shall each, at least 72 hours before a contest or exhibition of unarmed combat, or combination of those events is to be held, file with the Commission's Executive Director a copy of all contracts entered into for the sale, lease or other exploitation of television rights for the contest or exhibition.

2. The promoter shall keep detailed records of the accounts and other documents related to the promoter's receipts from the sale, lease or other exploitation on the television rights for a contest or exhibition. The Commission, at any time, may inspect these accounts and documents to determine the amount of the total gross receipts received by the promoter from the television rights.

3. If a promoter or a network fails to comply with the requirements of this section, the Commission may determine the amount of the total gross receipts from the sale, lease or other exploitation of television rights for

the contest or exhibition and assess the appropriate license fee pursuant to paragraph (b) of subsection 1 of NRS 467.107.

4. Each contract filed with the Commission pursuant to this section is confidential and is not a public record.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

The Amendment clarifies that the license fees required to be paid by a promoter be raised from 6 percent to 8 percent. It also allows the Athletic Commission to become a self-funded entity.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 476.

Bill read third time.

Remarks by Assemblymen Bustamante Adams, Fiore, Jones and Trowbridge.

Potential conflict of interest declared by Assemblymen Jones and Trowbridge.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 476, as amended, requires the Athletic Commission to perform drug testing of amateur and professional unarmed combatants at any time, including and without limitation, during any period of training. The legislation increases the license fee percentage of the total gross receipts from admission fees to a live contest or exhibition of unarmed combat required to be paid by a promoter from 6 percent to 8 percent. It also provides for a promoter to receive a credit against license fees for administering a drug testing program for unarmed combatants. The bill, as amended, requires one-fourth of the 8 percent license fees collected to be deposited with the State Treasurer for credit to the Athletic Commission's budget, which supports the Governor's recommendation and approval of the money committees that the Athletic Commission become self-funded.

Assembly Bill 476, as amended, requires the Commission to adopt regulations governing the treatment of complimentary tickets excluding charitable organizations from gross receipts and including complimentary tickets excluding 8 percent of the seats in the house in the calculation of the license fee. The bill requires the Governor to designate a member of the Nevada Athletic Commission as Chair of the Commission for a two-year period unless revoked by the Governor. Lastly, the legislation allows the Commission to impose a ban from participation in unarmed combat in this state for a certain period, including a lifetime ban in addition to any other disciplinary actions pursuant to NRS [*Nevada Revised Statutes*] 467.158.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 476. Kudos to my southern colleagues from Districts 14 and 1 in knowing what bills are coming up and what bills are not coming up. The majority of us in our caucus are not aware of this. So again, Assembly Bill 476 is a no. We have to vet these bills out. Vote diligently. I am glad my colleague from District 14 gets to read them and know what she is doing because her caucus is more together.

ASSEMBLYMAN JONES:

I am a licensed promoter under the Athletic Commission, and I do not know how this bill would affect me. I do not think it would affect me any differently than anyone else, but I do not know what is in it. I think that I should be excused from voting on this bill since I am a licensed promoter

under the Athletic Commission. As my colleague to the left says: Out of an abundance of caution, I think I have a conflict so I do not think I should vote.

ASSEMBLYMAN TROWBRIDGE:
I am afraid I am going to have to stand and excuse myself also for reasons that I work as an independent contractor with the Athletic Commission on many events.

Roll call on Assembly Bill No. 476:
YEAS—32.
NAYS—Dickman, Ellison, Fiore, Shelton, Titus, Wheeler—6.
NOT VOTING—Jones, Trowbridge—2.
EXCUSED—Dooling, Moore—2.

Assembly Bill No. 476 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Stewart, Oscarson, and Spiegel as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 169.

Mr. Speaker appointed Assemblymen Stewart, Trowbridge, and Ohrenschall as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 461.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Bunce.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Mehlhaff.

On request of Assemblyman Jones, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Jones.

Assemblyman Paul Anderson moved that the Assembly adjourn until Monday, June 1, 2015, at 9:30 a.m.

Motion carried.

Assembly adjourned at 11:13 p.m.

Approved: JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

BEGUN ON MONDAY, THE SECOND DAY OF FEBRUARY, AND ENDED ON MONDAY, THE FIRST DAY OF JUNE

VOLUME 7

THE ONE HUNDRED AND TWENTIETH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS

ARRANGEMENT AND CONTENTS OF VOLUME 7

ASSEMBLY PROCEEDINGS 6687
APPENDICES, COMMITTEE OF THE WHOLE 7113
GENERAL INDEX 7223
ASSEMBLY STANDING RULES 7257
INDEX TO ASSEMBLY STANDING RULES 7287
JOINT STANDING RULES OF THE SENATE AND ASSEMBLY 7303
INDEX TO JOINT STANDING RULES OF THE SENATE AND ASSEMBLY 7323

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 1, 2015

Assembly called to order at 10:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Dooling and Moore, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Lord, we are ashamed that money and position speak to us more loudly than does the simple compassion of the human heart. Help us to care, as You care, for the little people who have no lobbyists, for the minority groups who sorely need justice. May it be the glory of our government that not only the strong are heard, but also the weak; not only the powerful, but the helpless; not only those with influence, but also who have nothing but a case and an appeal.

May we put our hearts into our work, that our work may get into our hearts.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 495, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LYNN D. STEWART, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 77, 135, 474, 484, 488.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 111.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 951 to Senate Bill No. 195; Assembly Amendment No. 783 to Senate

Bill No. 247; Assembly Amendments Nos. 1010, 1011 to Senate Bill No. 324; Assembly Amendment No. 995 to Senate Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 348.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hambrick (Emergency Request of the Speaker of the Assembly):

Assembly Bill No. 498—AN ACT relating to electric utilities; revising provisions relating to the emissions reduction and capacity replacement plan of an electric utility; and providing other matters properly relating thereto.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 111.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 5.

The following Senate amendment was read:

Amendment No. 1024.

AN ACT relating to public welfare; requiring the Aging and Disability Services Division of the Department of Health and Human Services to enter into an agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions; **authorizing the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to certain persons with intellectual disabilities and persons with related conditions;** requiring the Aging and Disability Services Division to provide preferences for potential providers of jobs and day training services in issuing certificates authorizing the provision of such services and in entering into agreements concerning the provision of such services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to administer certain programs concerning employment and independent living for persons with disabilities. (NRS 232.945) Existing law also requires the Aging and Disability Services Division of the Department of Health and Human Services to regulate the

provision of jobs and day training services and supported living arrangement services to persons with **intellectual** disabilities and persons with related conditions. (NRS 435.130-435.339) **Section 1** of this bill requires the Aging and Disability Services Division to enter into a cooperative agreement with the Rehabilitation Division to provide long-term support to persons with intellectual disabilities and persons with related conditions. **Section 1 also authorizes the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.**

Existing law requires a natural person and certain entities to obtain a certificate from the Aging and Disability Services Division before providing jobs and day training services in this State, which are services provided to persons with intellectual disabilities or persons with related conditions to enhance self-sufficiency and success in employment. (NRS 435.176, 435.225) Existing law also authorizes the Aging and Disability Services Division to enter into agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. (NRS 435.220)

Sections 1.5 and 2 of this bill require the Aging and Disability Services Division to give preference to potential providers of jobs and day training services who will provide persons with intellectual disabilities or persons with related conditions with training and experience leading to employment that: (1) is comparable to employment for persons without intellectual disabilities and persons without related conditions; and (2) pays at or above the state minimum wage. The Aging and Disability Services Division is required to give such a preference when: (1) issuing certificates which authorize the provisions of jobs and day training services; and (2) entering into agreements with public and private agencies for the provision of jobs and day training services. **Sections 1.5 and 2** also require each application for the issuance or renewal of such a certificate and each such agreement to include a provision that employment is the primary service option for all adults of working age.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall enter into a cooperative agreement with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to provide long-term support to persons with intellectual disabilities and persons with related conditions, including, without limitation, jobs and day training services and supported living arrangement services. The agreement must include a provision stating that employment is the preferred service option for all adults of working age.

2. The Administrator may adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.

Sec. 1.5. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Division shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. ***Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.***

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with related conditions with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities and persons without related conditions; and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

Sec. 2. NRS 435.225 is hereby amended to read as follows:

435.225 1. A nonprofit organization, state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with related conditions with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities and persons without related conditions; and

(b) Pays at or above the minimum wage prescribed by regulation of the Labor Commissioner pursuant to NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 1024 to Assembly Bill No. 5.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment authorizes the Administrator of the Aging and Disability Services Division to adopt regulations governing the provision of services to persons with intellectual disabilities and persons with related conditions who are unable or unwilling to be employed.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:17 a.m.

ASSEMBLY IN SESSION

At 10:18 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 159.

The following Senate amendment was read:

Amendment No. 835.

AN ACT relating to public works; revising provisions concerning contracts with a public body for a public work and contracts by the awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various employment requirements on contracts for a public work. (NRS 338.125-338.135) **Section 3** of this bill provides that a public body, in any solicitation, contract or other document related to a contract for a public work, shall not: (1) require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to the public work; or (2) discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. **Section 3** further prohibits a public body from awarding a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include in a contract for a project that is the subject of the grant, tax abatement, tax credit or tax exemption a term that: (1) requires or prohibits a bidder or contractor from entering into or adhering to

any agreement with one or more labor organizations in regard to the project; or (2) discriminates against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the project. **Section 3** also allows a public body to exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from those restrictions if the public body makes a finding, after notice and a hearing, that **: (1)** special circumstances require such an exemption to avert an imminent threat to public health or safety **[.] ; or (2) the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for an airport or a water system.** Such a finding of special circumstances must not be based on the possibility or presence of certain labor disputes.

Section 2 of this bill provides that the Legislature finds and declares that the provisions of **section 3** are intended to provide fair and open competition and more economical, nondiscriminatory, neutral and efficient contracts for public works by this State and public bodies in this State as market participants, and that the provisions of **section 3** are the best method for effectuating that intent.

Section 4 of this bill provides that the provisions of this bill do not affect any contract for a public work or for any project that is funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body that was entered into before July 1, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby finds and declares that the provisions of section 3 of this act prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:***

1. Intended to provide:

(a) More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and

(b) Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.

2. The best method for effectuating the intent of subsection 1.

Sec. 3. ***1. Except as otherwise provided in subsection 4 [,] or 5, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:***

(a) Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor

organizations in regard to the public work or any construction project integrated into the public work.

(b) Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.

2. Except as otherwise provided in subsection 4 ~~1~~ or 5, a public body shall not award a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 1 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.

3. The provisions of subsections 1 and 2 do not:

(a) Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:

(1) Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and

(2) The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;

(b) Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:

(1) With a public body for a public work; or

(2) Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;

(c) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;

(d) Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or

(e) Affect any provision of NRS 338.020 to 338.090, inclusive.

4. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 1 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this

subsection must not be based on the possibility or presence of a labor dispute concerning:

(a) The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or

(b) Employees on the public work who are not members of or affiliated with a labor organization.

5. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 1 if the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:

(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; or

(b) A water system.

6. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

Sec. 4. 1. The amendatory provisions of this act do not apply to any contract entered into before July 1, 2015, by:

(a) A public body for a public work; or

(b) The awardee of a grant, tax abatement, tax credit or tax exemption from a public body for a project funded in whole or in part by such grant, tax abatement, tax credit or tax exemption.

2. As used in this section:

(a) "Public body" has the meaning ascribed to it in NRS 338.010.

(b) "Public work" has the meaning ascribed to it in NRS 338.010.

Sec. 5. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 835 to Assembly Bill No. 159.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

The amendment allows a public body to exempt certain public works projects that are part of critical infrastructure for the airports and the water systems from the provisions of this bill. This has become the yo-yo bill of the Assembly. It is in, it is out, it is in. We tried to negotiate in every way we can, and I am hoping today we send this out. I think at the end of the day, we worked hard with the two bodies that were affected: the Southern Nevada Water Authority and the airport.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:21 a.m.

ASSEMBLY IN SESSION

At 6:37 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. ELLISON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which was referred Senate Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 92, 214, 502, 513, 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 111, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 258, Senate Amendment No. 1034, and requests a conference, and appointed Senators Brower, Ford and Harris as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 514.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1025 to Senate Bill No. 185; Assembly Amendment No. 1039 to Senate Bill No. 483.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Brower, Roberson and Ford as a Conference Committee concerning Senate Bill No. 53.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Brower, Harris and Kihuen as a Conference Committee concerning Senate Bill No. 444.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 95.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 193.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by Speaker Hambrick.
For: Senate Bill No. 274.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: June 01, 2015.

SENATOR MICHAEL ROBERSON
Senate Majority Leader

ASSEMBLYMAN JOHN HAMBRICK
Speaker of the Assembly

Assemblyman Paul Anderson moved that Assembly Bill No. 436 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 147, 218, 495, 496, and 498 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bills Nos. 436 and 493; Senate Bills Nos. 467, 511, 515 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 514.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 515.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 515 ensures sufficient funding for K-12 public education for the upcoming 2015-2017 biennium. Colleagues, this is the education funding package and bill that we must constitutionally pass before all others. Senate Bill 515 appropriates $1.94 billion in the first year and $1.102 billion in the second year of the biennium from the State General Fund to the Distributive School Account. In addition, there are $318.3 million and $330.1 million of other revenues authorized to be received and expended for the state support of K-12 public education in FY [Fiscal Year] 2016 and FY 2017, respectively. These other revenues include an annual excise tax on slot machines, sales tax collected on out-of-state sales, interest earned on the permanent school fund, revenue from mineral leases on federal land, room tax revenues from the legislatively approved 2009 initiative petition called I.P. [Initiative Petition] 1, and medical marijuana excise taxes.

The statewide average basic support per pupil increases over the upcoming biennium from $5,676 in the current year to $5,710 in FY 2016 and $5,774 in FY 2017. Enrollment is projected to increase by 1.44 percent from a weighted enrollment of 443,124 pupils in FY 2015 to 449,505 in FY 2016 and increase by 1.25 percent to the 555,124 pupils expected in FY 2017.

Roll call on Senate Bill No. 515:

YEAS—32.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Shelton, Titus, Wheeler—8.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblymen Stewart, Kirkpatrick, Benitez-Thompson, and Ellison.

ASSEMBLYMAN STEWART:

Assembly Bill 497 provides that the governing body of an incorporated city is authorized, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of city government whether or not the powers are expressly granted to the city government. Matters of local concern include any matter that primarily affects or impacts the local city area or persons who work, reside, or visit the city. The powers remain subject to all federal and state constitutional, statutory, and regulatory provisions. The bill also provides a list of powers that the governing body of the incorporated city cannot exercise without having authority expressly authorized by law.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in opposition to Assembly Bill 493. I feel a little bit perplexed because this is the same bill that did not make first house passage and it is now back. My concern is that all local governments on the city level have charters. They have charters which allow them, and allow their constituents, to have some say on what things they would like to see their cities do. It makes me nervous that they think they do not have enough power to do things. Each charter is designed to be unique for the entity that is impacted by it. At the bottom of each charter, it always says that it is assumed that you can do whatever the Legislature has not expressly said that you cannot do. Looking at the definition of local concerns, I do not understand what they think may be different based on what they are trying to do.

The reason that local government works is because we, the Legislature, allow them to have powers to protect public safety, health, and welfare for the constituents they represent. This session, I supported another bill that helped counties that had absolutely no local government powers and were stuck coming to the Legislature. We gave them a little bit. Cities have always been unique. They do not provide services such as UMC [University Medical Center], which is the county health entity; they do not provide services for child welfare; they do not provide services on judicial pieces, so why in the world do we need to give them more ability to do things when the charter currently says they can already do what the Legislature does not expressly say they cannot do? That is at the bottom of every single charter. That is within our statute, and I have no idea why local concern is different than all of that. It says local concern "does not include any matter that is within the exclusive jurisdiction of another governmental entity" or a state interest, the regulation of business activities, or other federal and state interests. Between them not doing those things and all of the things that we as a Legislature have allowed them to do, I do not understand.

We have let local government do things before and things have always come back to the Legislature to fix. Let us talk about NRS [*Nevada Revised Statutes*] Chapter 288. That is a form of home rule we have been giving to local government for many years. That has been the topic of this legislative session, and it has been the topic of the last five legislative sessions. So I do not understand why cities believe they need more. If cities would like to be counties, then maybe they should become a county. But I live in a city that I do not want to have any more power because, my goodness, they need to get focused on what is right to begin with. I urge my colleagues to vote no on Assembly Bill 493.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I stand in opposition to Assembly Bill 493. Much of this opposition comes from experiences garnered in my short tenure as Chair of Government Affairs. You end up mediating so many different types of conversations and so many different types of concerns. What I learned is that cities and counties are like brothers and sisters. They love each other but, man, can they fight. Speaking specifically to the bill, on page 3, subsection 6(a), it talks about addressing the matters of local concern. A really good example would be up here in northern Nevada. We just had a bill presented by a member of the other body to resolve a fight between the city and the county over fire issues. If the state does not have the ability to intervene, then we have no backstop, we have no moderator for when we have these types of arguments between our two different branches of local government that cannot be resolved. We have no way for the Legislature to say, For the greater good of all of the citizens, we are going to intervene and we are going to look at this for a state solution. I can think of fire in the north as an issue—I could probably list five or six different examples from Clark County and Las Vegas because some of those fights are historic and epic. You really need the state as a backstop in order to be able to come in and mediate some of these big issues.

Going to page 4, section 6, subsection 2, we talk about how the "term includes, without limitation, any of the following matters of local concern" and you have a list there. Different things come to mind—paragraph (b) specifically references redevelopment. Those who were in Government Affairs last year will remember the two separate hearings we held for a total of five hours regarding redevelopment and one of the cities in southern Nevada. We know that, once again, we needed the state as a backstop to come in and take a holistic look at what that policy should be. Lots of that issue was about whether or not we granted an extended redevelopment

authority for bonding issues, and while the language in the back says that the cities cannot impose a new tax, there is nothing in this language that says specifically they could not extend a tax or they could not revise that tax or they could not take anything with a tax that people in here worry about and go and do it. Other parts of the bill say that if we do not specifically tell them they cannot do it, then they can do it and we are granting them permission to do that. Nuisances and graffiti—the cities have these powers. That is, once again, the perfect example of why you do not want them to be too broad and why you want the state as a backstop.

I put a bill in the drawer last year because cities came to me and said, We want to be able to tow cars off of private property. Private property. So if you have an old junker sitting on your land, do you want the city to be able to come in and tow that car without notifying you? Tow that car without any type of repercussions? No. As much as someone tried to tell me this is just about giving them the power to beautify parks, be cautious. Think twice. There is a lot more to this, and you absolutely want the power as a legislator to serve as a bigger sounding board to protect constituents in your district.

ASSEMBLYMAN ELLISON:

I stand in strong support of Assembly Bill 493. This body in the last couple of weeks supported Senate Bill 29. In this body alone, there were 32 yeas, 9 nays, and 1 excused. Why do we want to do this? In this same body this year, we had bills with the City of Reno that was having problems with parks. That should have been something they could have done in their own district. I stand strongly in support of this and ask my colleagues, for once, to take a stand and stand up and support this bill. Give the rights back to the people where they need to be, not in this building. Give them a day-to-day fight. Stand up and do what is right.

Roll call on Assembly Bill No. 493:

YEAS—22.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Kirner, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 511 appropriates from the State General Fund to the Teach Nevada Scholarship Program Account $2.5 million in each year of the 2015-2017 biennium to provide grants to universities, colleges, and providers of alternative licensure programs to fund scholarships for students entering certain teacher preparation programs. It further appropriates to the account, for programs for innovation and the prevention of remediation, $5 million in each year of the 2015-2017 biennium to provide incentive pay and professional development for newly hired teachers who are employed to teach in certain at-risk schools.

Roll call on Senate Bill No. 511:

YEAS—36.

NAYS—Dickman, Ellison, Fiore, Titus—4.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 467, as amended, appropriates funding from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety for the sum of $7,679,026 to replace 156 fleet vehicles that have exceeded the mileage threshold and the sum of $326,592 for the addition of a seven-unit motorcycle squad in southern Nevada, eliminating the need for the replacement of seven patrol vehicles.

Roll call on Senate Bill No. 467:

YEAS—39.

NAYS—Shelton.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblywomen Kirkpatrick and Fiore.

ASSEMBLYWOMAN KIRKPATRICK:

Assembly Bill 436 repeals NRS [*Nevada Revised Statutes*] 284.177 and 284.179, which provides longevity payments to our state employees. I feel good about us passing a bill yesterday that our state employees will get COLAs [cost-of-living adjustments] and they will get their merit pay and furlough days back, and I believe that supersedes this. I urge support.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Assembly Bill 436. I think that our state employees take enough cuts, take enough pay cuts, take enough furloughs, and I am not going to vote against our state employees or their longevity pay. I urge all my colleagues to vote against this bill because you will be voting against our state employees.

Roll call on Assembly Bill No. 436:

YEAS—28.

NAYS—Dickman, Edwards, Fiore, Hansen, Jones, Nelson, O'Neill, Seaman, Shelton, Silberkraus, Titus, Trowbridge—12.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1060.

AN ACT relating to taxation; revising provisions governing the total amount of transferable tax credits which may be approved by the Office of Economic Development pursuant to applications submitted to the Office by a producer

that produces a film, television or other media production in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 165 of the 77th Session of the Legislature (2013) established provisions authorizing a producer that produces a film, television or other media production in this State to apply, on or before December 31, 2017, to the Office of Economic Development for a certificate of transferable tax credits and provided that the Office could not approve transferable tax credits in an amount that exceeded $20,000,000 during any fiscal year. (NRS 360.759, 360.7594) The provisions of Senate Bill No. 1 of the 28th Special Session of the Legislature (2014) reduced the total amount of the transferable tax credits available for film and other productions from $20,000,000 during any fiscal year to a total amount of not more than $10,000,000. This bill ~~[restores]~~ **increases** the total amount of transferable tax credits available to a producer that produces a film, television or other media production to ~~[the amount originally authorized by Senate Bill No. 165.]~~ **$15,000,000.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.7594 is hereby amended to read as follows:

360.7594 1. Except as otherwise provided in this subsection, the Office of Economic Development shall not approve any application for transferable tax credits submitted pursuant to NRS 360.759:

(a) If approval of the application would cause the total amount of transferable tax credits approved pursuant to NRS 360.759 ~~*[for the current fiscal year]*~~ to exceed ~~[~~$10,000,000. ~~*$20,000,000. If the Office does not approve $20,000,000 of transferable tax credits pursuant to NRS 360.759 during any fiscal year, the remaining amount of transferable tax credits must be carried forward and made available for approval during the immediately following 2 fiscal years.]*~~ ***$15,000,000.***

(b) Received on or after January 1, 2018.

2. The transferable tax credits issued to any producer for any qualified production pursuant to NRS 360.759:

(a) Must not exceed a total amount of $6,000,000; and

(b) Expire 4 years after the date on which the transferable tax credits are issued to the producer.

3. For the purposes of calculating qualified expenditures and production costs:

(a) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.

(b) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the

qualified production that was expended in or attributable to any expenses incurred in this State.

(c) The compensation payable to any employee, independent contractor or any other person paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed $750,000.

Sec. 2. This act becomes effective on July 1, 2015, and expires by limitation on June 30, 2023.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywomen Carlton, Titus, and Fiore.

ASSEMBLYWOMAN CARLTON:

This adjusts the amount of the ask that had been used for another purpose. Instead of a $20 million ask, it is now a $5 million ask on top of the $10 million that has already been given.

ASSEMBLYWOMAN TITUS:

Once again, I have to rise against a bill that has been created because we have a very unfair tax system in the state of Nevada. We pick winners and losers. Transferrable credits and tax abatements are all picking winners and losers, and I urge my colleagues to vote against this bill to send the statement that we just passed the largest tax in the history of this state. Now we have to start transferring credits, we have to pass abatements, we have to now shift the tax burdens.

ASSEMBLYWOMAN FIORE:

I have to follow the lead of my colleague from Assembly District 1 and give you a little history on this bill. Assembly Bill 147 came before this body last session, and we actually granted $80 million to get a film initiative business here in the state of Nevada. Then Tesla came along. We took the money we promised away from them, and we left them with $10 million instead of $80 million. This session, they came back and asked for $20 million, and they are now amending it to $5 million. I am rising in support of this simply because—our tax system is not okay. As you know, I voted against our taxes. But this particular bill has been very unfairly played to that industry, and I rise in support of it because they went from $80 million and if this passes, they might be at $15 million.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 147 be taken from its position on the General File and placed at the bottom of the Assembly Bills on General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 218.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1049.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of a charter school to consult with certain

persons and entities before constructing, expanding or remodeling buildings for schools or related facilities; requiring each school district in certain counties to appoint an emergency manager; requiring the Department of Education to conduct an annual conference regarding safety in public schools; requiring the Department **, to the extent that money is available for the purpose,** to ~~[employ]~~ **make block grants to provide** certain ~~[licensed]~~ mental ~~[or behavioral]~~ health ~~[professionals and make them available to]~~ **workers in** public schools; requiring the board of trustees of each school district and the governing body of a charter school to provide drills to instruct pupils concerning lockdown procedures; ~~[requiring a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services;]~~ requiring that a plan developed to respond to a crisis or an emergency prescribe certain procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the board of trustees of each school district and the governing body of each charter school to consult with **an emergency manager, the chief of school police or his or her designee, or** the Division of Emergency Management of the Department of Public Safety regarding safety in schools before constructing, expanding or remodeling buildings for schools or related facilities.

Section 2.5 of this bill defines a "school resource officer" as a deputy sheriff or other peace officer who interacts directly with pupils and provides information to pupils, families and educational personnel. **Section 3** of this bill requires each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to designate an employee to serve as an emergency manager.

Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a development committee to develop a plan to be used by each public school of the school district in responding to a crisis or an emergency. (NRS 392.616) **Section 7.5** of this bill requires each development committee to consult with an emergency manager, a school resource officer or the chief of school police of the school district, if such a person exists in the school district. **Section 7.5** also requires the plan to include procedures for: (1) effective communication and interoperability among law enforcement and other first responders; (2) securing a school in the event of a lockdown; and (3) assisting a person with a disability with moving to safety during an emergency or crisis.

Section 4 of this bill requires the Department of Education to coordinate with the Division of Emergency Management, any emergency manager, any chief of police of a school district that has police officers and any school resource officer to conduct an annual conference regarding safety in public schools. **Section 4** additionally requires the board of trustees of each school district and the governing body of each charter school to designate certain persons to attend this conference.

~~[In section 4.5 of this bill, the Legislature finds that it is optimal to have a ratio of at least 1 licensed mental or behavioral health professional per 250 pupils.]~~ **Section 5** of this bill requires the Department of Education ~~[to employ certain licensed]~~ **, to the extent that money is available for the purpose, to: (1) develop and carry into effect a program of block grants; and (2) make and administer block grants to school districts and charter schools to provide for contract social workers and other** mental ~~[or behavioral]~~ health ~~[professionals and make them available to provide services at public]~~ **workers in** schools ~~[, as necessary. Section 5 requires the State Board of Education to prescribe the duties of such mental or behavioral health professionals, and authorizes the State Board to require additional training for such persons.~~

~~Section 5 also requires a licensed social worker who is employed or retained to provide services to pupils at a public school to provide certain services to: (1) improve the mental health of pupils; (2) assess the]~~ **with identified** needs ~~[of certain pupils; and (3) provide a list of any resources that may be available in the community to assist a pupil.]~~ **.**

Existing law requires the board of trustees of each school district and the governing body of each charter school to provide certain emergency drills for pupils at least once each month during the school year. Existing law also requires a public school located in a city or town that has a regularly organized, paid fire department or voluntary fire department to conduct such drills under the supervision of: (1) the person designated for this purpose by the board of trustees of the school district; and (2) the chief of the fire department of the city or town in which a school is located. (NRS 392.450) **Section 6** of this bill requires the board of trustees of each school district and the governing body of each charter school to provide drills for schools under their jurisdiction at least once each month during the school year to instruct pupils in the appropriate procedures to be followed in the event of a lockdown. **Section 6** requires at least one-half of these drills to include instruction in appropriate procedures to be followed in the event of a lockdown. **Section 6** also requires: (1) any public school located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to conduct the drills under the supervision of the person designated for that purpose by the board of trustees of the school district or the governing body of the charter school, as applicable; and (2) a public school located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to conduct such drills under the supervision of an emergency manager.

WHEREAS, The Legislature recognizes that it is of utmost importance that the public schools in this State are built and maintained in a manner which provides the greatest protection for pupils against harm; and

WHEREAS, Each school must be built and maintained to meet or exceed recommended safety standards and be designed to anticipate and protect against modern threats; and

WHEREAS, Academic achievement of pupils is adversely affected when the pupils do not feel safe from harm; and

WHEREAS, Acts of violence which occur at schools have devastating effects on pupils which may include depression, fear and inappropriate behavior; and

WHEREAS, Efforts must be taken to mitigate acts of violence at schools; and

WHEREAS, Social workers and other licensed mental health workers who are employed by schools help ensure the safety of pupils, prevent violent and other inappropriate actions by pupils and address the overall well-being of pupils by assessing the needs of pupils and providing pupils with necessary mental health services, counseling and other assistance; and

WHEREAS, The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 social worker or licensed health worker per 250 pupils; and

WHEREAS, Each school district must ensure that administrators, teachers and other staff are properly trained regarding the appropriate response to a crisis and crisis management, prevention of violence and emergency response planning so that all schools are prepared to respond appropriately to a crisis or emergency and to quickly mitigate any effects of such a crisis or emergency; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school shall consult with the [Division of Emergency Management of the Department of Public Safety] person described in subsection 2 or 3, as applicable, regarding safety in schools before:

[1.] (a) Designing, constructing or purchasing new buildings for schools or related facilities;

[2.] (b) Enlarging, remodeling or renovating existing buildings for schools or related facilities; and

[3.] (c) Acquiring sites for building schools or related facilities.

2. In a county whose population is 100,000 or more, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with the emergency manager designated pursuant to section 3 of this act or, if the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

3. In a county whose population is less than 100,000, the board of trustees of a school district or the governing body of a charter school that plans to take an action described in subsection 1 shall consult with:

(a) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her or, if the school district has designated a full-time employee to serve as an emergency manager, the emergency manager; or

(b) If the county has not designated a full-time employee to serve as an emergency manager and does not have school police officers, the Division of Emergency Management of the Department of Public Safety.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.25 to 5, inclusive, of this act.

Sec. 2.25. ***"Lockdown" means a circumstance in which the persons on school property are restricted to the interior of a school building and isolated from threats until the school property and surrounding vicinity are deemed to be secure by:***

1. If the school district has school police officers, the chief of school police of a school district or a person designated by him or her; or

2. If the school district does not have school police officers, the school resource officer or a person designated by him or her or, if the school district does not have school resource officers, a local law enforcement agency.

Sec. 2.5. ***"School resource officer" means a deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.***

Sec. 3. ***Each school district in a county whose population is 100,000 or more shall designate a full-time employee to serve as an emergency manager. As used in this section, "emergency manager" means a person whose job responsibilities are focused solely on the planning and coordination of available resources for the mitigation of, preparation and training for, response to and recovery from emergencies or crises.***

Sec. 4. ***1. The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety, any emergency manager designated pursuant to section 3 of this act, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.***

2. The board of trustees of each school district and the governing body of each charter school shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:

(a) An administrator from the school district or charter school, as applicable;

(b) If the school district has school resource officers, a school resource officer or a person designated by him or her;

(c) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; and

(d) If the school district has an emergency manager designated pursuant to section 3 of this act, the emergency manager.

3. The conference conducted pursuant to subsection 1 may be attended by:

(a) A licensed teacher of a school or charter school;

(b) Educational support personnel employed by a school district or charter school;

(c) The parent or legal guardian of a pupil who is enrolled in a public school; and

(d) An employee of a local law enforcement agency.

Sec. 4.5. ~~*[The Legislature hereby finds and declares that it is optimal to have a ratio of at least 1 licensed social worker, school psychologist or other certified or licensed mental or behavioral health professional per 250 pupils.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. The]*~~ *To the extent that money is available for the purpose, the Department shall* ~~*[employ licensed]*~~ *:*

1. Develop and carry into effect a program of block grants for the purposes described in subsection 2; and

2. Make and administer block grants to school districts and charter schools to provide for contract social workers ~~*[, school psychologists or]*~~ *and other* ~~*[certified or licensed]*~~ *mental* ~~*[or behavioral]*~~ *health* ~~*[professionals and make them available to provide services at public]*~~ *workers in schools* ~~*[in this State, as necessary.*~~

~~*2. If a licensed social worker is employed or retained to provide services to pupils at a public school, he or she shall, without limitation:*~~

~~*(a) Conduct mental health assessments of pupils;*~~

~~*(b) Make referrals of pupils to mental health professionals;*~~

~~*(c) Conduct home visits]*~~ *with* ~~*[families of pupils identified as having been involved in a behavioral incident on the premises of a public school, at an activity sponsored by a public school or on a school bus; and*~~

~~*(d) Assess the]*~~ *identified needs .* ~~*[of pupils and provide a list of any resources that are available in the community to assist a pupil, including, without limitation, resources available at no charge or at a reduced cost.*~~

~~*3. The State Board shall adopt regulations governing the duties of social workers, school psychologists and other certified or licensed mental or behavioral health professionals employed pursuant to subsection 1. The State Board may adopt regulations requiring the Department to provide additional training to such persons relating to the performance of their duties.]*~~

Sec. 6. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month

during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a ***lockdown,*** fire or other emergency ***.*** ~~[, except a crisis governed by NRS 392.600 to 392.656, inclusive.]~~ Not more than three of ~~[those]~~ ***the*** drills ***provided pursuant to this subsection*** may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. ***At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.***

2. In all cities or towns ***,*** ~~[which have regularly organized, paid fire departments or voluntary fire departments,]~~ the drills required by subsection 1 must be conducted under the supervision of the ~~[:]~~ ***chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department, and the:***

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school ~~[; and]~~ ***in a county whose population is less than 100,000; or***

(b) ~~[Chief of the fire department of the city or town.]~~ ***Emergency manager designated pursuant to section 3 of this act in a county whose population is 100,000 or more.***

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall cause the provisions of this section to be enforced.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" has the meaning ascribed to it in section 2.25 of this act.

Sec. 7. NRS 392.600 is hereby amended to read as follows:

392.600 As used in NRS 392.600 to 392.656, inclusive, ***and sections 2.25 to 5, inclusive of this act,*** unless the context otherwise requires, the words and terms defined in NRS 392.604 to 392.612, inclusive, ***and sections 2.25 and 2.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7.5. NRS 392.620 is hereby amended to read as follows:

392.620 1. Each development committee established by the board of trustees of a school district shall develop one plan to be used by all the public schools other than the charter schools in the school district in responding to a crisis or an emergency. Each development committee established by the governing body of a charter school shall develop a plan to be used by the charter school in responding to a crisis or an emergency. Each development committee shall, when developing the plan, consult with:

(a) The local social service agencies and local law enforcement agencies in the county in which its school district or charter school is located.

(b) ***If the school district has an emergency manager designated pursuant to section 3 of this act, the emergency manager.***

(c) If the school district has school resource officers, a school resource officer or a person designated by him or her.

(d) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her.

(e) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation, a procedure for:

(a) Assisting persons within a school in the school district or the charter school to communicate with each other;

(b) Assisting persons within a school in the school district or the charter school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of the school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(c) ***Effective communication and interoperability among federal, state and local law enforcement and other first responders;***

(d) Immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

~~[(d)]~~ ***(e)*** Assisting pupils of a school in the school district or the charter school, employees of the school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school ~~[;~~ ~~and~~

~~(e)]~~ ***in the event of a lockdown;***

(f) Assisting any person with an intellectual or physical disability, including, without limitation, a pupil or teacher, who is on school property to move safely within and away from the school, including, without limitation, a procedure for assisting such a pupil or person with evacuating the school or participating in a lockdown; and

(g) Enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. Except as otherwise provided in NRS 392.632 and 392.636, each public school, including, without limitation, each charter school, must comply with the plan developed for it pursuant to this section.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. This act becomes effective on July 1, 2015.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 218 be taken from its position on the General File and placed at the bottom of the Assembly Bills on General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 495 revises provisions governing the submission of a request for the drafting of a legislative measure. Details for drafting the measure must be submitted to the Legislative Counsel along with a request to have the measure drafted. The Legislative Counsel shall not assign a bill draft request number until sufficient detail has been received. The bill also eliminates subsequent statutory deadlines by which legislators and legislative committees must submit sufficient details to allow complete drafting of those measures. The bill moves the deadline for prefiling measures requested on behalf of nonlegislative requesters from December 20 preceding a regular legislative session to the third Wednesday in November preceding the session.

Roll call on Assembly Bill No. 495:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 496 provides for certain powers and duties of the Legislative Commission that apply to legislative studies established by concurrent resolution also apply to studies established by statute. Certain requirements and restrictions imposed on the staff of the Legislative Counsel Bureau [LCB] also apply to investigations. The bill clarifies protections provided for the work

product of the officers and employees of LCB apply to any matter or work in any form including oral, written, audio, visual, digital, or electronic format.

The bill provides that the doctrines of separation of powers and legislative privilege and immunity apply to any actions taken or performed within legitimate legislative activity whether or not the Legislature is in a regular or special legislative session. The bill also provides that these doctrines also protect any other person who takes action or performs any legitimate legislative activity that would be protected if taken or performed by a legislator. The provisions of the bill apply to any cases pending on the bill's effective date even if those cases were commenced before the effective date.

This bill largely clarifies and codifies existing case law on legislative immunity from the Executive and Judicial Branches and for this body. There are many people who can probably take advantage of that.

Roll call on Assembly Bill No. 496:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 498 requires an electric utility to demonstrate to the satisfaction of the PUC [Public Utilities Commission] of Nevada the need for the construction or acquisition of, or contracting for, certain electrical generating capacity and certain facilities for the generation of electricity in an emissions reduction and capacity replacement plan. The bill further authorizes the Commission to approve certain contracts related to the plan if the contracts are entered into pursuant to a request for proposals authorized by the Commission and the Commission determines that the electrical utility has satisfactorily demonstrated the need for the additional electric generating capacity acquired pursuant to such contracts.

Roll call on Assembly Bill No. 498:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 147. I cannot say it any better than my colleague from District 4. This replenishes the film tax credit that was diminished. It is about good jobs and film works.

Roll call on Assembly Bill No. 147:

YEAS—34.

NAYS—Dickman, Hansen, Jones, Shelton, Titus, Wheeler—6.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYMAN BENITEZ-THOMPSON:

This bill came out of recent events that happened during the interim in northern Nevada. Specifically, we revisited our schools' safety and emergency plans. One of the things about this bill of which I am most proud is that it will require schools and charter schools to come up with procedures to assist teachers of pupils who are intellectually or physically disabled in the event of an emergency.

Roll call on Assembly Bill No. 218:

YEAS—34.

NAYS—Dickman, Fiore, Gardner, Jones, Shelton, Titus—6.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Mr. Speaker:

Also, your Committee on Taxation, to which was referred Senate Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 497; Senate Bills Nos. 509 and 488; Senate Joint Resolution No. 13, just reported out of committee, be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 497 expands current provisions in law relating to the designation of a tax increment area for the purpose of undertaking certain public works projects. It specifies that a

portion of the sales and use tax and modified business tax imposed in the tax increment area may be allocated to pay the debt incurred by the municipality to finance or refinance the undertaking if the undertaking is a water project, the estimated cost exceeds $50 million, and such financing is approved by the Interim Finance Committee.

Roll call on Assembly Bill No. 497:

YEAS—34.

NAYS—Fiore, Jones, Kirner, Seaman, Shelton, Titus—6.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1018.

AN ACT relating to education; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter schools; revising provisions governing applications to form a charter school; authorizing a charter management organization to apply for a waiver of requirements concerning the composition of the governing body of a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in ~~[such]~~ **certain** circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; **exempting certain high-performing charter schools from the requirement that certain teachers be licensed; establishing alternative qualifications for such teachers;** revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Public Charter School Authority, requires the Authority to appoint a Director and authorizes the Authority to sponsor charter schools. (NRS 386.490-386.515) **Sections 10, 12-14 and 18** of this bill change the title of the Director of the Authority to "Executive Director," and **section 13** authorizes the Executive Director to pursue other businesses and hold other offices with the approval of the Authority. **Section 11** of this bill requires the Authority to consist of persons who are experts on authorizing, developing and operating charter schools. **Sections 15 and 16** of this bill revise provisions governing the staff of the Authority. **Section 18** of this bill prohibits

the Executive Director and the Authority from accepting any gift or donation from a charter management organization, a committee to form a charter school or the governing body of a charter school. **Sections 32 and 33** of this bill require the Authority to adopt regulations that prescribe: (1) the process to apply to the Authority to form a charter school, renew a charter contract or amend a written charter or charter contract; (2) the contents of such applications; and (3) the procedure by which such applications will be evaluated. **Sections 35, 45 and 46** of this bill revise certain other duties of the Authority.

In addition to the Authority, existing law also authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school with the approval of the Department of Education. (NRS 386.515) **Sections 17, 19 and 20** of this bill provide for a board of trustees of a school district or college or university within the System that sponsors a charter school to enter into certain agreements with the Authority. **Sections 19 and 20** also revise the duties of the sponsor of a charter school, including the requirements of the policies and practices that a sponsor is required to adopt.

Existing law requires an application to form a charter school to be submitted by a committee to form a charter school. (NRS 386.520, 386.525) **Sections 21 and 22** of this bill authorize a charter management organization to apply to form a charter school. **Section 2** of this bill defines the term "charter management organization" to mean a nonprofit organization that operates multiple charter schools. **Section 21** also revises the required contents of an application to form a charter school. **Sections 21 and 36** of this bill authorize a charter management organization to request a waiver of requirements concerning the composition of a governing body. **Section 22** revises the manner in which a sponsor is authorized to solicit and review applications to form a charter school.

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 386.527) **Sections 4 and 53** of this bill require the sponsor of a charter school to hold a public hearing concerning requests to amend a written charter or charter contract to: (1) expand the grade levels served by the charter school; (2) significantly increase or decrease enrollment; (3) acquire additional facilities to expand the enrollment of the charter school; or (4) consolidate the operations of multiple charter schools. Such an amendment may not be made unless approved by the governing board of the sponsor. **Sections 5 and 54** of this bill prescribe the circumstances under which the operations of multiple charter schools can be consolidated.

For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body. Because all written charters and charter contracts must be for terms of 6 years,

all written charters will expire by June 11, 2019. (NRS 386.527) **Sections 23 and 24** of this bill authorize a sponsor to require, as a condition of granting a request for an amendment, the replacement of a written charter with a charter contract for the period during which written charters may still be effective.

Existing law requires each charter contract to include a performance framework for the charter school. (NRS 386.528) **Section 25** of this bill: (1) requires each sponsor to adopt a performance framework and incorporate it in the charter contract; (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes; and (3) authorizes the State Board of Education to adopt regulations requiring a sponsor to aggregate or disaggregate data. **Section 26** of this bill revises the contents of an annual report submitted by a sponsor to a governing body.

Existing law authorizes a sponsor to revoke a written charter or terminate a charter contract under certain conditions and requires a sponsor to take such action if the charter school demonstrates persistent underachievement. (NRS 386.535, 386.5351) **Sections 5 and 27-29** of this bill: (1) authorize a sponsor to reconstitute **, under certain circumstances,** the governing body of a charter school in such situations; and (2) revise the conditions under which such action is authorized or required. **Sections 6, 30 and 31** of this bill authorize the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to recruit a governing body of another charter school to replace the closed charter school with another campus of the other charter school. **Sections 6 and 55** of this bill require a pupil who attended a charter school whose written charter has been revoked or whose charter contract has been terminated to be given priority in admission to the replacement charter school under such circumstances. **Sections 6 and 56** provide that: (1) if the governing body of a charter school is reconstituted, the new governing body may terminate the employment of any employees of the charter school; and (2) if a written charter is revoked or a charter contract is terminated and a charter school is replaced, the governing body of the replacement charter school is not required to employ any employee of the previous charter school. **Sections 52 and 56** of this bill exclude the rights of a governing body to terminate the employment of or refuse to reemploy employees at such schools from the scope of collective bargaining.

Sections 34 and 39 of this bill revise requirements concerning services, including transportation, provided by the board of trustees of a school district to pupils at a charter school.

Existing law: (1) prohibits a person who has been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude from serving on the governing body of a charter school; and (2) requires a member of a governing body to read and understand certain materials. (NRS 386.549) **Section 7** of this bill requires a newly appointed member of a governing body to undergo a criminal background check and prohibits a person who has been convicted of a felony or an offense involving moral turpitude from serving as a member of a governing body.

Sections 36 and 37 of this bill require a member of a governing body to receive training under certain circumstances.

Sections 40 and 41 of this bill prohibit a contract between a governing body and a person who assists with the operation, management and provision of educational services at a charter school from containing certain provisions. **Section 45** of this bill authorizes a charter school to use higher standards for graduation than those required by the State or a school district in which the charter school is located. **Section 46** of this bill requires a charter school to notify the parent of a pupil who is under the age of 18 years before the pupil is suspended or expelled. ~~[Section 47 of this bill]~~ **Existing law** requires **:** ~~[every teacher at a charter school, except for a vocational charter school, to possess certain qualifications, and section]~~ **(1) a certain percentage of teachers at a charter school to be licensed; and (2) teachers who teach certain subjects at a charter school to be licensed. (NRS 386.580) Section 47 of this bill instead requires a certain percentage of teachers at a charter school and teachers who teach such subjects at a charter school to be highly qualified. Section 47 provides that: (1) a teacher at a high performing charter school is highly qualified if he or she meets certain requirements specified in federal law; and (2) a teacher at any other charter school is highly qualified if the teacher meets those federal requirements and is licensed. Section 47 also requires a teacher who is employed by a charter school to teach special education or English as a second language to be licensed to teach that subject. Finally, section 47 requires a high achieving charter school that employs unlicensed teachers to offer an alternative route to licensure for those teachers. Section 51** of this bill makes a conforming change.

Section 48 of this bill requires the Commission on Educational Technology to consider plans adopted by charter schools for the use of educational technology when establishing the plan for the use of educational technology in the public schools of this State. **Sections 49 and 50** of this bill authorize a charter school to receive money from the Trust Fund for Educational Technology.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Charter management organization" means:***

1. A nonprofit organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in this State or another state; or

2. A nonprofit organization incorporated in this State for the purpose of operating a charter school in cooperation with a charter management organization that holds a written charter, charter contract or other

equivalent agreement to operate more than one charter school in another state.

Sec. 3. *"Educational management organization" means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 4. *1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a written charter or a charter contract of the charter school it sponsors, including, without limitation, a request to amend a written charter or charter contract for the purpose of:*

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the written charter or charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the written charter or charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

2. A written charter or charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a written charter or charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or ~~[operational]~~ organization established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 5. ***The sponsor of a charter school may approve an amendment to a written charter or a charter contract to consolidate the operations of two or more charter schools if:***

1. The sponsor of a charter school for which a written charter has been revoked or a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school whose written charter has been revoked or whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

Sec. 6. ***1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535*** ***,*** ~~***[or 386.5351,]***~~ ***the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:***

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school revokes a written charter or terminates a charter contract pursuant to NRS 386.535 or 386.5351, the sponsor may:

(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating

an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its written charter or charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract to interview governing bodies who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body <u>that</u> they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated and any necessary amendments or applications are approved, the

charter school must enroll pupils who were enrolled in the charter school whose written charter was revoked or whose charter contract was terminated before enrolling other pupils.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school ~~***[,]***~~ ***pursuant to NRS 386.535, the principal of the charter school or another administrator of the charter school appointed by the reconstituted governing body shall:***

(a) Review each employee of the charter school to determine whether to retain the employee based on the needs of the school and the ability of the employee to improve pupil achievement and school performance at the charter school. The new governing body may terminate the employment of any teachers or other employees of the charter school or, if possible, may reassign teachers or other employees to another school.

(b) Collaborate with the new governing body in making hiring determinations for the charter school.

7. If the sponsor of a charter school selects a governing body to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated, the new governing body is not required to offer employment to any teacher or other employee of the charter school whose written charter has been revoked or whose charter contract has been terminated.

Sec. 7. ***1. Within 10 days after being appointed to the governing body of a charter school, each member of a governing body, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to membership, submit to the governing body a complete set of the member's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the member.***

2. If the reports on the criminal history of the member indicate that the member has not been convicted of a felony or an offense involving moral turpitude, the member may continue to serve on the governing body.

3. If a report on the criminal history of a member indicates that the member has been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school must remove the member.

Sec. 8. ***1. In a county in which more than five charter schools are located and the total number of pupils enrolled in the charter schools exceeds 25 percent of the combined enrollment of all public schools, including, without limitation, charter schools, the Department shall, in consultation with all sponsors of charter schools in the county, determine whether holding a weighted lottery for admission to charter schools would improve diversity in charter schools that do not have a preference for at-risk pupils. If the Department determines that a weighted lottery for admission to***

charter schools would improve diversity in such charter schools, the Department shall, to the extent authorized by federal law, adopt regulations authorizing charter schools to establish a weighted lottery.

2. In a county in which more than ten charter schools are located and the total number of pupils enrolled in charter schools exceeds 50 percent of the combined enrollment of all public schools, including, without limitation, charter schools, the Department shall, in consultation with all sponsors of charter schools in the county:

(a) Adopt regulations establishing a uniform enrollment calendar and process for enrolling pupils applicable to all charter schools in the county. The regulations must establish a lottery for admission to each charter school in the county. If a charter school does not have a preference for at-risk pupils, the lottery must, to the extent authorized by federal law, be a weighted lottery.

(b) Allow the board of trustees of the school district to provide input regarding the enrollment calendar, processes for enrolling pupils and lotteries established pursuant to paragraph (a).

3. As used in this section, "weighted lottery" means a lottery that gives additional weight to pupils who are identified as being part of a specified group of pupils. The term does not include the reservation of seats in the charter school for specified pupils or groups of pupils.

Sec. 9. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 386.495 is hereby amended to read as follows:

386.495 ~~["Director"]~~ ***"Executive Director"*** means the ***Executive*** Director of the State Public Charter School Authority appointed pursuant to NRS 386.511.

Sec. 11. NRS 386.5095 is hereby amended to read as follows:

386.5095 1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools; ~~[and]~~

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State ~~[.]~~ ***; and***

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

5. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

6. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 12. NRS 386.511 is hereby amended to read as follows:

386.511 1. The State Public Charter School Authority shall appoint ~~[a]~~ ***an Executive*** Director of the State Public Charter School Authority for a term

of 3 years. The State Public Charter School Authority shall ensure that the ***Executive*** Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

2. A vacancy in the position of ***Executive*** Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.

3. The ***Executive*** Director is in the unclassified service of the State.

Sec. 13. NRS 386.5115 is hereby amended to read as follows:

386.5115 ~~[The]~~ ***With the approval of the State Public Charter School Authority, the Executive*** Director ~~[shall not]~~ ***may*** pursue any other business or occupation or hold any other office ***, including, without limitation, serving as a member on a committee, board or task force of an organization relating to charter schools, serving as a reviewer of applications to form a charter school for organizations other than the State Public Charter School Authority and holding an office*** of profit ***, and may accept reimbursement for travel costs relating to such activities. The Executive Director shall not pursue any other business or occupation or hold any other office of profit*** without the approval of the State Public Charter School Authority.

Sec. 14. NRS 386.512 is hereby amended to read as follows:

386.512 The ***Executive*** Director shall:

1. Execute, direct and supervise all administrative, technical and procedural activities of the State Public Charter School Authority in accordance with the policies prescribed by the State Public Charter School Authority;

2. Organize the State Public Charter School Authority in a manner which will ensure the efficient operation and service of the State Public Charter School Authority;

3. Serve as the Executive Secretary of the State Public Charter School Authority;

4. Ensure that the autonomy provided to charter schools in this State pursuant to state law and regulations is preserved; and

5. Perform such other duties as are prescribed by law or the State Public Charter School Authority.

Sec. 15. NRS 386.5125 is hereby amended to read as follows:

386.5125 ***1.*** The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.*** The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools ***, including, without limitation, oversight of written charters and charter contracts,*** in accordance with the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.***

2. The staff must include:

(a) Attorneys with experience with laws concerning education, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;

(c) Persons with experience conducting assessments and evaluations for a school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

(f) Any other persons that the State Public Charter School Authority determines are necessary.

3. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.

Sec. 16. NRS 386.5125 is hereby amended to read as follows:

386.5125 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of ~~[written charters and]~~ charter contracts, in accordance with the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act.

2. The staff must include:

(a) Attorneys with experience with laws concerning education law, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;

(c) Persons with experience conducting assessments and evaluations for a school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

(f) Any other persons that the State Public Charter School Authority determines are necessary.

3. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.

Sec. 17. NRS 386.513 is hereby amended to read as follows:

386.513 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. ***A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority.*** A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If the charter school is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

Sec. 18. NRS 386.5135 is hereby amended to read as follows:

386.5135 1. The Account for the State Public Charter School Authority is hereby created in the State General Fund, to be administered by the ***Executive*** Director.

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the State Public Charter School Authority.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the Executive*** Director and the State Public Charter School Authority may accept gifts, grants and bequests to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act. The Executive Director and the State Public Charter School Authority shall not accept any gift or donation from a charter management organization, a committee to form a charter school or the governing body of a charter school.*** Any money from gifts, grants and bequests must be deposited in the Account and may be expended in

accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

Sec. 19. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.***

5. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~[and]~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~[.~~

~~5.]~~ ***;***

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 ; ~~[or 386.5351, as applicable;]~~ and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 . ~~[or 386.5351, as applicable.]~~

6. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for ***soliciting and*** evaluating charter school applications in accordance with NRS 386.525 ~~[and for the renewal of charter contracts pursuant to NRS 386.530;~~

~~(c)]~~ ***, which must include, without limitation:***

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 386.530;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the

sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~[.]~~ ***, which must include, without limitation:***

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

~~[(d)]~~ ***(g)*** A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ ***7. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department*** ~~[,]~~ ***and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.***

8. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 20. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to

NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school prescribed in this section.***

5. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~[and]~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the charter contract should be terminated in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~[.~~ ~~5.]~~ ***;***

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 ; [or 386.5351, as applicable;] and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 . [or 386.5351, as applicable.]

6. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for ***soliciting and*** evaluating charter school applications in accordance with NRS 386.525 ~~[and for the;~~

~~(c)~~ ***, which must include, without limitation:***

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 386.530;

(d) The procedure for amending a charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~[.]~~ ***, which must include, without limitation:***

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

~~[(d)]~~ ***(g)*** A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ ***7. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department*** ~~[,]~~ ***and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.***

8. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 21. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. The ~~[committee to form a charter school]~~ ***applicant*** shall ensure that the completed application:

(a) Presents ~~[the]~~ ***a clear, measurable and high-quality*** academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A ~~[written description of how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive.]~~ ***summary of the plan for the proposed charter school.***

(b) A ***clear*** written description of the mission ***of the charter school*** and ***the*** goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) ***A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 386.527.***

(d) A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

(e) The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

(f) The ***minimum, planned and maximum*** projected enrollment of pupils in ***each grade in*** the charter school ~~[~~.

~~(d)]~~ ***for each year that the charter school would operate under the proposed charter contract.***

(g) The ***procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the*** proposed dates for accepting applications for enrollment in ~~[the initial]~~ ***each*** year of operation ~~[of the charter school.~~

~~(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.~~

~~(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.~~

~~(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.~~] ***under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.***

(h) [~~The textbooks that will be used at the charter school.~~] ***The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 386.550, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.***

(i) [~~The qualifications of the persons who will provide instruction at the charter school.~~] ***A description of the proposed instructional design of the charter school and the type of learning environment the school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.***

(j) [~~Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.~~] ***The manner in which the school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.***

(k) [~~A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.~~] ***A description of any co-curricular or extracurricular activities that the school plans to offer and the manner in which these programs will be funded.***

(l) ***Any uniform or dress code policy that the school plans to use.***

(m) Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the school plans to conduct.

(n) The rules of behavior and punishments that the school plans to adopt pursuant to NRS 386.585, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.

(o) A chart that clearly presents the proposed organizational structure of the school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and

governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

(p) The names of any external organizations that will play a role in operating the school and the role each such organization will play.

(q) The manner in which the governing body of the charter school will be chosen.

(r) A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

(s) Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

(t) Proposed bylaws for the governing body, a description of the manner in which the school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

(u) Explanations of any partnerships or contracts central to the operations or mission of the charter school.

(v) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

~~[(m)]~~ ***(w)*** The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

~~[(n) The time by which certain academic or educational results will be achieved.~~

~~(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.~~

~~(p) A statement of whether the charter school will enroll pupils who are in a particular category of at risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method~~

~~for determining eligibility for enrollment in each such category of at risk pupils served by the charter school.]~~

(x) A statement of the school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

(y) Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the school and the operation of the school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

(z) A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

(aa) A description of the financial plan and policies to be used by the charter school.

(bb) A description of the insurance coverage the school will obtain.

(cc) Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

(dd) Evidence of any money pledged or contributed to the budget of the charter school.

(ee) A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

(ff) If the charter school is a vocational school, a description of the career and technical education program that will be used by the school.

(gg) If the charter school will provide a program of distance education, a description of the system of course credits that the school will use and the manner in which the school will:

(1) Monitor and verify the participation in and completion of courses by pupils;

(2) Require pupils to participate in assessments and submit coursework;

(3) Conduct parent-teacher conferences; and

(4) Administer any test, examination or assessment required by state or federal law in a proctored setting.

(hh) If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university

through which the credits will be earned and a term sheet, which must set forth:

(1) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(2) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(3) The scope of the services and resources that will be provided by the college or university;

(4) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(5) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(6) Any employees of the college or university who will serve on the governing body of the charter school.

(ii) If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

(jj) If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(1) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(2) A term sheet that sets forth:

(I) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(II) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(III) All fees that will be paid to the educational management organization or other person;

(IV) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(V) A disclosure of the investments ~~[of]~~ made by the educational management organization or other person ~~[;]~~ in the proposed charter school; and

(VI) The conditions for renewal and termination of the contract; and

(3) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

(kk) Any additional information ~~***[required by]***~~ ***that the sponsor*** ~~***[,]***~~ ***determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.***

6. ***A charter management organization may, as part of an application to form a charter school, request a waiver of the requirements of subsection 1 or 2 of NRS 386.549 concerning the membership of the governing body. A sponsor shall not grant such a waiver unless the charter management organization provides a compelling reason for the waiver. If approved, the waiver may provide, without limitation, for multiple governing bodies that have the authority to make decisions concerning the governance of the charter school or a facility operated by the charter school. A majority of the members of each such governing body must reside in this State. A request for a waiver to allow for multiple such governing bodies must describe the role, responsibilities and composition of each such proposed governing body.***

7. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 22. NRS 386.525 is hereby amended to read as follows:

386.525 1. A ***committee to form a*** charter school ***or charter management organization*** may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers ***, which*** ~~***[must]***~~ ***may include, without limitation, natural persons from different geographic areas of the United States*** who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools ***,*** to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the ~~[committee to form the charter school;]~~ ***applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;***

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection ~~[5]~~ ***6*** of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act*** and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department ~~[,]~~ ***and the policies and practices of the sponsor;*** and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection ~~[5]~~ ***6*** of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school

and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. ***Notwithstanding the provisions of this section, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district that is approved to sponsor charter schools or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees or college or university, as applicable, will review applications. These regulations or policies may:***

(a) Establish different timelines and review procedures for different types of applicants; and

(b) Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 386.520 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.

12. The State Public Charter School Authority may enter into a contract with any qualified person to:

(a) Foster the development of high-quality charter management organizations, educational management organizations and other persons to operate charter schools in this State;

(b) Solicit applications to form charter schools from high-quality applicants;

(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or

(d) Provide professional development and support services to the administration and other employees of charter schools.

13. The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 12 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.

14. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 23. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A written charter or a charter contract, as applicable, must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter or charter contract, as applicable. ~~[Such an amendment may include, without~~

~~limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.]~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the written charter or charter contract, as applicable, in accordance with the proposed amendment. ***A sponsor may require, as a condition of granting a request for an amendment to a governing body that has been granted a written charter, such a governing body to agree to the revocation of the written charter and to enter into a charter contract.*** If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation ***in a facility in which the charter school has not previously operated*** and is not eligible to receive apportionments ***for pupils enrolled in such a facility*** pursuant to NRS 387.124 until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 24. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of

operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may

require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. ~~[Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.]~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation ***in a facility in which the charter school has not previously operated*** and is not eligible to receive apportionments pursuant to NRS 387.124 ***for pupils enrolled in such a facility*** until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 25. NRS 386.528 is hereby amended to read as follows:

386.528 1. ~~[The]~~ ***Each sponsor of a charter school shall adopt a*** performance framework ~~[that is required to be incorporated]~~ ***and incorporate the performance framework*** into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 ***. The performance framework*** must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school; and

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school.

(c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations.

2. In addition to the requirements for the performance framework set forth in subsection 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.649, inclusive ~~.~~ ***, and sections 2 to 8, inclusive, of this act.***

3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school ~~.~~ ***in a manner that complies with all applicable federal and state laws.***

6. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high

school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

7. The State Board may adopt regulations to place requirements on the manner in which data is reported by ~~[the sponsor,]~~ the board of trustees of a school district or a college or university within the Nevada System of Higher Education that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

8. The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

Sec. 26. NRS 386.530 is hereby amended to read as follows:

386.530 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school ***and each facility that constitutes the charter school*** during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.649, inclusive ~~[,]~~ ***, and sections 2 to 8, inclusive, of this act;***

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection ~~[2,]~~ ***3;*** and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of NRS 386.490 to 386.649, inclusive ~~[,]~~ ***, and sections 2 to 8, inclusive, of this act. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.***

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year

in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 27. NRS 386.535 is hereby amended to read as follows:

386.535 Except as otherwise provided in NRS 386.5351:

1. ~~[The]~~ ***Except as otherwise provided in subsection 6, the*** sponsor of a charter school may ***reconstitute the governing body of a charter school,*** revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; ~~[or]~~

(c) There is reasonable cause to believe that ***reconstitution,*** revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located ~~[.]~~ ***;***

(d) The sponsor determines that the committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;

(e) The charter school is a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school is an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.

2. Before the sponsor ***reconstitutes a governing body,*** revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to ***reconstitute the governing body,*** revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to ***reconstitute the governing body,*** revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not ***reconstitute the governing body,*** revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected ~~[.]~~ ***or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.***

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the ***governing body of a charter school is reconstituted, the*** written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the ***reconstitution or*** termination ***, as applicable,*** not later than 10 days after ***reconstituting the governing body,*** revoking the written charter or terminating the charter contract.

6. The governing body of a charter school may not be reconstituted if it has been previously reconstituted.

Sec. 28. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. The sponsor of a charter school shall ~~***[reconstitute the governing body of a charter school,]***~~ revoke the written charter or terminate the charter contract of the charter school if the charter school receives ***, in any period of 5 consecutive school years,*** three ~~[consecutive]~~ annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the ~~[2013-2014]~~ ***2015-2016*** school year must not be included in the count of ~~[consecutive]~~ annual ratings for the purposes of ~~[this subsection. 2.]~~ ***subsection 1 . [, unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.]***

~~***3. [The Superintendent of Public Instruction may exempt a charter school from the provisions of subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of subsection 1.***~~

~~4.]~~ If a ~~[governing body is reconstituted, a]~~ written charter is revoked or a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the ~~[reconstitution,]~~ ***revocation or*** termination not later than 10 days after ~~[reconstituting the governing body,]~~ revoking the written charter or terminating the charter contract.

~~[~~3.~~ 5.]~~ ***4.*** The provisions of NRS 386.535 do not apply to the ~~[reconstitution of a governing body, the]~~ revocation of a written charter or termination of a charter contract pursuant to this section.

Sec. 29. ~~[~~NRS 386.5351 is hereby amended to read as follows:

~~386.5351 1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.~~

~~2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of~~ ***subsection 1*** ~~[this subsection.~~

~~2.]~~ ***, unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.***

~~3. The Superintendent of Public Instruction may exempt a charter school from the provisions of subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of subsection 1.~~

~~4. If a~~ ***governing body is reconstituted or a*** ~~charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the~~ ***reconstitution or*** ~~termination not later than 10 days after~~ ***reconstituting the governing body or*** ~~terminating the charter contract.~~

~~[3.] 5. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 30. NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~[upon revocation of]~~ ***if*** a written charter ***is revoked*** or ~~[termination of]~~ a charter contract ~~[,]~~ ***is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,*** as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exists or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 31. NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~[upon termination of]~~ ***if*** a charter contract ~~[,]~~ ***is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,*** as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the non-renewal or termination of a charter contract;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the non-renewal or termination of a charter contract;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exists or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 32. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district ~~[, the State Public Charter School~~

~~Authority]~~ and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract ~~[;]~~ ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;***

(f) The criteria and type of investigation that must be applied by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract; ~~[and]~~

(g) The process for submission of an amendment of a written charter or a charter contract ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education*** pursuant to NRS 386.527 and the contents of the application ~~[.]~~ ***; and***

(h) In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(1) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(2) Ethics requirements for the governing bodies of charter schools.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; ~~[and]~~

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~[.]~~ ***; and***

(d) Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.

3. The State Public Charter School Authority shall adopt regulations that prescribe:

(a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

(c) The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 386.527 and the contents of the application; and

(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.

Sec. 33. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract ~~[;]~~ ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;***

(f) The criteria and type of investigation that must be applied by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract; ~~[and]~~

(g) The process for submission of an amendment of a charter contract ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education*** pursuant to NRS 386.527 and the contents of the application ~~[.]~~ ***; and***

(h) In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(1) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(2) Ethics requirements for the governing bodies of charter schools.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; ~~[and]~~

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~]~~ ***; and***

(d) Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.

3. The State Public Charter School Authority shall adopt regulations that prescribe:

(a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

(c) The process for submission to the State Public Charter School Authority of an amendment to a charter contract pursuant to NRS 386.527 and the contents of the application; and

(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.

Sec. 34. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.490 to 386.649, inclusive ~~[;]~~ ***, and sections 2 to 8, inclusive, of this act;***

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government;

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650; and

(e) Provide appropriate information, education and training to a charter school and the governing body of a charter school concerning the applicable provisions of this title and any other laws and regulations that affect charter schools and the governing bodies of charter schools.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses ~~[.]~~ ***, which must not be greater than the amount that the board of trustees is authorized to charge the charter school for services pursuant to NRS 386.560.***

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Sec. 35. NRS 386.547 is hereby amended to read as follows:

386.547 The State ~~[Board]~~ ***Public Charter School Authority*** shall:

1. ~~[Review]~~ ***Before March 1 of each even-numbered year:***

(a) ~~[Review]~~ In consultation with the Department and each board of trustees of a school district and college or university within the Nevada System of Higher Education that sponsors a charter school, review all statutes and regulations from which charter schools are ***not*** exempt and determine whether such ~~[exemption]~~ ***statutes and regulations*** assisted or

impeded the charter schools in achieving their ~~[educational]~~ ***academic, fiscal and organizational*** goals and objectives ~~[.]~~ ***;***

(b) Make recommendations to the Legislative Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State ***and the academic, fiscal and organizational performance of each charter school in this State*** to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. ***The State Public Charter School Authority shall update such information annually.***

Sec. 36. NRS 386.549 is hereby amended to read as follows:

386.549 1. ~~[The]~~ ***Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the*** governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. ~~[Not]~~ ***Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not*** more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has ***received training or*** read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other ***training and*** material designed to assist the governing bodies of charter schools, if such ***training and*** material is provided to the person by the sponsor ~~[.]~~ ***or an application to form a charter school or amend a written charter or charter contract ~~[provided]~~ provides that the member would receive such training or read and understand such material.***

(c) Complies with the requirements of section 7 of this act.

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which ~~[the charter school]~~ ***a facility operated by the charter school where pupils receive instruction*** is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 37. NRS 386.549 is hereby amended to read as follows:

386.549 1. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the sponsor or an application to form a charter school or amend ~~[a written charter or]~~ charter contract provides that the member would receive such training or read and understand such material.

(c) Complies with the requirements of section 7 of this act.

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 38. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, ***except for tuition or fees that the board of trustees of a school district is authorized to charge,*** levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing

body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 39. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services. ***If the board of trustees of a school district provides services to a charter school pursuant to this section, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate ~~.~~ ***unless there is space available on the transportation provided by the board of trustees and the parent of the pupil or the charter school makes arrangements for the pupil to be at a designated place to be picked up at a designated time.***

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 40. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; ~~[or]~~

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school ~~[.]~~ ***;***

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted, a written charter is revoked or a charter contract is terminated pursuant to NRS 386.535 or 386.5351 ~~;~~ , as applicable;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501(c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable written charter, charter contract or federal or state law.

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 41. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of

members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization;

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school;

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted ~~[, a written charter is revoked]~~ or a charter contract is terminated pursuant to NRS 386.535 or 386.5351, as applicable;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501 (c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable ~~[written charter,]~~ charter contract or federal or state law.

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 42. NRS 386.577 is hereby amended to read as follows:

386.577 1. After deducting the costs directly related to administering the Account for Charter Schools, the State Public Charter School Authority may use the money in the Account for Charter Schools, including repayments of principal and interest on loans made from the Account, and interest and income earned on money in the Account, only to make loans at or below market rate to charter schools for the costs ~~[incurred:]~~ ***identified in the loan application for use:***

(a) In preparing a charter school to commence its first year of operation; ~~[and]~~

(b) To improve a charter school that has been in operation ~~[.]~~ ***; and***

(c) To fund recruitment of teachers and pupils to new charter school facilities and enrollment of pupils in such facilities.

2. The total amount of a loan that may be made to a charter school pursuant to subsection 1 must not exceed the lesser of an amount equal to $500 per pupil enrolled or to be enrolled at the charter school or $200,000.

Sec. 43. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued or a charter contract executed pursuant to NRS 386.527, the governing body may submit an application to the State Public Charter School Authority for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare

the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The State Public Charter School Authority shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the State Public Charter School Authority makes a loan from the Account, the State Public Charter School Authority shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State ~~[Board:]~~ ***Public Charter School Authority:***

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the State Public Charter School Authority by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 44. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection ***,*** ~~[and]~~ subsection 2 ~~[,]~~ ***and section 6 of this act,*** a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person who is:

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 45. NRS 386.584 is hereby amended to read as follows:

386.584 1. If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the

charter school may issue a high school diploma of the school district or a high school diploma of the charter school.

2. A charter school shall submit the form for a diploma of the charter school to the Department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not ~~[authorize]~~ ***:***

(a) Authorize a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

(b) Require a charter school that imposes requirements for graduation from high school that are more stringent than the requirements of applicable state statutes and regulations and more stringent than the requirements of the school district in which the charter school is located to issue a high school diploma to a pupil who has not met the requirements for graduation from the charter school even if the pupil has met the requirements of applicable state statutes and regulations or the requirements of the school district in which the charter school is located.

Sec. 46. NRS 386.585 is hereby amended to read as follows:

386.585 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil ***and, if the pupil is under 18 years of age, the parent or guardian of the pupil,*** has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.

4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 47. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers ~~*[each teacher]*~~ who provide ~~*[provides]*~~ instruction at a charter school must be ~~[licensed teachers.]~~ ***highly qualified.*** If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers ~~*[each teacher]*~~ who provide ~~*[provides]*~~ instruction at the school are ~~[licensed teachers,~~ ~~*is]*~~ ***highly qualified,*** but in no event may ~~[more]~~ ***less*** than 50 percent of the teachers who provide instruction at the school be ~~[unlicensed teachers.~~

~~2. A governing body of a charter school shall employ:~~

~~(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).~~

~~(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).~~

~~(c) In addition to the requirements of paragraphs (a) and (b):~~

~~(1)~~] ***highly qualified.***

2. If a ~~*[vocational]*~~ charter school specializes in ~~[arts]~~ **:**

(a) Arts and humanities, physical education or health education, a ~~[licensed]~~ teacher ***must be highly qualified*** to teach those courses of study.

~~[(2) *3.* If a *vocational* charter school specializes in the~~]

(b) The construction industry or ~~*[any]*~~ other building industry, ~~[licensed]~~ teachers ***must be highly qualified*** to teach courses of study relating to the industry if those teachers are employed full-time.

~~[(3) *4.* If a *vocational* charter school specializes in the~~]

(c) The construction industry or other building industry and the school offers courses of study in computer education, technology or business, ~~[~~licensed~~]~~ teachers ***must be highly qualified*** to teach those courses of study if those teachers are employed full-time.

3. ~~*[5.]*~~ A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must ~~[possess the qualifications required by 20 U.S.C. § 6319(a).]~~ ***be highly qualified.*** For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. ~~*[6.]*~~ A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, ~~[possess the qualifications required by 20 U.S.C. § 6319(a)]~~ ***be highly qualified*** if the teacher teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not ~~[licensed pursuant to the provisions of chapter 391 of NRS]~~ ***highly qualified*** to teach a course of study for which a ~~[licensed]~~ teacher is not required ~~[pursuant to subsections 2, 3 and 4]~~ ***to be highly qualified*** if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. ***A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.***

7. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

~~[7.]~~ ***8.*** Except as otherwise provided in subsection ~~[8,]~~ ***9,*** the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

~~[8.]~~ ***9.*** If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection ~~[7,]~~ ***8,*** the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection ~~[7.]~~ ***8.***

~~[9.]~~ ***10.*** A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~[10.]~~ ***11.*** On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection ~~[7.]~~ ***8,*** if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

~~*[12. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.]*~~

12. For purposes of this section, a teacher is highly qualified:

(a) If employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher:

(1) Meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable; and

(2) Is licensed to teach pursuant to chapter 391 of NRS.

(b) If employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, if the teacher meets the qualifications prescribed in 20 U.S.C. § 7801(23)(B) or (C), as applicable, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

13. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:

(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or

(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study.

Sec. 48. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts ***and charter schools*** in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (v) of subsection 2 of NRS 385.347 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 49. NRS 388.800 is hereby amended to read as follows:

388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts ***and charter schools*** to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer

systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the Commission for use in classrooms.

Sec. 50. NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall, in consultation with the Commission, adopt regulations that establish a program whereby school districts ***and charter schools*** may apply to the Commission on Educational Technology for money from the Trust Fund for Educational Technology.

Sec. 51. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school for whom a license is ~~***[who are]***~~ not required ~~***[to be highly qualified]***~~ pursuant to the provisions of NRS 386.590.

~~***[3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.]***~~

Sec. 52. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) ~~[Discharge]~~ ***Except as otherwise provided in subsection 6, discharge*** and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective

bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. ***If the sponsor of a charter school reconstitutes the governing body of a charter school ~~[.]~~ pursuant to NRS 386.535, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.***

7. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[7.]~~ ***8.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 53. Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend ~~[a written charter or]~~ a charter contract of the charter school it sponsors, including, without limitation a request to amend a written charter or charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the ~~[written charter or]~~ charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in ~~[the written charter or]~~ charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

2. A ~~[written charter or]~~ charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the

school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a ~~[written charter or]~~ charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 54. Section 5 of this act is hereby amended to read as follows:

Sec. 5. The sponsor of a charter school may approve an amendment to ~~[a written charter or]~~ a charter contract to consolidate the operations of two or more charter schools if:

1. The sponsor of a charter school for which ~~[a written charter has been revoked or]~~ a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

Sec. 55. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous

governing body. Before appointing new members to the governing body, the sponsor must consider:

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school ~~[revokes a written charter or]~~ terminates a charter contract pursuant to 386.535 the sponsor may:

(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school ~~[for which the written charter has been revoked or]~~ the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which ~~[the written charter has been revoked or]~~ the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school ~~[for which the written charter has been revoked or]~~ the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its ~~[written charter or]~~ charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before ~~[the revocation of the written charter or]~~ the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before ~~[the revocation of the written charter or]~~ the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in the charter school before ~~[the revocation of the written charter or]~~ the termination of the charter contract to interview governing bodies who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body that they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated and any necessary amendments or applications are approved, the charter school must enroll pupils who were enrolled in the charter school ~~[whose written charter was revoked or]~~ whose charter contract was terminated before enrolling other pupils.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school, the principal of the charter school or another administrator of the charter school appointed by the reconstituted governing body shall:

(a) Review each employee of the charter school to determine whether to retain the employee based on the needs of the school and the ability of the employee to improve pupil achievement and school performance at the charter school. The new governing body may terminate the employment of any teachers or other employees of the charter school.

(b) Collaborate with the new governing body in making hiring determinations for the charter school.

7. If the sponsor of a charter school selects a governing body to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated, the new governing body is not required to offer employment to any teacher or other employee of the charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated.

Sec. 56. The provisions of NRS 288.150, as amended by section 52 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after the effective date of that section, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before the effective date of that section during the current term of the agreement.

Sec. 57. 1. This section and sections 52 and 56 of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, 17, 18, 19, 21, 22, 23, 25 to 28, inclusive, 30, 32, 34, 35, 36, 38, 39, 40, 42 to 51, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

3. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55, inclusive, of this act become effective on January 1, 2020.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 1018 makes several changes to the bill. First, the amendment clarifies that an administrator other than the principal may review personal matters specified in the bill and consult with the new governing body of a reconstituted charter school.

Second, the amendment adds the local school district and other active charter school sponsors to those entities with whom a charter school sponsor must coordinate to evaluate the academic needs of students in the geographic area of the proposed school.

Third, it specifies an application to form a charter school contain any additional information the sponsor determines is necessary to make a good faith judgement of the applicant's ability to adequately serve its students.

Fourth, it clarifies the charter school sponsor must ensure compliance with FERPA [Family Educational Rights and Privacy Act] and other state data privacy statutes.

Fifth, it specifies the Charter School Authority is authorized to adopt regulations concerning its reporting of data concerning school performance and student achievement.

Sixth, it requires the review of state statutes affecting charter schools be done in consultation with the Department of Education and other charter sponsors. The amendment also specifies that a sponsor may only reconstitute the governing body one time for those schools with a one-star school rating for five consecutive school years, and it exempts the 2015-2016 school year for this purpose due to revisions to the state school accountability system.

Finally, the amendment clarifies the definition of "highly qualified teacher" to comply with the federal definition and provides for the federal exception for teacher licensure for charter schools as long as teachers in certain subjects are highly qualified, except for those teachers licensed to teach special education or English as a second language. Charter schools scoring at or above the three-star level for two or more consecutive years may hire either licensed teachers or highly qualified teachers; such charter schools must provide for an alternative route to licensure for its unlicensed teachers within three years. Vocational charter schools must assure that to the extent practicable, at least 70 percent of its teachers are highly qualified, but it may not have less than 52 percent highly qualified teachers.

Amendment adopted.

The following amendment was proposed by Assemblywoman Woodbury:

Amendment No. 1023.

AN ACT relating to education; revising provisions relating to the employees and duties of the State Public Charter School Authority; authorizing and requiring certain sponsors of charter schools to make certain agreements with the Authority and other sponsors of charter schools; revising provisions governing applications to form a charter school; authorizing a charter management organization to apply for a waiver of requirements concerning the composition of the governing body of a charter school; revising provisions governing amendments to a written charter or charter contract; authorizing the consolidation of the operations of multiple charter schools under certain circumstances; revising the circumstances under which the sponsor of a charter school is authorized or required to revoke a written charter or terminate a charter contract; authorizing a sponsor to reconstitute the governing body of a charter school in such circumstances; authorizing the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to take certain measures to attempt to replace the charter school; revising certain other provisions governing the operation of a charter school; authorizing a charter school to receive certain money; **revising provisions governing the continuation of certain achievement charter schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Public Charter School Authority, requires the Authority to appoint a Director and authorizes the Authority to sponsor charter schools. (NRS 386.490-386.515) **Sections 10, 12-14 and 18** of this bill change the title of the Director of the Authority to "Executive Director," and **section 13** authorizes the Executive Director to pursue other businesses and hold other offices with the approval of the Authority. **Section 11** of this bill requires the Authority to consist of persons who are experts on authorizing, developing and operating charter schools. **Sections 15 and 16** of this bill revise provisions governing the staff of the Authority. **Section 18** of this bill prohibits the Executive Director and the Authority from accepting any gift or donation from a charter management organization, a committee to form a charter school or the governing body of a charter school. **Sections 32 and 33** of this bill require the Authority to adopt regulations that prescribe: (1) the process to apply to the Authority to form a charter school, renew a charter contract or amend a written charter or charter contract; (2) the contents of such applications; and (3) the procedure by which such applications will be evaluated. **Sections 35, 45 and 46** of this bill revise certain other duties of the Authority.

In addition to the Authority, existing law also authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school with the approval of the Department of Education. (NRS 386.515) **Sections 17, 19 and 20** of this bill provide for a board of trustees of a school district or college or university within the System that sponsors a charter school to enter into certain agreements with the Authority. **Sections 19 and 20** also revise the duties of

the sponsor of a charter school, including the requirements of the policies and practices that a sponsor is required to adopt.

Existing law requires an application to form a charter school to be submitted by a committee to form a charter school. (NRS 386.520, 386.525) **Sections 21 and 22** of this bill authorize a charter management organization to apply to form a charter school. **Section 2** of this bill defines the term "charter management organization" to mean a nonprofit organization that operates multiple charter schools. **Section 21** also revises the required contents of an application to form a charter school. **Sections 21 and 36** of this bill authorize a charter management organization to request a waiver of requirements concerning the composition of a governing body. **Section 22** revises the manner in which a sponsor is authorized to solicit and review applications to form a charter school.

Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 386.527) **Sections 4 and 53** of this bill require the sponsor of a charter school to hold a public hearing concerning requests to amend a written charter or charter contract to: (1) expand the grade levels served by the charter school; (2) significantly increase or decrease enrollment; (3) acquire additional facilities to expand the enrollment of the charter school; or (4) consolidate the operations of multiple charter schools. Such an amendment may not be made unless approved by the governing board of the sponsor. **Sections 5 and 54** of this bill prescribe the circumstances under which the operations of multiple charter schools can be consolidated.

For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body. Because all written charters and charter contracts must be for terms of 6 years, all written charters will expire by June 11, 2019. (NRS 386.527) **Sections 23 and 24** of this bill authorize a sponsor to require, as a condition of granting a request for an amendment, the replacement of a written charter with a charter contract for the period during which written charters may still be effective.

Existing law requires each charter contract to include a performance framework for the charter school. (NRS 386.528) **Section 25** of this bill: (1) requires each sponsor to adopt a performance framework and incorporate it in the charter contract; (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes; and (3) authorizes the State Board of Education to adopt regulations requiring a sponsor to aggregate or disaggregate data. **Section 26** of this bill revises the contents of an annual report submitted by a sponsor to a governing body.

Existing law authorizes a sponsor to revoke a written charter or terminate a charter contract under certain conditions and requires a sponsor to take such action if the charter school demonstrates persistent underachievement. (NRS 386.535, 386.5351) **Sections 5 and 27-29** of this bill: (1) authorize a

sponsor to reconstitute the governing body of a charter school in such situations; and (2) revise the conditions under which such action is authorized or required. **Sections 6, 30 and 31** of this bill authorize the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to recruit a governing body of another charter school to replace the closed charter school with another campus of the other charter school. **Sections 6 and 55** of this bill require a pupil who attended a charter school whose written charter has been revoked or whose charter contract has been terminated to be given priority in admission to the replacement charter school under such circumstances. **Sections 6 and ~~[56]~~ 57** provide that: (1) if the governing body of a charter school is reconstituted, the new governing body may terminate the employment of any employees of the charter school; and (2) if a written charter is revoked or a charter contract is terminated and a charter school is replaced, the governing body of the replacement charter school is not required to employ any employee of the previous charter school. **Sections 52 and ~~[56]~~ 57** of this bill exclude the rights of a governing body to terminate the employment of or refuse to reemploy employees at such schools from the scope of collective bargaining.

Sections 34 and 39 of this bill revise requirements concerning services, including transportation, provided by the board of trustees of a school district to pupils at a charter school.

Existing law: (1) prohibits a person who has been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude from serving on the governing body of a charter school; and (2) requires a member of a governing body to read and understand certain materials. (NRS 386.549) **Section 7** of this bill requires a newly appointed member of a governing body to undergo a criminal background check and prohibits a person who has been convicted of a felony or an offense involving moral turpitude from serving as a member of a governing body. **Sections 36 and 37** of this bill require a member of a governing body to receive training under certain circumstances.

Sections 40 and 41 of this bill prohibit a contract between a governing body and a person who assists with the operation, management and provision of educational services at a charter school from containing certain provisions. **Section 45** of this bill authorizes a charter school to use higher standards for graduation than those required by the State or a school district in which the charter school is located. **Section 46** of this bill requires a charter school to notify the parent of a pupil who is under the age of 18 years before the pupil is suspended or expelled. **Section 47** of this bill requires every teacher at a charter school, except for a vocational charter school, to possess certain qualifications, and **section 51** of this bill makes a conforming change. **Section 48** of this bill requires the Commission on Educational Technology to consider plans adopted by charter schools for the use of educational technology when establishing the plan for the use of educational technology in the public schools

of this State. **Sections 49 and 50** of this bill authorize a charter school to receive money from the Trust Fund for Educational Technology.

Assembly Bill No. 448 of this session establishes the Achievement School District within the Department of Education and requires the Executive Director of the Achievement School District to evaluate pupil achievement and school performance of an achievement charter school during the sixth year that a school operates as an achievement charter school. Assembly Bill No. 448 of this session also provides that if this evaluation indicates that an achievement charter school has not made adequate improvement in pupil achievement and school performance, the achievement charter school is required to continue to operate as an achievement charter school for at least 6 more years. (Section 33 of Assembly Bill No. 448 of this session) Section 56 of this bill requires the Department of Education, rather than the Executive Director of the Achievement School District, to conduct such an evaluation and, if the evaluation indicates that an achievement charter school has not made adequate improvement in pupil achievement and school performance, determine whether to continue to keep the school as an achievement charter school or return the school to become a public school within the school district. If such a school continues as an achievement charter school, the Executive Director is required to: (1) terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school; (2) enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school; (3) require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate an achievement charter school to appoint a new governing body of the achievement charter school; and (4) evaluate the pupil achievement and school performance of the school every 3 years. Section 56 also requires the Executive Director to provide certain notice to the parent or legal guardian of each pupil enrolled in an achievement charter school that has not made adequate improvement in pupil achievement and school performance regarding other educational choices that are available to the pupil.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Charter management organization" means:***

1. A nonprofit organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in this State or another state; or

2. A nonprofit organization incorporated in this State for the purpose of operating a charter school in cooperation with a charter management organization that holds a written charter, charter contract or other equivalent agreement to operate more than one charter school in another state.

Sec. 3. *"Educational management organization" means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 4. *1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a written charter or a charter contract of the charter school it sponsors, including, without limitation, a request to amend a written charter or charter contract for the purpose of:*

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the written charter or charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the written charter or charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

2. A written charter or charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a written charter or charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or operation established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 5. *The sponsor of a charter school may approve an amendment to a written charter or a charter contract to consolidate the operations of two or more charter schools if:*

1. The sponsor of a charter school for which a written charter has been revoked or a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school whose written charter has been revoked or whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

Sec. 6. *1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535 or 386.5351, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:*

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school revokes a written charter or terminates a charter contract pursuant to NRS 386.535 or 386.5351, the sponsor may:

(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school for which the written charter has been revoked or the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its written charter or charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in the charter school before the revocation of the written charter or the termination of the charter contract to interview governing bodies who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated and any necessary amendments or applications are approved, the charter school must enroll pupils who were enrolled in the charter school whose written charter was revoked or whose charter contract was terminated before enrolling other pupils.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school, the principal of the charter school shall:

(a) Review each employee of the charter school to determine whether to retain the employee based on the needs of the school and the ability of the employee to improve pupil achievement and school performance at the charter school. The new governing body may terminate the employment of any teachers or other employees of the charter school or, if possible, may reassign teachers or other employees to another school.

(b) Collaborate with the new governing body in making hiring determinations for the charter school.

7. If the sponsor of a charter school selects a governing body to operate another campus of an existing charter school to replace a charter school whose written charter has been revoked or whose charter contract has been terminated, the new governing body is not required to offer employment to any teacher or other employee of the charter school whose written charter has been revoked or whose charter contract has been terminated.

Sec. 7. *1. Within 10 days after being appointed to the governing body of a charter school, each member of a governing body, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to membership, submit to the governing body a complete set of the member's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the member.*

2. If the reports on the criminal history of the member indicate that the member has not been convicted of a felony or an offense involving moral turpitude, the member may continue to serve on the governing body.

3. If a report on the criminal history of a member indicates that the member has been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school must remove the member.

Sec. 8. *1. In a county in which more than five charter schools are located and the total number of pupils enrolled in the charter schools exceeds 25 percent of the combined enrollment of all public schools, including, without limitation, charter schools, the Department shall, in consultation with all sponsors of charter schools in the county, determine whether holding a weighted lottery for admission to charter schools would*

improve diversity in charter schools that do not have a preference for at-risk pupils. If the Department determines that a weighted lottery for admission to charter schools would improve diversity in such charter schools, the Department shall, to the extent authorized by federal law, adopt regulations authorizing charter schools to establish a weighted lottery.

2. In a county in which more than ten charter schools are located and the total number of pupils enrolled in charter schools exceeds 50 percent of the combined enrollment of all public schools, including, without limitation, charter schools, the Department shall, in consultation with all sponsors of charter schools in the county:

(a) Adopt regulations establishing a uniform enrollment calendar and process for enrolling pupils applicable to all charter schools in the county. The regulations must establish a lottery for admission to each charter school in the county. If a charter school does not have a preference for at-risk pupils, the lottery must, to the extent authorized by federal law, be a weighted lottery.

(b) Allow the board of trustees of the school district to provide input regarding the enrollment calendar, processes for enrolling pupils and lotteries established pursuant to paragraph (a).

3. As used in this section, "weighted lottery" means a lottery that gives additional weight to pupils who are identified as being part of a specified group of pupils. The term does not include the reservation of seats in the charter school for specified pupils or groups of pupils.

Sec. 9. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive of this act,*** the words and terms defined in NRS 386.492 to 386.503, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 386.495 is hereby amended to read as follows:

386.495 ~~["Director"]~~ ***"Executive Director"*** means the ***Executive*** Director of the State Public Charter School Authority appointed pursuant to NRS 386.511.

Sec. 11. NRS 386.5095 is hereby amended to read as follows:

386.5095 1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools; ~~[and]~~

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State ~~[.]~~ ***; and***

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

5. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

6. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 12. NRS 386.511 is hereby amended to read as follows:

386.511 1. The State Public Charter School Authority shall appoint ~~[a]~~ ***an Executive*** Director of the State Public Charter School Authority for a term of 3 years. The State Public Charter School Authority shall ensure that the ***Executive*** Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.

2. A vacancy in the position of ***Executive*** Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.

3. The ***Executive*** Director is in the unclassified service of the State.

Sec. 13. NRS 386.5115 is hereby amended to read as follows:

386.5115 ~~[The]~~ ***With the approval of the State Public Charter School Authority, the Executive*** Director ~~[shall not]~~ ***may*** pursue any other business or occupation or hold any other office ***, including, without limitation, serving as a member on a committee, board or task force of an organization relating to charter schools, serving as a reviewer of applications to form a charter school for organizations other than the State Public Charter School Authority and holding an office*** of profit ***, and may accept reimbursement for travel costs relating to such activities. The Executive Director shall not pursue any other business or occupation or hold any other office of profit*** without the approval of the State Public Charter School Authority.

Sec. 14. NRS 386.512 is hereby amended to read as follows:

386.512 The ***Executive*** Director shall:

1. Execute, direct and supervise all administrative, technical and procedural activities of the State Public Charter School Authority in accordance with the policies prescribed by the State Public Charter School Authority;

2. Organize the State Public Charter School Authority in a manner which will ensure the efficient operation and service of the State Public Charter School Authority;

3. Serve as the Executive Secretary of the State Public Charter School Authority;

4. Ensure that the autonomy provided to charter schools in this State pursuant to state law and regulations is preserved; and

5. Perform such other duties as are prescribed by law or the State Public Charter School Authority.

Sec. 15. NRS 386.5125 is hereby amended to read as follows:

386.5125 ***1.*** The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.*** The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools ***, including, without limitation, oversight of written charters and charter contracts,*** in accordance with the provisions of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act.***

2. The staff must include:

(a) Attorneys with experience with laws concerning education, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;

(c) Persons with experience conducting assessments and evaluations for a school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

(f) Any other persons that the State Public Charter School Authority determines are necessary.

3. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.

Sec. 16. NRS 386.5125 is hereby amended to read as follows:

386.5125 1. The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools, including, without limitation, oversight of ~~[written charters and]~~ charter contracts, in accordance with the provisions of NRS 386.490 to 386.649, inclusive, and sections 2 to 8, inclusive, of this act.

2. The staff must include:

(a) Attorneys with experience with laws concerning education law, special education and nonprofit organizations;

(b) Persons with experience overseeing the annual audits and financial operations of school districts, nonprofit organizations or corporations;

(c) Persons with experience conducting assessments and evaluations for a school district;

(d) Administrators with significant experience overseeing special education programs and programs while employed by a school district, charter management organization, educational management organization or other operator of charter schools;

(e) Policy analysts with significant experience in the areas of charter schools and education policy; and

(f) Any other persons that the State Public Charter School Authority determines are necessary.

3. The State Public Charter School Authority shall periodically evaluate and make decisions concerning the number of persons employed by the State Public Charter School Authority and the qualifications and compensation of such persons based on guidance from the National Association of Charter School Authorizers, or its successor organization, an assessment of the strategic plan for recruiting operators of charter schools prepared pursuant to NRS 386.515 and the needs of the charter schools sponsored by the State Public Charter School Authority.

Sec. 17. NRS 386.513 is hereby amended to read as follows:

386.513 1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. ***A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational authority.*** A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If the charter school is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

Sec. 18. NRS 386.5135 is hereby amended to read as follows:

386.5135 1. The Account for the State Public Charter School Authority is hereby created in the State General Fund, to be administered by the ***Executive*** Director.

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the State Public Charter School Authority.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the Executive*** Director and the State Public Charter School Authority may accept gifts, grants and bequests to carry out the provisions of NRS 386.490 to 386.649, inclusive ~~]~~**,** ***and sections 2 to 8, inclusive, of this act. The Executive Director and the State Public Charter School Authority shall not accept any gift or donation from a charter management organization, a committee to form a charter***

school or the governing body of a charter school. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

Sec. 19. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.***

5. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and in accordance with the terms and

conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~[and]~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated, as applicable, in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~[.~~

~~5.]~~ ***;***

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 or 386.5351, as applicable; and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 or 386.5351, as applicable.

6. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for ***soliciting and*** evaluating charter school applications in accordance with NRS 386.525 ~~[and for the renewal of charter contracts pursuant to NRS 386.530;~~

~~(c)]~~ ***, which must include, without limitation:***

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 386.530;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations

or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~[.]~~ ***, which must include, without limitation:***

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

~~[(d)]~~ ***(g)*** A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ ***7. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.***

8. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 20. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a

college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school prescribed in this section.***

5. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing charter contracts pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity; ~~[and]~~

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the charter contract should be terminated in accordance with NRS 386.530, 386.535 or 386.5351, as applicable ~~[.~~

~~5.]~~ ***;***

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 386.535 or 386.5351, as applicable; and

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 386.535 or 386.5351, as applicable.

6. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for ***soliciting and*** evaluating charter school applications in accordance with NRS 386.525 ~~[and for the;~~

~~(c)]~~ ***, which must include, without limitation:***

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for renewal of charter contracts pursuant to NRS 386.530;

(d) The procedure for amending a charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors ~~[.]~~ ***, which must include, without limitation:***

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

~~[(d)]~~ ***(g)*** A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 386.610.

~~[6.]~~ ***7. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department, an evaluation of the academic needs of pupils in geographic areas served by the sponsor.***

8. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

9. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 21. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. The ~~[committee to form a charter school]~~ ***applicant*** shall ensure that the completed application:

(a) Presents ~~[the]~~ ***a clear, measurable and high-quality*** academic, financial and organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A ~~[written description of how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive.]~~ ***summary of the plan for the proposed charter school.***

(b) A ***clear*** written description of the mission ***of the charter school*** and ***the*** goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) ***A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 386.527.***

(d) A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

(e) The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

(f) The ***minimum, planned and maximum*** projected enrollment of pupils in ***each grade in*** the charter school ~~[~~.

~~(d)]~~ ***for each year that the charter school would operate under the proposed charter contract.***

(g) The ***procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the*** proposed dates for accepting applications for enrollment in ~~[the initial]~~ ***each*** year of operation ~~[of the charter school.~~

~~(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.~~

~~(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.~~

~~(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.]~~ ***under the proposed charter contract and a statement of whether the charter school***

will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

(h) ~~[The textbooks that will be used at the charter school.]~~ ***The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 386.550, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.***

(i) ~~[The qualifications of the persons who will provide instruction at the charter school.]~~ ***A description of the proposed instructional design of the charter school and the type of learning environment the school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.***

(j) ~~[Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.]~~ ***The manner in which the school plans to identify and serve the needs of pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils.***

(k) ~~[A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.]~~ ***A description of any co-curricular or extracurricular activities that the school plans to offer and the manner in which these programs will be funded.***

(l) ***Any uniform or dress code policy that the school plans to use.***

(m) Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the school plans to conduct.

(n) The rules of behavior and punishments that the school plans to adopt pursuant to NRS 386.585, including, without limitation, any unique discipline policies for pupils enrolled in a program of special education.

(o) A chart that clearly presents the proposed organizational structure of the school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to

employees of the charter school and making determinations concerning the staff of the charter school.

(p) The names of any external organizations that will play a role in operating the school and the role each such organization will play.

(q) The manner in which the governing body of the charter school will be chosen.

(r) A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

(s) Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

(t) Proposed bylaws for the governing body, a description of the manner in which the school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

(u) Explanations of any partnerships or contracts central to the operations or mission of the charter school.

(v) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

~~[(m)]~~ ***(w)*** The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

~~[(n) The time by which certain academic or educational results will be achieved.~~

~~(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.~~

~~(p) A statement of whether the charter school will enroll pupils who are in a particular category of at risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at risk pupils served by the charter school.]~~

(x) A statement of the school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program,

42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

(y) Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the school and the operation of the school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

(z) A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

(aa) A description of the financial plan and policies to be used by the charter school.

(bb) A description of the insurance coverage the school will obtain.

(cc) Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

(dd) Evidence of any money pledged or contributed to the budget of the charter school.

(ee) A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

(ff) If the charter school is a vocational school, a description of the career and technical education program that will be used by the school.

(gg) If the charter school will provide a program of distance education, a description of the system of course credits that the school will use and the manner in which the school will:

(1) Monitor and verify the participation in and completion of courses by pupils;

(2) Require pupils to participate in assessments and submit coursework;

(3) Conduct parent-teacher conferences; and

(4) Administer any test, examination or assessment required by state or federal law in a proctored setting.

(hh) If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(1) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(2) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(3) The scope of the services and resources that will be provided by the college or university;

(4) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(5) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(6) Any employees of the college or university who will serve on the governing body of the charter school.

(ii) If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

(jj) If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(1) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(2) A term sheet that sets forth:

(I) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(II) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(III) All fees that will be paid to the educational management organization or other person;

(IV) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(V) A disclosure of the investments of the educational management organization or other person; and

(VI) The conditions for renewal and termination of the contract; and

(3) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

(kk) Any additional information required by the sponsor.

6. ***A charter management organization may, as part of an application to form a charter school, request a waiver of the requirements of subsection 1 or 2 of NRS 386.549 concerning the membership of the governing body. A sponsor shall not grant such a waiver unless the charter management organization provides a compelling reason for the waiver. If approved, the waiver may provide, without limitation, for multiple governing bodies that have the authority to make decisions concerning the governance of the charter school or a facility operated by the charter school. A majority of the members of each such governing body must reside in this State. A request for a waiver to allow for multiple such governing bodies must describe the role, responsibilities and composition of each such proposed governing body.***

7. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 22. NRS 386.525 is hereby amended to read as follows:

386.525 1. A ***committee to form a*** charter school ***or charter management organization*** may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers ***, which must include, without limitation, natural persons from different geographic areas of the United States*** who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools ***,*** to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the ~~[committee to form the charter school;]~~ ***applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;***

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection ~~[5]~~ ***6*** of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act*** and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department ~~[.]~~ ***and the policies and practices of the sponsor;*** and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection ~~[5]~~ ***6*** of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

11. ***Notwithstanding the provisions of this section, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district that is approved to sponsor charter schools or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees or college or university, as applicable, will review applications. These regulations or policies may:***

(a) Establish different timelines and review procedures for different types of applicants; and

(b) Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 386.520 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.

12. The State Public Charter School Authority may enter into a contract with any qualified person to:

(a) Foster the development of high-quality charter management organizations, educational management organizations and other persons to operate charter schools in this State;

(b) Solicit applications to form charter schools from high-quality applicants;

(c) Provide training concerning the governance and management of charter schools to governing bodies of charter schools and applicants to form charter schools; or

(d) Provide professional development and support services to the administration and other employees of charter schools.

13. The State Public Charter School Authority may provide compensation pursuant to a contract entered into pursuant to subsection 12 using any money raised by the State Public Charter School Authority from private donors for that purpose or any money received from fees paid to the State Public Charter School Authority.

14. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 23. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall, before June 11, 2013, grant a written charter to the governing body of the charter school or, on or after June 11, 2013, negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A written charter or a charter contract, as applicable, must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter or charter contract, as applicable. ~~[Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.]~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the written charter or charter contract, as applicable, in

accordance with the proposed amendment. ***A sponsor may require, as a condition of granting a request for an amendment to a governing body that has been granted a written charter, such a governing body to agree to the revocation of the written charter and to enter into a charter contract.*** If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation ***in a facility in which the charter school has not previously operated*** and is not eligible to receive apportionments ***for pupils enrolled in such a facility*** pursuant to NRS 387.124 until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 24. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; or

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

9. A charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the charter contract. ~~[Such an amendment may include, without limitation, the expansion of~~

~~instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school.]~~ If the proposed amendment complies with the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor and the governing body of the charter school may amend the charter contract in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

11. A charter school shall not commence operation ***in a facility in which the charter school has not previously operated*** and is not eligible to receive apportionments pursuant to NRS 387.124 ***for pupils enrolled in such a facility*** until the sponsor has determined that the requirements of this section have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 25. NRS 386.528 is hereby amended to read as follows:

386.528 1. ~~[The]~~ ***Each sponsor of a charter school shall adopt a*** performance framework ~~[that is required to be incorporated]~~ ***and incorporate the performance framework*** into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 ***. The performance framework*** must include, without limitation, performance indicators, measures and metrics for the categories of academics, finances and organization as follows:

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school; and

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school.

(c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations.

2. In addition to the requirements for the performance framework set forth in subsection 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.649, inclusive ~~.~~ ***, and sections 2 to 8, inclusive, of this act.***

3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school ~~.~~ ***in a manner that complies with all applicable federal and state laws.***

6. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school.

7. The State Board may adopt regulations to place requirements on the manner in which data is reported by the sponsor, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

Sec. 26. NRS 386.530 is hereby amended to read as follows:

386.530 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school ***and each facility that constitutes the charter school*** during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.649, inclusive ~~[,]~~ ***, and sections 2 to 8, inclusive, of this act;***

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection ~~[2,]~~ ***3;*** and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of NRS 386.490 to 386.649, inclusive ~~[.]~~ ***, and sections 2 to 8, inclusive, of this act. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.***

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 27. NRS 386.535 is hereby amended to read as follows:

386.535 Except as otherwise provided in NRS 386.5351:

1. The sponsor of a charter school may ***reconstitute the governing body of a charter school,*** revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; ~~[or]~~

(c) There is reasonable cause to believe that ***reconstitution,*** revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located ~~[.]~~ ***;***

(d) The sponsor determines that the committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization,

as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;

(e) The charter school is a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

(f) The charter school is an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.

2. Before the sponsor ***reconstitutes a governing body,*** revokes a written charter or terminates a charter contract, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to ***reconstitute the governing body,*** revoke the written charter or terminate the charter contract.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to ***reconstitute the governing body,*** revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not ***reconstitute the governing body,*** revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected ~~,~~ ***or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.***

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. If the ***governing body of a charter school is reconstituted, the*** written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the ***reconstitution or*** termination ***, as applicable,*** not later than 10 days after ***reconstituting the governing body,*** revoking the written charter or terminating the charter contract.

Sec. 28. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. The sponsor of a charter school shall ***reconstitute the governing body of a charter school,*** revoke the written charter or terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of ~~[this subsection.~~

~~2.]~~ ***subsection 1, unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.***

3. The Superintendent of Public Instruction may exempt a charter school from the provisions of subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of subsection 1.

4. If a ***governing body is reconstituted, a*** written charter is revoked or a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the ***reconstitution, revocation or*** termination not later than 10 days after ***reconstituting the governing body,*** revoking the written charter or terminating the charter contract.

~~[3.]~~ ***5.*** The provisions of NRS 386.535 do not apply to the ***reconstitution of a governing body, the*** revocation of a written charter or termination of a charter contract pursuant to this section.

Sec. 29. NRS 386.5351 is hereby amended to read as follows:

386.5351 1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of ***subsection 1*** ~~[this subsection. 2.]~~ ***, unless the sponsor determines that the governing body lacks the capacity to improve pupil achievement and school performance.***

3. The Superintendent of Public Instruction may exempt a charter school from the provisions of subsection 1 if the Superintendent determines that there has been a significant change to the statewide system of accountability that justifies such an exemption. In such cases, the years before and after the exemption is awarded shall be deemed to be consecutive years for the purposes of subsection 1.

4. If a ***governing body is reconstituted or a*** charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the ***reconstitution or*** termination not later than 10 days after ***reconstituting the governing body or*** terminating the charter contract.

~~[3.]~~ ***5.*** The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

Sec. 30. NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~[upon revocation of]~~ ***if*** a written charter ***is revoked*** or ~~[termination of]~~ a charter contract ~~[,]~~ ***is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,*** as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter or the non-renewal or termination of a charter contract, as applicable;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of

the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exists or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 31. NRS 386.536 is hereby amended to read as follows:

386.536 1. If a charter school ceases to operate voluntarily, if a charter contract is not renewed or ~~[upon termination of]~~ ***if*** a charter contract ~~[,]~~ ***is terminated and the sponsor does not recruit a governing body of another charter school to operate another campus of the other charter school to replace the charter school whose written charter is revoked or whose charter contract is terminated pursuant to section 6 of this act,*** as applicable, the governing body of the charter school shall:

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the non-renewal or termination of a charter contract;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the non-renewal or termination of a charter contract;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exists or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

4. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 3, the governing body of the charter school shall appoint a qualified person to assume those duties.

5. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 4, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 3.

6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 32. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract ~~[;]~~ ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;***

(f) The criteria and type of investigation that must be applied by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract; ~~[and]~~

(g) The process for submission of an amendment of a written charter or a charter contract ***to the board of trustees of a school district and a college or***

university within the Nevada System of Higher Education pursuant to NRS 386.527 and the contents of the application ~~[.]~~ ***; and***

(h) In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(1) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(2) Ethics requirements for the governing bodies of charter schools.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; ~~[and]~~

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~[.]~~ ***; and***

(d) Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.

3. The State Public Charter School Authority shall adopt regulations that prescribe:

(a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

(c) The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 386.527 and the contents of the application; and

(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.

Sec. 33. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to

sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education, and the contents of the application;

(e) The process for submission of an application to renew a charter contract ~~[;]~~ ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;***

(f) The criteria and type of investigation that must be applied by the board of trustees ~~[, the State Public Charter School Authority]~~ and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract; ~~[and]~~

(g) The process for submission of an amendment of a charter contract ***to the board of trustees of a school district and a college or university within the Nevada System of Higher Education*** pursuant to NRS 386.527 and the contents of the application ~~[.]~~ ***; and***

(h) In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(1) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(2) Ethics requirements for the governing bodies of charter schools.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.649, inclusive, ***and sections 2 to 8, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; ~~[and]~~

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515 ~~[.]~~ ***; and***

(d) Qualifications, in addition to those prescribed pursuant to NRS 386.520, of a charter management organization or committee to form a charter school that is authorized to file an application to form a charter school.

3. The State Public Charter School Authority shall adopt regulations that prescribe:

(a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;

(b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;

(c) The process for submission to the State Public Charter School Authority of an amendment to a charter contract pursuant to NRS 386.527 and the contents of the application; and

(d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications.

Sec. 34. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.490 to 386.649, inclusive ~~[,]~~ ***, and sections 2 to 8, inclusive, of this act;***

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government;

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650; and

(e) Provide appropriate information, education and training to a charter school and the governing body of a charter school concerning the applicable provisions of this title and any other laws and regulations that affect charter schools and the governing bodies of charter schools.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses ~~[.]~~ ***, which must not be greater than the amount that the board of trustees is authorized to charge the charter school for services pursuant to NRS 386.560.***

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Sec. 35. NRS 386.547 is hereby amended to read as follows:

386.547 The State ~~[Board]~~ ***Public Charter School Authority*** shall:

1. ~~[Review]~~ ***Before March 1 of each even-numbered year:***

(a) Review all statutes and regulations from which charter schools are ***not*** exempt and determine whether such ~~[exemption]~~ ***statutes and regulations*** assisted or impeded the charter schools in achieving their ~~[educational]~~ ***academic, fiscal and organizational*** goals and objectives ~~[.]~~ ***;***

(b) Make recommendations to the Legislative Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State ***and the academic, fiscal and organizational performance of each charter school in this State*** to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. ***The State Public Charter School Authority shall update such information annually.***

Sec. 36. NRS 386.549 is hereby amended to read as follows:

386.549 1. ~~[The]~~ ***Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the*** governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. ~~[Not]~~ ***Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not*** more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has ***received training or*** read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other ***training and*** material designed to assist the governing bodies of charter schools, if such ***training and*** material is provided to the person by the sponsor ~~[.]~~ ***or an application to form a charter school or amend a written charter or charter contract provided that the member would receive such training or read and understand such material.***

(c) Complies with the requirements of section 7 of this act.

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which ~~[the charter school]~~ ***a facility operated by the charter school where pupils receive instruction*** is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive

a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 37. NRS 386.549 is hereby amended to read as follows:

386.549 1. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, the governing body of a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing.

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing.

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Unless a waiver is granted pursuant to subsection 6 of NRS 386.520, not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

3. A person may serve on the governing body only if the person submits an affidavit to the sponsor of the charter school indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other training and material designed to assist the governing bodies of charter schools, if such training and material is provided to the person by the

sponsor or an application to form a charter school or amend ~~[a written charter or]~~ charter contract provided that the member would receive such training or read and understand such material.

(c) Complies with the requirements of section 7 of this act.

4. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

5. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which a facility operated by the charter school where pupils receive instruction is located. Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.

6. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 38. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, ***except for tuition or fees that the board of trustees of a school district is authorized to charge,*** levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 389.550 and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 39. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services. ***If the board of trustees of a school district provides services to a charter school pursuant to this section, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate ~~.~~ ***unless there is space available on the transportation provided by the board of trustees and the parent of the pupil or the charter school makes arrangements for the pupil to be at a designated place to be picked up at a designated time.***

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 40. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; ~~[or]~~

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school ~~[.]~~ ***;***

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted, a written charter is revoked or a charter contract is terminated pursuant to NRS 386.535 or 386.5351;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501(c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable written charter, charter contract or federal or state law.

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 41. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management

organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization;

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school;

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted ~~[, a written charter is revoked]~~ or a charter contract is terminated pursuant to NRS 386.535 or 386.5351;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501 (c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable ~~[written charter,]~~ charter contract or federal or state law.

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 42. NRS 386.577 is hereby amended to read as follows:

386.577 1. After deducting the costs directly related to administering the Account for Charter Schools, the State Public Charter School Authority may use the money in the Account for Charter Schools, including repayments of principal and interest on loans made from the Account, and interest and income earned on money in the Account, only to make loans at or below market rate to charter schools for the costs ~~[incurred:]~~ ***identified in the loan application for use:***

(a) In preparing a charter school to commence its first year of operation; ~~[and]~~

(b) To improve a charter school that has been in operation ~~[.]~~ ***; and***

(c) To fund recruitment of teachers and pupils to new charter school facilities and enrollment of pupils in such facilities.

2. The total amount of a loan that may be made to a charter school pursuant to subsection 1 must not exceed the lesser of an amount equal to $500 per pupil enrolled or to be enrolled at the charter school or $200,000.

Sec. 43. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued or a charter contract executed pursuant to NRS 386.527, the governing body may submit an application to the State Public Charter School Authority for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The State Public Charter School Authority shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the State Public Charter School Authority makes a loan from the Account, the State Public Charter School Authority shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State ~~[Board:]~~ ***Public Charter School Authority:***

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the State Public Charter School Authority by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 44. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection ***,*** ~~[and]~~ subsection 2 ~~[,]~~ ***and section 6 of this act,*** a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in

which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person who is:

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➥ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➥ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

➥ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 45. NRS 386.584 is hereby amended to read as follows:

386.584 1. If a charter school provides instruction to pupils enrolled in a high school grade level and the charter school requires those pupils to satisfy requirements for graduation from high school that are less than the requirements imposed by the school district in which the charter school is located, the charter school shall not issue a high school diploma of the school district but may issue a high school diploma which clearly indicates that it is a diploma issued by a charter school. If a charter school requires its pupils to satisfy requirements for graduation from high school that meet or exceed the requirements of the school district in which the charter school is located, the charter school may issue a high school diploma of the school district or a high school diploma of the charter school.

2. A charter school shall submit the form for a diploma of the charter school to the Department for approval if the form differs from the form of the school district in which the charter school is located.

3. The provisions of this section do not ~~[~~authorize~~]~~ ***:***

(a) Authorize a charter school to impose requirements for graduation from high school that are less than the requirements of the applicable state statutes and regulations.

(b) Require a charter school that imposes requirements for graduation from high school that are more stringent than the requirements of applicable state statutes and regulations and more stringent than the requirements of the school district in which the charter school is located to issue a high school diploma to a pupil who has not met the requirements for graduation from the charter school even if the pupil has met the requirements of applicable state statutes and regulations or the requirements of the school district in which the charter school is located.

Sec. 46. NRS 386.585 is hereby amended to read as follows:

386.585 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil ***and, if the pupil is under 18 years of age, the parent or guardian of the pupil,*** has been given

notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.

4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:

(a) Suspended from the charter school pursuant to this section for not more than 10 days.

(b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 47. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, ~~[at least 70 percent of the teachers]~~ ***each teacher*** who ~~[provide]~~ ***provides*** instruction at a charter school must be ~~[licensed teachers.]~~ ***highly qualified.*** If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that ~~[at least 70 percent of the teachers]~~ ***each teacher*** who ~~[provide]~~ ***provides*** instruction at the school ~~[are licensed teachers,]~~ ***is highly qualified,*** but in no event may ~~[more]~~ ***less*** than 50 percent of the teachers who provide instruction at the school be ~~[unlicensed teachers.~~

~~2. A governing body of a charter school shall employ:~~

~~(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).~~

~~(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).~~

~~(c) In addition to the requirements of paragraphs (a) and (b):~~

~~(1)~~ ***highly qualified.***

2. If a ***vocational*** charter school specializes in arts and humanities, physical education or health education, a ~~[licensed]~~ teacher ***must be highly qualified*** to teach those courses of study.

~~[(2)]~~ ***3.*** If a ***vocational*** charter school specializes in the construction industry or ***any*** other building industry, ~~[licensed]~~ teachers ***must be highly qualified*** to teach courses of study relating to the industry if those teachers are employed full-time.

~~[(3)]~~ ***4.*** If a ***vocational*** charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, ~~[licensed]~~ teachers ***must be highly qualified*** to teach those courses of study if those teachers are employed full-time.

~~[3.]~~ ***5.*** A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must ~~[possess the qualifications required by 20 U.S.C. § 6319(a).]~~ ***be highly qualified.*** For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

~~[4.]~~ ***6.*** A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, ~~[possess the qualifications required by 20 U.S.C. § 6319(a)]~~ ***be highly qualified*** if the teacher teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

~~[5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391~~

~~of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:~~

~~(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and~~

~~(b) At least 2 years of experience in that field.~~

~~6.~~ ***7.*** Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

~~7.~~ ***8.*** Except as otherwise provided in subsection ~~8,~~ ***9,*** the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

~~8.~~ ***9.*** If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection ~~7.~~ ***8,*** the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection ~~7.~~ ***8.***

~~9.~~ ***10.*** A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~10.~~ ***11.*** On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed

pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection ~~[7.]~~ ***8,*** if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

12. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.

Sec. 48. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts ***and charter schools*** in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (v) of subsection 2 of NRS 385.347 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 49. NRS 388.800 is hereby amended to read as follows:

388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts ***and charter schools*** to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the Commission for use in classrooms.

Sec. 50. NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall, in consultation with the Commission, adopt regulations that establish a program whereby school districts ***and charter schools*** may apply to the Commission on Educational Technology for money from the Trust Fund for Educational Technology.

Sec. 51. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school ~~[for whom a license is]~~ ***who are*** not required ***to be highly qualified*** pursuant to the provisions of NRS 386.590.

3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801.

Sec. 52. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) ~~[Discharge]~~ ***Except as otherwise provided in subsection 6, discharge*** and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. ***If the sponsor of a charter school reconstitutes the governing body of a charter school, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.***

7. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[7.]~~ *8.* Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 53. Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend ~~[a written charter or]~~ a charter contract of the charter school it sponsors, including, without limitation a request to amend a written charter or charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the ~~[written charter or]~~ charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in ~~[the written charter or]~~ charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to section 5 of this act.

2. A ~~[written charter or]~~ charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district or a college or university within the Nevada System of Higher Education, as applicable, must deny a request to amend a ~~[written charter or]~~ charter contract in the manner described in paragraphs (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees or a college or university within the Nevada System of Higher Education, as applicable, determines that:

(a) The charter school is not meeting the requirements of the performance framework concerning academics, finances or operation established pursuant to NRS 386.528; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 54. Section 5 of this act is hereby amended to read as follows:

Sec. 5. The sponsor of a charter school may approve an amendment to ~~[a written charter or]~~ a charter contract to consolidate the operations of two or more charter schools if:

1. The sponsor of a charter school for which ~~[a written charter has been revoked or]~~ a charter contract has been terminated has approved a request by the governing body of the charter school requesting the amendment to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school has been operated for the purpose of operating an additional campus of the other charter school pursuant to section 6 of this act. If charter schools are consolidated under such conditions, the prior academic, operational and fiscal performance of the charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated will not be attributed to the consolidated charter school.

2. Two or more governing bodies submit a request for an amendment to consolidate their charter contracts, governing bodies and operations to form a single charter school operating one or more campuses under a new charter contract. If charter schools are consolidated under such conditions:

(a) The new charter contract will be in effect for the duration of the term of the written charter or charter contract which was closest to its date of expiration before consolidation; and

(b) The academic, operational and fiscal performances of all charter schools that have been consolidated will be attributed to the consolidated charter school.

Sec. 55. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 386.535 or 386.5351, the sponsor must appoint new members to the governing body who meet the qualifications for membership set forth in NRS 386.549. The sponsor shall not reappoint more than 40 percent of the members of the previous governing body. Before appointing new members to the governing body, the sponsor must consider:

(a) Input from members of the community in which the charter school is located and parents of pupils who attend the charter school.

(b) Any relevant credentials, experience or other qualifications of a potential member, including, without limitation, whether the potential member resides in the geographic area served by the charter school or has experience in education.

2. If the sponsor of a charter school ~~[revokes a written charter or]~~ terminates a charter contract pursuant to 386.535 or 386.5351, the sponsor may:

(a) Petition the district court to appoint a receiver, to be paid from the funds of the charter school, to oversee and manage the charter school until other arrangements are made for pupils who attend the school.

(b) Issue a request for proposals inviting the governing body of another charter school to negotiate with the owner, mortgagor or lienholder of the facilities in which the charter school operated for the purpose of operating an additional campus of the other charter school under the sponsorship of either the sponsor of the charter school ~~[for which the written charter has been revoked or]~~ the charter contract has been terminated or the sponsor of the charter school that intends to operate an additional campus. If the governing body proposes to operate an additional campus of the other charter school under the sponsorship of:

(1) The sponsor of the charter school for which ~~[the written charter has been revoked or]~~ the charter contract has been terminated and the sponsor is not the sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit to the sponsor of the charter school ~~[for which the written charter has been revoked or]~~ the charter contract has been terminated and receive approval for an application to form a charter school pursuant to NRS 386.520.

(2) The sponsor of the charter school currently operated by the governing body, the governing body must, before the additional campus begins operating, also submit a request for and receive approval of an amendment to its ~~[written charter or]~~ charter contract to consolidate charter schools pursuant to NRS 386.527 and sections 4 and 5 of this act.

3. Before selecting a governing body to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated pursuant to subsection 2, the sponsor must consider:

(a) The performance record of the charter school in this State and other states;

(b) The plan of the governing body for improving pupil achievement and school performance;

(c) The suitability of the proposed academic program for pupils who were enrolled in the charter school before ~~[the revocation of the written charter or]~~ the termination of the charter contract; and

(d) Input from members of the community in which the charter school is located and parents who were enrolled in the charter school before ~~[the revocation of the written charter or]~~ the termination of the charter contract, including, without limitation, the input described in subsection 4.

4. A sponsor that solicits proposals to operate an additional campus of an existing charter school shall allow parents of pupils who were enrolled in the charter school before ~~[the revocation of the written charter or]~~ the termination of the charter contract to interview governing bodies

who submit proposals and, if three or more proposals are submitted pursuant to paragraph (b) of subsection 2, cast an advisory vote for the governing body they would prefer be given the opportunity to operate the campus.

5. If a governing body is selected pursuant to this section to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated and any necessary amendments or applications are approved, the charter school must enroll pupils who were enrolled in the charter school ~~[whose written charter was revoked or]~~ whose charter contract was terminated before enrolling other pupils.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school, the principal of the charter school shall:

(a) Review each employee of the charter school to determine whether to retain the employee based on the needs of the school and the ability of the employee to improve pupil achievement and school performance at the charter school. The new governing body may terminate the employment of any teachers or other employees of the charter school.

(b) Collaborate with the new governing body in making hiring determinations for the charter school.

7. If the sponsor of a charter school selects a governing body to operate another campus of an existing charter school to replace a charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated, the new governing body is not required to offer employment to any teacher or other employee of the charter school ~~[whose written charter has been revoked or]~~ whose charter contract has been terminated.

Sec. 56. **Section 33 of Assembly Bill No. 448 of this session is hereby amended to read as follows:**

Sec. 33. 1. During the sixth year that a school operates as an achievement charter school, the ~~[Executive Director]~~ ***Department*** shall evaluate the pupil achievement and school performance of the school. ***The Executive Director shall provide the Department with such information and assistance as the Department determines necessary to perform such an evaluation.*** If, as a result of such an evaluation, the ~~[Executive Director]~~ ***Department*** determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act by applying to the board of trustees of the school district in which the school is located,

the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 386.525; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the ~~[school must continue]~~ ***Department shall direct the Executive Director to notify the parent or legal guardian of each pupil enrolled in the achievement charter school that the achievement charter school has not made adequate improvement in pupil achievement and school performance. Such notice must include, without limitation, information regarding:***

(1) Public schools which the pupil may be eligible to attend, including, without limitation, charter schools, programs of distance education offered pursuant to NRS 388.820 to 388.874, inclusive, and alternative programs for the education of pupils at risk of dropping out of school pursuant to NRS 388.537;

(2) The opportunity for the parent to establish an education savings account pursuant to section 7 of Senate Bill No. 302 of this session and enroll the pupil in a private school, have the pupil become an opt-in child or provide for the education of the pupil in any other manner authorized by section 11 of Senate Bill No. 302 of this session;

(3) Any other alternatives for the education of the pupil that are available in this State; and

(4) The actions that may be considered by the Department with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the Department must decide whether to:

(a) Convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located; or

(b) Continue to operate ***the school*** as an achievement charter school for at least 6 more years. ~~[The]~~

3. If the Department decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the Executive Director ~~[shall evaluate]~~ ***must:***

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of section 21 of this act;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a new governing body of the achievement charter school in the manner provided pursuant to section 21.5 of this act, and must not reappoint more than 40 percent of the members of the previous governing body; and

(d) Evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

~~[2.]~~ ***4.*** If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

~~[3.]~~ ***5.*** If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 386.560.

~~[4.]~~ ***6.*** As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.311.

~~[Sec. 56.]~~ ***Sec. 57.*** The provisions of NRS 288.150, as amended by section 52 of this act:

1. Apply to any collective bargaining agreement entered into, extended or renewed on or after the effective date of that section, and any provision of the agreement that is in conflict with that section, as amended, is void.

2. Do not apply to any collective bargaining agreement entered into before the effective date of that section during the current term of the agreement.

~~[Sec. 57.]~~ ***Sec. 58.*** 1. This section and sections 52 and ~~[56]~~ **57** of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, 17, 18, 19, 21, 22, 23, 25 to 28, inclusive, 30, 32, 34, 35, 36, 38, 39, 40, 42 to 51, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

3. **Section 56 of this act becomes effective on July 1, 2016, if, and only if, Assembly Bill No. 448 of this session is enacted and becomes effective.**

4. Sections 16, 20, 24, 29, 31, 33, 37, 41, 53, 54 and 55, inclusive, of this act become effective on January 1, 2020.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 1023 amends Section 33 of Assembly Bill 448 to require the Department of Education to evaluate pupil achievement and school performance of an achievement charter school during the sixth year of operation. The Executive Director of the Achievement School District is required to provide the Department with the information necessary to evaluate pupil achievement and school performance of the school. If the achievement charter school has not made adequate improvement in pupil achievement and school performance, the amendment requires notice to the parent or legal guardian of each pupil enrolled in the school. The notice must include information regarding public schools the pupil may be eligible to attend; the opportunity for the parent to establish an Education Savings Account as provided for in S.B. 302; any other alternatives for education of the pupil that are available in this state; the actions about the school that may be considered by the Department and the manner in which the parent or legal guardian may participate in the hearings about the school.

If the achievement charter school has not made adequate progress in pupil achievement and school performance, the Department must hold a hearing to decide whether to convert the school to a public school under the governance of the board of trustees of the school district in which the school is located or continue to operate the school as an achievement charter school for at least six more years. If the Department decides to continue to operate the school as an achievement charter school, the Executive Director must terminate the contract with the charter management organization or educational management organization that operated the school, enter into a contract with a different operator, and require the operator to appoint a new governing body. No more than 40 percent of the members of the previous governing body may be reappointed.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 488.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1043.

AN ACT relating to animals; authorizing the State Department of Agriculture to establish by regulation requirements for the registration of certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes with the State Department of Agriculture; requiring the licensing of manufacturers, distributors and guarantors of commercial feed by the Department; requiring a licensee to submit certain fees and reports to the Department on an annual basis; creating the Commercial Feed Account in the State General Fund; authorizing the Department to conduct certain inspections and audits; establishing labeling requirements for commercial feed manufactured, distributed or guaranteed in this State; prohibiting the misbranding, adulteration or reuse of packaging of commercial feed; requiring the Department to publish certain information on an annual basis; making

various other changes relating to commercial feed; requiring the Department to establish fees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-12 of this bill authorize the State Department of Agriculture to establish, by regulation, a program to carry out federal regulations concerning certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes. **Section 8** of this bill requires the regulations to provide that any person wishing to sell certain animal remedies, veterinary biologics and pharmaceuticals for veterinary purposes must register such products with the Department. **Section 8** also requires the regulations to provide for: (1) certain application requirements for the registration of animal remedies, veterinary biologics and veterinary pharmaceuticals with the Department; and (2) a reasonable annual registration fee for each product. **Section 10** of this bill requires any fee collected for the registration of such products to be deposited in the Livestock Inspection Account. **Section 11** of this bill imposes a civil penalty on a person failing to register such products not to exceed: (1) $250 for a first offense; (2) $500 for a second offense; and (3) $1,000 for each subsequent offense. Under **section 11**: (1) fifty percent of the penalties collected must be used to fund a program to provide loans to persons who are 21 years of age or less and who are engaged in agriculture; and (2) the other 50 percent of the penalties collected must be deposited in the Account for the Control of Weeds.

Existing law establishes certain requirements for the labeling of commercial feed for livestock in this State. (NRS 587.690) **Sections 16-46** of this bill enact new provisions relating to the labeling of commercial feed.

Section 28 of this bill provides that it is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State without a license issued by the State Department of Agriculture. **Section 29** of this bill establishes certain requirements to obtain such a license.

Section 34 of this bill requires each licensee to submit to the Department on a quarterly basis certain fees and a report that includes a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in the immediately preceding calendar quarter.

Section 35 of this bill creates the Commercial Feed Account in the State General Fund and sets forth permissible uses of money in the Account.

Sections 36-38 of this bill authorize a representative of the Department to conduct certain inspections or audits related to commercial feed.

Section 39 of this bill sets forth requirements for labeling of commercial feed. **Section 40** of this bill prohibits misbranding commercial feed and sets forth the circumstances in which commercial feed is deemed to be misbranded. **Section 41** of this bill prohibits the adulteration of commercial feed and sets forth the circumstances in which commercial feed is deemed to be adulterated. **Section 42** of this bill generally prohibits the reuse of packaging of commercial feed.

Section 43 of this bill imposes a civil penalty on a person who violates any provision of **sections 16-46** of this bill and any regulations adopted pursuant thereto relating to commercial feed, in an amount not to exceed: (1) for a first offense, $250; (2) for a second offense, $500; and (3) for a third or subsequent offense, $1,000.

Section 44 of this bill requires the Department to publish annually certain information relating to commercial feed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 50 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***"Department" means the State Department of Agriculture.***

Sec. 5. ***"Director" means the Director of the Department.***

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. ***1. The Department may establish, by regulation, a program to implement the requirements of federal regulations concerning veterinary feed directives, as defined in 21 U.S.C. § 354, including, without limitation, requirements for the registration of any animal remedy, veterinary biologic or pharmaceutical, as those terms are defined in those federal regulations.***

2. The regulations adopted by the Department pursuant to subsection 1 must provide that:

(a) Except as otherwise provided in this paragraph, no person shall sell, offer or expose for sale, or deliver to a user, an animal remedy, veterinary biologic or pharmaceutical, in package or in bulk, which has not been registered with the Department pursuant to this chapter and the regulations adopted pursuant thereto. Any product registered pursuant to NRS 586.010 to 586.450, inclusive, or under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq., is not subject to the provisions of this chapter and the regulations adopted pursuant thereto.

(b) Except as otherwise provided by law, the manufacturer of each brand of animal remedy, veterinary biologic and pharmaceutical to be sold in this State, whether in package or in bulk, shall register such products with the Department annually pursuant to this chapter and the regulations adopted pursuant thereto. The regulations may authorize a manufacturer who sells more than one animal remedy, veterinary biologic or pharmaceutical in this State to register all such products with one application.

(c) An application for registration of an animal remedy, veterinary biologic or pharmaceutical must be made on forms provided by the

Department and must be accompanied by a reasonable annual registration fee established by the Department by regulation for each animal remedy, veterinary biologic and pharmaceutical.

(d) An application pursuant to paragraph (c) must:

(1) Be filed on or before July 1 of each year; and

(2) Include a list of all animal remedies, veterinary biologics and pharmaceuticals that the applicant intends to market in this State during the following fiscal year.

Sec. 9. (Deleted by amendment.)

Sec. 10. ***The Department shall deposit all fees collected pursuant to this chapter in the Livestock Inspection Account created by NRS 561.344.***

Sec. 11. ***1. Any person violating the provisions of this chapter is subject to a civil penalty not to exceed:***

(a) For a first offense, $250.

(b) For a second offense, $500.

(c) For a third or subsequent offense, $1,000.

2. Of the money collected by the Department from a civil penalty pursuant to subsection 1:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or less; and

(b) The remaining 50 percent must be deposited in the Account for the Control of Weeds created by NRS 555.035.

Sec. 12. ***The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this chapter and the regulations adopted pursuant thereto.***

Sec. 13. (Deleted by amendment.)

Sec. 13.5. NRS 561.344 is hereby amended to read as follows:

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) ***Fees collected pursuant to the provisions of sections 2 to 13, inclusive, of this act.***

(e) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a cooperative agreement established pursuant to NRS 569.031 for the management, control, placement or disposition of estrays and feral livestock.

~~[(e)]~~ ***(f)*** Fees collected pursuant to the provisions of chapter 573 of NRS.

~~[(f)]~~ ***(g)*** Fees collected pursuant to the provisions of chapter 576 of NRS.

~~[(g)]~~ ***(h)*** Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 565, 569, 571, 573 and 576 of NRS ~~.~~ ***and sections 2 to 13, inclusive, of this act.***

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

Sec. 14. (Deleted by amendment.)

Sec. 14.5. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,

463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, ***and section 34 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 15. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 46, inclusive, of this act.

Sec. 16. ***As used in sections 16 to 46, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 17 to 26, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 17. ***1. "Commercial feed" means all materials or combinations of materials which are distributed or intended for distribution for use as feed or for mixing in feed. The term includes, without limitation, pet food, specialty pet food and mineral feed.***

2. The term does not include:

(a) Unmixed whole seeds, including, without limitation, unmixed whole seeds which are physically altered, if such seeds are not chemically changed or adulterated.

(b) Commodities, including, without limitation, hay, straw, stover, silage, cobs, husks and hulls and individual chemical compounds and substances if those commodities, compounds or substances are not intermixed, mixed with other materials or adulterated.

Sec. 18. ***1. "Distribute" means:***

(a) To offer for sale, sell, exchange or barter commercial feed; or

(b) To supply, furnish or otherwise provide commercial feed to a contract feeder.

2. As used in this section, "contract feeder" has the meaning ascribed to it in section 27 of this act.

Sec. 19. ***"Drug" means any substance or article other than feed that is intended:***

1. For use in the diagnosis, cure, mitigation, treatment or prevention of disease in an animal; or

2. To affect the structure or any function of an animal's body.

Sec. 20. ***"Guarantor" means the person who is indicated on the label of commercial feed as having verified the accuracy of the information contained on the label relating to the ingredients, substances and elements contained in the commercial feed.***

Sec. 21. ***"Label" means any written, printed or graphic representation:***

1. On or affixed to the container in which commercial feed is distributed; or

2. On the invoice or delivery slip accompanying commercial feed.

Sec. 22. ***"Licensee" means a person who has obtained a license pursuant to section 28 of this act.***

Sec. 23. *"Manufacture" means to grind, mix, blend or further process commercial feed for distribution.*

Sec. 24. *"Mineral feed" means commercial feed primarily intended to supply mineral elements or inorganic nutrients.*

Sec. 25. *"Pet food" means any commercial feed prepared and distributed for consumption by domesticated dogs or cats.*

Sec. 26. *"Specialty pet food" means any commercial feed prepared and distributed for consumption by any domesticated animal kept primarily for personal enjoyment, other than a dog or cat.*

Sec. 27. *1. The provisions of sections 16 to 46, inclusive, of this act do not apply to customer-formula feed, or a manufacturer, distributor or guarantor thereof, or a contract feeder.*

2. As used in this section:

(a) "Contract feeder" means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished or otherwise provided to the person and whereby the person's remuneration is determined in whole or in part by feed consumption, mortality, profits or the amount or quality of the product.

(b) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds or ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

Sec. 28. *1. Except as otherwise provided in subsection 2:*

(a) It is unlawful for a person to manufacture, distribute or act as a guarantor of commercial feed in this State unless the person has been issued by the Department a license pursuant to section 30 of this act; and

(b) A person who manufactures, distributes or acts as a guarantor of commercial feed must obtain a license from the Department for each facility in this State:

(1) Where he or she intends to manufacture or distribute commercial feed.

(2) For which he or she is a guarantor of any or all of the commercial feed that is manufactured at or distributed from the facility.

2. A person is not required to obtain a license pursuant to subsection 1 if he or she conducts only retail sales of commercial feed and the packaging of the commercial feed includes a label indicating that the commercial feed is from a manufacturer or distributor who is licensed pursuant to subsection 1.

Sec. 29. *1. A person applying for a license to manufacture, distribute or be a guarantor of commercial feed must:*

(a) File an application with the Department on a form prescribed and furnished by the Department; and

(b) Pay the fee for the issuance of a license established by the Department pursuant to subsection 2.

2. The Department shall establish a fee for the issuance and annual renewal of a license required by section 28 of this act in an amount not to exceed $75.

3. A license expires on December 31 of each year. An application to renew a license must be received by the Department on or before December 31 of each year. If a licensee submits an application for renewal after December 31 of the year in which the license expires, the licensee must pay a late fee of $20 in addition to the annual license fee established by the Department pursuant to subsection 2.

Sec. 30. *1. Except as otherwise provided in subsection 2 and section 31 of this act, the Department shall issue a license to or renew the license of an applicant who files with the Department a complete application and pays the fee established by the Department pursuant to section 29 of this act.*

2. The Department may refuse to issue or renew or may suspend, revoke or place conditions on a license for a violation of any provision of sections 16 to 46, inclusive, of this act, but no license may be refused, suspended or revoked or have conditions imposed upon its issuance pursuant to this section until the Department has provided the applicant or licensee an opportunity for a hearing.

Sec. 31. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license required by section 28 of this act shall:*

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required by subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license must not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall

advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 32. *1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a licensee, the Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 33. *1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license required by section 28 of this act must indicate in the application submitted to the Department whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

2. A license may not be renewed by the Department if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Department pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 34. *1. Each licensee shall submit to the Department on or before the end of each calendar quarter:*

(a) A report that includes, without limitation, a statement of the amount of commercial feed manufactured, distributed or guaranteed, as applicable, by the licensee in this State during the preceding calendar quarter; and

(b) The quarterly fee in the amount required pursuant to subsection 2.

2. Except as otherwise provided in subsection 3, the amount of the quarterly fee that a licensee must pay is the greater of:

(a) Five dollars; or

(b) The fee established by the Department by regulation to be paid per ton of commercial feed manufactured, distributed or guaranteed, as applicable, in this State, which may not exceed 15 cents per ton.

➥ If a licensee does not submit the amount required pursuant to this subsection on or before 15 days after the date on which it is due, the licensee must submit, in addition to that amount, a late fee in the amount of 50 percent of the amount due.

3. A licensee is not required to submit the fees required pursuant to subsection 2 for commercial feed if another licensee has submitted the required fees for the same commercial feed. The Department shall adopt regulations specifying the circumstances under which a licensee is not required to pay fees pursuant to this subsection.

4. Each licensee shall maintain records sufficient to verify that the information contained in a report submitted pursuant to subsection 1 is complete and accurate.

5. A report submitted pursuant to subsection 1 is ~~[a public record.]~~ confidential.

Sec. 35. *1. All fees received pursuant to sections 29 and 34 of this act must be deposited in the Commercial Feed Account, which is hereby created in the State General Fund. The Director shall administer the Account. The money in the Account must be expended only to pay for the costs to the Department for administering the provisions of sections 16 to 46, inclusive, of this act, including, without limitation, the costs of inspection, sampling and analysis of commercial feed.*

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 36. *1. After showing proper credentials, a representative of the Department may, during normal business hours, enter and inspect:*

(a) Any building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution;

(b) Any records, equipment, materials, containers and labels located in a building, factory, warehouse or other facility in this State where commercial feed is manufactured, processed, packaged or held for distribution; and

(c) Any vehicle used to transport or hold commercial feed,

➥ for the purposes of determining compliance with sections 16 to 46, inclusive, of this act, and any regulations adopted by the Department pursuant thereto.

2. An inspection conducted pursuant to subsection 1 must be conducted and completed in a reasonable manner.

3. A representative of the Department who conducts an inspection pursuant to this section:

(a) May obtain samples of any commercial feed, ingredient, substance or element. If a representative obtains such a sample, the representative must provide the owner, operator or authorized agent of the building, factory, warehouse, facility or vehicle being inspected with a receipt describing all samples that were obtained.

(b) May enter any public or private part of the building, factory, warehouse, facility or vehicle being inspected.

(c) Must inform the owner, operator or authorized agent of the building, factory, warehouse, facility or vehicle being inspected when the inspection is completed.

4. Every sample obtained by a representative pursuant to subsection 3 must be tested in accordance with methods published by AOAC International, or its successor organization, or any other generally recognized method.

5. If the owner, operator or authorized agent refuses to allow an inspector of the Department to inspect the building, factory, warehouse, facility or vehicle, as applicable, the Department may obtain a search warrant from any court of competent jurisdiction to enter the premises and conduct the inspection.

Sec. 37. *The Department may:*

1. Inspect or audit any licensee at the request of the licensee.

2. Establish a schedule of fees for the costs of the inspection or audit.

Sec. 38. *1. If the Director or a representative of the Department has reasonable cause to believe that any commercial feed does not comply with the provisions of sections 16 to 46, inclusive, of this act, the Director or a representative of the Department may issue an order that:*

(a) Prohibits the licensee from disposing of the lot of commercial feed until written permission is provided by the Director; and

(b) Requires the licensee to allow the Director or a representative of the Department to inspect the commercial feed.

2. If the Director or representative of the Department determines that the commercial feed:

(a) Complies with the provisions of sections 16 to 46, inclusive, of this act, the Director or representative of the Department must immediately rescind the order issued pursuant to paragraph (a) of subsection 1.

(b) Does not comply with the provisions of sections 16 to 46, inclusive, of this act, the Director or representative of the Department must provide to the licensee an explanation of how the commercial feed does not comply with the provisions of sections 16 to 46, inclusive, of this act. If the licensee does not demonstrate compliance with the provisions of sections 16 to 46, inclusive, of this act within 30 days after receipt of the explanation, the

Director must begin proceedings to condemn the lot of commercial feed pursuant to the requirements established by the Department.

Sec. 39. *1. Commercial feed must have a label which includes:*

(a) The quantity of the commercial feed by weight, liquid measure or count.

(b) The product name and brand name, if any, under which the commercial feed is distributed.

(c) The analysis, in the form and manner prescribed by the Department, of substances and elements included in the commercial feed.

(d) An ingredient list with the common or usual name of each ingredient used in the commercial feed. The Department may:

(1) Provide for the use of a collective term on the ingredient list for a group of ingredients which perform a similar function.

(2) Exempt certain commercial feed from the requirement to include an ingredient list on the label if the Department determines that such a list is not necessary for the interests of consumers.

(e) The name and principal mailing address of the manufacturer ~~[and]~~ or distributor of the commercial feed.

(f) If applicable, directions for the use of commercial feed that:

(1) Contains a drug; or

(2) Requires directions for the safe and effective use thereof.

(g) Any other statement that is required by the Department.

2. The Department may request that an applicant for a license or a licensee provide to the Department copies of any label for commercial feed which the person manufactures or distributes.

3. As used in this section:

(a) "Brand name" means any word, symbol or device, or any combination thereof, used to identify and distinguish the commercial feed of one manufacturer or distributor from another.

(b) "Product name" means the name which identifies the kind, class or specific use of commercial feed and distinguishes the commercial feed from other products bearing the same brand name.

Sec. 40. *1. It is unlawful for a person to misbrand commercial feed.*

2. For the purposes of subsection 1, commercial feed is misbranded if:

(a) The label on the commercial feed does not meet the requirements set forth in section 39 of this act or is false or misleading;

(b) Any word, statement or other information required to appear on the label pursuant to section 39 of this act is:

(1) Not prominently or conspicuously displayed on the label; or

(2) Written in a way that is likely to be misunderstood by a person under the conditions of customary purchase and use; or

(c) The commercial feed is distributed under the name of a different commercial feed.

Sec. 41. *1. It is unlawful for a person to adulterate commercial feed.*

2. For the purposes of subsection 1, commercial feed is adulterated if:

(a) It contains a poisonous or deleterious substance which may cause it to be injurious to the health of an animal;

(b) It contains a poisonous, deleterious or nonnutritive substance which is unsafe pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346;

(c) It contains a food additive which is unsafe pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(d) It is a raw agricultural commodity that contains a pesticide which is unsafe pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, unless:

(1) The raw agricultural commodity has been processed using a method such as canning, cooking, freezing, dehydrating or milling;

(2) The residue of the pesticide has been removed to the extent possible through such a method;

(3) The concentration of the pesticide in the commercial feed is not greater than the tolerance prescribed for the raw agricultural commodity; and

(4) Feeding the commercial feed to an animal is not likely to result in a pesticide residue in any edible product of the animal which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a;

(e) It contains any color additive which is unsafe pursuant to section 721 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 379e;

(f) It contains an animal drug which is unsafe pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360b;

(g) It contains any filthy, putrid or decomposed substance or is for any other reason unfit to be used as commercial feed;

(h) It has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to the health of an animal;

(i) It contains the product of a diseased animal or an animal which has died in a manner which is unsafe within the meaning of section 402 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 342;

(j) The container of the commercial feed is composed, in whole or in part, of any poisonous or deleterious substance which may render the commercial feed injurious to the health of an animal;

(k) It has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348;

(l) Any valuable component of the commercial feed has been, in whole or in part, omitted or abstracted;

(m) The composition or quality of the commercial feed is below or differs from that which is listed on the label;

(n) It contains a drug and the methods, facilities or controls used to manufacture, process or package the commercial feed do not conform to current practices of good manufacturing, unless the Department determines that such a practice is not appropriate for use in this State; or

(o) It contains viable weed seeds in an amount which exceeds the limits established by the Department. As used in this paragraph, "weed seeds" has the meaning ascribed to it in NRS 587.073.

Sec. 42. ***It is unlawful for a person to reuse any packaging, including, without limitation, a bag or tote for commercial feed, unless the packaging is cleaned pursuant to the methods prescribed by the Department.***

Sec. 43. ***1. A person who violates the provisions of sections 16 to 46, inclusive, of this act, or any regulation adopted pursuant thereto, is subject to a civil penalty not to exceed:***

(a) For a first offense, $250.

(b) For a second offense, $500.

(c) For a third or subsequent offense, $1,000.

2. Any money collected from the imposition of a civil penalty pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds created by NRS 555.035.

Sec. 44. ***The Department shall publish annually:***

1. Except as otherwise provided in this subsection, information concerning the sale of commercial feed and any data related to the production and use of commercial feed in this State. The Department shall not publish any information that discloses confidential or proprietary information regarding the operations of any manufacturer, distributor, guarantor or other person.

2. A report of the results of tests performed on samples of commercial feed obtained pursuant to section 36 of this act.

Sec. 45. ***The Department may cooperate with and enter into an agreement with any person or federal or state agency for the purposes of carrying out the provisions of sections 16 to 46, inclusive, of this act.***

Sec. 46. ***The Department may adopt regulations to carry out the provisions of sections 16 to 46, inclusive, of this act.***

Sec. 47. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2015, for all other purposes.

3. Sections ~~[15]~~ **14.5** to 46, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

4. Sections 31 and 32 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

ASSEMBLYMAN PAUL ANDERSON:

Senate Bill 488, as amended, authorizes the Department of Agriculture to establish a program, by regulation, to implement federal requirements concerning animal remedy, veterinary biologic, and veterinary pharmaceutical products.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Joint Resolution No. 13.

Resolution read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1057.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the total amount of certain property taxes that may be levied on real property.

Legislative Counsel's Digest:

This resolution proposes to amend the Nevada Constitution to limit the amount of certain property taxes which may be cumulatively levied per year on real property to ~~1~~ **1.25** percent of the base value of the property. Additionally, this resolution provides that: (1) if one-half or more of the ownership interest in certain real property is transferred, the base value of the property becomes the cash value of the property on the date the ownership interest is transferred; (2) an improvement to real property increases the base value of the property by the cash value of the improvement, unless the improvement replaces certain improvements which were destroyed, protects the safety of the occupants or improves accessibility to persons with disabilities; (3) the base value of real property cannot increase or decrease from year to year by more than 3 percent, except as otherwise set forth in this resolution; (4) an owner domiciled in Nevada who has attained the age of 62 years may transfer the base value of his or her principal residence to a new

residence of comparable value; and (5) an owner whose real property is taken by the exercise of eminent domain may transfer the base value of the condemned property to a new property of comparable value. **This resolution further provides that, for the purposes of recalculating the base value of real property subsequent to the material enhancement of an improvement to the property, an improvement to real property is not materially enhanced if the enhancement to the improvement does not increase the area of the improvement, as measured in square feet, by more than 15 percent.**

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 7, be added to Article 10 of the Nevada Constitution to read as follows:

Sec. 7. 1. The maximum amount of tax ad valorem that may be cumulatively levied per year on real property is ~~[1]~~ 1.25 percent of the base value of the property. This limit does not apply to taxes ad valorem levied to pay the interest and principal of any bonded indebtedness or to pay any obligation under a contract made in connection with such bonded indebtedness.

2. Except as otherwise provided in subsections 3 to 7, inclusive, the base value of real property is the property's taxable value from which the assessed value for the Fiscal Year 2017-2018 was calculated.

3. Except as otherwise provided in this subsection and subsection 7, if one-half or more of an ownership interest in real property is transferred, the base value of the property becomes the cash value of the property as of the date of transfer of the ownership interest. The provisions of this subsection do not apply if the transfer of ownership interest is to the spouse, child or grandchild of the transferor, or if the transfer of ownership interest is to or from a separate legal entity of which the transferor is the beneficial owner.

4. Except as otherwise provided in subsection 7:

(a) If existing improvements to real property are materially enhanced or new improvements are constructed, except if constructed to replace existing improvements destroyed by natural disaster or other casualty, the base value of the property must be increased by the cash value of the enhancement or improvement, respectively. For the purposes of this paragraph, an improvement to real property is not materially enhanced if the enhancement to the improvement does not increase the area of the improvement, as measured in square feet, by more than 15 percent.

(b) If real property is converted to another use, the base value of the property must be redetermined after the conversion by appraisal at its cash value in accordance with the new use of the property.

5. Except as otherwise provided in subsections 3, 4 and 7, the base value of real property must not be increased from year to year by any amount greater than the lesser of the increase caused by inflation, if

any, or 3 percent. The base value of real property must be decreased from year to year:

(a) To reflect any substantial damage to or destruction of the property; and

(b) By an amount, not to exceed 3 percent, equal to any decrease in the value of the property caused by deflation or other economic or market conditions.

6. For the purposes of subsection 5, inflation and deflation must be measured by the Consumer Price Index for All Urban Consumers compiled by the United States Bureau of Labor Statistics for the preceding calendar year. If the Index specified in this subsection ceases to be compiled, the Legislature shall provide by law for another appropriate method of measuring inflation and deflation.

7. Notwithstanding any provision of this section to the contrary:

(a) An owner domiciled in this State who has attained the age of 62 years may replace his or her principal residence with another of comparable value and transfer to the new residence the base value of the old residence for the purpose of limiting the ad valorem tax on the new residence. If the cash value of the new residence exceeds the cash value of the old residence by more than 10 percent, the base value of the new residence must equal the base value of the old residence plus the amount by which the cash value of the new residence exceeds the cash value of the old residence.

(b) An improvement may be constructed or materially enhanced without changing the base value of real property if the construction or enhancement is necessary to protect the safety of the occupants or improve accessibility to persons with disabilities.

(c) An owner whose real property is taken by the exercise of eminent domain may replace the condemned property with property of comparable value and transfer to the new property the base value of the condemned property for the purpose of limiting the ad valorem tax on the property. If the cash value of the new property exceeds the cash value of the condemned property by more than 10 percent, the base value of the new property must equal the base value of the condemned property plus the amount by which the cash value of the new property exceeds the cash value of the condemned property.

8. The Legislature shall provide by law for:

(a) A uniform and just valuation of the base value of real property; and

(b) Any other measure necessary to implement this section.

9. If any provision of this section or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

10. As used in this section:

(a) "Cash value" means the most probable price which property would bring in a competitive and open market under all conditions requisite to a fair sale.

(b) "Comparable value" means either a lower cash value or up to 10 percent more in cash value.

(c) "Condemned property" means property taken by the exercise of eminent domain.

And be it further

RESOLVED, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. ~~[The]~~ ***Except as otherwise provided in Section 7 of this Article, the*** Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

Assemblyman Armstrong moved the adoption of the amendment.
Remarks by Assemblymen Armstrong and Hansen.

ASSEMBLYMAN ARMSTRONG:
Amendment 1057 increases the maximum rate that may be imposed from 1 percent of the base value of the property to 1.25 percent of the base value. A clarification is added specifying that, for the purposes of determining whether the base value of the property must be increased as a result of material enhancements to the property, an improvement to real property is not materially enhanced if the enhancement to the improvement does not increase the area of the improvement, as measured in square feet, by more than 15 percent.

ASSEMBLYMAN HANSEN:
Is there any cap on the 15 percent? If you have a million-square-foot building and you added 15 percent, it is a pretty substantial improvement. I was wondering if there is any kind of an upper limit on that.

ASSEMBLYMAN ARMSTRONG:
Thank you for that question. My answer to that is, I am not sure how many homes are a million square feet.

ASSEMBLYMAN HANSEN:
Is this limited to residential?

ASSEMBLYMAN ARMSTRONG:
Yes.

Amendment adopted.
Resolution ordered reprinted, reengrossed and to third reading.

Senate Bill No. 296.
Bill read third time.
Remarks by Assemblymen Gardner and Diaz.

ASSEMBLYMAN GARDNER:

Senate Bill 296 prohibits a party from including a claim for exemplary or punitive damages in certain pleadings at the commencement of a civil action and establishes a process by which a party may amend its pleadings to include such a claim, at a later date, after discovery.

The bill also sets forth conditions under which limits on exemplary or punitive damages do not apply to a manufacturer, distributor, or seller of a defective product, including the failure to take appropriate action after a governmental agency's final order altering the conditions of or prohibiting the sale of a given product; a finding by a governmental agency or court that the entity in question has made an unlawful payment to an official or employee of a governmental agency to secure or maintain product approval; the illegal withholding or misrepresentation from a governmental agency of information material to approval of the product and material to the harm suffered by the plaintiff; and a finding by a governmental agency that the entity, after the product was sold, knowingly violated applicable laws or regulations by failing to report risks of harm that are material and relevant to the harm alleged by the plaintiff.

This bill is a bill that will fix punitives. It puts products under the 3-to-1 cap, which is what we have a lot of other areas of law under. That is pretty much close to what the constitutional limit is already. The U.S. Supreme Court has already said it is a little bit fishy as to whether it is constitutional to impose 4-to-1 punitive damages or higher. I think it is a good bill. I think it protects companies but gives plaintiffs a fair shot. I urge your support.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Senate Bill 296. This bill, as amended, would have harmful effects on those injured by defective products. There are numerous instances across the country where individuals have been harmed by a consumer product, many of which have been approved and vetted by the appropriate governmental agencies. For instance, there was the superbug outbreak at a college campus in California late this year involving defective scopes. In the superbug outbreak, Olympus, the maker of the scopes, knew of outbreaks in Florida dating back to 2008 and an outbreak in Seattle dating back to 2012. Those earlier outbreaks involved the same scopes; however, the company failed to tell the FDA [Food and Drug Administration]. Should this bill pass, punitive damages will now be capped at 3 to 1 because the FDA has taken no action on the company's failure to report prior incidents.

Likewise in another example, GM [General Motors] has now recalled 24.6 million cars in the U.S. because of a faulty ignition switch that forces a car to turn off and prevents the airbags from deploying. GM engineers knew about the problem for a decade yet did not report it to the National Highway Traffic Safety Administration [NSTSA]. Despite all of the injuries, deaths, and recalls attributed to the issue, there has been no action to date by the NSTSA.

We, as elected officials, have a responsibility to our constituents and the residents of Nevada to ensure safety from harmful products that slip through the cracks of governmental regulation. Passing this legislation breaks that promise and denies our constituents the opportunity to feel assured that they will be made whole in a situation when they are harmed, injured, or even killed because a large corporation was negligent and the federal governmental entity failed to act.

Roll call on Senate Bill No. 296:

YEAS—20.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Fiore, Flores, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—20.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 296 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:40 p.m.

ASSEMBLY IN SESSION

At 7:41 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Fiore moved that Senate Bill No. 421 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 460.
Bill read third time.
Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:
Senate Bill 460 makes various changes concerning the statewide system of accountability for public schools. Specifically, the bill requires the State Board of Education to adopt regulations prescribing an alternative performance framework to evaluate schools serving certain at-risk populations and the manner in which such schools will be included in the statewide system of accountability. It prescribes the eligibility criteria and application process for a public school to be rated using the alternative performance framework. It changes the automatic closure provisions for persistently underperforming charter schools to include those schools receiving the lowest possible annual rating for any three years in a five-year period. It also adds school restart as an alternative to school closure for persistently underperforming charter schools and requires the Department of Education to prescribe related regulations and, for purposes of accountability, prohibits the Department from considering a school's annual performance for the 2014-2015 school year.

Roll call on Senate Bill No. 460:
YEAS—40.
NAYS—None.
EXCUSED—Dooling, Moore—2.
Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 506.
Bill read third time.
Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:
Senate Bill 506, as amended, provides for the transfer of money in various accounts and funds for unrestricted General Fund use to offset the difference between projected revenues and collections in Fiscal Year 2015. The money transferred in the bill will be used to meet existing and future obligations of the state. The transfers included in the amended bill total $42,077,493.

Roll call on Senate Bill No. 506:
YEAS—39.
NAYS—None.
EXCUSED—Dooling, Moore, Trowbridge—3.

Senate Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 508, as amended, expresses the intent of the Legislature to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the needs of pupils, including, without limitation, pupils with disabilities, pupils who are limited English proficient, pupils who are at risk, and gifted and talented pupils.

Roll call on Senate Bill No. 508:

YEAS—31.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Seaman, Shelton, Titus, Wheeler—9.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 230 removes the limitation on the amount of compensation that may be awarded to certain victims of crime, the dependents of those victims, and certain members of the victim's household.

Roll call on Senate Bill No. 230:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 412.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Senate Bill 412 provides a tax credit against the modified business tax to an employer who matches the contribution of an employee to either the Nevada College Savings Program, effective January 1, 2016, or the Nevada Higher Education Prepaid Tuition Program, effective July 1, 2016. The tax credit is in an amount equal to 25 percent of the matching contribution, not to exceed $500 per contributing employee per year. Any unused credits may be carried forward for five years.

Roll call on Senate Bill No. 412:

YEAS—39.

NAYS—Benitez-Thompson.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 79.

Bill read third time.

Remarks by Assemblyman Hickey.

ASSEMBLYMAN HICKEY:

Senate Bill 79, in its first reprint, revises the definition of "other tobacco products" to specify that the term does not include an alternative nicotine product or a vapor product as those terms are defined pursuant to the bill.

The bill establishes that a vapor product is not taxable as an other tobacco product regardless of whether or not the nicotine in the product is derived from tobacco. The bill further establishes than an alternative nicotine product that is made or derived from tobacco is considered to be an other tobacco product and is subject to regulation and taxation in a manner consistent with other tobacco products.

Additionally, the bill clarifies that any alternative nicotine product or vapor product that is regulated by the United States Food and Drug Administration, under certain provisions, are excluded from the definitions of those terms.

Roll call on Senate Bill No. 79:

YEAS—28.

NAYS—Carlton, Dickman, Ellison, Fiore, Jones, Neal, Seaman, Shelton, Titus, Trowbridge, Wheeler—11.

EXCUSED—Dooling, Moore, O'Neill—3.

Senate Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblymen Edwards, Elliot Anderson, and Dickman.

ASSEMBLYMAN EDWARDS:

In the interest of time, I will try to summarize this two-page write-up. Senate Bill 92 provides procedures for the designation as a turnaround school, a public school determined by the Department of Education to be underperforming. It requires the State Board of Education to establish by regulation the criteria for designating a school as underperforming and provides for the transfer of ineffective or minimally effective personnel from an underperforming school. It creates incentives for employees working in an underperforming school, requires the evaluation of a teacher or administrator at an underperforming school not be adversely impacted by student achievement data for two years after the school has been so designated, and prescribes a process for principals or school boards to reassign staff to or from an underperforming school.

Finally, it requires that reduction-in-workforce decisions be based upon employee performance and that further reductions consider other factors before seniority unless a teacher works in a subject area for which there is a shortage of teachers.

This is fantastic bill that has come to us today. I encourage everyone in this Assembly to vote for it because this will really help the kids.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 92. We have a huge teacher shortage problem, and we have to start thinking not only in terms of capital but in human capital. We have so many teachers that we are struggling to retain, and this is a bill that makes a lot of people who are in the profession want to leave. They feel like they are being attacked, and we ought to consider that when we cannot hire enough teachers in Clark County. I think this is a good-intentioned bill at the wrong time for our state, so I urge this body's opposition to it.

ASSEMBLYWOMAN DICKMAN:

I rise in support of Senate Bill 92. I think these are exactly the kinds of reforms and accountability in education that we have been trying to achieve all session. I encourage everyone to please vote for this bill.

ASSEMBLYMAN EDWARDS:

I did leave off that the CCSD [Clark County School District] actually does support this. If anyone is looking for teachers, it is CCSD and they are absolutely in support of this measure. I hope you will be as well.

Roll call on Senate Bill No. 92:

YEAS—28.

NAYS—Elliot Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Joiner, Neal, Ohrenschall, Sprinkle, Swank, Thompson—11.

EXCUSED—Dooling, Moore, O'Neill—3.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 111.

Bill read third time.

Remarks by Assemblymen Titus and Ellison.

ASSEMBLYWOMAN TITUS:

Senate Bill 111, as amended, requires each uniformed peace officer employed by the Nevada Highway Patrol Division of the Department of Public Safety who routinely interacts with the public to wear a portable event recording device while on duty. "Portable event recording device" is defined as a device to be worn on the peace officer's body "which records both audio and visual events during an encounter with a member of the public while performing his or her duties as a peace officer."

Senate Bill 111, as amended, requires the Nevada Highway Patrol Division of the Department of Public Safety to adopt policies and procedures governing the use of portable event recording devices on or before July 1, 2016.

Senate Bill 111, as amended, appropriates State Highway Funds to the Nevada Highway Patrol Division of the Department of Public Safety in the amount of $785,002 in FY [Fiscal Year] 2016 and $475,104 in FY 2017.

Senate Bill 111, as amended, is effective upon passage and approval for the purposes of adopting policies and procedures. Section 6.7, providing Highway Fund appropriations for the portable event recording devices, becomes effective on July 1, 2015. For all other purposes, the act is effective January 1, 2017.

ASSEMBLYMAN ELLISON:

Just for clarification, there were several of the body cams that were proposed throughout the session. I did not know if they were taken into consideration when this one was voted for or not.

ASSEMBLYWOMAN TITUS:

Thank you for the question, Assemblyman from eastern Nevada. This is a requirement. This is mandatory only for the Nevada Highway Patrol, not for the other departments.

Roll call on Senate Bill No. 111:

YEAS—39.

NAYS—None.

EXCUSED—Dooling, Moore, O'Neill—3.

Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 214, as amended, creates a seven-member Nevada Advisory Council on Federal Assistance to advise and assist state and local agencies with respect to obtaining and maximizing federal assistance. Members serve two-year terms without compensation but are entitled to per diem and travel. Duties of the Council include addressing methods and models for identifying, procuring, utilizing, and maintaining federal assistance. The Department of Administration will provide administrative support to the Council.

Roll call on Senate Bill No. 214:

YEAS—34.

NAYS—Fiore, Shelton, Trowbridge—3.

EXCUSED—Dooling, Gardner, Moore, Ohrenschall, O'Neill—5.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblywoman Seaman.

ASSEMBLYWOMAN SEAMAN:

Senate Bill 416 requires an electric utility that owns certain generational assets in this state to provide the Public Utilities Commission of Nevada with a list of assets and to identify as surplus those not being used in generating electricity. Senate Bill 416 also authorizes the Commission to identify certain nonproductive electric utility assets as surplus. It requires an electric utility to create a plan for timely cleanup and disposal of surplus assets and to carry out such a plan for decommission and disposal of surplus assets.

Finally, S.B. 416 also requires the Governor's Office of Economic Development to assist an electric utility with the marketing of vacant or decommissioned assets for sale in redevelopment.

Roll call on Senate Bill No. 416:

YEAS—37.

NAYS—None.

EXCUSED—Dooling, Gardner, Moore, Ohrenschall, O'Neill—5.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 492.

Bill read third time.

Remarks by Assemblymen Armstrong, Fiore, Wheeler, Ellison, and Titus.

ASSEMBLYMAN ARMSTRONG:

Senate Bill 492, as amended, requires that all revenue collected by the Department of Motor Vehicles for the titling and registration of off-highway vehicles [OHV] must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. Senate Bill 492, as amended, requires money in the account to be used by the Department of Motor Vehicles to pay the expenses of administering the titling and registering of OHVs. Senate Bill 492, as amended, requires the Department of Motor Vehicles to transfer to the Account for Off-Highway Vehicles, at least once each fiscal quarter, any amount in the account in excess of $150,000 after paying the expenses of administering the titling and registration of off-highway vehicles.

ASSEMBLYWOMAN FIORE:

I just have a clarifying question for my colleague from Assembly District 21. I want to be certain that S.B. 492 has removed the $12 dealer plate fee.

ASSEMBLYMAN WHEELER:

In answer to my colleague from Assembly District 4, yes. We did that in the amendment.

ASSEMBLYWOMAN FIORE:

Then, since it is not a violation of the tax pledge, I will vote yes.

ASSEMBLYMAN ELLISON:

I am a little confused. Is this also tied in with the bill of my colleague from Assembly District 38?

ASSEMBLYWOMAN TITUS:

No, it is not. Finally, after a year of collecting these fees, this bill directs them to now use these fees. It is not tied up with the bill that I had initiated. I support this bill.

Roll call on Senate Bill No. 492:

YEAS—37.

NAYS—None.

EXCUSED—Dooling, Gardner, Moore, Ohrenschall, O'Neill—5.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 502.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Senate Bill 502 adds a nonrefundable $1 technology fee for any transaction performed by the Department of Motor Vehicles for which a fee is charged. Senate Bill 502 requires the technology fee revenue to be used by the Department of Motor Vehicles for costs associated with the implementation, upgrade, and maintenance of the platform of information technology used by the Department. It also revises *Nevada Revised Statutes* 408.235 by increasing the Department of Motor Vehicles' administrative cap from 22 percent to 27 percent for the five-year implementation period of the Department's system modernization project.

Roll call on Senate Bill No. 502:

YEAS—29.

NAYS—Dickman, Ellison, Fiore, Jones, Seaman, Shelton, Titus, Wheeler—8.

EXCUSED—Dooling, Gardner, Moore, Ohrenschall, O'Neill—5.

Senate Bill No. 502 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 513.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Senate Bill 513 establishes the state's share of the cost of monthly contributions or premiums for group insurance for each active state officer and employee. Senate Bill 513 also establishes the state's share of the cost of monthly contributions and premiums for group health insurance for retired employee group insurance not eligible for Medicare. For Medicare-eligible state retirees, Senate Bill 513 establishes a monthly state contribution. Finally, Senate Bill 513 establishes an exemption to the existing prohibition that no monthly state contribution towards retiree health insurance be provided to individuals initially hired on or after January 1, 2012.

Roll call on Senate Bill No. 513:

YEAS—39.

NAYS—None.

EXCUSED—Dooling, Gardner, Moore—3.

Senate Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1055.

AN ACT relating to taxation; revising provisions relating to the rate, imposition and calculation of the tax on live entertainment; revising provisions governing the exemptions and exclusions from the tax on live entertainment; revising provisions governing the distribution of certain proceeds of the tax on live entertainment; revising various provisions relating to the tax on live entertainment; revising provisions governing investigations and the initiation of complaints by the State Gaming Control Board for violations relating to the tax on live entertainment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on admission to certain facilities where live entertainment is provided. (Chapter 368A of NRS) Under existing law, if live entertainment is provided at an establishment that is not a licensed gaming establishment or certain smaller licensed gaming establishments, the tax is imposed only if consideration is collected for admission to the area or premises where live entertainment is provided. However, if live entertainment is provided at certain larger licensed gaming establishments, the tax is imposed whenever live entertainment is provided, regardless of whether consideration is collected for admission to the area or premises where the live entertainment is provided. (NRS 368A.060) **Section 1.5** of this bill revises these provisions

to provide that, regardless of whether live entertainment is provided at a gaming establishment, the tax is imposed only if consideration is collected for admission to the area or premises where live entertainment is provided.

Under existing law, the rate and imposition of the tax depends upon the size of the facility in which the live entertainment is provided. If the live entertainment is provided at a facility with a maximum occupancy of less than 7,500 persons, the rate of the tax is 10 percent of the admission charge to the facility plus 10 percent of any amounts paid for food, refreshments and merchandise purchased at the facility. If the live entertainment is provided at a facility with a maximum occupancy of at least 7,500 persons, the rate of the tax is 5 percent of the admission charge to the facility. (NRS 368A.200) **Section 3** of this bill revises the rate of the tax to provide that: (1) the rate of the tax is 9 percent of the admission charge to a facility where live entertainment is provided; and (2) the tax is not imposed on amounts paid for food, refreshments and merchandise. **Sections 1.03, 1.07, 1.5, 2, 2.1, 3 and 3.2** of this bill provide that the tax applies to escorts and escort services and that the rate of the tax is 9 percent of the total amount of consideration paid for the escort or escort service.

Under existing law, the "admission charge" on which the tax is based is defined as the total amount of consideration paid for the right or privilege to enter, or have access to, a facility where live entertainment is provided. (NRS 368A.010) **Section 1.4** of this bill revises this definition to specifically include in the tax membership fees, certain service charges and any other charge that is required to be paid in connection with admission to a facility where live entertainment is provided. **Section 1.4** also excludes from the tax: (1) the value of certain admissions provided to a patron on a complimentary basis; (2) a charge for access to a table, seat or lounge or for food, beverages or merchandise that are in addition to the charge for admission to the facility; and (3) certain license and rental fees for luxury suites, boxes or other similar products at a facility with a maximum occupancy of more than 7,500 persons.

Existing law excludes certain activities from the tax on admission to facilities where live entertainment is provided. (NRS 368A.090, 368A.200) **Sections 2 and 3** of this bill remove certain exclusions and, thus, pursuant to **section 1.5**, these activities would be subject to the tax on live entertainment if they constitute live entertainment and consideration is collected for admission to the facility where the activity is provided. **Sections 2 and 3** also add provisions that exclude the following from the tax: (1) certain uncompensated, spontaneous performances; (2) activities that do not constitute a performance, including, without limitation, go-go dancing; (3) certain marketing or promotional activities that are associated with the serving of food and beverages; (4) live entertainment provided by the Nevada Interscholastic Activities Association or by certain schools if only pupils or faculty provide the entertainment; (5) athletic events provided by institutions of the Nevada System of Higher Education, if students of such an institution are contestants in the event; and (6) an athletic event conducted by a professional team based

in this State if that team is a participant in the event. Finally, under **section 3**, the exclusion from the tax for race events at a race track in this State as a part of the National Association for Stock Car Racing (NASCAR) Sprint Cup Series is modified to apply only if two NASCAR races are held at the race track.

Section 2.5 of this bill sets forth a procedure by which the Nevada Gaming Commission and the Nevada Tax Commission, as applicable, may determine the amount upon which the tax on live entertainment is based under certain circumstances when that amount is not capable of reasonable determination.

Under existing law, live entertainment provided by certain nonprofit organizations is exempt from the tax on live entertainment. (NRS 368A.200) **Section 3** provides that this exemption applies only if the number of tickets to the live entertainment provided by the nonprofit organization which are offered for sale or other distribution to patrons is less than 7,500. Thus, under **section 3**, the tax on live entertainment applies to any live entertainment provided by a nonprofit organization for which 7,500 or more tickets are offered for sale or other distribution to patrons.

Existing law requires the State Gaming Control Board and the Department of Taxation to deposit all taxes, interest and penalties they receive from the tax on live entertainment in the State Treasury for credit to the State General Fund. (NRS 368A.240) **Section 3.1** of this bill requires the Department of Taxation, on or before October 1 of each year, to deposit $150,000 from the taxes, interest and penalties it receives from the tax on live entertainment, for credit to the Nevada Arts Council which is a division of the Department of Tourism and Cultural Affairs. Under **section 3.1**, this money is authorized for expenditure by the Nevada Arts Council as a continuing appropriation.

Existing law requires the State Gaming Control Board to make investigations and to initiate a hearing by filing a complaint with the Nevada Gaming Commission if the Board is satisfied that a person or entity which is licensed, registered, found suitable or found preliminarily suitable or which previously obtained approval for an activity for which Commission approval was required or permitted should be limited, conditioned, suspended, revoked or fined. (NRS 463.310) **Section 5** of this bill similarly requires the Board to make investigations and to initiate a hearing by filing a complaint with the Commission if the Board is satisfied that such a person or entity has violated certain provisions relating to the tax on live entertainment.

Existing law also: (1) requires a licensed gaming establishment to maintain records relating to, report, pay and truthfully account for the tax on live entertainment; and (2) prohibits certain practices relating to falsifying information or books, records or accounts relating to the tax on live entertainment. (NRS 368A.160, 368A.350, 368A.360) **Section 4** of this bill provides that a violation of such provisions by a licensed gaming establishment **, with the intent to avoid a payment of the tax which is known to be due,** is an unsuitable method of operation and is subject to investigation and disciplinary proceedings by the Board and the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 368A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.03 and 1.07 of this act.

Sec. 1.03. ***1. "Escort" means a person who, for monetary consideration, in the form of a fee, commission or salary, dates, socializes, visits, consorts with or accompanies, or offers to date, socialize, visit, consort with or accompany, another or others to or about social affairs, entertainments or places of amusement or within any place of public resort or within any private quarters. The term does not include a person who advertises, or works as an employee, agent or independent contractor for a person who advertises, that sexual conduct will be provided to a patron, or who solicits, offers to provide or provides acts of sexual conduct to a patron.***

2. As used in this section, "sexual conduct" means sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

Sec. 1.07. ***1. "Escort service" means a person who, for a fee, commission, profit, payment or other monetary consideration, furnishes, refers or offers to furnish or refer an escort to a patron, offers to introduce a patron to an escort, or who provides an escort to a patron. The term does not include a person who advertises that an escort will provide sexual conduct to a patron or who solicits, offers to provide or provides acts of sexual conduct to a patron.***

2. As used in this section, "sexual conduct" has the meaning ascribed to it in section 1.03 of this act.

Sec. 1.3. NRS 368A.010 is hereby amended to read as follows:

368A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 368A.020 to 368A.115, inclusive, ***and sections 1.03 and 1.07 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.4. NRS 368A.020 is hereby amended to read as follows:

368A.020 ~~[~~"Admission~~]~~

1. Except as otherwise provided in this section, "admission charge" means the total amount, expressed in terms of money, of consideration paid for the right or privilege to ***enter or*** have access to a facility where live entertainment is provided. ~~[~~The~~]~~

2. Except as otherwise provided in this section or NRS 368A.200 or any other specific statute, the term includes, without limitation, an entertainment fee, a cover charge, ~~[~~a table reservation fee, or~~]~~ a required minimum purchase of food, ~~[~~refreshments~~]~~ ***beverages*** or merchandise ~~[~~.~~]~~ ***, a membership fee and a service charge or any other fee or charge that is required to be paid in exchange for admission to a facility where live entertainment is provided.***

3. The term does not include:

(a) The value of an admission to a facility provided to a patron on a complimentary basis, unless the complimentary admission is associated with a separate purchase that is required for the patron to enter or have access to the facility; or

(b) A charge for the right or privilege of entering, or having access to, a particular portion within a facility, that is in addition to a charge described in subsection 1 or 2, including, without limitation, a charge for:

(1) Food, beverages or merchandise that is in addition to a required minimum purchase of food, beverages or merchandise as described in subsection 2; or

(2) Access to tables, seats, lounge chairs or particular areas near a swimming pool.

4. Except as otherwise provided in this subsection, the term does not include license or rental fees for luxury suites, boxes or similar products at facilities with a maximum occupancy of at least 7,500 persons. If the license or rental fee includes the admission of a certain number of patrons to a facility where a live entertainment event is provided, the admission charge is an amount equal to the lowest priced admission charge for the live entertainment event multiplied by the number of admissions to the live entertainment event included in the license or rental fee.

Sec. 1.5. NRS 368A.060 is hereby amended to read as follows:

368A.060 ~~[1.]~~ "Facility" means ~~[:~~

~~(a) Any]~~ ***any*** area or premises ***, indoor or outdoor,*** where live entertainment is provided and for which consideration is collected for the right or privilege of entering ***, or having access to,*** that area or those premises **.** ~~[if the live entertainment is provided at:~~

~~(1) An establishment that is not a licensed gaming establishment; or~~

~~(2) A licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits.~~

~~(b) Any area or premises where live entertainment is provided if the live entertainment is provided at any other licensed gaming establishment.~~

~~2. "Facility" encompasses, if live entertainment is provided at a licensed gaming establishment that is licensed for:~~

~~(a) Less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, any area or premises where the live entertainment is provided and for which consideration is collected, from one or more patrons, for the right or privilege of entering that area or those premises, even if additional consideration is collected for the right or privilege of entering a smaller venue within that area or those premises; or~~

~~(b) At least 51 slot machines or at least 6 games, any designated area on the premises of the licensed gaming establishment within which the live entertainment is provided.]~~

Sec. 2. NRS 368A.090 is hereby amended to read as follows:

368A.090 1. "Live entertainment" means any activity provided for pleasure, enjoyment, recreation, relaxation, diversion or other similar purpose by a person or persons who are physically present when providing that activity to a patron or group of patrons who are physically present.

2. The term:

(a) Includes, without limitation, any one or more of the following activities:

(1) Music or vocals provided by one or more professional or amateur musicians or vocalists;

(2) Dancing performed by one or more professional or amateur dancers or performers ~~[;]~~ ***, including, without limitation, dancing performed by one or more persons who are nude or partially nude;***

(3) Acting or drama provided by one or more professional or amateur actors or players;

(4) Acrobatics or stunts provided by one or more professional or amateur acrobats, performers or stunt persons;

(5) Animal stunts or performances induced by one or more animal handlers or trainers, except as otherwise provided in subparagraph ~~[(7)]~~ ***(3)*** of paragraph (b);

(6) Athletic or sporting contests, events or exhibitions provided by one or more professional or amateur athletes, sportsmen or sportswomen;

(7) Comedy or magic provided by one or more professional or amateur comedians, magicians, illusionists, entertainers or performers;

(8) A show or production involving any combination of the activities described in subparagraphs (1) to (7), inclusive; ~~[and]~~

(9) A performance ~~[involving one or more of the activities described in this paragraph]~~ by a disc jockey who presents recorded music ~~[. For the purposes of this subparagraph, a disc jockey shall not be deemed to have engaged in a performance involving one or more of the activities described in this paragraph if the disc jockey generally limits his or her interaction with patrons to introducing the recorded music, making announcements of general interest to patrons, and explaining, encouraging or directing participatory activities between patrons.]~~ ***; and***

(10) An escort who is escorting one or more persons at a location or locations in this State.

(b) ~~[Excludes,]~~ ***Except as otherwise provided in subsection 3, excludes,*** without limitation, any one or more of the following activities:

(1) ~~[Instrumental or vocal music, which may or may not be supplemented with commentary by the musicians, in a restaurant, lounge or similar area if such music does not routinely rise to the volume that interferes with casual conversation and if such music would not generally cause patrons to watch as well as listen;~~

~~(2) Occasional performances by employees whose primary job function is that of preparing, selling or serving food, refreshments or beverages to patrons, if such performances are not advertised as entertainment to the public;~~

~~(3) Performances by performers of any type if the performance occurs in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, as long as the performers stroll continuously throughout the facility;~~

~~(4) Performances in areas other than in nightclubs, lounges, restaurants or showrooms, if the performances occur in a licensed gaming establishment other than a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, which enhance the theme of the establishment or attract patrons to the areas of the performances, as long as any seating provided in the immediate area of the performers is limited to seating at slot machines or gaming tables;~~

~~(5)~~ Television, radio, closed circuit or Internet broadcasts of live entertainment;

~~(6)~~ ***(2)*** Entertainment provided by a patron or patrons, including, without limitation, singing by patrons or dancing by or between patrons;

~~(7)~~ ***(3)*** Animal behaviors induced by animal trainers or caretakers primarily for the purpose of education and scientific research ~~; and~~

~~(8) An occasional activity, including, without limitation, dancing, that:~~

~~(I) Does not constitute a performance;~~

~~(II) Is not advertised as entertainment to the public;~~

~~(III) Primarily serves to provide ambience to the facility; and~~

~~(IV) Is conducted by an employee whose primary job function is not that of an entertainer.~~ ***;***

(4) An activity that is an uncompensated, spontaneous performance that is not longer than 20 minutes during a 60-minute period;

(5) An activity described in subparagraphs (1) to (8), inclusive, of paragraph (a) that does not constitute a performance, including, without limitation, go-go dancing; or

(6) Marketing or promotional activities, including, without limitation, dancing or singing that is for a period that does not exceed 20 minutes during a 60-minute period and that is associated with the serving of food and beverages.

3. The exclusions set forth in paragraph (b) of subsection 2 do not apply to an activity provided by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, when the number of tickets to the activity offered for sale or other distribution is 15,000 or more.

4. As used in this section, "person who is nude or partially nude" means a natural person with any of the following less than completely or opaquely covered:

(a) His or her genitals;

(b) The pubic region; or

(c) A female breast below a point immediately above the top of the areola.

Sec. 2.1. NRS 368A.110 is hereby amended to read as follows:

368A.110 "Taxpayer" means:

1. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** live entertainment that is taxable under this chapter is provided at a licensed gaming establishment, the person licensed to conduct gaming at that establishment.

2. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 3 ~~[,]~~ ***and 4,*** if live entertainment that is taxable under this chapter is not provided at a licensed gaming establishment, the owner or operator of the facility where the live entertainment is provided.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** live entertainment that is taxable under this chapter is provided at a publicly owned facility or on public land, the person who collects the taxable receipts.

4. If live entertainment that is taxable under this chapter is provided by an escort, the escort or, if the escort works as an employee, agent or independent contractor for an escort service, the owner or operator of the escort service.

Sec. 2.5. NRS 368A.150 is hereby amended to read as follows:

368A.150 1. If:

(a) The Board determines that a taxpayer who is a licensed gaming establishment is taking any action with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter, the Board shall establish an amount upon which the tax imposed by this chapter must be based.

(b) The Department determines that a taxpayer who is not a licensed gaming establishment is taking any action with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter, the Department shall establish an amount upon which the tax imposed by this chapter must be based.

2. The amount established by the Board or the Department pursuant to subsection 1 must be based upon the tax liability of business entities that are deemed comparable by the Board or the Department to that of the taxpayer.

3. If:

(a) The Board determines that a taxpayer who is a licensed gaming establishment is liable for the tax imposed by this chapter but the amount upon which the tax must be based is vague or subjective, not capable of reasonable determination or is the subject of a dispute that cannot be proven to the reasonable satisfaction of the Nevada Gaming Commission, the Nevada Gaming Commission may establish the amount upon which the tax must be based by multiplying the number of admissions to the facility where the live entertainment was provided by an amount not to exceed $50. The provisions of chapter 463 of NRS relating to the imposition of penalties and interest apply to the determination of the amount of tax owed by the taxpayer pursuant to this section.

(b) The Department determines that a taxpayer who is not a licensed gaming establishment is liable for the tax imposed by this chapter but the amount upon which the tax must be based is vague or subjective, not capable of reasonable determination or is the subject of a dispute that cannot be proven to the reasonable satisfaction of the Nevada Tax Commission, the Nevada Tax Commission may establish the amount upon which the tax must be based by multiplying the number of admissions to the facility where the live entertainment was provided by an amount not to exceed $50. The provisions of chapter 360 of NRS relating to the imposition of penalties and interest apply to the determination of the amount of tax owed by the taxpayer pursuant to this section.

Sec. 3. NRS 368A.200 is hereby amended to read as follows:

368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided ~~[. If the live entertainment is provided at a facility with a maximum occupancy of:~~

~~(a) Less than 7,500 persons, the]~~ ***and on the charge for live entertainment provided by an escort at one or more locations in this State. The*** rate of the tax is ~~[10]~~ ***:***

(a) Except as otherwise provided in paragraph (b), for admission to a facility in this State where live entertainment is provided, 9 percent of the admission charge to the facility**.** ~~[plus 10 percent of any amounts paid for food, refreshments and merchandise purchased at the facility.]~~

(b) ~~[At least 7,500 persons, the rate of the tax is 5]~~ ***For live entertainment provided by an escort who is escorting one or more persons at a location or locations in this State, 9*** percent of the ~~[admission charge to the facility.]~~ ***total amount, expressed in terms of money, of consideration paid for the live entertainment provided by the escort.***

2. Amounts paid for:

(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section ~~[.]~~ ***, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.***

(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided ~~[or for service charges, including those imposed in connection with the use of credit cards or debit cards, which are collected and retained by persons other than the taxpayer]~~ are not taxable pursuant to this section.

(c) Fees imposed, collected and retained by an independent financial institution in connection with the use of credit cards or debit cards to pay the admission charge to a facility where live entertainment is provided are not

taxable pursuant to this section. As used in this paragraph, "independent financial institution" means a financial institution that is not the taxpayer or an owner or operator of the facility where the live entertainment is provided or an affiliate of any of those persons.

3. ~~[A business entity that collects any amount that is taxable pursuant to subsection 1 is liable for the tax imposed, but is entitled to collect reimbursement from any person paying that amount.~~

~~4. Any ticket for live entertainment must state whether the tax imposed by this section is included in the price of the ticket. If the ticket does not include such a statement, the taxpayer shall pay the tax based on the face amount of the ticket.~~

~~5.]~~ ***The tax imposed by this section must be added to and collected from the purchaser at the time of purchase, whether or not the admission for live entertainment is purchased for resale. Each ticket for admission to a facility where live entertainment is provided must show on its face the admission charge or the seller of the admission shall prominently display a notice disclosing the admission charge at the box office or other place where the charge is made.***

4. The tax imposed by subsection 1 does not apply to:

(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) ***Live entertainment that is governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, or is provided or sponsored by an elementary school, junior high school, middle school or high school, if only pupils or faculty provide the live entertainment.***

(c) An athletic contest, event, tournament or exhibition provided by an institution of the Nevada System of Higher Education, if students of such an institution are contestants in the contest, event, tournament or exhibition.

(d) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS ~~[.~~ ~~(c)]~~ ***, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.***

(e) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.

~~[(d)]~~ ***(f)*** Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

~~[(e)]~~ ***(g)*** Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits,

if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.

~~[(f) Merchandise sold outside the facility in which the live entertainment is provided, unless the purchase of the merchandise entitles the purchaser to admission to the entertainment.~~

~~(g)~~ ~~]~~ ***(h)*** Live entertainment that is provided at a trade show.

~~[(h)]~~ ***(i)*** Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.

~~[(i)]~~ ***(j)*** Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.

~~[(j)]~~ ***(k)*** Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.

~~[(k)]~~ ***(l)*** Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.

~~[(l)]~~ ***(m)*** Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:

(1) Not the predominant element of the attraction; and

(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.

~~[(m) Live entertainment that is provided to the public in an outdoor area, without any requirements for the payment of an admission charge or the purchase of any food, refreshments or merchandise.~~

~~(n) An outdoor concert, unless the concert is provided on the premises of a licensed gaming establishment.~~

~~(o) Beginning July 1, 2007, race events~~]

(n) A race scheduled at a race track in this State ~~[as a part of]~~ ***and sanctioned by*** the National Association for Stock Car Auto Racing ~~[Nextel Cup Series, or its successor racing series, and all races associated therewith.~~

~~(p) Beginning July 1, 2007, a baseball contest, event or exhibition conducted by professional minor league baseball players at a stadium in this State.~~

~~(q) Live entertainment provided in a restaurant which is incidental to any other activities conducted in the restaurant or which only serves as ambience so long as there is no charge to the patrons for that entertainment.~~

~~6. The Commission may adopt regulations establishing a procedure whereby a taxpayer that is a licensed gaming establishment may request an exemption from the tax pursuant to paragraph (q) of subsection 5. The~~

~~regulations must require the taxpayer to seek an administrative ruling from the Chair of the Board, provide a procedure for appealing that ruling to the Commission and further describe the forms of incidental or ambient entertainment exempted pursuant to that paragraph.~~

~~7.~~ ***, if two or more such races are held at that race track during the same calendar year.***

(o) An athletic contest, event or exhibition conducted by a professional team based in this State if the professional team based in this State is a participant in the contest, event or exhibition.

5. As used in this section, ~~"maximum"~~ ***:***

(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.

(b) "Maximum occupancy" means, in the following order of priority:

~~(a)~~ ***(1)*** The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;

~~(b)~~ ***(2)*** If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or

~~(c)~~ ***(3)*** If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.

(c) "Operator" includes, without limitation, a person who operates a facility where live entertainment is provided or who presents, produces or otherwise provides live entertainment.

Sec. 3.1. NRS 368A.220 is hereby amended to read as follows:

368A.220 1. Except as otherwise provided in this section:

(a) Each taxpayer who is a licensed gaming establishment shall file with the Board, on or before the 15th day of each month, a report showing the amount of all taxable receipts for the preceding month or the month in which the taxable events occurred. The report must be in a form prescribed by the Board.

(b) All other taxpayers shall file with the Department, on or before the last day of each month, a report showing the amount of all taxable receipts for the preceding month. The report must be in a form prescribed by the Department.

2. The Board or the Department, if it deems it necessary to ensure payment to or facilitate the collection by the State of the tax imposed by NRS 368A.200, may require reports to be filed not later than 10 days after the end of each calendar quarter.

3. Each report required to be filed by this section must be accompanied by the amount of the tax that is due for the period covered by the report.

4. ~~The~~ ***Except as otherwise provided in this subsection, the*** Board and the Department shall deposit all taxes, interest and penalties ~~it receives~~ ***they receive*** pursuant to this chapter in the State Treasury for credit to the State General Fund. ***On or before October 1 of each year, the Department shall deposit $150,000 from the taxes, interest and penalties it receives pursuant***

to this chapter in the State Treasury for credit to the Nevada Arts Council created by NRS 233C.025. The amount deposited in the State Treasury for credit to the Nevada Arts Council pursuant to this subsection is hereby authorized for expenditure by the Nevada Arts Council as a continuing appropriation.

Sec. 3.2. NRS 368A.240 is hereby amended to read as follows:

368A.240 1. If a taxpayer:

(a) Is unable to collect all or part of an admission charge ~~[or charges for food, refreshments and merchandise]~~ ***or charge for live entertainment provided by an escort,*** which were included in the taxable receipts reported for a previous reporting period; and

(b) Has taken a deduction on his or her federal income tax return pursuant to 26 U.S.C. § 166(a) for the amount which the taxpayer is unable to collect,

➥ the taxpayer is entitled to receive a credit for the amount of tax paid on account of that uncollected amount. The credit may be used against the amount of tax that the taxpayer is subsequently required to pay pursuant to this chapter.

2. If the Internal Revenue Service disallows a deduction described in paragraph (b) of subsection 1 and the taxpayer claimed a credit on a return for a previous reporting period pursuant to subsection 1, the taxpayer shall include the amount of that credit in the amount of taxes reported pursuant to this chapter in the first return filed with the Board or the Department after the deduction is disallowed.

3. If a taxpayer collects all or part of an admission charge ~~[or charges for food, refreshments and merchandise]~~ ***or charge for live entertainment provided by an escort,*** for which the taxpayer claimed a credit on a return for a previous reporting period pursuant to subsection 2, the taxpayer shall include:

(a) The amount collected in the charges reported pursuant to paragraph (a) of subsection 1; and

(b) The tax payable on the amount collected in the amount of taxes reported,

➥ in the first return filed with the Board or the Department after that collection.

4. Except as otherwise provided in subsection 5, upon determining that a taxpayer has filed a return which contains one or more violations of the provisions of this section, the Board or the Department shall:

(a) For the first return of any taxpayer that contains one or more violations, issue a letter of warning to the taxpayer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported.

5. For the purposes of subsection 4, if the first violation of this section by any taxpayer was determined by the Board or the Department through an audit

which covered more than one return of the taxpayer, the Board or the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 4. NRS 368A.360 is hereby amended to read as follows:

368A.360 ***1.*** Any licensed gaming establishment liable for the payment of the tax imposed by NRS 368A.200 who willfully fails to report, pay or truthfully account for the tax is subject to the ~~[revocation of]~~ ***investigatory or disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and may have*** its gaming license ***revoked*** by the Commission.

2. A violation of any provision of this chapter, or any regulation adopted pursuant thereto, by a licensed gaming establishment , with the intent to avoid a payment of the tax imposed by NRS 368A.200 which is known to be due, is:

(a) An unsuitable method of operation; and

(b) Subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

Sec. 4.1. NRS 463.15995 is hereby amended to read as follows:

463.15995 1. The Commission shall, with the advice and assistance of the Board, adopt regulations authorizing a gaming licensee to charge a fee for admission to an area in which gaming is conducted in accordance with the provisions of this section.

2. The regulations adopted by the Commission pursuant to this section must include, without limitation, provisions that:

(a) A gaming licensee may not charge a fee pursuant to this section unless:

(1) The Chair of the Board grants administrative approval of a request by a gaming licensee to charge such a fee; and

(2) Such administrative approval is not revoked or suspended by the Chair of the Board.

(b) The Chair of the Board may, in the Chair's sole and absolute discretion, grant, deny, limit, condition, restrict, revoke or suspend any administrative approval of a request by a gaming licensee to charge a fee pursuant to this section. In considering such a request, the Chair of the Board shall consider all relevant factors, including, without limitation:

(1) The size of the area;

(2) The amount of gaming that occurs within the area;

(3) The types and quantity of gaming offered;

(4) The business purpose of the area;

(5) Other amenities that are offered within the area;

(6) The amount of the costs and expenses incurred in creating the area;

(7) The benefit to the State in having gaming conducted within the area;

(8) The amount of the fee charged and whether the fee charged is unreasonable as compared to the prevailing practice within the industry; and

(9) Whether the area should more appropriately be treated as a gaming salon.

➥ The decision of the Chair of the Board regarding such a request may be appealed by the gaming licensee to the Commission pursuant to its regulations.

(c) A gaming licensee who charges a fee pursuant to this section:

(1) Shall deposit with the Board and thereafter maintain a refundable revolving fund in an amount determined by the Commission to pay the expenses of admission of agents of the Board or Commission to the area for which a fee for admission is charged.

(2) Shall arrange for access by agents of the Board or Commission to the area for which a fee for admission is charged.

(3) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a nonrestricted license has been issued, provide for the public at least the same number of gaming devices and games in a different area for which no fee is charged for admission.

(4) Shall, at all times that a fee is charged for admission to an area pursuant to this section in an establishment for which a restricted license has been issued, post a sign of a suitable size in a conspicuous place near the entrance of the establishment that provides notice to patrons that they do not need to pay an admission fee or cover charge to engage in gaming.

(5) Shall not use a fee charged for admission to create a private gaming area that is not operated in association or conjunction with a nongaming activity, attraction or facility.

(6) Shall not restrict admission to the area for which a fee for admission is charged to a patron on the ground of race, color, religion, national origin or disability of the patron, and any unresolved dispute with a patron concerning restriction of admission shall be deemed a dispute as to the manner in which a game is conducted pursuant to NRS 463.362 and must be resolved pursuant to NRS 463.362 to 463.366, inclusive.

(d) If a gaming licensee who holds a nonrestricted license charges a fee pursuant to this section, unless the area for which a fee for admission is charged is otherwise subject to the excise tax on admission to any facility in this State where live entertainment is provided pursuant to chapter 368A of NRS, the determination of the amount of the liability of the gaming licensee for that tax:

(1) Includes the fees charged for admission pursuant to this section; and

(2) Does not include charges for food, ~~[refreshments]~~ ***beverages*** and merchandise collected in the area for which admission is charged.

Sec. 5. NRS 463.310 is hereby amended to read as follows:

463.310 1. The Board shall make appropriate investigations:

(a) To determine whether there has been any violation of this chapter or chapter ***368A,*** 462, 464, 465 or 466 of NRS or any regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.

(c) To aid in adopting regulations.

(d) To secure information as a basis for recommending legislation relating to this chapter or chapter ***368A,*** 462, 464, 465 or 466 of NRS.

(e) As directed by the Commission.

2. If, after any investigation the Board is satisfied that:

(a) A license, registration, finding of suitability, preliminary finding of suitability, pari-mutuel license or prior approval by the Commission of any transaction for which the approval was required or permitted under the provisions of this chapter or chapter 462, 464 or 466 of NRS should be limited, conditioned, suspended or revoked; or

(b) A person or entity which is licensed, registered, found suitable or found preliminarily suitable pursuant to this chapter or chapter 464 of NRS or which previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS should be fined,

➥ the Board shall initiate a hearing before the Commission by filing a complaint with the Commission in accordance with NRS 463.312 and transmit therewith a summary of evidence in its possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the Board.

3. Upon receipt of the complaint of the Board, the Commission shall review the complaint and all matter presented in support thereof, and shall conduct further proceedings in accordance with NRS 463.3125 to 463.3145, inclusive.

4. After the provisions of subsections 1, 2 and 3 have been complied with, the Commission may:

(a) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment;

(b) Limit, condition, suspend or revoke any registration, finding of suitability, preliminary finding of suitability, pari-mutuel license, or prior approval given or granted to any applicant by the Commission;

(c) Order a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on the investment of the licensee in the licensed gaming establishment; and

(d) Fine each person or entity, or both, which is licensed, registered, found suitable or found preliminarily suitable pursuant to this chapter or chapter 464 of NRS or which previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS:

(1) Not less than $25,000 and not more than $250,000 for each separate violation of any regulation adopted pursuant to NRS 463.125 which is the subject of an initial or subsequent complaint; or

(2) Except as otherwise provided in subparagraph (1), not more than $100,000 for each separate violation of the provisions of this chapter or chapter ***368A,*** 464 or 465 of NRS or of ~~[the]~~ ***any*** regulations ~~[of the Commission]~~ ***adopted thereunder,*** which is the subject of an initial complaint and not more than $250,000 for each separate violation of the provisions of this chapter or chapter ***368A,*** 464 or 465 of NRS or of ~~[the]~~ ***any*** regulations ~~[of the Commission]~~ ***adopted thereunder,*** which is the subject of any subsequent complaint.

➥ All fines must be paid to the State Treasurer for deposit in the State General Fund.

5. For the second violation of any provision of chapter 465 of NRS by any licensed gaming establishment or individual licensee, the Commission shall revoke the license of the establishment or person.

6. If the Commission limits, conditions, suspends or revokes any license or imposes a fine, or limits, conditions, suspends or revokes any registration, finding of suitability, preliminary finding of suitability, pari-mutuel license or prior approval, it shall issue its written order therefor after causing to be prepared and filed its written decision upon which the order is based.

7. Any such limitation, condition, revocation, suspension or fine so made is effective until reversed upon judicial review, except that the Commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

8. Judicial review of any such order or decision of the Commission may be had in accordance with NRS 463.315 to 463.318, inclusive.

Sec. 6. Any administrative regulations relating to the tax on live entertainment imposed pursuant to chapter 368A of NRS which were adopted by the Nevada Tax Commission or the Nevada Gaming Commission before July 1, 2015, and which conflict or are inconsistent with the provisions of this act are void, unless those regulations are amended before July 1, 2015, to be consistent with the provisions of this act.

Sec. 6.5. The provisions of this act apply only to taxable receipts that are collected pursuant to the provisions of chapter 368A of NRS on or after October 1, 2015.

Sec. 7. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

2. Section 3.1 of this act becomes effective on July 1, 2015, for all other purposes.

3. Sections 1 to 3, inclusive, and 3.2 to 6.5, inclusive, become effective on October 1, 2015, for all other purposes.

Assemblyman Armstrong moved the adoption of the amendment.

Remarks by Assemblymen Armstrong and Kirkpatrick.

ASSEMBLYMAN ARMSTRONG:

The amendment specifies that a violation of the provisions of the live entertainment tax by a licensed gaming establishment is considered to be an unsuitable method of operation and subject to investigative proceedings by the Gaming Commission only if the violation occurs with the intent to avoid taxes known to be due

ASSEMBLYWOMAN KIRKPATRICK:

I want to put something in the record on the same point that Mr. Armstrong has. It reads, "with the intent to avoid a payment of the tax imposed by NRS 368A.200 which is known to be due."

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 509.

Bill read third time.

Remarks by Assemblymen Shelton and Elliot Anderson.

ASSEMBLYWOMAN SHELTON:

Senate Bill 509 revises provisions related to the employees and duties of the State Public Charter School Authority. The bill makes various changes to the governance and staff structure of the Authority. It authorizes the Authority to adopt regulations related to the application and approval to form a charter school and to enter into agreements with school districts and higher education institutions related to charter school sponsorship. It requires the charter school sponsor to ensure compliance with the Family Educational Rights and Privacy Act [FERPA] and other state data privacy statutes, and the Charter School Authority is authorized to adopt regulations concerning its reporting of data concerning school performance and student achievement. It revises procedures related to the application for forming a charter school and authorizes an application to be submitted by a nonprofit charter management organization.

The bill exempts certain high-performing charter schools from the requirement that certain teachers be licensed, establishing alternative qualification for such teachers. It revises actions that may be taken when a charter school persistently underperforms and includes other provisions related to the Authority and the sponsorship and operation of charter schools, including that a sponsor may only reconstitute the governing body one time for those schools with a one-star school rating for five consecutive school years. It provides that a school's annual rating for any school year before the 2015-2016 school year not be included in the count of annual ratings for this purpose.

This bill also amends Assembly Bill 448 of this legislative session to require the Department of Education to evaluate pupil achievement and school performance of an achievement charter school during the sixth year of operation. The Executive Director of the Achievement School District is required to provide the Department with the information necessary to evaluate pupil achievement and school performance of the school. The Department is required to notify parents and legal guardians of pupils in an achievement charter school if adequate progress in pupil achievement has not been met. The notice must include information regarding public schools, educational savings accounts, and any other alternatives for education of the pupil that are available in this state.

Finally, if adequate progress is not being made in pupil achievement and school performance, the Department is required to hold a hearing to decide whether or not to convert the school to a public school under the governance of the board of trustees of the local school district or to continue to operate the school as an achievement charter school for at least six more years. If the school continues to operate in this manner, the Executive Director must terminate the contract with the charter management organization or educational management organization.

ASSEMBLYMAN ELLIOT ANDERSON:

I want to thank the Department of Education and the State Charter School Authority for working with a few of us on amendments. I am really grateful that they did that, and I will be happy to vote for this.

Roll call on Senate Bill No. 509:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Remarks by Assemblymen Edwards and Fiore.

ASSEMBLYMAN EDWARDS:

Senate Bill 488 authorizes the State Department of Agriculture to establish a program to implement federal requirements concerning certain animal remedy, veterinary biologic, and veterinary pharmaceutical products. The bill, as amended, also requires a person who manufactures, distributes, or acts as a guarantor of commercial animal feed to purchase a license and authorizes the Department of Agriculture to perform certain inspections related to commercial animal feed.

ASSEMBLYWOMAN FIORE:

I rise in opposition to Senate Bill 488. This enacts new regulations for labeling animal feed. I mean, there are some good parts, there are some bad parts, but for me, the bad parts overrule the good parts. It requires a license to sell animal feed. It requires certain regulations for animal feed. It overregulates the manufacturing and selling of animal feed. I am a no because it increase fees and regulations.

Roll call on Senate Bill No. 488:

YEAS—34.

NAYS—Dickman, Fiore, Gardner, Jones, Shelton, Titus—6.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 488 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 266 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Fiore, Hansen, Hickey, Ellison, Titus, Dickman, Armstrong, and Wheeler.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of Senate Bill 266. This bill, in its third reprint, restructures the live entertainment tax to establish that the tax, with certain exemptions, is based on the admission charge being paid for the right or privilege to enter or have access to either indoor or outdoor facilities where live entertainment is provided. The bill establishes provisions regarding a live entertainment tax to be imposed on escort services, certain nude dancing, performances by disc

jockeys, and certain live entertainment provided at a facility with a maximum occupancy of 15,000 or more. The current live entertainment rate of 10 percent or 5 percent based on a 7,500-seat threshold are deleted and are replaced by a single rate of 9 percent. Provisions of the current law regarding the tax being imposed on food, refreshments, and merchandise are also deleted. The bill also specifies that the tax does not apply to any facility with a maximum occupancy of less than 200; live entertainment provided by certain nonprofit organizations only if the number of tickets offered for sale or distribution to the live entertainment is less than 7,500; or live entertainment that is governed by Nevada Interscholastic Activities Association or sponsored by elementary, junior high, middle, or high school if students or faculty provide the live entertainment. I could go on a little bit more, but I wanted to get the main things. One of the things I left off was that the bill provides an annual appropriation of $150,000 to the Nevada Arts Council.

This is a bill that is revenue neutral. It was structured to ensure that we have one tax rate as opposed to a bifurcated tax rate. This bill changes the threshold, so this is a tax decrease for many because it is one rate. Before, if you were in a facility of less than 7,500, you had to pay 10 percent plus the sales tax. Now you are only paying 9 percent. This is what we talked about with tax structure: broaden the base, lower the rate, and try to capture more folks. I would hope that my colleagues would welcome this. It has been a long time coming. DJs, outdoor concerts—a lot of folks should have always been paying, in my opinion, but if this passes tonight, then it is clear who should be paying.

ASSEMBLYWOMAN FIORE:

This is not a new speech. I am standing in opposition to S.B. 266. I think after what we did yesterday, I am not going to stand in support of more taxes for the people who come to our state. I stand in strong opposition.

ASSEMBLYMAN HANSEN:

This is probably one of the few taxes I want to stand and urge my colleagues to support. I rise in favor of Senate Bill 266. I want to commend our Minority Leader, who has worked diligently for all the sessions I have been here, trying to clean up the very convoluted and confusing tax situation with the live entertainment tax. That is a substantial contributive tax revenue to the General Fund. I want to congratulate her on that and urge the body to support this tax.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 266. Like my colleague from Sparks, I would like to commend the Minority Leader and former Speaker of this body for her work on this bill. We have heard, by way of sponsorship, that this is Senator Lipparelli's bill, but the truth be known, the Minority Leader is behind this effort to stabilize, broaden and, frankly, make fair a very, very complicated tax. She has done the yeoman's work. Later this evening, I know we are going to honor a couple of our prominent members who will be leaving this body, including the person just referenced. This is a testimony and a legacy of that work that will help Nevada make our tax system fairer and make it such that it will support our services and activities. For that, I rise in support and urge my colleagues to as well.

ASSEMBLYMAN ELLISON:

I rise in support of Senate Bill 266. Last session, we vetted this thing out and it did not pass. But from the work that has been done on this, it has been a very good job. Nevada Taxpayers Association was in support. Las Vegas Chamber of Commerce and the Nevada Resort Association were in support. It goes to show you that because of all the hard work, those individuals have come out to support this bill. I ask my colleagues to please support Senate Bill 266.

ASSEMBLYWOMAN TITUS:

I rise in support of Senate Bill 266. You have heard me harp on the fact that we need a fair tax system in this state. We do have to support our schools. We do have to pay for our infrastructure. We do have to fix things. I understand that. Fixing systems that are broken, broadening the bases, and including more are all part of a fair tax system. So I thank you, and I truly support this.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you to all my colleagues, but I will tell you this: I talked yesterday about people working together and getting things done. I know my colleague from the Senate was over here. This is really about him spending the last 120 days to help me look good. When we work together in a bipartisan fashion, Nevada wins. I am very excited and thankful to Senator Lipparelli.

ASSEMBLYWOMAN DICKMAN:

I, too, rise in support of Senate Bill 266. I have to admit that when this bill passed two years ago, I was very opposed to it. But this is to make it better, to make it more fair, and to address some of the issues with it. So I hope you will support this bill.

ASSEMBLYWOMAN FIORE:

I am going to stand with my team and rise in support of S.B. 266. I have to defer to my team, and I am going to support this bill. Thank you, Assemblywoman from District 1.

ASSEMBLYMAN ARMSTRONG:

I rise in support of Senate Bill 266. I know the Assemblywoman from District 1 has worked on this for many, many years. Senator Lipparelli's experience on the Gaming Control Board really contributed to this coming to fruition. I want to thank both of them for taking this on and making this a lot better.

ASSEMBLYMAN WHEELER:

I rise in very, very, very reluctant opposition to this bill. I know that the Minority Leader and the sponsor from the other side have worked very diligently making this tax come together and cleaning things up, and I thank them greatly for that. But what I see, and just in my own principles, when we are going to the hand that feeds us with the entertainment in this state where we live off tourism and we start taxing a little more and a little more—I understand that most of this is not a little more, but there are some spots where we will be adding a little more. I have to say no.

Roll call on Senate Bill No. 266:

YEAS—38.

NAYS—Shelton, Wheeler—2.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 266 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRA HANSEN, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 52.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 376.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:41 p.m.

ASSEMBLY IN SESSION

At 9:43 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 70, 85, 94, 113, 114, 163, 170, 173, 203, 238, 263, 293, 295, 325, 341, 351, 364, 386, 388, 389, 409, 421, 428, 447, 448, 452, 457, 462, 466, 469, 472, 473, 482, 483; Assembly Joint Resolution No. 10; Senate Bills Nos. 69, 103, 128, 195, 225, 247, 292, 324, 360, 489, 491, 498, 507.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Hansen, Jones, and Bustamante Adams as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 258.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 428, 497, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Senate Bills Nos. 133, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 172, Amendments Nos. 763, 1056, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 123.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 123.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Trowbridge moved that the Assembly reconsider the action whereby Senate Bill No. 296 was refused passage.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bills Nos. 514, 428, and 497 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Assembly Bill No. 394 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1062.

SUMMARY—Creates an advisory committee and a technical committee to develop a plan to reorganize the Clark County School District **[.] and revises certain provisions related to collective bargaining.** (BDR ~~[S-900]~~ **22-900)**

AN ACT relating to education; **authorizing boards of trustees of contiguous school districts to consolidate their respective school districts;** creating an advisory committee and technical advisory committee for the purpose of developing a plan to reorganize the Clark County School District into certain local school precincts; providing for the membership, compensation and duties of the committees; **requiring the State Board of Education to adopt regulations** providing for the implementation of the plan; **revising provisions related to collective bargaining, contingent upon implementation of the plan;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Existing law requires each local government employer to engage in collective bargaining with the recognized employee organization, if any,**

for each appropriate bargaining unit among its employees. (NRS 288.150) For these purposes, effective upon implementation of the plan for the reorganization of the Clark County School District into local school precincts pursuant to sections 21-29 of this bill, section 20.7 of this bill provides that the District remains a local government employer with respect to employees engaged in any centralized services or functions provided or performed by the District, while each local school precinct becomes the local government employer of employees engaged in the services or functions of the local school precinct. Existing law establishes a process for the resolution of impasses in bargaining involving a school district and an employee organization representing teachers or educational support personnel. (NRS 288.217) Section 20.9 of this bill revises these provisions to make them applicable also to a local school precinct.

Existing law creates county school districts, the boundaries of which are coterminous with the boundaries of the counties of this State. (NRS 386.010) Sections 20.1 and 20.2 of this bill **authorize two or more boards of trustees of contiguous school districts to consolidate the respective school districts by interlocal agreement.**

Section 25 of this bill provides for the creation of an advisory committee ~~[and a technical advisory committee]~~ for the purpose of developing a plan to reorganize the Clark County School District into ~~[not less than five]~~ local school precincts ~~[. Section 25 of this bill creates the advisory committee for the purpose of developing the plan, and section]~~ **and to study the distribution of federal, state and local funds and the impact of local school precincts on public school financing. Section 26** of this bill creates ~~[the]~~ **a** technical advisory committee for the purpose of assisting the advisory committee. **Sections 25 and 26 also** provide for the membership, compensation and duties of the respective committees. **Section 27** of this bill requires the advisory committee, in consultation with the technical advisory committee, to contract with a consultant for the purposes of conducting a study with respect to developing the plan ~~[and to establish certain benchmarks to ensure that the plan may be implemented before the 2017-2018 school year.]~~ **and with the study of the distribution of federal, state and local funds and the impact of the precincts on public school financing. Section 27** authorizes the advisory committee to request from the Interim Finance Committee an allocation of money to conduct the study. **Section 27** prescribes the subject matter which must be contemplated by the advisory committee in developing the plan. **Section 28** of this bill requires the Board of County Commissioners of Clark County to conduct certain public meetings within the County for the purpose of receiving public comment and input with respect to a proposed plan. **Section 28** requires the advisory committee to file the plan with the **State Board of Education, the** Board of Trustees of the Clark County School District ~~[and provides for the immediate implementation of the plan upon filing.]~~ **and the Director of the Legislative Counsel Bureau for transmittal**

to the 79th Session of the Nevada Legislature. Section 28 also requires the State Board to adopt regulations necessary and appropriate to effectuate the implementation of the plan not later than the 2018-2019 school year. The plan must not be implemented until the regulations are adopted and effective.

WHEREAS, The system of public education in Nevada is organized by county school districts, the boundaries of which are coterminous with the boundaries of this State; and

WHEREAS, Recent statistics indicate that the Clark County School District is ranked as the fifth school district in the nation with the highest enrollment of pupils and the seventh largest by area in the continental United States, covering over 8,000 square miles; and

WHEREAS, The Clark County School District, with a pupil enrollment of approximately 315,000 pupils, accounts for 70 percent of the pupils who are enrolled in the public schools of this State; and

WHEREAS, The unique geography of this State has resulted in the concentration of some schools and pupils at locations that are considerably distant and remote from the centralized administrative offices of the various school districts; and

WHEREAS, Allowing smaller school districts to consolidate services, functions and personnel could result in cost effective savings and provide more accessibility for pupils and parents who reside in remote areas of this State; and

WHEREAS, Reconfiguring the structure of the Clark County School District into local school precincts will offer an educational system that is responsive to the needs and concerns of the residents of that school district; and

WHEREAS, The plan to develop local school precincts will take a considerable amount of time and study to ensure the plan is designed in a manner that benefits the residents of the Clark County School District, now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)

Sec. 20.1. **NRS 277.103 is hereby amended to read as follows:**

277.103 1. The governing bodies of a county, the largest city, and each other incorporated city which chooses to participate may consolidate the services provided by those governments, by interlocal agreement pursuant to the provisions of NRS 277.105.

2. ***Two or more boards of trustees of contiguous school districts may consolidate the respective school districts, by interlocal agreement pursuant to the provisions of subsection 3 of NRS 277.105. The boundaries of a consolidated school district created by interlocal agreement must be coterminous with the boundaries of the contiguous school districts being consolidated.***

3. The provisions of this section and NRS 277.105 supplement, and in case of conflict prevail over, the provisions of NRS 277.110 to 277.180, inclusive.

Sec. 20.2. **NRS 277.105 is hereby amended to read as follows:**

277.105 1. In a county in which governmental services are consolidated, the governing bodies may establish a permanent administrative entity to perform specific functions throughout the participating cities and in the unincorporated area of the county, including, but not limited to:

(a) Prevention and suppression of fire.

(b) Sanitation and sewerage.

(c) Planning, regulation of use of land and buildings, inspection of buildings for safety, and the issuance of building permits.

(d) Regulation of business and gaming and issuance of business and gaming licenses.

(e) Provision of parks and recreation, including the maintenance of existing facilities.

(f) Provision of informational systems and data processing for the county and participating cities.

(g) General services and the maintenance of buildings and vehicles for the county and participating cities.

2. The county and each participating city may negotiate concerning the manner of contributing to the budget of the administrative entity in proportion to the sum of revenues derived by each from taxes, licenses for business and gaming, and fees for services performed, in each city and in the unincorporated area of the county, respectively.

3. An interlocal agreement entered into between two or more boards of trustees for the purposes of consolidating contiguous school districts may set forth any terms and conditions necessary to facilitate the creation, operation, management and administration of the consolidated school district.

Sec. 20.3. **Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Local school precinct" means a local school precinct that is organized in the Clark County School District in accordance with a plan developed and implemented pursuant to sections 21 to 29, inclusive, of this act.

Sec. 20.5. **NRS 288.020 is hereby amended to read as follows:**

288.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, ***and section 20.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 20.7. **NRS 288.060 is hereby amended to read as follows:**

288.060 ~~["Local]~~

1. Except as otherwise provided in subsection 3, "local government employer" means any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State***.*** ~~[and]~~

2. The term includes, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

3. Regarding the Clark County School District, the term means:

(a) With respect to any centralized services or functions provided or performed by the District in accordance with a plan developed and implemented pursuant to sections 21 to 29, inclusive, of this act, the District; or

(b) With respect to the services or functions of a local school precinct not described in paragraph (a), the local school precinct.

Sec. 20.9. **NRS 288.217 is hereby amended to read as follows:**

288.217 1. The provisions of this section govern negotiations between school districts ***or local school precincts*** and employee organizations representing teachers and educational support personnel.

2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of NRS 288.200 and has the powers provided for fact finders in NRS 288.210.

3. The arbitrator shall, within 30 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district ***or local school precinct*** is located and the arbitrator shall arrange for a full and complete record of the hearing.

4. The parties to the dispute shall each pay one-half of the costs of the arbitration.

5. A determination of the financial ability of a school district ***or local school precinct*** must be based on:

(a) All existing available revenues as established by the school district ***or local school precinct*** and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district ***or local school precinct*** to provide an education to the children residing within the district ~~.~~ ***or local school precinct.***

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

6. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

7. If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

8. The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

9. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's reason for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

10. Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district ***or the governing body of the local school precinct, as applicable,*** shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 2;

(b) The statement of the arbitrator pursuant to subsection 9; and

(c) The overall fiscal impact of the decision which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

11. The superintendent of the school district ***or the executive head of the local school precinct*** shall report to the board of trustees ***or the governing body of the local school precinct, as applicable,*** the fiscal impact of the decision. The report must include, without limitation, an analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

12. As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

Sec. 21. As used in sections 21 to 29, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 22, 23 and 24 of this act have the meanings ascribed to them in those sections.

Sec. 22. "Advisory committee" means the advisory committee created by section 25 of this act.

Sec. 23. "Plan" means the plan ~~[developed by the advisory committee in accordance with sections 21 to 28, inclusive,]~~ **required by paragraph (a) of subsection 1 of section 25** of this act.

Sec. 24. "Technical advisory committee" means the technical advisory committee created by section 26 of this act.

Sec. 24.5. **The Legislature hereby finds and declares that a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in sections 21 to 29, inclusive, of this act because of the number of atypical factors and special conditions relating to the Clark County School District.**

Sec. 25. 1. There is hereby created an advisory committee to ~~[develop]~~ **:**

(a) Develop a plan and recommendations to reorganize the Clark County School District into ~~[not less than five]~~ local school precincts ~~[before]~~ **not later than** the ~~[2017-2018]~~ **2018-2019** school year.

(b) Study the distribution of federal, state and local funds and the impact of local school precincts on public school financing.

2. The advisory committee consists of nine members appointed as follows:

(a) Four members of the Senate who are elected from districts which include any area located within Clark County, two of whom are appointed by the Majority Leader of the Senate and two of whom are appointed by the Minority Leader of the Senate.

(b) Four members of the Assembly who are elected from districts which include any area located within Clark County, two of whom are appointed by the Speaker of the Assembly and two of whom are appointed by the Minority Leader of the Assembly.

(c) One ~~[member]~~ **Legislator** appointed by the Legislative Commission who is ~~[a member of the general public, is a resident of]~~ **elected from a district which includes any area located within** Clark County**.** ~~[and represents the ethnic diversity of Clark County.]~~

3. At the first meeting of the advisory committee, the advisory committee shall elect a Chair and a Vice Chair from among its members.

4. A majority of the members of the advisory committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the advisory committee.

5. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.

6. Members of the advisory committee serve without compensation, except that a member is entitled, while engaged in the business of the advisory committee, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 26. 1. To assist the advisory committee with technical expertise, input, advice and assistance, a technical advisory committee is hereby created consisting of the following members:

(a) One member ~~[who is]~~ appointed by the governing body of each incorporated city located within Clark County.

(b) ~~[Two members who are]~~ **One member appointed by the Governor.**

(c) One member appointed by the State Board of Education.

~~[(c)]~~ **(d)** One member ~~[who is]~~ appointed by the Board of Trustees of the Clark County School District.

(e) One member appointed by the Board of County Commissioners of Clark County.

(f) One member appointed by the Legislative Commission from a list of recommendations made by the Clark County Education Association.

(g) One member appointed by the Legislative Commission from a list of recommendations made by the Urban Chamber of Commerce.

(h) One member appointed by the Legislative Commission from a list of recommendations made by the Latin Chamber of Commerce, Nevada Inc.

(i) One member who is a parent or guardian of a pupil enrolled in the Clark County School District appointed by the Legislative Commission from a list of recommendations made by the Nevada Parent Teacher Association.

(j) One member appointed by the Legislative Commission from a list of recommendations made by the Las Vegas Asian Chamber of Commerce.

(k) Any other persons who have knowledge, experience or expertise in the matters before the advisory committee, appointed by the Chair of the advisory committee.

2. **At the first meeting of the technical advisory committee, the technical advisory committee shall elect a Chair and a Vice Chair from among its members.**

3. The members of the technical advisory committee serve without compensation, except that a member is entitled, while engaged in the business of the technical advisory committee, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 27. 1. The advisory committee shall, in consultation with the technical advisory committee **[,] and to the extent money is available pursuant to subsection 2 and from any gifts or grants received for this purpose:**

(a) Contract with a qualified independent consultant to perform a study and assist the advisory committee with **[**developing**]** **:**

(1) Developing the plan **[,] required by paragraph (a) of subsection 1 of section 25 of this act; and**

(2) Studying the distribution of federal, state and local funds and the impact of local school precincts on public school financing.

(b) As soon as practicable, establish benchmarks that must be met within the Clark County School District to ensure that the plan may be implemented **[**before the 2017-2018**]** **not later than the 2018-2019** school year.

2. The advisory committee may request approval from the Interim Finance Committee for an allocation of money to conduct the **plan and the** study required pursuant to paragraph (a) of subsection 1.

3. The plan and the study conducted pursuant to paragraph (a) of subsection 1 must be completed on or before **[**October 1, 2016.**]** **January 1, 2017.**

4. In developing the plan to reorganize the Clark County School District, the advisory committee must:

(a) Ensure equity in the reorganization of the Clark County School District with respect to the Nevada Plan.

(b) Take into consideration:

(1) The contiguous boundaries of each proposed local school precinct.

(2) The allocation, dedication and transfer of any revenue to a local school precinct that may be dedicated to capital projects and improvements for schools and school facilities, school programs, pupils or other costs directly incidental to the operation, management and administration of the local school precinct.

(3) The authority to issue bonds or otherwise raise revenue.

(4) The application for and receipt of any grant, gift or bequest.

(5) The creation and administration of accounts to manage any money received by a local school precinct.

(6) The transfer of any interest in real or personal property, including, without limitation, lease agreements.

(7) Precinct planning and management, including, without limitation, financial planning for school programs, pupil funding and capital projects and improvements.

(8) Administrative support, including, without limitation, accounting, data processing, payroll and purchasing agreements.

(9) The liability of a local school precinct with respect to any duties and obligations of the Board of Trustees of the Clark County School District which will be assumed by the governing body of a precinct.

(10) The civil and administrative liability of a local school precinct and its employees.

(11) Interlocal agreements between a local school precinct and a state, county or regional planning authority.

(12) Staffing, including, without limitation, the transfer, reassignment or hiring of personnel.

(13) Employment contracts and collective bargaining.

(14) Employee and pupil safety.

(15) The maintenance of schools, school facilities and school grounds.

(16) Transportation.

(17) Interscholastic athletics and activities.

(18) Curriculum.

(19) The provision of services and education to pupils:

(I) Who have limited proficiency in the English language.

(II) Who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.

(III) With disabilities.

(20) The composition of the governing body for each local school precinct and the compensation, if any, of the members of a governing body.

(c) Ensure that the Clark County School District is funded in accordance with the Nevada Plan and that such funding is distributed on a per pupil basis among the local school precincts created by the plan.

(d) Authorize one or more local school precincts to ~~[request that]~~ **consider and agree with** the Clark County School District ~~[issue bonds on behalf of the local school precincts.~~

~~(e) Require the Clark County School District to issue bonds upon receiving a request for such issuance pursuant to paragraph (d), except for good cause.~~

~~(f) Require a local school precinct on behalf of which bonds are issued pursuant to paragraph (e) to use the proceeds from the issuance of the bonds on a per pupil basis.]~~ **to share in any bonding capacity of the District and to otherwise raise revenue.**

5. As used in this section, "Nevada Plan" means the formula created for providing state financial aid to public education prescribed in NRS 387.121.

Sec. 28. 1. Upon completion of ~~[a]~~ **the preliminary findings and the** proposed plan ~~[and the study]~~ prepared pursuant to **subparagraph (1) of** paragraph (a) of subsection 1 of section 27 of this act, the Board of County Commissioners of Clark County shall conduct not less than ~~[four]~~ **six** public

meetings. Not less than one of the public meetings conducted pursuant to this section must be held in an unincorporated area of Clark County.

2. At each public meeting conducted pursuant to this section, the advisory committee and the consultant retained pursuant to paragraph (a) of subsection 1 of section 27 of this act shall present the preliminary findings and the proposed plan **prepared pursuant to subparagraph (1) of paragraph (a) of subsection 1 of section 27 of this act** for the purpose of receiving public comment and input.

3. Upon completion of the public meetings conducted pursuant to this section, the advisory committee shall:

(a) Revise the proposed plan, as necessary;

(b) File the proposed plan with the **State Board of Education and the** Board of Trustees of the Clark County School District; and

(c) Submit a copy of the **proposed** plan to ~~[:~~

~~(1) The Superintendent of Public Instruction; and~~

~~(2) The]~~ **the** Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

4. ~~[Except as otherwise provided in subsection 5, the plan is effective immediately upon the filing of the proposed plan pursuant to subsection 3 and must be implemented for the 2017-2018]~~ **The State Board of Education shall adopt regulations necessary and appropriate to effectuate the implementation of the proposed plan not later than the 2018-2019** school year.

~~[5. If the advisory committee files a plan pursuant to subsection 3 and makes a determination that there is sufficient time to implement the plan for the 2016-2017 school year , the plan is immediately effective upon the filing of the proposed plan and must be implemented for the 2016-2017 school year.]~~ **The plan must not be implemented until the regulations are adopted and become effective.**

Sec. 28.3. **Upon notice from the State Board of Education that the plan developed pursuant to sections 21 to 29, inclusive, of this act has been implemented, the Governor shall issue a proclamation to that effect.**

Sec. 28.5. **The advisory committee shall submit a report of the results of the study required by paragraph (b) of subsection 1 of section 25 of this act and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.**

Sec. 29. ~~[1.]~~ The members of the advisory committee and the technical advisory committee must be appointed on or before ~~[July 10, 2015.~~

~~2. The Chair of the Legislative Commission shall call the first meeting of the advisory committee which must take place on or before August 7, 2015.]~~ **January 1, 2016. The Chair of the advisory committee shall convene the first meeting of the technical advisory committee.**

Sec. 30. **1.** This ~~[act becomes]~~ **section and sections 20.1, 20.2 and 21 to 29, inclusive, of this act become** effective ~~[upon passage and approval and expires by limitation on June 30, 2017.]~~ **on July 1, 2015.**

2. Sections 20.3 to 20.9, inclusive, of this act become effective upon the issuance of the proclamation by the Governor pursuant to section 28.3 of this act.

Assemblyman Gardner moved the adoption of the amendment.

Remarks by Assemblymen Gardner, Thompson, Hickey, and Stewart.

ASSEMBLYMAN GARDNER:

This last amendment did two things. We fixed a potential issue with bonding. I have a letter here from Brenda Erdoes that I will read into the record: "With the changes to Assembly Bill 394, we are removing the concerns raised regarding bonding in the letter submitted by Sherman and Howard dated May 21, 2015. The primary concerns raised by the letter with respect to the bonding issues in section 27 of the bill and the advisory study, which was created in the bill because of the proposed amendment to the first reprint, removed section 27 as well as all the provisions related to the advisory committee. The questions raised by the letter are no longer applicable." That was from our counsel, Brenda Erdoes. So it fixed that part of it.

It also said that now the Legislative Commission will approve the regulations from the Department of Education that will allow this plan to go forward. I ask for your support.

ASSEMBLYMAN THOMPSON:

I just have a few questions for my colleague. Why are we not doing a feasibility study on this before jumping into an implementation plan? It seems like the things we do in this institution, especially of this magnitude, always include a study. We come back and see if it is feasible and then we develop a plan.

ASSEMBLYMAN GARDNER:

Thank you for the question. This actually will call for a study. The study will go through the ability to do this. We will be hiring a third-party researcher who has done deconsolidations and who will be able to inform us how to do it through best practices. That would be part of the study that is part of this plan.

ASSEMBLYMAN THOMPSON:

I see "plan" written throughout the entire amendment. Secondly, can you give us examples of like-built communities that have succeeded in these types of efforts? Where have they done this and done this successfully? Where have they ensured that it does not become the haves and the have-nots, that it is as equitable as possible?

ASSEMBLYMAN GARDNER:

This exact format? No, I would not be able to give you an example of that because part of this is a hybrid that I have worked out with the Brookings Institution and some other think tanks down in Las Vegas. We have debated how to make it the most equitable. Part of this is our hybrid version of some other precincts for that exact reason: to make it as equitable as possible. That is the reason why it is going to be the precincts under the Clark County School District instead of breaking it up because of the issues we have had in other states, such as Utah. They broke up the school districts and the local funding was what created the haves and have-nots. Whoever has the Strip down in Las Vegas would have the most funding because they pay the property taxes. The way we are going to be doing that is making sure that the funding is equal throughout the entire Clark County. That is why our plan is kind of a hybrid of regular ones. We are going to be breaking it up, but the funding will stay exactly the same on a per-pupil basis.

ASSEMBLYMAN HICKEY:

I would like to see us go forward with this amendment and with this discussion. I think the question brought by our colleague about a feasibility study is a valid and a practical concern. The

fact of the matter is, this issue has not only been studied, it has been discussed and in many respects, the discussion has been requested for a long time. While I am not from the south, I think all of us in this body would benefit from seeing this process go forward. I think adding another layer of discretion for this body through the Legislative Commission will ensure that if it is feasible, it will be done in the most thoughtful of ways—in this body, in a bipartisan or even a partisan way, whatever would be the desire. The Legislative Commission is somewhat beyond that, and I think in that regard we could trust their input to this. I hope that we will not only support this amendment but the bill. Give it an opportunity, whether it is really able to go forward in the ways envisioned now. I think it is something that for the sake of our school system in Nevada is worthy of consideration.

ASSEMBLYMAN STEWART:

To my colleague from District 9, could you clarify again exactly what the Legislative Commission will approve?

ASSEMBLYMAN GARDNER:

Thank you for the question, my colleague from the double deuce. We are trying to get the Legislative Commission to approve the plan, but we were told by Brenda Erdoes that we could not do that directly. It is a constitutional issue. The idea was to have the State Board of Education implement regulations to allow the plan to go forward. The plan would not be allowed to go forward until it had been approved by the Legislative Commission. That way, the Legislative Commission would have a veto on this if it went squirrely or there were any issues with it.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 514.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

I rise in support of Senate Bill 514. This is the appropriations bill. It was introduced in the Senate. It is required to sit for 24 hours. It started its clock at 11:00 in the Senate yesterday. It arrived in our house today. It is our appropriations bill that is included in the *Executive Budget*. Ways and Means spent close to 134 meetings covering over 400 budgets to address the funding model for the state. We would be happy to answer any questions. I do have it marked up, so I am ready to go.

Roll call on Senate Bill No. 514:

YEAS—34.

NAYS—Ellison, Fiore, Jones, Shelton, Titus, Wheeler—6.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

Senate Bill 428, as amended, appropriates $1,140,613 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of emergency response and firefighting equipment and vehicles and appropriates $1,795,518 from the State General Fund to the State Department of Conservation and Natural

Resources for the forestry conservation camps for the replacement of critical vehicles used to transport crews.

Roll call on Senate Bill No. 428:

YEAS—39.

NAYS—Shelton.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 497, as amended, provides General Fund appropriations to restore fund balances in various accounts authorized in Chapter 353 of the *Nevada Revised Statutes*. The General Fund appropriations are $2 million to restore the balance of the Stale Claims Account, $100,000 to restore the balance of the Emergency Account, $2.5 million to restore the balance of the Reserve for Statutory Contingency Account, and $9 million to restore the balance in the Interim Finance Committee Contingency Account.

Roll call on Senate Bill No. 497:

YEAS—39.

NAYS—Shelton.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Assembly Bill No. 394 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Paul Anderson moved that Senate Bill No. 421 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblymen Gardner and Silberkraus.

ASSEMBLYMAN GARDNER:

Assembly Bill 394 creates an advisory committee and a technical advisory committee to develop a plan for the reorganization of the Clark County School District into school precincts and provides for the membership and duties of each committee. The advisory committee, in consultation with the technical advisory committee, is authorized to enter into a contract with a consultant to perform a study and assist the advisory committee with developing the plan. Upon the completion of the plan, the Board of Commissioners of Clark County is required to conduct at

least six public meetings to receive public comment concerning the plan. The committee must file the final plan with the Board of Trustees of the Clark County School District and submit copies to the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau as well as filing with the State Board of Education. Once it is sent to the State Board of Education, the Board will implement the plan through regulations. Those regulations would then have to be approved by the Legislative Commission before it could go forward. This plan must be implemented before the 2018-2019 school year.

This has been something I have worked on for probably five-plus months, and I have been very thankful for the Minority Leader as well as many people in my caucus and her caucus. I believe we have come to something that we can all agree on, or at least we have knocked out most of the main issues. We have worked a lot of hours on this. I ask you for your support.

ASSEMBLYMAN SILBERKRAUS:

I rise in strong support of Assembly Bill 394. I would just like to take a moment to thank the Assemblyman to my right for his hard work and dedication over the last several months to work with all parties to come up with the best piece of legislation for the future of our children.

Roll call on Assembly Bill No. 394:

YEAS—35.

NAYS—Araujo, Carlton, Munford, Neal, Thompson—5.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 172.

The following Senate amendment was read:

Amendment No. 763.

AN ACT relating to public works; raising the estimated thresholds at or above which prevailing wage requirements apply to certain public work construction projects; increasing the amount of a preference in bidding on certain public works given to contractors and certain other persons who meet certain eligibility requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any contract for a public work whose cost is $100,000 or more is subject to the prevailing wage requirements. (NRS 338.080) The prevailing wage requirements also apply if a redevelopment agency provides financial incentives to the developer with a value of more than $100,000. (NRS 279.500) **Sections 3 and 4** of this bill raise the threshold for the applicability of prevailing wage requirements from $100,000 to ~~[$350,000,]~~ **$500,000,** require this amount to be adjusted every 5 years for inflation, and also make a technical correction in **section 4** clarifying that if the relevant work will cost exactly ~~[$350,000,]~~ **$500,000,** the work is subject to the prevailing wage requirements.

Under existing law, a contractor, applicant to serve as a construction manager at risk or design-build team may qualify to receive a 5 percent

preference in bidding on certain contracts for public works if certain conditions, including the employment of a specified percentage of Nevada employees, are met. (NRS 338.1389, 338.147, 338.1693, 338.1725, 338.1727, 408.3886) **Sections 3.3, 3.5, 3.6, 3.7, 3.8 and 4.5** increase the amount of that preference in bidding to 7.5 percent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 ***1.*** None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

~~[1.]~~ ***(a)*** Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

~~[2.]~~ ***(b)*** Apprentices recorded under the provisions of chapter 610 of NRS.

~~[3.]~~ ***(c)*** Any contract for a public work whose cost is less than ~~[$100,000.~~ ~~*$350,000.]*~~ ***$500,000.*** A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[$100,000.~~ ~~*$350,000.]*~~ ***$500,000.***

2. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 1 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 3.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~[5]~~ ***7.5*** percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to

the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public

works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss

the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3.5. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than ~~[5]~~ ***7.5*** percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on

an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 3.6. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of ~~[5]~~ ***7.5*** percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of

subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.

6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.

7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of ~~[5]~~ ***7.5*** percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall

enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

10. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants, as determined by the panel that conducted the interviews, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 3.7. NRS 338.1725 is hereby amended to read as follows:

338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.

2. The public body shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721;

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team; and

(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work; and

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of ~~[5]~~ ***7.5*** percent to the possession of both a

certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of ~~[5]~~ ***7.5*** percent pursuant to paragraph (c) of subsection 2.

Sec. 3.8. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of ~~[5]~~ ***7.5*** percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the

public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 4. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency:

(a) Provides property for development at less than the fair market value of the property;

(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or

(c) Provides financial incentives to a developer with a value of ~~[more than $100,000, *$350,000]*~~ ***$500,000*** ***or more,***

➥ regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an additional loan, or additional financial incentives with a value of ~~[more than $100,000, *$350,000]*~~ ***$500,000*** ***or more,*** are provided to the small business or developer, as applicable.

3. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 2 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for

the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 4.5. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of ~~[5]~~ ***7.5*** percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction

with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 5. 1. The amendatory provisions of this act do not apply to a public work or other project of construction, repair or reconstruction that is awarded before July 1, 2015.

2. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 763 to Assembly Bill No. 172.

Remarks by Assemblymen Ellison and Wheeler.

ASSEMBLYMAN ELLISON:

The amendment, among other things, makes various changes to the calculations of the prevailing wage, repeals provisions of Senate Bill 119 from earlier in this session which exempt public works projects of the school districts and the Nevada System of Higher Education from the requirement to pay prevailing wages and instead provides that the Labor Commission must set the prevailing wages on the public works at 90 percent of the rate of the prevailing wages on other public works. The amendment also sets the prevailing wage threshold at $250,000 and removes the 2.5 percent increase in local bidder preference.

Apparently, this is something that both the union and nonunion folks worked on over on the Senate side.

ASSEMBLYMAN WHEELER:

I rise in great opposition to this amendment. This will undo all of the prevailing wage work that we did earlier in the session on S.B. 119. If you look at the actual numbers on this, with a 10 percent reduction in labor, this is only going to equate to, at most, about a 4 or 5 percent reduction in the overall project. Yet right after S.B. 119 was passed, we saw a bid out of West Wendover that was a full 10 percent off of the entire estimate and would obviously save the state quite a bit more money. That was exactly the point of what we did earlier in the session. I rise in strong opposition. Instead of building nine or ten schools in Clark County and the rest of the state and getting one free, now we can build nine and a half or ten and get one free? I do not think so. I think, ladies and gentlemen, we need to not adopt this amendment.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 1056.

AN ACT relating to public works; **revising the manner in which the prevailing wage is determined; requiring the Labor Commissioner to determine the prevailing wage to be a certain percentage for certain public works of school districts and the Nevada System of Higher Education;** raising the estimated thresholds at or above which prevailing wage requirements apply to certain public work construction projects; ~~[increasing the amount of a preference in bidding on certain public works given to contractors and certain other persons who meet certain eligibility requirements;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid at least the wage prevailing for the type of work that the mechanic or worker performs in the locale in which the public work

is located. (NRS 338.020) Section 2.3 of this bill prescribes the manner in which the Labor Commissioner must determine the prevailing wage for such a public work.

Senate Bill No. 119 of this legislative session exempted public works of school districts and the Nevada System of Higher Education from the requirement to pay prevailing wage. Section 6.7 of this bill repeals those provisions of Senate Bill No. 119, thereby making school districts and the Nevada System of Higher Education subject to that requirement. Section 2.3 of this bill provides that the Labor Commissioner must set the prevailing wage on these public works at 90 percent of the rate of prevailing wage on other public works.

Under existing law, any contract for a public work whose cost is $100,000 or more is subject to the prevailing wage requirements. (NRS 338.080) ~~[The prevailing wage requirements also apply if a redevelopment agency provides financial incentives to the developer with a value of more than $100,000. (NRS 279.500) Sections]~~ **Section 3** ~~[and 4]~~ of this bill ~~[raise]~~ **raises** the threshold for the applicability of prevailing wage requirements from $100,000 to ~~[$500,000, require this amount to be adjusted every 5 years for inflation, and also make a technical correction in section 4 clarifying that if the relevant work will cost exactly $500,000, the work is subject to the prevailing wage requirements.~~

~~Under existing law, a contractor, applicant to serve as a construction manager at risk or design-build team may qualify to receive a 5 percent preference in bidding on certain contracts for public works if certain conditions, including the employment of a specified percentage of Nevada employees, are met. (NRS 338.1389, 338.147, 338.1693, 338.1725, 338.1727, 408.3886) Sections 3.3, 3.5, 3.6, 3.7, 3.8 and 4.5 increase the amount of that preference in bidding to 7.5 percent.]~~ **$250,000. Section 3 also exempts charter schools from prevailing wage requirements.**

Section 5 of this bill provides that the amendatory provisions of this bill do not apply to a public work awarded before the effective date of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.3. **NRS 338.030 is hereby amended to read as follows:**

338.030 1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the Labor Commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. ~~[To establish a]~~ ***The*** prevailing wage in each county, including Carson City, ~~[the]~~ ***must be established as follows:***

(a) The Labor Commissioner shall, annually, survey contractors who have performed work in the county.

(b) Based on the survey conducted pursuant to paragraph (a), where the rate of wages is the same for more than 50 percent of the total hours worked by each craft or type of work in that county on construction similar to the proposed construction, that rate will be determined as the prevailing wage.

(c) Where no such rate can be determined, the prevailing wage for a craft or type of work will be determined as the average rate of wages paid per hour based on the number of hours worked per rate, to that craft or type of work.

(d) The Labor Commissioner shall determine the prevailing wage to be 90 percent of the rate determined pursuant to paragraphs (a), (b) and (c) for:

(1) Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district or the Nevada System of Higher Education is a party; and

(2) A public work of, or constructed by, a school district or the Nevada System of Higher Education, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.

3. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection ~~[5]~~ ***6*** to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

~~[3.]~~ ***4.*** The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection ~~[2.]~~ ***3.***

➥ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

~~[4.]~~ ***5.*** Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

~~[5.]~~ ***6.*** At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

~~[6.]~~ ***7.*** The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

~~[7.]~~ ***8.*** Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 2.7. **NRS 338.075 is hereby amended to read as follows:**

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds ~~[$100,000]~~ ***$250,000*** even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Sec. 3. NRS 338.080 is hereby amended to read as follows:

338.080 ~~***[1.]***~~ None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. ~~***[(a)]***~~ Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. ~~***[(b)]***~~ Apprentices recorded under the provisions of chapter 610 of NRS.

3. ~~***[(c)]***~~ Any contract for a public work whose cost is less than ~~[$100,000. ***$500,000.]***~~ ***$250,000.*** A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below ~~[$100,000. ***$500,000.***~~

~~***2. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 1 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.]***~~ ***$250,000.***

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.

Sec. 3.3. ~~[NRS 338.1389 is hereby amended to read as follows:~~

~~338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a responsive and responsible contractor who:~~

~~(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works~~

~~issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than~~ ~~[5]~~ ***7.5*** ~~percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,~~

~~→ shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000~~

~~for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.~~

~~14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that~~

~~subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.~~**] (Deleted by amendment.)**

Sec. 3.5. ~~[NRS 338.147 is hereby amended to read as follows:~~

~~338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.~~

~~2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:~~

~~(a) Submitted by a contractor who:~~

~~(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;~~

~~(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and~~

~~(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and~~

~~(b) Not more than~~ **~~[5]~~** ***7.5*** ~~percent higher than the bid submitted by the lowest responsive and responsible bidder who:~~

~~(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or~~

~~(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,~~

~~→ shall be deemed to be the best bid for the purposes of this section.~~

~~3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:~~

~~(a) Paid directly, on his or her own behalf:~~

~~(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12 month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;~~

~~(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or~~

~~(3) Any combination of such sales and use taxes and governmental services tax; or~~

~~(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:~~

~~(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and~~

~~(2) Certificate of eligibility to receive a preference in bidding on public works.~~

~~5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:~~

~~(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and~~

~~(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.~~

~~6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.~~

~~7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.~~

~~8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.~~

~~9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:~~

~~(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or~~

~~(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.~~

~~10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.~~

~~12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.~~

~~13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:~~

~~(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and~~

~~(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.~~

~~14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.~~] **(Deleted by amendment.)**

Sec. 3.6. ~~[~~NRS 338.1693 is hereby amended to read as follows:

~~338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.~~

~~2. The panel appointed pursuant to subsection 1 shall rank the proposals by:~~

~~(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and~~

~~(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.~~

~~3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of [5] 7.5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~4. After the panel appointed pursuant to subsection 1 ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection 8, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.~~

~~5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.~~

~~6. During the interview process, the panel conducting the interview may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.~~

~~7. After conducting such interviews, the panel that conducted the interviews shall rank the applicants by using a ranking process that is separate from the process used to rank the applicants pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant. When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of [5] 7.5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of~~

~~the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.~~

~~8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.~~

~~9. Upon receipt of the final rankings of the applicants from the panel that conducted the interviews, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to the provisions of this section for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~10. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants, as determined by the panel that conducted the interviews, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.~~ **(Deleted by amendment.)**

Sec. 3.7. ~~[NRS 338.1725 is hereby amended to read as follows:~~

~~338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.~~

~~2. The public body shall select finalists pursuant to subsection 1 by:~~

~~(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721;~~

~~(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:~~

~~(1) The professional qualifications and experience of the members of the design-build team;~~

~~(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;~~

~~(3) The safety programs established and the safety records accumulated by the members of the design-build team; and~~

~~(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work; and~~

~~(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of **[**5**]** *7.5* percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of **[**5**]** *7.5* percent pursuant to paragraph (c) of subsection 2.~~**] (Deleted by amendment.)**

Sec. 3.8. ~~**[**NRS 338.1727 is hereby amended to read as follows:~~

~~338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:~~

~~(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and~~

~~(b) Set forth the date by which final proposals must be submitted to the public body.~~

~~2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.~~

~~3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of **[**5**]** 7.5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team if the contractors submit signed affidavits that meet the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team, and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount~~

~~of that assistance for a particular public work because of the provisions of this subsection relating to a preference in bidding on public works, or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.~~

~~4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.~~

~~5. A final proposal is exempt from the requirements of NRS 338.141.~~

~~6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.~~

~~7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:~~

~~(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.~~

~~(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.~~

~~8. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~(e) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.~~

~~(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.~~

~~(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.~~

~~(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.~~

~~9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.~~**]**

(Deleted by amendment.)

Sec. 4. ~~**[**NRS 279.500 is hereby amended to read as follows:~~

~~279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.~~

~~2. If an agency:~~

~~(a) Provides property for development at less than the fair market value of the property;~~

~~(b) Provides a loan to a small business pursuant to NRS 279.700 to 279.740, inclusive; or~~

~~(c) Provides financial incentives to a developer with a value of~~ **[**~~more than $100,000,~~**]** ~~***$500,000 or more,***~~

~~** regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless~~

~~an additional loan, or additional financial incentives with a value of [more than $100,000,] *$500,000 or more,* are provided to the small business or developer, as applicable.~~

~~*3. The Labor Commissioner shall, on or before January 1, 2020, and every 5 years thereafter, adjust the amount set forth in paragraph (c) of subsection 2 to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, for the preceding 5 years. The Labor Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.]~~ **(Deleted by amendment.)**

Sec. 4.5. ~~[NRS 408.3886 is hereby amended to read as follows:~~

~~408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:~~

~~(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and~~

~~(b) Set forth the date by which final proposals must be submitted to the Department.~~

~~2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of [5] *7.5* percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.~~

~~3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.~~

~~4. After receiving the final proposals for the project, the Department shall:~~

~~(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;~~

~~(b) Reject all the final proposals; or~~

~~(c) Request best and final offers from all finalists in accordance with subsection 5.~~

~~5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:~~

~~(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or~~

~~(b) Reject all the best and final offers.~~

~~6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:~~

~~(a) Review and ratify the selection.~~

~~(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.~~

~~(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.~~

~~7. A contract awarded pursuant to this section:~~

~~(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and~~

~~(b) Must specify:~~

~~(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;~~

~~(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and~~

~~(3) A date by which performance of the work required by the contract must be completed.~~

~~8. A design-build team to whom a contract is awarded pursuant to this section shall:~~

~~(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and~~

~~(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.~~**] (Deleted by amendment.)**

Sec. 5. 1. The amendatory provisions of this act do not apply to a public work or other project of construction, repair or reconstruction that is awarded before ~~[July 1, 2015.]~~ **the effective date of this act.**

2. As used in this section, "public work" has the meaning ascribed to it in NRS 338.010.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. **The Labor Commissioner shall, as soon as practicable on or after the effective date of this act, adopt regulations to carry out the provisions of this act. The Labor Commissioner shall prepare, distribute and administer the current prevailing wage survey and all subsequent surveys conducted to establish a prevailing wage in each county in strict compliance with the amendatory provisions of this act.**

Sec. 6.7. **Sections 1 and 3 to 6, inclusive, of Senate Bill No. 119 (Chapter 5, Statutes of Nevada 2015, at page 27) are hereby repealed.**

Sec. 7. This act becomes effective ~~[on July 1, 2015.]~~ **upon passage and approval.**

TEXT OF REPEALED SECTIONS

Section 1 of Senate Bill No. 119 (Chapter 5, Statutes of Nevada 2015, at page 27) is hereby repealed.

Section 1. NRS 338.080 is hereby amended to read as follows:

338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.

2. Apprentices recorded under the provisions of chapter 610 of NRS.

3. Any contract for a public work whose cost is less than $100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below $100,000.

4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district, a charter school or the Nevada

System of Higher Education is a party, notwithstanding any other provision of law.

5. A public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by one of these entities, notwithstanding any other provision of law.

Sections 3 to 6, inclusive, of Senate Bill No. 119 (Chapter 5, Statutes of Nevada 2015, at page 27) are hereby repealed.

Sec. 3. NRS 353.545 is hereby amended to read as follows:

353.545 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use lease-purchase and installment-purchase agreements provides an important and valuable option for these governmental entities and, when this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use lease-purchase and installment-purchase agreements to:

(a) Engage in or allow bid-shopping; or

(b) ~~[~~Avoid~~]~~ ***Except as otherwise provided in subsection 5 of NRS 353.590, avoid*** or circumvent any requirement regarding the payment of prevailing wages for public works.

4. When using lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

5. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 5 of NRS 353.590, if*** a lease-purchase or installment-purchase agreement involves the construction, alteration, repair or remodeling of an improvement:

(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the

improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.

Sec. 4. NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction, alteration, repair or remodeling of an improvement:

1. Except as otherwise provided in this section, the construction, alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:

(a) Any law requiring competitive bidding; or

(b) Chapter 341 of NRS.

2. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** person or entity that enters into the agreement for the actual construction, alteration, repair or remodeling of the improvement shall include in the agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

3. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** State or a state agency, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the State or a state agency had undertaken the project or had awarded the contract.

4. The provisions of:

(a) Paragraph (b) of subsection 9 of NRS 341.100; and

(b) NRS 341.105,

➥ apply to the construction, alteration, repair or remodeling of the improvement.

5. For projects of or for the Nevada System of Higher Education where it is anticipated that payments under the agreement will be made with state appropriations, the Nevada System of Higher Education, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project are not required to comply with the provisions of NRS 338.013 to 338.090, inclusive.

Sec. 5. NRS 354.740 is hereby amended to read as follows:

354.740 The Legislature hereby finds and declares that:

1. The authority provided by other specific statutes for the government of this State and the political subdivisions of this State to use lease-purchase and installment-purchase agreements provides an important and valuable option for these governmental entities and, when

this authority is used properly, provides great benefit to the residents of this State.

2. The statutory provisions governing the use of lease-purchase and installment-purchase agreements should be interpreted to allow the process of entering into and carrying out these agreements to be as streamlined and efficient as possible.

3. The government of this State and the political subdivisions of this State should not use lease-purchase and installment-purchase agreements to:

(a) Engage in or allow bid-shopping; or

(b) ~~[Avoid]~~ ***Except as otherwise provided in subsection 5 of NRS 353.590, avoid*** or circumvent any requirement regarding the payment of prevailing wages for public works.

4. When using lease-purchase and installment-purchase agreements, the government of this State and the political subdivisions of this State should provide for the preferential hiring of Nevada residents to the extent otherwise required by law.

5. ~~[If]~~ ***Except as otherwise provided in subsection 5 of NRS 353.590, if*** a lease-purchase or installment-purchase agreement pursuant to this section involves the construction, alteration, repair or remodeling of an improvement:

(a) The person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the improvement shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

(b) The government of this State or a political subdivision of this State, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the government of this State or a political subdivision of this State had undertaken the project or had awarded the contract.

Sec. 6. NRS 338.075 is hereby repealed.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 1056 to Assembly Bill No. 172.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Kirner moved that the Assembly recede from its action on Senate Bill No. 146.

Motion carried.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 193, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 839 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

RANDY KIRNER	JAMES SETTELMEYER
ERVEN NELSON	PATRICIA FARLEY
NELSON ARAUJO	BECKY HARRIS
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA4.

SUMMARY—Revises provisions governing the payment of **minimum wage and** compensation for overtime. (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of **minimum wage and** compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) Section 1.5 of this bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for each employee to which those regulations apply is $9 per hour if the employer of the employee does not offer health insurance for the employee.

The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) **Sections 2-4** of this bill ~~[remove the]~~ **revise certain** provisions which require payment of compensation for overtime for hours worked in ~~[excess of 8 hours in any]~~ **a** workday**.** ~~[, while retaining the provisions which require payment of compensation for overtime for hours worked in excess of 40 hours in any week of work.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. **Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:**

In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250 and in accordance with Section 16 of Article 15 of the Nevada Constitution, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is at least $9 per hour if the employer does not offer health insurance for the employee.

Sec. 2. NRS 608.018 is hereby amended to read as follows:

608.018 1. ~~[An]~~ ***Except as otherwise provided in subsection 3, an*** employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than ~~[8]~~ ***10*** hours in any ~~[workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~ ***18-hour period.***

2. ~~[An]~~ ***Except as otherwise provided in subsection [2,] 3, an*** employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. ~~*[2.]*~~ The provisions of subsections ~~*[subsection]*~~ 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or worker for any hours to which the provisions of subsection 3 **, ~~[~~or~~]~~** 4 ***or 5*** of NRS 338.020 apply.

Sec. 3. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6 , 7 and 9, ~~[8,]~~ overtime is considered time worked in excess of :

(a) ~~[Eight hours in 1 calendar day;~~

~~(b) Eight~~**]** ***Ten*** hours in any ~~[16-hour]~~ ***18-hour*** period; or

~~[(c)]~~ ***(b)*** A ~~[w]~~ 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

(a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➥ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly ~~[.]~~ , except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. ~~[7.]~~ An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected

employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. ~~[8.]~~ This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. ~~[9.]~~ All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. ~~[10.]~~ The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

12. ~~[11.]~~ A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 4. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[,]~~ ***and 5,*** a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of :

(a) Forty ~~[40]~~ hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours

worked for the contractor or subcontractor on work other than the public work ~~[.]~~ ; or

(b) ~~[~~Eight~~]~~ ***Ten*** hours in any ~~[~~workday~~]~~ ***18-hour period*** that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled ***shift in excess of*** 10 hours ~~[~~per day for 4 calendar days~~]~~ ***in an 18-hour period*** within any scheduled week of work.

4. ***If a contractor or subcontractor and a mechanic or worker have entered into a mutual agreement described in paragraph (b) of subsection 3 and, through no fault of the contractor or subcontractor, the mechanic or worker does not complete a scheduled shift in excess of 10 hours in an 18-hour period within a scheduled week of work, the contractor or subcontractor:***

(a) May pay the mechanic or worker his or her regular rate of wages for the hours actually worked which do not exceed 40 hours within any scheduled week of work; and

(b) Shall pay the mechanic or worker not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour that the mechanic or worker works on the public work in excess of 40 hours within any scheduled week of work.

5. The provisions of ~~[~~subsection~~]~~ ***subsections*** 3 ***and 4*** do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of :

(a) Forty ~~*[40]*~~ hours in any scheduled week of work ~~[.]~~ ; or

(b) ~~[~~Eight~~]~~ ***Ten*** hours in any ~~[~~workday~~]~~ ***18-hour period*** unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled ***shift in excess of*** 10 hours ~~[~~per day for 4 calendar days~~]~~ ***in an 18-hour period*** within any scheduled week of work.

~~[5.]~~ ***6.*** The prevailing wage and any wages paid for overtime pursuant to subsection 3 ***,*** ~~[or]~~ 4 ***or 5*** to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.

~~[6.]~~ ***7.*** Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 5. **NRS 444.300 is hereby amended to read as follows:**

444.300 Any person employed by a children's camp on a written contract basis for a specified term longer than 1 week is exempt from the provisions of NRS 608.250 to 608.290, inclusive, ***and section 1.5 of this act*** and chapter 609 of NRS relating to daily and weekly hours of labor only if such camp is operated by a nonprofit organization which is exempt from federal income tax under I.R.C. § 501.

Assemblyman Kirner moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 193.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

The conference committee agreed to recommend that Assembly Amendment 839 to Senate Bill 193 be concurred in and that the bill be further amended to require the Labor Commissioner to establish a $9-per-hour minimum wage if the employer does not offer health insurance for the employee and to require payment of compensation for overtime for hours worked in excess of 10 hours in an 18-hour period, with certain exceptions.

Motion carried by a constitutional majority.

Assemblywoman Fiore requested a roll call vote on the motion to adopt the report of the Conference Committee concerning Senate Bill No. 193.

The request was not sustained.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:17 p.m.

ASSEMBLY IN SESSION

At 10:20 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Fiore withdrew the request for a roll call vote.

Assemblymen Titus, Shelton, and Wheeler requested a roll call vote on the motion to adopt the report of the Conference Committee concerning Senate Bill No. 193.

Roll call vote on the motion to adopt the report of the Conference Committee concerning Senate Bill No. 193.

YEAS—21.

NAYS—Paul Anderson, Armstrong, Carlton, Dickman, Edwards, Ellison, Fiore, Gardner, Jones, O'Neill, Oscarson, Seaman, Shelton, Silberkraus, Stewart, Titus, Trowbridge, Wheeler, Woodbury—19.

EXCUSED—Dooling, Moore—2.

The motion having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 376, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 810 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

JIM WHEELER	SCOTT HAMMOND
JILL DICKMAN	JAMES SETTELMEYER
EDGAR FLORES	KELVIN ATKINSON
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA8.

AN ACT relating to motor carriers; revising provisions concerning an appeal of certain decisions of the Nevada Transportation Authority; revising provisions concerning an appeal of a final decision of the Taxicab Authority; **revising provisions relating to the regulation of taxicabs; transferring the authority to administer and collect certain excise taxes from the Nevada Transportation Authority and the Taxicab Authority to the Department of Taxation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who is aggrieved by a final decision of the Nevada Transportation Authority in an administrative hearing is entitled to judicial review. (NRS 233B.130, 706.2885, 706.771, 706.775) **Section ~~1~~ 1.1** of this bill provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated carrier to operate in this State or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier is a final decision, and may be appealed directly to a court of competent jurisdiction for judicial review.

The Nevada Transportation Authority has regulatory authority over taxicab motor carriers in any county whose population is less than 700,000 (currently all counties except for Clark). (NRS 706.151, 706.881) In any county whose population is 700,000 or more (currently Clark County), the Taxicab Authority has regulatory authority over taxicab motor carriers. (NRS 706.881) Any person who is aggrieved by a final decision of the Taxicab Authority must appeal to the Nevada Transportation Authority. (NRS 706.8819) **Sections 3 and 8** of this bill provide that any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring such a person to appeal to the Nevada Transportation Authority.

Existing law provides for the regulation of taxicabs by the Taxicab Authority in certain counties and the Nevada Transportation Authority in all other counties in this State. (Chapter 706 of NRS) Sections 1.5 and 1.7 of this bill allow, in areas regulated by the Taxicab Authority, for a person to operate a taxicab as an independent contractor in a similar manner as in areas regulated by the Nevada Transportation Authority. Sections 1.3 and 1.9 of this bill prohibit an employee of a person who holds a certificate of public convenience and necessity for the operation of a taxicab business from acting as a driver for a transportation network company during the same time the employee uses a taxicab provided by his or her employer or is paid to operate a taxicab for his or her employer. Sections 2.5, 7.7, 8.5, 8.7 and 8.9 of this bill allow a taxicab to use a device, method or system other than a taximeter to indicate and determine the passenger fare charged. Sections 3.5 and 8.3 of this bill revise provisions relating to the color and display of information on a taxicab. Section 5.5 of this bill eliminates a provision that allows the Nevada Transportation Authority to suspend the operation of a schedule or tariff and defer the

use of a rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice for 150 days while the relevant issue is being reviewed. Section 8.1 of this bill prohibits the Taxicab Authority from limiting the geographical area from which service is offered or provided by a taxicab.

Existing law provides for the collection by the Nevada Transportation Authority or the Taxicab Authority, as applicable, of an excise tax upon the connection of a passenger to a driver affiliated with a transportation network company, a common motor carrier of passengers or a taxicab in an amount of 3 percent of the fare charged to the passenger. (Sections 28, 51 and 52 of Assembly Bill No. 175 of the 2015 Session) Sections 9-38 and 40 of this bill provide for the transfer of the responsibility to administer and collect these excise taxes from the Nevada Transportation Authority and the Taxicab Authority to the Department of Taxation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 to 1.9, inclusive, of this act.**

Sec. 1.1. Any decision or action by the Authority which:

1. Has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated motor carrier to operate in this State; or

2. Refuses an applicant the ability or authorization to operate as a fully regulated motor carrier in this State,

➥ is a final decision for the purpose of chapter 233B of NRS and may be appealed directly to a court of competent jurisdiction for judicial review.

Sec. 1.3. 1. A person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver, as defined by section 18 of Assembly Bill No. 176 of this session:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include driving a taxicab.

2. A person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may terminate the employment of a person who violates the provisions of subsection 1.

Sec. 1.5. 1. A certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to an independent contractor who is not a certificate holder. A certificate holder may lease only one taxicab to each independent contractor with whom the person enters into a lease agreement. The taxicab may be used only in a manner authorized by the certificate holder's certificate of public convenience and necessity.

2. A certificate holder who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 1.7. 1. The Taxicab Authority shall adopt such regulations as are necessary to:

(a) Carry out the provisions of section 1.5 of this act; and

(b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

(a) The minimum qualifications for an independent contractor;

(b) Requirements related to liability insurance;

(c) Minimum safety standards; and

(d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 1.9. 1. A driver who operates a taxicab as an employee of a certificate holder shall not act as a driver, as defined by section 18 of Assembly Bill No. 176 of this session:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include the operation of a taxicab.

2. A certificate holder may terminate the employment of a driver, as defined by NRS 706.8814, who violates the provisions of subsection 1.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and ~~[section 1]~~ sections 1.1 and 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 706.124 is hereby amended to read as follows:**

706.124 "Taxicab" means a vehicle which is not operated over a fixed route, is designed or constructed to accommodate and transport not more than six passengers, including the driver, and ***:*** ~~[is:]~~

1. ~~[Fitted with]~~ ***Uses*** a taximeter or ~~[has]~~ some other device, method or system to indicate and determine the passenger fare charged for the distance traveled;

2. ~~[Used]~~ ***Is used*** in the transportation of passengers or light express, or both, for which a charge or fee is received; or

3. ~~[Operated]~~ ***Is operated*** in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

Sec. 3. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~,~~ ***, and ~~[section 1]~~ sections 1.1 and 1.3 of this act.***

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➥ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

~~[5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]~~

Sec. 3.5. **NRS 706.281 is hereby amended to read as follows:**

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 1.1 and 1.3 of this act*** must have the name of the ~~[person or]~~ operator operating the vehicle ~~[prominently and conspicuously]~~ displayed on ~~[both sides of]~~ the vehicle in such location, size and style as may be specified by the Authority. The display shall not be deemed advertising for the purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 4. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and ~~[section 1]~~ sections 1.1 and 1.3 of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. ~~[The]~~ ***Except as otherwise provided in section ~~[1]~~ 1.1 of this act, the*** proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 5. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the

provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and ~~[section 1]~~ sections 1.1 and 1.3 of this act.***

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and ~~[section 1]~~ sections 1.1 and 1.3 of this act.***

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority**.** ~~[, or pursuant to NRS 706.2883.]~~

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 5.5. **NRS 706.326 is hereby amended to read as follows:**

706.326 1. Whenever there is filed with the Authority pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate,

fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the Authority may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. ~~[Pending the investigation or hearing and the decision thereon, the Authority, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.~~

~~3.]~~ After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the Authority may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

~~[4.]~~ ***3.*** The Authority shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the Authority shall consider all timely written protests, any presentation the staff of the Authority may desire to present, the application and any other matters deemed relevant by the Authority.

Sec. 6. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the Authority or any lawful tariff on file with the Authority or who fails, neglects or refuses to obey any lawful order of the Authority or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than $10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the Authority in any court of competent jurisdiction.

2. If the Authority does not bring an action to recover the penalty prescribed by subsection 1, the Authority may impose an administrative fine of not more than $10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the Authority or Department pursuant to the provisions of this chapter. ~~[A]~~ ***Except as otherwise provided in section ~~1]~~ 1.1 of this act, a*** fine imposed by the Authority may be recovered by the Authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the Authority pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 7. NRS 706.775 is hereby amended to read as follows:

706.775 1. In addition to any criminal penalty, any person who violates any provision of this chapter, or any lawful regulation, rule or order adopted or issued by the Department pursuant thereto is liable to the Department for an administrative fine as follows:

(a) For a first offense, a fine of $500.

(b) For a second offense, a fine of $1,000 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed $2,500.

(c) For a third offense, a fine of $1,500 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed $2,500.

(d) For a fourth and any subsequent offense, a fine of $2,500.

2. ~~[The]~~ ***Except as otherwise provided in section ~~1.~~ 1.1 of this act, the*** Department shall afford to any person fined pursuant to subsection 1 an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 7.3. **NRS 706.881 is hereby amended to read as follows:**

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, ***and sections 1.5, 1.7 and 1.9 of this act*** apply to any county:

(a) Whose population is 700,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, ***and sections 1.5, 1.7 and 1.9 of this act*** within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 7.7. **NRS 706.8816 is hereby amended to read as follows:**

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, including the driver, and ***:*** ~~[is:]~~

(a) ~~[Fitted with]~~ ***Uses*** a taximeter or ***some*** other device ***, method or system*** to indicate and determine the passenger fare charged;

(b) ~~[Used]~~ ***Is used*** in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) ~~[Operated]~~ ***Is operated*** in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 8. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, ***and sections 1.5, 1.7 and 1.9 of this act*** apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. ~~[An appeal from the]~~ ***Any*** final decision of the Taxicab Authority ~~[must be made to the Nevada Transportation Authority.]~~ ***pursuant to this section is subject to judicial review pursuant to NRS 233B.130.***

Sec. 8.1. **NRS 706.8824 is hereby amended to read as follows:**

706.8824 1. In determining whether circumstances require the establishment of a system of allocations or a change in existing allocations, the Taxicab Authority shall consider the interests, welfare, convenience, necessity and well-being of the customers of taxicabs.

2. Whenever circumstances require the establishment of a system of allocations, the Taxicab Authority shall allocate the number of taxicabs among

the certificate holders in the county in a manner which reflects the number of taxicabs operated by each certificate holder during the 5 years immediately preceding the date of establishment of the Taxicab Authority in the county.

3. Whenever circumstances require an increase in the existing allocations, the Taxicab Authority shall allocate the additional taxicabs equally among all the certificate holders who apply from the area to be affected by the allocation.

4. Unless a certificate holder puts the additionally allocated taxicabs into service within 30 days after the effective date of the increased allocation, the increased allocation to that certificate holder is void.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Taxicab Authority may attach to the exercise of the rights granted by the allocation any terms and conditions which in its judgment the public interest may require. The Taxicab Authority may ***:*** ~~[limit:]~~

(a) ~~[The]~~ ***Not limit the*** geographical area from which service is offered or provided.

(b) ~~[The]~~ ***Limit the*** hours of service ~~[. Such]~~ ***, but such*** a limitation must not reduce hours of service to less than 12 consecutive hours in a 24-hour period.

➥ If a limitation is placed on an allocation, taxicabs must be marked in a distinctive manner that indicates the limitation.

6. The Taxicab Authority shall review annually:

(a) The existing allocation of taxicabs; and

(b) The rates, charges or fares of the certificate holders in its jurisdiction.

Sec. 8.3. **NRS 706.8835 is hereby amended to read as follows:**

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs the fare schedule under which it is being operated. The schedule must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are ~~[of a color which contrasts with the color of the taxicab and which are]~~ not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on ~~[each side of]~~ each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 8.5. **NRS 706.8836 is hereby amended to read as follows:**

706.8836 1. A certificate holder shall ~~[equip]~~ ***, for*** each of the certificate holder's taxicabs ***which is equipped*** with a taximeter ***,*** ~~[and shall]~~ make provisions when installing the taximeter to allow sealing by the Administrator.

2. The Administrator shall approve the types of taximeters which may be used on a taxicab. All taximeters must conform to a 2-percent plus or minus tolerance on the fare recording, must be equipped with a signal device plainly visible from outside of the taxicab, must be equipped with a device which records fares and is plainly visible to the passenger and must register upon plainly visible counters the following items:

(a) Total miles;

(b) Paid miles;

(c) Number of units;

(d) Number of trips; and

(e) Number of extra passengers or extra charges.

3. The Administrator shall inspect each taximeter before its use in a taxicab and shall, if the taximeter conforms to the standards specified in subsection 2, seal the taximeter.

4. Except as otherwise provided in subsection 5, a taximeter may be sealed by:

(a) Affixing a physical security seal to each access point of the taximeter; or

(b) Using an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator.

5. The Administrator may require that each taximeter be sealed by an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator if the Administrator:

(a) Makes a finding that the technology for the sealing method is commercially available and will reduce the costs to the Taxicab Authority for inspecting taximeters; and

(b) Provides notice to each certificate holder at least 12 months before requiring the use of the sealing method.

6. The Administrator may reinspect the taximeter at any reasonable time.

7. ***A certificate holder shall, for each of the certificate holder's taxicabs which is equipped with a device, method or system to indicate and determine the passenger fare charged other than a taximeter, provide verification to the Administrator that the device, method or system adequately records fares and has an application or electronic means to plainly display to the passenger the rate and fare. Such a device, method or system must maintain and record:***

(a) Total miles;

(b) Paid miles;

(c) Number of units;

(d) Number of trips; and

(e) Number of extra passengers or extra charges.

8. For the purposes of this section, "sealing" means prohibiting access to the elements of the taximeter used to calculate the items specified in subsection 2 by anyone other than the Administrator.

Sec. 8.7. **NRS 706.8844 is hereby amended to read as follows:**

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;

(c) ~~[The]~~ ***If the taxicab is equipped with a taximeter, the*** meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) The time at which the driver ended the period of duty by means of a time clock provided by the certificate holder;

(b) ~~[The]~~ ***If the taxicab is equipped with a taximeter, the*** meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

6. A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

7. Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

8. The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its drivers to keep a daily trip sheet in electronic form, the certificate holder may comply with the requirements of this section:

(a) By maintaining the information collected from the daily trip sheet in a secure database and providing the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand; or

(b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.

Sec. 8.9. **NRS 706.8849 is hereby amended to read as follows:**

706.8849 1. ~~[A]~~ ***If a taxicab is equipped with a taximeter, the*** taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of the taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of the taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

(e) ~~[Not remove or alter fare schedules which have been posted in the taxicab by the certificate holder.~~

~~(f)]~~ Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

~~[(g)]~~ ***2. A taxicab driver shall:***

(a) Not remove or alter fare schedules which have been posted in the taxicab by the certificate holder.

(b) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

~~[(h)]~~ ***(c)*** Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

~~[(i)]~~ ***(d)*** Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in the driver's possession.

~~[(j)]~~ ***(e)*** Obey all provisions and restrictions of the certificate of public convenience and necessity issued to the driver's employer ~~[.~~

~~2.]~~ ***or the certificate holder with whom the driver contracts.***

3. If a driver violates any provision of subsection 1 ~~[,]~~ ***or 2,*** the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than $100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than $300, or both suspension and fine.

(c) For a third offense, a fine of not more than $500.

➥ In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph ~~[(g)]~~ ***(b)*** of subsection ~~[1.~~

~~3.]~~ ***2.***

4. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection ~~[2.]~~ ***3.*** The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

Sec. 9. **Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 10 to 32, inclusive, of this act.**

Sec. 10. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 11 to 18, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Certificate holder" has the meaning ascribed to it in NRS 706.8813.***

Sec. 12. ***"Common motor carrier of passengers" has the meaning ascribed to it in NRS 706.041.***

Sec. 13. ***Driver" has the meaning ascribed to it in section 18 of Assembly Bill No. 176 of this session.***

Sec. 14. ***"Operator" has the meaning ascribed to it in NRS 706.101.***

Sec. 15. ***"Taxicab" has the meaning ascribed to it in NRS 706.8816.***

Sec. 16. ***"Taxpayer" means a:***

1. Common motor carrier of passengers;

2. Taxicab; or

3. Transportation network company.

Sec. 17. ***"Transportation network company" has the meaning ascribed to it in section 19 of Assembly Bill No. 176 of this session.***

Sec. 18. ***"Transportation services" has the meaning ascribed to it in section 20 of Assembly Bill No. 176 of this session.***

Sec. 19. ***The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session to the extent that those provisions do not conflict with the provisions of this chapter.***

Sec. 20. ***The Department shall adopt all necessary regulations to carry out the provisions of this chapter.***

Sec. 21. ***The State Treasurer shall deposit any money the State Treasurer receives from the Department pursuant to sections 28, 51 and 52 of Assembly Bill No. 175 of this session:***

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 22. ***1. Each person responsible for maintaining the records of a taxpayer shall:***

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 23. To verify the accuracy of any return filed by a taxpayer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session.

Sec. 24. If the Department determines that the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 25. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 26. 1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 27. 1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a

claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider the claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 28. 1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 29. 1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.

2. In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 30. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 25 of this act.

Sec. 31. 1. A person shall not, with intent to defraud the State or evade payment of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any part of the taxes:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 32. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.

Sec. 33. **NRS 360.2937 is hereby amended to read as follows:**

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS ~~,~~ ***or sections 10 to 32, inclusive, of this act and sections 28, 51 and 52 of Assembly Bill No. 175 of this session,*** any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 34. **NRS 360.417 is hereby amended to read as follows:**

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS ~~,~~ ***or sections 10 to 32, inclusive, of this act and sections 28, 51 and 52 of Assembly Bill No. 175 of this session,*** or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 35. **Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ ***Department of Taxation*** shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ ***Department of Taxation*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~[53 of this act.]~~ ***21 of Senate Bill No. 376 of this session.***

Sec. 36. **Section 51 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 51. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a common motor carrier of a passenger to a person or operator willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Authority]~~ ***Department of Taxation*** shall charge and collect from each common motor carrier of passengers the excise tax imposed by this subsection.

2. The provisions of subsection 1 do not apply to an airport transfer service.

3. The excise tax collected by the ~~[Authority]~~ ***Department of Taxation*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~[53 of this act.]~~ ***21 of Senate Bill No. 376 of this session.***

4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.

Sec. 37. **Section 52 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 52. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a certificate holder of a passenger to a taxicab willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Taxicab Authority]~~ ***Department of Taxation*** shall charge and collect from each certificate holder the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Taxicab Authority]~~ ***Department of Taxation*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~[53 of this act.]~~ ***21 of Senate Bill No. 376 of this session.***

Sec. 38. **The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes, make such changes as necessary to the placement within NRS of the provisions of Assembly Bill No. 175 of this session to carry out the provisions of this act which transfer the responsibility for collecting and administering the excise taxes imposed by Assembly Bill No. 175 of this session to the Department of Taxation.**

~~[Sec. 9.]~~ ***Sec. 39.*** The amendatory provisions of this act do not apply to any administrative hearings before the Taxicab Authority where a final decision was issued by the Taxicab Authority on or before January 1, 2016.

Sec. 40. **1. Section 53 of Assembly Bill No. 175 of this session is hereby repealed.**

2. Sections 51 and 52 of Assembly Bill No. 176 of this session are hereby repealed.

~~[Sec. 10.]~~ ***Sec. 41.*** NRS 706.2883 is hereby repealed.

~~[Sec. 11.]~~ ***Sec. 42.*** **1.** This **section and sections 9 to 35, inclusive, 38 and 40 of this act become effective upon passage and approval.**

2. Sections 36 and 37 of this act become effective on August 28, 2015.

3. Sections 1 to 8.9, inclusive, 39 and 41 of this act ~~[becomes]~~ **become** effective on January 1, 2016.

TEXT OF REPEALED SECTION OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Nevada Transportation Authority regarding its review of decisions of Taxicab Authority. Any person who is aggrieved by any action or inaction of the Taxicab Authority pursuant to NRS 706.8819 is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. The Nevada Transportation Authority may adopt such regulations as may be necessary to provide for its review of decisions of the Taxicab Authority.

Section 53 of Assembly Bill No. 175 of the 78th Session of the Nevada Legislature:

Sec. 53. ***The State Treasurer shall deposit any money the State Treasurer receives from the Public Utilities Commission of Nevada pursuant to section 28 of this act, the Authority pursuant to section 51 of this act and the Taxicab Authority pursuant to section 52 of this act:***

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Section 51 of Assembly Bill No. 176 of the 78th Session of the Nevada Legislature:

Sec. 51. Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~[Commission]~~ ***Authority*** shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~[Commission]~~ ***Authority*** pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Section 52 of Assembly Bill No. 176 of the 78th Session of the Nevada Legislature:

Sec. 52. Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~[Public Utilities Commission of]~~ Nevada ***Transportation Authority*** pursuant to ~~[section]~~ ***sections*** 28 ~~[of this act, the Authority pursuant to section]~~ ***and*** 51 of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first $5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Assemblyman Wheeler moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 376.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

The conference committee agreed to recommend Amendment 810 be concurred in and has agreed to recommend that the bill be further amended as set forth in Conference Amendment 8. The amendment reduces certain regulations related to taxicabs in an effort to level the playing field as it relates to transportation network companies.

Motion carried by a constitutional majority.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 52, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 751 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

ERVEN NELSON	GREG BROWER
DAVID GARDNER	SCOTT HAMMOND
JAMES OHRENSCHALL	RUBEN KIHUEN
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA5.

SUMMARY—Revises provisions governing ~~[search warrants.]~~ **criminal procedure.** (BDR 14-159)

AN ACT relating to ~~[search warrants;]~~ **criminal procedure; defining certain terms relating to the interception of wire, electronic or oral communications;** authorizing the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant; **providing that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful in certain circumstances; authorizing the issuance of orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service in certain circumstances; providing immunity from liability to a provider of electronic communication service and associated persons for disclosing such information; revising certain existing definitions relating to the interception of wire or oral communications; authorizing the interception of electronic communications in certain circumstances; providing immunity from liability to a provider of electronic communication service, a public utility and associated persons for providing information or assistance concerning court-ordered interceptions of wire, electronic or oral communications; authorizing a judge to accept a facsimile or electronic copy of the signature of certain persons as part of an application for an order authorizing the interception**

of a wire, electronic or oral communication as an original signature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a search warrant may only be issued: (1) pursuant to an affidavit or affidavits sworn to before a magistrate and establishing the grounds for issuing the warrant; or (2) in lieu of an affidavit, pursuant to an oral statement taken by a magistrate, given under oath and filed with the clerk of the court. (NRS 179.045) ~~[This]~~ **Section 9 of this** bill authorizes the use of secure electronic transmission for the submission of an application and affidavit for, and the issuance by a magistrate of, a search warrant.

Existing law authorizes the Attorney General or the district attorney of any county to apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications. The judge may grant an order authorizing such interception by certain investigative or law enforcement officers when the interception may provide evidence of the commission of certain crimes. (NRS 179.460) Section 18 of this bill additionally authorizes the Attorney General or the district attorney to apply for an order authorizing the interception of an electronic communication. Section 18 also provides that a provider of electronic communication service, a public utility and associated persons are immune from any liability relating to the interception of a wire, electronic or oral communication made pursuant to such a court order. Sections 11-14, 18-25 and 27 of this bill add a reference to an electronic communication to the provisions of existing law that reference wire or oral communications. Section 26 of this bill adds a reference to an electronic or oral communication to make the section consistent with the references to communications included in the federal statute cited therein.

Existing law also requires that each application for an order authorizing the interception of a wire or oral communication be made in writing upon oath or affirmation to a justice of the Supreme Court or district judge. (NRS 179.470) Section 20 of this bill authorizes the judge to accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application for an order authorizing the interception of a wire, electronic or oral communication as an original signature to the application.

Section 7 of this bill provides that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful if the peace officer or person is intercepting the communication of a person who has: (1) barricaded himself or herself, resulting in an imminent risk of harm to the life of another person; (2) created a hostage situation; or (3) threatened the imminent illegal use of an explosive.

Section 8 of this bill authorizes the Nevada Supreme Court and the district courts of this State to issue orders requiring a provider of

electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by federal law. Section 8 provides that a provider of electronic communication service and associated persons are immune from any liability relating to a disclosure made pursuant to such a court order. Sections 13, 17, 21 and 27 of this bill replace existing references to a communications common carrier with the term "provider of electronic communication service."

Sections 2-6 of this bill add new definitions of terms relating to the interception of wire, electronic or oral communications, and sections 13 and 15-17 of this bill revise certain existing definitions relating to the interception of wire or oral communications.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.**

Sec. 2. ***"Electronic communication" means a transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transferred in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. The term does not include:***

1. A wire or oral communication.

2. A communication made through a tone-only paging device.

3. A communication from a tracking device.

4. Electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds.

5. The incoming or outgoing electronic or other impulses that identify the originating number of an instrument or device from which or to which a wire or electronic communication was transmitted.

Sec. 3. ***"Electronic communication service" means a service that provides to users of the service the ability to send or receive a wire or electronic communication.***

Sec. 4. ***"Peace officer" means a category I peace officer, as defined in NRS 289.460.***

Sec. 5. ***"Tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or an object.***

Sec. 6. ***"User" means a person or entity who:***

1. Uses an electronic communication service; and

2. Is authorized by the provider of the electronic communication service to engage in such use.

Sec. 7. ***1. The interception, listening or recording of a wire, electronic or oral communication by a peace officer specifically designated by the Attorney General or the district attorney of any county, or a person acting under the direction or request of a peace officer, is not unlawful if the peace officer or person is intercepting the communication of a person who has:***

(a) Barricaded himself or herself and is not exiting or surrendering at the lawful request of a peace officer, in circumstances in which there is imminent risk of harm to the life of another person as a result of the barricaded person's actions or the actions of law enforcement in resolving the barricade situation;

(b) Created a hostage situation; or

(c) Threatened the imminent illegal use of an explosive.

2. For the purposes of subsection 1:

(a) A barricade occurs when a person:

(1) Refuses to come out from a covered or enclosed position after being provided an order to exit by a peace officer; or

(2) Is contained in an open area and the presence or approach of a peace officer precipitates an imminent risk of harm to the life of another person.

(b) A hostage situation occurs when a person holds another person against the other person's will, regardless of whether the person holding the other person has made a demand.

Sec. 8. ***1. The Nevada Supreme Court and the district courts of this State may issue orders requiring a provider of electronic communication service to disclose the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, such service upon the application of a district attorney or the Attorney General, or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. § 2703.***

2. A provider of electronic communication service, an officer, employee or agent thereof or another person associated with the provider of electronic communication service who, pursuant to an order issued by a district court pursuant to subsection 1, discloses the contents of a wire or electronic communication or a record or other information pertaining to a subscriber to, or customer of, the electronic communication service is immune from any liability relating to any disclosure made pursuant to the order.

~~[Section 1.]~~ ***Sec. 9.*** NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the warrant or as provided in subsection ~~[2.]~~ ***3.*** If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. ***Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court*** ~~***[shall]***~~ ***may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.***

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

~~[3.]~~ ***4.*** Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

~~[4.]~~ ***5.*** After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

~~[5.]~~ ***6.*** The warrant must be directed to a peace officer in the county where the warrant is to be executed. It must:

(a) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof; or

(b) Incorporate by reference the affidavit or oral statement upon which it is based.

➥ The warrant must command the officer to search forthwith the person or place named for the property specified.

~~[6.]~~ ***7.*** The warrant must direct that it be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that it be served at any time.

~~[7.]~~ ***8.*** The warrant must designate the magistrate to whom it is to be returned.

9. As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(a) No person other than the intended recipient receives the information;

(b) The identity of the sender of the information can be authenticated; and

(c) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 10. **NRS 179.410 is hereby amended to read as follows:**

179.410 As used in NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act,*** except where the context otherwise requires, the words and terms defined in NRS 179.415 to 179.455, inclusive, ***and sections 2 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 11. **NRS 179.415 is hereby amended to read as follows:**

179.415 "Aggrieved person" means a person who was a party to any intercepted wire ***, electronic*** or oral communication or a person against whom the interception was directed.

Sec. 12. **NRS 179.420 is hereby amended to read as follows:**

179.420 "Contents" when used with respect to any wire ***, electronic*** or oral communication includes any information concerning the identity of the parties to such communication or the existence, substance, purport or meaning of that communication.

Sec. 13. **NRS 179.425 is hereby amended to read as follows:**

179.425 "Electronic, mechanical or other device" means any device or apparatus which can be used to intercept a wire ***, electronic*** or oral communication other than:

1. Any telephone instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a ~~[communications common carrier]~~ ***provider of electronic communication service*** in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; ~~[or]~~

(b) ***Furnished by the subscriber or user for connection to the facilities of an electronic communication service and being used by the subscriber or user in the ordinary course of its business; or***

(c) Being used by a ~~[communications common carrier]~~ ***provider of electronic communication service*** in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

Sec. 14. **NRS 179.430 is hereby amended to read as follows:**

179.430 "Intercept" means the aural acquisition of the contents of any wire ***, electronic*** or oral communication through the use of any electronic, mechanical or other device or of any sending or receiving equipment.

Sec. 15. **NRS 179.435 is hereby amended to read as follows:**

179.435 "Investigative or law enforcement officer" means any officer of the ***United States or this*** State or a political subdivision thereof who is empowered by the law of this state to conduct investigations of or to make arrests for felonies, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses.

Sec. 16. **NRS 179.440 is hereby amended to read as follows:**

179.440 "Oral communication" means any verbal message uttered by a person exhibiting an expectation that such communication is not subject to

interception, under circumstances justifying such expectation. ***The term does not include an electronic communication.***

Sec. 17. **NRS 179.455 is hereby amended to read as follows:**

179.455 "Wire communication" means any ~~[communication]~~ ***aural transfer*** made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of reception ***, including the use of such connection in a switching station,*** furnished or operated by any person engaged ~~[as a common carrier]~~ in providing or operating such facilities for the transmission of intrastate, interstate or foreign communications.

Sec. 18. **NRS 179.460 is hereby amended to read as follows:**

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire ***, electronic*** or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, ***and sections 7 and 8 of this act,*** grant an order authorizing the interception of wire ***, electronic*** or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468 or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A ~~[good faith reliance by]~~ ***provider of electronic communication service or*** a public utility ~~[on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of]~~ ***, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to*** any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;
(b) Lewdness with a child pursuant to NRS 201.230;
(c) Sado-masochistic abuse pursuant to NRS 201.262;
(d) Sexual assault pursuant to NRS 200.366;
(e) Statutory sexual seduction pursuant to NRS 200.368;
(f) Open or gross lewdness pursuant to NRS 201.210; or

(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 19. **NRS 179.465 is hereby amended to read as follows:**

179.465 1. Any investigative or law enforcement officer who, by any means authorized by NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** or 704.195 or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive, has obtained knowledge of the contents of any wire ***, electronic*** or oral communication, or evidence derived therefrom, may disclose the contents to another investigative or law enforcement officer or use the contents to the extent that the disclosure or use is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

2. Any person who has received, by any means authorized by NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** or 704.195 or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive, or by a statute of another state, any information concerning a wire ***, electronic*** or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** may disclose the contents of that communication or the derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court or before any grand jury in this state, or in any court of the United States or of any state, or in any federal or state grand jury proceeding.

3. An otherwise privileged wire ***, electronic*** or oral communication intercepted in accordance with, or in violation of, the provisions of NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive, does not lose its privileged character.

4. When an investigative or law enforcement officer engaged in intercepting wire ***, electronic*** or oral communications as authorized by NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** intercepts wire ***, electronic*** or oral communications relating to offenses other than those specified in the order provided for in NRS 179.460, the contents of the communications and the evidence derived therefrom may be disclosed or used as provided in subsection 1. The direct evidence derived from the communications is inadmissible in a criminal proceeding, but any other evidence obtained as a result of knowledge obtained from the communications may be disclosed or used as provided in subsection 2 when authorized or approved by a justice of the Supreme Court or district judge who finds upon application made as soon as practicable that the contents of the communications were intercepted in accordance with the provisions of NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** or 18 U.S.C. §§ 2510 to ~~[2520,]~~ ***2522,*** inclusive.

Sec. 20. **NRS 179.470 is hereby amended to read as follows:**

179.470 1. Each application for an order authorizing the interception of a wire ***, electronic*** or oral communication must be made in writing upon oath

or affirmation to a justice of the Supreme Court or district judge and must state the applicant's authority to make such application. Each application must include the following information:

(a) The identity of the investigative or law enforcement officer making the application, and the officer authorizing the application.

(b) A full and complete statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that an order should be issued, including:

(1) Details as to the particular offense that is being, has been or is about to be committed.

(2) A particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, the facilities to be used and the means by which such interception is to be made.

(3) A particular description of the type of communications sought to be intercepted.

(4) The identity of the person, if known, who is committing, has committed or is about to commit an offense and whose communications are to be intercepted.

(c) A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous.

(d) A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter.

(e) A full and complete statement of the facts concerning all previous applications known to the person authorizing and making the application made to any judge for authorization to intercept wire***, electronic*** or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application.

(f) Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

2. The judge may require the applicant to furnish additional testimony or documentary evidence under oath or affirmation in support of the application. Oral testimony must be reduced to writing.

3. Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing interception of wire***, electronic*** or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that:

(a) There is probable cause for belief that a person is committing, has committed or is about to commit an offense for which interception is authorized by NRS 179.460.

(b) There is probable cause for belief that particular communications concerning that offense will be obtained through such interception.

(c) Normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or appear to be too dangerous.

(d) There is probable cause for belief that the facilities from which, or the place where, the wire***, electronic*** or oral communications are to be intercepted are being used or are about to be used by such person in connection with the commission of such offense or are leased to, listed in the name of, or commonly used by such person.

4. The judge may accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application submitted pursuant to this section as an original signature to the application.

Sec. 21. **NRS 179.475 is hereby amended to read as follows:**

179.475 1. Each order authorizing the interception of any wire***, electronic*** or oral communication ~~[shall]~~ ***must*** specify:

(a) The identity of the person, if known, whose communications are to be intercepted.

(b) The nature and location of the place where or communication facilities to which authority to intercept is granted, the facilities to be used and the means by which such interceptions ~~[shall]~~ ***will*** be made.

(c) A particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates.

(d) The identity of the agency authorized to intercept the communications, and of the person authorizing the application.

(e) The period of time during which such interception is authorized, including a statement as to whether or not the interception ~~[shall]~~ ***will*** automatically terminate when the described communication has been first obtained.

2. An order authorizing the interception of a wire***, electronic*** or oral communication shall, upon request of the applicant, direct that a ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such ~~[carrier,]~~ ***provider of electronic communication service,*** landlord, custodian, or person is according the person whose communications are to be intercepted. Any ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person furnishing such facilities or technical assistance ~~[shall]~~ ***must*** be compensated therefor by the applicant at the prevailing rates.

3. No order entered under this section may authorize the interception of any wire**, *electronic*** or oral communication for any period longer than is necessary to achieve the objective of the authorization, and in no event longer than 30 days. Extensions of an order may be granted, but only upon application for an extension made in accordance with the procedures provided in NRS 179.470. The period of extension ~~[shall]~~ ***must*** be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days. Every order and extension thereof ~~[shall]~~ ***must*** contain a provision that the authorization to intercept ~~[shall]~~ ***must*** be executed as soon as practicable, ~~[shall]~~ ***must*** be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this statute, and ~~[shall]~~ ***will*** terminate upon attainment of the authorized objective, or in any event in 30 days.

Sec. 22. **NRS 179.485 is hereby amended to read as follows:**

179.485 The contents of any wire**, *electronic*** or oral communication intercepted by any means authorized by NRS 179.410 to 179.515, inclusive, ~~[shall,]~~ ***and sections 2 to 8, inclusive, of this act must,*** if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire**, *electronic*** or oral communication under this section ~~[shall]~~ ***must*** be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings ~~[shall]~~ ***must*** be made available to the judge issuing such order and sealed under the judge's directions. Custody of the recordings ~~[shall]~~ ***must*** be placed with whomever the judge directs. They ~~[shall]~~ ***must*** not be destroyed except upon an order of the judge issuing such order and in any event ~~[shall]~~ ***must*** be kept for 10 years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsection 1 of NRS 179.465 for investigations. The presence of the seal provided for by this section, or a satisfactory explanation for the absence thereof, is a prerequisite for the use or disclosure of the contents of any wire**, *electronic*** or oral communication or evidence derived therefrom under subsection 2 of NRS 179.465.

Sec. 23. **NRS 179.495 is hereby amended to read as follows:**

179.495 1. Within a reasonable time but not later than 90 days after the termination of the period of an order or any extension thereof, the judge who issued the order shall cause to be served on the chief of the Investigation Division of the Department of Public Safety, persons named in the order and any other parties to intercepted communications, an inventory which must include notice of:

(a) The fact of the entry and a copy of the order.

(b) The fact that during the period wire**, *electronic*** or oral communications were or were not intercepted.

➥ Except as otherwise provided in NRS 239.0115, the inventory filed pursuant to this section is confidential and must not be released for inspection unless subpoenaed by a court of competent jurisdiction.

2. The judge, upon receipt of a written request from any person who was a party to an intercepted communication or from the person's attorney, shall make available to the person or the person's counsel those portions of the intercepted communications which contain the person's conversation. On an ex parte showing of good cause to a district judge, the serving of the inventory required by this section may be postponed for such time as the judge may provide.

Sec. 24. **NRS 179.500 is hereby amended to read as follows:**

179.500 The contents of any intercepted wire***, electronic*** or oral communication or evidence derived therefrom ~~[shall]~~ ***must*** not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court of this state unless each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the court order and accompanying application under which the interception was authorized and a transcript of any communications intercepted. Such 10-day period may be waived by the judge if the judge finds that it was not possible to furnish the party with such information 10 days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Sec. 25. **NRS 179.505 is hereby amended to read as follows:**

179.505 1. Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency or other authority of this State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire***, electronic*** or oral communication, or evidence derived therefrom, on the grounds that:

(a) The communication was unlawfully intercepted.

(b) The order of authorization under which it was intercepted is insufficient on its face.

(c) The interception was not made in conformity with the order of authorization.

(d) The period of the order and any extension had expired.

2. Such ***a*** motion ~~[shall]~~ ***must*** be made before the trial, hearing or proceeding unless there was no opportunity to make such ***a*** motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire***, electronic*** or oral communication, or evidence derived therefrom, ~~[shall]~~ ***must*** be treated as having been obtained in violation of NRS 179.410 to 179.515, inclusive~~.~~~~]~~***, and sections 2 to 8, inclusive, of this act.*** The judge, upon the filing of such motion by the aggrieved person, may in the judge's discretion make available to the aggrieved person or the aggrieved person's counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interest of justice.

Sec. 26. **NRS 179.515 is hereby amended to read as follows:**

179.515 1. In January of each year, the Attorney General and the district attorney of each county shall report to the Administrative Office of the United States Courts the information required to be reported pursuant to 18 U.S.C. §

2519. A copy of the report must be filed with the Investigation Division of the Department of Public Safety. In the case of a joint application by the Attorney General and a district attorney both shall make the report.

2. Every justice of the Supreme Court or district judge who signs an order authorizing or denying an interception shall, within 30 days after the termination of the order or any extension thereof, file with the Investigation Division of the Department of Public Safety on forms approved by the Division a report containing the same information required to be reported pursuant to 18 U.S.C. § 2519. The report must also indicate whether a party to an intercepted wire ***, electronic or oral*** communication had consented to the interception.

3. The willful failure of any officer to report any information known to the officer which is required to be reported pursuant to subsection 1 or 2 constitutes malfeasance in office and, in such cases, the Secretary of State shall, when the wrong becomes known to the Secretary of State, institute legal proceedings for the removal of that officer.

4. The Investigation Division of the Department of Public Safety shall, on or before April 30 of each year, compile a report consisting of a summary and analysis of all reports submitted to the Division pursuant to this section during the previous calendar year. The report is a public record and may be inspected by any person during the regular office hours of the Division.

Sec. 27. **NRS 199.540 is hereby amended to read as follows:**

199.540 1. It is unlawful for an officer or employee of a court or law enforcement agency, or any employee of a ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person who is ordered pursuant to subsection 2 of NRS 179.475 to furnish information, facilities and technical assistance necessary to accomplish an authorized interception of a wire ***, electronic*** or oral communication, having knowledge that an order has been applied for or has been issued authorizing the interception of a wire ***, electronic*** or oral communication in accordance with NRS 179.410 to 179.515, inclusive, ***and sections 2 to 8, inclusive, of this act*** to:

(a) Give notice of the interception; or

(b) Attempt to give notice of the interception,

➥ to any person with the intent to obstruct, impede or prevent the interception of the wire ***, electronic*** or oral communication.

2. It is unlawful for an officer or employee of a court or law enforcement agency, or any employee of a ~~[communications common carrier,]~~ ***provider of electronic communication service,*** landlord, custodian or other person who is ordered pursuant to subsection 2 of NRS 179.475 to furnish information, facilities and technical assistance necessary to accomplish an authorized interception of a wire ***, electronic*** or oral communication, having knowledge that an order has been applied for or has been issued authorizing the use of a pen register or trap and trace device to:

(a) Give notice of the use of the pen register or device; or

(b) Attempt to give notice of the use of the pen register or device,
➥ to any person with the intent to obstruct, impede or prevent that use.

3. A person who violates any provision of subsection 1 or 2 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~[Sec. 21]~~ ***Sec. 28.*** This act becomes effective upon passage and approval.

Assemblyman Hansen moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 52.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 348, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 791 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

IRA HANSEN	GREG BROWER
PHILIP "P.K." O'NEILL	MICHAEL ROBERSON
DINA NEAL	AARON FORD
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA6.

AN ACT relating to unclaimed property; exempting certain property due or owing from a business association to another business association from provisions governing the disposition of unclaimed property under certain circumstances; exempting certain intersection improvement proceeds from provisions governing the disposition of unclaimed property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the powers, duties and liabilities of the State and other persons concerning certain property which is abandoned and unclaimed by its owner. (Chapter 120A of NRS) Under existing law, property that is unclaimed by the apparent owner of the property for a certain period is presumed to be abandoned. (NRS 120A.500, 120A.510, 120A.520) A holder of property that is presumed to be abandoned must make a report concerning the property to the State Treasurer, acting as the Administrator of Unclaimed Property, and pay or deliver the property to the Administrator. (NRS 120A.560, 120A.570) The Administrator must deposit any money received as abandoned property and the proceeds of any sale of abandoned property in the Abandoned Property Trust Account. (NRS 120A.620) A person who claims property paid or delivered to the Administrator may file a claim for the property, and, if the Administrator approves the claim, the Administrator must deliver the property to the claimant or, if the property is money or the net proceeds of a sale of abandoned property, pay the claim from the Account. (NRS 120A.620, 120A.640) At the end of each fiscal year, the first $7.6 million of the balance remaining in the Account is transferred to the

Millennium Scholarship Trust Fund, and the remaining balance is transferred to the State General Fund, subject to any valid claims. (NRS 120A.620)

Section 1 of this bill provides that certain amounts due or owing from a holder that is a business association to another business association must not be presumed abandoned if the holder and the other business association have an ongoing business relationship. Because these amounts must not be presumed abandoned, the provisions of existing law governing unclaimed property would not apply to those amounts. Under **section 2** of this bill, the provisions of **section 1** apply to the amounts due or owing from a business association to another business association that ~~[,]~~ **arise from transactions occurring** on or after July 1, 2015 **.** ~~[, are in the possession, custody or control of a business association.]~~

Section 1.5 of this bill provides that certain amounts paid to this State or a local government as a deposit or fee to provide security for, or to fund the construction of, certain intersection improvement projects are exempt from the provisions of existing law governing unclaimed property. Under **section 2**, this exemption applies only to such deposits or fees that, on or after July 1, 2015, are in the possession, control or custody of this State or a local government.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 120A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, any credit memoranda, overpayments, credit balances, deposits, unidentified remittances, nonrefunded overcharges, discounts, refunds and rebates due or owing from a holder that is a business association to another business association shall not be presumed abandoned if the holder and such business association have an ongoing business relationship. The provisions of this subsection do not apply to outstanding checks, drafts or other similar instruments.

2. For the purposes of subsection 1, an ongoing business relationship shall be deemed to exist if the holder has engaged in at least one commercial, business or professional transaction involving the sale, lease, license or purchase of goods or services with the business association or a predecessor-in-interest of the business association within each 3-year period that follows the date of the transaction giving rise to the property interest that shall not be presumed abandoned pursuant to subsection 1.

Sec. 1.5. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to ~~[gaming]~~ ***:***

(a) Gaming chips or tokens which are not redeemed at an establishment.

(b) Intersection improvement project proceeds.

2. As used in this section:

(a) "Establishment" has the meaning ascribed to it in NRS 463.0148.

(b) "Gaming chip or token" means any object which may be redeemed at an establishment for cash or any other representative of value other than a slot machine wagering voucher as defined in NRS 463.369.

(c) "Intersection improvement project" means construction or improvements relating to intersections, including, without limitation, the construction, installation or upgrade of traffic control devices, turn lanes and appurtenances.

(d) "Intersection improvement project proceeds" means amounts held by this State or an agency or political subdivision of this State that were paid to the State or the agency or political subdivision for the purpose of providing security for, or to fund the construction of, an intersection improvement project.

Sec. 2. 1. The amendatory provisions of section 1 of this act apply to all amounts due or owing from a business association to another business association that **[,]** **arise from transactions occurring** on or after July 1, 2015 **. [, are in the possession, custody or control of a business association.]**

2. The amendatory provisions of section 1.5 of this act apply only to intersection improvement project proceeds that, on or after July 1, 2015, are in the possession, custody or control of this State or an agency or political subdivision of this State.

3. As used in this section:

(a) "Business association" has the meaning ascribed to it in NRS 120A.040.

(b) "Intersection improvement project proceeds" has the meaning ascribed to it in NRS 120A.135, as amended by section 1.5 of this act.

Sec. 3. This act becomes effective on July 1, 2015.

Assemblyman Hansen moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 348.

Motion carried by a constitutional majority.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Dickman, Fiore, Armstrong, Hansen, Ellison, and Kirkpatrick.

ASSEMBLYWOMAN DICKMAN:

Senate Joint Resolution 13 proposes to amend the *Nevada Constitution* to limit the total amount of certain property taxes that may be levied on real property to 1.25 percent of the base value of the property. Base value is defined, with certain exceptions, as the taxable value from which the assessed value for Fiscal Year 2017-2018 was calculated. The 1.25 percent limit on the amount of property taxes that may be levied does not apply to property taxes levied to pay the interest and principal of any bonded indebtedness or to pay any obligation under a contract made in connection with such bonded indebtedness.

The resolution provides, with certain exceptions, that the base value becomes the cash value of the property upon the transfer of at least one-half of the ownership interest in the property, an improvement to the property increases the base value by the cash value of the improvement, and the base value cannot increase or decrease from year to year by more than 3 percent.

Pursuant to Article 16, Section 1 of the *Nevada Constitution* and Chapter 218D of the *Nevada Revised Statutes*, the provisions contained within this joint resolution must be approved by the Legislature during the 2015 and 2017 Sessions, followed by voter approval at the 2018 General Election, in order to be ratified.

ASSEMBLYWOMAN FIORE:

I just need some clarification. I am under the impression that this is actually raising the cap to 1.25 when it was already set at 1. Is that correct?

ASSEMBLYMAN ARMSTRONG:

The original bill was 1 percent. In the *Constitution*, it is 5 percent and the statutory is 3.64 percent. This is changing the formula so it is not based on that 3.64 value and you will not have to do the crazy formula that we currently have for property taxes. This tries to simplify that process. The way it is set up, it is trying to be more revenue neutral just to simplify it.

I would like to put on the record that I made a mistake when I answered my colleague's question when we adopted the amendment. I think I may have been enamored thinking about a million-square-foot house. This resolution does apply to all real property, and the trigger does not have a reset until you hit that 15 percent mark.

ASSEMBLYWOMAN FIORE:

I am not clear. So this is actually raising the cap at the moment, correct?

ASSEMBLYMAN ARMSTRONG:

This is a resolution that would have to come back to this body and then go to a vote of the people.

ASSEMBLYWOMAN FIORE:

So let us play pretend world and pretend it came back. Are we raising the cap? Just yes or no.

ASSEMBLYMAN ARMSTRONG:

I do not live in the pretend world.

ASSEMBLYMAN HANSEN:

Mr. Speaker, I can address that. The point that I was going to bring up is that this does raise the cap if it passes a vote of the people. We have to remember that what we are addressing in this is an opportunity of the people to decide whether or not they are willing to raise that cap. If they vote no, it is dead; if they pass it, it would become something we would address here in the Legislature or depending on the verbiage, it would become part of the *Constitution*. It does go to a vote of the people.

ASSEMBLYMAN ELLISON:

I would like to know—there are two types of caps they can consider. One is residential and one is commercial. Is this just an overall, general study they are trying to get out? Usually, the cap goes from 5 percent for commercial to 8 percent and residential 3 percent. Is this going to address that issue?

ASSEMBLYMAN ARMSTRONG:

This does not address that 3 and 8 percent. This 1.25 percent is the valuation for the base. This is more in relation to the 5 percent constitutional rate and the 3.64 statutory cap.

ASSEMBLYWOMAN FIORE:

I rise in opposition to S.J.R. 13 because it is raising the cap. This is the last night, and I am just going to say in response to my colleague's response about "pretend world," this is definitely a pretend world of two houses of Republicans and Nevada's largest tax increase in history. I hate to burst your bubble, but we are in a pretend world.

ASSEMBLYMAN ARMSTRONG:

This does not raise the cap at the current statutory number at 3.64 for $100 of assessed value, but the 1.25 percent is equivalent to 3.57 per $100 of assessed value.

ASSEMBLYWOMAN KIRKPATRICK:

I rise in support of S.J.R. 13. What this will do is change how our property tax structure works. For a very long time, we have been talking about how our property tax structure is very unique in our state. We are the only state in the United States that does not allow for depreciation. I know my colleague from the Senate has worked pretty hard on this issue, but because our property tax is defined within the *Nevada Constitution*, you have to go through a constitutional amendment when you want to make such a change. Nothing is going to happen with this bill for at least four years. This has to pass the Legislature twice, and it has to pass a vote of the people once. Unless somebody does a very good job of explaining what it does, it will not pass because people will not understand why we are trying to change it. This talks about the fair market value, which we have always talked about in our state. We have this crazy formula that says *x* plus *y* times 2 divided by 35 over 100 gives you 6 which you times by 12. That is our property tax structure. I will give my colleague credit for trying to change it.

There will have to be some statutory fixes because of our ridiculous formula that nobody can ever figure out. This is just sending it to a vote of the people. To get them ready for it, we will have to figure out how to explain it to them. Then the Legislature will have to make some statutory changes if the voters decide they would like to have a property tax structure more like 30 other states instead of just being unique like Nevada. It is just a vote of the people, and that is why I support sending it out. I hope that if it passes, you as future legislators will follow the statutory requirements and clean it up.

Roll call on Senate Joint Resolution No. 13:

YEAS—34.

NAYS—Ellison, Fiore, Jones, Seaman, Shelton—5.

EXCUSED—Dooling, Kirner, Moore—3.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 213.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1061.

AN ACT relating to state financial administration; requiring the Chief of the Budget Division of the Department of Administration to maintain a database of certain information relating to federal assistance received by agencies of the Executive Department of the State Government; requiring the Department of Administration to prepare an annual report that contains information relating to federal assistance programs; requiring that the report be submitted to the Governor and the Legislature; authorizing the Fiscal Analysis Division of the Legislative Counsel Bureau to prepare an advisory report containing information with respect to federal assistance programs; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each agency of the Executive Department of the State Government that requests money, equipment, material or services from the Federal Government to submit its request or budget to the office of the Chief of the Budget Division of the Department of Administration and to resubmit, upon approval by the federal authority, the request or budget to the Chief and

to the Fiscal Analysis Division of the Legislative Counsel Bureau for recording before any allotment or encumbrance of the federal money is made. (NRS 353.245) This bill requires: (1) the Chief to maintain a database of each request or budget submitted or resubmitted by an agency of the Executive Department; (2) the Department of Administration to prepare an annual report that contains certain information relating to federal assistance programs that are used by or available to agencies of the Executive Department; and (3) the Department of Administration to submit the report to the Governor and the Legislature. This bill also authorizes the Fiscal Analysis Division to prepare a report as to the advisability of increasing or decreasing the use of certain available federal assistance programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.245 is hereby amended to read as follows:

353.245 ***1.*** In addition to the requirements of NRS 353.335, every department, institution and agency of the Executive Department of the State Government, when making requests for budgets to be submitted to the Federal Government for ~~[money, equipment, material or services,]~~ ***federal assistance,*** shall file the request or budget with the office of the Chief and with the Fiscal Analysis Division of the Legislative Counsel Bureau before submitting it to the proper federal authority. When the federal authority has approved the request or budget, in whole or in part, the department, institution or agency of the State Government shall resubmit it to the Chief and to the Fiscal Analysis Division of the Legislative Counsel Bureau for recording before any allotment or encumbrance of the federal ~~[money]~~ ***assistance, as applicable,*** is made.

2. The Chief shall maintain a database of each request and budget filed with or resubmitted to the office of the Chief pursuant to subsection 1.

3. The Department of Administration shall prepare a report for each fiscal year that:

(a) Identifies the total amount of federal assistance received by each department, institution and agency of the Executive Department of the State Government for the fiscal year.

(b) Identifies the total amount of federal assistance which each department, institution and agency of the Executive Department of the State Government applied to receive for the fiscal year.

(c) Identifies the total amount of federal assistance used by each department, institution or agency of the Executive Department of the State Government for the fiscal year.

(d) To the extent practicable, includes recommendations of any actions which are necessary to apply for additional federal assistance programs or to improve the use of existing federal assistance programs used by a department, institution or agency of the Executive Department of the State Government.

(e) Includes the advisory report prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to subsection 4, if any.

4. The Fiscal Analysis Division of the Legislative Counsel Bureau may prepare a report as to the advisability of increasing or decreasing the use of any federal assistance program identified pursuant to paragraph (c) of subsection 3.

5. The Department of Administration shall, on or before October 1 of each year, submit the report prepared pursuant to subsection 3 for the immediately preceding fiscal year to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) The Legislative Commission if the report is prepared in an odd-numbered year; or

(2) The next regular session of the Legislature if the report is prepared in an even-numbered year.

6. As used in this section, "federal assistance" means money, equipment, material or services that may be available to a department, institution or agency of the Executive Department of the State Government from any agency or authority of the Federal Government pursuant to a federal program.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor:**

For the Fiscal Year 2015-2016..... $87,000

For the Fiscal Year 2016-2017 ..... $87,000

2. The Office of Finance shall use the money appropriated by subsection 1 for personnel and operating costs associated with carrying out the provisions of section 1 of this act.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

4. If Assembly Bill No. 469 of this session does not become effective, the references in this section to the Office of Finance in the Office of the Governor shall be deemed to refer to the Budget Division of the Department of Administration.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor:**

For the Fiscal Year 2015-2016 ..... $10,000

For the Fiscal Year 2016-2017 ..... $10,000

2. The Office of Finance shall use the money appropriated by subsection 1 for the travel expenses of members of the Nevada Advisory Council on Federal Assistance created by Senate Bill No. 214 of this session related to the business of the Council.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

4. If Assembly Bill No. 469 of this session does not become effective, the references in this section to the Office of Finance in the Office of the Governor shall be deemed to refer to the Budget Division of the Department of Administration.

Sec. 2. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 3. ***1.*** This ***section and sections 1, 1.5 and 2 of this*** act ~~[becomes]~~ ***become*** effective on July 1, 2015.

2. Section 1.7 of this act becomes effective on July 1, 2015, if and only if Senate Bill No. 214 of this session is enacted by the Legislature and approved by the Governor.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 213, as amended, makes appropriations from the General Fund of $97,500 in each year of the biennium to fund the reporting requirements for additional administrative support relating to the federal assistance received by agencies of the Executive Department of state government.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Bustamante Adams moved that Senate Bill No. 213 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 213.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 213 continues the requirement that every department, institution, and agency of the Executive Department, when making requests for budgets to be submitted to the federal government for federal assistance, shall file the grant request or budget with the Chief of the Budget Division and with the Fiscal Analysis Division of the Legislative Counsel Bureau before submitting it to the proper federal authority. When the federal authority has approved the request or budget, in whole or in part, the department, institution, or agency of the Executive Branch shall resubmit it to the Chief and to the Fiscal Analysis Division for recording.

Roll call on Senate Bill No. 213:

YEAS—37.

NAYS—Fiore, Shelton—2.

EXCUSED—Dooling, Kirner, Moore—3.

Senate Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 512.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1072.

SUMMARY— ~~[Abolishes the Foreclosure Mediation Program.]~~ **Revises provisions concerning real property.** (BDR 9-1287)

AN ACT relating to real property; **authorizing a mortgagor or a grantor or the person who holds title of record with respect to a deed of trust to initiate participation in what is commonly known as the Foreclosure Mediation Program with the mortgagee or beneficiary of the deed of trust under certain circumstances;** abolishing the ~~[Foreclosure Mediation]~~ Program ~~[.]~~ **as of June 30, 2017;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the establishment of a foreclosure mediation program and generally requires that mediation, unless waived, be conducted as a condition of a judicial foreclosure proceeding or the exercise of a power of sale affecting owner-occupied housing. The Nevada Supreme Court is required to adopt rules to implement the ~~[foreclosure mediation]~~ program. (NRS 40.437, 107.086) **Existing law also creates the Account for Foreclosure Mediation, the money in which may be expended only for the purpose of supporting the program. (NRS 107.080)**

Section 1 of this bill authorizes a mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to a deed of trust concerning owner-occupied housing to initiate the mediation process if: (1) a local housing counseling

agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record has a documented financial hardship and is in imminent risk of default; (2) the mortgagor, grantor or other person files a form with the Mediation Administrator indicating an election to enter into mediation; and (3) the mortgagor, grantor or other person pays his or her share of the fee for the mediation. Under this bill, if the parties participate in mediation in good faith, the requirement of existing law to participate in mediation before a nonjudicial foreclosure sale of the owner-occupied housing is satisfied.

Section 10.5 of this bill authorizes the Court Administrator, under certain circumstances, to submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation.

Section 12 of this bill repeals **[those] the existing** statutes **[,] providing for the foreclosure mediation program,** effective on June 30, 2017, effectively ending the program on that date. **[Sections] Section 1 also expires by limitation on that date. Under sections 1, 2.5 and 8.5** of this bill **, [make]** December 31, 2016, **is** the last date on which a homeowner can enroll in the foreclosure mediation program **. [and provide that persons] Persons** initiating foreclosures after December 1, 2016, need not provide notice of the mediation program. **Sections [1,] 1.5, 2, 3-8 [and 9-11] , 9, 10 and 11** of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgagor under a mortgage secured by owner-occupied housing or a grantor or the person who holds the title of record with respect to any trust agreement which concerns owner-occupied housing may initiate mediation to negotiate a loan modification under the mediation process set forth in NRS 107.086 if, on or before December 31, 2016:

(a) A local housing counseling agency approved by the United States Department of Housing and Urban Development certifies that the mortgagor, grantor or person who holds the title of record:

(1) Has a documented financial hardship; and

(2) Is in imminent risk of default; and

(b) The mortgagor, grantor or person who holds the title of record:

(1) Submits a form prescribed by the Mediation Administrator indicating an election to enter into mediation pursuant to this section; and

(2) Pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 11 of NRS 107.086.

2. Upon satisfaction of the requirements of subsection 1, the Mediation Administrator shall notify the mortgage servicer, by certified mail, return

receipt requested, of the enrollment of the mortgagor, grantor or person who holds the title of record to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The mortgage servicer shall notify the mortgagee or the beneficiary of the deed of trust, as applicable, and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the mortgagor, grantor or person who holds the title of record to participate in mediation.

3. Each mediation required by this section must be conducted in conformity with the requirements of subsections 5 and 6 of NRS 107.086.

4. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated, provide to the mortgage servicer a certificate which provides that the mediation required by this section has been completed in the matter. If the Mediation Administrator provides such a certificate, the requirement for mediation pursuant to NRS 107.086 is satisfied.

5. The certificate provided pursuant to subsection 4 must be in the same form as the certificate provided pursuant to subsection 8 of NRS 107.086, and may be recorded in the office of the county recorder in which the trust property, or some part thereof, is situated. The recording of the certificate in the office of the county recorder in which the trust property, or some part thereof, is situated shall be deemed to be the recording of the certificate required pursuant to subparagraph (2) of paragraph (d) of subsection 2 of NRS 107.086.

6. A noncommercial lender is not excluded from the application of this section.

7. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

8. As used in this section:

(a) "Financial hardship" means a documented event that would prevent the long-term payment of any debt relating to a mortgage or deed of trust secured by owner-occupied housing, including, without limitation:

(1) The death of the borrower or co-borrower;

(2) Serious illness;

(3) Divorce or separation; or

(4) Job loss or a reduction in pay.

(b) "Imminent risk of default" means the inability of a grantor or the person who holds the title of record to make his or her mortgage payment within the next 90 days.

(c) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(d) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(e) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 1.5. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210 ~~[,]~~ ***and*** 107.085 ***,*** ~~[and 107.086,]~~ if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) In the case of any trust agreement which concerns owner-occupied housing ***,*** ~~[as defined in NRS 107.086,]~~ the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale. Except as otherwise provided in subparagraph (5), the affidavit required by this paragraph must state under the penalty of perjury the following information, which must be based on the direct, personal knowledge of the affiant or the personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135:

(1) The full name and business address of the current trustee or the current trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the current servicer of the obligation or debt secured by the deed of trust.

(2) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust or that the beneficiary or its successor in interest or the trustee is entitled to enforce the obligation or debt secured by the deed of trust. For the purposes of this subparagraph, if the obligation or debt is an instrument, as defined in subsection 2 of NRS 104.3103, a beneficiary or its successor in interest or the trustee is entitled to enforce the instrument if the beneficiary or its successor in interest or the trustee is:

(I) The holder of the instrument;

(II) A nonholder in possession of the instrument who has the rights of a holder; or

(III) A person not in possession of the instrument who is entitled to enforce the instrument pursuant to a court order issued under NRS 104.3309.

(3) That the beneficiary or its successor in interest, the servicer of the obligation or debt secured by the deed of trust or the trustee, or an attorney representing any of those persons, has sent to the obligor or borrower of the obligation or debt secured by the deed of trust a written statement of:

(I) The amount of payment required to make good the deficiency in performance or payment, avoid the exercise of the power of sale and reinstate the terms and conditions of the underlying obligation or debt existing before the deficiency in performance or payment, as of the date of the statement;

(II) The amount in default;

(III) The principal amount of the obligation or debt secured by the deed of trust;

(IV) The amount of accrued interest and late charges;

(V) A good faith estimate of all fees imposed in connection with the exercise of the power of sale; and

(VI) Contact information for obtaining the most current amounts due and the local or toll-free telephone number described in subparagraph (4).

(4) A local or toll-free telephone number that the obligor or borrower of the obligation or debt may call to receive the most current amounts due and a recitation of the information contained in the affidavit.

(5) The date and the recordation number or other unique designation of, and the name of each assignee under, each recorded assignment of the deed of trust. The information required to be stated in the affidavit pursuant to this subparagraph may be based on:

(I) The direct, personal knowledge of the affiant;

(II) The personal knowledge which the affiant acquired by a review of the business records of the beneficiary, the successor in interest of the beneficiary or the servicer of the obligation or debt secured by the deed of trust, which business records must meet the standards set forth in NRS 51.135;

(III) Information contained in the records of the recorder of the county in which the property is located; or

(IV) The title guaranty or title insurance issued by a title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS.

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time-share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(e) Not less than 3 months have elapsed after the recording of the notice or, if the notice includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, not less than 60 days have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2;

(b) If the property is subject to the requirements of NRS 107.400 to 107.560, inclusive, contain the declaration required by subsection 6 of NRS 107.510;

(c) If, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property, include the affidavit and certification required by subsection 6 of NRS 107.130; and

(d) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS ~~[107.086 and]~~ 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 45 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 15 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 60 days after the date on which the person received actual notice of the sale.

7. If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection

2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) ~~[A fee of $45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.~~

~~(c)]~~ A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization

operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to ~~[paragraphs]~~ ***paragraph*** (a) ~~[and (b)]~~ of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund **.** ~~[or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11.]~~ The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund **.** ~~[or the Account as prescribed in subsection 11.]~~

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "***Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.***

(b) **"**Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

(1) Means a structure that is comprised of not more than four units.

(2) Does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

~~[(b)]~~ ***(c)*** **"**Trustee" means the trustee of record.

Sec. 2. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(bb), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080.***

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080:***

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE
YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home may be sold and you may be forced to move. For help, call:

Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 2.5. NRS 107.086 is hereby amended to read as follows:

107.086 1. Except as otherwise provided in this subsection ~~[,]~~ ***and subsection 4 of section 1 of this act,*** in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing ***and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080*** is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record will be enrolled to participate in mediation pursuant to this section if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 11; and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of

record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon the Mediation Administrator; and

(d) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080 ~~[,]~~ ***or December 31, 2016, whichever is earlier,*** complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee and the Mediation Administrator by certified mail, return receipt requested. If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080 ~~[,]~~ ***or December 31, 2016, whichever is earlier,*** pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 11. Upon receipt of the share of the fee established pursuant to subsection 11 owed by the grantor or the person who holds title of record, the Mediation Administrator shall notify the trustee, by certified mail, return receipt requested, of the enrollment of the grantor or person who holds the title of record to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph (4) of paragraph (a) of subsection 2 an election to waive mediation or fails to pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 11, as required by subsection 3, the Mediation Administrator shall, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 11. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the Mediation Administrator shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. Upon receipt of the certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall notify the unit-owners' association organized under NRS 116.3101 of the existence of the certificate.

10. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

11. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

12. Except as otherwise provided in subsection 14, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

13. A noncommercial lender is not excluded from the application of this section.

14. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

15. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Mediation Administrator" means the entity so designated pursuant to subsection 11.

(c) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(d) "Obligation" has the meaning ascribed to it in NRS 116.310313.

(e) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(f) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor

or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080,*** the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 4. NRS 107.450 is hereby amended to read as follows:

107.450 "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080.***

Sec. 5. NRS 107.460 is hereby amended to read as follows:

107.460 The provisions of NRS 107.400 to 107.560, inclusive, do not apply to a financial institution, as defined in NRS 660.045, that, during its immediately preceding annual reporting period, as established with its primary regulator, has foreclosed on 100 or fewer real properties located in this State which constitute owner-occupied housing, as defined in NRS ~~[107.086.]~~ ***107.080.***

Sec. 6. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 107.085 **,** ~~[and 107.086,]~~ the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 7. NRS 107.550 is hereby amended to read as follows:

107.550 1. A civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan must be dismissed without prejudice, any notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 must be rescinded, and any pending foreclosure sale must be cancelled, if:

(a) The borrower accepts a permanent foreclosure prevention alternative;

(b) A notice of sale is not recorded within 9 months after the notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080; or

(c) A foreclosure sale is not conducted within 90 calendar days after a notice of sale is recorded pursuant to subsection 4 of NRS 107.080.

2. The periods specified in paragraphs (b) and (c) of subsection 1 are tolled:

(a) If a borrower has filed a case under 11 U.S.C. Chapter 7, 11, 12 or 13, until the bankruptcy court enters an order closing or dismissing the bankruptcy case or granting relief from a stay of foreclosure or trustee's sale;

(b) ~~[If mediation pursuant to NRS 107.086 is required, until the date on which the Mediation Administrator, as defined in NRS 107.086, issues the certificate that mediation has been completed in the matter;~~

~~(c)]~~ If ~~[mediation pursuant to NRS 40.437 is required or if]~~ a court orders participation in a settlement program, until the date on which the ~~[mediation or]~~ participation in a settlement program is terminated; or

~~[(d)]~~ ***(c)*** If a borrower has submitted an application for a foreclosure prevention alternative, until the date on which:

(1) A written offer for a foreclosure prevention alternative is submitted to the borrower;

(2) A written statement of the denial of the application has been submitted to the borrower pursuant to subsection 4 of NRS 107.530, and any appeal period pursuant to subsection 5 of NRS 107.530 has expired; or

(3) If the borrower has appealed the denial of an application for a foreclosure prevention alternative, a written offer for a foreclosure prevention alternative or a written denial of the appeal is submitted to the borrower.

3. If, pursuant to subsection 1, a civil action is dismissed, a notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 or any notice of sale recorded pursuant to subsection 4 of NRS 107.080 is rescinded, or any pending foreclosure sale is cancelled, the mortgagee or beneficiary of the deed of trust is thereupon restored to its former position and has the same rights as though an action for a judicial foreclosure had not been commenced or a notice of default and election to sell had not been recorded.

Sec. 8. NRS 2.125 is hereby amended to read as follows:

2.125 The Supreme Court may adopt rules providing for voluntary mediation with respect to ~~[:~~

~~1. A homeowner who is not in default but is at risk of default.~~

~~2. A~~ ***a*** small business whose commercial property is in default. If the Supreme Court adopts such rules, the Supreme Court shall consider:

~~(a)~~ ***1.*** The goals and purposes of the mediation process;

~~(b)~~ ***2.*** The necessity, efficiency and desirability of allowing mediation for the various types of commercial property; and

~~(c)~~ ***3.*** Any other factor that is relevant in determining whether allowing mediation under the circumstances is in the best interests of the residents, businesses and governmental entities in this State.

Sec. 8.5. NRS 40.437 is hereby amended to read as follows:

40.437 1. ~~If a~~ ***A*** civil action for a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing ***that*** is commenced in a court of competent jurisdiction ~~,~~ ***on or before December 1, 2016, is subject to the provisions of this section.***

2. In a civil action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the mortgagor may use to comply with the provisions of subsection ~~2;~~ ***3;*** and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

~~2.~~ ***3.*** The mortgagor shall, not later than the date on which an answer to the complaint is due ~~,~~ ***or December 31, 2016, whichever is earlier,*** complete the form required by subparagraph (4) of paragraph (a) of subsection ~~1~~ ***2*** and file the form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

~~[3.]~~ ***4.*** Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 11 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

~~[4.]~~ ***5.*** If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection ~~[3,]~~ ***4,*** the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

~~[5.]~~ ***6.*** If the mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had not elected to enter into mediation.

~~[6.]~~ ***7.*** If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

~~[7.]~~ ***8.*** The rules adopted by the Supreme Court pursuant to subsection 11 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection ~~[10,]~~ ***11,*** the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

~~[9.]~~ ***10.*** A noncommercial lender is not excluded from the application of this section.

~~[10.]~~ ***11.*** The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

~~[11.]~~ ***12.*** As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

Sec. 9. Section 2 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 ~~[, 6]~~ or ~~[7,]~~ ***6,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless:

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

~~[7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:~~

~~(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or~~

~~(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.]~~

Sec. 10. Section 8.5 of Senate Bill 306 of this session is hereby amended to read as follows:

Sec. 8.5. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bank, credit union, savings bank, savings and loan association, thrift company or other financial institution which is licensed, registered or otherwise authorized to do business in this State and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom ~~[~~:

~~(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.~~

~~(b) A~~~~]~~ ***a*** unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

3. As used in this section ~~[~~:

~~(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.~~

~~(b) "Residential"~~~~]~~ ***, "residential*** mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS ~~[107.086.]~~ ***107.080.***

Sec. 10.5. **If the Court Administrator determines that money in the Account for Foreclosure Mediation created by NRS 107.080 is not sufficient to support the mediation process set forth in NRS 107.086, as**

amended by section 2.5 of this act, and the mediation process set forth in section 1 of this act, the Court Administrator may submit to the Interim Finance Committee a request for an allocation from the Contingency Account created by NRS 353.266 for deposit in the Account for Foreclosure Mediation for such purpose.

Sec. 11. Any balance remaining in the Account for Foreclosure Mediation created by NRS 107.080 that has not been committed for expenditure before June 30, 2017, must be reverted to the State General Fund.

Sec. 12. NRS 40.437 and 107.086 are hereby repealed.

Sec. 13. 1. This section and sections 2.5 **,** ~~[and]~~ 8.5 **, 10.5 and 11** of this act become effective ~~[on]~~ **upon** passage and approval.

2. **Section 1 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2017.**

3. Sections ~~[1,]~~ **1.5,** 2 **,** ~~[and]~~ 3 to 8, inclusive, ~~[and]~~ 9 ~~[to]~~ **, 10 and** 12 ~~[,]~~ of this act become effective on June 30, 2017.

4. Section 10.5 of this act expires by limitation on June 30, 2017.

TEXT OF REPEALED SECTIONS

40.437 Additional requirements for action affecting owner-occupied housing: Notice; form; election of mediation; rules concerning mediation; applicability.

1. A civil action for a foreclosure sale pursuant to NRS 40.430 affecting owner-occupied housing that is commenced in a court of competent jurisdiction on or before December 1, 2016, is subject to the provisions of this section.

2. In a civil action described in subsection 1:

(a) The copy of the complaint served on the mortgagor must include a separate document containing:

(1) Contact information which the mortgagor may use to reach a person with authority to negotiate a loan modification on behalf of the plaintiff;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the mortgagor has the right to seek mediation pursuant to this section; and

(4) A form upon which the mortgagor may indicate an election to enter into mediation or to waive mediation pursuant to this section and one envelope addressed to the plaintiff and one envelope addressed to the Mediation Administrator, which the mortgagor may use to comply with the provisions of subsection 3; and

(b) The plaintiff must submit a copy of the complaint to the Mediation Administrator.

3. The mortgagor shall, not later than the date on which an answer to the complaint is due or December 31, 2016, whichever is earlier, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and file the

form with the court and return a copy of the form to the plaintiff by certified mail, return receipt requested. If the mortgagor indicates on the form an election to enter into mediation, the plaintiff shall notify any person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the mortgagor to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The judicial foreclosure action must be stayed until the completion of the mediation. If the mortgagor indicates on the form an election to waive mediation or fails to file the form with the court and return a copy of the form to the plaintiff as required by this subsection, no mediation is required in the action.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 11 of NRS 107.086. The plaintiff or a representative, and the mortgagor or his or her representative, shall attend the mediation. If the plaintiff is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the plaintiff or have access at all times during the mediation to a person with such authority.

5. If the plaintiff or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator and the court a petition and recommendation concerning the imposition of sanctions against the plaintiff or the representative. The court may issue an order imposing such sanctions against the plaintiff or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the mortgagor elected to enter into mediation and fails to attend the mediation, no mediation is required and the judicial foreclosure action must proceed as if the mortgagor had not elected to enter into mediation.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the court and the Mediation Administrator a recommendation that the mediation be terminated. The court may terminate the mediation and proceed with the judicial foreclosure action.

8. The rules adopted by the Supreme Court pursuant to subsection 11 of NRS 107.086 apply to a mediation conducted pursuant to this section, and the Supreme Court may adopt any additional rules necessary to carry out the provisions of this section.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The mortgagor has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee,

the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the defendant under 11 U.S.C. Chapter 7, 11, 12 or 13 and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) "Mediation Administrator" has the meaning ascribed to it in NRS 107.086.

(b) "Noncommercial lender" has the meaning ascribed to it in NRS 107.086.

(c) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.

107.086 Additional requirements for sale of owner-occupied housing: Notice; form; enrollment in mediation; election to waive mediation; adoption of rules concerning mediation; applicability.

1. Except as otherwise provided in this subsection, in addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing and for which a notice of default and election to sell is mailed on or before December 1, 2016, to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080 is subject to the provisions of this section. The provisions of this section do not apply to the exercise of the power of sale if the notice of default and election to sell recorded pursuant to subsection 2 of NRS 107.080 includes an affidavit and a certification indicating that, pursuant to NRS 107.130, an election has been made to use the expedited procedure for the exercise of the power of sale with respect to abandoned residential property.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(3) A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record will be enrolled to participate in mediation pursuant to this section if he or she pays to the Mediation Administrator his or her share of the fee established pursuant to subsection 11; and

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to waive mediation pursuant to this section and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) In addition to including the information described in paragraph (a) with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080, provides to the grantor or the person who holds the title of record the information described in paragraph (a) concurrently with, but separately from, the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080;

(c) Serves a copy of the notice upon the Mediation Administrator; and

(d) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4 or 7 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 8 which provides that mediation has been completed in the matter.

3. If the grantor or the person who holds the title of record elects to waive mediation, he or she shall, not later than 30 days after service of the notice in the manner required by NRS 107.080 or December 31, 2016, whichever is earlier, complete the form required by subparagraph (4) of paragraph (a) of subsection 2 and return the form to the trustee and the Mediation Administrator by certified mail, return receipt requested. If the grantor or the person who holds the title of record does not elect to waive mediation, he or she shall, not later than 30 days after the service of the notice in the manner required by NRS 107.080 or December 31, 2016, whichever is earlier, pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 11. Upon receipt of the share of the fee established pursuant to subsection 11 owed by the grantor or the person who holds title of record, the Mediation Administrator shall notify the trustee, by certified mail, return receipt requested, of the enrollment of the grantor or person who holds the title of record to participate in mediation pursuant to this section and shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. The trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in

NRS 107.090, by certified mail, return receipt requested, of the enrollment of the grantor or the person who holds the title of record to participate in mediation. If the grantor or person who holds the title of record is enrolled to participate in mediation pursuant to this section, no further action may be taken to exercise the power of sale until the completion of the mediation.

4. If the grantor or the person who holds the title of record indicates on the form described in subparagraph (4) of paragraph (a) of subsection 2 an election to waive mediation or fails to pay to the Mediation Administrator his or her share of the fee established pursuant to subsection 11, as required by subsection 3, the Mediation Administrator shall, not later than 60 days after the Mediation Administrator receives the form indicating an election to waive mediation or 90 days after the service of the notice in the manner required by NRS 107.080, whichever is earlier, provide to the trustee a certificate which provides that no mediation is required in the matter.

5. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 11. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or his or her representative, or the person who holds the title of record or his or her representative, shall attend the mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

6. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 5 or does not have the authority or access to a person with the authority required by subsection 5, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

7. If the grantor or the person who holds the title of record is enrolled to participate in mediation pursuant to this section but fails to attend the mediation, the Mediation Administrator shall, not later than 30 days after the scheduled mediation, provide to the trustee a certificate which states that no mediation is required in the matter.

8. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be

terminated. The Mediation Administrator shall, not later than 30 days after submittal of the mediator's recommendation that the matter be terminated, provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

9. Upon receipt of the certificate provided to the trustee by the Mediation Administrator pursuant to subsection 4, 7 or 8, if the property is located within a common-interest community, the trustee shall notify the unit-owners' association organized under NRS 116.3101 of the existence of the certificate.

10. During the pendency of any mediation pursuant to this section, a unit's owner must continue to pay any obligation, other than any past due obligation.

11. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

12. Except as otherwise provided in subsection 14, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

13. A noncommercial lender is not excluded from the application of this section.

14. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

15. As used in this section:

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Mediation Administrator" means the entity so designated pursuant to subsection 11.

(c) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(d) "Obligation" has the meaning ascribed to it in NRS 116.310313.

(e) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include vacant land or any time share or other property regulated under chapter 119A of NRS.

(f) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Assemblyman Hansen moved the adoption of the amendment.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

This amends the language from Senate Bill 321 into Senate Bill 512, which authorizes a homeowner to initiate foreclosure mediation. In order to carry out the provisions of the bill, the court administrator is allowed to appear before the Interim Finance Committee to request allocations under certain circumstances.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 133, as amended, appropriates $2.5 million dollars in each fiscal year of the 2015-2017 biennium to the newly created Teachers' School Supplies Reimbursement Account in the State General Fund for the purpose of reimbursing teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct. On or before September 1 of each year, the Department shall determine the amount of money that is available for distribution among all of the school districts and charter schools in this state for that fiscal year. To the extent that money is available, the Department shall establish the amount of reimbursement for each teacher, which must not exceed $250 per fiscal year.

Roll call on Senate Bill No. 133:

YEAS—36.

NAYS—Dickman, Shelton, Titus—3.

EXCUSED—Dooling, Kirner, Moore—3.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hansen moved that Senate Bill No. 512 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 512.

Bill read third time.

Remarks by Assemblymen Hansen, Elliot Anderson, Thompson, and Ohrenschall.

ASSEMBLYMAN HANSEN:

Senate Bill 512 authorizes a homeowner with a mortgage secured by owner-occupied housing, a grantor, or the holder of title with respect to owner-occupied housing to initiate a foreclosure mediation if a counseling agency approved by the U.S. Department of Housing and Urban Development certifies that the homeowner has a financial hardship and is in imminent danger of default. The homeowner must file a form with the mediation administrator electing to enter into mediation and must pay his or her share of the mediation fee. Good faith mediation engaged in by a lender and a homeowner under the provisions of this bill satisfy pertinent mediation requirements under Nevada law.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in reluctant support of Senate Bill 512. I know that this bill is necessary because of the funding levels for the budget, so we do need to approve it. I do not believe that we are out of the woods for foreclosure. We are still number two, as we heard yesterday from the Chair of Judiciary. I am worried that a lot of our communities will still need this program. We will be able to take another look at it as we go. We will see. I do hope that this body does not think that this program is not valuable. It is very important; I have seen it work.

ASSEMBLYMAN THOMPSON:

I am also reluctant, but I will vote for this. I feel like I am in a Catch-22 situation because if we vote against it, it might have a shorter time frame in which it survives in communities. If we vote for it, it will have a little bit longer time and I am hopeful that whoever is on the interim committees works hard to keep this alive. We had testimony today from the bill's sponsor saying there is an upswing in people requesting these mediations. Mediation works. I know this for a fact, especially foreclosure mediations. My area is one of the hardest-hit areas for foreclosures. This is what is going to make the difference in making communities remain whole. This is where homeowners get to speak face-to-face with the lenders when they have tried numerous times to call them on the phone, to send an email, and have not gotten the responses they need. We are going to have to vote for it, but I hope that in the interim we are able to make this survive. I hate the word that is on this that is saying to abolish it. When you abolish something, it is over and I hope that it is not.

ASSEMBLYMAN OHRENSCHALL:

I, too, rise in reluctant support of Senate Bill 512. It was just a few years ago when many of us talked to constituents, constituents who would call their bank or their lending institution and they would get one department that would tell them, We are working on it. We are trying to modify your loan. We are going to help, we are going to help. Then a couple of months later, they would find out they are being foreclosed on. One arm of the bank was not talking to the other arm of the bank.

Certainly, we are not in the same foreclosure crisis that we were in then, but we have seen an uptick. The ten-year ARMs [adjustable-rate mortgages] will be maturing in about 2016 and, unfortunately, we may see these rise again. This FMAC [Family Mediation and Assessment Center] program has brought the banks and the homeowners together. I think there has been a lot of success. I have heard about it from my colleagues who practice in this area. I have heard about it from my constituents. I do reluctantly support it, and I do hope we will find the resources to continue this program.

Roll call on Senate Bill No. 512:

YEAS—40.

NAYS—None.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 512 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 332.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Senate Bill 332 appropriates $1 million in each year of the biennium from the State General Fund to the Clark County School District to carry out a program of teacher peer assistance and review. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 332:

YEAS—31.

NAYS—Dickman, Ellison, Fiore, Hansen, Jones, Shelton, Titus, Trowbridge, Wheeler—9.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Remarks by Assemblymen Gardner, Elliot Anderson, Ohrenschall, Diaz, and Nelson.

ASSEMBLYMAN GARDNER:

This is the bill that we called for reconsideration. This is the bill that changes how we are doing punitive damages in our state. It puts products under the 3-to-1 cap. Right now, the U.S. Supreme Court has put a 4-to-1 cap on punitive damages for the constitutionality under the due process clause in the Fourteenth Amendment. I think it is a good bill. The first section allows you to put your complaint forward, then you do discovery, and then you start talking about punitives after you have actually done the discovery. I think it is a good bill, and I think we should pass it.

ASSEMBLYMAN ELLIOT ANDERSON:

I rise in opposition to Senate Bill 296. Truth be told, without the amendment I think I could have gotten there. If you recall, the Assembly amended a requirement that basically puts government regulators in the place of the jury and determines whether the defendant acted intentionally. That is what I have a problem with. I do not think we should get in the way of the jury making these decisions. I think it is unprecedented to allow government regulators to decide this rather than the jury. I am in opposition.

ASSEMBLYMAN OHRENSCHALL:

I rise in opposition to Senate Bill 296, and I echo many of the comments from my colleague from Assembly District 15. Section 3 does concern me a lot. A lot of times, the governmental agency that will have responsibility will be one of our governmental agencies back in Washington, D.C. Whether you go back to thalidomide, the Dalkon Shield, the Pinto, we know that those agencies tend to act slowly. My concern is that the victims of these products will have to wait until that agency acts. I do not think that is something we really want to do to our constituents.

ASSEMBLYWOMAN DIAZ:

I rise in opposition to Senate Bill 296. I request that my previous comments be reentered into the record.

[I rise in opposition to Senate Bill 296. This bill, as amended, would have harmful effects on those injured by defective products. There are numerous instances across the country where individuals have been harmed by a consumer product, many of which have been approved and vetted by the appropriate governmental agencies. For instance, there was the superbug outbreak at a college campus in California late this year involving defective scopes. In the superbug outbreak, Olympus, the maker of the scopes, knew of outbreaks in Florida dating back to 2008 and an outbreak in Seattle dating back to 2012. Those earlier outbreaks involved the same scopes; however, the company failed to tell the FDA [Food and Drug Administration]. Should this bill pass, punitive damages will now be capped at 3 to 1 because the FDA has taken no action on the company's failure to report prior incidents.

Likewise in another example, GM [General Motors] has now recalled 24.6 million cars in the U.S. because of a faulty ignition switch that forces a car to turn off and prevents the airbags from deploying. GM engineers knew about the problem for a decade yet did not report it to the National Highway Traffic Safety Administration [NSTSA]. Despite all of the injuries, deaths, and recalls attributed to the issue, there has been no action to date by the NSTSA.

We, as elected officials, have a responsibility to our constituents and the residents of Nevada to ensure safety from harmful products that slip through the cracks of governmental regulation. Passing this legislation breaks that promise and denies our constituents the opportunity to feel assured that they will be made whole in a situation when they are harmed, injured, or even killed because a large corporation was negligent and the federal governmental entity failed to act.]

I want to state, echoing the comments of my colleagues that spoke before me in opposition, it just smacks a little contrary to what a lot of my colleagues in this body believe in. They think that we should not wait on federal entities, that we as a state should take action on behalf of our citizenry. I do not understand why we think this amendment is awesome when we know of cases where the companies have been extremely negligent and the federal agencies have done nothing to shed light on the fact that they were. Who is going to be detrimentally impacted? It is not the GMs of the world. It is not going to be the Olympuses of the world. It is going to be your constituents. So if you want to take away the right for your constituents to access justice, this is the way to go. Vote for this bill. But if you believe that you should err on the side of your constituents and not on the side of waiting for a federal agency to say ten years later when the harm is already done, This product is defective. That person cannot regain their health, and sometimes they cannot regain their life. I think this vote is not worth taking that access to justice from anyone.

ASSEMBLYMAN NELSON:

I rise in support of Senate Bill 296, as amended. I would like to point out to my colleagues that there is still the three times compensatory cap. A lot of our constituents are business owners also, it is not just individuals. This bill is designed to help business owners. As you recall, in past decades we have had an exodus from our state. It started first with medical providers—doctors particularly. This sort of cap has helped to keep a number of them in the state. They can still get three times compensatory damages. If they want to go above that, and that would only be in the super, super big cases, if they can get a governmental agency to make an opinion, they can still go for punitive damages as high as they want. As my colleague from the south pointed out, the U.S. Supreme Court has said that anything that is in the range of four times compensatory damages is suspect anyway.

Roll call on Senate Bill No. 296:

YEAS—22.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Joiner, Kirkpatrick, Neal, Ohrenschall, Shelton, Spiegel, Sprinkle, Swank, Thompson, Trowbridge—18.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 444.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 95, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 814 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

DEREK ARMSTRONG	GREG BROWER
PAT HICKEY	MICHAEL ROBERSON
IRENE BUSTAMANTE ADAMS	DAVID PARKS
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA7.

AN ACT relating to property tax; revising provisions governing the publication of property tax rolls; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county assessor is required to prepare and publish in a newspaper of general circulation in the county a list of all the taxpayers on the secured roll in the county and the total value of the property on which they pay taxes or print and deliver or mail such a list and valuations to each taxpayer in the county. (NRS 361.300) This bill requires a board of county commissioners to direct the county assessor to publish this list and valuations on an Internet website maintained by the county assessor or the county. This bill also requires a board of county commissioners to direct the county assessor in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) to make not fewer than 10 copies of this list and valuations available to the public free of charge.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured

tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause ***, on or before January 1 of the fiscal year in which assessment is made,*** such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her ~~[on or before January 1 of the fiscal year in which assessment is made]~~ to each taxpayer in the county; ~~[or]~~

(2) Published once ~~[on or before January 1 of the fiscal year in which assessment is made]~~ in a newspaper of general circulation in the county; ***or***

(3) Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause ***, on or before January 1 of the fiscal year in which assessment is made,*** such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) ~~[Published]~~ ***If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published*** on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county ~~[.]~~ ***;***

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to

subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county four times each year which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved;

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font;

(4) Provides an explanation of how property tax rates are determined;

(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;

(6) Provides information on how often assessed values change;

(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;

(8) Provides the due dates for payments;

(9) Provides an explanation of exemptions and how to apply for an exemption; and

(10) Includes a statement of certification by the assessor that the roll is complete and accurate.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll ~~[is]~~ ***will be*** available for inspection ***on or before January 1*** as specified in paragraph (b) of subsection 3 ~~[.]~~ ***and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax role may be accessed or retrieved.*** If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 1.5. Section 1 of this act is hereby amended to read as follows:

Section 1. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Printed and delivered by the county assessor or mailed by him or her to each taxpayer in the county;

(2) Published once in a newspaper of general circulation in the county; or

(3) Published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county; and

(b) To cause, on or before January 1 of the fiscal year in which assessment is made, such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county;

(2) Posted at the office of the county assessor; and

(3) If the list and valuations are printed and delivered or mailed pursuant to subparagraph (1) of paragraph (a) or published in a newspaper of general circulation pursuant to subparagraph (2) of paragraph (a), published on an Internet website that is maintained by the county assessor or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county;

(c) In a county whose population is less than 100,000, to make not fewer than 10 copies of such list and valuations available to the public free of charge during normal business hours at the main administrative office of the county for at least 60 days after the date on which the list and valuations are made available to the public pursuant to paragraph (b); and

(d) If the county assessor publishes the list and valuations on an Internet website that is maintained by the county assessor or the county pursuant to subparagraph (3) of paragraph (a), to provide notice in a newspaper of general circulation in the county ~~[four times each year]~~ ***, on or before January 1 of the fiscal year in which assessment is made,*** which:

(1) Indicates that the list and valuations have been made available to the public on the Internet website maintained by the county assessor or the county;

(2) Provides the address of the Internet website on which the list and valuations may be accessed or retrieved; ***and***

(3) Is displayed in the format used for advertisements and printed in at least 10-point bold type or font**.** ~~[~~**;**

~~(4) Provides an explanation of how property tax rates are determined;~~

~~(5) Provides an explanation of how property tax abatements are applied and how tax relief may be obtained;~~

~~(6) Provides information on how often assessed values change;~~

~~(7) Provides information on how to file an appeal to the county board of equalization and the State Board of Equalization;~~

~~(8) Provides the due dates for payments;~~

~~(9) Provides an explanation of exemptions and how to apply for an exemption; and~~

~~(10) Includes a statement of certification by the assessor that the roll is complete and accurate.]~~

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in subparagraph (1) of paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. A notice issued pursuant to this paragraph must include a statement that the secured tax roll will be available for inspection on or before January 1 as specified in paragraph (b) of subsection 3 and subparagraph (3) of paragraph (a) of subsection 3, if applicable, and must specify the locations at which the secured tax roll will be available for inspection, including the address of the Internet website on which the secured tax role may be accessed or retrieved. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 2. 1. This section and section 1 of this act become effective on July 1, 2015.

2. Section 1.5 of this act becomes effective on July 1, ~~[~~2017.~~]~~ **2016.**

Assemblyman Armstrong moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 95.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 444, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 861 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

IRA HANSEN	GREG BROWER
DAVID GARDNER	BECKY HARRIS
ELLIOT ANDERSON	RUBEN KIHUEN
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA11.

AN ACT relating to civil actions; revising provisions relating to special motions to dismiss certain claims based upon the right to petition and the right to free speech under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions to deter frivolous or vexatious lawsuits (Strategic Lawsuits Against Public Participation, commonly known as "SLAPP lawsuits"). (Chapter 387, Statutes of Nevada 1997, p. 1363; NRS 41.635-41.670) A SLAPP lawsuit is characterized as a meritless suit filed primarily to discourage the named defendant's exercise of First Amendment rights. "The hallmark of a SLAPP lawsuit is that it is filed to obtain a financial advantage over one's adversary by increasing litigation costs until the adversary's case is weakened or abandoned." (*Metabolic Research, Inc. v. Ferrel*, 693 F.3d 795, 796 n.1 (9th Cir. 2012))

Existing law provides that a person who engages in good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is immune from civil liability for claims based upon that communication. (NRS 41.650) Existing law also provides that if an action is brought against a person based upon such good faith communication, the person may file a special motion to dismiss the claim. If a special motion to dismiss is filed, the court must first determine whether the moving party has established, by a preponderance of the evidence,

that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. If the court determines that the moving party has met this burden, the court must then determine whether the person who brought the claim has established by clear and convincing evidence a probability of prevailing on the claim. While the court's ruling on the special motion to dismiss is pending and while the disposition of any appeal from that ruling is pending, the court must stay discovery. (NRS 41.660)

Section 13 of this bill revises provisions governing a special motion to dismiss a claim that is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern. **Section 13** increases from 7 days to 20 judicial days the time within which a court must rule on a special motion to dismiss. **Section 13 replaces the determination of whether a person who brought the claim has established by clear and convincing evidence a probability of prevailing on the claim and instead requires a court to determine whether the person has demonstrated with prima facie evidence a probability of prevailing on the claim.** **Section 13** also authorizes limited discovery for the purposes of allowing a party to obtain certain information necessary to meet or oppose the burden of the party who brought the claim to ~~[establish by clear and convincing]~~ **demonstrate with prima facie** evidence a probability of prevailing on the claim. Finally, **section 13** ~~[authorizes]~~ **requires** the court to modify certain deadlines upon a finding that such a modification would serve the interests of justice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.5. **Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Legislature finds and declares that:

1. NRS 41.660 provides certain protections to a person against whom an action is brought, if the action is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.

2. When a plaintiff must demonstrate a probability of success of prevailing on a claim pursuant to NRS 41.660, the Legislature intends that in determining whether the plaintiff "has demonstrated with prima facie evidence a probability of prevailing on the claim" the plaintiff must meet the same burden of proof that a plaintiff has been required to meet pursuant to California's anti-Strategic Lawsuits Against Public Participation law as of the effective date of this act.

Sec. 13. NRS 41.660 is hereby amended to read as follows:

41.660 1. If an action is brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern:

(a) The person against whom the action is brought may file a special motion to dismiss; and

(b) The Attorney General or the chief legal officer or attorney of a political subdivision of this State may defend or otherwise support the person against whom the action is brought. If the Attorney General or the chief legal officer or attorney of a political subdivision has a conflict of interest in, or is otherwise disqualified from, defending or otherwise supporting the person, the Attorney General or the chief legal officer or attorney of a political subdivision may employ special counsel to defend or otherwise support the person.

2. A special motion to dismiss must be filed within 60 days after service of the complaint, which period may be extended by the court for good cause shown.

3. If a special motion to dismiss is filed pursuant to subsection 2, the court shall:

(a) Determine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern;

(b) If the court determines that the moving party has met the burden pursuant to paragraph (a), determine whether the plaintiff has ~~[established by clear and convincing]~~ ***demonstrated with prima facie*** evidence a probability of prevailing on the claim;

(c) If the court determines that the plaintiff has established a probability of prevailing on the claim pursuant to paragraph (b), ensure that such determination will not:

(1) Be admitted into evidence at any later stage of the underlying action or subsequent proceeding; or

(2) Affect the burden of proof that is applied in the underlying action or subsequent proceeding;

(d) Consider such evidence, written or oral, by witnesses or affidavits, as may be material in making a determination pursuant to paragraphs (a) and (b);

(e) ~~[Stay]~~ ***Except as otherwise provided in subsection 4, stay*** discovery pending:

(1) A ruling by the court on the motion; and

(2) The disposition of any appeal from the ruling on the motion; and

(f) Rule on the motion within ~~[7]~~ ***20*** judicial days after the motion is served upon the plaintiff.

4. ***Upon a showing by a party that information necessary to meet or oppose the burden pursuant to paragraph (b) of subsection 3 is in the possession of another party or a third party and is not reasonably available without discovery, the court shall allow limited discovery for the purpose of ascertaining such information.***

5. If the court dismisses the action pursuant to a special motion to dismiss filed pursuant to subsection 2, the dismissal operates as an adjudication upon the merits.

6. The court ~~[may]~~ shall modify any ~~[briefing or hearing]~~ deadlines pursuant to this section or any other deadlines relating to a complaint filed pursuant to this section ~~[upon a finding that]~~ if such modification would serve the interests of justice.

7. As used in this section:

(a) "Complaint" means any action brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, including, without limitation, a counterclaim or cross-claim.

(b) "Plaintiff" means any person asserting a claim, including, without limitation, a counterclaim or cross-claim.

Sec. 14. The amendatory provisions of this act apply to an action commenced on or after ~~[October 1, 2015.]~~ **the effective date of this act.**

Sec. 15. (Deleted by amendment.)

Sec. 16. **This act becomes effective upon passage and approval.**

Assemblyman Hansen moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 444.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:07 p.m.

ASSEMBLY IN SESSION

At 11:18 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Munford moved that the Assembly reconsider the action whereby Senate Bill No. 296 was passed.

Motion carried.

Assemblymen Hansen, Nelson, and Ellison requested a roll call vote on the motion for reconsideration.

Roll call vote on the motion to reconsider the action whereby Senate Bill No. 296 was passed.

YEAS—20.

NAYS—Paul Anderson, Armstrong, Dickman, Edwards, Ellison, Fiore, Gardner, Hambrick, Hansen, Hickey, Jones, Kirner, Nelson, O'Neill, Oscarson, Silberkraus, Stewart, Titus, Wheeler, Woodbury—20.

EXCUSED—Dooling, Moore—2.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 258, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 1034 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

IRA HANSEN	GREG BROWER
BRENT JONES	AARON FORD
IRENE BUSTAMANTE ADAMS	BECKY HARRIS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA13.

ASSEMBLYWOMAN ~~[BUSTAMANTE ADAMS]~~ **FIORE**

AN ACT relating to unlawful acts; prohibiting a person from obstructing certain property or roadways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill: (1) prohibits a person from intentionally obstructing certain property or roadways; and (2) prescribes certain civil remedies for persons aggrieved by such conduct.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not intentionally obstruct:

(a) The ingress or egress to any public or private property from any other public or private place in such a manner as not to leave a free passageway

for persons and vehicles lawfully seeking to enter or leave the property via the public or private place; or

(b) Any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. In addition to any other remedy, a person aggrieved by a violation of subsection 1 may bring a civil action in a court of competent jurisdiction against any person who commits the violation to seek any or all of the following relief:

(a) Declaratory and injunctive relief, including, without limitation, injunctive relief to enjoin any ongoing activity that violates any provision of subsection 1. For the purposes of injunctive relief, a person who brings an action pursuant to this subsection is entitled to a rebuttable presumption of irreparable harm.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

3. A person who violates the provisions of this section is not subject to criminal liability.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Hansen moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 258.

Motion lost.

Assemblymen Hansen, Ellison, and Nelson requested a roll call vote on the motion.

Roll call on the motion to adopt the report of the Conference Committee concerning Assembly Bill No. 258.

YEAS—22.

NAYS—Elliot Anderson, Araujo, Benitez-Thompson, Bustamante Adams, Carlton, Carrillo, Diaz, Flores, Hambrick, Joiner, Kirkpatrick, Munford, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson—18.

EXCUSED—Dooling, Moore—2.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDY KIRNER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAUL ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 332, Amendment No. 1063, and respectfully requests your honorable body to concur in said amendment.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 440; Assembly Bill No. 359 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 440.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1067.

SUMMARY—Revises provisions relating to ~~[insurance. (BDR 57-983)]~~ **transportation. (BDR 58-983)**

AN ACT relating to ~~[insurance; revising provisions relating to casualty insurance for certain uses of motor vehicles;]~~ **transportation; requiring a transportation network company to enter into an agreement with certain establishments before allowing a driver to pick up passengers at such an establishment; revising provisions relating to the provision of transportation services to persons with disabilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires every owner or operator of a motor vehicle which is registered in this State to continuously provide insurance for the payment of tort liabilities arising from the maintenance or use of the motor vehicle subject to certain requirements for coverage. (NRS 485.185, 485.186) This bill provides different requirements for coverage for a motor vehicle which is used by a driver in connection with a transportation network company. Section 4 of this bill defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services. Section 6 of this bill defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver through the use of the digital network or software application service of a transportation network company.~~

~~Section 7 of this bill requires a transportation network company to make certain disclosures to a person before allowing that person to provide~~

~~transportation services as a driver. Section 8 of this bill requires a transportation network company or a driver to continuously provide insurance subject to certain requirements for coverage. Section 8 specifies that the transportation network company insurance may be provided by the transportation network company, the driver or both. Section 8 requires the transportation network company to provide certain insurance which provides coverage as primary insurance if the insurance provided by the driver is insufficient for certain reasons. Section 8 allows a policy of transportation network company insurance to include certain additional coverages. Section 8 prohibits an insurer who provides a policy of transportation network company insurance from requiring a driver's personal policy of automobile insurance to deny a claim before providing coverage.~~

~~Section 9 of this bill provides that a personal policy of automobile insurance is not required to include transportation network company insurance. Section 9 authorizes an insurer to include transportation network company insurance in such a policy and allows the insurer to charge an additional premium for doing so.~~

~~Section 10 of this bill requires a transportation network company, a driver and an insurer who provides transportation network company insurance to cooperate in the investigation of an accident. Section 11 of this bill requires a driver: (1) to carry proof of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and (2) to provide proof of coverage and disclose certain information to a law enforcement officer and to any other party with whom the driver is involved in an accident.]~~ **Existing law provides for the permitting and regulation of transportation network companies. (Assembly Bill No. 176 of the 2015 Session) Section 1 of this bill prohibits a transportation network company from allowing a driver affiliated with the company to pick up a passenger at an establishment which is a hotel with 1,000 or more rooms or a convention center with 400,000 or more square feet of exhibit space unless: (1) the company has entered into an agreement with the establishment, hotel or convention center; (2) the Nevada Transportation Authority has been provided notice of the agreement; and (3) the driver complies with the terms of the agreement. Section 2 of this bill requires a transportation network company which cannot provide a passenger with transportation services in a motor vehicle that is wheelchair accessible to refer the passenger to any available, alternative provider or means of transportation that is wheelchair accessible. Section 2 also requires a transportation network company to annually review the availability of transportation services to diverse communities.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1, 2 and 3:

Section 1. **Section 29 of Assembly Bill No. 176 of this session is hereby amended to read as follows:**

Sec. 29. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. ***A transportation network company shall, before allowing any driver affiliated with the company to pick up a passenger at an establishment which is a hotel with 1,000 or more rooms or a convention center with 400,000 or more square feet of exhibit space, enter into an agreement with the establishment, hotel or convention center and provide notice of that agreement to the Authority. The agreement required by this subsection must include, without limitation, provisions governing the provision of transportation services on the property of the establishment, hotel or convention center.***

5. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not

less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

(e) Fails to comply with the terms of an agreement entered into by the transportation network company pursuant to subsection 4.

Sec. 2. **Section 32 of Assembly Bill No. 176 of this session is hereby amended to read as follows:**

Sec. 32. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must ~~[direct]~~ ***refer*** the passenger to ~~[an]~~ ***any available,*** alternative provider or means of transportation that is wheelchair accessible ***.*** ~~[, if available.]~~

4. At least annually, a transportation network company shall solicit public comment and review the availability of transportation services to diverse communities, including, without limitation, persons with disabilities and persons who live outside of urban areas.

Sec. 3. **This act becomes effective upon passage and approval.**

Assemblyman Kirner moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 359.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1065.

AN ACT relating to common-interest communities; revising provisions governing a unit-owners' association's lien for certain amounts due to the association; **revising provisions governing the foreclosure of an association's lien; revising provisions requiring certain financial institutions and mortgage holders to provide a contact address to the Division of Financial Institutions of the Department of Business and Industry;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association, and an association may foreclose its lien through a nonjudicial foreclosure process. (NRS 116.3116-116.31168) ~~[Under existing law, generally,]~~ **Generally,** the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien." (NRS 116.3116) In *SFR Investments Pool 1, LLC v. U.S. Bank*, 130 Nev. Adv. Op. 75, 334 P.3d 408 (2014), the Nevada Supreme Court held that the foreclosure of the super-priority lien by the association extinguishes the first security interest on the unit.

This bill ~~[provides]~~ **amends Senate Bill No. 306 of this legislative session to provide** that the foreclosure of the super-priority lien by the association does not extinguish a first ~~[security interest on the unit]~~ or ~~[a]~~ second mortgage or deed of trust on the unit. ~~[Thus, under this bill, if the holder of a security interest, lien or encumbrance on a unit, other than the association, forecloses on the unit, the association would be entitled to a distribution of the proceeds of the sale in accordance with the priority accorded to the association's lien under existing law. However, if the association forecloses its lien on a unit by sale, the association's foreclosure does not extinguish the first security interest on the unit or a second mortgage or deed of trust on the unit but does extinguish any other security interest, liens or encumbrances subordinate to the association's lien under existing law.]~~ **This bill further amends Senate Bill No. 306 of this legislative session to: (1) authorize a copy of certain notices recorded by an association to be served upon the holder of a security interest on the unit; (2) specify the address to which a copy of such notices must be sent if the address of the holder of a security interest is not available on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; (3) revise provisions governing the right of a unit's owner or holder of a security interest to redeem a unit after a foreclosure sale by a unit-owners' association; (4) authorize the Commissioner of Financial Institutions to take certain actions to implement the requirement that certain financial institutions and mortgage holders provide a contact address that must be included on the Internet website of the Division.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~[~~NRS 116.3116 is hereby amended to read as follows:

~~116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.~~

~~2. A lien under this section is prior to all other liens and encumbrances on a unit except:~~

~~(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;~~

~~(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and~~

~~(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.~~

~~The lien is also prior to all security interests described in paragraph (b) to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.~~

~~3. *Except as otherwise provided in this subsection, any priority accorded to the association's lien under this section is a priority in right and not*~~

merely a priority in payment from the proceeds of the sale of the unit by a competing lienholder or encumbrancer. The foreclosure by sale of the association's lien does not extinguish the rights of the holder of:

(a) A first security interest described in paragraph (b) of subsection 2; or

(b) A second mortgage or deed of trust on the unit recorded before the date on which the assessment sought to be enforced became delinquent.

1. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

[4.**]** ***5.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

[5.**]** ***6.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

[6.**]** ***7.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

[7.**]** ***8.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

[8.**]** ***9.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

[9.**]** ***10.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

[10.**]** ***11.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

~~(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or~~

~~(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~[11.]~~ ***12.*** ~~In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.~~ **(Deleted by amendment.)**

Sec. 7.5. ~~NRS 116.31166 is hereby amended to read as follows:~~

~~116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:~~

~~(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;~~

~~(b) The elapsing of the 90 days; and~~

~~(c) The giving of notice of sale,~~

~~" are conclusive proof of the matters recited.~~

~~2. Such a deed containing those recitals is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.~~

~~3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption~~ ~~[.]~~ ***[subject to any security interest described in paragraph (a) or (b) of subsection 3 of NRS 116.3116.]*** **(Deleted by amendment.)**

Sec. 7.55. **Section 1 of Senate Bill No. 306 is hereby amended to read as follows:**

Section 1. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 ***[and any costs of collecting a past due obligation charged pursuant to NRS 116.310313]*** are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent ~~[:]~~ ***, except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3;*** ~~[and]~~

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative ~~[.~~

~~➥ The lien is also]~~ ***; and***

(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.

3. A lien under this section is prior to all security interests described in paragraph (b) ***of subsection 2*** to the extent of ~~[any]~~ ***:***

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312 ~~[and to the extent of the]~~ ***; and***

(b) The unpaid amount of ~~***[assessments, not to exceed an amount equal to]***~~ assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding ~~[institution of an action to enforce the lien,]~~ ***the date on which*** ~~***[the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162; and***~~

~~***(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5,]***~~ ***payment of the assessments is tendered to the association,***

➥ unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) ***of subsection 2*** must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding ***the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the*** institution of ~~[an]~~ ***a judicial*** action to enforce the lien.

4. This ~~[subsection]~~ ***section*** does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

~~[3.]~~ ***5. [The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:***

(a) For a demand or intent to lien letter, $150.

(b) For a notice of delinquent assessment, $325.

(c) For an intent to record a notice of default letter, $90.

(d) For a notice of default, $400.

(e) For a trustee's sale guaranty, $400.

No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.] ***Except as otherwise provided in this subsection, any priority accorded to the association's lien under this section is a priority in right and not merely a priority in payment from the proceeds of the sale of the unit by a competing lienholder or encumbrancer. The foreclosure by sale of the association's lien does not extinguish the rights of the holder of:***

(a) A first security interest described in paragraph (b) of subsection 2; or

(b) A second mortgage or deed of trust on the unit recorded before the date on which the assessment sought to be enforced became delinquent.

6. Notwithstanding any other provision of law, an association, or member of the executive board, officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common-interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 to collect amounts due to the association in accordance with subsection 1 before the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162.

7. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest

consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

~~[4.]~~ ***8.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[5.]~~ ***9.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[6.]~~ ***10.*** A lien for unpaid assessments is extinguished unless ***a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial*** proceedings to enforce the lien are instituted ***,*** within 3 years after the full amount of the assessments becomes due.

~~[7.]~~ ***11.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[8.]~~ ***12.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[9.]~~ ***13.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[10.]~~ ***14.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~[11.]~~ ***15.*** In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the

action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

16. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance.

Sec. 7.6. **Section 2 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 2. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5 ~~[or 6,]~~ ***, 6 or 7,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) ***State the total amount of the deficiency in payment, with a separate statement of:***

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) ~~[State that :~~

~~(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and~~

~~(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.~~

~~(4)]~~ State the name and address of the person authorized by the association to enforce the lien by sale.

~~[~~(3)***~~(5)]~~*** ***(4)*** Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which

business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days ***described in paragraph (c) of subsection 1*** begins on the first day following:

(a) The date on which the notice of default ***and election to sell*** is recorded; or

(b) The date on which a copy of the notice of default ***and election to sell*** is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. An association may not mail to a unit's owner or his or her successor in interest a letter of its intent to mail a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless ~~[,~~ ~~not]~~ ***:***

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner:

~~[(a)]~~ ***(1)*** A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

~~[(b)]~~ ***(2)*** A proposed repayment plan; and

~~[(c)]~~ ***(3)*** A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing ~~[.]~~ ***; and***

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. ***The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of 116.311635.***

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

~~[6.]~~ ***7.*** The association may not foreclose a lien by sale if ~~[:~~

~~(a) The unit is owner-occupied housing encumbered by a deed of trust;~~

~~(b) The beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee has recorded a notice of default and election to sell with respect to the unit pursuant to subsection 2 of NRS 107.080; and~~

~~(c) The~~] ***the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:***

(a) The trustee of record has ~~[not]~~ recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph ~~[(d)]~~ ***(e)*** of subsection 2 of NRS 107.086 ~~[.~~

~~As used in this subsection, "owner-occupied housing" has the meaning ascribed to it in NRS 107.086.]~~ ***; or***

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 10 of NRS 107.086.

Sec. 7.65. **Section 3 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 3. NRS 116.31163 is hereby amended to read as follows:

116.31163 The association or other person conducting the sale shall also ~~,~~ ~~[mail,]~~ within 10 days after the notice of default and election to sell is recorded, ***mail*** a copy of the notice by ~~[first class]~~ ***certified*** mail to ~~[:]~~ ***, or serve a copy of the notice on:***

1. Each person who has requested notice pursuant to NRS ~~[107.090 or]~~ 116.31168; ***and***

2. ~~[Any]~~ ***Each*** holder of a recorded security interest encumbering the unit's owner's interest ~~[who has notified the association, 30 days]~~ ***which was recorded*** before the recordation of the notice of default , ~~[of the existence of the security interest; and~~

~~3. A purchaser of the unit, if the unit's owner has notified the association, 30 days before the recordation of the notice, that the unit is the subject of a contract of sale and the association has been requested to furnish the certificate required by NRS 116.4109.]~~ ***at [the] :***

(a) The address of the holder that is provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry [.] ; or

(b) If the address of the holder is not provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry, the registered agent of the holder or, if the holder does not have a registered agent in this State, the address of the holder.

Sec. 7.7. **Section 4 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 4. NRS 116.311635 is hereby amended to read as follows:

116.311635 1. The association or other person conducting the sale shall also, after the expiration of the ~~[90 days]~~ ***90-day period described in paragraph (c) of subsection 1 of NRS 116.31162*** and before selling the unit ~~[~~:

~~(a) Give]~~ ***, give*** notice of the time and place of the sale ~~[in the manner and for a time not less than that required by law for the sale of real property upon execution, except that in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on]~~ ***by recording the notice of sale and by:***

(a) Posting a similar notice particularly describing the unit, for 20 days consecutively, in a public place in the county where the unit is situated;

(b) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the unit is situated;

(c) Notifying the unit's owner ***or his or her successor in interest*** as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and ~~[(b) Mail,]~~

(d) Mailing, on or before the date of first publication or posting, a copy of the notice by certified ~~[or registered]~~ mail ~~[, return receipt requested,]~~ to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under ***subsection 1 of*** NRS 116.31163;

(2) The holder of a ~~[recorded]~~ security interest ~~[or the purchaser of the unit, if either of them has notified the association,]~~ ***recorded*** before the mailing of the notice of sale ~~[, of the existence of the security interest, lease or contract of sale, as applicable;]~~ ***, at ~~[the]~~ :***

(I) The address of the holder that is provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; or

(II) If the address of the holder is not provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry, the registered agent of the holder or, if the holder does not have a registered agent in this State, the address of the holder; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

Sec. 7.75. **Section 5 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 5. NRS 116.31164 is hereby amended to read as follows:

116.31164 1. ***The sale must be conducted in accordance with the provisions of this section.***

2. ~~[If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale may not occur unless a record of such satisfaction is recorded in the office of the county recorder of the county in which the unit is located not later than 2 days before the date of sale.~~

~~3.]~~ The sale must be ~~[conducted]~~ ***made between the hours of 9 a.m. and 5 p.m. and:***

(a) If the unit is located in a county whose population is less than 100,000, at the courthouse in the county in which the ~~[common interest community]~~ ***unit*** ~~[or part of it]~~ is ~~[situated, and]~~ ***located.***

(b) If the unit is located in a county whose population is 100,000 or more, at the public location in the county designated by the governing body of the county to conduct a sale of real property pursuant to NRS 107.080.

~~[4.]~~ **3.** ***The sale*** may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State ***.*** ~~[, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not.~~

~~5.]~~ **4.** The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale ~~[.~~

~~2.]~~ ***, except that:***

(a) If the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location; and

(b) If such a date has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 116.311635.

~~[6.]~~ **5.** On the day of sale ***,*** ~~[originally advertised or to which the sale is postponed,]~~ at the time and place specified in the notice ***,*** ~~[or postponement,]~~ the person conducting the sale may ***~~[:~~***

~~(a) Shall state to the persons assembled for the sale whether or not the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 has satisfied the amount of the~~

~~*association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116.*~~

~~*(b) May]*~~ sell the unit at public auction to the highest cash bidder. ***Except as otherwise provided in this subsection, the person conducting the sale or any entity in which that person holds an interest may not become a purchaser at the sale.*** Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

~~[3. 7.]~~ ***6.*** After the sale, the person conducting the sale shall ~~[~~:

~~(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign;]~~ ***:***

(a) Comply with the provisions of subsection 2 of NRS 116.31166; and

~~[(c)]~~ ***(b)*** Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 7.8. **Section 6 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 6. NRS 116.31166 is hereby amended to read as follows:

116.31166 1. ***Every sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, vests in the purchaser the title of the unit's owner subject to the right of redemption provided by this section*** ~~*. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale of the unit does not extinguish that security interest to any extent.]*~~ ***and subject to any security interest described in paragraph (a) or (b) of subsection 5 of NRS 116.3116.***

2. After the sale conducted pursuant to NRS 116.31164, the person conducting the sale shall:

(a) Give to the purchaser a certificate of the sale containing:

(1) A particular description of the unit sold;

(2) The price bid for the unit;

(3) The whole price paid; and

(4) A statement that the unit is subject to redemption; ~~[and]~~

(b) Mail a copy of the certificate of sale described in paragraph (a) by certified mail to, or serve a copy of the certificate of sale on:

(1) The unit's owner at the last known address of the unit's owner; and

(2) Any holder of a recorded security interest that is subordinate to the association's lien at:

(I) The address of the holder that is provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; or

(II) If the address of the holder is not provided pursuant to section 8.5 of this act on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry, the registered agent of the holder or, if the holder does not have a registered agent in this State, the address of the holder; and

(c) Record a copy of the certificate in the office of the county recorder of the county in which the unit or part of it is located.

3. A unit sold pursuant to NRS 116.31162 to 116.31168, inclusive, may be redeemed by the unit's owner whose interest in the unit was extinguished by the sale, or his or her successor in interest, or any holder of a recorded security interest that is subordinate to the lien on which the unit was sold, or that holder's successor in interest. The unit's owner whose interest in the unit was extinguished, the holder of the recorded security interest on the unit or a successor in interest of those persons may redeem the property at any time within 60 days after the sale by paying:

(a) The purchaser the amount of his or her purchase price, with interest ~~[at the rate of 1 percent per month]~~ thereon in addition ~~[,]~~ at a daily periodic rate of 0.0329 percent, to the time of redemption, plus:

(1) The amount of any assessment paid to the association by the purchaser before the redemption;

(2) The amount of any assessment, taxes or payments toward liens which were created before the purchase and which the purchaser may have paid thereon after the purchase, and interest on such amount;

~~[(2)]~~ (3) If the purchaser is also a creditor having a prior lien to that of the redemptioner, other than the association's lien under which the purchase was made, the amount of such lien, and interest on such amount; and

~~[(3)]~~ (4) Any reasonable amount expended by the purchaser which is reasonably necessary to maintain and repair the unit in accordance with the standards set forth in the governing documents,

including, without limitation, any provisions governing maintenance, standing water or snow removal; ~~[and]~~

(b) The association the amount of any assessments not paid to the association after the purchase and before the redemption; and

(c) If the redemptioner is the holder of a recorded security interest on the unit or the holder's successor in interest, the amount of any lien before his or her own lien, with interest, but the association's lien under which the unit was sold is not required to be so paid as a lien.

4. Notice of redemption must be served by the person redeeming the unit on the person who conducted the sale and on the person from whom the unit is redeemed, together with:

(a) If the person redeeming the unit is the unit's owner whose interest in the unit was extinguished by the sale or his or her successor in interest, a certified copy of the deed to the unit and, if the person redeeming the unit is the successor of that unit's owner, a copy of any document necessary to establish that the person is the successor of the unit's owner.

(b) If the person redeeming the unit is the holder of a recorded security interest on the unit or the holder's successor in interest:

(1) An original or certified copy of the deed of trust securing the unit or a certified copy of any other recorded security interest of the holder.

(2) A copy of any assignment necessary to establish the claim of the person redeeming the unit, verified by the affidavit of that person, or that person's agent, or of a subscribing witness thereto.

(3) An affidavit by the person redeeming the unit, or that person's agent, showing the amount then actually due on the lien.

5. If the unit's owner whose interest in the unit was extinguished by the sale redeems the property as provided in this section:

(a) The effect of the sale is terminated, and the unit's owner is restored to his or her interest in the unit, subject to any security interest on the unit that existed at the time of sale ~~[.]~~ and that has not been satisfied; and

(b) The person to whom the redemption amount was paid must execute and deliver to the unit's owner a certificate of redemption, acknowledged or approved before a person authorized to take acknowledgements of conveyances of real property, and the certificate must be recorded in the office of the recorder of the county in which the unit or part of the unit is situated.

6. If the holder of a recorded security interest redeems the unit as provided in this section and the period for a redemption set forth in subsection 3 has expired, the person conducting the sale shall:

(a) Make, execute and, if the amount required to redeem the unit is paid to the person from whom the unit is redeemed, deliver to the person who redeemed the unit or his or her successor or assign, a deed without

warranty which conveys to the person who redeemed the unit all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the person who redeemed the unit, or his or her successor or assign.

7. If no redemption is made within 60 days after the date of sale, the person conducting the sale shall:

(a) Make, execute and, if payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the purchaser all title of the unit's owner to the unit; and

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign.

8. The recitals in a deed made pursuant to ~~[NRS 116.31164]~~ ***subsection 6 or 7*** of:

(a) Default, the mailing of the notice of delinquent assessment, and the ***mailing and*** recording of the notice of default and election to sell;

(b) The elapsing of the ~~[90 days; and]~~ ***90-day period set forth in paragraph (c) of subsection 1 of NRS 116.31162;***

(c) The ~~[giving]~~ ***recording, mailing, publishing and posting*** of ***the*** notice of sale ~~[,]~~ ***;***

(d) The failure to pay the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116 before the expiration of the period described in paragraph (d) of subsection 1 of NRS 116.31162; and

(e) The recording of the affidavit required to be recorded pursuant to paragraph (e) of subsection 1 of NRS 116.31162,

➥ are conclusive proof of the matters recited.

~~[2. Such a]~~

9. A deed containing ~~[those]~~ ***the*** recitals ***set forth in subsection 8*** is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

~~[3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption.]~~

10. Upon the expiration of the redemption period set forth in subsection 3, any failure to comply with the provisions of NRS 116.3116 to 116.31168, inclusive, does not affect the rights of a bona fide purchaser or bona fide encumbrancer for value.

Sec. 7.83. **Section 7 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 7. NRS 116.31168 is hereby amended to read as follows:

116.31168 1. ~~[The provisions of NRS 107.090 apply to the foreclosure of an association's lien as if a deed of trust were being~~

~~foreclosed. The request must identify the lien by stating the names of the unit's owner and the common-interest community.~~

~~2. An association may, after recording a notice of default and election to sell, waive the default and withdraw the notice or any proceeding to foreclose. The association is thereupon restored to its former position and has the same rights as though the notice had not been recorded.~~] ***A person with an interest or any other person who is or may be held liable for any amounts which are the subject of the association's lien pursuant to NRS 116.3116 or the servicer of a loan secured by a deed of trust or mortgage on real property which is subject to such lien desiring a copy of a notice of default and election to sell or notice of sale under the association's lien may record in the office of the county recorder of the county in which any part of the real property is situated an acknowledged request for a copy of the notice of default and election to sell or the notice of sale. The request must:***

(a) State the name and address of the person requesting copies of the notices;

(b) State a legal description of the unit in which the person has an interest or the assessor's parcel number of that unit; and

(c) The names of the unit's owner and the common-interest community.

2. The association or other person authorized to record the notice of default and election to sell shall, within 10 days after the notice is recorded and mailed or served, as applicable, pursuant to NRS 116.31162, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to each person who has recorded a request for a copy of the notice.

3. The association or other person authorized to make the sale shall, at least 20 days before the date of sale, cause to be deposited in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice of time and place of sale, addressed to each person described in subsection 2.

4. As used in this section, "person with an interest" means any person who has or claims any right, title or interest in, or lien or charge upon, a unit being foreclosed pursuant to NRS 116.31162 to 116.31168, inclusive.

Sec. 7.85. **Section 8.5 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 8.5. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bank, credit union, savings bank, savings and loan association, thrift company or other financial institution , or any other mortgage holder, which is licensed, registered or otherwise authorized to do

business in this State and which is the mortgagee or beneficiary of a deed of trust under a residential mortgage loan shall provide to the Division of Financial Institutions the name, street address and any other contact information of a person to whom:

(a) A borrower or a representative of a borrower must send any document, record or notification necessary to facilitate a mediation conducted pursuant to NRS 40.437 or 107.086.

(b) A unit-owners' association must send any notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive.

2. The information required to be provided to the Division of Financial Institutions pursuant to subsection 1 must be submitted to the Division in the manner and on a form prescribed by the Commissioner.

3. The Division of Financial Institutions shall maintain on its Internet website the information provided to the Division pursuant to subsection 1 and provide a prominent display of, or a link to, the information described in subsection 1, on the home page of its Internet website.

[3.] 4. The Commissioner may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Borrower" means a person who is a mortgagor or grantor of a deed of trust under a residential mortgage loan.

(b) "Residential mortgage loan" means a loan which is primarily for personal, family or household use and which is secured by a mortgage or deed of trust on owner-occupied housing as defined in NRS 107.086.

Sec. 7.9. **Section 9 of Senate Bill No. 306 is hereby amended to read as follows:**

Sec. 9. 1. **Subsection 5 of NRS 116.3116, and NRS 116.31166, as amended by sections 1 and 6, respectively, of this act, apply only to a sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, as amended by sections 2 to 7, inclusive, of this act under a notice of default and election to sell that is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162, as amended by section 2 of this act, on or after July 1, 2015.**

2. Subsections 1 to 6, inclusive, of NRS 116.31162 and NRS 116.31163, as amended by sections 2 and 3 of this act, respectively, apply only to a notice of default and election to sell that is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162, as amended by section 2 of this act, on or after ~~[October]~~ **July** 1, 2015.

~~[2.]~~ **3.** Subsection 7 of NRS 116.31162 and NRS 107.086, as amended by sections 2 and 8 of this act, respectively, apply if a notice of default and election to sell is recorded pursuant to NRS 107.080, on or after ~~[October]~~ **July** 1, 2015.

~~[3.]~~ **4.** NRS 116.311635 **,** ~~[and 116. 31164,]~~ as amended by ~~[sections]~~ **section** 4 ~~[and 5]~~ of this act, ~~[respectively, apply]~~ **applies** only

if a notice of sale is recorded pursuant to ~~[~~NRS 116. 311635,~~]~~ **paragraph (b) of subsection 1 of NRS 116.31162,** as amended by section ~~[4]~~ **2** of this act, on or after ~~[October]~~ **July** 1, 2015.

~~[4. NRS 116.31166, as amended by section 6 of this act, applies only to a sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, as amended by sections 2 to 7, inclusive, of this act, respectively, which occurs on or after October 1, 2015.]~~

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. **Senate Bill No. 306 is hereby amended by adding thereto a new section to be designated as section 10, immediately following section 9, to read as follows:**

Sec. 23. **This act becomes effective upon passage and approval.**

Assemblyman Gardner moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Spiegel.

Amendment No. 1066.

AN ACT relating to common-interest communities; revising provisions governing a unit-owners' association's lien for certain amounts due to the association; **requiring the Division of Financial Institutions of the Department of Business and Industry to establish a pilot program for the mandatory establishment of impound accounts for advance contributions for certain assessments;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association, and an association may foreclose its lien through a nonjudicial foreclosure process. (NRS 116.3116-116.31168) Under existing law, generally, the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent of certain maintenance and

abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super-priority lien." (NRS 116.3116) In *SFR Investments Pool 1, LLC v. U.S. Bank*, 130 Nev. Adv. Op. 75, 334 P.3d 408 (2014), the Nevada Supreme Court held that the foreclosure of the super-priority lien by the association extinguishes the first security interest on the unit.

This bill provides that the foreclosure of the super-priority lien by the association does not extinguish a first security interest on the unit or a second mortgage or deed of trust on the unit. Thus, under this bill, if the holder of a security interest, lien or encumbrance on a unit, other than the association, forecloses on the unit, the association would be entitled to a distribution of the proceeds of the sale in accordance with the priority accorded to the association's lien under existing law. However, if the association forecloses its lien on a unit by sale, the association's foreclosure does not extinguish the first security interest on the unit or a second mortgage or deed of trust on the unit but does extinguish any other security interest, liens or encumbrances subordinate to the association's lien under existing law.

Section 21.3 of this bill requires the Division of Financial Institutions of the Department of Business and Industry to establish a pilot program for the mandatory establishment of impound accounts for advance contributions for the payment of certain assessments owed to unit-owners' associations. Under the pilot program, a unit-owners' association is required to register and provide certain information to the Division. Payments from the impound account for such assessments must be made quarterly to the Division, and the Division is required to transfer the payment to the association to which the assessments are owed. The pilot program is required to begin on January 1, 2016, and end on December 31, 2020.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive,

of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

➥ The lien is also prior to all security interests described in paragraph (b) to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. ***Except as otherwise provided in this subsection, any priority accorded to the association's lien under this section is a priority in right and not merely a priority in payment from the proceeds of the sale of the unit by a competing lienholder or encumbrancer. The foreclosure by sale of the association's lien does not extinguish the rights of the holder of:***

(a) A first security interest described in paragraph (b) of subsection 2; or

(b) A second mortgage or deed of trust on the unit recorded before the date on which the assessment sought to be enforced became delinquent.

4. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget

adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

~~[4.]~~ ***5.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[5.]~~ ***6.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[6.]~~ ***7.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[7.]~~ ***8.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[8.]~~ ***9.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[9.]~~ ***10.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[10.]~~ ***11.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~[11.]~~ ***12.*** In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense

assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 7.5. NRS 116.31166 is hereby amended to read as follows:

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 vests in the purchaser the title of the unit's owner without equity or right of redemption ~~[.]~~ ***subject to any security interest described in paragraph (a) or (b) of subsection 3 of NRS 116.3116.***

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.3. **1. The Division shall establish a pilot program for the establishment of escrow accounts, loan trust accounts or impound accounts for advance contributions for the payment of certain assessments levied against a unit.**

2. The pilot program must:

(a) Require a unit-owners' association to register with the Division on a form prescribed by the Division and update the information required by that form annually and whenever the information changes.

(b) Require a holder of a security interest on a unit whose security interest secures a loan for the purchase of a unit on or after the effective date of this act to establish an escrow account, loan account or other impound account for the advance contributions for the payment of:

(1) Assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115;

(2) Special assessments to establish adequate reserves for the association pursuant to paragraph (b) of subsection 2 of NRS 116.3115; and

(3) Assessments for capital expenditures based on the periodic budget adopted by the association pursuant to NRS 116.3115.

(c) Authorize a holder of a security interest, other than a holder described in paragraph (b), to establish an escrow account, loan account or other impound account for the purposes set forth in paragraph (b).

3. Payments from an escrow account, loan trust account or impound account for the assessments described in paragraph (b) of subsection 2 must be transferred to the Division in quarterly installments, on or before the first day of each calendar quarter.

4. The Division shall, not later than the fifth day of each calendar quarter, disburse payments received pursuant to subsection 3 to the association to whom the payments are due.

5. If the Division is unable to disburse payments to a unit-owner's association because the association has not provided the Division with the information required by paragraph (a) of subsection 3, the association may not initiate collection activity against the unit's owner, commence an action for judicial foreclosure against the unit's owner or take any action for a nonjudicial foreclose on the unit.

6. The Division may adopt any other requirements for the pilot program relating to escrow accounts, loan trust accounts or other impound accounts that the Division deems necessary, including, without limitation, requirements relating to the servicing of such accounts and the period for which funds in such accounts are impounded, as the Division deems necessary to implement the pilot program.

7. On or before December 31 of each odd-numbered year, the Division shall submit a written report of the results of the pilot program established pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

8. As used in this section:

(a) "Division" means the Division of Financial Institutions of the Department of Business and Industry.

(b) "Unit" has the meaning ascribed to it in NRS 116.093.

(c) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

Sec. 21.7. **The pilot program described in section 21.3 of this act must begin operating on January 1, 2016.**

Sec. 23. **1. This section and sections 21.3 and 21.7 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks**

necessary to carry out the provisions of section 21.7 of this act, and on January 1, 2016, for all other purposes.

2. Sections 21.3 and 21.7 of this act expire by limitation on December 31, 2020.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblymen Spiegel, Seaman, and Gardner.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 359 has to do with common-interest communities and the way assessments are collected for people's homes. A number of my constituents have issues with Assembly Bill 359 the way it stands because of what happens with the super-priority liens. For those of you who are not familiar with this, the super-priority lien currently allows the HOAs [homeowners' associations] to collect up to nine months of the assessments that are in arrears at the time of foreclosure. It is a really big issue in my district, and it is a really big issue in a number of our districts.

We have over 500,000 households in HOAs here in Nevada. Especially during the downturn, there was a very big problem with this. One of my constituents came to see me earlier this session and, bless her heart, she was kind of nervous so she actually wrote out her comments to me and read her comments to me. What she said, among other things, is that her association has $53,000 in delinquent assessments. They are never going to be able to collect that money. There are only 150 units. The other people have to pay for everything.

What this amendment does is make it possible through a pilot program for homeowners to put their assessments into the same kind of escrow account where they have their mortgage, their insurance, their property taxes, and everything else. This way, the HOA will get paid and people will not get foreclosed on for having assessments in arrears. It will make things smoother for everyone. It is a four-year pilot program. I would appreciate your adopting this amendment, and I would appreciate your support.

ASSEMBLYWOMAN SEAMAN:

I rise in opposition to this amendment. There are over 3,000 HOAs in southern California, and what this amendment proposes to do is become a collection agency for the HOAs. I urge all of my colleagues in this body to vote no on this amendment.

ASSEMBLYMAN GARDNER:

I have much respect for my colleague from Henderson, but I have to say that this is an unfriendly amendment and I urge a no vote on it.

Assemblywoman Kirkpatrick, Paul Anderson, and Nelson moved the previous question.

The question being the motion to adopt Amendment No. 1066 to Assembly Bill No. 359.

Amendment lost.

Bill ordered reprinted, reengrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 332.

The following Senate amendment was read:

Amendment No. 1063.

AN ACT relating to public works; prohibiting a public body from entering into certain contracts for public works which allow for purchase by the public

body of the construction materials or goods to be used in the public work; providing that the Attorney General shall enforce the prohibition against such a contract for a public work; directing the Department of Taxation to withhold certain money payable to a public body which violates such a prohibition in a contract for a public work; revising provisions relating to certain construction projects of the Nevada System of Higher Education; **revising the minimum qualifications for the Administrator of the State Public Works Division of the Department of Administration;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the sale of any tangible personal property to a governmental entity including the State, its unincorporated agencies and instrumentalities or a county, city, district or other political subdivision of this State, is exempted from the imposition of sales and use taxes. (NRS 372.325, 372.345) A contractor who buys tangible personal property or stores, uses or otherwise consumes tangible personal property for such a governmental entity must pay such taxes unless the contractor is a constituent part of that entity. (NRS 372.340) **Section 1** of this bill prohibits any public body including the State, its local governments, school districts, and any public agency thereof which sponsors or finances a public work from entering into an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work be purchased or otherwise supplied by: (1) the public body; (2) a contractor who is a constituent part of the public body; or (3) a contractor who is not a constituent part of the public body acting on behalf of the public body. A public body may, however, enter into such a contract for a public work provided that the contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of such construction materials or goods if they had been purchased and used by an entity not exempted from the payment of such taxes. **Section 1** also provides that: (1) an express or implied contract entered into in violation of this prohibition is void; (2) a person who enters into such a contract is guilty of a gross misdemeanor; and (3) the right to enforce the provisions of this prohibition vests exclusively in the Attorney General. **Section 1** further provides that, if a contract is entered into in violation of this prohibition, the Attorney General must forward to the Department of Taxation a list of the construction materials or goods purchased under the contract. The Department is then required to calculate the amount of applicable state and local taxes that should have been collected on the construction materials or goods, and deduct from the money otherwise payable from the proceeds of any tax distribution due to the public body ~~[either]~~ twice the amount of the applicable taxes**.** ~~[or the sum of $250,000, whichever is greater.]~~ In addition, **section 1** exempts from the new prohibition express or implied contracts for public works that use certain construction materials or goods that are: (1) purchased pursuant to governmental procurement rules, needed on a recurring basis and used to

protect the health, safety or welfare of the public; or (2) specialized, project-specific components.

Under existing law, the laws of this State pertaining to public works apply to any project which is financed in whole or in part from public money for the new construction, repair or reconstruction of publicly owned works and properties, except that such laws only apply to a building for the Nevada System of Higher Education if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money. (NRS 338.010) **Section 2** of this bill removes that exemption from the application of public works laws for a building of the System if less than 25 percent of the costs of the building are paid from money appropriated by this State or federal money, but **section 2.5** of this bill exempts such a building from certain provisions requiring that a public body use the services of the State Public Works Division of the Department of Administration for certain services relating to planning, maintenance and construction of state buildings. (NRS 341.141-341.148) **Section 2.5** also specifically requires the System to use the services of the Division as building official for the construction of any building for the System. **Section 4** of this bill repeals certain sections for conformity with the amendments made in **section 2**.

Under existing law, the Administrator and Deputy Administrator of the State Public Works Division are required to be licensed professional engineers or registered architects. (NRS 341.100) Section 2.6 of this bill revises those qualifications to require that the Administrator have: (1) a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field; and (2) have experience in management, public administration or public policy. Section 2.6 provides that if the Administrator is not a licensed professional engineer or a registered architect, the Deputy Administrator is required to be a licensed professional engineer or a registered architect.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a public body shall not enter into an express or implied contract for a public work which provides that any construction materials or goods to be used on the public work will be purchased or otherwise supplied by:

(a) The public body or a contractor who is a constituent part of the public body; or

(b) A contractor who is not a constituent part of the public body but is acting on behalf of the public body.

2. A public body may enter into an express or implied contract for a public work which provides that any construction materials or goods to be used in the public work will be purchased or supplied by the public body, a

contractor who is a constituent part of the public body or a contractor who is not a constituent part of the public body but is acting on behalf of the public body if:

(a) The contract requires the payment of any state or local taxes that would otherwise have been due for the purchase and use of the construction materials or goods if the construction materials or goods had been purchased and used by a contractor who was not a constituent part of the public body and who was not otherwise exempt from the taxes pursuant to state or local law; and

(b) The public body sends an itemized list of the construction materials or goods to be purchased or otherwise provided by the public body or a contractor who is a constituent part of the public body, to the Department of Taxation. The itemized list must include the amount paid for each item.

3. An express or implied contract entered into in violation of subsection 1 is void.

4. A person who enters into an express or implied contract that violates the provisions of subsection 1 is guilty of a gross misdemeanor.

5. The right to enforce the provisions of this section vests exclusively in the Attorney General, who shall institute and prosecute the appropriate proceedings to enforce the provisions of this section.

6. If an express or implied contract for a public work is entered into in violation of subsection 1, the Attorney General shall forward to the Department of Taxation a list of construction materials or goods purchased in violation of this section by the public body or the contractor who is a constituent part of the public body. The Department shall calculate the applicable state and local taxes on the purchase and use of the construction materials or goods which would have been due but for the tax exemption of the public body or the contractor who is a constituent part of the public body, and shall deduct [that amount] from the money otherwise payable from the proceeds of any tax distribution to the public body [:

(a) Twice] twice the amount of the applicable taxes . [; or

(b) The sum of $250,000,

➥ whichever is greater.]

7. The provisions of this section do not apply to an express or implied contract for a public work for which the construction materials or goods purchased by the public body are:

(a) Devices, equipment or hardware purchased in compliance with chapter 332 or 333 of NRS which are needed on a recurring basis and used to protect the health, safety or welfare of the public, including, without limitation, official traffic control devices; or

(b) Specialized components purchased in compliance with chapter 332 or 333 of NRS which are specific to a particular project and are not commonly used in public works projects.

➥ If a public body enters into such a contract, the public body must provide annually to the Department of Taxation an itemized list of the construction

materials or goods purchased pursuant to the contract and the amount paid for each item.

8. If a public body is going to perform the public work itself in accordance with NRS 338.13864, the public body is not required to:

(a) Pay any state or local taxes for the purchase and use of construction materials or goods.

(b) Send to the Department of Taxation an itemized list of construction materials or goods to be purchased by the public body for the public work.

9. As used in this section, "construction materials or goods" means all materials, equipment or supplies which are intended to be used in a public work. ~~[and includes, without limitation, the following, as well as related components or other materials intended for similar use:~~

~~(a) Structural or reinforcing steel.~~

~~(b) Aggregates, including, without limitation, base, barrow, concrete, asphalt, treated base, fill, topsoil and decorative aggregate.~~

~~(c) Interior finishing materials, including, without limitation, drywall, metal studs, acoustical ceiling material, paint, sealants, compounds and wall coverings.~~

~~(d) Flooring, including, without limitation, carpet, tile, wood, vinyl and laminates.~~

~~(e) Wood and wood products, including, without limitation, plywood, lumber, form systems, sheeting and decking.~~

~~(f) Utility materials, including, without limitation, piping, conduit, fiber optics, cables and cabling, power generators and pumps.~~

~~(g) Electrical materials, including, without limitation, conduit, wire, cables and cabling, electrical panels, lighting fixtures, outlets and switches.~~

~~(h) Plumbing materials, including, without limitation, pipes and piping, fixtures, drains, pumps, toilets, sinks, tubs and water heaters.~~

~~(i) Heating, ventilation and air conditioning materials, including, without limitation, ducts, vents, sheet metal, air conditioning units, furnaces and fans.~~

~~(j) Equipment and devices, whether purchased or rented, including, without limitation, heavy construction equipment, forklifts, scissor lifts, boom lifts, cranes and traffic control devices.~~

~~(k) Miscellaneous materials, including, without limitation, materials used for fencing, irrigation, masonry, cabinetry, doors, windows, traffic signals and signs, landscaping, roofing and elevators.]~~

Sec. 2. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Horizontal construction" means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

13. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

14. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

15. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

16. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

17. "Public work" means any project for the new construction, repair or reconstruction of ~~[~~:

~~— (a) A]~~ ***a*** project financed in whole or in part from public money for:

~~[(1)]~~ ***(a)*** Public buildings;

~~[(2)]~~ ***(b)*** Jails and prisons;

~~[(3)]~~ ***(c)*** Public roads;

~~[(4)]~~ ***(d)*** Public highways;

~~[(5)]~~ ***(e)*** Public streets and alleys;

~~[(6)]~~ ***(f)*** Public utilities;

~~[(7)]~~ ***(g)*** Publicly owned water mains and sewers;

~~[(8)]~~ ***(h)*** Public parks and playgrounds;

~~[(9)]~~ ***(i)*** Public convention facilities which are financed at least in part with public money; and

~~[(10)]~~ ***(j)*** All other publicly owned works and property.

~~[(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.]~~

18. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

19. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

20. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

21. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

22. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

23. "Vertical construction" means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the

support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

24. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

25. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2.5. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the provisions of NRS 341.141 to 341.148, inclusive, apply to a contract for the construction of a building for the Nevada System of Higher Education only if 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

2. The provisions of subsection 2 of NRS 341.145 apply to the construction of any building for the Nevada System of Higher Education.

Sec. 2.6. **NRS 341.100 is hereby amended to read as follows:**

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

➥ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator ~~[and]~~ ***must have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and must have experience in management, public administration or public policy. If the Administrator is not a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS,*** the Deputy Administrator of the Public Works - Professional Services Section must ~~[each]~~ be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS 446.942, 449.345, 455C.115, 461.173, 472.105 or 477.0325 and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 2.7. NRS 341.141 is hereby amended to read as follows:

341.141 1. The Division shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; ~~[and]~~

(c) ***Buildings of the Nevada System of Higher Education:***

(1) That are exempted pursuant to subsection 1 of section 2.5 of this act; or

(2) To which subsection 1 of section 2.5 of this act applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; and

(d) Buildings on property controlled by other state agencies if the Administrator has delegated his or her authority in accordance with NRS 341.119.

➥ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 3. NRS 338.018 and 338.075 are hereby repealed.

Sec. 4. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

338.018 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education. The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds $100,000 even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 1063 to Assembly Bill No. 332.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that Senate Bill No. 440 and Assembly Bill No. 359 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 440.

Bill read third time.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

This closes a couple of loops in terms of the Uber-type companies. I urge the body to support it. It has been a compromise or a worked-out bill.

Roll call on Senate Bill No. 440:

YEAS—32.

NAYS—Armstrong, Dickman, Edwards, Jones, Seaman, Shelton, Titus, Wheeler—8.

EXCUSED—Dooling, Moore—2.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblyman Gardner.

ASSEMBLYMAN GARDNER:

Assembly Bill 359 reverses the SFR decision [*SFR Invs. Pool 1, LLC v. U.S. Bank, N.A.*, 334 P.3d 408, 130 Nev. Adv. Op. 75 (2014)], which allows HOAs [homeowners' associations] to extinguish first and second mortgages. I ask for your support.

Roll call on Assembly Bill No. 359:

YEAS—29.

NAYS—Carrillo, Dickman, Ellison, Jones, Kirner, Nelson, O'Neill, Oscarson, Spiegel, Titus, Trowbridge—11.

EXCUSED—Dooling, Moore—2.

Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Oscarson moved that the Assembly recede from its action on Senate Bill No. 7.

Remarks by Assemblymen Titus, Jones, Seaman, and Dickman.

ASSEMBLYWOMAN TITUS:

It is very late at night and we have about 15 minutes left of this session, and I knew I would get to use the word of the day. So here it is. The word of the day is "jiggery-pokery." It is chiefly British. What that stands for is trickery, hocus-pocus, fraud, humbug, and underhanded action.

I will tell you that receding from what we worked so hard on with S.B. 7 is really wrong. Assemblyman Moore cannot be here this evening because he is ill. He put a lot of effort into making this bill as tolerable as possible, recognizing that there were problems, especially in southern Nevada, where our emergency rooms were backed up with folks waiting to have this Legal 2000 completed so they could be released or identified as needing extra care. The fact that we would recede from all that hard work and allow a huge increase in those who can commit somebody is flatly wrong. When our state health officer and I worked this out, she agreed to leave in here that the list of folks who could do a Legal 2000 would only be allowed to expand if that patient had already been identified as at risk in the emergency room. Receding from this amendment takes that out of the bill, and it is wrong. It is a bad bill. We should not recede from our amendment. I would encourage my fellow members of this Assembly to honor what we did when we passed this amendment and not recede.

ASSEMBLYMAN JONES:

I rise to also say we should not recede on this motion. This was a lot of work. I agree with my colleague from the north that my colleague from Assembly District 8 worked very hard on this and this is a very important issue for him. What we are talking about is allowing a person identified as an agent of a department to take your freedom away and have you thrown into a Legal 2000, which is a 72-hour involuntary hold. Who is an agent from a department? I do not know. Maybe the doorman? But the problem with that is that these are people's legal rights to their own freedom. If we now allow this complete litany of people to take away our rights—I just hope that it is not your rights someday, that you are not thrown into a Legal 2000 and then wonder why you cannot get out of a psych ward for over 72 hours. So I encourage everyone not to allow this recede to happen because we should not allow an agent from the department to take people's legal rights away. We should allow qualified people such as psychiatrists, qualified people such as medical doctors, who are actually trained in this, to take away people's personal freedom.

ASSEMBLYWOMAN SEAMAN:

I would like to ditto my colleagues and ask that you please do not recede from this. As they explained, our other colleague who worked very hard on this is not here, and it feels like whatever that word was—jiggery-pokery.

ASSEMBLYWOMAN DICKMAN:

I just want to say, there were deals made and they have been reneged upon, so I would encourage you not to recede.

Assemblymen Kirkpatrick, Paul Anderson, and Bustamante Adams moved the previous question.

The question being the motion for the Assembly to recede from its action on Senate Bill No. 7.

Motion carried.

Assemblymen Titus, Fiore, and Jones requested a roll call vote on the motion.

Roll call vote on the motion for the Assembly to recede from its action on Senate Bill No. 7.

YEAS—26.

NAYS—Dickman, Ellison, Fiore, Gardner, Hansen, Jones, Nelson, O'Neill, Seaman, Shelton, Titus, Trowbridge, Wheeler—13.

EXCUSED—Dooling, Moore, Ohrenschall—3.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 445, Amendment No. 1069; Assembly Bill No. 495, Amendment No. 1074, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 495.

The following Senate amendment was read:

Amendment No. 1074.

AN ACT relating to the Legislature; **requiring certain legislative measures requested by Legislators to be prefiled;** revising provisions governing the submission of a request for the drafting of a legislative measure to the Legislative Counsel; revising the deadline for prefiling legislative measures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislative Counsel is prohibited from assigning a number to a bill draft request to establish the priority of the request until sufficient detail has been received to allow complete drafting of the requested measure. (NRS 218D.100) **Sections 3-10** of this bill clarify that this prohibition applies to bill draft requests from Legislators and authorized nonlegislative requesters.

Existing law establishes deadlines by which Legislators and legislative committees are required to submit bill draft requests and subsequent deadlines by which they are required to submit sufficient detail to allow complete drafting of those requests. (NRS 218D.150, 218D.155, 218D.160) **Sections 1-5** of this bill eliminate the subsequent deadlines relating to the submission of details for the drafting of a legislative measure, thereby requiring the submission of details for the drafting of a legislative measure with the bill draft request for that measure.

Under existing law, certain measures requested on behalf of nonlegislative requesters are required to be prefiled on or before December 20 preceding a regular session or are deemed withdrawn. (NRS 218D.175-218D.220, 218D.575-218D.585) **Sections 6-10** of this bill move that prefiling deadline for those measures to the third Wednesday in November preceding a regular session. **Section 2 of this bill requires certain measures requested by Legislators to be prefiled on or before the first day of a regular legislative session.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) ~~[Except as otherwise provided in NRS 218D.150, 218D.155 and 218D.160, assign]~~ ***Assign*** a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. ***Except as otherwise provided in this subsection, on or before the first day of a regular session, each:***

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (d) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

~~[3.]~~ ***4.*** A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration or an acceptance of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration or acceptance of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

~~[4. If a request made pursuant to subsection 1 is submitted:~~

~~(a) On or before August 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~(b) After August 1 but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~(c) After a regular session has convened but on or before the 8th day of the regular session at 5 p.m., sufficient detail to allow complete drafting of the legislative measure must be submitted on or before the 15th day of the regular session.]~~

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. ~~[If a request made pursuant to subsection 5 is submitted:~~

~~(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~(b) After the date of the general election but on or before December 10 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 1 preceding the regular session.~~

~~7. **5.]**~~ Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

~~[6.]~~ 7. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 3. NRS 218D.155 is hereby amended to read as follows:

218D.155 1. In addition to the number of requests authorized pursuant to NRS 218D.150:

(a) The Speaker of the Assembly and the Majority Leader of the Senate may each request before the date of the general election preceding a regular session, without limitation, the drafting of not more than 15 legislative measures for that regular session.

(b) The Minority Leader of the Assembly and the Minority Leader of the Senate may each request before the date of the general election preceding a

regular session, without limitation, the drafting of not more than 10 legislative measures for that regular session.

(c) A person designated after the general election as the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate for the next regular session may request before the first day of that regular session the drafting of the remaining number of the legislative measures allowed for the respective officer that were not requested by the previous officer.

2. ~~[If a request made pursuant to subsection 1 is submitted:~~

~~(a) Before the date of the general election preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the regular session.~~

~~(b) After the date of the general election but before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.~~

~~3.]~~ The Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may request before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary or convenient for the proper exercise of their duties.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 4. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. ~~[If a request made pursuant to subsection 1 or 2 is submitted before the first day of a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 of the regular session.~~

~~4.]~~ Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) Any legislative committee created by a statute, other than an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope

of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

~~[5. If a request made pursuant to subsection 4 is submitted on or before September 1 preceding a regular session, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before November 1 preceding the regular session.~~

~~6.]~~ ***4.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

5. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 5. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. For a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Department of Administration may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

3. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5

State Controller 5
Attorney General 20

4. In addition to the requests authorized by subsection 3, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December ~~[1]~~ ***31*** preceding the regular session. ~~[Sufficient detail to allow complete drafting of the legislative measures requested pursuant to this subsection must be submitted on or before December 31 preceding the regular session.]~~

5. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 3 must be prefiled on or before ~~[December 20]~~ ***the third Wednesday in November*** preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ ***day*** shall be deemed withdrawn.

6. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 6. NRS 218D.190 is hereby amended to read as follows:

218D.190 1. For a regular session, the Supreme Court may request the drafting of not more than 10 legislative measures which have been approved by the Supreme Court on behalf of the Judicial Department. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~[December 20]~~ ***the third Wednesday in November*** preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ ***day*** shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 7. NRS 218D.205 is hereby amended to read as follows:

218D.205 1. For a regular session, each board of county commissioners, board of trustees of a school district and city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:

(a) Approved by the governing body of the county, school district or city at a public hearing before their submission to the Legislative Counsel; and

(b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.

3. The board of county commissioners of a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 4 legislative measures for a regular session.

(b) Is 100,000 or more but less than 700,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 100,000 may request the drafting of not more than 1 legislative measure for a regular session.

4. The board of trustees of a school district in a county whose population:

(a) Is 700,000 or more may request the drafting of not more than 2 legislative measures for a regular session.

(b) Is less than 700,000 may request the drafting of not more than 1 legislative measure for a regular session.

5. The city council of a city whose population:

(a) Is 500,000 or more may request the drafting of not more than 3 legislative measures for a regular session.

(b) Is 150,000 or more but less than 500,000 may request the drafting of not more than 2 legislative measures for a regular session.

(c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~[December 20]~~ ***the third Wednesday in November*** preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ ***day*** shall be deemed withdrawn.

7. ***The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.***

8. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

Sec. 8. NRS 218D.210 is hereby amended to read as follows:

218D.210 1. For a regular session, an association of counties or cities may request the drafting of not more than 5 legislative measures. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before ~~[December 20]~~ ***the third Wednesday in November*** preceding the regular session. A legislative measure that is not prefiled on or before that ~~[date]~~ ***day*** shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 9. NRS 218D.220 is hereby amended to read as follows:

218D.220 1. For a regular session, the Nevada Silver Haired Legislative Forum created by NRS 427A.320 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Forum. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before ~~[~~December 20~~]~~ ***the third Wednesday in November*** preceding the regular session. A legislative measure that is not prefiled on or before that ~~[~~date~~]~~ ***day*** shall be deemed withdrawn.

3. The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

Sec. 10. This act becomes effective on July 1, 2015.

Assemblyman Stewart moved that the Assembly concur in the Senate Amendment No. 1074 to Assembly Bill No. 495.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 445.

The following Senate amendment was read:

Amendment No. 1069.

AN ACT relating to redevelopment; requiring a portion of the revenues from taxes imposed on property in certain redevelopment areas to be set aside and used for public educational facilities; revising provisions relating to the extension of certain redevelopment plans; revising provisions relating to the recalculation of the total assessed value of taxable property in certain redevelopment areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a redevelopment plan, and any amendments to the plan, adopted by the redevelopment agency of a city or county on or after January 1, 1991, terminates not later than 30 years after the date on which the original redevelopment plan was adopted. (NRS 279.439) ~~[~~Section~~]~~ **Except for a redevelopment area that includes real property conveyed by the Federal Government which contains certain abandoned mine or milling facilities, section 3** of this bill extends to a maximum of 45 years the date of termination of such a redevelopment plan, and any amendments to the plan, adopted by a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more (currently the City of Henderson)

if the city council adopts the extension of the plan by ordinance. If such an ordinance is adopted, **section 1** of this bill requires that 18 percent of the revenues received from taxes on the taxable property located in the redevelopment area affected by the ordinance on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. **Section 1** also provides that the obligation to set aside such revenues is subordinate to any existing obligations of the agency.

Under existing law, the date of termination of a redevelopment plan and any amendments to the plan adopted before January 1, 1991, by a redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) is authorized to be extended by ordinance adopted by the city council of that city from a maximum of 45 years to 60 years if the following conditions exist on the date on which the extension is adopted: (1) the assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted; (2) the assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and (3) the agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities. (NRS 279.438) **Section 2** of this bill changes the assessed value requirement in the first condition from the basis of each individual redevelopment project to the aggregate of redevelopment projects in the redevelopment area and eliminates the third condition.

Under existing law, a redevelopment agency in a city located in a county whose population is 700,000 or more (currently Clark County) is authorized to adopt, in certain circumstances, an ordinance which provides for the recalculation of the total assessed value of the taxable property in a redevelopment area for certain purposes. If such a redevelopment agency adopts such an ordinance and receives certain revenue from taxes, existing law requires that 18 percent of the revenue received on or after the effective date of the ordinance be set aside to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. (NRS 279.676) **Section 3.5** of this bill revises the application of the recalculated assessed value in the tax distribution formula for the redevelopment area and specifies that the revenue received by the agency is from taxes on the taxable property located in the redevelopment area affected by the ordinance that is adopted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that adopts an ordinance pursuant to subsection 3 of NRS 279.439 and which receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance shall set aside not less than 18 percent of such revenue received on or after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. The provisions of this subsection do not apply if such an agency is required pursuant to subsection 6 of NRS 279.676 to set aside not less than 18 percent of revenue received pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5 of NRS 279.676 on or after the effective date of that ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency pursuant to subsection 1 to set aside not less than 18 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of the ordinance adopted by the agency pursuant to subsection 3 of NRS 279.439 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 2. NRS 279.438 is hereby amended to read as follows:

279.438 1. A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in

which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or:

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of ~~[each]~~ ***the aggregate number of*** redevelopment ~~[project]~~ ***projects*** in the redevelopment area is not less than the assessed value of the ***aggregate number of*** redevelopment ~~[project]~~ ***projects*** in the year in which the redevelopment plan was adopted; ***and***

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted**.** ~~[; and~~

~~(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.]~~

Sec. 3. NRS 279.439 is hereby amended to read as follows:

279.439 ~~[A]~~

1. Except as otherwise provided in subsections 2 and 3, a redevelopment plan adopted on or after January 1, 1991, and any amendments to the plan must terminate not later than 30 years after the date on which the original redevelopment plan is adopted.

2. ~~*[4]*~~ ***Except for a redevelopment area described in subsection 2 of section 1 of Senate Bill No. 297 of this session, a redevelopment plan, and any amendments to the plan, adopted on or after January 1, 1991, by an agency of a city whose population is 220,000 or more but less than 500,000 located in a county whose population is 700,000 or more that meets the requirement of subsection 3 must terminate not later than 45 years after the date on which the original redevelopment plan is adopted.***

3. A redevelopment plan, and any amendments to the plan, may terminate on the date prescribed by subsection 2 only if the legislative body adopts an extension of the redevelopment plan by ordinance.

Sec. 3.5. NRS 279.676 is hereby amended to read as follows:

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation,

after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by:

(1) The assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan; or

(2) The assessment roll last equalized before the effective date of an ordinance adopted pursuant to subsection 5,

➥ whichever occurs later, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a county whose population is 100,000 or more or a city whose population is 150,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a county whose population is 30,000 or more but less than 100,000 or a city whose population is 25,000 or more but less than 150,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a county whose population is less than 30,000 or a city whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

5. If in any year the assessed value of the taxable property in a redevelopment area located in a city in a county whose population is 700,000 or more as shown by the assessment roll most recently equalized has decreased by 10 percent or more from the assessed value of the taxable property in the

redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, the redevelopment agency may adopt an ordinance which provides that the total assessed value of the taxable property in the redevelopment area for the purposes of ~~[paragraph]~~ ***paragraphs (a) and*** (b) of subsection 1 is the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance adopted pursuant to this subsection. A redevelopment agency may adopt an ordinance pursuant to this subsection only once, and the election to adopt such an ordinance is irrevocable.

6. An agency which adopts an ordinance pursuant to subsection 5 and which receives revenue ~~[from taxes]~~ pursuant to paragraph (b) of subsection 1 ***from taxes on the taxable property located in the redevelopment area affected by the ordinance*** shall set aside not less than 18 percent of that revenue received on and after the effective date of the ordinance to improve and preserve existing public educational facilities which are located within the redevelopment area or which serve pupils who reside within the redevelopment area. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in this subsection and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

7. The obligation of an agency pursuant to subsection 6 to set aside not less than 18 percent of the revenue ~~[from taxes]~~ allocated to and received by the agency pursuant to paragraph (b) of subsection 1 ***from taxes on the taxable property located in the redevelopment area affected by the ordinance adopted by the agency pursuant to subsection 5*** is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before the effective date of an ordinance adopted by the agency pursuant to subsection 5, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after the effective date of an ordinance adopted by the agency pursuant to subsection 5 shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 4. NRS 279.680 is hereby amended to read as follows:

279.680 Except as otherwise provided in NRS 279.685 ~~[,]~~ ***and section 1 of this act,*** in any redevelopment plan, or in the proceedings for the advance of money, or the making of loans, or the incurring of any indebtedness, whether funded, refunded, assumed or otherwise, by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project,

the portion of taxes mentioned in paragraph (b) of subsection 1 of NRS 279.676 may be irrevocably pledged for the payment of the principal of and interest on those loans, advances or indebtedness.

Sec. 5. NRS 279.687 is hereby amended to read as follows:

279.687 A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 **,** ~~[or]~~ paragraph (c) of subsection 1 of NRS 279.685 ***or section 1 of this act*** to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 **,** ~~[and]~~ paragraph (c) of subsection 1 of NRS 279.685 ~~[.]~~ ***and section 1 of this act,*** respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to the reporting requirements of section 1 of this act.

Sec. 7. This act becomes effective on July 1, 2015.

Assemblyman Ellison moved that the Assembly concur in the Senate Amendment No. 1069 to Assembly Bill No. 445.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:
We are going to concur.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2015

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 146, 221, 241, 278, 326, 394, 399, 410, 436, 438, 443, 475, 476, 478, 480, 481, 485, 489, 490, 491, 493, 496, 498.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 497.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 258.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1055 to Senate Bill No. 266.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 987 to Senate Bill No. 338; Assembly Amendments Nos. 1018, 1023 to Senate Bill No. 509; Assembly Amendment No. 1057 to Senate Joint Resolution No. 13.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Dickman.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Marin.

On request of Assemblyman Nelson, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Cegavske, Samantha Gioia, and Autumn Lyn Donovan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to John Ohrenschall.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Olsen.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan Baltazar.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Gavin.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Munford, Silberkraus, and O'Neill as a committee to wait upon His Excellency, Governor Brian Sandoval, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblywomen Woodbury, Joiner, and Titus as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Settelmeyer, Harris, and Woodhouse appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblywoman Woodbury reported that her committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Munford reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblyman Paul Anderson moved that the 78th Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:16 a.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

APPENDICES

Seventy-Eighth Session, 2015

	Page
APPENDIX A	7115
Proposed Amendment 7779 to Assembly Bill No. 464, prepared by the Legal Division, Legislative Counsel Bureau	
APPENDIX B	7169
Proposed Amendment 7773 to Assembly Bill No. 464, prepared by the Legal Division, Legislative Counsel Bureau	

MOCK-UP

PROPOSED AMENDMENT 7779 TO ASSEMBLY BILL NO. 464

MAY 30, 2015

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 61, inclusive, of this act.**

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Business" means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.***

Sec. 4. ***1. Except as otherwise provided in subsection 2, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, limited-liability limited partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business.***

2. The term "business entity" does not include:

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(e) A business entity organized pursuant to chapter 82 or 84 of NRS.

(f) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by sections 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4b.

PROPOSED AMENDMENT TO AB464

Appendix A

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

Sec. 5. *"Commerce tax" means the tax required to be paid pursuant to this chapter.*

Sec. 5.5. *"Credit sales" means a sale of goods by a seller who accepts payments for the goods at a later time.*

Sec. 6. *"Engaging in a business" means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.*

Sec. 7. *"Governmental entity" means:*

1. The United States and any of its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada and any of its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

Sec. 8. *1. Except as otherwise provided in subsection 3, "gross revenue" means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.*

2. Except as otherwise provided in subsection 3, the term includes, without limitation:

(a) Amounts realized from the sale, exchange or other disposition of a business entity's property;

(b) Amounts realized from the performance of services by a business entity;

(c) Amounts realized from another person's possession of the property or capital of a business entity; and

(d) Any combination of these amounts.

3. The term does not include:

(a) Amounts realized from the sale, exchange, disposition or other grant of the right to use trademarks, trade names, patents, copyrights and similar intellectual property;

(b) The value of cash discounts allowed by the business entity and taken by a customer;

(c) The value of goods or services provided to a customer on a complimentary basis;

(d) Amounts realized from a transaction subject to, described in, or equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033 of the Internal Revenue Code, regardless of the federal tax classification of the business entity under Treasury Regulation section 301-7701-3;

(e) Amounts indirectly realized from a reduction of an expense or deduction; and

(f) Amounts that are not considered revenue under generally accepted accounting principles.

Sec. 8.5. *"Loan" means any extension of credit or the purchase in whole or in part of an extension of credit from another person, including, without limitation, participations and syndications.*

Sec. 9. *"Nevada gross revenue" means the gross revenue of a business entity, as adjusted pursuant to section 21 of this act and situsedto this State pursuant to section 22 of this act.*

Sec. 10. *"North American Industry Classification System" or "NAICS" means the 2012 North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.*

Sec. 10.5. *"Pass-through entity" means an entity that is disregarded as an entity for the purposes of federal income taxation or is treated as a partnership for the purposes of federal income taxation.*

Sec. 11. *1. "Pass-through revenue" means:*

(a) Revenue received by a business entity that is required by law or fiduciary duty to be distributed to another person or governmental entity;

(b) Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority;

(c) Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;

(d) Revenue received by a business entity that is mandated by contract or subcontract to be distributed to another person or entity if the revenue constitutes:

(1) Sales commissions that are paid to a person who is not an employee of the business entity, including, without limitation, a split-fee real estate commission;

(2) The tax basis of securities underwritten by the business entity, as determined for the purposes of federal income taxation; or

(3) Subcontracting payments under a contract or subcontract entered into by a business entity to provide services, labor or materials in connection with the actual or proposed design, construction, remodeling, remediation or repair of improvements on real property or the location of the boundaries of real property;

(e) Revenue received by a business entity that provides legal services if the revenue received by the business entity is:

(1) Mandated by law, fiduciary duty or contract to be distributed to a claimant by the claimant's attorney or to another person or entity on behalf of a claimant by the claimant's attorney, including, without limitation, revenue received:

(I) For damages due to a client represented by the business entity;

(II) That are subject to a lien or other contractual obligation arising out of the representation provided by the business entity, other than fees owed to the business entity for the provision of legal services;

(III) That are subject to a subrogation interest or other third-party contractual claim; and

(IV) That are required to be paid to another attorney who provided legal services in a matter and who is not a member, partner, shareholder or employee of the business entity; and

(2) Reimbursement of the expenses incurred by the business entity in providing legal services to a claimant that are specific to the claimant's matter and that are not general operating expenses of the business entity; or

(f) Revenue received by a business entity that is part of an affiliated group from another member of the affiliated group.

2. As used in this section:

(a) "Affiliated group" means a group of two or more business entities, including, without limitation, a business entity described in subsection 2 of section 4 of this act, each of which is controlled by one or more common owners or by one or more members of the group.

(b)"Controlled by" means the direct or indirect ownership, control or possession of 50 percent or more of a business entity.

(c) "Sales commission" means:

(1) Any form of compensation paid to a person for engaging in an act for which a license is required pursuant to chapter 645 of NRS; or

(2) Compensation paid to a sales representative by a principal in an amount that is based on the amount or level of orders for or sales on behalf of the principal and that the principal is required to report on Internal Revenue Service Form 1099-MISC, Miscellaneous Income.

Sec. 11.5. *"Securities" means United States Treasury securities, obligations of United States government agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by United States or state government agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker's acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.*

Sec. 12. *"Taxable year" means the 12-month period beginning on July 1 and ending on June 30 of the following year.*

Sec. 13. *"Wages" means any remuneration paid for personal services, including, without limitation, commissions and bonuses, and remuneration payable in any medium other than cash.*

Sec. 13.5. *For the purposes of this chapter, unless otherwise indicated, section references are to the Internal Revenue Code of 1986, as amended, and include future amendments to such sections and corresponding provisions of future federal internal revenue laws.*

Sec. 14. *1. For the purposes of this chapter, a business is a "passive entity" only if:*

(a) The business is a limited-liability company, general partnership, limited-liability partnership or limited partnership or a trust, other than a business trust;

(b) During the period for which the gross revenue of the business entity is reported pursuant to section 20 of this act, at least 90 percent of the business entity's federal gross income consists of the following income:

(1) Dividends, interest, foreign currency exchange gains, periodic and nonperiodic payments with respect to notional principal contracts, option premiums, cash settlements or termination payments with respect to a financial instrument, and income from a pass-through entity;

(2) Capital gains from the sale of real property, gains from the sale of commodities traded on a commodities exchange and gains from the sale of securities; and

(3) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests; and

(c) The business entity does not receive more than 10 percent of its federal gross income from conducting an active trade or business.

2. As used in paragraph (b) of subsection 1, the term "income" does not include any:

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

3. For the purposes of paragraph (c) of subsection 1:

(a) Except as otherwise provided in this subsection, a business entity is "conducting an active trade or business" if:

(1) The activities being carried on by the business entity include one or more active operations that form a part of the process of earning income or profit, and the business entity performs active management and operating functions; or

(2) Any assets, including, without limitation, royalties, patents, trademarks and other intangible assets, held by the business entity are used in the active trade or business of one or more related business entities.

(b) The ownership of a royalty interest or a nonoperating working interest in mineral rights does not constitute the conduct of an active trade or business.

(c) The payment of compensation to employees or independent contractors for financial or legal services reasonably necessary for the operation of a business does not constitute the conduct of an active trade or business.

(d) Holding a seat on the board of directors of a business entity does not by itself constitute the conduct of an active trade or business.

(e) Activities performed by a business entity include activities performed by persons outside the business entity, including independent contractors, to the extent that those persons perform services on behalf of the business entity and those services constitute all or any part of the business entity's trade or business.

Sec. 15. *For the purposes of this chapter, if a business entity engaging in a business in this State is engaged in business in more than one business category set forth in sections 24 to 49, inclusive, of this act, the business entity shall be deemed to be primarily engaged in the business category in which the highest percentage of its Nevada gross revenue is generated.*

Sec. 16. *The Department shall:*

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for that purpose.

2. Deposit all fees, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.

Sec. 17. *1. Each person responsible for maintaining the records of a business entity shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the business entity pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a business entity pursuant to the provisions of this chapter. The regulations adopted by the Department pursuant to this subsection must specify the type of information that a business entity engaging in a business in this State must keep in the normal course of its financial recordkeeping for the purpose of determining the amount of the commerce tax owed by the business entity.

Sec. 18. *1. To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount of the commerce tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the commerce tax.*

2. Any person who may be liable for the commerce tax and who keeps outside of this State any books, papers or records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 19. *The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out the provisions of this chapter. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.*

Sec. 20. *1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds $4,000,000 in an amount determined pursuant to sections 23 to 49, inclusive, of this act. The commerce tax is due and payable as provided in this section.*

2. Each business entity engaging in a business in this State during a taxable year shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a report on a form prescribed by the Department. The report required by this subsection must include such information as is required by the Department. A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1.

3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial report filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

4. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent

per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 21. *1. In computing the commerce tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in gross revenue of the business entity:*

(a) Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.

(c) If a business entity is required to pay a license fee pursuant to NRS 463.370, the amount of its gross receipts used to determine the amount of that fee.

(d) If the business entity is required to pay a tax on the net proceeds from mineral extraction and royalties subject to the excise tax pursuant to the provisions of NRS 362.100 to 362.240, inclusive, the amount of the gross proceeds used to determine the amount of that tax.

(e) If the business entity is required to pay the tax imposed by chapter 369 of NRS, an amount equal to the amount of the excise tax paid pursuant to that chapter by the business entity.

(f) If the business entity is required to pay the tax imposed pursuant to chapter 680B of NRS:

(1) The amount of the total income derived from direct premiums written and all other considerations for insurance, bail or annuity contracts used to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

(2) Any amounts excluded from total income derived from direct premiums pursuant to NRS 680B.025; and

(3) Gross premiums upon policies on risks located in this State received by a factory mutual and amounts deducted from such gross premiums to determine the amount of the tax imposed by NRS 680B.027 upon the factory mutual pursuant to NRS 680B.033.

(g) If the business entity is required to pay the tax imposed pursuant to NRS 694C.450, the amount of the net direct premiums, as defined in that section, used to determine the amount of that tax.

(h) If the business entity is required to pay the tax imposed pursuant to NRS 685A.180, the amount of the premiums, as defined in that section, used to determine the amount of that tax.

(i) Except as otherwise provided by paragraph (j), the total amount of payments received by a health care provider:

(1) From Medicaid, Medicare, the Children's Health Insurance Program, the Fund for Hospital Care to Indigent Persons created pursuant to NRS 428.175 or TRICARE;

(2) For professional services provided in relation to a workers' compensation claim; and

(3) For the actual cost to the health care provider for any uncompensated care provided by the health care provider, except that if the health care provider later receives payment for all or part of that care, the health care provider must include the amount of the payment in his or her gross receipts for the calendar quarter in which the payment is received.

(j) If the business entity is engaging in a business in this State as a health care provider that is a health care institution, an amount equal to 50 percent of the amounts described in paragraph (i) that are received by the health care institution.

(k) If the business entity is engaging in business in this State as an employee leasing company, the amount of any payments received from a client company for wages, payroll taxes on those wages, employee benefits and workers' compensation benefits for employees leased to the client company.

(l) The amount of any pass-through revenue of the business entity.

(m) The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.

(n) The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:

(1) Located on property owned or leased by the Federal Government; and

(2) Managed or operated primarily to house members of the Armed Forces of the United States.

(o) Interest income other than interest on credit sales.

(p) Dividends and distributions from any person, and distributive or proportionate shares of tax credits, receipts and income from a pass-through entity.

(q) Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221 or 1231, without regard to the length of time the business entity held the asset.

(r) Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this paragraph, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.

(s) Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.

(t) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.

(u) Proceeds received from the issuance of the business entity's own stock, options, warrants, puts or calls, from the sale of the business entity's treasury stock or as contributions to the capital of the business entity.

(v) Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.

(w) Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.

(x) Bad debts expensed for the purposes of federal income taxation.

(y) Returns and refunds to customers.

(z) Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.

(aa) If the business entity owns an interest in a passive entity, the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the gross revenue of another business entity.

2. As used in this section:

(a) "Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.

(b) "Client company" has the meaning ascribed to it in NRS 616B.670.

(c) "Employee leasing company" has the meaning ascribed to it in NRS 616B.670.

(d) "Health care institution" means:

(1) A medical facility as defined in NRS 449.0151; and

(2) A pharmacy as defined in NRS 639.012.

(e) "Health care provider" means a business that receives any payments listed in paragraph (i) of subsection 1 as a provider of health care services, including, without limitation, mental health care services.

(f) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(g) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 22. *1. In computing the commerce tax owed by a business entity, the gross revenue of the business entity, as adjusted pursuant to section 21 of this act, must be situsted to this State in accordance with the following rules:*

(a) Gross rents and royalties from real property are situsted to this State if the real property is located in this State.

(b) Gross revenue from the sale of real property are situsted to this State if the real property is located in this State.

(c) Gross rents and royalties from tangible personal property is situsted to this State to the extent the tangible personal property is located or used in this State.

(d) Gross revenue from the sale of tangible personal property is situsedto this State if the property is delivered or shipped to a buyer in this State, regardless of the F.O.B. point or any other condition of sale.

(e) Gross revenue from the sale of transportation services is situsedto this State if both the origin and the destination point of the transportation are located in this State.

(f) Gross revenue from the sale of any services not otherwise described in this section is situsedto this State in the proportion that the purchaser's benefit in this State, with respect to what was purchased, bears to the purchaser's benefit everywhere with respect to what was purchased. For the purposes of this paragraph, the physical location at which the purchaser of a service ultimately uses or receives the benefit of the service that was purchased is paramount in determining the proportion of the benefit in this State to the benefit everywhere. If the records of a business entity do not allow the taxpayer to determine that location, the business entity may use an alternative method to situs gross revenue pursuant to this section if the alternative method is reasonable, is consistently and uniformly applied and is supported by the taxpayer's records as those records exist when the service is provided or within a reasonable period of time thereafter.

(g) Gross revenue not otherwise described in this section is situsedto this State if the gross receipts are from business conducted in this State. For the purposes of this paragraph, the physical location of the purchaser is paramount in determining if business is done in this State. If the records of a business entity do not allow the business entity to determine the location of the purchaser, the gross revenue must not be considered to be from business conducted in this State.

2. If the application of the provisions of subsection 1 do not fairly represent the extent of the business conducted in this State by a business entity, the Department may authorize the business entity to use an alternative method of situsing gross revenue to this State.

Sec. 23. *Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in sections 24 to 48, inclusive, of this act for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in sections 24 to 48, inclusive, of this act, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in section 49 of this act.*

Sec. 24. *1. The agriculture, forestry, fishing and hunting business category (NAICS 11) includes all business entities primarily engaged in agricultural production or agricultural support activities, or both, including, without limitation, growing crops, raising animals, harvesting timber and harvesting fish and other animals from a farm, ranch or their natural habitats.*

2. Examples of business entities in this category include, without limitation, farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.

3. This category does not include business entities primarily engaged in agricultural research or administering programs for regulating and conserving land, minerals, wildlife or forest use.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.063 percent.

Sec. 25. *1. The mining, quarrying and oil and gas extraction business category (NAICS 21) includes all business entities primarily engaged in mining operations and mining support activities, including, without limitation, extracting:*

(a) Naturally occurring mineral solids, such as coal and ores;

(b) Liquid minerals, such as crude petroleum; and

(c) Gases, such as natural gas.

2. Examples of business entities in this category include, without limitation:

(a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.

(b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.

3. As used in subsections 1 and 2, the term "mining" includes quarrying, well operations and beneficiating, including, without limitation, crushing, screening, washing, flotation and other preparation customarily performed at a mine site or as a part of mining activity.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.051 percent.

Sec. 26. *1. The utilities and telecommunications business category (NAICS 22 and 517, respectively) includes:*

(a) All business entities primarily engaged in providing utility services, including, without limitation, electric power, natural gas, steam supply, water supply and sewage removal; and

(b) All business entities primarily engaged in providing telecommunications and the services related to that activity, including, without limitation, telephony, cable and satellite distribution services, Internet access and telecommunications reselling services.

2. This category does not include business entities primarily engaged in waste management and remediation services that are described in section 42 of this act.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.136 percent.

Sec. 27. *1. The construction business category (NAICS 23) includes all business entities primarily engaged in the construction of buildings or engineering projects, such as highways and utility systems. Business entities engaged in the preparation of sites for new construction and business entities primarily engaged in subdividing land for sale as building sites also are included in this category.*

2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint-venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.083 percent.

Sec. 28. *1. The manufacturing business category (NAICS 31, 32 and 33) includes all business entities primarily engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.*

2. Examples of business entities in this category include, without limitation, milk bottling and pasteurizing, water bottling and processing, fresh fish packaging, apparel jobbing, contracting on materials owned by others, printing and related activities, ready-mixed concrete production, leather converting, grinding of lenses to prescription, wood preserving, electroplating, plating, metal heat treating and polishing for the trade, lapidary work for the trade, fabricating signs and advertising displays, rebuilding or remanufacturing machinery, ship repair and renovation, machine shops and tire retreading.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.091 percent.

Sec. 29. *1. The wholesale trade business category (NAICS 42) includes all business entities primarily engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.101 percent.

Sec. 30. *1. The retail trade business category (NAICS 44 and 45) includes all businesses primarily engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 31. *1. The air transportation business category (NAICS 481) includes all business entities primarily engaged in providing air transportation of passengers or cargo, or both, using aircraft, such as an airplane and helicopter.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.058 percent.

Sec. 32. *1. The truck transportation business category (NAICS 484) includes all business entities primarily engaged in providing over-the-road transportation of cargo using motor vehicles, such as a truck and tractor trailer.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.202 percent.

Sec. 33. *1. The rail transportation business category (NAICS 482) includes all business entities primarily engaged in providing rail transportation of passengers or cargo, or both, using railroad rolling stock.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.331 percent.

Sec. 34. *1. The other transportation business category (NAICS 483, 485, 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:*

(a) Water transportation, including, without limitation, the transportation of passengers and cargo using watercraft;

(b) Transit and ground passenger transportation, including, without limitation, charter buses, school buses, interurban bus transportation, taxis and limousine services, street railroads, commuter rail and rapid transit;

(c) Pipeline transportation, including, without limitation, using transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products and slurry;

(d) Scenic and sightseeing transportation, including, without limitation, on land or the water, or in the air;

(e) Support activities for transportation, including, without limitation, air traffic control services, marine cargo handling, motor vehicle towing, railroad switching and terminals, and ship repair and maintenance not done in a shipyard, such as floating drydock services in a harbor;

(f) Postal services, including, without limitation, the activities of the United States Postal Service and its subcontractors operating under a universal service obligation to provide mail services, deliver letters and small parcels, and rural post offices on contract to the United States Postal Service; and

(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery of parcels and documents without operating under a universal service obligation.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.129 percent.

Sec. 35. *1. The warehousing and storage business category (NAICS 493) includes all business entities primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods and other warehouse products.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 36. *1. The publishing, software and data processing business category (NAICS 511, 512, 515 and 518) includes all business entities primarily engaged in:*

(a) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing lists and software publishing;

(b) Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 37. *1. The finance and insurance business category (NAICS 52) includes all business entities primarily engaged in financial transactions or in facilitating financial transactions.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 38. 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.25 percent.

Sec. 39. 1. The professional, scientific and technical services business category (NAICS 54) includes all business entities primarily engaged in performing professional, scientific and technical activities for others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.181 percent.

Sec. 40. 1. The management of companies and enterprises business category (NAICS 55) includes all business entities primarily engaged in:

(a) Holding the securities of, or other equity interests in, companies and enterprises for the purpose of owning a controlling interest or influencing management decisions; or

(b) Administering, overseeing and managing establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.137 percent.

Sec. 41. 1. The administrative and support services business category (NAICS 561) includes all business entities primarily engaged in activities that support the day-to-day operations of other organizations.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.154 percent.

Sec. 42. 1. The waste management and remediation services business category (NAICS 562) includes all business entities primarily engaged in the collection, treatment and disposal of waste materials.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.261 percent.

Sec. 43. 1. The educational services business category (NAICS 61) includes all businesses primarily engaged in providing instruction and training in a wide variety of subjects.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.281 percent.

Sec. 44. 1. The health care and social assistance business category (NAICS 62) includes all business entities primarily engaged in providing health care and social assistance for natural persons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.190 percent.

Sec. 45. 1. The arts, entertainment and recreation business category (NAICS 71) includes all business entities primarily engaged in operating facilities or providing services to meet varied cultural, entertainment and recreational interests of their patrons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.24 percent.

Sec. 46. 1. The accommodation business category (NAICS 721) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.2 percent.

Sec. 47. *1. The food services and drinking places business category (NAICS 722) includes all business entities primarily engaged in preparing meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.194 percent.

Sec. 48. *1. The other services business category (NAICS 81) includes all business entities primarily engaged in providing services not included in any of the business categories described in sections 24 to 47, inclusive, of this act. Business entities in this category are primarily engaged in activities such as repairing equipment and machinery, promoting or administering religious activities, grantmaking, advocacy, and providing dry cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.142 percent.

Sec. 49. *1. The unclassified business category includes any business entity not included in any of the business categories established by sections 24 to 48, inclusive, of this act.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 50. *A business entity's method of accounting for gross revenue for a taxable year for the purposes of determining the amount of the commerce tax owed by the business entity must be the same as the business's method of accounting for federal income tax purposes for the business's federal taxable year which includes that calendar quarter. If a business entity's method of accounting for federal income tax purposes changes, its method of accounting for gross revenue pursuant to this chapter must be changed accordingly.*

Sec. 51. *If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.*

Sec. 52. *1. Except as otherwise provided in NRS 360.235 and 360.395:*

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the last month of the taxable year for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 53. *1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the commerce tax at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.*

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 54. *1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent*

or enjoin the collection under this chapter of the commerce tax or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 55. *1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.*

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 56. *1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.*

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited toward any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 57. *In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.*

Sec. 58. *A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.*

Sec. 59. *1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.*

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of the Nevada Revised Statutes, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 60. *1. If any amount in excess of $25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.*

2. If an amount not exceeding $25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 61. *The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.*

Sec. 62. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, on or before September 30 of each even-numbered year, the Department shall determine the combined revenue from the tax imposed by chapters 363A and 363B of NRS and the commerce tax imposed by sections 2 to 61, inclusive, of this act for the preceding fiscal year.

2. Except as otherwise provided in subsection 4, if the combined revenue determined pursuant to subsection 1 exceeds by more than 4 percent the amount of the combined anticipated revenue from those taxes for that fiscal year, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year, the Department shall determine the rate at

which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by sections 2 to 61, inclusive, of this act, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding fiscal year.

3. Except as otherwise provided in subsection 4, effective on July 1 of the odd-numbered year immediately following the year in which the Department made the determination described in subsection 1, the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter be the rate of those taxes, unless further adjusted in a subsequent fiscal year.

4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS 363B.110 is 1.17 percent:

(a) The Department is no longer required to make the determinations required by subsections 1 and 2; and

(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 must not be further adjusted pursuant to subsection 3.

~~[Section 1.]~~ ***Sec. 63.*** NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, *or sections 2 to 61, inclusive, of this act,* any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

~~[Sec. 2.]~~ ***Sec. 64.*** NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, *sections 2 to 61, inclusive, of this act,* as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

~~[Sec. 3.]~~ ***Sec. 65.*** NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, *or sections 2 to 61,*

inclusive, of this act, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

~~[Sec. 4.]~~ ***Sec. 66.*** NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

↳ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS ***or sections 2 to 61, inclusive, of this act,*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

~~[Sec. 5. NRS 360.750 is hereby amended to read as follows:~~

~~360.750 1. A producer of a qualified production that is produced in this State in whole or in part may, on or before December 31, 2017, apply to the Office of Economic Development for a certificate of~~

~~eligibility for transferable tax credits for any qualified expenditures and production costs identified in NRS 360.7591. The transferable tax credits may be applied to:~~

~~(a) Any tax imposed by [chapter 362A and] chapter 363B of NRS;~~

~~(b) The gaming license fees imposed by the provisions of NRS 463.370;~~

~~(c) Any tax imposed pursuant to chapter 680B of NRS; or~~

~~(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).~~

~~2. The Office shall approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the producer of the qualified production qualifies for the transferable tax credits pursuant to subsection 3 and shall calculate the estimated amount of the transferable tax credits pursuant to NRS 360.7592, 360.7593 and 360.7594.~~

~~3. To be eligible for transferable tax credits pursuant to this section, a producer must:~~

~~(a) Submit an application that meets the requirements of subsection 4;~~

~~(b) Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;~~

~~(c) Provide proof satisfactory to the Office that 50 percent or more of the funding for the qualified production has been placed in an escrow account or trust account for the benefit of the qualified production;~~

~~(d) Provide proof satisfactory to the Office that at least 60 percent of the total qualified expenditures and production costs for the qualified production, including preproduction and postproduction, will be incurred in this State;~~

~~(e) At the completion of the qualified production, provide the Office with an audit of the qualified production that includes an itemized report of qualified expenditures and production costs which:~~

~~(1) Shows that the qualified production incurred qualified expenditures and production costs in this State of $500,000 or more; and~~

~~(2) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~(f) Pay the cost of the audit required by paragraph (e); and~~

~~(g) Meet any other requirements prescribed by regulation pursuant to this section.~~

~~4. An application submitted pursuant to subsection 3 must contain:~~

~~(a) A script, storyboard or synopsis of the qualified production;~~

~~(b) The names of the producer, director and proposed cast;~~

~~(c) An estimated timeline to complete the qualified production;~~

~~(d) A detailed budget for the entire production, including projected expenses incurred outside of Nevada;~~

~~(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;~~

~~(f) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;~~

~~(g) The business address of the producer, which must be an address in this State;~~

~~(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance;~~

~~(i) Proof that the producer has secured all licenses required to do business in each location in this State at which the qualified production will be produced; and~~

~~(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.~~

~~5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to NRS 360.7592 to:~~

~~(a) The applicant;~~

~~(b) The Department; and~~

~~(c) The State Gaming Control Board.~~

~~6. Within 14 business days after receipt of an audit provided by the producer pursuant to paragraph (e) of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the producer that the transferable tax credits will be issued. Within 20 days after the receipt of the notice, the producer shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt~~

PROPOSED AMENDMENT TO AB464

– 17 –

~~of the declaration, the Office shall issue to the eligible producer a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the producer. The producer shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the State Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any transferable tax credits transferred.~~

~~7. An applicant for transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.~~

~~8. The Office:~~

~~(a) Shall adopt regulations prescribing:~~

~~(1) Any additional requirements to receive transferable tax credits;~~

~~(2) Any additional qualified expenditures or production costs that may serve as the basis for transferable tax credits pursuant to NRS 360.7591;~~

~~(3) Any additional information that must be included with an application pursuant to subsection 4;~~

~~(4) The application review process;~~

~~(5) Any type of qualified production which, due to obscene or sexually explicit material, is not eligible for transferable tax credits; and~~

~~(6) The requirements for notice pursuant to NRS 360.7595; and~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~

~~9. The Nevada Tax Commission and the Nevada Gaming Commission:~~

~~(a) Shall adopt regulations prescribing the manner in which transferable tax credits will be administered.~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~

~~Sec. 6. NRS 360.910 is hereby amended to read as follows:~~

~~360.910 "Employer excise taxes" means the taxes imposed on the wages paid by an employer pursuant to chapter 362A or 363B of NRS.~~

~~Sec. 7. NRS 360.945 is hereby amended to read as follows:~~

~~360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:~~

~~(a) A certificate of eligibility for transferable tax credits which may be applied to:~~

~~(1) Any tax imposed by chapters 362A and [chapter] 363B of NRS;~~

~~(2) The gaming license fees imposed by the provisions of NRS 463.370;~~

~~(3) Any tax imposed by chapter 680B of NRS; or~~

~~(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).~~

~~(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.~~

~~2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:~~

~~(a) Submit an application that meets the requirements of subsection 3;~~

~~(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;~~

~~(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $2.5 billion in this State within the 10-year period immediately following approval of the application;~~

~~(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common purpose or business endeavor;~~

~~(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;~~

~~(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;~~

PROPOSED AMENDMENT TO AB464

~~(g) Provide documentation satisfactory to the Office of the number of employees engaged or anticipated to be engaged in the construction of the project;~~

~~(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;~~

~~(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;~~

~~(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;~~

~~(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged or anticipated to be engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;~~

~~(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:~~

~~(1) Shows the amount of money invested in this State by each participant in the project;~~

~~(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;~~

~~(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and~~

~~(4) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~(m) Pay the cost of the audit required by paragraph (l); and~~

~~(n) Meet any other requirements prescribed by the Office.~~

~~3. An application submitted pursuant to subsection 2 must include:~~

~~(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;~~

~~(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;~~

~~(c) The name and business address of each participant in the project, which must be an address in this State;~~

~~(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $3.5 billion in this State in the 10-year period immediately following approval of the application;~~

~~(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project which:~~

~~(1) Complies with the requirements of NRS 360.755;~~

~~(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and~~

~~(3) Binds successors in interest of the lead participant for the specified period; and~~

~~(f) Any other information required by the Office.~~

~~4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:~~

~~(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;~~

~~(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;~~

~~(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and~~

~~(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.~~

~~5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and~~

PROPOSED AMENDMENT TO AB464

~~documented proof that an insufficient number of Nevada residents is available and qualified for employment.~~

~~6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:~~

~~(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and~~

~~(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.~~

~~7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.~~

~~8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.]~~

Sec. 67. NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~["Employer".]~~

1. Except as otherwise provided in this section, "employer" means any ~~[financial]~~ ***:***

(a) Financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution. ~~[, except]~~

(b) Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.

2. The term does not include an Indian tribe, a nonprofit organization or a political subdivision.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[2.]~~ ***(b)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[3.]~~ ***(c)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 68. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. ~~[There]~~ ***Except as otherwise provided in section 62 of this act, there*** is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~[Sec. 8.]~~ ***Sec. 69.*** NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~["Employer".]~~

1. Except as otherwise provided in this section, "employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer. ~~[, except:]~~ ~~[a]~~

2. The term does not include:

(a) A financial institution, ~~[or]~~ ;

(b) Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;

(c) An Indian tribe, a nonprofit organization ~~[, or]~~ ;

(d) A political subdivision ; or ~~[an]~~

(e) Any person who does not supply a product or service, but who only consumes a service.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Financial institution" has the meaning ascribed to it in NRS 363A.050.

~~[2.]~~ ***(b)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[3.]~~ ~~[2.]~~ ***(c)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[4.]~~ ~~[3.]~~ ***(d)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

~~[Sec. 9.]~~ ***Sec. 70.*** NRS 363B.110 is hereby amended to read as follows:

363B.110 1. ~~[There]~~ ***Except as otherwise provided in section 68 of this act, there*** is hereby imposed an excise tax on each employer at the rate of ~~[0.63 1.56]~~ ***1.475*** percent of the ***amount by which the sum of all the*** wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer ~~[.]~~ ***exceeds $50,000.***

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~[Sec. 10. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.~~ ~~(Deleted by amendment.)~~

~~Sec. 11. As used in NRS 40.451 to 40.463, inclusive, and sections 11, 12 and 13 of this act, unless the context otherwise requires, the words and terms defined in NRS 40.451 and sections 12 and 13 of this act have the meanings ascribed to them in those sections.~~ ~~(Deleted by amendment.)~~

~~Sec. 12. "Business activity" means the performance of a service or engagement in a trade for profit.~~ ~~(Deleted by amendment.)~~

~~Sec. 13. 1. Except as otherwise provided in subsection 2, "financial institution" means:~~

~~(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of title 55 or 56 of NRS or chapter 604A, 645B or 645E of NRS, or a similar institution chartered or licensed pursuant to federal law;~~

~~(b) A person licensed or registered or required to be licensed or registered pursuant to NRS 90.330, 90.453, 686A.340 or 688C.190;~~

~~(c) A person holding or required to hold a solicitation permit or license pursuant to NRS 692B.040, 692B.190 or 692B.260;~~

~~(d) A person designated or registered or required to be designated or registered pursuant to the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a et seq., the Public Utility Holding Company Act of 2005, 42 U.S.C. §§ 16451 et seq., the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., or the Investment Advisers Act of 1940, 15 U.S.C. §§ 806-1 et seq., as amended.~~

~~(e) A person licensed pursuant to 7 U.S.C. § 2009cc-2 to operate as a rural business investment company.~~

~~(f) A person registered or required to be registered as a savings and loan holding company pursuant to 12 U.S.C. § 1467a.~~

~~(g) A person registered or required to be registered as a bank holding company pursuant to 12 U.S.C. § 1844.~~

~~(h) An investment bank holding company supervised pursuant to 15 U.S.C. § 78q.~~

~~(i) A person electing to be treated as a business development company pursuant to 15 U.S.C. § 80a-53.~~

~~(j) A person licensed pursuant to 15 U.S.C. § 681 to operate as a small business investment company.~~

~~(k) A person granted final approval pursuant to 15 U.S.C. § 689e to operate as a New Markets Venture Capital Company.~~

~~(l) A person qualifying as and electing to be considered a real estate investment trust pursuant to 26 U.S.C. § 856.~~

~~(m) A bank, as defined in 12 U.S.C. § 1813(a).~~

~~(n) A savings association, as defined in 12 U.S.C. § 1813(b).~~

~~(o) A savings bank, as defined in 12 U.S.C. § 1813(g).~~

~~(p) A thrift institution, as defined in 12 U.S.C. § 1841(j).~~

~~(q) A national banking association organized under the National Bank Act, 12 U.S.C. §§ 21 et seq.;~~

~~(r) An entity that is related to any of the entities described in paragraphs (a), (b), (d) to (k), inclusive, and (m) to (q), inclusive, regardless of whether the entity described in any of those paragraphs is doing business in this State; and~~

~~(s) An issuer or a service provider,~~

~~"who is conducting a business activity in this State.~~

~~2. The term does not include:~~

~~(a) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act, 12 U.S.C. §§ 1751 et seq.;~~

~~(b) A federal land credit association, farm credit bank, agricultural credit association or similar institution organized under the provisions of the Farm Credit Act, 12 U.S.C. §§ 2001 et seq.; and~~

~~(c) Any person or other entity that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~3. For the purposes of this section:~~

~~(a) "Credit card" has the meaning ascribed to it in NRS 97A.050.~~

~~(b) "Entity" includes, without limitation, any corporation, limited-liability company, association, organization, company, firm, partnership, joint venture, trust, business trust, receiver, trustee, syndicate, cooperative or assignee, or any other group or combination acting as a unit.~~

~~(c) "Issuer" has the meaning ascribed to it in NRS 97A.100, except that the term does not include a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.~~

~~(d) Entities are "related" if at least 50 percent of the interest, either by vote or value, in each entity is owned, either directly or indirectly, by the same entity, including, either of those entities.~~

~~(e) "Service provider" has the meaning ascribed to it in NRS 97A.120, except that the term does not include a service provider who acts in that capacity solely on behalf of a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.~~ ***(Deleted by amendment.)***

~~Sec. 14. NRS 40.451 is hereby amended to read as follows:~~

~~40.451 [As used in NRS 40.451 to 40.463, inclusive, "indebtedness"] *"Indebtedness"* means the principal balance of the obligation secured by a mortgage or other lien on real property, together with all interest accrued and unpaid prior to the time of foreclosure sale, all costs and fees of such a sale, all advances made with respect to the property by the beneficiary, and all other amounts secured by the mortgage or other lien on the real property in favor of the person seeking the deficiency judgment. Such~~

PROPOSED AMENDMENT TO AB464

~~amount constituting a lien is limited to the amount of the consideration paid by the lienholder.~~ ***(Deleted by amendment.)***

~~Sec. 15. NRS 40.455 is hereby amended to read as follows:~~

~~40.455 1. Except as otherwise provided in subsection 2, upon application of the judgment creditor or the beneficiary of the deed of trust within 6 months after the date of the foreclosure sale or the trustee's sale held pursuant to NRS 107.080, respectively, and after the required hearing, the court shall award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or the beneficiary of the deed of trust, respectively.~~

~~2. If the indebtedness is secured by more than one parcel of real property, more than one interest in the real property or more than one mortgage or deed of trust, the 6-month period begins to run after the date of the foreclosure sale or trustee's sale of the last parcel or other interest in the real property securing the indebtedness, but in no event may the application be filed more than 2 years after the initial foreclosure sale or trustee's sale.~~

~~3. If the judgment creditor or the beneficiary of the deed of trust is a financial institution, the court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust, even if there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust, if:~~

~~(a) The real property is a single family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or trustee's sale;~~

~~(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property;~~

~~(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust; and~~

~~(d) The debtor or grantor did not refinance the mortgage or deed of trust after securing it.~~

~~4. As used in this section, "financial institution" has the meaning ascribed to it in NRS 363A.050.]~~ ***(Deleted by amendment.)***

~~Sec. 16. NRS 40.4628 is hereby amended to read as follows:~~

~~40.4628 1. A person to whom an obligation secured by a junior mortgage or lien on real property is owed may not bring any action to enforce that obligation after a foreclosure sale of the real property which secured that obligation or a sale in lieu of a foreclosure sale if:~~

~~(a) The person is a financial institution;~~

~~(b) The real property which secured the obligation is a single family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or sale in lieu of a foreclosure sale;~~

~~(c) The debtor or grantor used the amount of the obligation to purchase the real property;~~

~~(d) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the obligation; and~~

~~(e) The debtor or grantor did not refinance the obligation after securing it.~~

~~2. As used in this section, "financial institution" has the meaning ascribed to it in [NRS 363A.050.]~~ ***section 13 of this act.*** ***(Deleted by amendment.)***

~~Sec. 17. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. In addition to the information required to be included in an application for the issuance or renewal of a state business license submitted pursuant to NRS 76.100 or 76.130, respectively, each application for the issuance or renewal of a state business license must include the following information:~~

~~(a) If the applicant was required to file a federal income tax return for the immediately preceding federal taxable year, the principal business activity code, if any, indicated on the federal income tax return of the applicant for the immediately preceding taxable year.~~

~~(b) If the applicant was required to file a federal income tax return for the immediately preceding federal taxable year and was treated for the purposes of that return as a corporation, the amount reported on line 1a of Internal Revenue Service Form 1120 or 1120S, or the equivalent or successor of those forms, whichever is applicable, as gross receipts or sales for the immediately preceding federal taxable year.~~

~~(c) If the applicant was required to file a federal income tax return for the immediately preceding federal taxable year and was treated for the purposes of that return as a partnership, the amount~~

~~reported on line 1a of Internal Revenue Service Form 1065, or its equivalent or successor form, as gross receipts or sales for the immediately preceding federal taxable year.~~

~~(d) If the applicant was required to file a Schedule C (Form 1040), Profit or Loss From Business, or its equivalent or successor form, for the immediately preceding federal taxable year, the amount reported on line 1 of that Schedule, or its equivalent or successor form, as gross receipts or sales.~~

~~(e) If the applicant did not file any of the forms or schedules listed in paragraph (b), (c) or (d), the amount of the gross receipts or sales of the applicant from conducting a business for the immediately preceding calendar year; and~~

~~(f) If the applicant included in the application the information listed in paragraph (b), (c) or (d), whether the amounts reported pursuant to those paragraphs were the result of business conducted solely in this State or whether those amounts were the result of business conducted both within and outside this State.~~

~~2. Upon request of the Fiscal Analysis Division of the Legislative Counsel Bureau, the Secretary of State shall provide to the Fiscal Analysis Division the information collected for each applicant pursuant to subsection 1.~~

~~3. Except as otherwise provided in:~~

~~(a) Subsection 2 or another specific statute, the Secretary of State shall not disclose any information reported to the Secretary of State pursuant to this section.~~

~~(b) This paragraph or another specific statute, any information obtained by the Fiscal Analysis Division pursuant to subsection 2 shall be deemed a work product that is confidential pursuant to NRS 218E.150. The Fiscal Analysis Division may analyze the information and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the Secretary of State pursuant to subsection 2.~~

~~Sec. 18.~~ ***Sec. 71.*** NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of ~~[$100; $300;]~~ ***$200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500;*** and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

~~[Sec. 19.]~~ ***Sec. 72.*** NRS 76.130 is hereby amended to read as follows:

76.130 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person who applies for renewal of a state business license shall submit a fee in the amount of ~~[$100 $200]~~ ***$200*** to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. If the person applying for the renewal of a state business license pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business license is $500.

3. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

~~[2.]~~ ***4.*** If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

Sec. 72.5. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State or, if the corporation has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State a list, on a form furnished by the Secretary of State, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director; and

(c) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year or, if, pursuant to subsection 11, the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The corporation has complied with the provisions of chapter 76 of NRS;

(2) The corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$125]~~ ***$150***
Over $75,000 and not over $200,000	~~[175]~~ ***200***
Over $200,000 and not over $500,000	~~[275]~~ ***300***
Over $500,000 and not over $1,000,000	~~[375]~~ ***400***
Over $1,000,000:	
For the first $1,000,000	~~[275]~~ ***$400***
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[$11,100.]~~ ***$11,125.***

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, provide to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

11. The Secretary of State may allow a corporation to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 73. NRS 78.245 is hereby amended to read as follows:

78.245 ~~[No]~~

1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.

Sec. 73.1. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the information required by NRS 80.010 is filed with the Secretary of State or, if the foreign corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors; and

(b) The signature of an officer of the corporation or some other person specifically authorized by the corporation to sign the list.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The foreign corporation has complied with the provisions of chapter 76 of NRS;

(2) The foreign corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$125]~~ ***$150.***

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$125]~~ ***$150***
Over $75,000 and not over $200,000	~~[175]~~ ***200***
Over $200,000 and not over $500,000	~~[275]~~ ***300***
Over $500,000 and not over $1,000,000	~~[275]~~ ***400***
Over $1,000,000:	
For the first $1,000,000	~~[275]~~ ***400***
For each additional $500,000 or fraction thereof	275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is ~~[$11,100.]~~ ***$11, 125.***

4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection

3 and a reminder to file the list pursuant to subsection 1. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list required by subsection 1 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

9. The Secretary of State may allow a foreign corporation to select an alternative due date for filing the initial list required by subsection 1.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.15. **NRS 82.193 is hereby amended to read as follows:**

82.193 1. A corporation shall have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 or 116B.030 has failed to register pursuant to NRS 116.31158 or 116B.625 or failed to pay the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 or 116B.625 and paid the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$25;]~~ ***$50;***

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 73.2. **NRS 82.523 is hereby amended to read as follows:**

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State or, if the foreign nonprofit corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation; and

(e) The signature of an officer of the foreign nonprofit corporation, or some other person specifically authorized by the foreign nonprofit corporation to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign nonprofit corporation has complied with the provisions of chapter 76 of NRS;

(b) The foreign nonprofit corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of ~~[$25.]~~ ***$50.***

4. The Secretary of State shall, 60 days before the last day for filing each annual list, provide to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign nonprofit corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list pursuant to this section which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a member of a foreign nonprofit corporation is not deemed to exercise actual control of the daily operations of the foreign nonprofit corporation based solely on the fact that the member has voting control of the foreign nonprofit corporation.

9. The Secretary of State may allow a foreign nonprofit corporation to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.25. **NRS 84.110 is hereby amended to read as follows:**

84.110 1. Every corporation sole must have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent shall comply with the provisions of those sections.

2. A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$25.]~~ ***$50;***

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 73.3. **NRS 86.263 is hereby amended to read as follows:**

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State or, if the limited-liability company has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and

(e) The signature of a manager or managing member of the limited-liability company, or some other person specifically authorized by the limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs or, if, pursuant to subsection 11, the limited-liability company has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that:

(a) The limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, provide to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file the list required by subsection 2. Failure of any company to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a limited-liability company based solely on the fact that the member has voting control of the limited-liability company.

11. The Secretary of State may allow a limited-liability company to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 73.35. **NRS 86.5461 is hereby amended to read as follows:**

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State or, if the foreign limited-liability company has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list on a form furnished by the Secretary of State that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c); and

(e) The signature of a manager or managing member of the foreign limited-liability company, or some other person specifically authorized by the foreign limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, provide to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited-liability company to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing members in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a foreign limited-liability company based solely on the fact that the member has voting control of the foreign limited-liability company.

10. The Secretary of State may allow a foreign limited-liability company to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.4. **NRS 87.510 is hereby amended to read as follows:**

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State or, if the registered limited-liability partnership has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the registered limited-liability partnership, or some other person specifically authorized by the registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 76 of NRS, that the registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State and that none of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, provide to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. The Secretary of State may allow a registered limited-liability partnership to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 73.45. **NRS 87.541 is hereby amended to read as follows:**

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State or, if the foreign registered limited-liability partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the foreign registered limited-liability partnership, or some other person specifically authorized by the foreign registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign registered limited-liability partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign registered limited-liability partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power and authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign registered limited-liability partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.5. **NRS 87A.290 is hereby amended to read as follows:**

87A.290 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 87A.300.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising

the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.55. **NRS 87A.560 is hereby amended to read as follows:**

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.6. **NRS 88.395 is hereby amended to read as follows:**

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$175.]~~ ***$200.***

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.65. **NRS 88.591 is hereby amended to read as follows:**

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;
(b) The file number of the foreign limited partnership, if known;
(c) The names of all its general partners;
(d) The address, either residence or business, of each general partner; and
(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:
(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;
(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and
(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:
(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ *$150.*
(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ *$150.*

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.7. **NRS 88A.600 is hereby amended to read as follows:**

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State or, if the business trust has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, on a form furnished by the Secretary of State, a list signed by at least one trustee, or by some other person specifically authorized by the business trust to sign the list, that contains the name and street address of at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that:
(a) The business trust has complied with the provisions of chapter 76 of NRS;
(b) The business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1. Failure of a business trust to receive a notice does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

6. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

7. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a business trust based solely on the fact that the person is a beneficial owner.

8. The Secretary of State may allow a business trust to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 73.75. **NRS 88A.732 is hereby amended to read as follows:**

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State or, if the foreign business trust has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c); and

(e) The signature of a trustee of the foreign business trust, or some other person specifically authorized by the foreign business trust to sign the list, certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign business trust has complied with the provisions of chapter 76 of NRS;

(b) The foreign business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

– 37 –

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign business trust to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a foreign business trust based solely on the fact that the person is a beneficial owner.

10. The Secretary of State may allow a foreign business trust to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.8. **NRS 89.250 is hereby amended to read as follows:**

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each list filed pursuant to this section must be:

(a) Made on a form furnished by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association or by some other person specifically authorized by the chief executive officer to sign the list.

(c) Accompanied by a declaration under penalty of perjury that:

(1) The professional association has complied with the provisions of chapter 76 of NRS;

(2) The professional association acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(3) None of the members or employees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

5. A person who files with the Secretary of State an initial list or annual list required by this section which identifies a member or an employee of a professional association with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

6. For the purposes of this section, a person is not deemed to exercise actual control of the daily operations of a professional association based solely on the fact that the person holds an ownership interest in the professional association.

7. The Secretary of State may allow a professional association to select an alternative due date for filing the initial list required by this section.

8. The Secretary of State may adopt regulations to administer the provisions of subsection 7.

~~[Sec. 20.]~~ ***Sec. 74.*** NRS 90.420 is hereby amended to read as follows:

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Has been convicted of a felony or, within the previous 10 years has been convicted of a misdemeanor, which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary;

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses; or

(4) Involves moral turpitude;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser, representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Commodity Futures Trading Commission, or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order by a self-regulatory organization that prohibits the person from serving, indefinitely or for a specified period, as a principal or in a supervisory capacity within a business or organization which is a member of a self-regulatory organization;

(4) An order of the United States Postal Service relating to fraud;

(5) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(6) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

~~[Sec. 21.]~~ ***Sec. 75.*** NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.***

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

~~[Sec. 32.]~~ ***Sec. 76.*** NRS 604A.820 is hereby amended to read as follows:

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

~~[Sec. 33.]~~ ***Sec. 77.*** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and ~~[chapter]~~ 363B of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.*** The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of

applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

~~[Sec. 24.]~~ ***Sec. 78.*** NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↳ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

↳ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and ~~[chapter]~~ 363B of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.*** The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any

lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

~~[Sec. 25.]~~ ***Sec. 79.*** NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

~~[Sec. 26.]~~ ***Sec. 80.*** NRS 645B.670 is hereby amended to read as follows:

645B.670 1. Except as otherwise provided in NRS 645B.690:

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

(b) For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(1) Is insolvent;

(2) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(4) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(5) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(8) Has failed to account to persons interested for all money received for a trust account;

(9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(12) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(16) Has repeatedly violated the policies and procedures of the mortgage broker;

(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage agent as required by NRS 645B.460;

(18) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(19) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(20) Has violated NRS 645C.557;

(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;*** or

(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage agent to a person other than a mortgage agent who:

(I) Is an employee of or associated with the mortgage broker; or

(II) If the mortgage agent is required to register with the Registry, is an employee of and whose sponsorship has been entered with the Registry by the mortgage broker as required by subsection 2 of NRS 645B.450.

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(1) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(9) Has violated NRS 645C.557;

(10) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed;

(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage agent:

(I) From a person other than the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(II) If the mortgage agent is required to be registered with the Registry, from a person other than the mortgage broker by whom the mortgage agent is employed and on whose behalf sponsorship was entered as required by subsection 2 of NRS 645B.450; or

(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers so long as such a transaction is not inconsistent with any other provision of this chapter.

~~[Sec. 27.]~~ ***Sec. 81.*** NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

~~[Sec. 28.]~~ ***Sec. 82.*** NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~[Sec. 29.]~~ ***Sec. 83.*** NRS 658.151 is hereby amended to read as follows:

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

(a) Has violated its charter or any laws applicable thereto.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' or members' equity.

(e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

(f) Has become or is in imminent danger of becoming otherwise insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to trustees.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

~~[Sec. 30.]~~ ***Sec. 84.*** NRS 665.133 is hereby amended to read as follows:

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;

(b) The Director of the Department of Business and Industry for the Director's confidential use;
(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;
(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[,]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act;***
(e) An entity which insures or guarantees deposits;
(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;
(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;
(h) Any person to whom the subject of the report has authorized the disclosure;
(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and
(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.
2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

Sec. 85. **NRS 669.275 is hereby amended to read as follows:**

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.
2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.
3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.
4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. ***This subsection does not limit the examination of any document by the Department of Taxation if necessary to carry out the provisions of sections 2 to 61, inclusive, of this act.***

~~[Sec. 31.]~~ ***Sec. 86.*** NRS 669.2825 is hereby amended to read as follows:

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:
(a) Has violated its charter or any state or federal laws applicable to the business of a trust company.
(b) Is conducting its business in an unauthorized or unsafe manner.
(c) Is in an unsafe or unsound condition to transact its business.
(d) Has an impairment of its stockholders' equity.
(e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.
(f) Has become insolvent.
(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.
(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.
(i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.
(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act.***
(k) Has materially and willfully breached its fiduciary duties to its customers.
(l) Has failed to properly disclose all fees, interest and other charges to its customers.
(m) Has willfully engaged in material conflicts of interest regarding a customer's account.
(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

~~[Sec. 32.]~~ ***Sec. 87.*** NRS 669.2847 is hereby amended to read as follows:

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 88. **NRS 669.285 is hereby amended to read as follows:**

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; ~~[and]~~

2. ***The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and***

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 89. **NRS 669A.310 is hereby amended to read as follows:**

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; ~~[and]~~

(b) ***The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and***

(c) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person

pursuant to paragraph ~~(b)~~ *(c)* of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information. Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

~~[Sec. 33.]~~ ***Sec. 90.*** NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[.]~~ *or sections 2 to 61, inclusive, of this act.*

~~[Sec. 34.]~~ ***Sec. 91.*** NRS 675.440 is hereby amended to read as follows:

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[.]~~ *or sections 2 to 61, inclusive, of this act;*

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

~~[Sec. 35.]~~ ***Sec. 92.*** NRS 677.510 is hereby amended to read as follows:

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[;]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 93. NRS 680B.037 is hereby amended to read as follows:

680B.037 ~~[Payment]~~

1. Except as otherwise provided in subsection 2, payment by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to the provisions of sections 2 to 61, inclusive, of this act.

~~[Sec. 36.]~~ ***Sec. 94.*** NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[;]~~ ***or sections 2 to 61, inclusive, of this act.***

Sec. 95. NRS 686C.360 is hereby amended to read as follows:

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~[;]~~ ***and the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.***

~~[Sec. 37.]~~ ***Sec. 96.*** NRS 687A.130 is hereby amended to read as follows:

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or

2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

~~[Sec. 38.]~~ ***Sec. 97.*** NRS 688C.210 is hereby amended to read as follows:

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

(a) There was material misrepresentation in the application for the license;

(b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

(c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

(d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

(e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

(f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;

(g) The licensee no longer meets a requirement for initial licensure;

(h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;

(i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

(j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or

(l) The applicant or licensee has acted in bad faith with regard to a viator.

2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

~~[Sec. 39.]~~ ***Sec. 98.*** NRS 694C.450 is hereby amended to read as follows:

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

(a) Two-fifths of 1 percent on the first $20,000,000 of its net direct premiums;

(b) One-fifth of 1 percent on the next $20,000,000 of its net direct premiums; and

(c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first $20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next $20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

➥ The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than $5,000 in any given year, the captive insurer shall pay a tax of $5,000 for that year. The maximum aggregate tax for any year must not exceed $175,000. The maximum aggregate tax to be paid by a sponsored captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS, ***or sections 2 to 61, inclusive, of this act*** and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of $5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

Sec. 99. **NRS 695A.550 is hereby amended to read as follows:**

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than ***the tax imposed pursuant to sections 2 to 61, inclusive, of this act and*** taxes on real property and office equipment.

~~[Sec. 40. If a person to whom transferable tax credits that have been issued pursuant to the provisions of NRS 360B.750 or 360.945, as those provisions existed before July 1, 2015, has made a declaration to apply the transferable tax credits to the tax imposed by chapter 363A of NRS but the credits have not been applied to that tax on or before July 1, 2015, the Department of Taxation shall allow the transferable tax credits to be applied to the tax imposed by chapter 363B of NRS, as amended by sections 8 and 9 of this act.~~

~~Sec. 41.]~~ ***Sec. 100.*** **1.** The ~~[amendatory]~~ provisions of sections ~~[1 to 4, inclusive, 8, 9, 20 to 39, inclusive, and 42]~~ **2 to 61, inclusive,** of this act **apply to taxable years that begin on or after July 1, 2015.**

2. The amendatory provisions of sections 67 to 70, inclusive, of this act do not apply to any taxes due for any period ending on or before June 30, 2015.

3. Any rate of the tax imposed by NRS 363A.130 or 363B.110 determined pursuant to section 62 of this act does not apply to any taxes due for any period ending on or before June 30 of the year in which the rate becomes effective.

4. As used in this section, "taxable year" has the meaning ascribed to it in section 12 of this act.

~~[Sec. 42. NRS 363A.010, 363A.015, 363A.020, 363A.030, 363A.040, 363A.050, 363A.060, 363A.070, 363A.080, 363A.090, 363A.120, 363A.130, 363A.135, 363A.140, 363A.150, 363A.160, 363A.170, 363A.180, 363A.190, 363A.200, 363A.210, 363A.220, 363A.230, 363A.240, 363A.250, 363A.260 and 363B.115 are hereby repealed.~~

– 54 –

~~Sec. 43.~~

__ ***Sec. 101.*** ~~[1.]~~ This ~~[section and sections 1 to 16, inclusive, and 18 to 42, inclusive, of this]~~ act ~~[become]~~ becomes effective ~~[on]~~ :

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2015 ~~[.~~

~~2. Section 17 of this act becomes effective on November 1, 2015, and expires by limitation on October 31, 2021.~~

~~3. Section 5 of this act expires by limitation on June 30, 2023.~~

~~4. Sections 6 and 7 of this act expire by limitation on June 30, 2036.]~~, for all other purposes.

~~[HEADLINES OF REPEALED SECTIONS]~~

~~[363A.010 Definitions.~~
~~363A.015 "Business activity" defined.~~
~~363A.020 "Commission" defined.~~
~~363A.030 "Employer" defined.~~
~~363A.040 "Employment" defined.~~
~~363A.050 "Financial institution" defined.~~
~~363A.060 "Taxpayer" defined.~~
~~363A.070 Duties of Department.~~
~~363A.080 Maintenance and availability of records of taxpayer; penalty.~~
~~363A.090 Examination of records by Department; payment of expenses of Department for examination of records outside State.~~
~~363A.120 Excise tax on banks: Imposition, amount and payment; filing of return.~~
~~363A.130 Payroll tax: Imposition, amount and payment; filing of return.~~
~~363A.135 Payroll tax: Deduction of certain amounts paid for health insurance or health benefit plan for employees.~~
~~363A.140 Extension of time for payment; payment of interest during period of extension.~~
~~363A.150 Certification of excess amount collected; credit and refund.~~
~~363A.160 Limitations on claims for refund or credit; form and contents of claim; failure to file claim constitutes waiver; service of notice of rejection of claim.~~
~~363A.170 Interest on overpayments; disallowance of interest.~~
~~363A.180 Injunction or other process to prevent collection of tax prohibited; filing of claim is condition precedent to maintaining action for refund.~~
~~363A.190 Action for refund: Period for commencement; venue; waiver.~~
~~363A.200 Rights of claimant upon failure of Department to mail notice of action on claim; allocation of judgment for claimant.~~
~~363A.210 Allowance of interest in judgment for amount illegally collected.~~
~~363A.220 Standing to recover.~~
~~363A.230 Action for recovery of erroneous refund: Jurisdiction; venue; prosecution.~~
~~363A.240 Cancellation of illegal determination.~~
~~363A.250 Prohibited acts; penalty.~~
~~363A.260 Remedies of State are cumulative.~~
~~363B.115 Deduction of certain amounts paid for health insurance or health benefit plan for employees.]~~

PROPOSED AMENDMENT TO AB464

MOCK-UP

PROPOSED AMENDMENT 7773 TO ASSEMBLY BILL NO. 464

May 29, 2015

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 61, inclusive, of this act.**

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Business" means any activity engaged in or caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, to any person or governmental entity.***

Sec. 4. ***1. Except as otherwise provided in subsection 2, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, limited-liability limited partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business.***

2. The term "business entity" does not include:

(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.

(c) A governmental entity.

(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(e) A business entity organized pursuant to chapter 82 or 84 of NRS.

(f) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act.

(g) A grantor trust as defined by sections 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).

(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4b.

PROPOSED AMENDMENT TO AB464

Appendix B

(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:

(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and

(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.

(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.

(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).

(l) A passive entity.

(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.

(n) A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business and is not required to obtain a state business license specifically for that event pursuant to NRS 360.780.

Sec. 5. *"Commerce tax" means the tax required to be paid pursuant to this chapter.*

Sec. 5.5. *"Credit sales" means a sale of goods by a seller who accepts payments for the goods at a later time.*

Sec. 6. *"Engaging in a business" means commencing, conducting or continuing a business, the exercise of corporate or franchise powers regarding a business, and the liquidation of a business which is or was engaging in a business when the liquidator holds itself out to the public as conducting that business.*

Sec. 7. *"Governmental entity" means:*

1. The United States and any of its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada and any of its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

Sec. 8. *1. Except as otherwise provided in subsection 3, "gross revenue" means the total amount realized by a business entity from engaging in a business in this State, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income, including, without limitation, the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.*

2. Except as otherwise provided in subsection 3, the term includes, without limitation:

(a) Amounts realized from the sale, exchange or other disposition of a business entity's property;

(b) Amounts realized from the performance of services by a business entity;

(c) Amounts realized from another person's possession of the property or capital of a business entity; and

(d) Any combination of these amounts.

3. The term does not include:

(a) Amounts realized from the sale, exchange, disposition or other grant of the right to use trademarks, trade names, patents, copyrights and similar intellectual property;

(b) The value of cash discounts allowed by the business entity and taken by a customer;

(c) The value of goods or services provided to a customer on a complimentary basis;

(d) Amounts realized from a transaction subject to, described in, or equivalent to, section 118, 331, 332, 336, 337, 338, 351, 355, 368, 721, 731, 1031 or 1033 of the Internal Revenue Code, regardless of the federal tax classification of the business entity under Treasury Regulation section 301-7701-3;

(e) Amounts indirectly realized from a reduction of an expense or deduction; and

(f) Amounts that are not considered revenue under generally accepted accounting principles.

Sec. 8.5. "Loan" means any extension of credit or the purchase in whole or in part of an extension of credit from another person, including, without limitation, participations and syndications.

Sec. 9. "Nevada gross revenue" means the gross revenue of a business entity, as adjusted pursuant to section 21 of this act and situsedto this State pursuant to section 22 of this act.

Sec. 10. "North American Industry Classification System" or "NAICS" means the 2012 North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.

Sec. 10.5. "Pass-through entity" means an entity that is disregarded as an entity for the purposes of federal income taxation or is treated as a partnership for the purposes of federal income taxation.

Sec. 11. 1. "Pass-through revenue" means:

(a) Revenue received by a business entity that is required by law or fiduciary duty to be distributed to another person or governmental entity;

(b) Taxes collected from a third party by a business entity and remitted by the business entity to a taxing authority;

(c) Reimbursement for advances made by a business entity on behalf of a customer or client, other than with respect to services rendered or with respect to purchases of goods by the business entity in carrying out the business in which it engages;

(d) Revenue received by a business entity that is mandated by contract or subcontract to be distributed to another person or entity if the revenue constitutes:

(1) Sales commissions that are paid to a person who is not an employee of the business entity, including, without limitation, a split-fee real estate commission;

(2) The tax basis of securities underwritten by the business entity, as determined for the purposes of federal income taxation; or

(3) Subcontracting payments under a contract or subcontract entered into by a business entity to provide services, labor or materials in connection with the actual or proposed design, construction, remodeling, remediation or repair of improvements on real property or the location of the boundaries of real property;

(e) Revenue received by a business entity that provides legal services if the revenue received by the business entity is:

(1) Mandated by law, fiduciary duty or contract to be distributed to a claimant by the claimant's attorney or to another person or entity on behalf of a claimant by the claimant's attorney, including, without limitation, revenue received:

(I) For damages due to a client represented by the business entity;

(II) That are subject to a lien or other contractual obligation arising out of the representation provided by the business entity, other than fees owed to the business entity for the provision of legal services;

(III) That are subject to a subrogation interest or other third-party contractual claim; and

(IV) That are required to be paid to another attorney who provided legal services in a matter and who is not a member, partner, shareholder or employee of the business entity; and

(2) Reimbursement of the expenses incurred by the business entity in providing legal services to a claimant that are specific to the claimant's matter and that are not general operating expenses of the business entity; or

(f) Revenue received by a business entity that is part of an affiliated group from another member of the affiliated group.

2. As used in this section:

(a) "Affiliated group" means a group of two or more business entities, including, without limitation, a business entity described in subsection 2 of section 4 of this act, each of which is controlled by one or more common owners or by one or more members of the group.

(b)"Controlled by" means the direct or indirect ownership, control or possession of 50 percent or more of a business entity.

(c) "Sales commission" means:

(1) Any form of compensation paid to a person for engaging in an act for which a license is required pursuant to chapter 645 of NRS; or

(2) Compensation paid to a sales representative by a principal in an amount that is based on the amount or level of orders for or sales on behalf of the principal and that the principal is required to report on Internal Revenue Service Form 1099-MISC, Miscellaneous Income.

Sec. 11.5. *"Securities" means United States Treasury securities, obligations of United States government agencies and corporations, obligations of a state or political subdivision, corporate stock, bonds, participations in securities backed by mortgages held by United States or state government agencies, loan-backed securities, money market instruments, federal funds, securities purchased and sold under agreements to resell or repurchase, commercial paper, banker's acceptances, purchased certificates of deposit, options, futures contracts, forward contracts, notional principal contracts, including, without limitation, swaps, and other similar securities and instruments.*

Sec. 12. *"Taxable year" means the 12-month period beginning on July 1 and ending on June 30 of the following year.*

Sec. 13. *"Wages" means any remuneration paid for personal services, including, without limitation, commissions and bonuses, and remuneration payable in any medium other than cash.*

Sec. 13.5. *For the purposes of this chapter, unless otherwise indicated, section references are to the Internal Revenue Code of 1986, as amended, and include future amendments to such sections and corresponding provisions of future federal internal revenue laws.*

Sec. 14. *1. For the purposes of this chapter, a business is a "passive entity" only if:*

(a) The business is a limited-liability company, general partnership, limited-liability partnership or limited partnership or a trust, other than a business trust;

(b) During the period for which the gross revenue of the business entity is reported pursuant to section 20 of this act, at least 90 percent of the business entity's federal gross income consists of the following income:

(1) Dividends, interest, foreign currency exchange gains, periodic and nonperiodic payments with respect to notional principal contracts, option premiums, cash settlements or termination payments with respect to a financial instrument, and income from a pass-through entity;

(2) Capital gains from the sale of real property, gains from the sale of commodities traded on a commodities exchange and gains from the sale of securities; and

(3) Royalties, bonuses or delay rental income from mineral properties and income from other nonoperating mineral interests; and

(c) The business entity does not receive more than 10 percent of its federal gross income from conducting an active trade or business.

2. As used in paragraph (b) of subsection 1, the term "income" does not include any:

(a) Rent; or

(b) Income received by a nonoperator from mineral properties under a joint operating agreement if the nonoperator is a member of an affiliated group and another member of that group is the operator under that joint operating agreement.

3. For the purposes of paragraph (c) of subsection 1:

(a) Except as otherwise provided in this subsection, a business entity is "conducting an active trade or business" if:

(1) The activities being carried on by the business entity include one or more active operations that form a part of the process of earning income or profit, and the business entity performs active management and operating functions; or

(2) Any assets, including, without limitation, royalties, patents, trademarks and other intangible assets, held by the business entity are used in the active trade or business of one or more related business entities.

(b) The ownership of a royalty interest or a nonoperating working interest in mineral rights does not constitute the conduct of an active trade or business.

(c) The payment of compensation to employees or independent contractors for financial or legal services reasonably necessary for the operation of a business does not constitute the conduct of an active trade or business.

(d) Holding a seat on the board of directors of a business entity does not by itself constitute the conduct of an active trade or business.

(e) Activities performed by a business entity include activities performed by persons outside the business entity, including independent contractors, to the extent that those persons perform services on behalf of the business entity and those services constitute all or any part of the business entity's trade or business.

Sec. 15. *For the purposes of this chapter, if a business entity engaging in a business in this State is engaged in business in more than one business category set forth in sections 24 to 49, inclusive, of this act, the business entity shall be deemed to be primarily engaged in the business category in which the highest percentage of its Nevada gross revenue is generated.*

Sec. 16. *The Department shall:*

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for that purpose.

2. Deposit all fees, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.

Sec. 17. *1. Each person responsible for maintaining the records of a business entity shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the business entity pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a business entity pursuant to the provisions of this chapter. The regulations adopted by the Department pursuant to this subsection must specify the type of information that a business entity engaging in a business in this State must keep in the normal course of its financial recordkeeping for the purpose of determining the amount of the commerce tax owed by the business entity.

Sec. 18. *1. To verify the accuracy of any return filed or, if no return is filed by a business entity, to determine the amount of the commerce tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the commerce tax.*

2. Any person who may be liable for the commerce tax and who keeps outside of this State any books, papers or records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 19. *The Executive Director may request from any other governmental agency or officer such information as the Executive Director deems necessary to carry out the provisions of this chapter. If the Executive Director obtains any confidential information pursuant to such a request, he or she shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.*

Sec. 20. *1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds $4,000,000 in an amount determined pursuant to sections 23 to 49, inclusive, of this act. The commerce tax is due and payable as provided in this section.*

2. Each business entity engaging in a business in this State during a taxable year shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a report on a form prescribed by the Department. The report required by this subsection must include such information as is required by the Department. A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1.

3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial report filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

4. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent

per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 21. *1. In computing the commerce tax owed by a business entity pursuant to this chapter, the business entity is entitled to deduct from its gross revenue the following amounts, to the extent such amounts are included in gross revenue of the business entity:*

(a) Any gross revenue which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.

(b) Any gross revenue of the business entity attributable to dividends and interest upon any bonds or securities of the Federal Government, the State of Nevada or a political subdivision of this State.

(c) If a business entity is required to pay a license fee pursuant to NRS 463.370, the amount of its gross receipts used to determine the amount of that fee.

(d) If the business entity is required to pay a tax on the net proceeds from mineral extraction and royalties subject to the excise tax pursuant to the provisions of NRS 362.100 to 362.240, inclusive, the amount of the gross proceeds used to determine the amount of that tax.

(e) If the business entity is required to pay the tax imposed by chapter 369 of NRS, an amount equal to the amount of the excise tax paid pursuant to that chapter by the business entity.

(f) If the business entity is required to pay the tax imposed pursuant to chapter 680B of NRS:

(1) The amount of the total income derived from direct premiums written and all other considerations for insurance, bail or annuity contracts used to determine the amount of the tax imposed pursuant to chapter 680B of NRS;

(2) Any amounts excluded from total income derived from direct premiums pursuant to NRS 680B.025; and

(3) Gross premiums upon policies on risks located in this State received by a factory mutual and amounts deducted from such gross premiums to determine the amount of the tax imposed by NRS 680B.027 upon the factory mutual pursuant to NRS 680B.033.

(g) If the business entity is required to pay the tax imposed pursuant to NRS 694C.450, the amount of the net direct premiums, as defined in that section, used to determine the amount of that tax.

(h) If the business entity is required to pay the tax imposed pursuant to NRS 685A.180, the amount of the premiums, as defined in that section, used to determine the amount of that tax.

(i) Except as otherwise provided by paragraph (j), the total amount of payments received by a health care provider:

(1) From Medicaid, Medicare, the Children's Health Insurance Program, the Fund for Hospital Care to Indigent Persons created pursuant to NRS 428.175 or TRICARE;

(2) For professional services provided in relation to a workers' compensation claim; and

(3) For the actual cost to the health care provider for any uncompensated care provided by the health care provider, except that if the health care provider later receives payment for all or part of that care, the health care provider must include the amount of the payment in his or her gross receipts for the calendar quarter in which the payment is received.

(j) If the business entity is engaging in a business in this State as a health care provider that is a health care institution, an amount equal to 50 percent of the amounts described in paragraph (i) that are received by the health care institution.

(k) If the business entity is engaging in business in this State as an employee leasing company, the amount of any payments received from a client company for wages, payroll taxes on those wages, employee benefits and workers' compensation benefits for employees leased to the client company.

(l) The amount of any pass-through revenue of the business entity.

(m) The tax basis of securities and loans sold by the business entity, as determined for the purposes of federal income taxation.

(n) The amount of revenue received by the business entity that is directly derived from the operation of a facility that is:

(1) Located on property owned or leased by the Federal Government; and

(2) Managed or operated primarily to house members of the Armed Forces of the United States.

(o) Interest income other than interest on credit sales.

(p) Dividends and distributions from any person, and distributive or proportionate shares of tax credits, receipts and income from a pass-through entity.

(q) Receipts from the sale, exchange or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, 26 U.S.C. § 1221 or 1231, without regard to the length of time the business entity held the asset.

(r) Receipts from a hedging transaction, as defined in section 1221 of the Internal Revenue Code, 26 U.S.C. § 1221, or a transaction accorded hedge accounting treatment under Statement No. 133 of the Financial Accounting Standards Board, Accounting for Derivative Instruments and Hedging Activities, to the extent the transaction is entered into primarily to protect a financial position, including, without limitation, managing the risk of exposure to foreign currency fluctuations that affect assets, liabilities, profits, losses, equity or investments in foreign operations, to interest rate fluctuations or to commodity price fluctuations. For the purposes of this paragraph, receipts from the actual transfer of title of real or tangible personal property to another business entity are not receipts from a hedging transaction or a transaction accorded hedge accounting treatment.

(s) Proceeds received by a business entity that are attributable to the repayment, maturity or redemption of the principal of a loan, bond, mutual fund, certificate of deposit or marketable instrument.

(t) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan.

(u) Proceeds received from the issuance of the business entity's own stock, options, warrants, puts or calls, from the sale of the business entity's treasury stock or as contributions to the capital of the business entity.

(v) Proceeds received on account of payments from insurance policies, except those proceeds received for the loss of business revenue.

(w) Damages received as a result of litigation in excess of amounts that, if received without litigation, would not have been included in the gross receipts of the business entity pursuant to this section.

(x) Bad debts expensed for the purposes of federal income taxation.

(y) Returns and refunds to customers.

(z) Amounts realized from the sale of an account receivable to the extent the receipts from the underlying transaction were included in the gross receipts of the business entity.

(aa) If the business entity owns an interest in a passive entity, the business entity's share of the net income of the passive entity, but only to the extent the net income of the passive entity was generated by the gross revenue of another business entity.

2. As used in this section:

(a) "Children's Health Insurance Program" means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.

(b) "Client company" has the meaning ascribed to it in NRS 616B.670.

(c) "Employee leasing company" has the meaning ascribed to it in NRS 616B.670.

(d) "Health care institution" means:

(1) A medical facility as defined in NRS 449.0151; and

(2) A pharmacy as defined in NRS 639.012.

(e) "Health care provider" means a business that receives any payments listed in paragraph (i) of subsection 1 as a provider of health care services, including, without limitation, mental health care services.

(f) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(g) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 22. *1. In computing the commerce tax owed by a business entity, the gross revenue of the business entity, as adjusted pursuant to section 21 of this act, must be situsted to this State in accordance with the following rules:*

(a) Gross rents and royalties from real property are situsted to this State if the real property is located in this State.

(b) Gross revenue from the sale of real property are situsted to this State if the real property is located in this State.

(c) Gross rents and royalties from tangible personal property is situsted to this State to the extent the tangible personal property is located or used in this State.

(d) Gross revenue from the sale of tangible personal property is situsedto this State if the property is delivered or shipped to a buyer in this State, regardless of the F.O.B. point or any other condition of sale.

(e) Gross revenue from the sale of transportation services is situsedto this State if both the origin and the destination point of the transportation are located in this State.

(f) Gross revenue from the sale of any services not otherwise described in this section is situsedto this State in the proportion that the purchaser's benefit in this State, with respect to what was purchased, bears to the purchaser's benefit everywhere with respect to what was purchased. For the purposes of this paragraph, the physical location at which the purchaser of a service ultimately uses or receives the benefit of the service that was purchased is paramount in determining the proportion of the benefit in this State to the benefit everywhere. If the records of a business entity do not allow the taxpayer to determine that location, the business entity may use an alternative method to situs gross revenue pursuant to this section if the alternative method is reasonable, is consistently and uniformly applied and is supported by the taxpayer's records as those records exist when the service is provided or within a reasonable period of time thereafter.

(g) Gross revenue not otherwise described in this section is situsedto this State if the gross receipts are from business conducted in this State. For the purposes of this paragraph, the physical location of the purchaser is paramount in determining if business is done in this State. If the records of a business entity do not allow the business entity to determine the location of the purchaser, the gross revenue must not be considered to be from business conducted in this State.

2. If the application of the provisions of subsection 1 do not fairly represent the extent of the business conducted in this State by a business entity, the Department may authorize the business entity to use an alternative method of situsing gross revenue to this State.

***Sec. 23.** Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in sections 24 to 48, inclusive, of this act for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in sections 24 to 48, inclusive, of this act, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in section 49 of this act.*

***Sec. 24.** 1. The agriculture, forestry, fishing and hunting business category (NAICS 11) includes all business entities primarily engaged in agricultural production or agricultural support activities, or both, including, without limitation, growing crops, raising animals, harvesting timber and harvesting fish and other animals from a farm, ranch or their natural habitats.*

2. Examples of business entities in this category include, without limitation, farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.

3. This category does not include business entities primarily engaged in agricultural research or administering programs for regulating and conserving land, minerals, wildlife or forest use.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.063 percent.

***Sec. 25.** 1. The mining, quarrying and oil and gas extraction business category (NAICS 21) includes all business entities primarily engaged in mining operations and mining support activities, including, without limitation, extracting:*

(a) Naturally occurring mineral solids, such as coal and ores;

(b) Liquid minerals, such as crude petroleum; and

(c) Gases, such as natural gas.

2. Examples of business entities in this category include, without limitation:

(a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.

(b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.

3. As used in subsections 1 and 2, the term "mining" includes quarrying, well operations and beneficiating, including, without limitation, crushing, screening, washing, flotation and other preparation customarily performed at a mine site or as a part of mining activity.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.051 percent.

Sec. 26. *1. The utilities and telecommunications business category (NAICS 22 and 517, respectively) includes:*

(a) All business entities primarily engaged in providing utility services, including, without limitation, electric power, natural gas, steam supply, water supply and sewage removal; and

(b) All business entities primarily engaged in providing telecommunications and the services related to that activity, including, without limitation, telephony, cable and satellite distribution services, Internet access and telecommunications reselling services.

2. This category does not include business entities primarily engaged in waste management and remediation services that are described in section 42 of this act.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.136 percent.

Sec. 27. *1. The construction business category (NAICS 23) includes all business entities primarily engaged in the construction of buildings or engineering projects, such as highways and utility systems. Business entities engaged in the preparation of sites for new construction and business entities primarily engaged in subdividing land for sale as building sites also are included in this category.*

2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint-venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.083 percent.

Sec. 28. *1. The manufacturing business category (NAICS 31, 32 and 33) includes all business entities primarily engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.*

2. Examples of business entities in this category include, without limitation, milk bottling and pasteurizing, water bottling and processing, fresh fish packaging, apparel jobbing, contracting on materials owned by others, printing and related activities, ready-mixed concrete production, leather converting, grinding of lenses to prescription, wood preserving, electroplating, plating, metal heat, treating and polishing for the trade, lapidary work for the trade, fabricating signs and advertising displays, rebuilding or remanufacturing machinery, ship repair and renovation, machine shops and tire retreading.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.091 percent.

Sec. 29. *1. The wholesale trade business category (NAICS 42) includes all business entities primarily engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.101 percent.

Sec. 30. *1. The retail trade business category (NAICS 44 and 45) includes all businesses primarily engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 31. *1. The air transportation business category (NAICS 481) includes all business entities primarily engaged in providing air transportation of passengers or cargo, or both, using aircraft, such as an airplane and helicopter.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.058 percent.

Sec. 32. *1. The truck transportation business category (NAICS 484) includes all business entities primarily engaged in providing over-the-road transportation of cargo using motor vehicles, such as a truck and tractor trailer.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.202 percent.

Sec. 33. *1. The rail transportation business category (NAICS 482) includes all business entities primarily engaged in providing rail transportation of passengers or cargo, or both, using railroad rolling stock.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.331 percent.

Sec. 34. *1. The other transportation business category (NAICS 483, 485, 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:*

(a) Water transportation, including, without limitation, the transportation of passengers and cargo using watercraft;

(b) Transit and ground passenger transportation, including, without limitation, charter buses, school buses, interurban bus transportation, taxis and limousine services, street railroads, commuter rail and rapid transit;

(c) Pipeline transportation, including, without limitation, using transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products and slurry;

(d) Scenic and sightseeing transportation, including, without limitation, on land or the water, or in the air;

(e) Support activities for transportation, including, without limitation, air traffic control services, marine cargo handling, motor vehicle towing, railroad switching and terminals, and ship repair and maintenance not done in a shipyard, such as floating drydock services in a harbor;

(f) Postal services, including, without limitation, the activities of the United States Postal Service and its subcontractors operating under a universal service obligation to provide mail services, deliver letters and small parcels, and rural post offices on contract to the United States Postal Service; and

(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery of parcels and documents without operating under a universal service obligation.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.129 percent.

Sec. 35. *1. The warehousing and storage business category (NAICS 493) includes all business entities primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods and other warehouse products.*

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 36. *1. The publishing, software and data processing business category (NAICS 511, 512, 515 and 518) includes all business entities primarily engaged in:*

(a) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing lists and software publishing;

(b) Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 37. *1. The finance and insurance business category (NAICS 52) includes all business entities primarily engaged in financial transactions or in facilitating financial transactions.*

PROPOSED AMENDMENT TO AB464

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 38. 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.25 percent.

Sec. 39. 1. The professional, scientific and technical services business category (NAICS 54) includes all business entities primarily engaged in performing professional, scientific and technical activities for others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.181 percent.

Sec. 40. 1. The management of companies and enterprises business category (NAICS 55) includes all business entities primarily engaged in:

(a) Holding the securities of, or other equity interests in, companies and enterprises for the purpose of owning a controlling interest or influencing management decisions; or

(b) Administering, overseeing and managing establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.137 percent.

Sec. 41. 1. The administrative and support services business category (NAICS 561) includes all business entities primarily engaged in activities that support the day-to-day operations of other organizations.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.154 percent.

Sec. 42. 1. The waste management and remediation services business category (NAICS 562) includes all business entities primarily engaged in the collection, treatment and disposal of waste materials.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.261 percent.

Sec. 43. 1. The educational services business category (NAICS 61) includes all businesses primarily engaged in providing instruction and training in a wide variety of subjects.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.281 percent.

Sec. 44. 1. The health care and social assistance business category (NAICS 62) includes all business entities primarily engaged in providing health care and social assistance for natural persons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.190 percent.

Sec. 45. 1. The arts, entertainment and recreation business category (NAICS 71) includes all business entities primarily engaged in operating facilities or providing services to meet varied cultural, entertainment and recreational interests of their patrons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.24 percent.

Sec. 46. 1. The accommodation business category (NAICS 721) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.2 percent.

Sec. 47. 1. The food services and drinking places business category (NAICS 722) includes all business entities primarily engaged in preparing meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.194 percent.

Sec. 48. 1. The other services business category (NAICS 81) includes all business entities primarily engaged in providing services not included in any of the business categories described in sections 24 to 47, inclusive, of this act. Business entities in this category are primarily engaged in activities such as repairing equipment and machinery, promoting or administering religious activities, grantmaking, advocacy, and providing dry cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.142 percent.

Sec. 49. 1. The unclassified business category includes any business entity not included in any of the business categories established by sections 24 to 48, inclusive, of this act.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 50. A business entity's method of accounting for gross revenue for a taxable year for the purposes of determining the amount of the commerce tax owed by the business entity must be the same as the business's method of accounting for federal income tax purposes for the business's federal taxable year which includes that calendar quarter. If a business entity's method of accounting for federal income tax purposes changes, its method of accounting for gross revenue pursuant to this chapter must be changed accordingly.

Sec. 51. If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 52. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the last month of the taxable year for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.

4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 53. 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the commerce tax at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 54. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent

or enjoin the collection under this chapter of the commerce tax or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 55. *1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.*

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 56. *1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.*

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited toward any tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 57. *In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.*

Sec. 58. *A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.*

Sec. 59. *1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.*

2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.

3. The Attorney General shall prosecute the action, and the provisions of the Nevada Revised Statutes, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 60. *1. If any amount in excess of $25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.*

2. If an amount not exceeding $25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 61. *The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.*

Sec. 62. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, on or before September 30 of each even-numbered year, the Department shall determine the combined revenue from the tax imposed by chapters 363A and 363B of NRS and the commerce tax imposed by sections 2 to 61, inclusive, of this act for the preceding fiscal year.

2. Except as otherwise provided in subsection 4, if the combined revenue determined pursuant to subsection 1 exceeds by more than 4 percent the amount of the combined anticipated revenue from those taxes for that fiscal year, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year, the Department shall determine the rate at

which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by sections 2 to 61, inclusive, of this act, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding fiscal year.

3. Except as otherwise provided in subsection 4, effective on July 1 of the odd-numbered year immediately following the year in which the Department made the determination described in subsection 1, the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter be the rate of those taxes, unless further adjusted in a subsequent fiscal year.

4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS 363B.110 is 1.17 percent:

(a) The Department is no longer required to make the determinations required by subsections 1 and 2; and

(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 must not be further adjusted pursuant to subsection 3.

~~[Section 1.]~~ ***Sec. 63.*** NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, ***or sections 2 to 61, inclusive, of this act,*** any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

~~[Sec. 2.]~~ ***Sec. 64.*** NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, ***sections 2 to 61, inclusive, of this act,*** as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

~~[Sec. 3.]~~ ***Sec. 65.*** NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, ***or sections 2 to 61,***

inclusive, of this act, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

~~[Sec. 4.]~~ ***Sec. 66.*** NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS ***or sections 2 to 61, inclusive, of this act,*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

~~[Sec. 5. NRS 360.759 is hereby amended to read as follows:~~

~~360.759 1. A producer of a qualified production that is produced in this State in whole or in part may, on or before December 31, 2017, apply to the Office of Economic Development for a certificate of~~

~~eligibility for transferable tax credits for any qualified expenditures and production costs identified in NRS 360.7591. The transferable tax credits may be applied to:~~

~~(a) Any tax imposed by [chapters 363A and] chapter 363B of NRS;~~

~~(b) The gaming license fees imposed by the provisions of NRS 463.370;~~

~~(c) Any tax imposed pursuant to chapter 680B of NRS; or~~

~~(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).~~

~~2. The Office shall approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the producer of the qualified production qualifies for the transferable tax credits pursuant to subsection 3 and shall calculate the estimated amount of the transferable tax credits pursuant to NRS 360.7592, 360.7593 and 360.7594.~~

~~3. To be eligible for transferable tax credits pursuant to this section, a producer must:~~

~~(a) Submit an application that meets the requirements of subsection 4;~~

~~(b) Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;~~

~~(c) Provide proof satisfactory to the Office that 50 percent or more of the funding for the qualified production has been placed in an escrow account or trust account for the benefit of the qualified production;~~

~~(d) Provide proof satisfactory to the Office that at least 60 percent of the total qualified expenditures and production costs for the qualified production, including preproduction and postproduction, will be incurred in this State;~~

~~(e) At the completion of the qualified production, provide the Office with an audit of the qualified production that includes an itemized report of qualified expenditures and production costs which:~~

~~(1) Shows that the qualified production incurred qualified expenditures and production costs in this State of $500,000 or more; and~~

~~(2) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~(f) Pay the cost of the audit required by paragraph (e); and~~

~~(g) Meet any other requirements prescribed by regulation pursuant to this section.~~

~~4. An application submitted pursuant to subsection 3 must contain:~~

~~(a) A script, storyboard or synopsis of the qualified production;~~

~~(b) The names of the producer, director and proposed cast;~~

~~(c) An estimated timeline to complete the qualified production;~~

~~(d) A detailed budget for the entire production, including projected expenses incurred outside of Nevada;~~

~~(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;~~

~~(f) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;~~

~~(g) The business address of the producer, which must be an address in this State;~~

~~(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance;~~

~~(i) Proof that the producer has secured all licenses required to do business in each location in this State at which the qualified production will be produced; and~~

~~(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.~~

~~5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to NRS 360.7592 to:~~

~~(a) The applicant;~~

~~(b) The Department; and~~

~~(c) The State Gaming Control Board.~~

~~6. Within 14 business days after receipt of an audit provided by the producer pursuant to paragraph (e) of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the producer that the transferable tax credits will be issued. Within 20 days after the receipt of the notice, the producer shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt~~

PROPOSED AMENDMENT TO AB464

~~of the declaration, the Office shall issue to the eligible producer a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the producer. The producer shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the State Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any transferable tax credits transferred.~~

~~7. An applicant for transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.~~

~~8. The Office:~~

~~(a) Shall adopt regulations prescribing:~~

~~(1) Any additional requirements to receive transferable tax credits;~~

~~(2) Any additional qualified expenditures or production costs that may serve as the basis for transferable tax credits pursuant to NRS 360.7591;~~

~~(3) Any additional information that must be included with an application pursuant to subsection 4;~~

~~(4) The application review process;~~

~~(5) Any type of qualified production which, due to obscene or sexually explicit material, is not eligible for transferable tax credits; and~~

~~(6) The requirements for notice pursuant to NRS 360.7595; and~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~

~~9. The Nevada Tax Commission and the Nevada Gaming Commission:~~

~~(a) Shall adopt regulations prescribing the manner in which transferable tax credits will be administered.~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~

~~Sec. 6. NRS 360.910 is hereby amended to read as follows:~~

~~360.910 "Employer excise taxes" means the taxes imposed on the wages paid by an employer pursuant to chapter 262A or 363B of NRS.~~

~~Sec. 7. NRS 360.945 is hereby amended to read as follows:~~

~~360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:~~

~~(a) A certificate of eligibility for transferable tax credits which may be applied to:~~

~~(1) Any tax imposed by chapters 262A and [chapter] 362B of NRS;~~

~~(2) The gaming license fees imposed by the provisions of NRS 463.370;~~

~~(3) Any tax imposed by chapter 680B of NRS; or~~

~~(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).~~

~~(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.~~

~~2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:~~

~~(a) Submit an application that meets the requirements of subsection 3;~~

~~(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;~~

~~(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $2.5 billion in this State within the 10-year period immediately following approval of the application;~~

~~(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common purpose or business endeavor;~~

~~(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;~~

~~(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;~~

PROPOSED AMENDMENT TO AB464

~~(g) Provide documentation satisfactory to the Office of the number of employees engaged or anticipated to be engaged in the construction of the project;~~

~~(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;~~

~~(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;~~

~~(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;~~

~~(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged or anticipated to be engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;~~

~~(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:~~

~~(1) Shows the amount of money invested in this State by each participant in the project;~~

~~(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;~~

~~(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and~~

~~(4) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~(m) Pay the cost of the audit required by paragraph (l); and~~

~~(n) Meet any other requirements prescribed by the Office.~~

~~3. An application submitted pursuant to subsection 2 must include:~~

~~(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;~~

~~(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;~~

~~(c) The name and business address of each participant in the project, which must be an address in this State;~~

~~(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $2.5 billion in this State in the 10-year period immediately following approval of the application;~~

~~(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project which:~~

~~(1) Complies with the requirements of NRS 360.755;~~

~~(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and~~

~~(3) Binds successors in interest of the lead participant for the specified period; and~~

~~(f) Any other information required by the Office.~~

~~4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:~~

~~(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;~~

~~(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;~~

~~(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and~~

~~(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.~~

~~5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and~~

PROPOSED AMENDMENT TO AB464

~~documented proof that an insufficient number of Nevada residents is available and qualified for employment.~~

~~6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:~~

~~(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and~~

~~(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.~~

~~7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.~~

~~8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.~~

Sec. 67. NRS 363A.030 is hereby amended to read as follows:

363A.030 ~~["Employer".]~~

1. Except as otherwise provided in this section, "employer" means any ~~[financial]~~ ***:***

(a) Financial institution who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the financial institution. ~~[, except]~~

(b) Person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person.

2. The term does not include an Indian tribe, a nonprofit organization or a political subdivision.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[2.]~~ ***(b)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[3.]~~ ***(c)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

Sec. 68. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. ~~[There]~~ ***Except as otherwise provided in section 62 of this act, there*** is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~[Sec. 8.]~~ ***Sec. 69.*** NRS 363B.030 is hereby amended to read as follows:

363B.030 ~~["Employer".]~~

1. Except as otherwise provided in this section, "employer" means any employer who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer. ~~[, except]~~ ~~[a]~~

2. The term does not include:

(a) A financial institution. ~~[an]~~ ;

(b) Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;

(c) An Indian tribe, a nonprofit organization ~~[, or]~~ ;

(d) A political subdivision ; or ~~[any]~~

(e) Any person who does not supply a product or service, but who only consumes a service.

3. For the purposes of this section:

~~[1.]~~ ***(a)*** "Financial institution" has the meaning ascribed to it in NRS 363A.050.

~~[2.]~~ ***(b)*** "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

~~[3.]~~ ***[2.]*** ***(c)*** "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

~~[4.]~~ ***[3.]*** ***(d)*** "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

~~[Sec. 9.]~~ ***Sec. 70.*** NRS 363B.110 is hereby amended to read as follows:

363B.110 1. ~~[There]~~ ***Except as otherwise provided in section 68 of this act, there*** is hereby imposed an excise tax on each employer at the rate of ~~[0.63 1.56]~~ ***1.475*** percent of the ***amount by which the sum of all the*** wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer ~~[.]~~ ***exceeds $50,000.***

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to sections 2 to 61, inclusive, of this act for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

~~[Sec. 10. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.~~ ~~*(Deleted by amendment.)*~~

~~Sec. 11. As used in NRS 40.451 to 40.462, inclusive, and sections 11, 12 and 13 of this act, unless the context otherwise requires, the words and terms defined in NRS 40.451 and sections 12 and 13 of this act have the meanings ascribed to them in those sections.~~ ~~*(Deleted by amendment.)*~~

~~Sec. 12. "Business activity" means the performance of a service or engagement in a trade for profit.~~ ~~*(Deleted by amendment.)*~~

~~Sec. 13. 1. Except as otherwise provided in subsection 2, "financial institution" means:~~

~~(a) An institution licensed, registered or otherwise authorized to do business in this State pursuant to the provisions of title 55 or 56 of NRS or chapter 604A, 645B or 645E of NRS, or a similar institution chartered or licensed pursuant to federal law;~~

~~(b) A person licensed or registered or required to be licensed or registered pursuant to NRS 90.310, 90.330, 90.453, 686A.340 or 688C.190;~~

~~(c) A person holding or required to hold a solicitation permit or license pursuant to NRS 692B.040, 692B.190 or 692B.260;~~

PROPOSED AMENDMENT TO AB464

~~— (d) A person designated or registered or required to be designated or registered pursuant to the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a et seq., the Public Utility Holding Company Act of 2005, 42 U.S.C. §§ 16451 et seq., the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., or the Investment Advisers Act of 1940, 15 U.S.C. §§ 806-1 et seq., as amended.~~

~~— (e) A person licensed pursuant to 7 U.S.C. § 2009cc-2 to operate as a rural business investment company.~~

~~— (f) A person registered or required to be registered as a savings and loan holding company pursuant to 12 U.S.C. § 1467a.~~

~~— (g) A person registered or required to be registered as a bank holding company pursuant to 12 U.S.C. § 1844.~~

~~— (h) An investment bank holding company supervised pursuant to 15 U.S.C. § 78q.~~

~~— (i) A person electing to be treated as a business development company pursuant to 15 U.S.C. § 80a-53.~~

~~— (j) A person licensed pursuant to 15 U.S.C. § 681 to operate as a small business investment company.~~

~~— (k) A person granted final approval pursuant to 15 U.S.C. § 689e to operate as a New Markets Venture Capital Company.~~

~~— (l) A person qualifying as and electing to be considered a real estate investment trust pursuant to 26 U.S.C. § 856.~~

~~— (m) A bank, as defined in 12 U.S.C. § 1813(a).~~

~~— (n) A savings association, as defined in 12 U.S.C. § 1813(b).~~

~~— (o) A savings bank, as defined in 12 U.S.C. § 1813(g).~~

~~— (p) A thrift institution, as defined in 12 U.S.C. § 1841(j).~~

~~— (q) A national banking association organized under the National Bank Act, 12 U.S.C. §§ 21 et seq.~~

~~— (r) An entity that is related to any of the entities described in paragraphs (a), (b), (d) to (l), inclusive, and (m) to (q), inclusive, regardless of whether the entity described in any of those paragraphs is doing business in this State; and~~

~~— (s) An issuer or a service provider,~~

~~"who is conducting a business activity in this State.~~

~~— 2. The term does not include:~~

~~— (a) A credit union organized under the provisions of chapter 678 of NRS or the Federal Credit Union Act, 12 U.S.C. §§ 1751 et seq.~~

~~— (b) A federal land credit association, farm credit bank, agricultural credit association or similar institution organized under the provisions of the Farm Credit Act, 12 U.S.C. §§ 2001 et seq.; and~~

~~— (c) Any person or other entity that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~— 3. For the purposes of this section:~~

~~— (a) "Credit card" has the meaning ascribed to it in NRS 97A.050.~~

~~— (b) "Entity" includes, without limitation, any corporation, limited-liability company, association, organization, company, firm, partnership, joint venture, trust, business trust, receiver, trustee, syndicate, cooperative or assignee, or any other group or combination acting as a unit.~~

~~— (c) "Issuer" has the meaning ascribed to it in NRS 97A.100, except that the term does not include a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.~~

~~— (d) Entities are "related" if at least 50 percent of the interest, either by vote or value, in each entity is owned, either directly or indirectly, by the same entity, including, either of those entities.~~

~~— (e) "Service provider" has the meaning ascribed to it in NRS 97A.120, except that the term does not include a service provider who acts in that capacity solely on behalf of a seller of goods or provider of services who issues a credit card for the purpose of providing or extending credit only in connection with the goods he or she sells or the services he or she provides.~~ ***(Deleted by amendment.)***

~~— Sec. 14. NRS 40.451 is hereby amended to read as follows:~~

~~— 40.451 [As used in NRS 40.451 to 40.463, inclusive, "indebtedness"] "Indebtedness" means the principal balance of the obligation secured by a mortgage or other lien on real property, together with all interest accrued and unpaid prior to the time of foreclosure sale, all costs and fees of such a sale, all advances made with respect to the property by the beneficiary, and all other amounts secured by the mortgage or other lien on the real property in favor of the person seeking the deficiency judgment. Such~~

PROPOSED AMENDMENT TO AB464

~~amount constituting a lien is limited to the amount of the consideration paid by the lienholder.~~ ***(Deleted by amendment.)***

~~Sec. 15. NRS 40.455 is hereby amended to read as follows:~~

~~40.455 1. Except as otherwise provided in subsection 2, upon application of the judgment creditor or the beneficiary of the deed of trust within 6 months after the date of the foreclosure sale or the trustee's sale held pursuant to NRS 107.080, respectively, and after the required hearing, the court shall award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or the beneficiary of the deed of trust, respectively.~~

~~2. If the indebtedness is secured by more than one parcel of real property, more than one interest in the real property or more than one mortgage or deed of trust, the 6-month period begins to run after the date of the foreclosure sale or trustee's sale of the last parcel or other interest in the real property securing the indebtedness, but in no event may the application be filed more than 2 years after the initial foreclosure sale or trustee's sale.~~

~~3. If the judgment creditor or the beneficiary of the deed of trust is a financial institution, the court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust, even if there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust, if:~~

~~(a) The real property is a single family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or trustee's sale;~~

~~(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property;~~

~~(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust; and~~

~~(d) The debtor or grantor did not refinance the mortgage or deed of trust after securing it.~~

~~4. As used in this section, "financial institution" has the meaning ascribed to it in NRS 363A.050.]~~ ***(Deleted by amendment.)***

~~Sec. 16. NRS 40.4628 is hereby amended to read as follows:~~

~~40.4628 1. A person to whom an obligation secured by a junior mortgage or lien on real property is owed may not bring any action to enforce that obligation after a foreclosure sale of the real property which secured that obligation or a sale in lieu of a foreclosure sale if:~~

~~(a) The person is a financial institution;~~

~~(b) The real property which secured the obligation is a single family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or sale in lieu of a foreclosure sale;~~

~~(c) The debtor or grantor used the amount of the obligation to purchase the real property;~~

~~(d) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the obligation; and~~

~~(e) The debtor or grantor did not refinance the obligation after securing it.~~

~~2. As used in this section, "financial institution" has the meaning ascribed to it in [NRS 363A.050.] section 12 of this act.~~ ***(Deleted by amendment.)***

~~Sec. 17. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. In addition to the information required to be included in an application for the issuance or renewal of a state business license submitted pursuant to NRS 76.100 or 76.130, respectively, each application for the issuance or renewal of a state business license must include the following information:~~

~~(a) If the applicant was required to file a federal income tax return for the immediately preceding federal taxable year, the principal business activity code, if any, indicated on the federal income tax return of the applicant for the immediately preceding taxable year.~~

~~(b) If the applicant was required to file a federal income tax return for the immediately preceding federal taxable year and was treated for the purposes of that return as a corporation, the amount reported on line 1a of Internal Revenue Service Form 1120 or 1120S, or the equivalent or successor of those forms, whichever is applicable, as gross receipts or sales for the immediately preceding federal taxable year.~~

~~(c) If the applicant was required to file a federal income tax return for the immediately preceding federal taxable year and was treated for the purposes of that return as a partnership, the amount~~

PROPOSED AMENDMENT TO AB464

~~reported on line 1a of Internal Revenue Service Form 1065, or its equivalent or successor form, as gross receipts or sales for the immediately preceding federal taxable year.~~

~~(d) If the applicant was required to file a Schedule C (Form 1040), Profit or Loss From Business, or its equivalent or successor form, for the immediately preceding federal taxable year, the amount reported on line 1 of that Schedule, or its equivalent or successor form, as gross receipts or sales.~~

~~(e) If the applicant did not file any of the forms or schedules listed in paragraph (b), (c) or (d), the amount of the gross receipts or sales of the applicant from conducting a business for the immediately preceding calendar year; and~~

~~(f) If the applicant included in the application the information listed in paragraph (b), (c) or (d), whether the amounts reported pursuant to those paragraphs were the result of business conducted solely in this State or whether those amounts were the result of business conducted both within and outside this State.~~

~~2. Upon request of the Fiscal Analysis Division of the Legislative Counsel Bureau, the Secretary of State shall provide to the Fiscal Analysis Division the information collected for each applicant pursuant to subsection 1.~~

~~3. Except as otherwise provided in:~~

~~(a) Subsection 2 or another specific statute, the Secretary of State shall not disclose any information reported to the Secretary of State pursuant to this section.~~

~~(b) This paragraph or another specific statute, any information obtained by the Fiscal Analysis Division pursuant to subsection 2 shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Fiscal Analysis Division may analyze the information and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the Secretary of State pursuant to subsection 2.~~

~~Sec. 18.~~ ***Sec. 7.*** NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of ~~[$100; $300]~~ ***$200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500;*** and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to:

(1) Chapter 82 or 84 of NRS; or

(2) Chapter 81 of NRS if the business is a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

7. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

~~[Sec. 19.]~~ ***Sec. 72.*** NRS 76.130 is hereby amended to read as follows:

76.130 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** person who applies for renewal of a state business license shall submit a fee in the amount of ~~[$100 $200]~~ ***$200*** to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. If the person applying for the renewal of a state business license pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business license is $500.

3. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

~~[2.]~~ ***4.*** If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

Sec. 72.5. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State or, if the corporation has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State a list, on a form furnished by the Secretary of State, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director; and

(e) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year or, if, pursuant to subsection 11, the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The corporation has complied with the provisions of chapter 76 of NRS;

(2) The corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less ~~[$125]~~ ***$150***
Over $75,000 and not over $200,000 175
Over $200,000 and not over $500,000 275
Over $500,000 and not over $1,000,000 375
Over $1,000,000:
For the first $1,000,000 375
For each additional $500,000 or fraction thereof 275

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, provide to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

11. The Secretary of State may allow a corporation to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 73. **NRS 78.245 is hereby amended to read as follows:**

78.245 ~~[No]~~

1. Except as otherwise provided in subsection 2, no stocks, bonds or other securities issued by any corporation organized under this chapter, nor the income or profits therefrom, nor the transfer thereof by assignment, descent, testamentary disposition or otherwise, shall be taxed by this State when such stocks, bonds or other securities shall be owned by nonresidents of this State or by foreign corporations.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.

Sec. 73.1. **NRS 80.110 is hereby amended to read as follows:**

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the information required by NRS 80.010 is filed with the Secretary of State or, if the foreign corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors; and

(b) The signature of an officer of the corporation or some other person specifically authorized by the corporation to sign the list.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The foreign corporation has complied with the provisions of chapter 76 of NRS;

(2) The foreign corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

$75,000 or less	~~[$125.]~~ ***$150***
Over $75,000 and not over $200,000	175
Over $200,000 and not over $500,000	275
Over $500,000 and not over $1,000,000	375
Over $1,000,000:	
For the first $1,000,000	375
For each additional $500,000 or fraction thereof	275

The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection

3 and a reminder to file the list pursuant to subsection 1. Failure of any corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list required by subsection 1 which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a stockholder is not deemed to exercise actual control of the daily operations of a corporation based solely on the fact that the stockholder has voting control of the corporation.

9. The Secretary of State may allow a foreign corporation to select an alternative due date for filing the initial list required by subsection 1.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.15. **NRS 82.193 is hereby amended to read as follows:**

82.193 1. A corporation shall have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 or 116B.030 has failed to register pursuant to NRS 116.31158 or 116B.625 or failed to pay the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 or 116B.625 and paid the fees pursuant to NRS 116.31155 or 116B.620, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$25;]~~ ***$50;***

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 73.2. **NRS 82.523 is hereby amended to read as follows:**

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State or, if the foreign nonprofit corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation; and

(e) The signature of an officer of the foreign nonprofit corporation, or some other person specifically authorized by the foreign nonprofit corporation to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign nonprofit corporation has complied with the provisions of chapter 76 of NRS;

(b) The foreign nonprofit corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of ~~[$25.]~~ ***$50.***

4. The Secretary of State shall, 60 days before the last day for filing each annual list, provide to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign nonprofit corporation to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State a list pursuant to this section which identifies an officer or director with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. For the purposes of this section, a member of a foreign nonprofit corporation is not deemed to exercise actual control of the daily operations of the foreign nonprofit corporation based solely on the fact that the member has voting control of the foreign nonprofit corporation.

9. The Secretary of State may allow a foreign nonprofit corporation to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.25. **NRS 84.110 is hereby amended to read as follows:**

84.110 1. Every corporation sole must have a registered agent in the manner provided in NRS 78.090 and 78.097. The registered agent shall comply with the provisions of those sections.

2. A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is ~~[$25.]~~ ***$50;***

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 73.3. **NRS 86.263 is hereby amended to read as follows:**

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State or, if the limited-liability company has selected an alternative due date pursuant to subsection 11, on or before that alternative due date, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member; and

(e) The signature of a manager or managing member of the limited-liability company, or some other person specifically authorized by the limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs or, if, pursuant to subsection 11, the limited-liability company has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that:

(a) The limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, provide to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file the list required by subsection 2. Failure of any company to receive a notice does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

9. A person who files with the Secretary of State a list required by subsection 1 or 2 which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a limited-liability company based solely on the fact that the member has voting control of the limited-liability company.

11. The Secretary of State may allow a limited-liability company to select an alternative due date for filing the list required by subsection 1.

12. The Secretary of State may adopt regulations to administer the provisions of subsection 11.

Sec. 73.35. **NRS 86.5461 is hereby amended to read as follows:**

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State or, if the foreign limited-liability company has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list on a form furnished by the Secretary of State that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c); and

(e) The signature of a manager or managing member of the foreign limited-liability company, or some other person specifically authorized by the foreign limited-liability company to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited-liability company has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited-liability company acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(c) None of the managers or managing members identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, provide to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited-liability company to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a manager or managing member with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing members in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a member is not deemed to exercise actual control of the daily operations of a foreign limited-liability company based solely on the fact that the member has voting control of the foreign limited-liability company.

10. The Secretary of State may allow a foreign limited-liability company to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.4. **NRS 87.510 is hereby amended to read as follows:**

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State or, if the registered limited-liability partnership has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the registered limited-liability partnership, or some other person specifically authorized by the registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of chapter 76 of NRS, that the registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State and that none of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, provide to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

7. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

8. The Secretary of State may allow a registered limited-liability partnership to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 73.45. **NRS 87.541 is hereby amended to read as follows:**

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State or, if the foreign registered limited-liability partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner; and

(e) The signature of a managing partner of the foreign registered limited-liability partnership, or some other person specifically authorized by the foreign registered limited-liability partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign registered limited-liability partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign registered limited-liability partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the managing partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a managing partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign registered limited-liability partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a managing partner with the fraudulent intent of concealing the identity of any person or persons exercising the power and authority of a managing partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign registered limited-liability partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.5. **NRS 87A.290 is hereby amended to read as follows:**

87A.290 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 87A.300.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising

the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.55. **NRS 87A.560 is hereby amended to read as follows:**

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;

(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.6. **NRS 88.395 is hereby amended to read as follows:**

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State or, if the limited partnership has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner; and

(e) The signature of a general partner of the limited partnership, or some other person specifically authorized by the limited partnership to sign the list, certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of chapter 76 of NRS, that the limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State, and that none of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of ~~[$175.]~~ ***$150.***

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list required pursuant to subsection 1. Failure of any limited partnership to receive a notice does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

9. A person who files with the Secretary of State a list required by subsection 1 which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

10. The Secretary of State may allow a limited partnership to select an alternative due date for filing the initial list required by subsection 1.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.65. **NRS 88.591 is hereby amended to read as follows:**

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State or, if the foreign limited partnership has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign limited partnership;
(b) The file number of the foreign limited partnership, if known;
(c) The names of all its general partners;
(d) The address, either residence or business, of each general partner; and
(e) The signature of a general partner of the foreign limited partnership, or some other person specifically authorized by the foreign limited partnership to sign the list, certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:
(a) The foreign limited partnership has complied with the provisions of chapter 76 of NRS;
(b) The foreign limited partnership acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and
(c) None of the general partners identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct.

3. Upon filing:
(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ *$150.*
(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of ~~[$125.]~~ *$150.*

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign limited partnership to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a general partner with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a general partner in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. The Secretary of State may allow a foreign limited partnership to select an alternative due date for filing the initial list required by this section.

10. The Secretary of State may adopt regulations to administer the provisions of subsection 9.

Sec. 73.7. **NRS 88A.600 is hereby amended to read as follows:**

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State or, if the business trust has selected an alternative due date pursuant to subsection 8, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, on a form furnished by the Secretary of State, a list signed by at least one trustee, or by some other person specifically authorized by the business trust to sign the list, that contains the name and street address of at least one trustee. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that:
(a) The business trust has complied with the provisions of chapter 76 of NRS;
(b) The business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1. Failure of a business trust to receive a notice does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

6. A person who files with the Secretary of State an initial list or annual list required by subsection 1 which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

7. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a business trust based solely on the fact that the person is a beneficial owner.

8. The Secretary of State may allow a business trust to select an alternative due date for filing the initial list required by subsection 1.

9. The Secretary of State may adopt regulations to administer the provisions of subsection 8.

Sec. 73.75. **NRS 88A.732 is hereby amended to read as follows:**

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State or, if the foreign business trust has selected an alternative due date pursuant to subsection 10, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c); and

(e) The signature of a trustee of the foreign business trust, or some other person specifically authorized by the foreign business trust to sign the list, certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that:

(a) The foreign business trust has complied with the provisions of chapter 76 of NRS;

(b) The foreign business trust acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(c) None of the trustees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, provide to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1. Failure of any foreign business trust to receive a notice does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A person who files with the Secretary of State a list required by this section which identifies a trustee with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a trustee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

9. For the purposes of this section, a person who is a beneficial owner is not deemed to exercise actual control of the daily operations of a foreign business trust based solely on the fact that the person is a beneficial owner.

10. The Secretary of State may allow a foreign business trust to select an alternative due date for filing the initial list required by this section.

11. The Secretary of State may adopt regulations to administer the provisions of subsection 10.

Sec. 73.8. **NRS 89.250 is hereby amended to read as follows:**

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State or, if the professional association has selected an alternative due date pursuant to subsection 7, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each list filed pursuant to this section must be:

(a) Made on a form furnished by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association or by some other person specifically authorized by the chief executive officer to sign the list.

(c) Accompanied by a declaration under penalty of perjury that:

(1) The professional association has complied with the provisions of chapter 76 of NRS;

(2) The professional association acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State; and

(3) None of the members or employees identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct.

4. Upon filing:

(a) The initial list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

(b) Each annual list required by this section, the professional association shall pay to the Secretary of State a fee of ~~[$125.]~~ ***$150.***

5. A person who files with the Secretary of State an initial list or annual list required by this section which identifies a member or an employee of a professional association with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a member or employee in furtherance of any unlawful conduct is subject to the penalty set forth in NRS 225.084.

6. For the purposes of this section, a person is not deemed to exercise actual control of the daily operations of a professional association based solely on the fact that the person holds an ownership interest in the professional association.

7. The Secretary of State may allow a professional association to select an alternative due date for filing the initial list required by this section.

8. The Secretary of State may adopt regulations to administer the provisions of subsection 7.

~~[Sec. 20.]~~ ***Sec. 74.*** NRS 90.420 is hereby amended to read as follows:

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) Has been convicted of a felony or, within the previous 10 years has been convicted of a misdemeanor, which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary;

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses; or

(4) Involves moral turpitude;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser, representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Commodity Futures Trading Commission, or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) An order by a self-regulatory organization that prohibits the person from serving, indefinitely or for a specified period, as a principal or in a supervisory capacity within a business or organization which is a member of a self-regulatory organization;

(4) An order of the United States Postal Service relating to fraud;

(5) An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or administrator of another state, jurisdiction, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

(6) An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

~~[Sec. 21.]~~ ***Sec. 75.*** NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 and NRS 239.0115, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.***

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

~~[Sec. 32.]~~ ***Sec. 76.*** NRS 604A.820 is hereby amended to read as follows:

604A.820 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including investigative costs and attorney's fees of the Commissioner.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS, ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 180 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

~~[Sec. 33.]~~ ***Sec. 77.*** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➥ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and ~~[chapter]~~ 363B of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.*** The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of

applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

~~[Sec. 24.]~~ ***Sec. 78.*** NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and NRS 239.0115, 616B.015, 616B.021 and 616C.205, information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or legal representative of the claimant is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

↳ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

↳ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and ~~[chapter]~~ 363B of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act.*** The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any

lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

~~[Sec. 25.]~~ ***Sec. 79.*** NRS 645B.060 is hereby amended to read as follows:

645B.060 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage brokers and mortgage agents doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations:

(1) Setting forth the requirements for an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property. The regulations must include, without limitation, the minimum financial conditions that the investor must comply with before becoming an investor.

(2) Establishing reasonable limitations and guidelines on loans made by a mortgage broker to a director, officer, mortgage agent or employee of the mortgage broker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan brokerage fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage broker doing business in this State. The annual examination must include, without limitation, a formal exit review with the mortgage broker. The Commissioner shall adopt regulations prescribing:

(1) Standards for determining the rating of each mortgage broker based upon the results of the annual examination; and

(2) Procedures for resolving any objections made by the mortgage broker to the results of the annual examination. The results of the annual examination may not be opened to public inspection pursuant to NRS 645B.090 until after a period of time set by the Commissioner to determine any objections made by the mortgage broker.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage brokers and mortgage agents. The Commissioner shall adopt regulations specifying the general guidelines that will be followed when a periodic or special audit of a mortgage broker is conducted pursuant to this chapter.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage brokers and mortgage agents meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage broker or mortgage agent shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct examinations of a mortgage broker, as described in paragraph (d) of subsection 2, on a biennial instead of an annual basis if the mortgage broker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage broker;

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division; and

(d) Does not maintain any trust accounts pursuant to NRS 645B.170 or 645B.175 or arrange loans funded by private investors.

~~[Sec. 26.]~~ ***Sec. 80.*** NRS 645B.670 is hereby amended to read as follows:

645B.670 1. Except as otherwise provided in NRS 645B.690:

– 44 –

(a) For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(1) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(2) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(3) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

(b) For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(1) Is insolvent;

(2) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(3) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(4) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(5) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(6) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(7) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(8) Has failed to account to persons interested for all money received for a trust account;

(9) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(10) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(11) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(12) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(13) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(14) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(15) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(16) Has repeatedly violated the policies and procedures of the mortgage broker;

(17) Has failed to exercise reasonable supervision and control over the activities of a mortgage agent as required by NRS 645B.460;

(18) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(19) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(I) Had been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(II) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration revoked within the immediately preceding 10 years;

(20) Has violated NRS 645C.557;

(21) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;*** or

(22) Has, directly or indirectly, paid any commission, fees, points or any other compensation as remuneration for the services of a mortgage agent to a person other than a mortgage agent who:

(I) Is an employee of or associated with the mortgage broker; or

(II) If the mortgage agent is required to register with the Registry, is an employee of and whose sponsorship has been entered with the Registry by the mortgage broker as required by subsection 2 of NRS 645B.450.

(c) For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(1) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(2) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(3) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(4) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(5) Has been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(6) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(7) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(8) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(9) Has violated NRS 645C.557;

(10) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed;

(11) Has, directly or indirectly, received any commission, fees, points or any other compensation as remuneration for his or her services as a mortgage agent:

(I) From a person other than the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(II) If the mortgage agent is required to be registered with the Registry, from a person other than the mortgage broker by whom the mortgage agent is employed and on whose behalf sponsorship was entered as required by subsection 2 of NRS 645B.450; or

(12) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

2. This section does not prohibit the co-brokering of a commercial loan through the cooperation of two or more mortgage brokers so long as such a transaction is not inconsistent with any other provision of this chapter.

~~[Sec. 27.]~~ ***Sec. 81.*** NRS 645E.300 is hereby amended to read as follows:

645E.300 1. Subject to the administrative control of the Director of the Department of Business and Industry, the Commissioner shall exercise general supervision and control over mortgage bankers doing business in this State.

2. In addition to the other duties imposed upon him or her by law, the Commissioner shall:

(a) Adopt regulations establishing reasonable limitations and guidelines on loans made by a mortgage banker to a director, officer or employee of the mortgage banker.

(b) Adopt any other regulations that are necessary to carry out the provisions of this chapter, except as to loan fees.

(c) Conduct such investigations as may be necessary to determine whether any person has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

(d) Except as otherwise provided in subsection 4, conduct an annual examination of each mortgage banker doing business in this State.

(e) Conduct such other examinations, periodic or special audits, investigations and hearings as may be necessary for the efficient administration of the laws of this State regarding mortgage bankers.

(f) Classify as confidential certain records and information obtained by the Division when those matters are obtained from a governmental agency upon the express condition that they remain confidential. This paragraph does not limit examination by:

(1) The Legislative Auditor; or

(2) The Department of Taxation if necessary to carry out the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

(g) Conduct such examinations and investigations as are necessary to ensure that mortgage bankers meet the requirements of this chapter for obtaining a license, both at the time of the application for a license and thereafter on a continuing basis.

3. For each special audit, investigation or examination, a mortgage banker shall pay a fee based on the rate established pursuant to NRS 645F.280.

4. The Commissioner may conduct biennial examinations of a mortgage banker instead of annual examinations, as described in paragraph (d) of subsection 2, if the mortgage banker:

(a) Received a rating in the last annual examination that meets a threshold determined by the Commissioner;

(b) Has not had any adverse change in financial condition since the last annual examination, as shown by financial statements of the mortgage banker; and

(c) Has not had any complaints received by the Division that resulted in any administrative action by the Division.

~~[Sec. 28.]~~ ***Sec. 82.*** NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered or agreed to enter a plea of nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~[Sec. 29.]~~ ***Sec. 83.*** NRS 658.151 is hereby amended to read as follows:

658.151 1. The Commissioner may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the depository institution:

(a) Has violated its charter or any laws applicable thereto.

(b) Is conducting its business in an unauthorized or unsafe manner.

(c) Is in an unsafe or unsound condition to transact its business.

(d) Has an impairment of its stockholders' or members' equity.

(e) Has refused to pay its depositors in accordance with the terms on which such deposits were received, or has refused to pay its holders of certificates of indebtedness or investment in accordance with the terms upon which those certificates of indebtedness or investment were sold.

(f) Has become or is in imminent danger of becoming otherwise insolvent.

(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.

(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.

(i) Has made a voluntary assignment of its assets to trustees.

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

2. The Commissioner also may forthwith take possession of the business and property of any depository institution to which this title or title 56 of NRS applies when it appears that the officers of the depository institution have refused to be examined upon oath regarding its affairs.

~~[Sec. 30.]~~ ***Sec. 84.*** NRS 665.133 is hereby amended to read as follows:

665.133 1. The records and information described in NRS 665.130 may be disclosed to:

(a) An agency of the Federal Government or of another state which regulates the financial institution which is the subject of the records or information;

(b) The Director of the Department of Business and Industry for the Director's confidential use;
(c) The State Board of Finance for its confidential use, if the report or other information is necessary for the State Board of Finance to perform its duties under this title;
(d) The Department of Taxation for its use in carrying out the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[,]~~ ***and the chapter consisting of sections 2 to 61, inclusive, of this act;***
(e) An entity which insures or guarantees deposits;
(f) A public officer authorized to investigate criminal charges in connection with the affairs of the depository institution;
(g) A person preparing a proposal for merging with or acquiring an institution or holding company, but only after notice of the disclosure has been given to the institution or holding company;
(h) Any person to whom the subject of the report has authorized the disclosure;
(i) Any other person if the Commissioner determines, after notice and opportunity for hearing, that disclosure is in the public interest and outweighs any potential harm to the depository institution and its stockholders, members, depositors and creditors; and
(j) Any court in a proceeding initiated by the Commissioner concerning the financial institution.
2. All the reports made available pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom the reports are made available, or any officer, director or employee thereof, may disclose any of the reports or any information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

Sec. 85. NRS 669.275 is hereby amended to read as follows:

669.275 1. The Commissioner may require a licensee to provide an audited financial statement prepared by an independent certified public accountant licensed to do business in this State.
2. On the fourth Monday in January of each year, each licensee shall submit to the Commissioner a list of stockholders required to be maintained pursuant to paragraph (c) of subsection 1 of NRS 78.105 or the list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241, verified by the president or a manager, as appropriate.
3. The list of members required to be maintained pursuant to paragraph (a) of subsection 1 of NRS 86.241 must include the percentage of each member's interest in the company, in addition to the requirements set forth in that section.
4. Except as otherwise provided in NRS 239.0115, any document submitted pursuant to this section is confidential. ***This subsection does not limit the examination of any document by the Department of Taxation if necessary to carry out the provisions of sections 2 to 61, inclusive, of this act.***

~~[Sec. 31.]~~ ***Sec. 86.*** NRS 669.2825 is hereby amended to read as follows:

669.2825 1. The Commissioner may institute disciplinary action or forthwith initiate proceedings to take possession of the business and property of any retail trust company when it appears that the retail trust company:
(a) Has violated its charter or any state or federal laws applicable to the business of a trust company.
(b) Is conducting its business in an unauthorized or unsafe manner.
(c) Is in an unsafe or unsound condition to transact its business.
(d) Has an impairment of its stockholders' equity.
(e) Has refused to pay or transfer account assets to its account holders as required by the terms of the accounts' governing instruments.
(f) Has become insolvent.
(g) Has neglected or refused to comply with the terms of a lawful order of the Commissioner.
(h) Has refused, upon proper demand, to submit its records, affairs and concerns for inspection and examination of an appointed or authorized examiner of the Commissioner.
(i) Has made a voluntary assignment of its assets to receivers, conservators, trustees or creditors without complying with NRS 669.230.
(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act.***
(k) Has materially and willfully breached its fiduciary duties to its customers.
(l) Has failed to properly disclose all fees, interest and other charges to its customers.
(m) Has willfully engaged in material conflicts of interest regarding a customer's account.
(n) Has made intentional material misrepresentations regarding any aspect of the services performed or proposed to be performed by the retail trust company.

2. The Commissioner also may forthwith initiate proceedings to take possession of the business and property of any trust company when it appears that the officers of the trust company have refused to be examined upon oath regarding its affairs.

~~[Sec. 22.]~~ ***Sec. 87.*** NRS 669.2847 is hereby amended to read as follows:

669.2847 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, the Commissioner shall give at least 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order dismissing the charges, revoking the license or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. The Commissioner shall send a copy of the order to the licensee by registered or certified mail.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any regulation adopted pursuant thereto or any lawful order of the Division of Financial Institutions;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license pursuant to the provisions of this chapter; or

(e) The licensee:

(1) Failed to open an office for the conduct of the business authorized by his or her license within 180 days after the date the license was issued; or

(2) Has failed to remain open for the conduct of the business for a period of 30 days without good cause therefor.

4. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 88. **NRS 669.285 is hereby amended to read as follows:**

669.285 Except as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division are confidential and may be disclosed only to:

1. The Division, any authorized employee of the Division and any state or federal agency investigating the activities covered under the provisions of this chapter; ~~[and]~~

2. The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and

3. Any person when the Commissioner, in the Commissioner's discretion, determines that the interests of the public that would be protected by disclosure outweigh the interest of any person in the confidential information not being disclosed.

Sec. 89. **NRS 669A.310 is hereby amended to read as follows:**

669A.310 1. Except as otherwise provided in this section, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter, any personal or financial records or other documents obtained by the Division of Financial Institutions pursuant to an examination or audit conducted by the Division pursuant to this chapter and any other private information relating to a family trust company are confidential and may be disclosed only to:

(a) The Division, any authorized employee of the Division and a state or federal agency investigating activities regulated pursuant to this chapter; ~~[and]~~

(b) ***The Department of Taxation for its use in carrying out the provisions of sections 2 to 61, inclusive, of this act; and***

(c) Any other person if the Commissioner, in the Commissioner's discretion, determines that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in not disclosing the information.

2. The Commissioner shall give to the family trust company to which the information relates 10-days' prior written notice of intent to disclose confidential information directly or indirectly to a person

pursuant to paragraph ~~(b)~~ *(c)* of subsection 1. Any family trust company which receives such a notice may object to the disclosure of the confidential information and will be afforded the right to a hearing in accordance with the provisions of chapter 233B of NRS. If a family trust company requests a hearing, the Commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the Commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the Commissioner disclose confidential information to the general public, any competitor or any potential competitor of a family trust company.

3. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant or other lawful means. Notwithstanding any other provision of this chapter, the Commissioner shall have the ability to share information with other out of state or federal regulators with whom the Department of Business and Industry has an agreement regarding the sharing of information. Nothing in this chapter is intended to preclude any agency of this State from gaining access to otherwise confidential records in accordance with any applicable law.

~~[Sec. 23.]~~ ***Sec. 90.*** NRS 673.484 is hereby amended to read as follows:

673.484 The Commissioner may after notice and hearing suspend or revoke the charter of any association for:

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[,]~~ *or sections 2 to 61, inclusive, of this act,*

~~[Sec. 24.]~~ ***Sec. 91.*** NRS 675.440 is hereby amended to read as follows:

675.440 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted under it.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter or any lawful regulation adopted under it;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[, 363B]~~ of NRS ~~[,]~~ *or sections 2 to 61, inclusive, of this act;*

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

~~[Sec. 25.]~~ ***Sec. 92.*** NRS 677.510 is hereby amended to read as follows:

677.510 1. If the Commissioner has reason to believe that grounds for revocation or suspension of a license exist, he or she shall give 20 days' written notice to the licensee stating the contemplated action and, in general, the grounds therefor and set a date for a hearing.

2. At the conclusion of a hearing, the Commissioner shall:

(a) Enter a written order either dismissing the charges, or revoking the license, or suspending the license for a period of not more than 60 days, which period must include any prior temporary suspension. A copy of the order must be sent by registered or certified mail to the licensee.

(b) Impose upon the licensee an administrative fine of not more than $10,000 for each violation by the licensee of any provision of this chapter or any lawful regulation adopted pursuant thereto.

(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his or her investigative costs and attorney's fees.

3. The grounds for revocation or suspension of a license are that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee, either knowingly or without any exercise of due care to prevent it, has violated any provision of this chapter, or any lawful regulation adopted pursuant thereto;

(c) The licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~*[363B]*~~ of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act;***

(d) Any fact or condition exists which would have justified the Commissioner in denying the licensee's original application for a license hereunder; or

(e) The applicant failed to open an office for the conduct of the business authorized under this chapter within 120 days after the date the license was issued, or has failed to remain open for the conduct of the business for a period of 120 days without good cause therefor.

4. Any revocation or suspension applies only to the license granted to a person for the particular office for which grounds for revocation or suspension exist.

5. An order suspending or revoking a license becomes effective 5 days after being entered unless the order specifies otherwise or a stay is granted.

Sec. 93. NRS 680B.037 is hereby amended to read as follows:

680B.037 ~~[Payment]~~

1. Except as otherwise provided in subsection 2, payment by an insurer of the tax imposed by NRS 680B.027 is in lieu of all taxes imposed by the State or any city, town or county upon premiums or upon income of insurers and of franchise, privilege or other taxes measured by income of the insurer.

2. The provisions of subsection 1 do not apply to the commerce tax imposed pursuant to the provisions of sections 2 to 61, inclusive, of this act.

~~[Sec. 36.]~~ ***Sec. 94.*** NRS 683A.451 is hereby amended to read as follows:

683A.451 The Commissioner may refuse to issue a license or certificate pursuant to this chapter or may place any person to whom a license or certificate is issued pursuant to this chapter on probation, suspend the person for not more than 12 months, or revoke or refuse to renew his or her license or certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the following causes:

1. Providing incorrect, misleading, incomplete or partially untrue information in his or her application for a license.

2. Violating a law regulating insurance, or violating a regulation, order or subpoena of the Commissioner or an equivalent officer of another state.

3. Obtaining or attempting to obtain a license through misrepresentation or fraud.

4. Misappropriating, converting or improperly withholding money or property received in the course of the business of insurance.

5. Intentionally misrepresenting the terms of an actual or proposed contract of or application for insurance.

6. Conviction of a felony.

7. Admitting or being found to have committed an unfair trade practice or fraud.

8. Using fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Denial, suspension or revocation of a license as a producer of insurance, or its equivalent, in any other state, territory or province.

10. Forging another's name to an application for insurance or any other document relating to the transaction of insurance.

11. Improperly using notes or other reference material to complete an examination for a license related to insurance.

12. Knowingly accepting business related to insurance from an unlicensed person.

13. Failing to comply with an administrative or judicial order imposing an obligation of child support.

14. Failing to pay a tax as required pursuant to the provisions of chapter 363A ~~*[363B]*~~ of NRS ~~[,]~~ ***or sections 2 to 61, inclusive, of this act.***

Sec. 95. NRS 686C.360 is hereby amended to read as follows:

686C.360 The Association is exempt from payment of all fees and all taxes levied by this state or any of its political subdivisions, except taxes on property ~~[,]~~ ***and the commerce tax imposed pursuant to sections 2 to 61, inclusive, of this act.***

~~[Sec. 37.]~~ ***Sec. 96.*** NRS 687A.130 is hereby amended to read as follows:

687A.130 The Association is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes:

1. Levied on real or personal property; or

2. Imposed pursuant to the provisions of chapter 363A or 363B of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act.***

~~[Sec. 38.]~~ ***Sec. 97.*** NRS 688C.210 is hereby amended to read as follows:

688C.210 1. After notice, and after a hearing if requested, the Commissioner may suspend, revoke, refuse to issue or refuse to renew a license under this chapter if the Commissioner finds that:

(a) There was material misrepresentation in the application for the license;

(b) The licensee or an officer, partner, member or significant managerial employee has been convicted of fraudulent or dishonest practices, is subject to a final administrative action for disqualification, or is otherwise shown to be untrustworthy or incompetent;

(c) A provider of viatical settlements has engaged in a pattern of unreasonable payments to viators;

(d) The applicant or licensee has been found guilty or guilty but mentally ill of, or pleaded guilty, guilty but mentally ill or nolo contendere to, a felony or a misdemeanor involving fraud, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude, whether or not a judgment of conviction has been entered by the court;

(e) A provider of viatical settlements has entered into a viatical settlement in a form not approved pursuant to NRS 688C.220;

(f) A provider of viatical settlements has failed to honor obligations of a viatical settlement or an agreement to purchase a viatical settlement;

(g) The licensee no longer meets a requirement for initial licensure;

(h) A provider of viatical settlements has assigned, transferred or pledged a viaticated policy to a person other than another provider licensed under this chapter, a purchaser of the viatical settlement or a special organization;

(i) The applicant or licensee has provided materially untrue information to an insurer that issued a policy that is the subject of a viatical settlement;

(j) The applicant or licensee has failed to pay a tax as required pursuant to the provisions of chapter 363A ~~[363B]~~ of NRS ~~[.]~~ ***or sections 2 to 61, inclusive, of this act;***

(k) The applicant or licensee has violated a provision of this chapter or other applicable provisions; or

(l) The applicant or licensee has acted in bad faith with regard to a viator.

2. A suspension imposed for grounds set forth in paragraph (k) or (l) of subsection 1 must not exceed a period of 12 months.

3. If the Commissioner takes action as described in subsection 1, the applicant or licensee may apply in writing for a hearing before the Commissioner to determine the reasonableness of the action taken by the Commissioner, pursuant to the provisions of NRS 679B.310 to 679B.370, inclusive.

~~[Sec. 39.]~~ ***Sec. 98.*** NRS 694C.450 is hereby amended to read as follows:

694C.450 1. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at the rate of:

(a) Two-fifths of 1 percent on the first $20,000,000 of its net direct premiums;

(b) One-fifth of 1 percent on the next $20,000,000 of its net direct premiums; and

(c) Seventy-five thousandths of 1 percent on each additional dollar of its net direct premiums.

2. Except as otherwise provided in this section, a captive insurer shall pay to the Division, not later than March 1 of each year, a tax at a rate of:

(a) Two hundred twenty-five thousandths of 1 percent on the first $20,000,000 of revenue from assumed reinsurance premiums;

(b) One hundred fifty thousandths of 1 percent on the next $20,000,000 of revenue from assumed reinsurance premiums; and

(c) Twenty-five thousandths of 1 percent on each additional dollar of revenue from assumed reinsurance premiums.

➥ The tax on reinsurance premiums pursuant to this subsection must not be levied on premiums for risks or portions of risks which are subject to taxation on a direct basis pursuant to subsection 1. A captive insurer is not required to pay any reinsurance premium tax pursuant to this subsection on revenue related to the receipt of assets by the captive insurer in exchange for the assumption of loss reserves and other liabilities of another insurer that is under common ownership and control with the captive insurer, if the transaction is part of a plan to discontinue the operation of the other insurer and the intent of the parties to the transaction is to renew or maintain such business with the captive insurer.

3. If the sum of the taxes to be paid by a captive insurer calculated pursuant to subsections 1 and 2 is less than $5,000 in any given year, the captive insurer shall pay a tax of $5,000 for that year. The maximum aggregate tax for any year must not exceed $175,000. The maximum aggregate tax to be paid by a sponsored captive insurer applies only to each protected cell and does not apply to the sponsored captive insurer as a whole.

4. Two or more captive insurers under common ownership and control must be taxed as if they were a single captive insurer.

5. Notwithstanding any specific statute to the contrary and except as otherwise provided in this subsection, the tax provided for by this section constitutes all the taxes collectible pursuant to the laws of this State from a captive insurer, and no occupation tax or other taxes may be levied or collected from a captive insurer by this State or by any county, city or municipality within this State, except for taxes imposed pursuant to chapter 363A or 363B of NRS ***or sections 2 to 61, inclusive, of this act*** and ad valorem taxes on real or personal property located in this State used in the production of income by the captive insurer.

6. Twenty-five percent of the revenues collected from the tax imposed pursuant to this section must be deposited with the State Treasurer for credit to the Account for the Regulation and Supervision of Captive Insurers created pursuant to NRS 694C.460. The remaining 75 percent of the revenues collected must be deposited with the State Treasurer for credit to the State General Fund.

7. A captive insurer that is issued a license pursuant to this chapter after July 1, 2003, is entitled to receive a nonrefundable credit of $5,000 applied against the aggregate taxes owed by the captive insurer for the first year in which the captive insurer incurs any liability for the payment of taxes pursuant to this section. A captive insurer is entitled to a nonrefundable credit pursuant to this section not more than once after the captive insurer is initially licensed pursuant to this chapter.

8. As used in this section, unless the context otherwise requires:

(a) "Common ownership and control" means:

(1) In the case of a stock insurer, the direct or indirect ownership of 80 percent or more of the outstanding voting stock of two or more corporations by the same member or members.

(2) In the case of a mutual insurer, the direct or indirect ownership of 80 percent or more of the surplus and the voting power of two or more corporations by the same member or members.

(b) "Net direct premiums" means the direct premiums collected or contracted for on policies or contracts of insurance written by a captive insurer during the preceding calendar year, less the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

Sec. 99. **NRS 695A.550 is hereby amended to read as follows:**

695A.550 Every society organized or licensed under this chapter is hereby declared to be a charitable and benevolent institution, and is exempt from every state, county, district, municipal and school tax other than ***the tax imposed pursuant to sections 2 to 61, inclusive, of this act and*** taxes on real property and office equipment.

~~[Sec. 40. If a person to whom transferable tax credits that have been issued pursuant to the provisions of NRS 360B.750 or 360.045, as those provisions existed before July 1, 2015, has made a declaration to apply the transferable tax credits to the tax imposed by chapter 363A of NRS but the credits have not been applied to that tax on or before July 1, 2015, the Department of Taxation shall allow the transferable tax credits to be applied to the tax imposed by chapter 363B of NRS, as amended by sections 8 and 9 of this act.~~

~~Sec. 41.]~~ ***Sec. 100.*** **1.** The ~~[amendatory]~~ provisions of sections ~~[1 to 4, inclusive, 8, 9, 20 to 39, inclusive, and 42]~~ **2 to 61, inclusive,** of this act **apply to taxable years that begin on or after July 1, 2015.**

2. The amendatory provisions of sections 67 to 70, inclusive, of this act do not apply to any taxes due for any period ending on or before June 30, 2015.

3. Any rate of the tax imposed by NRS 363A.130 or 363B.110 determined pursuant to section 62 of this act does not apply to any taxes due for any period ending on or before June 30 of the year in which the rate becomes effective.

4. As used in this section, "taxable year" has the meaning ascribed to it in section 12 of this act.

~~[Sec. 42. NRS 362A.010, 362A.015, 362A.020, 362A.030, 362A.040, 362A.050, 362A.060, 362A.070, 362A.080, 362A.090, 362A.120, 362A.130, 362A.135, 362A.140, 362A.150, 362A.160, 362A.170, 362A.180, 362A.190, 362A.200, 362A.210, 362A.220, 362A.230, 362A.240, 362A.250, 362A.260 and 362B.115 are hereby repealed.~~

– 54 –

~~Sec. 43.~~

Sec. 101. ~~(1.)~~ This ~~(section and sections 1 to 16, inclusive, and 18 to 42, inclusive, of this)~~ act ~~(become)~~ becomes effective ~~(on)~~ :

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2015 ~~,~~.

~~2. Section 17 of this act becomes effective on November 1, 2015, and expires by limitation on October 31, 2021.~~

~~3. Section 5 of this act expires by limitation on June 30, 2023.~~

~~4. Sections 6 and 7 of this act expire by limitation on June 30, 2026.)~~ , for all other purposes.

~~[HEADLINES OF REPEALED SECTIONS]~~

~~[362A.010 Definitions.~~
~~362A.015 "Business activity" defined.~~
~~362A.020 "Commission" defined.~~
~~362A.030 "Employer" defined.~~
~~362A.040 "Employment" defined.~~
~~362A.050 "Financial institution" defined.~~
~~362A.060 "Taxpayer" defined.~~
~~362A.070 Duties of Department.~~
~~362A.080 Maintenance and availability of records of taxpayer; penalty.~~
~~362A.090 Examination of records by Department; payment of expenses of Department for examination of records outside State.~~
~~362A.120 Excise tax on banks: Imposition, amount and payment; filing of return.~~
~~362A.130 Payroll tax: Imposition, amount and payment; filing of return.~~
~~362A.135 Payroll tax: Deduction of certain amounts paid for health insurance or health benefit plan for employees.~~
~~362A.140 Extension of time for payment; payment of interest during period of extension.~~
~~362A.150 Certification of excess amount collected, credit and refund.~~
~~362A.160 Limitations on claims for refund or credit; form and contents of claim; failure to file claim constitutes waiver; service of notice of rejection of claim.~~
~~362A.170 Interest on overpayments; disallowance of interest.~~
~~362A.180 Injunction or other process to prevent collection of tax prohibited; filing of claim is condition precedent to maintaining action for refund.~~
~~362A.190 Action for refund: Period for commencement; venue; waiver.~~
~~362A.200 Rights of claimant upon failure of Department to mail notice of action on claim; allocation of judgment for claimant.~~
~~362A.210 Allowance of interest in judgment for amount illegally collected.~~
~~362A.220 Standing to recover.~~
~~362A.230 Action for recovery of erroneous refund: Jurisdiction; venue; prosecution.~~
~~362A.240 Cancellation of illegal determination.~~
~~362A.250 Prohibited acts; penalty.~~
~~362A.260 Remedies of State are cumulative.~~
~~362B.115 Deduction of certain amounts paid for health insurance or health benefit plan for employees.]~~

PROPOSED AMENDMENT TO AB464

INDEX TO ASSEMBLY JOURNAL, 2015

A

ADJOURNMENT—
In memory of—
Gray, Gary, 1010.
Mortenson, Harry, 277.

AMODEI, MARK, U.S. REPRESENTATIVE—
Escort appointed for, 239.
Message, 240.
Vote of thanks extended to, 242.

ANDERSON, ELLIOT T., Assemblyman from Clark (Part) County, No. 15 District—
Committee Appointments—
Conference re S.B. 444, 6598.
Special—
Invite Senate to meet in Joint Session, 239.
Standing—
Education, 6.
Judiciary, 7.
Legislative Operations and Elections, 7.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 7, 788; A.B. 30, 591; A.B. 107, 3108; A.B. 108, 806; A.B. 112, 1043; A.B. 117, 1009; A.B. 128, 3287; A.B. 129, 1524; A.B. 183, 1069; A.B. 239, 3177, 3357; A.B. 244, 3294; A.B. 267, 3103; A.B. 278, 3141; A.B. 320, 3314; A.B. 328, 3312; A.B. 375, 3335; A.B. 414, 1858; A.B. 447, 1537; A.B. 448, 4961; A.B. 466, 5396; A.B. 490, 6660; A.B. 496, 6710; A.J.R. 8, 1540; A.C.R. 3, 382; A.C.R. 5, 3566; S.B. 13, 3674; S.B. 37, 3489; S.B. 40, 3594; S.B. 56, 5132; S.B. 92, 6883; S.B. 99, 6671; S.B. 101, 317; S.B. 114, 5052, 5053; S.B. 115, 275; S.B. 131, 3645; S.B. 144, 3741; S.B. 161, 4970; S.B. 205, 3457; S.B. 208, 3678; S.B. 240, 4850; S.B. 245, 4852; S.B. 264, 4977; S.B. 285, 3882; S.B. 296, 7037; S.B. 302, 6260; S.B. 304, 4894; S.B. 306, 4855; S.B. 391, 5403; S.B. 411, 5013, 5053; S.B. 447, 5134; S.B. 483, 6584; S.B. 503, 5412; S.B. 504, 3591; S.B. 509, 6903; S.B. 512, 7036; S.J.R. 1, 3687; S.J.R. 2, 3690; S.J.R. 17, 3939, 4978; E. Clampus Vitus recognition, 225; sesquicentennial commemorative historical panel, 373.

ANDERSON, PAUL, Assemblyman from Clark (Part) County, No. 13 District—
Absences, excused, 349, 380, 3400, 3403.
Committee Appointments—
Escort—
Speaker of the Assembly, 3.
Special—
Inform Governor Assembly organized, 6.
Standing—
Commerce and Labor, 6.
Ways and Means (Chair), 7.

ANDERSON, PAUL—*Continued*
Moves—
Assembly adjourn *sine die*, 7112.
Committee of the Whole, resolve into, 6433.
Committee of the Whole, rise and report, 6462.
Point of Order re content of remarks, 5403.
Press representatives, accreditation, 57, 104, 160, 202, 247, 390, 469.
Previous question re A.B. 359, 7082; S.B. 7, 7094.
Reconsideration of action re S.B. 254, 4265.
Reconsideration of referral re A.B. 190, 177; A.B. 380, 3306.
Rescind action on S.B. 206, 4265; S.B. 394, 4549; S.B. 456, 5303.
Suspend rules—
Assembly Standing Rule No. 57, Paragraph 4, for the balance of session, 5300.
Assembly Standing Rules Nos. 110 and 113, 3571, 4937.
Declare an emergency measure, A.B. 125, 153; A.B. 325, 3110; S.B. 1, 7; S.B. 207, 211; S.B. 348, 4937; S.B. 463, 4937; S.B. 504, 3571; all bills and resolutions for current legislative day, 3158; all measures reported out of committee, 6467.
Dispense with reprinting, all bills and resolutions for current legislative day, 3158; all measures, for the balance of session, 6467.
Remarks from the floor re A.B. 5, 3948; A.B. 77, 6341; A.B. 135, 6243; A.B. 265, 347; A.B. 326, 6633; A.B. 388, 5393, 6255; A.B. 436, 5307; A.B. 438, 5308; A.B. 443, 5309; A.B. 448, 4961; A.B. 466, 5396; A.B. 467, 3641; A.B. 474, 5317; A.B. 475, 6187, 6421; A.B. 482, 5324; A.B. 484, 6429; A.C.R. 2, 110; A.R. 1, 45; A.R. 2, 46; A.R. 3, 46; A.R. 4, 175; A.R. 6, 601; S.B. 1, 8; S.B. 195, 6258, 6423; S.B. 207, 211; S.B. 303, 3684; S.B. 472, 5076; S.B. 481, 5064; S.B. 483, 6584; S.B. 488, 6874; S.B. 504, 3590, 3592; S.J.R. 17, 4979; S.C.R. 3, 298; S.C.R. 7, 818; 78th Session Speaker Appointment, 4.
Remarks in Committee of the Whole, 6462.

ANNOUNCEMENTS—
By Assemblyman Paul Anderson—
Nylen, Robert A., Curator of History, Nevada State Museum, special remarks by, 249.
By Madam Secretary of State—
Sala, Elise, special musical rendition by, 2.
Will and Sheree Rose, special musical rendition by, 2.
By Mr. Speaker Hambrick—
Assemblyman Hansen, Assemblywoman Kirkpatrick, Senator Segerblom, Senator Smith, and their families, moment of silence and prayer for, 104.
Children's Performance Choir, recess to hear special musical rendition by, 3390.
Gray, Gary, moment of silence in memory of, 1010.
Sala, Elise, special musical rendition by, 3509.

ARAUJO, NELSON, Assemblyman from Clark (Part) County, No. 3 District—
Absences, excused, 356, 3400.
Committee Appointments—
Conference re S.B. 193, 6174.
Standing—
Health and Human Services, 6.
Judiciary, 7.
Natural Resources, Agriculture, and Mining, 7.
Transportation, 7.
Moves—
Previous question re S.B. 504, 3593.

ARAUJO, NELSON—*Continued*
Remarks from the floor re A.B. 110, 212, 213; A.B. 138, 1321; A.B. 141, 1052; A.B. 151, 1053; A.B. 152, 3306; A.B. 375, 3334; A.B. 487, 6244; S.B. 9, 3642; S.B. 263, 3458; S.B. 305, 5065; S.B. 388, 5070; S.B. 389, 3686; S.B. 410, 4279; Children's Day advocacy groups, 238.

ARMSTRONG, DEREK, Assemblyman from Clark (Part) County, No. 21 District—
Absences, excused, 3537.
Committee Appointments—
Conference re S.B. 95, 6117.
Special—
Invite Senate to meet in Joint Session, 239.
Standing—
Education, 6.
Taxation (Chair), 7.
Ways and Means (Vice Chair), 7.
Moves—
Adopt report of conference committee re S.B. 95, 7045.
Concur in Senate amendment(s) to A.B. 70, 6076; A.B. 71, 6615; A.B. 191, 6114; A.B. 452, 6115; A.B. 452, 6117.
Do not recede from action on S.B. 95, 6117.
Vote of thanks to Chief Justice James W. Hardesty, 3.
Remarks from the floor re A.B. 32, 1097; A.B. 70, 334; A.B. 71, 667; A.B. 83, 672; A.B. 111, 595; A.B. 116, 687; A.B. 161, 1195; A.B. 191, 3278; A.B. 316, 1756; A.B. 372, 1773; A.B. 375, 3337; A.B. 380, 3259, 3307, 3308; A.B. 412, 3276; A.B. 452, 3308; A.B. 474, 5398; A.J.R. 8, 1541; S.B. 95, 4455; S.B. 155, 4264; S.B. 170, 5359, 5402; S.B. 200, 3457; S.B. 212, 3646; S.B. 266, 6903, 6906; S.B. 303, 3683; S.B. 313, 3685; S.B. 314, 5067, 5068; S.B. 330, 5069; S.B. 411, 4900, 5013, 5014; S.B. 483, 6571, 6572, 6573; S.B. 490, 5131; S.B. 492, 6885; S.J.R. 13, 6878, 7002.
Remarks in Committee of the Whole, 6433, 6434, 6439, 6440, 6446, 6449, 6450, 6453, 6456, 6457, 6460, 6462.

ATTACHÉS—
Appointment, A.R. 2, 45; A.R. 4, 174; A.R. 5, 346; A.R. 6, 601; A.R. 7, 3400.

B

BENITEZ-THOMPSON, TERESA, Assemblywoman from Washoe (Part) County, No. 27 District—
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 264.
Standing—
Health and Human Services, 6.
Taxation, 7.
Ways and Means, 7.
Moves—
Previous question re S.J.R. 21, 5137.
Reconsideration of vote re A.B. 484, 5400.

BENITEZ-THOMPSON, TERESA—*Continued*
Remarks from the floor re A.B. 91, 3384, 3385; A.B. 158, 3109; A.B. 166, 3136; A.B. 200, 3289; A.B. 218, 6712; A.B. 242, 3294; A.B. 375, 3337; A.B. 408, 3371, 3383; A.B. 493, 6698; A.R. 9, 3543; S.B. 22, 352; S.B. 107, 6672; S.B. 119, 223; S.B. 172, 4837; S.B. 240, 4850; S.B. 285, 3883; S.B. 303, 3683; S.B. 411, 5014; S.B. 420, 5404; S.B. 474, 5407; S.B. 483, 6579; S.B. 489, 6427; S.B. 503, 5409, 5410; sesquicentennial commemorative historical panel, 3647.

BUSTAMANTE ADAMS, IRENE, Assemblywoman from Clark (Part) County, No. 42 District—
Committee Appointments—
Conference re A.B. 258, 6907; S.B. 95, 6117.
Standing—
Commerce and Labor, 6.
Taxation, 7.
Ways and Means, 7.
Moves—
Previous question re S.B. 7, 7094.
Remarks from the floor re A.B. 115, 3108; A.B. 116, 1009; A.B. 135, 6420; A.B. 144, 596; A.B. 154, 204; A.B. 161, 5217; A.B. 199, 4251, 4558; A.B. 212, 3105; A.B. 246, 3295; A.B. 258, 3295; A.B. 399, 6637, 6674; A.B. 456, 1539; A.B. 476, 6684, 6685; A.B. 497, 6712; S.B. 146, 4967; S.B. 213, 7006; S.B. 214, 6884; S.B. 232, 3964; S.B. 286, 5064; S.B. 332, 7037; S.B. 373, 3686; sesquicentennial commemorative historic panel, 1924.

C

CARLTON, MAGGIE, Assemblywoman from Clark (Part) County, No. 14 District—
Committee Appointments—
Standing—
Commerce and Labor, 6.
Natural Resources, Agriculture, and Mining, 7.
Ways and Means, 7.
Remarks from the floor re A.B. 7, 788; A.B. 20, 2229, 2230; A.B. 24, 1039; A.B. 58, 316; A.B. 67, 869, 1892; A.B. 70, 335; A.B. 73, 1318; A.B. 77, 6420; A.B. 100, 1319; A.B. 111, 448, 449, 594; A.B. 114, 550; A.B. 126, 1043; A.B. 146, 6622, 6673; A.B. 147, 6702, 6711; A.B. 163, 3288; A.B. 164, 709, 710, 1068, 1526; A.B. 165, 459; A.B. 176, 5188; A.B. 226, 3290; A.B. 228, 3139; A.B. 234, 4254; A.B. 238, 3292; A.B. 252, 1531; A.B. 267, 1430, 1431; A.B. 321, 3305; A.B. 352, 1088; A.B. 356, 3363; A.B. 408, 3370, 3371; A.B. 409, 3293; A.B. 436, 5394; A.B. 442, 3572, 3641; A.B. 449, 1538; A.B. 460, 3145; A.B. 467, 3572; A.B. 478, 6385, 6588, 6589; A.B. 480, 6372, 6421; A.B. 484, 5400; A.B. 485, 6676; A.B. 486, 4628, 4962; A.B. 490, 6659; A.J.R. 8, 1541; A.J.R. 10, 1832; A.R. 9, 3540, 3541; S.B. 37, 3490; S.B. 38, 3962; S.B. 67, 4449; S.B. 68, 4738, 5138; S.B. 119, 223; S.B. 161, 4971; S.B. 188, 3840; S.B. 193, 5059; S.B. 229, 5061; S.B. 268, 3562; S.B. 302, 6263; S.B. 307, 5006; S.B. 402, 4558; S.B. 406, 5073; S.B. 469, 3558; S.B. 471, 5076; S.B. 483, 6586; S.B. 492, 6239; S.B. 502, 6885; S.B. 514, 6920; S.J.R. 1, 3689; Grass Roots Lobby Day, 178; International Women's Day, 239; Pay Equity Day, 1074.
Remarks in Committee of the Whole, 6452.

CARRILLO, RICHARD, Assemblyman from Clark (Part) County, No. 18 District—
Committee Appointments—
Conference re A.B. 78, 3567; S.B. 482, 6173.
Standing—
Government Affairs, 6.
Natural Resources, Agriculture, and Mining, 7.
Transportation, 7.
Remarks from the floor re A.B. 61, 459; A.B. 143, 1052; A.B. 172, 3136; A.B. 188, 384; A.B. 204, 1070; A.B. 250, 1072; A.B. 326, 6674; A.B. 422, 1535; S.B. 63, 3436; S.B. 147, 3645; S.B. 156, 3677; S.B. 261, 3680; S.B. 289, 3682; S.B. 483, 6581.
Remarks in Committee of the Whole, 6451.

CEGAVSKE, BARBARA—See Secretary of State.

CHIEF CLERK OF THE ASSEMBLY—
Roll call, Joint Session, 240, 264, 408, 740, 809, 1324.
Susan Furlong—
declared to be, 6.
nominated, 6.
Temporary—
Calls roll, 2, 3.
Susan Furlong, requested to serve as, 2.

COMMERCE AND LABOR, COMMITTEE ON—
Members, appointment, 6.

COMMITTEE OF THE WHOLE—
Addressed by—
Aguero, Jeremy, Principal Analyst, Applied Analysis, 6435, 6439, 6440, 6441, 6442, 6443, 6444, 6445, 6446, 6447, 6448, 6449, 6450, 6451, 6452.
Anderson, Scott, Chief Deputy Secretary, Office of the Secretary of State, 6460.
Bacon, Ray, Representing Nevada Manufacturers Association, 6453.
Bennett, Dana, President, Nevada Mining Association, 6458.
Conklin, Marcus, representing University of Phoenix, 6461.
Enos, Paul J., Chief Executive Officer, Nevada Trucking Association, 6454.
Eppolito, John, Private Citizen, Incline Village, Nevada, 6455.
Frediani, Wayne, Executive Director, Nevada Franchise Auto Dealers Association, 6456.
Graves, Terry, Representing Nevada Cogeneration Associates; and Scrap Metal Processing Group, 6457.
Griffin, John, representing Sprint, DIRECTV, and DISH, 6458.
Griffin, Josh, representing Barrick Gold of North America; MGM Resorts International; and Nevada Subcontractors Association, 6459.
Higgins, Sean T., representing Golden Gaming, Inc., 6460.
Hill, Steve, Executive Director, Office of Economic Development, Office of the Governor, 6460.
Joecks, Victor, Executive Vice President, Nevada Policy Research Institute, 6454.
Karlos, LaSane, Regional Vice President, Caesars Entertainment, 6460.
McMullen, Samuel P., Representing Nevada Bankers Association, 6457.
Noonan, Bill, Senior Vice President, Boyd Gaming Corporation, 6459.
Reeder, Brian, Government Affairs Coordinator, Nevada Chapter, Associated General Contractors, 6457.
Sullivan, Angie, Private Citizen, Las Vegas, Nevada, 6462.
Taylor, Matthew, President, Nevada Registered Agents Association, 6461.
Tyler, Stephanie, Nevada State President, AT&T; and representing CTIA – The Wireless Association; and Economic Development Authority of Western Nevada, 6458.

COMMITTEE OF THE WHOLE—*Continued*
Addressed by—*Continued*
Uehling, Ed, Private Citizen, Las Vegas, Nevada, 6456.
Vassiliadis, Billy, representing Nevada Resort Association, 6459.
Vilardo, Carole, Nevada Taxpayers Association, 6462.
Wachter, Bryan, Senior Vice President, Retail Association of Nevada, 6455.
Wadhams, Jim, representing Las Vegas Metro Chamber of Commerce, 6458.
Welch, Bill, President, Nevada Hospital Association, 6459.
Willden, Mike, Chief of Staff, Office of the Governor, 6433, 6434, 6441, 6442, 6443, 6451.
Chaired by—
Assemblyman Derek Armstrong, 6433.
Report, 6463.
Resolved into, motion to, 6433.
Rise and report, motion to, 6462.

COMMITTEES, SPECIAL—
Escort appointed for—
Amodei, Mark, U.S. Representative, 240.
Hardesty, James W., Chief Justice, 3, 1324.
Hardy, Cresent, U.S. Representative, 809.
Heck, Joe, U.S. Representative, 408.
Heller, Dean, U.S. Senator, 740.
Cegavske, Barbara, Secretary of State, 4.
Speaker of the Assembly, 3.
Titus, Dina, U.S. Representative, 264.
Inform Governor Assembly organized, 6.
Inform Governor Assembly ready to adjourn *sine die*, 7112.
Inform Senate Assembly organized, 6.
Inform Senate Assembly ready to adjourn *sine die*, 7112.
Invite Senate to meet in Joint Session, 239, 264, 408, 740, 809, 1323.

COMMITTEES, STANDING—See also specific committee.
Members, appointment, 6, 7.

COMMUNICATIONS RECEIVED—
Amodei, Mark E., U.S. Representative, request to address Joint Session, 185.
Crowell, Robert L., Mayor, welcoming legislators to Carson City, 16.
Erdoes, Brenda J., Legislative Counsel, constitutionality of A.B. 408, Amend. No. 642, 3371.
Governor re—
State of the State message, 8.
Vetoed Assembly Bills of the 77th Session—
A.B. 126, 87.
A.B. 150, 88.
A.B. 209, 89.
A.B. 218, 90.
A.B. 240, 91.
A.B. 345, 91.
A.B. 391, 92.
A.B. 440, 93.
A.B. 441, 94.
Hardesty, James W., Chief Justice, request to address Joint Session, 15.
Hardy, Cresent, U.S. Representative, request to address Joint Session, 208.
Heck, Joe, U.S. Representative, District 3, request to address Joint Session, 109.
Heller, Dean, U.S. Senator, request to address Joint Session, 113.
Reid, Harry, U.S. Senator, request to address Joint Session, 100.

COMMUNICATIONS RECEIVED—*Continued*
Secretary of State re—
Initiative Petition No. 1, 16; Initiative Petition No. 2, 16.
Vetoed Bills of the 77th Session, 15.
Titus, Dina, U.S. Representative, District 1, request to address Joint Session, 100.

CONCUR, MOTION NOT TO—
In Senate amendment(s) to A.B. 78, 3469; A.B. 78, 3478; A.B. 169, 5244; A.B. 240, 6003; A.B. 258, 6598; A.B. 461, 5785.

CONCUR, MOTION TO—
In Senate amendment(s) to A.B. 5, 6691; A.B. 8, 5838; A.B. 23, 5736; A.B. 34, 6128; A.B. 49, 5857; A.B. 49, 5875;A.B. 49, 5893; A.B. 50, 5905; A.B. 51, 5913; A.B. 65, 4018; A.B. 67, 5930; A.B. 69, 5957; A.B. 70, 6076; A.B. 71, 6615; A.B. 85, 5438; A.B. 89, 5515; A.B. 93, 5527; A.B. 94, 5748; A.B. 97, 4032; A.B. 107, 3988; A.B. 112, 3990; A.B. 113, 5961; A.B. 114, 5969; A.B. 115, 5566; A.B. 115, 5604; A.B. 126, 5610; A.B. 136, 3982; A.B. 138, 5976; A.B. 150, 3993; A.B. 152, 5238; A.B. 156, 4023; A.B. 159, 6694; A.B. 160, 4033; A.B. 163, 6135; A.B. 166, 5219; A.B. 167, 6593; A.B. 167, 6596; A.B. 170, 6138; A.B. 172, 6938; A.B. 172, 6959; A.B. 173, 5623; A.B. 175, 5162; A.B. 176, 5187, 5299; A.B. 178, 5676; A.B. 189, 4003; A.B. 191, 6114; A.B. 200, 4029; A.B. 205, 5221; A.B. 206, 5224; A.B. 225, 4035; A.B. 236, 4020; A.B. 238, 5985; A.B. 239, 5994; A.B. 244, 4038; A.B. 248, 5250; A.B. 263, 6016; A.B. 263, 6030; A.B. 287, 4040; A.B. 293, 6144; A.B. 295, 5626; A.B. 307, 5254; A.B. 321, 5236; A.B. 325, 5661; A.B. 328, 5681; A.B. 332, 7093, A.B. 341, 5688; A.B. 351, 5694; A.B. 364, 6171; A.B. 383, 4005; A.B. 385, 5274; A.B. 386, 6061; A.B. 409, 5669; A.B. 421, 5696; A.B. 428, 6173; A.B. 445, 7111; A.B. 447, 5714; A.B. 452, 115; A.B. 452, 6117; A.B. 457, 5772; A.B. 462, 5829; A.B. 495, 7104; A.J.R. 10, 5834.

CONFERENCE COMMITTEES—
A.B. 78.
Action by—
Assembly, 3977.
Senate, notice, 4185.
Appointment by—
Assembly, 3567.
Senate, notice, 3538.
Report, 3971.
Requested, 3538.
A.B. 169.
Appointment by—
Assembly, 6686.
Senate, notice, 6375.
Requested, 6375.
A.B. 240.
Appointment by—
Senate, notice, 6466.
Requested, 6466.
A.B. 258.
Action by—
Assembly, 7050.
Senate, notice, 7111.

CONFERENCE COMMITTEES—*Continued*
A.B. 258—*Continued*
Appointment by—
Assembly, 6907.
Senate, notice, 6696.
Report, 7049.
Requested, 6696.
A.B. 461.
Appointment by—
Assembly, 6686.
Senate, notice, 6466.
Requested, 6466.
S.B. 52.
Action by—
Assembly, 6999.
Senate, notice, 6906.
Appointment by—
Assembly, 6173.
Senate, notice, 6466.
Report, 6986.
Requested, 6173.
S.B. 53.
Appointment by—
Assembly, 6590.
Senate, notice, 6696.
Requested, 6590.
S.B. 95.
Action by—
Assembly, 7045.
Senate, notice, 6696.
Appointment by—
Assembly, 6117.
Senate, notice, 6376.
Report, 7039.
Requested, 6117.
S.B. 193.
Action by—
Assembly, 6965.
Senate, notice, 6696.
Appointment by—
Assembly, 6174.
Senate, notice, 6466.
Report, 6960.
Requested, 6174.
S.B. 340.
Action by—
Assembly, 6600.
Senate, notice, 6598.
Appointment by—
Assembly, 6173.
Senate, notice, 6466.
Report, 6598.
Requested, 6173.

CONFERENCE COMMITTEES—*Continued*
S.B. 348.
Action by—
Assembly, 7001.
Senate, notice, 6688.
Appointment by—
Assembly, 6372.
Senate, notice, 6466.
Report, 6999.
Requested, 6372.
S.B. 376.
Action by—
Assembly, 6986.
Senate, notice, 6907.
Appointment by—
Assembly, 5669.
Senate, notice, 6466.
Report, 6965.
Requested, 5669.
S.B. 444.
Action by—
Assembly, 7048.
Senate, notice, 7039.
Appointment by—
Assembly, 6598.
Senate, notice, 6696.
Report, 7045.
Requested, 6598.
S.B. 482.
Action by—
Assembly, 6605.
Senate, notice, 6598.
Appointment by—
Assembly, 6173.
Senate, notice, 6466.
Report, 6600.
Requested, 6173.

CREDENTIALS, TEMPORARY COMMITTEE ON—
Members, appointment, 2.
Report, 2.

D

DIAZ, OLIVIA, Assemblywoman from Clark (Part) County, No. 11 District—
Committee Appointments—
Standing—
Commerce and Labor, 6.
Education, 6.
Judiciary, 7.
Taxation, 7.
Moves—
Joint Session, dissolve, 744.
Previous question re A.B. 436, 5395.

DIAZ, OLIVIA —*Continued*
Remarks from the floor re A.B. 13, 793; A.B. 27, 458; A.B. 69, 738; A.B. 76, 320; A.B. 83, 1008; A.B. 111, 595; A.B. 124, 1043; A.B. 125, 156; A.B. 153, 1053; A.B. 165, 460; A.B. 179, 1527; A.B. 219, 1528; A.B. 363, 3142; A.B. 405, 1856; A.B. 448, 4961; A.R. 9, 3541; S.B. 36, 3961; S.B. 54, 4844; S.B. 75, 3676; S.B. 112, 3963; S.B. 161, 4970; S.B. 193, 5060; S.B. 296, 6879, 7038; S.B. 395, 5071; S.B. 432, 6418; S.B. 445, 5074; S.B. 464, 5076; S.B. 474, 5406, 5408; S.B. 483, 6583; S.B. 484, 5079; E Clampus Vitus recognition, 225.

DICKMAN, JILL, Assemblywoman from Washoe (Part) County, No. 31 District—
Committee Appointments—
Conference re S.B. 376, 5669.
Escort—
Cegavske, Barbara, Secretary of State, 4.
Standing—
Health and Human Services, 6.
Taxation, 7.
Transportation (Vice Chair), 7.
Ways and Means, 7.
Moves—
Previous question re S.B. 307, 5007; S.J.R. 1, 3689.
Remarks from the floor re A.B. 32, 1522; A.B. 165, 460; A.B. 170, 3289; A.B. 203, 5383; A.B. 252, 1531; A.B. 326, 6673; A.B. 351, 1533; A.B. 405, 1857; A.B. 414, 1858; A.B. 437, 4258; A.B. 438, 5395; A.B. 443, 5396; A.B. 466, 5396; A.J.R. 8, 1540; S.B. 7, 7094; S.B. 78, 4261; S.B. 88, 4262; S.B. 92, 6883; S.B. 110, 4966; S.B. 121, 3491; S.B. 161, 4970; S.B. 193, 5060; S.B. 229, 5060; S.B. 247, 4976; S.B. 261, 3681; S.B. 266, 6906; S.B. 276, 6259; S.B. 281, 3506; S.B. 302, 6263; S.B. 303, 3682; S.B. 412, 6881; S.B. 429, 4960; S.B. 483, 6574; S.B. 501, 5408; S.J.R. 13, 7001; S.J.R. 21, 5137.
Remarks in Committee of the Whole, 6452.

DIVISION OF THE HOUSE—
On motion re S.B. 175, 4490.

DOOLING, VICTORIA A., Assemblywoman from Clark (Part) County, No. 41 District—
Absences, excused, 254, 6375, 6464, 6687.
Committee Appointments—
Escort—
Amodei, Mark, U.S. Representative, 240.
Standing—
Education, 6.
Government Affairs, 6.
Natural Resources, Agriculture, and Mining, 7.
Transportation, 7.
Remarks from the floor re A.B. 79, 1041; A.B. 189, 1527; A.B. 238, 3292; A.B. 375, 3334; A.J.R. 10, 3146; S.B. 2, 3489; S.B. 183, 4973; S.B. 285, 4267; S.B. 297, 3438; S.B. 414, 6266; S.B. 417, 3452; S.B. 482, 5078.

E

EDUCATION, COMMITTEE ON—
Members, appointment, 6.

EDWARDS, CHRIS, Assemblyman from Clark (Part) County, No. 19 District—
Committee Appointments—
Standing—
Education, 6.
Natural Resources, Agriculture, and Mining, 7.
Ways and Means, 7.
Remarks from the floor re A.B. 71, 5361; A.B. 241, 6628, 6673; A.B. 357, 3364; A.B. 375, 3335, 3336; A.B. 380, 3307; A.B. 389, 5394; A.B. 404, 3339; A.B. 408, 3370, 3382; A.B. 448, 4960; A.B. 468, 3573, 3641; A.B. 472, 5397; A.B. 484, 5400; A.J.R. 3, 162; A.J.R. 4, 461, 462; A.C.R. 3, 383; S.B. 89, 6256; S.B. 92, 6882, 6883; S.B. 261, 3680; S.B. 302, 6259; S.B. 390, 3687; S.B. 418, 3493; S.B. 431, 5405; S.B. 483, 6576; S.B. 488, 6904; S.B. 503, 5409, 5410; S.B. 513, 6886; S.J.R. 11, 3459.
Remarks in Committee of the Whole, 6444, 6445.

ELLISON, JOHN C., Assemblyman from Elko, Eureka, Lincoln (Part), White Pine Counties, No. 33 District—
Absences, excused, 408.
Committee Appointments—
Conference re S.B. 340, 6173; S.B. 482, 6173.
Escort—
Speaker of the Assembly, 3.
Special—
Inform Governor Assembly organized, 6.
Standing—
Commerce and Labor, 6.
Government Affairs (Chair), 6.
Natural Resources, Agriculture, and Mining, 7.
Moves—
Adopt report of conference committee re S.B. 340, 6600; S.B. 482, 6605.
Concur in Senate amendment(s) to A.B. 34, 6128; A.B. 65, 4018; A.B. 159, 6694; A.B. 163, 6135; A.B. 170, 6138; A.B. 172, 6959; A.B. 172, 6938; A.B. 236, 4020; A.B. 293, 6144; A.B. 364, 6171; A.B. 428, 6173; A.B. 445, 7111.
Do not recede from action on S.B. 340, 6173; S.B. 482, 6173.
Previous question re S.B. 302, 6264; S.J.R. 1, 3689.
Remarks from the floor re A.B. 14, 614; A.B. 15, 169; A.B. 19, 482; A.B. 20, 2229; A.B. 24, 638, 1039; A.B. 25, 1342; A.B. 33, 118; A.B. 53, 657; A.B. 58, 316; A.B. 59, 1553; A.B. 62, 1301; A.B. 65, 1109; A.B. 74, 739; A.B. 78, 215; A.B. 85, 3358; A.B. 88, 1569; A.B. 90, 526; A.B. 98, 3285, 3286; A.B. 100, 1319; A.B. 120, 3101; A.B. 135, 558; A.B. 136, 596; A.B. 137, 1320; A.B. 159, 6694; A.B. 160, 1054; A.B. 162, 1383; A.B. 163, 3289; A.B. 170, 1388; A.B. 172, 1682, 3137, 6938; A.B. 196, 1223; A.B. 231, 1071; A.B. 236, 1277; A.B. 352, 1088; A.B. 363, 1763; A.B. 408, 3377; A.B. 445, 7111; A.B. 454, 3341; A.B. 493, 6699; A.J.R. 1, 1334; A.C.R. 5, 3566; S.B. 29, 4092; S.B. 44, 3452; S.B. 63, 3405; S.B. 109, 585; S.B. 111, 6883; S.B. 170, 5402; S.B. 185, 6432; S.B. 271, 3444; S.B. 223, 4265; S.B. 238, 3851; S.B. 253, 5402; S.B. 254, 3862; S.B. 266, 6905; S.B. 268, 3562; S.B. 285, 3882, 3883; S.B. 297, 3406; S.B. 312, 3582; S.B. 340, 3908; S.B. 401, 3920; S.B. 406, 4797, 5073; S.B. 477, 3934, 3935, 3936, 5078; S.B. 480, 3503; S.B. 481, 4808; S.B. 482, 4860; S.B. 483, 6582; S.B. 485, 3450; S.B. 492, 6885; S.B. 503, 5410; S.B. 504, 3592; S.J.R. 1, 3688; S.J.R. 13, 7002; in memory of Aaron Grant Gerber, 353; Levi Jeans Day, 232.

ELLISON, JOHN C.—*Continued*
Remarks in Committee of the Whole, 6446, 6447.
Speaker pro Tempore of the Assembly—
Declared to be, 5.
Nominated for, 5.

EMERGENCY MEASURE—
Assembly Standing Rules Nos. 110 and 113 suspended to declare, S.B. 348, 4937; S.B. 463, 4937; S.B. 504, 3571.
Rules suspended to declare, A.B. 125, 153; A.B. 325, 3110; A.B. 330, 3081; S.B. 1, 7; S.B. 207, 211; all Assembly Bills and resolutions for current legislative day, 3158; all measures reported out of committee, 6467.

EXEMPTION—
Notice of Eligibility, 114, 128, 166, 171, 175, 195, 235, 246, 298, 323, 335, 356, 384, 390, 408, 417, 468, 602, 748, 818, 819, 1005, 1013, 1278, 1336, 1547, 1929, 1930, 3158, 3647.
Notice of Exemption, 114, 128, 235, 298, 323, 356, 377, 384, 390, 468, 602, 3458, 3595, 3653.

F

FIORE, MICHELE, Assemblywoman from Clark (Part) County, No. 4 District—
Absences, excused, 171, 208, 377, 3403, 3650.
Committee Appointments—
Standing—
Commerce and Labor, 6.
Judiciary, 7.
Legislative Operations and Elections, 7.
Transportation, 7.
Temporary—
Credentials, 2.
Moves—
Previous question re S.B. 314, 5068; S.B. 411, 5014.
Remarks from the floor re A.B. 91, 3386; A.B. 97, 1042; A.B. 100, 1320; A.B. 111, 595; A.B. 139, 1322; A.B. 147, 6702; A.B. 148, 736; A.B. 160, 1054; A.B. 164, 1525; A.B. 165, 460; A.B. 176, 5188; A.B. 228, 3139; A.B. 252, 1530; A.B. 281, 3306; A.B. 352, 1088, 1533; A.B. 356, 3363, 3388; A.B. 357, 3328, 3364; A.B. 375, 3337; A.B. 380, 3307; A.B. 399, 6674; A.B. 404, 3339, 3340; A.B. 408, 3377, 3382, 3383; A.B. 436, 5394, 6700; A.B. 460, 3145; A.B. 474, 5398; A.B. 476, 6685; A.B. 478, 6588; A.B. 484, 5399, 6429; A.B. 485, 6675; A.B. 487, 6244; A.B. 490, 6659; A.B. 491, 6661; A.C.R. 5, 3566; S.B. 44, 3451; S.B. 50, 4260; S.B. 95, 4966; S.B. 99, 6671; S.B. 107, 6672; S.B. 114, 5053; S.B. 160, 4969; S.B. 168, 4847; S.B. 175, 4972; S.B. 227, 6672; S.B. 231, 3963; S.B. 266, 6905, 6906; S.B. 304, 4986; S.B. 312, 3640; S.B. 348, 5132; S.B. 411, 5136; S.B. 459, 3451; S.B. 483, 6572, 6574, 6587; S.B. 488, 6904; S.B. 492, 6885; S.B. 503, 5410; S.B. 504, 3591; S.J.R. 13, 7002; S.J.R. 21, 5137; in memory of Aaron Grant Gerber, 353.
Remarks in Committee of the Whole, 6446.
Withdraws request for roll call re S.B. 193, 6965.

FLORES, EDGAR, Assemblyman from Clark (Part) County, No. 28 District—
Committee Appointments—
Conference re S.B. 376, 5669.
Special—
Invite Senate to meet in Joint Session, 408.
Standing—
Education, 6.
Government Affairs, 6.
Transportation, 7.
Remarks from the floor re A.B. 25, 1859; A.B. 65, 1522; A.B. 90, 739; A.B. 287, 1531; A.B. 374, 3143; A.B. 386, 3208, 3358; S.B. 70, 3962; S.B. 142, 3492; S.B. 457, 4280.

G

GARDNER, DAVID M., Assemblyman from Clark (Part) County, No. 9 District—
Absences, excused, 279, 3390.
Committee Appointments—
Conference re S.B. 52, 6173; S.B. 53, 6590; S.B. 444, 6598.
Special—
Invite Senate to meet in Joint Session, 264.
Standing—
Education, 6.
Health and Human Services, 6.
Judiciary, 7.
Natural Resources, Agriculture, and Mining, 7.
Remarks from the floor re A.B. 11, 260; A.B. 35, 153; A.B. 40, 592; A.B. 52, 594; A.B. 67, 869; A.B. 82, 204; A.B. 110, 213; A.B. 161, 5217; A.B. 165, 459; A.B. 301, 1532; A.B. 308, 3310; A.B. 359, 7082, 7093; A.B. 394, 6919, 6920, 6921; A.B. 405, 1857; A.B. 414, 1857; A.B. 433, 3340; A.J.R. 10, 1832; S.B. 7, 4610; S.B. 15, 4963; S.B. 25, 4838; S.B. 31, 3504; S.B. 33, 4839; S.B. 34, 463; S.B. 38, 3962; S.B. 44, 3451; S.B. 56, 4947; S.B. 119, 224; S.B. 128, 6418; S.B. 134, 4967; S.B. 148, 4968; S.B. 161, 4970; S.B. 296, 6879, 7037; S.B. 302, 6262; S.B. 443, 5074; S.B. 447, 5050; S.B. 460, 6880; S.B. 463, 5133; S.B. 476, 4280; S.B. 504, 3591; S.J.R. 1, 3689; S.J.R. 21, 5137.
Remarks in Committee of the Whole, 6447, 6448, 6449.

GOVERNMENT AFFAIRS, COMMITTEE ON—
Members, appointment, 6.

GOVERNOR—
Informed Assembly organized, 6.
Informed Assembly ready to adjourn *sine die*, 7112.
State of the State message, 8.

H

HAMBRICK, JOHN, Assemblyman from Clark (Part) County, No. 2 District—
Appoints Committees—
Conference re A.B. 78, 3567; A.B. 169, 6686; A.B. 258, 6907; A.B. 461, 6686; S.B. 52, 6173; S.B. 53, 6590; S.B. 95, 6117; S.B. 193, 6174; S.B. 340, 6173; S.B. 348, 6372; S.B. 376, 5669; S.B. 444, 6598; S.B. 482, 6173.

HAMBRICK, JOHN—*Continued*
Appoints Committees—*Continued*
Escort—
Cegavske, Barbara, Secretary of State, 4.
Special—
Inform Governor Assembly organized, 6.
Inform Governor Assembly ready to adjourn *sine die*, 7112.
Inform Senate Assembly organized, 6.
Inform Senate Assembly ready to adjourn *sine die*, 7112.
Invite Senate to meet in Joint Session, 239, 264, 408, 740, 809, 1323.
Standing Committee Members, 6.
Committee Appointments—
Standing—
Health and Human Services, 6.
Taxation, 7.
Ways and Means (Vice Chair), 7.
Remarks from the floor re S.B. 411, 5014; Veterans and Military Day, 383; 78th Legislative Session, 5.
Rules on point of order re content of remarks, 5403; disorderly use of words, 3383.
Speaker of the Assembly—
Declared to be, 3.
Nominated for, 3.

HANSEN, IRA, Assemblyman from Esmeralda, Humboldt, Lander, Mineral, Nye (Part), Pershing, Washoe (Part) Counties, No. 32 District—
Absences, excused, 100, 104, 120, 160.
Committee Appointments—
Conference re A.B. 78, 3567; A.B. 258, 6907; S.B. 348, 6372; S.B. 444, 6598.
Escort—
Hardesty, James W., Chief Justice, 3.
Standing—
Commerce and Labor, 6.
Judiciary (Chair), 7.
Natural Resources, Agriculture, and Mining, 7.
Moves—
Adopt report of conference committee re A.B. 258, 7050; S.B. 52, 6999; S.B. 348, 7001; S.B. 444, 7048.
Concur in Senate ment(s) to A.B. 8, 5838; A.B. 49, 5857; A.B. 49, 5875; A.B. 49, 5893; A.B. 50, 5905; A.B. 51, 5913; A.B. 67, 5930; A.B. 69, 5957; A.B. 97, 4032; A.B. 113, 5961; A.B. 114, 5969; A.B. 138, 5976; A.B. 160, 4033; A.B. 167, 6593; A.B. 167, 6596; A.B. 225, 4035; A.B. 238, 5985; A.B. 239, 5994; A.B. 244, 4038; A.B. 263, 6016; A.B. 263, 6030; A.B. 287, 4040; A.B. 386, 6061.
Do not concur in Senate amendment(s) to A.B. 240, 6003; A.B. 258, 6598.
Do not recede from action on S.B. 52, 6173; S.B. 53, 6590; S.B. 348, 6372; S.B. 444, 6598.
Previous question re S.B. 307, 5007; S.B. 314, 5068.
Recede from action on S.B. 225, 6372.
Remarks from the floor re A.B. 7, 473; A.B. 8, 610; A.B. 11, 260; A.B. 13, 480; A.B. 16, 1094; A.B. 48, 759, 1040; A.B. 49, 3282; A.B. 50, 1354; A.B. 51, 837, 1850; A.B. 66, 1366; A.B. 67, 869; A.B. 69, 507; A.B. 92, 962; A.B. 94, 794; A.B. 97, 965; A.B. 108, 542; A.B. 110, 212; A.B. 114, 550; A.B. 124, 970; A.B. 125, 155, 158; A.B. 129, 1185; A.B. 132, 689; A.B. 138, 976; A.B. 139, 979; A.B. 140, 1656; A.B. 142, 3288; A.B. 148, 591; A.B. 151, 773; A.B. 153, 695; A.B. 160, 989; A.B. 163, 3288; A.B. 183, 717; A.B. 192, 990; A.B. 195, 1209;

HANSEN, IRA—*Continued*
Remarks from the floor re—*Continued*
A.B. 201, 774; A.B. 202, 460; A.B. 212, 1225; A.B. 214, 1228; A.B. 223, 1275; A.B. 224, 1710; A.B. 225, 1412; A.B. 233, 1747; A.B. 238, 1754; A.B. 258, 6598; A.B. 263, 1425; A.B. 267, 1430; A.B. 283, 1448, 1843, 3103; A.B. 287, 997; A.B. 288, 1000; A.B. 297, 1853; A.B. 352, 1088; A.B. 362, 1761; A.B. 375, 1465, 3336; A.B. 379, 1783; A.B. 405, 1502, 1856; A.B. 419, 1503; A.B. 421, 3340; A.B. 435, 1506, 3144; A.B. 487, 5383, 6245; A.B. 491, 6661; A.B. 492, 6671; A.B. 498, 6711; A.J.R. 2, 461; A.J.R. 4, 462; A.C.R. 3, 383; A.R. 7, 3401; S.B. 36, 3659; S.B. 37, 3490; S.B. 38, 3674; S.B. 40, 3501; S.B. 52, 3644; S.B. 56, 4101, 5132; S.B. 58, 4636; S.B. 59, 4123; S.B. 138, 4128; S.B. 160, 4865; S.B. 174, 4134; S.B. 175, 4490; S.B. 192, 4151; S.B. 225, 4820, 4974; S.B. 233, 4975; S.B. 239, 4879; S.B. 240, 4180; S.B. 262, 4891; S.B. 266, 6905; S.B. 296, 6380; S.B. 302, 6263; S.B. 304, 4893; S.B. 341, 5069; S.B. 348, 4950; S.B. 391, 5403; S.B. 394, 4278; S.B. 395, 4546; S.B. 409, 5073; S.B. 442, 5017; S.B. 444, 4805; S.B. 447, 4933; S.B. 474, 5407; S.B. 483, 6478, 6571, 6572, 6574; S.B. 504, 3591; S.B. 512, 7036; S.J.R. 1, 3688; S.J.R. 13, 6878, 7002; Aaron Grant Gerber, 354.
Remarks in Committee of the Whole, 6434, 6440, 6443, 6450.

HARDY, CRESENT, U.S. REPRESENTATIVE—
Escort appointed for, 809.
Message, 810.
Vote of thanks extended to, 812.

HEALTH AND HUMAN SERVICES, COMMITTEE ON—
Members, appointment, 6.

HECK, JOE, U.S. REPRESENTATIVE—
Escort appointed for, 408.
Message, 409.
Vote of thanks extended to, 412.

HELLER, DEAN, U.S. SENATOR—
Escort appointed for, 740.
Message, 741.
Vote of thanks extended to, 744.

HICKEY, PAT, Assemblyman from Washoe (Part) County, No. 25 District—
Committee Appointments—
Conference re S.B. 95, 6117.
Escort—
Titus, Dina, U.S. Representative, 264.
Standing—
Education, 6.
Taxation, 7.
Ways and Means, 7.
Moves—
Previous question re A.B. 405, 1857.
Remarks from the floor re A.B. 4, 3277; A.B. 7, 787, 788; A.B. 17, 3280; A.B. 91, 3387; A.B. 111, 595; A.B. 173, 3137; A.B. 234, 4559; A.B. 252, 1531; A.B. 273, 1072; A.B. 320, 3314; A.B. 375, 3337; A.B. 391, 1534; A.B. 394, 6919; A.B. 448, 4962; A.B. 470, 4962; A.B. 481, 3961; A.B. 484, 5337, 5399, 6429; A.B. 490, 6659; A.J.R. 8, 1540; S.B. 69, 6422; S.B. 79, 6882; S.B. 95, 4966; S.B. 103, 6423; S.B. 119, 224;

HICKEY, PAT—*Continued*
Remarks from the floor re—*Continued*
S.B. 153, 4470; S.B. 193, 4494; S.B. 194, 4499; S.B. 207, 211; S.B. 224, 4502; S.B. 233, 4504; S.B. 250, 4518; S.B. 266, 6905; S.B. 302, 6261; S.B. 341, 4534; S.B. 370, 4538; S.B. 394, 4549; S.B. 411, 4900, 5136; S.B. 418, 3493; S.B. 427, 3557; S.B. 483, 6574; S.B. 491, 6427; S.B. 504, 3592; S.B. 515, 6697; Ed Vogel, memorial, 177.
Remarks in Committee of the Whole, 6439.

I

INITIATIVE PETITION—
Initiative Petition No. 1—
Introduced, 17.
Placed on Chief Clerk's desk, 260.
Referred to committee on Judiciary, 25.
Received, 16.
Initiative Petition No. 2—
Introduced, 25.
Placed on Chief Clerk's desk, 260.
Referred to committee on Judiciary, 27.
Received, 16.

J

JOINER, AMBER, Assemblywoman from Washoe (Part) County, No. 24 District—
Committee Appointments—
Special—
Inform Senate Assembly ready to adjourn *sine die*, 7112.
Invite Senate to meet in Joint Session, 740.
Standing—
Education, 6.
Government Affairs, 6.
Health and Human Services, 6.
Potential Conflict of Interest re A.B. 169, 1068.
Remarks from the floor re A.B. 15, 169; A.B. 88, 3107; A.B. 125, 155; A.B. 169, 1068; A.B. 487, 6244; S.B. 62, 4261; S.B. 76, 4965; S.B. 82, 214; S.B. 118, 3437; S.B. 185, 6615; S.B. 207, 211; S.B. 302, 6260; S.B. 303, 3683; S.B. 312, 3640; S.B. 411, 5014; S.B. 483, 6585; S.B. 498, 6428; S.B. 503, 5410; Community Health Provider Day, 118.

JOINT SESSION—
Addressed by—
Amodei, Mark, U.S. Representative, 240.
Hardesty, James W., Chief Justice, 1324.
Hardy, Cresent, U.S. Representative, 809.
Heck, Joe, U.S. Representative, 409.
Heller, Dean, U.S. Senator, 740.
Titus, Dina, U.S. Representative, 264.
Dissolve, motion to, 243, 268, 412, 744, 813, 1329.

JONES, BRENT A., Assemblyman from Clark (Part) County, No. 35 District—
Committee Appointments—
Conference re A.B. 258, 6907.
Standing—
Health and Human Services, 6.
Judiciary, 7.
Transportation, 7.
Moves—
Previous question re S.B. 193, 5060.
Potential Conflict of Interest re A.B. 476, 6685.
Remarks from the floor re A.B. 47, 3281; A.B. 67, 3106; A.B. 91, 3386; A.B. 148, 737; A.B. 288, 1532; A.B. 380, 3308; A.B. 476, 6685; A.B. 484, 6429; A.B. 488, 6422; S.B. 6, 4963; S.B. 7, 7094; S.B. 23, 3456; S.B. 48, 3675; S.B. 60, 6256; S.B. 119, 223; S.B. 124, 3644; S.B. 129, 4845; S.B. 193, 5059; S.B. 206, 4974; S.B. 245, 4852; S.B. 276, 6259; S.B. 302, 6261; S.B. 304, 5133; S.B. 391, 5403; S.B. 432, 6419; S.B. 474, 5406, 5407; S.B. 483, 6582; S.B. 503, 5409.
Remarks in Committee of the Whole, 6442.

JUDICIARY, COMMITTEE ON—
Members, appointment, 7.

K

KIRKPATRICK, MARILYN, Assemblywoman from Clark (Part) County, No. 1 District—
Absences, excused, 3403.
Committee Appointments—
Conference re S.B. 340, 6173.
Escort—
Hardy, Cresent, U.S. Representative, 809.
Special—
Inform Governor Assembly organized, 6.
Standing—
Commerce and Labor, 6.
Taxation, 7.
Transportation, 7.
Ways and Means, 7.
Moves—
Concur in Senate amendment(s) to A.B. 332, 7093.
Previous question re A.B. 359, 7082; S.B. 7, 7094; S.B. 504, 3593.
Reconsideration of vote re A.B. 70, 263; A.B. 86, 1524; A.B. 436, 5395.
Suspend rules—
Declare an emergency measure re A.B. 330, 3081.
Remarks from the floor re A.B. 33, 118; A.B. 57, 1041; A.B. 58, 316; A.B. 62, 1521; A.B. 79, 958, 959; A.B. 86, 1141; A.B. 91, 3356, 3385; A.B. 98, 3285; A.B. 100, 1319; A.B. 101, 794; A.B. 125, 157; A.B. 139, 979, 1322; A.B. 148, 737; A.B. 159, 3102; A.B. 160, 1054; A.B. 172, 3136; A.B. 192, 990, 991; A.B. 320, 3314; A.B. 330, 3081; A.B. 332, 6255, 6420; A.B. 380, 3308; A.B. 408, 3369; A.B. 414, 1858; A.B. 436, 5394, 6700; A.B. 445, 6652, 6675; A.B. 457, 1539; A.B. 484, 5399; A.B. 491, 6661; A.B. 492, 6671; A.B. 493, 6698; A.C.R. 1, 66; A.C.R. 3, 383; A.R. 9, 3540, 3544; S.B. 29, 4092; S.B. 115, 275; S.B. 119, 223; S.B. 158, 3505; S.B. 168, 4846, 4847, 5058, 5133; S.B. 170, 5401; S.B. 193, 5058; S.B. 232, 3964; S.B. 241, 4851; S.B. 242, 3971; S.B. 266, 6903, 6904, 6906; S.B. 273, 4977;

KIRKPATRICK, MARILYN—*Continued*
Remarks from the floor re—*Continued*
S.B. 285, 3882; S.B. 307, 3905, 3906; S.B. 314, 5067; S.B. 374, 6265; S.B. 377, 4268; S.B. 411, 5136; S.B. 456, 5406; S.B. 474, 5407; S.B. 477, 3934, 3935, 5077; S.B. 481, 5064; S.B. 483, 6572, 6579; S.B. 503, 5411, 5413; S.B. 504, 3593; S.J.R. 13, 7003; S.J.R. 17, 4978; S.C.R. 8, 3496; Historic Old Assembly Chamber, 251; Public Employees' Benefits Program, 3154; 78th Session Speaker Appointment, 5.
Rises to point of order re disorderly use of words, 3383.

KIRNER, RANDY, Assemblyman from Washoe (Part) County, No. 26 District—
Absences, excused, 349.
Committee Appointments—
Conference re S.B. 193, 6174.
Special—
Inform Senate Assembly organized, 6.
Standing—
Commerce and Labor (Chair), 6.
Taxation (Vice Chair), 7.
Ways and Means, 7.
Moves—
Adopt report of conference committee re S.B. 193, 6965.
Concur in Senate amendment(s) to A.B. 85, 5438; A.B. 89, 5515; A.B. 93, 5527; A.B. 115, 5566; A.B. 115, 5604; A.B. 126, 5610; A.B. 173, 5623; A.B. 295, 5626; A.B. 325, 5661; A.B. 409, 5669.
Do not recede from action on S.B. 193, 6174.
Previous question re A.B. 405, 1857; A.B. 484, 5400; S.B. 161, 4971; S.B. 302, 6264; S.J.R. 1, 3689.
Recede from action on S.B. 146, 6959; S.B. 168, 6174.
Nominates—
John Hambrick to be Speaker, 3.
Remarks from the floor re A.B. 73, 1021; A.B. 74, 516; A.B. 86, 1141, 3285; A.B. 87, 1025; A.B. 89, 1599, 1629; A.B. 93, 1145; A.B. 111, 449, 594, 595; A.B. 115, 1183; A.B. 126, 770; A.B. 137, 1032; A.B. 173, 1685; A.B. 179, 1034; A.B. 182, 1703; A.B. 221, 5390, 6246; A.B. 227, 3291; A.B. 228, 1721; A.B. 231, 787; A.B. 270, 1437; A.B. 275, 1440; A.B. 294, 1454; A.B. 295, 1836, 3141; A.B. 333, 597; A.B. 436, 5394; A.B. 469, 5314, 5397; A.B. 481, 6615; A.B. 489, 6658; A.B. 491, 6660; A.R. 9, 3545; S.B. 68, 5131; S.B. 84, 3715; S.B. 85, 3495; S.B. 137, 4457; S.B. 168, 5133; S.B. 193, 5058, 6965; S.B. 223, 3849; S.B. 374, 5378; S.B. 422, 5405; S.B. 440, 7093; S.B. 480, 4245; S.B. 506, 6880.

L

LEGISLATIVE OPERATIONS AND ELECTIONS, COMMITTEE ON—
Members, appointment, 7.

M

MOORE, JOHN, Assemblyman from Clark (Part) County, No. 8 District—
Absences, excused, 193, 6464, 6687.

MOORE, JOHN—*Continued*
Committee Appointments—
Standing—
Government Affairs (Vice Chair), 6.
Health and Human Services, 6.
Legislative Operations and Elections, 7.
Temporary—
Credentials, 2.
Moves—
Previous question re S.B. 302, 6264.
Remarks from the floor re A.B. 33, 118; A.B. 41, 288; A.B. 53, 1007; A.B. 91, 3356, 3385, 3386; A.B. 100, 1319; A.B. 106, 3286; A.B. 240, 3293; A.B. 252, 1530; A.B. 433, 3341; S.B. 27, 3435; S.B. 90, 205; S.B. 207, 212; S.B. 238, 4265; S.B. 257, 4266; S.B. 261, 3681; S.B. 362, 3439; S.B. 477, 5077; S.B. 499, 5131.

MUNFORD, HARVEY J., Assemblyman from Clark (Part) County, No. 6 District—
Absences, excused, 193.
Committee Appointments
Special—
Inform Governor Assembly ready to adjourn *sine die*, 7112.
Inform Senate Assembly organized, 6.
Standing—
Education, 6.
Government Affairs, 6.
Legislative Operations and Elections, 7.
Temporary—
Credentials, 2.
Moves—
Reconsideration of vote re S.B. 296, 7049.
Remarks from the floor re A.B. 162, 3109; A.B. 234, 4258, 4559; A.B. 428, 1536; A.C.R. 4, 3563; A.R. 9, 3542; S.B. 483, 6587; S.J.R. 4, 3690.

N

NATURAL RESOURCES, AGRICULTURE, AND MINING, COMMITTEE ON—
Members, appointment, 7.

NEAL, DINA, Assemblywoman from Clark (Part) County, No. 7 District—
Committee Appointments—
Conference re S.B. 348, 6372.
Special—
Invite Senate to meet in Joint Session, 809.
Standing—
Commerce and Labor, 6.
Government Affairs, 6.
Taxation, 7.
Remarks from the floor re A.B. 34, 3281; A.B. 54, 3282; A.B. 93, 1524; A.B. 125, 154; A.B. 225, 3104; A.B. 236, 1530; S.B. 21, 263; S.B. 25, 4085; S.B. 94, 4263; S.B. 175, 4972; S.B. 271, 3492; S.B. 312, 3640; S.B. 483, 6584.

NELSON, ERVEN T., Assemblyman from Clark (Part) County, No. 5 District—
Absences, excused, 279.

NELSON, ERVEN T.—*Continued*
Committee Appointments—
Conference re S.B. 52, 6173; S.B. 193, 6174.
Standing—
Commerce and Labor, 6.
Judiciary (Vice Chair), 7.
Taxation, 7.
Transportation, 7.
Moves—
Joint Session, dissolve, 268.
Previous question re A.B. 359, 7082.
Remarks from the floor re A.B. 51, 3105; A.B. 86, 1523, 3284; A.B. 100, 1319; A.B. 110, 213; A.B. 125, 154, 155, 156; A.B. 130, 3287; A.B. 132, 1044; A.B. 161, 5217; A.B. 195, 1855, 3103; A.B. 227, 3291; A.B. 275, 3140; A.B. 320, 3314; A.B. 375, 3336; S.B. 67, 4965; S.B. 151, 3505; S.B. 153, 4968; S.B. 162, 4846; S.B. 174, 4848; S.B. 175, 4972; S.B. 191, 3646; S.B. 197, 4849; S.B. 239, 4975; S.B. 240, 4850; S.B. 245, 4852; S.B. 256, 3680; S.B. 262, 4976; S.B. 296, 7038; S.B. 302, 6262; S.B. 329, 5069; S.B. 374, 6265; S.B. 483, 6577; S.B. 489, 6427; S.B. 503, 5413; S.B. 504, 3592; S.B. 507, 6428.
Remarks in Committee of the Whole, 6450.

O

OATH OF OFFICE—
Administered to Assemblymen-elect, 3.

OHRENSCHALL, JAMES, Assemblyman from Clark (Part) County, No. 12 District—
Absences, excused, 380.
Committee Appointments—
Conference re A.B. 461, 6686; S.B. 52, 6173; S.B. 53, 6590.
Escort—
Hardesty, James W., Chief Justice, 3.
Standing—
Commerce and Labor, 6.
Judiciary, 7.
Legislative Operations and Elections, 7.
Temporary—
Credentials, 2.
Potential Conflict of Interest re A.B. 70, 262, 334, 6076; S.B. 276, 6259; S.B. 305, 5065; S.B.447, 5134.
Remarks from the floor re A.B. 6, 3280; A.B. 7, 788; A.B. 8, 793, 1005; A.B. 11, 260; A.B. 23, 1007; A.B. 45, 261; A.B. 49, 3282; A.B. 50, 1859; A.B. 60, 3283; A.B. 66, 1860; A.B. 70, 262, 334; A.B. 110, 213; A.B. 125, 156; A.B. 138, 1052; A.B. 164, 709, 710, 1525; A.B. 211, 3290; A.B. 244, 3294; A.B. 252, 1530; A.B. 262, 3139; A.B. 320, 3313; A.B. 341, 3312; A.B. 379, 3143; A.B. 433, 3341; A.B. 461, 3342; A.B. 462, 3145; A.B. 495, 6710; A.J.R. 8, 1540; A.C.R. 4, 3564; A.C.R. 5, 3567; A.R. 9, 3542; S.B. 5, 4259; S.B. 37, 3489, 3490; S.B. 39, 4839; S.B. 52, 3675; S.B. 53, 4844; S.B. 87, 3676; S.B. 161, 4970; S.B. 193, 5059; S.B. 245, 4852; S.B. 264, 4977; S.B. 276, 6259; S.B. 296, 7037; S.B. 303, 3684; S.B. 305, 5065; S.B. 307, 5005, 5006, 5007; S.B. 446, 5075; S.B. 447, 5134; S.B. 449, 3494; S.B. 458, 5052, 5135; S.B. 512, 7036; S.J.R. 1, 3688.
Remarks in Committee of the Whole, 6442.

O'NEILL, PHILIP P.K., Assemblyman from Carson City, Washoe (Part) Counties, No. 40 District—
Absences, excused, 3400.
Committee Appointments—
Conference re S.B. 53, 6590; S.B. 348, 6372.
Special—
Inform Governor Assembly ready to adjourn *sine die*, 7112.
Invite Senate to meet in Joint Session, 408.
Standing—
Commerce and Labor, 6.
Judiciary, 7.
Transportation, 7.
Moves—
Previous question re A.B. 91, 3387; S.B. 193, 5060.
Remarks from the floor re A.B. 16, 1521; A.B. 46, 593; A.B. 98, 3285; A.B. 103, 1008; A.B. 131, 1044; A.B. 172, 3136; A.B. 193, 3278; A.B. 223, 1529; A.B. 224, 3138; A.B. 251, 461; A.B. 371, 3334; A.B. 377, 3338; A.B. 383, 3338; A.C.R. 5, 3565; A.R. 8, 3539; S.B. 12, 4838; S.B. 24, 5401; S.B. 37, 3489; S.B. 84, 4262; S.B. 114, 5053; S.B. 137, 4967; S.B. 138, 4845; S.B. 145, 807; S.B. 158, 3505; S.B. 159, 3457; S.B. 161, 4970; S.B. 176, 4848; S.B. 186, 3646; S.B. 192, 4849; S.B. 209, 4264; S.B. 245, 4853; S.B. 292, 6424; S.B. 303, 3683; S.B. 324, 6424; S.B. 444, 5074; S.B. 483, 6585; becoming a grandfather, 205; Carson City Leadership Institute, 276.
Remarks in Committee of the Whole, 6449, 6450.

OSCARSON, JAMES, Assemblyman from Clark (Part), Lincoln (Part), Nye (Part) Counties, No. 36 District—
Committee Appointments—
Conference re A.B. 169, 6686; S.B. 482, 6173.
Escort—
Heck, Joe, U.S. Representative, 408.
Standing—
Health and Human Services (Chair), 6.
Natural Resources, Agriculture, and Mining, 7.
Ways and Means, 7.
Moves—
Concur in Senate amendment(s) to A.B. 5, 6691; A.B. 152, 5238; A.B. 156, 4023; A.B. 200, 4029; A.B. 248, 5250; A.B. 307, 5254.
Do not concur in Senate amendment(s) to A.B. 169, 5244.
Previous question re A.B. 91, 3387; S.B. 245, 4853.
Recede from action on S.B. 7, 7094.
Remarks from the floor re A.B. 5, 6691; A.B. 37, 458; A.B. 42, 593; A.B. 81, 1138; A.B. 91, 1638; A.B. 103, 806; A.B. 152, 1377, 5238; A.B. 157, 987; A.B. 158, 1664; A.B. 164, 709, 710; A.B. 169, 716, 5244; A.B. 197, 1402; A.B. 198, 362; A.B. 248, 573, 5250; A.B. 292, 3279; A.B. 293, 3309; A.B. 305, 1461, 3104; A.B. 307, 5254; A.B. 465, 3557; A.B. 473, 5397; A.B. 482, 5398; A.B. 485, 6658, 6675; A.B. 491, 6661; S.B. 6, 4289, 4292; S.B. 7, 4054; S.B. 114, 5053; S.B. 148, 4461; S.B. 230, 6881; S.B. 247, 4508; S.B. 257, 3867; S.B. 288, 3633; S.B. 302, 6262; S.B. 303, 3639; S.B. 324, 6425; S.B. 372, 4184; S.B. 402, 3928; S.B. 419, 3590, 3947; S.B. 428, 6920; S.B. 458, 4548; S.B. 459, 3434, 3451; S.B. 489, 6235; S.B. 505, 3406; S.C.R. 2, 3600; Anniversary of Armenian genocide, 1073; Levi Jeans Day, 232.

P

POINT OF ORDER—
On content of remarks, 5403.
On disorderly use of words, 3383.

POTENTIAL CONFLICT OF INTEREST—
Joiner re A.B. 169, 1068.
Jones re A.B. 476, 6685.
Ohrenschall re A.B. 70, 262, 334, 6076; S.B. 276, 6259; S.B. 305, 5065; S.B. 447, 5134.
Spiegel re S.B. 67, 4449, 4965.
Trowbridge re A.B. 476, 6685.

PRESENTATION OF COLORS—
Carson High School NJROTC Color Guard, 1.
Humboldt General Hospital EMS Rescue Color Guard, 3390.
Legislative Police Color Guard, 3509.
Southern Nevada ROTC Color Guard, 380.

PRESS REPRESENTATIVES—
Accreditation, 57, 104, 160, 202, 247, 390, 469.

PREVIOUS QUESTION—
On motion re A.B. 91, 3387; A.B. 359, 7082; A.B. 405, 1857; A.B. 436, 5395; A.B. 484, 5400; S.B. 7, 7094; S.B. 114, 5053; S.B. 161, 4971; S.B. 193, 5060; S.B. 245, 4853; S.B. 302, 6264; S.B. 307, 5007; S.B. 314, 5068; S.B. 391, 5404; S.B. 411, 5014; S.B. 504, 3593; S.J.R. 1, 3689; S.J.R. 21, 5137.

PROCLAMATIONS—
Commending—
Advisory Council on Parental Involvement and Family Engagement, 1542.
Joel Paniagua Soto, Gates Millennium Scholar, 6174.
In honor of—
Donor Network West and organ and tissue donors in Nevada, 3395.
Nevada's Law Enforcement Memorial Day, 3534.
In memory of—
Aaron Grant Gerber, 352.
Alejandro Ray Varela, Private First Class, 4040.
Jack Lund Schofield, 6373.
In recognition of—
Anniversary of the Armenian Genocide, 1073.
Children's Advocacy Alliance and Children's Day at the Legislature, 238.
Community Health Provider Day, 118.
George Flint's 52 years of lobbying, 3532.
Nevada's nonprofit organizations, 197.
President Abraham Lincoln, many achievements of, 1330.
Sesquicentennial anniversary of the Nevada Appeal, 4041.
The 45th anniversary of Bi-State Compact to preserve Lake Tahoe, 347.
Turkish Day in Nevada, 3533.
United States' partnership with Azerbaijan, 3407.
Women of Diversity Productions, Inc., 289.

R

RECEDE, MOTION NOT TO—
From action on S.B. 52, 6173; S.B. 53, 6590; S.B. 95, 6117; S.B. 193, 6174; S.B. 340, 6173; S.B. 348, 6372; S.B. 376, 5669; S.B. 444, 6598; S.B. 482, 6173.

RECEDE, MOTION TO—
From action on S.B. 7, 7094; S.B. 146, 6959; S.B. 168, 6174; S.B. 225, 6372.

RECONSIDERATION, MOTION TO—
Action of passage re A.B. 190, 177; A.B. 320, 3388; S.B. 380, 3306.; A.B. 436, 5395; A.B. 484, 5400; S.B. 168, 4854; S.B. 254, 4265; S.B. 296, 6908, 7049.
Action of referral re A.B. 190, 177; S.B. 380, 3306.

RESCIND, MOTION TO—
Action on A.B. 176, 5274; S.B. 206, 4265; S.B. 394, 4549; S.B. 456, 5303.

RESOLUTIONS—
In honor of—
Nevadans who have lost their lives in the Global War on Terrorism, A.C.R. 3, 381.
Glover, Alan H., adding to Assembly Wall of Distinction, A.R. 8, 3538.
Pierce, Peggy, adding to Assembly Wall of Distinction, A.R. 9, 3539.
In memory of—
Hogan, Joseph, former Assemblyman, A.C.R. 4, 3563.
Livermore, Pete, former Assemblyman, A.C.R. 5, 3564.
Joint Standing Rules—
A.C.R. 1, 46.
Transfer of a portion of Legislator's salaries to the State General Fund—
A.C.R. 2, 109.

RULES—
Joint Standing Rules—
Adoption, A.C.R. 1, 66.
Temporarily suspending subparagraph (1) of paragraph (d) of subsection 1 of Joint Standing Rule No. 14.2, S.C.R. 3, 298.
Standing—
Adoption, A.R. 1, 45.
Suspended—
All measures reported out of committee, declared emergency measures, placed on General File, 6467.
Assembly Standing Rule No. 57, Paragraph 4, for the balance of session, 5300.
Assembly Standing Rule No. 57, Subsection 4, 3414.
Assembly Standing Rules Nos. 110 and 113, 4937.
Dispense with reprinting, all bills and resolutions, for current legislative day, 3158.
Dispensed with reprinting, all measures, for the balance of session, 6467.

S

SEAMAN, VICTORIA, Assemblywoman from Clark (Part) County, No. 34 District—
Absences, excused, 3390.
Committee Appointments—
Escort—
Cegavske, Barbara, Secretary of State, 4.

SEAMAN, VICTORIA—*Continued*
Committee Appointments—*Continued*
Standing—
Commerce and Labor (Vice Chair), 6.
Judiciary, 7.
Legislative Operations and Elections, 7.
Temporary—
Credentials, 2.
Moves—
Previous question re A.B. 484, 5400; S.B. 161, 4971; S.B. 411, 5014.
Remarks from the floor re A.B. 44, 593; A.B. 91, 3387; A.B. 148, 737; A.B. 167, 361; A.B. 177, 3277; A.B. 192, 1069; A.B. 228, 3138; A.B. 238, 3292; A.B. 325, 3135, 3311; A.B. 352, 1089; A.B. 359, 7082; A.B. 375, 3337; A.B. 386, 3358; A.B. 409, 3293; A.B. 436, 5394; A.B. 444, 1536; A.B. 487, 6245; S.B. 7, 7094; S.B. 53, 4964; S.B. 68, 4687, 4738, 4739; S.B. 86, 3504; S.B. 104, 3594; S.B. 135, 3645; S.B. 146, 4742; S.B. 168, 4847; S.B. 217, 3458; S.B. 229, 5061; S.B. 245, 4853; S.B. 250, 4976; S.B. 251, 3680; S.B. 261, 3681; S.B. 273, 4744; S.B. 384, 3686; S.B. 411, 5013; S.B. 416, 6884; S.B. 442, 5134; S.B. 477, 5078; S.B. 503, 5409; S.B. 510, 5413; S.J.R. 4, 3690; S.J.R. 5, 3691.
Remarks in Committee of the Whole, 6443.
Withdraws motion re S.B. 68, Amend. No. 874, 4739.

SECRETARY OF STATE—
Appoints Committees—
Escort—
Hardesty, James W., Chief Justice, 3.
Speaker of the Assembly, 3.
Temporary—
Credentials, 2.
Escort committee appointed for, 4.
Vote of thanks extended to, 3.

SENATE—
Informed Assembly organized, 6.
Informed Assembly ready to adjourn *sine die*, 7112.
Informs Assembly Senate organized, 6.
Informs Assembly Senate ready to adjourn *sine die*, 7112.
Invited to meet in Joint Session, 239, 264, 408, 740, 809, 1323.

SHELTON, SHELLY M., Assemblywoman from Clark (Part) County, No. 10 District—
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 1323.
Standing—
Education, 6.
Government Affairs, 6.
Legislative Operations and Elections (Vice Chair), 7.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 19, 1006; A.B. 109, 1541; A.B. 114, 3169, 3357; A.B. 172, 3136; A.B. 375, 3335; A.B. 408, 3369, 3370, 3371; A.B. 461, 3341; A.B. 484, 6429; S.B. 26, 3414; S.B. 293, 4267; S.B. 310, 3684; S.B. 391, 5403; S.B. 473, 3495; S.B. 474, 5408; S.B. 483, 6579; S.B. 509, 6903; S.J.R. 5, 3691.
Remarks in Committee of the Whole, 6451.

SILBERKRAUS, STEPHEN H., Assemblyman from Clark (Part) County, No. 29 District—
Committee Appointments—
Special—
Inform Governor Assembly ready to adjourn *sine die*, 7112.
Standing—
Commerce and Labor, 6.
Government Affairs, 6.
Transportation, 7.
Moves—
Joint Session, dissolve, 412.
Previous question re S.B. 114, 5053; S.B. 245, 4853; S.B. 391, 5404.
Reconsideration of vote re A.B. 320, 3388; S.B. 168, 4854.
Remarks from the floor re A.B. 14, 1006; A.B. 24, 1039; A.B. 59, 3106; A.B. 75, 177; A.B. 87, 1318; A.B. 89, 3107; A.B. 180, 407; A.B. 320, 3313; A.B. 321, 3305, 3314; A.B. 366, 3329; A.B. 394, 6922; A.B. 429, 3144; A.B. 449, 1317, 1537, 1538; S.B. 43, 3456; S.B. 83, 3436; S.B. 168, 4846; S.B. 194, 4973; S.B. 207, 212; S.B. 224, 4974; S.B. 246, 3678; S.B. 393, 5071; S.B. 406, 5072; S.B. 448, 3494; S.B. 456, 5405; S.B. 474, 5406, 5407; S.B. 483, 6587; Abraham Lincoln, 1330; Pony Express, 1074.
Remarks in Committee of the Whole, 6442.

SPIEGEL, ELLEN B., Assemblywoman from Clark (Part) County, No. 20 District—
Committee Appointments—
Conference re A.B. 169, 6686.
Standing—
Government Affairs, 6.
Health and Human Services, 6.
Transportation, 7.
Moves—
Joint Session, dissolve, 813.
Previous question re A.B. 436, 5395; S.J.R. 21, 5137.
Potential Conflict of Interest re S.B. 67, 4449, 4965.
Remarks from the floor re A.B. 15, 169; A.B. 77, 6419; A.B. 125, 155; A.B. 169, 1068; A.B. 206, 1071; A.B. 307, 3310; A.B. 359, 7082; A.B. 405, 1857; A.B. 424, 1535; A.R. 9, 3543; S.B. 3, 3593; S.B. 47, 3436; S.B. 66, 3495; S.B. 67, 4449, 4965; S.B. 144, 4263; S.B. 157, 3677; S.B. 177, 3437; S.B. 207, 211; S.B. 244, 3492; S.B. 302, 6264; S.B. 303, 3684; S.B. 307, 5006; S.B. 441, 4279; S.B. 483, 6587; S.B. 504, 3591.

SPRINKLE, MICHAEL C., Assemblyman from Washoe (Part) County, No. 30 District—
Committee Appointments—
Standing—
Health and Human Services, 6.
Transportation, 7.
Ways and Means, 7.
Moves—
Joint Session, dissolve, 1329.
Remarks from the floor re A.B. 12, 5360; A.B. 29, 189; A.B. 43, 1040; A.B. 157, 1054; A.B. 164, 710; A.B. 176, 3138; A.B. 214, 1528; A.B. 324, 3311; A.B. 325, 3311; A.B. 408, 3382; A.B. 425, 1535; A.B. 477, 4258; A.J.R. 3, 162; S.B. 196, 3506; S.B. 312, 3640; S.B. 327, 5068; S.B. 404, 5072; S.B. 411, 5013; S.B. 467, 6700; S.B. 477, 3935, 5077; S.B. 489, 6426, 6427; S.B. 497, 6921; S.B. 508, 6881; S.B. 511, 6699.

STANDING COMMITTEES—*See Committees, Standing.*

STANDING RULES—*See Rules.*

STEWART, LYNN D., Assemblyman from Clark (Part) County, No. 22 District—
Absences, excused, 193.
Committee Appointments—
Conference re A.B. 169, 6686; A.B. 461, 6686.
Special—
Invite Senate to meet in Joint Session, 740.
Standing—
Education (Vice Chair), 6.
Government Affairs, 6.
Legislative Operations and Elections (Chair), 7.
Temporary—
Credentials, 2.
Moves—
Adopt report of Temporary Committee on Credentials, 2.
Concur in Senate amendment(s) to A.B. 23, 5736; A.B. 94, 5748; A.B. 457, 5772; A.B. 462, 5829; A.B. 495, 7104; A.J.R. 10, 5834.
Do not concur in Senate amendment(s) to A.B. 461, 5785.
Previous question re A.B. 91, 3387; A.B. 484, 5400; S.B. 114, 5053; S.B. 161, 4971; S.B. 307, 5007; S.B. 314, 5068; S.B. 391, 5404.
Nominates—
Susan Furlong to be Chief Clerk of the Assembly, 6.
Remarks from the floor re A.B. 23, 636; A.B. 62, 1860; A.B. 94, 538; A.B. 107, 1646; A.B. 120, 1651; A.B. 150, 317; A.B. 166, 1384; A.B. 177, 2010; A.B. 178, 1397; A.B. 221, 1409; A.B. 244, 3295; A.B. 252, 733, 1530; A.B. 263, 3140; A.B. 278, 1442; A.B. 285, 1452, 3141; A.B. 302, 3253; A.B. 370, 3143; A.B. 374, 1462; A.B. 394, 6920; A.B. 395, 1483; A.B. 457, 736; A.B. 460, 3145; A.B. 461, 3342; A.B. 462, 1824, 3145; A.B. 493, 6697; A.J.R. 1, 1005; A.J.R. 4, 462; A.J.R. 10, 1828; A.C.R. 5, 3566; A.R. 9, 3542; A.R. 10, 6178; S.B. 5, 3703; S.B. 30, 3435; S.B. 115, 275; S.B. 207, 211; S.B. 249, 3679; S.B. 307, 3905, 3906, 5005, 5006; S.B. 311, 3438; S.B. 421, 6417; S.B. 481, 5135; S.B. 483, 6583; S.J.R. 1, 3687, 3689; S.J.R. 2, 3690; S.J.R. 17, 3939, 4978; Levi Jeans Day, 232; 150th anniversary of the Civil War, 1075.
Remarks in Committee of the Whole, 6447, 6462.

SUPREME COURT, NEVADA—
Hardesty, James W., Chief Justice—
Administers oath of office to Assemblymen-elect, 3.
Escort appointed for, 3, 1324.
Message, 1324.
Vote of thanks extended to, 3, 1329.

SWANK, HEIDI, Assemblywoman from Clark (Part) County, No. 16 District—
Absences, excused, 291.
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 1323.
Standing—
Education, 6.
Natural Resources, Agriculture, and Mining, 7.
Ways and Means, 7.

SWANK, HEIDI—*Continued*
Moves—
Previous question re S.J.R. 21, 5137.
Remarks from the floor re A.B. 122, 231, 232; A.B. 194, 1070; A.B. 362, 3365; A.B. 375, 3335; A.B. 377, 3338; A.B. 384, 1534; A.B. 405, 1856; A.B. 408, 3370; A.B. 410, 6645, 6674; A.C.R. 5, 3566; S.B. 20, 462; S.B. 133, 7035; S.B. 227, 6672; S.B. 302, 6261; S.B. 338, 6425; S.B. 405, 5072; S.J.R. 11, 3459.

T

TAXATION, COMMITTEE ON—
Members, appointment, 7.

THOMPSON, TYRONE, Assemblyman from Clark (Part) County, No. 17 District—
Absences, excused, 466, 816.
Committee Appointments—
Standing—
Health and Human Services, 6.
Judiciary, 7.
Legislative Operations and Elections, 7.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 92, 1042; A.B. 113, 3286; A.B. 155, 214; A.B. 156, 1039, 1322; A.B. 178, 3105; A.B. 201, 1070; A.B. 205, 3290; A.B. 252, 1530; A.B. 294, 1640; A.B. 364, 3329; A.B. 394, 6919; S.B. 14, 3504; S.B. 55, 3491; S.B. 56, 5132; S.B. 58, 4964; S.B. 96, 3644; S.B. 114, 5053; S.B. 294, 5064; S.B. 302, 6264; S.B. 303, 3683; S.B. 314, 5065, 5066, 5068; S.B. 360, 6426; S.B. 370, 5070; S.B. 391, 5404; S.B. 453, 5075; S.B. 500, 5408; S.B. 503, 5410; S.B. 512, 7036; S.J.R. 21, 5137.
Remarks in Committee of the Whole, 6441.

TITUS, DINA, U.S. REPRESENTATIVE—
Escort appointed for, 264.
Message, 264.
Vote of thanks extended to, 267.

TITUS, ROBIN L., Assemblywoman from Churchill, Lyon (Part) Counties, No. 38 District—
Committee Appointments—
Conference re A.B. 78, 3567.
Escort—
Hardesty, James W., Chief Justice, 1324.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 7112.
Standing—
Health and Human Services (Vice Chair), 6.
Natural Resources, Agriculture, and Mining (Chair), 7.
Ways and Means, 7.
Moves—
Adopt report of conference committee re A.B. 78.
Concur in Senate amendment(s) to A.B. 136, 3982.
Do not concur in Senate amendment(s) to A.B. 78, 3469.

TITUS, ROBIN L.—*Continued*
Remarks from the floor re A.B. 21, 3948; A.B. 28, 261; A.B. 67, 869; A.B. 77, 948, 6419; A.B. 78, 3469, 3478, 3977; A.B. 79, 958, 959; A.B. 81, 1523; A.B. 91, 3387; A.B. 123, 183; A.B. 136, 596; A.B. 147, 6702; A.B. 161, 5217; A.B. 164, 710, 1525; A.B. 222, 597; A.B. 227, 3291; A.B. 243, 597; A.B. 248, 806; A.B. 415, 1036, 1534; A.B. 483, 5398; S.B. 4, 3698, 4259; S.B. 7, 7094; S.B. 35, 4260; S.B. 41, 463; S.B. 111, 6883; S.B. 114, 5053; S.B. 172, 4837, 4971; S.B. 207, 211; S.B. 261, 3622; S.B. 266, 6905; S.B. 288, 3681; S.B. 305, 4824; S.B. 402, 4558; S.B. 419, 4279; S.B. 476, 3488, 3554; S.B. 483, 6572, 6574; S.B. 492, 6885; S.J.R. 11, 3459.
Remarks in Committee of the Whole, 6441.

TRANSPORTATION, COMMITTEE ON—
Members, appointment, 7.

TROWBRIDGE, GLENN E., Assemblyman from Clark (Part) County, No. 37 District—
Committee Appointments—
Conference re A.B. 461, 6686.
Special—
Inform Senate Assembly organized, 6.
Standing—
Government Affairs, 6.
Health and Human Services, 6.
Legislative Operations and Elections, 7.
Taxation, 7.
Temporary—
Credentials, 2.
Moves—
Previous question re S.B. 193, 5060.
Reconsideration of vote re S.B. 296, 6908.
Potential Conflict of Interest re A.B. 476, 6685.
Remarks from the floor re A.B. 20, 3281; A.B. 39, 592; A.B. 63, 262; A.B. 70, 262; A.B. 99, 248; A.B. 176, 5188; A.B. 244, 3294; A.B. 268, 3296; A.B. 297, 3142; A.B. 312, 3279; A.B. 419, 3144; A.B. 451, 1539; A.B. 476, 6686; A.B. 487, 6244; S.B. 5, 4259; S.B. 59, 4845; S.B. 64, 214; S.B. 74, 4261; S.B. 114, 5052, 5053; S.B. 154, 4969; S.B. 207, 212; S.B. 248, 3679; S.B. 306, 4855; S.B. 483, 6588; S.B. 503, 5410.

V

VETOED BILLS OF THE 77TH SESSION—
A.B. 126—
Governor's message, 87
Motion, placed on Chief Clerk's desk, 88
Returned, 15.
A.B. 150—
Governor's message, 88
Motion, placed on Chief Clerk's desk, 89
Returned, 15.
A.B. 209—
Governor's message, 89
Motion, placed on Chief Clerk's desk, 90
Returned, 15.

VETOED BILLS OF THE 77TH SESSION—*Continued*
A.B. 218—
Governor's message, 90
Motion, placed on Chief Clerk's desk, 90
Returned, 15.
A.B. 240—
Governor's message, 90
Motion, placed on Chief Clerk's desk, 91
Returned, 15.
A.B. 345—
Governor's message, 91
Motion, placed on Chief Clerk's desk, 92
Returned, 15.
A.B. 391—
Governor's message, 92
Motion, placed on Chief Clerk's desk, 93
Returned, 15.
A.B. 440—
Governor's message, 93
Motion, placed on Chief Clerk's desk, 94
Returned, 15.
A.B. 441—
Governor's message, 94
Motion, placed on Chief Clerk's desk, 95
Returned, 15.

W

WAIVER—
Notice of Waiver, A.B. 122, 6467; A.B. 167, 5138; A.B. 172, 5138; A.B. 177, 4611; A.B. 252, 4855; A.B. 258, 6463; A.B. 275, 6467; A.B. 356, 3653; A.B. 460, 4855; S.B. 77, 1014; S.B. 79, 1014; S.B. 92, 1014; S.B. 108, 1930; S.B. 123, 6467; S.B. 185, 1930; S.B. 252, 3562; S.B. 266, 1014; S.B. 274, 6696; S.B. 291, 819; S.B. 292, 1014; S.B. 296, 1015; S.B. 300, 819; S.B. 317, 1015; S.B. 350, 1015; S.B. 353, 1015; S.B. 374, 1930; S.B. 380, 1016; S.B. 396, 1016; S.B. 421, 1930; S.B. 425, 1016; S.B. 426, 1016; S.B. 433, 1931; S.B. 434, 1931; S.B. 435, 1017; S.B. 436, 1931; S.B. 439, 1931; S.B. 440, 3653; S.B. 450, 1017; S.B. 455, 1017; S.B. 475, 1017; S.B. 483, 1017; S.J.R. 13, 1018; S.J.R. 15, 1018.

WAYS AND MEANS, COMMITTEE ON—
Members, appointment, 7.

WHEELER, JIM, Assemblyman from Douglas, Lyon (Part), Storey Counties, No. 39 District—
Absences, excused, 1011.
Committee Appointments—
Conference re S.B. 340, 6173; S.B. 376, 5669.
Escort—
Heller, Dean, U.S. Senator, 740.
Standing—
Judiciary, 7.
Natural Resources, Agriculture, and Mining (Vice Chair), 7.
Transportation (Chair), 7.

WHEELER, JIM—*Continued*
Moves—
Adopt report of conference committee re S.B. 376, 6986.
Concur in Senate amendment(s) to A.B. 175, 5162; A.B. 176, 5187, 5299; A.B. 189, 4003; A.B. 383, 4005; A.B. 385, 5274.
Do not recede from action on S.B. 376, 5669.
Previous question re A.B. 405, 1857; A.B. 436, 5395; S.B. 114, 5053; S.B. 245, 4853; S.B. 391, 5404; S.B. 411, 5014.
Reconsideration of vote re A.B. 228, 3139.
Rescind action on A.B. 176, 5274.
Vote of thanks to Secretary of State Barbara Cegavske, 3.
Remarks from the floor re A.B. 43, 829; A.B. 67, 1924; A.B. 68, 3284; A.B. 78, 215; A.B. 101, 541; A.B. 103, 683; A.B. 120, 3101; A.B. 121, 1320; A.B. 122, 232; A.B. 123, 183; A.B. 125, 157; A.B. 131, 554; A.B. 139, 980, 1322; A.B. 140, 3109; A.B. 143, 562; A.B. 145, 566; A.B. 146, 1374; A.B. 159, 3102; A.B. 172, 6938; A.B. 175, 567, 738, 5162; A.B. 176, 1391, 5187, 5188, 5300; A.B. 189, 1206, 1527; A.B. 203, 995; A.B. 204, 725; A.B. 250, 581; A.B. 352, 1088; A.B. 385, 5274; A.B. 408, 3370; A.B. 414, 1858; A.B. 484, 5400, 6429; A.B. 487, 6245; A.B. 491, 6662; A.B. 492, 6676; A.J.R. 8, 1541; S.B. 3, 3531; S.B. 29, 4839; S.B. 45, 463; S.B. 110, 4815; S.B. 119, 224; S.B. 127, 3608, 3677; S.B. 144, 3741; S.B. 156, 3611; S.B. 161, 4971; S.B. 188, 3839, 3840, 4264; S.B. 209, 3844; S.B. 254, 4266; S.B. 266, 6906; S.B. 268, 3681; S.B. 302, 6264; S.B. 304, 4894; S.B. 307, 5006; S.B. 312, 3640; S.B. 324, 6213, 6221; S.B. 340, 5139; S.B. 354, 3685; S.B. 376, 3913, 6986; S.B. 391, 5404; S.B. 401, 4278; S.B. 404, 4774; S.B. 456, 5406; S.B. 469, 3558; S.B. 477, 3936; S.B. 480, 3558; S.B. 483, 6572, 6586; S.B. 492, 6239, 6885; Levi Jeans Day, 232.
Remarks in Committee of the Whole, 6439, 6441.

WITHDRAWALS—
Request for roll call re S.B. 193, 6965.
Motion re S.B. 68, Amend. No. 874, 4739.

WOODBURY, MELISSA, Assemblywoman from Clark (Part) County, No. 23 District—
Absences, excused, 174, 1011, 1077, 1333, 1545, 3537, 3556.
Committee Appointments—
Special—
Inform Senate Assembly ready to adjourn *sine die*, 7112.
Invite Senate to meet in Joint Session, 809.
Standing—
Education (Chair), 6.
Government Affairs, 6.
Transportation, 7.
Moves—
Concur in Senate amendment(s) to A.B. 107, 3988; A.B. 112, 3990; A.B. 150, 3993; A.B. 166, 5219; A.B. 178, 5676; A.B. 205, 5221; A.B. 206, 5224; A.B. 321, 5236; A.B. 328, 5681; A.B. 341, 5688; A.B. 351, 5694; A.B. 421, 5696; A.B. 447, 5714.
Previous question re S.B. 504, 3593.
Nominates—
John C. Ellison to be Speaker pro Tempore, 5.

WOODBURY, MELISSA—*Continued*

Remarks from the floor re A.B. 58, 316; A.B. 76, 316; A.B. 111, 448; A.B. 112, 967; A.B. 117, 762; A.B. 121, 764; A.B. 166, 5219; A.B. 192, 991; A.B. 205, 5221; A.B. 206, 777, 5224; A.B. 321, 3305, 5236; A.B. 351, 1003; A.B. 385, 3339; S.B. 13, 3604; S.B. 25, 4085, 4086; S.B. 208, 3620; S.B. 314, 5066; S.B. 330, 4524; S.B. 338, 6196; S.B. 376, 4268; S.B. 391, 5207; S.B. 432, 6203; S.B. 463, 4960; S.B. 474, 5216; S.B. 483, 6578; S.B. 509, 6785, 6859.

ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2015

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking

testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295; 2009, 3141; 2013, 3897]

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymen or Assemblywomen designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblyman or Assemblywoman designated to be the Speaker and the Assemblyman or Assemblywoman designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblyman or Assemblywoman designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

[Statutes of Nevada 2013, 3898; A 2014, 28th Special Session, 36]

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

[Statutes of Nevada 2009, 3142; A 2013, 3899; 2014, 28th Special Session, 37]

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857; A 2013, 3899]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296; A 2003, 3602; 2011, 3793]

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of

whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

8. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

9. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

10. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at

length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540; 2009, 3143; 2011, 3794; 2013, 3900; 2014, 28th Special Session, 38]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of

those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927; 2011, 3796]

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

[Statutes of Nevada 2011, 3797]

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, thirteen members.
3. Taxation, twelve members.
4. Education, fourteen members.
5. Legislative Operations and Elections, ten members.
6. Natural Resources, Agriculture, and Mining, twelve members.
7. Transportation, fourteen members.
8. Commerce and Labor, fifteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, fourteen members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457; 2009, 3146; 2011, 3797; 2013, 3904, 3925, 3957; 2014, 28th Special Session, 42; 2015, 3960]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457; 2011, 3798; 2014, 28th Special Session, 42; 2015, 3960]

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

[Statutes of Nevada 2013, 3925]

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544; Moved from Rule 43 by 2011, 3798]

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

[Statutes of Nevada 2011, 3798]

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the

appointment of all attaches and employees of the Assembly not otherwise provided for by law.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929; 2009, 3147; 2011, 3798; 2013, 3905]

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee of the Whole will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee of the Whole is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible on motion to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee of the Whole, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee of the Whole cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a question on the desk.

(d) Postpone consideration of any question.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee of the Whole must be entered in the Assembly's final journal.

[Statutes of Nevada 2009, 3148; Moved from Rule 44.5 by 2011, 3798; A 2014, 28th Special Session, 43]

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by 2011, 3799; 2013, 3905]

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee;

(o) Inform the Speaker of committee activity; and

(p) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

[Statutes of Nevada 2011, 3800; A 2013, 3906]

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

[Statutes of Nevada 2011, 3800]

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

[Statutes of Nevada 2011, 3800]

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and

Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

[Statutes of Nevada 2011, 3801; A 2013, 3907]

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but, except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840; Moved from Rule 47 by 2011, 3801; 2013, 3908; 2014, 28th Special Session, 46]

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

[Statutes of Nevada 1973, 1904; A 1999, 3840; 2009, 3149; Moved from Rule 48 by 2011, 3801]

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

[Statutes of Nevada 2013, 3908; A 2014, 28th Special Session, 47]

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the Chair, lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Opposing the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301; Moved from Rule 49 by 2011, 3802]

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 2011, 3803]

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a question.

11. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

[Statutes of Nevada 2011, 3803; A 2013, 3910; 2015, 3967]

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

[Statutes of Nevada 2011, 3804]

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic

communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

[Statutes of Nevada 2011, 3804]

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2011, 3804]

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 2011, 3804]

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607; Moved from Rule 60 by 2011, 3805]

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue,

bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1890; A 2011, 3806]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303; 2011, 3806]

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblyman or Assemblywoman who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549; 2013, 3914; 2014, 28th Special Session, 52]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550; 2011, 3807]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

The remarks of all members on final passage of bills or joint resolutions and on adoption of Assembly or concurrent resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

[Statutes of Nevada 1973, 1891; A 2011, 3807; 2013, 3914]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.
2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
3. Custom, usage and precedence.
4. The Statutes of the State of Nevada.
5. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2009, 3152; 2013, 3915; 2014, 28th Special Session, 53]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and

expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858; 2011, 3808]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member

must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844; 2009, 3153; 2011, 3809; 2013, 3916]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305; 2009, 3154; 2011, 3810]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending question must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

[Statutes of Nevada 1973, 1895; A 1999, 3845; 2009, 3155, 3279; 2011, 3810; 2013, 3917]

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom. It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

[Statutes of Nevada 2001, 3306; A 2009, 3155; 2011, 3810; 2015, 3974]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and
2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

[Statutes of Nevada 2009, 3156]

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.

8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307; 2011, 3811]

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897; A 2013, 3919; 2014, 28th Special Session, 57]

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

[Statutes of Nevada 2014, 28th Special Session, 58]

INDEX TO ASSEMBLY STANDING RULES

— A —

Subject	*Rule No.*
Adjournment	
Committee meetings	55
Election contests, adjournment before declaration of candidate elected prohibited	46
Motion to adjourn or to fix time for adjournment, precedence	102, 115
Reconsideration of vote, motion for, procedures	115
Temporary appointment to committees during	41
Advertising within Chamber or Halls	
Commercial advertising prohibited	96
Nonprofit, nonpartisan, civic or special legislative events, posting of notices	96
Committee amendments, procedure for adoption	110
Committee chairs, requests to resolve conflicts	47
Concurrent referrals	43
Constitutional amendments	118
General File, placement	110
Hearings on amendments, handouts	54
Motion to amend, adoption	110
Motion to strike out, effect on amendment when motion lost	67
Order of Business	120
Rejection twice by committee, effect	57
Remarks from members	110, 113
Reprinting	110
Second reading, consideration upon	109, 110
Special sessions, drafting requests	142
Sponsors, removal of all sponsors	110
Third reading, consideration upon	110, 113
Whole, Committee of the, amendments proposed by	45
Appeals	
Points of order, procedure	1, 20, 62
Assembly Chamber *(See also Legislative Building)*	
Advertising prohibited	96
Cellular phones, use	21
Decorum	1
Lobbying prohibited	94
Majority may authorize Chamber cleared	94
Material placed on Legislators' desks	95
Nonprofit, nonpartisan, civic or special legislative events, posting of notices	96
Pagers, use	21
Peddling, begging, and soliciting prohibited	96
Privilege of the floor	94
Speaker, powers	1
Use of Chamber restricted	141

Subject *Rule No.*

Attachés
Appointment, recommendation by resolution ... 44
Chief Clerk, duties ... 3, 49
Committee staff *(See Committees)*

— B —

Begging within Chambers or Halls
Prohibition against ... 96
Bills
Amendment *(See Amendments)*
Committee actions ... 47, 57
Concurrent referrals ... 43
Consent Calendar ... 111
Debate *(See Debate)*
Drafting requests
Special sessions ... 142
Submission by committees ... 47
Enacting clause, motion to strike ... 66
Enrolled bills, signature of Speaker required ... 1
First reading ... 109, 120
General file ... 110, 113
Introduction *(See Introduction of Legislative Measures)*
Purpose, member may request ... 98
Reconsideration of vote *(See Reconsideration of Vote)*
Reference to committee, first reading required ... 109
Rejection ... 57, 66, 109
Remarks of members on final passage ... 99, 113
Second reading ... 109, 110, 120
Skeleton bills ... 106
Third reading ... 110, 120
Vetoed bills *(See Vetoed Bills)*
Voting *(See Voting)*
Business
Conduct of business, generally ... 91-120
Order ... 120
Special orders *(See Special Orders of the Day)*
Unfinished business ... 80, 120

— C —

Call of the Assembly
Privileged question, precedence ... 102
Speaker's powers and duties ... 1
Call to Order
Committee meetings ... 62
Order of Business ... 120
Procedure ... 20
Speaker's powers and duties ... 1, 20
Candidates, Election *(See Election Contests)*
Cellular Telephones
Use in Assembly Chambers or committee rooms ... 21, 59
Chairs of Committees *(See Committees)*

Subject *Rule No.*

Chamber *(See Assembly Chamber)*
Change of Rules
Majority vote required ... 91
Chief Clerk of the Assembly
Committee actions, record to be filed with Chief Clerk ... 50
Committee policies, filing with Chief Clerk ... 41
Committee reports, receipt ... 51
Complaints alleging conflict of interest, duties ... 23
Concurrent referrals, procedures ... 43
Consent Calendar, duties ... 111
Daily history, authority ... 3
Duties generally ... 3
Election ... 3
General file, duties ... 113
Histories, authority ... 3
Journal, powers and duties ... 3, 30
Minutes and exhibits, duties ... 3, 51, 52
Motions, reading ... 64
Posting of notices for nonprofit, nonpartisan, civic or special legislative events, approval ... 96
Seal, duties ... 3
Special orders, duties ... 113
Staff, duties ... 3, 49
Vetoed bills, duties ... 116
Voting, duties ... 30
Commerce and Labor, Committee on *(See also Committees)*
Number of members ... 40
Committee of the Whole
Amendments proposed by, procedures ... 45
Chair, Speaker to preside as or name ... 45
Debate, limitation authorized ... 45
Duration, extension of time ... 45
Minutes to be entered into journal ... 45
Motions to be seconded ... 45
Notices unnecessary ... 52.5
Previous question out of order ... 45
Prohibited act ... 45
Quorum ... 45
Rules to be observed ... 45
Speaking on the question, limitations ... 45
Special session, bill draft requests ... 142
Vote, recording ... 45
Committees
Actions ... 47, 57
Amendments, procedure for adoption ... 110
Assembly and Senate standing committees, joint meetings ... 50, 51
Bill draft requests
Special sessions ... 142
Submission ... 47
Bills and resolutions referred to committee ... 43, 109
Cellular phones and pagers, use in committee rooms ... 59

Subject ***Rule No.***

COMMITTEES—*Continued*
Chairs
Absence of members, notice, duties ... 48
Alternates, appointment ... 41.5
Committee rooms, authority over ... 47
Communications with committee staff and personnel of LCB ... 53
Designation ... 41
Hearings, duties ... 47, 55
Lobbyists, press and members of public, duties ... 53
Misconduct or indecorum, reports to House ... 53
Points of order, duties ... 62
Powers and duties generally ... 47
Recess, call for ... 47
Records, duties ... 47, 51, 56
Reports, duties ... 47, 51
Subcommittees, powers and duties ... 42, 55
Substitute to perform duties, designation ... 47
Voting, duties ... 56, 57
Closing debate, privilege ... 61, 82
Consent Calendar, recommendations ... 111
Election contest, special committee to consider ... 46
Ethics *(See Ethics, Select Committee on)*
Exclusion of persons from committee rooms ... 47
Hearings *(See Hearings)*
Interim committees, appointment by Speaker ... 1
Introduction of legislative measures ... 57
Legislative operations and elections *(See Legislative Operations and Elections, Committee on)*
Managers ... 49, 50, 54
Meetings *(See Meetings)*
Members
Absence, notice requirements, when final action taken ... 48
Appointments by Speaker ... 41
Number of members ... 40
Minutes *(See Minutes)*
Motions, procedure ... 57
Names of committees ... 40
Notices, publication ... 52.5
Operations ... 50
Parliamentary authority, precedence ... 58, 100
Points of order, procedures ... 62
Quorum
Designation ... 57
Hearings, quorum unnecessary ... 55
Voting abstentions, quorum following ... 23
Recess to be called by chair ... 47
Records
Chairs, duties ... 47, 51, 56
Chief Clerk, records to be filed with, duties ... 50, 52
Contents ... 51
Final disposition ... 52
Managers, duties ... 50

Subject ***Rule No.***

COMMITTEES—*Continued*
Reports
Chairs, duties 47, 51
Manager, duties 49
Minority reports prohibited 57
Order of Business 120
Rooms, chair's authority over committee rooms 47
Rules and policies 41, 42
Secretary 49
Skeleton bills, referral and consideration 106
Staff
Chairs, duties, communications 47, 53
Chief Clerk to prescribe duties 49
Manager, duties 49, 50, 54
Secretary, duties 49
Subcommittees
Appointment and duties 42, 47
Exclusion of persons from meetings 54
Meetings outside Carson City, approval 55
Subpoenas, issuance 57
Vice chairs
Assumption of duties of chair 47
Designation 41
Voting (*See Voting)*
Whole, Committee of the *(See Committee of the Whole)*
Work session documents, distribution 47
Concurrent Referrals
Procedure 43
Concurrent Resolutions *(See generally Resolutions)*
Conduct of Business
Generally 91-120
Conflicts of Interest
Advice to Legislators by Select Committee on Ethics 23
Complaints, filing 23
Determination of conflict, criteria for 23
Disclosure of conflict by Legislator 23, 57
Voting, abstentions, quorum following 23, 31, 57
Consent Calendar
Committee recommendations 111
Floor consideration 111
List of bills recommended, maintenance, printing and contents 111
Order of Business 120
Read by bill number and summary 111
Recommendation for placement of bill, requirements 111
Removal of bill and transfer to second reading file 111
Voting, manner of 111
Constitutional Amendments
Journal, amendment entered in entirety 118
Contests of Election *(See Election Contests)*

Subject *Rule No.*

— D —

Daily History
Consent Calendar, list of recommended bills ... 111
Speaker and Chief Clerk, authority ... 3
Debate
Closing, privilege ... 61, 82
Committee of the Whole, limitations ... 45
Motions *(See also Motions)*
Procedure ... 64
Petitions and other papers addressed to Assembly ... 97
Points of order *(See Points of Order)*
Previous question ... 45, 81
Privileged questions ... 102
Speaking on the question ... 45, 80
Decorum
Committee meetings ... 47, 53, 54, 59
Electric communication devices, portable, use in Chambers ... 21
Points of order ... 20
Powers of Speaker ... 1
Division of the House
Voting, manner of ... 30, 33
Division of the Question
Generally ... 67

— E —

Education, Committee on *(See also Committees)*
Number of members ... 40
Election Contests
Adjournment restricted ... 46
Declaration of person elected ... 46
Depositions or written oral arguments, submission ... 46
Governor to be informed of identity of elected candidate ... 46
Hearings
Contestant, burden of proving irregularities ... 46
Evidence rules, applicability ... 46
Minutes required ... 46
Oral statements to be made under oath ... 46
Witnesses, depositions ... 46
Legislative Operations and Elections, Committee on, referral of contest to ... 46
Recommendations of committee
Rejection of or no recommendation, effect ... 46
Reports to Assembly ... 46
Vote to accept or reject recommendation, time limit ... 46
Special committee, appointment ... 46
Statement of contest, receipt from Secretary of State ... 46
Electronic Roll Call System
Use ... 30

Subject *Rule No.*

Emergency Situations
Committee meetings, suspension of notice rules 52.5
Speaker, call of the Assembly 1
Employees
Appointment, recommendation by resolution 44
Chief Clerk, duties 3, 49
Committee staff *(See Committees)*
Enacting Clause
Motion to strike, precedence, effect if motion carried 66
Ethics
Advice to Legislators by Select Committee 23
Complaints
Filing 23
Form and signature 23
Select Committee on Ethics to hear 23
Confidentiality of proceedings before Select Committee 23
Conflicts of interest *(See Conflicts of Interest)*
Ethics, Select Committee on *(See also Committees)*
Chair and Vice Chair, appointment 23
Confidentiality of proceedings 23
Disqualification to serve during consideration of specific question 23
Membership 2, 23
Powers and duties 23
Tenure of members to extend during interim 23
Exhibits
Committee secretary, duties 49
Final disposition 52
Handouts, requirements 54

— F —

First Reading of Bills
Objection to bill or resolution, procedures 109
Order of Business 120
Purpose, for information 109
Referral to committee, requirements 109
Former Legislators
Privilege of the floor 94

— G —

General File
Amendments, placement on 110
Bills and joint resolutions, placement on 110, 113
Chief Clerk, duties 113
Order of Business 120
Speaking on the question 80
Government Affairs, Committee on *(See also Committees)*
Number of members 40
Governor
Election contests, notice of identity of person declared elected 46
Vetoed bills 116

Subject *Rule No.*

— H —

Health and Human Services, Committee on *(See also Committees)*
Number of members ... 40
Hearings
Chairs, powers and duties ... 47, 53, 55
Communications ... 53
Election contests, procedure ... 46
Ethics, Select Committee on ... 23
Exclusion of persons from ... 47, 54
Handouts ... 54
Joint hearings ... 50, 51
Lobbyists and members of the press, restrictions ... 53
Notices ... 52.5
Procedures ... 55
Quorum unnecessary ... 55
Telephone or video conference, participation by authorized ... 55
Testimony before committee, requirements ... 54
Witnesses ... 54, 55, 140
History
Consent Calendar, list of recommended bills ... 111
Speaker and Chief Clerk, authority ... 3

— I —

Initiative Petitions
Final passage, remarks from the floor ... 113
Interim
Committees, appointment ... 1
Ethics, Select Committee on, tenure of members ... 23
Leadership of Assembly, tenure ... 2
Internet
Committee notices, publication ... 52.5
Committee rules, publication ... 41
Introduction of Legislative Measures
Committee introductions ... 57
Order of Business ... 120
Purpose of bill or joint resolution, member may request ... 98
Skeleton bills ... 106

— J —

Joint Resolutions *(See Resolutions)*
Journal
Committee of the Whole, minutes to be entered into journal ... 45
Conflicts of interest, certain disclosures to be entered in ... 23
Constitutional amendments, joint resolution to be entered in entirety ... 118
Reading and approval, Order of Business ... 120
Remarks entered in ... 99
Speaker and Chief Clerk, authority ... 3
Vetoed bills, message or statement of Governor's objections entered in ... 116
Voting, names of those calling for yeas and nays entered in ... 30

Subject ***Rule No.***

Judiciary, Committee on *(See also Committees)*
Number of members 40

— L —

Legislative Building
Assembly Chamber *(See Assembly Chamber)*
Commercial advertising prohibited 96
Committee meetings, authority to hold outside of Building 55
Committee rooms
Chair, authority 47
Portable electronic communication devices, restrictions 59
Nonprofit, nonpartisan, civic or special legislative events, posting of notices 96
Notices of public hearings, requirements 52.5
Peddling, begging, and soliciting prohibited 96
Legislative Counsel Bureau
Committee chairs, communications with personnel 53
Director, determination of fee for recordings of committee meetings 51
Research Library, committee minutes and exhibitions filed with 52
Skeleton bills, opinion of Legislative Counsel regarding 106
Legislative Operations and Elections, Committee on *(See also Committees)*
Election contests, referral to 46
Number of members 40
Personnel
Appointment, recommendation by resolution 44
Jurisdiction over matters relating to 44
Special sessions, bill draft requests 142
Lobbying
Committee rooms, restrictions on lobbyists 53
Prohibited on Assembly floor 94

—M —

Majority Leader
Interim, continuation of leadership 2
Mason's Manual of Legislative Procedure
Precedence 100
Meetings
Adjournment 55
Agendas, distribution 47, 50, 52.5
Cellular phones and pagers, use prohibited, exception 59
Chairs, powers and duties 47
Committee secretary, duties 49
Ethics, Select Committee on 23
Exclusion of persons from 47, 54
Holding outside regularly scheduled days and times 55
Joint meetings 50, 51
Legislative Building, meetings held outside of 55
Minutes *(See Minutes)*
Open meetings required 11

Subject ***Rule No.***

MEETINGS—*Continued*
Quorum
Designation ... 57
Hearings, quorum unnecessary ... 55
Voting, abstentions, quorum following ... 23, 31
Recordings of meetings, availability, fee ... 49, 51
Schedule by Assembly leadership ... 57
Subcommittees ... 42, 54, 55
Time of meeting of Assembly ... 10
Messages
Order of Business ... 120
Receipt by Speaker ... 1
Vetoed bills ... 116
Minority Leader
Interim, continuation of leadership ... 2
Select Committee on Ethics, appointment of members and alternates ... 2, 23
Minutes
Committee of the Whole, minutes to be entered into journal ... 45
Committee secretary, duties ... 49
Conflicts of interest, certain disclosures to be entered in ... 23
Election contests, minutes of hearing required ... 46
Final disposition of committee minutes ... 52
Official record of committee meeting, minutes deemed, exception ... 51
Review and approval by committee chair ... 47
Speaker and Chief Clerk, authority ... 3, 51
Motions
Adjournment *(See Adjournment)*
Amend ... 110
Committee action ... 57
Committee of the Whole, seconds to motions required ... 45
Debate, procedure ... 64
Division of the question ... 67
Enacting clause, motion to strike ... 66
Entertaining ... 64
Order of Business ... 120
Postpone indefinitely ... 65
Previous question *(See Previous Question, Motion for)*
Privileged questions, precedence ... 102
Reconsideration of vote *(See Reconsideration of Vote)*
Refer, motion to *(See Refer, Motion to)*
Special orders, precedence of motions ... 102
Strike out ... 67
Strike out and insert ... 67
Withdrawal of motion, time for ... 64

— N —

Natural Resources, Agriculture, and Mining, Committee on *(See also Committees)*
Number of members ... 40
News Media
Accreditation, assignment of seating ... 1
Committee room, restrictions ... 53

Subject *Rule No.*

Notices
Committee meetings 52.5
Election contests, depositions 46
Order of Business 120

— O —

Open meetings
Ethics, Select Committee on, certain meetings confidential 23
Requirement 11
Order of Business
Enumeration 120

— P —

Pagers
Use in Assembly Chambers or committee rooms 21, 59
Parliamentary Authority
Precedence 58, 100
Peddling within Chambers or Halls
Prohibition against 96
Petitions Addressed to Assembly
Presentation 97, 120
Points of Order
Committee meetings 62
Procedure 20
Speaker's powers and duties 1, 20
Postpone Indefinitely, Motion to
Reconsideration of motion prohibited 65
Previous Question, Motion for
Closing debate, effect of motion 61, 82
Committee of the Whole 45
Person last speaking on question, prohibition against motion 81
Three members to demand 81
Privilege
Closing debate 61, 82
Of the floor 94
Privileged Questions
Precedence 102

— R —

Recess
Committee chairs, powers 47
Reconsideration of Vote
Adjournment while motion pending, right to reconsider continued to next day of sitting 115
Committee action 57
Postpone indefinitely, reconsideration of motion prohibited 65
Precedence of motion 115
Procedure 115
Rejection of bill or joint resolution, reconsideration of motion prohibited 109

Subject *Rule No.*

Refer, Motion to
Concurrent referrals ... 43
First reading required before referral ... 109
Order of Business ... 120
Petitions and other papers addressed to Assembly ... 97
Skeleton bills ... 106
Vetoed bills, prohibitions ... 116
Remarks From the Floor
Amendments ... 110, 113
Consent calendar ... 111
Debate *(See Debate)*
Entered in Journal ... 99
Final passage of bill, resolution or initiative petition ... 113
Members, authority ... 99
Order of Business ... 99, 120
Speaking on the question ... 80
Rescission of Rules
Majority vote required ... 91
Resolutions
Action by committee ... 47, 57
Amendment *(See Amendments)*
Attachés and employees, appointment ... 44
Concurrent referrals ... 43
Debate *(See Debate)*
Enacting clause, motion to strike ... 66
Enrolled resolutions
Secretary of State
Delivery to ... 118
Legislature, requests for return of resolution ... 119
Signature of Speaker required ... 1
Introduction *(See Introduction of Legislative Measures)*
Joint resolutions
Constitutional amendments ... 118
Delivery to Secretary of State ... 118
First reading ... 109, 120
General File, placement on ... 113
Procedure for enactment ... 118
Purpose, member may request ... 98
Rejection ... 57, 66, 109
Remarks of members on final passage ... 99, 113
Order of Business ... 120
Reconsideration of vote *(See Reconsideration of Vote)*
Rejection, striking out enacting clause constitutes ... 66
Remarks of members upon adoption ... 99
Special sessions, drafting requests ... 142
Use to request return of enrolled resolution from Secretary of State ... 119
Voting *(See Voting)*
Roll Call Vote *(See Voting)*

— S —

Seal of the Assembly
Chief Clerk, duties ... 3

Subject ***Rule No.***

Second Reading of Bills
Amendments, consideration 109, 110
Consent Calendar, bills transferred from 111
General File, placement of bills reported without amendments 110
Order of Business 120
Speaking on the question 80
Time for 110
Secretary of State
Election contests, procedures 46
Enrolled resolutions
Joint resolutions, receipt upon enrollment 118
Requests for return to Legislature 119
Privilege of the Assembly floor 94
Senators
Privilege of the floor 94
Sergeant at Arms
Duties 94
Simple Resolutions *(See generally Resolutions)*
Skeleton Bills
Generally 106
Solicitation Within Chambers or Halls
Prohibition against 96
Speaker of the Assembly
Chambers, authority to clear of certain persons 94
Chief Clerk responsible to 3
Committees
Actions, reports from chairs 47
Appointments 41
Chairs and Vice Chairs, duties 23, 41, 41.5
Ethics, Select Committee on, duties 2, 23
Interim committees, appointment 1
Meetings outside Legislative Building, approval 55
Minutes, authority 3, 51
Rules, determination 41
Subpoenas, notice of issuance 57
Whole, Committee of the, duties 45
Death or disability, succession to office 1
Election contests, duties 46
Emergencies, duties 1
Histories, authority 3
Interim, continuation of leadership 2
Journal, authority 3
Motions, announcement 64
Officers of the Assembly subordinate to 1
Petitions and other papers addressed to Assembly, presentation 97
Points of order, duties 1, 20
Powers and duties generally 1
Privilege of the floor, duties 94
Resignation, succession to office 1
Special sessions, bill draft requests 142
Substitute to perform duties, designation 1
Vacancy in office 1
Voting 1, 30

Subject *Rule No.*

Speaker pro Tempore
Interim, continuation of leadership ... 2
Succession to office of Speaker ... 1
Speaking on the Question
Limitations ... 45, 80
Special Orders of the Day
Notices of special orders, posting ... 113
Order of Business ... 120
Precedence of motion ... 102
Speaking on the question ... 80
Vetoed bills ... 116
Special Sessions
Committee on Legislative Operations and Elections, number of members ... 40
Requests for drafting of bills, resolutions or amendments ... 142
Staff
Appointment, recommendation by resolution ... 44
Chief Clerk, duties ... 3, 49
Committee staff *(See Committees)*
Standing Committees *(See generally Committees)*
State Officers
Privilege of the floor ... 94
Strike Enacting Clause, Motion to
Precedence of motion, effect of motion if carried ... 66
Strike Out and Insert, Motion to
Motion deemed indivisible ... 67
Strike Out, Motion to
Lost motion, effect ... 67
Subcommittees *(See also Committees)*
Appointment and duties ... 42, 47
Exclusion of persons from meetings ... 54
Meetings outside Carson City, approval ... 55
Subpoenas
Chief Clerk, duties ... 3
Issuance by committee, procedure ... 57
Signature of Speaker ... 1
Suspension of Rules
Reprinting of amended bills ... 110
Temporary suspension ... 91

— T —

Taxation, Committee on *(See also Committees)*
Number of members ... 40
Telephones
Cellular phones, use in Assembly Chambers or committee rooms ... 21, 59
Committee hearings, participation by ... 55
Third Reading of Bills
Amendments, consideration ... 110, 113
Order of Business ... 120
Remarks from the floor ... 113
Speaking on the question ... 80
Time of Meeting
House ... 10

Subject *Rule No.*

Transportation, Committee on *(See also Committees)*
Number of members 40

— U —

Unfinished Business
Order of Business 120
Speaking on the question 80

— V —

Vetoed Bills
Chief Clerk, duties 116
Committee referral, bill and message not to be referred 116
Governor's message or statement of disapproval to be read with bill 116
Immediate consideration 116
Order of Business 120
Reading, procedure for 116
Speaking on the question 80
Special order of business 116
Voting on 116
Video Conferences
Committee hearings, participation by 55
Voting
Amendments 110
Announcement of vote, postponement prohibited 32, 57
Breach of rules, effect 31
Call for yeas and nays 30
Certification required to vote 30
Change of vote 32, 57
Committees
Chair, duties 56, 57
Hearings, voting via telephone or video conference may be authorized 55
Manner of voting 56, 57
Members absent when final action taken marked absent for vote 48
Proxy, prohibition on voting by 57
Recording of votes 45, 56, 57
Subpoenas, issuance 57
Concurrent referrals 43
Conflicts of interest, abstentions, quorum following 23, 31, 57
Consent Calendar 111
Division, voting by 30, 33
Electronic roll call system 30
Manner of 30
Reconsideration of vote *(See Reconsideration of Vote)*
Requirement of voting 31
Result of vote, postponement of announcement prohibited 32, 57
Roll call vote
Calling for yeas and nays 30
Committee action 57
Electronic roll call system 30
Manner of voting 30
Voting for another member prohibited, punishment 30, 56

Subject *Rule No.*

VOTING—*Continued*
Rules, rescission, change or suspension 91
Speaker 1, 30
Vetoed bills 116
Whole, Committee of the 45

— W —

Ways and Means, Committee on *(See also Committees)*
Number of members 40
Whole, Committee of the *(See Committee of the Whole)*
Withdrawal of Motion
Time for 64
Witnesses
Committee hearings 54, 55
Compensation 140
Election contests 46

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848; 2009, 3126; 2011, 3753; 2015, 4000]

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127]

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127; 2011, 3754]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to

the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956]

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476; 2011, 3756]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958; 2009, 3129; 2011, 3756; 2013, 3885]

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or

the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313; 2013, 3886]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

[Statutes of Nevada 2003, 3747; A 2011, 3757; 2013, 3887]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that

House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147; 2009, 3131]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853; 2009, 3132]

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4 and 14.6.

[Statutes of Nevada 2015, 4005]

Rule No. 13.1. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

[Statutes of Nevada 2015, 4005]

Rule No. 13.2. Districts.

All district boundaries created by a redistricting plan must follow the census geography as nearly as practicable.

[Statutes of Nevada 2015, 4005]

Rule No. 13.3. Bill Draft Requests; Exemptions.

1. Except for emergency requests submitted pursuant to Joint Standing Rule No. 14.4, bill draft requests, including bills in skeletal form, setting

forth specific boundaries of districts and amendments thereto may only be requested by the chairs of the redistricting committees.

2. All bill drafts and measures requested by a redistricting committee pursuant to subsection 1 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

[Statutes of Nevada 2015, 4006]

Rule No. 13.4. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that was reported to Nevada in 2011 by the United States Census Bureau as part of the federal decennial census.

[Statutes of Nevada 2015, 4006]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each

standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442; 2009, 3132; 2011, 3761; 2013, 3888; 2015, 4006]

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator as the chair of a standing committee who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

[Statutes of Nevada 2011, 3762; A 2013, 3890; 2015, 4007]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963; 2011, 3764, 3858; 2013, 3891]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320; 2011, 3764; 2015, 4009]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members

appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593; 2011, 3765; 2015, 4009]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested pursuant to subsection 1 of Joint Standing Rule No. 13.3.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964; 2011, 3766; 2013, 3893; 2015, 4010]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860; A 2011, 3767]

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323; 2009, 3138; 2011, 3767; 2013, 3894]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment.

The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The

Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862; 2011, 3768; 2015, 4012]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

INDEX TO JOINT RULES OF THE SENATE AND ASSEMBLY

— A —

Subject — *Rule No.*

Adjournment
- Concurrent resolution, adjournment by ... 9
- Duration of adjournment for 3 days or less, calculation ... 9
- Motion, adjournment by ... 9
- Number of days authorized during regular session, limit ... 9
- Purpose ... 9
- Sine die ... 9.5

Amendments
- Conference committees, new bill or resolution to be treated as amendment, exception ... 1
- Constitutional amendments *(See Constitutional Amendments)*
- Drafting requests, restrictions ... 14.7
- Joint Rules, amendment by concurrent resolution ... 7
- Joint sponsors of bills or resolutions, addition or removal ... 5
- Rejection by one House, appointment of conference committee ... 1
- Reports of conference committees not subject to amendment ... 1

Appropriation Bills *(See Bills)*

— B —

Bills
- 120th calendar day, action after midnight Pacific time void ... 9.5
- Adjournment to permit preparation of certain legislative measures ... 9
- Amendments *(See Amendments)*
- Appropriation bills
  - Exempt bills ... 14.6
  - General appropriation bill, vote on final passage ... 21
- Communications from other House ... 3
- Conference committees, appointment, recommendations ... 1
- Distribution
  - Charges for additional copies ... 6
  - Electronic publication on Nevada Legislature's website ... 6
  - Senators and Assemblymen, number of free copies ... 6
- Drafting requests *(See Drafting Requests)*
- Enrolled bills *(See Enrolled Bills And Joint Resolutions)*
- Exemption from certain standing rules ... 14.6
- Final action by Houses
  - Deadline ... 14.3
  - Notice, requirements ... 3
- Final standing committee to which bill referred, action by, re-referrals limited ... 14.3
- Health insurance, criteria for review of bills mandating coverage ... 18
- Introduction *(See Introduction Of Legislative Measures)*
- Joint sponsorship ... 5
- Printing *(See Publications)*
- Return from Governor or other House, request by concurrent resolution ... 7
- Waiver of rules governing ... 14.5

Budgets of State Agencies
- Date of first joint hearing ... 17

Subject *Rule No.*

— C —

Chief Clerk of the Assembly
Communications to Senate
Delivery 2.6
Signature required 3
Enrolled bills and joint resolutions, signature required 4
Exempt bills, receipt of notice 14.6
Waiver of rules regarding passage of bills and legislation, receipt of notices 14.5
Committees
Bill draft requests 14, 14.1
Budgets of state agencies, date of first joint meeting 17
Conference committees 1
Final standing committee to which bill or joint resolution referred, action by, re-referrals limited 14.3
Finance *(See Finance, Committee On)*
Health insurance, review of mandated coverage 18
Interim findings and recommendations, date for reporting 19
Introduction of measures 14
Joint committees, establishment by concurrent resolution 7
Joint sponsorship of bills or resolutions 5
Legislative Operations and Elections, duties 13
Records 12
Reports, printing 6
Secretary, duties 12
Ways and means *(See Ways And Means, Committee On)*
Communications Between Houses
Delivery 2.6
Final action on bill or resolution or other matters 3
Signatures 3
Written 3
Concurrent Resolutions— *(see Resolutions)*
Conference Committees
Appointment 1
Limit on number 1
Majority of members to have voted for passage of bill or resolution 1
Meetings 1
Recommendations, limitations 1
Reports, adoption by acclamation 1
Congress
Addressed by joint resolution 7
Constitutional Amendments
Nevada Constitution, proposal of amendment by joint resolution 7
United States Constitution, ratification of proposed amendment by joint resolution 7
Courts
Standing committee to introduce measures requested by 14

— D —

Drafting Requests
Amendments 14.7
Emergency requests 14.4

Subject ***Rule No.***

DRAFTING REQUESTS—*Continued*
Exempt bills 14.6
Limit on submission of requests after convening of session 14
List of requests, contents 14.4
Nonreturning legislators, requests by 14.1
Priority in drafting 14.1
Redistricting committees, requests by 13.3
Revision after introductory copy delivered, requirements 14.2
Secondary deadlines for submission of details to Legislative Counsel 14.1
Standing committees, requests by, approval, restrictions 14
Subject matter of request, change after submission for drafting prohibited 14
Waiver of rules governing 14.5

— E —

Emergency Requests for Legislation
Procedure 14.4
Secondary deadlines for submission of details, rule inapplicable 14.1
Enrolled Bills and Joint Resolutions
Return of enrolled bill from Governor
Exempt bills, applicability of rules 14.6
Request by concurrent resolution 7
Return of enrolled resolution from Secretary of State, request by concurrent or simple resolution 7
Signatures 4
Technical corrections, return, applicability of rules regarding exempt bills 14.6
Executive Branch
Budgets, joint hearing 17
Deposits of state revenue 22
Standing committee to introduce measures requested by 14

— F —

Federal Government
Addressed by joint resolution 7
Finance, Committee on— *(See also Committees)*
Budgets of state agencies, duties 17, 22
Deposits of state revenue, duties 22
Exempt bills 14.6
Re-referral of bills, authority 14.3
Fiscal Analysis Division *(See also Legislative Counsel Bureau)*
Revenue bills, duties 14.6

— G —

Governor
Enrolled bills, requests to return to Legislature 7
Messages from 2, 2.2
Proclamations convening Legislature in special session 2.4
Standing committee to introduce measures requested by 14

Subject *Rule No.*

— H —

Harassment
Anti-harassment, policy ... 20
Health Insurance
Criteria for reviewing bills that require certain treatment or services ... 18
Histories
Electronic publication on Nevada Legislature's website ... 6
Exempt bills, requirements ... 14.6
Waiver of certain rules to be noted in ... 14.5

— I —

Impeding Legislature
Prohibited acts, deemed out of order ... 9.5
Intent of the Legislature
Expression by concurrent resolution ... 7
Interim Studies
Introduction of measures requested pursuant to ... 14
Ordered by concurrent resolution ... 7
Internet
Bills, resolutions, journals and histories, publication ... 6
Introduction of Legislative Measures
Courts, measures requested by ... 14
Deadline for introduction, final date to be indicated on face of bill or joint resolution ... 14.2
Executive Branch, measures requested by ... 14
Interim studies, standing committee to introduce measures requested by ... 14
Jointly sponsored bills or resolutions ... 5
Limit on ... 14, 14.2
Local governments, measures requested by ... 14
Revised bill or joint resolution ... 14.2
Rules governing, waiver or exemption ... 14.5, 14.6
Standing committees
Measures introduced by ... 14
Measures requested by ... 14, 14.2
Statutory committees, measures requested by ... 14
Time for introduction ... 14.2

— J —

Joint Committees *(See also Committees)*
Establishment by concurrent resolution ... 7
Joint Resolutions *(See Resolutions)*
Joint Sponsorship of Bills and Resolutions
Procedure ... 5
Journals
Electronic publication on Nevada Legislature's website ... 6
Governor's proclamations and special messages entered in ... 2-2.4
Waiver of certain rules to be entered in ... 14.5

Subject ***Rule No.***

— L —

Legal Division *(See Legislative Counsel Bureau)*
Legislative Commission
Absent members, effect ... 11
Alternate members, selection and appointment ... 11
Chair, selection and term of office ... 11
Interim studies, order by concurrent resolution ... 7
Minority party membership, determination ... 11
Terms of office ... 11
Vacancies, filling ... 11
Legislative Counsel Bureau
2010 census data, validation, duties ... 13.1
Director
Anti-harassment policy, duties ... 20
Charges for additional copies of bills distributed to Legislators, determination ... 6
Records of committees, duties ... 12
Fiscal Analysis Division, duties regarding revenue bills ... 14.6
Legal Division
Amendments, requests for drafting ... 14.7
Bill draft requests and revisions ... 14-14.2, 14.5
Exempt bills, receipt of notice, duties ... 14.6
Introductory measures, duties ... 14.2
Joint sponsorship of bills or resolutions, duties ... 5
List of requests, contents ... 14.4
Waiver of certain standing rules, duties ... 14.5
Legislative Commission *(See Legislative Commission)*
Legislative Fund
Expenditures, manner of authorization ... 10
Legislative Intent
Expression by concurrent resolution ... 7
Lobbyists
Anti-harassment policy, applicability ... 20
Local Governments
Standing committee to introduce measures requested by ... 14

— M —

Majority Leader of the Senate
Anti-harassment policy, duties ... 20
Committee bill draft requests, duties ... 14
Emergency requests for legislation ... 14.4
Simple resolution, determination of additional uses ... 7
Waivers of rules regarding passage of bills and resolutions ... 14.5
Meetings
Budgets of state agencies, date of first joint meeting ... 17
Committee records ... 12
Conference committees ... 1
Memorials
Concurrent or simple resolutions ... 7
Messages
Governor, to Legislature ... 2, 2.2
Other House, delivery procedure ... 2.6

Subject *Rule No.*

Minority Leaders
Emergency requests for legislation ... 14.4
Minority Party
Legislative Commission, membership ... 11
Motions
Adjournment, authorization ... 9
Biennial message of Governor ... 2
Recede, motion not to, appointment of conference committee ... 1
Recede, motion to, recommendation by conference committee ... 1

— P —

President of the Senate
Proclamation by Governor convening special session, duties ... 2.4
Signature required on enrolled bills and joint resolutions ... 4
Proclamations by Governor
Legislature, convening in special session ... 2.4
Publications
Concurrent resolution required to order certain printing ... 6
Deadline for introduction to be indicated on face of bill or joint resolution ... 14.2
Electronic publications on Nevada Legislature's website ... 6
Emergency requests ... 14.4
Exempt bills ... 14.6
Joint sponsored bills and resolutions ... 5
List of requests ... 14.4
Printing of bills, reports and other matters ... 6
Reprints ... 14.4, 14.6
Waiver of certain rules regarding bills and resolutions, requirements ... 14.5

— R —

Reapportionment and Redistricting
Bill draft requests, exemption from certain rules ... 13.3
Districts ... 13.2
Population database ... 13.1
Redistricting committees, designation, responsibility for measures ... 13
Voting Rights Act, compliance with ... 13.4
Recede, Motion Not To
Appointment of conference committee ... 1
Recede, Motion To
Recommendation by conference committee ... 1
Records
Committee records ... 12
Resolutions
120th calendar day, action after midnight Pacific time void ... 9.5
Amendments *(See Amendments)*
Communications between Houses ... 3
Concurrent resolutions
Adjournment, authorization for ... 9
Conference committees, appointment, recommendations ... 1
Enrolled resolutions, request for return from Secretary of State ... 7

Subject ***Rule No.***

RESOLUTIONS—*Continued*
CONCURRENT RESOLUTIONS—*Continued*
Legislative Fund, authorization for expenditures 10
Printing ordered by 6
Uses 7
Drafting requests *(See Drafting Requests)*
Electronic publication on Nevada Legislature's website 6
Introduction *(See Introduction Of Legislative Measures)*
Joint resolutions
Conference committees, appointment, recommendations 1
Enrolled resolutions *(See Enrolled Bills And Joint Resolutions)*
Final action by Houses
Deadline 14.3
Notice, requirements 3
Final standing committee to which resolution referred, action by, re-referrals limited 14.3
Uses 7
Joint sponsorship 5
Notice of final action 3
Printing *(See Publications)*
Simple resolutions
Enrolled resolution of one House, requests for return from Secretary of State 7
Uses 7
Waiver of certain rules governing 14.5

— S —

Secretary of State
Enrolled resolutions, requests to return to Legislature 7
Secretary of the Senate
Communications to Assembly
Delivery 2.6
Signature required 3
Enrolled bills and joint resolutions, signature required 4
Exempt bills, receipt of notice 14.6
Waiver of rules regarding passage of legislation, receipt of notices 14.5
Sexual Harassment
Policies and procedures 20
Signatures
Communications between Houses 3
Drafting and introduction of measures, waiver of requirements 14.5
Enrolled bills and joint resolutions 4
Joint sponsored bills or resolutions 5
Simple Resolutions *(See Resolutions)*
Speaker of the Assembly
Anti-harassment policy, duties 20
Committee bill draft requests, duties 14
Emergency requests for legislation 14.4
Enrolled bills and joint resolutions, signature required 4
Proclamation by Governor convening special session, duties 2.4
Simple resolution, determination of additional uses 7
Waivers of rules regarding passage of bills and resolutions 14.5

Subject *Rule No.*

Special Session
Proclamation of Governor convening Legislature, procedure ... 2.4
Standing Committees *(See generally Committees)*
Standing Rules
Amendment by concurrent resolution ... 7
Exemption of revenue bills from Rules ... 14.6
Waiver of rules regarding action on bills and resolutions ... 14.5
State Agencies and Departments
Budgets, joint hearing on ... 17
Deposits of state revenue ... 22
Standing committee to introduce measures requested by ... 14
State Revenue
Deposits, time for, manner ... 22
Studies, Interim *(See Interim Studies)*

— V —

Voting
General appropriation bill ... 21
Voting Rights Act
Redistricting committees, compliance ... 13.4

— W —

Waivers
Drafting requests, bills and resolutions, waiver of rules governing number or time limits ... 14.5
Ways and Means, Committee On *(See Also Committees)*
Budgets of state agencies, duties ... 17, 22
Deposits of state revenue, duties ... 22
Exempt bills ... 14.6
Re-referral of bills, authority ... 14.3
Whistle-Blowers
Anti-harassment policy, retaliatory action prohibited ... 20

CERTIFICATE

STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy-Eighth Session of the Legislature of the State of Nevada, held in 2015.

Speaker of the Assembly

Chief Clerk of the Assembly